

PENNSYLVANIA BULLETIN

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

No. 564, November 2021

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

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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 GOVERNOR

GOVERNOR'S OFFICE

[EXECUTIVE ORDER 2021-06]

Worker Protection and Investment

October 21, 2021

Whereas, the workforce of Pennsylvania is one of the state's strongest assets for vibrant, healthy communities and a strong economy; and

Whereas, every worker in Pennsylvania deserves a safe and healthy work environment and the protections afforded them through labor laws; and

Whereas, various industries are experiencing new challenges in recruiting and retaining workers as a result of the COVID-19 pandemic; and

Whereas, workers are reassessing and redefining what constitutes a quality job and how they are seeking to engage in work; and

Whereas, quality jobs start with ensuring that labor laws are followed for the health and well-being of workers; and

Whereas, quality jobs also include family-sustaining wages, quality benefits, growth opportunities, and other worker-centered policies; and

Whereas, employer commitment to protection and investment in their workers is not only required through labor law but also demonstrates value of their workforce; and

Whereas, employees who feel valued by their employer are more likely to experience job satisfaction and commitment to their work; and

Whereas, the well-being of the workforce correlates with the well-being of Pennsylvania's economy.

Now, Therefore, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws of the Commonwealth do hereby order and direct as follows:

1. The Department of Labor & Industry and the Office of Administration shall study the feasibility of implementing Occupational Safety and Health Administration (OSHA) standards in Commonwealth offices.

2. The Department of Community and Economic Development (DCED), through the Governor's Action Team, will continue to require a minimum wage that meets or exceeds the Commonwealth's minimum wage as set forth in Executive Order 2016-02 As Amended, and will include a requirement for paid employee sick leave, in their criteria for offers of assistance, including offers of assistance involving the Redevelopment Assistance Capital Program, where otherwise not prohibited by law.

3. All agencies under the Governor's jurisdiction that provide funding to for-profit businesses are to review existing programs and program guidelines and consider implementing a requirement for application, or consideration while review of applications, of a minimum wage consistent with the requirements under Executive Order 2016-02 As Amended and paid sick leave, where otherwise not prohibited by law.

4. All agencies of the Commonwealth, in collaboration with the Department of General Services, shall review and develop grantmaking and contracting processes that ensure any entity receiving an award has certified that it is in compliance with applicable Pennsylvania state labor and workforce safety laws including, but not limited to:

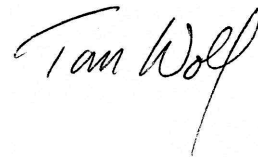
- a. Construction Workplace Misclassification Act.
- b. Employment of Minors Child Labor Act.
- c. Minimum Wage Act.

- d. Prevailing Wage Act.
- e. Equal Pay Law.
- f. Employer to Pay Employment Medical Examination Fee Act.
- g. Seasonal Farm Labor Act.
- h. Wage Payment and Collection Law.
- i. Industrial Homework Law.
- j. Construction Industry Employee Verification Act.

5. All agencies under the Governor's jurisdiction are to communicate to their current and future vendors the expectation of labor law compliance and potential impact on eligibility for state contracts and grants if the vendor is found to have violated any of Pennsylvania's labor or workforce safety laws.

6. The Department of Labor & Industry shall maintain a publicly available list of organizations that have been found to have violated labor laws, misclassified their workers, owe unemployment compensation back taxes, or fail to carry requisite workers' compensation insurance until they satisfy their legal obligations.

7. *Effective date.* This Executive Order shall take effect immediately and shall remain in effect unless revised or rescinded.



Governor

Fiscal Note: GOV-2021-06. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 21-1832. Filed for public inspection November 5, 2021, 9:00 a.m.]

THE COURTS

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CHS. 5 AND 6]

Order Amending Rules 515, 610, 612 and 632 of the Pennsylvania Rules of Juvenile Court Procedure; No. 885 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 22nd day of October, 2021, upon the recommendation of the Juvenile Court Procedural Rules Committee, the proposal having been published for public comment at 50 Pa.B. 3838 (August 1, 2020) and 49 Pa.B. 2474 (May 18, 2019):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rules of Juvenile Court Procedure 515, 610, 612, and 632 are amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective on April 1, 2022.

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 5. DISPOSITIONAL HEARING

PART B. DISPOSITIONAL HEARING AND AIDS

Rule 515. Dispositional Order.

A. *Generally.* When the court enters a disposition after an adjudication of delinquency pursuant to Rule 409(A)(2), the court shall issue a written order in accordance with 42 Pa.C.S. § 6352, which [provides] provide the court has determined to be consistent with the protection of the public interest and best suited to the child's treatment, supervision, rehabilitation and welfare, which disposition shall, as appropriate to the individual circumstances of the child's case, balanced attention to the protection of the community, accountability for the offenses committed, and development of the juvenile's competencies to enable the juvenile to become a responsible and productive member of the community. The order shall include:

- 1) the court's findings pursuant to Rule 512(D);
- 2) a designation whether the case is eligible pursuant to 42 Pa.C.S. § 6307(b)(1.1)(i) for limited public information;
- 3) a directive that the juvenile shall submit to fingerprinting and photographing by, or arranged by, the law enforcement agency that submitted the written allegation in all cases in which the juvenile has not previously been fingerprinted or photographed;
- 4) the date of the order; and
- 5) the signature and printed name of the judge entering the order.

B. [*Restitution.* If restitution is ordered in a case, the] Financial Obligations. If the court orders the payment of fines, costs, fees, or restitution, pursu-

ant to 42 Pa.C.S. § 6352(a)(5) and (6), the amounts shall be reasonable and as deemed appropriate as part of a plan of rehabilitation considering the nature of the acts committed and the earning capacity of the juvenile. The dispositional order shall include:

- 1) [a specific amount of] the specific amounts of fines, costs, fees, or restitution to be paid by the juvenile;
- 2) to whom each of the [restitution] financial obligations shall be paid; and
- 3) a payment schedule [, if so determined by the court] based upon the juvenile's ability to pay according to the dispositional order.

C. *Guardian [participation] Participation.* The dispositional order shall include any conditions, limitations, restrictions, and obligations imposed upon the guardian.

D. *Disposition [reporting] Reporting.* The court shall forward the case disposition to the Juvenile Court Judges' Commission, as required by the Commission.

Comment

See 42 Pa.C.S. § 6352 regarding disposition of a delinquent child.

Pursuant to paragraph (A)(2), the court is to determine if the case is eligible for limited public information under the requirements of 42 Pa.C.S. § 6307(b)(1.1)(i). See 42 Pa.C.S. § 6307(b)(2). When the case is designated, the clerk of courts is to mark the file clearly. For information that is available to the public in those eligible cases, see Rule 160.

See 23 Pa.C.S. § 5503 and 42 Pa.C.S. §§ 6308, 6309 and 6310.

[Dispositional orders should comport in substantial form and content to the Juvenile Court Judges' Commission model orders to receive funding under the federal Adoption and Safe Families Act (ASFA) of 1997 (P.L. 105-89). The model forms are also in compliance with Title IV-B and Title IV-E of the Social Security Act. For model orders, see <http://www.jcjc.state.pa.us> or <http://www.dpw.state.pa.us> or request a copy on diskette directly from the Juvenile Court Judges' Commission, Room 401, Finance Building, Harrisburg, PA 17120.]

Pursuant to paragraph (B), financial obligations may be imposed as a plan of rehabilitation consistent with the goals of balanced and restorative justice: 1) the protection of the community; 2) the imposition of accountability for offenses committed; and 3) the development of competencies to enable the juvenile to become a responsible and productive member of the community. See 42 Pa.C.S. § 6352(a).

In determining the amount of the financial obligation pursuant to paragraph (B), the judge may include a contribution to a restitution fund. See 42 Pa.C.S. §§ 6352(a)(5)-(6). A juvenile's earning capacity can be determined by examining factors including, but not limited to, the juvenile's physical and intellectual capabilities, maturity, education, work

history, availability of suitable employment, and the priority of other uses of earnings, including essential goods and services, dependents, and the pursuit of higher education. The court may also order non-financial obligations consistent with the principles of balanced and restorative justice.

Assuming the court finds the juvenile has a sufficient earning capacity to impose a reasonable financial obligation, the court should determine the juvenile's present ability to pay the financial obligation in accordance with the payment schedule pursuant to paragraph (B)(3). In determining a payment schedule, the court should include the frequency, amount, and duration of payments. A juvenile with a present ability to satisfy a financial obligation may be placed on an immediate and full payment schedule.

When a disposition is no longer consistent with the goals of balanced and restorative justice, a juvenile's plan of rehabilitation may be changed through a dispositional review hearing and modification of dispositional order, including an adjustment of financial obligations. See Rule 610(A)-(B).

The court shall retain jurisdiction over the juvenile until the juvenile attains 21 years of age, or supervision has been terminated upon completion of the terms of the dispositional order and satisfaction of financial obligations, or otherwise. See 42 Pa.C.S. § 6352(a)(5); see also Rules 630 (Loss of Court Jurisdiction), 631 (Termination of Court Supervision) and 632 (Early Termination of Court Supervision by Motion).

Official Note: Rule 515 adopted April 1, 2005, effective October 1, 2005. Amended August 20, 2007, effective December 1, 2007. Amended July 28, 2009, effective immediately. Amended December 24, 2009, effective immediately. Amended April 29, 2011, effective July 1, 2011. Amended February 13, 2019, effective June 28, 2019. **Amended October 22, 2021, effective April 1, 2022.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 515 published with the Court's Order at 49 Pa.B. 916 (March 2, 2019).

Final Report explaining the amendments to Rule 515 published with the Court's Order at 51 Pa.B. 6905 (November 6, 2021).

CHAPTER 6. POST-DISPOSITIONAL PROCEDURES

PART B. MODIFICATIONS AND REVIEWS

Rule 610. Dispositional and Commitment Review.

A. *Dispositional [review hearing] Review Hearing.* The court shall review its disposition and conduct dispositional review hearings for the purpose of ensuring that the juvenile is receiving necessary treatment and services and that the terms and conditions of the disposition are being met.

1) In all cases, the court shall conduct dispositional review hearings at least every six months.

2) In all cases, the juvenile shall appear in person at least once a year.

3) The court may schedule a review hearing at any time.

B. *[Change in] Modification of Dispositional Order.* Whenever there is a **[request] motion** for a **[change in] modification of** the dispositional order, other than a motion to revoke probation as provided in Rule 612, notice and an opportunity to be heard shall be given to the parties and the victim. **Any outstanding restitution amounts may not be reduced by modification of the dispositional order without specific notice to the victim prior to the hearing that a modification may be ordered.**

1) The juvenile may be detained pending a court hearing.

2) A detention hearing shall be held within **[seventy-two] 72** hours of the juvenile's detention, if detained.

3) The juvenile shall be given a statement of reasons for the discharge from a placement facility or **[request for change in] motion for modification of** the dispositional order.

4) A review hearing shall be held within **[twenty] 20** days of the discharge from the placement facility or **[request for change in] motion for modification of** the dispositional order.

C. *Advanced [communication technology] Communication Technology.* A court may utilize advanced communication technology pursuant to Rule 129 for a juvenile or a witness unless good cause is shown otherwise.

D. *Post-Dispositional Rights.* A colloquy and inquiry of post-dispositional rights shall be conducted when a juvenile is aggrieved by a **[change in] modification of** the dispositional order.

Comment

At any hearing, if it is determined that the juvenile is in need of an educational decision maker, the court is to appoint an educational decision maker pursuant to Rule 147.

Under paragraph (A), the court is to conduct dispositional review hearings as frequently as necessary to ensure that the juvenile is receiving necessary treatment and services and that the terms and conditions of the disposition are being met. See Rule 800.

When conducting a dispositional review hearing, the court is to ensure that the disposition continues to provide balanced attention to the protection of the community, the imposition of accountability for offenses committed, and the development of competencies to enable the juvenile to become a responsible and productive member of the community. **A change in the plan of rehabilitation may result in the adjustment of financial obligations imposed pursuant to Rule 515. An "adjustment" is not intended to invite the imposition of increased fines, fees, or costs after disposition.**

Nothing in this rule prohibits the juvenile from requesting an earlier review hearing. The juvenile may file a motion requesting a hearing when there is a need for change in treatment or services.

Additionally, nothing in this rule is intended to prohibit the emergency transfer of a juvenile from a placement facility to a detention facility pending reconsideration of the dispositional order, and this rule is not intended to preclude a motion for modification of a dispositional order after the juvenile has been detained.

Under paragraph (B), the attorney for the Commonwealth or its designee is to notify the victim of the date, time, place, and purpose of the review hearing. Prior to ordering the **[change in] modification of** the dispositional order, the court is to give the victim an opportunity to submit an oral and/or written victim-impact statement if the victim so chooses. See **[Victim's] Victims** Bill of Rights, 18 P.S. [§] §§ 11.201 *et seq.* **Whenever a motion seeks a reduction of outstanding restitution, the victim should be given specific notice of the relief sought prior to the hearing. A court may not order a downward adjustment of outstanding restitution without first ensuring that notice was given to the victim of the possibility that such an adjustment was specifically being considered at the dispositional review hearing.**

Any persons may be subpoenaed to appear for the hearing. See Rule 123 and 42 Pa.C.S. § 6333. However, nothing in these rules requires the attendance of the victim unless subpoenaed. If the victim is not present, the victim is to be notified of the final outcome of the proceeding.

Some placement facilities are hours away from the dispositional court. Paragraph (C) allows a hearing to be conducted via teleconferencing, two-way simultaneous audio-visual communication, or similar method. The juvenile is to be afforded all the same rights and privileges as if the hearing was held with all present in the courtroom.

If a juvenile is detained or placed, the juvenile is to be placed in a detention facility or placement facility, which does not include a county jail or state prison. See Rule 120 and its Comment for definitions of “detention facility” and “placement facility.”

For the colloquy and inquiry of post-dispositional rights, see Rule 512(C). If a change in disposition results in an out-of-home placement, then the court should also explain to the juvenile the availability of review of the out-of-home placement pursuant to Pa.R.A.P. [1770] 1612.

Official Note: Rule 610 adopted April 1, 2005, effective October 1, 2005. Amended December 30, 2005, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended May 26, 2011, effective July 1, 2011. Amended June 28, 2013, effective immediately. Amended May 11, 2017, effective October 1, 2017. **Amended October 22, 2021, effective April 1, 2022.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 610 published with the Court’s Order at 47 Pa.B. 2969 (May 27, 2017).

Final Report explaining the amendments to Rule 610 published with the Court’s Order at 51 Pa.B. 6905 (November 6, 2021).

Rule 612. Modification or Revocation of Probation.

A. *Filing.* A motion to modify or revoke probation shall be filed in accordance with Rule 345.

B. *Time of Hearing on the Motion.*

1) If the juvenile is detained, the hearing on the motion shall be held within ten days of the detention hearing.

2) If the juvenile is not detained, the hearing on the motion shall be held promptly.

C. *Modification.* If the court modifies the dispositional order, the court shall state the grounds for the modification and shall issue a new dispositional order in accordance with Rule 515.

D. *Advanced Communication Technology.* A court may utilize advanced communication technology pursuant to Rule 129 for a juvenile or a witness unless good cause is shown otherwise.

E. *Post-Dispositional Rights.* A colloquy and inquiry of post-dispositional rights shall be conducted when a juvenile is aggrieved by a change in the dispositional order.

Comment

A juvenile should be afforded due process before probation can be revoked. *Cf. Gagnon v. Scarpelli*, 411 U.S. 778 (1973); *Morrissey v. Brewer*, 408 U.S. 471 (1972). A juvenile’s probation cannot be revoked simply on the grounds of hearsay evidence. *In re Davis*, 586 A.2d 914 (Pa. 1991).

If a juvenile is over the age of eighteen, under the age of twenty-one, and is alleged to have violated the terms of probation, the juvenile, if detained, is to be placed in a detention facility. See Rule 120 and its Comment for definitions of “detention facility,” which does not include a county jail or state prison, and “juvenile,” which includes a person who has attained ten years of age and is not yet twenty-one years of age who is alleged to have committed a delinquent act before reaching eighteen years of age or who is alleged to have violated the terms of juvenile probation prior to termination of juvenile court supervision.

For detention procedures, see Rules 240 through 243.

For dispositional orders, see Rule 515.

Whenever a motion seeking to modify probation also seeks a reduction of outstanding restitution, the victim should be given specific notice of the relief sought prior to the hearing. A court may not order a downward adjustment of outstanding restitution without first ensuring that notice was given to the victim of the possibility that such an adjustment was specifically being considered at the hearing. See Pa.R.J.C.P. 610(B).

For the use of advanced communication technology, see Rule 129.

For the colloquy and inquiry of post-dispositional rights, see Rule 512(C). If a change in disposition results in an out-of-home placement, then the court should also explain to the juvenile the availability of review of the out-of-home placement pursuant to Pa.R.A.P. [1770] 1612.

Official Note: Rule 612 adopted April 1, 2005, effective October 1, 2005. Amended March 5, 2013, effective immediately. Amended June 28, 2013, effective immediately. Amended May 11, 2017, effective October 1, 2017. **Amended October 22, 2021, effective April 1, 2022.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 612 published with the Court’s Order at 47 Pa.B. 2969 (May 27, 2017).

Final Report explaining the amendments to Rule 612 published with the Court’s Order at 51 Pa.B. 6905 (November 6, 2021).

**PART D. CESSATION OF COURT JURISDICTION
OR SUPERVISION**

**Rule 632. Early Termination of Court Supervision
by Motion.**

A. *Motion.* Any party may move for early termination of court supervision. The motion shall state with specificity why early termination is sought and why the requirements of Rule 631(A) have not been met.

B. *Notice.*

1) In addition to the service requirements of Rule 345, any party moving for early termination shall serve the motion on the juvenile probation officer.

2) The victim shall be provided notice of the motion for early termination of court supervision.

C. *Objection.*

1) A party or the juvenile probation officer may object to the motion under paragraph (A) and request a hearing.

2) Such objection shall be made within [**thirty**] **30** days of the date of the motion; otherwise, objections are deemed waived.

D. *Court's [**determination**] Determination.* The court shall:

1) rule on the motion and any objections without a hearing; or

2) schedule a hearing.

E. *Hearing.* If objections have been made pursuant to paragraph (C) [**and/or**] **or** the court has determined a hearing is necessary, the court shall hold a hearing and give each party, the victim, and the juvenile probation officer an opportunity to be heard before the court enters its final order.

F. *Termination.* When the requirements of paragraphs (A) through (E) have been met and the court is satisfied that there [**are**] **is a** compelling [**reasons**] **reason** to discharge the juvenile prior to the completion of the requirements of Rule 631(A), the court may order an early discharge of the juvenile from its supervision.

Comment

If a party has moved for early termination of court supervision of a juvenile pursuant to paragraph (A) or the court has scheduled a hearing pursuant to paragraph (E), the attorney for the Commonwealth or its designee is to notify the victim of the motion for early termination and/or the date, time, place, and purpose of the hearing.

The victim may be present at the hearing and is to be afforded the opportunity to submit an oral and/or written victim-impact statement. See Rule 132 and the [**Victim's**] **Victims** Bill of Rights, 18 P.S. [**\$**] **§§** 11.201 *et seq.*

For the submission of victim-impact statements by victims of personal injury crimes prior to the release or transfer of a juvenile from a placement facility, see [**Victim's**] **Victims** Bill of Rights, 18 P.S. § 11.201(8.1)(iii).

Any persons may be subpoenaed to appear for the hearing. See Rule 123 and 42 Pa.C.S. § 6333. However, nothing in these rules requires the attendance of the victim unless subpoenaed. If the victim is not present, the victim is to be notified of the final outcome of the proceeding.

For procedures on motions, see Rule 344. For filing and service requirements, see Rule 345.

If all parties are in agreement with the termination, the court may terminate court supervision without a hearing.

For procedures on the dispositional order, see Rule 515. See also, 42 Pa.C.S. § 6352. For collection of outstanding restitution regardless of court supervision status, see 42 Pa.C.S. § 9728.

“Compelling reason,” as set forth in paragraph (F), should reflect consideration of the statutory goals of protection of the public interest in a manner best suited to the juvenile’s treatment, supervision, rehabilitation and welfare within the framework of balanced and restorative justice, which attends to: 1) the protection of the community; 2) the imposition of accountability for offenses committed; and 3) the development of competencies to enable the juvenile to become a responsible and productive member of the community. See In the Interest of D.C.D., 171 A.3d 727 (Pa. 2017); 42 Pa.C.S. § 6352(a). The court has broad discretion in weighing each goal as appropriate to the individual juvenile. See id. at 742.

Official Note: Rule 632 adopted February 26, 2008, effective April 1, 2008. Amended May 26, 2011, effective July 1, 2011. **Amended October 22, 2021, effective April 1, 2022.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 632 published with the Court’s Order at 41 Pa.B. 3180 (June 25, 2011).

Final Report explaining the amendments to Rule 632 published with the Court’s Order at 51 Pa.B. 6905 (November 6, 2021).

ADOPTION REPORT

Amendment of Pa.R.J.C.P. 515, 610, 612, and 632

On October 22, 2021, the Supreme Court amended Pennsylvania Rules of Juvenile Court Procedure 515, 610, 612, and 632 to assist in applying the principles of the Juvenile Act when imposing financial obligations at the time of disposition in a delinquency proceeding. The Juvenile Court Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, Comment. The statements contained herein are those of the Committee, not the Court.

The Committee received a request for rulemaking to: 1) clarify that the juvenile court retains discretion to waive court-imposed financial obligations, including restitution; 2) require the juvenile court to consider a juvenile’s ability to pay before imposing financial obligations, together with a presumption of indigence; and 3) prohibit the juvenile court from imposing juvenile adjudication, disposition, or terms of probation for a failure to pay that is not willful. Additionally, the requestor sought amendment of Pa.R.J.C.P. 631 to permit the termination of supervision when there are outstanding financial obligations and the juvenile is unable to pay them.

To gain perspective, the Committee considered the frequency with which financial obligations are imposed and satisfied within Pennsylvania’s juvenile justice system. Based upon Juvenile Court Judges Commission’s

Statewide Outcome Measures, in 2019 there were 9,128 juvenile cases closed. Of those cases, 76.8% of the cases did not have a restitution obligation. Of those cases with a restitution obligation, 88.6% made full restitution. Thus, there were 228 cases closed in Pennsylvania in 2019 where less than full restitution was paid. Of those cases, 53.6% (165 cases) resulted in a judgement being entered for outstanding restitution while 25.9% (59 cases) closed with unpaid restitution that did not result in a judgement.

Regarding fines, fees, and costs, only 29.6% of cases closed in 2019 had no such financial obligation imposed. Of the cases with fines, fees, or costs ordered, only 10.4% (671 cases) were not paid in full at the time of closing. Of the closed cases with unpaid fines, fees, or costs, 64% were closed without a judgment being entered.

These statistics informed the Committee that a vast majority of juvenile cases with ordered financial obligations were satisfied at the time of closing. In the cases that were closed with an outstanding financial obligation, a portion of those cases did not result in a judgment being entered against the juvenile. These statistics appeared to demonstrate a practice in some juvenile courts of effectively discharging unpaid financial obligations at the time that supervision is terminated. For consistency of practice, the Committee believed there would be merit in pursuing rulemaking on this topic.

Next, the Committee considered whether all financial obligations are discretionary. For example, the Crime Victims Act requires a juvenile to pay costs of at least \$25 when there is a consent decree or an adjudication of delinquency. *See* 18 P.S. § 11.1101(a)(3). The Crime Victims Act states: “This cost shall be imposed notwithstanding any statutory provision to the contrary.” *Id.* § 110.1101(c). The Committee believed the subordination of such statutory mandates to the principles of the Juvenile Act, 42 Pa.C.S. § 6352(a)(5), is a substantive matter, not procedural. Anecdotally, the practice in Pennsylvania of not imposing mandatory fees was varied.

The Committee initially proposed an amendment of Pa.R.J.C.P. 515(B) to incorporate the statutory criteria for imposing financial obligations on juveniles. *See* 49 Pa.B. 2474 (May 18, 2019). Additionally, “restitution” would be replaced with “financial obligations” to include fines, costs, and fees with restitution amounts. The Comment to Pa.R.J.C.P. 515 would be revised to contain statutory content and citations. Further, the Committee proposed adding a reference to the Comment to Pa.R.J.C.P. 515 indicating that diminution of financial obligations may be sought through a dispositional review hearing. The Comment to Pa.R.J.C.P. 610 would be revised to contain a corollary statement.

The Committee received 14 comments. After reviewing the comments, the Committee recognized the limits to which procedural rulemaking can address the issues of policy raised in the comments. The Committee did not disagree with the sentiment and seeming frustration expressed by some commenters regarding juveniles’ ability to satisfy financial obligations. Nor did the Committee disagree that such obligations place a burden on juveniles that potentially extends beyond the supervision of the juvenile court. Further, the Committee acknowledged that perspectives on the imposition of financial obligations differed among stakeholders, especially when financial obligations are imposed as restitution. Moreover, several commenters believed that some costs are “mandatory” regardless of circumstance and other commenters contended that imposition of any cost must be consistent

with the Juvenile Act. The Committee believed this difference of opinion is best resolved through either an adjudicatory proceeding or legislative action rather than by procedural rulemaking.

However, it bears noting that the initial order of disposition is not static; it is subject to subsequent review and modification by the juvenile court to ensure “that the juvenile is receiving necessary treatment and services and that the terms and conditions of the disposition are being met.” Pa.R.J.C.P. 610(A). As the imposition of financial obligations is part of disposition, *see generally* 42 Pa.C.S. § 6352 (Disposition of Delinquent Child), it, too, is subject to subsequent review and modification pursuant to Pa.R.J.C.P. 610.

The implication of modifying restitution after the initial imposition was discussed at length. The issue of restitution pivoted on the relationship between the Juvenile Act and the Crime Victims Act. As indicated by the comments, there is an ardent belief that restitution, once imposed, should never be modified. However, unlike criminal court, few matters are “final” while a juvenile remains under the supervision of the juvenile court, including the disposition. To illustrate, a juvenile court, subject to the requirements of 42 Pa.C.S. § 6353(a), can extend a juvenile’s commitment after the initial disposition.

Procedurally, there was concern that victims have notice and the opportunity to be heard prior to the court ordering a modification of restitution. Rule 610(B) currently requires notice to the victim when there is going to be a change in disposition. However, the notice is not specific to restitution so the victim does not know if the change concerns restitution.

Believing the more prudent course was to propose a procedural avenue to seek relief and for cases to be determined on individual merit with all stakeholders given notice, including victims, *see* Pa.R.J.C.P. 600(B)(1) & Comment (attorney for the Commonwealth is to notify victim of dispositional review hearing); Pa.R.J.C.P. 631(E) & Comment (same for motion for early termination), the Committee published revised proposed amendments to Pa.R.J.C.P. 515 and 610 for comment. *See* 50 Pa.B. 3838 (August 1, 2020). The proposed rules were intended to clarify what is already permitted by the Pennsylvania Rules of Juvenile Court Procedure. Per Pa.R.J.C.P. 515, the court may impose financial obligations, including restitution, at the time of disposition. Per Pa.R.J.C.P. 610, the court may review and modify, without limitation, the dispositional order. The anticipation that a modification of the dispositional order may impact a victim is already contemplated in Pa.R.J.C.P. 610(B) with notice to the victim, together with an opportunity to be heard. The proposed rules recognize that a party may seek an adjustment of the dispositional order, but they do not dictate an outcome. That decision is reserved for the juvenile court judge based upon the individual facts of the case.

The Committee received 10 comments in response to the revised proposal. Only one commenter favored the proposal. While the other commenters believed the proposal did not go far enough, there was no consensus on direction. Some commenters believed that juveniles should be liable for repayment of all mandatory financial obligations imposed and victims should be entitled to full restitution from the juvenile. Other commenters believed that juveniles should be presumed indigent and any financial obligation must reflect this presumption. Further, juveniles should not be liable for unpaid obligations.

The statistics reviewed, *supra*, did not suggest to the Committee that the vast majority of financial obligations being imposed were excessive to the point that juveniles were unable to satisfy those obligations with widespread frequency. Indeed, many of the arguments raised by the commenters, such as the calculation of earnings capacity, are best directed to the juvenile court judge based upon individual case circumstances and should not be preordained by the rules.

In its second publication, the Committee proposed adding, *inter alia*, the third and fourth sentences of the second proposed paragraph of the Comment to Pa.R.J.C.P. 515, which drew sharp criticism. Those sentences stated:

The primary purpose of a financial obligation should be the juvenile's rehabilitation, not the juvenile's punishment or the victim's recompense. *See generally Commonwealth v. Petrick*, 217 A.3d 1217 (Pa. 2019). The satisfaction of a financial obligation using third party funds does not further a juvenile's rehabilitation.

Regarding the "third sentence," several commenters indicated that victim restitution is part of a juvenile's rehabilitation because it imposes accountability. The intent of the sentence was to reinforce the Juvenile Act's requirement that financial obligations, including restitution, be part of a juvenile's plan of rehabilitation. *See* 42 Pa.C.S. § 6351(a)(5). Imposing restitution without consideration of a juvenile's rehabilitation plan would not be consistent with the Juvenile Act. The citation to *Petrick* was qualified with an appropriate introductory signal.

Yet, after reviewing the comments, the Committee decided the better path was to remove, rather than refine, the Comment language to address the concerns. Further, the citation to *Petrick* was removed lest readers view it as an invitation to apply collection procedures from criminal courts to juvenile proceedings.

Regarding the "fourth sentence," the Committee believed that the use of third-party funds to pay off or pay down financial obligations does not hold a juvenile accountable. Upon reflection, the sentence might be in tension with 23 Pa.C.S. §§ 5503(a), 5505, which hold parents of a juvenile liable, subject to caps, for injuries caused by the juvenile. The Committee specifically solicited comments on the interplay between these statutes and the Juvenile Act. Noting there is little recent case law on these statutes, a commenter expressed concern about the parents' rights and the procedure for imposing this liability.

It was not believed that 23 Pa.C.S. §§ 5503(a), 5505 were widely applied in all counties in all circumstances. Anecdotally, the parents of juveniles often lack the funds to satisfy a juvenile's financial obligations. Nonetheless, given that the "fourth sentence" could be read to prohibit application of those statutes, the Committee favored removing that sentence. Additionally, the Committee did not wish for the sentence to be interpreted to preclude victim restitution from third party sources.

Several comments sought a rule-based preclusion for the extension of supervision for unpaid financial obligations. That concept seemingly ran contrary to the principles of juvenile justice. If accountability is part of a juvenile's rehabilitation, and accountability may be maintained through the imposition of financial obligations, then a juvenile cannot be rehabilitated until all outstanding financial obligations have been paid. Therefore, unpaid financial obligations may properly be a basis for extending supervision. *See also* 42 Pa.C.S. § 6352(a)(5).

However, an extension of supervision is not fated in all cases; there is a procedure to seek modification of a juvenile's plan of rehabilitation, which may include the diminution of financial obligations.

There appeared to be a misapprehension that financial obligations imposed upon indigent juveniles were improper in all instances. The Juvenile Act permits a term of probation to include a fine or restitution. *See* 42 Pa.C.S. § 6352(a)(6). The Juvenile Act further permits the court to order the juvenile to perform "community service" to "work off" the financial obligation. *See id.* The duration of this service may be extended, consistent with 42 Pa.C.S. § 6353(a). *See id.* In a sense, the imposed financial obligation is tantamount to an order of community service. The alternative to payment is a means to satisfy imposed financial obligations on indigent juveniles.

The concept of a "presumption of indigence" when imposing a reasonable amount of financial obligations was not incorporated. First, it is a presumption with potential to overwhelm and displace the other factors used in determining a reasonable amount. Second, it reflects the juvenile's state of "wealth" at the time of disposition and fails to reflect the juvenile's capacity for "wealth" over a period of time. Third, the juvenile's earning capacity, as expounded upon in the revised Comment to Pa.R.J.C.P. 515, should render a truer assessment of a juvenile's current and potential "wealth." Fourth, practically all juveniles are indigent by adult standards, so a presumption applicable to juveniles did not appear to be particularly enlightening. Fifth, a juvenile has the opportunity at a review or modification hearing to demonstrate that any inadequacy of earnings is not the result of insufficient effort or willful conduct. Sixth, the presumption of indigence, cited by commenters as precedential, serves a purpose for assigning counsel, *see* Pa.R.J.C.P. 151, which is unrelated from the purpose of these proposed rules.

The use of "financial obligations" in Pa.R.J.C.P. 515(B) to include fines, costs, fees, and restitution was not intended to diminish the importance of restitution. The phrase is simply representative of the total amount imposed upon a juvenile. With respect to the commenters, the importance of restitution is reflected, to a degree, in the priority and proportionality of each payment by the juvenile that flows directly to the victim rather than to the county or state treasury.

The Committee did not accept the suggestion that the rules instruct the manner in which the value of restitution is to be calculated. The focus at disposition is not on the valuation of restitution, *per se*, but on the "reasonable amount" of restitution "deemed appropriate as part of the plan of rehabilitation considering the nature of the acts committed and the earning capacity of the child, including a contribution to a restitution fund." 42 Pa.C.S. § 6352(a)(5). Moreover, the Committee was concerned that the value of restitution would become a proxy for a reasonable amount of restitution, which fails to consider the aforementioned statutory factors. Finally, the Committee was not aware of complaints of restitution being incorrectly or incompletely valued in present practice.

Relatedly, the Committee was asked to limit the evaluation of a juvenile's earning capacity to 21 years of age. The argument for this limitation is found in 42 Pa.C.S. § 6352(a)(5), which states: "the earning capacity of the

child.” The Juvenile Act defines a “child” as, *inter alia*, “an individual who is under the age of 21 years who committed an act of delinquency before reaching the age of 18 years.” 42 Pa.C.S. § 6302. Therefore, as argued, the court may only consider earning capacity through 21 years of age.

The Committee rejected this request, not because it lacked merit, but because it implicated a significant policy issue involving statutory construction. Statutes provide for the reduction of unpaid financial obligations to judgments against juveniles. *See* 42 Pa.C.S. § 6352(a)(5); 42 Pa.C.S. § 9728(a)(1). These statutes appear to contemplate that imposed financial obligations may not be paid off by a juvenile’s 21st birthday. To limit earning capacity to 21 years of age implied that any outstanding financial obligation afterward was indicative of an unreasonable amount being imposed at the time of disposition. Moreover, limiting earning capacity to 21 years of age would essentially abrogate the part of § 6352(a)(5) providing that “any restitution order which remains unpaid at the time the child attains 21 years of age shall continue to be collectible under [42 Pa.C.S. §] 9728 (relating to collection of restitution, reparation, fees, costs, fines and penalties).”

Notwithstanding, if there is no temporal limit on a juvenile’s earning capacity, then potentially the court could consider a lifetime of earnings when imposing financial obligations, especially restitution. *See, e.g., Commonwealth v. B.D.G.*, 959 A.2d 362 (Pa. Super. 2008). The Committee was not inclined to recommend rulemaking to reconcile the argument to limit earning capacity with the effect of such a limitation. That issue appeared to be more appropriately resolved through the appellate process and an established factual record.

Several comments sought to limit subsequent modifications of the dispositional order to only downward adjustment of financial obligations, as opposed to any form of adjustment, including an upward adjustment. The Committee did not favor limiting the type of adjustment because restitution may be uncertain at the time of disposition given the expedited adjudicatory process of juvenile justice. *See also In re J.G.*, 45 A.3d 1118 (Pa. Super. 2012) (holding that juvenile court had jurisdiction to issue an order for restitution 114 days after the order of disposition). However, the neutrality of “adjustment” was not intended to invite the imposition of increased fines, fees, and costs after disposition. The Comment to Rule 610 was revised to express this intention.

Further non-substantive revisions were made post-publication to include citations of authority, incorporation of language from the Juvenile Act, instructions on financial obligations, revised commentary, and the correlative addition of commentary to Rule 632.

* * *

In sum, financial obligations in juvenile proceedings are a policy-laden matter and subject to differing perspectives. The Committee believes those issues are best addressed by juvenile court judges on an individual basis using the procedures herein adopted and with the advocacy of counsel.

These amendments become effective April 1, 2022.

[Pa.B. Doc. No. 21-1833. Filed for public inspection November 5, 2021, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MERCER COUNTY

Amendments to Local Rules of Civil Procedure L1915.3 Through L1915.27; No. 2021-2707

And Now, this 25th day October, 2021, the Court hereby *Approves, Adopts* and *Promulgates* the following Amendments to the Mercer County Local Rules L1915.3 through L1915.27 Regarding Primary Physical Custody and Partial Physical Custody of Minor Children.

It Is Further *Ordered* and *Directed* that the Court Administrator of Mercer County shall file one (1) certified copy of the Amendments with the Administrative Office of Pennsylvania Courts and furnish two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

It Is Further *Ordered* and *Directed* that these Amendments shall be kept continuously available for public inspection and copying in the Office of the Clerk of Courts of Mercer County and the Office of the Prothonotary of Mercer County. This Order shall be published in the *Mercer County Law Journal*.

By the Court

DANIEL P. WALLACE,
Judge

AMENDMENTS TO THE MERCER COUNTY LOCAL RULES REGARDING PRIMARY PHYSICAL CUSTODY AND PARTIAL PHYSICAL CUSTODY OF MINOR CHILDREN

A. The title of this subchapter shall be amended as follows:

ACTIONS FOR PRIMARY PHYSICAL CUSTODY AND PARTIAL PHYSICAL CUSTODY OF MINOR CHILDREN

B. LOCAL RULES L1915.3 through L1915.27 shall be deleted and replaced with the following:

Rule L1915.1. Office of the Custody Conciliator.

(a) The Mercer County Office of the Hearing Master is hereby renamed the Mercer County Office of the Custody Conciliator.

Rule L1915.3. Commencement of Action. Complaint. Order.

(a) Except for a custody action asserted in a divorce complaint, a plaintiff shall commence a custody action by filing a verified complaint substantially in the form provided by Pa.R.C.P. No. 1915.15(a).

(b) A motion for the appointment of a Conciliator shall be filed with any pleading that includes a claim for primary physical custody or partial physical custody. The motion and accompanying order shall comply with Pa.R.C.P. No. 1920.74. However, the party shall substitute the title “Conciliator” for “Master” where appropriate in the motion.

(c) No fee shall be assessed for a Conciliator conference.

(d) The order accompanying the motion for appointment of a Conciliator in all primary physical custody or partial physical custody actions shall comply with Pa.R.C.P. No. 1915.3(b) and Pa.R.C.P. No. 1915.15(c). The party filing the motion shall obtain from the Office of the Custody Conciliator the date, time, and place of the Conciliator conference.

(e) If a party is represented, the Office of the Custody Conciliator shall serve the order scheduling the Conciliator conference on the party's counsel by first class mail. If a party is unrepresented, the Office of the Custody Conciliator shall serve the order upon the party by first class mail at the party's last known address.

(f) The Office of the Custody Conciliator shall also file a copy of the order accompanying the motion for appointment of Conciliator with the Prothonotary.

(g) All Conciliator conferences regarding partial custody or supervised physical custody shall comply with Pa.R.C.P. No. 1915.4-2(a).

Rule L1915.4-1. Conciliator Hearings for Partial Custody Actions.

(a) Pursuant to Pa.R.C.P. No. 1915.4-1(a), with respect to partial custody actions only, the Court adopts the alternate hearing procedure provided for under Pa.R.C.P. No. 1915.4-2.

(b) Pursuant to Pa.R.C.P. No. 1915.4-1(b), with respect to partial custody actions only, a party may, after the parties' initial contact with the court as set forth in Pa.R.C.P. No. 1915.4(a), promptly file a motion with the Prothonotary for a hearing in front of a judge, rather than a hearing in front of the Conciliator.

(c) A motion for a hearing in front of a judge, in an action involving partial custody only, will not be granted unless:

1. There are complex questions of law, fact or both; or,
2. The parties certify to the court that there are serious allegations affecting the child's welfare.

(d) The Conciliator shall determine whether a partial custody action qualifies for a hearing in front of a judge pursuant (c)(1) or (c)(2) above. In the event a party objects to the Conciliator's determination, the appointing judge shall have final discretion.

(e) All hearings involving partial custody actions that occur before the Conciliator shall comply with the procedure set forth in Pa.R.C.P. No. 1915.4-2(b).

(f) A fee in an amount to be determined by court order shall be assessed against each party for a Conciliator hearing in an action involving partial physical custody. The fee shall be waived for any party determined to be indigent.

Rule L1915.4-2. Conciliator Hearings by Default. Partial Custody Only.

(a) If the parties to a partial custody action do not reach an agreement at the Conciliator conference, and neither party had moved for a hearing in front of a judge prior to the Conciliator conference, the parties will be deemed to have consented to a hearing before the Conciliator.

(b) A Conciliator hearing regarding a partial custody action shall comply with the procedure set forth in Pa.R.C.P. No. 1915.4-2(b).

Rule L1915.4-3. Conciliator Conference.

(a) A conference before a Conciliator shall be held in all actions for primary physical custody and partial physical custody unless a party in an action for partial physical custody has filed a motion pursuant to Pa.R.C.P. No. 1915.4-1(b) for a hearing in front of a judge prior to the Conciliator's conference.

(b) In the event the parties reach an agreement at the Conciliator conference, the Conciliator shall dictate a proposed order that encompasses the parties' agreement in their presence or immediately thereafter. The Conciliator shall then submit the order to the appointing judge for consideration.

(c) In the event the parties do not reach an agreement at the Conciliator conference, the Conciliator shall immediately dictate a proposed interim custody order in the presence of the parties. The proposed interim order shall be forwarded to the appointing judge for review and approval.

(d) In the event the parties do not reach an agreement at the Conciliator conference, the Court Administrator shall schedule a Pre-Trial Conference in front of the appointing judge.

(e) Once the Court Administrator schedules a Pre-Trial Conference, the Conciliator shall prepare a report for the appointing judge. The report shall indicate the positions of the parties and shall contain the Conciliator's recommendation as reflected in the proposed interim order.

(f) A copy of the Conciliator's report and the interim order shall be served on counsel if a party is represented, or on a party directly if pro se, and on the guardian ad litem if one has been appointed. The parties shall not be permitted to file exceptions to the interim order or the Conciliator's report.

[Pa.B. Doc. No. 21-1834. Filed for public inspection November 5, 2021, 9:00 a.m.]

Title 25—LOCAL COURT RULES

MONROE COUNTY

Local Rule of Criminal Procedure 576.1 Rescinded, Amended and Adopted; 101 AD 2021; 5 CV 2021

Order

And Now, this 26th day of October, 2021, it is Ordered that Monroe County Rules of Criminal Procedure (Monroe Co.R.Crim.P. 576.1) is rescinded, amended and adopted effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

It Is Further Ordered that the District Court Administrator shall:

1. File one (1) electronic copy of this Rule with the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.

2. File two (2) paper copies of this Order and Rule with the Legislative Reference Bureau and one (1) electronic copy in Microsoft Word format only via email to bulletin@palrb.us for publication in the *Pennsylvania Bulletin*.

3. Arrange to have this Rule published on the Monroe County Bar Association website at www.monroebar.org.

4. Arrange to have this Rule, as well as all local rules, published on the 43rd Judicial District website at www.monroepacourts.us.

5. Keep this Rule, as well as all local rules of this Court, continuously available for public inspection and copying in the respective Monroe County filing office.

a. Upon request and payment of reasonable cost of reproduction and mailing, the respective filing office shall furnish to any person a copy of any local rule.

By the Court

MARGHERITA PATTI-WORTHINGTON,
President Judge

Rule 576.1. Electronic Filing and Service of Legal Papers.

(A) *General Scope and Purpose of this Rule.*

The electronic filing of legal papers in the Court of Common Pleas, 43rd Judicial District, is authorized in accordance with Pa.R.Crim.P. 576.1 and this rule. The applicable general rules of court and court policies that implement the rules shall continue to apply to all filings regardless of the method of filing.

(B) The Administrative Office of Pennsylvania Courts agreed upon the implementation plan for the use of PACFile in the 43rd Judicial District as of June 28, 2016.

(C) Pursuant to Pa.R.Crim.P. 576.1(B)(2) and this local rule, use of the current electronic filing system, or any subsequent electronic filing system authorized by the Court, is mandatory as of January 1, 2022 and legal papers permitted and excluded from electronic filing are as defined in Pa.R.Crim.P. 576.1(C).

(D) The Clerk of Courts shall maintain an electronic file only, except for filings expressly excluded in Pa.R.Crim.P. 576.1(C) defining “legal paper.” For such filings, the Clerk of Courts shall maintain a paper file numbered in accordance with the electronic file for the same case.

(E) *PACFile.*

(1) The exclusive system for electronic filing is the PACFile System, developed and administered by the Administrative Office of the Pennsylvania Courts and located on Pennsylvania’s Unified Judicial System Web Portal at: <https://ujportal.pacourts.us/>

(2) Pursuant to Pa.R.Crim.P. 576.1(D)(2), establishment of a PACFile account constitutes consent to participate in electronic filing, including acceptance of service electronically of any document filed on the PACFile system in any judicial district that permits electronic filing.

(3) Any party who is unable to electronically file or accept service of legal papers which were filed electronically, or who is otherwise unable to access the PACFile system, shall be permitted to file legal papers in a physical paper format and shall be served legal papers in a physical paper format by the Clerk of Courts and other parties, whether electronically filed or otherwise, as required by Pa.R.Crim.P. 576.

(F) *Legal Papers Filed in a Paper Format.*

Any legal paper submitted for filing to the Clerk of Courts in a paper (or “hard-copy”) format, whether required or permitted under this rule, shall be accepted by the Clerk of Courts in that format and shall be retained by the Clerk of Courts as may be required by applicable rules of Court and record retention policies. The Clerk of Courts shall convert such hard-copy legal paper to pdf, add it to the electronic system, and return the paper copy to the filer, except those legal papers excluded from electronic filing pursuant to Pa.R.Crim.P. 576.1(C). Once converted to pdf, the pdf version of the legal paper shall be deemed and treated as the original legal paper and may be used by the parties and the Court for all purposes, including but not limited to, court hearings and trials in the Court of Common Pleas, 43rd Judicial District.

(G) *Filing Fees.*

Applicable filing fees shall be paid through procedures established by the Clerk of Courts and at the same time and in the same amount as required by statute, Court rule or order, or published fee schedule.

(H) *Record on Appeal.*

Electronically filed legal papers, and copies of legal papers filed in a paper format as provided in subsection (F), shall become the record on appeal.

(I) *Confidential information.*

Counsel and unrepresented parties must adhere to the PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA and refrain from including confidential information in legal papers filed with the Clerk of Courts or the Court whether filed electronically or in a paper format. Counsel and unrepresented parties must include confidential information relevant to the case on the approved AOPC Confidential Information Form. The Confidential Information Form shall be served on and made available to the parties to the case, the Court and appropriate Court staff, as provided in the Public Access Policy.

(J) *Miscellaneous provisions.*

The Clerk of Courts shall provide sufficient computer terminals at such locations as may be determined from time to time to allow parties and the public to file and access legal papers as provided by this rule and as authorized by applicable Public Access Policies.

[Pa.B. Doc. No. 21-1835. Filed for public inspection November 5, 2021, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 88 AND 90]

Coal Refuse Disposal Revisions

The Environmental Quality Board (Board) proposes to amend Chapters 88 and 90 (relating to anthracite coal; and coal refuse disposal). The proposed amendments are intended to implement the act of October 4, 2019 (P.L. 452, No. 74) (Act 74) and to address the differences between the Commonwealth's regulations and Federal regulations relating to temporary cessation at coal refuse disposal sites.

This proposal was adopted by the Board at its meeting of June 15, 2021.

A. *Effective Date*

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

B. *Contact Persons*

For further information contact Gregory Greenfield, Environmental Group Manager, Bureau of Mining Programs, P.O. Box 8461, 5th Floor, 400 Market Street, Rachel Carson State Office Building, Harrisburg, PA 17105-8461, (717) 787-5015, or Christopher Minott, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, 9th Floor, 400 Market Street, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposal appears in section J of this preamble. Persons with a disability may use the Pennsylvania Hamilton Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Environmental Quality Board," then navigate to the Board meeting of June 15, 2021).

C. *Statutory Authority*

This proposed rulemaking is created under the authority of section 5 of The Clean Streams Law (35 P.S. § 691.5), section 4.2 of the Surface Mining Conservation and Reclamation Act (52 P.S. § 1396.4b(a)), section 3.2 of the Coal Refuse Disposal Control Act (52 P.S. § 30.53b) and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20), which authorizes the Board to adopt rules and regulations necessary for the performance of the work of the Department.

D. *Background and Purpose*

Section 1 of Act 74 amended section 6.1 of the Coal Refuse Disposal Control Act (52 P.S. § 30.56a) to conform with the regulations and standards for temporary cessation adopted by the United States Office of Surface Mining Reclamation and Enforcement under Federal law, namely the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C.A. §§ 1201—1328) (SMCRA) and regulations at 30 CFR 816.131 (relating to cessation of operations: Temporary). Previously, while Federal rules under SMCRA provided flexibility, the Commonwealth's Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66) had limited the temporary cessation of operations at a coal refuse disposal site to no more than 1 year. Act 74 removed the Commonwealth's 1-year limitation and

clarifies that any rules or regulations promulgated must be in conformance with Federal provisions on this subject. Act 74 also gave the Department an opportunity to promulgate regulations linking the status of operations generating coal refuse or related material to the coal refuse disposal area. The status of a coal refuse disposal site is directly related to the status of the source of the refuse and the proposed revisions will ensure that a change in status of one will result in a change in the status of the other. For example, when an underground coal mine is actively mining coal and sending the refuse material to a coal refuse disposal site, both facilities are considered active. If that underground coal mine is approved for temporary cessation, the coal refuse disposal site would also be approved for temporary cessation since no refuse material is being generated to be sent there. If mining was to begin again, both facilities would be considered active, whereas, if the mine was to permanently cease operations, the coal refuse disposal facility would be considered permanently ceased unless an alternative source of refuse material can be found.

The requirements for temporary cessation include a reference to a system to prevent precipitation from contacting the coal refuse. Act 74 also revised section 6.1 of the Coal Refuse Disposal Control Act (52 P.S. § 30.56a) to include an enumerated list of the circumstances under which this system must be installed. Previously, the requirement was listed in paragraph form, which was somewhat unclear.

Other proposed changes to the regulations are a result of the Department's experiences with reviewing applications for the permitting of coal refuse disposal sites. Confusing or incorrect requirements in the regulations have resulted in applications being considered technically deficient and sent back to the permittee for corrections. The proposed clarifications will improve the quality of the applications and reduce the amount of correction letters sent to address these items. This includes the existing performance standards for terraces and surface water runoff at coal refuse disposal sites which, as written, have led to confusion on the purpose and intent. The terrace requirements are being revised to state that terraces must be constructed as they are needed to control erosion and prevent cascading failures of the final cap rather than just being an optional use. The use of the terms "off of the fill" and "adjacent to and above the fill" in this section are proposed to be amended to clarify the original intent and resolve the existing conflicts with other parts of the section.

The Department worked with the Mining and Reclamation Advisory Board (MRAB) to develop these proposed regulations. The MRAB is composed of two licensed bituminous surface mine operators, one licensed anthracite surface mine operator, four public members of the Citizens Advisory Council, one anthracite or one bituminous licensed professional engineer, one county conservation district representative, one majority party State senator, one minority party State senator, one majority party State representative and one minority party State representative. The proposed revisions were first mentioned at the January 23, 2020, MRAB meeting as part of the review of the current regulatory agenda. At the March 16, 2020, MRAB Regulation, Legislation and Technical (RLT) committee meeting, the draft language was reviewed and the MRAB RLT committee suggested changes to the language. A second meeting of the MRAB

RLT committee took place on May 18, 2020, to review the draft revised language resulting from the March 16, 2020, committee meeting. The Department reviewed the revised draft with the MRAB again at its meeting on July 16, 2020. A third meeting of the MRAB RLT committee took place on October 15, 2020, to review the revised draft and the committee recommended a minor revision to the permanent cessation section. At the MRAB meeting of October 22, 2020, the MRAB recommended that the Department proceed with this proposed rulemaking.

E. Summary of Regulatory Requirements

§ 88.310. Coal refuse disposal: general requirements

Subsection (k)(1) is proposed to be amended to individually enumerate the triggers for installation of the system to prevent precipitation from encountering the coal refuse to reflect the list of triggers included in Act 74. This proposed amendment includes the language in Act 74 which clarifies that there is not a 1-year upper limit on the length of temporary cessation.

§ 88.332. Cessation of operations: temporary

Act 74 amended section 6.1 of the Coal Refuse Disposal Control Act to conform with the regulations and standards for temporary cessation under Federal law. To be consistent with the Federal regulations at 30 CFR 816.131, subsection (a) is proposed to be amended, and the existing requirements for temporary cessation for anthracite coal refuse disposal sites are proposed to be amended as follows.

Proposed amendments to subsection (a), which are based on the Federal requirements, will address temporary cessation status of operations lasting 30 days or more and will require a notice to be submitted to the Department. The list of items that must be included in this notice are enumerated as paragraphs (1)–(4) and include the affected acres in the permit area; a description of the extent and kind of reclamation of the area; a description of the activities that will continue during the temporary cessation status; and a description of the status of the operation or operations that is the source of the coal refuse. Paragraphs (1)–(3) are based on the Federal regulations and are in the existing subsection (a). Paragraph (4) is proposed based on the language in Act 74 to provide for the connection of coal refuse or related material to the coal refuse disposal area. Act 74 removed the 1-year limitation on temporary cessation and that part of subsection (a) is proposed to be deleted.

Proposed amendments to subsection (b) address temporary cessation status of operations lasting 90 days or more and, in addition to the items required to be submitted in subsection (a), there are two additional items that must be included in the notice submitted to the Department. These items may be submitted at the same time as the subsection (a) notice or subsequent to that notice. These two additional items are enumerated as paragraphs (1) and (2) and include the confirmation that the current bond is adequate to complete reclamation and the timing of the installation of the phased system to prevent precipitation from contacting the refuse. The difference in requirements between subsections (a) and (b) ensures the operator does not need to address longer-term requirements if the temporary cessation will last less than 90 days. While this distinction is not found in the Federal requirements nor Act 74, it is proposed because the amendments will allow for an unlimited time for cessation. The confirmation that the bond amount is adequate to complete the reclamation of the site as it currently exists is necessary to assure that the site can be

fully reclaimed if the site ends up in bond forfeiture. The requirement for a schedule for the system to prevent precipitation from coming into contact with the refuse is proposed to assure that the potential water quality impacts of long-term cessation are mitigated. The existing statement about exemptions for a seasonal shutdown or labor strike is proposed to be deleted from this subsection as a justification for a longer temporary cessation is no longer needed since the upper time limit is proposed to be deleted.

Proposed amendments to subsection (c) include the obligation to comply with the environmental protection statutes or “acts” as defined in § 86.1 (relating to definitions) and Chapters 86–90, in addition to the provisions of the permit. Currently, subsection (c) only requires compliance with the provisions of the permit. The proposed amendments clarify that operators are required to submit a permit renewal while under temporary cessation.

Proposed subsection (d) states that temporary cessation status ends as a result of the resumption of coal refuse disposal operations and subsequent notices of temporary cessation status must include updated information that is outlined in § 88.332 (relating to cessation of operations: temporary).

Proposed subsection (e) states that temporary cessation status for the coal refuse disposal operation ends when an operation that is a source of the coal refuse resumes its operations or ends by permanent cessation.

Proposed subsection (f) states that temporary cessation status for the coal refuse disposal operation ends when the coal refuse disposal operation itself ends by permanent cessation as specified in § 88.333 (relating to cessation of operations: permanent).

§ 88.333. Cessation of operations: permanent

While neither the Federal regulations nor statute address this, subsection (b) is proposed to be added to this section to provide a trigger for when a temporary cessation has developed into a permanent cessation. This necessitates the lettering of the existing language as subsection (a). Proposed subsection (b) describes the circumstances that will terminate the temporary cessation status of a coal refuse disposal facility for noncompliance, listed as paragraphs (1)–(3). The three circumstances which will terminate the temporary cessation status are failure to comply with a final adjudicated proceeding through an act or omission which violates the acts defined in § 86.1 or Chapters 86–90; failure to comply with a permit condition required by the acts or Chapters 86–90; and failure to comply with a consent order and agreement or a consent order. The intent of this new subsection is to trigger the reclamation requirement for sites where chronic noncompliance exists and allows the Department to have the ability to begin reclamation, if necessary. In these cases, it is unlikely that the permittee will be able to meet their obligations to complete the required reclamation. The termination of temporary cessation status constitutes a final action of the Department and the Department will provide notice and an opportunity to appeal to the operator when this status changes and triggers the reclamation requirements.

§ 90.31. General requirements

The Act 74 amendments to the Coal Refuse Disposal Control Act provided for the Department to promulgate regulations to link operations generating coal refuse or related material to the coal refuse disposal area. Para-

graph (6) is proposed to require the description of the operations that will be the source of the coal refuse to be disposed of in the application for a coal refuse disposal permit. As plans change, this facility information can be updated to include other related facilities.

§ 90.50. Design criteria: groundwater and surface water protection system

In response to Act 74, proposed amendments to subsection (b) add “as specified in the permit” as paragraph (1.1) to the list of triggers for the installation of the system for preventing precipitation from encountering coal refuse that will be installed to prevent adverse impacts to groundwater and surface water. Paragraph (2) is revised to update the reference to subsection (b) in § 90.167 (relating to cessation of operations: temporary) to reflect the proposed amendments to that section.

§ 90.122. Coal refuse disposal

Proposed amendments to subsection (h) parallel the language from Act 74 relating to when the system to prevent precipitation from encountering the coal refuse is to be implemented. Paragraphs (1)—(4) are proposed to be deleted and reserved and paragraphs (5)—(8) are proposed to be added to list the instances when an operator must install the system to prevent precipitation from contacting the coal refuse. These include when each phase of the operation reaches capacity; when specified in the permit; when an operator temporarily ceases operation for a period of 90 days or more; or when the operation permanently ceases. The construction and design requirements currently contained in paragraphs (1) and (3) of subsection (h) are moved to proposed subsection (h).

The Department observed confusion among applicants regarding the purpose of terraces at coal refuse disposal sites and the need for clarification in the regulations. Subsection (m) is proposed to be revised to require terraces to control erosion and enhance stability and make their use as roads optional. With the existing regulations, terraces are not required if the maximum overall completed out slopes in subsection (m) are not exceeded, but terraces are required to break up lengthy out slopes of very large coal refuse embankments to control erosion and prevent cascading failures of the final cap and soil on an entire embankment out slope. A proposed amendment will change the reference in this subsection from subsection (n) to (o) because terraces are needed to divert the drainage off of the fill and not as a diversion adjacent to or above the fill.

The Department’s experience with reviewing the applications for coal refuse disposal sites noted that part of the subsection referenced for diverting surface water runoff cannot be satisfied as written and the intent of the subsection is confusing. Subsection (n) is proposed to be amended to clarify the design requirements for diverting surface water runoff away from the fill. The reference to all subsections of § 90.104 (relating to hydrologic balance: diversions) are proposed to be amended by deleting the reference to § 90.104(b) as the design requirements of § 90.104(b) conflict with the hydraulic requirements in this section and the requirement to maintain diversion channels located above the refuse fills in perpetuity.

When reviewing coal refuse disposal site applications, the Department has observed that the applications often require technical deficiency letters due to confusion caused by incorrect or nonapplicable section references in

the existing regulations. Subsection (o) is proposed to be amended to require surface water runoff diverted off of the fill to be conveyed in channels in natural ground or suitable engineered fill. The reference to § 90.104 and § 90.105 (relating to stream channel diversions) is proposed to be deleted as they are confusing and conflict with the design requirements in this section. Diverted off the fill is a different function than a diversion channel located adjacent to or above the fill and § 90.105 is not related to the management of disposal area runoff.

§ 90.167. Cessation of operations: temporary

Act 74 amended section 6.1 of the Coal Refuse Disposal Control Act to conform with the regulations and standards for temporary cessation under Federal law. To be consistent with the Federal regulations at 30 CFR 816.131, subsection (a) is proposed to be amended, and the existing requirements for temporary cessation for bituminous coal refuse disposal sites are proposed to be amended as follows.

Proposed amendments to subsection (a), which are based on the Federal requirements, will address temporary cessation status of operations lasting 30 days or more and will require a notice to be submitted to the Department. The list of items that must be included in this notice are enumerated as paragraphs (1)—(4) and include the affected acres in the permit area; a description of the extent and kind of reclamation of the area; a description of the activities that will continue during the temporary cessation status; and a description of the status of the operation or operations that is the source of the coal refuse. Proposed paragraphs (1)—(3) are based on the Federal regulations and are in the existing subsection (a). Paragraph (4) is proposed to be added based on the language in Act 74 to provide for the connection of coal refuse or related material to the coal refuse disposal area.

Proposed amendments to subsection (b) address temporary cessation status of operations lasting 90 days or more and in addition to the items required to be submitted in subsection (a), there are two additional items that must be included in the notice submitted to the Department. These items may be submitted at the same time as the subsection (a) notice or subsequent to that notice. These two additional items are enumerated as paragraphs (1) and (2) and include the confirmation that the current bond is adequate to complete reclamation and the timing of the installation of the phased system to prevent precipitation from contacting the refuse. The difference in requirements between subsections (a) and (b) ensures the operator does not need to address longer-term requirements if the temporary cessation will last less than 90 days. While this distinction is not found in the Federal requirements nor Act 74, it is proposed because the amendments will allow for an unlimited time for cessation. The confirmation that the bond amount is adequate to complete the reclamation of the site as it currently exists is necessary to assure that the site can be fully reclaimed if the site ends up in bond forfeiture. The requirement for a schedule for the system to prevent precipitation from coming into contact with the refuse is proposed to assure that the potential water quality impacts of long-term cessation are mitigated. The existing statement about exemptions for a seasonal shutdown or labor strike is proposed to be deleted from this subsection as a justification for a longer temporary cessation is no longer needed since the upper time limit is proposed to be deleted.

Proposed amendments to subsection (c) include the obligation to comply with the environmental protection statutes or “acts” as defined in § 86.1 and Chapters 86—90, in addition to the provisions of the permit. Currently, subsection (c) only requires compliance with the provisions of the permit. The proposed amendments clarify that operators are required to submit a permit renewal while under temporary cessation.

Subsection (d) is proposed to be deleted and reserved since Act 74 removed the 1-year limitation on temporary cessation. The installation of the system preventing precipitation from contacting the coal refuse is proposed to be included in subsection (b), which addresses the requirements for temporary cessation of 90 days or more.

Proposed subsection (e) states that temporary cessation status ends as a result of the resumption of coal refuse disposal operations and any subsequent notices of temporary cessation status must include updated information that is outlined in § 90.167.

Proposed subsection (f) states that temporary cessation status for the coal refuse disposal operation ends when an operation that is a source of the coal refuse resumes its operations or ends by permanent cessation.

Proposed subsection (g) states that temporary cessation status for the coal refuse disposal operation ends when the coal refuse disposal operation itself ends by permanent cessation as specified in § 90.168 (relating to cessation of operations: permanent).

§ 90.168. Cessation of operations: permanent

While neither the Federal regulations nor statute address this, subsection (b) is proposed to be added to this section to provide a trigger for when a temporary cessation has developed into a permanent cessation. This necessitates the lettering of the existing language as subsection (a). Proposed subsection (b) describes the circumstances that will terminate the temporary cessation status of a coal refuse disposal facility for noncompliance, listed as paragraphs (1)—(3). The three circumstances which will terminate the temporary cessation status are failure to comply with a final adjudicated proceeding through an act or omission which violates the acts defined in § 86.1 or Chapters 86—90; failure to comply with a permit condition required by the acts or Chapters 86—90; and failure to comply with a consent order and agreement or a consent order. The intent of this new paragraph is to trigger the reclamation requirement for sites where chronic noncompliance exists and allows the Department to have the ability to begin reclamation, if necessary. In these cases, it is unlikely that the permittee will be able to meet their obligations to complete the required reclamation. The termination of temporary cessation status constitutes a final action of the Department and the Department will provide notice and an opportunity to appeal to the operator when this status changes and triggers the reclamation requirements.

§ 90.202. General requirements

Proposed amendments to subsection (b)(1) change the reference to a “coal preparation facility” to a “coal mining activity.” This change is proposed because not all coal refuse is the result of coal preparation. For example, some surface mines will take their refuse to a refuse disposal site. The existing language is also inconsistent with the language in section of 4.1 the Coal Refuse Disposal Control Act (52 P.S. § 30.54a).

F. Benefits, Costs and Compliance

Benefits

This proposed rulemaking will make the Department’s regulations consistent with State law and Federal regulations related to the operation of coal refuse disposal areas. This proposed rulemaking will clarify when an operator must install a system for preventing precipitation from encountering coal refuse, which will improve environmental protection by reducing the likelihood that precipitation will generate a pollutional discharge from the site. This proposed rulemaking will establish a relationship between the coal refuse disposal area and the source of the refuse, which will improve environmental protection by ensuring that disposal areas do not remain unreclaimed long after the source has ceased generating refuse. This proposed rulemaking is not expected to directly improve public health, although it may have an indirect public health benefit to the extent that it reduces the likelihood of pollutional discharges from coal refuse disposal areas.

Compliance costs

Existing and future permittees of coal refuse disposal sites will be required to comply with this proposed rulemaking. This proposed rulemaking will not create any new compliance costs and it is not expected to prevent or avoid costs. This proposed rulemaking will provide clearer requirements on the existing requirements which may avoid costs associated with navigating unclear requirements that could be inconsistently interpreted or applied.

Compliance assistance plan

Compliance assistance for this proposed rulemaking will be provided through the Department’s routine interaction with trade groups and individual applicants. No financial assistance will be necessary or provided.

Paperwork requirements

This proposed rulemaking does not require additional paperwork.

G. Pollution Prevention

The Federal Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. This proposed rulemaking incorporates the following pollution prevention incentives: it will clarify when an operator must install a system for preventing precipitation from encountering coal refuse, which will improve environmental protection by reducing the likelihood that precipitation will generate a pollutional discharge from the site; and require some relationship between the coal refuse disposal area and the source of the refuse, which will improve environmental protection by ensuring that disposal areas do not remain unreclaimed long after the source has ceased generating refuse.

H. *Sunset Review*

The Board is not establishing a sunset date for these regulations since they are needed for the Department to carry out its statutory authority. The Department will continue to closely monitor these regulations for their effectiveness and recommend updates to the Board as necessary.

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 20, 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 Environmental Resources and Energy Committees. 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.

J. *Public Comments*

Interested persons are invited to submit to the Board written comments, suggestions, support or objections regarding the proposed rulemaking. Comments, suggestions, support or objections must be received by the Board by December 6, 2021.

Comments may be submitted to the Board online, by e-mail, by mail or express mail as follows.

Comments may be submitted to the Board by accessing eComment at <http://www.ahs.dep.pa.gov/eComment>.

Comments may be submitted to the Board by e-mail at RegComments@pa.gov. A subject heading of this proposed rulemaking and a return name and address must be included in each transmission.

If an acknowledgement of comments submitted online or by e-mail is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt. Comments submitted by facsimile will not be accepted.

Written comments should be mailed to the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Environmental Quality Board, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

K. *Public Hearings*

If sufficient interest is generated as a result of this publication, a public hearing will be scheduled at an appropriate location to receive additional comments.

PATRICK McDONNELL,
Chairperson

Fiscal Note: 7-565. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE I. LAND RESOURCES

CHAPTER 88. ANTHRACITE COAL

Subchapter D. ANTHRACITE REFUSE DISPOSAL: MINIMUM ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS

§ 88.310. Coal refuse disposal: general requirements.

(a) Coal refuse shall be hauled or conveyed to and placed in designated disposal areas authorized for that purpose. The refuse shall be placed in a controlled manner to ensure the following:

(1) The land mass designated as the disposal area is suitable for reclamation and revegetation compatible with the natural surroundings.

(2) Stability of the disposal area.

(3) Leachate and surface runoff from the disposal area will not degrade surface waters or groundwaters or exceed the established effluent limitations.

(b) The disposal area shall be designed using recognized professional standards and approved by the Department. The design shall be certified by a registered professional engineer.

(c) Trees, grasses, shrubs and other organic materials shall be removed for a distance of 50 feet from the current disposal area concurrent with the placement of refuse.

(d) Slope protection shall be provided to minimize surface erosion at the site. The disturbed areas, including diversion ditches that are not rippedraped, shall be vegetated upon completion of construction.

(e) The coal refuse to be placed in the fill shall be hauled or conveyed and placed in horizontal lifts in a controlled manner, concurrently compacted as necessary to ensure mass stability and prevent mass movement, covered and graded to allow surface and subsurface drainage to be compatible with the natural surroundings, and ensure a long-term static safety factor of 1.5 and seismic safety factor of 1.2.

(f) The final configuration of the disposal shall be suitable for the approved postmining land uses.

(g) Terraces may be utilized to control erosion and enhance stability if approved by the Department.

(h) If the disposal area contains springs, natural or manmade water-courses or wet-weather seeps, an underdrain system consisting of durable rock shall be constructed from the wet areas in a manner that prevents infiltration of the water into the spoil material. The underdrain system shall be designed and constructed using standard geotechnical engineering methods.

(i) Coal refuse may be returned to underground mine workings, but only in accordance with a disposal program approved by the Department and the Mine Safety and Health Administration.

(j) The system to prevent adverse impacts to the surface water and groundwater shall be constructed in accordance with design schematics, test results, descriptions, plans, maps, profiles or cross-sections approved in the permit and shall function to prevent adverse impacts to surface water and groundwater.

(k) The system to prevent precipitation from coming in contact with the coal refuse shall be constructed in accordance with design schematics, test results, descriptions, plans, maps, profiles and cross-sections approved in the permit and shall function to prevent precipitation from contacting the coal refuse. **The following apply:**

(1) The system shall be installed **[as phases of the disposal area reach capacity, as specified in the permit, when the operation temporarily ceases for a period in excess of 90 days (unless the Department approves a longer period, not to exceed 1 year) or when the operation permanently ceases.] :**

(i) as phases reach capacity;

(ii) as specified in the permit;

(iii) when the operation temporarily ceases for a period in excess of 90 days unless the Department approves an operator's request for a longer period for installation of the system; or

(iv) when the operation permanently ceases.

(2) The system shall be designed to allow for revegetation of the site in accordance with the standard of success under § 88.330 (relating to revegetation: standards for successful revegetation) and for prevention of erosion. **§ 88.332. Cessation of operations: temporary.**

(a) **[As soon as it is known that the operation will temporarily cease for more than 30 days, the operator shall submit a notice of intention, in writing, to temporarily cease the operation. The notice shall include a statement of the exact number of acres which will have been affected in the permit area, the extent and kind of reclamation of those areas, and identification of the backfilling, regrading, revegetation, monitoring and water treatment activities that will continue during the temporary cessation. The system for preventing precipitation from contacting the coal refuse shall be installed when the temporary cessation exceeds 90 days. The Department may approve a longer period, not to exceed 1 year, consistent with section 6.1(i) of the Coal Refuse Disposal Control Act (52 P.S. § 30.56a(i)).] Before temporary cessation status of operations for a period of 30 days or more, an operator shall submit to the Department a notice of intention to temporarily cease operations. The notice shall include all of the following:**

(1) A statement of the exact number of acres affected in the permit area.

(2) A description of the extent and kind of reclamation of the areas.

(3) Identification of the backfilling, regrading, revegetation, environmental monitoring and water treatment activities that will continue during the temporary cessation status.

(4) A description of the status of all operations that are a source of the coal refuse.

(b) **[Temporary cessation of an operation may not exceed 90 days unless the Department approves a longer period for reasons of seasonal shutdown or labor strike.] Before temporary cessation status of operations for a period of 90 days or more, an operator shall submit to the Department a notice that may be included in, or submitted subsequent to, the notice required under subsection (a), that includes all of the following:**

(1) Confirmation that the current bond under the permit is sufficient to complete the reclamation of the coal refuse area.

(2) The timing of the installation of the phased system to prevent precipitation from contacting the refuse.

(c) **[Temporary cessation does not relieve the operator of the obligation to comply with any provisions of the permit.] Temporary cessation status of operations does not relieve the operator of the obligations to comply with the acts as defined in § 86.1 (relating to definitions), this chapter or Chapters 86, 87, 89 or 90 or the approved permit, including the obligation to submit an application for permit renewal at least 180 days before the expiration of the existing permit. The Department may enforce these obligations during the temporary cessation status of operations.**

(d) Temporary cessation status of a coal refuse disposal operation ends with the resumption of operations at that site. Any subsequent notices of temporary cessation status following resumption of coal refuse operations must include updated information outlined in this section.

(e) Temporary cessation status of a coal refuse disposal operation ends with the resumption of operations at a source of the coal refuse or by permanent cessation at all sources of the coal refuse.

(f) Temporary cessation status of a coal refuse disposal operation ends with the permanent cessation of operations as specified in § 88.333 (relating to cessation of operations: permanent).

§ 88.333. Cessation of operations: permanent.

(a) Operations that are permanently ceased shall be backfilled or closed or otherwise permanently reclaimed in accordance with this chapter and the permit. All underground openings, equipment, structures or other facilities not required for monitoring, unless approved by the Department as suitable for the postmining land use, shall be removed and the affected land reclaimed.

(b) Unless coal refuse disposal operations resume as specified in § 88.332(d) or (e) (relating to cessation of operations: temporary), termination of temporary cessation status will place the mining operation in permanent cessation status and subject to the provisions of subsection (a). Temporary cessation status will terminate for operations that fail to comply with any of the following:

(1) A final adjudicated proceeding as defined under § 86.355(e) (relating to criteria for approval of application) as a result of an act or omission which

violates the acts as defined in § 86.1 (relating to definitions), this chapter or Chapters 86, 87, 89 or 90.

(2) A permit condition required by the acts, this chapter or Chapters 86, 87, 89 or 90.

(3) A consent order and agreement or a consent order.

CHAPTER 90. COAL REFUSE DISPOSAL

Subchapter C. MINIMUM OPERATION AND RECLAMATION PLAN INFORMATION REQUIRED IN APPLICATIONS FOR COAL REFUSE DISPOSAL

§ 90.31. General requirements.

An application shall contain a description of the coal refuse disposal activities proposed to be conducted during the life of the coal refuse disposal operations within the proposed permit area, including, at a minimum, the following:

(1) A narrative description of the type and method of coal refuse disposal procedures and proposed engineering techniques and the major equipment to be used during operations.

(2) A narrative explaining the construction, modification, use, maintenance and removal of the following facilities and structures, unless retention of the facility or structure is necessary for postdisposal land use as specified in § 90.166 (relating to postdisposal land use):

- (i) Dams, embankments and other impoundments.
- (ii) Overburden and topsoil handling and storage areas.
- (iii) Coal removal, handling, storage, cleaning, processing and transportation areas and structures.
- (iv) Spoil, coal refuse, mine development waste and noncoal waste removal, handling, storage, transportation and disposal areas and structures.
- (v) Mine facilities.
- (vi) Water and air pollution control facilities.
- (vii) Erosion and sediment control facilities.

(3) A description of the measures to be employed to ensure that all debris, potential acid-forming and potential toxic-forming materials, and materials constituting a fire hazard are disposed of in accordance with this chapter and a description of the contingency plans which have been developed to preclude combustion of the materials.

(4) A description, including appropriate cross sections and maps, of the measures to be used to seal or manage mine openings, and to plug, case, line or manage exploration holes, other boreholes, wells and other openings within the proposed permit area.

(5) A demonstration that the notification requirements of § 86.31(e) (relating to public notices of filing of permit application) have been satisfied.

(6) A description of the operations that are proposed to be the source or sources of the coal refuse to be disposed of at the coal refuse disposal facility and the types of refuse to be disposed.

§ 90.50. Design criteria: groundwater and surface water protection system.

(a) The application shall include a description of the system that will be installed to prevent adverse impacts to groundwater and surface water. The description shall

include maps, plans and other information necessary to evaluate the design of the system.

(b) The application shall include a description of the system that will be installed to prevent precipitation from coming into contact with the coal refuse. The description shall include maps, plans and other information necessary to evaluate the design of the system. The coal refuse disposal operation shall be designed in phases to minimize the amount of time the entire coal refuse area is exposed to precipitation prior to the installation of the system to prevent precipitation from contacting the coal refuse. The application shall describe the design of the system for preventing precipitation from contacting coal refuse and how the system will be installed in accordance with the following:

(1) During routine coal refuse disposal as phases of the coal refuse disposal area reach capacity.

(1.1) As specified in the permit.

(2) During periods of temporary cessation as directed under [§ 90.167(d)] § 90.167(b) (relating to cessation of operations: temporary).

(3) When the operation permanently ceases.

(c) The Department's technical guidance Document Number 563-2112-656, titled *Liners—Impoundments, Stockpiles, and Coal Refuse Disposal Areas*, shall be used as guidance for designing coal refuse disposal sites incorporating earthen, admixed or synthetic liners or caps for preventing adverse impacts to groundwater and surface water and for preventing precipitation from contacting coal refuse.

(d) The application shall include a description of the measures to be taken to ensure the long-term functionality of the systems described in subsections (a) and (b). The description shall address the site's susceptibility to mine subsidence and the potential impacts of mine subsidence on the systems described in subsections (a) and (b). The description shall also address the potential for deterioration of components of the systems described in subsections (a) and (b) due to other physical or chemical processes including but not limited to attack from sulfate-laden or acidic groundwater and/or leachate.

Subchapter D. PERFORMANCE STANDARD FOR COAL REFUSE DISPOSAL

§ 90.122. Coal refuse disposal.

(a) Coal refuse shall be transported and placed in designated disposal areas approved by the Department for this purpose. These areas shall be within the permit area. The coal refuse disposal area shall be designed, constructed and maintained to ensure:

(1) The leachate and surface runoff from the permit area will not degrade surface water or groundwater or exceed the effluent limitations of § 90.102 (relating to hydrologic balance: water quality standards, effluent limitations and best management practices).

(2) Prevention of combustion.

(3) Prevention of public health hazards.

(4) Stability of the fill.

(5) The land mass designated as the coal refuse disposal area is suitable for reclamation and revegetation compatible with the natural surroundings.

(b) The fill shall be designed using recognized professional standards, certified by a qualified registered professional engineer, and approved by the Department.

(c) The foundation and abutment of the fill shall be stable under all conditions of construction and operation. Sufficient foundation investigations and laboratory testing of foundation materials and coal refuse shall be performed to determine the design requirements for stability of the facility. Analyses of foundation conditions shall include the effect of underground mine workings, if any, upon the stability of the structure.

(d) The coal refuse disposal fill shall be designed to attain a minimum long-term static factor of safety of 1.5 and a minimum seismic factor of safety of 1.2, based upon data obtained from subsurface exploration, geotechnical testing, foundation design, fill design and accepted engineering analyses.

(e) When the average slope of coal refuse disposal area exceeds ~~1v:2h-36%~~ **1v:2.8h—36%**, or lesser slopes as may be designated by the Department based on local conditions, key way cuts, or excavation into stable bedrock or bedrock toe buttresses shall be constructed to stabilize the fill. When the toe of the fill rests on a downslope, stability analysis shall be performed in accordance with § 90.39 (relating to ponds, impoundments, banks, dams, embankments, piles and fills) to determine the size of rock toe buttresses and key way cuts.

(f) If the disposal area contains springs, natural or manmade watercourses, or wet-weather seeps, the Department may approve an underdrain/subdrainage system, consisting of durable rock or other materials, designed and placed in a manner that prevents infiltration of the water into the fill material and ensures continued free drainage from the wet areas.

(g) The disposal area shall be provided with a system to prevent adverse impacts to the surface water and groundwater. The system shall be constructed in accordance with design schematics, test results, descriptions, plans, maps, profiles or cross-sections approved in the permit and shall function to prevent adverse impacts to surface water and groundwater.

(h) **When a phase of the coal refuse disposal area reaches capacity, the operator shall install a system to prevent precipitation from coming in contact with the coal refuse in the completed phase. The operator shall install a system to prevent precipitation from coming in contact with the coal refuse. The system shall be constructed in accordance with the design schematics, test results, descriptions, plans, maps, profiles or cross-sections approved in the permit, and designed to allow for revegetation of the site in accordance with the standard of success under § 90.159 (relating to revegetation: standards for successful revegetation) and for the prevention of erosion:**

(1) **The system shall be constructed in accordance with design schematics, test results, descriptions, plans, maps, profiles or cross-sections approved in the permit.** (Reserved).

(2) **During normal coal refuse disposal, the system is not required to prevent precipitation from coming in contact with the coal refuse being placed in phases of the operation that have not reached capacity.** (Reserved).

(3) **The system shall be designed to allow for revegetation of the site in accordance with the standard of success under § 90.159 (relating to**

revegetation: standards for successful revegetation) and for the prevention of erosion.] (Reserved).

(4) **If the operator temporarily ceases operation of the coal refuse disposal area for a period in excess of 90 days (unless the Department, for reasons of labor strike or business necessity, approves a longer period not to exceed 1 year) unless the Department approves an operator's request for a longer period, or when the operation permanently ceases, the operator shall install the system for preventing precipitation from contacting the coal refuse.**] (Reserved).

(5) as phases reach capacity;

(6) as specified in the permit;

(7) if the operator temporarily ceases operation of the coal refuse disposal area for a period in excess of 90 days, unless the Department approves an operator's request for a longer period for the installation of the system; or

(8) when the operation permanently ceases.

(i) An underdrain/subdrainage system for the fill shall be designed in accordance with the following:

(1) It shall include an underdrain system which will ensure continued free drainage of anticipated seepage from precipitation and from spring or wet-weather seeps, and meet the following:

(i) Anticipated discharges from springs and seeps due to precipitation shall be based on records or field investigation or both, to determine seasonal variation. The design of the underdrain system shall be based on maximum anticipated discharges.

(ii) Granular material used for the drainage system shall be nondegradable, nonacid-forming or nontoxic-forming rock free of clay, and consist of durable particles such as natural sands and gravels, sandstone, limestone or other durable rock which will not flake in water.

(2) The underdrain system shall be designed to be installed along the natural drainage system; extend from toe to head of fill; and contain lateral drains to each area of potential drainage or seepage.

(3) A filter system to ensure the proper functioning of the rock underdrain system shall be designed and constructed using standard geotechnical engineering methods.

(j) The final configuration of the fill shall be suitable for the post disposal land use approved under § 90.165 (relating to prime farmland: revegetation), except that no depression or impoundment may be allowed on the completed fill. New coal refuse disposal piles and area of piles active since May 17, 1973, shall blend into the local surroundings. Unless otherwise approved by the Department, the fill may not be designed to exceed the approximate elevation of the surrounding ridgeline.

(k) The maximum overall completed slope of the coal refuse disposal pile measured from toe of the fill to crest of upper terrace may not exceed 33% or 18 degrees.

(l) The top surface of the completed fill shall be graded so that the final slope after settlement will be no steeper than 1v:20h—5.0% toward properly designed drainage channels in natural ground along the periphery of the fill. Surface runoff from the top surface of the fill may not be allowed to flow over the outside of the fill.

(m) Terraces [**may**] **must** be utilized to control erosion [,] **and** enhance stability, [**or**] **and may be utilized** for roads included in postmining land use.

(1) The slope of the outslope between terraces may not exceed [**1v:2h-50A4%**] **1v:2h—50A4%**. The vertical distance between terraces may not exceed 50 feet.

(2) To control surface runoff, each terrace bench will be a minimum of 20 feet wide, shall be graded to a slope of **1v:20h—5.0%** toward the embankment. Runoff shall be collected by a ditch along the intersection of each terrace bank and the toe of the next higher outslope.

(3) Terrace ditches shall have a maximum 5.0% slope toward the channels specified in subsection [(n)] (o) unless steeper slopes are necessary in conjunction with approved roads.

(n) [**Surface water runoff from the areas adjacent to and above the fill may not be allowed to flow onto the fill and shall be diverted into stabilized channels which are designated to pass safely the peak runoff from a 100-year precipitation event. Diversion design shall comply with § 90.104 (relating to hydrologic balance: diversions).**] **Surface water runoff from areas adjacent to and above the fill shall be diverted away from the fill in stabilized channels which are designed to safely pass the peak runoff from a 100-year precipitation event. Diversion channels shall also comply with § 90.104(a) and (c)—(h) (relating to hydrologic balance: diversions).**

(o) [**Surface water runoff from the fill shall be diverted off the fill to properly designated channels which will pass safely the peak runoff from a 100-year precipitation event. Diversion design shall comply with § 90.104 and § 90.105 (relating to stream channel diversions).**] **Surface water runoff from the fill shall be collected and conveyed in properly designed channels constructed in natural ground or engineered fill of inert material along the periphery of the fill. The channels must safely pass the peak runoff from a 100-year precipitation event.**

(p) Slope protection shall be provided to minimize surface erosion at the site. Disturbed areas, including diversion ditches that are not riprapped, shall be vegetated upon completion of construction.

(q) Coal refuse shall be hauled or conveyed and placed in a controlled manner and concurrently compacted as approved by the Department in lifts no greater than 2 feet, or less, as required or approved by the Department, as the design to:

- (1) Achieve the densities designed to ensure mass stability.
- (2) Prevent mass movement.
- (3) Avoid contamination of the rock underdrain.
- (4) Prevent formation of voids.

(r) Vegetative and organic materials shall be removed from the area where coal refuse is disposed of, and for a distance of 50 feet from the perimeter of the area where coal refuse is disposed, the topsoil shall be removed, segregated and stored or replaced as provided in §§ 90.96—90.100. If approved by the Department, organic material may be used a mulch or may be included in the

topsoil to control erosion, promote growth of vegetation or increase the moisture retention of the soil.

§ 90.167. Cessation of operations: temporary.

(a) [**As soon as it is known that the operation will temporarily cease for more than 30 days, the operator shall submit a notice of intention, in writing, to temporarily cease the operation. The notice shall include a statement of the exact number of acres that will have been affected in the permit area, the extent and kind of reclamation of those areas, and identification of the disposal, regrading, revegetation, monitoring and water treatment activities which will continue during the temporary cessation.**] **Before temporary cessation status of operations for a period of 30 days or more, an operator shall submit to the Department a notice of intention to temporarily cease operations. The notice shall include all of the following:**

(1) **A statement of the exact number of acres affected in the permit area.**

(2) **A description of the extent and kind of reclamation of the areas.**

(3) **Identification of the backfilling, regrading, revegetation, environmental monitoring and water treatment activities that will continue during the temporary cessation status.**

(4) **A description of the status of all operations that are a source of the coal refuse.**

(b) [**Temporary cessation of an operation may not exceed 90 days unless the Department approves a longer period for reasons of seasonal shutdown or labor strike.**] **Before temporary cessation status of operations for a period of 90 days or more, an operator shall submit to the Department a notice that may be included in, or submitted subsequent to, the notice required under subsection (a) and shall include all of the following:**

(1) **Confirmation that the current bond under the permit is sufficient to complete the reclamation of the coal refuse area.**

(2) **The timing of the installation of the phased system to prevent precipitation from contacting the refuse.**

(c) [**Temporary cessation does not relieve the operator of the obligation to comply with any provisions of the permit.**] **Temporary cessation status of operations does not relieve the operator of the obligations to comply with the acts as defined in § 86.1 (relating to definitions), this chapter or Chapters 86, 87, 88 or 89 or the approved permit, including the obligation to submit an application for permit renewal at least 180 days before the expiration of the existing permit. The Department may enforce these obligations during the temporary cessation status of operations.**

(d) [**The operator shall install the system for preventing precipitation from contacting the coal refuse when the temporary cessation exceeds 90 days. The Department may approve a longer period, not to exceed 1 year, for reasons of a labor strike or business necessity.**] **(Reserved).**

(e) Temporary cessation status of a coal refuse disposal operation ends with the resumption of operations at that site. Any subsequent notices of temporary cessation status following resumption of coal refuse operations must include updated information outlined in this section.

(f) Temporary cessation status of a coal refuse disposal operation ends with the resumption of operations at a source of the coal refuse or by permanent cessation at all sources of the coal refuse.

(g) Temporary cessation status of a coal refuse disposal operation ends with the permanent cessation of operations as specified in § 90.168 (relating to cessation of operations: permanent).

§ 90.168. Cessation of operations: permanent.

(a) Operations that are permanently ceased shall be backfilled or closed or otherwise permanently reclaimed in accordance with this chapter and the permit. All underground openings, equipment, structures or other facilities not required for monitoring, unless approved by the Department as suitable for the postmining land use, shall be removed and the affected land reclaimed.

(b) Unless coal refuse disposal operations resume as specified in § 90.167(e) or (f) (relating to cessation of operations: temporary), termination of temporary cessation status will place the mining operation in permanent cessation status and subject to the provisions of subsection (a). Temporary cessation status will terminate for operations that fail to comply with any of the following:

(1) A final adjudicated proceeding as defined under § 86.355(e) (relating to criteria for approval of application) as a result of an act or omission which violates the acts as defined in § 86.1 (relating to definitions), this chapter or Chapters 86, 87, 88 or 89.

(2) A permit condition required by the acts, this chapter or Chapters 86, 87, 88 or 89.

(3) A consent order and agreement or a consent order.

Subchapter E. SITE SELECTION

§ 90.202. General requirements.

(a) A preferred site shall be used for coal refuse disposal unless the applicant demonstrates to the Department that an alternate site is more suitable based upon engineering, geology, economics, transportation systems, and social factors and is not adverse to the public interest.

(b) The applicant is required to determine whether the search area contains a preferred site.

(1) For a new coal refuse disposal area that will support an existing coal [**preparation facility**] **mining activity**, the applicant shall examine the geographic area within a 1-mile radius of the existing coal [**preparation facility**] **mining activity**.

(2) For a proposed coal refuse disposal area that will support a proposed coal preparation facility, the applicant shall examine a 25-square mile geographic area encompassing the proposed coal preparation facility. In defining the 25-square mile area, consideration shall be given to environmental, technical, transportation, economic and social factors where applicable.

(c) If there are no preferred sites located within the search area, the applicant shall conduct a comparative analysis of the potential coal refuse disposal sites in accordance with § 90.204(b) (relating to proposing an alternate site).

(d) The Department will not approve a site proposed by the applicant for coal refuse disposal activities when the Department finds that the adverse environmental impacts of using the site for coal refuse disposal activities would clearly outweigh the public benefits.

(e) Except on preferred sites, the Department will not approve coal refuse disposal on or within any of the following areas:

(1) Prime farmlands.

(2) An exceptional value watershed as defined under Chapter 93 (relating to water quality standards).

(3) Sites known to contain threatened or endangered animals listed exclusively under the Commonwealth's protection programs.

(4) An area that is hydrologically connected to and contributes at least 5% of the drainage to wetlands designated as exceptional value under Chapter 105 (relating to dam safety and waterway management) unless a larger percentage contribution is authorized by the Department after consultation with the Fish and Boat Commission.

(5) A watershed less than 4 square miles in area upstream of the intake of a public water supply.

(6) A watershed less than 4 square miles in area upstream of the upstream limit of a public recreational impoundment.

(7) Sites known to contain Federally listed threatened or endangered plants or animals. At preferred sites known to contain Federally listed threatened or endangered species, approval will be granted only when the Department concludes and the United States Fish and Wildlife Service concurs that the proposed activity is not likely to adversely affect Federally listed threatened or endangered species or result in the take of Federally listed threatened or endangered species in violation of section 9 of the Endangered Species Act of 1973 (16 U.S.C.A. § 1538).

(f) As part of the site selection process, an applicant may request approval for more than one site. The Department will evaluate each site proposed for coal refuse disposal and, if the Department finds that a proposed site meets the requirements of this subchapter, it will designate it as an approved site. The applicant will then have the option of choosing a selected site from among the approved sites and submitting an application for coal refuse disposal for that site.

[Pa.B. Doc. No. 21-1836. Filed for public inspection November 5, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Rulemaking Regarding Depreciation Reporting and Capital Planning for Crude Oil, Gasoline or Petroleum Products Transportation Pipelines 52 Pa. Code Chapter 73

Public Meeting held
October 7, 2021

Commissioners Present: Gladys Brown Dutrieuille, Chairperson, Statement, Dissenting; John F. Coleman, Jr., Vice Chairperson; Ralph V. Yanora

*Rulemaking Regarding Depreciation Reporting and
Capital Planning for Crude Oil, Gasoline or Petroleum
Products Transportation Pipelines 52 Pa. Code Chapter
73; Docket Number: L-2019-3010270*

Order

By the Commission:

Before the Pennsylvania Public Utility Commission (Commission) for disposition is a rulemaking on proposed amendments to our public utility reporting regulations at 52 Pa. Code §§ 73.1, 73.3, 73.5, and 73.7 providing for annual depreciation reporting, service life study reporting, and capital investment reporting. The existing regulations at Chapter 73 currently apply to electric service, gas service, and water service public utilities. In a prior Order, the Commission had proposed to require crude oil, gasoline, and petroleum products transportation pipeline public utilities to file annual depreciation reports, service life study reports, and capital investment plan reports in accordance with the provisions established in 52 Pa. Code Chapter 73. For the reasons expressed in this Order, we discontinue this rulemaking consistent with this Order.

Background

At Public Meeting held June 13, 2019, the Commission adopted a Notice of Proposed Rulemaking Order (NOPR) to seek comments on proposed amendments to our public utility reporting regulations at 52 Pa. Code §§ 73.1, 73.3, 73.5, and 73.7 providing for annual depreciation reporting, service life study reporting, and capital investment reporting. The existing regulations at 52 Pa. Code §§ 73.1—73.9 currently apply to electric service, gas service, and water service public utilities, but are silent about crude oil, gasoline, and petroleum products transportation pipeline public utilities. The Commission proposed to require crude oil, gasoline, and petroleum products transportation pipeline public utilities to file Annual Depreciation Reports, Service Life Study Reports, and Capital Investment Plan Reports in accordance with the provisions established in 52 Pa. Code Chapter 73.

The NOPR and the notice requesting comments from interested parties were published October 5, 2019, in the *Pennsylvania Bulletin*, at 49 Pa.B. 5702—5704. The Commission received comments from the Independent Regulatory Review Commission (IRRC), Sunoco Pipeline, LP (Sunoco), Laurel Pipeline Company, LP (Laurel), The Association of Oil Pipelines (AOPL), the County of Chester (Chester County), West Whiteland Township (West Whiteland), the East Goshen Township Board of Supervisors (East Goshen), and two individuals, Susan Hubickey and Trevor Salla. This order addresses the comments received and sets forth a final rulemaking amending our regulations at 52 Pa. Code §§ 73.1, 73.3, 73.5, and 73.7.

The Public Utility Code gives the Commission broad authority and responsibility to ensure that the rates charged by public utilities are just and reasonable and that the service provided by public utilities to their customers and the public is safe, efficient, and adequate. 66 Pa.C.S. §§ 1301 and 1501. To accomplish these objectives, Section 501(b) grants the Commission the administrative authority to supervise and regulate all public utilities doing business within the Commonwealth of Pennsylvania and to make regulations necessary to exercise its powers. 66 Pa.C.S. § 501(b). Additionally, the Commission may require a public utility “to file periodical reports at such times, and in such form, and of such content” as the Commission may prescribe, including information concerning the valuation of its property. 66 Pa.C.S. §§ 504—506. The Public Utility Code, in pertinent part, defines a “public utility” as:

Any person or corporations now or hereafter owning or operating in this Commonwealth equipment or facilities for . . . [t]ransporting or conveying natural or artificial gas, crude oil, gasoline, or petroleum products, materials for refrigeration, or oxygen or nitrogen, or other fluid substance, by pipeline or conduit, for the public for compensation.

66 Pa.C.S. § 102. Consequently, the Commission has the authority under the Public Utility Code to require crude oil, gasoline, and petroleum products transportation pipeline public utilities to comply with the reporting provisions of Chapter 73.

In stating its purpose for promulgating the Chapter 73 regulations, the Commission determined that regular reporting of a public utility’s depreciation practices and capital planning is necessary to determine whether a public utility will be capable of providing safe, efficient, and adequate service currently and in the future. See 38 Pa.B. 4685 (Sept. 17, 1994); Rulemaking Re Public Utility Depreciation Practices and Capital Planning, Docket L-00920062 (Order entered July 22, 1994). The Commission also reasoned that it could not properly evaluate the justness and reasonableness of a public utility’s rates and rate structure without examining a company’s earnings and depreciation practices. However, the original rulemaking did not address the rationale for excluding petroleum transportation pipeline companies from the reporting requirements. At this time, the industry’s growth within the Commonwealth justifies including crude oil, gasoline, and petroleum products transportation pipeline public utilities in the list of entities required to comply with the depreciation and capital planning reporting provisions of Chapter 73. Submission of these reports ensures the Commission receives the information necessary to fulfill the duties imposed upon it by the Public Utility Code.

Comments:

IRRC:

The IRRC’s comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b), and further directs the Commission to respond to all comments received from us or any other source pursuant to Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)). The IRRC notes that two pipelines have submitted comments (Laurel and Sunoco) stating that the new reporting requirements will impose significant costs and points out that this assertion conflicts with the Commission’s cost estimate for the regulated community found in Question # 19 of the Regulatory Analysis Form (RAF), wherein the Commission acknowledged some ad-

ministrative costs, but did not anticipate any significant cost to the regulated community. IRRC requested the Commission work with the commentators to gain a better understanding of how the new reporting requirements will financially impact pipelines and to include the findings in the RAF submitted with the final-form rulemaking. IRRC also noted that Sunoco and Laurel question the usefulness of the reports and what the Commission will do with the information gathered. For each of the three reports to be filed by the pipelines, IRRC asks the Commission to describe the type of information that will be collected and how that information will be used to improve safety, efficiency and adequacy of service. IRRC Comments at 1.

Sunoco:

With regard to annual depreciation reporting, Sunoco commented that the proposed required annual depreciation reporting will come at a substantial cost to pipeline utilities while providing the Commission with little to no benefit, given the nature of pipelines versus fixed distribution utilities and the type of sophisticated producer customers served by pipelines who are not residential or small business customers. Sunoco Comments at 2. For traditional fixed utilities, the costs of these reports ultimately would be borne by ratepayers. *Id.* Sunoco maintains that because it cannot recover these costs through rates, the money would be better spent on maintaining and investing in infrastructure. Sunoco Comments at 2, 4.

Moreover, Sunoco asserts that reporting on depreciation provides no useful information regarding whether an asset is safe and adequate to provide service, because depreciation is a tax, ratemaking, and accounting concept, and has no bearing on whether such an asset can safely continue to be used and useful in utility service under PHMSA regulations. Sunoco Comments at 2.

Finally, Sunoco comments that hazardous liquid transportation pipelines provide service to a group of sophisticated customers that in most instances have competitive alternatives to the utility service provided, unlike other fixed utilities that serve other customers classes that do not have these same resources or level of sophistication regarding ratemaking. The ratemaking concerns applicable to other fixed utilities are simply different from hazardous liquid transportation pipelines. Moreover, depreciation for ratemaking purposes is a concept applicable to rate base rate of return ratemaking, however, alternative ratemaking is now an option the Legislature saw as a potential need for utilities and their customers in Pennsylvania to move away from traditional rate base rate of return. See 66 Pa.C.S. § 1330. In other words, Sunoco opines, if a hazardous liquid pipeline utility gains approval for alternative rate mechanisms that may not rely upon depreciation concepts, these reports will be wholly useless at great cost and no benefit. Sunoco Comments at 2-3.

Regarding the service life study reporting requirement, Sunoco comments that these reports require hazardous liquid pipelines to analyze their infrastructure in a way that is wholly inconsistent with federal pipeline safety law and regulations. More specifically, requiring hazardous liquid transportation pipelines to create and file service life study reports, as specified in 52 Pa. Code § 73.5, is inconsistent with the federally mandated requirements for the safe operation, maintenance, inspection, replacement, testing, monitoring and repair that hazardous liquid transportation pipelines apply to their facilities. Sunoco opines that the service life study report would require the utility to average and estimate service

life or average remaining life of utility facilities, but that the concept that a pipeline has a finite life is wholly inconsistent with the federal statutory and regulatory scheme. Instead, federal law and regulations require that pipelines operate, inspect, maintain and repair their pipelines, including through integrity management programs. This entails ongoing monitoring, inspection, and evaluation of facilities to determine what repairs are necessary on what timeline and which to prioritize to keep facilities safe and fit for service, potentially infinitely. Sunoco Comments at 3.

Finally, with regard to the capital investment plan reporting requirement, Sunoco submits that requiring a capital investment plan report comes at significant time and cost with little regulatory benefit. The capital investment plan report is a five-year outlook report on major planned expansion, modification or other alteration of utility facilities. See 52 Pa. Code § 73.8. Sunoco states that a five-year report provides no additional relevant and timely information that Sunoco is not already required to provide on a timelier basis through the construction notification requirements in 52 Pa. Code § 59.38, which requires notification and information 30 days prior to starting major construction of utility facilities. In the unique pipeline industry, project opportunities often arise quickly and, in any event, predicting projects and the capital required on a five-year horizon would include significant speculation of future demand for pipeline transportation and estimating capital costs. Moreover, Sunoco continues, when and if projects arise, initial plans and any alteration are within the utility's "managerial discretion," which is a legal principle that provides that it is up to a utility's management to determine how and when to orient its planned facilities to provide adequate and reasonably continuous service. Sunoco questions the need for a projection report that may not remain accurate for very long, nor provides information that is more useful than that already being submitted under 52 Pa. Code § 59.38. Sunoco Comments at 4.

In its response to the Commission's data requests, Sunoco estimated that the costs of preparing the reports would be \$65,000 for the Annual Depreciation Study, \$125,000 for the Service Life Study, and \$345,000 for the Capital Investment Plan. These costs will recur each time a report is due (annually for the depreciation study and every five years for the service life study and capital investment plan). Moreover, Sunoco estimates an approximate 3% yearly increases in costs for each report, which is based on the consumer price index. These costs reflect both internal and external costs and were calculated by listing necessary tasks to complete each report, number of hours for each task, and hourly rate for each person performing the task. Sunoco noted that it has extensive pipeline infrastructure throughout the state that drives these costs. Finally, regarding financial impact, the total amount, \$535,000 represents an approximately 2% of year-to-date 2020 weighted average of Commission tariffed rates. This was calculated by taking the estimated total report cost per intra-state barrel movement divided into weighted average tariffed rate from Twin Oaks, Delaware County origin to points in Pennsylvania destinations. Sunoco DR-1 at 1.

Laurel Pipeline:

Laurel generally comments that these additional reporting requirements will increase regulatory compliance costs for hazardous liquids pipelines, without apparent benefit to consumers or the industry. In addition, Laurel

proposed that, should the reports ultimately be required, the frequency at which certain of the requested reports are required by the Commission should be consistent with analogous federal reporting requirements. Specifically, regarding annual depreciation reports, Laurel explains that hazardous liquid pipelines are not currently required to prepare and submit depreciation reports to the Commission on an annual basis, and that, therefore, this additional reporting requirement will require hazardous liquid pipelines to incur additional costs. Laurel comments that it is unclear how these additional reports would be used by the Commission, and thus the benefit of the proposed change is not apparent. Laurel Comments at 2.

Regarding service life study reports, Laurel requests the Commission consider current PHMSA regulations and integrity programs put in place to ensure the safety in the operation and maintenance of hazardous liquid pipelines. Laurel submits that age should not be used to determine a pipeline's viability, rather, the integrity management program that has been regulated under PHMSA's integrity management requirements should be used as the basis to determine a pipeline's viability. Laurel Comments at 2-3.

In addition, Laurel questions the need to perform a service life study every five years. Instead, consistent with existing federal requirements under the Federal Energy Regulatory Commission's (FERC) regulations, Laurel would propose that service life studies be completed at the direction of the Commission or "when a carrier believes any rate prescribed by the Commission is no longer applicable." See 18 C.F.R. § 352, Instruction 1-8(b)(2). By allowing hazardous liquids pipelines to complete these studies "as needed," consistent with existing federal requirements, certain of the additional costs associated with complying with this proposed amendment would be avoided. Laurel Comments at 3.

With respect to the proposed amendment to require hazardous liquids pipelines to submit capital investment plan reports every five years under 52 Pa. Code § 73.7, Laurel submits that the proposed amendment should clarify the manner in which capital incurred for projects that cross state lines should be reported. Petroleum products pipeline projects regularly include interstate and intrastate aspects, i.e., origins and destinations that can be used for intrastate service or interstate service. However, the proposed regulation does not clarify how such projects should be included in a report. Laurel suggests further guidance under the Section 73.2 Definitions, which outlines the report criteria for joint projects (providing both inter and intrastate transportation services), may be needed to address how joint projects are addressed by the report. Id.

Moreover, in the proposed rulemaking, the Commission indicated that Chapter 73 was adopted, in part, because the Commission determined "regular reporting of a public utility's depreciation practices and capital planning is necessary to determine whether a public utility will be capable of providing safe, efficient, and adequate service currently and in the future." See NOPR, p. 2 (citing 38 Pa.B. 4685 (Sept. 17, 1994); Rulemaking Re Public Utility Depreciation Practices and Capital Planning, Docket L-00920062 (Order entered July 22, 1994)). In this regard, as the Commission does not have jurisdiction over the rates charged for interstate service, Laurel submits that the Commission should clarify how it will use information related to interstate service, if such information is to be included in the reports. Laurel Comments at 4.

Lastly, Laurel submits that it is important to recognize hazardous liquids pipelines are regulated as common carriers rather than public utilities at the federal level. Under this mode of regulation, "[m]any constraints commonly associated with utility-type regulation. . . were not imposed on oil pipelines." Revisions to Oil Pipeline Regulations Pursuant to the Energy Policy Act of 1992, 65 F.E.R.C. ¶61,109 (Oct. 22, 1993). Courts have interpreted this as reflecting a Congressional intent to allow market forces "freer play" within the industry, than for other common carriers or for public utilities. Laurel submits that, by considering requiring hazardous liquids pipelines to disclose commercially and competitively sensitive information regarding capital investment strategies, the Commission's proposed amendments may conflict with the market forces driving the hazardous liquids pipelines industry. This would be especially true if the Commission were to require hazardous liquids pipelines to include information related to interstate service projects to be included in a Section 73.7 capital investment plan. Id.

In its response to the Commission's data requests, Laurel estimated that if the requirements proposed in the NOPR were adopted, and it were required to prepare and submit these studies on the timeframes proposed by the Commission, it would incur approximately: (1) \$25,000 to \$30,000 in additional annual costs to prepare and submit the contemplated Annual Depreciation Report; (2) \$35,000 to \$45,000 in additional costs every five years to prepare and submit the contemplated Service Life Study; and (3) \$25,000 to \$30,000 in additional costs every five years to prepare and submit the contemplated Capital Investment Plan Report. In sum, Laurel estimates it would incur approximately \$185,000 to \$225,000 in additional costs every five years, in order to comply with all the proposed reporting requirements. Laurel's estimate is based upon the extent of miles of pipeline facilities that it owns and operates in Pennsylvania, which would be subject to these reporting requirements. Laurel DR-1 at 1.

AOPL:

Generally, the AOPL agrees with the comments filed by Laurel and Sunoco but adds that it is particularly concerned about the imposition of utility reporting obligations on pipelines that are unneeded, would fail to benefit customers or the industry, and are not fitting for an industry that operates in a vastly different marketplace than traditional utilities. Further, the AOPL echoes concerns expressed in the comments with any suggestion that the useful life of an oil pipeline is limited by its number of years in service, as the extent to which an oil pipeline is depreciated does not bear upon whether the pipeline can continue to provide safe, efficient and adequate service. Moreover, PHMSA has an extensive regulatory framework that ensures the safety of oil pipelines. Because PHMSA comprehensively occupies the field of pipeline safety regulation, PHMSA's regulations would legally preempt any state regulatory requirement that is inconsistent, or incompatible, with federal pipeline safety laws. AOPL Comments at 1-2.

Chester County:

Chester County supports the proposed regulations which will increase pipeline operation transparency and will help to ensure that crude oil, gasoline and petroleum products transportation pipeline public utilities are financially fit to complete the needed short and long-term maintenance for these public utilities to continue to operate safely throughout the Commonwealth. Chester County opines that there is no valid reason to exclude crude oil, gasoline and petroleum products transportation

pipeline public utilities from the mandatory reporting requirement for other regulated public utilities. Comments of Chester County at 1.

West Whiteland:

West Whiteland comments that it has been ground zero for problems associated with Energy Transfer's Mariner East pipelines that are in operation and under construction, and requests that the proposed amendments include a requirement that the reports, particularly the life studies, be publicly available. West Whiteland recognizes that there are security risks to pipelines but argues that the excessive secrecy surrounding many of Energy Transfer's plans has created challenges for local officials and added to public suspicion about the safety of the pipelines. Comments of West Whiteland at 1.

East Goshen:

East Goshen notes that the Mariner East pipeline project runs the entire length of East Goshen Township, and the project has had a profound impact on the quality of life of the Township's 18,233 residents. Therefore, East Goshen strongly supports any and all regulatory efforts to make pipeline operators more accountable to both the Commonwealth and its residents. Comments of East Goshen at 1.

Susan Hubickey and Trevor Salla:

The comments of Ms. Hubickey relate to pipeline conversion, construction techniques and horizontal directional drilling, protection of public and private water wells and supplies, and land agents and eminent domain. While filed under the current Docket No. L-2019-3010270, we believe that these comments were intended to address a companion Commission proceeding Hazardous Liquid Public Utility Safety Standards, 52 Pa. Code Chapter 59, at PUC Docket No. L-2019-3010267. Nevertheless, the concerns raised in these comments are legitimate safety concerns that will be addressed both in this case, and in our companion case.

Disposition

To begin with, we note that we are closing this rulemaking without adopting the proposed changes. However, as explained below, we will continue to review the propriety of requiring crude oil, gasoline, and petroleum products transportation pipeline public utilities to file service life studies in the open rulemaking proceeding at Rulemaking Regarding Hazardous Liquid Public Utility Safety Standards at 52 Pa. Code Chapter 59, Docket No. L-2019-3010267.

Depreciation and Capital Investment Plan Reports:

With respect to the financial impact on pipeline utilities, the Commission sent data requests both to Sunoco and Laurel on September 15, 2020, and received responses on October 15, 2020, and October 16, 2020, respectively. The data requests asked Sunoco and Laurel to provide more information regarding the fiscal impact this proposed rulemaking will have on each company.

Upon further discussion with the interested bureaus within the Commission, it was determined that the Annual Depreciation Report and the Capital Investment Plan Report are reports generally required of fixed utilities for the purposes of determining base rates, which do not apply to pipeline public utilities. Moreover, the Commission already receives from pipeline public utilities notification of proposed major construction, reconstruction or maintenance of plant at least 30 days prior to the commencement of work. Major construction, reconstruction

or maintenance is defined for this reporting as a single project involving an expenditure in excess of \$300,000 or 10% of the cost of the utility's plant in service, whichever is less, pursuant to 52 Pa. Code § 59.38. Accordingly, the Commission agrees with the commenters that the Annual Depreciation Report is not a report that would assist in determining whether a pipeline public utility will be capable of providing safe, efficient, and adequate service currently and in the future, and that the Capital Investment Plan Report requirements are satisfied by the existing filings being provided to the Commission under 52 Pa. Code § 59.38.

Service Life Study Report:

Several commentors asserted that mandating a reoccurring service life study requirement for all pipelines would be inconsistent or incompatible with the Federal regulations of the PHMSA and, therefore, would be preempted. The Commission participates as a certified state in the federal pipeline safety program administered by PHMSA under 49 U.S.C. § 60105(a). The Commission has incorporated 49 CFR Part 195 in its regulations, in part, to comport with the requirements of PHMSA's pipeline safety program. Participating certified states must adopt the minimum federal pipeline safety standards and are permitted to adopt additional, more stringent regulations, so long as they are compatible with the minimum federal pipeline safety standards.

While we have a reasonable basis for believing we have jurisdiction to move forward, the risk of federal preemption should not be casually dismissed. PHMSA recently directed the Commission to modify its regulations on customer-owned gas service lines due to a potential conflict with federal rules.¹ Before the Independent Regulatory Review Commission will give final approval, the Commission must demonstrate that it has the legal authority to promulgate a final rule, and that a proposed rule is not in conflict with some other regulation or statute. It would not be in the public interest to move forward now, only to have to withdraw or modify the rulemaking, thereby significantly delaying implementation because of a preemption issue. If the Commission needs to move quickly and decisively to protect the public, there should be no ambiguity about our jurisdiction or authority that might impede our ability to act.

Fortunately, the Commission has the option to obtain assistance from the nation's leading expert on the question of federal pipeline safety preemption. PHMSA itself provides a process for state regulators to request interpretative guidance on pipeline safety issues.² It would be wise for the Commission to ask PHMSA to verify that a service life study requirement is compatible with PHMSA standards, and to review our proposed regulatory language for any needed clarifications or suggestions for improvement.

Should PHMSA find that our proposed amendments are compatible with its regulations, a service life study will be incorporated into our pending pipeline safety rulemaking on changes to Chapter 59 of the Commission's regulations.³ These two proceedings involve overlapping legal and policy issues, and it would be appropriate to locate a study requirement in Chapter 59.⁴ Chapter 59 is

¹ Request for Comments on Implementation of Potential Amendments to 52 Pa. Code § 59.34 Relating to Leakage Surveys of Customer-Owned Service Lines, Docket No. L-2020-3019417 (Order issued August 5, 2021).

² See 49 C.F.R. § 190.11(b) Availability of informal guidance and interpretive assistance.

³ Rulemaking Regarding Hazardous Liquid Public Utility Safety Standards at 52 Pa. Code Chapter 59, Docket No. L-2019-3010267 (Notice of Proposed Rulemaking Order entered August 19, 2021).

⁴ 52 Pa. Code § 59.1, et seq.

the primary location of our gas and pipeline safety regulations, and PHMSA's requirements are already incorporated into Section 59.33(b). PHMSA's interpretative guidance on this issue and the comments received at this docket may be incorporated by reference at that proceeding, and the Commission may utilize an advance notice of final rulemaking if additional comment on this issue is necessary. In the meantime, the Commission will continue to implement all service life study requirements that have been approved as part of resolutions of enforcement actions brought by Commission staff. The safety of public utility infrastructure is of utmost importance to the Commission, and we will continue to diligently monitor and enforce compliance with all the laws of the Commonwealth within our jurisdiction; *Therefore,*

It Is Ordered That:

1. The Law Bureau prepare appropriate correspondence to PHMSA for the Commission's review and approval within thirty days of the entry of this Order.

2. A copy of this Order be served on all crude oil, gasoline, and petroleum products transportation pipeline public utilities, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Commission's Bureau of Investigation and Enforcement.

3. The instant rulemaking at Rulemaking Regarding Depreciation Reporting and Capital Planning for Crude Oil, Gasoline, or Petroleum Products Transportation Pipelines 52 Pa. Code Chapter 73, Docket No. L-2019-3010270 be marked closed.

4. A copy of this Order be entered at Rulemaking Regarding Hazardous Liquid Public Utility Safety Standards at 52 Pa. Code Chapter 59, Docket No. L-2019-3010267.

5. The Law Bureau shall deposit this Order with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.

6. The Commission shall provide notice to the Office of Attorney General, the Governor's Budget Office, the Legislative Standing Committees, and the Independent Regulatory Review Commission that this rulemaking has been closed.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: October 7, 2021

ORDER ENTERED: October 22, 2021

Statement of Chairperson Gladys Brown Dutrieuille

Before the Commission for disposition is a Final Rulemaking Order on proposed amendments to our public utility reporting regulations at 52 Pa. Code §§ 73.1, 73.3, 73.5, and 73.7. At the outset of this docket the Commission proposed to require crude oil, gasoline, and petroleum products transportation pipeline public utilities to file depreciation reports, service life study reports, and capital investment plan reports.

Numerous parties filed comments in response to this proposed rulemaking. A number of pipeline operators question the value and legality of these three additional reporting requirements. Conversely, various individuals and municipalities filed comments supporting these additional reporting requirements noting their potential to better instill safe and reliable service through accountability and transparency.

Upon review and consideration of their respective costs and benefits I believe that the proposal to add depreciation and capital investment reporting are not necessary. Depreciation reports are beneficial to determine the validity and accuracy of base rates. However, pipeline utilities operate in a manner more akin to a 'common carrier' and are not directly analogous to fixed utilities with base rates. As such, this information is of minimal value. Second, the Commission already receives major construction and maintenance reports from pipeline utilities pursuant to our regulations at 52 Pa. Code § 59.38, thus minimalizing the benefits of the proposed capital investment reporting requirement.

However, I do believe that the proposal to require service life study reporting is in the interest of the public, and I contend this regulatory package should proceed with inclusion of this requirement. I submit that service life study reports can bear upon whether a pipeline can continue to provide safe, efficient, and adequate service. While service life may be extended indefinitely through proper adherence to a Pipeline and Hazardous Materials Safety Administration (PHMSA) integrity management plan, this does not mean that segments of pipelines or other pipeline facilities do not wear out or develop leaks. Public safety and transparency are of paramount importance, and I believe that periodic service life study reporting is step towards achieving these goals.

Several pipelines contend that a service life study reporting requirements is preempted by the PHMSA regulations. I disagree. I contend that such reporting is not inconsistent nor incompatible with Federal regulations but rather a complementary requirement of Pennsylvania necessarily promulgated in response to the burgeoning pipeline industry in the Commonwealth.

The information conveyed pursuant to this proposal will enhance the Commission's ability to appraise that status of pipelines thereby helping to ensure the prudent and safe operations of said pipelines.

For these reasons, I support the issuance of a final rulemaking adopting a service life study reporting requirement and removing the proposed depreciation and capital investment reporting requirements.

Date: October 7, 2021

GLADYS BROWN DUTRIEUILLE,
Chairperson

[Pa.B. Doc. No. 21-1837. Filed for public inspection November 5, 2021, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Controlled Plant and Noxious Weed Committee Virtual Special Meeting

The Department of Agriculture (Department) announces a virtual special meeting of the Controlled Plant and Noxious Weed Committee (Committee), established by 3 Pa.C.S. § 1511 (relating to designation of noxious weeds and controlled plants). The virtual special meeting will be held at 11 a.m. on Wednesday, November 17, 2021, by means of Microsoft Teams.

The purpose of the virtual special meeting is to consider two additions to the noxious weed list: Callery pear (*Pyrus calleryana*) and Eurasian watermilfoil (*Myriophyllum spicatum*).

Individuals with questions regarding this virtual special meeting, which is open to the public, should contact the Department at (717) 787-4843.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 21-1838. Filed for public inspection November 5, 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 October 26, 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>
10-25-2021	Peoples Security Bank and Trust Company Scranton Lackawanna County	802B Warrendale Village Drive Warrendale Allegheny County	Opened
10-26-2021	William Penn Bank Levittown Bucks County	4631 Nottingham Way Hamilton Mercer County, NJ	Approved

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. 21-1839. Filed for public inspection November 5, 2021, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Adjustment to Definition of "Base Figure" in the Loan Interest and Protection Law

The Department of Banking and Securities (Department), as required by the definition of "base figure" in section 101 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 101), known as the Loan Interest and Protection Law, is publishing the following notice regarding the inflation-adjusted base figure for the calendar year 2022.

The Department has determined that the current base figure of \$263,975 adjusted for annual inflation using the "Consumer Price Index—All Urban Consumers: U.S. All Items 1982-84 = 100" published by the United States Department of Labor Bureau of Labor Statistics results in a base figure of \$278,204. This new base figure will be effective January 1, 2022, for the calendar year 2022.

RICHARD VAGUE,
Secretary

[Pa.B. Doc. No. 21-1840. Filed for public inspection November 5, 2021, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Snowmobile and ATV Advisory Committee WebEx Meeting

A WebEx meeting of the Snowmobile and ATV Advisory Committee (Committee) to the Department of Conservation and Natural Resources (Department) will be held on Wednesday, November 10, 2021, from 10 a.m. to 12 p.m. The WebEx meeting can be accessed through a link found on the Committee's web site prior to the WebEx meeting at www.dcnr.pa.gov/SnowmobileATVAdvisoryCommittee/Pages/default.aspx.

Questions concerning this WebEx meeting or agenda items can be directed to Jake Newton, Advisor, Snowmobile and ATV Advisory Committee at (717) 783-3349. Those wishing to participate during the public comment section are encouraged to submit their comments in writing to janewton@pa.gov.

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

CINDY ADAMS DUNN,
Secretary

[Pa.B. Doc. No. 21-1841. Filed for public inspection November 5, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notice

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>
3504401	Major Sewage Treatment Facility Individual WQM Permit	Amendment	PA American Water Co. 2699 Stafford Avenue Scranton, PA 18505-3608	Scranton City Lackawanna County	NERO
2121201	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	New	CSHV Penn Commerce II, LLC 801 Grand Avenue Des Moines, IA 50309-8000	Penn Township Cumberland County	SCRO
5695201	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Amendment	Somerset Borough Municipal Authority Somerset County 347 W Union Street P.O. Box 71 Somerset, PA 15501-1543	Somerset Township Somerset County	SWRO

<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>
NOEXSE169	No Exposure Certification	Renewal	Northtec LLC 411 Sinclair Street Bristol, PA 19007-1525	Bristol Township Bucks County	SERO
NOEXSE170	No Exposure Certification	Renewal	Northtec LLC 411 Sinclair Street Bristol, PA 19007-1525	Bristol Township Bucks County	SERO
NOEXSE171	No Exposure Certification	Renewal	Northtec LLC 411 Sinclair Street Bristol, PA 19007-1525	Bristol Township Bucks County	SERO
NOEXSE173	No Exposure Certification	Renewal	Northtec LLC 411 Sinclair Street Bristol, PA 19007-1525	Bensalem Township Bucks County	SERO
PAG046433	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Greenleaf Real Estate Investment LLC 126 Bay Mist Drive Erie, PA 16505-5444	Franklin Township Beaver County	SWRO
4821401	Pump Stations WQM Individual Permit	New	Easton City Northampton County 50 South Delaware Drive Easton, PA 18042	Easton City Northampton County	NERO
2021418	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Ryan Caldwell 19711 Morris Road Meadville, PA 16335-9625	Woodcock Township Crawford County	NWRO
2521428	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Laboski Jennifer 9345 Station Road Erie, PA 16510-5625	Greenfield Township Erie County	NWRO
2521430	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Timothy & Lorri Stafford 1217 Avonia Road Fairview, PA 16415-1453	Fairview Township Erie County	NWRO
6321406	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Debusk Richard B 257 Shipe Run Road Washington, PA 15301-7147	Amwell Township Washington County	SWRO
2521431	Small Flow Treatment Facility Individual WQM Permit	New	Evandale Farm, LLC 456 W 6th Street Erie, PA 16507-1216	North East Township Erie County	NWRO
368S043	Small Flow Treatment Facility Individual WQM Permit	Transfer	Greenleaf Real Estate Investment, LLC 126 Bay Mist Drive Erie, PA 16505-5444	Franklin Township Beaver County	SWRO
1521405	Sewage Treatment Facilities Individual WQM Permit	New	Stephen J Eldredge & Melissa Novak Eldredge 2261 S Valley Road Berwyn, PA 19312	Easttown Township Chester County	SERO

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

PA0208647, Sewage, SIC Code 4952, **Kratzer Run Sewer Authority**, P.O. Box 253, Grampian, PA 16838-0253. Facility Name: Kratzer Run Sewer Authority WWTP. This existing facility is located in Penn Township, **Clearfield 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), Kratzer Run (CWF), is located in State Water Plan watershed 8-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.08 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Report	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	16.7	26.7	XXX	25	40	50
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	20.0 Report	30.0 Report Daily Max	XXX XXX	30 Report	45 XXX	60 XXX
Fecal Coliform (CFU/100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	XXX	XXX	XXX
Ammonia-Nitrogen Nov 1 - Apr 30	Report	XXX	XXX	Report	XXX	XXX
May 1 - Oct 31	7.97	XXX	XXX	11.94	XXX	23.88
Total Phosphorus	Report	1.34 Daily Max	XXX	2.0	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus (lbs/year)	XXX	487.35 Total Annual	XXX	XXX	XXX	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	Report Daily Max	XXX

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

The EPA Waiver is not in effect.

PA0209201, Sewage, SIC Code 6515, **DMP Northern Tier LP**, 1952 Waddle Road, State College, PA 16803-1649. Facility Name: Terrace Hills MHP. This existing facility is located in Wyalusing Township, **Bradford 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), Wyalusing Creek (WWF), is located in State Water Plan watershed 4-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 0.01 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	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min Report Inst Min	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	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (No./100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>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 Annl Avg	XXX	XXX

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

- Other Requirements.

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.

PA0209481, Sewage, SIC Code 4952, **Anthony R. & Margaret M. Caprio**, 342 Voyzey Road, Philipsburg, PA 16866-8529. Facility Name: Anthony R. & Margaret M. Caprio. This existing facility is located in Decatur Township, **Clearfield County**.

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

The receiving stream(s), Unnamed Tributary of Shimel Run (CWF, MF), is located in State Water Plan watershed 8-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 0.002 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min 0.5 Avg Mo	XXX	XXX	1.6
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	20.0	XXX	40.0
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oil and Grease	XXX	XXX	15 Inst Min	XXX	XXX	30

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

- Other Requirements.

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.

PA0229130, Sewage, SIC Code 4952, **G. Stephen Snyder**, 185 Stauffer Road, Bellefonte, PA 16823-4261. Facility Name: Snyder (Apt) SFTF. This existing facility is located in Liberty Township, **Centre County**.

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

The receiving stream(s), Hunters Run (CWF), is located in State Water Plan watershed 9-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 0.0016 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 Quarterly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly		Average Quarterly	Maximum	
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

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

- Other Requirements.

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

PA0063711, Sewage, SIC Code 4952, **Central Carbon Municipal Authority**, 1000 Lehigh Drive, Lehigh, PA 18235-2239. Facility Name: Central Carbon Municipal Authority WWTP. This existing facility is located in Mahoning Township, **Carbon 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, the Lehigh River (TSF/MF), is located in State Water Plan watershed 2-B and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.6 MGD.

(From Permit Effective Date to Permit Expiration Date)

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	XXX	XXX	1.1
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	334	534	XXX	25.0	40.0	50.0
Biochemical Oxygen Demand (BOD ₅)	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	400	600	XXX	30.0	45.0	60.0
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	Geo Mean XXX	XXX	Report

The proposed effluent limits for Outfall 001 are based on a design flow of 1.6 MGD.

(From Permit Effective Date to Permit Expiration Date)

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Quarterly	Weekly Average	
Total Dissolved Solids	XXX	XXX	XXX	1,000	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	20.0	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Hexachlorobutadiene	XXX	XXX	XXX	Report	XXX	XXX
Hexachloroethane	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.6 MGD.

(From Permit Effective Date to Permit Expiration Date)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Annual Average</i>	<i>Weekly Average</i>	
Aluminum, Total	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report	XXX	XXX
Manganese, Total	XXX	XXX	XXX	Report	XXX	XXX
Zinc, Total	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.6 MGD.

(From Permit Effective Date to 4 Years After Permit Effective Date)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Maximum</i>	
3,3-Dichlorobenzidine	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.6 MGD.

(From 4 Years After Permit Effective Date to Permit Expiration Date)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
3,3-Dichlorobenzidine	XXX	XXX	XXX	0.0125	0.0195	0.0313

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

(From Permit Effective Date to Permit Expiration Date)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

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

(From Permit Effective Date to Permit Expiration Date)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

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

(From Permit Effective Date to Permit Expiration Date)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

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

- Solids Management
- Water Quality-Based Effluent Limitations for Toxic Pollutants
- Whole Effluent Toxicity (WET)
- Requirements Applicable to Stormwater Outfalls

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

The EPA Waiver is not in effect.

Northwest Regional Office

PA0025739, Sewage, SIC Code 4952, **Port Allegany Borough Municipal Authority**, 45 West Maple Street, Port Allegany, PA 16743-1318. Facility Name: Port Allegany Borough STP. This existing facility is located in Port Allegany Borough, **McKean County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage. This application also transfers the Permittee name from the Port Allegany Borough to the Port Allegany Borough Municipal Authority.

The receiving stream, the Allegheny River (CWF), is located in State Water Plan watershed 16-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 0.9 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min	XXX	Daily Max	XXX
			4.0		XXX	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	188.0	300.0	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	225.0	338.0	XXX	30.0	45.0	60
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	Geo Mean XXX	XXX	Report
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	188.0	XXX	XXX	25.0	XXX	50
May 1 - Oct 31	101.0	XXX	XXX	13.5	XXX	27
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Nickel	XXX	XXX	XXX	Report	XXX	XXX
Chloride	XXX	XXX	XXX	Avg Qrtly	XXX	XXX
				Report		

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

- Solids Management

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

The EPA Waiver is in effect.

PA0029726, Sewage, SIC Code 4952, **Jamestown Borough Municipal Authority**, P.O. Box 188, Jamestown, PA 16134-0188. Facility Name: Jamestown Municipal STP. This existing facility is located in Jamestown Borough, **Mercer 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), 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 0.26 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily 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>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	4.0	XXX	Daily Max	XXX
					XXX	
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	33.3	50	XXX	25	40	50
Biochemical Oxygen Demand (BOD ₅)	Report	Wkly Avg Report	XXX	Report	XXX	XXX
Raw Sewage Influent						

<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>Daily Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Suspended Solids	25.5	56	XXX	30	45	60
Raw Sewage Influent	Report	Wkly Avg Report	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	Geo Mean Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	37.9	XXX	XXX	17.5	XXX	35
May 1 - Oct 31	34.6	XXX	XXX	16.0	XXX	32
Total Phosphorus	2.2	XXX	XXX	1.0	XXX	2
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	XXX	Report	XXX	XXX	Report Daily Max	XXX
Nickel, Total	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Chloride	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX

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

The EPA Waiver is in effect.

PA0239071, Sewage, SIC Code 4952, **Clarion Vista Lofts LLC**, 1768 N Main Street Ext, Butler, PA 16001. Facility Name: Exit 60 Sewerage. This existing facility is located at I-80 Exit 60 and State Route 66 North, Clarion, PA 16214, is located in Paint Township, **Clarion 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 Clarion River (CWF), is located in State Water Plan watershed 17-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .004 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max 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
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
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
Aluminum, Total	XXX	XXX	XXX	Annl Avg Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Annl Avg Report	XXX	XXX
Manganese, Total	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 814-332-6078.

The EPA Waiver is in effect.

PA0289965, Sewage, SIC Code 8800, **Amy & Stephen Nalepa**, 110 Lawnview Court, Cranberry Township, PA 16066-3548. Facility Name: Amy & Stephen Nalepa SRSTP. This proposed facility is located at 175 Hammond Road, Butler, PA 16046 in Adams 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), Unnamed Tributary to Glade Run, is located in State Water Plan watershed 20-C and is classified for, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 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.

PA0267554, Sewage, SIC Code 4952, **Major League Properties, LLC**, 3275 Honey Valley Road, Dallastown, PA 17313. Facility Name: Major League Properties. This proposed facility is located in York Township, **York 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), Inners Creek (CWF, MF), is located in State Water Plan watershed 7-H 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 (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

Southeast Regional Office

PA0244708, Storm Water, SIC Code 4491, **Kinder Morgan Bulk Terminal, Inc.**, 1000 South Port Road, Fairless Hills, PA 19030. Facility Name: Kinder Morgan Fairless Hills Facility. This existing facility is located in Falls Township, **Bucks County**.

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

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

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Quarterly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (GPD)	Report Avg Mo	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Conductivity (µmhos/cm)	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	Report Avg Mo	Report	XXX	XXX	50.0	XXX
Total Dissolved Solids	Report Avg Mo	XXX	XXX	2,000.0	XXX	XXX
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	30	XXX
Cyanide, Free	XXX	XXX	XXX	Report	Report	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Quarterly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report Avg Qrtly	Report	XXX
Chemical Oxygen Demand (COD)	Report	Report	XXX	Report Avg Qrtly	Report	XXX
Nitrate-Nitrite as N	Report	Report	XXX	Report Avg Qrtly	Report	XXX
Total Kjeldahl Nitrogen	Report	Report	XXX	Report Avg Qrtly	Report	XXX
Total Phosphorus	Report	Report	XXX	2.0 Avg Qrtly	4.0	XXX
Aluminum, Total	XXX	XXX	XXX	Report Avg Qrtly	Report	XXX
Chromium, Total	XXX	XXX	XXX	Report Avg Qrtly	Report	XXX
Copper, Total	XXX	XXX	XXX	Report Avg Qrtly	Report	XXX
Cyanide, Total	XXX	XXX	XXX	Report Avg Qrtly	Report	XXX
Iron, Total	XXX	XXX	XXX	Report Avg Qrtly	Report	XXX
Lead, Total	XXX	XXX	XXX	Report Avg Qrtly	Report	XXX
Zinc, Total	XXX	XXX	XXX	Report Avg Qrtly	Report	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Quarterly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Avg Mo XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Conductivity (µmhos/cm)	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	Report	Report	XXX	XXX	50.0	XXX
Total Dissolved Solids	Avg Mo Report	XXX	XXX	2,000.0	XXX	XXX
Osmotic Pressure (mOs/kg)	Total Mo XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	30	XXX
Cyanide, Free	XXX	XXX	XXX	Report	Report	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Quarterly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	Report	XXX
Chemical Oxygen Demand (COD)	Report	Report	XXX	Avg Qrtly Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	XXX	Avg Qrtly Report	Report	XXX
Total Kjeldahl Nitrogen	Report	Report	XXX	Avg Qrtly Report	Report	XXX
Total Phosphorus	Report	Report	XXX	2.0 Avg Qrtly	4.0	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Chromium, Total	XXX	XXX	XXX	Avg Qrtly Report	Report	XXX
Copper, Total	XXX	XXX	XXX	Avg Qrtly Report	Report	XXX
Cyanide, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Avg Qrtly Report	Report	XXX
Lead, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total	XXX	XXX	XXX	Avg Qrtly Report	Report	XXX

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

- Stormwater Outfalls and Authorized Non-Stormwater Discharges
- Sector and Site Specific BMPs
- Routine Inspections
- Preparedness, Prevention and Contingency (PPC) Plan
- Stormwater Monitoring Requirements

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

The EPA Waiver is in effect.

PA0031887, Sewage, SIC Code 6515, **Green Hill MHC, LLC**, P.O. Box 677, Morgantown, PA 19543-0677. Facility Name: Green Hill MHP STP. This existing facility is located in Marlborough Township, **Montgomery County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.03 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 Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25	XXX	50
Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	2.0	XXX	4
Total Phosphorus	0.13	XXX	XXX	0.5	XXX	1

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

- No discharge of stormwater into sewage
- TRC minimization in effluent
- Designation of responsible operator
- Operation and Maintenance (O & M) Plan
- Proper disposal of solids, sludge, slurries
- Engineer Evaluation of the treatment plant

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.

PA0054551, Sewage, SIC Code 8811, **Jonathan D. Snyder**, 4 Fox Run Lane, Newtown Square, PA 19073-1004. Facility Name: Snyder SRSTP. This existing facility is located in Willistown Township, **Chester County**.

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

The receiving stream, Unnamed Tributary to Ridley Creek (HQ-TSF), is located in State Water Plan watershed 3-G and is classified for High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 3.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	XXX	XXX	XXX	20.0	XXX	40
May 1 - Oct 31	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

<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>	
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6

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
- Acquire Necessary Property Rights
- Proper Sludge Disposal

I. Abandon STP when Municipal Sewers Available

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

The EPA Waiver is in effect.

Southwest Regional Office

PA0026824, Sewage, SIC Code 4952, **Clairton Municipal Authority**, 1 North State Street, Clairton, PA 15025-2172. Facility Name: Clairton Municipal Authority STP. This existing facility is located in Clairton City, **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), Unnamed Tributary to Peters Creek (TSF) and Peters Creek (TSF), is located in State Water Plan watershed 19-C and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 6.0 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	1,250	1,875	XXX	25.0	37.5	50
Total Suspended Solids	1,500	2,250	XXX	30.0	45.0	60
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
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 6.8 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 6.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.1	XXX	0.3

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	1,415	2,125	XXX	25.0	37.5	50
May 1 - Oct 31	680	1,020	XXX	12.0	18.0	24
Total Suspended Solids	1,700	2,550	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ammonia-Nitrogen						
Nov 1 - Apr 30	510	XXX	XXX	9.0	XXX	18
May 1 - Oct 31	170	XXX	XXX	3.0	XXX	6

The proposed effluent limits for Outfall 001 are based on a design flow of 6.0 & 6.8 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>	
Total Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report Daily Max	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 6.0 & 6.8 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>	
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						

The proposed effluent limits for Outfall 010 are based on a design flow of 0.0 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min Report	XXX	XXX	XXX
			Inst Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.1	XXX	0.3
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids	Report	Report	XXX	Report	Report	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ammonia-Nitrogen	Report	XXX	XXX	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 not in effect.

PA0047228, Sewage, SIC Code 4952, **Pennsbury Village Borough Allegheny County**, 1043 Pennsbury Boulevard, Pittsburgh, PA 15205-1643. Facility Name: Pennsbury Village. This existing facility is located in Pennsbury Village Borough, **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), Unnamed Tributary of Chartiers Creek (WWF), is located in State Water Plan watershed 20-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 .17 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Dissolved Oxygen	XXX	XXX	4.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX Inst Min	0.5	XXX	1.6

The proposed effluent limits for Outfall 001 are based on a design flow of .17 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX Inst Min	0.02	XXX	0.07

The proposed effluent limits for Outfall 001 are based on a design flow of .17 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	0.170	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	35.5	53.2	XXX	25	37.5	50
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	42.6	63.8	XXX	30	45	60
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen Nov 1 - Mar 31	XXX	XXX	5.5 Avg Mo	XXX	11.0 Daily Max	XXX
May 1 - Oct 31	XXX	XXX	2.3 Avg Mo	XXX	4.6 Daily Max	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .17 MGD.—Limits.

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

PA0098060, Sewage, SIC Code 4952, **Eugene J. Smith Jr and Jackie A. Smith**, 106 Chrissy's Crossing, Fombell, PA 16123-1804. Facility Name: Smithwind MHP STP. This existing facility is located in Franklin 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), Glade Run (CWF), is located in State Water Plan watershed 17-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 0.0022 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	0.0022	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.03	XXX	0.087
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
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	6.0	XXX	12.0
May 1 - Oct 31	XXX	XXX	XXX	2.2	XXX	4.4

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0022 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	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report

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

The EPA Waiver is in effect.

PA0216160, Sewage, SIC Code 4952, **The Washington County Coal, Co.**, 46226 National Road, Saint Clairsville, OH 43950-8742. Facility Name: Washington County Mine. 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 sewage.

The receiving stream(s), Pigeon Creek (WWF), is located in State Water Plan watershed 19-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 .02 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)	0.02	XXX	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	0.5	XXX	XXX	1.6
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	2,000	XXX	XXX	10,000
May 1 - Sep 30	XXX	XXX	200	XXX	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ammonia-Nitrogen	XXX	XXX	Report	XXX	XXX	Report

<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>	
Total Nitrogen	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Daily Max	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.

PA0255971, Sewage, SIC Code 8800, **Wesley Taylor**, 25 Yohe Street, Finleyville, PA 15332-3807. Facility Name: Taylor Properties SRSTP. This proposed facility is located in Nottingham Township, **Washington 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 Sawmill Creek (WWF), is located in State Water Plan watershed 19-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 .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	XXX	XXX	6.0	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.

PA0001759, Industrial, SIC Code 3081, **OMNOVA Solutions, Inc.**, 1001 Chambers Avenue, Jeannette, PA 15644-3207. Facility Name: Jeannette Plant. This existing facility is located in Jeannette City, **Westmoreland 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), Brush Creek (TSF), is located in State Water Plan watershed 19-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.036 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
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Oil and Grease (mg/L)	XXX	XXX	XXX	15.0	30.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	XXX
Temperature (°F)						
Jan 1 - 31	XXX	XXX	XXX	XXX	XXX	77.1
Feb 1 - 28	XXX	XXX	XXX	XXX	XXX	73.8
Mar 1 - May 31	XXX	XXX	XXX	XXX	XXX	110.0
Jun 1 - 15	XXX	XXX	XXX	XXX	XXX	99.0
Jun 16 - 30	XXX	XXX	XXX	XXX	XXX	89.4
Jul 1 - 31	XXX	XXX	XXX	XXX	XXX	77.3
Aug 1 - 15	XXX	XXX	XXX	XXX	XXX	101.6
Aug 16 - 31	XXX	XXX	XXX	XXX	XXX	110.0
Sep 1 - 30	XXX	XXX	XXX	XXX	XXX	110.0
Oct 1 - 15	XXX	XXX	XXX	XXX	XXX	106.8
Oct 16 - 31	XXX	XXX	XXX	XXX	XXX	96.1
Nov 1 - 15	XXX	XXX	XXX	XXX	XXX	92.0
Nov 16 - 30	XXX	XXX	XXX	XXX	XXX	77.8
Dec 1 - 31	XXX	XXX	XXX	XXX	XXX	69.8
Antimony, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Cadmium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX

<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>	
Chromium, Hexavalent (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Copper, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Lead, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Silver, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Thallium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Vinyl Chloride (ug/L)	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.036 MGD.—Final 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
Oil and Grease (mg/L)	XXX	XXX	XXX	15.0	30.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	XXX
Temperature (°F)						
Jan 1 - 31	XXX	XXX	XXX	XXX	XXX	77.1
Feb 1 - 28	XXX	XXX	XXX	XXX	XXX	73.8
Mar 1 - May 31	XXX	XXX	XXX	XXX	XXX	110.0
Jun 1 - 15	XXX	XXX	XXX	XXX	XXX	99.0
Jun 16 - 30	XXX	XXX	XXX	XXX	XXX	89.4
Jul 1 - 31	XXX	XXX	XXX	XXX	XXX	77.3
Aug 1 - 15	XXX	XXX	XXX	XXX	XXX	101.6
Aug 16 - 31	XXX	XXX	XXX	XXX	XXX	110.0
Sep 1 - 30	XXX	XXX	XXX	XXX	XXX	110.0
Oct 1 - 15	XXX	XXX	XXX	XXX	XXX	106.8
Oct 16 - 31	XXX	XXX	XXX	XXX	XXX	96.1
Nov 1 - 15	XXX	XXX	XXX	XXX	XXX	92.0
Nov 16 - 30	XXX	XXX	XXX	XXX	XXX	77.8
Dec 1 - 31	XXX	XXX	XXX	XXX	XXX	69.8
Antimony, Total (ug/L)	XXX	XXX	XXX	29.0	45.3	XXX
Cadmium, Total (ug/L)	XXX	XXX	XXX	1.4	2.16	XXX
Chromium, Hexavalent (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Copper, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Lead, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Silver, Total (ug/L)	XXX	XXX	XXX	9.12	14.2	XXX
Thallium, Total (ug/L)	XXX	XXX	XXX	1.24	1.94	XXX
Vinyl Chloride (ug/L)	XXX	XXX	XXX	0.77	1.2	XXX

The proposed effluent limits for IMP 101 are based on a design flow of 0.036 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
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	XXX	29.0	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	19.0	XXX
Oil and Grease	XXX	XXX	XXX	XXX	26.0	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0.042 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	0.5	1.0	XXX
Temperature (°F)						
Jan 1 - 31	XXX	XXX	XXX	XXX	XXX	77.1
Feb 1 - 28	XXX	XXX	XXX	XXX	XXX	73.8
Mar 1 - May 31	XXX	XXX	XXX	XXX	XXX	110.0
Jun 1 - 15	XXX	XXX	XXX	XXX	XXX	99.0
Jun 16 - 30	XXX	XXX	XXX	XXX	XXX	89.4

<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>	
Jul 1 - 31	XXX	XXX	XXX	XXX	XXX	77.8
Aug 1 - 15	XXX	XXX	XXX	XXX	XXX	101.6
Aug 16 - 31	XXX	XXX	XXX	XXX	XXX	110.0
Sep 1 - 30	XXX	XXX	XXX	XXX	XXX	110.0
Oct 1 - 15	XXX	XXX	XXX	XXX	XXX	106.8
Oct 16 - 31	XXX	XXX	XXX	XXX	XXX	96.1
Nov 1 - 15	XXX	XXX	XXX	XXX	XXX	92.0
Nov 16 - 30	XXX	XXX	XXX	XXX	XXX	77.8
Dec 1 - 31	XXX	XXX	XXX	XXX	XXX	69.8
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	Report	Report	26.0
Oil and Grease	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for IMP 203:

<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>Instant. Maximum</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (GPM)	XXX	Report	XXX	XXX	XXX	XXX
Duration of Discharge (hours)	XXX	XXX	XXX	XXX	XXX	Report
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	XXX	XXX	0.05
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	60.0
Oil and Grease	XXX	XXX	XXX	XXX	XXX	30
Iron, Dissolved	XXX	XXX	XXX	XXX	XXX	7.0

The proposed effluent limits for Outfall 006—Outfalls 012, IMP 103 and IMP 301:

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

Note: Several analytical results submitted with the NPDES permit application did not achieve the Department's minimum quantitation limitations (QLs), therefore, it is uncertain if these parameters are discharging at detectible concentrations. During the 30-day public comment period, the applicant may resample these parameters at the Department's QLs to verify that they are not present in the discharge. If it is determined that the parameters are not present in the discharge at the Department's QLs, they may be removed from the Final Permit. The effected pollutants are: Total Antimony and Total Copper and Department may re-evaluate the discharge using the new data.

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.

PA0013820, Industrial, SIC Code 3312, **ATI Flat Rolled Products Holdings, LLC**, 100 River Road, Brackenridge, PA 15014-1537. Facility Name: Brackenridge Facility. This existing facility is located in Harrison Township, **Allegheny County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial waste from the specialty metals manufacturing facility.

The receiving stream, Allegheny River (WWF), is located in State Water Plan watershed 18-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 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily 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>	
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 002 are based on a design flow of 0.50 MGD.—Final 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>Daily 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
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	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
Bromide	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 102 are based on a design flow of 2.85 MGD.—Final 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>Daily 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	1.0	1.25
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Total Suspended Solids	279	740	XXX	15.0	40.0	50
Oil and Grease	95	190	XXX	Report	10.0	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	Report	XXX
Cyanide, Total	XXX	XXX	XXX	0.12	0.29	0.36
Fluoride, Total	XXX	XXX	XXX	26.4	59.5	74.4
Iron, Total	XXX	XXX	XXX	0.61	1.20	1.5
Lead, Total	XXX	XXX	XXX	0.20	0.42	0.53
Titanium, Total (as Ti)	XXX	XXX	XXX	0.41	0.94	1.18
Zinc, Total	XXX	XXX	XXX	0.61	1.46	1.83
Bromide (ug/L)	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0 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>Daily Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
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 004 are based on a design flow of 0.70 MGD.—Final 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>Daily 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
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	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 104 are based on a design flow of 2.0 MGD.—Final 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>Daily 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	9.5
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	1.25
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Total Suspended Solids	255	595	XXX	30.0	70.0	87.5

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average</i>	<i>Daily</i>	<i>Daily</i>	<i>Average</i>	<i>Daily</i>	
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	74.0	222	XXX	10.0	30.0	XXX
Chromium, Total	3.40	8.50	XXX	0.4	1.0	1.25
Iron, Total	XXX	XXX	XXX	7.3	14.6	18.3
Nickel, Total	2.55	7.63	XXX	0.3	0.9	1.13
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 005 are based on a design flow of 6.00 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average</i>	<i>Daily</i>	<i>Daily</i>	<i>Average</i>	<i>Daily</i>	
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
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 007 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average</i>	<i>Daily</i>	<i>Daily</i>	<i>Average</i>	<i>Daily</i>	
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
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 008 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average</i>	<i>Daily</i>	<i>Daily</i>	<i>Average</i>	<i>Daily</i>	
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
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 901 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average</i>	<i>Daily</i>	<i>Daily</i>	<i>Average</i>	<i>Daily</i>	
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
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 908 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average</i>	<i>Daily</i>	<i>Daily</i>	<i>Average</i>	<i>Daily</i>	
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily 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>	
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

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

- 40 CFR 316(b) conditions related to cooling water intake structures

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

The EPA Waiver is not in effect.

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

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD090079	New	Joseph Palmieri, Lauri Saft 110 Bridgewater Drive New Hope, PA 18938-2238	Solebury Township Bucks County	SERO
PAD510061 A-1	Amend	3600 Haverford Avenue Associates, LP Charles D. Lomax 200 Highpoint Drive Suite 215 Chalfont, PA 18914-3925	City of Philadelphia Philadelphia County	SERO
PAD510209	New	Richmond Street Developers, LLC 2337 Philmont Avenue 2nd Floor Huntingdon Valley, PA 19006-6200	City of Philadelphia Philadelphia County	SERO
PAD390218	New	Good Shepherd Rehabilitation Network 850 S. 5th Street Allentown, PA 18103	Upper Saucon Township Lehigh County	NERO
PAD210077	New	Louise Neal 474 Pine Grove Road Gardners, PA 17324	Dickinson Township Cumberland County	SCRO
PAD020051	New	O'Hara Township 325 Fox Chapel Road Pittsburgh, PA 15238	O'Hara Township Allegheny 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>
Kish View Farm 4733 E. Main Street Belleville, PA 17004	Mifflin	778	1,279.63	Dairy Cows	Tea Creek— HQ, CWF Kish Creek— HQ, CWF	Approved

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).

Southeast Region: Safe Drinking Water Program, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5887.

Contact: Kimberleigh Rivers, Clerk Typist 2, 424.250.5887.

Permit No. 4621512, Public Water Supply.
Applicant **Thomas Jefferson Landsdale Hospital**
111 South 11th Street
Philadelphia, PA 19107

Township Hatfield
County **Montgomery**
Responsible Official Edward A. Sampey
111 South 11th Street
Philadelphia, PA 19107
Type of Facility PWS
Consulting Engineer Klenzoid, Inc.
912 Spring Mill Avenue
Conshohocken, PA 19428
Application Received Date October 13, 2021
Description of Action Addition of disinfectant to existing building water system.

Permit No. 0921519, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
762 West Lancaster Avenue
Bryn Mawr, PA 19010
Township New Hanover
County **Bucks**
Responsible Official Joseph G. Thurwanger
Aqua Pennsylvania, Inc.
762 West Lancaster Avenue
Bryn Mawr, PA 19010
Type of Facility PWS
Consulting Engineer Pennoni Associates, Inc.
1501 Main Street
Suite 220
Warrington, PA 18976
Application Received Date September 30, 2021
Description of Action The construction of a 750,000-gallon gravity water storage tank for the Aqua Pennsylvania Superior Water System.

Permit No. 4621514, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
762 West Lancaster Avenue
Bryn Mawr, PA 19010
Township Lower Merion
County **Montgomery**

Responsible Official	Joseph G. Thurwanger Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010
Type of Facility	PWS
Consulting Engineer	Pennoni Associates, Inc. 1501 Main Street Suite 220 Warrington, PA 18976
Application Received Date	September 30, 2021
Description of Action	The construction of a 750,000-gallon gravity water storage tank for the Aqua Pennsylvania Superior Water System.

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

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

Application No. 3921510, Public Water Supply.

Applicant	Northwestern Lehigh School District 6636 Northwest Rd. New Tripoli, PA 18066-2038
Township	Heidelberg Township Lehigh County
Responsible Official	Jennifer Holman Superintendent Northwestern Lehigh School District 6636 Northwest Rd. New Tripoli, PA 18066-2038
Type of Facility	PWS
Consulting Engineer	Charles Myers, PE Barry Isett & Associates 85 S. Rte. 100 Allentown, PA 18106
Application Received Date	October 13, 2021
Description of Action	This project involves the replacement of a well pump for the Northwestern Lehigh Middle School in addition to the replacement of the old treatment system with one identical to the permitted and installed system in the High School which consists of a chlorinator, new sedimentation filter, a triplex booster pump system, and treated water storage tanks.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995
PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent (NOI) to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a (NOI) to Remediate with the Department. A NOI to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under Sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the NOI to Remediate is published in a newspaper of general circulation in the area of the site. For the following identified site(s), proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30-days of the following specified date. During this comment period the municipality may request that the following identified person, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

For further information concerning the content of a NOI to Remediate, please contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

The Department of Environmental Protection has received the following Notice(s) of Intent to Remediate:

Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

WR 22 Five E's Well Pad, 1203 Williams Road, Friendsville, PA 18818, Middletown Township, **Susquehanna County**. Folsom Engineering, 117 Roger Hollow

Road, Mehoopany, PA 18629, on behalf of SWN Production Company LLC, 917 State Route 92 North, Tunkhannock, PA 18657, submitted a Notice of Intent to Remediate. Soil was contaminated by drill cuttings from natural gas wells. Future use of the site will be residential. The Notice of Intent to Remediate was published in the *Susquehanna Transcript* on October 27, 2021.

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

Miller Chemical & Fertilizer, LLC, 120 & 170 Radio Road, Hanover, PA 17331 (and other unidentified properties), Conewago Township, **Adams County**. Ramboll US Corporation, 4350 North Fairfax Drive, Suite 300, Arlington, VA 22203, on behalf of Miller Chemical & Fertilizer, LLC, 120 Radio Road, Hanover, PA 17331, submitted a Notice of Intent to Remediate site groundwater contaminated with metals and fertilizer. The site will be remediated to the background, residential Statewide health, and site-specific standards. Future use of the site will be for agricultural, industrial/quarry, and undeveloped land evaluated for unrestricted use. The Notice of Intent to Remediate was published in *The York Evening Sun* on September 30, 2021.

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

Vancore, Inc. Project, Interstate 80 at MM 178.6W, Mill Hall, PA 17751, Lamar Township, **Clinton County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of Vancore, Inc., 430 Glendale Road, Glenview, IL 30025, has submitted a Notice of Intent to Remediate concerning site soils contaminated with diesel fuel. 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 July 19, 2021.

Esposito Property HHO Release, 1912 W Rt 973 Hwy, Cogan Station, PA 17728, Lycoming Township, **Lycoming County**. Keystone Consulting Engineers, Inc., 2870 Emerick Blvd, Bethlehem, PA 18020, on behalf of Jason Esposito, 1912 W Rt 973 Hwy, Cogan Station, PA 17728, has submitted a Notice of Intent to Remediate concerning site soils 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 *Williamsport Sun-Gazette* on September 29, 2021.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 1940, 484-250-5787, Charline Bass.

56 & 60 West Marshall Avenue, 56 & 60 West Marshall Avenue, Lansdowne, PA 19050, Lansdowne Borough, **Delaware County**. Jennifer Poole, PG, Pennoni Associates, Inc., 1900 Market Street, Philadelphia, PA 19103 on behalf of Mark Fuessinger, One Creative, 16 Campus Boulevard, Newtown, PA 19073 submitted a Notice of Intent to Remediate. Chlorinated compounds were detected in soil and groundwater at the site. The site will continue to be used for commercial/industrial purposes. The proposed cleanup standard for the site is the site-specific standard. The Notice of Intent to Remediate was published in the *Daily Times* and *Sunday Times* on September 23, 2021.

MUNICIPAL WASTE GENERAL PERMITS

Application(s) 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 Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

General Permit Application No. WMGM044-NE003. Revolution Recovery Lehigh Valley, LLC, 7333 Milnor Street, Philadelphia, PA 19136. A renewal application for continued coverage under general permit number WMGM044 for the processing of wood and construction/demolition material for beneficial use as mulch, soil erosion control material, aggregate material in construction, animal bedding, and alternative fuel at a site located in the City of Allentown, **Lehigh County**. The application was received on October 25, 2021 and deemed administratively complete on October 26, 2021.

Comments concerning the application should be directed to Roger Bellas, Environmental Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability Modification Approved Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and 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 No. WMGR123SW048. EQT Production Company, 400 Woodcliff Drive, Canonsburg, PA 15317. A Determination of Applicability for operation under General Permit WMGR123 for the processing and beneficial use of oil and gas liquid waste at the Glass Joe Aboveground Storage Tank Facility, 683 Greene Valley Road, Aleppo, PA 15310 in Aleppo Township, **Washington County**, was issued by the Regional Office on October 20, 2021.

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.

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.

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

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

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Department of Environmental Protection (DEP) intends to issue a **Plan Approval # 39-00006H to American Craft Brewery LLC**, 7880 Penn Drive, Breinigsville, PA 18031-1508, for their plant located in Upper Macungie Township, **Lehigh County**. The facility currently has Title V Operating Permit No. 39-00006. This plan approval will be incorporated into the Title V operating permit through an administrative amendment at a later date, and the action will be published as a notice in the *Pennsylvania Bulletin*.

Plan Approval No. 39-00006H is to increase the permitted throughput limit for Source ID 161—Off Spec Product Destruction-Can Crusher operating at the facility. The company has submitted a plan approval application to correct the Can Crusher throughput limit in the TVOP based on a more accurate accounting of the actual operating rate and more accurately determined VOC emissions factor for the Can Crusher. Based on study conducted, the company has requested to increase the permitted throughput limit of the Can Crusher to 44,355 barrels based on a 12-month rolling sum. The proposed Can Crusher throughput limit increase will not affect the permitted Volatile Organic Compounds (VOC) emissions limit for the Can Crusher. There will be no physical equipment change, nor a change in the method of operation associated with this correction. This increase in throughput limit will not affect the permitted facility-wide annual throughput restrictions of total produced and total packaged product.

A review of the information submitted by the company indicates that the proposed project will meet all applicable State and Federal air quality requirements. Based upon these findings, DEP plans to approve the application and issue a permit for the facility.

In order to assure compliance with the applicable standards, DEP will place conditions in the plan approval.

The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

Any person(s) wishing to provide DEP with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit

No. 39-00006H and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Raymond Kempa, P.E., EEM, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701, Phone 570-826-2507 within 30 days after publication date.

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.

28-03013A: Grove Bowersox Funeral Home, Inc. (50 South Broad Street, Waynesboro, PA 17268) for a new crematory unit at their funeral home located in Waynesboro Borough, **Franklin County**. Potential emissions from the new crematory unit are estimated to be the following: 2.19 tpy of CO, 2.63 tpy of NO_x, 2.14 tpy of PM₁₀, 0.96 tpy of SO₂, and 0.19 tpy of VOC. The plan approval will be incorporated into the facility's State-Only Operating Permit upon completion of the project. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department proposes to issue a plan approval for the proposed operation. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval may be incorporated into the facility Operating Permit pursuant to the provisions of 25 Pa. Code Chapter 127.

36-03217A: Charles F. Snyder Funeral Home, Inc./Willow Street (3110 Lititz Pike, Lititz, PA 17543) for the installation of a human crematory at the funeral home located in West Lampeter Township, **Lancaster County**. Potential emissions are estimated to be 3.06 tpy of PM, 1.31 tpy of NO_x, 4.38 tpy of CO, 1.10 tpy of SO_x and 1.31 tpy of VOCs. The facility is a State Only facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the

plan approval may be incorporated into an Operating Permit pursuant to the provisions of 25 Pa. Code Chapter 127.

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

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

24-009L: Domtar Paper Company, LLC (100 Center Street, Johnsonburg, PA 15845). The Department of Environmental Protection intends to issue a plan approval to Domtar Paper Company for the modification of their black liquor evaporation system (part of existing Source 001—Kraft Mill) at their Johnsonburg Mill facility located in Johnsonburg Borough, **Elk County**. This is an existing Title V facility. Public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44.

This project aims to increase the actual pulping capabilities of the mill through modification of the existing evaporator system and subsequent increased flow of concentrated black liquor from the evaporator system to the chemical recovery furnace. The chemical recovery furnace's black liquor solids (BLS) throughput capacity will not be changed as part of this project. It will remain 58.2 tons of BLS per hour.

This project consists of two components. Domtar will divide the existing Tubel concentrator into two chambers and install two additional low energy concentrators after the existing five-effect evaporator train. Division of the unit into two chambers would result in less overall production downtime. The changes would better allow Domtar to maintain the evaporation system's target throughput of 1,250 gpm.

Increasing the actual black liquor throughput would result in the gain of approximately 35 metric tons of air-dried bleached pulp production per day. Change of the evaporator system's design capacity is not proposed nor an increase in paper production. This project would decrease the amount of pulp purchased offsite sources.

This project would result in an increase of actual emissions from modified and affected sources. The Kraft Mill (Source 001) is the only modified source. The following sources will be affected by this project: Chemical Recovery Furnace (Source 037A), Smelt Dissolving Tank (Source 109), Lime Unloading System—Fresh Lime Silo & Reburned Lime Silo (Source 112), Lime Kiln (Source 115) Liquor Clarifiers (Source 123), Lime Mud Handling System (Source 124) Dregs Handling System (Source 125), and Woodyard Activities (Source 129). The Paper Machines (Source ID 119) are not considered affected emissions units because they currently operate at capacity. Emissions from the stacks of Bleach Plant Scrubber (Control Device C122) and NCG Incinerator (Control Device C001A) will also increase.

The Plan Approval will contain testing, recordkeeping, emission restriction, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Issuance of an Operating Permit or incorporation of a plan approval into a current Operating Permit is contingent upon satisfactory compliance with the plan approval conditions, upon the source and control device being installed and operated as stated within the application, and upon satisfactory demonstration that the emissions from the source will not be in violation of applicable Rules and Regulations of the Department.

Special conditions will include the following:

If at any time the Department has reason to believe that the air contaminant emissions are, or may be, in excess of any applicable air contaminant emission limitation, the owner or operator shall conduct such stack tests or source tests requested by the Department.

All requirements of the current facility operating permit (TVOP 24-00009) and of current plan approvals remain in effect, as applicable, unless modified by this plan approval. The conditions of this plan approval supersede the conditions of previous authorizations.

VOC emissions from Source 001 (Kraft Mill) shall not exceed 0.49 tpy (twelve-month roll average). NO_x emissions from Source 037A (Chemical Recovery Furnace) shall not exceed: 114 ppmv dry corrected to 8% oxygen (30-day rolling average), 103.5 lb/hr (30-day rolling average), or 453.35 tpy based on a 12-month rolling average. VOC emissions from Source 109 (Smelt Dissolving Tank) shall not exceed: 2.39 tpy based on a 12-month rolling average. VOC emissions from Source 115 (Lime Kiln) shall not exceed: 2.17 tpy based on a 12-month rolling average. VOC emissions from Source 120 (Wastewater Treatment Plant) shall not exceed: 2.41 tpy based on a 12-month rolling average. VOC emissions from Source 122 (Bleach Plant) shall not exceed: 6.87 tpy based on a 12-month rolling average. VOC emissions from Source 123 (Liquor Clarifiers) shall not exceed: 6.40 tpy based on a 12-month rolling average. VOC emissions from Source 124 (Lime Mud Handling) shall not exceed: 9.87 tpy based on a 12-month rolling average. VOC emissions from Source 125 (Dregs Handling System) shall not exceed: 0.99 tpy based on a 12-month rolling average.

The evaporative system will become subject to portions of 40 CFR Part 60, Subpart BBa. Those applicable conditions will be incorporated into the plan approval.

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

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval 24-009L: Domtar Paper Company and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Eric Gustafson, 230 Chestnut St., Meadville, PA 16335, Phone (814) 332-6819.

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

OPERATING PERMITS

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

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

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

46-00038: Exelon Generation Company/Limerick Generation Station (Evergreen and Sanatoga Roads, Sanatoga, PA 19464), located in Limerick Township, **Montgomery County**. This action is a renewal of the Title V Operating Permit. The facility primarily provides for electric power generation and operates three boilers and thirteen emergency generators. They also operate two cooling towers and an emergency spray pond. The facility emits nitrogen oxides and sulfur oxides from the boilers and generators, and particulate matter emissions from the cooling tower and spray pond. As a result of potential emissions of nitrogen oxide emissions (NO_x), the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal contains new regulations that apply to the boilers and emergency generators at this facility. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

46-00198: Blommer Chocolate Company (1101 Blommer Drive, East Greenville, PA 18041) is a Title V facility located in Upper Hanover Township, **Montgomery County**. This action is a significant modification of the Title V Operating Permit in accordance with 25 Pa. Code § 127.541, to incorporate Plan Approval No. 46-0198P and the applicable requirements under 40 CFR PART 64—Compliance Assurance Monitoring (CAM) for Source ID 113A and associated control devices. The proposed Title V Operating Permit contains all applicable requirements including monitoring, recordkeeping, reporting, and work practices. It does not authorize any increase in air emissions of regulated pollutants.

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

Southcentral Region: Air Quality Program, 909 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.

67-05006: York County Solid Waste and Refuse Authority (2700 Blackbridge Road, York, PA 17406-7901) to issue a Title V Operating Permit for the Resource

Recovery Center in Manchester Township, **York County**. This is for renewal of the Title V permit. The facility 2020 actual air emissions were 2.10 tons VOC, 11.60 tons PM₁₀, 4.20 tons PM_{2.5}, 4.41 tons HAP total, 4.40 tons HAP-HCl, 463.24 tons NO_x, 67.20 tons SO_x, and 106.80 tons CO. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other requirements in the permit, certain sources at the facility are subject to the requirements of 40 CFR 60 Subpart Cb—Emissions Guidelines and Compliance Times for Large Municipal Waste Combustors That are Constructed on or before September 20, 1994, 40 CFR 60 Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines and 40 CFR 63 Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

06-05007: Carpenter Technology Corporation (101 Bern Street, Reading, PA 19601) to issue a Title V Operating Permit for the specialty stainless steel plant located in Reading City, **Berks County**. The actual emissions from the facility in 2020 are estimated at 284.5 tons CO, 171.8 tons NO_x, 49.5 tons PM₁₀, 14.1 tons PM_{2.5}, 13.2 tons SO_x, 45.3 tons VOC and 12.9 tons total HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.63, CAM, 40 CFR 60 Subpart Dc, 40 CFR 60 Subpart AAa, 40 CFR 60, Subpart 60 Subpart JJJJ, 40 CFR 61 Subpart E, 40 CFR 63 Subpart T and 40 CFR 63 Subpart ZZZZ.

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

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

53-00003: National Fuel Gas Supply Corporation (6363 Main Street, Williamsville, NY 14221-5855) to issue a renewal Title V operating permit for their Ellisburg Compressor Station located in Allegany Township, **Potter County**. The facility is currently operating under Title V Operating Permit 53-00003. The facility's sources include one 1,000 horsepower compressor engine, two 2,000 horsepower compressor engines, one 2,850 horsepower compressor engine, two 3,000 horsepower compressor engines, two 1,300 horsepower compressor engines, one 4,445 horsepower compressor engine, two 4,735 horsepower compressor engines, two 133 mmcf/d dehydration units, one 803 horsepower emergency generator, two 684 horsepower emergency generators, twenty-eight VOC storage tanks, pipeline valves and flanges, pneumatic devices, venting/blowdown operations, pigging operating and numerous small boilers, pipeline heaters, water heaters and space heaters. The facility has the potential to emit 444.02 tons of nitrogen oxides (NO_x) per year, 464.79 tons of carbon monoxide (CO) per year, 205.97 tons of volatile organic compounds (VOCs) per year, 0.87 ton of sulfur oxides (SO_x), 8.48 tons of particulate matter (PM, including PM₁₀) per year and 28.23 tons of hazardous air pollutants. No emission or equipment changes are 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 require-

ments of Subpart JJJJ of 40 CFR Part 60, Subpart HHH of 40 CFR Part 63, Subpart ZZZZ of 40 CFR Part 63, Subpart ZZZZ of 40 CFR Part 63 and 25 Pa. Code Article III, 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.

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.

46-00049: Intellus (431 Yerkes Rd, King of Prussia, PA 19406), located in Upper Merion Township, **Montgomery County**. This action is for the renewal of Synthetic Minor Operating Permit. The facility has a VOC emissions limit of 20 tpy and HAPs emissions limit of 1 tpy. The facility is involved in printing marketing material for various industries. Intellus operates eight (8) UV ink presses, two (2) heat set ink presses along with various machines for cutting, gluing and envelope making. The permit contains all applicable requirements including monitoring, recordkeeping and reporting.

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.

09-00134: Harsco Corporation (905 Steel Road South, Fairless Hills, PA 19030) for the renewal of a Natural Minor State Only Operating Permit. The initial permit was issued on May 24, 2005, for operation of a slag roofing granules plant in Falls Township, **Bucks County**. Sources include a rotary dryer (Source ID 100), various screens, crushers, conveyors, and silos (Source ID 101), a portable crusher, and an Abrasive Blast Room. Emissions of PM from Source IDs 100 and 101 are each controlled with dust collection systems. There are no emission increases being authorized under the State Only Operating Permit renewal. The following are potential site-wide emissions: NO_x—10.44 TPY; SO_x—0.10 TPY; PM—121.93 TPY; CO—8.14 TPY; and VOC—0.60 TPY. The permit will continue to include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

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

06-05084: Electro Space Fabricators, Inc. (300 W. High Street, Topton, PA 19562) to issue a State Only

Operating Permit for the steel and aluminum enclosure manufacturing facility located in Topton Borough, **Berks County**. The actual emissions from the facility in 2020 year are estimated at 0.81 tpy of VOCs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.52 Surface coating processes, 40 CFR Part 63, Subpart WWWW—National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations and 40 CFR Part 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

28-03013: Grove Bowersox Funeral Home, Inc. (50 South Broad Street, Waynesboro, PA 17268) to issue a State Only Operating Permit for the crematory located in Waynesboro Borough, **Franklin County**. The potential emissions are estimated at 2.08 tpy of NO_x, 1.73 tpy of CO, 1.60 tpy of PM₁₀, 0.71 tpy of SO_x, and 0.15 tpy of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

01-05019: ACME Composites (262 Church Street, Hanover, PA 17331), for a natural minor operating permit for a fiberglass reinforced plastic auto body roof panel production shop located in Conewago Township, **Adams County**. The primary emissions from the operation are VOC and HAP. The 2020 AIMS emissions were 1.17 tons of VOC including 1.17 tons of HAP, and 0.02 ton of PM₁₀. The Operating Permit will include emission standards and work practice standards along with monitoring, recordkeeping, and reporting requirements designed to ensure the facility complies with the applicable air quality regulations.

06-03094: K&L Woodworking, Inc. (440 N 4th Street, Reading, PA 19601) to issue a renewal of the State-Only Operating Permit for the custom cabinets and shelving manufacturing operations at the Reading plant in the City of Reading, **Berks County**. The facility's potential-to-emit VOCs is approximately 16.9 tpy. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions for both the surface coating operations covered under 25 Pa. Code § 129.52 and the application of sealants and adhesives as referenced in § 129.77.

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

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

17-00050: GKN Sinter Metals LLC (One Tom Mix Drive, DuBois, PA 15801) for the State Only Operating Permit renewal authorization for their powdered metal parts manufacturing facility in DuBois City, **Clearfield County** that is considered to be a true or Natural Minor facility. The sources are comprised of the powdered metal parts sintering furnaces (Sources ID P006, P007, P025, P101, P104 and P105), as well as the parts degreasing and other solvent or other VOC containing material usage operations (Sources ID P102, P103, P106 and P107). The type and quantity of pollutants emitted on a facility-wide

potential emissions basis are provided, as follows: 4.67 tpy PM₁₀ & PM_{2.5}; 0.062 tpy SO_x; 6.67 tpy NO_x; 5.40 tpy CO; 2.63 tpy VOC; 0.126 TPY HAP; and 10,060 tpy CO₂, based on the information provided to the Department. No modifications to the facility occurred over the permit term. There were several minor changes that were approved via RFDs or submitted by notification from the company. All changes made to the facility throughout the permit term will be incorporated into the proposed operating permit renewal authorization. All new and existing furnaces are to be operated in accordance with the plan approval exemption criteria for powdered metal sintering furnaces, pursuant to 25 Pa. Code § 127.441. The existing in-line degreaser (Source ID P106) is subject to 25 Pa. Code § 129.63(c). Moreover, the permit renewal authorization for GKN DuBois Plant # 4 incorporates all other applicable requirements to the facility, including appropriate testing, monitoring, recordkeeping, reporting and work practice conditions to verify compliance. The applicable requirements are derived from 25 Pa. Code Chapters 121—145 (relating to Air Resources). All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP'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.

18-00003: Martins Creek, LLC (600 Hamilton St., Ste. 600, Allentown, PA 18101) to issue a State Only (Synthetic Minor) Operating Permit for their Lock Haven Combustion Turbine Site located in Bald Eagle Township, **Clinton County**. The facility is currently operating under State Only (Synthetic Minor) Operating Permit 18-00003. The facility's main sources include one 282 MMBtu/hr Pratt and Whitney model FT4 diesel-fired combustion turbine and one 100,000-gallon diesel storage tank. The facility has potential emissions of <100 TPY of CO; <100 TPY of NO_x; <100 TPY of SO_x; <100 TPY of PM/PM₁₀/PM_{2.5}; <50 TPY of VOCs; <10 TPY of any individual HAP; <25 TPY combined HAPs; 12,862 TPY CO₂e. The emission limits 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.

41-00067: Glenn O. Hawbaker, Inc. (711 East College Ave., Bellefonte, PA 16823) for issuance of a State-Only (Synthetic Minor) Operating Permit renewal for operation of its Montoursville Plant # 15 facility located in Loyalsock Township, **Lycoming County**. The facility is currently operating under State-Only (Synthetic Minor) Operating Permit SMOP 41-00067. The facility operates an oil preheater, a drum mix asphalt plant, a RAP processing system, and fuel oil storage tanks. The facility is authorized, via GP3-41-00067 and GP11-41-00067, to operate 3 portable crushers and 2 portable screeners and their associated engines a maximum of 800 hours per year. This facility has the potential to emit 68.33 tons of carbon monoxide, 42.16 tons of nitrogen oxides, 22.27 tons of particulate matter (including particulate matter less than 10 microns and particulate matter less than

2.5 microns), 73.02 tons of sulfur oxides, 29.16 tons of volatile organic compounds, 5.75 tons of hazardous air pollutants, and 31,389 tons of CO₂e. 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 40 CFR Part 60 and 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, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

65-00732: Excelsa Health (1 Mellon Way, Latrobe, PA 15650-1197). In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department is providing notice that it intends to issue a synthetic minor State Only Operating Permit to authorize the operation of the Latrobe Hospital located in the City of Latrobe, **Westmoreland County**. Equipment at this facility includes two (2) 35.7 MMBtu/hr natural gas-fired boilers with No. 2 fuel oil as back-up, four (4) No. 2 fuel oil-fired emergency generator engines, and two (2) ethylene oxide sterilizers.

Potential emissions from this facility are based on unlimited hours of operation for the two boilers and a limit of 300 hours of operation per consecutive 12-month period for each emergency generator and are estimated to be 43.40 tons NO_x, 2.73 tons VOC, 28.49 tons CO, 3.23 tons particulate matter, 1.02 tons SO₂, 0.02 ton HAP, and 37,267 tons GHG. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The proposed operating permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice standards requirements.

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 following name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Operating Permit 65-00732) 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.

16-00094: IA Construction Corp., Clarion HMA Plant (19000 Paint Blvd., Shippensburg, PA 16254). The Department intends to issue the renewal State-Only Operating Permit of a hot mix asphalt plant located in Paint Township, **Elk County**. Subject to a 495,000-TPY asphalt production restriction to limit CO emissions below the 100-TPY major source threshold, the facility is Synthetic Minor for permitting purposes. In this renewal, a 350-hp diesel engine, which powers an existing portable RAP crushing plant onsite, is added as a permitted source. A 449-hp diesel engine, which was replaced by the 350-hp diesel engine, is removed from the permit. Requirements based on RFDs approved and conditional exemptions pursuant to 25 Pa. Code § 127.14(a)(8) are removed because they are not enforceable as permit conditions.

42-00133: Collins Pine Company/Kane Hardwood Division (95 Hardwood Drive, Kane, PA 16735-3011). The Department is providing notice that they intend to renew a State Only Natural Minor Operating Permit for the sawmill and kiln operations located in Wetmore Township, **McKean County**. The facility's primary emission sources include the 38 mmBtu/hr wood-fired boiler controlled by a cyclone, sawmill operations, ten (10) lumber-drying kilns, a cold solvent degreaser, a dimension plant, and shipping operations. The potential emissions of the primary pollutants from the facility are as follows: 81.56 TPY (tons per year) NO_x, 99.86 TPY CO, 3.16 TPY VOC, 46.88 TPY filterable PM₁₀ and PM_{2.5}, and 4.16 TPY SO_x; thus, the facility is a natural minor. The wood boiler is subject to 40 CFR 63 Subpart JJJJJJ, NESHAP for Industrial, Commercial, and Institutional Boilers Area Sources. 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.

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 renewal Natural Minor Operating Permit for the following facility:

OP17-000030: United States Postal Service (USPS) Philadelphia Processing and Distribution Center (7500 Lindbergh Boulevard, Philadelphia, PA 19176), for the operation of air emission sources in a mail sorting and distribution hub, in the City of Philadelphia, **Philadelphia County**. The facility's significant air emission sources are seven (7) external combustion units, which include two (2) boilers firing natural gas each rated 7.323 MMBtu/hr, one (1) boiler firing natural gas rated 3.347 MMBtu/hr, and two (2) hot water heaters, one (1) heating and ventilation unit, and one (1) rooftop unit each firing natural gas and each rated less than or equal to 0.40 MMBtu/hr, one (1) emergency generator firing

diesel fuel rated 449 HP, and one (1) blower and associated unit used as a particulate control device rated 3,920 CFM. Additionally, the facility has sixty (60) insignificant unit heaters or hot water heaters each rated less than 0.25 MMBtu/hr that are included in the Natural Minor Operating Permit for facility-wide emission calculation, and they are required to follow the applicable requirements in the Natural Minor Operating Permit.

The changes made as part of the renewal include the following:

- In Section A, updated the facility name, owner name, facility contact, and responsible official for the facility, and added the permit contact email.
- Updated the Facility Inventory List in Table A1 to update the manufacturer, model no., serial no., and rated capacity information for some of the units, and added a Table for the blower and associated units.
- Updated the process flow diagram for consistency with Table A1.
- In Section D: Source Specific Requirements,
 - Added Condition D.1.(c)(1)-(2) to add the PM emission limit for the blower and associated units.
 - Updated or added installation, maintenance, and operating requirement for the external combustion units, emergency generator, and blower and associated units in Conditions D.2.(a)(1), D.2.(b)(1), and D.2.(c)(1).
 - Updated Condition D.2.(a)(2) to remove reference to No. 2 oil since none of the boilers burn No. 2 oil.
 - Updated Conditions D.2.(b)(4)(i) for the definition of emergencies for the emergency generator.
 - Updated Conditions D.2.(b)(5) for the AMR XV requirement to record the AQI forecast based on updated websites.
 - Removed the sound and vibration level requirements since the Conditions are not related to air emission; however, the facility still needs to comply with the requirements.
 - Added Conditions D.2.(c)(2)—(5) to add the work practice standards for the blower and associated units.
 - Added Condition D.3.(b)(1) for the test method for NO_x and D.3.(b)(2)(i) to specify compliance verification with PM limit based only on Method 5.
 - Updated the monitoring requirement in Section D.4 and recordkeeping requirement in Section D.5.
 - Added Sections D.4.(c) and D.5.(c) for the monitoring and recordkeeping requirements for the blower and associated units.

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

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

The City of Philadelphia, Air Management Services (AMS) intends to issue a Synthetic Minor Operating Permit Renewal for operation of air pollution sources at the following facility:

OP21-000016: Philadelphia Gas Works, Passyunk Plant, 3100 West Passyunk Avenue, Philadelphia, PA 19145, for the operation of natural gas utility, in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three (3) boilers firing natural gas each rated less than 60 MMBtu/hr, one (1) heater firing natural gas rated less than 9 MMBtu/hr, four (4) emergency generators firing diesel fuel rated 1,250 HP, 465 HP, 617 HP, and 145 HP respectively, one (1) fire pump firing diesel fuel rated 890 HP, one (1) gasoline dispensing facility with gasoline vapor recovery system and one (1) thermal oxidizer firing natural gas. The operating permit will contain operating, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

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

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

COAL & NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

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

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the District Mining Office indicated above each application within 30-days of this publication,

or within 30-days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

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

Requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 (relating to public hearing-informal conferences) or § 86.34 (relating to in-

formal 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 acidity ¹			

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.

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

Permit No. 10120106. Amerikohl Mining, Inc., 202 Sunset Drive, Butler, PA 16001. Revision to an existing bituminous surface mine to change the post-mining land use from Forestland to Unmanaged Natural Habitat on the property of Charles & Roberta Cunningham, Barry Nulph, Terry & Natalie Deal, Larry & Judith Jones, and Paul Heller in Fairview and Parker Townships, **Butler County**. Receiving stream(s): Unnamed tributaries to South Branch Bear Creek classified for the following use(s): WWF, CWF. Application received: October 1, 2021.

Permit No. 10150101 and NPDES Permit No. PA0259675. K & A Mining, 119 Atwell Lane, Kennerdell, PA 16374. Transfer of an existing bituminous surface mine from Ben Hal Mining, Inc. in Marion Township, **Butler County**, affecting 48.0 acres. Receiving stream(s): Blacks Creek classified for the following use(s): CWF. Application received: September 14, 2021.

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

Permit No. 54900103C4. E.O.J., Inc., 2401 Summer Valley Road, New Ringgold, PA 17960, correction of an existing anthracite surface mine operation to relocate 7.9 acres for no net change in permit size in East Norwegian Township and Palo Alto Borough, **Schuylkill County** affecting 201.6 acres. Receiving stream: Upper Schuylkill River, classified for the following uses: CWF and MF. Application received: October 18, 2021.

Permit No. 54960202R5. City of Philadelphia, Trustee, Acting by the Board of Directors of City Trusts for Girard Estate, 1100 Market Street, Suite 2600, Philadelphia, PA 19107, renewal of an existing anthracite surface mine, coal refuse reprocessing, refuse disposal and preparation plant operation in Union, Butler and West Mahanoy Townships, **Schuylkill County** affecting 775.6 acres. Receiving streams: Shenandoah and Mahanoy Creeks, classified for the following uses: CWF, WWF and MF. Application received: October 19, 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.

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

Permit No. PA0119638 (Surface Mining Permit No. 4874SM1). County Line Quarry, Inc., 409 Stenton Avenue, Flourtown, PA 19031, renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Wrightsville Borough and Hellam Township, **York County**. Receiving stream: Kreutz Creek, classified for the following use: WWF. Application received: October 15, 2021.

Permit No. 58180803. James J. Foltz, 1353 Wright Road, Kingsley, PA 18826, Stage I & II bond release of a quarry operation in Brooklyn Township, **Susquehanna County** affecting 2.0 acres on quarry owned by James J. Foltz. Application received: October 14, 2021.

Permit No. 58070845. James J. Foltz, 1353 Wright Road, Kingsley, PA 18826, Stage I & II bond release of a quarry operation in Brooklyn Township, **Susquehanna County** affecting 1.0 acre on quarry owned by James J. Foltz. Application received: October 14, 2021.

Permit No. PA0226238 (Surface Mining Permit No. 58140805). Daniel Pompey, 1257 Pennay Hill Road, Kingsley, PA 18826, NPDES Permit for discharge of treated mine drainage from a quarry operation in New Milford Township, **Susquehanna County** affecting 6.4 acres. Receiving stream: Wellman Creek, classified for the following uses: CWF, MF. Application received: October 21, 2021.

MINING ACTIVITY NPDES DRAFT PERMITS

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

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

Effluent Limits for Coal Mining Activities

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

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

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

Alkalinity greater than acidity*

*The parameter is applicable at all times.

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

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

Effluent Limits for Noncoal Mining Activities

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

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

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

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

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

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

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

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

Coal NPDES Draft Permits

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

NPDES No. PA0262960 (Mining Permit No. 32100201), Robindale Energy Services, Inc., 224 Grange Hall Road, Armagh, PA 15920, renewal of an NPDES permit for discharge of water resulting from coal refuse reprocessing activities in Brush Valley Township, **Indiana County**, affecting 58.5 acres. Receiving stream: Blacklick Creek, classified for the following use(s): TSF. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: August 30, 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 Blacklick Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 (ST-1)	N
002 (TF-1)	N
003 (ST-2)	N
004 (ST-3)	N
006 (ST-4)	N
007 (ATF)	N

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

<i>Outfalls: 001—007 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0

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

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

NPDES No. PA0278483 (Mining Permit No. 65182001), Hanson Aggregates Pennsylvania LLC, 2200 Springfield Pike, Connellsville, PA 15425. A new of NPDES permit located in Unity Township, **Westmoreland County** affecting 500.0 surface acres. Receiving streams: UNT D to Ninemile Run classified for the following use: WWF. Application received: December 24, 2020.

The following stormwater outfalls discharge to UNT D to Ninemile Run

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

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Iron (mg/l)</i>	<i>-</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
		1.5	3.0	3.7

<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
Total 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
Net Alkalinity, Total (as CaCO ₃)	-	-	-	Report
Flow (gpm)	-	-	-	Report
Sulfate (mg/l)	-	-	-	Report
Specific Conductivity (µmhos/cm)	-	-	-	Report
Temperature (°C)	-	-	-	Report

The following stormwater outfall discharges are emergency spillways that discharge to UNT D to Ninemile Run in response to precipitation that exceeds a 10 yr/24 hr event.

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

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	-	-	-	3.7
Manganese (mg/l)	-	-	-	2.5
Aluminum (mg/l)	-	-	-	0.75
Total Suspended Solids (mg/l)	-	-	-	90
pH (S.U.)	6.0	-	-	9.0
Alkalinity, Total (as CaCO ₃) (mg/l)	-	-	-	Report
Acidity, Total (as CaCO ₃) (mg/l)	-	-	-	Report
Net Alkalinity, Total (as CaCO ₃)	-	-	-	Report
Flow (gpm)	-	-	-	Report
Sulfate (mg/l)	-	-	-	Report
Specific Conductivity (µmhos/cm)	-	-	-	Report
Temperature (°C)	-	-	-	Report

Noncoal NPDES Draft Permits

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

NPDES Permit No. PA0269930 (Mining Permit No. 53212801), North Penn Supply Quarries, LLC, 115 North East Street, Coudersport, PA 16915, new NPDES permit for noncoal surface mining in Sweden Township, **Potter County** affecting 8.0 acres. Receiving stream(s): Mill Creek classified for the following use(s): HQ-CWF. Application received: May 20, 2021.

There are no permitted NPDES outfalls, all water must be contained on site.

NPDES Permit No. PA0257788 (Mining Permit No. 53110301), North Penn Supply Quarries, LLC, 115 North East Street, Coudersport, PA 16915, renewal of an NPDES permit for noncoal surface mining in Sweden Township, **Potter County** affecting 21.0 acres. Receiving stream(s): Mill Creek classified for the following use(s): HQ-CWF. Application received: May 20, 2021.

There are no permitted NPDES outfalls, all water must be contained on site.

NPDES Permit No. PA0256307 (Mining Permit No. 17060301), Kinkead Aggregates, LLC, 2311 Route 56 Highway East, Homer City, PA 15748. Renewal of an NPDES permit for industrial (noncoal) mining in Bell Township, **Clearfield County** affecting 137.4 acres. Receiving stream(s): Bear Run classified for the following use(s): CWF. This receiving stream is included in the Bear Run Watershed TMDL. Application received: August 16, 2021.

The following outfalls discharge to Bear Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	N	Sediment Pond SP1
002	N	Sediment Pond SP2
003	N	Sediment Pond SP3
004	N	Treatment Facility TP1
005	N	Treatment Facility TP2

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

<i>Outfalls: 001—003 (All Discharges) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	2.0	4.0	5.0
Aluminum (mg/L)	2.0	4.0	5.0

<i>Outfalls: 001—003 (All Discharges)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)			Monitor & Report
Flow (gpm)			Monitor & Report
Temperature (°C)			Monitor & Report
Specific Conductivity (µmhos/cm)			Monitor & Report
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

<i>Outfalls: 004 and 005 (All Discharges)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	2.0	4.0	5.0
Aluminum (mg/L)	2.0	4.0	5.0
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)			Monitor & Report
Flow (gpm)			Monitor & Report
Temperature (°C)			Monitor & Report
Specific Conductivity (µmhos/cm)			Monitor & Report
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2522, (570) 621.3118.

NPDES Permit No. PA0594571 (Mining Permit Nos. 6276SM1 & 36930301), New Enterprise Stone and Lime Co., Inc., 3912 Brumbaugh Road, New Enterprise, PA 16664, revision to increase the Average Monthly Discharge of Pit Water from Outfall 001 from 0.552 MGD to 1.25 MGD and add a Daily Maximum Discharge of 2.00 MGD for the NPDES Permit in Salisbury Township, **Lancaster County**, affecting 93.1 acres. Receiving stream: unnamed tributary to Pequea Creek Watershed classified for the following use: HQ. Application received: February 2, 2021.

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.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>		<i>Type</i>	
001	No		Pit Water	
002	No		Stormwater	
003	No		Stormwater	

<i>Outfalls: 001</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instantaneous</i>
<i>Parameter</i>	<i>Minimum</i>	<i>Average</i>	<i>Maximum</i>
pH ¹ (S.U.)	6.0		9.0
Total Alkalinity (as CaCO ₃) (mg/L)			Monitor & Report
Total Acidity (as CaCO ₃) (mg/L)			Monitor & Report
Net Alkalinity (mg/L)	0.0		
Total Suspended Solids (mg/L)		35.0	70.0
Turbidity NTU			90.0
Discharge (MGD)		1.25	2.00
Oil and Grease (mg/L)			Monitor & Report

<i>Outfalls: 002 and 003</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instantaneous</i>
<i>Parameter</i>	<i>Minimum</i>	<i>Dry Weather Discharges</i> <i>30-Day</i> <i>Average</i>	<i>Maximum</i>
pH ¹ (S.U.)	6.0		9.0
Total Alkalinity (as CaCO ₃) (mg/L)			Monitor & Report
Total Acidity (as CaCO ₃) (mg/L)			Monitor & Report
Net Alkalinity (mg/L)	0.0		
Total Suspended Solids (mg/L)		35.0	70.0
Turbidity NTU		40.0	80.0
Oil and Grease (mg/L)			90.0
			Monitor & Report

<i>Precipitation Event Less Than or Equal to 10 year/24 Hour Precipitation Event</i>			
<i>Parameter</i>	<i>Minimum</i>	<i>Daily</i>	<i>Instantaneous</i>
pH ¹ (S.U.)	6.0		9.0
Total Alkalinity (as CaCO ₃) (mg/L)			Monitor & Report
Total Acidity (as CaCO ₃) (mg/L)			Monitor & Report
Net Alkalinity (mg/L)	0.0		
Total Settleable Solids (ml/L)			0.5

¹ This Parameter is applicable at all times.

NPDES Permit No. PA0593885. (Mining Permit Nos. 8275SM2, 36970301, 36990301 and 36080302), New Enterprise Stone & Lime Co., Inc., 3912 Brumbaugh Road, New Enterprise, PA 16664, revision to increase the Average Monthly Discharge of Pit Water from Outfall 001 from 1.05 MGD to 3.50 MGD and increase the Average Monthly

Discharge of Pit Water on Outfall 002 from 1.70 MGD to 4.60 MGD and Daily Maximum from 2.90 MGD to 5.10 MGD, in Earl and Ephrata Townships, **Lancaster County** affecting 261 acres. Receiving stream: unnamed tributary to Conestoga River and the Conestoga River Watershed classified for the following use: WWF. Application received: March 5, 2021.

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.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>		<i>Type</i>	
001	No		Pit water	
002	No		Pit Water	
<i>Outfalls:</i>				
<i>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 Alkalinity (as CaCO ₃) (mg/L)			Monitor & Report	
Total Acidity (as CaCO ₃) (mg/L)			Monitor & Report	
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Discharge (MGD) 001		3.5	3.9	
Discharge (MGD) 002		4.6	5.1	
Oil and Grease (mg/L)				Monitor & Report

¹ This Parameter is applicable at all times

NPDES Permit No. PA0595381 (Mining Permit No. 8275SM5), New Enterprise Stone & Lime Co., Inc., 3912 Brumbaugh Road, New Enterprise, PA 16664, revision to increase the Average Monthly Discharge of Pit Water from Outfall 001 from 0.5 MGD to 1.5 MGD and and Daily Maximum from 2.5 MGD to 2.6 MGD on the of NPDES Permit in east Cocalico Township, **Lancaster County** affecting 149.5 acres. Receiving stream: Stony Run tributary to Cocalico Creek Watershed, classified for the following uses: WWF. Application received: March 9, 2021.

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.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>		<i>Type</i>	
001	No		Pit Water	
<i>Outfalls: 001</i>				
<i>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 Alkalinity (as CaCO ₃) (mg/L)			Monitor & Report	
Total Acidity (as CaCO ₃) (mg/L)			Monitor & Report	
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Discharge (MGD)		1.50	2.60	
Oil and Grease (mg/L)				Monitor & Report

¹ This Parameter is applicable at all times.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8:00 AM and 4:00 PM on each working day at the office noted above the application.

If you are a person with a disability and wish to attend the hearing and you require an auxiliary aid, service or other accommodation to participate in the proceedings, please contact the specified program. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Applications Received Under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification Under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Southeast Region: Waterways & Wetlands Program, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5160, E-mail: ra-epww-sero@pa.gov.

Permit No. E1501221-015, PECO Energy Company, 2301 Market Street, N3-3, Philadelphia, PA 19103, City of Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

To construct and maintain approximately 1,640 LF of three new 4-inch electrical conduits along Heyward Road and Chesterbrook Boulevard via jack and bore process partially along and across the UNT to Valley Creek (EV-MF) associated with the new electrical cables replacement for the residential community. The project is located within the Tredyffrin Historic District, as mapped by the State Historic Preservation Office (SHPO).

The site is located along Heyward Road and Chesterbrook Boulevard (Valley Forge, PA USGS Quadrangle, Latitude: 40.076087; Longitude: -75.450267) in Tredyffrin Township, Chester County.

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

E5003221-001. Old Trail Campground, 1764 Old Trail Road, Liverpool, PA 17045 in Buffalo Township, **Perry County**, U.S. Army Corps of Engineers Baltimore District.

The applicant proposes to operate and maintain 1) three areas of forested wetland fill for the stability of roadways, totaling less than 0.01 acre, 2) two pedestrian crossings over emergent wetlands measuring 20 x 7 feet and 18 x 3 feet totaling less than 0.01 acre, 3) a pedestrian/vehicle crossing over a side channel of the Susquehanna River (WWF, MF) measuring 35 x 9 feet, and 3) a fire pit structure measuring 4 x 9 in the floodway of the Susquehanna River (WWF, MF). The purpose of the project is to operate a campground in Buffalo Township, Perry County (Latitude: 40.5524; Longitude: -76.9883).

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

E4104121-013. Pennsylvania Department of Transportation, Engineering District 3-0, P.O. Box 218 Montoursville, PA 17754-0218, S.R. 0220 Section 122, Widening and Safety Improvement Project Major Amendment in Piatt and Woodward Townships, **Lycoming County**, Baltimore ACOE (Linden, PA Quadrangle N: 41° 13' 55"; W: -77° 06' 38").

PA DOT Engineering District 3-0 proposes a major amendment to E41-696, which authorized the construction of the SR 0220, Section 122 Roadway Safety Improvement Project. The major amendment requests additional work to include:

1. Replacement of 110 L.F. of 48-inch Reinforced Concrete Pipe in Kind under the South Bound lanes of SR 0220 over an Unnamed Tributary to the Susquehanna River. The existing pipe deterioration was discovered during construction of adjacent sections.

2. Construction of a manhole and approximately 64 L.F. of 60-inch Reinforced Concrete Pipe outfall at the Young's Road jug handle. The outfall will result in 176 S.F. of additional wetland impact.

3. Young's Road profile change. The increase profile change will extend the roadway side slopes, which will result in 0.02 acre of additional wetland impact.

The remainder of the project will be unchanged and is currently in construction. The total additional wetland impacts will be mitigated at the Vargo Wetland Mitigation Bank. Unnamed Tributaries to the West Branch of the Susquehanna River are classified as Warm Water Fisheries by Title 25, Chapter 93 Water Quality Standards.

E1804121-003. Pennsylvania Department of Transportation, Engineering District 2-0, 70 Penn Dot Drive, Clearfield, PA 16830. SR 1001, Section C01 Farrandville Road Safety Improvement adjacent to the West Branch of the Susquehanna River in Woodward Township, **Clinton County**, ACOE Baltimore District (Lock Haven, PA Quadrangle; Latitude: 41° 08' 27"; Longitude: -77° 26' 35").

PA DOT Engineering District 2-0 proposes a roadway safety improvement project on SR 1001. The approximate location of the project starts at the Jay Street Bridge in Lock Haven and extends to River View Park. SR 1001 will be realigned for approximately 1,400 L.F. in the floodplain of the West Branch of the Susquehanna River. The project will include a sidewalk to accommodate pedestrian traffic. The project will utilize a 657 L.F. soldier pile wall to minimize impacts to the Susquehanna River. The project will result in 6,317 S.F. and 4,436 S.F. of permanent floodway impact. The project will result in 16,932 S.F. and 75,128 S.F. of permanent flood fringe impact. The project includes two outfalls to the Susquehanna River. The project will utilize a temporary causeway to construct the soldier pile wall, which will result in 907 L.F. of temporary impact to the Susquehanna River. The project does not propose any wetland impacts. The West Branch of the Susquehanna River is classified as a Warm Water Fishery by Title 25, Chapter 93 Water Quality Standards.

E5304121-001. Pennsylvania Department of Transportation, Engineering District 2-0, 70 Penn Dot Drive, Clearfield, PA 16830. SR 0449, Section A07 Bridge Replacement over Pine Creek in Ulysses Township, **Potter County**, ACOE Baltimore District (Brookland, PA Quadrangle; Latitude: 41° 51' 21"; Longitude: -77° 48' 51").

PA DOT Engineering District 2-0 proposes a bridge replacement project along SR 0449. The project includes replacing a Single Span Concrete Arch Culvert with a Single Cell Precast Concrete Box Culvert. The existing structure has a span of 10.0 Ft., a skew of 28 degrees, an underclearance of 5.5 Ft., and a low chord of 2,099.23 Ft. and a hydraulic opening of 50 Ft². The proposed single cell box culvert has a span of 10.0 Ft., a skew of 40 degrees, an underclearance of 6.0 Ft., and a low chord of 2,099.88 Ft. and a hydraulic opening of 60 Ft². The structure will be depressed 1.5 Ft. and include full width baffles to aid in aquatic passage. The project will utilize a sandbag diversion and clean water pump to convey the stream during construction. The project will utilize detour to convey traffic during construction. The project will temporarily impact 0.03 acre and permanently 0.01 acre of jurisdictional wetlands. The wetland impact is considered de minimis and does not require Mitigation. Pine Creek is classified as a High Quality Cold Water Fishery by 25 Pa. Code Chapter 93 Water Quality Standards and listed as a Class A Wild Trout Stream by the Fish and Boat Commission.

E4104121-007. Pennsylvania Department of Transportation, Engineering District 3-0, 715 Jordan Ave, Montoursville, PA 17754. SR 0014, Section 0300 Stream Stabilization Project at Lycoming Creek Run in McIntyre

Township, **Lycoming County**, ACOE Baltimore District (Ralston, PA Quadrangle; Latitude: 41° 31' 58"; Longitude: -76° 57' 22").

PA DOT Engineering District 3-0 proposes a project to stabilize Lycoming Creek along SR 0014. The project includes removing a 70 L.F. debris and deposition blockage from Lycoming Creek to restore flow to the main channel. In addition, PA DOT proposes to place approximately 160 L.F. of Grouted R-8 Rip Rap along the left bank of a braided section Lycoming Creek to stabilize the streambank and the SR 0014 roadway side slope. The project will utilize a temporary channel diversion to place the Rip Rap. The project will utilize a temporary haul road, which includes four 36-inch pipes to cross the braided section of Lycoming Creek. The project does not propose to impact any jurisdictional wetlands. Lycoming Creek is classified as a Cold Water Fishery by Title 25, Chapter 93 Water Quality Standards and listed as a Stocked and Wild Trout Stream by the PA Fish and Boat Commission.

Southwest Region: Oil & Gas Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222.

E0407221-005: Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840-1567. CTG Bea Pad in South Beaver Township, **Beaver County**, ACOE Pittsburgh District.

This Joint Permit Application is being submitted for after-the-fact authorization for permanent wetland impacts at the CTG Bea Pad in accordance with the Consent Decree *United States, et al. v. Chesapeake Appalachia, LLC*, Civil Action No. 4:21—00538-MWB CALLC entered into with the U.S. Environmental Protection Agency and PADEP on May 20, 2021. The project is to construct, operate and maintain 0.111 acre of permanent impact to on-site wetlands. All impacts are associated with the CTG Bea Pad construction in 2013. Finally, 0.780 acre of wetland credits are being purchased from the Robinson Fork Mitigation Bank to off-set the wetland impacts at a 7:1 area ratio.

There are no stream and floodway impacts associated with this after-the-fact authorization. The project will result in a total of 4,835 SF (0.111) acre) of permanent wetland impacts.

Wetland Impact Table:

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Cow. Class</i>	<i>Listed Trout</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
W-CMG-034	Midland	Conversion/Workspace	PFO (Other)	None			3,572		40.727147 -80.458685
W-CMG-035	Midland	Workspace	PFO (Other)	None			174		40.727467 -80.459410
W-CMG-034 & W-CMG-035	Midland	Fill	PFO (Other)	None			1,089		-40.727147 -80.458685 40.727467 -80.459410
TOTAL IMPACTS								4,835	

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

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

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

<i>SSIP Application No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
21009	Newpark Drilling Fluids LLC 21920 Merchants Way Katy, TX 77449 Attn: Darren Fogt	Lycoming	Williamsport City	Thirteen ASTs storing petroleum oil base mixture	273,000 gallons total

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended, and renewed NPDES and WQM permits, applications for permit waivers, and NOIs for coverage under General Permits, 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 Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0056472	Industrial Stormwater Individual NPDES Permit	Issued	Beyond Meat Inc. 119 Standard Street El Segundo, CA 90245	Charlestown Township Chester County	SERO
PAS222202	Industrial Stormwater Individual NPDES Permit	Issued	Bestway Of Pennsylvania, Inc. 115 Bestway Drive Cresco, PA 18326-8055	Barrett Township Monroe County	NERO
PAI136138	MS4 Individual NPDES Permit	Waived	Darlington Borough Beaver County P.O. Box 8 Darlington, PA 16115-0008	Darlington Borough Beaver County	SWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0219134	Major Industrial Waste Facility < 250 MGD Individual NPDES Permit	Issued	Springdale Energy LLC P.O. Box 166 Springdale, PA 15144-0166	Springdale Township Allegheny County	SWRO
0274219	Major Industrial Waste Treatment Facility Individual WQM Permit	Issued	Libertas Copper LLC 100 Washington Street Leetsdale, PA 15056-1000	Leetsdale Borough Allegheny County	SWRO
PA0103381	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	Sasol Chemicals USA LLC 292 State Route 8 Oil City, PA 16301-5626	Cornplanter Township Venango County	NWRO
PA0001945	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Cemex Const Materials Atlantic LLC 2001 Portland Park Wampum, PA 16157-3913	Wampum Borough Lawrence County	NWRO
PA0209449	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Metaldyne Sintered Ridgway LLC 1 Airport Road Emporium, PA 15834-2001	Emporium Borough Cameron County	NCRO
PA0253961	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Mahadevji LLC P.O. Box 287 Donegal, PA 15628-0287	Donegal Township Westmoreland County	SWRO
PA0023434	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	PA American Water Co. 425 Waterworks Road Clarion, PA 16214-2343	Koppel Borough Beaver County	SWRO
PA0036307	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Robinson Township Municipal Authority Allegheny County 4200 Campbells Run Road Pittsburgh, PA 15205-1306	Robinson Township Allegheny County	SWRO
PA0055671	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Worcester Township Montgomery County P.O. Box 767 1721 Valley Forge Road Worcester, PA 19490-0767	Worcester Township Montgomery County	SERO
1774404	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	PA DCNR 28 Fairview Road Penfield, PA 15849-7902	Huston Township Clearfield County	NCRO
NOEXSW195	No Exposure Certification	Issued	Philips Respironics 1001 Murry Ridge Lane Murrysville, PA 15668-8517	Upper Burrell Township Westmoreland County	SWRO
PAG034847	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Nextier Completion Solutions, Inc. 3990 Rogerdale Road Houston, TX 77042-5142	Charleston Township Tioga County	NCRO

NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG043503	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Pyle Bryan M 2447 River Road Bainbridge, PA 17502	Conoy Township Lancaster County	SCRO
PAG046329	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Thomas D & Camalia R Pattison 4 Meadow Lane West Alexander, PA 15376-2360	West Finley Township Washington County	SWRO
PAG049280	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Melissa & Tim Martin 13199 State Line Road Corry, PA 16407-8927	Wayne Township Erie County	NWRO
PAG123507	PAG-12 NPDES General Permit for CAFOs	Issued	Loht Kenneth K 199 Road Apple Drive McClure, PA 17841-8604	Decatur Township Mifflin County	SCRO
PAG123587	PAG-12 NPDES General Permit for CAFOs	Issued	Rutt Ryan 524 N Garfield Road Bernville, PA 19506-9017	Penn Township Berks County	SCRO
PAG123613	PAG-12 NPDES General Permit for CAFOs	Issued	Meadow Spring Acres LLC 1871 Smith Station Road Spring Grove, PA 17362-8977	Heidelberg Township York County	SCRO
PAG123626	PAG-12 NPDES General Permit for CAFOs	Issued	Hershey James E 338 Sunny Burn Road Elizabethtown, PA 17022-9664	Mount Joy Township Lancaster County	SCRO
PAG123634	PAG-12 NPDES General Permit for CAFOs	Issued	Hess Robert L 686 Rock Point Road Mount Joy, PA 17552-9732	East Donegal Township Lancaster County	SCRO
PAG123641	PAG-12 NPDES General Permit for CAFOs	Issued	Andrews Randall S 421 Penn Grant Road Lancaster, PA 17602	West Lampeter Township Lancaster County	SCRO
PAG123689	PAG-12 NPDES General Permit for CAFOs	Issued	Brubaker Robert L Jr 2871 N Colebrook Road Manheim, PA 17545-8309	Rapho Township Lancaster County	SCRO
PAG123697	PAG-12 NPDES General Permit for CAFOs	Issued	Kevin Ebersole & Nathan Ebersole 44 Kline Road Shippensburg, PA 17257-9722	Southampton Township Cumberland County	SCRO
PAG123703	PAG-12 NPDES General Permit for CAFOs	Issued	Stone Chimney Farms LLC 3449 Delta Road Airville, PA 17302-9331	Lower Chanceford Township York County	SCRO
PAG123706	PAG-12 NPDES General Permit for CAFOs	Issued	Gerald and Mike Long 39 Reeds Creek Road Annville, PA 17003-8405	East Hanover Township Lebanon County	SCRO
PAG123727	PAG-12 NPDES General Permit for CAFOs	Issued	Meck Kenneth S 1503 Beaver Valley Pike Willow Street, PA 17584-9780	Strasburg Borough Lancaster County	SCRO
PAG123764	PAG-12 NPDES General Permit for CAFOs	Issued	Hillandale Gettysburg LP 3910 Oxford Road Gettysburg, PA 17325-8367	Tyrone Township Adams County	SCRO
PAG123770	PAG-12 NPDES General Permit for CAFOs	Issued	Noah Light 791 Greble Road Lebanon, PA 17046-7852	Bethel Township Lebanon County	SCRO
PAG123774	PAG-12 NPDES General Permit for CAFOs	Issued	Furnace Hill Holsteins 480 Schaeffer Road Lebanon, PA 17042-9741	South Lebanon Township Lebanon County	SCRO
PAG123793	PAG-12 NPDES General Permit for CAFOs	Issued	GLP Capital, LP 777 Hollywood Boulevard Grantville, PA 17028-9237	East Hanover Township Dauphin County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG123805	PAG-12 NPDES General Permit for CAFOs	Issued	Star Rock Farms, LLC 175 Chestnut Grove Road Conestoga, PA 17516-9317	Manor Township Lancaster County	SCRO
PAG123829	PAG-12 NPDES General Permit for CAFOs	Issued	Noah W Kreider & Sons, LLP 1461 Lancaster Road Manheim, PA 17545-9768	Lower Swatara Township Dauphin County	SCRO
0521401	Pump Stations Individual WQM Permit	Issued	Bedford Township Municipal Authority 1007 Shed Road Bedford, PA 15522-8501	Bedford Township Bedford County	SCRO
1521407	Pump Stations Individual WQM Permit	Issued	East Whiteland Township Chester County 209 Conestoga Road Frazer, PA 19355-1633	East Whiteland Township Chester County	SERO
1787409	Sewage Treatment Facilities Individual WQM Permit	Issued	Dubois City Clearfield County 16 W Scribner Avenue DuBois, PA 15801-2210	DuBois City Clearfield County	NCRO
4321409	Sewage Treatment Facilities Individual WQM Permit	Issued	Harrison Michaela 852B Patterson School Road Grove City, PA 16127	Worth Township Mercer County	NWRO
PA0254631	Single Residence STP Individual NPDES Permit	Issued	Brocius Craig L 258 Kimmel School Road Shelocta, PA 15774-2230	Plumcreek Township Armstrong County	NWRO
PA0263699	Single Residence STP Individual NPDES Permit	Issued	Ellis Kris 160 George Road Evans City, PA 16033-9358	Forward Township Butler County	NWRO
PA0273121	Single Residence STP Individual NPDES Permit	Issued	Mohney David P.O. Box 98 27 1st Mill Street Sheffield, PA 16347-0098	Glade Township Warren County	NWRO
0719402	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Beavers Anthony 140 Swinging Bridge Road Hollidaysburg, PA 16648	Frankstown Township Blair County	SCRO
3694411	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Pyle Bryan M 2447 River Road Bainbridge, PA 17502	Conoy Township Lancaster County	SCRO
PA0289574	Small Flow Treatment Facility Individual NPDES Permit	Issued	Harrison Michaela 852B Patterson School Road Grove City, PA 16127	Worth Township Mercer County	NWRO
WQG016129	WQG-01 WQM General Permit	Issued	Thomas D & Camalia R Pattison 4 Meadow Lane West Alexander, PA 15376-2360	West Finley Township Washington County	SWRO
WQG018488	WQG-01 WQM General Permit	Issued	Melissa & Tim Martin 13199 State Line Road Corry, PA 16407-8927	Wayne Township Erie County	NWRO

II. Final Actions on PAG-02 General NPDES Permit NOIs and Individual NPDES Permit Applications for Construction Stormwater.

NOTICES

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC510217	PAG-02 General Permit	Issued	Cameron SQ Partners LLC 4700 Kingsessing Avenue Unit C Philadelphia, PA 19143	City of Philadelphia Philadelphia County	SERO
PAC230208 (formerly PAG02002316010)	PAG-02 General Permit	Issued	RobDonc, LLC 1167 W. Baltimore Pike Unit 238 Media, PA 19063	Marple Township Delaware County	SERO
PAC230127 A-3	PAG-02 General Permit	Issued	ESIII L.P. 107 Twaddell Mill Road Wilmington, DE 19807	Radnor Township Delaware County	SERO
PAD150225	Individual NPDES	Issued	Kim Kranyecz 404 Cannon Court Chesterbrook, PA 190	West Vincent Township Chester County	SERO
PAD150219	Individual NPDES	Issued	EB Mahoney Builders, Inc. 718 Lancaster Avenue Bryn Mawr, PA 19010	Willistown Township Chester County	SERO
PAC400202	PAG-02 General Permit	Issued	Thomas Dombroski 32 Sago Street Dallas, PA 18612	Dallas Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAC390152	PAG-02 General Permit	Issued	US Home Corporation dba LENNAR Corporation 1285 Drummers Lane Suite 100 Wayne, PA 19087	Upper Saucon Township Lehigh	Lehigh County Conservation District 4184 Dorney Park Road Suite 105 Allentown, PA 18104 610-391-9583
PA400001D	Individual NPDES	Issued	PPL Elec Utilities Corp 1639 Church Rd GENN4 Allentown, PA 18104-9342	Hanover Township Luzerne County	NERO
PAD480152	Individual NPDES	Issued	Triple Net Investments XIII, LLC c/o Joseph Correia 171 State Route 173 Suite 201 Asbury, NJ 08802-1365	Forks Township Northampton County	NERO
PA390001C	PAG-02 General Permit	Issued	PA Turnpike Comm P.O. Box 67676, Harrisburg, PA 17106-7676	South Whitehall Township Lehigh County	Lehigh County Conservation District 4184 Dorney Park Road Suite 105 Allentown, PA 18104 610-391-9583
PA400002D	Individual NPDES	Issued	PPL Elec Utilities Corp 1639 Church Rd GENN4 Allentown, PA 18104-9342	Sugarloaf Township Luzerne County	NERO
PAC010181	PAG-02 General Permit	Issued	Jeff Richards 725 Yellow Hill Road Biglerville, PA 17307	Butler Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC050050	PAG-02 General Permit	Issued	Bedford (Lincoln) DPP, LLC 9010 Overlook Boulevard Brentwood, TN 37027	Bedford Township Bedford County	Bedford County Conservation District 702 West Pitt Street Suite 4 Bedford, PA 15522 814.623.7900, ext. 4
PAC280237	PAG-02 General Permit	Issued	Bowman Development Corporation 10228 Governor Lane Boulevard Williamsport, MD 21795-0221	Antrim Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
PAC280265	PAG-02 General Permit	Issued	Adam Miller 1019 Redwood Drive Waynesboro, PA 17268	Antrim Township Franklin County	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
PAC360678	PAG-02 General Permit	Issued	B&B Reclamation, Inc. 2624 West Main Street Morgantown, PA 19543	Caernarvon Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360665	PAG-02 General Permit	Issued	Ridgewall, LLC 277 Granite Run Drive Lancaster, PA 17601	Strasburg Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360630	PAG-02 General Permit	Issued	Emanuel Fisher 244 Sproul Road Kirkwood, PA 17536	Paradise Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360367 A-11	PAG-02 General Permit	Issued	Houston Run Properties, LLC 1324 Main Street East Earl, PA 17519	Salisbury Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC380227	PAG-02 General Permit	Issued	Crimp Connector Property's, LLC 10496 Allentown Boulevard Annville, PA 17003	South Annville Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC380225	PAG-02 General Permit	Issued	Harold B. Kreider 2717 Tunnel Hill Road Lebanon, PA 17042	North Lebanon Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275

NOTICES

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC380230	PAG-02 General Permit	Issued	Palmyra Hospitality, LLC 308 Longmore Drive Mars, PA 16046	South Londonderry Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC440023	PAG-02 General Permit	Issued	Kish Valley Roofing 3559 Front Mountain Road Suite B Belleville, PA 17004	Menno Township Mifflin County	Mifflin County Conservation District 20 Windmill Hill Suite 4 Burnham, PA 17009-1837 717.248.4695
PAC670433 A-1	PAG-02 General Permit	Issued	Hanover Foods Corporation 1486 York Street Hanover, PA 17331	Penn Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC670519	PAG-02 General Permit	Issued	Wynthrop Partners, LP 14971 Mount Olivet Road Stewartstown, PA 17363	Windsor Borough York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC670492	PAG-02 General Permit	Issued	J C Bar Properties 224 Saint Charles Way Suite 290 York, PA 17402	Monaghan Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC140126	PAG-02 GP	Issued	Matthew A. Chverchko Sleepy Hollow Road Philipsburg, PA 16866-9341	Rush Township Centre County	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823-1400
PAC140128	PAG-02 GP	Issued	Farmstead Developer, LLC Farmstead Lane State College, PA 16803	Ferguson Township Centre County	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823-1400
PAC140129	PAG-02 GP	Issued	JVH Bellefonte, LLC E. Rolling Ridge Drive Bellefonte, PA 16823	Spring Township Centre County	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823-1400
PAC140130	PAG-02 GP	Issued	Stuckey Automotive State College, Inc. DBA Stuckey Mitsubishi 3400 East College Avenue State College, PA 16803	College Township Centre County	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823-1400

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC140001	PAG-02 GP	Issued	Weis Markets, Inc. 1400 North Atherton Street State College, PA 16801	Ferguson Township Centre County	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823-1400
PAC600076	PAG-02 GP	Issued	Erwin Zimmerman 11200 SR 304 Mifflinburg, PA 17844	Limestone Township Union County	Union County Conservation District 155 N 15th Street Lewisburg, PA 17837-8822
PAC600077	PAG-02 GP	Issued	Fred Langer River Run Foods Enterprise Blvd Allenwood, PA 17810	Gregg Township Union County	Union County Conservation District 155 N 15th Street Lewisburg, PA 17837-8822
PAC040111	PAG-02 General Permit	Issued	Lakeside Village Partners, LP 100 Pfaff Road Baden, PA 15005	Economy Borough Beaver County	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 (724) 709-1140
PAC040112	PAG-02 General Permit	Issued	Municipal Water Authority of Aliquippa 140 Bet Tech Drive Aliquippa, PA 15001	Monaca Borough & Center Township Beaver County	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 (724) 709-1140
PAC630001	PAG-02 General Permit	Issued	Range Resources— Appalachia, LLC 3000 Town Center Blvd Canonsburg, PA 15317	Chartiers Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Rd Suite 1 Washington, PA 15301 (724) 705-7098
PAC370059	PAG-02 General Permit	Issued	Westminster College 319 S Market Street New Wilmington, PA 16172	New Wilmington Borough Lawrence County	Lawrence County Conservation District 430 Court Street New Castle, PA 16101 724-652-4512
PAC250082A1	PAG-02 General Permit	Issued	Country Gardens Mobile Homes & Storage 2500 Nursery Road Lake City, PA 16423	Girard Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC250130	PAG-02 General Permit	Issued	Mid-Atlantic Interstate Transmission 341 White Pond Drive Akron, OH 44320	Millcreek Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403

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 sec-

tion 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, 2 Public Square, Wilkes-Barre, PA 18711-0790, 570-826-2511.

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

Permit No. 3921507MA, Public Water Supply.

Applicant **Lehigh County Authority**
1053 Spruce Street
P.O. Box 3348
Allentown, PA 18106-0348

Township Lynn Township

County **Lehigh**

Type of Facility PWS

Consulting Engineer Mr. Jason G. Saylor, P.E.
Utility Service Company, Inc.
1230 Peachtree Street NE
Suite 1100-Promenade
Atlanta, GA 30309

Permit to Construct Issued August 30, 2021

Permit No. 2409013, Operations Permit, Public Water Supply.

Applicant **Pennsylvania American Water Company (PAWC) (Operation of Portable Water Storage Tank)**
852 Wesley Drive
Mechanicsburg, PA 17055

Township Dallas Township

County **Luzerne**

Type of Facility PWS

Consulting Engineer Richard Dudek, P.E.
PAWC
2699 Stafford Avenue
Scranton, PA 18505

Permit to Operate Issued October 20, 2021

Northcentral Region: Safe Drinking Water Program, 208 West Third Street, Williamsport, PA 17701.

Permit No. 0821502, Major Amendment. Public Water Supply.

Applicant **Village at Whispering Pines, LLC**
99 Park Drive
New Columbia, PA 17856

Borough or Township Wells Township

County **Bradford County**

Type of Facility Public Water Supply

Consulting Engineer Joseph Hunt, P.E.
JHA Companies
466 S Main St.
Montrose, PA 18801

Permit Issued October 18, 2021

Bradford County Manor (Public Water Supply), 15900 Route 6, Troy, PA 16947, West Burlington Township, Bradford County: On October 25, 2021, the Safe Drinking Water Program approved the Source Water Protection (SWP) plan for the Bradford County Manor community water system. The personnel involved with the development of this SWP are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP plan was funded by the Department of Environmental Protection (Edie M. Gair, P.G., (570) 327-3779).

Operations Permit issued to: Danville Municipal Authority, P.O. Box 179, Danville, PA 17821, PWSID No. 4470007, Danville Borough, Montour County on October 18, 2021 for the operation of facilities approved under construction permit # 4720501. This permit authorizes the authority to operate filter # 3 and replace the filter media, to rehabilitate or repair the underdrain, install air-scour system, demolish existing surface wash system, replace backwash water pump and motors, install VFD drives to control the backwash pumps, replace miscellaneous process valves and analytical instruments of all other filters.

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, 909 Elmerston Avenue, Harrisburg, PA 17110.

Plan Location:

Township	Township Address	County
Oliver Township	4670 US Highway 522 South	Mifflin
	McVeytown, PA 17051	

Plan Description:

The exception to the requirement to revise the Official Plan for the Raymond J. and Arlene E. Byler Subdivision, DEP Code No. A3-44913-146-1, APS Id 1049966, is disapproved. The proposed project consists of adding a second dwelling to an existing lot and utilize an individual on-lot sewage disposal system. The proposed subdivision is located off Byler Lane in Oliver Township. This plan is disapproved because it does not qualify as an exception to the requirement to revise the Official Plan. It does not qualify because the subdivision proposes the use of on-lot sewage disposal systems in an area within 1/4 mile of

water supplies documented to exceed 5 PPM nitrate-nitrogen as per Chapter 71, Section 71.51(b)(1)(ii).

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, 2 East Main Street, Norristown, PA 19401, 484-250-5787, Charline Bass.

56 & 60 West Marshall Avenue, 56 & 60 West Marshall Avenue, Lansdowne, PA 19050, Lansdowne Borough, **Delaware County**. Jennifer Poole, PG, Pennoni Associates, Inc., 1900 Market Street, Philadelphia, PA 19103 on behalf of Mark Fuessinger, One Creative, 16 Campus Boulevard, Newtown, PA 19073, submitted a Final Report concerning remediation of site soil and groundwater contaminated with chlorinated compounds. The report is intended to document remediation of the site to meet the site-specific standard.

Langford Square, 315 Langford Road, Broomall, PA 19008, Marple Township, **Delaware County**. Paul

White, PG, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Vincent Antonini, G Antonini Real Estate Inc., 3605 Winding Way, Newtown Square, PA 19073 submitted a Final Report concerning remediation of site soil and groundwater contaminated with VOCs, SVOCs and metals. The report is intended to document remediation of the site to meet the site-specific standard.

Oxford MGP Site, 402 South Street, Oxford, PA 19363, Borough of Oxford, **Chester County**. Bryan R. Sladky, Silar Services Inc., 1851 French Creek Road, Phoenixville, PA 19460 on behalf of Gordon G. Araujo, Jr., UGI Utilities, Inc., 1 UGI Drive, Denver, PA 17517 submitted a Risk Assessment Report/Cleanup Plan/Final Report concerning remediation of site soil and groundwater contaminated with diesel fuel and inorganics. The report is intended to document remediation of the site to meet the site-specific standard.

Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

PPL Salem Substation, 1669 Salem Boulevard, Berwick, PA 18603, Salem Township, **Luzerne County**. Penn Environmental & Remediation, 2755 Bergey Road, Hatfield, PA 19440, on behalf PPL Electric Utilities Corporation, 1639 Church Road, Allentown, PA 18104, submitted a Final Report concerning remediation of soil contaminated by transformer oil. The report is intended to document remediation of the site to meet Statewide health standards.

Former Leiser's Property, 3608 Nazareth Pike, Bethlehem, PA 18020, Bethlehem Township, **Northampton County**. MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Collaboration 3A, LLC, One East Broad Street, Suite 310, Bethlehem, PA 18018, submitted a Final Report concerning remediation of soil and groundwater contaminated by a release of gasoline from an underground storage tank. The report is intended to document remediation of the site to meet Statewide health standards.

WR 22 Five E's Well Pad, 1203 Williams Road, Friendsville, PA 18818, Middletown Township, **Susquehanna County**. Folsom Engineering, 117 Roger Hollow Road, Mehoopany, PA 18629, on behalf of SWN Production Company LLC, 917 State Route 92 North, Tunkhannock, PA 18657, submitted a Final Report concerning remediation of soil contaminated by drill cuttings from natural gas wells. The report is intended to document remediation of the site to meet Statewide health standards.

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

Former CJ's Auto Repair, 504 South Main Street, Shrewsbury, PA 17361, Shrewsbury Borough, **York County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of c/o Denise Brusak, 13 Mill Street, Stewartstown, PA 17363, submitted a Reliance Environmental, Inc., concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The combined Report is intended to document remediation of the site to meet the site-specific standard.

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

Contact: Randy Farmerie.

Vancore, Inc. Project, Interstate 80 at MM 178.6W, Mill Hall, PA 17751, Lamar Township, **Clinton County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of Vancore, Inc., 430 Glendale Road, Glenview, IL 30025, 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.

Esposito Property HHO Release, 1912 W Rt 973 Hwy, Cogan Station, PA 17728, Lycoming Township, **Lycoming County**. Keystone Consulting Engineers, Inc., 2870 Emerick Blvd, Bethlehem, PA 18020, on behalf of Jason Esposito, 1912 W Rt 973 Hwy, Cogan Station, PA 17728, has submitted a Final Report concerning remediation of site soils contaminated with heating oil. The report is intended to document remediation of the site to meet the Statewide health standard.

COP Tract 551 B, 5804 Bodine Mountain Road, McIntyre Township, PA 17771, McIntyre Township, **Lycoming County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of EQT ARO, LLC, 33 West Third Street, Williamsport, PA 17701, has submitted a Final Report concerning remediation of site soils contaminated with synthetic oil-based mud (SOBM). The report is intended to document remediation 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, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Cintas/Former RUS Facility, 164 East Main Street, Emmaus, PA 18049, Emmaus Borough, **Lehigh County**, Arcadis, 10 Friends Lane, Newtown, PA 18940, on behalf of Cintas, 27 Whitney Drive, Milford, OH 45150, submitted a revised Risk Assessment concerning remediation of soil and groundwater contaminated with chlorinated solvents from historical dry cleaning operations. The report was approved by DEP on October 20, 2021.

Bethlehem Commerce Center Site—Lot 63, 26780 Commerce Center Avenue, Bethlehem, PA 18015, Bethlehem City, **Northampton County**. HDR Engineering, Inc., 1720 Spillman Drive, Suite 280, Bethlehem, PA 18015, on behalf of Lehigh Valley Industrial Park, Inc., 1720 Spillman Drive, Suite 150, Bethlehem, PA 18015, submitted a combined Remedial Investigation Report and Cleanup Plan concerning remediation of site soils contaminated with benzene, toluene, xylenes, naphthalene, phenol, wash oil, coke-oven gas, and coke-oven condensate from historic operations. The report was approved by DEP on October 20, 2021.

Henry's Service Station, 4024 Mountain View Drive, Danielsville, PA 18038, Lehigh Township, **Northampton County**. JMT Industrial & Environmental Contracting Services, 710 Uhler Road, Easton, PA 18040, on behalf of Preston Henry, 4024 Mountain View Drive, Danielsville, PA 18038, submitted a revised Final Report concerning remediation of soil contaminated by gasoline from a tanker truck. The final report was not acceptable to meet Statewide health standards and was disapproved by DEP on October 25, 2021.

194 & 200 Main Boulevard, 194-200 Main Boulevard, Ringtown, PA 17967, East Union Township, **Schuylkill County**. Crawford Environmental Services, 20 Cardinal Drive, Birdsboro, PA 19508, on behalf of J.R. Lex Trucking LLC, 236 Reservoir Road, Ringtown, PA 17967, submitted a Final Report concerning remediation of soil contaminated by diesel fuel and lubricating oil from a tractor trailer accident. The Final Report demonstrated attainment of Statewide health standards and was approved by DEP on October 20, 2021.

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

Former Manheim Holder Site, 13 South Wolfe Street, Manheim, PA 17545, Borough of Manheim, **Lancaster County**. GZA GeoEnvironmental, Inc., 1515 Market Street, Philadelphia, PA 19102, on behalf of UGI Utilities, Inc., 1 UGI Drive, Denver, PA 17517, submitted a Final Report concerning remediation of site soil contaminated with lead and PAHs from an underground storage tank. The Final Report demonstrated attainment of the residential Statewide health standard and was approved by the Department on October 13, 2021.

SAC, Inc., Bulk Facility, 4588 Business Route 220, Bedford, PA 15522, Bedford Township, **Bedford County**. DMS, Environmental Services, 103 South Spring Street, Bellefonte, PA 16823, on behalf of SAC, Incorporated Bulk Facility, 4588 Business Route 220, Bedford, PA 15522, submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Report was approved by the Department on October 13, 2021.

Former Denise and Rodney Markle Residence, 114 Musselman Road, West Manheim Township, **York County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18037, on behalf of State Farm Insurance, P.O. Box 106169, Atlanta, GA 30348, and Denise and Rodney Markle, 114 Musselman Road, submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the residential Statewide health standard and was approved by the Department on October 22, 2021.

5 Penryn Lane, Cornwall, PA 17016, Cornwall Borough, **Lebanon County**. Crawford Environmental Services, 20 Cardinal Drive, Birdsboro, PA 19508, on behalf of Angelica F. Brennan, P.O. Box 113, Cornwall, PA 17016, submitted a Final Report concerning remediation of site soil contaminated with heating oil. The Final Report demonstrated attainment of the residential Statewide health standard and was approved by the Department on October 22, 2021.

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

(Revised Submission) Former Harner Farm Property, 2191 West Whitehall Road, State College, PA 16801, Ferguson Township, **Centre County**. ECS Mid-Atlantic, LLC, 52-6 Grumbacher Road, York, PA 17406, on behalf of Aspen Whitehall Partners, LLC and Aspen Route 26 Partners, LLC, 116 Union Avenue, Altoona, PA 16602, has resubmitted a Remedial Investigation/Risk Assessment Report concerning remediation of site soil contaminated with Arsenic. The Remedial Investigation/Risk Assessment Report was approved by the Department on September 23, 2021.

Water Works Transport Brine Spill Cleanup, 1022 Hoagland Run Road, Cogan Station, PA 17728, Lycoming Township, **Lycoming County**. Weaver Consultants Group, LLC, 2225 Sycamore Street, Harrisburg, PA 17110, on behalf of Water Works Transport, LLC, 831 Fogelman Road, Muncy, PA 17756, has submitted a Remedial Investigation Report/Risk Assessment Report concerning remediation of site soil and groundwater contaminated with produced water. The Remedial Investigation Report/Risk Assessment Report did not meet tech-

nical requirements and a technical deficiency was issued by the Department on October 25, 2021.

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

Titusville Wax Plant, 1100 East Main Street (a.k.a. 1007 East Spring Street), City of Titusville, **Crawford County**. Wood Environment & Infrastructure Solutions, Inc., 4600 J Barry Court, Suite 210, Canonsburg, PA 15317, on behalf of Honeywell, 115 Tabor Road 4D-4, Morris Plains, NJ 07950 has submitted a Cleanup Plan/Final Report concerning remediation of site soil contaminated with PCBs, PCE, TCE, Sulfur, sulfide, Lead and site groundwater contaminated with PCBs, Tetrachloroethylene, Trichloroethylene, cis-1,2-Dichloroethene, and Vinyl Chloride. The Cleanup Plan/Final Report did not demonstrate attainment of the site-specific standard and was disapproved by the Department on October 21, 2021.

United Metal Silver Site, 1501—1503 Myrtle Street, Erie, PA 16502, City of Erie, **Erie County**. Urban Engineers, Inc., 1319 Sassafras Street, Erie, PA 16501 on behalf of Enterprise Development Center of Erie County, 1314 Griswold Plaza, Erie, PA 16501 has submitted a Baseline Environmental Report concerning the remediation of site soil contaminated with 1,1-Dichloroethene, Trichloroethene, Vinyl Chloride, Benzo[a]pyrene Naphthalene, Arsenic, and Lead. Analytical results show the fill has been contaminated with 1,1-Dichloroethene, Trichloroethene, Vinyl Chloride, Benzo[a]pyrene Naphthalene, Arsenic, and Lead. The Baseline Environmental Report demonstrated attainment of the Special Industrial Area requirements and was approved by the Department on October 22, 2021.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5787, Charline Bass.

1307-1335 Germantown Avenue, 1307-1335 Germantown Avenue, Philadelphia, PA 19122, City of Philadelphia, **Philadelphia County**. Brian Donoghue, PE, Comstock Environmental Services LLC, 806 Fayette Street, Conshohocken, PA 19428 on behalf of Keith Casey, Wood Capital Investments 8 LLC, 2301 Washington Ave, Suite 111, Philadelphia, PA 19146 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with PAHs, PCBs and metals. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on October 15, 2021.

Hoplamazian Property, 1890 Middletown Road, Glen Mills, PA 19342, Edgmont Township, **Delaware County**. Joseph Diamadi, Jr., PG, Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426 on behalf of Sona Hoplamazian, 4 Hampton Lane, Glen Mills, PA 19342 submitted a Final Report concerning the remediation of site soil contaminated with unleaded gasoline. The Report was reviewed by the Department which issued a technical deficiency letter on October 18, 2021.

1420 Delmar Drive, 1420 Delmar Drive, Folcroft, PA 19032, Borough of Folcroft, **Delaware County**. Joseph Kraycik, Environmental Standards, Inc., 1140 Valley Forge Road, P.O. Box 810, Valley Forge, PA 19482 on behalf of Michael Vereline, 1420 Delmar Drive, Associates, LP, 595 East Lancaster Avenue, Suite 203, St. David's, PA 19087 submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning the remediation of site soil and groundwater contami-

nated with chlorinated compounds. The Report was reviewed by the Department which issued a technical deficiency letter on October 19, 2021.

Gray Brothers Farm, 1025 Worthington Road, Exton, PA 19341, Uwchlan Township, **Chester County**. Richard Lake, Geo-Technology Associates, Inc., 2405 John Fries Highway, Quakertown, PA 18951 on behalf of Thomas G. Kessler, Worthington Partners II Inc., 1273 Butler Pike, Blue Bell, PA 19422 submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site groundwater contaminated with chlorinated volatile organic compounds. The Report was reviewed by the Department which issued a technical deficiency letter on October 19, 2021.

DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

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

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

General Permit No. WMGM019SC001. EK Services, Inc., 260 Old York Road, New Cumberland, PA 17070, Fairview Township, **York County**. Application for a Determination of Applicability was withdrawn by the applicant on October 20, 2021. The Department withdrew the application, as requested, on October 20, 2021.

Persons interested in reviewing the general permit may contact John L. Oren, Permits Chief, PADEP Southcentral Regional Office, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717.705.4706. TDD users may contact the Department through the Pennsylvania Hamilton Relay service, (800) 654-5984.

AIR QUALITY

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.

GP3-15-0083: Calorrey LLC (10000 Lincoln Drive, East Suite 201, Marlton, NJ 08053) On October 19, 2021 for a Rubble Master (M) Impact (1) and Jaw (1) Crusher, RM Non-ibrator (1) and Vibratory (1) Screens and Discharge Conveyors (4) to be operated in East Caln Township, **Chester County**.

GP9-15-0039: Calorrey LLC (10000 Lincoln Drive, East Suite 201, Marlton, NJ 08053) On October 19, 2021 for a Diesel fuel-fired internal Combustion Engines, to be operated in East Caln Township, **Chester County**.

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

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

AG5A-58-00034A: SWN Production Company, LLC (917 SR 92 North, Tunkhannock, PA 18657) on September 7, 2021 to operate one (1) IC Engine at the Karmazin well pad RU-47 site in Jackson Township, **Susquehanna County**.

GP9-40-034A: New Enterprise Stone & Lime Co. Inc. (3912 Brumbaugh Road, New Enterprise, PA 16664) on September 13, 2021 to install and operate two (2) Diesel I/C engines at the Laflin Quarry in Laflin Borough, **Luzerne County**.

GP1-40-010A: Freedom Corrugated (595 Oakridge Road, Hazle Township, PA 18202) on September 21, 2021 to operate three (3) natural gas boilers at their facility in Hazle Township, **Luzerne County**.

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

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

GP1-08-00010: Global Tungsten & Powders Corp. (1 Hawes Street, Towanda, PA 18848) on October 21, 2021, to construct and operate one Superior Boiler Works Inc. model 7X-4000-S150-W-G natural gas-fired boiler rated at a maximum of 33.60 MMBtu/hr of heat input pursuant to the General Plan Approval and General Operating Permit for Small Gas & No. 2 Oil Fired Combustion Units (BAQ-GPA/GP-1) at their Towanda facility located in North Towanda Township, **Bradford County**.

AG5-41-00017A: EQT ARO, LLC (625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222) on October 21, 2021, for a change in the company name, which was previously ARD Operating LLC, and to continue to operate four (4) 1,380 bhp Caterpillar 3516B compressor engines, three (3) Capstone C65 microturbine engines, seven (7) storage tanks, two (2) TEG Dehydrators and other associated equipment pursuant to the General Plan Approval and/or General Operating Permit for Compression Stations, Processing Plants and Transmission Stations (BAQ-GPA/GP-5) at their COP Tract 685 Compressor Station located in Cummings Township, **Lycoming County**.

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

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6940.

GP5A-10-432A (AG5A-10-00003A): XTO Energy, Incorporated, Stein Well Pad (123 Stein Road, Butler, PA 16001) on October 18, 2021 to allow the installation and operation of equipment at the Stein well pad (BAQ-GPA/GP5A) located in Franklin Township, **Butler County**.

GP5A-10-433A (AG5A-10-00004A): XTO Energy, Incorporated, Mountain Gathering Well Pad (200 Hicks Road, Renfrew, PA 16053) on October 15, 2021 to allow the installation and operation of equipment at the Mountain Gathering well pad (BAQ-GPA/GP5A) located in Penn Township, **Butler County**.

GP3-10-434A: Neiswonger Construction Incorporated, Duffy # 1 Quarry Operation (575 Brachton Road, Slippery Rock, PA 16057) on October 7, 2021 to allow installation and operation of nonmetallic mineral processing equipment at the Duffy # 1 Quarry Operation (BAQ-GPA/GP3) located in Slippery Rock Township, **Butler County**.

GP11-10-434A: Neiswonger Construction Incorporated, Duffy # 1 Quarry Operation (575 Brachton Road, Slippery Rock, PA 16057) on October 7, 2021 to allow installation and operation of nonroad engines to power nonmetallic mineral processing equipment at the Duffy # 1 Quarry Operation (BAQ-GPA/GP11) located in Slippery Rock Township, **Butler County**.

GP5-24-194A (AG5-24-00004A): Pin Oak Energy Partners, LLC, Owls Nest Compressor Station (1482 Game Lands Road 28-9) on October 14, 2021 to allow installation and operation of equipment at the Owls Nest Natural Gas Compressor Station (BAQ-GPA/GP5) located in Highland Township, **Elk County**.

GP5A-24-195A (AG5A-24-00001A): Diversified Production, LLC, Longhorn Wellpad C (Swede Farm Road, Weedville, PA 15868) on October 15, 2021 to allow installation and operation of equipment at the Longhorn Wellpad C (BAQ-GPA/GP5A) located in Jay Township, **Elk 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.

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

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

36-05014M: Arconic Lancaster Corporation (1480 Manheim Pike, Lancaster, PA 17604-3167) for 1). on October 26, 2021, for the installation of a fourth rolling mill stand to the existing 3-stand 72" Hot Mill (Source ID 125), 2). the replacement of the 72" Hot Mill Rotocloner (Control ID C10) with a new Progressive Mist Elimination System, 3). the upgrade of the hot mill scalper's (Source ID GP118) crusher chip handling system and 4). the installation of a new 32 mmBtu/hr natural gas fired slab furnace (Source ID 149J) at their secondary aluminum production facility in Manheim Township, **Lancaster County**. The proposed installations and modifications are estimated to increase the 72" Hot Mill's throughput capacity by 48%. Additionally, due to the increased production capacity on the 72" Hot Mill, Arconic expects an increase in production from the 80" Hot Mill (Source ID 147) since the 72" Hot Mill will be able to handle 2" slabs as opposed to the current 1" slabs being transferred. This modification and the modifications authorized under PAs 36-05014J & 36-05014K (replacement of No. 5—8 melting furnace burners) and PA 36-05014L (replacement of two Hunter Cold Mill motors) are considered parts of the same project.

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

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

63-01004C: Tech Met, Inc. (15 Allegheny Square, Glassport, PA 15045-1649) Plan Approval issuance date effective October 20, 2021, to allow the installation and initial temporary operation of an iron alloy forgings line comprised of two (2) 449 gallon process tanks, one (1) 823 gallon process tank, three (3) 449 gallon rinse tanks, and one (1) 29,211 scfm scrubber as well as a titanium

sheet processing line comprised of four (4) 2,872 etching tanks, one (1) 5,027 etching tank, and one (1) 29,211 scfm scrubber. Two (2) natural gas fired heaters less than 10 MMBtu/hr are also proposed and exempted from Plan Approval per 25 Pa. Code § 127.14(a)(2) listed as No. 2 in the Department's Plan Approval. The facility is located in Donora Borough, **Washington County**.

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

Southcentral Region: Air Quality Program, 909 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.

31-05022B: AC Products, Inc.—Mt. Union Plant (11823 Lenape Drive, Mount Union, PA 17066) on October 19, 2021, for the wood cabinet manufacturing facility in Shirley Township, **Huntingdon County**. The plan approval was extended.

36-05025A: Texas Eastern Transmission LP (5400 Westheimer Court, Houston, TX 77056) on October 20, 2021, for the installation of two (2) new 7,700 HP natural gas-fired turbines equipped with dry low NO_x technology and oxidation catalysts to replace six (6) existing 1,760 HP compressor engines at the Marietta natural gas compressor station located in East Donegal Township, **Lancaster County**. The plan approval was extended.

67-03041F: County Line Quarry, Inc. (P.O. Box 99, Wrightsville, PA 17368) on October 25, 2021, for the replacement of the crushing and scalper screener units at the quarry located in Wrightsville Borough, **York County**. The plan approval was extended.

67-05004U: Pixelle Specialty Solutions, LLC (228 South Main Street, Spring Grove, PA 17362-1000) on October 25, 2021, for the installation of two 115 mmBtu/hr natural gas burners in the # 3 Recovery Boiler (ID 037) which will be limited by an annual fuel limitation of 225.49 mmscf of natural gas, upgrade of the PLC software and various hardware of the Hardwood Digester (ID 112) to increase pulp production by 2.1%, and upgrades to the water removal system of paper machines # 1 and # 8 (contained in ID 115) to increase paper production by approximately 8% at the pulp and paper mill in Spring Grove Borough, **York County**. The plan approval was extended.

06-05069V: East Penn Manufacturing Co., Inc. (P.O. Box 147, Lyon Station, PA 19536) on October 25, 2021, for modifying the Industrial Facility production lines at the lead-acid battery assembly plant located in Richmond Township, **Berks County**. Plan Approval 06-05069V is for installation and startup of pieces of equipment controlled by fabric filters and mist eliminators. The plan approval was extended.

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

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

11-00536A: CPV Fairview, LLC (50 Braintree Hill Office Park, Suite 300, Braintree, MA 02184) change of responsible and plan approval extension effective on October 28, 2021, with expiration on April 28, 2022, for

continued temporary operation of air contamination sources and controls associated with the CPV Fairview Energy Center located at 2862 William Penn Avenue, Johnstown, PA 15909, in Jackson Township, **Cambria County**.

11-00536B: CPV Fairview, LLC (50 Braintree Hill Office Park, Suite 300, Braintree, MA 02184) change of responsible and plan approval extension effective on October 28, 2021, with expiration on April 28, 2022, for continued temporary operation of air contamination sources and controls associated with the CPV Fairview Energy Center located at 2862 William Penn Avenue, Johnstown, PA 15909, in Jackson Township, **Cambria County**.

PA-63-01032: Ameri Precision Metals, Inc. (40 Curry Avenue, Canonsburg, PA 15317-1743) Plan Approval modification issuance on October 25, 2021, for shake down sources and air cleaning devices at their Canonsburg Facility located in Canonsburg Borough, **Washington County**.

PA-65-00016J: Carpenter Latrobe Specialty Metals (2626 Ligonier St., Latrobe, PA 15650-3246) Plan Approval Modification issuance date effective October 25, 2021, to allow the shakedown period and startup operations of a Wet Electrostatic Precipitator (ESP) rated at 6,900 SCFM on Source 201, Vacuum Induction Melting (VIM 2) furnace at their facility located in Latrobe Borough, **Westmoreland County**.

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.

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.

28-03049: Thomas L. Geisel Funeral Home, Inc. (333 Falling Spring Road, Chambersburg, PA 17202) on October 20, 2021, for the human crematory unit at the facility located in Guilford Township, **Franklin County**. The State-Only permit was renewed.

67-03154: Service Tire Truck Center, Inc. (2800 Concord Road, York, PA 17402-7012) on October 26, 2021, for the tire retreading facility located in Springettsbury Township, **York County**. The State-Only permit was renewed.

36-03147: A&M Composting, Inc. (2022 Mountain Road, Manheim, PA 17545-9517) on October 26, 2021, for the sewage sludge composting facility located in Penn Township, **Lancaster County**. The State-Only permit was renewed.

06-03072: Animal Rescue League of Berks County, Inc. (58 Kennel Road, Birdsboro, PA 19508-8302) on October 26, 2021, for the animal crematory at the facility located in Cumru Township, **Berks County**. The State-Only permit was renewed.

36-05161: Countertek, Inc. (1215 Ridge Avenue, Ephrata, PA 17522-9782) on October 26, 2021, for the cultured marble and solid surface fabrication facility located in East Cocalico Township, **Lancaster County**. The State-Only permit was renewed.

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

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

41-00068: Keystone Leather Distributors, LLC (2100 Reach Road, Williamsport, PA 17701) on October 21, 2021, was issued a renewal State Only (Natural Minor) Operating Permit for the Keystone Leather facility located in City of Williamsport, **Lycoming County**. The State Only Operating Permit contains all necessary requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

55-00002: Pennsylvania Department of Human Services (P.O. Box 500, Selinsgrove, PA 17870) on October 19, 2021, was issued a State Only Operating Permit for the operation of their Selinsgrove Center located in Penn Township, **Snyder County**. The facility's main sources are three natural gas-fired boilers which utilize # 2 fuel oil as backup as well as several emergency generators. The State only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

26-00569: Holt & Bugbee Hardwoods, Inc. (1600 Shawsheen St., P.O. Box 37, Tewksbury, MA 01876) On October 21, 2021, the Department issued a renewal natural minor State Only Operating Permit (SOOP) to authorize the operation of a hardwood lumber drying and processing facility known as the Mt. Braddock Yard located in North Union Township, **Fayette County**.

The subject facility uses a wood waste-fired boiler to kiln dry hardwood lumber and further process the material into dimension boards and architectural moldings. The boiler is controlled by a multi-clone dust collector that limits particulate matter emissions to 0.25 lbs/MMBtu of heat input. The facility also has an 8.4 MMBtu/hr natural gas-fired boiler that is used as a backup unit. A milling building contains the various saws and milling machines where the lumber is processed, and wood waste is created. The wood waste is collected by two (2) dust collectors and pneumatically conveyed to a storage silo for feeding the boiler. The facility is subject to the applicable requirements of 25 Pa. Code, Article III, Chapters 121—145. The final Operating Permit includes emissions limitations, monitoring, work practice standards, reporting, and recordkeeping requirements for the facility.

63-00636: McGrew Welding & Fabricating, Inc., Donora Site (30 S. Washington St., Donora, PA 15033-1394) On October 20, 2021, the Department issued a renewal natural minor State Only Operating Permit (SOOP) to authorize the operation of McGrew Welding & Fabricating's Donora Site in the borough of Donora, **Washington County**.

Equipment at this facility includes a surface coating operation, a conveyor system, barge unloading, coal storage piles, sand/gravel storage piles, paved/unpaved roads, and material handling/truck unloading. The facility is subject to the applicable requirements of Pa. Code Title

25, Article III, Chapters 121—145. The final Operating Permit includes emissions limitations, monitoring, work practice standards, reporting, and recordkeeping requirements for the facility.

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

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.

10-00237: Fox Funeral Home (410 West Main Street, P.O. Box 305, Saxonburg, PA 16056). On October 19, 2021, the Department renewed a State Only Operating Permit renewal for the facility located in Saxonburg Borough, **Butler County**. The facility is a Natural Minor. The primary source at the facility is a natural gas fueled crematory. The crematory is equipped with a 716,000 Btu/hr burner in the primary chamber and a 1.4 million Btu/hr burner in the secondary chamber. Emissions from the facility are: 0.04 tpy PM₁₀; 0.05 tpy CO; and 0.10 tpy VOC. The renewal permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

24-00135: National Fuel Gas Supply Corp., Island Run Compressor Station (1326 Arkansas Ln, Ridgway, PA 15853), on October 19, 2021, the Department issued the renewal State-Only Operating Permit of a natural gas transmission facility located in Ridgway Township, **Elk County**. Permitted air contamination sources at the facility are four natural gas-fired compressor engines, a natural gas-fired emergency generator engine, two dehydration units, miscellaneous fugitive emission sources, and space heaters. With an elective NO_x restriction to maintain NO_x emissions below major source threshold, the facility is Synthetic Minor for permitting purposes. In this renewal, a replacement emergency generator engine is added as a permitted source and subject to § 40 CFR 60 Subpart JJJJ. The emergency generator engine replaced is removed. Because the facility is not a major NO_x source, the RACT I presumptive requirements for the compressor engines are no longer applicable and therefore removed. Various fugitive emissions sources are incorporated as permitted sources for emission inventory reporting purposes.

42-00175: Federal Correctional Institution, McKean (P.O. Box 5000, Bradford, PA 16701). On October 19, 2021, the Department issued the renewal to a State Only Operating Permit for the operation of boilers and emergency generators at the facility located in Lafayette Township, **McKean County**. The facility is a Synthetic Minor; they have taken a Federally enforceable limit of 950 operating hours per year for the emergency generators in order to assure emissions remain below the major source thresholds. Potential Emissions are as follows: 3.93 tpy PM; 54.90 tpy NO_x; 3.20 tpy SO_x; 16.33 tpy CO; and 0.40 tpy VOC. The sources at the facility include 3 natural gas fueled boilers, all used for building heat, each rated at 16.8 million Btu/hr and 2 diesel-fueled emergency generators, each rated at 1,135 hp and a 105 hp diesel-fueled fire pump. The boilers are capable of being operated on # 2 fuel oil as a back-up fuel source and are subject to an operating restriction that allows only 1 boiler to be operated at a time. The boilers are subject to 40 CFR Part 60 Subpart Dc, the Standards of Performance for Small Industrial, Commercial, Institutional Steam Generating Units. The emergency generators are subject to 40 CFR Part 63 Subpart ZZZZ, the National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines. The renewal permit contains emission restrictions, record-

keeping, work practice, and additional 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.

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

Contact: Norman Frederick, Facility Permitting Chief—Telephone: 570-826-2409.

40-00047: Geisinger Wyoming Valley Medical Center (1000 East Mountain Blvd, Wilkes-Barre, PA 18711). The Department issued, on 10/20/2021, an amended State Only (Natural Minor) Operating Permit for the hospital located in Plains Township, **Luzerne County** to incorporate the sources approved through a Request for Determination. The sources include one 16.32 MMBtu/hr turbine with heat recovery steam generator and duct burner, a 760-kW diesel-fired emergency generator, and three new boilers. The new equipment replaces the older two 31.8 MMBtu/hr boilers. The Operating Permit includes all applicable emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

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

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

SOOP-11-00412: Fuel Recovery, Inc. (P.O. Box 228, 224 Grange Hall Rd., Armagh, PA 15920-0228). Administrative Amendment, issued on September 28, 2021, to change the names of the Responsible Official and Permit Contact, on the permit. The name of the Responsible Official is now James Panaro, Executive Vice President. The name of the Permit Contact is now Jeffrey Polenik, Engineering Manager. The Colver Refuse Reprocessing Plant is located in Portage Township, **Cambria County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

Coal Permits Issued

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

Permit No. 11110102. Laurel Sand & Stone, Inc., P.O. Box 556, 210 E. Main Street, Ligonier, PA 15658, permit renewal for reclamation only of a bituminous surface and auger mine in Jackson Township, **Cambria County**, affecting 225.1 acres. Receiving streams: unnamed tributaries to/and Bracken Run and unnamed tributary to South Branch Blacklick Creek classified for the following use: CWF. Application received: August 31, 2021. Permit issued: October 19, 2021.

Permit No. 32060103. TLH Coal Company, 4401 Pollock Road, Marion Center, PA 15759, permit renewal for the reclamation only of a bituminous surface and auger mine in East Mahoning Township, **Indiana County**, affecting 101 acres. Receiving streams: unnamed tributaries to/and Pine Run classified for the following use: CWF. Application received: September 7, 2021. Permit issued: October 19, 2021.

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

Permit No. 17140102 and NPDES No. PA0269689. River Hill Coal Company, Inc., P.O. Box 141, Kylertown, PA 16847. Permit renewal for continued operation and restoration of a bituminous surface and auger coal mine located in Burnside Township, **Clearfield County** affecting 385.6 acres. Receiving stream(s): Unnamed Tributaries to Deer Run and Deer Run classified for the following use(s): CWF, MF. Application received: May 19, 2021. Permit issued: October 21, 2021.

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

Permit No. 54630301. Joe Kuperavage Coal Company, c/o Robert Kuperavage, 325 Wilson Avenue, Port Carbon, PA 17965, renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 308.0 acres. Receiving stream: Schuylkill River. Application received: July 1, 2021. Renewal issued: October 25, 2021.

Permit No. 54630301. Joe Kuperavage Coal Company, c/o Robert Kuperavage, 325 Wilson Avenue, Port Carbon, PA 17965, correction to change the post-mining land use from forestland to unmanaged natural habitat of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 308.0 acres. Receiving stream: Schuylkill River. Application received: July 1, 2021. correction issued: October 25, 2021.

Noncoal Permits Issued

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

NPDES Permit No. PA0206229 (Mining Permit No. 14900301). Glenn O. Hawbaker, Inc., 1952 Waddle Road, Suite 203, State College, PA 16803. Renewal of an NPDES permit for a large noncoal mining site located in Spring Township, **Centre County** affecting 158.20 acres. Receiving stream(s): Spring Creek classified for the following use(s): CWF. Application received: May 17, 2021. Permit issued: October 21, 2021.

**ABANDONED MINE RECLAMATION
PRIMACY BOND FORFEITURE PROJECT**

Bureau of District Mining Operations, 286 Industrial Park Road, Ebensburg, PA 15931, Telephone (814) 472-1908.

Primacy Bond Forfeiture Project	PBF 56703124.3
Location	Stonycreek Township Somerset County
Description	Flight 93—Iron Sludge Handling Facility
Contractor	AMD Industries, Inc. P.O. Box 501 California, PA 15419
Amount	\$30,500.00
Date of Award	September 24, 2021

**ACTIONS ON BLASTING ACTIVITY
APPLICATIONS**

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

Blasting Permits Issued

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

Permit No. 30214001. SCM Engineering Demolition, Inc., 2445 Saint Clair Shore Blvd, East China, MI 48054. Blasting activity permit for the demolition of two silos and three stackers at the Emerald Mine, located in Franklin Township, **Greene County** with an expiration date of September 1, 2022. Blasting permit issued: October 25, 2021.

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

Permit No. 45214109. Holbert Explosives, Inc., 237 Mast Hope Plank Road, Suite A, Lackawaxen, PA 18435, construction blasting for Cassell Building in Barrett Township, **Monroe County** with an expiration date of October 10, 2022. Permit issued: October 19, 2021.

Permit No. 46214115. American Rock Mechanics, Inc., 7531 Chestnut Street, Zionsville, PA 18092, construction blasting for Pennsburg Wawa gas station in Upper Hanover Township, **Montgomery County** with an expiration date of July 10, 2022. Permit issued: October 19, 2021.

Permit No. 54214104. Wampum Hardware Company, 636 Paden Road, New Galilee PA 16141, construction blasting for Trumbell Mahanoy City in Mahanoy and Ryan Townships, **Schuylkill County** with an expiration date of December 31, 2022. Permit issued: October 19, 2021.

Permit No. 67214119. M & J Explosives, LLC, 104 East Main Street, Carlisle, PA 17015, construction blasting for Rutters 47 in Manchester Township, **York County** with an expiration date of October 14, 2022. Permit issued: October 22, 2021.

Permit No. 67214120. M & J Explosives, LLC, 104 East Main Street, Carlisle, PA 17015, construction blast-

ing for Codorus Creek Phase 2 Warehouse in East Manchester Township, **York County** with an expiration date of October 19, 2022.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), and that the construction will not violate applicable Federal and State Water Quality Standards.

Any person aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30-days. You do not need a lawyer to file an appeal with the Board.

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Southeast Region: Waterways & Wetlands Program, 2 East Main Street, Norristown, PA 19401. Telephone 484.250.5160. E-mail: ra-epww-sero@pa.gov.

Permit No. E1501221-009, Parke Mansion Partners, LP, 1300 Wilmington Pike, West Chester, PA 19381, Parkesburg Borough, **Chester County**, ACOE Philadelphia District.

To reissue Permit No. E15-782 which authorized the following water obstructions and encroachments activities

associated with the proposed Parke Mansion Estates Residential Subdivision Development project along Little Buck Run (TSF, MF):

1. To construct and maintain an open bottom box culvert secured to poured foundation constructed on both sides of the stream associated with Parke Drive.

2. To install and maintain a water and sanitary sewer utility line crossing within the roadway bed of Parke Drive.

3. To construct and maintain four (4) stormwater outfalls along Buck Run.

The site is located along S.R. 00100 (Church Street) between Main Street and Sadsbury Road (Parkesburg, PA, USGS Map (Latitude: 39:964664; Longitude: -75.910631) in the Borough of Parkesburg, Chester County. Permit issued October 12, 2021.

Permit No. E4601221-014, Adelphia Gateway, LLC, 1415 Wyckoff Road, Wall, NJ 07719, Skippack Township, **Montgomery County**, ACOE Philadelphia District.

To restore and maintain an exposed 18-inch diameter natural gas pipeline across the UNT to Perkiomen Creek (TSF) associated with the safeguard protection of the exposed pipeline. The pipe will be protected with 4.5-inch Articulated Concrete Matting (ACMs) and Longitudinal Peaked Stone Toe Protections (LPSTPs) for the stream and bank stabilization. Total length of the stream impact is 338 feet, and the temporary wetland (PEM) impact is 0.054 acre.

The site is located about 200 feet southwest of Perkiomen Creek Road and Creekwood Drive (Collegeville, PA, USGS Quadrangle Latitude: 40.233910; Longitude: -75.450200) in Skippack Township, Montgomery County. Permit issued October 22, 2021.

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

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

E400221-008. John Frank, 17 Center Street, Harveys Lake, PA 18618, Harveys Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To maintain an existing 392 sq. ft. dock structure and to construct and maintain a 549 sq. ft., pile supported dock addition within the normal pool elevation of Harveys Lake (HQ-CWF). The project is located at Pole # 128, approximately 0.04 miles east of the intersection of Lakeside Drive (S.R. 415) and Grandview Ave (Harveys Lake, PA Quadrangle, Latitude: 41° 22' 37.16"; Longitude: -76° 2' 7.36") in Harveys Lake Borough, Luzerne County.

E5202221-002. Martin Mohr, 116 Secret Eagle Drive, Newfoundland, PA 18445, Green Township, **Pike County**, Army Corps of Engineers Philadelphia District.

To After-the-fact permit to maintain a 950 square foot dock with a gazebo in Lake Russell (HQ-CWF, MF) for the purpose of private recreational opportunities. No wetland impacts occurred as a result of the project. The project is located on private property at 116 Secret Eagle Drive, (Newfoundland, PA, Latitude: 41.254132; Longitude: -75.301671), Green Township, Pike County, U.S. Army Corps of Engineers, Philadelphia District.

E400221-007. James and Holly Fry, 318 Bunker Hill Road, Wyoming, PA 18644, Harveys Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To remove an existing structure and to construct and maintain a 1,477 sq. ft., pile-supported boathouse and dock structure within the normal pool elevation of Harveys Lake (HQ-CWF). The project is located at Pole # 116.5, approximately 0.05 miles west of Lakeside Drive (S.R. 415) and Roosevelt Street (Harveys Lake, PA Quadrangle, Latitude: 41° 22' 42.21"; Longitude: -76° 1' 50.84") in Harveys Lake Borough, Luzerne County.

E6402221-001. Richard Stumbo, 115 Whitlockville Road, Katonah, NY 10536. Lake Township, **Wayne County**, Army Corps of Engineers Philadelphia District.

To remove an existing boathouse and dock and to construct and maintain an approximately 40-foot long by 20-foot wide boathouse in Lake Ariel (HQ-CWF, MF) and an approximately 25-foot long by 10-foot wide cantilevered dock. The project will permanently impact 0.0002 acre of wetland (PEM) for construction. The project is located at 24 West Shore Drive Road (Lake Ariel, PA Quadrangle Latitude: 41° 26' 21.66"; Longitude: -75° 22' 40.97") in Lake Township, Wayne County.

E3502220-027. Jermyn Borough, 440 Jefferson Avenue, Jermyn, PA 18433-1316. Jermyn Borough, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To construct and maintain an outfall structure in the floodway of the Lackawanna River (HQ-CWF, MF) consisting of a 24-inch HDPE pipe, rock filter/headwall, flap gate, rip rap apron, and channel to the Lackawanna River. In addition, a portion of levee that was removed during the construction of the outfall will be restore in kind to match the existing levee height and dimensions at that location. The project is located at the end of Lackawanna Street adjacent to the Lackawanna River (Carbondale, PA Quadrangle Latitude: 41° 31' 26"; Longitude: -75° 32' 48") in Jermyn Borough, Lackawanna County.

E3902221-004. South Whitehall Township, 4444 Walbert Avenue, Allentown, PA 18104, South Whitehall Township, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the Jordan Creek Greenway Trail—Wehr Mill Road to Lapp Road Project: 1) A fill within the floodway of Jordan Creek (TSF, MF) consisting of a 10-foot wide, 3,956 LF, at-grade asphalt trail and an at-grade asphalt parking lot. 2) A fill within the floodplain of Jordan Creek (TSF, MF) consisting of a 10-foot wide, 1,716 LF, at-grade asphalt trail and two (2) at-grade asphalt parking lots. The project begins at the intersection of Wehr Mill Road and River Road and terminates at the intersection of Lapp Road and River Road (Cementon, PA Quadrangle Latitude: 40° 37' 43"; Longitude: -75° 33' 40") in South Whitehall Township, Lehigh County.

E5402121-003: Pa Department of Transportation, Eng District 5-0, 1002 Hamilton Street Allentown, PA 18101, North Manheim Township, Mt. Carbon and St. Clair Boroughs, **Schuylkill County**, Army Corps of Engineers, Philadelphia District.

To authorize the following water obstructions and encroachments associated with the Mount Carbon Bowstring Truss Adaptive Reuse Project:

1. Remove an existing 18-ft wide Truss Bridge spanning the Schuylkill River (CWF, MF). 0.008 acre of floodway will be impacted for minor grading activities required after the removal of the eastern abutment.

2. Relocate the 18-ft wide Truss Bridge with a 108-ft span and 11.8-ft minimum underclearance to carry the proposed Schuylkill River Greenway Association (SRGA) trail over Mill Creek (CWF, MF).

3. Place R-8 riprap choked with R4 riprap in the floodway and watercourse of Mill Creek (CWF, MF) for bank protection. 155 linear feet of floodway and 175 linear feet of watercourse will be impacted.

4. Construct an outfall pipe/apron and place fill for trail construction in the floodway and floodplain of Mill Creek (CWF, MF).

The project is located adjacent to S.R. 0061 over the Schuylkill River, approximately 0.1 mile south of the S.R. 0061/2004 intersection (Pottsville, PA Quadrangle Latitude: 40° 40' 22.51" N Longitude: 76° 11' 8.34" W) and along S.R. 0061, approximately 0.6 mile north of the S.R. 0061/1006 intersection (Pottsville, PA Quadrangle Latitude: 40° 43' 44.09" N Longitude: 76° 11' 39.93" W)

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

E5003220-022. Norfolk Southern Railway, 1200 Peachtree Street, NE, Atlanta, GA 30309, Miller Township, **Perry County**, U.S. Army Corps of Engineers, Baltimore District.

To maintain an existing 110.0-foot long stone arch enclosure in and across an Unnamed Tributary to Juniata River (WWF, MF) by slip lining an 8.92-foot wide by 7.83-foot high steel arch, depressed 6.0-inches, with fish baffles and associated improvements to the endwalls, all for the purpose of upgrading a deteriorating railroad stream crossing in Miller Township, Perry County. (Latitude: 40.4812° N; Longitude: -77.1052° W). No wetlands will be impacted. Permit issued October 21, 2021.

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

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

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

Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101, Email: RA-EPREGIONAL PERMIT@pa.gov.

E0983220-024. Pennsylvania Turnpike Commission, 700 S. Eisenhower Blvd, Middletown, PA 17057. Milford and West Rockhill Townships, **Bucks County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the Bucks County portion of the PA Turnpike Northeast Extension Roadway and Bridge Reconstruction MP A37.4 to MP A43.3:

1. To fill 0.177 acre of PEM wetland (WW5) within the Unami Creek watershed (HQ-TSF, MF) for southbound lane widening. (RA-W14) (Lat. 40.369187°, Long. -75.401250°)
2. To fill and excavate 0.129 acre of PEM wetland (WW5) within the Unami Creek watershed (HQ-TSF, MF) to construct a new drainage swale along the proposed roadway embankment's toe-of-slope. (RA-W15) (Lat. 40.369482°, Long. -75.401482°)
3. To fill 0.294 acre of PFO wetland (EW16) within the Unami Creek watershed (HQ-TSF, MF) for northbound lane widening. (RA-W18 and RA-W19) (Lat. 40.368566°, Long. -75.400286°)
4. To fill 3,928 square feet of tributary to Ridge Valley Creek (HQ-TSF, MF) (EW19) for northbound lane widening. (RA-S7) (Lat. 40.368652°, Long. -75.400323°)
5. To construct and maintain a 125.38-foot single-span bridge (NB-200) across Ridge Valley Creek (HQ-TSF, MF) (Stream EW26/WW6) for an aerial impact (RA-S10, RA-S12, RA-S15) of 3,265 square feet and a 11.6-foot approximate underclearance.
6. To fill 2,751 square feet of Ridge Valley Creek (HQ-TSF, MF) (WW6, EW26 & EW29) for the purpose of bridge appurtenances and associated work. (RA-S9, RA-S11, RA-S14, RA-S16) (Lat. 40.369747°, Long. -75.401571°)
7. To fill 0.008 acre of PEM wetland (WW5), 0.005 acre of PEM wetland (EW20), and 0.021 acre of PFO wetland (WW8) within the Unami Creek watershed (HQ-TSF, MF) to construct the new bridge structure (NB-200). (RA-W16, RA-W19, RA-W25) (Lat. 40.369747°, Long. -75.401571°)
8. To excavate 0.011 acre of PSS wetland (EW21), 0.006 acre of PFO wetland (EW21), 0.009 acre of PFO wetland (EW22), 0.004 acre of PSS wetland (EW22), and 0.021 acre of PFO wetland (WW8) within the Unami Creek watershed (HQ-TSF, MF) for construction of the new bridge (NB-200). (RA-W20, RA-W21, RA-W22, RA-W23, RA-W24) (Lat. 40.369747°, Long. -75.401571°)
9. To relocate 678 square feet of a tributary to Ridge Valley Creek (HQ-TSF, MF) (EW29) to construct a new channel that drains to Ridge Valley Creek (HQ-TSF, MF). (RA-S17) (Lat. 40.369747°, Long. -75.401571°)
10. To fill 0.426 acre of PFO wetland (WW8) within the Unami Creek watershed (HQ-TSF, MF) for southbound lane widening. (RA-W26 and RA-W27) (Lat. 40.370214°, Long. -75.401837°)
11. To excavate and fill 0.130 acre of PFO wetland (WW8) within the Unami Creek watershed (HQ-TSF, MF) to construct a new drainage swale along the proposed roadway embankment's toe-of-slope. (RA-W28) (Lat. 40.370191°, Long. -75.401920°)
12. To fill 0.259 acre of PFO wetland (EW28) within the Unami Creek watershed (HQ-TSF, MF) for northbound lane widening. (RA-W29, RA-W30) (Lat. 40.370661°, Long. -75.401402°)
13. To excavate and fill 0.112 acre of PFO wetland (EW28) within the Unami Creek watershed (HQ-TSF, MF) to construct a new drainage swale along the proposed roadway embankment's toe-of-slope. (RA-W31) (Lat. 40.370690°, Long. -75.401333°)
14. To place temporary erosion and sediment control features and construction access in wetland (WW8 and WW9) to construct a permanent stormwater management facility (Basin 4). Permanent impact (RA-W32) of 0.017 acre of PFO wetland (WW8) and permanent impact (RA-W33) of 0.019 acre of PFO wetland (WW9) within the Unami Creek watershed (HQ-TSF, MF).
15. To fill 0.232 acre of PFO wetland (WW10) within the Unami Creek watershed (HQ-TSF, MF) for southbound lane widening and relocation of a tributary to Ridge Valley Creek (HQ-TSF, MF) (Stream WW11). (RA-W34) (Lat. 40.375816°, Long. -75.405180°)
16. To fill 4,188 square feet of tributary to Ridge Valley Creek (HQ-TSF, MF) (WW11) for the placement of two rock filters. (RA-S18) (Lat. 40.375816°, Long. -75.405180°)
17. To extend, rehabilitate and maintain an existing 48-inch corrugated metal stream enclosure by lining and grouting the existing stream enclosure with a 24-inch high-density polyethylene plastic pipe, impacting 895 square feet of a tributary to Ridge Valley Creek (HQ-TSF, MF) (Stream EW30-Pipe). (RA-S20) (Lat. 40.376831°, Long. -75.404935°)
18. To fill 1,202 square feet of watercourse tributary to Ridge Valley Creek (HQ-TSF, MF) (Stream EW30) for northbound lane widening. (RA-S21) (Lat. 40.376437°, Long. -75.404657°)
19. To extend and maintain an existing stream enclosure impacting 301 square feet of tributary to Ridge Valley Creek (HQ-TSF, MF) (EW34) to widen the northbound lane. (RA-S22) (Lat. 40.376893°, Long. -75.404829°)
20. To fill 32 square feet of piped tributary to Ridge Valley Creek (HQ-TSF, MF) (EW34-Pipe) for northbound lane widening. (RA-S23) (Lat. 40.376916°, Long. -75.404694°)
21. To fill 0.069 acre of PEM wetland (EW37) within the Unami Creek watershed (HQ-TSF, MF) to construct stormwater management facilities (Basins 6 and 7), widen the northbound lanes, and perform grading activities within wetland (EW37) to convert a manmade pond (EW36) to an emergent wetland area. (RA-W35) (Lat. 40.376923°, Long. -75.404579°)
22. To fill 43 square feet of piped tributary to Ridge Valley Creek (HQ-TSF, MF) (EW31-Pipe) for northbound lane widening. (RA-S24) (Lat. 40.377091°, Long. -75.404842°)
23. To fill 1,877 square feet of tributary to Ridge Valley Creek (HQ-TSF, MF) (EW31) to widen the northbound lane. (RA-S25) (Lat. 40.377091°, Long. -75.404842°)
24. To fill 0.005 acre of PFO wetland (EW32), 0.006 acre of PEM wetland (EW120), and 0.006 acre of PFO wetland (EW33) within the Unami Creek watershed (HQ-TSF, MF) to construct the roadway embankment. (RA-W36, RA-W37, RA-W28) (Lat. 40.377370°, Long. -75.405257°)
25. To fill 157 square feet of a tributary to Ridge Valley Creek (HQ-TSF, MF) (Stream EW39) to widen the northbound lane. (RA-S26) (Lat. 40.377284°, Long. -75.405094°)
26. To fill 227 square feet of tributary to Ridge Valley Creek (HQ-TSF, MF) (EW35) to widen the northbound lane. (RA-S27) (Lat. 40.377345°, Long. -75.405118°)
27. To fill 397 square feet of tributary to Ridge Valley Creek (HQ-TSF, MF) (EW35) to construct permanent stormwater management facilities (Basin 7). (RA-S28) (Lat. 40.377488°, Long. -75.405113°)
28. To fill 0.387 acre of PUB wetland (EW36, man-made pond) to construct stormwater management facilities (Basins 6 & 7), drainage swales (Swales 19 & 24),

and convert a manmade pond (EW36, PUB) into an emergent wetland. (RA-W39) (Lat. 40.377230°, Long. -75.404663°)

29. To fill 0.008 acre within PFO wetland (EW38), and 0.022 acre with PFO wetland (EW38) to construct permanent stormwater management facilities. (RA-W41, RA-W40) (Lat. 40.377412°, Long. -75.405010°)

30. To construct and maintain a 59 linear foot 18-inch culvert impacting 409 square feet of tributary to Unami Creek (HQ-TSF, MF) (Stream WW12) to widen the southbound lane and replace the existing 30-inch pipe with a longer 18-inch culvert pipe. (RA-S29) (Lat. 40.381697°, Long. -75.408654°)

31. To fill 10,196 square feet of tributary to Unami Creek (HQ-TSF, MF) (WW26) to widen the southbound lane within a tributary to Unami Creek (HQ-TSF, MF) (Stream WW26). (RA-S30) (Lat. 40.387075°, Long. -75.410023°)

32. To fill 2,417 square feet of tributary to Unami Creek (HQ-TSF, MF) (WW15), and 1,361 square feet of tributary to Unami Creek (HQ-TSF, MF) (WW16) to construct permanent stormwater management facilities (Basins 9 & 10). (RA-S31) (RA-S32) (Lat. 40.387878°, Long. -75.410508°)

33. To excavate and fill 0.003 acre of PEM wetland (WW135), 0.001 acre of PEM wetland (WW136), and 0.018 acre of PFO wetland (WW136W) within Unami Creek watershed (HQ-TSF, MF). (RA-W42, RA-W43, RA-W44) (Lat. 40.387878°, Long. -75.410508°)

34. To fill 0.045 acre of PEM wetland (WW17) within Unami Creek watershed (HQ-TSF, MF) to widen the southbound lane and construct permanent stormwater management facilities (Basin 10). (RA-W46) (Lat. 40.389705°, Long. -75.410672°)

35. To fill 10,809 square feet of tributary to Unami Creek (HQ-TSF, MF) (EW41) to widen the northbound lane. (RA-S35) (Lat. 40.387911°, Long. -75.409676°)

36. To excavate and fill 0.229 acre of PFO wetland (WW42) within Unami Creek watershed (HQ-TSF, MF) to widen the northbound lane and relocate the channel of a tributary to Unami Creek (HQ-TSF, MF) (Stream EW41). (RA-W47, RA-W48) (Lat. 40.388677°, Long. -75.409759°)

37. To fill 962 square feet of tributary to Unami Creek (HQ-TSF, MF) (WW24) to widen the southbound lane. (RA-S34) (Lat. 40.391037°, Long. -75.410821°)

38. To fill 0.592 acre of PFO wetland (EW47) within Unami Creek watershed (HQ-TSF, MF) to widen the northbound lane. (RA-W50) (Lat. 40.391004°, Long. -75.410075°)

39. To excavate 0.006 acre of PFO wetland (EW47) within Unami Creek watershed (HQ-TSF, MF) to construct a new drainage swale along the proposed roadway embankment's toe-of-slope. (RA-W51) (Lat. 40.392446°, Long. -75.410269°)

40. To fill 0.809 acre of PFO wetland (WW20) within Unami Creek watershed (HQ-TSF, MF) to widen the southbound lane. (RA-W52, RA-W53) (Lat. 40.392539°, Long. -75.411051°)

41. To excavate 0.072 acre of PFO Wetland (WW20) within Unami Creek watershed (HQ-TSF, MF) to construct a new drainage swale along the proposed roadway embankment's toe-of-slope (RA-W54) (Lat. 40.392456°, Long. -75.411122°)

42. To fill 0.316 acre of PFO wetland (EW46) within Unami Creek watershed (HQ-TSF, MF) to widen the northbound lane. (RA-W55, RA-W56) (Lat. 40.393042°, Long. -75.410437°)

43. To excavate 0.070 acre of PFO wetland (EW46) within Unami Creek watershed (HQ-TSF, MF) to construct a new drainage swale along the proposed roadway embankment's toe-of-slope (RA-W57) (Lat. 40.393059°, Long. -75.410371°)

44. To construct and maintain an approximate 216 foot, three-span bridge structure (NB-204) across Unami Creek (HQ-TSF, MF) (Stream EW44/WW23) for an aerial impact of 19,519 square feet (RA-S40, RA-S41, RA-S43, RA-S46) and a 14.7 foot approximate underclearance (Lat. 40.393772°, Long. -75.411028°)

45. To fill 2,630 square feet of tributary to Unami Creek (HQ-TSF, MF) (EW43) to widen the northbound lane and bridge grading activities. (RA-S37) (Lat. 40.393772°, Long. -75.411028°)

46. To fill 9,949 square feet of Unami Creek (HQ-TSF, MF) (EW44/WW23) for road widening and bridge grading activities. (RA-S39, RA-0S42, RA-S45) (Lat. 40.393772°, Long. -75.411028°)

47. To fill 0.025 acre of PFO wetland (EW49) within Unami Creek watershed (HQ-TSF, MF) for earthfill and rock armoring for the new bridge. (RA-W58) (Lat. 40.393772°, Long. -75.411028°)

48. To fill 3,648 square feet of tributary to Unami Creek (HQ-TSF, MF) (EW50) to widen the northbound lane. (RA-S47) (Lat. 40.398206°, Long. -75.411933°)

49. To excavate and fill 2,647 square feet of tributary to Unami Creek (HQ-TSF, MF) (WW132) to widen the southbound lane. (RA-S48) (Lat. 40.398206°, Long. -75.411933°)

50. To excavate 0.062 acre of PEM wetland (WW28) within Unami Creek watershed (HQ-TSF, MF) to construct a new drainage swale. (RA-W60) (Lat. 40.399949°, Long. -75.412226°)

51. To fill 0.007 acre of PEM wetland (WW30) within Unami Creek watershed (HQ-TSF, MF) to widen the southbound lane. (RA-W61) (Lat. 40.399946°, Long. -75.412109°)

52. To fill 1,316 square feet of tributary to Unami Creek (HQ-TSF, MF) (WW31) to widen the southbound lane. (RA-S49) (Lat. 40.399973°, Long. -75.412120°)

53. To excavate 142 square feet of tributary to Unami Creek (HQ-TSF, MF) (WW131) to construct a stormwater conveyance swale. (RA-S50) (Lat. 40.400791°, Long. -75.412377°)

54. To extend and maintain two existing 6-foot by 3-foot concrete box structures (NB-206 and NB-207) conveying tributaries to Unami Creek (HQ-TSF, MF) (Stream WW131 and WW29) by adding 32 linear feet upstream (NB-206) and 30 linear feet upstream (NB-207) and includes filling 1.035 acres of PEM wetland (WW29), and 0.003 acre of PEM wetland (WW35) within Unami Creek watershed (HQ-TSF, MF) to widen the southbound lane. (RA-W62, RA-W133) (Lat. 40.403011°, Long. -75.412598°)

55. To excavate 0.012 acre of PEM wetland (WW29), and 0.090 acre of PFO wetland (WW33) within Unami Creek HQ-TSF, MF) to construct permanent stormwater management facilities (Basin 12). (RA-W63, RA-W65) (Lat. 40.401839°, Long. -75.412633°)

56. To fill 0.003 acre of PFO wetland (WW33) within Unami Creek watershed (HQ-TSF, MF) to widen the southbound lane. (RA-W66) (Lat. 40.402744°, Long. -75.412619°)

57. To fill, extend and maintain existing 6-foot by 3-foot concrete box structure (NB-206) conveying a tributary to Unami Creek (HQ-TSF, MF) (Stream WW131) by adding 34 linear feet downstream (NB-206) impacting 7,142 square feet of Unami Creek (HQ-TSF, MF) to widen the northbound lane. (RA-S52). (Lat. 40.401417°, Long. -75.411806°)

58. To excavate 30,293 square feet of Unami Creek (HQ-TSF, MF) (EW51), and 0.007 acre of PSS wetland (EW56) to realign the channel of Unami Creek (HQ-TSF, MF). (RA-S53, RA-W67) (Lat. 40.401417°, Long. -75.411806°)

59. To fill 227 square feet of Unami Creek (HQ-TSF, MF) (EW52) to widen the northbound lane. (RA-S54) (Lat. 40.402155°, Long. -75.411935°)

60. To fill 0.033 acre of PFO wetland (EW53) within Unami Creek watershed (HQ-TSF, MF) to widen the northbound lane. (RA-W68, RA-W69) (Lat. 40.402242°, Long. -75.411971°)

61. To fill 446 square feet of Unami Creek (HQ-TSF, MF) (EW54) to widen the northbound lane. (RA-S56) (Lat. 40.402549°, Long. -75.412045°)

62. To place temporary erosion and sediment control features and construction access in wetland (WW32) to widen the southbound lane. Permanent impact (RA-W70) of 0.007 acre of PFO wetland (WW32). (Lat. 40.403620°, Long. -75.412811°)

63. To fill 0.041 acre of PEM wetland (EW60) within Unami Creek watershed (HQ-TSF, MF) to widen the northbound lane. (RA-W72) (Lat. 40.404000°, Long. -75.412272°)

64. To fill 0.063 acre of PFO wetland (EW80) within Unami Creek watershed (HQ-TSF, MF) to widen the northbound lane. (RA-W73, RA-W74) (Lat. 40.404777°, Long. -75.412404°)

65. To fill 0.022 acre of PFO wetland (EW83) within Unami Creek watershed (HQ-TSF, MF) to widen the northbound lane. (RA-W75, RA-W76) (Lat. 40.406703°, Long. -75.412631°)

66. To fill 0.021 acre of PFO wetland (EW77) within Unami Creek watershed (HQ-TSF, MF) to widen the northbound lane. (RA-W77) (Lat. 40.407198°, Long. -75.412767°)

67. To fill 0.011 acre of PEM wetland (EW76) within Unami Creek watershed (HQ-TSF, MF) to widen the northbound lane and extend the downstream end of a 6-foot wide by 3-foot high concrete box stream enclosure (NB-207). (RA-W78) (Lat. 40.407337°, Long. -75.412797°)

68. To fill 0.166 acre of PFO wetland (EW75) within Unami Creek watershed (HQ-TSF, MF) to widen the northbound lane. (RA-W79 and RA-W80) (Lat. 40.407898°, Long. -75.412885°)

69. To excavate 115 square feet within a tributary to Schmoutz Creek (HQ-TSF, MF) (Stream WW34) to construct a stormwater conveyance directing flow to the upstream end of the NB-207 stream enclosure. (RA-S58) (Lat. 40.407100°, Long. -75.413395°)

70. To fill 93 square feet of tributary to Schmoutz Creek (HQ-TSF, MF) (WW34) to widen the southbound lane. (RA-S59) (Lat. 40.407100°, Long. -75.413352°)

71. To relocate a tributary to Schmoutz Creek (HQ-TSF, MF) (WW34). Permanent impact (RA-S94) of 600 square feet of tributary to Schmoutz Creek (HQ-TSF, MF) (WW34). (Lat. 40.407100°, Long. -75.413352°)

72. To fill 0.058 acre of PEM wetland within Unami Creek watershed (HQ-TSF, MF) to widen the southbound lane. (RA-W82) (Lat. 40.407875°, Long. -75.413447°)

73. To fill 0.285 acre of PFO wetland (WW36) within Unami Creek watershed (HQ-TSF, MF) to widen the southbound lane. (RA-W83) (Lat. 40.409304°, Long. -75.413643°)

74. To fill 0.258 acre of PFO wetland (WW36) within Unami Creek watershed (HQ-TSF, MF) to construct permanent stormwater management facilities (Basin 13). (RA-W84) (Lat. 40.409785°, Long. -75.413953°)

75. To construct and maintain an approximate 178 foot, single-span bridge structure (NB-208) across Schmoutz Creek (HQ-TSF, MF) (Stream WW38/EW68) for an aerial impact of 3,085 square feet (RA-S64, RA-S65, and RA-S67) and a 12.1 foot approximate underclearance. (Lat. 40.410052°, Long. -75.413136°)

76. To fill 1,995 square feet of Schmoutz Creek (HQ-TSF, MF) (EW68) to construct bridge structure NB-208. (RA-S63, RA-S66) (Lat. 40.410052°, Long. -75.413136°)

77. To excavate 0.007 acre of PSS wetland (EW69), and 0.005 acre of PFO wetland (EW69) within Unami Creek watershed (HQ-TSF, MF) to construct bridge structure NB-208. (RA-W89 and RA-W90) (Lat. 40.410052°, Long. -75.413136°)

78. To fill 719 square feet of Schmoutz Creek (HQ-TSF, MF) (Schmoutz Creek, EW68) to widen the northbound lane. (RA-S61)

79. To excavate and realign 5,098 square feet of Schmoutz Creek (HQ-TSF, MF) (Schmoutz Creek, EW68) to construct a channel restoration of Schmoutz Creek (HQ-TSF, MF). (RA-S62) (Lat. 40.409775°, Long. -75.413117°)

80. To excavate and fill 3,390 square feet of Schmoutz Creek (HQ-TSF, MF) (Schmoutz Creek, WW38), 0.001 acre of PSS and 0.001 of PFO wetland (WW70), 0.135 acre of PFO wetland (WW40), 0.011 acre of PSS wetland (EW71), 0.035 acre of PEM wetland (WW37), 0.011 acre of PEM wetland (WW39), 0.004 acre of PFO wetland (EW100), and 0.036 acre of PFO wetland (WW41) within Unami Creek watershed (HQ-TSF, MF) for the permanent removal of the Doerr Road Bridge over Schmoutz Creek (HQ-TSF, MF) and concrete channel and stream restoration. (RA-S68, RA-W85, RA-W86, RA-W95, RA-W96, RA-W87, RA-W97, RA-W98, RA-W88, and RA-W99) (Lat. 40.409775°, Long. -75.413117°)

81. To fill 396 square feet of tributary to Schmoutz Creek (HQ-TSF, MF) (WW47) to widen the mainline. (RA-S70) (Lat. 40.410738°, Long. -75.413859°)

82. To fill 256 square feet of piped tributary to Schmoutz Creek (HQ-TSF, MF) (WW47-Pipe). The piped portion of the watercourse will no longer convey water because the upstream channel will be filled to widen the roadway (RA-S70). The existing pipe will be abandoned in place. (Lat. 40.410738°, Long. -75.413859°)

83. To fill 15,519 square feet of tributary to Schmoutz Creek (HQ-TSF, MF) (EW66) to widen the mainline. (RA-S72) (Lat. 40.417407°, Long. -75.414361°)

84. To fill 0.101 acre of PEM wetland (EW67), and 0.058 acre of PEM wetland (EW67) within Unami Creek

watershed (HQ-TSF, MF) to widen the mainline. (RA-W91, RA-W92) (Lat. 40.417407°, Long. -75.414361°)

85. To fill 1.666 acre of PEM wetland (WW46) within Unami Creek watershed (HQ-TSF, MF) to widen the southbound lane. (RA-W100) (Lat. 40.414088°, Long. -75.414423°)

86. To construct a 14-inch by 23-inch elliptical reinforced concrete culvert to convey a relocated tributary to Schmoutz Creek (HQ-TSF, MF) (Stream WW54-Pipe) impacting 223 square feet of a piped tributary. (RA-S73) (Lat. 40.417648°, Long. -75.414305°)

87. To fill 0.095 acre of PEM wetland (WW45) within Unami Creek watershed (HQ-TSF, MF) to widen the southbound lane. (RA-W105) (Lat. 40.417695°, Long. -75.415067°)

88. To excavate and fill 0.088 acre of PEM wetland (WW45), and 0.028 acre of PEM wetland (WW135W) within Unami Creek watershed (HQ-TSF, MF) to construct permanent stormwater management facilities (Basin 14). (RA-W104, RA-W103) (Lat. 40.417375°, Long. -75.415112°)

89. To fill 0.147 acre of PEM wetland (WW53) within Unami Creek watershed (HQ-TSF, MF) to widen the southbound lane. (RA-W106) (Lat. 40.418470°, Long. -75.415176°)

90. To fill 434 square feet of tributary to Schmoutz Creek (HQ-TSF, MF) (WW54-Bridge) to widen the overhead NB-211 bridge. (RA-S74) (Lat. 40.417990°, Long. -75.414880°)

91. To fill 2,534 square feet of tributary to Schmoutz Creek (HQ-TSF, MF) (WW54) to widen the southbound lane. (RA-S75) (Lat. 40.420263°, Long. -75.415°)

92. To fill 5,679 square feet of tributary to Schmoutz Creek (HQ-TSF, MF) (WW51) to widen the southbound lane. (RA-S77) (Lat. 40.420263°, Long. -75.415°)

93. To fill 0.024 acre of PEM wetland (WW52), and 0.010 acre of PFO wetland (WW50) within Unami Creek watershed (HQ-TSF, MF) to widen the southbound lane. (RA-W108, RA-W109) (Lat. 40.420263°, Long. -75.415°)

94. To excavate 2,459 square feet of tributary to Schmoutz Creek (HQ-TSF, MF) (WW54) to construct permanent stormwater management facilities. (RA-S76) (Lat. 40.419841°, Long. -75.416172°)

95. To excavate and fill 0.073 acre of PEM wetland (WW151) within Unami Creek watershed (HQ-TSF, MF) to construct stormwater management facilities and basin access. (RA-W107) (Lat. 40.419841°, Long. -75.416172°)

96. To excavate 16 square feet of tributary to Schmoutz Creek (HQ-TSF, MF) (WW49) to widen the southbound lane. (RA-S78) (Lat. 40.423738°, Long. -75.416752°)

97. To excavate 0.007 acre of PEM wetland (WW48) within Unami Creek watershed (HQ-TSF, MF) to widen the southbound lane. (RA-W110) (Lat. 40.423738°, Long. -75.416752°)

98. To excavate 139 square feet of tributary to Schmoutz Creek (HQ-TSF, MF) (WW49) to construct a permanent stormwater conveyance. (RA-S79) (Lat. 40.423738°, Long. -75.416752°)

99. To fill 46 square feet of tributary to Molasses Creek (HQ-TSF, MF) (EW84) to widen the northbound lane. (RA-S80) (Lat. 40.423738°, Long. -75.416752°)

100. To fill 0.24 acre of PEM wetland (WW55) within Unami Creek watershed (HQ-TSF, MF) to construct per-

manent stormwater management facilities (Basin 16). (RA-W111) (Lat. 40.428882°, Long. -75.420018°)

101. To fill 0.006 acre of PSS and 0.003 acre of PEM wetland (EW87) within Unami Creek watershed (HQ-TSF, MF) to widen the northbound lane (RA-W113, RA-W114) (Lat. 40.428957°, Long. -75.418988°)

102. To construct and maintain an approximate 161 foot single-span bridge, NB-212 over Molasses Creek (HQ-TSF, MF) (Stream WW56/EW88 having an aerial impact totaling 3,498 square feet (RA-S84, RA-S85, RA-S87). (Lat. 40.429173°, Long. -75.419450°)

103. To fill 695 square feet of Molasses Creek (HQ-TSF, MF) (Molasses Creek, EW88, WW56) and 0.006 acre of PEM and 0.002 PFO wetland (EW94) within Unami Creek watershed (HQ-TSF, MF) to construct bridge structure NB-212. (RA-S83, RA-S86, RA-W115 and RA-W116) (Lat. 40.429173°, Long. -75.419450°)

104. To fill 1,056 square feet of Molasses Creek (HQ-TSF, MF) (WW62) to widen the southbound lane. (RA-S89) (Lat. 40.429493°, Long. -75.419931°)

105. To fill 9,355 square feet of tributary to Molasses Creek (HQ-TSF, MF) (EW95) to widen the northbound lane. (RA-S90) (Lat. 40.431164°, Long. -75.420652°)

106. To fill 0.003 acre of PEM wetland (EW96) within Unami Creek watershed (HQ-TSF, MF) to widen the northbound lane. (RA-W117) (Lat. 40.429456°, Long. -75.419231°)

107. To fill 0.032 acre of PEM wetland (EW96) within Unami Creek watershed (HQ-TSF, MF) to construct a stormwater conveyance from Rain Garden 3 to Molasses Creek. (RA-W118) (Lat. 40.429499°, Long. -75.419158°)

108. To fill 0.229 acre of PEM wetland (WW59) within Unami Creek watershed (HQ-TSF, MF) to widen the southbound lane. (RA-W120) (Lat. 40.430066°, Long. -75.420405°)

109. To fill 0.036 acre of PEM wetland (WW60) within Unami Creek watershed (HQ-TSF, MF) to widen the southbound lane. (RA-W121) (Lat. 40.430449°, Long. -75.420792°)

110. To fill 0.010 acre of PEM wetland (EW97) within Unami Creek watershed (HQ-TSF, MF) to construct permanent stormwater management facilities (Rain Garden 3). (RA-W124) (Lat. 40.431181°, Long. -75.420548°)

111. To fill 0.369 acre of PEM wetland (EW98) within Unami Creek watershed (HQ-TSF, MF) to widen the northbound lane. (RA-W125) (Lat. 40.432190°, Long. -75.421497°)

112. To fill 0.037 acre of PEM wetland (WW63) within Unami Creek watershed (HQ-TSF, MF) to construct permanent stormwater management facilities. (RA-W127) (Lat. 40.433434°, Long. -75.422954°)

113. To excavate 0.044 acre of PEM wetland (EW99) within Unami Creek watershed (HQ-TSF, MF) to construct a new drainage swale. (RA-W129) (Lat. 40.434184°, Long. -75.422802°)

114. To fill 0.025 acre of PEM wetland (EW119W) within Unami Creek watershed (HQ-TSF, MF) for shoulder improvements. (RA-W130)

115. To fill 25 square feet of tributary to Molasses Creek (HQ-TSF, MF) (EW119S) to grade the outlet of a stormwater conveyance. (RA-S91) (Lat. 40.434785°, Long. -75.423460°)

In total the Bucks County portion of the project will result in 0.40 acre of temporary and 4.18 acres permanent stream impact, 1.03 acres of temporary and 23.94 acres of permanent floodway impact, 0.387 acre of permanent lacustrine impact, and 1.145 acres of temporary and 9.735 acres of permanent wetland impact.

The permittee is required to provide the following compensatory stream and wetland mitigation:

1. Re-establish 2.41 acres of PEM and PSS wetlands at the Lederer Mitigation Site located in Milford Township, Bucks County. (Lat. 40.416845°, Long. -75.415876°)

2. Restore 14,813 square feet of Schmoutz Creek within the Schmoutz Creek Restoration Site located in Milford Township, Bucks County. (Lat. 40.410638°, Long. -75.414577°)

3. Re-establish 3.30 acres of PEM and PFO wetlands and restore 2,587 linear feet of stream at the Yellow Barn Farm Mitigation Site located in Salford Township, Montgomery County. (Lat. 40.339672°, Long. -75.374883°)

4. Re-establish 4.37 acres, rehabilitate 1.56 acres, and enhance 5.37 acres of PEM, PSS, and PFO wetlands and restore 3,112 linear feet of stream and enhance 902 linear feet of stream at the Middle Creek Mitigation Site located in Douglass Township, Montgomery County. (Lat. 40.334164°, Long. -75.602733°)

5. Purchase 2.496 acres of wetland credits and 1,703 linear feet of stream credits from the Quaker Mitigation Bank (permit # MB9915-0001) located in Albany Township, Berks County. (Lat. 40.656247°, Long. -75.884157°)

This Bucks County portion of the project is located along the Northeast Extension of the Pennsylvania Turnpike at milepost A38.9 to milepost A43.3 (Perkiomenville & Milford Square, PA Quadrangle, Latitude: 40° 22' 11.20"; Longitude: -75° 24' 4.55") in Milford & West Rockhill Townships, Bucks County.

E4683220-026. Pennsylvania Turnpike Commission, 700 S. Eisenhower Blvd, Middletown, PA 17057. Salford Township, **Montgomery County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the Montgomery County portion of the PA Turnpike Northeast Extension Roadway and Bridge Reconstruction Project MP A37.4 to MP A43.3:

1. To excavate 0.093 acre of PEM wetland (EW10) within the Unami Creek watershed (HQ-TSF, MF) for northbound lane widening. (RA-W1) (Lat. 40.360149°, Long. -75.395733°)

2. To fill 0.007 acre of PFO wetland (WW3) within the Unami Creek watershed (HQ-TSF, MF) for southbound lane widening. (RA-W3) (Lat. 40.358824°, Long. -75.395629°)

3. To excavate 0.025 acre of PFO wetland (EW13/EW14) within the Unami Creek watershed (HQ-TSF, MF) for a drainage swale. (RA-W5) (Lat. 40.362359°, Long. -75.396716°)

4. To fill 0.022 acre of PEM wetland (WW5) within the Unami Creek watershed (HQ-TSF, MF) for a permanent stormwater management facility (Basin 2). (RA-W7) (Lat. 40.365202°, Long. -75.399352°)

5. To fill 7,189 square feet of tributary to Ridge Valley Creek (HQ-TSF, MF) (WW4) for southbound lane widening. (RA-S1) (Lat. 40.365088°, Long. -75.398918°)

6. To fill 47 square feet of tributary to Ridge Valley Creek (HQ-TSF, MF) (WW130) for southbound lane widening. (RA-S2) (Lat. 40.366604°, Long. -75.399820°)

7. To fill 123 square feet of tributary to Ridge Valley Creek (HQ-TSF, MF) (WW130) for a stormwater management drainage swale. (RA-S3) (Lat. 40.366567°, Long. -75.399968°)

8. To fill and excavate 471 square feet of tributary to Ridge Valley Creek (HQ-TSF, MF) (WW4) for a stormwater management drainage swale. (RA-S4) (Lat. 40.366676°, Long. -75.399968°)

9. To fill 0.817 acre of PEM wetland (WW5) within the Unami Creek watershed (HQ-TSF, MF) for southbound lane widening. (RA-W9) (Lat. 40.367858°, Long. -75.400518°)

10. To fill and excavate 0.694 acre of PEM wetland (WW5) within the Unami Creek watershed (HQ-TSF, MF) for a stormwater management drainage swale. (RA-W10) (Lat. 40.367707°, Long. -75.400562°)

11. To fill 2,579 square feet of tributary to Ridge Valley Creek (HQ-TSF, MF) (EW17) for northbound lane widening. (RA-S6) (Lat. 40.365894°, Long. -75.398782°)

12. To fill 0.515 acre of PFO wetland (EW16) within the Unami Creek watershed (HQ-TSF, MF) for northbound lane widening. (RA-W11, RA-W12) (Lat. 40.367978°, Long. -75.399955°)

In total the Montgomery County portion of the project will result in less than 0.01 acre of temporary and 0.24 acre permanent stream impact, and 0.177 acre of temporary and 1.457 acres of permanent floodway impact, and 0.336 acre of temporary and 2.173 acres of permanent wetland impact.

The permittee is required to provide the following compensatory stream and wetland mitigation:

1. Re-establish 2.41 acres of PEM and PSS wetlands at the Lederer Mitigation Site located in Milford Township, Bucks County. (Lat. 40.416845°, Long. -75.415876°)

2. Restore 14,813 square feet of Schmoutz Creek within the Schmoutz Creek Restoration Site located in Milford Township, Bucks County. (Lat. 40.410638°, Long. -75.414577°)

3. Re-establish 3.30 acres of PEM and PFO wetlands and restore 2,587 linear feet of stream at the Yellow Barn Farm Mitigation Site located in Salford Township, Montgomery County. (Lat. 40.339672°, Long. -75.374883°)

4. Re-establish 4.37 acres, rehabilitate 1.56 acres, and enhance 5.37 acres of PEM, PSS, and PFO wetlands and restore 3,112 linear feet of stream and enhance 902 linear feet of stream at the Middle Creek Mitigation Site located in Douglass Township, Montgomery County. (Lat. 40.334164°, Long. -75.602733°)

5. Purchase 2.496 acres of wetland credits and 1,703 linear feet of stream credits from the Quaker Mitigation Bank (permit # MB9915-0001) located in Albany Township, Berks County. (Lat. 40.656247°, Long. -75.884157°)

The Montgomery County portion of the project is located along the Northeast Extension of the Pennsylvania Turnpike at milepost A37.4 to milepost A38.9 (Perkiomenville & Milford Square, PA Quadrangle, Latitude: 40° 22' 11.20"; Longitude: -75° 24' 4.55") in Salford Township, Montgomery 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.

Eastern Region: Oil & Gas Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

ESCGP-3 # ESG294121020-00
 Applicant Name Beech Resources LLC
 Contact Person Charles Pollard
 Address 3033 East 1st Avenue Suite 400
 City, State, Zip Denver, CO 80206
 County Lycoming
 Township(s) Lycoming
 Receiving Stream(s) and Classification(s) UNT to Beautys Run (WWF), UNT Hoagland Run (EV)
 Secondary: Beautys Run (WWF), Lycoming Creek (EV)

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 2

The Following Plans and Reports Were Submitted Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

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

the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning plans or reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone 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, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

25th Street Sunoco, Storage Tank ID # 48-06963, 201 South Wood Avenue, Easton, PA 18042, Wilson Borough, **Northampton County**, MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Aashish Kharb, 249 South Broadway, Wind Gap, PA 18091, submitted a Remedial Action Completion concerning remediation of soil and groundwater contaminated with diesel. The report is intended to document the remedial actions for meeting Statewide health standards.

Southcentral Regional Office: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.

Contact: Gregory Bowman, Environmental Group Manager.

Blain Tire & Auto Service, Storage Tank Facility ID # 50-14864, 304 East Main Street, Blain, PA 17086, Jackson Township, **Perry County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Blain Tire & Auto, Inc., 304 East Main Street, Blain, PA 17006 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The plan is intended to document the remedial actions for meeting the Statewide health standard.

Contact: Robin L. Yerger, LPG.

Carlos R Leffler York Bulk PLT, Storage Tank Primary Facility ID # 67-60828, 28 Abbie Road, York, PA 17408, **York County**. Patriot Environmental Management, LLC, 2404 Brown Street, Pottstown, PA 19464, on behalf of Richland Partners, LLC, P.O. Box 659, Douglassville, PA 19518, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The report is intended to document remediation of the site to meet the Statewide health standard.

Northwest Regional Office: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6648.

Contact: Kim Bontrager, Clerk Typist 3.

CORRECTED: Country Fair 43, Storage Tank Facility ID # 25-09234, 3826 Peach Street, Erie, PA 16509,

City of Erie, **Erie County**. Atlas Technical Consultants, 270 William Pitt Way, Pittsburgh, PA 15238, on behalf of Country Fair Stores, Inc., 2251 East 30th Street, Erie, PA 16510, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide health standard.

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, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Fogelsville Shell, Storage Tank ID # 39-07046, 241 North Route 100, Allentown, PA 18106, Upper Macungie Township, **Lehigh County**. Reliance Environmental, 235 N. Duke Street, Lancaster, PA 17602, on behalf of Eastern Star, Inc., 241 North Route 100, Allentown, PA 18106, submitted a combined Site Characterization Report and Remedial Action Plan concerning remediation of soil contaminated with petroleum. The

report was not acceptable to meet site-specific standards and was disapproved by DEP on October 21, 2021.

Southcentral Regional Office: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.

Contact: Robin L. Yerger, LPG.

Carlos R Leffler York Bulk PLT, Storage Tank Primary Facility ID # 67-60828, 28 Abbie Road, York, PA 17408, **York County**. Patriot Environmental Management, LLC, 2404 Brown Street, Pottstown, PA 19464, on behalf of Richland Partners, LLC, P.O. Box 659, Douglassville, PA 19518, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The Remedial Action Completion Report demonstrated attainment of the Statewide-health standard and was approved by DEP on October 26, 2021.

Northwest Regional Office: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6648.

Contact: Kim Bontrager, Clerk Typist 3.

TSP 217, Storage Tank Facility ID # 10-06945, 20133 Route 19, Cranberry Township, PA 16066, Cranberry Township, **Butler County**. Envirotrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Tri-State Petroleum Corporation, 2627 Vance Avenue, P.O. Box 4006, Wheeling, WV 26003-7239, 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 October 21, 2021.

Fueland 212, Storage Tank Facility ID # 03-03881, 2232 River Road, Vandergrift, PA 15690, Kiskiminetas Township, **Armstrong County**. Letterle & Associates, 191 Howard Street, Suite 108, Franklin, PA 16323, on behalf of SPC Realty Company, 8199 McKnight Road, Pittsburgh, PA 15237, 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 October 21, 2021.

Cratty Sunoco, Storage Tank Facility ID # 25-12453, 1508 W. 26th Street, Erie, PA 16508, City of Erie, **Erie County**. Environmental Remediation and Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of Tops Market, LLC, P.O. Box 1027, Buffalo, NY 14240, submitted a combined Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline and waste oil. The combined Remedial Action Plan and Remedial Action Completion Report demonstrated attainment of the site-specific standard and was approved by DEP on October 22, 2021.

SPECIAL NOTICES

AIR QUALITY

Preliminary Determination to Approve an Alternative Reasonably Available Control Technology (RACT II) Plan and Seeks an Approval of an Amendment to the State Implementation Plan (SIP) for the Montour, LLC Steam Electric Station (SES) Located in Derry Township, Montour County.

47-00001: In accordance with 25 Pa. Code §§ 129.96—129.100, the Pennsylvania Department of Environmental Protection (DEP) has made a preliminary determination to approve an alternative Reasonably Available Control Technology (RACT II) plan and seeks an approval of an amendment to the State Implementation Plan (SIP) for the **Montour, LLC Steam Electric Station (SES)** located in Derry Township, **Montour County**, and in accordance with 25 Pa. Code § 127.521, the Department of Environmental Protection intends to modify the facility's Title V Operating Permit. The facility is located at 18 McMichael Road, Washingtonville, PA 17821. The facility's representative to contact concerning this application is Ms. Kathleen Potter, Senior Environmental Professional. Her phone number is 610-601-0305. The facility's major emission sources include two tangential bituminous coal-fired boilers with nominal maximum heat inputs of 7,317 and 7,239 MMBtu/hr, two # 2 fuel oil-fired auxiliary boilers rated at maximum heat inputs of 249 and 269 MMBtu/hr, emergency diesel engines and fire pumps, coal handling, ash handling and disposal, limestone and gypsum operations, plant haul roads, cooling towers and sorbent handling and storage.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT II approval for the facility, which are intended to satisfy the requirements for the 1997, 2008 and 2015 National Ambient Air Quality Standard (NAAQS) for ozone. The proposed amendments to the RACT II determination, if finally approved, will be incorporated into a revised Operating Permit (47-00001) for the facility. The relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal; this includes the provisions of the Department's presumptive RACT II requirements in accordance with 25 Pa. Code § 129.97, as they apply to existing sources at this facility. 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.

The following is a summary of the proposed amendments to the RACT II determination for this operation that will be submitted to the EPA as a SIP revision:

- Emissions of NO_x expressed as NO₂ for Units 1 and 2 are individually limited to a maximum of 0.080 lb. NO_x/MMBtu on a daily average basis. This limit excludes, emissions during start-up, shut-down, and malfunction; operation pursuant to emergency generation required by PJM, including any necessary testing for such emergency operations; and during periods in which compliance with this emission limit would require operation of any equipment in a manner inconsistent with technological limitations, good engineering and maintenance practices, and/or good air pollution control practices for minimizing emissions.

- Emissions of NO_x expressed as NO₂ from Unit 1 and 2 are individually limited to a maximum of 0.30 lb. NO_x/MMBtu on a daily average basis under all operating conditions.

- Emissions of NO_x expressed as NO₂ from Unit 1 and 2 are individually limited to a maximum 590 lbs. NO_x/hr on a 30-operating day rolling average basis under all operating conditions.

- The owner or operator shall calibrate, operate, and maintain all elements of the Selective Catalytic Reduction (SCR) system in accordance with the manufacturer's specifications, in a manner consistent with good engineering and air pollution control practices at all times the SCR system is in use.

- The owner or operator shall maintain NO_x controls as effective as reasonably possible during startups and shut-downs.

- The owner or operator shall take steps to bring NO_x controls back into full service as quickly as practicable whenever the control equipment experiences a malfunction.

- The owner or operator shall document and report to the DEP, information regarding the cause of the malfunction and the steps for bringing the controls back.

- The owner or operator shall develop, maintain, and implement an operation and maintenance plan (O&M Plan) for Unit 1, Unit 2, Low NO_x Burner (LNB) and the SCR.

- All operators of Unit 1, Unit 2, SCR, and LNB shall be trained in the operation and maintenance of the unit(s) they are assigned to operate by qualified personnel.

- During the first 60 days of each calendar year, the facility shall perform a catalyst activity test. Within 60 days of receiving the results of catalyst activity test, the facility shall consult with the SCR catalyst vendor to monitor SCR performance in accordance the catalyst management plans (CMPs) developed for the SCR systems.

A public hearing will be held if requested by December 6, 2021, to accept oral comments on the proposed Operating Permit revision and the proposed SIP revision. The hearing will be held, if requested, on December 13, 2021, at 1 p.m. at the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. To request a hearing, to register to speak at a hearing, or to inquire if a hearing will be held, please contact Megan Lehman at 570-327-3659. The last day to pre-register to speak at a hearing, if one is held, will be December 6, 2021.

Please note that any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at: <https://www.dep.pa.gov/About/Regional/North-central-Regional-Office/Community-Information/Pages/default.aspx>. We ask that you contact Megan Lehman at 570-327-3659 or monitor our Web site to determine if a hearing will be held.

Persons wishing to present testimony at the hearing should contact Megan Lehman at 570-327-3659 at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing, if it is held, may submit three (3) copies of a written statement and exhibits within 10 days thereafter to Muhammad Q. Zaman, Environmental Program Manager, Pennsylvania Department of Environmental Protec-

tion Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

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 Muhammad Q. Zaman, Environmental Program Manager, Pennsylvania Department of Environmental Protection Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. A 30-day comment period from November 6, 2021 will exist for the submission of comments, protests and information. Each submission must contain the following:

1. Name, address and telephone number of the person submitting the comments
2. Identification of the proposed RACT II Operating Permit including the permit number and
3. A concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT II Plan.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. Appointments for scheduling a review may be made by calling the Department at 570-327-0550.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Megan Lehman at 570-327-3659 or the Pennsylvania Hamilton Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

**ENVIRONMENTAL CLEANUP &
BROWNFIELDS
HAZARDOUS SITES CLEAN-UP
UNDER THE ACT OF
OCTOBER 18, 1988**

Notice of Proposed Remedial Response.

The **Bishop Tube Site**, South Malin Road, Malvern, PA, 19355, East Whiteland Township, **Chester County**.

On September 25, 2021, the Department of Environmental Protection (DEP), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P.S. §§ 6020.102—6020.1303), published notification of its proposed remedial response action at the Bishop Tube HSCA Site (the Site) to address soil, groundwater, surface water, and a residential drinking water supply that have been contaminated by chlorinated solvents and/or inorganic contaminants of concern (COCs).

DEP has extended the time period for review of the administrative record and submission of public comment from January 3, 2022 until January 31, 2022.

This notice is being provided pursuant to Section 506(b) of HSCA. The administrative record, including the Analysis of Alternatives and Proposed Response Document, which contains the information that forms the basis and documents the selection of this response action is available for public review and comment. An electronic copy of the administrative record is available to review on the DEP's website www.dep.pa.gov/bishoptube. The hard copy of the administrative record is located at DEP's office at 2 East Main Street, Norristown, PA 19401 and is avail-

able for review Monday through Friday from 8 a.m. until 4 p.m. Those interested in examining the Administrative Record at the DEP's office should contact Dustin A. Armstrong at 484.250.5723 to arrange for an appointment. Additional copies of the Administrative Record are available for review at East Whiteland Township's Municipal Building.

Persons may submit written comments into the record during this time only by sending them by mail to Dustin A. Armstrong, Environmental Protection Specialist at the Pennsylvania Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401 or by email to RA-EP-SEROECB@pa.gov. Please include "Bishop Tube Public Comment" in the subject of the email.

DEP has scheduled a Virtual Public Hearing for Tuesday, November 9, 2021, beginning at 6:30 PM. Persons may present oral comments for inclusion in the administrative record at this public hearing. Individuals who wish to present testimony at the virtual hearing must email RA-EP-SEROECB@pa.gov a minimum of 24 hours in advance of the hearing to reserve a time to present testimony; a link will be provided upon registration. For those wishing only to listen, access information to the hearing will be posted to the Virtual Public Hearing web page found at www.dep.pa.gov (select Public Participation). All comments, whether delivered orally during the virtual hearing or submitted in writing, will be included in the administrative record and carry equal weight and consideration with DEP. DEP is extending testimony time allotments from 3 minutes to 5 minutes per commenter. Video demonstrations and screen sharing by witnesses will not be permitted. DEP asks that each organization designate one speaker per group and reminds those presenting that time may not be shared or relinquished to others. More information on DEP virtual hearings may be found on DEP's Public Participation page, at www.dep.pa.gov (select Public Participation).

[Pa.B. Doc. No. 21-1842. Filed for public inspection November 5, 2021, 9:00 a.m.]

**DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

Availability of Grants through the Driving PA Forward Fiscal Year 2020 Pennsylvania State Clean Diesel Grant Program

The Department of Environmental Protection (Department) announces an opportunity to apply for \$3,405,277 in grants offered through the Fiscal Year 2020 Pennsylvania State Clean Diesel Grant Program (Grant Program). Funding has been made available through the United States Environmental Protection Agency (EPA) and the Federal Diesel Emission Reduction Act (DERA). Most of this funding, approximately \$2.85 million, is from the settlement of a lawsuit with Volkswagen and its subsidiaries, relating to diesel vehicle emission violations, and is being used as the Commonwealth's voluntary match funding under the DERA program. Funding is available for eligible diesel emission reduction projects that will improve air quality and protect public health and the environment by reducing emissions from diesel-powered vehicles and engines.

The Department is seeking applications for projects that will replace or retrofit diesel-powered highway and

nonroad fleet vehicles, engines and equipment. The majority of the vehicle or engine's annual operation time must occur within this Commonwealth. Public and private entities that operate diesel-powered fleets throughout this Commonwealth should apply. Eligible entities include school districts, municipal authorities, political subdivisions, State and local agencies, tribal governments, nonprofit entities, corporations, limited liability companies or partnerships incorporated or registered in this Commonwealth, air quality or transportation organizations, and metropolitan or rural planning organizations. Projects must use technologies certified or verified by the EPA or the California Air Resources Board to lower diesel emissions, unless otherwise noted in the Grant Program guidelines. The technology utilized may be singular or a combination of available technologies.

The Department will not reimburse grant recipients for project costs incurred prior to the grant performance period set forth in the applicable grant agreement. The Grant Program guidelines and application instructions are available on the Department's Driving PA Forward webpage at <http://www.depgis.state.pa.us/DrivingPAForward/>.

A recorded presentation providing an overview of the Grant Program and application process will be available on the Department's Driving PA Forward webpage during the application period. Applicants can contact the Bureau of Air Quality at ra-epvwmitigation@pa.gov or (717) 787-9495 with questions or to request clarification about the presentation or Grant Program documents.

Applications must be submitted online through the Commonwealth's Electronic Single Application web site, eGrants, at <https://www.esa.dced.state.pa.us/Login.aspx>. The Department is now accepting applications. Applications must be received by 4 p.m. on Friday, January 7, 2022. The Department will review and score applications after the application period closes. Applicants will receive notification of determination for their grant requests after completion of the review, scoring and selection processes.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 21-1843. Filed for public inspection November 5, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bid Opportunity

OSM 17(7050)101.1, Abandoned Mine Reclamation Project, Muddy Run East, Gulich Township, Clearfield County. The principal items of work and approximate quantities include: dewatering impoundments, 1 lump sum; clearing and grubbing, 1 lump sum; subsurface drains with cleanouts, 1,750 linear feet; grading, 78,400 cubic yards; rock lining, 244 square yards; and seeding, 13.2 acres.

This bid issues on November 5, 2021, and bids will be opened on December 2, 2021, at 2 p.m. Bid documents, including drawings in PDF format and AutoCAD Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to www.BidExpress.com. This project is financed by the Federal government under the authority

given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or RA-ConstructionContr@pa.gov for more information on this bid. Note this is a Small Construction Business Program bid opportunity.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 21-1844. Filed for public inspection November 5, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Citizens Advisory Council and Environmental Justice Advisory Board Joint Meeting

The Citizens Advisory Council (Council) will meet at 12:30 p.m. on Tuesday, November 16, 2021, in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. This will be a combined meeting of the Council and the Environmental Justice Advisory Board. Individuals may attend the meeting in person or remotely. Individuals interested in providing public comments during the meeting are encouraged sign up in advance of the meeting by contacting Keith Salador at ksalador@pa.gov or (717) 787-8171.

Information on how to join the meeting, as well as agenda and meeting materials, will be available on the Council'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 "Citizens Advisory Council," then "Meetings").

Individuals are encouraged to visit the Council's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the November 16, 2021, meeting can be directed to Keith Salador at ksalador@pa.gov or (717) 787-8171.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Keith Salador at (717) 787-8171 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. 21-1845. Filed for public inspection November 5, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Environmental Justice Advisory Board Meeting

The Environmental Justice Advisory Board (Board) will meet at 9 a.m. on Tuesday, November 16, 2021, in the Delaware Room, 16th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The Board will then join the Citizens Advisory Council at 12:30 p.m.

for a combined meeting in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Individuals may attend the meetings in person or remotely. Individuals interested in providing public comments during the meeting are encouraged sign up in advance of the meeting by contacting Allison Acevedo at alacevedo@pa.gov or (484) 250-5818.

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 "Environmental Justice," then "Environmental Justice Advisory Board").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the November 16, 2021, meeting can be directed to Allison Acevedo at alacevedo@pa.gov or (484) 250-5818.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Allison Acevedo at (484) 250-5818 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. 21-1846. Filed for public inspection November 5, 2021, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Suspension of Enforcement of the Pennsylvania Heavy-Duty Diesel Emissions Control Program

The Department of Environmental Protection (Department) announces that beginning November 8, 2021, the Department will suspend enforcement of 25 Pa. Code Chapter 126, Subchapter E (relating to Pennsylvania heavy-duty diesel emissions control program). The Pennsylvania Heavy-Duty Diesel Emissions Control Program (Program) applies to the manufacturers of new diesel-powered vehicles with a gross vehicle weight rating (GVWR) of greater than 14,000 pounds or new heavy-duty diesel (HDD) engines that are used in vehicles with a GVWR of greater than 14,000 pounds that are sold, leased, offered for sale or lease, imported, delivered, purchased, rented, acquired or received in this Commonwealth. The Program requires that subject vehicles and engines be issued a California Air Resources Board (CARB) Executive Order certifying compliance with CARB emission standards. This suspension of enforcement will allow vehicles and engines subject to the Program that have not been issued a CARB Executive Order and which meet the Federal HDD emission standards to be sold, leased, offered for sale or lease, imported, delivered, purchased, rented, acquired or received in this Commonwealth beginning with model year (MY) 2022. With this suspension notice, the Federal standards for heavy-duty diesel vehicles and engines will apply in this Commonwealth.

In 2002, the Department's Program implemented the then current CARB emission standards for all HDD

engines and vehicles that have a gross vehicle weight rating of 14,000 pounds in response to an emissions cheating scandal in the late 1990s, when engine manufacturers installed emission control system defeat devices. See 32 Pa.B. 2327 (May 11, 2002). The Program became effective May 11, 2002, and provided the necessary 2 year lead time to manufacturers as required under section 177(2) of the Clean Air Act (42 U.S.C.A. § 7507(2)). The Program's emission standards first applied to MY 2005 HDD vehicles and engines.

The Department will re-evaluate this suspension of enforcement no later than July 31, 2023, to determine if the Program is needed to assist the Commonwealth in attainment and maintenance of the National Ambient Air Quality Standards in areas of this Commonwealth and the Ozone Transport Region. This suspension of enforcement does not create a need for the Department to extend to manufacturers 2 years of lead time to meet the CARB emission standards implemented by the Program if this suspension of enforcement is revoked by the Department. If the Department revokes this suspension of enforcement for the Program on or before July 31, 2023, manufacturers will be required to meet the Program's requirements beginning with MY 2025 vehicles and engines.

The Department's exercise of enforcement discretion does not protect a manufacturer, distributor, seller, renter, importer, leaser or owner of a retail outlet from the possibility of legal challenge by third persons under 25 Pa. Code Chapter 126, Subchapter E.

For more information or questions concerning the requirements of the Program, contact Mark Hammond, Director for the Bureau of Air Quality, at mahammond@pa.gov or (717) 787-9702.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 21-1847. Filed for public inspection November 5, 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(j) (relating to prevention, control and surveillance of tuberculosis (TB)):

Laurelwood Care Center
100 Woodmont Road
Johnstown, PA 15905
FAC ID # 380502

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Haida Healthcare and Rehabilitation Center
397 Third Avenue Extension
Hastings, PA 16646
FAC ID # 340102

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 aide, 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. 21-1848. Filed for public inspection November 5, 2021, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Medical Assistance Fee Schedule Revisions in the OBRA Waiver and the Act 150 Program

The Department of Human Services (Department) is announcing a change in the fee schedule rates for Personal Assistance Services (PAS) procedure codes W1793, W1793 TT, W1792 and W1792 TU in the Medical Assistance (MA) OBRA Waiver and the Act 150 Program under 55 Pa. Code § 52.45(a) and (b) (relating to fee schedule rates).

The changes in the fee schedule rates for these services will be effective January 1, 2022.

Rate-Setting Methodology

The Department's rate methodology for the fee schedule rates was published in a public notice in the *Pennsylvania Bulletin* at 42 Pa.B. 3343 (June 9, 2012). Fee schedule rates were developed using a standardized market-based rate setting methodology. Relevant market-based information used to determine the fee schedule rates included Commonwealth-specific wage information from the Center for Workforce Information and Analysis, Occupational Wages by County, Bureau of Labor Statistics Employer Costs, cost surveys from providers, Medicare rate information and MA State Plan Fee Schedules.

The existing fee schedule rates for PAS (Agency), PAS (CSLA), PAS (Consumer) and PAS (Consumer Overtime), procedure codes W1793, W1793 TT, W1792 and W1792 TU, are increased with the intent to provide for a wage increase for direct care workers providing agency-directed and participant-directed PAS. The Department intends to use funds available through the Federal American Rescue Plan Act of 2021 (ARP) to fund this increase. ARP provides funds to states to enhance home and community-based services. This increase is dependent on approval by the Centers for Medicare & Medicaid Services, including approval of the Department's ARP spending plan and approval of an amendment to the OBRA Waiver.

Fee Schedule Rates

The following tables provide the rates for PAS procedure codes W1793, W1793 TT, W1792 and W1792 TU:

PAS (Agency)

Region	OBRA Waiver and Act 150	Procedure Code	Rate	Unit
1	X	W1793	\$4.83	15 minutes
2	X	W1793	\$5.37	15 minutes
3	X	W1793	\$5.05	15 minutes
4	X	W1793	\$5.38	15 minutes

PAS (CSLA)

Region	OBRA Waiver only	Procedure Code	Rate	Unit
1	X	W1793 TT	\$4.91	15 minutes
2	X	W1793 TT	\$5.46	15 minutes
3	X	W1793 TT	\$5.15	15 minutes
4	X	W1793 TT	\$5.48	15 minutes

PAS (Consumer)

Region	OBRA Waiver and Act 150	Procedure Code	Rate	Unit
1	X	W1792	\$3.76	15 minutes
2	X	W1792	\$3.60	15 minutes
3	X	W1792	\$3.93	15 minutes
4	X	W1792	\$4.41	15 minutes

PAS (Consumer Overtime)

Region	OBRA Waiver and Act 150	Procedure Code	Rate	Unit
1	X	W1792 TU	\$5.64	15 minutes
2	X	W1792 TU	\$5.39	15 minutes
3	X	W1792 TU	\$5.90	15 minutes
4	X	W1792 TU	\$6.61	15 minutes

Fiscal Impact

The fiscal impact of this change is estimated at \$1.033 million (\$0.869 million in State funds) for Fiscal Year (FY) 2021-2022 and \$2.068 million (\$1.739 million in State funds) for FY 2022-2023.

Public Comment

Interested persons are invited to submit written comments regarding these fee schedule rates to the Department of Human Services, Office of Long-Term Living, Bureau of Policy Development and Communications Management, Attention: Danielle Cyphert, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments can also be sent to RA-waiverstandard@pa.gov. Comments received within 30 days will be considered in subsequent revisions to the fee schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service by dialing 711 or by using one of the toll-free numbers: (800) 654-5984 (TDD users); (800) 654-5988 (voice users); (844) 308-9292 (Speech-to-Speech); or (844) 308-9291 (Spanish).

MEG SNEAD,
Acting Secretary

Fiscal Note: 14-NOT-1470. (1) General Fund; (2) Implementing Year 2021-22 is \$869,000; (3) 1st Succeeding Year 2022-23 through 5th Succeeding Year 2026-27 are \$1,739,000; (4) 2020-21 Program—\$208,841,000; 2019-20 Program—\$470,244,000; 2018-19 Program—\$850,149,000; (7) Long-Term Living; (8) recommends adoption. The Long-Term Living appropriation is able to absorb this increase.

[Pa.B. Doc. No. 21-1849. Filed for public inspection November 5, 2021, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania A Wee Bit Wicked Fast Play Lottery Game 5134; Change to Game Rules; Amended Notice

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue) the Secretary of Revenue hereby provides public notice of changes to the Pennsylvania A Wee Bit Wicked Fast Play Game 5134 (hereinafter referred to as “A Wee Bit Wicked”) Fast Play lottery game rules that were published at 51 Pa.B. 5770 (September 4, 2021).

The Pennsylvania Lottery has re-ordered a quantity of tickets for the A Wee Bit Wicked Fast Play lottery game. As such, the Lottery is adding four additional prizes of \$2,500 to the prize offerings for the Haunted House Second-Chance Drawing for qualifying Fast Play lottery game tickets. The below Amended Game Notice updates the Fast Play game and Second-Chance Drawing information, accordingly. The correct version of this document is as follows, with ellipses referring to the existing text as it appeared at 51 Pa.B. 5770—5776:

* * * * *

9. *Second-Chance Drawing:*

* * * * *

(d) *Prizes available to be won, determination of winners and odds of winning:*

* * * * *

(2) The following table sets forth the approximate number of Entry Multiplier Prizes and the approximate odds of winning an Entry Multiplier Prize:

<i>Qualifying Tickets:</i>	<i>Approximate Number of 13X Entry Multiplier Prizes:</i>	<i>Approximate Odds of Winning a 13X Multiplier Are 1 In:</i>
PA-5132 Carving for Cash	217,808	2
PA-5133 Full Moon \$50s	151,430	3
PA-5134 A Wee Bit Wicked	303,413	3

(3) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 9(c)(2).

* * * * *

(ii) The second through the fifteenth entries in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$2,500.

(iii) The sixteenth through the twenty-fifth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$1,300.

(iv) The twenty-sixth through the seventy-fifth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

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C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 21-1850. Filed for public inspection November 5, 2021, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Carving for Cash Fast Play Lottery Game 5132; Change to Game Rules; Amended Notice

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue) the Secretary of Revenue hereby provides public notice of changes to the Pennsylvania Carving for Cash Fast Play Game 5132 (hereinafter referred to as “Carving for Cash”) Fast Play lottery game rules that were published at 51 Pa.B. 5776 (September 4, 2021).

The Pennsylvania Lottery has re-ordered a quantity of tickets for the A Wee Bit Wicked Fast Play lottery game. As such, the Lottery is adding four additional prizes of \$2,500 to the prize offerings for the Haunted House Second-Chance Drawing for qualifying Fast Play lottery game tickets. The below Amended Game Notice updates the Fast Play game and Second-Chance Drawing information, accordingly. The correct version of this document is as follows, with ellipses referring to the existing text as it appeared at 51 Pa.B. 5776—5782:

* * * * *

9. *Second-Chance Drawing:*

* * * * *

(d) *Prizes available to be won, determination of winners and odds of winning:*

* * * * *

(2) The following table sets forth the approximate number of Entry Multiplier Prizes and the approximate odds of winning an Entry Multiplier Prize:

<i>Qualifying Tickets:</i>	<i>Approximate Number of 13X Entry Multiplier Prizes:</i>	<i>Approximate Odds of Winning a 13X Multiplier Are 1 In:</i>
PA-5132 Carving for Cash	217,808	2

<i>Qualifying Tickets:</i>	<i>Approximate Number of 13X Entry Multiplier Prizes:</i>	<i>Approximate Odds of Winning a 13X Multiplier Are 1 In:</i>
PA-5133 Full Moon \$50s	151,430	3
PA-5134 A Wee Bit Wicked	303,413	3

(3) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 9(c)(2).

* * * * *

(ii) The second through the fifteenth entries in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$2,500.

(iii) The sixteenth through the twenty-fifth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$1,300.

(iv) The twenty-sixth through the seventy-fifth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

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C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 21-1851. Filed for public inspection November 5, 2021, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Full Moon \$50s Fast Play Lottery Game 5133; Change to Game Rules; Amended Notice

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue) the Secretary of Revenue hereby provides public notice of changes to the Pennsylvania Full Moon \$50s Fast Play Game 5133 (hereinafter referred to as “Full Moon \$50s”) Fast Play lottery game rules that were published at 51 Pa.B. 5782 (September 4, 2021).

The Pennsylvania Lottery has re-ordered a quantity of tickets for the A Wee Bit Wicked Fast Play lottery game. As such, the Lottery is adding four additional prizes of \$2,500 to the prize offerings for the Haunted House Second-Chance Drawing for qualifying Fast Play lottery game tickets. The below Amended Game Notice updates the Fast Play game and Second-Chance Drawing information, accordingly. The correct version of this document is as follows, with ellipses referring to the existing text as it appeared at 51 Pa.B. 5782—5787:

* * * * *

9. *Second-Chance Drawing:*

* * * * *

(d) *Prizes available to be won, determination of winners and odds of winning:*

* * * * *

(2) The following table sets forth the approximate number of entry Multiplier Prizes and the approximate odds of winning an Entry Multiplier Prize:

<i>Qualifying Tickets:</i>	<i>Approximate Number of 13X Entry Multiplier Prizes:</i>	<i>Approximate Odds of Winning a 13X Multiplier Are 1 In:</i>
PA-5132 Carving for Cash	217,808	2
PA-5133 Full Moon \$50s	151,430	3
PA-5134 A Wee Bit Wicked	303,413	3

(3) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 9(c)(2).

* * * * *

(ii) The second through the fifteenth entries in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$2,500.

(iii) The sixteenth through the twenty-fifth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$1,300.

(iv) The twenty-sixth through the seventy-fifth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

* * * * *

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 21-1852. Filed for public inspection November 5, 2021, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Millionaire Raffle XXXI Raffle Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314), and 61 Pa. Code § 874.4 (relating to notice of raffle lottery game rules), the Secretary of Revenue hereby provides public notice of the rules for the following raffle lottery game:

1. *Name:* The name of the raffle lottery game is Pennsylvania Millionaire Raffle XXXI.

2. *Price:* The price of one Pennsylvania Millionaire Raffle XXXI lottery game ticket is \$20.

3. *Ticket Sales and Drawing Date:* Pennsylvania Millionaire Raffle XXXI lottery game ticket sales will commence on or after November 9, 2021 and will continue until all 500,000 tickets have been sold, or 8:00 p.m. on January 8, 2022, whichever occurs earlier.

4. *Ticket Characteristics:* Each Pennsylvania Millionaire Raffle XXXI lottery game ticket will contain one unique computer-generated eight-digit number between 00000001 and 00500000, the drawing date, amount bet, and validation data.

5. *Prizes:* The prizes that can be won in this raffle lottery game are \$100, \$1,000, \$100,000 and \$1,000,000.

6. *Maximum Number of Tickets Printed and Sold for the Game:* There will be no more than 500,000 tickets printed and sold for the Pennsylvania Millionaire Raffle XXXI lottery game. The chances will be sequentially issued on a statewide basis from the range of individual unique numbers representing the chances available for the game.

7. *Weekly Drawings:*

(a) *Conduct of the Weekly Drawings:* The Lottery will conduct eight Weekly Drawings, each of which will award two prizes of \$50,000, for a total of 16 prizes.

(1) Each ticket purchased during the entry period for each Weekly Drawing will be automatically entered into that week's Weekly Drawing, as described in section 7(b) (relating to Weekly Drawing entry periods), as well as the Millionaire Raffle Drawing on January 8, 2022, as described in section 8 (relating to conduct of Millionaire Raffle Drawing).

(2) A computer-generated randomizer will be used to conduct each Weekly Drawing. Two unique eight-digit numbers will be drawn from the range of numbers representing the chances sold during each Weekly Drawing entry period. Each of the two unique eight-digit numbers drawn will be a winning number.

(3) The winning ticket numbers for each Weekly Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(b) *Weekly Drawing Entry Periods:*

(1) All tickets sold between November 9, 2021, at 12:00:00 a.m. and November 15, 2021 at 11:59:59 p.m. will be entered into Weekly Drawing 1, held between November 16, 2021 and November 22, 2021, with winners announced by November 22, 2021.

(2) All tickets sold between November 16, 2021 at 12:00:00 a.m. and November 22, 2021 at 11:59:59 p.m. will be entered into Weekly Drawing 2, held between November 23, 2021 and November 30, 2021, with winners announced by November 30, 2021.

(3) All tickets sold between November 23, 2021 at 12:00:00 a.m. and November 29, 2021 at 11:59:59 p.m. will be entered into Weekly Drawing 3, held between November 30, 2021 and December 6, 2021, with winners announced by December 6, 2021.

(4) All tickets sold between November 30, 2021 at 12:00:00 a.m. and December 6, 2021 at 11:59:59 p.m. will be entered into Weekly Drawing 4, held between December 7, 2021 and December 13, 2021, with winners announced by December 13, 2021.

(5) All tickets sold between December 7, 2021 at 12:00:00 a.m. and December 13, 2021 at 11:59:59 p.m. will be entered into Weekly Drawing 5, held between December 14, 2021 and December 20, 2021, with winners announced by December 20, 2021.

(6) All tickets sold between December 14, 2021 at 12:00:00 a.m. and December 20, 2021 at 11:59:59 p.m. will be entered into Weekly Drawing 6, held between December 21, 2021 and December 27, 2021, with winners announced by December 27, 2021.

(7) All tickets sold between December 21, 2021 at 12:00:00 a.m. and December 27, 2021 at 11:59:59 p.m. will be entered into Weekly Drawing 7, held between

December 28, 2021 and January 3, 2022, with winners announced by January 3, 2022.

(8) All tickets sold between December 28, 2021 at 12:00:00 a.m. and January 3, 2022 at 11:59:59 p.m. will be entered into Weekly Drawing 8, held between January 4, 2022 and January 8, 2022, with winners announced by January 8, 2022.

(9) All tickets sold after January 3, 2022 at 11:59:59 p.m. will only be eligible for the Millionaire Raffle drawing.

(c) *Determination of Weekly Drawing Prize Winners:*

(1) The first and second unique eight-digit numbers drawn from among the tickets automatically entered into each of the Weekly Drawings will be winning numbers and the holders of the tickets that match either of those winning numbers shall be entitled to a prize of \$50,000.

(2) The tickets bearing the winning numbers from each Weekly Drawing shall be ineligible to win a prize in any subsequent Weekly Drawing, but shall be entered into the Millionaire Raffle Drawing, as described in section 8 (relating to conduct of Millionaire Raffle Drawing) and shall be eligible to win a prize described in section 9 (relating to determination of Millionaire Raffle Drawing prize winners).

(d) *Conduct of Weekly Drawings in the Event that All Tickets Are Sold:*

(1) If all lottery raffle game tickets are sold during any of the Weekly Drawing entry periods described in section 7(b) (relating to Weekly Drawing entry periods), the Lottery will conduct the Weekly Drawing for that entry period from among all tickets sold during that entry period. For all subsequent Weekly Drawings, all non-winning tickets from the prior Weekly Drawing(s) will be eligible to be entered into any remaining Weekly Drawings, subject to section 7(d)(2).

(2) A winning ticket selected in any Weekly Drawing conducted under subsection 7(d) (relating to conduct of Weekly Drawings in the event that all tickets are sold) will be ineligible to win in any subsequent Weekly Drawings conducted under this subsection.

(e) The odds of an entry being selected in each Weekly Drawing depends upon the number of tickets sold during the entry period for each Weekly Drawing.

(f) The entry periods for the Weekly Drawings will be posted to the Pennsylvania Lottery's publicly accessible web site.

8. *Conduct of Millionaire Raffle Drawing:* The results of the Pennsylvania Millionaire Raffle XXXI lottery game will be posted to the Lottery's publicly accessible web site on January 8, 2022, after 10:00 p.m. A computer-generated randomizer will be used to conduct the drawing. Six-thousand (6,000) unique eight-digit numbers will be drawn from the range of numbers representing the chances sold. The first four unique eight-digit numbers drawn will be the first-prize-tier winning numbers. The fifth through eighth unique eight-digit numbers drawn will be the second-prize-tier winning numbers. The ninth through 108th unique eight-digit numbers drawn will be the third-prize-tier winning numbers. The 109th through 6,000th unique eight-digit numbers drawn will be the fourth-prize-tier winning numbers. A player may only win one time on each ticket or chance for the Millionaire Raffle Drawing.

9. *Determination of Millionaire Raffle Drawing Prize Winners:*

(a) Holders of tickets upon which the unique eight-digit number exactly matches one of the first-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$1,000,000.

(b) Holders of tickets upon which the unique eight-digit number exactly matches one of the second-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which the unique eight-digit number exactly matches one of the third-prize-tier num-

bers selected by the Lottery shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which the unique eight-digit number exactly matches one of the fourth-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$100.

10. *Number and Description of Prizes and Approximate Odds:* The Pennsylvania Millionaire Raffle XXXI lottery game prizes and determination of winners are as follows:

<i>Ticket Matching Exactly the Unique Eight-digit Number Drawn:</i>	<i>Win Prize Of:</i>	<i>Maximum Odds Of Winning Are 1 In:</i>	<i>Number Of Winners:</i>
First-Prize-Tier	\$1,000,000	125,000	4
Second-Prize-Tier	\$100,000	125,000	4
Third-Prize-Tier	\$1,000	5,000	100
Fourth-Prize-Tier	\$100	84.86	5,892

The odds of winning are based on selling all 500,000 tickets. If all 500,000 tickets are not sold, the odds of winning will depend on the total number of tickets sold. All Pennsylvania Millionaire Raffle XXXI lottery game prize payments, including first-prize-tier prizes, will be made as one-time, lump-sum cash payments. All required income tax withholding will be automatically deducted from the lump-sum cash payment for all first-prize-tier and second-prize-tier prizes.

11. *Consumer Promotional Programs:* The Lottery may conduct promotional activities to promote the sale of Pennsylvania Millionaire Raffle XXXI lottery game tickets, including offering tickets at a discounted price. Details of any such offering will be disseminated through media used to advertise or promote the Pennsylvania Millionaire Raffle XXXI lottery game or through normal communications methods.

12. *Retailer Bonus:* The Lottery in its sole discretion may offer a retailer bonus in connection with the sale of Pennsylvania Millionaire Raffle XXXI lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. A Lottery retailer is entitled only to the largest bonus for which they qualify for on a winning ticket. A bonus will be initiated for payment after the winning ticket is claimed and validated or approximately 30 days after the date of the drawing in which the winning ticket was entered, provided that Lottery security can and has verified the sales transaction as valid. A bonus will not be awarded to a Lottery retailer that sells a Pennsylvania Lottery Millionaire Raffle XXXI ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize in that second-chance drawing or promotion.

13. *Promotional Drawings:* The Pennsylvania Lottery may conduct promotional drawings associated with the Pennsylvania Millionaire Raffle XXXI lottery game. If the

Lottery does conduct such a promotional drawing, Pennsylvania Millionaire Raffle XXXI lottery game tickets will be imprinted with a unique code to be used by players to enter the promotional drawings. The promotional drawings may be held independently of or in conjunction with the regular Pennsylvania Millionaire Raffle XXXI drawings. The Secretary will announce the existence of the promotional drawings. Winners of promotional drawings will be randomly selected from the group of qualified entries. A description of the available prize(s) and the specific rules and other information necessary for the conduct of the promotional drawings will be posted to the Lottery's publicly accessible website. A copy of the same will also be kept on file with the Lottery and will be available upon request.

14. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Millionaire Raffle XXXI lottery game tickets. The conduct of the Program will be governed by 61 Pa. Code § 811.41 (relating to promotional prizes).

15. *Unclaimed Prize Money:* Unclaimed prize money on winning Pennsylvania Millionaire Raffle XXXI lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the announced close of the Pennsylvania Millionaire Raffle XXXI lottery game. If no claim is made within 1 year of the announced close of the Pennsylvania Millionaire Raffle XXXI lottery game conducted by the State Lottery, the right of a ticket holder to claim the prize represented by that ticket, if any, expires and the prize money will be paid into the State Lottery Fund and used for purposes otherwise provided for by statute.

16. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 21-1853. Filed for public inspection November 5, 2021, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Findings

Under section 2002 of The Administrative Code of 1929 (71 P.S. § 512) establishing the Department of Transportation (Department), the Director of the Bureau of Project Delivery, as delegated by the Secretary of Transportation, makes the following written findings:

The Department is planning the following listed projects. Environmental and Section 4(f) Documentation have been developed for the following identified projects to evaluate the potential environmental impacts caused by these projects. The Section 4(f) documents also serve as the Section 2002 Evaluation. The approved documents are available in the CE/EA Expert System at <http://www.dotdom2.state.pa.us/ceea/ceeamain.nsf>. The environmental, economic, social and other effects of the proposed projects have been considered. Based upon studies, there is no feasible and prudent alternative to the use of the Section 2002 resources for the proposed identified projects, and all reasonable steps have been taken to minimize the effects.

- **SR 0000, Section L00—Sharpsville Borough and City of Hermitage, Mercer County.**

Project Description: The project is the replacement of the Kelly Road Bridge (Mercer County Bridge No. 2303) that carries Kelly Road (T-388) over the Shenango River and the adjacent original structure (Mercer Co Bridge No. 2034) that is closed to traffic.

Environmental Documents: CE 2 Reevaluation approved on August 5, 2021, a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on January 24, 2019, and a Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitates the Use of Historic Bridges approved on January 24, 2019.

Proposed Use of Section 4(f)/2002 Resource: Approximately 0.05-acre of right-of-way (ROW) will be required from the 2.56-acre Sharpsville Area Recreational Park, which qualifies as a Section 4(f)/2002 resource. Approximately 6-square feet of ROW will be required from the 1.52-acre Erie Canal Riverwalk Park, which qualifies as a Section 4(f)/2002 resource. The original steel truss structure was determined to be eligible for listing in the National Register of Historic Places (NRHP).

- **SR 0514, Section 015—Granville Township, Bradford County.**

Project Description: The project was a flood recovery project on SR 0514 and involved placing rock protection in scoured areas.

Environmental Documents: CE 1a Reevaluation approved on September 13, 2021, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved September 8, 2021.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.029-acre of ROW will be required from the Granville Temperance House, which was determined to be eligible for listing in the NRHP.

- **SR 2041, Section 03B—Amity Township, Berks County.**

Project Description: The project is the replacement of the bridge that carries Weavertown Road (SR 2041) over Monocacy Creek.

Environmental Documents: CE 1b Evaluation approved on September 27, 2021, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on June 23, 2021.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.579-acre of ROW will be required from the 4,652.8-acre Limekiln Valley Rural Historic District, which was determined to be eligible for listing on the NRHP.

- **SR 0309, Section 12M—South Whitehall Township, Upper Macungie Township, Lower Macungie Township and City of Allentown, Lehigh County.**

Project Description: The project is the reconstruction and redesign of the SR 0309 and Tilghman Street Interchange to improve safety and mobility.

Environmental Documents: CE 1b Reevaluation approved on August 5, 2021, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved July 22, 2019.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.784-acre of ROW will be required from the 156-acre Lehigh County Sports Field Complex/CCPW, which qualifies as a Section 4(f)/2002 resource.

- **SR 1004, Section 03S—Catasauqua Borough, Lehigh County.**

Project Description: The project is the replacement of the existing bridge that carries Lehigh Street (SR 1007) over Catasauqua Creek and the intersection of Race Street (SR 1004) and Lehigh Street (SR 1007) will be widened.

Environmental Documents: CE 2 Reevaluation approved on September 1, 2021, and a Final Section 4(f) Evaluation approved May 3, 2018.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.035-acre of ROW will be required from the George Taylor House, which is a National Historic Landmark and on the NRHP. Approximately 0.013-acre of ROW from the Lehigh Canal, which is listed on the NRHP.

- **SR 0741, Section 028—Paradise Township, Lancaster County.**

Project Description: The project is the replacement of the structure that carries Strasburg Road (SR 0741) over Eshleman Run.

Environmental Documents: ED BRPA Evaluation approved on August 17, 2021, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on June 29, 2021.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.111-acre of ROW will be required from the Pequea South Rural Historic District, which was determined to be eligible for listing in the NRHP.

- **SR 2031, Section 015—Strasburg Township, Lancaster County.**

Project Description: The project consists of the replacement of the existing structure that carries Walnut Run Road (SR 2031) over Walnut Run.

Environmental Documents: ED BRPA Evaluation approved on July 9, 2021, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on June 15, 2021.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.020-acre of ROW will be required from the Walnut Run School, which was determined to be eligible for listing on the NRHP.

• **SR 0422, Section 039—Jackson Township, Lebanon County.**

Project Description: The project is the rehabilitation of the structure carrying Cumberland Street (SR 0422) over Tulpehocken Creek.

Environmental Documents: ED BRPA Evaluation approved on August 18, 2021, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on February 12, 2021.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.012-acre of ROW will be required from the Tulpehocken Manor Plantation, which is listed in the NRHP.

• **SR 2020, Section 02B—Woodbury Township, Blair County.**

Project Description: The project is the replacement of the structure that carries Royer Road (SR 2020) over Piney Creek.

Environmental Documents: CE BRPA Reevaluation approved on August 6, 2021, a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on July 26, 2021, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on July 26, 2021.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.089-acre of slope easement will be required from the 196-acre Fish and Boat Commission Project 70, which qualifies as a Section 4(f)/2002 resource. Approximately 0.096-acre of slope easement from the Northern Morrison's Cove Rural Historic District.

• **SR 0366, Section A07—Tarentum Borough, Allegheny County.**

Project Description: The project is the preservation of the Tarentum Bridge Ramp A over the Western Penn Railroad.

Environmental Documents: CE BRPA Evaluation approved on July 7, 2021, and a Determination of Section 4(f) Applicability Involving Temporary Occupancy approved on July 7, 2021.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.113-acre of aerial easement will be required from the Western Penn Railroad, which was determined to be eligible for listing on the NRHP.

• **SR 7301, Section 000—City of Pittsburgh, Allegheny County.**

Project Description: The project is the rehabilitation of the existing steel structure that carries 6th Street over the Allegheny River, the Three Rivers Heritage Trail and the 10th Street Bypass.

Environmental Documents: CE 2 Reevaluation approved on August 26, 2021, and a Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges approved January 17, 2020.

Proposed Use of Section 4(f)/2002 Resources: The 6th Street Bridge is listed in the NRHP.

• **SR 3009, Section B10—East Finley Township, Washington County.**

Project Description: The project is the replacement of the existing bridge that carries Cracraft Road (SR 3009) over a tributary of Buffalo Creek.

Environmental Documents: ED BRPA Evaluation approved on July 26, 2021, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on July 21, 2021.

Proposed Use of Section 4(f)/2002 Resource: Approximately 0.10-acre of ROW will be required from the 58.96-acre Farm at 547 Cracraft Road, which was determined eligible for listing on the NRHP.

BRIAN G. THOMPSON, PE,
Director
Bureau of Project Delivery

[Pa.B. Doc. No. 21-1854. Filed for public inspection November 5, 2021, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Inspection Advisory Board Public Meeting

The Inspection Advisory Board (Board) will meet on Tuesday, November 9, 2021. The meeting will begin at 1 p.m. at the Riverfront Office Center, Transportation University, Room 408, 1101 South Front Street, Harrisburg, PA. Chairperson Stephen J. Madrak will preside. The meeting is open to the public. Individuals may attend the meeting in person or remotely.

Members of the public interested in addressing the Board with a concern relating to inspection regulations must contact Troy Roadcap at (717) 783-6823 by 12 p.m. on Friday, November 5, 2021. These concerns will be discussed during "Items from the Floor" on the agenda. The agenda will be posted a minimum of 24 hours prior to the start of the meeting at www.dmv.pa.gov (select "Vehicle Services," then "Inspection Information" then "Inspection Advisory Board," then "Upcoming Meeting(s)").

To receive information on how to join the meeting by means of Microsoft Teams, individuals should contact Troy Roadcap at (717) 783-6823.

The meeting location is accessible to persons with disabilities. Persons with special needs or requiring special aids are also requested to contact Troy Roadcap at (717) 783-6823 prior to the meeting so that disability needs may be accommodated.

YASSMIN GRAMIAN,
Secretary

[Pa.B. Doc. No. 21-1855. Filed for public inspection November 5, 2021, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

State Transportation Innovation Council Virtual Business Meeting

The State Transportation Innovation Council will hold its business meeting on Wednesday, November 17, 2021, from 9 a.m. to 11 a.m. over Microsoft Teams. For more information, including an agenda and registration, contact Anja Walker, (717) 425-6288, anjwalker@pa.gov. To call into the meeting, dial (267) 332-8737 and enter 132898756# as the meeting code.

YASSMIN GRAMIAN,
Secretary

[Pa.B. Doc. No. 21-1856. Filed for public inspection November 5, 2021, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

November Meeting

The next regular meeting of the Environmental Quality Board (Board) is scheduled for Tuesday, November 16, 2021. The meeting will begin at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Individuals may attend the meeting in person or remotely.

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 "Environmental Quality Board," then "2021 Meetings").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the November 16, 2021, meeting can be directed to Laura Griffin at laurgriff@pa.gov or (717) 783-8727.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-8727 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,
Chairperson

[Pa.B. Doc. No. 21-1857. Filed for public inspection November 5, 2021, 9:00 a.m.]

FISH AND BOAT COMMISSION

Approved Courses of Instruction in Boating Safety Education

Section 91.6(a)(1) of 58 Pa. Code (relating to Boating Safety Education Certificates) defines a Boating Safety Education Certificate for residents of this Commonwealth as a document issued by the Fish and Boat Commission (Commission) certifying that the person named on the

certificate has established proof of competency through the successful completion of a course approved in accordance with 58 Pa. Code § 91.7 (relating to criteria for courses of instruction in boating safety education). Under 58 Pa. Code § 91.7, the Executive Director of the Commission may approve, by notice, boating safety education courses that meet the course criteria established under that section, and will publish a list of approved boating safety education courses in the *Pennsylvania Bulletin* on an annual basis or more frequently as required. The Executive Director has approved the following courses in boating safety education for Commonwealth residents, effective January 1, 2022:

- Fish and Boat Commission (Basic Boating/Boating and Water Safety Awareness—classroom course)
- United States Coast Guard Auxiliary (Boating Skills and Seamanship—classroom course)
- United States Power Squadrons (America's Boating Course—classroom course)
- Kalkomey Enterprises, LLC (Boat-Ed/Boat Pennsylvania—correspondence course)
- Kalkomey Enterprises, LLC (BOATERexam Pennsylvania—Internet course)
- Kalkomey Enterprises, LLC (Boat-Ed/Boat Pennsylvania—Internet course)
- Kalkomey Enterprises, LLC (IlearnToboat—Internet course)

For nonresidents, a Boating Safety Education Certificate is a certificate, card or other official document that indicates on the certificate, card or other document successful completion of a course approved by the National Association of State Boating Law Administrators.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 21-1858. Filed for public inspection November 5, 2021, 9:00 a.m.]

FISH AND BOAT COMMISSION

Changes to List of Class A Wild Trout Waters; October 2021

The Fish and Boat Commission (Commission) approved the addition of nine stream sections to its list of Class A Wild Trout Streams. The proposed changes were set forth at 51 Pa.B. 5322 (August 21, 2021). Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 21-1859. Filed for public inspection November 5, 2021, 9:00 a.m.]

FISH AND BOAT COMMISSION

Classification of Wild Trout Streams; Additions and Revisions; October 2021

The Fish and Boat Commission (Commission) approved the addition of five new waters to its list of wild trout streams, the revision of the section limits of one water currently listed and the amendment to the name of one water currently listed, as set forth at 51 Pa.B. 5321 (August 21, 2021). Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Commission to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams. The Commission's Fisheries Management Division maintains the complete list of wild trout streams, and it is available on the Commission's web site at <http://www.fishandboat.com/Fish/PennsylvaniaFishes/Trout/Pages/TroutWaterClassifications.aspx>.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 21-1860. Filed for public inspection November 5, 2021, 9:00 a.m.]

FISH AND BOAT COMMISSION

Special Regulation Designations

The Fish and Boat Commission (Commission) took the following actions with respect to waters subject to 58 Pa. Code Chapter 65 (relating to special fishing regulations), effective on January 1, 2022.

58 Pa. Code § 65.9. Big bass waters program

The Commission added the following water to its list of "big bass regulation" waters regulated and managed under 58 Pa. Code § 65.9 (relating to big bass):

County	Water
Lehigh	Leaser Lake

The Commission removed the following water from its list of "big bass regulation" waters regulated and managed under 58 Pa. Code § 65.9:

County	Water
Somerset	Somerset Lake

58 Pa. Code § 65.11. Panfish enhancement

The Commission added the following water to its list of "panfish enhancement" waters regulated and managed under 58 Pa. Code § 65.11 (relating to panfish enhancement):

County	Water	Species
Lehigh	Leaser Lake	Crappie and yellow perch

58 Pa. Code § 65.17. Catch and release lakes

The Commission removed the following water from the catch and release lakes program:

County	Water
Beaver	Raccoon Creek State Park Upper Pond (Group Camping Area Lake)

58 Pa. Code § 65.19. Stocked trout waters open to year-round fishing

The Commission added the following waters to its list of "stocked trout waters open to year-round fishing":

County	Water
Huntingdon	Lake Perez
Lehigh	Leaser Lake
Cumberland	Opossum Lake

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 21-1861. Filed for public inspection November 5, 2021, 9:00 a.m.]

GAME COMMISSION

Chronic Wasting Disease—Designation of Disease Management Areas and Endemic States and Canadian Provinces Order # 10

Executive Order

Whereas, Chronic Wasting Disease (CWD) is an infectious and progressive neurological disease that is found in, and always proves fatal to, members of the family Cervidae (deer, elk or moose, and other susceptible species, collectively called cervids); and

Whereas, There are no known treatments for CWD infection, no vaccines to protect against CWD infection, and no approved tests that can detect the presence of CWD in live cervids; and

Whereas, CWD is designated as a "dangerous transmissible disease" of animals by order of the Secretary of Agriculture under 3 Pa.C.S. § 2321(d) (relating to dangerous transmissible diseases); and

Whereas, The Game and Wildlife Code (Code) (34 Pa.C.S. §§ 101 et seq.) and regulations promulgated thereunder (58 Pa. Code §§ 131.1 et seq.) collectively provide broad authority to the PGC to regulate activities relating to the protection, preservation, and management of game and wildlife, including cervids; and

Whereas, On March 28, 2017 (effective May 16, 2017), the Commission added 58 Pa. Code § 137.35 (relating to Chronic Wasting Disease Restrictions) to give more permanent status and structure to the CWD requirements and restrictions previously established and maintained over the prior decade by and through executive orders; and

Whereas, Section 137.35(d) provides the Executive Director with the authority to designate CWD Disease Management Areas (DMAs) and Established Areas (EAs) within this Commonwealth; and

Whereas, Previous executive orders concerning designation of CWD DMAs and EAs within this Commonwealth were issued by the Commission on June 1, 2017, July 24, 2017, October 6, 2017, February 16, 2018, May 21, 2018, October 22, 2018, June 17, 2019, June 2, 2020 and May 28, 2021; and

Whereas, The Commission has determined that further designations of CWD DMAs and EAs are required to implement necessary updates to the Commission's CWD program.

Now Therefore, I, BRYAN J. BURHANS, Executive Director of the Pennsylvania Game Commission, pursuant to the authority vested in me by the Code and regulations promulgated thereunder, do hereby order and direct the following:

1. DMAs within this Commonwealth are designated as set forth below. These DMAs are more graphically illustrated on the maps titled "DMA 2," "DMA 3," "DMA 4," "DMA 5," "DMA 6" and "DMA OVERVIEW" attached hereto and incorporated by reference herein. Should any conflict exist between the below-listed written boundaries and maps of DMA 2, DMA 3, DMA 4, DMA 5, DMA 6 and DMA OVERVIEW, the written descriptions shall prevail.

a. *DMA 1: Eliminated.*

b. *DMA 2:* Adams, Bedford, Blair, Cambria, Centre, Clearfield, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Indiana, Juniata, Mifflin, Northumberland, Perry, Snyder, Somerset, Union, and Westmoreland counties, bounded and described as follows: Beginning in the Southeastern extent of the DMA at the intersection of Taneytown Road (State Highway 134) and the Maryland State Line, proceed north on Highway 134 for approximately 7.5 miles to the intersection of Steinwehr Avenue in Gettysburg. Follow right on Steinwehr Ave to Baltimore Street. Follow left on Baltimore Street through downtown Gettysburg. Proceed halfway around the traffic circle at the square onto Carlisle Street (State Highway 34). The DMA boundary follows Highway 34 north for approximately 21.2 miles to the intersection of the Baltimore Avenue (State Highway 94). Follow Highway 94 north for approximately 6.1 miles to the intersection of Interstate 81. Follow I-81 north for approximately 18.6 miles to the Susquehanna River. Follow the Susquehanna River north for approximately 11.2 miles to US Highway 22. Turn right onto US Highway 22 east for 0.2 miles, then exit to State Highway 147 towards Halifax. Follow State Highway 147 for 7.5 miles to the intersection with State Highway 225 in Halifax. Follow State Highway 255 for 33.1 miles to State Highway 890 in Treverton. Follow State Highway 890 north for 9.0 miles to State Highway 61 near Sunbury. Follow State Highway 61 west 3.2 miles to the intersection of US Highway 11 in Shamokin Dam. Follow US Highway 11 south for 3.3 miles to the intersection of US Highway 522. Follow US Highway 522 west for 10.4 miles to the intersection of Route 104. Follow route 104 north for approximately 8.9 miles to the intersection of State Highway 45. Turn left and the boundary follows State Highway 45 for approximately 34.2 miles to the intersection of State Highway 144 in Old Fort. The DMA boundary follows State Highway 144 south for approximately 3.8 miles to the intersection of US Highway 322 in Potters Mills. Proceed left on US 322 south for 11.2 miles to the intersection of State Highway 655 near Reedsville. Turn right and the boundary follows Highway 655 south for approximately 8.1 miles to the intersection of State Highway 305. The DMA boundary follows State Highway 305 west for 10.2 miles to State Highway 26, then west along State Highway 26 for 9.4 miles to intersection of State Highway 45. Follow State Highway 45 south for 6.5 miles to Marengo Road in Pennsylvania Furnace. Follow Marengo Road north 6.3 miles to the intersection of State Highway 550. Turn right onto State Highway 550 and follow for 0.3 miles north to the intersection with

Port Mountain Road. Turn left onto Beckwith Road and follow 1.7 miles northwest towards Port Matilda. Continue on Beckwith Road through Port Matilda to Alternate Route 220. Follow Alternate Route 220 for 0.5 miles where the road becomes State Route 3042. Continue west on State Route 3042 for 0.7 miles to US Highway 322. Follow US Highway 322 west for 9.9 miles to the intersection with State Highway 504 in Phillipsburg. Turn left on State Highway 504 and follow 0.6 miles west to State Highway 53. Continue west on State Highway 53 for 9.5 miles to the intersection of Route 153 in Houtzdale. The DMA boundary follows Route 153 south for 5.9 miles to the intersection of State Highway 253 (Viola Pike) and then left on Route 253 for 8.6 miles to the intersection of State Highway 53 in Van Ormer. Continue left on State Highway 53 for 1.7 miles to the intersection of Marina Road. Continue west on Marina Road for 5.5 miles where the road becomes Glendale Lake Road. Continue on Glendale Lake Road for 3 miles to the intersection with State Highway 36. Follow State Highway 36 west for .5 miles into the town of Patton. The DMA boundary follows right on State Highway 36 south for 3.5 miles to Bridge Street. Turn left on Bridge Street and follow west for 1.6 miles to the intersection of Spangler Street. Follow Spangler Street south for .9 miles to the intersection of Municipal Road. Turn right on Municipal Road and follow for 3.6 miles west to the intersection of US Highway 219 (Crawford Avenue) in Northern Cambria. Follow US Highway 219 south for 1.3 miles to the intersection of State Highway 271. Follow State Highway 271 south for 2.8 miles to the intersection of State Highway 553 near Nicktown. Follow State Highway 553 west for 6.9 miles to the intersection of State Highway 403 near Heilwood. Continue south on State Highway 403 for 15.8 miles to the intersection of US Highway 22. The boundary follows US Highway 22 west for 14 miles to the intersection of State Highway 217 South in Blairsville. Follow State Highway 217 South for 12.5 miles to the intersection of US Highway 30. Follow US Highway 30 east for 21.3 miles to intersection of US Highway 219. Finally, south along State Highway 219 for 32.6 miles to the Maryland border at the place of beginning.

c. *DMA3:* Armstrong, Cambria, Clarion, Clearfield, Elk, Indiana and Jefferson counties, bounded and described as follows: Beginning at the southernmost point at the intersection of State Highway 403 and State Highway 286 in the town of Clymer, proceed east on State Highway 286 for 4.9 miles to State Highway 240. Follow in State Highway 240 east for 8.5 miles to the intersection of US Highway 219. Follow US Highway 219 north for 2.4 miles to Sylvis Road. Follow Sylvis Road east for 5.8 miles to the intersection of State Highway 36. Follow State Highway 36 east for 8.8 miles to the intersection of La Jose Road (SR-3016) in Newburg. Follow La Jose Road east for 3.6 miles becoming Cherry Corner Road (SR-3005) for another .3 mile to the intersection of Marron Road (SR-3016). Turn left onto Marron Road and follow northeast for 2.7 miles to the intersection of State Road 729. Follow State Road 729 east for .9 miles to the intersection of Old Station Road. Follow Old Station Road (SR-2012) east for 2.4 miles to the intersection of Douglas Road (SR-3007). Continue east on Douglas Road for .3 miles to the intersection of Zion Road (SR-2012) near New Millport. Follow Zion Road east for 4.5 miles to the intersection of Faunce Road (SR-2012). Turn right and follow Faunce Road east for 3.1 miles becoming Sanborn Road (SR-2012) in Woodward Township. Continue east on Sanborn Road for 2.5 miles to the intersection of State Highway 153. Follow State Highway 153 north for

5 miles to the intersection of Valley Road (SR-2027). Follow Valley Road north for 2.1 miles becoming Hogback Hill Road (SR-2027). Continue north on Hogback Hill Road for 1 mile to the intersection of Main Street in Mineral Springs. Turn right on Main Street for .2 miles to the intersection of Bigler Cutoff Road. Turn left on Bigler Cutoff Road for .1 miles to the intersection of US Highway 322. Follow US Highway 322 east for .7 miles to the intersection of State Highway 970. Follow State Highway 970 north for 1.5 miles to the intersection of Interstate Highway 80. Follow I-80 west for 26.4 miles to the exit for State Highway 219 north. Follow State Highway 219 north for 21.2 miles to Boot Jack becoming State Route 948. Follow State Route 948 for 4.2 miles to the Clarion River in Ridgway. Follow the Clarion River for 28.3 miles to Bridge Road. Continue south on Bridge Road for 0.05 mile to the intersection of State Highway 949. Turn right on State Highway 949 and continue west for 16.3 miles to the intersection of US Highway 322 in Corsica. Follow US Highway 322 east for 0.3 miles to the intersection of State Highway 949. Follow State Highway 949 south for 4.2 miles to the intersection of State Highway 28. Follow State Highway 28 south for 13.2 miles to the intersection of State Highway 839 in New Bethlehem. Follow State Highway 839 south for 21 miles to State Highway 85. Follow State Highway 85 south for 11.7 miles to the intersection of US Highway 119 in the town of Home. Turn left on US Highway 119 and follow 3.4 miles to the intersection of State Highway 403 in Marion Center. Follow State Highway 403 south for 8.5 miles to Clymer at the place of beginning.

d. *DMA 4*: Lancaster, Lebanon and Berks Counties, bounded and described as follows: Beginning in the northwestern extent of the DMA in the city of Lebanon, at the intersection of state Route 897 and U.S. Route 422, proceed east on U.S. Route 422 for 12.3 miles to state Route 419. Turn left on state Route 419 and proceed north for 2.3 miles to Christmas Village Road (state Route 4010). Turn right, proceeding east on Christmas Village Road for 5.1 miles to North Heidelberg Road (state Route 3033). Turn left on North Heidelberg Road, proceeding northeast for 0.6 miles to state Route 183. Turn right on state Route 183, proceeding southeast for 7.7 miles to the U.S. 222. Turn right on U.S. 222 proceeding southwest for 3.2 miles to the interchange with U.S. Route 422 Bypass. Proceed on U.S. Route 422 Bypass for 2.4 miles to intersection with Business Route 222E (Lancaster Avenue). Proceed south on Business 222E for 0.6 miles to the intersection with state Route 625. Turn left onto state Route 625 and proceed south for 16.7 miles to the intersection with Route 23. Turn right onto Route 23 for 0.3 miles to the intersection with state Route 897. Turn left on State Route 897, proceeding south for 0.6 miles to the intersection with U.S. Route 322 (28th Division Highway). Turn left, proceeding east for 0.1 miles to the intersection with State Route 897 (Spring Valley Road). Turn right on State Route 897, proceeding south for 4.2 miles to the intersection with Seldomridge Road (T-513). Turn left, proceeding east for 1.8 miles to the intersection with Cambridge Road (T-907). Turn right on Cambridge Road, proceeding 1.6 miles to the intersection with State Route 340 (Old Philadelphia Pike). Turn right on State Route 340, proceeding 0.4 miles to the intersection with State Route 897 (White Horse Road). Turn left on State Route 897, proceeding 4.0 miles south to the intersection with U.S. Route 30. Turn right on U.S. Route 30, proceeding west for 0.3 miles to the intersection with State Route 41 (Newport Pike). Turn left on State Route 41, proceeding 2.8 miles south to the intersection with State Route 2027. Turn right on State Route 2027

and proceed for 0.3 miles at which point State Route 2027 becomes State Route 2025, proceed south on State Route 2025 for 0.6 miles to State Route 372 (Bridge Street). Stay on State Route 372, proceeding south for 0.5 miles to State Route 2009 (Noble Road). Turn right on State Route 2009, proceeding northeast for 13.2 miles to the intersection with State Route 2003 (Little Britain Road). Turn right on State Route 2003, proceeding north for 1.6 miles to U.S. Route 222 (Robert Fulton Highway). Turn left on U.S. Route 222, proceeding south for 4.5 miles to State Route 3004 (Furniss Road). Turn right on State Route 3004, proceeding 1.6 miles at which point State Route 3004 becomes State Route 10Z (Harmony Ridge Dr.). Proceed along State Route 10Z for 2.0 miles to Fishing Creek. Left following Fishing Creek approximately 0.5 miles to the Susquehanna River. Proceed northwest along the Susquehanna River shoreline for 20.0 miles to a point abeam State Route 999. Turn right on State Route 999 proceeding east for 7.0 miles to State Route 741 (Rohrerstown Road). Turn left on State Route 741, proceeding north for 3.6 miles to U.S. Route 30 (Lincoln Highway) interchange. Turn right on U.S. Route 30, proceeding east for 2.4 miles to State Route 4011 (Fruitville Pike). Turn left on State Route 4011, proceeding north for 6.7 miles to State Route 772 (Orange Street). Turn right on State Route 772, proceeding east for 3.6 miles to State Route 501. Turn left on state Route 501 in Lititz, proceeding northerly for 5 miles to the intersection with U.S. Route 322 (West 28th Division Highway). Turn left on U.S. Route 322, proceeding westerly for 1.3 miles to the Pennsylvania Turnpike (U.S. Route 76). Move right along U.S. Route 76, proceeding east for 0.7 miles to the western boundary of State Game Lands 46. Proceed north, then east for 1.2 miles along the game lands boundary to state Route 501 (Furnace Hills Pike). Turn left on state Route 501, proceeding north for 4.1 miles to the intersection with state Route 419. Turn left, proceeding west for 0.1 miles to state Route 897 (South 5th Street). Turn right on state Route 897, proceeding northwest for 6.2 miles to the starting point at the intersection of state Route 897 and U.S. Route 422 at the place of beginning.

e. *DMA 5*: Warren County, bounded and described as follows: Beginning in the northeastern extent of the DMA at the New York State Line, at the intersection of the Allegheny River, proceed south on the west shore of the river for 27.8 miles to the bridge at Pennsylvania Ave East (Business U.S. Route 6). Turn left on Pennsylvania Ave East and proceed south for 0.1 mile to U.S. Route 6. Turn right, proceeding west on U.S. Route 6 for 11.6 miles to West Main St (State Route 27) at Youngsville. Turn sharp right on West Main St, proceeding northeast for 0.5 mile to State Route 27 (Matthews Run Rd). Turn left on State Route 27, proceeding north for 7.2 mile to the intersection of State Route 69 (Jackson Run Road). Turn left on state Route 69 proceeding north for 3 miles to the intersection of State Route 957 (Main St) in Sugar Grove. Turn right on State Route 957, proceeding east for 0.2 miles to Jamestown Street. Turn slight left on Jamestown Street, proceeding north for 0.7 miles to where Jamestown Street becomes Busti Road. Continue north for 1 mile to the New York border. The boundary follows east along the border for 18.1 miles to the Allegheny River at the place of beginning.

f. *DMA 6*: Clearfield, Elk, and Jefferson Counties, bounded and described as follows: Beginning at the northeast corner at the intersection of Chicken Hill Road and State Route 948 in the town of Kersey, proceed south on Chicken Hill Road for 0.9 mile becoming South Kersey

Road. Follow South Kersey Road south for 1.4 miles. Continue straight onto Boone Mountain Road for 6.5 miles to the intersection with State Route 153. Turn left onto State Route 153 and continue south 4.9 miles to State Route 255. Turn right on State Route 255 and continue south for 9.5 miles to Interstate Highway 80. Turn right on Interstate Highway 80 and continue west 4.4 miles to State Highway 219. Turn right on State Highway 219 and continue north 21.1 miles to State Route 948. Turn right on State Route 948 and proceed east for 5.3 miles to Kersey at the place of beginning.

2. Established areas within this Commonwealth are designated as set forth below. The sole EA is more graphically illustrated on the map titled "Established Area In DMA 2" attached hereto and incorporated by reference herein. Should any conflict exist between the below-listed written boundary and map of "Established Area In DMA 2", the written descriptions shall prevail.

a. *Established Area in DMA 2*: Bedford, Blair, Franklin, Fulton, and Huntingdon counties, bounded and described as follows: Beginning in the Southeastern extent of the Established Area at the intersection of State Highway 75 and the Maryland State Line, proceed north on Highway 75 for approximately 13.9 miles to the intersection of US Highway 30. Follow US Highway 30 west 7.8 miles to US Highway 522 just north of McConnellsburg. Follow US Highway 522 north 37.5 miles to US Highway 22. The Established Area boundary follows US 22 west for approximately 42.4 miles to the intersection of Old Route 22 in Duncansville. Follow Old Route 22 west for approximately 2 miles to the intersection of Valley Forge Road. Turn left onto Valley Forge Road for approxi-

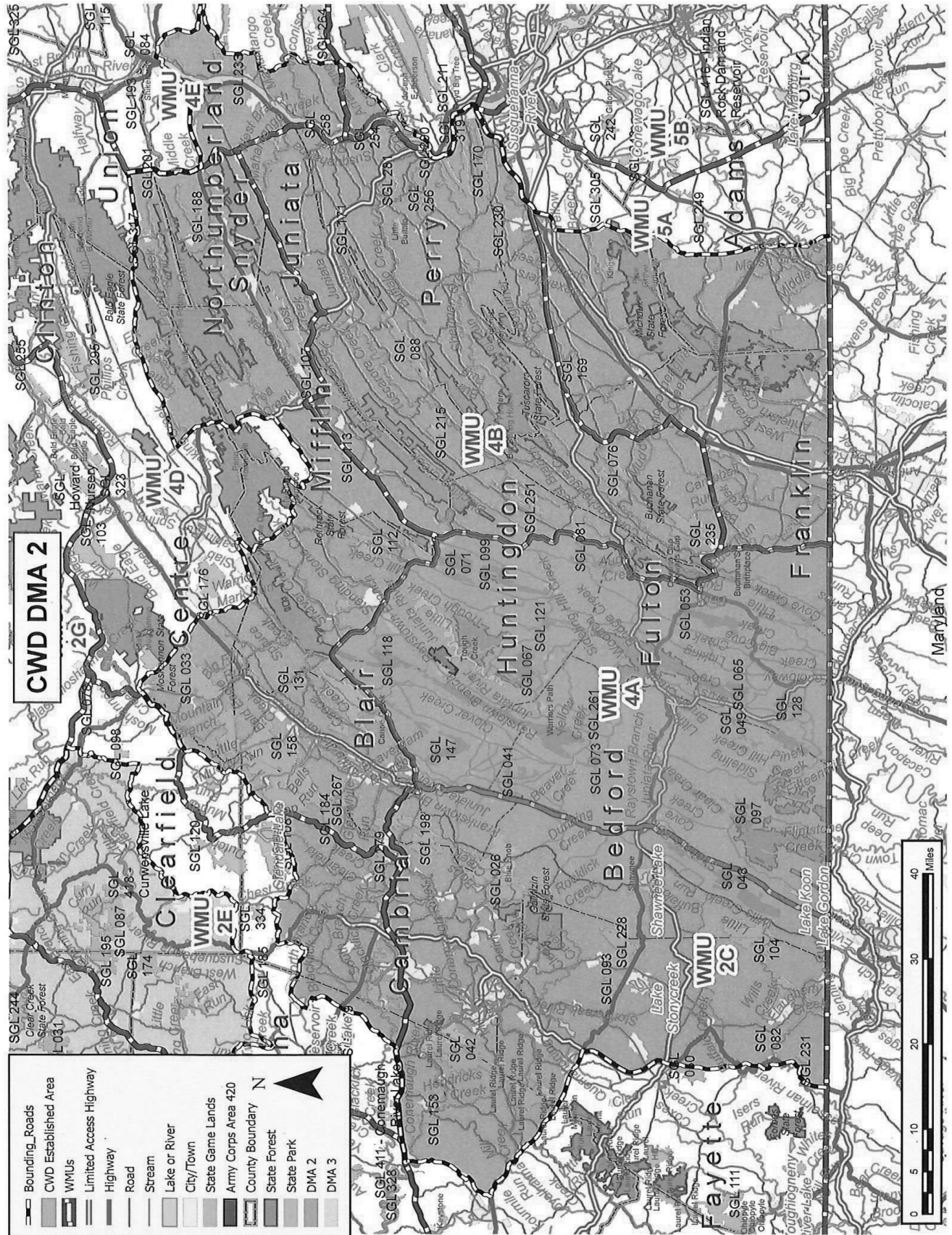
mately 3.4 miles to the Poplar Run Road. Follow left on Poplar Run Road for approximately 0.5 miles to Knob Run Road. Turn right on Knob Run Road for 4.3 miles where the road becomes Knob Road. Continue on Knob Road for 3.4 miles to the Bedford/Blair County Line, where the road becomes Blue Knob Road. Continue south on Blue Knob Road for approximately 1 mile to Blue Knob State Park. Continue south through Blue Knob State Park on State Forest Road for 3.5 miles where the road becomes Pavia Road. Follow Pavia Road 0.25 miles to the intersection with State Highway 869. Follow State Highway 869 for 3.4 miles to State Highway 96. Follow State Highway 96 south for 14.4 miles to US Highway 30 in Schellsburg. Follow US Highway 30 east 4.75 miles to the intersection of State Highway 31. Follow US Highway 31 south for 3.4 miles to the intersection of State Highway 96 in Manns Choice. Finally, follow State Highway 96 south for 22.25 miles to the Maryland border at the place of beginning.

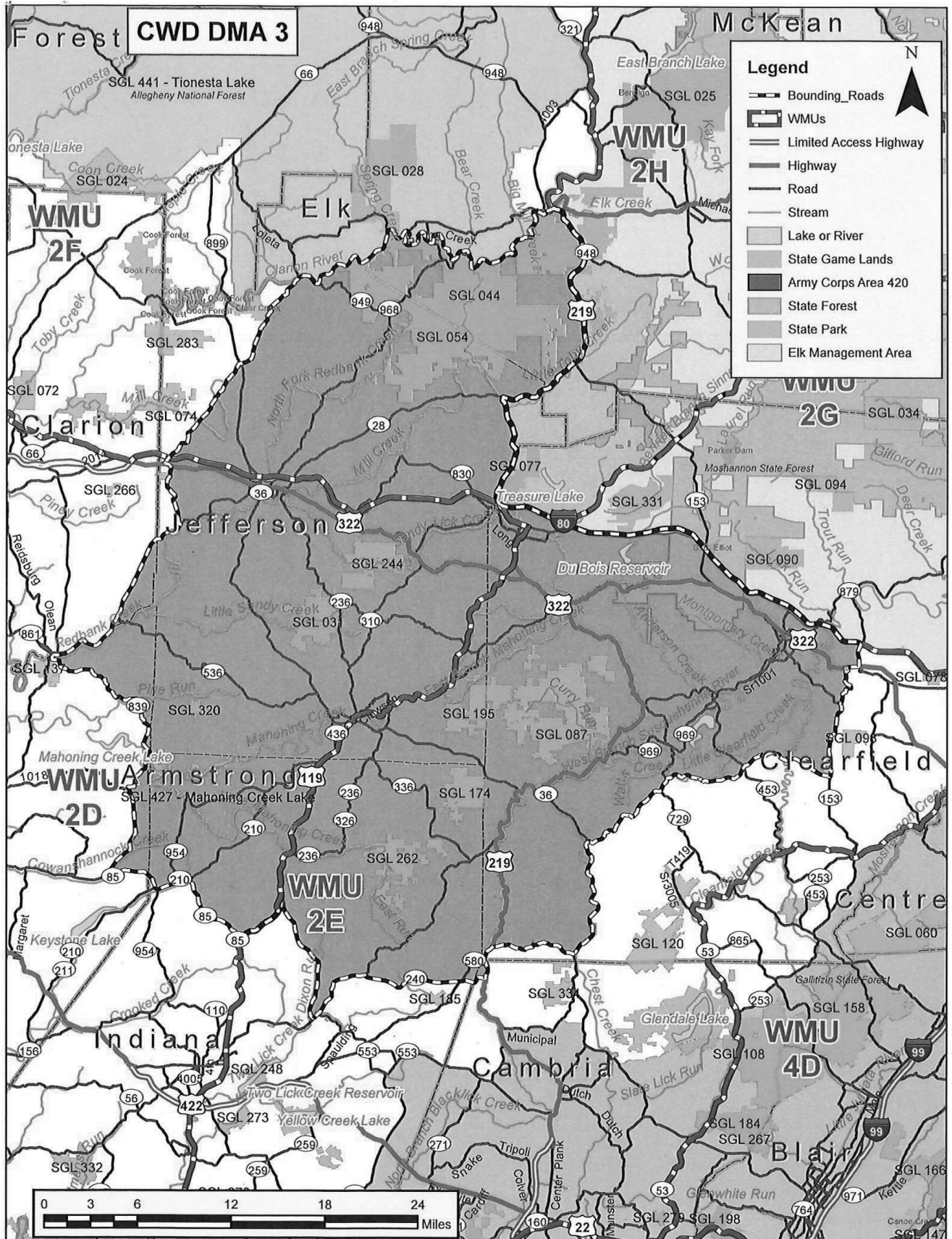
3. The previous executive order concerning designation of CWD DMAs and CWD-endemic States and Canadian Provinces within this Commonwealth that was issued by the Commission on May 28, 2021 and published in the *Pennsylvania Bulletin* on June 12, 2021 at 51 Pa.B. 3315 is hereby rescinded in its entirety and replaced by this Order.

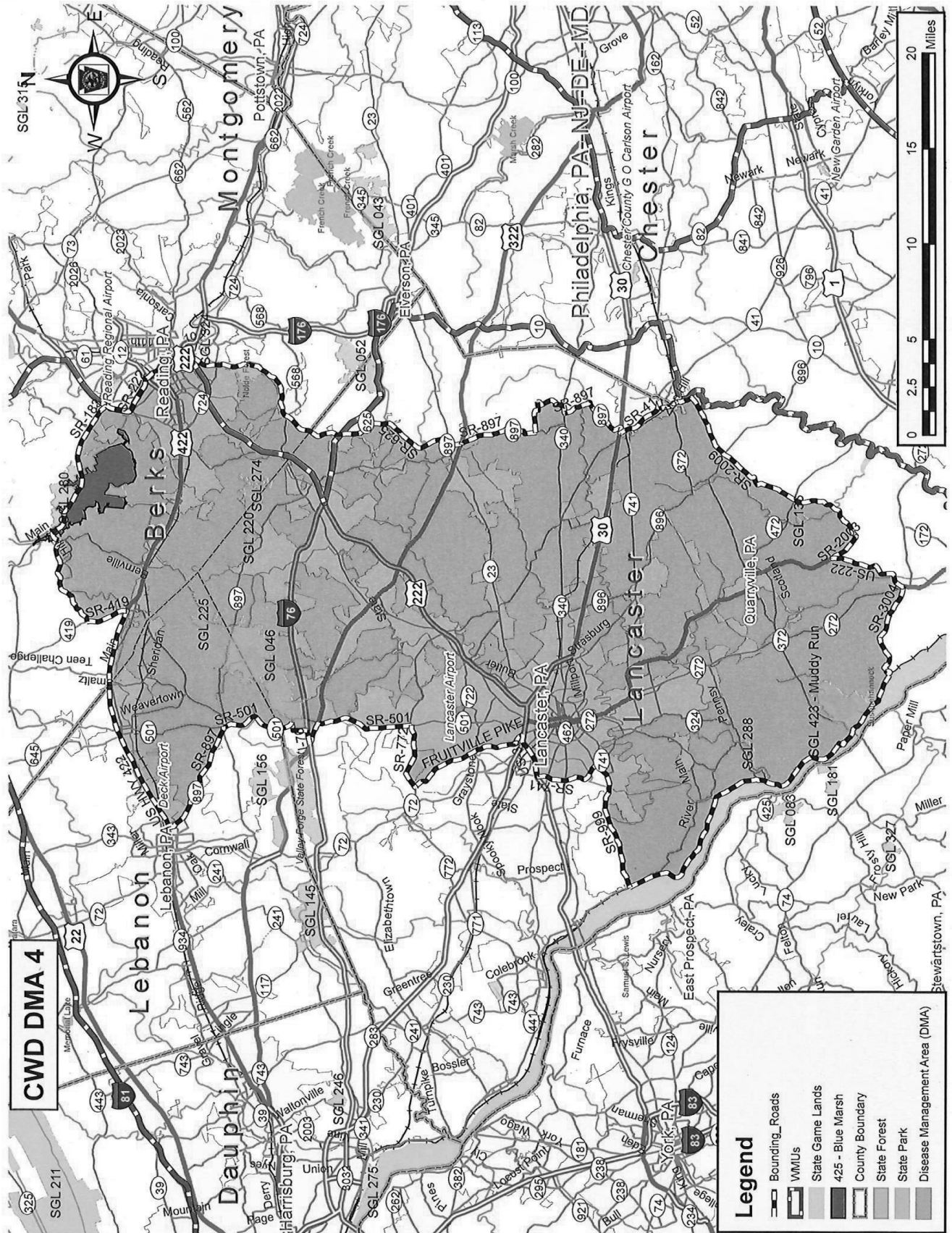
4. This Order is effective immediately and shall remain in effect until rescinded or modified by subsequent order.

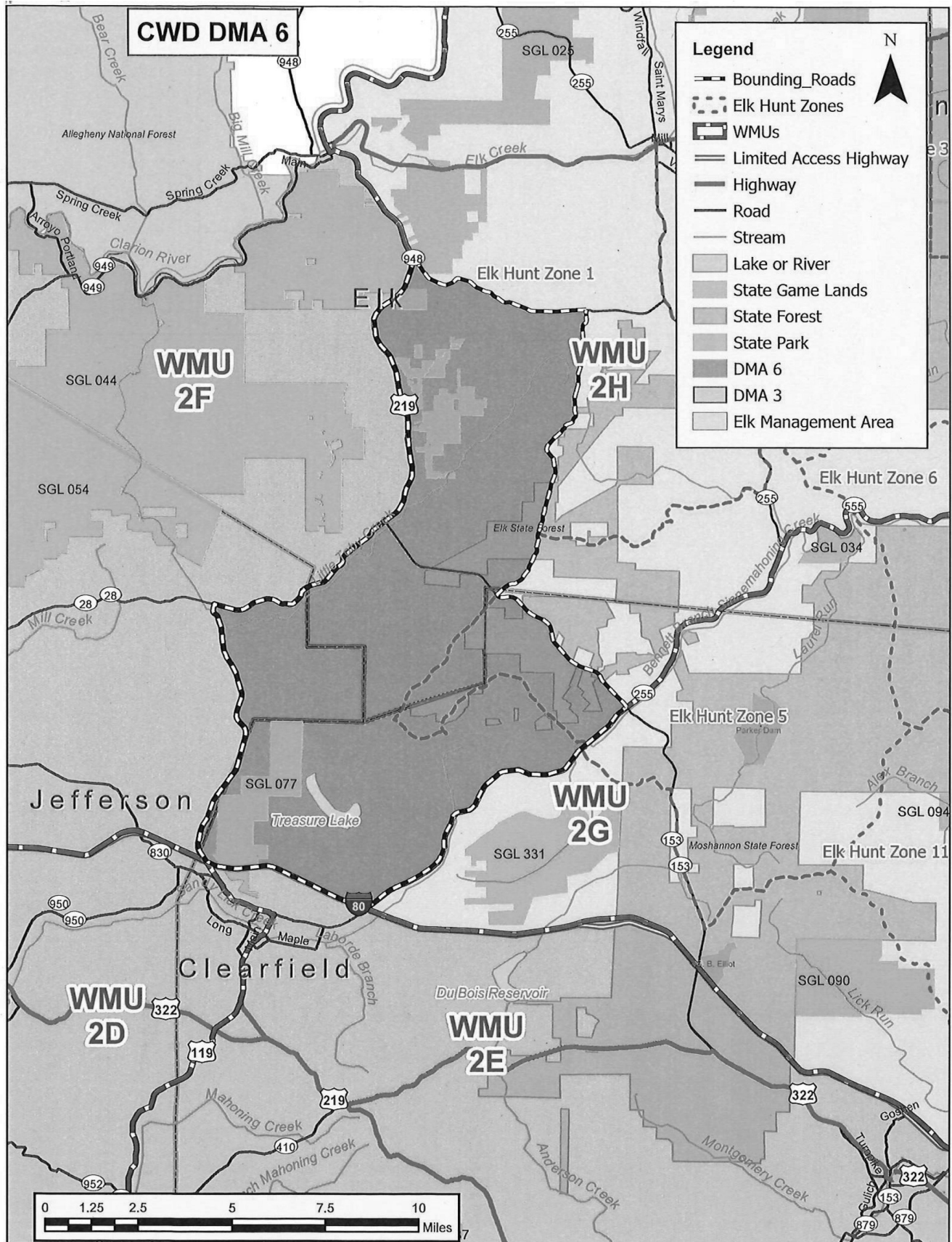
Given under my hand and seal of the Pennsylvania Game Commission on this 21st day of October, 2021.

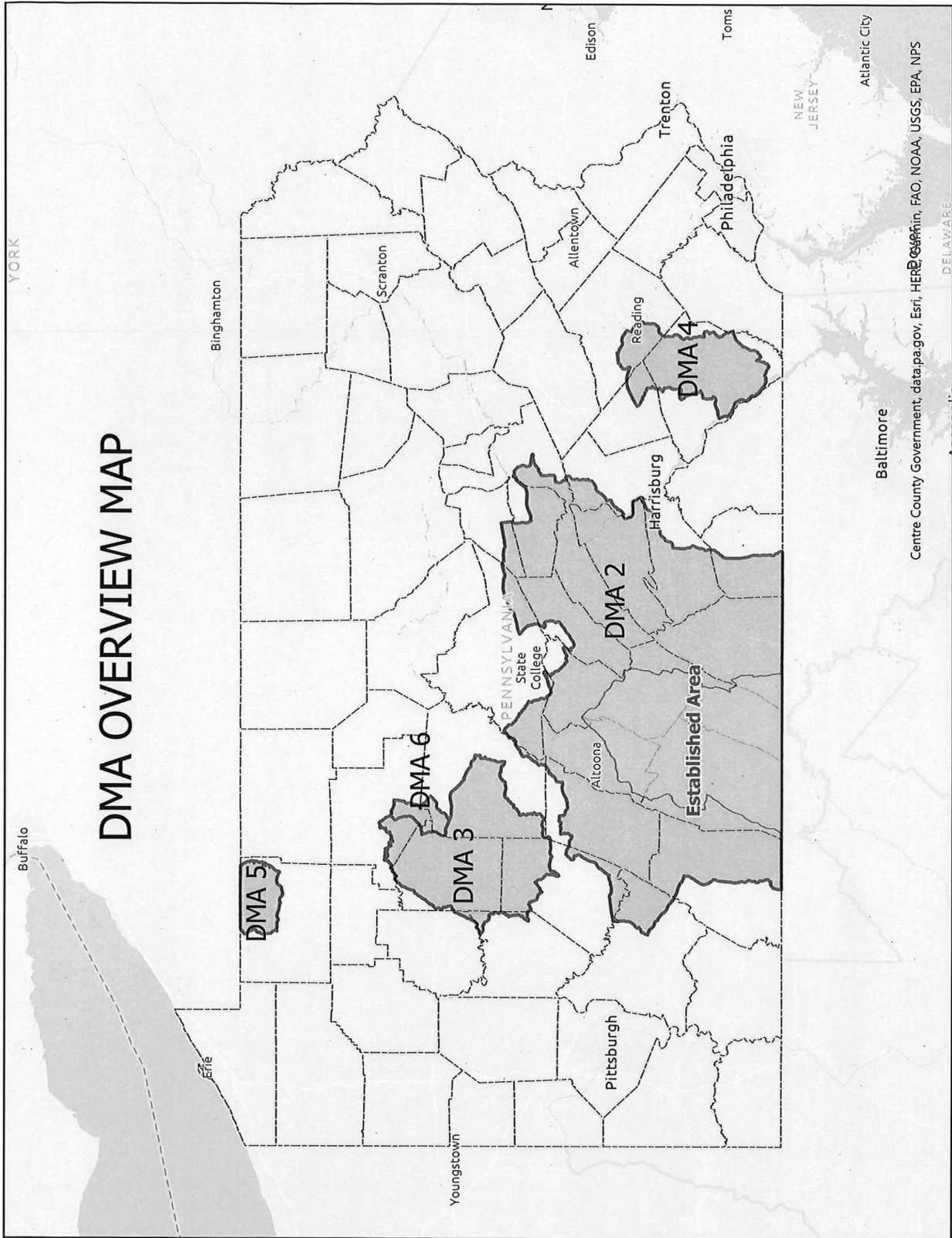
BRYAN J. BURHANS,
Executive Director











[Pa.B. Doc. No. 21-1862. Filed for public inspection November 5, 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, October 21, 2021, and announced the following:

Regulation Deemed Approved Pursuant to Section 5(g) of the Regulatory Review Act—Effective October 20, 2021

Workers' Compensation Appeal Board # 12-105: Special Rules of Administrative Practice and Procedure Before the Workers' Compensation Appeal Board (amends 34 Pa. Code Chapter 111, Subchapter B (relating to appeals))

Action Taken—Regulation Approved:

Department of Drug and Alcohol Programs # 74-4: Standards for Drug and Alcohol Recovery House Licensure (adds 28 Pa. Code Chapter 717)

Approval Order

Public Meeting Held
October 21, 2021

Commissioners Voting: George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; John J. Soroko, Esq.; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Department of Drug and Alcohol Programs—
Standards for Drug and
Alcohol Recovery House Licensure
Regulation No. 74-4 (# 3294)*

On October 1, 2021, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Drug and Alcohol Programs (Department). This rulemaking adds 28 Pa. Code Chapter 717. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*, with the exception of 28 Pa. Code § 717.14, which will become effective 180 days after publication. At its July 15, 2021 public meeting, the Commission voted to disapprove the final-omitted regulation. On October 1, 2021, the Department submitted its report containing the revised final-form regulation to the Commission.

This final-omitted regulation adopts licensure standards for drug and alcohol recovery houses that receive funds or referrals from the Department, or a federal, state or county agency. The regulation includes personnel management, physical plant standards, safety and emergency procedures, complaint management, fiscal management and resident rights.

We have determined this regulation is consistent with the statutory authority of the Department (71 P.S. § 613.13) 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. 21-1863. Filed for public inspection November 5, 2021, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Christopher J. Monroe; Doc. No. SC21-10-010

Notice is hereby given of the Order to Show Cause issued on October 26, 2021, by the Deputy Insurance Commissioner in the previously-referenced matter. Violations of the following are alleged: sections 611-A(1), (15) and (20) of The Insurance Department Act of 1921 (40 P.S. § 310.11(1), (15) and (20)).

The respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—588 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102, ra-hearings@pa.gov.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Domenica Dean, Agency ADA Coordinator at (717) 705-4194.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 21-1864. Filed for public inspection November 5, 2021, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Voluntary Surrender of Pennsylvania Certificate of Authority Filed by Radian Investor Surety, Inc.

Radian Investor Surety Inc., a domestic stock casualty insurance company, has submitted an application for approval to surrender its Insurance Department Certificate of Authority.

Persons wishing to comment on the grounds of public or private interest concerning the surrender are invited to submit a written statement to the Insurance Department (Department) within 14 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the writer; identification of the application to which the comment is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the comment and the relevant facts upon which it is based. Written statements must be e-mailed to Lori Bercher, lbercher@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 21-1865. Filed for public inspection November 5, 2021, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Voluntary Surrender of Pennsylvania Certificate of Authority Filed by Radian Mortgage Guaranty, Inc.

Radian Mortgage Guaranty, Inc., a domestic stock casualty insurance company, has submitted an application for approval to surrender its Insurance Department Certificate of Authority.

Persons wishing to comment on the grounds of public or private interest concerning the surrender are invited to submit a written statement to the Insurance Department (Department) within 14 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the writer; identification of the application to which the comment is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the comment and the relevant facts upon which it is based. Written statements must be e-mailed to Lori Bercher, lbercher@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 21-1866. Filed for public inspection November 5, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Natural Gas Service

A-2021-3029226. Columbia Gas of Pennsylvania, Inc. Application for approval of abandonment of natural gas service by Columbia Gas of Pennsylvania, Inc. to one commercial premises located in Washington County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before November 22, 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. Parties to proceedings pending before the Commission must open and use an eFiling account through the Commission's web site at www.puc.pa.gov or individuals may submit the filing by overnight delivery to the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery. Large filings containing confidential or proprietary material may be submitted through the Commission's Share Point File system with advanced notice to the Commission prior to submittal.

Applicant: Columbia Gas of Pennsylvania, Inc., 121 Champion Way, Suite 100, Canonsburg, PA 15317

Through and By Counsel for: Theodore J. Gallagher, Esquire, 121 Champion Way, Suite 100, Canonsburg, PA 15317, tjgallagher@nisource.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1867. Filed for public inspection November 5, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Natural Gas Service

A-2021-3029227. Columbia Gas of Pennsylvania, Inc. Application for approval of abandonment of natural gas service by Columbia Gas of Pennsylvania, Inc. to one multiunit residential premises located in Allegheny County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before November 22, 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. Parties to proceedings pending before the Commission must open and use an eFiling account through the Commission's web site at www.puc.pa.gov or individuals may submit the filing by overnight delivery to the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery. Large filings containing confidential or proprietary material may be submitted through the Commission's Share Point File system with advanced notice to the Commission prior to submittal.

Applicant: Columbia Gas of Pennsylvania, Inc., 121 Champion Way, Suite 100, Canonsburg, PA 15317

Through and By Counsel for: Theodore J. Gallagher, Esquire, 121 Champion Way, Suite 100, Canonsburg, PA 15317, tjgallagher@nisource.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1868. Filed for public inspection November 5, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of Time Warner Cable Information Services (Pennsylvania), LLC for Designation as an Eligible Telecommunications Carrier

Public Meeting held
July 15, 2021

Commissioners Present: Gladys Brown Dutrieuille, Chairperson; David W. Sweet, Vice Chairperson; John F. Coleman, Jr.; Ralph V. Yanora

Petition of Time Warner Cable Information Services (Pennsylvania), LLC for Designation as an Eligible Telecommunications Carrier; P-2021-3023594

Order

By the Commission:

Before the Pennsylvania Public Utility Commission (Commission) for disposition is the January 6, 2021 Petition of Time Warner Cable Information Services (Pennsylvania), LLC (TWCIS), as supplemented, in which

it is seeking designation as an Eligible Telecommunications Carrier (ETC) in the Commonwealth of Pennsylvania for the purpose of receiving federal Universal Service Fund (USF) high-cost support, pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (Act), 47 U.S.C. § 214(e)(2), and Sections 54.101, 54.201—54.203 and 54.205—54.209 of the Federal Communications Commission's (FCC) regulations, 47 C.F.R. §§ 54.101, 54.201—54.203 and 54.205—54.209, and 52 Pa. Code § 69.2501.

Specifically, TWCIS is required to obtain a designation as an ETC from the Commission for it to be eligible to receive the Federal high-cost support funding it has been awarded in the FCC's Rural Digital Opportunity Fund (RDOF) auction (Auction 904). As such, TWCIS is required to certify to the FCC that it has received designation as a high-cost ETC in all the eligible census block in Pennsylvania for which TWCIS submitted a winning bid and has been awarded Auction 904 support.

In its Petition for ETC Designation (Petition), as supplemented, TWCIS states that it is seeking designation as an ETC only in the specific RDOF-eligible census block for which it was awarded Auction 904 funding.¹ We have reviewed TWCIS' Petition, as supplemented, to determine whether it meets the statutory criteria and applicable minimum standards necessary under federal and state law to obtain an ETC designation.

We hereby conclude that it meets the statutory criteria and applicable minimum standards necessary under Federal and state law to obtain an ETC designation and it is in the public interest that TWCIS be designated as an ETC for purposes of receiving Auction 904 Federal high-cost support in those Pennsylvania eligible census blocks where it submitted a winning bid to deploy and maintain networks capable of providing voice and broadband access services. Accordingly, TWCIS' Petition is hereby approved under the applicable Federal statutory criteria and other relevant Federal and Pennsylvania law.

Background

A. FCC's Re-Purposing of the High Cost Program of the Federal Universal Service Fund

In 2011, the FCC concluded that the deployment of broadband-capable networks would also be an express universal service principle under Section 254(b) of the Communications Act of 1934, as amended (Act), 47 U.S.C. § 254(b).² For this reason, the FCC comprehensively reformed the High Cost Program of the Federal Universal Service Fund (USF) so that it would ensure that robust, affordable voice and broadband services become available to all Americans living in rural areas across the nation who were receiving voice service but lacked access to robust broadband infrastructure and service.³

Up to that time, the six pre-existing programs in the High Cost Program had only supported the provisioning of voice service.⁴ In order to accomplish its goal of ensuring all Americans had access to both voice service and robust broadband service, the FCC repurposed the six pre-existing programs so that it would distribute Federal high-cost support to recipients so that they could provision both fixed broadband and voice service throughout their service territories.⁵ Concomitant with this repurposing, the FCC also renamed the federal High Cost

program to the Connect America Fund (CAF). With the CAF and Auction 903, the FCC determined that it would begin to distribute federal high-cost support in the areas served by the incumbent local exchange carriers that operate as price cap carriers under federal law, through a combination of a "new forward-looking model of the cost of constructing modern multi-purpose networks" and a competitive bidding process.⁶

B. FCC's Efforts to Modernize the Federal Lifeline Program

To continue the mission of assisting qualifying low-income Americans to get and stay connected in today's technological climate, while at the same time relieving some of the burden on the entities providing this service, the FCC also began restructuring the federal USF Lifeline program. Beginning in 2012, the FCC took several steps to comprehensively reform and modernize the Lifeline program in the 2012 Lifeline Reform Order by improving enrollment and consumer disclosures and eliminating the previous system of tiered support and set an interim funding rate of \$9.25 per month and per eligible subscriber or household.⁷

These reforms were adopted by the FCC to strengthen protections against waste, fraud, and abuse in the federal Lifeline program by, among other things: setting a savings target; improved program administration and accountability by creating a National Lifeline Accountability Database (NLAD) to prevent multiple carriers from receiving support for the same household; and confirming a one-per-household rule applicable to all consumers and Lifeline providers in the program.⁸ The FCC also took preliminary steps to modernize the federal Lifeline program by, among other things: allowing Lifeline support for bundled service plans combining voice and broadband or packages including optional calling features.⁹ The FCC has issued three later Lifeline reform orders establishing a number of additional enhancements to the federal Lifeline Program, further connecting low-income Americans to voice services and, now, broadband access.^{10,11} These modified requirements have been codified in the FCC's rules and regulations at Title 47, Chapter I, Part 54, Subpart E, which governs universal service support provided to low-income consumers.

C. CAF Auctions

The FCC contemplated that its new competitive bid process to disburse federal universal service high-cost support to common carriers would be done as "reverse" auctions" and rolled-out in different phases.¹² The second phase of the CAF, but first "reverse" auction to disburse federal high-cost support, was Auction 903 (or CAF Phase II Auction) in 2018.¹³ Auction 903 awarded up to \$198

⁶ *Id.*

⁷ See generally Lifeline and Link Up Reform and Modernization, et al., Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 6656 (2012) (2012 Lifeline Reform Order). Per subsequent FCC orders, the Lifeline benefit has been reduced, and it is currently set at \$5.25 for standalone voice. However, Lifeline support for standalone voice services is set to go from \$5.25 to zero after December 1, 2021, although that decision is under reconsideration at the FCC.

⁸ *Id.* at 6690-91, paras. 77-78.

⁹ *Id.*

¹⁰ Lifeline and Link Up Reform and Modernization et al., Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order, 30 FCC Rcd 7818 (2015) (2015 Lifeline FNPRM); Lifeline and Link Up Reform and Modernization et al., Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3962, 4038, para. 211 (2016) (2016 Lifeline Modernization Order); Fourth Report and Order, Order on Reconsideration, Memorandum Opinion and Order, Notice of Proposed Rulemaking, and Notice of Inquiry, 32 FCC Rcd 10475 (2017), vacated and remanded, *National Lifeline Association et al. v. FCC*, Docket Nos. 18-1026, Order issued February 1, 2019 (D.C. Cir. 2019) (2017 Lifeline NPRM and NOI) (collectively Lifeline Reform Orders).

¹¹ *Id.* at 6690-91, paras. 77-78.

¹² USF/ICC Transformation Order, 26 FCC at 17732, para. 178.

¹³ Connect America Fund et al., Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 5949, (2016) (CAF Phase II Auction Order).

¹ April 8, 2021, Data Request (DR) Responses at 1, n.2.

² Connect America Fund et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 17672 para. 17 (2011) (USF/ICC Transformation Order), aff'd sub nom. In re FCC 11-161, 753 F.3d 1015 (10th Cir. 2014).

³ *Id.* at 17667, para. 1.

⁴ *Id.* at 17725, para. 156-57.

⁵ *Id.*

million annually for 10 years to all service providers that had committed to provide voice and fixed broadband services to specific locations in unserved high-cost areas, including areas in Pennsylvania.¹⁴

Acknowledging that Auction 903 was a significant step towards addressing the rural “digital divide” in America but that more work needed to be done to accelerate the deployment of access to broadband in these unserved and underserved communities, on August 1, 2019, the FCC adopted a Notice of Proposed Rulemaking (NPRM) proposing to establish the \$20.4 billion RDOF as its next step in bridging the rural digital divide in America.¹⁵ Specifically, the FCC sought to allocate this federal universal service high-cost support to a certain number of locations in eligible census block groups (CBGs) across the United States, including areas in Pennsylvania which were entirely unserved by broadband service of at least 25/3 Mbps.¹⁶

On January 30, 2020, the Commission adopted the RDOF Order, which established the framework for the RDOF auction.¹⁷ The FCC determined that the RDOF would target federal high-cost support to areas that lack access to both fixed voice and 25/3 Mbps broadband services in two phases: Phase I of the RDOF will assign up to \$16 billion for those census blocks that are wholly unserved with broadband at speeds of 25/3 Mbps,¹⁸ and Phase II will make the remaining \$4.4 billion, along with any unawarded funds from Phase I available for those census blocks that it later determined through the Digital Opportunity Data Collection, or suitable alternative data source, are only partially served, as well as census blocks unawarded in the Phase I auction.¹⁹

Phase I of the RDOF Auction began on October 29, 2020, and ended on November 25, 2020. On December 7, 2020, the FCC announced the winning bidders²⁰ for Phase I of the RDOF auction and awarded up to \$923 million annually for 10 years to these winning bidders that had committed to provide voice and fixed broadband Internet access services (BIAS) to specific locations in unserved high-cost areas, including areas in Pennsylvania.²¹ CCO Holdings, LLC, an affiliate of TWCIS, was selected as a winning bidder in 499 census blocks in Pennsylvania.²² In accordance with Auction 904 rules and

procedures,²³ CCO Holdings, LLC, assigned its winning bid in Pennsylvania to its affiliate, TWCIS.²⁴ TWCIS’ assigned Auction 904 award is in the amount of \$3,479,199 over 10 years, to serve 499 census blocks as set forth in Appendix A, to 5,328 eligible locations.²⁵

D. TWCIS’ Petition and Supplements

Pursuant to the RDOF Order and the RDOF Public Notice,²⁶ winning bidders were required to certify with the FCC that they have obtained an ETC designation that covers all relevant census blocks from the relevant authority for high-cost ETC designation by June 7, 2021.²⁷ In its Petition, TWCIS has requested ETC designation in the 499 census blocks where it had been awarded RDOF Phase I high-cost funding support by the FCC in Auction 904. Thus, TWCIS has not requested ETC designation in any census block where it has not been awarded Auction 904 support.

TWCIS is a Delaware limited liability company with a place of business at 12405 Powerscourt Drive, St. Louis, Missouri 63131.²⁸ TWCIS provided documentation that it has the requisite authority from the Pennsylvania Department of State to do business in Pennsylvania as a limited liability company.²⁹ TWCIS and CCO Holdings, LLC are both subsidiaries of Charter Communications, Inc. (Charter).³⁰ TWCIS states that it is certificated by the Commission to provide local exchange telecommunications services in Pennsylvania.³¹ TWCIS further states that Charter, through its subsidiaries, provides advanced communications services including BIAS, cable video, voice, and mobile services to approximately 125,000 customers in Pennsylvania.³²

As an Exhibit to its Petition, TWCIS provides a detailed listing of the 499 individual census blocks for which it was awarded RDOF support,³³ provides a map of those census blocks,³⁴ lists the various incumbent local exchange carriers (ILEC) where the awarded census blocks are situated,³⁵ and provides the rate centers of those ILECs where the RDOF census blocks are situated.³⁶ This information is reproduced and attached hereto as Appendix A. Collectively, those local exchanges, rate

²³ RDOF Order, 35 FCC Red at 725, para. 85.

²⁴ Petition at 1, 3, 9-10.

²⁵ Auction Results Notice, Winning Bidder Summary, DA 20-1422A2 (December 7, 2020). The identified locations are the minimum deployments required by the FCC. The bidder must also deploy to other locations identified in the census block as part of their obligation.

²⁶ RDOF Order, 35 FCC Red at 722, para. 79, 726, para. 90; RDOF Closing Public Notice, 35 FCC Red at 18893–95, para. 17.

²⁷ RDOF Closing Public Notice, 35 FCC Red 13893-95 para. 17; see also 47 C.F.R. § 54.804(b)(5). On May 25, 2021, the Commission issued a “good faith” letter to TWCIS stating that our review of its Petition would not be completed prior to deadline despite TWCIS’ good faith efforts. TWCIS filed a waiver request of the Auction 904 deadline with the FCC on June 1, 2021. Petition of Charter Communications, Inc.; Bright House Networks Information Services (Florida), LLC; Charter Fiberlink LA-CCO, LLC; Time Warner Cable Information Services (Pennsylvania), LLC; Charter Fiberlink VA-CCO, LLC; Time Warner Cable Information Services (Virginia), LLC; Charter Fiberlink CCO, LLC; and Time Warner Cable Information Services (Wisconsin), LLC for Waiver of Rural Digital Opportunity Fund ETC Designation Deadline, WC Docket No. 19-126; WC Docket No. 10-90.

²⁸ Petition at 3.

²⁹ Petition, Exhibit C.

³⁰ Petition at 3.

³¹ Petition at 3, Exhibit D. TWCIS is authorized to operate as a CLEC in the service territories of Verizon Pennsylvania, LLC (Verizon PA), Verizon North, LLC (Verizon North), Citizens Telephone Company of New York, Frontier Communications—Commonwealth Telephone Company, LLC (Commonwealth Telephone Company); Frontier Communications—Oswayo River, LLC; Pymatuning Independent Telephone Company, and Windstream Pennsylvania, LLC (Windstream PA).

³² An ETC may meet its obligation to offer its services if it does so through affiliates within the holding company structure. Rural Digital Opportunity Fund Phase I Auction Scheduled for October 29, 2020, Notice and Filing Requirements and Other Procedures for Auction 904, FCC 20-77, AU Docket No. 20-34, WC Docket Nos. 19-126, 10-90 ¶¶ 138-39 (rel. Jun. 11, 2020). As such, the distinction between TWCIS service and the service of affiliates is in most cases immaterial for the purposes of ETC designation. Therefore, the Commission will not distinguish between the service provided by TWCIS and its affiliates.

³³ Petition, Exhibit A.

³⁴ Petition, Exhibit B.

³⁵ April 8, 2021 DR Responses at 21.

³⁶ Id. at 23.

¹⁴ Connect America Fund Phase II Auction (Auction 903) Closes; Winning Bidders Announced; FCC Form 683 Due October 15, 2018, AU Docket No. 17-182, WC Docket No. 10-90, Public Notice, 33 FCC Red 8257 (Auction 903 Closing Public Notice).

¹⁵ Rural Digital Opportunity Fund; Connect America Fund; Notice of Proposed Rulemaking, 34 FCC Red 6778 (2019) (Rural Digital Opportunity Fund NPRM).

¹⁶ Id. The FCC made eligible for Auction 904 certain high-cost census block groups in RDOF Phase I in unserved areas nationwide that were not served by an unsubsidized service provider.

¹⁷ Rural Digital Opportunity Fund et al., Report and Order, 35 FCC Red 686 (2020) (RDOF Order).

¹⁸ The FCC determined that eligible areas for Phase I would include (1) the census blocks for which price cap carriers currently receive CAF Phase II model-based support; (2) any census blocks that were eligible for, but did not receive, winning bids in the CAF Phase II auction; (3) any census blocks where a CAF Phase II auction winning bidder has defaulted; (4) the census blocks excluded from the offers of model-based support and the CAF Phase II auction because they were served with voice and broadband of at least 10/1 Mbps; (5) census blocks served by both price cap carriers and rate-of-return carriers to the extent that the census block is in the price cap carrier’s territory, using the most recent study area boundary data filed by the rate-of-return carriers to identify their service areas and determine the portion of each census block that is outside this service area; (6) any unserved census blocks that are outside of price cap carriers’ service areas where there is no certified high-cost eligible telecommunications carrier providing service, such as the Hawaiian Homelands, and any other populated areas unserved by either a rate-of-return or price cap carrier; and (7) any census blocks identified by rate-of-return carriers in their service areas as ones where they do not expect to extend broadband. Id. at 691, para. 12.

¹⁹ Id. at 690, para. 9.

²⁰ See Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes; Winning Bidders Announced; FCC Form 683 Due January 29, 2021, Public Notice, 35 FCC Red 13888, 13890-91, paras. 9–15 (RBATF, OEA, WCB 2020) (RDOF Closing Public Notice).

²¹ As a result of Auction 904, some homes and businesses would have voice as well as broadband Internet access services available with download speeds of at least 100 Mbps.

²² Petition, Exhibits A, B.

centers, and census blocks where TWCIS will be designated an ETC and providing Auction 904 supported service, are referred to as TWCIS' Designated Service Area.

TWCIS states in its Petition that while TWCIS will directly provide the supported Lifeline voice services, its affiliate, Spectrum Advanced Services, LLC may directly provide the broadband Internet access services and non-Lifeline voice services in the RDOF census blocks.³⁷ TWCIS, as a Charter subsidiary, plans to extend a Fiber to the Premises (FTTP) network architecture to serve the RDOF census blocks. The network will include fiber optic cable facilities, hubs, routers, servers, session border controllers, and analog telephone adapters.³⁸ Through the network serving the RDOF census blocks, Charter will offer up to 1 Gbps broadband access, with starting speeds of 200 Mbps.³⁹

Notice of TWCIS' Petition was published in the *Pennsylvania Bulletin* at 51 Pa.B. 763 on February 6, 2021. No comments were filed in response to TWCIS' Petition. TWCIS also filed supplements to its Petition that set forth additional pertinent information.

Discussion

Section 254(e) of the Act provides that "only an eligible telecommunications carrier designated under Section 214(e) shall be eligible to receive specific Federal universal service support."⁴⁰ Consequently, a common carrier first must be designated as an ETC under subsections (2), (3), or (6) of Section 214(e) of the Act to be eligible to receive federal high-cost universal service support in accordance with Section 254 of the Act. Pursuant to Section 214(e)(2) of the Act, state commissions have the primary responsibility for performing ETC designations for common carriers seeking to obtain federal high-cost funding support. Only in those instances where a state cannot or will not make the requisite ETC designation, will the FCC make the ETC designation.⁴¹

The Commission reserves the right to review any ETC designation request on a case-by-case basis and grant or deny such designation after considering the circumstances particular to each application. Thus, the Commission has reviewed TWCIS' Petition, as supplemented, to determine whether it satisfies the federal and state law criteria to receive a designation as an ETC in Pennsylvania.

I. Requirements for Designation as a High-Cost ETC

Pursuant to 47 U.S.C. § 214(e)(1), a common carrier must satisfy the following criteria⁴² in order to obtain an ETC designation and become eligible to receive federal high-cost universal service support throughout the service area for which the designation is received: (1) certify that it offers or intends to offer all services designated for support by the Commission pursuant to Section 254(c) of the Act;⁴³ (2) certify that it offers or intends to offer the supported services either using its own facilities or a combination of its own facilities and resale of another carrier's services;⁴⁴ (3) describe how it advertises the availability of the supported services and the charges therefor using media of general distribution;⁴⁵ and (4)

describe the geographic service area for which it requests to be designated an ETC.⁴⁶

The FCC adopted additional requirements for parties seeking ETC designation that have been codified at 47 C.F.R. § 54.202.⁴⁷ As such, a telecommunications carrier must also satisfy the following additional mandatory requirements for it to be designated an ETC and thus eligible to receive federal universal service support: (1) certify that it will comply with the service requirements applicable to the support that it receives in its proposed service area;⁴⁸ (2) submit a five-year plan that describes with specificity proposed improvements or upgrades to the applicant's network throughout its proposed service area;⁴⁹ (3) demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of backup power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations;⁵⁰ (4) demonstrate that it will satisfy applicable consumer protection and service quality standards;⁵¹ and (5) offer local usage comparable to that offered by the ILEC.⁵²

The FCC subsequently added an additional requirement concerning the Anti-Drug Abuse Act of 1988.⁵³ Specifically, the FCC requires a party seeking ETC designation certify that neither it, nor any party to the application, is subject to a denial of federal benefits pursuant to the Anti-Drug Abuse Act of 1988.

In addition to meeting these statutory requirements, state commissions must also perform a "public interest" review before approving an ETC designation. Section 214(e)(2) of the Act states that, "[u]pon request and consistent with the public interest, convenience, and necessity, the State commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier" for a designated service area, so long as the requesting carrier meets the requirements of Section 214(e)(1).

The Commission has adopted these federal standards under independent Pennsylvania law as a starting point for review of a request for ETC designation.⁵⁴ We also have Pennsylvania-specific guidelines discussed below that a federal high-cost ETC petitioner must satisfy before we can approve its request for ETC designation in Pennsylvania. Our review of TWCIS' Petition is done

⁴⁶ 47 U.S.C. § 214(e)(5); see also 47 C.F.R. § 54.207(a).

⁴⁷ See 2005 ETC Designation Order, 20 FCC Rcd at 6380, para. 20 (citing Federal-State Joint Board on Universal Service, Recommended Decision, 19 FCC Rcd 4259, para. 5 (Fed-State Jt. Bd. 2004)).

⁴⁸ 47 C.F.R. § 54.202(a)(1)(i).

⁴⁹ 47 C.F.R. § 54.202(a)(1)(ii). The FCC subsequently eliminated the five-year improvement plan requirement for CAF recipients since it had adopted more specific measures to track deployment, including annual reporting of service to geocoded locations and certification of compliance with benchmark milestones. See Connect America Fund et al., ETCs Annual Reports and Certifications, Report and Order, 32 FCC Rcd 5944, 5944-48, paras. 3-14 (2017) (ETC Reporting Streamlining Order) (eliminating requirements relating to the reporting of network outages, unfulfilled service requests, complaints, and pricing and the certification of compliance with applicable service quality standards).

⁵⁰ 47 C.F.R. § 54.202(a)(2).

⁵¹ 47 C.F.R. § 54.202(a)(3). The FCC also has eliminated this requirement for CAF support recipients finding that the need for it was obviated by the specific service quality standards applicable to CAF support recipients and specific reporting obligations relating to such standards. See generally ETC Reporting Streamlining Order.

⁵² In the 2005 ETC Designation Order, the FCC had established that an ETC may be required to provide equal access if all other ETCs in the service area relinquish their designations. In the USF/ICC Transformation Order, the FCC determined that the above ETC equal access requirement was obsolete and deleted it from 47 C.F.R. § 54.202. The FCC stated because this rule was obsolete, it found good cause to delete it without notice and comment. USF/ICC Transformation Order, FCC Rcd 17872, para. 647 and Appendix A.

⁵³ 21 U.S.C. § 862; 47 C.F.R. § 1.2002(a)-(b).

⁵⁴ 52 Pa. Code § 69.2501(a).

³⁷ Petition at 2, n. 6; April 8, 2021 Data Request (DR) Responses at 21. 138-39 (rel. Jun. 11, 2020).

³⁸ April 8, 2021, DR Responses at 22.

³⁹ *Id.*

⁴⁰ 47 U.S.C. § 254(e).

⁴¹ 47 U.S.C. § 214(e)(6).

⁴² See Federal-State Joint Board on Universal Service, Report and Order, 12 FCC Rcd 8776, 8847-76, paras. 128-80 (1997).

⁴³ 47 U.S.C. § 214(e)(1)(A); see also 47 C.F.R. § 54.201(d)(1).

⁴⁴ 47 U.S.C. § 214(e)(1)(A); see also 47 C.F.R. § 54.201(d)(1).

⁴⁵ 47 U.S.C. § 214(e)(1)(B); see also 47 C.F.R. § 54.201(d)(2).

consistent with the federal requirements that must be met for an applicant to receive designation as an ETC, as codified, which we have adopted and implemented in the Commonwealth as the minimum standards applicable to ETC designation. Additionally, our review of TWCIS' Petition is also done to ensure consistency with independent Pennsylvania law as an ongoing obligation.

As discussed in more detail below, we determine that TWCIS satisfies all federal requirements applicable to obtaining a high-cost ETC designation, including those embodied in the FCC's Universal Service Order, the 2005 ETC Designation Order, the USF/ICC Transformation Order, the Lifeline Reform Orders, and codified in pertinent FCC regulations. TWCIS also satisfies related Pennsylvania-specific requirements or guidelines.

Nonetheless, as a RDOF winning bidder, TWCIS is still required to comply with the same long-form application process the FCC adopted for Auction 903.⁵⁵ Thus, upon receipt of an ETC designation from us, TWCIS will be subject to a thorough financial and technical review by the FCC during the long-form application stage prior to ultimately receiving the Auction 904 support.⁵⁶

A. Certification That It Is a Common Carrier and Offering All Services Designated for Federal Universal Service Support

TWCIS has filed this Petition seeking to have the Commission designate it a high-cost ETC in the census blocks where it has been awarded Auction 904 federal high-cost support. Federal law dictates that only a common carrier designated an eligible telecommunications carrier under 47 U.S.C. § 214(e)(2) shall be eligible to receive universal service support in accordance with Section 254 of the Act.⁵⁷ Thus, in order to obtain an ETC high-cost designation, TWCIS must demonstrate that it is a common carrier and certify that it offers the services supported by the federal universal service support mechanisms or "supported services."⁵⁸

Section 153(10) of the Act defines the term "common carrier" as "any person engaged as a common carrier for hire, in interstate or foreign communications by wire or radio[.]" 47 U.S.C. § 153(10).⁵⁹ Additionally, pursuant to 47 C.F.R. § 54.101, the FCC defines supported services as qualifying voice service and the offering of qualifying BIAS.⁶⁰ Also, as a condition of receiving support, the common carrier must offer qualifying voice service as a standalone service throughout its designated service area

⁵⁵ RDOF Order, 35 FCC Red at 724-725, para. 84.

⁵⁶ As a part of the FCC's long-form application process, TWCIS must file more extensive information demonstrating to the FCC that it is legally, technically, and financially qualified to receive support and meet the public interest obligations in each area for which it seeks Auction 904 support. Id. at 717-18, paras. 66-70.

⁵⁷ 47 U.S.C. § 254(e).

⁵⁸ 47 C.F.R. § 54.201(d).

⁵⁹ Pursuant to Section 153(10) of the Act, a "telecommunications carriers" has been defined to include, with one minor exception, any provider of "telecommunications services." 47 U.S.C. § 153(51). The Act defines a "telecommunications service," as "the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used." 47 U.S.C. § 153(53). In turn, telecommunications means "the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent or received." 47 U.S.C. § 153(50). The definition of "telecommunications carrier" in the Act goes on to state that "[a] telecommunications carrier" shall be treated as a *common carrier* under this Act only to the extent that it is engaged in providing telecommunications services, except that the Commission shall determine whether the provision of fixed and mobile satellite service shall be treated as "common carriage." 47 U.S.C. § 153(51) (emphasis supplied).

⁶⁰ 47 C.F.R. § 54.101 (including both eligible voice telephony and eligible broadband Internet access as services "supported by federal universal service support mechanisms," and characterizing the provision of eligible broadband service as a high-cost public interest obligation); see also USF/ICC Transformation Order, 26 FCC Red at 17691-94, paras. 74-89 (describing the "core functionalities of the supported services as 'voice telephony service,'" and as a separate condition of receiving federal high-cost universal service support, all ETCs are required to offer BIAS in their supported area that meets certain basic performance requirements).

and must offer voice telephony services at rates that are reasonably comparable to urban rates.⁶¹

1. Qualifying Voice Service

In order to satisfy the criterion of offering qualifying voice services set forth in 47 C.F.R. § 54.201(a), TWCIS must be a common carrier that certifies that its eligible voice telephony services provide (1) voice grade access to the public switched network or its functional equivalent; (2) minutes of use for local service provided at no additional charge to end users; (3) access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems; and (4) toll limitation services to qualifying low-income consumers. Additionally, as a RDOF support recipient, like all other high-cost ETCs, TWCIS will be required to offer standalone voice service and offer voice and broadband services at rates that are reasonably comparable to rates offered in urban areas. TWCIS certifies that its wireline service offering satisfies the FCC's definition of voice telephony service.⁶²

a. Voice Grade Access to the Public Switched Telecommunications Network (PSTN)

In its Petition, TWCIS states it plans to implement an interconnected Voice over Internet Protocol (VoIP) network⁶³ through its proposed FTTP network across its Designated Service Area that will allow for delivery of high-quality voice services. Stated calling features include voicemail, call waiting, caller ID, and call forwarding at no additional charge.⁶⁴

b. Minutes of Use for Local Service

As part of offering voice grade access to the PSTN, an ETC must also provide local calling services to its customers at no additional charge. Although the FCC did not set a minimum local usage requirement, in the Universal Service Order, it determined that ETCs should provide some minimum amount of local usage as part of their "basic service" package of supported services.⁶⁵ However, the FCC has determined that a carrier satisfies the local usage requirements by including a variety of local usage plans as part of a universal service offering. TWCIS certifies that it will provision competitive voice service that includes minutes of use for local service provided at no charge to end users.⁶⁶

c. Access to Emergency Services

TWCIS certifies that it meets the requirement to provide access to emergency services. TWCIS states that that 911 or E911 will be a standard feature with its standalone and bundled voice service.⁶⁷ Further, 911 or E911 emergency service will be maintained for as long as a device connected to its voice network has a dial tone, and therefore will be available during a service suspension but will not be available after the customer's service has been disconnected.⁶⁸ TWCIS' E911 feature automati-

⁶¹ USF/FCC Transformation Order, 26 FCC Red at 17693, paras. 80-81; see also 47 C.F.R. § 54.101(b).

⁶² Petition at 13-14.

⁶³ Petition at 5.

⁶⁴ Petition at 5.

⁶⁵ See Universal Service Order, 12 FCC Red 8776, 8813, para. 67. Although the FCC's rules define "local usage" as "an amount of minutes of use of wire center service, prescribed by it, provided free of charge to end users," the FCC has not specified a number of minutes of use. See 47 C.F.R. 54.101(a)(1). See also Federal-State Joint Board on Universal Service, Recommended Decision, CC Docket No. 96-45, FCC 02J-1 (rel. Jul. 10, 2002).

⁶⁶ Petition at 14.

⁶⁷ April 8, 2021 DR Responses at 15.

⁶⁸ Id.

cally provides the emergency service operator with a caller's phone number and location.⁶⁹

TWCIS states that it has maintained contact with existing municipalities and 911 authorities in Pennsylvania since its initiation of voice service in 2011.⁷⁰ It further states that as a standard business practice the initiation of voice service in any area not previously supported includes outreach to the appropriate 911 authority and testing of 911 and E911 services prior to offering voice service to any customer.⁷¹

The FCC also requires interconnected VoIP carriers to obtain affirmative acknowledgment that each subscriber understands the circumstances that E911 service may be limited or unavailable. 47 C.F.R. § 9.11(b)(5)(i). All customers of Charter voice service, including customers of TWCIS, complete a 911 Acknowledgement form during the service ordering and initiation process, which informs them of any limitations with respect to Charter's E911 service.⁷² TWCIS provides the text of this acknowledgement, which, among other things, notices the customer that the network is subject to power outages, and that if the subscriber changes address without first contacting Charter, the address that the emergency provider receives might be incorrect.⁷³

TWCIS has complied with the requirements related to the provision of 911 services and customer acknowledgment of service limitations. Accordingly, the Commission determines that TWCIS has satisfied its obligation of ensuring access to emergency services.

d. Toll Limitation Services

Under the language of Section 54.400, the FCC has defined three terms addressing the service provided by an ETC by which a subscriber may prevent toll charges from accumulating beyond a set point. Specifically, Subsection 54.400(b) of the FCC's regulations defines "toll blocking" as the service a subscriber may elect to not allow outgoing toll calls. Subsection (c) defines "toll control service" as the service a subscriber may elect to specify a set amount of toll usage allowed per month or per billing cycle. Subsection (d) defines "toll limitation service" as a generic term covering either toll blocking or toll control service for ETCs that are incapable of providing both or covering both services.

Section 54.401(a)(2), toll limitation service, does not need to be offered for any Lifeline service that does not distinguish between toll and nontoll calls in the pricing of the service. If an ETC charges Lifeline subscribers a fee for toll calls that is in addition to the per month or per billing cycle price of the subscribers' Lifeline service, the carrier must offer toll limitation service at no charge to its subscribers as part of its Lifeline service offering.

In the FCC's Lifeline and Link Up Reform Order, the FCC explained that toll limitation would no longer be deemed a supported service as of 2014.⁷⁴ However, TWCIS states that it will still provide toll limitation services to qualifying low-income customers in the RDOF census blocks.⁷⁵

2. Eligible Broadband Internet Access Services

An ETC subject to a high-cost public interest obligation to offer BIAS, must offer BIAS that provides the capability to transmit data to and receive data by wire or radio from all or substantially all Internet endpoints, including

any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up service, within the areas where it receives high-cost support.⁷⁶ Additionally, pursuant to Section 54.805 of the FCC's regulations, recipients of RDOF support are "required to offer broadband service with latency suitable for real-time applications, including VoIP, and usage capacity that is reasonably comparable to comparable offerings in urban areas, at rates that are reasonably comparable to rates for comparable offerings in urban areas."⁷⁷ More specifically, recipients of RDOF support are required to meet the broadband service speeds and performance standards for the relevant performance or the average usage of a majority of fixed broadband customers as announced annually by the FCC's Wireline Competition Bureau (WCB).⁷⁸

TWCIS is obligated to offer one service plan that provides BIAS at 1 Gbps/500 Mbps speed at low latency.⁷⁹ For winners in the RDOF Phase I auction who submitted bids for the Gigabit tier speed, the FCC required them to show that 95% or more of all testing-hour measurements of network round trip latency are at or below 100 milliseconds (ms) as their latency standard for BIAS.⁸⁰

TWCIS states the proposed BIAS provides the capability to transmit data to and receive data from all or substantially all Internet endpoints including any capabilities that are incidental to and enable the operation of the communications service in the RDOF census blocks.⁸¹ TWCIS states that the starting speed in 75% of Charter-served communities is 200 Mbps, and this speed will be available to new customers immediately.⁸² TWCIS further states that it will offer a 1 Gbps connection to the majority of all newly served customers in the RDOF supported census blocks.⁸³

B. Certification Regarding the Offering of the Supported Services Using a Carrier's Own Facilities.

In order to obtain a high-cost ETC designation, a common carrier must offer the qualifying supported services throughout their service area "either using its own facilities or a combination of its own facilities and resale of another carrier's services."⁸⁴ Thus, only common carriers that provide the qualifying supported services as defined under Section 54.101(a), as amended, by using their own facilities will be deemed to meet the requirements of Subsection 214(e)(1)(A) of the Act.

The FCC has interpreted the term "facilities" to mean "any physical components of the telecommunications network that are used in the transmission or routing of the services designated for support under Section 254(c)(1)."⁸⁵ However, as explained by the FCC, "a carrier need not offer universal service wholly over its own facilities in order to be designated an eligible carrier because the statute allows an eligible carrier to offer the supported services through a combination of its own facilities and resale."⁸⁶

Facilities are the ETC's "own" if the ETC has exclusive right to use the facilities to provide the supported services⁸⁷ or when service is provided by any affiliate within

⁶⁹ Petition at 5.

⁷⁰ April 8, 2021 DR Responses at 15.

⁷¹ Id.

⁷² June 22, 2021 DR Responses, Answer 9.

⁷³ Id.

⁷⁴ See 2012 Lifeline Reform Order, 27 FCC Rcd at 6756, para. 229.

⁷⁵ Petition at 14.

⁷⁶ 47 C.F.R. §§ 54.101(a)(2) and (c).

⁷⁷ 47 C.F.R. § 54.805(a).

⁷⁸ 47 C.F.R. § 54.805(b).

⁷⁹ RDOF Phase I Auction Order, para. 43.

⁸⁰ Id. at para. 32.

⁸¹ Petition at 14.

⁸² Petition at 24.

⁸³ April 8, 2021 DR Responses at 22.

⁸⁴ 47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.101.

⁸⁵ Universal Service Order, 12 FCC Rcd at 8847, para. 128; 47 C.F.R. § 54.201(e).

⁸⁶ Id. at 8870, para. 169; 47 C.F.R. § 54.201(f) and (g).

⁸⁷ Id. at 8866, para. 160.

the holding company structure.⁸⁸ Additionally, a common carrier satisfies its ETC designation obligation to “offer” qualifying services by being legally responsible for dealing with customer problems, providing quality of service guarantees, and meeting federal USF-related requirements.⁸⁹ Accordingly, a broadband provider may satisfy its voice obligation by offering voice service through an affiliate or by offering a managed voice solution (including VoIP) through a third-party vendor but cannot simply rely on the availability of over-the-top voice options.⁹⁰

TWCIS has attested that it will be providing the qualifying supported services and functionalities set forth in Section 54.101(a) of the FCC’s regulations throughout its proposed Designated Service Area in the Commonwealth of Pennsylvania using its own facilities or through an affiliate.⁹¹

C. Certification Regarding Advertising Supported Services.

TWCIS has stated that it will advertise the availability of its universal service offerings and charges for such offerings using media of general distribution and in a manner reasonably designed to reach those likely to qualify for the service.⁹² TWCIS states that it will publicize the availability of Lifeline service in the RDOF census blocks in a manner reasonably designed to reach those likely to qualify for the service.⁹³ TWCIS will seek opportunities for outreach to local communities to provide information on the Lifeline voice and broadband offerings of TWCIS and its affiliates. In addition, TWCIS states that information about its Lifeline service will be posted publicly on Charter’s website.⁹⁴ TWCIS further certifies to provide the Commonwealth’s Department of Human Services (“DHS”) with Lifeline service descriptions and subscription forms, contact telephone numbers, and a listing of the census blocks it serves, for use by DHS in providing notifications to new enrollees in DHS-administered low-income programs pursuant to 66 Pa.C.S. § 3019(f).⁹⁵ Lastly, TWCIS states that it will provide Lifeline materials in English and Spanish.⁹⁶

D. Certification to Provide a Detailed Description of the Geographic Service Area Where It Will Be Designated an ETC

Generally, once an entity is designated an ETC in a service area, it must offer the supported services throughout that entire designated service area. The term service area generally means the overall geographic area for which the carrier shall receive support from federal universal service support mechanisms. A service area is established by a state commission for the purpose of determining universal service obligations and support mechanisms. Thus, an ETC’s “service area” is set by the designating authority and is the geographic area within which an ETC has universal service obligations and may receive universal service support.⁹⁷

Pursuant to its Petition, TWCIS is seeking designation as an ETC only in the RDOF-eligible census blocks that

are located within certain local exchanges of the following ILECs in Pennsylvania: Verizon North, Verizon PA, Commonwealth Telephone Company, and Windstream PA.⁹⁸ A listing of the individual eligible census blocks where TWCIS has been awarded Auction 904 support is attached hereto as Appendix A.

Section 214(e)(5) of the Act, 47 U.S.C. § 214(e)(5), normally requires that a competitive high-cost ETC’s (CETC) proposed designated service area conform with the rural incumbent ETC’s designated service area. The rural incumbent ETC’s designated service area is usually its entire service territory. Generally, if a state commission sought to designate a CETC only in a portion of a rural incumbent ETC’s designated service, that rural service area must first be redefined under the process set forth in Section 214(e)(5) of the Act.⁹⁹ To accomplish a redefinition of a rural service area, the Commission would be required to conduct a cream-skimming analysis to compare the population density of the wire centers in which the CETC applicant seeks designation against that of the wire centers in the rural service area in which the CETC applicant does not seek designation.¹⁰⁰

In this proceeding, TWCIS requests an ETC designation that is limited only to certain portions of certain local exchanges within the service territories of two of our RLECS—Commonwealth Telephone Company and Windstream PA. The table below sets forth the specific RLEC local exchanges that contain some of the individual eligible census blocks where TWCIS has been awarded Auction 904 support.

<i>Windstream PA</i>	<i>Commonwealth Telephone Company</i>
Albion	Lawrenceville
Conneaut Lake	Midlebyctr
Jamestown	
Westford	
Wspringfld	

As explained above, the Commission usually would have to undergo a redefinition analysis of the RLEC service territory when a CETC requests to be designated only in certain portions of the RLECs’ service areas. However, the FCC has eliminated the service area conformance requirement for those winning bidders in the Auction 904 seeking an ETC designation.¹⁰¹ Specifically, in its RDOF Order, the FCC held that for those entities that were seeking to obtain ETC designations solely as a result of being selected as winning bidders for the Auction 904 support, it was best to forgo from applying Section 214(e)(5) of the Act and Section 54.207(b) of the FCC’s rules insofar as those sections require that the service area of such a competitive ETC conform to the service area of any RLEC serving an area eligible for Phase I support.¹⁰²

The FCC noted that like the CAF Phase II auction, it will be maximizing the use of the RDOF support by making it available for only one provider per geographic area.¹⁰³ It further noted that since price cap ETCs had declined the offer of model-based support and another entity is now receiving that declined support through Auction 904, the incumbent ETC’s service area is no

⁸⁸ December 2014 CAF Order, 29 FCC Rcd at 15668 n.43; see also 47 U.S.C. § 153(2) (defining an affiliate as “a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person”).

⁸⁹ Cf. Connect America Fund, Report and Order, 28 FCC Rcd 7211, 7215, para. 9 (2013) (Phase II Challenge Process Order) (finding that it is not sufficient for a broadband provider to qualify as an “unsubsidized competitor” if a consumer must obtain voice service from a third party, because that broadband provider would not be offering a voice service).

⁹⁰ See Rural Digital Opportunity Fund Phase I Auction Order, FCC 20-77, Para. 139.

⁹¹ See Petition at 13–15; see also Petition at 14, n. 28.

⁹² Petition at 15.

⁹³ April 8, 2021 DR Responses at 19.

⁹⁴ Id.

⁹⁵ Petition at 18.

⁹⁶ April 8, 2021 DR Responses at 6.

⁹⁷ 47 U.S.C. § 214(e)(5); 47 CFR § 54.207(a).

⁹⁸ April 8, 2021 DR Responses at 21.

⁹⁹ Section 214(e)(5) of the Act provides that a CETC service area is defined as the RLEC’s study area unless and until the state commission and the FCC, taking into consideration any recommendations from the Joint Board, redefine the RLEC’s service area to be something other than its study area.

¹⁰⁰ See ETC Designation Order, 20 FCC Rcd at 6392–95, paras. 48–53.

¹⁰¹ RDOF Order, 35 FCC Rcd at 727-728, paras. 91–93.

¹⁰² Id. para. 92.

¹⁰³ Id.

longer a relevant consideration in determining the geographic scope of a winning bidder's ETC designation.¹⁰⁴ Hence, the RLEC's service area will no longer be relevant because the incumbent ETC may be eventually replaced by the RDOF recipient in those portions of its service area where it may seek relinquishment since it will no longer receive high-cost support to provide the supported services, particularly qualifying voice service.

Here, TWCIS was a winning bidder in specific eligible census block groups located within two of our RLECs' service areas. Consequently, it is seeking an ETC designation only in those specific census blocks. Since the FCC has waived its rules regarding the redefinition process specifically for Auction 904 funding recipients, there is no need for the Commission to consider the relevant analysis the state and the FCC historically considered when deciding whether to redefine an RLEC's service area when it receives a request from the winning bidder to have a designated service area that is below the incumbent rural ETC's entire service area.

Based on our analysis of the applicable and relevant governing authority, we approve TWCIS' request for it to be designated as an ETC in a service area that is below the entire service territories of Commonwealth Telephone Company and Windstream PA. Accordingly, we approve TWCIS' proposed Designated Service Area as set forth in Appendix A attached to this Order.

E. Compliance with the Service Requirements Applicable to Auction 904 Support

TWCIS must certify that it will comply with requirements applicable to the Federal universal service support that it has been awarded by the FCC. To satisfy this criterion, an ETC petitioner must demonstrate its commitment and ability to provide the supported services to all customers making a reasonable request for service within the ETC's designated service area.¹⁰⁵

An ETC petitioner must ensure that it is providing services to all customers making a reasonable request for service throughout its proposed Designated Service Area. If the ETC's network already passes or covers the potential customer's premises, the ETC should provide service immediately. TWCIS certifies that it will comply with the service, deployment, and performance requirements applicable to the support that it receives through the RDOF Auction.¹⁰⁶ It further certifies that it and its affiliates will provide service to all customers making a reasonable request for service throughout its proposed Designated Service Area.¹⁰⁷ TWCIS describes in detail the nature and features of the services it and its affiliates will provide, which along with its selection as an auction winner, satisfy its requirements to demonstrate ability to provide the supported services.

F. Certification Regarding Continued Functionality in Emergency Situations

Pursuant to 47 C.F.R. § 54.202(a)(2), an ETC petitioner is required to demonstrate its ability to remain functional in emergency situations. To satisfy this criterion, a petitioner must demonstrate it has a reasonable amount of back-up power to ensure functionality without an exter-

nal power source, is able to reroute traffic around damaged facilities, and can manage traffic spikes resulting from emergency situations. The FCC's regulations further require facilities-based fixed residential voice services that are not line-powered (fixed service providers) to offer for sale to subscribers "at least one option that provides a minimum of twenty-four hours of standby backup power" for customer premises equipment by February 13, 2019.¹⁰⁸

TWCIS explains that its parent company, Charter, has extensive experience managing the technical and customer service related issues associated with the provision of mass market consumer voice and BIAS.¹⁰⁹ Charter monitors its network performance on a 24/7/365 basis and has implemented procedures to quickly and effectively install, modify, repair, and restore services as necessary.¹¹⁰ TWCIS states its service includes contingency plans in place for emergency situations for each of Charter's major network hubs and facilities that are geographically distributed across the United States.¹¹¹ All of the services' switching facilities are equipped with independent power generators and sufficient fuel to operate for several days to mitigate commercial power outages.¹¹² The design of these facilities contains multiple levels of redundancy and autonomy that also mitigate the need for dedicated human interaction.¹¹³ TWCIS provides a battery backup service to its customers. TWCIS has provided a copy of its offering of 8 hour and 24-hour backup power options.¹¹⁴ The offering warns customers that the VoIP service provided by TWCIS requires power, and that the emergency 911 service may not function during a power outage without backup.¹¹⁵

G. Certification to Satisfy Customer Service and Service Quality Standards

Historically, a petitioner seeking an ETC designation for purposes of becoming eligible to receive high-cost support was required to demonstrate its ability to satisfy applicable consumer protection and service quality standards.¹¹⁶ However, for petitioners seeking ETC designation for the purposes of becoming authorized to receive Auction 904 high-cost support, the FCC waived the requirement to submit proof of compliance with consumer protection and service quality standards—finding that the need for such requirements is obviated by specific service quality standards applicable to Auction 904 winning bid areas and specific reporting obligations relating to such standards.¹¹⁷

Nonetheless, as a certificated CLEC, TWCIS is subject to the consumer protection and service quality standards promulgated by the Commission.¹¹⁸ Moreover, TWCIS proposes to offer a protected, standalone basic voice service over a fiber-based IP platform.¹¹⁹ Therefore, in addition to other Commission jurisdiction preserved under the VoIP Freedom Act, this service remains subject to all applicable consumer protections and quality of service

¹⁰⁸ 47 C.F.R. § 9.20; see also Ensuring Continuity of 911 Communications, Report and Order, 30 FCC Red 8677 (2015).

¹⁰⁹ April 8, 2021 DR Responses at 24.

¹¹⁰ Id.

¹¹¹ Id.

¹¹² Id.

¹¹³ Id.

¹¹⁴ April 8, 2021 DR Responses, Exhibit 2.

¹¹⁵ Id.

¹¹⁶ 47 C.F.R. § 54.202(a)(3).

¹¹⁷ See RDOF Order.

¹¹⁸ Petition, Exhibit D (Certificate of Public Convenience of TWCIS). The Commission's consumer protection and quality of service regulations applicable to CLECs apply to both competitive and non-competitive services.

¹¹⁹ We note that standalone basic voice service has not been reclassified as competitive under Section 3016 of the Code, 66 Pa.C.S. § 3016, in any of the ILEC service area exchanges or wire centers where TWCIS proposes to provide CLEC services.

¹⁰⁴ Id.

¹⁰⁵ The FCC has determined CAF high-cost recipients need not submit a formal five-year improvement plan that demonstrates how universal service funds will be used to improve coverage, signal strength, or capacity that would not otherwise occur absent the receipt of high-cost support. See generally WCB Reminds Connect America Fund Phase II Applicants of the Process for Obtaining Federal Designation as an Eligible Telecommunications Carrier, WC Docket Nos. 09-197, 10-90, Public Notice, DA 18-714, 3-4 (rel. July 10, 2018).

¹⁰⁶ Petition at 15; April 8, 2021 DR Responses at 18; April 22, 2021 Supplemental DR Responses, Answer 2.

¹⁰⁷ July 8, 2021, DR Responses, Answer 1.

standards under Pennsylvania law, even though it will be provided as an interconnected VoIP service.¹²⁰

H. Certification Regarding Financial and Technical Ability to Provide Lifeline Service

Generally, a carrier seeking only low-income support under Subpart E, 47 C.F.R. §§ 54.400—54.422, must demonstrate that it possesses the financial and technical ability to provide Lifeline service.¹²¹ A carrier seeking only low-income support also must submit information describing the terms and conditions of any voice telephone service plans and the terms and conditions of any BIAS plans offered to Lifeline subscribers.¹²² However, TWCIS is seeking to be designated as an ETC only in those high-cost areas within its service area in Pennsylvania where it has been awarded Auction 904 support.¹²³ As such, per the federal rules, TWCIS is not required to demonstrate its financial and technical ability to provide Lifeline service in these areas.

Notwithstanding, TWCIS must participate in the Federal Lifeline program and offer Lifeline service to low-income eligible customers or households in these CBGs within its Designated Service Area.¹²⁴ Therefore, under independent state law, we will ensure that TWCIS has the technical and financial capability to provide Lifeline services to eligible low-income consumers residing in the Auction 904 census blocks.

The Commission takes note that TWCIS was one of the successful bidders in Auction 904 that is aiding with the construction of the planned network facilities in Pennsylvania, and that the FCC's RDOF Phase I bidding process required the substantive demonstration of managerial, technical, and financial fitness elements for the participation of the successful bidders. Accordingly, the Commission determines that TWCIS has demonstrated it is technically, managerially, and financially fit to offer and provide Lifeline service to qualifying low-income consumers in all high-cost areas in Pennsylvania where it is authorized to receive support.

Further, upon review, TWCIS has committed to offering Lifeline services, consistent with the FCC's rules and the Commission's rules and guidelines.¹²⁵ TWCIS has provided the requisite information in its accompanying supplements about its Lifeline service plan offerings.¹²⁶ TWCIS describes in detail the voice and BIAS plans that it will offer to Lifeline subscribers, and provides the terms and conditions for these services.¹²⁷ Additionally,

¹²⁰ See 73 P.S. §§ 2251.5 and 2251.6(1)(v). Under the VoIP Freedom Act, the Commission has retained jurisdiction to enforce applicable federal and Pennsylvania statutes or regulations on interconnected VoIP services relating to the following subject matters: (i) The provision and administration of enhanced 911 service and nondiscriminatory enhanced 911 fees; (ii) telecommunications relay service fees; (iii) universal service fund fees; (iv) switched network access rates or other intercarrier compensation rates for interexchange services provided by a local exchange telecommunications company; and (v) Rates, terms or conditions of protected services provided under tariffs which are subject to approval by the Commission. 73 P.S. § 2251.6(1). See also *Eileen Floyd v. Verizon Pennsylvania LLC*, Docket No. C-2012-2333157 (Order entered April 30, 2013); Application of Momentum Telecom, Inc. for Approval of the Abandonment or Discontinuance of Competitive Local Exchange Carrier and Interexchange Carrier Reseller Services to the Public in the Commonwealth of Pennsylvania, Docket No. A-2014-2450071, (Order entered May 20, 2015). See also *Mozilla Corp. v. FCC*, 940 F.3d 1, 74—86 (D.C. Cir. 2019).

¹²¹ 47 C.F.R. § 54.202(a)(4).

¹²² 47 C.F.R. §§ 54.202(a)(5) and 54.202(a)(6).

¹²³ April 8, 2021 DR Responses at 1, n.2.

¹²⁴ Currently, federal rules limit Lifeline funding support to \$5.25 per month per subscriber for voice services. The Lifeline subscriber's \$5.25 support may also be applied to BIAS a Lifeline consumer may choose to purchase but subscribers cannot receive the \$5.25 support separately for each service. However, Lifeline also supports broadband access and voice bundles so consumers choosing a bundled package containing voice and broadband access service can apply the \$5.25 monthly support to that bundle.

¹²⁵ Petition at 13—20.

¹²⁶ See generally April 8, 2021 DR Responses, April 22, 2021 Supplemental DR Responses, June 22, 2021 DR Responses.

¹²⁷ See Mockup of advertising and marketing materials: April 8, 2021 DR Responses, Exhibits 1 and 2; June 22, 2021 DR Responses, Exhibit 1.

TWCIS' supplements include the requisite description of its voice and Internet access service offerings for Lifeline subscribers. Accordingly, the Commission determines that TWCIS will provide Lifeline service to qualifying low-income consumers consistent with 47 C.F.R. §§ 54.202(a)(5) and 54.202(a)(6) and Pennsylvania-specific rules in all high-cost areas in Pennsylvania where it is authorized to receive support.

I. Certification of Eligibility for Benefits under the Anti-Drug Abuse Act

ETC petitioners must certify that neither the petitioner nor any party to the petition is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, as implemented in Section 1.2002 of the FCC's rules. TWCIS certifies that no party to its Petition is subject to denial of federal benefits, including FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.¹²⁸

J. Certification to Relinquish Its ETC Designation

TWCIS may possibly replace the current incumbent price cap ETCs as the only carrier receiving federal USF high-cost support in certain CBGs within the ILECs' local exchanges.¹²⁹ In the December 2014 Connect America Order, the FCC determined that federal price cap carriers can remove their ETC status via the Section 214 process if (1) the census block is determined to be low cost; (2) the census block is served by an unsubsidized competitor offering voice and broadband at speeds of 10/1 Mbps or better to all eligible locations; or (3) the census block is served by a subsidized competitor (another ETC) receiving federal high-cost support to deploy modern networks capable of providing voice and broadband to fixed locations.¹³⁰ Thus, in those areas where a new provider is granted high-cost ETC status and is authorized to receive Auction 904 support, the incumbent price cap carrier will be relieved of its federal high-cost ETC obligation to offer voice telephony services in that area.

However, this forbearance action does not relieve the price cap ETC of its other "incumbent-specific obligations" like interconnection and negotiating unbundled network elements pursuant to Sections 251 and 252 of the Act. Additionally, even if an incumbent price cap carrier is being relieved of an ETC obligation to provide qualifying voice telephony service where the CETC is the only entity that receives federal high-cost support, it is still required to do the following: (1) seek relinquishment of its ETC designation as prescribed under Section 214(e)(4) of the Act and (2) maintain existing voice service until they receive discontinuance authority under Section 214(a) of the Act and Section 63.71 of the Commission's rules.¹³¹ Thus, price cap carriers will remain subject to ETC obligations other than those covered by our forbearances unless or until they relinquish their ETC designations in those areas pursuant to Section 214(e)(4) of the Act.

Further, price cap carriers in these areas will remain subject to other Title II requirements, including ensuring that voice telephony rates remain just and reasonable

¹²⁸ July 8, 2021, DR Responses, Answer 2.

¹²⁹ Notwithstanding Pennsylvania state law, a state commission must allow an ETC to relinquish its designation in any area served by more than one ETC pursuant to Section 214(e)(4) of the Act if conditions are met. See 47 U.S.C. § 214(e)(2). The relinquishing ETC must provide advance notice of such relinquishment to the state commission. Prior to allowing the relinquishing carrier to cease providing universal service, the state commission must require the remaining ETC or ETCs to ensure that all customers served by the relinquishing carrier will continue to be served. The state commission also must require sufficient notice to the remaining ETC or ETCs to permit the purchase or construction of adequate facilities, with such purchase occurring within a specific time period. See 47 U.S.C. § 214(e)(4).

¹³⁰ See December 2014 Connect America Order, Report and Order, 29 FCC Red 15644, 15663-71, paras. 50—70.

¹³¹ RDOF Order, 35 FCC Red at 743-744, paras. 134-35.

and the nondiscrimination obligations of Sections 201 and 202 of the Act. Moreover, pursuant to our Pennsylvania-specific carrier of last resort (COLR) obligations, the Commission will ensure that the local rates that the relinquishing price cap carrier offers in the areas from which they may forbear remain just and reasonable.¹³² Lastly, these price cap carriers must continue to satisfy all Lifeline ETC obligations by offering voice telephony service to qualifying low-income households in areas in which they are subject to this limited forbearance.

The same standard will apply to TWCIS upon its ETC designation as the designation will require it to ensure that all customers are served in its Designated Service Area upon request. TWCIS, as a common carrier with an ETC designation, will continue to have the obligation to serve all customers in the Auction 904 census blocks where it will receive federal high-cost support up until the time it is permitted by the Commission to relinquish its ETC designation.¹³³ Hence, if all other ETCs in TWCIS' proposed Designated Service Area are permitted to relinquish their ETC designations, TWCIS, as the competitive ETC, may be required to ensure that all customers served by the relinquishing carriers in their respective service areas will continue to be served.¹³⁴

Accordingly, if at some point in the future TWCIS becomes the only entity in the geographic area that receives federal high-cost support, if it seeks to relinquish its ETC designation, it certifies that it will comply with the requirements of Section 54.205 as well as independent state law.¹³⁵

K. Certification Regarding Applicable Annual Reporting and Certification Requirements for High-Cost Support Recipients

Pursuant to 47 C.F.R. § 54.806, an RDOF recipient is required to comply with applicable annual reporting requirements, compliance measures, recordkeeping requirements and audit requirements for high-cost support recipients under Sections 54.313, 54.314, 54.316 and 54.320(a)–(c) of the FCC's rules.¹³⁶

L. Analysis and Public Interest Standard

TWCIS meets the ETC requirement of being a common carrier. TWCIS will provide interconnected VoIP service (and BIAS) in Pennsylvania. Additionally, TWCIS also will provide standalone interconnected VoIP service in its Designated Service Area. As such, TWCIS is a common carrier under 47 U.S.C. § 214(e)(1) for purposes of ETC designation. Moreover, the Commission finds that as a common carrier, TWCIS, has established through the required certifications and related filings that it satisfies the standards applicable to obtaining a high-cost ETC designation and that it will comply with the requisite service requirements and obligations attendant to its

high-cost designation as specified in the Act, the Commission's rules, and under independent state law.

However, pursuant to 47 U.S.C. § 214(e)(2), the Commission must still determine that designating TWCIS as a high-cost ETC in the eligible Auction 904 census blocks would be in the public interest.¹³⁷ When making a public interest determination for an ETC designation under 47 U.S.C. § 214(e)(2), we have historically considered the benefits of increased consumer choice and the unique advantages and disadvantages of the petitioner's service offering in the Designated Service Area.¹³⁸

Granting an ETC designation may serve the public interest by providing a choice of voice and BIAS service offerings to consumers residing within our rural high-cost areas. Additionally, as a condition of obtaining a high-cost ETC designation, TWCIS is required to serve low-income consumers by offering Lifeline discounts to its service offerings, which ensures the availability of new, facilities-based Lifeline services at competitive prices in these areas.

We believe the Section 214(e)(2) public-interest test has been met because TWCIS has been assigned a significant portion of winning bids in Auction 904, which will result in Pennsylvania benefitting from the federal support associated with those winning bids.¹³⁹ Essentially, the Auction 904 support will allow TWCIS to offer voice and broadband data services to areas in Pennsylvania that currently do not have broadband access services. Receipt of Auction 904 high-cost support funding will be a considerable benefit to Pennsylvania, which is otherwise a net-contributor state to the federal USF funding mechanism. It will facilitate the provision of additional access to voice and broadband services to Pennsylvania consumers in rural areas that are expensive and difficult to serve. Recipients of RDOF Phase I support are required to offer voice and broadband access services at modern speeds with latency suitable for real-time applications, including VoIP, and usage capacity that is reasonably comparable to similar offerings in urban areas. TWCIS has certified that it will abide by the FCC's rules for voice and broadband access services in accordance with its orders and regulations.¹⁴⁰

Granting TWCIS' request to be designated a high-cost ETC will permit it to secure the release of the total 10-year support of \$3,479,199 by the FCC from Auction 904 to deploy broadband-capable networks in rural underserved areas in Pennsylvania where such deployment might otherwise prove more expensive or take longer to implement.¹⁴¹ Accordingly, we determine that granting an ETC designation to an entity in those areas where it is authorized to receive Auction 904 support as a winning bidder serves the public interest.

Since an ETC designation will assist TWCIS to secure federal universal service high-cost support funding under RDOF Phase I in various census blocks in specific local

¹³² Id. at para. 134. See also 66 Pa.C.S. § 1301.

¹³³ 47 U.S.C. § 214(e)(4).

¹³⁴ 2005 ETC Designation Order, 20 FCC Red at 6386, para 36. The FCC stated that under Section 214(e)(4) of the Act, the state commission or, in the case of a common carrier not subject to state commission jurisdiction, the FCC "shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier." However, prior to allowing the carrier to cease providing universal service in the area, the remaining ETC or ETCs will be required to ensure that all customers served by the relinquishing carrier will continue to be served. Furthermore, under Section 251(h)(2) of the Act, the Commission may treat another carrier as the incumbent LEC if that carrier occupies a position in the market that is comparable to the position occupied by the incumbent LEC, if such carrier has substantially replaced an incumbent LEC, and if such treatment is consistent with the public interest, convenience and necessity. Moreover, applicable Pennsylvania law notwithstanding, ILECs seeking to relinquish their ETC designations will remain obligated, however, to maintain existing voice service unless and until they receive authority under 47 U.S.C. § 214(a) to discontinue that service. They also will remain subject to the obligation to offer Lifeline service to qualifying low-income consumers or households throughout their service territory.

¹³⁵ July 8, 2021 DR Responses, Answer 3.

¹³⁶ 47 C.F.R. §§ 54.313, 54.314, 54.316 and 54.320(a)–(c).

¹³⁷ The FCC's regulations impose a public interest requirement at 47 C.F.R. Section 54.202(b). However, this public interest requirement is not applicable here. Rather, it is applicable only when the FCC is designating a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a state commission.

¹³⁸ See generally Federal-State Joint Board on Universal Service, Highland Cellular, Inc. Petition for Designation as an Eligible Telecommunications Carrier for the Commonwealth of Virginia, Memorandum Opinion and Order, 19 FCC Red. 6422, 6424, para. 4 (2004); Federal-State Joint Board on Universal Service, Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia, Memorandum Opinion and Order, 19 FCC Red 1563, 1565. para. 4 (2004).

¹³⁹ See Petition at 1-2.

¹⁴⁰ July 8, 2021 DR Responses, Answers 4, 5; see also Petition at 13–16.

¹⁴¹ Auction Results Notice, Winning Bidder Summary, DA 20-1422A2 (December 7, 2020) (noting the support for CCO Holdings, LLC which in turn assigned its winning bids to TWCIS).

exchanges and provide voice services while promoting the deployment of advanced telecommunications and BIAS in the relevant areas and locations of the Commonwealth addressed in the Petition, the Commission determines that ETC designation for TWCIS is in the public interest. It promotes both the FCC's and the Pennsylvania General Assembly's goals of preserving and advancing universal telecommunications and broadband services and ensuring the availability of quality telecommunications services at just, reasonable, and affordable rates within rural and high-cost areas. See 66 Pa.C.S. §§ 3011(1) and (2), 3012 (definition of universal broadband availability), and 3014(a) and (b).

II. Federal Requirements of Eligible Telecommunications Carriers for Universal Service Support for Low-Income Consumers

Upon receiving designation as an ETC in the CBGs throughout its service territory where it has been awarded Auction 904 federal high-cost support, the ETC is required to participate in the federal Lifeline program and must offer Lifeline service to qualified low-income eligible customers or households residing in the individual census blocks that make up the CBG.¹⁴² TWCIS' Lifeline service must meet the minimum standards set forth in the FCC's Lifeline Reform Orders, which have been codified at Title 47, Chapter I, Part 54, Subpart E that, which governs universal service support provided to low-income consumers. All other minimum federal requirements of the FCC's Lifeline Reform Order not expressly discussed herein, are nonetheless applicable to ETC designation requests in Pennsylvania. This includes any subsequent developments in those federal requirements.

1. 47 C.F.R. § 54.405 Lifeline service provider obligations

All ETCs must certify that they do the following: (1) make available Lifeline service, as defined in 47 C.F.R. § 54.401, to qualifying low-income consumers; (2) publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service; (3) explain in its marketing materials using easily understood language that the Lifeline program is a federal government assistance program that provides a monthly subsidy that lowers the monthly cost of phone or internet service (but not both) and is available only to one eligible consumer per household, not per person and that the benefit is nontransferable once the customer is enrolled into the program; and (4) disclose its name on all marketing materials describing the service.

2. 47 C.F.R. § 54.410 Subscriber Eligibility Determinations and Deenrollments

All high-cost ETCs must certify that they first ensure that their potential Lifeline subscribers are eligible to receive Lifeline services.¹⁴³ In Pennsylvania, all ETCs must receive a notice from the National Verifier that their potential Lifeline subscribers are eligible to receive Lifeline services.¹⁴⁴ Lifeline service providers can help Lifeline consumers obtain an eligibility decision from the National Verifier through the service provider portal that

links to the National Verifier, or consumers can apply on their own by mail or online.¹⁴⁵

As Pennsylvania is a National Verifier state, TWCIS must query the NLAD to ascertain a potential Lifeline applicant's eligibility for service as determined by the National Verifier. Thereafter, once it has been verified that the consumer is eligible to qualify for Lifeline Service, the ETC may provide the consumer with an activated device that enables use of Lifeline-supported service.¹⁴⁶

Further, a Lifeline service provider must certify that it complies with the FCC federal policy rules for de-enrolling an account from Lifeline support.¹⁴⁷ There are several situations that might result in subscriber de-enrollment from Lifeline-supported service: (1) de-enrollment because the service provider has a reasonable basis to believe a subscriber is no longer eligible to receive a Lifeline benefit;¹⁴⁸ (2) de-enrollment for duplicative support;¹⁴⁹ (3) de-enrollment for non-usage;¹⁵⁰ and (4) de-enrollment for failure to recertify; and (5) de-enrollment requested by subscriber.

3. 47 C.F.R. §§ 54.416, 54.417 and 54.422 Annual Certifications and Reporting to USAC

ETCs must certify that they will comply with annual certification requirements relating to the Lifeline program such as certifying annually that they are in compliance with the minimum service levels set forth in 47 C.F.R. § 54.408.¹⁵¹ ETCs are required to annually certify compliance with the applicable minimum service level rules by submitting Form 481 to USAC.¹⁵²

B. Pennsylvania-Specific Requirements for Lifeline Program

In addition to the federal Lifeline standards above, the Commission also has adopted minimum service standards to govern the federal Lifeline program.¹⁵³ Section 3019(f) of the Pennsylvania Public Utility Code, 66 Pa.C.S. § 3019(f), sets forth the minimum Pennsylvania requirements for ETCs seeking low-income support from the federal Lifeline Program.

In addition to these Pennsylvania statutory requirements, the Commission also has established other Lifeline eligibility criteria via orders.¹⁵⁴ To the extent that federal law or federal requirements for Lifeline service have not

¹⁴² New and potential Lifeline consumers receive their initial eligibility determination by signing into CheckLifeline.org from any computer or mobile device to create an account, receive an eligibility decision, and use the list of service providers in their area to contact one to enroll.

¹⁴³ The Universal Service Administrative Company (USAC), the administrator of the federal Lifeline program, manages the National Verifier and its customer service department, the Lifeline Support Center. The National Verifier makes an initial determination of a subscriber's eligibility based on prospective subscriber's eligibility to qualify for Lifeline service using either income-based eligibility criteria or program-based eligibility criteria is codified at Sections 54.410(b) and (c), respectively.

¹⁴⁴ See 47 C.F.R. § 54.405(e). Every Lifeline consumer's eligibility is to be recertified annually. 47 C.F.R. § 54.410(f). Lifeline subscribers will be recertified either automatically through the National Verifier's state/federal data sources or receive a recertification request from USAC. In Pennsylvania, service providers query NLAD to verify their current Lifeline subscribers' continued eligibility.

¹⁴⁵ 47 C.F.R. § 54.405(e)(1).

¹⁴⁶ If the USAC provides notification to a service provider that a subscriber has more than one discounted account, or that more than one member of a subscriber's household is receiving service, the service provider must de-enroll the subscriber within five business days. 47 C.F.R. § 54.405(e)(2).

¹⁴⁷ If the subscribers do not use their Lifeline service at least every 30 days, they will be notified by the provider that they may be de-enrolled if they do not use their service during the 15-day notice period (the "cure period").

¹⁴⁸ 47 C.F.R. § 54.416.

¹⁴⁹ 47 C.F.R. § 54.422.

¹⁵⁰ 52 Pa. Code § 69.2501.

¹⁵¹ In Re: Lifeline and Link-up Programs, Docket No. M-00051871 (Order entered May 23, 2005) (PA Lifeline Order); Re: Section 3015(f) Review Regarding Lifeline Tracking Report, Accident Report, and Services Outage Report, 100 Pa. P.U.C. 553 (Dec. 30, 2005) (Tracking Report Order); Final Policy Statement on Commonwealth of Pennsylvania Guidelines for Designation and Annual Recertification as an Eligible Telecommunications Carrier (ETC) for Purposes of Federal Universal Service Support, Docket No. M-2010-2164741, Final Policy Statement Order (Order entered August 2, 2010).

¹⁴² RDOF Order, 35 FCC Rcd. at 707-08, para. 42.

¹⁴³ 47 C.F.R. § 54.410.

¹⁴⁴ In its 2016 Lifeline Order, the FCC established the National Verifier as the entity designated to make the initial eligibility determination regarding a potential Lifeline subscriber. 2016 Lifeline Order, 31 FCC Rcd 3962, 4007, para. 128 (2016).

preempted or made our Pennsylvania State-specific Lifeline requirements obsolete, they remain applicable to all Lifeline service providers. For example, our PA Lifeline Order requires ETCs to verify the ongoing eligibility of their Lifeline subscribers and submit an annual recertification of that verification. However, we note that pursuant to the federal rules, Lifeline subscribers will be recertified either automatically through the National Verifier's state/federal data sources or receive a recertification request from USAC.¹⁵⁵ Additionally, ETCs are required to report to the Commission annual changes in their Pennsylvania Lifeline enrollment. Thus, ETCs must certify that they will comply with relevant requirements set forth in the Pa. Lifeline Order, Tracking Report Order, and Policy Statement.

C. Analysis

TWCIS certifies that it satisfies the minimum standards set forth in the FCC's Lifeline Reform Orders, reporting and performance metrics set forth in the USF/ICC Transformation Order, and all related regulations. Further, TWCIS also certifies that it satisfies and will abide by the Commission's requirements in the Public Utility Code, our ETC Guidelines, and all other Lifeline-related orders.

Since TWCIS has committed itself to serve low-income consumers by offering Lifeline discounts to its service offerings, we find that reliance on its commitments to meet these and other regulatory requirements, as well as representations and commitments made in its petition, is reasonable and consistent with the public interest and the Act.

III. Change in Corporate Control and Renewed ETC Designation

In the event of a change of or transfer in corporate control, as defined in the Commission's regulations at 52 Pa. Code § 63.322, TWCIS will have to petition this Commission for a renewal of its ETC status. Corporate changes of control may also be accompanied with changes in ETC status of a particular telecommunications entity with reference to the various and evolving support mechanisms of the federal USF. In this respect, this Commission is lawfully entitled to timely reexamine any such changes and ascertain whether a particular telecommunications entity should continue with an ETC designation. For this reason, we shall require TWCIS to file for renewal of its ETC designation at the same time it files any application for a change or transfer of control under our regulations.

Conclusion

We acknowledge that TWCIS is only required to provide certifications as part of its ETC petition and is not required to demonstrate its capability to provide service as certified. While our ETC designation process is separate from and serves a different purpose than the authorization process and post-authorization accountability measures that will be conducted by the FCC,¹⁵⁶ our action to designate TWCIS does impose certain statutory and regulatory obligations on it once it is authorized to receive the awarded Auction 904 support in the eligible census blocks in Pennsylvania.

¹⁵⁵ We acknowledge that many of the Pennsylvania-specific requirements set forth in our PA Lifeline Order such as the requirements for certification and verification of a customer's initial and continued eligibility for Lifeline services have been impacted by developments at the federal level. For example, the creation of the National Verifier and the NLAD has made certain Pennsylvania-specific requirements for verification of Lifeline eligibility and recertification moot.

¹⁵⁶ The ETC designation that we grant to TWCIS simply establishes its general eligibility for receiving the awarded Auction 904 support in the eligible CBGs in Pennsylvania.

Based upon our review of TWCIS' Petition as supplemented, we determine that TWCIS satisfies all applicable and relevant FCC rules and federal requirements necessary to obtain a high-cost ETC designation for the purpose of receiving Auction 904 high-cost support as discussed above. Additionally, TWCIS also meets the additional requirements for ETC designation as outlined in the Commission's Policy Statement at 52 Pa. Code § 69.2501. Further, TWCIS has certified that it will comply with all applicable annual reporting requirements for high-cost support recipients provided under 47 C.F.R. §§ 54.805-806 and 47 C.F.R. §§ 54.313, 54.316, and 54.320.

Consumers will benefit from the Commission's decision to designate TWCIS an ETC in the townships and boroughs located throughout its service territory. Granting TWCIS an ETC designation allows it to receive the RDOF Phase I high-cost support funding to expand voice and broadband-capable networks with service quality that meets the FCC's and Pennsylvania's requirements in the RDOF-awarded census blocks.

As an ETC receiving federal high-cost support, TWCIS is obligated to ensure that the support it receives is being used only for the provision, maintenance, and upgrading of facilities and services in the areas where it is designated an ETC. Additionally, because TWCIS and its affiliates will also be providing voice and BIAS to non-Lifeline customers, we require TWCIS to comply with applicable Commission and FCC requirements governing the delivery of voice and BIAS to non-Lifeline consumers.

We note that with the grant of this ETC designation, TWCIS may replace the current incumbent price cap ETCs in the future as the only carrier receiving federal high-cost support in those census block groups within the local exchanges where it has received an ETC designation. If such relinquishment occurs, TWCIS, as the competitive ETC, will be required to ensure that all customers served by a relinquishing carrier in TWCIS' Designated Service Area will continue to be served. Since TWCIS may become the entity having the ETC COLR obligation, it too must first seek to relinquish its ETC designation before ceasing to provide the qualified supported services.

Upon receipt of a federal high-cost ETC designation, a winning RDOF Phase I bidder is required to offer Lifeline services and is required to comply with the rules and requirements of the federal Lifeline program in all areas throughout its service territory.

In sum, in consideration of the TWCIS Petition for ETC designation, as supplemented, we conclude that it meets the statutory criteria and applicable minimum standards necessary under federal and state law to obtain an ETC designation and it is in the public interest to approve TWCIS' request for designation as an ETC. As a federal high-cost ETC designee, TWCIS will become eligible to secure the federal high-cost support assigned to the geographic area for which it has received its ETC designation. Our finding to designate TWCIS as an ETC in the discrete census blocks included in Auction 904, which includes TWCIS' tariffed service area in Pennsylvania is in accord with Section 214 of the Act, the FCC's regulations and orders related to ETC designation, Section 3019(f) of the Public Utility Code, and the Commission's orders on ETC designation. 47 U.S.C. § 214; 47 C.F.R. §§ 54.201, et seq.; and 66 Pa.C.S. § 3019(f); *Therefore,*

It Is Ordered:

1. The Petition of Time Warner Cable Information Services (Pennsylvania), LLC for Designation as an Eli-

gible Telecommunications Carrier in the Commonwealth of Pennsylvania is granted, subject to the terms and conditions set forth in this Order.

2. That the Commission designates Time Warner Cable Information Services (Pennsylvania), LLC as an Eligible Telecommunications Carrier in those Rural Digital Opportunity Fund Phase I-eligible census blocks in its Designated Service Area as listed in Appendix A attached to this Order.

3. That upon its designation as an Eligible Telecommunications Carrier throughout its service territory, Time Warner Cable Information Services (Pennsylvania), LLC will become qualified to receive the federal high-cost support awarded via the Rural Digital Opportunity Fund in those Phase I-eligible census blocks located in certain local exchanges throughout the Commonwealth of Pennsylvania as listed in Appendix A attached to this Order.

4. That the rules of the Federal Communications Commission regarding the redefinition process as it relates to Time Warner Cable Information Services (Pennsylvania), LLC's designation as a federal high-cost Eligible Telecommunications Carrier below the study area levels of Frontier Communications-Commonwealth Telephone Company and Windstream Pennsylvania, LLC are inapplicable for the reasons set forth in this Order.

5. That Time Warner Cable Information Services (Pennsylvania), LLC is required to offer Lifeline service to any eligible low-income consumers or households located throughout its Designated Service Area as described in this Order.

6. That Time Warner Cable Information Services (Pennsylvania), LLC shall file a Lifeline tariff supplement to its existing Commission-approved tariff for Lifeline services with the Commission's Bureau of Technical Utility Services within 30 days of the entry of this Order.

7. That Time Warner Cable Information Services (Pennsylvania), LLC shall submit its proposed Residential Phone Terms and Conditions to the Commission's Bureau of Consumer Services prior to the commencement of service and dissemination to the public to ensure that it complies with all applicable regulations at Chapter 64, Title 52 of the *Pennsylvania Code*, especially as to the terms and conditions regarding billing standards and practices, and disclosure of early termination and other fees.

8. That Time Warner Cable Information Services (Pennsylvania), LLC shall submit a mockup of its final marketing and promotional materials (e.g., advertisements and sales brochures) regarding its RDOF-funded interconnected VoIP service and BIAS and Lifeline service to the Bureau of Consumer Services for its review and approval for plain language requirements at 52 Pa. Code § 69.251 and compliance with all applicable regulations at 47 C.F.R. § 54.405(c) and (d) prior to distribution of these materials to the public.

9. That Time Warner Cable Information Services (Pennsylvania), LLC is hereby directed to work with the Bureau of Consumer Services to resolve informal complaints and to submit to Commission jurisdiction on formal complaints filed by its Lifeline customers on Lifeline and other related issues.

10. That Time Warner Cable Information Services (Pennsylvania), LLC shall petition this Commission for any future change to the basic Lifeline service offerings provided through this ETC designation as described herein which represents a limitation or reduction of

Lifeline services/equipment provided free of charge and shall provide notice to this Commission of any addition, change or new offering which is in addition to the basic Lifeline offering.

11. That Time Warner Cable Information Services (Pennsylvania), LLC shall petition this Commission for renewal of its Eligible Telecommunications Carrier status at the same time it files or is implicated in the filing of any application for a change or transfer of control as defined in Pennsylvania law.

12. That Time Warner Cable Information Services (Pennsylvania), LLC shall pay the Pennsylvania's Telecommunications Relay Service fee, E911 fees, and Pennsylvania Universal Service Fund fees for the duration of its CLEC certification and ETC designation.

13. That Time Warner Cable Information Services (Pennsylvania), LLC shall notify the Commission of any change in its network architecture that will impact its interconnected VoIP or BIAS offerings in Pennsylvania.

14. That the failure of Time Warner Cable Information Services (Pennsylvania), LLC to comply with any of the provisions of this Order may result in revocation of its ETC designation(s) for purposes of receiving federal Universal Service Fund high-cost support and the federal Lifeline support or be subject to further Commission process.

15. That the Secretary shall serve a copy of this Order on Time Warner Cable Information Services (Pennsylvania), LLC, Frontier Communications—Commonwealth Telephone Company, Verizon North, LLC, Verizon Pennsylvania, LLC, Windstream Pennsylvania, LLC, the Office of Consumer Advocate, and the Office of Small Business Advocate.

16. That a copy of this Order shall be published in the *Pennsylvania Bulletin*.

17. That this docket shall be marked closed.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: July 15, 2021

ORDER ENTERED: July 15, 2021

[Pa.B. Doc. No. 21-1869. Filed for public inspection November 5, 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 November 22, 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 November 22, 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-2021-3027752. H & M Limo, LLC (19 Liberte Lane, Chester Brook, Chester County, PA 19087) for the right to begin to transport, as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in Chester County to points in Pennsylvania, and return.

A-2021-3028632. Anna Dailey (7549 Sharon Mercer Road, Mercer, PA 16137) for the right to begin to transport, persons, by motor vehicle, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Mercer, to points in Pennsylvania, and return.

Applications 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 each application.

A-2021-3029086. PA Top Transport, Inc. (777 Auditorium Drive, Redding, CA 96003) discontinuance of service and cancellation of its certificate, to transport, as a contract carrier, by motor vehicle, for Medical Transportation Management, Inc. at A-6423452, between points in Pennsylvania.

A-2021-3029193. Colonial Limousine Service, Inc. (1918 South 68th Street, Philadelphia, Philadelphia County, PA 19142) for the discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, at A-6410690, persons in limousine service, between points in Pennsylvania, and return, excluding points within Allegheny County and areas under the jurisdiction of the Philadelphia Parking Authority.

A-2021-3029197. Conneaut Lake Area Ambulance Service, Inc. (290 South 4th Street Extension, P.O. Box 546, Conneaut Lake, PA 16316) discontinuance of service and cancellation of its certificate for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the County of Crawford, to points in Pennsylvania, and return.

A-2021-3029198. George H. Wise, Jr. (1895 U.S. Route 6 West, Roulette, Lancaster County, PA 16746) for the discontinuance and cancellation of its right to, transport, as a common carrier, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County to points in Pennsylvania, and return, as more thoroughly described at Docket A-00122528.

A-2021-3029199. Frieda Ambrose and Francis J. Ambrose, Copartners, t/d/b/a Maiden Moving, Co. (624 Wilhelmina Avenue, Horsham, Montgomery County,

PA 19044) discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, household goods in use, as more thoroughly described in the original ordering paragraphs at A-00112674.

A-2021-3029201. On The Go Kids, Inc. (308 National Road, Exton, Chester County, PA 19341) for the discontinuance and cancellation of its right to, transport, as a common carrier, children under 19 years of age, in paratransit service between points in Chester County, as more originally captioned at Docket A-00111570.

A-2021-3029224. Michael Richard Grab, t/a Grab-A-Cab (5A Antietam Road, Temple, Berks County, PA 19560) discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, at A-00112718, persons, upon call or demand in the City of Reading, Berks County. *Attorney:* Joseph T. Bambrick, Jr. Esquire, 529 Reading Avenue, West Reading, PA 19611.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1870. Filed for public inspection November 5, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunication Services

A-2021-3029064. Windstream Communications, LLC. Application of Windstream Communications, LLC for approval to offer, render, furnish or supply telecommunication services to the public as a competitive local exchange carrier in the service territories of: Armstrong Telephone Company—PA; Consolidated Communications of Pennsylvania Company; Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company; Hickory Telephone Company; TDS Telecom/Mahanoy & Mahantango Telephone Company; Venus Telephone Corp; Windstream D&E, Inc.; Windstream Buffalo Valley, Inc.; and Windstream Pennsylvania, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before November 22, 2021. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicant: Windstream Communications, LLC

Through and By Counsel: Thomas T. Niesen, Thomas, Niesen & Thomas, LLC, 212 Locust Street, Suite 302, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1871. Filed for public inspection November 5, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3029211. Verizon Pennsylvania, LLC and Netcarrier Telecom, Inc. Joint petition of Verizon Pennsylvania, LLC and Netcarrier Telecom, Inc. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Netcarrier Telecom, Inc., by their counsel, filed on October 22, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon Pennsylvania, LLC and Netcarrier Telecom, Inc. joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1872. Filed for public inspection November 5, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3029213. Verizon North, LLC and Netcarrier Telecom, Inc. Joint petition of Verizon North, LLC and Netcarrier Telecom, Inc. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and Netcarrier Telecom, Inc., by their counsel, filed on October 22, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon North, LLC and Netcarrier Telecom, Inc. joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1874. Filed for public inspection November 5, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3029212. Verizon Pennsylvania, LLC and IDT America Corp. Joint petition of Verizon Pennsylvania, LLC and IDT America Corp. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and IDT America Corp., by their counsel, filed on October 22, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon Pennsylvania, LLC and IDT America Corp. joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1873. Filed for public inspection November 5, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3029214. Verizon North, LLC and IDT America Corp. Joint petition of Verizon North, LLC and IDT America Corp. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and IDT America Corp., by their counsel, filed on October 22, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon North, LLC and IDT America Corp. joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1875. Filed for public inspection November 5, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3029242. The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and Dish Wireless, LLC. Joint petition of The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and Dish Wireless, LLC for approval of a commercial mobile radio services interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and Dish Wireless, LLC, by their counsel, filed on October 22, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a commercial mobile radio services interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and Dish Wireless, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1876. Filed for public inspection November 5, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2021-3029243. The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and DISH Wireless, LLC. Joint petition of The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and DISH Wireless, LLC for approval of an amendment to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and DISH Wireless, LLC, by their counsel, filed on October 22, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and DISH Wireless, LLC

joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1877. Filed for public inspection November 5, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Transfer by Sale

A-2021-3029231 and A-2021-3029237. The York Water Company and SYC WWTP, LP. Joint application of The York Water Company and SYC WWTP, LP a limited partnership of York County, under 66 Pa.C.S. § 1102(a)(1)—(3) (relating to enumeration of acts requiring certificate) for: (1) approval of the transfer by sale of certain public wastewater facilities and rights from SYC WWTP, LP to The York Water Company; (2) approval of the transfer by sale of wastewater collection facilities from Almony's Enterprise, LLC, Adhesives Research, Inc., Madison Range, Inc., Rodney L. Krebs, Rodney L. Krebs Family LP, SCI/RLK Partners and R.T. Barclay, Inc. to The York Water Company; (3) approval of the transfer by sale of wastewater collection facilities within Albright Trailer Park from R.T. Barclay, Inc. to The York Water Company; (4) the abandonment by SYC WWTP, LP of wastewater service to the public in Springfield and Shrewsbury Townships, York County; and (5) approval for The York Water Company to begin to offer, render, furnish or supply wastewater service in additional portions of Springfield and Shrewsbury Townships, York County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before November 22, 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. Parties to proceedings pending before the Commission must open and use an eFiling account through the Commission's web site at www.puc.pa.gov or individuals may submit the filing by overnight delivery to the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery. Large filings containing confidential or proprietary material may be submitted through the Commission's Share Point File system with advanced notice to the Commission prior to submittal.

Applicants: The York Water Company; SYC WWTP, LP

Through and By Counsel for: Michael W. Hassell, Esq., Devin T. Ryan, Esq., Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601, (215) 587-1000, dryan@postschell.com, for The York Water Company; Christopher M. Vedder, Esq., Morris & Vedder, LLP,

32 North Duke Street, P.O. Box 149, York, PA 17405, for
SYC WWTP, LP

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1878. Filed for public inspection November 5, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Water Distribution Assets

A-2021-3029261. The York Water Company. In the matter of the application of The York Water Company, under 66 Pa.C.S. § 1102(a) (relating to enumeration of acts requiring certificate) for approval of the right of The York Water Company to acquire the water distribution assets of R.T. Barclay, Inc., d/b/a Albright Trailer Park in Springfield Township, York County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before November 22, 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. Parties to proceedings pending before the Commission must open and use an eFiling account through the Commission's web site at www.puc.pa.gov or individuals may submit the filing by overnight delivery to the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery. Large filings containing confidential or proprietary material may be submitted through the Commission's Share Point File system with advanced notice to the Commission prior to submittal.

Applicant: The York Water Company, 130 East Market Street, York, PA 17401

Through and By Counsel for: Michael W. Hassell, Esq., Devin T. Ryan, Esq., Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601, (717) 612-6052, dryan@postschell.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 21-1879. Filed for public inspection November 5, 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 November 22, 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-21-10-08. Narjes Transit, LLC (1004 Bingham Street, Philadelphia, PA 19115): An application for a limousine certificate of public convenience (CPC) to transport persons and their baggage in luxury limousine service on an exclusive basis, arranged for in advance, between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* David Temple, Esq., 1600 Market Street, Suite 1320, Philadelphia, PA 19103.

Doc. No. A-21-10-09. Pandher Trans, Inc. (43 South Brighton Avenue, Upper Darby, PA 19082): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

Doc. No. A-21-10-11. Virk Singh Trans, Inc. (424 Larchwood Avenue, Upper Darby, PA 19082): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

SCOTT PETRI,
Executive Director

[Pa.B. Doc. No. 21-1880. Filed for public inspection November 5, 2021, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Service of Order

Philadelphia Parking Authority, Taxicab and Limousine Division v. Rose Cab, Inc.; Doc. No. O-21-10-01

Attention Rose Cab, Inc., last known address of 2301 E. Church Street, Philadelphia, PA 19124 and 7800 Michener Avenue, Philadelphia, PA 19150, this notice advises that an Order of Hearing Officer, Hon. Sheldon C. Jelin was issued and entered on October 26, 2021, with the Philadelphia Parking Authority's (Authority) Taxicab and Limousine Division's (TLD) Office of the Clerk.

The above matter is scheduled for an out of service hearing on Tuesday, November 16, 2021, at 10:00 a.m. at TLD Headquarters, 2415 S. Swanson Street, Philadelphia, PA 19148.

This Order shall be published in the *Pennsylvania Bulletin*.

Pursuant to 52 Pa. Code § 1001.13(b) this Order will become effective on November 10, 2021 as an adjudication of the Authority if not selected for review by the Authority.

Hon. Sheldon C. Jelin (Ret.)
Hearing Officer

If you have any questions concerning this notice, you may contact the TLD's Office of the Clerk, Sherry Rudzinski, (215) 683-9498, TLDClerk@philapark.org.

SCOTT PETRI,
Executive Director

[Pa.B. Doc. No. 21-1881. Filed for public inspection November 5, 2021, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Hamilton Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
Kenneth R. Martin—Martin Farms Ken Martin 289 Maxwell Drive Quarryville, PA 17566	Lancaster County/ East Drumore Township	0	Swine	New	Approved
Dale Graybill 970 Iron Bridge Road Mount Joy, PA 17552	Lancaster County/ East Donegal Township	0	Equine	New	Approved
Nathan Brubaker 1012 Oaklyn Drive Narvon, PA 17555	Lancaster County/ Brecknock Township	285.7	Turkey	New	Approved
Leon Z. Martin—Davis Road Farm 865 Davis Road Millmont, PA 17845	Union County/ Hartley Township	193.04	Layers	New	Approved

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 21-1882. Filed for public inspection November 5, 2021, 9:00 a.m.]

