

# PENNSYLVANIA BULLETIN

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**Agencies in this issue**

The General Assembly  
The Courts  
Capitol Preservation Committee  
Center for Rural Pennsylvania  
Department of Banking and Securities  
Department of Conservation and Natural Resources  
Department of Environmental Protection  
Department of Health  
Environmental Hearing Board  
Insurance Department  
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Philadelphia Parking Authority  
State Ethics Commission

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(Master Transmittal Sheet):**

**No. 564, November 2021**

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

## *Pennsylvania Bulletin*

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

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

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

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

### **Adoption, Amendment or Repeal of Regulations**

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

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

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

## **Citation to the *Pennsylvania Bulletin***

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

## ***Pennsylvania Code***

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

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

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

### **How to Find Rules and Regulations**

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at [www.pacodeandbulletin.gov](http://www.pacodeandbulletin.gov).

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

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

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

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### Printing Format

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

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

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

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

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

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

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

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

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

### Fiscal Notes

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

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

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

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# List of Pa. Code Chapters Affected

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

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# THE GENERAL ASSEMBLY

## THE GENERAL ASSEMBLY

### Recent Actions during the 2021 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2021 Regular Session:

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2021 General Acts of Regular Session Enacted—Act 074 through 080</b>					
074	Oct 1	H1591	PN2139	Immediately*	County Code—ascertainment, certification and effect of change of class and repeals
075	Oct 7	H0523	PN1822	60 days	General Road Law—repair of private roads and definitions
076	Oct 7	H1182	PN1715	60 days	Barbers' License Law—supervision of shops and schools and licenses and renewal
077	Oct 7	H1183	PN1716	60 days	Cosmetology Law—requirements of a school of cosmetology
078	Oct 7	S0397	PN1083	Immediately	Osteopathic Medical Practice Act—omnibus amendments
079	Oct 7	S0398	PN1084	Immediately	Medical Practice Act of 1985—definitions, State Board of Medicine, physician assistants and abrogating regulations
080	Oct 20	S0859	PN1052	Immediately	Vehicle Code (75 Pa.C.S.)—enforcement of failure to stop for school bus with flashing red lights

\* denotes an effective date with exceptions

#### Effective Dates of Statutes

The effective dates specified for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective date of statutes).

#### Advance Copies of Statutes

Section 1106 of 1 Pa.C.S. (relating to prothonotaries to keep files of advance copies of statutes) provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available.

One-time purchases of the advance copies of statutes can be purchased through the State Bookstore's web site at [www.shoppaheritage.com](http://www.shoppaheritage.com).

VINCENT C. DeLIBERATO, Jr.,  
*Director*  
*Legislative Reference Bureau*

[Pa.B. Doc. No. 21-1883. Filed for public inspection November 12, 2021, 9:00 a.m.]

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT

[ 204 PA. CODE CH. 93 ]

#### Amendments to Rules of Organization and Procedure of The Disciplinary Board of The Supreme Court of Pennsylvania; Order No. 101

By this Order, the Disciplinary Board of the Supreme Court of Pennsylvania amends its Board Rules and Procedures to modify Rule § 93.52 related to communications and filings.

The Disciplinary Board of the Supreme Court of Pennsylvania finds that:

(1) To the extent that 42 Pa.C.S. § 1702 (relating to rule making procedures) and Article II of the act of July 31, 1968 (P.L. 769, No. 240), known as the Commonwealth Documents Law, would otherwise require notice of proposed rulemaking with respect to the amendments adopted hereby, those proposed rulemaking procedures are inapplicable because the amendments adopted hereby relate to agency procedure and are perfunctory in nature.

(2) The amendments to the Rules of Organization and Procedure of the Board adopted hereby are not inconsistent with the Pennsylvania Rules of Disciplinary Enforcement and are necessary and appropriate for the administration of the affairs of the Board.

The Board, acting pursuant to Pa.R.D.E. 205(c)(12), orders:

(1) Title 204 of the *Pennsylvania Code* is hereby amended as set forth in Annex A hereto.

(2) The Executive Director shall duly certify this Order, and deposit the same with the Administrative Office of Pennsylvania Courts as required by Pa.R.J.A. 103(c).

(3) The amendments adopted hereby shall take effect 30 days after publication in the *Pennsylvania Bulletin*.

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

JESSE G. HEREDA,  
*Executive Director*

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

##### CHAPTER 93. ORGANIZATION AND ADMINISTRATION

##### Subchapter C. EXECUTIVE OFFICE

##### § 93.52. Communications and filings generally.

\* \* \* \* \*

(b) *Pleadings*. All pleadings and other documents filed pursuant to any provision of Chapter 89 (relating to

formal proceedings) shall comply with the applicable provisions of such Chapter. **Electronic filing may be accomplished by accessing the electronic filing system available on the Disciplinary Board website.**

\* \* \* \* \*

[Pa.B. Doc. No. 21-1884. Filed for public inspection November 12, 2021, 9:00 a.m.]

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

[ 210 PA. CODE CHS. 1, 5, 9, 11, 13, 16, 17, 21 AND 25 ]

#### Order Amending Rules 124, 551, 905, 909, 1111, 1301, 1613, 1732, 2171, 2187, 2189 and 2541 of the Rules of Appellate Procedure; No. 295 Appellate Procedural Rules Doc.

#### Order

*Per Curiam*

*And Now*, this 28th day of October, 2021, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been published for public comment at 50 Pa.B. 3823 (August 1, 2020):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 124, 551, 905, 909, 1111, 1301, 1613, 1732, 2171, 2187, 2189, and 2541 of the Rules of Appellate Procedure are amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective April 1, 2022.

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

##### ARTICLE I. PRELIMINARY PROVISIONS

##### CHAPTER 1. GENERAL PROVISIONS

##### DOCUMENTS GENERALLY

Rule 124. Form of [ **Papers;** ] **Documents.** Number of Copies **to be Filed.**

(a) *Size and other physical characteristics.*—All [ **papers** ] **documents** filed in an appellate court shall be on 8 1/2 inch by 11 inch [ **paper** ] **pages** and shall comply with the following requirements:

(1) The [ **papers** ] **documents** shall be prepared on white [ **paper (except for covers, dividers and similar sheets)** ] **background.**

(2) The first [ **sheet (except the cover of a brief or reproduced record)** ] **page** shall contain a [ **3 inch** ] **three-inch** space from the top of the [ **paper** ] **document** for all court stampings, filing notices, etc.

(3) Text must be double spaced, but quotations more than two lines long may be indented and single spaced.

Footnotes may be single spaced. Except as provided in [ **subdivision (2)** ] **paragraph (a)(2)**, margins must be at least one inch on all four sides.

(4) Lettering shall be clear and legible and no smaller than 14 point in the text and 12 point in footnotes. Lettering shall be on only one side of a page, except that exhibits and similar supporting documents, briefs and reproduced records may be lettered on both sides of a page.

(5) Any metal fasteners or staples must be covered. Originals must be unbound. Copies must be firmly bound.

(6) No backers shall be necessary.

(b) *Nonconforming [ papers ] documents.*—The prothonotary of an appellate court may accept any nonconforming [ **papers** ] **documents**.

(c) [ **Copies.**—Except as otherwise prescribed by these rules:

(1) An original of an application for continuance or advancement of a matter shall be filed.

(2) An original and three copies of any other application in the appellate courts shall be filed, but the court may require additional copies. ]

**Number of copies to be filed.—Unless otherwise directed by the prothonotary or ordered by the court, a party shall file the number of copies as specified in the copy and fee requirements set forth on each appellate court’s web page.**

**Official Note:** The 2013 amendment increased the minimum text font size from 12 point to 14 point and added a minimum footnote font size of 12 point. This rule requires a clear and legible font. The Supreme, Superior, and Commonwealth Courts use Arial, Verdana, and Times New Roman, respectively, for their opinions. A brief using [ **one** ] **the respective court’s font is preferred, but a brief using any** of these fonts will be satisfactory.

**The number of copies to be filed in the Supreme Court can be found at <http://www.pacourts.us/courts/supreme-court/copy-and-fee-requirements>.**

**The number of copies to be filed in the Superior Court can be found at <http://www.pacourts.us/courts/superior-court/copy-and-fee-requirements>.**

**The number of copies to be filed in the Commonwealth Court can be found at <http://www.pacourts.us/courts/commonwealth-court/copy-and-fee-requirements>.**

**Self-represented parties who do not have access to an appellate court’s web page may file an original document together with a written request to the prothonotary for instructions on the number of copies required.**

## CHAPTER 5. PERSONS WHO MAY TAKE OR PARTICIPATE IN APPEALS

### FORMA PAUPERIS

#### Rule 551. Continuation of *In Forma Pauperis* Status for Purposes of Appeal.

(a) *General rule.*—A party who has been granted leave by a [ **lower** ] **trial** court to proceed *in forma pauperis* may proceed *in forma pauperis* in an appellate court upon filing with the clerk of the [ **lower** ] **trial** court two copies of a verified statement stating:

(1) The date on which the [ **lower** ] **trial** court entered the order granting leave to proceed *in forma pauperis*.

(2) That there has been no substantial change in the financial condition of the party since such date.

(3) That the party is unable to pay the fees and costs on appeal.

(b) *Effect on filing fees.*—A verified statement conforming to [ **Subdivision** ] **paragraph** (a) of this rule, papers transmitted therewith, and papers subsequently tendered by a party which has filed such a verified statement, shall be filed by any clerk who has notice of such filing without the payment of any fee required under Chapter 27 (fees and costs in appellate courts and on appeal).

**Official Note:** Ordinarily the copies of the verified statement under this rule would be filed with the clerk of the [ **lower** ] **trial** court at the time copies of the notice of appeal are filed under [ **Rule** ] **Pa.R.A.P.** 905 (filing of notice of appeal). [ **See note to Rule 124 (form of papers; number of copies) as to method of counting number of copies.** ]

## ARTICLE II. APPELLATE PROCEDURE

### CHAPTER 9. APPEALS FROM LOWER COURTS

#### Rule 905. Filing of Notice of Appeal.

(a) *Filing with clerk.*

(1) Two copies of the notice of appeal, the order for transcript, if any, and the proof of service required by Pa.R.A.P. 906, shall be filed with the clerk of the trial court. If the appeal is to the Supreme Court, the jurisdictional statement required by Pa.R.A.P. 909 shall also be filed with the clerk of the trial court.

(2) If the appeal is a children’s fast track appeal, a concise statement of errors complained of on appeal as described in Pa.R.A.P. 1925(a)(2) shall be filed with the notice of appeal and served on the trial judge in accordance with Pa.R.A.P. 906(a)(2).

(3) Upon receipt of the notice of appeal, the clerk shall immediately stamp it with the date of receipt, and that date shall constitute the date when the appeal was taken, which date shall be shown on the docket.

(4) If a notice of appeal is mistakenly filed in an appellate court, or is otherwise filed in an incorrect office within the unified judicial system, the clerk shall immediately stamp it with the date of receipt and transmit it to the clerk of the court which entered the order appealed from, and upon payment of an additional filing fee the notice of appeal shall be deemed filed in the trial court on the date originally filed.

(5) A notice of appeal filed after the announcement of a determination but before the entry of an appealable order shall be treated as filed after such entry and on the day thereof.

(b) *Transmission to appellate court.*—The clerk shall immediately transmit to the prothonotary of the appellate court named in the notice of appeal a copy of the notice of appeal and all attachments, as well as a receipt showing collection of any docketing fee in the appellate court required under paragraph (c). If the appeal is a children’s fast track appeal, the clerk shall stamp the notice of appeal with a “Children’s Fast Track” designation in red ink, advising the appellate court that the appeal is a children’s fast track appeal, and the clerk shall also transmit to the prothonotary of the appellate court named in the notice of appeal the concise statement of errors

complained of on appeal required by subparagraph (a)(2) of this rule. The clerk shall also transmit with such [ papers ] documents:

[ 1. ] (1) copies of all orders for transcripts relating to orders on appeal;

[ 2. ] (2) a copy of any verified statement, application, or other document filed under Pa.R.A.P. 551-561 relating to *in forma pauperis*; and

[ 3. ] (3) if the appeal is to the Supreme Court, the jurisdictional statement required by Pa.R.A.P. 909.

(c) *Fees*.—The appellant upon filing the notice of appeal shall pay any fees therefor (including docketing fees in the appellate court) prescribed by Chapter 27.

**Official Note:** To preserve a mailing date as the filing date for an appeal as of right from an order of the Commonwealth Court, see Pa.R.A.P. 1101(b).

[ As to number of copies, see Pa.R.A.P. 124, note ] **To determine the number of copies to be filed, see Pa.R.A.P. 124(c) and its Official Note.** The appellate court portion of the filing fee will be transmitted pursuant to regulations adopted under 42 Pa.C.S. § 3502.

Rule 909. Appeals to the Supreme Court. Jurisdictional Statement. Sanctions. **Number of Copies to be Filed.**

(a) *General rule*.—Upon filing a notice of appeal to the Supreme Court, the appellant shall file with the prothonotary or clerk of the trial court an original and 8 copies of a jurisdictional statement. The statement shall be in the form prescribed by [ Rule ] Pa.R.A.P. 910(a) and (b). No statement need be filed in cases arising under Pa.R.A.P. 1941 (Review of Death Sentences).

(b) *Answer*.—Within 14 days after service of a jurisdictional statement, an adverse party may file with the Prothonotary of the Supreme Court [ an original and eight copies of ] an answer thereto in the form prescribed by [ Rule ] Pa.R.A.P. 911. The answer shall be deemed filed on the date of mailing if first class, express, or priority United States Postal Service mail is utilized. No separate motion to dismiss a jurisdictional statement will be received. A party entitled to file an answer who does not intend to do so shall, within the time fixed by these rules for filing an answer, file a letter stating that an answer to the jurisdictional statement will not be filed. The failure to file an answer will not be construed as concurrence in the jurisdictional statement.

(c) *Action by the Supreme Court*.—After consideration of the jurisdictional statement and the brief in opposition thereto, if any, the Court will enter an appropriate order which may include summary dismissal for lack of subject matter jurisdiction. If the Supreme Court in its order notes probable jurisdiction or postpones consideration of jurisdiction to the hearing on the merits, the Prothonotary of the Supreme Court forthwith shall notify the court below and the attorneys of record of the noting or postponement, and the case will then stand for briefing and oral argument. In such case, the parties shall address the question of jurisdiction at the outset of their briefs and oral arguments.

(d) *Sanctions*.—If the court finds that the parties have not complied with [ Rules 909 through 911 ] Pa.R.A.P. 909—911, it may impose appropriate sanctions including but not limited to dismissal of the action, imposition of costs or disciplinary sanction upon the attorneys.

**(e) Number of copies to be filed.**—To determine the number of copies to be filed, see Pa.R.A.P. 124(c) and its Official Note.

## CHAPTER 11. APPEALS FROM COMMONWEALTH COURT AND SUPERIOR COURT

### PETITION FOR ALLOWANCE OF APPEAL

Rule 1111. Form of [ Papers; ] Documents. Number of Copies to be Filed.

All [ papers ] documents filed under this chapter, other than under [ Rule ] Pa.R.A.P. 1101 (appeals as of right from the Commonwealth Court), shall be prepared in the manner provided by [ Rule ] Pa.R.A.P. 2171 (method of reproduction) through [ Rule ] Pa.R.A.P. 2174 (tables of contents and citations). [ Eight copies shall be filed with the original. ] To determine the number of copies to be filed, see Pa.R.A.P. 124(c) and its Official Note.

**Official Note:** This rule does not apply to appeals taken under [ Rule ] Pa.R.A.P. 1101 (appeals as of right from the Commonwealth Court), since those appeals are taken pursuant to Chapter 9 (appeals from lower courts).

## CHAPTER 13. INTERLOCUTORY APPEALS BY PERMISSION

Rule 1301. Form of [ Papers ] Documents. Number of Copies to be Filed.

All [ papers ] documents filed under this chapter may be produced on a word processor/computer or typewriter. [ Eight copies shall be filed with the original in the Supreme Court. Six copies shall be filed with the original in the Superior Court. One copy and the original shall be filed in the Commonwealth Court. ] To determine the number of copies to be filed, see Pa.R.A.P. 124(c) and its Official Note.

[ Official Note: Counsel are advised to check with the prothonotary of the appellate court before filing as the number of copies required may change from time to time without formal amendment of these rules. ]

## CHAPTER 16. SPECIALIZED REVIEW

### SPECIFIC PETITIONS FOR SPECIALIZED REVIEW

Rule 1613. Review of Order Affecting the Duration of an Indicting Grand Jury.

(a) *General rule*.—Within [ ten ] 10 days after the entry of the order sought to be reviewed, the attorney for the Commonwealth may file a petition for specialized review in the Supreme Court of Pennsylvania seeking review of the following orders affecting the duration of an indicting grand jury:

(1) An order failing to grant an extension of term under Pa.R.Crim.P. 556.5(B); or

(2) An order of discharge under Pa.R.Crim.P. 556.5(C).

A party shall file the certificate of compliance required by Pa.R.A.P. 127 with the petition for specialized review. [ Seven copies of any filings under this rule shall be filed with the original. ] Pa.R.A.P. 3309 (applications for extraordinary relief) shall not be applicable to an order reviewable under this rule.

(b) *Opinion and record.*—The Supreme Court on its own initiative may direct that the trial court comply with Pa.R.A.P. 1925 (opinion in support of order) or that the trial court supplement the record.

(c) The Supreme Court may dispose of the petition as filed or may set it down for argument.

(d) *Remand of record.*—Unless otherwise ordered, a certified copy of the judgment of the Supreme Court and the opinion of the court, if one has been filed, shall be transmitted to the trial court forthwith upon entry, notwithstanding the pendency of any application for reargument or other proceeding affecting the judgment. This transmission shall be in lieu of the remand of the record.

**Official Note:** This rule is intended to provide a simple and expeditious method for Supreme Court supervision of orders failing to extend or discharging indicting grand juries under Pennsylvania Rule of Criminal Procedure 556.5.

**To determine the number of copies to be filed, see Pa.R.A.P. 124(c) and its Official Note.**

## CHAPTER 17. EFFECT OF APPEALS; SUPERSEDEAS AND STAYS

### STAY OR INJUNCTION IN CIVIL MATTERS

Rule 1732. Application for Stay or Injunction Pending Appeal. **Number of Copies to be Filed.**

(a) *Application to trial court.*—Application for a stay of an order of a trial court pending appeal, or for approval of or modification of the terms of any *supersedeas*, or for an order suspending, modifying, restoring, or granting an injunction during the pendency of an appeal, or for relief in the nature of peremptory mandamus, must ordinarily be made in the first instance to the trial court, except where a prior order under this chapter has been entered in the matter by the appellate court or a judge thereof.

(b) *Contents of application for stay.*—An application for stay of an order of a trial court pending appeal, or for approval of or modification of the terms of any *supersedeas*, or for an order suspending, modifying, restoring, or granting an injunction during the pendency of an appeal, or for relief in the nature of peremptory mandamus, may be made to the appellate court or to a judge thereof, but the application shall show that application to the trial court for the relief sought is not practicable, or that the trial court has denied an application, or has failed to afford the relief which the applicant requested, with the reasons given by the trial court for its action. The application shall also show the reasons for the relief requested and the facts relied upon, and if the facts are subject to dispute the application shall be supported by sworn or verified statements or copies thereof. With the application shall be filed such parts of the record as are relevant. Where practicable, the application should be accompanied by the briefs, if any, used in the trial court. The application shall contain the certificate of compliance required by Pa.R.A.P. 127.

(c) *Number of copies to be filed.*—[ **Seven copies of applications under this rule in the Supreme Court or the Superior Court, and three copies of applications under this rule in the Commonwealth Court, shall be filed with the original.** ] **To determine the number of copies to be filed, see Pa.R.A.P. 124(c) and its Official Note.**

**Official Note:** See generally *Pennsylvania Public Utility Commission v. Process Gas Consumers Group*, 467 A.2d 805 (Pa. 1983), for the criteria for the issuance of a stay pending appeal.

## CHAPTER 21. BRIEFS AND REPRODUCED RECORD

### FORM OF BRIEFS AND REPRODUCED RECORD

**Rule 2171. Method of Reproduction. Separate Brief and Record.**

(a) *General Rule.*—Briefs and reproduced records may be reproduced by any duplicating or copying process which produces a clear black image on white paper. Briefs and records shall comply with the requirements of Pa.R.A.P. 124 and shall be firmly bound at the left margin.

(b) *Separate brief and record.*—In all cases the reproduced record may be bound separately, and must be if it and the brief together contain more than 100 pages or if the reproduced record contains “Confidential Information” or “Confidential Documents”, as those terms are defined in the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* (“Public Access Policy”), in any pleadings, documents, or legal papers originally filed after the effective date of the Public Access Policy.

**Official Note:** See [ **Rule** ] **Pa.R.A.P. 124** (form of [ **papers** ] **documents**; number of copies) for general provisions on quality, size and format of [ **papers** ] **documents** (including briefs and reproduced records) filed in Pennsylvania **appellate** courts.

### FILING AND SERVICE

Rule 2187. Number of Copies [ **to be Served and Filed** ] **to be Filed and Served.**

[ (a) *General rule.*—Unless the appellate court directs otherwise, each party shall file:

(1) **25 copies of each definitive brief and reproduced record in the Supreme Court;**

(2) **15 copies of each definitive brief and five copies of each reproduced record in the Commonwealth Court;**

(3) **7 copies of each definitive brief and reproduced record in the Superior Court.**

Each party shall serve 2 copies of its definitive brief and reproduced record on every other party separately represented.

(b) *Advance text of briefs.*—If the record is being reproduced pursuant to Rule 2154(b) (large records) two copies of each brief without definitive reproduced record pagination shall be served on each party separately represented. Proof of service showing compliance with this rule (but not including the advance text of the brief) shall be filed with the prothonotary of the appellate court.

(c) *In forma pauperis.*—Unless the appellate court directs otherwise, a party who has been permitted to proceed in forma pauperis shall file:

(i) **15 copies of each definitive brief with the Supreme Court;**

(ii) **15 copies of each definitive brief with the Commonwealth Court;**

(iii) **7 copies of each definitive brief with the Superior Court.**

Each party who has been permitted to proceed in forma pauperis shall serve one copy of each definitive brief on every other party separately represented. ]

(a) *Filing.*—**To determine the number of copies to be filed, see Pa.R.A.P. 124(c) and its Official Note.**

**(b) Service.**

**(1) General rule.—A party shall serve one copy of its definitive brief and reproduced record on every other party separately represented.**

**(2) In forma pauperis.—A party proceeding in forma pauperis shall only serve one copy of each definitive brief on every other party separately represented. Pursuant to Pa.R.A.P. 2151(b), a party proceeding in forma pauperis is not required to reproduce the record.**

**(3) Advance text of briefs.—If the record is being reproduced pursuant to Pa.R.A.P. 2154(b) (large records), one copy of each brief without definitive reproduced record pagination shall be served on each party separately represented. Proof of service showing compliance with this rule, but not including the advance text of the brief, shall be filed with the prothonotary of the appellate court.**

**[ Explanatory Note ]**

**Official Note:** At the request of the appellate prothonotaries, it will no longer be necessary to file advance copies (e.g., page proof) of the brief when service is made on the opposing party, but the requirement for the filing of a proof of such service is retained.

**[ Counsel are advised to check with the prothonotary of the appellate court before filing as the number of copies required may change from time to time without formal amendment of these rules.**

**Official Note:** See Rule ] See Pa.R.A.P. 2189 for procedure in cases involving the death penalty.

**Rule 2189. Reproduced Record in Cases Involving the Death Penalty.**

(a) *Number of copies.*—Any provisions of these rules to the contrary notwithstanding, in all cases involving the death penalty, **[ eight copies of ]** the entire record shall be reproduced and filed with the prothonotary of the Supreme Court**[ , unless the Supreme Court shall by order in a particular case direct filing of a lesser number ]. To determine the number of copies to be filed, see Pa.R.A.P. 124(c) and its Official Note.**

(b) *Costs of reproduction.*—**[ Appellant ] The appellant**, or, in cases where **the** appellant has been permitted to proceed *in forma pauperis*, the county where the prosecution was commenced, shall bear the cost of reproduction.

(c) *Prior rules superseded.*—To the extent that this rule conflicts with provisions of **[ Rule ] Pa.R.A.P. 2151(a)**, (b) (relating to necessity of reproduction of records); **[ Rule ] Pa.R.A.P. 2152** (relating to content of reproduced records); **[ Rule ] Pa.R.A.P. 2154(a)** (relating to designation of contents of reproduced records); **[ Rule ] and Pa.R.A.P. 2155** (allocating costs of reproduction of records)**[ ; and Rule 2187(a), (prescribing numbers of copies of reproduced record to be filed) ],** the same are superseded.

**Official Note:** The death penalty statute, 42 Pa.C.S. § 9711, provides that the Supreme Court Prothonotary must send a copy of the lower court record to the Governor after the Supreme Court affirms a sentence of death. The statute does not state who is responsible for

preparing the copy. This amendment provides for preparation of the Governor's copy of the record before the record is sent to the Supreme Court.

**CHAPTER 25. POST-SUBMISSION PROCEEDINGS  
APPLICATION FOR REARGUMENT**

Rule 2541. Form of **[ Papers ] Documents**. Number of Copies **to be Filed**.

All **[ papers ] documents** relating to applications for reargument shall be prepared in the manner prescribed by **[ Rule ] Pa.R.A.P. 2171** (method of reproduction) through **[ Rule ] Pa.R.A.P. 2174** (table of contents and citations). **[ An original and eight copies of each application for reargument shall be filed with the Supreme Court. An original and 23 copies of each application for reargument shall be filed with the Superior Court. An original and 11 copies of each application for reargument shall be filed with Commonwealth Court. ] To determine the number of copies to be filed, see Pa.R.A.P. 124(c) and its Official Note.**

**Official Note:** This rule and the succeeding rules on reargument practice are patterned after the practice in **[ Rules ] Pa.R.A.P. 1111 et seq.** (petition for allowance of appeal).

**[ Counsel are advised to check with the prothonotary of the appellate court before filing as the number of copies required may change from time to time without formal amendment of these rules. ]**

[Pa.B. Doc. No. 21-1885. Filed for public inspection November 12, 2021, 9:00 a.m.]

**Title 255—LOCAL COURT RULES****NORTHUMBERLAND COUNTY****Order Amending Public Access Policy-NCV-001;  
Administrative Order No. 21-14****Order**

*And Now*, this 22nd day of October, 2021, in order to be consistent with the statewide use of the Confidential Form as required by the policy of the Supreme Court of Pennsylvania adopted on October 6, 2021, effective January 1, 2022, it is hereby *Ordered* that the prior NCV-0001 is repealed, and in its place NCV-001 is as follows:

Pursuant to Section 7, subsection C of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts, persons who file documents that contain confidential information as defined by the Policy shall utilize the Confidential Information Form to safeguard confidential information. Parties or attorneys shall file a Certificate of Compliance with such documents. The Certificate of Compliance is available at [www.norrycopa.net](http://www.norrycopa.net), [www.pacourts.us](http://www.pacourts.us), or in the filing office.

*By the Court*

CHARLES H. SAYLOR,  
*President Judge*

[Pa.B. Doc. No. 21-1886. Filed for public inspection November 12, 2021, 9:00 a.m.]



# NOTICES

## CAPITOL PRESERVATION COMMITTEE

### Request for Proposals

**CPC 21.180: Pennsylvania Civil War Battle Flag Exhibit.** The Capitol Preservation Committee seeks proposals from qualified museum exhibit design firms to design and install a new, long-term exhibition of Civil War artifacts, print and graphic media. Construction and installation to adhere to museum standards as outlined in the specification. Museum lighting requirements must be maintained. Proposers will be provided with background research to aid in the design of the exhibit.

A \$100 deposit is required for issuance of project documents. The issue date of the request for proposals documents will be Monday, November 15, 2021. A mandatory preproposal conference and walk through will be held on December 8, 2021, at 10 a.m. in the Pennsylvania Civil War Flag Education Center, 2221 Forster Street at the east end of the parking lot. The proposal receipt date is January 20, 2022, at 2 p.m. Project documents may be obtained in Room 630, Main Capitol Building, Harrisburg, PA or by contacting Tara Pyle at (717) 783-6484.

DAVID L. CRAIG,  
*Executive Director*

[Pa.B. Doc. No. 21-1887. Filed for public inspection November 12, 2021, 9:00 a.m.]

## CAPITOL PRESERVATION COMMITTEE

### Request for Proposals

**CPC 21.181: Conservation Maintenance of the Barnard Statuary and Mexican War Monument.** This project involves the yearly cyclical preservation maintenance of the Barnard Statuary and Mexican War Monument. Conservation/maintenance includes repair of microcracks, mortar joints, cementitious composite patch material, sealant joint and fabrication and installation of elective replacement Dutchman for the Barnard Statuary. Preventive cleaning, rinsing and application of an antimicrobial treatment for the Barnard Statuary and Mexican War Monument. The work also includes detailed review, condition assessment and reporting of conditions in electronic and hard copy formats.

A \$100 deposit is required for issuance of project documents. The issue date of the request for proposals will be on November 15, 2021. A mandatory preproposal conference and walk through will be held on December 8, 2021, in Room 630 of the Main Capitol at 1 p.m. The proposal receipt date is January 20, 2022, at 2 p.m. Project documents may be obtained in Room 630, Main Capitol Building, Harrisburg, PA or by contacting Tara Pyle at (717) 783-6484.

DAVID L. CRAIG,  
*Executive Director*

[Pa.B. Doc. No. 21-1888. Filed for public inspection November 12, 2021, 9:00 a.m.]

## CAPITOL PRESERVATION COMMITTEE

### Request for Proposals

**CPC 21.183: Maintenance Relamping of the House Chamber.** This project includes scaffolding to access four large and two small ceiling hung chandeliers to relamp and clean the chandeliers. The successful proposer will be responsible for all protection, labor, supervision and materials (save the lamps) to execute this project.

The issue date of the request for proposals will be on November 22, 2021. A mandatory preproposal conference and walk through will be held on December 9, 2021, in Room 630 of the Main Capitol at 10:30 a.m. The proposal receipt date is January 20, 2022, at 2 p.m. Project documents may be obtained in Room 630, Main Capitol Building, Harrisburg, PA or by contacting Tara Pyle at (717) 783-6484.

DAVID L. CRAIG,  
*Executive Director*

[Pa.B. Doc. No. 21-1889. Filed for public inspection November 12, 2021, 9:00 a.m.]

## CENTER FOR RURAL PENNSYLVANIA

### Public Feedback Invited for Definition of Rural Municipality

The Center for Rural Pennsylvania (Center) seeks to update their definition of rural/urban municipalities and invites public comment on any potential change. The Center's current definition for a rural municipality is as follows:

A municipality is rural when the population density within the municipality is fewer than the 2010 statewide average density of 284 people per square mile, or the total population is less than 2,500, unless more than 50 percent of the population lives in an urbanized area as defined by the U.S. Census Bureau. All other municipalities are considered urban.

At minimum, the Center will update this definition to the 2020 Statewide average population density of 291 people per square mile.

This definition is used by the Center for statistical analysis purposes only.

Individuals may submit comments and suggestions for an updated definition by e-mailing the Center at [info@rural.palegislature.us](mailto:info@rural.palegislature.us). Comments must be received by November 21, 2021.

KYLE C. KOPKO,  
*Director*

[Pa.B. Doc. No. 21-1890. Filed for public inspection November 12, 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 November 2, 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

##### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-29-2021	Commercial Bank & Trust of PA Latrobe Westmoreland County	19 North Main Street Greensburg Westmoreland County	Closed

#### CREDIT UNIONS

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
11-01-2021	Viriva Community Credit Union Warminster Bucks County  Merger of Viriva Community Credit Union, Warminster, with and into American Heritage Federal Credit Union, Philadelphia.	Effective

##### Change of Principal Place of Business

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Address Action</i>	<i>Action</i>
11-01-2021	Freedom Credit Union Warminster Bucks County	<i>To:</i> 626 Jacksonville Road Warminster Bucks County  <i>From:</i> 25 Jacksonville Road Warminster Bucks County	Effective

##### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-19-2021	BHCU Ridley Park Delaware County	1305 West Chester Pike Havertown Delaware County	Filed

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

RICHARD VAGUE,  
*Secretary*

[Pa.B. Doc. No. 21-1891. Filed for public inspection November 12, 2021, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

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

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of December 2021, is 4 1/2%.

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

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board or the United States Treasury, or both. The latest yield rate on long-term government securities is 1.89 to which was added 2.50 percentage points for a total of 4.39 that by law is rounded off to the nearest quarter at 4 1/2%.

RICHARD VAGUE,  
*Secretary*

[Pa.B. Doc. No. 21-1892. Filed for public inspection November 12, 2021, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

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

The Conservation and Natural Resources Advisory Council (Council) to the Department of Conservation and Natural Resources (Department) will hold a public WebEx meeting on November 17, 2021, at 10 a.m. The public WebEx meeting can be accessed through a link found on the Council's web site prior to the public WebEx meeting at [www.dcnr.pa.gov/cnrac](http://www.dcnr.pa.gov/cnrac).

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

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

CINDY ADAMS DUNN,  
*Secretary*

[Pa.B. Doc. No. 21-1893. Filed for public inspection November 12, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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

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

This notice provides information about persons who have applied to the Department of Environmental Protection (DEP) for a new, renewed, or amended NPDES or WQM permit, or a permit waiver for certain stormwater discharges, or have submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications and NOIs concern, but are not limited to, effluent discharges from sewage treatment facilities and industrial facilities to surface waters or groundwater; stormwater discharges associated with industrial activity (industrial stormwater), construction activity (construction stormwater), and municipal separate storm sewer systems (MS4s); the application of pesticides; the operation of Concentrated Animal Feeding Operations (CAFOs); and the construction of sewage, industrial waste, and manure storage, collection and treatment facilities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376). More information on the types of NPDES and WQM permits that are available can be found on DEP's website (visit [www.dep.pa.gov](http://www.dep.pa.gov) and select Businesses, Water, Bureau of Clean Water, Wastewater Management, and NPDES and WQM Permitting Programs).

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

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

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

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

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

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

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

Comments received within the appropriate comment periods for WQM and NPDES permit applications will be retained by DEP and considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform DEP of the exact basis of a comment and the relevant facts upon which it is based.

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

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

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

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

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

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

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

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

DEP will also accept requests or petitions for public hearings on applications. The request or petition must indicate the interest of the party filing and the reasons why a hearing is warranted. A hearing will be held if the Department determines that there is a significant public interest. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. DEP will postpone its final determination until after a public hearing is held.

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

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

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0914821	Joint DEP/PFBC Pesticides Permit	Transfer	Levitt Bill 250 South 18th Street 10th Floor Philadelphia, PA 19103	Solebury Township Bucks County	SERO
0278405	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	New	Empire Realty Homes LLC 1 Oak Drive Buena Vista, PA 15018-9534	Elizabeth Township Allegheny County	SWRO
1194401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	West Branch Sewer Authority Cambria County 901 Maple Avenue Suite 2 Northern Cambria, PA 15714-1331	Susquehanna Township Cambria County	SWRO
2177403	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	Mount Holly Springs Borough Authority Cumberland County 200 Harmon Street Mount Holly Springs, PA 17065-1339	Mount Holly Springs Borough Cumberland County	SCRO
3604401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	Marietta Donegal Joint Authority 111 East Market Street Marietta, PA 17547-1831	Marietta Borough Lancaster County	SCRO
5607403	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	Christian Youth Crusade 293 Rich Road Somerset, PA 15501-9668	Milford Township Somerset County	SWRO
NOEXSC139	No Exposure Certification	Renewal	TE Connectivity Corp 3155 State Route 72 Jonestown, PA 17038-8741	Union Township Lebanon County	SCRO
PAG046334	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	William L Cramer Jr & Pamela L Knox 4003 Ridge Road Aliquippa, PA 15001-5821	Independence Township Beaver County	SWRO
PAG123626	PAG-12 NPDES General Permit for CAFOs	Transfer	Hershey Farms, LLC 338 Sunny Burn Road Elizabethtown, PA 17022-9664	Mount Joy Township Lancaster County	SCRO
4621412	Pump Stations WQM Individual Permit	Amendment	Green Lane Borough & Marlborough Township Joint Authority Montgomery County P.O. Box 45 Green Lane, PA 18054-0045	Green Lane Borough Montgomery County	SERO
1583420	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Hansen Kyle 1834 W Strasburg Road Coatesville, PA 19320	Warwick Township Chester County	SERO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
2521429	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Randy & Julie White 4200 Neyland Road Edinboro, PA 16412-1182	Washington Township Erie County	NWRO
4221404	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Peach Sheena 300 N Broadway Street Lebanon, OH 45036-1717	Eldred Township McKean County	NWRO
6721407	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Seibert Terry L 568 Ridge Road Lewisberry, PA 17339-9591	Fairview Township York County	SCRO
6321407	Small Flow Treatment Facility Individual WQM Permit	New	LIG 2 LLC 2094 S Main Street Washington, PA 15301	Amwell Township Washington County	SWRO
6521405	Small Flow Treatment Facility Individual WQM Permit	New	Yukos Properties LLC 1046 Boquet Road Jeannette, PA 15644-4707	Penn Township Westmoreland County	SWRO
WQG016134	WQG-01 WQM General Permit	Transfer	William L Cramer Jr & Pamela L Knox 4003 Ridge Road Aliquippa, PA 15001-5821	Independence Township Beaver County	SWRO

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

### Northcentral Regional Office

**PA0026557**, Sewage, SIC Code 4952, **The Municipal Authority of the City of Sunbury**, 462 S. 4th Street, Sunbury, PA 17801-3134. Facility Name: Sunbury Municipal Authority Wastewater Treatment Facility. This existing facility is located in Sunbury City, **Northumberland 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), Shamokin Creek (WWF, MF), is located in State Water Plan watershed 6-B and is classified for Cold Water Fishes, 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 4.2 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Report	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.3	XXX	1.0
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	875	1,400	XXX	25	40	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Total Suspended Solids	1,050	1,575	XXX	30	45	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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
(Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
(Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Ammonia-Nitrogen						
Nov 1 - Apr 30	Report	Report	XXX	Report	Report	XXX
May 1 - Oct 31	585	875	XXX	16	25	33
(Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
(Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
(Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Copper, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
		Daily Max			Daily Max	

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

- Chesapeake Bay Nutrients Requirements
- Combined Sewer Overflows
- Schedule of Compliance
- Solids Management
- Whole Effluent Toxicity (WET)
- Requirements Applicable to Stormwater Outfalls
- 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 not in effect.

*Northeast Regional Office*

**PA0065412**, Pesticides, SIC Code 0782, **Lakeside Outing Club, Inc.**, 227 East Shore Drive, Susquehanna, PA 18847.

Description of Existing Activity: The application is for a renewal of an NPDES permit for a renewal of a discharge associated with the application of pesticides in New Milford Township, **Susquehanna County**.

The receiving stream(s), Page Lake on Salt Lick Creek (HQ-CWF, MF), is (are) located in State Water Plan watershed(s) 4-E and is (are) classified for High Quality-Cold Water and Migratory Fish, aquatic life, water supply and recreation. Applicators are required to follow product labeling instructions of pesticides, which may include provisions to reduce application doses and notify public water suppliers in the event applications are conducted near public water supply intakes. The discharges associated with the pesticide applications are not expected to affect public water supplies.

PA DEP has made a tentative determination to issue the NPDES permit subject to the terms and conditions of the permit. An anti-degradation analysis has been completed to document that pesticide application activities in High Quality (HQ) or Exceptional Value (EV) waters will be conducted in a manner that minimizes adverse environmental effects. The proposed permit contains conditions that require implementation of Pest Management Measures; Recordkeeping and Annual Reporting Requirements; Corrective Action Documentation and Reporting; a Pesticides Discharge Management Plan; Authorized Pesticides and Application Rates; Compliance with Label; and Chapter 91 Authorized Pesticide Use.

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

The EPA waiver is in effect.

**PA0276413**, Storm Water, SIC Code 4225, **Amazon.com Services, LLC**, P.O. Box 80842, Seattle, WA 98108-0842. Facility Name: Amazon.com Services LLC (AVP9). This proposed facility is located in Jessup Borough, **Lackawanna County**.

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

The receiving stream(s), Unnamed Tributary to Grassy Island Creek (HQ-CWF, MF), is located in State Water Plan watershed 5-A and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0 MGD (stormwater).

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

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

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

The EPA Waiver is in effect.

**PA0014681 A-1**, Industrial, SIC Code 2047, **Nestlé Purina PetCare Company**, 2050 Pope Road, Allentown, PA 18104-9308. Facility Name: Nestlé Purina PetCare Plant. This existing facility is located in South Whitehall Township, **Lehigh County**.

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

The receiving streams, an Unnamed Tributary to Jordan Creek (HQ-CWF/MF) and Jordan Creek (TSF/MF), are located in State Water Plan watershed 2-C and are classified for Migratory Fishes, High Quality—Cold Water, Migratory Fish, 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 0.53 MGD.

(From Permit Amendment Effective Date to October 31, 2023)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Dissolved Oxygen	XXX	XXX	3.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	XXX	XXX	XXX	40.0	80.0	100.0
Total Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
Nitrate as N	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	Report	XXX	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.53 MGD.

(From November 1, 2023 to November 30, 2023)

<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>Weekly Average</i>	
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	30.0	60.0	75.0
Nov 1 - Apr 30						
CBOD <sub>5</sub> Minimum % Removal (%)	XXX	XXX	XXX	85 Min Mo Avg	XXX	XXX
Total Suspended Solids						
May 1 - Sep 30	42.3	Report	XXX	XXX	XXX	XXX
Total Nitrogen						
Oct 1 - Apr 30	242.6	XXX	XXX	XXX	XXX	XXX
May 1 - Sep 30	80.86	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen						
Oct 1 - Apr 30	18.18	Report	XXX	XXX	XXX	XXX
May 1 - Sep 30	6.06	Report	XXX	XXX	XXX	XXX
Nitrate as N	202.14	XXX	XXX	XXX	XXX	XXX
Oct 1 - Apr 30						
May 1 - Sep 30	67.38	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	43.56	XXX	XXX	XXX	XXX	XXX
Oct 1 - Apr 30						
May 1 - Sep 30	21.78	XXX	XXX	XXX	XXX	XXX



The proposed effluent limits for Outfall 001 are based on a design flow of 0.53 MGD.

(From Permit Amendment Effective Date to November 30, 2023)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.10	XXX	0.24
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	XXX	110
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
May 1 - Oct 31	XXX	XXX	XXX	20.0	40.0	50.0
Intake	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	25.0	50.0	62.5
Total Dissolved Solids	XXX	XXX	XXX	1,200	2,400	3,000
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	12.0	24.0	30.0
May 1 - Oct 31	XXX	XXX	XXX	4.0	8.0	10.0

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

(From Permit Amendment Effective Date to November 30, 2023)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	120.0	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	100.0	XXX
Oil and Grease	XXX	XXX	XXX	XXX	30.0	XXX
Nitrate-Nitrite as N	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 Amendment Effective Date to November 30, 2023)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	120.0	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	100.0	XXX
Oil and Grease	XXX	XXX	XXX	XXX	30.0	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX

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

- Chemical Additives
- Requirements Applicable to Stormwater Outfalls

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

The EPA Waiver is in effect.

**PA0035335**, Sewage, SIC Code 6515, **Barton Court MHC, LLC**, 1199 Lancaster Avenue, Berwyn, PA 19312-1341. Facility Name: Barton Court MHC LLC. This existing facility is located in Pocono Township, **Monroe County**.

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

The receiving stream(s), Unnamed Tributary to Pocono Creek (HQ-CWF, MF), is located in State Water Plan watershed 1-E and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0117 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	9.0	XXX
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	1.2	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (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
Ammonia-Nitrogen						
Oct 1 - Apr 30	XXX	XXX	XXX	Report	XXX	XXX
May 1 - Sep 30	XXX	XXX	XXX	12.0	XXX	24.0

The proposed effluent limits for Outfall 001 are based on a design flow of .0117 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
Nitrate-Nitrite as N	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Annl Avg	XXX	XXX

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

The EPA Waiver is in effect.

**PA0060089**, Sewage, SIC Code 4952, **Middle Smithfield Township, Monroe County**, 147 Municipal Drive, East Stroudsburg, PA 18302. Facility Name: Fernwood WWTP. This existing facility is located in Middle Smithfield Township, **Monroe County**.

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

The receiving stream, Bush Kill (HQ-TSF/MF), is located in State Water Plan watershed 1-D and is classified for High Quality Waters—Trout Stocking and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1 MGD.

(From Permit Effective Date to Permit Expiration Date)

<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>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	6.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	205	330	XXX	25.0	40.0	50.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	250	375	XXX	30.0	45.0	60.0
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	XXX	XXX	1.4
E. Coli (No./100 mL)	XXX	XXX	XXX	XXX	XXX	Report

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Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
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 transmittance (%)	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	75	XXX	XXX	9.0	XXX	18.0
Nov 1 - Apr 30						
May 1 - Oct 31	25	XXX	XXX	3.0	XXX	6.0
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Copper, Total	XXX	XXX	XXX	0.023	0.037	0.059
					Daily Max	

The proposed effluent limits for Outfall 001 are based on a design flow of 1 MGD.  
(From Permit Effective Date to Permit Expiration Date)

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Total Dissolved Solids	XXX	XXX	XXX	1,000	XXX	XXX
Antimony, Total	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Lead, Total	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Zinc, Total	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
2,4-Dinitrophenol	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
1,4-Dichlorobenzene	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
1,3-Dichloropropylene	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1 MGD.  
(From Permit Effective Date to 4 Years After Permit Effective Date)

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Maximum	
Cyanide, Free	XXX	XXX	XXX	Report	XXX	XXX
Silver, Total	XXX	XXX	XXX	Report	XXX	XXX
Thallium, Total (ug/L)	XXX	XXX	XXX	Report	XXX	XXX
2,4-Dinitrotoluene	XXX	XXX	XXX	Report	XXX	XXX
2,6-Dinitrotoluene	XXX	XXX	XXX	Report	XXX	XXX
3,3-Dichlorobenzidine	XXX	XXX	XXX	Report	XXX	XXX
1,2,4-Trichlorobenzene	XXX	XXX	XXX	Report	XXX	XXX
Butyl Benzyl Phthalate	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 MGD.  
(From 4 Years After Permit Effective Date to Permit Expiration Date)

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Daily Maximum	
Cyanide, Free	XXX	XXX	XXX	0.023	0.036	0.059
Silver, Total	XXX	XXX	XXX	0.0095	0.0149	0.0239
Thallium, Total	XXX	XXX	XXX	0.0014	0.0022	0.0035
2,4-Dinitrotoluene	XXX	XXX	XXX	0.0014	0.0022	0.0036
2,6-Dinitrotoluene	XXX	XXX	XXX	0.0014	0.0022	0.0036
3,3-Dichlorobenzidine	XXX	XXX	XXX	0.0014	0.0022	0.0036
1,2,4-Trichlorobenzene	XXX	XXX	XXX	0.0004	0.0006	0.0010
Butyl Benzyl Phthalate	XXX	XXX	XXX	0.0005	0.0009	0.0014
Hexachloroethane	XXX	XXX	XXX	0.0029	0.0045	0.0073

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

- Solids Management
- Water Quality-Based Effluent Limitations for Toxic Pollutants
- Whole Effluent Toxicity (WET)
- WQBELs Below Quantitation Limits

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.

**PA0061000**, Sewage, SIC Code 4952, **Village of Four Seasons Association**, 199 Ralph Lomma Way, Union Dale, PA 18470-7521. Facility Name: Four Seasons Village. This existing facility is located in Herrick Township, **Susquehanna 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), East Branch Tunkhannock Creek (HQ-CWF (existing use)), is located in State Water Plan watershed 4-F 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 .06 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
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	XXX	0.6	XXX	1.4
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
E-Coli	XXX	XXX	XXX	Geo Mean XXX	XXX	Report
Ammonia-Nitrogen						
Oct 1 - Apr 30	XXX	XXX	XXX	8.7	XXX	17.4
May 1 - Sep 30	XXX	XXX	XXX	2.9	XXX	5.8

The proposed effluent limits for Outfall 001 are based on a design flow of .06 MGD.—Limits.

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

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

The EPA Waiver is in effect.

*Southcentral Regional Office*

**PA0037141**, Industrial, SIC Code 0921, **PA Fish & Boat Commission**, 1735 Shiloh Road, State College, PA 16801-8495. Facility Name: Huntsdale Fish Hatchery. This existing facility is located in Penn Township, **Cumberland County**.

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

The receiving stream(s), Unnamed Tributary to Yellow Breeches Creek (HQ-CWF, MF) and Yellow Breeches Creek (HQ-CWF), is located in State Water Plan watershed 7-E and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 10.5464 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Nitrate-Nitrite as N Intake	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N Effluent Net	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen Intake	XXX	XXX	XXX	XXX	20	XXX
Total Nitrogen Effluent Net	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen Intake	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen Effluent Net	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 10.5464 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 10.5464 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 6.5	XXX	XXX	XXX
Temperature (deg F) (°F)	XXX	XXX	Daily Min XXX	XXX	Report	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> ) Intake	Report	Report	XXX	Report	Report	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> ) Effluent Net	246	528	XXX	3.0	6.0	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> ) Intake	Report	Report	XXX	Report	Report	7.5
Total Suspended Solids Effluent Net	307	615	XXX	3.5	7.0	XXX
Total Suspended Solids Intake	Report	Report	XXX	Report	Report	8.7
Total Suspended Solids (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	123	246	XXX	1.4	2.8	3.5
Total Phosphorus	176	351	XXX	2.0	4.0	5

The proposed effluent limits for Outfall 002 are based on a design flow of .72 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 7.0 Daily Min	XXX	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	Report	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> ) Effluent Net	18.0	36.0	XXX	3.0	6.0	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> ) Intake	Report	Report	XXX	Report	Report	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report	XXX	Report	Report	7.5
Total Suspended Solids Intake	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids Effluent Net	21	42.0	XXX	3.5	7.0	XXX
Total Suspended Solids	Report	Report	XXX	Report	Report	8.7
Total Suspended Solids (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	3.6	7.2	XXX	0.6	1.2	1.5
Total Phosphorus	12	24	XXX	2.0	4.0	5

The proposed effluent limits for Outfall 002 are based on a design flow of .72 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of .72 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Nitrate-Nitrite as N Intake	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N Effluent Net	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen Effluent Net	XXX	XXX	XXX	XXX	20	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen Intake	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen Intake	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen Effluent Net	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of .0003 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min	0.5	XXX	1.6
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	20.0	XXX	40
Total Suspended Solids	XXX	XXX	XXX	20	XXX	40
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX
				Geo Mean		

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

The EPA Waiver is not in effect.

**PA0024431**, Sewage, SIC Code 4952, **Dillsburg Area Authority, York County**, 98 W Church Street, Dillsburg, PA 17019-1230. Facility Name: Dillsburg Borough STP. This existing facility is located in Carroll Township, **York County**.

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

The receiving stream(s), Dogwood Run (CWF) and Dogwood Run (CWF, MF), is located in State Water Plan watershed 7-E and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.53 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Instantaneous 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
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	319	510	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD <sub>5</sub> ) Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	383	574	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)	Report	Report Daily Max	XXX	Report	XXX	XXX
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Ultraviolet light intensity (mW/cm <sup>2</sup> )	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	XXX Report Total Mo	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Total Nitrogen (Total Load, lbs) (lbs)	XXX Report Total Mo	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	96	XXX	XXX	7.5	XXX	15
May 1 - Oct 31	32	XXX	XXX	2.5	XXX	5
(Total Load, lbs) (lbs)	Report Total Mo	XXX XXX	XXX XXX	XXX XXX	XXX XXX	XXX XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	XXX Report Total Mo	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Total Phosphorus (Total Load, lbs) (lbs)	25 Report Total Mo	XXX XXX	XXX XXX	2.0 XXX	XXX XXX	4 XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.53 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Instantaneous Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Copper, Total	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Cyanide, Free	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Zinc, Total	XXX	XXX	XXX	Report Annl Avg	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 not in effect.

**PA0088421**, Sewage, SIC Code 8811, **Patrick J Gibson**, 2887 Chaneysville Road, Clearville, PA 15535-8828. Facility Name: Gibson Res. This existing facility is located in Southampton Township, **Bedford County**.

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

The receiving stream(s), Town Creek (HQ-CWF), is located in State Water Plan watershed 13-A and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report Geo Mean	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.

**PA0261823**, Sewage, SIC Code 6514, **Jones Barbara A & Jones Larry A**, 97 Sloop Road, Shermans Dale, PA 17090. Facility Name: Jones Residence. This existing facility is located in Carroll Township, **Perry County**.

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

The receiving stream(s), Unnamed Tributary of Sherman Creek (WWF), is located in State Water Plan watershed 7-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report Avg Mo	XXX	XXX

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.

**PA0267562**, Sewage, SIC Code 8811, **Amanda & Michael Karwic**, 1854 Hopewell Road, Elverson, PA 19520-8610. Facility Name: Karwic Residence. This proposed facility is located in Robeson Township, **Berks County**.

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

The receiving stream(s), UNT to Pine Creek (EV, MF), is located in State Water Plan watershed and is classified for Exceptional Value Waters and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies. Disinfection will be achieved with UV equipment.



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

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	8.6	XXX	17.2
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	XXX	5.0	XXX	10.0
Total Phosphorus	XXX	XXX	XXX	3.7	XXX	7.4

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

- Pumping out of tanks periodically
- Submitting Annual Maintenance Report and Discharge Monitoring Reports

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*

**PA0244333**, Sewage, SIC Code 4952, **East Brandywine Township Municipal Authority**, 1214 Horseshoe Pike, Downingtown, PA 19335-1132. Facility Name: Applecross WWTP. This existing facility is located in East Brandywine Township, **Chester 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, Beaver Creek (CWF, MF), is located in State Water Plan watershed 3-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 .137 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Daily Maximum	
Flow (GPD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	11.5	17.3	XXX	10.0	15.0	20
Raw Sewage Influent Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	11.5	17.3	XXX	10.0	15.0	20
Raw Sewage Influent Fecal Coliform (No./100 ml)	Report	XXX	XXX	Report	XXX	XXX
Oct 1 - Apr 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000*
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	11.5	XXX	XXX	10.0	XXX	20
Ammonia-Nitrogen	3.5	XXX	XXX	3.0	XXX	6
Total Phosphorus	2.3	XXX	XXX	2.0	XXX	4

\* Shall not exceed in more than 10% of samples.

The proposed effluent limits for Outfall 001 are based on a design flow of .137 MGD.—Limits.

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

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

- A. No Stormwater
- B. Acquire Necessary Property Rights
- C. Proper Sludge Disposal
- D. Operator Notification
- E. Chlorine Optimization
- F. Fecal Coliform Reporting
- G. Solids Management

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

The EPA Waiver is not in effect.

*Southwest Regional Office*

**PA0040274**, Industrial, SIC Code 3316, **ATI Flat Rolled Products Holdings, LLC**, 100 River Road, Brackenridge, PA 15014-1537. Facility Name: ATI Flat Rolled Products Holdings LLC/Vandergrift. This existing facility is located in Vandergrift Borough, **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), Kiskiminetas River (WWF), is located in State Water Plan watershed 18-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The Discharges from Outfall 007 monitored at Internal Monitoring Points 107 and 207.

The proposed effluent limits for Outfall 107 are based on a design flow of 0.40 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	1.25
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 107 are based on a design flow of 0.40 MGD.—Final Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	1.25
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	XXX

The proposed effluent limits for Outfall 207 are based on a design flow of 0.53 MGD.—Interim 1 Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	7.5	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	1.25
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110.0
Total Suspended Solids	432	1,000	XXX	19.5	41.0	51.2
Oil and Grease	11.6	19.3	XXX	5.0	5.0	XXX
Ammonia-Nitrogen	Report	Report	XXX	Report	Report	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Chromium, Total	5.5	13.8	XXX	0.4	1.0	1.25
Cyanide, Total	Report	Report	XXX	0.12	0.29	0.36
Fluoride, Total	Report	Report	XXX	26.4	59.5	74.4
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Lead, Total	Report	Report	XXX	0.2	0.42	0.52

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average</i>	<i>Daily</i>	<i>Instant.</i>	<i>Average</i>	<i>Daily</i>	
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX
Nickel, Total	4.14	12.4	XXX	0.3	0.9	1.13
Thallium, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total	Report	Report	XXX	0.61	1.46	1.82

The proposed effluent limits for Outfall 207 are based on a design flow of 0.53 MGD.—Interim 2 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>Instant.</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	7.5	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	1.25
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110.0
Total Suspended Solids	465	1,080	XXX	19.5	41.0	51.2
Oil and Grease	20.3	33.9	XXX	5.0	5.0	XXX
Ammonia-Nitrogen	Report	Report	XXX	Report	Report	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Chromium, Total	5.74	14.4	XXX	0.4	1.0	1.25
Cyanide, Total	Report	Report	XXX	0.12	0.29	0.36
Fluoride, Total	Report	Report	XXX	26.4	59.5	74.4
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Lead, Total	Report	Report	XXX	0.2	0.42	0.52
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX
Nickel, Total	4.32	12.9	XXX	0.3	0.9	1.13
Thallium, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total	Report	Report	XXX	0.61	1.46	1.82

The proposed effluent limits for Outfall 207 are based on a design flow of 0.53 MGD.—Interim 3 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>Instant.</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	7.5	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	1.25
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110.0
Total Suspended Solids	479	1,100	XXX	19.5	41.0	51.2
Oil and Grease	25.0	41.6	XXX	12.0	20.0	25.0
Ammonia-Nitrogen	Report	Report	XXX	Report	Report	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Chromium, Total	5.84	14.6	XXX	0.4	1.0	1.25
Cyanide, Total	Report	Report	XXX	0.12	0.29	0.36
Fluoride, Total	Report	Report	XXX	26.4	59.5	74.4
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Lead, Total	Report	Report	XXX	0.20	0.42	0.52
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX
Nickel, Total	4.39	13.1	XXX	0.3	0.9	1.13
Thallium, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total	Report	Report	XXX	0.61	1.46	1.82

The proposed effluent limits for Outfall 207 are based on a design flow of 0.53 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>Instant.</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	7.5	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	1.25
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110.0
Total Suspended Solids	479	1,100	XXX	19.5	41.0	51.2
Oil and Grease	25.0	41.6	XXX	12.0	20.0	25.0
Ammonia-Nitrogen	Report	Report	XXX	Report	Report	XXX
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	XXX
Chromium, Total	5.84	14.6	XXX	0.4	1.0	1.25
Cyanide, Total	Report	Report	XXX	0.12	0.29	0.36
Fluoride, Total	Report	Report	XXX	26.4	59.5	74.4
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Instant.	Average	Daily	
	Monthly	Maximum		Monthly	Maximum	
Lead, Total	Report	Report	XXX	0.2	0.42	0.52
Manganese, Total	XXX	XXX	XXX	1.0	2.0	XXX
Nickel, Total	4.39	13.1	XXX	0.3	0.9	1.13
Thallium, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total	Report	Report	XXX	0.61	1.46	1.82

The proposed effluent limits for Outfall 008:—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Instant.	Average	Daily	
	Monthly	Maximum		Monthly	Maximum	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 009:—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Instant.	Average	Daily	
	Monthly	Maximum		Monthly	Maximum	
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

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.

**PA0024171**, Sewage, SIC Code 4952, **Cambria Township Sewer Authority**, P.O. Box 247, Revloc, PA 15948-0247. Facility Name: Colver STP. This existing facility is located in Cambria Township, **Cambria County**.

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

The receiving stream, Elk Creek (CWF), is located in State Water Plan watershed 18-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.275 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Weekly	Instanta- neous Minimum	Average	Weekly	
	Monthly	Average		Monthly	Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	57.0	85.0	XXX	25.0	38.0	50.0
Biochemical Oxygen Demand (BOD <sub>5</sub> ) Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids Raw Sewage Influent	65.0	100.0	XXX	30.0	45.0	60.0
Fecal Coliform (No./100 ml) Oct 1 - Apr 30	Report	Report	XXX	Report	Report	XXX
May 1 - Sep 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ultraviolet light transmittance (%) Ammonia-Nitrogen	XXX	XXX	Report	200 Geo Mean	XXX	1,000
Nov 1 - Apr 30	9.0	XXX	XXX	Report	XXX	XXX
May 1 - Oct 31	4.5	XXX	XXX	4.0	XXX	8.0
				2.0	XXX	4.0

<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>	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	Report Daily Max	XXX
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	0.75 Annl Avg	0.75 Daily Max	XXX
Iron, Total	XXX	XXX	XXX	1.5 Annl Avg	3.0 Daily Max	XXX
Manganese, Total	XXX	XXX	XXX	1.0 Annl Avg	2.0 Daily Max	XXX

In addition, the permit contains the following major special conditions: requirements for hauled-in wastes and sewage sludge/biosolids management.

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.

**PA0096369**, Sewage, SIC Code 6515, **UMH Properties, Inc.**, 3499 US Highway 9, Suite 3C, Freehold, NJ 07728-3277. Facility Name: Valley Hi MHP STP. This existing facility is located in East Huntingdon Township, **Westmoreland County**.

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

The receiving stream(s), Unnamed Tributary of Buffalo Run (WWF), is located in State Water Plan watershed 19-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .02 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>Daily Maximum</i>	
Flow (MGD)	0.020	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	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
Ultraviolet light transmittance (%)	XXX	XXX	XXX	Report	Report	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	3.3	XXX	6.5
May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4.0

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>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>	
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.

**PA0256013**, Sewage, SIC Code 8800, **Richard DeBusk**, 257 Shipe Run Road, Washington, PA 15301-7147. Facility Name: DeBusk Property SRSTP. This proposed facility is located in Amwell 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), Shipe Run (TSF), is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Daily Min	XXX	9.0 Daily Max	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

- AMR submission requirement
- Septic Tank pumping requirements
- Optimization of chlorine dosage

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.

*Northwest Regional Office*

**PA0204498**, Sewage, SIC Code 8211, **Marion Center School District**, 22820 Route 403 Highway N, P.O. Box 156, Marion Center, PA 15759-0156. Facility Name: Rayne Township Elementary School. This existing facility is located at 2535 US 119, Home, PA 15747, located in Rayne Township, **Indiana 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), Drainage Swale to Unnamed Tributary 46832 of Crooked Creek (CWF), is located in State Water Plan watershed 17-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .00676 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Daily Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0 Daily Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	0.5 Avg Mo	XXX	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	15.0	XXX	30.0
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 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	3.5	XXX	7.0
May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4.0
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 814-332-6078.

The EPA Waiver is in effect.

**PA0239569**, Sewage, SIC Code 6552, **Lezzer Martin, LP**, P.O. Box 217, Curwensville, PA 16833-0217. Facility Name: Shannon Mills Estates. This existing facility is located in Connoquenessing Township, **Butler 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 Little Connoquenessing Creek, 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 .019 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.036	XXX	0.11
Carbonaceous Biochemical Oxygen Demand (CBOD5)	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	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	XXX	XXX	XXX	4.5	XXX	9
May 1 - Oct 31	XXX	XXX	XXX	1.5	XXX	3
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4
Iron, Total	XXX	XXX	XXX	Report Annl Avg	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 not in effect.

**PA0289663**, Sewage, SIC Code 8800, **Carlyn Duran & Joseph Radachy**, 3229 South Hill Road, McKean, PA 16426-2107. Facility Name: Carlyn Duran & Joseph Radachy SRSTP. This proposed facility is located in McKean Township, **Erie County**.

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

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

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

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

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

The EPA Waiver is in effect.

**PA0290025**, Sewage, SIC Code 4952, 8800, **Jennifer Laboski**, 9345 Station Road, Erie, PA 16510-5625. Facility Name: Jennifer Laboski SRSTP. This proposed facility is located in Greenfield Township, **Erie County**.

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

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

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

**PA0290033**, Sewage, SIC Code 4952, 8811, **Randy & Julie White**, 4200 Neyland Road, Edinboro, PA 16412-1182. Facility Name: Randy White SRSTP. This proposed facility is located in Washington Township, **Erie County**.

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

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

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

<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>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

**PA0290050**, Sewage, SIC Code 4952, 8800, **Sheena Peach**, 300 N Broadway Street, Lebanon, OH 45036-1717. Facility Name: Peach Properties SRSTP. This proposed facility is located in Eldred Township, **McKean County**.

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

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

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX



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

The EPA Waiver is in effect.

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

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD150228	New	DCNR—Bureau of Forestry P.O. Box 8552 Harrisburg, PA 17105-8552	Honey Brook and West Caln Townships Chester County	SERO
PAD150234	New	Worthington Partners II, Inc. Tom Kessler 1273 Butler Pike Blue Bell, PA 19422	Uwchlan Township Chester County	SERO
PAD510210	New	5000 Richmond Holding, LLC Aaron Malitzky 2 Park Avenue 14th Floor New York, NY, 10016	City of Philadelphia Philadelphia County	SERO
PAD450151	New	Swiftwater Solar LLC 310 4th St. NE Suite 300 Charlottesville, VA 22902	Pocono Township Monroe County	NERO
PAD400050	New	Slocum Township Volunteer Fire Company # 1 Sean O'Neil 1923 Slocum Road Wapwallopen, PA 18660-8886	Slocum Township Luzerne County	NERO
PAD670058	New	Scott Brady 250 Zion Church Road Red Lion, PA 17356	Windsor Township York County	SCRO
PAD300016	New	Center Township P.O. Box 435 Rogersville, PA 15359	Center Township Greene County	SWRO
PAD300017	New	Center Township P.O. Box 435 Rogersville, PA 15359	Center Township Greene County	SWRO

### 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, 424.250.5887.*

**Permit No. 0921519**, Public Water Supply.

Applicant

**1440 Verma, Inc.**  
1440 Easton Road  
Riegelsville, PA 18077-7212

Township Durham  
 County **Bucks**  
 Responsible Official Rhoda Verma  
 1440 Verma, Inc.  
 1440 Easton Road  
 Riegelsville, PA 18077-7212

Type of Facility PWS  
 Consulting Engineer Ebert Engineering Inc.  
 4397 Skippack Pike  
 P.O. Box 540  
 Skippack, PA 19474

Application Received Date October 26, 2021

Description of Action Install piping and chlorination equipment to provide 20 minutes of chlorine contact time to achieve 4-log inactivation.

*Northcentral Region: Safe Drinking Water Program, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 1421510**, Major Public Water Supply.

Applicant **College Township Water Authority**  
 1481 East College Avenue  
 State College, PA 16801

Township or Borough College Township  
 County **Centre**  
 Responsible Official Adam Brumbaugh  
 Type of Facility Public Water Supply  
 Consulting Engineer Mr. Daniel J. Hopkins, P.E.  
 Entech Engineering, Inc.  
 201 Penn Street  
 P.O. Box 32  
 Reading, PA 19603

Application Received Date October 20, 2021

Description of Action Permitting of Well OH-20, Proposed Well OH-20 Treatment Facility with High Service Pumps, Booster Station at Brush Valley Road, 12" Transmission Main from OH-20 to Dale Street Tank.

**Permit No. 551503**, Major Public Water Supply.

Applicant **Aqua Pennsylvania, Monroe**  
 204 E. Sunbury Street  
 Shamokin, PA 17872

Township or Borough Monroe Township  
 County **Snyder**  
 Responsible Official Stephen E. Clark  
 Type of Facility Public Water Supply  
 Consulting Engineer Jordan Rand, P.E.  
 KCI Technologies, Inc.  
 936 Ridgebrook Road  
 Sparks, MD 21152

Application Received Date October 6, 2021

Description of Action The Colonial Acres water booster pumping station will be replaced and relocated across Colonial Drive to accommodate a new road by Penndot.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

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

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

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

For further information concerning the content of a NOI to Remediate, please contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate

Regional Office listed. TDD users may telephone the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

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

*Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5787, Charline Bass.*

**388 Smithbridge Road**, 388 Smithbridge Road, Glen Mills, PA 19342, Concord Township, **Delaware County**. Joseph Diamadi, Jr., Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426 on behalf of Susan M. Gallagher, 319 Buckeye Lane, West Chester, PA 19382 submitted a Notice of Intent to Remediate. The site has been found to be contaminated with heating oil that impacted subsurface soil at the site. The subject property is a residential property and the intended future use of the property is to remain as a residential property. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in *The Daily Times* and *Sunday Times* on October 6, 2021.

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

*Contact: Eric Supey, Environmental Program Manager.*

**Baylor Property**, 6064 Old Hickory Road, Coopersburg, PA 18036, Upper Saucon Township, **Lehigh County**. JMT Industrial & Environmental Contracting Services, 710 Uhler Road, Easton, PA 18040, on behalf of Richard Baylor, 6064 Old Hickory Road, Coopersburg, PA 18036, submitted a Notice of Intent to Remediate. Soil was contaminated by a release of heating oil from an aboveground storage tank. Future use of the site will be residential. The Notice of Intent to Remediate was published in the *Morning Call* on October 14, 2021.

**Pilot Travel Center 298**, 1114 State Route 93, Drums, PA 18222, Sugarloaf Township, **Luzerne County**. Atlas Technical Consultants, 270 William Pitt Way, Pittsburgh, PA 15238, on behalf of Pilot Travel Centers LLC, 5508 Lonas Drive, Knoxville, TN 37939, submitted a Notice of Intent to Remediate. Soil was contaminated by a release of diesel from truck accident. Future use of the site will be nonresidential. The Notice of Intent to Remediate was published in the *Times Leader* on October 28, 2021.

*Southwest Region: Environmental Cleanup & Brownfield Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Ceramic Color & Chemical Manufacturing Co.**, LRP # 5-4-813-19815, 1100 13th St., New Brighton, PA 15006, New Brighton Borough and Pulaski Township, **Beaver County**. American Geosciences, Inc., 3925 Reed Blvd., Ste. 400, Murrysville, PA 15668, on behalf of WBM Holdings, Inc., 110 Central Square Dr., Beaver Falls, PA 15010, has submitted a Notice of Intent to Remediate. Soil and groundwater at the site have been contaminated with inorganics. The proposed cleanup standard for the site is the site specific standard. The Notice of Intent to Remediate was published in the *Pittsburgh Post-Gazette* on August 26, 2021.

**CE Cast Prod**, LRP # 5-63-920-360, Walnut St. Ext., Muse, PA 15350, Cecil Township, **Washington County**. American Geosciences, Inc., 3925 Reed Blvd., Ste. 400,

Murrysville, PA 15668, on behalf of WBM Holdings, Inc., 110 Central Square Dr., Beaver Falls, PA 15010, has submitted a Notice of Intent to Remediate. Soil and groundwater at the site have been contaminated with chlorinated solvents, inorganics, and other organics. The proposed cleanup standard for the site is the site specific and Statewide health standards. The Notice of Intent to Remediate was published in the *Observer-Reporter* on October 8, 2021.

**DME Company, LLC**, LRP # 5-65-820-19821, 70 East Hillis St., Youngwood, PA 15697, Youngwood Borough, **Westmoreland County**. Tetra Tech, 661 Andersen Dr., Pittsburgh, PA 15220, on behalf of Milacron, 1 Batesville Blvd., Batesville, IN 47006, has submitted a Notice of Intent to Remediate. Soil and groundwater at the site have been contaminated with chlorinated solvents. The proposed cleanup standard for the site is the site specific standard. The Notice of Intent to Remediate was published in the *Tribune Review* on October 29, 2021.

#### DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

**Application for Determination of Applicability for General Permit Renewal 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/or the Beneficial Use of Municipal Waste.**

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

**General Permit Application No. WMGM044SE005. Revolution Recovery, LLC**, 7333 Milnor Street, Philadelphia, PA 19136-4210. This application is for the renewal of determination of applicability (DOA) under General Permit No. WMGM044SE005 (formerly WMGM044S) for processing and beneficial use of construction waste material at the Revolution Recovery—Philadelphia Site, located in the City of Philadelphia, **Philadelphia County**. The general permit application renewal for determination of applicability was received by the Southeast Regional Office on October 21, 2021.

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

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

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

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

**Permit Application No. 101706. Michael Brothers Hauling, Inc.**, 5331 McAnulty Road, Pittsburgh, PA 15236-2532. The application for renewal of a municipal waste permit for continued operation of the Michael Brothers Hauling, Inc., Construction and Demolition Waste Transfer Facility, 5331 McAnulty Road, Pittsburgh, PA 15236-2532 in Baldwin Borough, **Allegheny County** was accepted as administratively complete in the Regional Office on October 26, 2021.

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

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

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

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

type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate Department Regional Office.

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

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

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

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

*Contact: Raymond Kempa, New Source Review Chief, (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 to **Keystone Sanitary Landfill, Inc.** (249 Dunham Drive, Dunmore, PA 18512) for their facility located in Dunmore and Throop Boroughs, **Lackawanna County**. The facility currently has a Title V Permit # 35-00014. This **Plan Approval No. 35-00014A** will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

Plan Approval No 35-00014A is for the expansion at the site. The expansion area is to be located within the current permit boundary and involves expanding over and between existing fill areas. The existing flare system will provide sufficient combustion capacity and backup flare capacity to destroy all of the landfill gas generated over the life of the landfill including the proposed expansion. This expansion does not increase their current permitted waste acceptance rates being introduced into the landfill (7,250 tons per day average, 7,500 tons per day maximum). Up to 100% of the LFG generated by Keystone will be sent to third-party end-users for beneficial use, with the exception of periodic onsite LFG usage for flare maintenance and to ensure operational integrity of such onsite devices. Keystone Sanitary Landfill is a major facility subject to Title V permitting requirements and is located in Dunmore and Throop Boroughs, Lackawanna County. The enclosed flares have a destruction efficiency in excess of 98% for non-methane volatile organic compounds, which meet current Best Available Technology

(BAT) requirements. The company shall comply with 123.31 for malodorous emissions. The company shall comply with 123.13 for particulate emissions. The company shall comply with 123.41 for visible emissions. The landfill expansion is also subject to NSPS Part 60, Subpart XXX and MACT Part 63, Subpart AAAA. The Operating Permit will include testing, monitoring, recordkeeping, and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

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

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 35-00014A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient.

Written comments or requests for a public hearing should be directed to Ray Kempa, Environmental Engineer Manager, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701, Phone 570-826-2511 within 30 days after publication date.

**40-00002B: Transcontinental Gas Pipeline Company, LLC** (2800 Post Oak Blvd., Houston, TX 77251), for their facility located in Buck Township, **Luzerne County**. The facility currently operates under Title V Operating Permit No. 40-00002. 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. 40-00002B is for the installation and operation of two (2) new Solar Titan 250 natural gas-fired compressor turbines, two (2) new natural gas-fired generators and ancillary equipment at the existing compressor station. The company will also be removing five (5) natural gas fired reciprocating compressor engines. The existing compressor station is a major source for NO<sub>x</sub> emissions only. The facility will remain a minor source for other pollutants after installation of the proposed new equipment. The project will not be subject to PSD or NNSR. The new equipment will meet Pennsylvania Best Available Technology (BAT). The turbines will be subject to 40 CFR Part 60, Subpart KKKK and 40 CFR 63 Subpart YYYY requirements as applicable. The generators will be subject to 40 CFR Part 60, Subpart JJJJ and 40 CFR 63 Subpart ZZZZ requirements as applicable.

The company shall comply with § 123.31 for malodorous emissions. The company shall comply with § 123.13 for particulate emissions. The company shall comply with § 123.41 for visible emissions. Solar's SoLoNO<sub>x</sub> technology will mitigate emissions of oxides of nitrogen (NO<sub>x</sub>) & CO from the Solar Titan 250 combustion turbines. The combustion and control systems are designed to reduce NO<sub>x</sub>, CO and unburned hydrocarbons to attain NO<sub>x</sub> emission level of 9 PPM, CO emission level of 10 PPM and hydrocarbon at 5 PPM corrected to 15% oxygen when burning natural gas. The company will operate the turbines 8,760 hours annually.

The company will operate the facility and maintain the sources in accordance with the good engineering practices to assure proper operation of sources. 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 DEP, 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. 40-00002B and a concise statement regarding the relevancy of the information or objections to the issuance of the permit is required.

A public hearing may be held, if the DEP, 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., Environmental Engineer Manager, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701, Phone 570-826-2511 within 30 days after publication date.

*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.*

**67-05083G: Calpine Mid-Merit, LLC** (500 Delaware Avenue, Suite 600, Wilmington, DE 19801) for the modification of the York Energy Center Block 2 Electricity Generation Project's turbine BACT emission limits. These limits are imposed on each combined cycle (CC) combustion turbine (CT) associated with the project. The existing facility is located in Peach Bottom Township, **York County**. The modification consists of the following changes to the requirements of P.A. No. 67-05083F (issued on August 1, 2016): 1.) Remove provisional status of any emission limits previously so specified except CO,

2.) Remove requirement for second stack test related to provisional emission limits, and 3) Revise the CO BACT emission limit for the CTs firing ULSD without duct burners from 3.5 ppmvd 15% O<sub>2</sub> (3-hour block average; average of 3 test runs) to a bifurcated limit as follows:

- Load  $\geq$  90% = 2.0 ppmvd at 15% O<sub>2</sub> (3-hour block average; average of 3 test runs)
- Load  $<$  90% = 3.5 ppmvd at 15% O<sub>2</sub> (3-hour block average; average of 3 test runs)

The York Energy Center Block 2 Electricity Generation Project consists of the following:

1. Two NG/ULSD fuel oil-fired CC combustion turbines (Source IDs 205 and 206) controlled by a selective catalytic reduction (SCR) system (NO<sub>x</sub> control) and an oxidation catalyst (CO and VOC control) in series. Dry low NO<sub>x</sub> technology will also be employed during NG fuel firing. Water injection technology (NO<sub>x</sub> control) will also be employed during ULSD fuel oil firing;
2. One NG-fired auxiliary boiler (Source ID 031);
3. One cooling tower (Source ID 501) controlled by a high efficiency mist eliminator (PM/PM<sub>10</sub>/PM<sub>2.5</sub> control);
4. NG piping components (Source ID 502);
5. Circuit breakers (Source ID 503);
6. Five NG condensate storage tanks and one ULSD fuel oil storage tank (Source ID 504).

There is no expected increase in facility emissions as a result of the modified BACT emission limits. The facility is a Title V facility. The Department'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 (BAT) requirement of 25 Pa. Code §§ 127.1 and 127.12; 40 CFR Part 60, Subpart KKKK—Standards of Performance for Stationary Combustion Turbines (re: Source IDs 205 and 206); 40 CFR Part 60, Subpart TTTT—Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units (Source IDs 205 and 206); 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units (re: Source ID 031); the Acid Rain Program requirements of 40 CFR Part 72; the Cross-State Air Pollution Rule (CSAPR) requirements of 40 CFR Part 97; the continuous emission monitoring systems (CEMS) requirements of 25 Pa. Code § 139.101 and 40 CFR Part 75; the Prevention of Significant Deterioration of Air Quality (PSD) regulations of 25 Pa. Code §§ 127.81—127.83, and 40 CFR 52.21; the Nonattainment New Source Review (NNSR) regulations of 25 Pa. Code §§ 127.201—127.218. Based on these findings, the Department proposes to issue a plan approval for the modified limits. 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 specifications of the application for plan approval, the requirements established in the plan approval will be incorporated into the facility's Title V Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450(a)(5).

#### 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.*

**23-00082: Liberty Electric Power, LLC** (1000 Industrial Highway, Eddystone, PA 19022-1529) for renewal of the Title V Operating Permit (TVOP) for its natural gas-fired electric power generating facility located in Eddystone Borough, **Delaware County**.

The Liberty Electric Power plant has a nominal power generation capacity of 500 MW. The facility is comprised of two combustion turbines with duct burners for boosting the turbines' heat output and a cooling tower. Actual emissions from the facility of the following pollutants averaged over the past two years in tons per year were as follows: nitrogen oxides (NO<sub>x</sub>)—165; volatile organic compounds (VOC)—14; carbon monoxide (CO)—64; particulate matter (PM/PM<sub>10</sub>)—54; sulfur oxides (SO<sub>x</sub>)—8; ammonia (NH<sub>3</sub>)—15.

The proposed Title V Operating Permit renewal does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The facility is subject to 40 CFR Part 60 Subpart KKKK—Standards of Performance for Stationary Combustion Turbines, 40 CFR Part 60 Subpart UUUUa—Emission Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units, 40 CFR Part 97—Federal NO<sub>x</sub> Budget Trading Program and CAIR NO<sub>x</sub> and SO<sub>2</sub> Trading Programs, and Title IV—Acid Rain. Applicable requirements of the Subparts are included in the Operating Permit. The Acid Rain permit issued under separate cover for the term January 1, 2020—December 31, 2024.

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.

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

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

**13-00005: ITG Cigars, Inc.** (1000 Tresckow Road, McAdoo, PA 18237-2504). The Department intends to issue a renewal Title V Operating Permit for a tobacco processing facility in Banks Township, **Carbon County**. The facility sources include three (3) natural gas and no. 6 fuel oil-fired boilers, parts cleaners, five (5) casting lines, one (1) 200 kW diesel-fired emergency generator, and four (4) coating mix tanks. Control devices include wet scrubbers for casting lines. These sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. The proposed Title V Operating Permit includes all applicable emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

**35-00069: Lackawanna Energy Center, LLC** (1000 Sunnyside Road, Jessup, PA 18434). The Department intends to issue an initial Title V Operating Permit for a 1,500 MW natural gas-fired combined-cycle electrical generation facility located in Jessup Borough, **Lackawanna County**. The facility equipment within the initial

Title V Operating Permit consists of the equipment authorized for installation under Plan Approval 35-00069B. Plan Approval 35-00069C, referenced in Section H of the initial Title V Operating Permit, was issued for the authorization of the purchase of ERC's required under Plan Approval 35-00069B. The facility includes three (3) identical 1 x 1 power blocks. Each combined-cycle process block includes one (1) combustion gas turbine with one (1) heat recovery steam generator, one (1) steam turbine, and one (1) air-cooled condenser. Additional equipment on site includes one (1) 2,000 kW diesel-fired emergency generator, one (1) 315 HP diesel-fired emergency fire water pump, one (1) 184.8 MMBtu/hr natural gas fired boiler, one (1) 12 MMBtu/hr natural gas fuel gas heater, three (3) lubricating oil storage tanks, and one (1) aqueous ammonia storage tanks. These sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. The proposed Title V Operating Permit includes all applicable emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

**35-00008: Gentex Corp Simpson Prot Clothing Plant** (324 Main Street, Simpson, PA 18407-1182). The Department intends to issue a renewal of the Title V Operating Permit for the manufacturing of ophthalmic goods facility located in Fell Township, **Lackawanna County**. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code Chapter 127, Subchapter G. The sources consist of spray paint booths, two (2) spreaders, two (2) boilers, and optical coating lines. The sources are controlled by two (2) regenerative thermal oxidizers (RTO). The proposed Title V Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

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

**59-00004: Ward Manufacturing, LLC** (P.O. Box 9, Blossburg, PA 16912-0009) a Title V operating permit renewal for the Blossburg Plants 1-3 located in Blossburg Borough, **Tioga County**. In accordance with 25 Pa. Code § 127.521, the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the previously-mentioned facility. The subject facility has the following potential emissions: 281.83 TPY of CO; 54.26 TPY of NO<sub>x</sub>; 110.73 TPY of SO<sub>x</sub>; 219.75 TPY of PM/PM<sub>10</sub>; 198.89 TPY of VOCs; 8.40 TPY of total HAPs; and 123,463 TPY of CO<sub>2e</sub>. The facility's sources include a scrap metal cupola, molding lines, core machines, annealing ovens, grinders, sanders, Tumbblast machines, molding and casting operations, wastewater evaporators, parts washers, emergency generator engines and miscellaneous combustions sources, which have the potential to emit major quantities of carbon monoxide (CO), volatile organic compounds (VOCs), sulfur oxides (SO<sub>x</sub>) and particulate matter (PM/PM<sub>10</sub>). The facility has the potential to emit nitrogen oxides (NO<sub>x</sub>) and hazardous air pollutant (HAP) emissions below the major emission thresholds. 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 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 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.

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

*Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.*

**65-00354: Sunoco Partners Marketing & Terminals, L.P.** (1734 Old Route 66, Delmont, PA 15626). In accordance with Pa. Code 25 §§ 127.441, 127.425 and 127.521, the Department is providing notice that they intend to issue a renewed Title V Operating Permit for the continued operation of a bulk gasoline transfer terminal, known as the Delmont Terminal, located in Salem Township, **Westmoreland County**.

The facility consists of six large, storage tanks, with capacities between 268,548 and 2,497,194 gallons (1-barrel petroleum = 42 US gallons) and two smaller, storage tanks, 99,180 and 100,072 gallons, capable of storing gasoline and liquid VOCs with a vapor pressure lower than gasoline, one 1,292,382 gallon storage tank, capable of storing distillate oil, and equipment for gasoline and distillate, tank truck, loading racks. Ethanol is blended into the raw gasoline in the loading racks. VOC emissions are controlled by internal floating roofs in storage tanks. VOC emissions during loading are also normally controlled by a vapor recovery unit (VRU), or alternatively, a backup, vapor combustion unit (VCU).

Annual facility-wide potential emissions in the normal mode are 91 tons of VOC, 2 tons of CO, and 7 tons of all HAPs combined. In the Alternative Operating Mode when the VCU is operating, annual facility-wide potential emissions are 128 tons of VOC, 22 tons of CO, 9 tons of NO<sub>x</sub>, and 6 tons of all HAPs combined. Sources at the facility are subject to applicable requirements in 40 CFR Part 60, Subpart A—General Provisions, 40 CFR Part 60, Subpart Ka—Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984, 40 CFR Part 60, Subpart XX—Standards of Performance for Bulk Gasoline Terminals, 40 CFR Part 63, Subpart A—General Provisions, 40 CFR Part 63 Subpart BBBBBB—National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities, and 25 Pa. Code Chapters 121-145. No equipment or emission changes are being approved by this action. The permit includes emission limitations and operational, monitoring, testing, recordkeeping, work practice, and reporting requirements for the facility.

The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by contacting Tom Joseph, Facilities Permitting Chief, directly.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of this Title V Operating Permit may submit the information to Martin L. Hochhauser, P.E., Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address, and telephone number of the person submitting the comments, identification of the proposed Operating Permit (specify Operating Permit TVOP-65-00354) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. In accordance with 25 Pa. Code § 127.428, prior to issuing an operating permit, the Department may hold a fact-finding conference or hearing at which the petitioner, and a person who has properly filed a protest under § 127.426 (relating to filing protests) may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant, and other participants will be notified of the time, place and purpose of a conference or hearing, in writing or by publication in a newspaper or the *Pennsylvania Bulletin*, unless the Department determines that notification by telephone will be sufficient.

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

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

**16-00132: Clarion Boards, LLC** (P.O. Box 340, Shippenville, PA 16254). The Department intends to renew the Title V operating permit for the manufacturer of medium density fiberboard located in Paint Township, **Clarion County**. The facility's primary emission sources include: 137 million Btu/hr wood dust burner and drying and press system controlled by a RTO; sawing, sanding, and finishing systems; 2 diesel-fueled emergency engines; and 4 natural gas fueled 5,966 HP electric generators. The facility is a major source of CO and NO<sub>x</sub>. Actual reported emissions for the facility for 2020 were: 111 tons NO<sub>x</sub>; 19 tons SO<sub>x</sub>; 184 tons CO; 33 tons PM<sub>10</sub>; 3 tons PM<sub>2.5</sub>; 35.88 tons VOCs; 12.92 tons all HAPs combined; and 193,000 tons CO<sub>2</sub>. This facility is subject to the following Standards of Performance of 40 CFR Part 60: Subpart JJJJ for Stationary Spark Ignition Internal Combustion Engines. It is also subject to the following National Emission Standards for Hazardous Air Pollutants in 40 CFR Part 63: Subpart ZZZZ for Stationary Reciprocating Internal Combustion Engines. The facility is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The conditions of the previous plan approvals and operating permit are incorporated into the renewal permit.

**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.*

**23-00024: Hanson Aggregates, Glen Mills Quarry** (533 Forge Road, Glen Mills, PA 19342) for a Renewal Non-Title V Facility, State-Only, Synthetic Minor Permit in Thornbury Township, **Delaware County**. Hanson operates a quarry and rock crushing operations. The

company has site wide NO<sub>x</sub> and VOC's emission limits of 24.9 tons per year. The PM emissions are restricted to a limit of 99.9 tons per year. The facility is subject 40 C.F.R. 60 Subpart 000. Monitoring, recordkeeping, and reporting requirements have been added to the permit to address applicable limitations.

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

**09-00206: B & J Group** (1001 New Ford Mill Road, Morrisville, PA 19067-3704) located in Falls Township, **Bucks County**. In accordance with the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F, a renewal is conducted. The B & J Group facility consists of above ground storage tanks, a paint stripper manufacturing operation and chemical repackaging process. The facility is a source of volatile organic compound (VOC) and hazardous air pollutant (HAP) emissions. The operation of the facility will have emission restrictions, that will not exceed 5.0 tons of VOCs, 9.90 tons of a single HAP and 15.0 tons of total HAPs on a 12-month rolling basis. The operating permit contains work practice standards, monitoring and recordkeeping requirements, and operating restrictions designed to keep the sources and facility operating within all applicable air quality requirements.

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

**15-00152: Sunoco Pipeline LP** (490 Milford Rd., Downingtown, PA 19335) for the operation of the Eagle Pump Station natural gas liquids pumping station located in Upper Uwchlan Township, **Chester County**. The permit is for a non-Title V (State Only) facility. The facility's potential to emit criteria pollutants is less than major thresholds; therefore, the facility is a Natural Minor. The actual volatile organic emissions (VOCs) emissions from the facility shall not exceed 24.9 tons per year. This action is a renewal of the State Only Operating Permit. The initial permit was issued on March 2, 2017 and will expire on March 22, 2022. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**15-00145: Vanguard Group/Malvern East Campus**, 100 Vanguard Blvd, Malvern, PA 19087 for a Non-Title V Facility, State-Only, Synthetic Minor Permit in Tredyffrin Township, **Chester County**. Vanguard Malvern East campus accommodates workstations and ancillary systems in support of a range of positions in the financial services industry. The sources of emissions are generators. The company has an emission limit of 24.9 tons per year of NO<sub>x</sub>. No changes to the current operating process have been proposed. Monitoring, recordkeeping, and reporting requirements have been added to the permit to address applicable limitations.



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

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

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

**40-00052: New Enterprise Stone & Lime Co. Inc.** (215 E Saylor Ave, Wilkes-Barre, PA 18702) for the operation of sources at their Laflin Quarry located in Jenkins Township, **Luzerne County**. This is a renewal of a State-Only Operating Permit. The State-Only Operating Permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

**40-00065: SVC Manufacturing Inc./Gatorade Plant** (750 Oak Hill Rd, Mountain Top, PA 18707) for the operation of sources at their facility located in Wright Township, **Luzerne County**. This is a renewal of a State-Only Operating Permit. The State-Only operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

**40-00001: On Semiconductor/Fairchild Plant** (125 Crestwood Dr., Mountain Top, PA 18707-2107). The Department intends to issue a renewal State-Only (Natural) Minor Operating Permit for the Semiconductors and Related Devices facility in Wright Township, **Luzerne County**. The sources consist of boilers and plasma etchs. The control devices consist of carbon adsorbers and scrubbers. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**54-00062: World Resources Co, dba WRC Proc, Inc.** (170 Walnut Ln., Pottsville, PA 17901-8559). The Department intends to issue a renewal State-Only (Natural) Minor Operating Permit for the manufacturing of secondary nonferrous metals facility in Norwegian Township, **Schuylkill County**. The sources consist of extraction process and thermal concentrating unit. The control devices consist of scrubbers. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**40-00127: Acton Tech Inc./Pittston** (100 Thompson Street, Pittston, PA 18640-1437). The Department intends to issue a renewal State-Only (Synthetic) Minor Operating Permit for the manufacturing of paper coated and laminated and packaging facility in Jenkins Township, **Luzerne County**. The sources consist of etch film department. The control devices consist of an RTO. The sources are considered minor emission sources of nitrogen

oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

*Southcentral Region: Air Quality Program, 909 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.*

**22-05023: Lucknow-Highspire Terminals, LLC** (900 S. Eisenhower Blvd., Middletown, PA 17057) to issue a renewal of the State Only Operating Permit for the operation of the Paxton Street Terminals in Swatara Township, **Dauphin County**. The facility's potential emissions are approximately 1.92 tons of VOCs, 0.013 ton of CO, 0.008 ton of NO<sub>x</sub>, and 0.007 ton of SO<sub>x</sub>. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63 Subpart BBBBBB—National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities.

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

*Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.*

**11-00285: HRI, Inc./Johnstown Asphalt Plant** (270 Solomon Run Rd., Johnstown, PA 15904). In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department is providing notice of intent to issue a synthetic minor State Only Operating Permit for the operation of a batch process hot mix asphalt plant located in Richland Township, **Cambria County**.

HRI, Inc. owns and operates a batch process hot mix asphalt plant with a maximum production rate of 240 tons per hour. The facility is limited to 480,000 tons of asphalt concrete production in any 12-consecutive month period (12-cmp) and 2,000 hours of operation per 12-cmp. This facility has a potential to emit 9.6 tons/12-cmp of NO<sub>x</sub>, 21.3 tons/12-cmp CO, 0.4 ton/12-cmp SO<sub>x</sub>, 16.2 tons/12-cmp VOC, 30.1 tons/12-cmp PM, and 15.7 tons/12-cmp PM<sub>10</sub>. The proposed operating permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements for each unit.

The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by contacting Tom Joseph, Facilities Permitting Chief, directly.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront

Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (11-00285) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant, and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Tom Joseph, Facilities Permit Chief, at the previously listed address.

**56-00011: New Enterprise Stone & Lime Company, Inc./Central City Quarry** (P.O. Box 77, New Enterprise, PA 16664-0077). In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department is providing notice of intent to issue a synthetic minor State Only Operating Permit for the operation of a limestone crushing and screening operation located in Shade Township, **Somerset County**.

New Enterprise operates one limestone crushing/screening plant with a maximum production rate of 700 tons per hour. This facility has a potential to emit 57.6 tons/yr of NO<sub>x</sub>, 1.3 tons/yr CO, 0.0 ton/yr SO<sub>x</sub>, 1.1 tons/yr VOC, 88.8 tons/yr PM, and 46.0 tons/yr PM<sub>10</sub>. The facility is limited to 1,000,000 tons of sandstone production in any 12-consecutive month period (12-cmp). The 1,089 bhp Caterpillar diesel engine will be limited to 4,000 hours of operation per 12-consecutive month period (12-cmp). The proposed operating permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements for each unit.

The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by contacting Tom Joseph, Facilities Permitting Chief, directly.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (56-00011) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant, and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Tom Joseph, Facilities Permit Chief, at the previously listed address.

**63-01050: MarkWest Liberty Midstream & Resources, LLC/Huntington Farms Launcher/Receiver Site** (4600 J Barry Court, Canonsburg, PA 15317-5854). In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department is providing notice of intent to issue a natural minor State Only Operating Permit for a pipeline maintenance stand-alone facility where pigs are launched or received from the pipelines, located in Canton Township, **Washington County**.

MarkWest operates three pig receivers and four pig launchers at this site. This facility has the potential to emit 3.3 tons of VOCs and 0.14 ton of HAPs. The proposed operating permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements, as well as conditions required by the April 2018 Consent Decree filed between US EPA, the Department, and MarkWest.

The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by contacting Tom Joseph, Facilities Permitting Chief, directly.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (63-01050) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant, and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by

publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Tom Joseph, Facilities Permit Chief, at the previously listed address.

**65-00042: Gabriel Performance Products, LLC** (408 Manor Harrison City Road, Harrison City, PA 15636-1102) synthetic minor operating permit for the manufacturing of resin and paints located in Manor Borough, **Westmoreland County**. Air contamination sources at this facility consist of the following processes: natural gas combustion units for process heat, four reaction kettles and thinning tanks for the resin plant controlled by a regenerative thermal oxidizer (RTO), resin plant hopper loading, paint mixing plant, solvent cleanup, and various storage tanks for the paint and resin plant. Emissions are controlled through the use of two baghouses and an RTO. Emissions from this site are limited to 25.2 tons per year of VOCs, 9.3 tons per year single HAP, and 22.5 tons per year combined HAP. Potential emissions for other pollutants from natural gas combustion units include 6.4 TPY  $\text{NO}_x$ , 5.3 TPY  $\text{CO}$ , 2.3 TPY  $\text{PM}_{10}$ , 2.3 TPY  $\text{PM}_{2.5}$ , 0.4 TPY  $\text{SO}_x$ , and 7,575 TPY  $\text{CO}_2$ e. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The proposed synthetic minor State-Only Operating Permit includes emission restrictions, monitoring, recordkeeping, reporting, and work practice standards requirements for the site.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permitting Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (65-00042) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Tom Joseph, Facilities Permit Chief, at the previously listed address.

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

The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by contacting Tom Joseph, Facilities Permitting Chief, directly.

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

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

**10-00062: PA State System of Higher Education Slippery Rock University** (Maintenance Center Slip-

pery Rock, PA 16057-1313). The Department intends to issue the State Only Operating Permit for the boilers, emergency engines, and parts washer located in Slippery Rock Borough, **Butler County**. The sources at the facility include three (3) bituminous coal/gas fired boilers, two (2) natural gas fired boilers, emergency engines, and a parts washer. The facility was previously a Title V facility. The coal fired boilers meet the definition of limited use with an annual capacity factor of 10 percent. The facility requested an elective emission restriction for the coal boilers of 2 lb  $\text{SO}_2$  per million btu. The emissions were verified via stack test. With the limited amount of coal and the  $\text{SO}_2$  restriction, the  $\text{SO}_2$  emissions are less than 92.7 TPY on a 12-month rolling basis and therefore the facility is no longer considered a major source of  $\text{SO}_x$  emissions. The permit contains emission restrictions, testing, monitoring, recordkeeping, reporting, work practice, and additional requirements from the previous plan approvals to ensure compliance with the Clean Air Act and the Air Pollution Control Act. The emergency engines built after January 1, 2009 are subject to 40 CFR 60 Subpart JJJJ pertaining to NSPS for Reciprocating Internal Combustion Engines. The boilers are subject to the NESHAPs in 40 CFR 63 Subpart JJJJJJ. The particulate emissions from the coal fired boilers are controlled by fabric collectors. The potential emissions from the facility are: 1.14 TPY  $\text{PM}_{10}$ , 1.09 TPY  $\text{PM}_{2.5}$ , 78 TPY  $\text{NO}_x$ , 92.7 TPY  $\text{SO}_x$ , 55.8 TPY  $\text{CO}$ , 4.6 TPY VOC, 64,850 TPY  $\text{CO}_2$ , 2.1 TPY HCL, less than 10 TPY all combined HAPs.

**25-00943: EE Austin & Son, Incorporated** (1919 Reed Street, Erie, PA 16503-2159). The Department is providing notice that they intend to renew a State Only Natural Minor Operating Permit for operation of the concrete batch plant located in Erie City, **Erie County**. The facility's primary emission source consists of two diesel/fuel oil-fueled boilers and the concrete mixer and cement silo. The potential emission of  $\text{PM}_{10}$  is 66.05 TPY, and the rest of the pollutants are below major source thresholds; thus, the facility is a natural minor. The boilers are subject to 40 CFR 63 Subpart JJJJJJ, NESHAP for Boiler 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.

**43-00378: A Stucki D.B.A. American Industries** (1 American Way, Sharon, PA 16146-5032). The Department is providing notice that they intend to renew a State Only Natural Minor Operating Permit for operation of the American Industries facility owned by A. Stucki located in Sharon City, **Mercer County**. The facility manufactures and reconditions railroad rolling stock. The primary emission sources include oil quenching, painting, punching, cutting/grinding, welding, infrared gas heaters, shot blasting, and heat treating furnaces. The potential emissions of the primary pollutants from the facility are as follows: 3.54 TPY  $\text{PM}_{10}$  and  $\text{PM}_{2.5}$ , 6.60 TPY  $\text{NO}_x$ , 0.04 TPY  $\text{SO}_x$ , 5.55 TPY  $\text{CO}$ , 1.61 TPY VOC, and 0.19 TPY total HAPs; thus, the facility is a natural minor. 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 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.

#### PLAN APPROVALS

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

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

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

**40-00149A: Bridon Bakaert Corporation** (101 Stevens Lane, Exeter, PA 18643) for their facility in Exeter Borough, **Luzerne County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Bridon Bakaert Corporation (101 Stevens Lane, Exeter, PA 18643) for their facility in Exeter Borough, Luzerne County. This Plan Approval No. 40-00149A will be incorporated into a Natural Minor Permit at a later date.

Plan Approval No. 40-00149A is for the installation and operation of three (3) wire plastic coating extrusion lines and one (1) wire stranding line controlled by sixteen (16) baghouses. Particulate matter (PM) emissions from the facility will remain under their 100 TPY threshold limit

and Volatile Organic Compound (VOC) emissions from the facility will remain under their 50 TPY threshold limit, 12-month rolling sum each. The company shall be subject to and comply with 25 Pa. Code § 129.52d for VOC emissions and 25 Pa. Code § 123.13 for PM emissions. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 40-00149A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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

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

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to **Versum Materials US, LLC** (357 Marian Ave, Tamaqua, PA 18252) for their facility located in Rush Township, **Schuylkill County**. This Plan Approval No. 54-00019B will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 54-00019B is for the construction and operation of a tungsten hexafluoride production line with a wet scrubber to control hydrogen fluoride (HF) emissions. This line will result in the emission of small amounts of (HF), which is a hazardous air pollutant (HAP). No other pollutants, including particulate matter are emitted from the new tungsten hexafluoride production line. The controlled potential HAP emissions post-project will remain under 10 tpy, therefore the facility will remain a synthetic minor source. As the new production line is a new source as defined in 25 Pa. Code § 121.1, a Best Available Technology (BAT) review of the project is required per 25 Pa. Code § 127.12(a)(5) for HAP emissions. BAT for the new tungsten hexafluoride production line is deemed to be the use of a wet scrubber to control HAP emissions.

The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. The company shall be subject to and comply with 25 Pa. Code § 123.41 for Visible emissions. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 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. 54-00019B and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, P.E, EEM, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2507 within 30 days after publication date.

### COAL & NONCOAL MINING ACTIVITY APPLICATIONS

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

Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

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

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

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

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

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

#### *Coal Applications Received*

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

Table 1

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

<sup>1</sup> The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

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

**Permit No. 30161301 and NPDES Permit No. PA0236519. Marshall County Coal Resources, Inc.,** 46226 National Road, St. Clairsville, OH 43950 to revise the permit and related NPDES Permit for the installation of a degasification borehole for Marshall County Mine in Aleppo Township, **Greene County** affecting 0.80 proposed surface acre. No additional discharges. The application was considered administratively complete on October 20, 2021. Application received: September 9, 2021.

**Permit No. 03961301 and NPDES Permit No. PA0214787. Rosebud Mining Company,** 301 Market Street, Kittanning, PA 16201 to renew the permit and related NPDES Permit for reclamation only for Tracy Lynne Mine in Kiskiminetas Township, **Armstrong County**. No additional discharges. The application was considered administratively complete on October 20, 2021. Application received: August 23, 2021.

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

**Permit No. 11010102. E.P. Bender Coal Co., Inc.,** P.O. Box 594, Carrolltown, PA 15722, permit renewal for reclamation only of a bituminous surface mine in Reade Township, **Cambria County**, effecting 102 acres. Receiving streams: Fallentimber Run and Powells Run classified for the following use: CWF. Application received: October 25, 2021.

**Permit No. 11150101 and NPDES No. PA0279391. E.P. Bender Coal Co., Inc.,** P.O. Box 594, Carrolltown, PA 15722, permit and NPDES renewal for continued operation and restoration of a bituminous surface and auger mine in Reade Township, **Cambria County** affecting 65.7 acres. Receiving streams: unnamed tributaries to/and Fallentimber Run classified for the following use: CWF. Application received: October 26, 2021.

**Permit No. 05060101. Forcey Coal, Inc.,** 475 Banion Road, Madera, PA 15722, permit renewal for reclamation only of a bituminous surface mine located in Broad Top Township, **Bedford County**, affecting 95.0 acres. Receiving streams: Six Mile Run, classified for the following use: WWF. Application received: October 29, 2021.

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

**Permit No. 17940107. River Hill Coal Company, Inc.,** P.O. Box 141, Kylertown, PA 16847, permit revision for post-mining land use change and the addition of biosolids utilization for an existing coal surface mine located in Karthaus Township, **Clearfield County** affecting 531.0 acres. Receiving stream(s): Unnamed tributaries to West Branch Susquehanna River, unnamed tributaries to Upper Three Runs and unnamed tributaries to Saltlick Run classified for the following use(s): HW-CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: October 18, 2021.

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

**Permit No. 65140102 and NPDES Permit No. PA0278165. Amerikohl Mining, Inc.,** 1384 State Route 711, Stahlstown, PA 15687. Revision application for land use change from forestland to pastureland and/or land occasionally cut for hay to an existing bituminous surface mine, located in East Huntingdon Township, **Westmoreland County**, affecting 131.6 acres. Receiving streams: unnamed tributaries to Stauffer Run and Stauffer Run, classified for the following use: WWF. Application received: October 27, 2021.

#### *Noncoal Applications Received*

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

Table 2

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

\* The parameter is applicable at all times.

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

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

**NPDES No. PA0263222 (Mining Permit No. 11110301), Military Resource Enhancement Specialist,** 3179 Lincoln Highway, Stoystown, PA 15563. Renewal of NPDES permit, located in Conemaugh Township, **Cambria County**. Receiving streams: Little Conemaugh River classified for the following use: CWF. Application received: October 28, 2021.

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

**Permit No. 08210302 and NPDES No. PA0269948. Johnson Quarries, Inc.,** P.O. Box 136, Le Raysville, PA 18829. Commencement, operation, and restoration of a large noncoal (industrial minerals) surface mine located in Warren Township, **Bradford County** affecting 52.0 acres. A land use change from forestland to unmanaged natural habitat is proposed. Receiving stream(s): Unnamed tributary to Dewing Creek and Corbin Creek classified for the following use(s): CWF, MF. Application received: October 22, 2021.

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

**Permit No. 58142502. Edward Greene, III**, 21188 SR 171, Susquehanna, PA 18847, Stage I & II bond release of a quarry operation in Harmony Township, **Susquehanna County** affecting 10.0 acres on quarry owned by Edward Greene, III. Application received: October 27, 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. PA0279781 (Mining Permit No. 56210101), Heritage Coal and Natural Resources, LLC**, 550 Beagle Road, Rockwood, PA 15557, new NPDES permit for bituminous surface mine in Summit Township, **Somerset County**, affecting 653 acres. Receiving stream(s): unnamed tributaries to/and Elk Lick Creek, unnamed tributaries to/and Casselman River, classified for the following use(s): CWF and WWF. This receiving stream is included in the Casselman River TMDL. Application received: January 14, 2021.

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

The following treated wastewater outfalls discharge to unnamed tributary No. 2 to and Elk Lick Creek, unnamed tributaries to and Casselman River.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	Y	TFO
002	N	TFO
003	Y	TFO
004	Y	TFO
005	N	TFO
006	Y	TFO
007	N	TFO

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)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
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.

The following stormwater water outfalls discharge to Elk Lick Creek

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
009	Y	SWO
010	Y	SWO
011	Y	SWO
012	Y	SWO
013	N	SWO
014	N	SWO

<i>Outfalls: 009—014 (Dry Weather)</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)	N/A	N/A	Report
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.

<i>Outfalls: 009—014 (≤10-yr/24-hr Precip. Event)</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)	N/A	N/A	7.0
Total Settleable Solids (ml/l)	N/A	N/A	0.5

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

*Outfalls: 009—014 (>10-yr/24-hr Precip. Event)*  
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.  
Alkalinity must exceed acidity at all times.

The following stormwater water outfall discharges to unnamed tributary No 2 to Elk Lick Creek

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



<i>Outfalls: 008 (All Weather Conditions)</i> <i>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)	1.95	3.9	4.8
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.

The following stormwater water outfalls discharge to unnamed tributary Nos 1 and 4 to Casselman River

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
021	Y	SWO
022	Y	SWO
023	N	SWO

<i>Outfalls: 021—023 (All Weather)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
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.

The following stormwater water outfalls discharge to unnamed tributary No. 2 to Casselman River

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
015	Y	SWO
016	N	SWO
017	N	SWO
018	Y	SWO

<i>Outfalls: 015—018 (All Weather)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.7	3.4	4.2
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
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.

The following stormwater water outfalls discharge to Casselman River:

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

<i>Outfalls: 019 and 020 (Dry Weather)</i> <i>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)	N/A	N/A	Report
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.

<i>Outfalls: 019 and 020 (≤10-yr/24-hr Precip. Event)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	N/A	N/A	7.0
Total Settleable Solids (ml/l)	N/A	N/A	0.5

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

Alkalinity must exceed acidity at all times.

*Outfalls: 019 and 020 (>10-yr/24-hr Precip. Event)*

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

Alkalinity must exceed acidity at all times.

This proposed mine site also contains or is hydrologically connected to substandard discharges for which there is no responsible party. Pursuant to 25 Pa. Code § 87.201, effluent limits for those discharges will be based upon the existing baseline pollution load, or the standards found at 25 Pa. Code § 87.102(a) Group A, whichever is least stringent.

**NPDES No. PA0279391 (Mining Permit No. 11150101), E.P. Bender Coal Company, Inc.,** P.O. Box 594, Carrolltown, PA 15722, renewal of an NPDES permit for bituminous surface and auger mining in Reade Township, **Cambria**

**County**, affecting 65.7 acres. Receiving stream(s): Unnamed Tributary to/and Fallentimber Run, classified for the following use(s): CWF. This receiving stream is included in the Clearfield Creek TMDL. Application received: October 26, 2021.

The following outfall discharges to Unnamed Tributary to Fallentimber Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
003 (TF-1)	N

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

<i>Outfalls: (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.8
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
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.			

The following outfalls discharge to Fallentimber Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 (SP-1)	N
002 (SP-2)	N

<i>Outfalls: (Dry Weather)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.8
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
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.			

<i>Outfalls: (<math>\geq 10</math>-yr / 24-hr Precip. Event)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	N/A	N/A	7.0
Total Settleable Solids (ml/l)	N/A	N/A	0.5
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

#### *Noncoal NPDES Draft Permits*

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

**NPDES No. PA0115789 (Mining Permit No. 4774SM4), Hanson Aggregates Pennsylvania LLC**, 7660 Imperial Way, Allentown, PA 18195-1040, renewal of an NPDES permit for sand and gravel mining in Montoursville Borough and Fairfield Township, **Lycoming County** affecting 950 acres. Receiving stream(s): Bennetts Run and Tules Run classified for the following use(s): CWF. Application received: September 23, 2021.

The following outfall discharges to Bennetts Run and Tules Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
002	N	Treatment (Oil/Water Separator)

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

<i>Outfalls: 002</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
pH		Monitor & Report	
Benzene		Monitor & Report	
Oil & Grease		Monitor & Report	
Total Suspended Solids (mg/L)		Monitor & Report	
Flow (gpm or MGD)		Monitor & Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	N	Sediment Control/Settling
003	Y	Sediment Control/Settling

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

<i>Outfalls: 001 and 003</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Total Suspended Solids (mg/L)	35.0	70.0	90.0

Outfalls: 001 and 003

30-Day  
AverageDaily  
Maximum  
Monitor OnlyInstant.  
Maximum

Flow (gpm or MGD)

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

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

**NPDES Permit No. PA0226157 (Mining Permit No. 64212502), Rock Lake Inc.**, 3230 Creamton Drive, Lake Como, PA 18437, new NPDES Permit on General Permit for Bluestone GP-105 in Manchester Township, **Wayne County**, affecting 14.0 acres. The NPDES permit is located in the Equinunk Creek Watershed and classified for the following uses: HQ-CWF, MF. No discharge is proposed for the NPDES permit. Non-Discharging Best Management Practices will be in effect. Application received: February 23, 2021.

**NPDES Permit No. PA0226181 (Mining Permit No. 45842304), Louis J. Manzie, Inc.**, 1155 Francis Lane, Stroudsburg, PA 18360, new NPDES Permit for small noncoal permit in Stroud Township, **Monroe County** affecting 6.7 acres. The NPDES Permit is located in the Pocono Creek and Little Pocono Creek Watersheds and classified for the following uses: HQ-CWF, MF. No discharge is proposed for the NPDES permit. Non-Discharging Best Management Practices will be in effect. Application received: March 2, 2021.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

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

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

**E4802221-005. Barnsdale Associates, LLC**, 221 W. Langhorne Avenue, Bethlehem, PA 18017, in Freemansburg Borough & Bethlehem Township, **Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

The Department's characterization of the Chapter 105 waters and wetlands listed below differs from those of the applicant (refer to items 2, 3, 8, 9, and 10 below). The proposed project is to construct and maintain the following water obstructions and encroachments associated with the Pre-Act Quarry Reclamation project, which will involve grading and filling in and around an existing, abandoned, 75-acres former rock quarry for the purpose of eliminating a public safety hazard and grading the site for future development:

1) To fill and maintain the entirety of a 0.08-acre PEM wetland known as Wetland C (determined to be "Other" by the applicant) for the purpose of site grading, resulting in permanent loss of the resource.

2) To fill and maintain the entirety of a 0.44-acre PEM wetland known as Wetland D (Applicant determined to be "Other") for the purpose of site grading, resulting in permanent loss of the resource. (Based on its pre-application review and on-site evaluations, the Department considered Wetland D as "Exceptional Value").

3) To fill and maintain the entirety of a 1.63-acre PEM wetland known as Wetland F (Applicant determined to be "Other") for the purpose of site grading, resulting in permanent loss of the resource. (Based on its pre-application review and on-site evaluations, the Department considered Wetland F as "Exceptional Value").

4) To fill and maintain the entirety of a 0.01-acre PEM wetland known as Wetland I (Applicant determined to be "Other") for the purpose of site grading, resulting in permanent loss of the resource.

5) To fill and maintain the entirety of a 0.01-acre PEM wetland known as Wetland J (Applicant determined to be "Other") for the purpose of site grading, resulting in permanent loss of the resource.

6) To fill and maintain the entirety of a 0.32-acre open body of water (HQ-CWF, MF) for the purpose of site grading, resulting in permanent loss of the resource.

7) To fill and maintain the entirety of a 500 LF segment of a UNT to Nancy Run (HQ-CWF, MF) for the

purpose of site grading, resulting in permanent loss of the resource. This activity will result in a permanent stream loss of 500 LF for a total of 0.17-acre of impacts to the watercourse. This impact also results in a permanent floodway fill of 1.15-acres.

8) To fill and maintain the entirety of a 0.13-acre open body of water (HQ-CWF, MF) for the purpose of site grading, resulting in permanent loss of the resource. (The applicant did not identify this as a regulated resource in their application).

9) To fill and maintain the entirety of a 246 LF segment of a UNT to Nancy Run (HQ-CWF, MF) for the purpose of site grading, resulting in permanent loss of the resource. This activity will result in a permanent stream loss of 246 LF for a total of 0.07-acre of impacts to the watercourse. This impact also results in a permanent floodway fill of 0.56-acre. (The applicant did not identify this as a regulated resource in their application).

10) To place fill above and eliminate in its entirety an existing, 480 LF enclosed segment of a UNT to Nancy Run (HQ-CWF, MF) for the purpose of site grading, resulting in permanent loss of the resource. This activity will result in 480 LF of permanent stream loss for a total of 0.02-acre of impacts to the watercourse. (The applicant did not identify this as a regulated resource in their application).

The project is located at 1600 Freemansburg Avenue, Bethlehem, PA 18015 (Nazareth, PA Quadrangle Latitude: 40° 38' 14.03"; Longitude: -75° 20' 20.36") in Freemansburg Borough and Bethlehem Township, Northampton County.

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

**E3803221-002. Meadow Lane Farms Limited**, 225 North Presidential Boulevard, Bala Cynwyd, PA 19004, in North Cornwall Township, **Lebanon County**, U.S. Army Corps of Engineers, Baltimore District.

To 1.) install and maintain an 8.0-inch PVC sanitary sewer lateral under and across Snitz Creek (TSF, MF) and its floodway, impacting 20 linear feet of stream and 83 square feet of floodway; 2.) install and maintain an 8.0-inch PVC sanitary sewer lateral under and across Snitz Creek (TSF, MF), its floodway, and palustrine emergent exceptional value wetlands, impacting 15 linear feet of stream, 83 square feet of floodway, and 11 square feet of wetlands; 3.) construct and maintain a concrete pedestrian walkway in the floodway of Snitz Creek (TSF, MF) impacting 0.06 acre of floodway; and 4.) construct and maintain a stormwater swale in the floodway of Snitz Creek (TSF, MF) impacting 484 square feet of floodway, all for the purpose of accommodating a residential subdivision. The project is located approximately 0.5 mile

northeast of the intersection Walnut Street and North Mill Street (Latitude: 40.32860° N; Longitude: 76.45984° W) in North Cornwall Township, Lebanon County. Wetland impacts are de minimus and replacement is not required.

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.*

*Contact: Dana Drake, Program Manager.*

**E0205221-017, Penn Glenn Oil Works, Inc.**, 100 Logans Ferry Road, New Kensington, PA 15068, Plum Borough, **Allegheny County**; Pittsburgh ACOE District.

The applicant proposes to: Amend the existing permit 11930, which authorized the construction of a dock along the left bank of the Allegheny River, approximately 17.8 miles above its mouth, in Plum Township, Allegheny County. For the purpose of adding an additional barge mooring capacity.

The amendment proposes to: Construct and maintain an 8 x 8 ft pipe cluster along the left descending bank of the Allegheny River at river mile 17.7, for the purpose of mooring barges, to offload ethylene glycol to onsite holding tanks. Permanent impacts will include 64 square feet of river bottom.

The project site is located at 100 Logans Ferry Road (New Kensington West, PA USGS topographic quadrangle; N: 40°, 32', 42"; W: -79°, 45', 43"; Sub-basin 18A; USACE Pittsburgh District), in Plum Borough, Allegheny County.

*Southwest Region: Oil & Gas Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222.*

**E0407221-004: Chesapeake Appalachia, LLC**, 14 Chesapeake Lane, Sayre, PA 18840-1567. Kerry 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 Kerry 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 0.268 acre of permanent impact to on-site wetlands. All impacts are associated with the Kerry Bea Pad and access road construction in 2012. Finally, 1,870 acres 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.

**Wetland Impact Table:**

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Cow. Class</i>	<i>Chapter 93 Designation</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—JLK—202—P	New Galilee	Temp Workspace	PFO	Other			6,360		40.771 -80.476
W—JLK—203—P	New Galilee	Fill	PFO	Other			3,441		40.771 -80.480

Resource Name	Municipality Quadrangle	Activity	Cow. Class	Chapter 93 Designation	Impact Area Temp. (SF)	Impact Length Temp. (LF)	Impact Area Perm. (SF)	Impact Length Perm. (LF)	Lat. Long.
W—JLK—205—P	New Galilee	Temp Workspace	PFO	Other			436		40.771 -80.477
W—JLK-202/ W—JLK-205—P	New Galilee	Fill	PFO	Other			1,437		40.771 -80.477
TOTAL IMPACTS							11,674		

*Eastern Region: Oil & Gas Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**E5729221-006: Chesapeake Appalachia, LLC**, 14 Chesapeake Lane, Sayre, PA 18840, Cherry and Colley Townships, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary road crossing using timber mats and a 16-inch waterline impacting 1,560 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Colley, PA Quadrangle 41° 32' 07" N, 76° 19' 45" W);

2) A temporary road crossing using timber mats and a 16-inch waterline impacting 2,200 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Colley, PA Quadrangle 41° 32' 25" N, 76° 20' 00" W);

3) A temporary road crossing using timber mats and a 16-inch waterline impacting 640 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Colley, PA Quadrangle 41° 32' 36" N, 76° 19' 27" W);

4) A temporary road crossing using timber mats and a 16-inch waterline impacting 1,560 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 6 linear feet of an unnamed tributary to North Fork Mehoopany Creek (CWF) (Colley, PA Quadrangle 41° 32' 38" N, 76° 19' 22" W);

5) A temporary road crossing using timber mats and a 16-inch waterline impacting 16 linear feet of an unnamed tributary to North Fork Mehoopany Creek (CWF) (Colley, PA Quadrangle 41° 32' 38" N, 76° 19' 22" W);

6) A temporary road crossing using timber mats and a 16-inch waterline impacting 1,740 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 2 linear feet of an unnamed tributary to North Fork Mehoopany Creek (CWF) (Colley, PA Quadrangle 41° 32' 37" N, 76° 19' 18" W);

7) A temporary road crossing using timber mats and a 16-inch waterline impacting 1,160 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 12 linear feet of an unnamed tributary to North Fork Mehoopany Creek (CWF) (Colley, PA Quadrangle 41° 32' 36" N, 76° 19' 14" W);

8) A temporary road crossing using timber mats and a 16-inch waterline impacting 5,520 square feet of an exceptional value palustrine emergent (EV-PEM) wetland, and 1,000 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Colley, PA Quadrangle 41° 32' 36" N, 76° 19' 12" W);

9) A temporary road crossing using timber mats and a 16-inch waterline impacting 4,720 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Colley, PA Quadrangle 41° 32' 37" N, 76° 19' 01" W);

The project will result in 36 linear feet of temporary stream impacts and 17,756 square feet (0.41 acre) of temporary wetland impacts and 1,000 square feet (0.02 acre) of permanent wetland impacts all for the purpose of installing a temporary waterline in Cherry and Colley Townships, Sullivan County.

#### ENVIRONMENTAL ASSESSMENTS

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.*

*Contact: Dana Drake, Program Manager.*

**EA6305221-001, Peters Township Land Co.**, P.O. Box 238, Presto, PA 15142, Collier Township, **Allegheny County**; Pittsburgh ACOE District.

The applicant proposes to:

1. Drain the existing 0.49-acre on-stream pond/non-jurisdictional dam, and remove the headwall and existing 24-inch 74 LF corrugated plastic pipe in a UNT to Chartiers Creek (WWF);

2. Place and maintain fill (0.43 acre) within the floodway the same UNT;

3. Restore and maintain 255 LF of the formerly impounded same UNT;

4. Construct, operate and maintain a 24-inch 88 LF CPP within the same UNT for the construction of a 12-foot access road; and

5. Construct, operate and maintain a 12-foot access road over an existing 24-inch 38 LF CPP within the same UNT.

For the purposes of constructing a private residential development, which will consist of three single family dwellings, access roads, associated infrastructure and stormwater management facilities.

The project site is located northeast of the intersection of Braeburn Drive and East McMurray Rd (Bridgeville, PA USGS topographic quadrangle; N: 40°, 16', 24.1392"; W: -80°, 6', 43.7343"; Sub-basin 20F; USACE Pittsburgh District), in Peters Township, Washington County.

#### DAM SAFETY

*Central Office: Waterways Engineering & Wetlands, Rachel Carson State Office Building, 400 Market Street, 2nd Floor, Harrisburg, PA 17101, 717-787-8568.*

**D67-001. York Water Company**, 130 E. Market Street, York, PA 17401-1219. To modify, operate, and maintain Lake Williams Dam across East Branch Codorus Creek (WWF, MF), impacting 0.019 acre of PEM wetland and 107 feet of stream for the purpose of modifying an existing spillway structure in order to pass the required design storm (York, PA Quadrangle Lat: 38.8906; Long: -76.7297) in York Township, **York County**.

## ACTIONS

**THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT**
**FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS**

The Department has taken the following actions on previously received applications for new, amended, and renewed NPDES and WQM permits, applications for permit waivers, and NOIs for coverage under General Permits, as listed in the following tables. This notice of final action is published in accordance with 25 Pa. Code Chapters 91, 92a, and 102 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376). The official file for each listed action can be reviewed at the DEP or delegated county conservation district (CCD) office identified in the table for the action. DEP/CCD office contact information is listed as follows for Section I and is contained within the table for Section II. Additional information for permits issued under 25 Pa. Code Chapters 91 and 92a, including links to Individual NPDES and WQM Permits, may be reviewed by generating the “Final Actions Report” on DEP’s website at [www.dep.pa.gov/CWPUBLICNOTICE](http://www.dep.pa.gov/CWPUBLICNOTICE).

DEP office contact information to review official files relating to the final actions in Section I is as follows:

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

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

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

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

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

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

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**I. Final Actions on NPDES and WQM Permit Applications and NOIs for Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOS.**

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0289604	Industrial Stormwater Individual NPDES Permit	Issued	Advanced Polymer Tech Corp P.O. Box 160 109 Conica Lane Harmony, PA 16037-0160	Harmony Borough Butler County	NWRO
PAI139601	MS4 Individual NPDES Permit	Issued	PA DOT 400 North Street Harrisburg, PA 17120	Statewide Statewide	BCW
PAI139602	MS4 Individual NPDES Permit	Issued	PA Turnpike Comm 700 S Eisenhower Boulevard Harrisburg, PA 17057	Statewide Statewide	BCW

## NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0032611	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Issued	Portage Area Sewer Authority Cambria County 606 Cambria Street Portage, PA 15946-1516	Portage Township Cambria County	SWRO
PA0008796	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Stellant System 1035 Westminster Drive Williamsport, PA 17701-3911	Loyalsock Township Lycoming County	NCRO
PA0058866	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Blommer Chocolate Co. 1101 Blommer Drive East Greenville, PA 18041-2140	Upper Hanover Township Montgomery County	SERO
PA0103942	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	American Carpatho Russian Church 339 Pew Road Mercer, PA 16137-1723	Delaware Township Mercer County	NWRO
PA0114049	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Lewis Township Municipal Authority Union County P.O. Box 51 Millmont, PA 17845-0051	Lewis Township Union County	NCRO
PA0114766	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Dtac Diversified Trmnt Alternative Cntr 40 Lawton Lane Milton, PA 17847-9756	Susquehanna Township Lycoming County	NCRO
PA0216208	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Kotun John F 319 Anderson Hozak Road Clinton, PA 15026-1303	Raccoon Township Beaver County	SWRO
PA0061921	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Brookdale Drug & Alcohol Rehab LLC 2455 Black Mountain Road Scotrun, PA 18355	Pocono Township Monroe County	NERO
PA0252654	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Yough Sanitary Authority Fayette County P.O. Box 9 Dawson, PA 15428-0009	Dunbar Township Fayette County	SWRO
0320200	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Issued	PPG Ind, Inc. 4829 Fairland Road Barberton, OH 44203-3913	Cadogan Township Armstrong County	SWRO
6511201	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Issued	Cleveland Cliffs Monessen Coke LLC 345 Donner Avenue Monessen, PA 15062-1156	Monessen City Westmoreland County	SWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
6089415	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Lewis Township Union County P.O. Box 51 Millmont, PA 17845-0051	Lewis Township Union County	NCRO
NOEX09702	No Exposure Certification	Issued	Certech Inc. 550 Stewart Road Wilkes-Barre, PA 18706	Hanover Township Luzerne County	NERO
NOEX13202	No Exposure Certification	Issued	Polytek Development Corp 55 Hilton Street Easton, PA 18042-7335	Williams Township Northampton County	NERO
PAG030080	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	John Rock Inc. 500 Independence Way Coatesville, PA 19320-1689	West Caln Township Chester County	SERO
PAG030090	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Mittal Metal Proc LLC 2320 Big Oak Road Langhorne, PA 19047	Middletown Township Bucks County	SERO
PAG122218	PAG-12 NPDES General Permit for CAFOs	Issued	Dale Stoltzfus 160 Farm View Road Schuylkill Haven, PA 17972	Washington Township Schuylkill County	SCRO
PAG123624	PAG-12 NPDES General Permit for CAFOs	Issued	Ebling Joann L & Ebling Earl G 761 Airport Road Bethel, PA 19507-9696	Bethel Township Berks County	SCRO
PAG123626	PAG-12 NPDES General Permit for CAFOs	Issued	Hershey Farms LLC 338 Sunny Burn Road Elizabethtown, PA 17022-9664	Mount Joy Township Lancaster County	SCRO
PAG123690	PAG-12 NPDES General Permit for CAFOs	Issued	Brubaker Jodie 1908 Valley Road Manheim, PA 17545-9666	Rapho Township Lancaster County	SCRO
PAG123735	PAG-12 NPDES General Permit for CAFOs	Issued	Horst Edward B 251 West Bunker Hill Road Womelsdorf, PA 19567	Heidelberg Township Berks County	SCRO
PAG123762	PAG-12 NPDES General Permit for CAFOs	Issued	Hillandale Gettysburg LP 3910 Oxford Road Gettysburg, PA 17325-8367	Tyrone Township Adams County	SCRO
PAG123789	PAG-12 NPDES General Permit for CAFOs	Issued	Noah W Kreider & Sons LLP 1461 Lancaster Road Manheim, PA 17545-9768	Penn Township Lancaster County	SCRO
PAG123865	PAG-12 NPDES General Permit for CAFOs	Issued	Moyer Ben 807 Ono Road Jonestown, PA 17038	East Hanover Township Lebanon County	SCRO
PAG124819	PAG-12 NPDES General Permit for CAFOs	Issued	Hackman Willard G 1012 Dean Hill Road Wellsboro, PA 16901-7407	Delmar Township Tioga County	SCRO
PAG124847	PAG-12 NPDES General Permit for CAFOs	Issued	Keister Family Farms LLC 105 Keisters Farm Lane Middleburg, PA 17842-9298	Franklin Township Snyder County	SCRO
PA0270806	Pesticides Individual NPDES Permit	Issued	PA Turnpike Comm P.O. Box 67676 Harrisburg, PA 17106-7676	Statewide Statewide	BCW
0993408	Sewage Land Application Individual WQM Permit	Issued	Aqua PA Wastewater Inc. 762 W Lancaster Avenue Bryn Mawr, PA 19010-3402	Solebury Township Bucks County	SERO
1021411	Sewage Treatment Facilities Individual WQM Permit	Issued	Advanced Polymer Tech Corp P.O. Box 160 109 Conica Lane Harmony, PA 16037-0160	Harmony Borough Butler County	NWRO



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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
2021411	Sewage Treatment Facilities Individual WQM Permit	Issued	Keith & Vicky Fox 42452 State Rte 27 Titusville, PA 16354	Oil Creek Township Crawford County	NWRO
2521416	Sewage Treatment Facilities Individual WQM Permit	Issued	Taylor Vergil 4549 Nye Road West Springfield, PA 16443-2017	Elk Creek Township Erie County	NWRO
2521426	Sewage Treatment Facilities Individual WQM Permit	Issued	Mcdonald Renee 3008 Tamarack Drive Erie, PA 16506-1341	McKean Township Erie County	NWRO
4191403	Sewage Treatment Facilities Individual WQM Permit	Issued	Dtac Diversified Trmnt Alternative Cntr 40 Lawton Lane Milton, PA 17847-9756	Susquehanna Township Lycoming County	NCRO
4321411	Sewage Treatment Facilities Individual WQM Permit	Issued	Juergens William 153 Cowden Road New Wilmington, PA 16142-1823	Wilmington Township Mercer County	NWRO
4589407	Sewage Treatment Facilities Individual WQM Permit	Issued	Brookdale Drug & Alcohol Rehab LLC 2455 Black Mountain Road Scotrun, PA 18355	Pocono Township Monroe County	NERO
5670401	Sewage Treatment Facilities Individual WQM Permit	Issued	High Top LLC P.O. Box 1180 418 Epic Drive Chambersburg, PA 17201-5180	Somerset Township Somerset County	SWRO
6121402	Sewage Treatment Facilities Individual WQM Permit	Issued	Cubbon Keith P.O. Box 734 Barre, VT 05641-0734	Cherrytree Township Venango County	NWRO
1121401	Sewer Extensions WQM Individual Permit	Issued	Forest Hills Municipal Authority Cambria County P.O. Box 337 Saint Michael, PA 15951-0337	Conemaugh Township Cambria County	SWRO
PA0264091	Single Residence STP Individual NPDES Permit	Issued	Gregory & Mary Ann Hulbert 103 Hillside Drive Harmony, PA 16037-8701	Lancaster Township Butler County	NWRO
PA0267597	Single Residence STP Individual NPDES Permit	Issued	Beiswenger Trevor 3794 Kettle Road Altoona, PA 16601-8522	Tyrone Township Blair County	SCRO
PA0272892	Single Residence STP Individual NPDES Permit	Issued	Wojcik Walter 219 Indian Creek Road Eldred, PA 16731	Eldred Township McKean County	NWRO
PA0289582	Single Residence STP Individual NPDES Permit	Issued	Taylor Vergil 4549 Nye Road West Springfield, PA 16443-2017	Elk Creek Township Erie County	NWRO
PA0289621	Single Residence STP Individual NPDES Permit	Issued	Keith & Vicky Fox 42452 State Rte 27 Titusville, PA 16354	Oil Creek Township Crawford County	NWRO
PA0289841	Single Residence STP Individual NPDES Permit	Issued	Juergens William 153 Cowden Road New Wilmington, PA 16142-1823	Wilmington Township Mercer County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0289850	Single Residence STP Individual NPDES Permit	Issued	Cubbon Keith P.O. Box 734 Barre, VT 05641-0734	Cherrytree Township Venango County	NWRO
PA0289906	Single Residence STP Individual NPDES Permit	Issued	McDonald Renee 3008 Tamarack Drive Erie, PA 16506-1341	McKean Township Erie County	NWRO
PA0289922	Small Flow Treatment Facility Individual NPDES Permit	Issued	Hvizdak Michele 203 Levis Road Portersville, PA 16051-1901	Muddycreek Township Butler County	NWRO
1021414	Small Flow Treatment Facility Individual WQM Permit	Issued	Hvizdak Michele 203 Levis Road Portersville, PA 16051-1901	Muddycreek Township Butler County	NWRO
2141801	WQG-02 WQM General Permit	Issued	Gregg Township Sewer Authority Centre County P.O. Box 103 Spring Mills, PA 16875-0103	Penn Township Centre County	NCRO

**II. Final Actions on PAG-02 General NPDES Permit NOIs and Individual NPDES Permit Applications for Construction Stormwater.**

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC230199	PAG-02 General Permit	Issued	Media Walk at 6th, LLC P.O. Box 1798 Media, PA 19063	Media Borough Delaware County	SERO
PAC510004	PAG-02 General Permit	Issued	Southwest Leadership Academy Charter School 71 01 Paschall Avenue Philadelphia, PA 19142	City of Philadelphia Philadelphia County	SERO
PAC150261	PAG-02 General Permit	Issued	Bridgewater RE, LLC 210 Bridgewater Road Suite 3 Aston, PA 19014	Valley Township Chester County	SERO
PAC150097 A-2	PAG-02 General Permit	Issued	Tartan Investment Partners LP 1595 Paoli Pike Suite 201 West Chester, PA 19380	Easttown Township Chester County	SERO
PAC150270	PAG-02 General Permit	Issued	Stanbery West Goshen, LLC 2807A Delmar Drive Bexley, OH 43209	West Goshen Township Chester County	SERO
PAC510197 A-1	PAG-02 General Permit	Issued	2019 N 29th St, LLC P.O. Box 15196 Philadelphia, PA 19130-0196	City of Philadelphia Philadelphia County	SERO
PAC090413 A-1	PAG-02 General Permit	Issued	Pennswood Village 1382 Newtown-Langhorne Road Newtown, PA 18940-2418	Middletown Township Bucks County	SERO
PAC090485	PAG-02 General Permit	Issued	James Vanden Boom 7053 Stump Road Pipersville, PA 18947-1529	Plumstead Township Bucks County	SERO
PAD510069	Individual NPDES	Issued	300 Columbus LLC One Bryant Park New York, NY 10036-6744	City of Philadelphia Philadelphia County	SERO
PAD150025	Individual NPDES	Issued	Chester County Fund, Inc./ Redgo Development 600 Willowbrook Ln Ste 603 West Chester, PA 19382	East Whiteland Township Chester County	SERO

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD150239	Individual NPDES	Issued	Thomas Sean & Michelle O'Donnell 3362 Conestoga Rd Glenmoore, PA 19343	East Nantmeal Township Chester County	SERO
PAD150121 A-1	Individual NPDES	Issued	Jim Lim Ann Lim 1294 Farm Lane Berwyn, PA 19312	Willistown Township Chester County	SERO
PAD510044	Individual NPDES	Issued	Susquehanna Net Zero Housing, LP 1707 North Charles Street Suite 200A Baltimore, MD 21201	City of Philadelphia Philadelphia County	SERO
PAD460056	Individual NPDES	Issued	Magazzi, LLC & Gitonia, LLC P.O. Box 736 Ambler, PA 19034	Whitpain Township Montgomery County	SERO
PAD510060	Individual NPDES	Issued	Richmond Square Associates 1218 Green Street Philadelphia, PA 19123	City of Philadelphia Philadelphia County	SERO
PAD510202	Individual NPDES	Issued	Philadelphia Parks and Recreation 1515 Arch Street 11th Floor Philadelphia, PA 19102	City of Philadelphia Philadelphia County	SERO
PAD150232	Individual NPDES	Issued	Gary Frazee, Landowner 818 North Country Club Drive Newark, DE 19711	Franklin Township New London Township Chester County	SERO
PAC390131	PAG-02 General Permit	Issued	Griffin Industrial Realty 204 West Newberry Road Bloomfield, CT 06002	City of Allentown Lehigh County	Lehigh County Conservation District 4184 Dorney Park Road Suite 105 Allentown, PA 18104 610-391-9583
PAC4800124	PAG-02 General Permit	Issued	Mike Tuskes Wolf's Run Land, LLC 4511 Falmer Drive Bethlehem, PA 18020	Palmer Township Northampton County	Northampton County Conservation District 14 Gracedale Avenue Greystone Building Nazareth, PA 18064-9211 610-829-6276
PAC480121	PAG-02 General Permit	Issued	Janis Oliver 140 Northampton Street Easton, PA 18042	Washington Township Northampton County	Northampton County Conservation District 14 Gracedale Avenue Greystone Building Nazareth, PA 18064-9211 610-829-6276
PAC520008	PAG-02 General Permit	Issued	Pike Development Group, LLC P.O. Box 205 Matamoras, PA 18336 Attn: Chris Morgan	Westfall Township Pike County	Pike County Conservation District 556 Route 402 Suite 1 Hawley, PA 18428 570-226-8220
PAD390192	Individual NPDES	Issued	Liberty Property Trust Limited Partnership 400 Boulder Dr. Suite 200 Breinigsville, PA 18031	Lower Macungie Township Lehigh County	NERO
PAD390202	Individual NPDES	Issued	Foley, Inc. 855 Centennial Ave. Piscataway, NJ 08854	Weisenberg Township Lehigh County	NERO

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD480158	Individual NPDES	Issued	Graham & Shelby Simmons 4563 Oakwood Lane Nazareth, PA 18064	Plainfield Township Northampton County	NERO
PAD540021	Individual NPDES	Issued	Aqua Pennsylvania Wastewater, Inc. 1 Aqua Way White Haven, PA 18661	North Union Township Schuylkill County	NERO
PAD400046	Individual NPDES	Issued	Hazleton City Authority Water Department 400 E Arthur Parkway Hazleton, PA 18201	Sugarloaf Township Hazle Township Foster Township City of Hazleton Jeddo Borough Luzerne County	NERO
PAD500014	Individual NPDES	Issued	Hoover Bros Real Estate, LLC 3255 Pleasant Valley Road Elliottsburg, PA 17024	Saville Township Perry County	SCRO
PAD500015	Individual NPDES	Issued	Ralph J. Lesh III 15 Creekview Drive Newport, PA 17074-9799	Oliver Township Perry County	SCRO
PAD670043	Individual NPDES	Issued	Kinsley Construction, Inc. 2700 Water Street York, PA 17405	West Manchester Township York County	SCRO
PAC670381	Individual NPDES	Issued	Spring Valley Mulch, LLC 2470 Mill Creek Road Dover, PA 17315	Conewago Township York County	SCRO
PAC070099	PAG-02 General Permit	Issued	SHENLF, Inc. 420 Bradtree Lane Hollidaysburg, PA 16648	Frankstown Township Blair County	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814.696.0877, ext. 5
PAC210246	PAG-02 General Permit	Issued	Trinity High School 3601 Simpson Ferry Road Camp Hill, PA 17011	Lower Allen Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC210250	PAG-02 General Permit	Issued	Pennsy Supply, Inc. 2400 Thea Drive Suite 3A Harrisburg, PA 17110	Silver Spring Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC210264	PAG-02 General Permit	Issued	Waggoners Gap Road, LLC 952 Log Cabin Road Leola, PA 17540	North Middleton Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC670502	PAG-02 General Permit	Issued	Dover Township Sewer Authority 2480 West Canal Road Dover, PA 17315-3410	Dover Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430

## NOTICES

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC020002	PAG-02 General Permit	Issued	Forward Industrial Development Corporation 5300 State Route 52 South Belle Vernon, PA 15012	Forward Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8011
PAC020009	PAG-02 General Permit	Issued	Ferndale Development Group, LLC 10909 Perry Highway Wexford, PA 15090	Aleppo Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8011
PAC020155-A-1	PAG-02 General Permit	Issued	UPMC St. Margaret 815 Freeport Road Pittsburgh, PA 15215	City of Pittsburgh Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8011
PAC020520	PAG-02 General Permit	Issued	Shirley Holdings, LLC 100 Ryan Court Suite 21 Pittsburgh, PA 15205	South Fayette Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8011
PAC020530-A-2	PAG-02 General Permit	Issued	Allegheny County Airport Authority Landslide Terminal 4th Floor Mezzanine Pittsburgh, PA 15231	Findlay Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8011
PAC020619	PAG-02 General Permit	Issued	Future Development Group, LLC 1272 Mars-Evans City Road Evans City, PA 16033	Jefferson Hills Borough Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8011
PAC020691	PAG-02 General Permit	Issued	Halle Properties, LLC 20225 North Scottsdale Road Scottsdale, AZ 85255	West Mifflin Borough Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8011
PAC020740	PAG-02 General Permit	Issued	Hampton Township 3101 McCully Road Allison Park, PA 15101	Hampton Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8011
PAC020763	PAG-02 General Permit	Issued	Plate Mill, LP 2500 Eldo Road # 1 Monroeville, PA 15146	Munhall Borough Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8011

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC020765	PAG-02 General Permit	Issued	Summer Hill Real Estate Development, LLC 3413 Babcock Boulevard Pittsburgh, PA 15237	O'Hara Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8011
PAC020772	PAG-02 General Permit	Issued	Sailor Excavation & Paving Company 899 Baldwin Road Pittsburgh, PA 15207	West Mifflin Borough & Jefferson Hills Borough Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8011
PAC020783	PAG-02 General Permit	Issued	Columbia Gas of Pennsylvania, Inc. 4000 Energy Drive Bridgeville, PA 15017	Pleasant Hills Borough Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8011
PAD300011	PAG-02 Individual Permit	Issued	Peoples Natural Gas Company, LLC 375 North Shore Drive Pittsburgh, PA 15212	Morris Township Greene County	SWRO
PAC630221	PAG-02 General Permit	Issued	PA Finance II, LLC 4809 Burchap Drive Myrtle Beach, SC 28577	South Strabane Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Rd Suite 1 Washington, PA 15301 724-705-7098
PAC650055	PAG-02 General Permit	Issued	Totteridge Properties, LLC 325 Hannastown Road Greensburg, PA 15601	Salem Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Rd Greensburg, PA 15601 724-837-5271
PAC650278	PAG-02 General Permit	Issued	Cherry Hills, LP 905 Spruce Street Irwin, PA 15642	Hempfield Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Rd Greensburg, PA 15601 724-837-5271
PAC650286	PAG-02 General Permit	Issued	Rillton (Clay) DPP, LLC 9010 Overlook Blvd Brentwood, TN 37027	Sewickley Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Rd Greensburg, PA 15601 724-837-5271
PAC650293	PAG-02 General Permit	Issued	Seward (56) DPP, LLC 9010 Overlook Blvd Brentwood, TN 37027	Seward Borough & St. Clair Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Rd Greensburg, PA 15601 724-837-5271

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC650296	PAG-02 General Permit	Issued	Adam Eidemiller, Inc. 56 Sheraton Drive Suite 100 Greensburg, PA 15601	Hempfield Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Rd Greensburg, PA 15601 724-837-5271
PAC100244	PAG-02 General Permit	Issued	Diehl Realty LP 258 Pittsburgh Road Butler, PA 16002	Butler Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC100243	PAG-02 General Permit	Issued	Metarko Excavating 508B Perry Highway Harmony, PA 16037	Lancaster Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC370058	PAG-02 General Permit	Issued	Columbia Gas of Pennsylvania 4000 Energy Drive Bridgeville, PA 15017	Slippery Rock Township Lawrence County	Lawrence County Conservation District 430 Court Street New Castle, PA 16101 724-652-4512

**STATE CONSERVATION COMMISSION**

**NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Hamilton Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

**NUTRIENT MANAGEMENT PLAN**

**CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Benner’s Swine Barn, LLC 56 Platt Hollow Road Thompsontown, PA 17094	Juniata	574	611.45	Swine	NA	Approved
Llewellyn Moyer 650 Christmas Village Road Bernville, PA 19506	Berks	331.4	127.18	Ducks	NA	Approved

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
King Farms, LLC 50 Parkside Inn Road Bernville, PA 19506	Berks	40.2	2942.2	Poultry (layers)	NA	Approved

## PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).

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

Contact: Gillian Ostrum, 570-830-3077.

**Permit No. 6621503**, Public Water Supply.

Applicant	<b>Gurudev Express, Inc. Davan's Delight Restaurant</b> 1235 PA-29 North Tunkhannock, PA 18657
Township	Lemon Township
County	<b>Wyoming</b>
Type of Facility	PWS

Consulting Engineer	Michael P. Goodwin, P.E. Vice President Milnes Engineering, Inc. 12 Frear Hill Road Tunkhannock, PA 18657
Permit to Construct Issued	September 7, 2021
<b>Permit No. 4821506</b> , Public Water Supply.	
Applicant	<b>Northampton Area School District Lehigh Township Elementary School</b> 2014 Laubauch Avenue Northampton, PA 18067
Township	Lehigh Township
County	<b>Northampton</b>
Type of Facility	PWS
Consulting Engineer	Mr. Shane E. Niper, P.E. Snyder Hoffman Associates, Inc. 1005 West Lehigh Street Bethlehem, PA 18018
Permit to Construct Issued	October 18, 2021
<b>Permit No. 3921509MA</b> , Public Water Supply.	
Applicant	<b>Glencrest Realty Company</b> Glencrest Mobile Home Park 139 Country Club Road Northampton, PA 18067
Township	Washington Township
County	<b>Lehigh</b>
Type of Facility	PWS
Consulting Engineer	Mr. Garrett A. Stoy, PE Project Engineer UNI-TEC Consulting Engineers, Inc. 2007 Cato Avenue State College, PA 16801
Permit to Construct Issued	October 8, 2021
<b>Permit No. 5421505MA</b> , Public Water Supply.	
Applicant	<b>Schuylkill County Municipal Authority</b> 221 S. Centre Street Pottsville, PA 17901
Township	Blythe Township
County	<b>Schuylkill</b>
Type of Facility	PWS
Consulting Engineer	Michael T. Brown, PE Gannett Fleming, Inc. 207 Senate Avenue Camp Hill, PA 17011



Permit to Construct      October 18, 2021  
Issued

**Permit No. 4021502**, Public Water Supply.

Applicant                    **Providence Place of  
Hazleton GM Leader Corp.**  
149 South Hunter Highway  
Drums, PA 18222

Township                    Butler Township

County                        **Luzerne**

Type of Facility            PWS

Consulting Engineer      Mark Widdersheim, P.E.  
Entech Engineering, Inc.  
201 Penn Street  
Suite 300  
P.O. Box 32  
Reading, PA 19603

Permit to Construct      August 31, 2021  
Issued

*Northcentral Region: Safe Drinking Water Program,  
208 West Third Street, Williamsport, PA 17701.*

**Permit No. 1721504MA, Major Amendment.** Public  
Water Supply.

Applicant                    **City of DuBois  
Water Department**  
16 West Scribner Avenue  
DuBois, PA 15801

Township                    Sandy Township

County                        **Clearfield County**

Type of Facility            Public Water Supply

Consulting Engineer      Jeffrey R. Garrigan, P.E.  
Herbert, Rowland & Grubic, Inc.  
2568 Park Center Boulevard  
State College, PA 16801

Permit Issued              November 1, 2021

**Permit No. 1421509MA, Major Amendment.** Public  
Water Supply.

Applicant                    **Department of Corrections**  
1 Rockview Place  
P.O. Box A  
Bellefonte, PA 16823-0820

Township                    Benner Township

County                        **Centre County**

Type of Facility            Public Water Supply

Consulting Engineer      John R. Segursky, P.E.  
Uni-Tec Consulting  
Engineers, Inc.  
2007 Cato Ave.  
State College, PA 16801

Permit Issued              October 27, 2021

*Northcentral Region: Safe Drinking Water Program,  
208 West Third Street, Williamsport, PA 17701.*

**Operations Permit** issued to: **Kerryview Mobile  
Home Park**, 1009 Wesauking Drive, Towanda, PA 18848,  
PWSID No. 2080004, Columbia Township, **Bradford  
County** on November 1, 2021 for the operation of  
facilities approved under construction permit # 0889507-  
T1-A1. This permit authorizes operation of Well 1, Goulds  
submersible 1 HP pump operated at 20 gpm, pitless  
adapter, 2 pressure tanks (Gould 144 gallon and Trident

TDU-119 tank), ion exchange conditioner (consists of  
Pentair 24" x 72" tank with a Fleck 2900s 2" metered  
control valve and Resintech CGD-BL resin), Sensus flow  
meter, AquaMag injection, sodium hypochlorite injection,  
2 220-gallon contact tanks and distribution system. in  
Columbia Township, Bradford County. Please comply with  
the Special Conditions attached to the permit. This  
permit will supersede Permit No. 0889507-T1, which was  
approved on June 20, 2006.

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

**Permit No. 0221523MA, Minor Amendment.** Public  
Water Supply.

Applicant                    **Pennsylvania American  
Water Company**  
852 Wesley Drive  
Mechanicsburg, PA 17055

Municipality              City of Pittsburgh

County                        **Allegheny**

Type of Facility            Days tanks

Consulting Engineer      Pennsylvania American  
Water Company  
300 Galley Road  
McMurray, PA 15317

Permit Issued              October 22, 2021

## **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.*

**3 Sumner Lane**, 3 Sumner Lane, West Grove, PA 19390, Penn Township, **Chester County**. Stephen Huxta, PG, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Mr. & Mrs. Thomas Strode, 3 Sumner Lane, West Grove, PA 19390 submitted a Final Report concerning remediation of site soil contaminated with No. 2 heating oil. The report is intended to document remediation of the site to meet the Statewide health standard.

**Greyhound Lines**, 700-735 North Delaware Avenue, Philadelphia, PA 19123, City of Philadelphia, **Philadelphia County**. Janine Mueller, Pennoni Associates, Inc., 1900 Market Street, Suite 300, Philadelphia, PA 19103 on behalf of Sean McGovern, Fairmount Street Partners, LP, 359 Springfield Avenue, 2nd Floor, Summit, NJ 97901 submitted a Final Report concerning remediation of site soil contaminated with VOCs and SVOCs. The report is intended to document remediation of the site to meet the Statewide health standard.

**Commercial Property**, 105 Bala Avenue, Bala Cynwyd, PA 19004, Lower Merion Township, **Montgomery County**. Ryan B. Beebe, Crawford Environmental Services, LLC, 20 Cardinal Drive, Birdsboro, PA 19508 on behalf of Garrett Bergman, P.O. Box 465, Narberth, PA 19072 submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide health standard.

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

*Contact: Eric Supey, Environmental Program Manager.*

**Baylor Property**, 6064 Old Hickory Road, Coopersburg, PA 18036, Upper Saucon Township, **Lehigh County**. JMT Industrial & Environmental Contracting Services, 710 Uhler Road, Easton, PA 18040, on behalf of Richard Baylor, 6064 Old Hickory Road, Coopersburg, PA 18036, submitted a Final Report concerning remediation of soil contaminated by a release of heating oil from an aboveground storage tank. The report is intended to document remediation of the site to meet Statewide health standards.

**Pilot Travel Center 298**, 1114 State Route 93, Drums, PA 18222, Sugarloaf Township, **Luzerne County**. Atlas Technical Consultants, 270 William Pitt Way, Pittsburgh 15238, on behalf of Pilot Travel Centers LLC, 5508 Lonas Drive, Knoxville, TN 37939, submitted a Final Report concerning remediation of soil contaminated by a release of diesel from truck accident. The report is intended to document remediation of the site to meet Statewide health standards.

**Bethlehem Commerce Center Majestic Parcel Lot 6**, 3905 Commerce Center Boulevard, Bethlehem, PA 18015, Bethlehem City, **Northampton County**. Ramboll

Americas Engineering Solutions, Inc., 751 Arbor Way, Suite 200, Blue Bell, PA 19422, on behalf of Commerce Construction Co. LP, 13191 Crossroads Parkway North, 6th Floor, Industry, CA 91746, submitted a Final Report concerning remediation of site soils contaminated with Boron, Thallium, Lead, Iron, Benzo(a)pyrene, Benzo(a)-anthracene, Benzene, Naphthalene, Dibenz(a,h)anthracene, and Tetrachloroethene from historic industrial operations. The report is intended to document remediation of the site to meet site specific standards.

*Southwest Region: Environmental Cleanup & Brownfield Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Former Allied Chemical Disposal Site**, LRP # 5-26-925-1752, Alleghany Ave., Newell, PA 15466, Newell Borough, **Fayette County**. Woodard & Curran, 300 Penn Center Blvd., Ste. 800, Pittsburgh, PA 15235, on behalf of Honeywell International, Inc., 115 Tabor Rd., Morris Plains, NJ 07950, has submitted a Cleanup Plan concerning the remediation of site soil and groundwater contaminated with inorganics and other organics. The Cleanup Plan is intended to document remediation of the site to meet the site specific standard.

**Cambria Iron Works, AOC 1&2**, LRP # 5-11-1-18855, 108 Iron St., Johnstown, PA 15901, Johnstown City, **Cambria County**. Tetra Tech, 661 Andersen Dr., Pittsburgh, PA 15220, on behalf of the Johnstown Redevelopment Authority, 416 Main St., Johnstown, PA 15901, has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with lead and inorganics. The Final report is intended to document remediation of the site to meet the site specific standard.

**North Hills VW Dealership Property**, LRP 5-2-933-19643, 11750 Rt. 19, Wexford, PA 15090, Pine Township, **Allegheny County**. Independence Environmental Consulting, LLC, 1750 Kaylor Road, Hummelstown, PA 17036, on behalf of Cochran 2756, Inc., 4520 William Penn Highway, Monroeville, PA 15146, has submitted a combined Final Report concerning the remediation of site groundwater contaminated with inorganics. The Final report is intended to document remediation of the site to meet the Statewide health standard.

**Consol R&D Park**, LRP 5-2-940-19785, 4000 Browns-ville Rd., South Park, PA 15129, South Park Township, **Allegheny County**. GAI Consultants, Inc., 385 E. Waterfront Dr., Homestead, PA 15120, on behalf of MERO South Park Ventures, LLC, 3895 Stoneridge Ln., Dublin, OH 43017, has submitted a combined Final Report concerning the remediation of site groundwater contaminated with PAH's, inorganics, and other organics. The Final report is intended to document remediation of the site to meet the site specific and Statewide health standards.

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

**Lansberry Trucking LLC Rollover**, Shoulder of Westbound Lane, State Route 286, Glenn Campbell, PA 15742, Banks Township, **Indiana County**. DMS Environmental Services, LLC, 103 South Spring Street, Bellefonte, PA 16823 on behalf of Lansberry Trucking, LLC, 507 Shawville Highway, Woodland, PA 16881 has submitted a Final Report concerning remediation of site soil contaminated with Benzene, Toluene, Ethylbenzene, Xylenes, Cumene, Naphthalene, MTBE, 1,2,4-trimethylbenzene, and 1,3,5-trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide health standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office. TDD users may telephone the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

*Contact: Eric Supey, Environmental Program Manager.*

**Fred Shuler Inc.**, 206 Cary Avenue, Wilkes-Barre, PA 18702, Wilkes-Barre City, **Luzerne County**. United Environmental Services, P.O. Box 701, Schuylkill Haven, PA

17972, on behalf of David Shuler, 70 First Street, Harvey Lake, PA 18618, submitted a Final Report concerning remediation of soil contaminated by releases of petroleum from underground storage tanks. The report is intended to document remediation of the site to meet Statewide health standards.

*Southwest Region: Environmental Cleanup & Brownfield Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Cannon Boiler Works, Inc.**, 510 Constitution Blvd., New Kensington, PA 15068, New Kensington City, **Westmoreland County**. Insite Group, Inc., 611 S. Irvine Avenue, Sharon, PA 16146, on behalf of Cannon Boiler Works, Inc., 510 Constitution Blvd., New Kensington, PA 15068, has submitted a combined Notice of Intent to Remediate and Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents and other organics. The Final report demonstrated attainment of the Statewide health standard and was approved by the Department on September 14, 2021

**Former Allied Chemical Disposal Site**, LRP # 5-26-925-1752, Alleghany Ave., Newell, PA 15466, Newell Borough, **Fayette County**. Woodard & Curran, 300 Penn Center Blvd., Ste. 800, Pittsburgh, PA 15235, on behalf of Honeywell International, Inc., 115 Tabor Rd., Morris Plains, NJ 07950, has submitted a Cleanup Plan concerning the remediation of site soil and groundwater contaminated with inorganics and other organics. The Cleanup Plan demonstrated attainment of the site specific standard and was approved by the Department on October 25, 2021

*Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5787, Charline Bass.*

**Philadelphia Coke Plant**, 4501 Richmond Street, Philadelphia, PA 19137, City of Philadelphia, **Philadelphia County**. Daniel P. Sheehan, PE, Arcadis U.S., Inc., 824 North Market Street, Suite 820, Wilmington, DE 19801 on behalf of Brian M. Stearns, National Grid, 300 Erie Boulevard West, Syracuse, NY 13202 submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil and groundwater contaminated with PAHs, metals and VOCs. The Report was reviewed by the Department which issued a technical deficiency letter on October 25, 2021.

**Hale Products Industrial Facility**, 720 Spring Mill Avenue, Conshohocken, PA 19428, Borough of Conshohocken, **Montgomery County**. Jon Rutledge, ARCADIS U.S., Inc., 10 Friends Lane, Suite 200, Newtown, PA 18940 on behalf of Tim Zernzsch, Hurst Jaws of Life (f/k/a Hale Products, Inc.), 1925 West Field Court, Suite 200, Lake Forest, IL 60045 submitted a Cleanup Plan concerning the remediation of site soil and groundwater contaminated with VOCs, SVOCs, and metals. The Plan was approved by the Department on October 26, 2021.

**Gibbons Automotive**, 600 Park Avenue, Media, PA 19063, Upper Providence Township, **Delaware County**. Val F. Britton, PG, V.F. Britton Group, LLC, 326 Conestoga Road, Wayne, PA 19087 on behalf of Michael Gibbons, Gibbons Automotive, Inc., 600 Park Avenue, Media, PA 19063 submitted a Remedial Investigation Report/Final Report concerning the remediation of site soil contaminated with benzo(a)pyrene. The Report was reviewed by the Department which issued an administrative deficiency letter on October 22, 2021.

**Keystone Place at East Falls, LLC**, 3310 Fox Street a/k/a 2905 Abbottsford Avenue, Philadelphia, PA 19129, City of Philadelphia, **Philadelphia County**. Craig Herr, PG, RT Environmental Services, Inc., 215 West Church Road, Suite 300, King of Prussia, PA 19406 on behalf of Joseph A. Felici, Keystone Place at East Falls, LLC, 930 Henrietta Avenue, Suite B, Huntingdon Valley, PA 19106 submitted a Remedial Investigation Report/Cleanup Plan/Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Report was reviewed by the Department which issued an administrative deficiency letter on October 22, 2021.

**Former Tioga Pipe Supply Company Property**, 3321-3329, 3331-3333, & 3335 Richmond Street, 2815 & 2825 East Westmoreland Street, and 3320-3322 & 3331 Melvale Street, Philadelphia, PA 19137, City of Philadelphia, **Philadelphia County**. Jeffrey K. Walsh, PG, Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of David Keiser, Tioga Pipe Supply Company, Inc., 2450 Wheatsheaf Lane, Philadelphia, PA 19137 submitted a Remedial Investigation Report/Cleanup Plan/Final Report concerning the remediation of site soil contaminated with lead, mercury, ethylbenzene, and bis(2-ethylhexyl) phthalate. The Report was reviewed by the Department which issued an administrative deficiency letter on October 22, 2021.

**The Master's Baker**, 319 West Gay Street, West Chester, PA 19380, Borough of West Chester, **Chester County**. John Sunkler, EnviroSure, Inc., 319 South High Street, West Chester, PA 19382 on behalf of Chad Weldon, CRW Realty, LP, 319 West Gay Street, West Chester, PA 19380 submitted a Remedial Investigation Report/Final Report concerning the remediation of site soil and groundwater contaminated with leaded and unleaded gasoline. The Report was reviewed by the Department which issued an administrative deficiency letter on October 22, 2021.

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

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

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

**Permit No. 101592. Tri-County Landfill, Inc.**, 159 TCI Drive, Grove City, PA 16127, Pine Township, **Mercer County**. On June 8, 2021, the Department received a permit application for a renewal of the Tri-County Landfill Transfer Station permit. The transfer station's existing permit contained an expiration date of February 20, 2022. The permit renewal application under 25 Pa. Code § 271.223 allows for another ten years of operations. The permit was issued by the Northwest Regional Office on October 20, 2021.

Persons interested in reviewing the general permit may contact Christina Wilhelm, Regional Solid Waste Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, 814-332-6848. 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.*

**GP3-46-0158: Terra Tech** (600 S, Brandywine Avenue, Suite 100, Downingtown, PA 19335) On October 27, 2021 was issued to install and operate a Sandvik Crusher with a water Spray Dust Suppression System in Upper Merion Township, **Montgomery County**.

**GP9-46-0114: Terra Tech** (600 S, Brandywine Avenue, Suite 100, Downingtown, PA 19335) On October 27, 2021 was issued to install and operate a Diesel fuel-fixed Internal Combustion Engine Caterpillar C9.3 Engine in Upper Merion Township, **Montgomery 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-66-00004A: Chesapeake Appalachia, LLC** (14 Chesapeake Lane, Sayre, PA 18840) on October 13, 2021 to operate one (1) IC Engine, one (1) heater, one (1) generator, and one (1) condensate tank at the Curtin WYO well pad site in Windham Township, **Wyoming County**.

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

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

**GP3-04-00252B: Alex E. Paris Contracting Co., Inc.** (1595 Smith Township State Road, Atlasburg, PA 15004) on November 2, 2021, to allow the installation and operation of a portable nonmetallic mineral processing plant consisting of one crusher, one vibratory screen, one screen machine, and associated conveyors located in Hanover Township, Township, Beaver and **Washington County**.

**GP11-04-00252B: Alex E. Paris Contracting Co., Inc.** (1595 Smith Township State Road, Atlasburg, PA 15004) on November 2, 2021, to allow the installation and operation of three nonroad diesel-fired engines of various capacities in conjunction with a portable nonmetallic mineral processing plant located in Hanover Township, **Beaver and Washington County**.

**GP5A-63-01055A (AG5A-63-00028A): Range Resources Appalachia, LLC** (3000 Town Center Boulevard, Canonsburg, PA 15317-5839) on March 13, 2021, received authorization under GP-5A for construction and/or operation of sources and controls associated with a natural gas well pad at its MCC Partners West Unit 11891 facility located in Jefferson Township, **Washington County**.

**GP5A-63-01057A (AG5A-63-00029A): Range Resources Appalachia, LLC** (3000 Town Center Boule-

ward, Canonsburg, PA 15317-5839) on October 13, 2021, received authorization under GP-5A for construction and/or operation of sources and controls associated with a natural gas well pad at its Margaria Raymond 11182 facility located in Cross Creek Township, **Washington 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 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.*

**28-03041B: Spectrum Industrial Coatings, Inc.** (9226 Mt. Brook Road, St. Thomas, PA 17252-9778) October 27, 2021, for a new miscellaneous metal parts spray booth at the surface coating facility in St. Thomas Township, **Franklin County**. The spray booth will be controlled by panel filters.

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

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

**65-00871A: OPCO, Inc.** (205 W. Harrison Avenue, Latrobe, PA 15650-3115) Issued on November 2, 2021, authorizing increased EPS production and the installation of a 2-chamber regenerative thermal oxidizer to reduce VOC emissions at their facility located in the City of Latrobe, **Westmoreland 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.**

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

*Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.*

**23-0223: LCP Generation Partners LP** (1701 N Radnor Chester Rd., Ste 101, Radnor, PA 19087-5281) On October 27, 2021 an extension for the installation and temporary operation of a 2 MW combined heat and power (CHP) system in Radnor Township, **Delaware County**.

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

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

**44-03025A: Spectra Wood, Inc.** (50 Industrial Park Road, Lewistown, PA 17044-9312) on October 29, 2021, for the construction of five new wood furniture spray booths at the new Lewistown Facility in Lewistown Borough, **Mifflin County**. The plan approval was extended.

**28-03022C: New Enterprise Stone & Lime Co., Inc.** (169 Quarry Road, Chambersburg, PA 17201) on October

29, 2021, for the installation of a 420 tph Sandvik CH660 cone crusher to replace the existing 200 tph AC500 cone crusher at the facility located in Guilford Township, **Franklin County**. The plan approval was extended.

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

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

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

**15-00037-Idemia America Corporation** (523 James Hance Court, Exton, PA 19341), located in West Whiteland Township, **Chester County**. On October 26, 2021, a renewal of the Title V Operating Permit was issued. The Operating Permit contains requirements to keep the facility operating within all applicable air quality requirements for its sources.

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

*Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.*

**04-000741: ETC Northeast Field Services, LLC** (6051 Wallace Road Ext., Ste. 300, Wexford, PA 15090-7386) on November 2, 2021, the Department of Environmental Protection issued an initial Title V Operating Permit for the continued operation of a natural gas compressor station located in New Sewickley Township, **Beaver County**. This facility is subject to the applicable requirements of 25 Pa. Code, Chapters 121—145, 40 CFR Part 60 Subpart JJJJ, 40 CFR Part 60 Subpart IIII, 40 CFR Part 60 Subpart OOOO, 40 CFR Part 60 Subpart OOOOa, 40 CFR Part 63 Subpart HH, and 40 CFR Part 63 Subpart ZZZZ. The Title V Operating Permit includes emission restrictions, monitoring, recordkeeping, reporting, and work practice standards requirements for the site.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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

*Contact: Norman Frederick, Facility Permitting Chief—Telephone: 570-826-2409.*

**40-00085: Certech, Inc.** (550 Stewart Rd, Hanover Township, PA 18706) The Department issued, on October 12, 2021, a State-Only Operating Permit for operation of sources at their facility located in Hanover Township, **Luzerne County**. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**39-00009: Martins Creek, LLC/Allentown** (600 Hamilton St, Ste 600, Allentown, PA 18101) The Department issued, on October 21, 2021, a State-Only Operating Permit for operation of sources at their facility located in Allentown City, **Lehigh County**. The Operating Permit

contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**40-00017: Martins Creek, LLC/Jenkins** (835 Hamilton St, Ste 150, GENPL6, Allentown, PA 18101) The Department issued, on October 28, 2021, a State-Only Operating Permit for operation of sources at their facility located in Laflin Borough, **Luzerne County**. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**40-00022: Martins Creek, LLC/Harwood** (600 Hamilton St, Ste 600, Allentown, PA 18101) The Department issued, on October 21, 2021, a State-Only Operating Permit for operation of sources at their facility located in Hazle Township, **Luzerne County**. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**54-00011: Martins Creek, LLC/Fishbach** (600 Hamilton St, Ste 600, Allentown, PA 18101) The Department issued, on October 28, 2021, a State-Only Operating Permit for operation of sources at their facility located in Norwegian Township, **Schuylkill County**. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

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

**36-05164: Bigbee Steel & Tank Co.** (4535 Elizabethtown Road, Manheim, PA 17545-8367) on October 26, 2021, for the steel storage tank manufacturing facility located in Rapho Township, **Lancaster County**. The State-Only permit was renewed.

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

*Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.*

**OP-11-00306 Penn Cambria School District** (201 6th St., Cresson, PA 16630-1363) On October 28, 2021, the Department issued a renewal Synthetic Minor Operating Permit to authorize the operation of the Penn Cambria High School located in Cresson Borough, **Cambria County**.

The emission sources covered by this Operating Permit include one (1) 6.4 MMBtu/hr tri-fuel boiler which burns primarily coal, one (1) 6.63 MMBtu/hr natural gas-fired boiler, two (2) 0.5 MMBtu/hr natural gas-fired hot water heaters, and a 100 kW natural gas-fired emergency generator. The facility is subject to the applicable requirements of 25 Pa. Code Article III, Chapters 121—145. The final Operating Permit includes emission limitations, monitoring, work practice standards, reporting, and recordkeeping requirements for the facility.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

*Contact: Janine Tulloch-Reid, New Source Review Chief—Telephone: 484-250-5920.*

**23-00052: Prospect CCMC Crozer Chester Medical Center** (One Medical Center Blvd., Upland, PA 19013) located in Upland Borough, **Delaware County**. On October 29, 2021, the Administrative Amendment of State Only Operating Permit was issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amendment incorporates General Permit GP1-23-0160 into the State Only permit. This general permit authorized the installation of two (2) natural gas and No. 2 fuel oil boilers. The permit will include monitoring, recordkeeping, and reporting requirements designed to keep the facility within all applicable air quality requirements.

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

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

**49-00065: Polar Tech Industries, Inc.** (1017 West Valley Avenue, Elysburg, PA 17824-7259), was issued an amended State Only (Synthetic Minor) Operating Permit on October 29, 2021, to incorporate all terms and conditions specified in Plan Approval 49-00065C into the State Only (Synthetic Minor) Operating Permit for their facility located in Ralpho Township, **Northumberland County**.

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.*

**42-00117: Zippo Manufacturing Company** (33 Barbour Street, Bradford, PA 16701-1973) on September 15, 2021 issued an administrative amendment to the State Operating Permit for the facility located in Bradford Township, **McKean County**. The amendment incorporates the requirements of Plan Approval 42-117B.

**43-00182: Wheatland Tube Council Avenue Plant** (P.O. Box 608, Wheatland, PA 16161-0608) on October 18, 2021 issued an administrative amendment to the Title V Operating Permit for the facility located in Wheatland Borough, **Mercer County**. The amendment incorporates the requirements of Plan Approval 43-182D.

**43-00270: CCL Container** (1 Llodio Drive, Hermitage, PA 16148-9015) on October 4, 2021 issued an administrative amendment to the State Operating Permit for the facility located in Hermitage City, **Mercer County**. The amendment incorporates the change of responsible official.

**43-00322: Thompson Fabricating** (P.O. Box 432, Wheatland, PA 16161-0432) on September 16, 2021 issued an administrative amendment to the State Operating Permit for the facility located in Wheatland Borough, **Mercer County**. The amendment incorporates the requirements of Plan Approval 43-322B.

## 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. 11130101 and NPDES No. PA0269387. Laurel Sand & Stone, Inc.** P.O. Box 556, Ligonier, PA 15658, permit revision to add 5.0 acres on the Dennis G. Born property and remove 5.0 acres from the PA Game Commission property in Elder & Susquehanna Townships, **Cambria County**. Permit acres will remain 382.0 acres. Receiving stream(s): Little Brubaker Run classified for the following use(s): CWF. Application received: June 10, 2021. Permit issued: October 28, 2021.

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

**Permit No. 17080111. Waroquier Coal Company,** P.O. Box 128, Clearfield, PA 16830. Revision to permit area adding 1.0 acre and 100-foot road variance to a bituminous surface and auger mine in Lawrence Township, **Clearfield County** affecting 176.5 acres. Receiving stream(s): Unnamed Tributaries to West Branch Susquehanna River classified for the following use(s): CWF. Application received: November 16, 2018. Permit issued: October 26, 2021.

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

**Permit No. 19960101. City of Philadelphia, Trustee, Acting by the Board of Directors of City Trusts for Girard Estate,** 1101 Market Street, Suite 2600, Philadelphia, PA 19107, renewal of an existing anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Conyngham, Union and Butler Townships, **Columbia and Schuylkill Counties** affecting 876.0 acres. Receiving stream: Mahanoy Creek. Application received: July 14, 2021. Renewal issued: October 26, 2021.

**Permit No. GP12-19960101. Keystone Anthracite Co., Inc.,** 259 North Second Street, Girardville, PA 17935, renewal of general Operating Permit to operate a coal preparation plant on Surface Mining Permit No. 19960101 in Conyngham, Union and Butler Townships,

**Columbia and Schuylkill Counties.** Application received: July 14, 2021. Permit renewed: October 26, 2021.

**Permit No. 54940201. White Pine Coal Co., Inc.,** P.O. Box 59, Ashland, PA 17921, renewal for reclamation only of an existing anthracite coal refuse reprocessing operation in West Mahanoy Township, **Schuylkill County** affecting 56.3 acres. Receiving stream: Mahanoy Creek. Application received: November 20, 2019. Renewal issued: November 1, 2021.

**Permit No. PAM119031 (Mining Permit No. 54940201), White Pine Coal Co., Inc.,** P.O. Box 59, Ashland, PA 17921, coverage under the General NPDES Stormwater Permit GP-104 for stormwater discharges associated with mining activities in West Mahanoy Township, **Schuylkill County**, receiving stream: Mahanoy Creek. Application received: November 20, 2019. Permit issued: November 1, 2021.

## ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

### *Blasting Permits Issued*

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

**Permit No. 14214110. Douglas Explosives Inc.,** 2052 Philipsburg Bigler Hwy., Philipsburg, PA 16866. Blasting for construction of Lot 34 Horizons Home Foundation located in Patton Township, **Centre County** with an expiration date of December 30, 2021. Permit issued: October 26, 2021.

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

**Permit No. 22214109. M & J Explosives, LLC,** 104 East Main Street, Carlisle, PA 17015, construction blasting for 250 Fulling Mill Road Warehouse in Lower Swatara Township, **Dauphin County** with an expiration date of October 19, 2022. Permit issued: October 27, 2021.

**Permit No. 48214115. American Rock Mechanics, Inc.,** 7531 Chestnut Street, Zionsville, PA 18092, construction blasting for Carson Lot 4 East revised in Palmer Township, **Montgomery County** with an expiration date of July 10, 2022. Permit issued: October 27, 2021.

**Permit No. 38214113. Keystone Blasting Service,** 15 Hopeland Road, Lititz, PA 17543, construction blasting for Elvin Horning manure pit in Jackson Township, **Lebanon County** with an expiration date of December 31, 2021. Permit issued: October 29, 2021

**Permit No. 58214105. Accublast Explosives, LLC,** 1727 Caitlin Road, Kingsley, PA 18826, construction blasting for Andre Foundation in Bridgewater Township, **Susquehanna County** with an expiration date of June 1, 2022. Permit issued: October 29, 2021.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Envi-

ronmental 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.**

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

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

**E3902221-003. 300 Furnace Street, LLC, 2227 Albright Ave, Allentown, PA 18104. Emmaus Borough, Lehigh County, Army Corps of Engineers Philadelphia District.**

To place fill within two wetlands for the purpose of constructing six mid-rise apartment buildings on this parcel resulting in a cumulative total of 0.12 of permanent wetland impacts. Wetland 1: 2,645 is square feet in size and Wetland 2 is 2,450 square feet in size. This results in 0.12 acre of wetland mitigation to be provided near the northern corner of the project site. The constructed wetland area will be lined, and the wetlands hydrology will be maintained by a designed irrigation system. The project is located in the Borough of Emmaus, Lehigh 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 242 West Shore Drive Road (Lake Ariel, PA Quadrangle Latitude: 41° 26' 21.66"; Longitude: -75° 22' 40.97") in Lake Township, Wayne County.

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

**E6703221-001. Stonewicke, LP, 107 Little Bridge Road, Hanover, PA 17331 in Penn Township, York County, U.S. Army Corps of Engineers, Baltimore District.**

To construct and maintain a 82.0-foot long 10.0-foot by 2.0-foot open-bottomed box culvert in a tributary Plum Creek (WWF, MF) and a separate 74.0-foot long 10.0-foot by 3.0-foot open-bottomed box culvert in a separate but adjacent tributary to Plum Creek (WWF, MF), including a 4.0-inch conduit crossing of both channels for cable/electric lines, all together impacting 0.21 acre of PEM wetland; and to place and maintain fill in 0.03 acre of PEM wetland for the construction of Ripple Lane. The project also proposes to construct 0.24 acre of on-site compensatory wetland mitigation. Project is part of Stonewicke subdivision located along Hillside Road (Hanover Quadrangle, Latitude: 39.776313; Longitude: -76.968783) in Penn Township, York County. Permit issued October 25, 2021.

**E3603221-001. Elizabethtown Regional Sewer Authority, 235 ERSA Drive, Elizabethtown, PA 17022 in West Donegal Township, Lancaster County, U.S. Army Corps of Engineers, Baltimore District.**

To remove the existing facilities at the Miller Road pumping station and to construct a new pump station with associated facilities in the floodway of a tributary Conoy Creek (TSF). The project is part of the Miller Road Pumping Station upgrade which also includes the replacement of 9,290 linear feet of 12" force main piping, construction of a new generator building, valve and meter pit and appurtenances.

The project is located at 474 Miller Road, approximately 0.7-mile from intersection with W. Bainbridge St. (Salttillo, PA Quadrangle, Latitude: 40.113043; Longitude: -76.626225) in West Donegal Township, Lancaster County. Permit issued October 27, 2021.

**E0103220-024. Susquehanna Area Regional Airport Authority, One Terminal Drive, Suite 300, Middletown, PA 17057 in Cumberland Township, Adams County, U.S. Army Corps of Engineers, Baltimore District.**

To construct and maintain the following water obstructions and encroachments associated with the Gettysburg Airport New South Apron Project. The purpose of the proposed project is upgrades to the Gettysburg Regional Airport. Work will consist of the construction of an aircraft parking apron, two runway connector taxiways, a partial parallel taxiway to Runway # 24, and a 1,440-foot long access road to the existing airport entrance road:

1) An extension of an existing stream crossing consisting of an 80 LF, 18-inch diameter SLCPP culvert within a UNT to Marsh Creek (CWF, MF) having concrete wing-



walls. The extension of this stream crossing will permanently fill a de minimus area of PEM Wetlands (Other) totaling 0.042 acre.

2) A stream enclosure of a UNT to Marsh Creek (CWF, MF) consisting of a 279 LF 18-inch diameter SLCPP, two (2) concrete access manholes, concrete wendwall, and an R-4 riprap apron.

3) A stream crossing of a UNT to Marsh Creek (CWF, MF) consisting of two (2) 42 LF, 23-inch x 14-inch RCP elliptical culverts, concrete wingwall, concrete endwall, and an R-4 riprap apron choked with river rock.

4) A stream crossing of a UNT to Marsh Creek (CWF, MF) consisting of one (1) 45 LF, 23-inch x 14-inch RCP elliptical culvert, concrete wingwall, concrete endwall, and an R-4 riprap apron choked with river rock. The construction of this stream crossing will permanently fill a de minimus area of PFO Wetlands (Other) totaling 0.001 acre.

5) A stream crossing of a UNT to Marsh Creek (CWF, MF) consisting of two (2) 48 LF, 23-inch x 14-inch RCP elliptical culverts, concrete wingwall, concrete endwall, and an R-4 riprap apron choked with river rock.

6) An impact within a 0.03-acre area of the floodway of a UNT to Marsh Creek (CWF, MF) consisting of grading associated with a stormwater infiltration basin that will result in 1,099 ft<sup>3</sup> of net cut.

7) An impact within a 0.11-acre area of the floodway of a UNT to Marsh Creek (CWF, MF) consisting of grading associated with an access adjoining a fueling area that will result in 1,053 ft<sup>3</sup> of net cut.

8) To place fill within the normal pool elevation of a 1.02-acres on-stream pond and to construct a channel change of a UNT to Marsh Creek (CWF, MF) consisting of a 138 LF, 13.1-foot wide stream channel having 3:1 side slopes, a 6.5-foot bottom width, and lined with river rock.

The project is located along approximately 0.42 mile west of the intersection of S.R. 30 and Herr's Ridge Road (Latitude: 39° 50' 35.87", Longitude: -77° 16' 14.87") in Cumberland Township, Adams County. Permit issued November 1, 2021.

**E2203220-002. H-T Partners LLC**, P.O. Box 277, Landisville, PA 17538 in Middletown Borough, **Dauphin County**, U.S. Army Corps of Engineers, Baltimore District.

To 1.) install and maintain a 24.0-inch diameter SLCPP in an unnamed tributary to Swatara Creek (WWF, MF); and 2.) place and maintain fill in palustrine forested wetlands, permanently impacting 0.01 acre of wetland; all for the purpose of expanding the existing Woodland Hills residential subdivision.

The project is located North of the intersection of Woodland Avenue and Vine Street. (Middletown, PA Quadrangle, Latitude: 40 12' 44.5"; Longitude: -76 43' 31.6") in Middletown Borough, Dauphin County. Permit issued November 1, 2021.

*Eastern Region: Oil & Gas Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**E4129221-012 (formally E4129-116):** Pennsylvania General Energy Co., LLC, 120 Market Street, Warren, PA 16365. Major Modification—Shawnee Pipeline in Plunketts Creek and Upper Fairfield Township, **Lycoming County**, ACOE Baltimore District.

These are additional impacts to be included along with pipeline impacts previous published to the *Pennsylvania Bulletin*: E4129-116 published to the *Pennsylvania Bulletin* on January 20, 2018 and July 21, 2018 & E4129-116 (1) published to the *Pennsylvania Bulletin* on February 25, 2020 and March 7, 2020.

To construct, operate and maintain approximately 2.3-miles (11,911 ft) of one (1) 20-inch diameter flex steel natural gas pipeline in Plunketts Creek & Upper Fairfield Township—Lycoming County. This project consists of an existing 8-inch natural gas pipeline to be replaced with a new 20-inch natural gas pipeline. The pipeline will be placed via open cut trenching within the existing 35' permanent ROW. The purpose of this project is to provide a conveyance of low-pressure natural gas between the existing Energy Transfer Partners, LP (ETP) meter site to a proposed pig launcher/receiver site PGE DCNR Tract 726 Pad B Well Site (ESG29-081-17-0011).

This project will result in a total of 29 LF (86 SF) of permanent and 74 LF (932 SF) of temporary stream impacts, 711 SF (0.0163 acre) of permanent and 13449 SF (0.3088 acre) of temporary floodway impacts and 175 SF (0.0040 acre) of permanent and 4515 SF (0.1037 acre) of temporary wetland impacts all for the purpose of constructing a natural gas pipeline for Marcellus well development.

**Stream Impact Table:**

Resource Name	Municipality Quadrangle	Activity	Chapter 93	Listed Trout	Impact Area Temp. (SF)	Impact Length Temp. (LF)	Impact Area Perm. (SF)	Impact Length Perm. (LF)	Lat. Long.
UNT 4 Kaiser Hollow	Plunketts Crk. Huntersville	20-inch Pipeline Temp. Workspace	HQ-CWF; EV	Wild	52	405	8	23	41.325149° 76.866827°
Kaiser Hollow	Plunketts Crk. Huntersville	20-inch Pipeline Temp. Workspace	HQ-CWF; EV	Wild	32	527	21	63	41.328617° 76.863805°
TOTAL IMPACTS					86	932	23	86	

**Floodway Impact Table:**

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</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>
UNT 4 Kaiser Hollow	Plunketts Crk. Huntersville	20-inch Pipeline Temp. Workspace	137	6911	109	327	41.325149° 76.866827°
Kaiser Hollow	Plunketts Crk. Huntersville	20-inch Pipeline Temp. Workspace	128	6538	20	384	41.328617° 76.863805°
TOTAL IMPACTS			265	13449	129	711	

**Wetland Impact Table:**

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Cowardin Class</i>	<i>Listed Trout</i>	<i>Total Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Total Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
Wetland 3	Plunketts Crk. Huntersville	20-inch Pipeline Temp. Workspace	PEM; EV	Wild	31	275			41.341412° 76.849076°
Wetland 4 Waiver 6	Plunketts Crk. Huntersville	20-inch Pipeline Temp. Workspace	PEM; EV	Wild	65	523			41.337073° 76.861039°
Wetland 5 Waiver 6	Plunketts Crk. Huntersville	20-inch Pipeline Temp. Workspace	PEM; EV	Wild	48	766			41.333182° 76.864039°
Wetland 6 Waiver 6	Plunketts Crk. Huntersville	20-inch Pipeline Temp. Workspace	PEM; EV	Wild	7	307	11	34	41.332509° 76.863865°
Wetland 7 Waiver 6	Plunketts Crk. Huntersville	20-inch Pipeline Temp. Workspace	PEM; EV	Wild	39	387			41.331692° 76.863992°
Wetland 8	Plunketts Crk. Huntersville	20-inch Pipeline Temp. Workspace	PEM; EV	Wild	43	2257	47	141	41.325266° 76.865370°
TOTAL WETLAND IMPACTS					74	2532	47	141	
TOTAL WAIVER 6 IMPACTS					159	1983	11	34	
PEM					233	4515	58	175	
PSS									
PFO									

**ENVIRONMENTAL ASSESSMENTS**

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

**EA3803221-001. Doc Fritchey Trout Unlimited, P.O. Box 227, Palmyra, PA 17078. West Cornwall Township, Lebanon County, U.S. Army Corps of Engineers, Baltimore District.**

To a stream restoration project along 2,000 feet of Beck Creek (TSF, MF) including 1.) the installation and maintenance of 65.0 feet of boulder toe benches; 2.) the

installation and maintenance of 215 feet of Class I (12—18 inch) rip rap; 3.) the installation and maintenance of 956.0 feet of toe wood and soil lifts; 4.) the installation and maintenance of one Boulder J-Hook vane; 5.) the relocation and maintenance of 785 feet of Beck Creek (TSF, MF); 6.) the construction and maintenance of 368.0 feet of constructed riffles and boulder runs; and 7.) the grading and maintenance of 4.21 acres of palustrine emergent, scrub-shrub and forested wetlands; all for the purposes of reducing erosion and enhancing habitat in the stream and wetlands. The project is located immediately

downstream of US Route 322 (Latitude: 40° 17' 3.15" N; Longitude: 76° 27' 36.46" W) in West Cornwall Township, Lebanon County. A net gain of 1.29 acres of palustrine emergent/scrub shrub wetlands is proposed with this project. Permit issued October 27, 2021.

*Central Office: Waterways Engineering & Wetlands Program, Rachel Carson State Office Building, Floor 2, 400 Market Street, Harrisburg, PA 17101, 717-787-3411.*

**D64-027EA. Anne Kiernan**, 1896 Emerald Drive, Orefield, PA 18069, Paupack Township, **Wayne County**, USACOE Philadelphia District.

The Department has approved a proposal to remove the Craft Pond Dam under the Restoration Waiver to eliminate a threat to public safety and to restore approximately 1,700 feet of stream channel to a free-flowing condition. The project is located across a tributary to Purdy Creek (HQ-CWF, MF) (Lakeville, PA Quadrangle, Latitude: 41.4348; Longitude: -75.2884). Permit issued October 21, 2021.

### DAM SAFETY

*Central Office: Waterways Engineering and Wetlands Program, Rachel Carson State Office Building, 400 Market Street, 2nd Floor, Harrisburg, PA 17101, 717-787-8568.*

**D15-031. Janet L. Bowers, P.G.** Chester County Water Resources Authority Government Services Center, Suite 260, 601 Westtown Road, P.O. Box 2747, West Chester, PA 19380-0990. The Department of Environmental Protection, Division of Dam Safety (Department) has reviewed and approved the request submitted on October 6, 2021, by Laura Craig, Princeton Hydro, to amend the Restoration Waiver Approval, which was issued on August 8, 2017, to remove Downing Ridge Dam. The additional proposed work will provide approximately 70 feet of streambank restoration and stabilization at the confluence of Ludwig's Run and the Brandywine River, on the left descending bank, where storm events have severely scoured the streambank since the dam was removed. Work includes the removal of some exposed concrete and rebar to properly place riprap protection. The project is located along the East Branch Brandywine Creek in Caln, East Caln and East Brandywine Townships, **Chester County**.

**D25-059. Millcreek Township**, 3608 West 26th Street, Erie, PA 16506. Permit issued to modify McDowell Detention Basin Dam, located across a tributary to Lake Erie, for the purpose of stormwater detention. Millcreek Township, **Erie County**.

### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and

procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222. 412-442-4000.*

*Contact: Dana Drake, Program Manager.*

ESCGP-3# ESG000221001

Applicant Name Peoples Natural Gas

Contact Person Melissa Orehowsky

Address 375 North Shore Drive

City, State, Zip Pittsburgh, PA 15212

County Allegheny

Township(s) Plum Borough

Receiving Stream(s) and Classification(s) Allegheny River

(WWF); UNT to Pucketta Creek (TSF); Bodies Run

(WWF)

ESCGP-3# ESG006520001-01

Applicant Name Peoples Natural Gas

Contact Person Melissa Orehowsky

Address 375 North Shore Drive

City, State, Zip Pittsburgh, PA 15212

County Westmoreland

Township(s) Murrysville Municipality

Receiving Stream(s) and Classification(s) Haymakers Run

& Humms Run (HQ-CWF-MF)

*Northwest Region: Oil & Gas Management Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

ESCGP-3 # ESG081021005-00—Lynx Well Pad ESG

Applicant Name Lola Energy Petroco, LLC

Contact Person Leland Morris

Address P.O. Box 360

City, State, Zip Canonsburg, PA 15317-0360

County Butler

Township(s) Concord Township

Receiving Stream(s) and Classification(s) Tribs 35321 &

35326 to Connoquenessing Creek (HQ).

Secondary Water Connoquenessing Creek (HQ)

*Eastern Region: Oil & Gas Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

ESCGP-3 # ESG295821031-00

Applicant Name Williams Field Services Co LLC

Contact Person Jayme Stotka

Address 2000 Commerce Drive

City, State, Zip Pittsburgh, PA 15275

County Susquehanna

Township(s) Bridgewater

Receiving Stream(s) and Classification(s) Meshoppen

Creek (CWF-MF)

Secondary: Susquehanna River (WWF-MF)

ESCGP-3 # ESG295821032-00  
 Applicant Name Williams Field Services Co LLC  
 Contact Person Barry Mahar  
 Address 30351 Route 6  
 City, State, Zip Wysox, PA 18854  
 County Susquehanna  
 Township(s) Bridgewater  
 Receiving Stream(s) and Classification(s) Tributary 31950  
 to Snake Creek (CWF, MF), Tributary 31953 to Snake  
 Creek (CWF, MF)  
 Secondary: Tributary 31949 to Snake Creek (CWF,  
 MF), Snake Creek (CWF, MF)

ESCGP-3 # ESG290821061-00  
 Applicant Name Chesapeake Appalachia LLC  
 Contact Person Eric Haskins  
 Address 14 Chesapeake Lane  
 City, State, Zip Sayre, PA 18840  
 County Bradford  
 Township(s) Standing Stone  
 Receiving Stream(s) and Classification(s) Vought Creek  
 (WWF, MF), UNT to Susquehanna River (WWF, MF),  
 Susquehanna River (WWF, MF)  
 Secondary: Susquehanna River (WWF, MF)

**STORAGE TANKS**  
**SITE-SPECIFIC INSTALLATION PERMITS**

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 504, 1101-1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, P.O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
21-56-002	Glassmere Fuel Service, Inc. P.O. Box 187 Curtisville, PA 15032 Attn: Zachary Cromie	Somerset	Paint Township	Six ASTs storing petroleum products	64,000 gallons total

**CORRECTIVE ACTION UNDER  
 ACT 32, 1989**  
**PREAMBLE 2**

The following plans and reports were submitted under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning plans or reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative

form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Regional Office: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5960.*

*Contact: Richard Staron, Professional Geologist Manager.*

**Bergeys Fuel Ctr**, 46-11173, 436 Harleysville Pike, Souderton, PA 18964, Franconia Township, **Montgomery County**. Penn's Trail Environmental, LLC, 21 East Lincoln Avenue, Suite 160, Hatfield, PA 19440, on behalf of Bergey's Realty Co., 436 Harleysville Pike, Souderton, PA 18964, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet residential Statewide health standards.

**Greyhound Aramingo Petro**, 51-30272, 2750 Aramingo Ave., Philadelphia, PA 19134, **City of Philadelphia**. Aquaterra Technologies, Inc., 901 S. Bolmar Street, Suite A, West Chester, PA 19382, on behalf of Greyhound Aramingo Petroleum, 290 Bilmar Drive, Pittsburgh, PA 15205 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet residential Statewide health standards.

**706 Grove Ave**, 09-98012, 706 Grove Ave., Southampton, PA 18966, Upper Southampton Township, **Bucks County**. RMS Environmental LLC, 2198 Pennsbury

Drive, Jamison, PA 18929 on behalf of Mr. Henry Mroz, 563 Street Road, Southampton, PA 18966, submitted a Site Characterization Report 310(b) concerning remediation of soil contaminated with used motor oil. The report is intended to document remediation of the site to meet residential Statewide health standards.

**7 Eleven 24569**, 51-24574, 4701 Mascher Ave., Philadelphia, PA 19140, **City of Philadelphia**. AECOM, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19428, on behalf of 7-Eleven, Inc., 3200 Hackberry Road, P.O. Box 711 (0148), Dallas, TX 75221, submitted a Remedial Action Completion Report concerning remediation of soil contaminated with Unleaded Gasoline & Waste Oil & Dissolved Lead. The report is intended to document remediation of the site to meet nonresidential Statewide health standards.

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

*Contact: Eric Supey, Environmental Program Manager.*

**Former Warner's Central Garage**, Storage Tank ID # 13-23965, 8 Hudsonale Street, Weatherly, PA 18255, Weatherly Borough, **Carbon County**. Barry Isett & Associates, 85 South Route 100, Allentown, PA 18106, on behalf of Mauch Chunk Trust Company, 1111 North Street, P.O. Box 289, Jim Thorpe, PA 18229, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet Statewide health standards.

**Former Speedway # 6711**, Storage Tank ID # 39-23152, 1518 South Fourth Street, Allentown, PA 18103, Allentown City, **Lehigh County**. EMS Environmental, 4550 Bath Pike, Bethlehem, PA 18017, on behalf of Speedway LLC, 500 Speedway Drive, Enon, OH 45323, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet a combination of site-specific and Statewide health standards.

**Nelly Travel Plaza**, Storage Tank ID # 40-13189, 3765 Nuangola Road, Nuangola, PA 18707, Rice Township, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Nation Retail Properties, 450 South Orange Avenue, Suite 900, Orlando, FL 32801, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document remediation of the site to meet a combination of site-specific and Statewide health standards.

**North Memorial Highway Retail Associates**, Storage Tank ID # 40-18179, 155 North Memorial Highway, Shavertown, PA 18708, Kingston Township, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of North Memorial Highway Retail Associates LLC, 155 North Memorial Highway, Shavertown, PA 18708, submitted a revised Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document the remedial actions for meeting Statewide health standards.

**Misericordia University-former Frontier Communications Building**, Storage Tank ID # 40-50097, 100 Lake Street, Dallas, PA 18612, Dallas Borough,

**Luzerne County**. August Mack Environmental, 941 Wheatland Avenue, Suite 401, Lancaster, PA 17603, on behalf of Misericordia University, 301 Lake Street, Dallas, PA 18612, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet Statewide health standards.

**Turkey Hill 229**, Storage Tank ID # 54-36538, 1565 Bunting Street, Pottsville, PA 17901, Norwegian Township, **Schuylkill County**. AECOM, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19428, on behalf of Cumberland Farms, 165 Flanders Road, Westborough, MA 01581, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document remediation of the site to meet Statewide health standards.

*Southcentral Regional Office: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.*

*Contact: Robin L. Yerger, LPG.*

**CIF Hanover**, Storage Tank Primary Facility ID # 67-60540, 1049 Carlisle Street, Hanover, PA 17331, Hanover Township, **York County**. Mountain Research LLC, 825 25th Street, Altoona, PA 16601, on behalf of Harinderpal Sawhney submitted a Remedial Action Plan 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.

*Southwest Region: Environmental Cleanup & Brownfields Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Environmental Group Manager, Storage Tanks Program.*

**Farmington Shell**, Primary Facility ID # 26-83712, 100 Farmington-Ohiopyle Rd., Farmington, PA 15437, Wharton Township, **Fayette County**. Flynn Environmental, Inc., 5640 Whipple Ave., N.W., North Canton, OH 44720, on behalf of Earl Johnson, P.O. Box 44, Farmington, PA 15437, submitted a Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the Statewide health standard.

**Former Pennzoil-Quaker State Fac. No. 3112**, Primary Facility ID # 65-01194, 731 South Main St., Greensburg, PA 15601, Southwest Greensburg Borough, **Westmoreland County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Dr., Cranberry Township, PA 16066, on behalf of Shell Oil Products US, 20945 S. Wilmington Ave., Carson, CA 90810, submitted a revised Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the Statewide health standard.

**Ashville Mini Mart**, Primary Facility ID # 11-37804, 1662 Liberty St., Ashville, PA 16613, Ashville Borough, **Camrbia County**. DMS Environmental Services, LLC,

103 S. Spring St., Bellefonte, PA 16823, on behalf of Kelly Burkhart, 344 Pound Lane, Duncansville, PA 16635, submitted a combined Site Characterization Report and Remedial Action Plan concerning the remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the Statewide health standard.

**Sheetz Store # 130**, Primary Facility ID # 02-29988, 899 Freeport Rd., Creighton, PA 15030, East Deer Township, **Allegheny County**. EnviroTrac Ltd., 176 Thorn Hill Road, Warrendale, PA 16365, on behalf of Sheetz Inc., 351 Sheetz Way, Claysburg, PA 16625, submitted a Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the Statewide health standard.

**CoGo's # 802**, Primary Facility ID # 65-32338, 219 East Pittsburgh St., Greensburg, PA 15601, Greensburg City, **Westmoreland County**. Letterle & Associates, Inc., 2859 Oxford Blvd, Allison Park, PA 15101, on behalf of Coen Markets, Inc., 1000 Philadelphia St., Canonsburg, PA 15314, submitted a Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. 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 DEP has taken action on the following plans and reports under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

The DEP may approve or disapprove plans and reports submitted. This notice provides the DEP's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, please contact the Environmental Cleanup Program

Manager in the DEP Regional Office under which the notice of the plan or report appears. If information concerning a report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

The DEP has received the following plans and reports:

*Southeast Regional Office: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5960.*

*Contact: Richard Staron, Professional Geologist Manager.*

**Jot Fuel**, 46-32134, 982 Easton Rd., Horsham, PA 19044, Horsham Township, **Montgomery County**. Keith Valley Environmental, Inc., P.O. Box 5376, Deptford, NJ 08096 on behalf of SG Fuel Inc., 982 Easton Rd., Horsham, PA 19044, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report demonstrated attainment of the nonresidential, Statewide health standards and site-specific standards and was approved by the Department on October 15, 2021.

**Lukoil 69241**, 46-41449, 630 Bethlehem Pike, Glenside, PA 19038, Springfield Township, **Montgomery County**. EnviroTrac Ltd., 602 S. Bethlehem Pike, Suite A-2 & 3, Ambler, PA 19002, on behalf LUKOIL North America, LLC, 302 Harper Drive, Suite 303, Moorestown, NJ 08057, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report demonstrated attainment of nonresidential Statewide health and site-specific standards and was approved by the DEP on October 15, 2021.

**Global Montello Group 3411**, 46-46410, 549 Doylestown Road, Lansdale, PA 19446, Montgomery Township, **Montgomery County**. Synergy Environmental Inc., 155 Railroad Plaza, 1st Floor, Royersford, PA 19468, on behalf of Eric Harvey, 800 South Street, Waltham, MA 02453 submitted a Site Characterization Report concerning remediation of soil contaminated with benzene. The report demonstrated attainment of residential Statewide health and site-specific standards and was approved by the DEP on October 22, 2021.

**Downingtown Mobil**, 15-24370, 47 W. Lancaster Ave., Downingtown, PA 19335, Downingtown Borough, **Bucks County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of ExxonMobil Environmental and Property Solutions Company, 1900 E. Linden Avenue, Building 28A, Linden, NJ 07036, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The report was acceptable to meet site-specific standards and was approved by DEP on October 27, 2021.

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

*Contact: Eric Supey, Environmental Program Manager.*

**Big Boulder Ski Area**, Storage Tank ID # 13-51315, 357 Big Boulder Drive, Lake Harmony, PA 18624, Kidder

Township, **Carbon County**. Groundwater Sciences Corporation, 2601 Market Place, Suite 310, Harrisburg, PA 17110, on behalf of JFBB Ski Areas Inc., P.O. Box 211, Lake Harmony, PA 18624, submitted a combined Site Characterization Report and Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The Site Characterization Report was acceptable to meet Statewide health standards and was approved by DEP on October 27, 2021, but the Remedial Action Completion Report was not acceptable to meet Statewide health standards and was disapproved by DEP on October 27, 2021.

**Pilot Travel Center # 370**, Storage Tank ID # 40-24869, 417 State Route 315, Pittston, PA 18640, Pittston Township, **Luzerne County**. Sovereign Consulting Inc., 359 Northgate Drive, Suite 400, Warrendale, PA 15086, on behalf of Pilot Travel Centers LLC, P.O. Box 10146, 5508 Lonas Drive, Knoxville, TN 37939, submitted a revised, combined Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil contaminated with petroleum. The Report demonstrated attainment of site-specific standards and was approved by DEP on October 27, 2021.

**Kingston DPW Building**, Storage Tank ID # 40-50330, 455 Church Street, Kingston, PA 18704, Kingston Borough, **Luzerne County**. Borton Lawson, 613 Baltimore Drive, Suite 300, Wilkes-Barre, PA 18701, on behalf of Kingston Borough, 500 Wyoming Avenue, Kingston, PA 18704, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The Remedial Action Completion Report demonstrated attainment of a combination of site-specific and Statewide health standards and was approved by DEP on October 27, 2021.

*Southcentral Regional Office: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.*

*Contact: Robin L. Yerger, LPG.*

**CIF Hanover**, Storage Tank Primary Facility ID # 67-60540, 1049 Carlisle Street, Hanover, PA 17331, Hanover Township, **York County**. Mountain Research LLC, 825 25th Street, Altoona, PA 16601, on behalf of Harindernal Sawhney submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The Remedial Action Plan was acceptable to meet the site-specific standard and was approved by the DEP on October 29, 2021.

*Southwest Region: Environmental Cleanup & Brownfields Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Environmental Group Manager, Storage Tanks Program.*

**7 Eleven 36192**, Primary Facility ID # 02-80291, 650 Clairton Blvd., Pittsburgh, PA 15236, Pittsburgh City, **Allegheny County**. AECOM, Inc., 625 W. Ridge Pike, Ste. E-100, Conshohocken, PA 19428, on behalf of 7-Eleven Inc., 3200 Hackberry Rd., P.O. Box 711 (0148), Dallas, TX 75221, submitted a combined Site Characterization Report and Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The Site Characterization Report and Remedial Action Completion Report demonstrated attainment of the Statewide health standard and was approved by DEP on October 26, 2021.

**Former Sunoco 0364-3914**, Primary Facility ID # 65-24185, 3963 State Rt. 30, Latrobe, PA 15650, Latrobe

Borough, **Westmoreland County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Dr., Cranberry Township, PA 16066, on behalf of Evergreen Resources Management Operations, 2 Righter Parkway, Ste. 120, Wilmington, DE 19803, submitted a Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Completion Report demonstrated attainment of the Statewide health standard and was approved by DEP on October 25, 2021.

**Gulf Terminal—Neville Island**, Primary Facility ID # 02-80588, 2620 Neville Rd., Neville, PA 15225, Neville Township, **Allegheny County**. Piedmont Geologic, P.C., 6003 Chapel Hill Rd., Ste. 145, Raleigh, NC 27607, on behalf Lucknow-Highspire Terminals, LLC, P.O. Box 2621, Harrisburg, PA 17105, submitted a combined Site Characterization Report and Remedial Action Plan concerning the remediation of soil and groundwater contaminated with petroleum products. The Site Characterization Report and Remedial Action Plan demonstrated attainment of the site specific standard and was approved with modifications by DEP on October 25, 2021.

**Former Exxon Station # 20559**, Primary Facility ID # 56-06981, S. Somerset Service Plaza, PA, Turnpike/ Interstate 76, Somerset, PA 15501, Somerset Borough, **Somerset County**. Kleinfelder, 1745 Dorsey Rd., Ste. J, Hanover, MD 21076, on behalf of ExxonMobil Oil Corp., P.O. Box 142667, Austin, TX 78714, submitted a Remedial Action Plan concerning the remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan demonstrated attainment of the site specific standard and was approved with modifications by DEP on October 13, 2021.

**Former Sunoco Facility # 0363 9614**, Primary Facility ID # 65-24171, 298 Freeport St., New Kensington, PA 15068, New Kensington City, **Westmoreland County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Dr., Cranberry Township, PA 16066, on behalf of Evergreen Resources Management Operations, 2 Righter Parkway, Ste. 120, Wilmington, DE 19803, submitted a combined revised Remedial Action Plan and Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan and Remedial Action Completion Report demonstrated attainment of the site specific standard and was approved with modifications by DEP on October 28, 2021.

*Northwest Regional Office: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6648.*

*Contact: Kim Bontrager, Clerk Typist 3.*

**Jenks Curve**, Storage Tank Facility ID # 33-01987, Intersection of Route 119 and Jenks Avenue, Punxsutawney, PA 15767, Punxsutawney Borough, **Jefferson County**. Core Environmental Services, Inc., 3960 William Flinn Highway, Suite 100, Allison Park, PA 15101, on behalf of Pennsylvania Department of Transportation, Engineering District 10-0, 2550 Oakland Avenue, P.O. Box 429, Indiana, PA 15701, 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 site-specific standard and was approved by DEP on October 27, 2021.

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**SPECIAL NOTICES**


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**RADIATION PROTECTION**


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**Notice of Certification to Perform Radon-Related Activities in Pennsylvania**


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In the month of October 2021, Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P.L. 238, No. 43 (63 P.S. § 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P.O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Certification</i>
Mark W. Achuff	14 E Main St Ste 100 Lansdale, PA 19446	Mitigation
Thomas Angelucci	4224 E Church St Stevens, PA 17578	Testing
Joseph T. Batten, Jr.	346 N Pottstown Pike Exton, PA 19341	Testing
Joseph T. Batten, Jr.	346 N Pottstown Pike Exton, PA 19341	Mitigation
Keith Carpenter	124 Old Colony Dr Johnstown, PA 15904	Mitigation
Bruce E. Eichenlaub	535 Derr Hill Rd Lock Haven, PA 17745	Mitigation
Jason W. Elliot	255 Squankum Rd Farmingdale, NJ 07727	Laboratory
Adam N. Forne	3710 Zimmerly Rd Erie, PA 16506	Testing
Thomas M. Giambrone	6233 Frankford Ave 2nd Floor Philadelphia, PA 19135	Testing
Gregory M. Gibson	P.O. Box 733 Tannersville, PA 18372	Mitigation
David C. Grammer	27 Ironia Rd Unit 2 Flanders, NJ 07836	Laboratory
Charles P. Gutridge	1614 Laurelwood Rd Pottstown, PA 19465	Mitigation
David C. Heintzelman	2802 W Rosegarden Blvd Mechanicsburg, PA 17055	Testing
Ammon D. Hontz	P.O. Box 4064 Jim Thorpe, PA 18229	Testing
Robert J. Huska, Jr.	1329 Glendale Rd York, PA 17403	Testing
Michael J. Imperial	2646 Fallow Hill Ln Jamison, PA 18929	Testing
David P. Kapturowski	6951 Allentown Blvd Ste N Harrisburg, PA 17112	Laboratory
Gregory Kopenhaver	P.O. Box 902 Bluebell, PA 19422	Testing
Patrick M. McManus	608 Cedardale Dr North Huntingdon, PA 15642	Testing



<i>Name</i>	<i>Address</i>	<i>Certification</i>
Daniel R. Mueller	311 Parkview Way Newtown, PA 18940	Testing
David C. Scholtz	P.O. Box 118 Effort, PA 18330	Laboratory
David K. Scott	417 Pikeland Ave Spring City, PA 19475	Testing
Brian P. Simmons	12653 Vanhorne Rd Meadville, PA 16335	Testing
Robert P. Slusher, Jr.	103 Deesch Rd Canadensis, PA 18325	Testing
Charles A. Smith	211 Sumac Circle Morgantown, WV 26508	Mitigation
Matthew B. Tracy	17 Sunnybrook Dr Doylestown, PA 18901	Testing
Edward J. Verna, Sr.	1703 S 5th Ave Lebanon, PA 17042	Mitigation
Lewis W. Wertz	88 Sunset Dr Hanover, PA 17331	Testing

### WATER PROGRAMS

#### EROSION AND SEDIMENT CONTROL PERMIT AMENDMENT

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

The Department of Environmental Protection (Department) provides notice of a complete application for a permit amendment for the following listed Chapter 102, Erosion and Sediment Control Permit, issued for the Pennsylvania Pipeline Project (PPP)/Mariner East II.

<i>Ch. 102 Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Counties</i>	<i>DEP Regional Office</i>
ESG0100015001	Sunoco Pipeline, LP (SPLP) 535 Fritztown Road Sinking Spring, PA 19608	Delaware and Chester	Southeast Region

#### Chapter 102 Permit No. ESG0100015001.

This request received initially on April 20, 2021, with subsequent resubmissions on July 27, 2021, September 14, 2021, October 13, 2021, and October 15, 2021, is entitled “Major Amendment HDD 0541 PCSM BMPs” and is located in Thornbury Township, **Delaware County**.

The permit amendment request is for the installation of Post Construction Stormwater Management (PCSM) Best Management Practices (BMPs) in the area of Horizontal Directional Drill (HDD) 541 along Middletown Road in Thornbury Township, Delaware County, Pennsylvania. The PCSM BMPs to be installed include amended soils, 3 detention berms, a diversion berm, and 36-inch perforated storage pipe to collect and detain upstream flow.

For more detailed information regarding the Southeast Regional Office Chapter 102 permit (ESG0100015001) related to this project, which is available in the Department’s Southeast Regional Office, please call (484) 250-5160 to request a file review. This information is also available online at: <https://www.dep.pa.gov/Business/ProgramIntegration/Pennsylvania-Pipeline-Portal/Pages/Mariner-East-II.aspx>.

Persons wishing to comment on a permit application and its contents are invited to submit comments within 30 days of this public notice. Comments on the applications can be emailed to ra-epww-sero@pa.gov or sent via postal mail to the Department of Environmental Protection, Southeast Regional Office, Waterways and Wetlands Program, 2 East Main Street, Norristown, PA 19401.

Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and relevant facts upon which it is based. A public hearing may be held after consideration of comments received by the appropriate Department office during the 30-day public comment period.

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

[Pa.B. Doc. No. 21-1894. Filed for public inspection November 12, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Availability of National Pollutant Discharge Elimination System General Permit for Discharges of Stormwater Associated with Small Construction Activities (PAG-01)

Under The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department) by this notice informs the public of the availability of the final National Pollutant Discharge Elimination System (NPDES) PAG-01 General Permit for Discharges of Stormwater Associated with Small Construction Activities (PAG-01). The PAG-01 General Permit will become effective on March 1, 2022, and will expire on February 28, 2027.

The PAG-01 General Permit is intended to provide NPDES permit coverage to persons proposing an earth disturbance activity (other than agricultural plowing or tilling activities, animal heavy use areas, timber harvesting activities, oil and gas activities and road maintenance activities) involving earth disturbance greater than or equal to 1 acre and less than 5 acres, or an earth disturbance on any portion, part or during any stage of a larger common plan of development or sale that involves greater than or equal to 1 acre and less than 5 acres of disturbance, in accordance with 25 Pa. Code § 102.5(a) (relating to permit requirements). The PAG-01 General Permit may also be used for NPDES permit coverage where the Department or the United States Environmental Protection Agency (EPA) requires an NPDES permit based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to waters of the United States, in accordance with 40 CFR 122.26(b)(15)(ii) (relating to storm water discharges (applicable to State NPDES programs, see § 123.25)), which may involve less than 1 acre of earth disturbance. The PAG-01 General Permit may not be used for discharges to waters designated for special protection under 25 Pa. Code Chapter 93 (relating to water quality standards) and other discharges that do not meet eligibility requirements of the PAG-01 General Permit.

Notice of the availability of a draft PAG-01 General Permit was published at 49 Pa.B. 5642 (September 28, 2019). A 30-day comment period was provided and interested parties were directed to submit comments to the Department's eComment system. The Department received comments from 12 individuals and organizations during the comment period, and a comment and response document has been developed.

Persons eligible for PAG-01 General Permit coverage must submit a complete Notice of Intent (NOI) package 30 or 60 days prior to the planned date for commencing construction activities involving earth disturbance, depending on factors identified in the PAG-01 NOI Instructions (3800-PM-BCW0405a). In addition to the NOI, a complete NOI package includes: County and Municipal Notification forms; a Pennsylvania Natural Diversity Inventory receipt; a Natural Resources Conservation Service soil map; Erosion and Sediment Control (E&S) Module 1; E&S Plan Drawings; Post-Construction

Stormwater Management (PCSM) Plan Drawings; and applicable fees. Applicants are not required to prepare a stormwater analysis under 25 Pa. Code § 102.8(g) (relating to PCSM requirements) for PAG-01 coverage as specific PCSM best management practices (BMP) must be selected and implemented that will manage the net change in stormwater runoff volume, rate and water quality comparing pre-construction to post-construction conditions.

The fees for the PAG-01 General Permit include: (1) a \$500 administrative filing fee that is payable to the appropriate delegated county conservation district (CCD) Clean Water Fund or, if earth disturbance will occur in Forest County or Philadelphia County, payable to the Commonwealth of Pennsylvania Clean Water Fund; (2) a disturbed acreage fee calculated by multiplying the number of disturbed acres (rounded to the nearest whole acre) by \$100, payable to the Commonwealth of Pennsylvania Clean Water Fund; and (3) any additional fees that the CCD has established for review of the NOI for PAG-01 coverage. The administrative filing fee and disturbed acreage fee do not apply to entities satisfying the criteria for an exemption under 25 Pa. Code § 102.6(b)(4) (relating to permit applications and fees). Where the CCD will review the NOI, a copy of the NOI must be transmitted to the Department separately, as explained on the PAG-01 NOI checklist (3800-PM-BCW0404c).

The following substantive changes were made to the final PAG-01 General Permit in comparison to the draft PAG-01 General Permit that was published at 49 Pa.B. 5642:

- An expiration date of coverage has been established on page 1 (Authorization to Discharge) of February 28, 2027, which is the expiration date of the Statewide PAG-01 General Permit.
- The proposed \$250 annual installment of the NOI fee has been removed from the final PAG-01 General Permit.
- Infiltration testing is required to verify the capacity of native soils with Hydrologic Soil Group types of A or B to provide infiltration below rain gardens and dry wells when used as PCSM BMPs.
- The recording of an instrument pertaining to PCSM BMPs must be completed within 45 days of approval of coverage under PAG-01, unless a later date is approved by the Department or CCD. In addition, proof of the recording must be submitted as part of an application to transfer General Permit coverage, when applicable.

The General Permit package can be accessed through the Department's eLibrary web site at [www.depgreenport.state.pa.us/elibrary/](http://www.depgreenport.state.pa.us/elibrary/) (select "Permit and Authorization Packages," then "Clean Water," then "PAG-01 NPDES General Permit for Discharges of Stormwater Associated with Small Construction Activities").

In accordance with 25 Pa. Code § 92a.84(c)(3) (relating to public notice of general permits), the Department will publish notice in the *Pennsylvania Bulletin* for every approval of coverage under the PAG-01 General Permit.

PATRICK McDONNELL,  
Secretary

[Pa.B. Doc. No. 21-1895. Filed for public inspection November 12, 2021, 9:00 a.m.]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Bid Opportunity**

**OSM 54(4124)108.1, Acid Mine Drainage Abatement Project, Rausch Creek Treatment Plant Lime Tank Replacement, Hegins Township, Schuylkill County.** The principal items of work and approximate quantities include: temporary lime supply, 1 lump sum; removal of existing lime storage tank, 1 lump sum; installation of new lime storage tank, 1 lump sum; and anchoring system, lump sum.

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](http://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](mailto:RA-ConstructionContr@pa.gov) for more information on this bid.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-1896. Filed for public inspection November 12, 2021, 9:00 a.m.]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Oil and Gas Technical Advisory Board Meeting Cancellation**

The December 16, 2021, meeting of the Oil and Gas Technical Advisory Board (Board) is cancelled. The Board's meeting dates for 2022 have not yet been determined. Information about next year's Board meetings will be published in a future issue of the *Pennsylvania Bulletin*. Information will also be provided on the Board's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Oil and Gas," then "Oil and Gas Technical 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 Board can be directed to Todd M. Wallace at [twallace@pa.gov](mailto:twallace@pa.gov) or (717) 783-9438.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-9438, 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. 21-1897. Filed for public inspection November 12, 2021, 9:00 a.m.]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Planning Grant Award under Section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988**

The Department of Environmental Protection announces the following grant to Clinton County under section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P.S. § 4000.901) and section 208 of the Small Business and Household Pollution Prevention Program Act (35 P.S. § 6029.208).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans, as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste (HHW) and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. Grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101 (53 P.S. §§ 4000.701 and 4000.702) and the availability of funds in the Recycling Fund.

Inquiries regarding the grant offering can be directed to Mark Vottero, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P.O. Box 8472, Harrisburg, PA 17105-8472, at [mvottero@pa.gov](mailto:mvottero@pa.gov) or (717) 772-5719.

**Act 101, Section 901 HHW Education Grant**

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project</i>	<i>Grant</i>
Northcentral	Clinton	Clinton County	Plan Revision	\$27,236

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-1898. Filed for public inspection November 12, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Radiation Protection Advisory Committee Meeting Cancellation

The December 9, 2021, meeting of the Radiation Protection Advisory Committee (Committee) is cancelled. The next Committee meeting is not yet scheduled. Information about the next meeting will be published in a future issue of the *Pennsylvania Bulletin*. Information will also be provided on the Committee's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Radiation," then "Radiation Protection Advisory Committee," then "Meetings and Bylaws").

Individuals are encouraged to visit the Committee's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the Committee can be directed to John Chipppo at [jchippo@pa.gov](mailto:jchippo@pa.gov) or (717) 783-9730.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-9730, 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. 21-1899. Filed for public inspection November 12, 2021, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation and relating to</i>
Elite Surgery Center, LLC	28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery)
North Shore Endoscopy Center, LLC	28 Pa. Code § 553.31(a) and (b) (relating to administrative responsibilities)
Western PA Surgery Center	28 Pa. Code § 553.31(a) and (b)
Western PA Surgery Center—Beaver County Branch	28 Pa. Code § 551.21(d)(1)
	28 Pa. Code § 553.31(a) and (b)

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov). Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ALISON BEAM,  
*Acting Secretary*

[Pa.B. Doc. No. 21-1900. Filed for public inspection November 12, 2021, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals).

<i>Facility Name</i>	<i>Regulation and relating to</i>
Encompass Health Rehabilitation Hospital of Altoona, LLC	28 Pa. Code § 101.31(5) (relating to hospital requirements)
Encompass Health Rehabilitation Hospital of Erie, LLC	28 Pa. Code § 101.31(5)
Encompass Health Rehabilitation Hospital of Harmarville, LLC	28 Pa. Code § 101.31(5)
Encompass Health Rehabilitation Hospital of Nittany Valley	28 Pa. Code § 101.31(5)
Encompass Health Rehabilitation Hospital of Reading, LLC	28 Pa. Code § 101.31(5)
Encompass Health Rehabilitation Hospital of Sewickley, LLC	28 Pa. Code § 101.31(5)
Encompass Health Rehabilitation Hospital of York, LLC	28 Pa. Code § 101.31(5)
Geisinger—Bloomsburg Hospital	28 Pa. Code § 107.64 (relating to administration of drugs)
Geisinger—Community Medical Center	28 Pa. Code § 107.64
Geisinger Encompass Health Rehabilitation Hospital	28 Pa. Code § 101.31(5)
Geisinger Medical Center Muncy	28 Pa. Code § 107.62(a) and (b) (relating to oral orders)
	28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards)
Geisinger Wyoming Valley Medical Center	28 Pa. Code § 107.64
Reading Hospital	28 Pa. Code § 103.4(3) (relating to functions)
Saint Mary Rehabilitation Hospital LLP	28 Pa. Code § 101.31(5)
Temple University Hospital, Inc.	28 Pa. Code § 123.5 (relating to administration of anesthesia)

The following hospitals have filed requests for exceptions under 28 Pa. Code § 153.1 (relating to minimum standards). Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities—2014 Edition*, or *Guidelines for Design and Construction of Hospitals—2018 Edition*, *Guidelines for Design and Construction of Outpatient Facilities—2018 Edition*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception.

<i>Facility Name</i>	<i>FGI Guidelines Section and relating to</i>	<i>Yr<sup>1</sup></i>
The Chester County Hospital	2.2-2.9.1.1(1) location	18
Geisinger—Community Medical Center	2.2-3.10.2.1(3) general	18
Meadville Medical Center	2.2-3.4.2.2(2)(a) space requirements	18
The Milton S. Hershey Medical Center	2.1-8.4.2.6(1)(a) drainage systems	18
Penn Highlands Dubois	2.1-3.2.1.2(2)(a)(i) single-patient examination/observation room	18-O
	2.1-5.3.1.1(1) and (3) number	18-O
	2.1-7.2.2.3(2)(a) doors and door hardware	18-O
	2.1-8.3.6 electrical receptacles	18-O
	2.1-8.4.3.2(2) hand-washing station sinks	18-O
Penn Highlands Huntingdon	2.1-8.4.3.2 hand-washing station sinks	18
	2.2-2.2.2.1(1) capacity	18
	2.2-2.2.2.2(2)(b) clearances	18
	2.2-3.1.3.7 patient toilet room	18
Penn Highlands Mon Valley	2.2-3.4.2.2(2)(a) space requirements	18
Thomas Jefferson University Hospitals, Inc.	2.1-8.5.2.3(2) technology distribution room (TDR)	18
West Penn Hospital	2.1-3.4.2.5 hand-washing stations	18

<sup>1</sup> 2018 Year FGI Regulations for Outpatient Facilities are indicated by “-O.”

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or for speech and/or hearing impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ALISON BEAM,  
*Acting Secretary*

[Pa.B. Doc. No. 21-1901. Filed for public inspection November 12, 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)):

Clarion Healthcare and Rehabilitation Center  
999 Heidrick Street  
Clarion, PA 16214  
FAC ID # 591202

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.3 (relating to definitions):

Lakeside at Willow Valley  
300 Willow Valley Lakes Drive  
Willow Street, PA 17584  
FAC ID # 233602

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(h) (relating to bathing facilities):

The Glen at Willow Valley  
675 Willow Valley Square  
Lancaster, PA 17602  
FAC ID # 077902

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.12(f)(1) (relating to nursing services):

Smith Health Care, Ltd.  
453 South Main Road  
Mountain Top, PA 18707  
FAC ID # 453102

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department

and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ALISON BEAM,  
*Acting Secretary*

[Pa.B. Doc. No. 21-1902. Filed for public inspection November 12, 2021, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Recognized Lifeguard Certifying Authorities for 2022

The Department of Health (Department) has determined that the following lifeguard certifying authorities meet the requirements in 28 Pa. Code § 18.42 (relating to certified lifeguards) and are recognized by the Department as lifeguard certifying authorities for 2022: The American Red Cross; Jeff Ellis and Associates; YMCA; The Boy Scouts of America; StarGuard ELITE; National Aquatic Safety Company; American Aquatics & Safety Training; and United States Lifesaving Association (beach and open water).

For additional information or persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Keri Seitz, Limited English Proficiency Coordinator, Department of Health, Bureau of Community Health Systems, 30 Kline Plaza, Harrisburg, PA 17104, (717) 787-4366, 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. 21-1903. Filed for public inspection November 12, 2021, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### 334 Hospitality, LLC v. Department of Environmental Protection; EHB Doc. No. 2021-103-L

334 Hospitality, LLC have appealed the denial by the Department of Environmental Protection of coverage un-

der NPDES General Permit PAG-02, Notice of Intent application No. PAC670473, for a project site located in York County.

The appeal is filed with the Environmental Hearing Board (Board). The notice of appeal, and other filings related to the appeal, may be reviewed by any interested person through the Board's web site at <http://ehb.courtapps.com>. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania Hamilton Relay Center at (800) 654-5984. A date for the hearing on the appeal has not yet been scheduled.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available online and upon request from the Board.

THOMAS W. RENWAND,  
*Chairperson*

[Pa.B. Doc. No. 21-1904. Filed for public inspection November 12, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### **Alleged Violation of Insurance Laws; Stephen Vaughn Jones; Doc. No. SC21-11-001**

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(2), (9) and (20) and 678-A(a) of The Insurance Department Act of 1921 (40 P.S. §§ 310.11(2), (9) and (20) and 310.78(a)).

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](mailto: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. 21-1905. Filed for public inspection November 12, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### **Appeal of Joanne Matuszek under the Quality Health Care Accountability and Protection Article; Gateway Health Plan, Inc.; Doc. No. HC21-10-011**

Under Article XXI of The Insurance Company Law of 1921, known as the Quality Health Care Accountability and Protection Article (40 P.S. §§ 991.2101—991.2194), notice is hereby given that the appellant in this action has requested a hearing, in connection with the appellant's managed health care plan. The proceedings in this matter will be governed 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant provisions of law.

A prehearing videoconference will be held on November 17, 2021, at 9:30 a.m. A date for a hearing shall be determined, if necessary, at the prehearing videoconference.

Protests, petitions to intervene or notices of intervention must be electronically filed on or before December 1, 2021. The e-mail address to be used for the Administrative Hearings Office is [ra-hearings@pa.gov](mailto:ra-hearings@pa.gov). Answer to protests, petitions to intervene or notices of intervention, if any, must be filed electronically on or before December 13, 2021.

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 Joseph Korman at (717) 787-4429 or [jkorman@pa.gov](mailto:jkorman@pa.gov).

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-1906. Filed for public inspection November 12, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### **Genworth Life Insurance Company; Rate Increase Filing for the Choice I LTC Series (GEFA-133030448); Rate Filing**

Genworth Life Insurance Company is requesting approval to increase the premium an aggregate 35.1% on 5,445 policy holders with LTC form 7035 issued on or after September 16, 2002.

Unless formal administrative action is taken prior to January 28, 2022, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Pending Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to Lorraine Badarzynski, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry

Square, Harrisburg, PA 17120, lbadarzyns@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 21-1907. Filed for public inspection November 12, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Genworth Life Insurance Company; Rate Increase Filing for the Choice I LTC Series (GEFA-133030452); Rate Filing

Genworth Life Insurance Company is requesting approval to increase the premium an aggregate 53.4% on 2,647 policy holders with LTC form 7035 issued prior to September 16, 2002.

Unless formal administrative action is taken prior to January 28, 2022, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Pending Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to Michael Hibbert, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, mhibbert@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 21-1908. Filed for public inspection November 12, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Genworth Life Insurance Company; Rate Increase Filing for the PCS II LTC Series (GEFA-132973965); Rate Filing

Genworth Life Insurance Company is requesting approval to increase the premium an aggregate 12.8% on 27 policy holders with LTC form 7032 issued on or after September 16, 2002.

Unless formal administrative action is taken prior to January 28, 2022, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Pending Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to Valerie Romig, Actuarial Associate, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, vromig@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 21-1909. Filed for public inspection November 12, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Genworth Life Insurance Company; Rate Increase Filing for the PCS II LTC Series (GEFA-133030440); Rate Filing

Genworth Life Insurance Company is requesting approval to increase the premium an aggregate 34.1% on 3,480 policy holders with LTC forms 7030 and 7032 issued prior to September 16, 2002.

Unless formal administrative action is taken prior to January 28, 2022, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Pending Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to Sean Carmody, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, scarmody@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 21-1910. Filed for public inspection November 12, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested hearings as authorized by the act of June 17, 1998 (P.L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policies. The hearings will be held in accordance with the requirements of Act 68; 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). These administrative hearings will be held as follows. Failure by the appellant to appear at the scheduled hearings may result in dismissal with prejudice.



The hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Fred M. Levy; New Jersey Manufacturers Insurance Company; File No. 21-115-256860; Doc. No. P21-04-003; December 2, 2021, 1 p.m.

Appeal of Fred M. Levy; Allstate Fire and Casualty Insurance Company; File No. 21-176-257517; Doc. No. P21-06-019; December 2, 2021, 2:30 p.m.

Following the hearings and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearings and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in a hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearings and require an auxiliary aid, service or other accommodation to participate in the hearings should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 21-1911. Filed for public inspection November 12, 2021, 9:00 a.m.]

## OFFICE OF OPEN RECORDS

### Right-to-Know Law and Sunshine Act Annual Virtual Training

The Office of Open Records (OOR) will hold its annual Right-to-Know Law (RTKL) (65 P.S. §§ 67.101–67.3104) and Sunshine Act training (65 Pa.C.S. §§ 701–716) (relating to Sunshine Act) on Thursday, November 18, 2021, at 10:30 a.m. This year's session, which will be held by means of Zoom, will include the following topics:

- How the RTKL has fared during the novel coronavirus (COVID-19) pandemic and lessons learned.
- A Sunshine Act update on agendas and virtual meetings.
- Case law update of the latest court decisions involving RTKL and final determinations issued by the OOR.
- Looking ahead to RTKL in 2022.

The OOR's annual training is free and open to everyone. Attendees will have ample opportunity to ask questions. To register, visit <https://oor-training-2021.eventbrite.com>. (CLE credits are not available this year.)

LIZ WAGENSELLER,  
Executive Director

[Pa.B. Doc. No. 21-1912. Filed for public inspection November 12, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security, Insufficient Financial Security Amount or Language

Public Meeting held  
October 28, 2021

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

*Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security, Insufficient Financial Security Amount or Language; M-2021-3023559*

#### Tentative Order

*By the Commission:*

The Commission's regulations at 52 Pa. Code § 54.40(a) state that an Electric Generation Supplier (EGS) license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. In addition, 52 Pa. Code § 54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a bond or other approved security in the amount directed by the Commission has been obtained.

Each EGS must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120, prior to the EGS's current security expiration date. Each financial instrument must be an original document that displays a "wet" signature or digital signature, preferably in blue ink, and displays a "raised seal" or original notary stamp. The name of the principal on the original financial instrument must match exactly with the name that appears on the EGS's license issued by the Commission.

Failure to file before the financial security's expiration date may cause Commission staff to initiate a formal proceeding that may lead to the following: cancellation of each company's electric supplier license, removal of each company's information from the Commission's website, and notification to all electric distribution companies, in which each company is licensed to do business, of the cancellation of the license.

As of October 19, 2021, each EGS listed in the Supplier Table below has not provided proof to the Commission that it has a bond or other approved security in the amount or language directed by the Commission, to replace a bond which is expired, or which is non-compliant with Commission regulations.

*Supplier Table—List of Electric Generation Suppliers*

<i>Docket Number</i>	<i>Company Name</i>	<i>Financial Security Expiration Date</i>	<i>Commission Approved Amount or Language</i>
A-2009-2134418	ACCLAIM ENERGY LTD	9/10/2021	Yes
A-110173*	AMERICAN POWERNET MANAGEMENT, LP	10/2/2021	No
A-2010-2203946	ASPEN ENERGY CORPORATION	9/21/2021	Yes
A-2018-3000917	GLOBAL ENERGY, LLC	9/26/2021	Yes
A-2019-3013701	MANAGEMENT SERVICES PARTNERS, LLC	9/22/2021	Yes
A-2012-2303321	URA, INC.	9/16/2021	Yes

\*Taking title to electricity

As part of its EGS license validation procedures, the Commission's Bureau of Technical Utility Services sent a 90-day Security Renewal Notice email to each entity in the Supplier Table above stating that original documentation of a bond, or other approved security in the amount or language directed by the Commission, must be filed within 30-days prior to each entity's security expiration date. None of the companies listed in the Supplier Table provided the required documentation.

Based on the above facts, we tentatively conclude that the EGSs listed in the Supplier Table are not in compliance with 52 Pa. Code § 54.40(a) and (d) and therefore it is appropriate to initiate the cancellation process for the EGS license of each company listed in the Supplier Table, without the necessity of a formal complaint, as being in the public interest; *Therefore,*

*It Is Ordered That:*

1. Cancellation of the Electric Generation Supplier License of each company listed in the Supplier Table is hereby tentatively approved as being in the public interest.

2. The Secretary (i) serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation & Enforcement, all electric generation distribution companies, and all of the Electric Generation Suppliers listed in the Supplier Table; (ii) publish a copy of this Tentative Order in the *Pennsylvania Bulletin* with a 30-day comment period; and (iii) file a copy of this Tentative Order at each Electric Generation Supplier's assigned docket number.

3. To the extent any of the Electric Generation Suppliers listed in the Supplier Table challenge the cancellation of their license, they must file comments within thirty (30) days after publication of this Tentative Order in the *Pennsylvania Bulletin*. Written comments referencing Docket No. M-2021-3023559 must be eFiled to the Pennsylvania Public Utility Commission through the Commission's eFiling System. You may set up a free eFiling account with the Commission at <https://efiling.puc.pa.gov/> if you do not have one. Filing instructions may be found on the Commission's website at [http://www.puc.pa.gov/filing\\_resources.aspx](http://www.puc.pa.gov/filing_resources.aspx). Comments containing confidential information should be emailed to Commission Secretary Rosemary Chiavetta at [rchiavetta@pa.gov](mailto:rchiavetta@pa.gov) rather than eFiled.

4. Alternatively, Electric Generation Suppliers listed in the Supplier Table may provide the Commission an approved security up to and within thirty (30) days after publication in the *Pennsylvania Bulletin*. The Electric Generation Supplier must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument displaying a "wet" signature or digital signature, preferably in blue ink, and displaying a "raised seal" or original notary stamp with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120.

5. Absent the timely (i) filing of comments challenging the cancellation of the Electric Generation Supplier's license, or (ii) the filing of an approved security within 30-days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services, shall prepare a Final Order for entry by the Secretary revoking the license of each Electric Generation Supplier that fails to respond.

6. Upon entry of the Final Order, Electric Generation Suppliers that remain listed as not in compliance with 52 Pa. Code § 54.40(a) and (d) will be stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration, removed from the Commission's website, and notifications be sent to all electric distribution companies in which the Electric Generation Suppliers are licensed to do business.

7. Upon entry of the Final Order, Electric Generation Suppliers that fail to respond will be prohibited from providing electric generation supply services to retail electric customers. That upon entry of the Final Order described in Ordering Paragraph No. 5, each electric distribution company in which the Electric Generation Suppliers are licensed to do business, shall return the customers of the Electric Generation Suppliers to default service.

ROSEMARY CHIAVETTA,  
*Secretary*

ORDER ADOPTED: October 28, 2021

ORDER ENTERED: October 28, 2021

[Pa.B. Doc. No. 21-1913. Filed for public inspection November 12, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

**Pennsylvania Public Utility Commission, Bureau of  
Investigation and Enforcement v. Discount  
Power, Inc.**

Public Meeting held  
October 28, 2021

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

*Pennsylvania Public Utility Commission, Bureau of  
Investigation and Enforcement v. Discount Power, Inc.;  
M-2021-3022658*

### **Tentative Opinion and Order**

*By the Commission:*

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is a proposed Joint Petition for Approval of Settlement (Settlement), filed on August 27, 2021, by the Commission's Bureau of Investigation and Enforcement (I&E) and Discount Power, Inc. (Discount or DPI), with respect to an informal investigation conducted by I&E concerning possible violations of the Public Utility Code (Code) and specific consumer protection regulations. Both I&E and Discount filed a Statement in Support of the Settlement (Statement in Support). Further, both I&E and Discount submit that the proposed Settlement is in the public interest and is consistent with the Commission's Policy Statement at 52 Pa. Code § 69.1201, Factors and standards for evaluating litigated and settled proceedings involving violations of the Public Utility Code and Commission regulations—statement of policy (Policy Statement). See Settlement at ¶¶ 12, 53, *infra*.

Before issuing a final decision on the merits of the proposed Settlement, and consistent with the requirement of 52 Pa. Code § 3.113(b)(3), we shall publish the Settlement in the *Pennsylvania Bulletin* and provide an opportunity for interested parties to file comments regarding the proposed Settlement and issue the Settlement for comments.<sup>1</sup>

#### *History of the Proceeding*

This matter concerns allegations regarding Discount, a jurisdictional electric generation supplier (EGS).<sup>2</sup> The allegations against Discount, from 2019 through May 2021, are as follows: (1) misleading and deceptive telemarketing; (2) billing of incorrect rates; (3) failure to issue renewal letters; (4) unauthorized enrollments; and (5) a lack of record keeping. Settlement at ¶¶ 7, 11. I&E and Discount entered into negotiations and agreed to resolve the matter in accordance with the Commission's policy to promote settlements at 52 Pa. Code § 5.231. Settlement at ¶ 12.

By letter dated January 28, 2021, I&E sent a data request to Discount (January 2021 Letter), notifying Discount that, based on information referred to I&E by

<sup>1</sup> As discussed, *infra*, because the basis of the Settlement involves an automated/robocall recording that may have been issued to a significant number of customers, including the customers who filed a complaint in this matter, we believe that it is appropriate to publish the Settlement in the *Pennsylvania Bulletin*.

<sup>2</sup> Discount is licensed by the Commission, at Docket No. A-2012-2328004, to operate in the following electric distribution company (EDC) service territories of Pennsylvania: (1) PECO Energy Company (PECO); (2) Duquesne Light Company (Duquesne); (3) Metropolitan Edison Company (Met-Ed); (4) Pennsylvania Electric Company (Penelec); and (5) PPL Electric Utilities Corporation (PPL). Settlement at ¶ 7.

the Office of Competitive Market Oversight (OCMO), I&E had instituted an informal investigation of Discount and a response to I&E's set of twenty-eight (28) data requests was required by March 1, 2021. On March 1, 2021, Discount provided a timely response to I&E's data requests. On April 20, 2021, I&E requested a response to a second set of data requests. On May 18, 2021, Discount provided a timely response to I&E's second set of data requests. Settlement at ¶¶ 24–26.

As previously noted, on August 27, 2021, I&E and Discount filed the instant Settlement. Also, as noted earlier, the Parties to the Settlement in this instance have each filed a Statement in Support. See Appendix A and B to Settlement, which are Statements of Support filed by I&E and Discount, respectively.

#### *Background*

The basis for the instant Settlement resulted from I&E's investigation, which included: (1) a review of a referral memo completed by OCMO; (2) informal customer complaints; and (3) Discount's responses to I&E's data requests. Settlement at ¶ 27.

On October 29, 2020, OCMO sent a referral memo to I&E alleging that, on August 24, 2020, the Director of OCMO had personally received a telemarketing call with a caller ID showing York, Pennsylvania.<sup>3</sup> Specifically, the referral stated that the Director received an automated/robocall advertising a refund on his electric bill and, upon pressing one, an agent who came on the call identified himself by name but did not identify who he was calling on behalf of until several minutes into the call. The agent, who eventually said that he represented Discount, stated that: (1) he could provide a better, fixed rate for 24 months; (2) the Director would receive a \$50 reward card every month; (3) the supplier would be "chosen by PPL;" and (4) "nothing will be changing" on the electric bill. Settlement at ¶¶ 15–18, 28. Further, the Director stated that he was advised that he would receive a newer, lower rate of 8.29 cents. Settlement at ¶¶ 19, 28. Moreover, the Director noted that upon being guided through the verification process, he was successfully enrolled with Discount; however, in contrast to the information provided by the agent, the verifier stated that enrollment was for a fixed 3-month plan at a rate of 8.29 cents. Settlement at ¶¶ 20, 28. Furthermore, the verifier stated that a \$4.95 monthly fee would be incurred even though the agent did not disclose such a fee during the call. Settlement at ¶¶ 21, 28. Finally, the Director noted that, on or about September 8, 2020, his account was switched to Discount, and he received a welcome letter and disclosure statement from Discount, dated August 26, 2020. Settlement at ¶ 22.

In addition to the allegations contained in the OCMO referral memo, I&E identified several informal complaints which raised concerns of telemarketing misrepresentation, billing of incorrect rates, failure to issue renewal letters, and the enrollment of individuals without authorization or the capacity to enroll. Each customer complaint, as summarized in the Settlement, is reprinted verbatim below:

a) Five (5) incidents<sup>4</sup> where DPI requested a refund for the customer after an allegation of misrepresentation;

b) Two (2) incidents where customers alleged misrepresentation but DPI offered refund for the "inconvenience;"

<sup>3</sup> The Director's telephone number is on the Do Not Call registry. Settlement at ¶¶ 23, 28.

<sup>4</sup> To protect the identity and confidential nature of the complainants, I&E and Discount have agreed to remove any identifying information from the allegations. Settlement at ¶ 30.

c) Two (2) incidents where DPI requested a refund after an allegation of misrepresentation and noted possible tampering with the recording(s);

d) Two (2) incidents where an agent was suspended and retrained after complaints of misrepresentation;

e) Two (2) incidents where misrepresentation and deceptive enrollment resulted in the termination of an agent;

f) Two (2) incidents where DPI improperly enrolled a customer as a “winback;”

g) One (1) incident where DPI improperly enrolled a customer as a “winback” but only offered to provide a refund if the customer stayed with DPI;

h) One (1) incident of enrolling a customer with dementia in a nursing home;

i) One (1) incident of enrolling a customer with dementia who did not have legal ability to enter into a contract;

j) One (1) incident of enrolling an elderly customer who did not have authorization to enroll;

k) One (1) incident of enrolling a customer who was unable to authorize enrollment due to mental capacity, i.e., mental disability/mentally challenged;

l) Two (2) incidents of enrolling a customer with incorrect information/possible slamming allegation;

m) One (1) incident of failure to cancel/drop account upon request;

n) Two (2) incidents of failure to provide renewal letters to customers;

o) Two (2) incidents where DPI provided and/or enrolled customers with incorrect rates;

p) Eight (8) incidents related to high variable rates and/or renewal rate where DPI offered and/or provided refund; and

q) Two (2) incidents of failure to bill correct rate.

Settlement at ¶ 30.

In response to the alleged conduct, Discount acknowledged that there were at least seven (7) individuals who filed complaints after receiving a telemarketing call despite being on the Do Not Call registry. Settlement at ¶ 39. Discount also stated that it started tracking and taking notes on customer complaints “sometime after 2019.” Settlement at ¶ 35.

I&E’s ability to investigate and analyze Discount’s responses was “hindered by Discount Power’s poor internal record keeping.” Settlement at ¶ 36. Specifically, I&E detailed that Discount was unable to provide its subsequent communications with the customer and was unable to provide a resolution to the complaint or inquiry beyond adding the customer to Discount’s Do Not Call list. Settlement at ¶ 37. I&E identified fifty-three (53) customer complaints which did not include notes or a resolution to the complaint, noting that three (3) of those complaints occurred in the prior six (6) billing cycles and which Discount was required to obtain. Settlement ¶ at 38.

If this matter had been fully litigated, I&E was prepared to present evidence and legal arguments to demonstrate that Discount and/or its agents committed the following alleged violations: (1) Discount and/or its agents conducted deceptive and misleading actions, including calling customers on the Do Not Call list, an alleged violation of 52 Pa. Code §§ 54.43(g), 111.10(a) and (b),

and 111.12(d) (multiple counts); (2) Discount and/or its agents conducted deceptive or false representations, including rates and savings, an alleged violation of 52 Pa. Code §§ 54.122(3) and 111.12(d) (multiple counts); (3) an agent for Discount failed to identify himself/herself upon first contact and state that he/she does not work for and is independent of the local EDC, an alleged violation of 52 Pa. Code §§ 111.8(b) and 111.10(a) and (b) (multiple counts); (4) an agent for Discount suggested that a customer is required to choose an EGS, an alleged violation of 52 Pa. Code §§ 111.8(f) and 111.10(a) and (b) (multiple counts); (5) Discount and/or its agents’ actions resulted in the unauthorized enrollment of customers (through improper “winback” enrollment, enrolling a customer with incorrect information, or enrollment of a customer who does not possess the ability to authorize or verify an enrollment), an alleged violation of 52 Pa. Code §§ 54.42(a)(9) and 111.7 (multiple counts); (6) Discount and/or its agents’ failure to issue renewal letters at the end of the contract term, an alleged violation of 52 Pa. Code §§ 54.10, 111.7, 111.10, 111.11, and 111.12 (multiple counts); (7) Discount and/or its agents’ actions resulted in customers being billed incorrect rates, an alleged violation of 52 Pa. Code §§ 54.10 and 111.12 (multiple counts); and (8) Discount and/or its agents’ actions resulted in poor record keeping, which impeded I&E’s ability to investigate this matter, an alleged violation of 52 Pa. Code § 111.13 (multiple counts). Settlement at ¶ 42.

If this matter had been fully litigated, Discount intended to deny each of the alleged violations of the Code, the Commission’s Regulations and Orders, as well as to raise defenses to each allegation and defend against the same at hearing. Settlement at ¶ 43.

#### *Terms of the Settlement*

The Parties state that the purpose of the Settlement is to terminate I&E’s informal investigation and settle this matter completely without litigation. The Parties further note that they recognize that this is a disputed matter and that resolving the disputed issues can be beneficial, given the inherent unpredictability of the outcome of a contested proceeding. Moreover, the Parties acknowledge that approval of this Settlement is in the public interest and is consistent with the Commission’s Policy Statement for evaluating litigated and settled proceedings involving violations of the Code and Commission Regulations, pursuant to 52 Pa. Code § 69.1201. Settlement at ¶¶ 44, 53-54.

The conditions of the Settlement are reprinted verbatim below:

45. Discount Power shall pay a total civil penalty \$42,250.00, broken down as follows:

a) A civil penalty of \$500.00 for each of the ten (10) violations related to the August 24, 2020 telemarketing call received by [the Director of OCMO], totaling \$5,000.00.

b) A civil penalty of \$750.00 for the thirty-seven (37) violations relating to misrepresentation, incorrect rates, failure to drop the account upon request, failure to issue renewal letters, and unauthorized enrollments, totaling \$27,750.00.

c) A civil penalty of \$750.00 for violations related to calling seven (7) individuals on the “Do Not Call” list, totaling \$5,250.00.

d) A civil penalty of \$1,000.00 for Discount Power’s lack of recording keeping (1 count) and nonexistent record

keeping prior to 2019 (1 count), and a \$750.00 civil penalty for the three (3) identified complaints within the last six billing cycles which contain no records of communications or a resolution of the complaint(s), totaling \$4,250.00.

46. The civil penalty shall not be tax deductible or passed through as an additional charge to Discount Power's customers in Pennsylvania.

47. In addition to the civil penalty described above, Discount Power will perform the following remedial measures:

a) Discount Power will create and implement a robust customer complaint tracking system which will include the inquiry, dispute, or complaint, subsequent communications between Discount Power and the customer, and the resolution of the inquiry, dispute, or complaint. This system will be capable of retrieving records either by searching for the customer's name or account number, or by other key words for easy access and review.

b) Discount Power will train its customer service agents on the new system and ensure that all information logged into the system is detailed, as specific as possible, accurate, and responsive to the inquiry, dispute, or complaint.

c) Discount Power will process, investigate, and be responsive to a customer inquiry, dispute, or complaint within a 6-month period of time from the date the inquiry, dispute, or complaint is received.

48. The civil penalty Discount Power will file a letter with the Commission and I&E stating its compliance with the remedial measures described in Paragraph 47 within six (6) months of an Order approving this Settlement Agreement.

See Settlement at ¶¶ 45—48.

The Parties request that the Commission issue an Order approving the Settlement without modification but note that if the terms of the Settlement are "substantively" modified by a Commission Order, the Parties agree that any party may withdraw from the Settlement. Settlement at ¶¶ 51-52. The Parties indicate that the consequence of any Party withdrawing from the Settlement is that all issues associated with the requested relief presented in the proceeding will be fully litigated unless otherwise stipulated by the Parties, and all obligations of the Parties to each other will cease. Further, if a Party withdraws from the Settlement, the Parties jointly agree that nothing in the Settlement shall be construed as an admission against, or as prejudice to, any position which any Party might adopt during subsequent litigation of this case. Settlement at ¶ 52.

The Parties acknowledge that the Settlement represents a complete settlement of I&E's investigation of Discount's alleged violations related to: (1) the misleading and deceptive telemarketing calls made to the Director; (2) violations relating to misrepresentation, incorrect rates, failure to remove an account upon request, failure to issue renewal letters, and unauthorized enrollments made from 2019 to May 2021; (3) calling individuals on the Do Not Call list from 2019 to May 2021; and (4) Discount's record keeping prior to the initiation of the Informal Investigation. The Settlement represents a compromise of positions and does not constitute a finding or an admission concerning the alleged violations of the Code and the Commission's Regulations. Settlement at ¶ 56.

### Discussion

Pursuant to the Commission's Regulations at 52 Pa. Code § 5.231, it is the Commission's policy to promote settlements. The Commission must, however, review proposed settlements to determine whether the terms are in the public interest. *Pa. PUC v. Philadelphia Gas Works*, Docket No. M-00031768 (Order entered January 7, 2004).

In reviewing settlements that resolve informal investigations, the Commission will provide other potentially affected parties with the opportunity to file comments regarding a proposed settlement prior to issuing a decision. The Commission's Regulations at 52 Pa. Code § 3.113(b) provide as follows:

#### § 3.113. Resolution of informal investigations.

\* \* \*

(b) Under 65 Pa.C.S. Chapter 7 (relating to Sunshine Act), the Commission's official actions resolving informal investigations will be as follows:

\* \* \*

(3) When the utility, or other person subject to the Commission's jurisdiction, has committed to undertake action to address or remedy a violation or potential violation of the act or to resolve another perceived deficiency at the utility, in the form of a settlement with the Commission staff or other resolution of the matter, the Commission's consideration of the settlement or approval of the utility's action will occur at public meeting. Except for staff reports and other documents covered by a specific legal privilege, documents relied upon by the Commission in reaching its determination shall be made part of the public record. *Before the Commission makes a final decision to adopt the settlement or to approve the utility's action, the Commission will provide other potentially affected persons with the opportunity to submit exceptions thereon or to take other action provided for under law.*

52 Pa. Code § 3.113(b) (emphasis added). *See also Pa. PUC, Bureau of Investigation and Enforcement v. PPL Electric Utilities Corporation*, Docket No. M-2012-2264635 (Order entered September 13, 2012); *Pa. PUC, Bureau of Investigation and Enforcement v. Liberty Power Holdings, LLC*, Docket No. M-2019-2568471 (Order entered August 8, 2019).

Additionally, given that the record reflects that Discount operates in the service territories of PECO, Duquesne, Met-Ed, Penelec, and PPL, there is potential for impact to customers served in those territories which may have received telemarketing calls. Therefore, in light of the large service territory involved, and the customers who filed a complaint in this matter, we find that it is advisable to provide notice to impacted customers by publication of this proposed Settlement in the *Pennsylvania Bulletin* and to provide an opportunity for interested parties to file comments regarding the proposed Settlement.

### Conclusion

Before issuing a decision on the merits of the proposed Settlement, consistent with the requirement of 52 Pa. Code § 3.113(b)(3), and for the reason(s) stated above, we will: (1) publish this Opinion and Order and a copy of the proposed Settlement and Statements in Support, attached hereto, in the *Pennsylvania Bulletin*; and (2) provide an opportunity for interested parties to



7. Discount Power is a jurisdictional electric generation supplier (“EGS”)<sup>5</sup> licensed by the Commission at Docket No. A-2012-2328004 to operate in the Pennsylvania electric distribution company (“EDC”) service territory of PECO Energy Company, Duquesne Light Company, Metropolitan Edison Company, Pennsylvania Electric Company, and PPL Electric Utilities Corporation.

8. Discount Power, as an EGS in Pennsylvania, is a public utility as defined by Section 102 of the Public Utility Code, 66 Pa.C.S. § 102, for the limited purposes as described in Sections 2809 and 2810 of the Competition Act, 66 Pa.C.S. §§ 2809-2810.

9. Discount Power, as a provider of electric generation service for compensation, is subject to the power and authority of the Commission and must observe, obey, and comply with the Commission’s regulations and orders pursuant to Section 501(c) of the Code, 66 Pa.C.S. § 501(c).

10. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter and the actions of Discount Power in its capacity as an EGS serving consumers in Pennsylvania.

11. This matter involves allegations related to misleading and deceptive telemarketing, billing incorrect rates, failure to issue renewal letters, the enrollment of individuals without the authorization or capacity to authorize an enrollment, and lack of record keeping by Discount Power from 2019 to May 2021.

12. As a result of successful negotiations between I&E and Discount Power, the Parties have reached an agreement on an appropriate outcome to the Informal Investigation as encouraged by the Commission’s policy to promote settlements. See 52 Pa. Code § 5.231. The Settlement also is consistent with the Commission’s Policy Statement for evaluating litigated and settled proceedings involving violations of the Code and Commission regulations, 52 Pa. Code Section 69.1201. The Parties agree to the settlement terms set forth herein and urge the Commission to approve the Settlement as submitted as being in the public interest.

## II. *Stipulated Facts*

13. The Commission has jurisdiction over the subject matter of and the Parties to this proceeding. 66 Pa.C.S. §§ 102, 501.

14. “It is the policy of the Commission to encourage settlements.” 52 Pa. Code § 5.231(a).

15. On October 29, 2020, Daniel Mumford, Director of the Office of Competitive Market Oversight (“OCMO”), submitted a memo to I&E outlining his concerns with DPI’s telemarketing practices. Specifically, Mr. Mumford personally received a telemarketing call on August 24, 2020 and described the corresponding phone conversation in detail.

16. On August 24, 2020, Mr. Mumford received a phone call with a caller ID showing York, PA and which started as an automated/robocall advertising a refund on his electric bill.

17. Mr. Mumford noted that after pressing “one,” an agent came on the call and immediately requested that Mr. Mumford retrieve his PPL electric bill. While the

agent did identify himself by name, the agent failed to disclose who he was calling on behalf of.

18. The agent stated that he could provide a better rate fixed for 24 months, that Mr. Mumford would be receiving a reward card of \$50.00 every month, that the supplier would be “chosen by PPL,” and that “nothing will be changing” on the electric bill.

19. Mr. Mumford was advised that he would be receiving a “new, lower” rate of 8.29 cents. Several minutes into this conversation, the agent finally stated that he was representing Discount Power.

20. Mr. Mumford was then coached through the verification process and successfully enrolled with Discount Power. However, the verifier stated that Mr. Mumford was enrolling in a fixed 3-month plan at a rate of 8.29 cents, contrasting the information provided by the agent.

21. Additionally, the verifier stated that a \$4.95 monthly fee would be incurred, which the agent did not disclose to Mr. Mumford during the sales call.

22. Mr. Mumford’s account was switched to Discount Power on or about September 8, 2020 and he received a welcome letter and disclosure statement from Discount Power dated August 26, 2020.

23. Mr. Mumford’s telephone number is on the Do Not Call list.

24. By letter dated January 28, 2021, I&E issued a Data Request Letter (“I&E Data Requests-Set I”) informing Discount Power of the scope of its investigation and requesting a response to I&E’s twenty-eight (28) data requests. Discount Power’s responses were due on March 1, 2021.

25. On March 1, 2021, Discount Power provided its response to I&E Data Requests-Set I.

26. On April 20, 2021, I&E submitted a second set of data requests (“I&E Data Requests-Set II”), to which Discount Power timely provided its response on May 18, 2021.

27. The results of I&E’s Informal Investigation, which included review of Mr. Mumford’s referral memo, customer complaints received by the Commission’s Bureau of Consumer Services, and Discount Power’s responses to I&E Data Request-Set I and Set II, form the basis for the instant Settlement Agreement.

### A. *Telemarketing to Mr. Mumford*

28. The telemarketing call received by Mr. Mumford on August 24, 2020 contained the following alleged conduct:

- a) Calling an individual on the Do Not Call List;
- b) Spoofing a York, PA telephone number;
- c) Automated recording advising the recipient of a “refund” on the electric bill;
- d) Live agent not identifying who he was working on the behalf of upon first contact or stating that he was not working for the local EDC;
- e) Agent misrepresentation that Mr. Mumford would be provided a better rate for 24-months when the verification stated that the agreement was for 3-months;
- f) Agent misrepresentation that Mr. Mumford that the supplier was “chosen by PPL;”
- g) Agent misrepresentation that “nothing will change;”
- h) Agent misrepresentation that Mr. Mumford will be receiving a newer, lower rate of 8.29 cents;

<sup>5</sup> “Electric generation supplier” is defined in Section 2803 of the Electricity Generation Customer Choice and Competition Act, 66 Pa.C.S. §§ 2801–2812 (“Competition Act”); see also, 52 Pa. Code § 57.171.

i) Agent misrepresentation by failing to advise Mr. Mumford of the \$4.95 monthly fee; and

j) Agent coaching Mr. Mumford through the verification process.

29. Pursuant to 52 Pa. Code § 111.3, Discount Power is responsible and liable for the conduct performed by its agent(s).

#### B. Customer Complaints

30. In addition to the allegations in Mr. Mumford's referral memo, I&E identified other complaints which raised serious concerns of telemarketing misrepresentation, billing incorrect rates, failure to issue renewal letters, and the enrollment of individuals without the authorization or capacity to enroll. Specifically, I&E found violations related to the following customer complaints:

a) Five (5) incidents<sup>6</sup> where DPI requested a refund for the customer after an allegation of misrepresentation;

b) Two (2) incidents where customers alleged misrepresentation but DPI offered refund for the "inconvenience;"

c) Two (2) incidents where DPI requested a refund after an allegation of misrepresentation and noted possible tampering with the recording(s);

d) Two (2) incidents where an agent was suspended and retrained after complaints of misrepresentation;

e) Two (2) incidents where misrepresentation and deceptive enrollment resulted in the termination of an agent.

f) Two (2) incidents where DPI improperly enrolled a customer as a "winback;"

g) One (1) incident where DPI improperly enrolled a customer as a "winback" but only offered to provide a refund if the customer stayed with DPI;

h) One (1) incident of enrolling a customer with dementia in a nursing home;

i) One (1) incident of enrolling a customer with dementia who did not have legal ability to enter into a contract;

j) One (1) incident of enrolling an elderly customer who did not have authorization to enroll;

k) One (1) incident of enrolling a customer who was unable to authorize enrollment due to mental capacity, i.e., mental disability/mentally challenged;

l) Two (2) incidents of enrolling a customer with incorrect information/possible slamming allegation;

m) One (1) incident of failure to cancel/drop account upon request;

n) Two (2) incidents of failure to provide renewal letters to customers;

o) Two (2) incidents where DPI provided and/or enrolled customers with incorrect rates;

p) Eight (8) incidents related to high variable rates and/or renewal rate where DPI offered and/or provided refund; and

q) Two (2) incidents of failure to bill correct rate;

31. The complaints raise serious violations of 52 Pa. Code § 54.7(a), 52 Pa. Code § 54.10, 52 Pa. Code § 54.122(3), and 52 Pa. Code § 111.12(d).

<sup>6</sup> To protect the identity and confidential nature of the complainants, I&E and Discount Power have agreed to remove any identifying information from the allegations.

#### C. Record Keeping Violations

32. Pursuant to Section 111.13(b), a supplier shall implement an internal process for customer inquiries, disputes, and complaints. 52 Pa. Code § 111.13(b).

33. Specifically, the process "shall document as a record the customer inquiry, dispute or complaint, subsequent communications between the supplier and the customer, and the resolution of the inquiry, dispute or complaint." 52 Pa. Code § 111.13(b).

34. Furthermore, "[a] supplier shall retain the record for a time period equivalent to six billing cycles..." 52 Pa. Code § 111.13(b).

35. Discount Power advised I & R early in its investigation that it started taking notes and tracking customer complaints sometime after 2019.

36. In reviewing the responses provided by Discount Power, I&E's ability to investigate and analyze the responses was hindered by Discount Power's poor internal recording keeping.

37. Specifically, Discount Power was unable to provide subsequent communications between the customer and DPI, was unable to provide a resolution to the inquiry or complaint, and, in most cases, simply stated that adding the customer to DPI's "Do Not Call" list was the "resolution" of the complaint.

38. I&E identified fifty-nine (59) customer complaints which had no notes and/or resolution related to the complaint, three (3) of which occurred in the prior six (6) billing cycles and which Discount Power was required to retain.

#### D. "Do Not Call" List Violations

39. In its responses, Discount Power acknowledged that there were at least seven (7) individuals who filed complaints after receiving a telemarketing call in light of being on the "Do Not Call" list.

40. Sections 111.10(a) and 111.12(d)(1) require suppliers to comply with regulations that govern consumer protection and telemarketing and prohibit the solicitation of individuals who are on the "Do Not Call" list. 52 Pa. Code § 111.10(a); 52 Pa. Code § 111.12(d)(1).

41. Accordingly, the telemarketing calls made to those seven (7) individuals on the "Do Not Call" list are a violation of 52 Pa. Code § 54.43(g), 52 Pa. Code § 111.10(a), and 52 Pa. Code § 111.12(d)(1).

#### III. Alleged Violations

42. Had this matter been fully litigated, I&E would have proffered evidence and legal arguments to demonstrate that Discount Power committed the following violations:

a) The alleged actions of Discount Power and/or its agents resulted in deceptive and misleading conduct in violation of state or federal law, including calling customers on the "Do Not Call" list. If proven, I&E alleges that such conduct would have violated 52 Pa. Code § 54.43(g), 52 Pa. Code § 111.10(a) and (b), and 52 Pa. Code § 111.12(d) (multiple counts).

b) The alleged actions of Discount Power and/or its agents resulted in the false or deceptive and misleading representations, including rates and savings. If proven, I&E alleges that such conduct would have violated 52 Pa. Code § 54.122(3) and 52 Pa. Code § 111.12(d) (multiple counts).



c) The alleged actions of Discount Power and/or its agents resulted in the failure of the agent to identify himself/herself upon first contact and state that he/she is not working for and is independent of the local EDC. If proven, I&E alleges that such conduct would have violated 52 Pa. Code § 111.8(b) and 52 Pa. Code § 111.10(a) and (b) (multiple counts).

d) The alleged actions of Discount Power and/or its agents resulted in the agent suggesting that a customer is required to choose an EGS. If proven, I&E alleges that such conduct would have violated 52 Pa. Code § 111.8(f) and 52 Pa. Code § 111.10(a) and (b) (multiple counts).

e) The alleged actions of Discount Power and/or its agents resulted in the unauthorized enrollment of customers, either through the improper enrollment as a “winback,” enrolling a customer with incorrect information, or enrollment of a customer who does not possess the capacity or authorization to verify an enrollment. If proven, I&E alleges that such conduct would have violated 54 Pa. Code § 54.42(a)(9) and 52 Pa. Code § 111.7 (multiple counts).

f) The alleged actions of Discount Power and/or its agents resulted in the failure to cancel customer account(s) upon request and the failure to issue renewal letters at the end of the contract term. If proven, I&E alleges that such conduct would have violated 52 Pa. Code § 54.10, 52 Pa. Code § 111.7, 52 Pa. Code § 111.10, 52 Pa. Code § 111.11, and 52 Pa. Code § 111.12 (multiple counts).

g) The alleged actions of Discount Power and/or its agents resulted in customers being billed incorrect rates. If proven, I&E alleges that such conduct would have violated 52 Pa. Code § 54.10 and 52 Pa. Code § 111.12 (multiple counts).

h) The alleged actions of Discount Power resulted in poor record keeping which hindered I&E’s ability to investigate this matter. If proven, I&E alleges that such conduct would have violated 52 Pa. Code § 111.13 (multiple counts).

43. Had this matter been fully litigated, Discount Power would have denied each of the alleged violations of the Commission’s Regulations, the Code, or Commission’s Orders, raised defenses to each of these allegations, and defended against the same at hearing.

#### IV. Settlement Terms

44. Pursuant to the Commission’s policy of encouraging settlements that are reasonable and in the public interest, the Parties held a settlement discussion that culminated in this Settlement. I&E and Discount Power desire to (1) terminate I&E’s Informal Investigation; and (2) settle this matter completely without litigation. The Parties recognize that this is a disputed matter, and given the inherent unpredictability of the outcome of a contested proceeding, the Parties further recognize the benefits of amicably resolving the disputed issues. The conditions of the Settlement, for which the Parties seek Commission approval, are set forth below.

45. Discount Power shall pay a total civil penalty of \$42,250.00, broken down as follows:

a) A civil penalty of \$500.00 for each of the ten (10) identified violations related to the August 24, 2020 telemarketing call received by Daniel Mumford, totaling \$5,000.00.

b) A civil penalty of \$750.00 for the thirty-seven (37) violations relating to misrepresentation, incorrect rates, failure to drop the account upon request, failure to issue renewal letters, and unauthorized enrollments, totaling \$27,750.00.

c) A civil penalty of \$750.00 for violations related to calling seven (7) individuals on the “Do Not Call” list, totaling \$5,250.00.

d) A civil penalty of \$1,000.00 for Discount Power’s lack of recording keeping (1 count) and nonexistent record keeping prior to 2019 (1 count), and a \$750.00 civil penalty for the three (3) identified complaints within the last six billing cycles which contain no records of communications or a resolution of the complaint(s), totaling \$4,250.00.

46. The civil penalty shall not be tax deductible or passed through as an additional charge to Discount Power’s customers in Pennsylvania.

47. In addition to the civil penalty described above, Discount Power will perform the following remedial measures:

a) Discount Power will create and implement a robust customer complaint tracking system which will include the inquiry, dispute, or complaint, subsequent communications between Discount Power and the customer, and the resolution of the inquiry, dispute, or complaint. This system will be capable of retrieving records either by searching for the customer’s name or account number, or by other key words for easy access and review.

b) Discount Power will train its customer service agents on the new system and ensure that all information logged into the system is detailed, as specific as possible, accurate, and responsive to the inquiry, dispute, or complaint.

c) Discount Power will process, investigate, and be responsive to a customer inquiry, dispute, or complaint within a 6-month period of time from the date the inquiry, dispute, or complaint is received.

48. Discount Power will file a letter with the Commission and I&E stating its compliance with the remedial measures described in Paragraph 47 within six (6) months of an Order approving this Settlement Agreement.

#### V. Conditions of Settlement

49. The benefits and obligations of this Settlement Agreement shall be binding upon the successors and assigns of the Parties to this Agreement.

50. This Agreement may be signed in counterparts and all signatures attached hereto will be considered as originals.

51. In order to effectuate the Parties’ Settlement Agreement, the undersigned Parties request that the Commission issue an Order approving the Petition without modification.

52. The Parties agree that any party may petition the Commission for reconsideration or take other recourse allowed under the Commission’s rules if the Commission Order substantively modifies the terms of this Petition. However, if the Commission takes any action in a Tentative or other Order substantively modifying the terms of this Settlement, any party may give notice to the other party that it is withdrawing from this Petition. Such

notice must be in writing and must be given within twenty (20) business days of the issuance of any Initial or Recommended Decision or any Commission Order or Secretarial Letter that adopts this Petition with substantive modifications of its terms. The consequence of any party withdrawing from this Petition as set forth above is that all issues associated with the requested relief presented in the proceeding will be fully litigated unless otherwise stipulated between the Parties and all obligations of the Parties to each other are terminated and of no force and effect. In the event that a Party withdraws from this Petition as set forth in this Paragraph, I&E and Discount Power jointly agree that nothing in this Agreement shall be construed as an admission against or as prejudice to any position either Party might adopt during subsequent litigation of this case.

53. I&E and Discount Power jointly acknowledge that approval of this Agreement is in the public interest and is fully consistent with the Commission's Policy Statement for evaluating litigated and settled proceedings involving violations of the Code and Commission regulations, 52 Pa. Code § 69.1201. The Commission will serve the public interest by adopting this Joint Petition for Approval of Settlement.

54. This Petition avoids the time and expense of litigation in this matter before the Commission, which likely would entail preparation for and attendance at hearings and the preparation and filing of briefs, reply briefs, exceptions, and reply exceptions. The Parties further recognize that their positions and claims are disputed and, given the inherent unpredictability of the outcome of a contested proceeding, the Parties recognize the benefits of amicably resolving the disputed issues through settlement. Attached as Appendices A and B are Statements in Support submitted by I&E and Discount Power, respectively, setting forth the bases upon which they believe the Settlement Agreement is in the public interest.

55. Adopting this Agreement will eliminate the possibility of any appeal from the Commission Secretarial

Letter or Order, thus avoiding the additional time and expense that they might incur in such an appeal.

56. This Settlement consists of the entire agreement between I&E and Discount Power regarding the matters addressed herein. Moreover, this Settlement represents a complete settlement of I&E's Informal Investigation of Discount Power's alleged violations of the Code and the Commission's regulations related to (1) the misleading and deceptive telemarketing call made to Mr. Mumford; (2) violations relating to misrepresentation, incorrect rates, failure to drop an account upon request, failure to issue renewal letters, and unauthorized enrollments from 2019 to May 2021; (3) calling individuals on the "Do Not Call" list from 2019 to May 2021; and (4) Discount Power's record keeping prior to the initiation of the Informal Investigation. This Settlement fully satisfies I&E's Informal Investigation of the matters discussed herein. The Parties expressly acknowledge that this Agreement represents a compromise of positions and does not in any way constitute a finding or an admission concerning the alleged violations of the Code and the Commission's regulations.

Wherefore, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement and Discount Power, Inc. respectfully request that the Commission enter an Order approving the terms of the Joint Petition for Approval of Settlement in their entirety as being in the public interest and granting such other relief not inconsistent with the Settlement as may be just and reasonable under the circumstances.

In Witness Whereof, I&E and Discount Power by their authorized representatives have hereunto set our hands and seals on this 27th day of August 2021.

Date: 8/27/2021

Karen O. Moury, Esq.  
Sarah C. Stoner, Esq.  
Eckert Seamans Cherin & Mellott, LLC  
Counsel for Discount Power, Inc.

Date: August 27, 2021

Kayla Rost  
Prosecutor  
Bureau of Investigation and Enforcement

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, :  
Bureau of Investigation and Enforcement :

v. :

Discount Power, Inc. :

: Docket No. M-2021-3022658

**PROPOSED ORDERING PARAGRAPHS**

1. That the Joint Petition for Approval of Settlement filed on August 27, 2021 between the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement and Discount Power, Inc. ("Discount Power") is approved in its entirety without modification.

2. That, in accordance with Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, within thirty (30) days of the date this Order becomes final, Discount Power shall pay Forty-Two Thousand Two Hundred Fifty Dollars (\$42,250.00), which consists of the entirety of the civil penalty amount. Said payment shall be made by certified

check or money order payable to "Commonwealth of Pennsylvania" and shall be sent to:

Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

3. That the civil penalty shall not be tax deductible or passed through as an additional charge to Discount Power's customers in Pennsylvania.

4. In addition to the civil penalty, Discount Power will perform the following remedial measures:

a) Discount Power will create and implement a robust customer complaint tracking system which will include the inquiry, dispute, or complaint, subsequent communications between Discount Power and the customer, and the resolution of the inquiry, dispute, or complaint. This system will be capable of retrieving records either by searching for the customer’s name or account number, or by other key words for easy access and review.

b) Discount Power will train its customer service agents on the new system and ensure that all information logged into the system is detailed, as specific as possible, accurate, and responsive to the inquiry, dispute, or complaint.

c) Discount Power will process, investigate, and be responsive to a customer inquiry, dispute, or complaint within a 6-month period of time from the date the inquiry, dispute, or complaint is received.

5. That, within six (6) months of the date this Order becomes final, Discount Power shall file a letter with the Commission and I&E stating its compliance with the remedial measures described in Paragraph 4.

6. The above-captioned matter shall be marked closed upon receipt of the civil penalty and performance of the remedial measures.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, :  
 Bureau of Investigation and Enforcement :  
 :  
 v. : Docket No. M-2021-3022658  
 :  
 Discount Power Inc. :

**THE BUREAU OF INVESTIGATION AND ENFORCEMENT’S  
STATEMENT IN SUPPORT OF THE  
JOINT PETITION FOR APPROVAL OF SETTLEMENT**

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code §§ 5.231, 5.232 and 69.1201, the Pennsylvania Public Utility Commission’s (“Commission” or “PUC”) Bureau of Investigation and Enforcement (“I&E”), a signatory party to the Joint Petition for Approval of Settlement (“Settlement” or “Settlement Agreement”) filed in the matter docketed above, submits this Statement in Support of the Settlement Agreement between I&E and Discount Power Inc. (“Discount Power,” “DPI,” or “Company”).<sup>7</sup> I&E avers that the terms and conditions of the Settlement are just and reasonable and in the public interest for the reasons set forth herein.

*I. Background*

On October 29, 2020, Daniel Mumford, Director of the Office of Competitive Market Oversight (“OCMO”), submitted a memo to I&E outlining his concerns with DPI’s telemarketing practices. Specifically, Mr. Mumford personally received a telemarketing phone call on August 24, 2020 with a caller ID showing York, PA and which started as an automated/robocall advertising a refund on his electric bill. Mr. Mumford described the corresponding phone conversation in detail, noting that after pressing “one,” an agent came on the call and immediately requested that Mr. Mumford retrieve his PPL electric bill. While the agent did identify himself by name, the agent failed to disclose who he was calling on behalf of.

The agent stated that he could provide a better rate fixed for 24 months, that Mr. Mumford would be receiving a reward card of \$50.00 every month, that the supplier would be “chosen by PPL,” and that “nothing will be changing” on the electric bill. Mr. Mumford was advised that he would be receiving a “new, lower” rate of

8.29 cents. Several minutes into this conversation, the agent finally stated that he was representing Discount Power.

Mr. Mumford was then coached through the verification process and successfully enrolled with DPI. However, the verifier stated that Mr. Mumford was enrolling in a fixed 3-month plan at a rate of 8.29 cents, contrasting the information provided by the agent. Additionally, the verifier stated that a \$4.95 monthly fee would be incurred, which the agent did not disclose to Mr. Mumford during the sales call. Mr. Mumford’s account was switched to DPI on or about September 8, 2020 and he received a welcome letter and disclosure statement from DPI dated August 26, 2020.

By letter dated January 28, 2021, I&E issued a Data Request Letter (“I&E Data Requests-Set I”) informing DPI of the scope of its investigation and requesting a response to I&E’s twenty-eight (28) data requests. DPI’s responses were due on March 1, 2021.

On March 1, 2021, DPI provided its response to the I&E Data Requests-Set I. On April 20, 2021, I&E submitted a second set of data requests, to which DPI timely provided its response on May 18, 2021.

On August 27, 2021, the Parties filed a Joint Petition for Approval of Settlement resolving all issues between I&E and Discount Power in the instant matter. This Statement in Support is submitted in conjunction with the Settlement Agreement.

*II. The Public Interest*

Pursuant to the Commission’s policy of encouraging settlements that are reasonable and in the public interest, the Parties held a settlement discussion. These discussions culminated in this Settlement Agreement,

<sup>7</sup> I&E and Discount Power are collectively referred to herein as the “Parties.”

which, once approved, will resolve all issues related to I&E informal investigation involving allegations relating to misleading and deceptive telemarketing, billing incorrect rates, failure to issue renewal letters, the enrollment of individuals without the authorization or capacity to authorize an enrollment, and lack of record keeping by Discount Power.

I&E intended to prove the factual allegations set forth in its investigation at hearing to which Discount Power would have disputed. This Settlement Agreement results from the compromises of the Parties. I&E recognizes that, given the inherent unpredictability of the outcome of a contested proceeding, the benefits to amicably resolving the disputed issues through settlement outweigh the risks and expenditures of litigation. I&E submits that the Settlement constitutes a reasonable compromise of the issues presented and is in the public interest. As such, I&E respectfully requests that the Commission approve the Settlement without modification.

### III. Terms of Settlement

Under the terms of the Settlement Agreement, I&E and Discount Power have agreed that Discount Power shall pay a total civil penalty of \$42,250.00, broken down as follows:

a) A civil penalty of \$500.00 for each of the ten (10) identified violations related to the August 24, 2020 telemarketing call received by Daniel Mumford, totaling \$5,000.00.

b) A civil penalty of \$750.00 for the thirty-seven (37) violations relating to misrepresentation, incorrect rates, failure to drop the account upon request, failure to issue renewal letters, and unauthorized enrollments, totaling \$27,750.00.

c) A civil penalty of \$750.00 for violations related to calling seven (7) individuals on the "Do Not Call" list, totaling \$5,250.00.

d) A civil penalty of \$1,000.00 for Discount Power's lack of recording keeping (1 count) and nonexistent record keeping prior to 2019 (1 count), and a \$750.00 civil penalty for the three (3) identified complaints within the last six billing cycles which contain no records of communications or a resolution of the complaint(s), totaling \$4,250.00.

The civil penalty shall not be tax deductible pursuant to Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f). Furthermore, the civil penalty shall not be passed through as an additional charge to Discount Power's customers in Pennsylvania.

In addition to the civil penalty described above, Discount Power will perform the following remedial measures:

a) Discount Power will create and implement a robust customer complaint tracking system which will include the inquiry, dispute, or complaint, subsequent communications between Discount Power and the customer, and the resolution of the inquiry, dispute, or complaint. This system will be capable of retrieving records either by searching for the customer's name or account number, or by other key words for easy access and review.

b) Discount Power will train its customer service agents on the new system and ensure that all information logged into the system is detailed, as specific as possible, accurate, and responsive to the inquiry, dispute, or complaint.

c) Discount Power will process, investigate, and be responsive to a customer inquiry, dispute, or complaint within a 6-month period of time from the date the inquiry, dispute, or complaint is received.

Discount Power will file a letter with the Commission and I&E stating its compliance with the remedial measures described above within six (6) months of an Order approving the Settlement Agreement.

In consideration of Discount Power's payment of a monetary civil penalty and agreement to perform remedial measures, I&E agrees that its informal investigation relating to Discount Power's conduct as described in the Settlement Agreement referenced herein shall be terminated and marked closed upon approval by the Commission of the Settlement Agreement without modification, payment of the civil penalty, and notice of Discount Power's compliance with the remedial measures.

Upon Commission approval of the Settlement in its entirety without modification, I&E will not file any complaints or initiate other action against Discount Power at the Commission with respect to the alleged conduct described in detail in the Settlement Agreement which was the subject of I&E's instant investigation.

### IV. Legal Standard for Settlement Agreements

Commission policy promotes settlements. See 52 Pa. Code § 5.231. Settlements lessen the time and expense that the parties must expend litigating a case and, at the same time, conserve precious administrative resources. Settlement results are often preferable to those achieved at the conclusion of a fully litigated proceeding. "The focus of inquiry for determining whether a proposed settlement should be recommended for approval is not a 'burden of proof' standard, as is utilized for contested matters." *Pa. Pub. Util. Comm'n, et al. v. City of Lancaster—Bureau of Water*, Docket Nos. R-2010-2179103, et al. (Order entered July 14, 2011) at p. 11. Instead, the benchmark for determining the acceptability of a settlement is whether the proposed terms and conditions are in the public interest. *Pa. Pub. Util. Comm'n v. Philadelphia Gas Works*, Docket No. M-00031768 (Order entered January 7, 2004).

I&E submits that approval of the Settlement Agreement in the above-captioned matter is consistent with the Commission's Policy Statement regarding Factors and Standards for Evaluating Litigated and Settled Proceedings Involving Violations of the Public Utility Code and Commission Regulations ("Policy Statement"), 52 Pa. Code § 69.1201; see also *Joseph A. Rosi v. Bell-Atlantic-Pennsylvania, Inc.*, Docket No. C-00992409 (Order entered March 16, 2000). The Commission's Policy Statement sets forth ten (10) factors that the Commission may consider in evaluating whether a civil penalty for violating a Commission order, regulation, or statute is appropriate, as well as whether a proposed settlement for a violation is reasonable and in the public interest. 52 Pa. Code § 69.1201.

The Commission will not apply the factors as strictly in settled cases as in litigated cases. 52 Pa. Code § 69.1201(b). While many of the same factors may still be considered, in settled cases, the parties "will be afforded flexibility in reaching amicable resolutions to complaints and other matters as long as the settlement is in the public interest." *Id.*

The first factor considers whether the conduct at issue was of a serious nature, such as willful fraud or misrepresentation, or if the conduct was less egregious, such as an administrative or technical error. Conduct of a more serious nature may warrant a higher civil penalty while

conduct that is less egregious warrants a lower amount. 52 Pa. Code § 69.1201(c)(1). I&E alleges that the conduct in this matter involved misrepresentation and administrative/technical errors. The telemarketing call made to Mr. Mumford and multiple calls made to other customers are a clear example of misrepresentation while the unauthorized enrollments appear to either be the result of a mistake, an account/information mix-up, or related to Discount Power's lack of knowledge as to the customer's capacity/authorization status. Consequently, the nature of the conduct was considered in arriving at the civil penalty amount in the Settlement Agreement.

The second factor considers whether the resulting consequences of Discount Power's alleged conduct were of a serious nature. When consequences of a serious nature are involved, such as personal injury or property damage, the consequences may warrant a higher penalty. 52 Pa. Code § 69.1201(c)(2). I&E submits that no personal injury or property damage occurred as a result of the alleged violations.

The third factor to be considered under the Policy Statement is whether the alleged conduct was intentional or negligent. 52 Pa. Code § 69.1201(c)(3). "This factor may only be considered in evaluating litigated cases." *Id.* Whether Discount Power's alleged conduct was intentional or negligent does not apply since this matter is being resolved by settlement of the Parties.

The fourth factor to be considered is whether Discount Power has made efforts to change its practices and procedures to prevent similar conduct in the future. 52 Pa. Code § 69.1201(c)(4). As explained in more detail above, Discount Power agrees to make robust changes to its customer service system to not only create a better system to track and identify issues or a common theme with the complaints, but to also provide an efficient and more direct response to a customer's complaint. Accordingly, the remedial measures will allow Discount Power to better identify and address telemarketing and/or billing issues while providing I&E with more information to effectively complete an investigation, if one is initiated in the future.

The fifth factor to be considered relates to the number of customers affected by the Company's actions and the duration of the violations. 52 Pa. Code § 69.1201(c)(5). During the time frame of 2019 through May 2021, I&E was able to substantiate 37 customer complaints relating to misrepresentation, incorrect rates, failure to drop the account upon request, failure to issue renewal letters, and unauthorized enrollments, and 7 complaints related to calling individuals on the "Do Not Call" list. Additionally, Mr. Mumford's account was successfully enrolled with Discount Power. I&E was unable to fully investigate all customer complaints provided by BCS and Discount Power due to Discount Power's lack of records/record keeping issues. These facts were considered when calculating the civil penalty.

The sixth factor to be considered relates to the compliance history of Discount Power. 52 Pa. Code § 69.1201(c)(6). An isolated incident from an otherwise compliant company may result in a lower penalty, whereas frequent, recurrent violations by a company may result in a higher penalty. *Id.* While I&E is not aware of any formal complaint being filed against Discount Power by I&E, I&E does note that approximately eight (8) customers, during the time frame of March 2016 through July 2020, have filed formal complaints with the Commission against Discount Power related to incorrect billing, unauthorized enrollment, and fraudulent or deceptive

marketing acts. One of the formal complaints similarly alleged multiple misrepresentations during a telemarketing call.<sup>8</sup>

The seventh factor to be considered relates to whether the Company cooperated with the Commission's investigation. 52 Pa. Code § 69.1201(c)(7). I&E submits that Discount Power fully cooperated in the investigation in this matter, including cooperating in both informal discovery as well as settlement discussions.

The eighth factor to be considered is the appropriate settlement amount necessary to deter future violations. 52 Pa. Code § 69.1201(c)(8). I&E submits that a civil penalty amount of \$42,250.00, which is not tax deductible, is substantial and sufficient to deter Discount Power from committing future violations.

The ninth factor to be considered relates to past Commission decisions in similar situations. 52 Pa. Code § 69.1201(c)(9). I&E submits that the instant Settlement Agreement should be viewed on its merits as there are no past Commission decisions that are identical to this matter. However, I&E notes that some prior Commission decisions do provide guidance on how the Commission viewed past settlement agreements proposing a civil penalty with similar deceptive and misleading conduct as alleged in the Joint Petition. See generally *Pa. PUC v. ResCom Energy LLC*, Docket No. M-20132-320112 (Order entered November 13, 2014) (Commission approval of settlement imposing a civil penalty of \$59,000 to resolve allegations of slamming, unauthorized marketing practices, and "Do Not Call" violations resulting from 13 customer complaints comprising of 49 potential violations and no practical means to accurately determine the number of Do Not Call violations); *Pa. PUC v. AP Gas & Electric (PA), LLC, d/b/a APG&E*, Docket No. M-2013-2311811 (Order entered October 17, 2013) (Commission approval of settlement with a \$43,200 civil penalty to resolve allegations of slamming, unauthorized marketing practices, and "Do Not Call" violations resulting from 37 complaints comprising of 54 potential violations); and *Pa. PUC v. IDT Energy, Inc.*, Docket No. M-2013-2314312 (Order entered October 17, 2013) (Commission approval of settlement with a \$39,000 civil penalty to resolve allegations of slamming and fraudulent, deceptive or unlawful sales, and marketing practices and "Do Not Call" violations resulting from 21 complaints comprising of 39 potential violations).

The tenth factor considers "other relevant factors." 52 Pa. Code § 69.1201(c)(10). I&E submits that an additional relevant factor—whether the case was settled or litigated—is of pivotal importance to this Settlement Agreement. A settlement avoids the necessity for the governmental agency to prove elements of each allegation. In return, the opposing party in a settlement agrees to a lesser fine or penalty, or other remedial action. Both parties negotiate from their initial litigation positions. The fines and penalties, and other remedial actions resulting from a fully litigated proceeding are difficult to predict and can differ from those that result from a settlement. Reasonable settlement terms can represent economic and programmatic compromise while allowing the parties to move forward and to focus on implementing the agreed upon remedial actions.

<sup>8</sup> See *Michael Zimmerman v. Discount Power, Inc.*, Docket No. C-2020-3021020, Complaint filed July 21, 2020, Certificate of Satisfaction filed February 5, 2021.

In conclusion, I&E fully supports the terms and conditions of the Settlement Agreement. The terms of the Settlement Agreement reflect a carefully balanced compromise of the interests of the Parties in this proceeding. The Parties believe that approval of this Settlement Agreement is in the public interest. Acceptance of this Settlement Agreement avoids the necessity of further administrative and potential appellate proceedings at what would have been a substantial cost to the Parties.

Wherefore, I&E supports the Settlement Agreement as being in the public interest and respectfully requests that the Commission approve the Settlement in its entirety without modification.

Respectfully submitted,  
Kayla L. Rost  
Prosecutor  
PA Attorney ID No. 322768

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Bureau of Investigation and Enforcement  
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Dated: August 27, 2021

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**Appendix B**  
**BEFORE THE**  
**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, :  
Bureau of Investigation and Enforcement :  
:  
v. : Docket No. M-2021-3022658  
:  
Discount Power, Inc. :

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**STATEMENT OF DISCOUNT POWER, INC. IN SUPPORT OF  
JOINT PETITION FOR APPROVAL OF SETTLEMENT**

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Pursuant to the regulations of the Pennsylvania Public Utility Commission (“Commission”) at 52 Pa. Code §§ 5.231, 5.232 and 69.1201, Discount Power, Inc. (“DPI”) files this Statement in Support of the Joint Petition for Approval of Settlement (“Settlement”) filed by DPI and the Commission’s Bureau of Investigation and Enforcement (“I&E”). In support of the Settlement, DPI offers the following information for the Commission’s consideration.

*I. Discussion*

*A. Summary of Issues*

The Settlement fully resolves issues related to allegations of deceptive and misleading telemarketing raised during I&E’s informal investigation based on information provided by the Commission’s Office of Competitive Market Oversight (“OCMO”) and supplemented by DPI’s responses to I&E’s data requests served during the investigation. DPI acknowledges that an agent working on its behalf made a telemarketing call to the OCMO director on August 24, 2020 and that certain statements were made during that solicitation do not comply with the Commission’s sales and marketing regulations. DPI further recognizes that I&E identified several other instances through its review of data request responses during the informal investigation that raised concerns about DPI’s compliance with applicable regulatory requirements. In addition, DPI is aware of the shortcomings of its past recordkeeping practices. Although DPI further realizes that its agents telephoned some consumers who are on “Do Not Call” lists, DPI would have argued that Commission lacks statutory authority to determine violations of the Telemarketing Registration Act. 73 P.S. §§ 2241 et seq.; See *Cmwth. of PA, et al. v. Blue Pilot Energy, LLC*, Docket No. C2014-2427655 (Order entered December 11, 2014) at 16–18 (“BPE Interlocutory Order”); Rulemaking Re: Marketing and Sales Practices for the Retail Residential Energy Market, Docket No. L-2010-

2208332 (Corrected Final Rulemaking Order entered October 24, 2012). Nonetheless, DPI understands the seriousness of the allegations raised by I&E and has made a business decision to enter into this Settlement to put these matters behind it so that it can focus on providing energy products to Pennsylvania consumers that they desire and find valuable. By entering into the Settlement, DPI also avoids the uncertainty of litigation.

DPI believes that the terms and conditions of the Settlement provide for a fair and reasonable resolution of the issues. As such, DPI submits that the Settlement is in the public interest and respectfully requests that it be approved without modification.

*B. Key Provisions of Settlement*

1. Civil Penalty

Under the Settlement, DPI is agreeing to pay a very substantial civil penalty in the amount of \$42,250.00. The breakdown of this amount is set forth in the Settlement. (Settlement Para. 45).

2. Other Conditions

Other conditions include the creation and implementation of a robust customer complaint tracking system, training of customer service agents on the new system, and the prompt processing and investigation of customer inquiries, disputes and complaints. The tracking system will ensure that DPI is documenting each inquiry, dispute or complaint, as well as subsequent communications with the customer and the resolution of the inquiry, dispute or complaint. In addition, the training of customer service agents on the new tracking system will ensure that all information logged into the system is detailed and responsive to the customers’ concerns. Finally, the processing

and investigation of complaints within a six month period will promote customer satisfaction. (Settlement, Para. 47).

### C. Settlement is in the Public Interest

#### 1. Applicable Legal Standards

It is the Commission's policy to encourage settlements. 52 Pa. Code § 5.231(a). Settlements conserve valuable resources of the Commission and the parties. Importantly, the focus of inquiry for determining whether a proposed settlement should be approved is not a "burden of proof" standard, as is utilized for contested matters. *Pa. PUC, et al. v. City of Lancaster—Bureau of Water*, Docket No. R-2010-2179103 (Order entered July 14, 2011). Rather, the Commission reviews settlements to determine whether the terms are in the public interest. See, e.g., *Pa. PUC v. PPL Electric Utilities Corporation*, Docket No. M-2009-2058182 (Order entered November 23, 2009).

The Commission's Policy Statement at 52 Pa. Code § 69.1201, which sets forth various factors and standards that are used in evaluating settled cases, is a codification of the Commission's decision in *Rosi v. Bell Atlantic-Pa., Inc. and Sprint Communications Company*, Docket No. C-00092409 (Order entered February 10, 2000). These factors and standards are utilized by the Commission in determining if a proposed civil penalty is appropriate, as well as if an overall proposed settlement is reasonable and its approval is in the public interest. 52 Pa. Code § 69.1201(a). Although the same criteria are used in the evaluation of both litigated and settled cases, they are not applied in as strict a fashion to settled cases, and the parties in settled cases are afforded flexibility in reaching amicable resolutions as long as the settlement is in the public interest. 52 Pa. Code § 69.1201(b).

#### 2. DPI's Position

Had this matter been litigated, DPI would have presented evidence to show that in many instances that are the subject of this Settlement, DPI and its agents complied with provisions of the Commission's regulations contrary to the allegations raised by I&E. However, rather than expending significant resources to perform an in-depth review of each account on which I&E alleges violations occurred and then defend these allegations in litigation, DPI made a practical business decision to enter into the Settlement.

DPI would have also advocated for the imposition of a lower civil penalty, largely due to its excellent compliance history in Pennsylvania to date. In addition, DPI would have contended that the Commission lacks statutory authority to enforce and administer provisions of the TRA. BPE Interlocutory Order at 16—18.

#### 3. Application of Policy Statement

##### a. Seriousness of Allegations

The first factor that is considered under the Policy Statement is whether the allegations were of a serious nature, such as willful fraud or misrepresentation, as opposed to administrative or technical errors. 52 Pa. Code § 69.1201(c)(1). DPI acknowledges that allegations of deceptive and misleading practices are of a serious nature given the importance of ensuring that Pennsylvania consumers trust the electric choice program and that they are protected when they participate in it.

##### b. Seriousness of Consequences

The second factor that is evaluated under the Policy Statement is whether the resulting consequences of the alleged actions were of a serious nature, such as whether personal injury or property damage was involved.

52 Pa. Code § 69.1201(c)(2). No allegations have been raised about personal injury or damage. Therefore, the consequences were not serious and this mitigating factor supports the negotiated civil penalty.

##### c. Intentional vs. Negligent

The third factor identified by the Policy Statement is whether the conduct at issue was deemed intentional or negligent. 52 Pa. Code § 69.1201(c)(3). Since this factor is only considered in evaluating litigated cases, it is not relevant in reviewing the Settlement.

##### d. Modifications to Practices and Procedures

The fourth factor that is considered under the Policy Statement is whether the regulated entity has made efforts to modify its internal practices and procedures to address the allegations at issue and prevent similar conduct in the future. These modifications may include improving company techniques. 52 Pa. Code § 69.1201(c)(4).

Through the Settlement, DPI has agreed to create and implement a robust customer complaint tracking system, train its customer service agents on the new system, and promptly process and investigate customer inquiries, disputes and complaints. All of these modifications address concerns raised by I&E during the informal investigation and will improve DPI's overall operations. In addition, consumers interacting with enrolling with DPI will experience greater satisfaction with the electric choice program.

##### e. Number of Affected Customers

The fifth factor that is evaluated under the Policy Statement is the number of customers who were affected and the duration of the alleged violations. 52 Pa. Code § 69.1201(c)(5). Here, a relatively small number of customers were affected. Looking at it from the standpoint of the number of residential customers who are receiving electricity from an EGS, the percent of affected customers is so negligible as to be de minimus.<sup>9</sup> While DPI does not offer this statistic to minimize the experiences of individual consumers, this perspective demonstrates that the proportion of affected customers was not large.

##### f. Compliance History

The sixth factor is the compliance history of the regulated entity. 52 Pa. Code § 69.1201(c)(6). No formal complaints have been sustained against DPI since it was licensed in 2012. DPI's unblemished compliance record supports the negotiated civil penalty.

##### g. Cooperation During Informal Investigation

The seventh factor that is considered under the Policy Statement is whether the regulated entity cooperated with the Commission's informal investigation. 52 Pa. Code § 69.1201(c)(7). DPI cooperated during the informal investigation, timely responding to I&E's data requests. (Settlement, Paras. 24—26). This mitigating factor supports approval of the Settlement.

##### h. Deterrent Nature of Civil Penalty and Consistency with Prior Decisions

The eighth and ninth factors that are evaluated under the Policy Statement are the amount of civil penalty that is necessary to deter future violations and past Commission decisions in similar situations. 52 Pa. Code § 69.1201(c)(8)-(9). The civil penalty here is significant and represents an effective deterrent for DPI going

<sup>9</sup> According to the July 2021 statistics, 1,356,861 residential customers are shopping for electricity. [https://www.papowerswitch.com/media/11cfe7jp/paps\\_numbers073121.pdf](https://www.papowerswitch.com/media/11cfe7jp/paps_numbers073121.pdf).

forward. DPI further submits that the negotiated civil penalty is similar to fines approved by the Commission in the past. See, e.g., *Pa. P.U.C., Bureau of Investigation and Enforcement v. American Power & Gas of Pennsylvania, LLC*, Docket No. M-2017-2508002 (Order entered June 14, 2018).

i. Other Relevant Factors

The tenth factor to consider is other “relevant factors.” 52 Pa. Code § 69.1201(c)(10). It is in the public interest to approve the Settlement and avoid the expense and uncertainty of litigation. The Settlement will allow both the Commission and DPI to conserve valuable resources. In addition, the Settlement reflects modifications to DPI’s business practices that will provide a public benefit to all prospective customers.

j. Summary

An evaluation of the factors in the Policy Statement shows that the Settlement is in the public interest and that it should be approved without modification. Not only does the Settlement sufficiently address the issues raised

in this proceeding, it avoids the uncertainty and attendant costs of litigation and allows DPI to focus on its EGS operations.

II. Conclusion

Wherefore, based upon the foregoing, Discount Power, Inc. respectfully requests that the Commission approve the Joint Petition for Approval of Settlement without modification.

Respectfully submitted,  
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Dated: August 27, 2021

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, :  
Bureau of Investigation and Enforcement, :  
:  
v. : Docket No. M-2021-3022658  
:  
Discount Power, Inc. :

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing Joint Petition for Approval of Settlement dated August 27, 2021, upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

*Service by Electronic Mail Only*

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[Pa.B. Doc. No. 21-1914. Filed for public inspection November 12, 2021, 9:00 a.m.]



## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Greenlight Energy, Inc.

Public Meeting held  
October 28, 2021

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

*Pennsylvania Public Utility Commission, Bureau of  
Investigation and Enforcement v. Greenlight Energy Inc.;*  
M-2021-3023026

#### Tentative Opinion and Order

*By the Commission:*

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is a proposed Joint Petition for Approval of Settlement (Settlement), filed on June 24, 2021, by the Commission's Bureau of Investigation and Enforcement (I&E) and Greenlight Energy Inc. (Greenlight or Company), with respect to an informal investigation conducted by I&E. Both I&E and Greenlight filed a Statement in Support of the Settlement (Statement in Support). Further, both I&E and Greenlight submit that the proposed Settlement is in the public interest and is consistent with the Commission's Policy Statement at 52 Pa. Code § 69.1201, Factors and standards for evaluating litigated and settled proceedings involving violations of the Public Utility Code and Commission regulations—statement of policy (Policy Statement). See Settlement at ¶¶ 12, 46, *infra*.

Before issuing a final decision on the merits of the proposed Settlement, and consistent with the requirement of 52 Pa. Code § 3.113(b)(3), we shall publish the Settlement in the *Pennsylvania Bulletin* and provide an opportunity for interested parties to file comments regarding the proposed Settlement and issue the Settlement for comments.<sup>1</sup>

#### *History of the Proceeding*

This matter concerns alleged misleading and deceptive telemarketing practices and unauthorized enrollments completed by third-party vendors acting on behalf of Greenlight, a jurisdictional electric generation supplier (EGS).<sup>2</sup> Settlement at ¶¶ 7, 11. I&E and Greenlight entered into negotiations and agreed to resolve the matter in accordance with the Commission's policy to promote settlements at 52 Pa. Code § 5.231. Settlement at ¶ 12.

By letter dated January 28, 2021, I&E sent a data request to Greenlight (January 2021 Letter), notifying Greenlight that, based on information referred to I&E by the Office of Competitive Market Oversight (OCMO), I&E had instituted an informal investigation of Greenlight and a response to I&E's set of twenty-five (25) data

requests was required by March 1, 2021. On February 26, 2021, Greenlight provided a timely response to I&E's data requests. On March 26, 2021, I&E requested a response to a second set of data requests. On April 21 and April 22, 2021, Greenlight provided timely responses to I&E's second set of data requests. Settlement at ¶¶ 19—22.

As previously noted, on June 24, 2021, I&E and Greenlight filed the instant Settlement. Also, as noted earlier, the Parties to the Settlement in this instance have each filed a Statement in Support. See Appendix A and B to Settlement, which are Statements in Support filed by I&E and Greenlight, respectively.

#### *Background*

The basis for the instant Settlement resulted from I&E's investigation, which included: (1) a review of a referral memo completed by OCMO; (2) five informal customer complaints; and (3) Greenlight's responses to I&E's data requests. Settlement at ¶ 23.

On or about November 25, 2020, OCMO sent a memo to I&E referring that on two separate occasions, the Director of OCMO had personally received telemarketing calls concerning Greenlight.<sup>3</sup> Specifically, the referral stated that on October 30, 2020, the Director received an automated/robocall recording stating that due to a mistake on his electric bill, he was due a refund and to press one. The Director detailed that upon pressing one, he was informed by the live agent who conducted the call (and did not identify who he/she was calling on behalf of) that he would receive a 40% discounted electric rate from his current rate of 15 cents per kWh. Further, the Director stated that he was advised by the agent that he was currently being billed at the business rate, which the agent identified as a mistake that would be corrected. Finally, the Director noted that upon being guided through the verification process, he was successfully enrolled with Greenlight. Settlement at ¶¶ 15-16, 24.

Furthermore, the Director provided that, on November 6, 2020, he received another robocall recording regarding "the recent rate reduction notice [he] received." Settlement at ¶¶ 17, 24. The Director explained that, upon pressing one, he was informed by the live agent who answered the call (and did not identify who he/she was calling on behalf of) that he will receive a 30% decrease from his current rate of 40 cents per kWh and that "nothing will change, just getting a discount." *Id.* Further, the Director noted that he was advised by the agent that he would be receiving paperwork in the mail to review and, if he was satisfied with the paperwork, "to sign and return to PPL or to throw it away if not happy with the terms." Settlement at ¶ 17. Moreover, the Director noted that the agent described the program as Greenlight Energy and, upon realizing that the Director had signed up with Greenlight previously, the agent abruptly ended the call. *Id.*

In addition to the allegations contained in the OCMO referral memo, I&E identified five informal complaints which occurred between August 2020 and November 2020 that alleged an enrollment without authorization or disputed an enrollment.<sup>4</sup> Settlement at ¶ 26. Each customer complaint, as summarized in the Settlement, is reprinted verbatim below:

Customer 1<sup>5</sup> disputed their enrollment with Greenlight, noting that the phone number provided in the verification

<sup>1</sup> Because the basis of the Settlement involves an automated/robocall recording that may have been issued to a significant number of customers, including the customers who filed a complaint in this matter, we believe that it is appropriate to publish the Settlement in the *Pennsylvania Bulletin*.

<sup>2</sup> Greenlight is licensed by the Commission, at Docket Nos. A-2015-2501712 and A-2018-3000353, to operate in the following electric distribution company (EDC) service territories of Pennsylvania: (1) PECO Energy Company; (2) Citizens Electric of Lewisburg; (3) Duquesne Light Company; (4) Metropolitan Edison Company; (5) Pennsylvania Electric Company; (6) Pennsylvania Power Company; (7) Pike County Light and Power Company; (8) PPL Electric Utilities Corporation; (9) UGI Utilities, Inc.; (10) Wellsboro Electric Company; and (11) West Penn Power Company. Settlement at ¶ 7.

<sup>3</sup> The Director's telephone number is on the Do Not Call registry. Settlement at ¶¶ 18, 24.

<sup>4</sup> I&E noted that the August 2020 complaint concerned an enrollment through Facebook. Settlement at ¶ 26.

<sup>5</sup> To protect the identity and confidential nature of the complainants, I&E and Greenlight have agreed to remove any identifying information from the allegations. Settlement at ¶ 27.

process was invalid. Greenlight responded to the complaint by canceling the account and issuing a refund.

Customer 2 disputed their enrollment with Greenlight. Greenlight responded that Customer 2's electric account was enrolled with Greenlight due to a mix-up with the account number and issued a refund.

Customer 3 disputed the enrollment of an elderly mother. Greenlight responded that it was not aware of the power of attorney ("POA") and cancelled the enrollment.

Customer 4 disputed the enrollment of an elderly father. Greenlight responded that it cancelled the account as requested.

Customer 5 (a male) disputed his enrollment with Greenlight. Greenlight responded by informing Customer 5 of the mistaken enrollment and circumstances and credited the customer's account. I&E notes that the individual who completed the third-party verification ("TPV") was a female who did not share the same last name as the customer.

See Settlement at ¶¶ 27—31.

In response to the alleged conduct, Greenlight provided that it did not conduct any telemarketing between February 2018 and September 2020; however, Greenlight utilized telemarketing and third-party vendor services from October 2020 through December 16, 2020, at which point Greenlight ceased all outbound telemarketing and third-party vendor service. Further, Greenlight provided that its outbound marketing is currently limited to renewal and retention of existing customers, which is conducted by in-house agents. Moreover, Greenlight asserted that it prohibits and has never utilized robocalls, adding that once it became aware of the Director of OCMO's telemarketing experience, Greenlight terminated the responsible third-party vendor. Settlement at ¶¶ 33—36.

If this matter had been fully litigated, I&E was prepared to present evidence and legal arguments to demonstrate that Greenlight and/or its agents committed the following alleged violations: (1) Greenlight and/or its agents conducted deceptive and misleading actions, including calling customers on the Do Not Call list, an alleged violation of 52 Pa. Code §§ 54.43(g), 111.10(a) and (b), and 111.12(d) (multiple counts); (2) Greenlight and/or its agents conducted false or deceptive representations, including rates and savings, an alleged violation of 52 Pa. Code §§ 54.122(3) and 111.12(d) (multiple counts); (3) an agent for Greenlight failed to identify himself/herself upon first contact and state that he/she does not work for and is independent of the local EDC, an alleged violation of 52 Pa. Code §§ 111.8(b) and 111.10(a) and (b) (multiple counts); (4) an agent for Greenlight suggested that a customer is required to choose an EGS, an alleged violation of 52 Pa. Code §§ 111.8(f) and 111.10(a) and (b) (multiple counts); and (5) Greenlight and/or its agents' actions resulted in the unauthorized enrollment of five customers, an alleged violation of 52 Pa. Code §§ 54.42(a)(9) and 111.7 (multiple counts). Settlement at ¶¶ 37(a)—(e).

If this matter had been fully litigated, Greenlight intended to deny each of the alleged violations of the Public Utility Code, the Commission's Regulations and Orders, as well as to raise defenses to each allegation and defend against the same at hearing. Settlement at ¶ 38.

#### *Terms of the Settlement*

The Parties state that the purpose of the Settlement is to terminate I&E's informal investigation and settle this matter completely without litigation. The Parties further

note that they recognize that this is a disputed matter and that resolving the disputed issues can be beneficial, given the inherent unpredictability of the outcome of a contested proceeding. Moreover, the Parties acknowledge that approval of this Settlement is in the public interest and is consistent with the Commission's Policy Statement for evaluating litigated and settled proceedings involving violations of the Code and Commission Regulations, pursuant to 52 Pa. Code § 69.1201. Settlement at ¶¶ 39, 46-47.

The conditions of the Settlement are reprinted verbatim below:

40. Greenlight shall pay a total civil penalty \$8,250.00, broken down as follows:

a) A civil penalty for each of the fifteen (15) identified violations related to the October 30, 2020 and November 6, 2020 telemarketing calls received by [the Director of OCMO], totaling \$4,500.00.

b) A civil penalty of \$750.00 for each of the five (5) complaints related to unauthorized enrollment, totaling \$3,750.00.

41. The civil penalty shall not be tax deductible or passed through as an additional charge to Greenlight's customers in Pennsylvania.

See Settlement at ¶¶ 40-41.

The Parties request that the Commission issue an Order approving the Settlement without modification but note that if the terms of the Settlement are "substantively" modified by a Commission Order, the Parties agree that any party may withdraw from the Settlement. Settlement at ¶¶ 44-45. The Parties indicate that the consequence of any Party withdrawing from the Settlement is that all issues associated with the requested relief presented in the proceeding will be fully litigated unless otherwise stipulated by the Parties, and all obligations of the Parties to each other will cease. Further, if a Party withdraws from the Settlement, the Parties jointly agree that nothing in the Settlement shall be construed as an admission against, or as prejudice to, any position which any Party might adopt during subsequent litigation of this case. Settlement at ¶ 45.

The Parties acknowledge that the Settlement represents a complete settlement of I&E's investigation of Greenlight's alleged violations related to "the misleading and deceptive telemarketing calls made to the Director of OCMO and unauthorized enrollments made from August 2020 to December 2020." Settlement at ¶ 49. The Settlement represents a compromise of positions and does not constitute a finding or an admission concerning the alleged violations of the Code and the Commission's Regulations. Id.

#### *Discussion*

Pursuant to the Commission's Regulations at 52 Pa. Code § 5.231, it is the Commission's policy to promote settlements. The Commission must, however, review proposed settlements to determine whether the terms are in the public interest. *Pa. PUC v. Philadelphia Gas Works*, Docket No. M-00031768 (Order entered January 7, 2004).

In reviewing settlements that resolve informal investigations, the Commission will provide other potentially affected parties with the opportunity to file comments regarding a proposed settlement prior to issuing a decision. The Commission's Regulations at 52 Pa. Code § 3.113(b) provide as follows:

#### **§ 3.113. Resolution of informal investigations.**

\* \* \*

(b) Under 65 Pa.C.S. Chapter 7 (relating to Sunshine Act), the Commission’s official actions resolving informal investigations will be as follows:

\* \* \*

(3) When the utility, or other person subject to the Commission’s jurisdiction, has committed to undertake action to address or remedy a violation or potential violation of the act or to resolve another perceived deficiency at the utility, in the form of a settlement with the Commission staff or other resolution of the matter, the Commission’s consideration of the settlement or approval of the utility’s action will occur at public meeting. Except for staff reports and other documents covered by a specific legal privilege, documents relied upon by the Commission in reaching its determination shall be made part of the public record. *Before the Commission makes a final decision to adopt the settlement or to approve the utility’s action, the Commission will provide other potentially affected persons with the opportunity to submit exceptions thereon or to take other action provided for under law.*

52 Pa. Code § 3.113(b) (emphasis added). See also *Pa. PUC, Bureau of Investigation and Enforcement v. PPL Electric Utilities Corporation*, Docket No. M-2012-2264635 (Order entered September 13, 2012); *Pa. PUC, Bureau of Investigation and Enforcement v. Liberty Power Holdings, LLC*, Docket No. M-2019-2568471 (Order entered August 8, 2019).

*Conclusion*

Before issuing a decision on the merits of the proposed Settlement, consistent with the requirement of 52 Pa. Code § 3.113(b)(3), and for the reason(s) stated above, we believe that it is appropriate to publish the Settlement in the *Pennsylvania Bulletin*. Therefore, we will: (1) publish this Opinion and Order and a copy of the proposed Settlement and Statements in Support, attached hereto, in the *Pennsylvania Bulletin*; and (2) provide an opportunity for interested parties to file comments regarding the

proposed Settlement within twenty-five days after the date of publication in the *Pennsylvania Bulletin*; *Therefore,*

*It Is Ordered That:*

1. The Secretary’s Bureau shall duly certify this Opinion and Order along with the attached Joint Petition for Approval of Settlement and the Statements in Support thereof, at Docket No. M-2021-3023026, and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

2. Within twenty-five (25) days after the date that this Opinion and Order and the attached Joint Petition for Approval of Settlement and the Statements in Support thereof are published in the *Pennsylvania Bulletin*, interested parties may file comments concerning the proposed Settlement. Comments to the proposed Settlement shall be filed through efilng. Please know that at this time all parties wanting to file with the Commission and participate in proceedings before the Commission must open an efilng account free of charge through our website and accept eservice. This is in accordance with the Commission’s Emergency Order at Docket No. M-2020-3019262. An efilng account may be opened at our website, <https://www.puc.pa.gov/efiling/default.aspx>.

3. A copy of this Opinion and Order, together with the attached Joint Petition for Approval of Settlement and the Statements in Support thereof, at Docket No. M-2021-3023026, shall be served on the Office of Consumer Advocate and the Office of Small Business Advocate.

4. Subsequent to the Commission’s review of comments filed in this proceeding, at Docket No. M-2021-3023026, a final Opinion and Order will be issued by the Commission.

ROSEMARY CHIAVETTA,  
*Secretary*

ORDER ADOPTED: October 28, 2021

ORDER ENTERED: October 28, 2021

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, :  
Bureau of Investigation and Enforcement :  
v. : Docket No. M-2021-3023026  
Greenlight Energy Inc. :

**JOINT PETITION FOR APPROVAL OF SETTLEMENT**

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to the regulations at 52 Pa. Code §§ 5.41 and 5.232, the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”) and Greenlight Energy Inc. (“Greenlight” or “Company”) hereby submit this Joint Petition for Approval of Settlement (“Settlement,” “Settlement Agreement,” or “Petition”) to resolve all issues related to an Informal Investigation initiated by I&E. I&E’s Informal Investigation was initiated based upon information provided by the Office of Competitive Market Oversight (“OCMO”) relating to deceptive and misleading telemarketing.

As part of this Settlement Agreement, I&E and Greenlight (hereinafter referred to collectively as the “Parties”) respectfully request that the Commission enter a Final Opinion and Order approving the Settlement, without modification. Statements in Support of the Settlement expressing the individual views of I&E and Greenlight are attached hereto as Appendix A and Appendix B, respectively, and are incorporated herein.

*I. Introduction*

1. The Parties to this Settlement Agreement are the Commission’s Bureau of Investigation and Enforcement, by its prosecuting attorneys, 400 North Street, Commonwealth Keystone Building, Harrisburg, PA,

17120, and Greenlight Energy Inc., with a business address of 310 New York Avenue, Huntington, NY 11743.

2. The Commission is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within this Commonwealth, as well as other entities subject to its jurisdiction, pursuant to the Public Utility Code (“Code”), 66 Pa.C.S. §§ 101, et seq.

3. I&E is the entity established to prosecute complaints against public utilities and other entities subject to the Commission’s jurisdiction pursuant to 66 Pa.C.S. § 308.2(a)(11); see also Implementation of Act 129 of 2008; Organization of Bureaus and Offices, Docket No. M-2008-2071852 (Order entered August 11, 2011) (delegating authority to initiate proceedings that are prosecutorial in nature to I&E).

4. Section 501(a) of the Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Code.

5. Section 701 of the Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints alleging a violation of any law, regulation, or order that the Commission has jurisdiction to administer.

6. Section 3301 of the Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility or on any other person or corporation subject to the Commission’s authority for violations of the Code, the Commission’s regulations and orders. Section 3301 of the Code allows for the imposition of a fine for each violation and each day’s continuance of such violation(s). 66 Pa.C.S. § 3301.

7. Greenlight is a jurisdictional electric generation supplier (“EGS”)<sup>6</sup> licensed by the Commission at Docket No. A-2015-2501712 to operate in the Pennsylvania electric distribution company (“EDC”) service territory of PECO Energy Company. By Docket No. A-2018-3000353, Greenlight expanded its operations to include the territories of Citizens Electric of Lewisburg, Duquesne Light Company, Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, Pike County Light and Power Company, PPL Electric Utilities Corporation, UGI Utilities Inc., Wellsboro Electric Company, and West Penn Power Company.

8. Greenlight, as an EGS in Pennsylvania, is a public utility as defined by Section 102 of the Public Utility Code, 66 Pa.C.S. § 102, for the limited purposes as described in Sections 2809 and 2810 of the Competition Act, 66 Pa.C.S. §§ 2809-2810.

9. Greenlight, as a provider of electric generation service for compensation, is subject to the power and authority of the Commission and must observe, obey, and comply with the Commission’s regulations and orders pursuant to Section 501(c) of the Code, 66 Pa.C.S. § 501(c).

10. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter and the actions of Greenlight in its capacity as an EGS serving consumers in Pennsylvania.

11. This matter involves allegations related to misleading and deceptive telemarketing and unauthorized enrollments completed by third-party vendors acting on Greenlight’s behalf in 2020.

12. As a result of successful negotiations between I&E and Greenlight, the Parties have reached an agreement on an appropriate outcome to the Informal Investigation

<sup>6</sup> “Electric generation supplier” is defined in Section 2803 of the Electricity Generation Customer Choice and Competition Act, 66 Pa.C.S. §§ 2801–2812 (“Competition Act”); see also, 52 Pa. Code § 57.171.

as encouraged by the Commission’s policy to promote settlements. See 52 Pa. Code § 5.231. The Settlement also is consistent with the Commission’s Policy Statement for evaluating litigated and settled proceedings involving violations of the Code and Commission regulations, 52 Pa. Code Section 69.1201. The Parties agree to the settlement terms set forth herein and urge the Commission to approve the Settlement as submitted as being in the public interest.

## II. *Stipulated Facts*

13. The Commission has jurisdiction over the subject matter of and the Parties to this proceeding. 66 Pa.C.S. § 102, 501.

14. “It is the policy of the Commission to encourage settlements.” 52 Pa. Code § 5.231(a).

15. On or about November 25, 2020, Daniel Mumford, Director of the Office of Competitive Market Oversight (“OCMO”), submitted a memo to I&E outlining his concerns with Greenlight’s telemarketing practices. Specifically, Mr. Mumford personally received telemarketing calls on October 30, 2020 and November 6, 2020 and described the corresponding phone conversations in detail.

16. In reference to the October 30, 2020 call, Mr. Mumford received an automated/robocall recording stating that he was entitled to a “refund” due to a “mistake” on his electric bill, and to press “one.” The agent who conducted the call after pressing “one” did not identify who he was calling on behalf of, the agent stated that Mr. Mumford would be receiving a 40% cheaper electric rate compared to his previous 15 cent rate which was a mistake, and the agent stated that Mr. Mumford was currently being billed at the business rate and that the agent would fix this mistake. Mr. Mumford was then coached through the verification process and successfully enrolled with Greenlight.

17. In reference to the November 6, 2020 call, Mr. Mumford again received an automated/robocall recording concerning “the recent rate reduction notice [he] received.” The agent who answered after pressing “one” did not identify who he was working for and promised a 30% discount, dropping Mr. Mumford’s rate from 40 cents to 9 cents, stating that “nothing will change, just getting a discount.” The agent explained that Mr. Mumford would be receiving paperwork in the mail to review, and if he was happy with the paperwork, to sign and return to PPL or to throw it away if not happy with the terms. The agent described the name of the program as Greenlight Energy and abruptly ended the call after realizing that Mr. Mumford had already signed up with Greenlight.

18. Mr. Mumford’s telephone number is on the Do Not Call list.

19. By letter dated January 28, 2021, I&E issued a Data Request Letter (“I&E Data Requests-Set I”) informing Greenlight of the scope of its investigation and requesting a response to I&E’s twenty-five (25) data requests. Greenlight’s responses were due on March 1, 2021.

20. On February 26, 2021, Greenlight provided its responses to I&E Data Requests-Set I.

21. On March 26, 2021, I&E submitted a second set of data requests (“I&E Data Requests-Set II”).

22. Greenlight timely provided its responses to I&E Data Requests-Set II on April 21, 2021 and April 22, 2021.

23. The results of I&E’s Informal Investigation, which included review of Mr. Mumford’s referral memo, cus-

tomers' complaints received by the Commission's Bureau of Consumer Services, and Greenlight's responses to I&E Data Request-Set I and Set II, form the basis for the instant Settlement Agreement.

#### A. Telemarketing to Mr. Mumford

24. The telemarketing calls received by Mr. Mumford on October 30, 2020 and November 6, 2020 contained the following alleged conduct:

- a) Calling an individual on the Do Not Call List (twice);
- b) Automated recording advising the recipient of a "refund" due to a "mistake" on the electric bill;
- c) Live agent not identifying himself/herself upon first contact (twice);
- d) Agent misrepresentation that Mr. Mumford would be receiving a 40% discount compared to previous bills;
- e) Agent misrepresentation that Mr. Mumford was currently paying 15 cents per kWh;
- f) Agent misrepresentation that Mr. Mumford was previously being billed at a business rate;
- g) Agent telling Mr. Mumford that he would be receiving a new supplier instead of giving Mr. Mumford the choice;
- h) Agent coaching Mr. Mumford through the verification process;
- i) Automated recording concerning a "recent rate reduction;"
- j) Agent misrepresentation of 30% discount;
- k) Agent misrepresentation that Mr. Mumford was currently paying 40 cents per kWh;
- l) Agent misrepresentation that "nothing will change, just getting a discount;" and
- m) Agent misrepresentation on the process after receiving the enrollment paperwork.

25. Pursuant to 52 Pa. Code § 111.3, Greenlight is responsible and liable for the conduct performed by its agent(s).

#### B. Unauthorized Enrollments

26. In addition to the allegations in Mr. Mumford's referral memo, I&E identified five (5) informal complaints which either alleged an enrollment without authorization/capacity or disputed an enrollment. These five informal complaints occurred between August 2020 and November 2020, noting that the complaint occurring in August 2020 concerned an enrollment through Facebook.

27. Customer 1<sup>7</sup> disputed their enrollment with Greenlight, noting that the phone number provided in the verification process was invalid. Greenlight responded to the complaint by canceling the account and issuing a refund.

28. Customer 2 disputed their enrollment with Greenlight. Greenlight responded that Customer 2's electric account was enrolled with Greenlight due to a mix-up with the account number and issued a refund.

29. Customer 3 disputed the enrollment of an elderly mother. Greenlight responded that it was not aware of the power of attorney ("POA") and canceled the enrollment.

30. Customer 4 disputed the enrollment of an elderly father. Greenlight responded that it canceled the account as requested.

31. Customer 5 (a male) disputed his enrollment with Greenlight. Greenlight responded by informing Customer 5 of the mistaken enrollment and circumstances and credited the customer's account. I&E notes that the individual who completed the third-party verification ("TPV") in this case was a female who did not share the same last name as the customer.

32. The complaints are allegations of unauthorized enrollment in violation of 54 Pa. Code § 54.42(a)(9) and 52 Pa. Code § 111.7.

#### C. Greenlight's Response to the Alleged Conduct

33. Greenlight made the business decision to cease outbound telemarketing and the use of third-party vendors.

34. Greenlight did not conduct any telemarketing between February 2018 and September 2020. It resumed telemarketing using third party vendors for a short time in October 2020, and then ceased all third-party telemarketing effective December 16, 2020 and has not resumed.

35. Currently, Greenlight's only outbound marketing is limited to renewal and retention of existing customers which is completed by in-house agents.

36. Greenlight prohibits the use of and has never utilized robocalls. Once made aware of Mr. Mumford's telemarketing experience, Greenlight immediately terminated the third-party vendor who completed the phone calls.

#### III. Alleged Violations

37. Had this matter been fully litigated, I&E would have proffered evidence and legal arguments to demonstrate that Greenlight committed the following violations related to Mr. Mumford's referral memo:

a) The alleged actions of Greenlight and/or its agents resulted in deceptive and misleading conduct in violation of state or federal law, including calling customers on the do not call list. If proven, I&E alleges that such conduct would have violated 52 Pa. Code § 54.43(g), 52 Pa. Code § 111.10(a) and (b), and 52 Pa. Code § 111.12(d) (multiple counts).

b) The alleged actions of Greenlight and/or its agents resulted in the false or deceptive and misleading representations, including rates and savings. If proven, I&E alleges that such conduct would have violated 52 Pa. Code § 54.122(3) and 52 Pa. Code § 111.12(d) (multiple counts).

c) The alleged actions of Greenlight and/or its agents resulted in the failure of the agent to identify himself/herself upon first contact and state that he/she is not working for and is independent of the local EDC. If proven, I&E alleges that such conduct would have violated 52 Pa. Code § 111.8(b) and 52 Pa. Code § 111.10(a) and (b) (multiple counts).

d) The alleged actions of Greenlight and/or its agents resulted in the agent suggesting that a customer is required to choose an EGS. If proven, I&E alleges that such conduct would have violated 52 Pa. Code § 111.8(f) and 52 Pa. Code § 111.10(a) and (b) (multiple counts).

e) The alleged actions of Greenlight and/or its agents resulted in the authorized enrollment of five (5) customers. If proven, I&E alleges that such conduct would have violated 54 Pa. Code § 54.42(a)(9) and 52 Pa. Code § 111.7 (multiple counts).

38. Had this matter been fully litigated, Greenlight would have denied each of the alleged violations of the Commission's Regulations, the Code, or Commission's Orders, raised defenses to each of these allegations, and defended against the same at hearing.

<sup>7</sup> To protect the identity and confidential nature of the complainants, I&E and Greenlight have agreed to remove any identifying information from the allegations.

#### IV. Settlement Terms

39. Pursuant to the Commission's policy of encouraging settlements that are reasonable and in the public interest, the Parties held a settlement discussion that culminated in this Settlement. I&E and Greenlight desire to (1) terminate I&E's Informal Investigation; and (2) settle this matter completely without litigation. The Parties recognize that this is a disputed matter, and given the inherent unpredictability of the outcome of a contested proceeding, the Parties further recognize the benefits of amicably resolving the disputed issues. The conditions of the Settlement, for which the Parties seek Commission approval, are set forth below.

40. Greenlight shall pay a total civil penalty of \$8,250.00, broken down as follows:

a) A civil penalty of \$300.00 for each of the fifteen (15) identified violations related to the October 30, 2020 and November 6, 2020 telemarketing calls received by Daniel Mumford, totaling \$4,500.00.

b) A civil penalty of \$750.00 for each of the five (5) complaints related to unauthorized enrollment, totaling \$3,750.00.

41. The civil penalty shall not be tax deductible or passed through as an additional charge to Greenlight's customers in Pennsylvania.

#### V. Conditions of Settlement

42. The benefits and obligations of this Settlement Agreement shall be binding upon the successors and assigns of the Parties to this Agreement.

43. This Agreement may be signed in counterparts and all signatures attached hereto will be considered as originals.

44. In order to effectuate the Parties' Settlement Agreement, the undersigned Parties request that the Commission issue an Order approving the Petition without modification.

45. The Parties agree that any party may petition the Commission for reconsideration or take other recourse allowed under the Commission's rules if the Commission Order substantively modifies the terms of this Petition. However, if the Commission takes any action in a Tentative or other Order substantively modifying the terms of this Settlement, any party may give notice to the other party that it is withdrawing from this Petition. Such notice must be in writing and must be given within twenty (20) business days of the issuance of any Initial or Recommended Decision or any Commission Order or Secretarial Letter that adopts this Petition with substantive modifications of its terms. The consequence of any party withdrawing from this Petition as set forth above is that all issues associated with the requested relief presented in the proceeding will be fully litigated unless otherwise stipulated between the Parties and all obligations of the Parties to each other are terminated and of no force and effect. In the event that a Party withdraws from this Petition as set forth in this Paragraph, I&E and Greenlight jointly agree that nothing in this Agreement shall be construed as an admission against or as preju-

dice to any position either Party might adopt during subsequent litigation of this case.

46. I&E and Greenlight jointly acknowledge that approval of this Agreement is in the public interest and is fully consistent with the Commission's Policy Statement for evaluating litigated and settled proceedings involving violations of the Code and Commission regulations, 52 Pa. Code § 69.1201. The Commission will serve the public interest by adopting this Joint Petition for Approval of Settlement.

47. This Petition avoids the time and expense of litigation in this matter before the Commission, which likely would entail preparation for and attendance at hearings and the preparation and filing of briefs, reply briefs, exceptions, and reply exceptions. The Parties further recognize that their positions and claims are disputed and, given the inherent unpredictability of the outcome of a contested proceeding, the Parties recognize the benefits of amicably resolving the disputed issues through settlement. Attached as Appendices A and B are Statements in Support submitted by I&E and Greenlight, respectively, setting forth the bases upon which they believe the Settlement Agreement is in the public interest.

48. Adopting this Agreement will eliminate the possibility of any appeal from the Commission Secretarial Letter or Order, thus avoiding the additional time and expense that they might incur in such an appeal.

49. This Settlement consists of the entire agreement between I&E and Greenlight regarding the matters addressed herein. Moreover, this Settlement represents a complete settlement of I&E's Informal Investigation of Greenlight's alleged violations of the Code and the Commission's regulations related to the misleading and deceptive telemarketing calls made to Mr. Mumford and unauthorized enrollments made from August 2020 to December 2020 and fully satisfies I&E's Informal Investigation of the matters discussed herein. The Parties expressly acknowledge that this Agreement represents a compromise of positions and does not in any way constitute a finding or an admission concerning the alleged violations of the Code and the Commission's regulations.

Wherefore, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement and Greenlight Energy Inc. respectfully request that the Commission enter an Order approving the terms of the Joint Petition for Approval of Settlement in their entirety as being in the public interest and granting such other relief not inconsistent with the Settlement as may be just and reasonable under the circumstances.

*In Witness Whereof*, I&E and Greenlight by their authorized representatives have hereunto set our hands and seals on this 24th day of June 2021.

Date: June 24, 2021

Michael Hartofilis,  
Vice President  
Greenlight Energy Inc.

Date: June 24, 2021

Kayla L. Rost,  
Prosecutor  
Bureau of Investigation and Enforcement

**Appendix A  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, :  
 Bureau of Investigation and Enforcement :  
 :  
 v. : Docket No. M-2021-3023026  
 :  
 Greenlight Energy Inc. :

**PROPOSED ORDERING PARAGRAPHS**

1. That the Joint Petition for Approval of Settlement filed on June 24, 2021 between the Pennsylvania Public Utility Commission’s Bureau of Investigation and Enforcement and Greenlight Energy Inc. (“Greenlight”) is approved in its entirety without modification.

2. That, in accordance with Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, within sixty (60) days of the date this Order becomes final, Greenlight shall pay Eight Thousand Two Hundred Fifty Dollars (\$8,250.00), which consists of the entirety of the civil penalty amount. Said payment shall be made by certified check or money

order payable to “Commonwealth of Pennsylvania” and shall be sent to:

Secretary  
 Pennsylvania Public Utility Commission  
 Commonwealth Keystone Building  
 400 North Street  
 Harrisburg, PA 17120

3. That the civil penalty shall not be tax deductible or passed through as an additional charge to Greenlight’s customers in Pennsylvania.

4. The above-captioned matter shall be marked closed upon receipt of the civil penalty.

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, :  
 Bureau of Investigation and Enforcement :  
 :  
 v. : Docket No. M-2021-3023026  
 :  
 Greenlight Energy Inc. :

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**THE BUREAU OF INVESTIGATION AND ENFORCEMENT’S  
STATEMENT IN SUPPORT OF THE  
JOINT PETITION FOR APPROVAL OF SETTLEMENT**

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TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code §§ 5.231, 5.232 and 69.1201, the Pennsylvania Public Utility Commission’s (“Commission” or “PUC”) Bureau of Investigation and Enforcement (“I&E”), a signatory party to the Joint Petition for Approval of Settlement (“Settlement” or “Settlement Agreement”) filed in the matter docketed above, submits this Statement in Support of the Settlement Agreement between I&E and Greenlight Energy Inc. (“Greenlight” or “Company”).<sup>8</sup> I&E avers that the terms and conditions of the Settlement are just and reasonable and in the public interest for the reasons set forth herein.

*I. Background*

On November 25, 2020, Daniel Mumford, Director of the Office of Competitive Market Oversight (“OCMO”), submitted a memo to I&E outlining his concerns with Greenlight’s telemarketing practices. Specifically, Mr. Mumford personally received a telemarketing phone call on October 30, 2020 which started as an automated/robocall advertising a refund due to a mistake on his electric bill. Mr. Mumford described the corresponding

phone conversation in detail, noting that the agent who later conducted the call did not identify who he was calling on behalf of, the agent stated that Mr. Mumford would be receiving a 40% cheaper electric rate compared to his previous 15 cent rate which was a mistake, and the agent stated that Mr. Mumford was currently being billed at the business rate and that the agent would fix this mistake. Mr. Mumford was then coached through the verification process and successfully enrolled with Greenlight.

Mr. Mumford also received a second robocall on November 6, 2020. This call promised a 30% discount, dropping Mr. Mumford’s rate from 40 cents to 9 cents and that “nothing will change, just getting a discount.” The agent described the name of the program as Greenlight Energy and abruptly ended the call after realizing that Mr. Mumford had already signed up with Greenlight.

By letter dated January 28, 2021, I&E issued a Data Request Letter (“I&E Data Requests-Set I”) informing Greenlight of the scope of its investigation and requesting a response to I&E’s twenty-five (25) data requests. Greenlight’s responses were due on March 1, 2021.

<sup>8</sup> I & E and Greenlight are collectively referred to herein as the “Parties.”

On February 26, 2021, Greenlight provided its response to I&E Data Requests-Set I.

On March 26, 2021, I&E submitted a second set of data requests (“I&E Data Requests-Set II”), to which Greenlight timely provided its response on April 21, 2021 and April 22, 2021.

On June 24, 2021, the Parties filed a Joint Petition for Approval of Settlement resolving all issues between I&E and Greenlight in the instant matter. This Statement in Support is submitted in conjunction with the Settlement Agreement.

## II. *The Public Interest*

Pursuant to the Commission’s policy of encouraging settlements that are reasonable and in the public interest, the Parties held a settlement discussion. These discussions culminated in this Settlement Agreement, which, once approved, will resolve all issues related to I&E informal investigation involving allegations that Greenlight completed deceptive and misleading telemarketing and completed five (5) unauthorized enrollments from August 2020 through December 2020. Notably, prior to the initiation of I&E’s informal investigation, Greenlight made the business decision to cease outbound telemarketing and the use of third-party vendors. Greenlight stopped all telemarketing from February 2018 through September 2020, and ceased using third-party vendors effective December 16, 2020. This business decision will significantly reduce the potential of fraudulent or deceptive conduct being conducted on Greenlight’s behalf, and thus squarely addressing the allegations raised in the Joint Petition.

This business decision, in addition to the civil penalty discussed below, is in the public interest because it will protect the public from potential misleading and deceptive telemarketing calls and unauthorized enrollments in the future and will act as a deterrent for future misconduct.

I&E intended to prove the factual allegations set forth in its investigation at hearing to which Greenlight would have disputed. This Settlement Agreement results from the compromises of the Parties. I&E recognizes that, given the inherent unpredictability of the outcome of a contested proceeding, the benefits to amicably resolving the disputed issues through settlement outweigh the risks and expenditures of litigation. I&E submits that the Settlement constitutes a reasonable compromise of the issues presented and is in the public interest. As such, I&E respectfully requests that the Commission approve the Settlement without modification.

## III. *Terms of Settlement*

Under the terms of the Settlement Agreement, I&E and Greenlight have agreed that Greenlight will pay a civil penalty of \$8,250.00, broken down as follows:

a) A civil penalty of \$300.00 for each of the fifteen (15) identified violations related to the October 30, 2020 and November 6, 2020 telemarketing calls received by Daniel Mumford, totaling \$4,500.00.

b) A civil penalty of \$750.00 each of the five (5) complaints related to unauthorized enrollment, totaling \$3,750.00.

The civil penalty shall not be tax deductible pursuant to Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f). Furthermore, the civil penalty shall not be passed through as an additional charge to Greenlight’s customers in Pennsylvania.

In consideration of Greenlight’s payment of a monetary civil penalty, I&E agrees that its informal investigation

relating to Greenlight’s conduct as described in the Settlement Agreement referenced herein shall be terminated and marked closed upon approval by the Commission of the Settlement Agreement without modification and payment of the civil penalty.

Upon Commission approval of the Settlement in its entirety without modification, I&E will not file any complaints or initiate other action against Greenlight at the Commission with respect to the deceptive and misleading telemarketing calls made to Mr. Daniel Mumford and the five (5) unauthorized enrollments which were the subject of I&E’s instant investigation.

## IV. *Legal Standard for Settlement Agreements*

Commission policy promotes settlements. See 52 Pa. Code § 5.231. Settlements lessen the time and expense that the parties must expend litigating a case and, at the same time, conserve precious administrative resources. Settlement results are often preferable to those achieved at the conclusion of a fully litigated proceeding. “The focus of inquiry for determining whether a proposed settlement should be recommended for approval is not a ‘burden of proof’ standard, as is utilized for contested matters.” *Pa. Pub. Util. Comm’n, et al. v. City of Lancaster—Bureau of Water*, Docket Nos. R-2010-2179103, et al. (Order entered July 14, 2011) at p. 11. Instead, the benchmark for determining the acceptability of a settlement is whether the proposed terms and conditions are in the public interest. *Pa. Pub. Util. Comm’n v. Philadelphia Gas Works*, Docket No. M-00031768 (Order entered January 7, 2004).

I&E submits that approval of the Settlement Agreement in the above-captioned matter is consistent with the Commission’s Policy Statement regarding Factors and Standards for Evaluating Litigated and Settled Proceedings Involving Violations of the Public Utility Code and Commission Regulations (“Policy Statement”), 52 Pa. Code § 69.1201; see also *Joseph A. Rosi v. Bell-Atlantic-Pennsylvania, Inc.*, Docket No. C-00992409 (Order entered March 16, 2000). The Commission’s Policy Statement sets forth ten (10) factors that the Commission may consider in evaluating whether a civil penalty for violating a Commission order, regulation, or statute is appropriate, as well as whether a proposed settlement for a violation is reasonable and in the public interest. 52 Pa. Code § 69.1201.

The Commission will not apply the factors as strictly in settled cases as in litigated cases. 52 Pa. Code § 69.1201(b). While many of the same factors may still be considered, in settled cases, the parties “will be afforded flexibility in reaching amicable resolutions to complaints and other matters as long as the settlement is in the public interest.” *Id.*

The first factor considers whether the conduct at issue was of a serious nature, such as willful fraud or misrepresentation, or if the conduct was less egregious, such as an administrative or technical error. Conduct of a more serious nature may warrant a higher civil penalty while conduct that is less egregious warrants a lower amount. 52 Pa. Code § 69.1201(c)(1). I&E alleges that the conduct in this matter involved misrepresentation and administrative/technical errors. The telemarketing calls made to Mr. Mumford are a clear example of misrepresentation while the unauthorized enrollments appear to either be the result of a mistake, an account mix-up, or related to Greenlight’s lack of knowledge as to the customer’s capacity/authorization status. Consequently, the less egregious nature of the conduct was considered in arriving at the civil penalty amount in the Settlement Agreement.



The second factor considers whether the resulting consequences of Eligo's alleged conduct were of a serious nature. When consequences of a serious nature are involved, such as personal injury or property damage, the consequences may warrant a higher penalty. 52 Pa. Code § 69.1201(c)(2). I&E submits that no personal injury or property damage occurred as a result of the alleged violations.

The third factor to be considered under the Policy Statement is whether the alleged conduct was intentional or negligent. 52 Pa. Code § 69.1201(c)(3). "This factor may only be considered in evaluating litigated cases." *Id.* Whether Greenlight's alleged conduct was intentional or negligent does not apply since this matter is being resolved by settlement of the Parties.

The fourth factor to be considered is whether Greenlight has made efforts to change its practices and procedures to prevent similar conduct in the future. 52 Pa. Code § 69.1201(c)(4). As explained in more detail above, Greenlight became aware of the deceptive and misleading actions of its third-party vendors prior to I&E's investigation. As a result, Greenlight made the business decision to cease the use of outbound calling and third-party vendors. Greenlight solely utilizes outbound calling for renewal and retention of existing customers which is completed by in-house agents. Accordingly, Greenlight's business decision will prevent similar conduct from occurring in the future.

The fifth factor to be considered relates to the number of customers affected by the Company's actions and the duration of the violations. 52 Pa. Code § 69.1201(c)(5). During the time frame of September 2020 through December 2020, Greenlight identified approximately 16 customer complaints. Of those 16 complaints, one (1) related to a payment arrangement request, one (1) requested a cancellation of service, three (3) didn't recall enrolling with Greenlight (Greenlight provided valid TPVs and I&E was unable to substantiate a violation), one (1) complained of high bills, two (2) requested that the telemarketing calls cease, two (2) related to a different EGS, one (1) related to a complaint of dimming lights (EDC issue), and five (5) are included in the Settlement Agreement. Additionally, Mr. Mumford's account was enrolled with Greenlight approximately four (4) days. Thus, the number of customers affected by Greenlight's conduct are six (6) (Mr. Mumford and the five (5) unauthorized enrollment complaints). These facts were considered when calculating the civil penalty.

The sixth factor to be considered relates to the compliance history of Greenlight. 52 Pa. Code § 69.1201(c)(6). An isolated incident from an otherwise compliant company may result in a lower penalty, whereas frequent, recurrent violations by a company may result in a higher penalty. *Id.* To date, I&E is not aware of any formal complaint being filed against Greenlight regarding this matter. Additionally, I&E is not aware of any other enforcement action brought against Greenlight relating to deceptive and misleading telemarketing or unauthorized enrollments since the application for licensure was granted in early 2016.

The seventh factor to be considered relates to whether the Company cooperated with the Commission's investigation. 52 Pa. Code § 69.1201(c)(7). I&E submits that Greenlight fully cooperated in the investigation in this matter, including cooperating in both informal discovery as well as settlement discussions.

The eighth factor to be considered is the appropriate settlement amount necessary to deter future violations. 52 Pa. Code § 69.1201(c)(8). I&E submits that a civil

penalty amount of \$8,250.00, which is not tax deductible, is substantial and sufficient to deter Greenlight from committing future violations.

The ninth factor to be considered relates to past Commission decisions in similar situations. 52 Pa. Code § 69.1201(c)(9). I&E submits that the instant Settlement Agreement should be viewed on its merits as there are no past Commission decisions that are identical to this matter. However, I&E notes that some prior Commission decisions do provide guidance on how the Commission viewed past settlement agreements proposing a civil penalty with similar deceptive and misleading conduct as alleged in the Joint Petition. See generally *Pa. PUC v. ResCom Energy LLC*, Docket No. M-2013-2320112 (Order entered November 13, 2014) (Commission approval of settlement imposing a civil penalty of \$59,000 to resolve allegations of slamming, unauthorized marketing practices, and "Do Not Call" violations resulting from 13 customer complaints comprising of 49 potential violations and no practical means to accurately determine the number of Do Not Call violations); *Pa. PUC v. AP Gas & Electric (PA), LLC, d/b/a APG&E*, Docket No. M-2013-2311811 (Order entered October 17, 2013) (Commission approval of settlement with a \$43,200 civil penalty to resolve allegations of slamming, unauthorized marketing practices, and "Do Not Call" violations resulting from 37 complaints comprising of 54 potential violations); and *Pa. PUC v. IDT Energy, Inc.*, Docket No. M-2013-2314312 (Order entered October 17, 2013) (Commission approval of settlement with a \$39,000 civil penalty to resolve allegations of slamming and fraudulent, deceptive or unlawful sales, and marketing practices and "Do Not Call" violations resulting from 21 complaints comprising of 39 potential violations).

The tenth factor considers "other relevant factors." 52 Pa. Code § 69.1201(c)(10). I&E submits that an additional relevant factor—whether the case was settled or litigated—is of pivotal importance to this Settlement Agreement. A settlement avoids the necessity for the governmental agency to prove elements of each allegation. In return, the opposing party in a settlement agrees to a lesser fine or penalty, or other remedial action. Both parties negotiate from their initial litigation positions. The fines and penalties, and other remedial actions resulting from a fully litigated proceeding are difficult to predict and can differ from those that result from a settlement. Reasonable settlement terms can represent economic and programmatic compromise while allowing the parties to move forward and to focus on implementing the agreed upon remedial actions.

In conclusion, I&E fully supports the terms and conditions of the Settlement Agreement. The terms of the Settlement Agreement reflect a carefully balanced compromise of the interests of the Parties in this proceeding. The Parties believe that approval of this Settlement Agreement is in the public interest. Acceptance of this Settlement Agreement avoids the necessity of further administrative and potential appellate proceedings at what would have been a substantial cost to the Parties.

Wherefore, I&E supports the Settlement Agreement as being in the public interest and respectfully requests that the Commission approve the Settlement in its entirety without modification.

Respectfully submitted,  
Kayla L. Rost  
Prosecutor  
PA Attorney ID No. 322768

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

(717) 787-1888  
karost@pa.gov

Dated: June 24, 2021

**Appendix B  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, :  
Bureau of Investigation and :  
Enforcement :  
 :  
 :  
v. : Docket No. M-2021-3023026  
 :  
 :  
Greenlight Energy, Inc. :

**STATEMENT IN SUPPORT OF  
SETTLEMENT OF GREENLIGHT ENERGY, INC.**

Greenlight Energy, Inc. (“Greenlight” or “Company”) hereby submits its Statement in Support of the Joint Petition for Settlement (“Settlement”) of the above-referenced informal investigation of the Pennsylvania Public Utility Commission’s Bureau of Investigation and Enforcement (“I&E”). Greenlight has fully cooperated with the investigation. Greenlight also conducted its own internal investigation of this matter, both before and after the opening of I&E’s investigation, and for the reasons set forth below, Greenlight believes that the Settlement is in the public interest and should be approved.

The I&E investigation underlying this settlement stems from the unauthorized actions of a telemarketing vendor that was conducting marketing on behalf of Greenlight for a very short time. Based on the complaint received, Greenlight determined that the vendor in question conducted marketing calls to customers that were not in any way consistent with Greenlight’s marketing policies or protocols, and the vendor was terminating after only nine (9) days of service. Greenlight absolutely does not permit or condone the use of “robocalls.” Unfortunately during that time frame the vendor did make the calls that are referenced in paragraph 24 of the Settlement. The Company became aware of the incident on November 6, 2020 when it received an email from the customer. Upon learning of the marketer’s practices, Greenlight immediately terminated the marketer, contacted every customer enrolled by the marketer, and cancelled their enrollment. Since then, Greenlight has not undertaken any telemarketing to new customers in Pennsylvania and has implemented new, quality control procedures for its telemarketing vendors.

**THE SETTLEMENT IS IN THE PUBLIC INTEREST  
AND SHOULD BE APPROVED BY THE COMMISSION**

Greenlight believes that the Settlement is in the public interest because it is a complete and final resolution of this matter, it effectively addresses the issues that were the subject of the investigation, and it avoids the time and expense of litigation and possible appeals. Greenlight also believes that this Settlement is consistent with the factors that the Commission uses to evaluate settlements and is consistent with prior settlements involving EGSs.

The actions alleged in this case are serious in nature, as they involved improper marketing by a marketing vendor. However, Greenlight believes that the conse-

quences of the marketer’s actions were contained based on the immediate follow-up actions taken by Greenlight to fire the vendor and cancel the limited number of customer enrollments submitted by the vendor.

The incident did not involve any negligent or intentional conduct by Greenlight, and it was solely the result of unauthorized actions by its now-fired telemarketing vendor. As a result of this incident, Greenlight has strengthened the vetting of its marketing vendors and its quality assurance protocols, and has ceased telemarketing except for contacts with existing customers for retentions and renewals. Greenlight has implemented new measures to prevent any such improper practices from occurring in the future. Under Greenlight Energy’s new policy, welcome calls are placed to every newly enrolled customer from Greenlight’s quality assurance team. All new customers are asked to confirm their agreement to enroll and the understanding of Greenlight’s service and offer. Any indication of misunderstanding or improper sale will result in cancellation of the enrollment and remedial action against the vendor in question.

Greenlight has a satisfactory compliance history with the Public Utility Code and the Commission’s regulations and has never been found to be in violation of the Public Utility Code or the Commission’s regulations. Greenlight fully cooperated with I&E throughout this matter, as reflected in the Settlement. Greenlight fully believes that the that the civil penalty amount in this case is proportionate to the nature of the incident and the number of customers affected and is sufficient to deter future violations. Greenlight submits that the civil penalty amount is consistent with other I&E investigations related to allegedly improper EGS sales activities by independent agents. The settlement avoids the time, expense, and uncertainty of litigation, which is why the Commission generally encourages settlements as being in the public interest. Greenlight sincerely regrets that an independent vendor engaged in improper activity while conducting sales on behalf of the Company. This action was undertaken without Greenlight’s knowledge and clearly violated Greenlight’s sales and marketing policies. Upon being notified of the actions of the vendor, Greenlight proactively took steps to investigate the incident, terminate the vendor, and cancel the enrollments of the few customers whose enrollments were submitted for processing by the vendor. Greenlight did not receive any other complaints or customer contacts regarding the improper marketer. The other complaints referenced in the Settle-

ment involved completely different issues (i.e., an account number mistake, two complaints filed relatives of enrolled customers and an issue with an online enrollment.)

In summary, Greenlight respectfully submits that an evaluation of the Settlement Agreement under the Commission's standards for reviewing settlement Policy Statement justifies approval of the Settlement without modification. While the action underlying this investigation was undertaken by a telemarketing vendor without Greenlight's knowledge and clearly violated Greenlight's sales and marketing policies, Greenlight recognizes that it can be found to be in violation of the Commission's regulations as a result of the activities of sales agents acting on its behalf. Accordingly, Greenlight is willing to accept the civil penalty as a result of the incident. The remedial measures taken by Greenlight and the resolution of I&E's investigation through the Settlement are in

the public interest. The Settlement allows this investigation to be completed without the need for a formal proceeding and the associated time and cost of fully litigating this matter, while still providing consequences for the inappropriate actions of a sales agent operating on behalf of a licensed supplier. This is in the public interest because it will conserve both Greenlight's and Commission resources to focus attention on their responsibilities of assuring safe, adequate and reliable utility service to the citizens of the Commonwealth, and of ensuring that the Commission's electricity supplier sales and marketing regulations are adhered to. Greenlight therefore believes that the Joint Petition for Settlement is in the public interest and should be approved by the Commission.

Respectfully Submitted,  
Greenlight Energy

Date: June 24, 2021

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, :  
Bureau of Investigation and Enforcement :  
:  
v. : Docket No. M-2021-3023026  
:  
Greenlight Energy Inc. :

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing Joint Petition for Approval of Settlement dated June 24, 2021, upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Michael Hartofilis,  
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[Pa.B. Doc. No. 21-1915. Filed for public inspection November 12, 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 29, 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 29, 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](http://www.puc.pa.gov) by searching under the previously listed docket number or by searching the applicant's web site.

**Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.***

**A-2021-3029209. Ocoa Transportation, Inc.** (215 South Bennett Court, Hazleton, Luzerne County, PA

18201) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Hazleton Area School District to Hazleton Area School District Schools, and vice versa.

**A-2021-3029250. Adams Car Service, LLC** (1233 Suzann Drive, Warrington, Bucks County, PA 18976) in limousine service, from points in the Counties of Bucks and Montgomery, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

**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-2021-3029228. Orvis Investment, LLC, t/a K&O** (211 Wilde Avenue, Drexel Hill, Delaware County, PA 19079) for the discontinuance and cancellation of its right to transport, as a common carrier, by motor vehicle, persons in paratransit service, from 6901 Market Street, Upper Darby, Delaware County, PA 19082; 2955 Market Street, Philadelphia, PA 19104; and 101 East Olney Avenue, Philadelphia, PA 19120; to the following State correctional facilities: SCI Albion, SCI Benner Township, SCI Cambridge Spring, SCI Camp Hill, SCI Chester, SCI Coal Township, SCI Dallas, SCI Fayette, SCI Forest, SCI Frackville, SCI Greene, SCI Houtzdale, SCI Huntingdon, SCI Laurel Highlands, SCI Mahanoy, SCI Mercer, SCI Muncy, SCI Phoenix, SCI Pine Grove, SCI Rockview, SCI Somerset and SCI Waymart, and return as originally docketed at A-2020-3022069.

**A-2021-3029276. Thule Transportation, LLC** (1137 Passmore Street, Philadelphia, Philadelphia County, PA 19111) discontinuance of service and cancellation of its certificate to transport, as a common carrier, by wheelchair and scooter accessible motor vehicles, persons in paratransit service, from points in the City and County of Philadelphia to points in the Counties of Bucks, Chester, Delaware and Montgomery, and return.

**A-2021-3029369. Linda D. Lewis** (181 Krantz Mill Road, New Providence, Lancaster County, PA 17560) for the discontinuance and cancellation of its right and privilege to transport persons, in paratransit service, limited to persons whose personal conviction prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-1916. Filed for public inspection November 12, 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 29, 2021. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The applications are available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business addresses of the respective applicants or attorneys, or both.

**Doc. No. A-21-09-22. Hossain and Nargis, Inc.** (110 Penn Boulevard, East Lansdowne, PA 19050): An application for a medallion taxicab certificate of public convenience (CPC) to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**Doc. No. A-21-10-12. Limo Life Xpress, LLC** (112 Kent Road, Upper Darby, PA 19082): An application for a limousine 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.

SCOTT PETRI,  
*Executive Director*

[Pa.B. Doc. No. 21-1917. Filed for public inspection November 12, 2021, 9:00 a.m.]

## STATE ETHICS COMMISSION

### Public Meeting; Harrisburg

Under 65 Pa.C.S. §§ 1101—1113 (relating to Public Official and Employee Ethics Act) (act) the State Ethics Commission (Commission) is required to hold at least two public hearings each year to seek input from persons and organizations who represent any individual subject to the provisions of the act and from other interested parties.

The Commission will conduct a public meeting in Room 307, Finance Building, Harrisburg, PA on December 1, 2021, beginning at 9:30 a.m. for purposes of receiving the input and for the conduct of other agency business. Public officials, public employees, organizations and members of the general public may attend.

Persons seeking to testify or present any statement, information or other comments in relation to the act, the regulations of the Commission or agency operations should contact Julie Gibson at (717) 783-1610 or (800) 932-0936. Written copies of any statement should be provided at the time of the meeting.

ROBERT P. CARUSO,  
*Executive Director*

[Pa.B. Doc. No. 21-1918. Filed for public inspection November 12, 2021, 9:00 a.m.]