

# PENNSYLVANIA BULLETIN

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

**No. 559, June 2021**

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

## *Pennsylvania Bulletin*

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published 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.pacodeandbulletin.gov](http://www.pacodeandbulletin.gov).

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

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

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.

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#### *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

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# THE GOVERNOR

## GOVERNOR'S OFFICE

### PROCLAMATION

#### Constitutional Amendment; Article I

*Whereas*, Joint Resolution No. 4 of 2020 and Joint Resolution No. 1 of 2021 proposed to amend Article I of the Constitution of Pennsylvania, related to the prohibition against denial or abridgement of equality of rights because of race and ethnicity, by adding a section to read:

**§ 29. Prohibition against denial or abridgment of equality of rights because of race and ethnicity.**

Equality of rights under the law shall not be denied or abridged in the Commonwealth of Pennsylvania because of the race or ethnicity of the individual.

\* \* \*

*Whereas*, Joint Resolution No. 4 of 2020 was agreed to by a majority of the members elected to each House of the General Assembly and published pursuant to Article XI, Section 1 of the Constitution of Pennsylvania; and

*Whereas*, in the General Assembly next afterwards chosen, the aforesaid amendment to Article 1 of the Constitution of Pennsylvania was proposed in Joint Resolution No. 1 of 2021, which was agreed to by a majority of the members elected to each House of the General Assembly and published pursuant to Article XI, Section 1 of the Constitution of Pennsylvania; and

*Whereas*, the aforesaid proposed amendment to Article I of the Constitution of Pennsylvania was submitted for approval to the qualified electors of the Commonwealth of Pennsylvania pursuant to Article XI, Section 1 of the Constitution of Pennsylvania at a primary election held on May 18, 2021; and

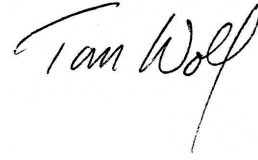
*Whereas*, the Secretary of the Commonwealth, pursuant to law, has certified to me that the aforesaid proposed amendment to Article I of the Constitution of Pennsylvania was approved by a majority of those voting thereon on the aforesaid day; and

*Whereas*, Section 903 of Title 1 of the Pennsylvania Consolidated Statutes requires the Governor, upon receiving the aforesaid certification of the Secretary of the Commonwealth, to issue his proclamation indicating whether or not the proposed amendment to Article I of the Constitution of Pennsylvania has been adopted by a majority of the electors voting thereon on May 18, 2021.

*Now Therefore*, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, do hereby proclaim that the aforesaid amendment to Article I of the Constitution of Pennsylvania was adopted by a majority of the electors voting thereon on May 18, 2021.

*Given* under my hand and the Great Seal of the Commonwealth, at the City of Harrisburg, this fifteenth day of June in the year of our Lord two

thousand twenty-one and of the Commonwealth the two hundred and forty-fifth.



Governor

Attest:

JONATHAN M. MARKS,  
*Deputy Secretary for Elections and Commissions*

[Pa.B. Doc. No. 21-977. Filed for public inspection June 25, 2021, 9:00 a.m.]

## GOVERNOR'S OFFICE

### Proclamation

#### Constitutional Amendment; Article III, Section 9

*Whereas*, Joint Resolution No. 4 of 2020 and Joint Resolution No. 1 of 2021 proposed to amend Article III, Section 9 of the Constitution of Pennsylvania, relating to termination or extension of disaster emergency declarations, to read:

**§ 9. Action on concurrent orders and resolutions.**

Every order, resolution or vote, to which the concurrence of both Houses may be necessary, except on the questions of adjournment or termination or extension of a disaster emergency declaration as declared by an executive order or proclamation, or portion of a disaster emergency declaration as declared by an executive order or proclamation, shall be presented to the Governor and before it shall take effect be approved by him, or being disapproved, shall be repassed by two-thirds of both Houses according to the rules and limitations prescribed in case of a bill.

\* \* \*

*Whereas*, Joint Resolution No. 4 of 2020 was agreed to by a majority of the members elected to each House of the General Assembly and published pursuant to Article XI, Section 1 of the Constitution of Pennsylvania; and

*Whereas*, in the General Assembly next afterwards chosen, the aforesaid amendment to Article III, Section 9 of the Constitution of Pennsylvania was proposed in Joint Resolution No. 1 of 2021, which was agreed to by a majority of the members elected to each House of the General Assembly and published pursuant to Article XI, Section 1 of the Constitution of Pennsylvania; and

*Whereas*, the aforesaid proposed amendment to Article III, Section 9 of the Constitution of Pennsylvania was submitted for approval to the qualified electors of the Commonwealth of Pennsylvania pursuant to Article XI, Section 1 of the Constitution of Pennsylvania at a primary election held on May 18, 2021; and

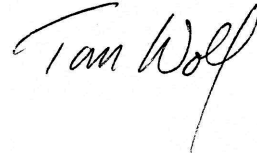
*Whereas*, the Secretary of the Commonwealth, pursuant to law, has certified to me that the aforesaid proposed amendment to Article III, Section 9 of the Constitution of Pennsylvania was approved by a majority of those voting thereon on the aforesaid day; and

*Whereas*, Section 903 of Title 1 of the Pennsylvania Consolidated Statutes requires the Governor, upon receiving the aforesaid certification of the Secretary of the Commonwealth, to issue his proclamation indicating

whether or not the proposed amendment to Article III, Section 9 of the Constitution of Pennsylvania has been adopted by a majority of the electors voting thereon on May 18, 2021.

*Now Therefore*, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, do hereby proclaim that the aforesaid amendment to Article III, Section 9 of the Constitution of Pennsylvania was adopted by a majority of the electors voting thereon on May 18, 2021.

*Given* under my hand and the Great Seal of the Commonwealth, at the City of Harrisburg, this fifteenth day of June in the year of our Lord two thousand twenty-one and of the Commonwealth the two hundred and forty-fifth.



Governor

Attest:

JONATHAN M. MARKS,  
*Deputy Secretary for Elections and Commissions*

[Pa.B. Doc. No. 21-978. Filed for public inspection June 25, 2021, 9:00 a.m.]

## GOVERNOR'S OFFICE

### Proclamation

### Constitutional Amendment; Article IV

*Whereas*, Joint Resolution No. 4 of 2020 and Joint Resolution No. 1 of 2021 proposed to amend Article IV of the Constitution of Pennsylvania, relating to disaster emergency declaration and management, by adding a section to read:

**§ 20. Disaster emergency declaration and management.**

(a) A disaster emergency declaration may be declared by executive order or proclamation of the Governor upon finding that a disaster has occurred or that the occurrence or threat of a disaster is imminent that threatens the health, safety or welfare of this Commonwealth.

(b) Each disaster emergency declaration issued by the Governor under subsection (a) shall indicate the nature, each area threatened and the conditions of the disaster, including whether the disaster is a natural disaster, military emergency, public health emergency, technological disaster or other general emergency, as defined by statute. The General Assembly shall, by statute, provide for the manner in which each type of disaster enumerated under this subsection shall be managed.

(c) A disaster emergency declaration under subsection (a) shall be in effect for no more than twenty-one (21) days, unless otherwise extended in whole or part by concurrent resolution of the General Assembly.

(d) Upon the expiration of a disaster emergency declaration under subsection (a), the Governor may not issue a new disaster emergency declaration based upon the same or substantially similar facts and circumstances without the passage of a concurrent resolution of the General Assembly expressly approving the new disaster emergency declaration.

\* \* \*

*Whereas*, Joint Resolution No. 4 of 2020 was agreed to by a majority of the members elected to each House of the General Assembly and published pursuant to Article XI, Section 1 of the Constitution of Pennsylvania; and

## THE GOVERNOR

*Whereas*, in the General Assembly next afterwards chosen, the aforesaid amendment to Article IV of the Constitution of Pennsylvania was proposed in Joint Resolution No. 1 of 2021, which was agreed to by a majority of the members elected to each House of the General Assembly and published pursuant to Article XI, Section 1 of the Constitution of Pennsylvania; and

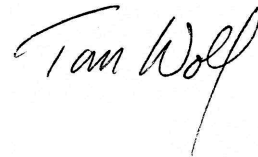
*Whereas*, the aforesaid proposed amendment to Article IV of the Constitution of Pennsylvania was submitted for approval to the qualified electors of the Commonwealth of Pennsylvania pursuant to Article XI, Section 1 of the Constitution of Pennsylvania at a primary election held on May 18, 2021; and

*Whereas*, the Secretary of the Commonwealth, pursuant to law, has certified to me that the aforesaid proposed amendment to Article IV of the Constitution of Pennsylvania was approved by a majority of those voting thereon on the aforesaid day; and

*Whereas*, Section 903 of Title 1 of the Pennsylvania Consolidated Statutes requires the Governor, upon receiving the aforesaid certification of the Secretary of the Commonwealth, to issue his proclamation indicating whether or not the proposed amendment to Article IV of the Constitution of Pennsylvania has been adopted by a majority of the electors voting thereon on May 18, 2021.

*Now Therefore*, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, do hereby proclaim that the aforesaid amendment to Article IV of the Constitution of Pennsylvania was adopted by a majority of the electors voting thereon on May 18, 2021.

*Given* under my hand and the Great Seal of the Commonwealth, at the City of Harrisburg, this fifteenth day of June in the year of our Lord two thousand twenty-one and of the Commonwealth the two hundred and forty-fifth.



Governor

Attest:

JONATHAN M. MARKS,  
*Deputy Secretary for Elections and Commissions*

[Pa.B. Doc. No. 21-979. Filed for public inspection June 25, 2021, 9:00 a.m.]

# THE GENERAL ASSEMBLY

## COMMISSION ON SENTENCING

### Meeting Scheduled

The Commission on Sentencing (Commission) will hold a special policy meeting on Wednesday, July 7, 2021, from 9 a.m. until 4 p.m. in Room 523 of the Irvis Office Building, Capitol Complex, Harrisburg, PA.

Commission meetings are open to the public.

MARK H. BERGSTROM,  
*Executive Director*

[Pa.B. Doc. No. 21-980. Filed for public inspection June 25, 2021, 9:00 a.m.]

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# THE COURTS

## Title 201—RULES OF JUDICIAL ADMINISTRATION

[ 201 PA. CODE CH. 1 ]

### Order Amending Rules 101 and 103 of the Pennsylvania Rules of Judicial Administration; No. 552 Judicial Administration Doc.

#### Order

#### *Per Curiam*

And Now, this 10th day of June, 2021, the proposal having been published for public comment at 49 Pa.B. 4809 (August 24, 2019), it is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 101 and 103 of the Pennsylvania Rules of Judicial Administration are amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on October 1, 2021.

#### Annex A

### TITLE 201. RULES OF JUDICIAL ADMINISTRATION

#### CHAPTER 1. GENERAL PROVISIONS

#### Rule 101. Title and citation of rules.

These rules shall be known as the Pennsylvania Rules of Judicial Administration and may be cited as “Pa.R.J.A. [ No. ] \_\_\_\_\_.”

Rule 103. Procedure for [ adoption ] adopting, filing, and publishing rules.

(a) *Notice of proposed rulemaking.*

(1) Except as provided in subdivision (a)(3), the initial [ recommendation of a proposed rule, or proposed amendment ] proposal of a new or amended rule, including [ the explanatory note ] any commentary that is to accompany the rule text, shall be distributed by the proposing Rules Committee to the *Pennsylvania Bulletin* for publication therein. The proposal shall include a publication [ notification shall contain ] notice containing a statement to the effect that [ comments ] written responses regarding the proposed rule or amendment are invited and should be sent directly to the proposing Rules Committee within a specified period of time, and a publication report from the Rules Committee containing the rationale for the proposed rulemaking.

(2) Written [ comments, suggestions or objections ] responses relating to the [ proposed rule or amendment ] proposal shall be sent directly to the proposing Rules Committee within a specified number of days after the publication of the rule or amendment in the *Pennsylvania Bulletin*, and any [ such commentary ] written responses shall be reviewed by the said Committee prior to action on the proposal by the Supreme Court. Any further proposals which are based upon the [ commentary ] written responses so received need not be, but may be, published in the manner prescribed in subdivision (a)(1).

(3) A proposed rule or amendment may be promulgated even though it has not been previously distributed and published in the manner required by subdivisions (a)(1) and (a)(2), where exigent circumstances require the immediate adoption of the proposal; or where the proposed amendment is of a typographical or perfunctory nature; or where in the discretion of the Supreme Court such action is otherwise required in the interests of justice or efficient administration.

(b) *Rules adopted or amended by the Supreme Court.*

(1) Rules adopted or amended by the Supreme Court, and any adoption report of the Rules Committee, shall be filed in the office of the Prothonotary of the Supreme Court.

(2) After an order adopting a rule or amendment has been filed with the Prothonotary of the Supreme Court, the Prothonotary shall forward a certified copy of the order [ and ], rule or amendment, and any adoption report to:

(i) The publisher of the official version of Supreme Court decisions and opinions who shall cause it to be printed in the first available volume of the State Reports.

[ (ii) The prothonotaries or clerks of all courts, which may be affected thereby, and thereupon the order and rule or amendment shall be published by such prothonotaries or clerks in the same manner as local rules adopted by such courts.

(iii) [ (ii) The Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

[ (iv) ] (iii) The Administrative Office.

\* \* \* \* \*

(d) *Rules of procedure adopted by other courts of the System.*

(8) No pleading or other legal paper shall be refused for filing based upon a requirement of a local rule. No case shall be dismissed nor request for relief granted or denied because of failure to initially comply with a local rule. In any case of noncompliance with a local rule, the court shall alert the party to the specific provision at issue and provide a reasonable time for the party to comply with the local rule.

[ *Official Note:* ] Comment

Effective October 1, 2021, “rule” includes the rule text and any accompanying commentary such as a note or comment. Such commentary, while not binding, may be used to construe or apply the rule text. Pursuant to subdivision (a), rulemaking proposals published seeking written responses shall be accompanied by a publication report from the Rules Committee. A Rules Committee may also submit a report pursuant to subdivision (b) when the Supreme Court adopts a rulemaking proposal. Any statements contained in Rules Committees’ publication or adoption reports permitted by either subdivision (a) or (b) are neither part of the rule nor adopted by the Supreme Court.

The purpose of subdivisions (c) and (d) is to further the policy of the Supreme Court to implement the Unified Judicial System under the Constitution of 1968 and to facilitate the statewide practice of law under the Court’s general rules. Local rules of judicial administration and

local rules of procedure should not repeat general rules or statutory provisions verbatim or substantially verbatim nor should local rules make it difficult for attorneys to practice law in several counties. The provisions of subdivision (d) apply to local rules of procedure, but not to case-specific orders.

\* \* \* \* \*

**ADOPTION REPORT**

**Amendment of Pa.R.J.A. No. 101 and 103, Pa.R.C.P. No. 51 and 129, Pa.R.C.P.M.D.J. No. 201, and Pa. O.C. Rule 1.1**

An effort has been undertaken to establish internal guidance to enhance and maintain uniformity among the Court's procedural and evidentiary rules through the adherence to common standards for style, numbering, syntax, nomenclature, and the use of commentary in rulemaking. To facilitate the implementation of this guidance, a proposal was published for response concerning the possible amendment of Pa.R.J.A. No. 103 and Pa.R.C.P. No. 129 to clarify the use of commentary in rulemaking and amendment of Pa.R.J.A. No. 101, Pa.R.C.P. No. 51, Pa.R.C.P.M.D.J. No. 201, and Pa. O.C. Rule 1.1 concerning citation format. *See* 49 Pa.B. 4809 (August 24, 2019). The Publication Report accompanying the proposal further addressed: 1) the ongoing effort to achieve consistency, including reconciliation of the differing numbering schemes for subparts and the use of subdivisions and paragraphs to describe subparts; 2) removal and reestablishment of Chapters 1900—1950 of the Rules of Civil Procedure; 3) the use of “Comments” to describe commentary and the elimination of “notes”; 4) clarifying that commentary is part of the rule, but not part of the rule text; 5) removing largely historical material from existing commentary; and 6) a phased approach to restyling the rules to conform with internal guidance.

The proposal received seven responses containing helpful suggestions, insightful observations, and possible areas of concern. One respondent suggested reorganization of aspects of the Pennsylvania Rules of Civil Procedure so they are ordered in a more intuitive fashion that relates to the linear progression of litigation. This suggestion will remain under consideration for possible implementation after those rules are conformed to internal guidance. Another respondent suggested a uniform set of rules of construction for the Court's procedural and evidentiary rules. It is anticipated that a proposal on this subject will be forthcoming.

Concerning proposed changes to the titles and citations of certain bodies of rules, several respondents suggested revising the abbreviation for “civil” to distinguish it from the abbreviation for “court.” This suggestion is reflected in post-publication revisions to Pa.R.C.P. No. 51 and Pa.R.C.P.M.D.J. 201 to abbreviate “civil” as “civ.” Relatedly, a respondent expressed concern that changes to citations might operate to invalidate a previous reference to that authority. A Comment was added to Pa.R.C.P. No. 51, Pa.R.C.P.M.D.J. No. 201, and Pa. O.C. Rule 1.1 to address that concern.

The rules set forth in Chapters 1900—1950 of the Rules of Civil Procedure, will be removed and relocated separate from the Rules of Civil Procedure. In doing so, that body of rules will be named the “Pennsylvania Rules of Family Court Procedure” and provided a corresponding citation format consistent with the other bodies of rules. Relocation of the rules will provide the opportunity for reorganization and renumbering to reduce or eliminate the use of

secondary and tertiary numbering schemes. To minimize the impact that renumbering the statewide rules may have on the numbering of local rules, derivation tables and disposition tables may be permitted, subject to certain conditions, which will be discussed further in future rulemaking.

The value of retaining historical commentary will be evaluated on an ongoing basis. Commentary removed will be identified and set forth in an Adoption Report accompanying a general restyling. Commentary removed through rulemaking unrelated to a general restyling will continue to be identified by textual indicators. Accordingly, the removed commentary will be publically available in either an Adoption Report or the amended form of the rule should a reader wish to review rulemaking history.

The procedural and evidentiary rules will be conformed to the internal guidance in the following manner: The guidance will be applied prospectively to future rulemaking proposed by the Rules Committees. To the extent practicable, rules currently subject to rulemaking will be revised depending upon their stage in the process. Recognizing that some rules are infrequently amended, each body of rules will also be conformed in their entirety through a phased process. The first body of rules to be subjected to the phased conformity will be Chapters 1900—1950 of the Rules of Civil Procedure contemporaneous with its relocation and renumbering. No substantive changes to the operation of the rules are intended as a result of conformance.

[Pa.B. Doc. No. 21-981. Filed for public inspection June 25, 2021, 9:00 a.m.]

**Title 210—APPELLATE  
PROCEDURE**

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

**Amendments to the Superior Court Operating Procedures**

The Superior Court of Pennsylvania has adopted amendments to its published Operating Procedures. The amendments are reflected in the Superior Court Operating Procedures with the amendment of Pa. Code § 65.41.

These changes were approved on June 10, 2021, effective immediately.

**Annex A**

**TITLE 210. APPELLATE PROCEDURE  
PART II. INTERNAL OPERATING PROCEDURES  
CHAPTER 65. OPERATING PROCEDURES OF THE  
SUPERIOR COURT  
DECISIONAL PROCEDURES**

**§ 65.41. Argument Before a Court En Banc.**

A. When argument before [ **an en banc Court** ] a **Court En Banc** is granted, the President Judge shall direct the Prothonotary to schedule such argument at the next available session. The judges to hear argument shall be selected by the President Judge [ **and shall include, insofar as practicable, the author of the panel opinion, the author of a dissenting opinion, and,**

where appropriate, the author of a prior opinion which is being reconsidered. Assignments to the Court en banc as far as possible shall be equalized during the course of each year]. The presiding judge shall be the commissioned judge highest in seniority except when the Court [ en banc ] **En Banc** includes the President Judge, who shall then be the presiding judge.

B. Where en banc argument is limited to one or more but less than all issues raised by an appellant, counsel shall be notified regarding the specific issues on which the Court [ en banc ] **En Banc** desires to hear argument.

C. Before or after argument before the Court [ en banc ] **En Banc**, the Court may vote that en banc consideration was improvidently granted. In such event, the previous panel decision in the matter shall be reinstated or, if there is no previous panel decision in the matter, the case shall be listed before the next available panel of this Court.

D. In the event that a party seeks to remove en banc status and reinstate a panel's decision, such request must be made by motion and is subject to full court review.

**E. In the event that a party in another appeal has raised an issue for which the Court has granted Reargument, the Court shall stay such appeal pending the decision of the en banc panel.**

**F. The Court may decide to stay the case sua sponte or upon a motion that a party files.**

[Pa.B. Doc. No. 21-982. Filed for public inspection June 25, 2021, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [ 231 PA. CODE CH. 100 ]

Order Amending Rules 51 and 129 of the Pennsylvania Rules of Civil Procedure; No. 715; Civil Procedural Rules Doc.

Order

*Per Curiam*

And Now, this 10th day of June, 2021, the proposal having been published for public comment at 49 Pa.B. 4809 (August 24, 2019), it is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 51 and 129 of the Pennsylvania Rules of Civil Procedure are amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on October 1, 2021.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 100. RULES OF CONSTRUCTION

#### Rule 51. Title and Citation of Rules.

These rules shall be known as the Pennsylvania Rules of Civil Procedure and may be cited as [ **“Pa.R.C.P. No.”** ] **“Pa.R.Civ.P.”**

#### [ *Official Note:* ] **Comment**

**The previous use of “Pa.R.C.P. No.” to cite the Pennsylvania Rules of Civil Procedure may not serve as a basis to invalidate a reference to that authority.**

The rules of civil procedure are not applicable in the magisterial district courts. Civil actions and proceedings in magisterial district courts are governed by the Rules of Civil Procedure [ **for** ] **Governing Actions and Proceedings Before** Magisterial District Judges, [ **Pa.R.C.P.M.D.J.** ] **Pa.R.Civ.P.M.D.J.**, 201 *et seq.*

Rule 129. Construction of Rules. Titles, Provisos, Exceptions and Headings. Use of [ **Notes and Explanatory Comments** ] **Commentary**.

(a) The title or heading of a rule may be considered in construing the rule.

(b) Provisos shall be construed to limit rather than to extend the operation of the clauses to which they refer.

(c) Exceptions expressed in a rule shall be construed to exclude all others.

(d) The title or heading prefixed to a chapter of rules shall not be considered to control but may be used in construing the rules.

(e) [ **A note to a rule or an explanatory comment** ] **Commentary** is not a part of the rule **text**, but may be used in construing the rule **text**.

#### **Comment**

**Any statements contained in a publication or adoption report by the Civil Procedural Rules Committee and the Domestic Relations Procedural Rules Committee are for the benefit of those using the rules, but neither constitute part of the rule nor are adopted by the Supreme Court. See Pa.R.J.A. 103, Comment.**

**Official Note:** Adopted May 1, 1939, effective November 6, 1939; amended April 18, 1975, effective immediately, 5 Pa.B. 1820; amended September 26, 1990, effective January 1, 1991, 20 Pa.B. 5188.

#### ADOPTION REPORT

**Amendment of Pa.R.J.A. No. 101 and 103, Pa.R.C.P. No. 51 and 129, Pa.R.C.P.M.D.J. No. 201, and Pa. O.C. Rule 1.1**

An effort has been undertaken to establish internal guidance to enhance and maintain uniformity among the Court's procedural and evidentiary rules through the adherence to common standards for style, numbering, syntax, nomenclature, and the use of commentary in rulemaking. To facilitate the implementation of this guidance, a proposal was published for response concerning the possible amendment of Pa.R.J.A. No. 103 and Pa.R.C.P. No. 129 to clarify the use of commentary in rulemaking and amendment of Pa.R.J.A. No. 101, Pa.R.C.P. No. 51, Pa.R.C.P.M.D.J. No. 201, and Pa. O.C. Rule 1.1 concerning citation format. See 49 Pa.B. 4809 (August 24, 2019). The Publication Report accompanying the proposal further addressed: 1) the ongoing effort to achieve consistency, including reconciliation of the differing numbering schemes for subparts and the use of subdivisions and paragraphs to describe subparts; 2) removal and reestablishment of Chapters 1900—1950 of the Rules of Civil Procedure; 3) the use of “Comments” to describe commentary and the elimination of “notes”; 4) clarifying that commentary is part of the rule, but not



part of the rule text; 5) removing largely historical material from existing commentary; and 6) a phased approach to restyling the rules to conform with internal guidance.

The proposal received seven responses containing helpful suggestions, insightful observations, and possible areas of concern. One respondent suggested reorganization of aspects of the Pennsylvania Rules of Civil Procedure so they are ordered in a more intuitive fashion that relates to the linear progression of litigation. This suggestion will remain under consideration for possible implementation after those rules are conformed to internal guidance. Another respondent suggested a uniform set of rules of construction for the Court's procedural and evidentiary rules. It is anticipated that a proposal on this subject will be forthcoming.

Concerning proposed changes to the titles and citations of certain bodies of rules, several respondents suggested revising the abbreviation for "civil" to distinguish it from the abbreviation for "court." This suggestion is reflected in post-publication revisions to Pa.R.C.P. No. 51 and Pa.R.C.P.M.D.J. 201 to abbreviate "civil" as "civ." Relatedly, a respondent expressed concern that changes to citations might operate to invalidate a previous reference to that authority. A Comment was added to Pa.R.C.P. No. 51, Pa.R.C.P.M.D.J. No. 201, and Pa. O.C. Rule 1.1 to address that concern.

The rules set forth in Chapters 1900—1950 of the Rules of Civil Procedure, will be removed and relocated separate from the Rules of Civil Procedure. In doing so, that body of rules will be named the "Pennsylvania Rules of Family Court Procedure" and provided a corresponding citation format consistent with the other bodies of rules. Relocation of the rules will provide the opportunity for reorganization and renumbering to reduce or eliminate the use of secondary and tertiary numbering schemes. To minimize the impact that renumbering the statewide rules may have on the numbering of local rules, derivation tables and disposition tables may be permitted, subject to certain conditions, which will be discussed further in future rulemaking.

The value of retaining historical commentary will be evaluated on an ongoing basis. Commentary removed will be identified and set forth in an Adoption Report accompanying a general restyling. Commentary removed through rulemaking unrelated to a general restyling will continue to be identified by textual indicators. Accordingly, the removed commentary will be publically available in either an Adoption Report or the amended form of the rule should a reader wish to review rulemaking history.

The procedural and evidentiary rules will be conformed to the internal guidance in the following manner: The guidance will be applied prospectively to future rulemaking proposed by the Rules Committees. To the extent practicable, rules currently subject to rulemaking will be revised depending upon their stage in the process. Recognizing that some rules are infrequently amended, each body of rules will also be conformed in their entirety through a phased process. The first body of rules to be subjected to the phased conformity will be Chapters 1900—1950 of the Rules of Civil Procedure contemporaneous with its relocation and renumbering. No substantive changes to the operation of the rules are intended as a result of conformance.

[Pa.B. Doc. No. 21-983. Filed for public inspection June 25, 2021, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART II. ORPHANS' COURT RULES

#### [ 231 PA. CODE PART II ]

### Order Amending Rule 1.1 of the Pennsylvania Rules of Orphans' Court Procedure; No. 871 Supreme Court Rules Doc.

#### Order

#### *Per Curiam*

And Now, this 10th day of June, 2021, the proposal having been published for public comment at 49 Pa.B. 4809 (August 24, 2019), it is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1.1 of the Pennsylvania Rules of Orphans' Court Procedure is amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on October 1, 2021.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART II. ORPHANS' COURT RULES

#### CHAPTER I. PRELIMINARY RULES

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

These [ Rules ] rules shall be known as the Pennsylvania Rules of Orphans' Court [ Rules, shall be referred to individually herein as "Rule," and cited as "Pa.O.C. Rule \_\_\_\_." ] Procedure and may be cited as "Pa.R.O.C.P. \_\_\_\_."

[ Note: Rule 1.1 is substantively similar to former Rule 17. ]

#### Comment

The previous use of "Pa. O.C. Rule" to cite the Pennsylvania Rules of Orphans' Court Procedure may not serve as a basis to invalidate a reference to that authority.

#### ADOPTION REPORT

#### Amendment of Pa.R.J.A. No. 101 and 103, Pa.R.C.P. No. 51 and 129, Pa.R.C.P.M.D.J. No. 201, and Pa. O.C. Rule 1.1

An effort has been undertaken to establish internal guidance to enhance and maintain uniformity among the Court's procedural and evidentiary rules through the adherence to common standards for style, numbering, syntax, nomenclature, and the use of commentary in rulemaking. To facilitate the implementation of this guidance, a proposal was published for response concerning the possible amendment of Pa.R.J.A. No. 103 and Pa.R.C.P. No. 129 to clarify the use of commentary in rulemaking and amendment of Pa.R.J.A. No. 101, Pa.R.C.P. No. 51, Pa.R.C.P.M.D.J. No. 201, and Pa. O.C. Rule 1.1 concerning citation format. See 49 Pa.B. 4809 (August 24, 2019). The Publication Report accompanying the proposal further addressed: 1) the ongoing effort to achieve consistency, including reconciliation of the differing numbering schemes for subparts and the use of subdivisions and paragraphs to describe subparts; 2) removal and reestablishment of Chapters 1900—1950 of the Rules of Civil Procedure; 3) the use of "Comments" to describe commentary and the elimination of "notes"; 4)

clarifying that commentary is part of the rule, but not part of the rule text; 5) removing largely historical material from existing commentary; and 6) a phased approach to restyling the rules to conform with internal guidance.

The proposal received seven responses containing helpful suggestions, insightful observations, and possible areas of concern. One respondent suggested reorganization of aspects of the Pennsylvania Rules of Civil Procedure so they are ordered in a more intuitive fashion that relates to the linear progression of litigation. This suggestion will remain under consideration for possible implementation after those rules are conformed to internal guidance. Another respondent suggested a uniform set of rules of construction for the Court's procedural and evidentiary rules. It is anticipated that a proposal on this subject will be forthcoming.

Concerning proposed changes to the titles and citations of certain bodies of rules, several respondents suggested revising the abbreviation for "civil" to distinguish it from the abbreviation for "court." This suggestion is reflected in post-publication revisions to Pa.R.C.P. No. 51 and Pa.R.C.P.M.D.J. 201 to abbreviate "civil" as "civ." Relatedly, a respondent expressed concern that changes to citations might operate to invalidate a previous reference to that authority. A Comment was added to Pa.R.C.P. No. 51, Pa.R.C.P.M.D.J. No. 201, and Pa. O.C. Rule 1.1 to address that concern.

The rules set forth in Chapters 1900—1950 of the Rules of Civil Procedure, will be removed and relocated separate from the Rules of Civil Procedure. In doing so, that body of rules will be named the "Pennsylvania Rules of Family Court Procedure" and provided a corresponding citation format consistent with the other bodies of rules. Relocation of the rules will provide the opportunity for reorganization and renumbering to reduce or eliminate the use of secondary and tertiary numbering schemes. To minimize the impact that renumbering the statewide rules may have on the numbering of local rules, derivation tables and disposition tables may be permitted, subject to certain conditions, which will be discussed further in future rulemaking.

The value of retaining historical commentary will be evaluated on an ongoing basis. Commentary removed will be identified and set forth in an Adoption Report accompanying a general restyling. Commentary removed through rulemaking unrelated to a general restyling will continue to be identified by textual indicators. Accordingly, the removed commentary will be publically available in either an Adoption Report or the amended form of the rule should a reader wish to review rulemaking history.

The procedural and evidentiary rules will be conformed to the internal guidance in the following manner: The guidance will be applied prospectively to future rulemaking proposed by the Rules Committees. To the extent practicable, rules currently subject to rulemaking will be revised depending upon their stage in the process. Recognizing that some rules are infrequently amended, each body of rules will also be conformed in their entirety through a phased process. The first body of rules to be subjected to the phased conformity will be Chapters 1900—1950 of the Rules of Civil Procedure contemporaneous with its relocation and renumbering. No substantive changes to the operation of the rules are intended as a result of conformance.

[Pa.B. Doc. No. 21-984. Filed for public inspection June 25, 2021, 9:00 a.m.]

## Title 246—MINOR COURT CIVIL RULES

### PART I. GENERAL

[ 246 PA. CODE CH. 200 ]

#### Order Amending Rule 201 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges; No. 458 Magisterial Rules Doc.

#### Order

*Per Curiam*

*And Now*, this 10th day of June, 2021, the proposal having been published for public comment at 49 Pa.B. 4809 (August 24, 2019), it is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 201 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges is amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on October 1, 2021.

#### Annex A

#### TITLE 246. MINOR COURT CIVIL RULES

#### PART I. GENERAL

#### CHAPTER 200. RULES OF CONSTRUCTION; GENERAL PROVISIONS

#### Rule 201. Citation of Rules.

These rules **shall be known as the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges and** may be cited as "[ Pa.R.C.P.M.D.J. No. \_\_\_\_\_ ] **Pa.R.Civ.P.M.D.J.** \_\_\_\_\_."

#### Comment

**The previous use of "Pa.R.C.P.M.D.J. No." to cite the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges may not serve as a basis to invalidate a reference to that authority.**

#### ADOPTION REPORT

#### Amendment of Pa.R.J.A. No. 101 and 103, Pa.R.C.P. No. 51 and 129, Pa.R.C.P.M.D.J. No. 201, and Pa. O.C. Rule 1.1

An effort has been undertaken to establish internal guidance to enhance and maintain uniformity among the Court's procedural and evidentiary rules through the adherence to common standards for style, numbering, syntax, nomenclature, and the use of commentary in rulemaking. To facilitate the implementation of this guidance, a proposal was published for response concerning the possible amendment of Pa.R.J.A. No. 103 and Pa.R.C.P. No. 129 to clarify the use of commentary in rulemaking and amendment of Pa.R.J.A. No. 101, Pa.R.C.P. No. 51, Pa.R.C.P.M.D.J. No. 201, and Pa. O.C. Rule 1.1 concerning citation format. *See* 49 Pa.B. 4809 (August 24, 2019). The Publication Report accompanying the proposal further addressed: 1) the ongoing effort to achieve consistency, including reconciliation of the differing numbering schemes for subparts and the use of subdivisions and paragraphs to describe subparts; 2) removal and reestablishment of Chapters 1900—1950 of

the Rules of Civil Procedure; 3) the use of “Comments” to describe commentary and the elimination of “notes”; 4) clarifying that commentary is part of the rule, but not part of the rule text; 5) removing largely historical material from existing commentary; and 6) a phased approach to restyling the rules to conform with internal guidance.

The proposal received seven responses containing helpful suggestions, insightful observations, and possible areas of concern. One respondent suggested reorganization of aspects of the Pennsylvania Rules of Civil Procedure so they are ordered in a more intuitive fashion that relates to the linear progression of litigation. This suggestion will remain under consideration for possible implementation after those rules are conformed to internal guidance. Another respondent suggested a uniform set of rules of construction for the Court’s procedural and evidentiary rules. It is anticipated that a proposal on this subject will be forthcoming.

Concerning proposed changes to the titles and citations of certain bodies of rules, several respondents suggested revising the abbreviation for “civil” to distinguish it from the abbreviation for “court.” This suggestion is reflected in post-publication revisions to Pa.R.C.P. No. 51 and Pa.R.C.P.M.D.J. 201 to abbreviate “civil” as “civ.” Relatedly, a respondent expressed concern that changes to citations might operate to invalidate a previous reference to that authority. A Comment was added to Pa.R.C.P. No. 51, Pa.R.C.P.M.D.J. No. 201, and Pa. O.C. Rule 1.1 to address that concern.

The rules set forth in Chapters 1900—1950 of the Rules of Civil Procedure, will be removed and relocated separate from the Rules of Civil Procedure. In doing so, that body of rules will be named the “Pennsylvania Rules of Family Court Procedure” and provided a corresponding citation format consistent with the other bodies of rules. Relocation of the rules will provide the opportunity for reorganization and renumbering to reduce or eliminate the use of secondary and tertiary numbering schemes. To minimize the impact that renumbering the statewide rules may have on the numbering of local rules, derivation tables and disposition tables may be permitted, subject to certain conditions, which will be discussed further in future rulemaking.

The value of retaining historical commentary will be evaluated on an ongoing basis. Commentary removed will be identified and set forth in an Adoption Report accompanying a general restyling. Commentary removed through rulemaking unrelated to a general restyling will continue to be identified by textual indicators. Accordingly, the removed commentary will be publically available in either an Adoption Report or the amended form of the rule should a reader wish to review rulemaking history.

The procedural and evidentiary rules will be conformed to the internal guidance in the following manner: The guidance will be applied prospectively to future rulemaking proposed by the Rules Committees. To the extent practicable, rules currently subject to rulemaking will be revised depending upon their stage in the process. Recognizing that some rules are infrequently amended, each body of rules will also be conformed in their entirety through a phased process. The first body of rules to be subjected to the phased conformity will be Chapters

1900—1950 of the Rules of Civil Procedure contemporaneous with its relocation and renumbering. No substantive changes to the operation of the rules are intended as a result of conformance.

[Pa.B. Doc. No. 21-985. Filed for public inspection June 25, 2021, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### WASHINGTON COUNTY

#### Collection of Restitution, Reparation, Fees, Costs, Fines and Penalties; No. 2021-1

##### Administrative Order

*And Now*, this 28th day of May, 2021, the Board of Commissioners of Washington County having passed Resolution 2021 at Minute Number 1130, dated May 20, 2021, it is hereby *Ordered, Adjudged, and Decreed* that the Court joins in the aforementioned Resolution and *Approves* of the designation of the Adult Probation Office as the agent for collection of all restitution, reparation, fees, costs, fines, and penalties in accordance with 42 Pa.C.S.A. § 9728, effective June 1, 2021. The Court has determined that the filing of this Order and the actions taken in conjunction with the Board of Commissioners are appropriate and necessary to serve victims and defendants in criminal and delinquency cases by ensuring compliance with monetary conditions of adjudications and/or sentences.

All restitution, reparation, fees, costs, fines, and penalties ordered payable pursuant to the Sentencing Code, Juvenile Act, or other statute and/or regulation, shall be made by the offender to the Collections and Disbursement Unit of the Adult Probation Office, and shall be collectible in any manner provided by law. The Adult Probation Office, through the Collections and Disbursement Unit, shall have the authority to:

1. Enter sentences and assess restitution, reparation, fees, costs, fines, and/or penalties on adult criminal or juvenile delinquency cases, including assessments for summary appeals, miscellaneous dockets, and underlying filing types, such as inter-county transfer cases, whether offense or non-offense related;
2. Assess the interstate compact fee provided for in Act 95 of 2010;
3. Enter adjustments and/or credits for community service sentences as authorized by 42 Pa.C.S.A. § 9730;
4. Direct the creation of miscellaneous docket numbers related to collection functions;
5. Accept payments, perform daily balancing and other fiscal tasks, and make deposits of funds received;
6. Direct the master accounting process in CPCMS, to include the coordination of monthly master account disbursements, including running all necessary reports and notifying and working with the Clerk of Courts regarding the printing of each offices’ respective checks; and
7. Carry out any duties and responsibilities that are necessary to effectuate the collection and disbursement of funds pursuant to this Order.

The Court expects that the Clerk of Courts shall cooperate fully and in good faith to ensure a successful transition of collection functions from her office to the

Adult Probation Office, including compliance with directives issued by the undersigned, or his designee(s). Accordingly, it is further *Ordered* that the Clerk of Courts shall:

1. Continue to maintain and operate the current general and escrow bank account at Washington Financial Bank, Account Number \*\*\*\*\*8512, until further order of court. The Clerk of Courts is responsible for reconciling and disbursing any restitution, reparation, fees, costs, fines, and penalties collected prior to June 1, 2021;

2. Assist with any transfers or voids of payments for assessments that were made before June 1, 2021, because of the need for coordination and manual adjustments and/or transfers between separate bank accounts;

3. Inform any private collection agency it currently uses of this transition;

4. Notify and coordinate with the Adult Probation Office concerning the delivery of mail or payments that are addressed or made payable to the previous collections office; and

5. Enter sentences and assess restitution, reparation, fees, costs, fines, and/or penalties adult criminal or juvenile delinquency cases, including assessments for summary appeals, miscellaneous dockets, and underlying

filing types, such as inter-county transfer cases, whether offense or non-offense related, until July 5, or further order of court. The Clerk of Courts shall notify the Adult Probation Office of all sentences and assessments upon completion.

This Order shall be processed in conformity with Pa.R.J.A. 103. The District Court Administrator is directed to do the following:

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

2. Distribute two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

3. Serve a copy of this Order on the judges of the Court of Common Pleas and the magisterial district courts, and the Clerk of Courts; and

4. Cause a copy hereof to be published in the *Washington County Bar Journal* once a week for two successive weeks at the expense of the County of Washington.

*By the Court*

JOHN F. DiSALLE,  
*President Judge*

[Pa.B. Doc. No. 21-986. Filed for public inspection June 25, 2021, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 10—BANKING AND SECURITIES

### DEPARTMENT OF BANKING AND SECURITIES

[ 10 PA. CODE CHS. 19 AND 55 ]

#### Repeal or Amendment of Assorted Sections

The Department of Banking and Securities (Department) issues this final-omitted rulemaking to delete portions of its regulations in §§ 19.4 and 55.1—55.3, and amends §§ 19.1 and 19.6 as set forth in Annex A.

#### *Statutory Authority*

The Department issues this final-omitted rulemaking under the authority provided in section 506 of the Administrative Code of 1929 (71 P.S. § 186) and section 202(C) of the Department of Banking and Securities Code (code) (71 P.S. § 733-202(C)).

#### *Omission of Proposed Rulemaking*

Public notice of intention to amend or rescind regulations under the procedures set forth in sections 201 and 202 of the Commonwealth Documents Law (CDL) (45 P.S. §§ 1201 and 1202) has been omitted for good cause as authorized under section 204(3) of the CDL (45 P.S. § 1204(3)), which permits an agency to omit these procedures based on a finding that the procedures are, under the circumstances, impracticable, unnecessary or contrary to the public interest.

The Department finds that the rescissions and amendments are necessitated by the repeal or amendment of statutes governing the Department that render the affected sections either obsolete or inaccurate.

#### *Purpose*

This final-omitted rulemaking deletes or amends selected provisions in the Department's regulations that are obsolete or inaccurate due to subsequent statutory enactments, which make unnecessary the public notice provisions of the CDL.

#### *Summary of the Final-Omitted Rulemaking*

This final-omitted rulemaking deletes or amends sections of its regulations as follows:

#### *Chapter 19—Money Transmitters*

Two amendments and one rescission are needed due to statutory changes, as follows:

§ 19.1—*Definition of “act.”* This definition is amended to identify the act as the “Money Transmitter Act,” as it is called in the Synopsis to Act 129 of 2016, the most recent amendment to the statute. This title conforms to the *Pennsylvania Code & Bulletin Style Manual* in § 5.1 (relating to Pennsylvania statutes), regarding the naming of an unconsolidated statute that lacks an official short title. The amended definition cites only to sections 1—18, which are the sections of Chapter 53 of Title 7 (7 P.S. §§ 6101—6118) that relate to the business of transmitting money or credit by means of a transmittal instrument for a fee or other consideration. Four additional sections of Chapter 53 (7 P.S. §§ 6121—6122.1) concern the separate subject area of electronic funds transfer systems, and therefore are not being included in the citation for the Money Transmitter Act.

§ 19.4—*Securities deposited.* Section 6(a) of the Money Transmitter Act (7 P.S. § 6106(a)) provides that, among other things, a bond shall accompany an application for license. Prior to the enactment of Act 129 of 2016, section 6 contained a subsection (b) that allowed for the deposit of securities in lieu of a bond. Section 19.4 of the regulations references section 6(b) and sets forth requirements relating to the deposit of securities in lieu of the bond. Section 19.4 is deleted because Act 129 of 2016 deleted subsection (b), thus eliminating the statutory authority for the deposit of securities in lieu of a bond.

§ 19.6—*Advertisements.* The agency name “Department of Banking” is amended to read “Department of Banking and Securities,” as set forth in section 1 of the Money Transmitter Act (7 P.S. § 6101). Act 86 of 2012 changed the agency name in section 2 of the code (71 P.S. § 733-2(A)), and section 1102-A of the code consolidated the regulation of banking and securities (71 P.S. § 733-1102-A).

#### *Chapter 55—Financing Sales of Mobile Homes*

This regulation deletes all three sections of Chapter 55 because they are obsolete due to the enactment of the act of November 27, 2013, (P.L. 1081, No. 98) (Act 98) (12 Pa.C.S. §§ 6101—6355). Chapter 55, which was promulgated in 1978, defines “installment sales contract” as “[a] contract for the retail sale of a mobile home executed under the provisions of the act,” and defines “act” as “[t]he Motor Vehicle Sales Finance Act (MVSFA) (69 P.S. §§ 601—637).” 10 Pa. Code § 55.1. Chapter 55 is obsolete because Act 98 repealed the MVSFA and created the “Consumer Credit” part of Title 12 of the Pennsylvania Consolidated Statutes, incorporating the subject matter of the MVSFA into 12 Pa.C.S. Part V as Chapter 61 and Chapter 62 (relating to general provisions; and motor vehicle sales finance) (12 Pa.C.S. §§ 6101—6275). Section 6262 of 12 Pa.C.S. is entitled “Procedures for manufactured homes.”

§ 55.1—*Definitions.* This section defines “act” as the MVSFA, a definition that is obsolete because Act 98 repealed the MVSFA. Moreover, this section contains other definitions superseded by those set forth statutorily at 12 Pa.C.S. § 6202 (relating to definitions).

§ 55.2—*Disclosures to installment buyers.* Regulatory requirements for disclosures are superseded by the requirements of 12 Pa.C.S., Part V, Chapters 61 and 62. See, for example, 12 Pa.C.S. §§ 6103(b), 6221, 6228, 6254, and 6259.

§ 55.3—*Contractual provisions.* Regulatory requirements about prepayment, attorney fees and waiver are superseded by 12 Pa.C.S. §§ 6246, 6253(b) and 6234(a) (relating to refund for prepayment of contract; legal proceedings; and waiver of statutory protection prohibited), respectively.

#### *Persons Likely to be Affected*

The rescissions or amendments to the regulations will not affect any group or entity. The continuing presence of obsolete or inaccurate regulations serves no purpose and may cause confusion.

*Fiscal Impact*

Because this final-omitted rulemaking only repeals or amends obsolete or inaccurate regulations, there will be no fiscal impact.

*Paperwork Requirements*

This final-omitted rulemaking will not result in an increase in paperwork for any individuals or entities.

*Effective Date*

The final-omitted rulemaking will be effective upon final publication in the *Pennsylvania Bulletin*.

*Public Comment Period*

Public notice of intention to repeal or amend the regulations under the procedures set forth in sections 201 and 202 of the CDL (45 P.S. §§ 1201 and 1202) is omitted for good cause under section 204(3) of the CDL (45 P.S. § 1204(3)) because the Department finds that these procedures are, under the circumstances, unnecessary. The repeal or amendment of the regulations is based on statutes enacted subsequent to the promulgation of the regulations and that supersede them.

*Contact Person*

Individuals interested in further information may contact Stefanie Hamilton, Chief Counsel, Department of Banking and Securities, 17 North Second Street, Suite 1300, Harrisburg, PA 17101, (717) 787-1471, shamilton@pa.gov.

*Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P.S. § 745.5a(c)), on April 7, 2021, the Department submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC), the Chairpersons of the Senate Banking and Insurance Committee and the House Commerce Committee. On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P.S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on May 19, 2021, the final-omitted rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act (71 P.S. § 745.5a (e)), IRRC met on May 20, 2021, and approved the final-omitted rulemaking.

*Findings*

The Department finds that:

(1) Public notice of the Department's intention to repeal or amend its regulations under the procedures in sections 201 and 202 of the CDL (45 P.S. §§ 1201 and 1202) has been omitted for good cause as authorized under section 204(3) of the CDL because the Department finds that these procedures are, under the circumstances, unnecessary.

(2) The deletion or amendment of the Department's regulations in the manner provided in this order is necessary and appropriate.

*Order*

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

(a) The regulations of the Department, 10 Pa. Code are amended by deleting §§ 19.4 and 55.1—55.3, and amending §§ 19.1 and 19.6 to read as set forth in Annex A.

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

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

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

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

RICHARD VAGUE,  
Secretary

**Fiscal Note:** 3-57. No fiscal impact; (8) recommends adoption.

**Annex A****TITLE 10. BANKING AND SECURITIES****PART II. BUREAU OF BANKS****CHAPTER 19. MONEY TRANSMITTERS****§ 19.1. Definition of "act."**

The term act, when used in this chapter, shall mean the act of September 2, 1965 (P.L. 490, No. 249) (7 P.S. §§ 6101—6118), referred to as the Money Transmission Business Licensing Law and commonly known as the Money Transmitter Act.

\* \* \* \* \*

**§ 19.4. (Reserved).****§ 19.6. Advertisements.**

(a) Licensees may advertise their activities in such form as they desire, but in no instance shall any reference to supervision or licensing be made other than by the following phrase: "Transmit Money By Check, Draft or Money Order By The Department of Banking and Securities, Commonwealth of Pennsylvania."

(b) Agents and subagents shall clearly indicate the name of the licensee in a sign publicly displayed in the place of business issuing and selling transmittal instruments.

**PART IV. BUREAU OF CONSUMER CREDIT AGENCIES****CHAPTER 55. (Reserved)****§§ 55.1—55.3. (Reserved).**

[Pa.B. Doc. No. 21-987. Filed for public inspection June 25, 2021, 9:00 a.m.]

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CHS. 87, 88, 89 AND 90 ]

#### Water Supply Replacement for Coal Surface Mining

The Environmental Quality Board (Board) amends Chapters 87—90, to read as set forth in Annex A. This final-form rulemaking fulfills the following purposes: to ensure compliance with Federal requirements and developments in State law; provide consistency, where possible, with water supply replacement regulations relevant to underground mining; and codify existing practices developed by the Department of Environmental Protection (Department).

This order was adopted by the Board at its meeting of November 17, 2020.

##### A. *Effective Date*

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

##### B. *Contact Persons*

For further information, contact Sharon Hill, Environmental Group Manager, Bureau of Mining Programs, Rachel Carson State Office Building, P.O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5015; or Christopher Minott, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-9372. This final-form rulemaking is available on the Department's web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Environmental Quality Board").

##### C. *Statutory Authority*

This final-form rulemaking is authorized under the authority of section 5 of The Clean Streams Law (35 P.S. § 691.5); sections 4(a) and 4.2 of the Surface Mining Conservation and Reclamation Act (PA SMCRA) (52 P.S. §§ 1396.4(a) and 1396.4b); section 3.2 of the Coal Refuse Disposal Control Act (52 P.S. § 30.53b); section 7(b) of the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. § 1406.7(b)); and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20).

##### D. *Background and Purpose*

This final-form rulemaking addresses inconsistencies between the Commonwealth's Surface Coal Mining Program and Federal requirements relating to water supply replacement so that the Commonwealth may maintain primary regulatory authority over coal mining activities in this Commonwealth. This final-form rulemaking also aligns the language regarding water supply replacement for anthracite and bituminous surface mining with underground coal mining to the extent allowed by statute and ensures that the regulations are otherwise consistent with State law and Department practice. These measures will provide clarity to mine owners and operators regarding compliance standards for water supply replacement and protect the rights of water supply owners and users.

##### *Required Consistency of the Commonwealth's Mining Program with Federal Law*

The Federal Surface Mining Control and Reclamation Act of 1977 (30 U.S.C.A. §§ 1201—1328) (Federal SMCRA) "establish[ed] a nationwide program to protect

society and the environment from the adverse effects of surface coal mining operations." See 30 U.S.C.A. § 1202(a). The Federal SMCRA authorizes the Secretary of the Interior, through the Office of Surface Mining Reclamation and Enforcement (OSM), to administer the programs for controlling surface coal mining operations, and to review and approve or disapprove state programs for controlling the same. See 30 U.S.C.A. § 1211(c)(1).

The Federal SMCRA allows a state to assume jurisdiction over the regulation of surface coal mining and reclamation operations if the state can administer that program according to Federal standards. See 30 U.S.C.A. § 1253. When a state program is approved by OSM, the state achieves "primacy" over the regulation of its surface coal mining program. The Commonwealth achieved primacy in 1982. See 47 FR 33050, 33076 (July 30, 1982). To maintain its jurisdiction over regulation of coal surface mining activities, the Commonwealth must maintain a state program in accordance with the requirements of the Federal SMCRA, and with "rules and regulations consistent with regulations issued by the Secretary." See 30 U.S.C.A. § 1253(a)(1) and (7).

State laws must be consistent with the provisions of the Federal SMCRA, see 30 U.S.C.A. § 1255(a), and any provision of state law that provides for more stringent land use and environmental controls and regulations shall not be construed to be inconsistent with the Federal SMCRA. See 30 U.S.C.A. § 1255(b). In other words, a state program must be at least as effective as the requirements in the Federal SMCRA but may be more stringent.

##### *Coal Mining Regulatory Program Amendments Required by OSM*

By letter dated December 18, 1998, the Department submitted a proposed amendment of the Commonwealth's approved Coal Mining Regulatory Program (Program) to OSM for review and approval. The proposed amendment covered various aspects of the Program and consisted of both statutory changes to the PA SMCRA as well as regulations under Chapters 86—90. In May 2005, OSM approved this Program amendment with certain exceptions (2005 OSM conditional approval). OSM approved most of the amendment specific to the replacement of water supplies affected by mining activities but did not approve certain provisions. The disapproved portions of the Program amendment related to water supply replacement include both statutory and regulatory sections as follows:

Section 4.2(f)(4) of the PA SMCRA was not approved, because it allowed for final bond release when there is an outstanding water supply replacement order. See 30 CFR 938.12(c)(1) (relating to state statutory, regulatory, and proposed program amendment provisions not approved). Sections 87.119(i) and 88.107(i) (relating to hydrologic balance: water rights and replacement) were not approved for the same reason. See 30 CFR 938.12(c)(7).

Sections 87.1 and 88.1 (relating to definitions) defining "de minimis cost increase" and §§ 87.119(a)(1)(v) and 88.107(a)(1)(v) (requiring that a restored or replaced water supply shall not result in more than a "de minimis cost increase" to operate and maintain) were not approved, because the Federal regulations require that no additional costs be passed along to the water supply owner. See 30 CFR 938.12(c)(4) and (5).

Sections 87.119(a) and 88.107(a) were not approved to the extent that they did not include a requirement to provide a temporary replacement water supply. See

30 CFR 938.12(c)(5). Furthermore, they allowed for the replacement supply to be of a lesser quantity and quality than the premining water supply. See 30 CFR 938.12(c)(5). The Federal definition of “replacement water supply” at 30 CFR 701.5 (relating to definitions) includes a reference to temporary replacement water supplies.

Sections 87.119(a)(3) and 88.107(a)(3) were not approved because they allowed for persons with an ownership interest in the water supply to waive the requirements to restore or replace the water supply. The basis for the disapproval was the definition of “replacement water supply” at 30 CFR 701.5, which provides for a waiver only in the limited circumstance where the water supply is not needed for the land use as it exists at the time of the loss and that there is a demonstration that a “suitable alternative water source is available and could be feasibly developed.” 30 CFR 938.12(c)(5).

Sections 87.119(g) and 88.107(g) were not approved because they allowed for operators to recover costs in the event that an operator successfully appeals a Department order to restore or replace a water supply. OSM did not approve these regulations, because section 4.2(f)(5) of the PA SMCRA, which provided the statutory authority for these regulations, was repealed in 2000 and replaced with 27 Pa.C.S. § 7708 (relating to costs for mining proceedings). Therefore, no remaining statutory authority existed to support the regulations. See 30 CFR 938.12(c)(6) and 70 FR 25472, 25484 (May 13, 2005).

In response to OSM’s disapproval of these regulations and to implement the approved Program amendments, the Department developed the following technical guidance documents to address water supply replacement operation and maintenance costs: Increased Operation and Maintenance Costs of Replacement Water Supplies on All Coal and Surface Noncoal Sites (DEP ID # 562-4000-102), issued on December 2, 2006; Water Supply Replacement and Permitting (DEP ID # 563-2112-605), issued in 1998 and updated in 2007; and Water Supply Replacement and Compliance (DEP ID # 562-4000-101), issued in 1999 and updated in October 2007.

This final-form rulemaking codifies the procedures outlined in these technical guidance documents, reconciles the outstanding unapproved portions of the Program amendment listed previously and ensures water supply replacement obligations are consistent with Federal law.

*Required Consistency of the Commonwealth’s Mining Program with State Law*

This final-form rulemaking also ensures consistency with State law. The following provisions address regulatory gaps or lack of clarity issues under the PA SMCRA:

Amendments to §§ 87.1 and 88.1 revise the definition of “water supply” to explain that soil moisture is not a water supply. The term “water supply” connotes a specific water resource (for example, a well or spring). Soil moisture, on the other hand, is more appropriately regulated under separate Department provisions requiring that mining activities are conducted to minimize disturbance to the prevailing hydrologic balance. See §§ 87.101(a) and 88.291(a) (relating to hydrologic balance: general requirements). These provisions add a definition of “water supply owner” that includes landowners and water supply companies to reflect terminology used in section 4.2(f) of the PA SMCRA. See 52 P.S. § 1396.4b(f).

Amendments to §§ 87.47 and 88.27 (relating to alternative water supply information) clarify the regulations by using the defined term “water supply”; requiring that the permit application must include calculations regarding

the cost of potential replacement; and stating that the Department will give advanced notice to water supply owners whose water supplies are identified as potentially affected.

Sections 87.119a(a) and 88.107a(a) clarify the requirements related to sampling, laboratory analysis and notice to water supply owners and water supply users.

Sections 87.119a(b) and 88.107a(b) clarify that obligations to restore or replace an affected supply are applicable for any effect to a water supply, even if the effect is minimal, and that operators or mine owners must restore water supplies to meet reasonably foreseeable uses of the existing supply, not only existing uses of the supply.

Sections 87.119a(f) and 88.107a(f) clarify the concepts of “adequate quality” and “adequate quantity” of the replacement supply to more closely mirror the statutory language under section 4.2(f)(1) of the PA SMCRA. This includes clarifying that an operator must, under certain circumstances, replace an affected supply with a supply that is of better quality than the Pennsylvania Safe Drinking Water Act standards (35 P.S. §§ 721.1—721.17).

Sections 87.119a(g) and 88.107a(g) clarify the procedure for determining operation and maintenance (O&M) costs of a replacement supply, and that operators or mine owners must cover O&M costs in perpetuity because the obligation attaches to the land, not to the current water supply owner. See, for example, *Carlson Mining v. DER*, 1992 EHB 1401, 1412—16 (October 29, 1992).

Sections 87.119a(h) and 88.107a(h) clarify O&M requirements in situations when the current water supply owner or water supply user, or both, releases the obligation under a settlement agreement with the operator or mine owner that complies with the regulations and clarifies that an operator may cover O&M responsibilities for multiple water supplies under one bond.

Sections 87.119a(j) and 88.107a(j) clarify the statutory presumption of liability in the PA SMCRA and the available defenses to the presumption. This presumption does not exist in Federal law.

Sections 87.119a(l) and 88.107a(l) add an additional provision that nothing in these regulations would prevent a mine owner or operator from pursuing other legal remedies should they incur costs in restoring or replacing a supply and later determine that some other party was responsible for the pollution or diminution of the water supply.

*Amendments Made in Response to Public Outreach*

Prior to the 2005 OSM conditional approval, the Department held six open-house public meetings in May and June of 2004 to gather comments and suggestions regarding existing regulations and policies governing the replacement of private water supplies lost, diminished or degraded by mining activities. These meetings were held at Department facilities across the State after invitation letters were sent to interested parties, including individual property owners who were known to have experienced past water supply problems. News media alerts were issued to promote these meetings. The issues raised at these meetings included items regarding responsibility for water supply impacts, reimbursement for replaced supplies, the rights of water supply owners to information supplied by the mining operators, correct characterization of the existing supply and reasonably foreseeable uses of the supply and various other suggestions for improving the Program to benefit those who have lost their water supply as a result of mining activities.



The Department evaluated the comments received from the public meetings in conjunction with the 2005 OSM conditional approval and ultimately included several concepts resulting from these meetings in this final-form rulemaking. For example, §§ 87.47 and 88.27 will now require permit applications to include replacement cost calculations, and the Department will notify the water supply owner/users that their supply may be affected. Early identification and characterization of potentially affected water supplies provides the water supply owner/user with adequate notice that the supply may be interrupted, and it informs them of their rights under the regulations for replacement of the supply. Early identification also promotes an easier path to agreement on replacement options, which is disruptive and often a point of contention between the operator and water supply owner that delays resolution of the claim.

#### *Mining and Reclamation Advisory Board Coordination*

The Department collaborated with the Mining and Reclamation Advisory Board (MRAB), which is composed of representation from anthracite surface mine operators, the Pennsylvania Coal Alliance, the Pennsylvania Anthracite Council, the County Conservation Districts, the Citizens Advisory Council, the Pennsylvania House of Representatives and the Pennsylvania Senate to develop this final-form rulemaking.

Because the provisions concerning water supply replacement are similar across the various coal regulatory chapters, the Department and the MRAB spent considerable time clarifying language that may differ between surface mining and the approved underground coal mining regulations in Chapter 89 (relating to underground mining of coal and coal preparation facilities) due to variations between the Commonwealth's surface mining and bituminous underground mining statutes. Policy changes to the Surface Mining Program regarding water supply replacement were discussed at the MRAB Regulation, Legislation and Technical (RLT) committee meeting of January 2005 in response to concerns from the Pennsylvania Coal Association. The RLT committee made various recommendations regarding O&M costs calculations and payments, and replacement of a water supply to a quality and quantity necessary for current and reasonably foreseeable uses.

Concepts for this rulemaking were discussed with the MRAB beginning on October 19, 2017, during a meeting of the full board. On January 11, 2018, an outline of the proposed changes was presented in a meeting of the RLT committee. Comments were provided by the committee. On April 19, 2018, draft language and responses to previous comments were presented to the committee. The RLT committee supplied verbal and written comments on this draft, some of which were incorporated into this final-form rulemaking. The summary of the primary issues raised by the MRAB is as follows.

The MRAB questioned the repeated use of the term "reasonably foreseeable uses" throughout this final-form rulemaking. This phrase originated in section 5(e) of the Pennsylvania Bituminous Mine Subsidence and Land Conservation Act (52 P.S. § 1406.5(e)) and has been incorporated into the Federally-approved Surface Mining Program through the requirement that the water supply must be equivalent to the previous supply in quality and quantity. To replace the supply with a source that did not match the ability of the previous supply to support plausible future uses, based on existing and proposed land use, would be a failure to meet the standards of

replacement. OSM has stated their acceptance of the "reasonably foreseeable uses" concept in this context.

The MRAB also expressed concern for the operator's responsibility to replace a supply if the water supply owner refused access to the supply for the premining survey. The MRAB stated that if the operator is denied the information from the premining survey, the operator (and the Department) had no basis for judging the condition of the supply. That is, there would be no baseline from which to assess claims of degradation or diminution during mining activities. While it is disadvantageous to all parties for a water supply owner to refuse the information-gathering process, this does not exempt the operator from responsibility for replacing a supply if evidence can be procured that the supply has been affected by the mining activities. It does, however, provide a rebuttal for the mining operator within the presumption zone. If the operator raises this defense to the presumption, the burden shifts to the water supply owner to present evidence that the supply has been affected by mining, and to the Department to gather additional evidence to determine if mining was the cause. If there is no baseline survey information and a Department inquiry finds that mining activity is responsible for the disruption to the supply, the Department and water supply owner must establish what the adequate quantity and quality of the replacement supply should be based on data from similar supplies in the area and from aquifer characteristics, as well as the existing and reasonably foreseeable uses.

The MRAB was also concerned that water supply owners who replace their supply on their own and then seek reimbursement from the operator could install a supply that is higher performing than the previous supply, which could exceed the cost of replacement with an equivalent supply. This final-form rulemaking makes clear that the operator is not required to replace the affected supply with a system that exceeds regulatory requirements and that the operator can dispute reimbursement costs by obtaining comparable estimates. In this scenario, the Department determines the cost of reimbursement. The water supply owner may install any system they choose, but any additional cost beyond the specifications of the previous supply will not be borne by the mining operator.

The MRAB inquired when the quality of a replacement supply would need to meet standards beyond baseline or the Commonwealth's drinking water standards. While the Department concedes this would be a rare occurrence, it is justified in some cases. The Department provides an explanation for this exception, which the Department anticipates will be rare, in the summary that follows in Section E of the preamble for §§ 87.119a(f) and 88.107a(f).

The MRAB also questioned the basis for the calculations of O&M costs. The Department contends that these calculations, also used for underground and noncoal O&M calculations, are a fair means to determine accurate costs. Variables within the calculations that are tied to economic factors and affect current costs are subject to recalculation annually. The Department considered proposed alternative means during the comment period for the proposed rulemaking. However, having been applied for over 12 years, the existing calculations have proved to be suitable, and an alternative calculation that meets the necessary criteria ultimately was not proposed.

The RLT committee recommended proceeding with the proposed rulemaking at the April 19, 2018, meeting and

advised the MRAB of their recommendation also on this date. The MRAB was presented with the draft language on July 19, 2018, and requested a revised draft reflecting minor changes to the proposed language for clarity. In further consultation with the RLT committee on October 11, 2018, additional revisions were incorporated. The MRAB voted to concur with the Department's recommendation that the proposed rulemaking move forward in the regulatory process on October 25, 2018. Subsequently, additional clarifications and modifications were made to further conform certain provisions to State and Federal law.

The RLT committee reviewed the proposed minor changes from the proposed to this final-form rulemaking and, on March 16, 2020, recommended the MRAB adopt the changes and proceed with this final-form rulemaking. At its April 2, 2020, meeting, the MRAB voted to concur with the Department's recommendation that this final-form rulemaking move forward in the regulatory process.

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

Sections 87.119 and 88.107 required extensive reorganization for clarity. For ease of reference, these sections have been reserved, and the new §§ 87.119a and 88.107a, respectively, will be adopted. Several minor editorial changes were also made throughout. Substantive changes are summarized as follows.

#### *Definitions*

"De minimis cost increase" is deleted as required by OSM. "Operation and maintenance costs" is added to ensure consistency with State law. "Water supply" is amended to specify that natural soil moisture is not a water supply. A definition for "water supply owner" is added, and the term is now used repeatedly throughout this final-form rulemaking to avoid repetition of using both "landowner" and "water supply company" in each provision. The definition of "water supply survey" is relocated from the "Definitions" section to its own specific section in each chapter.

#### *Alternative water supply information*

Sections 87.47 and 88.27 are revised to specify that any "water supply" that may be affected must be identified as part of a permit application, and that the permit application shall also include replacement cost calculations for these water supplies. There is also additional clarification that the Department will supply notice to water supply owners for those supplies that may be potentially affected prior to permit issuance, codifying the notification process as currently outlined in the Department's technical guidance document, Water Supply Replacement and Permitting (DEP ID # 563-2112-605). This notification will be by means of certified mail and will address how the supply will be replaced if affected by the mining operation.

#### *Water supply surveys*

Subsections 87.119a(a) and 88.107a(a) detail the requirements for the water supply survey. Subsection (a)(1) was expanded to explain what information is required as part of the survey. This includes the location and type of water supply; the existing and reasonably foreseeable uses of the supply; the chemical and physical characteristics of the water; historic and recent quantity measurements; and sufficient sampling to document seasonal variation in hydrologic conditions of the water supply. Under subsection (a)(1), an operator or mine owner is excused from collecting survey information if the required collection measures pose an excessive inconvenience to

the water supply owner or water supply user, or in the case of supplies that have existing treatment, if collecting a sample of untreated water is infeasible. These exceptions address situations such as when an operator or mine owner would have to excavate or remove a structure to gain access to a well or spring, or for supplies with existing treatment when there is no reasonable option to collect untreated water without risking contamination of the supply (that is, no port in the piping to obtain the water). The Department will make its determination that a scenario constitutes an excessive inconvenience or that collection is infeasible on a case-by-case basis.

Subsection (a)(2) requires the operators or mine owners to submit the results of the water supply survey to the Department, the water supply owner, and water supply user prior to the issuance of a mining permit.

Subsection (a)(3) clarifies that an operator or mine owner must complete a water supply survey prior to the time a water supply is susceptible to mining-related effects and that the survey shall be included as part of the application for a surface mining permit submitted to the Department.

Subsection (a)(4) explains what evidence an operator or mine owner must supply to the Department if a water supply owner has rejected a premining or postmining survey, and reorganizes requirements under previous subsections (c) and (d) of §§ 87.119 and 88.107 regarding "defenses to presumption of liability" and "notification to the Department."

Two changes, both under §§ 87.119a(a) and 88.107a(a), were made from proposed to final. First, a grammatical change was made to change "analyses" to "analysis." Second, under subsection (a)(4), in response to a public comment, the window for an operator to claim a non-response to the operator's water supply survey request from a water supply owner was extended from 10 days from the owner's receipt of the survey request to any time "prior to commencing mining activity."

#### *Water supply replacement obligations*

Sections 87.119a(b) and 88.107a(b) are amended to include additional clarifications concerning an operator's or mine owner's obligations to replace an affected water supply. If any effect on the supply is presumed to occur from proposed mining, the operator or mine owner is responsible for providing a replacement supply prior to commencing mining. If a water supply has been affected to any demonstrable extent by mining, the operator or mine owner is responsible for restoring or replacing the supply with a permanent alternative source adequate for the purposes served. The purposes served include any reasonably foreseeable uses of the water supply.

#### *Temporary water supplies*

Sections 87.119a(c) and 88.107a(c) include requirements for a temporary water supply that must be provided within 24 hours if the water supply owner or water supply user is without a readily available alternate source of water. The supply must be adequate to meet the premining needs. The Department may determine in a preliminary review that the water supply loss is not related to the mining activity, in which case the operator or mine owner will not be required to install a temporary supply.

#### *Immediate replacement of water supply by the Department*

Sections 87.119a(d) and 88.107a(d) address the situation where the Department provides an immediate replacement of a water supply and explains the Depart-

ment's authority to recover costs from the responsible operator or mine owner. These sections are relocated verbatim from existing provisions in §§ 87.119(e) and 88.107(f), which restate section 4.2(f)(3) of the PA SMCRA.

#### *Reimbursement*

Sections 87.119a(e) and 88.107a(e) are new requirements that address reimbursement for a water supply owner or water supply user. Reimbursement is negotiated when the water supply owner or water supply user has replaced the supply themselves, and it is later determined that the operator or mine owner is responsible for the water supply problem. The Department has included a process for the operator or mine owner to dispute the cost of a replacement supply if the new supply appears to be in excess of the premining characteristics of the supply, the purposes served by the supply, and reasonably foreseeable uses, that is, in excess of what the operator or mine owner would be required to replace. The Department would then determine the fair cost of the reimbursement based on the evidence supplied by the operator or mine owner to that effect. The reimbursement claim window is the 5-year period until final bond release.

#### *Adequacy of permanently restored or replaced water supply*

The language regarding adequacy of the replacement supply is relocated to §§ 87.119a(f) and 88.107a(f). Subsection (f)(1) explains that a restored or replaced water supply must be as reliable and permanent as the previous supply; not require excessive maintenance or result in increased cost to the owner or user without compensation; and provide the water supply owner and water supply user with as much control and accessibility as the previous water supply.

The criteria for whether a restored or replaced supply is adequate in quality and quantity are located under their own subsections (f)(2) and (3), respectively. The concept of "adequate quality" is expanded and explains that the replacement supply must be comparable to the premining supply as documented in the water supply survey or meet the standards of the Pennsylvania Safe Drinking Water Act unless there is a rare instance where the water supply owner or water supply user can demonstrate that water quality beyond Pennsylvania Safe Drinking Water Act standards is necessary to meet the use served by the original supply. For a nondomestic supply, the quality must also be adequate for the reasonably foreseeable uses. "Adequate quantity" is expanded to clarify that a restored or replaced supply must deliver the amount of water necessary to satisfy the purposes served by the supply as documented in the water supply survey including the demands of any reasonably foreseeable uses and provides a definition for the concept of "reasonably foreseeable uses."

Subsection (f)(4) explains that a water supply replacement shall also include the installation of all piping, pumping equipment and treatment equipment necessary to have the replaced water source in service. The concept of *de minimis* no longer applies to operation and maintenance costs as required by OSM.

#### *Increased operation and maintenance costs*

Sections 87.119a(g) and 88.107a(g) describe the procedure for determining O&M costs and providing for these costs so that the restored or replaced water supply is no more costly to operate and maintain than the original water supply. The *de minimis* option has been deleted as required by OSM. The options for payment include a

one-time payment agreed to by the water supply owner or a bond posted by the operator to ensure the water supply owner receives payment. Subsection (g)(3) provides the bond calculation process if that payment option is used by an operator.

#### *Special provisions for operation and maintenance costs*

Sections 87.119a(h) and 88.107a(h) clarify two provisions for O&M costs: when the ownership of the supply changes, and if there are multiple supplies that have been replaced with associated increase in costs. If ownership changes, the operator or mine owner must continue to pay the O&M costs unless a release as described in § 87.119a(g)(4) has been executed. For multiple water supplies, an operator may post one bond that covers the O&M costs for multiple water supplies.

#### *Waivers*

Sections 87.119a(i) and 88.107a(i) address compensation as an alternative to replacement. A water supply owner may knowingly and willingly waive the operator's or mine owner's responsibility to replace a water supply only in the situation where the supply is not necessary to achieve the approved post-mining land use.

#### *Presumption of liability*

Sections 87.119a(j) and 88.107a(j) recite provisions from the PA SMCRA that provide that the operator or mine owner is presumed to be liable for water supply pollution and diminution within 1,000 feet of areas affected by mining (see 52 P.S. § 1396.4b(f)(2)). The subsections restate five defenses to the presumption that exist in the PA SMCRA, including one defense that the operation is located outside the 1,000-foot area. This revision makes no changes to the statutory defenses but clarifies the criteria for the operator or mine owner to be excluded from the presumption of responsibility.

#### *Operator cost recovery*

Sections 87.119a(k) and 88.107a(k) replace previous provisions that were disapproved by OSM in 2005 due to the repeal of the underlying provision that was section 4.2(f)(5) of the PA SMCRA. See 27 Pa.C.S. § 7708 (relating to costs for mining proceedings). These subsections address an operator's or mine owner's ability to recover costs by referencing 27 Pa.C.S. § 7708, the current statute related to costs for mining proceedings.

#### *Other remedies*

Sections 87.119a(l) and 88.107a(l) clarify that nothing in these regulations would prevent a water supply owner or water supply user from pursuing any other remedy provided in law or equity when claiming pollution or diminution of a water supply. These subsections also provide that an operator or mine owner is not prevented from pursuing other legal remedies should they incur costs in restoring or replacing a supply that experienced pollution or diminution caused by third parties.

#### *Issuance of new permits*

Sections 87.119a(m) and 88.107a(m) deleted language from previous sections that indicated that a Department order to restore or replace a water supply would not affect final bond release. OSM did not approve this section as previously written, because it could be construed as allowing final bond release while a water supply replacement order was in effect.

Several other sections were amended in the proposed rulemaking solely to correct the references due to renumbering.

*F. Summary of Comments and Responses on the Proposed Rulemaking*

The proposed rulemaking was adopted by the Board at its meeting on June 18, 2019, and published in the *Pennsylvania Bulletin* at 49 Pa.B. 6524 (November 2, 2019), with a 30-day public comment period. No public hearings were held. The public comment period closed on December 2, 2019.

The Board received several comments from one public commenter, Mountain Watershed Association (MWA), and the Independent Regulatory Review Commission (IRRC) on the proposed rulemaking. A summary of the major comments received by the Board is included in this section. A full Comment and Response document is published separately upon final publication of this rulemaking on the Department's web site.

*Sections 87.47 and 88.27 (and all subsections)*

*Comment:* IRRC notes that under these sections, the Department is required to "notify the owner of any potentially affected supply." (Emphasis added.) In the preamble, the Board states that "the Department will give advance notice to water supply owners and water supply users." (Emphasis added.) A public commentator states that limiting "notice to owners. . . would severely undercut the stated goal of this amendment" and that advance notice "will help enable residents to know their rights and protect their water." Why is a time frame not specified in the regulation for notice, and why are water supply users omitted? IRRC asks the Board to amend the notification requirements to clarify implementation procedures and to ensure protection of the public health, safety and welfare. IRRC also asks the Board to explain in the preamble to the final-form regulation the implementation procedures for notification and how the procedures adequately protect the public health, safety and welfare. Finally, the Department should review the entire final regulation to ensure that water supply users are included in all relevant provisions.

MWA comments that §§ 87.47 and 88.27 must be amended to require notification to both the owner and user of any potentially affected water supply. There are myriad ways in which notice may be delayed from reaching a water supply owner. To limit such notice to owners and not users would severely undercut the stated goal of this amendment. Not only must the language be amended to provide notice to water supply users as well as owners, but it should also be expanded to ensure that such notice is issued before the permit is issued. Much in the same way that sharing results of water surveys with users before permit issuance will help enable residents to know their rights and protect their water, as will alerting potentially affected users before issuance. If water supply users and owners are not notified of potential impacts until after permit issuance, it is much less likely they will utilize their right to water replacement supplies. Residents may even be entitled to water replacement supplies prior to when construction begins under § 87.119a (Water Supply Replacement Obligations). Yet, if they did not receive notice until after the permit is issued, it may be too late for them to understand such a threat and employ their right to the available protections.

*Response:* Regarding the time frame for providing notice, the District Mining Office (DMO) will provide written notice (certified mail) to the owners of these water supplies when a mining permit application or the DMO identifies proposed activities that may result in the loss, diminution or interruption of a water supply in the

permit area or adjacent area. The letter from the DMO must address how the owner's water supply would be replaced if affected by the mining operation. The DMO will send the notice as soon as the operator is able to identify and propose an adequate replacement supply. The preamble has been updated to clarify that resolution of the permit applicant's water supply survey obligations, including contact with the water supply owner, must occur prior to permit issuance. Additionally, the preamble explains that the process and associated timeline for this is currently outlined in the existing technical guidance document, Water Supply Replacement and Permitting (DEP ID # 563-2112-605).

Related to the feedback concerning "water supply owners" and "water supply users," the final-form rulemaking distinguishes between water supply owners and water supply users based on the relative rights of each party consistent with the Federal Surface Mining Control and Reclamation Act of 1977 (Federal SMCRA) and the Pennsylvania Surface Mining Conservation and Reclamation Act (PA SMCRA). Water supply owners require notification that the water supplies may potentially be affected, because the water supply owner is the party who has the right to consent to a permit applicant's request to enter the property to perform the water supply survey, as well as the right to consent to the proposed replacement supply and associated long-term operation and maintenance costs.

By contrast, water supply users, to the extent that those parties are different than the water supply owner, are considered when determining the uses of the supply, and therefore to determining whether the proposed replacement is adequate in quantity and quality to serve the purposes of the existing supply (that is, the water supply user's needs). This final-form rulemaking also includes consideration of water supply users with regard to the following: (i) the water supply survey cannot pose an excessive inconvenience to the water supply user; (ii) the water supply user shall receive a copy of the results of all qualitative analyses and quantity measurements gathered as part of a water supply survey; (iii) a water supply user who is in the statutory zone of presumption will receive a temporary replacement supply within 24 hours of notifying the Department that their supply has been affected; (iv) a water supply user who incurs costs restoring or replacing their supply prior to a determination that mining was the cause will be reimbursed by the operator; (v) a water supply user's refusal to allow an operator on site to determine the cause of an affected supply may be used by the operator to rebut the statutory presumption of liability; and (vi) water supply users are referenced as a party who, through these regulations, are not prevented from pursuing other remedies available under law.

In several circumstances, the water supply user may be unknown or unknowable (such as the case with short-term rentals), which would complicate the Department's ability to comply with a regulation requiring notice to water supply users in the manner the commenters are suggesting. In all circumstances, the water supply owner will be in the best position to notify water supply users. The preamble has been revised to remove "water supply user" in the context referenced in the comments to be consistent with Annex A for the reasons provided previously.

*Sections 87.119(a) and 88.107(a)*

*Comment:* IRRC comments that under subsection (a) (relating to water supply surveys), paragraph (1) states

that the survey must include certain information to the extent that it can be collected without “excessive inconvenience to the water supply owner or water supply user.” In the preamble, the Board explains that “[t]hese exceptions address situations such as when an operator or mine owner would have to excavate or remove a structure to gain access to a well or spring, or, for supplies with existing treatment, when there is no reasonable option to collect untreated water without risking contamination of the supply (that is, no port in the piping to obtain the water).” Further, the Board states that the Department will make its determination that a scenario constitutes an excessive inconvenience or that collection is infeasible on a case-by-case basis. Since the term “excessive inconvenience” is not regulatory language and does not set a binding norm that could be predicted by the regulated community, IRRC asks the Board to clarify this term in the final-form regulation.

*Response:* “Excessive inconvenience” is included to maintain consistency with an analogous provision in Chapter 89 (§ 89.145a(a)(1) (relating to water supply replacement: performance standards) references “excessive inconvenience” without elaboration). This term is described in the preamble using examples, because it is difficult to define precisely and is rather a determination to be made on a site-specific basis. The Mining and Reclamation Advisory Board (MRAB) also engaged in discussion regarding this term and were satisfied with the use of examples to provide additional clarification for this term. The MRAB agreed that there is a judgment that must be made by the Department at the time as to whether the sampling would be too inconvenient to complete. This is a rare occurrence; therefore, it is not suitable for inclusion in the regulations but should be resolved through professional judgment and discussion with the water supply owner on a case-by-case basis.

*Comment:* MWA strongly encourages the addition of subsection (a)(2), which says that prior to issuance of a permit mine owners/operators must submit the results of water supply surveys to: the Department, the water supply owner, and water supply user. This will be an incredibly valuable tool in protecting the rights of coal-field communities. For the many reasons set forth as follows, it is often the case that water supply users are never notified of potential threats, despite the fact that they are often the best situated to respond to such impacts. Providing them with information about their water supply is the best way to help ensure the protection of their rights.

Subsection (a)(4)(iii) potentially undercuts much of the utility of this rule and, in fact, much of the requirement to conduct water surveys, generally. This section seems to say that water supply owners (not users) will receive a notice of intent to survey and, if they do not authorize the survey within 10 days, the operator is no longer obligated. The newly proposed language in §§ 87.119a(a)(4) and 88.107a(a)(4) [...] implies that if a water supply owner fails to, not only respond, but authorize access within 10 days of receiving notice, then the mine owner/operator is no longer required to conduct a water supply survey. If this is the case, such a severe time restraint could functionally render the requirement of a water supply survey almost entirely moot. Experience shows us that very often, water supply inventories are rife with outdated and inaccurate information about the water supply owners. Many times, notification never even comes to the hands of the correct water supply owner. In these cases, such a severe time constraint would have the unjust effect of essentially releasing the mine operator/

owner from the duty to conduct water surveys for anyone whose information is incorrectly listed.

Particularly in the tourist-heavy area of the Laurel Highlands, which covers many coal-producing counties in Pennsylvania, “water supply owner” is often synonymous with “vacation home owner.” These seasonal residents may not be in the area, or even the country, for more than a few months a year. Hence, a large percentage of our region’s water supply owners would be functionally excluded from their right to a water supply survey. Furthermore, in many instances water supply owners rent their property to others who occupy it a majority of the time. Individual owners—if they do ultimately receive the notice—need to coordinate with their lessees and tenants before they may authorize such access, a process which could take several months. In fact, sometimes property owners are prohibited, by lease terms or landlord-tenant laws, from entering a leased property without a minimum of 30 days advance notice. Hence, it would be functionally impossible for water supply owners to authorize access within the 10 days stated in the rule. If it is not the case that the Board intends to create such a stringent requirement, then the language should be revised and clarified so that no such potential loophole exists.

*Response:* Related to the time period for which the water supply owner must respond to the mining applicant’s request for a survey, this provision was originally included in the proposed rulemaking to maintain consistency with its analogous provision under Chapter 89. This provision, that provides that a mine operator may rebut the presumption of liability if the surface owner does not authorize access within 10 days of receipt of notice, is unique to section 5.2(c) of the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. § 1406.5b(c)), regulating underground coal mining. The related provision in the PA SMCRA does not include a time within which a landowner must respond. Therefore, as the commenter has suggested, the Board has removed “within 10 days of receipt” from the final-form regulations under Chapters 87 and 88 and replaced it with “prior to commencing mining activity.” This provides potentially several months for the owner and mine operator to communicate regarding the survey.

*Comment:* IRRC finds that paragraph (1)(vi) requires the survey to include “[s]ufficient sampling and other measurements to document the seasonal variation in hydrologic conditions of the water supply.” Is an operator or mine owner required to survey water during all four seasons before an application can be submitted? We ask the Board to explain in the preamble to the final-form regulation the timetable for compliance with this requirement.

*Response:* As part of the overall hydrologic assessment (§§ 87.69 and 88.49) that requires the operator to determine probable hydrologic consequences within the proposed permit and adjacent areas, the operator considers seasonal variations that correspond to times of high or low water tables (early spring vs. late summer, respectively). During the application process, the permit reviewer assesses differences in types of water supplies and seasonal variations for the background samples. For a monitoring point, 6 months of samples are required with at least one sample during a low-flow period of August, September or October. For points not included in the monitoring plan, that is, water supplies that are not anticipated to be affected, the survey would include information on its seasonal variability.

*Comment:* IRRC says that regarding subsection (b) (relating to water supply replacement obligations), the preamble explains that §§ 87.119a and 88.107a replace §§ 87.119 and 88.107, respectively, which apply to mine operators and persons engaged in government-financed reclamation (GFR). However, GFR is not addressed in subsection (b) and the Board does not explain in the preamble why these persons are no longer obligated to meet the water supply replacement requirements. IRRC asks the Board to amend the final-form regulation or to explain in the preamble why it is reasonable for a person engaged in GFR not to be required to meet the obligations in this subsection.

MWA comments that §§ 88.107 and 87.119 must not remove obligation for operators/owners to replace water supplies caused by government-financed construction contracts (GFCC). In regard to water replacement, the draft language unacceptably removes the obligation for persons engaged in GFCCs to replace damaged water supplies. This is deeply problematic because GFCCs often utilize the exact same processes and procedures as surface mining.

*Response:* This final-form rulemaking does not remove the obligation for persons engaged in GFR or GFCCs to restore or replace a water supply affected by those activities. The provisions in Chapters 87 and 88 pertain to activities that require a surface mining permit. GFCCs and GFR projects are not permits but reclamation contracts authorized under the PA SMCRA. See 52 P.S. § 1396.4h (regarding government-financed reclamation projects authorizing incidental and necessary extraction of coal or authorizing removal of coal refuse). As such, they are not directly subject to regulation under Chapters 87 and 88.

GFCCs and GFR projects are regulated primarily under section 4.8 of the PA SMCRA (52 P.S. § 1396.4h) and the Commonwealth's regulations in 25 Pa. Code § 86.6 (relating to extraction of coal incidental to government-financed construction or government-financed reclamation projects), which do not require permits for coal extraction related to GFCCs or GFR projects. Specifically, GFR projects and GFCCs are exempt from the surface mining permit requirements of Chapter 87 and 88 if they meet the criteria listed in 25 Pa. Code § 86.6(a).

However, in addition to being subject to provisions of the PA SMCRA and other environmental laws, section 4.8(c)(4)(i) of the PA SMCRA directs that GFCCs adhere to "the applicable environmental protection performance standards promulgated in the rules and regulations relating to surface coal mining listed in the [GFCC]." See 52 P.S. § 1396.4h(c)(4)(i); see also 25 Pa. Code § 86.6(a)(6) and (d). Operations performing work pursuant to GFCCs and GFR projects must still restore or replace water supplies affected by those operations under section 4.2(f)(1) and 4.8(g) of the PA SMCRA (52 P.S. §§ 1396.4b(f)(1) and 1396.4h(g)).

Persons engaged in GFR projects or GFCCs that do not meet the exemption criteria in § 86.6(a) would require a surface mining permit for their activities. Under those circumstances, GFR and GFCC projects would be obligated to meet the water supply replacement requirements in §§ 87.119a and 88.107a.

To avoid unnecessary repetition in the regulatory text and confusion resulting from an inconsistent reference to GFCCs in other provisions that still otherwise apply to these activities, "a person engaged in government-financed reclamation" was omitted from the regulatory

text in §§ 87.119(a) and 88.107(a) even though the obligation for operations performing work under GFCCs to restore or replace affected water supplies still exists.

*Comment:* IRRC comments that under subsection (b), paragraph (1) states that the operator or mine owner "who affects a water supply to any demonstrable extent. . . shall promptly restore or replace the affected water supply with a permanent alternate supply. . . ." (Emphasis added.) The term "promptly" is not regulatory language and does not set a binding norm that could be predicted by the regulated community. IRRC asks the Board to clarify this implementation time frame in the final-form regulation.

*Response:* The phrase "promptly replace" is included to maintain consistency with an analogous provision under Chapter 89 (§ 89.145a(b)) and has been effectively understood and implemented in the regulation of underground mining to mean without undue or unjustified delay. The word "promptly" is used frequently in the Federal SMCRA. "Promptly" provides some flexibility by allowing the supply to be replaced as soon as practical considering site-specific conditions." See 35 Pa.B. 5775 (October 22, 2005); 25 Pa. Code § 89.145a(b); see also section 720(a)(2) of Federal SMCRA (30 U.S.C.A. § 1309a(a)(2)) ("Promptly replace any drinking, domestic, or residential water supply from a well or spring in existence prior to the application for a surface coal mining and reclamation permit, which has been affected by contamination, diminution, or interruption resulting from underground coal mining operations.").

*Comment:* IRRC notes that under subsection (b), paragraph (2) states that "for any water supply that will. . . be affected by. . . the proposed mining, the operator or mine owner shall provide a replacement supply prior to commencing the activity." (Emphasis added.) How does this provision work with subsection (c) (relating to temporary water supplies) that requires the operator or mine owner to provide a temporary water supply within 24 hours if the affected water supply owner or user is without a readily available alternate source of water? IRRC asks the Board to explain in the preamble to the final-form regulation how an owner or mine operator will be required to implement these regulations.

*Response:* These provisions operate together across the timeline of mining activity, where subsection (b) relates to permanent replacement supplies while subsection (c) relates to the temporary supply provided until a permanent supply can be established. In order of events, the regulations apply as follows:

1. If the operator or the Department anticipates that a mining activity will impact a water supply, the operator must provide a replacement supply prior to commencing its activities. (subsection (b)(2)). This is determined during permit review.

2. If no impact is anticipated but a water supply within the area of presumption is affected after commencement of the mining activity, the operator shall provide a temporary water supply within 24 hours of being contacted (subsection (c)).

3. Then, if the water supply is within the area of presumption and no defense is available or if causation can otherwise be established, the operator must "promptly" provide a permanent replacement (subsection (b)(1)).

The Department has successfully been implementing the 24-hour time frame for providing temporary water supplies for supplies impacted by underground mines (see

25 Pa. Code § 89.145a(e)(1)) and intends to continue this implementation for surface mining impacted supplies.

*Comment:* IRRC notes that subsection (c) relates to temporary water supplies. The term “temporary” is not regulatory language and does not set a binding norm that could be predicted by the regulated community. IRRC asks the Board to clarify this time frame in the final-form regulation.

*Response:* “Temporary” is used in the Federal regulations in relation to the requirement for a temporary supply that is equivalent to premining quality and quantity under the Federal regulations (30 CFR 701.5) (“Replacement of water supply means, with respect to protected water supplies contaminated, diminished, or interrupted by coal mining operations, provision of water supply on both a temporary and permanent basis. . .”). A temporary supply is warranted if the persons served by the supply will be without water for more than 24 hours. Therefore, a temporary supply is needed when the prompt resolution of a problem or installation of a new permanent supply will take more than a day. The duration of the temporary supply will depend on the successful installation and implementation of a new supply that meets the quality and quantity requirements, which will vary depending on the type of permanent replacement supply or whether the affected supply can otherwise be restored.

*Comment:* IRRC notes that, in subsection (c), the requirement for a temporary water supply may be subject to a preliminary determination by the Department. The Board states in the preamble that “the Department may determine in a preliminary review that the water supply loss is not related to the mining activity in which case the operator or mine owner will not be required to install a temporary supply. This determination may not be possible, however, within a 24-hour [time frame], but the District Mining Office personnel who investigate water loss claims stated that they can regularly make this preliminary determination within 48 hours of notification of an impacted supply.” Why is the time frame for implementation in subsection (c) 24 hours if the Department needs 48 hours to make a determination? If the provision remains unchanged at final, what is the recourse for an operator or mine owner who has complied by providing a temporary water supply within 24 hours if the Department then determines that the water supply loss is not related to mining activity? Who will reimburse the operator or mine owner? IRRC asks the Board to explain the reasonableness and fiscal impacts of these implementation time frames in the final-form regulation.

*Response:* To clarify, water supply issues are typically addressed within the 24-hour time frame. The language in the preamble of the proposed rulemaking attempted to address the rare instances that the Department may be unable to respond to a water loss call within 24 hours due to holidays or other conditions. This language has since been removed to avoid further confusion. While the Department is unable to ensure that it can make a determination as to the cause of the impact of the supply within any particular time frame, the final-form rulemaking has been written to accommodate the scenario where the Department is able to quickly determine that the cause was not related to mining. For example, the mine operator or Department staff may suspect the cause of the affected supply is instead a mechanical or plumbing issue unrelated to mining. In that instance, a plumber or well driller may be required to check the distribution system.

If the Department later determines mining did not impact the water supply yet an operator had to provide a temporary water supply, the operator or mine owner will not be reimbursed. This was the cost of operating near water supplies determined by the General Assembly when it created the statutory presumption. The PA SMCRA initially included a provision for operators to seek reimbursement for these costs, but this provision was later repealed in 2000. The statutory presumption makes the reasonableness and fiscal impact difficult to discern, as the scenarios described by IRRC take place after an impact but before the cause of the impact is known. Any fiscal impact to a mine operator or mine owner directly corresponds to a fiscal impact to the water supply owner or water supply user within the zone of presumption, which the General Assembly already weighed in creating the presumption.

*Comment:* IRRC notes that subsection (j) regarding presumption of liability is described in the preamble as “specify[ing] that the presumptive area includes support areas. . .” However, this subsection does not explicitly include “support areas.” IRRC asks the Board to add “support areas” or explain in the preamble to the final-form regulation how support areas are addressed in this subsection.

*Response:* Sections 87.119a(j) and 88.107a(j) regarding presumption of liability state that the area subject to the presumption extends 1,000 feet from “areas affected” by the mining activities. “Affected area,” which is a broadly defined term in §§ 87.1 and 88.1, is comprised of a mining area, where the coal is mined, and “support areas,” which the Department and the regulated community understand as describing areas needed to facilitate, but otherwise incidental to, the extraction of coal.

*Comment:* IRRC comments that both RAF Question # 9 and the preamble state: “Section 4.2 (f)(4) of PA SMCRA [the Pennsylvania Surface Mining Conservation and Reclamation Act], 52 P.S. § 1396.4b, was not approved [by the United States Department of the Interior’s Office of Surface Mining Reclamation and Enforcement (OSM)] because it allowed for final bond release when there is an outstanding water supply replacement order. See 30 CFR 938.12(c)(1). Sections 87.119(i) and 88.107(i) were not approved for the same reason. See 30 CFR 938.12(c)(7).” The preamble also states that “[s]tate laws must be consistent with the provisions of Federal SMCRA, see 30 U.S.C.A. § 1255(a). . .” Has section 4.2(f)(4) of the PA SMCRA been amended to conform to Federal law? If not, how is the Department addressing OSM’s disapproval of this statutory provision?

*Response:* Section 87.119(i) was replaced by § 87.119a(m), which removed the language objected to by OSM.

Section 4.2(f)(4) of the PA SMCRA has not been amended to conform to Federal law, but this should have no effect on OSM’s approval of the PA coal mining regulatory program. Section 4.2(f)(4) and the corresponding regulations in §§ 87.119(i) and 88.107(i) were a limitation on an otherwise valid Department enforcement mechanism (withholding final bond release), codified under section 4(g) of the PA SMCRA (52 P.S. § 1396.4(g)) and in the regulations in §§ 86.172 and 86.174 (relating to criteria for release of bond; and standards for release of bonds).

Federal regulations require that “[s]tates with an approved State program shall implement, administer, enforce and maintain it in accordance with the [Surface Mining Control and Reclamation Act of 1977], this chapter and the provisions of the approved State program.”

30 CFR 733.11 (relating to general requirements for maintaining State programs). Moreover, section 18.10 of the PA SMCRA directs that “it shall be the intent of the General Assembly, and this act shall not be construed to violate any of the requirements of . . . the Surface Mining Control and Reclamation Act of 1977. . .” (52 P.S. § 1396.18j).

Therefore, OSM’s disapproval of the limitation set forth in section 4.2(f)(4) of the PA SMCRA rendered the Department unable to implement it. This effectively lifts the restriction on the Department’s authority under section 4(g) to enforce compliance with the standards set forth in the PA SMCRA and other relevant laws (which includes compliance with a water supply replacement order) by withholding final bond release. See 52 P.S. § 1396.4(g) and 25 Pa. Code §§ 86.172 and 86.174.

*Comment:* IRRC asks that if the Department is required to submit this proposed regulation to OSM for its review and approval, to provide this information in the preamble to the final-form regulation.

*Response:* The proposed rulemaking has been informally provided to OSM for their review. OSM has provided some preliminary feedback, which was positive and did not identify any issues. Once approved, the final-form rulemaking will be submitted as a program amendment to OSM.

#### G. Benefits, Costs and Compliance

##### *Benefits*

Because the amendments incorporated in this final-form rulemaking will resolve inconsistencies between existing Department regulations and Federal requirements, they will allow the Commonwealth to maintain primary regulatory authority over coal mining activities. This final-form rulemaking codifies mine operator responsibilities that exist under State law and as articulated in Department policy documents, which will provide clarity to mine operators regarding compliance standards for water supply replacement and protect the rights of water supply owners and users.

The consolidation of requirements into the surface mining chapters of the regulations promotes public understanding of these rights and responsibilities. Both water supply owners and surface coal mine operators benefit by having these requirements in the mining regulations published in the *Pennsylvania Code* instead of in Department policy documents. In particular, this final-form rulemaking now clarifies that if a water supply is presumed to be affected by mining, the owner of that supply is entitled to a temporary water supply, saving them the difficulty of finding a supplier and a potential cost of around \$1,000 to \$2,000 to secure a temporary water supply themselves.

This final-form rulemaking outlines a process to ensure that water losses are anticipated in advance to the reasonable extent possible so that the water supply user is spared excessive inconvenience and interruption to the supply and that operation and maintenance cost agreements can be determined fairly and concluded expeditiously.

##### *Compliance costs*

This final-form rulemaking is likely to have no impact on existing costs for compliance. The requirements included in this final-form rulemaking are largely based on Federal requirements or developments in State law that are currently implemented through Department policy. Therefore, it is not anticipated that this final-form rulemaking will increase or decrease costs to the operator or mine owner.

##### *Compliance assistance plan*

Compliance assistance for this final-form rulemaking will be provided through the Department’s routine interaction with trade groups and individual applicants. There are about 400 licensed surface coal mining operators in this Commonwealth that will be subject to this final-form rulemaking.

The Department will update Program guidance and provide information on the Department’s web site to further assist mine operators with compliance.

##### *Paperwork requirements*

This final-form rulemaking does not require additional paperwork. Forms already exist to collect the information requirements to be supplied by the mine operator with regards to this final-form rulemaking. The surface coal mining application sections applicable to water supplies will require minor revisions to reflect the regulatory changes. This will be done in conjunction with the MRAB at a later date. The form regarding the Abandonment of Water Supply Agreement will be revised to remove the “de minimis” language. A new form, Model Water Supply Settlement Agreement and Release, can be used when the mine owner or operator enters into an agreement with the water supply owner to provide a replacement supply and all the requirements entailed.

#### H. Pollution Prevention

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. This final-form rulemaking has minimal impact on pollution prevention since it is predominantly focused on updating regulations to reflect current Federal requirements, amendments to state statutes and references to citations.

##### *I. Sunset Review*

The Board is not proposing 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 October 15, 2019, the Department submitted a copy of this proposed rulemaking, published at 49 Pa.B. 6524, to IRRC and to 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, the Department is required to submit to IRRC and the House and Senate Committees copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees, and the public.

Under section 5.1a(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on April 14, 2021, the final-form



rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 15, 2021, and approved the 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), known as the Commonwealth Documents Law, and regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided as required by law, and all comments were considered.

(3) These regulations do not enlarge the purpose of the proposal published at 49 Pa.B. 6524.

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

**L. Order of the Board**

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

(1) The regulations of the Department, 25 Pa. Code Chapters 87—90, are amended by amending §§ 87.1, 87.47, 88.1, 88.27, 88.381, 89.173 and 90.116a, adding 87.119a, 88.107a, and deleting 87.119 and 88.107 to read as set forth in Annex A.

(2) The Chairperson of the Board shall submit this final-form regulation 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.

(3) The Chairperson of the Board shall submit this final-form regulation to the Independent Regulatory Review Commission and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

(4) The Chairperson of the Board shall certify this final-form regulation and deposit them with the Legislative Reference Bureau, as required by law.

(5) This final-form regulation shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

PATRICK McDONNELL,  
Chairperson

**Fiscal Note:** Fiscal Note 7-545 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**  
**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Subpart C. PROTECTION OF NATURAL RESOURCES**  
**ARTICLE I. LAND RESOURCES**  
**CHAPTER 87. SURFACE MINING OF COAL**  
**Subchapter A. GENERAL PROVISIONS**

**§ 87.1. Definitions.**

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

\* \* \* \* \*

*Degree*—The inclination from the horizontal.

*Disturbed area*—An area where vegetation, topsoil or overburden is removed or upon which topsoil, spoil, coal processing waste or noncoal waste is placed by surface coal mining activities. Those areas are classified as disturbed until reclamation is complete, and the performance bond or other assurance of performance required by Chapter 86 Subchapter F (relating to bonding and insurance requirements) is released.

\* \* \* \* \*

*Noxious plants*—Species that have been included on official State lists of noxious plants.

*Operation and maintenance costs*—All costs incurred by the water supply owner or water supply user associated with utilizing that supply for the purposes served. Examples of these costs include electricity, chemicals, treatment system maintenance, public water fees and equipment replacement costs.

*Outslope*—The face of the soil or embankment sloping downward from the highest elevation to the toe.

\* \* \* \* \*

*Water supply*—For the purpose of §§ 87.47 and 87.119a (relating to alternative water supply information; and hydrologic balance: water rights and replacement), an existing, designated, or currently planned source of water, facility, or system for the supply of water for human consumption or for agricultural, commercial, industrial or other uses. Natural soil moisture utilized by vegetation or crops is not a water supply.

*Water supply owner*—Landowner or water supply company.

*Water table*—The upper surface of a zone of saturation, where the body of groundwater is not confined by an overlying impermeable zone.

**Subchapter C. SURFACE COAL MINES: MINIMUM REQUIREMENTS FOR INFORMATION ON ENVIRONMENTAL RESOURCES**

**§ 87.47. Alternative water supply information.**

The application shall identify the extent to which the proposed surface mining activities may result in contamination, diminution or interruption of any water supply within the proposed permit or adjacent area. If contamination, pollution, diminution or interruption may result, then the description shall identify the means to restore or replace the affected water supply in accordance with § 87.119a (relating to hydrologic balance: water rights and replacement), including cost calculations. The Department will notify the owner of any potentially affected supply.

**Subchapter E. SURFACE COAL MINES: MINIMUM ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS**

**§ 87.119. (Reserved).**

**§ 87.119a. Hydrologic balance: water rights and replacement.**

(a) *Water supply surveys.* The operator or mine owner shall conduct a survey of the quantity and quality of all water supplies within the permit area and those in adjacent areas that may be affected by mining activities, except when the water supply owner denies the operator or mine owner access for the survey.

(1) The survey must include the following information to the extent that it can be collected without excessive inconvenience to the water supply owner or water supply user:

- (i) The location and type of water supply.
- (ii) The existing and reasonably foreseeable uses of the water supply.
- (iii) The chemical and physical characteristics of the water, including, at a minimum, total dissolved solids or specific conductance corrected to 25°C, pH, total iron, total manganese, acidity, alkalinity and sulfates. Additional parameters, including hardness and total coliform, may be required by the Department based on the local aquifer conditions and the characteristics of the water supply and uses. An operator or mine owner who obtains water samples in a premining or postmining survey shall utilize a certified laboratory to analyze the samples. For water supplies with existing treatment, the treatment system must be documented, and a chemical analysis of the untreated water shall be obtained if a sample that bypasses the treatment can feasibly be collected.
- (iv) Historic and recent quantity measurements and other hydrogeologic data such as the static water level and yield determination.
- (v) The physical description of the water supply, including the depth and diameter of the well, length of casing and description of the treatment and distribution systems.
- (vi) Sufficient sampling and other measurements to document the seasonal variation in hydrologic conditions of the water supply.

(2) The operator or mine owner shall submit the results of all qualitative analyses and quantity measurements gathered as part of a water supply survey to the Department and supply a copy to the water supply owner and water supply user prior to the issuance of a mining permit.

(3) A water supply survey shall be conducted prior to the time a water supply is susceptible to mining-related effects and shall be made part of the application for surface mining permit submitted to the Department. An update to the original survey may be required after permit issuance under the requirements of § 86.53 (relating to reporting of new information).

(4) If the operator or mine owner is prohibited from making a premining or postmining survey because the water supply owner will not allow access to the site, the operator or mine owner shall submit evidence to the Department of the following:

(i) The operator or mine owner notified the water supply owner by certified mail or personal service of the water supply owner's rights and the effect on the water supply owner of the water supply owner's denial to the operator or mine owner of access to the site under section 4.2 of SMCRA (52 P.S. § 1396.4b).

(ii) The operator or mine owner attempted to conduct a survey.

(iii) The water supply owner failed to authorize access to the operator or mine owner to conduct a survey prior to commencing mining activity.

(b) *Water supply replacement obligations.*

(1) The operator or mine owner of any mine who affects a water supply to any demonstrable extent by contamination, pollution, diminution or interruption shall promptly restore or replace the affected water supply with a permanent alternate supply adequate in water quantity and water quality for the purposes served by, and the reasonably foreseeable uses of, the water supply. The operator or mine owner shall provide to the Department,

in writing, the description of the location of a restored or replaced water supply and the name and address of the water supply owner under the requirements of § 86.53.

(2) For any water supply that will, with a reasonable degree of certainty established by supporting evidence, be affected by contamination, pollution, diminution or interruption by the proposed mining, the operator or mine owner shall provide a replacement supply prior to commencing the activity.

(c) *Temporary water supplies.* If the affected water supply owner or water supply user whose supply is in the area of presumption as defined in subsection (j)(1) is without a readily available alternate source of water, the operator or mine owner shall provide a temporary water supply within 24 hours of being contacted by the water supply owner, water supply user or the Department, whichever occurs first. The temporary water supply provided under this subsection shall meet the quality requirements of subsection (f)(2) and provide sufficient quantity to meet the water supply owner or water supply user's premining needs. The requirement for a temporary water supply may be subject to a preliminary determination by the Department.

(d) *Immediate replacement of water supply by the Department.*

(1) If the Department finds that immediate replacement of an affected water supply used for potable or domestic purposes is required to protect public health or safety and the operator or mine owner has failed to comply with an order issued under section 4.2(f) of SMCRA, the Department may use moneys from the Surface Mining Conservation and Reclamation Fund to restore or replace the affected water supply.

(2) The Department will recover the costs of restoration or replacement, the costs of temporary water supply and costs incurred for design and construction of facilities from the responsible operator or mine owner. Costs recovered will be deposited in the Surface Mining Conservation and Reclamation Fund.

(e) *Reimbursement.* If a water supply is restored or replaced by the water supply owner or water supply user prior to establishing that mining activity is responsible for the pollution or diminution, the responsible operator or mine owner shall reimburse the water supply owner or water supply user the cost of replacing or restoring the supply including payment of operation and maintenance costs as described in subsection (g). If the operator or mine owner disputes the cost as presented by the water supply owner or water supply user, the operator or mine owner may present to the Department comparable estimates meeting the requirements of subsection (b)(1) from three water supply installers in the area. The Department will determine fair cost of reimbursement based upon these estimates and any other applicable information. Without affecting a water supply owner's or water supply user's other rights consistent with subsection (1), an affected water supply owner or water supply user may make a reimbursement claim to the Department against an operator or mine owner only until final release of the reclamation bond for the site.

(f) *Adequacy of permanently restored or replaced water supply.* A permanently restored or replaced water supply shall include any well, spring, municipal water supply system or other supply approved by the Department which meets the following criteria for adequacy:

(1) *Reliability, maintenance and control.* As documented in the premining water supply survey, a restored or replaced water supply, at a minimum, shall:

- (i) Be as reliable as the previous water supply.
- (ii) Be as permanent as the previous water supply.
- (iii) Not require excessive maintenance.

(iv) Provide the water supply owner and the water supply user with as much control and accessibility as exercised over the previous water supply.

(v) Not result in increased cost of operation and maintenance for the water supply owner or water supply user, unless the operator or mine owner has provided for payment of the increased cost as described under subsection (g).

(2) *Quality.* A restored or replaced water supply will be deemed adequate in quality if it meets the following:

(i) For a domestic supply, the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) standards, or a quality comparable to the premining water supply if that water supply did not meet these standards. The Department may require that the quality of the restored or replaced water supply be equivalent to the premining supply in particular circumstances where the water supply owner or water supply user has demonstrated that this standard is necessary for the purposes served by the current supply.

(ii) For other than a domestic supply, the premining quality established by the water supply survey data or an adequate quality of water needed for the purposes served by and the reasonably foreseeable uses of the supply.

(3) *Quantity.* For purposes of this paragraph the term “reasonably foreseeable uses” includes the reasonable expansion of use where the quantity of the water supply available prior to mining was adequate to supply the foreseeable uses. A restored or replaced water supply will be deemed adequate in quantity if it meets one of the following:

(i) It delivers the amount of water necessary to satisfy the purposes served by the supply as documented in the water supply survey, including the demands of any reasonably foreseeable uses. The Department will not accept the use of water storage systems in conjunction with the replaced or restored supply to meet quantity requirements, unless the operator or mine owner can demonstrate the existence of no reasonable alternative.

(ii) It is established through a connection to a public water supply system that is capable of delivering the amount of water necessary to satisfy the water supply owner’s or water supply user’s needs and the demands of any reasonably foreseeable uses.

(4) *Water source serviceability.* Replacement of a water supply shall include the installation of all piping, pumping equipment and treatment equipment necessary to put the replaced water source into service.

(g) *Increased operation and maintenance costs.* If the operation and maintenance costs of the restored or replaced water supply are more than those of the previous supply, the operator or mine owner shall provide for the permanent payment of the increased operation and maintenance costs of the restored or replaced water supply in accordance with the following procedure:

(1) *Determining costs.* The Department will determine the amount of the annual increase in operation and

maintenance costs of the restored or replaced water supply based on current actual uses of the water supply.

(i) In consultation with the water supply owner or water supply user, the operator or mine owner shall use a minimum of 6 months of data, including high and low use periods, to ascertain the cost of operating and maintaining the replacement water supply. The data collection period should not exceed 1 year from the date the replacement water supply is functional unless the Department determines a reason to extend the period. During this collection period, the operator or mine owner pays the operation and maintenance costs.

(ii) Within 30 days after the end of the data collection period, the operator or mine owner shall submit to the Department, and to the water supply owner by certified mail, the operator’s or mine owner’s calculation of the annual increased operation and maintenance costs and a plan for payment of these costs. The water supply owner may respond to the proposed calculation of costs within 30 days from receipt of the certified mail.

(iii) The Department will review the operator’s or mine owner’s information, the water supply owner’s information and any other information the Department deems relevant and will determine the amount of annual increase in operation and maintenance costs.

(iv) In determining the amount of annual increase in operation and maintenance costs, the Department will take into account contingencies and the precision of the cost estimates.

(2) *Provisions for payment.* Within 60 days of the Department’s determination of the annual increased cost, the operator shall post a surety or collateral bond in an amount calculated in accordance with paragraph (3). This bond is subject to the following provisions:

(i) The bond shall be submitted on a form prepared by the Department, separate from the designated reclamation bond.

(ii) The bond amount will be reviewed and adjusted as necessary and in accordance with § 86.152 (relating to bond adjustments) at an interval no less than every 5 years in conjunction with the permit renewal.

(iii) A replacement bond must be posted by any successor operator of the associated permit.

(iv) If a water supply operation and maintenance costs bond is forfeited, money received from the forfeiture of the bond can be used only for the water supply for which the Department forfeited the bond unless this supply has since been abandoned. The money will be paid by the Department to the current water supply owner as a settlement of the water supply owner’s claim for increased operation and maintenance costs for the water supply for which the bond was forfeited. If a permittee has posted a bond for multiple water supplies, the moneys will be paid to the water supply owners on a prorated basis, based on the respective operation and maintenance costs.

(3) *Bond calculation.* Calculation of the amount of bond necessary to assure payment of operation and maintenance costs will be accomplished through the following procedure:

(i) The annual increased operation and maintenance costs are determined as in paragraph (1).

(ii) This cost is then projected through 1 year beyond the term of the associated permit accounting for inflation through this time period. The following formula is used to calculate the projected costs.

$$OM_x = OM * (1 + E)^x$$

Where:

$OM_x$  is the projected cost for operation and maintenance,

$OM$  is the annual increased operation and maintenance costs,

$E$  is inflation rate based on the average Consumer Price Index as a decimal,

$x$  is years to renewal plus one.

(iii) The projected cost is then used to calculate bond value that is necessary to assure payment of operation and maintenance costs. This bond value can be established by using the projected cost determined in subparagraph (ii) in the following formula:

$$Bond = OM_x / \left( \frac{i - E}{1 + E} \right)$$

Where:

$Bond$  is the present value of the funds needed to cover increased operation and maintenance costs in perpetuity,

$i$  is the historic, long-term rate of return on investments based on Treasury Bills as a decimal,

$OM_x$  and  $E$  are defined as in subparagraph (ii).

(iv) The Department will annually recalculate values for the variables  $i$  and  $E$  used in the previous formulas and publish these values in the *Pennsylvania Bulletin*.

(4) *Release of obligation.* A voluntary agreement between the water supply owner and the operator or mine owner may be executed at any time. This agreement shall include a notarized statement signed by the water supply owner that documents the settlement of increased operation and maintenance costs to the satisfaction of all parties. This agreement shall be on forms provided by the Department and recorded with the deed to the property, with an original signed, recorded document submitted to the Department upon completion. Upon receipt of the fully executed and recorded release, the Department will consider the operator's or mine owner's obligation to pay increased operation and maintenance costs for the water supply to be satisfied and any bonds posted for this supply can be released.

(h) *Special Provisions for operation and maintenance costs.*

(1) Should ownership of the affected water supply change, the operator or mine owner must continue to pay the increased operation and maintenance costs unless a release outlined in subsection (g)(4) is executed.

(2) An operator who incurs the obligation to pay for increased operation and maintenance costs for multiple water supplies may post one bond that covers the increased operation and maintenance costs for multiple water supplies. The procedures for calculating this bond amount shall be consistent with a single supply bond value as described in subsection (g)(3) but the bond amount must be sufficient to provide for the payment for each water supply in the event that the operator defaults on the legal obligation of permanent payment.

(i) *Waivers.*

(1) The requirement to restore or replace an affected water supply may be waived by the Department if the Department determines that the affected water supply is to be abandoned whereby a replacement is no longer needed based on the approved post-mining land use.

(2) If a water supply is to be abandoned as in subsection (i)(1), a notarized written statement signed by all persons who possess an ownership interest in the water supply shall be submitted to the Department establishing that the individuals knowingly and willingly agree to abandon the water supply. This document shall be recorded with the deed to the property at the office of the recorder of deeds.

(j) *Presumption of liability.*

(1) It shall be presumed, as a matter of law, that a surface mine operator or owner is responsible without proof of fault, negligence or causation for all pollution and diminution, except for bacteriological contamination, of public or private water supplies within 1,000 linear feet (304.80 meters) of the boundaries of any areas affected by surface mining activities whether or not permitted, including all reclaimed areas that underwent these activities. Areas utilized solely for haul and access roads shall not be included in the presumption area.

(2) Other than if the operator, mine owner or the Department determines that the water supply is not within the 1,000-foot area as described in paragraph (1), the presumption is voided if the operator or mine owner can affirmatively prove by a preponderance of the evidence one or more of the following:

(i) The water supply owner refused to allow the operator or mine owner access to conduct a water supply survey prior to commencing surface mining activities.

(ii) The water supply owner or water supply user refused to allow the operator or mine owner access to determine the cause of pollution or diminution or to replace or restore the water supply.

(iii) The pollution or diminution existed prior to the surface mining activities as evidenced by a water supply survey conducted prior to commencing surface mining activities and as documented in the approved surface mine permit application submitted to the Department prior to permit issuance.

(iv) The pollution or diminution is not a result of the surface mining activities.

(3) If the operator or mine owner intends to demonstrate the presumption of liability is not applicable, they shall notify the Department and provide information in support of the demonstration. If asserting that access was denied, evidence must be provided showing that the water supply owner was notified by certified mail or personal service that the refusal of access to conduct a water supply survey or assessment may be used to rebut the presumption of liability. The Department will consider information provided under this paragraph in determining if mining activity caused the pollution or diminution and make a determination within 90 days of the operator's or mine owner's submissions.

(k) *Operator cost recovery.* An operator or mine owner who prevails in an appeal of a Department order to replace a water supply may pursue recovery of costs in accordance with 27 Pa.C.S. § 7708 (relating to costs for mining proceedings).

(l) *Other remedies.* Nothing in this section prevents a water supply owner or water supply user who claims pollution or diminution of a water supply from pursuing any other remedy that may be provided for in law or in equity. This section also does not prevent an operator or mine owner from pursuing any remedy in law or in equity should the operator incur costs for restoring or replacing a water supply that experienced pollution or diminution caused by third parties.

(m) *Issuance of new permits.* A Department order issued under this section which is appealed will not be used to block issuance of new permits.

(n) *Department authority.* Nothing in this section limits the Department's authority under section 4.2(f)(1) of SMCRA.

(o) *Exception.* A surface mining operation conducted under a surface mining permit issued by the Department before February 16, 1993, is not subject to subsections (a) and (c)—(m) but is subject to subsections (b) and (n).

**CHAPTER 88. ANTHRACITE COAL**

**Subchapter A. GENERAL PROVISIONS**

**PRELIMINARY PROVISIONS**

**§ 88.1. Definitions.**

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

\* \* \* \* \*

*Degree*—The inclination from the horizontal.

*Disturbed area*—An area where vegetation, soil or overburden is removed or upon which soil, spoil, coal processing waste or noncoal waste is placed by surface coal mining activities. Those areas are classified as disturbed until reclamation is complete, and the performance bond or other assurance of performance required by Chapter 86 Subchapter F (relating to bonding and insurance requirements) is released.

\* \* \* \* \*

*Open pit mining*—The type of surface mining operation involving one or more of the following:

- (i) Basin removal operations where the open pit encompasses the entire cross section of a synclinal basin or a significant portion thereof unless the cross section of the synclinal basin is relatively narrow, less than 1,500 feet in width, in which case the operation will be classified as modified block-cut mining upon a demonstration by the operator that the requirements of § 88.115(c)(1) are met.
- (ii) Area mining operations.
- (iii) Overburden haul back operations.
- (iv) Mining operations where multiple seams are being mined concurrently within a single mining phase or multiple mining phases, if the sequence of mining and reclamation operations are controlled by this phase mining plan developed by the coal operator and the timing of backfilling and grading operations is controlled by the backfilling schedule approved by the Department.

*Operation and maintenance costs*—All costs incurred by the water supply owner or water supply user associated with utilizing that supply for the purposes served. Examples of these costs include electricity, chemicals, treatment system maintenance, public water fees and equipment replacement costs.

*Outslope*—The face of the spoil or embankment sloping downward from the highest elevation to the toe.

\* \* \* \* \*

*Water supply*—For the purpose of §§ 88.27 and 88.107a (relating to alternative water supply information; and hydrologic balance: water rights and replacement), an existing, designated, or currently planned source of water, facility, or system for the supply of water for human consumption or for agricultural, commercial, industrial or other uses. Natural soil moisture utilized by vegetation or crops is not a water supply.

*Water supply owner*—Landowner or water supply company.

*Water table*—The upper surface of a zone of saturation where the body or groundwater is not confined by an overlying impermeable zone.

**ANTHRACITE COAL MINING ACTIVITIES:  
APPLICATION REQUIREMENTS AND PREMINING  
RESOURCES**

**§ 88.27. Alternative water supply information.**

The application shall identify the extent to which the proposed anthracite coal surface mining activities may result in contamination, diminution or interruption of any water supply within the proposed permit or adjacent area. If contamination, pollution, diminution or interruption may result, then the description shall identify the means to restore or replace the affected water supply in accordance with Subchapters B, C or D (relating to surface anthracite coal mines: minimum environmental protection performance standards; anthracite bank removal and reclamation: minimum environmental protection performance standards; and anthracite refuse disposal: minimum environmental protection performance standards), including cost calculations. The Department will notify the owner of any potentially affected supply.

**Subchapter B. SURFACE ANTHRACITE COAL  
MINES: MINIMUM ENVIRONMENTAL  
PROTECTION PERFORMANCE STANDARDS**

**§ 88.107. (Reserved).**

**§ 88.107a. Hydrologic balance: water rights and replacement.**

(a) *Water supply surveys.* The operator or mine owner shall conduct a survey of the quantity and quality of all water supplies within the permit area and those in adjacent areas that may be affected by mining activities, except when the water supply owner denies the operator or mine owner access for the survey.

(1) The survey must include the following information to the extent that it can be collected without excessive inconvenience to the water supply owner or water supply user:

- (i) The location and type of water supply.
- (ii) The existing and reasonably foreseeable uses of the water supply.
- (iii) The chemical and physical characteristics of the water, including, at a minimum, total dissolved solids or specific conductance corrected to 25°C, pH, total iron, total manganese, acidity, alkalinity and sulfates. Additional parameters, including hardness and total coliform, may be required by the Department based on the local aquifer conditions and the characteristics of the water supply and uses. An operator or mine owner who obtains water samples in a premining or postmining survey shall utilize a certified laboratory to analyze the samples. For

water supplies with existing treatment, the treatment system must be documented, and a chemical analysis of the untreated water shall be obtained if a sample that bypasses the treatment can feasibly be collected.

(iv) Historic and recent quantity measurements and other hydrogeologic data such as the static water level and yield determination.

(v) The physical description of the water supply, including the depth and diameter of the well, length of casing, and description of the treatment and distribution systems.

(vi) Sufficient sampling and other measurements to document the seasonal variation in hydrologic conditions of the water supply.

(2) The operator or mine owner shall submit the results of all qualitative analyses and quantity measurements gathered as part of a water supply survey to the Department and supply a copy to the water supply owner and water supply user prior to the issuance of a mining permit.

(3) A water supply survey shall be conducted prior to the time a water supply is susceptible to mining-related effects and shall be made part of the application for surface mining permit submitted to the Department. An update to the original survey may be required after permit issuance under the requirements of § 86.53 (relating to reporting of new information).

(4) If the operator or mine owner is prohibited from making a premining or postmining survey because the water supply owner will not allow access to the site, the operator or mine owner shall submit evidence to the Department of the following:

(i) The operator or mine owner notified the water supply owner by certified mail or personal service of the water supply owner's rights and the effect on the water supply owner of the water supply owner's denial to the operator or mine owner of access to the site under section 4.2 of SMCRA (52 P.S. § 1396.4b).

(ii) The operator or mine owner attempted to conduct a survey.

(iii) The water supply owner failed to authorize access to the operator or mine owner to conduct a survey prior to commencing mining activity.

(b) *Water supply replacement obligations.*

(1) The operator or mine owner of any mine who affects a water supply to any demonstrable extent by contamination, pollution, diminution or interruption shall promptly restore or replace the affected water supply with a permanent alternate supply adequate in water quantity and water quality for the purposes served by, and the reasonably foreseeable uses of, the water supply. The operator or mine owner shall provide to the Department, in writing, the description of the location of a restored or replaced water supply and the name and address of the water supply owner under the requirements of § 86.53.

(2) For any water supply that will, with a reasonable degree of certainty established by supporting evidence, be affected by contamination, pollution, diminution or interruption by the proposed mining, the operator or mine owner shall provide a replacement supply prior to commencing the activity.

(c) *Temporary water supplies.* If the affected water supply owner or water supply user whose supply is in the area of presumption as defined in subsection (j)(1) is without a readily available alternate source of water, the

operator or mine owner shall provide a temporary water supply within 24 hours of being contacted by the water supply owner, water supply user or the Department, whichever occurs first. The temporary water supply provided under this subsection shall meet the quality requirements of subsection (f)(2) and provide sufficient quantity to meet the water supply owner or water supply user's premining needs. The requirement for a temporary water supply may be subject to a preliminary determination by the Department.

(d) *Immediate replacement of water supply by the Department.*

(1) If the Department finds that immediate replacement of an affected water supply used for potable or domestic purposes is required to protect public health or safety and the operator or mine owner has failed to comply with an order issued under section 4.2(f) of SMCRA, the Department may use moneys from the Surface Mining Conservation and Reclamation Fund to restore or replace the affected water supply.

(2) The Department will recover the costs of restoration or replacement, the costs of temporary water supply and costs incurred for design and construction of facilities from the responsible operator or mine owner. Costs recovered will be deposited in the Surface Mining Conservation and Reclamation Fund.

(e) *Reimbursement.* If a water supply is restored or replaced by the water supply owner or water supply user prior to establishing that mining activity is responsible for the pollution or diminution, the responsible operator or mine owner shall reimburse the water supply owner or water supply user the cost of replacing or restoring the supply including payment of operation and maintenance costs as described in subsection (g). If the operator or mine owner disputes the cost as presented by the water supply owner or water supply user, the operator or mine owner may present to the Department comparable estimates meeting the requirements of subsection (b)(1) from three water supply installers in the area. The Department will determine fair cost of reimbursement based upon these estimates and any other applicable information. Without affecting a water supply owner's or water supply user's other rights consistent with subsection (l), an affected water supply owner or water supply user may make a reimbursement claim to the Department against an operator or mine owner only until final release of the reclamation bond for the site.

(f) *Adequacy of permanently restored or replaced water supply.* A permanently restored or replaced water supply shall include any well, spring, municipal water supply system or other supply approved by the Department which meets the following criteria for adequacy:

(1) *Reliability, maintenance and control.* As documented in the premining water supply survey, a restored or replaced water supply, at a minimum, shall:

(i) Be as reliable as the previous water supply.

(ii) Be as permanent as the previous water supply.

(iii) Not require excessive maintenance.

(iv) Provide the water supply owner and the water supply user with as much control and accessibility as exercised over the previous water supply.

(v) Not result in increased cost of operation and maintenance for the water supply owner or water supply user, unless the operator or mine owner has provided for payment of the increased cost as described under subsection (g).

(2) *Quality.* A restored or replaced water supply will be deemed adequate in quality if it meets the following:

(i) For a domestic supply, the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) standards, or a quality comparable to the premining water supply if that water supply did not meet these standards. The Department may require that the quality of the restored or replaced water supply be equivalent to the premining supply in particular circumstances where the water supply owner or water supply user has demonstrated that this standard is necessary for the purposes served by the current supply.

(ii) For other than a domestic supply, the premining quality established by the water supply survey data or an adequate quality of water needed for the purposes served by and the reasonably foreseeable uses of the supply.

(3) *Quantity.* For purposes of this paragraph the term “reasonably foreseeable uses” includes the reasonable expansion of use where the quantity of the water supply available prior to mining was adequate to supply the foreseeable uses. A restored or replaced water supply will be deemed adequate in quantity if it meets one of the following:

(i) It delivers the amount of water necessary to satisfy the purposes served by the supply as documented in the water supply survey including the demands of any reasonably foreseeable uses. The Department will not accept the use of water storage systems in conjunction with the replaced or restored supply to meet quantity requirements, unless the operator or mine owner can demonstrate the existence of no reasonable alternative.

(ii) It is established through a connection to a public water supply system that is capable of delivering the amount of water necessary to satisfy the water supply owner’s or water supply user’s needs and the demands of any reasonably foreseeable uses.

(4) *Water source serviceability.* Replacement of a water supply shall include the installation of all piping, pumping equipment and treatment equipment necessary to put the replaced water source into service.

(g) *Increased operation and maintenance costs.* If the operation and maintenance costs of the restored or replaced water supply are more than those of the previous supply, the operator or mine owner shall provide for the permanent payment of the increased operation and maintenance costs of the restored or replaced water supply in accordance with the following procedure:

(1) *Determining costs.* The Department will determine the amount of the annual increase in operation and maintenance costs of the restored or replaced water supply based on current actual uses of the water supply.

(i) In consultation with the water supply owner or water supply user, the operator shall use a minimum of 6 months of data, including high and low use periods, to ascertain the cost of operating and maintaining the replacement water supply. The data collection period should not exceed 1 year from the date the replacement water supply is functional unless the Department determines a reason to extend the period. During this collection period, the operator or mine owner pays the operation and maintenance costs.

(ii) Within 30 days after the end of the data collection period, the operator or mine owner shall submit to the Department, and to the water supply owner by certified mail, the operator’s or mine owner’s calculation of the annual increased operation and maintenance costs and a

plan for payment of these costs. The water supply owner may respond to the proposed calculation of costs within 30 days from receipt of the certified mail.

(iii) The Department will review the operator’s or mine owner’s information, the water supply owner’s information and any other information the Department deems relevant and will determine the amount of annual increase in operation and maintenance costs.

(iv) In determining the amount of annual increase in operation and maintenance costs, the Department will take into account contingencies and the precision of the cost estimates.

(2) *Provisions for payment.* Within 60 days of the Department’s determination of the annual increased cost, the operator shall post a surety or collateral bond in an amount calculated in accordance with paragraph (3). This bond is subject to the following provisions:

(i) The bond shall be submitted on a form prepared by the Department, separate from the designated reclamation bond.

(ii) The bond amount will be reviewed and adjusted as necessary and in accordance with § 86.152 (relating to bond adjustments) at an interval no less than every 5 years in conjunction with the permit renewal.

(iii) A replacement bond must be posted by any successor operator of the associated permit.

(iv) If a water supply operation and maintenance costs bond is forfeited, money received from the forfeiture of the bond can be used only for the water supply for which the Department forfeited the bond unless this supply has since been abandoned. The money will be paid by the Department to the current water supply owner as a settlement of the water supply owner’s claim for increased operation and maintenance costs for the water supply for which the bond was forfeited. If a permittee has posted a bond for multiple water supplies, the moneys will be paid to the water supply owners on a prorated basis, based on the respective operation and maintenance costs.

(3) *Bond calculation.* Calculation of the amount of bond necessary to assure payment of operation and maintenance costs will be accomplished through the following procedure:

(i) The annual increased operation and maintenance costs are determined as in paragraph (1).

(ii) This cost is then projected through 1 year beyond the term of the associated permit accounting for inflation through this time period. The following formula is used to calculate the projected costs.

$$OM_x = OM * (1 + E)^x$$

Where:

$OM_x$  is the projected cost for operation and maintenance,

$OM$  is the annual increased operation and maintenance costs,

$E$  is inflation rate based on the average Consumer Price Index as a decimal,

$x$  is years to renewal plus one.

(iii) The projected cost is then used to calculate bond value that is necessary to assure payment of operation

and maintenance costs. This bond value can be established by using the projected cost determined in subparagraph (ii) in the following formula:

$$\text{Bond} = OM_x / \left( \frac{i - E}{1 + E} \right)$$

Where:

*Bond* is the present value of the funds needed to cover increased operation and maintenance costs in perpetuity,

*i* is the historic, long-term rate of return on investments based on Treasury Bills as a decimal,

$OM_x$  and *E* are defined as in subparagraph (ii).

(iv) The Department will annually recalculate values for the variables *i* and *E* used in the previous formulas and publish these values in the *Pennsylvania Bulletin*.

(4) *Release of obligation.* A voluntary agreement between the water supply owner and the operator or mine owner may be executed at any time. This agreement shall include a notarized statement signed by the water supply owner that documents the settlement of increased operation and maintenance costs to the satisfaction of all parties. This agreement shall be on forms provided by the Department and recorded with the deed to the property, with an original signed, recorded document submitted to the Department upon completion. Upon receipt of the fully executed and recorded release, the Department will consider the operator's or mine owner's obligation to pay increased operation and maintenance costs for the water supply to be satisfied and any bonds posted for this supply can be released.

(h) *Special provisions for operation and maintenance costs.*

(1) Should ownership of the affected water supply change, the operator or mine owner must continue to pay the increased operation and maintenance costs unless a release outlined in subsection (g)(4) is executed.

(2) An operator who incurs the obligation to pay for increased operation and maintenance costs for multiple water supplies may post one bond that covers the increased operation and maintenance costs for multiple water supplies. The procedures for calculating this bond amount shall be consistent with a single supply bond value as described in subsection (g)(3) but the bond amount must be sufficient to provide for the payment for each water supply in the event that the operator defaults on the legal obligation of permanent payment.

(i) *Waivers.*

(1) The requirement to restore or replace an affected water supply may be waived by the Department if the Department determines that the affected water supply is to be abandoned whereby a replacement is no longer needed based on the approved post-mining land use.

(2) If a water supply is to be abandoned as in paragraph (1), a notarized written statement signed by all persons who possess an ownership interest in the water supply shall be submitted to the Department establishing that the individuals knowingly and willingly agree to abandon the water supply. This document shall be recorded with the deed to the property at the office of the recorder of deeds.

(j) *Presumption of liability.*

(1) It shall be presumed, as a matter of law, that a surface mine operator or owner is responsible without proof of fault, negligence or causation for all pollution and

diminution, except for bacteriological contamination, of public or private water supplies within 1,000 linear feet (304.80 meters) of the boundaries of any areas affected by surface mining activities whether or not permitted, including all reclaimed areas that underwent these activities. Areas utilized solely for haul and access roads shall not be included in the presumption area.

(2) Other than if the operator, mine owner or the Department determines that the water supply is not within the 1,000-foot area as described in paragraph (1), the presumption is voided if the operator or mine owner can affirmatively prove by a preponderance of the evidence one or more of the following:

(i) The water supply owner refused to allow the operator or mine owner access to conduct a water supply survey prior to commencing surface mining activities.

(ii) The water supply owner or water supply user refused to allow the operator or mine owner access to determine the cause of pollution or diminution or to replace or restore the water supply.

(iii) The pollution or diminution existed prior to the surface mining activities as evidenced by a water supply survey conducted prior to commencing surface mining activities and as documented in the approved surface mine permit application submitted to the Department prior to permit issuance.

(iv) The pollution or diminution is not the result of the surface mining activities.

(3) If the operator or mine owner intends to demonstrate the presumption of liability is not applicable, they shall notify the Department and provide information in support of the demonstration. If asserting that access was denied, evidence must be provided showing that the water supply owner was notified by certified mail or personal service that the refusal of access to conduct a water supply survey or assessment may be used to rebut the presumption of liability. The Department will consider information provided under this paragraph in determining if mining activity caused the pollution or diminution and make a determination within 90 days of the operator's or mine owner's submissions.

(k) *Operator cost recovery.* An operator or mine owner who prevails in an appeal of a Department order to replace a water supply may pursue recovery of costs in accordance with 27 Pa.C.S. § 7708 (relating to costs for mining proceedings).

(l) *Other remedies.* Nothing in this section prevents a water supply owner or water supply user who claims pollution or diminution of a water supply from pursuing any other remedy that may be provided for in law or in equity. This section does not prevent an operator or mine owner from pursuing any remedy in law or in equity should the operator incur costs for restoring or replacing a water supply that experienced pollution or diminution caused by third parties.

(m) *Issuance of new permits.* A Department order issued under this section which is appealed will not be used to block issuance of new permits.

(n) *Department authority.* Nothing in this section limits the Department's authority under section 4.2(f)(1) of SMCRA.

(o) *Exception.* A surface mining operation conducted under a surface mining permit issued by the Department before February 16, 1993, is not subject to subsections (a) and (c)—(m) but is subject to subsections (b) and (n).



**Subchapter E. COAL PREPARATION ACTIVITIES**  
**§ 88.381. General requirements.**

(a) A person who conducts or intends to conduct coal preparation activities, not within the permit area of a specific mine, shall obtain a permit from the Department under §§ 86.11—86.18 (relating to general requirements for permits and permit applications). The person shall meet certain performance standards and application requirements as specified in this subchapter.

(b) The following performance standards shall be met:

\* \* \* \* \*

(13) Water rights shall be protected in accordance with § 88.107a (relating to hydrologic balance: water rights and replacement).

\* \* \* \* \*

**CHAPTER 89. UNDERGROUND MINING OF COAL AND COAL PREPARATION FACILITIES**

**Subchapter H. COAL PREPARATION ACTIVITIES**  
**§ 89.173. Performance standards.**

Construction, operation, maintenance, modification, removal and reclamation of coal preparation activities shall comply with the following:

(1) Signs and markers shall comply with § 89.51 (relating to signs and markers).

(2) Erosion and sedimentation shall be controlled under §§ 89.21—89.26 (relating to performance standards).

(3) The hydrologic balance shall be protected under §§ 87.102(b), 87.106, 87.107, 87.119a, 89.52, 89.53, 89.55 and 89.57—89.60.

\* \* \* \* \*

**CHAPTER 90. COAL REFUSE DISPOSAL**

**Subchapter D. PERFORMANCE STANDARD FOR COAL REFUSE DISPOSAL**

**§ 90.116a. Hydrologic balance: water rights and replacement.**

An operator who conducts coal refuse disposal and adversely affects a water supply by contamination, pollution, diminution or interruption shall comply with § 87.119a (relating to hydrologic balance: water rights and replacement).

[Pa.B. Doc. No. 21-988. Filed for public inspection June 25, 2021, 9:00 a.m.]

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# PROPOSED RULEMAKING

## DEPARTMENT OF HUMAN SERVICES

[ 55 PA. CODE CH. 1101 ]

### Interrelationship of Providers

The Department of Human Services (Department), under the authority of section 403.1(a)(6) of the Human Services Code (code) (62 P.S. § 403.1(a)(6)), proposes to amend § 1101.51 (relating to ongoing responsibilities of providers) to read as set forth in Annex A.

#### *Purpose of the Proposed Rulemaking*

The purpose of this proposed rulemaking is to amend § 1101.51 by rescinding subsection (c)(3), which prohibits providers from leasing or renting space, shelves or equipment within a provider's office to another provider or from allowing the paid or unpaid staff of a provider to be placed in another provider's office.

Developments in the health care industry over the last several years have emphasized the need for integrated health care. The Department recognizes the benefits of integrated care, and the rescission of this regulation will support the enrollment in the Medical Assistance (MA) Program of providers that share space (co-locating providers). By expanding provider qualifications to include co-locating providers, the Department seeks to support more coordinated and integrated care within the MA Program.

#### *Background*

Section 1407(a)(2) of the code (62 P.S. § 1407(a)(2)) provides that it is unlawful to solicit or receive or to offer or pay any remuneration, including any kickback, bribe or rebate, directly or indirectly, in cash or in kind from or to any person in connection with the furnishing of services or merchandise for which payment may be in whole or in part under the MA Program or in connection with referring an individual to a person for the furnishing or arranging for the furnishing of any services or merchandise for which payment may be made in whole or in part under the MA Program. The Department promulgated the regulation in § 1101.51(c)(3) to provide specific examples of the types of arrangements that section 1407(a)(2) of the code prohibits. Among the examples is that providers may not "lease or rent space, shelves or equipment within a provider's office to another provider or allowing the placement of paid or unpaid staff of another provider in a provider's office."

This regulation prevented co-locating providers from enrolling in the MA Program. Since promulgation of this regulation, the health care industry has moved to a more integrated approach to diagnosis and treatment of conditions or injuries. To support that trend, retail clinics, some of which are placed within the same building as a pharmacy, have emerged, and multidisciplinary providers, including physical and behavioral health providers, have entered into co-location arrangements between distinct providers. These arrangements increase consumer access to services, including behavioral health and substance use disorder services. According to an informational bulletin issued by the Centers for Medicare & Medicaid Services

on January 16, 2014, titled "Reducing Non-Urgent Use of Emergency Departments and Improving Appropriate Care in Appropriate Settings," increasing access to primary care services, including through urgent care and retail clinics, has been estimated to result in a potential savings of \$4.4 billion Nationwide. ([https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/CIB-01-16-14\\_14.pdf](https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/CIB-01-16-14_14.pdf)). The Department, by establishing provider qualifications that incorporate co-locating providers, wishes to support these advancements in the health care industry when services are provided in a manner that allows the beneficiary to retain freedom to choose the service provider and is not automatically directed to or referred to a co-located provider.

After reviewing the trend in the health care delivery system toward integrated care, the Department determined that a narrow interpretation of the example set forth in § 1101.51(c)(3) is more restrictive than required to comply with the code, and prevents co-locating providers who are otherwise eligible from enrolling in the MA Program. On May 28, 2016, the Department issued Statement of Policy (SOP) 1101-16-03, codified in § 1101.51a (relating to clarification of the term "within a provider's office"—statement of policy), to clarify the meaning of "within a provider's office" and the guidelines for providers that enter into co-location arrangements with other participating providers. See 46 Pa.B. 2683 (May 28, 2016); 55 Pa. Code § 1101.51a. The Department also developed an attestation form to be utilized by providers seeking to co-locate, in which each provider attests to its compliance with Federal and State anti-kickback laws, the Health Insurance Portability and Accountability Act of 1996 (Pub.L. No. 104-191) (HIPAA), and MA beneficiary freedom of choice. The Department will rescind the SOP upon the effective date of the final-form regulation.

In an effort to establish provider qualifications that allow co-locating providers to enroll in the MA Program, the Department is rescinding the regulation in § 1101.51(c)(3), which prohibits providers from leasing space within a provider's office to another provider. Providers must continue to comply with HIPAA, Federal and State anti-kickback and self-referral laws, and the requirement to provide MA beneficiaries with freedom of choice.

The rescission of the regulation in § 1101.51(c)(3) does not invalidate other rules affecting co-locating providers if, for example, they are prohibited by licensing or certification requirements from leasing or renting space, shelves or equipment or otherwise shared space.

#### *Requirements*

The following is a summary of the specific provision in this proposed rulemaking:

§ 1101.51(c)(3) (relating to the interrelationship of providers)

The Department proposes to rescind subsection (c)(3) to allow co-locating providers to enroll in the MA Program and to support integrated health care in the MA Program. Rescission of subsection (c)(3) will allow MA beneficiaries to receive services in a more integrated manner, consistent with developments in the health care industry.

*Affected Individuals and Organizations*

Nine co-located providers operating at 82 separate locations have requested and received a waiver of the regulation in § 1101.51(c)(3) from the Secretary. Under § 1101.51a, beginning May 28, 2016, any provider who enrolled and was co-located with another provider had to complete an attestation. Current waivers and attestations will remain in effect until a final-form rulemaking eliminates the co-location provision in § 1101.51(c)(3).

The rescission of this regulation provides the regulatory framework to promote integrated health care services by establishing provider qualification that allow providers that co-locate to enroll in the MA Program. Providers that want to co-locate in the future will be able to do so without obtaining a waiver or submitting an attestation.

*Accomplishments and Benefits*

This proposed rulemaking rescinds the regulatory provision that has prevented or delayed enrollment of providers who are co-located. Allowing different types of providers to be located in the same space will benefit MA beneficiaries by providing the opportunity for a more integrated approach to health care.

*Fiscal Impact*

There is no fiscal impact.

*Paperwork Requirements*

This proposed rulemaking will require no additional reports or paperwork or any new forms. Less paperwork will be required because an attestation form will not be required for enrollment of providers that are co-located.

*Effective Date*

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

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120, within 30 calendar days after the date of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference Regulation No. 14-549 when submitting comments.

Persons with a disability who require an auxiliary aid or service may submit comments by using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

*Regulatory Review Act*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 10, 2021, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Health Committee and Senate Health and Human Services Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review

criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review prior to final publication of the rulemaking by the Department, the General Assembly and the Governor.

MEG SNEAD,  
*Acting Secretary*

**Fiscal Note:** 14-549. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 55. HUMAN SERVICES**

**PART III. MEDICAL ASSISTANCE MANUAL**

**CHAPTER 1101. GENERAL PROVISIONS**

**RESPONSIBILITIES**

**§ 1101.51. Ongoing responsibilities of providers.**

\* \* \* \* \*

(c) *Interrelationship of providers.* Providers are prohibited from making the following arrangements with other providers:

(1) The referral of MA recipients directly or indirectly to other practitioners or providers for financial consideration or the solicitation of MA recipients from other providers.

(2) The offering of, or paying, or the acceptance of remuneration to or from other providers for the referral of MA recipients for services or supplies under the MA Program.

(3) [ **A participating provider may not lease or rent space, shelves or equipment within a provider's office to another provider or allowing the placement of paid or unpaid staff of another provider in a provider's office. This does not preclude a provider from owning or investing in a building in which space is leased for adequate and fair consideration to other providers nor does it prohibit an ophthalmologist or optometrist from providing space to an optician in his office** ] (Reserved).

(4) The solicitation or receipt or offer of a kickback, payment, gift, bribe or rebate for purchasing, leasing, ordering or arranging for or recommending purchasing, leasing, ordering or arranging for or recommending purchasing, leasing or ordering a good, facility, service or item for which payment is made under MA. This does not preclude discounts or other reductions in charges by a provider to a practitioner for services, that is, laboratory and x-ray, so long as the price is properly disclosed and appropriately reflected in the costs claimed or charges made by a practitioner.

(5) A participating practitioner or professional corporation may not refer a MA recipient to an independent laboratory, pharmacy, radiology or other ancillary medical service in which the practitioner or professional corporation has an ownership interest.

\* \* \* \* \*

[Pa.B. Doc. No. 21-989. Filed for public inspection June 25, 2021, 9:00 a.m.]

## FISH AND BOAT COMMISSION

[ 58 PA. CODE CH. 63 ]

### Fishing; General Fishing Regulations

The Fish and Boat Commission (Commission) proposes to amend Chapter 63 (relating to general fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments update the Commission's regulations pertaining to authorized devices for ice fishing use.

#### A. Effective Date

This proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

#### B. Contact Person

For further information on this proposed rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at [www.fishandboat.com](http://www.fishandboat.com).

#### C. Statutory Authority

The proposed amendments to §§ 63.6 and 63.10 (relating to authorized devices for game fish, baitfish and fishbait; and ice fishing) are published under the statutory authority of section 2102(b) of the code (relating to rules and regulations).

#### D. Purpose and Background

The specific purpose and background of the proposed amendments is described in more detail under the summary of proposal.

#### E. Summary of Proposal

Over the past two ice fishing seasons, anglers have asked the Commission whether devices such as the JawJacker, Automatic Fisherman, Easy Set Hooksetter, Sure Shot Hooksetter and Bro Craft Ice Fishing Tip-up are legal devices for use upon Commonwealth waters. These devices consist of a rod holder which allows anglers to put a bend in the fishing rod and pre-load it with the aid of a triggering device. When a fish takes the lure or bait, tension on the fishing line causes the trigger mechanism to release the rod which, being pre-loaded, automatically sets the hook without additional assistance by the angler. The angler is then free to fight the fish with a normal fishing rod and reel. In addition to commercially made devices, there are many do-it-yourself versions of these devices which can be found online and fabricated at home. As the hookset is rapid, fish are typically hooked in the lip or jaw and not deeply, thereby improving fish survival if intended for release.

Current interpretation of "immediate control" under § 63.6 suggests that the angler must set the hook and that no mechanical device could be substituted. This interpretation has carried over to other regulations, unless specifically mentioned in those regulations. Thus, the regulations found in § 63.10 also make it unlawful to utilize such mechanical devices to set the hook.

Staff from the Bureau of Law Enforcement and Bureau of Fisheries have conferred and support a clarification of regulations which would permit these ice fishing hook setting devices to be legally used.

The Commission proposes that §§ 63.6 and 63.10 be amended to read as set forth in Annex A.

#### F. Paperwork

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

#### G. Fiscal Impact

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

#### H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about this proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,  
*Executive Director*

**Fiscal Note:** 48A-314. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 58. RECREATION

#### PART II. FISH AND BOAT COMMISSION

#### Subpart B. FISHING

#### CHAPTER 63. GENERAL FISHING REGULATIONS

#### § 63.6. Authorized devices for game fish, baitfish and fishbait.

(a) It is unlawful to fish for game fish with more than three lines of any description, whether fished by rod or by hand, at one time except while ice fishing in accordance with § 63.10 (relating to ice fishing). There is not a restriction on the number of hooks used for fishing for game fish, except when fishing in the Pymatuning Reservoir where no more than three hooks shall be attached to each line used in fishing. Rods, lines and hooks shall be under the immediate control of the person using them.

**[ A fishing device shall be deemed to be under the immediate control of the person using it if, when the terminal device (hook, bait or lure) is taken by a fish, the person using the device has direct control over it and it is not connected at that point to a casting or depth placement aid such as a casting boat or downrigger. Casting or depth placement aids such as downriggers or small remote controlled boats are not prohibited by this chapter. ] For purposes of this chapter, an authorized device shall be deemed under the immediate control of a person if it is within reasonable reach and can be adjusted, manipulated or brought to hand quickly and the person is nearby. Downriggers, planer boards, depth control devices, pre-loaded rod holders, rod holders that provide for a loaded rod or a triggering device, or both, (with or without mechanically induced jigging motion), or hook setting devices are authorized devices. Drones and other remote controlled devices are not authorized devices.**

\* \* \* \* \*

§ 63.10. Ice fishing.

(a) Ice fishing is fishing through holes in the ice.

(b) It is unlawful while ice fishing to use more than five fishing devices [ , which may consist of rods, hand lines, tip ups or any combination thereof ] as authorized in § 63.6 (relating to authorized devices for game fish, baitfish and fishbait). Each device shall contain a single fishing line. There is not a restriction on the number of hooks that may be used for ice fishing, except when fishing in the Pymatuning Reservoir where

no more than three hooks shall be attached to each line used in fishing.

(c) [ **Rods, lines and tip-ups used in ice fishing shall be under the immediate control of the person using the same** ] Reserved.

(d) It is unlawful to fish through holes in the ice that measure more than 10 inches between the farthest points as measured in any direction.

[Pa.B. Doc. No. 21-990. Filed for public inspection June 25, 2021, 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 June 15, 2021.

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, Bank Supervision or Credit Union and Trust Supervision (as applicable), 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, for banks (717) 783-8240 and for credit unions and trust companies (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

#### Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
06-15-2021	Elizabeth J. Poggi Pittsburgh Allegheny County Application for approval to acquire 13.86% of the common stock of Smithfield Trust Company, Pittsburgh.	Filed
06-15-2021	Timothy D. Rice Pittsburgh Allegheny County Application for approval to acquire 30.21% of the common stock of Smithfield Trust Company, Pittsburgh.	Filed

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
06-11-2021	Fidelity D & D Bancorp, Inc. Dunmore Lackawanna County Application for approval to acquire 100% of Landmark Bancorp, Inc., Pittston, PA, and thereby indirectly acquire 100% of Landmark Community Bank, Pittston, PA.	Approved
06-15-2021	LINKBANCORP, Inc. Camp Hill Cumberland County Application for approval to acquire 100% of GNB Financial Services, Inc., Gratz, PA, and thereby indirectly acquire 100% of The Gratz Bank, Gratz, PA.	Approved

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
06-11-2021	The Fidelity Deposit and Discount Bank Dunmore Lackawanna County Application for approval to merge Landmark Community Bank, Pittston, PA, with and into The Fidelity Deposit and Discount Bank.	Approved
06-15-2021	The Gratz Bank Gratz Dauphin County Application for approval to merge LINKBANK, Camp Hill, PA, with and into The Gratz Bank.	Approved

**Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
06-11-2021	Republic First Bank Philadelphia Philadelphia County	1750 Deptford Center Road Deptford Gloucester County, NJ	Approved

**Branch Relocations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
06-07-2021	S & T Bank Indiana Indiana County	<i>To:</i> 1349 Wilmington Pike West Chester Chester County  <i>From:</i> 300 Oakland Road West Chester Chester County	Effective

**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
06-15-2021	York Traditions Bank York York County  Amendment to Article I of the institution's Articles of Incorporation provides for a change in the bank's corporate title to Traditions Bank.  Articles of Amendment provide for the institution's Articles of Incorporation to be amended and restated in their entirety.	Approved

**CREDIT UNIONS****Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
06-07-2021	TruMark Financial Credit Union Fort Washington Montgomery County	3250 Tillman Drive Bensalem Bucks County	Opened

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

RICHARD VAGUE,  
*Secretary*

[Pa.B. Doc. No. 21-991. Filed for public inspection June 25, 2021, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Substantial Amendment to the 2019—2023 Consolidated Plan and 2019 Action Plan; Draft Action Plan for the Recovery Housing Program; Virtual Public Hearings

#### Substantial Amendment to the 2019—2023 Consolidated Plan and 2019 Action Plan

On March 27, 2020, the Coronavirus Aid, Relief and Economic Security Act (CARES Act) (P.L. 116-136) was signed into law to respond to the growing effects of the novel coronavirus (COVID-19) public health crisis. The CARES Act provides special allocations to the Commonwealth under the Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG) and Housing Opportunities for People with AIDS Grant (HOPWA) programs to be used to prevent, prepare for and respond to COVID-19.

Annually, the Department of Community and Economic Development (Department) prepares the Action Plan

which outlines the methods of distribution for Federal funding received by the Commonwealth through the United States Department of Housing and Urban Development (HUD). Notice is hereby given that the 2019—2023 Consolidated Plan and the 2019 Action Plan will be amended to account for two additional allocations of CDBG-CV funding. For the 2019 Action Plan, the Methods of Distribution to the Commonwealth's resources will be updated, which according to the Pennsylvania Citizen Participation Plan for the Consolidated Plan, constitutes a significant change in the distribution of funds under the plan and requires a substantial amendment to the original Consolidated Plan and Action Plan. In accordance with a waiver of regulatory authority, approved by HUD on April 7, 2020, to the normal citizen comment period, the Commonwealth will hold a 5-day citizen comment period starting on Saturday, June 26, 2021, until Thursday, July 1, 2021.

The proposed amendments for the 2019 Annual Action Plan are as follows:

*CDBG-CV # 2: \$51,352,198 and CDBG-CV # 3: \$20,141,782 (Total Amount of Funding: \$71,493,980)*

These funds will be governed by the Housing and Community Development Act of 1974 (Pub.L. No. 93-383),

the regulations of the CDBG for states at 24 CFR 570.480 (relating to general) and the CARES Act. The requirements will also include any waivers or additional guidance issued by HUD under the CARES Act ([www.hud.gov/coronavirus](http://www.hud.gov/coronavirus)).

The CDBG-CV funding is being made available to any unit of local government in the Commonwealth, including those that qualify as direct Federal entitlement communities or urban counties under the CDBG Program. This is in accordance with the waivers and alternate requirements published by the Office of Community Planning and Development, HUD in the *Federal Register* notice at Docket No. FR-6218-N-01 on August 7, 2020 (85 FR 51457 (August 7, 2020)). Priority will be given to counties applying on behalf of municipalities or applying for regional activities.

The Department proposes the following distribution of funds. Note the funds listed are estimates and final numbers will be provided at the public hearing:

*Economic Development—Business Assistance—\$30 million (Estimated)*

Funds will be provided to the Department PREP Network for job creation grants and small business support in all 67 counties.

*Public Infrastructure—Broadband Infrastructure—\$25 million (Estimated)*

Funds will be available, through applications, to county governments solely to support broadband expansion, specifically line extensions and the deployment of Wi-Fi hot spots, in low-income communities.

*Housing—Housing Rehabilitation—\$10 million (Estimated)*

Applications will be accepted from county governments for funding to make modifications to existing housing stock to allow elderly to age in place and those individuals with health conditions, such as asthma, that could be impacted by COVID-19.

*Public Services—\$6.5 million (Estimated)*

Funds will be available, through applications, to county governments to fund eligible public service activities, including but not limited to, emergency subsistence payments, telemedicine services for low-income to moderate-income persons, mental health services and substance use disorder recovery services.

*Administration—\$4.2 million (Estimated)*

Funds to be used for program administration, including application review, financial management, reporting and monitoring.

The Department will accept funding applications for broadband, housing rehabilitation and public services from all counties within the Commonwealth and acting with and on behalf of municipalities within the county. The Department will propose priority in the distribution of funds based on the demonstrated local need and direct connection to preparing for, preventing the spread of or responding to COVID-19.

*Public Review and Comment Period*

The Substantial Amendment to the 2019—2023 Consolidated Plan and 2019 Annual Action Plan is available on the Department's web site at <http://dced.pa.gov>, (select the Consolidated Plans, Action Plans and Reports tab at the bottom of the home page). The substantial amendment is available for public comment from June 26, 2021, through July 1, 2021.

A virtual public hearing will be held on July 1, 2021, at 10 a.m. through Microsoft Teams.

Individuals can join the virtual public hearing at [https://teams.microsoft.com/l/meetup-join/19:meeting\\_ngq0zjlmnditzzbhmy00mdhlltlmmzety2u2odfjzme4otzh@thread.v2/0?context={\"tid\": \"418e2841-0128-4dd5-9b6c-47fc5a9a1bde\", \"oid\": \"2ed73e8d-d048-425b-93cc-055ce4231b52\"}](https://teams.microsoft.com/l/meetup-join/19:meeting_ngq0zjlmnditzzbhmy00mdhlltlmmzety2u2odfjzme4otzh@thread.v2/0?context={\).

Individuals can join the virtual public hearing by phone at +1 (267) 332-8737,,44282665# United States, Philadelphia. The conference ID is 442 826 65#.

The virtual public hearing will be shortened if there is no one to testify or there is minimal response.

Individuals with a disability or limited English proficiency who wish to participate in the virtual public hearing should contact Megan L. Snyder at (717) 787-5327 or TDD at (717) 346-0308 to discuss how the Department can accommodate their requests.

Comments on the Substantial Amendment to the 2019—2023 Consolidated Plan and 2019 Annual Action Plan may be electronically submitted to the Department at [RA-DCEDcdbhghomequestions@pa.gov](mailto:RA-DCEDcdbhghomequestions@pa.gov). Comments will also be accepted by telephone by calling (717) 787-5327. Written comments may be submitted to Megan L. Snyder, Center for Community and Housing Development, Department of Community and Economic Development, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225. Comments must be received by 4 p.m. on July 1, 2021, to be included as testimony in the Plan that will be submitted to HUD.

*Draft Action Plan for the Recovery Housing Program*

On October 24, 2018, the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act or SUPPORT Act (Pub.L. No. 115-271) was signed into law to respond to the growing effects of the opioid public health crisis. HUD issued a notice in the *Federal Register* at Docket No. FR-6225-N-01, on November 19, 2020 (85 FR 75361 (November 19, 2020)), which awarded \$1,200,000 of Recovery Housing Program (RHP) funds, which will be administered by the Department. The *Federal Register* notice requires the Commonwealth to notify and provide its citizens an opportunity to comment and provide input on the draft Action Plan or any substantial amendment, or both, to the Action Plan.

The purpose of the RHP is to help grantees to provide stable, temporary housing to individuals in recovery from a substance disorder. More specifically, RHP would provide funds to develop housing or maintain housing for individuals.

*Public Review and Comment Period*

The draft Action Plan will be available for a 15-day public comment period, in accordance with the *Federal Register* notice. The Action Plan may be viewed on the Department's web site at <http://dced.pa.gov> (select the Consolidated Plans, Action Plans and Reports tab at the bottom of the home page). The Action Plan will be available for public comment from June 26, 2021, through July 12, 2021.

A public hearing will be held on June 30, 2021, at 11 a.m. through Microsoft Teams.

Individuals can join the virtual public hearing at [https://teams.microsoft.com/l/meetup-join/19:meeting\\_ywy5zje1njatywvhyi00ztk3lwewowitoinjjjndcwmdmy@thread.v2/0?context={\"tid\": \"418e2841-0128-4dd5-9b6c-47fc5a9a1bde\", \"oid\": \"2ed73e8d-d048-425b-93cc-055ce4231b52\"}](https://teams.microsoft.com/l/meetup-join/19:meeting_ywy5zje1njatywvhyi00ztk3lwewowitoinjjjndcwmdmy@thread.v2/0?context={\).



Individuals can join the virtual public hearing by phone at +1 (237) 332-8737. The conference ID is 867166890.

The virtual public hearing will be shortened if there is no one to testify or there is minimal response.

Individuals with a disability or limited English proficiency who wish to participate in the virtual public hearing should contact Megan L. Snyder at (717) 787-5327 or TDD at (717) 346-0308 to discuss how the Department can accommodate their requests.

Comments on the RHP Action Plan may be electronically submitted to the Department at RA-DCEDcdhghomequestions@pa.gov. Comments will also be accepted by telephone by calling (717) 787-5327. Written comments may be submitted to Megan L. Snyder, Center for Community and Housing Development, Department of Community and Economic Development, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225. Comments must be received by 4 p.m. on July 12, 2021, to be included as testimony in the Plan that will be submitted to HUD.

DENNIS M. DAVIN,  
*Secretary*

[Pa.B. Doc. No. 21-992. Filed for public inspection June 25, 2021, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Prohibitions on Fishing with Bow and Arrow at Presque State Park, Erie County

#### A. Summary and Background

Section 11.203(2) of 17 Pa. Code (relating to State park waters) provides that the Department of Conservation and Natural Resources (Department) has jurisdiction over the following bodies of water at Presque Isle State Park (State Park): Misery Bay, Marina Lake, Thompson Bay, Horseshoe Pond, Duck Pond, lagoons and all the waters in Lake Erie and Presque Isle Bay within 500 feet of the low-water mark of the peninsula of Presque Isle, under section 9 of the act of May 27, 1921 (P.L. 1180, No. 436) (32 P.S. § 923), regarding dedication of lands, and section 5 of the act of May 27, 1921 (P.L. 1180, No. 436) (55 P.S. § 361), regarding entry upon dedicated lands; rules and regulations. Under 17 Pa. Code § 11.208(i) (relating to schedule; closure), the Department, notwithstanding other provisions of 17 Pa. Code Chapter 11 (relating to general provisions), may prohibit certain uses or activities in a State park, portion of a State park or State park facility. Section 11.208(j) of 17 Pa. Code further provides that the public will be informed of any prohibition under subsection (i) by any form of communication, which may include 17 Pa. Code Chapter 11 or posting, or by fencing, barricade, gate or other structure or device manifestly designed to exclude intruders.

Under the authority of 17 Pa. Code § 11.208(i), the Department is restricting recreational activities at the State Park. For visitor safety and to limit potential property damage resulting from fishing with bow and arrow in the vicinity of certain lands, the Department will restrict the use of bow and arrow for fishing purposes in the following areas of the State Park: Horseshoe Pond and all areas within 50 yards of all floating and permanent structures of the Presque Isle Marina.

The Department is responsible for protecting natural resources, maintaining public safety and preventing recreational user conflicts. By restricting the use of bow and arrow for fishing purposes at these two locations in the State Park, the Department will be able to provide necessary visitor safety, protection of personal property in these areas and minimize recreational user conflict.

#### B. Contact Person

Questions may be directed to Presque Isle State Park, 301 Peninsula Drive, Suite 1, Erie, PA 16505-2042, (814) 833-7424, RA-nrsppres@pa.gov. Persons with a disability may use the Pennsylvania Hamilton Relay Service by calling (800) 654-5984 (TDD users).

#### C. Effective Date

These changes will go into effect immediately upon publication of this notice in the *Pennsylvania Bulletin* and when posted at the State Park.

CINDY ADAMS DUNN,  
*Secretary*

[Pa.B. Doc. No. 21-993. Filed for public inspection June 25, 2021, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application by University of the Sciences to Amend Articles of Incorporation

#### Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application for approval of a Certificate of Authority for University of the Sciences to amend its Articles of Incorporation to remove references to the number of members of the Board of Trustees.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without a hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with the Division of Higher Education, Access and Equity, 333 Market Street, 12th Floor, Harrisburg, PA 17126-0333 on or before the due date prescribed by this notice. Persons wishing to review the application should phone (717) 783-6786 or write to the previously listed address to schedule a time for a review.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate, should contact the Division of Higher Education, Access and Equity at (717) 783-6786 to discuss accommodations.

NOE ORTEGA,  
*Acting Secretary*

[Pa.B. Doc. No. 21-994. Filed for public inspection June 25, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

### THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

This notice provides information about persons who have applied to the Department of Environmental Protection (DEP) for a new, renewed, or amended NPDES or WQM permit, or a permit waiver for certain stormwater discharges, or have submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications and NOIs concern, but are not limited to, effluent discharges from sewage treatment facilities and industrial facilities to surface waters or groundwater; stormwater discharges associated with industrial activity (industrial stormwater), construction activity (construction stormwater), and municipal separate storm sewer systems (MS4s); the application of pesticides; the operation of Concentrated Animal Feeding Operations (CAFOs); and the construction of sewage, industrial waste, and manure storage, collection and treatment facilities. 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). More information on the types of NPDES and WQM permits that are available can be found on DEP's website (visit [www.dep.pa.gov](http://www.dep.pa.gov) and select Businesses, Water, Bureau of Clean Water, Wastewater Management, and NPDES and WQM Permitting Programs).

<i>Section</i>	<i>Category</i>
I	Individual and General WQM Permit Applications/NOIs Received, General NPDES Permit NOIs Received, and All Transfer and Minor Amendment Applications/NOIs Received
II	Individual NPDES Permits—New, Renewal, and Major Amendment Applications and Draft Permits for Discharges Relating to Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOs
III	Individual NPDES Permit Applications for Discharges of Stormwater Associated with Construction Activity

Section I identifies the following applications and NOIs that have been received by DEP:

- Individual and General WQM Permit Applications Received—DEP provides a 15-day public comment period for Individual WQM Permit Applications for new and reissued permits. There is no public comment period for General WQM Permit NOIs.
- General NPDES Permit NOIs Received—There is no public comment period for General NPDES NOIs received.
- All Transfer and Minor Amendment Applications/NOIs Received—Transfer and Minor Amendment Applications/NOIs received for Individual and General WQM Permits and Individual and General NPDES Permits are identified but do not have public comment periods. DEP provides a 15-day public comment period for Individual WQM Permit Applications for amendments.

Additional information on these applications and NOIs may be reviewed by generating the “Applications and NOIs without Comment Periods Report” or, for Individual WQM Permit Applications, the “Applications Received with Comment Periods Report” on DEP's website at [www.dep.pa.gov/CWPublicNotice](http://www.dep.pa.gov/CWPublicNotice).

Section II identifies individual NPDES permit applications received and draft permits issued by DEP relating to sewage, industrial waste, industrial stormwater, MS4s, pesticides and CAFOs. A 30-day public comment period applies to these applications, except when a site-specific water quality criterion is used to establish effluent limitations, in which case a 45-day public comment period applies. The period for comment may be extended at the discretion of the Department for one additional 15-day period. Additional information, including links to draft permits and fact sheets that explain the basis for DEP's tentative determinations may be reviewed by generating the “Applications Received with Comment Periods Report” on DEP's website at [www.dep.pa.gov/CWPublicNotice](http://www.dep.pa.gov/CWPublicNotice). Notification of 15-day extensions for comment will be provided in the “Applications Received with Comment Periods Report” (Comments column).

Section III provides notice of applications and draft individual permits for stormwater discharges associated with construction activities. Where indicated, DEP has made tentative determinations, based on preliminary review, to issue permits subject to proposed effluent limitations consisting of best management practices identified in the erosion and sediment control (E&S) plans and post-construction stormwater management (PCSM) plans submitted with the applications, as well as other terms and conditions based on the permit applications. A 30-day public comment period applies to these applications.

Applications and NOIs may be reviewed at the DEP office that received the application or NOI. Contact information for each DEP office for Sections I & II is listed as follows. Contact information for Section III is available within the table. Members of the public are encouraged to use DEP's website to obtain additional information as previously discussed.

Comments received within the appropriate comment periods for WQM and NPDES permit applications will be retained by DEP and 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 DEP of the exact basis of a comment and the relevant facts upon which it is based.

DEP office contact information to review applications and NOIs in Sections I & II and to submit comments for those application and NOIs, when applicable, is as follows:

*DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484.250.5910. Email: RA-EPNPDES\_SERO@pa.gov.*

*DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 570.826.5472. Email: RA-EPNPDES\_NERO@pa.gov.*

*DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717.705.4732. Email: RA-EPNPDES\_SCRO@pa.gov.*

*DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570.327.3693. Email: RA-EPNPDES\_NCRO@pa.gov.*

*DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412.442.4286. Email: RA-EPNPDES\_SWRO@pa.gov.*

*DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814.332.6340. Email: RA-EPNPDES\_NWRO@pa.gov.*

*DEP Bureau of Clean Water (BCW)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717.787.5017. Email: RA-EPNPDES\_Permits@pa.gov.*

DEP will also accept requests or petitions for public hearings on applications. The request or petition must indicate the interest of the party filing and the reasons why a hearing is warranted. A hearing will be held if the Department determines that there is a significant public interest. 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. DEP 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 Hamilton Relay Service at (800) 654-5984.

**I. Individual and General WQM Permit Applications/NOIs Received, General NPDES Permit NOIs Received, and All Transfer and Minor Amendment Applications/NOIs Received.**

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0815803	Joint DEP/PFBC Pesticides Permit	New	Baldwin Judy 1337 Shumway Road Wyalusing, PA 18853-8283	Tuscarora Township Bradford County	NCRO
1021804	Joint DEP/PFBC Pesticides Permit	New	Mark Reno 139 Camp Run Road Harmony, PA 16037-9738	Lancaster Township Butler County	NWRO
2213820	Joint DEP/PFBC Pesticides Permit	Renewal	Mountaintale Community Association 4075 Linglestown Road P.O. Box 352 Harrisburg, PA 17112-1020	Susquehanna Township Dauphin County	SCRO
3613201	Manure Storage Facilities Individual WQM Permit	Amendment	Rohrer Dairy Farm LLC 124 Charlestown Road Washington Boro, PA 17582-9669	Manor Township Lancaster County	SCRO
PA0112810	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Transfer	Stone Fortress Commercial LLC 100 E 8th Street Milton, PA 17847-1414	Riverside Borough Northumberland County	NCRO
NNOEX13602	No Exposure Certification	Renewal	Hexcel Pottsville Corp P.O. Box 179 Pottsville, PA 17901-0179	East Norwegian Township Schuylkill County	NERO
NNOEXNC34	No Exposure Certification	New	Boral Bldg Products 112 Industrial Parkway Elkland, PA 16920-1457	Elkland Borough Tioga County	NCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
NOEXSC009	No Exposure Certification	Renewal	Donnelley Financial Solutions LLC 391 Steel Way Lancaster, PA 17601-3153	Lancaster City Lancaster County	SCRO
NOEXSW142	No Exposure Certification	New	Accutrex Products Inc. 112 Southpointe Boulevard Canonsburg, PA 15317-9559	Chartiers Township Washington County	SWRO
PAG032217	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Waste Management of Pennsylvania Inc. 4816 Timberline Road Walnutport, PA 18088	Lehigh Township Northampton County	NERO
PAG034842	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Waste Management of PA Inc. 2560 Clyde Avenue State College, PA 16801-7507	College Township Centre County	NCRO
PAG034880	PAG-03 NPDES General Permit for Industrial Stormwater	New	SPM Oil & Gas Inc. 601 Weir Way Fort Worth, TX 76108-2508	Muncy Township Lycoming County	NCRO
PAG034881	PAG-03 NPDES General Permit for Industrial Stormwater	New	SPM Oil & Gas PC LLC 601 Weir Way Fort Worth, TX 76108-2508	Athens Township Bradford County	NCRO
PAG036297	PAG-03 NPDES General Permit for Industrial Stormwater	New	FMC Tech Surface Integrated Service Inc. 12 Arentzen Boulevard Charleroi, PA 15022-1060	Speers Borough Washington County	SWRO
PAG038382	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	SSAB Inc. 251 Wheeler Place Sharon, PA 16146-1677	Sharon City Mercer County	NWRO
PAR118328	PAG-03 NPDES General Permit for Industrial Stormwater	Amendment	Mersen USA St Marys PA Corp 1032 Trout Run Road Saint Marys, PA 15857	Saint Marys City Elk County	NWRO
PAG045139	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Butler Caron E 111 Kennel Lane Port Matilda, PA 16870-8005	Huston Township Centre County	NCRO
PAG123562	PAG-12 NPDES General Permit for CAFOs	Renewal	Sauder Noah Jr 401 Elco Drive Myerstown, PA 17067-2610	Jackson Township Lebanon County	SCRO
PAG123922	PAG-12 NPDES General Permit for CAFOs	New	Barrick Dairy LLC 2653 Walnut Bottom Road Carlisle, PA 17015-9329	Penn Township Cumberland County	SCRO
PAG126102	PAG-12 NPDES General Permit for CAFOs	Renewal	Beachdale Farms Inc. 126 Bronco Drive Berlin, PA 15530-6530	Brothersvalley Township Somerset County	SCRO
0421402	Sewage Treatment Facilities Individual WQM Permit	New	Pearson Darrell 2627 Springfield Pike Connellsville, PA 15425-6429	Daugherty Township Beaver County	SWRO
0600408	Sewage Treatment Facilities Individual WQM Permit	Amendment	Upper Bern Township Berks County 25 N 5th Street P.O. Box 185 Shartlesville, PA 19554-7005	Upper Bern Township Berks County	SCRO
1021410	Sewage Treatment Facilities Individual WQM Permit	New	Dechellis Allen 136 Cherry Valley Road Saxonburg, PA 16056-9126	Clinton Township Butler County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
1402402	Sewage Treatment Facilities Individual WQM Permit	Transfer	Butler Caron E 111 Kennel Lane Port Matilda, PA 16870-8005	Huston Township Centre County	NCRO
2520407	Sewage Treatment Facilities Individual WQM Permit	Transfer	Harris Pauline 8081 Grubb Road McKean, PA 16426-1228	McKean Township Erie County	NWRO
2594413	Sewage Treatment Facilities Individual WQM Permit	Transfer	MJO Real Estate LLC 10085 Route 19 Waterford, PA 16441	Waterford Township Erie County	NWRO
4985407	Sewage Treatment Facilities Individual WQM Permit	Transfer	Stone Fortress Commercial LLC 100 E 8th Street Milton, PA 17847-1414	Riverside Borough Northumberland County	NCRO
5670401	Sewage Treatment Facilities Individual WQM Permit	Amendment	High Top LLC P.O. Box 1180 418 Epic Drive Chambersburg, PA 17201-5180	Somerset Township Somerset County	SWRO
6721404	Sewage Treatment Facilities Individual WQM Permit	New	Wrightsville Borough Municipal Authority York County 601 Water Street Wrightsville, PA 17368-1646	Wrightsville Borough York County	SCRO
0275407	Sewer Extensions and Pump Stations Individual WQM Permit	Amendment	Deer Creek Drainage Basin Authority P.O. Box 158 2400 Freeport Road Cheswick, PA 15024-0158	Harmar Township Allegheny County	SWRO
PA0288250	Single Residence STP Individual NPDES Permit	Transfer	Harris Pauline 8081 Grubb Road McKean, PA 16426-1228	McKean Township Erie County	NWRO
PA0221503	Small Flow Treatment Facility Individual NPDES Permit	Transfer	MJO Real Estate LLC 10085 Route 19 Waterford, PA 16441	Waterford Township Erie County	NWRO
WQG02212101	WQG-02 WQM General Permit	New	Silver Spring Township Authority Cumberland County 5 Willow Mill Park Road Suite 3 Mechanicsburg, PA 17050-8238	Silver Spring Township Cumberland County	SCRO
6721403	Sewage Treatment Facilities Individual WQM Permit	New	Seth D. Long 301 Mine Bank Road Wellsville, PA 17365	Washington Borough York County	SCRO
6721404	Sewage Treatment Facilities Individual WQM Permit	New	Wrightsville Borough Municipal Authority 601 Water Street Wrightsville, PA 17368	Washington Township York County	SCRO

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## II. Individual NPDES Permits—New, Renewal, and Major Amendment Applications and Draft Permits for Discharges Relating to Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOs.

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### *Northcentral Regional Office*

**PA0100161**, Industrial, SIC Code 3493, **Triangle Suspension Systems, Inc.**, P.O. Box 425, DuBois, PA 15801-1015. Facility Name: DuBois Spring Plant. This existing facility is located in Sandy Township, **Clearfield County**.

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

The receiving stream(s), Pentz Run (CWF), is located in State Water Plan watershed 17-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 101 are based on a design flow of 0.0095 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	Report	Report	XXX	31	60	77
Oil and Grease	Report	Report	XXX	15	XXX	30
Total Toxic Organics	XXX	Report	XXX	XXX	2.13	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.

**PA0228273**, Sewage, SIC Code 4952, **Locust Township Municipal Authority**, 1223A Numidia Drive, Catawissa, PA 17820-8632. Facility Name: Numidia Wastewater Treatment Plant. This existing facility is located in Locust Township, **Columbia County**.

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

The receiving stream(s), Unnamed Tributary of Roaring Creek, is located in State Water Plan watershed 5-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.05 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.24	XXX	0.77
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	10	16	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD <sub>5</sub> ) Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	12	18	XXX	30.0	45.0	60
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
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ammonia-Nitrogen Nov 1 - May 31	3.8	5.6	XXX	9.0	13.5	18
Jun 1 - Oct 31	1.2	1.8	XXX	3.0	4.5	6

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.

*Northeast Regional Office*

**PA0275727**, Storm Water, SIC Code 4911, **Lackawanna Energy Center LLC**, 1000 Sunnyside Road, Jessup, PA 18434-6400. Facility Name: Lackawanna Energy Center. This existing facility is located in Jessup Borough, **Lackawanna County**.

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

The receiving stream(s), Grassy Island Creek, is located in State Water Plan watershed 5-A and is classified for, 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 MGD (stormwater).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	100.0
Oil and Grease	XXX	XXX	XXX	XXX	XXX	30.0
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	100.0
Oil and Grease	XXX	XXX	XXX	XXX	XXX	30.0
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

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

- Stormwater Outfalls and Authorized Non-Stormwater Discharges
- Best Management Practices (BMPs)
- Routine Inspections
- Preparedness, Prevention and Contingency (PPC) Plan
- Stormwater Monitoring Requirements

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.

**PA0011517**, Industrial, SIC Code 3241, **Keystone Cement Company**, Route 329, Bath, PA 18014-0058. Facility Name: Keystone Cement Company. This existing facility is located in East Allen Township, **Northampton 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), Monocacy Creek (HQ-CWF, MF), is located in State Water Plan watershed 2-C and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD (stormwater, quarry dewatering, and non-contact cooling water (overflow from site impoundment)).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	50.0	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0 MGD (stormwater).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	100.0	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 004 are based on a design flow of 3.7 MGD (stormwater and quarry dewatering).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	100.0	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	100.0	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 006 are based on a design flow of 0 MGD (stormwater).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	100.0	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

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

- Chemical Additives
- Requirements Applicable to Stormwater Outfalls

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

**PA0026476**, Sewage, SIC Code 4952, **Coaldale-Lansford-Summit Hill Sewer Authority**, 124 West Ridge Street, Lansford, PA 18232-1310. Facility Name: Coaldale Lansford Summit Hill Sewer Authority. This existing facility is located in Coaldale Borough, **Schuylkill County**.

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

The receiving stream(s), Panther Creek (CWF), Nesquehoning Creek (CWF, MF), and Unnamed Tributary to Panther Creek (CWF, MF), is located in State Water Plan watershed 3-A and 2-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 1.65 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	340	550	XXX	25.0	40.0	50



<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Biochemical Oxygen Demand (BOD <sub>5</sub> ) Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	410	620	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	Report	XXX	XXX
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
E. Coli (No./100 ml)	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.65 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Dissolved Solids	XXX	XXX	XXX	1,000.0 Avg Qrtly	XXX	2,000
Aluminum, Total (ug/L)	XXX	XXX	XXX	Report	XXX	XXX
Copper, Total (ug/L)	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total (ug/L)	XXX	XXX	XXX	Report	XXX	XXX
Lead, Total (ug/L)	XXX	XXX	XXX	Report	XXX	XXX
Manganese, Total (ug/L)	XXX	XXX	XXX	Report	XXX	XXX
Silver, Total (ug/L)	XXX	XXX	XXX	Report	XXX	XXX
Zinc, Total (ug/L)	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.65 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Ammonia-Nitrogen	XXX	XXX	XXX	20.0	30.0 Wkly Avg	40

The proposed effluent limits for Outfall 001 are based on a design flow of 1.65 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.11	XXX	0.25
Ammonia-Nitrogen Oct 1 - May 31	XXX	XXX	XXX	9.18	18.36 Wkly Avg	27.54
Jun 1 - Sep 30	XXX	XXX	XXX	3.06	4.6 Wkly Avg	6.12

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

- Combined Sewer Overflows
- Solids Management
- Whole Effluent Toxicity (WET) Testing

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is not in effect.

**PA0061131**, Sewage, SIC Code 4952, **Dalton Sewer Authority Lackawanna County**, P.O. Box 538, Dalton, PA 18414-0538. Facility Name: Dalton Sewer Authority WWTP. This existing facility is located in Dalton Borough, **Lackawanna 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), Ackerly Creek (TSF, MF), is located in State Water Plan watershed 4-F 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 .140 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	1.00	XXX	2.00
Ammonia-Nitrogen Nov 1 - Apr 30	Report	Report	XXX	Report	Report	XXX
May 1 - Oct 31	8.8	Daily Max Report	XXX	7.5	15.0 Daily Max	15.0
Copper, Total	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .140 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.14	XXX	0.47
Ammonia-Nitrogen Nov 1 - Apr 30	12.89	25.78	XXX	11.04	22.08 Daily Max	22.08
May 1 - Oct 31	4.29	8.59 Daily Max	XXX	3.68	7.36 Daily Max	7.36
Copper, Total	0.02	0.03 Daily Max	XXX	0.016	0.025 Daily Max	0.042

The proposed effluent limits for Outfall 001 are based on a design flow of .140 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	29.2	46.7	XXX	25.0	40.0	50.0
BOD <sub>5</sub> Minimum % Removal (%)	85 Min Mo Avg	XXX	XXX	XXX	XXX	XXX
Total Suspended Solids Minimum % Removal (%)	35.0 85 Min Mo Avg	52.5 XXX	XXX XXX	30.0 XXX	45.0 XXX	60.0 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
Lead, Total	Report	Report	XXX	Report	Report	XXX
Zinc, Total	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .140 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 001 are based on a design flow of .140 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average	Weekly		Average	Weekly	
	Monthly	Average		Monthly	Average	
Nitrate-Nitrite as N	Report	Report	XXX	Report	Report	XXX
Total Nitrogen	Semi Avg	Daily Max	XXX	Semi Avg	Daily Max	XXX
	Report	Report		Report	Report	
Total Kjeldahl Nitrogen	Semi Avg	Daily Max	XXX	Semi Avg	Daily Max	XXX
	Report	Report		Report	Report	
Total Phosphorus	Semi Avg	Daily Max	XXX	Semi Avg	Daily Max	XXX
	Report	Report		Report	Report	
	Semi Avg	Daily Max		Semi Avg	Daily Max	

The proposed effluent limits for Outfall 101 (Internal monitoring point) are based on a design flow of NA MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average	Daily		Average	Daily	
	Monthly	Maximum		Monthly	Maximum	
Biochemical Oxygen Demand (BOD <sub>5</sub> ) Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX

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

- Stormwater prohibition; Necessary property rights; Residuals management; Chlorine minimization; Changes to stream/discharge; Chesapeake Bay nutrient definitions; 48-month Schedule of Compliance (Ammonia-N and TRC); Solids management; and WQBELs for toxic pollutants (copper)

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.

**PA0070009**, Sewage, SIC Code 7011, **Aqua Pennsylvania Wastewater, Inc. (APW)**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010. Facility Name: Aqua Pennsylvania Wastewater, Inc. Cove Village WWTP. This existing facility is located in North Union Township, **Schuylkill County**.

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

The receiving stream(s), Catawissa Creek (TSF, MF), is located in State Water Plan watershed 5-E and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.1 MGD.—Interim Limits.

(From Permit Effective Date to Four Years After Permit Effective Date)

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average	Average		Average	Maximum	
	Monthly	Weekly		Monthly		
Total Residual Chlorine (TRC)	XXX	XXX	XXX	1.2	XXX	2.8

The proposed effluent limits for Outfall 001 are based on a design flow of 0.1 MGD.—Final Limits.

(From Four Years After Permit Effective Date to Permit Expiration Date)

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average	Average		Average	Maximum	
	Monthly	Weekly		Monthly		
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6

The proposed effluent limits for Outfall 001 are based on a design flow of 0.1 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average	Average		Average	Maximum	
	Monthly	Weekly		Monthly		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
			Inst Min			

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	Report	XXX	XXX
May 1 - Oct 31	XXX	XXX	XXX	25.0	XXX	50.0
E. Coli (No./100 ml)	XXX	XXX	XXX	Report	XXX	XXX
				Avg Qrtly		
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Annl Avg	XXX	XXX
				Report		
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Annl Avg	XXX	XXX
				Report		
Total Phosphorus	XXX	XXX	XXX	Annl Avg	XXX	XXX
				Report		
				Annl Avg		

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

- Solids Management

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

*Northwest Regional Office*

**PA0028428 A-1**, Sewage, SIC Code 4952, **Brockway Area Sewer Authority**, 501 Main Street, Brockway, PA 15824-1326. Facility Name: Brockway Area WWTP. This existing facility is located in Brockway Borough, **Jefferson County**.

Description of Existing Activity: The application is for an amendment of an NPDES permit for an existing discharge of treated sewage. The amendment removes the limits and monitoring related to the acceptance of natural gas-related wastewater, which has been eliminated.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	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	Inst Min 4.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	250	375	Inst Min XXX	20.0	30.0	40
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	375	562	XXX	30.0	45.0	60
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ultraviolet light intensity (µw/cm <sup>2</sup> )	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Ammonia-Nitrogen						
Nov 1 - Apr 30	243	XXX	XXX	19.5	XXX	39
May 1 - Oct 31	81	XXX	XXX	6.5	XXX	13
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Toxicity, Chronic - Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	5.0	XXX	XXX
Toxicity, Chronic - Ceriodaphnia Reproduction (TUc)	XXX	XXX	XXX	Daily Max 5.0	XXX	XXX
Toxicity, Chronic - Pimephales Survival (TUc)	XXX	XXX	XXX	Daily Max 5.0	XXX	XXX
Toxicity, Chronic - Pimephales Growth (TUc)	XXX	XXX	XXX	Daily Max 5.0	XXX	XXX

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

- Solids Management
- Whole Effluent Toxicity (WET)

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is not in effect.

**PA0239691**, Sewage, SIC Code 8800, **Carl R. Brugger**, 6194 Cobblestone Drive, Erie, PA 16509-7802. Facility Name: Carl R. Brugger SRSTP. This existing facility is at 13478 Old Lake Road # 66, East Springfield, PA 16411 located in Springfield Township, **Erie 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 Stream (CWF, MF), is located in State Water Plan watershed 15-A and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

**PA0289019**, Sewage, SIC Code 8800, **Merle & Theresa Wolfe**, 2943 Quance Road, McKean, PA 16426-2139. Facility Name: Merle & Theresa Wolfe SRSTP. This proposed facility is located in McKean Township, **Erie County**.

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

The receiving stream(s), UNT Elk Creek (WWF), is located in State Water Plan watershed 15-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0005 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

**PA0289108**, Sewage, SIC Code 8800, **Richard Folga**, 8356 Lewis Road, Harborcreek, PA 16421-1222. Facility Name: Richard Folga SRSTP. This proposed facility is located in Harborcreek Township, **Erie County**.

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

The receiving stream(s), Scott Run (CWF, MF), is located in State Water Plan watershed 15-A and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0005 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
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 814-332-6078.

The EPA Waiver is in effect.

**PA0289493**, Sewage, SIC Code 4952, **Heather Casey**, 760 Bear Creek Road, Cabot, PA 16023-9507. Facility Name: Heather Casey SFTF. This proposed facility is located in Hermitage City, **Mercer County**.

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

The receiving stream(s), West Branch Little Neshannock Creek (TSF), is located in State Water Plan watershed 20-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
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 814-332-6078.

The EPA Waiver is in effect.

**PA0289540**, Sewage, SIC Code 8800, **Allen DeChellis**, 136 Cherry Valley Road, Saxonburg, PA 16056-9126. Facility Name: Allen Dechellis SRSTP. This proposed facility is located in Clinton Township, **Butler 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), Bull Creek (TSF), is located in State Water Plan watershed 18-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg	XXX	6.0	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	Inst Min 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 814-332-6078.

The EPA Waiver is in effect.

*Southcentral Regional Office*

**PA0261637**, Industrial, SIC Code 9999, **NGK Metals Corp**, 917 US Highway 11 South, Sweetwater, TN 37874. Facility Name: NGK Metals Manufacturing. This existing facility is located in Muhlenberg Township, **Berks 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), Laurel Run, is located in State Water Plan watershed 3-C and is classified for, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 002 are based on a design flow of .17 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	42.5	85.1	Inst Min XXX	30	60	75
Total Dissolved Solids	1,418	2,836	XXX	1,000	2,000	2,500
Beryllium, Total	0.038	0.077	XXX	0.027	0.054	0.067
Cadmium, Total	0.003	0.006	XXX	0.002	0.004	0.005
Chromium, Hexavalent	0.047	0.094	XXX	0.033	0.066	0.082
Copper, Total	0.018	0.037	XXX	0.013	0.026	0.032
Fluoride, Total	9.4	18.7	XXX	6.6	13.2	16.5
1,1,1-Trichloroethane	Report	Report	XXX	Report	Report	XXX
1,1-Dichloroethylene	0.0011	0.0023	XXX	0.0008	0.0016	0.002

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.

**PA0027405**, Sewage, SIC Code 4952, **Ephrata Borough Authority Lancaster County**, 124 S State Street, Ephrata, PA 17522-2411. Facility Name: Ephrata STP. This existing facility is located in Ephrata Borough, **Lancaster 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), Cocalico Creek (WWF), is located in State Water Plan watershed 7-J 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 3.8 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.29	XXX	0.96
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	666	998	XXX	21	31.5	42

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Biochemical Oxygen Demand (BOD <sub>5</sub> ) Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	951 Report	1,426 Report Daily Max	XXX XXX	30 Report	45 XXX	60 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
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	XXX Report	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Total Nitrogen (Total Load, lbs) (lbs)	Total Mo XXX Report	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Effluent Net	Total Mo Report	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen Nov 1 - Apr 30	190	XXX	XXX	6.0	XXX	12
May 1 - Oct 31 (Total Load, lbs) (lbs)	63 Report	XXX XXX	XXX XXX	2.0 XXX	XXX XXX	4 XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Total Mo XXX Report	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Total Phosphorus (Total Load, lbs) (lbs)	Total Mo 63 Report	XXX XXX	XXX XXX	2.0 XXX	XXX XXX	4 XXX
Effluent Net	Total Mo Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Total Mo Report	XXX	XXX	XXX	XXX	XXX
Aluminum, Total	Report	XXX	XXX	Report	XXX	XXX
Copper, Total	1.09	XXX	XXX	0.03	0.05	0.05
Cyanide, Free	0.26	XXX	XXX	0.008	Daily Max 0.013	0.02
Zinc, Total	Report	XXX	XXX	Report Wkly Avg	XXX	XXX
Dichlorobromomethane	Report Wkly Avg	XXX	XXX	Report	XXX	XXX
Bis (2-Ethylhexyl) Phthalate	0.07	XXX	XXX	0.002	0.003 Daily Max	0.005

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

The EPA Waiver is not in effect.

**PA0087181**, Sewage, SIC Code 4952, **Ephrata Borough Authority Lancaster County**, 124 S State Street, Ephrata, PA 17522-2411. Facility Name: Ephrata 2 STP. This existing facility is located in Ephrata Township, **Lancaster 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), Stony Run (WWF), is located in State Water Plan watershed 7-J 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 2.3 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX



<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.42	XXX	1.38
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	480	767	XXX	25	40	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Total Suspended Solids	575	863	XXX	30	45	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
(Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
(Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Effluent Net	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Ammonia-Nitrogen						
Nov 1 - Apr 30	144	XXX	XXX	7.5	XXX	15
May 1 - Oct 31	48	XXX	XXX	2.5	XXX	5
(Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
(Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Total Phosphorus	38	XXX	XXX	2.0	XXX	4
(Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Effluent Net	Total Mo					
Total Phosphorus	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)	Total Mo					
Copper, Total	Report	XXX	XXX	Report	XXX	XXX
Cyanide, Free	0.19	XXX	XXX	0.009	0.015	0.025
					Daily Max	
Zinc, Total	Report	XXX	XXX	Report	XXX	XXX
Bis (2-Ethylhexyl) Phthalate	0.06	XXX	XXX	0.003	0.005	0.008
					Daily Max	

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

The EPA Waiver is not in effect.

**PA0261394**, Sewage, SIC Code 6514, **Randy S. Macko**, 3315A Back Road, Halifax, PA 17032-8720. Facility Name: Macko Res. This existing facility is located in Jefferson Township, **Dauphin 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), South Fork Powell Creek (CWF), is located in State Water Plan watershed 6-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0005 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
	Annl Avg					
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
				Avg Mo		

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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.

**PA0261564**, Sewage, SIC Code 6514, **John M Lee**, 14547 Paxton Run Road, Shippensburg, PA 17257-9118. Facility Name: Lee SRSTP. This existing facility is located in Lurgan Township, **Franklin 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 Conodoguinet Creek (WWF), is located in State Water Plan watershed 7-B 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 .0004 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report Avg Mo	XXX	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	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.

**PA0261602**, Sewage, SIC Code 6514, **McDermott John P**, 7269 Union Deposit Road, Hummelstown, PA 17036-9216. Facility Name: McDermott Res. This existing facility is located in South Hanover Township, **Dauphin 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 of Swatara Creek (WWF, MF), is located in State Water Plan watershed 7-D 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 .0004 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
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.

**PA0026166**, Sewage, SIC Code 4952, **Warminster Municipal Authority Bucks County**, 415 Gibson Avenue, Warminster, PA 18974-4163. Facility Name: Warminster Township STP & Sewer System. This existing facility is located in Warminster Township, **Bucks 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), Little Neshaminy Creek (WWF, MF) and Unnamed Tributary to Little Neshaminy Creek (WWF, MF), is located in State Water Plan watershed 2-F and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 8.18 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	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	6.0	XXX	XXX	XXX
CBOD <sub>5</sub>						
Nov 1 - Apr 30	1,703	2,726	XXX	25	40	50
May 1 - Oct 31	1,022	1,567	XXX	15	23	30
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
BOD <sub>5</sub>	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	2,044	3,066	XXX	30	45	60
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Dissolved Solids	68,221	XXX	XXX	1,000.0	XXX	1,500
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N						
Nov 1 - Jun 30	Report	XXX	XXX	Report	XXX	XXX
Jul 1 - Oct 31	681	XXX	XXX	10.0	XXX	20
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	204	XXX	XXX	3.0	XXX	6
May 1 - Oct 31	68	XXX	XXX	1.0	XXX	2
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus						
Nov 1 - Mar 31	136	XXX	XXX	2.0	XXX	4
Apr 1 - Oct 31	88	XXX	XXX	1.3	XXX	2.6
Total Aluminum	51.2	57.9	XXX	0.75	0.85	0.85
					Daily Max	
Dissolved Iron	XXX	XXX	XXX	Report	XXX	XXX
Total Iron	116	181	XXX	1.67	2.65	2.65
					Daily Max	
Sulfate	XXX	XXX	XXX	Report	XXX	XXX
Chloride	XXX	XXX	XXX	Report	XXX	XXX
Bromide	XXX	XXX	XXX	Report	XXX	XXX
Total Zinc	Report	XXX	XXX	Report	XXX	XXX
Copper, Total	XXX	XXX	XXX	Report	XXX	XXX
Total Hardness	XXX	XXX	XXX	Report	XXX	XXX
Chronic WET -	XXX	XXX	XXX	1.14	XXX	XXX
Ceriodaphnia Survival (TUc)				Daily Max		
Chronic WET -	XXX	XXX	XXX	1.14	XXX	XXX
Ceriodaphnia Reproduction (TUc)				Daily Max		
Chronic WET -	XXX	XXX	XXX	1.14	XXX	XXX
Pimephales Survival (TUc)				Daily Max		
Chronic WET -	XXX	XXX	XXX	1.14	XXX	XXX
Pimephales Growth (TUc)				Daily Max		

The proposed effluent limits for Outfall 002 are based on a design flow of .75 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	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	9.0 Max	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
CBOD <sub>5</sub>						
Nov 1 - Apr 30	156	250	XXX	25	40	50
May 1 - Oct 31	94	144	XXX	15	23	30
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
BOD <sub>5</sub>	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	188	281	XXX	30	45	60
Total Dissolved Solids	6,255	XXX	XXX	1,000	XXX	1,500
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N						
Nov 1 - Jun 30	Report	XXX	XXX	Report	XXX	XXX
Jul 1 - Oct 31	63	XXX	XXX	10.0	XXX	20
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	19	XXX	XXX	3.0	XXX	6
May 1 - Oct 31	6	XXX	XXX	1.0	XXX	2
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus						
Nov 1 - Mar 31	13	XXX	XXX	2.0	XXX	4
Apr 1 - Oct 31	8	XXX	XXX	1.3	XXX	2.6
Total Aluminum	51.2	57.9	XXX	0.75	0.85	0.85
					Daily Max	
Dissolved Iron	XXX	XXX	XXX	Report	XXX	XXX
Total Iron	116	181	XXX	1.67	2.65	2.65
					Daily Max	
Sulfate	XXX	XXX	XXX	Report	XXX	XXX
Chloride	XXX	XXX	XXX	Report	XXX	XXX
Bromide	XXX	XXX	XXX	Report	XXX	XXX
Total Hardness	XXX	XXX	XXX	Report	XXX	XXX
Total Zinc	XXX	XXX	XXX	Report	XXX	XXX
Copper, Total	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 003—007 are based on storm event.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	Report	XXX	XXX
COD	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	XXX

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

- No Stormwater in Sewers
- Obtain Necessary Property Rights
- Proper Sludge Disposal
- Chlorine Minimization
- Small Stream Discharge
- Notification of Responsible Owner
- Develop O&M Manual
- Fecal Coliform Reporting
- POTW Pretreatment Program Implementation

- Whole Effluent Toxicity (WET)
- Requirements Applicable to Stormwater Outfalls
- Site Specific Criteria Study

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is not in effect.

*Southeast Regional Office*

**PA0051942**, Sewage, SIC Code 4952, **Margaret M. Brower**, 40 Grays Lane, Elverson, PA 19520-9715. Facility Name: Brower SRSTP. This existing facility is located in Warwick Township, **Chester 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, Unnamed Tributary to French Creek (EV, MF), is located in State Water Plan watershed 3-D and is classified for Exceptional Value Waters and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

- AMR to DEP
- DMR to DEP
- 1/year Measure Depth of Septage and Scum
- Septic Tanks Pumped Out Every Three Years
- Chlorine Optimization
- No Stormwater
- Necessary Property Rights
- Proper Sludge Disposal
- Abandon STP when Municipal Sewers Available

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

**PA0056545**, Storm Water, SIC Code 2671, **Loparex**, 2400 Continental Boulevard, Malvern, PA 19355-2326. Facility Name: Loparex Malvern Facility. This existing facility is located in Tredyffrin Township, **Chester County**.

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

The receiving stream, Unnamed Tributary to Little Valley Creek (EV) is located in State Water Plan watershed 3-F and is classified for Exceptional Value Waters, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on an average flow of stormwater—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on an average flow of stormwater—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on an average flow of stormwater—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

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

- A. Stormwater Outfalls
- B. BMPs
- C. Routine Inspections
- D. PPC Plan
- E. Stormwater Monitoring
- F. Acquire Necessary Property Rights
- G. Proper Sludge Disposal

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

*Southwest Regional Office*

**PA0219428**, Sewage, SIC Code 8811, **David R. Vankirk**, 7669 Big Beaver Boulevard, Wampum, PA 16157-2719. Facility Name: Vankirk Sr STP. This existing facility is located in Big Beaver Borough, **Beaver 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 Stockman Run (WWF), is located in State Water Plan watershed 20-B 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 .0004 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX

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

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

### III. Individual NPDES Permit Applications for Discharges of Stormwater Associated with Construction Activity.

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD150191	New	Weston Investment Properties, LP 1595 Paoli Pike West Chester, PA 19380	West Whiteland Township Chester County	SERO
PAD510202	New	Philadelphia Parks and Recreation 1515 Arch Street 11th Floor Philadelphia, PA 19102	City of Philadelphia Philadelphia County	SERO
PAD510203	New	Somerset Street Station, LLC 3020 Richmond Street Philadelphia, PA 19134	City of Philadelphia Philadelphia County	SERO
PAD510204	New	500 Erie LLC 1218 Remington Road Wynnewood, PA 19096	City of Philadelphia Philadelphia County	SERO
PAD520026	New	One Sky LLC 2 Executive Drive Suite 500 Fort Lee, NJ 07024	Westfall Township Pike County	NERO
PAD480085 A-1	Major Amendment	City of Bethlehem 10 E. Church Street Bethlehem, PA 18018	City of Bethlehem Northampton County	NERO
PAD130032	New	Valor Clinic Foundation c/o Mark Baylis P.O. Box 315 Brodheads ville, PA 18322	Kidder Township Carbon County	NERO
PAD480132 A-1	Renewal, Major Amendment	Louis P. Pektor, III New Demi Road, LLC 559 Main Street Suite 300 Bethlehem, PA 18018	Upper Mount Bethel Township Northampton County	NERO
PAD450139	New	Core5 Industrial Partners, LLC 1230 Peachtree Street NE Suite 3560 Atlanta, GA 30309	Pocono Township Monroe County	NERO
PAD480146	New	Triple Net Investments LXVI, LLC 171 State Route 173 Suite 201 Asbury, NJ 08802	Forks Township Northampton County	NERO
PAD060052	New	Jay Rohleder 845 Topaz Drive West Chester, PA 19382-5595	Union Township Berks County	SCRO

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD210071	New	Ashcombe Mansion Property, LLC 1100 Grantham Road Mechanicsburg, PA 17055	Upper Allen Township Cumberland County	SCRO
PAD140076	New PAG-02 Individual Permit	S&A Homes, Inc. Walizer Road Bellefonte, PA 16823	Walker Township Centre County	NCRO
PAD140077	New PAG-02 Individual Permit	The Pennsylvania State University Osmond Library Pallock Road University Park, PA 16802	State College Borough Centre County	NCRO
PAD530008	New PAG-02 Individual Permit	UGI Utilities, Inc 1 UGI Drive Denver, PA 17517	Pike Township Potter County	NCRO
PAD020043	Individual NPDES	Moon Marketplace Agent, LLC 965 Greentree Road Suite 400 Pittsburgh, PA 15220	Moon Township Allegheny County	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAD020037	Individual NPDES	Allegheny Valley Joint Sewage Authority P.O. Box 158 Cheswick, PA 15024	Harmar Township Springdale Borough Cheswick Borough Allegheny County	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAD020044	Individual NPDES	Duquesne University of the Holy Spirit 600 Forbes Avenue Suite 505 Pittsburgh, PA 15282	City of Pittsburgh Allegheny County	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 412-291-8010
PAD040009	Individual NPDES	Peoples Natural Gas, LLC 375 North Shore Drive Pittsburgh, PA 15212	Darlington Township Beaver County	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 724-378-1701
PAD630002 A-2	Individual NPDES	Washington County Council on Economic Development 273 South Main Street Washington, PA 15301	Hanover Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098

## STATE CONSERVATION COMMISSION

### PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed (National Pollutant Discharge Elimination System) NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30-days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should



include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

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

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Kerwin King 375 Forest Manor Road Cochranville, PA 19330	Chester	221; 210.1 Avail. for Appl.	91.34	Duck	HQ	Renewal
Rohrer Farms, LLC 750 Doe Run Road Lititz, PA 17543	Lancaster	355.1	2,155.79	Swine/ Layers/ Pullets	NA	Renewal
Kerek Musser 2604 Hossler Road Manheim, PA 17545	Lancaster	270	845.48	Layers	NA	Renewal
Hessland Farms Robert Hess 686 Rock Point Road Mount Joy, PA 17552	Lancaster	300.37	690.09	Swine/ Beef	NA	Renewal
Harvey Wason 2823 Farmhouse Lane James Creek, PA 16657	Huntingdon	92.7	332.99	Swine/ Horses/ Beef	N/A	Renewal

**PUBLIC WATER SUPPLY 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 Hamilton 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).**

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

**Permit No. 5021502**, Public Water Supply.

Applicant	<b>Loysville Youth Development Center</b>
Municipality	Tyrone Township
County	<b>Perry</b>
Responsible Official	Justin Shull Facility Maintenance Manager 3 8 Opportunity Drive Loysville, PA 17047
Type of Facility	Public Water Supply
Consulting Engineer	Jordan Rang, P.E. KCI Technologies 936 Ridgebrook Road Sparks, MD 21152
Application Received:	March 31, 2021
Description of Action	Installation of Well No. 4 and sodium hypochlorite disinfection.

**Permit No. 6721506**, Public Water Supply.  
 Applicant **Mount Zion Evangelical Lutheran Church**  
 Municipality Fairview Township  
 County **York**  
 Responsible Official Andrew Fitch  
 963 Lewisberry Road  
 Lewisberry, PA 17339  
 Type of Facility Public Water Supply  
 Consulting Engineer Max E. Stoner, P.E.  
 Glace Associates, Inc.  
 3705 Trindle Rd  
 Camp Hill, PA 17011  
 Application Received: March 31, 2021  
 Description of Action Installation of nitrate removal treatment.

*Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. 1121505**, Public Water Supply.  
 Applicant **East Taylor Municipal Authority**  
 403 Donruth Lane  
 Johnstown, PA 15909  
 Township or Borough East Taylor Township  
 County **Cambria**  
 Responsible Official Edward Ocipa  
 Chairman  
 Type of Facility Water system  
 Consulting Engineer The EADS Group, Inc.  
 227 Franklin Street  
 Suite 300  
 Johnstown, PA 15901  
 Application Received Date June 11, 2021  
 Description of Action Installation of mixing systems in the Pudliner Lane and William Penn Avenue tanks.

#### MINOR AMENDMENT

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

*Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Application No. 0221518MA**, Minor Amendment.  
 Applicant **Pittsburgh Water and Sewer Authority**  
 1200 Penn Avenue  
 Pittsburgh, PA 15222  
 Township or Borough City of Pittsburgh  
 County **Allegheny**  
 Responsible Official Barry King, PE, PMP  
 Type of Facility Water system  
 Consulting Engineer Mott MacDonald  
 Two Allegheny Center  
 Nova Tower 2  
 Suite 1301  
 Pittsburgh, PA 15212

Application Received Date June 1, 2021  
 Description of Action Replacement and rehabilitation of the PWSA Highland Rising Main 4 between the Bruecken Pump Station and Highland Reservoir No. 2.

### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION UNDER ACT 2, 1995 PREAMBLE 1

#### Acknowledgment of Notices of Intent to Remediate Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent (NOI) to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a (NOI) to Remediate with the Department. A NOI to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under Sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the NOI to Remediate is published in a newspaper of general circulation in the area of the site. For the following identified site(s), proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30-days of the following specified date. During this comment period the municipality may request that the following identified person, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

For further information concerning the content of a NOI to Remediate, please contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowl-

edgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

The Department of Environmental Protection has received the following Notice(s) of Intent to Remediate:

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

**Nazareth Hospital**, 2601 Holme Avenue, Philadelphia, PA 19152, City of Philadelphia, **Philadelphia County**. Joseph Diamadi, Jr., Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426, on behalf of George Starrett, Nazareth Hospital, 2601 Holme Avenue, Philadelphia, PA 19152, submitted a Notice of Intent to Remediate. The site has been found to be contaminated with No. 4 fuel oil that is suspected to have contaminated subsurface soil and groundwater. The proposed future use of the property will continue to be a hospital. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in *The Philadelphia Inquirer* on May 13, 2021.

**46 West Plumstead Avenue**, 46 West Plumstead Avenue, Lansdowne, PA 19050, Lansdowne Borough, **Delaware County**. Henry G. Bienkowski, PG, Crawford Environmental Services, LLC, 20 Cardinal Drive, Birdsboro, PA 19508 on behalf of Insook Connelly, DC Fuel Oil Company, 3967 Parrish Street, Philadelphia, PA 19104, submitted a Notice of Intent to Remediate. Soil has been contaminated with No. 2 fuel oil, benzene, toluene, ethylbenzene, cumene, MTBE, naphthalene, 1,2,4-TMB, & 1,3,5-TMB. The future use of the property will continue to be residential. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in the *Daily Times* and *Sunday Times* on April 27, 2021.

**Dan Sensenig Trucking Diesel Fuel Release**, 123 Old Racetrack Road, Coatesville, PA 19320, Highland Township, **Chester County**. Brett Dietz, Sovereign Consulting Inc., 50 West Welsh Pool Road, Suite 6, Exton, PA 19341 on behalf of Daniel Sensenig, Dan Sensenig Trucking, 5 Becker Road, New Oxford, PA 17350 submitted a Notice of Intent to Remediate. Soil has been contaminated with the release of diesel fuel. The proposed future use of the property will remain a vacant wooded area. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in the *Exton Daily Local News* on May 28, 2021.

**Melody Lakes Automotive d/b/a United Tire Quakertown**, 1113 North West End Boulevard, Quakertown, PA 18951, Richland Township, **Bucks County**. Andrew Markoski, PG, Patriot Environmental Management, LLC, 2404 Brown Street, Pottstown, PA 19464 on behalf of Andy Chalofsky, Melody Lakes Automotive dba United Tire Quakertown, 3100 Marwin Road, Bensalem, PA 19020 submitted a Notice of Intent to Remediate. Soil and groundwater have been contaminated with the release of toluene, ethylbenzene, iopropylbenzene, MTBE, naphthalene, 1,2,4-TMB, and 1,3,5-TMB and benzene. Future use of the property is expected to remain commercial. The proposed cleanup standard for the site is site-specific standard/Statewide health standard. The Notice of Intent to Remediate was published in the *Intelligencer* on August 28, 2020.

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

*Contact: Eric Supey, Environmental Program Manager.*

**Former Weatherly Steel Mill**, 10 Wilbur Street, Weatherly, PA 18255, Weatherly Borough, **Carbon County**. Quad 3 Group, 37 N. Washington St., Wilkes-Barre, PA 18701, on behalf of Weatherly Borough, 61 West Main Street, Weatherly, PA 18255, submitted a Notice of Intent to Remediate. Soil was contaminated with metals from historic use as a steel mill and railroad repair shop. The report is intended to document remediation of the site to meet site specific standards. Future use of the site will be nonresidential. The Notice of Intent to Remediate was published in *The Hazleton Standard Speaker* on June 4, 2021.

**J. Busik Pad 1**, 1274 Bare Valley Road, Dimock, PA 18816, Dimock Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of Cabot Oil & Gas Corporation, 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Notice of Intent to Remediate. Soil was contaminated by a release of ethylene glycol. The report is intended to document remediation of the site to meet Statewide health standards. Future use of the site will be residential. The Notice of Intent to Remediate was published in *The Susquehanna County Independent* on April 14, 2021.

*Northcentral Region: Environmental Cleanup and Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**GM Trucking Release**, 831 Bendt Hill Road, New Albany, PA 18833, Albany Township, **Bradford County**. Penn Environmental & Remediation, Inc., 13180 Route 6, Mansfield, PA 16933, on behalf of GM Trucking, Inc., 215 Green Mountain Drive, Athens, PA 18810, has submitted a Notice of Intent to Remediate concerning remediation of site soil contaminated with produced water and used motor oil resulting from a motor vehicle accident. The applicant proposes to remediate the site to meet the Background and Statewide health standards and the future use of the property is anticipated to remain a residential property. A summary of the Notice of Intent to Remediate was published in *The Daily Review* on June 3, 2021.

**Rainbow 104H on the Rainbow BRA Pad**, 986 Rouse Road, New Albany, PA 18833, Wilmot Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, has submitted a Notice of Intent to Remediate concerning remediation of site soil contaminated with produced water. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was published in *The Daily Review* on June 10, 2021.

#### HAZARDOUS WASTE TREATMENT, STORAGE & DISPOSAL FACILITIES

**Applications received, withdrawn, denied or returned 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 Operate a Hazardous Waste Treatment, Storage or Disposal Facility.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Application PAR00030874-A211. Copperhead Chemical Company Inc.**, 120 River Road, Tamaqua, PA 18252. A permit renewal application for the continued treatment of hazardous waste generated at the Copperhead Chemical facility located in Walker Township, **Schuylkill County**. The application was received by the Northeast Regional Office on June 8, 2021, and accepted as administratively complete on June 14, 2021.

**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**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. 100281. Greenridge Reclamation, LLC**, 234 Landfill Road, Scottdale, PA 15683 3 Permittee. Permit renewal for continued operation of a municipal waste landfill at the Greenridge Reclamation Landfill, 234 Landfill Road, Scottdale, PA 15683 in East Huntingdon Township, **Westmoreland County**, was issued in the Regional Office on June 14, 2021.

Persons interested in reviewing the permit may contact Gregory Holesh, PE, Environmental Engineering Manager, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984.

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

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

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

**General Permit Application No. WMGR131SC001. Pixelle Specialty Solutions, LLC**, 228 South Main Street, Spring Grove, PA 17362, Spring Grove Borough, **York County**. An application for renewal of a determination of applicability under Residual Waste General Permit WMGR131, which authorizes 1) the beneficial use of carbonaceous wastes: (i) petroleum coke, (ii) uncontaminated and untreated wood chips generated during the pulp and/or paper making process, and (iii) other paper and wood industry wastes comprised primarily of wood fibers, and tire-derived fuel (TDF) as alternative fuels to be combined with waste coal/coal to produce specification fuel for circulating fluidized bed boilers (CFB); and 2) The beneficial use of the resulting ash generated by co-firing the approved alternative fuels with waste coal/coal (i.e., “ash”), for beneficial use as (i) structural fill, (ii) soil substitute or soil additive, (iii) at coal mining activity sites, (iv) at abandoned surface mining sites, and (v) other beneficial uses. The application for renewal of the deter-

mination of applicability was deemed administratively complete by the Southcentral Regional Office on June 8, 2021.

Persons interested in obtaining more information about the general permit application may contact John Oren, P.E., Permits Chief, PADEP Southcentral Regional Office, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4706. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984.

**AIR QUALITY**

**PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS**

The Department has developed an “integrated” plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The Department received applications for Plan 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 Hamilton 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.**

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

*Contact: David Balog, New Source Review Chief, (814) 332-6940.*

**62-032P: Ellwood National Crankshaft** (1 Front Street, Irvine, PA 16329), for the proposed installation of a new baghouse to replace an existing baghouse (C114—Crankshaft File & Grind Dust Collector) for Source 114 (Crankshaft File and Grind Process). Ellwood National Crankshaft is permitted under Ellwood National Forge. The facility is located in Brokenstraw Township, **Warren County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the facility operating permit at a later date.

Plan approval No 62-032P is for the proposed installation of a new baghouse to replace an existing baghouse (C114—Crankshaft File & Grind Dust Collector) for Source 114 (Crankshaft File and Grind Process). 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:

- Emissions shall comply with 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor, and visible emissions respectively

- No person may permit the emission into the outdoor atmosphere of particulate matter in a manner that the concentration of total particulate matter (both filterable and condensable) in the effluent gas exceeds 0.0002 grain per dry standard cubic foot. [This condition replaces the following condition from Plan Approval # 62-032A, Condition # 5: Particulate emission from the sources shall not exceed 0.02 grain/dscf.] [Compliance with the requirement in this streamlined permit condition assures compliance with the provisions found in 25 Pa. Code § 123.13]

- Emissions shall not exceed the following:
  - PM: 0.043 #/hr (both filterable and condensable)
  - PM: 0.19 tpy (both filterable and condensable) based on a 12-month rolling total

- PM<sub>10</sub>: 0.043 #/hr [This condition replaces the following condition from Facility Operating Permit: The PM<sub>10</sub> emissions from the source shall not exceed 0.035 lb/ton of production.]

- PM<sub>10</sub>: 0.19 tpy based on a 12-month rolling total [This condition replaces the following condition from Facility Operating Permit: The PM<sub>10</sub> emissions from the source shall not exceed 0.19 TPY (based on a 12-month rolling total).]

- PM<sub>2.5</sub>: 0.043 #/hr
- PM<sub>2.5</sub>: 0.19 tpy based on a 12-month rolling total
- The production rate of this source shall not exceed 10,650 TPY (based on a 12-month rolling total).

- Stack test for TSP initially and at operating permit renewal.

- All recordkeeping shall commence upon startup of the source/control device. All records shall be kept for a period of 5 years and shall be made available to the Department upon request.

- The permittee shall maintain a record of all preventive maintenance inspections of the control device. These records shall include, at a minimum, the dates of the inspections, the name of the person performing the inspection, any problems or defects identified, any actions taken to correct the problems or defects, and any routine maintenance performed.

- The permittee shall record the following operational data from the baghouse (these records may be done with strip charts recorders, data acquisition systems, or manual log entries):

- Pressure differential—daily defined as once per calendar day

- Visible emission check—daily defined as once per calendar day

- The permittee shall keep records of the following:

- Production rate of this source on a daily basis
- Hours of operation of the source on a monthly basis
- Emissions from the source on a monthly basis

- The permittee shall perform a daily operational inspection of the control device when the device is in operation. As part of this operational inspection the facility shall monitor the pressure drop across the baghouse and shall conduct a visible emissions observation per the following observation schedule:

- The permittee shall perform a daily operational inspection for the first week

- After the first week, the permittee shall perform an observation two times in the second week

- After the second week, the permittee shall perform one visible emissions observation weekly

- The VE observation shall be 60 seconds in length with readings every 15 seconds. If any visible emissions are observed, the facility shall perform one of the following:

- A Method 9 observation (60 minutes in duration) using a certified observer shall be conducted to determine compliance with the opacity limits—or

- The facility shall immediately commence shutdown of the source/control device in accordance with the Department approved shutdown procedure.

- If any visible emissions are observed, the permittee will then resume observations daily and repeat the previously listed process until observations are being completed once weekly.

- The permittee shall perform a monthly preventive maintenance inspection of the control device.

- A magnehelic gauge or equivalent shall be maintained and operated to monitor the pressure differential across the baghouse. All gauges employed shall have a scale such that the expected normal reading shall be no less than twenty percent (20%) of full scale and be accurate within plus or minus two percent (+/- 2%) of full-scale reading. [This condition replaces the following conditions from Plan Approval Number 62-032E and the RFD approved on 2007 and inspection report dated 8/28/2008: A magnehelic gauge or an equivalent device shall be permanently installed and maintained at a conveniently readable location to indicate the pressure drop across each collector. Reading will be recorded weekly, and a record of the readings and a maintenance log, which would include when filters are changed, will be kept for five years.—and—Whenever a condition in this permit requires the measurement of pressure drop across any part of the unit or its control device, the gauge employed shall have a scale such that the expected normal reading shall be no less than twenty percent (20%) of full scale.]

- The permittee shall adhere to the approved indicator range for the baghouse so that operation within the range shall provide reasonable assurance of compliance. A departure from the specified indicator range over a specified averaging period shall be defined as an excursion. The approved indicator range for the following shall be determined during the initial performance test or any subsequently approved performance tests unless otherwise stated:

- Pressure drop: 0.01 to 3.0 inches water gage or as established during compliant testing [This condition replaces the following condition from Plan Approval Number 62-032E and the RFD approved on 2007 and inspection report dated 8/28/2008: The operating range for pressure drop of the collector shall be maintained in between 0.01 inch to 3 inch water gauge.]

- Opacity less than or equal to 10%

- The permittee, with prior Departmental approval, may conduct additional performance tests to determine a new pressure drop range. Within 24-hours of discovery of a reading outside of the prescribed range the permittee shall perform a maintenance inspection on the control device and take corrective action. Records of all maintenance inspections on the control device, and corrective actions taken, shall be maintained on site for a minimum period of five years. In the event of more than one documented excursion outside the prescribed range in any calendar quarter the permittee shall submit a corrective measure plan to the Department. Corrective measures may include an increase of the frequency of required preventative maintenance inspections of the control device, a modification of the prescribed range, or other appropriate action as approved by the Department. Upon receipt of a corrective measure plan the Department shall determine the appropriate corrective measure on a case-by case basis.

- The permittee shall operate the control device at all times that the source is in operation. [This condition replaces the following condition from Plan Approval Number 62-032E and the RFD approved on 2007 and inspec-

tion report dated 8/28/2008: The sources shall not operate when the control device is not operating.]

- The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices. [This condition replaces the following condition from Plan Approval Number 62-032E and the RFD approved on 2007 and inspection report dated 8/28/2008: No person shall cause or permit the operation of the sources unless the source and air cleaning devices are operated and maintained in accordance with specifications in the Plan Approval conditions. A person may not cause or permit the operation of this source in a manner inconsistent with good operating practices.]

- Twenty percent of the total number of cartridges in the baghouse is required to be on site (7 cartridges).

- The emissions shall be calculated on a monthly basis based on the hours of operation, air flow through the control device (25,000 cfm), and the latest stack test result in gr/dscf or an alternative method approved by the Department. [This condition replaces the following condition from Plan Approval Number 62-032E and the RFD approved on 2007 and inspection report dated 8/28/2008: The emissions shall be calculated on a monthly basis for the source based on the production rate multiplied by the emission limit (lb/ton) and the hours of operation.]

- The owner or operator shall install, operate, and maintain a triboelectric leak detection system on the control device. The system shall be operated and maintained as prescribed by the manufacturer. The system shall sound an alarm if a leak is detected.

- All conditions from the facility operating permit with an Issue Date of January 30, 2018, and a Revision Date of July 23, 2020, for this source 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 [62-032P] 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 previously listed 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.

*Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543.*

*Contact: Edward Wiener, Chief of Source Registration at 215-685-9426.*

**AMS Plan Approval No. IP20-000455: AdvanSix Resins & Chemicals LLC—Frankford Plant** (2501 Margaret St., Philadelphia, PA 19137) for a change in operation to process VT-118 phenol at the high purity phenol unit, specifically through distillation columns CL-120 and CL-121, at their facility in the City of Philadelphia, **Philadelphia County**. The process change has a potential emissions increase of 3.39 tons per year of hazardous air pollutants and 3.39 tons per year of volatile organic carbons. Emissions increases are due to processing lower purity phenol in the distillation columns. The plan approval will contain operating, monitoring, and recordkeeping requirements to ensure operation within all applicable requirements.

Copies of all documents and information concerning this permit are available for review in the offices of Air Management Services, 321 University Ave., Philadelphia, PA 19104-4543 during normal business hours. Persons wishing to review these documents should contact Debra Williams (215-685-7572) at the previously listed address.

Persons wishing to file protest, comments or to request a public hearing on the previously listed permit must submit the protest, comments, or request for a public hearing to within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

#### 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.**

*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.*

**05-05005: Bedford Materials Co., Inc.** (7676 Allegheny Road, Manns Choice, PA 15550) to issue a Title V Operating Permit for the flexible electrical insulation and composite materials manufacturing facility located in Napier Township, **Bedford County**. The actual emis-

sions from the facility in 2019 year are estimated at 38.04 tons of VOC, 14.06 tons of HAP, 2.05 tons of NO<sub>x</sub>, 1.33 tons of CO and less than one ton each of PM<sub>10</sub>, PM<sub>2.5</sub>, and SO<sub>x</sub>. 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 § 129.52—Surface Coating Processes, § 129.52b—Control of VOC emissions from paper, film and foil surface coating processes, § 129.67—Graphic arts systems, 40 CFR Part 63, Subpart JJJJ—National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating, and 40 CFR Part 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

##### **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, (484) 250-5920.*

**15-00138: Aqua Pennsylvania, Inc./Pickering Water Treatment Plant** (1050 Valley Forge Road, Phoenixville, PA 19460-2657) for operation of seven (7) units of diesel-fired emergency generators and one (1) unit of natural gas-fired boiler at their Pickering facility located in Schuylkill Township, **Chester County**. Nitrogen Oxide emissions (NO<sub>x</sub>) are the main air pollutant produced by consumption of fuels. The facility is a State-Only (Synthetic Minor) facility for its NO<sub>x</sub> emissions. This action is a renewal of the State Only Operating Permit and it contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROPUBCOM@pa.gov.

**15-00103: Christiana Cabinetry**, (504 Rosemont Avenue, Atglen, PA 19310-9449) for the operation of six spray booths at a custom cabinet manufacturing facility located in Atglen Borough, **Chester County**. Volatile Organic Compounds (VOCs) are the main pollutant of concern from this facility. VOCs emissions are limited to 17.58 tpy from all six of the spray booths combined. This action is a renewal of the State Only Operating Permit (Natural Minor). The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROPUBCOM@pa.gov.

**15-00128: Brandywine Green DBA Pet Memorial Services** (126 Turner Lane, West Chester, PA 19380) for the renewal of a non-Title V Facility, State-Only Synthetic Minor Operating Permit in West Goshen Township, **Chester County**. The initial operating permit was issued

on November 12, 2009, with an effective date of December 1, 2009. Pet Memorial Services operate three (3) Crawford animal crematoriums (Source ID 101) rated at 450 lbs/hr each, one (1) EPA Technologies animal crematorium (Source ID 102) rated for 130 lbs/hr, and one (1) EPA Tech 6-cell Cremation Unit (Source ID 104) rated for a combined rate of 489 pounds per hour (lb/hr). The facility also has an emergency generator (Source ID 700) that did not require a Plan Approval. Applicable requirements have been incorporated into the operating permit for the emergency generator. The following are potential emissions from the facility: NO<sub>x</sub>—17.08 TPY; VOC—13.15 TPY; SO<sub>x</sub>—13.0 TPY; PM—34.88 TPY; CO—45.9 TPY; and HCl—7.0 TPY. The permit will contain monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROPUBCOM@pa.gov.

**15-00150: The Vanguard Group, Inc.** (1041 West Valley Rd, Valley Forge, PA) located in Tredyffrin Township, **Chester County**. This action is to renew a State-Only Operating Permit. The permit is for a total of seven (7) existing, previously exempted diesel-fired emergency generator sets. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROPUBCOM@pa.gov.

**46-00282: Titan International, Inc.** (700 Queen Street, Pottstown, PA 19464), located in Pottstown Borough, **Montgomery County**. This action is a renewal of a Natural Minor Operating Permit, for operation of two (2) batch reactor tanks, two (2) natural gas cooking kettles, and related metal recovery equipment, including fume scrubbers. The Hydrochloric (HCl) Fume Scrubber reduces Hazardous Air Pollutant (HAP) emissions to less than 0.034 ton of HCl per year. The Ammonia Fume Scrubber reduces ammonia emissions to less than 0.075 ton per year. Facility-wide potential to emit for all criteria pollutants is below major facility thresholds for the Philadelphia Consolidated Metropolitan Statistical Area. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROPUBCOM@pa.gov.

*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.*

**21-03118: Fogelsanger-Bricker Funeral Home, Inc.** (112 West King Street, P.O. Box 336, Shippensburg, PA 17257) to issue a State Only Operating Permit for the human crematory located in Shippensburg Borough Township, **Berks County**. The potential emissions from the facility are estimated at 1.67 tpy of PM<sub>10</sub>, 0.72 tpy of SO<sub>x</sub>, 2.97 tpy of NO<sub>x</sub>, 2.48 tpy of CO and 0.20 tpy of VOC emissions. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

**22-05050: Dauphin Meadows Inc./Millersburg Municipal Waste Landfill** (100 Brandywine Blvd., Suite 300, Newtown, PA 18940-4002) to issue a State-Only Operating Permit renewal for their closed landfill facility in Washington Township, **Dauphin County**. Potential emissions are not expected to exceed 1.2 tons per year (tpy) of VOC and 0.1 tpy of HAPs. The Operating Permit will include emission limits and work practice requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

*Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.*

**11-00377: New Enterprise Stone & Lime Company, Inc./Ebensburg Pulverizing Plant** (P.O. Box 77, 3912 Brumbaugh Rd., New Enterprise, PA 16664-9137). In accordance with 25 Pa. Code §§ 127.424, 127.425, and 127.521, the Department is providing notice of intent to issue a natural minor State Only Operating Permit for the operation of a limestone processing plant located in Cambria Township, **Cambria County**.

New Enterprise operates three crushers, three roll mills, three screens, one natural gas-fired rotary dryer, six storage silos, four dust collectors, and various water spray systems. This facility has a potential to emit 9.5 tons of NO<sub>x</sub>, 7.9 tons of CO, 0.1 ton of SO<sub>x</sub>, 0.5 ton of VOC, 0.4 ton of HAPs, 20.3 tons of PM, and 6.2 tons of PM<sub>10</sub> per year, operating at maximum throughput and hours. The proposed operating permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements for each unit.

The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by contacting Tom Joseph, Facilities Permitting Chief, directly.

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 Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (11-00377) and concise state-



ments regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant, and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Tom Joseph, Facilities Permit Chief, at the previously listed address.

**63-00878: Peoples Natural Gas Co LLC, Gibson Compressor Station** (375 N. Shore Drive, Suite 600, Pittsburgh, PA 15212-5866) for the renewal of the facility State Only Operating Permit (SOOP) for the facility located at 156 Redds Mill Road, Charleroi, PA 15022. This facility is in Fallowfield Township, **Washington County**.

Permitted air contamination sources include a 200 hp natural gas-fired compressor engine. This facility is a Natural Minor for permitting purposes. Based on the information provided by the applicant and DEP's own analysis, the combined subject sources will emit approximately 0.22 ton per year (tpy) of carbon monoxide, 0.27 tpy of nitrogen oxides, 0.019 tpy of particulate matter, 1.39 tpy of volatile organic compounds and 0.002 tpy of SO<sub>x</sub>.

The facility is subject to the applicable requirements of 25 Pa. Code Article III, Chapters 121–145. The proposed operating permit includes emission restrictions, as well as testing, monitoring, recordkeeping, reporting, work practice and additional requirements, designed to keep the facility operating within all applicable air quality requirements.

A previously permitted small emergency generator, a steam boiler, a maintenance building heater and a parts washer are inactive, and have been removed from the permit.

Comments or questions on this permit should be directed to Matthew Williams, Facilities Permitting Chief, NWRO Air Quality Program, at 814.332.6940.

**63-00934: MarkWest Liberty Midstream & Resources, LLC** (4600 J. Barry Ct., Ste. 500, Canonsburg, PA 15317-5854) initial Synthetic Minor State-Only Operating Permit is for the MarkWest Godwin natural gas compressor station located in Canton Township, **Washington 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 five (5) 1,340-HP Caterpillar G3516LE compressor engines, one (1) 40.0 MMBtu/day dehydration unit and associated 0.75 MMBtu/hr reboiler, one (1) 7.0 MMBtu/hr flare, one (1) 400-bbl condensate storage tank, one (1) 400-bbl gunbarrel tank, pneumatic devices, venting/blowdowns, fugitives, condensate loadout, crankcase vents, pigging operations, and miscellaneous sources that includes rod packing. The facility is required

to conduct regular surveys of the site while operating to ensure compliance with visible, fugitive, and malodor emission requirements and maintain records of those surveys. The facility-wide potential-to-emit is 99.8 TPY NO<sub>x</sub>, 36.7 TPY CO, 38.9 TPY VOC, 2.6 TPY PM, 2.6 TPY PM<sub>10</sub>/PM<sub>2.5</sub>, 0.20 TPY SO<sub>x</sub>, 43,800 TPY CO<sub>2e</sub>, 10.6 TPY total HAP, and 6.3 TPY single HAP. The proposed operating permit includes Federally enforceable and/or legally and practicably enforceable source-specific emission limitations for NO<sub>x</sub> for the five compressor engines to ensure that the facility remains below major source thresholds. The air quality permit includes facility-wide and source-specific emission limitations, operating requirements, monitoring requirements, and recordkeeping requirements for the site.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Synthetic Minor State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, 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 (63-00934) 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 Tom Joseph, Facilities Permit Chief, at the previously listed address.

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

The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx>.

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

*Contact: Matthew Williams, Facilities Permitting Chief, (814) 332-6940.*

**24-00126: US Resistor** (1016 DeLaum Rd, Saint Marys, PA 15857). The Department intends to issue the renewal State-Only Operating Permit of a ceramic and organic industrial resistors manufacturing facility located in Saint Marys City, **Elk County**. Permitted air contamination sources at the facility are curing and sintering ovens, material handling mixing and processing operations, a batch cold cleaning machine, metallic wire spray application, and resistor coating operations. Using a halogenated solvent for cleaning, the batch cold cleaning machine is subject to 40 CFR 63 Subpart T. In this renewal, two sintering ovens are added as permitted sources. A decommissioned batch kiln is removed as a permitted source. Not enforceable as a permit condition, an emission restriction criterion based on an approved Request for Determination is removed from the permit.

Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543.

Contact: Edward Wiener, Chief, Source Registration at 215-685-9426.

The City of Philadelphia, Air Management Services (AMS) intends to issue an initial Synthetic Minor State Only Operating Permit for the following facility:

**OP21-000015: Philadelphia Public Services Building** (400 North Broad Street, Philadelphia, PA 19130), for the operation of air emission sources in a building used for general support of city government, in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources are three (3) boilers firing natural gas, of which one rated 0.399 MMBtu/hr and two rated 3.0 MMBtu/hr each, one (1) boiler firing No. 2 oil rated 6.25 MMBtu/hr, two (2) humidifiers each rated 0.50 MMBtu/hr, and three (3) emergency generators firing diesel fuel each rated 2,682 HP. Additionally, the facility has six (6) insignificant unit heaters each rated 0.25 MMBtu/hr or less that are included in the Synthetic Minor Operating Permit for facility-wide emission calculation, and they are required to follow the applicable requirements in the Synthetic Minor Operating Permit.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest, comments, or request a public hearing on the previously listed operating permit must submit the protest, comments or request for public hearing within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

## COAL & NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); 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); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). 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 of Environmental Protection. A copy of the application is available for inspection at the District Mining Office indicated above 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 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 above 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 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Written comments or objections related to 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.

Requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 (relating to public hearing-informal conferences) or § 86.34 (relating to informal conferences), 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.

Where a National Pollutant Discharge Elimination System (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*

*Effluent Limits*—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Table 1

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH <sup>1</sup>		greater than 6.0; less than 9.0	

Alkalinity greater than acidity<sup>1</sup>

<sup>1</sup> 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) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

*California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100, (Contact: Bonnie Herbert).*

**Permit No. 30121301 and NPDES Permit No. PA01213535. Consol Pennsylvania Coal Company LLC**, 1000 Consol Energy Drive, Suite 100, Canonsburg, PA 15317 to revise the permit and related NPDES permit for installation of a degas borehole for Harvey Mine in Richhill and Morris Townships, **Greene County** affecting 4.9 proposed surface acres. No additional discharges. The application was considered administratively complete on June 3, 2021. Application received: March 18, 2021.

**Permit No. 17031301 and NPDES Permit No. PA0235571. Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201 to operate the Cherry Tree Mine by reactivating the existing underground Coal Mining Activity Permit and related NPDES Permit in Burnside Township, **Clearfield County** and Montgomery Township and Cherry Tree Borough, **Indiana County** affecting 49.0 proposed surface acres and 5,382.0 proposed underground acres. Receiving stream(s): West Branch Susquehanna River classified for the following use(s): WWF. The application was considered administratively complete on May 24, 2021. Application received: March 9, 2021.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900, (Contact: Melanie Ford-Wigfield).*

**Permit No. 32810135 and NPDES No. PA0607606. MB Energy Inc.**, 175 McKnight Road, Blairsville, PA 15717, renewal for the existing bituminous surface mine in West Wheatfield Township, **Indiana County**, affecting 5.0 acres. Receiving stream: unnamed tributary to Blacklick Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 11, 2021.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200, (Contact: Ashley Smith).*

**Permit No. 4777SM7 and NPDES PA0257648. Warner Company c/o Waste Management**, 10376 Bullock Drive, King George, VA 22485. Permit renewal for continued treatment of acid mine drainage on a bituminous surface coal mine located in Snow Shoe Township, **Centre County** affecting 155 acres. Receiving stream(s): Unnamed Tributary to Beech Creek classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: May 27, 2021.

**Permit No. 17090107 and NPDES No. PA0257257. RES Coal, LLC**, 224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920, permit renewal for continued operation and restoration of a bituminous surface coal and auger mine located in Goshen Township, **Clearfield County** affecting 442.1 acres. Receiving stream(s): Chubb Run, Surveyor Run, Unnamed Tributaries to the West Branch Susquehanna River classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: June 9, 2021.

**Permit No. 17150103 and NPDES No. PA0269697. RES Coal LLC**, 224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920, permit renewal for continued operation and restoration of a bituminous surface coal mine located in Sandy Township, **Clearfield County** affecting 92.3 acres. Receiving stream(s): Unnamed Tributaries to Sandy Lick Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: June 9, 2021.

*New Stanton District Office: P.O. Box 133, New Stanton, PA 15672, (724) 925-5500, (Contact: Tracy Norbert).*

**Permit No. 03080105 and NPDES Permit No. PA0251534. Britt Energies, Inc.**, P.O. Box 515, Indiana, PA 15701. Renewal application for reclamation only to an existing bituminous surface mine, located in Plumcreek Township, **Armstrong County**, affecting 63.9 acres. Receiving streams: unnamed tributaries to Cherry Run and Cherry Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: June 11, 2021.

*Coal Applications Withdrawn*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100, (Contact: Bonnie Herbert).*

**Permit No. 30831303 and NPDES Permit No. PA0013511. Cumberland Contura, LLC (formerly Cumberland Coal Resources, LP)**, 158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370, to revise the permit and related NPDES Permit to add pipelines and water handling features for the No. 5 Shaft and No. 2A Air Shaft surface facility sites for Cumberland Mine located in Whiteley, Franklin, Perry, Center, Greene, and Wayne Townships, **Greene County**, affecting 10.2 proposed surface acres. No additional discharges. The application was considered administratively complete on November 22, 2016. Application received: June 29, 2015. Permit Withdrawn: June 8, 2021.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 54693047C10. Pagnotti Enterprises, Inc.**, 144 Brown Street, Yatesville, PA 18640, correction to update the post-mining land use of an existing anthracite surface mine and coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 281.25 acres. Receiving stream: Mill Creek. Application received: November 16, 2020. Correction withdrawn: June 9, 2021.

*Noncoal Applications Received*

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

Table 2

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

\* The parameter is applicable at all times.

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

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knoxville, PA 16232-0669, (814) 797-1191, (Contact: Cayleigh Boniger).*

**Permit No. 33190301 and NPDES Permit No. PA0280771. Infrastructure Resources, Inc.,** P.O. Box 45, Punxsutawney, PA 15767, Commencement, operation, and restoration of a large industrial minerals surface mine in Ringgold Township, **Jefferson County**, affecting 217.0 acres. Receiving stream(s): Unnamed tributary to Pine Run and Caylor Run classified for the following use(s): CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: May 26, 2021.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 06820601T3 and NPDES Permit No. PA0612791. Southern Berks Land Co., LP** (200 Bethlehem Drive, Suite 106, Morgantown, PA 19543), transfer of an existing quarry and NPDES Permit for discharge of treated mine drainage from Allan Myers, LP d/b/a Allan Myers Materials and to delete 4.3 acres from the permit for a total of 93.3 acres in New Morgan Borough, **Berks County**. Receiving stream: unnamed tributary to East Branch Conestoga River, classified for the following use: warm water fishes. Application received: May 25, 2021.

**Permit No. 4874SM2C6 and NPDES Permit No. PA0123544. Pennsy Supply, Inc.,** 2400 Thea Drive Suite 3A, Harrisburg, PA 17110, renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Jackson Township, **York County** affecting 214.8 acres. Receiving stream: Little Conewago Creek, classified for the following use: trout stocked fishery. Application received: June 4, 2021.

**Permit No. 45820302. Fuhse Excavating,** 111 Travis Road, Hawley, PA 18428, Stage I & II bond release of a quarry operation in Middle Smithfield Township, **Monroe County** affecting 5.0 acres on a quarry owned by Fuhse Excavating. Application received: May 18, 2021.

**Permit No. 58030818. Donald R. Taylor,** 4450 Williams Road, Nicholson, PA 18446, Stage I & II bond release of a quarry operation in Lathrop Township, **Susquehanna County** affecting 2.0 acres on quarry owned by Donald R. Taylor. Application received: June 4, 2021.

**Permit No. 58900820. Adams & Hollenbeck Enterprises, LLC,** 7295 Kingsley Road, Kingsley, PA 18826, Stage I & II bond release of a quarry operation in Harmony Township, **Susquehanna County** affecting 5.0 acres on quarry owned by Adams & Hollenbeck Enterprises, LLC. Application received: June 4, 2021.

**Permit No. 58070830. Adams & Hollenbeck Enterprises, LLC,** 7295 Kingsley Road, Kingsley, PA 18826, Stage I & II bond release of a quarry operation in Harmony Township, **Susquehanna County** affecting 5.0 acres on quarry owned by Adams & Hollenbeck Enterprises, LLC. Application received: June 4, 2021.

**Permit No. 52850801. Ed Cykosky, Jr.,** 1274 Route 507, Greentown, PA 18426, Stage I & II bond release of a quarry operation in Palmyra Township, **Pike County** affecting 3.0 acres on quarry owned by Ed Cykosky, Jr. Application received: June 8, 2021.

**MINING ACTIVITY NPDES DRAFT PERMITS**

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

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

*Effluent Limits for Coal Mining Activities*

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

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

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

Alkalinity greater than acidity\*

\*The parameter is applicable at all times.

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

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

#### *Effluent Limits for Noncoal Mining Activities*

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

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

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

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

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

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

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

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

#### *Coal NPDES Draft Permits*

*California District Mining Office: 25 Technology Drive, California Technology Park, Coal Center, PA 15423, (724) 769.1100.*

**NPDES No. PA0236110 (Mining Permit No. 56111303), LCT Energy, LP**, 938 Mt. Airy Drive, Suite 200, Johnstown, PA 15904, a renewal to the NPDES and mining activity permit for Maple Springs Mine in Conemaugh Township, **Somerset County**, affecting 51.4 surface acres and 3,781.8 underground acres. Receiving stream(s): Unnamed Tributary to Quemahoning Creek: CWF. Kiskiminetas-Conemaugh River Watershed TMDL. The application was considered administratively complete: April 23, 2019. The application was received: December 27, 2018.

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

*Outfall 001* discharges to: Unnamed Tributary to Quemahoning Creek

The proposed effluent limits for *Outfall 001* (Lat: 40° 12' 12.2" Long: -78° 57' 31.1") are:

The following effluent limitations and monitoring requirements apply to the subject outfall from Permit Effective Date to Permit Expiration Date:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Suspended Solids	(mg/l)	-	35	70	90
pH	(s.u.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report
Selenium	(ug/l)	-	-	-	Report

*Outfall 002* discharges to: Unnamed Tributary to Quemahoning Creek

The proposed effluent limits for *Outfall 002* (Lat: 40° 12' 04.5" Long: -78° 57' 41.7") are:

The following effluent limitations and monitoring requirements apply to the subject outfall from Permit Effective Date to Permit Expiration Date:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Suspended Solids	(mg/l)	-	35	70	90
pH	(s.u.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report
Selenium	(ug/l)	-	-	-	Report

*Outfall 003* discharges to: Unnamed Tributary to Quemahoning Creek

The proposed effluent limits for *Outfall 003* (Lat: 40° 12' 06.5" Long: -78° 57' 40.9") are:

The following effluent limitations and monitoring requirements apply to the subject outfall from Permit Effective Date to Permit Expiration Date:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Suspended Solids	(mg/l)	-	35	70	90
pH	(s.u.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report
Selenium	(ug/l)	-	-	-	Report

The EPA Waiver is not in effect.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472.1900.*

**NPDES No. PA0599123 (Mining Permit No. 4074SM28), PBS Coals, Inc.**, 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, renewal of an NPDES permit for continued discharge from an existing post-mining treatment system in Summit Township, **Somerset County**, affecting 10.7 acres. Receiving stream: UNT to Bigby Creek, classified for the following use: cold water fishery. This receiving stream is included in the Casselman River TMDL. Application received: March 23, 2021.

The following outfall discharges to UNT to Bigby Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
002 (Treatment Facility)	N

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

<i>Outfalls: 002 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0

pH (S.U.): Must be between 6.0 and 11.0 standard units at all times.  
Alkalinity must exceed acidity at all times.

**NPDES No. PA0249793 (Mining Permit No. 56050105), Svonavec, Inc.**, 2555 New Centerville Road, Rockwood, PA 15557 renewal of an NPDES permit for surface mining coal in Milford Township, **Somerset County**, affecting 273.6 acres. Receiving stream(s): Unnamed Tributaries to South Glade Creek, classified for the following use(s): Warm Water Fishes, Trout Stocked Fishes. This receiving stream is included in the Casselman River TMDL. Application received: March 23, 2021.

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

*Knox District Mining Office: White Memorial Building, P.O. Box 669, Knox, PA 16232-0669, (814) 797.1191.*

**NPDES No. PA0241580 (Permit No. 24990101). Tamburlin Brothers Coal Co., Inc.**, P.O. Box 1419, Clearfield, PA 16830, Renewal of an NPDES permit for a bituminous surface mine in Fox Township, **Elk County**, affecting 196.0 acres. Receiving stream(s): Limestone Run, classified for the following use(s): CWF. TMDL: Little Toby Creek. Application received: March 1, 2021.

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

The following outfall discharges to Limestone Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
003	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.75	0.75	0.75
Total Suspended Solids (mg/l)		35.0	70.0	90.0

<sup>1</sup> The parameter is applicable at all times.  
Alkalinity greater than acidity<sup>1</sup>

The following outfalls discharge to Limestone Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.75	0.75	0.75
Total Suspended Solids (mg/l)		35.0	70.0	90.0

<sup>1</sup> The parameter is applicable at all times.  
Alkalinity greater than acidity<sup>1</sup>

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342.8200.

**NPDES No. PA0257028 (Mining Permit No. 17080118), Waroquier Coal Company**, P.O. Box 128, Clearfield, PA 16830, renewal of an NPDES permit for reclamation only in Lawrence Township, **Clearfield County** affecting 53 acres. Receiving stream(s): Unnamed Tributaries to the West Branch Susquehanna River, classified for the following use(s): CWF. This receiving stream is included in the West Branch Susquehanna River Watershed TMDL. Application received: March 1, 2021.

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

The following outfall discharges to Unnamed Tributary 1B:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
005	N	Sediment Pond C

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

<i>Outfalls: 005 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	2.0	4.0	5.0
Aluminum (mg/L)	1.8	3.6	4.5
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)			Monitor & Report
Flow (gpm)			Monitor & Report
Temperature (°C)			Monitor & Report
Specific Conductivity (µmhos/cm)			Monitor & Report

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.  
Alkalinity must exceed acidity at all times.

**NPDES No. PA0115622 (Mining Permit No. 17860135), Strishock, LLC**, P.O. Box 1006, Dubois, PA 15801, revision of an NPDES permit for the treatment of a post-mining discharge in Union Township, **Clearfield County** affecting 342.2 acres. Receiving stream(s): Stoney Run, classified for the following use(s): Cold Water Fishes. This receiving stream is included in the Luthersburg Branch and Laborde Branch TMDL. Application received: February 24, 2021.

The following outfall discharges to Stoney Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
018	Y	Stoney Run Treatment System

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

<i>Outfalls: 001 and 002 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/L)	1.5	3.0	3.7
Manganese (mg/L)	1.0	2.0	2.5
Aluminum (mg/L)	0.75	1.5	1.8
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)			Monitor & Report
Flow (gpm)			Monitor & Report
Temperature (°C)			Monitor & Report
Specific Conductivity (µmhos/cm)			Monitor & Report

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.  
Alkalinity must exceed acidity at all times.

**NPDES No. PA0256293 (Mining Permit No. 17050109), Forcey Coal, Inc.**, 475 Banion Road, Madera PA 16661, renewal of an NPDES permit for reclamation only and water treatment in Bloom Township, **Clearfield County**, affecting 119.9 acres. Receiving stream(s): Unnamed Tributary to Little Anderson Creek, classified for the following use(s): CWF. This receiving stream is included in the Anderson Creek Watershed TMDL. Application received: March 22, 2021.

The following outfalls require a non-discharge alternative:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	N	Discharge D7T (Treated Water)
002	N	Discharge D14T (Treated Water)

There is no proposed surface discharge from the previously listed facilities to the receiving stream due to the implementation of Best Management Practices in the form of an infiltration gallery. Instantaneous maximum BAT limits will be applied to the outfall effluent entering the infiltration gallery for the protection of the groundwater.

*Noncoal NPDES Draft Permits*

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472.1900.

**NPDES No. PA0614343 (Mining Permit No. 7574SM2), Hempt Brothers, Inc.**, P.O. Box 77, New Enterprise, PA 16664, renewal of an NPDES permit for a Large Industrial Minerals limestone quarry in Lower Allen Township,



**Cumberland County**, affecting 29 acres. Receiving stream(s): Yellow Breeches Creek classified for the following use(s): cold water fishes, migratory fishes. Application received: May 25, 2021.

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

The following outfall discharges to Yellow Breeches Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Oil and Grease (mg/l)			Monitor and Report
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			

*Knox District Mining Office: White Memorial Building, P.O. Box 669, Knox, PA 16232-0669, (814) 797.1191.*

**NPDES No. PA0227200 (Permit No. 10960302). Allegheny Mineral Corporation**, P.O. Box 1022, Kittanning, PA 16201, Renewal of an NPDES permit for a large industrial minerals surface mine in Marion Township, **Butler County**, affecting 1,151.0 acres. Receiving stream(s): Unnamed tributaries to Blacks Creek, unnamed tributaries to North Branch Slippery Rock Creek, and North Branch Slippery Rock Creek, classified for the following use(s): CWF. TMDL: Blacks Creek. Application received: April 15, 2021.

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

The following outfalls discharge to North Branch Slippery Rock Creek and unnamed tributaries to North Branch Slippery Rock Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
019	N
020	N
021	N
022	N
023	N

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Total Suspended Solids (mg/l)		35.0	70.0	90.0
<sup>1</sup> The parameter is applicable at all times.				
Alkalinity greater than acidity <sup>1</sup>				

The following outfalls discharge to unnamed tributaries to North Branch Slippery Rock Creek and North Branch Slippery Rock Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
005	N
006	N
007	N
008	N
009	N
010	N
011	N
012	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Total Suspended Solids (mg/l)		35.0	70.0	90.0
<sup>1</sup> The parameter is applicable at all times.				
Alkalinity greater than acidity <sup>1</sup>				

The following outfalls discharge to unnamed tributaries to Blacks Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
016	N
017	N
018	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.5	3.0	3.5
Manganese (mg/l)		1.0	2.0	2.3
Aluminum (mg/l)		0.75	0.75	0.75
Total Suspended Solids (mg/l)		35.0	70.0	90.0

<sup>1</sup> The parameter is applicable at all times.  
Alkalinity greater than acidity<sup>1</sup>

The following outfalls discharge to unnamed tributaries to Blacks Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N
003	N
004	N
014	N

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
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

<sup>1</sup> The parameter is applicable at all times.  
Alkalinity greater than acidity<sup>1</sup>

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342.8200.*

**NPDES No. PA0269727 (Mining Permit No. 4777SM1), P-Stone, Inc.**, 1430 Route 880 Highway, Jersey Shore, PA 17740, renewal of an NPDES permit for large noncoal surface mining in Limestone Township, **Lycoming County**, affecting 90 acres. Receiving stream(s): groundwater then Antes Creek, classified for the following use(s): Cold Water Fishes, Migratory Fishes. This receiving stream is not in a TMDL. Application received: February 16, 2021.

The following outfalls discharge to groundwater then Antes Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	N	Treatment Facility TF1
002	N	Sediment Pond SB1
003	N	Sediment Pond SB2
004	N	Sediment Pond SB3

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

<i>Outfalls: 001—004 (All Weather Conditions)</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
<i>Parameter</i>			
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Oil and Grease (mg/L)		Report: 003 Only	
Flow (gpm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units.			

**NPDES No. PA0269719 (Mining Permit No. 41910301), P-Stone, Inc.**, 1430 Route 880 Highway, Jersey Shore, PA 17740, renewal of an NPDES permit for large noncoal surface mining in Limestone Township, **Lycoming County**, affecting 115 acres. Receiving stream(s): groundwater then Antes Creek, classified for the following use(s): Cold Water Fishes, Migratory Fishes. This receiving stream is not in a TMDL. Application received: February 16, 2021.

The following outfalls discharge to groundwater then Antes Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
005	N	Sediment Pond SB4
006	N	Sediment Pond SB5

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

<i>Outfalls: 001—004 (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Oil and Grease (mg/L)		Report: 006 Only	
Flow (gpm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units.			

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2522, (570) 621.3118.*

**NPDES Permit No. PA0224782. Pennsy Supply, Inc.**, 2400 Thea Drive, Suite 3A, Harrisburg, PA 17110, revision of NPDES Permit on Surface Mining Permit No. 40090302 in Dorrance Township, **Luzerne County**, affecting 314.5 acres. Receiving stream: Big Wapwallopen Creek Watershed classified for the following uses: cold water fishes and Balliet Run Watershed classified for the following use: HQ-cold water fishes, first downstream potable water supply intake from the point of discharge is Berwick, PA. The Department has made a tentative determination to impose effluent limitations, within the ranges specified in Table 1 in addition to the limits identified in Table 2. Application received: July 24, 2020.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
002	No	Non-Discharging Stormwater Outfall (Balliet Run)
005A	No	Infiltrating Non-Discharging Groundwater Outfall (Big Wapwallopen)
005B	No	Infiltrating Non-Discharging Groundwater Outfall (Big Wapwallopen)
004	No	Discharging Groundwater Outfall (Big Wapwallopen)

The following limits apply to Mine Drainage Facilities discharging to Big Wapwallopen Creek

<i>Outfalls: 004, 005A, 005B</i> <i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Discharge Rate (004) MGD		0.50	2.0	
Discharge Rate (005A, 005B)		No Discharge		
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Turbidity (NTU)		40.0	80.0	100.0
pH (S.U.)	6.0			9.0
Alkalinity (mg/L)			Monitor And Report	
Acidity (mg/L)			Monitor And Report	
Net Acidity (mg/L)				Calculate
Oil and Grease (mg/L) (annual)			Monitor And Report	

The following limits apply to dry weather discharges from stormwater facilities discharging to Balliet Run

<i>Outfalls: 002</i> <i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Discharge Rate (002)		No Discharge		
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Turbidity (NTU)		40.0	80.0	100.0
pH (S.U.)	6.0			9.0
Alkalinity (mg/L)			Monitor And Report	
Acidity (mg/L)			Monitor And Report	
Net Acidity (mg/L)				Calculate

The following alternate discharge limitations apply to discharges from stormwater facilities resulting from precipitation events less than or equal to the 10-year/24-hour precipitation event discharging to Balliet Run

<i>Outfalls: 002</i> <i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Discharge Rate (002)		No Discharge		
Total Settleable Solids (m/L)				0.50
Turbidity (NTU)		40.0	80.0	100.0
pH (S.U.)	6.0			9.0
Alkalinity (mg/L)			Monitor And Report	
Acidity (mg/L)			Monitor And Report	
Net Acidity (mg/L)				Calculate

**NPDES Permit No. PA0223387. Bedrock Quarries, Inc.**, P.O. Box 79, Skippack, PA 19474, renewal of and NPDES Permit on Surface Mining Permit No. 64940302 in Damascus Township, **Wayne County**, affecting 84.0 acres. Receiving stream: unnamed tributary to the North Branch Calkins Creek Watershed classified for the following uses: HQ—cold water fishes. The first downstream potable water supply intake from the point of discharge is at Portland, PA on the Delaware River. The Department has made a tentative determination to impose effluent limitations, within the ranges specified in Table 1 in addition to the limits identified in Table 2. Application received: February 3, 2021.

Outfall Nos. 001	New Outfall (Y/N) No	Type		
		Stormwater/Pit Water		
Outfalls: 001 Parameter	Minimum	30-Day Average	Daily Maximum	Instantaneous Maximum
pH (S.U)	6.0			9.0
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Turbidity (NTU)		40.0	80.0	100.0
Flow (MGD)		0.10		
Acidity (mg/L)			Report	
Alkalinity (mg/L)			Report	
Net Alkalinity (mg/L)			Report	

## 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 of Environmental Protection. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341), requires the State to certify that the involved projects will not violate the applicable provisions of 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 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30-days of the date of this notice, as well as any questions to the office noted above the 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 the hours of 8:00 AM and 4:00 PM on each working day at the office noted above the application.

If you are a person with a disability and wish to attend the hearing and you require an auxiliary aid, service or other accommodation to participate in the proceedings, please contact the specified program. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

### WATER OBSTRUCTIONS AND ENCROACHMENTS

**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 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

*Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5160, E-mail: ra-epww-sero@pa.gov.*

**Permit No. E4601121-009, Pennsylvania Department of Transportation, Engineering District 6-0 (PennDOT), 7000 Geerdes Boulevard, King of Prussia, PA 19406, Plymouth Township, Montgomery County, ACOE Philadelphia District.**

PennDOT is proposing to perform sinkhole remediation within Plymouth Creek (WWF-MF) which includes grouting, filling channel with streambed material to restore to existing grade and placing rock in areas of subsidence. This activity will result in 576 linear feet (6,669 square feet) of permanent watercourse impact, 68 linear feet (712 square feet) of temporary watercourse impact due to temporary stream crossing and construction easement, 1,359 square feet (0.003 acre) of permanent floodway impact due to grout injection within existing roadway, and 43,577 square feet (approximately 1.0 acre) of temporary floodway impact due to construction access.

This project is associated with a previously issued emergency permit (DEP Permit No. EP4621009) to complete the remainder of the remediation work within the watercourse and is located within and along SR 3015 Section SNK (Chemical Road) in Plymouth Township, Montgomery County (USGS PA Norristown Quadrangle—Latitude: 40.104819 N, Longitude: -75.286905 W).

**Permit No. E4601221-010, Harbour Towers West d/b/a Sussex Square Apartments, 45 Eisenhower Drive, Suite 270, Paramus, NJ 07652, Plymouth Township, Montgomery County, ACOE Philadelphia District.**

To rehabilitate, construct, and maintain the existing 750 LF retaining wall which supports the existing parking lot for the Sussex Square Apartment Complex in and along the 100-year floodway of an Unnamed Tributary to Plymouth Creek. The proposed work will include wall stabilization, removal of the existing remnants of a concrete dam from the stream, and minor stream rehabilitating by adding rock cross vanes to divert the water away from the existing wall.

The site is located at 455 Plymouth Road, (Norristown, PA USGS map; Latitude: 40.111893, Longitude: -75.291903) in Plymouth Township, Montgomery County.

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

*Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.*

**E5202221-002: Martin Mohr, 116 Secrete Eagle Drive, Newfoundland, PA 18445 in Green Township, Pike County, U.S. Army Corps of Engineers Philadelphia District.**

After-the-fact permit to maintain a 950 square foot dock with a gazebo in Lake Russell (HQ-CWF, MF) for the purpose of private recreational opportunities. No wetland impacts occurred as a result of the project. The

project is located on private property at 116 Secret Eagle Drive, Green Township, PA 18445. (Newfoundland, PA, Latitude: 41.254132; Longitude: -75.301671), Green Township, Pike County, U.S. Army Corps of Engineers, Philadelphia District.

**E4502221-004. Michael J. Morelli**, 1890 Blattner Road, Lansdale, PA 19446, in Tobyhanna Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain an L-shaped aluminum dock, supported by posts and pads, with a total square footage of approximately 248-feet in Arrowhead Lake (EV, MF).

The project is located at 106 Rock Court. (Thornhurst, PA Quadrangle, Latitude: 41° 9' 3.978"; Longitude: -75° 34' 20.5572").

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**E3603221-001. Elizabethtown Regional Sewer Authority**, 235 Ersas Drive, Elizabethtown, PA 17022, **Lancaster County**, U.S. Army Corps of Engineers, Baltimore District.

To remove the existing facilities at the Miller Road pumping station and to construct a new pump station with associated facilities in the floodway of a tributary Conoy Creek (TSF). The project is part of the Miller Road Pumping Station upgrade which also includes the replacement of 9,290 linear feet of 12" force main piping, construction of a new generator building, valve and meter pit and appurtenances.

The project is located at 474 Miller Road, approximately 0.7-mile from intersection with W. Bainbridge St. (Saltillo, PA Quadrangle, Latitude: 40.113043; Longitude: -76.626225) in West Donegal Township, Lancaster County.

**E0603121-006. PennDOT Engineering District 5-0**, 1002 Hamilton Street, Allentown, PA 18101, in Lower Alsace Township, **Berks County**, U.S. Army Corps of Engineers Philadelphia District.

To remove existing structure and to install and maintain (1) 119 foot 6 1/8 inch 26-foot x 7 foot arch culvert in Antietam Creek (CWF, MF) and (2) a 35.3 foot retaining wall along the bank of Antietam Creek (CWF, MF). The project proposes to permanently impact 195 linear feet of stream channel and temporarily impact 50 linear feet all for the purpose of improving transportation safety and roadway standards. The project is located along SR 0023 Section 0BB Lower Alsace Township, Berks County (Latitude: 40.3499, Longitude: -75.8694).

**E3603220-023. Bart Township**, 46 Quarry Road, Quarryville, PA 17566-9454, in Bart and Eden Townships and Quarryville Borough, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District.

To 1.) excavate and maintain 10,688 feet of an unnamed tributary to South Fork Big Beaver Creek (TSF, MF); 2.) to relocate and maintain 600 feet of unnamed tributaries to South Fork Big Beaver Creek (TSF, MF); 3.) to relocate and maintain 413 feet of an unnamed tributary to South Fork Big Beaver Creek (TSF, MF); 4.) to regrade and maintain fill in the floodway of Bowery Run (HQ-CWF, MF) permanently impacting 121 square feet of floodway; 5.) to regrade and maintain fill in the floodway of an unnamed tributary to Bowery Run (HQ-CWF, MF) permanently impacting 101 square feet of floodway; and 6.) to regrade and maintain fill in the floodway of an unnamed tributary to Bowery Run (HQ-CWF, MF) permanently impacting 349 square feet of floodway, all for the purpose of improving drainage within a 1.2 mile segment

of the Enola Low Grade Trail. The project is located along the Enola Low Grade Trail between East State Street and Hollow Road (Latitude: 39° 54' 1" N; Longitude: 76° 8' 57" W) in Bart and Eden Townships and Quarryville Borough, Lancaster County. No wetlands will be impacted by this project.

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

**E2506221-005, McKean Borough Council**, 8952 Main Street, McKean, PA 16426. McKean Community Park Pedestrian Bridge, in McKean Borough, **Erie County**, ACOE Pittsburgh District (Swanville, PA Quadrangle N: 42.00011°; W: -80.145571°).

The Applicant proposes to construct and maintain an approximately 250 feet long by 10 feet wide, concrete column supported, timber deck, elevated pedestrian walkway, and single-span bridge crossing of Elk Creek (CWF, MF) within the McKean Community Park in McKean Borough, Erie County (Swanville, PA Quadrangle N: 42.00011°; W: -80.145571°).

**E1006221-003, Little Creek Holdings, LLC**, 125 Pflugh Road, Butler, PA 16001. Little Creek Road, in Jackson Township, **Butler County**, ACOE Pittsburgh District (Evans City, PA Quadrangle N: 40.811308°; W: -80.106940°).

The Applicant proposes to conduct mass earthwork within the 100-year FEMA mapped floodplain and 50 feet default 100-year floodway of Little Connoquenessing Creek (CWF) involving excavation for and installation of a nearly 5 acres building pad comprised of approximately 92,500 cubic feet of fill resulting in approximately 0.05 acre of permanent wetland impact and 0.05 acre of temporary wetland impact all occurring immediately southeast of the Little Creek Road and Seneca School Road intersection in Jackson Township, Butler County (Evans City, PA Quadrangle N: 40.811308°; W: -80.106940°).

**E2506221-001, Millcreek Township**, 3608 West 26th Street, Erie, PA, West 10th Street Channel Cleaning, in Millcreek Township, **Erie County**, ACOE Pittsburgh District (Swanville, PA Quadrangle N: 42°, 6', 11"; W: -80°, 8', 36").

The Applicant proposes to, in perpetuity as conditions necessitate, remove accumulated sediment and debris from the split channel of an unnamed tributary to Lake Erie to original stream channel contours for a total distance of approximately 2,500 feet from Hilborn to Lowell Avenue and from Selinger to Lowell Avenue (Swanville, PA Quadrangle N: 42°, 6', 11"; W: -80°, 8', 36") in Millcreek Township, Erie County. Equipment access to perform the removal work may temporarily impact as much as 0.31 acre of wetlands which will be allowed to restore to pre-work conditions.

*Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**E5729221-002: Appalachia Midstream Services, LLC**, 30351 Route 6, Wysox, PA 18854, Colley Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary road crossing using timber mats and a 10 inch diameter natural gas pipeline impacting 9,226 square feet of an exceptional value palustrine scrub shrub (EV-PSS) wetland and 51 linear feet of North Branch Mehoopany Creek (CWF) (Colley, PA Quadrangle, Latitude: 41° 32' 48"N, Longitude: 76° 18' 47"W);

2) A temporary road crossing using timber mats impacting 60 square feet of an exceptional value palustrine scrub shrub (EV-PSS) wetland, 659 square feet of an exceptional value palustrine emergent (EV-PEM) wetland, and 25 linear feet of an unnamed tributary to North Branch Mehoopany Creek (Colley, PA Quadrangle, Latitude: 41° 32' 50"N, Longitude: 76° 18' 40"W);

The project will result in 76 linear feet of temporary stream impacts and 9,945 square feet (0.23 acre) of temporary wetland impacts all for the purpose of installing a natural gas pipeline in Colley Township, Sullivan County.

**E0829221-005: Regency Marcellus Gas Gathering, LLC**, 101 West Third Street, Williamsport, PA 17701, Leroy Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 12-inch steel gas line, a 12-inch HDPE waterline and a temporary timber mat bridge impacting 116 linear feet and 4,032 square feet of floodway impacts of an unnamed tributary to Schrader Creek (EV, MF) (Shunk, PA Quadrangle, Latitude: 41.62306°, Longitude: -76.68722°);

2. a temporary timber mat bridge impacting 18 linear feet of an unnamed tributary to Schrader Creek (EV, MF) and 326 square feet of its channel/floodway (Leroy, PA Quadrangle, Latitude: 41.62528°, Longitude: -76.68472°);

3. a temporary timber mat bridge impacting 18 linear feet of an unnamed tributary to Little Schrader Creek (EV, MF) and 23 square feet of its channel/floodway (Leroy, PA Quadrangle, Latitude: 41.62528°, Longitude: -76.68472°);

4. a temporary timber mat bridge impacting 399 square feet of a Palustrine Forested (PFO) Wetland (Leroy, PA Quadrangle, Latitude: 41.62417°, Longitude: -76.68181°);

5. a 12-inch steel gas line, a 12-inch HDPE waterline and a temporary timber mat bridge impacting 147 linear feet and 8,360 square feet of floodway impacts of an unnamed tributary to Little Schrader Creek (EV, MF) (Leroy, PA Quadrangle, Latitude: 41.62944°, Longitude: -76.68139°);

The project will result in 299 linear feet of temporary stream impacts, 11,857 square feet (0.27 acre) of floodway impacts and 399 square feet (0.01 acre) of PFO impacts all for the purpose of installing a natural gas pipeline and waterline with associated access roadways for Marcellus shale development in Leroy Township, Bradford County.

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, Harrisburg, PA 17101, Telephone number: 717-787-3411.*

**D07-023EA. Mark Perry**, Altoona Water Authority, 900 Chestnut Avenue, Altoona, PA 16601, Logan Township, **Blair County**. USACOE Baltimore District.

Project proposes to remove the Homer Gap (No. 1) Dam to eliminate a threat to public safety and to restore approximately 500 feet of stream channel to a free-flowing condition. The project is located across Homer Gap Run (HQ-CWF, MF) (Altoona, PA Quadrangle, Latitude: 40.5726; Longitude: -78.4207).

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## ACTIONS

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### 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, as listed in the following tables. This notice of final action is published in accordance with 25 Pa. Code Chapters 91, 92a, and 102 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 official file for each listed action can be reviewed at the DEP or delegated county conservation district (CCD) office identified in the table for the action. DEP/CCD office contact information is listed as follows for Section I and is contained within the table for Section II. Additional information for permits issued under 25 Pa. Code Chapters 91 and 92a, including links to Individual NPDES and WQM Permits, may be reviewed by generating the “Final Actions Report” on DEP’s website at [www.dep.pa.gov/CWPpublicNotice](http://www.dep.pa.gov/CWPpublicNotice).

DEP office contact information to review official files relating to the final actions in Section I is as follows:

*DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484.250.5910. Email: RA-EPNPDES\_SERO@pa.gov.*

*DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 570.826.5472. Email: RA-EPNPDES\_NERO@pa.gov.*

*DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717.705.4732. Email: RA-EPNPDES\_SCRO@pa.gov.*

*DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570.327.3693. Email: RA-EPNPDES\_NCRO@pa.gov.*

*DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412.442.4286. Email: RA-EPNPDES\_SWRO@pa.gov.*

*DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814.332.6340. Email: RA-EPNPDES\_NWRO@pa.gov.*

*DEP Bureau of Clean Water (BCW)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717.787.5017. Email: RA-EPNPDES\_Permits@pa.gov.*

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 Hamilton 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. Final Actions on NPDES and WQM Permit Applications and NOIs for Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOs.**

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0288713	Industrial Stormwater Individual NPDES Permit	Issued	Metaldyne Sinterforge Products, LLC 197 W Creek Road Saint Marys, PA 15857	Saint Marys City Elk County	NWRO
PAS222203	Industrial Stormwater Individual NPDES Permit	Issued	Stanley Vidmar, Inc. 11 Grammes Road Allentown, PA 18105	Allentown City Lehigh County	NERO
0321801	Joint DEP/PFBC Pesticides Permit	Issued	Joe Pontoli 4038 State Rte 156 Avonmore, PA 15618	Kiskiminetas Township Armstrong County	NWRO
0815803	Joint DEP/PFBC Pesticides Permit	Issued	Baldwin Judy 1337 Shumway Road Wyalusing, PA 18853-8283	Tuscarora Township Bradford County	NCRO
1021803	Joint DEP/PFBC Pesticides Permit	Issued	Barb Kellerman 337 E Main Street Eau Claire, PA 16030-9812	Eau Claire Borough Butler County	NWRO
2021803	Joint DEP/PFBC Pesticides Permit	Issued	Jesse Daw 30756 Guy Mills Road Guys Mills, PA 16327	Randolph Township Crawford County	NWRO
2521806	Joint DEP/PFBC Pesticides Permit	Issued	Summit Township Erie County 1230 Townhall Road W Erie, PA 16509-5080	Summit Township Erie County	NWRO
2521807	Joint DEP/PFBC Pesticides Permit	Issued	Lawrence Park Golf Course 3700 East Lake Road Erie, PA 16511	Lawrence Park Township Erie County	NWRO
3914801	Joint DEP/PFBC Pesticides Permit	Issued	Brookside Country Club 901 Willow Lane Macungie, PA 18062-9328	Macungie Borough Lehigh County	NERO
4320801	Joint DEP/PFBC Pesticides Permit	Issued	John Nugent 7271 W Market Street Mercer, PA 16137	Jefferson Township Mercer County	NWRO
4320809	Joint DEP/PFBC Pesticides Permit	Issued	Randy Reed 265 Pizor Road Jackson Center, PA 16133-1723	Jackson Township Mercer County	NWRO
PAI132212	MS4 Individual NPDES Permit	Issued	East Allen Township Northampton County 5344 Nor Bath Boulevard Northampton, PA 18067-9062	East Allen Township Northampton County	NERO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAI132218	MS4 Individual NPDES Permit	Issued	Hanover Township Northampton County 3630 Jacksonville Road Bethlehem, PA 18017	Hanover Township Northampton County	NERO
PA0008443	Major Industrial Waste Facility < 250 MGD Individual NPDES Permit	Issued	Montour, LLC P.O. Box 128 Washingtonville, PA 17884-0128	Derry Township Montour County	NCRO
PA0095087	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Issued	Bradys Run Sanitary Authority 2326 Darlington Road Beaver Falls, PA 15010-1357	Chippewa Township Beaver County	SWRO
0621401	Manure Storage Facilities Individual WQM Permit	Issued	JSR Management, LLC 275 Naftzingertown Road Mohrsville, PA 19541-9700	Upper Bern Township Berks County	SCRO
3621201	Manure Storage Facilities Individual WQM Permit	Issued	S & A Kreider & Sons, Inc. 761 Spring Valley Road Quarryville, PA 17566-9773	East Drumore Township Lancaster County	SCRO
PA0085871	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Mount Joy Borough Authority Lancaster County P.O. Box 25 Mount Joy, PA 17552-0025	East Donegal Township Lancaster County	SCRO
PA0228095	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Tulpehocken Spring Water Co. 750 Point Township Drive Northumberland, PA 17857-8789	Point Township Northumberland County	NCRO
PA0255858	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	W G Tomko, Inc. 2559 Pa 88 Finleyville, PA 15332-3504	Union Township Washington County	SWRO
PA0055468	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	HD Holdings, LLC 506 Gehman Road Barto, PA 19504-9541	New Hanover Township Montgomery County	SERO
PA0082708	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Sandy Whiteside & Tucker Whiteside 652 Georgetown Road Ronks, PA 17572-9553	Paradise Township Lancaster County	SCRO
PA0083208	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Refreshing Mountain Camp, Inc. 455 Camp Road Stevens, PA 17578-9600	Clay Township Lancaster County	SCRO
PA0083909	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Conestoga Wood Specialties Corp 245 Reading Road East Earl, PA 17519-9549	East Earl Township Lancaster County	SCRO
PA0085448	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Goodville Ind Center 222 Conestoga Creek Road Ephrata, PA 17522	East Earl Township Lancaster County	SCRO



## NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0228044	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	WJM Services, Inc. P.O. Box 78 Woodland, PA 16881-0078	Bradford Township Clearfield County	NCRO
PA0032247	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	PA DCNR 1454 Laurel Hill Park Road Somerset, PA 15501-5629	Middlecreek Township Somerset County	SWRO
PA0050393	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Worcester Township Montgomery County 1721 Valley Forge Road P.O. Box 767 Worcester, PA 19490-0767	Worcester Township Montgomery County	SERO
PA0216984	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Shannock Valley Gen Service Authority 111 South Center Street Nu Mine, PA 16244-0168	Cowanshannock Township Armstrong County	NWRO
NNOEXSC14	No Exposure Certification	Issued	Maple Press Co. P.O. Box 2695 York, PA 17405-2695	Manchester Township York County	SCRO
NOEXSC009	No Exposure Certification	Issued	Donnelley Financial Solutions, LLC 391 Steel Way Lancaster, PA 17601-3153	Lancaster City Lancaster County	SCRO
NOEXSC147	No Exposure Certification	Issued	Electro Space Fabricators, Inc. 300 W High Street Topton, PA 19562-1420	Topton Borough Berks County	SCRO
NOEXSC254	No Exposure Certification	Issued	XPO Logistics Supply Chain, Inc. 4408 Industrial Park Road Camp Hill, PA 17011-5736	Hampden Township Cumberland County	SCRO
NOEXSC261	No Exposure Certification	Issued	XPO Logistics Supply Chain, Inc. 381 Freight Street Camp Hill, PA 17011-5711	Hampden Township Cumberland County	SCRO
NOEXSC357	No Exposure Certification	Issued	Kalas Manufacturing, Inc. 167 Greenfield Road Lancaster, PA 17601-5814	Denver Borough Lancaster County	SCRO
NOEXSC364	No Exposure Certification	Issued	RH Sheppard Co., Inc. 101 Philadelphia Street Hanover, PA 17331-2038	Hanover Borough York County	SCRO
NOEXSE256	No Exposure Certification	Issued	Fedex Corp 3620 Hacks Cross Road Building B 2nd Floor Memphis, TN 38125-8800	Upper Dublin Township Montgomery County	SERO
NOEXSE291	No Exposure Certification	Issued	Gross Machine, Inc. 1760 Costner Drive Suite 1 Warrington, PA 18976-2571	Warrington Township Bucks County	SERO
PAG034879	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	GAF Keystone, LLC 2093 Old Route 15 New Columbia, PA 17856-9375	White Deer Township Union County	NCRO
PAG036205	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	GFL PA, LLC 1184 McClellandtown Road McClellandtown, PA 15458-1118	German Township Fayette County	SWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG036288	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	J C Howard Concrete Supply 12 West Noblestown Road Carnegie, PA 15106	Collier Township Allegheny County	SWRO
PAG045139	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Butler Caron E 111 Kennel Lane Port Matilda, PA 16870-8005	Huston Township Centre County	NCRO
PAG046149	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Casile Jacob A 370 Rich Hill Road Cheswick, PA 15024	Indiana Township Allegheny County	SWRO
PAG123602	PAG-12 NPDES General Permit for CAFOs	Issued	Hurst Poultry, LLC 61 Clay Road Lititz, PA 17543-9018	Warwick Township Lancaster County	SCRO
PAG123680	PAG-12 NPDES General Permit for CAFOs	Issued	Zimmerman H Lamar 1908 Shumaker Road Manheim, PA 17545-8227	Rapho Township Lancaster County	SCRO
PAG123814	PAG-12 NPDES General Permit for CAFOs	Issued	King James T Sr 6028 Guintier Road Greencastle, PA 17225	Antrim Township Franklin County	SCRO
PAG123885	PAG-12 NPDES General Permit for CAFOs	Issued	Adam S Martin Jr 390 Midway Road Bethel, PA 19507-9635	Bethel Township Berks County	SCRO
PAG126107	PAG-12 NPDES General Permit for CAFOs	Issued	Vangilder David C 582 Rocky Lane Berlin, PA 15530-6535	Brothersvalley Township Somerset County	SCRO
1402402	Sewage Treatment Facilities Individual WQM Permit	Issued	Butler Caron E 111 Kennel Lane Port Matilda, PA 16870-8005	Huston Township Centre County	NCRO
2021401	Sewage Treatment Facilities Individual WQM Permit	Issued	Stephanie & Thomas Hart 9945 Williamson Road Meadville, PA 16335-5157	West Mead Township Crawford County	NWRO
2721401	Sewage Treatment Facilities Individual WQM Permit	Issued	Dotty & Roger Shreve 141 Butcher Knife Hill Road Pleasantville, PA 16341-5101	Harmony Township Forest County	NWRO
4101402	Sewage Treatment Facilities Individual WQM Permit	Issued	Whole Plant Real Estate Holdings, LLC 5741 State Route 87 Williamsport, PA 17701-8645	Plunketts Creek Township Lycoming County	NCRO
4221401	Sewage Treatment Facilities Individual WQM Permit	Issued	Hale Jeffrey E 2755 W Washington Street Bradford, PA 16701-2423	Corydon Township McKean County	NWRO
4601405	Sewage Treatment Facilities Individual WQM Permit	Issued	Montgomery Township Municipal Sewer Authority Montgomery County 1001 Stump Road Montgomeryville, PA 18936-9605	Montgomery Township Montgomery County	SERO
6221403	Sewage Treatment Facilities Individual WQM Permit	Issued	Haines Brian 451 Phillips Street Warren, PA 16365-1643	Glade Township Warren County	NWRO
1521404	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	Aqua Pennsylvania Wastewater, Inc. 762 W Lancaster Avenue Bryn Mawr, PA 19010-3402	Penn Township Chester County	SERO
4009408	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	Dallas Area Municipal Authority 101 Memorial Highway Shavertown, PA 18708-7703	Kingston Township Luzerne County	NERO

**NOTICES**

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
6721401	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	Shrewsbury Borough Municipal Authority York County 35 W Railroad Avenue Shrewsbury, PA 17361-1513	Shrewsbury Borough York County	SCRO
PA0080918	Single Residence STP Individual NPDES Permit	Issued	Rick Long 101 Speedwell Forge Road Lititz, PA 17543-9541	Elizabeth Township Lancaster County	SCRO
PA0247499	Single Residence STP Individual NPDES Permit	Issued	Colledge Ruth 1180 E Graceville Road Breezewood, PA 15533-8012	East Providence Township Bedford County	SCRO
PA0255076	Single Residence STP Individual NPDES Permit	Issued	Cowley Richard 1347 Springs Road Springs, PA 15562-2308	Elk Lick Township Somerset County	SWRO
PA0288985	Single Residence STP Individual NPDES Permit	Issued	Dotty & Roger Shreve 141 Butcher Knife Hill Road Pleasantville, PA 16341-5101	Harmony Township Forest County	NWRO
PA0289001	Single Residence STP Individual NPDES Permit	Issued	Stephanie & Thomas Hart 9945 Williamson Road Meadville, PA 16335-5157	West Mead Township Crawford County	NWRO
PA0289132	Single Residence STP Individual NPDES Permit	Issued	Hale Jeffrey E 2755 W Washington Street Bradford, PA 16701-2423	Corydon Township McKean County	NWRO
PA0289302	Single Residence STP Individual NPDES Permit	Issued	Haines Brian 451 Phillips Street Warren, PA 16365-1643	Glade Township Warren County	NWRO
PA0088340	Small Flow Treatment Facility Individual NPDES Permit	Issued	Acchione Larry 800 Shady Maple Enola, PA 17025	Buffalo Township Perry County	SCRO
PA0228362	Small Flow Treatment Facility Individual NPDES Permit	Issued	Whole Plant Real Estate Holdings, LLC 5741 State Route 87 Williamsport, PA 17701-8645	Plunketts Creek Township Lycoming County	NCRO
WQG02361402	WQG-02 WQM General Permit	Issued	Suburban Lancaster Sewer Authority Lancaster County P.O. Box 458 Lancaster, PA 17608-0458	West Lampeter Township Lancaster County	SCRO

**II. Final Actions on PAG-02 General NPDES Permit NOIs and Individual NPDES Permit Applications for Construction Stormwater.**

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC090431	PAG-02 General Permit	Issued	Sunoco Pipeline LP 100 Green Street Marcus Hook, PA 19061-4800	Upper Makefield Township Bucks County	SERO
PAC090448	PAG-02 General Permit	Issued	Buckingham Township 4613 Hughesian Drive Buckingham, PA 18912-0413	Buckingham Township Bucks County	SERO
PAC090402 A1	PAG-02 General Permit	Issued	2201 Street Road, LLC 121 Friends Lane Units 301 & 302 Newtown, PA 18940-1897	Bensalem Township Bucks County	SERO
PAC090447	PAG-02 General Permit	Issued	Stephen Scardetto 6067 Mark Circle Bensalem, PA 19020-2483	Buckingham Township Bucks County	SERO

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC510200	PAG-02 General Permit	Issued	School District of Philadelphia 440 North Broad Street Suite 371 Philadelphia, PA 19130-4015	City of Philadelphia Philadelphia County	SERO
PAC150258	PAG-02 General Permit	Issued	Pohlig Custom Homes 247 Lancaster Ave Malvern, PA 19355	Highland Township Chester County	SERO
PAC230191	PAG-02 General Permit	Issued	Williamson College of the Trades 106 South New Middletown Road Media, PA 19063	Middletown Township Delaware County	SERO
PAC510206	PAG-02 General Permit	Issued	Open Door Mission True Light Church, Inc. 401-15 North 52nd Street Philadelphia, PA 19139	City of Philadelphia Philadelphia County	SERO
PAC090454	PAG-02 General Permit	Issued	AshtaVinayaka Hotels, LLC 4700 E. Street Road Trevose, PA 19053-6648	Bensalem Township Bucks County	SERO
PAD090069	Individual NPDES	Issued	JLM Real Estate Investments, LLC P.O. Box 472 950 East Main Street Schuylkill Haven, PA 17972-0472	Nockamixon Township Bucks County	SERO
PAD510012 A-8	Individual NPDES	Amendment	Philadelphia Authority for Industrial Development 1500 Market Street Philadelphia, PA 19102	City of Philadelphia Philadelphia County	SERO
PAD460044 A-2	Individual NPDES	Amendment	PECO Energy Company 2301 Market Street, N3-3 Philadelphia, PA 19103	Marple Township Delaware County	SERO
PAC400100A-4	PAG-02 General Permit	Issued	NP Hanover Industrial I, LLC 4825 NW 41st Street Suite 500 Riverside, MO 64150	Hanover Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAC390130	PAG-02 General Permit	Issued	PD Flint Hill, LLC 4511 Falmer Drive Bethlehem, PA 18020	Upper Saucon Township Lehigh County	Lehigh County Conservation District 4184 Dorney Park Road Suite 105 Allentown, PA 18401 610-391-9583
PAC350116	PAG-02 General Permit	Issued	Noble Biomaterials 300 Palm Street Scranton, PA 18505-1618	City of Scranton Lackawanna County	Lackawanna County Conservation District 1038 Montdale Road Scott Township, PA 18447 570-382-3086
PAD520033	Individual NPDES	Issued	Dingman Township 118 Fisher Lane Milford, PA 18337	Dingman Township Pike County	NERO

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD390182	Individual NPDES	Issued	Laurel Field, LLC 5930 Hamilton Blvd Suite 10 Allentown, PA 18106	Upper Macungie Township Lehigh County	NERO
PAC010165	PAG-02 General Permit	Issued	S&A Custom Built Homes, Inc. 2121 Old Gatesburg Road Suite 200 State College, PA 16803	Biglerville Borough Butler Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
PAC010166 A-1	PAG-02 General Permit	Issued	Meadow View I, LP 82 West Queen Street Chambersburg, PA 17201 PA Interfaith Community Programs, Inc. 40 West High Street Gettysburg, PA 17325	Cumberland Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
PAC010170	PAG-02 General Permit	Issued	Mark H. Kitzynger 745 Rock Creek Ford Road Gettysburg, PA 17325	Mount Joy Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
PAC060334	PAG-02 General Permit	Issued	Mike Krzyzanowski 1166 Spring Street Wyomissing, PA 19610	Shoemakersville Borough Berks County	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657
PAC060335	PAG-02 General Permit	Issued	Sharron Ali 2 Corporate Boulevard, Sinking Springs, PA 19608	South Heidelberg Township Berks County	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657
PAC060336	PAG-02 General Permit	Issued	Nathanael Saint 70 Thousand Oaks Boulevard Morgantown, PA 19543	Caernarvon Township Berks County	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657
PAC060337	PAG-02 General Permit	Issued	Jeffry Hirschhoff P.O. Box 1109 Doylestown, PA 18901	Tilden Township Berks County	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657

## NOTICES

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC070087	PAG-02 General Permit	Issued	Penelec, A FirstEnergy Company 341 White Pond Drive Akron, OH 44320	Snyder Township Blair County	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814.696.0877, ext. 5
PAC070090	PAG-02 General Permit	Issued	FOWNKO LLP 9 Wicklow Court Hollidaysburg, PA 16648	Allegheny Township Blair Township Blair County	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814.696.0877, ext. 5
PAC070044 A-1	PAG-02 General Permit	Issued	Garvey Manor Nursing Home 1037 South Logan Boulevard Hollidaysburg, PA 16648	Allegheny Township Blair County	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814.696.0877, ext. 5
PAC040103	PAG-02 General Permit	Issued	IBEW Local Union 712 217 Sassafras Lane Beaver, PA 15009	Vanport Township Beaver County	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 724-378-1701
PAC560052	PAG-02 General Permit	Issued	Somerset County Commissioners Suite 500 300 North Center Avenue Somerset, PA 15501	Somerset Township Somerset County	Somerset County Conservation District Somerset County Ag Center 6024 Glades Pike Suite 103 Somerset, PA 15501 814-445-4652
PAC560053	PAG-02 General Permit	Issued	Smith Propane and Oil P.O. Box 187 Curtisville, PA 15032	Paint Township Somerset County	Somerset County Conservation District Somerset County Ag Center 6024 Glades Pike Suite 103 Somerset, PA 15501 814-445-4652
PAC560055	PAG-02 General Permit	Issued	D. Edward Leasing Company P.O. Box 278 Windber, PA 15963	Paint Township Somerset County	Somerset County Conservation District Somerset County Ag Center 6024 Glades Pike Suite 103 Somerset, PA 15501 814-445-4652
PAC630020	PAG-02 General Permit	Issued	Canonsburg-Houston Joint Authority 68 East Pike Street Suite 103 Canonsburg, PA 15317	Cecil Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-206-9446
PAC63120 A-3	PAG-02 General Permit	Issued	Peters Township 610 East McMurray Road McMurray, PA 15317	Peters Township Washington County	Washington County Conservation District Suite 1 50 Old Hickory Ridge Road Washington, PA 15301 724-206-9446

## NOTICES

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC650090	PAG-02 General Permit	Issued	Golden Triangle Construction Company 8555 Old Steubenville Pike Imperial, PA 15126	South Huntingdon Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 724-837-5271
PAC650269	PAG-02 General Permit	Issued	Westmoreland County Airport Authority 148 Aviation Lane Suite 103 Latrobe, PA 15650	Rostraver Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 724-837-5271
PAD630053	Individual NPDES	Issued	Kinsdale Land Partners, LLC 2543 Washington Road Pittsburgh, PA 15241	North Strabane Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-206-9446
PAD650026	Individual NPDES	Issued	Ligonier Township Municipal Authority 1 Municipal Park Drive Ligonier, PA 15658	Ligonier Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 724-837-5271
PAC250140	PAG-02 General Permit	Issued	John Finazzo & Son Custom Home Builder 5200 Resse Road Erie, PA 16510	Harborcreek Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC030003A1	PAG-02 General Permit	Issued	Freeport Borough 414 Market Street Freeport, PA 16229	Freeport Borough Armstrong County	Armstrong County Conservation District 120 S Grant Avenue Suite 2 Kittanning, PA 16201 724-548-3425
PAC030036	PAG-02 General Permit	Issued	Trek Development Group Century Building 130 7th Street Suite 300 Pittsburgh, PA 15222	Kittanning Borough Armstrong County	Armstrong County Conservation District 120 S Grant Avenue Suite 2 Kittanning, PA 16201 724-548-3425
PAC100224	PAG-02 General Permit	Issued	Kaclik Builders LLC 1272 Mars Evans City Road Evans City, PA 16033	Adams Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC100239	PAG-02 General Permit	Issued	Peoples Natural Gas Company LLC 375 North Shore Drive Pittsburgh, PA 15212	Adams Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270

**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 Hamilton 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  
CAFO 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>
Windy Pines Farm 412 Barnsley Road Oxford, PA 19363	Chester	60.7	354.05	Swine	N/A	Approval

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

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

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once.

Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**SAFE DRINKING WATER**

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

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

**Permit No. 1521507, Public Water Supply.**

Applicant	<b>Brandywine Hospital</b> 201 Reeceville Road Coasteville, PA 19320
Township	Caln
County	<b>Chester</b>
Type of Facility	PWS
Consulting Engineer	EBL 8005 Harford Road Baltimore, MD 21234
Permit to Construct Issued	June 7, 2021

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

**Permit No. 3620521 MA, Public Water Supply.**

Applicant	<b>Columbia Water Company</b>
Municipality	Columbia Borough



County **Lancaster**  
 Responsible Official David T. Lewis  
 General Manager  
 220 Locust Street  
 Columbia, PA 17512

Type of Facility Installation of a new  
 Susquehanna River intake.

Consulting Engineer Daniel Cargnel, P.E.  
 Buchart Horn Inc  
 3700 Koppers Street  
 Baltimore, MD 21227

Permit to Construct Issued October 7, 2020

**Permit No. 3620523 MA, Minor Amendment, Public Water Supply.**

Applicant **City of Lancaster**  
 Municipality Lancaster Township  
 County **Lancaster**  
 Responsible Official Christine Volkay-Hilditch  
 Deputy Director of Public  
 Works, Utilities  
 120 N Duke St  
 P.O. Box 1599  
 Lancaster, PA 17608-1599

Type of Facility SR 0999 water main  
 replacement.

Consulting Engineer Matthew D. Warfel  
 The ARRO Consulting, Inc.  
 108 West Airport Road  
 Lititz, PA 17543

Permit to Construct Issued August 11, 2020

**Permit No. 3621513 MA, Minor Amendment, Public Water Supply.**

Applicant **Municipal Authority of the Township of East Hempfield**  
 Municipality East Hempfield Township  
 County **Lancaster**  
 Responsible Official Steve Gohn  
 Superintendent  
 920 Church Street  
 P.O. Box 97  
 Landisville, PA 17538-0097

Type of Facility Construction of a pressure  
 reducing valve vault along  
 Bethel Drive.

Consulting Engineer Bryan Panther, P.E.  
 ARRO Consulting Inc.  
 108 West Airport Road  
 Lititz, PA 17543

Permit to Construct Issued May 27, 2021

**Comprehensive Operation Permit No. 7210028** issued to: **SUEZ Water Pennsylvania, Inc. (PWS ID No. 7210028)**, Upper Allen Township, **Cumberland County** on May 24, 2021 for the operation of facilities approved under Construction Permit No. 7210028.

**Operation Permit No. 6721505 MA** issued to: **Borough of Hanover (PWS ID No. 7670076)**, Conewago Township, **Adams County** on May 27, 2021, for facilities submitted under Application No. 6721505 MA.

**Source Water Protection Program Approval** issued to: **Hanover Municipal Water Works**, 44 Frederick Street, Hanover, PA 17331, **PWSID 7670076**, Hanover Borough, **York County** on June 7, 2021.

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

**Permit No. 4120507, Major Amendment.** Public Water Supply.

Applicant **PA DOC Muncy State Correctional Institute**  
 P.O. Box 180  
 Muncy, PA 17756

Borough or Township Clinton Township  
 County **Lycoming County**  
 Type of Facility Public Water Supply  
 Consulting Engineer Mr. John R. Segursky, P.E.  
 Uni-Tec Consulting  
 Engineers, Inc.  
 2007 Cato Avenue  
 State College, PA 16801

Permit Issued June 10, 2021

**Permit No. 1721503MA, Major Amendment.** Public Water Supply.

Applicant **Huston Township Municipal Authority**  
 11837 Bennetts Valley Highway  
 Suite 2  
 Penfield, PA 5849

Borough or Township Huston Township  
 County **Clearfield County**  
 Type of Facility Public Water Supply  
 Consulting Engineer Gibson-Thomas  
 Engineering Company, Inc.  
 1004 Ligonier Street  
 Box 853  
 Latrobe, PA 15650

Permit Issued June 10, 2021

**Permit No. 5521502MA, Const & Oper. Permit.** Public Water Supply.

Applicant **Kreamer Municipal Authority**  
 P.O. Box 220  
 Kreamer, PA 17833

Borough or Township Middlecreek Township  
 County **Snyder County**  
 Type of Facility Public Water Supply  
 Consulting Engineer Joshua Owens, P.E.  
 PA Environmental Solutions, Inc.  
 725 Hickory Rd.  
 Dalmatia, PA 17017

Permit Issued June 4, 2021

**Operations Permit** issued to: **Mountain View Estates MHP, LLC**, P.O. Box 189, Moscow, PA 18444, **PWSID No. 4190021**, Mifflin Township, **Columbia County** on June 10, 2021 for the operation of facilities approved under construction permit # MA-GWR-T1 & 1992502-T1. This permit approves the transfer of two public water supply permits hereby transferred from Mountain View Estates (Marilyn Zajac Estate c/o Frank Baker) to Mountain View Estates MHP, LLC.

*Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. 1120510, Major Amendment.** Public Water Supply.

Applicant **Greater Johnstown Water Authority**  
640 Franklin Street  
Johnstown, PA 15901

Borough or Township City of Johnstown

County **Cambria**

Type of Facility Kernville pump station

Consulting Engineer Gibson Thomas  
Engineering Co., Inc.  
1004 Ligonier Street  
P.O. Box 853  
Latrobe, PA 15650

Permit Issued June 2, 2021

**Permit No. 2620506, Major Amendment.** Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**  
124 Park & Pool Road  
New Stanton, PA 15672

Borough or Township Dunbar Township

County **Fayette**

Type of Facility Expansion of the Indian Creek  
Water Treatment Plant

Consulting Engineer Gibson Thomas  
Engineering Co., Inc.  
1004 Ligonier Street  
P.O. Box 853  
Latrobe, PA 15650

Permit Issued June 1, 2021

**Permit No. 0221507MA, Minor Amendment.** Public Water Supply.

Applicant **Pittsburgh Water & Sewer Authority**  
1200 Penn Avenue  
Pittsburgh, PA 15222

Borough or Township City of Pittsburgh

County **Allegheny**

Type of Facility Peristaltic pumps at the  
Aspinwall WTP and the booster  
stations at the Bedford Tank,  
Brashear Tanks, Highland # 2  
Reservoir, Lanpher Reservoir  
and McNaugher Tanks.

Consulting Engineer Pittsburgh Water & Sewer  
Authority  
1200 Penn Avenue  
Pittsburgh, PA 15222

Permit Issued June 4, 2021

**Permit No. 1121501MA, Minor Amendment.** Public Water Supply.

Applicant **Ebensburg Municipal Authority**  
300 West High Street  
Ebensburg, PA 15931

Borough or Township Ebensburg Borough

County **Cambria**

Type of Facility Rehabilitation of the Hillcrest  
Tank

Consulting Engineer Utility Service Co., Inc.  
1230 Peachtree Street NE  
Suite 1100—Promenade  
Atlanta, GA 30309

Permit Issued May 27, 2021

**Operations Permit** issued to: **Brighton Township Municipal Authority**, 1300 Brighton Road, Beaver, PA 15009, **PWSID No. 5040017**, Brighton Township, **Beaver County** on June 4, 2021, for the operation of facilities approved under permit # 0420511MA for the electrical improvements at the Center Drive pump station and High School pump station.

**Operations Permit** issued to: **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672, **PWSID No. 5650032**, Bell Township, **Westmoreland County** on June 14, 2021, for the operation of facilities approved under permit # 6519507MA for Filter Numbers 5, 6 and 7 at the George R. Sweeney Water Treatment Plant.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

<i>Township</i>	<i>Township Address</i>	<i>County</i>
Upper Tyrone Township	170 Municipal Drive	Fayette
	Connellsville, PA 15425	

#### *Plan Description:*

The approved plan provides for the purchase of the Upper Tyrone Township sewerage system by the Municipal Authority of Westmoreland County (MAWC). MAWC will then be responsible for the operation and management of the sewerage system in Upper Tyrone Township. The Department's review of the sewerage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

### 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—6026.908).**

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, documenta-

tion 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 Hamilton Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Dan Sensenig Trucking Diesel Fuel Release**, 123 Old Racetrack Road, Coatesville, PA 19320, Highland Township, **Chester County**. Brett Dietz, Sovereign Consulting Inc., 50 West Welsh Pool Road, Suite 6, Exton, PA 19341 on behalf of Daniel Sensenig, Dan Sensenig Trucking, 5 Becker Road, New Oxford, PA 17350 submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide health standard.

**46 West Plumstead Avenue**, 46 West Plumstead Avenue, Lansdowne, PA 19050, Lansdowne Borough, **Delaware County**. Henry G. Bienkowski, PG, Crawford Environmental Services, LLC, 20 Cardinal Drive, Birdsboro, PA 19508 on behalf of Insook Connelly, DC Fuel Oil Company, 3967 Parrish Street, Philadelphia, PA 19104 submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil, benzene, toluene, ethylbenzene, cumene, MTBE, naphthalene, 1,2,4-TMB, & 1,3,5-TMB. The report is intended to document remediation of the site to meet the Statewide health standard.

**451 Gypsy Lane**, 451 Gypsy Lane, King of Prussia, PA 19406, Upper Merion Township, **Montgomery County**. Stephen Huxta PG, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Marcia Taylor, 451 Gypsy Lane, King of Prussia, PA 19406 submitted a Final Report concerning remediation of site soil contaminated with No. 2 Heating Oil. The report is intended to document remediation of the site to meet the Statewide health standard.

**Melody Lakes Automotive d/b/a United Tire Quakertown**, 1113 North West End Boulevard, Quakertown, PA 18951, Richland Township, **Bucks County**. Andrew Markoski, PG, Patriot Environmental

Management, LLC, 2404 Brown Street, Pottstown, PA 19464 on behalf of Andy Chalofsky, Melody Lakes Automotive dba United Tire Quakertown, 3100 Marwin Road, Bensalem, PA 19020 submitted a Remedial Investigation Report/Cleanup Plan/Final Report concerning remediation of site soil and groundwater contaminated with toluene, ethylbenzene, isopropylbenzene, MTBE, naphthalene, 1,2,4-TMB, and 1,3,5-TMB and benzene. The report is intended to document remediation of the site to meet the site-specific standard.

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

*Contact: Eric Supey, Environmental Program Manager.*

**Shook Property**, 42 South Third Avenue, Lehighon, PA 18235, Lehighon Borough, **Carbon County**. Crawford Environmental Services, 20 Cardinal Drive, Birdsboro, PA 19508, on behalf of Fegley Oil Company, Inc., P.O. Box A, 551 West Penn Pike, Tamaqua, PA 18252, submitted a Final Report concerning remediation of soil contaminated by heating oil from an aboveground storage tank. The report is intended to document remediation of the site to meet Statewide health standards.

**DeBlasio Property-Union Blvd**, 2129 Union Boulevard, Allentown, PA 18109, Allentown City, **Lehigh County**. EMS Environmental, 4550 Bath Pike, Bethlehem, PA 18017, on behalf of the Estate of John DeBlasio, c/o Bonita Schaefer, 719 Dorset Road, Allentown, PA 18104, submitted a Final Report concerning remediation of soil contaminated by heating oil from an underground storage tank. The report is intended to document remediation of the site to meet Statewide health standards.

**Former Weatherly Steel Mill**, 10 Wilbur Street, Weatherly, PA 18255, Weatherly Borough, **Carbon County**. Quad 3 Group, 37 N. Washington St., Wilkes-Barre, PA 18701, on behalf of Weatherly Borough, 61 West Main Street, Weatherly, PA 18255, submitted a submitted a Final Report concerning remediation of soil contaminated with metals from historic use as a steel mill and railroad repair shop. The report is intended to document remediation of the site to meet site specific standards.

**L. Aldrich Well Pad 1**, 2758 Great Bend Turnpike, Susquehanna, PA 18847, Gibson Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, 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 that impacted groundwater. The report is intended to document remediation of the site to meet Statewide health standards.

**J. Busik Pad 1**, 1274 Bare Valley Road, Dimock, PA 18816, Dimock Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of Cabot Oil & Gas Corporation, 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Final Report concerning remediation of soil contaminated by a release of ethylene glycol. The report is intended to document remediation of the site to meet Statewide health standards.

*Northcentral Region: Environmental Cleanup and Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Rainbow 104H on the Rainbow BRA Pad**, 986 Rouse Road, New Albany, PA 18833, Wilmot Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, has submitted a Final Report concerning remediation of site soil contaminated with produced water. The report is intended to document remediation of the site to meet the 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 Hamilton 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, 570-826-2511.*

*Contact: Eric Supey, Environmental Program Manager.*

**Shook Property**, 42 South Third Avenue, Lehighon, PA 18235, Lehighon Borough, **Carbon County**. Crawford Environmental Services, 20 Cardinal Drive, Birdsboro, PA 19508, on behalf of Fegley Oil Company, Inc., P.O. Box A, 551 West Penn Pike, Tamaqua, PA 18252, submitted a submitted a Final Report concerning remediation of soil contaminated by heating oil from an aboveground storage tank. The Final Report demonstrated attainment of Statewide health standards and was approved by DEP on June 15, 2021.

**Sam Property**, 1312 North 18th Street, Allentown, PA 18104, South Whitehall Township, **Lehigh County**. JMT Industrial & Environmental, 710 Uhler Road, Easton, PA 18040, on behalf of George Sam, 718 North 19th Street, Allentown, PA 18104, submitted a Final Report concerning remediation of soil contaminated by heating oil from an aboveground storage tank. The Final Report demonstrated attainment of Statewide health standards and was approved by DEP on November 4, 2020.

**Former Poseidon Pools**, Intersection of Crestwood Drive and Elmwood Road, Mountain Top, PA 18707, Wright Township, **Luzerne County**. LaBella Associates, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of the Greater Wilkes-Barre Chamber of Commerce, 2 Public Square, Wilkes-Barre, PA 18701, submitted a Final Report concerning remediation of soil and groundwater contaminated with lead and organic chemicals from historic operations. The Final Report demonstrated attainment of Statewide health standards and was approved by DEP on June 15, 2021.

**Pensak Property**, 1245 Kunkletown Road, Saylorsburg, PA 18353, Ross Township, **Monroe County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Tolino's Fuel Service, 225 Flicksville Road, Bangor, PA 18013, submitted a Final Report concerning remediation of soil contaminated by a release of heating oil from an aboveground storage tank. The Final Report demonstrated attainment of Statewide health standards and was approved by DEP on June 14, 2021.

*Northcentral Region: Environmental Cleanup and Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**OVY Trucking Cleanup Project**, Intersection of Old Reading Road & Ringtown Mountain Road, Elysburg, PA 17824, Roaring Creek Township, **Columbia County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of OVy Trucking, Inc., 640 Tunnel Road, White Haven, PA 18661, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel, used motor oil and antifreeze. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on June 7, 2021.

**Urban Valley Cleanup Project**, Near 5446 Snydertown Road, Sunbury, PA 17801, Shamokin Township, **Northumberland County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of Urban Valley Trucking, 1667 Urban Road, Herndon, PA 17830, has submitted a Final Report concerning remediation of site

soil contaminated with diesel fuel, used motor oil, anti-freeze and hydraulic fluid. The Final Report demonstrated attainment of the nonresidential Statewide health standard and was approved by the Department on June 10, 2021.

**Second Cup Restaurant Building**, 204 Woodward Avenue, Lock Haven, PA 17745, Woodward Township, **Clinton County**. Converse Consultants, 2738 West College Avenue, State College, PA 16801, on behalf of John Wilt, 9 Pineview Drive, Lock Haven, PA 17745, has submitted a Final Report concerning remediation of site soil contaminated with heating oil. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on June 11, 2021.

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

**Booth and West 4th Street**, 2900 West 4th Street, Chester, PA 19013, City of Chester, **Delaware County**. Paul White, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Michael Frankel, FMM QOZB, LLC, P.O. Box 67, Essington, PA 19029 submitted Remedial Investigation Report/Final Report/Risk Assessment Report concerning the remediation of site soil and groundwater contaminated with VOCs, SVOCs and metals. The Report was reviewed by the Department which issued a technical deficiency letter on May 26, 2021.

**Broad & Washington U-Haul Site**, 1223-1245 Washington Street, 1301-1333 Washington Street, 1001-1029 South Broad Street, and 1300-1342 Carpenter Street, Philadelphia, PA 19147, City of Philadelphia, **Philadelphia County**. Shad Manning, REPSG, Inc., 6901 Kingessing Avenue, Philadelphia, PA 19142 on behalf of Tina Roberts, Broad & Washington Partners, LP, 817 North 3rd Street, Philadelphia, PA 19123 submitted a Cleanup Plan concerning the remediation of site soil contaminated with PAHs and inorganics. The Report was disapproved by the Department on May 26, 2021.

**McLean Residence**, 181 Indian Creek Drive, Levittown, PA 19057, Bristol Township, **Bucks County**. Richard Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Mark McLean, 181 Indian Creek Drive, Levittown, PA 19057 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with benzene, ethylbenzene, toluene, methyl tertiary butyl ether, isopropylbenzene, naphthalene, 1,2,4-trimethylbenzene, and 1,3,5-trimethylbenzene. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on May 28, 2021.

**Santoro Residence**, 6178 Carversville Road, Carversville, PA 18913, Solebury Township, **Bucks County**. Eric White, PG, Pars Environmental Inc., 500 Horizon Drive, Robbinsville, NJ 08691 on behalf of John Tolleson on behalf of Santoro Trust, 3 Waterfall Lane, Barnegat, NJ 08005 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with benzene, toluene, ethyl benzene, cumene, methyl tertiary butyl ether, naphthalene, 1,2,4-trimethyl benzene and 1,3,5-trimethyl benzene. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on May 28, 2021.

**Fairfield Cleaners**, 143 East Swedesboro, Exton, PA 19341, West Whiteland Township, **Chester County**. David Berry, The Vertex Companies, Inc., 2501 Seaport Drive, Suite BH 110, Chester, PA 19013 on behalf of

Kevin Lahn, Exton/Whiteland Devco, 200 Old Forge Lane, Suite 201, Kennett Square, PA 19348 submitted a Final Report concerning the remediation of site groundwater contaminated with perchloroethylene. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on June 1, 2021.

**HP Inc.—Avondale Groundwater Remediation Site**, 374 Starr Road, Landenberg, PA 19350, New Garden Township, **Chester County**. Thomas Donahue, CDM Smith Inc., 280 Granite Run Drive, Lancaster, PA 17601 on behalf of Christopher Dirscherl, HP Inc., 1501 Page Mill Road, Palo Alto, CA 94304 submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning the remediation of site soil and groundwater contaminated with chlorinated compounds. The Report was reviewed by the Department which issued an administrative deficiency letter on June 1, 2021.

**Langford Square**, 315 Langford Road, Broomall, PA 19008, Marple Township, **Delaware County**. Paul White, PG, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Vincent Antonini, G Antonini Real Estate Inc., 3605 Winding Way, Newtown Square, PA 19073 submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning the remediation of site soil and groundwater contaminated with inorganics. The Report was reviewed by the Department which issued an administrative deficiency letter on June 1, 2021.

**Bernhardt Residence**, 1811 Yellow Springs Road, Tredyffrin Township, Malvern, PA 19355, **Chester County**. Vincent Carbone, HDR Engineering, Inc., 1720 Spillman Drive, Bethlehem, PA 18015 on behalf of Sean Craner, Lewis Environmental, 155 Railroad Plaza, Royersford, PA 19468 submitted a Final Report concerning the remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on June 3, 2021.

**Estate of Nicholas Abbonizio**, 2528 Haverford Road, Ardmore, PA 19003, Haverford Township, **Delaware County**. Richard Werner, PG, Environmental Consulting, Inc., 2002 Renaissance Boulevard, King of Prussia, PA 19406 on behalf of Francesca Abbonizio, Estate of Nicholas Abbonizio, 48 Conner Road, West Chester, PA 19380 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with benzene, toluene, ethylbenzene, xylenes, methyl tertiary butyl ether (MTBE), naphthalene, isopropylbenzene, 1,2,4-trimethylbenzene (124-TMB), and 1,3,5-trimethylbenzene (135-TMB). The Final Report demonstrated attainment of the site-specific standard and was approved by the Department on June 3, 2021.

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

**Permit 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.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5960.*

**Permit No. 101567. Construction Demolition Recycling Inc.**, 1060 Industrial Highway, Southampton PA 18966. This permit is for the ten-year renewal to continue

operation under Solid Waste Permit No. 101567 at the Construction Demolition Recycling Facility, an existing municipal and construction demolition (C&D) waste processing and transfer facility, located at 1060 Industrial Boulevard in Upper Southampton Township, **Bucks County**. The permit was issued by the Southeast Regional Office on June 7, 2021.

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

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Permit No. 101628. Natural Soil Products**, 2286 East Center Street, P.O. Box 283, Tremont, PA 17981, Frailey Township, **Schuylkill County**. An application for major permit modification to increase the permitted incoming average and the maximum daily biosolids loadings. The application was approved by the Regional Office on June 10, 2021.

Persons interested in reviewing the general permit may contact Roger Bellas, Regional Waste Management Program Manager, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18704-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Hamilton 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.**

*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.*

**GP3-36-05081B: Lancaster County Solid Waste Management Authority** (1299 Harrisburg Pike, Lancaster, PA 17604) on June 1, 2021, for portable nonmetallic mineral processing equipment under GP3, at the Frey Farm/Creswell Landfill in Manor Township, **Lancaster County**.

**GP9-36-05081B: Lancaster County Solid Waste Management Authority** (1299 Harrisburg Pike, Lancaster, PA 17604) on June 1, 2021, for one IC engine under GP9, to operate portable nonmetallic mineral processing equipment at the Frey Farm/Creswell Landfill in Manor Township, **Lancaster County**.

**GP3-36-03126: R.S. Services** (119 Falls Road, Beech Creek, PA 16822) on June 8, 2021, for portable nonmetallic mineral processing equipment, including 3 crushers and 2 screens, under GP3, at the Frey Farm Landfill in Manor Township, **Lancaster County**.

**GP11-36-03126: R.S. Services** (119 Falls Road, Beech Creek, PA 16822) on June 8, 2021, for five non-road engines under GP11, to operate portable nonmetallic

mineral processing equipment, at the Frey Farm Landfill in Manor Township, **Lancaster County**.

**GP20-50-03008: Lab Energy, LLC** (50 Perry Avenue, Duncannon, PA 17020) on June 9, 2021, for a natural gas-fired combined heat and power facility under GP-20, in Penn Township, **Perry County**.

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

*Contact: Muhammad Q. Zaman, Program Manager, (570) 327-3648.*

**GP14-49-304A: Pet Rest Memorial Park** (2410 8th Street Drive, Watsontown, PA 17777) on June 4, 2021, to continue to operate one ERS Services, Inc. model ERS-100 propane-fired crematory unit equipped with a primary and secondary chamber rated at a maximum of 0.4 and 1.0 MMBtu/hr of heat input, respectively, pursuant to the General Operating Permit for Human or Animal Crematories (BAQ-GPA/GP-14) at their facility located in Delaware Township, **Northumberland County**.

**AG5-08-00011A: Repsol Oil & Gas USA, LLC** (337 Daniel Zenker Drive, Horseheads, NY 14815) on June 8, 2021, received authorization to continue operating twelve (12) Caterpillar model G3516B engines, two (2) NATCO triethylene dehydrators, three (3) storage tanks and one (1) emergency generator pursuant to the General Plan Approval and/or General Operating Permit for Compression Stations, Processing Plants and Transmission Stations (BAQ-GPA/GP-5) at their Cole Compressor Site located in Columbia Township, **Bradford County**.

**AG5A-08-00009A: Chesapeake Appalachia, LLC** (P.O. Box 18496, Oklahoma City, OK 73154) on June 15, 2021, for the construction and operation of a 1,380 bhp Caterpillar G3516B, 4-stroke, ultra-lean burn, natural gas-fired, engine equipped with a 2-way oxidation catalyst and for the continued operation of a produced water tank; truck load-out operation; various fugitive emissions; two gas processing units; a thermal powered generator; pneumatic controllers; a pneumatic pump; and venting/blowdowns, pursuant to the General Plan Approval and/or General Operating Permit for Unconventional Natural Gas Well Site Operations and Remote Pigging Stations (BAQ-GPA/GP-5A) at the Stone BRA Pad located in Tuscarora Township, **Bradford County**.

*Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Edward Orris, New Source Review Chief, 412.442.4168.*

**GP14-65-01125A: S & S Crematory** (1000 Freeport Road, New Kensington, PA 15068) general operating permit issued on June 7, 2021, for construction and operation of a natural gas fired human crematory located in New Kensington City, **Westmoreland 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: James Beach, New Source Review Chief—Telephone: 484-250-5920.*

**09-0143B: Naceville Materials JV** (2001 Ridge Road, Sellersville, PA 18960) on June 11, 2021, for the replacement of a water spray dust suppression system used to control particulate matter emissions (PM) from the secondary-tertiary circuit of their stone crushing facility. Activities at this facility include the mining of construction aggregate, along with the crushing, screening, and storage of the aggregate at their facility located in West Rockhill Township, **Bucks County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.*

**58-00001B: Tennessee Gas Pipeline Co. LLC** (1001 Louisiana Street, Suite 1000, Houston, TX 77002) on April 28, 2021 to construct and operate a new combustion turbine drive compressor and associated equipment at Compressor Station 321, located in Clifford Township, **Susquehanna County**.

*Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543.*

*Contact: Edward Wiener, Chief, Source Registration at 215-685-9426.*

The City of Philadelphia, Air Management Services (AMS) issued on June 8, 2021, a Plan Approval for installation of air pollution sources at the following facility:

**IP21-000063: Kinder Morgan Liquids Terminals, LLC—Philadelphia Terminal** (3300 N Delaware Ave, Philadelphia, PA 19134) for the installation and operation of the following air pollution sources, in the City of Philadelphia, **Philadelphia County**.

- Allow the facility to process and load Methyl Methacrylate (MMA)
- Installation of a Vapor Combustion Unit with a 16.2 MMBtu/hr natural gas burner to control MMA emissions.
- Remove the internal floating roofs from tanks 225, 226, 227, and 228. MMA will be stored in existing tanks 225, 226, 227, and 228. Each tank will be converted into a vertical fixed roof tank and vented to the Vapor Combustion Unit (VCU), CD-03.
- Establish HAP throughput limits for the facility.
- Modify IP15244 dated November 16, 2015, to allow an alternative to destruction efficiency for low concentrations at the Thermal Oxidizer Unit (CD02, TOU). While loading VOCs or organic material with a RVP of 4.0 psia or greater, or odorous materials (such as acrylates) into tank trucks or railroad cars, the vapors shall be vented to the existing Thermal Oxidation Unit (TOU) which must achieve 98 weight percent VOC reduction or to an exit concentration of 20 parts per million dry volume (ppmdv) dry basis, corrected to 3% oxygen whichever is less stringent.

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**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.**

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

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

**15-0067J: Herr Foods Inc.** (273 Old Baltimore Pike, Nottingham, PA 1932-3102) on June 4, 2021, for the installation of two (2) additional natural gas fired batch kettle fryers, Kettle 2B-7 (# 7 Fryer) and Kettle 2B-8 (# 8 Fryer) to existing source ID 160 (Chip Line 2B) on the 2B Chip Line at their location in West Nottingham Township, **Chester County**.

**46-0005AV: Merck Sharp & Dohme Corp** (770 Sumneytown Pike, P.O. Box 4, WP20-205, West Point, PA 19485-8000) on June 11, 2021, for the construction of a new wing to Building 60 and to retrofit part of existing Building 69D to create additional good manufacturing practice (GMP) spaces in Upper Gwynedd Township, **Montgomery 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.*

**06-05081C: Delaware County Solid Waste Authority** (583 Longview Road, Boyertown, PA 17604) on June 10, 2021, for the construction of a lateral expansion to the Rolling Hills Landfill located in Earl Township, **Berks County**. The plan approval was extended.

**06-05040D: East Penn Manufacturing Co., Inc.** (P.O. Box 147, Lyon Station, PA 19536) on June 11, 2021, for approval of a Reasonably Available Control Technology (RACT 2) plan, as a plan approval and proposed SIP revision, for the secondary lead smelting facility located in Richmond Township, **Berks County**. The plan approval was extended.

**06-05096E: Reading Hospital** (P.O. Box 16052, Reading, PA 19612) on June 10, 2021, for the reactivation of Cogeneration Plant # 2 at the Reading Hospital located in West Reading Borough, **Berks County**. The plan approval was extended.

**06-05069AA: East Penn Manufacturing Co., Inc.** (P.O. Box 147, Lyon Station, PA 19536) on June 15, 2021, for proposed changes to operations in the Industrial Battery Manufacturing Facility. The Industrial Battery Manufacturing Facility is located at the Lyon Station Plant in Richmond Township, **Berks County**. The plan approval was extended.

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

*Contact: Muhammad Q. Zaman, Program Manager, (570) 327-3648.*

**47-00014D: United States Gypsum Company** (86 PPL Road, Danville, PA 17821) was issued a plan approval extension on June 4, 2021, to permit continued operation of the board kiln dryer at their facility in Derry Township, **Montour County**, pending completion of the compliance evaluation on the previously listed source operation. The plan approval has been extended for an additional 180 days.

**49-00065C: Polar Tech Industries, Inc.** (1017 West Valley Avenue, Elysburg, PA 17824) was issued a plan approval extension on May 29, 2021, for the continued construction and temporary operation of sources at their facility located in Ralpho Township, **Northumberland County**. The plan approval has been extended to an expiration date to October 28, 2021.

*Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Edward Orris, New Source Review Chief, 412.442.4168.*

**63-00922D: Robinson Power Company, LLC** (P.O. Box 127, 563 Route 18, Burgettstown, PA 15021-1027) on June 14, 2021, for modification to the plan approval for the construction of the proposed natural gas-fired combined cycle power plant with a nominal capacity of 1,000 MW to be located Robinson Township, **Washington County**.

**65-00767B: Westmoreland Sanitary Landfill, LLC** (111 Conner Lane, Bell Vernon, PA 15012-4569) on June 9, 2021, to allow continued temporary operation of the 2,128 bhp natural gas-fired generator engine at the Westmoreland Sanitary Landfill located in Rostraver Township, **Westmoreland County**.

*Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543.*

*Contact: Edward Wiener, Chief of Source Registration at 215-685-9426.*

**AMS Plan Approval No. IP20-000202: Naval Surface Warfare Center, Philadelphia Division** (901 Admiral Peary Way, Philadelphia, PA 19112-1403) issued on June 15, 2021, to extend the installation and temporary operation of a 20 MW Gas Turbine Generator (GTG) with water injection until December 15, 2022, in the **City of Philadelphia**. The GTG burns natural gas, No. 2, or JP-5 oil. The initial installation was approved under IP18-000235 dated September 25, 2019. The plan approval contains operating, testing, monitoring, and recordkeeping requirements to ensure operation within all applicable requirements.

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

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*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.*

**67-05030: CP Converters, Inc.** (15 Grumbacher Road, York, PA 17406-8417) on June 10, 2021, for the flexible packaging printing facility located in Manchester Township, **York County**. The Title V permit was renewed.

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

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.*

**14-00003: Pennsylvania State University** (101P Physical Plant Bldg, University Park, PA 16802) on June 9, 2021, was issued a revised Title V operating permit for their University Park Campus located in College Township and State College Borough, **Centre County** to establish that the carbon monoxide (CO) emissions from New Boilers # 1 and # 2 at the West Campus Steam Plant which are generated during startup and shutdown are not included in the 30-day rolling average emission limits. The Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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**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.**

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

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

**15-00013: Loparex, LLC** (2400 Continental Blvd, Malvern, PA 19355) on June 4, 2021, for the initial Air Quality Operating Permit for their flexographic printing operation in Tredyffrin Township, **Chester County**.

**15-00091: McAvoy Vitriified Brick Co. McAvoy Vitriified Brick Company** (75 McAvoy Lane, Phoenixville, PA 19460) on June 10, 2021, for the initial Synthetic Minor Operating Permit for their brick manufacturing facility located in Schuylkill Township, **Chester County**. This Synthetic Minor Operating Permit will supersede Title V Operating Permit No. 15-00091.

**15-00140: Carriage PA Holdings, Inc. dba Green Earth Cremations** (736 East Lancaster Ave., Downingtown, PA 19335) on June 9, 2021, for the renewal of the State-Only Operating Permit for the operation of a human crematory in Downingtown Borough, **Chester County**.

**09-00161: Foley, Inc.** (2975 Galloway Road, Bensalem, PA 19020) on June 4, 2021 for the renewal of Synthetic Minor Operating Permit for manufacturing and surface coating processes at their location in Bensalem Township, **Bucks 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.*

**06-05155: Martins Forestry Products, LLC** (56 Wintersville Road, Richland, PA 17087) on May 24, 2021, for the wood chip production facility in Bethel Township, **Berks County** located at 523 Brown Road, Myerstown, PA 17067.

**28-05009: Borough of Chambersburg** (100 South Second Street, Chambersburg, PA 17201) on June 9, 2021, for the Falling Spring Generating Station located in Chambersburg Borough, **Franklin County**. The State-Only Permit was renewed.

**07-05021: W. R. Grace & Co.** (2858 Back Vail Road, Tyrone, PA 16686-8100) on June 15, 2021, for the chemical manufacturing facility located in Tyrone Borough, **Blair County**. The State-Only Permit Was Renewed.

**22-05058: Martins Creek LLC** (600 Hamilton Street, Suite 600, Allentown, PA 18101-2400) on June 10, 2021, for the electric peaking station located in Harrisburg City, **Dauphin County**. The State-Only Permit was renewed.

*Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.*

**11-00415: Generation Holdings, LP (formerly Greystone Materials BT)/Colver Processing Facility** (1501 Ligonier St., Latrobe, PA 15650-2912). On June 15, 2021, the Department issued a Natural Minor Operating Permit renewal for the operation of the facility's air



contamination sources consisting of one limestone processing plant with a maximum production rate of 300 tons per hour. The proposed operating permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements for each unit located at the facility in Cambria Township, **Cambria County**.

**30-00097: Pennsylvania Department of Corrections** (1920 Technology Parkway, Mechanicsburg, PA 17050). In accordance with 25 Pa. Code §§ 127.441 and 127.425, the Department is providing notice that, on April 28, 2021, DEP issued a renewed, State Only Operating Permit to Pennsylvania Department of Corrections for the continued operation of a boiler house at a prison, known as SCI Greene, located in Franklin Township, **Greene County**.

The primary sources at the boiler house are five boilers and two emergency engines. Three boilers (Boilers 1, 2, and 6), with rated Heat Inputs of 45.0 MMBtu/hr, 45.0 MMBtu/hr, 20.67 MMBtu/hr, only burn natural gas. The other two boilers (Boilers 4 and 5), with rated Heat Inputs of 4.18 MMBtu/hr, each, are natural gas-fired with distillate oil backup. The facility also contains two, 745-bhp, emergency, diesel generator engines.

No emission or equipment changes have been approved by this action. Emission sources at the facility are subject to 40 CFR Part 60, Subpart A—General Provisions, 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, 40 CFR Part 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, and 25 Pa. Code Chapters 121—145. The permit includes emission limitations, and operational, monitoring, reporting, and recordkeeping requirements for the facility. The emission restriction, monitoring, recordkeeping, reporting, and work practice conditions of the SOOP have been derived from the applicable requirements of 40 CFR Part 60, Subpart A, 40 CFR Part 60, Subpart Dc, and 25 Pa. Code Article III, Chapters 121—145.

**56-00025: New Enterprise Stone & Lime Company, Inc./Bakersville Quarry** (P.O. Box 77, New Enterprise, PA 16664). On May 28, 2021, the Department issued a Natural Minor Operating Permit renewal for the operation of the facility's air contamination sources consisting of one limestone crushing/screening plant with a maximum production rate of 1,500 tons per hour. The Diester 7 × 16 screen will be limited to 1,800 hours of operation per 12-consecutive month period (12-cmp). The proposed operating permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements for each unit located at the facility in Jefferson Township, **Somerset County**.

**56-00047: Kennedy Endeavors, LLC/Snyder of Berlin** (900 High St., Hanover, PA 17331-1639). On June 9, 2021, the Department issued a renewal Air Quality Natural Minor State Only Operating Permit to authorize the operation of the Snyder of Berlin Plant located in the borough of Berlin, **Somerset County**.

Equipment at this facility includes various natural gas processes that provide heat for frying and baking of snack products, a 3.0 MMBtu/hr hot water heater, a No. 2 fuel oil-fired emergency generator rated at 32 Bhp used for emergency lighting purposes, and several small miscellaneous natural gas-fired sources rated at less than

5.0 MMBtu/hr each. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The final renewal operating permit includes conditions incorporating requirements for applicable emissions restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards.

**65-00598: Citizens General Hospital** (651 4th Avenue, New Kensington, PA 15068-6525). On June 11, 2021, the Department issued a renewal Air Quality Natural Minor State Only Operating Permit to authorize the operation of Citizens General Hospital in New Kensington, **Westmoreland County**.

Equipment at this facility includes two (2) 12.6 MMBtu/hr Superior natural gas-fired boilers, one (1) Caterpillar 370 kW diesel powered emergency generator, and one (1) Onan 225 kW natural gas-fired emergency generator. The facility is subject to the applicable requirements of 25 Pa. Code Article III, Chapters 121—145. The final operating permit includes conditions incorporating requirements for applicable emissions limitations, monitoring, work practice standards, reporting, and recordkeeping.

**65-00887: MSI Corporation** (210 1st Street, Vandergrift, PA 15690-1100). On June 8, 2021, the Department of Environmental Protection issued an initial natural minor State-Only Operating Permit for the continued operation of a toll processing and specialty metal processing facility located in Vandergrift Borough, **Westmoreland County**. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The permit includes emission restrictions, operating requirements, monitoring requirements, work practice standards, and recordkeeping requirements for the site. This permit incorporates plan approval 65-00887A.

**65-00927: Hoover Stone Quarry, LLC/Saltsburg Plant** (3497 Route 981, Saltsburg, PA 15681). On May 12, 2021, the Department issued a Natural Minor Operating Permit for the operation of the facility's air contamination sources consisting of one stone crushing/screening plant with a maximum production rate of 230 tons per hour. The proposed operating permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements for each unit located at the facility in Loyahanna Township, **Westmoreland County**.

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.*

**37-00121: Flowline Division EzeFlow USA, Inc./New Castle** (1400 Old Butler Road, New Castle, PA 16101). On June 15, 2021 the Department issued a State Only Operating Permit renewal for the operation of fabrication pipes and pipe fittings located in New Castle City, **Lawrence County**. The subject facility consists of a 9 MMBtu/hr natural gas boiler used to heat the solvent of the batch vapor degreaser unit, two plasma cutters each connected to a dust collector that vents outdoors, two mechanical presses, 11 hydraulic presses and an additional small mechanical press, acid cleaning, hydra-flow parts washer, and miscellaneous natural gas fired furnaces. The batch vapor degreaser uses n-propyl-bromide (nPB) for precoating certain fittings when pressing. The facility last reported emissions (TPY) as: 3.7 tpy NO<sub>x</sub>, 0.4 tpy CO, 0.003 tpy SO<sub>x</sub>, 0.16 tpy PM, 2.1 tpy VOC, 0.7 tpy HAPs, and 591.8 tpy CO<sub>2</sub>. The facility is a natural minor and is subject to State regulations. The permit

includes additional operation requirements, monitoring requirements, and recordkeeping requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**43-00305: Champion Carrier Corp.** (2755 Kirila Blvd, Hermitage, PA 16148-9019). On June 9, 2021, the Department issued the renewal State Only Synthetic Minor Operating Permit for operation of the Hermitage facility located in the City of Hermitage, **Mercer County**. The facility manufactures various carrier vehicles (typical tow-truck design). Coatings are applied to steel parts. The facility has six surface coating booths. Other emission sources include miscellaneous natural gas combustion and clean-up operations. The potential emissions of the primary pollutants from the facility are as follows: 7.65 TPY (tons per year) NO<sub>x</sub>, 1.53 TPY CO, 49.14 TPY VOC, 15.00 TPY total HAPs, 9.80 TPY MIBK, 0.67 TPY PM<sub>10</sub> and PM<sub>2.5</sub>, and 0.05 TPY SO<sub>x</sub>. The facility is a synthetic minor, electing to take a limit on total HAP and a single speciated HAP (MIBK). The facility is also limited to 49.14 TPY VOC per Plan Approval 43-305F. The surface coating operations are subject to 25 Pa. Code § 129.52d for miscellaneous metal parts surface coating processes. 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.

*Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543.*

*Contact: Edward Wiener, Chief, Source Registration at 215-685-9426.*

The City of Philadelphia, Air Management Services (AMS) issued a renewal Natural Minor Operating Permit for the following facility:

**OP21-000002: The Comcast Center** (1701 John F. Kennedy Blvd, Philadelphia, PA 19103) issued on June 2, 2021, for the operation of air emission sources at a corporate office in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources are: one (1) emergency generator firing diesel fuel rated 2922 HP and three (3) fire pumps firing diesel fuel rated 240 HP, 275 HP, and 460 HP respectively.

The City of Philadelphia, Air Management Services (AMS) issued a renewal Synthetic Minor Operating Permit for the following facility:

**OP20-000058: RichardsApex, Inc.** (4202-24 Main Street, Philadelphia, PA 19127) issued on June 2, 2021, for the operation of air emission sources at a lubricants manufacturing plant in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources are: two (2) boilers firing natural gas or No. 5 oil each rated less than 9 MMBtu/hr.

**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, New Source Review Chief—Telephone: 484-250-5920.*

**46-00175: Hatfield Township Municipal Authority** (3200 Advance Lane, Colmar, PA 18915-9766) on June 10, 2021, for operation of a sewer sludge incinerator in

Colmar Borough, **Montgomery County**. DEP revised the Title V Operating Permit 46-00175 in accordance with 25 Pa. Code § 127.462 to make the following changes:

- Change the secondary input power for the wet electrostatic precipitator from 2320 Watts to 1,837 Watts.
- Change the effluent flow from the wet electrostatic precipitator from 1.44 gpm to 0.95 gpm.

The modified Title V Operating Permit contains applicable monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

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

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

**36-05146: EPP Renewable Energy LLC** (1605 North Cedar Crest Blvd., Suite 509, Allentown, PA 18104-2355) on June 10, 2021, for the landfill gas-to-energy facility associated with the Frey Farm Landfill located in Manor Township, **Lancaster County**. The Title V permit was administratively amended in order to incorporate the requirements of Plan Approvals 36-05146C and 36-05146D.

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

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.*

**60-00002: Gold Bond Building Products, LLC** (P.O. Box 210, West Milton, PA 17886) on June 4, 2021, was issued an amended State Only Operating Permit to indicate a change in ownership of the Milton Plant, previously owned and operated by NGC Industries, LLC, which is located in White Deer Township, **Union County**. The facility's main air emission sources are a 162.5 MMBtu/hr natural gas-fired boiler and a 68.9 MMBtu/hr natural gas/# 2 fuel oil dual-fuel boiler. The amended State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

*Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.*

**04-00226: Hanson Aggregates Pennsylvania LLC/Sewickley Creek Asphalt Plant** (2200 Springfield Pike, Connellsville, PA 15425-6412) administrative amendment, issued on May 9, 2021, to update the facility owner from "Hanson Aggregates BMC, Inc." to "Hanson Aggregates Pennsylvania LLC." Sewickley Creek Asphalt Plant is a batch/drum mix Hot Mix Asphalt (HMA) plant in Economy Borough, **Beaver County**.

**04-00731: U.S. Electrofused Minerals, Inc.** (600 Steel Street, Aliquippa, PA 15001-5414) administrative amendment, issued on May 12, 2021, to change the facility contact person from Homer A. Foster, Technical Manager to John Gulakowski, Industrial Manager. U.S. Electrofused Minerals, Inc. performs crushing, sizing, packaging, and distribution operations of brown aluminum oxide products at its location in Aliquippa City, **Beaver County**.

**65-00073: Hanson Aggregates Pennsylvania LLC/Latrobe Quarry and Asphalt Plant** (2200 Springfield

Pike, Connellsville, PA 15425-6412). administrative amendment, issued on May 25, 2021, to update the facility owner from "Hanson Aggregates BMC, Inc." to "Hanson Aggregates Pennsylvania LLC." Hanson operates a batch mix Hot Mix Asphalt (HMA) plant in Ligonier Township, **Westmoreland County**.

**65-00143: Hanson Aggregates Pennsylvania LLC/Torrance Quarry** (2200 Springfield Pike, Connellsville, PA 15425-6412). Administrative amendment, issued on May 12, 2021, to update the facility owner from "Hanson Aggregates BMC, Inc." to "Hanson Aggregates Pennsylvania LLC." Hanson operates a limestone processing plant in Derry Township, **Westmoreland County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); 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); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). 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 such applications will also address the application permitting requirements of the following statutes; the Air Quality 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).**

### Coal Permits Issued

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Melanie Ford-Wigfield).*

**Permit No. 56090113 and NPDES No. PA0262935. PBS Coals, Inc.,** P.O. Box 260, 1576 Stoystown Road, Friedens, PA 15541, renewal for reclamation only of a bituminous surface and auger mine in Stonycreek Township, **Somerset County** affecting 204.9 acres. Receiving stream: Schrock Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 31, 2020. Permit issued: June 4, 2021.

**Permit No. 56950106 and NPDES No. PA0213161. PBS Coals Inc.,** 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541. Permit renewal for the continued operation and restoration of a bituminous surface mine in Stonycreek Township, **Somerset County** affecting 62.8 acres. Receiving streams: unnamed tributaries to/and Schrock Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 3, 2020. Permit issued: June 7, 2021.

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191, (Contact: Cayleigh Boniger).*

**Permit No. 33813020 and NPDES Permit No. PA0603465. Original Fuels, Inc.,** P.O. Box 343, Punxsutawney, PA 15767, renewal of an existing bituminous surface mine located in Winslow Township, **Jeffer-**

**son County**, affecting 285.2 acres. Receiving stream(s): Front Run, unnamed tributary to Front Run, and unnamed tributary to Trout Run. Application received: November 13, 2020. Permit issued: June 1, 2021.

**Permit No. 16190103 and NPDES Permit No. PA0280739. Ben Hal Mining, Inc.,** 389 Irishtown Road, Grove City, PA 16127, revision to an existing bituminous surface mine to add 16.8 acres for a total permit acreage of 77.8 acres in Piney Township, **Clarion County**. Receiving stream(s): Unnamed tributary to Licking Creek. Application received: November 9, 2020. Permit issued: June 1, 2021.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 54693047R7. Pagnotti Enterprises, Inc.,** 144 Brown Street, Yatesville, PA 18640, renewal for Reclamation Activities Only of an existing anthracite surface mine and coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 281.25 acres. Receiving stream: Mill Creek. Application received: November 16, 2020. Renewal issued: June 9, 2021.

**Permit No. PAM112067R2. Pagnotti Enterprises, Inc.,** 144 Brown Street, Yatesville, PA 18640, renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Surface Mining Permit No. 54693047 in Mahanoy Township, **Schuylkill County**, receiving stream: Mill Creek. Application received: November 16, 2020. Renewal issued: June 9, 2021.

**Permit No. 40900203R6. Northampton Fuel Supply Co., Inc.,** 1 Horwith Drive, Northampton, PA 18067, renewal of an existing anthracite coal refuse reprocessing operation in Newport Township, **Luzerne County** affecting 49.5 acres. Receiving stream: Newport Creek. Application received: April 7, 2021. Renewal issued: June 9, 2021.

**Permit No. PAM111025R2. Northampton Fuel Supply Co., Inc.,** 1 Horwith Drive, Northampton, PA 18067, renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Surface Mining Permit No. 40900203 in Newport Township, **Luzerne County**, receiving stream: Newport Creek. Application received: April 7, 2021. Renewal issued: June 9, 2021.

### Noncoal Permits Issued

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Melanie Ford-Wigfield).*

**Permit No. 05960301 and NPDES Permit No. PA0213373. New Enterprise Stone & Lime Co., Inc.,** P.O. Box 77, New Enterprise, PA 16664, renewal of NPDES Permit, Snake Spring Valley Township, **Bedford County**. Receiving stream: Raystown Branch Juniata River, classified for the following use: trout stocked fishes. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received: April 1, 2021. Permit issued: June 8, 2021.

**Permit No. 34200801. Dryhouse Stoneworks,** 30 Walnut Grove Lane, Belleville, PA 17004, commencement, operation, and restoration of a small noncoal (industrial

minerals) operation in Beale Township, **Juniata County**, affecting 5.0 acres, receiving stream(s): unnamed tributary to Doyle Run. Application received: December 1, 2020. Permit issued: June 8, 2021.

**PAM420005-GP104, Dryhouse Stoneworks**, 30 Walnut Grove Lane, Belleville, PA 17004. Renew Coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Noncoal Permit No. 34200801 located in Beale Township, **Juniata County**. Receiving stream(s): unnamed tributary to Doyle Run, classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Notice of Intent for Coverage received: December 1, 2020. Approved: June 8, 2021.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Ashley Smith).*

**PAM221001-GP104. Bill Johnson**, 7231 Route 706, Wyalusing, PA 18853. Coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on **Noncoal Permit No. 08122501** located in Stevens Township, **Bradford County**. Receiving stream(s): Unnamed Tributary to Wyalusing Creek classified for the following use(s): WWF, MF. There are no potable water supply intakes within 10 miles downstream. Notice of Intent for Coverage received: December 4, 2020. Approval of Coverage issued: June 7, 2021.

**PAM221005-GP104. Shawn O'Dell**, 50 Heavenly Lane, Wyalusing, PA 18853. Coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on **Noncoal Permit No. 08132502** located in Asylum Township, **Bradford County**. Receiving stream(s): Bennetts Creek classified for the following use(s): WWF. There are no potable water supply intakes within 10 miles downstream. Notice of Intent for Coverage received: January 7, 2021. Approval of Coverage issued: June 7, 2021.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 54190301. Pierson Middleport, LLC**, P.O. Box 704, Bridgeport, NJ 08014, commencement, operation and restoration of a quarry operation in Blythe and Walker Townships, **Schuylkill County** affecting 186.57 acres. Receiving stream: Morgan's Run to Schuylkill River. Application received: November 1, 2019. Permit issued: June 9, 2021.

**Permit No. PAM119028, Pierson Middleport, LLC**, P.O. Box 704, Bridgeport, NJ 08014, coverage under the General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54190301 in Blythe and Walker Townships, **Schuylkill County**, receiving stream: Morgan's Run to Schuylkill River. Application received: November 1, 2019. Permit issued: June 9, 2021.

**Permit No. 45170301T and NPDES Permit No. PA0595241. Lehigh White Cement Co., Inc.**, 200 Hokes Mill Road, York, PA 17404, transfer of an existing quarry operation and NPDES Permit for discharge of treated mine drainage in Ross Township, **Monroe County** affecting 283.0 acres. Receiving stream: Buckwa Creek. Application received: April 9, 2019. Transfer issued: June 14, 2021.

## ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

### *Blasting Permits Issued*

*New Stanton District Office: P.O. Box 133, New Stanton, PA 15672, 724-925-5500, (Contact: Tracy Norbert).*

**Permit No. 65214001. Senex Explosives, Inc.**, 710 Millers Run Road, Cuddy, PA 15031, blasting activity permit for the construction/demolition of the Westmoreland County Landfill, located in Rostraver Township, **Westmoreland County** with an expiration date of June 4, 2022. Blasting permit issued: June 10, 2021.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 40214112. Maine Drilling & Blasting, Inc.**, P.O. Box 1140, Gardiner, ME 04345, construction blasting for Bliss Access retention pond area in the City of Nanticoke, **Luzerne County** with an expiration date of June 10, 2022. Permit issued: June 8, 2021.

**Permit No. 36214123. Maine Drilling & Blasting, Inc.**, P.O. Box 1140, Gardiner, ME 04345, construction blasting for 203 Crimson Lane in West Donegal Township, **Lancaster County** with an expiration date of May 26, 2022. Permit issued: June 10, 2021.

**Permit No. 36214126. Keystone Blasting Service**, 15 Hopeland Road, Lititz, PA 17543, construction blasting for Vintage Industrial Park in Paradise Township, **Lancaster County** with an expiration date of July 30, 2021. Permit issued: June 10, 2021.

**Permit No. 67214107. M & J Explosives, LLC**, 104 East Main Street, Carlisle, PA 17015, construction blasting for Lexington Estates in Newberry Township, **York County** with an expiration date of June 1, 2022. Permit issued: June 10, 2021.

**Permit No. 67214108. J Roy's, Inc.**, P.O. Box 125, Bowmansville, PA 17507, construction blasting for Homestead Acres Phase 6-8 in West Manchester Township, **York County** with an expiration date of June 4, 2022. Permit issued: June 10, 2021.

## 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 the applicable provisions of 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.

Any person aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing

Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing 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 any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30-days. You do not need a lawyer to file an appeal with the Board.

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

**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.**

*Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5160, E-mail: ra-epww-sero@pa.gov.*

**Permit No. E1501221-005, PA DCNR**, 400 Market Street, 8th Floor, Harrisburg, PA 17101, West Nottingham Township, **Chester County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with Unnamed Road at Goat Hill Over Unnamed Tributary to Octoraro Creek. The proposed project involves the installation of a new box culvert structure to the UNT to Little Valley Creek (EV, MF) located at the Nature Conservancy Goat Hill Serpentine Barrens Preserve. The project proposes 18 sq ft of temp stream impact and 148 sq ft permanent stream, 2,069 sq ft of permanent wetland impact and no permanent or temporary floodway impact. There are no impacts to the floodplain.

The site is approximately located at 260 Red Pump Road, PA 19362 (Rising Sun, PA, Latitude: 39° 43' 30.33"; Longitude: -75° 04' 37.16") in West Nottingham Township, Chester County. Permit issued June 10, 2021.

**Permit No. E1501221-006, Borough of West Grove**, 117 Rosehill Avenue, West Grove, PA 19390, West Grove Borough, **Chester County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the South Guernsey Road Stream Cleaning Project:

1. To remove sediment and road gravel/cinders within an existing roadside watercourse (UNT to Middle Branch of White Clay Creek, TSF-MF) resulting in 227 linear feet (2,815 square feet) of permanent water course impact

and 2,153 square feet of permanent floodway impact due to grading. This activity also includes 11 linear feet (136 square feet) of temporary watercourse impact and 90 square feet of temporary floodway impact due to E&S controls, coffer dams, bypass line, and energy dissipator.

2. To construct and maintain a 24-inch RCP outfall/end wall and two 23-inch by 14-inch RCP outfalls/end walls within an unnamed tributary (UNT to Middle Branch of White Clay Creek, TSF-MF) resulting in a total of 16 linear feet (16 square feet) of permanent watercourse impact.

This project is located at the Valley and South Guernsey Roads intersection in West Grove Borough, Chester County (USGS PA West Grove Quadrangle—Latitude: 39.818592 N, Longitude: -75.835711 W). Permit issued May 27, 2021.

**Permit No. E4601221-005, Southeastern Pennsylvania Transportation Authority (SEPTA)**, 1234 Market Street, Philadelphia, PA 19107-3780, Conshohocken Borough, **Montgomery County**, ACOE Philadelphia District.

To reconstruct and maintain SEPTA Train Station, including platform, station building, grading, sidewalks, and stormwater management, etc., within the floodplain of the Schuylkill River (WWF-MF), associated with the upgrading amenities of the modern station standards and improve facilities for the residents. The project will also include the ADA accessible ramps.

The site is located at 8 West Washington Street (Norristown, PA, USGS Quadrangles Latitude: 40.072587; Longitude: -75.310100) in Conshohocken Borough, Montgomery County. Permit issued June 9, 2021.

**F6602221-001, Wyoming County**, 3880 SR 6, Suite 1, Tunkhannock, PA 18657, in Tunkhannock Borough, Forkston Township, Falls Township and Eaton Township, **Wyoming County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following sites in the floodplain of the Susquehanna River, Tunkhannock Creek, Bowman Creek and Bowman Hollow through the HMGP Acquisition Program. Sites will be restored and stabilized to open space. Sites are located in Tunkhannock Borough, Forkston Township, Falls Township and Eaton Township, Wyoming County.

- Joseph and Merlene Guntkowski, 135 Silver Maple Lane (Center Moreland, PA Quadrangle Latitude: 41° 28' 35.76"; Longitude: -75° 54' 5.40")

- David and Crystal Baltrusaitis, 153 Main Street (Jenningsville, PA Quadrangle Latitude: 41° 31' 42.24"; Longitude: -76° 7' 31.8")

- Donald and Laura Heller, 126 E. Tioga Street (Tunkhannock, PA Quadrangle Latitude: 41° 32' 17.52"; Longitude: -75° 56' 36.24")

- Peter Swart, 45 Church Road (Tunkhannock, PA Quadrangle Latitude: 41° 30' 51.84"; Longitude: -75° 57' 41.04")

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

*Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.*

**E5802120-021, PA Department of Transportation, Eng District 4-0**, 55 Keystone Industrial Park, Dunmore, PA 18512, Lathrop Township and Hop Bottom Borough, **Susquehanna County**, Army Corps of Engineers, Baltimore District.

To authorize the following water obstructions and encroachments associated with the SR 0011, Sections ERS and RS1 Safety Improvement Project:

- To fill a de minimus area of PEM/PSS wetland equal to 0.01 acre immediately adjacent to SR 0011 for the purpose of reconstruction and grading of SR 0011.
- To impact 279-LF (110-LF is waived) of watercourse for multiple tributaries to Martins Creek (CWF, MF) associated for riprap installation and minor grading.
- To place fill in 1.89 acres of the floodway of Martins Creek (CWF, MF) for the construction/repair of outfalls, reconstruction and grading of SR 0011.
- To place fill in 0.11 acre of the floodway of Tributary to Martins Creek (CWF, MF) (Stream FG) for the reconstruction and grading of SR 0011.
- To place fill in 0.10 acre of the floodway of Tributary to Martins Creek (CWF, MF) (Stream GG) for the reconstruction and grading of SR 0011.
- To construct and maintain 39 outfall aprons in the wetlands and the floodway and watercourse of multiple tributaries to Martins Creek and Martins Creek (CWF, MF).
- To place fill in 4.64 acres of the floodplain of Martins Creek (CWF, MF) for the construction/repair of outfalls, reconstruction and grading of SR 0011.

The proposed project is located along the SR 0011 (Hop Bottom, PA Quadrangle, North limit of project: Latitude: 41° 43' 12.92"; Longitude: -75° 45' 59.43"; Southern limit of project: Latitude: 41° 40' 3.02"; Longitude: -75° 46' 50.54") in Lathrop Township and Hop Bottom Borough, Susquehanna County.

**E3502120-026: Pa Department of Transportation, Eng District 4-0**, 55 Keystone Industrial Park, Dunmore, PA 18512, Roaring Brook Township, **Lackawanna County**, Army Corps of Engineers, Baltimore District.

The following impacts are associated with the SR 0307 culvert replacement project located in Roaring Brook Township, Lackawanna County:

1. Remove the existing structure and construct and maintain a 111.75-foot wide stream enclosure (box culvert) carrying SR 0307 across Green Run (HQ-CWF, MF) having a 10-foot span and a 5.5'-foot underclearance. The proposed structure will be relocated to approximately 25-ft south of the existing crossing.
2. Relocate a portion of Green Run (HQ-CWF, MF) due to the alignment shift of the proposed stream enclosure. The relocation will impact 186-LF of Green Run (HQ-CWF, MF).
3. Construct one outfall for the discharge of stormwater to Green Run (HQ-CWF, MF).

The project is located along S.R. 307 Sec D54 Segment 0120, Offset 0000, approximately 0.2 mile south of the S.R. 0307/2010 intersection (Moscow, PA Quadrangle Latitude: 41° 20' 47" N Longitude: 75° 35' 17" W).

*Southwest Region: Dana Drake, Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.*

**E6505220-031, Ligonier Township Municipal Authority**, 1 Municipal Park Drive, Ligonier, PA 15658, Ligonier Township, **Westmoreland County**, Pittsburgh ACOE District.

Has been given consent to:

Construct and maintain 8 new utility line stream crossings of Mill Creek (EV), Unnamed Tributaries (UNT) to Mill Creek (EV), and the South Fork of Mill Creek (EV), consisting of an 8" PVC water utility line.

The utility line crossings are to be installed via open cut method. Cumulatively, 80 linear feet of permanent stream impacts are proposed.

For the purpose of connecting two water supply sources owned and operated by the same public water supply system. The connection of the two water sources will allow the water supplier to transfer water between the two systems during emergency and unforeseen situations.

The project site is located at 832 Reservoir Road, Ligonier, PA 15658 Ligonier, PA USGS topographic quadrangle; N: 40°, 14', 30"; W: -79°, 8', 57"; Sub-basin 18C; USACE Pittsburgh District), in Ligonier Township, Westmoreland County.

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

**E0503220-021, Mr. Kevin Leonardis**, 1409 Dunkard Hollow Road, Alum Bank, PA 15521. Whispering Hollow Estate Access in West St., Clair Township, **Bedford County**, U.S. Army Corps of Engineers Baltimore District.

To construct and maintain a 20-foot long 77" × 52" CSP Pipe-arch culvert uniformly depressed 12 inches in Ryot Run (WWF, MF), resulting in 20 linear feet of permanent stream impacts and 60 linear feet of temporary stream impacts, and temporarily impacting 0.02 acre of Palustrine Emergent (PEM) wetland and permanently impacting 0.01 acre of PEM wetland, all for the purpose of providing emergency vehicle access to the entire property (Latitude: 40.167663; Longitude: -78.664044) in West St. Clair Township, Bedford County.

*Central Office: Bureau of Abandoned Mine Reclamation, 400 Market Street, 13th Floor, P.O. Box 69205, Harrisburg, PA 17106-9205.*

**EA3710-001. Pennsylvania Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, 400 Market Street, P.O. Box 69205, Harrisburg, PA 17106-9205. Perry Township, **Lawrence County**, ACOE Pittsburgh District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 2400 linear feet of dangerous highwall and a 7 acres dangerous pile and embankment. The project will include the backfilling of 0.056 acre of wetlands and 0.253 acre of water filled pits that have developed within the open surface mine pit and relocate approximately 485 feet of stream channel. Latitude (N: 40° 55' 5"); Longitude (W: 80° 11' 38"). Permit issued June 10, 2021.

*Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**E0829221-002: Appalachia Midstream Services, LLC**, 30351 Route 6, Wysox, PA 18854, Wilmot Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain the Shingle Ridge Well Line Project, which consists of one 8-inch steel natural gas pipeline, with the following impacts:

1. 4.0 linear feet of UNT to Miller Brook (CWF) and 90 square feet of temporary floodway impacts via HDD

boring (Jenningsville, PA Quadrangle, Latitude: N 41° 32' 55.92", Longitude: W 76° 13' 07.63");

2. 211 square feet (0.01 acre) of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands via HDD boring (Jenningsville, PA Quadrangle, Latitude: N 41° 32' 55.64", Longitude: W 76° 13' 08.43");

3. 5 square feet (0.01 acre) of permanent impacts to Exceptional Value (EV) Palustrine Scrub Shrub (PSS) Wetlands via HDD Boring (Jenningsville, PA Quadrangle, Latitude: N 41° 32' 54.81", Longitude: W 76° 13' 10.80"); and

4. 360 square feet of temporary floodway impacts to UNT to Miller Brook (CWF) via placement of fill for construction access (Jenningsville, PA Quadrangle, Latitude: N 41° 32' 02.55", Longitude: W 76° 13' 18.58").

The project will result in 4.0 linear feet of permanent stream impacts, 450 square feet (0.01 acre) of temporary floodway impacts, 5 square feet (0.01 acre) of permanent EV PSS wetland impacts and 211 square feet (0.01 acre) of permanent EV PFO wetland impacts all for the purpose of installing a natural gas gathering line and associated access roadways for Marcellus shale development.

**E6629221-002: Appalachia Midstream Services, LLC**, 30351 Route 6, Wysox, PA 18854, North Branch Township, **Wyoming County**, ACOE Baltimore District.

To construct, operate and maintain the Shingle Ridge Well Line Project, which consists of one 8-inch steel natural gas pipeline, with the following impacts:

1. 22 square feet of permanent impacts to Exceptional Value (EV) Palustrine Scrub Shrub (PSS) Wetlands and 336 square feet of temporary impacts to Exceptional Value (EV) Palustrine Scrub Shrub (PSS) Wetlands via open cut trenching and a temporary road crossing (Jenningsville, PA Quadrangle, Latitude: N 41° 33' 02.31", Longitude: W 76° 12' 56.47").

The project will result in 22 square feet (0.01 acre) of permanent EV PSS wetland impacts and 336 square feet (0.01 acre) of temporary EV PSS wetland all for the purpose of installing a natural gas gathering line and associated access roadways for Marcellus shale development.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA0103221-001, Strawberry Hill Foundation, Inc.**, 1537 Mount Hope Road, Fairfield, PA 17320, Strawberry Hill Nature Preserve in Hamiltonban Township, **Adams County**, U.S. Army Corps of Engineers Baltimore District.

To install three separate rock toe bank stabilization areas with associated grading totaling 120 linear feet, three separate gravel bar/floodplain deposit removals totaling 215 linear feet, and three separate areas of random boulder placement, all within Middle Creek (EV, MF). The purpose of the project is to stabilize and restore aquatic habitat functions within the stream channel and floodplain. The project is located at the Strawberry Hill Foundation nature center along Mount Hope Road in Hamiltonban Township, Adams County (Latitude: 39.8030; Longitude: -77.41410).

#### 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 Hamilton 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.

*Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

ESCGP-3 # ESG290821038-00  
 Applicant Name Chesapeake Appalachia LLC  
 Contact Person Eric Haskins  
 Address 14 Chesapeake Lane  
 City, State, Zip Sayre, PA 18840  
 County Bradford  
 Township(s) Wysox  
 Receiving Stream(s) and Classification(s) UNT Johnson Creek (CWF-MF), UNT Rummerfield Creek (WWF-MF)  
 Secondary: Johnson Creek (CWF-MF), Rummerfield Creek (WWF-MF)

ESCGP-3 # ESG295821006-00  
 Applicant Name Cabot Oil & Gas Corp  
 Contact Person Kenneth L. Marcum  
 Address 2000 Park Lane, Ste 300  
 City, State, Zip Pittsburgh, PA 15275  
 County Susquehanna  
 Township(s) Lenox  
 Receiving Stream(s) and Classification(s) Partners Creek (CWF, MF), Tunkhannock Creek (CWF, MF, AT)  
 Secondary: Tower Branch (CWF, MF, WT), Tunkhannock Creek (CWF, MF, AT)

ESCGP-3 # ESG294121010-00  
 Applicant Name ARD Operating LLC  
 Contact Person Jennifer McCarthy  
 Address 500 Dallas St., Ste 2930  
 City, State, Zip Houston, TX 77002-4701  
 County Lycoming  
 Township(s) Pine  
 Receiving Stream(s) and Classification(s) Bonnell Run (EV), UNT Bonnell Run (EV), English Run (EV), UNT English Run (EV)  
 Secondary: Little Pine Creek (EV), Bonnell Run (EV), Little Pine Creek (EV), English Run (EV)

ESCGP-3 # ESG290821021-00  
 Applicant Name Chesapeake Appalachia LLC  
 Contact Person Eric Haskins  
 Address 14 Chesapeake Lane  
 City, State, Zip Sayre, PA 18840  
 County Bradford  
 Township(s) North Towanda  
 Receiving Stream(s) and Classification(s) UNT Sugar  
 Creek (WWF)

ESCGP-3 # ESG295921002-00  
 Applicant Name Pennsylvania General Energy Company,  
 LLC  
 Contact Person David Straub  
 Address 120 Market Street  
 City, State, Zip Warren, PA 16365-2510  
 County Tioga  
 Township(s) Liberty and Union  
 Receiving Stream(s) and Classification(s) Salt Spring Run  
 (HQ-CWF, EV), UNT Brion Creek (HQ-CWF, EV),  
 Carpenter Run (CWF, EV), UNT Taylor Run (CWF, EV)  
 Secondary: Roaring Branch (HQ-CWF, EV), Brion  
 Creek (HQ-CWF, EV), Tioga River (CWF, CWF), Taylor  
 Run (CWF, CWF)

ESCGP-3 # ESG290821033-00  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Adam Weightman  
 Address 30351 Route 6  
 City, State, Zip Wysox, PA 18854  
 County Bradford  
 Township(s) Albany, Asylum, Smithfield, Granville, Troy,  
 & West Burlington  
 Receiving Stream(s) and Classification(s) UNT to North  
 Branch Towanda Creek (CWF, MF), UNT to Sugar  
 Creek (TSF, MF), UNT to Sugar Run (CWF, MF), North  
 Branch Towanda Creek (CWF, MF), UNT to West  
 Branch Tomjack Creek (TSF, MF), UNT to Mud Creek  
 (TSF, MF), UNT to Canfield Run (TSF, MF)  
 Secondary: Sugar Creek (TSF, MF), Durrell Creek  
 (WWF, MF), North Branch Towanda Creek (CWF, MF),  
 West Branch Tomjack Creek (TSF, MF), Mud Creek  
 (TSF, MF), Canfield Run (TSF, MF), Susquehanna  
 River (WWF, MF)

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

*Southeast Regional Office: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5960.*

*Contact: Richard Staron, Professional Geologist Manager.*

**Gas Stop**, 15-23149, 3575 Schuylkill Rd., Spring City, PA 19475, East Vincent Township, **Chester County**. Converse Consultants, 2738 West College Ave, State College, PA 16801, on behalf of Stephanie Fanfera, 110 Millstone Court, Royersford, PA 19468, submitted a Site Characterization Report 310(b) concerning remediation of soil contaminated with petroleum products. The report is intended to document remediation of the site to meet nonresidential Statewide health standards.

**Melody Lakes Tire Co**, 09-24025, 1113 N. West End Blvd., Quakertown, PA 18951, Richland Township, **Bucks County**. Patriot Environmental Management, LLC, 2404 Brown Street, Pottstown, PA 19464, on behalf of Melody Lakes Automotive, 3100 Marwin Road, Bensalem, PA 19020, submitted a Remedial Action Completion Report concerning remediation of soil contaminated with unleaded gasoline and heating oil. The report is intended to document remediation of the site to meet nonresidential Statewide health and site-specific standards.

**7 Eleven 33284**, 23-38710, 496 Conchester Hwy., Aston, PA 19014, Upper Chichester Township, **Delaware County**. AECOM, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19428, on behalf of 7-Eleven, Inc., P.O. Box 711, Dallas, TX 75221-0711, submitted a Remedial Action Completion Report concerning remediation of soil contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet residential Statewide health standards.

**Lukoil 69253**, 09-41456, 802 Bath St., Bristol, PA 19007, Bristol Borough, **Bucks County**. Envirotrac Ltd., 602 S. Bethlehem Pike, Suite A-2 & 3, Ambler, PA 19002, on behalf of Lukoil North America LLC, 302 Harper Drive, Suite 303, Moorestown, NJ 08057, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline and diesel fuel. The report is intended to document remediation of the site to meet a combination of residential and residential Statewide health and site-specific standards.

**Lukoil 69708**, 51-43620, 600 N. Delaware Ave., Philadelphia, PA 19123, **City of Philadelphia**. Envirotrac Ltd., 602 S. Bethlehem Pike, Suite A2/A3, Ambler, PA 19002, on behalf of Lukoil North America, LLC, 302 Harper Drive, Suite 303, Moorestown, NJ 08057, submit-



ted a, Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet residential Statewide health standards.

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

*Contact: Eric Supey, Environmental Program Manager.*

**Turkey Hill 194**, Storage Tank ID # 40-50162, 460 West Main Street, Nanticoke, PA 18634, Norwegian Township, **Schuylkill County**. AECOM, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19428, on behalf of Cumberland Farms, 165 Flanders Road, Westborough, MA 01581, has submitted a Remedial Action Plan concerning remediation of soil contaminated with gasoline. The report is intended to document remediation of the site to meet Statewide health standards.

**Tiger's Den-Schuylkill Haven**, Storage Tank ID # 54-27209, 1618 Route 61 South, Schuylkill Haven, PA 17972, Schuylkill Haven Borough, **Schuylkill County**. Synergy Environmental, 155 Railroad Plaza, First Floor, Royersford, PA 19468, on behalf of PALG UST II, LLC, Cross America Partners, 515 Hamilton Street, Allentown, PA 18101, has submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet Statewide health standards.

*Southcentral Regional Office: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.*

*Contact: Gregory Bowman, Environmental Group Manager.*

**Gettysburg Liberty**, Storage Tank Facility ID # 01-06949, 243 Steinwehr Avenue, Gettysburg, PA 17325-2815, Gettysburg Borough, **Adams County**. Synergy Environmental, Inc., 155 Railroad Plaza, 1st Floor, Royersford, PA 19468, on behalf of KZ Station Corporation, 14708 Albert Staub Court, Thurmont, MD 21788, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The plan is intended to document remediation of the site to meet the Statewide health and site-specific standards.

*Northwest Regional Office: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6648.*

*Contact: Kim Bontrager, Clerk Typist 3.*

**Tionesta Gulf**, Storage Tank Facility ID # 27-13476, 402 Elm Street, Tionesta, PA 16353, Tionesta Borough, **Forest County**. Letterle & Associates, Inc., 191 Howard Street, Franklin, PA 16323, on behalf of Pam Ramsden, 4035 Route 981, Saltsburg, PA 15681, submitted a combined Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded and leaded gasoline constituents. The report is intended to document remediation of the site to meet the Site-Specific Standard for soil and groundwater.

**Big Daves Svc Ctr**, Storage Tank Facility ID # 32-07987, 402 Salt Street, Saltsburg, PA 15681-1124, Conemaugh Township, **Indiana County**. Cribbs & Associates, Inc., P.O. Box 44, Delmont, PA 15626, on behalf of Pam Ramsden, 4035 Route 981, Saltsburg, PA 15681, submitted a combined Remedial Action Plan and Remedi-

dial Action Completion Report concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, total xylenes, cumene, naphthalene, and methyl tert-butyl ether. The report is intended to document remediation of the site to meet the Statewide health standard for soil and the Site-Specific Standard for groundwater.

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 3

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

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

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

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

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

The DEP has received the following plans and reports:

*Southeast Regional Office: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5960.*

*Contact: Richard Staron, Professional Geologist Manager.*

**Phila Fire Acad**, 51-20135, 5200 Pennypack St., Philadelphia, PA 19136, **City of Philadelphia**. Oxford Engineering Company, 336 Point Street, Camden, NJ 08102, on behalf The City of Philadelphia, Department of Public Property, City Hall, Room 784, Philadelphia, PA 19107, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan was not acceptable to

meet residential Statewide health and site-specific standards and was approved by the DEP on June 1, 2021

**Jefferson Health N E Bucks Cnty**, 09-55419, 380 Oxford Valley Rd., Langhorne, PA 19047, **Bucks County**. Center Point Tank Services, Inc., 563 E. Benjamin Franklin Highway, Douglasville, PA 19518, on behalf of Jefferson Health Northeast—Bucks, 380 Oxford Valley Rd., Langhorne, PA 19047, submitted a Site Characterization Report 310(b) concerning remediation of soil contaminated with diesel fuel. The report demonstrated attainment of nonresidential Statewide health standards and was approved by DEP on June 1, 2021.

**Ambler Coal**, 46-05337, 252 N. Main St., Ambler, PA 19002, Ambler Borough, **Montgomery County**. Storb Environmental, Inc., 410 North Easton Road, Willow Grove, PA 19090, on behalf of Amber Coal Company, Inc., 252 N. Main St., Ambler, PA 19002, submitted a Site Characterization Report 310(b) concerning remediation of soil contaminated with petroleum products. The Site Characterization Report 310(b) demonstrated attainment of the residential, Statewide health standard and was approved by the Department on June 3, 2021.

**1205 E Lincoln Hwy Shell**, 09-21005, 1113 E Lincoln Hwy., Langhorne, PA 19047, **City of Philadelphia**. Geo-Enviro Consulting & Remediation LLC, 371 Hoes Lane, Suite 200, Piscataway, NJ 08854, on behalf of the Bronson Oil Fee Holdings, LLC, 1800 Chapel Hill Avenue West, Suite 160, Cherry Hill, NJ 08002, submitted a Remedial Action Plan concerning remediation of groundwater contaminated with unleaded gasoline. The Remedial Action Plan was acceptable to meet residential Statewide health and site-specific standards and was approved by the DEP on June 14, 2021.

**823 N Broad St BP**, 51-29714, 823 N. Broad St., **City of Philadelphia**. The ELM Group, Inc., 345 Wall Street, Research Park, Princeton, NJ 08540, on behalf of Philadelphia Broad Street, L.P., 1401 Broad Street, Suite 200, Clifton, NJ 07013, submitted a Remedial Action Completion Report concerning remediation of soil contaminated with ethanol and unleaded gasoline. The report demonstrated attainment of the residential Statewide health standards and was approved by the Department on March 30, 2021.

**PMG 2507**, 46-14443, 312 Manatawny St., Pottstown, PA 19464, Pottstown Borough, **Delaware County**. Advantage Environmental Consultants, LLC, 3819 Germantown Pike, Suite B, Collegeville, PA 19426, on behalf of Petroleum Marketing Group, Inc., 2900 Telestar Court, Falls Church, VA 22042, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with unleaded gasoline. The report demonstrated attainment of the nonresidential Statewide health standards and was approved by the Department on April 13, 2021.

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

*Contact: Eric Supey, Environmental Program Manager.*

**Former Warner's Central Garage**, Storage Tank ID # 13-23965, 8 Hudsonale Street, Weatherly, PA 18255 Weatherly Borough, **Carbon County**. Barry Isett & Associates, 85 South Route 100, Allentown, PA 18106, on behalf of Mauch Chunk Trust Company, 1111 North Street, P.O. Box 289, Jim Thorpe, PA 18229, submitted a revised, combined Site Characterization Report and Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The report

was acceptable to meet Statewide health standards and was approved by DEP on June 14, 2021.

**JL Market**, Storage Tank ID # 40-50901, 7896 Blue Ridge Trail, Wapwallopen, PA 18660, Dorrance Township, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Karunesh Prop, Inc., 7896 Blue Ridge Trail, Wapwallopen, PA 18660, submitted a combined Site Characterization Report and Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The report was acceptable to meet Statewide health standards and was approved by DEP on June 9, 2021.

**Jewell's Service Station**, Storage Tank ID # 48-05687, 251 East Central Avenue, East Bangor, PA 18013, East Bangor Borough, **Northampton County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Shirley and Larry Jewell, 101 Cowburn Road, Ulysses, PA 16948, has submitted a combined Site Characterization Report and Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The report was acceptable to meet a combination of site-specific and Statewide health standards and was approved by DEP on June 7, 2021.

*Southcentral Regional Office: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.*

*Contact: Michael Stefanic, P.G., Licensed Professional Geologist.*

**Dutch Kitchen Mobil**, Storage Tank Facility ID # 06-42036, 8373 Route 183, Bethel, PA 19507, Upper Tulphocken Township, **Berks County**. EMS Environmental, Inc., 4550 Bath Pike, Bethlehem, PA 18017 on behalf of Mr. Pat Garrett, 8373 Route 183, Bethel, PA 19507 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The Remedial Action Plan was acceptable to meet the site-specific standard and the Statewide health standard and was approved by DEP on June 7, 2021.

*Contact: Greg Bowman, Environmental Group Manager.*

**Sotdorus Motor Company**, Storage Tank Primary Facility ID # 67-39549, 11445 North Main Street Ext., Glen Rock, PA 17327, Shrewsbury Township, **York County**. Letterle and Associates, 2022 Axemann Road, Suite 201, Bellefonte, PA 16823, on behalf of Norm Rohrbaugh, 11445 North Main Street Ext., Glen Rock, PA 17327 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The Remedial Action Plan was acceptable to meet the Statewide health standard and was approved by the DEP on June 9, 2021.

*Northwest Regional Office: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6648.*

*Contact: Kim Bontrager, Clerk Typist 3.*

**Sheetz 114**, Storage Tank Facility ID # 03-83804, 100 Walnut Street, Kittanning, PA 16201, Kittanning Borough, **Armstrong County**. EnviroTrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Sheetz, Inc., 5700 6th Avenue, Altoona, PA 16602, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with benzene, ethylbenzene, toluene, xylenes, MTBE, cumene, naphthalene, 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene. The Remedial Action Completion Report demon-

strated attainment of the Background Standard and was approved by DEP on June 9, 2021.

**Tionesta Gulf**, Storage Tank Facility ID # 27-13476, 402 Elm Street, Tionesta, PA 16353, Tionesta Borough, **Forest County**. Letterle & Associates, Inc., 191 Howard Street, Franklin, PA 16323, on behalf of Pam Ramsden, 4035 Route 981, Saltsburg, PA 15681, submitted a combined Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded and leaded gasoline constituents. The combined Remedial Action Plan and Remedial Action Completion Report demonstrated attainment of the Site-Specific Standard and was approved by DEP on June 9, 2021.

[Pa.B. Doc. No. 21-995. Filed for public inspection June 25, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Availability of Technical Guidance

Technical guidance documents (TGD) are available on the Department of Environmental Protection's (Department) web site at [www.depgreenport.state.pa.us/elibrary/](http://www.depgreenport.state.pa.us/elibrary/). The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final TGDs are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft TGDs.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download TGDs. When this option is not available, persons can order a paper copy of any of the Department's draft or final TGDs by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to TGDs*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should contact the person whose name and phone number are listed with each document.

#### *Final Technical Guidance: Substantive Revisions*

**DEP ID:** 275-2101-003. **Title:** Air Quality Permit Exemptions. **Description:** Consistent with the provision of 25 Pa. Code § 127.14 (relating to exemptions), the Department may determine sources or classes of sources which may be exempt from the plan approval and permitting requirements of 25 Pa. Code Chapter 127 (relating to construction, modification, reactivation and operation of sources). In accordance with 25 Pa. Code § 127.14(d), the Department is finalizing an amendment to the Air Quality Permit Exemptions.

The Department published a notice at 50 Pa.B. 3546 (July 11, 2020) opening a public comment period for TGD No. 275-2101-003, entitled "Air Quality Permit Exemptions." The comment period ended on August 24, 2020. The Department has prepared a Comment and Response

Document which is available on the Department's web site. The Department is finalizing the following:

- Qualifications regarding exempted sources.
- Exemptions under 25 Pa. Code § 127.14(a)(8) that do not require submission of a Request for Determination form.
- Exemptions under 25 Pa. Code § 127.14(a)(8) that do require submission of a Request for Determination form.
- Exemptions under 25 Pa. Code § 127.14(a)(9) related to physical changes.
- Exemption criteria for operating permits.
- Trivial activities.

This guidance document is applicable to sources, which will be constructed as a new source, or modified after the effective date of this TGD. It does not apply to sources which were constructed or modified prior to the effective date of this guidance document and operating lawfully without a permit.

**Contact:** Questions regarding this TGD can be directed to Sean Wenrich at [sewenrich@pa.gov](mailto:sewenrich@pa.gov) or (717) 772-3979.

**Effective Date:** July 1, 2021

#### *Rescission of Technical Guidance*

**DEP ID:** 363-2316-001. **Title:** Certification for Corps Nationwide Permits. **Description:** As provided in section 401 of the Federal Clean Water Act (33 U.S.C.A. § 1341), the Department periodically considers and issues water quality certification for Nationwide permits issued by the United States Army Corps of Engineers (Corps). This document contains the Department's conditional water quality certification for certain Corps Nationwide permits issued in the late 1990s. See 61 FR 65874 (December 13, 1996). The Corps Nationwide permits and the Department's water quality certification contained in this document are no longer in effect, having been replaced several times over with updated permits and certifications since this TGD was published in 1997. As such, this TGD is out of date and no longer necessary. The content of this document was also published in the *Pennsylvania Bulletin* at 27 Pa.B. 1700 (April 5, 1997) and is publicly accessible in that format.

**Contact:** Questions regarding this action can be directed to Andy Klinger at [anklinger@pa.gov](mailto:anklinger@pa.gov) or (717) 772-5975.

**Effective Date:** June 26, 2021

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-996. Filed for public inspection June 25, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Draft Revised Water Quality Assessment Methodology; Available for Public Comment

The Department of Environmental Protection (Department) is requesting public comment for a draft revision in the Assessment and Listing Methodology (assessment methodology) for the 2022 Integrated Water Quality Monitoring and Assessment Report (Integrated Report).

Sections 303(d), 305(b) and 314 of the Federal Clean Water Act (33 U.S.C.A. §§ 1313(d), 1315(b) and 1324) require states to report on the condition of all surface waters in the biennial Integrated Report. The methodology referred to in this public notice will be used, when finalized, to assess the quality of the waters in this Commonwealth under this legal mandate.

The draft revised assessment methodology is the Discrete Physicochemical Assessment Method used to assess waters that may appear in the Integrated Report. For the 2022 Integrated Report, the assessment methodology is being updated to reflect this clarified methodology.

The Department will accept comments on the draft revised Discrete Physicochemical Assessment Method. The Department will consider all comments regarding the data analysis protocols contained in this draft methodology.

The draft methodology is available online through the Department's eComment tool at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment).

Interested persons may submit written comments on this draft revised water quality assessment methodology by August 9, 2021. Comments submitted by facsimile will not be accepted. All comments, including comments submitted by e-mail, must include the commentator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov). Written comments can be mailed to the Department of Environmental Protection, Policy Office, 400 Market Street, P.O. Box 2063, Harrisburg, PA 17105-2063. Commentators are requested to use "Revised Assessment Methodology" as the subject line in written communication.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Gary Walters at (717) 787-9637 or through the Pennsylvania Hamilton Relay Service at (800) 654-5894 (TTD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-997. Filed for public inspection June 25, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Final Assessment and Strategy of Pennsylvania's Coastal Resources Management Program under Section 309 of the Coastal Zone Management Act

Pennsylvania's Coastal Resources Management Program has developed a final Assessment and Strategy in accordance with section 309 of the Federal Coastal Zone Management Act of 1972 (16 U.S.C.A. § 1456b), as amended in 1990 and 1996. This assessment and strategy is part of a voluntary coastal zone enhancement grants program (Program) that encourages states and territories to develop program changes in one or more of the following nine coastal enhancement areas: coastal wetlands; coastal hazards; public access; marine debris; cumulative and secondary impacts; special area manage-

ment planning; ocean/Great Lakes resources; energy and government facility siting and activities; and aquaculture. Under this Program, the United States Secretary of Commerce is authorized to make awards to states and territories to develop and submit for Federal approval program changes that support attainment of the objectives of one or more of the enhancement areas. The National Oceanic and Atmospheric Administration approved the Commonwealth's final Section 309 Assessment and Strategy on June 4, 2021. Implementation of the new strategy will begin October 1, 2021.

The final Section 309 Assessment and Strategy is available on the Department of Environmental Protection's web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Businesses," then "Water," then "Compacts and Commissions," then "Coastal Resources Management Program," then "Program Reference Documents").

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-998. Filed for public inspection June 25, 2021, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(e) (relating to prevention, control and surveillance of tuberculosis (TB)):

Mount Carmel Nursing and Rehabilitation Center  
2616 Locust Gap Highway  
Mount Carmel, PA 17851  
FAC ID # 137802

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Springfield Rehabilitation and Healthcare Center  
463 West Sproul Road  
Springfield, PA 19064  
FAC ID # 080402

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.7 (relating to basement or cellar):

Springfield Rehabilitation and Healthcare Center  
463 West Sproul Road  
Springfield, PA 19064  
FAC ID # 080402

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](mailto:ra-paexcept@pa.gov).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the 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 Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ALISON BEAM,  
*Acting Secretary*

[Pa.B. Doc. No. 21-999. Filed for public inspection June 25, 2021, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Maternal Mortality Review Committee Meeting

The Maternal Mortality Review Committee (Committee), established under section 4 of the Maternal Mortality Review Act (35 P.S. § 10244), will hold a public meeting on Monday, June 28, 2021, from 8 a.m. to 12 p.m. by means of a conference call. The purpose of the meeting is to discuss new and ongoing procedural issues relating to the review process for the Committee. To join the call, dial +1 (267) 332-8737 and, when prompted, enter the following conference code: 522 321 931#.

For additional information or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Tara Trego, Director, Bureau of Family Health, 7th Floor East, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 772-2762, or for speech and/or hearing impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

This meeting is subject to cancellation without notice.

ALISON BEAM,  
*Acting Secretary*

[Pa.B. Doc. No. 21-1000. Filed for public inspection June 25, 2021, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Newborn Screening and Follow-Up Technical Advisory Board Virtual Public Meeting

The Newborn Screening and Follow-Up Technical Advisory Board (Board), established under the Newborn Child Testing Act (35 P.S. §§ 621—625), will hold a virtual public meeting on Thursday, July 15, 2021, from 10 a.m. until 1 p.m. The virtual public meeting will be conducted as a teleconference Skype meeting. The dial-in number is (267) 332-8737 and the conference access ID is 63145728#.

The agenda will include: discussions about the recent implementation of Newborn Child Testing Act—Newborn Child Screening and Follow-Up Program, and Mandated Screening and Follow-Up Act of November 25, 2020 (P.L. 1259, No. 133) requirements effective May 24, 2021; a recap of the Midwife Education and Outreach efforts held on April 26, 2021; discussions about a Newborn Screening Awareness Month event to be held in September 2021; Board Member Terms; Board Officer Elections; updates from the Bureau of Family Health (Bureau) including a demonstration of the new Data Dashboard; and updates from the Ethics, Lysosomal Storage Disorders/X-ALD, Cystic Fibrosis, Hemoglobinopathy and Critical Congenital Heart Defects subcommittees. The Bureau will also present data for each subcommittee update if needed.

For additional information or for persons with a disability who wish to attend the public virtual meeting and require auxiliary aid, service or other accommodation to do so, contact Stacey Gustin, Director, Division of Newborn Screening and Genetics, at (717) 783-8143. Speech and/or hearing-impaired persons use V/TT (717) 783-6514 or the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TT).

This virtual public meeting is subject to cancellation without notice.

ALISON BEAM,  
*Acting Secretary*

[Pa.B. Doc. No. 21-1001. Filed for public inspection June 25, 2021, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Competitive Prices and Peer Group Criteria

#### Peer Group Criteria

The WIC Management Information System automatically assigns stores to one of five peer groups depending on store size, number of registers and where the store is located as follows:

Population Ranges	Geography	Square footage	Peer Group
0—69,999	Remote Rural	0—999 sq./ft.	5
70,000—124,999	Rural	1,000—4,999 sq./ft.	4
125,000—249,999	Slightly Urban	5,000—9,999 sq./ft.	3
250,000—499,999	Urban	10,000—19,999 sq./ft.	2
500,000—999,999	Metro Market Edge	20,000—999,999 sq./ft.	1
1,000,000+	Metro Market Center		

<i>Population Ranges</i>	<i>Geography</i>	<i>Square footage</i>	<i>Peer Group</i>
		<i>Weighting</i>	Geography: 30%
<i># of cash registers</i>	<i>Peer group</i>		Registers: 30%
0-1, 2-4, 5-9, 10-19, 20+	5, 4, 3, 2, 1		Square footage: 40%

### Competitive Prices for Peer Group 1 Stores

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

#### *Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective, July 1, 2021, through September 30, 2021, the Competitive Prices for WIC Authorization for Peer Group 1 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread	1	\$3.66
Brown Rice	1	\$1.31
Canned Beans	1	\$1.22
Cereal (per oz.)	1	\$0.28
Cheese—16 oz.	1	\$6.32
Cheese—Kosher—16 oz.	1	\$13.45
Dried Beans/peas	1	\$2.10
Fresh shell eggs	1	\$1.85
Infant Cereal	1	\$2.98
Infant Fruits	1	\$0.95
Infant Meats	1	\$1.22
Infant Vegetables	1	\$0.95
Juice 11.5/12 oz.	1	\$2.48
Juice 48 oz.	1	\$3.74
Juice 64 oz.	1	\$3.64
Light Tuna 5 oz.	1	\$1.26
Milk—Kosher—Low Fat 1/2 gallon	1	\$4.56
Milk—Low Fat 1/2 gallon	1	\$2.42
Milk—Kosher—Whole 1/2 gallon	1	\$4.64
Milk—Whole 1/2 gallon	1	\$2.60
Oats—16 oz.	1	\$1.62
Peanut Butter	1	\$3.18
Salmon 6 oz.	1	\$2.46
Sardines 3.75 oz.	1	\$1.44
Similac Adv Conc 13 oz.	1	\$7.22
Similac Adv Pwd 12.4 oz.	1	\$21.97
Similac Isomil Conc 13 oz.	1	\$6.71
Similac Isomil Pwd 12.4 oz.	1	\$22.78
Tortilla—16 oz.	1	\$2.92
Whole Wheat Pasta—16 oz.	1	\$1.48

### Competitive Prices for Peer Group 2 Stores

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Competitive Prices for Peer Group 2 Stores.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2021, through September 30, 2021, the Competitive Prices for WIC Authorization for Peer Group 2 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread	2	\$3.92
Brown Rice	2	\$1.48
Canned Beans	2	\$1.32
Cereal (per oz.)	2	\$0.31
Cheese—16 oz.	2	\$6.95
Cheese—Kosher—16 oz.	2	\$14.39
Dried Beans/peas	2	\$2.15
Fresh shell eggs	2	\$1.98
Infant Cereal	2	\$3.07
Infant Fruits	2	\$1.02
Infant Meats	2	\$1.34
Infant Vegetables	2	\$1.02
Juice 11.5/12 oz.	2	\$2.88
Juice 48 oz.	2	\$4.13
Juice 64 oz.	2	\$4.21
Light Tuna 5 oz.	2	\$1.38
Milk—Kosher—Low Fat 1/2 gallon	2	\$5.02
Milk—Low Fat 1/2 gallon	2	\$2.64
Milk—Kosher—Whole 1/2 gallon	2	\$5.11
Milk—Whole 1/2 gallon	2	\$2.69
Oats—16 oz.	2	\$1.78
Peanut Butter	2	\$3.36
Salmon 6 oz.	2	\$2.52
Sardines 3.75 oz.	2	\$1.49
Similac Adv Conc 13 oz.	2	\$7.46
Similac Adv Pwd 12.4 oz.	2	\$23.04
Similac Isomil Conc 13 oz.	2	\$6.83
Similac Isomil Pwd 12.4 oz.	2	\$23.50
Tortilla—16 oz.	2	\$2.99
Whole Wheat Pasta—16 oz.	2	\$1.50

**Competitive Prices for Peer Group 3 Stores**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Competitive Prices for Peer Group 3 Stores.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2021, through September 30, 2021, the Competitive Prices for WIC Authorization for Peer Group 3 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread	3	\$4.16
Brown Rice	3	\$1.60
Canned Beans	3	\$1.39
Cereal (per oz.)	3	\$0.34
Cheese—16 oz.	3	\$7.26
Cheese—Kosher—16 oz.	3	\$15.11
Dried Beans/peas	3	\$2.41
Fresh shell eggs	3	\$2.09

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Infant Cereal	3	\$3.17
Infant Fruits	3	\$1.16
Infant Meats	3	\$1.37
Infant Vegetables	3	\$1.03
Juice 11.5/12 oz.	3	\$2.96
Juice 48 oz.	3	\$4.31
Juice 64 oz.	3	\$4.37
Light Tuna 5 oz.	3	\$1.56
Milk—Kosher—Low Fat 1/2 gallon	3	\$5.52
Milk—Low Fat 1/2 gallon	3	\$2.84
Milk—Kosher—Whole 1/2 gallon	3	\$5.63
Milk—Whole 1/2 gallon	3	\$2.87
Oats—16 oz.	3	\$1.82
Peanut Butter	3	\$3.47
Salmon 6 oz.	3	\$2.58
Sardines 3.75 oz.	3	\$1.54
Similac Adv Conc 13 oz.	3	\$7.70
Similac Adv Pwd 12.4 oz.	3	\$24.65
Similac Isomil Conc 13 oz.	3	\$7.19
Similac Isomil Pwd 12.4 oz.	3	\$23.68
Tortilla—16 oz.	3	\$3.11
Whole Wheat Pasta—16 oz.	3	\$1.55

**Competitive Prices for Peer Group 4 Stores**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Competitive Prices for Peer Group 4 Stores.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2021, through September 30, 2021, the Competitive Prices for WIC Authorization for Peer Group 4 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread	4	\$4.42
Brown Rice	4	\$1.78
Canned Beans	4	\$1.60
Cereal (per oz.)	4	\$0.46
Cheese—16 oz.	4	\$8.32
Cheese—Kosher—16 oz.	4	\$15.59
Dried Beans/peas	4	\$2.48
Fresh shell eggs	4	\$2.74
Infant Cereal	4	\$3.65
Infant Fruits	4	\$1.28
Infant Meats	4	\$1.55
Infant Vegetables	4	\$1.43
Juice 11.5/12 oz.	4	\$3.65
Juice 48 oz.	4	\$4.70
Juice 64 oz.	4	\$5.32
Light Tuna 5 oz.	4	\$1.68
Milk—Kosher—Low Fat 1/2 gallon	4	\$6.06
Milk—Low Fat 1/2 gallon	4	\$3.05
Milk—Kosher—Whole 1/2 gallon	4	\$6.19



<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Milk—Whole 1/2 gallon	4	\$3.12
Oats—16 oz.	4	\$2.87
Peanut Butter	4	\$4.37
Salmon 6 oz.	4	\$2.64
Sardines 3.75 oz.	4	\$1.90
Similac Adv Conc 13 oz.	4	\$7.94
Similac Adv Pwd 12.4 oz.	4	\$26.44
Similac Isomil Conc 13 oz.	4	\$7.91
Similac Isomil Pwd 12.4 oz.	4	\$24.07
Tortilla—16 oz.	4	\$3.24
Whole Wheat Pasta—16 oz.	4	\$1.62

#### Competitive Prices for Peer Group 5 Stores

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Competitive Prices for Peer Group 5 Stores.

#### *Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2021, through September 30, 2021, the Competitive Prices for WIC Authorization for Peer Group 5 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread	5	\$4.94
Brown Rice	5	\$1.99
Canned Beans	5	\$1.99
Cereal (per oz.)	5	\$0.47
Cheese—16 oz.	5	\$10.10
Cheese—Kosher—16 oz.	5	\$16.31
Dried Beans/peas	5	\$2.62
Fresh shell eggs	5	\$3.83
Infant Cereal	5	\$4.22
Infant Fruits	5	\$1.48
Infant Meats	5	\$1.66
Infant Vegetables	5	\$1.49
Juice 11.5/12 oz.	5	\$3.86
Juice 48 oz.	5	\$5.18
Juice 64 oz.	5	\$6.12
Light Tuna 5 oz.	5	\$1.98
Milk—Kosher—Low Fat 1/2 gallon	5	\$6.68
Milk—Low Fat 1/2 gallon	5	\$3.77
Milk—Kosher—Whole 1/2 gallon	5	\$6.82
Milk—Whole 1/2 gallon	5	\$3.85
Oats—16 oz.	5	\$3.29
Peanut Butter	5	\$4.98
Salmon 6 oz.	5	\$2.76
Sardines 3.75 oz.	5	\$2.26
Similac Adv Conc 13 oz.	5	\$10.68
Similac Adv Pwd 12.4 oz.	5	\$28.15
Similac Isomil Conc 13 oz.	5	\$8.70
Similac Isomil Pwd 12.4 oz.	5	\$26.41
Tortilla—16 oz.	5	\$3.43
Whole Wheat Pasta—16 oz.	5	\$2.56

Persons with a disability who require an alternative format of this listing (for example, large print, audiotape, Braille) should contact Perce Morgan, Department of Health, Bureau of WIC, 625 Forster Street, 7th Floor West, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

The Pennsylvania WIC program is funded by the United States Department of Agriculture (USDA). The USDA is an equal opportunity provider.

ALISON BEAM,  
Acting Secretary

[Pa.B. Doc. No. 21-1002. Filed for public inspection June 25, 2021, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Addition of COVID-19 Antigen Laboratory Test Codes to the Medical Assistance Program Fee Schedule

The Department of Human Services (Department) announces the addition of two coronavirus (COVID-19) antigen laboratory test codes to the Medical Assistance (MA) Program Fee Schedule, effective with dates of service on and after November 2, 2020.

#### Background

On May 9, 2020, the United States Food and Drug Administration announced the first emergency use authorization for a COVID-19 rapid antigen test, a new category of tests for the use in the ongoing COVID-19 public health emergency. These tests are authorized for use in various laboratory settings certified under the Clinical Laboratory Improvement Amendments of 1988 (CLIA) (42 U.S.C.A. § 263a), that meet the requirements to perform high, moderate or waived complexity tests. Antigen tests were developed for use at the Point of Care, that is, in patient care settings operating under a CLIA Certificate of Waiver, Certificate of Compliance or Certificate of Accreditation.

#### Procedure Codes Being Added

The Department is adding the following procedure codes, and procedure code and modifier combinations, to the MA Program Fee Schedule, effective with dates of service on and after November 2, 2020:

Procedure Code	Procedure Code Description	Provider Type / Specialty	Place of Service / Modifier	MA Fee	Limits	Prior Authorization Required
87426	Infectious agent antigen detection by immunoassay technique, (for example, enzyme immunoassay (EIA), enzyme-linked immunosorbent assay (ELISA), fluorescence immunoassay (FIA), immunochemiluminometric assay (IMCA)) qualitative or semi-quantitative; severe acute respiratory syndrome coronavirus (for example, SARS-CoV, SARSCoV-2 (COVID-19))	01/016	23	\$34.94	1:1	No
		01/016	23/QW			
		01/017	23			
		01/017	23/QW			
		01/183	22			
		01/183	22/QW			
		08/082	49			
		08/082	49/QW			
		09/All	11			
		09/All	11/QW			
		28/280	81			
		28/280	81/QW			
		31/All	11			
31/All	11/QW					
33/335	11					
33/335	11/QW					
87811	Infectious agent antigen detection by immunoassay with direct optical (that is, visual) observation; severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) (Coronavirus disease (COVID-19))	01/016	23	\$11.51	1:1	No
		01/016	23/QW			
		01/017	23			
		01/017	23/QW			
		01/183	22			
		01/183	22/QW			
		08/082	49			
		08/082	49/QW			
		09/All	11			
		09/All	11/QW			
		28/280	81			
		28/280	81/QW			
		31/All	11			
31/All	11/QW					
33/335	11					
33/335	11/QW					

*Fiscal Impact*

The Department has determined that there is no fiscal impact for the addition of these codes to the MA Program Fee Schedule.

*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 Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received will be reviewed and considered for any subsequent revisions to the MA Program Fee Schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

MEG SNEAD,  
*Acting Secretary*

**Fiscal Note:** 14-NOT-1447. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 21-1003. Filed for public inspection June 25, 2021, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Payment for Nursing Facility Services Provided by County and Nonpublic Nursing Facilities; Notice of Change in Methods and Standards of Setting Payment Rates; Budget Adjustment Factor

The Department of Human Services (Department) is announcing its intent to amend the Commonwealth's Title XIX State Plan to update the Medical Assistance (MA) payment methodology and standards for payment of MA nursing facility services in Fiscal Year (FY) 2021-2022 to authorize the continued use of a budget adjustment factor (BAF) in setting payment rates for nursing facility services.

*Background*

Since 1996, the Department has used a case-mix prospective payment methodology to set per diem rate payments for MA nursing facility providers. One of the reasons the Department adopted this payment methodology was that the prior retrospective cost-based payment system had proven to be "highly inflationary" and change was necessary to curb an "explosive growth of nursing facility expenditures." See 25 Pa.B. 4477 (October 14, 1995). In 2006, the Department noted that "since the case-mix payment system was implemented in 1996, MA nursing facility payment rates have risen more than 56% and, since 2000, have increased by 27.4% overall. During this same period, expenditures for MA nursing facility services have grown to nearly \$3 billion and expenditures for MA services to the elderly and (people with disabilities) now consume approximately 70% of the \$14 billion MA Program budget." See 36 Pa.B. 3207 (June 24, 2006).

Realizing that the MA Program could not continue to sustain the pace at which long-term care expenditures were growing, the Department amended the Commonwealth's Title XIX State Plan and issued regulations changing the case-mix payment methodology effective July 1, 2005, to include use of a BAF in annual rate-setting. See 35 Pa.B. 6232 (November 12, 2005). Application of a BAF was continued in 2007, 2008, 2011, 2013, 2016 and again in 2019. See the act of June 30, 2007 (P.L. 49, No. 16), the act of July 4, 2008 (P.L. 557, No. 44), the act of June 30, 2011 (P.L. 89, No. 22), the act of July 9, 2013 (P.L. 369, No. 55), the act of July 8, 2016 (P.L. 480, No. 76), and the act of June 28, 2019 (P.L. 168, No. 19). The BAF limits the estimated Statewide day-

weighted average payment rate for MA nursing facility services for county and nonpublic nursing facilities in effect for the fiscal year to the amount permitted by the funds appropriated by the General Appropriations Act for the fiscal year.

Since the implementation of the BAF, case-mix per diem rates have increased on an annual average basis by \$2.51 per day and in the aggregate by 22.63% overall from FY 2004-2005 through estimated payment rates for FY 2019-2020. In contrast, had the BAF not been used, rates would have increased on an annual average basis by \$5.41 per day and overall by 48.89%, well in excess of either the Consumer Price Index or the Centers for Medicare & Medicaid Services' (CMS) Nursing Home without Capital Market Basket Index.

Further, during the years that the BAF has been in place, the Department has not uncovered any evidence that the quality of care in this Commonwealth's MA nursing facilities has been adversely impacted by use of the BAF. To the contrary, MA nursing facility providers continue to deliver a high quality of care. The Department does not expect the quality of care to decline in FY 2021-2022 and will continue enforcement and monitoring activities to ensure that is the case.

In short, use of the BAF has served to conserve taxpayer funds while assuring, and continuing to assure, that fee-for-service payments to nursing facilities under the MA Program are consistent with efficiency and economy and at the same time sufficient to assure access to quality care. The General Assembly has authorized the BAF through June 30, 2022. See 62 P.S. § 443.1(7)(iv).

*Proposed BAF Methodology for FY 2021-2022*

In 2019 CMS approved a State Plan Amendment to continue use of the BAF through June 30, 2022. The Department will apply a BAF and make adjustments to nonpublic nursing facility and county nursing facility payment rates in FY 2021-2022. As in prior years, the BAF will limit the estimated Statewide day-weighted average payment rate for MA nursing facility services for county and nonpublic nursing facilities so that the average payment rate in effect for the fiscal year is limited to the amount permitted by the funds appropriated by the General Appropriations Act for the fiscal year.

*Nonpublic Nursing Facilities*

From July 1, 2005, through June 30, 2011, the Department calculated one BAF each rate-setting year and applied that BAF to the nursing facility payment rates in effect for the rate-setting year. For FY 2011-2012, the

nursing facility industry requested, and the Department responded by calculating a BAF each quarter of the fiscal year for nonpublic nursing facilities instead of calculating one BAF for the fiscal year. For FYs 2012-2013 through 2016-2017, the Department returned to formulas similar to the formula used in FYs 2009-2010 and 2010-2011 which allowed for an adjustment in the fourth quarter if certain conditions were met. See 39 Pa.B. 4958 (August 15, 2009). For FYs 2017-2018 through 2020-2021 the Department calculated a quarterly BAF for nonpublic nursing facilities using a formula similar to the formula used in FY 2011-2012. The Department is proposing to continue the quarterly BAF in FY 2021-2022 for nonpublic nursing facilities using the same formula used in FYs 2017-2018 through 2020-2021. The formula is as follows.

#### *Nonpublic Nursing Facilities' BAF Determination*

**Quarterly BAF Formula**—Prior to establishing the MA nonpublic nursing facility quarterly rates for the 2021-2022 rate year, the Department will use the following formula to determine the Quarterly BAF:

Annual target rate divided by the weighted average quarterly rate at 100% equals the Quarterly BAF.

If the Quarterly BAF as calculated is greater than 1.0, the Quarterly BAF will equal 1.0.

#### *Terms Related to the BAF Determination*

The following words and terms, when used in the 2021-2022 BAF determinations; have the following meaning, unless the context clearly indicates otherwise:

**Annual target rate**—The base rate multiplied by one plus the percentage rate of change permitted by the funds appropriated by the General Appropriations Act for the applicable rate year.

**Base days**—The source of days for the day-weighted calculation used in determining the base rate and the weighted-average quarterly rates at 100%. The base days are the sum of each nonpublic nursing facility's paid facility days, therapeutic leave days and 1/3 of the hospital bed reserve days for dates of service for the quarter beginning 6 months prior to the quarterly rate for which the BAF is being calculated.

**Base rate**—The base rate is the prior year's annual target rate.

**Quarterly BAF**—The BAF applied to each nonpublic nursing facility's quarterly rate, as calculated for the quarter.

**Weighted-average quarterly rate at 100%**—The State-wide day-weighted average of the nonpublic nursing facilities' quarterly rates, as applicable, determined in accordance with 55 Pa. Code Chapter 1187 (relating to nursing facility services), calculated using base days, prior to application of a BAF.

#### *County Nursing Facilities*

The Department will continue to calculate and apply the BAF to county nursing facility payment rates as it has in prior rate-setting years. Specifically, the Department will adjust each county nursing facility's per diem rate by multiplying the rate by a BAF. A county nursing facility's per diem rate for an MA resident will be the facility's July 1, 2020, per diem rate as calculated under 55 Pa. Code Chapter 1189, Subchapter D (relating to rate setting) and 55 Pa. Code § 1189.91(b) (relating to per diem rates for county nursing facilities) multiplied by the county BAF.

#### *Fiscal Impact*

No fiscal impact is anticipated as a result of these changes through June 30, 2022. The amount of funding available for this program is dependent upon the funds appropriated by the General Assembly in the forthcoming fiscal year. Therefore, until a budget bill is passed and enacted, any estimated fiscal impact associated with this notice is based on the funding levels in the act of May 29, 2020 (P.L. , No. 1A), known as the General Appropriation Act of 2020.

#### *Public Comment*

Interested persons are invited to submit written comments regarding the BAF formula to the Department of Human Services, Office of Long-Term Living, Bureau of Policy Development and Communications Management, Attention: Montrell Fletcher, P.O. Box 8025, Harrisburg, PA 17105-8025 or at RA-PWOLTLNFPUBLICCOM@pa.gov. Comments received within 30 days will be reviewed and considered.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

MEG SNEAD,  
*Acting Secretary*

**Fiscal Note:** 14-NOT-1449. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 21-1004. Filed for public inspection June 25, 2021, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Payments to Nonpublic and County Nursing Facilities; Proposed Rates for State Fiscal Year 2021-2022

This notice announces the Department of Human Services (Department) proposed annual case-mix per diem payment rates for State Fiscal Year (FY) 2021-2022 for nonpublic and county nursing facilities that participate in the Medical Assistance (MA) Program.

#### *Nonpublic Nursing Facility Per Diem Rates*

As required by the case-mix payment methodology in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting), the Department intends to set an annual MA per diem rate for each nonpublic nursing facility provider. Each facility's annual per diem rate will have four components: resident care; other resident related; administrative; and capital. For each quarter of FY 2021-2022, the Department will adjust the resident care component of each facility's rate by multiplying the resident care component by the facility's MA case-mix index (CMI) for the appropriate picture date.

Additionally, the Human Services Code authorizes a budget adjustment factor (BAF) until June 30, 2022. See 62 P.S. § 443.1(7)(iv).

The Department will submit a State Plan Amendment (SPA) to the Centers for Medicare & Medicaid Services (CMS) to include the BAF formula which the Department will use in FY 2021-2022.

A detailed description of the BAF formula for FY 2021-2022 is in the notice, Payment for Nursing Facility Services Provided by County and Nonpublic Nursing Facilities; Notice of Change in Methods and Standards of Setting Payment Rates; Budget Adjustment Factor published at 51 Pa.B. 3557 (June 26, 2021). Under the proposed formula, the BAF will limit the estimated Statewide day-weighted average payment rate for MA nursing facility services for nonpublic nursing facilities so that the average payment rate in effect for the fiscal year is limited to the amount permitted by the funds appropriated by the General Appropriations Act for the fiscal year. A BAF will be calculated each quarter of FY 2021-2022 for nonpublic nursing facilities.

Finally, in calculating the proposed rates, the Department assumed that the General Appropriation Act of 2021 will include the same level of funding that was in the act of May 29, 2020 (P.L. , No. 1A), known as the General Appropriation Act of 2020 and that CMS will approve the SPA including the BAF formula for nonpublic nursing facilities.

#### *County Nursing Facility Per Diem Rates*

As required by the rate methodology in 55 Pa. Code Chapter 1189, Subchapter D (relating to rate setting), the Department intends to set an annual MA per diem rate for each county nursing facility provider. As specified in 55 Pa. Code § 1189.91(b) (relating to per diem rates for county nursing facilities), for each rate year beginning on or after July 1, 2007, the per diem rate paid to a county nursing facility for a rate year will be the facility's prior rate year per diem multiplied by a BAF determined in accordance with the formula in the Commonwealth's approved State Plan. The Department will submit a SPA to CMS to include the BAF formula, which the Department will use for county nursing facilities in FY 2021-2022. Again, in calculating the proposed rates, the Department assumed that the General Appropriation Act of 2021 will include the same level of funding that was in the General Appropriation Act of 2020 and that CMS will approve the SPA, including the BAF formula for county nursing facilities.

The proposed annual per diem rates for FY 2021-2022, the July Quarterly BAF that will be applied to nonpublic nursing facility rates and the annual BAF that will be applied to county nursing facilities are available on the Department's web site at <https://www.dhs.pa.gov/providers/Providers/Pages/Rates-Nursing%20Facilities.aspx> and at local county assistance offices throughout this Commonwealth or by contacting Montrell Fletcher, Department of Human Services, Office of Long-Term Living at (717) 775-8015.

#### *Fiscal Impact*

If the proposed payment rates are adopted as final, there is no fiscal impact for per diem rate payments for nonpublic and county nursing facilities for FY 2021-2022. The amount of funding available for this program is dependent upon the funds appropriated by the General Assembly in the forthcoming fiscal year. Therefore, until a budget bill is passed and enacted, any estimated fiscal impact associated with this notice is based on the funding levels in the act of May 29, 2020, (P.L. , No. 1A), known as the General Appropriation Act of 2020.

#### *Public Comment*

Interested persons are invited to submit written comments regarding the proposed annual rates for FY 2021-2022 to the Department of Human Services, Office of Long-Term Living, Bureau of Policy Development and Communications Management, Attention: Montrell

Fletcher, P.O. Box 8025, Harrisburg, PA 17105-8025 or at RA-PWOLTLNFPUBLICCOM@pa.gov. Comments received within 30 days will be reviewed and considered.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

MEG SNEAD,  
*Acting Secretary*

**Fiscal Note:** 14-NOT-1450. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 21-1005. Filed for public inspection June 25, 2021, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Unemployment Compensation; Active Work Search Requirement

Section 401(b)(1) of the Unemployment Compensation Law (law) (43 P.S. § 801(b)(1)), requires that as a condition to receiving unemployment compensation (UC) benefits, a claimant must conduct an active search for work (work search requirement).

The Department of Labor and Industry (Department) promulgated 34 Pa. Code § 65.11(d) (relating to active search for work), which implements the work search requirement and provides for disqualification from UC benefits if a claimant fails to comply with this requirement.

To be engaged in an active search for work, a claimant must comply with the requirements set forth in 34 Pa. Code § 65.11(e), which include, but are not limited to, applying for two jobs each week.

Section 401(b)(6) of the law and 34 Pa. Code § 65.11(f)(6) provide that the Department may waive or alter the requirements of section 401(b) of the law or 34 Pa. Code § 65.11, including the work search requirement, in cases or situations with respect to which the Acting Secretary finds that compliance with these requirements would be oppressive or inconsistent with the purposes of the law.

On June 8, 2021, the Department launched its modernized UC system. Final programming and testing of the Department's work search requirement will not be complete until July 11, 2021. Because it is not technologically feasible to implement the work search requirement until July 11, 2021, and because the failure to search for work disqualifies a claimant from UC benefits, it is inconsistent with the purposes of the law to require claimants to actively search for work prior to the week of July 11, 2021.

Accordingly, under section 401(b)(6) of the law and 34 Pa. Code § 65.11(f)(6), the Acting Secretary does hereby order and direct that the requirement in 34 Pa. Code § 65.11(d) for claimants to engage in an active search for work is waived from June 10, 2021, until July 11, 2021.

JENNIFER BERRIER,  
*Acting Secretary*

[Pa.B. Doc. No. 21-1006. Filed for public inspection June 25, 2021, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Adjustment of Program Service Revenue Amounts

In accordance with section 6(a)(5) of the Institutions of Purely Public Charity Act (act) (10 P.S. § 376(a)(5)), the Department of Revenue is required to adjust the annual program service revenue amount used as a benchmark in section 6(a)(1) and (2) of the act for the purpose of asserting a rebuttable presumption.

The annual program service revenue amounts referred to in section 6(a)(1) and (2) of the act shall be increased by 1% as follows:

- (1) Effective July 1, 1999—Program Service Revenues—\$10,100,000.
- (2) Effective July 1, 2000—Program Service Revenues—\$10,201,000.
- (3) Effective July 1, 2001—Program Service Revenues—\$10,303,010.
- (4) Effective July 1, 2002—Program Service Revenues—\$10,406,040.
- (5) Effective July 1, 2003—Program Service Revenues—\$10,510,100.
- (6) Effective July 1, 2004—Program Service Revenues—\$10,615,201.
- (7) Effective July 1, 2005—Program Service Revenues—\$10,721,353.
- (8) Effective July 1, 2006—Program Service Revenues—\$10,828,567.
- (9) Effective July 1, 2007—Program Service Revenues—\$10,936,853.
- (10) Effective July 1, 2008—Program Service Revenues—\$11,046,222.
- (11) Effective July 1, 2009—Program Service Revenues—\$11,156,684.
- (12) Effective July 1, 2010—Program Service Revenues—\$11,268,251.
- (13) Effective July 1, 2011—Program Service Revenues—\$11,380,934.
- (14) Effective July 1, 2012—Program Service Revenues—\$11,494,743.
- (15) Effective July 1, 2013—Program Service Revenues—\$11,609,690.
- (16) Effective July 1, 2014—Program Service Revenues—\$11,725,787.
- (17) Effective July 1, 2015—Program Service Revenues—\$11,843,045.
- (18) Effective July 1, 2016—Program Service Revenues—\$11,961,475.
- (19) Effective July 1, 2017—Program Service Revenues—\$12,081,090.
- (20) Effective July 1, 2018—Program Service Revenues—\$12,201,901.
- (21) Effective July 1, 2019—Program Service Revenues—\$12,323,920.
- (22) Effective July 1, 2020—Program Service Revenues—\$12,447,159.

(23) Effective July 1, 2021—Program Service Revenues—\$12,571,631.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 21-1007. Filed for public inspection June 25, 2021, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania MONOPOLY™ 10X® Instant Lottery Game 1548

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 MONOPOLY™ 10X® (hereafter “MONOPOLY™ 10X®”). The game number is PA-1548.

2. *Price:* The price of a MONOPOLY™ 10X® instant lottery game ticket is \$2.

3. *Play symbols:* Each MONOPOLY™ 10X® instant lottery game ticket will contain one play area. The play symbols and their captions, located in the play area, are: Hotel (HOTEL) symbol, Cat (CAT) symbol, Dog (DOG) symbol, Duck (DUCK) symbol, Piggy Bank (PIGBANK) symbol, Battleship (BTTLSHIP) symbol, Penguin (PENGUIN) symbol, Tyrannosaurus Rex (TREX) symbol, Money Roll (ROLL) symbol, Star (STAR) symbol, Gem (GEM) symbol, Wallet (WALLET) symbol, Pot of Gold (POTGOLD) symbol, Moneybag (MONEYBAG) symbol, Safe (SAFE) symbol, Stack of Coins (COINS) symbol, Treasure Chest (TREASURE) symbol, Top Hat (TOPHAT) symbol and a 10X (10TIMES) symbol.

4. *Prize symbols:* The prize symbols and their captions, located in the play area, are: \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$100 (ONE HUN), \$200 (TWO HUN), \$1,000 (ONE THO) and \$20,000 (TWY THO).

5. *Prizes:* The prizes that can be won in this game, are: \$2, \$4, \$5, \$10, \$20, \$40, \$100, \$200, \$1,000 and \$20,000. MONOPOLY™ 10X® contains a feature that can multiply the prize won. For a complete list of prizes, and how those prizes can be won, see section 9 (relating to number and description of prizes and approximate odds). A player can win up to 10 times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 3,240,000 tickets will be printed for the MONOPOLY™ 10X® instant lottery game.

#### 7. Determination of prize winners:

(a) Holders of tickets upon which a Top Hat (TOPHAT) symbol appears in the play area and a prize symbol of \$20,000 (TWY THO) appears in the “prize” area under that Top Hat (TOPHAT) symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(b) Holders of tickets upon which a Top Hat (TOPHAT) symbol appears in the play area and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that Top Hat (TOPHAT) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which a 10X (10TIMES) symbol appears in the play area and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which a Top Hat (TOPHAT) symbol appears in the play area and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under that Top Hat (TOPHAT) symbol, on a single ticket, shall be entitled to a prize of \$200.

(e) Holders of tickets upon which a 10X (10TIMES) symbol appears in the play area and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$200.

(f) Holders of tickets upon which a Top Hat (TOPHAT) symbol appears in the play area and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Top Hat (TOPHAT) symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which a 10X (10TIMES) symbol appears in the play area and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which a 10X (10TIMES) symbol appears in the play area and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets upon which a Top Hat (TOPHAT) symbol appears in the play area and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the “prize” area under that Top Hat (TOPHAT) symbol, on a single ticket, shall be entitled to a prize of \$40.

(j) Holders of tickets upon which a 10X (10TIMES) symbol appears in the play area and a prize symbol of

\$4<sup>00</sup> (FOR DOL) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$40.

(k) Holders of tickets upon which a Top Hat (TOPHAT) symbol appears in the play area and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under that Top Hat (TOPHAT) symbol, on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets upon which a 10X (10TIMES) symbol appears in the play area and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets upon which a Top Hat (TOPHAT) symbol appears in the play area and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under that Top Hat (TOPHAT) symbol, on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets upon which a Top Hat (TOPHAT) symbol appears in the play area and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “prize” area under that Top Hat (TOPHAT) symbol, on a single ticket, shall be entitled to a prize of \$5.

(o) Holders of tickets upon which a Top Hat (TOPHAT) symbol appears in the play area and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the “prize” area under that Top Hat (TOPHAT) symbol, on a single ticket, shall be entitled to a prize of \$4.

(p) Holders of tickets upon which a Top Hat (TOPHAT) symbol appears in the play area and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the “prize” area under that Top Hat (TOPHAT) 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 “Top Hat” (TOPHAT) 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 3,240,000 Tickets:</i>
\$2	\$2	9.38	345,600
\$2 × 2	\$4	50	64,800
\$4	\$4	37.5	86,400
\$5	\$5	30	108,000
\$2 × 5	\$10	150	21,600
\$5 × 2	\$10	150	21,600
(\$4 × 2) + \$2	\$10	1,500	2,160
\$10	\$10	150	21,600
\$5 × 4	\$20	1,500	2,160
\$10 × 2	\$20	1,500	2,160
\$2 w/ 10X	\$20	75	43,200
\$20	\$20	1,500	2,160
\$4 × 10	\$40	12,000	270
\$10 × 4	\$40	12,000	270
(\$2 w/ 10X) + (\$4 × 5)	\$40	1,333	2,430
(\$2 w/ 10X) × 2	\$40	1,333	2,430

<i>Reveal A "Top Hat" (TOPHAT) 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 3,240,000 Tickets:</i>
\$4 w/ 10X	\$40	839.16	3,861
\$40	\$40	12,000	270
\$10 × 10	\$100	24,000	135
\$20 × 5	\$100	24,000	135
(\$2 w/ 10X) × 5	\$100	6,000	540
(\$5 w/ 10X) × 2	\$100	6,000	540
\$10 w/ 10X	\$100	6,000	540
\$100	\$100	12,000	270
\$40 × 5	\$200	120,000	27
\$100 × 2	\$200	120,000	27
(\$10 w/ 10X) × 2	\$200	15,000	216
\$20 w/ 10X	\$200	12,000	270
\$200	\$200	60,000	54
\$100 w/ 10X	\$1,000	1,080,000	3
\$1,000	\$1,000	1,080,000	3
\$20,000	\$20,000	1,080,000	3

Reveal a "10X" (10TIMES) symbol, win 10 TIMES the prize shown under that symbol!

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 MONOPOLY™ 10X® 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 they qualify 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 MONOPOLY™ 10X®, prize money from winning MONOPOLY™ 10X® 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 MONOPOLY™ 10X® 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 MONOPOLY™ 10X® or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 21-1008. Filed for public inspection June 25, 2021, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania MONOPOLY™ 20X Instant Lottery Game 1547

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 MONOPOLY™ 20X (hereafter "MONOPOLY™ 20X"). The game number is PA-1547.

2. *Price:* The price of a MONOPOLY™ 20X instant lottery game ticket is \$5.

3. *Play symbols:* Each MONOPOLY™ 20X instant lottery game ticket will contain one play area featuring a



“WINNING NUMBERS” area, a “YOUR NUMBERS” area and a “20X SPOT” area. The play symbols and their captions, located in the “WINNING NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRT). The play symbols and their captions, located in the “YOUR NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT) and a Car (CAR) symbol. The play symbols and their captions, located in the “20X SPOT” area, are: Ship (NOMULT) symbol, Cat (NOMULT) symbol, Dog (NOMULT) symbol, Duck (NOMULT) symbol, Hotel (NOMULT) symbol and a 20X (20TIMES) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$250,000 (TWHNFYTH).

5. *Prizes:* The prizes that can be won in this game, are: \$5, \$10, \$20, \$40, \$50, \$100, \$200, \$400, \$1,000, \$5,000 and \$250,000. MONOPOLY™ 20X contains a feature that can multiply the prize won. For a complete list of prizes, and how those prizes can be won, see section 8 (relating to number and description of prizes and approximate odds). A player can win up to 12 times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 6,600,000 tickets will be printed for the MONOPOLY™ 20X 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 \$250,000 (TWHNFYTH) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$5,000 (FIV THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and a 20X (20TIMES) symbol appears in the “20X SPOT” area, 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 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.

(f) Holders of tickets upon which a Car (CAR) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under that Car (CAR) symbol, on a single ticket, shall be entitled to a prize of \$400.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and a 20X (20TIMES) symbol appears in the “20X SPOT” area, 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 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.

(i) Holders of tickets upon which a Car (CAR) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under that Car (CAR) symbol, on a single ticket, shall be entitled to a prize of \$200.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and a 20X (20TIMES) symbol appears in the “20X SPOT” area, on a single ticket, shall be entitled to a prize of \$200.

(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 \$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.

(l) Holders of tickets upon which a Car (CAR) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Car (CAR) symbol, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and a 20X (20TIMES) symbol appears in the “20X SPOT” area, on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which a Car (CAR) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under that Car (CAR) symbol, on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol

of \$40<sup>00</sup> (FORTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(q) Holders of tickets upon which a Car (CAR) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the “prize” area under that Car (CAR) symbol, on a single ticket, shall be entitled to a prize of \$40.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets upon which a Car (CAR) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under that Car (CAR) symbol, on a single ticket, shall be entitled to a prize of \$20.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under the match-

ing “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(u) Holders of tickets upon which a Car (CAR) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under that Car (CAR) symbol, on a single ticket, shall be entitled to a prize of \$10.

(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 \$5<sup>00</sup> (FIV DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(w) Holders of tickets upon which a Car (CAR) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “prize” area under that Car (CAR) 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 6,600,000 Tickets:</i>
\$5 w/ CAR	\$5	15	440,000
\$5	\$5	27.27	242,000
\$5 × 2	\$10	40	165,000
\$10 w/ CAR	\$10	17.14	385,000
\$10	\$10	60	110,000
\$5 × 4	\$20	300	22,000
(((\$5 w/ CAR) × 2) + (\$5 × 2))	\$20	300	22,000
\$20 w/ CAR	\$20	66.67	99,000
\$20	\$20	300	22,000
\$5 × 8	\$40	600	11,000
(((\$10 w/ CAR) × 2) + (\$5 × 4))	\$40	600	11,000
(\$20 w/ CAR) × 2	\$40	600	11,000
\$40 w/ CAR	\$40	300	22,000
\$40	\$40	600	11,000
\$5 × 10	\$50	600	11,000
(((\$20 w/ CAR) × 2) + (\$5 × 2))	\$50	600	11,000
(\$5 w/ CAR) × 10	\$50	600	11,000
\$50 w/ CAR	\$50	300	22,000
\$50	\$50	600	11,000
\$20 × 5	\$100	12,000	550
\$50 × 2	\$100	12,000	550
(((\$5 w/ CAR) × 10) + \$40 + \$10)	\$100	12,000	550
(\$20 w/ CAR) × 5	\$100	12,000	550
\$5 w/ 20X	\$100	579.71	11,385
\$100 w/ CAR	\$100	12,000	550
\$100	\$100	12,000	550
\$20 × 10	\$200	24,000	275

<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 6,600,000 Tickets:</i>
\$50 × 4	\$200	24,000	275
(\$5 × 2) w/ 20X	\$200	4,000	1,650
(\$20 w/ CAR) × 10	\$200	24,000	275
(\$100 w/ CAR) × 2	\$200	24,000	275
\$10 w/ 20X	\$200	3,000	2,200
\$200 w/ CAR	\$200	24,000	275
\$200	\$200	24,000	275
\$40 × 10	\$400	120,000	55
\$100 × 4	\$400	120,000	55
(\$5 × 4) w/ 20X	\$400	120,000	55
(\$10 × 2) w/ 20X	\$400	120,000	55
(\$50 w/ CAR) × 8	\$400	120,000	55
\$20 w/ 20X	\$400	120,000	55
\$400 w/ CAR	\$400	120,000	55
\$400	\$400	120,000	55
\$100 × 10	\$1,000	120,000	55
(\$5 × 10) w/ 20X	\$1,000	120,000	55
\$1,000	\$1,000	120,000	55
(\$50 × 5) w/ 20X	\$5,000	1,320,000	5
\$5,000	\$5,000	1,320,000	5
\$250,000	\$250,000	1,320,000	5

Reveal a “Car” (CAR) symbol, win prize shown under that symbol automatically.

Scratch the X in 20X. Reveal a “20X” (20TIMES) symbol, multiply any prize won in the play area!

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 MONOPOLY™ 20X 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 they qualify 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 MONOPOLY™ 20X, prize money from winning MONOPOLY™ 20X 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 MONOPOLY™ 20X 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 MONOPOLY™ 20X or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 21-1009. Filed for public inspection June 25, 2021, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania MONOPOLY™ 50X Instant Lottery Game 1546

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 MONOPOLY™ 50X (hereafter “MONOPOLY™ 50X”). The game number is PA-1546.

2. *Price:* The price of a MONOPOLY™ 50X instant lottery game ticket is \$10.

3. *Play symbols:* Each MONOPOLY™ 50X instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions, located in the “WINNING NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRT). The play symbols and their captions, located in the “YOUR NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), Free Parking (WINPRZ) symbol, 50X (50TIMES) symbol and a Community Chest (WINALL) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$500,000 (FIVHUNTHO).

5. *Prizes:* The prizes that can be won in this game, are: \$10, \$20, \$40, \$50, \$100, \$200, \$500, \$1,000, \$5,000 and \$500,000. MONOPOLY™ 50X contains a feature that can multiply the prize won. For a complete list of prizes, and how those prizes can be won, see section 8 (relating to number and description of prizes and approximate odds). A player can win up to 15 times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 6,000,000 tickets will be printed for the MONOPOLY™ 50X 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 \$500,000 (FIVHUNTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500,000.

(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 a 50X (50TIMES) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that 50X (50TIMES) 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 a 50X (50TIMES) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under that 50X (50TIMES) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which a Community Chest (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$200 (TWO HUN) appears in three of the “prize” areas, a prize symbol of \$50<sup>00</sup> (FIFTY) appears in two of the “prize” areas, a prize symbol of \$40<sup>00</sup> (FORTY) appears in five of the “prize” areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which a Community Chest (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$100 (ONE HUN) appears in five of the “prize” areas and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which a Free Parking (WINPRZ) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that Free Parking (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which a 50X (50TIMES) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under that 50X (50TIMES) symbol, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which a Community Chest (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$100 (ONE HUN) appears in two of the “prize” areas, a prize symbol of \$20<sup>00</sup> (TWENTY) appears in ten of the “prize” areas, a prize symbol of \$50<sup>00</sup> (FIFTY) appears in one of the “prize” areas, a prize symbol of \$40<sup>00</sup> (FORTY) appears in one of the “prize” areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which a Community Chest (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in ten of the “prize” areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(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 \$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.

(n) Holders of tickets upon which a Free Parking (WINPRZ) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under that Free Parking (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$200.

(o) Holders of tickets upon which a Community Chest (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$10.00 (TEN DOL) appears in 12 of the “prize” areas, a prize symbol of \$20.00 (TWENTY) appears in two of the “prize” areas and a prize symbol of \$40.00 (FORTY) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(p) Holders of tickets upon which a Community Chest (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$20.00 (TWENTY) appears in five of the “prize” areas and a prize symbol of \$10.00 (TEN DOL) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols 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.

(r) Holders of tickets upon which a Free Parking (WINPRZ) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Free Parking (WINPRZ) symbol, 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 \$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.

(t) Holders of tickets upon which a Free Parking (WINPRZ) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$50.00 (FIFTY) appears in the “prize” area under that Free Parking (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$50.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$40.00 (FORTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(v) Holders of tickets upon which a Free Parking (WINPRZ) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$40.00 (FORTY) appears in the “prize” area under that Free Parking (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$40.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$20.00 (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.

(x) Holders of tickets upon which a Free Parking (WINPRZ) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$20.00 (TWENTY) appears in the “prize” area under that Free Parking (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$20.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$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.

(z) Holders of tickets upon which a Free Parking (WINPRZ) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$10.00 (TEN DOL) appears in the “prize” area under that Free Parking (WINPRZ) symbol, on a single ticket, shall be entitled to a prize of \$10.

8. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets:</i>
\$10 w/ FREE PARKING	\$10	15	400,000
\$10	\$10	16.67	360,000
\$10 × 2	\$20	120	50,000
(\$10 w/ FREE PARKING) × 2	\$20	60	100,000
\$20 w/ FREE PARKING	\$20	46.15	130,000
\$20	\$20	120	50,000
\$20 × 2	\$40	600	10,000
(\$10 w/ FREE PARKING) × 4	\$40	60	100,000
\$40 w/ FREE PARKING	\$40	30	200,000
\$40	\$40	600	10,000

<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 6,000,000 Tickets:</i>
\$10 × 5	\$50	300	20,000
(((\$10 w/ FREE PARKING) × 3) + \$20	\$50	300	20,000
(((\$20 w/ FREE PARKING) × 2) + \$10	\$50	200	30,000
\$50 w/ FREE PARKING	\$50	200	30,000
\$50	\$50	300	20,000
\$20 × 5	\$100	3,000	2,000
\$50 × 2	\$100	3,000	2,000
(((\$20 w/ FREE PARKING) × 2) + (((\$10 w/ FREE PARKING) × 2) + \$40	\$100	2,400	2,500
(\$10 w/ FREE PARKING) × 10	\$100	2,400	2,500
\$100 w/ FREE PARKING	\$100	2,400	2,500
\$100	\$100	3,000	2,000
COMMUNITY CHEST w/ ((\$20 × 5) + (\$10 × 10))	\$200	12,000	500
COMMUNITY CHEST w/ ((\$10 × 12) + (\$20 × 2) + \$40)	\$200	12,000	500
\$20 × 10	\$200	40,000	150
\$200 w/ FREE PARKING	\$200	24,000	250
\$200	\$200	60,000	100
COMMUNITY CHEST w/ ((\$40 × 10) + (\$20 × 5))	\$500	6,000	1,000
COMMUNITY CHEST w/ ((\$100 × 2) + (\$20 × 10) + \$50 + \$40 + \$10)	\$500	6,000	1,000
\$100 × 5	\$500	30,000	200
(((\$10 w/ FREE PARKING) × 10) + (\$200 × 2)	\$500	30,000	200
(\$50 w/ FREE PARKING) × 10	\$500	30,000	200
\$10 w/ 50X	\$500	659.34	9,100
\$500 w/ FREE PARKING	\$500	30,000	200
\$500	\$500	30,000	200
COMMUNITY CHEST w/ ((\$100 × 5) + (\$50 × 10))	\$1,000	40,000	150
COMMUNITY CHEST w/ ((\$200 × 3) + (\$50 × 2) + (\$40 × 5) + (\$20 × 5))	\$1,000	40,000	150
\$20 w/ 50X	\$1,000	24,000	250
\$1,000	\$1,000	120,000	50
\$100 w/ 50X	\$5,000	1,200,000	5
\$5,000	\$5,000	1,200,000	5
\$500,000	\$500,000	1,200,000	5

Reveal a "Free Parking" (WINPRZ) symbol, win prize shown under that symbol automatically.

Reveal a "50X" (50TIMES) symbol, win 50 TIMES the prize shown under that symbol.

Reveal a "Community Chest" (WINALL) symbol, win all 15 prizes shown!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell MONOPOLY™ 50X 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 they qualify 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 MONOPOLY™ 50X, prize money from winning MONOPOLY™ 50X 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 MONOPOLY™ 50X 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 MONOPOLY™ 50X or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

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## DEPARTMENT OF REVENUE

### Pennsylvania MONOPOLY™ 100X Instant Lottery Game 1545

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 MONOPOLY™ 100X (hereafter “MONOPOLY™ 100X”). The game number is PA-1545.

2. *Price:* The price of a MONOPOLY™ 100X instant lottery game ticket is \$30.

3. *Play symbols:* Each MONOPOLY™ 100X instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area, a “YOUR NUMBERS” area and two “BONUS SPOT” areas. 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 (TWNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORT). 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 (TWNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORT), Lightbulb (BULB) symbol, \$500 Bill (500BILL) symbol and a Mr. MONOPOLY (WINALL) symbol. The play symbols and their captions, located in the two “BONUS SPOT” areas, are: Wallet (TRYAGAIN) symbol, Stack of Coins (NOBONUS) symbol, Gold Bars (TRYAGAIN) symbol, Diamond (NOBONUS) symbol, Crown (TRYAGAIN) symbol, Gem (NOBONUS) symbol, Moneybag (TRYAGAIN) symbol, Star (NOBONUS) symbol, Piggy Bank (TRYAGAIN) symbol, 100X (100TIMES) symbol and a GO (Win200) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$30<sup>00</sup> (THIRTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$3,000 (THR THO), \$300,000 (THRHUNTHO) and \$3MILL (THR MIL).

#### 5. Prizes:

(a) Players can win a prize in three ways in this game. A player can win up to 26 times on a ticket.

(b) Players can win a prize by matching the play symbols in the “WINNING NUMBERS” and “YOUR NUMBERS” areas. Players matching the symbols in this manner will win the prize shown under the matching “YOUR NUMBERS” play symbol. The prizes that can be won by matching the symbols in the “WINNING NUMBERS” and the “YOUR NUMBERS” areas in this game, are: \$30, \$40, \$50, \$100, \$200, \$400, \$500, \$1,000, \$3,000, \$300,000 and \$3,000,000.

(c) Players can win a prize by revealing an instant cash win in either of the two “BONUS SPOT” areas. The prize that can be won as an instant cash prize in either of the “BONUS SPOT” areas is: \$200.

(d) MONOPOLY™ 100X contains a feature that can multiply the prize won. For a complete list of prizes, and how those prizes can be won, see section 8 (relating to number and description of prizes and approximate odds).

6. *Approximate number of tickets printed for the game:* Approximately 4,320,000 tickets will be printed for the MONOPOLY™ 100X 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 \$3MILL (THR MIL) appears in the “prize” area under

the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$3,000,000. The 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 \$300,000 (THR HUNTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$300,000.

(c) Holders of tickets upon which a Mr. MONOPOLY (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$500 (FIV HUN) appears in three of the “prize” areas, a prize symbol of \$100 (ONE HUN) appears in five of the “prize” areas, a prize symbol of \$50<sup>00</sup> (FIFTY) appears in 16 of the “prize” areas and a prize symbol of \$200 (TWO HUN) appears in one of the “prize” areas, and upon which a 100X (100TIMES) symbol appears in one of the “BONUS SPOTS,” on a single ticket, shall be entitled to a prize of \$300,000.

(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 \$3,000 (THR THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$3,000.

(e) Holders of tickets upon which a Lightbulb (BULB) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “prize” area under that Lightbulb (BULB) symbol, and upon which a 100X (100TIMES) symbol appears in one of the “BONUS SPOTS,” on a single ticket, shall be entitled to a prize of \$3,000.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a 100X (100TIMES) symbol appears in one of the “BONUS SPOTS,” on a single ticket, shall be entitled to a prize of \$3,000.

(g) Holders of tickets upon which a Mr. MONOPOLY (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$500 (FIV HUN) appears in two of the “prize” areas, a prize symbol of \$100 (ONE HUN) appears in 13 of the “prize” areas and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$2,800.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which a Lightbulb (BULB) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that Lightbulb (BULB) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(j) Holders of tickets upon which a Mr. MONOPOLY (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in ten of the “prize” areas, a prize symbol of \$40<sup>00</sup> (FORTY) appears in five of the “prize” areas and a prize symbol of

\$30<sup>00</sup> (THIRTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(k) Holders of tickets upon which a Mr. MONOPOLY (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in all 25 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(l) Holders of tickets upon which a Mr. MONOPOLY (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in five of the “prize” areas and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in 20 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$800.

(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 a Lightbulb (BULB) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that Lightbulb (BULB) symbol, on a single ticket, shall be entitled to a prize of \$500.

(o) Holders of tickets upon which a \$500 Bill (500BILL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that \$500 Bill (500BILL) symbol, on a single ticket, shall be entitled to a prize of \$500.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$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.

(q) Holders of tickets upon which a Lightbulb (BULB) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under that Lightbulb (BULB) symbol, on a single ticket, shall be entitled to a prize of \$400.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$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.

(s) Holders of tickets upon which a Lightbulb (BULB) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under that Lightbulb (BULB) symbol, on a single ticket, shall be entitled to a prize of \$200.

(t) Holders of tickets upon which a GO (WIN200) symbol appears in either of the “BONUS SPOTS,” on a single ticket, shall be entitled to a prize of \$200.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$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.

(v) Holders of tickets upon which a Lightbulb (BULB) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Lightbulb (BULB) symbol, on a single ticket, shall be entitled to a prize of \$100.



(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 \$50.<sup>00</sup> (FIFTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(x) Holders of tickets upon which a Lightbulb (BULB) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears in the "prize" area under that Lightbulb (BULB) symbol, on a single ticket, shall be entitled to a prize of \$50.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$40.<sup>00</sup> (FORTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(z) Holders of tickets upon which a Lightbulb (BULB) symbol appears in the "YOUR NUMBERS" area, and a

prize symbol of \$40.<sup>00</sup> (FORTY) appears in the "prize" area under that Lightbulb (BULB) symbol, on a single ticket, shall be entitled to a prize of \$40.

(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 \$30.<sup>00</sup> (THIRTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(bb) Holders of tickets upon which a Lightbulb (BULB) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$30.<sup>00</sup> (THIRTY) appears in the "prize" area under that Lightbulb (BULB) symbol, on a single ticket, shall be entitled to a prize of \$30.

8. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>BONUS SPOTS:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 4,320,000 Tickets:</i>
\$30 w/ LIGHTBULB		\$30	14.29	302,400
\$30		\$30	15	288,000
\$40 w/ LIGHTBULB		\$40	30	144,000
\$40		\$40	23.08	187,200
\$50 w/ LIGHTBULB		\$50	27.27	158,400
\$50		\$50	30	144,000
\$50 × 2		\$100	150	28,800
(((\$30 w/ LIGHTBULB) × 2) + \$40		\$100	75	57,600
(\$50 w/ LIGHTBULB) × 2		\$100	75	57,600
\$100 w/ LIGHTBULB		\$100	75	57,600
\$100		\$100	150	28,800
\$50 × 4		\$200	6,000	720
\$100 × 2		\$200	6,000	720
(\$40 × 3) + \$50 + \$30		\$200	6,000	720
(((\$30 w/ LIGHTBULB) × 5) + \$50		\$200	4,000	1,080
(((\$50 w/ LIGHTBULB) × 2) + (\$30 × 2) + \$40		\$200	4,000	1,080
(\$100 w/ LIGHTBULB) × 2		\$200	4,000	1,080
	\$200 w/ GO	\$200	118.81	36,360
\$200 w/ LIGHTBULB		\$200	6,000	720
\$200		\$200	6,000	720
\$40 × 10		\$400	24,000	180
\$200	\$200 w/ GO	\$400	12,000	360
\$400 w/ LIGHTBULB		\$400	24,000	180
\$400		\$400	24,000	180
\$50 × 10		\$500	12,000	360
\$100 × 5		\$500	12,000	360
(((\$30 w/ LIGHTBULB) × 5) + (\$30 × 5)	\$200 w/ GO	\$500	12,000	360

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>BONUS SPOTS:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 4,320,000 Tickets:</i>
$((\$40 \text{ w/ LIGHTBULB}) \times 3) + ((\$30 \text{ w/ LIGHTBULB}) \times 6)$	\$200 w/ GO	\$500	12,000	360
$((\$50 \text{ w/ LIGHTBULB}) \times 4) + (\$30 \times 2) + \$40$	\$200 w/ GO	\$500	12,000	360
$(\$100 \text{ w/ LIGHTBULB}) \times 3$	\$200 w/ GO	\$500	12,000	360
\$500 w/ \$500 BILL		\$500	1,000	4,320
\$500 w/ LIGHTBULB		\$500	12,000	360
\$500		\$500	12,000	360
MR. MONOPOLY w/ $(\$40 \times 25)$		\$1,000	4,000	1,080
MR. MONOPOLY w/ $((\$50 \times 10) + (\$40 \times 5) + (\$30 \times 10))$		\$1,000	4,000	1,080
MR. MONOPOLY w/ $((\$40 \times 5) + (\$30 \times 20))$	\$200 w/ GO	\$1,000	12,000	360
$\$100 \times 10$		\$1,000	12,000	360
$(\$100 \text{ w/ LIGHTBULB}) \times 8$	\$200 w/ GO	\$1,000	12,000	360
$(\$500 \text{ w/ } \$500 \text{ BILL}) + (\$30 \times 10)$	\$200 w/ GO	\$1,000	12,000	360
$(\$500 \text{ w/ } \$500 \text{ BILL}) \times 2$		\$1,000	4,000	1,080
\$1,000 w/ LIGHTBULB		\$1,000	12,000	360
\$1,000		\$1,000	12,000	360
MR. MONOPOLY w/ $((\$500 \times 2) + (\$100 \times 13) + (\$50 \times 10))$	\$200 w/ GO	\$3,000	120,000	36
\$30	100X	\$3,000	15,000	288
\$30 w/ LIGHTBULB	100X	\$3,000	15,000	288
\$3,000		\$3,000	120,000	36
MR. MONOPOLY w/ $((\$500 \times 3) + (\$100 \times 5) + (\$50 \times 16) + \$200)$	100X	\$300,000	1,440,000	3
\$300,000		\$300,000	1,440,000	3
\$3,000,000		\$3,000,000	1,440,000	3

Reveal a "Lightbulb" (BULB) symbol, win prize shown under that symbol automatically.

Reveal a "\$500 Bill" (500BILL) symbol, win \$500 instantly.

Reveal a "Mr. Monopoly" (WINALL) symbol, win all 25 prizes shown!

BONUS SPOTS: Reveal a "100X" (100TIMES) symbol, multiply any prize won in the play area below. Reveal a "GO" (WIN200) symbol, win \$200 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 MONOPOLY™ 100X 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 they qualify 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 MONOPOLY™ 100X, prize money from winning MONOPOLY™ 100X 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 MONOPOLY™ 100X

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 MONOPOLY™ 100X or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 21-1011. Filed for public inspection June 25, 2021, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Retail Incentive Program and Related Retailer Incentive Programs and Promotions for Fiscal Year 2021-2022

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), and under Title 4, Amusements, (4 Pa.C.S. §§ 501—505) the Secretary of Revenue hereby provides public notice of the Retail Incentive Program and Related Retailer Incentive Programs and Promotions (collectively referred to as “the Program”) for fiscal year 2021-2022.

This notice describes the Program, including incentives, bonuses, and promotions available to Retailers throughout fiscal year 2021-2022.

1. *Effective Date:* The Retail Incentive Program and related retailer incentive programs and promotions described herein are effective as of July 1, 2021.

2. *Purpose:* The Pennsylvania Lottery (hereinafter referred to as “Lottery”), hereby gives notice of the Retail Incentive Program, as provided for in 4 Pa.C.S. § 504, and of related retailer incentive programs, as provided for in 61 Pa. Code § 803.11 (relating to the powers and duties of the Secretary of Revenue), 61 Pa. Code § 819.222(b) (relating to incentives for the sale of instant tickets), 61 Pa. Code § 875.17 (relating to the sale of terminal based tickets), 61 Pa. Code § 874.17 (relating to the sale of raffle lottery games), 61 Pa. Code § 876.18 (relating to the sale of iLottery games) in order to detail programs planned by the Lottery for the fiscal year beginning July 1, 2021 and ending June 30, 2022. The Retail Incentive Program and the related retailer incentive programs and promotions, as described in this notice were developed to create a comprehensive, compensation package for Lottery Retailers and to reward them for helping the Lottery achieve its goals. Changes or additions to the Retail Incentive Program will be communicated through an amended notice published in the *Pennsylvania Bulletin*. Changes or additions related to the retailer incentive programs and promotions as described in this notice will be communicated through the usual methods of communication.

### 3. Definitions:

(a) *Agent or Lottery Sales Agent or Retailer:* A person licensed under section 305 of the State Lottery Law. For the purposes of this notice each separate Retail Location with a separate Lottery license shall be considered a separate Retailer in all respects.

(b) *Fiscal Year:* For the purposes of this notice only, the accounting year used by the Lottery beginning on July 1, 2021 and ending on June 30, 2022.

(c) *Lottery or Pennsylvania Lottery:* The Lottery established under the State Lottery Law.

(d) *Traditional Lottery Products:* For the purposes of this notice, traditional lottery products are limited to instant lottery games, terminal-based lottery games, Fast Play games, raffle lottery games and WebCash sold by a lottery Retailer at a physical Retail Location.

(e) *Retailer in Good Standing:* To be a Retailer in Good Standing, the Retailer must meet all of the following requirements:

(1) Must be an active Retailer permitted to sell Lottery tickets.

(2) Must be an active Retailer on the first day of the Quarter and the last day of the Quarter.

(f) *Secretary:* The Secretary of Revenue of the Commonwealth.

(g) *Standard Retailer Commission:* The amount of compensation provided to Retailers for selling Lottery products, as set forth in the State Lottery Law and the corresponding regulations. The current commission is defined in 61 Pa. Code § 805.10 (relating to compensation).

(h) *State Lottery Law:* The Act of August 26, 1971 (P.L. 351, No. 91), known as the State Lottery Law (72 P.S. §§ 3761-101—3761-314).

(i) *Quarter:* A Quarter is a period of time during the year which consists of three consecutive months and which are consistent with the descriptions below.

(1) First quarter is the period of time beginning on July 1 and ending on September 30.

(2) Second quarter is the period of time beginning on October 1 and ending on December 31.

(3) Third quarter is the period of time beginning on January 1 and ending on March 31.

(4) Fourth quarter is the period of time beginning on April 1 and ending on June 30.

(j) *Retail Location:* Physical location of a Retailer, including a physical address or other designation used by the Lottery to determine the physical location of a Retailer.

4. *Program Goals:* The Lottery seeks to attain the following business goals through the operation of the Program:

(a) *Adoption of Lottery Best Practices:* The Lottery has identified certain best practices as described in section 5, below, and desires to encourage the adoption of these best practices by all Retailers.

(b) *Increasing Retailer Sales:* Traditional Lottery Products can only be sold at physical, Retail Locations and the Lottery desires to award Retailers who increase their sales for the benefit of older Pennsylvanians through the Retail Incentive Program, retailer incentive programs and promotions.

(c) *Encouraging Retailers to Engage in Specific Best Practices:* The Lottery has undertaken to establish the Lottery Best Practices Initiatives as identified in section 9, below, in select Retail Locations throughout the Commonwealth that elect to do so through the Program.

(d) *Rewarding Retailers:* The Lottery has established an aggressive bonus program under the Sales Growth Incentive Program as described in section 8, below, for Retailers who increase their sales proportionately with the overall increase in sales goals the Lottery has established for fiscal year 2021-2022.

#### 5. Lottery Best Practices:

(a) Lottery has identified the following ten best practices that Lottery Retailers are encouraged to adopt and adhere to in order to maximize Lottery sales and player engagement with Traditional Lottery Products at Retail Locations.

(1) *Ask for the Sale:* Retailers can maximize their Traditional Lottery Product sales and player engagement by encouraging customers to buy Traditional Lottery Products.

(2) *Keep Lottery Fresh and Clean:* Retailers can maximize their sales of Traditional Lottery Products and player engagement by maintaining and keeping clean the area of their establishment in which Traditional Lottery Products are sold and displayed.

(3) *Know Lottery Products:* Retailers can maximize their Traditional Lottery Product sales and player engagement by being knowledgeable about the wide variety of Traditional Lottery Products.

(4) *Pay Winning Tickets:* Retailers can maximize their Traditional Lottery Product sales and player engagement by paying winning Lottery tickets of \$2,500, or less, that players present at their Retail Locations.

(5) *Post Winning Tickets:* Retailers can maximize their Traditional Lottery Product sales and player engagement by posting winning tickets sold at their Retail Locations.

(6) *Maintain Inventory:* Retailers can maximize their Traditional Lottery Product sales and player engagement by maintaining their inventory of Traditional Lottery Products, specifically scratch-off tickets, and by introducing new Traditional Lottery Products promptly upon issuance.

(7) *Post Jackpot Amounts:* Retailers can maximize their Traditional Lottery Product sales and player engagement by posting jackpot amounts prominently in places where they are highly visible to customers.

(8) *Make Lottery Visible:* Retailers can maximize their Traditional Lottery Product sales and player engagement by making Traditional Lottery Products easily visible in their Retail Locations.

(9) *Display Indoor Signs:* Retailers can maximize their Traditional Lottery Product sales and player engagement by posting Lottery signs and advertisements inside of their Retail Locations.

(10) *Display Outdoor Signs:* Retailers can maximize their Traditional Lottery Product sales and player engagement by posting Lottery signs and advertisements outside of their Retail Locations.

(b) To meet the goals of the Lottery and to encourage the Lottery Best Practices described in section 5(a), above, the Lottery provides each Retailer with Lottery-owned equipment and advertising materials based upon the individual retail environment.

#### 6. Program Requirements:

(a) Unless otherwise stated in this notice, to participate in the Program, the Retailer must be a Retailer in Good Standing.

(b) The determination of a Retailer's eligibility for participation will be made at the end of each Quarter of the Program for the fiscal year beginning on July 1, 2021 and ending on June 30, 2022.

(1) The determination will be made based on the information in the Lottery's financial accounting system for the Retailer and the status of the Retailer's license as of September 30, 2021 for the first quarter.

(2) The determination will be made based on the information in the Lottery's financial accounting system for the Retailer and the status of the Retailer's license as of December 31, 2021 for the second quarter.

(3) The determination will be made based on the information in the Lottery's financial accounting system for the Retailer and the status of the Retailer's license as of March 31, 2022 for the third quarter.

(4) The determination will be made based on the information in the Lottery's financial accounting system for the Retailer and the status of the Retailer's license as of June 30, 2022 for the fourth quarter.

(c) A Retailer may be eligible to participate in and receive the incentives provided in section 8, below, for each Quarter in which the Retailer satisfies the eligibility requirements of this section and the requirements of section 8.

(d) A Retailer may be eligible to participate in and receive the incentives provided in section 9, below, one time during the Fiscal Year if the Retailer satisfies the eligibility requirements of this section and the requirements of section 9 and is approved for participation.

(e) A Retailer is only eligible for participation in the Program for those Quarters in which the Retailer remains eligible for the entire Quarter. Failure to maintain the requirements of a Retailer in Good Standing for any reason for any Quarter shall preclude the Retailer from receiving any payment or payments that the Retailer would otherwise be entitled to for that Quarter.

(f) The final determination of a Retailer's eligibility will be made by the Secretary, whose judgment will be final and binding.

#### 7. How to Enroll:

(a) Licensed Retailers are automatically enrolled in the Sales Growth Incentive Program as described in section 8, below, and the Quarterly Retailer Incentive Promotions as described under section 10 of this notice.

(b) Retailers who do not wish to participate in the Sales Growth Incentive Program must sign a form indicating that the Retailer understands and acknowledges that the Retailer will not receive incentives as described under section 8 of this notice.

(c) Participation in the Lottery Best Practices Initiatives is voluntary on the part of each Retailer and requires the Retailer to opt-in as described in this notice.

(d) Retailers who wish to enroll in one or more of the Lottery Best Practices Initiatives are responsible for:

(1) Reading and understanding this notice;

(2) Reading any Lottery materials describing the Lottery Best Practices Initiatives; and

(3) Communicating interest in participation in one or more of the Lottery Best Practices Initiatives to the Lottery through their Lottery Sales Representative or by emailing the Lottery at PALotteryRetailIncentive@pa.gov.

8. *Sales Growth Incentive Program*: Retailers may qualify for a Sales Growth Incentive, in addition to the Standard Retailer Commission, by meeting the requirements of this section.

(a) The Lottery will establish a sales baseline for each Retailer.

(1) For a Retailer existing in fiscal year 2020-2021, the Lottery will establish a sales baseline for each Retailer based on that Retailer's fiscal year 2020-2021 sales for each Quarter that the Retailer is eligible for the Sales Growth Incentive Program under sections 6 and 7 of this notice.

(2) If the Retail Location was not licensed as a Retailer in fiscal year 2020-2021, the Lottery will establish a sales baseline for that Retailer for each Quarter that the Retailer is eligible for the Sales Growth Incentive Program under sections 6 and 7 of this notice. The Lottery may consider any relevant factors to determine the sales baseline.

(3) If the Retailer was not a licensed Retailer for the entirety of any Quarter in fiscal year 2020-2021, the Lottery will establish a sales baseline for that Retailer for the corresponding Quarter based on sales at the Retail Location for the same Quarter in fiscal year 2020-2021.

(b) Sales baseline figures may account for periods in which the Retailer did not have Traditional Lottery Product sales but met the definition of Retailer in Good Standing.

(c) Each Retailer shall be provided with their sales baseline figures and sales goals by the Lottery in writing.

(d) A Retailer who exceeds their prior year sales figure by at least 4%, but not more than 7.99%, for any Quarter in the Fiscal Year to which this notice applies, shall be awarded an additional 0.75% incentive above the Standard Retailer Commission. For example, assuming that the Retailer has met all other requirements of this notice, a Retailer with a sales baseline of \$100,000 for a Quarter, who raises their sales by 4% to \$104,000, shall be entitled to the Sales Growth Incentive of 0.75% in addition to the Standard Retailer Commission and will be entitled to a Sales Growth Incentive payment of \$780. With the Standard Retailer Commission of \$5,200 on sales of \$104,000, the Retailer would receive a total payment of \$5,980 for that Quarter.

(e) A Retailer who exceeds their sales baseline figure for any Quarter by at least 8% shall be awarded an additional 1.50% incentive above the Standard Retailer Commission. For example, assuming that the Retailer has met all other requirements of this notice, a Retailer with a sales baseline of \$100,000 for a Quarter, who raises their sales by 8% to \$108,000, shall be entitled to a 1.50% incentive in addition to the Standard Retailer Commission and will be entitled to Sales Growth Incentive payment of \$1,620. With the Standard Retailer Commission of \$5,400 on sales of \$108,000, the Retailer would receive a total payment of \$7,020 for that Quarter.

(f) A Retailer shall not receive an incentive above 1.50% for any Quarter under section 8 of this notice.

9. *Lottery Best Practices Initiatives*:

(a) *Qualifying Retailers*: In order to participate in one or more of the Lottery Best Practices Initiatives as

described below, the Retailer must meet the eligibility requirements as set forth in section 6 of this notice. Only Retailers who agree to participate and are approved by the Lottery shall be eligible for the Lottery Best Practices Initiatives. Retailers that are engaging in the best practices or who have already received Lottery-owned equipment or materials listed below are not eligible to participate in the applicable initiatives unless they are increasing their level of engagement relative to a specific initiative.

(b) *Levels of Participation*: Consistent with the Lottery's objectives, qualifying Retailers will fall into one of three levels for participation in the Lottery Best Practices Initiatives, as follows:

(1) *Level 1 Retailer*: A Retailer that has a Quarterly average of \$90,000 or more in sales of Traditional Lottery Products for the fiscal year beginning on July 1, 2020 and ending on June 30, 2021 or a Retailer that is part of a Retail Chain as defined by the Pennsylvania Lottery.

(2) *Level 2 Retailer*: A Retailer that has a Quarterly average of less than \$90,000 in sales of Traditional Lottery Products for the fiscal year beginning on July 1, 2020 and ending on June 30, 2021.

(3) *Level 3 Retailer*: A Retailer that meets all of the following criteria:

(i) The prospective Retailer submitted a complete application, in addition to any other forms and agreements that must be completed by prospective Retailers, to become a Lottery Retailer during: the third quarter of fiscal year 2020-2021; the fourth quarter of fiscal year 2020-2021; or fiscal year 2021-2022.

(ii) The proposed Retail Location was not a licensed Retailer in fiscal year 2020-2021.

(iii) The application is approved by the Lottery in fiscal year 2021-2022.

(c) *Enrollment in the Lottery Best Practices Initiatives*: A Retailer who wants to participate in one or more of the Lottery Best Practices Initiatives must opt-in by April 1, 2022.

(d) *Schedule for Delivery of Materials and Equipment*: For each Retailer that has opted-in to one or more of the Lottery Best Practices Initiatives and has been approved for participation, the Lottery will determine when the materials or Lottery-owned equipment, as applicable, for each of the Lottery Best Practices Initiatives will be delivered. Delivery and installation dates will be scheduled at the Lottery's discretion. Delivery and installation dates may occur in the subsequent fiscal year.

(e) *Lottery Best Practices Initiatives*:

(1) The following Lottery Best Practices Initiatives are available to Level 1 Retailers upon approval for participation by the Lottery:

(i) *Increased Counter Facings Initiative*:

(A) Level 1 Retailers are required to increase their counter facings by 12 and agree to maintain the display in such a way as to prevent anything from impeding the view of the increased facings.

(B) Level 1 Retailers are eligible to receive a one-time payment of \$500 following agreement and approval to participate in the Increased Counter Facings Initiative for Level 1 Retailers.

(ii) *Designated Lottery Space Initiative:*

(A) Level 1 Retailers that agree to participate in the Designated Lottery Space Initiative must create and maintain a physical location within the Retail Location designated for customers to play the lottery and agree to install and maintain the Lottery-owned equipment.

(B) Level 1 Retailers are eligible to receive a one-time payment of \$350 following agreement and approval to participate in the Designated Lottery Space Initiative for Level 1 Retailers.

(iii) *Winner Awareness Area Initiative:*

(A) Level 1 Retailers that agree to participate in the Winner Awareness Area Initiative must create and maintain a physical location within the Retail Location, of a minimum of 6 square feet, designated to display winning tickets paid by the Retailer and must update the area with tickets paid by the Retailer on a monthly basis.

(B) The Lottery will provide the Retailer with the materials necessary to display winning tickets.

(C) Level 1 Retailers are eligible to receive a one-time payment of \$350 following agreement and approval to participate in the Winner Awareness Initiative for Level 1 Retailers.

(iv) *Signage Initiative:*

(A) Level 1 Retailers that agree to participate in the Signage Initiative must increase and maintain the amount of Lottery provided indoor and outdoor signage displayed at the Retail Location above the amount the Retailer displays prior to agreeing to participate in the Signage Initiative.

(B) Level 1 Retailers are eligible to receive a one-time payment of \$350 following agreement and approval to participate in the Signage Initiative for Level 1 Retailers.

(v) *Second-Chance Drawing Initiative:*

(A) A Level 1 Retailer that agrees to participate in the Second-Chance Drawing Initiative must conduct a Second-Chance Drawing during the Fiscal Year.

(B) To conduct a Second-Chance Drawing, Level 1 Retailers must conduct a drawing for Lottery players in which they randomly select one or more winners. The Retailer shall receive at least \$100 worth of Lottery coupons or promotional tickets to support the drawing.

(C) Level 1 Retailers that agree to participate in the Second-Chance Drawing Initiative must also supply a prize, not otherwise prohibited by law that matches or exceeds the monetary value of the Lottery coupons or promotional tickets provided to support the drawing. The prize supplied by the Retailer may be made using money, merchandise or any other item of value provided by the Retailer.

(D) Level 1 Retailers are eligible to receive the Lottery coupons or promotional tickets following agreement and approval to participate in the Second-Chance Drawing Initiative for Level 1 Retailers.

(E) Level 1 Retailers that participate in the Second-Chance Drawing Initiative are responsible for developing and communicating the rules for the Second-Chance Drawings conducted by the Retailer. Retailers who participate in the Second-Chance Drawing Initiative are responsible for implementing and adhering to the rules that they develop for the Second-Chance Drawings they conduct. The Lottery does not administer and is not responsible for the conduct or the outcome of the Second-Chance Drawings as described in this notice.

(F) The Lottery will only support one Second-Chance Drawing for each qualifying and approved Level 1 Retailer.

(vi) *All-In Initiative:*

(A) Level 1 Retailers that agree to participate in the All-In Initiative must conduct each of the Lottery Best Practices Initiatives as described in section 9(e)(1)(i)—(v) for Level 1 Retailers.

(B) Level 1 Retailers are eligible to receive a one-time total payment of \$2,000, which includes a \$450 All-In Initiative bonus, as well as up to \$100 worth of Lottery coupons or promotional tickets used to support the Second-Chance Drawing Initiative, following agreement and approval to participate in the All-In Initiative for Level 1 Retailers.

(2) The following Lottery Best Practices Initiatives are available to Level 2 Retailers upon approval by the Lottery:

(i) *Ask for the Sale Initiative:*

(A) A Level 2 Retailer that agrees to participate in the Ask for the Sale Initiative must conduct an Ask for the Sale promotion at the Retail Location once during the Fiscal Year.

(B) To conduct an Ask for the Sale promotion, the Level 2 Retailer must agree to ask every customer to purchase a Lottery ticket during the agreed upon time frame and must display Lottery provided materials advertising the promotion.

(C) Level 2 Retailers shall receive up to \$100 worth of Lottery coupons or promotional tickets to support the promotion by awarding any player not asked to purchase a Lottery ticket, a Lottery coupon or promotional ticket.

(D) Level 2 Retailers who opt-in to the Second-Chance Drawing Initiative as described in section 9(e)(2) are not eligible for the Ask for the Sale Initiative.

(ii) *Second-Chance Drawing Initiative:*

(A) Level 2 Retailers that agree to participate in the Second-Chance Drawing Initiative must conduct a Second-Chance Drawing during the Fiscal Year.

(B) To conduct a Second-Chance Drawing, Retailers must conduct a drawing for Lottery players in which they randomly select one or more winners. The Retailer shall receive at least \$100 worth of Lottery coupons or promotional tickets to support the drawing.

(C) Level 2 Retailers are eligible to receive Lottery coupons or promotional tickets following agreement and approval to participate in the Second-Chance Drawing Initiative for Level 2 Retailers.

(D) Level 2 Retailers who participate in the Second-Chance Drawing Initiative are responsible for developing and communicating the rules for the Second-Chance Drawings conducted by the Retailer. Retailers who participate in the Second-Chance Drawing Initiative are responsible for implementing and adhering to the rules that they develop for the Second-Chance Drawings they conduct. The Lottery does not administer and is not responsible for the conduct or the outcome of the Second-Chance Drawings as described in this notice.

(E) Level 2 Retailers are not eligible to participate in the Second-Chance Drawing Initiative if the same Retailer opted-in and was approved for the Ask for the Sale Initiative as described in this notice.

(F) The Lottery will only support one Second-Chance Drawing for each qualifying and approved Level 2 Retailer.

(3) Level 3 Retailers are eligible for the Prospective Social Environment Retail Recruitment Initiative as described below, upon approval of the Lottery:

(i) Level 3 Retailers that agree to participate in the Prospective Social Environment Retail Recruitment Initiative must meet the requirements of a Level 3 Retailer as described in section 9(b)(3).

(ii) Level 3 Retailers that agree to participate in the Prospective Social Environment Retail Recruitment Initiative must agree to the installation of Lottery-owned equipment, as recommended by the Lottery for the specific Retail Location. Required Lottery-owned equipment includes, but is not limited to, at least two monitors for the display of certain terminal-based Lottery games, commonly referred to as monitor games.

(iii) Level 3 Retailers that agree to participate in the Prospective Social Environment Retail Recruitment Initiative must be a Retailer in Good Standing for 6 months following the installation of the Lottery-owned equipment.

(iv) Level 3 Retailers that agree to participate in the Prospective Social Environment Retail Recruitment Initiative must keep the Lottery-owned equipment installed and operational for 6 months following the installation of the Lottery-owned equipment.

(v) Level 3 Retailers are eligible to receive a one-time payment of \$500 for each monitor installed, following agreement and approval to participate in the Prospective Social Environment Retail Recruitment Initiative.

(vi) All Lottery-owned equipment to be installed shall be determined by the Lottery. Level 3 Retailers may request certain equipment be placed in their Retail Location. The ultimate decision as to the type of Lottery-owned equipment, number of monitors, and the like, that will be placed in a Retail Location is at the sole discretion of the Lottery.

(vii) Level 3 Retailers who agree to participate in the Prospective Social Environment Retail Recruitment Initiative must acknowledge and agree to the terms of the Prospective Social Environment Retail Recruitment Initiative. The Lottery is authorized to deduct \$500 for each monitor installed from the Retailer's bank account as part of the Retailer's weekly settlement process if the Retailer fails to have the Lottery-owned equipment installed and operational for a period of 6 months from the date of installation or if the Retailer fails to maintain its status as a Retailer in Good Standing.

(f) If a Level 2 Retailer reaches the thresholds of a Level 1 Retailer in Traditional Lottery Product sales for either the first or second quarter during the Fiscal Year, the Retailer may apply for the respective Lottery Best Practices Initiatives for the newly achieved Retailer level. If approved by the Lottery for participation in the specific Lottery Best Practices Initiatives, the Retailer shall be entitled to the same cash payment, if any, associated with the specific Lottery Best Practices Initiatives participated in by the Retailer.

(g) Notwithstanding any other provision of this notice, the Lottery may determine, in its sole discretion, that every Retailer in the Retail Chain is eligible for the Lottery Best Practice Initiatives set forth in 9(e)(1)(i)—(vi). Retail Chain shall be defined as Retailers who have five (5) or more locations under the same employee

identification number and has been designated as a corporate chain by the Lottery.

10. *Quarterly Retailer Incentive Promotions:*

(a) The Lottery will conduct Quarterly incentive promotions that provide Retailers with an opportunity to earn a reward by conducting various promotions related to the sale of Traditional Lottery Products.

(b) The Lottery will advise Retailers of the Quarterly incentive promotions through Lottery sales-terminal messages, information provided by Lottery Sales Representatives and information provided on the Retailer's Corner of the Lottery web site, <https://www.palottery.state.pa.us/About-PA-Lottery/For-Retailers/Current-Retailers.aspx>.

(c) The rewards to Retailers issued through the Quarterly incentive promotions may include, but are not limited to, bonus commissions and entries into drawings.

11. *Funds for the Retail Incentive Program:* For fiscal year 2021-2022, the Pennsylvania Lottery caps expenditures of the Sales Growth Incentive Program as described in section 8, above, the Lottery Best Practices Initiatives as described in section 9, above, and the Quarterly Retailer Incentive Promotions as described in section 10, above, to the statutory requirement of 0.5% of the sale of Traditional Lottery Products at Retail Locations within fiscal year 2020-2021 as required pursuant to 4 Pa.C.S. § 504(b).

12. *Nonlapse:* Amounts remaining in the Retail Incentive Program at the end of the Fiscal Year shall not lapse, but shall be used to fund retail sales initiatives including, but not limited to, new equipment, signage, training, coupons, consumer and agent in-store promotions and sales makeovers that are designed to improve in-store merchandising, foot traffic and sales as determined by the Lottery.

13. *Retailer Incentive Programs and Promotions:*

(a) The Pennsylvania Lottery is authorized to offer retailer incentive programs and promotions pursuant to 61 Pa. Code § 811.41. Any expenditures for the Program incurred by the Lottery that exceed the limit set forth at 4 Pa.C.S. § 504(b) in section 11, above, will be attributed to retailer incentive programs and promotions authorized pursuant to 61 Pa. Code § 811.41.

(b) The Retail Incentive Program will run concurrently and in conjunction with the retailer incentive programs and promotions described in this notice.

14. *Payments:* Payments due to Retailers pursuant to the requirements of the Retail Incentive Program and the related retailer incentive programs and promotions described in this notice will be credited to the Retailer at a time or times determined by the Lottery.

15. *Applicability:* This notice applies only to the Retail Incentive Program for the fiscal year beginning on July 1, 2021 and ending on June 30, 2022 and the related retailer incentive programs and promotions described in this notice. Additional related retailer incentive programs, promotions and customer referral programs may be conducted throughout the Fiscal Year pursuant to the State Lottery Law and corresponding regulations and will be communicated through normal methods of communication.

C. DANIEL HASSELL,  
*Secretary*

[Pa.B. Doc. No. 21-1012. Filed for public inspection June 25, 2021, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Receipt of Applications for Funding under the Section 5310 Program Fiscal Year 2021-2022

The Department of Transportation, Bureau of Public Transportation, under the authority in section 5310 of the Federal Transit Act (49 U.S.C.A. § 5310), gives notice that it will receive applications for the State-administered Section 5310 Private Nonprofit (PNP) Vehicle Grant Program (Program). The application will open on Thursday, July 1, 2021, and is due by the close of business on Monday, August 2, 2021. The Program application instructions can be found at <https://www.penndot.gov/Doing-Business/Transit/InformationandReports/Documents/5310%20Resources/5310%20PNP%20Applicant%20Instructions%202021%20Revised%206.3.2021.pdf>.

Under the Program, PNP organizations and designated public bodies may apply for Federal capital assistance to pay up to 80% of the purchase cost of new wheelchair accessible small transit vehicles used to provide transportation services for senior citizens and persons with disabilities who cannot be reasonably accommodated by existing transportation providers.

Additional Program guidelines and general information on how to apply can be obtained by calling John Levitsky, Bureau of Public Transportation, (717) 787-1206, [jlevitsky@pa.gov](mailto:jlevitsky@pa.gov).

YASSMIN GRAMIAN,  
*Secretary*

[Pa.B. Doc. No. 21-1013. Filed for public inspection June 25, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Per Diem Charges for Financial Examinations Conducted by the Insurance Department; Notice 2021-07

Under the authority of section 907 of The Insurance Department Act of 1921 (40 P.S. § 323.7) and under 31 Pa. Code § 12.4 (relating to per diem charges), an updated schedule of per diem charges for financial examinations conducted by the Insurance Department (Department) is hereby adopted.

The new schedule of charges is as follows:

Financial Examiner Trainee	\$652
Financial Examiner 1/Actuarial Associate 1	\$825

Financial Examiner 2/Actuarial Associate 2/IT Examiner	\$970
Financial Examiner 3/Actuary 1	\$1,251
Financial Examination Manager/Actuary 2	\$1,320

In accordance with 31 Pa. Code § 12.4(c), the Department will calculate and bill per diem charges for financial examination costs.

This schedule is effective July 1, 2021.

This document supersedes the notice published at 50 Pa.B. 3093 (June 20, 2020) and shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-1014. Filed for public inspection June 25, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Per Diem Charges for Market Conduct Examinations Conducted by the Insurance Department; Notice 2021-08

Under the authority of section 907 of The Insurance Department Act of 1921 (40 P.S. § 323.7) and under 31 Pa. Code § 12.4 (relating to per diem charges), an updated schedule of per diem charges for market conduct examinations conducted by the Insurance Department (Department) is hereby adopted.

The new schedule of charges is as follows:

Examiner Trainee	\$667
Administrative Officer 2	\$874
Examiner 1	\$784
Examiner 2	\$926
Division Chief	\$1,013

In accordance with 31 Pa. Code § 12.4(c), the Department will calculate and bill per diem charges for market conduct examination costs.

This schedule is effective July 1, 2021.

This document supersedes the notice published at 50 Pa.B. 3093 (June 20, 2020) and shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-1015. Filed for public inspection June 25, 2021, 9:00 a.m.]



**MILK MARKETING BOARD****Sunshine Meeting Venue Change**

<i>Date</i>	<i>Time</i>	<i>Room / Venue</i>
Wednesday, July 7, 2021	1 p.m.	Teleconference: Call-in: +1 (267) 332-8737 ID: 665 556 390#

CAROL HARDBARGER,  
*Secretary*

[Pa.B. Doc. No. 21-1016. Filed for public inspection June 25, 2021, 9:00 a.m.]

**MILK MARKETING BOARD****Sunshine Meetings for Fiscal Year 2021-2022**

<i>Date</i>	<i>Time</i>	<i>Room</i>
Wednesday, July 7, 2021	8 a.m.—4 p.m.	Teleconference
Wednesday, August 11, 2021	8 a.m.—4 p.m.	Room 202—Agriculture Building Harrisburg, PA 17110
Wednesday, September 1, 2021	8 a.m.—4 p.m.	Room 309—Agriculture Building Harrisburg, PA 17110
Wednesday, October 6, 2021	8 a.m.—4 p.m.	Room 309—Agriculture Building Harrisburg, PA 17110
Wednesday, November 3, 2021	8 a.m.—4 p.m.	Room 202—Agriculture Building Harrisburg, PA 17110
Wednesday, December 1, 2021	8 a.m.—4 p.m.	Room 309—Agriculture Building Harrisburg, PA 17110
Wednesday, January 5, 2022	8 a.m.—4 p.m.	Room 309—Agriculture Building Harrisburg, PA 17110
Wednesday, February 2, 2022	8 a.m.—4 p.m.	Room 309—Agriculture Building Harrisburg, PA 17110
Wednesday, March 2, 2022	8 a.m.—4 p.m.	Room 309—Agriculture Building Harrisburg, PA 17110
Wednesday, April 6, 2022	8 a.m.—4 p.m.	Room 309—Agriculture Building Harrisburg, PA 17110
Wednesday, May 4, 2022	8 a.m.—4 p.m.	Room 309—Agriculture Building Harrisburg, PA 17110
Wednesday, June 1, 2022	8 a.m.—4 p.m.	Room 309—Agriculture Building Harrisburg, PA 17110

CAROL HARDBARGER,  
*Secretary*

[Pa.B. Doc. No. 21-1017. Filed for public inspection June 25, 2021, 9:00 a.m.]

**OFFICE OF THE  
STATE FIRE COMMISSIONER**

**Application for the Fire Company and Emergency  
Medical Service Grant Program**

This notice provides information about the Fire Company and Emergency Medical Service Grant Program (Program) established under 35 Pa.C.S. Chapter 78 Subchapters B and C (relating to Fire Company Grant Program; and Emergency Medical Services Grant Program), as amended by the act of October 29, 2020 (P.L.

739, No. 91). Fire, Rescue and Emergency Medical Service companies seeking grants under the Program shall submit completed applications no later than 4 p.m. on October 22, 2021. Written instructions and guidelines for the 2021-2022 Program and grant applications will be available online at the Office of State Fire Commissioner's web site at [www.osfc.pa.gov](http://www.osfc.pa.gov) no later than September 8, 2021.

BRUCE TREGO,  
*Commissioner*

[Pa.B. Doc. No. 21-1018. Filed for public inspection June 25, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Change in Control

**A-2021-3026515, A-2021-3026522 and A-2021-3026523. Veolia Environment S.A., Veolia North America, Inc., SUEZ S.A., SUEZ Water Pennsylvania, Inc. and SUEZ Water Bethel, Inc.** Joint application of Veolia Environment S.A., Veolia North America, Inc., SUEZ S.A., SUEZ Water Pennsylvania, Inc. and SUEZ Water Bethel, Inc. for all approvals under sections 1102(a)(3), (4) and 1103 of the Pennsylvania Public Utility Code (code) (66 Pa.C.S. §§ 1102(a)(3), (4) and 1103) (relating to enumeration of acts requiring certificate; and procedure to obtain certificates of public convenience), and as otherwise required under the code for the change in control SUEZ Water Pennsylvania, Inc. and SUEZ Water Bethel, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before July 12, 2021. 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 only online for inspection and copying on the Pennsylvania Public Utility Commission's (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address. In accordance with the Commission's Emergency Order at M-2020-3019262, all parties participating in matters pending before the Commission are required to eFile their submissions by opening an eFiling account—free of charge—through the Commission's web site and accepting eService.

*Applicants:* Veolia Environment S.A.; Veolia North America, Inc.; SUEZ S.A.; SUEZ Water Pennsylvania, Inc.; SUEZ Water Bethel, Inc.

*Through and By Counsel:* Adeolu A. Bakare, Esquire, Teresa Harrold, Esquire, Kenneth R. Stark, Esquire, McNeese Wallace & Nurick, LLC, 100 Pine Street, Harrisburg, PA 17101, (717) 232-8000, fax (717) 232-5300, [abakare@mcneese.com](mailto:abakare@mcneese.com), [tharrold@mcneese.com](mailto:tharrold@mcneese.com), [kstark@mcneese.com](mailto:kstark@mcneese.com); David P. Zambito, Esquire, Jonathan P. Nase, Esquire, Cozen O'Connor, 17 North Second Street, Suite 1410, Harrisburg, PA 17101, (717) 703-4892, fax (215) 989-4216, [dzambito@cozen.com](mailto:dzambito@cozen.com), [jnase@cozen.com](mailto:jnase@cozen.com)

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1019. Filed for public inspection June 25, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Natural Gas Service

**A-2021-3026554. Columbia Gas of Pennsylvania, Inc.** Application for approval of abandonment of natural gas service by Columbia Gas of Pennsylvania, Inc. to one residential premise located in Westmoreland County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities)

on or before July 12, 2021. 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 only online for inspection and copying on the Pennsylvania Public Utility Commission's (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address. In accordance with the Commission's Emergency Order at M-2020-3019262, all parties participating in matters pending before the Commission are required to eFile their submissions by opening an eFiling account—free of charge—through the Commission's web site and accepting eService.

*Applicant:* Columbia Gas of Pennsylvania, Inc.

*Through and By Counsel for:* Theodore J. Gallagher, Esquire, 121 Champion Way, Suite 100, Canonsburg, PA 15317, (724) 416-6355, [tjgallagher@nisource.com](mailto:tjgallagher@nisource.com)

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1020. Filed for public inspection June 25, 2021, 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 (Commission). Formal protests, petitions to intervene and answers must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before July 12, 2021. Filings must be made electronically through eFiling to the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant by July 12, 2021. In accordance with the Commission's Emergency Order at M-2020-3019262, all parties participating in matters pending before the Commission are required to eFile their submissions by opening an eFiling account and accepting eService. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Commission's eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. 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. The documents filed in support of the application are only available for inspection through the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) by searching under the previously listed docket number or by searching the applicant's web site.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-2021-3024472. Black Limo Car Service, LLC** (501 Midvale Road, Upper Darby, Delaware County, PA 19082) in limousine service, between points in Pennsylvania; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

**A-2021-3026400. E-Z Transit, LLC** (216 Garden City Drive, Monroeville, Allegheny County, PA 15146) persons in paratransit service, by motor vehicle, from points in Allegheny County, to points in Pennsylvania, and return.

**Application of the following for the approval of the right and privilege to *discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.***

**A-2021-3026439. Designated Driver, LLC** (108 Jacqueline Drive, Johnstown, Cambria County, PA 15904) discontinuance of service and cancellation of its certificate to transport as a common carrier, by motor vehicle, persons, in paratransit service, from points in the Counties of Cambria and Somerset, Pennsylvania, and return.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1021. Filed for public inspection June 25, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-2021-3026426. Verizon North LLC and Delta Telecom, Inc.** Joint petition of Verizon North LLC and Delta Telecom, Inc. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North LLC and Delta Telecom, Inc., by their counsel, filed on June 10, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon North LLC and Delta Telecom, Inc. joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1022. Filed for public inspection June 25, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-2021-3026427. Verizon North LLC and DISH Wireless, LLC.** Joint petition of Verizon North LLC and DISH Wireless, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North LLC and DISH Wireless, LLC, by their counsel, filed on June 10, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon North LLC and DISH Wireless, LLC joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1023. Filed for public inspection June 25, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-2021-3026524. Ironton Telephone Company and Teleport Communications America, LLC.** Joint petition of Ironton Telephone Company and Teleport Communications America, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Ironton Telephone Company and Teleport Communications America, LLC, by their counsel, filed on June 14, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. Documents filed in support of Ironton Telephone Company and Teleport Communications America, LLC joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1024. Filed for public inspection June 25, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-2021-3026534. Citizens Telephone Company of Kecksburg and Teleport Communications America,**

**LLC.** Joint petition of Citizens Telephone Company of Kecksburg and Teleport Communications America, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Citizens Telephone Company of Kecksburg and Teleport Communications America, LLC, by their counsel, filed on June 14, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. Documents filed in support of Citizens Telephone Company of Kecksburg and Teleport Communications America, LLC joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1025. Filed for public inspection June 25, 2021, 9:00 a.m.]

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**PENNSYLVANIA PUBLIC  
UTILITY COMMISSION**  
Telecommunications

**A-2021-3026562. Verizon Pennsylvania, LLC and BCN Telecom, Inc., f/k/a NUI Telecom, Inc.** Joint petition of Verizon Pennsylvania, LLC and BCN Telecom, Inc., f/k/a NUI Telecom, Inc. for approval of an amendment to interconnection agreement under section 252(e) of the telecommunications Act of 1996.

Verizon Pennsylvania, LLC and BCN Telecom, Inc., f/k/a NUI Telecom, Inc., by their counsel, filed on June 15, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon Pennsylvania, LLC and BCN Telecom, Inc., f/k/a NUI Telecom, Inc. joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1026. Filed for public inspection June 25, 2021, 9:00 a.m.]

**PENNSYLVANIA PUBLIC  
UTILITY COMMISSION**

Telecommunications

**A-2021-3026563. Verizon North LLC and D-Tel, LLC.** Joint petition of Verizon North LLC and D-Tel, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North LLC and D-Tel, LLC, by their counsel, filed on June 15, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon North LLC and D-Tel, LLC joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1027. Filed for public inspection June 25, 2021, 9:00 a.m.]

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**PENNSYLVANIA PUBLIC  
UTILITY COMMISSION**

Telecommunications

**A-2021-3026564. Verizon North LLC and Cooperative Communications, Inc.** Joint petition of Verizon North LLC and Cooperative Communications, Inc. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North LLC and Cooperative Communications, Inc., by their counsel, filed on June 15, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon North LLC and Cooperative Communications, Inc. joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1028. Filed for public inspection June 25, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-2021-3026566. Verizon Pennsylvania, LLC and Cooperative Communications, Inc.** Joint petition of Verizon Pennsylvania, LLC and Cooperative Communications, Inc. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Cooperative Communications, Inc., by their counsel, filed on June 15, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. Documents filed in support of Verizon Pennsylvania, LLC and Cooperative Communications, Inc. joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1029. Filed for public inspection June 25, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-2021-3026568. Verizon North LLC and BCN Telecom, Inc., f/k/a NUI Telecom, Inc.** Joint petition of Verizon North LLC and BCN Telecom, Inc., f/k/a NUI Telecom, Inc. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North LLC and BCN Telecom, Inc., f/k/a NUI Telecom, Inc., by their counsel, filed on June 15, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon North LLC and BCN Telecom, Inc., f/k/a NUI Telecom, Inc. joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1030. Filed for public inspection June 25, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-2021-3026569. Verizon Pennsylvania, LLC and D-Tel, LLC.** Joint petition of Verizon Pennsylvania, LLC and D-Tel, LLC for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and D-Tel, LLC, by their counsel, filed on June 15, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. Documents filed in support of Verizon Pennsylvania, LLC and D-Tel, LLC joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1031. Filed for public inspection June 25, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-2021-3026579. Verizon Pennsylvania, LLC and Airus, Inc., f/k/a IntelPeer, Inc.** Joint petition of Verizon Pennsylvania, LLC and Airus, Inc., f/k/a IntelPeer, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Airus, Inc., f/k/a IntelPeer, Inc., by their counsel, filed on June 16, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg,

PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon Pennsylvania, LLC and Airus, Inc., f/k/a IntelPeer, Inc. joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1032. Filed for public inspection June 25, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-2021-3026580. Verizon North, LLC and Airus, Inc., f/k/a IntelPeer, Inc.** Joint petition of Verizon North, LLC and Airus, Inc., f/k/a IntelPeer, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and Airus, Inc., f/k/a IntelPeer, Inc., by their counsel, filed on June 16, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon North, LLC and Airus, Inc., f/k/a IntelPeer, Inc. joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1033. Filed for public inspection June 25, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Transfer Indirect Control

**A-2021-3026551 and A-2021-3026552. MTN Infrastructure TopCo, LP and Cox Communications, Inc.** Joint application of MTN Infrastructure TopCo, LP and Cox Communications, Inc. for authority to transfer indirect control of Lumos Networks of West Virginia, Inc. and Fibernet Telecommunications of Pennsylvania, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before July 12, 2021. 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](http://www.puc.pa.gov) and at the applicant's business address.

*Applicants:* MTN Infrastructure TopCo, LP; Cox Communications, Inc.; Lumos Networks of West Virginia, Inc.; Fibernet Telecommunications of Pennsylvania, LLC

*Through and By Counsel:* Deanne M. O'Dell, Esquire, Eckert Seamans Cherin & Mellott, LLC, 213 Market Street, 8th Floor, Harrisburg, PA 17101, (717) 255-3744, fax (717) 237-6019, [DODell@eckertseamans.com](mailto:DODell@eckertseamans.com)

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1034. Filed for public inspection June 25, 2021, 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 common carriers 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 July 12, 2021. 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-21-06-01. Magna Taxi, LLC** (2135 South Simpson Street, Philadelphia, PA 19142): 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., 314 Cherry Avenue, Voorhees, NJ 08043.

**Doc. No. A-21-06-02. Saka Salami Motors, Inc.** (313 Hellerman Street, Philadelphia, PA 19111): 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. 21-1035. Filed for public inspection June 25, 2021, 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 Hamilton 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>
Jeffery Balmer 572 Millway Road Lititz, PA 17543	Lancaster County/Warwick Township	169.74	Cattle	Amended	Approved
Four Winds Dairy, LLC—Home Farm 400 VanEtten Road Ulysses, PA 16948	Potter County/Harrison Township	0	Cattle	Amended	Approved
Art Groff 1043 Mountain Road Manheim, PA 17545	Lancaster County/Penn Township	104.97	Broilers/Cattle	New	Approved
Andrew Hoover 155 Mayapple Lane Mifflintown, PA 17059	Juniata County/Milford Township	235.5	Broilers	New	Approved
Kevin L. Nolt—River Road Farm 1773 River Road Marietta, PA 17547	Lancaster County/East Donegal Township	71.84	Layers	Amended	Approved

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-1036. Filed for public inspection June 25, 2021, 9:00 a.m.]

