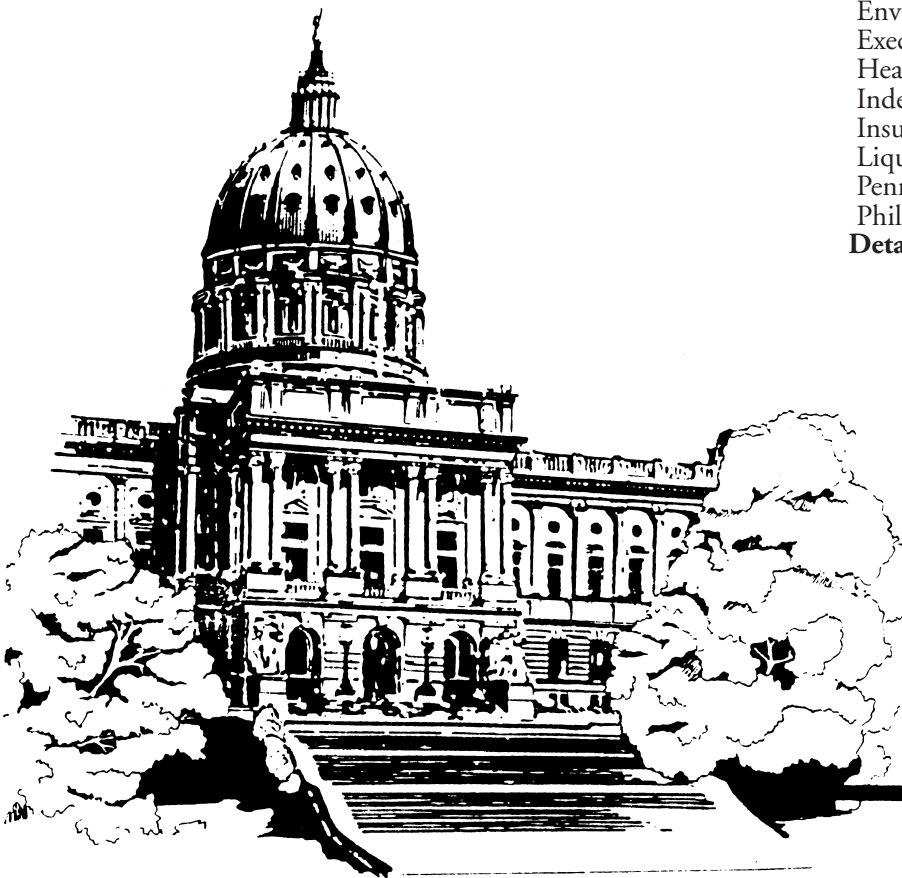


PENNSYLVANIA BULLETIN

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Department of Banking and Securities
Department of Environmental Protection
Department of Health
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Executive Board
Health Care Cost Containment Council
Independent Regulatory Review Commission
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Philadelphia Parking Authority
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No. 563, October 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.

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

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

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

The *Pennsylvania Bulletin* is available at www.pacodeandbulletin.gov.

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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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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

Promulgation of Consumer Price Index Pursuant to 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4); No. 555 Judicial Administration Doc.

Order

Per Curiam

And Now, this 23rd day of September, 2021, *It Is Ordered* pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to obtain and publish in the *Pennsylvania Bulletin* the percentage increase in the Consumer Price Index for calendar year 2020 as required by Act 96 of 2010, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended).

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

CHAPTER 29. MISCELLANEOUS PROVISIONS

Subchapter K. COSTS, FINES AND FEES

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

Pursuant to Article V, Section 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, the Supreme Court has authorized the Court Administrator of Pennsylvania to obtain and publish in the *Pennsylvania Bulletin* on or before November 30 the percentage increase in the Consumer Price Index for calendar year 2020 as required by Act 96 of 2010, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended). See, No. 555 Judicial Administration Docket.

The Court Administrator of Pennsylvania reports that the percentage increase in the Consumer Price Index, All Urban Consumers, U.S. City Average, for calendar year 2020 was 1.4% percent. (See, U.S. Department of Labor, Bureau of Labor Statistics, Series CUUROOOSAO, January 22, 2021.)

[Pa.B. Doc. No. 21-1683. Filed for public inspection October 8, 2021, 9:00 a.m.]

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

Promulgation of Financial Regulations Pursuant to 42 Pa.C.S. § 3502(a); No. 554 Judicial Adminis- tration Doc.

Order

Per Curiam

And Now, this 23rd day of September, 2021, *It Is Ordered* pursuant to Article V, Section 10(c) of the

Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to promulgate the following Financial Regulations. The costs outlined in the Financial Regulations are effective as of January 1, 2022.

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

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

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

CHAPTER 29. MISCELLANEOUS PROVISIONS

Subchapter K. COSTS, FINES AND FEES

§ 29.401. Scope.

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

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

§ 29.402. 42 Pa.C.S. § 1725.1. Costs.

(a) *Civil cases*.—In calendar year 2022, the costs to be charged by magisterial district judges in every civil case, except as otherwise provided in this section, shall be as follows:

(1) Actions involving \$500 or less	\$57.00
(2) Actions involving more than \$500 but not more than \$2,000	\$76.00
(3) Actions involving more than \$2,000 but not more than \$4,000	\$94.50
(4) Actions involving between \$4,001 and \$12,000	\$142.00
(5) Landlord-tenant actions involving \$2,000 or less	\$85.00
(6) Landlord-tenant actions involving more than \$2,000 but not more than \$4,000	\$104.00
(7) Landlord-tenant actions involving more than \$4,000 but not more than \$12,000	\$142.00
(8) Order of execution	\$42.50
(9) Objection to levy	\$19.00
(10) Reinstatement of complaint	\$9.50

(11) Entering Transcript on Appeal or Certiorari. \$5.00
 Said costs shall not include, however, the cost of postage and registered mail which shall be borne by the plaintiff.

(a.1) *Custody cases.*—In calendar year 2022, the cost (in addition to the cost provided by general rule) to be charged by the court of common pleas shall be as follows:

(1) Custody cases, except as provided in section 1725(c)(2)(v) \$8.50

(b) *Criminal cases.*—In calendar year 2022, the costs to be charged by the minor judiciary or by the court of common pleas where appropriate in every criminal case, except as otherwise provided in this section, shall be as follows:

(1) Summary conviction, except motor vehicle cases \$54.00

(2) Summary conviction, motor vehicle cases, other than paragraph (3) \$42.50

(3) Summary conviction, motor vehicle cases, hearing demanded \$51.50

(4) Misdemeanor \$61.50

(5) Felony \$71.00

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

(c) *Unclassified costs or charges.*—In calendar year 2022, the costs to be charged by the minor judiciary in the following instances not readily classifiable shall be as follows:

(1) Entering transcript of judgment from another member of the minor judiciary \$9.50

(2) Marrying each couple, making record thereof, and certificate to the parties \$47.50

(3) Granting emergency relief pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse) \$19.00

(4) Issuing a search warrant (except as provided in subsection (d)) \$19.00

(5) Any other issuance not otherwise provided in this subsection \$19.00

§ 29.403. 42 Pa.C.S. § 3571.

In calendar year 2022, Commonwealth portion of fines, etc.

* * * * *

(c) *Costs in magisterial district judge proceedings.*

(2) Amounts payable to the Commonwealth:

(i) Summary conviction, except motor vehicle cases \$18.90

(ii) Summary conviction, motor vehicle cases other than subparagraph (iii) \$18.90

(iii) Summary conviction, motor vehicle cases, hearing demanded \$18.90

(iv) Misdemeanor \$24.60

(v) Felony \$37.85

(vi) Assumpsit or trespass involving:

(A) \$500 or less \$23.75

(B) More than \$500 but not more than \$2,000 .. \$38.00

(C) More than \$2,000 but not more than \$4,000 \$56.70

(D) Between \$4,001 and \$12,000 \$94.65

(vii) Landlord-tenant proceeding involving:

(A) \$2,000 or less \$37.80

(B) More than \$2,000 but not more than \$4,000 \$47.25

(C) More than \$4,000 but not more than \$12,000 \$66.25

(viii) Objection to levy \$9.50

(ix) Order of execution \$28.35

(x) Issuing a search warrant (except as provided in section 1725.1(d) (relating to costs)) \$13.30

(xi) Order of possession \$15.00

(xii) Custody cases (except as provided in section 1725(c)(2)(v)) \$6.80

(Editor’s Note: Ellipses refer to the text of 42 Pa.C.S. § 3571.)

[Pa.B. Doc. No. 21-1684. Filed for public inspection October 8, 2021, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CHESTER COUNTY

Amendment to Local Rule 117(2)(A)(III), Bail Before Verdict

Administrative Order No. 17-2021

And Now, this 24th day of September, 2021, the following amendment to Chester County Rule of Criminal Procedure 117(2)(a)(iii) (“Amended Rule”) is adopted in its entirety. In accordance with Pennsylvania Rules of Judicial Administration 103(d)(4), this proposed Amended Rule was submitted to and approved by the Criminal Procedural Rules Committee of the Supreme Court.

Effective Date

This Amended Rule shall become effective thirty (30) days from the date of its 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 Rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, along with a copy of the Amended Rule in an agreed upon format which complies with the requirements of 1 Pa. Code § 13.11.

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

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

4) Incorporate the Amended Rule 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

Rule 117(2). Bail Before Verdict.

(a) In compliance with Pa.R.Crim.P. 520(B), which permits a defendant to be admitted to bail on any day and at any time:

(i) During regular business hours, published pursuant to Paragraph 1(a) above, bail shall be posted at the issuing Magisterial District Judge's Office provided that the case has not been held for court and that bail has not been previously modified by the Court of Common Pleas. If the case has been held for court or bail has been previously modified by the Court of Common Pleas, then bail shall be posted at the Clerk of Courts.

(ii) During on-call hours, published pursuant to Paragraph 1(b) above, bail shall be posted at the on-call Magisterial District Judge's Office, if the case has not been held for court or modified by the Court of Common Pleas.

(iii) During times other than those published pursuant to Paragraphs 1(a) and (b) above, the Bail Administrator or his/her correctional officer designee, shall be authorized to accept monetary bail at the Chester County Prison in accordance with the provisions, and subject to the limitations of Pa.R.Crim.P. 117(C) and Pa.R.Crim.P. 520. The Bail Administrator or his/her correctional officer designee shall be permitted to perform the following: accept the bail deposit, have the defendant sign the bail bond, release the defendant and deliver the bail deposit and bail bond to the issuing authority or the Clerk of Courts on the next business day.

Any person intending to post bail at the Chester County Prison shall, prior to any payment, contact the Chester County Prison by telephone to allow prison personnel to initiate the required pre-release records/detainers check.

[Pa.B. Doc. No. 21-1685. Filed for public inspection October 8, 2021, 9:00 a.m.]

Title 25—LOCAL COURT RULES

MIFFLIN COUNTY

In the Matter of Local Rules 58th Judicial District; No. CP-44-CV-2-2020

Amended Administrative Order

And Now, this 20th September, 2021, with respect to the Mifflin County Local Rules of Court, the Court hereby Orders the following:

Mifflin County Local Rules of Court, MC1008, MC1301, MC1302, MC1303, MC1304, MC1305, MC1306, MC1307, MC1308, MC1309, MC1310, MC1311, are hereby *Repealed*.

The following new Mifflin County Local Rules of Court are hereby *Adopted* and shall become effective thirty (30) days after the publication of same in the *Pennsylvania Bulletin*.

Rule MC1301. Cases Subject to Arbitration.

(a) All civil actions, where the amount in controversy is \$50,000.00 or less, shall be submitted to arbitration pursuant to 42 Pa.C.S.A. § 7361.

(b) This rule shall not apply to cases involving title to real estate, cases which have been consolidated for trial with cases involving more than \$50,000.00, actions brought by the Commonwealth or cases requiring equitable or declaratory relief.

Rule MC1302. Selection of Arbitrators.

(a) The Prothonotary shall prepare and maintain a list of attorneys who are members of the Mifflin County Bar Association and who have affirmatively agreed to sit on arbitration boards. When a civil action arises which is subject to arbitration under MC1301, the Prothonotary shall assemble a Board of Arbitrators, to hear that action.

(b) In the event an Arbitrator selected by the Prothonotary is unable to serve, or disqualifies himself or herself from serving, he or she shall notify the Prothonotary in writing within fifteen (15) days of his or her appointment. Upon receipt of such notification, the Prothonotary shall immediately fill the vacancy with another attorney from the list of potential Arbitrators.

(c) The Prothonotary shall select Arbitrators to serve on Boards of Arbitration in a manner that gives each attorney who is a member of the Mifflin County Bar Association and who desires to serve of Boards of Arbitration an equal number of appointments. The Prothonotary shall do so in a random manner, such that attorneys do not always serve on Boards of Arbitration composed of the same attorneys.

Rule MC1303. Hearing. Notice. Listing.

(a) Either party may file a Praecipe to list a case for arbitration. The Prothonotary shall appoint the Board of Arbitrators within ten (10) days after the Praecipe is filed. Counsel shall serve the Praecipe pursuant to the Pennsylvania Rules of Civil Procedure. If either party objects on the grounds that the matter should not be subject to mandatory arbitration under these rules, the objecting party shall file a motion within five (5) days after the filing of the Praecipe requesting the Court to make a determination.

(b) The Chair of the Board of Arbitrators shall fix the date, time, and place of the hearing and shall serve upon the parties or their counsel written notice thereof. There shall be at least thirty (30) days between the date the parties or their counsel receive said notice and the date of the hearing. Service shall be by certified mail, return receipt requested.

(c) Where no appearance has been entered by the defendant in a trespass action, an Arbitration Board shall be appointed on Praecipe of plaintiff or plaintiff's counsel, and the Arbitration Board shall hear the case for the purpose of determining the amount of damages to which the plaintiff is entitled.

(d) Upon appointment of an Arbitration Board, the Prothonotary shall release the original pleadings and other related documents to the members of the Board. Said documents shall be immediately returned to the Prothonotary's Office at the conclusion of the arbitration proceedings.

Rule MC1304. Conduct of Hearing, Generally.

If after an arbitration hearing starts or is completed, but before the report of the Board is filed, a member of

the Board is unable to complete his or her duties, the case shall be decided and the report signed by the two remaining members of the Board. In the event there are only two members of the Board remaining and those two Board members cannot agree on a decision, the Board's decision shall be treated as if it were the decision of a hung jury.

Rule MC1308. Arbitrators Compensation.

(a) For all cases in which the amount in controversy is less than \$15,000.00, each Arbitrator shall receive fees in the amount of \$65.00 per hour. In cases where the amount in controversy is between \$15,000.00 and \$50,000.00, each Arbitrator shall receive fees in the amount of \$90.00 per hour. The Chairman shall receive an additional \$75.00 when the amount in controversy is less than \$15,000.00. The Chairman shall receive an additional \$100.00 when the amount in controversy is between \$15,000.00 and \$50,000.00.

(b) Where two or more cases have been consolidated for arbitration, the Arbitrators shall be paid a separate fee for each case decided.

(c) The members of an Arbitration Board shall be entitled to receive their fees upon the filing of their report with the Prothonotary. When the report is filed, the Prothonotary shall issue an order for the payment of such

fees and those fees shall be immediately paid from the County funds as in the case of all other County debts.

By the Court

DAVID W. BARRON,
President Judge

[Pa.B. Doc. No. 21-1686. Filed for public inspection October 8, 2021, 9:00 a.m.]

**DISCIPLINARY BOARD OF
THE SUPREME COURT**

Notice of Hearing

A Petition for Reinstatement to the active practice of law has been filed by Toussaint T. Tyson and will be the subject of a hearing on December 14, 2021, before a hearing committee designated by the Board. Anyone wishing to be heard in reference to this matter should contact the District III Office of the Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5800, Harrisburg, PA 17106, phone number (717) 772-8572, on or before November 30, 2021.

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 21-1687. Filed for public inspection October 8, 2021, 9:00 a.m.]

RULES AND REGULATIONS

Title 40—LIQUOR

LIQUOR CONTROL BOARD

[40 PA. CODE CH. 11]

Purchases, Sales and Returns; General Provisions

The Liquor Control Board (Board), under the authority of section 207(i) of the Liquor Code (47 P.S. § 2-207(i)), amends §§ 11.1 and 11.3—11.5 to read as set forth in Annex A.

Summary

The Board submits this final-form rulemaking to update its regulations in Chapter 11 (relating to purchases, sales and returns). This final-form rulemaking is undertaken as part of a larger effort to update the Board's regulations. The intent behind this final-form rulemaking is to eliminate obsolete language in Chapter 11 to provide streamlined regulations for the regulated community. This final-form rulemaking also eliminates a \$50 minimum purchase requirement for holders of a Wholesale Liquor Purchase Permit Card. With this amendment, card holders will receive a discount on every liquor purchase from the Board regardless of the purchase amount.

Section 11.1 (relating to definitions) includes two definitions: "Manufacturer" and "State, territory or county of origin." The first sentence for "Manufacturer" is left unchanged. The second sentence is deleted, since it modifies the definition of "Manufacturer" for Subsection L, which no longer exists. The definition of "state, territory or county of origin" is deleted since this phrase does not appear anywhere in the Board's regulations.

Section 11.3 (relating to sales at retail) is amended in the title so that the new title of this section is "Sales of ethyl alcohol at retail." This new title more accurately reflects the contents of the section after subsection (b) is deleted. Subsection (b) is deleted because ethyl alcohol is no longer procured by the special order process. Subsection (a) accurately describes the process for obtaining ethyl alcohol at retail.

Section 11.4 (relating to sales at wholesale) is amended in the title so that the new title of this section is "Sales at wholesale for United States Armed Forces facilities." This new title more accurately reflects the contents of the section after subsections (a) and (b) are deleted. Subsections (a) and (b) are deleted because ethyl alcohol is no longer procured by the process described in these subsections. The current process is set forth in § 11.33 (relating to purchase of alcohol by AN and AE permittees).

Section 11.5 (relating to issuance of Wholesale Liquor Purchase Permit Cards) is amended by deleting, in subsection (a), the phrase "if the retail cost of the order is \$50 or more." By deleting this phrase, a retail liquor licensee or a United States Armed Forces facility will be able to obtain all liquor purchases—not just those that cost \$50 or more—at the discounted rate allowed by the wholesale liquor purchase permit card. This amendment was requested by the Pennsylvania Tavern Association.

In addition, § 11.5 is amended by the deletion of subsection (b). This subsection describes a special form of Wholesale Liquor Purchase Permit Card that is issued to pharmacists, State-owned institutions and to certain manufacturers of non-beverage products. The type of card

issued to these entities is called a Wholesale Alcohol Purchase Permit Card and its use is covered in §§ 11.21—11.23 (relating to wholesale alcohol purchase permits). Since the information in this subsection is superfluous, it is deleted.

Affected Parties

The affected parties include those retail licensees and United States Armed Forces facilities that will be entitled to a discount on every purchase of liquor with their Wholesale Liquor Purchase Permit Card. As of June 10, 2021, there were approximately 13,500 of these licensees.

Paperwork Requirements

This final-form rulemaking does not impose any new paperwork requirements on licensees.

Fiscal Impact

This final-form rulemaking will have a positive impact on licensees since it removes a minimum purchase requirement before licensees may receive a 10% licensee discount.

Effective Date

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

Contact Person

Questions regarding this final-form rulemaking should be addressed to Rodrigo Diaz, Chief Counsel, Jason Worley, Deputy Chief Counsel, or Norina Foster, Assistant Counsel, Office of Chief Counsel, Pennsylvania Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 11, 2021, the Board submitted a copy of the proposed rulemaking, published at 51 Pa.B. 1997 (April 10, 2021), to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Liquor Control Committee and Senate Committee on Law and Justice for review and comment.

Under section 5a(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)), IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. The Board did not receive any comments from the public or from IRRC.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on August 31, 2021, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(e) of the Regulatory Review Act, the final-form rulemaking was approved by IRRC effective August 31, 2021.

Findings

The Board finds that:

(1) Public notice of intention to adopt the administrative 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), referred to as the Commonwealth Documents Law and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) The amendments to the Board's regulations in the manner provided in this order are necessary and appropriate for the administration of the Liquor Code.

Order

The Board, acting under authorizing statute, orders that:

(a) The regulations of the Board, 40 Pa. Code Chapter 11, are amended by amending §§ 11.1 and 11.3—11.5 to read as set forth in Annex A.

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

(c) This order shall become effective upon publication in the *Pennsylvania Bulletin*.

TIM HOLDEN,
Chairperson

(*Editor's Note:* See 51 Pa.B. 6115 (September 18, 2021) for IRRC's approval order.)

Fiscal Note: 54-102. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 40. LIQUOR

PART I. LIQUOR CONTROL BOARD

CHAPTER 11. PURCHASES, SALES AND RETURNS

Subchapter A. GENERAL PROVISIONS

RETAIL AND WHOLESALE PURCHASE—GENERAL

§ 11.1. Definitions.

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

Manufacturer—A person engaged in the manufacture, rectification or compounding of liquors, other than wines, or an agent or representative of the manufacturer.

§ 11.3. Sales of ethyl alcohol at retail.

State liquor stores may stock ethyl alcohol, 190 proof, for retail sales subject to the following:

(1) An individual or entity desiring to purchase ethyl alcohol shall file an application on forms provided by the Board.

(2) The Board may approve the application of an individual or entity who swears or affirms that the alcohol will be purchased for nonpotable use only.

§ 11.4. Sales at wholesale for United States Armed Forces facilities.

Under section 305(b) of the Liquor Code (47 P.S. § 3-305(b)), wholesale sales of liquor may be made to a United States Armed Forces facility which is located on a United States Armed Forces installation within this Commonwealth. The sales shall be conducted under the authority and regulations of the United States Armed Forces. The sales shall be made under terms and conditions agreed upon by the Board and United States Armed Forces facility representatives.

(1) The Board may accept checks in payment for sales of liquor to a United States Armed Forces facility under terms and conditions as the Board deems appropriate.

(2) Direct delivery of liquor to a United States Armed Forces facility may be accomplished under terms set forth by the Board.

§ 11.5. Issuance of Wholesale Liquor Purchase Permit Cards.

As evidence of the privilege given to a retail liquor licensee and a United States Armed Forces facility to purchase liquor from State Liquor Stores at wholesale, the Board will issue to the licensee and a United States Armed Forces facility a Wholesale Liquor Purchase Permit Card, which allows the purchase of liquors at wholesale.

[Pa.B. Doc. No. 21-1688. Filed for public inspection October 8, 2021, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

Acceptance of Rulemaking Petition for Study

On September 21, 2021, the Environmental Quality Board accepted a rulemaking petition for study under 25 Pa. Code Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy). The petition, submitted by Delaware Riverkeeper Network and Angelica Creek Watershed Association, requests the amendment of 25 Pa. Code § 93.9f (relating to Drainage List F) to redesignate Angelica Creek in Berks County from Cold Water Fishes, Migratory Fishes to Exceptional Value Waters.

Under 25 Pa. Code § 93.4d(a) (relating to processing of petitions, evaluations and assessments to change a designated use), the Department of Environmental Protection (Department) is required to publish a notice of intent to assess candidate waters. The Department's assessment notice for this rulemaking petition will appear in a future issue of the *Pennsylvania Bulletin*.

The previously-referenced petition is available to the public by contacting the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526 and is accessible on the Department's web site at www.dep.pa.gov (select "Public Participation," "Environmental Quality Board," then "2021 Meetings," then "Meeting Agendas/Minutes/Handouts; September 21, 2021: In-Person/WebEx Meeting").

PATRICK McDONNELL,
Chairperson

[Pa.B. Doc. No. 21-1689. Filed for public inspection October 8, 2021, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

[7 PA. CODE CH. 160]

State Food Purchase Program Regulations

The Department of Agriculture (Department) proposes to amend Chapter 160 (relating to State Food Purchase Program) to read as set forth in Annex A.

Statutory Authority

This proposed rulemaking is authorized under the general authority in section 3(a) of the State Food Purchase Program Act (act) (62 P.S. § 4043(a)) and the specific regulatory authority set forth in section 9 of the act (62 P.S. § 4049).

Purpose of the Regulation

This proposed rulemaking will increase the income threshold cap for the State Food Purchase Program (Program) from the current 150% of the poverty level established by the United States Department of Agriculture (USDA) to 185%. This proposed rulemaking will amend the heading of Part VII from "Bureau of Government Donated Food" to "Bureau of Food Assistance" to align the name change of the Bureau.

Explanation

On October 7, 2020, the Emergency Food Assistance Advisory Committee recommended that the income

threshold for the Program be increased from the current 150% to 185% of the poverty level established by the USDA. Specifically, § 160.5(b) (relating to eligibility of persons to participate) presently provides that "persons shall be eligible to be Program participants if their incomes do not exceed 150% of the poverty levels established by the USDA." Presently, 66 out of 67 Pennsylvania counties do not have procedures and guidelines for determining the eligibility level for Program participants. Those counties, therefore, rely upon the Department's existing regulations. (Montgomery County has established its own poverty income level at 185%.) These regulations were adopted on October 28, 1994, and have been effective since October 29, 1994. The Department believes for the following reasons, it is appropriate to amend this regulation.

Increasing the threshold to 185% would allow the charitable feeding network to feed more food insecure Pennsylvanians who make just above the current income limit and would bring the Program in line with the eligibility limits set for several other food assistance programs, including the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) (7 CFR 246.7(d)(1) (relating to certification of participants)), reduced-price school breakfasts and school lunches provided through the National School Lunch and Breakfast Programs (7 CFR 245(3) (relating to determining eligibility for free and reduced price meals and free milk in schools)), the WIC Farmers' Market Nutrition Program (7 CFR 248.6(a) (relating to recipient eligibility) and the Senior Farmers' Market Nutrition Program and (7 CFR 249.6(a)(3) (relating to participant eligibility)) within this Commonwealth.

Increasing the income eligibility threshold for the Program would allow the Department to administratively raise this Commonwealth's income eligibility threshold for The Emergency Food Assistance Program (TEFAP). Under the USDA's regulations in 7 CFR 251.5(b) (relating to eligibility determinations), state agencies must set income-based standards for TEFAP eligibility and determine the methods by which households may demonstrate eligibility under these standards. Currently, the income limit for TEFAP in this Commonwealth is kept commensurate with the Program and increasing it to 185% would bring this Commonwealth in line with the TEFAP income limit of 20 other states, including Delaware, the District of Columbia, New Jersey and West Virginia. Currently, only 17 states (including Pennsylvania) have an income threshold set at or below 150%.

According to 2019 food insecurity data provided by Feeding America, 10.6% of all residents in this Commonwealth—1,353,730 people—did not always know where their next meal was coming from. That number included 383,500—or 14.6%—of all children in this Commonwealth. In 2020, as a result of the novel coronavirus (COVID-19) pandemic, these numbers grew substantially. According to a series of data analysis reports compiled by Feeding America looking at the impact of coronavirus on food insecurity, the number of Pennsylvanians facing food insecurity is projected to have grown to 13.8% in 2020, an increase of 30%. Even more startling, they project that the percentage of children in our State facing food insecurity rose to 20.4%, an increase of 40% in just 1 year. (See, 2019 and 2020 data looking at impact of coronavirus on food insecurity at <https://feedingamericaaction.org/resources/state-by-state-resource-the-impact-of-coronavirus-on-food-insecurity/>).

With a growing number of food insecure Pennsylvanians, and a decreasing supply of food that is not tied to an income test, there are fewer and fewer food resources currently available to those who are food insecure but make just too much to qualify. Increasing the income threshold to 185% of the poverty level for the Program—and by administrative extension to TEFAP—will allow food banks to more easily and efficiently serve the increasing numbers of people who are seeking out their services. Lastly, this proposed rulemaking will bring us more in line with the income eligibility thresholds of several other Federal food assistance programs and with many of our neighboring states in the Mid-Atlantic Region.

This proposed rulemaking seeks to formally amend the name “Bureau of Government Donated Food” as presently set forth in the heading of Part VII and in § 160.13 (relating to filing the grant agreement) to the “Bureau of Food Assistance.” On May 15, 2019, the Executive Board, by Resolution No. OR-19-007, approved the change to the Bureau’s name as requested by the Secretary of Agriculture under sections 212 and 709(b) of The Administrative Code of 1929 (71 P.S. §§ 72 and 249(b)).

In summary, the Department is satisfied there is a need for this proposed rulemaking and that it is otherwise consistent with Executive Order 1996-1, Regulatory Review and Promulgation.

Fiscal Impact

Commonwealth. The Department does not expect that this proposed rulemaking will have a fiscal impact on the Department or other Commonwealth agencies.

Political subdivisions. This proposed rulemaking will have no appreciable fiscal impact on political subdivisions of this Commonwealth.

Private sector. This proposed rulemaking will not have a fiscal impact on the private sector other than for those who elect to participate in the Program as previously set forth.

General public. This proposed rulemaking will have no fiscal impact on the general public.

Paperwork Requirements

This proposed rulemaking will have no impact on the paperwork handled by the Department.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 29, 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 Standing Committees on Agriculture and Rural Affairs. A copy of this material is available to the public upon request and is available on the Department’s web site at www.agriculture.pa.gov.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to this 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.

Effective Date

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

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin*. Public comments should be addressed to Caryn Long Earl, Director, Bureau of Food Assistance, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408.

Contact Person

The contact person for technical questions about this proposed rulemaking is Assistant Counsel, Jorge M. Augusto, (717) 787-8744, jaugusto@pa.gov.

RUSSELL C. REDDING,
Secretary

Fiscal Note: 2-195. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 7. AGRICULTURE

PART VII. BUREAU OF [GOVERNMENT DONATED FOOD] FOOD ASSISTANCE

CHAPTER 160. STATE FOOD PURCHASE PROGRAM

§ 160.5. Eligibility of persons to participate.

(a) *Primary determinant.* If the county government, lead agency or emergency food provider administering the Program within a particular county has established procedures and guidelines for determining whether persons are eligible to participate in the Program, these procedures and guidelines shall be the sole determinant of eligibility.

(b) *Department guidelines.* In counties where the county government, lead agency or emergency food provider administering the Program does not have procedures and guidelines for determining the eligibility of persons to be Program participants, persons shall be eligible to be Program participants if their incomes do not exceed [150%] 185% of the poverty levels established by the USDA.

§ 160.13. Filing the grant agreement.

(a) *Place and time.* The grant agreement shall be completed by the county government, the lead agency or the appropriate emergency food provider and returned to the Department of Agriculture, Bureau of [**Government Donated Food**] **Food Assistance**, 2301 North Cameron Street, Room 401, Harrisburg, PA 17110-9408 by June 1 immediately preceding the start of the fiscal year, or 30 days prior to the commencement of the grant agreement if the grant agreement is to commence on a date other than the start of the fiscal year.

* * * * *

[Pa.B. Doc. No. 21-1690. Filed for public inspection October 8, 2021, 9:00 a.m.]

DEPARTMENT OF HEALTH

[28 PA. CODE CHS. 201, 203—205 AND 207]

Long-Term Care Nursing Facilities

The Department of Health (Department), after consultation with the Health Policy Board, proposes to amend §§ 201.23 and 207.4, Chapters 203 and 205, and add a new chapter designated as Chapter 204, in Subpart C (relating to long-term care facilities) to read as set forth in Annex A.

Due to the projected length of the complete revisions to the Department's regulations and given that few if any changes have been made to the existing regulations over the last 24 years, the Department tentatively intends to promulgate proposed amendments to Subpart C in five separate parts. The Department believes that promulgating the changes in this way will allow the public a greater opportunity to thoroughly examine the proposed amendments and provide detailed comments to the proposed changes. It will allow the Department to focus more closely on those comments and provide a more considered and cogent response to questions and comments. This proposed rulemaking is the second set of amendments to be proposed.

The Department tentatively proposes to promulgate the amendments to Subpart C in the following sequence. The actual contents of each proposed rulemaking packet are subject to change as the Department develops each packet.

Proposed Rulemaking 1

- § 201.1. Applicability.
- § 201.2. Requirements.
- § 201.3. Definitions.
- § 211.12(i). Nursing Services.

Proposed Rulemaking 2

§ 201.23. Closure of facility.

Chapter 203. Application of *Life Safety Code* for Long-Term Care Nursing Facilities.

Chapter 204. Physical Environment and Equipment Standards for Alterations, Renovations or Construction of Long-Term Care Nursing Facilities.

Chapter 205. Physical Environment and Equipment Standards for Long-Term Care Nursing Facilities Alterations, Renovations or Construction Approved Before _____. (*Editor's Note: The blank refers to the date 6 months after this regulation is published as a final-form rulemaking.*)

- § 207.4. Ice containers and storage.

Proposed Rulemaking 3

- § 201.11. Types of ownership.
- § 201.12. Application for license.
- § 201.13. Issuance of license.
- § 201.15. Restrictions on license.
- § 201.17. Location.
- § 201.22. Prevention, control and surveillance of tuberculosis (TB).
- § 209.1. Fire department service.
- § 209.7. Disaster preparedness.
- § 209.8. Fire drills.

- § 211.1. Reportable diseases.

Proposed Rulemaking 4

- § 201.14. Responsibility of licensee.
- § 201.18. Management.
- § 201.19. Personnel policies and procedures.
- § 201.20. Staff development.
- § 201.27. Advertisement of special services.
- § 201.30. Access requirements.
- § 201.31. Transfer agreement.
- § 207.2. Administrator's responsibility.
- § 211.2. Physician services.
- § 211.4. Procedure in event of death.
- § 211.5. Clinical records.
- § 211.6. Dietary services.
- § 211.7. Physician assistants and certified registered nurse practitioners.
- § 211.9. Pharmacy services.
- § 211.12. Nursing services.
- § 211.15. Dental services.
- § 211.16. Social services.

Proposed Rulemaking 5

- § 201.21. Use of outside resources.
- § 201.24. Admission policy.
- § 201.25. Discharge policy.
- § 201.26. Power of attorney.
- § 201.29. Resident's rights.
- § 209.3. Smoking.
- § 211.3. Oral and telephone orders.
- § 211.8. Use of restraints.
- § 211.10. Resident care policies.
- § 211.11. Resident care plan.
- § 211.17. Pet therapy.

Background and Need for Amendments

The percentage of adults 65 years of age or older in Pennsylvania is increasing. In 2010, approximately 15% of Pennsylvanians were 65 years of age or older. In 2017, this number increased to 17.8%. This Commonwealth has a higher percentage of older adults when compared to other states. In 2017, this Commonwealth ranked fifth in the Nation in the number (2.2 million) of older adults and seventh in percentage (17.8%). The increase in older Pennsylvanians is expected to continue. It has been estimated that by 2030, there will be 38 older Pennsylvanians (65 years of age or older) for every 100-working age Pennsylvanians (15 to 64 years of age). Penn State Harrisburg, Pennsylvania State Data Center. *Population Characteristics and Change: 2010 to 2017 (Research Brief)*. <https://pasdc.hbg.psu.edu/data/research-briefs/pa-population-estimates> (last visited: November 25, 2020). As the number of older Pennsylvanians increases, the number of those needing long-term care nursing will also increase. It has been estimated that an individual turning 65 years of age today has an almost 70% chance of needing some type of long-term nursing care during the remainder of their lifetime. United States Department of Health and Human Services. *How Much Care Will You Need?* at <https://acl.gov/ltc/basic-needs/how-much-care-will>

you-need (last visited: December 4, 2020). Currently, there are more than 72,000 Pennsylvanians residing in 689 long-term care nursing facilities licensed by the Department.

The Department's long-term care nursing facilities regulations have not been updated since 1999, with the last significant update occurring in 1997 after the 1996 amendment to the Health Care Facilities Act (HCFA or act) (35 P.S. §§ 448.101—448.904b). Since that time, there have been substantial changes in the means of delivering care and providing a safe environment for residents in long-term care nursing facilities. This proposed rulemaking is necessary to improve the quality of care delivered to residents, increase resident safety and minimize procedural burdens on health care practitioners who provide care to residents in long-term care nursing facilities.

The Department began the process of updating the current long-term care regulations in late 2017. The Department sought review, assistance and advice from members of a long-term care work group (LTC Work Group) consisting of relevant stakeholders. The members of the LTC Work Group were drawn from a diverse background and included representatives from urban and rural long-term care nursing facilities and various stakeholder organizations and consumer groups that work in the area of resident care and delivery of services. The LTC Work Group members consisted of representatives from the following organizations: American Institute of Financial Gerontology; Baker Tilly Virchow Krause, LLP; Berks Heim and Rehabilitation; Fulton County Medical Center; Garden Spot Community; HCR ManorCare; Inglis House; Landis Communities; Leading Age; Legg Consulting Services; LIFE Pittsburgh; Luzerne County Community College; The Meadows at Blue Ridge; Mennonite Home, Lutheran Senior Life Passavant Community; PA Coalition of Affiliated Healthcare and Living Communities; Pennsylvania Home Care Association; University of Pittsburgh; and Valley View Nursing Home. The following State agencies participated: Department of Aging; the Department of Human Services (DHS); and the Department of Military and Veteran's Affairs (DMVA).

The members of the LTC Work Group met regularly during 2018 with the LTC Work Group's primary focus being the simplification and modernization of the existing long-term care regulations. Upon completion of the LTC Work Group's discussions, the Department conducted an internal review of the recommended changes. While the Department accepted most of the language and substantive changes proposed by the LTC Work Group and attempted to incorporate them in this proposed rulemaking, the Department is proposing additional changes to language and additional substantive changes, as well.

During 2019 and 2020, the Department conferred with other agencies, that will be potentially affected by the proposed regulatory changes, to seek their input on provisions within their substantive expertise. These agencies included the Department of Aging, DHS and DMVA. The Department received recommendations from these agencies regarding the draft proposed regulations and made additional changes to the proposed regulations to enhance resident safety and quality of care.

This is the second proposed rulemaking developed as a result of the previous discussions. In the first proposed rulemaking, the Department proposed to expand the adoption of the Federal requirements to include all of the requirements set forth at 42 CFR Part 483, Subpart B (relating to requirements for long-term care facilities).

The purpose of that amendment was to create consistency in the application of State and Federal requirements to long-term care nursing facilities in this Commonwealth. This proposed rulemaking furthers the Department's goal of creating consistency and eliminating duplication between Federal and State requirements by amending § 201.23 (relating to closure of facility) and deleting § 207.4 (relating to ice containers and storage) and Chapter 203 (relating to application of *Life Safety Code* for long-term care nursing facilities). The Department proposes to update requirements for alterations, renovations or construction of long-term care nursing facilities by adding Chapter 204 (relating to physical environment and equipment standards for alterations, renovations or construction of long-term care nursing facilities). Chapter 204 will be new and will apply to plans for alterations, renovations or construction of long-term care nursing facilities submitted approved 6 months after these regulations are published as a final-form rulemaking. The Department proposes to keep the provisions in Chapter 205 (relating to physical plant and equipment standards for long-term care nursing facilities), with minor amendments, as the baseline standards for plans for alterations, renovations or construction of long-term care nursing facilities approved before Chapter 204 goes into effect.

Description of Proposed Amendments

Chapter 201. Applicability, Definitions, Ownership and General Operation of Long-Term Care Nursing Facilities

§ 201.23. Closure of facility

As the State Survey Agency for the Centers of Medicare & Medicaid Services (CMS), the Department is responsible for conducting surveys and inspections of long-term care nursing facilities for compliance with the participation requirements for Medicare and Medicaid,¹ located at 42 CFR Part 483, Subpart B. With the anticipated promulgation of the amendments to § 201.2 (relating to requirements) proposed in its first rulemaking, published at 51 Pa.B. 4074 (July 31, 2021), the Department expects all long-term care nursing facilities in this Commonwealth to comply with the Federal participation requirements, including the requirements in 42 CFR 483.70(l) and (m) (relating to administration). With these requirements in mind, the Department proposes the following changes to § 201.23 (relating to closure of facility).

The Department proposes to delete existing subsections (a)—(c), and subsection (g), to eliminate duplication and to avoid unnecessary confusion and potential conflict between the Department's regulations and the Federal requirements for long-term care nursing facilities. The Department proposes to add the following language to clarify that it is using the Federal requirements as the baseline standard for the closure of a long-term care nursing facility, in addition to the requirements in current subsections (d), (e) and (f):

In addition to the requirements set forth in 42 CFR 483.70(l) and (m) (relating to administration), the following conditions apply to the closure of a long-term care nursing facility.

The Department is proposing to keep the language in current subsections (d), (e) and (f), without changes, because these existing provisions are not covered within the Federal requirements and the Department has determined it is necessary to keep these provisions to ensure the health and safety of residents during the closure of a

¹ In this Commonwealth, Medicaid is also referred to or known as Medical Assistance.

long-term care nursing facility. These changes are explained more fully as follows.

Subsection (a).

The Department proposes to delete existing subsection (a). Existing subsection (a) required an administrator or owner of a long-term care nursing facility to provide the Department with at least 90 days' notice prior to the closure of a facility. However, under 42 CFR 483.70(l)(1), an administrator of a long-term care nursing facility shall provide written notice to the State Survey Agency, in this case the Department, 60 days prior to the date of the closure or in the case of a facility where the Secretary or a State terminates the facility's participation in Medicare or Medicaid, no later than the date the Secretary determines appropriate. The Department's existing general regulations for health care facilities, which encompass long-term care nursing facilities, require a facility to provide at least 60 days' notice "prior to the effective date it intends to cease providing an existing health care service or reduce its licensed bed complement." See § 51.3(c) (relating to notification). The Department views the reduction in a facility's licensed bed complement to zero as the equivalent of closing a facility, which would require a facility to provide at least 60 days' notice under this provision. Thus, the deletion of subsection (a) and the adoption of 42 CFR 483.70(l)(1) comports with not only the Federal requirements but also existing State regulations.

Subsection (b).

The Department proposes to delete existing subsection (b). Existing subsection (b) required the licensee of a long-term care nursing facility to notify the resident or the resident's responsible person of the closure of the facility. Under the Federal requirements, an administrator of a long-term care nursing facility is required to provide written notice of the closure of the facility to the State Survey Agency, the State long-term care ombudsman, and residents of the facility and their legal representatives or other responsible parties. 42 CFR 483.70(l)(1).

Subsection (c).

The Department proposes to delete existing subsection (c). Existing subsection (c) requires a long-term care nursing facility to give a resident or the resident's responsible person sufficient time to effectuate an orderly transfer. Under 42 CFR 483.70(l)(3), the administrator of a long-term care nursing facility is required to submit for the Department's review and approval of a plan for the closure of the long-term care nursing facility. The Department expects a closure plan, at a minimum, to meet the requirements set forth by CMS in *Appendix PP—Guidance to Surveyors for Long-Term Care Facilities of the State Operations Manual*. Under section F845 of *Appendix PP*, the closure plan must contain steps for a safe and orderly facility closure, which includes the transfer, discharge or relocation of all residents in the long-term care nursing facility. The closure plan must also identify the individuals responsible for ensuring that the steps in the plan are successfully carried out.

Section F845 of *Appendix PP* further provides that the closure plan must be based on policies and procedures that are developed under 42 CFR 483.70(m). Under 42 CFR 483.70(m), a long-term care nursing facility is required to have policies and procedures in place to ensure that the administrator's duties and responsibilities involve providing the appropriate notices in the event of a facility closure. According to section F845 of *Appendix PP*,

a long-term care nursing facility's closure policies and procedures must also contain the following:

(1) The administrator's duties and responsibilities for submitting a closure plan and providing timely written notice of closure.

(2) The identification of those who will be responsible for the daily operation and management of the facility during the closure process.

(3) The roles and responsibilities, and contact information, for the facility owner and the administrator or any replacement or temporary manager during the closure process.

(4) Assurance that no new residents will be admitted to the facility after the written notice of closure.

(5) A plan for identifying and assessing available facilities to which residents can be transferred, taking into consideration each resident's individual needs, choices and best interests; this includes:

(i) Interviewing each resident and resident representative, if applicable, to determine each resident's goals, preferences and needs.

(ii) Offering the opportunity, to each resident, to obtain information regarding options within the community.

(iii) Providing residents with information or access to information regarding quality of providers and services.

(iv) Making every reasonable effort to accommodate each resident's goals, preferences and needs regarding services, location and setting.

(6) A plan for the communication and transfer of resident information, including medical records.

(7) Provisions for the ongoing operations and management of the facility, its residents and staff during the closure process, which include the following:

(i) Payment of salaries and expenses.

(ii) Continuation of appropriate staffing and resources to meet the needs of the residents, including provision of medications, services, supplies and treatment.

(iii) Ongoing accounting, maintenance and reporting of resident personal funds.

(iv) Labeling, safekeeping and appropriate transfer of each resident's personal belongings.

Subsections (d), (e) and (f).

The Department proposes to keep the language in current subsections (d), (e) and (f) without amendment. Existing subsection (d) prohibits a long-term care nursing facility from requiring a resident to leave the facility less than 30 days after notice is given, unless the Department deems removal is necessary for health and safety. Existing subsection (e) permits the Department to require that a facility remain open for an additional 30 days when an orderly transfer cannot be effectuated within 30 days. Existing subsection (f) permits the Department to monitor the transfer of residents. These existing provisions are not covered within the Federal requirements and the Department has determined it is necessary to keep these provisions to ensure the health and safety of residents during the closure of a long-term care nursing facility.

Subsection (g).

Finally, the Department proposes to delete subsection (g). This subsection refers to an outdated requirement that a licensee file proof of financial responsibility with the Department. As outlined previously, a long-term care

nursing facility is expected to develop a closure plan in accordance with policies and procedures developed by the facility under the Federal requirements and the State Operations Manual. The closure plan must include, among other things, a plan for continuing payment of salaries and other expenses incurred by the facility during the closure process.

Chapter 203. Application of Life Safety Code for Long-Term Care Nursing Facilities

Section 203.1 (relating to application of the *Life Safety Code*) is the only section within this Chapter. The Department proposes to delete § 203.1 and by extension, this Chapter, from the regulations, as part of its process to streamline Federal and State requirements for long-term care nursing facilities. The *Life Safety Code* is incorporated by reference in the Federal requirements for long-term care nursing facilities at 42 CFR 483.73(g)(1) (relating to emergency preparedness). Because the Department is adopting the requirements in 42 CFR Part 483, Subpart B as requirements for all long-term care nursing facilities operating in this Commonwealth, it is no longer necessary to have a separate provision within the State requirements regarding the applicability of the *Life Safety Code*.

Chapter 204. Physical Environment and Equipment Standards for Alterations, Renovations or Construction of Long-Term Care Nursing Facilities

The Department has decided to separate regulatory provisions pertaining to alterations, renovations and construction of long-term care nursing facilities into two chapters to clarify exactly what standards apply to new versus existing alterations, renovations or construction. Proposed Chapter 204 will apply to plans for alterations, renovations or construction of long-term care nursing facilities approved 6 months after the publication date of the final-form rulemaking. The remaining chapters will become effective upon publication in the *Pennsylvania Bulletin* as a final-form rulemaking. Existing Chapter 205, which is proposed to be amended as described as follows, will continue to be the baseline standard for all alterations, renovations or construction of long-term care nursing facilities performed based on plans that were approved by the Department before the effective date of Chapter 204.

§ 204.1. Application of Guidelines for Design and Construction of Residential Health, Care and Support Facilities

Subsection (a).

The Department proposes in subsection (a) to adopt the 2018 edition of the Facility Guidelines Institute's (FGI) *Guidelines for Design and Construction of Residential Health, Care, and Support Facilities (Guidelines)* as the minimum standard for alterations, renovations or construction for plans approved after Chapter 204 becomes effective. The FGI *Guidelines for Design and Construction* have long been recognized in the health care industry as the gold standard for the planning, designing and construction of health care facilities. The FGI *Guidelines for Design and Construction* originated as *General Standards* and were later known as *Minimum Requirements* in Federal regulations that were promulgated by the Department and DHS. The *Guidelines for Design and Construction* were removed from Federal regulations in 1984 as a result of the expiration of certain Federal grant and loan programs. At that time, the title was changed to *Guidelines for Construction and Equipment of Hospital and Medical Facilities* to represent its non-regulatory

status. Facility Guidelines Institute. *History of the Guidelines* at <https://fgiguideines.org/about-fgi/history-of-the-guidelines/> (last visited: March 3, 2021).

In 2014, a separate version, *Guidelines for Design and Construction of Residential Health, Care, and Support Facilities*, was published to provide minimum recommendations for construction and renovations of long-term care nursing facilities, hospice facilities, assisted living facilities, independent living settings, adult day care facilities, wellness centers and outpatient rehabilitation centers. The Department is proposing, in § 204.1 (relating to application of *Guidelines for Design and Construction of Residential Health, Care and Support Facilities*), to adopt the 2018 edition of the *Guidelines* for long-term care nursing facilities. The 2018 edition is the most recent edition of the *Guidelines* for long-term care nursing facilities and focuses more on person-centered living environments which improve the quality of life for residents in long-term care nursing facilities. New editions of the FGI *Guidelines* are published approximately every 4 years. The Department plans to review new editions and update the regulations, as necessary, to incorporate new editions as they are published.

The Department proposes to add language in this section to indicate that long-term care nursing facilities shall comply with the requirements of Chapter 204 for all alterations, renovations or construction approved by the Department after Chapter 204 goes into effect, in addition to the requirements in the 2018 edition of the FGI *Guidelines*. The Department reviewed the existing requirements in Chapter 205 and determined that certain requirements that go above and beyond the FGI *Guidelines* are necessary to ensure the health and safety of residents in long-term care nursing facilities. Adding these requirements will ensure fairness by requiring that any new alterations, renovations or construction meet the same minimum standards that are already required for alterations, renovations and construction that are approved under Chapter 205.

Subsection (b).

Proposed subsection (b) will require all facilities to comply with the standards set forth in Chapter 205 (relating to physical plant and equipment standards for long-term care nursing facilities) for alterations, renovations or construction approved prior to the effective date of Chapter 204 (6 months after the date of publication of the final-form rulemaking). The Department recognizes that a broad, overall adoption of the FGI *Guidelines* to all long-term care nursing facilities, regardless of when plans were approved or when the alterations, renovations or construction occurred, would impose an undue burden on those facilities that are presently operating under the requirements set forth in Chapter 205. Proposed subsection (b) will allow these facilities to continue to operate under the requirements set forth in Chapter 205 until they wish to perform any new alterations, renovations or construction. Any alterations, renovations or construction plans approved after the effective date of Chapter 204 will fall under subsection (a). This is further clarified by proposed subsection (c), as described as follows.

Subsection (c).

The Department proposes to add subsection (c) for additional clarity. Under proposed subsection (c), a long-term care nursing facility, that has been previously determined to be in compliance with this subpart, will continue to be deemed in compliance until the time that the facility completes alterations, renovations or construc-

tion. These alterations, renovations or construction must meet the requirements that were in effect at the time of approval of the alterations, renovations or construction. It is possible that a facility may have different areas that are altered, renovated or constructed under different standards, particularly moving forward as the Department updates the regulations to adopt newer editions of the FGI *Guidelines*. The language in this subsection clarifies the Department's intent to only hold a facility to the standards that were in effect at the time the alteration, renovation or construction was approved. When a facility decides to alter or renovate that area, or perform new construction, then the standards that are in effect at the time the alteration, renovation or construction was approved would apply until the time that the facility decides to again perform alterations, renovations or construction. At that time, whatever standards are in effect will apply to the approval of the new alteration, renovation or construction.

§ 204.2. *Building plans*

The Department proposes to delete existing § 205.4 (relating to building plans) and copy several provisions from that section into this section. Specifically, the Department proposes to copy language from existing subsection (c) into proposed subsection (a), with the addition of a cross-reference to § 51.3(d) to clarify that this subsection applies to plans approved under that section. Proposed subsection (a) reflects the Department's policy and practice that a licensee or prospective licensee be allowed to present and discuss plans with the Department. If differences occur and cannot be resolved, the licensee or prospective licensee may seek an administrative hearing.

Proposed subsections (b) through (e) are new. The Department proposes in subsection (b) to require that any alterations, renovations or construction start within 2 years of approval and be completed within 5 years of approval. Proposed subsection (c) would permit a long-term care nursing facility to request an extension of these time periods, which may be approved by the Department for good cause shown.

Building and construction codes are typically updated every 3 to 4 years. The Department has received and approved numerous plans that were never completed due to financial and other issues. The Department has also received and approved plans for renovations of an entire building that were never fully completed. Placing a 5-year time limit on the completion of alterations, renovations or construction will prevent a facility from having plans approved but then proceeding to build at a much later date when codes that were applicable at the time of the approval no longer apply. The 5-year time limit also reflects the Department's current practice of contacting facilities after 4 1/2 years to inform them that they have 6 months left to complete approved projects or resubmit plans under current codes. The addition of subsection (c) contemplates circumstances in which a facility may need to request an extension of time for completion of a project, such as an extremely large project involving multiple stories above and below ground.

The Department proposes in subsection (d) to prohibit a long-term care nursing facility from using any part of the facility that has not been occupied or used for 1 year or more for any purpose except as provided for in this section. The Department proposes in subsection (e) to require a long-term care nursing facility to submit architectural plans and blueprints under § 51.3(d) if it intends to occupy or use a space that has not been occupied or used for 1 year or more. Approval by the Department will

be required for a long-term care nursing facility to use that space. The Department has encountered situations where facilities that have closed a portion of the facility want to reopen those areas years later, stating that the areas will be used for the same purpose. However, as previously noted, building and construction codes change over time. An area that was previously considered suitable for a particular purpose may no longer be suitable for that purpose after the area was closed. For example, an area that was previously used for resident rooms may no longer meet the health, safety and comfort needs of residents after it has been vacant for a period of time.

The Department has chosen not to copy language from existing § 205.4(a), (b) and (d) into this section. Section 205.4(a) and (b) are currently covered under the requirements set forth in § 51.3(d). The Department has chosen not to repeat these requirements in § 204.2 (relating to building plans) in the interest of streamlining and avoiding duplication and confusion between the regulations. Section 205.4(d) is not being copied into § 204.2 because it is outdated. Requirements for the submission of building plans can be found on the Department's web site at <https://www.health.pa.gov/topics/facilities/safety/Pages/Review.aspx>.

§ 204.3. *Buildings; general*

The Department proposes to copy several provisions from Chapter 205 into this section. First, the Department proposes to copy the language from existing § 205.1 (relating to location or site) into subsection (a) without amendment. The Department proposes to copy the language from existing § 205.6 (relating to function of building) into subsections (b) and (c), with only minor changes. The Department proposes in subsection (b) to replace the word "which" with "that" for grammatical reasons. The Department proposes in subsection (c) to replace the word "employees" with "employee" to reflect the current usage and spelling of that term. The Department proposes to copy the language from existing § 205.2 (relating to grounds) into subsections (d) and (e), with only one change. The Department proposes to replace "parking area" with "parking areas" for grammatical reasons. These various provisions go above and beyond what is required in the 2018 FGI *Guidelines*. The Department has determined that these provisions are necessary to ensure the health, safety and comfort of residents and to ensure that the same guidelines are applied to all long-term care nursing facilities, regardless of when the alterations, renovations or construction occurred.

§ 204.4. *Basement*

The Department proposes to copy language from § 205.7 (relating to basement or cellar), with minor changes. The Department proposes to delete outdated references to "cellar" and "cellars." The Department proposes to delete the words "and the like" as grammatically unnecessary and because they are duplicative of the words "such as." The Department also proposes to replace "areas" with the phrase "any part of the basement" to add clarity. This provision goes above and beyond what is required in the 2018 FGI *Guidelines*. The Department has determined that this provision is necessary to safeguard the health, safety and comfort of residents by ensuring that basements of long-term care nursing facilities are only used for the purposes delineated in this section or otherwise approved by the Department. Carrying this provision over from Chapter 205 also ensures that the same guidelines are applied to all long-term care nursing facilities, regardless of when alterations, renovations or construction occurred.

§ 204.5. *Resident rooms*

The Department proposes, in this section, to copy language from existing § 205.20 (relating to resident bedrooms) with some additions and changes. The Department proposes to change references from “bedrooms” to “rooms” in this section to align with terminology used by CMS. The Department proposes to copy the requirement from subsection (a) of § 205.20 into subsection (a) of § 204.5 (relating to resident rooms), with the aforementioned change in terminology. The Department proposes to add new language in subsection (b), indicating that the basement of a facility may not be used for resident rooms. Although § 204.4 (relating to basement) delineates appropriate uses for basements, the Department is adding this new language in subsection (b), at the request of the LTC Work Group for additional clarity. The Department proposes to copy and combine the language from existing § 205.20(b) and (c) into subsection (c), with no substantive changes.

The Department proposes to add new language in subsection (d), at the request of the LTC Work Group, to clarify that a resident shall have a choice in the placement of the resident’s bed in the room. The Department is adding language to indicate that a resident has this choice unless the placement of the bed presents a safety hazard. The Department is copying language from § 205.22 (relating to placement of beds) into subsection (e). The Department is adding language regarding a resident’s choice to this subsection as well, so long as the placement of the bed does not pose a safety hazard. The Department supports a resident’s ability to choose where a bed is placed in the room. However, the Department can envision circumstances where a resident’s choice of bed placement could pose a health or safety hazard, such as placement near a radiator or heat source. In those circumstances, the health and safety of the resident needs to come first. Finally, in subsection (f), the Department proposes to copy language from existing § 205.72 (relating to furniture) without amendment, to require a long-term care nursing facility to provide a resident with a drawer or cabinet in the resident’s room that can be locked.

The Department is including these provisions in Chapter 204 because they go above and beyond what is required in the 2018 FGI *Guidelines*. The Department has determined that these provisions, pertaining to resident rooms, are necessary to safeguard the comfort of residents in long-term care nursing facilities by: (1) ensuring that beds are placed only in rooms approved by the Department; (2) limiting the number of residents and beds per room to prevent overcrowding; (3) providing a resident with some choice in where a bed is placed within a room; and (4) providing a cabinet or drawer that a resident may lock to protect personal belongings.

§ 204.6. *Locks*

The Department proposes to copy language from existing § 205.14 (relating to locks) into this section, without amendment. Under this provision, doors to rooms used by residents may not be locked from the outside when a resident is in the room. This provision goes above and beyond what is required in the 2018 FGI *Guidelines*. The Department has determined that this provision is necessary to safeguard the health, safety and comfort of residents by ensuring that residents cannot be locked into rooms in a facility. Carrying this provision over from Chapter 205 also ensures that the same guidelines are applied to all long-term care nursing facilities, regardless of when alterations, renovations or construction occurred.

§ 204.7. *Laundry*

The Department proposes to copy language from existing § 205.26(e) (relating to laundry) into this section, with no amendment. This provision goes above and beyond what is required in the 2018 FGI *Guidelines*. The Department has determined that this provision is necessary to ensure the comfort of residents by requiring a long-term care nursing facility to have equipment available for residents who wish to do their own laundry. Carrying this provision over from § 205.26(e) also ensures that the same guidelines are applied to all long-term care nursing facilities, regardless of when alterations, renovations or construction occurred.

§ 204.8. *Utility room*

The Department proposes to copy language from § 205.33(a) (relating to utility room) into this section, with two amendments. The Department proposes to delete the phrase “near the nurses’ station” in the first sentence and to delete the last sentence regarding nursing stations. The Department is proposing to eliminate the requirement that utility rooms be located near nursing stations for two reasons: (1) the long-term care nursing industry has begun to shift away from the use of the term “nurses’ station” in favor of terms such as “workstations” that focus more on person centered care; and (2) it is more appropriate to have utility rooms located near resident rooms or other locations where they are needed for easier access. The remaining language in § 205.33(a), is being copied into this section because it goes above and beyond what is required in the 2018 FGI *Guidelines*. The Department has determined this language is necessary to ensure the health, safety and comfort of residents and to ensure that the same guidelines are applied to all long-term care nursing facilities, regardless of when the alterations, renovations or construction occurred.

§ 204.9. *Bathing facilities*

The Department proposes to copy certain provisions from § 205.36 (relating to bathing facilities) into this section. Specifically, the Department proposes to copy subsections (a), (c), (e) and (h) into this section with minor changes. In subsection (a), the Department proposes to change the word “bedrooms” to “rooms” in this section to align with terminology used by CMS. In subsection (d), which is copied from § 205.36(h), the Department proposes not to copy outdated language regarding accessibility and measurements required for the bath area. Basic tubs have been phased out for the use of spa-like tubs in the long-term care nursing environment. These spa-like tubs tend to have access on two sides rather than three sides as provided for in the existing language in § 205.36(h). These tubs have been designed specifically for use in the long-term care nursing environment, however, and contain features that are more accessible and desirable for the safety and comfort needs of long-term care nursing residents. Copying over the outdated language regarding accessibility and measurements from § 205.36(h) would prevent long-term care nursing facilities that are performing alterations, renovations and construction from providing residents with the benefits of these newer tubs. The language that is being copied over from § 205.36 goes above and beyond what is required in the 2018 FGI *Guidelines*. The Department has determined that this language is necessary to ensure the health, safety and comfort of residents and to ensure that the same guidelines are applied to all long-term care nursing facilities, regardless of when the alterations, renovations or construction occurred.

§ 204.10. *Equipment for bathrooms*

The Department proposes to copy § 205.37 (relating to equipment for bathrooms), in its entirety, with two amendments. The Department proposes in subsection (a) to replace the language referring to a specific weight limit for grab bars in tubs and showers with the phrase “to accommodate the residents’ needs.” The Department recognizes that there are a wide variety of reasons that a resident may be at risk for falling, and has made this change in language to require long-term care nursing facilities to provide grab bars that will accommodate residents of any size and physical or mental condition. The Department proposes to change the term “nursing station” to “workstation.” The long-term care nursing industry has begun to shift away from the use of the term “nurses’ station” in favor of terms such as “workstations” that focus more on person centered care. The provisions in § 205.37 go above and beyond what is required in the 2018 FGI *Guidelines*. The Department has determined that these provisions are necessary to ensure the health, safety and comfort of residents and to ensure that the same guidelines are applied to all long-term care nursing facilities, regardless of when the alterations, renovations or construction occurred.

§ 204.11. *Toilet room equipment*

The Department proposes to copy language from § 205.39(b) (relating to toilet room equipment) into this section, with two amendments. First, the Department proposes to remove the phrase “and an emergency call bell within reaching distance.” Under the 2018 FGI *Guidelines*, an emergency call device shall be accessible from each toilet, bathtub and shower used by residents. Second, the Department proposes to replace the language referring to a specific weight limit for handrails or assist bars with the phrase “of accommodating the residents’ needs.” The Department recognizes that there are a wide variety of reasons that a resident may be at risk for falling, and has made this change in language to require long-term care nursing facilities to provide handrails or assist bars that will accommodate residents of any size and physical or mental condition. This provision goes above and beyond what is required in the 2018 FGI *Guidelines*. The Department has determined that this provision is necessary to ensure the safety of residents, by requiring handrails or bars on each side of toilets, and to ensure that the same guidelines are applied to all long-term care nursing facilities, regardless of when the alterations, renovations or construction occurred.

§ 204.12. *Linen*

The Department proposes to copy language from § 205.74 (relating to linen) into this section without amendment. This provision goes above and beyond what is required in the 2018 FGI *Guidelines*. The Department has determined that this provision, which requires a facility to have available at all times a quantity of linens essential for proper care and comfort of residents, is necessary to ensure the health, safety and comfort of residents. Carrying this provision over from § 205.74 also ensures that the same guidelines are applied to all long-term care nursing facilities, regardless of when the alterations, renovations or construction occurred.

§ 204.13. *Supplies*

The Department proposes to copy language from existing § 205.75 (relating to supplies) into this section without changes. This provision goes above and beyond what is required in the 2018 FGI *Guidelines*. The Department has determined that this provision, requiring that ad-

equated supplies be available at all times to meet residents’ needs, is necessary to ensure the health, safety and comfort of residents and to ensure that the same guidelines are applied to all long-term care nursing facilities, regardless of when the alterations, renovations or construction occurred.

§ 204.14. *Windows*

The Department proposes to copy existing language from § 205.19 (relating to windows and windowsills) into this section, with one minor change. The Department proposes to change the word “bedrooms” to “rooms” in this section to align with terminology used by CMS. These provisions go above and beyond what is required in the 2018 FGI *Guidelines*. The Department has determined that these provisions, relating to screens on windows and restricting the use of certain rooms with windows as resident rooms are necessary to ensure the health, safety and comfort of residents and to ensure that the same guidelines are applied to all long-term care nursing facilities, regardless of when the alterations, renovations or construction occurred.

§ 204.15. *Dining*

The Department proposes to copy language from § 205.24(a) (relating to dining room) into this section, with one amendment. The Department proposes to delete the last sentence indicating, “these areas shall be well lighted and well ventilated.” This language is not necessary because lighting requirements are covered within the FGI *Guidelines*. The remaining language in this provision, regarding space for dining areas, goes above and beyond what is required in the 2018 FGI *Guidelines*. The Department has determined that this language is necessary to ensure the health, safety and comfort of residents and to ensure that the same guidelines are applied to all long-term care nursing facilities, regardless of when the alterations, renovations or construction occurred.

§ 204.16. *Lounge and recreation*

The Department proposes to copy language from § 205.27 (relating to lounge and recreation rooms) into this section, without amendment. This provision, relating to minimum space required for lounge and recreation areas, goes above and beyond what is required in the 2018 FGI *Guidelines*. The Department has determined that this provision is necessary to ensure the health, safety and comfort of residents and to ensure that the same guidelines are applied to all long-term care nursing facilities, regardless of when the alterations, renovations or construction occurred.

§ 204.17. *Storage*

The Department proposes to copy language from § 205.31 (relating to storage) into this section, without amendment. This provision goes above and beyond what is required in the 2018 FGI *Guidelines*. The Department has determined that this provision is necessary to ensure the health, safety and comfort of residents by ensuring that adequate storage space is provided for the storage of supplies, furniture, equipment, resident possessions and the like. Copying this language over from § 205.31 will also ensure that the same guidelines are applied to all long-term care nursing facilities, regardless of when the alterations, renovations or construction occurred.

§ 204.18. *Plumbing, heating ventilation and air conditioning (HVAC) and electrical*

This proposed catch-all section is new and replaces the requirements for new construction in §§ 205.61—205.68 (relating to mechanical and electrical requirements). This

section, which is added for safety purposes, will require all building systems such as plumbing, HVAC and electrical systems to comply with all State and local codes.

Chapter 205. Physical Environment and Equipment Standards for Long-Term Care Nursing Facilities Alterations, Renovations or Construction Approved Before _____ (Editor's Note: The blank refers to the date 6 months after this regulation is published as a final-form rulemaking.)

The Department has decided to keep Chapter 205 insofar as it applies to alterations, renovations or construction approved before 6 months after the effective date of the final-form rulemaking. The Department proposes minimum changes to this Chapter as described as follows.

Buildings and Grounds

§ 205.4. *Building plans*

The Department proposes to delete this section. This section pertains to new construction, which will be covered in proposed Chapter 204, as previously described.

§ 205.7. *Basement or cellar*

The Department proposes minor amendments to this section. The Department proposes to delete the words "and the like" as grammatically unnecessary and because they are duplicative of the words "such as." The Department proposes to replace the word "areas" with the phrase "any part of the basement" for clarity.

§ 205.6. *Function of building*

The Department proposes to amend the term "employes" to "employees" to reflect the current use and spelling of this term. The Department proposes no other changes to this section.

Minimum Physical Environment Standards

The Department proposes to replace the word "plant" with the word "environment" in this heading to reflect current terminology used in the long-term care nursing environment.

§ 205.21. *Special care room*

The Department proposes to delete language in this section that pertains to new construction. Plans for alterations, renovations or construction approved 6 months after the effective date of the final-form rulemaking will be required to conform to the requirements in Chapter 204. The Department proposes no other amendments to this section.

§ 205.22. *Placement of beds*

The Department proposes to replace the phrase "adequate provisions are made for resident comfort and safety" with the phrase "the resident chooses to do so and the placement does not pose a safety hazard." The Department is proposing this change, at the request of the LTC Work Group, to clarify that a resident has a choice in the placement of the resident's bed in the room. However, the Department is proposing to add language to clarify that the resident has this choice unless the placement of the bed presents a safety hazard. The Department supports a resident's ability to choose where a bed is placed in the room. However, the Department can envision circumstances where a resident's choice of bed placement could pose a health or safety hazard, such as placement near a radiator or heat source. In those circumstances, the health and safety of the resident needs to come first.

Mechanical and Electrical Requirements

§ 205.61. *Heating requirements for existing construction*

The Department proposes to delete the words "and new" from the title of this section. Plans for alterations, renovations or construction approved 6 months after the publication date of the final-form rulemaking will be required to conform to the requirements in Chapter 204. The Department proposes no other amendments to this section.

§ 205.62. *Special heating requirements for new construction*

The Department proposes to delete this section. Plans for alterations, renovations or construction approved 6 months after the publication date of the final-form rulemaking will be required to conform to the requirements in Chapter 204.

§ 205.63. *Plumbing and piping systems required for existing construction*

The Department proposes to delete the words "and new" from the title of this section. Plans for alterations, renovations or construction approved 6 months after the publication date of the final-form rulemaking will be required to conform to the requirements in Chapter 204. The Department proposes no other amendments to this section.

§ 205.64. *Special plumbing and piping systems requirements for new construction*

The Department proposes to delete this section. Plans for alterations, renovations or construction approved 6 months after the publication date of the final-form rulemaking will be required to conform to the requirements in Chapter 204.

§ 205.66. *Special ventilation requirements for new construction*

The Department proposes to delete this section. Plans for alterations, renovations or construction approved 6 months after the publication date of the final-form rulemaking will be required to conform to the requirements in Chapter 204.

§ 205.67. *Electric requirements for existing construction*

The Department proposes to delete the words "and new" from the title of this section. Plans for alterations, renovations or construction approved 6 months after the publication date of the final-form rulemaking will be required to conform to the requirements in Chapter 204. The Department proposes no other amendments to this section.

§ 205.68. *Special electrical requirements for new construction*

The Department proposes to delete this section. Plans for alterations, renovations or construction approved 6 months after the publication date of the final-form rulemaking will be required to conform to the requirements in Chapter 204.

Chapter 207. Housekeeping and Maintenance Standards for Long-Term Care Nursing Facilities

Housekeeping and Maintenance

§ 207.4. *Ice containers and storage*

The Department proposes to delete this section. Ice storage and the handling of ice are addressed in the Federal requirements at 42 CFR 483.60(i)(2) (relating to food and nutrition services) and at F812 in *Appendix*

PP—Guidance to Surveyors for Long-Term Care Facilities from CMS State Operations Manual. The Department proposed to adopt the Federal requirements and *Appendix PP* in § 201.2 in the first proposed rulemaking. Under 42 CFR 483.60(i)(2), a facility must store, prepare, distribute and serve food in accordance with professional standards for food service safety. The Department expects, in accordance with this provision and *Appendix PP*, a long-term care nursing facility to engage in appropriate ice and water handling practices to prevent contamination and waterborne illness. Ice must be made from potable water. Ice that is used to cool food items is not to be used for consumption. Staff, residents and others must follow appropriate infection control practices, such as handwashing, when dispensing ice. Ice machines and other equipment must be kept clean and sanitary to prevent contamination of the ice. Ice machines must be drained, cleaned and sanitized as needed, and in accordance with manufacturer's instructions. Ice chests or coolers used for storage and transportation of ice must be cleaned regularly to avoid contamination of ice.

Fiscal Impact and Paperwork Requirements

Fiscal Impact

A. Commonwealth

The proposed amendments will not increase costs to the Commonwealth or the Department. The Department's surveyors perform the function of surveying and inspecting long-term care nursing facilities for compliance with both Federal and State regulations. The proposed elimination of subsections, in § 201.23, that are outdated and duplicative of the Federal requirements will streamline the survey process for long-term care nursing facilities. This, in turn, will create consistency and eliminate confusion in the application of the standards that apply to long-term care nursing facilities. The proposed deletion of Chapter 203 will also benefit the Department's surveyors and long-term care nursing facilities by eliminating duplication between State and Federal regulations to ensure a smooth and streamlined process. Separating new standards for alterations, renovations and construction from existing standards in Chapters 204 and 205, will also add clarity to the survey process by making it clear which standards apply to plans for new alterations, renovations or construction versus older, existing alterations, renovations and construction.

B. Local government

There are currently 20 county-owned long-term care nursing facilities which account for approximately 8% (8,706 beds) of long-term care nursing beds across the Commonwealth. Allegheny County owns four of the nursing homes; the remaining homes are in the following 15 counties: Berks, Bradford, Bucks, Chester, Clinton, Crawford, Delaware, Erie, Indiana, Lehigh, Monroe, Northampton, Philadelphia, Warren and Westmoreland. All of the county-owned long-term care nursing facilities participate in either Medicare or Medicaid. Because these facilities are already required to comply with Federal requirements, they will not incur a cost as a result of the Department's proposed amendments to § 201.23 or § 207.4, to align with the Federal requirements.

The proposed deletion of Chapter 203 will also not increase costs for the county-owned facilities. Long-term care nursing facilities are required to comply with Chapter 203 and the *Life Safety Code* currently. The proposed deletion of this chapter merely aligns this requirement with the adoption of the Federal requirements previously proposed by the Department in § 201.2. The *Life Safety*

Code is incorporated by reference in the Federal requirements for long-term care nursing facilities at 42 CFR 483.73(g)(1). The proposed deletion will also benefit the Department's surveyors and long-term care nursing facilities by eliminating duplication between State and Federal regulations to ensure a smooth and streamlined process.

The Department's proposal to separate new standards for alterations, renovations and construction from existing standards into two chapters, Chapter 204 and Chapter 205 will add clarity to the survey process for both the Department and long-term care nursing facilities by making it clear which standards apply to plans for new alterations, renovations or construction versus older, existing alterations, renovations and construction.

The addition of Chapter 204 and the requirement that long-term care nursing facilities comply with the *FGI Guidelines* will affect those county facilities that receive approval for plans for alterations, renovations and construction after the effective date of Chapter 204. The Department considers the cost for complying with the *FGI Guidelines* to be minimal and no more than the cost of doing business. The *FGI Guidelines* will only apply to new alterations, renovations or construction approved after the effective date of Chapter 204. They will not apply to existing facilities that are not making any changes or facilities that are only making cosmetic upgrades, for example, paint, new flooring or changing light fixtures. A facility completing new alterations, renovations or construction is already assuming the costs for those alterations, renovations or construction. Therefore, requiring compliance with the *FGI Guidelines* would be considered costs already planned for by the facility, and no different than costs for complying with other physical environment standards, local municipality codes or the like. Compliance with the *FGI Guidelines* will benefit long-term care nursing facilities by ensuring that any alterations, renovations and construction are built to the best and most modern standards. The proposed amendments to Chapter 205 will not increase costs to the county-owned facilities as the Department is only proposing to delete language pertaining to new alterations, renovations or construction.

C. Regulated community

The proposed amendments will apply to all 689 long-term care nursing facilities licensed by the Department. These facilities provide health services to more than 72,000 residents. The Department anticipates little to no financial impact on these facilities as a result of the proposed elimination of subsections in § 201.23 that are duplicative of the Federal requirements. All but 3 of the 689 long-term care nursing facilities participate in either Medicare or Medicaid and thus, are required to comply with existing Federal requirements. The three long-term care nursing facilities that do not participate in Medicare or Medicaid will only be impacted by the Department's proposed amendment to § 201.23 in the event of a closure and to the extent that the Federal requirements for closure at 42 CFR 483.70(l) and (m) differ from existing § 201.23. These differences are minimal. The three facilities that do not participate in Medicare or Medicaid may be impacted by the Department's proposal to delete § 207.4 to align with Federal requirements, if they do not already meet the minimum standards within the Federal requirements. However, any impact to the three facilities that do not participate in Medicare or Medicaid is outweighed by the need for consistency in the application

of standards to all long-term care nursing facilities, regardless of whether the facilities participate in Medicare or Medicaid.

The proposed deletion of Chapter 203 will not increase costs. Long-term care nursing facilities are required to comply with Chapter 203 and the *Life Safety Code* currently. The proposed deletion of this chapter merely aligns this requirement with the adoption of the Federal requirements previously proposed by the Department in § 201.2. The *Life Safety Code* is incorporated by reference in the Federal requirements for long-term care nursing facilities at 42 CFR 483.73(g)(1). The proposed deletion will also benefit the Department's surveyors and long-term care nursing facilities by eliminating duplication between State and Federal regulations to ensure a smooth and streamlined process.

The Department's proposal to separate new standards for alterations, renovations and construction from existing standards into two chapters, Chapter 204 and Chapter 205 will add clarity to the survey process for both the Department and long-term care nursing facilities by making it clear which standards apply to plans for new alterations, renovations or construction versus older, existing alterations, renovations and construction.

The addition of Chapter 204 and the requirement that long-term care nursing facilities comply with the FGI *Guidelines* will result in a cost to those long-term care nursing facilities that receive approval of plans for alterations, renovations and construction after the effective date of Chapter 204. The Department considers the cost for complying with the FGI *Guidelines* to be minimal and no more than the cost of doing business. The FGI *Guidelines* will only apply to new alterations, renovations or construction. They will not apply to existing facilities that are not making any changes or facilities that are only making cosmetic upgrades, for example, paint, new flooring or changing light fixtures. A facility completing new alterations, renovations or construction is already assuming the costs for those alterations, renovations or construction. Therefore, requiring compliance with the FGI *Guidelines* would be considered costs already planned for by the facility, and no different than costs for complying with other current physical environment standards, local municipality codes or the like. In addition, compliance with the FGI *Guidelines* will benefit long-term care nursing facilities by ensuring that any alterations, renovations and construction are built to the best and most modern standards versus existing facilities that have not built to these standards. The proposed amendments to Chapter 205 will not increase costs to long-term care nursing facilities, as the Department is only proposing to delete language pertaining to new alterations, renovations or construction.

D. General public

The proposed amendments will not increase costs to the general public. The Department's proposal to require compliance with the FGI *Guidelines* and Chapter 204 for plans for alterations, renovations or construction approved 6 months or more after the publication date of this regulation will improve the quality of life and care of residents in long-term care nursing facilities by ensuring that facilities are meeting the best and most modern standards.

Paperwork Requirements

The Department's expansion of its adoption of the Federal requirements will require a long-term care nursing facility to submit a closure plan. The Department

expects a closure plan, at a minimum, to meet the requirements set forth by CMS under section F845 in *Appendix PP—Guidance to Surveyors for Long-Term Care Facilities of the State Operations Manual*. All but three of long-term care nursing facilities licensed by the Department participate in Medicare or Medicaid and thus are already required by Federal regulations to provide a closure plan in the event of a closure. This requirement will also only affect long-term care nursing facilities in the event of a closure.

Persons who wish to operate or are operating a long-term care nursing facility are already required, under § 51.3(d) to submit architectural and blueprint plans to the Department for approval before performing any alterations, renovations or construction. While the Department is proposing to delete outdated language regarding the contents of architectural plans and blueprints, this will not impose any additional burden on the regulated community because the regulated community has already been complying with requirements that are posted on the Department's web site.

Statutory Authority

Sections 601 and 803 of the HCFA (35 P.S. §§ 448.601 and 448.803) authorize the Department to promulgate, after consultation with the Health Policy Board, regulations necessary to carry out the purposes and provisions of the HCFA. Section 801.1 of the HCFA (35 P.S. § 448.801a) seeks to promote the public health and welfare through the establishment of regulations setting minimum standards for the operation of health care facilities. The minimum standards are to assure safe, adequate and efficient facilities and services and to promote the health, safety and adequate care of patients or residents of those facilities. In section 102 of the HCFA (35 P.S. § 448.102), the General Assembly has found that a purpose of the HCFA is, among other things, to assure that citizens receive humane, courteous and dignified treatment. Finally, section 201(12) of the HCFA (35 P.S. § 448.201(12)), provides the Department with explicit authority to enforce its rules and regulations promulgated under the HCFA.

The Department also has the duty to protect the health of the people of this Commonwealth under section 2102(a) of the Administrative Code of 1929 (71 P.S. § 532(a)). The Department has general authority to promulgate regulations under section 2102(g) of the Administrative Code of 1929.

Effectiveness / Sunset Date

Proposed Chapter 204, as well as the amendments to Chapter 205, will apply to plans for alterations, renovations or construction of long-term care nursing facilities approved 6 months after publication of the final-form rulemaking in the *Pennsylvania Bulletin*. The remainder of the regulations will become effective upon their publication in the *Pennsylvania Bulletin* as a final-form rulemaking. A sunset date will not be imposed. The Department will monitor the regulations and update them as necessary.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 27, 2021, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Health Committee and the Senate Health and Human Services Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey 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.

Contact Person

Interested persons are invited to submit comments, suggestions or objections to the proposed regulations within 30 days after publication of this notice in the *Pennsylvania Bulletin*. The Department prefers that comments, suggestions or objections be submitted by e-mail to RA-DHLTCRegs@pa.gov. Persons without access to e-mail may submit comments, suggestions or objections to Lori Gutierrez, Deputy Director, Office of Policy, 625 Forster Street, Room 814, Health and Welfare Building, Harrisburg, PA 17120, (717) 317-5426. Persons with a disability may submit questions in alternative format such as by audio tape, Braille, or by using V/TT (717) 783-6514 or the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TT). Persons who require an alternative format of this document may contact Lori Gutierrez at the previously listed e-mail, address or telephone number so that necessary arrangements can be made. Comments should be identified as pertaining to proposed rulemaking 10-222 (Long-Term Care Nursing Facilities, Proposed Rulemaking 2).

ALISON BEAM,
Acting Secretary

Fiscal Note: 10-222. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 28. HEALTH AND SAFETY

PART IV. HEALTH FACILITIES

Subpart C. LONG-TERM CARE FACILITIES

CHAPTER 201. APPLICABILITY, DEFINITIONS, OWNERSHIP AND GENERAL OPERATION OF LONG-TERM CARE NURSING FACILITIES

OWNERSHIP AND MANAGEMENT

§ 201.23. Closure of facility.

In addition to the requirements set forth in 42 CFR 483.70(l) and (m) (relating to administration), the following conditions apply to the closure of a long-term care nursing facility:

(a) **[The administrator or owner shall notify the appropriate Division of Nursing Care Facilities field office at least 90 days prior to closure] (Reserved).**

(b) **[If the facility is to be closed, the licensee shall notify the resident or the resident's responsible person in writing] (Reserved).**

(c) **[Sufficient time shall be given to the resident or the resident's responsible person to effect an orderly transfer] (Reserved).**

(d) No resident in a facility may be required to leave the facility prior to 30 days following receipt of a written notice from the licensee of the intent to close the facility,

except when the Department determines that removal of the resident at an earlier time is necessary for health and safety.

(e) If an orderly transfer of the residents cannot be safely effected within 30 days, the Department may require the facility to remain open an additional 30 days.

(f) The Department is permitted to monitor the transfer of residents.

(g) **[The licensee of a facility shall file proof of financial responsibility with the Department to insure that the facility continues to operate in a satisfactory manner for a period of 30 days following the notice of intent to close] (Reserved).**

CHAPTER 203. [APPLICATION OF LIFE SAFETY CODE FOR LONG-TERM CARE NURSING FACILITIES] (Reserved)

§ 203.1. [Application of the Life Safety Code] (Reserved).

[A facility shall meet the applicable edition of National Fire Protection Association 101 Life Safety Code which is currently adopted by the Department. A facility previously in compliance with prior editions of the Life Safety Code is deemed in compliance with subsequent Life Safety Codes except renovation or new construction shall meet the current edition adopted by the Department.]

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

CHAPTER 204. PHYSICAL ENVIRONMENT AND EQUIPMENT STANDARDS FOR ALTERATIONS, RENOVATIONS OR CONSTRUCTION OF LONG-TERM CARE NURSING FACILITIES

§ 204.1. Application of Guidelines for Design and Construction of Residential Health, Care and Support Facilities.

(a) In addition to the requirements set forth in this chapter, facility alterations, renovations and construction approved on or after _____ (*Editor's Note: The blank refers to the date 6 months after this regulation is published as a final-form rulemaking.*) shall comply with the 2018 edition of the Facility Guidelines Institute *Guidelines for Design and Construction of Residential Health, Care, and Support Facilities*.

(b) Facility alterations, renovations and construction approved before _____ (*Editor's Note: The blank refers to the date 6 months after this regulation is published as a final-form rulemaking.*) shall comply with the standards set forth in Chapter 205 (relating to physical environment and equipment standards for existing long-term care nursing facilities).

(c) A facility previously determined by the Department to be in compliance with this subpart will be deemed to be in compliance until the time that the facility completes alterations, renovations or construction. Alterations, renovations or construction shall meet the requirements in effect on the date that the facility's plans for alterations, renovations or construction are approved by the Department.

§ 204.2. Building plans.

(a) A licensee or prospective licensee shall have the opportunity to present and discuss with the Department its purposes and plans concerning the requested changes indicated on architectural plans submitted under

§ 51.3(d) (relating to notification). If differences occur and cannot be resolved, an administrative hearing may be sought under 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

(b) Alterations, renovations or construction approved by the Department shall begin within 2 years of the Department's approval and shall be completed within 5 years of the Department's approval.

(c) A facility may seek an extension of the time periods under subsection (b) for beginning or completing an approved alteration, renovation or construction by written request to the Department. The Department may approve an extension for good cause shown.

(d) Any part of a facility that has not been occupied or used for 1 year or more may not be used by the facility for any purpose except as provided for in this section.

(e) If a facility intends to occupy or use a space that has been unoccupied or unused for 1 year or more, the occupancy or use shall be considered an alteration, renovation or construction and the facility shall submit architectural plans and blueprints related to its occupancy or use to the Department as required under § 51.3(d). The facility may not use or occupy the space unless approved by the Department.

§ 204.3. Buildings; general.

(a) A building to be used for and by residents shall be located in an area conducive to the health and safety of residents.

(b) No part of a building may be used for a purpose that interferes with or jeopardizes the health and safety of residents. Special authorization shall be given by the Department's Division of Nursing Care Facilities before a part of the building is to be used for a purpose other than health care.

(c) Only residents, employees, the licensee, the administrator or members of the administrator's immediate family may reside in the facility.

(d) Grounds shall be adequate to provide necessary service areas and outdoor areas for residents. A facility with site limitations may provide rooftop or balcony areas if adequate protective enclosures are provided.

(e) A delivery area, service yard or parking area shall be located so that traffic does not cross an area commonly used by residents.

§ 204.4. Basement.

A basement may be used for storage, laundry, kitchen, heat, electric and water equipment. Approval from the Department's Division of Nursing Care Facilities shall be secured before any part of the basement may be used for other purposes, such as physical therapy, central supply and occupational therapy.

§ 204.5. Resident rooms.

(a) A bed for a resident may be placed only in a room approved by the Department as a resident room.

(b) The basement of a facility may not be used for resident rooms.

(c) The maximum number of residents who may be accommodated in a facility shall be indicated on the facility license. The number of resident rooms and the number of beds in a room may not exceed the maximum number approved by the Department.

(d) A resident shall have a choice in the placement of the resident's bed in the room unless the placement presents a safety hazard.

(e) A bed may not be placed close to a radiator, heat vent, air conditioner, direct glare of natural light or draft unless the resident chooses to do so and the placement does not pose a safety hazard.

(f) A resident shall be provided with a drawer or cabinet in the resident's room that can be locked.

§ 204.6. Locks.

A door into a room used by a resident may not be locked from the outside when the resident is in the room.

§ 204.7. Laundry.

Equipment shall be made available and accessible for residents desiring to do their personal laundry.

§ 204.8. Utility room.

The facility shall make provisions in each nursing unit for utility rooms. The nursing unit shall have separate soiled and clean workrooms. The rooms may not be more than 120 feet from the most remote room served.

§ 204.9. Bathing facilities.

(a) A facility shall provide a general bathing area in each nursing unit to serve resident rooms that do not have adjoining bathrooms with a bathtub or shower.

(b) Unless bathing fixtures are located in a separate room, there shall be compartments to permit privacy. Cubicle curtains may provide this privacy.

(c) Each bathing room shall include a toilet and lavatory. If more than one tub or shower is in the bathing room, privacy shall be provided at each bathing facility and at the toilet.

(d) The facility shall have at least one bathtub in each centralized bath area on each floor.

§ 204.10. Equipment for bathrooms.

(a) Grab bars shall be installed as necessary at each tub and shower for safety and convenience. Grab bars, accessories and anchorage shall have sufficient strength to accommodate the residents' needs.

(b) The general bathroom or shower room used by residents shall have one emergency signal bell located in close proximity to the tub or shower and which registers at the workstation. An emergency signal bell shall also be located at each toilet unless a signal bell can be reached by the resident from both the toilet and tub or shower.

(c) The facility shall make provisions to get residents in and out of bathtubs in a safe way to prevent injury to residents and personnel. The facility shall provide appropriate supervision and assistance to ensure the safety of all residents being bathed.

(d) A dressing area shall be provided immediately adjacent to the shower stall and bathtub. In the dressing area, there shall be provisions for keeping clothes dry while bathing.

(e) The facility shall ensure that water for baths and showers is at a safe and comfortable temperature before the resident is bathed.

§ 204.11. Toilet room equipment.

Each toilet used by residents shall be provided with handrails or assist bars on each side capable of accommodating the residents' needs.

§ 204.12. **Linen.**

The facility shall have available at all times a quantity of linens essential for proper care and comfort of residents.

§ 204.13. **Supplies.**

Adequate supplies shall be available at all times to meet the residents' needs.

§ 204.14. **Windows.**

(a) Each window opening in the exterior walls that are used for ventilation shall be effectively covered by screening.

(b) A room with windows opening onto light or air shafts, or onto an exposure where the distance between the building or an obstruction higher than the windowsill is less than 20 feet, may not be used for resident rooms.

§ 204.15. **Dining.**

The dining area shall be a minimum of 15 square feet per bed for the first 100 beds and 13 1/2 square feet per bed for beds over 100. This space is required in addition to the space required for lounge and recreation rooms.

§ 204.16. **Lounge and recreation rooms.**

A recreation or lounge room shall be a minimum of 15 square feet of floor space per bed provided for the first 100 beds and 13 1/2 square feet for all beds over 100. A facility shall provide recreation or lounge rooms for residents on each floor.

§ 204.17. **Storage.**

General storage space shall be provided for storage of supplies, furniture, equipment, residents' possessions and the like. Space provided for this purpose shall be commensurate with the needs of the nursing facility but may not be less than 10 square feet per bed.

§ 204.18. **Plumbing, heating ventilation and air conditioning and electrical.**

Building systems, such as plumbing, heating, ventilation, air conditioning and electrical must comply with all State and local codes.

CHAPTER 205. PHYSICAL [PLANT] ENVIRONMENT AND EQUIPMENT STANDARDS FOR LONG-TERM CARE NURSING FACILITIES ALTERATIONS, RENOVATIONS OR CONSTRUCTION APPROVED BEFORE _____

(Editor's Note: The blank refers to the date 6 months after this regulation is published as a final-form rulemaking.)

BUILDINGS AND GROUNDS

§ 205.4. [Building plans] (Reserved).

[(a) There may be no new construction of a facility without the Department's approval of final plans. There may be no alterations or additions to an existing building or conversion of a building or facility made prior to the Department's approval of final plans.

(b) Plans, including architectural, mechanical and electrical plans, shall include requested changes and shall be submitted to the Department for final approval before construction, alterations or remodeling begins.

(c) The licensee or prospective licensee shall have the opportunity to present and discuss purposes and plans concerning the requested changes

indicated on the architectural plans with the Department. If differences occur and cannot be resolved, administrative hearing may be sought under 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

(d) Plans shall be resubmitted to the Department for approval if construction or alteration has not been started within 24 months from the date the plans received final approval.

(e) Plans submitted to the Department for approval shall include the following items:

(1) Wall sections and details, including stairs, location and fastening of handrails and grab bars.

(2) Mechanical and electrical drawings.

(3) Schedules of room finishes, door type and size, plumbing fixtures, electrical fixtures and special equipment, such as sterilizers, kitchen equipment and the like.

(4) Site plan—1 inch equals 40 feet—indicating new and existing structures, roads, services, walls and north arrow.

(5) Floor plans using a minimum of 1/8 inch scale.

(6) One-fourth inch scale layout: main kitchen, nurse's station, utility room, physical therapy room, occupational therapy room and the like.

(7) One-fourth inch scale layout: typical bedroom, indicating window, door, radiator, air conditioner, electrical outlets, permanent fixtures, furniture placement or other pertinent information; typical bathroom; and a toilet room.

(8) Exterior elevation.

(9) Wall section, typical.

(10) Plans shall be on drawing sheets at least 15 by 24 inches and not exceed 32 by 42 inches in size including the borders.]

§ 205.6. **Function of building.**

(a) No part of a building may be used for a purpose which interferes with or jeopardizes the health and safety of residents. Special authorization shall be given by the Department's Division of Nursing Care Facilities if a part of the building is to be used for a purpose other than health care.

(b) The only persons who may reside in the facility shall be residents, [employees] employees, the licensee, the administrator or members of the administrator's immediate family.

MINIMUM PHYSICAL [PLANT] ENVIRONMENT STANDARDS

§ 205.7. **Basement or cellar.**

Basements or cellars may be used for storage, laundry, kitchen, heat, electric and water equipment. Approval from the Department's Division of Nursing Care Facilities shall be secured before [areas] any area of the basement may be used for other purposes, such as physical therapy, central supply[,] and occupational therapy [and the like].

§ 205.21. **Special care room.**

(a) Provisions shall be made for isolating a resident as necessary in a single room which is ventilated to the outside [as set forth in § 205.66 (relating to special

ventilation requirements for new construction). For new construction, there shall be an adjoining private bathroom which contains a toilet, lavatory and either a standard size tub or a shower]

(b) Provisions shall be available to identify this room with appropriate precautionary signs.

§ 205.22. Placement of beds.

A bed may not be placed in proximity to radiators, heat vents, air conditioners, direct glare of natural light or drafts unless [adequate provisions are made for resident comfort and safety] the resident chooses to do so and the placement does not pose a safety hazard.

MECHANICAL AND ELECTRICAL REQUIREMENTS

§ 205.61. Heating requirements for existing [and new] construction.

(a) The heating system shall comply with local and State codes. If there is a conflict, the more stringent requirements shall apply.

(b) Exposed heating pipes, hot water pipes or radiators in rooms and areas used by residents or within reach of residents, shall be covered or protected to prevent injury or burns to residents. This includes hot water or steam piping above 125°F.

§ 205.62. [Special heating requirements for new construction] (Reserved).

[(a) Boiler feed pumps, heat circulating pumps, condensate return pumps and fuel oil pumps shall be connected and installed so that the total load can be carried by the remaining pumps with one pump out of service.

(b) To prevent shutting down the entire system when repairs are required, supply and return mains and risers of cooling, heating and process steam systems shall be valved to isolate the various sections of the system. Each piece of equipment shall be valved at the supply and return.]

§ 205.63. Plumbing and piping systems required for existing [and new] construction.

(a) Potable ice may not be manufactured or stored in the soiled utility room.

(b) Water distribution systems shall be designed and arranged to provide potable hot and cold water at hot and cold water outlets at all times. The system pressure shall be sufficient to operate fixture and equipment during maximum demand periods.

(c) Hot water outlets accessible to residents shall be controlled so that the water temperature of the outlets does not exceed 110°F.

§ 205.64. [Special plumbing and piping systems requirements for new construction] (Reserved).

[(a) Plumbing systems shall be installed to meet the requirements of local plumbing codes and Chapter 14, Medical Care Facility Plumbing Equipment, of the PHCC National Standard Plumbing Code. Sections 14.22 and 14.23 of the PHCC National Standard Plumbing Code are not mandatory, but are recommended. If the codes listed in this subsection conflict, the most stringent requirement shall apply.

(b) Approved backflow preventers or vacuum breakers shall be installed with plumbing fixtures or equipment where the potable water supply outlet may be submerged and which is not protected by a minimum air gap. This includes hose bibs, janitor sinks, bedpan-flushing attachments and other fixtures to which hoses or tubing can be attached.

(c) Each water service main, branch main, riser and branch to a group of fixtures shall be valved. Stop valves shall be provided at each fixture.

(d) Shower bases and tubs shall provide nonskid surfaces for standing residents.]

§ 205.66. [Special ventilation requirements for new construction] (Reserved).

[(a) Ventilation for new construction shall conform to the following:

Area Designation	Pressure Relationship to Adjacent Areas	Minimum Air Changes of Outdoor Air Per Hour	Minimum Total Air Changes Per Hour	All Air Directly to Outdoors	Recirculated within Room Units
Resident Room	Equal	2	2	Optional	Optional
Resident Area Corridor	Equal	Optional	2	Optional	Optional
Physical therapy	Negative	2	6	Optional	Optional
Occupational therapy	Negative	2	6	Optional	Optional
Soiled workroom or soiled holding	Negative	2	10	Yes	No
Clean workroom or clean holding	Positive	2	4	Optional	Optional
Toilet room	Negative	Optional	10	Yes	No
Bathroom	Negative	Optional	10	Yes	No
Janitor's closet	Negative	Optional	10	Yes	No
Sterilizer equipment room	Negative	Optional	10	Yes	No
Linen and trash chute rooms	Negative	Optional	10	Yes	No

<i>Area Designation</i>	<i>Pressure Relationship to Adjacent Areas</i>	<i>Minimum Air Changes of Outdoor Air Per Hour</i>	<i>Minimum Total Air Changes Per Hour</i>	<i>All Air Directly to Outdoors</i>	<i>Recirculated within Room Units</i>
Food preparation center	Equal	2	10	Yes	Yes
Warewashing room	Negative	Optional	10	Yes	Yes
Dietary day storage	Equal	Optional	2	Yes	No
Laundry, general	Equal	2	10	Yes	No
Soiled linen sorting and storage	Negative	Optional	10	Yes	No
Clean linen storage	Positive	Optional	2	Yes	No
Special Care Room/Isolation	Negative	2	6	Yes	No

(b) Central air systems shall be provided with filters having a minimum efficiency of 25% based on ASHRAE Standard No. 52-68 and certified by an independent testing agency. Central air systems shall have a manometer installed across each filter bed.

(c) Air supply systems shall be operated mechanically. Air exhaust and return systems shall be operated mechanically, except for air not required to be exhausted directly outdoors as indicated in subsection (a). Where subsection (a) requirements for outdoor air is optional, this air may be supplied directly by transfer ducts or grilles to adjacent spaces without being filtered through a central system. Air may not be transferred to or from corridors, to or from adjacent spaces, except as permitted in the applicable edition of the National Fire Protection Association 101 *Life Safety Code* which is currently adopted by the Department.

(d) The dietary dry storage and kitchenware washing rooms may use direct air from the kitchen without being filtered through a central system.

(e) The ventilation rates indicated in subsection (a) are minimum mandatory rates for the area listed and may not be construed as precluding the use of higher rates. For areas not listed, such as dining rooms, lounge and recreation rooms, solarium, and the like, mechanical ventilation rates are optional, but where mechanical ventilation is provided, the supply air shall be obtained from the outdoors through individual room units or from central systems. The unlisted room areas, if ventilated, shall contain an equal pressure relationship.

(f) Where mechanical ventilation is not mandatory or provided, the areas may be ventilated by outside windows that can be easily opened and closed.

(g) Outdoor air intakes may be no less than 25 feet from waste air discharges, such as discharge from ventilation systems, combustion stacks, plumbing vents, vehicle exhaust and the like. The bottom of outdoor air intakes serving central systems and kitchens may not be less than 3 feet above the finished grade or roof level.

(h) Ventilation air openings which are located near floors shall be installed not less than 3 inches above the finished floor.

(i) Air quantities in cubic feet per minute shall be indicated on the drawings for room supply, return and exhaust ventilation openings.]

§ 205.67. Electric requirements for existing [and new] construction.

(a) Artificial lighting shall be restricted to electric lighting.

(b) Spaces occupied by people, machinery and equipment within buildings shall have electric lighting which is operational at all times.

(c) Electric lights satisfactory for residents' activities shall be available.

(d) Electric lights in rooms used by residents shall be placed or shaded to prevent direct glare to the eyes of residents.

(e) Night lights shall be provided in bedrooms, stairways, corridors, bathrooms and toilet rooms used by residents.

(f) Arrangements to transfer lighting from overhead fixtures to night light fixtures in stairways and corridors shall be designed so that switches can only select between two sets of fixtures and cannot extinguish both sets at the same time.

(g) In addition to night lights, residents' bedrooms shall have general lighting. The light emitting surfaces of the night light may not be in direct view of a resident in a normal in-bed position.

(h) A reading light shall be provided for each resident.

(i) In each resident room there shall be grounding type receptacles as follows: one duplex receptacle on each side of the head of each bed except for parallel adjacent beds. Only one duplex receptacle is required between beds plus sufficient duplex receptacles to supply portable lights, television and motorized beds, if used, and one duplex receptacle on another wall.

(j) A nurse's calling station—signal originating device—with cable with push button housing attached or other system approved by the Department shall be provided at each resident bed location so that it is accessible to the resident. Two cables and buttons serving adjacent beds may be served by one station. An emergency calling station within reach of the resident shall be provided at each bathing fixture and toilet unless a single bell can be reached by the resident from both the bathing fixture and the toilet. Cable and push button housing requirement will apply to those facilities constructed after July 1, 1987.

(k) Calls shall register by a signal receiving and indicating device at the nurses' station, and shall activate a visible signal in the corridor at the resident's door. In multicorridor nursing units, additional visible signal indicators shall be installed at corridor intersections.

§ 205.68. [**Special electrical requirements for new construction**] **(Reserved)**.

[(a) Electrical systems and equipment shall comply with the latest edition of the *National Electrical Code, NFPA 70*. If local or State codes are more stringent, the more stringent requirements apply.

(b) Materials comprising the electrical systems shall be listed as complying with applicable standards of the Underwriters' Laboratories, Inc., or other similarly established standards.

(c) Minimum lighting levels for long-term care nursing facilities shall conform with the following:

<i>Area</i>	<i>Footcandles</i>
Corridors and interior ramps	20
Stairways other than exits	30
Exit stairways and landings	5 on floor
Doorways	10
Administrative and lobby areas, day	50
Administrative and lobby areas, night	20
Chapel or quiet area	30
Physical therapy	20
Occupational therapy	30
Worktable, coarse work	100
Worktable, fine work	200
Recreation area	50
Dining area	30
Resident care unit (or room) general	10
Resident care room, reading	30

<i>Area</i>	<i>Footcandles</i>
Nurses' station, general, day	50
Nurses' station, general, night	20
Nurses' desk, for charts and records	70
Nurses' medicine cabinet	100
Utility room, general	20
Utility room, work counter	50
Pharmacy area, general	30
Pharmacy, compounding and dispensing areas	100
Janitor's closet	15
Toilet and bathing facilities	30
Barber and beautician areas	50

(d) The applicable standards for lighting levels are those established by the current edition of the Illuminating Engineering Society of North America (IES) Lighting Handbook.]

MISCELLANEOUS PROVISIONS

§ 205.101. **Scope.**

This chapter applies to facility alterations, renovations and construction approved by the Department before _____. (*Editor's Note:* The blank refers to the date 6 months after this regulation is published as a final-form rulemaking.)

CHAPTER 207. HOUSEKEEPING AND MAINTENANCE STANDARDS FOR LONG-TERM CARE NURSING FACILITIES

HOUSEKEEPING AND MAINTENANCE

§ 207.4. [**Ice containers and storage**] **(Reserved)**.

[Ice storage containers shall be kept clean, and ice shall be handled in a sanitary manner to prevent contamination.]

[Pa.B. Doc. No. 21-1691. Filed for public inspection October 8, 2021, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

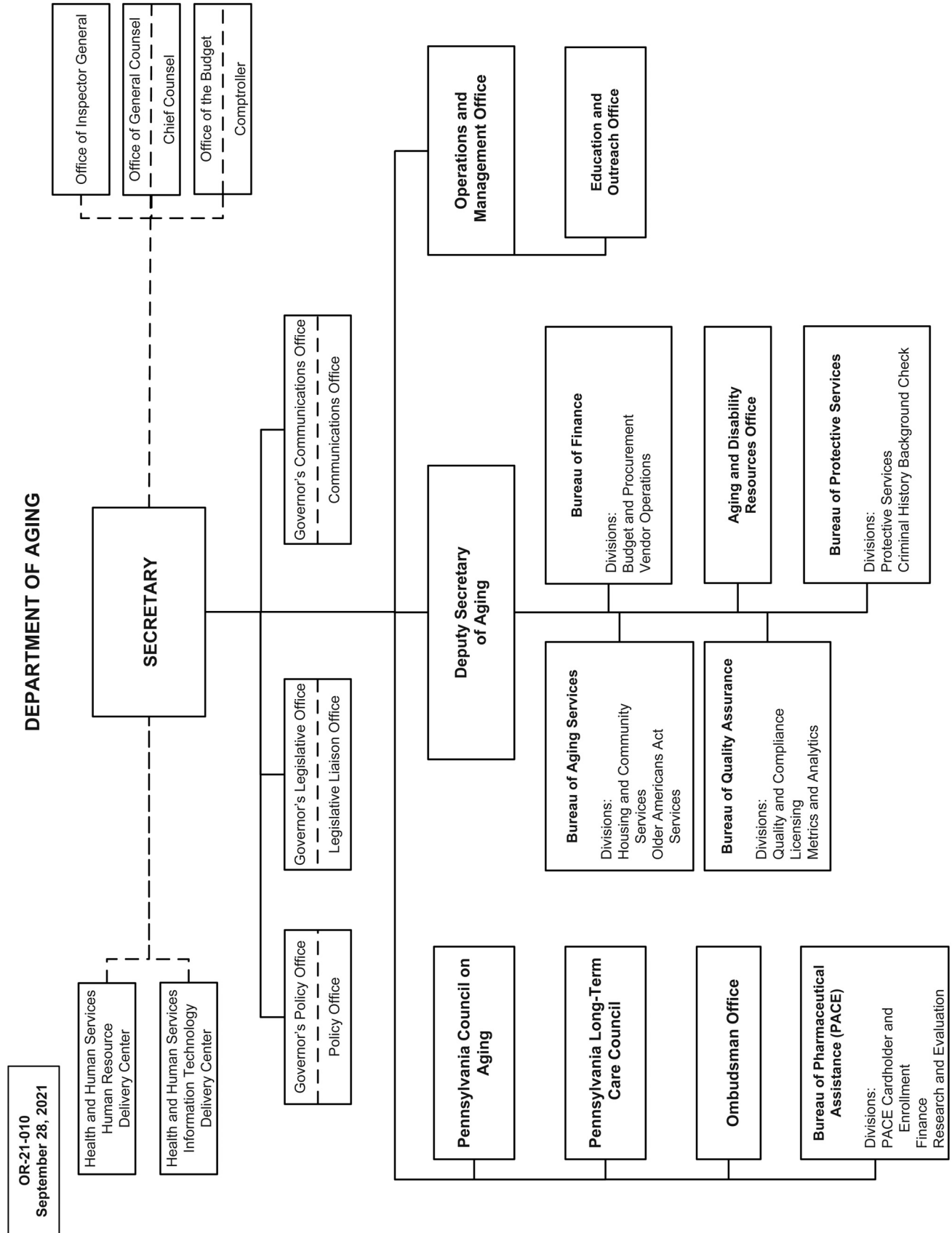
Reorganization of the Department of Aging

The Executive Board approved a reorganization of the Department of Aging effective September 28, 2021.

The organization chart at 51 Pa.B. 6418 (October 9, 2021) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 21-1692. Filed for public inspection October 8, 2021, 9:00 a.m.]



NOTICES

DEPARTMENT OF AGRICULTURE

Fiscal Year 2021-2022 Annual Plan for Awarding Grants under the Pennsylvania Agricultural Fair Act

This notice presents the Fiscal Year (FY) 2021-2022 Annual Plan (Annual Plan) of the Department of Agriculture (Department) for the administration of the grant program authorized under the Pennsylvania Agricultural Fair Act (act) (3 P.S. §§ 1501—1510). It prescribes how the available funds appropriated by the General Assembly shall be distributed. This Annual Plan is authorized by section 8(a) the act (3 P.S. § 1508(a)), has been prepared with the assistance and advice of the Agricultural Fair Advisory Committee (Committee), and was approved by that Committee at its September 20, 2021, meeting.

The act authorizes the Department to make grants to organizations conducting eligible agricultural fairs, Statewide agricultural organizations which contribute to the development of agriculture and agribusiness and to eligible agricultural youth groups for support of their programs.

Funds appropriated by the General Assembly to fund the act in FY 2021-2022 shall be dispersed by the Department as follows, on a funds-available basis, in the following order of priority:

1. First priority shall be given to grants to finance a portion of a fair's operating costs. These costs include, but are not limited to, the cost of exhibiting agribusiness products, materials and equipment, conducting agricultural or agribusiness educational activities and demonstrations, and awarding premiums to contest and exhibit winners at the agricultural fair. For these grants, the maximum payment shall be as allowed for each Class Fair under section 5(1)(i)(A) of the act (3 P.S. § 1505(1)(i)(A)). These maximum payments range from \$2,500 to \$14,000, depending on the Class Fair involved.

2. Second priority shall be given to grants to finance a portion of the agricultural premiums identified in section 5(1)(i)(B) of the act. For these grants, the maximum payment shall not exceed \$15,000.

3. Third priority shall be given to grants to reimburse a county agricultural society, or an independent agricultural society, that conducts harness horse racing at its annual agricultural fair, other than races for colts and fillies 2 and 3 years of age, in an amount equal to that used during the annual agricultural fair as purse money for harness horse racing, track and stable maintenance, starting gate rental and the cost of harness horse racing officials during the annual fair. For these grants, the maximum amount of reimbursement shall be as allowed under section 5(1)(iii) of the act. This maximum amount is \$13,000, at least \$4,000 of which must be used to reimburse purse money.

4. Fourth priority shall be given to grants to reimburse a county agricultural society, or an independent agricultural society, that conducts harness horse racing for 2-year-old and 3-year-old colts and fillies at its annual agricultural fair. For these grants, the maximum amount of reimbursement shall be as allowed under section 5(1)(iv) of the act. This maximum amount is \$7,600.

5. Fifth priority shall be given to grants to reimburse a Statewide agricultural organization that conducts an agricultural fair and is otherwise eligible for grants under section 5(2) of the act, for up to \$2,000 of its fair's operating expenses (including premium payments) on a dollar-for-dollar basis, and for 50% of all additional premium costs that are not included in that initial dollar-for-dollar reimbursement, up to a maximum amount of \$10,000. The total maximum payment shall not exceed \$12,000.

6. Sixth priority shall be given to grants to countywide or Statewide 4-H and Future Farmers of America (FFA) or combined FFA and Future Homemakers of America units of boys and girls under 21 years of age that are eligible for grants under section 5(3) of the act. Grants shall be awarded in accordance with the requirements of that provision of the act.

a. The purpose of the act is to make funds available to encourage the further development and improvement of the Commonwealth's agricultural fairs, and to continue the contribution of agricultural fairs to agriculture and agribusiness by encouraging related careers, fostering agricultural production and agricultural product improvements, and promoting increased investments in agriculture. This Commonwealth's agricultural fairs also enrich the life of the community by showcasing agricultural and agribusiness achievements, offering recreational opportunities and promoting tourism. For these reasons, the Department encourages those agricultural youth groups that are eligible for grants under section 5(3) of the act to engage in projects and activities that are conducted at agricultural fairs or that are of direct benefit to agricultural fairs.

b. The Department will award grants to the agricultural youth groups previously described as follows:

i. For actual expenses incurred for activities which contribute to the advancement of agriculture or agribusiness by a 4-H Youth group, a payment which will be calculated according to the following formula, under authority of section 5(3) of the act:

Tier 1: \$2,000 for total enrollment of up to 1,000 members plus \$1.50 for each traditional member and \$1 for each school enrichment/special interest member.

Tier 2: \$2,500 for total enrollment of 1,001 to 2,000 members plus \$1.50 for each traditional member and \$1 for each school enrichment/special interest member.

Tier 3: \$3,000 for total enrollment of 2,001 to 3,000 members plus \$1.50 for each traditional member and \$1 for each school enrichment/special interest member.

Tier 4: \$3,500 for total enrollment of 3,001+ members plus \$1.50 for each traditional member and \$1 for each school enrichment/special interest member, a maximum reimbursement of \$9,000.

ii. For actual expenses incurred for activities which contribute to the advancement of agriculture or agribusiness by FFA Youth groups, a payment which will be calculated using the following formula, under authority of section 5(3) of the act:

Tier I: County FFA Organizations with 100 members or less will receive base funding of \$1,000 with an additional \$4 per member.

Tier II: County FFA Organizations with 101 to 210 members inclusive will receive a \$2,000 base funding with an additional \$2 per member.

Tier III: County FFA Organizations with 211 members or more will receive funding of \$2,000 with an additional \$4 per member for every member over 210.

7. Funds remaining after the previous grants have been awarded shall be utilized for capital improvement as provided in section 5(1)(ii) of the act.

Given the ongoing novel coronavirus (COVID-19) pandemic, the Department advises that the amount of funding appropriated for dispersal in accordance with the act and this Annual Plan may ultimately be less than in

previous years. Also, in the event subsequent COVID-19-related legislation changes available funding amounts or requires that expenditures of available funding be reprioritized, the Department will publish a revised version of this Annual Plan that is consistent with that legislation.

The Department will endeavor to disburse the previous payments at the earliest date practicable.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 21-1693. Filed for public inspection October 8, 2021, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending September 28, 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

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
09-28-2021	Somerset Trust Company Somerset Somerset County	201 Falcon Drive Connellsville Fayette County (Limited Service Facility)	Opened

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
09-24-2021	The Fidelity Deposit and Discount Bank Dunmore Lackawanna County	3016 Pittston Avenue Scranton Lackawanna County	Closed
09-24-2021	The Fidelity Deposit and Discount Bank Dunmore Lackawanna County	2 South Main Street Pittston Luzerne County	Closed

CREDIT UNIONS

No activity.

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

RICHARD VAGUE,
Secretary

[Pa.B. Doc. No. 21-1694. Filed for public inspection October 8, 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 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.

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. 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 & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0121806	Joint DEP/PFBC Pesticides Permit	New	CCD Rock Creek LLC 45 Martin Road Gettysburg, PA 17325-7614	Straban Township Adams County	SCRO
1521831	Joint DEP/PFBC Pesticides Permit	New	Montana Connie 29 Parsons Road Landenberg, PA 19350-1549	Franklin Township Chester County	SERO
1521832	Joint DEP/PFBC Pesticides Permit	New	Neitzel Jan 466 Glen Hope Road Oxford, PA 19363-2295	Elk Township Chester County	SERO
4613801	Joint DEP/PFBC Pesticides Permit	Transfer	Union League Liberty Hill 800 Ridge Pike Lafayette Hill, PA 19444-1751	Whitemarsh Township Montgomery County	SERO
0274219	Major Industrial Waste Treatment Facility Individual WQM Permit	Amendment	Libertas Copper LLC 100 Washington Street Leetsdale, PA 15056-1000	Leetsdale Borough Allegheny County	SWRO
0708201	Major Industrial Waste Treatment Facility Individual WQM Permit	Transfer	Roaring Spring Park LLC 1654 King Street Enfield, CT 06082-6000	Roaring Spring Borough Blair County	SCRO
4876412	Major Sewage Treatment Facility Individual WQM Permit	Amendment	Easton Area Joint Sewer Authority Northampton County 50A S Delaware Drive Easton, PA 18042-9405	Easton City Northampton County	NERO
PA0008591	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Transfer	Gold Bond Bldg Products LLC P.O. Box 210 West Milton, PA 17886-0210	White Deer Township Union County	NCRO

NOTICES

6423

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0008265	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Transfer	Roaring Spring Park LLC 1654 King Street Enfield, CT 06082-6000	Roaring Spring Borough Blair County	SCRO
PA0114677	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Transfer	Chance Group LLC 11616 Landstar Boulevard Orlando, FL 32824-9025	Williamsport City Lycoming County	NCRO
0320200	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Amendment	PPG Ind Inc. 4829 Fairland Road Barberton, OH 44203-3913	Cadogan Township Armstrong County	SWRO
6511201	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Amendment	Cleveland Cliffs Monessen Coke LLC 345 Donner Avenue Monessen, PA 15062-1156	Monessen City Westmoreland County	SWRO
1774404	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	PA DCNR 28 Fairview Road Penfield, PA 15849-7902	Huston Township Clearfield County	NCRO
6089415	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	New	Lewis Township Union County P.O. Box 51 Millmont, PA 17845-0051	Lewis Township Union County	NCRO
NOEXSC279	No Exposure Certification	Renewal	ID Technology 1145 E Wellspring Road New Freedom, PA 17349-8426	Hopewell Township York County	SCRO
NOEXSC366	No Exposure Certification	New	ID Tech 391 Greendale Road York, PA 17403-4638	York City York County	SCRO
NOEXSW047	No Exposure Certification	New	Joy Global Underground Mining LLC 220 Simko Boulevard Charleroi, PA 15022-3493	Fallowfield Township Washington County	SWRO
PAG036305	PAG-03 NPDES General Permit for Industrial Stormwater	New	Fi Hoff Concrete Products Inc. 240 Bentwood Avenue Johnstown, PA 15904-1334	Geistown Borough Cambria County	SWRO
PAR806118	PAG-03 NPDES General Permit for Industrial Stormwater	Amendment	First Transit Inc. 110 Perimeter Park Road Suite E Knoxville, TN 37922-2200	Bethel Park Borough Allegheny County	SWRO
PAG046177	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Nichols Edward C 1140 Old William Penn Highway Greensburg, PA 15601-8469	Salem Township Westmoreland County	SWRO
PAG048998	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Laurie & Michael Nicholson 6473 Heidler Road Fairview, PA 16415-2103	Fairview Township Erie County	NWRO
PAG123529	PAG-12 NPDES General Permit for CAFOs	Renewal	Deiter Jay 2040 River Road Bainbridge, PA 17502-9329	Conoy Township Lancaster County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
1521407	Pump Stations WQM Individual Permit	New	East Whiteland Township Chester County 209 Conestoga Road Frazer, PA 19355-1633	East Whiteland Township Chester County	SERO
1521408	Pump Stations WQM Individual Permit	New	Willistown Township Chester County 688 Sugartown Road Malvern, PA 19355-3302	Willistown Township Chester County	SERO
1521409	Pump Stations WQM Individual Permit	New	Willistown Township Chester County 688 Sugartown Road Malvern, PA 19355-3302	Willistown Township Chester County	SERO
4621404	Sewage Treatment Facilities Individual WQM Permit	New	Louis J Mascaro Foundation Inc. 585 Freeman School Road Schwenksville, PA 19473	Lower Salford Township Montgomery County	SERO
PA0086819	Single Residence STP Individual NPDES Permit	Transfer	Philip & Sharon Fullerton 130 Oberholtzer Road Elizabethtown, PA 17022-9588	Southampton Township Bedford County	SCRO
1003413	Single Residence Sewage Treatment Plant Individual WQM Permit	Amendment	Amy & Stephen Nalepa 110 Lawnview Court Cranberry Township, PA 16066-3548	Adams Township Butler County	NWRO
2591412	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Mundy Kevin 16675 Stuart Road Corry, PA 16407-8712	Wayne Township Erie County	NWRO
2721404	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Halke Susan 4967 Garrett Drive North Ridgeville, OH 44039-2011	Jenks Township Forest County	NWRO
3921402	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Scott Petersen 9 Paige Trail Perkasie, PA 18944-2646	Upper Saucon Township Lehigh County	NERO
6599404	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Nichols Edward C 1140 Old William Penn Highway Greensburg, PA 15601-8469	Salem Township Westmoreland County	SWRO
1621404	Small Flow Treatment Facility Individual WQM Permit	New	Giering Layne 697 McClain-Watson Road Shippensburg, PA 16254	Farmington Township Clarion County	NWRO
WQG018310	WQG-01 WQM General Permit	Transfer	Laurie & Michael Nicholson 6473 Heidler Road Fairview, PA 16415-2103	Fairview Township Erie County	NWRO
WQG02102101	WQG-02 WQM General Permit	New	Breakneck Creek Region Authority 1166 Mars Evans City Road Mars, PA 16046-2216	Adams Township Butler County	NWRO

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

PA0233170, Sewage, SIC Code 4952, **Scott Wellar**, 5050 S Eagle Valley Road, Julian, PA 16844-9779. Facility Name: Scott Wellar SRSTP. This proposed facility is located in Huston Township, **Centre 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 Bald Eagle Creek (CWF, MF), is located in State Water Plan watershed 9-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 0.0004 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
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 570-327-3693.

The EPA Waiver is in effect.

Northeast Regional Office

PA0063690, Sewage, SIC Code 4952, **Melroes Restaurant**, 832 Salem Boulevard, Berwick, PA 18603-6838. Facility Name: Melroes Restaurant. This existing facility is located in Salem Township, **Luzerne 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 Susquehanna River (CWF, MF), is located in State Water Plan watershed 5-B and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .003 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	1.2	XXX	2.8
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	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 570-826-5472.

The EPA Waiver is in effect.

Northwest Regional Office

PA0025551, Sewage, SIC Code 7033, **USDA Forest Service**, 4 Farm Colony Drive, Warren, PA 16365-5206. Facility Name: Dew Drop Campground STP. This existing facility is located in Mead Township, **Warren 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), Kinzua Bay Branch of the Allegheny Reservoir (Kinzua Creek) (HQ-CWF), is located in State Water Plan watershed 16-B 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 .01 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6

<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>	
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	XXX	Geo Mean Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Annl Avg Report	XXX	XXX
E. Coli	XXX	XXX	XXX	Annl Avg XXX	XXX	Report

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.

PA0033821, Sewage, SIC Code 8733, **Pittsburgh University**, 3412 Forbes Avenue, Public Safety Building, Floor 4, Pittsburgh, PA 15213-3203. Facility Name: Pymatuning Ecology Lab. This existing facility is located at 13142 Hartstown Road, Linesville, PA 16424, located in North Shenango Township, **Crawford County**.

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

The receiving stream(s), Pymatuning Reservoir (Shenango River) (WWF), is located in State Water Plan watershed 20-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .00855 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)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Daily Min 4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	XXX	Geo Mean Report	XXX	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Annl Avg Report	XXX	XXX
				Annl Avg		

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.

PA0289647, Sewage, SIC Code 8800, **Dylan Prorok & Tara Belloma**, 115 Caldwell Drive, Butler, PA 16002-3701. Facility Name: Dylan Prorok & Tara Belloma SRSTP. This proposed facility is located in Jefferson Township, **Butler County**.

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

The receiving stream(s), Thorn Creek (CWF), is located in State Water Plan watershed 20-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .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 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

PA0289680, Sewage, SIC Code 8800, **John A Leonard**, 864 Vernon Road, Greenville, PA 16125-8643. Facility Name: John Leonard SRSTP. This proposed facility is located in West Salem Township, **Mercer County**.

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

The receiving stream(s), Unnamed Tributary to Booth Run (WWF), is located in State Water Plan watershed 20-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .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 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

PA0289744, Sewage, SIC Code 8800, **Beatrice & William Smith**, 1706 Clifford Drive, Erie, PA 16505-2806. Facility Name: Beatrice & William Smith SRSTP. This proposed facility is located in Conneaut 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 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 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

PA0289817, Sewage, SIC Code 8800, **Alex Stein & Tessa McCauley**, 6162 Fisher Road, Conneautville, PA 16406-5018. Facility Name: Alex Stein & Tessa McCauley SRSTP. This proposed facility is located in Beaver Township, **Crawford 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), Crazy Run (CWF, MF), is located in State Water Plan watershed 15-A and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .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 ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

Southcentral Regional Office

Application No. PA0281824, Concentrated Animal Feeding Operation (CAFO), **Darvin N Martin** (Darvin Martin Farm), 8245 Holbens Road, New Tripoli, PA 18066.

Darvin N Martin has submitted an application for an Individual NPDES permit for a new CAFO known as Darvin Martin Farm, located in Weisenberg Township, **Lehigh County**.

The CAFO is situated near Unnamed Tributary of Switzer Creek (HQ-CWF, MF) in Watershed 2-C, which is classified for High Quality—Cold Water and Migratory Fish. The CAFO will be designed to maintain an animal population of approximately 212.38 animal equivalent units (AEUs) consisting of 8,000 ducks, 65 cows, 60 heifers, 5 calves, and 60 beef cows. Manure will be stored in a slurrystore. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

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

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

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

PA0020923, Sewage, SIC Code 4952, **New Oxford Municipal Authority Adams County**, 409 Water Works Road, New Oxford, PA 17350-1511. Facility Name: New Oxford STP. This existing facility is located in New Oxford Borough, **Adams 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 South Branch Conewago Creek (WWF), is located in State Water Plan watershed 7-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.788 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		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	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.19	XXX	0.61

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
CBOD ₅						
May 1 - Oct 31	179.0	268.0	XXX	12.0	18.0	24.0
Nov 1 - Apr 30	373.0	Wkly Avg 596.0	XXX	25.0	40.0	50.0
Total Suspended Solids	447.0	Wkly Avg 671.0	XXX	30.0	45.0	60.0
BOD ₅	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Fecal Coliform (No./100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
E. Coli (No./100 ml)	XXX	XXX	XXX	Geo Mean XXX	XXX	Report
Ammonia-Nitrogen						
May 1 - Oct 31	52.0	XXX	XXX	3.5	XXX	7.0
Nov 1 - Apr 30	112.0	XXX	XXX	7.5	XXX	15.0
Total Phosphorus	30.0	XXX	XXX	2.0	XXX	4.0

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen	Report	32,657	XXX	XXX	XXX	XXX
Net Total Phosphorus	Report	4,354	XXX	XXX	XXX	XXX

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

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

- To implement requirements applicable to stormwater outfalls.
- 2,400 lbs/year of Total Nitrogen offsets was approved to be used for compliance with TN Cap Load.

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

The EPA Waiver is not in effect.

PA0261343, Sewage, SIC Code 4952, **Joshua Hill Sewer Co. LLC**, 929 Baltimore Street, Hanover, PA 17331. Facility Name: Joshua Hill STP. This existing facility is located in West Manheim Township, **York 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 West Branch Codorus Creek (WWF), is located in State Water Plan watershed 7-H 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 0.1 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>Daily Maximum</i>		<i>Average Monthly</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	5.0	XXX	XXX	XXX
Ultraviolet light intensity ($\mu\text{w}/\text{cm}^2$)	XXX	XXX	Report	XXX	XXX	XXX
CBOD ₅	XXX	XXX	XXX	25.0	XXX	50.0

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Maximum	
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	1.5	XXX	3.0
Nov 1 - Apr 30	XXX	XXX	XXX	4.5	XXX	9.0
Total Phosphorus	XXX	XXX	XXX	0.5	XXX	1.0

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

Parameters	Mass (lbs)		Minimum	Concentration (mg/l)	
	Monthly	Annual		Monthly Average	Maximum
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen	Report	0	XXX	XXX	XXX
Net Total Phosphorus	Report	0	XXX	XXX	XXX

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

The EPA Waiver is in effect.

Southeast Regional Office

PA0244091, Industrial, SIC Code 3823, **Patriot Sensors & Controls Corporation**, 205 Keith Valley Road, Horsham, PA 19044-1408. Facility Name: Ametek Drexelbrook Division. This existing facility is located in Horsham Township, **Montgomery County**.

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

The receiving stream, Park Creek (WWF, MF), is located in State Water Plan watershed 2-F and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .009 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
1,1,1-Trichloroethane	XXX	XXX	XXX	0.0103	XXX	0.0258
1,1-Dichloroethylene	XXX	XXX	XXX	0.002	XXX	0.005

The proposed effluent limits for Outfall 001 are based on a design flow of .009 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
1,1,1-Trichloroethane Industrial Influent	XXX	XXX	XXX	Report Semi Avg	XXX	XXX
1,1-Dichloroethylene Industrial Influent	XXX	XXX	XXX	Report Semi Avg	XXX	XXX

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

- A. Acquire Necessary Property Rights
- B. Proper Sludge Disposal
- C. WQM Permit Requirement
- D. BAT/ELG Reopener
- E. Visual Inspections
- F. PPC Plan Requirement

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.

PA0244864, Industrial, SIC Code 4941, **Warminster Municipal Authority Bucks County**, 415 Gibson Avenue, Warminster, PA 18974-4163. Facility Name: Warminster Municipal Authority Well # 26. This existing facility is located in Warminster Township, **Bucks County**.

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

The receiving stream(s), Unnamed Tributary to Little Neshaminy Creek (WWF, MF), is located in State Water Plan watershed 2-F and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .266 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Tetrachloroethylene	XXX	XXX	XXX	0.001	XXX	0.0025
Trichloroethylene	XXX	XXX	XXX	0.004	XXX	0.010
PFOA	XXX	XXX	XXX	Report	XXX	Report
PFOS	XXX	XXX	XXX	Report	XXX	Report
Total PFOA and PFOS (ug/l)	XXX	XXX	XXX	0.07	XXX	0.175

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

- Obtain Necessary Property Rights
- Proper Sludge Disposal
- BAT/BCT Reopener
- Small Stream Discharge

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.

PA0245313, Sewage, SIC Code 4952, **PA Historical & Museum Commission**, 400 North Street, Room N118, Harrisburg, PA 17120. Facility Name: Mather Mill STP. This proposed facility is located in Whitemarsh Township, **Montgomery County**.

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

The receiving stream, Wissahickon Creek (TSF, MF), is located in State Water Plan watershed 3-F and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .000396 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report	Report Daily Max	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	Report
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

- AMR to DEP
- DMR to DEP
- Septage and Scum Measurement
- Septic Tank Pumping
- Chlorine Optimization
- No Stormwater Condition

- Acquire Necessary Property Rights
- Proper Sludge Disposal
- Phase Out When Municipal Sewers Available

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

Southwest Regional Office

PA0094510, Industrial, SIC Code 3312, **US Steel Corp**, 400 State Street, Clairton, PA 15025-1855. Facility Name: US Steel Mon Valley Works Edgar Thomson Plant. This existing facility is located in Braddock Borough, **Allegheny County**.

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

The receiving stream(s), Monongahela River (WWF), is located in State Water Plan watershed 19-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 005 are based on an average discharge flow of 186 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.3	XXX	0.75
Temperature (°F)						
Jan 1 - 31	XXX	XXX	XXX	XXX	XXX	92.7
Feb 1 - 28	XXX	XXX	XXX	XXX	XXX	98.1
Mar 1 - Sep 30	XXX	XXX	XXX	XXX	XXX	110.0
Oct 1 - 15	XXX	XXX	XXX	XXX	XXX	110.0
Oct 16 - 31	XXX	XXX	XXX	XXX	XXX	105.9
Nov 1 - 15	XXX	XXX	XXX	XXX	XXX	105.7
Nov 16 - 30	XXX	XXX	XXX	XXX	XXX	88.1
Dec 1 - 31	XXX	XXX	XXX	XXX	XXX	80.3
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Chromium, Hexavalent	XXX	XXX	XXX	Report	Report	XXX
Copper, Total	XXX	XXX	XXX	Report	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Fluoride, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 006 are based on an average discharge flow of 26.8 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.25
Temperature (°F)						
Jan 1 - 31	XXX	XXX	XXX	XXX	XXX	92.7
Feb 1 - 28	XXX	XXX	XXX	XXX	XXX	98.1
Mar 1 - Sep 30	XXX	XXX	XXX	XXX	XXX	110.0
Oct 1 - 15	XXX	XXX	XXX	XXX	XXX	110.0
Oct 16 - 31	XXX	XXX	XXX	XXX	XXX	105.9
Nov 1 - 15	XXX	XXX	XXX	XXX	XXX	105.7
Nov 16 - 30	XXX	XXX	XXX	XXX	XXX	88.1
Dec 1 - 31	XXX	XXX	XXX	XXX	XXX	80.3
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Lead, Total	XXX	XXX	XXX	Report	Report	XXX
Acrolein (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 006 are based on an average discharge flow of 26.8 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.25
Temperature (°F)						
Jan 1 - 31	XXX	XXX	XXX	XXX	XXX	92.7
Feb 1 - 28	XXX	XXX	XXX	XXX	XXX	98.1
Mar 1 - Sep 30	XXX	XXX	XXX	XXX	XXX	110.0
Oct 1 - 15	XXX	XXX	XXX	XXX	XXX	110.0
Oct 16 - 31	XXX	XXX	XXX	XXX	XXX	105.9
Nov 1 - 15	XXX	XXX	XXX	XXX	XXX	105.7
Nov 16 - 30	XXX	XXX	XXX	XXX	XXX	88.1
Dec 1 - 31	XXX	XXX	XXX	XXX	XXX	80.3
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Lead, Total	XXX	XXX	XXX	Report	Report	XXX
Acrolein (ug/L)	XXX	XXX	XXX	17.2	26.8	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 106.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	365	1,097	XXX	Report	Report	50
Ammonia-Nitrogen	41.0	123	XXX	Report	Report	60
Cyanide, Total	12.3	24.6	XXX	Report	Report	2.5
Lead, Total	1.23	3.69	XXX	Report	Report	0.94
Zinc, Total	1.84	5.53	XXX	Report	Report	1.13
Phenolics, Total	0.41	0.816	XXX	Report	Report	0.25

The proposed effluent limits for Outfall 008 are based on an average discharge flow of 2.21 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.25
Temperature (°F)						
Jan 1 - 31	XXX	XXX	XXX	XXX	XXX	92.7
Feb 1 - 28	XXX	XXX	XXX	XXX	XXX	98.1
Mar 1 - Sep 30	XXX	XXX	XXX	XXX	XXX	110.0
Oct 1 - 15	XXX	XXX	XXX	XXX	XXX	110.0
Oct 16 - 31	XXX	XXX	XXX	XXX	XXX	105.9
Nov 1 - 15	XXX	XXX	XXX	XXX	XXX	105.7
Nov 16 - 30	XXX	XXX	XXX	XXX	XXX	88.1
Dec 1 - 31	XXX	XXX	XXX	XXX	XXX	80.3
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, 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 Outfall 009 are based on an average discharge flow of 5.68 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.25

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Temperature (°F)						
Jan 1 - 31	XXX	XXX	XXX	XXX	XXX	92.7
Feb 1 - 28	XXX	XXX	XXX	XXX	XXX	98.1
Mar 1 - Sep 30	XXX	XXX	XXX	XXX	XXX	110.0
Oct 1 - 15	XXX	XXX	XXX	XXX	XXX	110.0
Oct 16 - 31	XXX	XXX	XXX	XXX	XXX	105.9
Nov 1 - 15	XXX	XXX	XXX	XXX	XXX	105.7
Nov 16 - 30	XXX	XXX	XXX	XXX	XXX	88.1
Dec 1 - 31	XXX	XXX	XXX	XXX	XXX	80.3
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total	XXX	XXX	XXX	0.711	1.42	1.78
Acrylamide	XXX	XXX	XXX	Report	Report	XXX
Acrylonitrile	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Fluoride, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 109 are based on an average discharge flow of 0.068 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	415	1,240	XXX	Report	Report	88
Oil and Grease	3.67	11.1	XXX	15.0	30.0	38
Lead, Total	2.62	7.84	XXX	Report	Report	1.13
Zinc, Total	3.93	11.8	XXX	Report	Report	1.69

The proposed effluent limits for Outfall 209 are based on an average discharge flow of 0.191 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	34.7	97.0	XXX	25.0	70.0	88
Oil and Grease	13.8	41.6	XXX	10.0	30.0	38
Lead, Total	0.416	1.25	XXX	0.30	0.90	1.13
Zinc, Total	0.623	1.87	XXX	0.45	1.35	1.69

The proposed effluent limits for Outfall 309.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	34.7	97.0	XXX	25.0	70.0	XXX
Oil and Grease	13.8	41.6	XXX	10.0	30.0	XXX
Lead, Total	0.416	1.25	XXX	0.30	0.90	XXX
Zinc, Total	0.623	1.87	XXX	0.45	1.35	XXX

The proposed effluent limits for Outfall 409.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6

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.

PA0097233, Sewage, SIC Code 4952, **South Versailles Township Allegheny County**, P.O. Box 66, Coulters, PA 15028. Facility Name: S Versailles Township. This existing facility is located at Lower Railroad Street, Coulters, PA 15028, located in South Versailles 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), Youghiogheny River (WWF), is located in State Water Plan watershed 19-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .03 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)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Daily Min 4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Daily Min 0.5	XXX	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	6.3	XXX	XXX	25.0	XXX	50.0
Biochemical Oxygen Demand (BOD ₅)	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	7.5	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	Report

The proposed effluent limits for Outfall 001 are based on a design flow of .03 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>	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Annl Avg Report	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

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), Unnamed Tributary to Connoquenessing Creek and 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

<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>	
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	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	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Total Phosphorus	XXX	XXX	2.0	Geo Mean 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>Average Monthly</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:

- Solids management for non-lagoon system
- Requirements applicable to stormwater outfalls
- Chlorine minimization

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.

PA0253260, Sewage, SIC Code 6514, **Henry Berdine**, 559 Zediker Station Road, Washington, PA 15301-3169. Facility Name: Berdine SRSTP. This existing facility is located in South Strabane Township, **Washington County**.

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

The receiving stream(s), Unnamed Tributary of Chartiers Creek (HQ-WWF), is located in State Water Plan watershed 20-F and is classified for High Quality Waters—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.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Semi-Annual Average</i>	<i>Average Weekly</i>		<i>Semi-Annual Average</i>	<i>Daily Maximum</i>	
Flow (MGD)	0.0004	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	XXX	XXX	XXX	20.0	XXX	40.0
May 1 - Oct 31	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	15.0	XXX	30.0
May 1 - Oct 31	XXX	XXX	XXX	5.0	XXX	10.0

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.

PA0255980, Sewage, SIC Code 8800, **Matthew E Hussak**, 41 Orchard Street, Canonsburg, PA 15317. Facility Name: Hussak Properties SRSTP. This proposed facility is located in Industry Borough, **Beaver 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 Wolf Run (WWF), is located in State Water Plan watershed and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg XXX	XXX	6.0 Inst Min XXX	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	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 412-442-4000.

The EPA Waiver is in effect.

PA0218146, Industrial, SIC Code 4922, **Texas Eastern Transmission, LP**, 5400 Westheimer Court, Houston, TX 77056-5310. Facility Name: Armagh Compressor Station. This existing facility is located in West Wheatfield Township, **Indiana County**.

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

The receiving stream(s), Unnamed Tributary to East Branch Richards Run (CWF), is located in State Water Plan watershed 18-D 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 0.0016 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX
PCBs, Total	XXX	XXX	XXX	0.000063	0.000124	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0

The proposed effluent limits for Outfall 001 are based on a design flow of .0.0016 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	XXX
PCBs, Total	XXX	XXX	XXX	0.000063	0.000124	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0

The proposed effluent limits for IMP 101.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. 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 (GPM)	Report	XXX	XXX	XXX	XXX	XXX
Total Flow (Total Volume) (M Gal)	Report	XXX	XXX	XXX	XXX	XXX
Duration of Discharge (hours)	XXX	XXX	XXX	Report	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	0.05
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30
Iron, Dissolved	XXX	XXX	XXX	XXX	XXX	7.0
Benzene	XXX	XXX	XXX	XXX	XXX	0.0025

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. 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>	
BTEX, Total	XXX	XXX	XXX	XXX	XXX	0.25
PCBs, Total (ug/L)	XXX	XXX	XXX	Report	XXX	Report

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

The EPA Waiver is not in effect.

III. Individual NPDES Permit Applications for Discharges of Stormwater Associated with Construction Activity.

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD230058	New	Upper Darby School District 4611 Bond Avenue Drexel Hill, PA 19026-4236	Upper Darby Township Delaware County	SERO
PAD480157	New	Northampton County Parks & Recreation Dept. Bryan Cope 669 Washington St. Easton, PA 18042	Plainfield Township Northampton County	NERO
PAD400048	New	National Sisterhood United for Journeymen Linemen Rachel Johnson 15 Jarrick Lane White Haven, PA 18661	Foster Township Luzerne County	NERO
PAD050013	New	Bedford Township Municipal Authority 1007 Shed Road Bedford, PA 15522	Bedford Township Bedford County	SCRO
PAD630060	Individual NPDES	Eighty-Four Land Company 163 Lelak Lane Venetia, PA 15367	Somerset Township Washington County	SWRO
PAD650034	Individual NPDES	Yorkshire Enterprises 3684 Vineland Avenue The Villages, FL 32163	Unity Township Westmoreland County	SWRO

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>
Todd Rabert Poultry Operation 380 South Locust Point Road Mechanicsburg, PA 17055	Cumberland	55.42	274.29	Poultry Broilers Beef Finishers	NA	New

PUBLIC WATER SUPPLY PERMITS

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

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

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

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

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

SAFE DRINKING WATER

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

Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, 570-826-2511.

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

Application No. 4021506, Public Water Supply.

Applicant	Aqua Pennsylvania, Inc. 1 Aqua Way White Haven, PA 18661
Municipality	Hazle Township
County	Luzerne
Type of Facility	Public Water Supply

Consulting Engineer	David R. Knapton, P.E. GHD, Inc. 4068 Mt. Royal Boulevard Gamma Building Suite 201 Allison Park, PA 15101
Application Received Date	September 9, 2021
Description of Action	Aqua Pennsylvania, Inc. proposes to construct a new recirculation pump station in the Eagle Rock Resort development located at the intersection of Stony Mountain Drive and Adler/Swope Mountain Lane.

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

Permit No. 2221515, Public Water Supply.

Applicant	Capital Region Water
Municipality	Susquehanna Township
County	Dauphin
Responsible Official	David Stewart Director of Engineering 212 Locust Street Suite 302 Harrisburg, PA 17101
Type of Facility	Public Water Supply
Consulting Engineer	Jamie R. Shambaugh, P.E. Gannett Fleming, Inc. P.O. Box 67100 Harrisburg, PA 17106-7100

Application Received:	August 9, 2021
Description of Action	Modifications to the existing flocculation basins and drive motors.

Permit No. 3821505, Public Water Supply.

Applicant	Heidelberg Township
Municipality	Heidelberg Township
County	Lebanon
Responsible Official	Paul Fetter Chairman 111 Mill Road P.O. Box 188 Schaefferstown, PA 17088
Type of Facility	Public Water Supply

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

Application Received: August 5, 2021

Description of Action Replacement of the existing
nitrate treatment system.

Permit No. 0121507, Public Water Supply.

Applicant **Possum Valley
Municipal Authority**

Municipality Menallen Township

County **Adams**

Responsible Official Michael Johnson
Chairman
609 Clearview Road
Aspers, PA 17304

Type of Facility Public Water Supply

Consulting Engineer Mark Mazzochette, P.E.
Hydro-Terra Group
1106 Business Parkway South
Suite E
Westminster, MD 21157

Application Received: August 26, 2021

Description of Action Rarate of the Labor Camp Well.

Permit No. 0121508, Public Water Supply.

Applicant **Possum Valley
Municipal Authority**

Municipality Menallen Township

County **Adams**

Responsible Official Michael Johnson
Chairman
609 Clearview Road
Aspers, PA 17304

Type of Facility Public Water Supply

Consulting Engineer Mark Mazzochette, P.E.
Hydro-Terra Group
1106 Business Parkway South
Suite E
Westminster, MD 21157

Application Received: August 26, 2021

Description of Action Installation of a new well—
Alternate Labor Camp Well.

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

Permit No. 1121509, Public Water Supply.

Applicant **Greater Johnstown
Water Authority**
640 Franklin Street
Johnstown, PA 15901

Borough Westmont Borough

County **Cambria**

Responsible Official Michael Kerr
Manager

Type of Facility Water system

Consulting Engineer Gibson Thomas Engineering
Company, Inc.
1004 Ligonier Street
Box 853
Latrobe, PA 15650

Application Received: September 8, 2021

Description of Action Construction of the
486,000-gallon Westmont Brick
tank with a mixing system and a
pressure reducing vault.

Permit No. 0221541, Public Water Supply.

Applicant **Susan Affolder & Randy Muto
Fools, Inc.**
370 Rochester Road
Pittsburgh, PA 15237

Township Ross Township

County **Allegheny**

Responsible Official Susan Affolder
President

Type of Facility Water system

Consulting Engineer Key Environmental, Inc.
200 3rd Avenue
Carnegie, PA 15106

Application Received: September 15, 2021

Description of Action Water supply system for Fools
Tavern.

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

Permit No. 4321504, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**

Municipality City of Sharon

County **Mercer**

Responsible Official Zach F. Martin
665 South Dock Street
Sharon, PA 16146

Type of Facility Booster Pump Station

Consulting Engineer Mark R. Widdershelm, P.E.
Entech Engineering, Inc.
400 Industry Drive
Suite 200
Pittsburgh, PA 15275

Application Received: September 3, 2021

Description of Action Stateline Booster Pump Station.

Permit No. 4321503, Public Water Supply.

Applicant **Grove City Borough**

Municipality Grove City Borough

County **Mercer**

Responsible Official Vance Oakes
125 West Main Street
Grove City, PA 16127

Type of Facility Grove City WTP

Consulting Engineer Daniel J. Goncz, P.E.
Gannett Fleming, Inc.
Foster Plaza 8
Suite 400
730 Holiday Drive
Pittsburgh, PA 15220

Application Received Date August 16, 2021

Description of Action New WTP

Permit No. 2021501, Public Water Supply.

Applicant **Mobile Realty 10, LLC**

Township Woodcock Township

County **Crawford**

Responsible Official J. Herbert Fisher, Jr.
1768 Oregon Pike
Lancaster, PA 17601

Type of Facility Mobile Home Park

Consulting Engineer Steven R. Halmi, P.E.
Deiss & Halmi Engineering, Inc.
105 Meadville Street
Edinboro, PA 16412

Application Received Date September 10 2021

Description of Action Treatment Consolidation and
Contact Segment Addition.

Permit No. 4321502, Public Water Supply.

Applicant **Greenville Municipal
Water Authority**

Township Hempfield Township

County **Mercer**

Responsible Official Thomas Strahler
44 Clinton Street
Greenville, PA 16125

Type of Facility Pump Station

Consulting Engineer Robert Horvat, Jr. P.E.
Entech Engineering, Inc.
400 Industry Drive
Suite 200
Pittsburgh, PA 15275

Application Received Date June 25, 2021

Description of Action Hadley Road Booster Pump
Station Relocation.

Permit No. 6121501, Public Water Supply.

Applicant **General Authority of the
City of Franklin**

Municipality City of Franklin

County **Venango**

Responsible Official Timothy Dunkle
430 13th Street
Franklin, PA 16323

Type of Facility 15th Street Pump Station

Consulting Engineer Kyle W. Fritz P.E.
The EADS Group
227 Franklin Street
Suite 300
Johnstown, PA 15901

Application Received Date August 27, 2021

Description of Action Pump Station

Permit No. 1021503, Public Water Supply.

Applicant **Concordia Lutheran
Ministries**

Township Jefferson Township

County **Butler**

Responsible Official Brian Hortert
134 Marwood Road
Cabot, PA 16023

Type of Facility New Groundwater Source

Consulting Engineer Donald Olmstead, P.E.
Venture Engineering and
Construction
100 Global View Drive
Warrendale, PA 15086

Application Received Date June 16, 2021

Description of Action New Well # 5.

*Central Office: Safe Drinking Water, P.O. Box 8467,
Harrisburg, PA 17105-8467.*

Permit No. 9996630, Public Water Supply.

Applicant **Niagara Bottling, LLC**
4800 Langdon Road
Suite 400
Dallas, TX 75241

Township or Borough Dallas, Texas

Responsible Official Andy Peykoff II

Type of Facility Out of State Bottled Water
System

Application Received Date September 23, 202

Description of Action Application to sell Essentia
2-gallon bag in box purified
water with minerals.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

**Acknowledgment of Notices of Intent to Remediate
Submitted Under the Land Recycling and Environ-
mental 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.

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, Diesel Direct, 2527 Market Street, Aston, PA 19014 submitted a Notice of Intent to Remediate. Soil at the site has been found to be contaminated with hydraulic oil and antifreeze. The proposed future use of the property will be as is (i.e., church facility). The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in *The Bucks County Courier Times* on September 15, 2021.

Southcentral Region: Environmental Cleanup & Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Eastern Consolidation & Distribution Services, Inc., 460 Sterling Street, Camp Hill, PA 17011, Hampden Township, **Cumberland County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of ECD Services and Baron Ventures, Inc., 560 Sterling Street, Camp Hill, PA 17011, submitted a

Notice of Intent to Remediate site soil and groundwater contaminated with diesel fuel. The site will be remediated to the site specific and residential Statewide health standards. Future use of the site will be used as nonresidential commercial purposes. The Notice of Intent to Remediate was published in *The Sentinel* on August 16, 2021.

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

Mountain Energy Service Tanker Accident, 3019 Mountain Road, Monroeton, PA 18832, Franklin Township, **Bradford County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205, on behalf of Chief Oil & Gas, LLC, 1720 Sycamore Road, Montoursville, PA 17754 has submitted a Notice of Intent to Remediate concerning site soil contaminated with produced water due to an overturned tanker truck. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was published in *The Daily Review* on September 9, 2021.

Clarke 5H on the Clarke BRA Pad, 3427 Morris Road, Overton, PA 18833, Overton Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, has submitted a Notice of Intent to Remediate concerning site soil contaminated with produced water. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was published in *The Daily Review* on September 14, 2021.

Highland & York Property Heating Oil Release Cleanup, 240 North Third Street, Lewisburg, PA 17837, Lewisburg Borough, **Union County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of Highland & York, LLC, 660 Sixth Street, Northumberland, PA 17857, has submitted a Notice of Intent to Remediate concerning 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 Daily Item* on September 16, 2021.

HAZARDOUS WASTE TREATMENT, STORAGE & DISPOSAL FACILITIES

Applications Received, Withdrawn, Denied or Returned Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.

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

PAD010154045. Envirite of Pennsylvania, Inc., 730 Vogelsong Road, York, PA 17404, City of York, **York County**. Application for a Class 2 Permit Modification was determined to be administratively complete on September 23, 2021.

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

PAD005033055. Wabtec US Rail, Inc., 2901 East Lake Road, Erie, PA 16531, Lawrence Park Township, **Erie County**. Application received on September 8, 2021.

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

Application(s) for Determination of Applicability 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 Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

General Permit Application No. WMGR123SW053. EQT Production Company, 400 Woodcliff Drive, Canonsburg, PA 15317. An application for coverage under General Permit No. WMGR123 for the processing, transfer and beneficial use of oil and gas liquid waste to develop or hydraulically fracture an oil or gas well at the Hoosker Doo Aboveground Storage Tank facility, located at Bryan Ridge Road in Aleppo Township, **Greene County** was accepted as administratively complete by the Southwest Regional Office on September 23, 2021.

Comments concerning the application should be directed to the Southwest Regional Office Resource Account at RA-EP-EXTUPLSWRO@pa.gov. Persons interested in obtaining more information about the general permit application may contact the Southwest Regional Office, 412-442-4000. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice.

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

Southwest Region: Waste Management Environmental Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000.

General Permit Application No. WMGR138SW001. Woehler Landscape Supply Yard at 202, LLC, 1357 Streets Run Road, Pittsburgh, PA 15236. The site address is 202 Buckeye Street, Canonsburg, PA 15317, Peters Township, **Washington County**. The Department received a new application for coverage under General Permit No. WMGR138. This general permit is for the processing of yard waste, land clearing and grubbing waste, construction and demolition waste, concrete and asphalt waste and pre- and post-consumer asphalt shingles for beneficial use as landscape material and for further recycling. The application was deemed administratively complete in the Regional Office on September 14, 2021.

Comments concerning the application should be directed to the Waste Management Program Manager, DEP Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. Persons interested in reviewing the general permit or the

application may contact the Department of Environmental Protection, Regional Files, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984.

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Christina Wilhelm.

General Permit Application No. WMGR123NW016, PennEnergy Resources, LLC, 762 Brownsdale Road, Evans City, PA 16033, Forward Township, **Butler County**. The application requests approval to install a tank and secondary containment at the McElhinney Tank Pad site to store, process, and beneficially reuse oil and gas liquid waste. The application for determination of applicability was received by the Northwest Regional Office on September 20, 2021.

Comments concerning the application should be directed to Christina Wilhelm, Waste Management Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Persons interested in obtaining more information about the general permit application may contact the Northwest Regional Office, (814) 332-6648. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of, the application.

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

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

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401, 484-250-5960.

Permit Application No. 400633. Wheelabrator Falls Inc., 1201 New Ford Mill Road, Morrisville, PA 19067-3707. This Application is for the ten (10) year renewal of the existing Solid Waste Permit No. 400633 to continue operation of the Wheelabrator Falls Resource Recovery Facility, a commercial resource recovery incinerator, located at 1201 New Ford Mill Road in Falls Township, **Bucks County**. The application was received by the Southeast Regional Office on September 15, 2021.

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

**AIR QUALITY
PLAN APPROVAL AND OPERATING
PERMIT APPLICATIONS**

The Department has developed an “integrated” plan approval, State Operating Permit and Title V Operating

Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities. Copies of the application, the Department's analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department's Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

A person wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when the Department determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate Department Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the Regional Office listed before the application. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

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

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

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

PA-63-00895A: Ensinger, Inc. (365 Meadowlands Blvd., Washington, PA 15301-8904). In accordance with 25 Pa. Code §§ 127.44 and 127.45, the Pennsylvania Department of Environmental Protection (DEP) is providing notice that it intends to issue an Air Quality Plan Approval (PA-63-00895A) to Ensinger, Inc. (Enginger) to authorize the installation and temporary operation of a new Schwing Thermal Cleaning System and integrated emission controls at its existing Ensinger Washington Facility located at 365 Meadowlands Boulevard in North Strabane Township, **Washington County**. The thermal cleaning system is a combined process involving pyrolysis and oxidation.

The emissions will be controlled by a 3-way Integral Catalytic Oxidizer, manufactured by Schwing, Model No. 354, air dilution rated at 11 SCFM. The potential emissions after control from this project are limited to: NO_x = 16.5 tpy; VOC = 5.0 tpy; CO = 3.0 tpy; PM₁₀ = 0.5 tpy; PM_{2.5} = 0.5 tpy; HCHO = 0.25 tpy; MeCHO = 0.25 tpy; and total HAPs = 0.50 tpy.

This authorization is subject to the best available technology (BAT) and the State regulations including 25 Pa. Code Chapters 123 and 127. Plan approval conditions include emission limits, operational restrictions, monitoring requirements, work practice standards, associated recordkeeping, reporting requirements, and stack testing. Once compliance with the Plan Approval is demonstrated, the applicant will be required to revise or submit a State Only Operating Permit (SOOP) application in accordance with 25 Pa. Code Subchapter F. Plan Approval application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Plan Approval for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222.

To request a review of the 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 Jesse Parihar at jparihar@pa.gov or 412.442.4030.

A person may oppose the proposed Plan Approval by filing a written protest with the Department through Jesse Parihar via the U.S. Postal Service to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; email to jparihar@pa.gov; or fax to 412.442.4194. Additional written comments may also be submitted. 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-63-00895A) 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.

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

Contact: David Balog, New Source Review Chief, (814) 332-6940.

61-200B: Webco Industries, Inc.—Oil City Tube Division (363 Seneca St., Oil City, PA 16301) for the establishment of a site-wide CO emissions limit for existing sources at their facility in the City of Oil City, **Venango County**.

Notice is hereby given pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 61-200B to Webco Industries, Inc.—Oil City Tube Division for the establishment of a site-wide CO emissions limit for existing sources at their facility in the City of Oil City, Venango County. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 61-200B establishes a site-wide emissions limit of 100 tons carbon monoxide per year for all sources at the site, in order to maintain classification as a synthetic minor source with respect to Title V. Compliance with this limit will be demonstrated via monitoring of throughput and hours of operation, and emission factors establish via prior stack testing.

The Plan Approval will contain additional testing, monitoring, reporting, recordkeeping and work practice requirements 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 are available for public inspection between the hours of 8:00 a.m. and 4:00 p.m. weekdays at the following address. To make an appointment, contact Records Management at 814-332-6340.

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the following address. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the name, address, and telephone number of the person submitting comments, identification of the proposed Plan Approval; No. 61-200B and a concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or 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 Eric Gustafson, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335, 814-332-6940.

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 Plan Approval for installation of air pollution sources at the following facility:

IP20-000495: Temple University—Health Sciences Campus (3401 North Broad Street, Philadelphia, PA 19140) for the installation of air emission sources at a University, in the City of Philadelphia, **Philadelphia County**. The air emission sources that are part of the Plan Approval are two (2) new boilers that will replace two existing boilers, with the new boilers firing natural gas primarily and No. 2 oil during periods of natural gas curtailment each rated 89.98 MMBtu/hr (natural gas)/86.33 MMBtu/hr (No. 2 oil), and one (1) rental boiler firing natural gas primarily and No. 2 oil during periods of natural gas curtailment rated 94.7 MMBtu/hr (natural gas)/91.3 MMBtu/hr (No. 2 oil). The potential emission from the installation are as follows: (1) 26.28 tons per year (tpy) of Carbon Monoxide (CO), (2) 23.59 tpy of Nitrogen Oxides (NO_x), (3) 17.35 tpy of Sulfur Oxides (SO_x), (4) 5.05 tpy of Particulate Matter (PM), and (5) 1.85 tpy of Volatile Organic Compound (VOC). The plan approval will contain operating, monitoring, and record-keeping requirements to ensure operation within all applicable requirements.

The plan approval will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest, comments, or request a public hearing on the previously listed plan approval must submit the protest, comments or request for a public hearing within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the plan approval or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

OPERATING PERMITS

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

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

Contact: Matthew Williams, Facilities Permitting Chief, (814) 332-6328.

10-00079: BNZ Materials, Incorporated (191 Front St, Zelienople, PA 16063-1088). In accordance with 25 Pa. Code §§ 127.441, 127.425 and 127.521, the Department is providing notice that they intend to issue a renewed Title V Operating Permit for the insulating fire brick (IFB) manufacturing facility located in Zelienople Borough, **Butler County**. The manufacturing process involves the use of clay and sawdust. The air contamination sources include emissions from silos, conveyors, material transfer, machine feeders, dryers, and kilns. Other emission sources are two emergency generator engines, a solvent degreaser, a 300-gallon gasoline storage tank, and miscellaneous natural gas combustion. The facility is a major facility due to its potential to emit CO. 2020 reported emissions are as follows: 8.39 tons NO_x, 86.90 tons CO, 2.90 tons VOC, 5.61 tons PM₁₀, and 10.13 tons SO_x. The natural gas-fired kiln control panel emergency generator is subject to 40 CFR Part 63 Subpart ZZZZ, NESHAP for Stationary Reciprocating

Internal Combustion Engines. The natural gas-fired emergency lighting generator is subject to 40 CFR 60 Subpart JJJJ, Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. The gasoline storage tank is subject to 40 CFR 63 Subpart CCCCC, NESHAP for Gasoline Dispensing Facilities. The renewal permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

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

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

46-00108: Highway Materials Inc./Perkiomenville Quarry (409 Stenton Ave, Flourtown, PA 19031) for a Non-Title V Facility, Renewal of a State-Only, Synthetic Minor Permit in Marlborough Township, **Montgomery County**. Highway Materials is an asphalt paving mixture and block manufacturing facility. The sources of emissions include crushers. The company took a tons per year throughput restriction on the amount of particulate matter emissions. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROPUBCOM@pa.gov.

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

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

39-00074: Sumitomo (SHI) Cryogenics of America, Inc. (1833 Vultee Street, Allentown, PA 18103) for the operation of sources at their facility located in Allentown City, **Lehigh County**. This is a renewal State-Only Operating Permit. The State-Only Operating Permit includes emission limits, work practice standards, testing, monitoring, recordkeeping, and reporting requirements designed to keep the facility operating within applicable air quality requirements.

40-00093: Fabri-Kal Corporation (150 Lions Drive, Valmont Industrial Park, Hazle Township, PA 18202) for the operation of sources at their facility located in Hazle Township, **Luzerne County**. This is a renewal State-Only Operating Permit. The State-Only Operating Permit includes emission limits, work practice standards, testing, monitoring, recordkeeping, and reporting requirements designed to keep the facility operating within applicable air quality requirements.

48-00068: PA Perlite Corporation/Bethlehem Plant (1428 Mauch Chunk Road, Bethlehem, PA 18018) for the operation of sources at their facility located in Bethlehem City, **Lehigh County**. This is a renewal State-Only Operating Permit. The State-Only Operating Permit includes emission limits, work practice standards, testing, monitoring, recordkeeping, and reporting requirements designed to keep the facility operating within applicable air quality requirements.

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

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

08-00025: Richards Funeral Home, Inc. (502 North Keystone Avenue, South Waverly, PA 18840) to issue a renewal State Only Natural Minor Operating Permit for their Northern Bradford Crematory located in South Waverly Borough, **Bradford County**. The facility is currently operating under State Only Operating Permit 08-00025. The facility's main sources are three crematory incinerators.

The facility has potential emissions of 3.1 tons per year (tpy) of NO_x, 1.8 tpy of SO_x, 4.0 tpy of PM₁₀, 2.5 tpy of CO, 0.3 tpy of VOCs, 1.2 tpy of total HAPs, and 2,135 tpy of GHGs. There are no emissions increases or equipment changes being proposed by this action.

The emission limits, throughput limitations and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

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

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

11-00423: Johnstown Wire Technologies, Inc. (124 Laurel Avenue, Johnstown, PA 15906-2246). In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department is providing notice that it intends to issue a renewal natural minor State Only Operating Permit (SOOP) for the operation of the Johnstown Wire Technologies Plant Site in the city of Johnstown, **Cambria County**.

Equipment at this facility includes a boiler plant containing four (4) natural gas-fired combustion units rated at 10 MMBtu/hr each, sixteen (16) natural gas-fired heat treating furnaces rated at a total of 104 MMBtu/hr, three (3) wire cleaning/pickling houses, an aluminizing house, and four (4) Bethanizing lines. Potential annual emissions are estimated to be 61.84 tons of NO_x, 51.94 tons of CO, 3.4 tons of VOC, 15.25 tons of PM₁₀, 0.37 ton of SO₂, 2.72 tons of HCl, 1.11 tons of hexane, 3.83 tons of HAP, and 74,206 tons of GHG.

The facility is subject to the applicable requirements of 25 Pa. Code Article III, Chapters 121—145. The proposed operating permit includes emissions limitations, monitoring, work practice standards, reporting, and recordkeeping requirements for the facility.

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>.

Any person may submit comments, a request for the Department to hold a public hearing, or a protest to the

proposed operating permit or a condition thereof by submitting the information to Nick Waryanka, P.E., Air Quality Engineer, at the Southwest Regional Office. A 30-day comment period from the date of publication of this notice will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Operating Permit 11-00423) and concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

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 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.

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

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

42-00246: National Fuel Gas Supply Corp., Keelor Compressor Station (575 Township Line Rd, Kane, PA 16735). The Department intends to issue the initial State-Only Operating Permit of a natural gas transmission facility located in Wetmore Township, **McKean County**. Permitted air contamination sources at the facility are three natural gas-fired compressor engines, a natural gas-fired emergency generator, a dehydration unit, and miscellaneous fugitive emission sources. Sources at the facility were initially authorized through PA 42-246A. With respect to the sources authorized through and requirements of PA 24-246A, several changes are made. The three electrical generator turbines authorized under the plan approval were not constructed and therefore not included in the permit. The leak detection and repair (LDAR) requirements of the plan approval are less stringent than the LDAR requirements of 40 CFR 60 Subpart OOOOa and, as a result, streamlined out of the permit. For permitting purposes, the facility is Natural Minor.

COAL & NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous

Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

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

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the District Mining Office indicated above each application within 30-days of this publication, or within 30-days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

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

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

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

Coal Applications Received

Effluent Limits—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Table 1

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH ¹		greater than 6.0; less than 9.0	

Alkalinity greater than acidity¹

¹ 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 Mining Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100, (Contact: Bonnie Herbert).

Permit No. 56841301 and NPDES Permit No. PA0110914. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201 to renew the permit and related NPDES Permit for Solar No. 7 Mine in Quemahoning Township, **Somerset County**. No additional discharges. The application was considered administratively complete on September 22, 2021. Application received: August 6, 2021.

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

Permit No. 56210103 and NPDES No. PA0279838. Wilson Creek Energy, LLC, 1576 Stoystown Road, P.O. Box 149, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface and auger mine in Somerset Township, **Somerset County** affecting 312.4 acres. Receiving stream: Kimberly Run and unnamed tributaries to Wells Creek classified for the following use: cold water fishes & cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: September 3, 2021.

New Stanton District Mining Office: P.O. Box 133, New Stanton, PA 15672, (724) 925-5500, (Contact: Tracy Norbert).

Permit No. 02080102 and NPDES Permit No. PA0251500. Cherep's Excavating, LLC, 9742 Saltsburg Road, Pittsburgh, PA 15239. Revision application for land use change from forestland to unmanaged natural habitat to an existing bituminous surface mine, located in Collier and North Fayette Townships, **Allegheny County**, affecting 138.2 acres. Receiving streams: unnamed tributaries to Pinkertons Run, Chartiers Creek, Robinson Run, unnamed tributaries to Robinson Run and Pinkertons Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: September 28, 2021.

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

Permit No. PA0225606R. Stouidt's Ferry Preparation Co., Inc., 68 Mush Dahl Road, New Ringgold, PA 17960, renewal of an existing NPDES Permit for discharge of treated mine drainage from a coal dredging operation in Upper Providence Township, **Montgomery County**. Receiving stream: Schuylkill River, classified for the following use: cold water fishery. Application received: August 30, 2021.

Permit No. 54940203R5. Wilbur White Coal Company, 11 Low Road, Pottsville, PA 17901, renewal of an existing anthracite coal refuse reprocessing operation in Butler Township, **Schuylkill County** affecting 23.0 acres. Receiving stream: Mahanoy Creek, classified for the following uses: warm water and migratory fishes. Application received: September 3, 2021.

Permit No. 54111301R2. Little Buck Coal Company, 57 Lincoln Road, Pine Grove, PA 17963, renewal of an existing anthracite underground mine operation for reclamation only in Tremont Township, **Schuylkill County** affecting 1.5 acres. Receiving stream: Stumps Run, classified for the following uses: cold water and migratory fishes. Application received: September 20, 2021.

Permit No. 49851602C2. D. Molesevich & Sons Construction Co., Inc., P.O. Box 121, Mt. Carmel, PA 17851, correction of an existing anthracite coal preparation plant and coal refuse reprocessing operation to include surface mining with blasting in Mt. Carmel Township, **Northumberland County** affecting 23.0 acres of the 46.2 acres permit. Receiving stream: Shamokin Creek, classified for the following uses: warm water and migratory fishes. Application received: September 23, 2021.

Noncoal Applications Received

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

Table 2

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

* The parameter is applicable at all times.

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

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

Permit No. 10960304. Allegheny Mineral Corporation, P.O. Box 1022, Kittanning, PA 16201. Renewal of NPDES Permit No. PA0227218 in Washington Township, **Butler County**, affecting 113.3 acres. Receiving stream: South Branch Slippery Rock Creek classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: September 20, 2021.

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

Permit No. 17200301. Russell Stone Products, Inc., 2640 Greenville Pike, Grampian, PA 16838. Commencement, operation and restoration of a Large Noncoal Industrial Minerals mine located in Bloom and Pike Townships, **Clearfield County** affecting 38.9 acres. Receiving stream(s): Anderson Creek and Bilger Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: August 16, 2021.

Permit No. 41990301. Glenn O. Hawbaker, Inc., 1952 Waddle Road, State College, PA 16803. Permit revision to expand to the Southwest on an adjacent 0.14 acre, including a request for a variance to conduct support activities within 100 feet of Hagerman's Run on a Large Noncoal Industrial Minerals mine located in Armstrong Township, **Lycoming County** affecting 44.21 acres. Receiving stream(s): Hagerman's Run classified for the following use(s): EV, CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: August 10, 2021.

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

NPDES Permit No. PA0226211. WM Quarries, LLC, 500 West 5th Street, Suite 1010, Austin, TX 78701, NPDES Permit for discharge of treated mine drainage from a quarry operation on Surface Mining Permit No. 58080301C in Lanesboro Borough and Harmony Township, **Susquehanna County** affecting 465.6 acres. Receiving stream: Starrucca Creek, classified for the following uses: cold water and migratory fishes. Application received: June 20, 2021.

NPDES Permit No. PA0594211. Pennsy Supply, Inc., 2400 Thea Drive, Suite 3A, Harrisburg, PA 17110, renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation on Surface Mining Permit No. 22880302C3 in Lower Swatara Township, **Dauphin County** affecting 136.02 acres. Receiving stream: Swatara Creek, classified for the following use: warm water fishes. Application received: September 14, 2021.

MINING ACTIVITY NPDES DRAFT PERMITS

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

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

Effluent Limits for Coal Mining Activities

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

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

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

*The parameter is applicable at all times.

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

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

Effluent Limits for Noncoal Mining Activities

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

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

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

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

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

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

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

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

Coal NPDES Draft Permits

California District Mining Office: 25 Technology Drive, California Technology Park, Coal Center, PA 15423, (724) 769.1100.

NPDES No. PA0214191 (Mining Permit No. 17921602), King Coal Sales, Inc., P.O. Box 712, Philipsburg, PA 16866, a renewal to the NPDES and mining activity permit for Cunard Coal Preparation Facility in Morris Township, **Clearfield County**, affecting 20.9 surface acres. Receiving stream(s): Unnamed Wetland to Adler Run: CWF. Alder Run TMDL. The application was considered administratively complete: April 2, 2019. The application was received: August 20, 2018.

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

Outfall 001 discharges to: Unnamed Wetland to Alder Run

The proposed effluent limits for *Outfall 001* (Lat: 40° 57' 31" Long: -78° 12' 36") are:

The following effluent limitations and monitoring requirements apply to the subject outfall from Permit Effective Date to End of 36th Month:

Parameter		Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Flow	(mgd)	-	-	-	REPORT
Iron	(mg/l)	-	3.0	6.0	7.0
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	-	-	REPORT
Suspended Solids	(mg/l)	-	35	70	90
pH	(s.u.)	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃	(mg/l)	-	-	-	REPORT
Acidity, Total as CaCO ₃	(mg/l)	-	-	-	REPORT
Alkalinity, Net	(mg/l)	0.0	-	-	-
Sulfate	(mg/l)	-	-	-	REPORT
Total Dissolved Solids	(mg/l)	-	-	-	REPORT

Outfall 001 discharges to: Unnamed Wetland to Alder Run

The proposed effluent limits for *Outfall 001* (Lat: 40° 57' 31" Long: -78° 12' 36") are:

The following effluent limitations and monitoring requirements apply to the subject outfall from First Day of 37th Month to Permit Expiration Date:

Parameter		Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Flow	(mgd)	-	-	-	REPORT
Iron	(mg/l)	-	1.5	3.0	3.8

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Suspended Solids	(mg/l)	-	35	70	90
pH	(s.u.)	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃	(mg/l)	-	-	-	REPORT
Acidity, Total as CaCO ₃	(mg/l)	-	-	-	REPORT
Alkalinity, Net	(mg/l)	0.0	-	-	-
Sulfate	(mg/l)	-	-	-	REPORT
Total Dissolved Solids	(mg/l)	-	-	-	REPORT

The EPA Waiver is not in effect.

NPDES No. PA0215490 (Mining Permit No. 17743702), Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, a renewal to the NPDES and mining activity permit for Lady Jane Plant in Huston Township, **Clearfield County**, affecting 114.2 surface acres. Receiving stream(s): Moose Run: CWF. Bennett Branch Sinnemahoning Creek Watershed TMDL. The application was considered administratively complete: February 7, 2020. The application was received: January 23, 2020.

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

Outfall 001 discharges to: Moose Run

The proposed effluent limits for *Outfall 001* (Lat: 41° 11' 58.7" Long: -78° 33' 07.5") are:

The following effluent limitations and monitoring requirements apply to the subject outfall from Permit Effective Date to Permit Expiration Date:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	REPORT
Iron	(mg/l)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Suspended Solids	(mg/l)	-	35	70	90
pH	(s.u.)	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃	(mg/l)	-	-	-	REPORT
Acidity, Total as CaCO ₃	(mg/l)	-	-	-	REPORT
Alkalinity, Net	(mg/l)	0.0	-	-	-
Total Dissolved Solids	(mg/l)	-	-	-	REPORT
Sulfate	(mg/l)	-	-	-	REPORT

Outfall 002 discharges to: Moose Run

The proposed effluent limits for *Outfall 002* (Lat: 41° 11' 56.2" Long: -78° 33' 04.1") are:

The following effluent limitations and monitoring requirements apply to the subject outfall from Permit Effective Date to Permit Expiration Date:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	REPORT
Iron	(mg/l)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Suspended Solids	(mg/l)	-	35	70	90
pH	(s.u.)	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃	(mg/l)	-	-	-	REPORT
Acidity, Total as CaCO ₃	(mg/l)	-	-	-	REPORT
Alkalinity, Net	(mg/l)	0.0	-	-	-
Total Dissolved Solids	(mg/l)	-	-	-	REPORT
Sulfate	(mg/l)	-	-	-	REPORT

Outfall 004 discharges to: Moose Run

The proposed effluent limits for *Outfall 001* (Lat: 41° 12' 03.5" Long: -78° 33' 09.2") are:

The following effluent limitations and monitoring requirements apply to the subject outfall from Permit Effective Date to Permit Expiration Date:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	REPORT
Iron	(mg/l)	-	1.5	3.0	3.8

NOTICES

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Suspended Solids	(mg/l)	-	35	70	90
pH	(s.u.)	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃	(mg/l)	-	-	-	REPORT
Acidity, Total as CaCO ₃	(mg/l)	-	-	-	REPORT
Alkalinity, Net	(mg/l)	0.0	-	-	-
Total Dissolved Solids	(mg/l)	-	-	-	REPORT
Sulfate	(mg/l)	-	-	-	REPORT

Outfall 005 discharges to: Unnamed Tributary to Moose Run

The proposed effluent limits for *Outfall 005* (Lat: 41° 12' 18.7" Long: -78° 33' 37.0") are:

The following effluent limitations and monitoring requirements apply to the subject outfall from Permit Effective Date to Permit Expiration Date:

<i>Parameter</i>		<i>Annual loading</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	-	REPORT
Iron	(mg/l)	-	-	1.5	3.0	3.8
Manganese	(mg/l)	-	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	-	0.75	0.75	0.75
Suspended Solids	(mg/l)	-	-	35	70	90
pH	(s.u.)	-	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃	(mg/l)	-	-	-	-	REPORT
Acidity, Total as CaCO ₃	(mg/l)	-	-	-	-	REPORT
Alkalinity, Net	(mg/l)	-	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	50	94.12	94.12
Total Dissolved Solids	(mg/l)	5,000 lb/day Annual Avg.	-	-	-	REPORT
Sulfate	(mg/l)	-	-	-	-	REPORT
Bromide	(mg/l)	-	-	-	-	REPORT

The EPA Waiver is not in effect.

Knox District Mining Office: White Memorial Building, P.O. Box 669, Knox, PA 16232-0669, (814) 797.1191.

NPDES No. PA0212130 (Permit No. 16940105), Original Fuels, Inc., P.O. Box 343, Punxsutawney, PA 15767, Renewal of an NPDES permit for a bituminous surface mine in Perry Township, **Clarion County**, affecting 131.0 acres. Receiving stream(s): Unnamed tributary to the Allegheny River classified for the following use(s): CWF. TMDL: None. Application received: August 16, 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 outfalls discharge to an unnamed tributary to Allegheny River:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
007	N
008	N
009	N
010	N
011	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Alkalinity greater than acidity ¹				

¹ The parameter is applicable at all times.

The following outfalls discharge to an unnamed tributary to Allegheny River:

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

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

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Alkalinity greater than acidity ¹				

¹The parameter is applicable at all times.

Noncoal NPDES Draft Permits

Knox District Mining Office: White Memorial Building, P.O. Box 669, Knox, PA 16232-0669, (814) 797.1191.

NPDES No. PA0241938, (Permit No. 10010309), Annandale Sandstone (219 Goff Station Road, Boyer, PA 16020), renewal of NPDES permit for a large industrial minerals surface mine in Venango Township, **Butler County**, affecting 17.6 acres. Receiving stream: Unnamed tributary to Seaton Creek classified for the following use: CWF. TMDL: Seaton Creek. Application received: August 27, 2021.

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

The following outfall discharges to an unnamed tributary to Seaton Creek:

<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: Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Alkalinity greater than acidity ¹				

¹The parameter is applicable at all times.

The following outfall discharges to an unnamed tributary to Seaton Creek:

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

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

<i>Outfalls: Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Alkalinity greater than acidity ¹				

¹The parameter is applicable at all times.

New Stanton District Mining Office, P.O. Box 133, New Stanton, PA 15672, (724) 925.5500.

NPDES No. PA0592579, (Mining Permit No. 3378NC17), Hanson Aggregates Pennsylvania, LLC, 2200 Springfield Pike, Connellsville, PA 15425, renewal of the NPDES permit for a noncoal mine permit located in Connellsville Township, **Fayette County**, affecting approximately 73.57 acres. Receiving stream(s): UNT to Connell Run and Connell Run, both classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is in McKeesport, PA. The Department has made a tentative determination to impose effluent limitations, within the ranges specified. Application received: February 1, 2021.

The following stormwater outfall discharges to UNT to Connell Run:

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

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

<i>(All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Total Iron (mg/L)	3.0	6.0	7.0
Total Manganese (mg/L)	2.0	4.0	5.0
Total Aluminum (mg/L)	1.35	2.70	3.38
Total Suspended Solids (mg/L)	35	70	90
Specific Conductance (umhos/cm)		Monitor and Report	
Sulfate (mg/l)		Monitor and Report	

Alkalinity must be greater than acidity at all times.

pH must be between 6.0 and 9.0 at all times.

The following stormwater outfalls discharge to Connell Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	N	Stormwater Outfall
002	N	Stormwater Outfall
005	N	Stormwater Outfall

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

<i>(Dry Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Total Iron (mg/L)	3.0	6.0	7.0
Total Manganese (mg/L)	2.0	4.0	5.0
Total Aluminum (mg/L)	2.0	4.0	5.0
Total Suspended Solids (mg/L)	35	70	90
Specific Conductance (umhos/cm)		Monitor and Report	
Sulfate (mg/l)		Monitor and Report	

Alkalinity must be greater than acidity at all times.

pH must be between 6.0 and 9.0 at all times.

<i>(<10-yr/24-hr Precip. Event)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Total Iron (mg/L)	-	-	7.0
Total Manganese (mg/L)	-	-	5.0
Total Aluminum (mg/L)	-	-	5.0
Total Settleable Solids (m/L)	-	-	0.5
Specific Conductance (umhos/cm)		Monitor and Report	
Sulfate (mg/l)		Monitor and Report	

Alkalinity must be greater than acidity at all times.

pH must be between 6.0 and 9.0 at all times.

NPDES No. PA0591483, (Mining Permit No. 26900306), Hanson Aggregates Pennsylvania, LLC, 2200 Springfield Pike, Connellsville, PA 15425, renewal of the NPDES permit for a noncoal mine permit located in Connellsville Township, **Fayette County**, affecting approximately 51.4 acres. Receiving stream(s): UNT to Connell Run classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is in McKeesport, PA. The Department has made a tentative determination to impose effluent limitations, within the ranges specified. Application received: September 2, 2020.

The following stormwater outfall discharges to UNT to Connell Run:

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

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

<i>(All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Total Iron (mg/L)	3.0	6.0	7.0
Total Manganese (mg/L)	2.0	4.0	5.0
Total Aluminum (mg/L)	1.02	2.04	2.55
Total Suspended Solids (mg/L)	35	70	90
Specific Conductance (umhos/cm)		Monitor and Report	
Sulfate (mg/l)		Monitor and Report	

Alkalinity must be greater than acidity at all times.

pH must be between 6.0 and 9.0 at all times.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2522, (570) 621.3118.

NPDES Permit No. PA0226041. Edison Quarry, Inc., 25 Quarry Road, Doylestown, PA 18901, a new NPDES Permit on Large Noncoal Surface Mine Permit No. 7975SM4 in Doylestown Township, **Bucks County**, affecting 17.7 acres. Receiving stream: Neshaminy Creek Watershed classified for the following uses: trout stock and migratory fishes. The Department has made a tentative determination to impose effluent limitations, within the ranges specified in Table 1 in addition to the limits identified in Table 2. Application received: July 22, 2019.

Outfall Nos.	New Outfall (Y/N)		Type	
	001	Y	Pumped Stormwater Discharge	
Outfalls: 001			Daily	Instantaneous
Parameter	Minimum	30-Day Average	Maximum	Maximum
Discharge (MGD)		0.065	3.3	
pH ¹ (S.U.)	6.0			
Total Suspended Solids		35.0	70.0	90.0
Total Alkalinity (as CaCO ₃) (mg/L)			Monitor and Report	
Total Acidity (as CaCO ₃) (mg/L)			Monitor and Report	
Net Alkalinity (mg/L)	0.0			
Turbidity (NTU)		40.0	80.0	100.0
Oil and Grease (mg/L)			Monitor and Report	

¹ This Parameter is applicable at all times.

NPDES Permit No. PA0226017. Leo's 848 Product LLC, P.O. Box 277, Lake Como, PA 18437, application for an NPDES Permit on General Permit for Bluestone GP-105 No. 64212503 in Preston Township, **Wayne County** affecting 12.0 acres. The NPDES permit is located in the: unnamed tributary to Kinneysville Creek Watershed and classified for the following uses: HQ—cold water and migratory fishes. No discharge is proposed for the NPDES permit. Non-Discharging Best Management Practices will be in effect. Application received: April 29, 2021.

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)).

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

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

E3502221-006. Triboro Industrial Park, LLC, 1210 Wheeler Avenue, Dunmore, PA 18510, in Olyphant Borough, **Lackawanna County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain the following water obstructions and encroachments associated with the development of four warehouse facilities:

1. To permanently fill approximately 0.30 acre of PEM wetlands for the construction of an access road and warehouse.
2. To permanently fill approximately 0.14 acre of open water pits for the construction of an access roads and a warehouse.
3. To construct and maintain a roadway crossing of Eddy Creek (WWF, MF) consisting of a 84.5-foot long, 12" x 6" concrete box culvert depressed 1-foot below the natural streambed.
4. To construct and maintain a stream enclosure roadway crossing of Eddy Creek (WWF, MF) consisting of a 154-foot long, 12" x 6" concrete box culvert depressed 1-foot below the natural streambed.
5. To install an 8-inch diameter natural gas pipeline crossing of Eddy Creek (WWF, MF).

6. To install a 16-inch diameter ductile iron water main crossing of Eddy Creek (WWF, MF).

7. To install an 8-inch PVC sanitary sewer main crossing of Eddy Creek (WWF, MF).

8. To place approximately 0.02 acre of fill within a UNT to Eddy Creek (WWF, MF) and 0.38 acre of fill in the stream's floodway for the construction of the main access road to the industrial park. The impact results in the elimination of 181 linear feet of stream channel.

9. To place approximately 0.03 acre of fill within a UNT to Eddy Creek (WWF, MF) and 0.44 acre of fill in the stream's floodway for the construction of the main access road to the industrial park. The impact results in the elimination of 193 linear feet of stream channel.

10. To install an 8-inch diameter natural gas pipeline crossing of Sterry Creek (CWF, MF).

11. To install a 16-inch diameter ductile iron water main crossing of Sterry Creek (CWF, MF).

12. To construct and maintain an outfall structure in the floodway of a UNT to Eddy Creek (WWF, MF) consisting of a 60-inch TP stormwater outfall pipe and riprap apron.

13. To construct and maintain four (4) outfall structure in the floodway of Eddy Creek (WWF, MF) consisting of 18-inch TP stormwater outfall pipes and riprap aprons.

14. To construct and maintain an outfall structure in the floodway of Sterry Creek (CWF, MF) consisting of a 36-inch TP stormwater outfall pipe and riprap apron.

The project is located on the left of Marshwood Road (SR 2008) after taking exit 2 from US-6 East (Olyphant, PA Quadrangle Latitude: 41° 26' 42" Longitude: -75° 34' 19") in Olyphant Borough, Lackawanna County. (Olyphant, PA Quadrangle, Latitude: 41° 26' 42"; Longitude: -75° 34' 19").

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

E1804221-004: Gary L. & Patti A. Young, 584 Island Road, Lock Haven, PA 17745, Accessory Shed in Floodway, Dunnstable Township, **Clinton County**, U.S. Army Corps of Engineers Baltimore District (Lock Haven Quadrangle; 41.144123, -77.395222).

The Small Projects application proposes to replace two (2) 8 FT x 10 FT Accessory Sheds with one (1) 14 FT x 25 FT Accessory Shed. The two (2) 8 FT x 10 FT Accessory Sheds will be permanently removed from the property. The new 14 FT x 25 FT Accessory Shed will be placed on an at grade concrete slab. The project is in the floodway of West Branch Susquehanna River (WWF, MF) and will result in 1008 sq. ft. of direct floodway impact.

E5904221-007. Eastern Gas Transmission and Storage, Inc., 6603 West Broad Street, Richmond, VA 23230, Jemison Creek Culvert in West Field Township, **Tioga County**, ACOE Baltimore District (Knoxville, PA Quadrangle; Latitude: 41° 53' 01.5"; Longitude: -77° 29' 31.5").

To install a new crossing over Jemison Creek (WWF, MF). The project will involve the installation of a 12' x 6' box culvert and re-shaping of the banks within the floodway. The proposed structure will be depressed 12".

The total disturbed area along the watercourses is 0.04 acre.

A PNDI search determined no species of concern to be present. Wetlands have been delineated on site; however, they are outside of the Limits of Disturbance.

E0804121-007 PA DOT Engineering District 3-0, 715 Jordan Ave., Montoursville, PA 17754, SR 0014, Section 115, Segment 0050, Offset 0050-0250, Wall Removal and Stream Relocation, Canton Township, **Bradford County**, Baltimore ACOE (Grover, PA Quadrangle N: 41° 37' 17"; W: -76° 52' 19").

PA DOT proposes to remove a failing wall and stabilize the streambank along SR 0014. The wall removal and bank stabilization will result in a channel relocation of approximately 245 L.F. The stream relocation will shift the channel approximately 8 Ft. to the East and includes Rip Rap along both streambanks. The project will include two proposed outfalls to the receiving stream. The project will not impact any jurisdictional wetlands. The Unnamed Tributary to Towanda Creek is classified as a Cold Water Fishery by 25 Pa. Code Chapter 93 Water Quality Standards and a Wild Trout Stream by PA Fish and Boat Commission.

E4104121-005 PA DOT Engineering District 3-0, 715 Jordan Ave., Montoursville, PA 17754, SR 2039, Section 09S, Segment 0090, Offset 0538 through Segment 0100, Offset 0342, Roadway Slide Repair and Stream Relocation, Eldred and Loyalsock Townships, **Lycoming County**, Baltimore ACOE (Montoursville North, PA Quadrangle N: 41° 17' 42"; W: -76° 56' 16").

PA DOT proposes to restore the roadway side slope on SR 2039, which is located adjacent to the left channel bank of Mill Creek. The project includes the repair of two roadway slide which are located approximately 300 L.F. apart. The first roadway slide is approximately 350 L.F. and the second roadway slide is approximately 600 L.F. The project includes restoration of the roadway side slope/left channel bank with Grouted R-8 Rip Rap. The Rip Rap will be placed at a 1.5:1 slope. The project will relocate Mill Creek to approximately the pre-slide location, which will result in approximately 1,275 L.F. of stream relocation/restoration. The project includes four multi-log cross vanes, six log deflectors and root wads to stabilize the channel and add aquatic habitat. The project includes a temporary access road that will cross the stream at the upstream and downstream ends of the stream relocation. The project includes 0.04 acre of temporary wetland impact and 0.05 acre of permanent wetland impact. Mill Creek is classified as a Trout Stocked Fishery by 25 Pa. Code Chapter 93 Water Quality Standards and a Stocked and Wild Trout Stream by PA Fish and Boat Commission.

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

E2006220-021, Drew Russ, 4025 Lawnview Avenue, Pittsburgh, PA 15227, Lakeside HOA Boat Dock Major Modification, in Summit Township, **Crawford County**, ACOE Pittsburgh District (Harmonsborg, PA Quadrangle N: 46°, 38', 07"; W: -80°, 18', 42").

To change the original configuration of the Lakeside HOA boat dock in order to construct and maintain a dock project approximately 161 feet lakeward from the shore consisting of a 125 feet of straight dock with two 31 feet long by 2 feet wide fingers set 20 feet apart, providing 10 boat spaces permanently impacting approximately 1,082 square feet of Conneaut Lake in Summit Township, Crawford County.

Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

E5729221-004: EQT ARO LLC, 33 West Third Street, Suite 300, Williamsport, PA 17701, Hillsgrove Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) An intake structure comprised of two buried 6 foot long 30 inch diameter screens, two 12 inch diameter HDPE waterlines, and two 3 inch diameter airlines impacting 80 linear feet of Loyalsock Creek (EV) (Hillsgrove, PA Quadrangle 41° 26' 10" N, 76° 43' 12" W);

2) Temporary construction workspace impacting 147,096 square feet of the FEMA delineated floodway of Loyalsock Creek (EV). (Hillsgrove, PA Quadrangle 41° 26' 10" N, 76° 43' 12" W);

3) A temporary road crossing; using timber mats, two 8 inch diameter waterlines and two 3 inch diameter airlines impacting 43 linear feet of an unnamed tributary to Loyalsock Creek (EV), 56 square feet of an exceptional value palustrine forested (EV-PFO) wetland, 116 square feet of an exceptional value palustrine emergent (EV-PEM) wetland, and 991 square feet of an exceptional value palustrine emergent (EV-PEM) wetland. (Hillsgrove, PA Quadrangle 41° 26' 11" N, 76° 43' 21" W).

The project will result in 123 linear feet of temporary stream impacts, 1,107 square feet (0.03 acre) of temporary wetland impacts, 56 square feet (0.01) of permanent wetland impacts and 147,096 square feet (3.38 acres) of temporary floodway impacts all for the purpose of installing an intake structure and water lines in Hillsgrove Township, Sullivan County.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2,

400 Market Street, Harrisburg, PA 17101, telephone number: 717-787-3411.

D48-168 EA. Brian Cope, Superintendent, Northampton County, Parks and Recreation, 151 Country Club Road, Easton, PA 18045, Bethlehem Township and Bethlehem City, **Northampton County**, USACOE Philadelphia District.

Project proposes to remove a series of eight concrete and stone structures, including five small dams, in the Archibald Johnson Conservation Area, to eliminate a threat to public safety and to restore approximately 300 feet of stream channel to a free-flowing condition. The proposed restoration project includes the removal of a concrete bridge, a stone wall, and remnants of a breached dam. A small grade control rock riffle will also be constructed. The project is located across Monocacy Creek (HQ-CWF, MF) (Nazareth, PA Quadrangle, Latitude: 40.6740; Longitude: -75.3545).

DAM SAFETY

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, 400 Market Street, 2nd Floor, Harrisburg, PA 17101, telephone: 717-787-3411.

D58-004, Oakland Borough, Mayor Randy Glover, 380 State Street, Susquehanna, PA 18847 and Susquehanna Depot Borough, Roy Williams, Council President, 83 Erie Boulevard, Suite A, Susquehanna, PA 18847. The Department of Environmental Protection, Division of Dam Safety (Department) has reviewed and approved the restoration plan to breach and remove the Oakland Dam to eliminate a significant threat to public safety and restore the Susquehanna River to a free-flowing condition. In addition, the Department has conducted an environmental assessment and concluded the project will have a long-term beneficial impact on aquatic resources. Oakland and Susquehanna Depot Boroughs, Oakland Township, **Susquehanna County**.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended, and renewed NPDES and WQM permits, applications for permit waivers, and NOIs for coverage under General Permits, 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.

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 Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG123819	PAG-12 NPDES General Permit for CAFOs	Issued	Hard Earned Acres, Inc. 1317 Ritner Highway Shippensburg, PA 17257-9798	Southampton Township Cumberland County	SCRO
PA0246964	CAFO Individual NPDES Permit	Issued	Martin Kenneth R 1397 Robert Fulton Highway Quarryville, PA 17566-9630	East Drumore Township Lancaster County	SCRO
PA0266060	CAFO Individual NPDES Permit	Issued	Wentzel Timothy M 3819 Powells Valley Road Halifax, PA 17032-9629	Jefferson Township Dauphin County	SCRO
PA0281816	CAFO Individual NPDES Permit	Issued	Merkey Harold E 2904 Sunnyside Road Manheim, PA 17545-8333	Rapho Township Lancaster County	SCRO
6594201	Industrial Waste Individual WQM Permit	Issued	ATI Flat Rolled Products Holdings, LLC 100 River Road Brackenridge, PA 15014-1537	Vandergrift Borough Westmoreland County	SWRO
6786201	Industrial Waste Individual WQM Permit	Issued	Republic Service of PA, LLC 4400 Mount Pisgah Road York, PA 17406-8240	Lower Windsor Township York County	SCRO
0421801	Joint DEP/PFBC Pesticides Permit	Issued	Taylor Kathi 1331 US Route 30 Clinton, PA 15026	Hanover Township Beaver County	SWRO
1521831	Joint DEP/PFBC Pesticides Permit	Issued	Montana Connie 29 Parsons Road Landenberg, PA 19350-1549	Franklin Township Chester County	SERO
1521832	Joint DEP/PFBC Pesticides Permit	Issued	Neitzel Jan 466 Glen Hope Road Oxford, PA 19363-2295	Elk Township Chester County	SERO
4613801	Joint DEP/PFBC Pesticides Permit	Issued	Union League Liberty Hill 800 Ridge Pike Lafayette Hill, PA 19444-1751	Whitemarsh Township Montgomery County	SERO
4613855	Joint DEP/PFBC Pesticides Permit	Issued	Green Lane Park 2144 Snyder Road Green Lane, PA 18054-9508	Upper Frederick Township Montgomery County	SERO
6416804	Joint DEP/PFBC Pesticides Permit	Issued	Reflection Lakes POA Inc. 182 Stalker Road Equinunk, PA 18417-3510	Manchester Township Wayne County	NERO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
6416805	Joint DEP/PFBC Pesticides Permit	Issued	Reflection Lakes POA Inc. 182 Stalker Road Equinunk, PA 18417-3510	Manchester Township Wayne County	NERO
6521801	Joint DEP/PFBC Pesticides Permit	Issued	Westmoreland County Parks & Recreation 2 N Main Street Greensburg, PA 15601-2405	Unity Township Westmoreland County	SWRO
PAI136107	MS4 Individual NPDES Permit	Issued	Dunbar Township Fayette County 128 Township Drive Dunbar, PA 15431-2338	Dunbar Township Fayette County	SWRO
PA0023043	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Issued	North East Borough Erie County 31 W Main Street North East, PA 16428-1135	North East Borough Erie County	NWRO
PA0026361	Major Sewage Facility with CSOs Individual NPDES Permit	Issued	Lower Lackawanna Valley Sanitary Authority P.O. Box 2067 398 Cotton Road Duryea, PA 18642-0067	Duryea Borough Luzerne County	NERO
1489412	Major Sewage Treatment Facility Individual WQM Permit	Issued	University Area Joint Authority 1576 Spring Valley Road State College, PA 16801-8401	Benner Township Centre County	NCRO
PA0012432	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Sunny Dell Foods Inc. 135 N 5th Street Oxford, PA 19363-1502	Oxford Borough Chester County	SERO
PA0027341	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Vitro Meadville Flat Glass, LLC 5123 Victory Boulevard Cochranton, PA 16314-3969	Greenwood Township Crawford County	NWRO
PA0034304	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Cambridge Lee Ind, LLC 86 Tube Drive Reading, PA 19612	Ontelaunee Township Berks County	SCRO
PA0261637	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	NGK Metals Corp 917 US Highway 11 South Sweetwater, TN 37874	Muhlenberg Township Berks County	SCRO
PA0272833	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Collins Pine Co. P.O. Box 807 Kane, PA 16735-0807	Kane Borough McKean County	NWRO
PA0206016	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Lightning Properties LLC 55 Timberline Drive Washington, PA 15301-8173	South Franklin Township Washington County	SWRO
PA0221554	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Wampum Operator, LLC 1605 Old Route 18 Wampum, PA 16157-3417	New Beaver Borough Lawrence County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0266469	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Weaverland Valley Authority 4610 Division Highway East Earl, PA 17519-9200	East Earl Township Lancaster County	SCRO
NOEX14202	No Exposure Certification	Issued	B Braun Medical Inc. 901 Marcon Boulevard Allentown, PA 18109-9512	Hanover Township Lehigh County	NERO
NOEXSE184	No Exposure Certification	Issued	First Student Inc. 110 Perimeter Park Road Suite E Knoxville, TN 37922-2200	New Britain Township Bucks County	SERO
PAG030121	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Amazon Com Service, LLC Attn: NA Environmental Dept P.O. Box 80842 Seattle, WA 98108-0842	Philadelphia City Philadelphia County	SERO
PAG033663	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Lumsden Corp 10 Abraso Street Lancaster, PA 17601-3104	Lancaster City Lancaster County	SCRO
PAG033664	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Lumsden Corp 1296 Loop Road Lancaster, PA 17601-3167	Lancaster City Lancaster County	SCRO
PAG034886	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Old Dominion Freight Line Inc. 500 Old Dominion Way Thomasville, NC 27360-8923	Milton Borough Northumberland County	NCRO
PAG036145	PAG-03 NPDES General Permit for Industrial Stormwater	Denied	SPN Well Service Inc. 158 Painter Road Smithton, PA 15479-8722	South Huntingdon Township Westmoreland County	SWRO
PAG036265	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Kehm Oil Co. P.O. Box 130 Oakdale, PA 15071	North Fayette Township Allegheny County	SWRO
PAG038381	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Waste Management of PA Inc. 6330 Route 219 Brockway, PA 15824-5016	Washington Township Jefferson County	NWRO
PAR208368	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	EFCO Inc. P.O. Box 4061 Erie, PA 16512-4061	Erie City Erie County	NWRO
PAR208370	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	AMG Titanium Alloys & Coatings, LLC 207 Frenz Drive New Castle, PA 16101-1107	Neshannock Township Lawrence County	NWRO
PAR208370	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	AMG Titanium Alloys & Coatings, LLC 207 Frenz Drive New Castle, PA 16101-1107	Neshannock Township Lawrence County	NWRO
PAR208370	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	AMG Chrome US, LLC 207 Frenz Drive New Castle, PA 16101-1107	Neshannock Township Lawrence County	NWRO
PAR508306	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Waste Management of PA Inc. 18380 Paint Boulevard Shippenville, PA 16254-4130	Paint Township Clarion County	NWRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG046211	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Amy S & William D Hoffer Jr 148 Hoffer Lane Acme, PA 15610-2217	Black Township Somerset County	SWRO
PAG122217	PAG-12 NPDES General Permit for CAFOs	Issued	Manbeck Dwight 917 Schwartz Valley Road Schuylkill Haven, PA 17972	Wayne Township Schuylkill County	SCRO
PAG123513	PAG-12 NPDES General Permit for CAFOs	Issued	Hord Family Farms 2742 Shearer Road Bucyrus, OH 44820	Peters Township Franklin County	SCRO
PAG123543	PAG-12 NPDES General Permit for CAFOs	Issued	Harnish Alan 3421 Blue Rock Road Lancaster, PA 17603-9775	Manor Township Lancaster County	SCRO
PAG123581	PAG-12 NPDES General Permit for CAFOs	Issued	Nolt Elvin 11 Seth Erb Road Richland, PA 17087-9404	Millcreek Township Lebanon County	SCRO
PAG123623	PAG-12 NPDES General Permit for CAFOs	Issued	Future View Farm, LLC 13 Radcliff Road Willow Street, PA 17584-9770	Pequea Township Lancaster County	SCRO
PAG123666	PAG-12 NPDES General Permit for CAFOs	Issued	Brubaker Nicholas 2871 N Colebrook Road Manheim, PA 17545	Rapho Township Lancaster County	SCRO
PAG123693	PAG-12 NPDES General Permit for CAFOs	Issued	Funk Jeff 18255 Fort Davis Road Mercersburg, PA 17236-9430	Warren Township Franklin County	SCRO
PAG123699	PAG-12 NPDES General Permit for CAFOs	Issued	Blue Berry Hill Farm Inc. 2950 Centennial Road Hanover, PA 17331-8759	Mount Pleasant Township Adams County	SCRO
PAG123704	PAG-12 NPDES General Permit for CAFOs	Issued	Daniel F Lukens 7075 Old Stage Road McClure, PA 17841-8908	Decatur Township Mifflin County	SCRO
PAG123828	PAG-12 NPDES General Permit for CAFOs	Issued	Brechbill Christopher J 3387 Mont Alto Road Fayetteville, PA 17222-9661	Guilford Township Franklin County	SCRO
PAG123848	PAG-12 NPDES General Permit for CAFOs	Issued	Johnson Drew 20522 Hammond Road Spring Run, PA 17262-9718	Fannett Township Franklin County	SCRO
PAG123859	PAG-12 NPDES General Permit for CAFOs	Issued	Deppen Colton W 847 Imes Road Mifflin, PA 17058-7100	Spruce Hill Township Juniata County	SCRO
PAG123916	PAG-12 NPDES General Permit for CAFOs	Issued	Weiler Creek Farms, LLC 350 E Mill Avenue Myerstown, PA 17067-2404	Bethel Township Berks County	SCRO
PAG124825	PAG-12 NPDES General Permit for CAFOs	Issued	Pine Hurst Acres 3304 Sunbury Road Danville, PA 17821-9454	Rush Township Northumberland County	SCRO
1521408	Pump Stations WQM Individual Permit	Issued	Willistown Township Chester County 688 Sugartown Road Malvern, PA 19355-3302	Willistown Township Chester County	SERO
1521409	Pump Stations WQM Individual Permit	Issued	Willistown Township Chester County 688 Sugartown Road Malvern, PA 19355-3302	Willistown Township Chester County	SERO
1596410	Sewage Land Application Individual WQM Permit	Issued	Aqua PA Wastewater Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010-3402	Thornbury Township Chester County	SERO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
4502401	Sewage Land Application Individual WQM Permit	Issued	Weston Sr Living at Hillcrest 6000 Running Valley Road Stroudsburg, PA 18360-8270	Jackson Township Monroe County	NERO
0421403	Sewage Treatment Facilities Individual WQM Permit	Issued	Gearhart Dean A 573 E Portersville Road Portersville, PA 16051-2117	Marion Township Beaver County	SWRO
1621413	Sewage Treatment Facilities Individual WQM Permit	Issued	Laveing Joseph 4659 Forest Road Vowinckel, PA 16260-1122	Washington Township Clarion County	NWRO
2519416	Sewage Treatment Facilities Individual WQM Permit	Issued	Eric Erdely & Kayla Wynkoop 10286 Sharp Road Waterford, PA 16441-3954	Waterford Township Erie County	NWRO
2521421	Sewage Treatment Facilities Individual WQM Permit	Issued	John & Theresa Clark 2500 Nursery Road Lake City, PA 16423-2025	Elk Creek Township Erie County	NWRO
3271401	Sewage Treatment Facilities Individual WQM Permit	Issued	Prime Metals Acquisition, LLC 101 Innovation Drive Homer City, PA 15748-7433	Center Township Indiana County	NWRO
3396401	Sewage Treatment Facilities Individual WQM Permit	Issued	Boylan Kenny 3111 Trails End Lane Sigel, PA 15860-5719	Barnett Township Jefferson County	NWRO
0365S54	Sewage Treatment Facilities Individual WQM Permit	Issued	Wampum Operator, LLC 1605 Old Route 18 Wampum, PA 16157-3417	New Beaver Borough Lawrence County	NWRO
5600402	Sewage Treatment Facilities Individual WQM Permit	Issued	Amy S & William D Hoffer Jr 148 Hoffer Lane Acme, PA 15610-2217	Black Township Somerset County	SWRO
6384416	Sewage Treatment Facilities Individual WQM Permit	Issued	South Franklin Township Washington County 100 Municipal Road Washington, PA 15301-9000	South Franklin Township Washington County	SWRO
6393404	Sewage Treatment Facilities Individual WQM Permit	Issued	Lightning Properties, LLC 55 Timberline Drive Washington, PA 15301-8173	South Franklin Township Washington County	SWRO
2619401	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	North Union Township Municipal Service Authority 90 Romeo Lane Uniontown, PA 15401-2337	Uniontown City Fayette County	SWRO
PA0222038	Single Residence STP Individual NPDES Permit	Issued	Boylan Kenny 3111 Trails End Lane Sigel, PA 15860-5719	Barnett Township Jefferson County	NWRO
PA0255921	Single Residence STP Individual NPDES Permit	Issued	Gearhart Dean A 573 E Portersville Road Portersville, PA 16051-2117	Marion Township Beaver County	SWRO
PA0272434	Single Residence STP Individual NPDES Permit	Issued	Eric Erdely & Kayla Wynkoop 10286 Sharp Road Waterford, PA 16441-3954	Waterford Township Erie County	NWRO
PA0289655	Single Residence STP Individual NPDES Permit	Issued	Laveing Joseph 4659 Forest Road Vowinckel, PA 16260-1122	Washington Township Clarion County	NWRO
PA0289701	Single Residence STP Individual NPDES Permit	Issued	John & Theresa Clark 2500 Nursery Road Lake City, PA 16423-2025	Elk Creek Township Erie County	NWRO

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 & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC230173	General (Renewal/ Major Amendment)	Permit Issuance	SEPTA 1234 Market Street 12th Floor Philadelphia, PA 19107	Upper Darby Township Delaware County	SERO
PAC510211	PAG-02 General Permit	Issued	Philadelphia Parks and Recreation 1515 Arch Street 10th Floor Philadelphia, PA 19102-1511	City of Philadelphia Philadelphia County	SERO
PAC090381 Prior NPDES # PAG02000916012	PAG-02 General Permit	Issued	Dolington Land, LP 1140 Virginia Drive Fort Washington, PA 19034	Upper Makefield Township Bucks County	SERO
PAC090464	PAG-02 General Permit	Issued	Rotelle Development Company 1011 Ridge Road South Coventry, PA 19465	Durham Township Bucks County	SERO
PAC090486	PAG-02 General Permit	Issued	Northampton Township 55 Township Road Richboro, PA 18954-1546	Northampton Township Bucks County	SERO
PAC150271	PAG-02	Issued	US Home Corporation d/b/a Lennar Philly Metro Division 1285 Drummers Lane Suite 100 Wayne, PA 19087	Spring City Borough Chester County	SERO
PAD090064	Individual NPDES	Issued	Delaware River Joint Toll Bridge Commission (DRJTBC) 1199 Woodside Road Yardley, PA 19067-1334	Middletown Township Bucks County	SERO
PAC540108	PAG-02 General Permit	Issued	James L. Miller MBC Properties, LP P.O. Box 472 950 East Main Street Schuylkill Haven, PA 17972	City of Pottsville Schuylkill County	Schuylkill Conservation District 1206 AG Center Drive Pottsville PA 17901-9733 570-622-3742
PAC350113	PAG-02 General Permit	Issued	NLMS, Inc. 1170 Winola Road Clarks Summit, PA 18411-9686	Waverly Township Lackawanna County	Lackawanna County Conservation District 1038 Montdale Road Scott Township, PA 18447 570-382-3086
PAD450046	Individual NPDES	Issued	CMBK Resort Holdings, LLC 193 Resort Drive Tannersville, PA 18372	Pocono and Jackson Townships Monroe County	NERO
PAC400213	PAG-02 General Permit	Issued	UGI Utilities, Inc. Eric Sorber One UGI Center Wilkes-Barre, PA 18711-0600	Union Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PA390001C	PAG-02 General Permit	Issued	Pennsylvania Turnpike Commission 700 S. Eisenhower Blvd. Middletown, PA 17057	South Whitehall Township Lehigh County	Lehigh County Conservation District 4184 Dorney Park Road Suite 105 Allentown, PA 18401 610-391-9583

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD130033	Individual NPDES	Issued	Mieczyslaw and Ewa Klecha 469 Forest Street Lehigh, PA 18235	Franklin Township Carbon County	NERO
PAD390196	Individual NPDES	Issued	Diakon Lutheran Social Ministries 960 Century Drive Mechanicsburg, PA 17055	South Whitehall Township Lehigh County	NERO
PAD450138	Individual NPDES	Issued	Arrowhead Lakes Community Association, Inc. 961 Arrowhead Drive Pocono Lake, PA 18347	Coolbaugh Township Monroe County	NERO
PAC350119	PAG-02 General Permit	Issued	Roba Farms, Inc. 1491 Lakeland Drive Scott Township, PA 18433-7826	Scott Township Lackawanna County	Lackawanna County Conservation District 1038 Montdale Road Scott Township, PA 18447 570-382-3086
PAC350115	PAG-02 General Permit	Issued	B&M Property Development, LLC 2 Nicole Drive Dunmore, PA 18504-2852	South Abington Township Lackawanna County	Lackawanna County Conservation District 1038 Montdale Road Scott Township, PA 18447 570-382-3086
PA450001C	PAG-02 General Permit	Issued	Kunkletown DG, LLC 361 Summit Blvd Suite 110 Birmingham, AL 35243-3168	Eldred Township Monroe County	Monroe County Conservation District 8050 Running Valley Road Stroudsburg, PA 18347 570-629-3060
PAC390145	PAG-02 General Permit	Issued	Guardian Storage Allentown, LLC 5879 Centre Ave. Pittsburgh, PA 15206	Hanover Township Lehigh County	Lehigh County Conservation District 4184 Dorney Park Road Suite 105 Allentown, PA 18401 610-391-9583
PAD360072	Individual NPDES	Issued	Maryjo Steele 227 Green Lane Quarryville, PA 17566	Little Britain Township Lancaster County	SCRO
PAC050046	PAG-02 General Permit	Issued	Hopewell (26) DPP, LLC 9010 Overlook Boulevard Brentwood, TN 37027	Broad Top Township Bedford County	SCRO
PAC670491	PAG-02 General Permit	Issued	Kinsley Equities II, LP 6250 Reynolds Mill Road Seven Valleys, PA 17360	Manchester Township York County	SCRO
PAC140131	PAG-02 General Permit	Issued	The Pennsylvania State University Fischer Road University Park, PA 16802	State College Borough Centre County	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823-1400
PAC170047	PAG-02 General Permit	Issued	Billor Boyz Land Co. 1950 Dale Road Woodland, PA 16881	Bradford Township Clearfield County	Clearfield County Conservation District 6395 Clearfield- Woodland Highway Suite 2 Clearfield, PA 16830-1923

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC600074	PAG-02 General Permit	Issued	Steven Lyncha 260 International Drive Lewisburg, PA 17837	Kelly Township Union County	Union County Conservation District 155 N 15th Street Lewisburg, PA 17837-8822
PAC630132A-1	PAG-02	Issued	519 Properties, LLC 2150 Washington Road Canonsburg, PA 15317	North Strabane Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098
PAD650031	Individual NPDES	Issued	RWS Development Company, RC 8954 Hill Drive Irwin, PA 15642	North Huntingdon Township Westmoreland County	SWRO
PAC430063	PAG-02 General Permit	Issued	Grove City Borough 123 West Main Street Grove City, PA 16127	Grove City Borough Mercer County	Mercer County Conservation District 24 Avalon Court Suite 300 Mercer, PA 16137 724-662-2242
PAC250136	PAG-02 General Permit	Issued	Erie Downtown Development Corporation 10 E 5th Street Erie, PA 16507	Erie City Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC250148	PAG-02 General Permit	Issued	Shearer's Foods, LLC 821 State Route 97 South Waterford, PA 16441	Waterford Township LeBoeuf Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAD360069	Individual NPDES	Issued	Robert Redcay 259 Brook Farms Road Lancaster, PA 17601	Rapho Township Lancaster County	Regional Permit Coordination Office (RPCO) Rachel Carson State Office Building 400 Market Street Harrisburg, PA 17101 Email: RA-EPREGIONAL PERMIT@pa.gov

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>
Pleasant View Farms, Inc. 261 Pleasant View Farms Road Martinsburg, PA 16662	Blair Bedford	4424.8	4395.05	Dairy	Clover Creek (HQ-CWF), Piney Creek (HQ-CSF), Yellow Creek (HQ, CWF), Plum Creek (HQ-CWF), Potter Creek (HQ-CWF)	Approved
Penn England Farm 10341 Fox Run Road Williamsburg, PA 16693 <i>Crop Year 2021 Amendment</i>	Blair Huntingdon	3341.3	4410.72	Dairy	Clover Creek (HQ), Fox Run (HQ), New Creek (HQ), Piney Creek (HQ)	Acknowledged
Penn England Farm 10341 Fox Run Road Williamsburg, PA 16693 <i>Crop Year 2022</i>	Blair Huntingdon	3347	4410.72	Dairy	Clover Creek (HQ), Fox Run (HQ), New Creek (HQ), Piney Creek (HQ)	Approved
Ryan Snyder 6 Snyder Lane Lewistown PA 17044	Mifflin	120.9	726.9	Swine Finisher	NA	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: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, 570-826-2511.

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

Permit No. 6621502MA, Construction Permit, Public Water Supply.

Applicant	D&C Fuel Sales, Inc. 6313 State Route 6 Tunkhannock, PA 18657
Municipality	Tunkhannock Township
County	Wyoming

Type of Facility	Public Water Supply
Consulting Engineer	Michael P. Goodwin, P.E. Milnes Engineering, Inc. 12 Frear Hill Road Tunkhannock, PA 18657
Permit to Construct Issued	September 21, 2021
Description of Action	Air over carbon filter—odor treatment system.

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

Comprehensive Operation Permit No. 7010066 issued to: **The York Water Company (PWS ID No. 7010066)**, Straban Township, **Adams County** on September 20, 2021 for the operation of facilities at Amblebrook water system submitted under Application No. 7010066.

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Williamsport, PA 17701.

Operations Permit issued to: **Kipps Run MHP, LLC**, 100 E. 8th St., Milton, PA 17847, PWSID No. 1361048, Riverside Borough, **Northumberland County** on September 28, 2021 for the operation of facilities approved under construction permit # 4990501-T2; MA (3/31/98)-T2; MA (9/29/08)-T1; & MA-GWR-T1. This permit approves the operation of the public water system in Riverside Borough, which are hereby transferred from Kipps Run Mobile Home Park to Kipps Run MHP, LLC. The Kipps Run MHP, LLC water system consists of Well No. 1 with a permitted capacity of 12 gpm and a Goulds 1.5 HP submersible pump model 25EL. The water system also includes polyphosphate feed with a LMI Model AA941-358HI 0.58 gph chemical pump, sodium hypochlorite injection with a Chem Tech Model 240 chemical pump, 400 gallon chlorine contact tank, 1,500 gallon storage tank, 180-gallon hydropneumatic tank and distribution system of 34 connections.

Operations Permit issued to: **Wellsboro Municipal Authority**, 14 Crafton St., Wellsboro, PA 16901, PWSID No. 2590042, Wellsboro Borough, **Tioga County** on September 23, 2021 for the operation of facilities approved under construction permit # 5920502MA-A1. This permit authorizes the water system for the modification of the calculation methodology for CT to use only data from the first large storage tank (FLST) to determine the reduction at the Wellsboro Water Treatment Plant.

Operations Permit issued to: **SMM Holdings, LLC**, 23 Boyer Road, Fleetwood, PA 19522, PWSID No. 2590041, Delmar Township, **Tioga County** on September 23, 2021 for the operation of facilities approved under construction permits # 5989502-T3, 5992502-T3, and MA-GWR-T2. This permit authorizes the transfer of Permit No. 5989502-T3 that approves operation of the existing public water system, including Well No. 1, sodium hypochlorite disinfection system, 2,000-gallon baffled detention tank, detention piping, submersible booster pumps, hydropneumatic tanks, and distribution system; Permit No. 5991502-T3 that approves operation of Well No. 2.; Minor Amendment-GWR-T2 that approves operation of the treatment facilities for 4-log inactivation of viruses.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

Township	Township Address	County
Frankstown Township	2122 Frankstown Road Hollidaysburg, PA 16648	Blair

Plan Description:

Approval of a revision to the official plan of Frankstown Township, **Blair County**. The project is known as **Old Frankstown Road Extension**. The proposal is for a sewer line extension and consists of installation of approximately 1200 L.F. of 8" sewer main to serve three existing homes with failing on-lot sewage systems for a total of 1200 gallons per day tributary to Frankstown Township's collection and conveyance system and the Hollidaysburg Borough Sewer Authority's WWTP.

The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-07911-210-3m and the APS Id is 1041643. Any permits must be obtained in the name of the municipality.

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:

Borough	Borough Address	County
Quarryville Borough	300 St. Catherine Street Quarryville, PA 17566	Lancaster County

Plan Description:

The request for planning exemption for the Fritz Avenue Subdivision (DEP Code No. A3-36947-030-3E; APS ID No. 1047646) has been disapproved. The proposed development—to be located along Fritz Avenue in Quarryville—consists of 13 single-family dwellings using a low-pressure sewer system to connect to public sewer. This request for planning exemption has been disapproved because the submission does not qualify as an exemption request, as the subdivision proposes the connection to or an extension of public sewer facilities which require or which must apply for a new or modified permit from DEP under the Pennsylvania Clean Streams Law (CSL) as per Chapter 71, Section 71.51(b)(5).

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.

Fieldstone/Ridings Spray Site, 4613 Hughesian Drive, P.O. Box 413, Buckingham, PA 18912, Buckingham Township, **Bucks County**. Geoff Kristof, Aquaterra Technologies, Inc., 901 South Bolmar Street, Suite A, West Chester, PA 19382 on behalf of Stephen Clark, Buckingham Township, 4613 Hughesian Drive, P.O. Box 413, Buckingham, PA 18912 submitted a Final Report concerning remediation of site soil contaminated with 1,2-dibromoethane. The report is intended to document remediation of the site to meet the Statewide health standard.

411 Swedeland Road Quarry 3, 411 Swedeland Road, King of Prussia, PA 19406, Upper Merion Township and West Conshohocken Borough, **Montgomery County**. Mark Fortna, Penn Environmental and Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Kevin Kyle, Innovation 411 Fee Owner, LLC, 201 King of Prussia Road, Suite 501, Radnor, PA 19087 submitted a Final Report concerning remediation of site soil contaminated with lead. The report is intended to document remediation of the site to meet the Statewide health standard.

Darien Crossing, 700 Pattison Avenue, Unit 2, Philadelphia, PA 19148, City of Philadelphia, **Philadelphia**

County. Victoria Bisbing, BrightFields, Inc., 340 South Broad Street, 17th Floor, Philadelphia, PA 19102 on behalf of Edward Linkewich, Resource Environmental Solutions, Inc., 340 South Broad Street, 17th Floor, Philadelphia, PA 19102 submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with SVOCs and metals. The report is intended to document remediation of the site to meet the site-specific standard.

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, Diesel Direct, 2527 Market Street, Aston, PA 19014 submitted a Final Report concerning remediation of site soil contaminated with hydraulic oil and antifreeze. The report is intended to document remediation of the site to meet the Statewide health standard.

580 East Lancaster Avenue, 580 East Lancaster Avenue, Berwyn, PA 19312, Easttown Township, **Chester County**. Michael S. Welsh, PE, Welsh Environmental, Inc., 131 Clearview Drive, Downingtown, PA 19335 on behalf of David Della Porta, Berwyn Owner, LLC, 775 Lancaster Avenue, Suite 210, Villanova, PA 19075 submitted a Final Report concerning remediation of site soil and groundwater contaminated with chlorobenzene and benzene. The report is intended to document remediation of the site to meet the site-specific standard.

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Warner's Central Garage, 8-10 Hudsonale Street, Weatherly, PA 18255, Weatherly Borough, **Carbon County**. Barry Isett & Associates, 1170 Highway 315, Wilkes-Barre, PA 18702, on behalf of Mauch Chunk Trust Company, 1111 North Street, P.O. Box 289, Jim Thorpe, PA 18229, submitted a Cleanup Plan concerning soil contaminated with lead and hydrocarbons from historic fill. The report is intended to document remediation of the site to meet site specific standards.

Southcentral Region: Environmental Cleanup & Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

York Plant Holding, LLC Power Generation Facility, 651 Memory Lane, York, PA 17402, Springettsbury Township, **York County**. AECOM Technical Services, Inc., 100 Sterling Parkway, Suite 205, Mechanicsburg, PA 17050, on behalf of Talen Energy, 651 Memory Lane, York, PA 17402 and Equity Industrial Properties, 145 Rosemary Street, Suite E, Needham, MA 02494, submitted a Remedial Investigation and Final Report concerning remediation of site soil and groundwater contaminated with. The Report is intended to document remediation of the site to meet the site-specific and residential Statewide health standards.

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

Mountain Energy Service Tanker Accident, 3019 Mountain Road, Monroeton, PA 18832, Franklin Township, **Bradford County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205, on behalf of Chief Oil & Gas, LLC, 1720 Sycamore Road, Montoursville, PA 17754 has submitted a Final Report concerning site soil contaminated with produced water

due to an overturned tanker truck. The report is intended to document remediation of the site to meet the Statewide health standard.

Clarke 5H on the Clarke BRA Pad, 3427 Morris Road, Overton, PA 18833, Overton Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, has submitted a Final Report concerning site soil contaminated with produced water. The report is intended to document remediation of the site to meet the Statewide health standard.

ProPetro, LLC Diesel Fuel Release, Millstone Road, Monroe, PA 18832, Monroe Township, **Bradford County**. Penn Environmental & Remediation, Inc., 13180 Route 6, Mansfield, PA 16933, on behalf of ProPetro, LLC, 35 Investment Lane, Apt 1, Milan, PA 18831, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide health standard.

Deljanovan Trucking truck rollover, Elbow Fish & Game Club, 11480 Route 287, Cogan House Township, **Lycoming County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of EQT ARO, LLC, 33 West Third Street, PA 17701 has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel and produced water. The report is intended to document remediation of the site to meet the Statewide health standard.

Highland & York Property Heating Oil Release Cleanup, 240 North Third Street, Lewisburg, PA 17837, Lewisburg Borough, **Union County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of Highland & York, LLC, 660 Sixth Street, Northumberland, PA 17857, has submitted a Final Report concerning site soil contaminated with heating oil. The report is intended to document remediation of the site to meet the Statewide health standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a

remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office. TDD users may telephone the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

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 revised, combined Remedial Investigation Report, Risk Assessment, and Final Report concerning remediation of soil impacted with pesticides from historic orchard operations. The Report demonstrated attainment of site-specific standards and was approved by DEP on September 23, 2021.

Carlton Property, 388 Valley View Drive North, Stroudsburg, PA 18360, Stroud Township, **Monroe County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Pipeline Petroleum, Inc., P.O. Box 159, Shippers Road, Macungie, PA 18062, submitted additional Final Report information concerning remediation of soil contaminated by heating oil from an underground storage tank. The Final Report demonstrated attainment of Statewide health standards and was approved by DEP on September 27, 2021.

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

Kuhn Property, 720-724 North Hanover Street, Carlisle, PA 17013, North Middletown Township, **Cumberland County**. Hull & Associates, P.O. Box 260, New Brighton, PA 15066, on behalf of Real Estate Collaborative, LLC, 53 West South Street, Suite 1, Carlisle, PA 17013, submitted a Final Report concerning remediation of site soil contaminated with TCE. The Final Report

demonstrated attainment of the Background Standard and was approved by the Department on September 14, 2021.

Former Danskin Factory, 300 North State Street, York, PA 17403, York City, **York County**. ECS Mid-Atlantic, LLC, 56 Grumbacher Road, York, PA 17406, on behalf of the City of York, 101 South George Street, York, PA 17405, and Pennrose, Inc, One Brewery Park, 1301 North 31st Street, Philadelphia, PA 19121, submitted a Final Report concerning remediation of site soil and groundwater contaminated with heating oil. The Final Report demonstrated attainment of the site-specific standard and was approved by the Department on September 22, 2021.

Clean Enterprises, 315 West State Street, Quarryville, PA 17566, Quarryville Borough, **Lancaster County**. Reliance Environmental Inc., 235 North Duke Street, Suite 1, Lancaster, PA 17602, on behalf of GEN 2, 3, LLC, 315 West State Street, Quarryville, PA 17566, submitted as Remedial Investigation and Cleanup Plan concerning remediation of site soil and groundwater contaminated with PERC and PCE. The Plan was approved by the Department on September 21, 2021.

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

DVL Express, Inc. Accident Cleanup, Interstate 80 at MM 184.2E, Loganton, PA 17747, Greene Township, **Clinton County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of DVL Express, Inc., 2064 167th Street, Markham, IL 60428, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel and motor oil. The report demonstrated attainment of the Statewide health standard and was approved by the Department on August 30, 2021.

Benton Loop Spill Site, Bradley Road, Benton, PA 17774, Jordan Township, **Lycoming County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Transcontinental Gas Pipe Line Company, LLC, 2000 Commerce Drive, Park Place 2, Pittsburgh, PA 15275, has submitted a Final Report concerning remediation of site soil contaminated with engine oil. The report demonstrated attainment of the Statewide health standard and was approved by the Department on August 17, 2021.

Modular Structures of PA, Inc/Durabuilt Custom Homes, 1910 North Old Trail, Selinsgrove, PA 17870, Monroe Township, **Snyder County**. BlackRock Environmental, Inc., P.O. Box 288, Nazareth, PA 18064, on behalf of Durabuilt Custom Homes, LLC, 1910 North Old Trail, has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with petroleum. Characterization has not been completed at the site and the report was disapproved by the Department on August 13, 2021.

Harer 713 Beneficial Reuse Unit, 957 Bogar Run Road, Roaring Branch, PA 17765, Liberty Township, **Tioga County**. Moody and Associates, Inc., 11548 Cotton Road, Meadville, PA 16336, on behalf of Rockdale Marcelus, LLC, 4600 J Barry Court, Suite 220, Canonsburg, PA 15317, has submitted a Combined Soil Site Characterization and Soil Remedial Action Completion Report concerning remediation of site soil contaminated with produced water. The report demonstrated attainment of the Background and Statewide health standards and was approved by the Department on August 30, 2021.

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

Interstate Chemical Company, 2797 Freedland Road, Hermitage, PA 16148, City of Hermitage, **Mercer County**. Wood Environment & Infrastructure Solutions, Inc., 437 Grant Street, Suite 918, Pittsburgh, PA 15219 on behalf of Interstate Chemical Company, Inc., 2797 Freedland Road, Hermitage, PA 16148 has submitted a Risk Assessment (Revision 3) Report concerning remediation of site soil and groundwater contaminated with 1,1,1-Trichloroethane, 1,1,2,2-Tetrachloroethane, 1,1,2-Trichloro-1,2,2-trifluoroethane, 1,1-Dichloroethane, 1,1-Dichloroethene, 1,2-Dichlorobenzene, 1,2-Dichloroethane, 2-Butanone (MEK), 2-Hexanone, 4-Methyl-2-pentanone (MIBK), Acetone, Benzene, Carbon disulfide, Chlorobenzene, Chloroethane, Chloroform, cis-1,2-Dichloroethene, Cyclohexane, Cyclohexanone, Dichlorodifluoromethane, Ethylbenzene, Hexane, Isopropylbenzene, Methyl acetate, Methyl tert-butyl ether, Methylcyclohexane, Methylene Chloride, Styrene, Tetrachloroethene, Tetrahydrofuran, Toluene, trans-1,2-Dichloroethene, trans-1,3-Dichloropropene, Trichloroethene, Vinyl chloride, Xylenes (Total), 1-Propanol, 2-Propanol (Isopropanol), Ethyl acetate, Ethylene glycol, Furfural, Methanol, n-Butyl alcohol, Formaldehyde, Isobutyl alcohol, 1,1'-Biphenyl, 2,4-Dimethylphenol, 2-Methylnaphthalene, 2-Methylphenol, 4-Chloroaniline, Acenaphthene, Acenaphthylene, Acetophenone, Aniline, Anthracene, Benzaldehyde, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Benzo[g,h,i]perylene, Benzo[k]fluoranthene, Benzoic acid, Bis(2-ethylhexyl) phthalate, Butyl benzyl phthalate, Carbazole, Chrysene, Cresols (Total), Dibenz(a,h)anthracene, Dibenzofuran, Diethyl phthalate, Di-n-butyl phthalate, Di-n-octyl phthalate, Fluoranthene, Fluorene, Hexachlorobenzene, Indeno[1,2,3-cd]pyrene, Isophorone, Methylphenol, 3 & 4, Naphthalene, Nitrobenzene, Phenanthrene, Phenol, Pyrene, PCB-1242, Arsenic, Barium, Cadmium, Chromium, Chromium (VI), Lead, Mercury, Selenium, Silver, and Distilled Ammonia. The report was withdrawn by Interstate Chemical Company on September 22, 2021.

Southeast Region: Environmental Cleanup & Brownfields Program Manager, 2 East Main Street, Norristown, PA 19401, Charline Bass, 484-250-5787.

510 North Broad Street, 1419-1437 Spring Garden Street, 510 North Broad Street, and 559-563 North 15th Street, Philadelphia, PA 19130, City of Philadelphia, **Philadelphia County**. Natalie Griffith, REPSG, Inc., 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Mark Cartella, 510 Broad Partners, LLC, 414 South 16th Street, Suite 100, Philadelphia, PA 19146 submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil contaminated with PAHs, mercury and vanadium. The Report was approved by the Department on September 15, 2021.

Existing Keystone Auto & Tire Center/Jeffrey's Auto World, LLC, 1538 & 1546 Easton Road, Abington, PA 19001, Abington Township, **Montgomery County**. Jeffrey T. Bauer, PG, Whitestone Associates, Inc., 1600 Manor Drive, Suite 220, Chalfont, PA 18914 on behalf of Michael F. Russo, Jr., JSF Management, LLC, 86 Summit Avenue, Suite 201, Summit, NJ 07901 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with 1,2,4-TMB, PCE, TCE and MTBE. The Final Report did not demonstrate

attainment of the Statewide health standard and was disapproved by the Department on September 14, 2021.

Wawa Store No. 8053, 8220 West Bartram Avenue, Philadelphia, PA 19153, City of Philadelphia, **Philadelphia County**. Geoff Kristof, PG, Aquaterra Technologies, Inc., 901 South Bolmar Street, Suite A, West Chester, PA 19382 on behalf of Joseph W. Standen, Jr., PG, Wawa, Inc., 260 West Baltimore Pike, Wawa, PA 19063 submitted a Final Report concerning the remediation of site soil contaminated with benzene, toluene, ethylbenzene, xylenes, cumene, naphthalene, 1,2,4-TMB, 1,3,5-TMB and MTBE. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on September 15, 2021.

Ponds and Gardens, 200 Limekiln Pike, Glenside, PA 19038, Cheltenham Township, **Montgomery County**. Philip M. Donmoyer, PG, ECS Mid-Atlantic, 52-6 Grumbacher Road, York, PA 17406 on behalf of Greg Baltz, Grindstone Properties LP, 1259 Cox Road, Rydal, PA 19046 submitted a Remedial Investigation Report/Cleanup Plan/Risk Assessment Report/Final Report concerning the remediation of site soil contaminated with arsenic. The Report was reviewed by the Department which issued a technical deficiency letter on September 20, 2021.

Parkwood Fill Site, Dunks Ferry Road and Mechanicsville Road, Philadelphia, PA 19154, City of Philadelphia, **Philadelphia County**. Jennifer L. Gresh, PG, Duffield Associates, Inc., 211 North 13th Street, Suite 702, Philadelphia PA 19107 on behalf of Daniel Harkins, Philadelphia Department of Public Property, City Hall-Room 784, Philadelphia, PA 19107 submitted a Remedial Investigation Report/Risk Assessment Report concerning the remediation of site soil contaminated with vanadium and benzo(a)pyrene. The Report was approved by the Department on September 20, 2021.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 100963. Lycoming County Resource Management Service, P.O. Box 187, 447 Alexander Drive, Montgomery, PA 17752, Brady Township, **Lycoming County**. This Minor Permit Modification is for the installation of eighty (80) additional vertical gas wells on a 100 ft x 100 ft grid pattern in specific areas of the permitted landfill to increase the gas recovery efficiency and more efficient liquids management within the waste mass. The permit was issued by Northcentral Regional Office on September 17, 2021.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Environmental Engineer Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. 570-327-3752. TDD users may contact the Department through the Pennsylvania Hamilton Relay service, (800) 654-5984.

AIR QUALITY

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

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

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

GP3-15-0082: East Coast Crushing, LLC (1398 Wilmington Pike, West Chester, PA 19382-8218) on September 24, 2021 for a Sandvik Crusher Discharge Conveyor and Water Spray Dust Suppression System in Phoenixville Borough, **Chester County**.

GP9-15-0037: East Coast Crushing, LLC (1398 Wilmington Pike, West Chester, PA 19382-8218) on September 24, 2021 for Diesel fuel Internal Combustion Engine caterpillar OP.3 Engine Tier 4 in Phonexville, **Chester County**.

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

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

GP3-36-03215C: Mellott Company (100 Mellott Drive, Warfordsburg, PA 17267) on September 22, 2021, for the installation and operation of portable nonmetallic mineral processing equipment, under GP3, at the Cedar Hill Quarry located in Fulton Township, **Lancaster County**.

GP11-36-03215C: Mellott Company (100 Mellott Drive, Warfordsburg, PA 17267) on September 22, 2021, for the installation and operation of five nonroad engines, under GP11, to power portable nonmetallic mineral processing equipment, at the Cedar Hill Quarry located in Fulton Township, **Lancaster County**.

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

Contact: Muhammad Q. Zaman, Program Manager, (570) 327-3648.

AG5-41-00005B: EQT ARO, LLC (625 Liberty Ave, Suite 1700, Pittsburgh, PA 15222) on September 24, 2021, received authorization for the change of ownership and continued operation of two (2) 1,380 bhp Caterpillar model G3516B LE four-stroke ultra-lean-burn natural-gas-fired compressor engines equipped with oxidation catalysts; one (1) 40 MMsct/day J.W. Williams dehydration unit equipped with a 1.15 MMBtu/hr natural-gas fired reboiler and flash tank, one (1) Capstone model C65 Microturbine generator, eight (8) Gas Production Units, four (4) Produced Fluids Tanks, two (2) 500-gallon engine oil tanks, one (1) 520-gallon engine coolant tank, one (1) 1,000-gallon produced fluids tank, one (1) 4,200-gallon dehydration unit produced fluids tank, one (1) 2250-gallon engine oil tank, and various fugitive emissions under the General Plan Approval and/or General Operating Permit for Natural Gas Compression Stations, Processing Plants, and Transmissions Stations (BAQ-GPA/GP-5) at the Elbow Fish & Game Club Pad B Compressor Station in Cogan House Township, **Lycoming County**.

AG5-41-00013A: EQT ARO, LLC (625 Liberty Ave, Suite 1700, Pittsburgh, PA 15222) on September 24, 2021, received authorization for the change of ownership and continued operation of four (4) 1380 bhp Caterpillar model G3516ULB compressor engines each equipped with an oxidation catalyst, two (2) 87 bhp Capstone model G65 Microturbine generators, one (1) 40 MMscf/day Valerus model GLY-DEHY-750 dehydration unit equipped with a 0.75 MMBtu/hr natural-gas fired reboiler and flash tank, one (1) J.W. Williams glycol dehydration unit rated at 15 MMscf/day and equipped with a 0.35 MMBtu/hr natural-gas fired reboiler and flash tank, two (2) 16,800-gallon produced water tanks, two (2) 500-gallon lube oil tanks, one (1) 500-gallon engine coolant tank and one (1) 500-gallon triethylene glycol tank, one (1) 1,000-gallon waste oil tank and various fugitive emissions under the General Plan Approval and/or General Operating Permit for Natural Gas Compression Stations, Processing Plants, and Transmissions Stations (BAQ-GPA/GP-5) at the COP Tract 289 Compressor Station in McHenry Township, **Lycoming County**.

AG5-41-00010B: EQT ARO, LLC (625 Liberty Ave, Suite 1700, Pittsburgh, PA 15222) on September 27, 2021, received authorization for the change of ownership and continued operation of three (3) 1380 bhp Caterpillar model G3516 four-stroke ultra-lean-burn natural-gas-fired compressor engine equipped with oxidation catalyst, two (2) 35 MMscf/day J.W. Williams dehydration unit equipped with a 0.75 MMBtu/hr natural gas-fired reboiler and flash tank, two (2) 87 bhp Capstone model C65 Microturbine generators, one (1) 195 bhp Caterpillar model G3306 TA LCR rich-burn emergency generator engine, two (2) 16,800-gallon produced water tanks, two (2) 250-gallon compressor oil tanks, two (2) 500-gallon lube oil tanks, one (1) 500-gallon engine coolant tank, one (1) 500-gallon triethylene glycol tank, one (1) 1,000-gallon waste oil tank and various fugitive emissions under the General Plan Approval and/or General Operating Permit for Natural Gas Compression Stations, Processing Plants, and Transmissions Stations (BAQ-GPA/GP-5) for EQT ARO, LLC's Lycoming Hunt & Fish Club Compressor Station located in Cogan House Township, **Lycoming County**.

AG5-41-00010B: EQT ARO, LLC (625 Liberty Ave, Suite 1700, Pittsburgh, PA 15222) on September 28, 2021, received authorization for the change of ownership and continued operation of two (2) 1,380 bhp Caterpillar model G3516TA four-stroke lean-burn natural-gas-fired compressor engines equipped with an oxidation catalyst, one (1) 35 MMscf/day J.W. Williams dehydration unit equipped with a 0.75 MMBtu/hr natural gas-fired reboiler burner, and flash tank, one (1) 195 bhp Caterpillar G3306TA four-stroke lean-burn natural-gas-fired emergency engine equipped with oxidation catalyst, one (1) 87 bhp Capstone model C65 Microturbine generator, two (2) 16,800-gallon produced water tanks, two (2) 500-gallon lube oil tanks, one (1) 520-gallon coolant tank, two (2) 250-gallon compressor oil tanks, one (1) 500-gallon engine coolant tank, one (1) 500-gallon triethylene glycol tank, one (1) 1,000-gallon waste oil tank and various fugitive emissions under the General Plan Approval and/or General Operating Permit for Natural Gas Compression Stations, Processing Plants, and Transmissions Stations (BAQ-GPA/GP-5) for EQT ARO, LLC's Vargo Compressor Station located in Cascade Township, **Lycoming County**.

AG5-41-00019A: EQT ARO, LLC (625 Liberty Ave, Suite 1700, Pittsburgh, PA 15222) on September 28, 2021, for authorization to continue operation of three (3) 1,380 bhp Caterpillar model G3516TA four-stroke ultra-lean-burn natural-gas-fired compressor engines equipped

with oxidation catalysts, one (1) 50 MMscf/day J.W. Williams dehydration unit equipped with a 1.0 MMBtu/hr natural-gas fired reboiler and flash tank, one (1) 35 MMscf/day J.W. Williams dehydration unit equipped with a 0.75 MMBtu/hr natural-gas fired reboiler and flash tank, one (1) 203 bhp Caterpillar G3306TA four-stroke lean-burn natural-gas-fired emergency engine equipped with oxidation catalyst, two (2) 87 bhp Capstone model C65 Microturbine generators, two (2) 16,800-gallon produced water tanks, two (2) 500-gallon lube oil tanks, one (1) 500-gallon engine coolant tank, one (1) 500-gallon triethylene glycol tank and one (1) 1,000-gallon waste oil tank pursuant to the General Plan Approval and/or General Operating Permit for Compression Stations, Processing Plants and Transmission Stations (BAQ-GPA/GP-5) at the Larry's Creek Compressor Station located in Cummings Township, **Lycoming County**.

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

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

GP3-63-00995D and GP11-63-00995B: W.G. Tomko, Inc. (2559 State Route 88 Finleyville, PA 15332-3504) on September 24, 2021, received authorization under GP-3 and GP-11 for installation and/or operation of one (1) Cone Crusher Unit, one (1) Screening Plant, two (2) McCloskey Conveyors, one (1) 131.3 bhp Caterpillar engine, one (1) 49.3 bhp Kubota engine, one (1) 49.3 bhp Caterpillar engine, and one (1) 440 bhp Caterpillar engine at its Headquarters facility located in Union Township, **Washington County**.

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

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6940.

GP1-43-295C: Dairy Farmers of America, Incorporated (82 North Street, West Middlesex, PA 16159) on August 5, 2021, for the authority to reissuance of a 12.54 MMBtu/hr boiler, fueled with natural gas (BAQ-GPA/GP1) located at their facility in Shenango Township, **Mercer County**.

GP1-62-018C: Warren State Hospital (33 Main Drive, Warren, PA 16365) on August 4, 2021, for the authority to install an 800 bhp (32.1MMBth/hr) temporary package boiler which can be fueled with natural gas or # 2 fuel oil to serve as a backup to existing Boiler 3 (Source 033) (BAQ-GPA/GP1) located at their facility in Conewango Township, **Warren County**.

GP5A-10-427A (AG5A-10-00002A): XTO Energy, Incorporated, AK Steel Well Pad A (236 Schaffner Road, Butler, PA 16001) on September 16, 2021 for the authority to allow the installation and operation of equipment (BAQ-GPA/GP5A) located at the AK Steel A well pad in Butler Township, **Butler 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.

09-0246: Metals USA (50 Cabot Boulevard E, Langhorne, PA 19047) for the installation of two Peddinghaus

Plate Processors to perform cutting (oxyfuel and plasma) activities on carbon steel workpieces in **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.

29-03001B: JLG Equipment Services, Inc. (1 JLG Drive, McConnellsburg, PA 17233) on September 15, 2021, for the installation of a new primer spray coating booth to debottleneck the roll-on truck deck manufacturing facility located in Ayr Township, **Fulton County**. The new spray booth will use HVLP application of compliant coatings, panel filters to control overspray, and includes a 3.4 mmBtu/hr natural gas makeup air unit.

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.

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

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

15-0158: Whitford Corporation (47 Park Avenue, Elverson, PA 19520-3845) on September 21, 2021 to permit the continued operation of an existing manufacturing plant making coatings, adhesive, sealants and epoxy sticks. Raw materials are mixed, blended, milled, and packaged for industrial and consumer products using water-borne and low-volatility solvent compounds. There is a total of three (3) dust collection systems that capture the particulate matter emissions before being exhausted to the outdoor atmosphere in Elverson Borough, **Chester County**.

09-0197A: Hiossen Inc. (85 Ben Fairless Drive, Fairless Hills, PA 19030-5012) on September 21, 2021 for the installations of an acid etching machine using hydrochloric sulfuric, and hydrofluoric acids with two (2) Balestri Technologies SRL counter-current packed towers (in parallel) and having a co-current spray column to control and neutralize the acid fumes in Falls Township, **Bucks County**.

09-0210A: Waste Management of Fairless, LLC (1000 New Ford Mill Road, Morrisville, PA 19067-3704) On September 22, 2021, for the construction of the second flare from the originally issued Plan Approval for the Fairless Landfill in Falls Township, **Bucks County**.

46-0036K: VV2750 (1 Belmont Ave, Suite 250, Balacynwyd, PA 19004-1617) on September 21, 2021, to increase the permitted operating hours for the four (4) existing electric generating engines (source Id 731A) engines 1—4, and to modify these engines with the installation of oxidation catalyst to reduce CO and VOC emissions, 2) to facilitate a Change of Ownership (COO) and name change of the facility and 3 to change of name and title of the Responsible Official listed on the title/cover in Worchester Township, **Montgomery County**.

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

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

06-05159A: DAK Americas, LLC (4030 Pottsville Pike, Reading, PA 19605) on September 13, 2021, for the installation of four (4) Caterpillar, 2,069 HP, natural gas-fired engines for their combined heat and power system and three (3) natural gas-fired, 7,877 MMBtu/hr, Miura boilers at the pcrPET bottles and container recycle plant located in Muhlenberg Township, **Berks County**. The plan approval was administratively amended to reflect a change of ownership.

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

Contact: Muhammad Q. Zaman, Program Manager, (570) 327-3648.

60-00024A: GAF Keystone, LLC (2093 Old Route 15, New Columbia, PA 17856) on September 24, 2021, to extend the plan approval expiration date to April 7, 2022 to allow continued operation of several plastic roofing materials manufacturing lines at its facility in White Deer Township, **Union County**.

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

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

PA-04-00468E Extension: S.H. Bell Company (2217 Michigan Avenue East, Liverpool, OH 43920-3637) plan approval extension issuance date effective September 27, 2021, to facilitate the shakedown of sources and air cleaning devices and to allow time for initial operating inspection for their mineral processing facility located in Ohioville Borough, **Beaver County**.

11-00541A: Cleveland Brothers Equipment Company, Inc. (100 Commerce Dr., Ebensburg, PA 15931-4122) plan approval extension effective on September 28, 2021, with expiration on March 28, 2022, to extend the period of temporary operation of sources and controls at its industrial engine rebuilding facility in Cambria Township, **Cambria County**.

30-00233B: Hill Top Energy Center, LLC (278 Thomas Road, Carmichaels, PA 15320-0169) on September 22, 2021, to extend the temporary operation period for the Hill Top Energy Center natural gas-fired combined cycle power plant located in Cumberland Township, **Greene County**. The new expiration date is March 28, 2022.

30-00233C: Hill Top Energy Center, LLC (278 Thomas Road, Carmichaels, PA 15320-0169) on September 22, 2021, to extend the authorization for the transfer and use of NO_x and VOC emission reduction credits at the Hill Top Energy Center natural gas-fired combined cycle power plant located in Cumberland Township, **Greene County**. The new expiration date is March 28, 2022.

65-00634A: Eastern Gas Transmission and Storage, Inc. (6603 W. Broad St., Richmond, VA 23230-1711) on September 22, 2021, for continued construction and operation at the JB Tonkin Compressor Station located in Murrysville Borough, **Westmoreland County**. The new expiration date of the plan approval is March 28, 2022.

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

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6940.

03-179A: Leading Technologies Incorporated (1153 Industrial Park Road, Leechburg, PA 15353) on July 28, 2021, effective July 28, 2021, has issued a plan approval

extension for construction of two replacement scrubber control devices in Parks Township, **Armstrong County**. This is a State Only facility. This will expire on January 31, 2022.

10-284H: Seneca Landfill, Incorporated (421 Hartmann Road, Evans City, PA 16033) on August 31, 2021, effective August 31, 2021, has issued a plan approval extension to allow continuation of project construction in Jackson Township, **Butler County**. This is a TV facility. This will expire on February 28, 2022.

25-1045A: RH Energytrans, LLC, Countyline Compressor Station (Pageville Road, Edinboro, PA 16412) on July 29, 2021, effective July 29, 2021, has issued a plan approval extension to allow construction to continue on the project, in Elk Creek Township, **Erie County**. This is a State Only facility. This will expire on January 31, 2023.

42-004K: American Refining Group, Bradford Facility (77 North Kendall Avenue, Bradford, PA 16701) on August 31, 2021, effective August 31, 2021, has issued a plan approval extension to allow for shakedown activities on the new gathered equipment leaks flare to continue, in the City Of Bradford, **McKean County**. This is a TV facility. This will expire on February 28, 2022.

43-273A: Select Industries Incorporated dba Select Metal Litho Greenville (242 Reynolds Industrial Park Drive, Greenville, PA 16125) on August 31, 2021, effective August 31, 2021, has issued a plan approval extension for the installation of an additional coating line (Source 106) along with the addition of a regenerative thermal oxidizer (RTO-C106) in Pymatuning Township, **Mercer County**. This is a State Only facility. This will expire on February 28, 2022.

43-354B: Reclaimed Rubber and Plastics Incorporated (15921 South Mosiertown Road, Meadville, PA 16335) on July 29, 2021, effective July 29, 2021, has issued a plan approval extension for the post-construction operation of an artificial turf recycling facility in Jackson Township, **Mercer County**. This is a State Only facility. This will expire on November 30, 2021.

62-0320: Ellwood National Forge, Irvine Facility (1 Front Street, Irvine, PA 16329) on August 31, 2021, effective August 31, 2021, has issued a plan approval extension to allow for submittal of the facility TV renewal application by the end of 2021, during which the facility will request the sources in this plan approval be included in Brokenstraw Township, **Warren County**. This is a Title V facility. This will expire on February 28, 2022.

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.

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

Contact: Norman Frederick, Facility Permitting Chief—Telephone: 570-826-2409.

48-00117: L&M Fabrication & Machine Inc. (6814 Chrisphalt Drive, Bath, PA 18014) The Department issued, on August 30, 2021, a State-Only Operating Permit for the operation of sources at their facility located in East Allen Township, **Northampton County**. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

45-00034: Gower Funeral Home & Crematory Inc. (1426 Route 209, Gilbert, PA 18331) The Department issued, on August 16, 2021, a State-Only Operating Permit for the operation of sources at their facility located in Chestnuthill Township, **Monroe County**. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

Southcentral Region: Air Quality Program, 909 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.

36-03115: Pennsy Supply, Inc. (P.O. Box 3331, Harrisburg, PA 17105-3331) on September 9, 2021, for the stone crushing operations at the Landisville Quarry located in West Hempfield Township, **Lancaster County**. The State-Only permit was renewed.

22-03018: Millersburg Area School District (799 Center Street, Millersburg, PA 17061) on September 7, 2021, for the coal-fired boiler at the Lenkerville Elementary School located in Upper Paxton Township, **Dauphin County**. The State-Only permit was renewed.

06-03128: Royal Green, LLC (Huller Lane, P.O. Box 9, Temple, PA 19560-0009) on September 14, 2021, for the ferrous metal shredding facility located in Ontelaunee Township, **Berks County**. The State-Only permit was renewed.

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

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

56-00204: Columbia Gas Transmission, LLC (950 Manifold Rd., Washington, PA 15301-9602) on September 2, 2021, for the Salisbury Compressor Station in Greenville Township, **Somerset County**. The State-Only permit was renewed.

65-00353: TechSpec, Inc. (718 Y St., P.O. Box 69, Derry, PA 15627-1007) on September 21, 2021, a State Only Operating Permit (SOOP) renewal TechSpec to authorize the continued operation of a titanium bar, billet, and forging production facility located in Derry Township, **Westmoreland County**.

65-00921: Smithfield Packaged Meats Corp./Arnold Plant (2200 Rivers Edge Dr., New Kensington, PA 15068-4540) on September 27, 2021, the Department issued a Natural Minor Operating Permit for the operation of the facility's air contamination sources consisting of one Cleaver Brooks boiler, four meat product processing lines, and two room air vents. The proposed Operating Permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements at their facility located in the City of Arnold, **Westmoreland County**.

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

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.

43-00372: Integrated Fabrication & Machining Incorporated, (639 Keystone Road, Greenville, PA 16125) on September 22, 2021, the Department issued a State

Only Operating Permit for the metal fabrication facility located in Hempfield Township, **Mercer County**. Integrated Fab specializes in the manufacturing of components for the electric power grid here in North America. At the Greenville Plant, Integrated Fab consists of dry abrasive blasting operations, welding operations, and surface coating. The facility is limited to 20.0 tpy VOC, 1 tpy individual HAPs or 2.5 tpy combined HAPs for each dry abrasive blasting unit. The facility is a natural minor and is subject to State Regulations and Federal Regulations (40 CFR Part 63 Subpart XXXXXX). The permit includes additional operation requirements, monitoring requirements, and recordkeeping requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

Contact: Janine Tulloch-Reid, New Source Review Chief—Telephone: 484-250-5920.

46-00267: Flexential, (1000 Black Rock Road, Colleagueville, PA 19426) On September 22, 2021 for the issuance of an Administrative Amendment to their State Only Operating Permit for their facility in Upper Providence Township, **Montgomery County**. The Administrative Amendment reflects a change in the permit contact and plant/facility names identified in the Operating Permit. The Administrative Amendment of the State-Only Operating Permit for this facility is issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

Coal Permits Issued

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

Permit No. 24990102 and NPDES Permit No. PA0241580. Tamburlin Brothers Coal Co., Inc., P.O.

Box 1419, Clearfield, PA 16803, renewal of an existing bituminous surface mine in Fox Township, **Elk County**, affecting 136.0 acres. Receiving stream(s): Limestone Run. Application received: March 1, 2021. Permit Issued: September 22, 2021.

Permit No. 33090206. MSM Coal Company, Inc., P.O. Box 243, renewal of an existing bituminous surface mine in Knox Township, **Jefferson County**, affecting 54.1 acres. Receiving stream(s): Unnamed tributaries to Fivemile Run. Application received: February 19, 2021. Permit Issued: September 22, 2021.

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

Permit No. 54070105R2. S & J Coal Mine, 15 Motter Drive, Pine Grove, PA 17963, renewal of an anthracite surface mine operation in Reilly Township, **Schuylkill County** affecting 71.2 acres. Receiving stream: Swatara Creek. Application received: October 28, 2019. Renewal issued: September 21, 2021.

Permit No. PAM117055R. S & J Coal Mine, 15 Motter Drive, Pine Grove, PA 17963, renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Surface Mining Permit No. 54070105 in Reilly Township, **Schuylkill County**, receiving stream: Swatara Creek. Application received: October 28, 2019. Renewal issued: September 21, 2021.

Permit No. 54950201R5. Gilberton Coal Company, 10 Gilberton Road, Gilberton, PA 17934, renewal of an anthracite coal refuse reprocessing operation in Butler Township, **Schuylkill County** affecting 15.0 acres. Receiving stream: Big Mine Run to Mahanoy Creek. Application received: April 1, 2021. Renewal issued: September 21, 2021.

Permit No. PAM111076R2. Gilberton Coal Company, 10 Gilberton Road, Gilberton, PA 17934, renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Surface Mining Permit No. 54950201 in Butler Township, **Schuylkill County**, receiving stream: Big Mine Run to Mahanoy Creek. Application received: April 1, 2021. Renewal issued: September 21, 2021.

Permit No. GP12-54773006. Reading Anthracite Company, P.O. Box 1200, Pottsville, PA 17901, application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 54773006 in Cass, Foster and New Castle, **Schuylkill County**. Application received: July 27, 2021. Permit Issued: September 23, 2021.

Noncoal Permits Issued

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

Permit No. 08110307. Bishop Brothers Construction Company, Inc., 1376 Leisure Drive, Towanda, PA 18848. Permit revision to add 7.3 acres of support area on a large non-coal surface mining site located in North Towanda Township, **Bradford County** affecting 44.1 acres. Receiving stream(s): Sugar Run to Susquehanna River classified for the following use(s): WWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: December 16, 2020. Permit issued: September 16, 2021.

Permit No. 08210801 and NPDES GP-104 PAM221017. Quality Stone, LLC, 4244 Leraysville Rd., Warren Center, PA 18851. Commencement, operation, and restoration of a small noncoal mining site located in Sheshequin Township, **Bradford County** affecting 1.9 acres. Receiving stream(s): Bullard Creek and Wysox Creek Watershed classified for the following use(s): CWF, MF. Application received: July 8, 2021. Permit issued: September 16, 2021.

Permit No. 17200802. Samuel D. Brink, 1382 Pun-kin Ridge Road, LaJose, PA 15753. Commencement, operation, and restoration of a small noncoal mining site located in Chest Township, **Clearfield County** affecting 1.0 acre. Receiving stream(s): Unnamed Tributary to Pine Run classified for the following use(s): Exceptional Value, Migratory Fishes. Application received: August 26, 2020. Permit issued: September 23, 2021.

Permit No. 08120304 and NPDES GP-104 PAM214008. Austin's Excavating & Paving, Inc., 121 Talmadge Hill Road West, Waverly, NY 14892. Transfer of an existing large noncoal mining site from Insinger Excavating, Inc., located in Windham Township, **Bradford County** affecting 36.3 acres. Receiving stream(s): Unnamed Tributary to Wappasening Creek to Wappasening Creek to Susquehanna River classified for the following use(s): CWF, MF. Application received: December 28, 2020. Permit issued: September 23, 2021.

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

NPDES Permit No. PA0594601. Pennsy Supply, Inc., 2400 Thea Drive, Suite 3A, Harrisburg, PA 17110, renewal of an NPDES Permit for discharge of treated mine drainage from quarry operation on Surface Mining Permit No. 8275SM1C6 in West Hempfield Township, **Lancaster County**. Application received: January 3, 2019. Renewal issued: September 27, 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

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

Permit No. 08214110. Meshoppen Blasting Inc., Frantz Rd., P.O. Box 127, Meshoppen, PA 18630. Blasting for construction of a Gas Pad located in Wilmot Township, **Bradford County** with an expiration date of September 20, 2022. Permit issued: September 22, 2021.

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

Permit No. 15214108. Rock Work, Inc., 1257 DeKalb Pike, Blue Bell, PA 19422, construction blasting for Devault Village in Charlestown Township, **Chester County** with an expiration date of October 1, 2022. Permit issued: September 22, 2021.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), and that the construction will not violate applicable Federal and State Water Quality Standards.

Any person aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30-days. You do not need a lawyer to file an appeal with the Board.

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

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

E6004221-001. Hufnagle Park, Lewisburg, PA 17837, Lewisburg Township, **Union County**, ACOE District (Lewisburg, PA Quadrangle 40.961685°N; Longitude: 76.886342°W).

To construct and maintain, a 2 stall ADA complaint bathroom with site improvements and associated utility connections. The structure will be 173 square feet (sf) and associated work includes directional drilling of utilities under railroad tracks, installation of a grinder pump, and required grade to meet ADA standards.

As development of the project will result in an earth disturbance less than one acre, no stormwater mitigation is required. As such, no stormwater management best management practices (BMPs) are proposed.

A portion of the project site will be constructed within the Limestone Run floodway and floodplain. The completion of the project will result in a net reduction in the floodway obstructions.

This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

Southwest District Oil and Gas Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

ES3007221-001, CNX Midstream Operating Company, LLC, 1000 Consol Energy Drive, Canonsburg, PA 15317.

To stabilize an area of slope distress along CNX's GH to Hopewell Pipeline right-of-way and rehabilitate the disturbed streambed and banks of Tributary 40679 to West Run to pre-existing conditions. Tributary 40679 to West Run is designated as a High-Quality Warm Water Fisheries (HQ-WWF). The remediation will permanently impact approximately 180 LF (0.029 acre) of Tributary 40679 and .072 acre of associated floodway. The project will also temporarily impact .024 acre of Palustrine Emergent wetlands, .007 acre of Trib. 40679 and .481 acre of floodway in order to access the remediation areas during construction. The stabilization and rehabilitation site is located in Morris Township, **Greene County**, Pittsburgh USACE District, at Lat: 39.909950, Longitude: -80.304263 (Rogersville Quadrangle).

DAM SAFETY

Central Office: Bureau of Waterways Engineering & Wetlands, Rachel Carson State Office Building, 400 Market Street, 2nd Floor, Harrisburg, PA 17101, telephone: 717-787-3411.

D58-004, Oakland Borough, Mayor Randy Glover, 380 State Street, Susquehanna, PA 18847 and Susquehanna Depot Borough, Roy Williams, Council President, 83 Erie Boulevard, Suite A, Susquehanna, PA 18847. The Department of Environmental Protection, Division of Dam Safety (Department) has reviewed and approved the restoration plan to breach and remove the Oakland Dam to eliminate a significant threat to public safety and restore the Susquehanna River to a free-flowing condition. In addition, the Department has conducted an environmental assessment and concluded the project will have a long-term beneficial impact on aquatic resources. Oakland and Susquehanna Depot Boroughs, Oakland Township, **Susquehanna 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.

Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4281

ESCGP-3 # ESG073020001-01

Applicant Name CNX Midstream OPR Co, LLC

Contact Person Erika Whetstone

Address 1000 Consol Energy Drive

City, State, Zip Canonsburg, PA 15317

County Greene

Township(s) Richhill

Receiving Stream(s) and Classification(s) Barney's Run (TSF), South Fork Dunkard Fork (TSF), UNTs to Barney's Run (TSF), UNTs to South Fork Dunkard Fork (TSF);

Secondary Receiving Waters: South Fork Dunkard Fork (TSF), Dunkard Fork (WWF), Barney's Run (TSF)

ESCGP-3 # ESG076321007-00

Applicant Name EQM Gathering OPCO, LLC

Contact Person Stephanie Frazier

Address 2200 Energy Drive

City, State, Zip Canonsburg, PA 15317

County Washington

Township(s) Amwell

Receiving Stream(s) and Classification(s) UNTs to Little Tenmile Creek (TSF), Little Tenmile Creek (TSF, siltation-impaired); Little Tenmile Creek (TSF, siltation-impaired), Tenmile Creek (TSF)

ESCGP-3 # ESX13-003-0006

Applicant Name Superior Appalachian Pipeline, LLC

Contact Person Art Smith

Address 4000 Town Center Blvd Suite 220

City, State, Zip Canonsburg, PA 15317

County Allegheny

Township(s) Frazer

Receiving Stream(s) and Classification(s) UNTs to Bull Creek (TSF), UNTs to Lardintown Run (TSF), Lardintown Run (TSF)/Bull Creek (TSF)

ESCGP-3 # ESG076521002-00

Applicant Name CNX Midstream OPR Co, LLC

Contact Person Sarah Weigand

Address 1000 Consol Energy Drive

City, State, Zip Canonsburg, PA 15317

County Westmoreland

Township(s) Bell

Receiving Stream(s) and Classification(s) UNT1 to Kiskiminetas River (WWF), UNT2 to Kiskiminetas River (WWF), UNT3 to Kiskiminetas River (WWF), UNT4 to Kiskiminetas River (WWF), Tributary 42945 to Beaver Run (TSF), Tributary 42946 to Beaver Run (TSF), Kiskiminetas River (WWF), Wetland 12 (PEM-EV), Wetland 7B (PEM-EV), Wetland 7D (PEM-EV);

Secondary Receiving Waters: Kiskiminetas River (WWF), Beaver Run (TSF), Allegheny River (WWF), Tributary 42945 to Beaver Run (TSF), Tributary 42946 to Beaver Run (TSF)

ESCGP-3 # ESX18-059-0009
 Applicant Name CNX Gas Company
 Contact Person Sarah Weigand
 Address 1000 Consol Energy Drive
 City, State, Zip Canonsburg, PA 15317
 County Greene
 Township(s) Richhill
 Receiving Stream(s) and Classification(s) UNTs to Dunkard Fork (WWF); Dunkard Fork (WWF)

ESCGP-3 # ESX16-007-0005
 Applicant Name ETC Northeast Field Service, LLC
 Contact Person Nicholas Bryan
 Address 6051 Wallace Road Ext. Third Floor
 City, State, Zip Wexford, PA 15090
 County Beaver
 Township(s) New Sewickley
 Receiving Stream(s) and Classification(s) UNT to Brush Creek, Brush Creek, Connoquenessing Creek, Beaver River (WWF)

ESCGP-3 # ESX14-003-0005
 Applicant Name EQT Productions Company
 Contact Person Todd Klaner
 Address Woodcliff Drive Suite 200
 City, State, Zip Canonsburg, PA 15317
 County Allegheny
 Township(s) Forward
 Receiving Stream(s) and Classification(s) Trib 39770 to Sunfish Run and Sunfish Run of Monongahela River Watershed which has a Chapter 93 designated use as Warm Water Fishes (WWF)

Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

ESCGP-3 # ESX29-081-16-0030(1)
 Applicant Name EXCO Resources PA, LLC
 Contact Person John Sink
 Address 12377 Merit Dr. Suite 1700
 City, State, Zip Dallas, TX 75251
 County Lycoming
 Township(s) Penn
 Receiving Stream(s) and Classification(s) Big Run (CWF)
 Secondary: Little Muncy Creek (CWF)

ESCGP-3 # ESG290821055-00
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 14 Chesapeake Lane
 City, State, Zip Sayre, PA 18840
 County Bradford
 Township(s) Sheshequin
 Receiving Stream(s) and Classification(s) UNT to Susquehanna River (WWF, MF) Susquehanna River (WWF, MF)

ESCGP-3 # ESG295721005-00
 Applicant Name EQT ARO, LLC
 Contact Person Stephen Barondeau
 Address 33 West Third Street Suite 300
 City, State, Zip Williamsport, PA 17701
 County Sullivan
 Township(s) Hillsgrove
 Receiving Stream(s) and Classification(s) UNTs Loyalsock Creek (EV), Loyalsock Creek (EV)
 Secondary: Loyalsock Creek (EV), West Branch Susquehanna River (WWF)

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, P.O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
21-36-006	Penn State Health P.O. Box 855 Mail Code A330 Hershey, PA 17033 Attn: David Barto	Lancaster	East Hempfield Township	Two ASTs storing diesel fuel	40,000 gallons total

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 2

The Following Plans and Reports Were Submitted Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for

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

sults 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 DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

DEP has received the following plans and reports:

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Leffler's Service Station, Storage Tank ID # 13-50651, 1103 North Street, Jim Thorpe, PA 18229, Jim Thorpe Borough, **Carbon County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Subhash Patel, 1103 North Street, Jim Thorpe, PA 18229, has submitted a revised, combined Site Characterization Report & Remedial Action Plan and 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.

Henry's Service Station, Storage Tank ID # 48-03706, 4024 Mountain View Drive, Danielsville, PA 18038, Lehigh Township, **Northampton County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Preston Henry, 4024 Mountain View Drive, Danielsville, PA 18038, submitted a combined Site Characterization 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 a combination of Site Specific and Statewide health standards.

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 3

The Department of Environmental Protection (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 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.

DEP may approve or disapprove plans and reports submitted. This notice provides 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 DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

DEP has received the following plans and reports:

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Former Sunoco 0374 6435, Storage Tank ID # 39-02332, 5052 Cetronia Road, Wescosville, PA 18106, Upper Macungie Township, **Lehigh County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Evergreen Resources Group, LLC 2 Righter Parkway, Suite 120, Wilmington, DE 19803, submitted a combined, revised Site Characterization and Remedial Action Plan concerning remediation of soil contaminated with petroleum. The report actually constituted a Remedial Action Completion Report and it was reviewed as such. The Report demonstrated attainment of site-specific standards and was approved by DEP on September 27, 2021.

Former Hawk Valley General Store, Storage Tank ID # 54-50635, 16 Summer Valley Road, Orwigsburg, PA 17961, West Brunswick Township, **Schuylkill County**, United Environmental, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Jack Rich Inc., 617 Altamont Boulevard, Frackville, PA 17931, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with petroleum. The Remedial Action Completion Report demonstrated attainment of Statewide health standards and was approved by DEP on September 23, 2021.

Northcentral Regional Office: Environmental Cleanup & Brownfields Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3636.

Contact: Randy Farmerie, Environmental Program Manager.

Kwik Fill M086, Storage Tank Facility ID # 17-14823, 978 North Front St, Philipsburg, PA 16866, Decatur Township, **Clearfield County**. Groundwater Environmental Services, 301 Commerce Park Drive, Cranberry Township, PA 16066, on behalf of United Refining Company, 814 Lexington Ave, Warren, PA 16365, submitted a combined Site Characterization report and Remedial Action Plan concerning remediation of groundwater contaminated with unleaded gasoline. The Remedial Action Plan was acceptable to meet the Statewide health standard and was approved by DEP on September 16, 2021.

Harvest Moon Plaza, Storage Tank Facility ID # 41-70206, 7468 US Highway 220, Linden, PA 17744, Woodward Township, **Lycoming County**. P Joseph Lehman, Inc., P.O. Box 419, Hollidaysburg, PA 16648, on behalf of Harvest Moon Plaza, Inc., 640 Yerger Road,

Linden, PA 17744, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Remedial Action Completion Report demonstrated attainment of the Statewide health standard and was approved by DEP on August 30, 2021.

Former Potato City Country Inn, Storage Tank Facility ID # 53-35753, 3084 Second Street, Coudersport, PA 16915, Sweden Township, **Potter County**. Brownfield Science & Technology, Inc., 3157 Limestone Road, Cochranville, PA 19330, on behalf of Miller Bros. Construction, Inc., P.O. Box 472, 950 E. Main St, Schuylkill Haven, PA 17972, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The Remedial Action Completion Report demonstrated attainment of the Statewide health standard and was approved by DEP on August 16, 2021.

Northwest Regional Office: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6648.

Contact: Kim Bontrager, Clerk Typist 3.

Joes Service Station, Storage Tank Facility ID # 43-90087, 1808 Perry Highway, Volant, PA 16156, Springfield Township, **Mercer County**. Letterle & Associates, 191 Howard Street, Suite 108, Franklin, PA 16323 on behalf of Joseph Mattace, 1808 Perry Highway, Volant, PA 16156, submitted a Remedial Action Plan addendum concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Remedial Action Plan was acceptable to meet the site-specific standard and was approved by DEP on September 22, 2021.

GD Leasing, Storage Tank Facility ID # 43-90667, 3035 Lynwood Drive, Hermitage, PA 16148, City of Hermitage, **Mercer County**. Letterle & Associates, 191 Howard Street, Suite 108, Franklin, PA 16323 on behalf of Kirila Realty, 3035 Lynwood Drive, Hermitage, PA 16148 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with diesel fuel. The Remedial Action Plan was acceptable to meet the site-specific standard and was approved by DEP on September 22, 2021.

Zain Mini Mart, Storage Tank Facility ID # 37-24163, 2012 East Washington Street, New Castle, PA 16101, Shenango Township, **Lawrence County**. Groundwater & Environmental Consultants, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066 on behalf of Evergreen Resources Management Operations, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, naphthalene, cumene, total xylenes, and methyl tert-butyl ether. The Remedial Action Completion Report demonstrated attainment of the Statewide health standard and was approved by DEP on September 22, 2021.

Wayne Pumps, Storage Tank Facility ID # 32-81999, 1194 Wayne Avenue, Indiana, PA 15701-3512, White Township, **Indiana County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Wayne Pumps, 4303 West Lake Drive, Cambridge, NE 69022-6112, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with leaded and unleaded gasoline. The Remedial Action Plan was not acceptable to meet the site-specific standards and was disapproved by DEP on September 23, 2021.

Kwik Fill M174, Storage Tank Facility ID # 61-14802, 1293 Allegheny Boulevard, Franklin, PA 16343, Sugarcreek Borough, **Venango County**. Atlas Technical Consultants, LLC, 270 William Pitt Way, Pittsburgh, PA 15238 on behalf of United Refining Company, 11 Bradley Street, Warren, PA 16365 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline and diesel fuel. The Remedial Action Plan was acceptable to meet the Statewide health standard and was approved by DEP on September 22, 2021.

BFS Slippery Rock, Storage Tank Facility ID # 10-14073, 103 North Main Street, Slippery Rock, PA 16057, Slippery Rock Borough, **Butler County**. Letterle & Associates, 2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of Bruceton Farm Services, Inc., 116 Shannon Drive, Morgantown, WV 26508, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Remedial Action Plan was acceptable to meet the Statewide health standard and was approved by DEP on September 28, 2021.

GetGo 3045, Storage Tank Facility ID # 37-03568, 1901 W. State Street, New Castle, PA 16100, Union Township, **Lawrence County**. Apex Companies, LLC, 1600 Commerce Circle, Trafford, PA 15085, on behalf of Guttman Oil Company, 200 Speers Street, Belle Vernon, PA 15012, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Remedial Action Plan was acceptable to meet the Statewide health standard and was approved by DEP on September 28, 2021.

SPECIAL NOTICES

WASTE MANAGEMENT

Notice of Plan Revision Approval Under the Municipal Waste Planning and Waste Reduction Act Of 1988, Act 101

Northeast Region: Roger Bellas, Waste Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

The Department of Environmental Protection (DEP) approved a revision to the **Luzerne County Municipal Waste Management Plan** on September 23, 2021.

Any Person aggrieved by this action 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 receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of this 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.

The Plan Revision is a public document and may be viewed at the DEP Regional Office noted above.

Questions concerning this approval should be directed to Roger Bellas, Waste Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

ACTIVE AND ABANDONED MINE OPERATIONS

DISTRICT MINING OPERATIONS

Request for Comment and Notice of Public Meeting

Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931-4119.

Mining Permit No. 50210301, Centre Lime & Stone Company, Inc., 1952 Waddle Road, State College, PA 16803. Receiving streams: unnamed tributary to Little Juniata Creek and Lutman Run, classified for the following uses: Cold Water Fishes and High Quality, Cold Water Fishes. The proposed permit area is 29.3 acres and the proposed access road is located approximately 670 feet northwest of the intersection of Mannsville Road (SR 4003) and Kretzing Road in Centre Township, **Perry County**. All drainage from the site will be directed to an unnamed tributary to Little Juniata Creek

An informal conference/public hearing will be held on Wednesday, October 27, 2021, at the Perry County Courthouse, Room #1, located at 2 East Main Street, New Bloomfield, PA 17068. The purpose of the public hearing is to discuss the mining permit application. The hearing will address topics identified by the public in previous comments including the following: private water supply impacts, blasting, noise and any other aspects of the permit application. An open house will be conducted between 10 a.m. to 11 a.m., during which time Department representatives will be available to answer questions concerning the permit application. Beginning at 11 a.m., formal comments regarding the permit application will be accepted. Those interested in making a formal comment will have the option of voicing their comment for the official record during the public hearing or submitting a written comment within two weeks of the public hearing. Attendees who choose to voice their comment will be called upon one at a time and allotted five minutes to speak. Commentators are encouraged to provide a written transcript of oral comments to the Department. A copy of the permit application is on file for public review at the Perry County Conservation District, 31 West Main Street, New Bloomfield, PA 17068 and at the Department of Environmental Protection, Ebensburg District Office, 286 Industrial Park Road, Ebensburg, PA 15931-4119, (814) 472-1900. The notice that this application was received was published in the *Pennsylvania Bulletin* on July 24, 2021.

[Pa.B. Doc. No. 21-1695. Filed for public inspection October 8, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Agricultural Advisory Board Meeting Cancellation

The October 21, 2021, meeting of the Agricultural Advisory Board (Board) is cancelled. The next Board meeting is scheduled for Thursday, December 9, 2021, and will begin at 9 a.m. in the 12th floor Conference Room, 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 Jay Braund at jbraund@pa.gov or (717) 772-5636.

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 (select "Public Participation," then "Advisory Committees," then "Water," then "Agricultural 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 December 9, 2021, meeting can be directed to Jay Braund at jbraund@pa.gov or (717) 772-5636.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-5636 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. 21-1696. Filed for public inspection October 8, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mining and Reclamation Advisory Board Meeting

The Mining and Reclamation Advisory Board (Board) will meet on Thursday, October 21, 2021, at 9 a.m. in the main conference room of the Moshannon District Mining Office, 186 Enterprise Drive, Philipsburg, PA 16866. 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 Daniel E. Snowden at dsnowden@pa.gov or (717) 783-8846.

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 (select "Public Participation," then "Advisory Committees," then "Mining," then "Mining and Reclamation Advisory Board," then "2021").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the October 21, 2021,

meeting can be directed to Daniel E. Snowden at dsnowden@pa.gov or (717) 783-8846.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Daniel E. Snowden at (717) 783-8846 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. 21-1697. Filed for public inspection October 8, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mosquitoborne Disease Control County Grants; Notice of Availability

The Department of Environmental Protection (Department) invites county parties awarded a grant in 2021 to apply for the State Appropriated Fiscal Year 2022 Mosquitoborne Disease Control (MDC) reimbursable county grants.

Applicants must meet certain eligibility requirements (for example, the applicant must be a county authority—

health department, conservation district, emergency management agency, county planning agency or another county agency). The grantees will perform mosquito Integrated Pest Management activities within the borders of the designated county or counties, as noted in the MDC Grant Application Instruction Guide.

Information is available on the Department's web site at www.dep.pa.gov (select "Businesses," then "Program Integration," then "Vector Management," then under West Nile Virus, "Pennsylvania's West Nile Virus Control Program web site").

Applications must be submitted online through the Commonwealth's Electronic Single Application web site, eGrants, at www.esa.dced.state.pa.us. The Department will begin accepting applications on Friday, October 15, 2021. Applications must be received no later than 4 p.m. on Monday, November 15, 2021.

Questions concerning the grant program can be directed to the Department of Environmental Protection, Vector Management, P.O. Box 1467, Harrisburg, PA 17105-1467, at mhelwig@pa.gov or (717) 497-7154.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 21-1698. Filed for public inspection October 8, 2021, 9:00 a.m.]

DEPARTMENT OF HEALTH

Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation and relating to</i>
Hazleton Surgery Center, LLC	28 Pa. Code § 551.21(d)(1) (relating to criteria for ambulatory surgery)
Physician's Care Surgery Center	28 Pa. Code § 551.21(d)(1)
Western PA Surgery Center—Beaver County Branch	28 Pa. Code § 569.35(7) (relating to general safety precautions)

The following ASF has filed a request for exception under 28 Pa. Code § 571.1 (relating to minimum standards). Requests for exceptions under this section relate to *Guidelines for Design and Construction of Hospitals and of Outpatient Facilities*, as published by the Facility Guidelines Institute (*FGI Guidelines*). The following list includes the citation to the section of the *FGI Guidelines* for which the hospital is seeking an exception and the year of publication.

<i>Facility Name</i>	<i>Guidelines Section and Relating to</i>	<i>Yr¹</i>
Children's Dental Surgery	2.7-3.5.8.7(1) clinical sink	18-O

¹ 2018 Year *FGI Regulations* were split into 2 books; *Hospitals*, and *Outpatient Facilities* as indicated by "-O."

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and

Ambulatory Care at (717) 783-8980, 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. 21-1699. Filed for public inspection October 8, 2021, 9:00 a.m.]

DEPARTMENT OF HEALTH

Decisions on Requests for Exceptions to Health Care Facility Regulations

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b), for exceptions to regulations contained in 28 Pa. Code, Part IV Subparts B—G.

Section 51.33(d) of 28 Pa. Code provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from September 1, 2021, through September 30, 2021. Future publications of decisions on exception requests will appear on a quarterly basis.

Requests for additional information on the exception request and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals, abortion facilities and ambulatory surgical facilities shall be addressed to Garrison E. Gladfelter, Jr., Director, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980. Inquiries regarding long-term care facilities shall be addressed to Susan Williamson, Director, Division of Nursing Care Facilities, Room 528, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816. Inquiries regarding Home Health agencies should be directed to Linda Chamberlain, Director, Division of Home Health, Forum Place, Suite 701, 555 Walnut Street, Harrisburg, PA 17101, (717) 783-1379.

Ambulatory Surgical Facilities

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Huntingdon Valley Surgery Center	§ 551.21(d)(1) (relating to criteria for ambulatory surgery)	09/21/2021	Granted Probationary w/Conditions
North East Surgery Center	§ 551.21(d)(2)	09/07/2021	Granted w/Conditions

Hospitals

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
AHN Wexford Hospital	§ 138.15 (relating to high-risk cardiac catheterizations)	09/16/2021	Granted Probationary w/Conditions
Geisinger Medical Center	§ 107.64 (relating to administration of drugs)	09/21/2021	Granted w/Conditions
Geisinger Medical Center Muncy	§ 107.2 (relating to medical staff membership)	09/07/2021	Granted w/Conditions
	§ 127.32 (relating to written orders)	09/07/2021	Granted w/Conditions
Lecom Health Corry Memorial Hospital	§ 51.23 (relating to positron emission tomography)	09/16/2021	Granted w/Conditions
	§ 153.1(a) (relating to minimum standards) 2.2-3.4.1.2 imaging room classification	09/16/2021	Granted
	§ 153.1(a) 2.2-3.4.1.3(1)(c) radiation protection	09/16/2021	Granted
	§ 153.1(a) 2.2-3.4.1.3(1) and (2) radiation protection	09/16/2021	Granted
	§ 153.1(a) 2.2-3.4.2.3(1)—(3) hand-washing station or hand scrub facilities	09/16/2021	Granted
	§ 153.1(a) 2.2-3.4.7.3(6)(a)—(c) positron emission tomography (PET)	09/16/2021	Granted
Penn Highlands Dubois	§ 153.1(a) 2.1-8.4.3.2(2) hand-washing station sinks	09/16/2021	Granted

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Penn Highlands Huntingdon	§ 153.1(a) 2.1-3.2.1.2(2)(a)(i) single-patient examination/observation room	09/16/2021	Granted
	§ 153.1(a) 2.1-7.2.2.3(2)(a) doors and door hardware	09/16/2021	Granted
	§ 153.1(a) 2.1-8.3.6 electrical receptacles	09/16/2021	Granted
	§ 153.1(a) 2.1-8.4.3.2(2) hand-washing station sinks	09/16/2021	Granted
Wellspan York Hospital	§ 153.1(a) 2.2-2.2.2.6 patient toilet room	09/14/2021	Granted Temporary

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact the Division of Acute and Ambulatory Care or the Division of Nursing Care Facilities at the previously referenced address or telephone 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. 21-1700. Filed for public inspection October 8, 2021, 9:00 a.m.]

DEPARTMENT OF HEALTH

Emergency Medical Services Operating Fund Funding Priorities for Fiscal Year 2021-2022

Under 28 Pa. Code §§ 1021.24 and 1021.25 (relating to use of EMSOF funding by a regional EMS council; and allocation of EMSOF funds to regional EMS councils), the Department of Health (Department) gives notice of priorities for the distribution by the regional emergency medical services (EMS) councils of funding from the Emergency Medical Services Operating Fund (EMSOF) for the fiscal year beginning July 1, 2021, and ending June 30, 2022.

EMSOF moneys are to be used to provide funding to maintain, improve and develop the quality of the EMS system within this Commonwealth. The Department finds that EMSOF is not sufficient to fully fund the EMS system. Therefore, it gives notice, under § 1021.24(e), that recipients of EMSOF funding from regional EMS councils may be required to provide matching funds toward all purchases, acquisitions and projects for which the Department permits the use of EMSOF moneys.

Each regional EMS council shall prioritize the distribution of its EMSOF moneys allocated for the established priorities set forth in this notice. These allocations shall be based upon the Statewide EMS Development Plan and its regional EMS development plan, subject to the funding priorities set forth in this notice. By October 30, 2021, the regional EMS councils shall notify the providers and other appropriate entities of the established funding priorities, the application process, acquisition documentation requirements and processing deadlines. Each regional EMS council must complete all documents required for the distribution of EMSOF funding by June 30, 2022.

The Department may increase the amount of the initial payment or reimbursement from EMSOF based upon the EMS development plans (State and regional) or documented financial hardship of a provider of EMS. A provider of EMS that seeks additional funds due to financial hardship shall be required to submit a financial disclosure statement and other documentation deemed necessary by the Department.

A provider of EMS applying for EMSOF funding must be in full compliance with all regulations, policies and priorities of the State and regional EMS systems.

Funds for purchases, acquisitions and projects for the fiscal year beginning July 1, 2021, and ending June 30, 2022, must have been expended or encumbered by the regional EMS council by June 30, 2022.

Funding Priorities

The following funding priorities are listed in order of current State priority. These priorities must be considered before there is any regional distribution of EMSOF moneys for initiatives that are not listed. All funding must be distributed in a manner consistent with the regional and Statewide EMS development plans. Consequently, if the priorities in this notice have been met and additional funding is available, the request to use EMSOF money towards lower-priority items must still be supported by the Statewide and regional EMS development plans.

1. Recruitment and retention programs, including scholarships or tuition reimbursement for emergency medical responder (EMR), emergency medical technician (EMT), advanced emergency medical technician (AEMT) and paramedic (P) education in areas with higher than average prehospital personnel vacancy rates or other challenges associated with the provision of EMS primary education, or both, as determined by the regional EMS council and approved by the Department.

2. Costs associated with investigating a potential merger or consolidation of services. These costs include, but are not limited to, consulting fees, studies, legal fees and statistical analysis.

3. Costs associated with the actual merger or consolidation of services.

4. Development or improvement of an organizational risk management program (safety measures, hazard recognition or mitigation and the necessary organizational structure and support processes) proposed by an ambulance service. Proposals for funding must be comprehensive and include safe vehicle operations. Approval by the Department is required prior to funding. Equipment that is required to meet basic life support (BLS), intermediate

advanced life support (IALS), and advanced life support (ALS) ambulance service licensure.

5. Capnography equipment (especially wave-form end-tidal CO₂ monitors).

6. Software or computer equipment to enable services to collect and transmit EMS patient care reports electronically.

7. Bariatric equipment to equip ambulances.

8. Replacement of an ambulance, for ambulance services, that is older than 10 years or has more than 200,000 miles on it. This allowance is limited to one per fiscal year.

When two or more ambulance companies have consolidated to create one entity, for the first 5 years after the ambulance companies completed consolidation, the entity may be deemed eligible to receive funding not to exceed the amount of the combined total for which the individual companies would have been eligible had they not consolidated.

Emergency Preparedness and Response Funding Requests

Emergency preparedness and response funding requests must be based on local and response roles of services, regional needs and needs identified by threat vulnerability analysis. Purchases must be coordinated with county emergency, fire service, hazmat and hospital organizations in the applicant's service area to assure interoperability and to prevent duplication. Funding requests related to respond to all hazard and emergency preparedness must have a clear connection to the regional EMS catastrophic plan and the regional EMS development plan. Priority will be given to fund the ambulance services in each region that have committed to participat-

ing in the EMS strike team capability project and respond to requests for EMS, both interstate and intrastate, as identified in the State and regional mass casualty plans.

Provider Equipment

Purchases by providers of EMS are not limited to equipment. If a provider of EMS requests EMSOF monies to purchase equipment, the Eligible Provider Equipment List included with this announcement identifies equipment for which EMSOF funds will be made available to purchase. This list provides the types of providers of EMS eligible for equipment purchases supported by EMSOF funding and the maximum allowable cost upon which the EMSOF contribution will be calculated.

EMSOF funds may be funded up to the maximum allowable cost of an equipment item. Providers of EMS that receive funding are responsible for the balance of the purchase price. The provider may purchase an item for an amount that exceeds the maximum allowable cost, but the provider will be responsible for any amount exceeding that figure.

Examinations

Funding may be provided to EMS agencies to cover the cost of the State written test for P, prehospital physician extender (PHPE), prehospital registered nurse (PHRN), AEMT, EMT and EMR certification taken by their personnel at 100% of the cost as established by the National Registry of EMTs (NREMT). Funding utilizing this method is limited to two testing attempts by the individual seeking certification

Medical Director

The maximum allowable cost for an EMS agency to contract for medical director oversight is \$12,000 for Fiscal Year 2021-2022.

Eligible Provider Equipment List

EQUIPMENT DESCRIPTION	LIFE EXPECTANCY	Eligible Purchase for:										ALLOWABLE COSTS ¹		
		ALS	ALS/SQ	IALS	IALS/SQ	BLS	BLS/SQ	QRS	ALS	ALS/SQ	IALS		IALS/SQ	
EKG Monitor/Defibrillator with Pacer	5 years	Y	Y	N	N	N	N	N	N	N	N	N	N	12,000
12 Lead EKG ²	5 years	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	20,000
Automated External Defibrillator (AED)	5 years	N	N	N	N	N	N	Y ³	Y ³	Y ³	Y ³	Y ³	Y ³	1,500
Automated External Defibrillator Trainer	5 years	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	400
Oxygen Equipment (any combination) Cylinder Demand Valve w/Hose and Mask Regulator (combination or constant flow—25 lpm capable) Case	5 years	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	500
Capnography Equipment	3 years	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	3,000
CPAP Ventilation Portable Equipment	5 years	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	1,500
Pulse Oximeter	5 years	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	700
Nitrous Oxide Delivery System	5 years	Y	Y	N	N	N	N	N	N	N	N	N	N	2,000
Intravenous Infusion Pumps	5 years	Y	Y	N	N	N	N	N	N	N	N	N	N	2,000
Adult /Pediatric Intubation Kits	5 years	Y ⁴	Y ⁴	N	N	N	N	N	N	N	N	N	N	600
Transtacheal Jet Insufflators (TTJ)	5 years	Y	Y	N	N	N	N	N	N	N	N	N	N	200
Splinting/Immobilization Devices (any combination) Backboard Cervical Immobilization Device Splints (rigid, traction, and the like)	3 years	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	500
Stairchair	5 years	Y	N	Y	Y	N	N	Y	Y	Y	N	N	N	Up to 5,000
Stretcher	5 years	Y	N	Y	Y	N	N	Y	Y	Y	N	N	N	Up to 10,000
Stair Stretcher 500 lb. Capacity	5 years	Y	N	Y	Y	Y	Y	Y	Y	Y	N	N	N	2,700
Suction (Portable)	3 years	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	900
Ventilator, Automatic (per Department of Health Guidelines)	5 years	Y ⁵	Y ⁵	Y ⁶	Y ⁶	Y ⁶	Y ⁶	Y ⁶	Y ⁶	Y ⁶	Y ⁶	Y ⁶	Y ⁶	3,000
Ambulance with Chevron Marking on Back of Unit	—	Y	N	Y	Y	N	N	Y	Y	Y	N	N	N	-
Chevron	—	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	1,500
Squad/Response Vehicle with Chevron Marking on Back of Unit	—	N	Y	N	N	Y	Y	N	Y	N	Y	Y	Y	-
Data Collection Software/Technology ⁷	—	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	1,700
Data Collection Hardware ⁸	3 years	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	2,000
Radio, Mobile (two per vehicle)	5 years	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	5,000
Radio, Portable (two per vehicle per year)	5 years	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	5,000
Triage Vest with Reflection Stripes Meeting ANSI National Standards	5 years	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	150
Triage System	5 years	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	750
Alerting Equipment (5 per service at \$400 each)	5 years	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	2,000
Vehicle Safety Monitoring Systems	5 years	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	3,500
Personal Protective Equipment/Turnout Gear: Helmet, Coat, Pants, Boots	5 years	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	1,200
Protection Respiratory														
Protection from Communicable Diseases														

EQUIPMENT DESCRIPTION	LIFE EXPECTANCY	Eligible Purchase for:								ALLOWABLE COSTS ¹
		ALS	ALS/SQ	IALS	IALS/SQ	BLS	BLS/SQ	QRS	QRS	
Protective Ballistic Vest	5 years	Y	Y	Y	Y	Y	Y	Y	Y	1,000
Global Positioning System Receiver one per licensed Ambulance or Recognized QRS Vehicle	5 years	Y	Y	Y	Y	Y	Y	Y	Y	500
Traffic Safety Equipment	5 years	Y	Y	Y	Y	Y	Y	Y	Y	2,500
Large Patient Moving/Carrying Device	10 years	Y	Y	Y	Y	Y	Y	Y	Y	3,000
Self-Contained Breathing Apparatus (2 per licensed vehicle)	10 years	Y	Y	Y	Y	Y	Y	Y	Y	3,000
P/PHPE/PHRN Testing (Written)	—									Current rate established by NREMT
AEMT—Testing (Written)	—									Current rate established by NREMT
EMT Testing (Written)	—									Current rate established by NREMT
EMR Testing (Written)	—									Current rate established by NREMT
CO Detectors (Monitors)	5 Years	Y	Y	Y	Y	Y	Y	Y	Y	200
12 Lead EKG Transmitter System	5 Years	Y	Y	Y	Y	N	N	N	N	1,000
IO Drills or Bone Injection Systems	5 Years	Y	Y	Y	Y	N	N	N	N	300
Narcotics Security Systems	5 Years	Y	Y	Y	Y	N	N	N	N	900
Refrigerators (mini)	10 Years	Y	Y	Y	Y	N	N	N	N	1,200
Pediatric Safe Transport Device	10 Years	Y	N	Y	Y	Y	N	N	N	Up to 400
Tourniquet (tactical)	5 Years	Y	Y	Y	Y	Y	Y	Y	Y	25
Bariatric equipment	5 Years	Y	Y	Y	Y	Y	Y	Y	Y	27,000

ALS—Advanced Life Support ambulance service; ALSβQ—Advanced Life Support Squad service; IALS—Intermediate Advanced Life Support ambulance service; IALSβQ—Intermediate Advanced Life Support Squad service; BLS—Basic Life Support ambulance service; BLSβQ—Basic Life Support Squad service; QRS—Quick Response Service

¹ All figures are dollar amounts for each item of equipment.
² Amount includes \$1,000 for communications package. Receiving facility must have appropriate communications capabilities.
³ Must be an approved AED service or part of regional planning and AED medical director required.
⁴ Must be durable equipment, not disposable equipment.
⁵ Completion of approved training program required.
⁶ Completion of approved training program required and BLS service medical director approval required.
⁷ Must be a Department-approved software program, version and vendor.
⁸ Data collection hardware may include computer, modem, printer, backup device and battery system.
⁹ Must be compatible with regional and State EMS communications plan.

Questions regarding this notice should be directed to Aaron M. Rhone, PhD, EMS Program Manager, Bureau of Emergency Medical Services, Department of Health, 1310 Elmerton Avenue, Harrisburg, PA 17110, (717) 787-8740.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Aaron M. Rhone, PhD at the previously listed address or telephone number or for speech or hearing impaired persons may use VTT: (717) 783-6514 or the Pennsylvania Hamilton Relay Service at (800) 654-5984.

ALISON BEAM,
Acting Secretary

[Pa.B. Doc. No. 21-1701. Filed for public inspection October 8, 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):

Tower Health at Home—Berks
1170 Berkshire Boulevard
Wyomissing, PA 19610
LIC # 700105

VNA of Saint Luke's Home Health/Hospice
240 Union Station Plaza
Bethlehem, PA 18015
LIC # 700205

Bayada Home Health Care, Inc.
100 Broadhead Road
Suite 120B
Bethlehem, PA 18017
LIC # 04300501

Visiting Nurse Association of Western PA
154 Hindman Road
Butler, PA 16001
LIC # 709405

Traditional Home Health Care
113 West Drinker Street
Dunmore, PA 18512
LIC # 77740501

Continuous Home Care, Inc.
28 West Eagle Road
Suite 201
Havertown, PA 19083
LIC # 764505

Advanced Personal Care
290 Bilmar Drive
Suite 301
Pittsburgh, PA 15205
LIC # 77590501

Aveanna Healthcare
601 West Main Street
Suite 1
Smethport, PA 16749
LIC # 766305

Aveanna Healthcare
482 Jeffers Street
Dubois, PA 15801
LIC # 04650501

Aveanna Healthcare
1605 North Cedar Crest Boulevard
Suite 109
Allentown, PA 18104
LIC # 02910501

Aveanna Healthcare
1167 North Washington Street
Suite E
Wilkes-Barre, PA 18705
LIC # 04250501

Bayada Home Health Care, Inc.
100 North Wilkes-Barre Boulevard
Suite 207
Wilkes-Barre, PA 18702
LIC # 76750501

Bayada Home Health Care, Inc.
2275 Bridge Street
Unit 208D
Suite 220
Philadelphia, PA 19137
LIC # 72310501

Bayada Home Health Care, Inc.
1400 North Providence Road
Suite 210
Media, PA 19603
LIC # 06380501

Bayada Home Health Care, Inc.
750 East Park Drive
Suite 102
Harrisburg, PA 17111
LIC # 77700501

Bayada Home Health Care, Inc.
2 Meridian Boulevard
2nd Floor
Wyomissing, PA 19601
LIC # 02570501

Bayada Home Health Care, Inc.
1020 North Delaware Avenue
Suite 301
Philadelphia, PA 19125
LIC # 76430501

Bayada Home Health Care, Inc.
512 Township Line Road
Suite 303
Blue Bell, PA 19422
LIC # 06570501

Bayada Home Health Care, Inc.
1611 Pond Road
Suite 103
Allentown, PA 18104
LIC # 753305

Bayada Home Health Care, Inc.
390 Waterloo Boulevard
Suite 220
Exton, PA 19341
LIC # 06300501

Bayada Home Health Care, Inc.
2500 York Road
Suite 140
Jamison, PA 18929
LIC # 77910501

Bayada Home Health Care, Inc.
233 Northern Boulevard
Suite 5A
Clarks Summit, PA 18411
LIC # 03860501

Bayada Home Health Care, Inc.
1189 Highway 315
Suite 4
Wilkes-Barre, PA 18702
LIC # 02730501

Bayada Home Health Care, Inc.
600 Main Street
Suite 4
Towanda, PA 18848
LIC # 04170501

Bayada Home Health Care, Inc.
1 Outlet Lane
Suite 205/206
Lock Haven, PA 17745
LIC # 03660501

Bayada Home Health Care, Inc.
3565 Route 611
Suite 100
Bartonsville, PA 18321
LIC # 03450501

Bayada Home Health Care, Inc.
209 East Third Street
Williamsport, PA 17701
LIC # 04260501

Bayada Home Health Care, Inc.
317 South Cedar Crest Boulevard
Allentown, PA 18103
LIC # 772205

Bayada Home Health Care, Inc.
1850 William Penn Highway
Suite 110
Lancaster, PA 17601
LIC # 03790501

Bayada Home Health Care, Inc.
5001 Louise Drive
Suite 203
Mechanicsburg, PA 17055
LIC # 04350501

Bayada Home Health Care, Inc.
701 Bridge Street
Suite 201
Lehighton, PA 18235
LIC # 05950501

Bayada Home Health Care, Inc.
231 East Market Street
Blairsville, PA 15717
LIC # 05190501

Bayada Home Health Care, Inc.
4314 Old William Penn Highway
Suite 207
Monroeville, PA 15146
LIC # 07210501

Bayada Home Health Care, Inc.
2147 West 12th Street
Unit A5
Erie, PA 16505
LIC # 06050501

Bayada Home Health Care, Inc.
2310 Rothsville Road
Suite 100
Lititz, PA 17543
LIC # 01830500

Bayada Home Health Care, Inc.
49 East 4th Street
Suites 201 and 203
Williamsport, PA 17701
LIC # 04450501

Bayada Home Health Care, Inc.
3409 West Chester Pike
Suite 102
Newtown Square, PA 19073
LIC # 759805

Bayada Home Health Care, Inc.
115 East Castle Street
Zelienople, PA 16063
LIC # 04600501

Bayada Home Health Care, Inc.
300 Oxford Drive
Suite 300
Monroeville, PA 15146
LIC # 77630501

Bayada Home Health Care, Inc.
2123 East College Avenue
Suite 200
State College, PA 16801
LIC # 04460501

Bayada Home Health Care, Inc.
1600 Peninsula Drive
Suite 17
Erie, PA 16505
LIC # 02680501

Bayada Home Health Care, Inc.
8 West Snyder Street
Selingsgrove, PA 17870
LIC # 04440501

Bayada Home Health Care, Inc.
1305 South Main Street
Suite 201
Meadville, PA 16335
LIC # 07220501

Bayada Home Health Care, Inc.
2041 Columbia Boulevard
Bloomsburg, PA 17895
LIC # 02740501

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. 21-1702. Filed for public inspection October 8, 2021, 9:00 a.m.]

DEPARTMENT OF HEALTH

Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals).

<i>Facility Name</i>	<i>Regulation and relating to</i>
Allied Services Institute of Rehabilitation Medicine	28 Pa. Code § 101.31(5) (relating to hospital requirements)
The Children's Hospital of Philadelphia	28 Pa. Code § 101.31(7)
The Good Shepherd Rehabilitation Hospital	28 Pa. Code § 101.31(5)
John Heinz Institute of Rehabilitation Medicine	28 Pa. Code § 101.31(5)
Penn Highlands Brookville	28 Pa. Code § 107.26(b)(1) (relating to additional committees)
Penn Highlands Dubois	28 Pa. Code § 107.26(b)(1)
Penn Highlands Elk	28 Pa. Code § 107.26(b)(1)
Penn Highlands Huntingdon	28 Pa. Code § 107.26(b)(1)
Penn Highlands Tyrone	28 Pa. Code § 107.26(b)(1)
Penn State Health Hampden Medical Center	28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards)
Phoenixville Hospital	28 Pa. Code § 103.31 (relating to the chief executive officer)
Pottstown Hospital	28 Pa. Code § 103.31
Saint Mary Rehabilitation Hospital, LLP	28 Pa. Code § 101.31(5)
Wellspring Gettysburg Hospital	28 Pa. Code § 107.12(11) (relating to content of bylaws, rules and regulations)

The following hospitals have filed requests for exceptions under 28 Pa. Code § 153.1 (relating to minimum standards). Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities—2014 Edition*, or *Guidelines for Design and Construction of Hospitals—2018 Edition*, *Guidelines for Design and Construction of Outpatient Facilities—2018 Edition*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception.

<i>Facility Name</i>	<i>FGI Guidelines Section and relating to</i>	<i>Yr¹</i>
Geisinger Wyoming Valley Medical Center	2.1-3.2.2.2(1)(a) space requirements	18-O
The Hospital of the University of Pennsylvania	2.2-3.3.4.2(b) and (c) preoperative patient care area	14
	2.2-3.3.4.4(1)(b)(iii) phase II recovery room(s) or area	14
Penn Highlands Huntingdon	2.1-1.4 facility layout	18-O
	2.1-1.4 facility layout	18-O
	2.12-3.3.2.3 acoustic requirements	18-O
	2.1-3.10.2.1 patient toilet room(s)	18-O
	2.1-3.8.11.3 clean supply room	18-O
	2.1-8.3.6 electrical receptacles	18-O
	2.2-2.6.2.2(4)(a) space requirements	18
Thomas Jefferson University Hospitals, Inc.	2.2-2.6.2.2(4)(a) space requirements	18

¹ 2018 Year FGI Regulations for Outpatient Facilities are indicated by “-O.”

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, 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. 21-1703. Filed for public inspection October 8, 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) and (j) (relating to prevention, control and surveillance of tuberculosis (TB)):

Milford Healthcare and Rehabilitation Center
264 Route 6 and 209
Milford, PA 18337
FAC ID # 133602

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 201.22(j):

Calvary Fellowship Homes, Inc.
502 Elizabeth Drive
Lancaster, PA 17601
FAC ID # 030102

Kinzua Healthcare and Rehabilitation Center
205 Water Street
Warren, PA 16365
FAC ID # 071402

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.20(a) (relating to resident bedrooms):

Maple Farm
604 Oak Street
Akron, PA 17501-0136
FAC ID # 22720201

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 Hamil-

ton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ALISON BEAM,
Acting Secretary

[Pa.B. Doc. No. 21-1704. Filed for public inspection October 8, 2021, 9:00 a.m.]

DEPARTMENT OF HEALTH

Maternal Mortality Review Committee Conference Call Meeting

The Maternal Mortality Review Committee, established under section 4 of the Maternal Mortality Review Act (act) (35 P.S. § 10244), will hold a conference call meeting on Wednesday, October 20, 2021, from 9 a.m. to 12 p.m. by means of a conference call. To join the conference call dial (267) 332-8737 and when prompted, enter the following conference code: 804 357 314#. Attendees can participate in the conference call on location at the Bureau of Family Health Office, 625 Forster Street Harrisburg, PA. In-person participants are required to RSVP to Tahesia Thomas by close of business October 15th. Sign-in at the desk in the lobby of the building by 8:45 a.m., wear a mask and practice social distancing while in the building.

The purpose of the conference call meeting is to discuss the nomination of a new cochair, the committee membership application processes and procedures as well as the time commitment for the 2022 calendar year review meetings. In addition, there will be a brief discussion regarding the submission of the legislative report as required by the act. The meeting agenda will be posted at <https://www.health.pa.gov/topics/healthy/Pages/Maternal-Mortality.aspx> at least 24 hours prior to the conference call meeting date and time.

For additional information, or for persons with a disability who wish to attend the conference call meeting and require an auxiliary aid, service or other accommodation to do so, contact Tahesia Thomas, Program Administrator, Maternal Mortality Review Committee, Bureau of Family Health, 7th Floor, East Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 547-3317, or for speech and/or hearing impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

This conference call meeting is subject to cancellation without notice.

ALISON BEAM,
Acting Secretary

[Pa.B. Doc. No. 21-1705. Filed for public inspection October 8, 2021, 9:00 a.m.]

DEPARTMENT OF HEALTH

Medical Marijuana Program, Availability of Clinical Registrant Applications and Time Period to Submit Applications

The purpose of this notice is to announce implementation of section 2002(a)(1)(ii) of the Medical Marijuana Act (35 P.S. § 10231.2002(a)(1)(ii)), to open applications for the approval of one additional clinical registrant (CR) and to establish the time period during which applications will be accepted by the Department of Health (Department).

Availability of Applications for Approval of a CR and Submission Deadline

Notice is hereby given, as required by 28 Pa. Code § 1211.27(a) (relating to application for approval of a clinical restraint), that on October 14, 2021, the Department intends to make available, on its web site at www.health.pa.gov, the form of the application required to be submitted to be approved as a CR. The Department will accept applications until November 18, 2021. The Department will consider any application sent by mail to have been received on the date it is deposited in the mail as long as the postmark on the outside of the package is clear and legible. The Department will not consider or review an application that is postmarked after the November 18, 2021, deadline. An applicant must submit an application by mail in an electronic format that is listed in the instructions of the application to the Office of Medical Marijuana, Department of Health, Room 628, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

Interested persons are invited to submit written comments, suggestions or objections regarding this notice to John J. Collins, Office of Medical Marijuana, Department of Health, Room 628, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 547-3047, RA-DHMedMarijuana@pa.gov.

Persons with a disability who wish to submit comments, suggestions or objections regarding this notice or who require an alternative format of this notice (for example, large print, audiotape or Braille) may do so by using the previously listed contact information. Speech and/or hearing impaired persons may 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. 21-1706. Filed for public inspection October 8, 2021, 9:00 a.m.]

DEPARTMENT OF HEALTH

Renal Disease Advisory Committee Conference Call Meeting

The Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P.L. 419, No. 140) (35 P.S. § 6204), will hold its quarterly virtual public meeting on Friday, October 15, 2021, from 10 a.m. to 12 p.m. by means of conference call. The purpose of the conference call meeting is to discuss new and ongoing issues relating to treatment of chronic renal disease and the Department of Health's programs related to care and

treatment. To join the conference call dial (267) 332-8737 and when prompted, enter the following conference code: 800288066#. Attendees may participate in the conference call on location at the Bureau of Family Health Office, 625 Forster Street, Harrisburg, PA. In-person participants are required to RSVP to the Bureau of Family Health by 5 p.m., October 11, 2021, at (717) 772-2762. In-person participants must sign-in at the desk in the lobby of the building by 9:45 a.m., must wear masks and practice social distancing while in the building. The meeting agenda will be posted at <https://www.health.pa.gov/topics/programs/Chronic-Renal-Disease/Pages/Advisory-Committee.aspx> at least 24 hours prior to the meeting date and time.

For additional information or for persons with a disability who wish to attend the conference call meeting and require an auxiliary aid, service or other accommodation to do so contact Kathy Jo Stence, Director, Division of Child and Adult Health Services, 7th Floor East, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 772-2762, or for speech and/or hearing impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

This conference call meeting is subject to cancellation without notice.

ALISON BEAM,
Acting Secretary

[Pa.B. Doc. No. 21-1707. Filed for public inspection October 8, 2021, 9:00 a.m.]

DEPARTMENT OF HEALTH

Special Pharmaceutical Benefits Program Advisory Council Public Teleconference Meeting

The Statewide Special Pharmaceutical Benefits Program (SPBP) Advisory Council, established by the Department of Health (Department) to aid in the carrying out of its Federal grant responsibilities under section 2616 of the Ryan White Comprehensive AIDS Resource Emergency Act of 1990 (42 U.S.C.A. § 300ff-26), will hold a public teleconference meeting on Thursday, October 28, 2021, from 10 a.m. to 12 p.m. To participate dial in by location at (412) 648-8888 or (866) 588-4789. The meeting ID is 943 503 419#. Consider calling in by 9:50 a.m. so the meeting can begin promptly at 10 a.m. Individuals who have questions may call Sandy Brosius at (717) 547-3419.

The SPBP Advisory Council will provide program guidance and recommendations to the Department's SPBP in regard to the following: drug formulary; covered lab services; drug utilization review; clinical programs; eligibility; and program management.

For additional information, contact Sandy Brosius, Bureau of Communicable Diseases, Department of Health, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 547-3419.

Persons with a disability who wish to attend the teleconference meeting and require an auxiliary aid, service or other accommodation to do so should contact Sandy Brosius, Bureau of Communicable Diseases, Department of Health, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 547-3419, or

for speech or hearing impaired persons contact V/TT (717) 783-0572 or the Pennsylvania Hamilton Relay Services at (800) 654-5984 (TT).

This teleconference meeting is subject to cancellation without prior notice.

ALISON BEAM,
Acting Secretary

[Pa.B. Doc. No. 21-1708. Filed for public inspection October 8, 2021, 9:00 a.m.]

DEPARTMENT OF HEALTH

Spinal Cord Research Advisory Committee Virtual Public Meeting

The Department of Health's Spinal Cord Research Advisory Committee (Committee), established by section 903.1(b) of the Tobacco Settlement Act (35 P.S. § 5701.903A(b)), will hold a virtual public meeting on Thursday, October 21, 2021 from 9:30 a.m. to 11 a.m. The virtual public meeting will be held by means of Microsoft Teams at (267) 332-8737 with Conference ID: 674 499 032#.

The purpose of the virtual public meeting is to review the work of the Committee, to review the status of the current request for application and to plan the process to review the next spinal cord research applications.

For additional information or for persons with disabilities who wish to attend the virtual public meeting and requiring an auxiliary aid, service or other accommodation, contact Will Cramer, Director, Health Research Office or Pamela Brown, Management Technician, Health Research Office at (717) 231-2825, ra-healthresearch@pa.gov. 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).

Check the Department of Health, Health Research Office CURE Spinal Cord Research Advisory Committee web site at <https://www.health.pa.gov/topics/Research/CURE/Pages/Spinal-Cord.aspx> for an agenda and any changes to this virtual public meeting.

This virtual public meeting is subject to cancellation without notice.

ALISON BEAM,
Acting Secretary

[Pa.B. Doc. No. 21-1709. Filed for public inspection October 8, 2021, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P.S. §§ 1381.1—1381.3) intends to sell certain land owned by the Department.

The following is available for sale by the Department.

Derry Township, Mifflin County. The parcel contains 4,866.91 square feet of vacant land situated in Lewistown, PA. The estimated fair market value is \$20,700.

Interested persons are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to John R. Gaylor, Right-of-Way Administrator, Department of Transportation, Engineering District 2-0, 70 PennDOT Drive, Clearfield, PA 16830.

YASSMIN GRAMIAN,
Secretary

[Pa.B. Doc. No. 21-1710. Filed for public inspection October 8, 2021, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Data Submission and Collection

Under section 6(a)(2) of the Health Care Cost Containment Act (act) (35 P.S. § 449.6(a)(2)), the Health Care Cost Containment Council is required to publish a list of diseases, procedures and medical conditions, not to exceed 35, for which data under subsections (c)(21) and (d) shall be required.

The list of 35 diseases, procedures and medical conditions follows:

1. Heart Attack
2. Heart Failure
3. Chest Pain
4. Abnormal Heartbeat
5. Coronary Bypass
6. Heart Valve Replacement
7. Percutaneous Transluminal Coronary Angioplasty
8. Pneumonia
9. Asthma
10. Respiratory Failure
11. Blood Clot in Lung
12. Lung Repair
13. Hypotension
14. Blood Clot in Extremities
15. Vascular Repair
16. Stroke
17. Removal of Blockage in Head and Neck Vessel
18. Craniotomy
19. Diabetes
20. Digestive Disease
21. Liver Disease
22. Colorectal Repair
23. Gallbladder Removal
24. Stomach and Small Intestine Repair
25. Kidney Failure
26. Kidney and Urinary Tract Infection
27. Prostatectomy
28. Medical Back
29. Major Joint Repair
30. Neck/Back Repair
31. Breast Cancer
32. Hysterectomy
33. Infectious Disease

34. Ventilation for Respiratory Disease
35. Tracheostomy

BARRY BUCKINGHAM,
Executive Director

[Pa.B. Doc. No. 21-1711. Filed for public inspection October 8, 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., Thursday, September 23, 2021, and announced the following:

Actions Taken—Regulations Approved:

Environmental Quality Board # 7-552: Administration of the Land Recycling Programs (amends 25 Pa. Code Chapter 250)

Bureau of Professional and Occupational Affairs # 16A-7103: Schedule of Civil Penalties—Crane Operators (amends 49 Pa. Code Section 43b.28)

Approval Order

Public Meeting Held
September 23, 2021

Commissioners Voting: George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; John J. Soroko, Esq.; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Environmental Quality Board—
Administration of the Land Recycling Program
Regulation No. 7-552 (# 3251)*

On January 27, 2020, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapter 250. The proposed regulation was published in the February 15, 2020 *Pennsylvania Bulletin* with a public comment period ending on April 30, 2020. The final-form regulation was submitted to the Commission on August 17, 2021.

This final-form regulation updates the statewide health standard medium-specific concentrations (MSC) that guide the cleanup of contaminated sites under the Land Recycling and Environmental Standards Act of 1995, 35 P.S. §§ 6026.101—6026.908. MSCs are added for Perfluorooctanoic Acid (PFOA), Perfluorooctane Sulfonate (PFOS) and Perfluorobutane Sulfonate (PFBS). Additional regulations are clarified, including definitions, administrative requirements, and citations to guidance, models, databases and publications.

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

We have determined this regulation is consistent with the statutory authority of the Board (35 P.S. §§ 6026.104(a) and 6026.303(a) and 71 P.S. § 510-20) 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.

Approval Order

Public Meeting Held
September 23, 2021

Commissioners Voting: George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; John J. Soroko, Esq.; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Bureau of Professional and Occupational Affairs—
Schedule of Civil Penalties—Crane Operators
Regulation No. 16A-7103 (# 3273)*

On October 8, 2020, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Bureau of Professional and Occupational Affairs (Bureau). This rulemaking amends 49 Pa. Code Section 43b.28. The proposed regulation was published in the October 24, 2020 *Pennsylvania Bulletin* with a public comment period ending on November 23, 2020. The final-form regulation was submitted to the Commission on August 17, 2021. At its June 17, 2021 public meeting, the Commission voted to disapprove the final-form regulation. On August 17, 2021, the revised final-form regulation was submitted to the Commission.

This rulemaking implements a schedule of civil penalties for the following offenses: operating a crane without a license; employing, allowing, directing, retaining or hiring an unlicensed individual to operate a crane; holding oneself out as a crane operator or using the title “licensed crane operator” without holding a license; operating a crane on a lapsed or expired license; failing to notify the Board in writing within 10 days of a criminal proceeding in a court case against a licensed crane operator; and failing to maintain certification or to submit evidence of renewal of certification before the expiration date of certification.

We have determined this regulation is consistent with the statutory authority of the Bureau (63 Pa.C.S. § 3108(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. 21-1712. Filed for public inspection October 8, 2021, 9:00 a.m.]

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
10-221	Department of Health Long-Term Nursing Care Facilities 51 Pa.B. 4074 (July 31, 2021)	8/30/21	9/29/21

**Department of Health Regulation # 10-221
(IRRC # 3312)**

Long-Term Care Nursing Facilities

September 29, 2021

We submit for your consideration the following comments on the proposed rulemaking published in the July 31, 2021 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the RRA (71 P.S. § 745.5a(a)) directs the Department of Health (Department) to respond to all comments received from us or any other source.

1. Determining whether the regulation is in the public interest; Economic or fiscal impacts; Clarity; Reasonableness; Compliance with the RRA.

Section 5.2 of the RRA (71 P.S. § 745.5b) directs the Independent Regulatory Review Commission (Commission) to determine whether a regulation is in the public interest. When making this determination, the Commission considers criteria such as economic or fiscal impacts and reasonableness. To make that determination, the Commission must analyze the text of the Preamble and proposed regulation and the reasons for the new or amended language. The Commission also considers the information a promulgating agency is required to provide under Section 745.5(a) in the Regulatory Analysis Form (RAF).

The explanation of the regulation in the Preamble and the information contained in the RAF are not sufficient to allow this Commission to determine if the regulation is in the public interest. In the Preamble and RAF submitted with the final-form rulemaking, the Department should provide more detailed and expanded information related to economic or fiscal impacts, impacts on small businesses, and alternative regulatory provisions as required under Section 745.5(a) of the RRA. For example:

- Commenters assert that the Department does not address adequately the fiscal impacts of the proposed regulation. For example, LeadingAge PA states, “The cost burden calculations on the commonwealth and nursing homes are elementary and incomplete. It underestimates and seemingly ignores the cost of staff benefits, the costs to hire and train staff, the cost increases to private pay residents who will more quickly spend down to Medical Assistance (and the consequent costs to the Medical Assistance Program), and makes no effort to calculate the costs to counties.” We address these issues in more detail in comment # 4;

- In response to several questions in the RAF, the Department states that the proposed regulation will result in a net cost of approximately \$182.5 million to (the Department of Human Services (DHS)). The Department states, “DHS does not have sufficient data to determine who will bear the burden of the remaining

costs not covered by [Medical Assistance] but believes that at least some of this amount will have to be borne by the regulated community.” We ask the Department to work with DHS to provide additional information related to how the regulated community will be impacted by the \$182.5 million in additional costs, and to explain how this may impact residents in facilities that rely on Medical Assistance and residents in private-pay facilities;

- In addressing potential impacts on small businesses, the Department states that it is “unable to identify which long-term care nursing facilities may be small businesses,” and that “[t]he Department’s responsibility to the health and welfare of all residents in long-term care facilities is not altered by the fact that a long-term care nursing facility may be a small business.” An association states that many of its members are small businesses and asserts that the Department, in conjunction with other State agencies, has the ability and access to data to enable the Department to evaluate potential impacts on small businesses. We ask the Department to calculate and address the impact of the final-form regulation on small businesses as required under the RRA; and

- RAF Question # 26 requires an agency to include “a description of any alternative regulatory provisions which have been considered and rejected.” The Department responded that it “considered other increases in the number of direct care resident hours, but ultimately decided that the increase to 4.1 hours represents the least burdensome acceptable alternative when weighed against the health and safety of residents in long-term care nursing facilities.” However, the Department provided no information on what other increases were considered, nor did the Department explain the factors considered in determining that 4.1 was the least burdensome acceptable alternative. If the Department retains an increase in direct care hours per resident in the final regulation, we ask that the Department amend its response to Question # 26 and include a description of its reasoning regarding the other increases that were considered, as well as any subsequent alternative regulatory provisions contemplated in preparing the final-form regulation.

Five Regulatory Packages

The Preamble states that “the Department tentatively intends to promulgate proposed amendments to Part IV Subpart C (relating to long-term care facilities) in five separate parts.” This decision prompted comments of concern from many of those who support the proposed regulation and nearly all of those who oppose it. Several commenters urge the Department to withdraw the proposed regulation, and many commenters would prefer that the Department submit all of its proposed revisions to Part IV Subpart C as one comprehensive package. Commenters state that regulations governing the operation of nursing homes are complex and interrelated, and that the Department should be able to promulgate its revised licensure requirements in a comprehensive, uni-

fied, and transparent process. Others express the challenges they will face in trying to understand the full scope and impact of this first package when it is unknown how these changes will correlate with subsequent packages. For example, there is no way to fully evaluate the impact of proposed deletions of definitions without reviewing the full regulatory package to consider how and whether those terms are used throughout.

Acknowledging the Department's authority to promulgate regulations as it deems appropriate, we ask the Department to consider the significant concerns of the regulated community, and the requests to withdraw this proposed regulation and move forward with one comprehensive regulation. If the Department proceeds with five regulatory packages, we ask the Department to explain why this approach is reasonable given the concerns expressed by the regulated community. We also ask the Department to ensure that the regulations and any amendments are consistent across the packages, and that the interrelation and any impacts between the packages are clearly presented for the regulated community.

2. Section 201.2. Requirements.—Statutory authority; Economic or fiscal impacts; Clarity and lack of ambiguity; Need; Reasonableness of requirements.

Subsection (a) currently states, "The Department incorporates by reference Subpart B of the Federal requirements for long-term care facilities, 42 CFR 483.1—483.75 (relating to requirements for long-term care facilities) revised as of October 1, 1998, as licensing regulations for long-term care nursing facilities. . . ." (Emphasis added.) The Department proposes to amend Subsection (a) to incorporate by reference the entirety of 42 CFR Part 483, Subpart B of the Federal requirements for long-term care facilities.

The Preamble states, ". . . all long-term care nursing facilities licensed by the Department were and are already required to comply with some of the Federal requirements based on the existing language in this section. Thus, any negative impact in applying the Federal requirements to the three facilities that do not participate in Medicare or Medicaid will be *minimum* [sic] and is vastly outweighed by the need for consistency in the application of standards in long-term care nursing facilities Statewide." (Emphasis added.) Comments from these private-pay facilities state that they were not represented in the Long-Term Care Work Group, and that the Department neglected to provide an analysis of the impact of the Federal requirements on them. These commenters assert that they will need to hire additional positions, such as a grievance officer, and certify and submit data using software that they will need to purchase since they are not Medicaid/Medicare certified. We ask the Department to amend the final-form Preamble and RAF to provide an analysis of the impacts on private-pay facilities of these additional Federal requirements, including fiscal, reporting, recordkeeping, and other paperwork. We also ask the Department to explain the reasonableness of these requirements for private-pay facilities.

Subsection (b) states, "The Department incorporates by reference the Centers for Medicare & Medicaid State Operations Manual [(SOM)], Chapter 7 and Appendix PP—Guidance to Surveyors for Long-Term Care Facilities [(Appendix PP)]." The incorporation by reference of a Federal manual and guidance document are an improper delegation of the agency's statutory authority. Neither of these documents are subject to Federal regulatory review

requirements, and incorporating them by reference removes them from State requirements provided in the Commonwealth Documents Law and the RRA. Changes can be made to these documents without the regulated community and other parties having the opportunity for public comment. We ask the Department to amend the final-form regulation, deleting this language and including any mandatory provisions from the SOM and Appendix PP in order to establish clear and unambiguous standards that could be predicted by the regulated community. If the Department does not intend to enforce any of the referenced provisions, the Department should explain why it is appropriate to retain this language.

Subsection (d)

Proposed Subsection (d) states, "Failure to comply with the requirements specified in 42 CFR Part 483, Subpart B shall be considered a violation of this subpart, unless an exception has been granted under §§ 51.31—51.34." What is the need for this provision since it is incorporated by reference? By virtue of the new language in Subsection (b), failure to comply with requirements in 42 CFR Part 483, Subpart B is a violation since regulations have the full force and effect of law. This Subsection should be deleted.

If the Department retains the language in Subsection (d) in the final-form regulation, commenters assert that this provision would apply both State and Federal violations resulting in possible double sanctions to the same incidence of noncompliance. LeadingAge PA states that this proposal "appears duplicative, unnecessary, and overly punitive." We ask the Department to explain in the Preamble of the final-form regulation the need for and reasonableness of this provision.

3. Section 201.3. Definitions.—Protection of public health, safety, and welfare; Clarity.

In the Preamble, the Department states that it proposes to delete several definitions "because they are now incorporated by reference from either the Federal regulations or the [SOM], or both. . . ." (Emphasis added.) This proposal from the Department to incorporate by reference definitions from one or more of three sources which will not be identified in the final-form regulation is likely to cause significant confusion for the regulated community and anyone who looks to the Department's regulations for meanings of these terms. The Department's explanation in the Preamble of where to find various definitions of the term "abuse" exemplifies the difficulty a person would face if the definition is entirely deleted:

Abuse is defined in 42 CFR 483.5 and in multiple sections of Appendix PP of the [SOM]. Abuse includes verbal abuse, sexual abuse, physical abuse and mental abuse. Verbal abuse is further defined in Appendix PP of the [SOM] in section F600. Sexual abuse is defined separately in 42 CFR 483.5 and further defined in section F600 of Appendix PP of the [SOM]. Physical abuse is defined in section F600 of Appendix PP of the [SOM]. Mental abuse is defined in section F600 of Appendix PP of the [SOM]. Involuntary seclusion, which is included in the existing regulations, is defined in section F603 of Appendix PP of the [SOM]. Neglect is defined separately in 42 CFR 483.5 and in section F609 of Appendix PP of the [SOM].

We recognize that members of the regulated community may be familiar with where to find a deleted definition in Federal regulations; however, these proposed regulations address the care of residents of long-term care nursing

facilities and, as such, people who have a family member in a facility and are not familiar with these regulations should have readily available access to the definitions in order to read and understand them. Without this lengthy instructional paragraph, how would a person know where to find these various definitions? Additionally, commenters express significant concerns because words that are defined in the SOM can be changed by the Centers of Medicare & Medicaid Services (CMS) without any notice or opportunity for comment.

Beyond the likely confusion exists a potential for harm. AARP PA states, "Pennsylvania's Older Adults Protective Services Act is materially different from [F]ederal regulations. The Department's adoption of the current [F]ederal regulations (Chapter 7 of the [SOM], and [Appendix PP]) will conflict with relevant State law definitions, will undoubtedly create confusion in the nursing home industry, and will certainly hinder the Pennsylvania Department of Aging's ability to properly uphold the provisions of the Older Adults Protective Services Act, which is their responsibility." A joint comment from the Center for Advocacy for the Rights and Interests of the Elderly (CARIE) and Community Legal Services (CLS) states, "[W]e have concerns about the impact on State enforcement of Protective Services and associated criminal laws that could result from eliminating State definitions in these regulations of abuse, neglect, exploitation, etc. Deleting terms wholesale instead of aligning them with both [F]ederal and State laws, we believe, would pose a new and unnecessary challenge for law enforcement and Protective Services programs."

If the Department intends to rely on Federal regulations to define certain terms, we ask the Department to incorporate by reference those terms or promulgate the text of those terms in the final-form regulations. If the Department intends to rely on definitions found in Federal guidance, we ask the Department to promulgate the text of those definitions in the final-form regulations.

4. Section 211.12. Nursing services.—Economic or fiscal impacts; Protection of public health, safety, and welfare; Clarity; Reasonableness of requirements; Implementation procedures and timetables for compliance.

Subsection (a) states, "The facility shall provide services by sufficient numbers of personnel on a 24-hour basis to provide nursing care to meet the needs of all residents." The Department states in the Preamble that it proposes to amend Paragraph (i) to add the phrase "for each shift" to ensure that there are proper nursing staff to provide direct care for residents throughout the 24-hour period. The Department also proposes to increase from 2.7 to 4.1 the minimum number of hours of direct care. The proposed language states,

- (i) A minimum number of general nursing care hours shall be provided for each 24-hour period. The total number of hours of general nursing care provided during each shift in each 24-hour period shall, when totaled for the entire facility, be a minimum of 4.1 hours of direct resident care for each resident.

Commenters both for and opposed to this increase question the addition of the language "during each shift." The joint comment from CARIE and CLS in support of the increase describes this language as "an error," stating, "We don't believe the Department intended to require 12.3 hours per resident per day." We ask the Department to clarify whether this increase is to be per shift or per day.

This proposed increase to 4.1 generated a significant volume of feedback from the regulated community. Comments in support state that this increase is long overdue and essential to ensure that all long-term care nursing facility residents receive quality care, while comments in opposition addressed a range of issues including:

Fiscal or economic impacts

- "[T]his proposal does not include funding for staffing increases beyond the [Medical Assistance] program, nor does it account for employer-paid benefits which could more than double the reported price-tag in the regulatory package." (Southwestern PA Partnership for Aging (SWPPA))

Protection of public health, safety, and welfare

- "The proposed regulations...create the risk of adversely impacting our ability to serve those who most need our assistance by imposing staffing requirements which could drive operating costs to unsustainable levels in a time when there is an acute shortage of qualified staff across the entire facility." (Delaware County Council)

- "Many nursing homes in the Commonwealth have closed beds because they cannot find enough staff. The Department has not addressed the impact its proposal will have on access to care." (PELICAN)

Reasonableness of requirements

- "Providers of healthcare and nursing services are in constant and ever-more expensive competition for the same small cohort of eligible and interested workers." (SWPPA)

- "[N]urses and nurse aides are not the only staff who provide direct care to nursing home residents. CMS recognizes therapists, life enrichment staff, and others who provide care and services that add to the overall wellbeing of residents and complement direct care staff." (Phoebe Ministries)

Implementation procedures and timetables for compliance

- "If [the Department] disregards other comments relating to the impossible task of hiring direct care staff, [the Department] must offer a compliance period during which providers can work towards increased staffing levels before citations for non-compliance are able to be issued." (SWPPA)

- "...Nursing Assistants are not available in the job market. (Training programs were closed during the pandemic, leading to a significant lack of available recruits.)" (Phoebe Ministries)

If positions remain unfilled when the regulation goes into effect, does the Department see any potential negative impact for residents? Would the public health, safety, and welfare be protected by expanding the definition of direct care staff to align with the Federal definition? Would the Department consider a delayed implementation timetable for compliance?

Ultimately, commenters who support and who oppose this change cite concern for residents' care as the basis for their comments. Whether the Department retains or amends the minimum of 4.1 hours of direct care in the final-form regulation, we ask the Department to explain how the final-form regulation protects residents of long-term care nursing facilities, while also addressing the impact of the minimum number of direct care hours on facilities. Specifically, we ask the Department to address concerns raised by commenters, as noted above, related to economic or fiscal impacts; protection of public health,

safety, and welfare; reasonableness of requirements; and timetable for implementation.

5. RAF.—Clarity.

We ask the Department to amend and clarify the final-form RAF to ensure that the responses are consistent and accurate. For example:

- In response to Question # 15 under the heading “Long-Term Care Nursing Facilities,” the Department references 603 facilities that participate in Medical Assistance; however, under the heading “DHS,” 615 facilities are cited as receiving Medical Assistance payments; and
- In response to Question # 20, the Department states that there are currently 20 county-owned long-term care nursing facilities. The Department explains further that Allegheny County owns four and then identifies the remaining 15, totaling 19.

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 21-1713. Filed for public inspection October 8, 2021, 9:00 a.m.]

INSURANCE DEPARTMENT

United Security Assurance Company of Pennsylvania; Rate Increase Filing for Individual LTC Form TQLTC-97-U (SERFF # USPA-132978232); Rate Filing

United Security Assurance Company of Pennsylvania is requesting approval to increase the premium an aggregate 33.2% on 23 policyholders with individual LTC form TQLTC-97-U.

Unless formal administrative action is taken prior to December 24, 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 (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 Valerie Romig, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, vromig@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 21-1714. Filed for public inspection October 8, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Acquisition by Purchase

A-2021-3028766. Columbia Gas of Pennsylvania, Inc. Application of Columbia Gas of Pennsylvania, Inc. for approval of the acquisition by purchase of real property known as 103 Stoney Ridge Drive, Monaca.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before October 25, 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 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: Meagan Moore, Esquire, 121 Champion Way, Suite 100, Canonsburg, PA 15317, (724) 416-6347, mbmoore@nisource.com; Amy E. Hirakis, Esquire, 800 North Third Street, Suite 204, Harrisburg, PA 17102, AHirakis@nisource.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1715. Filed for public inspection October 8, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Cancellation of Certificates of Public Convenience for Motor Carriers; Failure to Pay Assessment for Fiscal Year 2020-2021

Public Meeting held
September 15, 2021

Commissioners Present: Gladys Brown Dutrieuille, Chairperson; David W. Sweet, Vice Chairperson; John F. Coleman, Jr.; Ralph V. Yanora

Cancellation of Certificates of Public Convenience for Motor Carriers; Failure to Pay Assessment for Fiscal Year 2020-2021; M-2021-3027784

Tentative Order

By the Commission:

For each fiscal year, the Commission determines the total assessment for regulatory expenses, which is allocated to, and paid by, public utilities pursuant to the methodology set forth in the Public Utility Code. 66 Pa.C.S. §§ 510(a), (b). The Commission provides notice of the amount lawfully assessed against a utility and requires the utility to pay that amount within thirty (30) days of receipt of the notice. 66 Pa.C.S. § 510(c).¹ The Public Utility Code authorizes the Commission to revoke a utility’s Certificate of Public Convenience (CPC) for failure to pay the assessment within the time prescribed. *Id.*

The Commission undertook a review of its records to determine whether various motor carriers have complied

¹ In order to properly allocate the assessment, the Public Utility Code requires that by March 31 each year, every public utility must file a report detailing its gross intrastate operating revenue for the preceding calendar year. 66 Pa.C.S. § 510(b).

with the assessment payment requirements of the Public Utility Code. The Commission's review revealed that a number of carriers failed to pay their 2020-2021 assessments. Specifically, each carrier listed in Appendix A, attached hereto, has an outstanding assessment balance.

The Fiscal Office of the Commission's Bureau of Administration sent a letter to each carrier listed in Appendix A, notifying them of their outstanding assessment balance and requesting that they pay the past due balance within twenty (20) days of receipt of the letter. The letter warned that failure to comply would result in the Commission taking appropriate action to cancel the carrier's CPC. None of the carriers in Appendix A submitted payment in response to the Commission's Bureau of Administration letter.

Additionally, Commission staff made two attempts to contact each carrier listed in Appendix A at the telephone number the carrier provided to the Commission but were unable to make contact.

Given these carriers' failure to respond to the aforementioned notices, the Commission tentatively concludes that the motor carriers listed in Appendix A are not in compliance with the assessment payment requirements of 66 Pa.C.S. § 510(c), and may no longer continue to operate in Pennsylvania as a motor carrier public utility. As a result, it is appropriate and in the public interest to initiate the process to cancel their CPCs; *Therefore,*

It Is Ordered That:

1. Cancellation of the Certificates of Public Convenience of each motor carrier listed in Appendix A is tentatively approved as being in the public interest.
2. The Secretary shall serve a copy of this Tentative Order upon all motor carriers listed in Appendix A.
3. The Secretary shall file this Tentative Order at each motor carrier's assigned docket number.
4. The Law Bureau shall publish a copy of this Tentative Order in the *Pennsylvania Bulletin*.
5. To the extent that any of the motor carriers listed on Appendix A challenge cancellation of their Certificates of

Public Convenience, they must file comments within thirty (30) days after publication of this Tentative Order in the *Pennsylvania Bulletin*. Comments shall be sent to the Pennsylvania Public Utility Commission, Attn: Secretary Rosemary Chiavetta, Commonwealth Keystone Building, 400 North Street, 2nd Floor, Harrisburg, PA 17120.

6. Alternatively, to avoid cancellation, carriers listed in Appendix A may pay their outstanding assessment balance within thirty (30) days after publication in the *Pennsylvania Bulletin*. Payment shall be sent to the Pennsylvania Public Utility Commission, Attn: Fiscal Office, P.O. Box 3265, Harrisburg, PA 17105. Checks shall be made payable to "Commonwealth of Pennsylvania."

7. Absent the timely filing of comments challenging the cancellation of the Certificate of Public Convenience or the timely payment of a carrier's outstanding assessment balance, the Law Bureau shall prepare a Secretarial Letter, for issuance by the Secretary's Bureau, canceling the Certificate of Public Convenience of each motor carrier that fails to respond. The Secretarial Letter shall direct the Department of Transportation to suspend the carrier's vehicle registration(s) consistent with 75 Pa.C.S. § 1375.

8. Upon the Secretary's issuance of the Secretarial Letter per Ordering Paragraph No. 7, the Certificate of Public Convenience of each non-compliant carrier shall be cancelled.

9. The Secretary serve a copy of the Secretarial Letter upon the Commission's Bureau of Investigation and Enforcement, Bureau of Technical Utility Services, and Bureau of Administration, the Pennsylvania Department of Revenue—Bureau of Corporation Taxes, and the Pennsylvania Department of Transportation.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: September 15, 2021

ORDER ENTERED: September 15, 2021

Appendix A

Carriers With Outstanding Assessment Balances

<i>Utility Code</i>	<i>Carrier Name</i>	<i>Docket No.</i>
632296	EXECUTIVE TRANSPORTATION SERVICES, INC.	A-00107390 A-00107390F0002
632822	UNITED TAXI COMPANY, LLC	A-00123614
640389	CLASSIC LIMOUSINE TRANSPORTATION, LLC	A-00112166 A-2012-2334929
640912	GRIFFITH TRANSPORTATION, INC.	A-00117265 A-2012-2321696
6411698	JOE & JANS, INC.	A-2010-2151587
641181	MID-ATLANTIC TRANSPORTATION SERVICES, INC.	A-00119364 A-2009-2123038
6417260	FIRST CLASS LIMOUSINE, LLC	A-2015-2464420 A-2016-2571647
6417344	POWER EXPRESS, LLC	A-2015-2467873
6418799	SAMUEL GROFF	A-2016-2548547
6419020	RC JONES TRANSPORTATION, LLC	A-2016-2558324
6420268	EXECUTIVE TRANS, INC.	A-2018-3002171
6420596	MEDICAL TRANSPORTATION PROVIDERS, LLC	A-2019-3009430

<i>Utility Code</i>	<i>Carrier Name</i>	<i>Docket No.</i>
6422167	THULE TRANSPORTATION, LLC	A-2019-3009677
701687	FALCON TRANSPORT CO.	A-00112635
704704	S.A. JUZBASIC, INC.	A-00117334
706595	G. E. VARNER TRUCKING, INC.	A-00120513
707488	HORST, NATHAN S.	A-00122045
731140	COOK, ROBERT	A-00093134
8910297	J & E SANITATION, INC.	A-2008-2052775
8910664	JENNINGS ENTERPRISE, LLC	A-2008-2079836
8910696	KENNETH W. SCHODT	A-2009-2083365
8912935	APOLO V EXPRESS, LLC	A-2010-2208194
8913104	I-HAUL, LLC	A-2011-2220987
891331	MILLER, RICK LEE	A-00103622
8914967	CARL R. SNOOK	A-2012-2314015
8915162	TROY M. KELLER	A-2012-2326726
8915596	GRYGO TRUCKING, INC.	A-2013-2354957
8915818	RAPID TRANSIT, INC.	A-2013-2369268
8915862	SCOTT WILCOX	A-2013-2372958
8917227	PATRIOT ONE, INC.	A-2015-2461362
8917295	WOLVERINE ENTERPRISE, LLC	A-2015-2465864
8918952	TIER ONE, LLC	A-2016-2553662
8919069	A & S CARRIERS, LLC	A-2017-2635902
8919255	PENNSYLVANIA CONTRACTING INCORPORATED	A-2016-2567948
8919536	F & R SPERRY LOGGING, LLC	A-2017-2586201
8919744	BEECH WOODS EQUIPMENT LEASING COMPANY	A-2017-2597155
8920060	MICHAEL J. COMPTON	A-2017-2614197
8920472	JOSEPH LANGUERAND	A-2017-2636256
8920559	MOVING U & JUNK U, LLC	A-2018-3000016
8920933	BRENDEN C. FINCK	A-2018-3001423
8921067	CP MAULE, LLC	A-2018-3002549
8921457	STREET KING TRANSPORT, LLC	A-2018-3005201
8922269	TAMRON TRUCKING, INC.	A-2019-3010351

[Pa.B. Doc. No. 21-1716. Filed for public inspection October 8, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Natural Gas Service

A-2021-3028787. Columbia Gas of Pennsylvania, Inc. Application for approval of abandonment of natural gas service by Columbia Gas of Pennsylvania, Inc. to two residential premises located in Fayette County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before October 25, 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 Pennsylva-

nia Public Utility Commission's (Commission) web site at 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, 21 Champion Way, Suite 100, Canonsburg, PA 15317, (724) 809-0525, tjgallagher@nisource.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1717. Filed for public inspection October 8, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Natural Gas Service

A-2021-3028789. Columbia Gas of Pennsylvania, Inc. Application for approval of abandonment of natural gas service by Columbia Gas of Pennsylvania, Inc. to three active residential customers and one inactive residential customer in Washington County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before October 25, 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 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, 21 Champion Way, Suite 100, Canonsburg, PA 15317, (724) 809-0525, tjgallagher@nisource.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1718. Filed for public inspection October 8, 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 25, 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 25, 2021. 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 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-2021-3028247. Bill's Car Service and Transport, LLC (1200 Center Street, Wilkinsburg, PA 15221) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, from points in the County of Allegheny, to points in Pennsylvania, and return.

A-2021-3028550. Firkin Brew Tours, LLC (4000 Peacock Drive, Bethlehem, Northampton County, PA 18020) persons in group and party service, in vehicles seating between 11 to 15 passengers, including the driver, from 4000 Peacock Drive, Bethlehem, Northampton County, PA 18020, to points in the Counties of Bucks, Carbon, Lehigh, Monroe and Northampton, and return.

A-2021-3028628. T&A Limousine, LLC (213 Kingston Road, Upper Darby, Delaware County, PA 19082) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, from points in the Counties of Chester and Delaware to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2021-3028707. Unibe Group Homecare Agency, LLC (228 North Sandy Lane, Sinking Spring, Berks County, PA 19608) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, between points in the Counties of Berks, Bucks, Chester, Lancaster, Lebanon, Lehigh, Montgomery, Northampton and Schuylkill.

Application of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-2021-3028606. Carl Sylvester Weaver, t/a Miller's Transfer (658 State Street, Danville, Montour County, PA 17821) for the discontinuance and cancellation of his right, to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania, as originally docketed at A-00081921.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1719. Filed for public inspection October 8, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Transfer of Control; Registration of Securities

A-2021-3028668 and A-2021-3028669. The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink, CenturyTel Broadband Services, LLC, Connect Holding, LLC and Lumen Technologies, Inc. Joint application of The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink, CenturyTel Broadband Services, LLC, Connect Holding, LLC and Lumen Technologies, Inc. for all approvals of a general rule transfer of control and registration of securities.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before October 25, 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 web site at www.puc.pa.gov and at the applicant's business address.

Joint Applicants: The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink; CenturyTel Broadband Services, LLC; Connect Holding, LLC; Lumen Technologies, Inc.

Through and By: Sarah C. Stoner, Esquire, Eckert Seamans Cherin & Mellott, 213 Market Street, 8th Floor, Harrisburg, PA 17101, (717) 237-6026, sstoner@eckertseamans.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1720. Filed for public inspection October 8, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Transfer by Sale

A-2021-3028676. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company under 66 Pa.C.S. § 1102(a) (relating to enumeration of acts requiring certificate) for approval of: (1) the transfer, by sale, of substantially all of the Township of Foster's assets, properties and rights related to its wastewater collection and conveyance system (known as the West End System) to Pennsylvania-American Water Company; and (2) the right of Pennsylvania-American Water Company to begin to offer or furnish wastewater service to the public in portions of Foster Township, and to two bulk service interconnection points located within Foster Township, Luzerne County, and a filing by Pennsylvania-American Water Company under 66 Pa.C.S. § 507 (relating to contracts between public utilities and municipalities) of: (i) the assets purchase agreement by and among the Township of Foster and Pennsylvania-American Water Company; and (ii) four agreement and their respective modifying agreements with municipal corporations to be assumed by Pennsylvania-American Water Company upon closing of its acquisition of substantially all the asset related to the wastewater collection and conveyance system owned by the Township of Foster.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before October 25, 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 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: Pennsylvania-American Water Company, 852 Wesley Drive, Mechanicsburg, PA 17055

Through and By Counsel: Susan Simms Marsh, Pennsylvania-American Water Company, 852 Wesley Drive, Mechanicsburg, PA 17055, (717) 550-1570, susan.marsh@amwater.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1721. Filed for public inspection October 8, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Zito Mifflin County, LLC; Doc. No. P-2021-3023622

The Pennsylvania Public Utility Commission (Commission) approved the petition of Zito Mifflin County, LLC (Zito Mifflin) for designation as an eligible telecommunications carrier (ETC), by order entered on September 15, 2021, at Doc. No. P-2021-3023622.

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), Zito Mifflin was required to obtain designation as an ETC from the Commission. Zito Mifflin filed its ETC petition at the Commission on January 7, 2021. The Commission invited comments on the petition by notice published at 51 Pa.B 2365 (April 24, 2021). After review, the Commission has approved the petition. Zito Mifflin is now required to certify to the FCC that it has received designation as an ETC in the eligible census block group in this 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. 21-1722. Filed for public inspection October 8, 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 25, 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-21-09-22. Hossain and Nargin, Inc. (110 Penn Boulevard, East Lansdowne, PA 19050): An application for a medallion taxicab certificate of public convenience (CPC) to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

Doc. No. A-21-09-23. Happy, Inc. (96 North 46th Street, Philadelphia, PA 19145): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

Doc. No. A-21-09-24. R&A Trans, Inc. (258 Wemply 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.

SCOTT PETRI,
Executive Director

[Pa.B. Doc. No. 21-1723. Filed for public inspection October 8, 2021, 9:00 a.m.]

