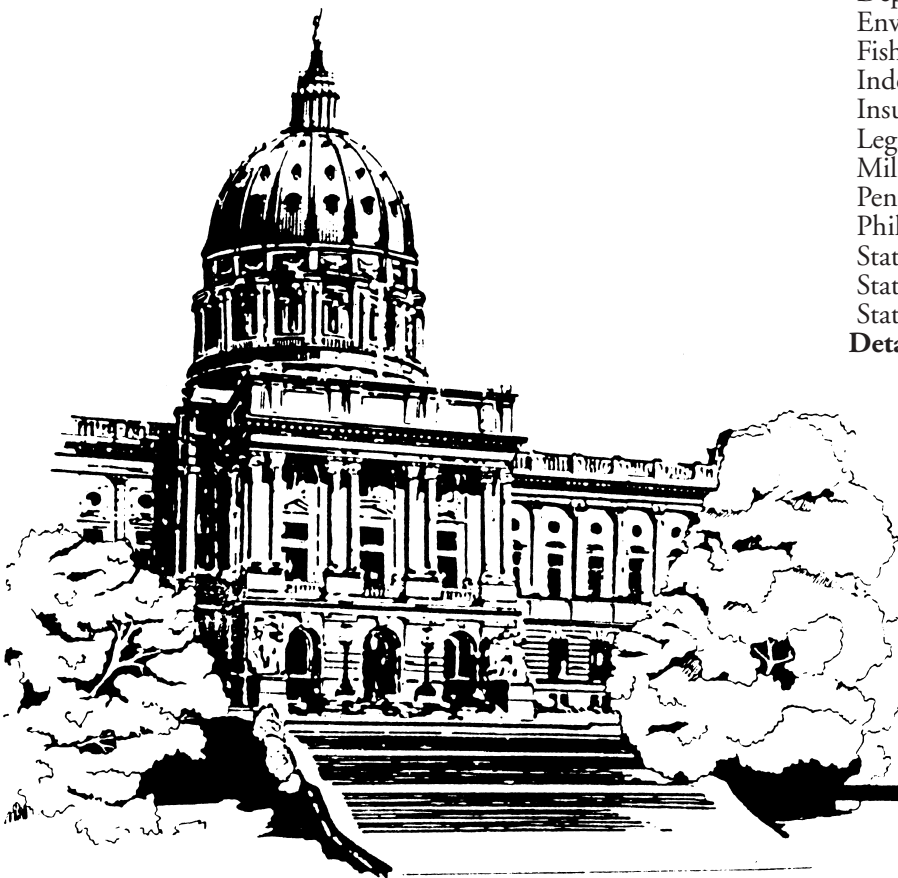


# PENNSYLVANIA BULLETIN

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

**No. 562, September 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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### Printing Format

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

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

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

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

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

*Court Rules in Titles 201—246 of the Pennsylvania Code*

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

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

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

### Fiscal Notes

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

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

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

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2021.

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# THE COURTS

## Title 255—LOCAL COURT RULES

### BUCKS COUNTY

#### Adoption of District Court Diversionary Program; Administrative Order No. 90

##### Order

*And Now*, this 22nd day of July, 2021, Administrative Order No. 90, adopted May 7, 2018, effective July 1, 2018, District Court Diversionary Program, is amended to read in its entirety as follows:

In order to address the abuse of opioids and other drugs prevalent in our society by immediate treatment for offenders charged at the earliest point in our criminal justice system and to allow for alternative dispositions, the District Court Diversionary Program (“DCDP”) is hereby authorized and approved by the Court, and shall be implemented as follows:

Defendants who are residents of Bucks County may be referred by the Magisterial District Judge, at or prior to the preliminary hearing, to the Office of the District Attorney (“District Attorney”) for consideration for diversion for treatment for drug-related behavioral problems.

##### I. DCDP Dismissal

1. If the defendant’s case is referred for DCDP dismissal, the Magisterial District Judge shall continue the preliminary hearing to permit the defendant to be assessed to determine whether the defendant must participate in a drug treatment program. If the defendant is assessed and determined to not need treatment, then the defendant shall be mandated to take a one-day decisions class.

2. To qualify for a referral to the DCDP, a defendant who is charged with violations of Sections 780-113(a)(16), (31) and (32) of the Controlled Substance, Drug, Device and Cosmetic Act (“the Act”) related to marijuana must meet the following qualifications:

- a. Be approved by the District Attorney;
- b. Execute a waiver of the preliminary hearing and a waiver of the Rule 600 right to a speedy trial;
- c. Execute any appropriate documents for the District Attorney and the Court, including irrevocable waivers related to treatment programs; and
- d. Agree to comply with treatment conditions and to report to the Court as directed.

3. To qualify for a referral to the DCDP, a defendant who is charged with violations of Sections 780-113(a)(16) and (32) of the Act related to any controlled substance other than marijuana must meet the following qualifications:

- a. Be approved by the District Attorney;
- b. Have no prior criminal convictions;
- c. Execute a waiver of the preliminary hearing and a waiver of the Rule 600 right to a speedy trial;
- d. Execute any appropriate documents for the District Attorney and the Court, including irrevocable waivers related to treatment programs; and
- e. Agree to comply with treatment conditions and to report to the Court as directed.

4. All costs associated with the DCDP shall be borne by the defendant, unless waived due to indigency by the referring Magisterial District Judge with the agreement of the District Attorney.

5. Upon completion of all treatment conditions and supervisory period imposed as a result of the drug assessment and payment of all costs, the criminal charges shall be dismissed by the Magisterial District Judge and all records of the charges shall be expunged for first time offenders from the system, except that the District Attorney shall retain a record of the defendant’s participation in the program. The District Attorney may agree in his discretion to expunge any other offender’s arrest upon application of the offender and for good cause shown.

6. Should the defendant fail to complete the DCDP, then the case will proceed through the normal criminal case process in the Court of Common Pleas.

##### II. DCDP Probation

1. If a defendant is charged with violations of Sections 780-113(a)(16) and (32) of the Act and has a prior conviction or convictions, said defendant’s case may be referred for DCDP probation.

a. In such cases, defendants must meet the following qualifications:

- i. Be approved by the District Attorney;
- ii. Execute any appropriate documents for the District Attorney and the Court; and

iii. Enter a negotiated plea of guilty to the charge of possession of drug paraphernalia pursuant to Section 780-113(a)(32) of the Act.

b. Upon entry of the negotiated guilty plea, the Magisterial District Judge shall sentence the defendant to 6 months of probation, subject to the following conditions:

- i. compliance with all rules and regulations of the Bucks County Department of Adult Probation and Parole;
- ii. adherence to any treatment recommendations rendered following drug and alcohol assessment; and

iii. payment of court costs, unless waived due to indigency by the presiding judge with the agreement of the District Attorney.

c. Should any defendant violate the conditions of probation imposed by the Court in a matter referred to the DCDP, a probation violation hearing shall be scheduled before the Bucks County Court of Common Pleas.

Current eligibility criteria for the DCDP shall be made available by the District Attorney posting said criteria on the District Attorney’s website and providing said criteria to each Magisterial District Court office for distribution.

The eligibility requirements for the DCDP outlined herein may be modified by approval of the President Judge upon recommendation of the District Attorney, without the need for further amendment of this Order.

Such modification(s) shall be published on the website of the District Attorney and provided to each Magisterial District Court office for distribution.

*By the Court*

WALLACE H. BATEMAN, Jr.,  
President Judge

[Pa.B. Doc. No. 21-1564. Filed for public inspection September 17, 2021, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### BUCKS COUNTY

#### Order Promulgating Rule of Civil Procedure 3129.3—Motions to Stay, Continue, Postpone or Adjourn Sheriff's Sales; Administrative Order No. 102

##### Order

*And Now*, this 1st day of September, 2021, Bucks County Rule of Civil Procedure No. 3129.3—Motions to Stay, Continue, Postpone or Adjourn Sheriff's Sales, is promulgated as follows:

#### **Bucks County Rule of Civil Procedure No. 3129.3. Motions to Stay, Continue, Postpone or Adjourn Sheriff's Sales.**

(a) Motions to stay, continue, postpone or adjourn the sale of a property at a regularly scheduled monthly Sheriff's Sale of Real Estate ("motions to stay") shall be heard by the Court on the morning of the scheduled sale, which is generally held on the second Friday each month, at 9:30 a.m. in a courtroom to be assigned by the Court Administrator.

*Note:* This rule does not apply to any sale of real property not listed for the regularly scheduled monthly Sheriff's Sale of Real Estate. Motions to stay sales other than those listed for the monthly Sheriff's Sale shall be filed and proceed in the discretion of the assigned judge.

(b) Plaintiffs', or any agreed or uncontested, motions to stay Sheriff's sales may be electronically filed until 4:30 p.m. on the Tuesday of the week of the scheduled sale. Any motion not electronically filed by 4:30 p.m. on the Tuesday of the week of the scheduled sale may be filed and presented in person in the Office of the Court Administrator at any time prior to the time set forth in subsection (a) above for hearing. Any agreed or uncontested motion not presented in the manner required by this rule may not be timely acted upon by the Court.

(c) Defendants', or any contested, motions to stay Sheriff's sales shall be filed and presented in person in the Office of the Court Administrator on the morning of the subject sale prior to the time set forth in subsection (a) above for hearing.

(d) *Mandatory Notice of Defendant's Motion to Stay on All Counsel of Record.* Notice of presentation of a defendant's motion to stay Sheriff's sale must be provided to all counsel of record not less than 24 hours prior to the time set forth in subsection (a) above for hearing. Proof of such notice of presentation shall be presented to the Court at the time of hearing, failing which the motion may be dismissed in the Court's discretion.

(e) The Court may refuse to consider any motion to stay a sale presented after the time set for the subject sale to commence.

*Explanatory Comment:* The purpose of this rule is to formalize court practice regarding motions to stay, continue, postpone or adjourn Sheriff's sales to the extent possible. Due to the exigent circumstances of many of the cases in which such sales are scheduled, the Court is aware that a rigid standardized practice is not entirely practicable, and the rule is accordingly drafted in a manner that allows the Court maximum discretion in its handling of the subject motions. One area of significant Court concern is establishing appropriate advance notice to all counsel of presentation of defendants' motions to stay sale by the filing party, which is specifically addressed at subsection (d). The Court has found such notice is too often insufficient in these matters, notwithstanding the clear role of proper notice in ensuring fundamental fairness in all proceedings.

This rule shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

WALLACE H. BATEMAN, Jr.,  
President Judge

[Pa.B. Doc. No. 21-1565. Filed for public inspection September 17, 2021, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### CHESTER COUNTY

#### Adoption of Amended Court of Common Pleas Juvenile Rules

##### Administrative Order No. 14-2021

*And Now*, this 7th day of September, 2021, the following amended Chester County Court of Common Pleas Juvenile Rules ("Amended Juvenile Rules") are adopted in their entirety. In accordance with Pennsylvania Rule of Juvenile Court Procedure 121, these proposed Amended Juvenile Rules were submitted to and approved by the Juvenile Court Procedural Rules Committee.

##### *Effective Date*

These Amended Juvenile Rules shall become effective thirty (30) days from the date of their publication in the *Pennsylvania Bulletin*.

##### *Procedural Compliance*

In conformity with Pa.R.J.A. 103(d), the Chester County Court Administrator shall do the following:

1) Distribute two (2) paper copies of the Amended Juvenile Rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, along with a copy of the Amended Juvenile Rules in an agreed upon format which complies with the requirements of 1 Pa. Code § 13.11.

2) File one copy of the Amended Juvenile Rules with the Administrative Office of Pennsylvania Courts.

3) Publish a copy of the Amended Juvenile Rules on the Chester County website.

4) Incorporate the Amended Juvenile Rules in the complete set of the published Chester County Court Rules no later than thirty (30) days following publication in the *Pennsylvania Bulletin*.

*By the Court*

JOHN L. HALL,  
*President Judge*

**CHESTER COUNTY COURT OF COMMON PLEAS  
JUVENILE RULES**

**Rule L.101. Citing the Rules.**

These rules shall be known as the Chester County Court of Common Pleas Juvenile Rules, and shall be cited as "C.C.Juv.Rule \_\_\_\_\_."

**Rule L.140. Hearing Officers Authorized to Hear Juvenile Bench Warrant Hearings.**

All lawyers employed by the County of Chester to preside as Hearing Officers in juvenile cases are hereby designated to preside over and hear juvenile bench warrant hearings.

**Rule L.151. Assignment of Counsel to Juveniles in Juvenile Court.**

The Chester County Public Defender's office or, in the event of a conflict, assigned conflict counsel shall represent all juveniles against whom a petition has been filed in juvenile court and who have not retained private counsel.

**Rule L.210.A. Arrest Warrant Procedures in Juvenile Delinquency Court.**

All magisterial district judges of Chester County (Fifteenth Judicial District) are hereby designated as issuing authorities for arrest warrants for juveniles in delinquency cases.

Applications for Chester County juvenile arrest warrants made pursuant to Pa.R.J.C.P. 210.A, with approval of an attorney for the Commonwealth pursuant to Pa.R.J.C.P. 210.B and 231.B when required, shall be submitted to the local magisterial district judge during business hours and to the "on-call" magisterial district judge after business hours.

**Rule L.220.A(2)(b). Juvenile Support Bench Warrants.**

Any juvenile (a person who is less than eighteen (18) years of age) taken into custody pursuant to a bench warrant issued for failure to pay support shall be transported to the Chester County Youth Center (Youth Center) for detention until the bench warrant is quashed or a court of common pleas judge holds a seventy-two (72) hour hearing for the juvenile. In the event that the judge determines that further detention is warranted, the juvenile shall remain in the Youth Center. Under no circumstances shall such a juvenile be incarcerated in the Chester County Prison. The Youth Center shall immediately notify the appropriate supervisor of the Chester County Domestic Relations Office (DRO) to apprise the DRO of the juvenile's detention. Upon such notice, the DRO shall promptly perform all functions that it normally performs for incarcerated support defendants, including the scheduling of a seventy-two (72) hour hearing for the juvenile before a judge.

**Rule L.310.A. Pre-Adjudication Conditions.**

The Chester County juvenile probation office ("probation office") is hereby authorized to impose reasonable pre-adjudication conditions on all juveniles against whom

Petitions have been filed or are pending under the Juvenile Act, including a requirement that the juvenile submit to a urinalysis to determine controlled substance use. Such conditions shall be from among those previously approved by the court to protect the public, maintain the competencies of the juvenile and/or assist the probation office in recommending an appropriate disposition in the event of an adjudication of delinquency. Any juvenile, or attorney representing a juvenile, may seek emergency relief from the juvenile court supervising judge if any pre-adjudication condition imposed by the juvenile probation office is deemed to be unreasonable. Any juvenile who refuses, explicitly or implicitly, to comply with any pre-adjudication condition, including the refusal to submit to a urinalysis, without providing an adequate medical or other extraordinary reason to justify that refusal, shall be presumed by the court to have failed to successfully comply with that condition. In no event shall the court consider a juvenile's compliance or failure to comply with a pre-adjudication condition when it determines whether the juvenile committed any charged delinquent act.

**Rule L.404.B. Prompt Adjudication Hearing for Non-Detained Juveniles.**

All juvenile adjudication hearings scheduled for non-detained juveniles shall be held within five (5) months from the filing of a delinquency petition initiated pursuant to Pa.R.J.C.P. 330, unless the supervising judge of the Chester County juvenile court grants an extension. This five month period shall not include time during which the juvenile is sought to be arrested pursuant to a bench warrant.

This regulation is intended to better assure that non-detained juveniles receive an adjudicatory hearing within a reasonable time, pursuant to Pa.R.J.C.P. 404(B), and that Pa.R.J.C.P. 404(B) is construed to eliminate unjustifiable delay, in accordance with Pa.R.J.C.P. 101(B).

The Chester County Juvenile Probation Department, the attorneys for juvenile defendants and the Commonwealth shall make a good faith effort to schedule formal adjudication hearings within the five month period required by this regulation. If an extension of this five month period is sought, the attorneys for the subject juvenile and the Commonwealth shall schedule a conference with the supervising juvenile judge and the assigned probation officer to explain the reason(s) for the anticipated delay. Any such reason(s) must constitute good cause for an extension to be granted. Except for unusual circumstances, any extension granted shall be provided within an order scheduling the adjudicatory hearing to begin on a date certain. Dismissal of the petition shall not result from the failure of the adjudication hearing to be held within the above described five month period or any extension of it.

All future juvenile probation court reports shall provide, in the upper right hand corner of the first page, the filing date of the juvenile delinquency petition and the date when the five month period to hold the adjudication hearing ends. (The five month period shall be recalculated to eliminate any time a bench warrant remains unexecuted.)

**Rule L.512. Creation of a Juvenile Court Restitution Fund.**

A juvenile court restitution fund is created as follows:  
*Authority*

The authority for the creation of a juvenile court restitution fund ("JCR Fund") with contributions paid

by juveniles supervised by the Chester County Juvenile Probation Office (“JPO”) may be found in the Juvenile Act at 42 Pa.C.S.A. §§ 6304.1(b), 6323(f), 6340(c.1) and 6352(a)(5), and in the *Pennsylvania Code* at 37 Pa. Code § 200.501 et seq. These statutory sections and rules permit a court of common pleas president judge to establish a restitution fund for victims of juvenile delinquent acts with monies provided by children supervised by a juvenile probation office.

#### *Purpose of Fund*

The purpose of the JCR Fund is to provide a means for children under the supervision of the JPO to earn money, through community service work, to reimburse crime victims for financial loss resulting from delinquent acts. In this manner, juvenile offenders are held accountable to their victims, required to benefit the community they harmed and provided opportunities to develop occupational competencies. Consequently, the JCR Fund purpose is consistent with the overarching goals of the Pennsylvania juvenile justice system to provide victim restoration and competency development.

#### *Guidelines*

The JPO shall establish and administer the JCR Fund in accordance with these guidelines, as supplemented by any revisions or additional procedures approved by the president judge.<sup>1</sup>

*Juvenile Payor*—A juvenile payor utilizing the JCR Fund is any child under the jurisdiction of the JPO whose conditions of supervision require the child to pay restitution to a victim of a delinquent act.

*Victim Recipient*—A victim recipient of the JCR Fund is any natural person (not a corporation, business or other organization unless ordered by a juvenile court judge in an individual case) who has submitted a restitution claim, approved by the JPO, which requests restitution for damages caused by a juvenile payor. Should the JCR Fund eventually have sufficient monies to routinely reimburse corporations, businesses and other organizations, the president judge may authorize those entities to be included as victim recipients.

#### *JCR Fund Revenue*

The JCR Fund will be provided funds in the following manner:

A. All monies previously collected by the JPO which remain in an existing restitution account shall be utilized as the initial JCR Fund.

B. The JPO shall collect a mandatory restitution fund contribution in the amount of \$60.00 payable to the JCR Fund from every child subject to delinquency proceedings whose case results in an Informal Adjustment.

C. The JPO shall collect a mandatory restitution fund contribution in the amount of \$40.00 payable to the JCR Fund from every child whose case results in a consent decree and \$30.00 payable to the JCR Fund from every child whose case results in an adjudication.

D. Monies collected from a child whose case has been referred to the JPO by a magisterial district court due to the child’s failure to pay summary offense fines and costs shall be deposited in the JCR Fund.

E. The president judge may approve other sources of revenue payable to the JCR Fund as the same become available, provided there is a statutory or other legal

basis for doing so. The president judge may also revise the mandatory restitution fund contribution amount described above as deemed prudent to achieve the purpose of the JCR Fund.

#### *JCR Fund Management*

Any and all JCR Fund monies will be deposited into a Chester County government account maintained by the county treasurer’s office and administered by the JPO. The purpose of this account will be to receive and disburse funds associated with the JCR Fund. Pursuant to the discretion of the president judge, the JCR Fund shall only be used to reimburse crime victims for financial losses resulting from delinquent acts. Disbursements from the JCR Fund shall require the review and signature approval of the chief juvenile probation officer (“Chief JPO”) and a deputy chief juvenile probation officer.

#### *Review Committee*

A committee to review the restitution reimbursement requests of a juvenile payor from the JCR Fund will be comprised of a deputy chief probation officer or a supervising probation officer designated by the Chief JPO and the probation officer assigned to the juvenile payor.

#### *JCR Fund Expenditures*

Juvenile payors will be able to request that they earn restitution and that victim recipients be reimbursed from the JCR Fund in the following manner:

A. The JPO will use an application form for juvenile payors. The application form will require the following information:

1. Descriptive information about the juvenile payor including name, date of birth, type and length of supervision, and ability to pay. Older juvenile payors who have the apparent ability to obtain employment will be required to explain why they are not employed and their efforts to gain employment.

2. A summary by the probation officer assigned to the juvenile payor regarding his/her overall performance while under supervision, including school, home and community behavior, community service hours ordered and completed and the amount of restitution ordered and paid to date.

B. The review committee will authorize the amount of eligible JCR Fund disbursements to be made on behalf of the juvenile payor.

C. The JPO will then arrange for the juvenile payor to perform community service and disburse restitution payments to all appropriate victim recipients in a proportionate share of the amount earned by the juvenile payor, calculated by the amount of community service hours worked multiplied by the Pennsylvania minimum wage.

D. The JPO may create incentives, as approved by the supervising judge of the juvenile court, for juvenile payors to avoid utilizing the JCR Fund and pay restitution directly to victim recipients, e.g. (1) if at least 50% of owed restitution is paid in cash, the wages earned by the juvenile payors shall be 20% higher than minimum wage; (2) if a juvenile payor pays all restitution within the first thirty days of supervision, any community service usually required by JPO as a condition of supervision (not community service necessary to earn JCR Fund monies) will be reduced or eliminated.

<sup>1</sup> Any future changes authorized to be made by the president judge pursuant to these guidelines will not necessitate the promulgation of a new administrative regulation.

*Maximum Disbursement*

The initial maximum amount that may be disbursed from the JCR Fund on behalf of any juvenile payor shall be one thousand dollars (\$1,000.00). A higher or lower maximum amount may be approved in the future by the president judge, provided any such higher or lower amount will allow the JCR Fund to maintain sustainability.

*Suspension of Activity*

The president judge shall have the authority to suspend any and all activities associated with the JCR Fund.

*Audit*

All payments to and disbursements from the JCR Fund shall be monitored monthly by the Chester County controller's office and shall be reviewed annually by that office in conjunction with the annual internal audit of the clerk of courts office, the adult probation office and the JPO.

*Annual Report*

The Chief JPO, or his/her designee, shall be responsible for the preparation of an annual report detailing the aggregate and individual data regarding payments to and disbursements from the JCR Fund. The annual report shall be provided to the president judge and supervising judge of the juvenile court.

[Pa.B. Doc. No. 21-1566. Filed for public inspection September 17, 2021, 9:00 a.m.]

**Title 255—LOCAL COURT RULES**  
**LYCOMING COUNTY**  
**Amendments to the Rules of General Court Business; CV-2021-00006**

**Order**

*And Now*, this 3rd day of September 2021, it is hereby *Ordered and Directed* as follows:

1. Lycoming County Rule of General Court Business L1901, as set forth as follows, is hereby promulgated.

2. The Lycoming County District Court Administrator is directed to do the following:

a. File this order with the Administrative Office of Pennsylvania Courts via email at [adminrules@pacourts.us](mailto:adminrules@pacourts.us).

b. Forward two (2) certified copies of this order to the Legislative Reference Bureau, Pennsylvania Code & Bulletin Office, 647 Main Capitol Building, Harrisburg, PA 17111-0033.

c. File this order in Microsoft Word format with the Legislative Reference Bureau via email at [bulletin@palrb.us](mailto:bulletin@palrb.us) for publication in the *Pennsylvania Bulletin*.

d. Forward a copy of this order to the chairperson of the Lycoming County Customs and Rules Committee (Gary L. Weber) for publication with the Court's local rules and for inclusion in the complete compilation of the Court's local rules.

3. The new rule shall become effective 30 days after the publication of this order in the *Pennsylvania Bulletin*.

*By the Court*

NANCY L. BUTTS,  
*President Judge*

**L1901. Termination of Inactive Summary Cases in the Magisterial District Courts.**

A. *Traffic cases*—On or before January 15th of each year, pursuant to 42 Pa.C.S. § 5553(e), each Magisterial District Court shall dismiss all summary offenses under Title 75 (relating to vehicles) where no plea has been entered and the commission of the offense was at least three years prior thereto.

B. *Non-traffic cases*

1. On or before January 15th of each year, each Magisterial District Court shall:

i. Identify all summary non-traffic cases where no plea has been entered and where there has been no evidence of activity on the docket during the prior two years other than the filing of a not found return on a warrant of arrest;

ii. Compile a list of those cases indicating the docket number, case caption, and charge(s) associated with the docket number; and

iii. Promptly provide the list to the District Court Administrator and the District Attorney.

2. Upon receipt of the list from the Magisterial District Court, the District Court Administrator shall submit the list to the *Lycoming Reporter* for publication.

i. The publication shall be advertised one time and shall state the docket number, case caption, and name and office address of the Magisterial District Court and shall indicate that the cases listed shall be dismissed on the 31st day following publication unless a party to the case files with the Magisterial District Court a written objection to dismissal of the case setting forth reasons why no activity has appeared of record for the past two (2) years other than a filing of a not found return on a warrant of arrest.

ii. If said written objection is filed within thirty (30) days of the publication, a hearing shall be scheduled to determine if dismissal is appropriate. The hearing shall be held by the Magisterial District Judge not less than thirty (30) days nor more than sixty (60) days after such filing, and the Magisterial District Court shall give at least thirty (30) days written notice thereof along with a copy of said written objections served by first class mail. If notice is returned undelivered, the case shall be dismissed. A party shall have the right to appeal to the Court of Common Pleas within the time period for Summary Appeals pursuant to Pa.R.Crim.P. 460.

iii. If said written objection is not filed within thirty (30) days of the publication, the Magisterial District Court shall dismiss the case.

C. When a case is dismissed under this rule, the Magisterial District Court shall:

1. Vacate any active warrant related to the case/citation/ticket and promptly remove the warrant from Magisterial District Judge System (MDJS), Common Pleas Case Management System (CPCMS), or any other system in which the warrant was issued; and

2. Forward notice to the Pennsylvania Department of Transportation that the case/citation/ticket has been dismissed and request withdrawal of the defendant's license suspension pursuant to Pa.R.Crim.P. 470.

[Pa.B. Doc. No. 21-1567. Filed for public inspection September 17, 2021, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

[ 58 PA. CODE CH. 63 ]

#### Fishing; General Fishing Regulations

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

##### A. Effective Date

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

##### B. Contact Person

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

##### C. Statutory Authority

The 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 amendments are described in more detail under the summary of changes.

##### E. Summary of Changes

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

The Commission therefore amends §§ 63.6 and 63.10 to read as set forth in the proposed rulemaking published at 51 Pa.B. 3470 (June 26, 2021).

##### F. Paperwork

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

##### G. Fiscal Impact

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

##### H. Public Comments

A notice of proposed rulemaking was published at 51 Pa.B. 3470. The Commission received one public comment in support of the proposal.

##### Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been 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 the regulations promulgated thereunder, 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, and one public comment was received in support of the proposal.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

##### Order

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

(A) The regulations of the Commission, 58 Pa. Code Chapter 63, are amended in §§ 63.6 and 63.10 to read as set forth at 51 Pa.B. 3470.

(B) The Executive Director will submit this order and 51 Pa.B. 3470 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 51 Pa.B. 3470 and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

TIMOTHY D. SCHAEFFER,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-314 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 21-1568. Filed for public inspection September 17, 2021, 9:00 a.m.]

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

[ 58 PA. CODE CH. 65 ]

#### Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) amends Chapter 65 (relating to special fishing regulations). The



Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendments update the harvest requirements relating to all-tackle trophy trout and trophy trout artificial lures only regulations.

#### A. *Effective Date*

This final-form rulemaking will go into effect on January 1, 2022.

#### B. *Contact Person*

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

#### C. *Statutory Authority*

The amendments to §§ 65.4a and 65.7 (relating to all-tackle trophy trout; and trophy trout artificial lures only) are published under the statutory authority of section 2102(a) of the code (relating to rules and regulations). Additionally, amendments to these sections are published under the statutory authority of section 506 of The Administrative Code of 1929 (71 P.S. § 186).

#### D. *Purpose and Background*

The specific purpose and background of the amendments are described in more detail under the summary of changes.

#### E. *Summary of Changes*

Per Issue 15 detailed in the *Strategic Plan for the Management of Trout Fisheries in Pennsylvania 2020—2024*, Commission staff evaluated the all-tackle trophy trout and trophy trout artificial lures only programs to determine if refinements were needed. Currently, both regulations allow for the harvest of two trout, per day, greater than or equal to 14 inches in length, from opening day of trout season through Labor Day, with catch-and-release angling for the remainder of the year. Trophy trout regulations are applied to some wild trout and fingerling-stocked waters and were established decades ago when a 14-inch trout was substantially larger than an average-sized hatchery fish, and perhaps was considered a “trophy” at that time. These regulations provide inadequate protection to the largest trout in the population, as harvest of trout greater than or equal to 14 inches in length is permitted in streams managed with these regulations. Given that a 14-inch trout no longer constitutes a “trophy” fish for most anglers, and these regulations focus harvest on the largest fish in the population which are most desired by anglers and are biologically important to maintaining in the population, the Commission proposes an adjustment to the minimum size and daily creel limit that will allow anglers to harvest a large trout if they so choose, but also provides increased protection to a majority of the larger trout in streams managed with trophy trout regulations.

The Commission recommends amending the all-tackle trophy trout and trophy trout artificial lures only regulations to allow the harvest of one trout per day, greater than or equal to 18 inches in length from opening day of trout season through Labor Day, with catch-and-release

angling for the remainder of the year. This size and creel limit were thoroughly researched by Commission staff through analysis of Commission data, review of trout regulations in other states, and discussions among fisheries managers in this Commonwealth and elsewhere. The proposed changes received strong support during previous wild trout workgroups, were supported by the results of a survey conducted at the 2017 Wild Trout Summit, and are supported biologically through Commission data. Implementation of a size restriction above 18 inches would essentially equate to catch-and-release regulations based on the size distribution of fish in these streams. A total of 11 waters are currently included in the trophy trout regulation program and most are destination waters that receive high angler use from resident and non-resident anglers.

Following the comment period, the Commission decided to simplify the text of § 65.4a(b)(4) and make it easier for anglers to remember by deleting the reference to a Saturday after a calendar date. The Commission amended § 65.4a(b)(4) in this final-form rulemaking by deleting “first Saturday after April 11” and replacing it with “opening day of the regular season for trout.” At the date of this publication, the opening day of the regular season for trout is the first Saturday after April 11. This amendment does not enlarge the original purpose of this final-form rulemaking.

The Commission therefore amends §§ 65.4a and 65.7 to read as set forth in Annex A.

#### F. *Paperwork*

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

#### G. *Fiscal Impact*

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

#### H. *Public Comments*

A notice of proposed rulemaking was published at 51 Pa.B. 1822 (April 3, 2021). The Commission received a total of 13 public comments regarding the proposal: 10 comments support the proposal, 1 comment opposes the proposal and 2 comments did not pertain to the proposal.

#### *Findings*

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been 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 the regulations promulgated thereunder, 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, and a total of 13 comments were received: 10 comments supported the proposal, 1 comment opposed the proposal and 2 comments did not pertain to the proposal.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

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

(A) The regulations of the Commission, 58 Pa. Code Chapter 65, are amended by amending §§ 65.4a and 65.7 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(B) The Executive Director will submit this order and Annex A to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect on January 1, 2022.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: Fiscal Note 48A-311 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.4a. All-tackle trophy trout.

\* \* \* \* \*

(b) It is unlawful to fish in designated and posted all-tackle trophy trout areas except in compliance with the following requirements:

- (1) Open to fishing year-round.
(2) There are no tackle restrictions.
(3) Minimum size is 18 inches, caught on, or in possession on, the waters under regulation.
(4) The daily creel limit is one trout except for the period from the day after Labor Day to 8 a.m. of the opening day of the regular season for trout of the following year, when trout may not be killed or had in possession.
(5) A current trout permit is required.

\* \* \* \* \*

§ 65.7. Trophy trout artificial lures only.

\* \* \* \* \*

(b) It is unlawful to fish in areas designated and posted trophy trout artificial lures only except in compliance with the following requirements:

- (1) Fishing may be done with artificial lures only, constructed of metal, plastic, rubber or wood or with flies or streamers constructed of natural or synthetic materials. Lures may be used with spinning or fly fishing gear. Use or possession of other lures or substances is prohibited.
(2) Open to fishing year-round.
(3) The minimum size is 18 inches, caught on or in possession on the waters under regulation.
(4) The daily creel limit is one trout except during the period from the day after Labor Day to 8 a.m. of the opening day of the regular season for trout of the following year, when no trout may be killed or had in possession on the waters under regulation.

- (5) Taking of baitfish or fishbait is prohibited.
(6) A current trout permit is required.

\* \* \* \* \*

[Pa.B. Doc. No. 21-1569. Filed for public inspection September 17, 2021, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[ 58 PA. CODE CH. 65 ]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) amends Chapter 65 (relating to special fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendments will improve trout stream angling opportunities and experiences for anglers while providing additional protection to wild trout during the extended season.

A. Effective Date

This final-form rulemaking will go into effect on January 1, 2022.

B. Contact Person

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

C. Statutory Authority

The amendments to § 65.26 (relating to extended trout season) are published under the statutory authority of sections 2102(b) and 2307(a) of the code (relating to rules and regulations; and waters limited to specific purposes).

D. Purpose and Background

The specific purpose and background of the amendments are described in more detail under the summary of changes.

E. Summary of Changes

In the Commission's Strategic Plan for the Management of Trout Fisheries in Pennsylvania 2020—2024, Commission staff identified the stocked trout waters (STW) program as one of the Commission's most popular programs. As such, the Commission must work to improve stocked trout stream angling opportunities and experiences to best meet the preferences of anglers. Most stocked trout streams are not stocked throughout their entire length and many of these streams also have sections that are managed for wild trout. Adding the section limits for stocked trout streams to the Commission's Fishing Summary/Boating Handbook (Handbook) will: 1) clearly identify where stocking occurs to increase angler participation, especially for anglers unfamiliar with a stream; 2) provide increased protection to the stream sections managed for wild trout during the extended season; 3) increase angling opportunities for wild trout in sections that are open to year-round fishing; 4) increase angling opportunities downstream of STW sections; and 5) simplify regulations.

Section 63.3 (relating to fishing in stocked trout waters) states that waters stocked with adult trout by the

Commission must be published in the Handbook. However, most STWs listed in the Handbook do not detail the specific stream section that is stocked, but rather list only the stream name. This lack of detail provides inadequate information to anglers fishing these waters. Additionally, STW limits are defined on the Commission’s web site and the FishBoatPA mobile application. Defining the limits in the Handbook would provide consistent STW information for anglers who use various sources to identify where to fish for stocked trout.

In addition to defining the stocked stream section limits in the Handbook, an amendment to § 65.26 is necessary to improve trout stream angling opportunities and experiences to best meet the preferences of anglers while providing additional protection to wild trout during the extended season. An amendment to the extended trout season regulation would provide increased protection and additional angling opportunities in stream sections managed for wild trout that are downstream from STWs. Currently, STWs and all waters downstream from STWs have a creel limit of three trout per day from the day after Labor Day until the last day of February, and are closed to fishing from March 1st until 8 a.m. on the opening day of trout season. By amending the extended trout season regulation to exclude all waters downstream of a STW, thousands of additional stream miles would be opened to fishing on a year-round basis during the current closed season and harvest of trout would be prohibited during the extended season downstream from STWs.

The Commission therefore amends § 65.26 to read as set forth in the proposed rulemaking published at 51 Pa.B. 3140 (June 5, 2021).

*F. Paperwork*

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

*G. Fiscal Impact*

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

*H. Public Comments*

A notice of proposed rulemaking was published at 51 Pa.B. 3140. The Commission received a total of three

public comments regarding the proposal: two support the proposal and one opposes the proposal.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been 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 the regulations promulgated thereunder, 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, and a total of three comments were received: two supported the proposal and one opposed the proposal.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

*Order*

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

(A) The regulations of the Commission, 58 Pa. Code Chapter 65, are amended in § 65.26 to read as set forth at 51 Pa.B. 3140.

(B) The Executive Director will submit this order and 51 Pa.B. 3140 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 51 Pa.B. 3140 and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect on January 1, 2022.

TIMOTHY D. SCHAEFFER,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-313 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 21-1570. Filed for public inspection September 17, 2021, 9:00 a.m.]

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# PROPOSED RULEMAKING

## DEPARTMENT OF EDUCATION

[ 22 PA. CODE CH. 713 ]

### Charter Schools and Cyber Charter Schools

The Department of Education (Department) proposes to add Chapter 713 (relating to charter schools and cyber charter schools) to read as set forth in Annex A.

#### *Statutory Authority*

Sections 1732-A(c) and 1751-A of the Charter School Law (CSL) (24 P.S. §§ 17-1732-A(c) and 17-1751-A) authorize the Department to promulgate regulations relating to charter school entities and to implement the CSL (24 P.S. §§ 17-1701-A—17-1751-A). The Department is exercising this authority with this proposed rulemaking to add a new chapter under Part XX (relating to charter schools).

#### *Purpose and Background*

In enacting the CSL in 1997, the General Assembly intended, as described in section 1702-A of the CSL (24 P.S. § 17-1702-A), to provide opportunities for teachers, parents, pupils and community members to establish and maintain charter schools that operate independently from the existing school district structure as a method to:

- Improve pupil learning.
- Increase learning opportunities for all pupils.
- Encourage the use of different and innovative teaching methods.
- Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.
- Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.
- Hold the schools established under the CSL accountable for meeting measurable academic standards and provide the school with a method to establish accountability systems.

At the heart of these principles is the idea that charter schools will serve as laboratories of innovation; however, apart from amendments enacted in 2001 to authorize the establishment of cyber charter schools, the CSL has remained largely unchanged since its enactment.

Charter school entities are generally divided into four types—charter schools, regional charter schools, cyber charter schools and multiple charter school organizations (MCSO). Both charter schools and regional charter schools are independent public schools established and operated under a charter from the local school board or boards and in which students physically attend. These schools are commonly referred to as “brick-and-mortar” charter schools and focus on teacher-led discussion and teacher knowledge imparted to students through face-to-face interaction at the schools’ physical facilities located within the boundaries of the school district or districts that granted the charter. A cyber charter school is an independent public school established and operated under a charter from the Department. Cyber charter schools use technology to provide a significant portion of curriculum and to deliver a significant portion of instruction to their students through the internet or other electronic means

without a school-established requirement that students be present at a supervised physical facility designated by the school, except on a very limited basis, such as for standardized assessments. The fourth type of charter school entity is an MCSO. Section 1729.1-A of the CSL (24 P.S. § 17-1729.1-A) permits, under certain circumstances, the merger of two or more existing charter schools or regional charter schools into an MCSO, which may operate under the oversight of a single board of trustees and a chief administrator. An MCSO is considered the holder of a charter for each individual charter school in the organization but is not a charter school itself. 24 P.S. § 17-1729.1-A(e). There are currently no MCSOs operating in this Commonwealth.

The Department’s proposed regulation will promote transparency, equity, quality, and accountability in the implementation of the CSL’s provisions relating to the establishment of new charter school entities and the governance and operation of existing charter school entities. Charter schools are expected to receive nearly \$3 billion in publicly paid tuition during the 2020-2021 school year, plus additional Federal funding provided through Federal pandemic emergency and recovery relief. Accordingly, the Department is proposing regulations to ensure public awareness of the expenditure of these resources.

Transparency, equity, quality and accountability in the establishment, governance and operation of charter school entities are vital to ensuring that constituencies impacting charter school entities—including the boards of trustees that govern charter school entities, the for-profit and nonprofit organizations that play a role in the management of charter school entities and authorizers of charter school entities—adhere to the structural norms that maintain the effectiveness of the CSL.

The regulation is not mandated by any Federal or State law or court order or Federal regulation. However, the Commonwealth Court, in *Insight PA Cyber Charter School v. Department of Education*, 162 A.3d 591 (Pa. Cmwlth. 2017), noted “the Department has the express authority to promulgate regulations to implement the portions of the [Charter School Law] relating to cyber charter schools. . .” and that, in the context of management organization contracts, promulgated regulations “would be beneficial to charter school applicants and chartering authorities.”

At 49 Pa.B. 4817 (August 24, 2019) the Department published an advance notice of proposed rulemaking (ANPR) announcing its intention to exercise its statutory authority and submit a rulemaking to amend Part XX. There was no time limit for submitting public comment, and a link to the ANPR has been available on the Department’s web site since August 2019. On November 22, 2019, the Department hosted a public roundtable in State College for interested stakeholders to provide feedback on priorities as outlined in the ANPR. To date, the Department has received approximately 50 comments from stakeholders. While most comments concerned desired statutory changes, other commenters addressed important goals of this proposed rulemaking.

In a letter to the Secretary of Education, the solicitor for the School District of Pittsburgh wrote, “It is our hope that these proposed regulations, when combined with comprehensive charter reform legislation. . .will address several important tasks. Among these are to codify char-

ter case law in areas where the Charter School Law (CSL) has been interpreted by the Courts; to clarify open questions regarding charter funding, to improve charter schools' transparency and accountability and to begin to right the imbalance between school districts and charter schools that is imbedded into current law and policy." More specifically, the School District of Pittsburgh supports the development of a Statewide application for charter applicants and charter renewals, better enforcement of non-discriminatory enrollment practices, clarification that charter school board trustees are subject to 65 Pa.C.S. 1101—1113 (relating to Public Official and Employee Ethics Act) requirements that educational management service providers be more transparent about expenditure of public funds, and enactment of generally accepted standards of fiscal management and audit requirements.

Organizations such as Asian Americans United, Education Law Center-PA, Justice At Work, Nationalities Service Center, VietLead, IHAS-PA and Arc of Greater Pittsburgh/ACHIEVEA expressed support for comprehensive regulatory reform to ensure charter schools, as public schools, are equitably and inclusively educating all students, including students with disabilities, English learners and other students historically less served by charter schools.

On March 11, 2021, the Pennsylvania Coalition for Public Charter Schools (PCPCS) sent a letter to Governor Tom Wolf, Secretary of Education Noe Ortega, members of the General Assembly, and the superintendents of the School District of Philadelphia and School District of Pittsburgh, calling for "meaningful reforms to Pennsylvania School Law and Public School Code that improves the quality of education for every public school student in charter schools and school districts." In its letter, PCPCS calls for a more defined and consistent process for new charter school applications to ensure the process is "fair, equitable, and efficient." PCPCS further indicates support for modifying the payment process between public school districts, charter schools and the Department to reduce conflicts over non-payments. Finally, PCPCS argues for codification of additional accountability and transparency standards for all public schools. This proposed rulemaking addresses each of these aims.

Relatedly, as of April 5, 2021, a total of 396 school districts, nearly 80% of public school districts, across this Commonwealth have adopted resolutions calling for charter reform that includes transparency and accountability.

#### *Requirements of the Proposed Rulemaking*

This proposed rulemaking clarifies the minimum standard for charter school, regional charter school and cyber charter school application requirements, ensures non-discriminatory student enrollment policies as required by the CSL, clarifies that charter school entities' boards of trustees are subject to 65 Pa.C.S. §§ 1101—1113, requires the use of generally accepted principles for accounting and auditing, details the tuition payment redirection process for charter school entities and school districts, and specifies minimum standards for the provision of health care benefits for employees of charter schools, regional charter schools and cyber charter schools.

Proposed § 713.1 (relating to definitions) establishes definitions for the following terms used in this proposed rulemaking: authorizer, charter school, charter school entity, Charter School Law, cyber charter school, Department, educational management service provider, English learner, multiple charter school organization, PAsecureID,

regional charter school, School Code and Secretary. The Department did not include the term "economically disadvantaged" in the definitions, since leaving this term undefined will not lead to confusion for the regulated community but defining the term could lead to unintended consequences in other contexts.

Proposed § 713.2 (relating to contents of charter school or regional charter school application) seeks to promulgate regulations related to the content of a charter school or regional charter school application required under section 1719-A of the CSL (24 P.S. § 17-1719-A). A charter school is a public school that operates independently of school districts under a charter issued by a local board of school directors or a board of public education. A regional charter school is a public school that operates independently of school districts under a charter issued by more than one local board of school directors or boards of education. As required under section 1719-A of the CSL, individuals interested in establishing a charter school or regional charter school must submit an application to the local board of school directors of the school district or districts in which the charter school or regional charter school will be located. Ensuring that these applications conform to statutory requirements—and are well understood by charter school organizers, charter school authorizers and stakeholders—is an important aim of this proposed rulemaking. A rigorous charter application process allows authorizers to hold prospective charter schools to high standards academically, fiscally and administratively, and helps authorizers ensure charter schools are prepared to equitably serve all students. As such, § 713.2 requires applicants seeking to operate a charter school or regional charter school to apply using either an application form created by the Department that includes minimum information requirements set forth in subsection (c) or an application developed by the authorizing school district or districts if such application meets the minimum requirements set forth in subsection (c) and is needed by the local board of directors, as the authorizer, to evaluate the application in accordance with section 1717-A(e)(2) of the CSL (24 P.S. § 17-1717-A(e)(2)).

Proposed § 713.2(c) clarifies minimum standards for each application requirement specified in section 1719-A of the CSL. Subsection (c)(1) and (2) relate to contact information for the school. Subsection (c)(3) details data that must be provided for each grade and age level the school intends to serve. Subsection (c)(4) outlines the artifacts that a charter school or regional charter school must provide related to governance structure. Subsection (c)(5) requires the charter school or regional charter school to provide the authorizer with its mission and vision as well as curriculum and assessment strategies. Subsection (c)(6) clarifies information to be provided related to the school's admission policy. Subsection (c)(7) relates to the charter school's or regional charter school's planned procedures for suspending or expelling students. Subsection (c)(8) requires information as to how the school will engage community groups in the school planning process. Subsection (c)(9) details the artifacts and data that a charter school or regional charter school must provide as part of its financial plan and auditing requirements under section 437 of the Public School Code of 1949 (School Code) (24 P.S. § 4-437). Subsection (c)(10) relates to the procedures the school will use to review and address complaints from parents and families regarding the operation of the school. Subsection (c)(11) requires the charter school to submit a school calendar consistent with the provisions of section 1502 of the School Code (24 P.S. § 15-1502). Subsection (c)(12) clarifies the type of infor-

mation that must be submitted as part of the description of the charter school's physical facility and arrangements. Subsection (c)(13) details information to be included in the school's proposed faculty and professional development plan for the proposed faculty that complies with Chapters 4 and 49 (relating to academic standards and assessment; and certification of professional personnel). Subsection (c)(14) relates to extracurricular activities. Subsection (c)(15) and (16) clarify that criminal history records and child abuse clearances are required for all employees having direct contact with students and requires the applicant to provide certain information. Subsection (c)(17) clarifies how a charter school or regional charter school must demonstrate its ability to provide adequate liability and other appropriate insurance for the charter school, its employees, and the board of trustees as required by section 1719-A of the CSL.

Similarly, proposed § 713.3 (relating to contents of cyber charter school application) seeks to promulgate regulations related to the content of cyber charter school applications under section 1747-A of the CSL (24 P.S. § 17-1747-A). Specifically, § 713.3 requires applicants seeking to operate a cyber charter school in this Commonwealth to apply using an application form created by the Department that includes the items identified in § 713.2(c) and the provisions of section 1747-A of the CSL.

Proposed § 713.4 (relating to random selection policies for a charter school or regional charter school) seeks to promulgate regulations related to section 1723-A of the CSL (24 P.S. § 17-1723-A) as it pertains to the admissions policies of charter schools and regional charter schools. Section 1723-A of the CSL provides that all children in this Commonwealth qualify for admission to a charter school or regional charter school as provided for in that section, and it permits a charter school or regional charter schools to adopt admission policies and practices if certain criteria are met. Under section 1723-A of the CSL, if more students apply to the charter school or regional charter school than the number of attendance slots available in the school building, then students must be selected on a random basis from a pool of qualified applicants meeting the established eligibility criteria, with limited exceptions. Subsections (b) and (c) set minimum requirements for charter school or regional charter school random selection policies and require these policies be included in application or renewal application materials. Subsection (c) requires the policy to be posted on the school's publicly available web site and accessible to all potential applicants, including individuals with limited English proficiency. Subsection (d) sets forth information that charter schools and regional charter schools must include in annual reports to better assure transparency. Through this regulation, charter schools and regional charter schools can ensure their admission policies are transparent to the public they serve, and community taxpayers, families and students will know exactly how preferences in admissions are considered and weighted. This proposed rulemaking directly benefits students and ensures students have equal access to charter school education and are not discriminated against based on intellectual or physical ability or disability, as required under section 504 of the Rehabilitation Act of 1973 (29 U.S.C.A. § 794), Title II of the Americans with Disabilities Act of 1990 (42 U.S.C.A. §§ 12131—12165), and Individuals with Disabilities Education Act (IDEA) (20 U.S.C.A. §§ 1400—1482).

Proposed § 713.5 (relating to random selection policies for a cyber charter school) seeks to promulgate regula-

tions related to section 1723-A of the CSL (as applied to cyber charter schools in section 1749-A of the CSL (24 P.S. § 17-1749-A)) as they pertain to the admission policies of cyber charter schools. Under section 1723-A of the CSL, all resident children in this Commonwealth qualify for admission to a cyber charter school. A cyber charter school may not restrict admission or enrollment based on availability of attendance slots unless such terms are agreed to by the Department and the cyber charter school as part of a written charter under section 1723-A(d) and section 1745-A of the CSL (24 P.S. § 17-1745-A). Therefore, § 713.5 sets minimum requirements for a cyber charter school to ensure random selection of students should more students apply than the number of attendance slots the cyber charter school's charter allows. Similar to § 713.4, § 713.5(c) would require a cyber charter school to make the enrollment policy publicly available on the school's web site. Section 713.5(d) sets forth data elements a cyber charter school must include in its annual report related to its number of total and qualified applicants and number of students offered and accepted enrollment in the most recent school year. This proposed rulemaking directly benefits students and ensures students have equal access to charter school education and are not discriminated against based on intellectual or physical ability or disability, as required under section 504 of the Rehabilitation Act of 1973, Title II of the ADA and the IDEA.

Both §§ 713.4(c)(4) and 713.5(c)(4) require charter schools, regional charter schools and cyber charter schools, when applicable, to make their enrollment policies accessible to the public, including to parents with limited English proficiency and individuals with a disability. This requirement is intended to ensure that all students and parents, including parents with limited English proficiency or individuals with disabilities, are able to access and understand the information, consistent with Title VI of the Civil Rights Act of 1964 (42 U.S.C.A. §§ 2000a—2000h-6) and existing obligations to parents with disabilities under the ADA (42 U.S.C.A. §§ 12101—12213).

Proposed § 713.6 (relating to requirements for boards of trustees) seeks to promulgate regulations related to members of a charter school entity's board of trustees under sections 1715-A and 1716-A of the CSL (24 P.S. §§ 17-1715-A and 17-1716-A) (as applied to cyber charter schools in section 1749-A of the CSL). Under section 1715-A(11) of the CSL, members of a charter school entity's board of trustees are public officials. For clarity, § 713.6(a) confirms charter school entity's board of trustees are public officials subject to 65 Pa.C.S. §§ 1101—1113. Section 713.6(b) clarifies the requirement that trustee file a statement of financial interest with the charter school's board of trustees, State Ethics Commission and each authorizer of the charter school entity. Section 713.6(c)—(f) clarify that board of trustee members must recuse themselves from any selection, award, administration, or contract decisions that present a conflict of interest, may not engage in other activity that constitutes a conflict of interest, and sets forth the penalties imposed for violations.

Proposed § 713.7 (relating to fiscal management and audit requirements) seeks to promulgate regulations related to section 1729-A of the CSL (24 P.S. § 17-1729-A) (and applied to cyber charter schools in section 1749-A of the CSL), which requires a charter school entity to meet generally accepted standards of fiscal management and audit requirements or face nonrenewal or termination of its charter. In addition, section 1719-A(9) of the CSL (and

applied to cyber charter schools in section 1749-A of the CSL) requires a charter school application to include the provisions which will be made for auditing the school under section 437 of the School Code, which requires “[t]he accounts of the school treasurer shall be audited annually as hereinafter provided.” Section 713.7(a) clarifies that charter school entities must adhere to generally accepted standards of fiscal management and audit requirements. Subsections (b) and (c) set forth minimum requirements for charter school entities to satisfy those requirements, such as using Generally Accepted Accounting Principles (GAAP) and Generally Accepted Government Auditing Standards (GAGAS), and by obtaining independent annual financial audits. Section 713.7(c) identifies the components of those audits. Consistent standards of fiscal management and audit requirements will make it easier for charter school authorizers to annually assess a charter school entity’s operation and financial health, as required by the CSL.

Proposed § 713.8 (relating to redirection process) seeks to promulgate regulations pertaining to section 1725-A(a)(5) of the CSL (24 P.S. § 17-1725-A(a)(5)) (and applied to cyber charter schools in section 1749-A of the CSL). Under section 1725-A of the CSL, a charter school entity may request the Department redirect a school district’s subsidy to the charter school entity when the school district fails to pay the charter school entity for educating resident students. Subsection (a) requires charter school entities to invoice school districts at least 10 days before the 5th of each month. Subsection (b) requires school districts to make payment by the 5th of each month. Subsections (c) and (d) outline a process and timeline for charter school entities to submit redirection requests to the Department, including use of a standard form developed by the Department that includes information that will assist school districts with reconciling disputes. The process outlined in this proposed rulemaking will provide predictability and transparency for both charter schools and the school districts from which they are seeking payment by creating an orderly process whereby a charter school must submit enrollment information to the school district enables school districts to meet their statutory requirement to make payment by the 5th of each month. In addition, this proposed rulemaking clarifies the process when a school district fails to make payment and the charter school may submit a redirection request to the Department. Fewer redirection requests will allow the Department to realize cost savings and reallocate limited staff time to other urgent duties.

Proposed § 713.9 (relating to health care benefits) seeks to promulgate regulations related to section 1724-A of the CSL (24 P.S. § 17-1724-A) (as applied to cyber charter schools in section 1749-A of the CSL), which requires that every employee of a charter school be provided the same health care benefits the employee would receive if they worked for the chartering school district. Section 713.9 specifies how a charter school, regional charter school or a cyber charter school shall meet this statutory requirement and requires each charter school, regional charter school or cyber charter school to inform their employees of their legal right to the same health care benefits they would be provided if they were employees of the local district. Subsection (a) clarifies that a charter school is to provide the same health care benefits as the authorizing school district. Subsection (b) directs regional charter schools and cyber charter schools, which serve students from multiple school districts, to use the school district within which the regional charter school’s or cyber charter school’s administrative office is

located as the comparison. Subsections (c) and (d) require all charter schools, regional charter schools and cyber charter schools to inform employees of their health care options, including a comparison of what they would have been offered if they were employees of the local district. Subsection (e) affirms the right of the charter school entity’s authorizer to audit the health care benefits provided by the charter school entity under section 1724-A(d) of the CSL. Given the variations in health care plans, it is impossible for a charter school to offer an identical health care plan to its employees; health care plan contribution levels also differ by school entity and location. Therefore, § 713.9 does not require charter schools to spend a specific amount on health care plans or include specific benefits. Rather the proposed regulation only requires charter school employees have health care plans subsidized by their employer (that is, the charter school) to the same extent that district employees have their plans subsidized by their employer (that is, the school district). For example, if a school district employee and charter school employee both have coverage for a particular treatment, but the charter school employee pays more for that treatment than the school district employee, the charter school’s plan would not comply with section 1724-A(d) of the CSL because the health care plans are not meaningfully the same.

#### *Affected Parties*

This regulation affects the Department, all 500 school districts in this Commonwealth, the approximately 163 charter schools and regional charter schools currently in operation, 14 cyber charter schools currently authorized to operate in this Commonwealth, and any entity interested in establishing a charter school entity in this Commonwealth in the future; all current and future charter school entity boards of trustees and member trustees; educational management service providers hired by charter school entities; auditing and accounting firms in this Commonwealth contracted by charter school entities; and all current and future charter school entity employees.

#### *Fiscal Impact*

Implementation will not require additional staffing or costs for the Department. The Department expects to rely on previously established procedures and any burden in adapting those procedures to comply with the regulations would be negligible. Last year, the Department received approximately 14,000 redirection requests from charter school entities. It costs the Department approximately \$15 to process each redirection request. Processing these requests cost the Department an estimated \$210,000. This proposed rulemaking is expected to help the Department achieve efficiencies, as a more standard process for seeking and administering redirection requests can be expected to reduce the number of these redirection requests over time and allow for quicker resolution when redirection and reconciliation requests do occur. The Department conservatively estimates it will see 3,500 fewer requests at a total cost savings of \$52,500 a year.

For charter school entities that already align policies and practices with the CSL, the Department expects charter school entities will rely on currently established procedures and any burden in adapting those procedures to comply with the regulations would be negligible. For charter school entities where this is not the case, the proposed regulation may have practical costs or adverse financial effects. However, the Department does not an-

ticipate any greater cost or adverse effect to the charter school entity community as a whole, because of this proposed rulemaking.

To comply with the fiscal management and audit requirements, a charter school entity may need to contract with an accounting firm for an annual independent financial audit, which typically costs between \$20,000 and \$30,000. However, charter school entities are required to annually audit financial accounts in accordance with section 437 of the School Code and sections 1719-A and 1749-A. Furthermore, charter school entities that receive at least \$750,000 in Federal funds already contract with an auditing firm for an annual single audit. Currently, 148 charter school entities meet the minimum \$750,000 threshold.

There may be minor financial costs to charter school entities and school districts that use an information system to process invoices under the proposed redirection process. However, the process is not substantially different from how schools produce invoices currently. Based on the Department's experience, updating an accounting system costs around \$5,000.

There are no anticipated fiscal impacts to local governments.

#### *Paperwork Requirements*

For the Department, there are no additional legal, accounting or consulting procedures. The Department will need to develop a model charter school application and update the cyber charter application to reflect the requirements in this proposed rulemaking and post those applications online. The Department will need to revise the charter school redirection request form and update its electronic payment system to reflect the new redirection process. The applications and forms referenced in the regulation will be submitted electronically to the Department. Schools will complete the redirection form using the Charter School Redirection module within the Department's Consolidated Financial Reporting System (CFRS). The process is completely web-based, with no documentation submitted outside of CFRS.

For charter school entities that already align policies and practices with those of other public school entities, there will be no additional legal, accounting or consulting procedures, nor additional reporting, recordkeeping or other paperwork, including copies of forms or reports.

For charter school entities that will need to update policies and practices to implement the final-form rulemaking and comply with provisions of the CSL, there may be a need to contract with an accounting firm to implement the fiscal management and audit requirements or to implement an annual independent financial audit. However, any public school that receives at least \$750,000 in Federal funds already contracts with an auditing firm for an annual single audit. Under the American Rescue Plan (ARP) Act of 2021 (Pub.L. No. 117-2), all eligible school districts and charter school entities were allocated funding through the Elementary and Secondary School Emergency Relief Fund (ARP ESSER). All but 32 charter school entities are estimated to receive more than \$750,000 in Federal ARP ESSER funds beginning in spring 2021. Charter schools, regional charter schools and cyber charter schools also may need to develop policies related to enrollment procedures, post those policies on their web sites in an accessible format, and add the policies and procedures to the student application for their schools. They also may need to provide their policy to their authorizer. If a charter school

contracts with an educational management service provider, the provider may need to make available additional information for the charter school to meet the application requirements in § 713.2(c)(4)(iv).

School districts that authorize charter schools or regional charter schools may need to revise existing charter school applications and supporting materials, and charter school applicants may need to provide different information, in a different form, depending on the standard applications that are developed by the Department under § 713.2 of this proposed rulemaking.

For taxpayers and the public, the regulation carries no additional legal, accounting or consulting procedures or additional reporting, recordkeeping or other paperwork, including copies of forms or reports.

#### *Effective Date*

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

#### *Sunset Date*

No sunset date is necessary. The Department will review on a regular basis in accordance with the Department's policy and practice respecting all its regulations.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 8, 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 and Senate Committees on Education. A copy of this material is available to the public upon request.

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

#### *Public Comments and Contact Person*

Interested individuals and organizations may access the proposed regulations at [www.education.pa.gov](http://www.education.pa.gov).

Interested persons and individuals affiliated with small businesses are invited to submit written comments, questions, suggestions, commendations, concerns or objections regarding this proposed rulemaking to the Division of Charter Schools at [RA-EDCharterRegs@pa.gov](mailto:RA-EDCharterRegs@pa.gov). Alternatively if individuals are not able to submit comments electronically, comments may be mailed to the Division of Charter Schools, Department of Education, 333 Market Street, Harrisburg, PA 17126. Comments must be submitted within 30 days of publication of this notice of proposed rulemaking in the *Pennsylvania Bulletin*.

For further information contact Randy Seely, Division Chief, Division of Charter Schools, [rseely@pa.gov](mailto:rseely@pa.gov), or Eric Levis, Deputy Policy Director, [elevis@pa.gov](mailto:elevis@pa.gov).

NOE ORTEGA,  
*Secretary*

**Fiscal Note:** 6-349. No fiscal impact; (8) recommends adoption.



**Annex A**  
**TITLE 22. EDUCATION**  
**PART XX. CHARTER SCHOOLS**  
**CHAPTER 713. CHARTER SCHOOLS AND**  
**CYBER CHARTER SCHOOLS**

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

**GENERAL PROVISIONS**

Sec.  
713.1. Definitions.

**APPLICATION REQUIREMENTS**

Sec.  
713.2. Contents of charter school or regional charter school application.  
713.3. Contents of cyber charter school application.

**ENROLLMENT**

Sec.  
713.4. Random selection policies for a charter school or regional charter school.  
713.5. Random selection policies for a cyber charter school.

**BOARDS OF TRUSTEES**

Sec.  
713.6. Requirements for boards of trustees.

**FISCAL AND AUDITING STANDARDS**

Sec.  
713.7. Fiscal management and audit requirements.

**REDIRECTION PROCESS**

Sec.  
713.8. Redirection process.

**SCHOOL STAFF**

Sec.  
713.9. Health care benefits.

**GENERAL PROVISIONS**

**§ 713.1. Definitions.**

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

*Authorizer*—any of the following:

- (1) A board of school directors.
- (2) A board of public education of a school district.
- (3) The Department, for a cyber charter school.

*Charter school*—An independent public school established and operated under a charter from the local board of school directors or board of public education of a school district in which students are enrolled or attend. A charter school must be organized as a public, nonprofit corporation.

*Charter school entity*—A charter school, regional charter school, cyber charter school or multiple charter school organization.

*Charter School Law*—Article XVII-A of the Public School Code of 1949 (24 P.S. §§ 17-1701-A—17-1751-A).

*Cyber charter school*—An independent public school established and operated under a charter from the Department in which the school uses technology to provide a significant portion of its curriculum and to deliver a significant portion of instruction to its students through the Internet or other electronic means. A cyber charter school must be organized as a public, nonprofit corporation.

*Department*—The Department of Education of the Commonwealth.

*Educational management service provider*—A nonprofit or for-profit charter management organization, education management organization, school design provider, business manager or any other entity or individual that enters into a contract or agreement with a charter school entity to provide educational design, business services, management or personnel functions or to implement the charter. The term may not include a charter school foundation.

*English learner*—A student with limited English language proficiency who:

- (1) meets any of the following conditions:

(i) was not born in the United States or whose native language is other than English and comes from an environment where a language other than English is dominant;

(ii) is a Native American or an Alaska Native who is a native resident of the outlying areas and comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or

(iii) is migratory and whose native language is other than English and comes from an environment where a language other than English is dominant; and

(2) has sufficient difficulty speaking, reading, writing or understanding the English language and whose difficulties may deny the individual the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in an English-speaking society.

*Multiple charter school organization*—A public, nonprofit corporation under the oversight of a single board of trustees and a chief administrator that operates two or more charter schools or regional charter schools under section 1729.1-A of the Charter School Law.

*PAsecureID*—A unique, permanent, anonymous State-wide student identification assigned to students upon their first entry into the Commonwealth's public school system.

*Regional charter school*—An independent public school:

- (1) established and operated under a charter from more than one local board of school directors or board of public education in which students are enrolled or attend; and
- (2) organized as a public, nonprofit corporation.

*School Code*—The Public School Code of 1949 (24 P.S. §§ 1-101—27-2702).

*Secretary*—The Secretary of Education of the Commonwealth.

**APPLICATION REQUIREMENTS**

**§ 713.2. Contents of charter school or regional charter school application.**

(a) An applicant seeking to operate a charter school or regional charter school shall submit an application on one of the following forms:

(1) The application form created by the Department, which includes the items identified in subsection (c).

(2) The application form created and adopted by an authorizer of a charter school or regional charter school, which at a minimum, includes the information identified in subsection (c).

(b) An authorizer may require an applicant to submit additional information for the local board of directors to evaluate the application in accordance with section 1717-A(e)(2) of the Charter School Law.

(c) The application forms in subsection (a) shall, at a minimum, include the following:

(1) Name, address, phone number and e-mail address of the charter school or regional charter school applicant.

(2) Name of the proposed charter school or regional charter school.

(3) For each grade or age level proposed to be served by the charter school or regional charter school:

(i) Projected overall enrollment.

(ii) Projected number of students receiving special education services by primary disability. Students may only be counted in one disability category.

(iii) Projected number of English learners.

(iv) Projected composition of the student population by race, ethnicity and students who are economically disadvantaged.

(4) Proposed governance structure of the charter school or regional charter school, including:

(i) Articles of incorporation filed with the Department of State.

(ii) Bylaws and operating agreement or equivalent document adopted by the applicant for the general governance of the charter school or regional charter school.

(iii) An organizational chart showing the proposed governance structure of the charter school or regional charter school, including lines of authority and reporting among the board of trustees, administrators, staff and any educational management service provider with which the charter school or regional charter school has contracted or intends to contract.

(iv) A description of the roles and responsibilities of the board of trustees, administrators, a charter school foundation, if applicable, and any other entities shown in the organizational chart, including any educational management service provider. This includes:

(A) A description of the process for appointing or electing of members of the charter school's or regional charter school's board of trustees.

(B) A description of the roles and responsibilities of the chief executive officer.

(C) A description of any additional administrative staff who may be employed by the charter school or regional charter school and their roles and responsibilities.

(D) The name of any foundation or other entity with which the school will be associated and its financial status (for example, an organization that is tax-exempt under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C.A. § 501(c)(3)).

(v) Standards for board of trustees' performance, including compliance with all applicable laws, regulations and terms of the charter.

(vi) If the charter school or regional charter school has contracted with or intends to contract with an educational management service provider, the following shall be provided:

(A) Evidence of the educational management service provider's record in serving student populations, including demonstrated academic achievement and growth.

(B) Demonstrated management of nonacademic school functions, including proficiency with public school-based accounting, if applicable.

(C) The final or proposed contract between the charter school or regional charter school and the educational management service provider.

(D) Names and contact information for the officers, chief administrator and administrators of the educational management service provider.

(E) Proposed duration of the service contract, for a term not to exceed the length of the charter term.

(F) Roles and responsibilities of the board of trustees, the charter school's or regional charter school's staff and the educational management service provider.

(G) The scope of services, personnel and resources to be provided by the educational management service provider.

(H) Methods of contract oversight and enforcement.

(I) Conditions for renewal and termination of the contract.

(J) The compensation structure, including clear identification of all fees to be paid to the educational management service provider, to include a total of fees expressed as a percentage of all school expenditures.

(K) Performance evaluation measures and timelines.

(L) Disclosure of any investment or planned investment or advance of moneys or planned advance of moneys by the educational management service provider on behalf of the charter school or regional charter school.

(M) Disclosure and explanation of any existing or potential conflicts of interest between the members of the board of trustees and the proposed educational management service provider.

(vii) If the charter school or regional charter school has or intends to have any affiliated business entities, including a charter school foundation qualified as a support organization under section 509(a)(3) of the Internal Revenue Code of 1986 (26 U.S.C.A. § 509(a)(3)), the charter school or regional charter school must provide a disclosure and explanation of any existing or potential conflicts of interest between the members of the board of trustees and the proposed affiliated business entities.

(5) Mission and education goals of the charter school or regional charter school, including:

(i) Mission, vision and program overview, including education purpose and demonstrated, sustainable support for the charter school or regional charter school.

(ii) Curriculum to be offered, including:

(A) Overview of instructional delivery model for all planned subjects.

(B) Pedagogical learning approach (for example, independent study, multi-age or grade level groupings, flexible student groupings, competency-based learning, multi-tiered support system).

(C) Plans for meeting the needs of at-risk students, including English learners and students with disabilities.

(iii) Methods of assessing whether students, including at-risk students such as English learners and students with disabilities, are meeting educational goals, including:

(A) Accountability, student assessment and evaluation.

(B) Student performance standards.

(C) High school graduation requirements, if applicable.

- (6) Admission policy, including:
- (i) Criteria for evaluating the admission of students in accordance with section 1723-A of the Charter School Law and this chapter.
  - (ii) Enrollment capacity by grade level.
  - (iii) A description of how the charter school or regional charter school will make all prospective students aware of the school's program.
- (7) Procedures regarding suspension or expulsion of students, including:
- (i) An explanation of the proposed philosophy on student discipline.
  - (ii) A copy of the charter school's or regional charter school's Student Code of Conduct.
  - (iii) An explanation of due process procedures that will be followed prior to administering any exclusionary discipline, including specifics for students with disabilities.
  - (iv) A description of how parents or guardians will be advised of students struggling in academic, social, emotional or behavioral performance.
  - (v) A description of how the charter school or regional charter school will assess and systematically address disparities in implementation of discipline practices among student groups.
- (8) Information on how community groups will be involved in the charter school or regional charter school planning process.
- (9) The financial plan for the charter school or regional charter school and the provisions for auditing the school under section 437 of the School Code and this chapter. This includes, but is not limited to:
- (i) A proposed 5-year general fund budget by account code, in accordance with the Department's Chart of Accounts for PA Local Educational Agencies, that includes revenues and expenditures.
  - (ii) The anticipated sum of revenues and expenditures not accounted for in the account codes.
  - (iii) The budgeted fund balance for the proposed first year of operation and unrestricted fund balances for each year of the charter term.
- (10) Procedures for reviewing and addressing complaints from parents, guardians and families regarding the operation of the charter school or regional charter school.
- (11) The proposed school calendar for the charter school or regional charter school, including the length of the school day and school year consistent with the provisions of section 1502 of the School Code.
- (12) A description and address of the physical facility in which the charter school or regional charter school will be located, the ownership of the physical facility and any lease arrangements, including:
- (i) Whether the facility will be leased or owned.
  - (ii) Anticipated monthly mortgage or lease payments, and any estimated additional monthly payments (for example, utilities, property taxes and common space custodial services).
  - (iii) How the facility is suitable for the proposed school.
  - (iv) Square footage for each space where instruction of students will occur and a description of how the space

will be used (for example, kindergarten classroom, gymnasium for physical education and music instruction).

- (v) Safety protocols for the facility.

(13) The proposed faculty and a professional development plan for the proposed faculty of the charter school or regional charter school that complies with Chapters 4 and 49 (relating to academic standards and assessment; and certification of professional personnel), including:

(i) The number of projected full-time equivalent employees in each of the following categories:

- (A) Pupil personnel.
- (B) Instructional personnel.
- (C) Administration.
- (D) Business office.
- (E) Transportation.
- (F) Public health.
- (G) Operations.
- (H) Management.

(ii) Caseloads of staff for students receiving special education services at appropriate levels to ensure a free appropriate public education as required under Chapter 711 (relating to charter school and cyber charter school services and programs for children with disabilities).

(iii) The charter school's or regional charter school's plan and process for providing ongoing professional development for all instructional staff members.

(14) A description and copies of agreements or plans with the charter school's or regional charter school's authorizer to allow the school's students to participate in extracurricular activities within the authorizing school district.

(15) The criminal history record, under section 111 of the School Code, for all individuals who will have direct contact with students.

(16) An official clearance statement regarding child injury or abuse from the Department of Human Services, as required under 23 Pa.C.S. § 6344 (relating to employees having contact with children; adoptive and foster parents), for all individuals who will have direct contact with students.

(17) A description of how the charter school or regional charter school will provide adequate liability and other appropriate insurance for the charter school, its employees and the board of trustees of the charter school or regional charter school as required by section 1719-A of the Charter School Law, including a description of the type and level of insurance coverage the school will obtain (for example, general commercial liability, property, automobile, directors and operators, technology, workers compensation, liability under the Individuals with Disabilities Education Act and its implementing regulations, retirement liability and employee health insurance).

### **§ 713.3. Contents of cyber charter school application.**

An applicant seeking to operate a cyber charter school shall submit an application on the application form created by the Department, which includes the items identified in § 713.2(c) (relating to contents of charter school or regional charter school application) and all provisions of section 17-1747-A of the Charter School Law.

**ENROLLMENT****§ 713.4. Random selection policies for a charter school or regional charter school.**

(a) Within 3 months of the effective date of this chapter or upon the granting of a charter, a charter school or regional charter school shall enact a policy, approved by its board of trustees, to ensure random selection of students for enrollment should more students apply to the charter school or regional charter school than the number of attendance slots available.

(b) In the case of a charter school or regional charter school applicant, the proposed policy ensuring random selection of students for enrollment shall be included in the contents of the application under section 1719-A(6) of the Charter School Law.

(c) The policy identified in subsection (a) shall:

(1) Be posted on the charter school's or regional charter school's publicly accessible web site.

(2) Be included in any renewal application of a charter school or regional charter school.

(3) Describe the method to be utilized by the charter school or regional charter school to effectuate selection of students for enrollment on a random basis.

(4) Describe how the charter school or regional charter school will ensure public notice of the selection process. This notice shall be posted on the charter school's or regional charter school's publicly accessible web site in a language that students and parents can understand or, if not practicable, can be orally translated and upon request provided in an alternative format that is accessible to an individual with a disability.

(5) Detail any optional enrollment preferences for a child of a parent or guardian who has actively participated in the development of the charter school or regional charter school and to siblings of students presently enrolled in the charter school or regional charter school. Details must describe:

(i) The order in which preferences are implemented.

(ii) Any weighting associated with the preferences.

(6) Outline any admission limitations including for a particular grade level, a targeted population group composed of at-risk students, or areas of concentration of the school such as mathematics, science or the arts.

(d) A charter school or regional charter school shall include in the annual report submitted under section 1728-A of the Charter School Law and shall, at least annually, publish on its publicly accessible web site all of the following information:

(1) Number of total applicants to the charter school or regional charter school for the most recent school year.

(2) Number of qualified applicants as determined by the charter school or regional charter school for the most recent school year.

(3) Number of students offered enrollment by the charter school or regional charter school for the most recent school year.

(4) Number of students enrolled by the charter school or regional charter school for the most recent school year.

**§ 713.5. Random selection policies for a cyber charter school.**

(a) A cyber charter school may not restrict enrollment based on availability of attendance slots unless the terms

are agreed to by the Department and the cyber charter school as part of a written charter under sections 1723-A(d) and 1745-A of the Charter School Law.

(b) For cyber charter schools with enrollment terms agreed to by the Department and the cyber charter school as part of a written charter under section 1745-A of the Charter School Law a cyber charter school shall, within 3 months of the effective date of this chapter or upon the granting of a charter, enact a policy, approved by its boards of trustees and the Department, to ensure random selection of students for enrollment should more students apply to the cyber charter school than the number of attendance slots available.

(c) The policy identified in subsection (b) shall:

(1) Be posted on the cyber charter school's publicly accessible web site.

(2) Be included in any renewal application of a cyber charter school.

(3) Describe the method to be utilized by the cyber charter school to effectuate selection of students for enrollment on a random basis.

(4) Describe how the cyber charter school will ensure public notice of the selection process. The notice shall be posted on the cyber charter school's publicly accessible web site in a language that students and parents can understand or, if not practicable, can be orally translated and upon request provided in an alternative format that is accessible to an individual with a disability.

(5) Detail any optional enrollment preferences under section 1723-A of the Charter School Law for a child of a parent or guardian who has actively participated in the development of the cyber charter school and to siblings of students presently enrolled in the cyber charter school. The details shall describe all of the following:

(i) The order in which preferences are implemented.

(ii) Any weighting associated with the preferences.

(6) Outline any admission limitations under section 1723-A of the Charter School Law including for a particular grade level, a targeted population group composed of at-risk students, or areas of concentration of the school such as mathematics, science, or the arts.

(d) A cyber charter school shall include in the annual report submitted under section 17-1743-A(f) of the Charter School Law and shall, at least annually, publish on its publicly accessible web site the following data elements:

(1) Number of total applicants to the cyber charter school for the most recent school year.

(2) Number of qualified applicants as determined by the cyber charter school for the most recent school year.

(3) Number of students offered enrollment by the cyber charter school for the most recent school year.

(4) Number of students enrolled by the cyber charter school for the most recent school year.

**BOARDS OF TRUSTEES****§ 713.6. Requirements for Boards of Trustees.**

(a) Each member of a board of trustees of a charter school entity is a public official subject to 65 Pa.C.S. §§ 1101—1113 (relating to Public Official and Employee Ethics Act).

(b) In accordance with 65 Pa.C.S. § 1104 (relating to statement of financial interests required to be filed), each member of a board of trustees of a charter school entity

shall file a statement of financial interest for the preceding calendar year with the board of trustees of the charter school entity, the State Ethics Commission, and each authorizer of the charter school entity. The member shall file the statement of financial interest no later than May 1 of each year the member holds the position and no later than May 1 of the year after a member leaves the position. If the member was appointed or selected after May 1, the member shall file a statement of financial interest in accordance with this section within 30 days of appointment or selection.

(c) No member of a board of trustees of a charter school entity may participate in the selection, award, or administration of any contract in violation of 65 Pa.C.S. § 1103 (relating to restricted activities) or if the member has a conflict of interest as that term is defined in 65 Pa.C.S. § 1102 (relating to definitions).

(d) A member of a board of trustees of a charter school entity who in the discharge of the member's official duties would be required to vote on a matter that would result in a conflict of interest shall abstain from voting and follow the procedures required under 65 Pa.C.S. § 1103(j).

(e) A member of a board of trustees of a charter school entity or family member of a member of a board of trustees of a charter school entity shall not, directly or through any other individual, entity, partnership or corporation in which the member holds stock or has a financial interest or other organization, provide a loan, forbearance or forgiveness of a loan or other debt, service or product or lease property to the charter school entity if such action is a conflict of interest as defined in 65 Pa.C.S. § 1102.

(f) A member of a board of trustees of a charter school entity who violates any provision of 65 Pa.C.S. §§ 1101—1113 shall be subject to the penalties imposed under the jurisdiction of the State Ethics Commission.

#### FISCAL AND AUDITING STANDARDS

##### § 713.7. Fiscal management and audit requirements.

(a) Under section 1729-A of the Charter School Law, a charter school entity shall adhere to generally accepted standards of fiscal management and audit requirements.

(b) A charter school entity may satisfy the requirement in subsection (a) by meeting the following requirements:

(1) The financial statements of a charter school entity shall be prepared in accordance with Generally Accepted Accounting Principles as applied to governmental units and as established by the Governmental Accounting Standards Board.

(2) A charter school entity shall obtain an independent annual financial audit that follows Generally Accepted Government Auditing Standards, as issued by the Comptroller General of the United States, and Generally Accepted Auditing Standards, as issued by the American Institute of Certified Public Accountants.

(c) The following items shall be addressed in all audits completed under this section:

(1) A review of the charter school entity's enrollment records to demonstrate support for the invoices submitted to students' school districts of residence.

(2) A review of the fees charged by any educational management service provider with which the charter school entity has a contract, if applicable.

(3) A review of whether the charter school entity has the required number of certified staff.

(4) A review of the percentage of payroll the charter school entity contributed to employee retirement programs.

(5) A review of the charter school entity's financial expenditures to ensure compliance with the charter school entity's own financial policies.

#### REDIRECTION PROCESS

##### § 713.8. Redirection process.

(a) Under section 1725-A(a)(5) of the Charter School Law, a charter school entity shall submit its payment request to the school district no later than 10 days before the 5th of each month to permit a school district time to make payment.

(b) A school district fails to make a payment under section 1725-A(a)(5) of the Charter School Law when the school district does not make payment to the charter school entity by the 5th of the month.

(c) If a school district fails to make a payment under subsection (b), a charter school entity may submit a request to the Secretary seeking to have the estimated amount withheld from State payments that will be made to the school district.

(d) A charter school entity that submits a request under subsection (c) shall submit the request on a form created by the Department. The form shall include all of the following information:

(1) For each student for which the charter school entity is seeking payment:

(i) PAsecureID.

(ii) Home address.

(iii) School district of residence.

(iv) Date of birth.

(v) Grade in which the student is enrolled at the charter school entity.

(vi) Date enrollment notification form was sent to school district of residence.

(vii) First day educated by the charter school.

(viii) Last day educated by the charter school, if applicable.

(ix) Special education status, if applicable.

(x) Date of current Individualized Education Plan (IEP), if applicable.

(xi) Date of prior IEP, if applicable.

(2) The source of the tuition rate used by the charter school entity in its withholding request to the Department.

(e) For the months from July through May, requests under this section must be submitted to the Department between the 15th and 25th of each month.

(f) Requests to the Secretary under this section may not include tuition for the month after the month in which the request was submitted.

(g) Requests under this section must be signed by the chief executive officer or other authorized individual of the charter school entity certifying that the estimated amounts requested are true and correct, and that a request was first made to the school district of residence,

subject to penalties of unsworn falsifications to authorities under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

### SCHOOL STAFF

#### § 713.9. Health care benefits.

(a) Under section 1724-A of the Charter School Law, a charter school shall meet the statutory requirement to provide its employees with the same health care benefits as they would be provided if they were an employee of the local school district. To implement this requirement and demonstrate that health care benefits provided by the charter school are meaningfully similar to those offered by the local school district, the charter school shall do one of the following:

(1) Provide health care coverage that:

(i) Provides benefits in each of the categories of benefits as described in section 1302(b) of the Patient Protection and Affordable Care Act (42 U.S.C.A. § 18022(b)) with substantially equivalent cost-sharing structure and plan type (such as preferred provider organization, exclusive provider organization or health maintenance organization) as the most-selected health care plan available to the employees of the charter school's authorizer.

(ii) Is funded by the charter school in an amount not less than the contribution provided by the charter school's authorizer for the most-selected health care plan available to the employees of the charter school's authorizer.

(2) Contribute to a tax-advantaged account which the employee may use to pay for the purchase of health care coverage, as permitted by Federal law, in an amount not less than the contribution provided by the charter school's authorizer for the (or, if more than one, the most-selected) health care plan available to the employees of the charter school's authorizer.

(b) Under section 1724-A of the Charter School Law (24 P.S. § 17-1724-A), a regional charter school or a cyber charter school shall provide its employees with the same health care benefits as they would be provided if they were employees of the local school district. To implement this requirement, and demonstrate that health care benefits provided by the regional charter school or cyber charter school are meaningfully similar to those offered by the local school district, the regional charter school or cyber charter school shall do one of the following:

(1) Provide health care coverage that:

(i) Provides benefits in each of the categories of benefits as described in section 1302(b) of the Patient Protection and Affordable Care Act, with substantially equivalent cost-sharing structure and plan type (such as preferred provider organization, exclusive provider organization, or health maintenance organization) as the most-selected health care plan available to employees of the school district within which the regional charter school's or cyber charter school's administrative office is located.

(ii) Is funded by the regional charter school or cyber charter school in an amount not less than the contribution provided by the school district within which the regional charter school's or cyber charter school's administrative office is located for the most-selected health care plan available to that school district's employees.

(2) Contributes to a tax-advantaged account which the employee may use to pay for the purchase of health care coverage, as permitted by Federal law, in an amount not less than the contribution provided by the school district

in which the regional charter school's or cyber charter school's administrative office is located for the most-selected health care plan available to that school district's employees.

(c) Charter schools, regional charter schools or cyber charter schools shall present health care benefit plan enrollment options to employees, including a comparison of what they would have been offered if they were employees of the local school district, at each enrollment period.

(d) The comparison required by subsection (c) shall include the following statement:

“UNDER PENNSYLVANIA LAW, CHARTER SCHOOLS, REGIONAL CHARTER SCHOOLS, AND CYBER CHARTER SCHOOLS ARE REQUIRED TO PROVIDE THE SAME HEALTH CARE BENEFITS TO THEIR EMPLOYEES AS THEY WOULD BE PROVIDED IF THEY WERE EMPLOYEES OF THE LOCAL DISTRICT. IF YOU BELIEVE THE PLAN OPTIONS MADE AVAILABLE TO YOU ARE NOT COMPARABLE TO THOSE OFFERED BY YOUR LOCAL DISTRICT, YOU MAY FILE A COMPLAINT WITH THE AUTHORIZER OR AUTHORIZERS OF THE CHARTER SCHOOL, REGIONAL CHARTER SCHOOL, OR CYBER CHARTER SCHOOL.”

(e) The authorizer of the charter school, regional charter school or cyber charter school may review the health care benefits policies of the charter school, regional charter school or cyber charter school.

[Pa.B. Doc. No. 21-1571. Filed for public inspection September 17, 2021, 9:00 a.m.]

## STATE BOARD OF MEDICINE

[ 49 PA. CODE CHS. 16 AND 17 ]

### Examinations

The State Board of Medicine (Board) proposes to amend §§ 16.1, 17.11, 17.12 and 17.12c to read as set forth in Annex A.

#### *Effective Date*

The amendments will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

#### *Statutory Authority*

Section 24(a) of the Medical Practice Act of 1985 (act) (63 P.S. § 422.24(a)) gives the Board authority to require an applicant to take and pass an examination to the satisfaction of the Board. Under section 24(d) of the act, when the Board accepts an examination given by an examining agency, the Board may establish the criteria for passing or may accept the criteria for passing established by the examining agency.

Section 8 of the act (63 P.S. § 422.8) authorizes the Board to adopt such regulations as are reasonably necessary to carry out the purposes of the act, including the licensure of qualified individuals as physicians.

#### *Background and Need for Amendments*

The Federation of State Medical Boards (FSMB) is a National non-profit organization representing all 71 state medical and osteopathic boards within the United States and its territories that license and discipline allopathic and osteopathic physicians and, in some jurisdictions,

other health care professionals. FSMB membership provides state medical boards, board members and staff with a variety of opportunities to expand their professional networks; gain access to valuable resources and relationships; and develop leadership roles in the field of medical regulation. The Board is an FSMB member board. The United States Medical Licensing Examination (USMLE) is the National examination co-sponsored and administered by the FSMB and the National Board of Medical Examiners (NBME).

The USMLE was created in response to the need for one path to medical licensure for allopathic physicians in the United States. Before the USMLE, multiple examinations (the NBME Parts examination and the Federation Licensing Examination (FLEX)) offered paths to medical licensure. It was desirable to create one examination system accepted in every state, to ensure that all licensed medical doctors (MD) pass the same assessment standards regardless of where individuals received education and training. Today, all state medical boards in the United States utilize the USMLE. The USMLE is used for licensure of graduates of accredited MD-granting medical schools in the United States and graduates of International Medical Schools recognized by the Education Commission for Foreign Medical Graduates (ECFMG).

While section 24(d) of the act authorizes the Board to establish, by regulation, a time period in which the entire examination must be successfully completed and a maximum number of examination attempts it will recognize for the purpose of receiving a passing score on an examination recognized but not given by the Board, it also authorizes the Board to accept the criteria for passing established by the examining agency (the FSMB and NBME). The Board has adopted the USMLE and has determined that accepting the FSMB and NBME criteria for passing the USMLE will ensure that Pennsylvania examination standards are consistent with National standards. Thus, the Board intends to rely on the FSMB and NBME established USMLE eligibility requirements, including the order in which the steps may be taken, the number of attempts permitted for any one step of USMLE, the time required in between attempts and the score necessary to pass each step.

In addition to updating its regulations to conform to the current National examination for medical licensure, the Board also considered existing regulatory provisions related to former medical licensure examinations and determined that some updates were necessary. While the Board's existing regulations refer to examinations that are no longer administered, the Board proposes updates to those provisions to ensure that the regulations appropriately reflect examination standards for those former examinations so that MDs who have taken those older examinations or combinations of the older examinations may apply for licensure or participate in graduate medical training in this Commonwealth.

#### *Description of Proposed Amendments*

In § 16.1 (relating to definitions), the Board proposes to amend the definition of "FLEX" and delete the definitions of "FLEX I" and "FLEX II." The FLEX has not been offered since 1993; therefore, detailed definitions of the FLEX are no longer necessary. The Board proposes to amend the definition of the "USMLE" to clarify that the USMLE includes a three-step examination, which replaced the two-component FLEX and NBME Parts examination. The Board proposes to delete the definitions of each of the three steps of the USMLE ("USMLE, Step 1;"

"USMLE, Step 2;" and "USMLE, Step 3"). The steps of the USMLE are subject to change and are established through the FSMB and NBME. For example, recently, in January of 2021, the two component Step 2, which formerly consisted of Step 2 Clinical Knowledge and Step 2 Clinical Skills, was modified by the FSMB and NBME to permanently discontinue the Step 2 Clinical Skills component.

The Board proposes to amend § 17.11(a) (relating to examination information for license without restriction) to delete the detailed description of the FLEX and to clarify that a passing score on a previously taken FLEX I and FLEX II, as outlined in subsection (a)(1)(ii), satisfies the requirement for a license without restriction. The FLEX I and FLEX II have not been offered since 1993 and have since been replaced with the nationally accepted USMLE. The FLEX examination, which consisted of two components and required a passing score on each component, remains a valid examination for licensure for those physicians who passed the examination prior to 1993, the date it was discontinued.

The Board proposes amendments to § 17.11(b) to delete details about the FSMB examination, which was offered from June 1968 through December 1984. The Board proposes to add language to clarify that this licensing examination, also called the FLEX, was the forerunner to FLEX I and FLEX II since no name for this examination is otherwise specified in the regulations. The FLEX forerunner remains a valid examination for licensure for those physicians who passed the three-part examination during June 1968 through December 1984, the dates it was administered. The Board proposes to add a cross reference to § 17.1(a)(1)(iii) to clarify passing scores for this examination and to specify that a passing score on the FLEX forerunner satisfies the examination requirement for a license without restriction.

The Board further proposes amendments to update examination requirements for the USMLE. In § 17.11(d), the Board proposes to clarify that the USMLE consists of Steps 1, 2 and 3 and that the USMLE is given throughout the year by the FSMB and NBME. The Board also proposes to delete outdated USMLE requirements, including the eligibility requirements to take each step of the USMLE. As set forth in the "Eligibility for the USMLE Requirements" in the USMLE Bulletin of Information, which may be found at <https://www.usmle.org/bulletin>, if an examinee does not pass Steps 1 and 2 of the USMLE, they are not eligible to sit for Step 3. The only eligibility requirement for Steps 1 and 2, which can be taken in any order, is that the examinee be officially enrolled in, or a graduate of, a United States or Canadian Medical School leading to an MD degree that is accredited by the Liaison Committee on Medical Education (LCME) or a medical school that is outside of the United States and Canada that meets the ECFMG eligibility requirements. Additionally, under the USMLE eligibility requirements, currently examinees become ineligible to take a step or step component if they have six or more prior attempts on that step or step component, including incomplete attempts. In July of 2021, the USMLE eligibility requirements will be modified. Under the updated requirements, an examinee will be ineligible to take a step or step component if the examinee has made four or more prior attempts on that step or step component, including incomplete attempts. This policy change will reduce the total number of attempts an examinee may take per step or step component from six to four.

The Board proposes to delete § 17.12 (relating to failure on the FLEX I or FLEX II), because information

relating to failures on the FLEX I and FLEX II is no longer necessary since the examination has not been offered since 1993.

The Board proposes to delete § 17.12c (relating to failure on USMLE) in its entirety because the language is outdated and is addressed in other sections of the Board's current regulations and proposed regulations. Section 17.12c(a) relates the retaking of the USMLE and the time period for passing the entire examination. The 7-year period is currently outlined in § 17.1(a)(1)(ii) and it is not necessary to repeat it here. Section 17.12c(b) relates to the number of attempts for Step 3 of the USMLE. This information is outdated and has been updated in § 17.11(d). Section 17.12c(c) is also outdated. The Board has determined that it is not necessary to update this provision because the Board already outlines which step of the USMLE must be successfully completed before advancing in graduate medical training as outlined in § 17.5 (relating to graduate license). For example, under § 17.5(d), to participate in graduate medical training at a second-year level, the licensee shall secure a passing score on Step 1 and Step 2 of the USMLE. Under § 17.5(e), to participate in graduate medical training at a third-year level or higher, the licensee shall secure a passing score on Steps 1, 2 and 3 of the USMLE (or a combination of previously administered examinations). The Board relies on § 17.5 as it relates to passing examination scores and advancing in graduate training. Therefore, it is unnecessary to repeat this information here.

#### *Fiscal Impact and Paperwork Requirements*

This proposed rulemaking will not have any fiscal impact on licenses, the Board or the Commonwealth, nor is any additional paperwork anticipated.

#### *Sunset Date*

The Board continuously monitors its regulations; therefore, no sunset date has been assigned.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 2, 2021, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC), and the House Professional Licensure Committee (HPLC). A copy of this material is available to the public upon request.

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

#### *Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Board Counsel, State Board of Medicine, P.O. Box 69523, Harrisburg, Pennsylvania, 17106-5923, RA-STRegulatoryCounsel@pa.gov within

30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference 16A-4948 (Examinations) when submitting comments.

MARK B. WOODLAND, MS, MD,  
*Chairperson*

**Fiscal Note:** 16A-4948. No fiscal impact; (8) recommends adoption.

### Annex A

## TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

### PART I. DEPARTMENT OF STATE

#### Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

### CHAPTER 16. STATE BOARD OF MEDICINE—GENERAL PROVISIONS

#### Subchapter A. BASIC DEFINITIONS AND INFORMATION

#### § 16.1. Definitions.

The following words and terms, when used in this chapter and Chapters 17 and 18 (relating to State Board of Medicine-medical doctors; and State Board of Medicine-practitioners other than medical doctors), have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*ECFMG*—The Educational Commission for Foreign Medical Graduates.

*FLEX*—[ This examination provided by the Federation of State Medical Boards of the United States, Inc., comprised of FLEX I and FLEX II, was used by the Board to test applicants for a license to practice medicine and surgery without restriction. This uniform examination was administered simultaneously in most of the states, territories and possessions of the United States ] The Federation Licensing Examination, which was used by the Board to test applicants for a license to practice medicine and surgery without restriction. The examination was comprised of two components, FLEX I and FLEX II. The last regular administration of FLEX I and FLEX II was in December 1993.

[ *FLEX I*—The examination component of the FLEX designed to evaluate measurable aspects of knowledge and understanding of basic and clinical science principles and mechanisms underlying disease and modes of therapy. This component will be last regularly administered in December 1993.

*FLEX II*—The examination component of the FLEX designed to measure a core of competence involved in the diagnosis and management of selected clinical problems frequently encountered by a physician engaged in the independent practice of medicine. This component will be last regularly administered in December 1993. ]

*Federation*—The Federation of State Medical Boards of the United States, Inc.

\* \* \* \* \*

*Treatment regimen*—The provision of care and practice of a component of the healing arts by a Board-regulated practitioner.

*USMLE*—The United States Medical Licensing Examination, a single, uniform examination for medical



licensure consisting of three steps. The examination is provided by the Federation of State Medical Boards (FSMB) and the National Board of Medical Examiners (NBME) and replaces the FLEX and the NBME National Boards Parts examination.

[ *USMLE, Step 1*—Assesses whether an examinee understands and can apply key concepts of basic biomedical science, with an emphasis on principles and mechanisms of health, disease and modes of therapy.

*USMLE, Step 2*—Assesses whether an examinee possesses the medical knowledge and understanding of clinical science considered essential for the provision of patient care under supervision, including emphasis on health promotion and disease prevention.

*USMLE, Step 3*—Assesses whether an examinee possesses the medical knowledge and understanding of biomedical and clinical science considered essential for the unsupervised practice of medicine. ]

*Unaccredited medical college*—An institution of higher learning which provides courses in the arts and sciences of medicine and related subjects, is empowered to grant professional and academic degrees in medicine, is listed by the World Health Organization or is otherwise recognized as a medical college by the country in which it is situated, and is not accredited by an accrediting body recognized by the Board.

## CHAPTER 17. STATE BOARD OF MEDICINE—MEDICAL DOCTORS

### Subchapter B. EXAMINATION INFORMATION

§ 17.11. Examination information for license without restriction.

(a) *FLEX*. [ This is the examination offered by the Board for a license without restriction. The last regular administration of FLEX I and FLEX II was in December 1993. The examination is comprised of two components—FLEX I and FLEX II. Both components are given every December and June. FLEX I may be taken after graduating from a medical college but, beginning July 1, 1986, shall be passed prior to commencing a second-year level of graduate medical training if the medical doctor has not already passed Parts I and II of the National Boards or a licensing examination acceptable to the Board under § 17.1(a)(1)(iii), (viii) and (ix) (relating to license without restriction), or secured a license without restriction in this Commonwealth or an equivalent license issued by a state, territory or possession of the United States or the Dominion of Canada. FLEX II may be taken after graduating from a medical college but, for a medical doctor to begin a third-year level of graduate medical training he shall first pass FLEX I and FLEX II or a licensing examination acceptable to the Board under § 17.1(a)(1)(iii), (viii) and (ix), or have secured a license without restriction in this Commonwealth or an equivalent license issued by another state, territory or possession of the United States or the Dominion of Canada. Both FLEX I and FLEX II may be taken by a student in a medical college if the student is in the last semester or a similar school term, the dean of the medical college certifies to the Board that the student's graduation is imminent and the semester or similar school term will

conclude shortly after the administration of FLEX I and FLEX II. ] A passing score on [ this examination ] FLEX I and FLEX II, as outlined in § 17.1(a)(1)(ii) (relating to license without restriction), satisfies the examination requirement for a license without restriction.

(b) *Licensing examination of Federation from June 1968 through December 1984*. [ This examination is the forerunner of the present FLEX. ] This three-part examination, also called the FLEX, is the forerunner of the two-component FLEX provided for under subsection (a). A passing score on this three-part examination, as outlined in § 17.1(a)(1)(iii), satisfies the examination requirement for a license without restriction. [ This examination is no longer offered as a licensing examination by the Board. A passing score on this examination shall have been achieved in an individual attempt, that is, a passing score cannot be achieved by combining scores received on separate parts of the examination obtained in more than one examination attempt. ]

(c) *National Boards*. This examination comprised of Parts I, II and III was given in most accredited medical colleges. A passing score on this examination satisfies the examination requirement for a license without restriction.

(d) *USMLE*. This examination is a uniform examination for licensure which replaces the National Boards Parts I, II and III and FLEX I and FLEX II. [ Each step is given twice a year. To be eligible for Step 1 or 2 of the examination, an individual shall be a medical student officially enrolled in, or a graduate of, an accredited medical school or a graduate of an unaccredited medical school. Steps 1 and 2 may be taken in any sequence. To be eligible for Step 3 of the USMLE, the individual shall have obtained a medical doctor degree or equivalent, shall have achieved a passing score on both Step 1 and Step 2 or equivalent, and shall be enrolled in a graduate medical training program. Additionally, a graduate of an unaccredited school shall be currently certified by ECFMG or shall have successfully completed a "Fifth Pathway" program. All Steps of the examination shall be completed within 7 years. ] Steps 1, 2 and 3 of USMLE are given throughout the year at times and places designated by the FSMB and NBME. USMLE eligibility requirements for each step or step component of the USMLE are jointly set by the FSMB and NBME. A passing score on [ this examination ] all three steps of USMLE, as determined by FSMB and NBME and as outlined in § 17.1(a)(1)(i), satisfies the examination requirement for a license without restriction.

(e) *Examination of the Medical Council of Canada*. This is an examination offered in Canada which has been adopted as a licensing examination in most of the provinces of Canada. A passing score on this examination, as determined by the Medical Council of Canada, satisfies the examination requirement for a license without restriction if the examination was taken in English in or after May 1970.

(f) *State Board Examination*. This is an examination for a license to practice medicine and surgery without restriction, other than USMLE, FLEX or the forerunner of FLEX, which is used by a licensing authority in another state, territory or possession of the United States. A passing score on this examination, as determined by the licensing authority in the other jurisdiction,

satisfies the examination requirement for a license without restriction if the examination was taken in English prior to December 1973.

§ 17.12. [ **Failure on FLEX I or FLEX II** ] **Reserved.**

[ (a) *Retaking examination.* An individual who fails either FLEX I or FLEX II is permitted to retake that component of the FLEX in this Commonwealth after the expiration of 6 months and within 2 years from the prior examination date.

(b) *Repeating year of graduate medical training.* If an individual fails to secure a passing grade on FLEX I in a second attempt, the individual shall repeat a year of graduate medical training at a first-year level before retaking FLEX I in this Commonwealth. If the individual fails to secure a passing grade on FLEX II in a second attempt, the individual shall repeat a year of graduate medical training at a first or second-year level before retaking FLEX II in this Commonwealth.

(c) *Awaiting examination results.* Effective July 1, 1986, if an individual scheduled to go into a second-year level of graduate medical training is awaiting the FLEX I score, the individual may not begin training at a second-year level until the individual has notified the Board that FLEX I has been passed, and the Board has issued the appropriate license, but may continue to train at a first-year level until that time, if the individual has renewed the first-year level license. An individual scheduled to go into a third-year level of graduate medical training who is awaiting the FLEX II score, may not begin training at a third-year level until the individual has notified the Board that FLEX II has been passed, and the Board has issued the appropriate license, but may continue to train at a first or second-year level until that time, if the individual has renewed the first or second-year level license. ]

§ 17.12c. [ **Failure on USMLE** ] **Reserved.**

[ (a) *Retaking examination.* An individual is permitted to retake any component of the USMLE. Steps 1, 2 and 3 shall be completed within a 7-year period. Because Steps 1 and 2 may be taken in any sequence, the 7-year period begins with the passage of the first step taken.

(b) *Repeating year of graduate medical training.* If an individual fails to secure a passing score on Step 3 in a third attempt, the individual shall repeat a year of graduate medical training at a first or second-year level before retaking Step 3.

(c) *Awaiting examination results.* If an individual scheduled to go into a second-year level of graduate medical training is awaiting examination scores, the individual may not begin training at a second-year level, but may continue to train at a first-year level, if the individual has renewed the first-year level license, until the individual has notified the Board that Steps 1 and 2 have been passed and the Board has issued the appropriate license. If an individual scheduled to go into a third-year level of graduate medical training is awaiting examination scores, the individual may not begin training at a third-year level, but may continue to train at a first or second-year level, if the individual has renewed the first or second-year level license, until the

**individual has notified the Board that Step 3 has been passed and the Board has issued the appropriate license. ]**

[Pa.B. Doc. No. 21-1572. Filed for public inspection September 17, 2021, 9:00 a.m.]

## STATE BOARD OF OPTOMETRY

[ 49 PA. CODE CH. 23 ]

### License by Endorsement

The State Board of Optometry (Board) proposes to add §§ 23.27, 23.27a and 23.27b (relating to definitions; license by endorsement; and provisional endorsement license) to read as set forth in Annex A.

#### *Effective Date*

The amendments will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

#### *Statutory Authority*

Section 3111 of 63 Pa.C.S. (relating to licensure by endorsement) requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth provided the applicant meets the following criteria: holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth; demonstrates competency; has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth, unless the board or commission determines such conduct is not an impediment to granting the license, certificate, registration or permit; is in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit, unless the board or commission determines such conduct is not an impediment to granting the license, certificate, registration or permit; and the applicant pays fees, as established by regulation. Additionally, 63 Pa.C.S. § 3111 authorizes boards and commissions to issue a provisional license, certificate, registration or permit while an applicant is satisfying remaining requirements for licensure by endorsement, for which the Board must set by regulation the terms of expiration. Additionally, section 3(b)(14) of the Optometric Practice and Licensure Act (act) (63 P.S. § 244.3(b)(14)) provides the Board with authority to promulgate all rules and regulations necessary to carry out the purposes of the act.

The act of July 1, 2020, (P.L. 575, No. 53) added 63 Pa.C.S. § 3111 as part of the consolidation of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48) into 63 Pa.C.S. Chapter 31 (relating to powers and duties). The text of 63 Pa.C.S. § 3111 was originally added to Act 48 by the act of July 1, 2019 (P.L. 292, No. 41) (Act 41).

#### *Background and Need for the Amendments*

This proposed rulemaking is needed to effectuate 63 Pa.C.S. § 3111, which requires the Board to issue a license, certificate, registration or permit to applicants who meet the requirements for licensure by endorsement as set forth in 63 Pa.C.S. § 3111. Under 63 Pa.C.S. § 3111, the Board must determine whether standards for licensure are substantially equivalent to or exceed those

established by the Board. Additionally, 63 Pa.C.S. § 3111 requires the Board to determine the methods of competency, including completion of continuing education or experience in the profession or occupation for at least 2 of the 5 years preceding the date of the application, and must establish, by regulation, the expiration of a provisional endorsement license. This proposed rulemaking sets forth the criteria for eligibility for licensure by endorsement, including the specific methods required for an applicant to demonstrate competency as well as requirements for granting a provisional endorsement license.

#### *Description of the Proposed Amendments*

The Board proposes to add § 23.27 which will set forth the definition of “jurisdiction” consistent with 63 Pa.C.S. § 3111. Proposed § 23.27a requires an applicant to provide proof that the applicant meets seven criteria required for licensure by endorsement. The first criterion, as set forth in proposed subsection (a)(1), requires an applicant to provide proof of a current license, certification, registration or permit in good standing to practice in another jurisdiction whose standards are substantially equivalent to or exceed those established by the Board under section 4 of the act (63 P.S. § 244.4). Proposed subsection (a)(1) further requires an applicant to submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, certificate, registration or permit. This proposed rulemaking would also require that the copy of the applicable law, regulation or other rule include the enactment date. Additionally, because 63 Pa.C.S. § 3111 is applicable to territories and other countries that use languages other than English, where the applicable law, regulation or other rule is in a language other than English, the Board would require, at the applicant’s expense, translation of the applicable law, regulation or other rule by a professional translation service.

Proposed subsection (a)(2) requires demonstration of competency. Under this provision, an applicant must provide proof of competency by demonstrating experience in the practice of the profession, completion of continuing education or achievement of a passing score in a Board-approved skills examination. Regarding experience, an applicant must demonstrate active engagement in the practice of profession for at least 2 of the 5 years immediately preceding the date of the application in the jurisdiction that issued the license, certificate, registration or permit. Regarding continuing education, an applicant must submit proof of completion of 30 hours of continuing education which meets the requirements of §§ 23.82 and 23.83 (relating to continuing education hour requirements; continuing education reporting; audit and enforcement; and continuing education subject matter). The continuing education must be completed during the 24 months immediately preceding the date of the application. The Board proposes completion of the continuing education within 24 months immediately preceding the date of the application because a 24-month limitation correlates with the Board’s biennial renewal continuing education requirement. Regarding a skills examination, within 2 years immediately preceding the date of the application, the applicant must have achieved a passing score on the National Board of Examiners in Optometry Clinical Skills Assessment Examination or its equivalent, as determined by the Board.

Proposed subsection (a)(3) and (4) incorporate the statutory prohibitions in 63 Pa.C.S. § 3111 pertaining to

conduct that would constitute grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice the profession or occupation, and prior discipline by the jurisdiction that issued the license.

Proposed subsection (a)(5) provides for payment of an application fee, as required under 63 Pa.C.S. § 3111(a)(5). The applicable fee for licensure by endorsement under 63 Pa.C.S. § 3111 is the license application fee in § 23.91 (relating to fees) of the Board’s current fee schedule (\$25). Next, proposed subsection (a)(6) requires applicants to apply for licensure in accordance with Chapter 23, in the manner and format prescribed by the Board.

Finally, proposed subsection (a)(7) requires completion of 3 hours of training in child abuse recognition and reporting, which is mandated continuing education under 23 Pa.C.S. § 6383(b)(3)(i) (relating to education and training), known as the Child Protective Services Law.

Under proposed § 23.27a(b) the Board may require a personal interview or additional information to assist the Board in determining eligibility and competency. When a personal interview is necessary, to the extent practicable, the Board intends to offer flexibility in the manner in which an interview is conducted to include teleconference or video conferencing.

Consistent with 63 Pa.C.S. § 3111(a)(3) and (4), proposed § 23.27a(c) authorizes the Board in its discretion to determine that an act prohibited under section 7 of the act (63 P.S. § 244.7), §§ 23.61–23.65 (relating to unlawful practices) or disciplinary action by a jurisdiction is not an impediment to licensure.

Consistent with section 63 Pa.C.S. § 3111(b), proposed § 23.27b provides that the Board, in its discretion, may issue a provisional endorsement license while an applicant is satisfying remaining requirements under 63 Pa.C.S. § 3111 and proposed § 23.27a. Proposed § 23.27b(b) sets the expiration of a provisional endorsement license at 1 year, unless the Board determines that an expiration date of less than 1 year is appropriate. Additionally, upon a written request, the Board may extend the term of the license upon a showing of good cause. Proposed § 23.27b(c) sets forth reasons for which a provisional endorsement license will be terminated by the Board, including when the Board denies a license, or the provisional endorsement licensee fails to comply with the terms of a provisional endorsement license. Finally, proposed § 23.27b(d) clarifies that while an individual may reapply for a license by endorsement under proposed § 23.27a, the Board will not issue a subsequent provisional endorsement license to an applicant who previously held a provisional endorsement license that expired or was terminated.

#### *Fiscal Impact and Paperwork Requirements*

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The costs to the Board related to processing applications for licensure by endorsement will be recouped through fees paid by applicants. Applicants who apply for licensure by endorsement will be impacted by the \$25 application fee in § 23.91 and may incur continuing education expenses or examination expenses if they choose to demonstrate competency by completion of continuing education or through examination. Applicants must complete child abuse recognition and reporting training, as required under 23 Pa.C.S. § 6383(b)(3)(i). There are free in-person and online child abuse recognition and reporting training options available; therefore, the Board does not anticipate a negative fiscal impact for this statutorily mandated training.

*Sunset Date*

The Board continuously monitors the cost effectiveness of the Board's regulations. Therefore, no sunset date has been assigned.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 2, 2021, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure 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 shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

*Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to the Board Counsel, P.O. Box 69523, Harrisburg, PA 17106-9523 or by e-mail at RA-STRegulatoryCounsel@pa.gov within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference 16A-5218 (Licensure by Endorsement), when submitting comments.

LUANNE K. CHUBB OD, FAAO,  
Chairperson

**Fiscal Note:** 16A-5218. No fiscal impact; (8) recommends adoption.

**Annex A****TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS****PART I. DEPARTMENT OF STATE****Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS****CHAPTER 23. STATE BOARD OF OPTOMETRY  
LICENSE BY RECIPROCITY AND INTERSTATE  
CERTIFICATION**

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

**§ 23.27. Definitions.**

The following word or term, when used in § 23.27a (relating to license by endorsement) has the following meaning, unless the context clearly indicates otherwise:

*Jurisdiction*—A state, territory or country.

**§ 23.27a. License by endorsement.**

(a) *Requirements for issuance.* To be issued a license by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement), an applicant must satisfy all of the following conditions:

(1) Have a current license, certification, registration or permit in good standing to practice optometry in another

jurisdiction whose standards are substantially equivalent to or exceed those established under section 4 of the act (63 P.S. §§ 244.4) and §§ 23.11—23.15, 23.202 and 23.205. The following apply:

(i) An applicant must submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, certificate, registration or permit.

(ii) If the applicable law, regulation or other rule is in a language other than English, at the applicant's expense, the applicable law, regulation or other rule shall be translated by a professional translation service and verified to be complete and accurate.

(iii) The copy of the applicable law, regulation or other rule must include the enactment date.

(2) Demonstrate competency by one of the following:

(i) Experience in the practice of optometry by demonstrating, at a minimum, that the applicant has actively engaged in the practice of optometry in the jurisdiction that issued the license, certificate, registration or permit for at least 2 of the 5 years immediately preceding the filing of the application with the Board.

(ii) Completion of 30 hours of continuing education that meets the requirements of §§ 23.82 and 23.83 (relating to continuing education hour requirements; continuing education reporting; audit and enforcement; and continuing education subject matter) during the 24 months immediately preceding the date of the application.

(iii) Achieve a passing score on the NBEO Clinical Skills Assessment Examination or its equivalent, as determined by the Board, within 2 years immediately preceding the date of the application.

(3) Have not committed any act prohibited by section 7 of the act (63 P.S. § 244.7) or §§ 23.61—23.65 (relating to unlawful practices).

(4) Have not been disciplined by the jurisdiction that issued the license, certificate, registration or permit.

(5) Pay the license application fee as required by § 23.91 (relating to fees).

(6) Apply for licensure in accordance with this chapter in the manner and format prescribed by the Board.

(7) Complete 3 hours of training in child abuse recognition and reporting from a provider approved by the Department of Human Services as required under 23 Pa.C.S. § 6383(b)(3)(i) (relating to education and training).

(b) *Interview and additional information.* An applicant may be required to appear before the Board for a personal interview and may be requested to submit additional information, including supporting documentation relating to competency and experience. The applicant may request the interview to be conducted by video teleconference for good cause shown.

(c) *Prohibited acts.* Notwithstanding subsection (a)(3) and (4), the Board may, in its discretion, determine that an act prohibited under section 7 of the act or §§ 23.61—23.65, or disciplinary action by a jurisdiction is not an impediment to licensure under 63 Pa.C.S. § 3111.

**§ 23.27b. Provisional endorsement license.**

(a) *Provisional endorsement license.* The Board may, in its discretion, issue a provisional endorsement license to

an applicant while the applicant is satisfying remaining requirements for licensure by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement) and § 23.27a (relating to license by endorsement).

(b) *Expiration of a provisional endorsement license.*

(1) An individual holding a provisional endorsement license may practice for up to 1 year after issuance of the provisional endorsement license. The Board, in its discretion, may determine that an expiration date of less than 1 year is appropriate.

(2) Upon a written request and a showing of good cause, the Board may grant an extension of no longer than 1 year from the expiration date of the provisional endorsement license.

(c) *Termination of a provisional endorsement license.* A provisional endorsement license terminates upon either of the following:

(1) The Board denies the license.

(2) The license holder fails to comply with the terms of the provisional endorsement license.

(d) *Reapplication.* An individual may reapply for licensure by endorsement under § 23.27a after expiration or termination of a provisional endorsement license, but the individual may not be issued a subsequent provisional endorsement license.

[Pa.B. Doc. No. 21-1573. Filed for public inspection September 17, 2021, 9:00 a.m.]

**FISH AND BOAT COMMISSION**

**[ 58 PA. CODE CH. 111 ]**

**Boating; Special Regulations Counties**

The Fish and Boat Commission (Commission) proposes to amend Chapter 111 (relating to special regulations counties). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendment updates the Commission's regulations pertaining to Shenango River Lake, located in Mercer County.

*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 amendment to § 111.43 (relating to Mercer County) is published under the statutory authority of section 5124(a) of the code (relating to particular areas of water).

*D. Purpose and Background*

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

*E. Summary of Proposal*

Shenango River Lake is a 3,560-acre flood control project managed by the United States Army Corps of Engineers (USACE) in Mercer County. This busy boating destination is regulated by § 111.43. Shenango River Lake has several specific regulations that deviate from the Statewide recreational boating regulations when boating on project waters. Specifically, subsection (a)(1) states that "the use of motors in excess of 10 horsepower are prohibited in the area west of the Penn Central Railroad (Levittsburg) causeway to the Ohio line."

Recently USACE leadership has changed local policy/regulation adopting a 20 horsepower restriction west of the causeway. USACE leadership has petitioned the Commission to make the same change to § 111.43 so Waterways Conservation Officers can continue to assist in enforcement. The proposed amendment was approved by the Boating Advisory Board at their June 23, 2020, meeting.

The Commission proposes that § 111.43 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-316. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION  
PART II. FISH AND BOAT COMMISSION  
Subpart C. BOATING  
CHAPTER 111. SPECIAL REGULATIONS  
COUNTIES**

**§ 111.43. Mercer County.**

(a) *Shenango River Lake.*

(1) The use of motors in excess of [ 10 ] 20 horsepower is prohibited in the area west of the Penn Central Railroad (Levittsburg) causeway to the Ohio line.

\* \* \* \* \*

[Pa.B. Doc. No. 21-1574. Filed for public inspection September 17, 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 September 7, 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

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
09-03-2021	Mid Penn Bancorp, Inc. Millersburg Dauphin County  Application for approval to acquire 100% of Riverview Financial Corporation, Harrisburg, PA and, thereby, indirectly acquire 100% of Riverview Bank, Marysville, PA.	Filed

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
09-03-2021	Mid Penn Bank Millersburg Dauphin County  Application for approval to merge Riverview Bank, Marysville, PA, with and into Mid Penn Bank, Millersburg, PA.	Filed

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
09-03-2021	Penn Community Bank Doylestown Bucks County	490 Forty Foot Road Lansdale Montgomery County	Approved
09-07-2021	William Penn Bank Levittown Bucks County	191 West State Street Doylestown Bucks County	Opened

##### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
09-03-2021	PeoplesBank, A Codorus Valley Co. York York County	<i>To:</i> 11350 McCormick Road Hunt Valley Baltimore County, MD  <i>From:</i> 203 International Circle Hunt Valley Baltimore County, MD	Approved

**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
09-01-2021	Atlantic Community Bankers Bank Camp Hill Cumberland County	Approved
	Amendment to Article Sixth of the institution's Articles of Incorporation to provide authorization of a class of 15,000 shares of preferred stock and empower the Bank's Board of Directors to issue such shares as a class or in one or more series, with such voting, dividend, redemption, sinking fund, conversion, exchange, liquidation and other rights as are determined by the Board of Directors, without further shareholder approval.	
	Articles of Amendment provide for the institution's Articles of Incorporation to be amended and restated in their entirety.	
09-03-2021	Atlantic Community Bankers Bank Camp Hill Cumberland County	Effective
	Amendment to Article Sixth of the institution's Articles of Incorporation to provide authorization of a class of 15,000 shares of preferred stock and empower the Bank's Board of Directors to issue such shares as a class or in one or more series, with such voting, dividend, redemption, sinking fund, conversion, exchange, liquidation and other rights as are determined by the Board of Directors, without further shareholder approval.	
	Articles of Amendment provide for the institution's Articles of Incorporation to be amended and restated in their entirety.	

**CREDIT UNIONS**

No activity.

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

RICHARD VAGUE,  
*Secretary*

[Pa.B. Doc. No. 21-1575. Filed for public inspection September 17, 2021, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of October 2021

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of October 2021, is 4 1/4%.

The interest rate limitations under the Commonwealth's usury statute were pre-empted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub.L. No. 96-221). Further pre-emption was instituted with the signing of Pub.L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential

mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board or the United States Treasury, or both. The latest yield rate on long-term government securities is 1.67 to which was added 2.50 percentage points for a total of 4.17 that by law is rounded off to the nearest quarter at 4 1/4%.

RICHARD VAGUE,  
*Secretary*

[Pa.B. Doc. No. 21-1576. Filed for public inspection September 17, 2021, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council Public WebEx Meeting

The Conservation and Natural Resources Advisory Council (Council) to the Department of Conservation and Natural Resources (Department) will hold a public WebEx

meeting on September 22, 2021, at 10 a.m. The WebEx meeting can be accessed through a link found on the Council's web site prior to the public WebEx meeting at [www.dcnr.pa.gov/cnrac](http://www.dcnr.pa.gov/cnrac).

Questions concerning this public WebEx meeting or agenda items can be directed to Gretchen Leslie at (717) 772-9084. For public comment to be considered at the public WebEx meeting, follow instructions on the Council's web site.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Aara Vinsh directly at (717) 787-9306 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

CINDY ADAMS DUNN,  
*Secretary*

[Pa.B. Doc. No. 21-1577. Filed for public inspection September 17, 2021, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Index Calculation Required by Special Session Act 1 of 2006

Under section 333(1) of the Taxpayer Relief Act (53 P.S. § 6926.333(1)), the Department of Education (Department) has calculated the index for Fiscal Year (FY) 2022-2023.

The index is the average of the percentage increase in the Statewide average weekly wage and the Employment Cost Index. For FY 2022-2023, the base index is 3.4%.

For school districts with a market value/income aid ratio greater than 0.4000, an adjusted index will be posted on the Department's web site at [www.education.pa.gov](http://www.education.pa.gov) by September 30, 2021.

NOE ORTEGA,  
*Secretary*

[Pa.B. Doc. No. 21-1578. Filed for public inspection September 17, 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 discussed previously.

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>
0621405	Sewage Treatment Facilities Individual WQM Permit	New	Michael & Amanda Karwic 1854 Hopewell Road Elverson, PA 19520	Robeson Township Berks County	SCRO
0610202	Industrial Waste Individual WQM Permit	Transfer	Exide Environmental Response Trust One World Trade Center 8th Floor Long Beach, CA 90802	Muhlenberg Township Berks County	SCRO

<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>
2121804	Joint DEP/PFBC Pesticides Permit	New	Tech Park Associates LP P.O. Box 622 Lemoyne, PA 17043-0622	Hampden Township Cumberland County	SCRO
3521802	Joint DEP/PFBC Pesticides Permit	New	Geib Marion 28 W Belfast Road Ocean City, NJ 08226-4610	Clifton Township Lackawanna County	NERO
3913802 A-3	Joint DEP/PFBC Pesticides Permit	Amendment	Leiss Alan 1055 Cetronia Road Breinigsville, PA 18031-1681	Upper Macungie Township Lehigh County	NERO
4015801	Joint DEP/PFBC Pesticides Permit	Renewal	Grzenda Joe 129 Camp David Road Wapwallopen, PA 18660-8817	Slocum Township Luzerne County	NERO
4513873	Joint DEP/PFBC Pesticides Permit	Renewal	Monroe Lake POA 118 Lake Shore Drive East Stroudsburg, PA 18301	Middle Smithfield Township Monroe County	NERO
4521808	Joint DEP/PFBC Pesticides Permit	New	Hallowood Acres Homes Association 546 Hallowood Drive East Stroudsburg, PA 18302-7727	Price Township Monroe County	NERO
4821808	Joint DEP/PFBC Pesticides Permit	New	Miller Thomas D 6160 Snyders Church Road Bath, PA 18014-9037	East Allen Township Northampton County	NERO
4819804 A-1	Joint DEP/PFBC Pesticides Permit	Amendment	Society Hill Homeowners Assoc 1150 Glenlivet Drive Suite A-16 Allentown, PA 18106	Lower Saucon Township Northampton County	NERO
5215801	Joint DEP/PFBC Pesticides Permit	Renewal	Mountain View Villas 503 Shiny Mountain Court Greentown, PA 18426-9553	Palmyra Township Pike County	NERO
6416804	Joint DEP/PFBC Pesticides Permit	New	Reflection Lakes POA, Inc. 182 Stalker Road Equinunk, PA 18417-3510	Manchester Township Wayne County	NERO
6416805	Joint DEP/PFBC Pesticides Permit	Renewal	Reflection Lakes POA, Inc. 182 Stalker Road Equinunk, PA 18417-3510	Manchester Township Wayne County	NERO
6421811	Joint DEP/PFBC Pesticides Permit	New	Keen Lake Camping & Cottage Resort 155 Keen Lake Road Waymart, PA 18472-3077	Canaan Township Wayne County	NERO
6421812	Joint DEP/PFBC Pesticides Permit	New	Knecht Tim & Jodi 320 McKinney Road Waymart, PA 18472-9611	South Canaan Township Wayne County	NERO
PA0204714	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Transfer	Ward Henry 10 Kindle Lane Levittown, PA 19055-2409	Cherryhill Township Indiana County	NWRO
0676209	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Transfer	Exide Environmental Response Trust One World Trade Center 8th Floor Long Beach, CA 90802	Muhlenberg Township Berks County	SCRO
PAG030118	PAG-03 NPDES General Permit for Industrial Stormwater	New	Amazon Com Service, LLC P.O. Box 80842 Attn: NA Environmental Dept Seattle, WA 98108	Plymouth Township Montgomery County	SERO

<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>
PAG034885	PAG-03 NPDES General Permit for Industrial Stormwater	New	Cameron International Corp 5599 San Felipe Street Houston, TX 77056-2724	DuBois City Clearfield County	NCRO
PAG038398	PAG-03 NPDES General Permit for Industrial Stormwater	New	Integral Scrap & Recycling, Inc. 155 Airport Road Suite A Indiana, PA 15701-8904	White Township Indiana County	NWRO
PAR143530	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Berryville Graphics, Inc. 100 N Miller Street Fairfield, PA 17320-9707	Fairfield Borough Adams County	SCRO
PAR808315	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Bucyrus Railcar Repair, LLC 811 Hopley Avenue Bucyrus, OH 44820-2856	New Castle City Lawrence County	NWRO
4816202	Pump Stations WQM Individual Permit	Amendment	Easton Area Joint Sewer Authority Northampton County 50A S Delaware Drive Easton, PA 18042-9405	Easton City Northampton County	NERO
1421402	Sewage Treatment Facilities Individual WQM Permit	New	Wellar Scott 5050 S Eagle Valley Road Julian, PA 16844-9779	Huston Township Centre County	NCRO
2500404	Sewage Treatment Facilities Individual WQM Permit	Amendment	Sandra & William Thornton 14110 Route 226 Albion, PA 16401-7804	Conneaut Township Erie County	NWRO
3291401	Sewage Treatment Facilities Individual WQM Permit	Transfer	Ward Henry 10 Kindle Lane Levittown, PA 19055-2409	Cherryhill Township Indiana County	NWRO
6216404	Sewage Treatment Facilities Individual WQM Permit	Transfer	Fox Vance 386 Gates Lane Russell, PA 16345-3903	Pine Grove Township Warren County	NWRO
6393404	Sewage Treatment Facilities Individual WQM Permit	Transfer	Lightning Properties, LLC 55 Timberline Drive Washington, PA 15301-8173	South Franklin Township Washington County	SWRO

**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.**

*Northcentral Regional Office*

**PA0209031**, Sewage, SIC Code 4952, **Loganton Borough Authority Clinton County**, P.O. Box 203, Loganton, PA 17747-0203. Facility Name: Loganton Borough Authority Sewer System STP. This existing facility is located in Loganton Borough, **Clinton 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), Fishing Creek (HQ-CWF, MF), is located in State Water Plan watershed 9-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 001 are based on a design flow of 0.05 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</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>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Report Inst Min	XXX	XXX	XXX

Parameters	Mass Units (lbs/day)		Average Monthly	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Weekly Average	Maximum	
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	8.4	13	20.0	30.0	XXX	40.0
May 1 - Oct 31	4.2	6.3	10.0	15.0	XXX	20.0
Biochemical Oxygen Demand (BOD <sub>5</sub> ) Influent	XXX	XXX	Report	XXX	XXX	Report
Total Suspended Solids						
Nov 1 - Apr 30	8.4	13	20.0	30.0	XXX	40.0
May 1 - Oct 31	4.2	6.3	10.0	15.0	XXX	20.0
Total Suspended Solids Influent	XXX	XXX	Report	XXX	XXX	Report
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light transmittance (%)	XXX	XXX	Report Min	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	10	XXX	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - May 31	3.8	5.6	9.0	13.5	XXX	18.0
Jun 1 - Oct 31	1.3	1.9	3.0	4.5	XXX	6.0
Nitrate-Nitrite as N	XXX	XXX	Report	XXX	XXX	Report
Total Kjeldahl Nitrogen	XXX	XXX	Report	XXX	XXX	Report
Total Phosphorus	XXX	XXX	Report	XXX	XXX	Report
Copper, Total	XXX	XXX	XXX	Report Daily Max	XXX	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report

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*

**PA0063533**, Sewage, SIC Code 4952, **Aqua PA Wastewater Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010. Facility Name: Aqua Blakeslee Tobyhanna Township WWTP. This existing facility is located in Tobyhanna Township, **Monroe 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), Tobyhanna Creek (HQ-CWF), is located in State Water Plan watershed 2-A and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .3 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 Daily Max	6.0	XXX	9.0 Max	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	60	100	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD <sub>5</sub> ) Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	75	110	XXX	30.0	45.0	60

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200 Geo Mean	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	22	XXX	XXX	9.0	XXX	18
May 1 - Oct 31	7.5	XXX	XXX	3.0	XXX	6
Total Phosphorus	2.5	XXX	XXX	1.0	XXX	2
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Total Nitrogen	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX

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

**PA0289604**, Storm Water, SIC Code 2851,3589, **Advanced Polymer Tech Corp**, P.O. Box 160, Harmony, PA 16037-0160. Facility Name: Advanced Polymer Tech. This proposed facility is located in Harmony Borough, **Butler County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sewage from a small flow treatment facility and the existing discharge of industrial stormwater (stormwater discharges aren't currently permitted under PAG038370 which will be cancelled upon final issuance of the proposed combined NPDES permit).

The receiving stream(s), Unnamed Tributary of Connoquenessing Creek (WWF) and Unnamed Tributary to Connoquenessing Creek (WWF), is located in State Water Plan watershed 20-C 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 industrial stormwater Outfalls 001—007 are based on a design flow of 0 MGD.—Limits.

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

The proposed effluent limits for sanitary sewage Outfall 008 are based on a design flow of .00178 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Carbonaceous Biochemical Oxygen Demand (CBOD <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 Geo Mean	XXX	XXX

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

- Stormwater Outfalls and Authorized Non-Stormwater Discharges
- Standard Individual SFTF Part C conditions

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.

**PA0254631**, Sewage, SIC Code 8800, **Craig L. Brocious**, 258 Kimmel School Road, Shelocta, PA 15774-2230. Facility Name: Craig Brocious SRSTP. This existing facility is located in Plumcreek Township, **Armstrong 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, the Dutch Run (CWF), is located in State Water Plan watershed 17-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 0.0004 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
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	20.0
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 814-332-6078.

The EPA Waiver is in effect.

**PA0263699**, Sewage, SIC Code 8800, **Kris Ellis**, 160 George Road, Evans City, PA 16033-9358. Facility Name: Kris Ellis SFTF. This existing facility is located in Forward Township, **Butler 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, an Unnamed Tributary to the Breakneck Creek (WWF), is located in State Water Plan watershed 20-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
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	20.0
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 814-332-6078.

The EPA Waiver is in effect.

**PA0273121**, Sewage, SIC Code 8800, **David Mohney**, P.O. Box 98, Sheffield, PA 16347-0098. Facility Name: David Mohney SRSTP. This existing facility is located in Glade Township, **Warren 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, an Unnamed Tributary to the Glade Run (CWF), is located in State Water Plan watershed 16-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

**PA0289582**, Sewage, SIC Code 8800, **Vergil Taylor**, 4549 Nye Road, West Springfield, PA 16443-2017. Facility Name: Vergil Taylor SRSTP. This proposed facility is located in Elk Creek 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), Unnamed Tributary to East Branch Conneaut Creek (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 Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
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.

**PA0289787**, Sewage, SIC Code 4952, 8800, **Pink Cottage LLC**, 5019 Morrowick Road, Charlotte, NC 28226-7366. Facility Name: Pink Cottage SRSTP. This proposed facility is located in Harmony Township, **Forest County**.

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

The receiving stream is the Allegheny River, located in State Water Plan watershed 16-F and classified for Warm Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<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	XXX	XXX	9.0
			Inst Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (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.

**PA0289809**, Sewage, SIC Code 4952, 8800, **Deborah & Richard Moran**, 5975 Buman Road, McKean, PA 16426-1049. Facility Name: Deborah & Richard Moran 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 sewage.

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

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

<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	20.0
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 814-332-6078.

The EPA Waiver is in effect.

**PA0289841**, Sewage, SIC Code 4952, 8800, **William Juergens**, 153 Cowden Road, New Wilmington, PA 16142-1823. Facility Name: William Juergens SRSTP. This proposed facility is located in Wilmington Township, **Mercer County**.

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

The receiving stream is an unnamed tributary to West Branch Little Neshannock Creek, located in State Water Plan watershed 20-A and classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0008 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>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	20.0
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 814-332-6078.

The EPA Waiver is in effect.

**PA0289850**, Sewage, SIC Code 4952, **Keith Cubbon**, P.O. Box 734, Barre, VT 05641-0734. Facility Name: Keith Cubbon SRSTP. This proposed facility is located in Cherrytree Township, **Venango County**.

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

The receiving stream is an Unnamed Tributary to Cherrytree Run, located in State Water Plan watershed 16-E and classified for Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<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
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (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*

**PA0085138**, Sewage, SIC Code 8661, **Five Forks Brethren In Christ Church**, 9244 Five Forks Road, Waynesboro, PA 17268-9612. Facility Name: Five Forks Brethren In Christ Church. This existing facility is located in Quincy Township, **Franklin County**.

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

The receiving stream(s), Unnamed Tributary to West Branch Antietam Creek (CWF, MF), is located in State Water Plan watershed 13-C and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .002 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>Maximum Daily</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Daily Min	XXX	9.0 Daily Max	XXX
Dissolved Oxygen	XXX	XXX	5.0 Avg Mo	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	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

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.

*Southeast Regional Office*

**PA0056472 A-2**, Storm Water, SIC Code 2011, **Beyond Meat, Inc.**, 119 Standard Street, El Segundo, CA 90245. Facility Name: Beyond Meat Inc. This existing facility is located in Charlestown Township, **Chester County**.

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

The receiving stream(s), Unnamed Tributary to Valley Creek (EV, MF) and Unnamed Tributary of Pickering Creek (HQ-TSF, MF), is located in State Water Plan watershed 3-F and is classified for Exceptional Value Waters, Migratory Fish, and High Quality Waters—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—005 are based on a 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>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX

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

Preparedness, Prevention and Contingency (PPC) Plan; Annual inspection; Stormwater sampling; Property Rights; Collected screenings; Instream pH.

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.

**PA0055671**, Sewage, SIC Code 4952, **Worcester Township**, 1721 Valley Forge Rd, P.O. Box 767, Worcester, PA 19490-0767. Facility Name: Berwick Place STP & Sew System. This existing facility is located in Worcester Township, **Montgomery County**.

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

The receiving stream(s), Unnamed Tributary to Skippack Creek (TSF, MF), is located in State Water Plan watershed 3-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 .15 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average	Daily Minimum	Average Monthly	Weekly Average	
Total Dissolved Solids	Report	XXX	XXX	Report	XXX	XXX
E. Coli (No./100 ml)	Avg Qrtly	XXX	XXX	Avg Qrtly	XXX	Report
Copper, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total	XXX	XXX	XXX	Avg Qrtly	Daily Max	XXX
				Report	Report	
				Avg Qrtly	Daily Max	

The proposed effluent limits for Outfall 001 are based on a design flow of .15 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average	Daily Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	12.5	18.8	XXX	10	15	20
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	12.5	18.8	XXX	10	15	20
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ultraviolet light intensity (mW/cm <sup>2</sup> )	XXX	XXX	Report	Geo Mean XXX	XXX	XXX
Nitrate-Nitrite as N	12.5	18.8	XXX	10	15	20
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	3.8	5.6	XXX	3.0	4.5	6
May 1 - Oct 31	1.9	2.9	XXX	1.5	2.3	3
Total Phosphorus	0.7	XXX	XXX	1.5	XXX	3

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

- Dry stream discharge
- Notification of designation of responsible operator
- Development of an O&M plan
- Hauled-in waste restriction
- Seasonal fecal coliform reporting requirement
- Solids management for non-lagoon system

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*

**PA0035882**, Sewage, SIC Code 6515, **Jones Estates PA, LLC**, 2310 S Miami Boulevard, Suite 238, Durham, NC 27703-4900. Facility Name: Placid Manor MHP. This existing facility is located in Hempfield Township, **Westmoreland 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 Little Sewickley Creek (TSF), is located in State Water Plan watershed 19-D 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 .015 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>Maximum</i>	
Flow (MGD)	0.015	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 6.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.06	XXX	0.15
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	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	XXX	XXX	XXX	XXX	XXX	Report
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	5.0	XXX	10.0
May 1 - Oct 31	XXX	XXX	XXX	2.6	XXX	5.2

The proposed effluent limits for Outfall 001 are based on a design flow of .015 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>Maximum</i>	
Total Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report Daily Max	XXX

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

- TRC Optimization
- Solids management for non-lagoon systems

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.

**PA0036307**, Sewage, SIC Code 4952, **Robinson Township Municipal Authority**, 4200 Campbells Run Road, Pittsburgh, PA 15205-1306. Facility Name: Moon Run STP. This existing facility is located in Robinson Township, **Allegheny 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), Moon Run (WWF), is located in State Water Plan watershed 20-G and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.6 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
Aluminum, Total	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
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>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	125.1	190.2	XXX	25.0	37.5	50
Biochemical Oxygen Demand (BOD <sub>5</sub> ) Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids Raw Sewage Influent	150.1 Report	225.2 Report	XXX XXX	30.0 Report	45.0 Report	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
Ultraviolet light transmittance (%) Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	Report
Nov 1 - Apr 30	17.5	XXX	XXX	3.5	XXX	7
May 1 - Oct 31	10.0	XXX	XXX	2.0	XXX	4
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Daily Max Report Daily Max	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.

**PA0217514**, Sewage, SIC Code 3339, **Honeywell Electronic Materials, Inc.**, 195 Hartzell School Road, Fombell, PA 16123-1207. Facility Name: Honeywell Electric Materials. This existing facility is located in Marion Township, **Beaver 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), Connoquenessing Creek (WWF), is located in State Water Plan watershed 20-C 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 .015 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Average Monthly</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	0.015	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min 5.0	XXX	Daily Max XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Daily Min 0.5	XXX	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	25.0	XXX	XXX	50.0
Total Suspended Solids	XXX	XXX	30.0	XXX	XXX	60.0
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
Total Phosphorus	XXX	XXX	2.0	XXX	XXX	4.0

The proposed effluent limits for Outfall 001 are based on a design flow of .015 MGD.—Limits.

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

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

- Optimization of chlorine dosage
- Solids management for non-lagoon system

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.

**PA0218413**, Sewage, SIC Code 4952, **Economy Borough Municipal Authority**, 2860 Conway Wallrose Road, Baden, PA 15005-2306. Facility Name: Big Sewickley Creek WWTP. This existing facility is located in Economy Borough, **Beaver 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), Big Sewickley Creek (TSF), is located in State Water Plan watershed 20-G 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 1.25 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)			Concentrations (ug/L)		IMAX
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Cyanide, Free (ug/L)	0.063	0.094	XXX	6.0	9.0	14
Zinc, Total (ug/L)	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.25 MGD.—Final Limits.

Parameters	Mass Units (lbs/day)			Concentrations (ug/L)		IMAX
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Cyanide, Free (ug/L)	0.045	0.074	XXX	4.32	7.12	10.8
Zinc, Total (ug/L)	1.57	1.69	XXX	151.0	162.0	162

The proposed effluent limits for Outfall 001 are based on a design flow of 1.25 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum	Instantaneous Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	260.0	410.0	XXX	25.0	40.0	50
May 1 - Oct 31	155.0	235.0	XXX	15.0	23.0	30
Wkly Avg						
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	310.0	465.0	XXX	30.0	45.0	60
Wkly Avg						
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
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	36.0	XXX	XXX	3.5	XXX	7
May 1 - Oct 31	20.0	XXX	XXX	2.0	XXX	4
Copper, Total (ug/L)	0.13	0.21	XXX	12.7	19.8	31.7
Lead, Total (ug/L)	Report	Report	XXX	Report	Daily Max Report Daily Max	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.25 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report Daily Max	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 not 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>
PAD150231	New	The Hankin Group 707 Eagleview Boulevard Exton, PA 19341	Uwchlan Township Chester County	SERO
PAD090071 A-3	Amend	NP Falls Township Industrial, LLC 4805 Montgomery Road Suite 310 Cincinnati, OH 45212-2280	Falls Township Bucks County	SERO
PAD480160	New	Pack Leader Properties, LLC John McDonald 5322 Lindsay Lane Schnecksville, PA 18078-2371	Forks Township Northampton County	NERO
PAD450144	New	Orchard BJK Company, LLC 925 Berkshire Blvd Wyomissing, PA 19610	Coolbaugh Township Monroe County	NERO
PAD450108A-2	Major Amendment	Tobyhanna Site, LLC 619 Iron Street Lehighon, PA 18235	Tobyhanna Township Monroe County	NERO
PAD400046	New	Hazleton City Authority Water Department John Synoski 400 E Arthur Pkwy Hazleton, PA 18201	Hazle Township Foster Township Sugarloaf Township Hazleton City Jeddo Borough Luzerne County	NERO
PAD210074	New	Zenith Construction, Inc. 1730 Edgewood Hill Circle Suite 101 Hagerstown, MD 21740	South Middleton Cumberland County	SCRO
PAD070021	New	MMFRE LP & Assigns 210 East Plank Road P.O. Box 1252 Altoona, PA 16603	Logan Township Blair County	SCRO
PAD070022	New	Martinsburg Municipal Authority 110 South Walnut Street Martinsburg, PA 16662	Martinsburg Borough Huston Township North Woodbury Township Taylor Township Blair County	SCRO
PAD280013	Renewal	S&A Custom Built Homes, Inc. 2966 Philadelphia Avenue Chambersburg, PA 17201-7913	Guilford Township Franklin County	SCRO
PAD180021 A-1	Individual Permit Major Amendment	Glossners Concrete Dotterers Road Mill Hall, PA 17751	Porter Township Clinton County	NCRO

**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>
Koch's Turkey Farm 416 Valley Road Tamaqua, PA 18252	Schuylkill	0	3,187.58	Turkeys	HQ	Renewal
Wingert Farms, Inc. 5497 Shade Lane Alexandria, PA 16611	Huntingdon	1,696.3	2,310.79	Dairy— Holsteins	HQ	Renewal
Rowe Family Farm, Co. David Rowe 216 Pawling Station Road Selinsgrove, PA 17870	Snyder	182.8 ac. for manure application	591.74	Poultry Broilers & Finishing Swine	NA	Renewal
Paul Dotterer & Sons, Inc. 410 Kryder Road Mill Hall, PA 17751	Clinton	3219	2,218.95	Dairy	HQ & CWF	Renewal
Randy Weaver 3884 Smaltz Rd Womelsdorf, PA 19567 and 118 Wintersville Road Richland, PA 17087	Berks	181.7	913.44	Poultry	NA	Renewal
Willows Farm Garrett Weaver 1501 Eshelman Mill Road Willow Street, PA 17584	Lancaster	212	118.29	Duck	NA	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. Com-

ments 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. 0621523**, Public Water Supply.

Applicant	<b>Oley Turnpike Dairy Inc</b>
Municipality	Oley Township
County	<b>Berks</b>
Responsible Official	Eugene Moser Owner 6229 Oley Township Road Oley, PA 19548-8946
Type of Facility	Public Water Supply
Consulting Engineer	Karen C. Pollock, P.E. Systems Design Engineering 1032 James Drive Lessport, PA 19533
Application Received:	July 8, 2021
Description of Action	Application for a replacement nitrate system, a replacement UV disinfection system, and for cartridge filtration.

**Permit No. 0521506**, Public Water Supply.

Applicant	<b>Hillside Terrace MHP, LLC</b>
Municipality	East St. Clair Township
County	<b>Bedford</b>
Responsible Official	Kech Chou Lonhky Member 2958 Willow Street Pike Willow Street, PA 17584
Type of Facility	Public Water Supply
Consulting Engineer	David M. Cunningham, P.E. Keller Engineers, Inc. 420 Allegheny Street Hollidaysburg, PA 16648
Application Received:	July 16, 2021
Description of Action	Proposed iron and manganese treatment for the existing system.

*Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. 0221538**, Public Water Supply.

Applicant	<b>West View Water Authority</b> 210 Perry Highway Pittsburgh, PA 15229
Township or Borough	McCandless Township
County	<b>Allegheny</b>
Responsible Official	Robert Christian Executive Director
Type of Facility	Water system
Consulting Engineer	MS Consultants 300 Corporate Center Drive Suite 200 Moon Township, PA 15108
Application Received Date	August 26, 2021
Description of Action	Installation of a new pump with variable frequency drive and a bypass line at the Ronald F. Spray Pump Station.

#### WATER ALLOCATIONS

##### Applications received under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth.

*Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**WA11-502B, Water Allocations. Hastings Municipal Authority**, 207-1 Fifth Avenue, P.O. Box 559, Hastings, PA 16646, Susquehanna Township, **Cambria County**. Applicant requests the right to withdraw 260,000 gallons of water per day from Mine Spring Well # 1.

#### 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 acknowledgment 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, 484-250-5787, Charline Bass.*

**Farabella Property**, 2301 Computer Avenue, Willow Grove, PA 19090, Upper Moreland Township, **Montgomery County**. Jeff Margolin, Ramboll US Consulting, Inc., 1600 Parkwood Circle, Suite 310, Atlanta, GA 30339 on behalf of Ari Levine representing Ernest Farabella, Fisher Broyles, LLP, 1650 Market Street, 36th Floor, Philadelphia, PA 19103 submitted a Notice of Intent to Remediate. Groundwater at the site has been found to be contaminated with PCE and TCE. The intended future use of the property is the same as its current use, for commercial/industrial purposes. The proposed cleanup standard for the site is the site-specific standard. The Notice of Intent to Remediate was published in *The Times Herald* on August 5, 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.

**Hazleton Generation**, 120 Maplewood Road, Hazleton, PA 18202, Hazle Township, **Luzerne County**. Stantec Consulting Services, 400 Davis Drive, Suite 400, Plymouth Meeting, PA 19462, on behalf of Hazleton Generation LLC, 120 Maplewood Road, Hazleton, PA 18202, submitted a Notice of Intent to Remediate. Soil was contaminated by releases of heating oil and glycol.

Future use of the site will be nonresidential. The Notice of Intent to Remediate was published in *The Standard Speaker* on August 12, 2021.

*Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Myers Property HHO Release**, 2447 State Route 44, Allenwood, PA 17810, Gregg Township, **Union County**. Gary C. Calvert, LLC, P.O. Box 504, Hollidaysburg, PA 16648, on behalf of Mr. Steven Myers, Myers Property Estate/Trust, 581 Fredrick Drive, Watsonstown, PA 17777-8053, has submitted a Notice of Intent to Remediate concerning remediation of site soil contaminated with heating oil. 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 *Standard-Journal* on September 8, 2021.

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

**Stackpole Benzinger Township Site**, 1032 Trout Run Road, St. Marys, PA 15857, City of St. Marys, **Elk County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Mersen USA GS Corporation—St. Marys, 215 Stackpole Street, St. Marys, PA 15857 has submitted a Notice of Intent to Remediate. Historical use of the site has been the manufacture of carbon and carbon-graphite products resulting in site soil and site groundwater being contaminated with chlorinated VOCs and metals. The intended future use of the property will continue to be commercial/industrial. The Notice of Intent to Remediate was published in *The Daily Press* on August 10, 2021.

**Cooper Commons, LLC**, 186 Lincoln Avenue, Grove City, PA 16127, Grove City Borough, **Mercer County**. Compliance Environmental Services, 2700 Kirila Boulevard, Hermitage, PA 16148 on behalf of Hall Technical Services, LLC, 186 Lincoln Avenue, Gate 11, Grove City, PA 16127 has submitted a Notice of Intent to Remediate. Historically, the site has been industrial that included a foundry and machining operations resulting in site soil and site groundwater being contaminated with metals, VOCs, SVOCs, PCBs, and Free Cyanide. Future use of the property will be industrial. The Notice of Intent to Remediate was published in *The Herald* on July 29, 2021.

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

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**Application(s) Administratively Complete 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.**

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

**Permit Application No. 101597, Pecks Septic Service**, 68 Pine School Road, Gardners, PA 17324, South Middleton Township, **Cumberland County**. The application is to renew the operating permit for the facility. This application was deemed administratively complete by the Southcentral Regional Office on September 2, 2021. The Department will accept comments from the general public

recommending revisions to, and approval or denial of the application during the entire time the Department is reviewing the permit renewal application.

Persons interested in obtaining more information about the permit application may contact John Oren, P.E., Permits Section Chief, Southcentral Regional Office, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717.705.4907. 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.

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

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

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

**36-05014M: Arconic Lancaster Corporation** (1480 Manheim Pike, Lancaster, PA 17604-3167) for 1) the installation of a fourth rolling mill stand to the existing 3-stand 72" Hot Mill (Source ID 125), 2) the replacement of the 72" Hot Mill Rotoclon (Control ID C10) with a new Progressive Mist Elimination System, 3) the upgrade of the hot mill scalper's (Source ID GP118) crusher chip handling system and 4) the installation of a new 32 mmBtu/hr natural gas fired slab furnace (Source ID 149J) at their secondary aluminum production facility in Manheim Township, **Lancaster County**.

The proposed installations and modifications are estimated to increase the 72" Hot Mill's throughput capacity by 48%. Additionally, due to the increased production capacity on the 72" Hot Mill, Arconic expects an increase in production from the 80" Hot Mill (Source ID 147) since the 72" Hot Mill will be able to handle 2" slabs as opposed to the current 1" slabs being transferred. Since this modification and the modifications authorized under PAs 36-05014J & 36-05014K (replacement of Nos. 5—8 melting furnace burners) and PA 36-05014L (replacement of two Hunter Cold Mill motors) are considered the same project, the emissions from the four will be aggregated for PSD/NNSR applicability purposes. As such, emission increases due to the project are estimated to be: 40.78 tpy CO, 32.11 tpy NO<sub>x</sub>, 6.55 tpy PM, 11.50 tpy PM<sub>10</sub>, 9.73 tpy PM<sub>2.5</sub>, 0.35 tpy SO<sub>x</sub>, & 37.87 tpy VOC.

DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the

plan approval will be incorporated into an operating permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

*Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Edward Orris, New Source Review Chief, 412.442.4168.*

**63-01004C: Tech Met, Inc.** (15 Allegheny Square, Glassport, PA 15045). Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Department of Environmental Protection (Department) intends to issue Air Quality Plan Approval 63-01004C to allow the installation and temporary operation of an iron alloy forgings line comprised of two (2) 449 gallon process tanks, one (1) 823 gallon process tank, three (3) 449 gallons rinse tanks, and one (1) 29,211 scfm scrubber as well as a titanium sheet processing line comprised of four (4) 2,872 etching tanks, one (1) 5,027 etching tank, and one (1) 29,211 scfm scrubber. Two (2) natural gas fired heaters less than 10 MMBtu/hr are also proposed and exempted from Plan Approval per 25 Pa. Code § 127.14(a)(2) listed as No. 2 in the Department's Plan Approval. The facility is located in Donora Borough, **Washington County**.

The proposed project potential to emit will not equal or exceed 54.0 tons of nitrogen oxides (NO<sub>x</sub>), 1.0 ton of carbon monoxide (CO), 0.5 ton of particulate matter, 0.05 ton of sulfur dioxide (SO<sub>2</sub>), 0.05 ton of volatile organic compounds (VOC), 2.0 tons of total hazardous air pollutants (HAPs), 0.01 ton of HCl, and 2.0 tons of HF.

Facility-wide potential to emit after completion of the project shall not equal or exceed 64.0 tons of nitrogen oxides (NO<sub>x</sub>), 2.0 tons of carbon monoxide (CO), 0.5 ton of particulate matter, 0.05 ton of sulfur dioxide (SO<sub>2</sub>), 13.0 tons of volatile organic compounds (VOC), 11.0 tons of total hazardous air pollutants (HAPs), 6.0 tons of highest single HAP (Perchloroethylene), 0.01 ton of HCl, and 2.0 tons of HF. Each new process will be controlled by the 29,211 scfm scrubber. All new sources were evaluated for compliance with best available technology (BAT) requirements.

The authorization is subject to State Emission Standards. This plan Approval has been conditioned to ensure compliance with all applicable rules. This includes emissions restrictions, operational restrictions, testing, monitoring, recordkeeping, reporting, and work practice requirements. Once compliance with the Plan Approval is demonstrated, the applicant will be required to revise the existing State Only Operating Permit in accordance with 25 Pa. Code Subchapter F.

The Plan Approval Application, the Department's Air Quality Review Memorandum, the proposed Air Quality Plan Approval, and other relevant information for this project are available for review by any interested party at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the Plan Approval Application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality Plan Approval for this project, a person may contact the Department at 412.442.4000.

A person may oppose the proposed plan approval by filing a written protest with the Department through Laura Dickson, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; ldickson@pa.gov; or fax 412.442.4194. Each protest or set of written comments must contain the name,

address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-63-01004B) and a concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based. All comments must be received prior to the close of business 30 days after the date of this publication.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Edward F. Orris, Environmental Engineer Manager, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222 or by email to eorris@pa.gov. All comments must be received prior to the close of business 30 days after the date of this publication.

### OPERATING PERMITS

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

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

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.*

**46-00031: Glaxo SmithKline, LLC**, 1250 South College Rd, Collegeville, PA 19426, located in Upper Providence Township, **Montgomery County**. This action is a renewal of the Title V Operating Permit. The facility is primarily involved in pharmaceutical research and development. Glaxo SmithKline operates boilers, generators and other lab equipment. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting. The operation is not subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64 and NSPS regulations.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Contact: Norman Frederick, Facility Permitting Chief, (570) 826-2409.*

**45-00002: WestRock Converting Co., LLC** (242 Paper Mill Road, P.O. Box 770, Delaware Water Gap, PA 18327). The Department intends to issue a Title V Operating Permit Renewal for their facility located in Smithfield Township, **Monroe County**. The proposed Title V Operating Permit includes all applicable emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

*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 a Title V/State Operating Permit for the following facility:

**OP17-000065: Philadelphia Gas Works—Richmond Plant** (3100 E Venango Street, Philadelphia, PA 19134) for the operation of a natural gas utility in the City of Philadelphia, **Philadelphia County**. Activities include liquefied natural gas (LNG) storage and distribution of natural gas to the city of Philadelphia. The facility is a major source of Nitrogen Oxides. The facility's current air emission sources include the following:

- Eight (8) Uniflux or Exotherm LNG heaters: One (1) 96.6 MMBtu/hr vaporizer heater, one (1) 94.1 MMBtu/hr vaporizer heater, four (4) 91.5 MMBtu/hr vaporizer heaters, one (1) 5 MMBtu/hr boil-off heater, and one (1) 4.5 MMBtu/hr boil-off heater).
- Two (2) Solar turbine compressors rated 12.53 MMBtu/hr and 11.5 MMBtu/hr.
- Six (6) natural gas-fired emergency engines: one (1) 170 horsepower (hp) Kohler generator, one (1) 134 hp PSI generator, one (1) 197 hp PSI generator, and three (3) 295 hp Caterpillar fire pumps.
- Two (2) diesel-fired Caterpillar/Ransome emergency engines each rated 1,214 hp.
- Three (3) natural gas-fired boilers/hot water heaters: one (1) 9.1 MMBtu/hr Uniflux/Exotherm heater, and two (2) 1.5 MMBtu/hr GasMaster heaters.

In addition, AMS has made a preliminary determination to simultaneously seek from EPA an amendment to the State Implementation Plan (SIP) for the Richmond Station facility owned and operated by PGW in Philadelphia, Philadelphia County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amendment of the Reasonably Available Control Technology (RACT) approval for the facility, which are intended to comply with current regulations.

The proposed amendments to the RACT determination, if approved, will be incorporated into the renewal for TVOP No. OP17-0000065. Therefore, this notice serves as the public's only opportunity under Title V to provide comments on record for this proposed permit action. The RACT determination correction will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to the Commonwealth's SIP. Requirements that are not relevant to the RACT determination correction will not be submitted as part of the SIP revision submittal will be excluded from the SIP submittal.

The following is a summary of the preliminary RACT determination, which AMS proposes to incorporate into the revised TVOP:

1. PGW's 2015 RACT plan approval (PA-51-4922) currently identifies the presumptive RACT emissions limitations of 25 Pa. Code § 129.93(c) for the three (3) 295 hp Caterpillar fire pumps under the source type listed at 25 Pa. Code § 129.93(c)(3). This is listed as Condition 1(B)(3) in the RACT plan approval. This source type does not reflect the actual operation of the engines and is a presumptive RACT requirement. AMS proposes that the RACT requirement for the source should be updated to reflect the correct source type under 25 Pa. Code § 129.93(c)(5) and removed from the SIP as a case-by-case RACT requirement.

<i>Source</i>	<i>NO<sub>x</sub> RACT II Requirement</i>
Three (3) 295 hp Caterpillar fire pumps	Remove the following condition: (3) Internal combustion engines rated at less than 500 bhp (gross) which are set and maintaining 4° retarded relative to standard timing.

The Title V 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 Ave., Philadelphia, PA 19104. For further information, contact Mr. Edward Wiener (215) 685-9426.

Copies of the application, AMS analysis, all pertinent documents used in the evaluation of the application, and subsequently prepared proposed TVOP/SIP are available for public review during normal business hours at 321 University Avenue, 2nd Floor, Philadelphia, PA 19104. Persons wishing to review these documents should contact Debra Williams (215-685-7572) at the previously listed address.

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 TVOP or regarding the SIP revision, may submit the information to the Chief of Source Registration, 321 University Avenue, Philadelphia, PA 19104. A 30-day comment period from the Date of Publication in the *Pennsylvania Bulletin* 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 TVOP including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed TVOP.

Persons wishing to request for a public hearing must provide a written request to "Chief of Source Registration" to the previously listed address the within 30 days from this publication date. If requested by the public, AMS will hold a public hearing to accept comments on the proposed RACT II Plan Approval revision and the proposed SIP revision.

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

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*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.*

**36-03147: A & M Composting, Inc.** (2022 Mountain Rd, Manheim, PA 17545-9517) to issue a State Only Operating Permit for the sludge composting facility located in Penn Township, **Lancaster County**. The potential emissions from the facility are estimated at 54 tpy of ammonia and 5 tpy of VOC's. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 123.31.

Southwest Regional Office, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

**26-00520: NobelClad, A DMC Company** (1138 Industrial Park Dr., P.O. Box 317, Mt. Braddock, PA 15465-0317). In accordance with 25 Pa. Code §§ 127.441 and 127.425, the Department is providing notice that they intend to issue a renewed, facility-wide, natural minor, State Only Operating Permit for the continued operation of an explosive process metal cladding plant known as the Mount Braddock Facility, located in North Union Township, **Fayette County**.

The primary sources at the facility are two, 13.5 MMBtu/hr and 10 MMBtu/hr, NG-fired, Heat Treating Furnaces, a Plasma Cutting Table, a 9 MMBtu/hr, NG-fired, Car Bottom Furnace, and five, 2-1.5 MMBtu/hr and 3-2.2 MMBtu/hr, NG-fired air heaters.

Annual potential emissions are 17.0 tons of NO<sub>x</sub>, 15.3 tons of CO, 8.8 tons of PM<sub>10</sub>, 8.8 tons of PM<sub>2.5</sub>, 1.4 tons of VOC, 0.2 tons of SO<sub>2</sub>, 2.1 tons of all HAPs combined, and 21,735 tons of CO<sub>2e</sub>. Sources at the Mount Braddock Facility are subject to 40 CFR Part 63, Subpart A and Subpart XXXXXX and 25 Pa. Code Chapters 121–145. The permit includes emission limitations and operational, monitoring, reporting, and recordkeeping requirements for the plant.

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>.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of this Title V Operating Permit may submit the information to Martin L. Hochhauser, P.E., Pennsylvania Department of Environmental Protection, 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 (specify Operating Permit SOOP-26-00520) and concise statements 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. In accordance with 25 Pa. Code § 127.428, prior to issuing an operating permit, the Department may hold a fact-finding conference or hearing at which the petitioner, and a person who has properly filed a protest under § 127.426 (relating to filing protests) 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 time, place, and purpose of a conference or hearing, in writing or by publication in a newspaper or the *Pennsylvania Bulletin*, unless the Department determines that notification by telephone will be sufficient.

**26-00575: Green Ridge Cemeteries, Inc./Green Ridge Memorial Park & Crematory** (2901 Memorial Blvd., Connellsville, PA 15425). 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 a human crematory incinerator located in Bullsken Township, **Fayette County**.

Green Ridge Cemeteries, Inc. operates a human crematory with one natural gas-fired Matthews IE43-PPII Human Cremator Incinerator. The unit is composed of a 1.5 MMBtu/hr primary chamber and a 2.0 MMBtu/hr secondary chamber. The incinerator is capable of handling 150 lbs/hr with a maximum charge capacity of 750 pounds.

This facility has the potential to emit 3.60 tpy PM<sub>10</sub>, 3.29 tpy CO, 0.82 tpy SO<sub>x</sub>, 0.99 tpy NO<sub>x</sub>, 0.99 tpy VOC, and 0.38 tpy HAPs. The unit is limited to 0.08 gr/dscf particulate matter corrected to 7% CO<sub>2</sub> and 500 ppmv sulfur oxides. Visible emissions are limited to 10% for a period of up to three minutes per hour, or 30% at any time. 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 (26-00575) and concise statements 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.

**56-00302: Lincoln Contracting & Equipment Co., Inc.** (2478 Lincoln Highway, Stoystown, PA 15563). In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) gives notice that they intend to issue a State Only Operating Permit (SOOP) renewal to Lincoln Contracting & equipment Co., Inc. to authorize the continued operation of a metal fabrication and painting operation located in Jenner Township, **Somerset County**.

The facility's operations include abrasive blasting, welding and painting. Air emission sources at this facility are two propane fired boilers rated .299 MMBtu/hr and

5 MMBtu/hr respectively, shotblast, paint spray area, paint storage, welders, parts cleaning, and other miscellaneous equipment associated with this type of operation. There is a dust collector, exhausted indoors, to control particulate emissions from blasting and filters to control particulate emissions from painting operations. The estimated facility wide potential emissions are 11 tons per year of VOC, 1 ton per year of PM<sub>10</sub>, 0.5 ton per year of NO<sub>x</sub>, 0.1 ton per year of SO<sub>2</sub> and 1.5 tons per year of HAPs. The proposed authorization is subject to State and Federal Regulations. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the proposed permit have been derived from the applicable requirements of 25 Pa. Code Article III, Chapters 121–145 and 40 CFR Part 63 Subpart XXXXXX.

A person may oppose the proposed State Only Operating Permit by filing a written protest with the Department through Noor Nahar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed State Only Operating Permit (56-00302) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

Lincoln Contracting & Equipment Co., Inc. State Only Operating Permit Application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Operating Permit for this facility are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the Lincoln Contracting & Equipment Co., Inc. State Only Operating Permit application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed air Quality Operating Permit for this facility, a person may contact Noor Nahar at nnahar@pa.gov or 412.442.5225.

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

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

*Contact: Matthew Williams, Facilities Permitting Chief, (814) 332-6940.*

**10-00237: Fox Funeral Home** (410 West Main Street, P.O. Box 305, Saxonburg, PA 16056). The Department intends to renew a State Only Operating Permit renewal for the facility located in Saxonburg Borough, **Butler County**. The facility is a Natural Minor. The primary sources at the facility include a natural gas fueled crematory and miscellaneous natural gas combustion units. The crematory is equipped with a 716,000 Btu/hr burner in the primary chamber and a 1.4 million Btu/hr burner in the secondary chamber. Emissions from the facility are: 0.04 tpy PM<sub>10</sub>; 0.05 tpy CO; and 0.10 tpy VOC. The renewal permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**24-00135: National Fuel Gas Supply Corp., Island Run Compressor Station** (1326 Arkansas Ln, Ridgway, PA 15853). The Department intends to issue the renewal State-Only Operating Permit of a natural gas transmission facility located in Ridgway Township, **Elk County**.

Permitted air contamination sources at the facility are four natural gas-fired compressor engines, a natural gas-fired emergency generator engine, two dehydration units, miscellaneous fugitive emission sources, and space heaters. With an elective NO<sub>x</sub> restriction to maintain NO<sub>x</sub> emissions below major source threshold, the facility is Synthetic Minor for permitting purposes. In this renewal, a replacement emergency generator engine is added as a permitted source and subject to 40 CFR 60 Subpart JJJJ. The emergency generator engine replaced is removed. Because the facility is not a major NO<sub>x</sub> source, the RACT I presumptive requirements for the compressor engines are no longer applicable and therefore removed. Various fugitive emissions sources are incorporated as permitted sources for emission inventory reporting purposes.

**42-00175: Federal Correctional Institution, McKean** (P.O. Box 5000, Bradford, PA 16701). The Department intends to renew a State Only Operating Permit for the operation of boilers and emergency generators at the facility located in Lafayette Township, **McKean County**. The facility is a Synthetic Minor; they have taken a Federally enforceable limit of 950 operating hours per year for the emergency generators in order to assure emissions remain below the major source thresholds. Potential Emissions are as follows: 3.93 tpy PM; 54.90 tpy NO<sub>x</sub>; 3.20 tpy SO<sub>x</sub>; 16.33 tpy CO; and 0.40 tpy VOC. The sources at the facility include 3 natural gas fueled boilers, all used for building heat, each rated at 16.8 million Btu/hr and 2 diesel-fueled emergency generators, each rated at 1,135 hp and a 105 hp diesel-fueled fire pump. The boilers are capable of being operated on # 2 fuel oil as a back-up fuel source and are subject to an operating restriction that allows only 1 boiler to be operated at a time. The boilers are subject to 40 CFR Part 60 Subpart Dc, the Standards of Performance for Small Industrial, Commercial, Institutional Steam Generating Units. The emergency generators are subject to 40 CFR Part 63 Subpart ZZZZ, the National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

#### PLAN APPROVALS

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

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.*

**48-00121A: Easton Area Joint Sewer Authority (EAJSA)** (50-A South Delaware Drive, Easton, PA 18042) for their facility located in Easton, **Northampton County**.

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Easton Area Joint Sewer Authority (EAJSA) (50-A South Delaware Drive, Easton, PA 18042) for their facility located in Easton, Northampton County. This Plan Approval No. 48-00121A will be incorporated into a State Only Permit through an administrative amendment at a later date.

Plan Approval No. 48-00121A is for the installation of two combined heat and power (CHP) units. The units will be fired on Biogas with SCR technology. The VOC emissions from the facility will not equal or exceed 50 TPY, based on a 12-month rolling sum. The NO<sub>x</sub> emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. Total PM, SO<sub>x</sub>, and CO emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. The HAPs from the facility must never equal or exceed 10 TPY of any single HAP and must never equal or exceed 25 TPY of all aggregated HAPs, based on a 12-month rolling sum. The Plan approval and Operating Permit will include testing, monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

The facility is subject 25 Pa. Code § 127.12(a)(5) Best Available Technology (BAT) requirements. The visible emission opacity shall not be equal to or greater than 20% at any time. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions.

Emissions from the units will meet BAT. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 48-00121A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

**40-00145B: UTZ Quality Foods, LLC** (900 High Street, Hanover Township, PA 17331) for their facility located in Hanover Township, **Luzerne County**.

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to UTZ Quality Foods, LLC (900 High Street, Hanover Township, PA 17331) for their facility located in Hanover Township, Luzerne County. This Plan Approval No. 40-00145B will be incorporated into a State Only Permit through an administrative amendment at a later date.

Plan Approval No. 40-00145B is for the installation of a two new Kettle Lines with fryers and demisters. VOC emissions from the plant will remain under 50 TPY threshold limit, 12-month rolling sum. Total HAP emissions from the facility will be under 25 TPY, 12-month rolling sum. Single HAP emissions will be under 10 TPY, 12-month rolling sum. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. The company shall be subject to and comply with 25 Pa. Code § 123.13 for particulate emissions. The company shall be subject to and comply with 25 Pa. Code § 123.41 for Visible emissions. Emissions from the line will be controlled by the use of a baghouse. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 40-00145B and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

*Contact: Norman Frederick, Facility Permitting Chief, (570) 826-2409.*

**48-00089D: Spray Tek, LLC** (3010 Avenue B, Bethlehem, PA 18017) for their facility in the City of Bethlehem, **Northampton County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Spray Tek, LLC (3010 Avenue B, Bethlehem, PA 18017) for their facility in City of Bethlehem, Northampton County. This Plan Approval No. 48-00089D will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No.48-00089D is for the installation and operation of one (1) new natural gas heated spray dryer using one (1) wet scrubber to control particulate matter (PM) emissions. The company shall be subject to and comply with 25 Pa. Code § 123.13 for particulate matter emissions and 25 Pa. Code § 123.31 for malodors. These limits will meet BAT requirements for this source emissions. The Plan Approval and Operating permit will

contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 48-00089D and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

## COAL & 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

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
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. 56111601 and NPDES Permit No. PA0236098. Laurel Prep Plant, LLC**, 1501 Ligonier Street, Latrobe, PA 15650 to transfer the permit and related NPDES Permit from LCT Energy, LP for Laurel Plant in Shade Township, **Somerset County**. No additional discharges. The application was considered administratively complete on August 6, 2021. Application received: April 27, 2021.

**Permit No. 30841317 and NPDES Permit No. PA0213527. Consol Pennsylvania Coal Company LLC**, 1000 Consol Energy Drive, Suite 100, Canonsburg, PA 15317 to revise the permit and related NPDES Permit for construction of an airshaft and powerline for Enlow Fork Mine in Richhill Township, **Greene County** and Morris Township, **Washington County** affecting 24.4 proposed surface acres. No additional discharges. The application was considered administratively complete on August 25, 2021. Application received: June 22, 2021.

**Permit No. 65131301 and NPDES Permit No. PA0236241 and GP12-65131301. LCT Energy, LP**, 938 Mt. Airy Drive, Suite 200, Johnstown, PA 15904 to renew the permit and related NPDES Permit, including a renewal of Air Quality GPA/GP12 authorization for Rustic Ridge #1 in Donegal Township, **Westmoreland County** and Saltlick Township, **Fayette County**. No additional discharges. The application was considered administratively complete on August 25, 2021. Application received: June 17, 2021.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900, (Contact: Melanie Ford-Wigfield).*

**Permit No. 56090106 and NPDES No. PA0262765. Mountaineer Mining Corp.**, 1010 Garrett Shortcut Road, Berlin, PA 15530, renewal for the continued operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 105.5 acres. Receiving streams: unnamed tributaries to/and Buffalo Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 27, 2021.

**Permit No. 32100201 and NPDES No. PA0262960. Robindale Energy Services, Inc.**, 224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920, renewal for the continued operation and restoration of a bituminous surface mine in Brush Valley Township, **Indiana County**, affecting 58.5 acres. Receiving stream: Blacklick Creek classified for the following use: trout stocked fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 30, 2021.

**Permit No. 11110102. Laurel Sand & Stone, Inc.**, P.O. Box 556, 210 E. Main Street, Ligonier, PA 15658, permit renewal for reclamation only of a bituminous surface and auger mine in Jackson Township, **Cambria County**, affecting 225.1 acres. Receiving streams: unnamed tributaries to/and Bracken Run and unnamed tributary to South Branch Blacklick Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 31, 2021.

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191, (Contact: Cayleigh Boniger).*

**Permit No. 17050108 and NPDES No. PA0256277. King Coal Sales, Inc.**, P.O. Box 712, Philipsburg, PA 16866, permit renewal for reclamation only and for a passive treatment system of a bituminous surface coal mine located in Graham and Morris Townships, **Clearfield County** affecting 95.2 acres. Receiving stream(s): Moravian Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: August 30, 2021.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 54120901R2. Keystone Quarry, Inc.**, 249 Dunham Drive, Dunmore, PA 18512, renewal of an anthracite incidental coal extraction permit in Foster, Frailey and Reilly Townships, **Schuylkill County** affecting 139.0 acres. Receiving stream: Gebhard Run, classified for the following uses: cold water and migratory fishes. Application received: August 27, 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*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

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

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191, (Contact: Cayleigh Boniger).*

**Permit No. 10010309. Annandale Sandstone**, 219 Goff Station Road, Boyers, PA 16020. Renewal of NPDES Permit No. PA0241938 in Venango Township, **Butler County**, affecting 17.6 acres. Receiving streams: Unnamed tributaries to Seaton Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: August 27, 2021.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200, (Contact: Ashley Smith).*

**Permit No. 41100301 and NPDES No. PA0257486. Glenn O. Hawbaker, Inc.**, 1952 Waddle Rd., Suite 203, State College, PA 16803, renewal of an NPDES permit for a large noncoal mining site located in Armstrong Township, **Lycoming County** affecting 81.5 acres. Receiving stream(s): Hagermans Run classified for the following use(s): HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received: August 30, 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*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472.1900.*

**NPDES No. PA0263303 (Mining Permit No. 32110104), Simpson Coal Company**, 1005A Bush Road, Saltsburg, PA 15681, new NPDES permit for bituminous surface mine in Young Township, **Indiana County**, affecting 40.5 acres. Receiving stream(s): Nesbit Run and unnamed tributary to Whiskey Run, classified for the following use(s): cold water fishery. The receiving streams are included in the Kiski-Conemaugh TMDL. Application received: August 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.

The following treated wastewater outfall discharges to: unnamed tributary to Whiskey Run

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N

The following treated wastewater outfall discharges to: Nesbit Run

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
002	N

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

<i>Outfalls: 001 and 002 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			50.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.

Alkalinity must exceed acidity at all times.

The following stormwater outfalls discharge to: unnamed tributary to Whiskey Run

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
003	N
004	N

The following stormwater outfall discharges to: Nesbit Run

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
005	N

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

<i>Outfalls: 003—005 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35.0	70.0	90.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.

Alkalinity must exceed acidity at all times.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342.8200.*

**NPDES No. PA 0243027 (Mining Permit No. 17000111), Gregg Barrett Coal**, 288 Watts Road, Curwensville, PA 16833, renewal of an NPDES permit for coal mining in Ferguson Township, **Clearfield County** affecting 60 acres. Receiving stream(s): Unnamed Tributary to Watts Creek, classified for the following use(s): High Quality. Application received: April 12, 2021.

The following outfalls require a non-discharge alternative:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	N	Treatment Facility C
003	N	Sediment Pond A
004	N	Sediment Pond B
005	N	Sediment Pond E

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 infiltration galleries. Instantaneous maximum BAT limits will be applied to the outfall effluent entering the infiltration galleries for the protection of the groundwater.

**NPDES No. PA0257613 (Mining Permit No. 17110104), Strishock, LLC**, 1006 Dubois, PA 15801, renewal of a NPDES permit for coal surface mining in Decatur and Boggs Townships, **Clearfield County**, affecting 52.5 acres. Receiving stream(s): Unnamed Tributary to Little Laurel Run, classified for the following use(s): Cold Water Fishes. This receiving stream is included in the Little Laurel Run TMDL. Application received: April 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.

The following outfall discharges to unnamed tributary to Little Laurel Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	N	Post-Mining Water Treatment System

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

<i>Outfalls: 001 (All Weather Conditions) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Net Acidity (pounds/day)	NA	NA	9.75
Iron (pounds/day)	NA	NA	2.13
Manganese (pounds/day)	NA	NA	1.42
Aluminum (pounds/day)	NA	NA	0.54
Total Suspended Solids (mg/L)		Monitor & Report	
Sulfate (mg/L)		Monitor & Report	
Flow (gpm)		Monitor & Report	
Temperature (°C)		Monitor & Report	
Specific Conductivity (µmhos/cm)		Monitor & Report	
pH (S.U.)		Monitor & Report	

This proposed mine site also contains or is hydrologically connected to substandard discharges for which there is no responsible party. Pursuant to 25 Pa. Code Chapter 87 Subchapter F, effluent limits for those discharges will be based upon the existing baseline pollution load, or the standards found at 25 Pa. Code Chapter 87.102(a) Group A, whichever is least stringent.

## 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. E1501221-014, DeLuca Signature, L.P.**, 370 East Maple Avenue, Suite 101, Langhorne, PA 19047, Wallace Township, **Chester County**, ACOE Philadelphia District.

DeLuca Signature, L.P. is proposing to perform the following water obstruction and encroachment activities associated with the Ferguson Preserve and are listed as follows.

Activities associated with the installation of two (2)—4" diameter sanitary sewer force main crossings for proposed development:

1. To excavate and construct a temporary road crossing and install and maintain a 4" sanitary sewer force main crossing the Unnamed Tributary to East Branch of Brandywine Creek (HQ, TSF, MF) resulting in 26 linear feet (237 sq ft, 0.005 acre) of temporary watercourse impact, 30 linear feet (4,070 sq ft, 0.09 acre) of temporary floodway impact, and 30 linear feet (875 sq ft, 0.02 acre) of temporary wetland impact.

2. To excavate and construct a temporary road crossing and install and maintain a 4" sanitary sewer force main crossing the Unnamed Tributary to East Branch of Brandywine Creek (HQ, TSF, MF) resulting in 26 linear feet (268 sq ft, 0.006 acre) of temporary watercourse impact, 30 linear feet (4,070 sq ft, 0.09 acre) of temporary watercourse impact, and 30 linear feet (2,870 sq ft, 0.07 acre) of temporary floodway impact.

This project is located at 801 Marshall Road, Glenmoore, Wallace Township, Chester County, (USGS PA Downingtown; Wagontown Quadrangle—Latitude: 40.082420 N, Longitude: -75.749707 W).

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

*Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.*

**E4002221-011. Wyoming Valley Sanitary Authority**, P.O. Box 33A, Wilkes-Barre, PA 18706, in Wyoming Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To restore approximately 2,000 linear feet of stream along UNT to the Susquehanna River (CWF, MF). The project will stabilize eroded stream embankments, remove legacy sediment at the flood control gates, and reduce future sediment from entering the Susquehanna River. The project is located between the flood control gates located adjacent to Wyoming Avenue and ends just before the confluence with the Susquehanna River, in Wyoming Borough, Luzerne County. Quadrangle Latitude: 41° 18' 04.4" Longitude: -75° 50' 33.8". (Pittston, PA Quadrangle, Latitude: 41° 18' 4.4"; Longitude: -75° 50' 33.8").

**E4802221-007. LVTC III Owner, LLC**, 300 Conshohocken State Road, Suite 250, West Conshohocken, PA 19428, Bethlehem Township, **Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

To fill and maintain a 0.002-acre PFO Wetland (Other) and a 0.05-acre PEM Wetland (Other) for the purpose of constructing a 299,830 ft<sup>2</sup> industrial warehouse building. The permittee is required to provide 0.118 acre of replacement wetlands.

The project is located approximately 0.6 mile southwest of the intersection of Georgetown Road and Hanoverville

Road (Nazareth, PA Quadrangle Latitude: 40° 41' 12" Longitude: -75° 21' 23") in Bethlehem Township, Northampton County.

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**E2803221-002. Pennsylvania Department of Natural Resources**, 132 State Park Road, Schellsburg, PA 15559, Greene Township, **Franklin County**, U.S. Army Corps of Engineers Baltimore District.

To conduct a stream restoration project along 1,085 linear feet of the Conococheague Creek (CWF, MF), including 1) the re-grading and maintenance of 1,085 linear feet of the Conococheague Creek (CWF, MF), 2) installation and maintenance of 1,085 linear feet of streambank stabilization along the Conococheague Creek (CWF, MF), 3) construction and maintenance of four stone deflectors in the Conococheague Creek (CWF, MF), 4) installation and maintenance of streambank stabilization along 115 linear feet of an Unnamed Tributary (UNT) to the Conococheague Creek (CWF, MF), 5) installation and maintenance of streambank stabilization along 195 linear feet of Rocky Mountain Creek (HQ-CWF, MF), 6) repairs and maintenance of four pedestrian bridges, including one pedestrian bridge carrying the UNT to Conococheague Creek (CWF, MF) to be slipped lined, resulting in a total of 270 linear feet of permanent and 5 linear feet of temporary stream impact, to the UNT to the Conococheague Creek (CWF, MF) and Rocky Mountain Creek (HQ-CWF, MF), and 0.007 acre of permanent and 0.003 acre temporary impact to an emergent wetland, all for the purpose of the restoring eroded streambanks, re-establishing the stream thalweg, and improvement safety for park visitors. The project is located in Caledonia State Park (Latitude: 39.908329, Longitude: -77.482206) in Greene Township, Franklin County.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.*

**E1404221-004: Moshannon Valley Joint Sewer Authority (MVJSA)**, 829 North 9th Street, Phillipsburg PA 16866. Wastewater Treatment Plant Construction, Rush Township, **Centre County**, U.S. Army Corps of Engineers Baltimore District (Phillipsburg Quadrangle; Latitude: 40.905528°; Longitude: -78.221094 W°).

The applicant proposes the removal of a 30 ft diameter above ground thickening tank and in the same location, construction of a new 22 ft × 48 ft building to house a UV Disinfection System. All work will be performed within the existing fenced area of the wastewater treatment plant, within the floodplain of Moshannon Creek (TSF). The project proposes .07 acre of direct permanent floodplain impact.

**E1704221-002. Treasure Lake Property Owners Association, Inc.**, 13 Treasure Lake Road, DuBois, PA 15801, 3921 Bay Road Maintenance Dredging and Roadbed Removal, **Clearfield County**, Pittsburgh ACOE (Sabula, PA Quadrangle N: 41° 9' 54.65"; W: -78° 43' 12.48").

The Treasure Lake Property Owner's Association is proposing to dredge approximately 72,000 cubic yards of accumulated silts and sediments from 11 coves and inlets on Treasure Lake to maintain safe boating lanes and give lakefront residents access to their docks. In addition, a roadbed that was constructed at the time the dam was built will be removed. This roadbed is approximately 2.5 feet below the surface at normal pool, and in low water conditions causes a dangerous hazard for boaters

and aquatic life if a petroleum leak should be caused by the shallow bed. The roadbed area is approximately 1.33 acres and the cove and inlet dredging is approximately 14.77 acres. The dredged material will be disposed of at an approved off-site disposal area. There are no anticipated significant adverse impacts to waters of the U.S. or aquatic resources from this project. Treasure Lake is listed in the 25 Pa. Code Chapter 93 designation as a Warm Water Fishery (WWF) and the receiving stream Wolf Run is listed as a Cold Water Fishery (CWF).

*Southwest Region: Dana Drake, Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.*

**E0205221-001, Plum Borough**, 4575 New Texas Road, Pittsburgh, PA 15239, Plum Borough, **Allegheny County**; Pittsburgh ACOE District.

The applicant proposes to:

1. Excavate approximately 241,200 CF of earthen material along the floodplain of Aber's Creek (TSF) to enlarge an existing 44,800 CF stormwater detention basin to a storage volume of 286,000 CF. The maximum depth of the existing basin will be increased from 5' to 10'.

2. Relocate and maintain approximately 130' by 12' of a UNT to Abers Creek (TSF), through a proposed rip rap apron with endwall and through the previously listed proposed stormwater basin.

3. Remove an approximately 4,000 sf riprap emergency spillway, and construct and maintain a replacement emergency spillway of approximately 2,000 sf.

4. Remove the existing, standard concrete outlet control structure with 24" RCP outfall pipe, and construct and maintain a replacement outlet control structure consisting of a 58 LF of 24" RCP, 25 LF of a 6" perforated underdrain, rip rap, and endwall.

5. Construct and maintain a second outlet control structure consisting of a 70 LF of 24" RCP, 25 LF of a 6" perforated underdrain, rip rap, and endwall.

6. Construct and maintain a new 10' by 4' inlet control structure to three (3) 15" RCPs, endwall and rip rap apron to the expanded detention basin.

7. Remove 70 LF of an existing 24" CPP, endwall, and rip rap apron.

8. Remove a manhole, 50 LF of an existing 36" RCP, endwall, and, rip rap apron.

9. Remove 36 LF of an existing 24" RCP.

10. Remove 12 LF of an existing 24" CPP and rip rap apron.

For the purposes of increasing stormwater detention and flood protection of properties adjoining Aber's Creek. The project will permanently impact approximately 804 LF of Abers Creek, 130 LF of a UNT to Abers Creek, 1.2 acres of floodway of both streams, and 0.18 acre of floodplain.

The project site is located 0.8 miles north of the intersection of New Texas Road along the east side of

O'Block Road (Murrysville, PA USGS topographic quadrangle; N: 40°, 27', 50"; W: -79°, 43', 11"; Sub-basin 19A; USACE Pittsburgh District), in Plum Borough, Allegheny County.

**E6305221-006, Alex E. Paris Contracting Company, Inc.**, 1595 Smith Township State Road, Atlasburg, PA 15004, Smith Township, **Washington County**; Pittsburgh ACOE District.

The applicant proposes to:

1. Construct, operate, and maintain a 42.5-foot long by 13-foot wide prefabricated steel bridge with an under clearance of 14.87-feet supported by pre-cast concrete block abutments and wingwalls over Burgetts Fork (WWF); and

2. Excavate and maintain a 25-foot wide by 62-foot long bench within the floodway of Burgetts Fork (WWF).

For the purpose of creating a new access point between two storage yards separated by Burgetts Fork. The project will permanently impact 75 feet of Burgetts Fork, temporarily impact 107 feet of Burgetts Fork, and permanently impact 0.07 acre and temporarily impact 0.12 acre of floodway.

The project site is located at 1595 Smith Township State Road, Atlasburg, PA 15004 (Avella, PA USGS topographic quadrangle; N 40° 20' 13.95"; W -80° 22' 44.42"; Sub-basin 20D; USACE Pittsburgh District), in Smith Township, Washington County.

*Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**E6629221-003: Chesapeake Appalachia, LLC**, 14 Chesapeake Lane, Sayre, PA 18840-1567, Mehoopany Township, **Wyoming County**, ACOE Baltimore District.

To construct, operate and maintain the EDF Wyo Pad, which consists of one 300' by 400' natural gas well pad, with the following impacts:

1. 1,045 square feet (0.024 acre) of permanent indirect impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands via conversion as a result of tree clearing for temporary construction access (Meshoppen, PA Quadrangle, Latitude: N 41° 33' 43.01", Longitude: W 76° 06' 45.04"); and

2. 4,225 square feet (0.097 acre) of permanent direct impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via the placement of fill (Meshoppen, PA Quadrangle, Latitude: N 41° 33' 43.01", Longitude: W 76° 06' 44.61").

The project seeks after-the-fact authorization in accordance with the Consent Decree Chesapeake Appalachia, LLC entered into with the US Environmental Protection Agency and the PA Department of Environmental Protection on May 20, 2021. The permittee will provide 0.024 acre of on-site wetland restoration. All impacts associated with this project are all for the purpose of installing a natural gas well pad and associated access roadways for Marcellus shale development.

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## ACTIONS

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

#### FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended, and renewed NPDES and WQM permits, applications for permit waivers, and NOIs for coverage under General Permits, 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/CWPublicNotice](http://www.dep.pa.gov/CWPublicNotice).

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>
PAS112206	Industrial Stormwater Individual NPDES Permit	Issued	Prime Conduit, Inc. 6500 South Interpace Oklahoma City, OK 73135	Upper Nazareth Township Northampton County	NERO
5990201	Industrial Waste Individual WQM Permit	Issued	Dairy Farmers of American, Inc. 1405 N 98th Street Kansas City, KS 66111-1865	Middlebury Township Tioga County	NCRO
0621804	Joint DEP/PFBC Pesticides Permit	Issued	Goodrich Lonnie 33 Docwill Drive Barto, PA 19504-8740	Washington Township Berks County	SCRO
5213862	Joint DEP/PFBC Pesticides Permit	Issued	Marcel Lake Estates POA 103 Lake Drive Dingmans Ferry, PA 18328-3127	Delaware Township Pike County	NERO
5216805	Joint DEP/PFBC Pesticides Permit	Issued	Marcel Lake Estates POA 103 Lake Drive Dingmans Ferry, PA 18328-3127	Delaware Township Pike County	NERO
PA0025917	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Issued	Chalfont New Britain Township Joint Sewer Authority Bucks County 1645 Upper State Road Doylestown, PA 18901-2624	Doylestown Township Bucks County	SERO

<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>
1921201	Manure Storage Facilities Individual WQM Permit	Issued	Knoebel Joel D 110 Center School Road Elysburg, PA 17824-9142	Cleveland Township Columbia County	NCRO
PA0210625	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	Bradford Forest, LLC 444 High Street Bradford, PA 16701-3735	Bradford City McKean County	NWRO
PA0233102	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	Danzer Veneer Americas, Inc. 240 N Reach Road Williamsport, PA 17701-9101	Williamsport City Lycoming County	NCRO
PA0050431	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Refresco North American 20 Aldan Avenue Concordville, PA 19342	Concord Township Delaware County	SERO
PA0001350	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	The Washington County Coal Co. 46226 National Road Saint Clairsville, OH 43950-8742	Somerset Township Washington County	SWRO
PA0096903	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	G & G Mobile Home Sales 23 Oakridge Heights Drive Oakdale, PA 15071-3914	Robinson Township Washington County	SWRO
PA0220736	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Flying W Ranch, Inc. 685 Flying W Ranch Road Tionesta, PA 16353-8009	Kingsley Township Forest County	NWRO
PA0232751	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Potter Township Centre County 124 Short Road Spring Mills, PA 16875-9326	Potter Township Centre County	NCRO
PA0255009	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	National Park Service P.O. Box 911 Shanksville, PA 15560-0911	Stonycreek Township Somerset County	SWRO
PA0114979	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Knoxville Borough Tioga County P.O. Box 191 Knoxville, PA 16928-0191	Knoxville Borough Tioga County	NCRO
PA0219444	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Markleysburg Borough Fayette County P.O. Box 25 150 Main Street Markleysburg, PA 15459-0025	Markleysburg Borough Fayette County	SWRO
NNOEXNC02	No Exposure Certification	Issued	GKN Sinter Metals, LLC 1 Tom Mix Drive DuBois, PA 15801-2547	DuBois City Clearfield County	NCRO
NOEX14002	No Exposure Certification	Issued	General Electric 404 Union Boulevard Allentown, PA 18109-3228	Allentown City Lehigh County	NERO
NOEXNC141	No Exposure Certification	Issued	Oil States Energy Service 5300 SW 33rd Street Oklahoma City, OK 73179-8444	Watsontown Borough Northumberland County	NCRO



## 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>
NOEXNW002	No Exposure Certification	Issued	JM Smucker, LLC 300 Keck Avenue New Bethlehem, PA 16242-1151	New Bethlehem Borough Clarion County	NWRO
NOEXNW014	No Exposure Certification	Issued	AHT, Inc. 108 Parkway E Pell City, AL 35125-2748	Donegal Township Butler County	NWRO
NOEXNW139	No Exposure Certification	Issued	Welch Foods, Inc. A Cooperative 139 S Lake Street North East, PA 16428-1209	North East Borough Erie County	NWRO
NOEXNW216	No Exposure Certification	Issued	Crosstex International, Inc. 534 Vine Street Sharon, PA 16146	Sharon City Mercer County	NWRO
NOEXSE293	No Exposure Certification	Issued	Lannett Co., Inc. 9001 Torresdale Road Philadelphia, PA 19136	Philadelphia City Philadelphia County	SERO
NOEXSE294	No Exposure Certification	Issued	Lannett Co., Inc. 9001 Torresdale Avenue Philadelphia, PA 19136-1514	Philadelphia City Philadelphia County	SERO
PAG033661	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Yerty Auto Parts, Inc. 8358 Woodbury Pike Roaring Spring, PA 16673-8107	Taylor Township Blair County	SCRO
PAG034885	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Cameron International, Corp 5599 San Felipe Street Houston, TX 77056-2724	DuBois City Clearfield County	NCRO
PAG036237	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Warren T Ritchey 30 Georgetown Road Canonsburg, PA 15317	Cecil Township Washington County	SWRO
PAG036301	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	SPM Oil & Gas PC, LLC 601 Weir Way Fort Worth, TX 76108-2508	Hanover Township Washington County	SWRO
PAG038397	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Earthscape, Inc. 190 Canon Road Stoneboro, PA 16153-2022	East Lackawannock Township Mercer County	NWRO
PAR220002	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Sunbelt Forest Products P.O. Box 1218 Bartwo, FL 33831	Falls Township Bucks County	SERO
PAG049128	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Donna & Ryan Irish 4501 E Stancliff Road McKean, PA 16426-1938	McKean Township Erie County	NWRO
PAG123564	PAG-12 NPDES General Permit for CAFOs	Issued	Buckwalter Farms, LLC 350 Rock Point Road Marietta, PA 17547-9209	East Donegal Township Lancaster County	SCRO
PAG123638	PAG-12 NPDES General Permit for CAFOs	Issued	J. Stephen Good 1415 Lime Valley Road Lancaster, PA 17602-1817	Strasburg Township Lancaster County	SCRO
PAG123682	PAG-12 NPDES General Permit for CAFOs	Issued	Rutt Joel H 1178 White Oak Road Manheim, PA 17545-9304	Rapho Township Lancaster County	SCRO
PAG123720	PAG-12 NPDES General Permit for CAFOs	Issued	Zimmerman Clifford Z 2993 Mill Road Elizabethtown, PA 17022-8732	Conewago Township Dauphin County	SCRO

<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>
PAG123732	PAG-12 NPDES General Permit for CAFOs	Issued	Chickies Creek Farm, LLC 2537 Risser Mill Road Mount Joy, PA 17552	Mount Joy Township Lancaster County	SCRO
PAG123736	PAG-12 NPDES General Permit for CAFOs	Issued	King Mervin F 637 Gault Road Gap, PA 17527-9754	Greenwood Township Perry County	SCRO
PAG123775	PAG-12 NPDES General Permit for CAFOs	Issued	Linford Snyder 90 Court Street Bethel, PA 19507-9721	Upper Bern Township Berks County	SCRO
PAG123800	PAG-12 NPDES General Permit for CAFOs	Issued	Akers Zachary M 1218 Cherry Lane Clearville, PA 15535-7501	Monroe Township Bedford County	SCRO
PAG134820	PAG-13 NPDES General Permit for MS4s	Issued	Berwick Area Joint Sewer Authority P.O. Box 380 26 W First Street Bloomsburg, PA 17815-0380	Berwick Borough Columbia County	NCRO
PAG134820	PAG-13 NPDES General Permit for MS4s	Issued	Bloomsburg Town Columbia County P.O. Box 380 26 W First Street Bloomsburg, PA 17815-0380	Town of Bloomsburg Columbia County	NCRO
PAG134820	PAG-13 NPDES General Permit for MS4s	Issued	Berwick Borough Columbia County P.O. Box 380 26 W First Street Bloomsburg, PA 17815-0380	Berwick Borough Columbia County	NCRO
PAG134820	PAG-13 NPDES General Permit for MS4s	Issued	Bloomsburg Berwick Columbia County Joint Client P.O. Box 380 26 W First Street Bloomsburg, PA 17815-0380	Berwick Borough Town of Bloomsburg Hemlock Township Scott Township Columbia County	NCRO
PAG134820	PAG-13 NPDES General Permit for MS4s	Issued	Scott Township Columbia County P.O. Box 380 26 W First Street Bloomsburg, PA 17815-0380	Scott Township Columbia County	NCRO
PAG134820	PAG-13 NPDES General Permit for MS4s	Issued	Hemlock Township Columbia County P.O. Box 380 26 W First Street Bloomsburg, PA 17815-0380	Hemlock Township Columbia County	NCRO
PAG136279	PAG-13 NPDES General Permit for MS4s	Waived	Rankin Borough Allegheny County 320 Hawkins Avenue Rankin, PA 15104-1008	Rankin Borough Allegheny County	SWRO
2021408	Sewage Treatment Facilities Individual WQM Permit	Issued	Mailliard Lisa P.O. Box 405 Cochranton, PA 16314-0405	Fairfield Township Crawford County	NWRO
2021409	Sewage Treatment Facilities Individual WQM Permit	Issued	Sandra & William Tracy 43224 Gilson Ridge Road Titusville, PA 16354-4506	Oil Creek Township Crawford County	NWRO
2588403	Sewage Treatment Facilities Individual WQM Permit	Issued	Albion Borough Erie County 26 Smock Avenue Albion, PA 16401	Conneaut Township Erie County	NWRO
2821401	Sewage Treatment Facilities Individual WQM Permit	Issued	Estate of Arbutus Metcalfe 11790 Punch Bowl Road Mercersburg, PA 17236-9780	Montgomery Township Franklin 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>
2821402	Sewage Treatment Facilities Individual WQM Permit	Issued	Estate of Arbutus Metcalfe 11790 Punch Bowl Road Mercersburg, PA 17236-9780	Montgomery Township Franklin County	SCRO
4221403	Sewage Treatment Facilities Individual WQM Permit	Issued	Candice & James Lambka 1294 Wetmore Road Kane, PA 16735-2342	Hamilton Township McKean County	NWRO
4321406	Sewage Treatment Facilities Individual WQM Permit	Issued	Heather Ainsley Kerr & Jesse Kerr 65 Hamburg Road Transfer, PA 16154-2507	Pymatuning Township Mercer County	NWRO
6221404	Sewage Treatment Facilities Individual WQM Permit	Issued	Angela & James Maher 1313 Denniston Avenue Pittsburgh, PA 15217	Pittsfield Township Warren County	NWRO
6721403	Sewage Treatment Facilities Individual WQM Permit	Issued	Long Seth D 301 Mine Bank Road Wellsville, PA 17365-9512	Washington Township York County	SCRO
2121403	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	East Pennsboro Township Cumberland County 98 S Enola Drive Enola, PA 17025-2704	East Pennsboro Township Cumberland County	SCRO
PA0255068	Single Residence STP Individual NPDES Permit	Issued	Stewart Duane 260 Wilson Road Dawson, PA 15428-1067	Lower Tyrone Township Fayette County	SWRO
PA0263745	Single Residence STP Individual NPDES Permit	Issued	Nolan Thomas Henry 128 Dalmagro Road Butler, PA 16002-9306	Clearfield Township Butler County	NWRO
PA0267449	Single Residence STP Individual NPDES Permit	Issued	Long Seth D 301 Mine Bank Road Wellsville, PA 17365-9512	Washington Township York County	SCRO
PA0267465	Single Residence STP Individual NPDES Permit	Issued	Estate of Arbutus Metcalfe 11790 Punch Bowl Road Mercersburg, PA 17236-9780	Montgomery Township Franklin County	SCRO
PA0267473	Single Residence STP Individual NPDES Permit	Issued	Estate of Arbutus Metcalfe 11790 Punch Bowl Road Mercersburg, PA 17236-9780	Montgomery Township Franklin County	SCRO
PA0289337	Single Residence STP Individual NPDES Permit	Issued	Mailliard Lisa P.O. Box 405 Cochranton, PA 16314-0405	Fairfield Township Crawford County	NWRO
PA0289345	Single Residence STP Individual NPDES Permit	Issued	Angela & James Maher 1313 Denniston Avenue Pittsburgh, PA 15217	Pittsfield Township Warren County	NWRO
PA0289388	Single Residence STP Individual NPDES Permit	Issued	Candice & James Lambka 1294 Wetmore Road Kane, PA 16735-2342	Hamilton Township McKean County	NWRO
PA0289396	Single Residence STP Individual NPDES Permit	Issued	Sandra & William Tracy 43224 Gilson Ridge Road Titusville, PA 16354-4506	Oil Creek Township Crawford County	NWRO
PA0289400	Single Residence STP Individual NPDES Permit	Issued	Heather Ainsley Kerr & Jesse Kerr 65 Hamburg Road Transfer, PA 16154-2507	Pymatuning Township Mercer County	NWRO
WQG018335	WQG-01 WQM General Permit	Issued	Donna & Ryan Irish 4501 E Stancliff Road McKean, PA 16426-1938	McKean Township Erie County	NWRO
WQG02152115	WQG-02 WQM General Permit	Issued	Spring City Borough Chester County 6 S Church Street Spring City, PA 19475-1876	Spring City Borough Chester County	SERO

**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>
PAC350112	PAG-02 General Permit	Issued	Central Scranton Self Storage, LLC 113 Marcaby Lane Clarks Summit, PA 18411-2844	Dunmore Borough City of Scranton Lackawanna County	Lackawanna County Conservation District 1038 Montdale Road Scott Township, PA 18447 570-382-3086
PAC390143	PAG-02 General Permit	Issued	US Home Corporation, dba Lennar Corporation 1285 Drummers Lane Suite 100 Wayne, PA 19087	Upper Saucon Township Lehigh County	Lehigh County Conservation District 4184 Dorney Park Road Suite 105 Allentown, PA 18401 610-391-9583
PAC390141	PAG-02 General Permit	Issued	US Home Corporation, d/b/a Lennar Corporation 1285 Drummers Lane Suite 100 Wayne, PA 19087	Upper Saucon Township Lehigh County	Lehigh County Conservation District 4184 Dorney Park Road Suite 105 Allentown, PA 18401 610-391-9583
PAC400198	PAG-02 General Permit	Issued	Susquehanna Data, LLC Dustin Wertheimer 600 Hamilton Street Allentown, PA 18101	Salem Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAC390144	PAG-02 General Permit	Issued	Stuart Krawitz 1244 N. 27th Street Allentown, PA 18104	South Whitehall Township Lehigh County	Lehigh County Conservation District 4184 Dorney Park Road Suite 105 Allentown, PA 18401 610-391-9583
PAC400218	PAG-02 General Permit	Issued	Halbing-Amato Developers John E. Halbing 3579 N. Memorial Highway Suite 2 Dallas, PA 18612	Dallas Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAC540104	PAG-02 General Permit	Issued	Amos L Zimmerman 107 Mtn Trail Road Newmanstown, PA 17073	W Brunswick Township Schuylkill County	Schuylkill Conservations District 1206 Ag Center Drive Pottsville, PA 17901-9733 570-622-3742
PAD010011	Individual NPDES	Issued	Artillery Ridge Campground, LLC 610 Taneytown Road Gettysburg, PA 17325	Cumberland Township Adams County	SCRO
PAD210071	Individual NPDES	Issued	Ashcombe Mansion Property, LLC 1100 Grantham Road Mechanicsburg, PA 17055	Upper Allen Township Cumberland County	SCRO
PAD360068	Individual NPDES	Issued	Benuel K. & Malinda King 221 Lamparter Road Quarryville, PA 17566	Providence Township Lancaster County	SCRO

## 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>
PAD360070	Individual NPDES	Issued	Ephraim F. Esh 243 Little Britain Road Nottingham, PA 19362	Little Britain Township Lancaster County	SCRO
PAC010164	PAG-02 General Permit	Issued	Precision Cut Industries 115 Ram Drive Hanover, PA 17331	Conewago Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
PAC010174	PAG-02 General Permit	Issued	National Park Service 1195 Baltimore Pike Gettysburg, PA 17325	Cumberland Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
PAC010177	PAG-02 General Permit	Issued	FirstEnergy 2800 Pottsville Pike P.O. Box 16001 Reading, PA 19612-6001	Straban Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
PAC070096	PAG-02 General Permit	Issued	City of Altoona 1126 8th Avenue Altoona, PA 16601	Allegheny Township Blair County	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814.696.0877, ext. 5
PAC360251 A-2	PAG-02 General Permit	Issued	Lincoln Land Group, Inc. 1737 West Main Street Ephrata, PA 17522	Clay Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360279 A-2	PAG-02 General Permit	Issued	Lancaster Airport Authority 500 Airport Road Suite G Lititz, PA 17543	Manheim Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360604	PAG-02 General Permit	Issued	BWCP, LLC 600 Olde Hickory Road Suite 100 Lancaster, PA 17601	Warwick Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360661	PAG-02 General Permit	Issued	Brook Farms Development II, LLC 259 Brook Farms Road Lancaster, PA 17601	Lancaster City Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5

<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>
PAC360647	PAG-02 General Permit	Issued	Keith Frey 3919 Elizabethtown Road Manheim, PA 17545	Rapho Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360660	PAG-02 General Permit	Issued	Mosaic Real Estate, LLC 100 Willow Valley Lakes Drive Willow Street, PA 17584	Lancaster City Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360012 A-1	PAG-02 General Permit	Issued	City of Lancaster 120 North Duke Street Lancaster, PA 17602	Lancaster City Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360621	PAG-02 General Permit	Issued	Mike Rohrer 124 Charlestown Road Washington Boro, PA 17582	Manor Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360640	PAG-02 General Permit	Issued	PPL Electric Utilities, Corp Two North Ninth Street GENN4 Allentown, PA 18101	Manor Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC080060	PAG-02 General Permit	Issued	John A Brennan 12512 Sheshequin Road Athens, PA 18810	Athens Township Bradford County	Bradford County Conservation District 200 Lake Road Suite E Towanda, PA 18848
PAC170048	PAG-02 General Permit	Issued	City of DuBois 96 Guy Avenue DuBois, PA 15801	Sandy Township City of DuBois Clearfield County	Clearfield County Conservation District 6395 Clearfield Woodland Hwy Suite 2 Clearfield, PA 16830-1923
PAC470025 A-1	PAG-02 General Permit	Issued	Green Thumb Industries, Inc 601 E. Market Street Danville, PA 17821	Danville Borough Montour County	Montour County Conservation District 1210 Bloom Road Danville, PA 17821
PAC600072	PAG-02 General Permit	Issued	Luke Hoover 896 Baker Hollow Road Mifflinburg, PA 17844	Buffalo Township Union County	Union County Conservation District 155 N 15th Street Lewisburg, PA 17837-8822
PAC250133	PAG-02 General Permit	Issued	McKean Township 9231 Edinboro Road McKean, PA 16426	Fairview Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403

<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>
PAC030038	PAG-02 General Permit	Issued	Allegheny River Retreat, Inc. 934 Wattersonville Road Cowansville, PA 16218	Washington Township Armstrong County	Armstrong County Conservation District 120 S Grant Avenue Suite 2 Kittanning, PA 16201 724-548-3425
PAC700008	PAG-02 General Permit	Issued	PA Department of Environmental Protection/ Bureau of Abandoned Mine Reclamation 2 Public Square 5th Floor Wilkes-Barre, PA 18701	Zerbe Township Northumberland County	DEP NERO Bureau of Abandoned Mine Reclamation 2 Public Square 5th Floor Wilkes-Barre, PA 18701

**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>
Joshua T. Akers 590 Church Road Quarryville, PA 17566	Lancaster	230	113.93	Ducks/Beef	HQ	Approved

**PUBLIC WATER SUPPLY PERMITS**

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the

Pennsylvania 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).

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, 570-826-2511.*

*Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.*

#### Permit No. 3921508MA, Public Water Supply.

Applicant **Borough of Catasauqua  
Catasauqua Municipal  
Water Works**  
90 Bridge Street  
Catasauqua, PA 18032

Borough Catasauqua Borough

County **Lehigh**

Type of Facility PWS

Consulting Engineer Mr. Jason G. Saylor, P.E.  
Utility Service Company, Inc.  
1230 Peachtree Street NE  
Suite 1100-Promenade  
Atlanta, GA 30309

Permit to Construct September 1, 2021  
Issued

#### Permit No. 4021504MA, Public Water Supply.

Applicant **Bonnieville, Inc.  
Bonham Nursing Home &  
Rehabilitation Center**  
477 Bonnieville Road  
Stillwater, PA 17878

Township Huntingdon Township

County **Luzerne**

Type of Facility PWS

Consulting Engineer Mr. N. Peter Fleszar, P.E.  
Project Engineer  
Glance Associates, Inc.  
3705 Trindle Road  
Camp Hill, PA 17011

Permit to Construct August 10, 2021  
Issued

#### Permit No. 1321504, Public Water Supply.

Applicant **Wen—Lehigh, LLC**  
P.O. Box 1158  
Marshalls Creek, PA 18335

Township Mahoning Township

County **Carbon County**

Type of Facility PWS

Consulting Engineer Thomas G. Pullar, P.E.  
Earth-Res Group, Inc  
6912 Old Easton Rd.  
Pipersville, PA 18947

Permit to Construct August 9, 2021  
Issued

#### Permit No. 3396420, Operations Permit, Public Water Supply.

Applicant **BlueTriton Brands, Inc.**  
305 Nestle Way  
Breinigsville, PA 18031

Township Upper Macungie Township

County **Lehigh**

Type of Facility Bottled Water Facility

Consulting Engineer Edward E. Davis, P.E.  
Miller Brothers  
Construction, Inc.  
P.O. Box 472  
Schuylkill Haven, PA 17972

Permit to Operate July 17, 2021  
Issued

#### Permit No. 3921506, Public Water Supply.

Applicant **Yocco's, Inc.  
(Yocco's South Restaurant)**  
16 East Minor Street  
Emmaus, PA 18049

Township Upper Milford Township

County **Lehigh**

Type of Facility PWS

Consulting Engineer Mr. Thomas G. Pullar, P.E.  
Senior Project Manager  
Earthres Group, Inc.  
P.O. Box 468  
Pipersville, PA 18947

Permit to Construct July 20, 2021  
Issued

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

#### Permit No. 7671097, Minor Amendment, Public Water Supply.

Applicant **Diamond 7 Ranch & Arena**

Municipality Washington Township

County **York**

Responsible Official Jeffrey Keeney  
Owner  
36 Deardorff Road  
Dillsburg, PA 17019

Type of Facility Construction permit for  
treatment system

Consulting Engineer Not Listed

Permit to Construct August 23, 2021  
Issued

**Comprehensive Operation Permit No. 3060667** issued to: **Longswamp United Church of Christ (PWS ID No. 3060667)**, 200 Clay Road, Mertztown, PA 19539, Longswamp Township, **Berks County** on August 23, 2021 for the operation of facilities submitted under Application No. 3060667.

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

#### Permit No. 4121503, Major Amendment, Public Water Supply.

Applicant **Montgomery Water Authority**  
35 South Main Street  
Montgomery, PA 17752



Borough or Township    Brady Township  
 County                    **Lycoming County**  
 Type of Facility        Public Water Supply  
 Consulting Engineer    Edward Brown, P.E.  
                                  1000 Commerce Park Drive  
                                  Suite 201  
                                  Williamsport, PA 17701

Permit Issued            September 7, 2021

**Permit No. 1421507MA, Major Amendment.** Public Water Supply.

Applicant                **Pennsylvania American Water Company**  
                                  852 Wesley Drive  
                                  Mechanicsburg, PA 17055

Borough or Township    Rush Township  
 County                    **Centre County**  
 Type of Facility        Public Water Supply  
 Consulting Engineer    Scott L. Ambrust, P.E.  
                                  Pennsylvania-American Water Co.  
                                  852 Wesley Drive  
                                  Mechanicsburg, PA 17055

Permit Issued            September 1, 2021

**Operations Permit** issued to: **Pennsylvania-American Water Company**, 852 Wesley Drive, Mechanicsburg, PA 17055, PWSID No. 4921501MA, Delaware Township, **Northumberland County** on September 7, 2021 for the operation of facilities approved under construction permit # 4921501MA. This permit authorizes operation of vertical inline Pump No. 2 and variable frequency drive at the existing Watsontown Booster Pump Station. Vertical inline pump no. 1 and variable frequency drive have not been installed and are specifically excluded from this partial operation permit.

**Operations Permit** issued to: **Renovo Borough Water Authority**, 128 Fifth Street, Renovo, PA 17764, PWSID No. 4180058, Renovo Borough, **Clinton County** on September 1, 2021 for the operation of facilities approved under construction permit # 1821501MA. This permit authorizes operation of a bulk water loading station on 15th Street, Renovo, PA (Latitude 41° 19' 44.49" N and Longitude -77° 44' 35.44" W) in Renovo Borough to provide water for non-potable uses from which authorized customers may withdraw a maximum of 100,000 gallons per day.

**SEWAGE FACILITIES ACT PLAN DISAPPROVAL**

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

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

*Plan Location:*

<i>Township</i>	<i>Township Address</i>	<i>County</i>
Fulton Township	777 Nottingham Road	Lancaster County
	Peach Bottom, PA 17563	

*Plan Description:*

The planning module for the **Michael Stoltzfus Subdivision** (DEP Code No. A3-36934-192-1; APS ID No. 1044050) has been disapproved. The proposed development—to be located at 444 Little Britain Church Rd in

Peach Bottom—consists of a residential subdivision with a single-family dwelling using an individual on-lot disposal system. This planning module has been disapproved because the submission did not include a Pennsylvania Natural Diversity Inventory (PNDI) review with a project area of sufficient acreage, and Section K of the planning module was not fully completed by the municipal governing body.

**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, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office. TDD users may telephone the Department through the Pennsylvania 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, 484-250-5787, Charline Bass.*

**Farabella Property**, 2301 Computer Avenue, Willow Grove, PA 19090, Upper Moreland Township, **Montgomery County**. William D. Kraft III, PG, Ramboll, 101 Carnegie Center, Suite 200, Princeton, NJ 08540 on behalf of Ari Levine representing Ernest Farabella, Fisher Broyles, LLP, 1650 Market Street, 36th Floor,

Philadelphia, PA 19103 submitted a Remedial Investigation Report concerning remediation of site groundwater contaminated with PCE and TCE. 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.*

**Former Buck Hill Falls Garage and Maintenance Area.** 196 Golf Road/114 Rock Oak Lane, Barrett Township, **Monroe County**. Austin James Associates, P.O. Box 121, 305 Manor Drive, Pocono Manor, PA 18349, on behalf of Initram LLC, 8280 Greensboro Drive, Suite 710, McLean, VA 22102, submitted a combined Remedial Investigation Report and Final Report concerning remediation of soil and groundwater contaminated by releases of petroleum from historic storage tanks. The report is intended to document remediation of the site to meet a combination of site-specific and Statewide health standards.

**Henry's Service Station**, 4024 Mountain View Drive, Danielsville, PA 18038, Lehigh Township, **Northampton County**. JMT Industrial & Environmental Contracting Services, 710 Uhler Road, Easton, PA 18040, on behalf of Preston Henry, 4024 Mountain View Drive, Danielsville, PA 18038, submitted a revised Final Report concerning remediation of soil contaminated by gasoline from a tanker truck. 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.*

**Ruth Longer Estate Property**, Intersection of Montour Boulevard and Grovania Drive, Danville, PA 17821, Cooper Township, **Montour County**. BL Companies, 2601 Market Pl, Ste 350, Harrisburg, PA 17110, on behalf of IA Construction Corp., P.O. Box 568, Franklin, PA 16323, has submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the site-specific standard requirements.

**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 Final Report concerning remediation of site soil contaminated with produced water and used motor oil resulting from a motor vehicle accident. The report is intended to document remediation of the site to meet the Statewide health standard.

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

**ARG Refinery**, 77 North Kendall Avenue, Bradford, PA 16701, City of Bradford, **McKean County**. GHD, 410 Eagleview Boulevard, Suite 110, Exton, PA 19341, on behalf of American Refining Group, 77 North Kendall Avenue, Bradford, PA 16701, submitted a Remedial Investigation Report concerning the remediation of site soil contaminated with 1,2,4-trimethylbenzene, benzene, toluene, total xylenes, 2-methylnaphthalene, benzo[a]anthracene, anthracene, chrysene, benzidine, dibenzo[a,h]-

anthracene, naphthalene, benzo[a]pyrene, dibenzofuran, fluorene, antimony, arsenic, iron, lead, manganese, thallium, mercury, zinc and site groundwater contaminated with 1,1-dichloroethane, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, 2-butanone (MEK), 2-hexanone, benzene, chloroform, cis-1,2-dichloroethene, ethylbenzene, isopropylbenzene, methyl tert-butyl ether, n-propylbenzene, tetrachloroethene, toluene, total xylenes, trichloroethene, vinyl chloride, 2-methylnaphthalene, benzidine, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, bis[2-ethylhexyl]phthalate, dibenzofuran, indeno[1,2,3-cd]pyrene, naphthalene, pentachlorophenol, pyrene, aluminum, antimony, arsenic, barium, beryllium, cobalt, copper, iron, manganese, mercury, nickel (oxides), thallium, vanadium, and zinc. The report is intended to document remediation of the site to meet the site-specific standard.

**SWEPI LP Warrant 2916 Lease Lot 12 Well No. 14**, 2,000 feet northeast of 1546 Watson Farm Road, Sheffield, PA 16347, Howe Township, **Forest County**. Arcadis U.S., Inc., 6041 Wallace Road Extension, Wexford, PA 15090 on behalf of Shell Western Exploration and Production, LP, 150 N. Dairy Ashford, Houston, TX 77079 has submitted a Final Report concerning remediation of site soil contaminated with 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Benzene, Cumene, Cyclohexane, Ethylbenzene, sec-Butylbenzene, tert-Butylbenzene, Toluene, Xylenes, Total, 1,1'-Biphenyl, 2-Methylnaphthalene, Fluorene, Naphthalene, Phenanthrene and site groundwater contaminated with 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Benzene, Cumene, Cyclohexane, Ethylbenzene, Naphthalene, sec-Butylbenzene, Toluene, Xylenes Total, 2-Methylnaphthalene, Acenaphthene, Anthracene, 1,1'-Biphenyl, Fluorene, Indeno[1,2,3-cd]pyrene, Phenanthrene, Phenol, and Phenolics, Total Recoverable (Phenol). 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:

*Southeast Region: Environmental Cleanup & Brownfields Program Manager, 2 East Main Street, Norristown, PA 19401, Charline Bass, 484-250-5787.*

**2935-2965 North 2nd Street**, 2935-2965 North 2nd Street, Philadelphia, PA 19133, City of Philadelphia, **Philadelphia County**. Natalie Griffith, REPSG, 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Maria Gonzalez, HACE/Casa Indiana, LLC, 167 West Allegheny Avenue, Suite 200, Philadelphia, PA 19140 submitted a Risk Assessment Report/Cleanup Plan/Final Report concerning the remediation of site soil contaminated with arsenic, lead, mercury, thallium, benzo(a)pyrene, benzo(b)fluoranthene, and mercury. The Final Report demonstrated attainment of the site-specific standard and was approved by the Department on August 19, 2021.

**Scholler Inc., Property**, 3320 Collins Street, Philadelphia, PA 19134, City of Philadelphia, **Philadelphia County**. John Lydzinski, PG, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of David Goldstein, Follow Through Capital, 20 Conshohocken State Road, Apt 321, Bala Cynwyd, PA 19004 submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Report was reviewed by the Department which issued an administrative deficiency letter on August 20, 2021.

**West Swamp Mennonite Church**, 2501 Allentown Road, Quakertown, PA 18951, Milford Township, **Bucks County**. Alex Arcega, ACV Environmental Services, Inc., 928 East Hazelwood Avenue, Rahway, NJ 07065 on behalf of Otis Johnson, ACV Environmental Services, Inc., 2527 Market Street, Aston, PA 19014 submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Report was reviewed by the Department which issued an administrative deficiency letter on August 24, 2021.

**Olavage Residence**, 412 Parkway Avenue, Langhorne, PA 19047, Middletown Township, **Bucks County**. Thomas M. Hippensteal, PG, Envirosearch Consultants, Inc., P.O. Box 940, Springhouse, PA 19477 on behalf of Ernest and Sharon Olavage, 412 Parkway Avenue, Langhorne, PA 19047 submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Report was reviewed by the Department which issued an administrative deficiency letter on August 24, 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.*

**Lehigh Hills**, 1301-1499 Church Street, Fogelsville, PA 18051, Upper Macungie Township, **Lehigh County**. Geo-Technology Associates, 2405 John Fries Highway, Quakertown, PA 18951, on behalf of Jaindl Land Development, 3150 Coffeetown Road, Orefield, PA 18069, submitted a combined Remedial Investigation Report, Risk Assessment, and Final Report concerning remediation of soil impacted with pesticides from historic orchard operations. The final report was not acceptable to meet a combination of site-specific and Statewide health standards and was disapproved by DEP on September 1, 2021.

**Sunoco Fullerton Terminal # 0358-1501**, 2480 Main Street, Whitehall, PA 18052, Whitehall Township, **Lehigh County**. Groundwater & Environmental Services, 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Sunoco Partners Marketing & Terminals, LP, 3807 West Chester Pike, Newtown Square, PA 19073, submitted a combined Remedial Investigation Report and Final Report concerning remediation of site soils contaminated with petroleum. The report was not acceptable to meet a combination of site-specific and Statewide health standards and was disapproved by DEP on September 3, 2021.

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

**SWEPI LP Warrant 2916 Lease Lot 12 Well No. 14**, 2,000 feet northeast of 1546 Watson Farm Road, Sheffield, PA 16347, Howe Township, **Forest County**. Arcadis U.S., Inc., 6041 Wallace Road Extension, Wexford, PA 15090 on behalf of Shell Western Exploration and Production, LP, 150 N. Dairy Ashford, Houston, TX 77079 has submitted a Final Report concerning the remediation of site soil contaminated with 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Benzene, Cumene, Cyclohexane, Ethylbenzene, sec-Butylbenzene, tert-Butylbenzene, Toluene, Xylenes, Total, 1,1'-Biphenyl, 2-Methylnaphthalene, Fluorene, Naphthalene, Phenanthrene and site groundwater contaminated with 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Benzene, Cumene, Cyclohexane, Ethylbenzene, Naphthalene, sec-Butylbenzene, Toluene, Xylenes Total, 2-Methylnaphthalene, Acenaphthene, Anthracene, 1,1'-Biphenyl, Fluorene, Indeno[1,2,3-cd]pyrene, Phenanthrene, Phenol, and Phenolics, Total Recoverable (Phenol). The Final Report did not demonstrate attainment of the Statewide health standard and was disapproved by the Department on September 2, 2021.

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

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

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Permit No. 301377. SWN Production Company, LLC**, 917 State Route 92 North, Tunkhannock, PA 18657, New Milford Township, **Susquehanna County**. An application for a residual waste storage facility for the storage of oil and gas wastewater at the Zeffer 1 and Zeffer 2 Impoundments facility. The permit was approved by the Regional Office on August 30, 2021.

Persons interested in reviewing the permit may contact Roger Bellas, Regional Waste Management Program Manager, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Hamilton Relay service, (800) 654-5984.

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

**Permit No. 101559 Lancaster Landfill, LLC**, 2487 Cloverleaf Road, Elizabethtown, PA 17022, Mount Joy Township, **Lancaster County**.

The permit for Lancaster Landfill was renewed on September 1, 2021 and is extended until December 31, 2031 for Solid Waste Permit No. 101559, for the operation of a Municipal Waste Disposal Facility in accordance with Article V of the Solid Waste Management Act, 35 P.S. Sections 6018.101, et seq.

**AIR QUALITY**

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

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

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

**GP5-15-0001B: Columbia Gas Transmission, LLC** (455 Racetack Road, Washington, PA 15301) On September 3, 2021 for and ID 706: compressor Turbine 1, ID 707: compressor turbine 2, ID 708: Reciprocating Engine/ER Generator and ID 709: fugitive emissions in West Vincent Township, **Chester 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.*

**GP14-39-006: Park Forest Crematory Services, Inc.** (313 Catasauqua Ave, Whitehall, PA 18052) issued on August 4, 2021, for the operation of two (2) 150 lb/hr B&L Cremation Systems, Inc. Phoenix II-3 cremation units located in Whitehall Township, **Lehigh County**.

**GP3-40-018A: Cedar Rock Materials, Corp.** (1206 Salem Blvd, Berwick, PA 18603) issued on September 1,

2021, for the operation of portable nonmetallic mineral processing equipment at Cedar Rock Feather Quarry located in Salem Township, **Luzerne County**.

**GP2-40-002: PSP NE, LLC** (304 N Wilkes-Barre Blvd, Wilkes-Barre, PA 18702) issued on August 31, 2021, for the operation of one 10,000-gal gasoline storage tank located in Wilkes-Barre City, **Luzerne County**.

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

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

**GP3-22-03104A: Scott's Hauling & Excavating** (1462 North Franklin Street, Chambersburg, PA 17202) on August 25, 2021, for portable nonmetallic mineral processing equipment under GP3 at the Hempt Brothers Steelton Quarry located in Steelton Borough, **Dauphin County**.

**GP9-22-03104A: Scott's Hauling & Excavating** (1462 North Franklin Street, Chambersburg, PA 17202) on August 25, 2021, for two diesel engines to power portable nonmetallic mineral processing equipment at the Hempt Brothers Steelton Quarry located in Steelton Borough, **Dauphin County**.

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

*Contact: Muhammad Q. Zaman, Program Manager, (570) 327-3648.*

**GP14-59-222: Wellsboro Small Animal Hospital, P.C.** (12043 Route 287, Middlebury Center, PA 16935) on August 27, 2021 to authorize the continued operation of a model IE43-PP Jr. Matthews International Cremation Division animal crematorium pursuant to the General Plan Approval and General Operating Permit for Human or Animal Crematories (BAQ-GPA/GP-14) at their Middlebury Center facility in Middlebury Township, **Tioga County**.

**GP1-49-344: River Run Foods DE, LLC** (50 Blue Hill Road, Northumberland, PA 17857) on September 7, 2021, received authorization to construct and operate a 20.9 million Btu per hour, Cleaver Brooks model CBR-200-500-250 natural gas/# 2 fuel oil-fired boiler pursuant to the General Plan Approval and/or General Operating Permit BAQ-GPA/GP-1: Small Gas & No. 2 Oil Fired Combustion Units at the Northumberland facility located in Point Township, **Northumberland County**.

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

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6940.*

**AG5A-43-00002A: Pin Oak Energy Partners, LLC** (388 South Main Street, Suite 401, Akron, OH 44311) on August 31, 2021, for the authority to install and operate equipment at the Pilgrim Wellpad (BAQ-GPA/GP5A) located at their facility in Otter Creek Township, **Mercer 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.*

**09-0007G: Waste Management Disposal Services of PA, Inc. (WMSDPI)—Geological Reclamations Operations and Waste Systems (GROWS)** (100 New Ford Mill Rd., Morrisville, PA 19067-3704) On September 1, 2021, for the revisions of the short-term (e.g., '1bhr') sulfur oxide (SO<sub>x</sub>) limits for a Back-up Enclosed Flare (Source ID: C03) at their landfill in Falls 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.*

**38-03066A: Georgia Pacific Corrugated, LLC** (122 Bordnersville Road, Jonestown, PA 17038) on August 30, 2021, for the installation of two recyclable mailer production lines in Union Township, **Lebanon County**.

*Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Edward Orris, New Source Review Chief, 412.442.4168.*

**65-00891D: Firestone Building Products Company, LLC** (102 Avenue A, Youngwood, PA 15697-1700) On August 31, 2021, for the installation of a replacement regenerative thermal oxidizer to control emissions from both the panel production and board sawing at the Youngwood Plant located in Youngwood Borough, **Westmoreland County**.

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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.*

**09-0236: Covanta Metals MGM/Fairless Hills** (445 South Street, Morristown, NJ. 07960-6475) On September 3, 2021 for the construction and operation of a Non-Ferrous Metal Recovery Facility located in Falls 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.*

**36-03214A: The Hain Celestial Group, Inc./Mountville** (3775 Hempland Road, Mountville, PA 17554) on August 30, 2021, for installation of a natural gas-fired boiler and operation of a fire pump and fryers controlled

by mist eliminators at the facility in West Hempfield Township, **Lancaster 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.*

**17-00074A: Adamson Funeral Chapel & Crematorium** (1312 Chestnut Avenue, DuBois, PA 15801) was issued a plan approval extension on August 31, 2021, to extend the temporary operation pending completion of the plan approval compliance evaluation and issuance of an Operating Permit for the crematory units (Sources ID 001 and 002) at their facility in Sandy Township, **Clearfield County**. The plan approval has been extended for an additional 180 days.

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

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6940.*

**10-027H: Calument Karns City Refining, LLC** (138 Petrolia Street, Karns City, PA 16041) on May 26, 2021, effective May 26, 2021, has issued a plan approval extension for review of the stack test results for the newly installed refrigerated condenser in Karns City, **Butler County**. This is a Title V facility. This will expire on November 30, 2021.

**37-337C: Hickory Run Energy, LLC, Hickory Run Energy Station** (4900 Edinburg Road, New Castle, PA 16102) on May 27, 2021, effective May 27, 2021, has issued a plan approval extension while awaiting the review of the stack testing results of a natural gas-fired combined cycle 900 MW electric generation facility consisting of two combustion turbines, two heat recovery steam generators, and some ancillary equipment in North Beaver Township, **Lawrence County**. This is a Title V facility. This will expire on November 30, 2021.

**37-350B: Amerikohl Aggregates Incorporated, Gardner Mine** (1401 Woodside Avenue, Ellwood City, PA 16114) on May 27, 2021, effective May 27, 2021, has issued a plan approval extension to allow additional time for equipment setup and shakedown activities in Wayne Township, **Lawrence County**. This is a State Only facility. This will expire on November 30, 2021.

**43-270M: CCL Container Hermitage Incorporated, CCL Container Manufacturing Hermitage** (1 Llodio Drive, Hermitage, PA 16148) on May 27, 2021, effective May 27, 2021, has issued a plan approval extension for continued construction to install and operate two aluminum can production lines, as well as, subsequent removal of four existing production lines in Hermitage City, **Mercer County**. This is a State Only facility. This will expire on May 31, 2022.

**43-309C: Bucks Fabricating Inc. (Deist Industries)** (3550 Perry Highway, Hadley, PA 16130) on September 2, 2021, effective September 2, 2021, has issued a plan approval extension to allow additional time for submittal of a major Operating Permit application to request modified emission limits, in Sandycreek Township, **Mercer County**. This is a State Only facility. This will expire on March 5, 2022.

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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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*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Contact: Norman Frederick, Facility Permitting Chief—Telephone: 570-826-2409.*

**48-00076: Calpine Bethlehem, LLC** (2254 Applebuter Road, Bethlehem, PA 18015-6000). The Department issued, on a renewal Title V Operating Permit for a power generating facility in the City of Bethlehem, **Northampton County**. The facility sources include six (6) combustion turbines, two (2) cooling towers, and two (2) distillate fuel storage tanks, and (1) one diesel-fired emergency generator. These sources have the potential to emit major quantities of regulated emissions above the Title V emission thresholds. The facility is also subject to Phase II acid rain requirements under Title IV of the Clean Air Act. The Title V Operating Permit includes all applicable emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

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

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.*

**53-00008: National Fuel Gas Supply Corporation** (6363 Main Street, Williamsville, NY 14221) on September 7, 2021, was issued a Title V Operating Permit renewal for National Fuel Gas Supply Corporation's East Fork Compressor Station located in Wharton Township, **Potter County**. All requirements including applicable Federal and State regulations and appropriate monitoring, recordkeeping, and reporting conditions have been included in the renewed Title V Operating Permit.

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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.*

**15-00128: Brandywine Green DBA Pet Memorial Services** (126 Turner Lane, West Chester, PA 19380) on August 31, 2021, for the renewal of a non-Title V Facility, State-Only Synthetic Minor Operating Permit in West Goshen Township, **Chester County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Contact: Norman Frederick, Facility Permitting Chief—Telephone: 570-826-2409.*

**54-00021: Pine Grove Landfill, Inc.** (193 Schultz Road, Pine Grove, PA 17963-8634). The Department issued, on 8/31/21, an amended State Only (Synthetic Minor) Operating Permit for the landfill located in Pine Grove Township, **Schuylkill County** to incorporate all applicable conditions from plan approval 54-00021A for the installation and operation of one (1) new open flare. The Operating Permit includes all applicable emission limits, work practice standards, testing, monitoring,

recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

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

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.*

**49-00012: Northumberland Terminals DE—LLC** (900 South Eisenhower Blvd, Middletown, PA 17057) on September 2, 2021, was issued a renewal State Only (Synthetic Minor) Operating Permit for Northumberland Terminals facility located in Point Township, **Northumberland County**. All requirements including applicable Federal and State regulations and appropriate monitoring, recordkeeping, and reporting conditions have been included in the renewal Operating 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) issued a renewal Operating Permit for the following facility:

**OP21-000010: PA Convention Center** (1101 Arch St., Philadelphia, PA 19107) issued on August 2, 2021 for the operation of air emission sources at a convention center in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources are: two (2) boilers firing natural gas or No. 2 oil each rated less than 21 MMBtu/hr, one (1) boiler firing natural gas rated less than 1 MMBtu/hr, two (2) chillers firing natural gas or No. 2 oil each rated less than 9 MMBtu/hr, three (3) emergency generators firing No. 2 oil rated 671 HP, 671 HP, and 805 HP respectively, and one (1) fire pump firing No. 2 oil rated 270 HP.

The City of Philadelphia, Air Management Services (AMS) issued an initial Natural Minor Operating Permit for the following facility:

**OP20-000011: Martin Luther King High School** (6100 Stenton Ave, Philadelphia, PA 19138) issued on August 20, 2021 for the operation of air emission sources at a school in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources are: four (4) boilers firing natural gas and diesel fuel oil used for backup each rated less than 5 MMBtu/hr and one (1) water heater firing natural gas rated less than 1 MMBtu/hr.

The City of Philadelphia, Air Management Services (AMS) issued an initial Natural Minor Operating Permit for the following facility:

**OP21-000003: Hotel Palomar Philadelphia** (117 S. 17th Street, Philadelphia, PA 19103) issued on August 20, 2021 for the operation of air emission sources at hotel in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources are: five (5) water heaters firing natural gas each rated less than 3 MMBtu/hr, one (1) emergency generator and one (1) fire pump firing diesel fuel rated 335 HP and 290 HP respectively.

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**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.**

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

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.*

**08-00045: Hamilton Liberty, LLC** (151 Liberty Lane, Towanda, PA 18848) on August 27, 2021, was issued a revised Title V Operating Permit to revise the Responsible Official and Permit Contact Person in the Title V Operating Permit for the Hamilton Liberty facility located in Asylum Township, **Bradford County**. (This notice corrects the issuance date of August 18, 2021, as was published on September 4, 2021).

*Southwest Regional Office, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.*

**04-00490: Eastern Gas Transmission & Storage, Inc.** (5000 Dominion Blvd., 2 NW, Glen Allen, VA 23060-3308) for the Beaver Compressor Station located in North Sewickley Township, **Beaver County**. On September 7, 2021, the Department issued an administrative amendment of the Title V Operating Permit for the Beaver Compressor Station to incorporate changes to the responsible official's and permit contact person's names and telephone numbers.

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#### **De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

*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.*

**06-05051: Morgan Truck Body, LLC** (P.O. Box 588, Morgantown, PA 19543) pursuant to 25 Pa. Code § 127.449(i), this *Pennsylvania Bulletin* Notice is for the following de minimis emission increases resulting from the reactivation of the facility's burn-off oven for the medium-duty truck body manufacturing plant located in Caemarvon Township, **Berks County**: 0.05 tpy of PM<sub>10</sub>, 0.32 tpy of NO<sub>x</sub>, 0.003 tpy of SO<sub>x</sub>, 0.04 tpy of VOCs, and 0.14 tpy of CO. This is the first de minimis emissions increase at the facility during the term of the current Operating Permit.

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#### **Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.**

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

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.*

**17-00057: Diversified Production, LLC** (395 Airport Road, Indiana, PA 15701) on September 2, 2021, received termination of State Only (Natural Minor) Operating Permit 17-00057 for the Tate Compressor Station, located in Greenwood Township, **Clearfield County**, due to meeting applicable Operating Permit exemption criteria pursuant to 25 Pa. Code 127.14. Recordkeeping must be maintained by the facility to document ongoing compliance with the exemption criteria.

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## **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).**

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#### *Coal Permits Issued*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100, (Contact: Bonnie Herbert).*

**Permit No. 03981301 and NPDES Permit No. PA0215198. Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201, to revise the permit and related NPDES Permit to add/delete 14.1 acres for construction of a new road, parking area, and move mine buildings for Parkwood Mine located in Plumcreek Township, **Armstrong County** affecting +/- 14.1 surface acres. No additional discharges. The application was considered administratively complete on January 28, 2021. Application received: November 23, 2020. Permit issued: August 26, 2021.

**Permit No. 03841302 and NPDES Permit No. PA0214132. Canterbury Coal Company**, 46226 National Road, Saint Clairsville, OH 43950, to renew the NPDES permit for reclamation only for David/Dianne Mine located in Kiskiminetas, Burrell, and South Bend Townships, **Armstrong County**. No additional discharges. The application was considered administratively complete on May 7, 2018. Application received: May 7, 2018. Permit issued: August 31, 2021.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Melanie Ford-Wigfield).*

**Permit No. 56100105 and NPDES No. PA0263079. Wilson Creek Energy, LLC**, 1576 Stoystown Road, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Black Township, **Somerset County**, affecting 140.3 acres. Receiving streams: Wilson Creek and Coxes Creek classified for the following use: warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: February 3, 2021. Permit issued: August 31, 2021.

**Permit No. 56150103 and NPDES No. PA0269468. Elk Resources, Inc.**, 30 Pounds Road, West Lebanon, PA 15783, permit renewal of a bituminous surface mine in Paint Township, **Somerset County**, affecting 72.5 acres. Receiving stream: unnamed tributaries to Stonycreek River classified for the following use: warm water fishes.

The first downstream potable water supply intake from the point of discharge is Conemaugh Township Municipal Authority—Somerset County. Application received: April 1, 2021. Permit issued: August 31, 2021.

**Permit No. 32060103 and NPDES No. PA0262234. TLH Coal Company**, 4401 Pollock Road, Marion Center, PA 15759, land use change from forestland to a combination of cropland, unmanaged natural habitat and industrial/commercial on the bituminous surface and auger mine in East Mahoning Township, **Indiana County**, affecting 101 acres. Receiving streams: unnamed tributaries to/and Pine Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: May 20, 2021. Permit issued: September 2, 2021.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Ashley Smith).*

**Permit No. 17050109 and NPDES No. PA0256293. Forcey Coal, Inc.**, 475 Banion Road, Madera, PA 16661, permit renewal for reclamation only of a bituminous surface coal mine located 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. There are no potable water supply intakes within 10 miles downstream. Application received: March 22, 2021. Permit issued: September 2, 2021.

#### *Noncoal Permits Issued*

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Ashley Smith).*

**PAM215004-GP104. Northstar Leasing, Inc. DBA Northstar Stone**, P.O. Box 332, Meshoppen, PA 18630. Renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on **Noncoal Permit No. 08152501** located in Asylum Township, **Bradford County**. Receiving stream(s): Durrell Creek and Susquehanna River Watershed classified for the following use(s): WWF, MF. Notice of Coverage received: August 27, 2021. Approval of Coverage: August 30, 2021.

**PAM212002-GP104. Insinger Excavating, Inc.**, 11099 Route 220, Dushore, PA 18614. Renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on **Noncoal Permit No. 08120303** located in West Burlington Township, **Bradford County**. Receiving stream(s): Unnamed tributary 1 and 2 to Sugar Creek classified for the following use(s): TSF, MF. Notice of Coverage received: August 27, 2021. Approval of Coverage: August 30, 2021.

**PAM214006-GP104. Glenn O. Hawbaker, Inc.**, 1952 Waddle Road # 203, State College, PA 16803. Renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on **Noncoal Permit No. 08960301** located in Canton Township, **Bradford County**. Receiving stream(s): Unnamed Tributaries to Towanda Creek classified for the following use(s): CWF. Notice of Coverage received: August 27, 2021. Approval of Coverage: August 30, 2021.

**PAM215002-GP104. Michael R. Ackley**, 323 Beechwood Lake Road, Westfield, PA 16950. Renew coverage

under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on **Noncoal Permit No. 59880301** located in Clymer Township, **Tioga County**. Receiving stream(s): Tributary to Mill Creek classified for the following use(s): TSF. Notice of Coverage received: August 27, 2021. Approval of Coverage: August 30, 2021.

**PAM214005-GP104. Robert D. Confer**, 359 Mill Street Ext, Howard, PA 16841. Renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on **Noncoal Permit No. 14140801** located in Burnside Township, **Centre County**. Receiving stream(s): There are no permitted point source discharges (the site is located in the watershed of an unnamed tributary to Sevenmile Run). Notice of Coverage received: August 27, 2021. Approval of Coverage: August 30, 2021.

**PAM218005-GP104. Jerry Johnson**, P.O. Box 136, LeRaysville, PA 18829. Renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on **Noncoal Permit No. 08870803** located in Asylum Township, **Bradford County**. Receiving stream(s): Durell Creek to Susquehanna River classified for the following use(s): WWF, MF. Notice of Coverage received: August 31, 2021. Approval of Coverage: September 2, 2021.

**PAM218012-GP104. Frederick Saxer**, 34 Jazmine Lane, Wyalusing, PA 18853. Renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on **Noncoal Permit No. 08080803** located in Wilmot Township, **Bradford County**. Receiving stream(s): Unnamed Tributary to Sugar Run classified for the following use(s): CWF, MF. Notice of Coverage received: August 31, 2021. Approval of Coverage: September 2, 2021.

**PAM218004-GP104. Brian M. Edsall**, 429 Marty Lane, Towanda, PA 18848. Renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on **Noncoal Permit No. 08000806** located in Asylum Township, **Bradford County**. Receiving stream(s): North Branch Susquehanna River and Towanda Creek classified for the following use(s): WWF, TSF, MF. Notice of Coverage received: August 31, 2021. Approval of Coverage: September 2, 2021.

**Permit No. 4777SM1 and NPDES No. PA0269727. P-Stone, Inc.**, P.O. Box 254, Jersey Shore, PA 17740, renewal of an NPDES permit for a large noncoal mining site located in Limestone Township, **Lycoming County** affecting 90 acres. Receiving stream(s): Antes Creek classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: February 16, 2021. Permit issued: September 2, 2021.

**Permit No. 41910301 and NPDES No. PA0269719. P-Stone, Inc.**, P.O. Box 254, Jersey Shore, PA 17740, renewal of an NPDES permit for a large noncoal mining site located in Athens Township, **Lycoming County** affecting 115 acres. Receiving stream(s): Antes Creek classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: February 16, 2021. Permit issued: September 2, 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. 02214103. Austin Powder Company,** 25800 Science Park Drive, Properties Department, Cleveland, OH 44122-7311. Blasting activity permit for the construction/demolition of the Pittsburgh Airport Innovation Campus, Phase 2, located in Findlay Township, **Allegheny County** with an expiration date of May 31, 2022. Blasting permit issued: August 30, 2021.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 58214103. DW Drilling & Blasting,** 2733 East Battlefield Street # 320, Springfield, MO 65804, construction blasting for Geiger K Gas Pad in Bridge-water Township, **Susquehanna County** with an expiration date of August 29, 2022. Permit issued: August 31, 2021.

**Permit No. 54214001. Dykon Explosive Demolition Corp.,** 16849 South Yale Avenue, Bixby, OK 74008, demolition blasting for Wheelabrator Boiler Structure in Mahanoy Township, **Schuylkill County** with an expiration date of October 1, 2021. Permit issued: September 3, 2021.

**Permit No. 64214003. Northeast Blasting,** 403 Middle Creek Road, Honesdale, PA 18431, construction blasting for Reinfurt Excavating Building Pad in Cherry Ridge Township, **Wayne County** with an expiration date of August 15, 2022. Permit issued: September 3, 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 publica-

tion 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.**

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.*

**E1404220-023: Potter Township,** 124 Short Road, Spring Mills, PA 16875. Colyer Lake Trail Footbridges, Potter Township, **Centre County**, U.S. Army Corps of Engineers Baltimore District (Centre Hall, PA Quadrangle; 40° 46' 30.5"; -77°40' 55.1").

The applicant is permitted to construct and maintain three footbridges at an existing recreational trail around Colyer Lake and over Sinking Creek (CWF, MF). The project results in 315 sq. ft. of permanent direct watercourse impacts.

**E4104221-009. Fishlips, LLC,** 1500 Sycamore Road, Montoursville, PA 17754. Warehouse facility in Clinton Township, **Lycoming County**, ACOE Baltimore District (Muncy, PA Quadrangle, 41.178841 -76.857443).

The Permittee is authorized to renovate and maintain a warehouse facility located at 776 Saegers Station Road. Building renovation and addition, including parking and utility appurtenances, will permanently impact 0.40 acre of wetlands. Mitigation is proposed in the form of contribution to the Pennsylvania Wetland Replacement Fund. This approval under Chapter 105, Section 105.12(a)(16) includes 401 Water Quality Certification.

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

**E3206121-001, PADOT, Engineering District 10-0,** 2550 Oakland Avenue, Indiana, PA 15701. SR 0954 Section 457 Windows Bridge, in West Mahoning Township, **Indiana County**, ACOE Pittsburgh District (Plumville, PA Quadrangle N: 40°, 51', 50.50"; W: 79°, 09', 45.17").

To remove the existing structure and to construct and maintain a 45' - 10 3/4" long precast concrete box culvert having a span of 14' - 0" and a rise of 6' - 6" (5' - 6" effective with baffles) on SR 0954, Section 457, Segment 0620 over UNT Little Mahoning Creek (Plumville, PA

Quadrangle N: 40°, 51', 50.50"; W: 79°, 09', 45.17") in West Mahoning Township, Indiana County. The project results in 82 linear feet of permanent stream impacts & 74 linear feet of additional temporary stream impacts, and 0.077-ac of permanent wetland impacts & 0.173-ac of temporary wetland impacts. Permanent wetland impacts are mitigated by debiting from the existing Indiana County wetland bank owned by the permittee.

*Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**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.

#### **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.

*Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

ESCGP-3 # ESG083221001-00/Anegada Well Pad  
Applicant Name INR OPR, LLC  
Contact Person Ian Costello  
Address 2605 Cranberry Square  
City, State, Zip Morgantown, WV 26508  
County Indiana  
Township(s) Armstrong  
Receiving Stream(s) and Classification(s) Gobblers Run/WWF

ESCGP-3 # ESG076321002-00-Sarah Well Site  
Applicant Name EQT Prod Co  
Contact Person Charity Fleenor  
Address 400 Woodcliff Drive  
City, State, Zip Canonsburg, PA 15317-5851  
County Washington  
Township(s) Union Township  
Receiving Stream(s) and Classification(s) UNT To Monogahela River (WWF), UNT To Lobbs Run (WWF) Lobbs Run (WWF) Secondary; Monongahela River (WWF); Lobbs Run (WWF)

*Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

ESCGP-3 # ESG290821050-00  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 14 Chesapeake Lane  
City, State, Zip Sayre, PA 18840  
County Bradford  
Township(s) Standing Stone  
Receiving Stream(s) and Classification(s) Vought Creek (WWF, MF)  
Secondary: Susquehanna River (WWF, MF)

ESCGP-3 # ESG295821012-00  
Applicant Name SWN Production Company, LLC  
Contact Person Afton Sterling  
Address 917 State Route 92 North  
City, State, Zip Tunkhannock, PA 18657  
County Susquehanna  
Township(s) Franklin  
Receiving Stream(s) and Classification(s) Snake Creek (CWF/MF), UNT to Snake Creek A (CWF/MF), UNT to Snake Creek B (CWF/MF) Secondary: Susquehanna River (WWF/MF), Snake Creek (CWF/MF)

ESCGP-3 # ESG296621004-00

Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins

Address 14 Chesapeake Lane

City, State, Zip Sayre, PA 18840

County Wyoming/Susquehanna

Township(s) Meshoppen & Braintrim (Wyoming County)/  
Auburn (Susquehanna County)

Receiving Stream(s) and Classification(s) Subarea 1: UNT

Black Walnut Creek West (CWF-MF), Subarea 2: UNT

Black Walnut Creek East (CWF-MF), Subarea

3: S-SLH-001-PC (CWF-MF), Subarea 4: S-MRK-003

(CWF-MF), Subarea 5: S-MRK-004 (CWF-MF)

Secondary: Black Walnut Creek (CWF-MF)

ESCGP-3 # ESG296621005-00

Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins

Address 14 Chesapeake Lane

City, State, Zip Sayre, PA 18840

County Wyoming

Township(s) Meshoppen

Receiving Stream(s) and Classification(s) Stream S-MAB-  
001 (INT) (CWF-MF)

Secondary: Little Meshoppen Creek (CWF-MF)

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 2

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

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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.*

**AMOCO Sta Phila Ridge Ave**, 51-29715, 1840 Ridge Ave., Philadelphia, PA 19121, **City of Philadelphia**. Parsons, 3606 Park 42 Drive, Box 13, Sharonville, OH 45241, on behalf of BP Remediation Management Services, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the residential Statewide health and site-specific standards.

**Mervine Svc Ctr**, 46-43324, 1258 N. Charlotte St., Pottstown, PA 19464, Lower Pottsgrove Township, **Montgomery County**. Arcadis U.S., Inc., 10 Friends Lane, Suite 100, Newtown, PA 18940, on behalf of CJD Group, LLC, 1700 Oregon Pike, Lancaster, PA 17601 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline and used motor oil. The report is intended to document remediation of the site to meet nonresidential Statewide health and site-specific standards.

**Cumberland Farms 3733**, 15-09145, 102 N. Pottstown Pike, Exton, PA 19341, West Whiteland Township, **Chester County**. Reliance Environmental, Inc., 235 N. Duke St., Lancaster, PA 17602, on behalf of Chevron Environmental Management Company, 1500 Louisiana St., Room 01445E, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet residential Statewide health and site-specific standards.

**3453 Lincoln Hwy Shell**, 15-21031, 3453 Lincoln Hwy, Thorndale, PA 19372, Caln Township, **Chester County**. Resource Control Consultants, P.O. Box 180, Moorestown, NJ 08057, on behalf of ARFA Enterprises, 1800 Chapel Avenue West, Suite 10, Cherry Hill, NJ 08002, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet nonresidential site-specific standards.

**F Street Sunoco**, 51-43814, 3951 Roosevelt Blvd, Philadelphia, PA 19124, **City of Philadelphia**. Synergy Environmental, Inc., 155 Railroad Plaza, First Floor, Royersford, PA 19468, on behalf of 3951 Roosevelt Blvd. Realty Corp., 439 S. Prince Boulevard, Essington, PA 19029, submitted 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 site-specific 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.*

**Convenient Food Mart**, Storage Tank ID # 40-08918, 340 Wilkes-Barre Township Boulevard, Wilkes-Barre, PA 18702, Wilkes-Barre Township, **Luzerne County**. Reliance Environmental, 235 N. Duke Street, Lancaster, PA 17602, on behalf of CDG 320 Inc., 304 North Wilkes-Barre Township Boulevard, Wilkes-Barre, PA 18702, has submitted a combined Site Characterization Report and

Remedial Action Plan concerning remediation of soil contaminated with gasoline. The report is intended to document remediation of the site to meet a combination of site-specific and Statewide health standards.

**Stroudsburg C Store Holdings**, Storage Tank ID # 45-29830, 1229 West Main Street, Stroudsburg, PA 18360, Stroudsburg Borough, **Monroe County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Stroudsburg C Store Holdings, LLC, 808 Main Street, Moosic, PA 18507, has submitted a combined Site Characterization Report and Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document remediation of the site to meet Statewide health standards.

**Als Quick Stop 7**, Storage Tank ID # 64-12561, 1042 Main Street, Newfoundland, PA 18445, Dreher Township, **Wayne County**. Synergy Environmental, 155 Railroad Plaza, First Floor, Royersford, PA 19468, on behalf of Dunne Manning Realty LP, 645 Hamilton Street, Allentown, PA 18101, has submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document remediation of the site to meet a combination of site-specific and 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.*

**All American Truck Stop**, Storage Tank Facility ID # 05-07847, 167 Post House Road, Breezewood, PA 15533, East Providence Township, **Bedford County**. Keystone Environmental Health and Safety Services, Inc., LLC, 1111 12th Avenue, Altoona, PA 16601, on behalf of Bedford County Oil Company, 167 Post House Road, Breezewood, PA 15533 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The plan is intended to document remediation of the site to meet a combination of Statewide health standards and site-specific standards.

**Yerger Bros**, Storage Tank Facility ID # 36-27409, 520 Front Street, Lititz, PA 17543, Lititz Borough, **Lancaster County**. ECS Mid-Atlantic, LLC, 52-6 Grumbacher Road, York, PA 17406, on behalf of Versatek, LLC, 508 Front Street, Lititz, PA 17543 submitted a combined Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil contaminated with petroleum constituents. The plan is intended to document remediation of the site to meet the Statewide health standard.

## 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.*

**Orleans Const**, 46-03220, 2507 Philmont Ave., Huntingdon Valley, PA 19006, Lower Moreland Township, **Montgomery County**. Marathon Engineering & Environmental Services, Inc., 553 Beckett Rd, Ste 608, Swedesboro, NJ 08085, on behalf of CSW Harbour Square V Huntingdon Valley, LP, 1300 Virginia Drive # 215, Fort Washington, PA 19034 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan was acceptable to meet the residential Statewide health and site-specific standards and was approved by the DEP on August 18, 2021.

**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 Remedial Action Completion demonstrated attainment of nonresidential Statewide health and site-specific standards and was approved by the DEP on August 17, 2021.

**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 demonstrated attainment of nonresidential Statewide health and site-specific standards and was approved by the DEP on August 19, 2021.

**Hertz Rent A Car**, 51-44283, 31 Arrivals Rd., Philadelphia, PA 19153, **City of Philadelphia**. EnviroTrac, Ltd., 6 Terri Lane, Suite # 350, Burlington, NJ 08016, on behalf of The Hertz Corporation, Gordon L. Walters Jr., P.E., M.B.A., 8501 Williams Road, Estero, FL 33928, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan was acceptable to meet a combination of the nonresidential Statewide health and site-specific standards and was approved by the DEP on September 1, 2021.

**Middletown Twp Delaware Cnty**, 23-16484, 27 N. Pennell Rd., Lima, PA 19037, Middletown Township, **Delaware County**. Pennoni Associates, Inc., 1900 Market Street, Suite 300, Philadelphia, PA 19103, on behalf of Middletown Township, 27 N. Pennell Rd., Lima, PA 19037, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded/leaded gasoline and diesel fuel. The Remedial Action Completion Report did not demonstrate attainment of the nonresidential, Statewide health standards and was disapproved by the Department on September 1, 2021.

**Richards II Auto**, 46-41885, 100 Forrest Ave., Narberth, PA 19072, Narberth Borough, **Montgomery County**. Marathon Engineering & Environmental Services, Inc., 553 Beckett Rd, Ste 608, Swedesboro, NJ 08085, on behalf of RIR Management Services, LLC submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report demonstrated attainment of residential Statewide health and site-specific standards and was approved by the DEP on September 3, 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.*

**Route 66 Auto Plaza**, Storage Tank ID # 35-24204, 611 Route 6, Mayfield, PA 18433, Mayfield Borough, **Lackawanna County**. McKee Environmental, 86 Quartz Drive, Bellefonte, PA 16823, on behalf of Surjit Singh, 611 Route 6, Mayfield, PA 18433, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The Remedial Action Completion Report demonstrated attainment of Statewide health standards and was approved by DEP on September 2, 2021.

*Southcentral Regional Office: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.*

*Contact: Cherie Campbell, Soil Scientist.*

**Carroll Fuel East Main Street**, Storage Tank Facility ID # 36-22675, 905 East Main Street, Mount Joy, PA 17552-9331, Mount Joy Borough, **Lancaster County**. Atlas Technical Consultants, 270 William Pitt Way, Pittsburgh, PA 15238, on behalf of Speedway, LLC, P.O. Box 1500, Springfield, OH 45501, submitted a Remedial Action Completion Report concerning remediation of groundwater and soil contaminated with petroleum constituents. The Remedial Action Completion Report did not demonstrate attainment of the Statewide Health and site-specific standards and was disapproved by DEP on September 7, 2021.

**Yerger Bros**, Storage Tank Facility ID # 36-27409, 520 Front Street, Lititz, PA 17543, Lititz Borough, **Lancaster County**. ECS Mid-Atlantic, LLC, 52-6 Grumbacher Road, York, PA 17406, on behalf of Versatek, LLC, 508 Front Street, Lititz, PA 17543 submitted a combined Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil contaminated with petroleum constituents. The combined Remedial Action Plan and Remedial Action Completion Report demonstrated attainment of the Statewide health standard and was approved by DEP on September 9, 2021.

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## SPECIAL NOTICES

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### RADIATION PROTECTION

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#### Notice of Certification to Perform Radon-Related Activities in Pennsylvania

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In the month of August 2021, Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P.L. 238, No. 43 (63 P.S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P.O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Certification</i>
Joel Adams	58 McMillan Rd Mercer, PA 16137	Mitigation
Kenneth G. Ball	P.O. Box 731 North East, MD 21901	Testing
Gary Barclay	527 Fisher Dr Watsontown, PA 17777	Testing

<i>Name</i>	<i>Address</i>	<i>Certification</i>
Jonathan J. Bedsaul	794 Ensminger Drive York, PA 17407	Testing
Harold Beers	2421 Fishing Creek Valley Rd Harrisburg, PA 17112	Mitigation
Matthew D. Beinhaur	907 Stone House Rd Clarion, PA 16214	Testing
Eugeni Bertel	5714 S Deer Run Rd Doylestown, PA 18902	Testing
Joseph M. Boldizar	215 Spruce Street Audubon, NJ 08106	Testing
Cean J. Brown	2060 Blossom Hill Rd Easton, PA 18040	Testing
Matthew E. Cline	310 Avenue G Matamoras, PA 18336	Testing
George Curry	P.O. Box 508 Medford, NJ 08055	Mitigation
Richard Delaney, Jr.	275 Pioneer Road Franklin, PA 16323	Testing
Edwin H. Dunckley	1357 Elbow Lane Chester Springs, PA 19425	Testing
Barbara Fischer	1385 N River Road Yardley, PA 19067	Testing
Tyrus M. Gates	742 Tussey Lane State College, PA 16801	Testing
Dominic Gehret	200 Route 130 North Cinnminason, NJ 08077	Laboratory
Stepehen Genzale	417 E Beil Avenue Nazareth, PA 18064	Testing
Albert Gordon	106 Lyric Way Warrington, PA 18976	Testing
Fred Hohman	26 Windihill Dr Greensburg, PA 15601	Testing
Brian E. Kampi	2175 Ridge Dr Mars, PA 16046	Testing
Robert S. Klein	4017 Washington Road Suite 210 McMurry, PA 15317	Testing
Michal J. Kluza	8020 Mine St Fogelsville, PA 18501	Testing
Michal J. Kluza	8020 Mine St Fogelsville, PA 18501	Mitigation
Greg Kopenhaver	P.O. Box 902 Blue Bell, PA 19422	Testing
Robert Kolenda	212 Kleber Road Glenshaw, PA 15116	Mitigation
Anthony Lamastra	1005 Old Route 22 Lenhartsville, PA 19534	Testing
Anthony Lamastra	1005 Old Route 22 Lenhartsville, PA 19534	Laboratory
Selena Ling	4900 Carlisle Pike # 277 Mechanicsburg, PA 17050	Testing
Winfield S. Lyons	16 W Hanover Street Gettysburg, PA 17325	Testing
Banjamin Mangus	13520 Smith Cemetery Road Meadville, PA 16335	Testing

<i>Name</i>	<i>Address</i>	<i>Certification</i>
Raymond H. Matthews	27 Telescope Street Pittsburgh, PA 15203	Testing
Raymond H. Matthews	27 Telescope Street Pittsburgh, PA 15203	Mitigation
William McCormack	17 Main Street Suite 601 Robbinsville, NJ 08691	Testing
Ryan McGrady	1000 Dunham Drive Suite B Dunmore, PA 18512	Testing
Robert J. Meyer, Jr.	247 Mine Bank Road Wellsville, PA 17365	Mitigation
Robert J. Meyer, Jr.	247 Mine Bank Road Wellsville, PA 17365	Testing
Neil R. Minnucci	955 Allentown Road Lansdale, PA 19446	Testing
Bruce Monaco	3511 Teton Road Philadelphia, PA 19154	Testing
Lewis Nelson IV	P.O. Box 830 Huntingdon Valley, PA 19006	Testing
Jill Newton	1936 Butler Bridge Road Mills River, NC 28759	Laboratory
Dominick Peda	40 N Feathering Lane Media, PA 19063	Testing
Joseph Poplawski	4090 Airport Rd Allentown, PA 18109	Testing
Michael Rife	1418 Baltimore St Ste 12-132 Hanover, PA 17331	Testing
Amber R. Robson	27 Telescope St Pittsburgh, PA 15203	Testing
Daniel E. Romeo	227 High St New Wilmington, PA 16142	Testing
Tryggve C. Ronnqvist	Box 6522 Uppsala, FC 75138	Laboratory
Jooik Ro	30 Sunset Dr Carlisle, PA 17013	Testing
Jooik Ro	30 Sunset Dr Carlisle, PA 17013	Mitigation
Lynne Russell	80 Cedar Ridge Rd Hawley, PA 18428	Testing
Val Sarko	P.O. Box 15052 Reading, PA 19612	Testing
Gregory C. Scheer	474 McCollum Rd Montrose, PA 18801	Mitigation
David C. Scholtz	P.O. Box 118 Effort, PA 18330	Laboratory
Alexander J. Shubert	8 Washington Square Doylestown PA 18901	Testing
Bruce Thomas	36 E Tacoma Ave Latrobe, PA 15650	Testing
Benedict Ugorji	757 Beatty St Trenton, NJ 08611	Mitigation
Sean Weaver	4145 Pechin St Philadelphia, PA 19128	Testing
James L. Zamiska	523 Burnside Rd McDonald, PA 15057	Testing

**WATER PROGRAMS  
EROSION AND SEDIMENT CONTROL**

*Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101, Domenic Rocco, PE, Director, 717-772-5987.*

**ESG835921001-00.** The Department of Environmental Protection (Department) provides notice of final action regarding the following Chapter 102, Erosion and Sediment Control Permit Application related to Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities.

LN 35 Anodes and Recoats Project located in Chatham Township, Clymer Township, Farmington Township, Lawrence Township & Westfield Township, **Tioga County**.

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Counties</i>	<i>DEP Office</i>
ESG835921001-00	Eastern Gas Transmission and Storage, Inc. 6603 West Broad Street Richmond, VA 23230	Tioga	Regional Permit Coordination Office

Any person aggrieved by this action may challenge it in an appropriate legal forum. The state and Federal courts are currently split on whether the proper forum to challenge a Department permit, authorization or approval for a facility or activity subject to the Federal Natural Gas Act, 15 U.S.C.A. § 717 *et seq.*, is the United States Court of Appeals for the Third Circuit or the Pennsylvania Environmental Hearing Board. See Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot., 833 F.3d 360 (3d Cir. 2016); Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl Prot., 903 F.3d 65 (3d Cir. 2018), cert. denied, 139 S. Ct. 1648, 203 L. Ed. 899 (2019) and Cole v. Dep't. of Env'tl Prot., 1577 C.D. 2019 WL 2420667 (Pa. Cmwlth Ct. June 15, 2021) (Pet. for Allowance of Appeal pending); West Rockhill Twp. v. Dep't of Env'tl. Prot., No. 1595 C.D. 2019 WL 2426014 (Pa. Cmwlth. June 15, 2021) (Pet. for Allowance of Appeal pending). You should promptly consult with a lawyer on the steps to take if you wish to challenge this action and to best protect your interests. Important legal rights are at stake. You should show this document to a lawyer at once.

**FEDERAL WATER POLLUTION  
CONTROL ACT SECTION 401**

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the Regional Permit Coordination Office as noted before 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.

More information regarding the permit applications related to this proposed project may be available online ([dep.pa.gov/pipelines](http://dep.pa.gov/pipelines)) or in the Department's Regional Permit Coordination Office. The Department's Regional Permit Coordination Office can be contacted at 717-772-5987 or RA-EPREGIONALPERMIT@pa.gov.

Comments on the applications can be emailed or sent via postal mail to the Department of Environmental Protection, Regional Permit Coordination Office, Rachel

Carson Building, 400 Market Street, 10th Floor, Harrisburg, PA 17101, RA-EPREGIONALPERMIT@pa.gov.

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

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

**PUBLIC NOTICE OF APPLICATION AND DRAFT  
STATE WATER QUALITY CERTIFICATION FOR A  
FERC REGULATED PIPELINE PROJECT**

**Proposed State Water Quality Certification Required by the Commonwealth of Pennsylvania, Department of Environmental Protection Pursuant to Section 401 of the Clean Water Act for the Regional Energy Access Expansion Project**

*Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101, Email: RA-EPREGIONALPERMIT@pa.gov.*

**WQ0083221-001, Transcontinental Gas Pipe Line Company, LLC** (Applicant), 2800 Post Oak Blvd, Level 11, Houston, TX 77056. Regional Energy Access Expansion Project (Project), in Buck, Bear Creek, Plains, Jenkins, Kingston, and Dallas Townships and Wyoming, West Wyoming, and Laflin Boroughs, **Luzerne County**; Ross, Chestnuthill, and Tunkhannock Townships, **Monroe County**; Lower Mt. Bethel Township, **Northampton County**; Lower Makefield Township, **Bucks County**; East Whiteland Township, **Chester County**; Peach Bottom Township, **York County**; and Marcus Hook Borough, **Delaware County**. U.S. Army Corps of Engineers, Baltimore District and Philadelphia District. The pipeline portion of this proposed project starts at Regional Energy



Lateral pipeline section at Hildebrant Road and Access Road AR-LU-002 (Latitude: 41° 20' 59.24"; Longitude -75° 56' 55.03") and extending to Compressor Station 515 along Ridgeway Avenue (Latitude: 41° 10' 24.09"; Longitude -75° 40' 18.20"), with the Effort Loop pipeline section starting at the Long Pond Road (Latitude: 41° 3' 12.29"; Longitude -75° 31' 26.90") and extending to Meixsell Valley Road (Latitude: 40° 53' 48.51"; Longitude -75° 22' 14.17"). The project also includes upgrades at the Compressor Station 515 in Luzerne County (Latitude: 41° 10' 24.09"; Longitude -75° 40' 18.20"), Delaware River Regulator in Northampton County (Latitude: 40° 45' 43.7976"; Longitude: -75° 11' 47.184", no resource impacts), existing valve setting on Transco's Mainline "A" in Bucks County (Mainline A Regulator) (Latitude: 40° 16' 5.0268"; Longitude: -74° 51' 25.65", no resource impacts); Compressor Station 200 in Chester County (Latitude: 40° 2' 59.89"; Longitude: -75° 35' 9.06", no resource impacts), Compressor Station 195 in York County (Latitude: 39° 44' 42"; Longitude: -76° 21' 33", no resource impacts and no earth disturbance), Delaware County (Latitude: 39° 48' 47.7144" Longitude: 75° 25' 48.216", no resource impacts and no earth disturbance), and various additional ancillary facilities and pipe yards.

On March 26, 2021, Applicant filed an application with the Federal Energy Regulatory Commission (FERC) under Section 7 of the Natural Gas Act (15 U.S.C.A. § 717f) seeking a certificate of public convenience and necessity to construct and operate its Project (FERC Docket No. CP21-94-000). The FERC Environmental Assessment for the Project, when available, may be viewed on FERC's website at [www.ferc.gov](http://www.ferc.gov) (search eLibrary; Docket Search; CP21-94-000).

On March 31, 2021, Applicant requested a state water quality certification (SWQC) from the Pennsylvania Department of Environmental Protection (PADEP), as required by Section 401 of the Clean Water Act (33 U.S.C.A. § 1341), to ensure that the construction, operation and maintenance of the Project will protect water quality in Pennsylvania consistent with the requirements of State law and the Clean Water Act.

The Project, as proposed, includes approximately 22.3 mile long 30-inch pipeline and 13.8 mile long 42-inch pipeline to transport natural gas from Marcellus Shale production area in northeastern Pennsylvania to multiple delivery points along Transco's Leidy Line in PA, Transco's mainline at the Station 210 Zone 6 Pooling Point in Mercer County, New Jersey and multiple delivery points in Transco's Zone 6 in NJ, PA, and Maryland. The Project, as proposed, will require approximately 690 acres of earth disturbance, and impacts 2,626 linear feet of temporary impacts and 2,972 linear feet of permanent impacts to tributaries to McMichael Creek (HQ-CWF, MF), tributary to Pohopco Creek (CWF, MF), Sugar Hollow Creek (CWF, MF), tributary to Poplar Creek (EV, MF), tributary to Mud Run (HQ-CWF, MF), tributaries to Tunkhannock Creek (HQ-CWF, MF), tributaries to Shades Creek (HQ-CWF, MF), Shades Creek (HQ-CWF, MF), Little Shades Creek (HQ-CWF, MF), tributary to Meadow Run (HQ-CWF, MF), Meadow Run (HQ-CWF, MF), tributaries to Bear Creek (HQ-CWF, MF), Bear Creek (HQ-CWF, MF), tributaries to Little Bear Creek (HQ-CWF, MF), tributaries to Mill Creek (CWF, MF), Mill Creek (CWF, MF), tributary to Gardner Creek (CWF, MF), Gardner Creek (CWF, MF), tributaries to Susquehanna River (WWF, MF), Susquehanna River (WWF, MF), Abrahams Creek (CWF, MF), tributaries to Abrahams Creek (CWF, MF), tributaries to Toby Creek (CWF, MF), tributaries to Trout Brook (CWF, MF), Trout Brook (CWF,

MF); 14.14 acre(s) of temporary floodway impacts; 7.16 acre(s) of permanent floodway impacts; 6.48 acre(s) of temporary PFO, PSS, and PEM wetland impacts; and 9.80 acre(s) of PFO, PSS, and PEM permanent impacts.

PADEP, by this notice, is proposing to issue a SWQC to Transcontinental Gas Pipe Line Company, LLC for the Regional Energy Access Expansion Project. PADEP is proposing to certify that construction, operation and maintenance of the Regional Energy Access Expansion Project complies with the applicable provisions of sections 301—303, 306 and 307 of the Federal Clean Water Act (33 U.S.C.A. §§ 1311—1313, 1316 and 1317). The PADEP is proposing to further certify that the construction, operation and maintenance of the Regional Energy Access Expansion Project complies with Pennsylvania water quality standards and will maintain and protect applicable Commonwealth water quality standards provided that the construction, operation and maintenance of the project complies with the following PADEP water quality permitting programs, criteria and conditions established pursuant to Pennsylvania law:

1. Discharge of Hydrostatic Test Water—Applicant shall obtain and comply with a National Pollutant Discharge Elimination System (NPDES) permit(s) for the discharge of water from the hydrostatic testing of the pipeline associated with the Project pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001), 25 Pa. Code Chapter 92a (relating to NPDES permitting, monitoring and compliance), and all other applicable regulations.

2. Erosion and Sediment Control and Stormwater Management—All projects proposing earth disturbance must implement best management practices (BMPs) to protect and maintain water quality pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001) and Storm Water Management Act (32 P.S. §§ 680.1—680.17), 25 Pa. Code Chapter 102 (relating to erosion and sediment control), and all other applicable regulations. Applicant shall obtain and comply with an Erosion and Sediment Control Permit(s) for earth disturbance associated with the Project as provided in 25 Pa. Code § 102.5.

3. Water Obstruction and Encroachment Permits—Applicant shall obtain and comply with a Water Obstruction and Encroachment Permit(s) for the construction, operation and maintenance of all stream and wetland crossings associated with the Project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601), 25 Pa. Code Chapter 105 (relating to dam safety and waterway management), 25 Pa. Code Chapter 106 (relating to floodplain management), and all other applicable regulations.

4. Other Water Quality Requirements—Applicant shall obtain any other permits, authorizations or approvals required to construct, operate, and maintain the Project from any interstate or international agency as required by an interstate compact or international agreement that has established water quality standards applicable to surface waters of this Commonwealth, including wetlands.

5. Water Quality Monitoring—PADEP retains the right to specify additional studies or monitoring to ensure that water quality in the receiving waters associated with the Project is not adversely impacted by any operational and construction process that may be employed by Applicant.

6. Operation—At all times, Applicant shall properly operate and maintain all Project facilities and systems of

treatment and control (and related appurtenances) installed to achieve compliance with the terms and conditions of this SWQC and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Applicant.

7. Inspection—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of PADEP or the delegated County Conservation District to determine compliance with this SWQC, including all permits, authorizations or approvals issued to ensure the project shall maintain and protect state water quality standards as required by this SWQC. Applicant shall provide a copy of this SWQC to an authorized representative conducting an inspection of the Project.

8. Transfer of Projects—If Applicant intends to transfer any legal or equitable interest in the Project or any portion(s) thereof, Applicant shall provide a copy of this SWQC and copies of any permits, authorizations or approvals obtained to comply with the SWQC upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the appropriate PADEP Office of such intent. Notice to PADEP shall include a transfer agreement signed by the existing and new owners containing a specific date for transfer of responsibility, coverage, and liability under the SWQC and any permits, authorizations and approvals obtained to comply with the SWQC. The new owner shall submit to PADEP a new application form for the SWQC and any permits, authorizations and approvals required to comply with the SWQC signed by the new owner.

9. Correspondence—All correspondence with and submittals to PADEP concerning this SWQC shall be addressed to:

Department of Environmental Protection  
Regional Permit Coordination Office:  
Domenic Rocco, PE, Director  
400 Market Street, Harrisburg, PA 17101  
RA-EPREGIONALPERMIT@pa.gov

10. Reservation of Rights—PADEP may modify, suspend or revoke this SWQC if (i) PADEP becomes aware of new facts about the Project that warrant such action; or (ii) PADEP determines that Applicant has not complied with the terms and conditions of this SWQC. PADEP may require additional measures to achieve compliance with any applicable law or regulation.

11. Other Laws—Nothing in this SWQC shall be construed to preclude the institution of any legal action or to relieve Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable law or regulation.

12. Severability—The provisions of this SWQC are severable and should any provision of this SWQC be declared invalid or unenforceable, the remainder of the SWQC shall not be affected thereby.

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101, Email: RA-EPREGIONALPERMIT@pa.gov.*

**Transcontinental Gas Pipe Line Company, LLC**,  
2800 Post Oak Blvd, Level 11, Houston, TX 77056,  
Regional Energy Access Expansion Project.

Applicant is proposing the installation and maintenance of an approximately 22.3-mile-long, 30-inch diameter pipeline, an approximately 13.8-mile-long, 42-inch diameter pipeline, and appurtenant facilities in various municipalities within Luzerne, Northampton, Bucks, Chester and Monroe for purpose of transporting natural gas. The project consists of 2 Chapter 105 Water Obstruction and Encroachment Permits and 2 Chapter 102 Erosion and Sediment Control Permit. Below are the Chapter 105 permit applications being reviewed by the Department.

**E4083221-006.** The **Luzerne County** portion of the project is located in Bear Creek Township, Plains Township, Jenkins Township, Kingston Township, Dallas Township, Laflin Borough, Wyoming Borough and West Wyoming Borough, U.S. Army Corps of Engineers, Baltimore District and Philadelphia District. The proposed project starts at Hildebrant Road and Access Road AR-LU-002 (Latitude: 41° 20' 59.24"; Longitude -75° 56' 55.03") and extending to Compressor Station 515 along Ridgeway Avenue (Latitude: 41° 10' 24.09"; Longitude -75° 40' 18.20").

The proposed project impacts in Luzerne County include a total of 2,340 linear feet of temporary impacts and 2,724 linear feet of permanent impacts to tributaries to Shades Creek (HQ-CWF, MF), Shades Creek (HQ-CWF, MF), Little Shades Creek (HQ-CWF, MF), tributary to Meadow Run (HQ-CWF, MF), Meadow Run (HQ-CWF, MF), tributaries to Bear Creek (HQ-CWF, MF), Bear Creek (HQ-CWF, MF), tributaries to Little Bear Creek (HQ-CWF, MF), tributaries to Mill Creek (CWF, MF), Mill Creek (CWF, MF), tributary to Gardner Creek (CWF, MF), Gardner Creek (CWF, MF), tributaries to Susquehanna River (WWF, MF), Susquehanna River (WWF, MF), Abrahams Creek (CWF, MF), tributaries to Abrahams Creek (CWF, MF), tributaries to Toby Creek (CWF, MF), tributaries to Trout Brook (CWF, MF), Trout Brook (CWF, MF); 13.46 acre(s) of temporary floodway impacts; 6.51 acre(s) of permanent floodway impacts; 5.28 acres of temporary impacts to PFO, PSS, and PEM wetlands; and 8.18 acres of permanent impacts to PFO, PSS, and PEM wetlands. To compensate for the proposed functional conversion of PFO and PSS wetlands associated with the project impacts in Luzerne County, Applicant is proposing 6.91 acres of successful compensatory wetland mitigation (Permittee-Responsible Mitigation) through wetland enhancement at the Grajweski Property Mitigation Site (Latitude: 41° 11' 41.8776", 76° 12' 29.952"; Longitude: -76° 12' 29.952") in Huntington Township, Luzerne County and at the Perin Property Mitigation Site (Latitude: 40° 50' 41.3124"; Longitude: -75° 14' 10.6224") in Plainfield Township, Northampton County.

**E4583211-002.** The **Monroe County** portion of the project is located in Ross Township, Chestnuthill Township, Tunkhannock Township, U.S. Army Corps of Engineers, Philadelphia District. The proposed project starts Long Pond Road (Latitude: 41° 3' 12.29"; Longitude -75° 31' 26.90") and extending to Meixsell Valley Road (Latitude: 40° 53' 48.51"; Longitude -75° 22' 14.17").

The proposed project impacts in Monroe County include a total of 286 linear feet of temporary impacts and 248 linear feet of permanent impacts to tributaries to McMichael Creek (HQ-CWF, MF), tributary to Pohopco Creek (CWF, MF), Sugar Hollow Creek (CWF, MF),

tributary to Poplar Creek (EV, MF), tributary to Mud Run (HQ-CWF, MF), tributaries to Tunkhannock Creek (HQ-CWF, MF); 0.68 acre(s) of temporary floodway impacts; 0.65 acre(s) of permanent floodway impacts; 1.20 acres of temporary impacts to PFO, PSS, and PEM; and 1.62 acres of permanent impacts to PFO, PSS, and PEM wetlands. To compensate for the proposed functional conversion of PFO and PSS wetlands associated with the project impacts in Monroe County, Applicant is proposing 1.16 acre of successful compensatory wetland mitigation (Permittee-Responsible Mitigation) through wetland enhancement at the Perin Property Mitigation Site (Latitude: 40° 50' 41.3124"; Longitude: -75° 14' 10.6224") in Plainfield Township, Northampton County.

**EROSION AND SEDIMENT CONTROL**

The following parties have applied for Erosion and Sediment Control Permits for earth disturbance associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities.

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

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

*Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101, Email: RA-EPREGIONALPERMIT@pa.gov.*

**ESG830021002-00.** The Department of Environmental Protection (Department) provides notice of receipt of an application for a Chapter 102, Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities. The application is currently under technical review for Regional Energy Access Expansion. The project proposes approximately 690 acres of earth disturbance, of which approximately 420.5 acres are within Luzerne County, 262.2 acres in Monroe County, 3 acres in Chester County, 3.4 acres in Northampton County, and 0.5 acre in Bucks County.

This authorization is required for earth disturbance activities associated with oil and gas exploration, production, processing or treatment operations or transmission facilities when earth disturbance is five acres or greater. Review of this application is being coordinated among the Department and the associated county conservation districts.

The application under review is as follows:

<i>Permit No.</i>	<i>Applicant Name &amp; Address:</i>	<i>Counties:</i>	<i>DEP Office:</i>
ESG830021002-00	Transcontinental Gas Pipe Line Company, LLC 2800 Post Oak Blvd Level 11 Houston, TX 77056	Luzerne, Monroe, Northampton, Chester, & Bucks	Regional Permit Coordination Office

**PUBLIC COMMENTS FOR WATER OBSTRUCTIONS AND ENCROACHMENTS, STATE WATER QUALITY CERTIFICATION AND EROSION AND SEDIMENT CONTROL**

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

Following the 30-day comment period, the program manager from the appropriate Department office will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to United States Court of Appeals for the 3rd Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790.

More information regarding the permit applications related to this proposed project may be available online ([dep.pa.gov/pipelines](http://dep.pa.gov/pipelines)) or in the Department's Regional Permit Coordination Office. The Department's Regional Permit Coordination Office can be contacted at 717-772-5987 or [RA-EPREGIONALPERMIT@pa.gov](mailto:RA-EPREGIONALPERMIT@pa.gov).

Comments on the applications can be emailed or sent by means of postal mail to the Department of Environmental Protection, Regional Permit Coordination Office, Rachel Carson Building, 400 Market Street, 10th Floor, Harrisburg, PA 17101, [RA-EPREGIONALPERMIT@pa.gov](mailto:RA-EPREGIONALPERMIT@pa.gov).

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

[Pa.B. Doc. No. 21-1579. Filed for public inspection September 17, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Cleanup Standards Scientific Advisory Board Meeting

The Cleanup Standards Scientific Advisory Board (Board) will meet at 10 a.m. on Monday, October 4, 2021, in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Individuals may attend the meeting in person or remotely. Individuals interested in providing public comments during the meeting are encouraged to sign up in advance of the meeting by contacting Troy Conrad at [tconrad@pa.gov](mailto:tconrad@pa.gov) or (717) 783-9480.

Information on how to join the meeting, as well as agenda and meeting materials, will be available on the Board's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Cleanup and Brownfields," then "Cleanup Standards Scientific Advisory Board," then "Agendas and Handouts").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the October 4, 2021, meeting can be directed to Troy Conrad at [tconrad@pa.gov](mailto:tconrad@pa.gov) or (717) 783-9480.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-1566 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-1580. Filed for public inspection September 17, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Extension of National Pollutant Discharge Elimination System General Permit for Discharges of Stormwater Associated with Industrial Activity (PAG-03)

Under The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department) is, by this notice, extending for 12 months the availability of the current National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Stormwater Associated with Industrial Activity (PAG-03).

The existing PAG-03 General Permit in effect at this time will expire on September 23, 2021. Persons who are

operating under the PAG-03 General Permit may continue to operate until September 23, 2022. The Department is extending the availability of this permit to adequately complete preparation of the renewal of the PAG-03 General Permit. During the period of administrative extension, no new coverage under the PAG-03 General Permit may be authorized by the Department.

To access the General Permit and related documents, visit the Department's eLibrary web site at [www.dep.greenport.state.pa.us/elibrary/](http://www.dep.greenport.state.pa.us/elibrary/) (select "Permit and Authorization Packages," then "Clean Water," then "PAG-03 NPDES General Permit for Discharges of Stormwater Associated with Industrial Activity 3850-PM-BCW0083").

Questions regarding the PAG-03 General Permit can be directed to Maria Schumack, PE, at [maschumack@pa.gov](mailto:maschumack@pa.gov) or (717) 705-0486.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-1581. Filed for public inspection September 17, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Low-Level Radioactive Waste Advisory Committee Meeting

The Low-Level Radioactive Waste Advisory Committee (Committee) will meet at 10 a.m. on Friday, October 1, 2021, in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Individuals may attend the meeting in person or remotely. Individuals interested in providing public comments during the meeting are encouraged to sign up in advance by contacting Steve Acker at [steacker@pa.gov](mailto:steacker@pa.gov) or (717) 787-2480.

Information on how to join the meeting, as well as agenda and meeting materials, will be available on the Committee's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Radiation," then "Low-Level Waste Advisory Committee," then "Meetings and Bylaws").

Individuals are encouraged to visit the Committee's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the October 1, 2021, meeting can be directed to Stephen Acker at [steacker@pa.gov](mailto:steacker@pa.gov) or (717) 787-2480.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Stephen Acker at (717) 787-2480 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-1582. Filed for public inspection September 17, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Pennsylvania's Agriculture Energy Efficiency Rebate Program

The Department of Environmental Protection (Department) announces the availability of a new rebate program for agriculture energy efficiency projects to Commonwealth agriculture producers under Pennsylvania's Agriculture Energy Efficiency Rebate Program (Program). The Program provides rebates to assist agricultural producers with the purchase of LED lighting or variable frequency drives (VFD) for their farming operations.

To qualify for the rebate, the applicant must meet the definition of a normal farming operation under the act of June 10, 1982 (P.L. 454, No. 133), known as the Pennsylvania Right to Farm Law, and the application must be submitted to the Department prior to the installation of the project. Equipment purchase costs are eligible and no installation costs will be funded. The rebate will be offered on a first-come, first-served basis in the order in which they are received, until no later than March 31, 2022. Approved applicants will be issued a voucher, then install eligible equipment and submit a payment request form with required documentation to the Department in order to receive rebate moneys.

The following rebates are offered:

- \$2,000 rebate for LED lighting in agricultural buildings (up to 50% of equipment purchase costs).
- \$2,000 rebate for VFDs for milk vacuum pumping (up to 50% of equipment purchase costs. Pump horsepower 5 hp or greater).
- \$2,000 rebate for VFDs for ventilation in agricultural buildings (up to 50% of equipment purchase costs. Fan motor horsepower 5 hp or greater).

Applicants may apply under each category, but no more than a total of \$5,000 in rebates will be issued to any one applicant.

Information on how to apply, as well as an informational webinar presentation, will be available online through the Department's agriculture energy webpage at [www.dep.pa.gov/agricultureenergy](http://www.dep.pa.gov/agricultureenergy) or by contacting the Department at [RA-EPAGEnergyProgram@pa.gov](mailto:RA-EPAGEnergyProgram@pa.gov).

Applications must be submitted online through the Commonwealth's Electronic Single Application web site at [www.esa.dced.state.pa.us/Login.aspx](http://www.esa.dced.state.pa.us/Login.aspx). Hardcopy applications will not be accepted. The Department will begin accepting applications on Monday, September 20, 2021. Applications must be received by 4 p.m. on March 31, 2022.

Questions concerning the rebate program can be directed to [RA-EPAGEnergyProgram@pa.gov](mailto:RA-EPAGEnergyProgram@pa.gov) or (570) 327-3783.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-1583. Filed for public inspection September 17, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Radiation Protection Advisory Committee Meeting Rescheduled

The Radiation Protection Advisory Committee (Committee) meeting previously scheduled for October 28, 2021, has been rescheduled to Thursday, December 9, 2021. The meeting will begin at 9 a.m. in the Delaware Room, 16th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Individuals may attend the meeting in person or remotely. Individuals interested in providing public comments during the meeting are encouraged to sign up in advance by contacting John Chipppo at [jchippo@pa.gov](mailto:jchippo@pa.gov) or (717) 783-9730.

Information on how to join the meeting, as well as agenda and meeting materials, will be available on the Committee's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Radiation," then "Radiation Protection Advisory Committee," then "Meetings and Bylaws").

Individuals are encouraged to visit the Committee's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the December 9, 2021, meeting can be directed to John Chipppo at [jchippo@pa.gov](mailto:jchippo@pa.gov) or (717) 783-9730.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 787-3720, or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users), or (800) 654-5988 (voice users), to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-1584. Filed for public inspection September 17, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### State Board for Certification of Water and Wastewater Systems Operators Meeting

The State Board for Certification of Water and Wastewater Systems Operators (Board) will meet at 10 a.m. on Wednesday, October 6, 2021, in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Individuals may attend the meeting in person or remotely. Individuals interested in providing public comments during the meeting are encouraged to sign up in advance by contacting Ed Chescattie at [echescatti@pa.gov](mailto:echescatti@pa.gov) or (717) 772-2184.

Information on how to join the meeting, as well as agenda and meeting materials, will be available on the Board's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Water," then "State Board for Certification of Water and Wastewater System Operators").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the October 6, 2021, meeting can be directed to Ed Chescattie at echescatti@pa.gov or (717) 772-2184.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Ed Chescattie at (717) 772-2184 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users), to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-1585. Filed for public inspection September 17, 2021, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Home Health Agencies; Requests for Exception

The following home health agencies are seeking exceptions to 28 Pa. Code § 601.31 (relating to acceptance of patients, plan of treatment and medical supervision):

CareGivers America Home Health Services  
961 Marcon Boulevard  
Suite 440  
Allentown, PA 18109  
LIC # 04840501

CareGivers America Home Health Services  
718 South State Street  
Clarks Summit, PA 18411  
LIC # 03120501

Visiting Nurse Association of Western Pennsylvania  
154 Hindman Road  
Butler, PA 16001  
LIC # 709405

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 Home Health, Forum Place, Suite 701, 555 Walnut Street, Harrisburg, PA 17101, (717) 783-1379, fax (717) 787-3188, ra-communityprogramlicensure@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. 21-1586. Filed for public inspection September 17, 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)):

William Penn Healthcare and Rehabilitation Center  
163 Summit Drive  
Lewistown, PA 17044  
FAC ID # 750602

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 201.22(j):

Guardian Healthcare and Rehabilitation Center  
147 Old Newport Street  
Nanticoke, PA 18634  
FAC ID # 191502

Guardian Healthcare at Taylor  
500 West Hospital Street  
Taylor, PA 18517  
FAC ID # 201302

Haida Healthcare and Rehabilitation Center  
397 Third Avenue Extension  
Hastings, PA 16646  
FAC ID # 340102

Meadow View Healthcare and Rehabilitation Center  
225 Park Street  
Montrose, PA 18801  
FAC ID # 011202

Sunset Ridge Healthcare and Rehabilitation Center  
3298 Ridge Road  
Bloomsburg, PA 17815  
FAC ID # 090002

Western Reserve Healthcare and Rehabilitation Center  
1521 West 54th Street  
Erie, PA 16509  
FAC ID # 490802

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ALISON BEAM,  
*Acting Secretary*

[Pa.B. Doc. No. 21-1587. Filed for public inspection September 17, 2021, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Pennsylvania's 2045 Long-Range Transportation Plan and Freight Movement Plan Public Com- ment Period

The Department of Transportation (Department) invites the public to provide comments on the draft 2045 Long-Range Transportation Plan (LRTP) and Freight Movement Plan (FMP) from September 20, 2021, through October 19, 2021.

The LRTP is updated every 6 to 10 years and looks ahead 20 years to establish multimodal strategic directions for the Commonwealth's transportation system. The FMP proposes strategies, recommends policies and identifies projects to improve multimodal freight movement. Both plans are in the final stages of a 2-year planning process involving technical analysis, public and stakeholder outreach and collaborative planning. The plans are scheduled for adoption in 2021.

Public and stakeholder involvement is a critical component of the LRTP and FMP development process to better understand the needs and concerns of all residents of this Commonwealth. The Department encourages the public to review the draft plans and provide comments beginning on September 20, 2021, online at [www.penndot.gov/ProjectAndPrograms/Planning/Pages/default.aspx](http://www.penndot.gov/ProjectAndPrograms/Planning/Pages/default.aspx) and at public library locations throughout this Commonwealth. Individuals without access to the Internet may request printed copies at [penndotplanning@pa.gov](mailto:penndotplanning@pa.gov) or by calling (717) 836-3433.

The public comment period for the 2045 LRTP and FMP is in accordance with the Department's Public Participation Plan that outlines opportunities for public input in Statewide transportation planning and programming as required by 23 CFR 450.210 (relating to interested parties, public involvement, and consultation). Comments received will be reviewed and taken into consideration by the Department for inclusion in the final plans. Individuals who require special assistance to participate should contact the Department's Bureau of Equal Opportunity at (717) 787-5891.

YASSMIN GRAMIAN,  
*Secretary*

[Pa.B. Doc. No. 21-1588. Filed for public inspection September 17, 2021, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### LCT Energy, LP v. Department of Environmental Protection; EHB Doc. No. 2021-085-C

LCT Energy, LP has appealed the issuance by the Department of Environmental Protection of NPDES Permit No. PA0236110 for discharge from a facility located in Conemaugh Township, Somerset County.

The appeal is filed with the Environmental Hearing Board (Board). The notice of appeal, and other filings related to the appeal, may be reviewed by any interested person through the Board's web site at <http://ehb.courtapps.com>. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone

the Board through the Pennsylvania Hamilton Relay Center at (800) 654-5984. A date for the hearing on the appeal has not yet been scheduled.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Chairperson*

[Pa.B. Doc. No. 21-1589. Filed for public inspection September 17, 2021, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Wednesday, September 1, 2021, and announced the following:

*Regulations Deemed Approved Pursuant to Section 5(g) of the Regulatory Review Act—Effective August 31, 2021*

Pennsylvania Liquor Control Board # 54-102: Purchases, Sales and Returns: General Provisions (amends 40 Pa. Code Chapter 11)

Insurance Department # 11-259: Minimum Reserve Standards for Individual and Group Health and Accident Insurance Contracts (amends 31 Pa. Code Chapter 84a)

*Action Taken—Regulation Approved:*

Environmental Quality Board # 7-559: CO<sub>2</sub> Budget Trading Program (amends 25 Pa. Code Chapter 145 by adding Subchapter E (relating to CO<sub>2</sub> budget trading program))

### Approval Order

Public Meeting Held  
September 1, 2021

*Commissioners Voting:* George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson, dissenting; John J. Soroko, Esq., dissenting; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Environmental Quality Board—  
CO<sub>2</sub> Budget Trading Program  
Regulation No. 7-559 (# 3274)*

On October 21, 2020, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking amends 25 Pa. Code Chapter 145 by adding Subchapter E (relating to CO<sub>2</sub> budget trading program). The proposed regulation was published in the November 7, 2020 *Pennsylvania Bulletin* with a public comment period ending on January 14, 2021. The final-form regulation was submitted to the Commission on July 28, 2021.

This rulemaking establishes a program to limit emissions of CO<sub>2</sub> from fossil-fuel-fired electric generating units located in the Commonwealth, with a nameplate capacity equal to or greater than 25 megawatts.

We have determined this regulation is consistent with the statutory authority of the EQB (35 P.S. §§ 4005(a)(1) and 4006.3(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 21-1590. Filed for public inspection September 17, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### **Catholic Order of Foresters (SERFF # UHAS-132946160); Rate Increase Filing for Several LTC Forms; Rate Filing**

Catholic Order of Foresters is requesting approval to increase the premium an aggregate 39.99% on 8 policyholders with individual LTC forms FCNH, FCLTC and FCLTC 2000.

Unless formal administrative action is taken prior to December 3, 2021, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Pending Long Term Care Rate Filings").

Interested parties are invited to submit written comments, suggestions or objections to Sean Carmody, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [scarmody@pa.gov](mailto:scarmody@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-1591. Filed for public inspection September 17, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### **Erika R. Evans; License Denial Appeal; Doc. No. AG21-08-027**

Under Article VI-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.1—310.99a), Erika R. Evans has appealed the denial of an application for an insurance producer's license. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure).

A prehearing telephone conference initiated by this office is scheduled for October 13, 2021, at 9:30 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before October 12, 2021. A hearing shall occur on

October 27, 2021, at 9:30 a.m. in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA.

Protests, petitions to intervene or notices of intervention, if any, must be electronically filed on or before September 29, 2021. The e-mail address to be used for the Administrative Hearings Office is [ra-hearings@pa.gov](mailto:ra-hearings@pa.gov). Answer to protests, petitions to intervene or notices of intervention, if any, shall be electronically filed on or before October 12, 2021.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodations to participate in the hearing should contact Joseph Korman, (717) 787-4429, [jkorman@pa.gov](mailto:jkorman@pa.gov).

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-1592. Filed for public inspection September 17, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### **Geisinger Quality Options (GSHP-132969274); Individual PPO—Grandfathered Filing; Rate Filing**

Geisinger Quality Options submitted a rate filing to decrease the premium rates for its individual PPO grandfathered plans. The filing proposes a rate change of -9.9% and will affect 483 covered lives (301 policyholders) with policies renewing in 2022.

Unless formal administrative action is taken prior to December 3, 2021, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Consumers," then under "Resources" select "Product Notices").

Interested parties are invited to submit written or e-mail comments, suggestions or objections to James Laverty, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-1593. Filed for public inspection September 17, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### **Geisinger Quality Options (GSHP-132969383); Individual PPO—Transitional Filing; Rate Filing**

Geisinger Quality Options submitted a rate filing to increase the premium rates for its individual PPO non-grandfathered plans. The filing proposes a rate increase of 11.1% and will affect 654 policyholders in this Commonwealth (1,004 covered lives) with policies renewing from January 1, 2022, to October 31, 2022.

Unless formal administrative action is taken prior to December 3, 2021, the subject filing may be deemed approved by operation of law.



A copy of the filing is available on the Insurance Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Consumers," then under "Resources" select "Product Notices").

Interested parties are invited to submit written or e-mail comments, suggestions or objections to James Laverty, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 21-1594. Filed for public inspection September 17, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Mutual of Omaha Insurance Company; Rate Increase Filing for Several LTC Forms (MUTA-132676717); Rate Filing

Mutual of Omaha Insurance Company is requesting approval to increase the premium an aggregate 94.5% on 2,108 policyholders with individual LTC forms LTC04I-TQ, LTC04I-NTQ, LTC04I-AG-TQ, LTC04I-AG-NTQ, LTC04I7-AG5-TQ, LTC04I7-AG10-TQ, LTC04I7-AG15-TQ, LTC04I7-5D-TQ, LTC04I7-AG5-NTQ, LTC04I7-AG10-NTQ, LTC04I7-AG15-NTQ, LTC04I7-5D-NTQ, LTC09M-AG, LTC09M-5ML and LTC09M-10ML.

Unless formal administrative action is taken prior to December 3, 2021, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Pending Long Term Care Rate Filings").

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 21-1595. Filed for public inspection September 17, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Mutual of Omaha Insurance Company; Rate Increase Filing for Several LTC Forms (MUTA-132676973); Rate Filing

Mutual of Omaha Insurance Company is requesting approval to increase the premium 40.3% on 550 policy-

holders with individual LTC forms LT50, ODX5M, NH50, ODX6M, HCA, HCAQ, LTA, LTAQ, NHA and NHAQ.

Unless formal administrative action is taken prior to December 3, 2021, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Pending Long Term Care Rate Filings").

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 21-1596. Filed for public inspection September 17, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P.L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The hearing will be held in accordance with the requirements of Act 68; 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). This administrative hearing will be held virtually by means of Zoom. Failure by the appellant to appear at the scheduled video hearing may result in dismissal with prejudice.

The parties and their representatives and witnesses shall join the Zoom hearing through the link supplied in the invitation. The Administrative Hearings Office may be contacted at (717) 783-2126, [ra-hearings@pa.gov](mailto:ra-hearings@pa.gov).

Appeal of Jeffrey Lawrence; AAA Insurance (CSAA General Insurance Company); File No. 20-176-245647; Doc. No. P20-05-003; October 14, 2021, 9 a.m.

Following the video hearing and receipt of the stenographic transcript, the Insurance Commissioner will issue a written order resolving the factual issues presented at the video hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the video hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative video hearing and

require an auxiliary aid, service or other accommodation to participate in the video hearing, should contact Joseph Korman (717) 787-4429, jkorman@pa.gov.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 21-1597. Filed for public inspection September 17, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### United of Omaha Insurance Company; Rate Increase Filing for Several LTC Forms (MUTA-132676906); Rate Filing

United of Omaha Insurance Company is requesting approval to increase the premium an aggregate 97.2% on 1,311 policyholders with individual LTC forms LTC06UI-TQ, LTC06UI-G5-TQ, LTC06UI-G10-TQ, LTC06UI-G15-TQ, LTC06UI-NTQ, LTC06UI-G5-NTQ, LTC06UI-G10-NTQ, LTC06UI-G15-NTQ, LTC09U-AG, LTC09U-5ML and LTC09U-10ML.

Unless formal administrative action is taken prior to December 3, 2021, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the word "Consumers" tab, then select "Pending Long Term Care Rate Filings").

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 21-1598. Filed for public inspection September 17, 2021, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Governor's Office

Manual No. 110.01—2022-23 Budget Instructions, Amended August 15, 2021.

Administrative Circular No. 21-10—Accounting for COVID-19 Related Activity in SAP, Dated June 24, 2021.

AMY J. MENDELSON,  
Director  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 21-1599. Filed for public inspection September 17, 2021, 9:00 a.m.]

## MILK MARKETING BOARD

### Special Sunshine Teleconference Meeting

The Milk Marketing Board will meet on Wednesday, September 22, 2021, at 10 a.m. by means of teleconference. The call-in number is (267) 332-8737. The ID number is 138 728 813#. The teleconference meeting will be held to consider Official General Order A-1012.

CAROL HARDBARGER,  
Secretary

[Pa.B. Doc. No. 21-1600. Filed for public inspection September 17, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### CTSI, LLC, d/b/a Frontier Communications CTSI, LLC; Doc. No. P-2021-3027909

The Pennsylvania Public Utility Commission (Commission) approved the joint petition of Commonwealth Telephone Company, LLC, d/b/a Frontier Communications Commonwealth Telephone Company; Frontier Communications of Breezewood, LLC; Frontier Communications of Canton, LLC; Frontier Communications of Pennsylvania, LLC (collectively, Frontier); and CTSI, LLC, d/b/a Frontier Communications CTSI, LLC (CTSI) for CTSI to be designated as an eligible telecommunications carrier (ETC), by order entered on August 26, 2021, at Doc. No. P-2021-3027909.

To be eligible to receive the Federal high-cost support funding that it was awarded in the Federal Communications Commission's (FCC) Rural Digital Opportunity Fund Auction (Auction 904), Frontier was required to obtain designation as an ETC from the Commission in the census blocks where it is to receive Auction 904 Federal high-cost support funding. Frontier filed its ETC petition at the Commission on January 2, 2021, and ultimately assigned certain census blocks to its affiliate, CTSI. The Commission invited comments on the petition by notice published at 51 Pa.B. 762 (February 6, 2021) and published a second notice inviting comments to Frontier and CTSI's amendments to the petition at 51 Pa.B. 3691 (July 3, 2021). After review, the Commission has approved the petition and designated CTSI as an ETC in those subject eligible Auction 904 census blocks. CTSI is now required to certify to the FCC that it has received designation as an ETC in the eligible census block groups in the Commonwealth for which it submitted a winning bid and has been awarded Auction 904 Federal high-cost support by the FCC.

Documents relative to this docket are available for inspection by searching under the petitioner's docket

number on the Commission's web site at <https://www.puc.pa.gov/search/document-search/>.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1601. Filed for public inspection September 17, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Natural Gas Service

**A-2021-3028367. Columbia Gas of Pennsylvania, Inc.** Application for approval of abandonment of natural gas service by Columbia Gas of Pennsylvania, Inc. to one commercial premises 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 October 4, 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., 121 Champion Way, Suite 100, Canonsburg, PA 15317

*Through and By Counsel for:* Theodore J. Gallagher, Esquire, 121 Champion Way, Suite 100, Canonsburg, PA 15317, [tjgallagher@nisource.com](mailto:tjgallagher@nisource.com)

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1602. Filed for public inspection September 17, 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 October 4, 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 October 4, 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-2021-3027978. North Star Limo, LLC** (6437 Market Street, 2nd Floor Rear Apartment, Upper Darby, Delaware County, PA 19082) in limousine service, between points in the Counties of Bucks, Chester, Delaware and Montgomery.

**A-2021-3028080. Lusso Executive Transportation Service, LLC** (157 Spruce Court, Pittsburgh, Allegheny County, PA 15229) in paratransit service, between points in the Counties of Allegheny, Armstrong, Beaver, Butler, Fayette, Indiana, Washington and Westmoreland. *Attorney:* Gabrielle N. Morella, 706 Rochester Road, Pittsburgh, PA 15237.

**A-2021-3028090. Lusso Executive Transportation Service, LLC** (157 Spruce Court, Pittsburgh, Allegheny County, PA 15229) in airport transfer service, from points in the Counties of Allegheny, Armstrong, Beaver, Butler, Fayette, Indiana, Washington and Westmoreland, to Pittsburgh International Airport, to Allegheny County Airport, to Arnold Palmer Regional Airport and to Washington County Airport, and vice versa. *Attorney:* Gabrielle N. Morella, 706 Rochester Road, Pittsburgh, PA 15237.

**A-2021-3023890. Abundantly Blessed Home Care, LLC** (2910 Edgmont Avenue, Brookhaven, Delaware County, PA 19015) in paratransit service, from points in the City and County of Philadelphia, to points in the Counties of Bucks, Chester, Delaware and Montgomery, and return.

### Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.*

**A-2021-3028203. Johnny Albritton, III, t/a Johnny on the Spot Moving** (28 Payne Avenue, Kingston, Luzerne County, PA 18704) household goods in use, between points in Pennsylvania.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1603. Filed for public inspection September 17, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Formal Complaints

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due October 4, 2021, and must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Myford Group, Inc., t/a Myford Construction;  
Doc. No. C-2021-3027240**

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Myford Group, Inc., t/a Myford Construction, (respondent) is under suspension effective July 02, 2021 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at P.O. Box 181, York Springs, PA 17372.

3. That respondent was issued a Certificate of Public Convenience by this Commission on August 24, 2020, at A-8923184.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8923184 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
Andrew Turriziani  
Chief of Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

#### VERIFICATION

I, Andrew Turriziani, Chief of Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: August 3, 2021

Andrew Turriziani  
Chief of Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
Services  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. AVO T&L, LLC;  
Doc. No. C-2021-3027241**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to AVO T&L, LLC, (respondent) is under suspension effective July 03, 2021 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 1419 Chaffee Drive, Suite 2, Titusville, FL 32780.

3. That respondent was issued a Certificate of Public Convenience by this Commission on October 13, 2016, at A-6918958.

4. That respondent has failed to maintain evidence of Bond insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-6918958 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
Andrew Turriziani  
Chief of Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

VERIFICATION

I, Andrew Turriziani, Chief of Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: August 3, 2021

Andrew Turriziani  
Chief of Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to

file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 400 North Street  
 Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
 Pennsylvania Public Utility Commission  
 400 North Street  
 Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 400 North Street  
 Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Damon W. Belser, t/a Olive Branch Transportation;**  
**Doc. No. C-2021-3027284**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Damon W. Belser, t/a Olive Branch Transportation, (respondent) is under suspension effective July 06, 2021 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 150 Monument Road, Suite 207, Bala Cynwyd, PA 19004.

3. That respondent was issued a Certificate of Public Convenience by this Commission on August 15, 2017, at A-6419799.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-6419799 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
 Andrew Turriziani  
 Chief of Motor Carrier Enforcement  
 Bureau of Investigation and Enforcement  
 400 North Street  
 Harrisburg, PA 17120

VERIFICATION

I, Andrew Turriziani, Chief of Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the

statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: August 3, 2021

Andrew Turriziani  
Chief of Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of

insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Bonnie Lynn Gordon, t/a Waynesboro Cab Co.;**  
**Doc. No. C-2021-3027286**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Bonnie Lynn Gordon, t/a Waynesboro Cab Co., (respondent) is under suspension effective July 06, 2021 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 369 Fridinger Avenue, Hagerstown, MD 21740.

3. That respondent was issued a Certificate of Public Convenience by this Commission on April 23, 2018, at A-6420646.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certifi-

cate of Public Convenience held by respondent at A-6420646 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
Andrew Turriziani  
Chief of Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

#### VERIFICATION

I, Andrew Turriziani, Chief of Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: August 4, 2021

Andrew Turriziani  
Chief of Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regula-

tions and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
Services  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1604. Filed for public inspection September 17, 2021, 9:00 a.m.]

## **PENNSYLVANIA PUBLIC UTILITY COMMISSION**

### **Starlink Services, LLC; Doc. No. P-2021-3023580**

The Pennsylvania Public Utility Commission (Commission) provisionally approved the petition of Starlink Services, LLC (Starlink Services) for designation as an eligible telecommunications carrier (ETC), by order entered on August 26, 2021, at Doc. No. P-2021-3023580.

To be eligible to receive the Federal high-cost support funding that it was awarded in the Federal Communications Commission's Rural Digital Opportunity Fund Auction (Auction 904), Starlink Services was required to obtain designation as an ETC from the Commission. Starlink Services filed its ETC petition at the Commis-



sion on January 4, 2021. The Commission invited comments on the petition by notice published at 51 Pa.B. 763 (February 6, 2021). After review, the Commission has provisionally approved the petition and for Starlink Services to obtain an ETC designation in its proposed designated service area in this Commonwealth, Starlink Services must satisfy the condition of submitting to the Commission evidence of an executed contractual agreement with a managed service provider or other third-party voice platform within 90 days of this order or have its ETC designation revoked.

Documents relative to this docket are available for inspection by searching under the petitioner's docket number on the Commission's web site at <https://www.puc.pa.gov/search/document-search/>.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1605. Filed for public inspection September 17, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications Service

**A-2021-3028254. CenturyTel Broadband Services, LLC.** Application of CenturyTel Broadband Services, LLC for approval to offer, render, furnish or supply telecommunications services to the public in this Commonwealth as a competitive local exchange carrier in the service territories of: Armstrong Telephone Company—North; Armstrong Telephone Company PA; Citizens Telephone Company of Kecksburg; Citizens Telecommunications Company of New York, Inc., d/b/a Frontier Communications of New York, Inc.; Consolidated Communications of Pennsylvania Company; Frontier Communications of Breezewood, LLC; Frontier Communications of Canton, LLC; Frontier Communications Commonwealth Telephone Company, LLC; Frontier Communications of Pennsylvania, LLC; Frontier Communications of Lakewood, LLC; Frontier Communications of Oswayo River, LLC; Hancock Telephone Company; Hickory Telephone Company; Ironton Telephone Company; Lackawaxen Telecommunications Services, Inc.; Laurel Highland Telephone Company; North Penn Telephone Company; North-Eastern PA Telephone Company; Palmerton Telephone Company; Pennsylvania Telephone Company; Pymatuning Independent Telephone Company; South Canaan Telephone Company; TDS Telecom—Deposit Telephone Company, Inc.; TDS Telecom—Mahanoy & Mahantango Telephone Company; TDS Telecom—Sugar Valley Telephone Company; The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink; Venus Telephone Corporation; Verizon North, LLC; Verizon Pennsylvania, LLC; West Side Telephone Company; Windstream Pennsylvania, LLC; Windstream Buffalo Valley, Inc.; Windstream Conestoga, Inc.; Windstream D&E, Inc.; and Yukon Waltz Telephone Company.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before October 4, 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.

*Applicant:* CenturyTel Broadband Services, LLC

*Through and By Counsel:* Sue Benedek, Esquire,  
240 North Third Street, Suite 300, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1606. Filed for public inspection September 17, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Transfer of Control

**A-2021-3028325 and A-2021-3028327. BCM One, Inc., Wholesale Carrier Services, Inc. and BCM One Group Holdings, Inc.** Joint application of BCM One, Inc., Wholesale Carrier Services, Inc. and BCM One Group Holdings, Inc. for approval of intermediate transfer of control.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before October 4, 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:* BCM One, Inc.; Wholesale Carrier Services, Inc.; BCM One Group Holdings, Inc.

*Through and By Counsel:* Todd B. Lantor, Esquire,  
Lukas, LaFuria, Gutierrez & Sachs, LLP, 8300 Greensboro Drive, Suite 1200, Tysons, VA 22102, (703) 584-8671,  
[tlantor@fclaw.com](mailto:tlantor@fclaw.com)

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1607. Filed for public inspection September 17, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Tri-Co Connections, LLC; Doc. No. P-2018-3005127

The Pennsylvania Public Utility Commission (Commission) approved the petition of Tri-Co Connections, LLC (Tri-Co) to amend its existing eligible telecommunications carrier (ETC) designation, by order entered on July 15, 2021, at Doc. No. P-2018-3005127.

To be eligible to receive the Federal high-cost support funding that it was awarded in the Federal Communications Commission's (FCC) Rural Digital Opportunity Fund Auction (Auction 904), Tri-Co was required to obtain designation as an ETC from the Commission in the

census blocks where it has been awarded Auction 904 Federal high-cost support funding. Tri-Co filed its ETC petition at the Commission on February 4, 2021. The Commission invited comments on the petition by notice published at 51 Pa.B. 3327 (June 12, 2021). After review, the Commission has approved the petition. Tri-Co is now required to certify to the FCC that it has received designation as an ETC in the eligible census block groups in the Commonwealth for which it submitted a winning bid and has been awarded Auction 904 Federal high-cost support by the FCC.

Documents relative to this docket are available for inspection by searching under the petitioner's docket number on the Commission's web site at <https://www.puc.pa.gov/search/document-search/>.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1608. Filed for public inspection September 17, 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 October 4, 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-21-09-01. AN Naurd, LLC** (43 Brandon Road, Upper Darby, PA 19082): 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-21-09-02. Raj Transport, LLC** (7119 Pennsylvania Avenue, Upper Darby, PA 19082): 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. *Attorney for Applicant:* David R. Alperstein, Esq., 314 Cherry Avenue, Voorhees, NJ 08043.

**Doc. No. A-21-09-03. Simon Taxi, LLC** (7825 Horrocks Street, Philadelphia, PA 19152): 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. *Attorney for Applicant:* David R. Alperstein, Esq., 314 Cherry Avenue, Voorhees, NJ 08043.

**Doc. No. A-21-09-04. Bojlar Cab, LLC** (40 Richfield Road, Upper Darby, PA 19082): 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. *Attorney for Applicant:* David R. Alperstein, Esq., 314 Cherry Avenue, Voorhees, NJ 08043.

**Doc. No. A-21-09-05. Fariag Cab, LLC** (40 Richfield Road, Upper Darby, PA 19082): 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. *Attorney for Applicant:* David R. Alperstein, Esq., 314 Cherry Avenue, Voorhees, NJ 08043.

SCOTT PETRI,  
*Executive Director*

[Pa.B. Doc. No. 21-1609. Filed for public inspection September 17, 2021, 9:00 a.m.]

## STATE HORSE RACING COMMISSION

### Receipt of Matters Subject to Intervention

In accordance with the State Horse Racing Commission (Commission) adopted and published procedures published at 48 Pa.B. 4030 (July 7, 2018) governing intervention, the Commission provides notice that it has received the following timely, substantially complete and properly filed applications or petitions seeking authorization, permission or licensure renewal to engage in certain licensed racing activities within the Commonwealth:

1. NYRabets, LLC—SPMO—renewal (Docket No. 2021-37).
2. Downs Racing, LP (Mohegan Sun Pocono)—Electronic Wagering Petition—renewal (Docket No. 2021-15).
3. Chester Downs and Marina (Harrah's Philadelphia Casino & Racetrack)—Electronic Wagering Petition—renewal (Docket No. 2021-17).
4. Presque Isle Downs, LLC (PID)—Electronic Wagering Petition—renewal (Docket No. 2021-20).
5. AmTote International, Inc.—Totalisator—renewal (Docket No. 2021-33).
6. Sportech Racing, LLC—Totalisator—renewal (Docket No. 2021-34).
7. United Tote Company—Totalisator—renewal (Docket No. 2021-35).
8. ODS Technologies, LP (TVG Network)—Racing Vendor—renewal (Docket No. 2021-22).
9. Gaming and Leisure Properties, Inc. (GLPI)—Racing Vendor—renewal (Docket No. 2021-23).
10. International Sound Corp.—Racing Vendor—renewal (Docket No. 2021-24).
11. Roberts Communication Network, LLC—Racing Vendor—renewal (Docket No. 2021-25).

12. XpressBet, LLC—Racing Vendor—renewal (Docket No. 2021-26).

13. eBet Technologies, Inc.—Racing Vendor—renewal (Docket No. 2021-27).

14. Penn ADW, LLC—Racing Vendor—renewal (Docket No. 2021-28).

15. Sportech Racing, LLC—Racing Vendor—renewal (Docket No. 2021-29).

16. VICI Properties, Inc.—Racing Vendor—renewal (Docket No. 2021-30).

17. Axcis Information Network, Inc.—Racing Vendor—renewal (Docket No. 2021-31).

18. Churchill Downs Technology Initiatives Co. (TwinSpires)—Racing Vendor—renewal (Docket No. 2021-32).

19. Presque Isle Downs, LLC (Churchill Downs, Inc.) (PID)—License Renewal to Conduct Horse Race Meetings (Docket No. 2021-36).

Under section 1(b) and (e) of the Commission's adopted procedures, persons interested in intervening in the previously listed matters may file a Petition to Intervene with the Commission within 30 days of the publication of this notice.

ANTHONY SALERNO,

*Director*

*Bureau of Standardbred Horse Racing*

THOMAS F. CHUCKAS, Jr.,

*Director*

*Bureau of Thoroughbred Horse Racing*

[Pa.B. Doc. No. 21-1610. Filed for public inspection September 17, 2021, 9:00 a.m.]

