

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Action of Controlled Plant and Noxious Weed Committee; Addition of Noxious Weeds to Controlled Plants and Noxious Weed List

A special meeting of the Controlled Plant and Noxious Weed Committee (Committee) was held virtually on November 17, 2021, by means of Microsoft Teams.

A special meeting notice was published at 51 Pa.B. 6929 (November 6, 2021).

The purpose of this special meeting was to consider the addition of two plants to the noxious weed list as authorized under 3 Pa.C.S. § 1511(b)(3)(ii) (relating to designation of noxious weeds and controlled plants).

A quorum of the Committee was present at the meeting. After opportunity for discussion by the Committee and the acknowledgement of written public comments

received, the Committee voted to approve the following weeds for addition to the noxious weed list.

- Callery pear (*Pyrus calleryana*) as a Class B noxious weed
- Eurasian watermilfoil (*Myriophyllum spicatum*) as a Class B noxious weed

Under the authority and requirements of 3 Pa.C.S. § 1511(b)(3)(iv), the Department of Agriculture hereby publishes the addition of Callery pear and Eurasian watermilfoil to the noxious weed list.

The addition of the previously listed plants to the controlled plants and noxious weeds list will become effective 60 days from publication of this notice.

RUSSELL C. REDDING,  
*Secretary*

[Pa.B. Doc. No. 21-2067. Filed for public inspection December 10, 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 30, 2021.

Under section 503.E of the Department of Banking and Securities Code (71 P.S. §§ 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file comments in writing with the Department of Banking and Securities, Bank Supervision or Credit Union and Trust Supervision (as applicable), 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, for banks (717) 783-8240 and for credit unions and trust companies (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
11-30-2021	Mid Penn Bancorp, Inc. Millersburg Dauphin County  Application for approval to acquire 100% of Riverview Financial Corporation, Harrisburg, PA, and, thereby, indirectly acquire 100% of Riverview Bank, Marysville, PA.	Effective

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
11-30-2021	Mid Penn Bank Millersburg Dauphin County  Merger of Riverview Bank, Marysville, PA, with and into Mid Penn Bank, Millersburg, PA. All branch offices of Riverview Bank will become branch offices of Mid Penn Bank including the former main office of Riverview Bank located at:  200 Front Street Marysville Perry County	Effective

## NOTICES

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

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-29-2021	The Dime Bank Honesdale Wayne County	300 Lackawanna Avenue Scranton Lackawanna County	Approved

**Branch Relocations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-22-2021	Sharon Bank Springfield Delaware County	<i>To:</i> 901 Main Street Darby Delaware County  <i>From:</i> 9 Chester Pike Darby Delaware County	Effective

**Branch Discontinuances**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-24-2021	First Commonwealth Bank Indiana Indiana County	100 Central Plaza South Canton Stark County, OH	Closed

**CREDIT UNIONS**

No activity.

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

RICHARD VAGUE,  
*Secretary*

[Pa.B. Doc. No. 21-2068. Filed for public inspection December 10, 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>
4900401	Major Sewage Treatment Facility Individual WQM Permit	Amendment	Sunbury City Municipal Authority Northumberland County 462 S 4th Street Sunbury, PA 17801-3134	Sunbury City Northumberland County	NCRO
1690402	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	Paint Township Clarion County	NWRO
4695428	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	Lower Salford Township Authority Montgomery County P.O. Box 243 Harleysville, PA 19438-0243	Lower Salford Township Montgomery County	SERO
PAG040197	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Connelly Michele A 2448 Schaffer Road Pottstown, PA 19464	New Hanover Township Montgomery County	SERO
1502419	Pump Stations Individual WQM Permit	Transfer	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	Valley Township Chester County	SERO
1503404	Pump Stations Individual WQM Permit	Transfer	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	Valley Township Chester County	SERO
1506413	Pump Stations Individual WQM Permit	Transfer	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	Valley Township Chester County	SERO
PA0232980	Single Residence STP Individual NPDES Permit	Transfer	Laura L & Terry L Clary 6601 Chestnut Grove Highway Luthersburg, PA 15848-5014	Bloom Township Clearfield County	NCRO
PA0267597	Single Residence STP Individual NPDES Permit	Transfer	Nail Edward J Jr 3794 Kettle Road Altoona, PA 16601-8522	Tyrone Township Blair County	SCRO
PA0272477	Single Residence STP Individual NPDES Permit	Transfer	Carrie & Daniel Schmader & David & Ernestine Lawson 1651 Weiler Road Warren, PA 16365	Conewango Township Warren County	NWRO
PA0288161	Single Residence STP Individual NPDES Permit	Transfer	Jamie & Kristen Respecki 5470 Zessinger Road McKean, PA 16426-2207	Howe Township Forest County	NWRO
0721405	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Nail Edward J Jr 3794 Kettle Road Altoona, PA 16601-8522	Tyrone Township Blair County	SCRO
1718401	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Laura L & Terry L Clary 6601 Chestnut Grove Highway Luthersburg, PA 15848-5014	Bloom Township Clearfield County	NCRO
2521432	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Shollenberger Matthew 8200 Keefer Road Girard, PA 16417-8030	Fairview Township Erie County	NWRO

NOTICES

7715

<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>
2720402	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Jamie & Kristen Respecki 5470 Zessinger Road McKean, PA 16426-2207	Howe Township Forest County	NWRO
4318405	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Sevin Lisa 250 Tieline Road Grove City, PA 16127	Pine Township Mercer County	NWRO
6219411	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Carrie & Daniel Schmader & David & Ernestine Lawson 1651 Weiler Road Warren, PA 16365	Conewango Township Warren County	NWRO
WQG02052101	WQG-02 WQM General Permit	New	West Providence Township Municipal Authority 83 East Fifth Avenue Everett, PA 15537	West Providence Township Bedford County	SCRO
WQG02150618	WQG-02 WQM General Permit	Transfer	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	Valley Township Chester County	SERO
WQG02150710	WQG-02 WQM General Permit	Transfer	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	Valley Township Chester County	SERO
WQG02152103	WQG-02 WQM General Permit	Transfer	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	Valley Township Chester County	SERO

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

*Northcentral Regional Office*

**PA0111945**, Industrial, SIC Code 3321, **Ward Manufacturing, LLC**, 117 Gulick Street, Blossburg, PA 16912-1001. Facility Name: Ward Manufacturing Blossburg Foundry. This existing facility is located in Blossburg Borough, **Tioga County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharges of stormwater and non-contact cooling water.

The receiving stream(s), Tioga River (CWF) and Johnson Creek (CWF), is located in State Water Plan watershed 4-A and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for stormwater outfalls 005—010 and 301 are based on a design flow of 0 MGD.—Limits.

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



The proposed effluent limits for Outfall 101 are based on a design flow of 1.67 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
Instream Monitoring		Daily Max				
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Instream Monitoring						
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	Report	XXX
Instream Monitoring					Daily Max	

The proposed effluent limits for Outfall 201 are based on a design flow of 0.04 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
Instream Monitoring		Daily Max				
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Instream Monitoring						
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	Report	XXX
Instream Monitoring					Daily Max	

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

The EPA Waiver is in effect.

**PA0228818 A-1**, Industrial, SIC Code 2621, **First Quality Tissue, LLC**, 904 Woods Avenue, Lock Haven, PA 17745-3348. Facility Name: FQT Lock Haven Plant. This existing facility is located in Castanea Township, **Clinton County**.

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

The receiving stream(s), Bald Eagle Creek (WWF) and Bald Eagle Creek, is located in State Water Plan watershed 9-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfalls 001, 002 and 004 are based on a design flow of 0.0 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Semi-Annual Average	Maximum	
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 7.40 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L, unless noted)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	4,010	8,020	Report	XXX	XXX	XXX
Total Suspended Solids	3,270	6,540	Inst Min	XXX	XXX	XXX
Aluminum, Total	35.02	70.0	XXX	65.0	130.0	160
Iron, Total	20.34	40.69	XXX	53.0	105.0	130
Manganese, Total	5.13	10.27	XXX	0.92	1.84	2.3
Cadmium, Total (ug/L)	Report	Report	XXX	0.53	1.07	1.33
Chromium, Hexavalent (ug/L)	Report	Report	XXX	0.13	0.27	0.33
Silver, Total (ug/L)	0.34	0.52	XXX	Report	Report	XXX
4,4-DDD (ug/L)	0.0004	0.0006	XXX	Report	Report	XXX
4,4-DDT (ug/L)	0.0001	0.0002	XXX	0.02	0.03	0.05
4,4-DDE (ug/L)	0.00007	0.0001	XXX	0.001	0.002	0.003
2,4-Dinitrotoluene (ug/L)	0.19	0.29	XXX	0.001	0.002	0.003

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/L, unless noted)</i>			
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>IMAX</i>
2,3,7,8-Tetrachloro-dibenzo-p-dioxin (ng/L)	0.0000000185	0.0000000289	XXX	0.0003	0.0005	0.0008
Acrylonitrile (ug/L)	0.22	0.35	XXX	3.60	5.62	9.01
1,2,4-Trichlorobenzene (ug/L)	0.049	0.076	XXX	0.79	1.24	1.99
Butyl Benzyl Phthalate (ug/L)	0.07	0.11	XXX	1.13	1.77	2.84
Dieldrin (ng/L)	0.000004	0.000006	XXX	0.06	0.09	0.1
Endrin (ug/L)	Report	Report	XXX	Report	Report	XXX
Hexachlorobutadiene (ug/L)	0.037	0.058	XXX	0.60	0.94	1.5
Phenanthrene (ug/L)	Report	Report	XXX	Report	Report	XXX

The proposed monitoring requirements and effluent limits for implementation of Pennsylvania's Chesapeake Bay Watershed Implementation Plan are as follows for Outfall 003.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Nitrogen INTAKE	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus INTAKE	Report	XXX	XXX	Report	XXX	XXX
Net Total Nitrogen*	Report	Report	XXX	XXX	XXX	XXX
Net Total Phosphorus*	Report	Report	XXX	XXX	XXX	XXX

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

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

- Chesapeake Bay Nutrient Requirements
- Industrial Stormwater Requirements
- Chemical Additive Requirements

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

The EPA Waiver is in effect.

**PA0027057**, Sewage, SIC Code 4952, **Williamsport Sanitary Authority**, 253 W 4th Street, Williamsport, PA 17701-6113. Facility Name: Central Plant. This existing facility is located in City of Williamsport, **Lycoming 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), West Branch Susquehanna River is located in State Water Plan watershed 10-C and 10-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 8.4 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>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min Report	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.22	XXX	0.72
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	1,750	2,800 Wkly Avg	XXX	25.0	40.0	50

<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>Weekly Average</i>	
Biochemical Oxygen Demand (BOD <sub>5</sub> ) Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	2,100	3,150	XXX	30.0	45.0	60
Total Dissolved Solids	Report	Wkly Avg Report	XXX	Report	Report Daily Max	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	XXX Report	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Total Nitrogen (Total Load, lbs) (lbs)	Total Mo Report	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	Report Wkly Avg XXX	XXX XXX	Report XXX	Report XXX	XXX XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	XXX Report	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Total Phosphorus (Total Load, lbs) (lbs)	XXX Report	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Copper, Total (ug/L)	Total Mo Report	Report	XXX	Report	Report Daily Max	XXX
Zinc, Total (ug/L)	Report	Report	XXX	Report	Report Daily Max	XXX
Butyl Benzyl Phthalate (ug/L)	0.076	0.12	XXX	1.08	1.69 Daily Max	2.7
N-Nitrosodi-N-Propylamine (ug/L)	0.017	0.027	XXX	0.24	0.38 Daily Max	0.61

The proposed monitoring requirements and effluent limits for implementation of Pennsylvania's Chesapeake Bay Watershed Implementation Plan are as follows for Outfall 001.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Total Nitrogen (Total Load, lbs) (lbs) Effluent Net	XXX	153,423 Total Annual	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs) Total Annual	XXX	Report	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs) Total Annual	XXX	Report	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs) Total Annual	XXX	Report	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs) Total Annual	XXX	20,456 Total Annual	XXX	XXX	XXX	XXX

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



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.

**PA0033928**, Sewage, SIC Code 6515, **PA 2018 Town & Country, LLC**, 1400 Belleville Street, Richmond, VA 23230-4629. Facility Name: PA 2018 Town & Country, LLC. This existing facility is located in Troy Township, **Bradford County**.

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

The receiving stream(s), Unnamed Tributary to West Branch Sugar Creek (TSF), is located in State Water Plan watershed 4-C and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.024 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 6.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	XXX	XXX	XXX	20.0	XXX	40.0
May 1 - Oct 31	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	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
E. Coli (No./100 ml)	XXX	XXX	XXX	Daily Max XXX	XXX	Report
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
				Avg Qrtly		

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

The EPA Waiver is in effect.

Northeast Regional Office

**PAS212218**, Storm Water, SIC Code 3271, **Oldcastle APG Northeast, Inc.**, 800 Uhler Road, Easton, PA 18040-6617. Facility Name: Oldcastle APG Northeast, Inc.—Easton Facility. This existing facility is located in Forks Township, **Northampton County**.

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

The receiving stream(s), Bushkill Creek (HQ-CWF, MF), is located in State Water Plan watershed 1-F 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).

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

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

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

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

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

- 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.

**PA0044920**, Industrial, SIC Code 3625, 3822, **Blew Enterprises Inc. (FKA Leighton Electronics Inc.)**, 517 North 9th Street, Leighton, PA 18235. Facility Name: Leighton Electronics. This existing facility is located in Mahoning Township, **Carbon County**.

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

The receiving stream(s), Mahoning Creek (CWF, MF), is located in State Water Plan watershed 2-B and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .022 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
Naphthalene	XXX	XXX	XXX	Report	XXX	Report
1,1-Dichloroethylene	XXX	XXX	XXX	Report	XXX	Report
cis-1,2-Dichloroethylene	XXX	XXX	XXX	Report	XXX	Report
trans-1,2-Dichloroethylene	XXX	XXX	XXX	Report	XXX	Report
Trichloroethylene	XXX	XXX	XXX	0.050	XXX	0.078
Vinyl Chloride	XXX	XXX	XXX	Report	XXX	Report

The proposed effluent limits for Outfall 101 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
Naphthalene	XXX	XXX	XXX	Report	XXX	Report
1,1-Dichloroethylene	XXX	XXX	XXX	Report	XXX	Report
cis-1,2-Dichloroethylene	XXX	XXX	XXX	Report	XXX	Report
trans-1,2-Dichloroethylene	XXX	XXX	XXX	Report	XXX	Report
Trichloroethylene	XXX	XXX	XXX	Report	XXX	Report
Vinyl Chloride	XXX	XXX	XXX	Report	XXX	Report

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

- Necessary property rights; Residuals management; Relation to previous WQM permits; BAT/ELG requirements; Minimum reduction requirement/reporting; Groundwater Cleanup conditions.

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.

**PA0062197**, Industrial, SIC Code 4941, **Schuylkill County Municipal Authority**, 221 S Centre Street, Pottsville, PA 17901-3506. Facility Name: Schuylkill County Municipal Authority Mt. Laurel WTP. This existing facility is located in New Castle Township, **Schuylkill 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), Mud Run (CWF, MF), is located in State Water Plan watershed 3-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 .072 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Minimum	Average	Daily	
	Monthly	Maximum		Monthly	Maximum	
Lead, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
Mercury, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
Zinc, Total (ug/L)	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .072 MGD.—Final Limits.

Parameters	Mass Units (lbs/day)			Concentrations (ug/L)		IMAX
	Average	Daily	Minimum	Average	Daily	
	Monthly	Maximum		Monthly	Maximum	
Lead, Total (ug/L)	0.0004	0.0006	XXX	0.60	0.94	1.51
Mercury, Total (ug/L)	0.00006	0.00009	XXX	0.099	0.15	0.25
Zinc, Total (ug/L)	0.019	0.030	XXX	40.0	49.7	79.7

The proposed effluent limits for Outfall 001 are based on a design flow of .072 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Minimum	Average	Daily	
	Monthly	Maximum		Monthly	Maximum	
Total Dissolved Solids	Report Annl Avg	Report	XXX	Report Annl Avg	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .072 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Minimum	Average	Daily	
	Monthly	Maximum		Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.20	XXX	0.48
Total Suspended Solids	Report	Report	XXX	30.0	60.0	75.0
Aluminum, Total	0.57	0.89	XXX	0.948	1.479	2.370
Copper, Total	Report	Report	XXX	Report	Report	XXX
Iron, Dissolved	Report	Report	XXX	Report	Report	XXX
Iron, Total	Report	Report	XXX	2.000	4.000	5.000
Manganese, Total	Report	Report	XXX	1.000	2.000	2.500
Acrylamide (ug/L)	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Outfall/Internal Monitoring Point 101 are based on a design flow of NA MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Minimum	Average	Daily	
	Monthly	Maximum		Monthly	Maximum	
Aluminum, Total (ug/L) Intake	Report	Report	XXX	Report	Report	XXX
Copper, Total (ug/L) Intake	Report	Report	XXX	Report	Report	XXX
Iron, Dissolved (ug/L) Intake	Report	Report	XXX	Report	Report	XXX
Lead, Total (ug/L) Intake	Report	Report	XXX	Report	Report	XXX
Mercury, Total (ug/L) Intake	Report	Report	XXX	Report	Report	XXX
Zinc, Total (ug/L) Intake	Report	Report	XXX	Report	Report	XXX

In addition, the permit contains the following major special conditions: Necessary Property Rights; Residuals Management; Relation to WQM permits; BAT/ELG; Chlorine minimization; Dry stream: WQBELs for Toxic Pollutants (Lead, Mercury, Zinc); WQBELs below Quantitation Limits (Lead and Mercury); Chemical Additives; Basin Cleaning.

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.

**PA0026921**, Sewage, SIC Code 4952, **Greater Hazleton Joint Sewer Authority**, P.O. Box 651, Hazleton, PA 18201-0651. Facility Name: Greater Hazleton Joint Sewer Authority Wastewater Treatment Plant. This existing facility is located in West Hazleton Borough, **Luzerne County**.

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

The receiving stream(s), Black Creek (CWF/MF), Tributary 28127 to Black Creek (CWF/MF), Unnamed Tributary to Black Creek (CWF/MF), Unnamed Tributary to Hazle Creek (HQ-CWF/MF), Cranberry Creek (CWF/MF) and an Unnamed Tributary to Cranberry Creek (CWF/MF), are located in State Water Plan watersheds 5-D and 2-B and are classified as previously indicated as well as 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 8.9 MGD.

(From Permit Effective Date to Permit Expiration Date)

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	1,856	2,969	XXX	25.0	40.0	50.0
Total Suspended Solids	2,227	3,340	XXX	30.0	45.0	60.0
Fecal Coliform (No./100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
E. Coli (No./100 ml)	XXX	XXX	XXX	Geo Mean XXX	XXX	Report
Influent Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report	XXX	Report	XXX	XXX
Influent Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs)	Report Total	Report Total	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs)	Report Report Total	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Nitrate-Nitrite as N (Total Load, lbs)	Monthly Report Report Total	XXX XXX	XXX XXX	Report XXX	XXX XXX	XXX XXX
Total Nitrogen (Total Load, lbs)	Monthly Report Report Total	XXX Report Total	XXX XXX	Report XXX	XXX XXX	XXX XXX
Net Total Nitrogen (Total Load, lbs)	Monthly Report Total	Annual 216,739 Total	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs)	Monthly Report Report Total	Annual XXX Report Total	XXX XXX	Report XXX	XXX XXX	XXX XXX
Net Total Phosphorus (Total Load, lbs)	Monthly Report Total	Annual 27,092 Total	XXX	XXX	XXX	XXX
Aluminum, Total	Monthly Report	Annual XXX	XXX	Report Avg Qrtly	XXX	XXX
Iron, Total	Report	XXX	XXX	Report Avg Qrtly	XXX	XXX
Iron, Dissolved	Report	XXX	XXX	Report Avg Qrtly	XXX	XXX
Manganese, Total	Report	XXX	XXX	Report Avg Qrtly	XXX	XXX
Cobalt, Total	Report	XXX	XXX	Report Avg Qrtly	XXX	XXX
Copper, Total	Report	XXX	XXX	Report Avg Qrtly	XXX	XXX
Zinc, Total	Report	XXX	XXX	Report Avg Qrtly	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 8.9 MGD.

(From Permit Effective Date to 3 Years After Permit Effective Date)

<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>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Cyanide, Free (µg/L)	Report	XXX	XXX	Report	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	XXX	XXX	1.6

The proposed effluent limits for Outfall 001 are based on a design flow of 8.9 MGD.

(From 3 Years After Permit Effective Date to Permit Expiration Date)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Ammonia-Nitrogen						
May 1 - Oct 31	204	XXX	XXX	2.75	XXX	5.5
Nov 1 - Apr 30	612	XXX	XXX	8.25	XXX	16.5
Cyanide, Free (µg/L)	0.60	XXX	XXX	8.1	12.7	20.3
Total Residual Chlorine (TRC)	XXX	XXX	XXX	XXX	XXX	0.29

The proposed effluent limits for Outfall 101 are based on a design flow of 0 MGD (stormwater).

(From Permit Effective Date to Permit Expiration Date)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</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

The proposed effluent limits for Outfall 102 are based on a design flow of 0 MGD (stormwater).

(From Permit Effective Date to Permit Expiration Date)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</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

The proposed effluent limits for Outfall 103 are based on a design flow of 0 MGD (stormwater).

(From Permit Effective Date to Permit Expiration Date)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</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

The proposed monitoring requirements and effluent limits for implementation of Pennsylvania's Chesapeake Bay Watershed Implementation Plan are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass Units (lbs)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Total Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Total Nitrogen (Total Load, lbs) Effluent Net	XXX	216,739	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs)	Report	Report	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs)	Report	Report	XXX	See Above	XXX	See Above
Total Phosphorus (Total Load, lbs) Effluent Net	Report	Report	XXX	XXX	XXX	XXX
	XXX	27,092	XXX	XXX	XXX	XXX

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



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

- Chesapeake Bay Nutrient Requirements
- Maximizing Treatment at the Existing POTW
- Combined Sewer Overflows
- POTW Pretreatment Program Implementation
- Solids Management
- Whole Effluent Toxicity (WET)
- Requirements for Total Residual Chlorine (TRC)
- Requirements Applicable to Stormwater Outfalls
- High Flow Management Plan

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.

**PA0060950**, Sewage, SIC Code 8211, **Lackawanna Trail School District**, P.O. Box 85, 28 Tunnel Hill Road, Factoryville, PA 18419-0085. Facility Name: Lackawanna Trail High School Wastewater Treatment Facility. This existing facility is located in Clinton Township, **Wyoming County**.

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

The receiving stream(s), Unnamed Tributary to South Branch Tunkhannock Creek (CWF), 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 0.0138 MGD.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Dissolved Oxygen	XXX	XXX	Report Inst Min	XXX	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0138 MGD.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0138 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.36	XXX	0.84
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 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	17.46	XXX	34.92
May 1 - Oct 31	XXX	XXX	XXX	5.82	XXX	11.64
E. Coli (No./100 ml)	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Nitrate-Nitrite as N	Report Annl Avg	XXX	XXX	Report Annl Avg	XXX	XXX

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

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

- Solids Management

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

The EPA Waiver is in effect.

Northwest Regional Office

**PA0102288**, Industrial, SIC Code 4953, **Casella Waste Management of PA, Inc.**, 25 Green Hills Lane, Rutland, VT 05071-3804. Facility Name: McKean County Landfill. This existing facility is located in Sergeant Township, **McKean 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 streams, the Little Sicily Run (CWF), the Sicily Run (CWF), an Unnamed Tributary to the Sevenmile Run (HQ-CWF), and the Rocky Run (CWF), are located in State Water Plan watershed 17-A and are classified for Cold Water Fishes and 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 0.05 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Quarterly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	37.0 Avg Mo	140.0	140
Total Suspended Solids	XXX	XXX	XXX	27.0 Avg Mo	88.0	88
Oil and Grease	XXX	XXX	XXX	15.0 Avg Mo	XXX	30.0
Ammonia-Nitrogen	XXX	XXX	XXX	4.6 Avg Mo	9.2	11.5
Zinc, Total	XXX	XXX	XXX	0.11	0.20	0.27
Phenol	XXX	XXX	XXX	0.015	0.026	0.037
a-Terpineol	XXX	XXX	XXX	0.016	0.033	0.04
Benzoic Acid	XXX	XXX	XXX	0.071	0.12	0.17
p-Cresol	XXX	XXX	XXX	0.014	0.025	0.035

The proposed effluent limits for Outfall 002 are based on a design flow of 0.0 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Semi-Annual Average	Maximum	
pH (S.U.)	XXX	XXX	Report Inst Min	XXX	XXX	Report
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	Report
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	Report
Iron, Total	XXX	XXX	XXX	Report	XXX	Report

The proposed effluent limits for Outfall 003 are based on a design flow of 0.0 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Semi-Annual Average	Maximum	
pH (S.U.)	XXX	XXX	Report Inst Min	XXX	XXX	Report
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	Report

<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>Semi-Annual Average</i>	<i>Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	Report
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	Report
Iron, Total	XXX	XXX	XXX	Report	XXX	Report

The proposed effluent limits for Outfall 004 are based on a design flow of 0.0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Semi-Annual Average</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	Report Inst Min	XXX	XXX	Report
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	Report
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	Report
Iron, Total	XXX	XXX	XXX	Report	XXX	Report

The proposed effluent limits for Outfall 005 are based on a design flow of 0.0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Semi-Annual Average</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	Report Inst Min	XXX	XXX	Report
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	Report
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	Report
Iron, Total	XXX	XXX	XXX	Report	XXX	Report

The proposed effluent limits for Outfall 006 are based on a design flow of 0.0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Semi-Annual Average</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	Report Inst Min	XXX	XXX	Report
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	Report
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	Report
Iron, Total	XXX	XXX	XXX	Report	XXX	Report

The proposed effluent limits for Outfall 007 are based on a design flow of 0.0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Semi-Annual Average</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	Report Inst Min	XXX	XXX	Report
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	Report
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	Report
Iron, Total	XXX	XXX	XXX	Report	XXX	Report

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

- Equivalent Treatment Determination
- 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 814-332-6078.

The EPA Waiver is in effect.

**PA0205559**, Sewage, SIC Code 4952, **Jonathan Clark & Thomas Loughry d/b/a WJT Enterprises**, 4639 Route 119 Highway N, Home, PA 15747-9002. Facility Name: Crystal Waters PCH. This existing facility is 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, the Pine Run (CWF), is located in State Water Plan watershed 17-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0029 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min	XXX	XXX	XXX
			4.0			
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min	0.5	XXX	1.4
			XXX			
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	XXX	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	Report
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Daily Max	XXX
					Report	
					Daily Max	

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

- Solids Management

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

The EPA Waiver is in effect.

**PA0221031**, Sewage, SIC Code 4952,8811, **Sharon L Priester**, 1499 Mercer New Wilmington Road, New Wilmington, PA 16142-2521. Facility Name: Sharon Priester SRSTP. This existing facility is located in East Lackawannock Township, **Mercer County**.

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

The receiving stream(s), Unnamed Tributary to Little Neshannock Creek (TSF), is located in State Water Plan watershed 20-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

**PA0239585**, Sewage, SIC Code 8800, **Lawrence J. Adams**, 125 Wallace Road, Portersville, PA 16051-2129. Facility Name: Lawrence J Adams SFTF. This existing facility is located in Muddycreek Township, **Butler County**.

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

The receiving stream, an Unnamed Tributary to the Big Run (HQ-CWF), is located in State Water Plan watershed 20-C 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 0.0004 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg	XXX	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.

**PA0264148**, Sewage, SIC Code 8800, **Matthew W. Hoover**, 4551 Greenlee Road, McKean, PA 16426-1813. Facility Name: Matthew W. Hoover SRSTP. This existing facility is located in McKean Township, **Erie County**.

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

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

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

<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	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

**PA0264261**, Sewage, SIC Code 4952, 8800, **Robert K. McClain**, 1310 Thompson Hill Road, Russell, PA 16345-1916. Facility Name: Robert K. McClain SRSTP. This existing facility is located in Farmington Township, **Warren County**.

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

The receiving stream(s), Valentine Run (CWF), is located in State Water Plan watershed 16-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg	XXX	6.0 Inst Min	XXX	XXX	9
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX



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

The EPA Waiver is in effect.

**PA0264318**, Sewage, SIC Code 8800, **James Weaver**, 17506 State Highway 86, Saegertown, PA 16433-6338. Facility Name: James Weaver SRSTP. This existing facility is located in Woodcock Township, **Crawford County**.

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

The receiving stream, an Unnamed Tributary to the Bossard Run (HQ-CWF), is located in State Water Plan watershed 16-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 0.0005 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg XXX	XXX	6.0 Inst Min XXX	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.

**PA0264661**, Sewage, SIC Code 8800, **Vance Fox**, 386 Gates Lane, Russell, PA 16345-3903. Facility Name: Vance Fox SRSTP. This existing facility is located in Pine Grove Township, **Warren County**.

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

The receiving stream, the Johnny Run (CWF), is located in State Water Plan watershed 16-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

The EPA Waiver is in effect.

**PA0264695**, Sewage, SIC Code 4952, 8800, **Susan First**, 1090 Linn Tyro Road, Hadley, PA 16130-2832. Facility Name: Susan First SFTF. This existing facility is located in Perry Township, **Mercer County**.

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

The receiving stream is an Unnamed Tributary to Little Shenango River, located in State Water Plan watershed 20-A and classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0008 MGD.

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

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

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

The EPA Waiver is in effect.

**PA0264750**, Sewage, SIC Code 4952, 8800, **Jamie Fitch**, 1470 Brown Hill Road, Youngsville, PA 16371-3310. Facility Name: Jamie Fitch SRSTP. This existing facility is located in Brokenstraw Township, **Warren County**.

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

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

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

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

**PA0264814**, Sewage, SIC Code 4952, 8800, **Chelsey Ricketts**, 10851 Sidehill Road, North East, PA 16428-4963. Facility Name: Chelsey Ricketts SRSTP. This existing facility is located in North East Township, **Erie 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 is an Unnamed Tributary of Sixteenmile Creek, located in State Water Plan watershed 15-A and classified for Migratory and Warm Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

**PA0265080**, Sewage, SIC Code 4952, 8800, **Charlotte & Robert Russo**, 6480 Lakeside Drive, Sharpsville, PA 16150-9670. Facility Name: Charlotte & Robert Russo SRSTP. This existing facility is located in South Pymatuning Township, **Mercer County**.

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

The receiving stream is an Unnamed Tributary to the Shenango River, located in State Water Plan watershed 20-A and classified for Warm Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

The EPA Waiver is in effect.

**PA0273147**, Sewage, SIC Code 4952, 8800, **Thomas C. Judge**, 3029 Egypt Hollow Road, Russell, PA 16345-4521. Facility Name: Thomas C. Judge SRSTP. This existing facility is located in Pine Grove Township, **Warren County**.

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

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

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

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

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

The EPA Waiver is in effect.

**PA0289973**, Sewage, SIC Code 8800, **Miranda Dages**, 14 Nutt Road, Grove City, PA 16127-6032. Facility Name: Miranda Dages SRSTP. This proposed facility is located in Pine Township, **Mercer County**.

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

The receiving stream(s), Unnamed Tributary to North Branch Slippery Rock Creek (CWF), is located in State Water Plan watershed and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

The EPA Waiver is in effect.

**PA0289981**, Sewage, SIC Code 8800, **Bryan L. Smith**, 32 Fassinger Lane, Volant, PA 16156-1312. Facility Name: Bryan L Smith SRSTP. This proposed facility is located in Springfield Township, **Mercer County**.

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

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

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

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

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

The EPA Waiver is in effect.

**PA0290068**, Sewage, SIC Code 8800, **Ryan Caldwell**, 19711 Morris Road, Meadville, PA 16335-9625. Facility Name: Caldwell SRSTP. This proposed facility is located in Woodcock Township, **Crawford County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of .4 MGD.—Limits.

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

**PA0290084**, Sewage, SIC Code 8800, **Tyler Wilber**, 2035 West Washington Street, Bradford, PA 16701. Facility Name: Wilber SRSTP. This proposed facility is located in Bradford Township, **McKean 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), Willow Creek (HQ-CWF), is located in State Water Plan watershed 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.

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

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

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

The EPA Waiver is in effect.

Southcentral Regional Office

**PA0086304**, Sewage, SIC Code 4952, **Earl Township Sewer Authority, Lancaster County**, 517 N Railroad Avenue, New Holland, PA 17557-9758. Facility Name: Earl Township STP. This existing facility is located in Earl Township, **Lancaster County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.65 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>	103.0	163.0	XXX	19.0	30.0	38.0
Total Suspended Solids	163.0	Wkly Avg 244.0	XXX	30.0	45.0	60.0
BOD <sub>5</sub>	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
E. Coli (No./100 ml)	XXX	XXX	XXX	Geo Mean Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	19.0	XXX	XXX	3.5	XXX	7.0
Nov 1 - Apr 30	57.0	XXX	XXX	10.5	XXX	21.0
Total Phosphorus	11.0	XXX	XXX	2.0	XXX	4.0
Ultraviolet light dosage (mWsec/cm <sup>2</sup> )	XXX	XXX	Report	Report	XXX	XXX

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

Parameters	Mass (lbs)		Minimum	Concentration (mg/l)	
	Monthly	Annual		Monthly Average	Maximum
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen (Final)	Report	7,306	XXX	XXX	XXX
Net Total Phosphorus (Final)	Report	974	XXX	XXX	XXX

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

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.

*Southeast Regional Office*

**PA0011266**, Industrial, SIC Code 2819, **Global Advanced Metals USA, Inc.**, 1223 County Line Road, Boyertown, PA 19512. Facility Name: Global Advanced Metals USA, Inc. This existing facility is located in Douglass Township, **Montgomery County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.1763 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Minimum	Average	Daily	
	Monthly	Maximum		Monthly	Maximum	
Antimony, Total	Report	Report	XXX	Report	Report	XXX
Arsenic, Total	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.1763 MGD.—Final Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Minimum	Average	Daily	
	Monthly	Maximum		Monthly	Maximum	
Antimony, Total	0.09	0.14	XXX	0.061	0.0952	0.153
Arsenic, Total	0.16	0.25	XXX	0.109	0.17	0.272

The proposed effluent limits for Outfall 001 are based on a design flow of 0.1763 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Minimum	Average	Daily	
	Monthly	Maximum		Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min	XXX	XXX	XXX
			Daily Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	1.2
Total Suspended Solids	29.5	59.0	XXX	20	40	50
Total Dissolved Solids	13,631	21,265	XXX	9,270.0	14,463.0	23,175
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	22.0	44.0	XXX	15.0	30.0	30
Nitrate-Nitrite as N	147	184	XXX	100	125	150
Ammonia-Nitrogen	9.99	19.97	XXX	6.8	13.6	17
Total Phosphorus	Report	Report	XXX	Report	Report	XXX
Copper, Total	0.122	0.191	XXX	0.083	0.130	0.208
Fluoride, Total	36.08	64.35	XXX	24.54	43.78	61.35
Lead, Total	0.051	0.078	XXX	0.035	0.054	0.088
Molybdenum, Total	0.270	0.610	XXX	0.183	0.415	0.458
Nickel, Total	0.147	0.230	XXX	0.100	0.156	0.25
Sulfate, Total	5881	9175	XXX	4000	6240	10000
Thallium, Total	0.003	0.005	XXX	0.002	0.003	0.005
Zinc, Total	1.03	1.607	XXX	0.701	1.093	1.75
Chloride	10,824	16,888	XXX	7,362.0	11,486.0	18,405

The proposed effluent limits for Outfall 002 are based on a design flow of .0712 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Minimum	Average	Daily	
	Monthly	Maximum		Monthly	Maximum	
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX
Molybdenum, Total	XXX	XXX	XXX	XXX	Report	XXX
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of .0712 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min	XXX	XXX	XXX
			Daily Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	1.2
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	XXX	110
Total Suspended Solids	Report	Report	XXX	20	40	50
Total Dissolved Solids	890	1,366	XXX	1,500.0	2,300.0	3,750
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	Report	Report	XXX	15	30	30
Nitrate-Nitrite as N	Report	Report	XXX	Report	Report	XXX
Ammonia-Nitrogen	Report	Report	XXX	4.0	8.0	10
Fluoride, Total	Report	Report	XXX	20	31	50
Sulfate, Total	Report	Report	XXX	100	156	250
Chloride	Report	Report	XXX	875.0	1,365.0	2,188

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

- Dry stream discharge condition
- Development of an O&M plan
- Non-stormwater discharge
- Basis for Nitrate-Nitrite limit
- Justification for TDS limit
- Stormwater discharge from lift pump station
- Schedule of compliance
- WQBEL for toxic pollutants
- 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 484-250-5910.

The EPA Waiver is in effect.

**PA0011282**, Industrial, SIC Code 4941, **Aqua Pennsylvania, Inc.**, 762 W Lancaster Avenue, Bryn Mawr, PA 19010-3402. Facility Name: Crum Creek Water Treatment Plant. This existing facility is located in Springfield Township, Delaware 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), Crum Creek (WWF), is located in State Water Plan watershed 3-G and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0 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)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	1.2
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Aluminum, Total	XXX	XXX	XXX	1.24	2.48	3.1
Iron, Total	XXX	XXX	XXX	2.0	4.0	5
Manganese, Total	XXX	XXX	XXX	1.0	2.0	2.5
Chlorodibromomethane	XXX	XXX	XXX	XXX	Report	XXX
Dichlorobromomethane	XXX	XXX	XXX	XXX	Report	XXX
Chloroform	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of .555 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>	
Total Dissolved Solids	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of .555 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)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	1.2
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Aluminum, Total	XXX	XXX	XXX	4.0	8.0	10
Iron, Total	XXX	XXX	XXX	2.0	4.0	5
Manganese, Total	XXX	XXX	XXX	2.0	4.0	5
Acrylamide	XXX	XXX	XXX	XXX	Report	XXX
Chlorodibromomethane	XXX	XXX	XXX	XXX	Report	XXX
Dichlorobromomethane	XXX	XXX	XXX	XXX	Report	XXX
Chloroform	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	1.2
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 004 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	1.2
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 013 are based on a design flow of .094 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)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.0

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

- Limited dilution
- Discharge to Crum Creek
- Discharge from residual lagoons
- Sampling for Acrylamide

- Chemical additives
- Sedimentation basin cleaning condition

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

The EPA Waiver is in effect.

**PA0058378**, Sewage, SIC Code 4952, **Upper Uwchlan Township Municipal Authority**, 140 Pottstown Pike, Chester Springs, PA 19425-9516. Facility Name: St Andrews Brae STP. This existing facility is located in Upper Uwchlan 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(s), Black Horse Creek (HQ-TSF, MF), is located in State Water Plan watershed 3-H and is classified for Mi and High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0036 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	0.60	0.90	XXX	20	30	40
May 1 - Oct 31	0.30	0.45	XXX	10	15	20
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	0.30	0.45	XXX	10	15	20
Fecal Coliform (No./100 ml)						
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
Total Nitrogen	0.9	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	0.14	XXX	XXX	4.5	XXX	9
May 1 - Oct 31	0.05	XXX	XXX	1.5	XXX	3
Total Phosphorus						
Nov 1 - Mar 31	0.06	XXX	XXX	2.0	XXX	4
Apr 1 - Oct 31	0.03	XXX	XXX	1.0	XXX	2

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

- No Stormwater
- Necessary Property Rights
- Proper Sludge Disposal
- Chlorine Optimization
- Operator Notification
- Fecal Coliform Reporting

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*

**PA0006335**, Industrial, SIC Code 3317, **IPSCO Koppel Tubulars, LLC**, P.O. Box 410, Ambridge, PA 15003-0410. Facility Name: IPSCO Koppel Tubulars LLC Ambridge Plant. This existing facility is located in Ambridge Borough, **Beaver 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), Ohio River (WWF) and Unnamed Tributary to Ohio River (WWF), is located in State Water Plan watershed 20-G and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Note: Stormwater sampling at Outfall 001 is prior to commingling with effluent from IMP 101.

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 002 are based on a design flow of 0 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Instant.	Average	Daily	
	Monthly	Maximum		Quarterly	Maximum	
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	100.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Copper, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	7.0	XXX
Lead, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Instant.	Average	Daily	
	Monthly	Maximum		Quarterly	Maximum	
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	100.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Copper, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	7.0	XXX
Lead, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 101 are based on a design flow of 0.203 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Instant.	Average	Daily	
	Monthly	Maximum		Monthly	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	XXX
Total Suspended Solids	186.48	539.92	XXX	15.0	40.0	XXX
Oil and Grease	XXX	134.98	XXX	XXX	10	XXX

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

- Chemical Additives Requirements
- Requirements for Stormwater Outfalls

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.

**PA0041378**, Industrial, SIC Code 3316, **Prime Metals Acquisition, LLC**, 101 Innovation Drive, Homer City, PA 15748-7433. Facility Name: Prime Metals & Alloys/Homer City Plant. This existing facility is located in Center Township, **Indiana County**.



Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage and new discharges of non-contact cooling water and stormwater. This is a revision to draft limits published on July 31, 2021.

The receiving streams, Unnamed Tributary to Two Lick Creek (CWF) and Two Lick Creek (TSF), are located in State Water Plan watershed 18-D and are classified for Cold Water Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharges are not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.018 MGD.—Limits.

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

The proposed effluent limits for Outfall 002 are based on a design flow of 0.00144 MGD.—Limits.

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

The proposed effluent limits for Outfall 003 are based on a design flow of 0.00144 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	100.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	20.0	XXX
Aluminum, Total (Interim)	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total (Final)	XXX	XXX	XXX	0.75	0.75	XXX
Iron, Total (Interim)	XXX	XXX	XXX	Report	Report	XXX
Iron, Total (Final)	XXX	XXX	XXX	1.5	3.0	XXX
Manganese, Total (Interim)	XXX	XXX	XXX	Report	Report	XXX
Manganese, Total (Final)	XXX	XXX	XXX	1.0	2.0	XXX

The proposed effluent limits for Outfalls 010 and 011 are for stormwater discharges.—Limits.

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

The proposed effluent limits for Outfall 012 are for stormwater discharges.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
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
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Internal Monitoring Point 101 are based on a design flow of 0.005 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	0.005	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	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 (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Total Nitrogen	XXX	XXX	XXX	Geo Mean XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Internal Monitoring Point 301 are based on a design flow of 0.013 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	100.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	20.0	XXX

The proposed effluent limits for Internal Monitoring Point 402 are based on a design flow of 0.00144 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Quarterly</i>	<i>Daily Maximum</i>		<i>Average Quarterly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	Avg Qrtly XXX	XXX	6.0	XXX	XXX	9.0
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0

In addition, the permit contains the following major special conditions: a schedule of compliance for TMDL effluent limits for aluminum, iron, and manganese at Outfall 003; chemical additive requirements; requirements for stormwater discharges; and requirements for chlorine minimization and sludge disposal. The schedule of compliance for TRC limits at Outfall 003 and the free available chlorine and TRC limits at Internal Monitoring Point 301 and Outfall 003 are removed from the permit. Temperature limits are removed from Outfall 003.

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.

**PA0096474**, Storm Water, SIC Code 4226, **Buckeye Terminal, LLC**, 3200 University Boulevard, Coraopolis, PA 15108-2531. Facility Name: Buckeye Terminals LLC Coraopolis/Pittsburgh Terminal. This existing facility is located in Coraopolis Borough, **Allegheny County**.

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

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

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Semi-Annual Average</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Semi-Annual Average</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	7.0
Ethylbenzene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Benzene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Toluene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Xylenes, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Semi-Annual Average</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Semi-Annual Average</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	7.0
Ethylbenzene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Benzene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Toluene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Xylenes, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 101 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Semi-Annual Average</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Semi-Annual Average</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	7.0
Ethylbenzene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Benzene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Toluene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Xylenes, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 102 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (GPM)	XXX	Report	XXX	XXX	XXX	XXX
Duration of Discharge (hours)	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
Total Residual Chlorine (TRC)	XXX	XXX	XXX	XXX	0.02	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	30.0	XXX
Oil and Grease	XXX	XXX	XXX	XXX	15.0	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	7.0	XXX
Benzene	XXX	XXX	XXX	XXX	0.0025	XXX
BTEX, Total	XXX	XXX	XXX	XXX	0.25	XXX
Total Volume (MGD)	XXX	Report	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 201 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (GPM)	XXX	Report	XXX	XXX	XXX	XXX
Duration of Discharge (hours)	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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	XXX	0.02	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	30.0	XXX
Oil and Grease	XXX	XXX	XXX	XXX	15.0	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	7.0	XXX
Benzene	XXX	XXX	XXX	XXX	0.0025	XXX
BTEX, Total	XXX	XXX	XXX	XXX	0.25	XXX
Total Volume (MGD)	XXX	Report	XXX	XXX	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.

**PA0254282**, Sewage, SIC Code, **Michael T Taylor**, 263 Moscow Road, Amity, PA 15311-1234. Facility Name: Taylor SRSTP. This existing facility is located in Amwell Township, **Washington County**.

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

The receiving stream(s), Tenmile Creek (TSF), is located in State Water Plan watershed 19-B and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 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 in every 3 years
- Chlorine optimization

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.

**PA0255041**, Sewage, SIC Code 8811, **William Kibler**, P.O. Box 96, Hastings, PA 16646-0096. Facility Name: Kibler SRSTP. This existing facility is located in Elder Township, **Cambria 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 Brubaker Run (CWF, MF), is located in State Water Plan watershed 8-B and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report Avg Mo	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0

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

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

The EPA Waiver is in effect.

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

Application Number	Application Type	Applicant Name & Address	Municipality, County	Office
PAD510214	New	Philadelphia Water Department 1101 Market Street 2nd Floor Philadelphia, PA 19107	City of Philadelphia Philadelphia County	SERO
PAD480013	Renewal	J. G. Petrucci Company, Inc. 171 State Route 173 Ste. 201 Asbury, NJ 08802	Hanover Township Northampton County	NERO
PAD390215	New	Constructive Contracting & Solutions, LLC 1030 Barnsdale Rd. Allentown, PA 18103	Salisbury Township Lehigh County	NERO
PAD210079	New	Salem Development Associates, LLC 700 Ayers Avenue Lemoyne, PA 17043-1710	Hampden Township Cumberland County	SCRO
PAD380018	New	Exel Inc., d/b/a DHL Supply Chain (USA) 360 Westar Boulevard Westerville, OH 43082-7627	South Annville Township Lebanon County	SCRO
PAD240012	New	Glenn O Hawbaker, Inc. 1952 Waddle Road State College, PA 16803	Jones Township Elk County	NWRO
PAD250014	Renewal	ITC Lake Erie Connector, LLC 27175 Energy Way Novi, MI 48377	Conneaut Township Girard Township Springfield Township Erie County	NWRO
PAD330008	New	Loves Travel Stops & Country Stores, Inc. 10601 N Pennsylvania Avenue Oklahoma City, OK 73120	Pine Creek Township Jefferson County	NWRO

## PUBLIC WATER SUPPLY PERMITS

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

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

of comments received during the 30-day public comment period.

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

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

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office



listed before the application. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

### SAFE DRINKING WATER

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

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

##### Application No. 6721510, Public Water Supply.

Applicant **Culhane's Inc.**  
1 Laurel Road  
New Cumberland, PA 17070

Municipality Fairview Township

County **York**

Responsible Official Thomas J. Sagonas  
President  
1 Laurel Road  
New Cumberland, PA 17070

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

Application Received October 8, 2021

Description Construction permit application for softening, pH adjustment, new 4-log treatment of viruses using chlorination, and for raising the existing well casing out of the existing pit.

##### Application No. 3821503, Public Water Supply.

Applicant **Bell & Evans**  
154 West Main Street  
P.O. Box 39  
Fredericksburg, PA 17026

Municipality Bethel Township

County **Lebanon**

Responsible Official Mike Bracrella  
COO  
154 West Main Street  
P.O. Box 39  
Fredericksburg, PA 17026

Consulting Engineer Paul Lutzkanin, P.E.  
Steckbeck Engineering &  
Surveying Inc.  
279 North Zinns Mill Road  
P.O. Box 39  
Lebanon, PA 17042

Application Received June 17, 2021

Description Installation of three (3) wells and the construction of a water system for Plant 3.

##### Application No. 3621529, Public Water Supply.

Applicant **Warwick Township Municipal Authority**  
315 Clay Road  
Lititz, PA 17543

Municipality Warwick Township

County **Lancaster**

Responsible Official Jon Bunch  
Superintendent  
315 Clay Road  
Lititz, PA 17543

Consulting Engineer Steven E. Riley, P.E.  
Entech Engineering, Inc.  
201 Penn Street  
Reading, PA 19603

Application Received November 9, 2021

Description Rehabilitation of the existing Rothsville Well No. 1 nitrate treatment.

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

##### Applicant No. 2621507, Public Water Supply.

Applicant **Indian Creek Valley Water Authority**  
2019 Indian Head Road  
P.O. Box 486  
Indian Head, PA 15446

Township or Borough Saltlick Township

County **Fayette**

Responsible Official R. Kerry Witt  
Manager

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road  
Suite 200  
Cheswick, PA 15024

Application Received November 12, 2021

Date

Description of Action Grimm Spring Slow Sand  
Filtration Plant modifications.

## 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.*

**Powel and Auriemma Residences**, 445 and 443 Penn Road, Plymouth Meeting, PA 19462, Plymouth Township, **Montgomery County**. Jason Charles, Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Penny Dunyan, Worcester Heating and Air Conditioning, 2830 West Main Street, Suite 3, Eagleville, PA 19403 submitted a Notice of Intent to Remediate. Soil at the site has been contaminated with benzene, ethylbenzene, cumene, MTBE, naphthalene, toluene, 1,2,4-TMB and 1,3,5-TMB. The proposed future use of the property will remain residential. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in *The Times Herald* on July 22, 2021.

**704 Montgomery Avenue Parcel**, 704 Montgomery Avenue, Pennsburg, PA 18073, Borough of Pennsburg, **Montgomery County**. Robert Minnich III, David Blackmore & Associates, 3335 West Ridge Pike, Pottstown, PA 19464 on behalf of Timothy Hendricks, Hendricks Group Developers, LLC, 555 South Goddard Boulevard, Unit 445, King of Prussia, PA 19406 submitted a Notice of Intent to Remediate. Groundwater has been contaminated with leaded and unleaded gasoline constituents. The current use and proposed future use of the property is residential. The proposed cleanup standard for the site is the Statewide health standard. The

Notice of Intent to Remediate was published in *The Town & County* on October 7, 2021.

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

**South Freeman Street Property**, Tax Parcel No. 4347-04-91-5809, Robesonia, PA 19551, Robesonia Borough, **Berks County**. Advanced GeoServices Corporation, 2209 Quarry Drive, Suite C-35, Reading, PA 19609, on behalf of David P. Randler, P.O. Box 205, Robesonia, PA 19551, submitted a Notice of Intent to Remediate site soil and groundwater contaminated with cobalt and lead. The site will be remediated to the residential Statewide health standard. Future use of the site will be for residential and municipal use. The Notice of Intent to Remediate was published in the *Reading Eagle* on September 26, 2021.

**1036 Manheim Pike**, Lancaster, PA 17603, Manheim Township, **Lancaster County**. Liberty Environmental, 315 West James Street, Suite 205, Lancaster, PA 17603, on behalf of MTS Group, LLC, 120 North Pointe Boulevard, Suite 201, Lancaster, PA 17601, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil contaminated with heating oil from USTs. The combined Report is intended to document remediation of the site to meet the site-specific standard.

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

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

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

**General Permit Application No. WMGR038-NE011. PA Rubber, LLC**, 191 Clark Road, Duryea, PA 18642. An application for determination of applicability for the processing of waste tires for beneficial reuse at a facility located in Duryea Borough, **Lackawanna County**. The application for determination of applicability was received by the Regional Office on November 10, 2021 and deemed administratively complete on November 24, 2021.

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

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

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

**General Permit Application No. WMGR123SW056. EQM Gathering OPCO, LLC**, 2200 Energy Drive, Canonsburg, PA 15317. An application for coverage under General Permit No. WMGR123 for the processing, transfer and beneficial use of oil and gas liquid waste to develop or hydraulically fracture an oil or gas well at the Marlin Aboveground Storage Tank facility, located on Aleppo Road in Jackson Township, **Greene County** was accepted as administratively complete by the Southwest Regional Office on November 30, 2021.

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

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

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

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

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

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

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

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

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

*Contact: James Beach, New Source Review Chief, (484) 250-5920.*

**23-0222A: William Lombardo Funeral Home, Inc.**, 33 West Baltimore Avenue, Clifton Heights, PA 19018, for installation of a human cremation unit, manufactured by U.S. Cremation Equipment, rated at 200 lbs/hr, at an existing funeral home in Clifton Heights Borough, **Delaware County**. This facility is a non-Title V facility. The cremation unit will be equipped with an afterburner and an opacity monitor. Emissions of PM shall remain below 0.08 grain per dry standard cubic feet, corrected to 7 percent O<sub>2</sub>. Emissions of SO<sub>x</sub> shall remain below 500 ppmv. The Plan Approval will contain monitoring, recordkeeping, and operating conditions designed to keep the facility operating within the allowable emissions and 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 plan approval 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 18711-0790.*

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

**35-00038B: Lockheed Martin Corporation**, 459 Kennedy Drive, Archbald, PA 18403, for the construction and operation of one in-line liquid cleaning machine to serve as a printed circuit board washer at the site located in Archbald Borough, **Lackawanna County**. This facility is a Non Title V facility. The company shall not exceed



50 TPY VOC emissions from the facility. The company shall comply with 123.31 for odor emissions. There is no production increase associated with this project. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system. 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.

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

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

**05-03022A: Cronimet Specialty Metals USA, Inc.**, 172 Friendship Village Road, Bedford, PA 15522, for the construction of four burnoff ovens and two tungsten carbide cleaning lines at the metals recovery and recycling facility located in Bedford Township, **Bedford County**. The expected maximum increases in facility emissions as a result of the changes proposed are 11.6 tons per year of NO<sub>x</sub>. The facility is a State Only facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval may be incorporated into an Operating Permit pursuant to the provisions of 25 Pa. Code Chapter 127.

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

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

**63-00968: MarkWest Liberty Midstream & Resources, LLC**, 4600 J. Barry Ct., Ste. 500, Canonsburg, PA 15317-5854, Synthetic Minor State-Only Operating Permit Major Modification is for the operation of the Smith natural gas compressor station located in Smith Township, **Washington County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received a State-Only Operating Permit modification application and is providing notice that it intends to issue a revised air quality operating permit for the previously-mentioned facility. Sources of emissions consist of two (2) 1,480-bhp Waukesha compressor engines, eight (8) 1,980-bhp Waukesha compressor engines, one (1) 130.0 MMscf/day dehydration unit and associated 2.0 MMBtu/hr reboiler, one (1) 7.0 MMBtu/hr enclosed flare, two (2) 400-bbl condensate storage tanks, two (2) 400-bbl produced water tanks, one (1) 500-bbl gunbarrel tank, three (3) 520-gal methanol storage tanks, pneumatic devices, venting/blowdowns, fugitives, condensate loadout, pigging operations, and miscellaneous sources that include crankcase vents, rod packing, and measurement analyzers. The facility is required to conduct regular surveys of the site while operating to ensure compliance with visible, fugitive, and malodor emission

requirements and maintain records of those surveys. The facility-wide potential-to-emit is 42.8 TPY NO<sub>x</sub>, 61.8 TPY CO, 49.7 TPY VOC, 15.7 TPY PM, 15.7 TPY PM<sub>10</sub>/PM<sub>2.5</sub>, 0.5 TPY SO<sub>x</sub>, 298,216 TPY CO<sub>2e</sub>, 7.8 TPY total HAP, and 2.2 TPY single HAP. The proposed operating permit includes Federally enforceable and/or legally and practicably enforceable facility-wide and source-specific emission limitations for VOCs to ensure that the facility remains below major source thresholds. The air quality permit includes emission limitations, operating requirements, monitoring requirements, work practice standards, testing, reporting, and recordkeeping requirements for the site.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Synthetic Minor State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (63-00968) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

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

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

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

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

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

**24-022B: SMC Global Holdings, Incorporated—Saint Marys Carbon**, 259 Eberl Street, Saint Marys, PA 15857, for the proposed installation of an oxidation system for control of the Carbon/Graphite Mixers 2 & 3 (Sources 115A & 115B). The facility is located in Saint Marys City, **Elk County**. This is a State Only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the facility operating permit at a later date.

Plan approval No 24-022B is for the proposed installation of an oxidation system for control of the Carbon/Graphite Mixers 2 & 3 (Sources 115A & 115B). This Plan Approval will contain emission restriction, testing, recordkeeping, work practice standard and additional requirement conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best

Available Technology (BAT) for the source including, but are not limited to, the following:

- Source 115A & 115B
- Subject to 25 Pa. Code § 123.13
- Subject to 25 Pa. Code § 123.21
- Subject to 25 Pa. Code § 123.31
- Initial testing for sulfur oxides (SO<sub>2</sub>) within 180 days of control device installation.
- Testing for sulfur oxides (SO<sub>2</sub>) at operating permit renewal.
- The permittee shall continuously monitor the combustion zone temperature of the thermal oxidizer associated with this source. Continuously monitor means at least one reading every 15 minutes.
- All recordkeeping shall commence upon startup of the source/control device. All records shall be kept for a period of five (5) years and shall be made available to the Department upon request.
- The permittee shall maintain records of the following from the thermal oxidizer (these records may be done with strip charts recorders, data acquisition systems, or manual log entries):
  - Combustion zone temperature—continuously defined as at least one recording every 15 minutes
  - The permittee shall maintain the temporary plastic enclosure around the mixing area to minimize fugitive emissions.
  - The permittee shall install a hood above the mixer and the dumping area to ensure all emissions are captured and sent to the control device.
  - After installation of the control device, the permittee shall close the roof vent above the mixer during operation of the source and for at least 3 hours after the mixing is completed.
  - The temperature of the combustion zone for the thermal oxidizer shall be maintained at a minimum of 1,200F for at least 0.3 second prior to their emission into the outdoor atmosphere whenever the source is in operation. All gauges employed shall have a scale such that the expected normal reading shall be no less than twenty percent (20%) of full scale and be accurate within plus or minus two percent (+/- 2%) of full-scale reading.
  - The permittee shall operate the control device at all times that the source (mixer & dumping process) is in operation.
  - The permittee shall maintain and operate this source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.
  - Within 30 days of plan approval issuance, the facility shall submit copies of purchase orders of all control devices purchased for Source 115A & 115B.
  - The facility shall submit monthly reports of the status of each control device for Source 115A & 115B starting on June 1, 2022 and ending after the completion of the initial stack test.
  - By August 1, 2022, the control device(s) on Source 115A & 115B shall be constructed, installed, and operating in accordance with the plan approval.
  - The Permittee may request in writing that the compliance deadline contained in Paragraph (c), previously listed, be extended for cause, if Turner EnviroLogic

encounters delays with the manufacturing of the control devices solely due to non-availability of material or components. All extensions under this condition must be approved by the Department in writing prior to the compliance deadline. The Department retains authority to approve or deny the extension request.

In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address, and telephone number of the person submitting the comments, identification of the proposed plan approval [24-022B] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut St., Meadville, PA 16335, Phone (814) 332-6940.

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

If a plan approval has not undergone the previously listed public notice process, the change to an operating permit must be treated as a significant modification. In these situations, the Department should follow the procedures described in §§ 127.421—127.431 for State Only Operating Permits or §§ 127.521—127.524 for Title V operating permits.

**37-00293A: CEMEX Construction Materials Atlantic, LLC (CEMEX)**, 2001 Portland Park, Wampum, PA 16157-3913. Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 and 127.424 that the Department of Environmental Protection (Department) intends to issue Air Quality Plan Approval PA-37-00293A to CEMEX to authorize the installation and temporary operation of a 650 stph limestone crushing operation at their quarry located in Shenango and Wayne Townships, **Lawrence County**.

The project proposes to construct a new 650 stph crusher system to process 2,372,500 tons of limestone per year. The new system includes a dump hopper, apron feeder, wobbler feeder, impact crusher, conveyor system, dust collectors, and ancillary equipment. CEMEX proposes to refurbish the existing crusher building and truck loadout silo for use in the new operation, and to dis-



mantle and remove the old crusher system equipment. The four (4) fuel and lube storage tanks meet the exemption criteria of DEP Bureau of Air Quality Document No. 275-2101-003 Air Quality Exemptions, August 8, 2018 Section 127.14(a)(8) Exemptions, item # 17 for diesel fuel, and low vapor pressure organic liquids <1.5 psia and # 31 for sources of uncontrolled VOC with emissions less than 2.7 tons per year and are exempt from plan approval.

The annual potential to emit from the facility is estimated to be 3.0 tons of particulate matter (PM<sub>Total</sub>), 1.0 ton of particulate matter less than 10 microns (PM<sub>10</sub>), and <0.5 ton of particulate matter less than 2.5 microns (PM<sub>2.5</sub>). Best available technology (BAT) determinations for the control of particulate emissions at this facility are consistent with BAT determinations at other facilities and include: Water sprays and partial enclosures (3-sided) for material transfers at the dump hopper and for the loading of the crushed limestone into trucks; watering (as needed) in combination with natural surface material moisture or chemical suppressant application (as needed) and a 15mph speed limit to minimize fugitive emissions from roadways; and wet suppression (as needed) for fugitive dust control of stockpiles.

The authorization is subject to State and Federal regulations including: 25 Pa. Code §§ 123.1, 123.2, 123.13, 123.31, 123.41—123.43, 127.12b and 129.14; 40 CFR Part 60 Subpart A—General Provisions; 40 CFR Part 60 Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants; and 40 CFR Part 63 Subpart CCCCC—Gasoline Dispensing Facilities. The Plan Approval has been conditioned to ensure compliance with all applicable rules. This includes testing, work practice, monitoring, recordkeeping, and reporting conditions. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently apply for a State Only Operating Permit in accordance with 25 Pa. Code Subchapter F.

Copies of the application, the Department's analysis, and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the following address. To make an appointment, contact Records Management at 814-332-6340.

Anyone wishing to provide the Department with additional information they believe should be considered may submit the information to the following address. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the name, address, and telephone number of the person submitting comments, identification of the proposed Plan Approval; No. PA-37-00293A and a concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

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

## 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.

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

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

**39-00016: Buckeye Energy Services, LLC, Macungie Terminal**, P.O. Box 368, 5002 Buckeye Road, Emmaus, PA 18049-0368. The Department intends to issue a renewal of the Title V Operating Permit for the petroleum bulk stations and terminals facility in Lower Macungie Township, **Lehigh 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 Loading Racks and Gasoline and Distillate Storage Tanks. The control devices are a Vapor Collection System (VCU) and a Vapor Recovery System (VRU). 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.

**39-00019: Buckeye Pipeline Co, LLC, Macungie Station**, P.O. Box 368, 5002 Buckeye Road, Emmaus, PA 18049-0368. The Department intends to issue a renewal of the Title V Operating Permit for the refined petroleum pipelines facility in Lower Macungie Township, **Lehigh 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 Pumps and Gasoline and Distillate Tanks. 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.

**39-00028: Buckeye Terminals, LLC, Macungie Terminal**, P.O. Box 368, 5002 Buckeye Road, Emmaus, PA 18049-0368. The Department intends to issue a renewal of the Title V Operating Permit for the petroleum bulk stations and terminals facility in Lower Macungie Township, **Lehigh 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 a Loading Rack and Gasoline Storage Tanks. The control device is a Vapor Collection System (VCU). 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.

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

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

**TV-63-00550: USA South Hills Landfill**, 3100 Hill Rd., South Park, PA 15129-9443. In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing

notice that it intends to issue a Title V Operating Permit renewal to USA South Hills Landfill, Inc. for their facility located in Union Township, **Washington County** and South Park Township, **Allegheny County**.

USA South Hills Landfill, a municipal solid waste landfill has been in operation since 1940s. Sources and the control devices at this facility include Landfill Gas Collection and Control System, Paved and Unpaved Roads, Landfill Leachate Storage Ponds, Soil Processing (portable), Landfill Fugitive emissions (fugitive gas, material handling, & erosion), LFG Ground Flare (Enclosed Flare) and Water Spray.

This facility has the potential emissions per year of the following type and quantity of air contaminants: 13.50 tons of carbon monoxide, 38.97 tons of nitrogen oxides, 38.97 tons of particulate matter, 6.59 tons of sulfur oxides, 14.22 tons of volatile organic compounds and 15.08 tons of HAPs.

The proposed TVOP contains emission restriction, testing, monitoring, recordkeeping, reporting and work practice standards derived from the applicable requirements of 25 Pa. Code Article III, Chapters 121—145, 40 CFR Part 62 Subpart OOO, 40 CFR Part 63 Subpart AAAA, 40 CFR Part 60 Subpart Cf, 40 CFR Part 60 Subpart OOO and 40 CFR Part 63 Subpart ZZZZ.

A person may oppose the proposed Title V Operating Permit by filing a written protest with the Department through Noor Nahar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; email to [naharr@pa.gov](mailto:naharr@pa.gov); or fax to 412.442.4194. Additional written comments may also be submitted. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Title V Operating Permit (TV-63-00550) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

USA South Hills Landfill's Title V Operating Permit application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Operating Permit for this facility are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the USA South Hills Landfill's Title V Operating Permit application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed air Quality Operating Permit for this facility, a person may contact Noor Nahar at [naharr@pa.gov](mailto:naharr@pa.gov) or 412.442.5225.

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

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

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

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

**54-00071: Van Hoekelen Greenhouses Inc./McAdoo**, 51 Lofty Road, McAdoo, PA 18237, for the operation of sources at their facility located in Kline Township, **Schuylkill 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.

*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.*

**28-03068: Pennsylvania Cherry, LLC**, P.O. Box 269, Mercersburg, PA 17236-0269, to issue an initial State Only Operating Permit for the lumber drying facility located in Montgomery and Peters Townships, **Franklin County**. The potential emissions from the facility are calculated to be 36.34 tpy NO<sub>x</sub>, 79.53 tpy CO, 3.16 tpy SO<sub>x</sub>, 8.82 tpy PM<sub>-10</sub>, 7.86 tpy PM<sub>-2.5</sub>, 17.63 tpy VOC and 8.18 tpy HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63, Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.

**28-03008: Edge Rubber Recycling, LLC**, 811 Progress Road, Chambersburg, PA 17201-3257, to issue a renewal of the State Only Operating Permit for the operation of the rubber tire recycling facility in the Borough of Chambersburg, **Franklin County**. The facility's potential emissions are approximately 3.33 tons of VOCs, 10.69 tpy PM<sub>-10</sub>, 3.82 tpy PM<sub>-2.5</sub>, and 3.49 tpy total HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code §§ 129.63 and 123.13.

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

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

**OP-11-00283: Portage Area School District**, 84 Mountain Ave., Portage, PA 15946-1809. In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department is providing notice that it intends to issue a renewal Synthetic Minor Operating Permit for operation of the Portage Area Elementary/Junior-Senior High School in Portage Borough, **Cambria County**.

Equipment at this facility includes a 9.1 MMBtu/hr tri-fuel boiler which burns primarily coal, two (2) natural gas-fired boilers rated at 6.75 MMBtu/hr each, two (2) natural gas-fired boilers rated at 2.5 MMBtu/hr each, and a natural gas-fired emergency generator, and a diesel-fired emergency generator. Potential emissions from the emission sources at this facility are based on operation for 8,760 hours per year for all sources except for the tri-fuel boiler which is restricted to burning 2,160 tons of coal per year and the emergency generators which have a 500 hours per year operating limit. Emissions are estimated to be 20.8 tons per year NO<sub>x</sub>, 2.0 tons per year VOCs, 19.8 tons per year CO, 50.3 tons per year SO<sub>2</sub>, 7.5 tons per year particulate matter less than ten microns, 1.6 tons per year HCl, 0.2 ton per year HF, 1.8 tons per year total HAP, and 14,874 tons per year GHG.



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

Any person may submit comments, a request for the Department to hold a public hearing, or a protest to the proposed operating permit or a condition thereof by submitting the information to Nick Waryanka, P.E., Air Quality Engineer, at the Southwest Regional Office. A 30-day comment period from the date of publication of this notice will exist for the submission of comments. Each written comment must contain the name, address, and telephone number of the person submitting the comments, identification of the proposed permit (specify Operating Permit 11-00283) and concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant, and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

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

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

**25-00944: PHB, Incorporated Die Casting Division**, 7900 West Ridge Road, Fairview, PA 16415. The Department is providing notice that they intend to renew a State Only Natural Minor Operating Permit for operation of the Die Casting Division facility owned by PHB, Incorporated located in Fairview Township, **Erie County**. The facility operates die casting presses to manufacture zinc and aluminum components for the automotive and electronics industries. The primary emission sources include zinc and aluminum casting operations, zinc and aluminum melt furnaces, miscellaneous boilers, shot blasting, grinding operations, parts washers, and emergency generator engines. The potential emissions of the primary pollutants from the facility are as follows: 45.02 TPY PM<sub>10</sub>, 42.12 TPY PM<sub>2.5</sub>, 34.14 TPY NO<sub>x</sub>, 0.30 TPY SO<sub>x</sub>, 26.55 TPY CO, and 4.91 TPY VOC; thus, the facility is a natural minor. The sprinkler system diesel generator and plant lighting generators are subject to 40 CFR 63 Subpart ZZZZ, NESHAP for Stationary RICE. The natural gas emergency generator for offices is subject to 40 CFR 60 Subpart JJJJ, NSPS for Stationary Spark Ignition ICE. 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.

**32-00387: Rosebud Mining Company Crooked Creek Coal Preparation Plant**, 301 Market Street, Kittanning, PA 16201, the Department intends to issue an initial State Only Operating Permit for operating of a coal preparation plant located in Washington Township, **Indiana County**. The subject facility consists of stock-

piles, conveyors, screens, a crusher, transfer points, magnetite storage, wet coal preparation plant, raw feed, clean coal, coarse and filter cake refuge storage, load-in and load-out truck, load-out for rail and an emergency generator for the mine. Emissions from the facility are based on the coal throughput limit, hours of operating, and AP-42 emission factors. The facility has the potential to emit 167.8 TPY PM, 53.83 TPY PM<sub>10</sub>, and less than 1 TPY for all other criteria pollutants. The facility is a natural minor and is subject to State and Federal Regulations (40 CFR Part 60 Subpart Y and IIII). The permit includes operation requirements, monitoring requirements, and recordkeeping requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

#### PLAN APPROVALS

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

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

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

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 **Oldcastle APG Northeast, Inc.** (800 Uhler Road, Easton, PA 18040-6671) for their facility located in Forks Twp., **Northampton County**. This Plan Approval No. **48-00093B** will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 48-00093B is for the installation and operation of an existing aggregate rotary dryer with cooler rated at 100 TPH. Particulate emissions generated during sand and stone aggregate drying operations are controlled by two baghouses. The facility is subject to 25 Pa. Code § 127.12(a)(5) Best Available Technology (BAT) requirements. The particulate emissions from the baghouses shall not exceed the BAT standard of 0.02 grain/dscf and will meet BAT requirements for this source. BAT for the emissions of NO<sub>x</sub> and CO from the rotary dryer is established at 0.10 lb/MMBtu, and 0.122 lb/MMBtu, respectively. This plan approval also corrects an error to redesignate the existing block plant fabric collector ID as C01. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

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

No. 48-00093A 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, Environment Group Manager, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

## COAL & NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

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

### *Coal Applications Received*

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

Table 1

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

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

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

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

**Permit No. 56951301 and NPDES Permit No. PA0214850, RoxCoal, Inc.**, 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, to renew the permit and related NPDES Permit for Augustus Mine in Shade and Stonycreek Townships, **Somerset County**. No additional discharges. The application was considered administratively complete on November 16, 2021. Application received: October 12, 2021.

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

**Permit No. 07920101 and NPDES No. PA0599581, RES Coal, LLC**, 51 Airport Road, Clearfield, PA 16830, (formerly E.P. Bender Coal Co., Inc., P.O. Box 594, Carrolltown, PA 15722), permit transfer of a bituminous surface mine

in Allegheny Township, **Blair County**, affecting 474.0 acres. Receiving streams: unnamed tributaries to/and Sugar Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: November 19, 2021.

**Permit No. 11050101 and NPDES No. PA0249718, RES Coal, LLC**, 51 Airport Road, Clearfield, PA 16830, (formerly E.P. Bender Coal Co., Inc., P.O. Box 594, Carrolltown, PA 15722), permit transfer and renewal of a bituminous surface and auger mine in Cresson Township, **Cambria County**, affecting 197.7 acres. Receiving stream: unnamed tributary to Bear Rock Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Lilly Borough surface water intake on Bear Rock Run, PWS No. 4110046. Application received: November 19, 2021.

**Permit No. 56130107 and NPDES No. PA0269484, Coal Loaders, Inc.**, 210 East Main Street, Ligonier, PA 15658, permit revision for both the erosion and sediment control plan and the NPDES permit of a bituminous surface & auger mine in Jenner Township, **Somerset County**, affecting 312.1 acres. Receiving streams: unnamed tributaries to/and Two Mile Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is the Quemahoning Reservoir for the Cambria-Somerset authority. Application received: November 23, 2021.

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

**Permit No. 49851603, Pac 23 Mining Company, Inc.**, 6370 SR 61, Shamokin, PA 17872, renewal of an existing anthracite coal preparation plant operation in Ralpho Township, **Northumberland County**, affecting 9.1 acres. Receiving stream: Shamokin Creek, classified for the following uses: WWF and MF. Application received: November 17, 2021.

#### *Noncoal Applications Received*

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

Table 2

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

\* The parameter is applicable at all times.

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

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

**NPDES No. PA0257389 (Mining Permit No. 08100302). Johnson Quarries, Inc.**, P.O. Box 136, LeRaysville, PA 18829, renewal of an NPDES permit for a large noncoal (industrial minerals) mining site located in Stevens Township, **Bradford County**, affecting 127.9 acres. Receiving stream(s): Unnamed Tributary to Wyalusing Creek and Rockwell Creek classified for the following use(s): WWF. Application received: November 17, 2021.

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

**Permit No. 03020402. Allegheny Mineral Corp**, P.O. Box 1022, Kittanning, PA 16201. Three year not-started surface mine permit renewal application for a noncoal surface mine, located in West Franklin Township, **Armstrong County**, affecting 160.8 acres. Receiving streams: unnamed tributary and Buffalo Creek classified for the following use: HQ-TSF. Renewal application received: November 24, 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*

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

**NPDES No. PA0259675 (Permit No. 10150101). K & A Mining**, 119 Atwell Lane, Kennerdell, PA 16374. Transfer of an NPDES permit for a bituminous surface mine in Marion Township, **Butler County**, affecting 48.0 acres. Receiving streams: unnamed tributaries to Blacks Creek, Blacks Creek classified for the following uses: CWF. TMDL: Blacks Creek. Application received: October 21, 2021.

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

The following outfalls discharge to unnamed tributaries to Blacks Creek, Blacks Creek:

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

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

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

Alkalinity greater than acidity<sup>1</sup>

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

The following outfalls discharge to unnamed tributaries to Blacks Creek, Blacks Creek:

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

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

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

Alkalinity greater than acidity<sup>1</sup>

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

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

**NPDES No. PA0256421 (Mining Permit No. 17060110). Bell Resources, Inc.**, 1340 Hoyt Road, Curwensville, PA 16833. Renewal of an NPDES permit for discharge of water resulting from surfacing mining of bituminous coal in Bloom and Penn Townships, **Clearfield County**, affecting 361.9 acres. Receiving stream(s): Bell Run, classified for the following use(s): CWF, MF and HQ-CWF. Application received: October 5, 2021.

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

The following outfalls discharge to unnamed tributaries to Bell Run:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
002	Existing	Treatment Basin 2	Intermittent (Pumped)
003	Existing	Treatment Basin 3	Intermittent (Pumped)
004	Existing	Sedimentation Basin A	Precipitation Induced
005	Existing	Sedimentation Basin B	Precipitation Induced
006	Existing	Sedimentation Basin C	Precipitation Induced
007	Existing	Sedimentation Basin D	Precipitation Induced
008	Existing	Sedimentation Basin E	Precipitation Induced

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

<i>Outfalls: 002 (All Weather Conditions)</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
<i>Parameter</i>			
Iron (mg/L)	2.3	4.6	5.7
Manganese (mg/L)	1.5	3.0	3.7
Aluminum (mg/L)	1.1	2.2	2.7
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	

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

Alkalinity must exceed acidity at all times.

*Outfalls: 003 (All Weather Conditions)*  
*Parameter*

	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/L)	2.9	5.8	7.0
Manganese (mg/L)	1.9	3.8	4.7
Aluminum (mg/L)	1.4	2.8	3.5
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Monitor & Report	
Flow (gpm)		Monitor & Report	
Temperature (°C)		Monitor & Report	
Specific Conductivity (µmhos/cm)		Monitor & Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

*Outfalls: 004 and 005 (All Weather Conditions)*  
*Parameter*

	<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)	1.5	3.0	3.7
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

*Outfalls: 006—008 (Dry Weather Conditions)*  
*Parameter*

	<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)		Report	
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

*Outfalls: 006—008 (≤10-yr/24-hr Precip. Event)*  
*Parameter*

	<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
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

*Outfalls: 006—008 (>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.

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

**NPDES Permit No. PA0225606 (on PA DEP Bureau of Conservation and Restoration Contract No. M91:10-101-1). Stoudt's Ferry Preparation Co., Inc., 68 Mush Dahl Road, New Ringgold, PA 17960, renewal of NPDES Permit in Upper Providence Township, Montgomery County, affecting 44.5 acres. Receiving stream: Schuylkill River Watershed, classified for the following use: CWF. The Department has made a tentative determination to impose effluent limitations, within the ranges specified in Table 1 for listed parameters in addition to the limits identified in Table 2. Application received: August 30, 2021.**

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>		<i>Type</i>	
SP01	No		Pitwater/Stormwater	
<i>Outfalls: SPO1</i>		<i>30-Day</i>	<i>Daily</i>	<i>Instantaneous</i>
<i>Parameter</i>	<i>Minimum</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Total Alkalinity (as CaCO <sub>3</sub> ) (mg/L)			Monitor & Report	
Total Acidity (as CaCO <sub>3</sub> ) (mg/L)			Monitor & Report	

<i>Outfalls: SPO1</i> <i>Parameter</i>	<i>Minimum</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instantaneous</i> <i>Maximum</i>
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Discharge (MGD)		0.45	1.44	
Total Iron (mg/L)		3.0	6.0	7.0
Total Manganese (mg/L)		2.0	4.0	5.0
Total Aluminum (mg/L)		0.75	0.75	0.75
Specific Conductivity (µmhos/cm)			Monitor & Report	

<sup>1</sup> This Parameter is applicable at all times.

*Noncoal NPDES Draft Permits*

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

**NPDES No. PA0269646 (Mining Permit No. 08120307). Glenn O. Hawbaker, Inc.,** 1952 Waddle Road, State College, PA 16803. Modification of an NPDES permit for discharge of water resulting from surface mining of industrial minerals in Athens Township, **Bradford County**, affecting 77.0 acres. Receiving stream(s): Unnamed tributary to Buck Creek classified for the following use(s): WWF. Application received: March 1, 2021.

The following outfalls discharge to unnamed tributary to Buck Creek:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	Stormwater	Precipitation Induced
002	Existing	Stormwater	Precipitation Induced
003	New	Stormwater	Precipitation Induced

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

<i>Outfalls: 001—003 (Dry Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Flow (gpm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units.			

<i>Outfalls: 001—003 (≤10-yr/24-hr Precip. Event)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Total Settleable Solids (mL/L)	N/A	N/A	0.5
Flow (gpm)	Report		
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			

*Outfalls: 001—003 (>10-yr/24-hr Precip. Event)*  
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. PA0225983 (Mining Permit No. 45880301). Tarheel Quarry, LLC,** P.O. Box 900, Blakelslee, PA 18610, new NPDES Permit in Tobyhanna Township, **Monroe County**, affecting 406.0 acres. Receiving stream: unnamed tributary to Lehigh River Watershed classified for the following use: HQ. The Department has made a tentative determination to impose effluent limitations, within the ranges specified in Table 1 in addition to the limits identified in Table 2. Application received: January 29, 2019.

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

The following limits apply to dry weather discharges from the previously listed stormwater facility.

<i>Parameter</i>	<i>Minimum</i>	<i>30 Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instantaneous</i> <i>Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Total Alkalinity (as CaCO <sub>3</sub> ) (mg/L)			Report	
Total Acidity (as CaCO <sub>3</sub> ) (mg/L)			Report	
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Total Iron (mg/L)			Report	
Total Manganese (mg/L)			Report	
Total Aluminum (mg/L)			Report	
Oil and Grease (mg/L)			Report	
Turbidity (NTU)		40.0	80.0	100.0

The following alternate discharge limitations apply to discharges from the stormwater facilities previously listed resulting from precipitation events less than or equal to the 10-year/24-hour precipitation event.

<i>Parameter</i>	<i>Minimum</i>	<i>30 Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instantaneous</i> <i>Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Total Alkalinity (as CaCO <sub>3</sub> ) (mg/L)			Report	

<i>Parameter</i>	<i>Minimum</i>	<i>30 Day Average</i>	<i>Daily Maximum Report</i>	<i>Instantaneous Maximum</i>
Total Acidity (as CaCO <sub>3</sub> ) (mg/L)				
Net Alkalinity (mg/L)	0.0			
Total Settleable Solids (mL/L)				0.5
Turbidity (NTU)				100.0

<sup>1</sup> This Parameter is applicable at all times.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

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

**E4129221-018: EQT ARO, LLC**, 33 West Third Street, Suite 300, Williamsport, PA 17701. Mallory Pads A, B & C Gathering Pipeline in Plunketts Creek Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate and maintain three (3) pipelines of various sizes (24" steel gas line, 16" plastic underground waterline and an 8" flexsteel gas line), each approximately 122,670 linear feet in length within permanent and temporary right-of-ways in Plunketts Creek Township—Lycoming County.

The project will result in a total of 39 LF (304 SF) of permanent and 284 LF (2,571 SF) of temporary stream impacts, 2,649 SF (0.0608 acre) of permanent and 23,432 SF (0.5379 acre) of temporary floodway impacts and 702 SF (0.0161 acre) of permanent and 12,034 SF (0.2763 acre) of temporary wetland impacts all for the purpose of constructing a natural gas pipeline for Marcellus Shale well development.

**Stream Impact Table:**

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Chap. 93</i>	<i>Listed Trout</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
Channel 3A	Plunketts Crk. Barbours	Pipeline & Workspace	HQ; EV	Wild	56	743	15	128	41.454180° 76.812259°
Channel 11	Plunketts Crk. Barbours	Pipeline & Workspace	HQ; EV	Wild	124	511	13	112	41.457353° 76.798454°
Channel 14	Plunketts Crk. Barbours	Pipeline & Workspace	HQ; EV	Wild	115	208	9	31	41.458493° 76.800617°
Channel 16	Plunketts Crk. Barbours	Pipeline & Workspace	HQ; EV	Wild	106	299			41.457440° 76.797467°
TOTAL IMPACTS					401	1,761	37	271	



**Wetland Impact Table:**

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Cow. Class</i>	<i>Listed Trout</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
Wetland 31	Plunketts Crk. Barbours	Pipeline & Aerial TAWGL	PEM; EV	Class A Wild		53			41.457610° 76.797061°
Wetland 32	Plunketts Crk. Barbours	Pipeline & Aerial TAWGL	PFO; EV	Class A Wild		43			41.457307° 76.798118°
Wetland 33	Plunketts Crk. Barbours	Pipeline & Aerial TAWGL	PFO; EV	Class A Wild		1,313		316	41.457337° 76.798566°
Wetland 34	Plunketts Crk. Barbours	Pipeline & Aerial TAWGL	PEM; EV	Class A Wild		8,888		1,264	41.458416° 76.800540°
Wetland 68	Plunketts Crk. Barbours	Pipeline & Aerial TAWGL	PEM; EV	Class A Wild		21			41.457693° 76.807330°
Wetland 69	Plunketts Crk. Barbours	Pipeline & Aerial TAWGL	PEM; EV	Class A Wild		107			41.458576° 76.802592°
TOTAL IMPACTS						10,425		1,580	

**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>
Channel 3A	Plunketts Crk. Barbours	Pipeline & Workspace		6,092		1,077	41.454180° 76.812259°
Channel 11	Plunketts Crk. Barbours	Pipeline & Workspace		6,607		1,011	41.457353° 76.798454°
Channel 14	Plunketts Crk. Barbours	Pipeline & Workspace		3,157		382	41.458493° 76.800617°
Channel 15	Plunketts Crk. Barbours	Pipeline & Workspace		88			41.458324° 76.800652°
Channel 16	Plunketts Crk. Barbours	Pipeline & Workspace		1,382		192	41.457535° 76.797636°
TOTAL IMPACTS				17,326		2,662	

**E0829221-023: Regency Marcellus Gas Gathering, LLC**, 101 West Third Street, Williamsport, PA 17701, Leroy Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 12-inch steel gas line and a temporary timber mat bridge impacting 102 linear feet of Little Schrader Creek (EV, MF), 3,455 square feet of its channel/floodway and impacting 117 square feet of an adjacent Palustrine Emergent Wetland (EV) (Leroy, PA Quadrangle, Latitude: 41.62954°, Longitude: -76.73158°);

The project will result in 102 linear feet of temporary stream impacts, 1,893 square feet (0.043 acre) of floodway impacts and 117 square feet (0.003 acre) of temporary PEM impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Leroy Township, Bradford County.

**E4129221-017: EQT ARO, LLC**, 33 West Third Street, Suite 300, Williamsport, PA 17701. Wallis Run Valve to Mallory Group Pad A Pipeline in Cascade & Plunketts Creek Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate and maintain three (3) pipelines of various sizes (24" steel gas line, 16" plastic underground waterline and an 8" flexsteel gas line), each approximately 10,500 linear feet in length within permanent and temporary right-of-ways in Cascade and Plunketts Creek Township—Lycoming County.

The project will result in a total of 39 LF (304 SF) of permanent and 284 LF (2,571 SF) of temporary stream impacts, 2,649 SF (0.0608 acre) of permanent and 23,432 SF (0.5379 acre) of temporary floodway impacts and 702 SF (0.0161 acre) of permanent and 12,034 SF (0.2763 acre) of temporary wetland impacts all for the purpose of constructing a natural gas pipeline for Marcellus Shale well development.

**Stream Impact Table:**

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Chap. 93</i>	<i>Listed Trout</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
UNT3 EB Wallis Run	Cascade Barbours	Pipeline & Workspace	HQ; EV	Wild	122	1,490	12	120	41.447514° 76.845044°
UNT1 Engle Run	Cascade Barbours	Pipeline & Workspace	EV	Class A Wild	56	338	9	53	41.458560° 76.831946°
Engle Run Channel 1	Plunketts Crk. Barbours	Pipeline & Workspace	EV	Class A Wild	54	430	9	76	41.458455° 76.831891°
Engle Run Channel 1A	Plunketts Crk. Barbours	Pipeline & Workspace	EV	Class A Wild	52	313	9	55	41.458455° 76.831891°
TOTAL IMPACTS					284	2,571	39	304	

**Wetland Impact Table:**

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Cow. Class</i>	<i>Listed Trout</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
Wetland 1A	Cascade Barbours	Pipeline	PEM; EV	Class A Wild	80	1,648			41.452029° 76.833989°
Wetland 2	Plunketts Crk. Barbours	Pipeline & Aerial TAWGL	PSS; EV	Class A Wild	58	1,741	30	91	41.458485° 76.826419°
Wetland 3A	Cascade Barbours	Pipeline & Aerial TAWGL	PEM; EV	Class A Wild	101	4,447	24	215	41.447046° 76.844775°
Wetland 4A	Cascade Barbours	Workspace	PEM; EV	Class A Wild	47	1,127			41.448018° 76.845445°
Wetland 47	Cascade Barbours	Pipeline & Aerial TAWGL	PFO; EV	Class A Wild	56	2,727	44	396	41.458559° 76.832002°
Wetland 63	Cascade Barbours	Pipeline	PEM; EV	Class A Wild		344			41.445754° 76.842559°
TOTAL IMPACTS					342	12,034	98	702	

**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>
UNT3 EB Wallis Run	Cascade Barbours	Pipeline & Workspace	140	14,845	109	980	41.447514° 76.845044°
UNT1 Engle Run	Cascade Barbours	Pipeline & Workspace	56	2,883	66	592	41.458560° 76.831946°
Engle Run Channel 1	Plunketts Crk. Barbours	Pipeline & Workspace	59	3,199	62	556	41.458455° 76.831891°
Engle Run Channel 1A	Plunketts Crk. Barbours	Pipeline & Workspace	52	2,505	58	521	41.458455° 76.831891°
TOTAL IMPACTS			307	23,432	295	2,649	

Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101; Email: RA-EPREGIONAL PERMIT@pa.gov.

**E6383221-012. Columbia Gas Transmission, LLC**, 1700 MacCorkle Ave SE, Charleston, WV 25314, North Strabane Township & South Strabane Township, **Washington County**, U.S. Army Corps of Engineers, Pittsburgh District.

To repair, stabilize and maintain two soil slips along the right-of-way of an existing natural gas transmission pipeline associated with the Line 1570 Phase 2 Slips Repair Project. The first soil slip repair impacts the floodway of a UNT to Chartiers Creek (WWF). The second soil slip repair impacts wetlands within the Little Chartiers Creek Watershed (HQ-WWF). Work involves excavation, placement of structural fill, and the installation of a vegetated channels, french drains, riprap apron outfalls, and other appurtenant facilities.

The proposed project impacts include a total of 102 feet of temporary impacts and 10 feet of permanent impacts to UNT to Chartiers Creek (WWF); 0.31 acre temporary impacts and 0.01 acre of permanent impacts to floodway; 0.03 acre of temporary impacts to PEM wetlands; and 0.14 acre of permanent impacts to PEM wetlands.

To compensate for the proposed permanent project impacts, Applicant is proposing to purchase 0.14 mitigation credits at the Enlow Fork Mitigation Bank from the First Pennsylvania Resource, LLC.

The project is located 0.32 mile southwest of Hill Church Houston Road (Latitude: 40.239342°; Longitude: -80.199975°) in North Strabane Township, and 0.2 mile east of Quarry Rd (Latitude: 40.173472°; Longitude: -80.189772°) in South Strabane Township, Washington County.

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## ACTIONS

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

#### FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended, and renewed NPDES and WQM permits, applications for permit waivers, and NOIs for coverage under General Permits, as listed in the following tables. This notice of final action is published in accordance with 25 Pa. Code Chapters 91, 92a, and 102 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376). The official file for each listed action can be reviewed at the DEP or delegated county conservation district (CCD) office identified in the table for the action. DEP/CCD office contact information is listed as follows for Section I and is contained within the table for Section II. Additional information for permits issued under 25 Pa. Code Chapters 91 and 92a, including links to Individual NPDES and WQM Permits, may be reviewed by generating the “Final Actions Report” on DEP’s website at [www.dep.pa.gov/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>
PA0281824	CAFO Individual NPDES Permit	Issued	Darvin N Martin 8245 Holbens Road New Tripoli, PA 18066	Weisenberg Township Lehigh County	SCRO
PABIS2201	Individual Site Permit for Beneficial Use of Biosolids by Land Application	Issued	Synagro Central, LLC 4220 Interchange Road Lehighton, PA 18235	Franklin Township Carbon County	NERO
PAS208302	Industrial Stormwater Individual NPDES Permit	Issued	Keystone Powdered Metal Co. 251 State Street Saint Marys, PA 15857-1658	Lewis Run Borough McKean County	NWRO
0610202	Industrial Waste Individual WQM Permit	Issued	Exide Environmental Response Trust One World Trade Center 8th Floor Long Beach, CA 90802	Muhlenberg Township Berks County	SCRO
0921829	Joint DEP/PFBC Pesticides Permit	Issued	Miller Ellen 1543 Sweet Briar Road Ottsville, PA 18942	Bedminster Township Bucks County	SERO
3613201	Manure Storage Facilities Individual WQM Permit	Issued	Rohrer Dairy Farm LLC 124 Charlestown Road Washington Boro, PA 17582-9669	Manor Township Lancaster County	SCRO
PA0083941	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	Comm Refuse Service LLC 620 Newville Road Newburg, PA 17240	Hopewell Township Cumberland County	SCRO
PA0014672	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Exide Environmental Response Trust One World Trade Center 8th Floor Long Beach, CA 90802	Muhlenberg Township Berks County	SCRO
PA0244864	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Warminster Municipal Authority Bucks County 415 Gibson Avenue Warminster, PA 18974-4163	Warminster Township Bucks County	SERO
PA0034754	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	GSP Management Co. P.O. Box 677 Morgantown, PA 19543-0677	Halifax Township Dauphin County	SCRO
PA0111970	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Springbrook Family Campground 675 Numidia Drive Catawissa, PA 17820-8019	Locust Township Columbia County	NCRO
PA0027952	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	HMShost Corp P.O. Box 8 Middletown, PA 17057-0008	South Londonderry Township Lebanon County	SCRO
0676209	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Issued	Exide Environmental Response Trust One World Trade Center 8th Floor Long Beach, CA 90802	Muhlenberg Township Berks County	SCRO

## NOTICES

7763

<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>
5695201	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Issued	Somerset Borough Municipal Authority Somerset County 347 W Union Street P.O. Box 71 Somerset, PA 15501-1543	Somerset Township Somerset County	SWRO
NOEX13402	No Exposure Certification	Issued	FEDEX 3620 Hacks Cross Road Bldg B, 2nd Floor Memphis, TN 38125-8800	Pittston Township Luzerne County	NERO
NOEXSE109	No Exposure Certification	Issued	GXO Warehouse Co. Inc. 2201 Green Lane Levittown, PA 19057	Bristol Township Bucks County	SERO
NOEXSE168	No Exposure Certification	Issued	Northtec, LLC 411 Sinclair Street Bristol, PA 19007-1525	Bristol Township Bucks County	SERO
NOEXSE169	No Exposure Certification	Issued	Northtec, LLC 411 Sinclair Street Bristol, PA 19007-1525	Bristol Township Bucks County	SERO
NOEXSE170	No Exposure Certification	Issued	Northtec, LLC 411 Sinclair Street Bristol, PA 19007-1525	Bristol Township Bucks County	SERO
NOEXSE171	No Exposure Certification	Issued	Northtec, LLC 411 Sinclair Street Bristol, PA 19007-1525	Bristol Township Bucks County	SERO
NOEXSE173	No Exposure Certification	Issued	Northtec, LLC 411 Sinclair Street Bristol, PA 19007-1525	Bensalem Township Bucks County	SERO
PAG048998	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Laurie & Michael Nicholson 6473 Heidler Road Fairview, PA 16415-2103	Fairview Township Erie County	NWRO
PAG120001	PAG-12 NPDES General Permit for CAFOs	Issued	McMichael Custom Spreading, LLC 791 Street Road Oxford, PA 19363-1135	Lower Oxford Township Chester County	SCRO
PAG123545	PAG-12 NPDES General Permit for CAFOs	Issued	Hershey Ag Services 138 Airport Road Marietta, PA 17547-9105	South Londonderry Township Lebanon County	SCRO
PAG123609	PAG-12 NPDES General Permit for CAFOs	Issued	L & W Farms, LLC 4251 Fletcher Drive Greencastle, PA 17225-8372	Antrim Township Franklin County	SCRO
PAG123664	PAG-12 NPDES General Permit for CAFOs	Issued	Martin Nelson W 1850 Horseshoe Pike Annville, PA 17003-8831	South Annville Township Lebanon County	SCRO
PAG123739	PAG-12 NPDES General Permit for CAFOs	Issued	Hidden Acres Farms, LLC 2115 Rohrer Road Manheim, PA 17545-9136	Rapho Township Lancaster County	SCRO
PAG123763	PAG-12 NPDES General Permit for CAFOs	Issued	Hillandale Gettysburg, LP 3910 Oxford Road Gettysburg, PA 17325-8367	Tyrone Township Adams County	SCRO
PAG123784	PAG-12 NPDES General Permit for CAFOs	Issued	Todd Chestnut 50 Eberly Road Newville, PA 17241-8509	Upper Mifflin Township Cumberland County	SCRO
PAG123790	PAG-12 NPDES General Permit for CAFOs	Issued	Carl G & John G Myer 292 Elm Road Lititz, PA 17543-9450	Penn Township Lancaster County	SCRO
PAG123795	PAG-12 NPDES General Permit for CAFOs	Issued	Pigeon Hill Farms, LLC 9078 Orchard Road Spring Grove, PA 17362-8651	Jackson Township York County	SCRO



<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG123802	PAG-12 NPDES General Permit for CAFOs	Issued	Green Valley Swine, LLC 6 S Broad Street Lititz, PA 17543-1402	North Codorus Township York County	SCRO
PAG123804	PAG-12 NPDES General Permit for CAFOs	Issued	Martin Michael D 2050 W Main Street Ephrata, PA 17522-1114	Clay Township Lancaster County	SCRO
PAG123831	PAG-12 NPDES General Permit for CAFOs	Issued	Franklin Family Farms, Inc. 419 W High Street Elizabethtown, PA 17022-2143	Lurgan Township Franklin County	SCRO
PAG123844	PAG-12 NPDES General Permit for CAFOs	Issued	North Mountain Gobbler 8310 Fort McCord Road Chambersburg, PA 17202	Dublin Township Fulton County	SCRO
PAG123880	PAG-12 NPDES General Permit for CAFOs	Issued	Runk Dallas W 2823 Farm House Lane James Creek, PA 16657	Lincoln Township Huntingdon County	SCRO
PAG123882	PAG-12 NPDES General Permit for CAFOs	Issued	Rohrer Dairy Farm LLC 124 Charlestown Road Washington Boro, PA 17582-9669	Manor Township Lancaster County	SCRO
PAG124803	PAG-12 NPDES General Permit for CAFOs	Issued	BDS Farms, LLC 282 Troup Road Beaver Springs, PA 17812-9249	Spring Township Snyder County	SCRO
PAG124805	PAG-12 NPDES General Permit for CAFOs	Issued	David N & Mary L Groff 262 Pawling Road Lewisburg, PA 17837-7311	Kelly Township Union County	SCRO
PAG124814	PAG-12 NPDES General Permit for CAFOs	Issued	Snook Michael S 1510 White Church Road Middleburg, PA 17842-9343	Franklin Township Snyder County	SCRO
PAG124832	PAG-12 NPDES General Permit for CAFOs	Issued	Lapp Emmanuel L 322 Hatchery Road Dalmatia, PA 17017-8210	Lower Mahanoy Township Northumberland County	SCRO
1500414	Sewage Land Application Individual WQM Permit	Issued	Aqua PA Wastewater, Inc. 762 W Lancaster Avenue Bryn Mawr, PA 19010-3402	East Bradford Township Chester County	SERO
2594413	Sewage Treatment Facilities Individual WQM Permit	Issued	MJO Real Estate, LLC 10085 Route 19 Waterford, PA 16441	Waterford Township Erie County	NWRO
4321410	Sewage Treatment Facilities Individual WQM Permit	Issued	Leonard John A 864 Vernon Road Greenville, PA 16125-8643	West Salem Township Mercer County	NWRO
6721402	Sewage Treatment Facilities Individual WQM Permit	Issued	Gotwalt Michael A 1308 Carl Park Lane Vero Beach, FL 32963	Warrington Township York County	SCRO
0275407	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	Deer Creek Drainage Basin Authority P.O. Box 158 2400 Freeport Road Cheswick, PA 15024-0158	Harmar Township Allegheny County	SWRO
PA0239691	Single Residence STP Individual NPDES Permit	Issued	Brugger Carl R 6194 Cobblestone Drive Erie, PA 16509-7802	Springfield Township Erie County	NWRO
PA0253260	Single Residence STP Individual NPDES Permit	Issued	Berdine Henry 559 Zediker Station Road Washington, PA 15301-3169	South Strabane Township Washington County	SWRO

## NOTICES

7765

<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>
PA0263605	Single Residence STP Individual NPDES Permit	Issued	Hamilton Adam 23866 State Highway 408 Cambridge Springs, PA 16403	Rockdale Township Crawford County	NWRO
PA0264300	Single Residence STP Individual NPDES Permit	Issued	Nosko Travis M 1944 Buxton Road Titusville, PA 16354-7402	Cherrytree Township Venango County	NWRO
PA0281761	Single Residence STP Individual NPDES Permit	Issued	Gotwalt Michael A 1308 Carl Park Lane Vero Beach, FL 32963	Warrington Township York County	SCRO
PA0289370	Single Residence STP Individual NPDES Permit	Issued	Chad & Kaylynne Williams 4000 Wagner Road Erie, PA 16509-4240	McKean Township Erie County	NWRO
PA0289680	Single Residence STP Individual NPDES Permit	Issued	Leonard John A 864 Vernon Road Greenville, PA 16125-8643	West Salem Township Mercer County	NWRO
2521411	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Chad & Kaylynne Williams 4000 Wagner Road Erie, PA 16509-4240	McKean Township Erie County	NWRO
PA0104035	Small Flow Treatment Facility Individual NPDES Permit	Issued	Bernard & Virginia Safford d/b/a Daily Bread Cafe 2906 Route 155 Port Allegany, PA 16743-4918	Liberty Township McKean County	NWRO
PA0221503	Small Flow Treatment Facility Individual NPDES Permit	Issued	MJO Real Estate, LLC 10085 Route 19 Waterford, PA 16441	Waterford Township Erie County	NWRO
PA0263796	Small Flow Treatment Facility Individual NPDES Permit	Issued	Rylands Robert J Jr 4850 Middle Road Allison Park, PA 15101-1118	Tionesta Township Forest County	NWRO
WQG018310	WQG-01 WQM General Permit	Issued	Laurie & Michael Nicholson 6473 Heidler Road Fairview, PA 16415-2103	Fairview Township Erie County	NWRO
WQG018714	WQG-01 WQM General Permit	Issued	Hamilton Adam 23866 State Highway 408 Cambridge Springs, PA 16403	Rockdale Township Crawford County	NWRO
WQG02102101	WQG-02 WQM General Permit	Issued	Breakneck Creek Region Authority 1166 Mars Evans City Road Mars, PA 16046-2216	Adams Township Butler County	NWRO

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

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC350122	PAG-02 General Permit	Issued	Peter Kolcharno & Joseph Pruzinsky 101 Chaney Drive Olyphant PA 18447	Olyphant Borough Lackawanna County	Lackawanna County Conservation District 1038 Montdale Road Scott Township, PA 18447 570-382-3086

## NOTICES

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC350008	PAG-02 General Permit	Issued	MJ Development, LLC 944 Underwood Road Olyphant, PA 18447-2614	Olyphant Borough Lackawanna County	Lackawanna County Conservation District 1038 Montdale Road Scott Township, PA 18447 570-382-3086
PAC400142 A-2	PAG-02 General Permit	Issued	Joseph Lettiere CAN DO, Inc. 1 South Church Street Hazle Township, PA 18201	Hazle Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAC350091 A-1	PAG-02 General Permit	Issued	Canpack US, LLC 108 Plaza Drive Suite 200 Blandon, PA 19510-9476	Olyphant Borough Jessup Borough Lackawanna County	Lackawanna County Conservation District 1038 Montdale Road Scott Township, PA 18447 570-382-3086
PAD400037 A-2	Individual NPDES	Issued	Mericle 112 Armstrong, LLC 100 Baltimore Drive East Mountain Corporate Center Wilkes-Barre, PA 18702	Pittston Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAC010183	PAG-02 General Permit	Issued	Timothy Kiick 1030 Wilson Avenue Hanover, PA 17331	Oxford Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
PAC070100	PAG-02 General Permit	Issued	BS Realty, LLC 114 Vision Drive Duncansville, PA 16635	Allegheny Township Blair County	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814.696.0877, ext. 5
PAC210260	PAG-02 General Permit	Issued	Silver Spring Township Authority 5 Willow Mill Park Road Ste 3 Mechanicsburg, PA 17050	Silver Spring Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC220032 Renewal	PAG-02 General Permit	Issued	Brendon Zimmerman 2148 Deodate Road Elizabethtown, PA 17022	Conewago Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC220272	PAG-02 General Permit	Issued	Integrative Green Solutions, Inc. 356 Maiden Creek Road Fleetwood, PA 19522	Washington Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100

## NOTICES

7767

<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>
PAC220307	PAG-02 General Permit	Issued	Susquehanna Township 1900 Linglestown Road Harrisburg, PA 17110	Susquehanna Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC220148 A-1	PAG-02 General Permit	Issued	Jason T. Serrano 1050 Mountain View Road Harrisburg, PA 17110	Middle Paxton Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC310023	PAG-02 General Permit	Issued	Campground LLC 5985 West Whitehall Road Pennsylvania Furnace, PA 16865	Juniata Township Huntingdon County	Huntingdon County Conservation District 10605 Raystown Road Suite A Huntingdon, PA 16652-9603 814.627.1627
PAC670520	PAG-02 General Permit	Issued	Harold Deardorff P.O. Box 368 Lewisberry, PA 17339	Newberry Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC670480	PAG-02 General Permit	Issued	JLS Automation LLC 20 Innovation Drive York, PA 17402	Springettsbury Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC670506	PAG-02 General Permit	Issued	York College of Pennsylvania 441 Country Club Road York, PA 17403	Spring Garden Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC670499	PAG-02 General Permit	Issued	Ed Ommert & Allen Shipley P.O. Box 31 Spring Grove, PA 17362	North Codorus Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC670500	PAG-02 General Permit	Issued	Columbia Gas of Pennsylvania 1600 Colony Road York, PA 17408	Hanover Borough York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430



<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>
PAC670517	PAG-02 General Permit	Issued	Brookside LLC 1454 Baltimore Street Suite A Hanover, PA 17331	Penn Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAD240008	Individual NPDES	Issued	Charles J Merlo Inc 234 Merlo Road Mineral Point, PA 15942	Jones Township Elk County	NWRO
PAC320051	PAG-02 General Permit	Issued	Highridge Water Authority 17 Maple Avenue Blairsville, PA 15717	East Wheatfield Township Indiana County	Indiana County Conservation District 435 Hamill Road Indiana, PA 15701 724-471-4751
PAC680044	PAG-02 General Permit	Issued	Robindale Energy Services, Inc. 224 Grange Hall Road P.O. Box 228 Armagh, PA 15920	Vintondale Borough Cambria County	PA DEP BAMR Cambria Office 286 Industrial Park Road Ebensburg, PA 15931 814.472.1800

### 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>
Randy Weaver 3884 Smaltz Road Womelsdorf, PA 19567	Berks	181.7	913.44	Poultry, Layer	NA	Approved
Weiler Farms Partnership— Weiler Farm 1 350 East Mill Avenue Myerstown, PA 17067	Lebanon	126.7	605.75	Swine	NA	Approved
Weiler Farms Partnership— Weiler Farm 3 239 Ridge Road Jonestown, PA 17038	Lebanon	152.1	999.49	Swine	Trout Run—HQ	Approved

## PUBLIC WATER SUPPLY PERMITS

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

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

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

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

### SAFE DRINKING WATER

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

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

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

**Permit No. 3390065, Operation Permit**, Public Water Supply.

Applicant	<b>South Whitehall Township</b> 4444 Walbert Avenue Allentown, PA 18104
Municipality	South Whitehall Township
County	<b>Lehigh</b>
Type of Facility	Public Water Supply
Consulting Engineer	Darryl A. Jenkins, P.E. Spotts, Stevens and McCoy 1047 North Park Road P.O. Box 6307 Reading, PA 19610
Permit Issued	November 23, 2021

**Permit No. 2660603, Operations Permit**: Public Water Supply.

Applicant	<b>Scranton Hospital Company, LLC</b> <b>Regional Hospital of Scranton</b> 746 Jefferson Avenue Scranton, PA 18510
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Township	Tunkhannock Township
County	<b>Wyoming</b>
Type of Facility	PWS
Consulting Engineer	NA
Permit to Operate Issued	November 5, 2021

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

**Construction Permit No. 3621521**, Public Water Supply.

Applicant	<b>Robert Fulton Fire Company</b> P.O. Box 8 Peach Bottom, PA 17563
Municipality	Fulton Township
County	<b>Lancaster</b>
Consulting Engineer	Charles A. Kehew II, P.E. James R. Holley & Associates, Inc. 18 South George Street York, PA 17401
Permit Issued	November 15, 2021
Description	Install new nitrate treatment, acid neutralizer, and UV unit to replace the existing equipment.

**Construction Permit No. 0621522**, Public Water Supply.

Applicant	<b>M &amp; G Realty, Inc.</b> 2100 North George Street York, PA 17404
Municipality	Maxatawny Township
County	<b>Berks</b>
Consulting Engineer	Charles A. Kehew II, P.E. James R. Holley & Associates, Inc. 18 South George Street York, PA 17401
Permit Issued	November 22, 2021

Description	Permit for a proposed new convenience store and associated water system. The proposed water system will include a new well, cation exchange, reverse osmosis, 4-log chlorination with an online chlorine analyzer, storage, and pumping.
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**Operation Permit No. 0719501** issued to: **Borough of Tyrone (PWS ID No. 4070021)**, 1100 Logan Avenue, Tyrone, PA 16686, Tyrone Borough, **Blair County** on November 15, 2021 for facilities approved under Construction Permit No. 0719501. Operation of a new chlorine booster station and the replacement of existing watermains.

**Operation Permit No. 3621518** issued to: **Western Heights Water Authority (PWS ID No. 7360132)**, 517 North Railroad Avenue, New Holland, PA 17557, Earl Township, **Lancaster County** on November 17, 2021 for facilities approved under Construction Permit No. 3621518. Removal and discontinuation of the previously permitted nitrate treatment.

**Operation Permit No. 6721511 MA** issued to: **PA DCNR—Bureau of State Parks (PWS ID No. 7670801)**, RCSOB 8th Floor, 400 Market Street, Harrisburg, PA 17105, Warrington Township, **York County** on November 17, 2021 for facilities at Gifford Pinchot State Park approved under Construction Permit No. 6721511 MA.

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

**Permit No. 1921501MA, Major Amendment.** Public Water Supply.

Applicant	<b>Benton Municipal Water and Sewer Authority</b> P.O. Box 516 Benton, PA 17814
Borough	Benton Borough
County	<b>Columbia</b>
Type of Facility	Public Water Supply
Consulting Engineer	Robert Kerns, P.E. Entech Engineering, Inc. 201 Penn Street Suite 300 P.O.Box 32 Reading, PA 19603
Permit Issued	November 23, 2021

**Operations Permit** issued to: **Shamokin Dam Borough**, 42 West 8th Avenue, P.O. Box 273, Shamokin Dam, PA 17876, PWSID No. 4550022, Shamokin Dam Borough, **Snyder County** on November 24, 2021 for the operation of facilities approved under construction permit # 5521501MA. This permit authorizes operation of: (1) Automatic shut off valve on the outlet of the 1,000,000-gallon finished water reservoir. (2) Flow meter, chlorine analyzer, pH and temperature probes for monitoring entry point 100 (EP100) on the outlet of the 1,000,000-gallon finished water reservoir. (3) Flow meter, chlorine analyzer, pH and temperature probes for monitoring EP101 on the outlet of the 250,000-gallon elevated water storage tank.

Contact: *Edie M. Gair, P.G., (570) 327-3779.*

**Brookside Village Mobile Home Park (Public Water Supply)**, 107 Skyline Drive, Berwick, PA 18603-5369, North Centre Township, **Columbia County**. On November 19, 2021, the Safe Drinking Water Program approved the Source Water Protection (SWP) plan for the Brookside Village Mobile Home Park community water system. The personnel involved with the development of this SWP are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP plan was funded by the Department of Environmental Protection.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.5.**

*Southcentral Region: Clean Water Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Plan Location:*

Township	Township Address	County
Dublin Township	21347 Main Street Shade Gap, PA 17255	Huntingdon County

*Plan Description:*

Approval of a revision to the official plan of Dublin Township, Huntingdon County. The project is known as **Rosalie Moulton Property SFTF**. The plan provides for the installation of a small flow treatment facility with a discharge on the property into a drainage channel to Trout Run, to replace a failing on-lot sewage disposal system for a single-family dwelling on a 1.31-acres lot. The property is located at 23053 Tannery Road. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is B3-31914-136-3s and the APS Id is 1046718. Any permits must be obtained in the name of the property owner.

## 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.*

**Audi West Chester**, 1421 Wilmington Pike, West Chester, PA 19382, Chadds Ford Township, **Delaware County**. Michael Potts, Terraphase Engineering, Inc., 100 Canal Pointe Boulevard, Suite 108, Princeton, NJ 08540 on behalf of Michael Brairton, West Chester A, LLC, 1421 Wilmington Pike, West Chester, PA 19382 submitted a Final Report concerning remediation of site soil contaminated with heating oil constituents. The report is intended to document remediation of the site to meet the Statewide health standard.

**Ivy Pattison Property, LLC**, 200 Pattison Avenue, Philadelphia, PA 19148, City of Philadelphia, **Philadelphia County**. David Farrington, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Cynthia A. Rich, Ivy Pattison Property, LLC, 102 Chestnut Ridge Road, Suite 204, Montvale, NJ 07645 submitted a Remedial Investigation Report/Cleanup Plan/Final Report concerning remediation of site soil and groundwater contaminated with leaded gasoline. The report is intended to document remediation of the site to meet the site-specific standard.

**ICI Americas Inc. Site**, 310 Turner Lane, West Chester, PA 19380, West Chester Township, **Delaware County**. Daniel P. Sheehan, Arcadis, U.S., Inc., Suite 820, 824 East Market Street, Wilmington, DE, 19801 on behalf of Brett Whittleton, Akzo Nobel Inc., 535 Marriott Drive, Suite 500, Nashville, TN 37214 submitted a Risk Assessment Report/Final Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the site-specific standard.

**388 Smithbridge Road**, 388 Smithbridge Road, Glen Mills, PA 19342, Concord Township, **Delaware County**. Joseph Diamadi, Jr, PG, 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 Final Report concerning remediation of soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide health standard.

**HP Inc.—Avondale Groundwater Remediation Site**, 374 Starr Road, Landenberg, PA 19350, New Garden Township, **Chester County**. Thomas Donahue, CDM Smith Inc., 280 Granite Run Drive, Suite 160, Lancaster, PA 17601 on behalf of Christopher Dirscherl, HP Inc., 1501 Page Mill Road, Palo Alto, CA 94304 submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning remediation of site soil and groundwater contaminated with trichloroethylene, tetrachloroethylene, cis-1,2-dichloroethylene, acetone, 2-butanone, chloroform, ethylbenzene, methylene chloride, toluene, o-xylene, m & p-xylenes, 1,1-dichloroethylene, 1,1-dichloroethane, 1,2-dichloroethylene and 1,1,1-trichloroethane. The report is intended to document remediation of the site to meet the site-specific standard.

**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/Cleanup Plan/Final Report concerning remediation of site

soil contaminated with benzo(a)pyrene. The report is intended to document remediation of the site to meet the site-specific standard.

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

*Contact: Eric Supey, Environmental Program Manager.*

**900 13th Avenue**, 900 13th Avenue, Bethlehem, PA 18018, Bethlehem City, **Lehigh County**. American Analytical & Environmental, 738 Front Street, Catasauqua, PA 18032, on behalf of Edwards-Harter Realty Partnership, 900 13th Avenue, Bethlehem, PA 18018, submitted a Final Report concerning remediation of soil contaminated by heating oil from an underground storage tank. The report is intended to document remediation of the site to meet Statewide health standards.

**Former Wright's Knitwear**, 1727-1829 Union Boulevard, Allentown, PA 18109, Allentown City, **Lehigh County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Lehigh Valley Commercial Properties, LLC, 903 Chestnut Street, Emmaus, PA 18049, submitted a Baseline Environmental Report concerning remediation of groundwater contaminated with impacted by PCE and 1,1-Dichloroethylene. The report is intended to document remediation of the site to meet Special Industrial Area Standards.

**Synthetic Thread**, 825 12th Avenue, Bethlehem, PA 18018, Bethlehem City, **Lehigh County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Francesca Associates, LLC, 903 Chestnut Street, Emmaus, PA 18049, submitted a Final Report concerning remediation contaminated by a release of # 4 heating oil from an underground storage tank. The report is intended to document remediation of the site to meet Statewide health standards.

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

**BAE Systems Land Armaments L.P.**, 1100 Bairs Road, York, PA 17408, West Manchester Township, **York County**. Hydro-Terra Group, 7420 Derry Street, Harrisburg, PA 17111, on behalf of BAE Systems, 1100 Bairs Road, York, PA 17408, submitted Final Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents. The Final Report is intended to document remediation of the site to meet the residential Statewide health standard.

**Moser Farm Property**, 1320 Montgomery Avenue, Bechtelsville, PA 19505, Colebrookdale Township, **Berks County**. Liberty Environmental, Inc., 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of Hollenbach Swamp Creek Properties, LLC, submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Final Report is intended to document remediation of the site to meet the residential Statewide health standard.

**Former Structures Facility**, 471 North Reading Road, Ephrata, PA 17520, Ephrata Township, **Lancaster County**. August Mack Environmental, 941 Wheatland Avenue, Lancaster, PA 17603, on behalf of Charmaine Garman, 529 Stevens Road, Ephrata, PA 17522, submitted a Final Report concerning remediation of site groundwater contaminated with chlorinated solvents and Volatile Organic Compounds. The Final Report is intended to document remediation of the site to meet the site-specific standard.



**Miller Chemical & Fertilizer, LLC**, 120 Radio Road, Hanover, PA 17331, Conewago Township, **Adams County**. Ramboll US Consulting, Inc., 4350 North Fairfax Drive, Suite 300, Arlington, VA 22203, on behalf of Miller Chemical & Fertilizer, LLC, 120 Radio Road, Hanover, PA 17331, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site groundwater contaminated with fertilizer. The combined report is intended to document remediation of the site to meet the site-specific standard.

**1036 Manheim Pike**, Lancaster, PA 17603, Manheim Township, **Lancaster County**. Liberty Environmental, 315 West James Street, Suite 205, Lancaster, PA 17603, on behalf of MTS Group, LLC 120 North Pointe Boulevard, Suite 201, Lancaster, PA 17601, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil contaminated with heating oil from USTs. The combined Report is intended to document remediation of the site to meet the site-specific standard.

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

**Brundage Property Heating Oil Release**, 613 Kansa Avenue, Furnace, PA 16865, Ferguson Township, **Centre County**. Converse Consultants, 2738 W. College Avenue, State College, PA 16801 on behalf of Jean Brundage, 613 Kansa Avenue, Furnace, PA 16865 has submitted a Final Report concerning site soil contaminated with heating oil. The report is intended to document remediation of the site to meet the Statewide health standard.

**Former Harner Farm Property**, 2191 West Whitehall Road, State College, PA 16801, Ferguson Township, **Centre County**. ECS Mid-Atlantic, LLC, 52-6 Grumbacher Road, York, PA 17406, on behalf of Aspen Whitehall Partners, LLC and Aspen Route 26 Partners, LLC, 116 Union Avenue, Altoona, PA 16602, has submitted a Final Report concerning site soil contaminated with Arsenic. The report is intended to document remediation of the site to meet the site-specific standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

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

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-

specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

**3421 Aramingo Avenue**, 3421 Aramingo Avenue, Philadelphia, PA 19134, City of Philadelphia, **Philadelphia County**. Jason Hanna, Langan Engineering and Environmental Services, Inc., 1818 Market Street, Suite 330, Philadelphia, PA 19103 on behalf of Scott Montgomery, Map Real Estate, LLC, c/o Raider Hill Advisors, LLC, 25700 Science Park Drive, Suite 270, Beachwood, Ohio 44122 submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil contaminated with SVOCs and metals. The Report was approved by the Department on November 15, 2021.

**411 Swedeland Road Quarry 3**, 411 Swedeland Road, King of Prussia, PA 19406, Upper Merion Township/West Conshohocken Borough, **Montgomery County**. Mark Fortna Sr., Penn Environmental and Remediation, Inc., 400 Old Dublin Pike, Doylestown, PA 18901 on behalf of Kevin Kyle, Innovation 411 Fee Holder, LLC, 201 King of Prussia Road, Suite 501, Radnor, PA 19087 submitted a Final Report concerning the remediation of site soil contaminated with lead. The Final Report demonstrate attainment of the Statewide health standard and was approved by the Department on November 9, 2021.

**Farabella Property**, 2301 Computer Avenue, Willow Grove, PA 19090, Upper Moreland Township, **Montgomery County**. William D. Kraft III, PG, Ramboll, 101 Carnegie Center, Suite 200, Princeton, NJ 08540 on behalf of Ernest Farabella c/o Fisher Broyles, LLP, One Liberty Place, 1650 Market Street, 36th Floor, Philadelphia, PA 19103 submitted a Remedial Investigation Report concerning the remediation of site groundwater

contaminated with PCE and TCE. The Report was reviewed by the Department which issued a technical deficiency letter on November 10, 2021.

**Fieldstone/Ridings Spray Site**, Stable Court and Charter Club Drive, Buckingham, PA 18912, Buckingham Township, **Bucks County**. Geoff Kristof, PG, Aquaterra Technologies, Inc., 901 South Bolmar Street, Suite A, West Chester, PA 19382 on behalf of Stephen Clark, Buckingham Township, 4613 Hughesian Drive, P.O. Box 413, Buckingham, PA 18912 submitted a Final Report concerning the remediation of site soil contaminated with 1,2-dibromoethane. The Final Report demonstrate attainment of the Statewide health standard and was approved by the Department on November 15, 2021.

**West Swamp Mennonite Church**, 2501 Allentown Road, Quakertown, PA 18951, Quakertown Borough, **Bucks County**. Alex Arcega, ACV Environmental Services, Inc., 928 East Hazelwood Avenue, Rahway, NJ 07065 on behalf of Jeffery Rice (Trustee), West Swamp Mennonite Church, 2501 Allentown Road, Quakertown, PA 19014 submitted a Final Report concerning the remediation of site soil contaminated with benzene, toluene, ethylbenzene, isopropylbenzene, naphthalene, anthracene, benzo[a]anthracene, benzo[a]pyrene, benzo[b]anthracene, benzo[b]fluoranthene, benzo[g,h,i]perylene, chrysene, fluorene, indeno[1,2,3-cd]pyrene, phenanthrene, pyrene, ethylene glycol and lead in soil. The Final Report demonstrate attainment of the Statewide health standard and was approved by the Department on November 15, 2021.

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

*Contact: Eric Supey, Environmental Program Manager.*

**1011 RT 6**, 1011 Scranton-Carbondale Highway (Route 6), Dickson City, PA 18508, Dickson City Borough, **Lackawanna County**. Partner Engineering/PSG, 100 Deerfield Lane, Suite 200, Malvern, PA 19355, on behalf of Scranton Storage LLC, 55 Broadway, 10th Floor, New York, NY 10006, submitted a Final Report concerning remediation of soil contaminated by a release of heating oil from an underground storage tank. The Final Report demonstrated attainment of Statewide health standards and was approved by DEP on November 24, 2021.

**Former RSM Properties**, 248 Wyoming Avenue, Scranton, PA 18503, Scranton City, **Lackawanna County**. AMO Environmental Decisions, 875 North Easton Road, Suite 10, Doylestown, PA 18902, on behalf of the City of Scranton, 340 North Washington Avenue, Scranton, PA 18503, submitted a final report concerning remediation of PCE and TCE in groundwater and PCE, TCE, arsenic, lead, vanadium, and several PAHs in soil. The Final Report demonstrated attainment of site-specific standards and was approved by DEP on November 29, 2021.

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

**Auto One Site**, 1282 Manheim Pike, Lancaster, PA 17601, Manheim Township, **Lancaster County**. BL Companies, 2601 Market Place, Harrisburg, PA 17110, on behalf of 1282 Manheim Pike LLC, 950 Smile Way, York, PA 17404, submitted a Final Report concerning remediation of site groundwater contaminated with VOCs, TCE

and PCE. The Final Report demonstrated attainment of the Background Standard and was approved by the Department on November 9, 2021.

**Former Tyco Property**, 759 Hamilton Street, Carlisle, PA 17013, Carlisle Borough, **Cumberland County**. Hull & Associates, LLC, P.O. Box 260, New Brighton, PA 15066, on behalf of Real Estate Collaborative, LLC, 53 West South Street, Suite 1, Carlisle, PA 17013 submitted a Remedial Investigation, Cleanup Plan and Final Report concerning remediation of site soil with historical contamination from VOCs and ASTs. The Final Report demonstrated attainment of the site-specific standard and was approved by the Department on November 17, 2021.

**Frampton Residence**, 699 Piper Hollow Road, Portage, PA 15946, Greenfield Township, **Blair County**. Mountain Research, 825 25th Street, Altoona, PA 16601, on behalf of Roy and Theresa Frampton, 699 Piper Hollow Road, Portage, PA 15946, submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the residential Statewide health standard and was approved by the Department on November 2021.

**Cornwall Pump Station**, 370 Horseshoe Pike, Lebanon, PA 17402, West Cornwall Township, **Lebanon County**. Aquaterra Technologies, Inc., P.O. Box 744, West Chester, PA 19381, on behalf of Evergreen Resources Management Group, LLC, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with unleaded and leaded gasoline, fuel oil and kerosene. The Report was approved by the Department on November 23, 2021.

**The Steel Works, LLC**, 102, 106, 116-118, 120, 140, 154, 180, 202, 216, 220, and 230, North Front Street, Harrisburg, PA 17112, Borough of Steelton, **Dauphin County**. BL Companies, 2601 Market Place, Harrisburg, PA 17110, on behalf of Steel Works, LLC, 430 North Front Street, Wormleysburg, PA 17043, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil contaminated with historic use of metals, formaldehyde and SVOCs. The combined Report was disapproved by the Department on November 18, 2021.

**Frog Switch and Manufacturing Company, Inc.**, 600 East High Street, Carlisle, PA 17013, Carlisle Borough, **Cumberland County**. Rettew Associates, Inc., 3020 Columbia Avenue, Lancaster, PA 17603, on behalf of Frog Switch and Manufacturing Company, Inc., 600 East High Street, Carlisle, PA 17013, submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the residential Statewide health standard and was approved by the Department on November 23, 2021.

**Stumpf Field Property**, 1350 Fruitville Pike, Lancaster, PA 17601, Manheim Township, **Lancaster County**. Liberty Environmental, Inc., 505 Penn Street, Reading, PA 19601, on behalf of MAC Land Company, LLC, 1350 Fruitville Pike, Lancaster, PA 17601, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil contaminated with waste disposal and historical fuel storage. The combined Report was disapproved by the Department on November 23, 2021.



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

**Brundage Property Heating Oil Release**, 613 Kansa Avenue, Furnace, PA 16865, Ferguson Township, **Centre County**. Converse Consultants, 2738 W. College Avenue, State College, PA 16801 on behalf of Jean Brundage, 613 Kansa Avenue, Furnace, PA 16865 has submitted a Final Report concerning site soil contaminated with heating oil. The report demonstrated attainment of the Statewide health standard and was approved by the Department on November 29, 2021.

**Vancore, Inc. Project**, Interstate 80 at MM 178.6W, Mill Hall, PA 17751, Lamar Township, **Clinton County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of Vancore, Inc., 430 Glendale Road, Glenview, IL 30025, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report demonstrated attainment of the Statewide health standard and was approved by the Department on November 10, 2021.

**Transcontinental Gas Pipe Line Co., LLC, Hydraulic Release Site**, Transco Right of Way located in Spraul State Forest, Renovo, PA 17764, Leidy Township, **Clinton County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Transcontinental Gas Pipe Line Company, LLC, 2000 Commerce Drive, Pittsburgh, PA 15275, has submitted a Final Report concerning remediation of site soil contaminated with hydraulic oil. The report demonstrated attainment of the Statewide health standard and was approved by the Department on November 29, 2021.

**COP Tract 551 B**, 5804 Bodine Mountain Road, McIntyre Township, PA 17771, McIntyre Township, **Lycoming County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of EQT ARO, LLC, 33 West Third Street, Williamsport, PA 17701, has submitted a Final Report concerning remediation of site soils contaminated with synthetic oil-based mud (SOBM). The demonstrated attainment of the Statewide health standard and was approved by the Department on November 15, 2021.

**W.L. Myers & Son, LLC, Used Motor Oil Release**, 197 Bald Top Road, Danville, PA 17821, Mahoning Township, **Montour County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of W.L. Myers & Son, LLC, 197 Bald Top Road, Danville, PA 17821, has submitted a Final Report concerning remediation of site soil contaminated with used motor oil. The report demonstrated attainment of the Statewide health standard and was approved by the Department on November 29, 2021.

**Highland & York Property Heating Oil Release Cleanup**, 240 North Third Street, Lewisburg, PA 17837, Lewisburg Borough, **Union County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of Highland & York, LLC, 660 Sixth Street, Northumberland, PA 17857, has submitted a Final Report concerning site soil contaminated with heating oil. The report did not demonstrate attainment of the Statewide health standard and was disapproved on November 15, 2021.

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

**Standard Bent Glass**, 136 Lincoln Avenue, East Butler, PA 16029, East Butler Township, **Butler County**. Tetra Tech, Inc., 661 Andersen Drive, Suite 200, Pitts-

burgh, PA 15220 on behalf of SBG Holdings, Inc., 295A Delwood Road, Butler, PA 16001 has submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of site soil contaminated with Antimony, Arsenic, Lead, Hexachloroethane, Trichloroethene and Manganese; site groundwater contaminated with Arsenic, Cobalt, Manganese, Thallium, Vanadium, 1,1,2-Trichloroethane, 1,1-Dichloroethene, 1,2,4-Trimethylbenzene, Benzene, cis 1,2-Dichloroethene, Trichloroethene, and Vinyl Chloride. The Remedial Investigation Report/Cleanup Plan was approved by the Department on November 30, 2021.

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

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

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

**General Permit No. WMGR066-NE002. LTC Trucking Corp.**, 2 Main Street, Port Carbon, PA 17965, Port Carbon Borough, **Schuylkill County**. A permit renewal for continued coverage under General Permit WMGR066 for the processing (collection, bulking, storage, and incidental oil/water separation) of waste oil, virgin fuel oil tank bottoms, spent antifreeze and waste oil/water mixtures prior to beneficial use. The permit renewal was approved by the Regional Office on November 23, 2021.

Persons interested in reviewing the general permit may contact Roger Bellas, Environmental Program Manager, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984.

#### 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.**

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

**Permit No. 101597 Pecks Septic Service, LLC**, 68 Pine School Road, Gardners, PA 17324, South Middleton Township, **Cumberland County**. The Municipal Waste Processing permit No. 101597 for the Pecks Septic Service was renewed on November 18, 2021, and is extended until November 25, 2031.

**Permit No. 101705 Chesapeake Waste Solutions, LLC**, 190 Shellyland Road, Manheim, PA 17545, Rapho Township, **Lancaster County**. A major permit modification for the Chesapeake Waste Solutions, LLC Municipal Waste Transfer Facility was issued on November 22, 2021 for site expansion and increase in daily processing/transfer volume from 120 tons per day to 180 tons per day.

## 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.*

**GP9-46-0115: Lockheed Martin Corp.**, 230 Mall Blvd, P.O. Box 61511, King of Prussia, PA 19406-0911, on November 24, 2021 for the operation of a new 3058 hp diesel engine with CO catalyst to power an emergency generator at Building D in Upper Merion Township, **Montgomery County**.

**GP1-23-0164: Children's Hospital of Philadelphia, Service & Logistics Center**, 6400 Market Street, Millbourne, PA 19082. On November 24, 2021 for the installation and operation of two 14.92 MMBtu/hr dual fired (natural gas and No. 2 Fuel Oil) boilers at their location in Millbourne Borough, **Delaware 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.*

**GP1-54-005: Papetti's Hygrade Egg Products, Inc.**, 68 Spain Road, Klingerstown, PA 17941, issued on November 12, 2021, for the operation of two natural gas-fired boilers at the facility located in Upper Mahantongo Township, **Schuylkill County**.

**AG5-58-00005C: UGI Energy Services**, 835 Knitting Mills Way, Wyomissing, PA 19610, on November 22, 2021 issued the general Operating Permit GP5 for the construction & operation of Natural Gas Compression plant at the facility located in Auburn Township, **Susquehanna 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.*

**GP3-06-03054C: Martin Stone Quarries, Inc.**, 1355 North Reading Avenue, Bechtelsville, PA 19505, on November 24, 2021, for portable nonmetallic mineral processing equipment under GP3 at the Bechtelsville Quarry, in Colebrookdale Township, **Berks County**.

**GP9-06-03054C: Martin Stone Quarries, Inc.**, 1355 North Reading Avenue, Bechtelsville, PA 19505, on November 24, 2021, for 2 nonroad engines under GP9, to power portable nonmetallic mineral processing equipment at the Bechtelsville Quarry, in Colebrookdale Township, **Berks County**.

**GP14-22-03105: Companions at Peace, Inc.**, 311 Deaven Road, Harrisburg, PA 17111, on November 24, 2021, for the operation of an animal crematory unit, under GP14, at the facility located in Swatara Township, **Dauphin County**.

**GP3-36-05101C: Highway Materials, Inc.**, 409 Stenton Avenue, Flourtown, PA 19031, on November 5,

2021, for portable nonmetallic mineral processing equipment to be re-located to the Lititz Asphalt Plant in Warwick Township, **Lancaster County**.

**GP9-36-05101C: Highway Materials, Inc.**, 409 Stenton Avenue, Flourtown, PA 19031, on November 5, 2021, for one diesel fuel-fired internal combustion engine to be re-located to the Lititz Asphalt Plant in Warwick Township, **Lancaster County**.

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

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

**GP3-41-734A: Jack L. McClintock**, 15222 Route 220 Highway, Muncy Valley, PA 17758, on November 24, 2021, received authorization to construct and operate one (1) 250 ton per hour, Pioneer model 26x49 crusher, one (1) 250 ton per hour, TESAB model 1012T crusher, one (1) 125 ton per hour, Extec model 5000S vibratory screener, one (1) 250 ton per hour McCloskey model R155 vibratory screen, one (1) 250 ton per hour McCloskey model S190 vibratory screen, and one (1) 500 ton per hour McCloskey model ST-80 stacker conveyor pursuant to the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3)) at their McClintock Quarry located in Penn Township, **Lycoming County**.

**GP9-41-734A: Jack L. McClintock**, 15222 Route 220 Highway, Muncy Valley, PA 17758, on November 24, 2021, received authorization to construct and operate one (1) 250 brake horsepower (bhp) diesel-fired, Cummins model 46218424 engine, one (1) 440 bhp diesel-fired, Caterpillar model C13 engine, two (2) 129 bhp diesel-fired Caterpillar model C4.4 engines, one (1) 100 bhp diesel-fired Deutz model TCD2012L04 2V engine and a 49 bhp diesel-fired Kubota engine pursuant to the General Plan Approval and/or General Operating Permit for Diesel or No. 2 fuel-fired Internal Combustion Engines (BAQ-GPA/GP-9) at their McClintock Quarry located in Penn Township, **Lycoming County**.

**Plan Approvals Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

*Contact: James Beach, New Source Review Chief, (484) 250-5920.*

**46-0262F: Penn Color, Inc.**, 2801 Richmond Road, Hatfield, PA 19440. On November 19, 2021, for the installation of a new C6 continuous line (Source ID 213) and reroute existing equipment to a new or refurbished dust collector (Control Device C213) operating as part of Color Concentrate Manufacturing in the Dry Building 1 (Source ID 100) at the manufacturing plant located in Hatfield 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.*

**48-00067A: New Enterprise Stone & Lime Co.**, 3912 Brumbaugh Road, New Enterprise, PA 16664-0077,



was issued on November 23, 2021, for the replacement of three conveyors at their facility located in Lower Nazareth Township, **Northampton County**.

**40-00145B: UTZ Quality Foods, LLC**, (200 Stewart Road, Wilkes-Barre, PA 18706, issued on November 30, 2021 for installation of two additional Kibble Lines 7 and 8 at their facility located in Hanover Township, **Luzerne County**.

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

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

**36-03121F: Intellicor, LLC**, 3575 Hempland Road, Lancaster, PA 17601. On November 3, 2021, for the operation of an existing heatset web lithographic printing press with a natural gas dryer in West Hempfield Township, **Lancaster County**. The dryers are rated at 2.2 mmBtu/hr and the press is controlled by a regenerative thermal oxidizer (RTO).

**44-05001E: Standard Steel, LLC**, 500 N. Walnut Street, Burnham, PA 17009, on November 24, 2021, for the steel mill located in Burnham Borough, **Mifflin County**. Plan Approval No. 44-05001E will authorize construction of a new radial forging machine, a new rotary reheat furnace (designated Source 205A) and supporting ancillary equipment (e.g., roller conveyors, transfer robot, ingot saws, etc.), including a robotic torch cutter for the forged axle ends. The existing radial forger and walking beam reheat furnace [Source 204] will remain operational while the new equipment is brought on-line during the shake down period and will remain in place as a backup to the proposed new equipment.

**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.*

**09-0210B: Waste Management PA, Inc.**, 1000 New Ford Mill Road, Morrisville, PA 19067-3704. Extension of Plan Approval for the operation and shakedown of three (3), 6,000 SCFM ultra low emission flares to combust the landfill gas collected from GROWS, GROWS North, and Fairless Landfills in Falls Township, **Bucks County**.

**46-0221C: Upper Moreland—Hatboro Joint Sewer Authority**, 2875 Terwood Road, Willow Grove, PA 19090. On November 19, 2021 for a modification of Plan Approval 46-0221C to use Source ID No. 700 for demand response for the entire year while maintaining the current operating hours of 1220 hours located in Upper Moreland Township, **Montgomery County**.

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

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

**50-05001A: Texas Eastern Transmission/Shermans Dale**, 425 Texas Eastern Road, Shermans Dale, PA

17090. On November 5, 2021, for the construction of two (2) new natural gas-fired simple cycle turbines at the Shermans Dale Compressor Station located in Carroll Township, **Perry County**. These new turbines will replace two (2) GE turbines. The turbines will be built with SoLoNO<sub>x</sub> dry low NO<sub>x</sub> (DLN) technology for the control of NO<sub>x</sub> and equipped with oxidation catalysts for the control of CO, VOCs and organic hazardous air pollutants (HAPS). The facility is also replacing the current 440 bhp emergency generator (Source ID 033) with a Waukesha VGF48GL 1,175 bhp emergency, natural gas, emergency generator. The project will also include the installation of two (2) fuel gas heaters, each rated at 1.47 MMBtu/hr heat input, and five (5) 33-gallon separator vessels used to collect pipeline liquids. The plan approval was extended.

**06-05158A: Allan Myers, L.P.**, 638 Lancaster Avenue, Malvern, PA 19355. On November 24, 2021, for an asphalt plant on Leesport Avenue in Ontelaunee Township, **Berks County**. The plan approval was extended.

**06-03186A: Pregis EverTec**, 9024 Old Route 22, Bethel, PA 19507. On November 23, 2021, for the new mailer production facility in Bethel Township, **Berks County**. The plan approval was extended.

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

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

**14-00002S: Graymont (PA), Inc.**, 375 Graymont Rd., Bellefonte, PA 16823, was issued an extension dated November 23, 2021, to allow for continued usage of natural gas for operation of the rotary lime kilns No. 6 and 7 at their Pleasant Gap plant in Spring Township, **Centre County**, pending issuance of an Operating Permit for the modified sources. The extension was approved and is valid for 180 days.

**47-00014D: United States Gypsum Company**, 86 PPL Road, Danville, PA 17821, was issued a plan approval extension dated November 22, 2021, to permit continued operation of the board kiln dryer (Source ID P114) at their gypsum board manufacturing plant in Derry Township, **Montour County**, pending issuance of an Operating Permit. The plan approval has been extended for an additional 180 days.

**18-00009G: Clinton County Solid Waste Authority**, P.O. Box 209, McElhattan, PA 17748, on November 26, 2021, was issued a plan approval extension dated November 26, 2021, to allow continued temporary operation of the landfill gas enclosed flare at their Wayne Township Landfill located in Wayne Township, **Clinton County**. The plan approval has been extended 180 days until May 26, 2022.

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

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

**26-00588B: Laurel Mountain Midstream Operating, LLC**, 2000 Commerce Dr., Park Place Center 2, Pittsburgh, PA 15275-1026. Extension effective November 28, 2021, to extend the period of installation and continued temporary operation of three (3) compressor engines, two (2) gas-fired turbines, one (1) emergency generator, two (2) dehydrators, two (2) reboilers, one (1) glycol processing unit, and five (5) produced water storage tanks

authorized under plan approval PA-26-00588B, until May 28, 2022, at Shamrock Compressor Station located in German Township, **Fayette County**.

**30-00072H: Consol Pennsylvania Coal Company, LLC**, 1000 Consol Energy Dr., Ste. 100, Canonsburg, PA 15317, plan approval extension effective on November 28, 2021, with expiration on May 28, 2022, to extend the period of temporary operation for sources and controls associated with the Bailey Prep Plant expansion located in Richhill Township, **Greene County**.

**30-00072I: Consol Pennsylvania Coal Company, LLC**, 1000 Consol Energy Dr., Ste. 100, Canonsburg, PA 15317, plan approval extension effective on November 28, 2021, with expiration on May 28, 2022, to extend the period of temporary operation for sources and controls associated with the Enlow Fork Overland Conveyor located in Richhill Township, Greene County and East Finley Township, **Washington County**.

**30-00089D: Eastern Gas Transmission and Storage, Inc.**, 5000 Dominion Blvd., 2NW, Glen Allen, VA 23060-3308, for Extension effective November 28, 2021, to extend the period of construction and temporary operation of two natural gas-fired compressor turbines controlled by an oxidation catalyst, microturbine generators, boiler, one produced fluids storage tank, 2,500 gallon capacity; one lube oil tank, 1,000 gallon capacity; and piping components in natural gas service authorized under PA-30-00089D, until May 28, 2022, at the Crayne Compressor Station located in Franklin Township, **Greene County**.

**63-00936F: MarkWest Liberty Midstream & Resources, LLC**, 1515 Arapahoe St., Tower 1, Ste. 1600, Denver, CO 80202. On November 22, 2021, to extend the period of temporary operation of the Houston Gas Plant located in Chartiers Township, **Washington County**. The new expiration date is May 28, 2022.

**PA-63-01031: TMS International, LLC**, 1155 Business Center Dr., Ste. 200, Horsham, PA 19044-3422. Plan Approval Extension issuance date effective November 22, 2021, to facilitate the shake-down of sources and air cleaning devices and for processing of the State Only Operating permit application for their facility located at 42 84 Drive, Eighty-Four, PA 15330 in South Strabane Township, **Washington County**.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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

*Contact: Norman Frederick, Facility Permitting Chief—Telephone: 570-826-2409.*

**39-00078: Gateway Industrial Services/Allentown**, 805 Harrison St., Allentown, PA 18103. The Department issued, on November 12, 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.

**39-00074: Sumitomo (SHI) Cryogenics of America, Inc./Allentown**, 1833 Vultee St., Allentown, PA 18103. The Department issued, on November 18, 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.

**35-00076: Jennings Calvey Funeral & Cremation Services, Inc.**, 111 Colburn Ave., Clarks Summit, PA 18411. The Department issued, on November 18, 2021, a State-Only Operating Permit for operation of sources at their facility located in Clarks Summit Borough, **Lackawanna 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.

**40-00103: Harman Funeral Home & Crematory, Inc.**, P.O. Box 429, Drums, PA 18222. The Department issued, on November 23, 2021, a State-Only Operating Permit for operation of sources at their facility located in Butler 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.

**40-00028: Dupont Terminals—DE, LLC, Dupont Terminals**, P.O. Box 2621, Harrisburg, PA 17105-2621. On November 18, 2021, the Department issued a renewal State-Only (Synthetic) Minor Operating Permit for the Petroleum Bulk Stations and Terminals facility in Pittston Township, **Luzerne County**. The sources consist of gasoline and distillate storage tanks, one (1) Truck Loading Rack, and an emergency generator. The control devices consist of two (2) Vapor Recovery Units (VRU's). 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 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.

**40-00029: Dupont Terminals—DE, Dupont East Terminal/Pittston**, P.O. Box 2621, Harrisburg, PA 17105-2621. On November 18, 2021, the Department issued a renewal State-Only (Synthetic) Minor Operating Permit for the Petroleum Bulk Stations and Terminals facility in Pittston Township, **Luzerne County**. The sources consist of gasoline and distillate storage tanks and one (1) Truck Loading Rack. The control device consists of one (1) Vapor Recovery Unit (VRU). 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 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.

**39-00029: Gulf Oil LTD/Fullerton Terminal**, 900 S Eisenhower Blvd., Middletown, PA 17057-5503. On November 18, 2021, the Department issued a renewal State-Only (Synthetic) Minor Operating Permit for the



Petroleum Bulk Stations and Terminals facility in Whitehall Township, **Lehigh County**. The sources consist of gasoline and distillate storage tanks and one (1) Truck Loading Rack. The control devices consist of a Vapor Recovery Unit (VRU). 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 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.*

**36-05065: Champion Home Builders, Inc.**, 99 Horse-shoe Road, Leola, PA 17540-1763, on November 2, 2021, for the modular home manufacturing facility located in Upper Leacock Township, **Lancaster County**. The State-Only permit renewed.

**36-03098: Steel Fab Enterprises, LLC**, 625 Baumgardner Road, Lancaster, PA 17603-9649. On November 2, 2021, for the structural steel manufacturing facility located in Pequea Township, **Lancaster County**. The State-Only permit was renewed.

**36-05153: Pierson Rheems, LLC**, 5 Heisey Quarry Road, Elizabethtown, PA 17022-9760. On November 18, 2021, for the stone quarry operations located in West Donegal Township, **Lancaster County**. The State-Only permit was renewed.

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.*

**25-00911: Northwestern PA Humane Society**, 2407 Zimmerly Road, Erie, PA 16506-4905. On November 23, 2021, the Department issued the renewal State Only Natural Minor Operating Permit for operation of the crematory incinerator located in Millcreek Township, **Erie County**. The facility's primary emission source consists of the incinerator. The potential emissions of the primary pollutants from the facility are as follows: 1.310 TPY (tons per year) NO<sub>x</sub>, 2.181 TPY CO, 0.482 TPY VOC, 0.167 TPY PM<sub>10</sub> and PM<sub>2.5</sub>, and 0.367 TPY SO<sub>x</sub>; thus, the facility is a natural minor. The crematory is subject to Plan Approval 25-911A which includes opacity and emission restrictions. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

*Contact: Janine Tulloch-Reid, New Source Review Chief—Telephone: 484-250-5920.*

**15-00136: Merit Medical**, 65 Great Valley Parkway, Malvern, PA 19355. On November 22, 2021 for the

manufacturing facility located in Malvern Borough, **Ches-ter County**. The Operating Permit was revoked because of the permanent shutdown of the facility, including Source ID 100 Preparation and Cleaning Operations.

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

*Contact: Norman Frederick, Facility Permitting Chief—Telephone: 570-826-2409.*

**45-00031: Ardent Mills, LLC**, 258 Harvest Lane, Pocono Summit, PA 18344. On November 23, 2021, in Pocono Township, **Monroe County** for an amendment to incorporate process modification. The conditions from Plan Approvals 45-00031C and 45-00031D were copied into the State Only Operating Permit. Administrative Amendment of State Only Operating Permit issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450.

**48-00022: Ardent Mills, LLC**, 4888 S Delaware Dr, Martins Creek, PA 18063. On November 23, 2021, in Lower Mount Bethel Township, **Northampton County** for an amendment to incorporate process modification. The conditions from Plan Approval 48-00022AA were copied into the State Only Operating Permit. Administrative Amendment of State Only Operating Permit issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450.

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

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

**59-00008: Tennessee Gas Pipeline Company, LLC**, 1001 Louisiana St., Ste. 1000, Houston, TX 77002-5089, was issued an administrative amendment to correct the values associated with the BAT emission restrictions for NO<sub>x</sub>, CO, and VOC, as applicable to their gas turbines (Source ID P101A and P101B) at Station 315 (Wellsboro) in Charleston Township, **Tioga County**. All applicable regulatory requirements including testing, monitoring, recordkeeping, reporting and work practice conditions to verify compliance are included within State Only Permit 59-00008.

## 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. 56100107 and NPDES No. PA0263117. Fieg Brothers**, P.O. Box 38, Berlin, PA 15530, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 192.2 acres. Receiving streams: unnamed tributaries to/and Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: May 11, 2021. Permit issued: November 23, 2021.

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

**Permit No. 03970110 and NPDES Permit No. PA0202134. Mears Enterprises, Inc.**, 2770 Tanoma Road, Clymer, PA 15728. Surface mine permit and NPDES permit renewed for continued water treatment for postmining discharges, located in Valley Township, **Armstrong County**, affecting 27.4 acres. Receiving streams: unnamed tributaries to Cowanshannock Creek to Cowanshannock Creek to the Allegheny River. Application received: July 6, 2020. Renewed permits issued: November 18, 2021.

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

**Permit No. 19860101. Jac-Mar Coal Co. t/a L & E Coal**, P.O. Box 353, Cresco, PA 18326, renewal of an existing anthracite surface mine operation in Conyngham Township, **Columbia County**, affecting 190.0 acres. Receiving stream: Big Mine Run. Application received: July 26, 2021. Renewal issued: November 19, 2021.

**Permit No. 19860101. Jac-Mar Coal Co. t/a L & E Coal**, P.O. Box 353, Cresco, PA 18326, correction to update the post-mining land use from forestland to unmanaged natural habitat of an existing anthracite surface mine operation in Conyngham Township, **Columbia County**, affecting 190.0 acres. Receiving stream: Big Mine Run. Application received: July 26, 2021. Renewal issued: November 19, 2021.

**Permit No. 13060101. Lehigh Anthracite, LP**, 1233 East Broad Street, Tamaqua, PA 18252, renewal of an existing anthracite surface mine operation in Nesquehoning Borough, **Carbon County**, affecting 189.1 acres. Receiving stream: Nesquehoning Creek. Application received: August 24, 2021. Renewal issued: November 19, 2021.

**Permit No. 40663029. Northampton Fuel Supply Co., Inc.**, 1 Horwith Drive, Northampton, PA 19067, renewal of an anthracite surface mine and coal refuse reprocessing operation in Foster and Hazle Townships and Jeddo Borough, **Luzerne County**, affecting 595.6 acres. Receiving stream: Big Black Creek. Application received: March 3, 2021. Renewal issued: November 29, 2021.

**Permit No. PAM111045R2. Northampton Fuel Supply Co., Inc.**, 1 Horwith Drive, Northampton, PA 19067, renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Surface Mining Permit No. 40663027 in Foster and Hazle Townships and Jeddo Borough,

**Luzerne County**, receiving stream: Big Black Creek. Application received: March 3, 2021. Renewal issued: November 29, 2021.

**Permit No. GP12-4066302. Northampton Fuel Supply Co., Inc.**, 1 Horwith Drive, Northampton, PA 19067, renewal of general Operating Permit to operate a coal preparation plant on Surface Mining Permit No. 40663029 in Foster and Hazle Townships and Jeddo Borough, **Luzerne County**. Application received: March 3, 2021. Permit renewed: November 29, 2021.

**Permit No. 22851304. S & M Coal Company**, 1744 East Grand Avenue, Tower City, PA 17980, renewal of an anthracite underground mine operation for reclamation activities only in Wiconisco Township, **Dauphin County**, affecting 4.98 acres. Receiving stream: Wiconisco Creek. Application received: August 11, 2021. Renewal issued: November 29, 2021.

*Noncoal Permits Issued*

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

**NPDES Permit No. PA0241938 (Mining Permit No. 10010309). Annandale Sandstone**, 219 Goff Station Road, Boyer, PA 16020, Renewal of NPDES permit in Venango Township, **Butler County**. Receiving stream(s): Seaton Creek and an unnamed tributary to Seaton Creek. Application received: August 27, 2021. Permit Issued: November 17, 2021.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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**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.**

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*Blasting Permits Issued*

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

**Permit No. 26214101. Wampum Hardware Company**, 636 Paden Road, New Galilee, PA 16141-2018. Blasting activity permit for the construction/demolition of the Anderson Ex Lake Lynn commercial development, located in Springhill Township, **Fayette County**, with an expiration date of December 31, 2022. Blasting permit issued: November 17, 2021.

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

**Permit No. 36214149. J Roy's, Inc.**, P.O. Box 125, Bowmansville, PA 17507, construction blasting at 530 Long Rifle Road in West Lampeter Township, **Lancaster County**, with an expiration date of November 22, 2022. Permit issued: November 23, 2021.

**Permit No. 67214121. Maine Drilling & Blasting, Inc.**, P.O. Box 1140, Gardiner, ME 04345, construction blasting for Project Matsuyama in Jackson Township, **York County**, with an expiration date of November 15, 2022. Permit issued: November 24, 2021.

**Permit No. 06214117. Keystone Blasting Service**, 15 Hopeland Road, Lititz, PA 17543, construction blasting for Mountain Meadows in Tulpehocken Township, **Berks**



**County**, with an expiration date of November 15, 2022. Permit issued: November 29, 2021.

**Permit No. 36214147. Keystone Blasting Service**, 15 Hopeland Road, Lititz, PA 17543, construction blasting for White Horse Machine in Salisbury Township, **Lancaster County**, with an expiration date of December 31, 2021. Permit issued: November 29, 2021.

**Permit No. 46214116. Rock Work, Inc.**, 1257 DeKalb Pike, Blue Bell, PA 19422, construction blasting for Peter Becker Assisted Living in Franconia Township, **Montgomery County**, with an expiration date of Permit issued: November 29, 2021.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), and that the construction will not violate applicable Federal and State Water Quality Standards.

Any person aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30-days. You do not need a lawyer to file an appeal with the Board.

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

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

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

**E4002221-005 Scott and Paula Crispell**, 2028 Lakeside Drive, Harveys Lake, PA 18618, Harveys Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To remove an existing structure and to construct and maintain a 2,485 sq. ft. pile-supported structure consisting of a dock, boathouse, and boat slip within the normal pool elevation of Harveys Lake (HQ-CWF). The project is located at Pole # 182 along Lakeside Drive (S.R. 415) (Harveys Lake, PA Quadrangle, Latitude: 41° 22' 25"; Longitude: -76° 2' 41") in Harveys Lake Borough, Luzerne County.

### ENVIRONMENTAL ASSESSMENTS

*Central Office: Waterways Engineering & Wetlands, Rachel Carson State Office Building, 400 Market Street, 2nd Floor, Harrisburg, PA 17101, 717-787-3411.*

**D48-168 EA. Brian Cope, Superintendent, Northampton County, Parks and Recreation**, 151 Country Club Road, Easton, PA 18045, Bethlehem Township and Bethlehem City, **Northampton County**, ACOE Philadelphia District.

The Division of Wetlands, Encroachments, and Training has approved the restoration plan to remove a series of eight concrete and stone structures, including five small dams, in the Archibald Johnson Conservation Area, to eliminate a threat to public safety and to restore approximately 300 feet of stream channel to a free-flowing condition. The proposed restoration project includes the removal of a concrete bridge, a stone wall, and remnants of a breached dam. A small grade control rock riffle will also be constructed. The project is located across Monocacy Creek (HQ-CWF, MF) (Nazareth, PA Quadrangle, Latitude: 40.6740; Longitude: -75.3545). The project was approved on November 22, 2021.

**EA0615221-001. Berks County Conservation District**, 1238 County Welfare Road, Suite 200, Leesport, PA 19533, Lower Heidelberg Township, **Berks County**, ACOE Philadelphia District.

The Division of Wetlands, Encroachment, and Training has approved the restoration plan to remove legacy sediment from the floodway along Little Cacoosing Creek (WWF) for the purpose of restoring natural aquatic resources, including restoration of approximately 17 acres of integrated wetland, stream, and floodplain areas; to realign approximately 2,840 linear feet of Little Cacoosing Creek and 620 linear feet of an unnamed tributary to Little Cacoosing Creek for the purpose of restoring watercourses; to place streambank stabilization soil lifts, log sills and other aquatic habitat structures within the restoration area; to construct rock construction entrances, temporary stream crossings, cofferdams, and other erosion controls during restoration activities. The restoration project is located between Gaul Road and Green Valley Road, Sinking Spring, PA 19608 (USGS Quadrangle: Sinking Spring, PA: Latitude: 40.33429°; Longitude: -76.04195°). Approved on November 10, 2021.



**EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control permits have been issued.

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

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

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

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

ESCGP-3 # ESG295921007-00  
Applicant Name PA Gen Energy Co, LLC  
Contact Person Nathan Harris  
Address 120 Market Street  
City, State, Zip Warren PA 16365  
County Tioga  
Township(s) Union  
Receiving Stream(s) and Classification(s) Carpenter Run (EV), Salt Spring Run (EV)  
Secondary: Tioga River (CWF-MF), Roaring Branch (EV)

ESCGP-3 # ESG290821066-00  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 14 Chesapeake Lane  
City, State, Zip Sayre PA 18840  
County Bradford  
Township(s) Albany  
Receiving Stream(s) and Classification(s) French Creek (CWF)  
Secondary: South Branch Towanda Creek (CWF)

ESCGP-3 # ESG290821054-00  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 14 Chesapeake Lane  
City, State, Zip Sayre PA 18840  
County Bradford  
Township(s) North Towanda  
Receiving Stream(s) and Classification(s) Sugar Creek (WWF, MF), Hemlock Run (WWF, MF), UNT to Sugar Creek (WWF, MF)  
Secondary: Susquehanna River (WWF, MF)

**CORRECTIVE ACTION UNDER ACT 32, 1989****PREAMBLE 2**

**The following plans and reports were submitted under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning plans or reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Regional Office: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5960.*

*Contact: Richard Staron, Professional Geologist Manager.*

**Sunoco 0363 1793**, 23-30744, 753 Kedron Ave., Morton, PA 19070, Ridley Township, **Delaware County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Evergreen Resources Management Operations, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, 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 nonresidential Statewide health standards.

**Chestnut Hill Mobil**, 51-43700, 8019 Germantown Ave., Philadelphia, PA 19118, City of Philadelphia, **Philadelphia County**. Synergy Environmental Inc., 155 Railroad Plaza, First Floor, Royersford, PA 19468, on behalf of CrossAmerica Partners, 645 W. Hamilton St, Suite 400, Allentown, PA 18101, submitted a Remedial Action Plan concerning remediation of soil contaminated with diesel fuel. 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.*

**Palmer Elementary School**, Storage Tank ID # 48-16846, 3050 Green Pond Road, Easton, PA 18045, Palmer Township, **Northampton County**. Colliers Engineering & Design, 941 Marcon Boulevard, Suite 801, Allentown, PA 18109, on behalf of Easton Area School District, 1801 Bushkill Drive, Easton, PA 18040, submitted a Remedial Action Completion Report concerning remediation of soil contaminated with heating oil. 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: Greg Bowman, Environmental Group Manager.*

**J&DS, Inc.**, Storage Tank Primary Facility ID # 44-24036, 74 East Tony Street, Reedsville, PA 17084, Brown Township, **Mifflin County**. McKee Environmental, Inc., 86 Quartz Drive, Bellefonte, PA 16823, on behalf of Mr. Don Linn, J&DS Inc., 35 School Bus Lane, Lewistown, PA 17044, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The report is intended to document remediation of the site to meet the Statewide health standards.

## 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.*

**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 demonstrated attainment of residential Statewide health standards and was approved by the Department on November 22, 2021.

**Amoco Sta Phila Ridge Ave**, 51-29715, 1840 Ridge Ave., Philadelphia, PA 19121, **City of Philadelphia**. Parsons, 3606 Park 42 Drive, Box 13, Sharonville, OH 45241, on behalf of BP Remediation Management Services, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report demonstrated attainment of residential Statewide health and site-specific standards and was approved by the DEP on November 22, 2021.

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

*Contact: Eric Supey, Environmental Program Manager.*

**Pereira Enterprises**, Storage Tank ID # 13-50082, 117 Delaware Avenue, Palmerton, PA 18071, Palmerton Borough, **Carbon County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Pereira Enterprises Inc., 117 Delaware Avenue, Palmerton, PA 18071, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The report was acceptable to meet a combination of Site-Specific and Statewide health standards and was approved by DEP on November 24, 2021.

*Southcentral Regional Office: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.*

*Contact: Cynthia Stine, Licensed Professional Geologist.*

**Everett Mobil Station**, Storage Tank Primary Facility ID # 05-27609, 13133 Lincoln Highway, Everett, PA 15537-5917, West Providence Township, **Bedford County**. Keystone Environmental Health and Safety Services, Inc., 1111 12th Avenue, Altoona, PA 16601, on behalf of Mr. Dirk Barkman, Barkman Oil Company, Inc., P.O. Box 175, Woodbury, PA 16695, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The Remedial Action Completion Report demonstrated attainment of a combination of Statewide health standards and site-specific standards and was approved by DEP on November 18, 2021.

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**SPECIAL NOTICES**


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**WATER PROGRAMS****EROSION AND SEDIMENT CONTROL**

The following parties have applied for Erosion and Sediment Control Renewal Permits for earth disturbance associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities.

Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department proposes to issue a renewal permit to discharge, subject to certain limitations in the renewal permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices which restrict the rate and quantity of sediment discharged.

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**Applications received under sections 5 and 402 of The Clean Streams Law (35 P.S. §§ 691.5 and 691.402).**


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*Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101, Email: RA-EPREGIONAL PERMIT@pa.gov.*

**ESG0100015001.** The Department of Environmental Protection (Department) provides notice of receipt of a renewal application for a Chapter 102, Erosion and Sediment Control Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities. The renewal application is currently under review for Pennsylvania Pipeline Project (Mariner East II). The project proposes to renew approximately 7.5 miles of right-of-way or 92 acres of earth disturbance of which 38 acres are in **Chester County**, and 54 acres are in **Delaware County**.

This authorization is required for earth disturbance activities associated with oil and gas exploration, production, processing or treatment operations or transmission facilities when earth disturbance is five acres or greater. Review of this application is being coordinated among the Department and the associated county conservation districts.

The application under review is as follows:

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Counties</i>	<i>DEP Office</i>
ESG0100015001	Sunoco Pipeline L.P. 535 Fritztown Road Sinking Spring, PA 19608	Chester County Delaware County	Regional Permit Coordination Office

**ESG0300015002.** The Department of Environmental Protection (Department) provides notice of receipt of a renewal application for a Chapter 102, Erosion and Sediment Control Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities. The renewal application is currently under review for Pennsylvania Pipeline Project (Mariner East II). The project proposes to renew approximately 34.9 miles of right-of-way or 429.85 acres of earth disturbance of which 38 acres in **Blair County**, 108 acres in **Huntingdon County**, 25 acres in **Juniata County**, 78 acres in **Perry County**, 74 acres in **Cumberland County**, 13 acres in **York County**, 22 acres in **Dauphin County**, 12 acres in **Lebanon County**, 1.85 acres in **Lancaster County** and 58 acres in **Berks County**.

This authorization is required for earth disturbance activities associated with oil and gas exploration, production, processing or treatment operations or transmission facilities when earth disturbance is five acres or greater. Review of this application is being coordinated among the Department and the associated county conservation districts.

The application under review is as follows:

<i>Permit No.</i>	<i>Applicant Name &amp; Address:</i>	<i>Counties</i>	<i>DEP Office</i>
ESG0300015002	Sunoco Pipeline L.P. 535 Fritztown Road Sinking Spring, PA 19608	Blair County Huntingdon County Juniata County Perry County Cumberland County York County Dauphin County Lebanon County Lancaster County Berks County	Regional Permit Coordination Office

**ESG0500015001.** The Department of Environmental Protection (Department) provides notice of receipt of a renewal application for a Chapter 102, Erosion and Sediment Control Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities. The renewal application is currently under review for Pennsylvania Pipeline Project (Mariner East II). The project proposes to renew approximately 13.66 miles of right-of-way or 164.1 acres of earth disturbance of which 2.7 acres are in **Washington County**, 37.4 acres are in **Westmoreland County**, 40 acres are in **Indiana County**, and 84 acres are in **Cambria County**.

This authorization is required for earth disturbance activities associated with oil and gas exploration, production, processing or treatment operations or transmission facilities when earth disturbance is five acres or greater. Review of this application is being coordinated among the Department and the associated county conservation districts.



The application under review is as follows:

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Counties</i>	<i>DEP Office</i>
ESG0500015001	Sunoco Pipeline L.P. 535 Fritztown Road Sinking Spring, PA 19608	Washington County Westmoreland County Indiana County Cambria County	Regional Permit Coordination Office

### PUBLIC COMMENTS FOR EROSION AND SEDIMENT CONTROL

A person wishing to comment on a proposed permit are invited to submit a statement to the appropriate Department office listed before the renewal application within 45 days of this public notice. Comments reviewed within this 45-day period will be considered in the formulation of the final determinations regarding this renewal 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 Department's Regional Permit Coordination Office during the 45-day public comment period.

More information regarding the renewal permit applications related to this proposed project may be available online ([dep.pa.gov/pipelines](http://dep.pa.gov/pipelines)) or in the Department's Regional Permit Coordination Office. The Department's Regional Permit Coordination Office can be contacted at 717-772-5987 or [RA-EPREGIONALPERMIT@pa.gov](mailto:RA-EPREGIONALPERMIT@pa.gov).

Comments on the renewal applications can be emailed or sent via postal mail to the Department of Environmental Protection, Regional Permit Coordination Office, Rachel Carson Building, 400 Market Street, 10th Floor, Harrisburg, PA 17101, [RA-EPREGIONALPERMIT@pa.gov](mailto:RA-EPREGIONALPERMIT@pa.gov).

Persons with a disability that require an auxiliary aid, service or other accommodation to participate during the 45-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. 21-2069. Filed for public inspection December 10, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Availability of Technical Guidance

Technical guidance documents (TGD) are available on the Department of Environmental Protection's (Department) web site at [www.depgreenport.state.pa.us/elibrary/](http://www.depgreenport.state.pa.us/elibrary/). The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final TGDs are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft TGDs.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download TGDs. When this option is not available, persons can order a paper copy of any of the Department's draft or final TGDs by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to TGDs*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should contact the person whose name and phone number are listed with each document.

#### *Final TGD: New Guidance*

**DEP ID:** 563-2112-613. **Title:** Remining of Areas with Pre-existing Pollutational Discharges. **Description:** This

guidance reflects the current Subchapter F/G regulations that were published on October 22, 2016. The purpose of this guidance is to identify and explain conditions that must be met to qualify for and obtain a Subchapter F/G permit authorization (remining of areas of pre-existing pollutational discharges) and the obligations of a mine operator under that permit. This guidance addresses procedures to be followed to modify these permit types and the standards to be met to qualify for bond release. In response to public comment, the title has been changed from the published draft. Additional clarifications were added to the background information to explain the term "remining."

**Contact:** Questions regarding this TGD can be directed to Sharon Hill at [shill@pa.gov](mailto:shill@pa.gov) or (717) 787-6842.

**Effective Date:** December 11, 2021

#### *Rescission of Technical Guidance*

**DEP ID:** 563-2112-610. **Title:** Determining Eligibility of Pre-existing Pollutational Discharges under Subchapter F or G Permits. **Description:** This guidance is no longer applicable. Information regarding eligibility for coverage under Subchapters F or G of the coal surface mining regulations ("remining"), has been consolidated and updated in a new guidance: 563-2112-613 Remining of Areas with Pre-existing Pollutational Discharges.

**Contact:** Questions regarding this TGD can be directed to Sharon Hill at [shill@pa.gov](mailto:shill@pa.gov) or (717) 787-6842.

**Effective Date:** December 11, 2021

PATRICK McDONNELL,  
Secretary

[Pa.B. Doc. No. 21-2070. Filed for public inspection December 10, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Bid Opportunity

**AMD 32(2722)102.1 (DGS 193-38), Abandoned Mine Reclamation Project, Blacklick Creek Treatment Facility (Wehrum), Blacklick Township, Cambria County, and Buffington and East Wheatfield Townships, Indiana County.** The principal items of work and approximate quantities include:

Mobilization and demobilization, 1 lump sum
Implementation of the erosion and sediment pollution control plan: phase 1 erosion and sediment controls, 1 lump sum
Implementation of the erosion and sediment pollution control plan: remaining project areas, 1 lump sum
Implementation of the erosion and sediment pollution control plan: removal of erosion and sediment controls, 1 lump sum
Implementation of the erosion and sediment pollution control plan: maintenance of erosion and sediment controls, 24 per month
Clearing and grubbing 1 lump sum
Access roads and parking: construction of gravel access roads, 32,500 square feet
Access roads and parking: access road maintenance stone, 500 tons
Access roads and parking: removal of gravel access roads, 1 lump sum
Access roads and parking: construction of bituminous treatment facility access
Roads, turn-arounds and parking areas, 1 lump sum
Removal and disposal of solid waste, 20 tons
Site grading, excavating, dewatering and backfilling: excavation and backfill, 27,000 cubic yards
Site grading, excavating, dewatering and backfilling: hard rock removal, 2,000 cubic yards
Site grading, excavating, dewatering and backfilling: toe keys and subsurface drains, 1,500 linear feet
Site grading, excavating, dewatering and backfilling: soil liner, 3,700 cubic yards
Potable water supply, 1 lump sum
Sanitary sewerage, 1 lump sum
Post construction stormwater management: retentive grading, 1 lump sum
Post construction stormwater management: rain garden best management practice (BMP), 1 lump sum
Post construction stormwater management: infiltration basin BMP, 1 lump sum
Post construction stormwater management: stormwater conveyance, 1 lump sum
Restoration, seeding and soil supplements: seed bed preparation, 24.3 acres
Restoration, seeding and soil supplements: agricultural limestone, 145.8 tons
Restoration, seeding and soil supplements: commercial fertilizer, 24,300 pounds
Restoration, seeding and soil supplements: seed, 1,500 pounds
Restoration, seeding and soil supplements: mulching, 24.3 acres
Restoration, seeding and soil supplements: aggregate, 1,525 tons
Chain link fences and gates, 1 lump sum
Aggregate pad area preparation, 1 lump sum
Diversion and care of water, 1 lump sum
Stream crossing: temporary stream crossing, 7 each
Stream crossing: permanent stream crossing, 4 each
Drilling boreholes: drilling to competent bedrock sized to accommodate 8 inches in diameter
Casing, 140 linear feet
Drilling boreholes: drilling borehole sized to accommodate 16 inches in diameter casing, 437 linear feet
Drilling boreholes: drilling borehole sized to accommodate 20 inches in diameter steel
Surface casing, 254 linear feet
Drilling boreholes: drilling borehole sized to accommodate 24 inches in diameter steel surface casing, 70 linear feet
Drilling boreholes: drilling borehole sized to accommodate 10 inches HDPE or PVC, 733 linear feet
Drilling boreholes: drilling borehole sized to accommodate 4 inches PVC riser, 305 linear feet
Drilling boreholes: downhole camera survey, 4 each



Furnishing and installing casing pipe: 8 inches in diameter steel surface casing pipe, 140 linear feet
Furnishing and installing casing pipe: 16 inches in diameter stainless steel, schedule 20 casing pipe, 437 linear feet
Furnishing and installing casing pipe: 20 inches in diameter stainless steel, schedule 20 casing pipe, 254 linear feet
Furnishing and installing casing pipe: 24 inches in diameter steel surface casing pipe, 70 linear feet
Furnishing and installing casing pipe: 10 inches in diameter PVC pipe, 733 linear feet
Furnishing and installing casing pipe: 4 inches in diameter PVC pipe, 305 linear feet
Sealing of boreholes, 6 each
Abandonment of shafts and slope entry: cement, 550 tons
Abandonment of shafts and slope entry: flyash, 4,050 dry tons
Abandonment of shafts and slope entry: sand, 700 tons
Abandonment of shafts and slope entry: aggregate (stone), 850 tons
Abandonment of shafts and slope entry: coarse aggregate, 200 tons
Abandonment of shafts and slope entry: rock fill, 600 tons
Abandonment of shafts and slope entry: drilling, 750 linear feet
Abandonment of shafts and slope entry: casing, 750 linear feet
Abandonment of shafts and slope entry: reinforced concrete caps, 2 each
Abandonment of shafts and slope entry: 7-day compressive strength, 9 each
Abandonment of shafts and slope entry: 28-day compressive strength, 9 each
Abandonment of shafts and slope entry: synthetic precipitation leaching procedure, 3 each
Commercial no. 16 mine water collection and conveyance system, 1 lump sum
Cast-in-place concrete: vinton extraction wells # 1 and # 2 buildings foundations, floor slabs, stairs, loading docks and roof access ladder landing pads, 1 lump sum
Cast-in-place concrete: wehrum extraction wells # 1 and # 2 buildings foundations, floor slabs and roof access ladder landing pads, 1 lump sum
Cast-in-place concrete: reaction tanks (T-800 and T-900) foundation, 1 lump sum
Cast-in-place concrete: reaction tanks (T-800 and T-900) walls, 1 lump sum
Cast-in-place concrete: maelstrom oxidizers (T-600 and T-700) platform column foundations, piers and stair landing pad, 1 lump sum
Cast-in-place concrete: control building column foundations and grade wall footings, 1 lump sum
Cast-in-place concrete: control building column piers and grade wall, 1 lump sum
Cast-in-place concrete: control building floor slab, sump, trenches and containment curbs, 1 lump sum
Cast-in-place concrete: garage building column foundations and grade wall footings, 1 lump sum
Cast-in-place concrete: garage building column piers and grade walls, 1 lump sum
Cast-in-place concrete: garage building floor slab and hose bib pad, 1 lump sum
Cast-in-place concrete: blowers pad, 1 lump sum
Cast-in-place concrete: blending tank (T-402) foundation and hydrated lime silo (S-1601) foundation, 1 lump sum
Cast-in-place concrete: clarifier (T-1000) foundation and sludge sump, 1 lump sum
Cast-in-place concrete: clarifier (T-1000) wall and effluent trough, 1 lump sum
Cast-in-place concrete: clarifier (T-1100) foundation and sludge sump, 1 lump sum
Cast-in-place concrete: clarifier (T-1100) wall and effluent trough, 1 lump sum
Cast-in-place concrete: clarifier's access platform column foundations, piers and stair landing pad, 1 lump sum
Cast-in-place concrete: valve access platform column foundations, piers and stair landing pad, 1 lump sum
Cast-in-place concrete: cutthroat flume walls and concrete fill between walls and metal flume, 1 lump sum
Cast-in-place concrete: off-spec pond pump vault foundation and walls, 1 lump sum
Cast-in-place concrete: polishing pond pump vault foundation and walls, 1 lump sum
Cast-in-place concrete: generator pad, utility water storage tank (T-1900) foundation, Xfer switch and AC condensers pad and pipe support pad by utility water storage tank, 1 lump sum
Cast-in-place concrete: pump pads (for pumps P-1401, P-1402, P-2101, P-2102, P-1501 and P-1502), pad for service water pumps (P-1900A and P-1900B) and bladder tank (P-902) pad. Located in the control building, 1 lump sum
Cast-in-place concrete: trough support column foundations, 1 lump sum

Cast-in-place concrete: light pole foundations, 22 each
Pre-cast concrete: install and finish pre-cast hollow core roof for vinton extraction well # 1 building, 1 lump sum
Pre-cast concrete: install and finish pre-cast hollow core roof for vinton extraction well # 2 building, 1 lump sum
Pre-cast concrete: install and finish pre-cast hollow core roof for wehrum extraction well # 1 building, 1 lump sum
Pre-cast concrete: install and finish pre-cast hollow core roof for wehrum extraction well # 2 building, 1 lump sum
Unit masonry, 1 lump sum
Structural steel: vinton extraction well # 1 and vinton extraction well # 2 buildings' roof framing, handrail posts, rails and toeplates at roof and handrail posts, permanent rails, removable rails and toe plates at dock area, 1 lump sum
Structural steel: wehrum extraction well # 1 and wehrum extraction well # 2 buildings' roof framing, handrail posts, rails and toe plates at roof, 1 lump sum
Structural steel: blend tank platform framing, grating handrail posts, rails and toe plates and stairs, 1 lump sum
Structural steel: reaction tanks (T-800 and T-900) platform framing, grating, handrail posts, rails and toe plates and stairs, 1 lump sum
Structural steel: maestrom oxidizers (T-600 and T-700) support framing, platform framing walkways framing, grating, handrail posts, rails and toe plates and stairs 1 lump sum
Structural steel: off-spec pond pumps (P-1202A and P-1202B) vault platform support framing, grating, handrail posts, rails and toe plates, 1 lump sum
Structural steel: polishing pond pumps (P-1201A and P-1201B) vault platform support framing, grating, handrail posts, rails and toe plates, 1 lump sum
Structural steel: clarifiers' access platform framing, grating, handrail posts rails and toe plates and stairs, 1 lump sum
Structural steel: valve access platform framing, grating, handrail posts, rails and toe plates and stairs, 1 lump sum
Structural steel: pipe supports located inside control building and near service water storage tank, 1 lump sum
Structural steel: light stanchions and supports located throughout the facility, 1 lump sum
Structural steel: trough supports, 1 lump sum
Metal fabrication: ladders, vinton extraction well # 1 building, 1 lump sum
Metal fabrication: ladders, vinton extraction well # 2 building, 1 lump sum
Metal fabrication: ladders, wehrum extraction well # 1 building, 1 lump sum
Metal fabrication: ladders, wehrum extraction well # 2 building, 1 lump sum
Metal fabrication: baffles, reaction tank T-800, 1 lump sum
Metal fabrication: baffles, reaction tank T-900, 1 lump sum
Metal fabrication: half-pipe baffles, reaction tank T-800, 1 lump sum
Metal fabrication: half-pipe baffles, reaction tank T-900, 1 lump sum
Metal fabrication: elevated flumes F-800 from maelstrom oxidizer T-600 to reaction tank T-800 and F-900 from maelstrom oxidizer T-700 to reaction tank T-900, 1 lump sum
Metal fabrication: elevated flume F-801 from reaction tank T-800 to clarifier T-1000, 1 lump sum
Metal fabrication: elevated flume F-901 from reaction tank T-900 to clarifier T-1100, 1 lump sum
Metal fabrication: pipe bollards, 10 each
Mine water extraction pumps and appurtenances: vinton extraction well, 2 each
Mine water extraction pumps and appurtenances: wehrum extraction well, 2 each
Masonry pump buildings: vinton extraction well # 1 building, 1 lump sum
Masonry pump buildings: vinton extraction well # 2 building, 1 lump sum
Masonry pump buildings: wehrum extraction well # 1 building, 1 lump sum
Masonry pump buildings: wehrum extraction well # 2 building, 1 lump sum
Mine water pipe, valves and appurtenances: mine water pipe, 20" HDPE gravity and pressure pipe, 4,420 linear feet
Mine water pipe, valves and appurtenances: mine water pipe, 12" HDPE pressure pipe, 210 linear feet
Mine water pipe, valves and appurtenances: mine water pipe, 8" HDPE pressure pipe, 415 linear feet
Mine water pipe, valves and appurtenances: mine water pipe, 20" SS pressure pipe, 32 linear feet
Mine water pipe, valves and appurtenances: mine water pipe, 10" SS pressure pipe, 12 linear feet
Mine water pipe, valves and appurtenances: mine water pipe, 8" SS pressure pipe, 130 linear feet
Mine water pipe, valves and appurtenances: mine water pipe, 4" SS pressure pipe, 12 linear feet

Mine water pipe, valves and appurtenances: mine water pipe, 1" and 1/2" SS pressure pipe at pressure gages, drains, and the like, 20 linear feet
Mine water pipe, valves and appurtenances: air/vacuum release valve assembly complete, 5 each
Mine water pipe, valves and appurtenances: cleanout assemblies, 11 each
Mine water pipe, valves and appurtenances: HDPE/steel pipe waterline testing, 1 lump sum
Process pipe, valves and appurtenances: process water pipe, 3" pipe and under, all materials, 3,330 linear feet
Process pipe, valves and appurtenances: process water pipe, 4" CS pipe, 500 linear feet
Process pipe, valves and appurtenances: process water pipe, 6" CS pipe, 870 linear feet
Process pipe, valves and appurtenances: process water pipe, 4" HDPE pipe, 1,800 linear feet
Process pipe, valves and appurtenances: process water pipe, 6" HDPE pipe, 930 linear feet
Process pipe, valves and appurtenances: process water pipe, 8" HDPE pipe, 27,530 linear feet
Process pipe, valves and appurtenances: process water pipe, 10" HDPE pipe, 570 linear feet
Process pipe, valves and appurtenances: process water pipe, 16" HDPE pipe, 30 linear feet
Process pipe, valves and appurtenances: process water pipe, 20" HDPE pipe, 600 linear feet
Process pipe, valves and appurtenances: process water pipe, 24" HDPE pipe, 200 linear feet
Process pipe, valves and appurtenances: air/vacuum release valve assembly—complete, 1 each
Process pipe, valves and appurtenances: cleanout assemblies, 12 each
Process pipe, valves and appurtenances: HDPE/steel pipe waterline testing, 1 lump sum
Service water system, 1 lump sum
Blending tank and appurtenances, 1 lump sum
Decarbonation tanks and appurtenances, 1 lump sum
Reaction tanks and appurtenances, 1 lump sum
Flocculating clarifiers, 1 lump sum
Relocation and upgrade of the lancashire hydrated lime system, 1 lump sum
Lancashire repair—breezeway closure, 1 lump sum
Dry polymer mix and feed system, 1 lump sum
Sludge disposal and sludge recycle pumps: sludge disposal pumps, 4 each
Sludge disposal and sludge recycle pumps: sludge recycle pumps, 3 each
Miscellaneous pumps: off-spec pond pumps, 2 each
Miscellaneous pumps: treatment building sumps, 2 each
Noise control, 1 lump sum
Replacement wetland: off-site topsoil, 150 tons
Replacement wetland: spent mushroom substrate, 580 cubic yards
Replacement wetland: mulching materials, 0.36 acre
Replacement wetland: wetland seed mix, 8 pounds
Polishing pond and constructed wetland: polishing pond, 1 lump sum
Polishing pond and constructed wetland: constructed wetland, 1 lump sum
Rough carpentry, 1 lump sum
Interior architectural woodwork, 1 lump sum
Building insulation, 1 lump sum
Flashing and sheet metal, 1 lump sum
Joint sealers, 1 lump sum
FRP doors and aluminum frames, 1 lump sum
Overhead coiling doors, 1 lump sum
Door hardware, 1 lump sum
Metal building systems, 1 lump sum
HVAC equipment and ducting, 1 lump sum
Plumbing, 1 lump sum
Painting and coating, 1 lump sum

Specialty signs, 1 lump sum
Fire extinguishers and accessories, 1 lump sum
Toilet accessories, 1 lump sum
Metal lockers, 1 lump sum
Instrumentation, 1 lump sum
SCADA system: PLC panel, 1 lump sum
SCADA system: remaining items, 1 lump sum
Electrical power and lighting: generator, 1 lump sum
Electrical power and lighting: automatic transfer switch, 1 lump sum
Electrical power and lighting: motor control center, 1 lump sum
Electrical power and lighting: VFDs, 1 lump sum
Electrical power and lighting: power distribution transformers, 1 lump sum
Electrical power and lighting: three phase panel boards, 1 lump sum
Electrical power and lighting: remaining items, 1 lump sum
Electrical power and lighting: service fees to Penelec, 1 invoice
Security system and intrusion detection: cameras, 4 each
Security system and intrusion detection: installation of security system and intrusion detection, 1 lump sum
Commissioning, demonstration and operator training: start-up/wet commissioning, 1 lump sum
Commissioning, demonstration and operator training: contractor operational period, 1 lump sum
Commissioning, demonstration and operator training: onsite training services, 1 lump sum
Office facility, 1 lump sum

This bid issued on November 5, 2021, and bids will be opened on January 13, 2022, at 2 p.m. A mandatory prebid conference is scheduled for December 15, 2021, at 10 a.m. Representatives from the Department of Environmental Protection (Department) will meet the contractors at the Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office, 1st Floor, Room 1A and 1B, 286 Industrial Park Road, Ebensburg, PA 15931. Failure to attend the prebid conference will be cause for rejection of the bid. 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 of Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or RA-ConstructionContr@pa.gov for more information on this bid.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-2071. Filed for public inspection December 10, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Draft Stream Evaluation Report; Available for Public Comment

Under 25 Pa. Code § 93.4d (relating to processing of petitions, evaluations and assessments to change a designated use), the Department of Environmental Protection (Department) gives notice that the Draft Stream Evaluation Report for streams classified by the Fish and Boat Commission as Class A Wild Trout Waters is available for public comment on the Department's web site for a 30-day comment period. The draft report includes redesignation recommendations for the following streams.

<i>Stream Name</i>	<i>County</i>	<i>Tributary to</i>
Martins Creek	Northampton	Delaware River
UNT 3382 to Saucon Creek	Lehigh	Saucon Creek
Mill Creek	Carbon	Aquashicola Creek
UNT 3886 to Lizard Creek (river mile (RM) 11.35)	Schuylkill	Lizard Creek
UNT 3891 to Lizard Creek (RM 13.64)	Schuylkill	Lizard Creek
Pohopoco Creek	Carbon	Lehigh River
UNT 4022 to Pohopoco Creek (RM 22.92)	Monroe	Pohopoco Creek



<i>Stream Name</i>	<i>County</i>	<i>Tributary to</i>
Sugar Hollow Creek	Monroe	Pohopoco Creek
Long Run	Carbon	Lehigh River
Mauch Chunk Creek	Carbon	Lehigh River
UNT 3336 to Lehigh Canal (RM 2.18) "Morgan Valley Run"	Northampton	Lehigh Canal
UNT 3338 to Lehigh River (RM 3.45)	Northampton	Lehigh River
Spring Creek	Berks	Tulpehocken Creek
Bear Creek	Schuylkill	Schuylkill River
UNT 31137 to Cowanesque River "Teed Hollow"	Potter	Cowanesque River
Bellman Run	Tioga	Johnson Creek
Obendoffers Creek	Luzerne	North Branch Susquehanna River
Lick Run	Columbia	Roaring Creek
Big Wapwallopen Creek	Luzerne	Susquehanna River
Mill Creek	Luzerne	North Branch Susquehanna River
Laurel Run	Luzerne	Mill Creek
Bender Run	Lycoming	West Branch Susquehanna River
English Run	Lycoming	Little Pine Creek
Chatham Run	Clinton	West Branch Susquehanna River
McElhattan Creek	Clinton	West Branch Susquehanna River
Fishing Creek	Clinton	Bald Eagle Creek
UNT 22622 to Sugar Camp Run "Slide Hollow Run"	Centre	Sugar Camp Run
Little Sandy Run	Centre	North Fork Beech Creek
Nanny Run	Cameron	Bennett Branch Sinnemahoning Creek
Barrs Run	Cameron	Bennett Branch Sinnemahoning Creek
Johnson Run	Elk	Bennett Branch Sinnemahoning Creek
Jimmy Run	Elk	Bennett Branch Sinnemahoning Creek
Silver Mill Hollow Run	Elk	Bennett Branch Sinnemahoning Creek
Mill Run	Clearfield	Bennett Branch Sinnemahoning Creek
UNT 24922 to Wilson Run "Erick Hollow"	Clearfield	Wilson Run
UNT 24933 to Mountain Run (RM 1.15)	Clearfield	Mountain Run
Mountain Lick Creek	Clearfield, Elk	Mountain Run
Grapevine Run	Clearfield, Elk	Mountain Run
Moravian Run	Clearfield	West Branch Susquehanna River
Dale Run	Clearfield	Moravian Run
UNT 26459 to Clearfield Creek	Cambria	Clearfield Creek
Fallentimber Run	Cambria	Clearfield Creek
Bradley Run	Cambria	Clearfield Creek
UNT 26658 to Anderson Creek "Roaring Run"	Clearfield	Anderson Creek
Poplar Run	Clearfield	Bell Run
UNT 26747 to Bell Run (RM 4.62)	Clearfield	Bell Run

<i>Stream Name</i>	<i>County</i>	<i>Tributary to</i>
UNT 26752 to Bell Run (RM 7.6)	Clearfield	Bell Run
UNT 26765 to Curry Run (RM 4.78)	Clearfield	Curry Run
UNT 26876 to Chest Creek	Cambria	Chest Creek
UNT 27036 to Bear Run (RM 2.92)	Clearfield, Indiana	Bear Run
Cush Creek	Indiana	West Branch Susquehanna River
Sawmill Run	Clearfield	West Branch Susquehanna River
Beaver Run	Clearfield	West Branch Susquehanna River
UNT 63795 to Gap Run (RM 1.39)	Centre	Gap Run
Smoke Hole Run	Dauphin	South Fork Powell Creek
Penns Creek	Centre	Susquehanna River
UNT 17824 to UNT to Middle Creek (RM 15.05)	Snyder	UNT to Middle Creek
UNT 17902 to North Branch Middle Creek "Schrader Gap Run"	Snyder	North Branch Middle Creek
Moyers Mill Run	Snyder	North Branch Middle Creek
Boal Gap Run	Centre	Sinking Creek
Kishacoquillas Creek	Mifflin	Juniata River
UNT 15970 to Bells Gap Run (RM 5.63)	Blair, Cambria	Bells Gap Run
Homer Gap Run	Blair	Little Juniata River
Boiling Spring Run	Blair	Beaverdam Creek
Orson Run	York	Muddy Creek
Perry Furnace Run	Perry	Sherman Creek
Allegheny River	Potter	Ohio River
UNT 57518 to Knapp Creek (RM 5.32)	McKean	Knapp Creek
UNT 57521 to Knapp Creek (RM 6.06)	McKean	Knapp Creek
UNT 57546 to Tram Hollow Run (RM 0.76)	McKean	Tram Hollow Run
UNT 57672 to North Branch Cole Creek "Brooder Hollow"	McKean	North Branch Cole Creek
UNT 57675 to North Branch Cole Creek "Bakers Hollow"	McKean	North Branch Cole Creek
Marvin Creek	McKean	Potato Creek
UNT 58144 to Lillibridge Creek "Campbell Hollow"	McKean	Lillibridge Creek
UNT 58191 to Allegheny Portage Creek "Cady Hollow"	McKean	Allegheny Portage Creek
Sartwell Creek	McKean, Potter	Allegheny River
Fisk Hollow Run	Potter	Fishing Creek
UNT 57377 to Allegheny River "Elm Flat Run"	Potter	Allegheny River
UNT 58395 to Allegheny River "Pump Station Hollow"	Potter	Allegheny River
UNT 58402 to Allegheny River "Earl Hollow"	Potter	Allegheny River
UNT 64376 to Marvin Creek (RM 9.58)	McKean	Marvin Creek
UNT 51240 to Allegheny River (RM 107.57)	Venango	Allegheny River
Snyder Run	Venango	Allegheny River
UNT 53682 to South Branch French Creek (RM 6.34)	Erie	South Branch French Creek
Husband Run	Venango	Oil Creek
UNT 54224 to Pine Creek (RM 1.09)	Crawford	Pine Creek
UNT 55192 to Tionesta Creek (RM 25.85)	Forest	Tionesta Creek
Painter Run	Elk	Clarion River

<i>Stream Name</i>	<i>County</i>	<i>Tributary to</i>
UNT 50461 to Elk Creek (RM 1.81)	Elk	Elk Creek
Little Sicily Run	McKean	Sicily Run
Big Run	Jefferson	Mahoning Creek
UNT 48660 to Sandy Lick Creek (RM 14.57)	Jefferson	Sandy Lick Creek
Elk Creek Park Run	Erie	Elk Creek
UNT 59767 to West Branch Conococheague Creek (RM 52.35)	Franklin	West Branch Conococheague Creek

The draft report is available for review on the Department's eComment web site at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment).

The Department has asked all relevant local jurisdictions to make a copy of this notification available to any and all interested citizens, including those who own real property in the relevant municipalities and to any other parties the municipalities believe may be interested in these evaluations and draft reports.

Interested persons may submit written comments on this draft report through Monday, January 10, 2022. Comments, including comments submitted by e-mail, must include the commentator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov). Written comments can be mailed to the Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Comments received on the draft report during the public comment period will be reviewed and considered in the Department's evaluation. For further information, contact Mark Brickner, Water Quality Division, [mbrickner@pa.gov](mailto:mbrickner@pa.gov) or (717) 787-9637.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 can contact Mark Brickner directly at (717) 787-9637, 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. 21-2072. Filed for public inspection December 10, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Federal Consistency under the Coastal Zone Management Act; Penn Terminals, LLC Eddystone Facility Maintenance Dredging

This notice is published under section 306(d)(14) of the Federal Coastal Zone Management Act of 1972 (CZMA) (16 U.S.C.A. § 1455(d)(14)), regarding public participation in consistency determinations. The Department of Environmental Protection (Department), Coastal Resources Management Program has received notice that Penn Terminals, LLC (applicant) is proposing to conduct maintenance dredging at their Eddystone facility in Delaware County (Project).

The applicant's proposed Project involves the performance of maintenance dredging, by mechanical or bucket method, within their existing ship berth area as previously authorized by the United States Army Corps of Engineers (USACE) under section 404 of the Clean Water Act (33 U.S.C.A. § 1344). The applicant's current Federal authorization under section 404 of the Clean Water Act is scheduled to expire on December 31, 2021. The total area proposed to be authorized for dredging is approximately 11 acres in size. The applicant is planning to conduct an initial dredging event upon issuance of a USACE permit, currently scheduled between October 1, 2021, and March 14, 2022. The prior permit authorized dredging to a maximum depth of 36 feet below mean low water elevation (MLW), with allowance for 2 feet of over-dredging, for a total maximum depth of -38 feet MLW. The applicant has stated that berthing of vessels at Penn Terminals requires minor maintenance dredging to an elevation of -38 feet MLW (with a 2 foot over dredge allowance). To

accommodate vessels in this area of the wharf, dredging of approximately 8,000 cubic yards of sediment is anticipated during the initial dredge event. The applicant is requesting a maintenance dredge permit for a period of 10 years. Maintenance dredging events are anticipated to occur approximately every 2 years over a ten year span. Up to 5,000 cubic yards of material would be dredged during each subsequent dredge event, following the initial event, for a maximum total volume of 33,000 cubic yards to be dredged over the 10 year span of the proposed permit (up to six total events). The maintenance dredging would be performed by mechanical clamshell method loading directly into dump scows. Dredging would extend a maximum of 401 feet from the bulkhead and no closer than 774 feet from the edge of the Federal navigation channel. Removal of high spots by means of a "chisel barge" or dropping a steel pipe to break up the material is also requested to be permitted. The dump scows will be transported to either Whites Basin in Logan Township, Gloucester County, NJ or the Waste Management Biles Island disposal facility in Falls Township, Bucks County.

This Project is subject to Department review for Federal consistency because it is an activity requiring a Federal license or permit and will have reasonably foreseeable effects on this Commonwealth's coastal resources or uses.

In accordance with section 307 of the CZMA (16 U.S.C.A. § 1456) and the National Oceanic and Atmospheric Administration (NOAA) regulations at 15 CFR Part 930, Subpart D (relating to consistency for activities requiring a federal license or permit). The applicant has certified that the proposed activity will be conducted in a manner consistent with the applicable enforceable policies of the Commonwealth's NOAA-approved Coastal Resources Management Program. Inter-

ested parties may request a copy of the Federal Consistency Certification from the Department contact listed as follows.

Questions regarding this review can be directed to Matthew Walderon, Federal Consistency Coordinator, at RA-Fed\_Consistency@pa.gov or (717) 772-2196.

The Department will consider all comments received on or before Monday, December 27, 2021, before issuing a final Federal consistency concurrence or objection. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the commentator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov). Written comments can be mailed to the Department of Environmental Protection, Policy Office, 400 Market Street, P.O. Box 2063, Harrisburg, PA 17105-2063.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-2073. Filed for public inspection December 10, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Federal Consistency under the Coastal Zone Management Act; Sixteenmile Creek and Twentymile Creek Maintenance Dredging

This notice is published under section 306(d)(14) of the Federal Coastal Zone Management Act of 1972 (CZMA) (16 U.S.C.A. § 1455(d)(14)), regarding public participation in consistency determinations. The Department of Environmental Protection (Department) Coastal Resources Management Program has received notice that Northeast Township, Erie County (applicant) is proposing to conduct maintenance dredging in Sixteenmile Creek and Twentymile Creek in Erie County (Project).

The applicant's proposed Project involves the performance of maintenance dredging at the Lake Erie mouths of Sixteenmile Creek and Twentymile Creek in Northeast Township, Erie County, to reduce flooding on adjacent properties in both locations. The applicant proposes the

mechanical removal of excess sediment deposited and partially obstructing the flows from the creeks into Lake Erie. Dredging operations are proposed to occur as needed, up to four times per year. Recovered materials are proposed to be placed onto the Lake Erie beaches directly adjacent to the stream mouths. Excess recovered sediment will be stored by the applicant for future use. The applicant has applied to the United States Army Corps of Engineers for two Federal permits under section 404 of the Clean Water Act (33 U.S.C.A. § 1344), one for each stream mouth location.

This Project is subject to Department review for Federal consistency because it is an activity requiring a Federal license or permit and will have reasonably foreseeable effects on this Commonwealth's coastal resources or uses.

In accordance with section 307 of the CZMA (16 U.S.C.A. § 1456) and the National Oceanic and Atmospheric Administration (NOAA) regulations at 15 CFR Part 930, Subpart D (relating to consistency for activities requiring a Federal license or permit), the applicant has certified that the proposed activity will be conducted in a manner consistent with the applicable enforceable policies of the Commonwealth's NOAA-approved Coastal Resources Management Program. Interested parties may request a copy of the Federal Consistency Certification from the Department contact listed as follows.

Questions regarding this review can be directed to Matthew Walderon, Federal Consistency Coordinator, at RA-Fed\_Consistency@pa.gov or (717) 772-2196.

The Department will consider all comments received on or before Monday, December 27, 2021, before issuing a final Federal consistency concurrence or objection. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the commentator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov). Written comments can be mailed to the Department of Environmental Protection, Policy Office, 400 Market Street, P.O. Box 2063, Harrisburg, PA 17105-2063.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-2074. Filed for public inspection December 10, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Household Hazardous Waste Education Grant Awards 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 awards to Clinton County, Lebanon County and Wyoming 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 offerings 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 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>
Northeast	Wyoming	Wyoming County	HHW Education	\$1,107
Southcentral	Lebanon	Lebanon County	HHW Education	\$46,832
Northcentral	Clinton	Clinton County	HHW Education	\$8,880

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-2075. Filed for public inspection December 10, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Nutrient Credit Trading Program; Actions; Certification Request Approvals

The Department of Environmental Protection (Department) has approved the following requests for certification of pollutant reduction activities to generate nitrogen (N) and phosphorus (P) credits under 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed). Pollutant reduction activities include the following agriculture best management practices: continuous no-till planting methods (CNT), planting cover crop (CC), conservation tillage (CT), riparian forest buffers, off-stream watering with and without fencing, precision grazing and horse pasture management. These certification request approvals authorize the generation of N credits or P credits, or both, for use by facilities with National Pollutant Discharge Elimination System permits in the compliance year in which the credits are generated. These approvals are valid until September 30, 2025, provided the pollution reduction activities are implemented, maintained and verified in accordance with the plans contained in the approved certification requests. For each of these certification request approvals, the credit generator is the Lycoming County Conservation District (LCCD).

<i>Generator</i>	<i>Site Contact Name</i>	<i>Cert. ID</i>	<i>BMP Name</i>	<i>N Credits</i>	<i>P Credits</i>	<i>Public Comment Notice Date</i>	<i>Date Certification</i>	<i>Certification Expiration</i>
LCCD	Barbour	872	Off-Stream Watering with Fencing, Precision Grazing, Riparian Forest Buffer	643	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Bishcroft	873	CNT, CT, CC	11,777	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Bosch	874	CNT, CT, CC	1,252	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Dincher	875	Riparian Forest Buffers, Off-Stream Watering with Fencing	625	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Brown, Er.	876	Off-Stream Watering with Fencing, Off-Stream Watering without Fencing, Precision Grazing, Riparian Forest Buffer	1,295	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Brown, Ev.	877	Off-Stream Watering with Fencing, Off-Stream Watering without Fencing, Precision Grazing, Riparian Forest Buffer	409	0	September 4, 2021	October 6, 2021	September 30, 2025

## NOTICES

7795

<i>Generator</i>	<i>Site Contact Name</i>	<i>Cert. ID</i>	<i>BMP Name</i>	<i>N Credits</i>	<i>P Credits</i>	<i>Public Comment Notice Date</i>	<i>Date Certification</i>	<i>Certification Expiration</i>
LCCD	Fogelman	878	CNT, CT, CC	465	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Gavitt	879	CNT, CT, CC, Off-Stream Watering with Fencing, Riparian Forest Buffer, Rotational Grazing	358	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Harvey	880	CNT, CC	399	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Jarrett	881	CNT, CT, CC	4,567	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Koons	883	CNT, CT, CC	194	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	London	885	CNT, CT, CC, Riparian Forest Buffers, Off-Stream Watering with Fencing, Precision Grazing	1,675	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	McCoy	886	CNT, CT, CC, Riparian Forest Buffers, Horse Pasture Mgmt, Off-Stream Watering with Fencing, Precision Grazing	646	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Mowery	887	CNT, CT	709	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Reitz	889	Horse Pasture Mgmt, Off-Stream Watering with Fencing, Precision Grazing	1,828	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Rogers	890	CNT, CT, CC	151	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Schrack	891	CNT, CT, CC	33,821	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Sherman	892	CC, Off-Stream Watering with Fencing, Precision Grazing, Riparian Forest Buffer	346	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Snyder	893	CNT, CT, CC, Riparian Forest Buffer	608	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Styer	894	CNT, CT, CC	273	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Tebbs	895	CNT, CT, CC	2,182	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Ulmer	896	CNT, CT, CC	3,123	0	September 4, 2021	October 6, 2021	September 30, 2025
LCCD	Vandine	897	CNT, CC	452	0	September 4, 2021	October 6, 2021	September 30, 2025

Persons aggrieved by this action may appeal under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. Chapter 5A (relating to Administrative Agency Law), to the Environmental Hearing Board, Rachel Carson State Office Building, Second Floor, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457.

TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Notices of appeal form and the Board's rules of practice and procedure may be obtained at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at (717) 787-3483. The notice of appeal form and the Board's rules are also available in Braille and on audiotape from the Secretary to the Board.

Important legal rights are at stake. 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. A lawyer is not needed to file a notice of appeal with the Board.

For individuals who wish to challenge this action, appeals must be filed with and received by the Board within 30 days of receipt of notice of this action.

For further information about this action or the Nutrient Credit Trading Program, contact the Division of Operations, Bureau of Clean Water, Department of Environmental Protection, P.O. Box 8774, Harrisburg, PA 17105-8774, (717) 787-6744, RA-EPPANutrientTrad@pa.gov or visit the Department's web site at [www.dep.pa.gov/nutrient\\_trading](http://www.dep.pa.gov/nutrient_trading).

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-2076. Filed for public inspection December 10, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Opening of New Grant Round for County Recycling Coordinator Grant Program under Section 903 of Act 101 (Municipal Waste Planning, Recycling and Waste Reduction Act of 1988)

The Department of Environmental Protection (Department) announces the opening of the application period for the Calendar Year 2021 grant round under section 903 of the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101) (53 P.S. § 4000.903). Only county governments within the Commonwealth are eligible to apply for 50% reimbursement of the approved costs of County Recycling Coordinators' salaries and expenses for Calendar Year 2021 (January 1, 2021, through December 31, 2021). The application deadline is Monday, May 2, 2022, at 4 p.m.

Documents for this grant are available under the "Act 101, Section 903" portion of the "Recycling Financial Assistance" page on the Department's web site at <https://www.dep.pa.gov/Business/Land/Waste/Recycling/Municipal-Resources/FinancialAssistance/Pages/default.aspx>.

#### *Application Requirements*

The following documents are required to complete this grant application. Only the latest version of these forms will be accepted, unless otherwise directed. Do not submit any additional documentation with the application materials unless specifically requested. Documents must be properly completed for an application to be approved.

1. The 903 Application Spreadsheet (An Excel spreadsheet with three tabs—Activities & Expenses Log, Wages & Benefits Log and County Expenses & Reimbursement Log (Department Use Only)).

2. Application for Reimbursement for a County Recycling Coordinator (Section A—F Form).

3. Expense documentation, such as any receipts/invoices and proof of payments necessary for requested reimbursements. Proof of payment can be in the form of an invoice showing a zero balance, paid receipt, cleared check (both sides) or bank/credit card statement showing that the County paid the fees for the requested reimbursement.

4. If the designated County Recycling Coordinator (CRC) is an outside contractor, the county must include with the grant application submission an agreement or Memorandum of Understanding (MOU) between the county and the person designated as the CRC. The agreement must be signed and dated by all parties of the agreement and include effective dates. The agreement must also include the following:

a. Name of the organization or person, or both, who will perform the duties of the CRC.

b. Details of the duties of the organization or person, or both.

c. Percentage of salary, benefits, expenses, and the like, the organization or person, or both, incurs that the county will reimburse that organization and/or person.

d. Detailed expectations (goals) the county has of the organization or person, or both, performing the recycling duties.

#### *Eligibility Requirements*

Applicants must be in compliance with the provisions of Act 101 to receive grant funding reimbursements. Applicants who are not in compliance with Act 101 and Annual Reporting requirements will not be considered.

It is expected the designated County Recycling Coordinator will perform duties in addition to completing grant

applications. These duties include, but are not limited to, improving collection methods, increasing the tonnages of recyclables collected, educating county residents about recycling, assisting municipalities with recycling, updating and maintaining required surveys in the County Recycling Report Program and Recycling & Compost Facility Directory in Re-TRAC Connect and other recycling related activities. A more detailed list of these responsibilities is found under the “Pennsylvania County Recycling Coordinator Responsibilities” section within the “903 County Recycling Coordinator Grant Program Information Instructions” document on the Department’s web site.

Training or out-of-State travel, or both, can qualify for reimbursement if it is: 1) greater than 300 miles from workplace or residence; or 2) includes expenses totaling \$300 or greater. To have training/out-of-State travel reimbursed, at least one month prior to the actual training/travel, a current Department’s Bureau of Waste Management Travel Request Form, along with an itinerary, must be submitted for approval to the designated Regional Recycling Coordinator and 903 County Recycling Program Grant Coordinator. This form is available on the Department’s web site. These requirements are also required for virtual training with a company whose home address is out-of-State.

*Eligible/Ineligible Costs*

Counties are eligible for 50% reimbursement grants for the approved salary and expenses of employing a County Recycling Coordinator. Applicants must specify only one individual to perform the CRC position for the purpose of reimbursement under section 903 of Act 101. Two individuals (for example, county employee and contractor or contractor’s employee) cannot share the same position concurrently.

Eligible County Recycling Coordinator costs include:

- 50% of salary/wages while conducting CRC recycling duties. For more information, please see the “Activities Eligible for Reimbursement for County Recycling Coordinator Grant Application” section in the “903 County Recycling Coordinator Grant Program Information Instructions” document on the Department’s web site.
- 50% of CRC’s employer costs for social security, workers compensation, unemployment compensation and other approved benefits.
- 50% of expenses directly related to recycling.

Eligible recycling expenses include (All training/travel costs must follow State guidelines for reimbursement.):

- Training/travel costs directly related to recycling programs that occur within this Commonwealth.

- Pre-approved training/travel costs related to recycling programs that occur outside of this Commonwealth.

- Recycling program registration and membership fees.

Under this grant program, the following will not be eligible for reimbursement:

- Permit application activities not related to recycling.
- Consulting fees for technical consultation on specific permits.
- Clerical activities, including (for example, the dropping off or picking up of mail, timesheets, paychecks, bank deposits, and the like).
- Office equipment, office maintenance, cell phones and internet subscription and access fees.
- Office supplies, duplicating and postage.
- Clothing allowances.
- Mileage driven to collect recyclables.
- Mileage driven between county offices.
- Other operational expenses (for example, driving vehicles for inspection, repair, and the like).

Further information regarding eligible and noneligible costs is listed in the “Pennsylvania County Recycling Coordinator Grant 903 Program Information Instructions” on the Department’s web site.

*Application Deadline*

Grant applications must be submitted online through the Commonwealth’s Electronic Single Application web site, eGrants, at [www.esa.dced.state.pa.us](http://www.esa.dced.state.pa.us). Applications must be received by Monday, May 2, 2022, at 4 p.m. to be eligible for funding. Applications will not be accepted after the deadline. Grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101 (52 P.S. §§ 4000.701 and 4000.702) and the availability of monies in the Recycling Fund.

*Contact Information*

Inquiries concerning this notice should be directed to JoAnne Yurcaba, 903 Recycling Grants Coordinator, Department of Environmental Protection, Rachel Carson State Office Building, Bureau of Waste Management, Division of Waste Minimization and Planning, P.O. Box 8472, Harrisburg, PA 17105-8472, at [jjurcaba@pa.gov](mailto:jjurcaba@pa.gov) or (717) 787-8688.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-2077. Filed for public inspection December 10, 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>
Berks Center For Digestive Health, LP	28 Pa. Code § 553.31(a) and (b) (relating to administrative responsibilities)



<i>Facility Name</i>	<i>Regulation and relating to</i>
Doylestown Surgery Center, LLC	28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery)
Muve Chadds Ford Ambulatory Surgical Center	28 Pa. Code § 551.21(d)(1)
Nemours Children's Hospital, Surgery Center, Bryn Mawr	28 Pa. Code § 553.31(a) and (b)
Pottstown Ambulatory Center, LLC	28 Pa. Code § 553.31(a) and (b)
Wellspring Surgery Center—Hanover	28 Pa. Code § 555.23(a) (relating to operative care)

The following ASF has filed a request for exception under 28 Pa. Code § 571.1 (relating to minimum standards). Requests for exceptions under this section relate to *Guidelines for Design and Construction of Hospitals and of Outpatient Facilities*, as published by the Facility Guidelines Institute (*FGI Guidelines*). The following list includes the citation to the section of the *FGI Guidelines* for which the hospital is seeking an exception and the year of publication.

<i>Facility Name</i>	<i>Guidelines Section and Relating to</i>	<i>Yr<sup>1</sup></i>
Children's Dental Surgery	2.7-3.5.8.7(1)—(3) clinical sink	18-O

<sup>1</sup> 2018 Year FGI Regulations were split into 2 books; *Hospitals, and Outpatient Facilities* as indicated by “-O.”

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ALISON BEAM,  
Acting Secretary

[Pa.B. Doc. No. 21-2078. Filed for public inspection December 10, 2021, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Decisions on Requests for Exceptions to Health Care Facility Regulations

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b), for exceptions to regulations contained in 28 Pa. Code Part IV, Subparts B—G.

Section 51.33(d) of 28 Pa. Code provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from November 1, 2021, through November 30, 2021. Future publications of decisions on exception requests will appear on a quarterly basis.

Requests for additional information on the exception request and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals, abortion facilities and ambulatory surgical facilities shall be addressed to Garrison E. Gladfelter, Jr., Director, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980. Inquiries regarding long-term care facilities shall be addressed to Susan Williamson, Director, Division of Nursing Care Facilities, Room 528, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816. Inquiries regarding Home Health agencies should be directed to Linda Chamberlain, Director, Division of Home Health, Forum Place, Suite 701, 555 Walnut Street, Harrisburg, PA 17101, (717) 783-1379.

#### Ambulatory Surgical Facilities

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Elite Surgery Center, LLC	§ 551.21(d)(2) (relating to criteria for ambulatory surgery)	11/22/2021	Granted w/Conditions

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Western PA Surgery Center—Beaver County Branch	§ 551.21(d)(1)	11/22/2021	Granted Probationary w/Conditions

**Hospitals**

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Encompass Health Rehabilitation Hospital of Altoona, LLC	§ 101.31(5) (relating to hospital requirements)	11/02/2021	Granted w/Conditions
Encompass Health Rehabilitation Hospital of Erie, LLC	§ 101.31(5)	11/02/2021	Granted w/Conditions
Encompass Health Rehabilitation Hospital of Harmarville, LLC	§ 101.31(5)	11/02/2021	Granted w/Conditions
Encompass Health Rehabilitation Hospital of Nittany Valley	§ 101.31(5)	11/02/2021	Granted w/Conditions
Encompass Health Rehabilitation Hospital of Reading, LLC	§ 101.31(5)	11/02/2021	Granted w/Conditions
Encompass Health Rehabilitation Hospital of Sewickley, LLC	§ 101.31(5)	11/02/2021	Granted w/Conditions
Encompass Health Rehabilitation Hospital of York, LLC	§ 101.31(5)	11/02/2021	Granted w/Conditions
Geisinger—Bloomsburg Hospital	§ 107.64 (relating to administration of drugs)	11/04/2021	Granted w/Conditions
Geisinger—Community Medical Center	§ 107.64	11/04/2021	Granted w/Conditions
Geisinger Encompass Health Rehabilitation Hospital	§ 101.31(5)	11/02/2021	Granted w/Conditions
Geisinger Medical Center Muncy	§ 107.62(a) and (b) (relating to oral orders)	11/04/2021	Granted w/Conditions
	§ 123.25(2) (relating to regulations for control of anesthetic explosion hazards)	11/04/2021	Granted w/Conditions
Geisinger Wyoming Valley Medical Center	§ 107.64 (relating to administration of drugs)	11/04/2021	Granted w/Conditions
Meadville Medical Center	§ 153.1(a) (relating to minimum standards) 2.2-3.4.2.2(2)(a) space requirements	11/17/2021	Granted
The Milton S. Hershey Medical Center	§ 153.1(a) 2.1-8.4.2.6(1)(a) drainage systems	11/22/2021	Granted
Penn Highlands Dubois	§ 153.1(a) 2.1-3.2.1.2(2)(a)(i) single-patient examination/observation room	11/02/2021	Granted
	§ 153.1(a) 2.1-7.2.2.3(2)(a) doors and door hardware	11/02/2021	Granted
	§ 153.1(a) 2.1-8.3.6 electrical receptacles	11/02/2021	Granted
	§ 153.1(a) 2.1-8.4.3.2(2) hand-washing station sinks	11/02/2021	Granted
Penn Highlands Huntingdon	§ 153.1(a) 2.1-8.4.3.2 hand-washing station sinks	11/02/2021	Granted Temporary
	§ 153.1(a) 2.2-2.2.2.1(1) capacity	11/02/2021	Granted w/Conditions
	§ 153.1(a) 2.2-2.2.2.2(2)(b) clearances	11/02/2021	Granted
	§ 153.1(a) 2.2-3.1.3.7 patient toilet room	11/02/2021	Granted Temporary
Penn Highlands Mon Valley	§ 153.1(a) 2.2-3.4.2.2(2)(a) space requirements	11/22/2021	Granted

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Thomas Jefferson University Hospitals, Inc.	§ 153.1(a) 2.1-8.5.2.3(2) technology distribution room (TDR)	11/17/2021	Granted
West Penn Hospital	§ 153.1(a) 2.1-3.4.2.5 hand-washing stations	11/17/2021	Granted

#### Nursing Care Facilities

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Athens Health and Rehabilitation Center	§ 201.22(h) (relating to prevention, control and surveillance of tuberculosis (TB))	11/08/2021	Granted
Clarion Healthcare and Rehabilitation Center	§ 201.22(j)	11/29/2021	Granted
Darway Healthcare and Rehabilitation Center	§ 201.22(e)	11/08/2021	Granted
Embassy of Hearthsides	§ 201.22(j)	11/08/2021	Granted
The Glen at Willow Valley	§ 201.3 (relating to definitions)	11/15/2021	Granted
The Glen at Willow Valley	§ 205.36(h) (relating to bathing facilities)	11/29/2021	Granted
Haida Healthcare and Rehabilitation Center	§ 211.9(g) (relating to pharmacy services)	11/22/2021	Granted
Highland View Healthcare and Rehabilitation Center	§ 201.22(j)	11/08/2021	Granted
Homewood at Martinsburg, PA, Inc.	§ 201.22(j)	11/08/2021	Granted
Lakeside at Willow Valley	§ 201.3	11/29/2021	Granted
Laurelwood Care Center	§ 201.22(j)	11/22/2021	Granted
Meyersdale Healthcare and Rehabilitation Center	§ 201.22(j)	11/08/2021	Granted
Mountain Laurel Healthcare and Rehabilitation Center	§ 201.22(j)	11/08/2021	Granted
Mulberry Healthcare and Rehabilitation Center	§ 201.22(j)	11/15/2021	Granted
Oak Hill Healthcare and Rehabilitation Center	§ 201.22(j)	11/08/2021	Granted
Penn Highlands Jefferson Manor	§ 201.22(d) and (e)	08/21/2021	Granted
Quality Life Services—Mercer	§ 201.22(j)	11/08/2021	Granted
Ridgeview Healthcare and Rehabilitation Center	§ 201.22(j)	11/15/2021	Granted
Smith Health Care, Ltd.	§ 211.12(f)(1) (relating to nursing services)	11/29/2021	Denied
Susque-View Home, Inc.	§ 201.22(d), (e) and (j)	11/08/2021	Granted
Westmoreland Manor	§ 201.22(e), (j) and (k)	08/07/2021	Granted

#### Home Health

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Advanced Personal Care	§ 601.31 (relating to acceptance of patients, plan of treatment and medical supervision)	11/05/2021	Granted
Aveanna Healthcare—Allentown	§ 601.31	11/05/2021	Granted
Aveanna Healthcare—Dubois	§ 601.31	11/05/2021	Granted
Aveanna Healthcare—Smethport	§ 601.31	11/05/2021	Granted
Aveanna Healthcare—Wilkes-Barre	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Bartonsville	§ 601.31	11/05/2021	Granted

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Bayada Home Health Care—Blairsville	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Bloomsburg	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Blue Bell	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Bridge Street, Philadelphia	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Cedar Crest Boulevard, Allentown	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Clarks Summit	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Delaware Avenue, Philadelphia	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—East 3rd Street, Williamsport	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—East 4th Street, Williamsport	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Exton	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Harrisburg	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Jamison	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Lancaster	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Lehighon	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Lititz	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Lock Haven	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Meadville	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Mechanicsburg	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Media	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Meridian Boulevard, Wilkes-Barre	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Monroeville	§ 601.6 (relating to definitions), specifically the definition of home health aide	11/05/2021	Granted
	§ 601.22(a)—(c) (relating to agency evaluation and review)	11/05/2021	Granted
	§ 601.35(c) (relating to home health aide services)	11/05/2021	Granted
Bayada Home Health Care—Newtown Square	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Old William Penn Highway, Monroeville	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Oxford Drive, Monroeville	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Peninsula Drive, Erie	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Pond Road, Allentown	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Selinsgrove	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—State College	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Towanda	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—West 12th Street, Erie	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Wilkes-Barre Boulevard, Wilkes-Barre	§ 601.31	11/05/2021	Granted
Bayada Home Health Care—Wyomissing	§ 601.31	11/05/2021	Granted



<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Bayada Home Health Care—Zelienople	§ 601.31	11/05/2021	Granted
Bayada Home Health Care, Inc.—Bethlehem	§ 601.31	11/05/2021	Granted
Continuous Home Care, Inc.	§ 601.31	11/05/2021	Granted
Saint Luke's Home Health	§ 601.31	11/05/2021	Granted
Tower Health at Home—Berks	§ 601.31	11/05/2021	Granted
Traditional Home Health Care, Inc.	§ 601.31	11/05/2021	Granted
VNA of Western PA—Butler	§ 601.31	11/05/2021	Granted

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact the Division of Acute and Ambulatory Care or the Division of Nursing Care Facilities at the previously referenced address or telephone number, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ALISON BEAM,  
*Acting Secretary*

[Pa.B. Doc. No. 21-2079. Filed for public inspection December 10, 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>
Clarion Hospital	28 Pa. Code § 107.61 (relating to written orders)
Geisinger Jersey Shore Hospital	28 Pa. Code § 109.2(b) (relating to director of nursing services)
	28 Pa. Code § 135.5 (relating to surgical emergency care)
Geisinger Medical Center Muncy	28 Pa. Code § 107.26(b)(8) (relating to additional committees)
Geisinger—Lewistown Hospital	28 Pa. Code § 107.64 (relating to administration of drugs)
Magee Rehabilitation Hospital	28 Pa. Code § 109.2(b)
Penn State Health Hampden Medical Center	28 Pa. Code § 109.2(b)
Roxborough Memorial Hospital	28 Pa. Code § 107.61
Saint Luke's Hospital of Bethlehem, PA	28 Pa. Code § 138.18(b) (relating to EPS studies)
Saint Luke's Hospital—Anderson Campus	28 Pa. Code § 138.18(b)
Saint Luke's Hospital—Carbon Campus	28 Pa. Code § 107.2 (relating to medical staff membership)
	28 Pa. Code § 107.61
	28 Pa. Code § 107.62(a) and (b) (relating to oral orders)
	28 Pa. Code § 109.2(b)
	28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards)
	28 Pa. Code § 127.32 (relating to written orders)
	28 Pa. Code § 138.18(b)
Saint Luke's Hospital—Miners Campus	28 Pa. Code § 109.2(b)
Saint Luke's Hospital—Monroe Campus	28 Pa. Code § 138.18(b)
Wellspan Gettysburg Hospital	28 Pa. Code § 143.4 (relating to medical appraisal of a podiatric patient)
	28 Pa. Code § 143.5 (relating to medical supervision of podiatric patients)

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>
Geisinger Medical Center	2.2-3.4.7.1(2) general	18
UPMC Presbyterian Shadyside	2.1-2.4.3.1(2)(a) general	18
	2.1-2.4.3.9(1)(b) special design elements	18
	2.5-2.2.2.6(1) patient toilet room	18
Wellspan Gettysburg Hospital	2.1-3.4.1.4(1) and (2) number of patient care stations	18
	2.2-3.4.8.15(1)—(3) pre- and post-procedure patient care area	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. 21-2080. Filed for public inspection December 10, 2021, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Pennsylvania Achieving Better Care by Monitoring All Prescriptions Board Meetings

The Pennsylvania Achieving Better Care by Monitoring All Prescriptions Board, established under the Achieving Better Care by Monitoring All Prescriptions Program (ABC-MAP) Act (35 P.S. § 872.1—872.40), has set its calendar for 2022. The meeting dates are scheduled as follows: January 25, 2022; April 26, 2022; July 26, 2022; and October 25, 2022.

Meetings will begin at 9:30 a.m. The meeting location will depend on current novel coronavirus (COVID-19) mitigation efforts. If in-person meetings are permitted, the meeting will be held in Room 129, Pennsylvania Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120. If in-person meetings are not permitted, the meeting will be held virtually at [bit.ly/ABC\\_MAP](https://bit.ly/ABC_MAP). To dial-in, call (267) 332-8737, conference ID 984 603 74#.

Items to be discussed at the meetings include program status updates and current and upcoming activities.

For additional information, for individuals who wish to attend the meetings or for persons with a disability who wish to attend the meetings and require an auxiliary aid, service or other accommodation to do so, contact the Clerical Supervisor of the Drug Surveillance and Misuse Prevention Office, Department of Health, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 836-3623, 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).

These meetings are subject to cancellation without notice.

ALISON BEAM,  
*Acting Secretary*

[Pa.B. Doc. No. 21-2081. Filed for public inspection December 10, 2021, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Recognized Lifeguard Certifying Authorities for 2022; Amended Notice

This notice amends the original Recognized Lifeguard Certifying Authorities for 2022 notice, published at 51 Pa.B. 7132 (November 13, 2021), to include Lifeguard-Pro as a lifeguard certifying authority meeting the requirements in 28 Pa. Code § 18.42 (relating to certified lifeguards) and is recognized by the Department of Health as a lifeguard certifying authority for 2022. The remainder of 51 Pa.B. 7132 remains unchanged.

For additional information or persons with a disability who require an alternative format of this notice, (for example, large print, audiotope, Braille) contact Keri Seitz, Limited English Proficiency Coordinator, Department of Health, Bureau of Community Health Systems, 30 Kline Plaza, Harrisburg, PA 17104, (717) 787-4366.

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. 21-2082. Filed for public inspection December 10, 2021, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Determination of the Average Wholesale Price of Prescription Drugs by the Department

Under 34 Pa. Code § 127.131(b) (relating to payments for prescription drugs and pharmaceuticals—generally), the Department of Labor and Industry, Bureau of Workers' Compensation, gives notice that it utilizes the *IBM Micromedex Red Book* to determine the average wholesale price of prescription drugs.

JENNIFER BERRIER,  
*Secretary*

[Pa.B. Doc. No. 21-2083. Filed for public inspection December 10, 2021, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Range of Fees Charged by Utilization Review Organizations and Peer Review Organizations for Services Performed under the Workers' Compensation Act

Under 34 Pa. Code § 127.667(b) (relating to compensation policy) the Department of Labor and Industry, Bureau of Workers' Compensation (Bureau) gives notice of the range of fees charged by Utilization Review Organizations (URO) and Peer Review Organizations (PRO) for services performed under the Workers' Compensation Act (act) (77 P.S. §§ 1—1041.4 and 2501—2625) during 2020.

#### 2020 Range of Fees Charged by UROs and PROs

<i>URO/PRO</i>	<i>Minimum Fee</i>	<i>Maximum Fee</i>
Alico Services LTD	\$564.33	\$3,620.33
American Review Systems, Inc.	\$644.00	\$6,586.55
CAB Medical Consultants	\$475.00	\$5,739.04
Caduceus Lex Medical Auditing	\$376.65	\$4,851.17
CEC, Inc.	\$826.10	\$8,701.20
Chiro Med Review Co.	\$423.80	\$5,515.43
De Novo Management	\$514.85	\$4,825.05
Disability Management Consultants, LLC	\$1,706.90	\$5,754.51
Disability Review Services, LLC	\$1,600.00	\$6,759.74
DLB Services	\$414.81	\$4,334.25
Hajduk & Assoc. URO/PRO Services	\$943.99	\$10,030.74
Industrial Rehabilitation Associates	\$575.00	\$3,900.00
Keystone Medical Auditing	\$309.75	\$2,941.83
KVS Consulting Services	\$971.85	\$15,212.52
Laurel Reviews	\$528.75	\$3,892.25
Margroff Review Services	\$799.54	\$9,738.34
McBride & McBride Associates	\$516.83	\$6,613.85

## DEPARTMENT OF LABOR AND INDUSTRY

### Maximum Pennsylvania Workers' Compensation Payable

Based upon the Statewide Average Weekly Wage, as determined by the Department of Labor and Industry for the fiscal year ending June 30, 2021, the maximum compensation payable under Article 1, sections 150.1 and 105.2 of the Workers' Compensation Act (77 P.S. §§ 25.1 and 25.2) shall be \$1,205 per week for injuries occurring on and after January 1, 2022. For purposes of calculating the update to payments for medical treatment rendered on and after January 1, 2022, the percentage increase in the Statewide Average Weekly Wage is 6.6%.

JENNIFER BERRIER,  
*Secretary*

[Pa.B. Doc. No. 21-2084. Filed for public inspection December 10, 2021, 9:00 a.m.]

<i>URO/PRO</i>	<i>Minimum Fee</i>	<i>Maximum Fee</i>
Physio Solutions, LLC	\$2,642.82	\$7,498.26
Quality Assurance Reviews, Inc.	\$631.00	\$5,512.14
Rachels Reviews	\$518.67	\$4,625.52
T & G Reviews	\$850.00	\$3,986.65
Uniontown MRPC	\$366.10	\$4,021.30
Watson Review Services	\$356.52	\$6,223.64
West Penn IME, Inc.	\$766.84	\$8,859.22

34 Pa. Code § 127.667(b): The Bureau will publish in the *Pennsylvania Bulletin*, on an annual basis, the range of fees charged by each URO and PRO for services performed under the act and this chapter during the preceding year.

JENNIFER BERRIER,  
*Secretary*

[Pa.B. Doc. No. 21-2085. Filed for public inspection December 10, 2021, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Solicitation of Public Comment on the Pennsylvania Workforce Innovation and Opportunity Act Combined State Plan for 2020—2024

The Department of Labor and Industry (Department), Pennsylvania Workforce Development Board announces a period of public comment beginning December 20, 2021, for the 2-year modification of the Commonwealth's proposed Federal fiscal year 2020 Workforce Innovation and Opportunity Act (WIOA) Combined State Plan (Plan) for 2020—2024. The Plan is the blueprint for the provision of workforce development services in this Commonwealth. This notice is provided under the WIOA of 2014.

The WIOA requires the governor of each state to submit a 4-year unified or combined state plan outlining the state's workforce development strategy and modify that plan after 2 years. The Commonwealth plans to submit a Plan to include the six core programs (Adult, Dislocated Worker, Youth, Wagner-Peyser, Adult Basic Education and Vocational Rehabilitation), as well the following optional programs:

- Career and Technical Education
- Temporary Assistance for Needy Families
- Supplemental Nutrition Assistance Program
- Trade Adjustment Assistance for Workers
- Jobs for Veterans State Grants
- Senior Community Service Employment
- Community Services Block Grant
- Reintegration of Ex-Offenders

This comment period provides individuals, advocates and other interested parties or organizations, or both, opportunities to present their views and recommendations regarding workforce development services in this Commonwealth.

Written comments may be submitted by mail to the Pennsylvania Workforce Development Board, 651 Boas Street, Room 514, Harrisburg, PA 17121 or by e-mail to RA-LI-PAWDB@pa.gov.

Written comments must be received no later than 5 p.m. Tuesday, January 18, 2022.

To obtain a copy of the proposed modification to the 2020—2024 WIOA Plan visit the Department's web site at <https://www.dli.pa.gov/Businesses/Workforce-Development/Pages/WIOA.aspx> and click on "2022 Draft WIOA Combined State Plan Modification."

JENNIFER BERRIER,  
*Secretary*

[Pa.B. Doc. No. 21-2086. Filed for public inspection December 10, 2021, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Notice of Taxable and Exempt Property

The Department of Revenue (Department) is hereby giving notice to the public, in accordance with the provisions of 61 Pa. Code §§ 52.1 and 58.1 (relating to purchases of medicines, medical supplies, medical equipment and prosthetic or therapeutic devices; and publication of the list of taxable and exempt tangible personal property), of additions, deletions and revisions to the list of taxable and exempt property under the sales and use tax provisions of the Tax Reform Code of 1971 (71 P.S. §§ 7101—10004), published at 49 Pa.B. 3169 (June 15, 2019). Under 61 Pa. Code §§ 52.1 and 58.1, this list is required to be published by notice at least once every 3 years. In addition, quarterly the Department will publish notice of any additions, deletions or revisions to the list.

Copies of the Retailers' Information Booklet may be obtained by calling the 24-hour answering service numbers for forms ordering: Nationwide (800) 362-2050; and TT only (800) 447-3020.

#### Index to Categories

<i>Title</i>	<i>Category</i>
Books and Stationery	(1)
Business Supplies and Equipment	(2)
CBD and Hemp Products	(3)
Clothing and Accessories	(4)
Computer Hardware, Digital Products and Streaming Services	(5)
Cosmetics and Toiletries	(6)
Farming Supplies and Equipment	(7)



<i>Title</i>	<i>Category</i>
Flowers, Seeds, Fertilizers, etc.	(8)
Food and Beverages Sold From a Caterer or Establishment Selling Ready-to-Eat Food	(9)
Food and Beverages Sold From a Vending Machine, Delicatessen, Grocery Store, Supermarket, Farmers Market, Bakery, Donut Shop, Pastry Shop, Convenience Store and Other Similar Establishments	(10)
Hair Goods and Notions	(11)
Hobby Supplies, Toys, Games, Radios, etc.	(12)
Home Sewing, Millinery and Craft Supplies	(13)
Household Goods and Supplies A. Soaps and Detergents B. Cleaning and Polishing Preparations C. Paper Goods D. Wrapping Supplies	(14)
Infant Supplies	(15)
Jewelry	(16)
Luggage, Handbags, Carrying Bags, Wallets, etc.	(17)
Medicine, Drugs and Medical Supplies; Prosthetic and Therapeutic Devices	(18)
Miscellaneous	(19)
Optical Goods	(20)
Pets	(21)
Religious Articles	(22)
Restaurant Equipment and Supplies	(23)
Shoes and Shoe Accessories	(24)
Sporting Equipment, Clothing, Supplies and Recreational Equipment	(25)
Tobacco Products	(26)
Utilities and Fuel	(27)
Tires, Motor Vehicle Leases and Rental (PTA Tax)	(28)
Vehicle Rental Tax (VRT)	(29)

### Listing of Taxable and Exempt Property

**T—TAXABLE**

**NT—NONTAXABLE**

**\*—INDICATES CHANGE OR CLARIFICATION**

**\*\*—INDICATES NEW ITEM**

**\*\*\*—INDICATES SUBJECT TO OTHER TOBACCO TAX**

#### (1) *Books and Stationery*

Tax is imposed on books, stationery and stationery supplies, including Bibles and religious publications sold by religious groups. Tax is imposed whether physically, electronically, or digitally delivered, streamed or accessed.

T—Bibles

T—Comic books

T—Crossword, game books

T—Dictionaries

T—E-books

T—Greeting Cards

T—Instruction books for needle-craft, embroidery, knitting, etc.

NT—Mail order catalogues

NT—Newspapers of general circulation qualified to carry a legal advertisement

T—Periodicals and magazines not purchased by subscription

NT—Periodicals and magazines purchased by subscription

T—Photographs

T—School supplies, except when sold directly to a school district or qualified nonprofit educational institution

T—Subscription to access e-books

NT—Textbooks, when sold by a school or an authorized book store

T—Yearbooks

#### (2) *Business Supplies and Equipment*

Generally, sales of business supplies and equipment used in construction, repair, etc., of real estate are taxable.

T—Building materials, supplies and equipment used in construction, repair, etc., of real estate, except building machinery and equipment purchased by or for certain exempt entities

T—Business forms such as invoices, order books, etc.

T—Cash register receipt paper

NT—Direct mail advertising materials, including calendars, matchbooks, etc.

T—Display cases and merchandising equipment

NT—Dry ice, when sold for internal packaging with the sale of property to others

T—Fans

T—Signs, circulars, show cards and posters

T—Vending machines and equipment

NT—Wrapping supplies used in connection with the sale of products

#### (3) *\*\*CBD and Hemp Products*

Cannabidiol (CBD) and hemp products are considered tangible personal property. These products are taxable unless they fall into a sales tax exemption category or are subject to the Other Tobacco Tax. Please note, this list is not a representation as to the legality of the products.

\*\* NT—Clothing and Shoes

\*\* NT—Edible

\*\* NT—Gummies

\*\* NT—Hemp Diapers

\*\* NT—Inhaler

\*\* NT—Nasal Spray

\*\* NT—Oral Drops

\*\* NT—Patch

\*\* NT—Pills

\*\* NT—Seed Milk

\*\* NT—Tinctures

\*\* NT—Superfood Supplement

\*\* NT—Hemp Fuel (may be subject to alternative fuels)

\*\* T—Rope

\*\* T—CBD/Hemp mixed with beer

\*\*\* NT—CBD/Hemp to be vaped

\*\* T—CBD/Hemp Flower for smoking

\*\* T—Hemp Paper

\*\* T—Hempcrete

\*\* T—Liquid CBD/Hemp premixed with water

\*\* T—Lotions and Creams

\*\* T—Post Recovery Drink

\*\* NT—Protein Powder

\*\* T—Soap

\*\* T—Sunscreen

\*\* T—Supplement (Pets)

(4) *Clothing and Accessories*

Generally, clothing is nontaxable except the following: (1) Formal day or evening apparel; (2) Articles made of real, imitation or synthetic fur, where the fur is more than three times the value of the next most valuable component material; and (3) Sporting goods and clothing normally worn or used when engaged in sports (See Category 25).

T—Accessories and ornamental wear  
 NT—Aprons  
 NT—Belts and suspenders  
 T—Biking clothing  
 NT—Boots and shoes, designed for everyday wear  
 T—Bridal apparel and accessories  
 \* NT—Compression clothing  
 T—Corsages and boutonnières  
 T—Costumes—Halloween, Christmas, etc.  
 NT—Dress shields  
 \*\* NT—Face masks  
 T—Formal clothing or clothing designed for formal functions and not normally worn except while attending a formal function, including mother of the bride dresses, flower girl dresses, tuxedos, dinner jackets, and formal ties.  
 T—Fur, articles made of fur on hide or pelt, or any material imitative of fur, and articles of which fur, real, imitation or synthetic, is the component material of chief value; and fur trimmed articles, if the value of fur is more than three times the value of the next most valuable component material. Felt, wool or fabric is not taxable unless it resembles fur on the hide.  
 NT—Garters and garter belts  
 NT—Girdles  
 T—Gloves, baseball, golf, racquet, etc.  
 NT—Gloves, cloth and leather, for everyday wear  
 NT—Gloves, gardening  
 T—Gloves, sheepskin, fur, rubber  
 T—Graduation caps and gowns  
 NT—Gym suits  
 T—Handkerchiefs  
 NT—Headwear for everyday wear  
 T—Helmets  
 NT—Hosiery, pantyhose and peds  
 NT—Hunting clothing, including camouflage and blaze orange  
 NT—Leotards and tights  
 NT—Leather wearing apparel  
 NT—Lingerie  
 NT—Maternity clothing for everyday wear  
 NT—Neckwear, ties  
 NT—Nightgowns  
 T—Prom dresses  
 NT—Rainwear  
 NT—Receiving blankets  
 NT—Repairing of wearing apparel  
 T—Safety clothing  
 NT—Scarves, for headwear and neckwear  
 NT—Scout uniforms and camp clothes  
 T—Sheepskin boots  
 T—Sheepskin coats  
 NT—Stockings, including support-hose  
 NT—Suspenders  
 T—Swimming suits  
 NT—T-shirts, imprinted  
 T—Tuxedos  
 T—Umbrellas  
 NT—Underclothing  
 NT—Work clothes, work uniforms  
 NT—Yard goods (to make clothing)

(5) *Computer Hardware, Digital Products and Streaming Services*

Generally, tax is imposed upon the sale or use of computer hardware. Canned software is taxable including canned software products and services accessed by end users in Pennsylvania via computer devices, such as smartphones. Canned software is software that is not designed, created and developed for and to the specifications of an original purchaser. Additionally, sales and use tax applies to any transfer of a digital product where the purchaser pays a consideration, unless that transfer is otherwise exempt.

T—Canned computer software, whether accessed by physical medium such as a CD-ROM or accessed electronically  
 T—Cellular telephones, smartphones, and accessories  
 T—Computer tablets, e-readers, and accessories  
 T—Desktop computer hardware and accessories such as monitors, keyboards, and mice  
 T—GPS navigation equipment and services  
 T—Laptop computers  
 T—Mobile applications (apps); in-app purchases  
 T—Satellite radio equipment, services and subscriptions  
 T—Updates and maintenance to support the above items  
 T—Video and audio including downloads, subscriptions and streaming services, consoles and equipment  
 T—Video games including downloads, subscriptions and streaming services, consoles and equipment

(6) *Cosmetics and Toiletries*

T—After shave creams, lotions, powders  
 T—Antiperspirants  
 T—Aromatherapy products (candles, oils, washes, etc.)  
 T—Atomizers containing perfume and other liquids  
 T—Bath milks, oils, powders, salts, tablets, crystals, etc.  
 T—Bath and shower gels and body shampoos  
 T—Bleach creams and lotions  
 T—Blush, rouges  
 T—Body lotion and creams  
 T—Breath fresheners and breath sprays  
 T—Bubble bath preparations  
 T—Cocoa butter, if advertised or labeled for cosmetic purposes  
 T—Colognes  
 T—Compacts containing blush or powder, compact refills  
 T—Cosmetics  
 T—Creams, cleansing, beauty or cold  
 T—Creams, protective (having cosmetic claims or use as skin creams, antiperspirants)  
 T—Cuticle softeners and removers  
 T—Deodorants (even though having a medicinal or curative value, if advertised or labeled for use as a body deodorant)  
 T—Deodorants (for use in closets, bureau drawers, etc., for imparting fragrance to clothing)  
 NT—Deodorants, colostomy  
 T—Dusting powders  
 T—Eye shadows, eyeliner  
 T—Eyebrow pencils  
 T—Eyelash mascara and eyelash and brow dyes  
 T—Face lotions, facial oils, face creams  
 T—Face packs  
 T—Face powders, in loose or cake and liquid form  
 T—Foundation makeup  
 T—Freckle removers, vanishing creams  
 T—Hair conditioners and rinses  
 T—Hair dyes, colorings, tints, rinses and bleaches  
 T—Hair gels and mousse  
 T—Hair oils  
 T—Hair removers

NT—Hair restorative medications  
 T—Hair straighteners  
 T—Hair straightening lotions, creams, conditioners and rinses  
 T—Hairdressings, lotions, tonics and pomades (regardless of whether they are colored or scented)  
 T—Hairsprays  
 T—Hand lotions, creams and sanitizers  
 T—Lip balm and ointments  
 T—Lipsticks, lipstick refills, liquid lip color, lip liner and lip gloss  
 T—Lotions, cleansing and beauty  
 T—Makeup remover  
 T—Manicure preparations and kits  
 T—Mask preparations  
 T—Massage creams  
 T—Mouthwashes  
 T—Nail bleaches  
 T—Nail polish removers  
 T—Nail polishes, nail lacquers, nail enamel  
 T—Perfume novelties, containing perfume  
 T—Perfumes and perfume ingredient kits  
 T—Permanent waving creams, lotions, neutralizer and kits  
 T—Powder bases (liquid, cream and pressed)  
 T—Sachets containing powder or aroma producing materials  
 T—Scalp lotions, which are used or intended for use as a treatment for dry or oily hair  
 T—Shampoos  
 T—Shaving preparations, creams, lotions, powders, including medicated preparations  
 T—Skin balms, bleaches, creams, fresheners, lotions, oils, tonics or whiteners  
 T—Sun allergy cream  
 T—Sunburn preventives—suntan creams, lotions, oils, sunblock, etc.  
 NT—Sunburn treatment, lotions or creams  
 T—Talcum powder  
 NT—Toothbrush, electric  
 NT—Toothbrush, toothpaste, tooth cleaners, dental floss and replacement brushes for electric toothbrush  
 \* T—Waterpiks and water flossers  
 T—Wave set, paste, powder or lotion  
 T—Wrinkle removing and concealing preparations

#### (7) *Farming Supplies and Equipment*

The tax is not imposed upon the sale of property to a farmer to be used or consumed directly in the business of producing agricultural products. Home gardening is not considered farming. See REV-1729, Tax Information for Farmers, for additional information.

NT—Artificial breeding equipment and supplies  
 NT—Blacksmith/farrier services for commercial racehorses or horses used directly in farming  
 T—Building supplies and materials used to build and repair barns, sheds, coops, etc.  
 NT—Cleaners and disinfectants used in cleaning milking equipment and to sterilize milk cans to prevent spoilage. (Property used for general farm cleaning and maintenance is taxable.)  
 NT—Equipment used to extract a product from productive animals or from the soil, such as harvesters, combines, binders, forage blowers, milking equipment, egg collecting equipment, corn shuckers, threshers, manure handling equipment  
 NT—Equipment such as barn shovels, ensilage forks, wheelbarrows and feed carts  
 NT—Feed and feed additives for productive animals

\*\* T—Feed for the raising of non-productive animals for hunting or zoos  
 T—Fencing  
 NT—Fertilizer and chemical additives to be added to soil  
 T—Fire prevention and safety equipment  
 NT—Fuel for use in heating poultry brooder and greenhouses  
 NT—Fumigation services upon agricultural commodities or containers used for agricultural commodities  
 T—Greenhouses and mushroom houses (if permanently installed to the real estate)  
 NT—Grooming materials, equipment and supplies when necessary for the health of productive animals  
 NT—Harnesses used to control productive animals on the farm  
 NT—Ice  
 NT—Livestock equipment to dispense chemicals, medicines and feed additives  
 NT—Livestock feeding equipment such as tubs, buckets, cans, etc., feed scoops and portable watering devices  
 T—Maintenance facilities including tools, machinery and equipment to maintain machinery, equipment or building property, such as chain hoists, tire spreaders, drills, sanders, lumber, nails, wrenches, brooms, welding equipment, paint brushes and sprayers  
 NT—Milk strainers and strainer discs and towels (dispensers to store and dispense the discs are taxable)  
 T—Motor vehicles, if required to be licensed by the Pennsylvania Department of Transportation  
 \*\* NT—Multipurpose agricultural vehicle (ATV), when used for farming  
 NT—Pest control services for agricultural purposes  
 NT—Property which becomes an ingredient or constituent of a farm product or is consumed by productive animals or plant growth, such as seeds, fertilizer, chemical additives, etc., and property such as seeders, planters, plows, harrows, cultivators, sprayers and similar equipment used to till soil, plant, seed and care for productive plants  
 NT—Property used to handle, store or preserve farm products or productive animals on farm premises such as chemicals, grooming equipment (dehorners, debeakers, hoof trimmers, calf weaners, etc.)  
 T—Property used to transport or convey the farm product after the final farming operation  
 NT—Refrigeration or cooling equipment used to store and preserve farm products  
 NT—Replacement parts such as tires, motors, belts, cutting edges, air filters, gears and similar replacement parts installed on exempt equipment. Motor fuels, lubricants, compressed air, distilled water, abrasives and similar supplies when used in operating exempt machinery are not taxable. Tools and equipment to apply parts and supplies are taxable.  
 NT—Seeds  
 NT—Silos  
 T—Water heater for cleaning dairy equipment and supplies  
 NT—Water pump for farm use  
 NT—Wrapping supplies and containers which are non-returnable to deliver self-produced farm products

#### (8) *Flowers, Seeds, Fertilizers, etc.*

The tax is imposed upon the sale of property which is purchased by persons not engaged in the business of farming.

T—Fertilizer, sprays, insecticides  
 T—Gardening supplies  
 T—Seeds and bulbs

T—Vegetable seeds, vegetable plants, flowers and fruit trees

NT—Vegetable seeds, vegetable plants and fruit trees purchased with food stamps

(9) *Food and Beverage Sold From a Caterer or Establishment Selling Ready-to-Eat Food*

Generally, tax is imposed on food and beverages sold from a caterer or an establishment selling ready-to-eat food and beverages for consumption on or off the premises, on a take-out or to-go basis, or delivered to the purchaser or consumer. An establishment selling ready-to-eat food and beverages is defined by law to include a restaurant, cafe, lunch counter, private or social club, tavern, dining car, hotel, night club, fast food operation, pizzeria, fair, carnival, lunch cart, ice cream stand, snack bar, lunch truck, cafeteria, employee cafeteria, theatre, stadium, arena, amusement park, juice stand, carryout shop, coffee shop, popcorn stand and other establishments, whether mobile or immobile. The law specifically excludes certain businesses from this definition and these establishments are discussed in Section 10.

T—All food and beverages, in any quantity, including both food and beverages prepared on the premises and prepackaged food and beverages, unless specifically exempt

NT—Candy and gum

T—Food supplements and substitutes

NT—Ice

T—Nonalcoholic beverages

NT—Water

\*\* T—Wine, sold for consumption off-premises or on a to-go basis

(10) *Food and Beverages Sold From a Vending Machine, Delicatessen, Grocery Store, Supermarket, Farmers Market, Bakery, Donut Shop, Pastry Shop, Convenience Store and Other Similar Establishments*

Generally, tax is not imposed on food and beverages sold from other than a caterer or establishment selling ready-to-eat food and beverages. However, tax is imposed upon selected food and beverage items listed as taxable as follows, when sold from the establishments previously listed.

\*\* NT—Beer, six packs (unless sold by a distributor)

NT—Bitters and grenadine

T—Breath mints

T—Brewed coffee

NT—Candy apples

NT—Candy and gum

NT—Caramel corn

NT—Coffee beans, whole or ground

NT—Coffee, cold bottled and flavored

T—Coffee, hot

NT—Deli items such as meats and cheeses, potato salad, macaroni salad, etc.

T—Energy drinks or shots 4 ounces or greater

NT—Energy drinks or shots less than 4 ounces

NT—Food, fruit drinks, soft drinks and sandwiches purchased with food stamps

NT—Food supplements in any form

NT—Fruit drinks, noncarbonated or reconstituted, containing at least 25% natural fruit juice

T—Fruit drinks, noncarbonated or reconstituted, containing less than 25% natural fruit juice

T—Hot beverages

T—Hot food items

T—Hot soup

T—Hot pizza

NT—Ice

T—Ice cream, yogurt and other ice based products when hand dipped or hand served

T—Kool-Aid

T—Meals—not including prepackaged frozen meals or meals requiring additional preparation

NT—Milk

T—Nonalcoholic beverages unless specifically exempt

NT—Party trays, vegetable, cheese, seafood, meat

NT—Power/Energy Bars

NT—Pretzels and chips

NT—Protein Bars

T—Pumpkins—for decoration

NT—Pumpkins—for food

T—Salad bars, self-service

T—Sandwiches

T—Soft drinks, bottled and non-bottled (including soft drink mixes in powder, liquid or tablet form)

NT—Soy milk

T—Sports drinks

T—Sushi

NT—Sweeteners, artificial

NT—Tea, all forms including liquid and powdered tea, except hot tea

NT—Water, including nonflavored mineral water

T—Water, flavored, including vitamin water

(11) *Hair Goods and Notions*

Generally, hair goods are taxable unless the item qualifies as clothing.

T—Blow-dryers

T—Hair goods and notions, such as barrettes, hair pins, hair nets, curlers, clips, hair bow holders, combs, brushes, chignons, bandeaux

T—Irons, curling and flat

T—Shower caps

T—Wigs and toupees (the service of cleaning, styling, etc., also is taxable)

(12) *Hobby Supplies, Toys, Games, Radios, etc.*

T—Amusement rentals

T—Audio players, components and accessories, records, compact discs

T—Baseball, football cards, etc.

T—Bicycles and parts

T—Boats and equipment

T—Bounce house rentals

T—Games

T—Hobby supplies

T—Musical instruments and sheet music

T—Photographic and projection equipment and supplies

T—Photographic services, film developing, printing, processing, mounting, coloring, etc.

T—Playing cards

T—Pocket knives

T—Radios, TV sets, receiving equipment

T—Tape recorders and tapes

T—Toys

T—Video cassettes and discs, recorders, players, components and accessories and cameras

(13) *Home Sewing, Millinery and Craft Supplies*

Clothing is defined as articles designed for everyday wear. Goods and items which are to become a component part of clothing are not taxable. Goods and items which become a component of articles other than clothing, such as formal wear and crafts, are taxable. Equipment and supplies used in sewing are taxable.

T—Artificial flowers

T—Buckles for articles other than clothing



NT—Buckles for clothing  
 T—Buttons for articles other than clothing  
 NT—Buttons for clothing  
 T—Dress forms  
 NT—Dress patterns  
 NT—Dye, clothing fabric  
 T—Elastics for articles other than clothing  
 NT—Elastics for clothing  
 T—Embroidery hoops  
 NT—Embroidery of clothing  
 T—Embroidery of formal wear and other items  
 T—Fabrics for articles other than clothing  
 NT—Fabrics for clothing  
 T—Hooks and eyes for articles other than clothing  
 NT—Hooks and eyes for clothing  
 T—Knitting yarn for articles other than clothing  
 NT—Knitting yarn for clothing  
 T—Laces, ribbons, edgings, trimmings for articles other than clothing  
 NT—Laces, ribbons, edgings, trimmings for clothing  
 T—Needle-craft instruction books  
 T—Needles  
 T—Rug yarns  
 T—Scissors  
 T—Sewing kits  
 NT—Shoulder pads  
 T—Tape measures  
 T—Thimbles  
 T—Thread for articles other than clothing  
 NT—Thread for clothing  
 T—Yarn goods for articles other than clothing  
 NT—Yarn goods for clothing  
 T—Yarn holders  
 T—Zippers for articles other than clothing  
 NT—Zippers for clothing

(14) *Household Goods and Supplies*

T—Air fresheners  
 T—Ant traps  
 T—Basin stoppers  
 T—Batteries  
 T—Bedding  
 T—Books  
 T—Boot caddy  
 T—Brooms  
 T—Buckets  
 T—Candles  
 T—Charcoal  
 T—Cloth laundry bags  
 T—Cloth towels, dish, bath and hand  
 T—Clothesline  
 T—Clothespins  
 T—Coat hangers  
 T—Cookware, pots and pans  
 T—Cutlery  
 T—Decorations, household and yard  
 T—Dinnerware  
 T—Dishpans  
 T—Door mat  
 T—Drinking glasses  
 T—Easter egg color/paint  
 T—Extension cords  
 T—Filters, disposable air  
 T—Fire extinguishers  
 T—Fly swatters  
 T—Fly tapes

T—Furnishings, appliances, fittings, ornaments, furniture, equipment and accessories. Furnishings including bedding, rugs, lamps, hardware, electrical goods, mirrors, pillows, scarves for furniture, bookends, clocks, glassware, crockery, silverware, flatware and other household wares  
 T—Fuses  
 T—Glue  
 T—Grills, and replacement parts, utensils and scrapers  
 T—Hardware and tools  
 T—Household linens, blankets  
 T—Insecticide sprays  
 T—Ironing board and covers  
 T—Jars for canning and jar lids  
 T—Light bulbs  
 T—Lubricating oils  
 T—Matches  
 T—Metal and plastic cooking utensils and flatware  
 T—Mops  
 T—Moth balls and moth flakes  
 T—Mouse traps  
 T—Needles  
 T—Notebooks  
 T—Oilcloth  
 T—Paints, brushes and painting equipment  
 T—Paint removers  
 T—Plants, vegetable and flower (see Category 8)  
 T—Polishing cloths  
 T—Refrigerator deodorants  
 T—Rubber gloves  
 T—Rug shampoo applicators  
 T—Salt, water softeners  
 T—Sandpaper  
 T—Scrub brushes  
 T—Seeds, vegetable and flower (see Category 8)  
 T—Shoe brushes  
 T—Sponges  
 T—Stationery  
 T—Static control spray, sheets  
 T—Thermometers  
 T—Thermoses  
 T—Thimbles  
 T—Tie racks  
 T—Toothpicks  
 T—Turpentine and paint thinner  
 T—Vacuum cleaners, and disposable bags, parts  
 T—Ventilating fans and equipment  
 T—Water filters, replacement  
 T—Wax applicators  
 T—Wax paraffin

A. *Soaps and Detergents*

T—Bleaches  
 T—Cleaner, septic tank, hand, oven, toilet bowl or tile  
 T—Cleansers  
 T—Detergents  
 T—Drain opener  
 T—Dry cleaning kits  
 T—Pre-soaks  
 T—Rug shampoo  
 T—Soaps, scented and unscented  
 T—Softeners (fabric)  
 T—Spot removers and stain treatments  
 T—Starch  
 T—Whiteners

B. *Cleaning and Polishing Preparations*

T—Car cleaners and waxes  
 T—Glass cleaner  
 T—Polishes, floor, furniture, silver and similar items

T—Removers, rust or wax  
 T—Scouring pads  
 T—Steel wool

#### C. Paper Goods

T—Cups, paper, plastic or Styrofoam  
 NT—Disposable diapers and incontinence products  
 T—Drop cloths, paper and plastic  
 T—Facial tissue  
 T—Filters, coffee  
 T—Napkins  
 T—Place mats  
 T—Plates, paper, plastic, or Styrofoam  
 NT—Sanitary napkins, tampons or similar items used for feminine hygiene  
 T—Shelf paper, liners  
 T—Straws for drinking  
 T—Tablecloths  
 T—Toilet seat covers  
 NT—Toilet tissue  
 T—Towels  
 NT—Wet-wipes

#### D. Wrapping Supplies

T—Aluminum foil  
 T—Food bags  
 T—Plastic wraps  
 T—Tape, masking, scotch, plastic, freezer, duct  
 T—Trash bags, paper and plastic  
 T—Twine  
 T—Wax paper  
 T—Wrapping paper, including gift wrapping, ribbons, etc.

#### (15) Infant Supplies

T—Accessories, nursing bottles, nipples, teething beads, teethingers  
 NT—Bibs  
 T—Car seats, infant  
 T—Crib blankets  
 T—Diaper bags  
 NT—Diaper cream  
 NT—Diaper pins  
 NT—Diapers, cloth and disposable  
 NT—Diaper service  
 NT—Formula  
 T—Furniture including cribs, high chairs and booster seats  
 T—Liners, (nursing bottles)  
 T—Monitors  
 NT—Receiving blankets for infants  
 NT—Rubber pants  
 T—Swim diapers  
 NT—Wipes, baby

#### (16) Jewelry

T—Beads—materials used in jewelry-making  
 T—Earring backs  
 T—Jewelry, including those with religious symbols incorporated  
 T—Jewelry, used for body piercing  
 T—Jewelry repair services  
 T—Ornaments and pins for hats and dresses

#### (17) Luggage, Handbags, Carrying Bags, Wallets, etc.

T—Bags, carrying, athletic, book, etc.  
 T—Handbags, pocketbooks and purses  
 T—Knitting bags  
 T—Leather goods, except clothing  
 T—Luggage, briefcases  
 T—Wallets and billfolds

#### (18) Medicine, Drugs and Medical Supplies; Prosthetic and Therapeutic Devices

The tax is not imposed on prescription or nonprescription medicines and drugs or medical supplies, crutches and wheelchairs for the use of people with disabilities, artificial limbs, artificial eyes and artificial hearing devices, when designed to be worn on the person of the purchaser or user, false teeth and materials used by a dentist in dental treatment, eyeglasses, when especially designed or prescribed by an ophthalmologist, oculist or optometrist for the personal use of the owner or purchaser, and artificial braces and supports designed solely for the use of people with disabilities, or any other therapeutic, prosthetic or artificial device designed for the use of a particular individual to correct or alleviate a physical incapacity, including, but not limited to, hospital beds, iron lungs and kidney machines.

T—Acne cleaners and acne pads  
 NT—Acne treatments, lotions, creams  
 T—Adhesive removers  
 NT—Adhesives used for medical treatment  
 T—Air cleaners and electrostatic machines  
 NT—Alcohol, rubbing, swabs and wipes  
 NT—Analgesics  
 NT—Antacids  
 NT—Antiseptics, for external use only  
 NT—Applicators (See “Cotton applicators”)  
 NT—Arch supports  
 NT—Arm slings  
 NT—Artificial eyes  
 NT—Artificial limbs  
 NT—Aspirin  
 T—Autoclave  
 NT—Automobile accessories, when noted by the Department of Transportation upon the motor vehicle operator’s license of the purchaser that such accessories are necessary, and when charges for accessories are stated separately by the vendor on the sales invoice.  
 NT—Automobile wheelchair lifts  
 T—Baby powder  
 NT—Bandages, dressings, gauze and cotton  
 T—Bath tub and bathroom safety devices  
 T—Batteries, unless purchased for use in medical equipment and from a medical supply house  
 NT—Bed boards  
 NT—Bed drain bags  
 NT—Bed pans  
 NT—Bed trapeze bars  
 NT—Benzoin  
 T—Bidet toilet seats  
 T—Blankets  
 T—Blood agar plates  
 NT—Blood glucose monitors used to treat diabetes (therapeutic devices)  
 NT—Blood pack units  
 T—Blood pressure testing apparatus  
 NT—Bone pins  
 NT—Braces and supports worn on the body to correct or alleviate a physical incapacity  
 NT—Braille teaching texts  
 \* NT—Breast pumps  
 NT—Breathing units, intermittent positive pressure  
 NT—Burn ointment and lotion  
 NT—Calamine lotion  
 NT—Canes  
 NT—Cardiac emergency kit  
 NT—Cardiac pacemakers and electrodes  
 NT—Castor oil  
 NT—Catheters and accessories

- T—Chemical agents and related supplies for analysis of patients' specimens  
 NT—Cod liver oil  
 NT—Colostomy appliances  
 NT—Colostomy deodorants  
 NT—Commodes, chair bedside  
 NT—Commode seats, elevated for use by incapacitated persons  
 NT—Contact lenses and wetting solutions  
 T—Contact lenses cleaning solutions  
 NT—Corn pads and plasters for the removal of corns  
 NT—Cotton applicators, cotton rolls, cotton balls and cotton swabs  
 NT—Cough and cold items, cough drops, cough syrups  
 NT—Crutches  
 NT—Crutch pads  
 NT—Defibrillators  
 T—Dehumidifiers  
 NT—Dental floss  
 NT—Dental materials which are transferred to the patient, including dentures, fillings, crowns, inlays, bridges and lingual or palatal bars  
 NT—Dental supplies used in dental treatment, including x-ray film, cotton, impression and materials  
 T—Dentist chair  
 NT—Dentist drills, disposable  
 T—Dentist replacement burs, drills, reusable  
 NT—Denture products, including denture cleaners and adhesives  
 T—Deodorants, personal and room  
 T—Diagnostic equipment  
 T—Diagnostic glassware and diagnostic testing materials  
 NT—Dialysis machines  
 NT—Diathermy machines  
 NT—Dietary supplements and substitutes, in any form  
 NT—Diet pills  
 T—Disinfectants  
 NT—Drapes, paper  
 T—Ear plugs  
 T—EKG mounts and EKG paper  
 NT—Elastic bandages and braces  
 T—Electrocardiocorder  
 NT—Emesis basins or pans  
 NT—Epsom salts  
 T—Esophageal dilator  
 T—Eucalyptus oil  
 NT—Examining table paper  
 T—Exercise equipment, including exercise bikes and treadmill exercisers  
 NT—Eye ointment  
 NT—Eye pads  
 NT—Eye washes  
 NT—Eyeglasses, prescription  
 NT—False teeth  
 NT—First aid kits  
 NT—Fluidic breathing assistor  
 NT—Food substitutes  
 NT—Foot pads, insoles, all types  
 NT—Foot products for treatment of infections  
 NT—Gauze  
 NT—Gloves, surgical, disposable  
 NT—Glucose tablets  
 NT—Glycerin  
 NT—Gowns, medical  
 NT—Hearing aids and batteries  
 T—Heaters, portable, room  
 NT—Heating pads  
 NT—Hospital beds, having side rails, electric and non-electric with attachments  
 NT—Hot water bottles  
 T—Humidifiers  
 NT—Hygienic needs, douche powder, vaginal preparations  
 NT—Hydrocortisone cream  
 NT—Hydrogen peroxide  
 NT—Ice bags  
 NT—Ileostomy bags  
 NT—Incontinence products, including incontinence pants  
 NT—Infusion pumps  
 NT—Inhalation therapy equipment and equipment used to provide emergency breathing assistance  
 NT—Insulin  
 NT—Insulin pumps  
 T—Intravenous stand  
 NT—IUD devices  
 T—Laboratory testing and analysis equipment and supplies  
 NT—Lactose intolerance medication  
 NT—Lamps, ultraviolet and infrared  
 NT—Lancets  
 NT—Laxatives and cathartics  
 NT—Lice shampoo  
 NT—Lifters, patient  
 NT—Lubricating jelly  
 NT—Lymphedema pumps  
 T—MRI equipment  
 T—Mattresses, air  
 NT—Mattresses, alternating positive pressure  
 NT—Mattresses and covers for hospital beds  
 T—Medical alert cards  
 T—Medical alert systems  
 NT—Medicated powder  
 NT—Medicine cups, disposable  
 T—Microscopes  
 NT—Milk of magnesia  
 T—Mouthwashes  
 NT—Muscle stimulator, electronic for physical therapy  
 NT—Nasal cannula  
 T—Nasal speculum  
 T—Needle holder  
 NT—Needles and syringes, disposable  
 T—Needles and syringes, reusable  
 NT—Orthodontic brackets  
 T—Orthodontic trays  
 NT—Orthopedic splints  
 T—Overbed tables  
 NT—Oxygen and oxygen equipment, when used for medical treatment  
 NT—Pads, moist heat pad, alternating positive pressure pad, flotation pad, lamb's wool pad  
 NT—Paraffin bath units, standard or portable  
 T—Percussors  
 NT—Pet medicines  
 NT—Petroleum jelly  
 NT—Physical therapy equipment, when designed exclusively for use in correcting or alleviating a physical incapacity  
 T—Plaque remover  
 T—Pore cleaners, medicated, pore strips  
 NT—Postural drainage boards  
 NT—Postural support chairs  
 NT—Prefilled syringes for injection  
 NT—Pre-moistened wipes  
 NT—Prophylactics

- NT—Prostheses (mammary, malar, chin, urinary, incontinence, etc.)  
 T—Pumice powder  
 NT—Pump, diaphragm, pressure vacuum  
 T—Razor blades, unless disposable and used for medical procedure preparation  
 NT—Rectal preparations  
 T—Safety grab bars  
 NT—Sanitary napkins, tampons and similar items  
 T—Sanitizer, air  
 T—Sauna baths  
 T—Scissors  
 T—Shaving products  
 T—Sheets, cloth  
 NT—Sheets, disposable  
 NT—Shoe insoles, orthopedically designed  
 NT—Sitz bath  
 NT—Smoking deterrents, gum and patch  
 T—Soaps  
 NT—Specimen containers, disposable  
 T—Sphygmomanometer  
 T—Sphygmostat  
 NT—Stair gliders for persons having a physical disability, installed in the purchaser's home and pursuant to a physician's prescription  
 T—Stethoscope  
 NT—Styptic pencils  
 T—Suction machines and pumps  
 NT—Sunburn treatment lotions or creams  
 T—Sunglasses (unless prescription)  
 T—Suntan lotion, sunblock  
 NT—Suppositories  
 T—Surgical instruments  
 NT—Surgical instruments and supplies, single use disposable  
 NT—Surgical masks, disposable  
 NT—Sutures  
 T—Tables, bedside  
 T—Tables, examining  
 T—Talcum powder  
 T—Teeth whitening strips  
 T—Telecaption equipment  
 NT—Test strips used in treatment of diabetes  
 T—Testing kits, pregnancy, UTI  
 NT—Thermal pads, disposable  
 T—Thermometer, medical  
 NT—Thermometer covers, disposable  
 NT—Tongue depressor, disposable  
 T—Tooth whitening kits  
 NT—Toothache drops  
 NT—Toothbrushes  
 NT—Toothpaste  
 NT—Tourniquets  
 NT—Trachea tubes  
 NT—Traction units, including bed stand, anklet, extension, pelvic or cervical units, head holder, fracture unit with trapeze bar set, weights, weight bags, pelvic lacing belt, and over door traction equipment  
 NT—Tubing, intravenous  
 NT—Urine drain bag  
 T—Vacutainers  
 NT—Vaginal diaphragms  
 T—Vapona strips  
 T—Vaporizers  
 NT—Vitamins  
 NT—Walking bars and walkers  
 NT—Wheelchairs, manual and motorized, scooters and batteries  
 T—Whirlpool baths and whirlpool pumps  
 T—Wigs  
 T—X-ray equipment and machines  
 T—X-ray film and chemicals not used by dentists
- (19) *Miscellaneous*
- NT—Acupuncture and massage services  
 T—Antiques  
 NT—Body tattooing and piercing services  
 NT—Bullion, investment metal  
 T—Car wash, automated or self-serve  
 NT—Caskets, burial vaults, markers, interred cremation urns and tombstones for human graves, including foundations  
 T—Christmas trees  
 T—Coin banks and coin holders  
 NT—Coins, investment (numismatic coins and legal tender)  
 T—Compressed air, dispensed  
 T—Corkage fee  
 NT—Coupon books sold to individual consumers  
 T—Cremation urns, not interred  
 T—Dry ice, except when sold as an internal packaging material to retailer, manufacturer or processor  
 NT—Safety equipment and devices designed and worn by production personnel employed in manufacturing, processing, mining, public utility, farming and dairying. Examples: asbestos suits, gloves, aprons, boots, masks, helmets, goggles and similar items  
 T—Equipment and devices worn by nonproduction personnel  
 T—Fencing materials  
 NT—Flags of the United States and Commonwealth. Bunting and other flags are taxable.  
 T—Flag kits, that include poles or brackets  
 T—Fuel for motor vehicles, except when subject to Liquid Fuel or Fuel Use Tax  
 NT—Gift cards  
 NT—Golf green fees  
 NT—Health club membership fees  
 T—Hot tubs and spas, regardless of physician recommendation  
 T—Lunch kits, thermoses and replacement parts  
 T—Motor vehicle repair services (including labor), accessories, parts, supplies, lubricants, equipment, vehicle and emission inspection  
 T—Paper money, which is not legal tender in the United States, is taxable on full purchase price  
 T—Paper money, which is legal tender in the United States, is taxable on amount in excess of face value  
 NT—Parking fees  
 T—Party favors  
 NT—Pony rides and trail rides  
 T—Prepaid telephone cards  
 NT—Retail club memberships  
 T—Scout supplies and training manuals, except when sold to a scout troop  
 T—Sheds, unless purchaser has a building permit  
 T—Souvenirs  
 T—Stamps, cancelled United States stamps and all foreign stamps are taxable on the full purchase price  
 T—Stamps, uncanceled United States stamps are taxable on amount in excess of face value  
 NT—Tanning booth fees  
 NT—Tickets for admission to the theater, concerts, sporting events, amusement parks, and amusement or activity complexes  
 T—Trading stamp redemption for taxable property



(20) *Optical Goods*

NT—Contact lenses, prescription, and wetting solutions  
 T—Contact lenses cleaning solutions  
 NT—Eyeglasses, prescription  
 T—Magnifying glasses  
 T—Opera glasses and field glasses  
 T—Sunglasses (prescription sunglasses are exempt)

(21) *Pets*

NT—Boarding, sitting or walking  
 T—Clippers and clipper lubricants  
 T—Clothing  
 T—Equipment (collars, leashes, etc.)  
 T—Farrier services for pet horses  
 NT—Flea collars, flea powder, flea and tick soap and tick sprays  
 T—Food, including food supplements and prescription food  
 T—Grooming, unless performed by a veterinarian for the purpose of or incidental to medical treatment  
 NT—Medicines and medical supplies  
 T—Pet caskets and urns  
 NT—Pet cremation and burial services  
 T—Sale or rental of pets, or adoption from shelters, which includes fees for shots and spaying or neutering  
 T—Shampoo  
 T—Veterinarian equipment  
 NT—Veterinarian services  
 T—Vitamins

(22) *Religious Articles*

Bibles, religious publications and religious articles are subject to tax unless purchased by organizations qualifying as institutions of purely public charities which hold an exemption number prefixed by the number 75, and government entities.

T—Bibles  
 T—Candles used in religious worship  
 T—Clergy vestments and choir and altar server clothing  
 T—Holy water bottles  
 T—Nativity scenes  
 T—Religious publications sold by religious groups  
 T—Religious statues, medals and symbols used in religious worship  
 T—Rosaries  
 T—Wines used in religious services

(23) *Restaurant Equipment and Supplies*

Equipment, implements and similar property for use in the preparation and service of food is taxable.

NT—Carbon dioxide for soda fountain  
 T—Carbonator for soda fountain operation  
 NT—Chef hats  
 T—Disposable trays  
 T—Equipment used to prepare and serve food and beverages  
 T—Ice making equipment  
 T—Latex gloves  
 T—Napkins, wooden or plastic spoons, forks, straws and similar articles for use in restaurants, vending machines and other eating places  
 T—Placemats  
 T—Toothpicks  
 T—Vending machines and equipment  
 NT—Work uniforms  
 NT—Wrapping supplies, paper or plastic plates, cups and similar articles for the delivery of food, used by restaurants or in vending machines

(24) *Shoes and Shoe Accessories*

Generally, shoes designed for everyday wear are exempt. However, shoes designed for formal wear or sporting activities are taxable.

T—Bathing (swimming) shoes  
 NT—Overshoes  
 NT—Safety shoes  
 T—Shoe brushes, applicators, and shoe trees  
 T—Shoe clips  
 NT—Shoe dye  
 NT—Shoe laces  
 NT—Shoe polish  
 NT—Shoe repairs  
 NT—Shoe soles and heels for shoe repair  
 T—Shoes for baseball, bowling, football, golf, soccer, hockey, dance, etc.  
 T—Shoes for formal wear, such as metallic cloth, brocade, satin or silver leather, primarily for formal wear  
 NT—Shower clogs  
 NT—Slippers  
 NT—Sneakers, jogging, tennis and aerobic shoes  
 NT—Toe sneakers

(25) *Sporting Equipment, Clothing, Supplies and Recreational Equipment*

Tax is imposed on sporting and recreational equipment, clothing and supplies which are designed to be worn and are normally worn only when engaged in sports.

T—Accessories such as ammunition belts, hip waders and fly vests  
 T—Ballet shoes  
 NT—Baseball caps and tee shirts  
 T—Bathing caps  
 T—Bathing suits  
 T—Beach coats  
 T—Bicycles, parts, accessories and supplies  
 T—Boats, pleasure boats and equipment and parts  
 NT—Bowling shirts  
 T—Bowling shoes, purchase and rental  
 T—Equipment and supplies for baseball, football, hockey, basketball and other sports  
 T—Exercise equipment  
 T—Guns and ammunition  
 NT—Gym suits, outfits  
 T—Helmets  
 T—Hunting accessories  
 NT—Hunting clothing, including camouflage and blaze orange  
 NT—Jogging outfits, running shoes  
 T—Mats, floor  
 T—Protective equipment, knee pads, elbow pads, forearm pads, etc.  
 T—Sleeping bags  
 NT—Sneakers, jogging, tennis and aerobic shoes, etc.  
 NT—Snowmobile suits  
 T—Uniforms, baseball, football, soccer, basketball, hockey, etc.  
 NT—Warm-up suits, cloth sweat suits  
 T—Weights  
 T—Skates, ice, roller, in-line and sharpening and rental

(26) *Tobacco Products*

T—Chewing tobacco, all types  
 T—Cigarettes, little cigars  
 T—Cigars, all types

T—Electronic cigarettes and vaporizers, and accessories  
 T—Smoking accessories, including lighters T—Tobacco, all types

(27) *Utilities and Fuel*

T—Cellphone services  
 NT—Coal  
 NT—Coin-operated telephone charges  
 T—Corn and corn pellets  
 T—Fire logs, processed  
 NT—Firewood, kindling and wood pellets for residential use

T—Fuel oil, gas, steam or electricity purchased for commercial use  
 NT—Fuel oil, gas, steam or electricity purchased for residential use  
 T—Interstate and intrastate telephone services for residential or commercial use  
 T—Basic telephone service and subscriber line charges for commercial use  
 NT—Basic telephone service and subscriber line charges for residential use  
 T—Utilities for office or business within home

(28) *Tires and Motor Vehicle Leases and Rentals Subject to Public Transportation Assistance Fund Taxes and Fees (PTA) (61 Pa. Code § 47.19)*

The following items are subject to a Public Transportation Assistance Fund Taxes or Fees as indicated. The tax or fee is in addition to any Sales or Use Tax which may be due. However, the Sales, Use, PTA Taxes or PTA Fees shall not be included within the tax base when imposing such taxes or fees.

<i>Item</i>	<i>PTA Tax/Fee</i>	<i>Exemption</i>
Tires, new tires for highway use (used tires and tires for off highway use are not subject to the fee)	\$1 fee upon the sale of each new tire	Exempt only if purchased by a government entity
Rentals of Motor Vehicles (the term rental shall mean the transfer of the possession of a motor vehicle for a period of less than 30 days)	\$2 fee upon each rental day or part thereof	Exempt, if lessee qualifies for sales tax Exemption
Leases of Motor Vehicles (the term lease shall mean the transfer of possession of a motor vehicle for a period of 30 or more days)	3% tax upon the total lease payment including down payment and accelerated lease payments	Exempt, if lessee qualifies for sales tax Exemption

(29) *Vehicle Rental Tax (VRT) (61 Pa. Code § 47.20)*

Rental companies that have available for rental, 5 or more motor vehicles designed to carry 15 or less passengers, or a truck, trailer or semi-trailer used in the transportation of property, other than commercial freight that is rented without a driver, are responsible for collecting an additional 2% tax. This tax is imposed on the purchase price, as calculated for Sales Tax purposes, of each rental contract for a period of 29 consecutive days or less. The VRT is separate from, and in addition to, any applicable state or local Sales Tax or the \$2 daily PTA fee.

Effective October 30, 2017, a prorated partial day fee for carsharing services was provided as a clarification to the current vehicle rental fee.

The fee schedule is as follows:

<i>Rental Interval</i>	<i>Fee</i>
Less than 2 hours	25¢
2 to 3 hours	50¢
More than 3 hours	\$1.25
4 or more hours	\$2

Rental companies may claim a refund up to the amount of tax remitted for licensing and titling fees paid to the Commonwealth during a previous calendar year.

C. DANIEL HASSELL,  
*Secretary*

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**DEPARTMENT OF REVENUE**

**Rates of Tax on Aviation Gasoline and Jet Fuel for 2022; Oil Company Franchise Tax Rate for 2022; Alternative Fuels Tax Rates for 2022**

**I. Aviation Gasoline and Jet Fuels**

*A. Aviation Gasoline Rate for 2022*

Under 74 Pa.C.S. § 6121(b) (relating to tax on aviation fuels), the Secretary of Revenue (Secretary) announces that for calendar year 2022 the rate of tax on aviation gasoline and all other liquid fuels used or sold and delivered by distributors within this Commonwealth for use as fuel in propeller-driven piston engine aircraft or aircraft engines will increase to the rate of 6.0¢ per gallon or fractional part thereof.

*B. Jet Fuel Rate for 2022*

Under 74 Pa.C.S. § 6131(b) (relating to tax on jet fuels), the Secretary announces that for calendar year 2022 the rate of tax on jet fuels used or sold and delivered by distributors within this Commonwealth for use as fuel in turbine-propeller jet, turbojet and jet-driven aircraft and aircraft engines will increase to the rate of 2.0¢ per gallon or fractional part thereof.

*C. Calculating the 2022 Aviation Gasoline and Jet Fuel Rates*

The rate of tax on aviation gasoline is adjusted annually beginning on January 1, 1985, and each January 1 thereafter.

The rate of tax on jet fuels is adjusted annually beginning on January 1, 1986, and each January 1

thereafter. Under 74 Pa.C.S. §§ 6121(b) and 6131(b) the rate of each tax increases or decreases 0.1¢ per gallon for each 10% increase or decrease in the producer price index for jet fuel as determined by the United States Department of Labor, Bureau of Labor Statistics, for the most recent 12-month period available as of November 1 each year subject to a maximum rate of 6.0¢ per gallon for aviation gasoline and 2.0¢ per gallon for jet fuels.

On October 14, 2021, the most recently available 12-month period was September 2020 to September 2021, as reported in the Bureau of Labor Statistics, United States Department of Labor, Producer Price Indexes, September 2021, USDL-21-1833, released October 14, 2021, for which the percentage change was an increase of 81.9%. Accordingly, the aviation gasoline tax rate will increase to the rate of 6.0¢ per gallon; the jet fuel tax rate also will increase to the rate of 2.0¢ per gallon.

## II. Oil Company Franchise Tax

### A. Transportation Funding Act of 2013

Governor Corbett signed into law the act of November 25, 2013 (P.L. 974, No. 89) which amended 75 Pa.C.S. (relating to Vehicle Code) to both eliminate the inflationary cap on the Oil Company Franchise Tax and the fixed 12¢ per gallon Liquid Fuels and Fuels tax. Specifically, 75 Pa.C.S. § 9002 (relating to definitions) provides for the future removal of the cap and specific wholesale prices for use in the interim years.

### B. Calculating the 2022 Oil Company Franchise Tax Rate

The rate of the oil company franchise tax imposed under 75 Pa.C.S. Chapter 95 (relating to taxes for highway maintenance and construction), 75 Pa.C.S. § 9502 (relating to imposition of tax), and collected under 75 Pa.C.S. Chapter 90 (relating to Liquid Fuels and Fuels Tax Act), 75 Pa.C.S. § 9004(b) (relating to imposition of tax, exemptions and deductions), is determined annually by the Department of Revenue (Department) and announced by each December 15 for the following calendar year. The tax rate is determined on a “cents per gallon equivalent basis,” which is defined by 75 Pa.C.S. § 9002 as:

The average wholesale price per gallon multiplied by the decimal equivalent of any tax imposed by section 9502 (relating to imposition of tax), the product of which is rounded to the next highest tenth of a cent per gallon. The rate of tax shall be determined by the Department of Revenue on an annual basis beginning on every January 1 and shall be published as a notice in the *Pennsylvania Bulletin* no later than the preceding December 15. In the event of a change in the rate of tax imposed by section 9502, the Department shall redetermine the rate of tax as of the effective date of such change and give notice as soon as possible.

“Average wholesale price” as used previously is defined by 75 Pa.C.S. § 9002 as:

The average wholesale price of all taxable liquid fuels and fuels, excluding the Federal excise tax and all liquid fuels taxes shall be as follows:

(1) After December 31, 2013, and before January 1, 2015, the average wholesale price shall be \$1.87 per gallon.

(2) After December 31, 2014, and before January 1, 2017, the average wholesale price shall be \$2.49 per gallon.

(3) After December 31, 2016, the average wholesale price shall be as determined by the Department of Revenue for the 12-month period ending on the September 30 immediately prior to January 1 of the year for which the rate is to be set. In no case shall the average wholesale price be less than \$2.99 per gallon.

For the 12-month period ending September 30, 2021, the Department has determined that the average wholesale price for all grades of gasoline and diesel fuel is \$1.92 per gallon, which was less than the statutory minimum; therefore, the average wholesale price for 2022 is set at the floor of \$2.99 per gallon.

The oil company franchise tax imposed under 75 Pa.C.S. § 9502 is separated into two portions: mills per gallon not subject to discount (NSTD) and mills per gallon subject to discount (STD). The following table details the underlying calculations:

### Composition of Oil Company Franchise Tax (OCFT)

#### OCFT Per Gallon NSTD

Imposed By:	Liquid Fuels	Fuels
75 Pa.C.S. § 9502(a)(1)	60.0	60.0
75 Pa.C.S. § 9502(a)(2)	55.0	55.0
75 Pa.C.S. § 9502(a)(3)	38.5	38.5
75 Pa.C.S. § 9502(a)(4)	00.0	55.0
NSTD Mills per Gallon:	153.5	208.5
Decimal Equivalent:	0.1535	0.2085
Average Wholesale Price:	× \$2.99	× \$2.99
Product:	45.90¢	62.34¢
OCFT per Gallon, NSTD, rounded to next highest tenth per 75 Pa.C.S. § 9002:	45.9¢	62.4¢

#### OCFT Per Gallon STD

Imposed By:	Liquid Fuels	Fuels
75 Pa.C.S. § 9502(a)(5)	39.0	39.0
STD Mills per Gallon:	39.0	39.0
Decimal Equivalent:	0.0390	0.0390
Average Wholesale Price:	× \$2.99	× \$2.99
Product:	11.66¢	11.66¢
OCFT per Gallon, STD, rounded to next highest tenth per 75 Pa.C.S. § 9002:	11.7¢	11.7¢

#### Total OCFT per Gallon, rounded to next highest tenth

	Liquid Fuels	Fuels
Total OCFT = NSTD + STD:	57.6¢	74.1¢

### C. Imposition of Oil Company Franchise Tax on Liquid Fuels and Fuels

The act of April 17, 1997 (P.L. 6, No. 3) provides that the oil company franchise tax as previously computed is imposed when liquid fuels or fuels are used or sold and delivered in this Commonwealth. Accordingly, the tax imposed upon the use or sale and delivery of 1 gallon of liquid fuels (primarily gasoline) shall be 57.6¢, and the

tax imposed upon the use or sale and delivery of 1 gallon of fuels (primarily undyed diesel fuel) shall be 74.1¢.

### III. Alternative Fuels Tax Rates for 2022

Under 75 Pa.C.S. § 9004(d) the Secretary is required to compute the rate of tax applicable to each alternative fuel on a gallon-equivalent-basis. Under 75 Pa.C.S. § 9002 “gallon-equivalent-basis” is defined as the “amount of any alternative fuel as determined by the Department to contain 114,500 BTU’s.” The amount determined on a “gallon-equivalent-basis” for each alternative fuel is subject to the oil company franchise tax currently imposed on 1 gallon of gasoline. The rate of tax on 1 gallon of gasoline during the period of this notice is 57.6¢ which is equal to the Oil Company Franchise Tax.

The 2022 tax rates for Compressed Natural Gas (CNG)

and Hydrogen are calculated by utilizing the unit of measurement referred to as the gasoline gallon equivalent (GGE). A GGE is the amount of alternative fuel it takes to equal the energy content of one liquid gallon of gasoline.

The 2022 tax rate for Liquefied Natural Gas (LNG) is calculated by utilizing the unit of measurement referred to as the diesel gallon equivalent (DGE). A DGE is the amount of alternative fuel it takes to equal the energy content of one liquid gallon of diesel.

GGE and DGE are the most common forms of measurement for these products at the retail level. Measuring alternative fuels by GGE and DGE allows the consumer to make energy and cost comparisons with gasoline and diesel.

The Secretary announces that the 2022 tax rates for alternative fuels are as follows:

<i>Alternative Fuel (Liquids)</i>	<i>Rate of Conversion (BTU/Gal of Alternative Fuel)</i>	<i>Tax Rate per Gallon of Alternative Fuel</i>
Ethanol	76,330	\$0.384
Methanol	57,250	\$0.289
Propane/LPG	84,250	\$0.425
E-85	82,056	\$0.413
M-85	65,838	\$0.332
Electricity	3,414 BTU/kWh	\$0.0172/kWh
<i>Alternative Fuels under GGE Formula (Gaseous)</i>	<i>GGE Equivalent to One Gallon of Gasoline</i>	<i>Tax Rate per GGE</i>
CNG	1	\$0.576
Hydrogen	1	\$0.576
<i>Alternative Fuels under DGE Formula (1 DGE = 1.7 gallons)</i>	<i>DGE Equivalent to One Gallon of Diesel</i>	<i>Tax Rate per DGE</i>
LNG	1	\$0.648

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 21-2088. Filed for public inspection December 10, 2021, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Citizens for Pennsylvania’s Future v. Department of Environmental Protection and Department of Transportation, Permittee; EHB Doc. No. 2021-114-B

Citizens for Pennsylvania’s Future has appealed the issuance by the Department of Environmental Protection of NPDES Permit No. PAI139601, for stormwater discharges from Department of Transportation’s municipal separate storm sewer system (MS4).

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. 21-2089. Filed for public inspection December 10, 2021, 9:00 a.m.]



## ENVIRONMENTAL HEARING BOARD

### Citizens for Pennsylvania's Future v. Department of Environmental Protection and Pennsylvania Turnpike Commission, Permittee; EHB Doc. No. 2021-115-B

Citizens for Pennsylvania's Future has appealed the issuance by the Department of Environmental Protection of NPDES Permit No. PAI139602, for stormwater discharges from Pennsylvania Turnpike Commission's municipal separate storm sewer system (MS4).

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. 21-2090. Filed for public inspection December 10, 2021, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Frank R. Zokaites, Zokaites Contracting, Inc. and Zokaites Properties, LP v. Department of Environmental Protection; EHB Doc. No. 2021-113-R

Frank R. Zokaites, Zokaites Contracting, Inc. and Zokaites Properties, LP have appealed the denial by the Department of Environmental Protection of coverage under NPDES General Permit PAG-02, to renew Permits No. PAG-02 0004-06-014R and PAG-02 0004-06-016R, for project sites located in Beaver 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. 21-2091. Filed for public inspection December 10, 2021, 9:00 a.m.]

## HOUSING FINANCE AGENCY

### 2022 Pennsylvania Housing Affordability and Rehabilitation Enhancement Fund Plan; Draft

#### *Background*

The Pennsylvania Housing Affordability and Rehabilitation Enhancement (PHARE) Fund was established by the act of November 23, 2010 (P.L. 1035, No. 105) (Act 105) to provide the mechanism by which certain allocated State or Federal funds, as well as funds from other outside sources, would be used to assist with the creation, rehabilitation and support of affordable housing throughout this Commonwealth.

Act 105 outlines specific requirements that include preferences, considerations, match funding options and obligations to utilize a percentage of the funds to assist households below 50% of the median area income. Act 105 provides a broad canvas regarding the types of programs and the specific uses of any funding to allow flexibility in working with other State and Federal acts and programs.

For Program Year 2022-2023, the PHARE Fund includes funds available through Marcellus Shale (Act 13 of 2012), the Realty Transfer Tax (RTT) Funds (Act 58 of 2015) and the National Housing Trust Fund (HTF), authorized by the Housing and Economic Recovery Act of 2008 (Pub.L. No. 110-289).

In the event that additional funds become available at any time, the Housing Finance Agency (Agency) will administer them in accordance with this plan, and without the need for additional notices or amendments.

This plan includes the following general sections: principles of PHARE, elements of the Plan, application requirements and timeline. Thereafter, the Plan includes specific information and program requirements relating to each of the Marcellus Shale (Act 13 of 2012) funds, the RTT funds and the HTF funds.

#### *Principles of PHARE*

In accordance with Act 105, the moneys will be used to address significant and persistent housing needs in communities with the following additional criteria:

1) *Maximize resource leveraging*—To the greatest extent possible, the resources allocated will be used as leverage for other public and private resources. Additionally, local nonfinancial assets should be identified and leveraged where possible—including transportation, schools, recreation, employment, health, community and economic development support and other amenities.

• *Maintenance of Effort/Resource Coordination*—The Agency is seeking to ensure that PHARE applicants, where practical and relevant, are utilizing all other available sources of funding (CDBG, HOME CSBG, AHP, ESG, CoC, HUD, NAP, Keystone Communities, and the like). The Agency will review applications with an emphasis on ensuring maximize leveraging of available resources with PHARE funds not intended to substitute for, or supplant, other currently available sources of program/project funding. This provision is primarily intended to address local municipal or county-based real estate development projects where other Federal/non-Federal sources of funding may be applicable. Multi-county, regional or Statewide proposals addressing critical housing needs are still encouraged to apply.

2) *Affordability*—The Agency encourages applicants to address the issue of long-term affordability based on the

local housing market conditions. To the greatest extent possible, programs and projects should be designed in ways to both maintain the investment made in the housing stock and to continue affordability after initial assistance. This could include revolving loan programs, shared equity homeownership and other strategies for addressing this objective.

3) *Address greatest need*—PHARE funds will be allocated in communities where the greatest housing needs are identified based on housing needs studies and assessments, interviews, real estate price factors, housing stock analysis and market studies. The limited resources available should be used to meet the most significant and pressing housing needs but may also be used to address longer term housing needs. Preference: Projects/programs that: 1.) Assist with the rehabilitation of blighted, abandoned or otherwise at-risk housing and the reuse of vacant land where housing was once located; 2.) Provide funding for owner-occupied rehabilitation, first time homebuyers and rental assistance; or 3.) Address ongoing needs for homeless families and individuals including veterans.

4) *Foster partnerships*—The funds should be used to maximize sustainable partnerships that will be committed to addressing the housing needs in these communities over a significant period of time. While the funds are to be used to directly support housing to meet community needs, the projects should also help establish capacity to address those needs over the long term. Preference: Projects/programs that incorporate social service entities which offer additional services to the residents within the community where the project/program is taking place.

5) *Effective and efficient implementation*—Ensure that the resources are used effectively and efficiently to meet the housing needs. Given the expectation that demand for many types of housing will greatly exceed the funds available, it will be critical to maximize the effectiveness and efficiency for housing investments by the PHARE Fund. Preference: Projects/programs that assist the residents with the greatest need in that region and can document highly effective strategies to address unmet need.

6) *Equitable and transparent*—Create a plan and equitable allocation process that provides transparency to all stakeholders. Funding decisions and reporting will be done in accordance with legislative requirements.

7) *Emergency Response to Critical Needs*—Providing immediate and necessary funding to address an emergent crisis, emergency housing needs or other unanticipated issues that may arise over the course of the year. The PHARE funds could be rapidly deployed to address these significant, unmet and emergency housing needs in this Commonwealth as determined by the Agency.

#### *Elements of the Plan*

*Analysis of Need*—One of the most critical components of the Plan is to continually assess housing needs in these communities. From both a quantitative and qualitative perspective the requirement to have accurate, reliable data from which funding decisions can be made is imperative.

It is important to recognize that this data will need to be municipality-specific to capture the unique and likely different housing needs in the various communities. In addition, the housing/real estate markets are diverse across communities and the analysis of need will require

an understanding (qualitative and quantitative) of individual markets to make appropriate resource allocation decisions.

Building upon analysis already undertaken by the Agency and the Commonwealth, additional analysis may be performed to assess specific housing issues to identify housing needs (persons with special needs, elderly, larger households, physical disabilities, homeless, and the like) to appropriately target PHARE Fund resources to those in greatest need of housing. In addition to multiple types of housing analysis, the Agency will consider different income levels, nature of housing stock and the housing needs of those across a broad spectrum (homeless, near homeless, very low income, low income, temporary and seasonal workers and permanent work force, and the like).

*Understanding of real estate market dynamics*—The plan for the utilization of these resources has been developed to address and continuously reevaluate the specific housing real estate markets in each community. The housing and real estate development “capacity” will also have significant impact on the ability of these funds to be used effectively and efficiently to meet the needs of the communities.

There will be need for ongoing analysis of capacity (private, nonprofit and public) as part of the plan. Some communities may not have had a significant housing market in decades while in others there may be a robust market addressing a significant portion of housing needs. The plan will help determine where additional housing development may be necessary or where other strategies may be implemented for meeting the housing needs in those communities.

*Allocation and use*—The funding vehicle’s allocation process, created by the plan, must also be supportive of and responsive to the needs of the housing and real estate development market and should foster coordinated local housing plans and resources. Funds may be used to support predevelopment, site acquisition and infrastructure development, planning and preconstruction activity in addition to direct support of development and operation of projects and housing programs including employee assisted housing programs. Funds may be provided in various forms designed to best support the activity including grants; market rate, amortizing, balloon, bridge or soft loans; capital contributions; capital financing subsidy support; operating and supportive service reserve funding; rental; or homeowner assistance. Funds may be specifically allocated to address timing issues presented in the development of affordable housing projects; for example, when other financing is available, construction season, local zoning or other approvals. In addition, funding may be directed for administration by the Agency for certain projects approved for low income housing tax credits or other Agency resources. Preliminary allocations may be made for projects/programs awaiting approval of additional resources.

Funds will have expenditure deadlines and approved programs/projects must be started within 2 years of funding award. Additional requirements for application submission will be outlined in the annual Request for Proposal (RFP).

*High quality design and construction*—A vital element of the Plan will be the development of housing that is both of good quality design and construction and will be sustainable over a long period of time.

The opportunity to meet the growing housing needs in these communities will necessitate that this housing be

available as an asset for the community for many generations. To meet this objective the Agency requires that projects, funded with these resources, meet the highest design and construction quality standards available and that all projects ensure sustainability to the long term (both financial and physical). Funds may be specifically allocated to support green and renewable energy sources and as leverage to consumer programs available through utility companies or other business partners.

#### *PHARE Application Process*

The elements of the application and allocation process include:

- Adoption of “plan” for managing the anticipated PHARE funds by the Agency each year.
- The Agency will establish an annual application process that will allow the Agency to address local housing needs.
  - The Agency may amend the Plan, application and the allocation process at any time, upon written publication of such amendments.
- Announcement of application and possible training/information session concerning the elements of the application.
- Applications accepted and reviewed by the Agency staff based on the application and Plan requirements.
- As part of the RFP process, the Agency will require that all applicants target a minimum of 30% of their awarded PHARE funds to support households with incomes below 50% of median area income.
  - Project recommendations reviewed by the Agency.
  - Announcement of preliminary funding approval.

The Agency may allocate existing funds, or funds that may become available, at any time outside of the application cycle but consistent with the principles, goals and elements of this plan.

Applicants are expected to satisfy the affordability requirements of the PHARE program and commit to a long-term sustainable program to maintain affordability (which may be documented with restrictive covenants or other program documents). Applicants must abide by prevailing wage where applicable.

#### *Timeline*

The Agency will align the application and funding timelines of its programs that support multifamily affordable rental housing—Tax Credits, PennHOMES and PHARE (Marcellus Shale, RTT and HTF)—to strategically and efficiently allocate these resources.

The following is the proposed timeline for 2022 program administration:

• PHARE Plan—Draft	December 2021
• PHARE Plan—Final	February 2022
• PHARE RFP—Issued	September 2022
• PHARE Applications Due	November 2022
• PHARE Funding Awards Announced	June/July 2023

#### **PHARE/Marcellus Shale Impact Fee (Act 13 of 2012)**

##### *Purpose and Priorities for Funding*

The Marcellus Shale Impact Fee (Act 13 of 2012) provides the funding mechanism to address the housing needs in impacted counties/communities of the Marcellus

Shale region. Fifty percent of the awarded funds must be spent in fifth through eighth class counties.

The Marcellus Shale Impact Fee legislation (Impact Fee Act) specifically allocates certain amounts from the impact fee into the PHARE Fund to address the following needs, including:

1. Support for projects that increase the availability of affordable housing for low-income and moderate-income persons and families, persons with disabilities and elderly persons in counties where unconventional gas wells have been drilled (regardless of production levels).
2. Provide rental assistance, in counties where unconventional gas wells have been drilled, for persons or families whose household income does not exceed the area median income.
3. Specifies that no less than 50% of the funds are to be used in fifth, sixth, seventh and eighth class counties.

*Direct Allocation*—PHARE Fund will receive a direct yearly allocation from the portion of funds set aside for local distribution. The direct allocation is as follows: \$5.0 million each fiscal year beginning in 2013 and thereafter.

*Windfall/Spillover Funds*—Additional funds may become available because the Impact Fee Act limits amounts allocated to qualifying municipalities (as defined in the Impact Fee Act) and provides that any money remaining, after all allocations have been made to qualified municipalities, would also be deposited into the PHARE Fund.

Agency proposals that exhibit readiness for implementation and which include significant leveraging of funds from public/private funding sources will be prioritized. It is likely that the funds in this program will not be sufficient to meet all the housing needs and mitigate every housing impact created by the shale gas development; therefore, investment decisions will target the limited funds to projects that meet the principles outlined above and most comprehensively address the elements of the plan.

Where possible, these funds will be targeted and stay focused on mitigating the very specific housing impacts created by the shale development in the impacted and designated communities. This element will likely result in the determination that while there may be worthy housing projects that could be funded with these resources, the focus of development will be on most comprehensively addressing the direct and tangible housing impacts. Priority may be given to target resources in tandem with approved county housing trust fund plans or plans for the utilization of local share impact fee funds, or both.

#### *Eligible Applicants*

Applicants eligible to receive PHARE/Marcellus Shale funds include counties that have adopted impact fees as well as municipalities who have further contributed to PHARE by means of windfall/spill over funds from the impact fee. While only eligible applicants may apply, nonprofit and for profit organizations may be part of the application process.

Counties and municipalities may also delegate the role of “applicant” to a nonprofit or for profit organization for purposes of the application. In the case where a county or municipality has designated another organization, agency or department to apply on their behalf, documentation identifying such must be included in the application.

There are many diverse interests that are concerned about the anticipated housing impact and therefore how



these resources will be allocated to address the need. To the greatest extent possible opportunities should be created for relevant and legitimate stakeholders to comment and advise the plan. This element will need to be managed for practicality and efficiency in order to maximize input. Preference: Applications that 1.) Provide a process where members of the community and other stakeholders may provide input on the application prior to submission; or 2.) Include Optional Affordable Housing funds (Act 137 of 1989) or local share portions of the impact fee, or both.

The Agency also requests that applicants include information on how the county is using local shares of public resources, including local Act 13 of 2012 funds and Act 137 of 1989 (county-based housing trust fund) moneys, to address housing needs in the community.

Preliminary approval and funding of applications is contingent upon receipt of funds under Act 13 of 2012.

#### **PHARE/RTT Fund (Act 58 of 2015)**

In November 2015, Governor Wolf signed Act 58 of 2015, which, in part, directs certain RTT receipts to the PHARE Fund. This revenue source is available in all 67 counties of this Commonwealth.

Under Act 58 of 2015 RTT, the Agency's PHARE program will receive an allocation of funds based on a formula using 2014 year as a base. (The annual amount available for the PHARE program will be equal to the lesser of 40% of the difference between the total dollar amount of the RTT imposed under section 1102-C of the Tax Reform Code of 1971 collected for the prior fiscal year and the total amount of RTT estimated for the fiscal year beginning July 1, 2014.) The PHARE/RTT fund will be capped at \$40 (increased cap enacted as part of Fiscal Year 2020-2021 final approved State Budget) million annually. Funding allocations and reporting will be completed in accordance with PHARE requirements.

#### *Purpose and Priorities for Funding*

The PHARE/RTT Program will provide funds to projects/programs providing sustainable and comprehensive solutions to address housing and community development needs across this Commonwealth.

These funds will be directed to address clearly articulated needs in communities based on the following priorities:

1. Preservation of the current stock of rental housing or the development/creation of new affordable rental housing to address unmet local need. This includes projects/programs for the elderly in danger of losing their homes and rental assistance to help families remain in their residence.

2. Funding for projects/programs to address ongoing housing needs for reducing homelessness, including specific and targeted vulnerable populations (veterans, persons with disabilities, supportive housing for the elderly, re-entry population, families and youth).

3. Funding for comprehensive housing and redevelopment efforts that address blighted and abandoned properties impacting concerted community revitalization efforts, supported by clearly articulated community plans. This could include a variety of housing/redevelopment strategies such as acquisition, demolition, construction, rehabilitation, site remediation and other efforts.

4. Creating new opportunities for affordable homeownership. This may include closing cost/down payment assistance, financial education/counseling or other forms

of assistance to potential first-time homebuyers as well as the development/construction of new homes and rehabilitation of existing housing.

5. Other efforts that address unmet housing and community development needs. This could include projects and programs to assist persons living in manufactured communities, homeowners to remain in their homes through renovation/mortgage/utilities or other forms of housing services and assistance, addressing environmental conditions such as lead paint abatement, rapid rehousing efforts and emergency temporary housing needs resulting from disasters.

#### *PHARE Funding Priority Categories*

The Agency will prioritize funding for proposals targeting at least one of the following housing initiatives (all proposals must fall under one of the seven funding categories):

- *4% Tax Credit Projects*—All projects submitted must be a minimum of 50 units and priority will be given to projects with greater than 75 units.

- *Preservation/Rehabilitation/Renewal*—Rehabilitation of existing housing stock, demolition of blighted, at-risk housing and renewal of brownfields or vacant land for green space.

- *Rental Housing Creation*—Development of new and affordable rental units.

- o May include acquisition, predevelopment costs, construction or significant rehabilitation, or both, and demolition where the development of affordable housing is the end goal.

- *Homelessness Prevention*—Address ongoing needs for individuals and families at risk for homelessness, including (but not limited to) rapid rehousing, rent/utility/transportation assistance, landlord outreach, case management and short-term emergency shelter care.

- Increase the availability of integrated housing opportunities, supportive services, and resources for vulnerable populations such as veterans, the re-entry population, persons dealing with addiction disorders, persons with disabilities, and at-risk youth.

- *Innovative Housing Solutions*—Piloting unique and creative approaches to addressing unmet housing needs and historic disparities in housing.

- *Homeownership*—Development of additional affordable for sale housing units, also to include: programming and homeownership down payment and closing cost assistance for first-time homebuyers and vulnerable/underrepresented communities.

- *Housing Counseling and Financial Education*—Activities providing various types of housing counseling, including pre and post purchase, financial education, foreclosure prevention and other forms of direct client counseling to assist homeowners or renters.

#### *Priorities for Selection*

PHARE/RTT awards will be directed to projects and programs based on the following criteria for selection:

- Projects/programs that show significant leveraging of other funds (local, State and Federal, public and private) to ensure maximum impact.

- Projects/programs that have all funding committed and can move rapidly to implementation and utilization.



- Projects/programs that embrace, partner with, and/or are incorporated into a larger local, county or regional housing development plan.

- Projects/programs that satisfy local planning/zoning ordinances.

- Projects/programs that affirmatively further fair housing.

- Projects/programs that are specifically designed to address a clearly articulated need in a community or specific population.

- o Projects/programs must be ready to address how PHARE funding will be used to address persistent, historical and significant disparities and inequities that exist by race, class, income, culture and education.

- Projects/programs that embrace innovative approaches to Statewide housing and community development issues; address underserved and unmet housing needs across this Commonwealth and otherwise meet overall Agency goals for tackling community redevelopment.

- Documented capacity of applicant and ability to proceed with the project/program in a timely manner.

#### *Eligible Applicants*

Applicants eligible to receive PHARE/RTT funds include units of local government (counties, cities, boroughs, townships, town and home rule municipalities) nonprofit and for profit entities, and economic, community and housing developments organizations in all 67 counties of this Commonwealth.

Applicants are expected to satisfy the affordability requirements of the PHARE program and commit to a long-term sustainable program to maintain affordability (which may be documented with restrictive covenants or other program documents). Applicants must abide by prevailing wage labor payment standards where applicable.

Preliminary approval and funding of applications is contingent upon receipt of funds under Act 58 of 2015.

#### **PHARE/HTF**

The HTF was enacted as part of the Housing and Economic Recovery Act of 2008 to provide resources to develop, preserve and rehabilitate housing for very low income and extremely low-income households. Funding for the HTF is derived from Fannie Mae and Freddie Mac earnings.

HTF funding will be made available to provide additional financial support to tax credit properties which increase the number of units set aside for extremely low income tenants. The Agency received approval from United States Department of Housing and Urban Development (HUD) Commonwealth's HTF Allocation Plan and is awaiting release of funding from HUD. Upon receipt of HUD program documents and release of funding, the Agency will announce the application process in accordance with the HTF Allocation Plan.

A copy of the approved HUD HTF Allocation Plan can be found at <http://www.phfa.org/legislation/act105.aspx>.

Date: December 1, 2021

ROBIN L. WIESSMANN,  
*Executive Director*

[Pa.B. Doc. No. 21-2092. Filed for public inspection December 10, 2021, 9:00 a.m.]

## **INSURANCE DEPARTMENT**

### **Appeal of Doris Bailey under the Quality Health Care Accountability and Protection Article; PA Health and Wellness; Doc. No. HC21-11-014**

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—991.2193), 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 by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant provisions of law.

A prehearing telephone conference initiated by the Administrative Hearings Office will be held on January 5, 2022, at 9:30 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before January 3, 2022. A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference.

Protests, petitions to intervene or notices of intervention must be electronically filed on or before December 22, 2021, with the Administrative Hearings Office. Answer to protests, petitions to intervene or notices of intervention, if any, must be electronically filed on or before January 3, 2022.

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. 21-2093. Filed for public inspection December 10, 2021, 9:00 a.m.]

## **INSURANCE DEPARTMENT**

### **Coal Mine Compensation Rating Bureau; Workers' Compensation Loss Cost Filing**

On November 23, 2021, the Insurance Department received from the Coal Mine Compensation Rating Bureau (Bureau) a filing for a loss cost level change for workers' compensation insurance. This filing was made in accordance with section 705 of the Workers' Compensation Act (77 P.S. § 1035.5).

The Bureau requests an overall 0.3% increase in loss costs, effective April 1, 2022, on a new and renewal basis. Additionally, the Bureau has calculated the Employer Assessment Factor effective April 1, 2022, to be 2.68%, as compared to the currently approved provision of 2.48%.

The entire April 1, 2022, loss cost filing is available for review on the Bureau's web site at [www.cmcrbpa.com](http://www.cmcrbpa.com) under "Filings."

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Office of Insurance Product Regulation,

1326 Strawberry Square, Harrisburg, PA 17120, gzhou@pa.gov, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 21-2094. Filed for public inspection December 10, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Independence Blue Cross; Rate Increase Filing for Several LTC Forms (INAC-133050783); Rate Filing

Independence Blue Cross is requesting approval to increase the premium an aggregate 37.23% on 1,223 policy holders with the following individual LTC policy series: 5018, 5019, 5024, 5025, 5311 and 5313.

Unless formal administrative action is taken prior to February 25, 2022, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Pending Long Term Care Rate Filings").

Interested parties are invited to submit written comments, suggestions or objections to Michael Hibbert, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [mhibbert@pa.gov](mailto:mhibbert@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 21-2095. Filed for public inspection December 10, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Application of Service Electric Cable T.V., Inc. for Approval to Offer, Render, Furnish or Supply Telecommunications Services to the Public as a Competitive Local Exchange Carrier in the Service Territories of all Thirty-Five Incumbent Local Exchange Carriers within the Commonwealth of Pennsylvania

Public Meeting held  
November 18, 2021

*Commissioners Present:* Gladys Brown Dutrieuille, Chairperson, Statement, concurring in result only; John F. Coleman, Jr., Vice Chairperson; Ralph V. Yanora

*Application of Service Electric Cable T.V., Inc. for Approval to Offer, Render, Furnish or Supply Telecommunications Services to the Public as a Competitive Local Exchange Carrier in the Service Territories of all thirty-five Incumbent Local Exchange Carriers within the Commonwealth of Pennsylvania; A-2021-3026335*

### Tentative Order

*By the Commission:*

On June 8, 2021, Service Electric Cable T.V., Inc. (Applicant or SECTV) filed an Application seeking a Certificate of Public Convenience (CPC) under our orders issued pursuant to the Telecommunications Act of 1996, 47 U.S.C. §§ 201 et seq., (TA-96)<sup>1</sup> and to Chapter 11 of the Public Utility Code (Code) (66 Pa.C.S. §§ 1101 et seq.) evidencing authority to provide the following telecommunications services to the public as a Competitive Local Exchange Carrier (CLEC) in the Service Territories of all thirty-five Incumbent Local Exchange Carriers (ILECs) within the Commonwealth of Pennsylvania.

The Applicant was granted provisional authority pursuant to our Secretarial Letter of August 19, 2021, to provide the proposed CLEC services in the service territories of Verizon Pennsylvania LLC and Verizon North LLC pursuant to its proposed tariffs during the pendency of the application process. As required by 52 Pa. Code § 5.14, the Application also was published in the *Pennsylvania Bulletin*.<sup>2</sup> The Applicant was granted a waiver concerning publishing notice of its Application in newspapers of general circulation. The protest period for this Application expired September 20, 2021. The assigned utility code is 310605.

The Applicant complied with notice requirements set forth in our TA-96 Implementation Orders by serving a copy of its Application upon the aforementioned ILECs, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Attorney General. No protests were filed. No hearings were held.

Information concerning the Applicant is as follows:

- The Applicant is a Pennsylvania corporation with its principal place of business at 2200 Avenue A, Bethlehem, PA 18017, phone (610) 625-8579, facsimile (610) 626-5877.
- The Applicant complied with Pennsylvania law relating to a domestic corporation.
- The Applicant's Pennsylvania Emergency Management Agency contact is Jeffery Kelly, Director of Engineering, at SECTV's headquarters; phone (610) 625-8579; facsimile (610) 626-5877; email [kellyj@sectv.com](mailto:kellyj@sectv.com).
- Correspondence to resolve complaints may be directed to Jennifer Brown, at SECTV's headquarters, phone (610) 625-8669, facsimile (610) 865-5031, email [jbrown@sectv.com](mailto:jbrown@sectv.com).
- The Applicant will not be using a fictitious name.
- The Applicant is not operating as a public utility in other states.

<sup>1</sup> In light of the policy objectives of TA-96, market entry requirements for telecommunication service providers are set out in In Re: Implementation of the Telecommunications Act of 1996, Docket No. M-00960799 (Order entered June 3, 1996; Order on Reconsideration entered September 9, 1996) (TA-96 Implementation Orders).

<sup>2</sup> See 51 Pa.B. 5809 (September 4, 2021).

• The instant Application was filed as part of a General Rule Transfer of Control filing associated with the Applicant's acquisition of assets and operations from Service Electric Telephone Company, LLC.<sup>3</sup>

In its Application, SECTV avers that it proposes to offer facilities-based business and residential cable (television), internet, data and voice service via Voice over Internet Protocol ("VoIP") in Pennsylvania.<sup>4</sup> Based on its Application, SECTV is a provider of fixed interconnected VoIP service.

Historically, the Commission has regulated the entry of jurisdictional telecommunications carriers offering service in Pennsylvania through the examination and adjudication of applications for a CPC. These applications are filed pursuant to Chapter 11, Subchapter A of the Public Utility Code (Code).<sup>5</sup> Specifically, this Subchapter requires an entity that is a public utility under Pennsylvania law to obtain a CPC to operate lawfully in the Commonwealth. However, Pennsylvania has since enacted the VoIP Freedom Act (Act), which limits the Commission's regulatory reach over fixed interconnected VoIP service providers like SECTV. Specifically, the Commission's jurisdiction is limited to the five prescribed circumstances in the Act.<sup>6</sup>

The threshold question presented by this Application is whether the Commission can grant a CPC to SECTV, based on its status as a provider of interconnected VoIP service. To answer this threshold question, we first must determine whether SECTV is a public utility under Pennsylvania law. If not, the Commission cannot grant it a CPC. If SECTV is a public utility, we must then determine whether certification is prohibited by the VoIP Freedom Act.

Upon review, SECTV appears to meet the statutory definition of "public utility" under the Code. A telecommunications public utility is defined by the Code as follows: "Any person or corporations now or hereafter owning or operating in this Commonwealth *equipment or facilities* for. . .(vi) Conveying or transmitting messages or *communications*, except as set forth in paragraph (2)(iv), by telephone or telegraph or domestic public land mobile radio service including, but not limited to, point-to-point microwave radio service *for the public for compensation*."<sup>7</sup> Thus, a person or corporation that is transmitting (wireline) communications to the public for compensation is a jurisdictional public utility under the Code. Here, SECTV transmits and conveys intrastate wireline voice communications utilizing IP-technology, and it is paid by its customers to do so. As such, it is public utility.

However, our certification analysis does not end there. The Commission also must determine whether the VoIP Freedom Act prohibits certification of SECTV. Under the Act, the Commission is prohibited from enacting or enforcing, either directly or indirectly, any law, rule, regulation, standard, order or other provision having the

force or effect of law that regulates, or has the effect of regulating the rates, terms and conditions of VoIP service.<sup>8</sup> Here, granting certification results in the imposition of numerous regulatory compliance obligations on SECTV.<sup>9</sup> In our view, such a result equates to regulating/having the effect of regulating the rates, terms, and conditions of SECTV's VoIP service, which ostensibly is prohibited by the Act.

Moreover, the prohibitions in the Act can be considered as not only intending to prevent the Commission from regulating the rates and terms and conditions of the actual retail VoIP service provided to the customer, but also, intending to prevent the Commission from establishing market entry requirements applicable to the provider. The question of whether the Act applies to market entry is specifically addressed by the General Assembly in the following legislative findings/declarations:

The General Assembly finds and declares as follows:

(1) Growth and enhancement of services using Internet protocol technology provide Pennsylvania consumers more choice in voice, data and video service than at any other time.

(2) The proliferation of new technologies and applications and a growing number of providers developing and offering innovative services using Internet protocol is due in large part to little regulation, including freedom from regulations governing traditional telephone service, that these new technologies and the companies that offer them have enjoyed in this Commonwealth. The economic benefits, including consumer choice, new jobs and significant capital investment, will be jeopardized and competition minimized by the *imposition of traditional State entry and rate regulation on voice-over-Internet protocol and Internet protocol-enabled services*.<sup>10</sup>

The Commission is required to give effect to all provisions of a statute, especially those that are clear and unambiguous.<sup>11</sup> As made clear by this language, the General Assembly did not intend for the Act to support imposing traditional public utility-type market entry requirements on interconnected VoIP providers. Thus, granting certification to SECTV would seem to conflict with the General Assembly's declaration that it does not support imposing market entry requirements on VoIP service providers.

For these reasons, we believe the VoIP Freedom Act prohibits the Commission from granting a CPC to SECTV. Therefore, SECTV's Application for CLEC authority is tentatively denied.

Before issuing a final decision on the merits, we believe it is in the public interest to provide an opportunity for interested parties to file comments regarding SECTV's Application. Comments will be due within thirty (30) days after the date of publication of this Tentative Order in the *Pennsylvania Bulletin*. Reply comments will be due fifteen (15) days thereafter; *Therefore*,

*It Is Ordered That:*

1. The Application of Service Electric Cable T.V., Inc. at Docket No. A-2021-3026335, for authority to operate as a Competitive Local Exchange Carrier in the service territo-

<sup>3</sup> Application at 4-5. Revised Application pages filed September 10, 2021. Applicant entered into an agreement to acquire assets and operations from its affiliate Service Electric Telephone, LLC, utility code 310651, a certificated CLEC in all ILEC territories, via a General Rule Transfer of Control. See Joint Application of Service Electric Cable T.V., Inc., Service Electric Telephone Company, LLC, and Ironton Telephone Company for Approval of a General Rule Transfer of Control, Docket Nos. A-2018-3006314 and A-2018-3006315.

<sup>4</sup> Application, ¶¶ 8, 10.

<sup>5</sup> 66 Pa.C.S. §§ 1101–1104.

<sup>6</sup> The Commission has retained jurisdiction over: (i) the provision and administration of enhanced 911 service and nondiscriminatory enhanced 911 fees; (ii) telecommunications relay service fees; (iii) universal service fund fees; (iv) switched network access rates or other intercarrier compensation rates for interexchange services provided by a local exchange telecommunications company; and (v) the rates, terms or conditions of protected services provided under tariffs which are subject to approval by the Commission. 73 P.S. § 2251.6(1)(i)–(v).

<sup>7</sup> 66 Pa.C.S. § 102(1)(vi) (emphasis supplied).

<sup>8</sup> 73 P.S. § 2251.4.

<sup>9</sup> These regulatory compliance obligations include but are not limited to those under Chapter 13 of the Code pertaining to rates and tariffing, Chapter 15 of the Code pertaining to service and facilities, Chapter 63 of the Commission's regulations pertaining to quality of service, Chapter 63 of the Commission's regulations pertaining to transfers of control, and Chapter 64 of the Commission's regulations pertaining to billing and suspension/termination and restoration of service.

<sup>10</sup> 73 P.S. § 2251.2 (emphasis added).

<sup>11</sup> 1 Pa.C.S. § 1921(a), (b).



ries of all thirty-five Incumbent Local Exchange Carriers within the Commonwealth of Pennsylvania is tentatively denied.

2. The Secretary's Bureau shall duly certify this Tentative Order and deposit it with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Within thirty (30) days after the date that this Tentative Order is published in the *Pennsylvania Bulletin*, interested parties may file comments concerning the Application of Service Electric Cable T.V., Inc. at Docket No. A-2021-3026335. Reply comments will be due fifteen (15) days thereafter.

ROSEMARY CHIAVETTA,  
Secretary

ORDER ADOPTED: November 18, 2021

ORDER ENTERED: November 29, 2021

### Statement of Chairperson Gladys Brown Dutrieuille

The case before us today is the Application by Service Electric Cable Company, Inc. (SECTV or Company) in which it is seeking a Certificate of Public Convenience (CPC) from the Commission in order to operate as a competitive local exchange carrier (CLEC) in the certificated service territories of all thirty-five Incumbent Local Exchange Carriers (ILECs) within the Commonwealth of Pennsylvania.

In its Application, the Company avers that it has been providing voice service as an interconnected Voice-over-Internet Protocol (VoIP) service provider and it will continue to provide local exchange service to future customers via its interconnected VoIP network. VoIP technology allows customers to use an internet connection to make and receive voice phone calls while also receiving internet and data services. With the rise of broadband, VoIP has become the definitive choice for phone service for consumers and businesses alike. Interconnected VoIP service may be "nomadic" or "fixed."<sup>12</sup>

The Commission recognizes that the Federal Communications Commission (FCC) has not yet classified VoIP as a "telecommunications service" or "information service" although that has been pending since 2004.<sup>13</sup> While it has not yet addressed this classification issue, the FCC ruled that state certification of Interconnected VoIP services was preempted because of the impossibility of distinguishing between the intrastate and interstate features of VoIP services.<sup>14</sup> Nonetheless, as some courts have determined, I believe that the FCC did not preempt the entire field of VoIP regulation.<sup>15</sup> Additionally, the FCC did not declare that all VoIP services could not be separated into interstate and intrastate communications and has stated itself that it reads the FCC's preemption determination narrowly to apply to "nomadic" interconnected VoIP service only and not to apply to fixed interconnected VoIP service.<sup>16</sup> Conversely, the 5th Circuit Court of Appeals

recently rejected the FCC's brief explaining its position on VoIP and determined that no state commission can certify any VoIP under state law—a position the FCC does not share.<sup>17</sup> However, I am mindful that a decision in one circuit is not binding in the 3rd circuit should we decide to certify VoIP.<sup>18</sup>

Essentially, VoIP service uses different technology protocols to provide voice service or local exchange service to customers. Notwithstanding, this particular type of certification presents complex issues involving the interplay of two state laws—the VoIP Freedom Act, 73 Pa.C.S. 2251.1 et seq., and the Public Utility Code (Code), 66 Pa.C.S. §§ 1101 and 1103. The VoIP Freedom Act governs the manner in which Internet Protocol-enabled voice service, specifically, Voice over Internet Protocol (VoIP)) may be regulated by state agencies, and the Commission's certification authority telecommunications public utilities is set forth in Sections 1101 and 1103 of the Code, 66 Pa.C.S. §§ 1101 and 1103.

The offering and provisioning of local exchange service remains within the Commission's jurisdiction and is subject to regulation under the Public Utility Code. In particular, the Code requires entities offering and providing local exchange service to obtain state certification from the Commission as evidence of their authority to provide voice service in Pennsylvania. At the same time, the VoIP Freedom Act limits this Commission's authority over interconnected VoIP service and preserves its authority over protected services provided under tariff, 911, intercarrier compensation, telecommunications relay service (TRS), and universal service although the Commission's traditional authority over entry, rates, and terms of service is limited.

When read together, Sections 2251.2(2) and 2251.4 of the VoIP Freedom Act, 73 P.S. §§ 2251.2(2) and 2251.4, prohibit a Commonwealth agency from imposing traditional state entry and rate regulation over interconnected VoIP service, but not all forms of state certification or its equivalent are prohibited, particularly when doing so furthers the Commission's enforcement of its retained authority in Section 2251.6 of the VoIP Freedom Act, 73 P.S. 2251.6. Thus, a blanket prohibition effectively renders the word "traditional" as surplusage.

Section 2251.6 of the VoIP Freedom Act, 73 P.S. § 2251.6, preserves the Commission's authority over protected services provided under tariff, 911, TRS, intercarrier compensation, and universal service. This retained authority includes the consumers receiving protected service under tariff today from their certificated provider. Interconnected VoIP service customers should not lose the Commission's consumer protections simply because their provider is using a different technology to provide voice service.

Additionally, the proposed approach creates a two-tier structure in which ILECs and some CLECs that may be using VoIP service continue to have the benefits that accompany having a CPC such as zoning exemption and

<sup>12</sup> Nomadic service allows a customer to use the service by connecting to the Internet wherever a broadband connection is available, making the geographic originating point difficult or impossible to determine. Fixed VoIP service, however, originates from a fixed geographic location.

<sup>13</sup> In the Matter of IP-Enabled Services, 19 FCC Rcd. 4863 (2004). Accord *Charter Communications v. Minnesota Public Utilities Commission*, Docket No. 17-2290 (September 18, 2018), n. 2.

<sup>14</sup> See In re Vonage Holdings Corp. Petition for Declaratory Ruling Concerning an Order of the MPUC, Memorandum Opinion and Order, 19 FCC Rcd 22404, 22417—22424 ¶¶ 22—32 (2004), *aff'd sub nom.*, *Minn. Pub. Utils. Comm'n v. FCC*, 483 F.3d 570 (8th Cir. 2007) (Vonage Preemption Order).

<sup>15</sup> *Comcast IP Phone v. Missouri Public Service Commission*, (W.D. Mo. January 17, 2007) (Comcast IP Phone of Missouri, 2007).

<sup>16</sup> *Comcast IP Phone of Missouri*, 2007; see also In the Matter of Universal Service Contribution Methodology, 21 FCC Rcd 7518, 7545-46 ¶ 56 (2006) (The FCC determined that the interstate and intrastate operations of interconnected VoIP providers can be distinguished for the limited purpose of assessing universal service contributions.).

<sup>17</sup> See *Charter Advanced Services vs. Minnesota Public Utilities Commission*, Docket No. 17-2990 (9/18/18) at n. 2, cert denied *Lipschultz v. Charter Advanced Services*, Docket No. 18-1386 (October 21, 2019).

<sup>18</sup> *Mast, Foss & Co v. Stover Mfg.*, 177 U.S. 485, 488 (1900); *Consumers Union of America v. Consumer Product Safety Commission*, 590 F.2d 1209, 1217—19 (D.C. Cir. 1978) rev'd on other grounds *GTE Sylvania v. Consumers Union of the US* 445 U.S. 375 (1980); In re: *Aspinwall's Estate*, 90 F.675, 678 (3rd Cir. 1898). See also Joseph W. Mead, "Stare Decisis in the Inferior Courts of the United States," 12 Nevada Law Journal 787, 790 and <https://www.manatt.com/Manatt/media/Media/PDF/03-What-Every-Lawyer-Should-Know-About-Stare-Decisis,-Cal-Defender-70-.pdf>



eminent domain, while their uncertificated voice service competitors that are also using the same VoIP service have no such corresponding rights, privileges or benefits. This detrimentally impacts competition and that may contravene Section 253(a) of the Telecommunications Act of 1996. Section 253 permits a state to impose conditions on telecommunications providers so long as they are competitively neutral. The two-tier result does not appear to be competitively neutral and risks preemption of the General Assembly's law.

Finally, the focus on VoIP ignores the fact that the Applicant will provide voice service, a service certificated by this Commission. Moreover, this instant case is not a case of first impression when it comes to an interconnected VoIP service provider seeking to obtain a CPC from the Commission so that it might operate as a certificated CLEC in Pennsylvania.<sup>19</sup> This departure from that precedent is not explained.

Accordingly, I agree that this matter should be put out for public comment. However, I disagree that we should tentatively deny a request for a certificate of public convenience. I encourage the public and interested stakeholders to comment on these observations and any others during the Comment and Reply Period.

In the interim, for these reasons, I concur in the result only.

Date: November 18, 2021

GLADYS BROWN DUTRIEUILLE,  
*Chairperson*

[Pa.B. Doc. No. 21-2096. Filed for public inspection December 10, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### General Rule Transaction

**A-2021-3029691 and A-2021-3029692. Peerless Network of Pennsylvania, LLC and Airus, Inc.** Joint application of Peerless Network of Pennsylvania, LLC and Airus, Inc. for approval of a general rule transaction of the indirect change in control by merger of applicants from Peerless Network Holdings, Inc. to OpenMarket, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before December 27, 2021. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available only online for inspection and copying on the Pennsylvania Public Utility Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

*Joint Applicants:* Peerless Network of Pennsylvania, LLC; Airus, Inc.; Peerless Network Holdings, Inc.; OpenMarket, Inc.

<sup>19</sup> Approval of Claverack Communications LLC Authority to Operate as an Interexchange Carrier Reseller throughout the Commonwealth of Pennsylvania, Docket No. A-2021-3024004 (Order entered April 15, 2021).

*Through and By:* Michael Hazzard, Esquire, DLA Piper LLP (US), One Liberty Place, 1650 Market Street, Suite 5000, Philadelphia, PA 19103, (202) 799-4560, [mike.hazzard@us.dlapiper.com](mailto:mike.hazzard@us.dlapiper.com)

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-2097. Filed for public inspection December 10, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Green Mountain Energy Company

Public Meeting held  
November 18, 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. Green Mountain Energy  
Company; M-2021-3009235*

### 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, Settlement Agreement, or Petition) filed on July 9, 2021, by the Commission's Bureau of Investigation and Enforcement (I&E) and Green Mountain Energy Company<sup>1</sup> (Green Mountain or Company) (collectively, the Parties), with respect to an informal investigation conducted by I&E. Both Parties submitted Statements in Support of the Settlement. The Parties 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. Petition at 10.

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>2</sup>

### *History of the Proceeding*

This matter concerns alleged unauthorized changes to customers' electric generation supply service. Between

<sup>1</sup> Green Mountain is a licensed electric generation supplier (EGS) as defined by 66 Pa.C.S. § 2803. On June 10, 2011, at Docket No. A-2011-2229050, the Commission granted Green Mountain approval to begin to offer, render, furnish or supply electricity or electric generation supplier services to large commercial, industrial and governmental customers in all electric distribution company (EDC) service territories within the Commonwealth of Pennsylvania. On February 16, 2012, Green Mountain's license was amended to enable Green Mountain to begin to offer, render, furnish or supply electric generation supplier services as a supplier to residential and small commercial (25 kilowatt and under) customers in all EDC service territories throughout the Commonwealth of Pennsylvania.

<sup>2</sup> As discussed, *infra*, because of the number of customers involved in the Settlement, including the customers who filed informal complaints in this matter, we believe that it is appropriate to publish the Settlement in the *Pennsylvania Bulletin*.

June 1, 2018 and September 30, 2020, the Commission's Bureau of Consumer Services (BCS) received approximately twenty-two informal complaints from residential customers alleging that their electricity accounts had been switched to receive the Company's electric generation supply without authorization. Petition at 3-4. The unauthorized switching allegations stemmed from Green Mountain's marketing activities at in-person locations, including retail and event sites, where Green Mountain agents were utilizing eligible customer lists<sup>3</sup> (ECL) to obtain the information of prospective customers. Id.

Upon determining that the allegations warranted a further investigation to examine whether the actions of Green Mountain violated Commission Regulations, I&E instituted an informal investigation of Green Mountain based on information referred to I&E by BCS. Petition at 3.

Thereafter, the Parties 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. Id. at 4. The Parties filed the instant Settlement on July 9, 2021.

#### *Background*

BCS received approximately twenty-two informal complaints submitted by residential customers alleging that their electricity accounts had been switched to receive electric generation service supplied by Green Mountain without their authorization. A review by BCS of the informal complaints determined that the alleged unauthorized enrollments were set up by agents who used the ECL at in-person marketing locations. BCS became concerned that Green Mountain agents were improperly using the ECL, which contains customer information, to switch customers to Green Mountain without the customers' consent. Therefore, BCS referred the matter to I&E. Petition at 4.

By letter dated January 8, 2021, I&E notified Green Energy that it had initiated an informal investigation of the Company consistent with Sections 331(a) and 506 of the Public Utility Code, 66 Pa.C.S. §§ 331(a) and 506, and Section 3.113 of the Commission's Regulations, 52 Pa. Code § 3.113. I&E advised Green Mountain that its investigation would focus on the Company's marketing, sales and enrollment practices as an EGS in Pennsylvania. Id. at 4-5.

I&E's investigation primarily consisted of the review of the Company's responses to two sets of data requests served to Green Mountain on January 8, 2021 and April 2, 2021, respectively. The results of I&E's investigation determined that between June 1, 2018 and September 30, 2020, Green Mountain, or agents acting on behalf of Green Mountain, enrolled 156 residential customers to receive electric generation supply provided by the Company without the customers' authorization, with such enrollments originating from Green Mountain's in-person marketing locations. I&E found that, of the 156 unauthorized enrollments, 141 were the direct result of enrollment processing errors, which occurred when Green Mountain agents inadvertently selected the incorrect customer account from the ECL or where the agent failed to advise the customer that he or she was switching suppliers until after the enrollment was signed. The remaining fifteen unauthorized enrollments involved either sales agent misrepresentation (ten instances) or consisted of straight-forward unauthorized switching (five instances). Petition at 5.

<sup>3</sup> ECLs include customer information that is made available to EGSs by EDCs.

I&E provided that as a supplier, Green Mountain is responsible for fraudulent, deceptive or other unlawful marketing acts performed by its agents. Petition at 5, n. 2 (citing 52 Pa. Code § 54.43(f) and 52 Pa. Code § 111.3). Therefore, based on its investigation, I&E alleged that Green Mountain's conduct potentially violated 52 Pa. Code §§ 54.42(a)(9), and the Standards for Changing a Customer's Electricity Generation Supplier at 52 Pa. Code §§ 57.171—180 (multiple counts). Id. at 6. If this matter had been fully litigated, I&E would have sought a civil penalty of \$1,000 per violation for each of the 156 accounts that were switched without the authorization of the customers, and \$1,000 per day for each day that a customer received electric generation supplied by Green Mountain without the customer's consent. See 66 Pa.C.S. § 3301(a)-(b). Id. at 7.

In turn, if this matter had been fully litigated, Green Mountain intended to raise defenses to I&E's allegations and defend against the same at hearing, presenting evidence and making legal arguments as follows:

- Because 141, or over 90%, of the alleged unauthorized switches involved ECL processing errors, the imposition of \$1,000 per violation is not warranted.

- An unauthorized switch is a single violation, not an ongoing violation that warrants a \$1,000 per day civil penalty for each and every day that a customer received electric generation supplied by Green Mountain, and to the extent the Commission views it as such, no penalties should be assessed after two billing periods. See 52 Pa. Code § 57.177(b) (customer should have reasonably known of a change within that time period).

- The 10 instances involving customers' allegations about the agents' representations are not credible given the process that Green Mountain follows to complete an enrollment.

- A lower civil penalty per violation should be imposed due to: (a) the actions that Green Mountain has taken to avoid a recurrence; (b) the small percentage of Green Mountain's total customer base that is the subject of this investigation; (c) Green Mountain's history of compliance with the Commission's regulations, as well as its cooperation with I&E's investigation; and (d) the programs that Green Mountain has in place, and continuously improves, to train sales agents, monitor agent performance, enforce agent compliance with requirements, complete enrollment verifications, and conduct quality assurance activities.

- Notwithstanding the provision in the regulations at 52 Pa. Code § 57.177(b) regarding refunds, the Commission does not have statutory authority to direct Green Mountain to issue refunds. See *Blue Pilot Energy, LLC v. Pa. PUC*, 241 A.3d 1254 (2020), 2020 Pa. Commw. LEXIS 720. At most, refunds should be limited to the customers who disputed the switch within the first two billing periods.

Petition at 7-8.

I&E's investigation further found that the Company undertook a number of proactive, corrective measures designed to prevent similar occurrences in the future. Most notably, Green Mountain eliminated the ability for sales agents to scroll through the ECL to locate a certain customer. The ECL tool now utilizes advanced identification scanning technology to authenticate customer identities, thereby reducing the potential for ECL mismatches. Additionally, to prevent exploitation of the ECL, Green Mountain tightened its disciplinary policy for ECL mis-

use, which may result in the loss of ECL privileges and potential removal from working on behalf of Green Mountain. Petition at 6.

Weighing the seriousness of the allegations against various mitigating circumstances that are present here, I&E determined that the Settlement was appropriate. I&E noted the proactive measures taken by Green Mountain, prior to the initiation of its investigation, which targeted ECL misuse in an effort to prevent unauthorized switching at in-person locations. Additionally, I&E acknowledged that the Company has been cooperative with I&E's investigation, as exemplified by the Company's responsiveness to data requests and through its cooperation during settlement discussions. I&E Statement in Support at 4, 11.

#### *Terms and Conditions of the Settlement*

The Parties indicate that the Settlement, which is attached to this Opinion and Order, has been filed by the Parties to resolve all issues related to I&E's informal investigation and represents a compromise by both I&E and Green Mountain of their respective competing positions in this proceeding. Additionally, the Parties submit that the 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. The Parties further state that the Settlement constitutes a carefully crafted package representing reasonably negotiated compromises on the issues addressed herein. Petition at 11-12. The Parties urge the Commission to approve the Settlement as being in the public interest. Petition at 13.

The Settlement consists of the Joint Petition for Approval of Settlement containing the terms and conditions of the Settlement and three appendices. Appendix A contains Proposed Ordering Paragraphs, while Appendices B and C to the Settlement are the Statements in Support of the Settlement submitted by I&E and Green Mountain, respectively.

The essential terms of the Settlement are set forth in Paragraph 29. Petition at 9-10. The Parties agreed to the following terms and conditions, excerpted in relevant part, as follows:

A. Green Mountain will pay a civil penalty in the amount of One Hundred Fifty-Six Thousand Dollars (\$156,000), pursuant to 66 Pa.C.S. § 3301, to resolve all allegations of unauthorized switching, and to fully and finally settle all possible liability and claims of alleged violations of the Commission's regulations and Orders arising from, or related to, the conduct investigated herein. Said payment shall be made within thirty (30) days of the date of the Commission's Final Order approving the Settlement Agreement and shall be made by certified check or money order payable to the "Commonwealth of Pennsylvania" and sent to:

Secretary  
 Pennsylvania Public Utility Commission  
 Commonwealth Keystone Building  
 400 North Street  
 Harrisburg, PA 17120

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).

B. Green Mountain will provide to each of the one hundred fifty-six (156) customers a refund for the en-

tire electric generation supply portion on the customer's bill for the first two (2) billing periods that the customers were switched to Green Mountain, pursuant to 52 Pa. Code § 57.177(b). Green Mountain will issue the customer refunds within thirty (30) days of the date of the Commission's Final Order approving the Settlement Agreement. Pursuant to 52 Pa. Code § 5.591, following payment of the refunds, Green Mountain will file with the Commission a verification acknowledging that all refund payments have been disbursed, satisfying this settlement provision.

C. Green Mountain shall refund any cancellation fee or early termination fee imposed by other EGSs and incurred by any of the aforementioned customers as a result of the unauthorized switch to Green Mountain, pursuant to 52 Pa. Code § 57.177(c), provided that the customer supplies documentation of incurring the fee.

D. After the entry of a Final Commission Order in this matter, Green Mountain will provide I&E with a monthly report by the 30th of each month, for a period of one (1) year, detailing complaints from Pennsylvania consumers that were received by the Company from BCS, the Pennsylvania Attorney General's Office, the Better Business Bureau and/or complaints directed to the Company related to allegations of unauthorized switching that originated from in-person marketing locations. The monthly report to I&E shall include customer complaint data from the previous month.

E. Green Mountain agrees to retain customer signatures placed on enrollment tablets used at in-person marketing locations for a period of one (1) year starting after the entry of a Final Commission Order in this matter, and will provide such records to BCS and I&E upon request.

Petition at 9-10.

In response, I&E agrees to forgo the institution of any formal complaint against Green Mountain with respect to allegations of unauthorized enrollments committed by Green Mountain agents at in-person marketing locations during the time period in question. Petition at 10.

The proposed Settlement is conditioned on the Commission's approval without modification of any of its terms or conditions. If the Commission does not approve the proposed Settlement or makes any change or modification to the proposed Settlement, either Party may elect to withdraw from the Settlement. Id. at 11.

#### *Discussion*

Pursuant to our 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, and consistent with the requirement of 52 Pa. Code § 3.113(b)(3), and for the reason(s) stated above, we believe 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-2021-3009235, 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-2021-3009235, shall be served on the Office of Consumer Advocate and the Office of Small Business Advocate.

4. Subsequent to the Commission’s review of any comments filed in this proceeding, at Docket No. M-2021-3009235, a final Opinion and Order will be issued by the Commission.

ROSEMARY CHIAVETTA,  
*Secretary*

ORDER ADOPTED: November 18, 2021

ORDER ENTERED: November 18, 2021

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, :  
Bureau of Investigation and Enforcement, :  
Complainant :  
 :  
v. : Docket No. M-2021-3009235  
 :  
Green Mountain Energy Company, :  
Respondent :

**JOINT PETITION FOR APPROVAL OF SETTLEMENT**

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code §§ 5.41, 5.232 and 3.113(b)(3), the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”) and Green Mountain Energy Company (“Green Mountain” or “Company”) hereby submit this Joint Petition for Approval of Settlement (“Settlement” or “Settlement Agreement”) to resolve all issues related to an informal investigation initiated by I&E. I&E’s investigation was initiated based on information provided by the Commission’s Bureau of Consumer Services (“BCS”), which received informal complaints from residential consumers alleging that Green Mountain enrolled their electricity

accounts to receive the Company’s electric generation supply without their consent or knowledge.

As part of this Settlement Agreement, I&E and Green Mountain (hereinafter referred to collectively as the “Parties”) respectfully request that the Commission enter a Final Opinion and Order approving the Settlement, without modification. Proposed Ordering Paragraphs are attached as Appendix A. Statements in Support of the Settlement expressing the individual views of I&E and Green Mountain are attached hereto as Appendix B and Appendix C, respectively.

*I. Introduction*

1. The Parties to this Settlement Agreement are the Pennsylvania Public Utility Commission’s Bureau of In-



investigation and Enforcement, by its prosecuting attorneys, 400 North Street, Harrisburg, PA 17120, and Green Mountain with a principal place of business at 3711 Market Street, Suite 1000, Philadelphia, PA 19104.

2. The Pennsylvania Public Utility 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 prosecutory 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 allows for the imposition of a fine for each violation and each day’s continuance of such violation(s).

7. Green Mountain is a licensed electric generation supplier (“EGS”) as defined by 66 Pa.C.S. § 2803. On or about June 10, 2011, at Docket No. A-2011-2229050, the Company was granted Commission approval to begin to offer, render, furnish or supply electricity or electric generation supplier services to large commercial, industrial and governmental customers in all electric distribution company (“EDC”) service territories within the Commonwealth of Pennsylvania. On February 16, 2012, Green Mountain’s license was amended to enable Green Mountain to begin to offer, render, furnish or supply electric generation supplier services as a supplier to residential and small commercial (25 kilowatt and under) customers in all EDC service territories throughout the Commonwealth of Pennsylvania.

8. Green Mountain, as a licensed provider of electric generation supply service, is subject to the power and authority of the Commission pursuant to Sections 501 and 2809 of the Code, 66 Pa.C.S. §§ 501, 2809.

9. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter and actions of Green Mountain in its capacity as an EGS serving customers in Pennsylvania.

10. This matter involves the unauthorized enrollments of residential accounts by agents of Green Mountain to receive electric generation supplied by the Company.

11. A review of the resulting informal consumer complaints to BCS led to an informal investigation initiated by I&E prosecutory staff based on information referred to I&E by BCS.

12. BCS received allegations from numerous residential consumers alleging that their electricity accounts had

been switched to receive electric generation supply provided by Green Mountain without the customers’ authorizations. The unauthorized switching allegations stemmed from Green Mountain’s marketing activities at in-person locations, including retail and event sites, where Green Mountain agents were utilizing eligible customer lists (“ECL”)<sup>4</sup> to obtain the information of prospective customers.

13. As a result of negotiations between I&E and Green Mountain, the Parties have reached an agreement on an appropriate outcome to the investigation as encouraged by the Commission’s policy to promote settlements. See 52 Pa. Code § 5.231. The duly authorized parties executing this Settlement Agreement 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. Background

14. Between June 1, 2018 and September 30, 2020, BCS received several informal complaints submitted by residential customers alleging that their electricity accounts had been switched to receive electric generation service supplied by Green Mountain without their authorization.

15. Approximately twenty-two (22) informal complaints submitted to BCS during this timeframe alleged that the customer was enrolled with Green Mountain without the customer’s consent and, in response, Green Mountain acknowledged that the switch was unauthorized, occurred at an in-person location and used information obtained from the ECL.

16. BCS became concerned that Green Mountain agents were improperly using the ECL at in-person locations to switch customers to Green Mountain without the customers’ consent.

17. Based on the seriousness of the allegations set forth in the informal complaints, BCS referred the matter to I&E.

18. By letter dated January 8, 2021, I&E notified Green Mountain that it had initiated an informal investigation of the Company consistent with Sections 331(a) and 506 of the Code, 66 Pa.C.S. §§ 331(a) and 506, and Section 3.113 of the Commission’s regulations, 52 Pa. Code § 3.113. I&E advised Green Mountain that its investigation would focus on the Company’s marketing, sales and enrollment practices as an EGS in Pennsylvania, which were brought to I&E’s attention as a result of the aforementioned informal complaints.

19. I&E served Green Mountain with two (2) sets of data requests on January 8, 2021 and April 2, 2021, respectively.

20. After receiving an extension of time to respond, Green Mountain timely responded to I&E’s Data Requests—Set I on February 26, 2021 and provided supplemental responses on March 4, 2021. Green Mountain timely responded to I&E’s Data Requests—Set II on April 13, 2021.

21. The results of I&E’s investigation, which included a review of the Company’s responses to I&E’s data requests, formed the basis for the instant Settlement Agreement.

22. I&E found that between June 1, 2018 and September 30, 2020, Green Mountain or agents acting on behalf

<sup>4</sup> ECLs include customer information that is made available to EGSs by EDCs.

of Green Mountain<sup>5</sup> enrolled 156 residential customers to receive electric generation supply provided by the Company without the customers' authorization, with such enrollments originating from Green Mountain's in-person marketing locations.

23. Green Mountain placed each of the alleged 156 unauthorized enrollments into three different categories: (1) enrollment processing errors, which total 141; (2) instances of sales agent misrepresentation, which total 10; and (3) straightforward unauthorized enrollments, which total 5.

24. The bulk of the unauthorized enrollments pertain to enrollment processing errors, which occurred when Green Mountain agents inadvertently selected the incorrect customer account from the ECL or where the agent failed to advise the customer that he or she was switching suppliers until after the enrollment was signed.

25. I&E's investigation further determined that the Company undertook a number of corrective measures designed to prevent similar occurrences in the future. Most notably, Green Mountain eliminated the ability for sales agents to scroll through the ECL to locate a certain customer. The ECL tool now utilizes advanced identification scanning technology to authenticate customer identities, thereby reducing the potential for ECL mismatches. Additionally, to prevent exploitation of the ECL, Green Mountain tightened its disciplinary policy for ECL misuse, which may result in the loss of ECL privileges and potential removal from working on behalf of Green Mountain.

### III. Alleged Violation

26. Had this matter been fully litigated, I&E would have proffered evidence and legal arguments to demonstrate that Green Mountain committed the following violation:

- Green Mountain agents transferred the electric generation supplier to Green Mountain on at least one hundred fifty-six (156) residential accounts between June 1, 2018 and September 30, 2020 without the authorization of the customers. If proven, I&E alleges that such conduct would have violated 52 Pa. Code §§ 54.42(a)(9), and the Standards for Changing a Customer's Electricity Generation Supplier at 52 Pa. Code §§ 57.171—180 (multiple counts).

- I&E would have argued that the Commission has a zero-tolerance policy regarding the unauthorized switching of customer accounts.

- I&E would have sought a civil penalty of \$1,000 per violation for each of the one hundred fifty-six (156) accounts that were switched without the authorization of the customers, and \$1,000 per day for each and every day that a customer received electric generation supplied by Green Mountain without the customer's consent. See 66 Pa.C.S. § 3301(a)-(b).

27. Had this matter been litigated, Green Mountain would have raised defenses to these allegations and defended against the same at hearing, presenting evidence and making legal arguments as follows:

- Because 141, or over 90%, of the alleged unauthorized switches involved ECL processing errors, the imposition of \$1,000 per violation is not warranted.

- An unauthorized switch is a single violation, not an ongoing violation that warrants a \$1,000 per day civil penalty for each and every day that a customer received electric generation supplied by Green Mountain, and to the extent the Commission views it as such, no penalties should be assessed after two billing periods. See 52 Pa. Code § 57.177(b) (customer should have reasonably known of a change within that time period).

- The 10 instances involving customers' allegations about the agents' representations are not credible given the process that Green Mountain follows to complete an enrollment.

- A lower civil penalty per violation should be imposed due to: (a) the actions that Green Mountain has taken to avoid a recurrence; (b) the small percentage of Green Mountain's total customer base that is the subject of this investigation; (c) Green Mountain's history of compliance with the Commission's regulations, as well as its cooperation with I&E's investigation; and (d) the programs that Green Mountain has in place, and continuously improves, to train sales agents, monitor agent performance, enforce agent compliance with requirements, complete enrollment verifications, and conduct quality assurance activities.

- Notwithstanding the provision in the regulations at 52 Pa. Code § 57.177(b) regarding refunds, the Commission does not have statutory authority to direct Green Mountain to issue refunds. See *Blue Pilot Energy, LLC v. Pa. PUC*, 241 A.3d 1254 (2020), 2020 Pa. Commw. LEXIS 720. At most, refunds should be limited to the customers who disputed the switch within the first two billing periods.

### IV. Settlement Terms

28. Pursuant to the Commission's policy of encouraging settlements that are reasonable and in the public interest, the Parties held a series of discussions that culminated in this Settlement. I&E and Green Mountain desire to: (i) terminate I&E's informal investigation; and (ii) settle this matter completely without litigation. Although Green Mountain may dispute or disagree with the allegations described above, it fully acknowledges the seriousness of the allegations and recognizes the need to prevent similar allegations from reoccurring. Moreover, the Parties recognize that this is a disputed claim, and given the inherent unpredictability of the outcome of a contested proceeding, the Parties further recognize the benefits of amicably resolving the disputed issues prior to the initiation of any formal enforcement proceeding. The terms and conditions of the Settlement, for which the Parties seek Commission approval, are set forth below.

29. I&E and Green Mountain, intending to be legally bound and for consideration given, desire to fully and finally conclude this matter and agree that a Commission Order approving the Settlement without modification shall create the following rights and obligations:

A. Green Mountain will pay a civil penalty in the amount of One Hundred Fifty-Six Thousand Dollars (\$156,000), pursuant to 66 Pa.C.S. § 3301, to resolve all allegations of unauthorized switching, and to fully and finally settle all possible liability and claims of alleged violations of the Commission's regulations and Orders arising from, or related to, the conduct investigated herein. Said payment shall be made within thirty (30)

<sup>5</sup> A supplier is responsible for fraudulent, deceptive or other unlawful marketing acts performed by its agent. See 52 Pa. Code § 54.43(f) and 52 Pa. Code § 111.3.

days of the date of the Commission's Final Order approving the Settlement Agreement and shall be made by certified check or money order payable to the "Commonwealth of Pennsylvania" and sent to:

Secretary  
 Pennsylvania Public Utility Commission  
 Commonwealth Keystone Building  
 400 North Street  
 Harrisburg, PA 17120

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).

B. Green Mountain will provide to each of the one hundred fifty-six (156) customers a refund for the entire electric generation supply portion on the customer's bill for the first two (2) billing periods that the customers were switched to Green Mountain, pursuant to 52 Pa. Code § 57.177(b). Green Mountain will issue the customer refunds within thirty (30) days of the date of the Commission's Final Order approving the Settlement Agreement. Pursuant to 52 Pa. Code § 5.591, following payment of the refunds, Green Mountain will file with the Commission a verification acknowledging that all refund payments have been disbursed, satisfying this settlement provision.

C. Green Mountain shall refund any cancellation fee or early termination fee imposed by other EGSs and incurred by any of the aforementioned customers as a result of the unauthorized switch to Green Mountain, pursuant to 52 Pa. Code § 57.177(c), provided that the customer supplies documentation of incurring the fee.

D. After the entry of a Final Commission Order in this matter, Green Mountain will provide I&E with a monthly report by the 30th of each month, for a period of one (1) year, detailing complaints from Pennsylvania consumers that were received by the Company from BCS, the Pennsylvania Attorney General's Office, the Better Business Bureau and/or complaints directed to the Company related to allegations of unauthorized switching that originated from in-person marketing locations. The monthly report to I&E shall include customer complaint data from the previous month.

E. Green Mountain agrees to retain customer signatures placed on enrollment tablets used at in-person marketing locations for a period of one (1) year starting after the entry of a Final Commission Order in this matter, and will provide such records to BCS and I&E upon request.

30. Upon Commission approval of the Settlement in its entirety without modification and in consideration of the Company's payment of the total civil penalty in the amount of One Hundred Fifty-Six Thousand Dollars (\$156,000), disbursement of customer refunds and compliance with the other terms of this Settlement, as specified herein, I&E agrees that its informal investigation relating to Green Mountain's conduct as described in this Settlement Agreement shall be terminated and marked closed.

31. Upon Commission approval of the Settlement in its entirety without modification, I&E agrees to forgo the institution of any formal complaint against the Company at the Commission with respect to allegations of unauthorized enrollments committed by Green Mountain agents at in-person marketing locations during the time period in question.

32. I&E and Green Mountain jointly acknowledge that approval of this Settlement Agreement is in the public interest and fully consistent with the Commission's Policy Statement for Litigated and Settled Proceedings Involving Violations of the Code and Commission Regulations, 52 Pa. Code § 69.1201. The Parties submit that the Settlement Agreement is in the public interest because it effectively addresses I&E's allegations, and avoids the time and expense of litigation, which entails hearings, travel for the Company's witnesses, and the preparation and filing of briefs, exceptions, reply exceptions, as well as possible appeals.

33. Attached as Appendices B and C are Statements in Support submitted by I&E and Green Mountain, respectively, setting forth the bases upon which the Parties believe the Settlement Agreement is in the public interest.

#### V. Conditions of Settlement

34. This document represents the Settlement Agreement in its entirety. No changes to obligations set forth herein may be made unless they are in writing and are expressly accepted by the Parties. This Settlement Agreement shall be construed and interpreted under Pennsylvania law.

35. The Settlement is conditioned upon the Commission's approval of the terms and conditions contained in this Joint Petition for Approval of Settlement without modification. If the Commission modifies this Settlement Agreement, any party may elect to withdraw from the Settlement and may proceed with litigation and, in such event, this Settlement Agreement shall be void and of no effect. Such election to withdraw must be made in writing, filed with the Secretary of the Commission and served upon all parties within twenty (20) days after entry of an Order modifying the Settlement.

36. The Parties agree that the underlying allegations were not the subject of any hearing and that there has been no order, findings of fact or conclusions of law rendered in this informal investigation proceeding. It is further understood that, by entering into this Settlement Agreement, Green Mountain has made no concession or admission of fact or law and may dispute all issues of fact and law for all purposes in all proceedings that may arise as a result of the circumstances described in the Settlement.

37. The Parties acknowledge that this Settlement Agreement reflects a compromise of competing positions and does not necessarily reflect any party's position with respect to any issues raised in this matter.

38. If either party should file any pleading, including comments, in response to a tentative or final order of the Commission, the other party shall have the right to file a reply.

39. This Settlement Agreement is being presented only in the context of this informal investigation in an effort to resolve the matter in a manner that is fair and reasonable. This Settlement is presented without prejudice to any position that any of the Parties may have advanced and without prejudice to the position any of the Parties may advance in the future on the merits of the issues in future proceedings, except to the extent necessary to effectuate the terms and conditions of this Settlement Agreement. This Settlement does not preclude the Parties from taking other positions in any other proceeding.



40. The Parties arrived at the Settlement after conducting informal discovery and engaging in discussions over several months. The terms and conditions of this Settlement Agreement constitute a carefully crafted package representing reasonably negotiated compromises on the issues addressed herein. Thus, the Settlement Agreement is consistent with the Commission's rules and practices encouraging negotiated settlements set forth in 52 Pa. Code §§ 5.231 and 69.1201.

Wherefore, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement and Green Mountain Energy Company respectfully request that the Commission issue an Order approving the terms of this Settlement Agreement in their entirety as being in the public interest.

Respectfully Submitted,

Pennsylvania Public Utility Commission,  
Bureau of Investigation and Enforcement

By:  
Stephanie M. Wimer  
Senior Prosecutor  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
stwimer@pa.gov

Date: July 9, 2021

Green Mountain Energy Company

By:  
Karen O. Moury  
Attorney for Green Mountain Energy Company  
Eckert Seamans Cherin & Mellott, LLC  
213 Market Street, 8th Floor  
Harrisburg, PA 17101  
kmoury@eckertseamans.com

Date: July 9, 2021

**Appendix A**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. M-2021-3009235
	:	
Green Mountain Energy Company,	:	
Respondent	:	

**PROPOSED ORDERING PARAGRAPHS**

1. That the Joint Settlement Petition filed on July 9, 2021 between the Commission's Bureau of Investigation and Enforcement and Green Mountain Energy Company 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, Green Mountain Energy Company shall pay a civil penalty of One Hundred Fifty-Six Thousand Dollars (\$156,000). 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. Within thirty (30) days of the date this Order becomes final, Green Mountain Energy Company shall provide to each of the customers who had one or more of the 156 accounts switched to receive its service, a refund for the entire electric generation supply portion on the customers' bills for the first two (2) billing periods that the customers were switched, pursuant to 52 Pa. Code § 57.177(b). Following payment of the refunds, Green

Mountain Energy Company shall file with the Commission a verification acknowledging that all refund payments have been disbursed.

4. Green Mountain Energy Company shall refund any cancellation fee or early termination fee charged by another electric generation supplier and incurred by a customer impacted by the unauthorized switching that is the subject of this informal investigation proceeding, pursuant to 52 Pa. Code 57.177(c), provided that the customer supplies documentation of incurring the fee.

5. Upon entry of this Order, Green Mountain Energy Company shall provide the Bureau of Investigation and Enforcement with a monthly report by the 30th of each month, for a period of one year, detailing complaints from Pennsylvania consumers that were received by the Company from Bureau of Consumer Services, the Pennsylvania Attorney General's Office, the Better Business Bureau and/or complaints directed to Green Mountain Energy Company related to allegations of unauthorized switching that originated from in-person marketing locations.

6. A copy of this Opinion and Order shall be served upon the Financial and Assessment Chief, Bureau of Administration.

7. That the above-captioned matter shall be marked closed upon receipt of the civil penalty and verification indicating that all customer refunds have been disbursed.



**Appendix B**  
**BEFORE THE**  
**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. M-2021-3009235
	:	
Green Mountain Energy Company,	:	
Respondent	:	

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**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 Green Mountain Energy Company ("Green Mountain," "Respondent" or "Company").<sup>6</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*

By letter dated January 8, 2021, I&E notified Green Mountain that it had initiated an informal investigation of the Company consistent with Sections 331(a) and 506 of the Code, 66 Pa.C.S. §§ 331(a) and 506, and Section 3.113 of the Commission's regulations, 52 Pa. Code § 3.113. I&E advised Green Mountain that its investigation would focus on the Company's marketing, sales and enrollment practices as an electric generation supplier ("EGS") in Pennsylvania, which were brought to I&E's attention as a result of approximately twenty-two (22) informal complaints submitted to the Commission's Bureau of Consumer Services ("BCS") between June 1, 2018 and September 30, 2020, which alleged that the customers' electricity accounts had been switched to receive electric generation service supplied by Green Mountain without their authorization. In response to each of the informal complaints, Green Mountain acknowledged that the switch was unauthorized, occurred at an in-person location and used information obtained from the eligible customer list ("ECL"). BCS became concerned that Green Mountain agents were improperly using the ECL at in-person locations to switch customers to Green Mountain without the customers' consent.

I&E's investigation primarily consisted of service and review of two (2) sets of data requests to Green Mountain. The results of I&E's investigation determined that between June 1, 2018 and September 30, 2020, Green Mountain or agents acting on behalf of Green Mountain<sup>7</sup> enrolled 156 residential customers to receive electric

generation supply provided by the Company without the customers' authorization, with such enrollments originating from Green Mountain's in-person marketing locations. Of the 156 unauthorized enrollments, 141 were the direct result of enrollment processing errors, which occurred when Green Mountain agents inadvertently selected the incorrect customer account from the ECL or where the agent failed to advise the customer that he or she was switching suppliers until after the enrollment was signed. The remaining fifteen unauthorized enrollments involved either sales agent misrepresentation (ten instances) or consisted of straightforward unauthorized switching (five instances).

Had this matter been litigated, I&E was prepared to allege that agents acting on behalf of Green Mountain transferred the electric generation supplier to Green Mountain on at least one hundred fifty-six (156) residential accounts between June 1, 2018 and September 30, 2020 without the authorization of the customers. I&E was prepared to allege that such conduct would have violated 52 Pa. Code §§ 54.42(a)(9), and the Standards for Changing a Customer's Electricity Generation Supplier at 52 Pa. Code §§ 57.171—180 (multiple counts).

I&E's investigation further found that the Company undertook a number of proactive, corrective measures designed to prevent similar occurrences in the future. Most notably, Green Mountain eliminated the ability for sales agents to scroll through the ECL to locate a certain customer. The ECL tool now utilizes advanced identification scanning technology to authenticate customer identities, thereby reducing the potential for ECL mismatches. Additionally, to prevent exploitation of the ECL, Green Mountain tightened its disciplinary policy for ECL misuse, which may result in the loss of ECL privileges and potential removal from working on behalf of Green Mountain.

On July 9, 2021, the Parties filed a Joint Settlement Petition resolving all issues between I&E and Green Mountain 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 inter-

<sup>6</sup> I&E and Green Mountain are collectively referred to herein as the "Parties."

<sup>7</sup> A supplier is responsible for fraudulent, deceptive or other unlawful marketing acts performed by its agent. See 52 Pa. Code § 54.43(f) and 52 Pa. Code § 111.3.

est, the Parties held a series of settlement discussions. These discussions culminated in this Settlement Agreement, which, once approved, will resolve all issues related to I&E's informal investigation involving allegations that Green Mountain, through its agents, switched customers to receive electric generation service without their authorization. Notably, prior to the initiation of I&E's investigation, Green Mountain took proactive measures targeting ECL misuse in an effort to prevent unauthorized switching at in-person locations.

I&E intended to prove the factual allegations set forth in its investigation at hearing, to which the Company would have disputed. This Settlement Agreement results from the compromises of the Parties. Although I&E and Green Mountain may disagree with respect to I&E's factual allegations, Green Mountain recognizes the seriousness of the allegations and commits to fully complying with the Commission's regulations in the future.

Further, 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, I&E and Green Mountain have agreed as follows:

A. Green Mountain will pay a civil penalty in the amount of One Hundred Fifty-Six Thousand Dollars (\$156,000), pursuant to 66 Pa.C.S. § 3301, to resolve all allegations of unauthorized switching, and to fully and finally settle all possible liability and claims of alleged violations of the Commission's regulations and Orders arising from, or related to, the conduct investigated herein. Said payment shall be made within thirty (30) days of the date of the Commission's Final Order approving the Settlement Agreement and shall be made by certified check or money order payable to the "Commonwealth of Pennsylvania" and sent to:

Secretary  
 Pennsylvania Public Utility Commission  
 Commonwealth Keystone Building  
 400 North Street  
 Harrisburg, PA 17120

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).

B. Green Mountain will provide to each of the one hundred fifty-six (156) customers a refund for the entire electric generation supply portion on the customer's bill for the first two (2) billing periods that the customers were switched to Green Mountain, pursuant to 52 Pa. Code § 57.177(b). Green Mountain will issue the customer refunds within thirty (30) days of the date of the Commission's Final Order approving the Settlement Agreement. Pursuant to 52 Pa. Code § 5.591, following payment of the refunds, Green Mountain will file with the Commission a verification acknowledging that all refund payments have been disbursed, satisfying this settlement provision.

C. Green Mountain shall refund any cancellation fee or early termination fee imposed by other EGSs and incurred by any of the aforementioned customers as a result of the unauthorized switch to Green Mountain, pursuant to 52 Pa. Code § 57.177(c), provided that the customer supplies documentation of incurring the fee.

D. After the entry of a Final Commission Order in this matter, Green Mountain will provide I&E with a monthly report by the 30th of each month, for a period of one (1) year, detailing complaints from Pennsylvania consumers that were received by the Company from BCS, the Pennsylvania Attorney General's Office, the Better Business Bureau and/or complaints directed to the Company related to allegations of unauthorized switching that originated from in-person marketing locations. The monthly report to I&E shall include customer complaint data from the previous month.

E. Green Mountain agrees to retain customer signatures placed on enrollment tablets used at in-person marketing locations for a period of one (1) year starting after the entry of a Final Commission Order in this matter, and will provide such records to BCS and I&E upon request.

In consideration of Green Mountain's payment of a monetary civil penalty and performance of the above-described terms, I&E agrees that its informal investigation relating to Green Mountain'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 in its entirety.

Upon Commission approval of the Settlement in its entirety without modification, I&E will not file any complaints or initiate other action against Green Mountain at the Commission with respect to the unauthorized switching allegations that are the subject of the instant I&E 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 (Or-

der entered March 16, 2000). The Commission's Policy Statement sets forth ten 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 penalty. 52 Pa. Code § 69.1201(c)(1). I&E alleges that the conduct in this matter involves unauthorized switching performed by Green Mountain sales agents at in-person marketing locations, including retail stores and events, where the ECL was readily available to and used by the agents during the enrollment process. Some instances of the unauthorized switching may have been inadvertent, such as mistakenly selecting the incorrect customer from the ECL. Nevertheless, the alleged violations are of a serious nature in that they involve changing a customer's electric generation supplier without consent. Consequently, the seriousness of these violations is reflected in the agreed-upon civil penalty set forth in the Settlement.

The second factor considered is whether the resulting consequences of Green Mountain'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. However, the consequences of the alleged violations may have resulted in customers, who received electric generation supplied by Green Mountain, being charged a more expensive rate than what they had been charged by the local electric distribution company's default service price or the rate of another EGS. Accordingly, I&E avers that some customers may have experienced financial consequences as a result of the actions of Green Mountain agents and such consequences should be deemed serious.

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 Green Mountain's alleged conduct was intentional or negligent does not apply since this matter is being resolved via settlement of the Parties.

The fourth factor to be considered is whether the Company has made efforts to change its practices and procedures to prevent similar conduct in the future. 52 Pa. Code § 69.1201(c)(4). Green Mountain has extensive practices and procedures in place to vet potential new vendors, train agents, conduct quality assurance and ensure the proper enrollment of customers. In August 2019, Green Mountain modified the ECL search tool to

eliminate the ability of third-party sales agents from scrolling through the list to locate a customer. This limitation was expanded in August 2020 to include all Green Mountain sales agents, both third-party and in-house. The tool now only permits searching for a specific name and populates information if a match is located. Moreover, Green Mountain maintains a stringent ECL misuse policy that enables Green Mountain to suspend a sales agent or entire sales team from using the ECL for one week, thirty days or indefinitely, depending on the severity of the offense.

Green Mountain has also agreed to provide I&E with a monthly report by the 30th of each month, for a period of one year, detailing complaints from Pennsylvania consumers that were received by the Company from BCS, the Pennsylvania Attorney General's Office, the Better Business Bureau and/or complaints directed to the Company related to allegations of unauthorized switching that originated from in-person locations. Green Mountain further agreed to retain customer signatures obtained on enrollment tablets at in-person locations during the enrollment process for a period of one year. Thus, heightened scrutiny will continue to be placed on Green Mountain sales activities at in-person locations.

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). I&E's investigation revealed that 156 customer accounts were switched to receive electric generation service provided by Green Mountain without the customers' authorizations. Green Mountain solicited residential customers, however, if a residential customer was also a small business owner, residential products could also have been marketed. The incidents of unauthorized enrollments originated from Green Mountain's sales activities at in-person locations that took place between June 1, 2018 and September 30, 2020. In-person retail settings included box stores, farmers markets and festivals. Some customers detected the unauthorized enrollment, promptly contacted Green Mountain to complain and were served by Green Mountain for less than a billing cycle. Other customers received electric generation supply provided by Green Mountain for upwards of a year prior to being switched back to default service or another EGS.

The sixth factor to be considered relates to the compliance history of Green Mountain. 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. Since receiving its EGS license, a total of nine formal complaints were filed by consumers against Green Mountain, all of which resulted in the filing of Certificates of Satisfaction pursuant to 52 Pa. Code § 5.24.<sup>8</sup> Accordingly, no formal complaints have been sustained against the Company. The instant matter is the first case involving an I&E enforcement action brought against Green Mountain and is the first instance in which Green Mountain would pay a civil penalty imposed by the Commission.

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 Green Mountain cooperated in the investigation in this matter, including cooperating in both informal discovery as well as settlement discussions.

<sup>8</sup> See Docket Nos. C-2014-2419106, F-2015-2472063, F-2017-2635714, C-2017-2639266, C-2018-3000504, C-2018-3004734, C-2019-3007060, C-2020-3015594, and C-2020-3020255.



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 \$156,000, which is not tax deductible, in combination with the issuance of customer refunds is substantial and sufficient to deter Green Mountain 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). A recent Commission decision, *Pa. Pub. Util. Comm'n, Bureau of Investigation and Enforcement v. Reliant Energy Northeast LLC d/b/a Reliant Energy, NRG Business Solutions, Reliant-NRG, NRG Residential Solutions, NRG Retail Solutions, NRG Home and NRG Business*, Docket No. M-2020-3006647 (Order entered March 25, 2021) (hereinafter referred to as "NRG Home Order"), approved a settlement between I&E and an EGS involving substantially similar facts.<sup>9</sup> Specifically, the NRG Home Order approved a civil penalty of \$1,000 for each customer account that was switched without authority, with the unauthorized enrollments originating from marketing activities that took place at retail and event locations where the ECL was used to obtain customer information. The NRG Home Order also approved settlement terms pertaining to the issuance of customer refunds for the first two billing periods in which customers were switched, reimbursement of any cancellation or early termination fees incurred by customers from another EGS as a result of the unauthorized switch, the provision of monthly reports for a period of one year detailing complaints from Pennsylvania consumers reported to BCS and other agencies related to allegations of unauthorized switching, and the retention of customer signatures on enrollment tablets used at retail and event locations for one year. The above-referenced settlement terms are identical to the agreed-upon terms set forth in the instant matter.

Likewise, Commission precedent in other decisions supports the imposition of a \$1,000 civil penalty for each account that was switched and received electric generation supply service from an EGS without customer consent. See *Pa. Pub. Util. Comm'n, Law Bureau Prosecutory Staff v. MXenergy Electric, Inc.*, Docket No. M-2012-2201861 (Order entered August 29, 2013); and *Pa. Pub. Util. Comm'n, Bureau of Investigation and Enforcement v. Energy Services Providers, Inc. d/b/a Pa. Gas & Electric and U.S. Gas & Electric, Inc. d/b/a Pa. Gas & Electric*, Docket No. M-2013-2325122 (Order entered October 2, 2014) (hereinafter referred to as the PaG&E Order).

<sup>9</sup> Green Mountain is an NRG Energy, Inc. company.

In summary, in looking at the relevant factors that are comparable to other matters involving allegations of unauthorized switching and comparing the allegations to the relief provided in the Settlement—most notably, a civil penalty, customer refunds and a reporting requirement—this Settlement is consistent with past Commission actions and presents a fair and reasonable outcome that is in the public interest.

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 informal investigation 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,

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Dated: July 9, 2021

**Appendix C**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. M-2021-3009235
Green Mountain Energy Company,	:	
Respondent	:	



**STATEMENT OF GREEN MOUNTAIN ENERGY COMPANY  
IN SUPPORT OF JOINT PETITION FOR APPROVAL OF SETTLEMENT**

Pursuant to the regulations of the Pennsylvania Public Utility Commission (“Commission”) at 52 Pa. Code §§ 5.231, 5.232 and 69.1201, Green Mountain Energy Company (“GME”) files this Statement in Support of the Joint Petition for Approval of Settlement (“Settlement”) filed by GME and the Commission’s Bureau of Investigation and Enforcement (“I&E”). In support of the Settlement, GME offers the following information for the Commission’s consideration.

*I. Introduction*

The Settlement fully resolves issues related to alleged unauthorized switches stemming from GME’s in-person marketing activities at retail establishments and public events. GME acknowledges that some switches were unauthorized due to agent misuse of the eligible customer list (“ECL”). However, other instances of unauthorized switching that I&E examined during the investigation were the result of inadvertent ECL processing errors. GME believes that an in-depth review of each account that is the subject of this Settlement would reveal that far fewer violations of the Commission’s regulations occurred than alleged by I&E. Rather than expending significant resources developing this defense and engaging the Commission in a possibly lengthy process to adjudicate the propriety of many individual enrollments, GME made the practical business decision to enter into the Settlement. By entering into the Settlement, GME also avoids the uncertainty of litigation.

Through this Settlement, GME has agreed to pay a civil penalty of \$1,000 for each switch that I&E has alleged was not authorized, which is the maximum amount that the Commission may impose for a violation of the Public Utility Code or Commission regulations. 66 Pa.C.S. § 3301. Additionally, prior to initiation of the investigation by I&E, GME proactively took measures to avoid agent misuse of the ECL, and as part of the Settlement, further agreed to a number of conditions. The conditions include refunds to customers, monthly reporting to I&E, and retention of customer signatures on enrollment tablets.

GME believes that the terms and conditions of the Settlement provide for a fair and reasonable resolution of the issues. As such, GME submits that the Settlement is in the public interest and respectfully requests that it be approved without modification.

*II. Discussion*

*A. Summary of Issues*

Approximately 22 consumers filed informal complaints with the Commission’s Bureau of Consumer Services between June 1, 2018 and September 30, 2020 alleging that their electricity accounts had been switched to receive electric generation service from GME without their authorization. The disputed enrollments occurred at retail establishments and public events using information obtained from the ECL. These informal complaints generated the initiation of the informal investigation that resulted in this Settlement.

Through the informal investigation, GME provided information to I&E regarding 156 alleged unauthorized

enrollments during the period in question. The vast majority (over 90 percent) of these allegations resulted from enrollment processing errors where GME agents inadvertently selected the incorrect customer account from the ECL. Due to these errors, GME eliminated the ability for sales agents to scroll through the ECL to locate a certain customer. The tool now only permits searching for a specific name and populates information if a match is located. In addition, the ECL tool utilizes advanced identification scanning technology to authenticate customer identities, thereby reducing the potential for ECL mismatches. Further, to prevent ECL misuse, GME tightened its disciplinary policy, which may result in the loss of an agent’s ECL privileges and potential removal from working on behalf of GME.

The primary issue that would have been litigated is an appropriate civil penalty for instances in which an unauthorized switch was proven. GME would have contended that when an unauthorized switch occurred due to an ECL processing error, no civil penalty or a minimal civil penalty is warranted. If an electric generation supplier (“EGS”) could enroll customers with information in their wallets, instead of utility account numbers that are not readily available to customers especially when they are not at home, the ECL would not even be necessary. While the ECL allows for the possibility of human errors, the enrollment process would be greatly enhanced if consumers did not need to memorize their lengthy account numbers in order to choose an EGS. Easing the enrollment process for consumers would also support the General Assembly’s policy determination in support of electric choice. 66 Pa.C.S. §§ 2801 et seq.

*B. Key Provisions of Settlement*

*1. Civil Penalty*

Under the Settlement, GME agrees to pay a civil penalty of \$1,000 for each of the 156 instances in which I&E alleged that the switch was unauthorized, for a total of \$156,000.

*2. Refunds*

With respect to refunds, the Settlement obligates GME to refund two months’ of supply charges to the 156 customers whose accounts were switched to GME allegedly without authorization. In addition, GME commits under the Settlement to refund a cancellation or termination fee incurred by any of these 156 customers as a result of being switched to GME, provided that the customer supplies documentation of incurring the fee.

*3. Reporting*

The Settlement also obligates GME to provide I&E with a monthly report for a period of one year. This report will include details of complaints from Pennsylvania consumers that were received directly by GME and referred to GME by the Commission’s Bureau of Consumer Services (“BCS”), the Attorney General’s Office and the Better Business Bureau related to allegations of unauthorized switching that originated from in-person retail and event solicitations.

#### 4. Signatures

Under the Settlement, GME further agrees to retain customer signatures placed on enrollment tablets used at retail and event locations for a period of one year. GME also commits to providing such records to BCS and I&E upon request.

#### 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. GME's Position

Had this matter been litigated, GME would have presented evidence to show that in the vast majority of instances that are the subject of this Settlement, the alleged unauthorized switches occurred as a result of inadvertent ECL processing errors. As such, any civil penalty for proven unauthorized switches should be far lower than that sought by I&E due to a number of factors. These factors include: (i) GME's modifications to its internal practices to prevent any recurrence of this practice; (ii) the extremely small percentage of GME's customer base in Pennsylvania that is the subject of this Settlement; (iii) the unintentional nature of over 90% of the switches that were not authorized by the customer; (iv) GME's history of compliance with the Commission's regulations; (v) GME's cooperation with I&E during the investigation; and (vii) the robust programs that GME has in place, and continuously improves, to train sales agents, monitor agent performance, enforce agent compliance with requirements, complete enrollment verifications, and conduct quality assurance activities. By agreeing to pay a civil penalty of \$156,000, in lieu of advancing these arguments, GME avoided the uncertainty of litigation.

#### 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). GME acknowledges that allegations of switching customers without authorization are of a serious nature, and that the Commission has established a zero tolerance policy for switching customers without their consent. See *PUC v. MXenergy Electric Inc.*, Docket No. M-2012-2201861 (Order entered December 5, 2013, at 3, 9) (Commission had previously rejected a settlement that called for a civil penalty of \$500 per unauthorized switch; in approving a settlement providing for a civil penalty of \$1,000 per unauthorized switch, Commission noted its long standing zero tolerance policy for such conduct).

GME has likewise implemented a zero tolerance policy and agrees that switching customers without their consent is a serious violation of the Commission's regulations and GME's policies. Nonetheless, GME notes that the vast majority of the allegations that are the subject of the Settlement were not of an intentional nature. Indeed, over 90 percent of the accounts that were switched, allegedly without consent, occurred as a result of enrollment processing errors where GME agents inadvertently selected the incorrect customer account. The negotiated civil penalty of \$1,000 per alleged unauthorized switch appropriately reflects the seriousness of I&E's allegations. See *MXenergy* at 9.

##### 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. See *MXenergy* at 10.

##### 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).

GME has eliminated the ability for sales agents to scroll through the ECL to locate a certain customer. The tool now only permits searching for a specific name and populates information if a match is located. GME has also since deployed a technology solution to authenticate customers' identities, thereby narrowing the ECL search results. Additionally, GME has tightened its discipline policy for agents found to have committed ECL errors.

Further, GME has agreed to issue refunds of two months' of supply charges to all 156 customers whose accounts are alleged by I&E to have been switched without authorization. GME has further agreed to refund any early termination or cancellation fees that those customers incurred as a result of the switch, provided that the customer furnishes documentation.

In addition, GME has robust programs in place, which it continuously improves, to train sale agents, monitor agent performance, enforce agent compliance with requirements, complete enrollment verifications, and conduct quality assurance activities. GME has also agreed to provide monthly reports to I&E for a period of one year. These reports will detail complaints that GME receives directly from consumers and complaints that are received from BCS, the Attorney General's Office and the Better Business Bureau relating to allegations of unauthorized switching that originated from in-person retail sales and event solicitations. GME's reports will include the following details: the complaint/incident date, customer sign-up date, utility account number, a synopsis of the complaint or incident, and the results of GME's investigation of the incident.

All of these measures demonstrate GME's commitment to addressing the allegations of unauthorized switching and to avoid similar incidents in the future. Therefore, this mitigating factor supports the negotiated civil penalty. See *MXenergy* at 10.

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, the 156 customer accounts that are the subject of the Settlement represent a very small fraction of GME's enrollments over the same period and an even more miniscule fraction of GME's total customer base. 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>10</sup> While GME does not offer this statistic to minimize the experiences of individual consumers whose accounts were switched without consent, this perspective does demonstrate that the proportion of affected customers was not large. *MXenergy* at 11. It also supports GME's assertion that it takes compliance very seriously and has a robust sales performance program aimed at ensuring compliance and rooting out problems.

As to the duration of unauthorized switches, all affected and potentially affected customers are receiving refunds for the first two months' of supply charges, consistent with the Commission's regulations. 52 Pa. Code § 57.177(b). Since customers should have reasonably known of a change in EGS within the first two billing periods, they could have complained and been returned to their prior EGS or default service. Therefore, any duration of an unauthorized switch beyond two months is not relevant. This mitigating factor supports the negotiated civil penalty.

f. *Compliance History*

The sixth factor is the compliance history of the regulated entity. 52 Pa. Code § 69.1201(c)(6). Only 7 formal complaints have been filed against GME since it was licensed in 2011, with 4 of them alleging unauthorized switches and none of them being sustained by the Commission.<sup>11</sup> As with disputes filed with GME or when informal complaints are filed with BCS, GME works with consumers who file formal complaints to reach amicable resolutions that result in the complaints being fully satisfied and withdrawn. GME's compliance record supports the negotiated civil penalty. *MXenergy* at 11.

<sup>10</sup> According to the May 2021 statistics, 1,382,936 residential customers are shopping for electricity. [https://www.papowerswitch.com/media/xihp4r4qk/paps\\_numbers\\_053121.pdf](https://www.papowerswitch.com/media/xihp4r4qk/paps_numbers_053121.pdf)

<sup>11</sup> <https://www.puc.pa.gov/utility/1113241>

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). GME cooperated during the investigation, timely responding to I&E's data requests. Settlement, ¶¶ 19, 20. This mitigating factor supports approval of the Settlement. *MXenergy* at 11.

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) and (9). The civil penalty of \$1,000 per alleged unauthorized switch is the maximum amount that may be imposed by the Commission. 66 Pa.C.S. § 3301. Also, it is consistent with prior Commission decisions addressing investigations involving allegations of unauthorized switches. See *MXenergy* at 11-12.

i. *Other Relevant Factors*

The tenth item for consideration includes 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. In addition, the Settlement provides for refunds to affected customers and reflects modifications to GME's business practices that will provide a public benefit to all prospective customers. *MXenergy* at 12.

j. *Summary*

An evaluation of the factors in the Policy Statement shows that the Settlement is in the public interest and should be approved without modification. Not only does the Settlement sufficiently address the issues raised in this proceeding, particularly where all affected customers have been fully reimbursed for two months of supply charges, it avoids the uncertainty and attendant costs of litigation and allows GME to focus on its EGS operations.

Wherefore, based upon the foregoing, Green Mountain Energy Company respectfully requests that the Commission approve the Joint Petition for Approval of Settlement without modification.

Respectfully submitted,

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Dated: July 9, 2021  
Counsel for Green Mountain  
Energy Company



**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. M-2021-3009235
	:	
Green Mountain Energy Company,	:	
Respondent	:	

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

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 kmoury@eckertseamans.com  
 Counsel for Green Mountain Energy Company

Stephanie M. Wimer  
 Senior Prosecutor  
 PA Attorney ID No. 207522

Pennsylvania Public Utility Commission  
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Dated: July 9, 2021

[Pa.B. Doc. No. 21-2098. Filed for public inspection December 10, 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 December 27, 2021. Filings are recommended to 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 December 27, 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 Com-

mission’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.

**Application of the following for approval to begin operating as common carriers for transportation of persons as described under the application.**

**A-2021-3029723. Lync Transportation Services, LLC** (2913 Larkspur Lane, Secane, Delaware County, PA 19018) persons in paratransit service, by motor vehicle, from points in Delaware County and the City and County of Philadelphia, to points in Pennsylvania, and return.

**Application of the following for the approval of the transfer of stock as described under the application.**

**A-2021-3029741. Mercy Ambulance & EMS, Inc., t/a Mercy Ambulance, t/a Mercy Fleet, t/a Mercy Group** (3021 Franks Road, Suite 8, Huntingdon Valley, Montgomery County, PA 19006) a corporation of the Commonwealth—for the approval of the transfer of 500 shares of issued stock, from Anastasia Andries (500 shares), to Mercy Transporation Holding, LLC (400 shares) and Mikhail Danilov (100 shares). *Attorney:* Karen O. Moury, Esquire, Eckert Seamans Cherin & Mellot, 213 Market Street, 8th Floor, Harrisburg, PA 17101 (Seller) and Paul A. Mitchell, Esquire, Lippes Mathias, 50 Fountain Plaza, Suite 1700, Buffalo, NY 14202-2216 (Buyer).



**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-2021-3029633. 412 Limo, LLC** (206 Hankey Farms Drive, Oakdale, Allegheny County, PA 15071) for the discontinuance and cancellation of its right and privilege to transport persons in limousine service, from points in Allegheny County to points in Pennsylvania, and return; excluding areas under the jurisdiction on the Philadelphia Parking Authority.

**A-2021-3029721. T. M. McDermott & Co., Inc.** (900 Vista Drive, West Chester, Chester County, PA 19380) for the discontinuance and cancellation of its right to transport, by motor vehicle, persons in limousine service, from points in the Counties of Chester, Delaware and Montgomery to points in Pennsylvania, and return; excluding that service which is under the jurisdiction of the Philadelphia Parking Authority, as originally docketed at A-2010-2189005.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-2099. Filed for public inspection December 10, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Water Service

**A-2021-3029704. The York Water Company.** Application of The York Water Company under 66 Pa.C.S. §§ 507, 1102(a)(1) and (3) (relating to contracts between public utilities and municipalities; and enumeration of acts requiring certificate) for approval of the right of The York Water Company to: (1) acquire certain public water facilities from Franklin County General Authority and Letterkenny Industrial Development Authority; (2) begin to offer or furnish water to the public in portions of Greene, Hamilton and Letterkenny Townships, Franklin County; and (3) enter into a municipal contract with Shippensburg Borough Authority for bulk raw water service.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before December 27, 2021. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available only online for inspection and copying on the Pennsylvania Public Utility Commission's (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address. Parties to proceedings pending before the Commission must open and use an eFiling account through the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) or may submit the filing by overnight delivery to the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery. Large filings containing confidential or proprietary material may be submitted through the Commission's Share Point File system with advanced notice to the Commission prior to submittal.

*Applicants:* The York Water Company, 130 East Market Street, York, PA 17401-1219

*Through and By Counsel for:* Michael W. Hassell, Esq., Devin T. Ryan, Esq., Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601, (717) 612-6052, [dryan@postschell.com](mailto:dryan@postschell.com)

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-2100. Filed for public inspection December 10, 2021, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Service of Notice of Transportation Network Company Applications in the City of Philadelphia

The following application to render service as a transportation network company in the City of Philadelphia under 53 Pa.C.S. Chapter 57A (relating to transportation network companies) has been filed with the Philadelphia Parking Authority's Taxicab and Limousine Division. Protests or objections to the following application are prohibited. See 53 Pa.C.S. § 57A05(f) (relating to license issuance and appeal of denial).

**Doc. No. A-21-11-18. HopSkipDrive, Inc.:** An application for a transportation network company license to provide transportation network service in the City of Philadelphia using a digital network through the HopSkipDrive, Inc. application that matches a passenger and transportation network driver in advance of a prearranged ride. *Attorneys:* Alan M. Seltzer, Esq. and John F. Povilaitis, Esq., Buchanan Ingersoll & Rooney PC, 409 North Second Street, Suite 500, Harrisburg, PA 17101.

SCOTT PETRI,  
*Executive Director*

[Pa.B. Doc. No. 21-2101. Filed for public inspection December 10, 2021, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearing Scheduled

A hearing has been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimant's request concerning the indicated account.

The hearing will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

February 16, 2022	Account of Rosina Cammisa-Cantz (Non-Qualifying Part-Time Service)	10 a.m.
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Persons with a disability who wish to attend the previously listed hearing and require an auxiliary aid,

service or other accommodation to attend the proceeding should contact the Appeal Docket Clerk at (717) 720-4888 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general

rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

GLEN R. GRELL,  
*Executive Director*

[Pa.B. Doc. No. 21-2102. Filed for public inspection December 10, 2021, 9:00 a.m.]

