

# PENNSYLVANIA BULLETIN

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

**No. 565, December 2021**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### Fiscal Notes

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

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

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

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Unclassified ..... 11, 12, 542, 543, 904, 905, 908, 1134, 1135, 1309, 1510, 1511, 1798, 1983, 1984, 1986, 1987, 2163, 2164, 2265, 2273, 2274, 2380, 2488, 2627, 2794, 3445, 3598, 3602, 3732, 3855, 3964, 3965, 4056, 4057, 4059, 4323, 4843, 5195, 5599, 5823, 6022, 6023, 6026, 6254, 6394, 6395, 6589, 6590, 6592, 6773, 6774, 6911, 6912, 7054, 7454, 7459, 7655, 7667, 7866

# THE GOVERNOR

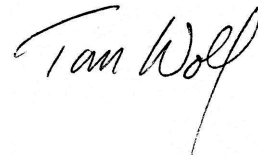
## GOVERNOR'S OFFICE

### Proclamation; Senate Bill No. 565, Printer's No. 1212

I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, have caused this Proclamation to issue and, in compliance with the provisions of Section 15 of Article IV of the Constitution of Pennsylvania, do hereby give notice that I have filed in the Office of the Secretary of the Commonwealth, with my objections thereto, the following bill passed by both houses of the General Assembly at the Regular Session of 2021-2022:

Senate Bill No. 565, Printer's No. 1212, entitled "An Act [a]mending Title 18 (Crimes and Offenses) of the *Pennsylvania Consolidated Statutes*, in firearms and other dangerous articles, repealing provisions relating to firearms not to be carried without a license, providing for license not required, further providing for prohibited conduct during emergency, repealing provisions relating to carrying firearms on public streets or public property in Philadelphia, providing for sportsman's firearm permit, further providing for licenses and repealing provisions relating to proof of license and exception."

*Given* under my hand and the Great Seal of the Commonwealth, at the County of Dauphin, this second day of December, in the year of our Lord two thousand and twenty-one, and of the Commonwealth two hundred and forty-six.



Governor

Attest:

JONATHAN MARKS,  
*Deputy Secretary for Elections and Commissions*

[Pa.B. Doc. No. 21-2103. Filed for public inspection December 17, 2021, 9:00 a.m.]

## GOVERNOR'S OFFICE

### Notice of Veto; Senate Bill No. 565, Printer's No. 1212

December 2, 2021

To the Honorable Senate of the  
Commonwealth of Pennsylvania

Pursuant to Article IV, Section 15 of the Pennsylvania Constitution, I am returning herewith, without my approval, Senate Bill 565, Printer's Number 1212.

This legislation, which eliminates the requirement for individuals to obtain a license before carrying or possessing a concealed firearm, will only exacerbate gun violence and jeopardize the safety of all Pennsylvanians.

Each year there are more than 1,600 victims of gun violence in Pennsylvania. These victims and communities deserve to have meaningful legislation passed to address the scourge of gun violence. I support many public policy proposals that would help solve this urgent issue, including safe storage legislation, extreme risk protection orders, enhanced reporting

requirements for lost or stolen guns, and closing gaps in the background check system. Unfortunately, this bill would make gun violence worse and would put law enforcement officers at greater risk of harm.

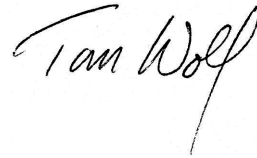
I would like to make clear that this veto will in no way affect the rights of the 1.3 million Pennsylvanians who have legally obtained a license to carry or the millions of Pennsylvanians who legally own a firearm.

Currently, the law requires that an individual must apply for a license to carry a firearm concealed. During that application process, law enforcement does a background check to ensure that the individual is permitted to carry a firearm and is not a danger to the community. This legislation removes the requirement that an individual obtain a license, and with it, the ability of law enforcement to conduct a background investigation. Removal of the licensing background investigation will hinder the ability of law enforcement to prevent individuals who should not be able to carry a firearm concealed from doing so. Domestic abusers and other dangerous criminals should not have the ability to carry hidden weapons in our communities.

In states without concealed carry licenses, there is an 11 percent higher rate of homicide than those states who require a license. The Pennsylvania Chiefs of Police Association and the Pennsylvania District Attorneys Association both oppose this legislation, and there are no law enforcement organizations in Pennsylvania that support this bill. I stand with them, domestic abuse survivors and advocates, responsible gun owners, and victims of gun violence who have expressed their opposition to this dangerous bill.

For the reasons set forth above, I must withhold my signature from Senate Bill 565, Printer's Number 1212.

Sincerely,



*Governor*

[Pa.B. Doc. No. 21-2104. Filed for public inspection December 17, 2021, 9:00 a.m.]

# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

[ 210 PA. CODE CH. 11 ]

#### Order Amending Rules 1115 and 1116 of the Pennsylvania Rules of Appellate Procedure; No. 298 Appellate Procedural Rules Doc.

##### Order

*Per Curiam*

And Now, this 7th day of December, 2021, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been published for public comment at 51 Pa.B. 4055 (July 31, 2021):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1115 and 1116 of the Pennsylvania Rules of Appellate Procedure are amended in the following form.

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

##### Annex A

#### TITLE 210. APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE II. APPELLATE PROCEDURE

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

#### PETITION FOR ALLOWANCE OF APPEAL

#### Rule 1115. Content of the Petition for Allowance of Appeal.

(a) *General rule.*—The petition for allowance of appeal need not be set forth in numbered paragraphs in the manner of a pleading, and shall contain the following (which shall, insofar as practicable, be set forth in the order stated):

(1) A reference to the official and unofficial reports of the opinions delivered in the courts below, if any, and if reported. Any such opinions shall be appended as provided in [ **item 6 of paragraph (a) of this rule** ] **subdivision (a)(7)**.

(2) The text of the order in question, or the portions thereof sought to be reviewed, and the date of its entry in the appellate court below. If the order is voluminous, it may, if more convenient, be appended to the petition.

(3) **Where under the applicable law an issue is not reviewable on appeal unless raised or preserved below, the petition shall contain a statement of place of raising or preservation of issues, as required in Pa.R.A.P. 2117(c).**

[ (3) ] (4) The questions presented for review, expressed in the terms and circumstances of the case but without unnecessary detail. The statement of questions presented will be deemed to include every subsidiary question fairly comprised therein. Only the questions set forth in the petition, or fairly comprised therein, will ordinarily be considered by the court in the event an appeal is allowed.

[ (4) ] (5) A concise statement of the case containing the facts material to a consideration of the questions presented.

[ (5) ] (6) A concise statement of the reasons relied upon for allowance of an appeal. *See* Pa.R.A.P. 1114.

[ (6) ] (7) There shall be appended to the petition a copy of any opinions delivered relating to the order sought to be reviewed, as well as all opinions of government units, trial courts, or intermediate appellate courts in the case, and, if reference thereto is necessary to ascertain the grounds of the order, opinions in companion cases. If an application for reargument was filed in the Superior Court or Commonwealth Court, there also shall be appended to the petition a copy of any order granting or denying the application for reargument. If whatever is required by this paragraph to be appended to the petition is voluminous, it may, if more convenient, be separately presented.

[ (7) ] (8) There shall be appended to the petition the verbatim texts of the pertinent provisions of constitutional provisions, statutes, ordinances, regulations, or other similar enactments which the case involves, and the citation to the volume and page where they are published, including the official edition, if any.

[ (8) ] (9) The certificate of compliance required by Pa.R.A.P. 127.

(b) \* \* \*

(c) *No supporting brief.*—All contentions in support of a petition for allowance of appeal shall be set forth in the body of the petition as provided by [ **item 5 of paragraph (a)** ] **subdivision (a)(6)** of this rule. Neither the briefs below nor any separate brief in support of a petition for allowance of appeal will be received, and the Prothonotary of the Supreme Court will refuse to file any petition for allowance of appeal to which is annexed or appended any brief below or supporting brief.

(d) \* \* \*

(e) \* \* \*

(f) \* \* \*

(g) *Supplementary matter.*—The cover of the petition for allowance of appeal, pages containing the table of contents, table of citations, proof of service, signature block, and anything appended to the petition under [ **subparagraphs (a)(6) and (a)(7)** ] **subdivisions (a)(7) and (a)(8)** shall not count against the word count limitations of this rule.

\* \* \* \* \*

#### Rule 1116. Answer to the Petition for Allowance of Appeal.

(a) *General rule.*—Except as otherwise prescribed by this rule, within 14 days after service of a petition for allowance of appeal an adverse party may file an answer. The answer shall be deemed filed on the date of mailing if first class, express, or priority United States Postal Service mail is utilized. The answer need not be set forth in numbered paragraphs in the manner of a pleading, shall set forth any procedural, substantive or other argument or ground why the order involved should not be reviewed by the Supreme Court, and shall comply with Pa.R.A.P. [ **1115(a).7** ] **1115(a)(8)**. No separate motion to dismiss a petition for allowance of appeal will be received.



A party entitled to file an answer under this rule who does not intend to do so shall, within the time fixed by these rules for filing an answer, file a letter stating that an answer to the petition for allowance of appeal will not be filed. The failure to file an answer will not be construed as concurrence in the request for allowance of appeal.

(b) *Children's fast track appeals.*—In a children's fast track appeal, within 10 days after service of a petition for allowance of appeal, an adverse party may file an answer.

(c) *Length.*—An answer to a petition for allowance of appeal shall not exceed 9,000 words. An answer that does not exceed 20 pages when produced by a word processor or typewriter shall be deemed to meet the 9,000 word limit. In all other cases, the attorney or the unrepresented filing party shall include a certification that the answer complies with the word count limit. The certificate may be based on the word count of the word processing system used to prepare the answer.

(d) *Supplementary matter.*—The cover of the answer, pages containing the table of contents, table of citations, proof of service, signature block, and anything appended to the answer shall not count against the word count limitations of this rule.

(e) *Certificate of compliance with Case Records Public Access Policy of the Unified Judicial System of Pennsylvania.*—An answer to a petition for allowance of appeal shall contain the certificate of compliance required by Pa.R.A.P. 127.

**Official Note:** This rule and Pa.R.A.P. 1115 contemplate that the petition and answer will address themselves to the heart of the issue, such as whether the Supreme Court ought to exercise its discretion to allow an appeal, without the need to comply with the formalistic pattern of numbered averments in the petition and correspondingly numbered admissions and denials in the response. While such a formalistic format is appropriate when factual issues are being framed in a trial court [ ( ) ], as in the petition for review under Chapter 15 [ ( ) ], such a format interferes with the clear narrative exposition necessary to outline succinctly the case for the Supreme Court in the allocatur context.

**Parties are strongly encouraged to raise any waiver-based or procedural objection to a petition for allowance of appeal in an answer to the petition. In addition, parties are reminded that they may raise waiver-based, procedural, and jurisdictional objections after the grant of a petition for allowance of appeal, but before merits briefing, through a dispositive motion filed under Pa.R.A.P. 1972.**

[Pa.B. Doc. No. 21-2105. Filed for public inspection December 17, 2021, 9:00 a.m.]

## Title 225—RULES OF EVIDENCE

### [ 225 PA. CODE ART. IV ]

#### Amendment of Pennsylvania Rule of Evidence 404; No. 893 Supreme Court Rules Doc.

##### Order

*Per Curiam*

And Now, this 2nd day of December, 2021, upon the recommendation of the Committee on Rules of Evidence;

the proposal having been published for public comment at 50 Pa.B. 7275 (December 26, 2020):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rule of Evidence 404 is amended in the following form.

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

#### Annex A

#### TITLE 225. RULES OF EVIDENCE

#### ARTICLE IV. RELEVANCE AND ITS LIMITS

Rule 404. Character Evidence; Other Crimes, Wrongs, or [ Other ] Acts.

\* \* \* \* \*

(b) Other Crimes, Wrongs, or [ Other ] Acts.

(1) *Prohibited Uses.* Evidence of [ a ] **any other** crime, wrong, or [ **other** ] act is not admissible to prove a person's character in order to show that on a particular occasion the person acted in accordance with the character.

(2) *Permitted Uses.* This evidence may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident. In a criminal case this evidence is admissible only if the probative value of the evidence outweighs its potential for unfair prejudice.

(3) *Notice in a Criminal Case.* In a criminal case the prosecutor must provide reasonable **written** notice in advance of trial **so that the defendant has a fair opportunity to meet it**, or during trial if the court excuses pretrial notice on good cause shown, of the [ **general nature** ] **specific nature, permitted use, and reasoning for the use** of any such evidence the prosecutor intends to introduce at trial.

#### Comment

\* \* \* \* \*

Pa.R.E. 404(b)(1) is identical to F.R.E. 404(b)(1). It prohibits the use of evidence of other crimes, wrongs, or acts to prove a person's character.

Pa.R.E. 404(b)(2), like F.R.E. 404(b)(2), contains a non-exhaustive list of purposes, other than proving character, for which a person's other crimes, wrongs, or acts may be admissible. But it differs in [ **several aspects. First, that** Pa.R.E. 404(b)(2) requires [ **that** ] the probative value of the evidence [ **must** ] to outweigh its potential for prejudice. When weighing the potential for prejudice of evidence of other crimes, wrongs, or acts, the trial court may consider whether and how much such potential for prejudice can be reduced by cautionary instructions. *See Commonwealth v. LaCava*, [ **542 Pa. 160**, ] 666 A.2d 221 (Pa. 1995). When evidence is admitted for this purpose, the party against whom it is offered is entitled, upon request, to a limiting instruction. *See Commonwealth v. Hutchinson*, [ **571 Pa. 45**, ] 811 A.2d 556 (Pa. 2002). [ **Second, the federal rule requires the defendant in a criminal case to make a request for notice of the prosecutor's intent to offer evidence of other crimes, wrongs or acts. This issue is covered in Pa.R.E. 404(b)(3) which is consistent with prior Pennsylvania practice in that the requirement that the prosecutor give notice is not dependent upon a request by the defendant.** ]



**Notice pursuant to subdivision (b)(3) must be provided before trial in such time as to allow the defendant a fair opportunity to meet the evidence. See Pa.R.E. 609(b)(2) and 902(11). Notice should be sufficiently in advance of trial so the defendant and court have adequate opportunity to assess the evidence, the purpose for which it is offered, and whether the requirements of Pa.R.E. 403 have been satisfied notwithstanding that a final determination as to the admissibility of the evidence must await trial. See, e.g., Commonwealth v. Hicks, 91 A.3d 47, 53-54 (Pa. 2014). The court may excuse the pretrial notice requirement upon a showing of good cause. When notice is provided during trial after a finding of good cause, the court may need to consider protective measures to assure that the opponent is not prejudiced.**

***Official Note:*** Adopted May 8, 1998, effective October 1, 1998; Comment revised November 2, 2001[ ; ], effective January 1, 2002; rescinded and replaced January 17, 2013, effective March 18, 2013; **amended December 2, 2021, effective April 1, 2022.**

*Committee Explanatory Reports:*

Final Report explaining the November 2, 2001 revision of Subsection (a) of the Comment published with the Court's Order at 31 Pa.B. 6384 (November 24, 2001).

Final Report explaining the January 17, 2013 rescission and replacement published with the Court's Order at 43 Pa.B. 651 (February 2, 2013).

**Final Report explaining the December 2, 2021 amendment of paragraph (b) published with the Court's Order at 51 Pa.B. 7859 (December 18, 2021).**

## ADOPTION REPORT

### Amendment of Pa.R.E. 404(b)

On December 2, 2021, the Supreme Court amended Pennsylvania Rule of Evidence 404 concerning the prosecutor's notice of intended use of evidence of other crimes, wrongs, or acts in criminal cases. The Committee on Rules of Evidence has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, Comment. The statements contained herein are those of the Committee, not the Court.

Effective December 1, 2020, Federal Rule of Evidence 404(b) was amended to primarily impose additional notice requirements on the prosecution in criminal cases when evidence of other crimes, wrongs, or acts, *i.e.*, "prior bad acts," is sought to be introduced. The amendment changed the title of the rule, the title to paragraph (b), and the rule text of paragraph (b)(1).

F.R.E. 404 was also amended to create a new paragraph (b)(3) to require the prosecutor to give the defendant pretrial written notice describing the specific act and explaining the relevance of the prior bad act for a non-propensity purpose. This is heightened from the previous requirement that the defendant request notice from the prosecutor and for the notice to be of the general nature of the evidence. New paragraph (b)(3) also provides a good cause exception for the pretrial written notice requirement.

The Committee considered the merits of the amendment of F.R.E. 404(b), as they may now differ from Pa.R.E. 404(b). Currently Pa.R.E. 404(b)(3) requires pretrial notice to the defendant, but is silent on whether the notice must be in writing. See, e.g., *Commonwealth v.*

*Mawhinney*, 915 A.2d 107 (Pa. Super. 2006) (no requirement under Pa.R.E. 404(b) that notice be in writing). Further, the notice must be of the general nature of the prior bad act, which is ostensibly less detail than will be required by amended F.R.E. 404(b)(3).

The Committee believed there was merit in requiring notice from the prosecutor to be in writing, as well as the notice containing additional information, *i.e.*, the nature, purpose, and reason for the evidence. Such a requirement appeared reasonable, fair to the defendant, and would not unduly burden the prosecution. These changes would facilitate pretrial resolution of contested issues rather than deciding them midtrial. Secondarily, the Committee believed there was benefit in having Pa.R.E. 404(b) aligned, to the extent practicable, in its requirements as F.R.E. 404(b).

Paragraph (b)(3)(B) of the federal rule requires the prosecutor to "articulate in the notice the permitted purpose for which the prosecutor intends to offer the evidence and the reasoning that supports the purpose." The Committee favored the additional content, but believed the requirements could be more succinctly stated within the confines of the existing rule.

Accordingly, the Committee proposed amending the rule's titles and making other non-substantive changes, as well as amending Pa.R.E. 403(b)(3) to require written notice of the specific nature of the other crime, wrong, or act, the permitted use of the evidence under paragraph (b)(2), and the reasoning for its use. This proposal was published for comment at 50 Pa.B. 7275 (December 26, 2020); three comments were received.

One respondent supported the proposed amendments and suggested further revisions to paragraph (b)(2) (Permitted Uses), believing that the "other purpose" exception was not being applied with rigor and, as a result, propensity evidence was being admitted for non-specific purposes. The Committee considered this point and concluded that any changes to paragraph (b)(2) would be outside the scope of the proposed rulemaking. The Committee will continue to monitor the case law regarding application of this exception and propose future rulemaking if warranted.

Another respondent endorsed the proposal, contending that it imposed a minimal burden on the prosecution because the prosecution would be required to disclose the same information when seeking the introduction of prior bad acts at trial.

The final respondent supported the proposal because it would avoid any ambiguity as to the reason for using this evidence and should decrease trial disruptions through greater use of motions *in limine*. The respondent also suggested that the "good cause" exception for written pretrial notice in paragraph (b)(3) be clarified or removed, contending that the exception could swallow the rule and eliminate any benefit provided by a written notice requirement.

Preliminarily, the Committee noted that the good cause exception currently exists in the rule, but reconsidered recommending its retention in the amended rule. One perspective was that the prosecutor should have possessed sufficient evidence prior to trial to proceed. Evidence of prior bad acts discovered during the course of trial should not be necessary if the prosecutor believed there was sufficient evidence to obtain a conviction prior to trial. Hence, any additional evidence of prior bad acts discovered during trial would likely be cumulative of what the prosecutor already possessed to prove guilt. Therefore, there is no need for a good cause exception.

In contrast, a good cause exception accommodates instances where a witness at trial may unexpectedly mention a prior bad act. Obviously, where the prior bad act is a matter of public record, *e.g.*, criminal conviction, professional license revocation, then little good cause would exist to excuse a lack of due diligence prior to trial. However, there are occasions where the acts are not public and only learned through witness testimony, especially those involving children who reveal information over the course of time, including at trial. Further, the trial judge can determine whether good cause exists based upon the facts of the case. Ultimately, the Committee favored retaining the good cause exception and relying upon the exercise of judicial discretion.

The respondent also expressed concern that the use of prior bad act evidence is so prejudicial to the defense that cautionary instructions are often ineffective. Jurors may use that evidence for propensity purposes notwithstanding instructions from the judge.

The Committee does not disagree with the prejudicial effect of prior bad acts evidence and the risk that it will be used for propensity purposes. Pa.R.E. 404(b)(2) requires the rejection of evidence of prior bad acts in criminal cases when the prejudicial effect outweighs the probative value. This is a lesser standard than applicable to F.R.E. 404(b), which requires rejection when the prejudicial effect *substantially* outweighs the probative value. See F.R.E. 403. As indicated in the Comment to Pa.R.E. 404(b)(2), Pennsylvania case law permits the judge to consider giving a cautionary instruction to mitigate the potential for prejudice. See, *e.g.*, *Commonwealth v. LaCava*, 666 A.2d 221 (Pa. 1995) (“Moreover, the possible prejudicial effect of a reference to a defendant’s prior criminal conduct may, under certain circumstances, be removed by an immediate cautionary instruction to the jury.”). However, nothing in the rule suggests that all potential for prejudice can be eliminated with jury instructions. That determination is left to the discretion of the judge. As such, the rule contemplates there may be instances where instructions are insufficient to overcome the potential for prejudice. Relatedly, Pennsylvania law presumes that juries follow the trial court’s instructions. See, *e.g.*, *Commonwealth v. Jones*, 668 A.2d 491, 503-504 (Pa. 1995).

Post-publication, paragraph (b)(3) was revised to include the phrase, “so that the defendant has a fair opportunity to meet it.” This phrase is presently contained in F.R.E. 404(b)(3)(A) and would establish a temporal requirement for the written notice of prior bad acts, measured not by a unit of time, but determined by whether the notice provides an adequate amount of time to oppose its admission. The phrase is also found in Pa.R.E. 609(b)(2) and 902(11).

Relatedly, the Comment was revised to expound on what is a sufficient amount of time to oppose the admission of prior bad acts, the proponent’s ability to be excused from the pretrial requirement for good cause, and remedial efforts when good cause exists. This language is based upon similar commentary from the federal rule counterpart and conformed to Pennsylvania practice. A citation to *Commonwealth v. Hicks*, 91 A.3d 47, 53-55 (Pa. 2014) was included for the notion that the admissibility of such evidence may not be determined prior to trial.

This amendment becomes effective April 1, 2022.

[Pa.B. Doc. No. 21-2106. Filed for public inspection December 17, 2021, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [ 231 PA. CODE CH. 200 ]

### Order Amending Rule 223.2 of the Pennsylvania Rules of Civil Procedure; No. 724 Civil Procedural Rules Doc.

#### Order

*Per Curiam*

*And Now*, this 3rd day of December, 2021, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published for public comment at 49 Pa.B. 3885 (July 27, 2019):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 223.2 of the Pennsylvania Rules of Civil Procedure is amended in the following form.

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

#### Annex A

### TITLE 231—RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 200. BUSINESS OF COURTS

#### Rule 223.2. Conduct of the Jury Trial. Juror Note Taking.

(a)(1) [ **Whenever a jury trial is expected to last for more than two days, jurors, except as otherwise provided by subdivision (a)(2), may take notes during the proceedings and use their notes during deliberations.** ]

**Official Note:** The court in its discretion may permit jurors to take notes when the jury trial is not expected to last for more than two days. ]

**Jurors shall be permitted to take notes during the presentation of evidence, opening statements, and closing arguments and use their notes during deliberations.**

(2) Jurors [ **are not** ] **shall not be** permitted to take notes when the judge is instructing the jury as to the law that will govern the case.

(b) The court shall give an appropriate cautionary instruction to the jury prior to [ **the commencement of the testimony before the jurors** ] **opening statements.** The instruction shall include:

(1) Jurors are not required to take notes and those who take notes are not required to take extensive notes[ , ];

(2) Note taking should not divert jurors from paying full attention to the evidence and evaluating witness credibility, **the opening statements, or the closing arguments;**

(3) Notes are merely memory aids and are not evidence or the official record[ , ];

(4) Jurors who take few or no notes should not permit their independent recollection of the evidence to be influenced by the fact that other jurors have taken notes[ , ];

(5) Notes are confidential and will not be reviewed by the court or anyone else[ , ];

(6) A juror may not show his or her notes or disclose their contents to other jurors until deliberations begin, but may show the notes or disclose the contents during deliberations[ , ];

(7) Jurors shall not take their notes out of the courtroom except to use their notes during deliberations[ , ]; and

(8) All juror notes will be collected after the trial is over and immediately destroyed.

**Official Note:** It is recommended that the trial judge instruct the jurors along the following lines:

We will distribute notepads and pens to each of you in the event you wish to take notes during the trial. You are under no obligation to take notes and those who take notes are not required to take extensive notes.

Remember that one of your responsibilities as a juror is to observe the demeanor of witnesses to help you assess their credibility. If you do take notes, do not become so involved with note taking that it interferes with your ability to observe a witness or distracts you from hearing other answers being given by the witness.

**You may also take notes while the attorneys' present their opening statements and when they will make their closing arguments about the evidence at the end of the trial. Again, if you do take notes, do not become so involved with note taking that it distracts from paying attention to the remainder of the opening statement or hearing all of the closing argument.**

Your notes may help you refresh your recollection of the [ testimony and ] evidence as well as the attorneys' opening statements or their closing arguments. Your notes should be treated as a supplement to, rather than a substitute for, your memory. Your notes are only to be used by you as memory aids and are not evidence or the official record.

Those of you who do not take notes should not permit your independent recollection of the evidence to be influenced by the fact that other jurors have taken notes. It is just as easy to write something down incorrectly as it is to remember it incorrectly and your fellow jurors' notes are entitled to no greater weight than each juror's independent memory. Although you may refer to your notes during deliberations, give no more or no less weight to the view of a fellow juror just because that juror did or did not take notes.

Each time that we adjourn, your notes will be collected and secured by court staff. Jurors shall not take their notes out of the courtroom except to use their notes during deliberations.

A juror may not show his or her notes or disclose their contents to other jurors until deliberations begin, but may show the notes or disclose their contents during deliberations. The only notes you may use during the deliberations are the notes you write in the courtroom during the proceedings on the materials distributed by the court staff.

Your notes are completely confidential and will not be reviewed by the court or anyone else. After the trial is over, your notes will be collected by court personnel and immediately destroyed.

(c) The court shall

(1) provide materials suitable for note taking,

**Official Note:** The materials provided by the court are the only materials that jurors may use for note taking.

(2) safeguard all juror notes at each recess and at the end of each trial day, and

(3) collect all juror notes as soon as the jury is dismissed and, without inspection, immediately destroy them.

(d)(1) Neither the court nor counsel may (i) request or suggest that jurors take notes, (ii) comment on their note taking, or (iii) attempt to read any notes.

(2) Juror notes may not be used by any party to the litigation as a basis for a request for a new trial.

**Official Note:** A court shall immediately deny a litigant's request that juror notes be placed under seal until they are reviewed in connection with a request for a new trial on any ground, including juror misconduct. The notes shall be destroyed without inspection as soon as the jury is dismissed.

## ADOPTION REPORT

### Amendment of Pa.R.Civ.P. 223.2

On December 3, 2021, the Supreme Court amended Pennsylvania Rule of Civil Procedure 223.2 to clarify and expand when note taking by jurors is permitted during trial. The Civil Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, Comment. The statements contained herein are those of the Committee, not the Court.

The Civil Procedural Rules Committee received a request for rulemaking to clarify the parameters set forth in Pa.R.Civ.P. 223.2 as to when jurors may take notes during the course of a trial. The requester pointed out that the rule had been generally interpreted to permit note taking during witness testimony only, but not during opening statements and closing arguments. The rule expressly prohibits note taking during the reading of the jury charge only; there is no similar express prohibition on note taking during opening statements and closing arguments. Thus, whether note taking was permitted during opening statements and closing arguments was open to interpretation.

Pa.R.Civ.P. 223.2 was adopted in 2003, initially on a temporary basis, and made permanent in 2005. Subdivision (a)(1) of the rule permitted jurors to take notes during "the proceedings" if a trial was anticipated to last more than two days but did not specify or define the term "proceedings." As noted above, the term had been generally interpreted to permit juror note taking only when witnesses are testifying during trial and not during opening statements and closing arguments. For trials anticipated to last two days or less, the rule permitted jurors to take notes subject to the trial judge's discretion. Subdivision (a)(2) expressly prohibited note taking during the reading of the jury charge.

The Committee initially proposed the amendment of Pa.R.Civ.P. 223.2 in three respects. First, in subdivision (a)(1), the term "proceedings" was replaced with "the



presentation of evidence” to closely hew to the current understood practice of permitting note taking during the testimony of witnesses. In addition, the parameters of the rule were expanded to permit note taking during closing arguments. The proposal did not extend note taking to opening statements because the nature of opening statements can include information that may ultimately not be supported by the evidence presented or even entered into evidence. The proposal continued the prohibition of note taking during the reading of the jury charge.

Second, subdivision (a)(1) was modified to replace the permissive “may” with “shall be permitted.” The use of the permissive “may” in the rule offered the opportunity for variation in procedure. To ensure a uniform practice throughout the Commonwealth, all jurors should be permitted to take notes subject to the parameters of the rule. The rule would continue to place no obligation on the part of jurors to take notes, but the authority for jurors to use this tool for deliberations would be expressly permitted.

Third, subdivision (b) was also modified to include a cautionary juror instruction that note taking should not divert jurors’ attention from, *inter alia*, the closing arguments. Those requirements were also incorporated into the suggested jury instruction set forth in the comment following the rule text.

The Committee published the proposal, *see* 49 Pa.B. 3885 (July 27, 2019), and received four comments, both in support of and opposed to the proposal. Those supporting the proposal either supported it as drafted or suggested opening note taking to all portions of the trial, including opening statements. Those opposing the proposal either objected to expanding note taking to closing arguments because closing arguments are not evidence and are not always factually accurate, or believed that note taking should be limited to the presentation of evidence only.

To those commenters opposed to expanding note taking, the Committee believed that the benefit of expanding note taking to engage jurors more fully in the trial and hold attorneys accountable for accurate advocacy far outweighed any potential for inaccuracies. Moreover, the concern that note taking is not always accurate, while certainly true in some instances, was considered speculative when considered as a whole.

The Criminal Procedural Rules Committee, which was also examining whether Pa.R.Crim.P. 644 governing note taking in criminal trials should be similarly clarified, suggested forming a joint subcommittee to resolve any potential differences in the approach to juror note taking. The Civil Procedural Rules Committee agreed.

The joint subcommittee made two recommendations: (1) juror note taking should be permitted in all trials regardless of its anticipated length of time; and (2) juror note taking should be permitted during opening statements and closing arguments.

#### *Two-Day Trial Time Limitation*

After receiving the joint subcommittee’s recommendations, the Committee discussed the extent of the trial judge’s discretion in allowing juror note taking. Prior to the present amendment, Pa.R.Civ.P. 223.2 required a presiding judge to permit note taking in trials lasting more than two days, but granted the judge discretion in trials lasting less than two days. The Committee questioned why this time limit was chosen and whether it was an arbitrary limitation. In reviewing the history of Pa.R.Civ.P. 223.2, it was noted that when first adopted, there was some skepticism whether note taking by jurors was necessary or beneficial. As a compromise, the two-day

limitation was imposed because it was reasoned that trials lasting less than two days would be more simple and not necessitate note taking; longer trials were deemed more complicated and thus jurors could benefit from the ability to take notes if they so desired.

The Committee noted that courts have become more accustomed to juror note taking, recognizing the benefits while observing that few of the problems originally feared with the practice have occurred. Thus, the Committee agreed with the joint subcommittee that, regardless of the length of the trial or its complexity, jurors should be allowed to take notes and that the two-day limitation should be eliminated.

#### *Note Taking During Opening Statements and Closing Arguments*

In examining the joint subcommittee’s recommendation, several Committee members noted the observations shared by the joint subcommittee members on juror note taking. First, taking notes during opening statements aided the jurors in familiarizing themselves with the theories that were going to be presented during the trial. Those notes also helped them organize their thoughts in anticipation of hearing the evidence. Second, jurors found that taking notes during closing arguments aided in recalling those arguments. Additionally, it appeared that jurors had no trouble distinguishing between evidence and argument.

The Committee also noted that the joint subcommittee observed that note taking throughout the trial, rather than only during the presentation of evidence, offered several benefits. First, liberal allowance of note taking demonstrates respect for and trust in the jurors and their ability to perform their duties. Second, note taking keeps attorneys accountable; if jurors take notes, attorneys need to take greater care to avoid discrepancies between the opening statement and the evidence presented. To the concern that opening statements may include references to evidence that is ultimately precluded, curative instructions are an available remedy. It was also noted there are instances during the presentation of evidence where testimony can be stricken. Finally, it was observed that the federal courts permit jurors to take notes during all parts of a trial.<sup>1</sup>

As a result of these discussions, the Committee concluded that note taking should be permitted during both opening statements and closing arguments in addition to during the presentation of evidence. Note taking, however, should be precluded during the judge’s charge to the jury.

This amendment has been adopted in tandem with the amendment to Pa.R.Crim.P. 644 to clarify and expand juror note taking during opening statements, the presentation of evidence, and closing arguments in criminal proceedings. In doing so, the parameters of juror note taking have been made uniform for all jury trials. The amendment becomes effective April 1, 2022.

[Pa.B. Doc. No. 21-2107. Filed for public inspection December 17, 2021, 9:00 a.m.]

<sup>1</sup>Note taking by jurors in federal court is permitted at the discretion of each judge. The directive appears to be set forth in pattern jury instructions and not pursuant to rule. *See, e.g.*, Section 1.9 of the Model Jury Instructions for the United States Court of Appeals for the Third Circuit, [https://www.ca3.uscourts.gov/sites/ca3/files/1\\_Chaps\\_1\\_2\\_3\\_2017\\_Oct.pdf](https://www.ca3.uscourts.gov/sites/ca3/files/1_Chaps_1_2_3_2017_Oct.pdf).

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CH. 6 ]

### Order Amending Rule 644 of the Pennsylvania Rules of Criminal Procedure; No. 534 Criminal Procedural Rules Doc.

#### Order

*Per Curiam*

*And Now*, this 3rd day of December, 2021, upon the recommendation of the Criminal Procedural Rules Committee, the proposal having been published before adoption at 50 Pa.B. 3576 (July 18, 2020):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 644 of the Pennsylvania Rules of Criminal Procedure is amended in the following form.

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

#### Annex A

### TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 6. TRIAL PROCEDURES IN COURT CASES

#### PART C(2). Conduct of Jury Trial

#### Rule 644. Note Taking By Jurors.

(A) [ When a jury trial is expected to last for more than two days, jurors ] Jurors shall be permitted to take notes during [ the trial ] opening statements, the presentation of evidence, and closing arguments for their use during deliberations. [ When the trial is expected to last two days or less, the judge may permit the jurors to take notes. ]

(1) The jurors shall not take notes during the judge's charge at the conclusion of the trial.

(2) The court shall provide materials to the jurors that are suitable for note taking. These are the only materials that may be used by the jurors for note taking.

(3) The court, the attorney for the Commonwealth, and the defendant's attorney, or the defendant if unrepresented, shall not request or suggest that jurors take notes, comment on the jurors' note taking, or attempt to read any notes.

(4) The notes of the jurors shall remain in the custody of the court at all times.

(5) The jurors may have access to their notes and use their notes only during the trial and deliberations. The notes shall be collected or maintained by the court at each break and recess, and at the end of each day of the trial.

(6) The notes of the jurors shall be confidential and limited to use for the jurors' deliberations.

(7) Before announcing the verdict, the jury shall return their notes to the court. The notes shall be destroyed by court personnel without inspection upon the discharge of the jury.

(8) The notes shall not be used as a basis for a request for a new trial, and the judge shall deny any request that the jurors' notes be retained and sealed pending a request for a new trial.

(B) The judge shall instruct the jurors about taking notes during the trial. At a minimum, the judge shall instruct the jurors that:

(1) the jurors are not required to take notes, and those jurors who take notes are not required to take extensive notes;

(2) note taking should not divert jurors from evaluating witness credibility or from paying full attention to the evidence [ and evaluating witness credibility ], opening statements, and closing arguments;

(3) the notes merely are memory aids, not evidence or the official record;

(4) the jurors who take few or no notes should not permit their independent recollection of the evidence to be influenced by the fact that other jurors have taken notes;

(5) the jurors may not show their notes or disclose the contents of the notes to other jurors until deliberations begin, but may show the notes or disclose the contents during deliberations;

(6) the jurors may not take their notes out of the courtroom except to use their notes during deliberations; and

(7) the jurors' notes are confidential, will not be reviewed by the court or anyone else, will be collected before the verdict is announced, and will be destroyed immediately upon discharge of the jury.

#### Comment:

[ This rule was adopted in 2005 to permit the jurors to take notes during the course of any trial that is expected to last more than two days. Pursuant to this rule, except for trials expected to last two days or less, the jury may take notes as a matter of right without the permission of the court. See, e.g., ABA Standards For Criminal Justice, Second Edition, Standard 15-3.2 (Note taking by jurors) (1980). This rule was originally adopted as a temporary rule for the purpose of assessing whether juror note taking in criminal cases is beneficial to the system of justice in Pennsylvania. As the rule has found favor with the bench, bar, and public, the sunset provision of paragraph (C) has been rescinded and the rule has been made permanent. ]

The judge must instruct the jurors concerning the note taking. Paragraph (B) sets forth the minimum information the judge must explain to the jurors. The judge also must emphasize the confidentiality of the notes.

It is strongly recommended the judge instruct the jurors along the lines of the following:

We will distribute notepads and pens to each of you in the event you wish to take notes during the trial. You are under no obligation to take notes and it is entirely up to you whether you wish to take notes to help you remember what witnesses said and to use during your deliberations.

If you do take notes, remember that one of your responsibilities as a juror is to observe the demeanor of witnesses to help you assess their credibility. Do not become so involved with note taking that it interferes with your ability to observe a witness or distracts you from hearing the questions being asked the witness and the answers being given by the witness.

**You may also take notes during the opening statements and closing arguments of the attorneys. Again, if you do take notes, do not become so involved with note taking that it prevents you from paying attention to the remainder of the opening statement or closing argument.**

Your notes may help you refresh your recollection of the [ **testimony and** ] **evidence as well as the attorneys' opening statements and closing arguments.** Your notes should be treated as a supplement to, rather than a substitute for, your memory. Your notes are only to be used by you as memory aids and should not take precedence over your independent recollection of the facts.

Those of you who do not take notes should not be overly influenced by the notes of other jurors. It is just as easy to write something down incorrectly as it is to remember it incorrectly and your fellow jurors' notes are entitled to no greater weight than each juror's independent memory. Although you may refer to your notes during deliberations, give no more or no less weight to the view of a fellow juror just because that juror did or did not take notes. Although you are permitted to use your notes for your deliberations, the only notes you may use are the notes you write in the courtroom during the proceedings on the materials distributed by the court staff.

Each time that we adjourn, your notes will be collected and secured by court staff. Your notes are completely confidential and neither I nor any member of the court's staff will read your notes, now or at any time in the future. After you have reached a verdict in this case, your notes will be destroyed immediately by court personnel. Pennsylvania Bar Association Civil Litigation Update, *Juror Note-taking in Civil Trials: An Idea Whose Time Has Come*, Volume 5, No. 2 (Spring 2002), at 12.

Pursuant to paragraph (B)(6), the jurors are not permitted to remove the notes from the courtroom during the trial.

Pursuant to paragraph (A)(7), the judge must ensure the notes are collected and destroyed immediately after the jury renders its verdict. The court may designate a court official to collect and destroy the notes.

**Official Note:** Rule 1113 adopted January 24, 1968, effective August 1, 1968; renumbered Rule 644 and *Comment* revised March 1, 2000, effective April 1, 2001. Rule 644 rescinded June 30, 2005, effective August 1, 2005. New Rule 644 adopted June 30, 2005, effective August 1, 2005; amended August 7, 2008, effective immediately **amended December 3, 2021, effective April 1, 2022.**

*Committee Explanatory Reports:*

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the provisions of new Rule 644 allowing note taking by jurors published with the Court's Order at 35 Pa.B. 3917 (July 16, 2005).

Final Report explaining the August 7, 2008 amendments making permanent the provisions of Rule 644 allowing note taking by jurors published with the Court's Order at 38 Pa.B. [ **4506** ] **4606** (August 23, 2008).

**Adoption Report explaining amendments permitting note taking by jurors during the presentation of evidence, opening statements, and closing arguments published with the Court's Order at 51 Pa.B. 7864 (December 18, 2021).**

**ADOPTION REPORT**

**Amendment of Pa.R.Crim.P. 644**

*Note Taking By Jurors*

On December 3, 2021, effective April 1, 2022, upon recommendation of the Criminal Procedural Rules Committee, the Court amended Rule 644 to clarify (1) that jurors are permitted to take notes during trial regardless of the duration of the trial and (2) that "trial" includes opening statements and closing arguments for purposes of note taking. The Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, Comment. The statements contained herein are those of the Committee, not the Court.

Pa.R.Crim.P. 644 (Note Taking by Jurors) was adopted in 2005 and largely based on Pa.R.Civ.P. 223.2 (Conduct of the Jury Trial. Juror Note Taking), which was adopted in 2003. However, there were several differences between Pa.R.Civ.P. 223.2 and Pa.R.Crim.P. 644. First, Pa.R.Civ.P. 223.2 permitted jurors to take notes during "the proceedings" for use in deliberations, while Pa.R.Crim.P. 644 permitted note taking "during trial." Second, Pa.R.Civ.P. 223.2 allowed a judge the discretion to permit note taking in trials lasting more than two days, while Pa.R.Crim.P. 644 required the judge to allow jurors to take notes in trials lasting more than two days but left to the judge's discretion whether to permit note taking in trials of shorter duration. Both Pa.R.Civ.P. 223.2 and Pa.R.Crim.P. 644 contained prohibitions against note taking during the judge's charge but were silent as to opening statements and closing arguments.

The Criminal Procedural Rules Committee and the Civil Procedural Rules Committee formed a joint subcommittee to discuss the merits of reducing these differences and bringing greater consistency to the rules. The joint subcommittee made two recommendations: (1) the two-day threshold for juror note taking should be removed; and (2) the rules should clarify that note taking is permitted during opening statements and closing arguments.

*Two-Day Trial Time Limitation*

After receiving the joint subcommittee's recommendations, the Committee discussed the extent of the trial judge's discretion in allowing juror note taking. Prior to the present amendment, Pa.R.Crim.P. 644 required a presiding judge to permit note taking in trials lasting more than two days but granted the judge discretion in trials lasting less than two days. The Committee questioned why this time limit was chosen and whether it was an arbitrary limitation. In reviewing the history of Pa.R.Crim.P. 644, it was noted that when first adopted, there was some skepticism that note taking by jurors was either necessary or beneficial. As a compromise, note taking was not permitted during trials lasting less than two days, reasoning that short trials are generally less complex, while note taking was permitted during longer trials, which are presumably more complicated.

The Committee noted that courts have become more accustomed to juror note taking, recognizing the benefits



while observing that few of the problems originally feared with the practice have occurred. Thus the Committee agreed with the joint subcommittee that, regardless of the length of the trial or its complexity, jurors should be allowed to take notes and that the two-day limitation should be eliminated.

*Note Taking During Opening Statements and Closing Arguments*

In examining the joint subcommittee's recommendation, several Committee members shared juror observations. First, taking notes during opening statements aided the jurors in familiarizing themselves with the theories that were going to be presented during the trial. Those notes also helped them organize their thoughts in anticipation of hearing the evidence. Second, jurors found that taking notes during closing arguments aided in recalling those arguments. Additionally, it appeared that jurors had no trouble distinguishing between evidence and argument.

The Committee also observed that note taking throughout the trial, rather than only during the presentation of evidence, offers several benefits. First, liberal allowance of note taking demonstrates respect for and trust in the jurors and their ability to perform their duties. Second, note taking keeps attorneys accountable; if jurors take notes, attorneys need to take greater care to avoid discrepancies between the opening statement and what evidence is presented. To the concern that opening statements may include references to evidence that is ultimately precluded, curative instructions are an available remedy—it was also noted that there are instances during the presentation of evidence when testimony can be stricken. Finally, it was observed that the federal courts permit jurors to take notes during all parts of a trial.<sup>1</sup>

As a result of these discussions, the Committee concluded that note taking should be permitted during both openings and closings in addition to during the presentation of evidence. Note taking, however, will still be precluded during the judge's charge.

The Committee published this proposal for comment. See 50 Pa.B. 3576 (July 18, 2020). One comment was received objecting to note taking during openings and closings. No post-publications responsive revisions were made to the proposal for the reasons contained herein. This amendment becomes effective April 1, 2022.

[Pa.B. Doc. No. 21-2108. Filed for public inspection December 17, 2021, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Amendment of Philadelphia Court of Common Pleas Criminal Rules \*122-1 and \*122-8; President Judge General Court Regulation No. 43 of 2021

#### Order

And Now, this 30th day of November 2021, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on November 18, 2021, to amend Philadelphia Court of Common Pleas Criminal

<sup>1</sup>Note taking by jurors in federal court is permitted at the discretion of each judge. The directive appears to be set forth in pattern jury instructions and not pursuant to rule.

Rules \*122-1 and \*122-8 as follows to this Order and, as required by Pa.R.J.A. 103, the Supreme Court Criminal Procedural Rules Committee has reviewed the following local rules, has determined that Rules \*122-1 and \*122-8 are not inconsistent with applicable statewide rules, and has authorized its promulgation,

Now, therefore, it is hereby *Ordered and Decried* that Philadelphia Court of Common Pleas Criminal Rules \*122-1 and \*122-8 are amended, as follows, effective thirty days after publication in the *Pennsylvania Bulletin*.

As required by Pa.R.J.A. 103(d), the local rules which follow this Order were submitted to the Supreme Court of Pennsylvania Criminal Procedural Rules Committee for review, and written notification has been received from the Rules Committee certifying that the local rules are not inconsistent with any general rules of the Supreme Court. This Order and the following local rules shall be filed with the Office of Judicial Records (formerly the Prothonotary, Clerk of Courts and Clerk of Quarter Sessions) in a docket maintained for Administrative Orders issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. 103(d)(5)(ii), two certified copies of this Administrative Order and the following local rules, as well as one copy of the Administrative Order and local rules, shall be distributed to the Legislative Reference Bureau on a computer diskette for publication in the *Pennsylvania Bulletin*. As required by Pa.R.J.A. 103(d)(6) one certified copy of this Administrative Order and local rules shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the website of the First Judicial District at [www.courts.phila.gov](http://www.courts.phila.gov), and shall be incorporated in the compiled set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the Administrative Order and local rules shall also be published in *The Legal Intelligencer* and will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

By the Court

HONORABLE IDEE C. FOX,  
President Judge  
Court of Common Pleas

#### **Proposed Amendments to Philadelphia Rules of Criminal Procedures Court of Common Pleas, Trial Division, Criminal.**

*Note:* New text is bold and underscored; deleted text is bolded and bracketed.

#### **Rule \*122-1. Standards for Appointment of Counsel.**

\* \* \* \*

#### (B) *Selection of Attorneys*

(1) Each attorney who desires appointment in each of the above categories of cases must fill out the appropriate Application for Court Appointment Certification which shall be updated from time to time by the [ **President Judge and the** ] Administrative Judge of the Trial Division, shall reference the necessary qualifications, and shall be posted on the websites of the First Judicial District and the Philadelphia Bar Association. The Application will be submitted to a Screening Committee of the Philadelphia Bar Association. The Screening Committee shall consist of members appointed by the [ **Board of Judges of Philadelphia County** ] **Administrative Judge of the Trial Division**. Neither the Chief Defender, nor any attorney from the Defender Association of Philadelphia, nor any attorney from the District Attor-

ney's Office shall be eligible for appointment to the Screening Committee. **[ In making such appointments, the Board of Judges shall consider the recommendation of the Criminal Justice Section of the Philadelphia Bar Association, which shall submit to the Board of Judges a list of not less than fifteen names. Each member of the Screening Committee must be familiar with the practice of criminal law in Philadelphia ] The Administrative Judge of the Trial Division shall appoint no fewer than three members as the Screening Committee.**

(2) The Screening Committee will periodically review all Applications submitted, and will designate attorneys who are qualified for handling each category of case; the Screening Committee will maintain such lists of attorneys. It will be the duty of the Screening Committee to review these lists regularly, to add new applicants who meet the qualifications. No member of the Screening Committee will be permitted to accept an appointment during the member's term on the Screening Committee.

(3) **[ The Criminal Justice Section of the Philadelphia Bar Association is authorized to adopt rules of procedure governing: the recommendation of the members for the Screening Committee, the frequency of meetings, and the methods for establishing and maintaining lists of qualified attorneys.**

(4) ] From time-to-time, the lists of approved attorneys will be made available to the judges authorized to make appointments.

*Note:* Amended September 20, 2019, effective December 2, 2019. **Amended on \_\_\_\_\_, 2021; effective on \_\_\_\_\_, 2022.**

**Rule \*122-8. Performance Standards; Processing Complaints.**

(A) *General:* The Screening Committee may refuse to approve applicants as provided in Rule \*122-7 **[ (B), or may impose remedial measures, if the applicant fails to meet the performance standards set forth in this Rule ]**.

(B) *Processing Complaints.*

Any complaint about the performance of any court-appointed counsel shall be submitted **[ , as applicable, to the President Judge, the Trial Division Administrative Judge, ] to the Supervising Judge of the Criminal Trial Division [ , or their designees, for their ] for review and appropriate disposition [ Copies may, at the discretion of the President Judge, Administrative Judge, Supervising Judge or their designees, be sent to the Screening Committee, or its designee, for its review, recommendation or other disposition as may be requested by the applicable Judge. All information provided to the Screening Committee shall remain confidential ], which may include the removal of the attorney from the applicable court-appointment list in the Court of Common Pleas, Criminal Trial Division.**

*Note:* Amended September 20, 2019, effective December 2, 2019. **Amended on \_\_\_\_\_, 2021; effective on \_\_\_\_\_, 2022.**

[Pa.B. Doc. No. 21-2109. Filed for public inspection December 17, 2021, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### DAUPHIN COUNTY

#### Promulgation of Local Rules; No. 1793 S 1989

##### Order

*And Now*, this 8th day of December, 2021, Dauphin County Local Rules of Civil Procedure 205.2(a), 208.2(d), and 215.1 are amended as follows:

**Rule 205.2(a). Physical Characteristics of Pleadings and Other Legal Papers.**

(1) All documents filed in the Office of Prothonotary shall be on 8 1/2 inch by 11 inch paper and shall comply with the following requirements:

(a) The document shall be prepared on white paper of good quality and the use of recycled paper is encouraged.

(b) The first sheet shall contain a 3-inch space from the top of the paper for all court stampings, filing notices, etc.

(c) The text must be double spaced, but quotations more than two lines long may be indented and single spaced. Except as provided in subsection b, margins must be at least one inch on all four sides.

(d) The lettering shall be clear, legible and no smaller than Arial 12 point.

(e) The lettering shall be on only one side of a page.

(f) All exhibit tabs shall appear at the bottom of the pleading.

(g) No backers shall be used on the original or any copies of pleadings or other legal papers filed with the Prothonotary. The original of pleadings or other legal papers should be stapled in the top left corner. If the document is over one-half inch thick, it should be secured with a binder clip. Backers may be used for copies provided to the court, opposing parties or clients.

(h) Exhibits or attachments smaller than 8 1/2 inches by 11 inches shall be attached to a regular size paper by using adhesive tape.

(i) Pages shall be consecutively numbered beginning with page 2 and said number shall appear on the bottom center of the pleading.

(j) The name of the attorney or party, the address at which service can be made, a telephone number and email address of the attorney or party shall appear on the top left-hand corner of the first page of all papers filed in the Office of the Prothonotary.

(k) With the initiating filing and all subsequent filings, in cases where medical malpractice is or will be alleged, the notation "Civil Action—Medical Professional Liability Action" shall appear on all captions directly underneath the docket number.

(l) Any courtesy copies of filings that are provided to a judge and served on opposing parties must be firmly bound and any metal fasteners or staples must be securely covered with no sharp or protruding edges of any kind.

(m) Filings of record may be referenced in any subsequent filing but shall not be attached thereto.

(n) Attorneys and self-represented parties shall comply with the **[ Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts ] Case Records Public Access Policy of the Unified Judicial System of**

**Pennsylvania** and Local Rules of Judicial Administration 101 and 102 [ found at <http://www.dauphincounty.org/government/Court-Departments/Local-Rules-of-Court/Pages/default.aspx> ] which may be found on the Dauphin County website under Local Rules of Court.

(2) The Prothonotary shall endorse upon each paper filed, the date and time of its filing, and enter it upon the proper docket.

(3)(a) All civil motions, petitions, administrative applications, and answers or responses thereto shall be accompanied by a proposed order (or alternative orders). Except for Petitions in Forfeiture filed pursuant to 42 Pa.C.S.A. § 5805, Petitions shall also include a proposed Rule to Show Cause.

(b) The proposed order(s) and any Rule to Show Cause shall contain a distribution legend which shall include the name(s) and mailing address(es), telephone number(s), facsimile number(s) and e-mail address(es), if any, of all attorneys and self-represented parties to be served. The distribution legend shall identify which party each person represents.

(c) Counsel and self-represented litigants are strongly encouraged to include stamped envelopes addressed to the attorneys and/or self-represented parties listed in the distribution legend along with all proposed orders and/or Rules to Show Cause.

(4) The judge(s) chambers shall:

(a) file the original order with the Prothonotary;

(b) prepare copies of the order for mailing;

(c) have the Prothonotary's Office certify the copies for mailing;

(d) mail copies of the certified order to all parties listed in the distribution legend;

(e) note the date of mailing and the initials of the person who accomplished the mailing on the filed original order.

#### *Comment*

Paragraph (3) of this rule is intended to formalize a practice of long standing in Dauphin County as well as the majority of other counties. The proposed order should identify the relief sought, e.g. continuance, rule to show cause, request status or discovery conference, amend a complaint, etc.

An accurate distribution legend naming all attorneys and self-represented parties and their addresses, telephone numbers, facsimile numbers and e-mail addresses, if any, is essential since the court is now assuming the responsibility for service of its orders. Inclusion of facsimile numbers and e-mail addresses is not intended to authorize service by these methods.

Paragraph (4) of this rule is intended to formalize what is now a hybrid process which has left some doubt as to the responsibility for service of orders.

#### **Rule 208.2(d). [ Uncontested ] Motions—Concurrence Certification.**

All motions shall contain a certification indicating that the moving party has disclosed the full text of the motion and the proposed order to all parties by facsimile or electronic communication **prior to the filing of the motion**, and that concurrence to both the motion and proposed order has been given or denied by each party. If facsimile or electronic communication is not possible, a

copy of the motion and proposed order shall be sent by mail. If the other party fails to respond to the inquiry regarding concurrence within a reasonable time, this fact must be contained in the motion **and the motion will be deemed contested pursuant to Dauphin County Local Rule 208.3(b).**

#### **Rule 215.1. Jury Trials.**

(1) *LISTING*

(a) An original and one copy of a Certificate of Readiness shall be filed with the Prothonotary listing a case for a jury trial in accordance with the timelines published in the Annual Court Calendar. No case subject to compulsory arbitration shall be listed for trial, unless on appeal from a report and award of arbitrators. **The Certificate of Readiness form is available in the Prothonotary's Office, the Court Administrator's Office, and online at the Dauphin County website ([www.dauphincounty.org](http://www.dauphincounty.org)). Parties filing a Certificate of Readiness form must ensure that the most current form is used. Failure to use the most current form shall result in the rejection of the Certificate of Readiness.**

(b) The party filing the Certificate of Readiness shall communicate with all counsel and/or [ **pro se** ] **self-represented** parties and confirm the availability of all counsel or the [ **pro se** ] **self-represented** party, [ **as the case may be** ] together with the availability of all witnesses and all parties for the particular trial term before the Certificate of Readiness is filed. The listing party shall attest that all discovery has been completed, serious settlement negotiations have been conducted, and that the case is **READY IN ALL RESPECTS** for trial. Absent extraordinary and compelling circumstances, the failure to complete videotaped testimony for use at trial shall not be a proper basis for a request for a continuance.

(c) A copy of the Certificate of Readiness shall be promptly served on all counsel and/or [ **pro se** ] **self-represented** parties. If a party is not represented by counsel of record, such notice shall include the date of the first day of the applicable trial session. The Prothonotary shall forward the original Certificate of Readiness to the Court Administrator's Office and shall retain the copy in the file.

**[ The Certificate of Readiness form is available in the Prothonotary's Office, in the Court Administrator's Office and online at the Dauphin County website ([www.dauphincounty.org](http://www.dauphincounty.org)). Parties filing the Certificate of Readiness form must ensure that the most current form is utilized. Failure to utilize the most current form shall result in the rejection of the Certificate of Readiness. ]**

(d) If a party is unable to satisfy the requirements regarding the filing of a Certificate of Readiness due to the unavailability of counsel, parties or witnesses, such party shall immediately file an Administrative Application for Status Conference in accordance with Dauphin County Local Rule 215.3.

(2) *ATTACHMENT*—Listing a case for trial shall have the effect of attaching all counsel of record for the trial term specified. The attachment shall be effective as of the date of the filing of the certificate of readiness unless a prior scheduling order has been issued.

The Dauphin County Court will defer to a scheduling/attachment order from another court of equal or higher jurisdiction so long as:



(a) The foreign order is earlier in time; and

(b) The party with the scheduling conflict timely moves for a continuance and attaches a copy of the foreign order.

(3) *OBJECTIONS TO THE CERTIFICATE OF READINESS FOR JURY TRIAL*

(a) All Objections to the Certificate of Readiness shall be set forth in a pleading, in paragraph form, and filed promptly in accordance with the timelines found in the Annual Court Calendar. The Objection shall contain a procedural history of the case and a detailed statement as to why the objection is being made. The original and one copy of the Objection shall be filed with the Prothonotary. The Prothonotary shall forward the original to the Court Administrator's Office and retain the copy in the file. The Objection shall be promptly served on all other counsel and/or [ **pro se** ] **self-represented** parties. Objections filed after the timelines established in the Annual Court Calendar will not be entertained, except in extraordinary circumstances for extremely good cause shown.

(b) [ **All objections shall be heard by the Civil Calendar Judge on the date specified in the Annual Court Calendar.** ] **The judge assigned to the case shall rule on any objections filed to that case, however if a judge has not yet been assigned, the Civil Calendar Judge shall rule on the objections to the unassigned case.**

(4) *COMPILATION OF TRIAL LIST*

(a) After the objections have been disposed of by the Court, the Court Administrator's Office shall compile the **final** trial list for that session. Copies of the trial list shall be available in the Court Administrator's Office at least one (1) week prior to the first day of the session of jury trials.

(b) All cases for trial shall be placed on the trial list in the order of their term and docket number, unless preference is required or appropriate.

(5) *CALENDAR JUDGE*—The Calendar Judge will have supervision of the cases on the Civil Jury Trial List, including the following:

(a) Imposition of sanctions for the improper filing of a certificate of readiness.

(b) [ **Hearing of** ] **Ruling on** objections to the listing of cases **in trials not yet assigned to a judge.**

(c) [ **Disposition of applications for preference in listing.**

(d) ] Assignment of cases.

The previously listed amendments shall be published in the *Pennsylvania Bulletin* and will become effective thirty days from the date of publication.

*By the Court*

JOHN F. CHERRY,  
*President Judge*

[Pa.B. Doc. No. 21-2110. Filed for public inspection December 17, 2021, 9:00 a.m.]

# PROPOSED RULEMAKING

## LIQUOR CONTROL BOARD

[ 40 PA. CODE CHS. 3, 5 AND 11 ]

### Limited Wineries

The Liquor Control Board (Board), under the authority of section 207(i) of the Liquor Code (47 P.S. § 2-207(i)), proposes to delete §§ 3.62—3.64, 5.103 and 11.111, and add §§ 5.401—5.409 to read as set forth in Annex A.

#### Summary

This proposed rulemaking gathers regulations pertaining to limited wineries from Chapters 3, 5 and 11 (relating to license applications; duties and rights of licensees; and purchases, sales and returns) of the Board's regulations, and places them in a new subchapter in Chapter 5. In addition, this proposed rulemaking revises many of these regulations to make them more consistent with the Liquor Code, which has been amended several times since 2011. The proposed changes are intended to provide more clarity to the regulated community and allow for easier navigation of the applicable regulations.

Currently, regulations that are specifically applicable to licensed limited wineries are located in three different chapters of the Board's regulations: Chapters 3, 5 and 11. The regulated community would benefit from having, in one location, the regulations that apply to them. In addition, the current regulations are out of date and in

certain sections, which will be explained as follows, misleading or incorrect. As such, the regulated community, which consists of 450 active licensed limited wineries as of September 3, 2021, will benefit by having accurate, up-to-date regulations.

To ensure that the regulations include only necessary content, two regulations are deleted completely and not relocated. These regulations are §§ 3.62 and 11.111(a)(7) (relating to creation; and sale by limited winery licensees). Section 3.62 states, "Under section 505.2 of the Liquor Code (47 P.S. § 5-505.2), holders of a Limited Winery License may produce and sell wines, subject to §§ 3.63, 5.103 and 11.111 (relating to agents; limited wineries; and sale by limited winery licensees)." It is not necessary to have a regulation reiterate what is provided by statute or other regulations. Similarly, § 11.111(a)(7) provides, "Limited winery licensees engaged in the retail and wholesale sales of wine are responsible to conform to the Liquor Code and this title." It is not necessary to have a regulation that tells the regulated community that they must follow the enabling statute and the regulations.

This proposed rulemaking creates Subchapter K (relating to limited wineries), which incorporates existing regulations from Chapters 3, 5 and 11 and organizes them to improve accessibility for the regulated community. The following two tables show where the previous content has been relocated and a sequential ordering of the new content in Subchapter K, showing its origins:

<i>Current section</i>	<i>Proposed section</i>
3.62	Deleted
3.63	5.405(c)
3.64	5.408
5.103	5.409
11.111(a)(1)	5.404
11.111(a)(2)	5.407
11.111(a)(3)	5.407
11.111(a)(4)	5.403
11.111(a)(5)	5.403
11.111(a)(6)	5.402
11.111(a)(7)	Deleted
11.111(a)(8)	5.406
11.111(a)(9)	5.406
11.111(a)(10)	5.405, 5.407
11.111(b)	5.405(c)
11.111(c)	5.409
11.111(d)	5.408

Proposed § 5.401 (relating to definitions) is new content; it has not been relocated from another section. The Board believes the addition of these definitions to the regulations will provide clarity. Section 5.401 includes the following:

<i>Proposed section</i>	<i>Current section</i>
5.401	New
5.402	11.111(a)(6)
5.403	11.111(a)(4), (5)
5.404	11.111(a)(1)
5.405	3.63 11.111(a)(10) 11.111(b)
5.406	11.111(a)(8), (9)
5.407	11.111(a)(2) 11.111(a)(3) 11.111(a)(10)
5.408	3.64 11.111(d)
5.409	5.103 11.111(c)

- A definition for "limited winery," which is consistent with the definition provided in section 102 of the Liquor Code (47 P.S. § 1-102), but also incorporates a minimum production amount of 200 gallons per year, based on language in section 491(2) of the Liquor Code (47 P.S.

§ 4-491(2)). Section 491(2) allows the manufacture of up to 200 gallons of wine for personal use without the need to obtain a manufacturing license.

- A definition for “original container,” which is based on a definition for the same term that is provided in section 102 of the Liquor Code. However, because the definition in the Liquor Code is geared towards manufacturers of malt or brewed beverages, it has been modified in § 5.401 to apply to limited wineries.

- A definition for “produce” (verb), is proposed to be added because the Board is frequently asked what type of activity is required to say that a limited winery “produced” wine. The need for this definition stems from the following provision in section 505.2(a)(2) of the Liquor Code (47 P.S. § 5-505.2(a)(2)) (emphasis added):

[A] limited winery shall not, in any calendar year, purchase alcoholic cider, fermented fruit beverages, mead or wine produced by other limited wineries *in an amount in excess of fifty per centum of the alcoholic cider, fermented fruit beverage, mead or wine produced by the purchasing limited winery* in the preceding calendar year.

- A definition for “tasting sample,” is proposed to be added to provide clarification for § 5.402 (relating to tasting samples), addressing where a limited winery may provide tasting samples of winery product. This phrase is added for clarity between the verbiage of the Liquor Code and that of the Board’s regulations. The Liquor Code uses the word “samples” to refer to small quantities offered to consumers who want to taste the product. However, in the Board’s regulations, “samples” are small bottles of product that may be given to consumers to try at home. See § 13.231 (relating to samples). To reduce confusion, the proposed regulation uses the phrase “tasting sample,” which incorporates the verbiage of the Liquor Code but is distinguished from the § 13.231 sample.

- A definition for “wine cooler,” is proposed to be added because the phrase appears in the Liquor Code but is not defined in the Liquor Code. The Board had previously attempted to amend the regulations pertaining to limited wineries, (IRRC # 3117, PLCB # 54-85), but the final-form rulemaking was disapproved by the Independent Regulatory Review Commission (IRRC). During that process, IRRC recommended that the Board define the phrase “wine cooler.” Based on IRRC’s recommendation, the Board is adding a definition to this proposed rulemaking.

- A definition for “winery products,” is proposed to be added to enhance the readability of the regulation. It is cumbersome to identify the numerous different products that can be made by a limited winery, including alcoholic cider, fermented fruit beverages, mead, wine or wine coolers, or both. The term “winery products” is an umbrella term that incorporates all of these products. For clarity, the winery products must be produced by the limited winery that is engaging in any of the activities covered by this subchapter.

This proposed rulemaking will add § 5.402 which is based, in part, on the current regulatory provisions in § 11.111(a)(6) of the Board’s regulations. Section 11.111(a)(6) states that visitors may be provided samples of wine “without charge.” However, section 505.2(a)(4) of the Liquor Code states that samples may be sold or offered free of charge. Therefore, this proposed regulation provides that “The limited winery may provide tasting samples of winery products in accordance with section 505.2(a) of the Liquor Code and § 13.211 (relating to tasting events).” This proposed regulation also provides

that “To the extent possible, section 505.2 of the Liquor Code and § 13.211 will be construed together; however, when there is a conflict between these two sections, including with regard to locations where tasting samples may be provided, the volume of each tasting sample that may be provided, and whether a fee may be charged for a tasting sample, the provisions of section 505.2 of the Liquor Code will prevail.” In this way, it is clear that limited wineries may continue offering tasting samples in a manner that is consistent with the provisions of the Liquor Code and the Board’s regulations regarding tasting events, depending on the specific circumstances involved with the offering being made.

Section 5.402 clarifies that tasting samples may not be provided at a limited winery’s storage facilities. Section 505.2(a)(6.4) of the Liquor Code, allows a limited winery licensee to have up to two Board-approved storage locations. The section provides that only the limited winery licensee and its employees may be present at the storage locations. Therefore, no customers or potential customers should be present at the storage locations, and as a result, no tasting samples may be provided. This section also directs the limited winery licensee to operate the storage locations “under such conditions and regulations as the board may enforce.”

This proposed rulemaking will add § 5.403 (relating to sales generally) to give general information regarding sales by a limited winery. This section was based on the current regulation in § 11.111(a)(4). This proposed rulemaking provides that a limited winery may sell winery products during the time periods or circumstances set forth in section 505.2(a)(6.3) of the Liquor Code. In addition, this section incorporates the types of payment that a limited winery may accept, which is currently found in § 11.111(a)(5). A limited winery may accept, from licensees, checks drawn on their account, cash, money orders, cashier checks, debit cards and electronic funds transfers. From unlicensed individuals, a limited winery may accept all of the aforementioned methods as well as credit cards issued by banking or financial institutions subject to Federal or State regulations.

The Board notes that the act of June 8, 2016 (P.L. 273, No. 39) (Act 39 of 2016) specifically amended the Liquor Code to allow distributors and importing distributors to accept credit cards from licensees. No similar amendment was made to allow limited wineries to accept credit cards from licensees. In light of this legislative inaction, the Board decided not to allow limited wineries to accept credit cards for payment by licensees.

Proposed § 5.403 will add language to clarify requirements that exist in the Liquor Code for alcoholic cider, fermented fruit beverages and mead. These products are considered malt or brewed beverages, not wine, and are treated differently under the Liquor Code. For instance, malt or brewed beverages are subject to the brand registration requirements set forth in section 445 of the Liquor Code (47 P.S. § 4-445), as well as the distribution provisions set forth in section 431 of the Liquor Code (47 P.S. § 4-431). This proposed rulemaking explains that a limited winery may sell alcoholic cider, fermented fruit beverages and mead to importing distributors, distributors or any other licensee that is authorized, under the Liquor Code, to sell, possess, or store malt or brewed beverages. However, a limited winery shall not sell wine or wine coolers to importing distributors, distributors or any other licensee that is not authorized, under the Liquor Code, to sell, possess, or store alcoholic beverages other than malt or brewed beverages.



This proposed rulemaking will add § 5.404 (relating to sales for on-premises consumption) which updates the types of liquor or malt or brewed beverages a limited winery may sell for consumption on the premises. Currently, § 11.111(a)(1) of the Board's regulations provides that there may be no consumption of liquor or malt or brewed beverages on the licensed premises. However, the act of June 28, 2011 (P.L. 55, No. 11) (Act 11 of 2011) amended section 505.2(a)(6.1) of the Liquor Code to allow limited wineries to sell, for on-premises consumption, any winery products they could sell for off-premises consumption. In addition, Act 39 of 2016 amended the Liquor Code to allow limited winery licensees to sell malt or brewed beverages and liquor for on-premises consumption, provided that the malt or brewed beverages and liquor are produced by Pennsylvania-licensed manufacturers.

Proposed subsection (c) requires that, if the limited winery licensee sells malt or brewed beverages through a malt or brewed beverage dispensing system—also known as a draft beer system—the limited winery must comply with §§ 5.51—5.54 (relating to cleaning of malt or brewed beverage systems). The limited winery licensee will be held to the same standard of beer line cleaning as other retail dispensers who sell beer by draft. In addition, proposed subsection (d) provides that a limited winery that chooses to sell wine or wine coolers through a wine dispensing system must comply with § 11.103 (relating to dispensing system sanitation).

Proposed § 5.405 (relating to sales for off-premises consumption) pertains to sales for off-premises consumption. This section begins with a reference to section 505.2(a) of the Liquor Code. Subsection (b) is based on current § 11.111(a)(10) and has been expanded to allow the acceptance of orders by the Internet. Subsection (b) references proposed § 5.407 (relating to delivery of products). Subsection (c) incorporates the regulatory language regarding agents, which is currently located in § 3.63 (relating to agents). Subsections (d) and (e) clarify who may sell winery products at wine expositions and farmers markets, as well as where those sales must occur.

Proposed § 5.406 (relating to sales of other items) updates the list of items that limited wineries may sell. Currently found in § 11.111(a)(8), the list is amended to reflect the statutory changes found in section 505.2(a)(6.1) and (6.2) of the Liquor Code. Act 11 of 2011 amended section 505.2(a)(6.1), which now permits limited winery licensees to “Sell food for consumption on or off the licensed premises. . . .” The statute does not authorize any restriction as to the source or type of food. Thus, the current reference to fruits, jellies, jams, preserves and mushrooms, as well as cheese, crackers, breads, nuts and preserved meats, is moot since each of these items is permissible under the limited winery's general authority to sell food. Proposed § 5.406 also incorporates current § 11.111(a)(9), which explains the process for a limited winery to follow if it wants to sell something that is not on the regulatory list.

Proposed § 5.407 (relating to delivery of products) sets forth rules pertaining to the delivery of winery products by or for limited wineries. Subsection (a) identifies general rules for all deliveries by a limited winery. Subsection (b) pertains to a limited winery utilizing its own vehicles to deliver its winery products, whereas subsection (c) pertains to a limited winery utilizing a transporter-for-hire licensee to deliver its winery products.

Subsection (d) addresses a change in the law regarding the delivery of wine or wine coolers to an unlicensed

individual. Act 39 of 2016 amended the Liquor Code to require limited winery licensees—and all other wine manufacturers—to obtain a direct wine shipping license before shipping wine to consumers in this Commonwealth. Subsection (d) clarifies that the delivery of alcoholic cider, fermented fruit beverages or mead, does not require a direct wine shipping license. Finally, subsection (e) incorporates language from current § 11.111(a)(10), that limited wineries are responsible for ensuring that winery products are not delivered to minors or visibly intoxicated persons, and that proper receipts are provided in accordance with § 5.409 (relating to records, receipts and reports).

Proposed § 5.408 (relating to additional Board-approved locations) is largely based on current § 3.64 (relating to additional Board-approved locations). Subsection (e) refers licensees to four other sections in the Board's regulations—§§ 3.51 through 3.54—and was included to reduce confusion among licensees as to what may or may not be an appropriate location for an additional Board-approved location. Subsections (j) and (k) offer new guidance to clarify to licensees what arrangements are and are not consistent with the Liquor Code when multiple licensees want to operate additional Board-approved locations.

Proposed § 5.409 is based substantially upon current § 5.103 (relating to records, invoices and reports). The term “invoices” has been amended with “receipts” because it is a more accurate term to describe the paperwork that accompanies a purchase of a winery product. Invoices are issued prior to payment; receipts are issued after payment. A licensee cannot sell products off of the licensed premises; therefore, there should never be a situation where a product is shipped with an invoice for the recipient to pay after the product is received. A licensee can only ship products for which payment has already been received. That being the case, the proper terminology for the document that accompanies the product is “receipt,” not “invoice.”

In proposed § 5.409, current § 5.103(a) was broken into subsections for easier comprehension. The phrase “agricultural commodity” replaces the word “fruits” to be consistent with section 505.2(a)(1) of the Liquor Code. The last sentence of current § 5.103(a) is deleted since it is actually a repeat of a sentence that occurs earlier in that section.

Proposed subsection (b) is based on current § 5.103(b) and addresses receipts and identifies what information the sales receipt should include. Proposed subsection (c) is based on current § 5.103(b)(5) and sets forth how receipts are to be used during a delivery. Proposed subsection (d) pertains to reports and is based on the text at current § 5.103(c) but broken into paragraphs and subparagraphs for greater readability.

#### *Affected Parties*

The affected parties include present and future holders of a limited winery license. As of September 3, 2021, there are approximately 450 active limited winery licensees that could be affected by this proposed rulemaking.

#### *Paperwork Requirements*

This proposed rulemaking would not require any additional paperwork to be filed.

#### *Fiscal Impact*

The proposed regulatory changes are intended to make the Board's regulations consistent with the Liquor Code. Therefore, no fiscal impact is anticipated.

*Effective Date*

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

*Public Comments*

Interested persons are invited to submit written comments about this proposed rulemaking to Rodrigo Diaz, Chief Counsel, Jason M. Worley, Deputy Chief Counsel, or Norina Foster, Assistant Counsel, Office of Chief Counsel, Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001, or RA-lblegal@pa.gov, within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. E-mail is preferred. When commenting, individuals should indicate if they wish to be apprised of future developments regarding this proposed rulemaking, and include a name, address and e-mail address. Comments submitted by facsimile will not be accepted.

Public comments will be posted on IRRC's web site. Personal information will not be redacted from the public comments received.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. §§ 745.5(a)), on November 9, 2021, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the Chairpersons of the House Liquor Control Committee and Senate Committee on Law and Justice. A copy of this material is available to the public upon request.

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

TIM HOLDEN,  
*Chairperson*

**Fiscal Note:** 54-95. No fiscal impact; (8) recommends adoption.

**Annex A****TITLE 40. LIQUOR****PART I. LIQUOR CONTROL BOARD****CHAPTER 3. LICENSE APPLICATIONS****Subchapter G. [ LIMITED WINERY LICENSES ]  
(Reserved)**

§ 3.62. [ Creation ] (Reserved).

[ Under section 505.2 of the Liquor Code (47 P.S. § 5-505.2), holders of a Limited Winery License may produce and sell wines, subject to §§ 3.63, 5.103 and 11.111 (relating to agents; limited wineries; and sale by limited winery licensees). ]

§ 3.63. [ Agents ] (Reserved).

[ A limited winery licensee may employ individuals to solicit orders, off the licensed premises, for wine produced by it or to promote the sale of wine off the premises. Agents may advertise and promote the sale of merchandise by "missionary work" of only brands sold by the limited winery licensee by

whom the agents are employed and may solicit orders from licensees and make deliveries in properly registered vehicles. ]

§ 3.64. [ Additional Board-approved locations ] (Reserved).

[ (a) Additional locations, as authorized by section 505.2(3) of the Liquor Code (47 P.S. § 5-505.2(3)) may not be used by a limited winery licensee in the operation of a licensed business unless approved by the Board.

(1) An application for an additional location shall be made to the Board, accompanied by a \$220 fee. A renewal application shall be submitted annually and be accompanied by a \$75 fee.

(2) Applications for additional Board-approved locations may be submitted on a prior approval basis. If plans are approved, the necessary construction or alterations shall be completed within 6 months of the approval. Business may not be transacted until the premises has been reinspected and the Board has approved the completed construction or alterations.

(3) Portions of an additional Board-approved location premises shall be contiguous.

(4) Additional Board-approved locations of a limited winery license shall be under the control of a manager appointed in accordance with § 5.16 (relating to appointment of managers).

(5) Additional Board-approved locations of a limited winery license shall be enclosed by soundly constructed walls, with controlled points of access and egress directly accessible to the general public from a public thoroughfare.

(6) Limited winery licensees shall provide Board officers conducting licensing investigations of additional locations with the following:

- (i) Leases which contain percentage agreements.
- (ii) Management agreements.
- (iii) Employee agreements.
- (iv) Commission agreements.

(b) Limited winery licensees shall notify the Board immediately upon discontinuing use of an additional location. ]

**CHAPTER 5. DUTIES AND RIGHTS OF LICENSEES****Subchapter H. RECORDS AND  
REPORTS—BREWERIES, BONDED WAREHOUSES,  
[ LIMITED WINERIES ] AND LICENSED  
DISTILLERIES OF HISTORICAL SIGNIFICANCE**

§ 5.103. [ Limited wineries ] (Reserved).

[ (a) *Records*. A holder of a Limited Winery License obtained under § 3.62 (relating to creation) shall maintain and keep on the licensed premises daily permanent records which shall conform to the requirements of section 512 of the Liquor Code (47 P.S. § 5-512). The records shall include complete details concerning the source of fruits used in the production of wines. Electronic media recordkeeping, maintained and based upon generally accepted accounting principles, shall be permitted in lieu of hard copy records. The recordkeeping system utilized by the licensee shall have the capability to

provide for the reconciling of required data. Entries shall be verifiable by supporting original documents. The records shall include complete details concerning the source of fruits used in the production of wines.

(b) *Sales invoice.* In addition to the records prescribed in subsection (a), except as otherwise provided in this part, a sales invoice shall be prepared at the licensed premises for each sale. The sales invoice shall be prepared in accordance with the following:

(1) The sales invoice shall be imprinted or affixed with the name and address of the limited winery.

(2) The sales invoice shall show the name and address of the recipient of the merchandise, date of sale, number of units, size and type of package, brand name, selling price of the wine and the net cost to the customer. The name and address of private individuals is not required on sales invoices covering quantities of 16 liters or less; in lieu of preparing sales invoices for the sales, the transactions may be entered individually on a counter sheet maintained in columnar form showing the information required on sales invoices, other than name and address of the purchaser. The counter sheet shall be totaled daily and the totals entered into the sales register noted in section 512 of the Liquor Code (47 P.S. § 5-512).

(3) The sales invoice shall show the Commonwealth sales tax, where applicable, as a separate entry.

(4) The sales invoice may include other items permitted for sale by limited wineries if the sale of wines is listed separately from other permitted items sold by the licensee.

(5) An invoice shall be prepared for any amount of wine shipped to customers via Transporter-for-Hire, Class C carriers. The invoice shall be prepared only for persons 21 years of age or older, and limited winery licensees shall request the signature of a recipient, 21 years of age or older, from the transporter making the deliveries and a return acknowledgement of delivery to the recipient. Copies of acknowledgments of delivery shall be maintained on the licensed premises for 2 years.

(6) When a sale requires the preparation of an invoice, one copy shall be given to the recipient of the merchandise and a copy retained on the licensed premises for 2 years.

(c) *Reports.* A licensed limited winery shall file reports in the manner set forth by the Board covering operations of their licensed business during the preceding calendar year. The reports shall be signed and sworn to by the licensee or his authorized agent and shall be filed with the Board at the time of the renewal or validation of the license. A copy of each report shall be retained on the licensed premises for at least 2 years from the date of filing. Failure to file the reports will preclude the Board from renewing or validating the license in question. These reports are in addition to information or reports the licensed limited winery may be required to provide to the Department of Agriculture under 3 Pa.C.S. Chapter 45 (relating to Agricultural Commodities Marketing Act) and regu-

lations promulgated thereunder, including 7 Pa. Code § 104.75 (relating to accounting and payment). ]

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

**Subchapter K. LIMITED WINERIES**

Sec.  
 5.401. Definitions.  
 5.402. Tasting samples.  
 5.403. Sales generally.  
 5.404. Sales for on-premises consumption.  
 5.405. Sales for off-premises consumption.  
 5.406. Sales of other items.  
 5.407. Delivery of products.  
 5.408. Additional Board-approved locations.  
 5.409. Records, receipts and reports.

**§ 5.401. Definitions.**

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

*Limited winery*—A winery that produces at least 200 gallons per year but not more than 200,000 gallons per year of winery products for each full calendar year that the limited winery holds an active limited winery license from the Commonwealth.

*Original container*—All bottles, casks, kegs, cans, boxes or other suitable containers that have been securely capped, sealed or corked by the limited winery at the place of manufacture, with the name and address of the limited winery affixed to the bottle, cask, keg or other container.

*Produce*—To manufacture winery products from agricultural commodities, including preparation for fermentation, fermentation, blending, preserving, filtering and packaging the winery products.

*Tasting sample*—An individual portion of a winery product, in an open container, offered to allow a consumer to sample the flavor of the winery product.

*Wine cooler*—A beverage made from combining wine with a non-alcoholic beverage, such as fruit juice or a carbonated beverage, resulting in a beverage with lower alcohol by volume than the original wine, and shall not include a malt or brewed beverage.

*Winery products*—All alcoholic products including alcoholic cider, fermented fruit beverages, mead, wine and wine coolers that have been produced by the limited winery.

**§ 5.402. Tasting samples.**

(a) A limited winery may provide tasting samples of winery products in accordance with section 505.2(a) of the Liquor Code (47 P.S. § 5-505.2(a)) and § 13.211 (relating to tasting events). To the extent possible, section 505.2 of the Liquor Code and § 13.211 shall be construed together; however, when there is a conflict between these two sections, including with regard to locations where tasting samples may be provided, the volume of each tasting sample that may be provided and whether a fee may be charged for a tasting sample, the provisions of section 505.2 of the Liquor Code shall prevail.

(b) Tasting samples may not be provided at a limited winery's storage facilities since only the limited winery and its employees may be present at those locations, in accordance with section 505.2(a)(6.4) of the Liquor Code.



**§ 5.403. Sales generally.**

(a) A limited winery may sell winery products during the time periods or circumstances set forth in section 505.2(a)(6.3) of the Liquor Code (47 P.S. § 5-505.2(a)(6.3)).

(b) A limited winery may accept all of the following methods of payment:

(1) From licensees: checks drawn on their account, cash, money orders, cashier checks, debit cards and electronic funds transfers.

(2) From unlicensed individuals: all of the methods of payment listed in paragraph (1) and credit cards issued by banking or financial institutions subject to Federal or State regulations.

(c) A limited winery that manufactures alcoholic cider, fermented fruit beverages and mead, which are defined as "malt or brewed beverages" in section 102 of the Liquor Code (47 P.S. § 1-102), must register these brands with the Board as required under section 445 of the Liquor Code (47 P.S. § 4-445). The following apply:

(1) A limited winery may self-distribute alcoholic cider, fermented fruit beverages and mead to importing distributors, distributors or any other licensee that is authorized under the Liquor Code to sell, possess or store malt or brewed beverages.

(2) A limited winery may choose to grant territorial distribution rights and name a distributor or an importing distributor as the primary or original supplier of the product in accordance with section 431(b) of the Liquor Code (47 P.S. § 4-431(b)).

(d) A limited winery may not sell wine or wine coolers to importing distributors, distributors, retail dispensers or any other licensee that is not authorized under the Liquor Code to sell, possess, or store any alcoholic beverages other than malt or brewed beverages.

**§ 5.404. Sales for on-premises consumption.**

(a) A limited winery may sell winery products on the licensed premises and at additional Board-approved locations in accordance with the Liquor Code and this part. Sales of winery products for on-premises consumption may be made by the glass, bottle or any other open or closed container.

(b) A limited winery may sell, only for on-premises consumption, malt or brewed beverages and liquor produced by Pennsylvania-licensed manufacturers, under section 505.2(a)(6.1) of the Liquor Code (47 P.S. § 5-505.2(a)(6.1)).

(c) A limited winery that chooses to sell malt or brewed beverages through a malt or brewed beverage dispensing system, defined in § 5.50 (relating to definition), must comply with §§ 5.51—5.54 (relating to cleaning of malt or brewed beverage systems).

(d) A limited winery that chooses to sell wine or wine coolers through a wine dispensing system must comply with § 11.103 (relating to dispensing system sanitation).

**§ 5.405. Sales for off-premises consumption.**

(a) A limited winery may sell winery products for off-premises consumption as permitted under section 505.2(a) of the Liquor Code (47 P.S. § 5-505.2(a)).

(b) A limited winery may accept orders for the purchase of its winery products in person or through mail, telephone or the Internet. A limited winery shall make deliveries of winery products in accordance with § 5.407 (relating to delivery of products).

(c) A limited winery may employ individuals, known as agents, to solicit orders for winery products or promote the sale of winery products. The following apply:

(1) Agents may only advertise and promote the sale of winery products produced by the limited winery that has employed the agent. Agents may solicit orders from licensees and make deliveries on behalf of the limited winery in accordance with § 5.407.

(2) Agents may only sell, as that word is defined under section 102 of the Liquor Code (47 P.S. § 1-102), the limited winery's products on the limited winery's licensed premises, additional Board-approved location or a location that is covered by the limited winery's wine exposition permit or farmer's market permit.

(d) Under section 505.2(a)(4) of the Liquor Code, a limited winery may obtain a permit to participate in alcoholic cider, fermented fruit beverages, mead, wine and food expositions off the licensed premises. The following apply:

(1) Only the limited winery, including its employees and agents, may sell its winery products at a wine and food exposition.

(2) Sales of the limited winery's products must occur on a location within the exposition that is covered by the limited winery's wine exposition permit.

(e) Under section 505.2(a)(4.1) of the Liquor Code, a limited winery may obtain a permit to participate in one or more farmers' markets at any given time and an unlimited number throughout the year. The following apply:

(1) Only the limited winery, including its employees and agent, may sell its winery products at a farmers market.

(2) Sales of the limited winery's products must occur on a location within the farmers market that is covered by the limited winery's farmers market permit.

**§ 5.406. Sales of other items.**

(a) In addition to the sale of food, wine-scented or liquor-scented candles, and any other item authorized under section 505.2(a) of the Liquor Code (47 P.S. § 5-505.2(a)), the following items are permitted to be offered for sale on the licensed premises and at additional Board-approved locations:

(i) Home winemaking, cider making, fermented fruit beverage making or mead making equipment, or both and supplies.

(ii) Serving and storage accessories as follows: cork removers, wine glasses and decanters, wine racks, serving baskets and buckets and bottle stoppers.

(iii) Publications dealing with wine and winemaking, alcoholic cider and cider making, fermented fruit beverages and fermented fruit beverage making and mead and mead making.

(iv) Promotional items advertising the limited winery including tee shirts, glassware, caps and the like.

(b) If a limited winery wants to sell on the licensed premises or additional Board-approved location an item that is not listed in subsection (a), the limited winery shall request, in writing, Board approval to sell that item. The Board will advise the limited winery, in writing, whether approval to sell the item is granted, with or without conditions, or denied.

**§ 5.407. Delivery of products.**

(a) The only winery products a limited winery is authorized to deliver are those it has produced. A limited winery may not deliver any liquor or malt or brewed beverages, as those terms are defined in section 102 of the Liquor Code (47 P.S. § 1-102), that were manufactured by another entity. The following apply:

(1) A limited winery shall ensure that winery products sold and delivered to points within this Commonwealth are sealed in original containers and labeled as required by applicable law.

(2) A limited winery may deliver food or other non-alcoholic items that have already been purchased by the customer. A limited winery may not offer for sale items from the delivery vehicle.

(3) A limited winery shall include with the delivery of any winery products a sales receipt in accordance with § 5.409(b) (relating to records, receipts and reports).

(b) A limited winery may utilize its own vehicle to deliver its winery products. The following apply:

(1) A limited winery's vehicle must be identified in accordance with § 9.22 (relating to identification of vehicles).

(2) A limited winery may utilize the same vehicle to deliver alcoholic cider, fermented fruit beverages or mead as well as wine or wine coolers.

(c) A limited winery may utilize a transporter-for-hire licensee to deliver its winery products. The following apply:

(1) Alcoholic cider, fermented fruit beverages and mead may be delivered by a Transporter-for-Hire Class A, B or C, in accordance with §§ 9.1 and 9.11 (relating to definitions; and transportation-for-hire).

(2) Wine or wine coolers must be delivered by a Transporter-for-Hire Class A or Class C, but may not be delivered by a Transporter-for-Hire Class B, in accordance with §§ 9.1 and 9.11.

(d) Prior to delivering wine or wine coolers to an unlicensed individual in this Commonwealth, a limited winery shall obtain a direct wine shipping license under section 488 of the Liquor Code (47 P.S. § 4-488). The following apply:

(1) A direct wine shipping license is required whether the delivery of wine or wine coolers is accomplished by the limited winery or by a transporter-for-hire.

(2) A direct wine shipping license is not required for the lawful delivery of wine or wine coolers to another licensee, or for the lawful delivery of alcoholic cider, fermented fruit beverages or mead.

(e) It is the limited winery's responsibility to ensure that its winery products are not delivered to minors or visibly intoxicated persons and that proper receipts are provided under § 5.409.

**§ 5.408. Additional Board-approved locations.**

(a) A limited winery may not use additional locations, as authorized under section 505.2(a)(3) of the Liquor Code (47 P.S. § 5-505.2(a)(3)), in the operation of a licensed business unless the additional location is approved by the Board.

(b) Applications and fees are as follows:

(1) A limited winery seeking Board approval of an additional location shall submit an application to the Board, accompanied by payment of a \$220 fee. Board approval is valid for that calendar year.

(2) If a limited winery wants to continue use of the additional Board-approved location, it shall submit a renewal application on an annual basis, accompanied by payment of a \$75 fee.

(c) If the additional location requires physical alterations or new construction, the Board may grant prior approval for the additional location, as similarly provided in section 403(a) of the Liquor Code (47 P.S. § 4-403(a)). The limited winery may not produce or sell any winery products at the location until the additional location has been re-inspected and the Board has approved the completed alterations or construction and issued the limited winery a license for the additional location.

(d) Portions of an additional Board-approved location must be contiguous.

(e) The licensed premises and any additional Board-approved locations of a limited winery are subject to the following regulations:

(1) § 3.51 (relating to connection with residence);

(2) § 3.52 (relating to connection with other business);

(3) § 3.53 (relating to restriction on storage and sales where Board has approved connection with other business); and

(4) § 3.54 (relating to separation between licensed premises and other business).

(f) The limited winery shall appoint a manager for each additional Board-approved location in accordance with § 5.23 (relating to appointment of managers).

(g) Additional Board-approved locations of a limited winery license shall be enclosed by soundly constructed walls, with controlled points of access and egress directly accessible to the general public. The application shall be subject to the provisions of section 468(e)(2) of the Liquor Code (47 P.S. § 4-468(e)(2)).

(h) A limited winery shall provide Board officers who are conducting licensing investigations of additional locations with all of the following:

(1) Leases or other evidence of the right to occupy the premises.

(2) Management agreements.

(3) Employee agreements.

(4) Commission agreements.

(5) Any other agreement the Board may deem necessary.

(i) The Board may grant permission for two or more limited wineries to share a single, additional Board-approved location, in accordance with section 505.2(a)(3) of the Liquor Code.

(j) The Board shall not grant permission for a limited winery and another manufacturer, such as a brewery, limited distillery or distillery, to share a single, additional Board-approved location.

(k) If a limited winery licensee holds, under identical ownership, a manufacturing license other than a limited winery license, such as a brewery, limited distillery or distillery license, each licensee may have an additional Board-approved location at the same property, but each licensee shall have its own separate designated area at the property.

(l) If a limited winery discontinues use of an additional Board-approved location, it shall notify the Board within 15 days of the discontinuance.

#### § 5.409. Records, receipts and reports.

(a) A limited winery shall maintain and keep on the licensed premises daily permanent records that shall conform to the requirements of section 512 of the Liquor Code (47 P.S. § 5-512). The following apply:

(1) The records shall include complete details concerning the source of any agricultural commodity, as that term is defined in section 505.2(c) of the Liquor Code (47 P.S. § 5-505.2(c)), used in the production of limited winery products.

(2) Electronic media recordkeeping, maintained and based upon generally accepted accounting principles, may be kept instead of hard copy records.

(3) The recordkeeping system utilized by the limited winery shall have the capability to provide for the reconciling of required data.

(4) Entries shall be verifiable by supporting original documents.

(b) In addition to the records prescribed in subsection (a), the limited winery shall prepare a sales receipt at the licensed premises for each sale to a private individual when the purchase is for greater than 16 liters in a single transaction. The sales receipt shall include all of the following:

(1) The name and address of the limited winery.

(2) The name and address of the recipient of the winery products if the winery products are being delivered off the licensed premises to the recipient.

(3) The winery products' name, the date of sale, the size of the package in milliliters, number of units sold, the price per unit of the winery products, the Commonwealth sales tax and any other taxes applicable, and the total amount paid by the customer.

(4) Any items other than winery products that are sold by the limited winery, which shall be listed on the receipt separately from the winery products.

(c) Any winery products that are delivered shall be accompanied by two copies of a sales receipt that includes the information identified in subsection (b)(1)—(4). The limited winery shall require the person who is delivering the winery products to obtain the signature of the recipient, 21 years of age or older, on one copy of the sales receipt.

(1) The person delivering the winery products shall give an unsigned copy of the sales receipt to the recipient

of the winery products and shall retain the signed copy of the sales receipt on the licensed premises for 2 years

(2) Delivery shall be accomplished in accordance with § 5.407 (relating to delivery of products).

(d) A limited winery shall file reports, in the manner set forth by the Board, covering operations of their licensed business during the preceding calendar year. The following apply:

(1) The reports shall be signed and sworn to by the limited winery or his authorized agent and shall be filed with the Board at the time of the renewal or validation of the license. The following apply:

(i) A copy of each report shall be retained on the licensed premises for at least 2 years from the date of filing.

(ii) Failure to file the reports will preclude the Board from renewing or validating the license in question.

(2) These reports are in addition to information or reports the limited winery may be required to provide to the Department of Agriculture under 3 Pa.C.S. Chapter 45 (relating to Agricultural Commodities Marketing Act) and regulations promulgated thereunder, including 7 Pa. Code § 104.75 (relating to accounting and payment), as well as any reports required under section 488.1 of the Liquor Code (47 P.S. § 4-488.1).

## CHAPTER 11. PURCHASES, SALES AND RETURNS

### Subchapter C. WINES

#### [ LIMITED WINERIES ]

§ 11.111. [ Sale by limited winery licensees ] (Reserved).

[ (a) A limited winery licensee, licensed under § 3.62 (relating to creation), may sell wines produced on the licensed premises in accordance with the Liquor Code and this part, under the conditions in this subsection.

(1) There may be no sales for consumption on the licensed premises.

(2) Wine sold under a limited winery license may be shipped by transporter-for-hire or in a vehicle properly registered with the Board, as provided in Chapter 9, Subchapter A (relating to transportation of liquor, malt or brewed beverages or alcohol).

(3) Wine sold and destined to points within this Commonwealth shall be in sealed original containers.

(4) Sales may be made generally only between the hours of 9 a.m. and 9 p.m. Monday to Saturday, inclusive, and 10 a.m. to 6 p.m. on Sunday. During the period from the Thanksgiving Day holiday through New Year's Day, limited winery sales locations may remain open until 10 p.m. of sales day to conform with the closing times of neighboring mall or shopping district businesses. Additionally, a limited winery may request approval from the Board to extend sales hours in individual locations at other times during the year, or beyond the limits set in this section. The request shall be in writing, to the Board's Office of the Chief Counsel, and shall detail the exact locations where sales hours are proposed to be extended. The licensee shall also set forth the proposed hours and dates of extended operation, as well as the reason for, and justification of, the proposed extended sales hours.



(5) While there may be no sales on credit, a limited winery may accept:

(i) From licensees and retail customers, checks drawn on their account.

(ii) From retail customers, credit cards issued by banking or financial institutions subject to State or Federal regulations.

(6) Visitors on the licensed premises may be provided without charge with samples of wine produced by the limited winery for tasting and with crackers, nuts, cheese, bread sticks and bread cubes to be used in conjunction with tastings.

(7) Limited winery licensees engaged in the retail and wholesale sales of wine are responsible to conform to the Liquor Code and this title.

(8) In addition to the sale of wines, the following items are permitted to be offered for sale on the licensed premises:

(i) Pennsylvania-grown fruits and the following products produced from the fruits:

(A) Juices.

(B) Juice concentrates.

(C) Jellies, jams and preserves.

(ii) Pennsylvania-grown mushrooms.

(iii) Home winemaking equipment and supplies.

(iv) Wine serving and storage accessories as follows:

(A) Cork removers.

(B) Wine glasses and decanters.

(C) Wine racks.

(D) Serving baskets and buckets.

(E) Bottle stoppers.

(v) Publications dealing with wine and winemaking.

(vi) Cheese, crackers, breads, nuts and preserved meats for consumption off the premises.

(vii) Gift packages consisting of any combination of the items listed in subparagraphs (i)—(vi).

(viii) Promotional items advertising the limited winery such as tee shirts, glassware, caps and the like.

(9) Sales on the licensed premises of merchandise not listed in paragraph (8) is subject to Board approval. The approval shall be requested by letter addressed to the Board. A limited winery licensee will be advised of approved items through an appropriate means of dissemination.

(10) Mail or telephone orders may be accepted. Delivery of products shall be accomplished through the use of vehicles properly registered by the limited winery licensees or through properly licensed transporters. It is the responsibility of the limited winery licensee to insure that wine is not delivered to minors and that proper invoices are maintained under § 5.103 (relating to limited wineries).

(b) The employment of an agent by a limited winery is governed by § 3.63 (relating to agents).

(c) Records, sales invoices and reports shall be kept as prescribed in § 5.103.

(d) The use of additional Board-approved locations by limited winery licensees is governed by § 3.64 (relating to additional Board-approved locations). ]

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## STATE BOARD OF MEDICINE

[ 49 PA. CODE CHS. 16 AND 18 ]

### Registration of Naturopathic Doctors

The State Board of Medicine (Board) proposes to amend Chapters 16 and 18 (relating to State Board of Medicine—general provisions; and State Board of Medicine—practitioners other than medical doctors) to read as set forth in Annex A. Specifically, the Board is proposing amendments to §§ 16.1, 16.11—16.13, 18.13a, 18.15, 18.15a, and the addition of Subchapter M (relating to registration of naturopathic doctors) to Chapter 18 by adding §§ 18.901—18.913.

#### *Effective Date*

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

#### *Statutory Authority*

The primary statutory authority to regulate the registration of naturopathic doctors is the Naturopathic Doctor Registration Act (NDRA) (63 P.S. §§ 272.101—272.301). Specifically, section 207 of the NDRA (63 P.S. § 272.207) provides that “[t]he board shall enforce and administer the provisions of this act and shall promulgate regulations that are consistent with the intent of this act.” Further, section 203(b) of the NDRA (63 P.S. § 272.203(b)), provides the authority of the Board to require naturopathic doctor registrations to be renewed “. . . in a manner and at such intervals as the board shall determine by regulation. . . .” Sections 202(6) and 203(c) of the NDRA (63 P.S. §§ 272.202(6)), set forth the authority of the Board to set fees for initial registration and biennial renewal of registration. The Board sets all fees by regulation.

The Board is taking this opportunity to update its regulations and to remove outdated provisions in the Board’s existing regulations relating to “drugless therapists” under the authority of section 8 of the Medical Practice Act of 1985 (act) (63 P.S. § 422.8), which provides, in part, that, “[t]he board, in the exercise of its duties under this act, shall have the power to adopt such regulations as are reasonably necessary to carry out the purposes of this act.” This authority necessarily includes the power to repeal provisions of the regulations that are no longer necessary.

#### *Background, Need for and Description of the Proposed Amendments*

The Board proposes to amend § 16.1 (relating to definitions) to update the definitions of “act” and “Board-regulated practitioner.” The definition of “act” is being amended to update the citation to the Medical Practice Act of 1985 (63 P.S. §§ 422.1—422.53). The definition of “Board-regulated practitioner” is being amended to delete references to “drugless therapists” and add several license classifications which are currently missing from the definition. Specifically, the licensure classifications of

respiratory therapist, genetic counselor, prosthetist, orthotist, pedorthist, orthotic fitter and naturopathic doctor would be added to the definition of “Board-regulated practitioner” in § 16.1. Persons applying for a registration issued by the Board would also be included in the definition of “Board-regulated practitioner.”

Additionally, this proposed rulemaking will delete all regulatory references to “drugless therapists.” The Board last issued a new license to practice as a drugless therapist in 1951 (1 month after the State Board of Chiropractic began operations) and no longer has the authority to issue new drugless therapist licenses. See *Reisinger v. Com., State Bd. of Med. Ed. & Licensure*, 399 A.2d 1160 (Pa. Cmwlth. 1979). *Reisinger* involved an individual trained as a chiropractor and naturopathic doctor who petitioned for licensure as a “drugless therapist,” but was denied because the Board determined that it no longer had the authority to license drugless therapists. On appeal, the Commonwealth Court agreed, holding that although the Board could continue to register and regulate persons engaged in the practice of drugless therapy, “the Board lacks the authority now to license Drugless Therapists.” See *id.*, 399 A.2d at 1163. Since 1951, the Board has continued to biennially register/renew existing drugless therapist licenses and has continued to regulate their practice, but has not issued new licenses. No individual currently holds an active license as a drugless therapist from the Board. The last remaining individual who held an active license as a drugless therapist did not renew his license in 2016 and it is the Board’s understanding that he died in December of 2014, shortly after submitting his renewal application for the 2015-2016 renewal period. The prior two most recent licensees of the Board last renewed their licenses in 2008. Therefore, it appears that all individuals who held a license as a drugless therapist have either retired from practice or are deceased. Therefore, it is no longer necessary to keep any references to drugless therapists in the Board’s regulations. This is especially true now that the Board will be registering individuals as naturopathic doctors under this proposed rulemaking.

As such, the Board proposes to amend § 16.11 (relating to licenses, certificates and registrations) to delete the reference to biennial registration of a drugless therapist license, and add the initial registration as a naturopathic doctor and the biennial registration of a naturopathic doctor. Section 16.12 (relating to general qualifications for licenses and certificates) is proposed to be amended to update its title and to extend its provisions to initial registrations issued by the Board. In addition, the fees associated with biennial renewal of the drugless therapist license are proposed to be deleted from § 16.13 (relating to licensure, certification, examination and registration fees), and the fees associated with naturopathic doctor registration, including the proposed initial registration fee of \$100 and biennial registration renewal fee of \$50, are being added.

Next, the Board proposes amendments to Chapter 18, Subchapter B (relating to the registration and practice of acupuncturists and practitioners of Oriental medicine) to address the overlap between the practice of a naturopathic doctor and an acupuncturist or practitioner of Oriental medicine. Specifically, §§ 18.13a and 18.15a (relating to requirements for licensure as a practitioner of Oriental medicine; and scope of practice of acupuncturists and practitioners of Oriental medicine) are being amended to point out that these regulations do not limit the practice of a naturopathic doctor when recommending herbs, minerals and other supplements according to tradi-

tions other than Oriental medicine traditions. In addition, § 18.15 (relating to practice responsibilities of acupuncturist and practitioner of Oriental medicine who is not a physician) is being amended to provide an exception to the prohibition on the use of the title “doctor” for an acupuncturist who is also registered as a naturopathic doctor.

The Board proposes to add Subchapter M to Chapter 18 to implement the provisions of the NDRA. Section 18.901 (relating to purpose) notes that this subchapter implements the registration of naturopathic doctors as required under the NDRA. Section 18.902 (relating to definitions) will define necessary terms used in Subchapter M, including “authorization to practice,” “CNME—Council on Naturopathic Medical Education,” “merchandise,” “naturopathic doctor,” “NABNE—North American Board of Naturopathic Examiners,” “NDRA,” “NPLEX—Naturopathic Physicians Licensing Examinations,” and “regionally accredited or pre-accredited college or university.” Next, the Board proposes to include the process and requirements to apply for a registration as a naturopathic doctor in § 18.903 (relating to application for naturopathic doctor registration), including the qualifications for registration as a naturopathic doctor as set forth in section 202 of the NDRA. The Board also proposes to include the requirement that an applicant for registration as a naturopathic doctor shall have completed at least 3 hours of approved education/training in child abuse recognition and reporting requirements, as required under 23 Pa.C.S. § 6383(b)(3)(i) (relating to education and training). The Board is currently pursuing a separate rulemaking (16A-4941) setting forth the requirements for approved courses in child abuse recognition and reporting and intends to add an appropriate cross-reference once that rulemaking is final.

The Board is proposing to include the requirements for the biennial renewal of the naturopathic doctor registration in § 18.904 (relating to biennial registration of naturopathic doctor) as required by section 203(b) of the NDRA. Section 203(b) of the NDRA provides for renewal “. . . in a manner and at such intervals as the board shall determine by regulation. . . .” As such, the Board is proposing that all registrations of naturopathic doctors will expire on December 31st of each even-numbered year, to correspond with the expiration of all existing licenses issued by the Board. The Board proposes to set forth the manner of renewing in subsection (b), which sets forth the requirements for renewal as informed by the existing practice of the Board. The Board proposes to require, as a condition of biennial renewal, the completion of at least 2 hours of approved continuing education in child abuse recognition and reporting, as required under 23 Pa.C.S. § 6383(b)(3)(ii).

Similarly, the Board is proposing to provide for reactivation of inactive and expired registrations in § 18.905 (relating to inactive status; reactivation of inactive and expired registration). Again, the manner in which expired and inactive registrations are reactivated is informed by the Board’s existing practices and includes payment of applicable fees and the completion of the required continuing education in child abuse recognition and reporting.

Proposed § 18.906 (relating to display of registration) would set forth the requirement that a naturopathic doctor prominently display the certificate of registration and evidence of biennial renewal in a publicly accessible location at the registrant’s regular place of business and have evidence of current registration available for inspection when providing services at other locations.

In proposed § 18.907 (relating to acceptable titles and professional designations by registrants and non-registrants; prohibited titles) the Board clarifies the acceptable titles that may be used by registered naturopathic doctors, as well as non-registrants who may hold themselves out as naturopaths, traditional naturopaths and similar titles. Section 201 of the NDRA (63 P.S. § 272.201) provides that “[i]t shall be unlawful for an individual to use the title of “naturopathic doctor” or “doctor of naturopathic medicine” unless that person is registered as a naturopathic doctor with the board.” Proposed § 18.907 makes it clear that a naturopathic doctor who uses the designation “Dr.” shall further identify himself or herself as a “naturopathic doctor,” “registered naturopathic doctor” or “doctor of naturopathic medicine” and may not use any term or designation that implies that the naturopathic doctor is authorized to practice medicine or any other health care profession, unless the naturopathic doctor also holds a current and active authorization to practice the other profession issued by the appropriate licensing authority of this Commonwealth.

Next, the Board proposes to address informed consent and required disclosures in § 18.908 (relating to informed consent and disclosure of financial interests). In this section, the Board would require that the informed consent include notice that the naturopathic doctor is not a physician. Further, in subsection (b), the Board proposes a requirement that a naturopathic doctor inform the patient if the naturopathic doctor will receive any financial incentive for referring a patient to a purveyor of merchandise or services, or for recommending any merchandise to a patient.

In § 18.909 (relating to naturopathic records) the Board proposes standards for the creation and retention of patient records and would authorize a naturopathic doctor to charge patients no more than the applicable costs for production of health records as annually adjusted by the Secretary of Health and published in the *Pennsylvania Bulletin*. It would further prohibit a naturopathic doctor from requiring payment for naturopathic services rendered as a condition of releasing records to a patient or the patient's designee.

Proposed § 18.910 (relating to advertising) sets forth information that must be included in all advertisements for naturopathic services, as well as standards for what may not be included in advertisements. Items that must be included in all advertisements include the name of the naturopathic doctor as registered with the Board and the words “naturopathic doctor” or “doctor of naturopathic medicine.” Prohibitions include misrepresentations and other statements that are likely to mislead or deceive, those that create false or unjustified expectations as to results and those that imply that a manifestly incurable condition can be cured or that guarantee a cure of any condition. The Board is prohibiting statements recommending any modality or service that is inconsistent with the health, safety and welfare of the public. In addition, a registered naturopathic doctor may not include the term “physician” unless also licensed as a physician or physician assistant by the Board or the State Board of Osteopathic Medicine.

Proposed § 18.911 (relating to Code of Ethics) would establish the ethical principles for registered naturopathic doctors in this Commonwealth. This proposal was informed by the ethical standards of other health care professions regulated by the Board and the ethical standards for licensed naturopathic doctors in other states

and by National organizations such as the American Association of Naturopathic Physicians. These standards include items relating to competence, confidentiality and privacy, informed consent and maintenance of professional boundaries. Specific unethical conduct is prohibited such as making misrepresentations relating to credentials, qualifications or affiliations; engaging in fraudulent, dishonest or deceitful conduct; exploiting the professional relationship including a person, sexual, romantic or financial relationship; and engaging in sexual misconduct.

Proposed § 18.912 (relating to sexual misconduct) would make it clear that sexual misconduct, to include sexual exploitation of a current or former patient or of an immediate family member of a patient, and sexual behavior with a current patient, constitute unprofessional conduct and subjects the naturopathic doctor to disciplinary action.

Finally, proposed § 18.913 (relating to grounds for discipline) sets forth the grounds for discipline of a naturopathic doctor, including those reasons set forth in section 204 of the NDRA (63 P.S. § 272.204), and additional reasons such as engaging in fraud in obtaining a registration as a naturopathic doctor; false or deceptive advertising; aiding, assisting, employing or advising an unregistered individual to hold themselves out in a manner which states or implies that the individual is a naturopathic doctor; paying or receiving a commission, bonus, kickback or rebate or engaging in a fee splitting arrangement based on patient referrals; promoting the sale of services, drugs, devices, appliances or goods to a patient so as to exploit the patient for financial gain; offering to treat or cure a disease by a secret method; failing to maintain records; and failing to cooperate with a lawful investigation of the Board. Subsection (b) summarizes the panoply of potential disciplinary and corrective actions that the Board may impose for violations as authorized by the NDRA, the act and 63 Pa.C.S. § 3108(b) (relating to civil penalties), including denying an application for registration, administering a public reprimand, imposing probation or other restrictions on a registration, requiring other corrective actions or assessing monetary civil penalties and costs of investigation.

#### *Fiscal Impact and Paperwork Requirements*

The only fiscal impacts of this proposed rulemaking are the fees imposed upon naturopathic doctors for initial registration (\$100) or biennial renewal (\$50). Naturopathic doctors applying for initial registration, biennial renewal of registration or reactivation of an inactive or expired registration will be required to submit online applications and submit required documentation to the Board.

#### *Sunset Date*

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

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on November 30, 2021, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

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



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

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Shana Walter, Counsel, State Board of Medicine, P.O. Box 69523, Harrisburg, PA 17106-9523, or by e-mail to RA-STRegulatoryCounsel@pa.gov, within 30 days following publication of this proposed rulemaking in the Pennsylvania Bulletin. Include in the subject line "16A-4953 (Registration of Naturopathic Doctors)" when submitting comments.

MARK B. WOODLAND, MS, MD,
Chairperson

Fiscal Note: 16A-4953. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 16. STATE BOARD OF MEDICINE—GENERAL PROVISIONS

Subchapter A. BASIC DEFINITIONS AND INFORMATION

§ 16.1. Definitions.

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

\* \* \* \* \*

Act—The Medical Practice Act of 1985 (63 P.S. §§ 422.1—[ 422.45 ] 422.53).

Approved activity—A continuing medical education activity accepted for AMA PRA credit.

Board—The State Board of Medicine.

Board-regulated practitioner—A medical doctor, midwife, physician assistant, [ drugless therapist, ] athletic trainer, acupuncturist, practitioner of Oriental medicine, perfusionist, respiratory therapist, genetic counselor, prosthetist, orthotist, pedorthist, orthotic fitter, naturopathic doctor or an applicant for a license, registration or certificate that the Board may issue.

\* \* \* \* \*

Subchapter B. GENERAL LICENSE, CERTIFICATION AND REGISTRATION PROVISIONS

§ 16.11. Licenses, certificates and registrations.

\* \* \* \* \*

(c) The following registrations are issued by the Board:

(1) Registration as a supervising physician of a physician assistant.

(1.1) Initial registration as a naturopathic doctor.

(2) Biennial registration of a license without restriction.

(3) Biennial registration of an extraterritorial license.

(4) Biennial registration of a midwife license.

(5) Biennial registration of a physician assistant license.

(6) [ Biennial registration of a drugless therapist license ] (Reserved).

(7) Biennial registration of a limited license-permanent.

\* \* \* \* \*

(18) Biennial registration of an orthotic fitter license.

(19) Biennial registration of a naturopathic doctor registration.

§ 16.12. General qualifications for licenses, registrations and certificates.

To qualify for [ a ] an initial license, registration or certificate issued by the Board, an applicant shall establish that the following criteria are satisfied:

\* \* \* \* \*

§ 16.13. Licensure, certification, examination and registration fees.

\* \* \* \* \*

(d) Acupuncturist licenses:

(1) Acupuncturist:

Application . . . . . \$30

Biennial renewal . . . . . \$40

(2) Practitioner of Oriental medicine license:

Application . . . . . \$30

Biennial renewal . . . . . \$40

(e) [ Drugless therapist license:

Biennial renewal . . . . . \$40 ] (Reserved).

\* \* \* \* \*

(q) Orthotic Fitters:

Application for orthotic fitter license . . . . . \$25

Biennial renewal of orthotic fitter license . . . . . \$75

Application for reactivation of orthotic fitter license . \$25

Application for orthotic fitter temporary permit . . . \$25

(r) Naturopathic doctor registration:

Application for initial registration . . . . . \$100

Biennial renewal . . . . . \$50

CHAPTER 18. STATE BOARD OF MEDICINE—PRACTITIONERS OTHER THAN MEDICAL DOCTORS

Subchapter B. REGISTRATION AND PRACTICE OF ACUPUNCTURISTS AND PRACTITIONERS OF ORIENTAL MEDICINE

§ 18.13a. Requirements for licensure as a practitioner of Oriental medicine.

\* \* \* \* \*

(d) This subsection does not apply to a medical doctor licensed as an acupuncturist nor does it restrict the practice of medicine by a medical doctor.

**(e) This section does not limit the practice of a naturopathic doctor who is also licensed as an acupuncturist when recommending herbs, minerals and other supplements, or combinations, according to traditions other than Oriental medicine traditions.**

**§ 18.15. Practice responsibilities of acupuncturist and practitioner of Oriental medicine who is not a physician.**

\* \* \* \* \*

(b) *Identification of acupuncturist or practitioner of Oriental medicine.* An acupuncturist who is not a medical doctor shall wear a tag or badge with lettering clearly visible to the patient bearing the acupuncturist's name and the title "acupuncturist" or "practitioner of Oriental medicine," as appropriate. The use of the [ **word doctor** ] words **"doctor," "physician" or any title or abbreviation implying licensure as a physician** on this tag or badge is prohibited; **provided, however, that an individual licensed as an acupuncturist who also possesses a current and active registration as a naturopathic doctor may utilize the title "Doctor of Naturopathic Medicine," "Naturopathic Doctor" or the abbreviation "N.D." in addition to the title "acupuncturist".**

**§ 18.15a. Scope of practice of acupuncturists and practitioners of Oriental medicine.**

\* \* \* \* \*

(c) This subsection does not limit the scope of practice of a medical doctor who is registered as an acupuncturist.

**(d) This section does not limit the scope of practice of a naturopathic doctor when recommending herbs minerals and other supplements, or combinations, according to traditions other than Oriental medicine traditions.**

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

**Subchapter M. REGISTRATION OF NATUROPATHIC DOCTORS**

Sec.	
18.901.	Purpose.
18.902.	Definitions.
18.903.	Application for naturopathic doctor registration.
18.904.	Biennial registration of naturopathic doctor.
18.905.	Inactive status; reactivation of inactive or expired registration.
18.906.	Display of registration.
18.907.	Acceptable titles and professional designations by registrants and non-registrants; prohibited titles.
18.908.	Informed consent and disclosure of financial interests.
18.909.	Naturopathic records.
18.910.	Advertising.
18.911.	Code of Ethics.
18.912.	Sexual misconduct.
18.913.	Grounds for discipline.

**§ 18.901. Purpose.**

This subchapter implements the Naturopathic Doctor Registration Act (63 P.S. §§ 272.101—272.301) pertaining to the registration of naturopathic doctors.

**§ 18.902. Definitions.**

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

*Authorization to practice*—A license, registration, certificate, permit, authorization or approval issued by a Federal or state agency which authorizes the holder to

advertise, engage in, or both advertise and engage in the practice of a profession or occupation.

*CNME—Council on Naturopathic Medical Education*—The accrediting body which accredits schools of naturopathic medicine for the education of naturopathic doctors.

*Merchandise*—Items that can be sold including vitamins, supplements, food, food extracts, homeopathic remedies, botanical medicines, herbs and natural substances.

*NABNE—North American Board of Naturopathic Examiners*—The organization which administers the Naturopathic Physicians Licensing Examinations (NPLEX).

*Naturopathic doctor*—An individual who holds an active registration issued by the Board under the NDRA.

*NDRA*—The Naturopathic Doctor Registration Act (63 P.S. §§ 272.101—272.301).

*NPLEX—Naturopathic Physicians Licensing Examinations*—The licensing examination accepted by the Board as a prerequisite to registration, consisting of Part I—Biomedical Science Examination and Part II—Core Clinical Science Examination, or its successor recognized by the Board.

*Regionally accredited or pre-accredited college or university*—A college or university which is accredited or pre-accredited by one of the following:

- (1) Accrediting Commission of Career Schools and Colleges.
- (2) Accrediting Council for Continuing Education and Training.
- (3) Accrediting Council for Independent Colleges and Schools.
- (4) Council on Occupational Education.
- (5) Distance Education Accrediting Commission.
- (6) Higher Learning Commission.
- (7) Middle States Commission on Higher Education.
- (8) Middle States Commission on Secondary Schools.
- (9) New England Commission of Higher Education.
- (10) New York State Board of Regents and the Commissioner of Education.
- (11) Northwest Commission on Colleges and Universities.
- (12) Southern Association of Colleges and Schools, Commission on Colleges.
- (13) Western Association of Schools and Colleges, Accrediting Commission for Community and Junior Colleges.
- (14) Western Association of Schools and Colleges, Senior Colleges and University Commission.
- (15) Any other regional or national accrediting agency which has been recognized by the United States Department of Education as being a reliable authority concerning the quality of education or training offered by the institutions of higher education or higher education programs they accredit.

**§ 18.903. Application for naturopathic doctor registration.**

(a) An applicant for a registration to practice naturopathic medicine shall submit, on an application made available by the Board, a completed application for a registration, including the necessary supporting docu-

ments and pay the application fee in § 16.13 (relating to licensure, certification, examination and registration fees).

(b) Except as otherwise provided by law, the Board will issue a registration to practice naturopathic medicine to an applicant who meets all of the following requirements:

(1) Holds a bachelor's degree from a regionally accredited or pre-accredited college or university or the equivalent.

(2) Holds a doctoral degree from a naturopathic school accredited by the CNME which consists of at least 4,100 total credit hours in basic and clinical sciences and naturopathic philosophy and modalities, including at least 2,500 hours of academic instruction and at least 1,200 hours of supervised clinical training. Proof of the degree shall be sent directly from the applicant's education program and include an official transcript.

(3) Has passed Parts I and II of a competency-based National naturopathic licensing examination administered by the NABNE or a successor agency. An applicant who graduated prior to 1986 shall demonstrate a passing score on a state naturopathic examination.

(4) Holds a current basic cardio-pulmonary resuscitation (CPR) certificate issued by the American Heart Association, American Red Cross or a similar health authority or professional body approved by the Board.

(5) Has completed at least 3 hours of approved education/training in child abuse recognition and reporting requirements as set forth in 23 Pa.C.S. § 6383(b)(3)(i) (relating to education and training).

(6) Is of good moral character.

(c) The Board may deny an application for registration as a naturopathic doctor upon any of the grounds for disciplinary action in § 18.913 (relating to disciplinary action for applicants and naturopathic doctors).

**§ 18.904. Biennial registration of naturopathic doctor.**

(a) The registration of a naturopathic doctor will expire biennially on December 31 of each even-numbered year in accordance with § 16.15 (relating to biennial registration; inactive status and unregistered status). A naturopathic doctor may not use the title of "naturopathic doctor," "doctor of naturopathic medicine" or any other term implying that the individual is currently registered as a naturopathic doctor unless the individual holds a current and unexpired registration.

(b) As a condition of biennial renewal, a naturopathic doctor shall:

(1) Submit a completed application, including payment of the biennial registration fee in § 16.13 (relating to licensure, certification, examination and registration fees).

(2) Disclose on the application any authorization to practice as a naturopathic doctor in another state, district, territory, possession or country.

(3) Disclose on the application disciplinary action pending before, or taken by, the appropriate licensing, registration or certification authority in another jurisdiction since the most recent application for biennial registration, whether or not authorized to practice or advertise in that other jurisdiction.

(4) Affirm that the applicant holds a current basic cardio-pulmonary resuscitation (CPR) certificate issued by

the American Heart Association, American Red Cross or a similar health authority or professional body approved by the Board.

(5) Certify that the applicant has completed at least 2 hours of approved continuing education in child abuse recognition and reporting as set forth in 23 Pa.C.S. § 6383(b)(3)(ii) (relating to education and training).

**§ 18.905. Inactive status; reactivation of inactive or expired registration.**

(a) A naturopathic doctor may request in writing that the Board place the registration on inactive status. Confirmation of inactive status will be forwarded to the registrant. A naturopathic doctor may not use the title of "naturopathic doctor," "doctor of naturopathic medicine" or any other term implying that the individual is currently registered as a naturopathic doctor while on inactive status.

(b) To reactivate an inactive or expired registration, the registrant shall apply for reactivation by completing an application for reactivation on a form made available by the Board. The registrant shall:

(1) Pay the current biennial registration fee specified in § 16.13 (relating to licensure, certification, examination and registration fees) and any applicable late fees required under section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. § 1401-225).

(2) Disclose whether the registrant used the title of "naturopathic doctor," "doctor of naturopathic medicine" or any other term implying that the individual was currently registered as a naturopathic doctor in this Commonwealth while the registration was inactive or expired.

(3) Disclose on the application any authorization to practice as a naturopathic doctor in another state, district, territory, possession or country.

(4) Disclose on the application disciplinary action pending before or taken by the appropriate licensing, registration or certification authority in another jurisdiction since the most recent application for biennial registration, whether or not authorized to practice or advertise in that other jurisdiction.

(5) Submit evidence the registrant holds a current basic cardio-pulmonary resuscitation (CPR) certificate issued by the American Heart Association, American Red Cross or a similar health authority or professional body approved by the Board.

(6) Verify completion of at least 2 hours of approved continuing education in child abuse recognition and reporting in the 2 years immediately preceding the application for reactivation as set forth in 23 Pa.C.S. § 6383(b)(3)(ii) (relating to education and training).

(c) A registrant who has not had clinical contact with patients for 4 years or more shall demonstrate current competency and qualification to hold forth as a naturopathic doctor by demonstrating a passing score on the NPLEX examination, completed within 12 months of the application to reactivate the registration.

(d) Payment of applicable late fees required under section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. § 1401-225) does not preclude the Board from taking disciplinary action for utilizing the title of "naturopathic doctor," "doctor of naturopathic medicine" or any other term implying that the individual was currently registered as a naturopathic doctor while holding an inactive or expired registration.



**§ 18.906. Display of registration.**

A naturopathic doctor registrant shall prominently display the certificate of registration and evidence of biennial renewal in a publicly accessible location at the registrant's regular place of business. The registrant shall have evidence of current registration available for inspection by authorized agents of the Board and by persons receiving services when the naturopathic doctor provides services at locations other than the registrant's regular place of business.

**§ 18.907. Acceptable titles and professional designations by registrants and non-registrants; prohibited titles.**

(a) An individual must have a current, active and unsuspended registration to claim to be, or hold oneself out as, a naturopathic doctor, registered naturopathic doctor, doctor of naturopathic medicine or use any similar title implying that the individual holds a current registration as a naturopathic doctor in this Commonwealth.

(b) An individual who has not registered with the Board may claim to be, and hold oneself out as, a naturopath or a traditional naturopath and use any similar title implying that the individual practices naturopathy so long as the title does not also imply that the individual is a naturopathic doctor registered with the Board.

(c) A naturopathic doctor who uses the designation "Dr." shall further identify himself or herself as a "naturopathic doctor," "registered naturopathic doctor" or "doctor of naturopathic medicine" and may not use any term or designation that would imply that the naturopathic doctor is licensed or authorized to practice medicine and surgery, dentistry, podiatry, optometry, psychology, nursing, physical therapy, acupuncture, chiropractic, genetic counseling, athletic training, massage therapy or any other health care profession, unless that individual also holds a current and active authorization to practice the other profession issued by the appropriate licensing authority of this Commonwealth.

**§ 18.908. Informed consent and disclosure of financial interests.**

(a) A naturopathic doctor shall obtain written informed consent from the patient prior to providing naturopathic services to the patient. The informed consent shall include notification to the patient that the naturopathic doctor is not a physician. This subsection shall not apply to registrants who are also currently and actively licensed to practice as a physician in this Commonwealth.

(b) A naturopathic doctor shall disclose to patients and prospective patients if the naturopathic doctor receives any commission, rebate, referral fee or similar financial incentive in connection with the referral of a patient to purveyors of merchandise or services, or for recommending any merchandise to a patient.

**§ 18.909. Naturopathic records.**

(a) A naturopathic doctor shall maintain patient records that accurately describe the patient's concerns, evidence the naturopathic doctor's plan of service and implementation of service and document the patient's response to any services provided.

(b) All patient records for minors and adults shall be retained for a minimum period of 7 years from the date of the service for which a naturopathic record entry is required. Patient records for minor patients shall also be

retained until 1 year after the minor patient reaches majority, even if this means that the naturopathic doctor retains the record for a period of more than 7 years.

(c) Upon written request, a naturopathic doctor shall make true, correct and legible copies of the written records of service available to the patient or the person or persons designated by the patient.

(d) Payment for naturopathic services rendered may not be required as a condition to making the written records of service available to the patient or the patient's designee. A naturopathic doctor may require pre-payment of the costs to copy and produce the naturopathic records. The maximum applicable copying and reproduction costs for naturopathic service records shall be the same as those costs applicable to production of health records as annually adjusted by the Secretary of the Department of Health and published in the *Pennsylvania Bulletin*.

**§ 18.910. Advertising.**

(a) Any advertisement by a naturopathic doctor shall contain both of the following:

(1) The name of the naturopathic doctor as registered with the Board.

(2) The words "naturopathic doctor" or "doctor of naturopathic medicine."

(b) Advertisements by a naturopathic doctor may not contain any of the following:

(1) The word "physician" unless the naturopathic doctor is also currently and actively licensed as a physician or physician assistant in this Commonwealth.

(2) Any words or phrases indicating or implying that the naturopathic doctor is "board certified" or "board eligible" unless the certification body is also disclosed.

(3) Statements containing misrepresentations of facts.

(4) Statements that cannot be verified by the Board for truthfulness.

(5) Statements likely to mislead or deceive because of their context or because the statements make only a partial disclosure of relevant facts.

(6) Statements intended to, or likely to, create false or unjustified expectations of favorable results.

(7) Statements containing representations or implications that can reasonably be expected to cause an ordinary prudent person to misunderstand or be deceived.

(8) Statements that are untruthful and improbable or contain misstatements, falsehoods, misrepresentations, distorted or fabulous statements as to cures.

(9) Statements that misrepresent the nature, characteristics or qualities of natural substances or services provided by a naturopathic doctor.

(10) Statements that a manifestly incurable condition can be cured or that guarantee a cure of any condition.

(11) Statements promoting herbal, natural or dietary supplements as drugs.

(12) Statements recommending any modality of service that is inconsistent with the health, safety and welfare of the public.

**§ 18.911. Code of Ethics.**

(a) Naturopathic doctors shall concern themselves primarily with the welfare of the patient.

(b) A naturopathic doctor who suffers from a physical, mental or emotional impairment, including substance abuse, that impacts the individual's ability to practice naturopathic medicine shall seek professional treatment and refrain from the practice of naturopathic medicine until the impairment no longer exists or reasonable accommodations can be made.

(c) A naturopathic doctor shall:

(1) Respect and maintain the privacy and confidentiality of the patient.

(2) Disclose the patient's records or information about the patient only with the patient's consent or as required by law.

(3) Adequately safeguard confidential patient information, including storage and disposal of records.

(4) Provide sufficient information to a patient to allow the patient to make an informed decision regarding care, including:

(i) The purpose and nature of a naturopathic evaluation or service regimen.

(ii) Alternatives to naturopathic care.

(iii) Side effects and benefits of a proposed service regimen.

(iv) The estimated cost of services.

(v) The right of the patient to withdraw from services.

(5) Maintain professional boundaries, even when the patient initiates crossing the boundaries of the professional relationship.

(6) Decline to administer service if the naturopathic doctor believes that a service is contraindicated or unjustified.

(7) Make referrals only to registered naturopathic doctors or other qualified and duly licensed health care providers.

(8) Accurately inform the patient, other health care professionals and the public of the limitations of the practice of naturopathic medicine.

(9) Adequately assess the patient to determine if contraindications against naturopathic service exist and refer the patient to an appropriate health care practitioner.

(10) At all times respect the patient's dignity, autonomy and privacy.

(11) Cooperate with any lawful investigation conducted by the Board, including all of the following:

(i) Furnishing information requested in a timely manner as directed by the Board.

(ii) Complying with a subpoena.

(iii) Responding to a complaint at the request of the Board.

(iv) Providing meaningful and timely access to relevant patient records.

(12) Report to the Board misconduct in the practice of naturopathic medicine.

(d) A naturopathic doctor may not:

(1) Misrepresent credentials, qualifications or affiliations, and shall attempt to correct others who misrepresent the naturopathic doctor's credentials, qualifications or affiliations.

(2) Knowingly engage in or condone behavior that is fraudulent, dishonest or deceitful.

(3) Engage in a commercial activity which conflicts with the duties of a naturopathic doctor.

(4) Perform naturopathic medicine on a patient if a contraindication against naturopathic service exists.

(5) Intimidate, threaten, influence or attempt to influence any person regarding any violation of law or regulation.

(6) Aid or abet any individual violating or attempting to violate any provision of law or regulation.

(7) Accept a patient for service, or continue unnecessary service, when the patient cannot be reasonably expected to benefit from the service.

(8) Receive remuneration from, or provide remuneration to, or split a fee, for either making or accepting a referral of the patient to or from another health care provider.

(9) Make a guarantee or promise about the efficacy of a particular course of care, the naturopathic doctor's practice or the anticipated results of care.

(10) Exploit the professional relationship by either of the following:

(i) Continuing service unnecessarily.

(ii) Charging for a service not provided or different from what was actually provided.

(11) Exploit a relationship with a patient, staff member or student for the naturopathic doctor's personal advantage including, but not limited to, a personal, sexual, romantic or financial relationship.

(12) Engage in sexual misconduct.

(e) A naturopathic doctor may not perform a service or provide a service that the naturopathic doctor is not qualified to perform, or which is beyond the scope of the naturopathic doctor's education, training, capabilities or experience.

(f) A naturopathic doctor may not construe any failure to specify a particular ethical, legal or professional duty in this subchapter as a denial of the existence of other ethical, legal or professional duties or responsibilities that are equally as important and generally recognized in the naturopathic medicine profession.

#### § 18.912. Sexual misconduct.

(a) Sexual exploitation by a naturopathic doctor of a current or former patient, or of an immediate family member of a patient, constitutes unprofessional conduct, is prohibited and subjects the naturopathic doctor to disciplinary action under section 204(8) of the NDRA (63 P.S. § 272.204(8)).

(b) Sexual behavior that occurs with a current patient, other than the naturopathic doctor's spouse, constitutes unprofessional conduct, is prohibited and subjects the practitioner to disciplinary action under section 204(8) of the NDRA.

(c) When a naturopathic doctor was involved with the management or directly provided naturopathic services to a patient other than the naturopathic doctor's spouse for a mental health disorder, any sexual behavior with that patient which occurs prior to the 2-year anniversary of the termination of the professional relationship consti-

tutes unprofessional conduct, is prohibited and subjects the naturopathic doctor to disciplinary action under section 204(8) of the NDRA.

(d) A practitioner who engages in conduct prohibited by this section will not be eligible for placement into an impaired professional program in lieu of disciplinary or corrective actions.

(e) Consent is not a defense to conduct prohibited by this section.

**§ 18.913. Grounds for discipline.**

(a) The Board shall have the authority to impose disciplinary or corrective measures on a naturopathic doctor or applicant for registration as a naturopathic doctor for the reasons set forth in section 204 of the NDRA (63 P.S. § 272.204) and any of the following:

(1) Fraudulently or deceptively obtaining, or attempting to obtain, or using a registration or assisting another in fraudulently or deceptively obtaining or using a registration.

(2) Using false, deceptive or misleading advertising.

(3) Advertising, practicing or attempting to practice under a name other than the naturopathic doctor's name as registered with the Board; provided, however, that a naturopathic doctor may advertise utilizing a business name if the advertisement also includes the naturopathic doctor's name as registered by the Board.

(4) Aiding, assisting, employing or advising any unregistered individual to hold himself or herself out in a manner which states or implies the unregistered individual is a naturopathic doctor.

(5) Paying or receiving any commission, bonus, kick-back or rebate, or engaging in any split-fee arrangement in any form with a licensed physician, organization, agency or other person, either directly or indirectly, for patients referred to other health care providers.

(6) Promoting the sale of services, drugs, devices, appliances or goods to a patient so as to exploit the patient for financial gain.

(7) Failing to keep written records justifying the course of service of a patient.

(8) Offering, undertaking or agreeing to cure or treat a disease by a secret method, treatment, product or medicine.

(9) Failing to cooperate with a lawful investigation of the Board.

(b) When the Board is empowered to take disciplinary or corrective action under the provisions of the NDRA, the Board's regulations or other statutory or regulatory authority, the Board may impose one or more of the following disciplinary or corrective actions as set forth in section 206 of the NDRA (63 P.S. § 272.206), section 42 of the act (63 P.S. § 422.42) and 63 Pa.C.S. § 3108 (relating to civil penalties):

(1) Deny the application for registration.

(2) Administer a public reprimand with or without probation.

(3) Revoke, suspend, limit or otherwise restrict a registration.

(4) Require the registrant to submit to the care, counseling or treatment of a physician or a psychologist designated by the Board.

(5) Require the registrant to take refresher educational courses or demonstrate passage of the NPLEX examination, or both.

(6) Stay enforcement of any suspension and place the registrant on probation with the right to vacate the probationary order for noncompliance.

(7) Impose a civil penalty of up to \$1,000 in accordance with the NDRA.

(8) Impose a civil penalty of up to \$10,000 in accordance with 63 Pa.C.S. § 3108(b); provided, however, that the Board will not impose a civil penalty under the NDRA and also impose a civil penalty under 63 Pa.C.S. § 3108(b) for the same violation, as prohibited by 63 Pa.C.S. § 3108(c)(2).

(9) Impose the costs of investigation underlying the disciplinary action.

[Pa.B. Doc. No. 21-2112. Filed for public inspection December 17, 2021, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending December 7, 2021.

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

### BANKING INSTITUTIONS

#### Branch Applications

#### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-06-2021	CNB Bank Clearfield Clearfield County	<i>To:</i> 4781 Transit Road Depew Erie County, NY  <i>From:</i> 3619 Walden Avenue Lancaster Erie County, NY	Approved

### 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. 21-2113. Filed for public inspection December 17, 2021, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of January 2022

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of January 2022, is 4 1/4%.

The interest rate limitations under the Commonwealth's usury statute were pre-empted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub.L. No. 96-221). Further pre-emption was instituted with the signing of

Pub.L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which such individual owns and which such individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board or the United States Treasury, or both. The latest yield rate on long-term government securities is 1.82 to which was added 2.50 percentage points for a total of 4.32 that by law is rounded off to the nearest quarter at 4 1/4%.

RICHARD VAGUE,  
*Secretary*

[Pa.B. Doc. No. 21-2114. Filed for public inspection December 17, 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>
1593413	Land Application and Reuse of Sewage Individual WQM Permit	Renewal	Upper Uwchlan Township Municipal Authority 140 Pottstown Pike Chester Springs, PA 19425-9516	Upper Uwchlan Township Chester County	SERO
1489412	Major Sewage Treatment Facility Individual WQM Permit	Amendment	University Area Joint Authority 1576 Spring Valley Road State College, PA 16801-8401	Benner Township Centre County	NCRO
5012201	Manure Storage and Wastewater Impoundments Individual WQM Permit	Amendment	MW Smith Farm 562 Bucks Church Road Newport, PA 17074-8240	Buffalo Township Perry County	SCRO
0880206	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Amendment	PA DCNR 28 Entrance Road Troy, PA 16947-8506	West Burlington Township Bradford County	NCRO
2503414	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	David J Tomczak 9485 Old Waterford Road Erie, PA 16509-5659	Greene Township Erie County	NWRO
NNOEXSW23	No Exposure Certification	Renewal	The Sherwin Williams Manufacturing Co. 2000 Westhall Street Pittsburgh, PA 15233-1018	Pittsburgh City Allegheny County	SWRO

<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>
NOEXSC373	No Exposure Certification	New	Georgia Pacific Corrugated, LLC 122 Bordnersville Road Jonestown, PA 17038-8206	Union Township Lebanon County	SCRO
NOEXSE024	No Exposure Certification	Transfer	GXO Warehouse Co. Inc. 41 Runway Road Levittown, PA 19057	Bristol Township Bucks County	SERO
PAG123927	PAG-12 NPDES General Permit for CAFOs	New	Burkholder David N 540 S Fairmount Road Ephrata, PA 17522-8533	West Earl Township Lancaster County	SCRO
PAG124862	PAG-12 NPDES General Permit for CAFOs	Renewal	Kucharski Robert R 9351 Route 414 Liberty, PA 16930-9505	Liberty Borough Tioga County	SCRO
2221404	Pump Stations Individual WQM Permit	New	Steelton Borough Dauphin County 123 N Front Street Steelton, PA 17113-2238	Steelton Borough Dauphin County	SCRO
PA0266792	Single Residence STP Individual NPDES Permit	Transfer	Creany Alexandra M 179 Atlas Drive Hollidaysburg, PA 16648	Frankstown Township Blair County	SCRO
PA0289906	Single Residence STP Individual NPDES Permit	Transfer	Alicia McGill & Kenneth Bluska 8741 Talmadge Road Erie, PA 16509-4359	McKean Township Erie County	NWRO
0719401	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Creany Alexandra M 179 Atlas Drive Hollidaysburg, PA 16648	Frankstown Township Blair County	SCRO
1521413	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Wavrek Dorothy 518 Beechwood Drive Kennett Square, PA 19348-1804	East Marlborough Township Chester County	SERO
2521426	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Alicia McGill & Kenneth Bluska 8741 Talmadge Road Erie, PA 16509-4359	McKean Township Erie County	NWRO

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

*Northcentral Regional Office*

**PA0113051**, Industrial, SIC Code 4941, **City of DuBois**, 16 W Scribner Avenue, DuBois, PA 15801-2210. Facility Name: DuBois Water Treatment Plant. This existing facility is located in Sandy Township, **Clearfield 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), Laborde Branch, is located in State Water Plan watershed 17-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.1 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>Daily Maximum</i>	
Flow (MGD)	Report	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	0.46	XXX	1.51
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	75
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	0.75
Iron, Total	XXX	XXX	XXX	1.5	3.0	3.75
Manganese, Total	XXX	XXX	XXX	1.0	2.0	2.5

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.

**PAS804806**, Storm Water, SIC Code 4213, **Davidson Brothers, Inc.**, 450 Runville Road, Bellefonte, PA 16823-4715. Facility Name: Davidson Brothers, Inc. This existing facility is located in Boggs Township, **Centre 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), Wallace Run, is located in State Water Plan watershed 9-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 monitoring requirements for Outfall 001 are as follows:

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

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

The EPA Waiver is in effect.

**PA0114758**, Sewage, SIC Code 6515, **GSP Management, Co.**, P.O. Box 677, Morgantown, PA 19543-0677. Facility Name: Bucknell View MHP. This existing facility is located in West Chillisquaque Township, **Northumberland County**.

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

The receiving stream(s), West Branch Susquehanna River (WWF, MF), is located in State Water Plan watershed 10-C 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 0.0186 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Report	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	Report	XXX

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

The EPA Waiver is in effect.

*Northwest Regional Office*

**PA0102385**, Sewage, SIC Code 5812, **IBI RR, LLC**, 1438 Perry Highway, Mercer, PA 16137-3738. Facility Name: Iron Bridge Inn. This existing facility is located in Springfield 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, the 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 0.011 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	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
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	Report	XXX	XXX
May 1 - Oct 31	XXX	XXX	XXX	25.0	XXX	50
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
				Avg Qrtly		

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.

**PA0264555**, Sewage, SIC Code 4952, 8800, **Andrew McMichael**, 133 Route 44, Shinglehouse, PA 16748-3615. Facility Name: Andrew McMichael SRSTP. This existing facility is located in Ceres Township, **McKean 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), Oswayo Creek (WWF), is located in State Water Plan watershed 16-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
Total Residual Chlorine (TRC)	Annl Avg XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	Avg Mo 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	1,000

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.

**PA0290122**, Sewage, SIC Code 4952, 8800, **Matthew Shollenberger**, 8200 Keefer Road, Girard, PA 16417-8030. Facility Name: Matthew Shollenberger SRSTP. This proposed facility is located in Fairview Township, **Erie County**.

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

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



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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Daily 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.

*Southcentral Regional Office*

**PA0012211**, Industrial, SIC Code 3321, **Boyertown Foundry Company**, P.O. Box 443, New Berlinville, PA 19545-0443. Facility Name: Boyertown Foundry Company. This existing facility is located in Boyertown Borough, **Berks County**.

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

The receiving stream(s), Unnamed Tributary to 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 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
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)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		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
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 101 are based on a design flow of .048 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Instream Monitoring pH (S.U.)	XXX	XXX	6.0 Inst Min XXX	XXX	XXX	9.0
Total Residual Chlorine (TRC) Instream Monitoring	XXX	XXX	XXX	0.37	XXX	1.2
Total Suspended Solids Instream Monitoring	Report	Report	XXX	30.0	60.0	70
Copper, Total Instream Monitoring	0.005	0.01	XXX	0.013	0.026	0.033
Lead, Total Instream Monitoring	0.002	0.003	XXX	0.004	0.008	0.01

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

The EPA Waiver is in effect.

**PA0054852**, Industrial, SIC Code 4953, **Western Berks Landfill Acquisition Co., LLC**, 1000 New Ford Mill Road, Morrisville, PA 19067. Facility Name: Western Berks Community Landfill & Recycling Ctr/Birdsboro. This existing facility is located in Cumru Township, **Berks 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), Schuylkill River (WWF, MF), is located in State Water Plan watershed 3-C 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 .047 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily 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	0.5	XXX	1.64
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	9.8	19.6	XXX	25.0	50.0	75
Total Suspended Solids	10.6	23.5	XXX	27.0	60.0	75
Total Dissolved Solids	4,704	9,408	XXX	12,000.0	24,000.0	30,000
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
Ammonia-Nitrogen	1.9	3.9	XXX	4.9	10.0	12.2
Zinc, Total	0.043	0.078	XXX	0.11	0.20	0.275
Phenol	0.006	0.010	XXX	0.015	0.026	0.037
a-Terpineol	0.006	0.013	XXX	0.016	0.033	0.04
Benzoic Acid	0.028	0.047	XXX	0.071	0.120	0.177
p-Cresol	0.005	0.010	XXX	0.014	0.025	0.035
PCBs Dry Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX
PCBs Wet Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for stormwater Outfalls 002, 009, and 011 are based on a design flow of 0 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Arsenic, Total	XXX	XXX	XXX	XXX	Report	XXX
Cadmium, Total	XXX	XXX	XXX	XXX	Report	XXX
Cyanide, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Mercury, Total	XXX	XXX	XXX	XXX	Report	XXX
Selenium, Total	XXX	XXX	XXX	XXX	Report	XXX
Silver, Total	XXX	XXX	XXX	XXX	Report	XXX

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

- Any use of Chemical Additives in accordance with DEP notification procedures and approval
- Annual Stormwater Report submitted to DEP
- A Preparedness, Prevention and Contingency (PPC) Plan
- A PCB Pollutant Minimization Plan submitted to DEP and implemented

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.

**PA0261505**, Industrial, SIC Code 2875, 2879, **Lebanon Seaboard Corp**, 1600 E Cumberland Street, Lebanon, PA 17042-8323. Facility Name: Lebanon Seaboard Corporation. This existing facility is located in South Lebanon Township, **Lebanon County**.

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

The receiving stream, Quittapahilla Creek (TSF, MF), is located in State Water Plan watershed 7-D 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 Internal Monitoring Point (IMP) 001 are based on a design flow of 0.014 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Internal Monitoring Point			Daily Min			
Chlorobenzene	XXX	XXX	XXX	0.05	0.10	0.12
Internal Monitoring Point						

The proposed effluent limits for Outfall 001.

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

The proposed effluent limits for Outfall 002.

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

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

- Requirements Applicable to Stormwater Outfalls including:
  - o The permittee is authorized to discharge non-polluting stormwater from its site, alone or in combination with other wastewaters, through the following outfalls:

Outfall No.	Area Drained (ft <sup>2</sup> )	Latitude	Longitude	Description
001	433,770	40° 20' 51.4"	-76° 23' 4.5"	Macadam parking lot, on-site buildings, and street runoff for the northern portion of the site—impacted groundwater from a historic spill that seasonally infiltrates into stormwater collection system
002	623,080	40° 20' 51.2"	-76° 23' 4.4"	Macadam parking lot, on-site buildings and southern portion of the site

Monitoring requirements and effluent limitations for these outfalls are specified in Part A of this permit, if applicable.

- o Stormwater Annual Report
- o Best Management Practices (BMPs)
- o Routine Inspections
- o Preparedness, Prevention and Contingency (PPC) Plan
- o Stormwater Monitoring Requirements including:

<i>Parameter</i>	<i>Benchmark Value (mg/L)</i>
Total Suspended Solids (TSS)	100
Chemical Oxygen Demand (COD)	120
Oil and Grease	30

- Groundwater Cleanup—Granulated Activated Carbon, Chlorobenzene.
  - o If the applicable standard or effluent guideline limitation relating to the application for Best Available Technology Economically Achievable (BAT) or to Best Conventional Technology (BCT) is developed by the Department, or by EPA for this type of industry, and if such standard or limitation is more stringent than the corresponding conditions of this permit (or if it controls pollutants not covered by this permit), then the Department reserves the right to modify, or to revoke and reissue the permit to conform with that standard or limitation.
  - o Sludges and other solids shall be handled and disposed of in compliance with 25 Pa. Code Chapters 262—264 (related to permits and requirements for landfilling and storage of hazardous sludge) and applicable Federal regulations, the Federal Clean Water Act, RCRA and their amendments. The permittee is responsible to obtain or assure that contracted agents have all necessary permits and approvals for the handling, storage, transport and disposal of solid waste materials generated as a result of wastewater treatment.

o A GRS Annual Report shall be submitted annually to the Clean Water Program on January 28 (for the previous calendar year). The Groundwater Remediation System (GRS) Annual Report shall address activities under the permit for the previous calendar year including groundwater quality data. If modification to the operation is proposed, details must be submitted along with the GRS Annual Report.

o A minimum of monthly sampling of the influent to the GRS for chlorobenzene is required. The results shall be included on the GRS Annual Report.

o The GRS shall continue until a minimum of one year’s data of the untreated groundwater have documented a concentration that is protective of the environment. The cleanup operation shall not be considered terminated until the permittee further documents for a minimum of one year after treatment has ceased (samples taken quarterly) that a concentration of pollutants protective of the environment has been maintained in the untreated groundwater. Written approval to terminate must be received from DEP’s Clean Water Program prior to shut down.

o The permittee shall operate the treatment facilities approved herein on a continual basis. If accidental breakdown or normal periodic maintenance should cause cessation of operation, the permittee shall take satisfactory measures to ensure the treatment works are placed back in operation at the earliest possible time. The permittee shall orally report to the Department within 24 hours of an unanticipated temporary shutdown of the treatment facility that is longer than 24 hours in duration or at least 24 hours prior to an anticipated maintenance shutdown.

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

The EPA Waiver is in effect.

**PA0033111**, Sewage, SIC Code 7033, **Oak Creek Campgrounds, Inc.**, P.O. Box 128, Bowmansville, PA 17507-0128. Facility Name: Oak Creek Campground. This existing facility is located in Brecknock 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), Unnamed Tributary to Muddy Creek (HQ-TSF, MF), is located in State Water Plan watershed 7-J and is classified for Migratory Fishes 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 0.00423 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>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
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



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

Parameter	Effluent Limitations Mass Units (lbs/day)			Concentrations (mg/L)		
	Monthly	Annual	Monthly	Monthly Average	Maximum	Instant. Maximum
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX

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

- Chesapeake Bay nutrients requirements
- Solids management
- Optimization of chlorine usage

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

The EPA Waiver is in effect.

**PA0081868**, Sewage, SIC Code 4952, **PA American Water Co.**, 852 Wesley Drive, Mechanicsburg, PA 17055-4436. Facility Name: American Water Co., Fairview Township North STP. This existing facility is located in Fairview Township, **York County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of .726 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Instantaneous Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	151	242	XXX	25	40	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	182	272	XXX	30	45	60
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ultraviolet light transmittance (%)	XXX	XXX	Report	Geo Mean XXX	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
(Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Mo						

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous 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>	
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs) Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	Report XXX	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	Report XXX	XXX	XXX
Total Phosphorus	12	XXX	XXX	2.0	XXX	4
Total Phosphorus (Total Load, lbs) (lbs) Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX

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	21,697 Total	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs) Effluent Net	XXX	2,262 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 717-705-4732.

The EPA Waiver is not in effect.

**PA0083607**, Sewage, SIC Code 4952, **Union Township Lebanon County**, 3111 State Route 72, Jonestown, PA 17038-8741. Facility Name: Union Township Lickdale STP. This existing facility is located in Union Township, **Lebanon 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), Forge Creek (WWF), is located in State Water Plan watershed 7-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .15 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>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0

<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>	
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Daily Min XXX	0.07	XXX	0.24
CBOD <sub>5</sub>	13	19	XXX	10.0	15.0	20
BOD	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	13	19	XXX	10.0	15.0	20
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)		Daily Max				
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
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
(Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)	Total Mo					
Total Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs)	Total Mo					
Effluent Net						
Ammonia-Nitrogen						
Nov 1 - Apr 30	3.8	XXX	XXX	3.0	XXX	6
May 1 - Oct 31	1.3	XXX	XXX	1.0	XXX	2
Ammonia-Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)	Total Mo					
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)	Total Mo					
Total Phosphorus	1.3	XXX	XXX	1.0	XXX	2.5
Total Phosphorus	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)	Total Mo					
Total Phosphorus	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs)	Total Mo					
Effluent Net						
Copper, Total	Report	XXX	XXX	Report	XXX	XXX
Zinc, Total	Report	XXX	XXX	Report	XXX	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report

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	XXX	7,306	XXX	XXX	XXX	XXX
(Total Load, lbs)		Total				
Effluent Net		Annual				
Total Nitrogen	XXX	Report	XXX	XXX	XXX	XXX
(Total Load, lbs)		Total				
Ammonia-Nitrogen	XXX	Report	XXX	XXX	XXX	XXX
(Total Load, lbs)		Total				
Total Phosphorus	XXX	Report	XXX	XXX	XXX	XXX
(Total Load, lbs)		Total				
Total Phosphorus	XXX	Annual	XXX	XXX	XXX	XXX
(Total Load, lbs)		974				
Effluent Net		Total				
		Annual				

\*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:

- Stormwater Prohibition, Approval Contingencies, Solids Management, Restriction on receipt of hauled in waste under certain conditions, and Chlorine minimization.

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.

**PA0085367**, Sewage, SIC Code 7033, **Sills Family Campground**, 1906 Bowmansville Road, Mohnton, PA 19540. Facility Name: Sills Family Campground. This existing facility is located in Brecknock 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), UNT to Little Muddy Creek (TSF, MF), is located in State Water Plan watershed 7-J 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 .00759 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	Report	XXX	XXX
May 1 - Oct 31	XXX	XXX	XXX	12.5	XXX	25
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report

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

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

The EPA Waiver is in effect.

**PA0087548 A-1**, Sewage, SIC Code 4952, **Artillery Ridge Campground, LLC**, P.O. Box 544, Glenmoore, PA 19343-0544. Facility Name: Artillery Ridge Camping Resort. This existing facility is located in Cumberland Township, **Adams County**.

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

The receiving stream(s), Unnamed Tributary to Rock Creek (WWF), is located in State Water Plan watershed 13-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0058 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	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
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX



Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Maximum	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.03	XXX	0.09
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)						
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
Ammonia-Nitrogen				Geo Mean		
May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4.0
Nov 1 - Apr 30	XXX	XXX	XXX	6.0	XXX	12.0

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0058 MGD.—Limits.

Parameter	Mass Units (lbs) <sup>(1)</sup>		Effluent Limitations			Instant. Maximum
	Monthly	Annual	Monthly	Annual Average	Maximum	
Ammonia—N	XXX	Report	XXX	Report	XXX	XXX
Kjeldahl—N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	Report	XXX	Report	XXX	XXX
Total Phosphorus	XXX	Report	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.02 MGD.—Final Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	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
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.02	XXX	0.05
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)						
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
Ammonia-Nitrogen				Geo Mean		
May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4.0
Nov 1 - Apr 30	XXX	XXX	XXX	6.0	XXX	12.0

The proposed effluent limits for Outfall 001 are based on a design flow of 0.02 MGD.—Limits.

Parameter	Mass Units (lbs) <sup>(1)</sup>		Effluent Limitations			Instant. Maximum
	Monthly	Annual	Monthly	Annual Average	Maximum	
Ammonia—N	XXX	Report	XXX	Report	XXX	XXX
Kjeldahl—N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	486.0	XXX	Report	XXX	XXX
Total Phosphorus	XXX	46.0	XXX	Report	XXX	XXX

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

- Solids Management for non-lagoon system, Chlorine minimization, Notification of designation of responsible operator.

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

The EPA Waiver is in effect.

**PA0267643**, Sewage, SIC Code 8800, **Scott Barrick**, 35 Mel Ron Court, Carlisle, PA 17015-8421. Facility Name: Barrick SRSTP. This proposed facility is located in Middlesex Township, **Cumberland 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 Spring Run (WWF, MF), is located in State Water Plan watershed 7B 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 .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
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000

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

The EPA Waiver is in effect.

*Southeast Regional Office*

**PA0024058**, Sewage, SIC Code 4952, **Kennett Square Borough, Chester County**, 120 Marshall Street, Kennett Square, PA 19348-3108. Facility Name: Kennett Square Borough WWTP. This existing facility is located in Kennett Square Borough, **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), West Branch Red Clay Creek (TSF, MF) and Unnamed Tributary to West Branch Red Clay Creek (TSF, MF), is located in State Water Plan watershed 3-I and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.1 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Daily Maximum</i>	<i>Average Quarterly</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0 Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> ) Nov 1 - Apr 30	230	365	XXX	25 Avg Mo	40 Wkly Avg	50
May 1 - Oct 31	152	228	XXX	17 Avg Mo	25 Wkly Avg	33
Influent	Report	Report	XXX	Report Avg Mo	Report Wkly Avg	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> ) Influent	Report	Report	XXX	Report Avg Mo	Report Wkly Avg	XXX
Total Suspended Solids	275	412	XXX	30 Avg Mo	45 Wkly Avg	60
Total Suspended Solids Influent	Report	Report	XXX	Report Avg Mo	Report Wkly Avg	XXX
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	Report Avg Mo	XXX	XXX
Ultraviolet light intensity (mW/cm <sup>2</sup> )	XXX	XXX	XXX	Report Avg Mo	XXX	XXX
Total Nitrogen	91.8	XXX	XXX	10.0 Avg Mo	20.0 Daily Max	XXX
Ammonia-Nitrogen Nov 1 - Apr 30	55	XXX	XXX	6.0 Avg Mo	XXX	12
May 1 - Oct 31	18	XXX	XXX	2.0 Avg Mo	XXX	4

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Daily Maximum</i>	<i>Average Quarterly</i>	
Total Phosphorus Nov 1 - Mar 31	18	XXX	XXX	2.0	XXX	4
Apr 1 - Oct 31	12	XXX	XXX	Avg Mo 1.3	XXX	2.6
Cadmium, Total	XXX	XXX	XXX	Avg Mo Report	XXX	XXX
Copper, Total	0.14	0.22	XXX	0.0153	0.0239	0.0383
Zinc, Total	1.2	Daily Max 1.87	XXX	Avg Mo 0.131	Daily Max 0.204	0.327
Phenolics, Total	0.21	Daily Max 0.42	XXX	Avg Mo 0.023	Daily Max 0.046	0.058

The proposed effluent limits for Outfall 001 are based on a design flow of 1.1 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Daily Maximum</i>	<i>Average Quarterly</i>	
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
Aluminum, Total	XXX	XXX	XXX	Avg Qrtly Report	Report	XXX
Cyanide, Free	XXX	XXX	XXX	Avg Qrtly Report	Daily Max Report	XXX
Silver, Total	XXX	XXX	XXX	Report	Report	XXX
2,4-Dinitrophenol	XXX	XXX	XXX	Report	Report	XXX
4,6-dinitro-o-cresol	XXX	XXX	XXX	Report	Report	XXX
3,3-Dichlorobenzidine	XXX	XXX	XXX	Report	Report	XXX
Benzidine	XXX	XXX	XXX	Report	Report	XXX
Bis(2-Ethylhexyl) Phthalate	XXX	XXX	XXX	Report	Report	XXX
Hexachlorobutadiene	XXX	XXX	XXX	Report	Report	XXX
Toxicity, Chronic - Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	Report	XXX	XXX
Toxicity, Chronic - Ceriodaphnia Reproduction (TUc)	XXX	XXX	XXX	Report	XXX	XXX
Toxicity, Chronic - Pimephales Survival (TUc)	XXX	XXX	XXX	Report	XXX	XXX
Toxicity, Chronic - Pimephales Growth (TUc)	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD (stormwater).—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>	
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	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
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	XXX

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

- Hauled-in Waste Restrictions
- UV System Monitoring Requirements
- Pretreatment Program Implementation
- Solids Management
- WET Testing
- WQBELs Below the Detection Limit
- Stormwater Requirements

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

The EPA Waiver is not in effect.

*Southwest Regional Office*

**PA0252816**, Sewage, SIC Code 1222, **Rosebud Mining Co.**, 301 Market Street, Kittanning, PA 16201-1504. Facility Name: Madison Deep Mine. This existing facility is located in Jackson Township, **Cambria County**.

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

The receiving stream, Saltlick Run (HQ-CWF), is located in State Water Plan watershed 18-E 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 .00193 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	0.00193	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.17
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	XXX	XXX	XXX	20	XXX	40
May 1 - Oct 31	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	20	XXX	40
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	15.0	XXX	30.0
May 1 - Oct 31	XXX	XXX	XXX	5.0	XXX	10.0

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

The EPA Waiver is in effect.

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

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD360075	New	Robert Sensenig 276 Scott Road Quarryville, PA 17566	Little Britain Lancaster County	SCRO
PAD670059	New	Helena Agri-Enterprises, LLC 225 Schilling Boulevard Suite 300 Collierville, TN 38017-7177	North Hopewell Township York County	SCRO
PAD140048	Renewal/ Transfer	Berks at Nittany Glen, LLC 590 S. Fillmore Road State College, PA 16803	Benner Township Centre County	NCRO
PAD020018A-1	New	Hammock Beach Partners, LLC 4276 Green Glade Court Allison Park, PA 15101	Fox Chapel Borough Allegheny County	SWRO
PAD020043	New	Moon Marketplace, LLC 965 Greentree Road Suite 400 Pittsburgh, PA 15220	Moon Township Allegheny County	SWRO
PAD020048	New	UPMC 200 Lothrop St Pittsburgh, PA 15213	City of Pittsburgh Allegheny County	SWRO



<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD020049	New	Sheetz, Inc. 5700 Sixth Avenue Altoona, PA 16602	Neville Township Allegheny County	SWRO
PAD020053	New	Urban Redevelopment Authority 412 Boulevard of the Allies Suite 901 Pittsburgh, PA 15219	City of Pittsburgh Allegheny County	SWRO
PAD020054	Renewal	Riviera Land Partners, LP 2585 Washington Road Bldg 100 Suite 130 Pittsburgh, PA 15241	Pine Township Allegheny County	SWRO
PAD020055	New	Pittsburgh-SSW Waterfront LLC 424 S 27th Street Suite 300 Pittsburgh, PA 15203	City of Pittsburgh Allegheny County	SWRO
PAD260013A-2	Amendment	Nemacolin Woodlands, Inc. 1001 Lafayette Drive Farmington, PA 15437	Wharton Township Fayette County	SWRO
PAD630062	New	North Strabane Township 1929 Route 19 Canonsburg, PA 15317	North Strabane Township Washington County	SWRO
PAD370008	New	Ellwood City Borough 525 Lawrence Avenue Ellwood City, PA 16117	Ellwood City Borough Lawrence County	NWRO
PA290001D	New	PA Turnpike Commission P.O. Box 67676 Harrisburg, PA 17106-7676	Taylor Township Fulton County	Regional Permit Coordination Office (RPCO) Rachel Carson State Office Building 400 Market Street Harrisburg, PA 17101 Email: RA-EPREGIONAL PERMITW@pa.gov

## STATE CONSERVATION COMMISSION

### PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed (National Pollutant Discharge Elimination System) NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30-days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

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

**ACT 38  
NUTRIENT MANAGEMENT PLANS  
CAFO PUBLIC NOTICE SPREADSHEET—APPLICATIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Steve and Lynn Hykes 1239 Hykes Road Greencastle, PA 17225	Franklin	632.3	682.86	Swine, Heifers	NA	Renewal

**PUBLIC WATER SUPPLY PERMITS**

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

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

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

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

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

**SAFE DRINKING WATER**

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

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

*Contact: Kimberleigh Rivers, Clerk Typist 2, 424.250.5887.*

**Permit No. 1521524, Public Water Supply.**

Applicant	<b>Downingtown Municipal Water Authority</b> 100 Water Plant Way Downingtown, PA 19335
Borough	Downingtown
County	<b>Chester</b>

Responsible Official	Downingtown Municipal Water Authority 100 Water Plant Way Downingtown, PA 19335
Type of Facility	PWS
Consulting Engineer	Remington & Vernick 922 Fayette Street Conshohocken, PA 19428
Application Received Date	November 30, 2021
Description of Action	Installation of groundwater chemical dosing equipment.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995  
PREAMBLE 1**

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

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

Under Sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as

a special industrial area. This period begins when a summary of the NOI to Remediate is published in a newspaper of general circulation in the area of the site. For the following identified site(s), proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30-days of the following specified date. During this comment period the municipality may request that the following identified person, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

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

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

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

*Contact: Eric Supey, Environmental Program Manager.*

**645 Belmont Avenue**, 645 Belmont Avenue, Mount Pocono, PA 18344, Mount Pocono Borough, **Monroe County**. JMT Industrial & Environmental Contracting Services, 710 Uhler Road, Easton, PA 18040, on behalf of Carolyn Howie Boyle, 209 Tenth Avenue, San Francisco, CA 94118, submitted a Notice of Intent to Remediate. Soil was contaminated by a release of heating oil from an underground storage tank. Future use of the site will be residential. The Notice of Intent to Remediate was published in the *Pocono Record* on November 7, 2021.

**W. Brooks Pad 2**, 147 Phillips Road, Springville. PA 18844, Springville Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of Coterra Energy Inc., 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Notice of Intent to Remediate. Soil was contaminated by a release of drilling mud and produced fluid (brine) to soil. Future use of the site will be residential. The Notice of Intent to Remediate was published in *The Susquehanna County Independent* on December 1, 2021.

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

**First National Bank Edgewood Drive Property**, 8 Edgewood Drive, Transfer, PA 16125, Pymatuning Township, **Mercer County**. Civil & Environmental Consultants, Inc., 4350 Northern Pike, Suite 141, Monroeville, PA 15146 on behalf of First National Bank, One FNB Boulevard, Hermitage, PA 16148 has submitted a Notice of Intent to Remediate. Historically, a gasoline station was operating on the property. After the underground storage tanks were removed, it was discovered site soil was contaminated with 1,2,4-TMB, 1,3,5-TMB, and Naphthalene; site groundwater contaminated with EDB, Benzene, 1,2-DCA, Ethylbenzene, Naphthalene, 1,2,4-TMB, and 1,3,5-TMB. The intended future use of

the property will be nonresidential. The Notice of Intent to Remediate was published in the *Record-Argus* on December 4, 2021.

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

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

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

**Permit Application No. 301291. Ashland, LLC**, 5200 Blazer Parkway, Dublin, OH 43017. An application for the change of ownership of the residual waste facility, Ashland Neville Island Facility in Neville Township, PA 15236-2532 in Baldwin Borough, **Allegheny County** to INEOS Composites US, LLC, 5200 Blazer Parkway, Dublin, OH 43017 was accepted as administratively complete in the Regional Office on October 22, 2019.

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

### **AIR QUALITY**

#### **PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS**

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

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

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department’s Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain



the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

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

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

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

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

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

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

**09-0152E: Gelest, Inc.** (11 E. Steel Road, Morrisville, PA 19067) for installation of a new chilled dewar trap (condenser) at their facility in Falls Township, **Bucks County**. The plan approval is for a Synthetic Minor facility, proposing an alternative VOC control method, the Dewar Trap, on an existing source (101) for use with materials of specific properties, to prevent any potential solid material getting entrained or plugging the existing condenser. The plan approval will include monitoring and recordkeeping requirements designed to keep the facility operating within all applicable air quality requirements.

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

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.*

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

**05-05021D: Creative Pultrusions, Inc.** (214 Industrial Lane, Alum Bank, PA 15521-8304) to issue a Plan Approval for additional In-Mold coating (IMC) units for the fiberglass pultrusion operation located in West Saint Clair Township, **Bedford County**. The estimated potential emissions increase related to this project is approximately 30.94 tpy of VOCs. The Plan Approval will include emission limits and work practice standards along with testing, 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 the 25 Pa. Code §§ 129.52 and 129.52d and 40 CFR 63 Subpart PPPP. Review by the Department indicates that the air contamination sources as constructed will comply with all regulatory requirements including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into a Title V Operating Permit pursuant to the administrative amendment provisions of 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.*

**14-00044A: TRS Technologies, Inc.** (2820 E. College Ave., Ste. J, State College, PA 16801) for the modification of an existing piezoelectric/dielectric materials manufacturing process (identified as the Crystallization Process) at its facility in College Township, **Centre County**. The application also identified other existing equipment including: a ceramics process; machining operations; plating process; associated cleanup operations; two emergency generator engines (one existing and one proposed); one parts washer. The Department of Environmental Protection's (Department's) review of the information submitted by the company indicates that the air contamination sources will comply with all regulatory requirements, including monitoring, recordkeeping, and reporting requirements, and pertaining to air contamination source and the emission of air contaminants including 25 Pa. Code Chapter 123, the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12, 40 CFR 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines and 40 CFR Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. Based on this finding, the Department proposes to issue a plan approval for the proposed modification to the Crystallization Process and the other sources. The emissions from the Crystallization Process will not exceed the following limits: 0.002 grain per dry standard cubic foot of particulate matter (PM/PM<sub>10</sub>/PM<sub>2.5</sub>) and 16.90 tons per 12-consecutive month period of volatile organic compounds (VOCs). In addition to the emission limitations,



the following is a brief description of the types of conditions the Department intends to place in the plan approval in order to ensure the Crystallization Process complies with all applicable air quality regulatory requirements: only ethanol or other non-HAP containing solvents may be used; the permittee shall engage in good housekeeping practices with respect to the use of VOC-containing solvents; the air contaminant emissions from the Crystallization Process shall be controlled by a GlasFloss HEPA filter; the permittee shall follow its Standard Operating Procedures with respect to inspecting and maintaining the HEPA filter. The facility is a State Only facility. If the Department determines that the Crystallization Process is modified and operated in compliance with the plan approval conditions and the specifications of the application for Plan Approval 14-00044A, the applicant will subsequently apply for a State Only Operating Permit in accordance with 25 Pa. Code Subchapter F. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

**18-00011M: Croda, Inc.** (8 Croda Way, Mill Hall, PA 17751) for the removal of the existing methyl chloride thermal oxidizer, water quench, and hydrochloric acid scrubber and the installation of a new regenerative thermal oxidizer (RTO), water quench assembly, and packed bed acid gas control scrubber to control VOC and HAP emissions generated from the manufacture of quaternary ammonium and methylation products at the Mill Hall Facility located in Bald Eagle Township, **Clinton County**. The Department of Environmental Protection's (Department) review of the information submitted by Croda, Inc. indicates that the proposed equipment will comply with all regulatory requirements pertaining to air cleaning devices and the emission of air contaminants including the best available technology requirement of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the installation of the proposed control devices. The emissions of VOCs from the Methyl Chloride Production Area shall not exceed 1.42 tons in any 12 consecutive month period. The emissions of total combined HAPs from the Methyl Chloride Production Area shall not exceed 2.08 tons in any 12 consecutive month period. The packed bed scrubber shall provide a HCl removal efficiency of at least 99.5%. The Methyl Chloride RTO shall subject all methyl chloride emissions to a minimum destruction efficiency of at least 99% or reduce the methyl chloride emissions to a concentration of less than 10 ppmv (as propane). In addition to the emission limitations, the proposed plan approval includes monitoring, work practice, recordkeeping and reporting requirements in order to ensure and verify compliance with the emission limits and control efficiency requirements as well as all applicable air quality regulatory requirements. The facility is a State Only facility. If 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 18-00011M, the requirements established in the plan approval will be incorporated into State Only Operating Permit 18-00011 pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street,

Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

#### OPERATING PERMITS

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

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

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

**24-00083: Mersen USA GS Corporation—Saint Marys (Mersen)** (1032 Trout Run Rd, Saint Marys, PA 15857), the Department intends to issue the renewal Title V Operating Permit of a graphite manufacturing facility located in Saint Marys City, **Elk County**. Permitted air contamination sources at the facility include: units for different operations performed, namely crushing and screening, grinding, pulverizing, mixing, blending, baking, graphitizing, and machining; natural gas-fueled emergency generators; and parts cleaners. In this renewal, a screening operation, a roller mill, units controlled by common dust collectors, a corner grinder mill, and five natural gas-fueled emergency generators are added as permitted sources. Three emergency generators are subject to 40 CFR 63 Subpart ZZZZ while the other two emergency generators are subject to 40 CFR 60 Subpart JJJJ. Provisions on source test submittals are revised based on the latest instructions from Source Testing Section. A source no longer onsite and a source ID no longer used are removed from the permit.

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

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

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

**46-00140: Amatex, LLC** (1032 Stanbridge Street, Norristown, PA 19404) for the renewal of a Non-Title V Facility, State-Only, Natural Minor Permit in Norristown Borough, **Montgomery County**. Amatex LLC manufactures heat resistant fiberglass yarn and textiles. The emissions of concern which vent from the heat-treating units, drying ovens, and a texturizer have the following potential to emit: Particulate Matter is 2.43 tons per year, Nitrogen oxides is 5.51 tons of per year, Sulfur oxides is 7.71 tons of per year, and Volatile Organic Compounds is 2.11 tons of per year. The renewal contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**46-00044: Glasgow, Inc.** (Church & Flint Hill Roads, King of Prussia, PA 19406), located in Upper Merion Township, **Montgomery County**, for a renewal of State Only (Synthetic Minor) Operating Permit No. 46-00044 for its McCoy Quarry & Asphalt Plant facility. The facility's air emissions sources consist of a batch hot mix

asphalt (HMA) plant, a primary stone crushing plant, and a secondary stone crushing plant. The batch HMA plant is subject to a HMA production restriction of 576,000 tons per year, and the facility is subject to site-level nitrogen oxide (NO<sub>x</sub>) and volatile organic compound (VOC) emission restrictions of less than 25 tons/yr each. No changes have occurred at the facility since the State Only Operating Permit (SOOP) was last amended in May 2018.

The batch HMA plant is subject to the provisions of 40 CFR Part 60, Subpart I, for HMA facilities, and the primary stone crushing plant and two of the three secondary stone crushers of the secondary stone crushing plant are subject to the provisions of 40 CFR Part 60, Subpart OOO, for nonmetallic mineral processing plants. The SOOP renewal will include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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

**15-00137: Johnson Matthey/Advanced Glass Technologies Division** (498 Acorn Lane, Downingtown, PA 19335) located in Downingtown, **Chester County** for the renewal of a State-Only Operating Permit. This facility is classified as Natural Minor facility. Johnson Matthey manufactures enamel and conductive pastes for glass windshields used in the automotive industry, decorative enamel pastes for ceramic glass decoration and decorative precious metal products. There is no increases of Volatile Organic Compounds (VOCs) or Hazardous Air Pollutants (HAPS) with this renewal. The facility VOC emissions remains capped at 12.20 tons per year and the facility HAP emission limit remain capped at 6.75 tons per year. The Operating Permit will contain monitoring, recordkeeping, reporting and work practice conditions designed to address all applicable air quality requirements.

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

**09-00121: Philadelphia Macaroni Co.** (40 Jacksonville Road, Warminster, PA 18974) for a non-Title V (State-Only), Natural Minor, Operating Permit Renewal. This facility manufactures pasta products in Warminster Township, **Bucks County**. The major sources of air emissions are the pneumatic conveying system controlled by five dust collectors and two boilers. The facility has a potential to emit 22.59 tons of particulate matter. The renewal will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

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

**38-03016: PA Precision Cast Parts, Inc.** (521 North 3rd Street, P.O. Box 1429, Lebanon, PA 17042) to issue a State-Only Operating Permit for the operation of a steel investment foundry in the City of Lebanon, **Lebanon County**. Potential emissions from the facility are estimated to be 3.25 tpy CO, 1.59 tpy NO<sub>x</sub>, 0.29 tpy PM, 0.02 tpy SO<sub>x</sub>, 5.19 tpy VOC and 0.06 tpy combined 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 63, Subpart ZZZZZ—National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources and 40 CFR 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

**67-03175: Cintas Corp.** (27 Whitney Drive, Milford, OH 45150) to issue a State Only Operating Permit for the industrial laundering facility located in City of York, **York County**. The restricted potential emissions from the facility are calculated to be 6.39 tpy NO<sub>x</sub>, 5.37 tpy CO, 0.04 tpy SO<sub>x</sub>, 4.47 tpy PM<sub>10</sub>, 3.33 tpy PM<sub>2.5</sub>, 9.65 tpy VOC and 3.41 tpy HAPs. The Operating Permit will include emission limits, throughput limits, fuel restrictions, and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

**19-00004: Cheetah Chassis Corp.** (P.O. Box 388, Berwick, PA 18603) for issuance of a State-Only (Synthetic Minor) Operating Permit for their facility in the Borough of Berwick, **Columbia County**. The facility is currently operating under Title V Operating Permit 19-00004. The facility has voluntarily requested coating content and throughput limitations to qualify for synthetic minor status. The facility's main sources include 19 natural gas-fired space heaters less than 2.5 million Btu per hour, two natural gas-fired space heaters less than 5.0 million Btu per hour, two chassis painting lines, equipment cleanup activities, two curing ovens, spray guns washer, two shot blast booths, and miscellaneous sources determined to be of minor significance. The facility has potential emissions of 6.17 tons per year of carbon monoxide, 7.35 tons per year of nitrogen oxides, 0.04 ton per year of sulfur oxides, 53.76 tons per year of particulate matter with an aerodynamic diameter of less than 10 microns, 53.76 tons of particulate matter with an aerodynamic diameter of less than 2.5 microns, 49.99 tons per year of volatile organic compounds, 19.31 tons per year of total hazardous air pollutants (HAPs), and

8,750 tons per year of carbon dioxide equivalents (greenhouse gases). Revisions include incorporating spray-booth monitoring requirements approved via Request for Determination and incorporating coating content and throughput limits to qualify for synthetic minor status. The emission limits, throughput limitations and work practice standards along with testing, monitoring, recordkeeping, and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the SMOP have been derived from the applicable requirements of 40 CFR Part 64 and 25 Pa. Code Article III, Chapters 121–145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

### COAL & NONCOAL MINING ACTIVITY APPLICATIONS

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

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection. A copy of the application is available for inspection at the District Mining Office indicated

above each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

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

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

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

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

#### *Coal Applications Received*

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

Table 1

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

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

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

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

**Permit No. 17110101 and NPDES No. PA0257516. A.W. Long Coal Company, 127 Logan Street, Philipsburg, PA 16866.** Permit renewal application for a bituminous surface coal mine and associated NPDES permit located in Morris Township, **Clearfield County**, affecting 361.9 acres. Receiving stream(s): Bell Run and unnamed tributaries to Bell Run classified for the following use(s): CWF, MF. Application received: November 29, 2021.



*Noncoal Applications Received*

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

Table 2

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

\* The parameter is applicable at all times.

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

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

**Permit No. 53200301 and NPDES No. PAM221027. Duffy, Inc.,** P.O. Box 374, 1 Delta Drive, Smethport, PA 16749. New permit application for commencement, operation, and restoration of a large noncoal (industrial minerals) surface mine located in Roulette Township, **Potter County**, affecting 61.0 acres. A land use change from forestland to unmanaged natural habitat is proposed with this application. The surface mining operation proposes to conduct blasting. Receiving stream(s): Allegheny River classified for the following use(s): CWF. A variance is included to conduct mining and support activities within 100 feet of and extending up to the northern right of way line of a portion of PA Route 6. Application received: November 18, 2021.

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

**NPDES Permit No. PA0225622. Wayco, Inc.,** 198 O'Connell Road, Waymart, PA 18472, renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation on Surface Mining Permit No. 64160301 in Palmyra Township, **Wayne County**, affecting 36 acres. Receiving stream: unnamed tributary to Wallenpaupack Creek, classified for the following uses: HQ-WWF and migratory fishes. 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.

*Noncoal NPDES Draft Permits*

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

**NPDES Permit No. PA0225282 (Mining Permit No. 7873SM1). Penn Big Bed Slate Co., Inc.**, P.O. Box 184, Slatington, PA 18080, relocation of outfall and renewal of NPDES Permit on the Manhattan Quarry in Washington Township, **Northampton County**, affecting 50.07 acres. Receiving stream: unnamed tributary to Trout Creek Watershed, classified for the following uses: CWF, MF. 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: June 23, 2020.

Outfall Nos.	New Outfall (Y/N)		Type	
	001	No	Pitwater/Stormwater	
<i>Outfalls: 001</i>				
<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous 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
Discharge (MGD)		0.45	1.03	

**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)).**

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

**E1404221-006: Haines Township**, P.O. Box 244, Aaronsburg, PA 16820, Ingleby Road Culverts, Haines Township, **Centre County**, U.S. Army Corps of Engineers Baltimore District (Coburn Quadrangle; 40° 51' 32.3744" N; 77° 25' 29.4268" W).

The applicant proposes to construct and maintain nine culvert installations within the floodway of High Valley Run (HQ-CWF). The purpose and need of this project is to increase the safety of the traveling public on Ingleby Road. The project proposes .03 acre of permanent direct floodway impacts.

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

*Contact: Robert Marquez, Senior Project Manager, Telephone Number: 570-327-3636.*

**E0829221-025: Chesapeake Appalachia, LLC**, 14 Chesapeake Lane, Sayre, PA 18840, Wilmot Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. A well pad access road impacting 1,568 square feet (0.036 acre) of a Palustrine Scrub-Shrub Wetland (EV) (Colley, PA Quadrangle Latitude: 41.590691°, Longitude: -76.321368°).

This project is an after-the-fact permit that is associated with the Chesapeake Audit and will result in 1,568 square feet (0.036 acre) of permanent PSS wetland impacts, all for the purpose of installing a natural gas well pad and permanent access road for Marcellus Shale development in Wilmot Township, Bradford County. The permittee will provide 0.10 acre of PSS wetland mitigation at Camp Brook Restoration (Elkland, PA Quadrangle, Latitude: 41.988385°, Longitude: -77.337152°), permit application number E5929221-006.

**Permit No. E0829221-018, Chesapeake Appalachia, LLC**, 14 Chesapeake Lane, Sayre, PA 18840-1567, Freshwater Impoundment and associated infrastructure. Keystone Lane, City of Troy, **Bradford County**; ACOE, Baltimore Office.

To construct, operate, and maintain:

1) a temporary wetland impact from construction activities impacting 5,227 square feet (0.120 acre) of Palustrine Emergent Wetlands (PEM) (East Troy, PA Quadrangle; Latitude: 41° 45' 52", Longitude: -76° 41' 34"),

2) a temporary wetland impact from construction activities impacting 1,089 square feet (0.025 acre) of Palustrine Emergent Wetlands (PEM) (East Troy, PA Quadrangle; Latitude: 41° 45' 52", Longitude: -76° 41' 32"),

3) a permanent wetland impact from fill materials impacting 305 square feet (0.007 acre) of Palustrine Emergent Wetlands (PEM) (East Troy, PA Quadrangle; Latitude: 41° 45' 52", Longitude: -76° 41' 35"),

4) a temporary wetland impact from wetland restoration activities impacting 5,009 square feet (0.115 acre) of Palustrine Emergent Wetlands (PEM) (East Troy, PA Quadrangle; Latitude: 41° 45' 52", Longitude: -76° 41' 34"),

5) a temporary wetland impact from wetland restoration activities impacting 436 square feet (0.010 acre) of Palustrine Emergent Wetlands (PEM) (East Troy, PA Quadrangle; Latitude: 41° 45' 52", Longitude: -76° 41' 34"),

6) a permanent wetland impact from wetland restoration activities impacting 174 square feet (0.004 acre) of Palustrine Emergent Wetlands (PEM) (East Troy, PA Quadrangle; Latitude: 41° 45' 51", Longitude: -76° 41' 34").

The Brad 14—Ward Frac Pond, located in West Burlington Township, Bradford County, seeks after-the-fact authorization in accordance with the Consent Decree Chesapeake Appalachia, LLC entered into with the U.S. Environmental Protection Agency and the PA Department of Environmental Protection on May 20, 2021. Prior unauthorized impacts resulted in 6,316 square feet (0.145 acre) of temporary PEM wetland impacts and 305 square feet (0.007 acre) of permanent PEM wetland impacts. Wetland restoration activities will result in 5,445 square feet (0.125 acre) of temporary PEM wetland impacts and 174 square feet (0.004 acre) of permanent PEM wetlands impacts to restore and mitigate for prior activities adjacent to the Freshwater Impoundment and supporting infrastructure.

**Permit No. E6629221-006, Chesapeake Appalachia, LLC**, 14 Chesapeake Lane, Sayre, PA 18840-1567, Freshwater Impoundment and associated infrastructure. Brooks Hill Road, City of Meshoppen, **Wyoming County**; ACOE, Baltimore Office.

To construct, operate, and maintain:

1) 1.a temporary wetland impact from construction activities impacting 15,028 square feet (0.34 acre) of Palustrine Emergent Wetlands (PEM) (Springville, PA Quadrangle; Latitude: 41° 38' 39", Longitude: -75° 57' 55"),

2) a temporary wetland impact from construction fill activities impacting 174 square feet (0.01 acre) of Palustrine Emergent Wetlands (PEM) (Springville, PA Quadrangle; Latitude: 41° 38' 39", Longitude: -75° 57' 55"),

3) a temporary wetland impact from construction activities impacting 348 square feet (0.01 acre) of Palustrine Emergent Wetlands (PEM) (Springville, PA Quadrangle; Latitude: 41° 38' 39", Longitude: -75° 57' 56"),

4) a temporary wetland impact from construction activities impacting 1,002 square feet (0.02 acre) of Palustrine Emergent Wetlands (PEM) (Springville, PA Quadrangle; Latitude: 41° 38' 30", Longitude: -75° 58' 01"),

5) a temporary wetland impact from construction activities impacting 2,483 square feet (0.06 acre) of Palustrine Emergent Wetlands (PEM) (Springville, PA Quadrangle; Latitude: 41° 38' 35", Longitude: -75° 57' 58"),

6) a permanent wetland impact from construction fill activities impacting 10,716 square feet (0.25 acre) of Palustrine Emergent Wetlands (PEM) (Springville, PA Quadrangle; Latitude: 41° 38' 3", Longitude: -75° 57' 58"),

7) a permanent wetland impact from construction fill activities impacting 18,905 square feet (0.43 acre) of Palustrine Emergent Wetlands (PEM) (Springville, PA Quadrangle; Latitude: 41° 38' 35", Longitude: -75° 57' 58"),

8) a temporary wetland impact from wetland restoration activities impacting 15,547 square feet (0.36 acre) of Palustrine Emergent Wetlands (PEM) (Springville, PA Quadrangle; Latitude: 41° 38' 39", Longitude: -75° 57' 55"),

9) a temporary wetland impact from wetland restoration activities impacting 600 square feet (0.01 acre) of Palustrine Emergent Wetlands (PEM) (Springville, PA Quadrangle; Latitude: 41° 38' 39", Longitude: -75° 57' 56"),

10) a temporary wetland impact from wetland restoration activities impacting 3,507 square feet (0.08 acre) of Palustrine Emergent Wetlands (PEM) (Springville, PA Quadrangle; Latitude: 41° 38' 30", Longitude: -75° 57' 59"),

11) a temporary wetland impact from wetland restoration activities impacting 2,758 square feet (0.06 acre) of Palustrine Emergent Wetlands (PEM) (Springville, PA Quadrangle; Latitude: 41° 38' 30", Longitude: -75° 58' 00").

The Wyom 5—Gustin Frac Pond, located in Washington Township, Wyoming County, seeks after-the-fact authorization in accordance with the Consent Decree Chesapeake Appalachia, LLC entered into with the U.S. Environmental Protection Agency and the PA Department of Environmental Protection on May 20, 2021. Prior unauthorized impacts resulted in 19,035 square feet (0.44 acre) of temporary PEM wetland impacts and 29,621 square feet (0.68 acre) of permanent PEM wetland impacts. Wetland restoration activities will result in 22,412 square feet (0.51 acre) of temporary PEM wetland impacts to restore and mitigate for prior activities adjacent to the Freshwater Impoundment and supporting infrastructure.

#### ENVIRONMENTAL ASSESSMENTS

*Northwest Region: Oil & Gas Office, 230 Chestnut Street Meadville PA 16335, 814-332-6860.*

**E2408221-003, National Fuel Gas Midstream Clermont, LLC**, 6363 Main Street, Williamsville, NY 14221, Beechwood Phase I, in St. Marys Township, Jones Township, **Elk County**, ACOE Pittsburgh District & Baltimore District, Rich Valley, Wildwood Fire Tower, PA Quadrangle N: 41°, 31', 42.49"; W: 78°, 19', 24.97".

The proposed project is for the installation of steel natural gas pipelines and a waterline to connect proposed

and existing natural gas well pads to an existing compressor station along Shawmut Grade Road. The total proposed alignment is approximately 14 miles long. Roughly half of the route is in Elk County and half is in Cameron County. The proposed project impacts in Elk County include a total of 100 linear feet of permanent impacts, and 612 linear feet of temporary impacts to Clear Creek (EV, MF), UNT's to Little Clear Creek (EV, MF), Little Clear Creek (EV, MF) and UNT's to Straight Creek (EV). Eight floodways will be impacted having 0.05 acre of permanent impacts and 1.08 acres of temporary impacts. 0.03 acre of permanent impacts and 0.90 acre of temporary impacts to Palustrine Emergent wetland(s) are also proposed.

**E1208221-001, National Fuel Gas Midstream Clermont, LLC**, 6363 Main Street, Williamsville, NY 14221, Beechwood Phase I, in Shippen Township, **Cameron County**, ACOE Pittsburgh District & Baltimore District, Rich Valley, Wildwood Fire Tower, PA Quadrangle N: 41°, 31', 42.49"; W: 78°, 19', 24.97".

The proposed project is for the installation of steel natural gas pipelines and a waterline to connect proposed and existing natural gas well pads to an existing compressor station along Shawmut Grade Road. The total proposed alignment is approximately 14 miles long. Roughly half of the route is in Elk County and half is in Cameron County. The proposed project impacts in Elk County include a total of 60 linear feet of permanent impacts, and 457 linear feet of temporary impacts to Clear Creek (EV, MF), UNT's Clear Creek (EV, MF), and UNT's to Bobby Run (EV, MF). Eight floodways will be impacted having 0.03 acre of permanent impacts and 0.90 acre of temporary impacts. 0.06 acre of permanent impacts and 0.02 acre of temporary impacts to Palustrine Emergent wetland(s) and 0.03 acre of permanent impacts to Palustrine Forested wetland(s) are also proposed. Mitigation for project impact will be located adjacent to the pipeline right of way with 0.21 acre of wetland being created.

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

**EA4615221-001. Perkiomen Township**, 1 Trappe Road, Collegeville, PA 19426, Perkiomen Township, **Montgomery County**, U.S. Army Corps of Engineers Philadelphia District.

Project proposes to remove approximately 2,750 cubic yards of legacy sediment along unnamed tributaries to Perkiomen Creek (TSF, MF) for the purpose of restoring natural aquatic resources, including restoration of approximately 1.09 acres of integrated wetlands and streams within the floodplain; to realign approximately 1,775 linear feet of watercourses; to place stream and valley grade control structures; to place log sills, woody debris, and other aquatic habitat structures within the restoration areas; to construct rock construction entrances, temporary stream crossings, and other erosion controls during restoration activities. The restoration project is located within floodplain areas of the unnamed tributaries to Perkiomen Creek beginning upstream of the Bridge Street crossing in Schwenksville, PA USGS Quadrangle: Collegeville, Latitude 39.828271; Longitude -77.223888.



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

**EA6629221-001: Chesapeake Appalachia, LLC**, 14 Chesapeake Lane, Sayre, PA 18840-1567, Dunny Wyo Pad in Windham Township, **Wyoming County**, ACOE Baltimore District.

This Joint Permit Application is being submitted for after-the-fact authorization of permanent wetland impacts at the Dunny Wyo Pad in accordance with the Consent

Decree United States, et al. v. Chesapeake Appalachia, LLC, Civil Action No. 4:21—00538-MWB CALLC entered into with the U.S. Environmental Protection Agency and PADEP on May 20, 2021. The project is to construct, operate and maintain 0.100 acre of temporary impact to on-site wetlands. All impacts are associated with the Dunny Wyo Pad construction in 2011.

There are no stream and floodway impacts associated with this after-the-fact authorization. The project will result in a total of 4356 SF (0.100 acre) of temporary wetland impacts.

#### Wetland Impact Table:

Resource Name	Municipality Quadrangle	Activity	Cow. Class	Listed Trout	Impact Length Temp. (LF)	Impact Area Temp. (SF)	Impact Length Perm. (LF)	Impact Area Perm. (SF)	Lat. Long.
Construction W-SLH-054-T	Windham Meshoppen	Temporary Workspace	PFO; EV	None	125	4,356			41.595127° 76.120606°
TOTAL IMPACTS					125	4,356			

#### EROSION AND SEDIMENT CONTROL

The following parties have applied for an Erosion and Sediment Control Permit (ESCP) for an earth disturbance activity associated with either a road maintenance or timber harvesting operation.

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

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

Following the 30-day comment period, the appropriate Regional Office Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity are on file and may be inspected at the office identified in this notice.

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

#### Applications received under Sections 5 and 402 of the Clean Streams Law (35 P.S. §§ 691.5 and 691.402).

*Southwest District: Oil & Gas Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4281.*

ESCGP-3 # ESG073021006-00

Applicant Name EQM Gathering OPCO LLC

Contact Person Gregg West

Address 2200 Energy Drive

City, State, Zip Canonsburg, PA 15317

County Greene

Township(s) Springhill

Receiving Stream(s) and Classification(s) Pennsylvania Fork Fish Creek (WWF), Pigeon Run (WWF), Bissett Run (WWF)

Secondary Receiving Water—Fish Creek in Ohio, Pennsylvania Fork Fish Creek (WWF)

#### ACTIONS

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

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

The Department has taken the following actions on previously received applications for new, amended, and renewed NPDES and WQM permits, applications for permit waivers, and NOIs for coverage under General Permits, as listed in



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

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

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

*DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 717.826.5472. 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>
PAS232209	Industrial Stormwater Individual NPDES Permit	Issued	Jeld Wen Inc. 700 W Main Street P.O. Box 259 Ringtown, PA 17967	Ringtown Borough Schuylkill County	NERO
PA0260738	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	Nitterhouse Concrete Products Inc. P.O. Box 2013 Chambersburg, PA 17201-0813	Guilford Township Franklin County	SCRO
PA0096792	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Techs Ind 2400 2nd Avenue Pittsburgh, PA 15219-3116	Pittsburgh City Allegheny County	SWRO
PA0036765	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Scranton Hospital Co. LLC 746 Jefferson Avenue Scranton, PA 18510-1624	Tunkhannock Township Wyoming County	NERO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0095362	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Laurelville Mennonite Church Center Assoc 941 Laurelville Lane Mt Pleasant, PA 15666-2540	Mount Pleasant Township Westmoreland County	SWRO
PA0097233	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	South Versailles Township Allegheny County 471 Weigles Hill Road Elizabeth, PA 15037-2125	South Versailles Township Allegheny County	SWRO
PA0102717	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Jones Estates Sandy Hills LLC 230 Sandy Hill Road Valencia, PA 16059-3332	Middlesex Township Butler County	NWRO
PA0218901	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Totteridge Properties 2029 Totteridge Drive Greensburg, PA 15601-8521	Salem Township Westmoreland County	SWRO
PA0255173	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Consol PA Coal Co. LLC 1000 Consol Energy Drive Suite 100 Canonsburg, PA 15317-6506	Morris Township Washington County	SWRO
PA0260134	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Lebanon County Comm 400 South 8th Street Lebanon, PA 17042-6794	Cornwall Borough Lebanon County	SCRO
PA0272795	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Matthew R Hinkle 5137 Clayton Circle New Castle, PA 16156	Slippery Rock Township Lawrence County	NWRO
PA0033871	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Perano Frank T P.O. Box 677 Morgantown, PA 19543-0677	White Township Indiana County	NWRO
PA0056413	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Lower Salford Township Authority Montgomery County 57 Main Street Harleysville, PA 19438-2515	Lower Salford Township Montgomery County	SERO
PA0065048	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Nicholson Borough Authority Wyoming County P.O. Box 324 Nicholson, PA 18446-0324	Nicholson Township Wyoming County	NERO
PA0084174	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Envigo Global Svcs Inc. 310 Swamp Bridge Road Denver, PA 17517-8723	West Cocalico Township Lancaster 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>
3693415	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Envigo Global Svcs Inc. 310 Swamp Bridge Road Denver, PA 17517-8723	West Cocalico Township Lancaster County	SCRO
3809405	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Lebanon County Comm 400 South 8th Street Lebanon, PA 17042-6794	Cornwall Borough Lebanon County	SCRO
NOEXSE024	No Exposure Certification	Issued	GXO Warehouse Co. Inc. 41 Runway Road Levittown, PA 19057	Bristol Township Bucks County	SERO
PAG043934	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Sergey & Olga Pinchuk 1363 Gabriel Lane Warwick, PA 18974	Hopewell Township Huntingdon County	SCRO
PAG120002	PAG-12 NPDES General Permit for CAFOs	Issued	Hickory Hollow Farm LLC 491 Barnsley Road Oxford, PA 19363-4105	East Nottingham Township Chester County	SCRO
PAG120002	PAG-12 NPDES General Permit for CAFOs	Issued	Hickory Hollow Farm LLC 491 Barnsley Road Oxford, PA 19363-4105	East Nottingham Township Chester County	SCRO
PAG120009	PAG-12 NPDES General Permit for CAFOs	Issued	Windy Pine Farm 410 Barnsley Road Oxford, PA 19363-4105	East Nottingham Township Chester County	SCRO
PAG122210	PAG-12 NPDES General Permit for CAFOs	Issued	Joe Jurgielewicz & Son Ltd P.O. Box 257 Shartlesville, PA 19554-0257	Hegins Township Schuylkill County	SCRO
PAG123640	PAG-12 NPDES General Permit for CAFOs	Issued	Melmar Acres 1612 Pecks Road Middletown, PA 17057	Londonderry Township Dauphin County	SCRO
PAG123658	PAG-12 NPDES General Permit for CAFOs	Issued	Bange Harley 15629 Trough Creek Valley Pike Huntingdon, PA 16652-3785	Union Township Huntingdon County	SCRO
PAG123679	PAG-12 NPDES General Permit for CAFOs	Issued	Terry L Hershey Farm 573 Strasburg Road Paradise, PA 17562-9703	Paradise Township Lancaster County	SCRO
PAG123701	PAG-12 NPDES General Permit for CAFOs	Issued	Cathy L & David W Reifsneider 2596 New Bridgeville Road Felton, PA 17322-7705	Chanceford Township York County	SCRO
PAG123721	PAG-12 NPDES General Permit for CAFOs	Issued	Staub Dennis & Staub Denise 352 Fleshman Mill Road New Oxford, PA 17350-9080	Reading Township Adams County	SCRO
PAG123749	PAG-12 NPDES General Permit for CAFOs	Issued	Sweigart Kenton L 465 Colebrook Road Mount Joy, PA 17552-9777	East Donegal Township Lancaster County	SCRO
PAG123750	PAG-12 NPDES General Permit for CAFOs	Issued	Meadow Wood Farms 2075 Colebrook Road Lebanon, PA 17042-9512	North Cornwall Township Lebanon County	SCRO
PAG123826	PAG-12 NPDES General Permit for CAFOs	Issued	Weaver Garrett 1501 Eshelman Mill Road Willow Street, PA 17584-9550	West Lampeter Township Lancaster County	SCRO
PAG123898	PAG-12 NPDES General Permit for CAFOs	Issued	Mountain View Swine Farms 411 Chestnut Street Lebanon, PA 17042-6142	Bethel Township Berks County	SCRO
PAG123899	PAG-12 NPDES General Permit for CAFOs	Issued	Finkbiner Craig D 2452 Free Spring Church Road McAlisterville, PA 17049-8593	Fayette Township Juniata County	SCRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG124853	PAG-12 NPDES General Permit for CAFOs	Issued	Beaver Run Farms Inc. 3038 Beaver Run Road Mifflinburg, PA 17844-7808	West Buffalo Township Union County	SCRO
1502419	Pump Stations Individual WQM Permit	Issued	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	Valley Township Chester County	SERO
1503404	Pump Stations Individual WQM Permit	Issued	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	Valley Township Chester County	SERO
1506413	Pump Stations Individual WQM Permit	Issued	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	Valley Township Chester County	SERO
1072419	Sewage Treatment Facilities Individual WQM Permit	Issued	Jones Estates Sandy Hills LLC 230 Sandy Hill Road Valencia, PA 16059-3332	Middlesex Township Butler County	NWRO
3915403	Sewage Treatment Facilities Individual WQM Permit	Issued	Allentown City Lehigh County Department of Public Works 435 Hamilton Street Allentown, PA 18101	Allentown City Lehigh County	NERO
6221411	Sewage Treatment Facilities Individual WQM Permit	Issued	Geer James 1252 Scandia Road Warren, PA 16365-8440	Glade Township Warren County	NWRO
PA0093955	Single Residence STP Individual NPDES Permit	Issued	Decarlo Mark P 2800 Washington Boulevard McKeesport, PA 15037	Middlecreek Township Somerset County	SWRO
PA0232980	Single Residence STP Individual NPDES Permit	Issued	Laura L & Terry L Clary 6601 Chestnut Grove Highway Luthersburg, PA 15848-5014	Bloom Township Clearfield County	NCRO
PA0255122	Single Residence STP Individual NPDES Permit	Issued	Rosier Benjamin A 6201 Penn Drive Butler, PA 16002-0443	Bell Acres Borough Allegheny County	SWRO
PA0267511	Single Residence STP Individual NPDES Permit	Issued	Mahone Alan D 531 Maple Grove Road Abbottstown, PA 17301	Franklin Township Adams County	SCRO
PA0267597	Single Residence STP Individual NPDES Permit	Issued	Nail Edward J Jr 3794 Kettle Road Altoona, PA 16601-8522	Tyrone Township Blair County	SCRO
PA0276456	Single Residence STP Individual NPDES Permit	Issued	Scott Petersen 9 Paige Trail Perkasie, PA 18944-2646	Upper Saucon Township Lehigh County	NERO
PA0287962	Single Residence STP Individual NPDES Permit	Issued	Siegler Richard 455 Dutch Road Fairview, PA 16415-1633	Fairview Township Erie County	NWRO
PA0289868	Single Residence STP Individual NPDES Permit	Issued	Amanda & Jason Hoag 7117 Clark Road Erie, PA 16510-5940	Harborcreek Township Erie County	NWRO



<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0121402	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Mahone Alan D 531 Maple Grove Road Abbottstown, PA 17301	Franklin Township Adams County	SCRO
0721405	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	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	Issued	Laura L & Terry L Clary 6601 Chestnut Grove Highway Luthersburg, PA 15848-5014	Bloom Township Clearfield County	NCRO
2519420	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Siegler Richard 455 Dutch Road Fairview, PA 16415-1633	Fairview Township Erie County	NWRO
2521425	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Amanda & Jason Hoag 7117 Clark Road Erie, PA 16510-5940	Harborcreek Township Erie County	NWRO
3921402	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Scott Petersen 9 Paige Trail Perkasie, PA 18944-2646	Upper Saucon Township Lehigh County	NERO
PA0263672	Small Flow Treatment Facility Individual NPDES Permit	Issued	Jacquelyn D & Ty A Sornberger 7321 W Lake Road Fairview, PA 16415-1459	Fairview Township Erie County	NWRO
PA0289761	Small Flow Treatment Facility Individual NPDES Permit	Issued	Geer James 1252 Scandia Road Warren, PA 16365-8440	Glade Township Warren County	NWRO
WQG01311301	WQG-01 WQM General Permit	Issued	Sergey & Olga Pinchuk 1363 Gabriel Lane Warwick, PA 18974	Hopewell Township Huntingdon County	SCRO
WQG02150618	WQG-02 WQM General Permit	Issued	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	Valley Township Chester County	SERO
WQG02150710	WQG-02 WQM General Permit	Issued	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	Valley Township Chester County	SERO
WQG02152103	WQG-02 WQM General Permit	Issued	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055-4436	Valley Township Chester County	SERO

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

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC090014	PAG-02 General Permit	Issued	US Home Corporation DBA Lennar 1285 Drummers Lane Wayne, PA 19087-1572	Plumstead Township Bucks County	SERO

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC090035 A-1	PAG-02 General Permit	Issued	Kalimar Properties, LLC 1 Elsa Way Richboro, PA 18954-1411	Falls Township Bucks County	SERO
PAC090479	PAG-02 General Permit	Issued	Britton Realty of Morrisville, LLC 227 Bakers Basin Road Lawrenceville, PA 08648-3307	Falls Township Morrisville Borough Bucks County	SERO
PAD510225	PAG-02 General Permit	Issued	Spring Philadelphia Owner, LLC 3990 Hillsboro Pike Suite 400 Nashville, TN 37215	City of Philadelphia Philadelphia County	SERO
PAC090484	PAG-02 General Permit	Issued	Woodhaven Property Associates, LLC 1717 Woodhaven Drive Bensalem, PA 19020-7107	Bensalem Township Bucks County	SERO
PAC090463	PAG-02 General Permit	Issued	Walnut Creek Acquisitions, LP 404 Sumneytown Pike North Wales, PA 19454-2537	Warrington Township Bucks County	SERO
PAC510234	PAG-02 General Permit	Issued	5001 Umbria Partners, LLC 4127 Main Street Philadelphia, PA 19127	City of Philadelphia Philadelphia County	SERO
PAC150269	PAG-02	Issued	WCASD 782 Springdale Drive Exton, PA 19341	West Goshen Township Chester County	SERO
PAC150282	PAG-02	Issued	Diamant Building Corp Byers Road P.O. Box 471 Uwchlan, PA 19480	East Bradford Township Chester County	SERO
PAD230012 A-10	PAG-02 General Permit	Major Amendment	City of Philadelphia Division of Aviation (DOA) Terminal D-E Philadelphia International Airport Third Floor Philadelphia, PA 19153	Delaware River Schuylkill River	SERO
PAD150227	PAG-02 General Permit	Renewal	Waynesborough Country Club 440 Darby Paoli Road Paoli, PA 19301-2006	Easttown Township Chester County	SERO
PAC390161	PAG-02 General Permit	Issued	Da Vinci Science City, LLC 3145 Hamilton Blvd. Bypass Allentown, PA 18103	City of Allentown Lehigh County	Lehigh County Conservation District 4184 Dorney Park Road Suite 105 Allentown, PA 18104 610-391-9583
PAD130031	Individual NPDES	Issued	Dynamic Capital Properties, LLC P.O. Box 204 Palmerton, PA 18071	Lower Towamensing Township Carbon County	NERO
PAC390001	PAG-02 General Permit	Issued	Lehigh Northampton Airport Authority 3311 Airport Road Allentown, PA 18109	Hanover Township Lehigh County	Lehigh County Conservation District 4184 Dorney Park Road Suite 105 Allentown, PA 18104 610-391-9583

<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>
PAD450142	Individual NPDES	Issued	Ronald A. & Elizabeth M. Eick 474 Jonas Road Effort, PA 18330	Chestnuthill Township Monroe County	NERO
PAC400212	PAG-02 General Permit	Issued	HUD, Inc. t/a Emerald Anthracite II Thomas Doughton P.O. Box 27 Nanticoke, PA 18634-0027	Newport Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAD480162	Individual NPDES	Issued	Annunciation Hellenic Orthodox Church c/o Aristides Manolas 319 S. 20th Street Easton, PA 18042	Bethlehem Township Northampton County	NERO
PAC450022	PAG-02 General Permit	Issued	Latona Trucking Inc. 620 South Main Street Pittston, PA 18640	Chestnuthill Township Monroe County	Monroe County Conservation District 8050 Running Valley Road Stroudsburg, PA 18347 570-629-3060
PAD640027	Individual NPDES	Issued	Pennsylvania Fish and Boat Commission 595 East Rolling Ridge Drive Bellefonte, PA 16823-9620	Mount Pleasant Township Wayne County	NERO
PAC360641	PAG-02 General Permit	Issued	Costello Builders Inc. P.O. Box East Petersburg, PA 17520	West Hempfield Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 7117.299.5361, ext. 5
PAC360685	PAG-02 General Permit	Issued	Marcus Waldner 85 Creamery Road Reinholds, PA 17569	West Cocalico Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 7117.299.5361, ext. 5
PAC360165 A-1	PAG-02 General Permit	Issued	Hankin Group 707 Eagleview Boulevard Exton, PA 19341	Lancaster City Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 7117.299.5361, ext. 5
PAC360417 A-1	PAG-02 General Permit	Issued	Turkey Hill Mini Markets LLC 165 Flanders Road Westborough, MA 01581	East Hempfield Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 7117.299.5361, ext. 5

## NOTICES

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC360671	PAG-02 General Permit	Issued	Peace of Mind Self Storage LP 2468 Creek View Drive Lancaster, PA 17602	Manor Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 7117.299.5361, ext. 5
PAC360681	PAG-02 General Permit	Issued	Sylvan Fisher 2816B Irishtown Road Ronks, PA 17572	Leacock Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 7117.299.5361, ext. 5
PAC360691	PAG-02 General Permit	Issued	Beiler Development, LLC 1096 May Post Office Road Quarryville, PA 17566	Manheim Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 7117.299.5361, ext. 5
PAC360667	PAG-02 General Permit	Issued	Chris Lapp 3835 Yost Road Gordonville, PA 17529	Leacock Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 7117.299.5361, ext. 5
PAC500036	PAG-02 General Permit	Issued	Lake Heron Retreat 183 Riverview Road Liverpool, PA 17045	Liverpool Township Perry County	Perry County Conservation District 31 West Main Street P.O. Box 36 New Bloomfield, PA 17068 717.582.8988, ext. 4
PAC670009 A-1	PAG-02 General Permit	Issued	Falling Creek Investments, Inc. P.O. Box 655 Brodheadsville PA 18322	Loganville Borough York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC670485	PAG-02 General Permit	Issued	Hershey Command Center Associates, LLC 4 Barlo Circle Dillsburg PA 17019	Carroll Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC080062	PAG-02 GP	Issued	Patrick Cotton Bradford County Fireman's Association 29 VanKuren Drive Towanda, PA 18848	North Towanda Township Bradford County	Bradford County Conservation District 200 Lake Rd Suite E Towanda, PA 18848



## 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>
PAC080063	PAG-02 GP	Issued	Andrew Bishop Wysox S&G Inc. 22488 Route 187 Wysox, PA 18854	Wysox Township Bradford County	Bradford County Conservation District 200 Lake Rd Suite E Towanda, PA 18848
PAC140007	PAG-02 GP	Issued	Christine Weikert Dreibelbis Street State College, PA 16801	College Township Centre County	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823-1400
PAC140042 A-1	PAG-02 GP	Issued	Happy Valley Blended Products, LLC Penntech Drive Bellefonte, PA 16823	Benner Township Centre County	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823-1400
PAC140042	PAG-02 GP	Issued	Benner Commerce Park Property Owners Assoc. Penntech Drive Bellefonte, PA 16823	Benner Township Centre County	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823-1400
PAC180021	PAG-02 GP	Issued	Robert Maguire P.O. Box 400 McElhatten, PA 17748	Grugan Township Clinton County	Clinton County Conservation District 45 Cooperation Ln Mill Hall, PA 17751-8978
PAC180022	PAG-02 GP	Issued	LTT Trucking Lee Thompson P.O. Box 254 North Bend, PA 17760	Chapman Township Clinton County	Clinton County Conservation District 45 Cooperation Ln Mill Hall, PA 17751-8978
PAC170053	PAG-02 GP	Issued	Michael J Dilullo Dilullo Transport Inc. 349 DuBois St DuBois, PA 15801	Sandy Township Clearfield County	Clearfield County Conservation District 6395 Clearfield- Woodland Hwy Suite 2 Clearfield, PA 16830-1923
PAC550057	PAG-02 GP	Issued	Ryan Martin 5280 Ridge Road Beaver Springs, PA 17812	West Beaver Township Snyder County	Snyder County Conservation District 10541 Route 522 Middleburg, PA 17842-7840
PAC020279A-5	PAG-02 General Permit	Issued	NP Pittsburgh Industrial 2, LLC 4805 Montgomery Road Suite 310 Cincinnati, OH 45212	Findlay Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8011

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC020367A-1	PAG-02 General Permit	Issued	Chen Family Pleasantview, LP 99 Brookside Lane Corapolis, PA 15108	Robinson Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8011
PAC020377A-1	PAG-02 General Permit	Issued	AR Building Company, Inc. 310 Seven Field Blvd Suite 350 Seven Fields, PA 16046	Monroeville Borough Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8011
PAC020389	PAG-02 General Permit	Issued	South Fayette Township 515 Millers Run Rd South Fayette, PA 15064	South Fayette Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8011
PAC020432A-1	PAG-02 General Permit	Issued	Frank Zokaites 375 Golfside Drive Wexford, PA 15090	Pleasant Hills Borough Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8011
PAC020490A-1	PAG-02 General Permit	Issued	Carnegie Mellon University 5000 Forbes Avenue Pittsburgh, PA 15213	City of Pittsburgh Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8011
PAC020530A-1	PAG-02 General Permit	Issued	Allegheny County Airport Authority P.O. Box 12370 Pittsburgh, PA 15231	Findlay Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8011
PAC020561A-1	PAG-02 General Permit	Issued	Deerfield Estates, LP 202 Gabriel Drive Mars, PA 16046	Franklin Park Borough Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8011

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC020736	PAG-02 General Permit	Issued	Joseph Kissane 4002 Lorigan Street Pittsburgh, PA 15224	Reserve Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8011
PAC020753	PAG-02 General Permit	Issued	Geoff Shorts, LLC 2212 Noblestown Road Pittsburgh, PA 15205	Collier Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8011
PAC020756	PAG-02 General Permit	Issued	The Bungalow Company, LP 3819 Old William Penn Hwy Suite 500 Murrysville, PA 15668	Wilkins Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8011
PAC020767	PAG-02 General Permit	Issued	Allegheny County Parks Dept. County Office Building 21 542 Forbes Avenue Pittsburgh, PA 15219	North Fayette Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8011
PAC020769	PAG-02 Individual Permit	Issued	Rashid Hassan Tennis Center, LLC 126 Horizon Drive Monroeville, PA 15146	Municipality of Monroeville Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8011
PAC020771	PAG-02 General Permit	Issued	Pittsburgh Water & Sewer Authority 1200 Penn Avenue Pittsburgh, PA 15222	City of Pittsburgh Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8011
PAC020774	PAG-02 General Permit	Issued	David Tessmer 300 Pinkertown Road Wexford, PA 15090	Pine Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8011

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC020784	PAG-02 General Permit	Issued	Castlegate Green, LLC 115 N Beatty Street Pittsburgh, PA 15206	Mt. Lebanon Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8011
PAC020793	PAG-02 General Permit	Issued	Gateway School District 7000 Campus Boulevard Monroeville, PA 15146	Municipality of Monroeville Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8011
PAC020797	PAG-02 General Permit	Issued	Whitehall Township 100 Borough Park Drive Pittsburgh, PA 15236	Whitehall Borough Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8011
PAD020041	PAG-02 Individual Permit	Issued	Riverfront 47, LP 535 Smithfield Street Suite 715 Pittsburgh, PA 15222	Sharpsburg Borough Allegheny County	SWRO
PAD300014	PAG-02 Individual Permit	Issued	Peoples Natural Gas Company, LLC 195 Donohoe Road Greensburg, PA 15601	Freeport Township Gilmore Township Jackson Township Springhill Township Greene County	SWRO
PAC560042	PAG-02 General Permit	Issued	PA Turnpike Commission 700 South Eisenhower Blvd Middletown, PA 17057	Allegheny Township New Baltimore Borough Somerset County Juniata Township Bedford County	Somerset County Conservation District 6024 Glades Pike Suite 103 Somerset, PA 15501 814-289-4250
PAC630084A-2	PAG-02 General Permit	Issued	The Streets at the Meadows, LP 375 Southpointe Blvd Canonsburg, PA 15317	North Strabane Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Rd Suite 1 Washington, PA 15301 724-705-7098
PAC630138A-1	PAG-02 General Permit	Issued	Burgettstown Road Associates 100 Leetsdale Industrial Drive Leetsdale, PA 15056	Robinson Township Findlay Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Rd Suite 1 Washington, PA 15301 724-705-7098



<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>
PAC630182A-1	PAG-02 General Permit	Issued	Scarmazzi Highland, LLC 127 Adams Avenue Canonsburg, PA 15317 and Stewart Contracting 6 Cecil Reissing Road Cecil, PA 15057	Union Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Rd Suite 1 Washington, PA 15301 724-705-7098
PAC630195	PAG-02 General Permit	Issued	Kinsale Land Partners, LLC 2543 Washington Road Pittsburgh, PA 15241	Peters Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Rd Suite 1 Washington, PA 15301 724-705-7098
PAC630219	PAG-02 General Permit	Issued	ABC&D Properties 3132 Millers Run Road Cecil, PA 15321	Smith Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Rd Suite 1 Washington, PA 15301 724-705-7098
PAC630220	PAG-02 General Permit	Issued	ZNS Properties, LLC 28 3rd Street, NE # 692 Faribault, MN 55021	Mt. Pleasant Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Rd Suite 1 Washington, PA 15301 724-705-7098
PAC630238	PAG-02 General Permit	Issued	Peoples Natural Gas Company, LLC 375 North Shore Drive Pittsburgh, PA 15212	Morris Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Rd Suite 1 Washington, PA 15301 724-705-7098
PAD630046	PAG-02 Individual Permit	Issued	GSP Management Co. P.O. Box 677 Morgantown, WV 19543	Donegal Township Washington County	SWRO
PAD630060	PAG-02 Individual Permit	Issued	Eighty-Four Land Company 163 Lelak Lane Venetia, PA 15367	Somerset Township Washington County	SWRO
PAC650008	PAG-02 General Permit	Issued	F&H Development P.O. Box 297 Wexford, PA 15090	North Huntingdon Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Rd Greensburg, PA 15601 724-837-5271

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC650160	PAG-02 General Permit	Issued	Dondia, LLC 1300 White Oak Court North Huntingdon, PA 15642	North Huntingdon Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Rd Greensburg, PA 15601 724-837-5271
PAC650279	PAG-02 General Permit	Issued	Weaver Development, Inc. 3121 Deerfield Court Murrysville, PA 15668	Penn Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Rd Greensburg, PA 15601 724-837-5271
PAC650287	PAG-02 General Permit	Issued	Wyatt WC Properties LLC 4545 Campbells Run Rd Pittsburgh, PA 15205	South Huntingdon Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Rd Greensburg, PA 15601 724-837-5271
PAC650290	PAG-02 General Permit	Issued	Colony Realty Associates, LP 8954 Hills Drive North Huntingdon, PA 15642	North Huntingdon Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Rd Greensburg, PA 15601 724-837-5271
PAC650301	PAG-02 General Permit	Issued	Robert Queale 307 Satinwood Lane Greensburg, PA 15601	Hempfield Township Westmoreland County	Westmoreland County Conservation District 218 Donohoe Rd Greensburg, PA 15601 724-837-5271
PAC030041	PAG-02 General Permit	Issued	Holbein Inc 180 Park Road Sarver, PA 16055	South Buffalo Township Armstrong County	Armstrong County Conservation District 120 S Grant Avenue Suite 2 Kittanning, PA 16201 724-548-3425

## 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>
Terry Hershey Terry Hershey Farm 573 Strasburg Road Paradise, PA 17562	Lancaster	82	122.80	Swine	NA	Approved
Garrett Weaver Willows Farm 1501 Eshelman Mill Road Willow Street, PA 17584	Lancaster	212	0.58	Ducks Beef Finisher	NA	Approved
Carl & John Myer Walnut Run Farms 292 Elm Road Lititz, PA 17543	Lancaster	1200	1.61	Dairy	NA	Approved
David H. Martin 420 Nottingham Road Nottingham, PA 19362	Lancaster	221.4	3.39	Swine	HQ	Approved
Clair Hurst 788 Kingpen Road Kirkwood, PA 17536	Lancaster	105.6	6.34	Swine Dairy	HQ	Approved
Jay Deiter 2040 River Road Bainbridge, PA 17502	Lancaster	201.1	2.81	Swine Heifer	NA	Approved
Mitchell Shellenberger Shelmar Acres, LLC 580 Colebrook Road Mount Joy, PA 17552	Lancaster	199.3	7.3	Swine Heifer	NA	Approved
Brent Hershey Meadow Run Farm 4270 Harvest Rd. Manheim, PA 17545	Lebanon	105.9	996.12	Swine	N/A	Approved
Hershberger CAFO Farm Brock Hite 612 Viall Hill Road Towanda, PA 18848	Bradford	140.8	652.30	Swine Beef Goats Sheep	NA	Approval

## 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).**

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

**Permit No. 1821502MA, Minor Amendment.** Public Water Supply.

Applicant	<b>South Renovo Borough Council</b> 455 Pine Street South Renovo, PA 17764
Borough or Township	South Renovo Borough
County	<b>Clinton</b>
Type of Facility	Public Water Supply
Consulting Engineer	K. Alan Uhler Jr., P.E. Kerry A. Uhler & Associates 140 West High Street Bellefonte, PA 16823
Permit Issued	December 2, 2021

**Operations Permit** issued to: **Municipal Authority of the City of Sunbury**, 462 South 4th Street, Sunbury, PA 17801, PWSID No. 4490007, City of Sunbury, **Northumberland County**, on December 2, 2021 for the operation of facilities approved under construction permit # 4919502MA. This permit authorizes the authority to operate Filters No. 1 and 2 and to replace multiple valves, actuators, and their appurtenances, turbidimeters and media at the water-filter plant. The authority is also authorized to increase the size of the re-wash drain to 6 inches to handle the backwash water flow.

**WATER ALLOCATIONS**

**Actions taken on applications received under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. § 631–641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth.**

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

**WA 17-106B, Water Allocations. Houtzdale Municipal Authority**, 561 Kirk Street, Houtzdale, PA 16651, Rush Township, **Centre County**. Water Allocation Permit No. WA 17-106B, issued August 29, 2018, granted the right to withdraw up to a maximum of 700,000 gallons per day, when available, from an Upper Intake on Mountain Branch, up to a maximum of 700,000 gallons per day, when available, from a Lower Intake on Mountain Branch, but not more than a maximum of 700,000 gallons per day from both Mountain Branch Intakes combined, and up to a maximum of 300,000 gallons per day from an Intake on Moshannon Creek, when available, all intakes located in Rush Township, Centre County. Modification Order No. 2 is hereby issued. Modification Order No. 2 removes all references to the Lower Intake from the permit’s narrative. Also, former Special Condition 4 has been deleted and former Special Condition 2 has been modified to remove the Lower Intake.

**WA 19-144C, Water Allocations. SUEZ Water Pennsylvania, Inc.**, 6310 Allentown Boulevard, Harrisburg, PA 17112, Town of Bloomsburg, **Columbia County**. This permit incorporates the schedule for removal of Boone Dam, monitoring requirements before and after dam removal, instream flow triggers and withdrawal reduc-

tions, and includes service area changes from Modification Order 1 into one new, complete, revised permit.

**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 Elmer-ton Avenue, Harrisburg, PA 17110.*

*Plan Location:*

<i>Township</i>	<i>Township Address</i>	<i>County</i>
Menallen Township	170 Memory Lane Aspers, PA 17304	Adams

*Plan Description:*

Approval of a revision to the official plan of Menallen Township, Adams County. The project is known as the **Kirk Re Small Flow Treatment Facility (SFTF)**. The plan provides for a SFTF proposal to replace a malfunctioning on-lot disposal system serving an existing single-family residential dwelling on 0.89 acre. Total estimated sewage flows are 400 gpd, and there is a proposed discharge to an unnamed tributary of Opossum Creek. The proposed development is located at 2570 Carlisle Road in Menallen Township, Adams County. The Department’s review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-01923-279-3s and the APS Id is 1052045. Permits for on lot sewage disposal systems must be obtained in the name of the property owner.

*Plan Location:*

<i>Township</i>	<i>Township Address</i>	<i>County</i>
Jackson Township	13233 Greenwood Road Huntingdon, PA 16652	Huntingdon

*Plan Description:*

Approval of a revision to the official plan of Jackson Township, Huntingdon County. The project is known as **Susan Pletcher Property SFTF**. The plan provides for the installation of a small flow treatment facility with a discharge on the property into Standing Stone Creek (HQ-CWF), to replace a failing on-lot sewage disposal system for a single-family dwelling on a 0.43-acre lot. The property is located at 5504 McAlevys Fort 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 A3-31919-110-3s and the APS Id is 1043863. Any permits must be obtained in the name of the property owner.

*Plan Location:*

<i>Township</i>	<i>Township Address</i>	<i>County</i>
West Hempfield Township	3476 Marietta Avenue Lancaster, PA 17601	Lancaster

*Plan Description:*

Approval of a revision to the official plan of West Hempfield Township, Lancaster County has been issued. This action is a result of the review of a planning module for the **Reichardt Tract Subdivision** (DEP Code No. A3-36960-316-3; APS ID No. 1050212). The proposed development—to be located at 3809 Concordia Road in Columbia—consists of a 9-lot residential subdivision using a low-pressure sewer system for seven proposed single-family dwellings. The Department’s review of the



plan revision has not identified any significant impacts resulting from this proposal. Any permits must be obtained in the name of Lancaster Area Sewer Authority.

## 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:

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

Contact: Eric Supey, Environmental Program Manager.

**Cintas/Former RUS Facility**, 164 East Main Street, Emmaus, PA 18049, Emmaus Borough, **Lehigh County**, Arcadis, 10 Friends Lane, Newtown, PA 18940, on behalf of Cintas, 27 Whitney Drive, Milford, OH 45150, submitted a revised final report concerning remediation of soil and groundwater contaminated with chlorinated solvents from historical dry cleaning operations. The report is intended to document remediation of the site to meet site-specific standards.

**645 Belmont Avenue**, 645 Belmont Avenue, Mount Pocono, PA 18344, Mount Pocono Borough, **Monroe County**. JMT Industrial & Environmental Contracting Services, 710 Uhler Road, Easton, PA 18040, on behalf of Carolyn Howie Boyle, 209 Tenth Avenue, San Francisco, CA 94118, submitted a Final Report concerning remediation of soil contaminated by a release of heating oil from an underground storage tank. The report is intended to document remediation of the site to meet Statewide health standards.

**W. Brooks Pad 2**, 147 Phillips Road, Springville, PA 18844, Springville Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of Coterra Energy, Inc, 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Final Report concerning remediation of soil contaminated by a release of drilling mud and produced fluid (brine). The report is intended to document remediation of the site to meet a combination of Background and Statewide health standards.

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

**Pavao Property**, 101 East Sycamore Street, Snow Shoe, PA 16874, Snow Shoe Borough, **Centre County**. DMS Environmental Services, LLC, 103 S. Spring Street, Bellefonte, PA 16823, on behalf of Beatrice Holdings, LP, 100 Ryan Ct., Suite 21, Pittsburgh, PA 15205-1324, has submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide health standard.

**Inflection TLC Well Site Release**, 367 Yeagle Road, Montoursville, PA 17754, Eldred Township, **Lycoming County**. Penn Environmental & Remediation, Inc., 13180 Route 6, Mansfield, PA 16933, on behalf of Inflection Energy PA, LLC, 101 W 3rd Street, 5th Fl, Williamsport, PA 17701, has submitted a Final Report concerning remediation of site soil contaminated with brine. The report is intended to document remediation of the site to meet the Statewide health standard.

**Timberend Estates MHC**, 528 Ruben Kehrler Rd., Lots 98 & 99, Muncy, PA 17756, Fairfield Township, **Lycoming County**. Keystone Consulting Engineers, Inc., 2870 Emrick Blvd, Bethlehem, PA 18020, on behalf of Timberend Estates LLC/ARX Management, 1199 Lancaster Ave, Ste 100, Berwyn, PA 19312, has submitted a Final Report concerning remediation of site soil contaminated with heating oil. The report is intended to document remediation of the site to meet the Statewide health standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995  
PREAMBLE 3

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

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to

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

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

The Department has received the following plans and reports:

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

*Contact: Eric Supey, Environmental Program Manager.*

**Warner's Central Garage**, 8-10 Hudsonale Street, Weatherly, PA 18255, Weatherly Borough, **Carbon County**. Barry Isett & Associates, 1170 Highway 315, Wilkes-Barre, PA 18702, on behalf of Mauch Chunk Trust Company, 1111 North Street, P.O. Box 289, Jim Thorpe, PA 18229, submitted a Remedial Investigation Report and a Cleanup Plan concerning soil contaminated with lead and hydrocarbons from historic fill. The reports were approved by DEP on December 6, 2021.

**Buckeye Macungie Terminal Tank 220 Release**, 5131 Buckeye Road, Macungie, PA 18062, Lower Macungie and Upper Milford Townships, **Lehigh County**. GES, 440 Creamery Way, Suite 500 Exton, PA 19341, on behalf of Buckeye Partners LP, Five TEK Park 9999 Hamilton Blvd, Breinigsville, PA 18031, submitted a Final Report concerning remediation of soil and groundwater contaminated by a release of petroleum from an aboveground storage tank. The Final Report demon-

strated attainment of combination of site-specific and Statewide health standards and was approved by DEP on December 3, 2021

**Hawkey Property**, 5382 Chapmans Road, Orefield, PA 18069, Upper Macungie Township, **Lehigh County**. United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Dean Hawkey, 5382 Chapmans Road, Orefield, PA 18069, submitted a Final Report concerning remediation of soil contaminated by a release of heating oil from an aboveground storage tank. The Final Report demonstrated attainment of Statewide health standards and was approved by DEP on December 2, 2021.

#### HAZARDOUS WASTE TREATMENT, STORAGE & DISPOSAL FACILITIES

**Draft permits issued, revised or withdrawn under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101–6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.**

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

**PAR000030874. Copperhead Chemical Company, Inc.**, 120 River Road, Tamaqua, PA 18252. The Commonwealth of Pennsylvania, Department of Environmental Protection (DEP) intends to issue to Copperhead Chemical Company (Copperhead) a Solid Waste Management Act Permit. This permit is a renewal of the permit to operate a Hazardous Waste treatment facility in Walker Township, **Schuylkill County**. The renewed permit will allow the existing Facility to remain in operation for another ten (10) years. Copperhead is a manufacturer of nitrate esters and pharmaceutical grade nitroglycerin and other products for use in various pharmaceutical blends. The facility consists of a thermal treatment unit for the safe disposal of waste materials generated in the manufacturing process, as well as off-spec products. The thermal treatment unit is located in an isolated area of the western section of Copperhead's property. The unit consists of three elevated concrete slabs with concrete block walls on three sides which house 1/4" thick steel burn pans supported by fire brick. The loading/unloading area in front of the burn bays is paved with asphalt to minimize the potential for spills to impact soils or groundwater.

The public will be given forty-five (45) days to comment on the draft permit, issued December 15, 2021 and prepared under the Solid Waste Management Act. The comment period will begin on December 18, 2021 and will end on February 1, 2022. Any person interested in commenting on the application or draft permit must do so within this comment period. An information repository has been established at the DEP Northeast Regional Office. To request to view the draft permit and related information, contact Roger Bellas at 570-826-2511 or rbellas@pa.gov for further information.

All persons wishing to comment on any of the permit conditions or permit application should submit the comments in writing to DEP, Waste Management Program, 2 Public Square, Wilkes-Barre, PA 18701-1915; Attention Roger Bellas, Regional Solid Waste Manager. Comments should include all reasonably available references, factual grounds and supporting materials.

When making a determination regarding the issuance of a hazardous waste permit to Copperhead, DEP will

consider all written comments received during the comment period, the requirements of the hazardous waste regulations of 25 Pa. Code Chapter 260—270, and DEP's permitting policies.

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

**PAR0005223226. Zambelli Fireworks Manufacturing Company**, 782 Garner Road, Edinburg, PA 16116, Mahoning Township, **Lawrence County**. Draft permit issued on December 13, 2021. The draft permit is for the treatment of specific hazardous waste generated by the Zambelli Fireworks Manufacturing Company. Damaged or otherwise unusable fireworks are considered hazardous waste once they are declared unrepairable. A thermal treatment process is used to destroy this waste. The residual ash generated as part of this operation is collected and shipped off-site for proper disposal.

Comments concerning the application should be directed to Christina Wilhelm, Waste Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Persons interested in obtaining more information about the general permit application may contact the Regional Office, (814) 332-6848. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 45 days of this notice and may recommend revisions to, and approval or denial of, the application.

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

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

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

**General Permit No. WMGR123SW051. Range Resources-Appalachia, LLC**, 3000 Town Center Boulevard, Canonsburg, PA 15317. A Determination of Applicability for operation under General Permit WMGR123 for the processing and beneficial use of oil and gas liquid waste at the Hanover 32 Tank Pad Reuse Water Storage Facility, 106 Clinton Frankfort Road, Clinton, PA 15026 in Hanover Township, **Beaver County**, was issued by the Regional Office on October 8, 2021. On October 21, 2021, Range Resources requested the permit be withdrawn. The Regional Office rescinded the Determination of Applicability on November 29, 2021.

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

## **AIR QUALITY**

**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.**

*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.*

**GP7-36-03118A: ITP of USA, Inc.** (200 South Chestnut Street, Elizabethtown, PA 17022) on November 30, 2021, for three (3) existing sheet-fed offset lithographic printing presses, under GP7, at the printing facility located in Elizabethtown Borough, **Lancaster County**. The general permit authorization was renewed.

**GP3-06-03100C: Martin Stone Quarries, Inc.** (1355 North Reading Avenue, Bechtelsville, PA 19505) on November 30, 2021, for portable nonmetallic mineral processing equipment under GP3 at the Gabel Quarry, in Washington Township, **Berks County**.

**GP9-06-03100C: Martin Stone Quarries, Inc.** (1355 North Reading Avenue, Bechtelsville, PA 19505) on November 30, 2021, for 2 nonroad engines under GP9, to power portable nonmetallic mineral processing equipment at the Gabel Quarry, in Washington Township, **Berks County**.

**GP4-67-05113: Oldcastle Building Envelope, Inc.** (1551 Mt. Rose Avenue, York, PA 17403-2909) on November 30, 2021, for operation of an existing burnoff oven, under GP4, at the metal window and door manufacturing facility in Spring Garden Township, **York County**.

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

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

**GP5-30-00224C: EQM Gathering Opco, LLC** (2200 Energy Drive, Canonsburg, PA 15317-1001) on December 2, 2021, to operate previously installed sources: six (6) natural gas-fired Caterpillar engines at 1,775 bhp controlled by oxidation catalyst, one (1) Tri Ethylene Glycol (TEG) dehydrator rated at 150 MMsfd with a reboiler rated at 2.67 MMBtu/hr; 1-rich glycol Flash Tank, 15-storage tanks of various capacities at their Ten Mile (Waynesburg) CS in Franklin Township, **Greene County**.

**GP14-65-00995A: West Newton Animal Clinic, Inc.** (114 Mount Pleasant Road, West Newton, PA 15089) on December 1, 2021, to allow the operation of one (1) US Cremation US 75/300 (Gen II) natural gas-fired animal crematory incinerator equipped with primary and secondary burners rated at 0.5 MMBtu/hr and 1.0 MMBtu/hr, with a maximum cremation rate of 75 lbs/hr, at its facility located in South Huntingdon Township, **Westmoreland County**. This authorization is to change ownership and authorize continued operation to December 1, 2026. There are no other changes at the facility.



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**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.**

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*Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543.*

*Contact: Edward Wiener, Chief, Source Registration at 215-685-9426.*

The City of Philadelphia, Air Management Services (AMS) issued on December 1, 2021 a Plan Approval for installation of air pollution sources at the following facility:

**IP20-000495: Temple University—Health Sciences Campus**—(3401 North Broad Street, Philadelphia, PA 19140) on December 1, 2021, was issued a Plan Approval for the installation of air emission sources at a University, in the City of Philadelphia, **Philadelphia County**. The air emission sources that are part of the Plan Approval are 2 new boilers that will replace two existing boilers, with the new boilers firing natural gas primarily and No. 2 oil during periods of natural gas curtailment each rated 89.98 MMBtu/hr (natural gas)/86.33 MMBtu/hr (No. 2 oil), and one (1) rental boiler firing natural gas primarily and No. 2 oil during periods of natural gas curtailment rated 94.7 MMBtu/hr (natural gas)/91.3 MMBtu/hr (No. 2 oil). The potential emission from the installation are as follows: (1) 26.28 tons per year (tpy) of Carbon Monoxide (CO), (2) 23.59 tpy of Nitrogen Oxides (NO<sub>x</sub>), (3) 17.35 tpy of Sulfur Oxides (SO<sub>x</sub>), (4) 5.05 tpy of Particulate Matter (PM), and (5) 1.85 tpy of Volatile Organic Compound (VOC). The plan approval contains operating, monitoring, and recordkeeping requirements to ensure operation within all applicable requirements.

The City of Philadelphia, Air Management Services (AMS) issued on December 1, 2021 a Plan Approval for installation of air pollution sources at the following facility:

**IP20-000143: Northeast Water Pollution Control Plant**—(3899 Richmond Street, Philadelphia, PA 19137-1415) on December 1, 2021, was issued a Plan Approval for the installation of new air emission sources at a water pollution control plant, in the City of Philadelphia, **Philadelphia County**, and modification of AMS Plan Approval No. IP17-000101 issued April 5, 2017 for a Gravity Thickener Facility (GTF) and Odor Control Facility at the same plant. The new air emission sources that are part of the Plan Approval are one (1) Preliminary Treatment Facility (PTF) for the Frankford High Level Interceptor System with the capacity to process up to 300 million gallons per day of influent flow and two (2) odor control systems each with a biotrickling scrubber (BTS) and a carbon adsorber. The potential emission from the installation are as follows: 2.20 tons per year (tpy) of Volatile Organic Compound (VOC) from the new PTF & Odor Control Systems and 1.51 tpy of VOC from the existing GTF and Odor Control Facility. The plan approval contains operating, monitoring, and recordkeeping requirements to ensure operation within all applicable requirements.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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*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*

**28-03068B: Pennsylvania Cherry, LLC** (P.O. Box 269, Mercersburg, PA 17236-0269) on December 2, 2021, for the construction of a new lumber drying kiln at the lumber manufacturing facility located in Montgomery Township, **Franklin County**. The plan approval was extended.

**06-05040D: East Penn Manufacturing Co., Inc.** (P.O. Box 147, Lyon Station, PA 19536) on November 30, 2021, for approval of a Reasonably Available Control Technology (RACT 2) plan, as a plan approval and proposed SIP revision, for the secondary lead smelting facility located in Richmond Township, **Berks County**. The plan approval was extended.

**06-05069AA: East Penn Manufacturing Co., Inc.** (P.O. Box 147, Lyon Station, PA 19536) on November 30, 2021, for proposed changes to operations in the Industrial Battery Manufacturing Facility. The Industrial Battery Manufacturing Facility is located at the Lyon Station Plant in Richmond Township, **Berks County**. The plan approval was extended.

**06-05069AC: East Penn Manufacturing Co., Inc.** (P.O. Box 147, Lyon Station, PA 19536) on November 30, 2021, for the installation of a new fabric filter dust collector in the S-1 Facility and modification of dust collectors C59/C59A and C64/C64A in the A-3 Facility. These facilities are located in Richmond Township, **Berks County**. The plan approval was extended.

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

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*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.*

**36-05081: Lancaster County SWMA** (1299 Harrisburg Avenue, Lancaster, PA 17603-2515) on December 1, 2021, for the Frey Farm-Creswell Landfill located in Manor Township, **Lancaster County**. The Title V permit was renewed.

**67-05001: Magnesita Refractories Co.** (425 S. Salem Church Rd., York, PA 17408-5955) on November 30, 2021, for the refractory materials manufacturing facility located in West Manchester Township, **York County**. The Title V permit was renewed.

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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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*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.*



**01-05017: Berryville Graphics, Inc.** (100 N. Miller St., Fairfield, PA 17320-9707) on November 23, 2021, for the book printing facility located in Fairfield Borough, **Adams County**. The State-Only permit was renewed.

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

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

**12-00008: Metaldyne Sintered Ridgway, LLC** (1 Airport Road, Emporium, PA 15834) on December 3, 2021, was issued a renewal State Only (Natural Minor) Operating Permit for the Metaldyne Sintered Ridgway, LLC powder metal parts manufacturing facility located in Borough of Emporium, **Cameron County**. The State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

**OP-56-00199: Shade-Central City School District** (203 McGregor Ave., Cairnbrook, PA 15924). On December 2, 2021, the Department issued a renewal Synthetic Minor Operating Permit to authorize the operation of Shade-Central City High School located in Shade Township, **Somerset County**. The emission sources covered by this Operating Permit include 1 CNB Model # T-185 L.5 tri-fuel boiler rated at 6.4 MMBtu/hr equipped with a Breslove separator to control particulate matter emissions, one (1) Burnham Model # 3L-200.50.OWEB boiler rated at 8.4 MMBtu/hr firing on No. 2 fuel oil, and two (2) Ford Power Products emergency electric generators engines rated at 30 kW each. The facility is subject to the applicable requirements of Pa. Code Title 25, Article III, Chapters 121—145. The proposed Operating Permit includes emission limitations, monitoring, work practice standards, reporting, and recordkeeping requirements for the facility.

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

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

**43-00321: Northeast Industrial Manufacturing, Incorporated** (640 Keystone Road, Greenville, PA 16125), on November 30, 2021, the Department issued the renewal State-Only Operating Permit of a steel fabrication facility, which manufactures waste, scrap, construction-demolition, and recycling equipment, located in Hempfield Township, **Mercer County**. Permitted air contamination sources are two paint booths and cleaning solvent usage. For permitting purposes, the facility is Natural Minor. In this renewal, 25 Pa. Code § 129.52d, which was promulgated on October 22, 2016, is added as a permit requirement for the paint booths and replaces 25 Pa. Code § 129.52. 25 Pa. Code § 129.52d, which has provisions for coating-related cleaning activities, also applies to cleaning solvent usage for precoating surface preparation and paint spray gun cleaning. Promulgated on August 11, 2018, 25 Pa. Code § 129.63a is added as a permit requirement for cleaning solvent usage for maintenance.

**62-00163: IA Construction Corporation/Garland Mine** (4754 Route 27, Garland, PA 16416). On December 2, 2021, the Department issued the renewal State Only Natural Minor Operating Permit for operation of the aggregate plant located in Pittsfield Township, **Warren**

**County**. The facility's primary emission source consists of the stationary and portable processing plants, roadways, a stationary engine for the portable radial stacker conveyor, and a nonroad engine that powers the portable plant. The potential emission of the primary pollutants is as follows: PM<sub>10</sub>: 22.55 TPY, NO<sub>x</sub>: 14.82 TPY, CO: 4.1 TPY, and VOC: 0.86 TPY; thus, the facility is a natural minor. The facility is subject to Plan Approval 62-163B, which includes a facility throughput limit of 525,000 tons of material processed in any 12 consecutive month period. The stationary engine is subject to 40 CFR 63 Subpart ZZZZ, NESHAP for Stationary RICE. The aggregate plants are subject to 40 CFR 60 Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants. 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.

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

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

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

**36-05108: International Paper Co.** (801 Fountain Avenue, Lancaster, PA 17601-4532) on December 2, 2021, for the laminate solid shipping fiber container manufacturing facility located in Manheim Township, **Lancaster County**. The State-Only permit underwent a minor modification in order to do the following: 1) change permit to natural minor status, along with associated changes to recordkeeping and reporting 2) update the permit contact, 3) update malfunction reporting condition to current standard language, 4) update Federal regulation references, and 5) make minor administrative corrections.

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

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

**59-00021: Phoenix Resources, Inc.** (782 Antrim Road, Wellsboro, PA 16901) on December 1, 2021, was issued a revised State Only Operating Permit to incorporate the terms and conditions of Plan Approval 59-00021B for their Phoenix Resources Landfill located in Duncan Township, **Tioga County**. The revised State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**08-00003: JELD-WEN, Inc.** (P.O. Box 311, Towanda, PA 18848) issued a modified Title V Operating Permit on December 3, 2021 to remove a spray booth and incorporate an HVHA oven into the Lap Siding surface coating operation at their facility located in Wysox Township, **Bradford County**. The modified State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

## 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. 32901601 and NPDES No. PA0213586. Millcreek Processing**, P.O. Box 435, Seward, PA 15954, renewal of the NPDES permit and mining activity permit for the Challenger Coal Yard Preparation Plant in East Wheatfield Township, **Indiana County**. Receiving stream: Conemaugh River classified for the following use: WWF. Application received: February 4, 2021. Permit issued: November 30, 2021.

**Permit No. 32841602 and NPDES No. PA0092631. Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201-1504, renewal of the NPDES permit and mining activity permit for the Clymer Tipple in Cheryhill Township, **Indiana County**. Receiving stream: Dixon Run classified for the following use: CWF. Application received: December 28, 2020. Permit issued: November 30, 2021.

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

**Permit No. 33140105 and NPDES Permit No. PA0259527. Original Fuels, Inc.**, P.O. Box 343, Punxsutawney, PA 15767, Renewal of an existing bituminous surface mine and associated NPDES permit located in Perry and Young Townships, **Jefferson County**, affecting 441.5 acres. Receiving stream(s): Mahoning Creek, Rose Run, and unnamed tributaries to Mahoning Creek. Application received: May 12, 2021. Permit Issued: November 23, 2021.

**Permit No. 10920112 and NPDES No. PA0211401. State Industries, Inc.**, P.O. Box 1022, Kittanning, PA 16201, Renewal of an existing bituminous surface mine and associated NPDES permit located in Concord Township, **Butler County**, affecting 22.6 acres. Receiving stream(s): Bear Creek and unnamed tributaries to Bear Creek. Application received: June 10, 2021. Permit Issued: November 30, 2021.

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

**Permit No. 40663013R7. Jeddo-Highland Coal Company**, 144 Brown Street, Yatesville, PA 18640, renewal of an anthracite coal refuse reprocessing, refuse disposal and preparation plant operation in Hazle Township, **Luzerne County** affecting 304.0 acres. Receiving stream: Black Creek. Application received: December 23, 2020. Renewal issued: December 2, 2021.

**Permit No. PAM111096R2. Jeddo-Highland Coal Company**, 144 Brown Street, Yatesville, PA 18640, renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Surface Mining Permit No. 40663013 in Hazle Township, **Luzerne County**. Receiving stream: Black Creek. Application received: December 23, 2020. Renewal issued: December 2, 2021.

**Permit No. 40663034R7 and NPDES Permit No. PA0225215. Pagnotti Enterprises, Inc.**, 144 Brown Street, Yatesville, PA 18640, renewal of an anthracite surface mine and coal refuse reprocessing operation and NPDES Permit for discharge of treated mine drainage in Foster Township, **Luzerne County** affecting 347.3 acres. Receiving streams: Oley Creek and Pond Creek. Application received: March 1, 2021. Renewal issued: December 2, 2021.

**Permit No 40663034C8. Pagnotti Enterprises, Inc.**, 144 Brown Street, Yatesville, PA 18640, correction to update the post-mining land use of an anthracite surface mine and coal refuse reprocessing operation in Foster Township, **Luzerne County** affecting 347.3 acres. Receiving streams: Oley Creek and Pond Creek. Application received: March 1, 2021. Renewal issued: December 2, 2021.

**Permit No. 54940203R5. Wilbur White Coal Co.**, 1 Low Road, Pottsville, PA 17901, renewal of an anthracite coal refuse reprocessing operation in Butler Township, **Schuylkill County** affecting 27.3 acres. Receiving stream: Mahanoy Creek. Application received: September 3, 2021. Renewal issued: December 2, 2021.

**Permit No. 40850102R6. Northeast Energy Company**, 254 Johnson Street, Wilkes-Barre, PA 18702, renewal for reclamation activities only of an anthracite surface operation in Laurel Run Borough, **Luzerne County** affecting 111.1 acres. Receiving stream: Spring Creek. Application received: November 8, 2021. Renewal issued: December 2, 2021.

**Permit No. 54851305R7. S & J Coal Mine**, 15 Motter Drive, Pine Grove, PA 17963, renewal of an anthracite underground mine operation in Cass and New Castle Townships, **Schuylkill County** affecting 1.7 acres. Receiving stream: West Branch Schuylkill River. Application received: September 14, 2020. Renewal issued: December 3, 2021.

**Permit No. 54851305C6. S & J Coal Mine**, 15 Motter Drive, Pine Grove, PA 17963, correction to an underground mine operation to add subsurface mining area in Cass and New Castle Townships, **Schuylkill County**. Receiving stream: West Branch Schuylkill River. Application received: September 14, 2020. Correction issued: December 3, 2021.

**Permit No. PAM112053C2. S & J Coal Mine**, 15 Motter Drive, Pine Grove, PA 17963, renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104)



on Underground Mining Permit No. 54851305 in Cass and New Castle Townships, **Schuylkill County**. Receiving stream: West Branch Schuylkill River. Application received: September 14, 2020. Renewal issued: December 3, 2021.

**Permit No. 54803004R7. Rausch Creek Land, LP**, 978 Gap Street, Valley View, PA 17983, renewal of an anthracite surface mine operation in Porter and Hegins Townships, **Schuylkill County**, affecting 214.0 acres. Receiving stream: Good Spring Creek. Application received: November 6, 2020. Renewal issued: December 3, 2021.

**Permit No. PAM110006R2. Rausch Creek Land, LP**, 978 Gap Street, Valley View, PA 17983, renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Surface Mining Permit No. 54803004 in Porter and Hegins Townships, **Schuylkill County**, receiving stream: Good Spring Creek. Application received: November 6, 2020. Renewal issued: December 3, 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).*

**Permit No. 10160304 and NPDES Permit No. PA0280763. Allegheny Mineral Corporation**, P.O. Box 1022, Kittanning, PA 16201, Commencement, operation, and restoration of a large industrial minerals surface mine in Worth Township, **Butler County**, affecting 367.0 acres. Receiving stream(s): Black Run, unnamed tributaries to Black Run, and an unnamed tributary to Hogue Run. Application received: February 2, 2021. Permit Issued: December 3, 2021.

### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

#### *Blasting Permits Issued*

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

**Permit No. 17214001. RES Coal, LLC**, 224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920. Blasting for contracting and reclamation work on GFCC No. 17-18-02 in Chest Township, **Clearfield County** with an expiration date of December 31, 2022. This Blasting Activity Permit (BAP) was to be issued on November 4, 2021; however, due to an oversight, the BAP was never issued. Permit issued: December 3, 2021.

**Permit No. 14214112. Douglas Explosives, Inc.**, 2052 Philipsburg Bigler Hwy., Philipsburg, PA 16866. Blasting for commercial development of Benner Shopping Center located in Benner Township, **Centre County** with an expiration date of April 15, 2022. Permit issued: December 1, 2021.

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

**Permit No. 67214122. Newville Construction Services, Inc.**, 408 Mohawk Road, Newville, PA 17241,

construction blasting for St. Mary's Road pond in Paradise Township, **York County** with an expiration date of November 30, 2022. Permit issued: November 30, 2021.

**Permit No. 35214110. Wampum Hardware Company**, 636 Paden Road, New Galilee, PA 16141, construction blasting for Dolph Mine Fire in Olyphant Borough, **Lackawanna County** with an expiration date of December 31, 2022. Permit issued: December 2, 2021.

**Permit No. 40214123. Maurer & Scott Sales, Inc.**, 122 Thomas Street, Coopersburg, PA 18036, construction blasting for 424 Hazleton Beltway in Hazle Township, **Luzerne County** with an expiration date of December 31, 2022. Permit issued: December 2, 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.*

**E3902221-005. Borough of Catasauqua**, 90 Bridge Street, Catasauqua, PA 18032, Catasauqua Borough, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To fill and maintain a 0.22 acre area of the floodway of Catasauqua Creek (CWF, MF) with work consisting of a 32 space asphalt parking lot, 2 access roads adjoining Race Street (S.R. 1004), an underground stormwater management facility, sidewalks, curbing, landscaping, and utilities. This project will result in a 540 ft<sup>3</sup> net cut within the floodway. The project is located directly southwest of the intersection of Pineapple Street and Race Street (Catasauqua, PA Quadrangle, Latitude: 40° 38' 59"; Longitude: -75° 27' 59") in Catasauqua Borough, Lehigh County.

**E4002221-010. John Siegal**, 1963 Lakeside Drive, Harveys Lake, PA 18618, Harveys Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain the following water obstructions and encroachments associated with the John Segal dock project at Pole # 178:

1) To remove an existing structure and to construct and maintain a 1,100 sq. ft. pile-supported wooden dock within the normal pool elevation of Harveys Lake (HQ-CWF). The dock will consist of wood decking, eighteen (18) wooden support pilings, a canopy, a fire pit, and a sitting bench.

2) To rehabilitate an existing, 3-foot high, 35-LF stacked stone retaining wall within the normal pool elevation of Harveys Lake (HQ-CWF) with work consisting of an in-kind replacement of the structure.

The project is located approximately 0.1 mile southwest of the intersection of Lakeside Drive (S.R. 415) and Rock Lane (Harveys Lake, PA Quadrangle, Latitude: 41° 22' 1"; Longitude: -76° 3' 20") in Harveys Lake Borough, Luzerne County.

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

**E0603219-005. Stephen Stoltzfus**, 2025 Valley Road, Morgantown, PA 19543, Caernarvon Township, **Berks County**, ACOE Baltimore District.

To install and maintain an extension to an existing stream enclosure permanently impacting 57 linear feet of UNT to Conestoga River (WWF, MF) and 1,280 square feet of PEM wetlands, all for the purpose of expanding the existing businesses parking and storage area. The project is located at 2025 Valley Road, Morgantown, PA (Latitude: 40° 9' 12" N; Longitude: 75° 52' 23" W) in Caernarvon Township, Berks County. Wetland impacts are de minimus and replacement is not required. Permit issued December 2, 2021.

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

**E1804221-004: Gary L. & Patti A. Young**, 584 Island Road, Lock Haven, PA 17745. Accessory Shed in Floodway, Dunnstable Township, **Clinton County**, U.S. Army Corps of Engineers Baltimore District (Lock Haven Quadrangle; 41.144123, -77.395222).

The Small Projects permit authorizes to replace (2) 8 FT x 10 FT Accessory Sheds with one (1) 14 FT x 25 FT Accessory Shed. The two 8' by 10' Accessory Sheds will be permanently removed from the property. The new 14 FT x 25 FT Accessory Shed will be placed on an at grade concrete slab. The project is in the floodway of West Branch Susquehanna River (WWF, MF) and will result in 1,008 sq. ft. of direct floodway impact.

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

**E0205221-002, Edgeworth Borough**, 301 Beaver Road, Edgeworth, PA 15143, Edgeworth Borough, **Allegheny County**, Pittsburgh ACOE District.

Has been given consent to:

1. Construct, operate, and maintain 255 linear feet of an unnamed tributary (UNT) to the Ohio River (WWF) as a low-flow channel, which involves regrading the stream banks from a bank height ratio of 1.4 to 1.0;

2. Construct, operate, and maintain 35 linear feet of riparian buffer along both banks of the UNT;

3. Operate and maintain 25 linear feet of gabion baskets along the left descending bank of the UNT;

For the purpose of providing nutrient and sediment load reduction toward Edgeworth Borough's MS4 requirements of their NPDES permit. Cumulatively, the project will permanently impact 255 linear feet of the UNT, temporarily impact 270 feet of the UNT, permanently impact 0.29 acre of the floodway of the UNT, and temporarily impact 0.3 acre of the floodway of UNT. The project site is located near the intersection of Creek Drive and Woodland Road (Ambridge, PA USGS topographic quadrangle; N: -40°, 32', 59.0"; W: -80°, 11', 10.0"; Sub-basin 20G; USACE Pittsburgh District), in Edgeworth Borough, Allegheny County.

**E6505221-004, Municipal Authority of Westmoreland County**, 124 Park and Pool Road, New Stanton, PA 15672, **Westmoreland County**, Pittsburgh ACOE District

Construct, operate, and maintain, an expansion of the existing pump station building, installation of a blacktop access drive around the northwest side of the building, excavation around the northwest side to accommodate the access drive, additional stone between the building and the new access drive, installation of fill around the southeast side of the building, installation of a concrete pad at the back corner, installation of a PCSM outfall apron, and installation of fencing around the entire building, within the floodway and floodplain of Beaver Run. Permanent impacts are 0.04 acre to the floodway and 0.07 to the floodplain. Temporary impacts are 0.10 acre to the floodway and 0.10 acre to the floodplain.

For the purpose upgrading the pump station to improve public water service.

The project site is located 2.6 miles southeast of the SR66 & SR380 intersection, Apollo, PA 15613 (Vandergrift, PA USGS topographic quadrangle; N: 40°, 30', 48"; W: -79°, 33', 6"; Sub-basin 18B; USACE Pittsburgh District), in Washington Township, Westmoreland County.



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

*Contact: Robert Marquez, Senior Project Manager, Telephone Number: 570-327-3636.*

**Permit No. E5829221-008, Williams Field Services Company, LLC**, 30351 Route 6, Wysox, PA 18854; Bridgewater Township, **Susquehanna County**; ACOE, Baltimore District.

To construct, operate, and maintain:

1. a 10-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 7,059 square feet (0.16 acre) of palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Lat. 41° 51' 06", Long. -75° 52' 01");

2. a temporary mat/bridge crossing impacting 186 square feet (0.01 acre) of palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Lat. 41° 51' 06", Long. -75° 52' 00");

3. a 30-inch diameter culvert and permanent access crossing impacting 17 lineal feet of an unnamed tributary to Snake Creek (CWF-MF) (Montrose East, PA Quadrangle; Lat. 41° 44' 08", Long. -75° 38' 53");

4. a temporary bridge crossing impacting 256 square feet (0.01 acre) of floodway only impacts to an unnamed tributary to Snake Creek (CWF-MF) (Montrose East, PA Quadrangle; Lat. 41° 51' 06", Long. -75° 52' 00");

5. a temporary mat/bridge crossing impacting 155 square feet (0.01 acre) of palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Lat. 41° 51' 01", Long. -75° 52' 00");

6. a temporary mat/bridge crossing impacting 181 square feet (0.01 acre) of palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Lat. 41° 51' 01", Long. -75° 51' 59");

7. a stream bank restoration activity impacting 167 lineal feet of stream bank and 1,656 square feet (0.04 acre) of stream area impacts to an unnamed tributary to Snake Creek (CWF-MF) (Montrose East, PA Quadrangle; Lat. 41° 51' 01", Long. -75° 51' 58");

8. a 30-inch diameter smooth-lined HDPE culvert and permanent access road crossing impacting 49 lineal feet stream impacts and 23,226 square feet (0.53 acre) of floodway impacts to an unnamed tributary to Snake Creek (CWF-MF) (Montrose East, PA Quadrangle; Lat. 41° 51' 01", Long. -75° 51' 01").

The 0.37-mile Tucker H. P1 Well Connect natural gas gathering line project will convey natural gas from the Tucker H. P1 well site to a proposed surface site located in Bridgewater Township, Susquehanna County. The project will result in 234 lineal feet of stream impacts with 0.55 acre (24,045 square feet) of floodway impacts, 256 square feet of floodway only stream impacts, and 0.18 acre (7,681 square feet) of PEM wetland impacts all for the purpose of constructing, operating, and maintaining a natural gas gathering line for conveyance to market.

*Southwest District Oil & Gas. 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E3007220-029, EQM Gathering OPCO, LLC**, 2200 Energy Drive, Canonsburg, PA 15317. To remediate two slope failures, RP-138 and RP-128, on the existing right of way of Beta Trunk natural gas pipeline and reconstruct sections of floodway for three unnamed tributaries to

Harts Run, a Warm Water Fisheries. The project is located within Aleppo Township, **Greene County**, Pittsburgh USACE District (RP-138 (39.8180, -80.4809), RP-128 (39.8109, -80.4817), Sub-Basin 20E (Wheeling Buffalo Creeks Watershed), Quad Name: New Freeport). The project will result in permanent impacts to 0.021 acre of PEM wetland and 0.097 acre of floodway due to subsurface drains, fill placement and reconstruction of the slope with engineered soil fill. The project will temporarily impact 68 linear feet of stream and 0.395 acre of floodway.

<i>Resource</i>	<i>Coordinates</i>	<i>Permanent Direct</i>	<i>Temporary Direct</i>
Wetland WT-14 (PEM)	39.815875, -80.480728	918 sq ft (0.021 ac)	
RP-138 Stream 1 (UNT to Harts Run) Floodway	39.816069, -80.481053	93 sq ft (0.002 ac)	1485 sq ft (0.034 ac)
RP-128 Stream 1 (UNT to Harts Run)	39.810839, -80.481819		68 LF
RP-128 Stream 1 (UNT to Harts Run) Floodway	39.810839, -80.481819	2426 sq ft (0.056 ac)	7004 sq ft (0.161 ac)
RP-128 Stream 2 (UNT to Harts Run) Floodway	39.811019, -80.481633	1702 sq ft (0.039 ac)	8700 sq ft (0.20 ac)

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

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

ESCGP-3# ESG00007170003-01  
 Applicant Name Shell Pipeline Company, LP  
 Contact Person Alan Hunsberger  
 Address 150 N. Dairy Ashford  
 City, State, Zip Houston, TX 77079  
 County Allegheny, Beaver, Washington  
 Township(s) North Fayette, Findlay, Independence, Raccoon, Greene, Potter, Chartiers, Mount Pleasant and Robinson Townships  
 Receiving Stream(s) and Classification(s) UNT Robinson Run (WWF)

*Northwest Region: Oil & Gas Management Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

ESCGP-3 # ESG082421001-00—Clermont Pad H to Pad NF A Pipeline ESX  
 Applicant Name Seneca Resources Co, LLC  
 Contact Person Douglas S Kepler  
 Address 51 Zents Blvd  
 City, State, Zip Brookville, PA 15825-2701  
 County Elk  
 Township(s) Jones Township  
 Receiving Stream(s) and Classification(s) Naval Hollow (HQ-CWF), Briggs Hollow (HQ-CWF) and Straight Creek (HQ-CWF).  
 Secondary Straight Creek (EV) and East Branch Clarion River (HQ-CWF).

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

ESCGP-3 # ESG290821059-00  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 14 Chesapeake Lane  
 City, State, Zip Sayre PA 18840  
 County Bradford  
 Township(s) Wysox  
 Receiving Stream(s) and Classification(s) Hollow Run (CWF, MF), UNT to Wysox Creek (CWF, MF)  
 Secondary: Wysox Creek (CWF, MF)

ESCGP-3 # ESG295821030-00  
 Applicant Name Coterra Energy, Inc  
 Contact Person Kenneth Marcum  
 Address 2000 Park Lane Suite 300  
 City, State, Zip Pittsburgh, PA 15275-1121  
 County Susquehanna  
 Township(s) Jessup  
 Receiving Stream(s) and Classification(s) UNT # 48585 to Forest Lake Creek (CWF, MF), UNT # 8783 to East Branch Wyalusing Creek (CWF, MF)  
 Secondary: Forest Lake Creek (CWF, MF), East Branch Wyalusing Creek (CWF, MF)

ESCGP-3 # ESG291221002-00  
 Applicant Name NFG Midstream Clermont, LLC  
 Contact Person Duane Wassum  
 Address 1100 State Street  
 City, State, Zip Erie, PA 16501  
 County Cameron  
 Township(s) Shippen  
 Receiving Stream(s) and Classification(s) UNTs to Clear Creek (EV), UNTs to West Creek (HQ)  
 Secondary: Sinnemahoning Creek (HQ, TSF)

ESCGP-3 # ESG295821029-00  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 14 Chesapeake Lane  
 City, State, Zip Sayre PA 18840  
 County Susquehanna  
 Township(s) Auburn  
 Receiving Stream(s) and Classification(s) S-SLH-015 (INT) to UNT Deer Lick Creek (CWF, MF), UNT Deer Lick Creek (CMF, MF)  
 Secondary: Deer Lick Creek (CWF, 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.*

**Jims Berwyn Auto Repair Ctr**, 15-39025, 576 Lancaster Ave., Berwyn, PA 19312, Easttown Township, **Chester County**. Welsh Environmental, Inc., 131 Clearview Drive, Downingtown, PA 19335, on behalf of Berwyn Owner, LLC, 775 Lancaster Avenue, Suite 210, Villanova, PA 19075, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater

contaminated with petroleum products. The report is intended to document remediation of the site to meet site-specific standards.

**Lukoil 69265**, 51-41440, 9499 E. Roosevelt Blvd., Philadelphia, PA 19114, City of Philadelphia, **Philadelphia County**. EnviroTrac Ltd., 602 S. Bethlehem Pike, Suite A-2&3, Ambler, PA 19002, on behalf of Lukoil North America LLC, 302 Harper Drive, Suite 303, Moorestown, NJ 08057, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet nonresidential Statewide health and site-specific standards.

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

*Contact: Eric Supey, Environmental Program Manager.*

**Former Exxon Station # 21753 (Moyer's Car Care Center)**, Storage Tank ID # 54-50862, 102 South Route 183, Schuylkill Haven, PA 17972, Wayne Township, **Schuylkill County**. Arcadis, 6041 Wallace Road Extension, Suite 300, Wexford, PA 15090, on behalf of ExxonMobil Environmental and Property Solutions, 875 West Poplar Avenue, Suite 23, # 353, Collierville, TN 38017, has submitted a revised Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document the remedial actions for meeting a combination of site-specific and Statewide health standards.

*Northcentral Regional Office: Environmental Cleanup & Brownfields Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3636.*

*Contact: Randy Farmerie, Environmental Program Manager.*

**Turkey Hill # 207**, Storage Tank Facility ID # 49-30642, 122 East Valley Avenue, Elysburg, PA 17824, Ralpho Township, **Northumberland County**. Kleinfelder, Inc., 51 Dutilh Rd., Suite 240, Cranberry Township, PA 16066, on behalf of TH Minit Markets, LLC, 165 Flanders Road, Westborough, MA 01581, submitted a Site Characterization Report Addendum and Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The plan is intended to document the remedial actions for meeting the Statewide health standard.

**Williamsport West Terminal**, Storage Tank Facility ID # 41-70544, 1606 Sylvan Dell Road, South Williamsport, PA 17702, Armstrong Township, **Lycoming County**. Piedmont Geologic, 6003 Chapel Hill Rd., Raleigh, NC 27607, on behalf of Lucknow-Highspire Terminals, LLC, 900 S. Eisenhower Blvd, Middletown, PA 17057, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet the Statewide health standard.

**Turkey Hill Minit Marts**, Storage Tank Facility ID # 41-27288, 18 East Water Street, Muncy, PA 17756, Muncy Township, **Lycoming County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Turkey Hill Minit Markets, 165 Flanders Road, Westborough, MA 01581, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet the site-specific and Statewide health standards for groundwater and site-specific standard for soil.

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

*Contact: Environmental Group Manager, Storage Tanks Program.*

**Barber Oil Co.**, Primary Facility ID # 11-25044, 503 Cedar St., Beaverdale, PA 15921, Summerhill Township, **Cambria County**. Letterle & Associates, Inc., 2022 Axemann Rd., Ste. 201, Bellefonte, PA 16823, on behalf of Barber Oil Co., 503 Cedar St., Beaverdale, PA 15921, submitted a Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the Statewide health standard.

**Former BP Service Station No. 09131**, Primary Facility ID # 11-14138, 1133 Scalp Ave., Johnstown, PA 15904, Richland Township, **Cambria County**. Antea USA, Inc., 535 Rt. 38, Ste. 203, Cherry Hill, NJ 08002, on behalf of BP Products North America, Inc., 201 Helios Way, Floor 6, Houston, TX 77079, submitted a combined Site Characterization Report, Remedial Action Plan, and Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the site specific standard.

**Former Sunoco 0364-1602**, Primary Facility ID # 65-32519, 99 Tarentum Bridge Rd., New Kensington, PA 15068, New Kensington City, **Westmoreland County**. EnviroTrac Ltd., 176 Thorn Hill Road, Warrendale, PA 16365, on behalf of Sunoco, Inc., 2 Righter Parkway, Ste. 120, Wilmington, DE 19803, submitted a Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the site specific standard.

**Best Deal Tire**, Primary Facility ID # 02-07379, 89 Clever Rd., McKees Rocks, PA 15136, Kennedy Township, **Allegheny County**. Flynn Environmental, Inc., 5640 Whipple Ave., N.W., North Canton, OH 44720, on behalf of Bill Ostapchenko, 89 Clever Rd., McKees Rocks, PA 15136, submitted a combined Site Characterization Report and Remedial Action Plan concerning the remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the Statewide health standard.

**Stahl Oil**, Primary Facility ID # 56-81539, 659 Berlin Plank Rd., Somerset, PA 15501, Somerset Township, **Somerset County**. P. Joseph Lehman, Inc., P.O. Box 419, Hollidaysburg, PA 16648, on behalf of Stahl Oil Co., P.O. Box 773, Somerset, PA 15501, submitted a Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the Statewide health standard.

**Morrow Refuse**, Primary Facility ID # 02-81370, 4985 Bakerstown-Culmerville Rd., Tarentum, PA 15084, West Deer Township, **Allegheny County**. Flynn Environmental, Inc., 5640 Whipple Ave., N.W., North Canton, OH 44720, on behalf of John & Elaine Morrow, 4985 Bakerstown-Culmerville Rd., Tarentum, PA 15084, submitted a combined Site Characterization Report and Remedial Action Plan concerning the remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the Statewide health standard.



## 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.*

**F Street Sunoco**, 51-43814, 3951 Roosevelt Blvd, Philadelphia, PA 19124, **City of Philadelphia**. Synergy Environmental, Inc., 155 Railroad Plaza, First Floor, Royersford, PA 19468, on behalf of 3951 Roosevelt Blvd., Realty Corp., 439 S. Prince Boulevard, Essington, PA 19029, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report was acceptable to meet site-specific standards and was approved by the Department on November 24, 2021.

**Mervine Svc Ctr**, 46-43324, 1258 N. Charlotte St., Pottstown, PA 19464, Lower Pottsgrove Township, **Montgomery County**. Reliance Environmental, Inc., 235 N. Duke St., Lancaster, PA 17602, on behalf of CJD Group, LLC, 1700 Oregon Pike, Lancaster, PA 17601 submitted a Remedial Action Completion Report concerning remediation

of soil and groundwater contaminated with unleaded gasoline and used motor oil. The report demonstrated attainment of nonresidential Statewide health and site-specific standards and was approved by the Department on November 29, 2021.

**Lukoil 69717**, 46-41558, 1685 Sumneystown Pike, Kulpville, PA 19443, **Montgomery County**. EnviroTrac Ltd., 602 S. Bethlehem Pike, Suite A-2&3, Ambler, PA 19002, on behalf of LUKOIL North America, LLC, 302 Harper Drive, Suite 303, Moorestown, NJ 08057 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Remedial Action Plan was acceptable to meet residential Statewide health standards in soil and groundwater and was approved by the DEP on November 29, 2021.

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

*Contact: Eric Supey, Environmental Program Manager.*

**Former Warner's Central Garage**, Storage Tank ID # 13-23965, 8 Hudsonale Street, Weatherly, PA 18255 Weatherly Borough, **Carbon County**. Barry Isett & Associates, 85 South Route 100, Allentown, PA 18106, on behalf of Mauch Chunk Trust Company, 1111 North Street, P.O. Box 289, Jim Thorpe, PA 18229, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The Remedial Action Completion Report demonstrated attainment of Statewide health standards and was approved by DEP on December 2, 2021.

**Liberty Oil Station 38**, Storage Tank ID # 54-51586, 700 North Railroad Street, Tamaqua, PA 18252, Tamaqua Borough, **Schuylkill County**. Converse Consultants, 2738 West College Avenue, State College, PA 16801, on behalf of Norwood Klotz, 600 East Main Street, Schuylkill Haven, PA 17972, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The report was not acceptable to meet Statewide health standards and was disapproved by DEP on December 3, 2021.

*Northcentral Regional Office: Environmental Cleanup & Brownfields Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3636.*

*Contact: Randy Farmerie, Environmental Program Manager.*

**Turkey Hill # 207**, Storage Tank Facility ID # 49-30642, 122 East Valley Avenue, Elysburg, PA 17824, Ralpho Township, **Northumberland County**. Kleinfelder, Inc., 51 Dutilh Rd., Suite 240, Cranberry Township, PA 16066, on behalf of TH Minit Markets, LLC, 165 Flanders Road, Westborough, MA 01581, submitted a Site Characterization Report Addendum and Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The Remedial Action Plan was acceptable to meet the Statewide health standard and was approved by DEP on November 30, 2021.

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

*Contact: Environmental Group Manager, Storage Tanks Program.*

**Farmington Shell**, Primary Facility ID # 26-83712, 100 Farmington-Ohiopyle Rd., Farmington, PA 15437, Wharton Township, **Fayette County**. Flynn Environmen-



tal, Inc., 5640 Whipple Ave., N.W., North Canton, OH 44720, on behalf of Earl Johnson, P.O. Box 44, Farmington, PA 15437, submitted a Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Completion Report demonstrated attainment of the Statewide health standard and was approved by DEP on November 23, 2021.

**Former Pennzoil-Quaker State Fac. No. 3112**, Primary Facility ID # 65-01194, 731 South Main St., Greensburg, PA 15601, Southwest Greensburg Borough, **Westmoreland County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Dr., Cranberry Township, PA 16066, on behalf of Shell Oil Products US, 20945 S. Wilmington Ave., Carson, CA 90810, submitted a revised Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Completion Report demonstrated attainment of the Statewide health standard and was approved by DEP on November 29, 2021.

**CoGo's # 802**, Primary Facility ID # 65-32338, 219 East Pittsburgh St., Greensburg, PA 15601, Greensburg City, **Westmoreland County**. Letterle & Associates, Inc., 2859 Oxford Blvd, Allison Park, PA 15101, on behalf of Coen Markets, Inc., 1000 Philadelphia St., Canonsburg, PA 15314, submitted a Remedial Action Completion Re-

port concerning the remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Completion Report demonstrated attainment of the Statewide health standard and was approved by DEP on November 29, 2021.

**Loftus Sunoco**, Primary Facility ID # 04-08231, 1100 Merchant St., Ambridge, PA 15003, Ambridge Borough, **Beaver County**. Insite Group, Inc., 611 S. Irvine Avenue, Sharon, PA 16146, on behalf of Loftus Auto Service, 101 Loftus Dr., Monaca, PA 15061, submitted a Remedial Action Plan concerning the remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan demonstrated attainment of the Statewide health standard and was approved by DEP on November 05, 2021.

**BFS Foods Connellsville**, Primary Facility ID # 26-31699, 1014 Morrell Ave., Connellsville, PA 15425, Connellsville City, **Fayette County**. Letterle & Associates, Inc., 2859 Oxford Blvd, Allison Park, PA 15101, on behalf of Bruceton Farm Service, Inc., 116 Shannon Dr., Morgantown, WV 26508, submitted a combined Site Characterization Report and Remedial Action Plan concerning the remediation of soil and groundwater contaminated with petroleum products. The Site Characterization Report and Remedial Action Plan did not demonstrate attainment of the site specific standard and was disapproved by DEP on November 16, 2021.

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## SPECIAL NOTICES

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### RADIATION PROTECTION

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#### Notice of Certification to Perform Radon-Related Activities in Pennsylvania

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In the month of November 2021, Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P.L. 238, No. 43 (63 P.S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed as follows to perform radon related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P.O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Certification</i>
Chad M. Albright	4101 Beale Avenue Altoona, PA 16601	Mitigation
Robert A. Anderson	282 Longstreet Drive Gettysburg, PA 17325	Mitigation
Stephen P. Ballasy	1786 Clearview Avenue Blue Bell, PA 19422	Testing
Jason R. Barber	368 Wayne Street Baden, PA 15005	Testing
Aaron Bowser	328 Murtland Street Springdale, PA 15144	Testing
Michael J. Cantor	412 Bow Hill Avenue Hamilton, NJ 08610	Testing
Joseph A. Cline	P.O. Box 1145 Mechanicsburg, PA 17055	Testing
Bryan M. Cole	317 McWilliams Road Trafford, PA 15085	Testing
James J. Debellis	2700 Cumberland Avenue Reading, PA 19606	Mitigation
James J. Debellis	2700 Cumberland Avenue Reading, PA 19606	Testing
Stephen C. DiSalvio	34 Penn Circle Holland, PA 18966	Testing

<i>Name</i>	<i>Address</i>	<i>Certification</i>
Mark W. Droege	238 Pheasant Drive Columbia, PA 17512	Testing
Andrew D. Fritsch	110 S Line Road Ephrata, PA 17522	Mitigation
Thomas M. Giambrone	6233 Frankford Avenue Philadelphia, PA 19135	Testing
Steven J. Gorman	282 Longstreet Drive Gettysburg, PA 17325	Testing
Larry D. Grove	929 S. High St Suite 169 West Chester, PA 19382	Testing
William P. Kennihan	530 Steiner Bridge Road Valencia, PA 16059	Mitigation
Ryan Lingold	P.O. Box 651 Macungie, PA 18062	Testing
Glendon W. Llewellyn	P.O. Box 211 Worthington, PA 16262	Testing
Ralph T. Mansfield	454 Somer Street Lectonin, OH 44431	Mitigation
Ralph T. Mansfield	454 Somer Street Lectonin, OH 44431	Testing
Justin T. McCurry	722 Main Street Pennsburg, PA 18073	Testing
Robert J. Petrillo	P.O. Box 587 Dunmore, PA 18512	Testing
John C. Quimby, IV	9163 Lancelot Drive Pittsburgh, PA 15237	Testing
Edward Robbins	13 Charter Oak Ct Doylestown, PA 18901	Testing
Keith Rogers	305 Cameron Street Douglasville, PA 19518	Mitigation
Dominic Romagnoli, Jr.	8020 Mine Street Fogelsville, PA 18051	Mitigation
Mark Schlott	347 Indian Manor Drive Leesport, PA 19533	Testing
Robert C. Tsas	20914 Merle Drive Gaithersburg, MD 20882	Testing
Robert Vail, Jr.	24 Amanda Lane Scott Township, PA 18433	Mitigation

### WATER PROGRAMS

#### Erosion and Sediment Control Permit Amendment

#### Water Obstruction and Encroachment Permit Amendment

*Southeast Region: Waterways & Wetlands Program, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5160.*

The Department of Environmental Protection (Department) provides notice of the Department's approval of permit modifications to the following Chapter 102, Erosion and Sediment Control Permit and Chapter 105 Water Obstruction and Encroachment Permits issued for the Pennsylvania Pipeline Project (PPP)/Mariner East II.

<i>Ch. 102 Permit No.</i>	<i>Applicant Name and Address</i>	<i>Counties</i>	<i>DEP Regional Office</i>
ESG0100015001	Sunoco Pipeline, LP (SPLP) 535 Fritztown Road Sinking Spring, PA 19608	Delaware and Chester	Southeast Region

<i>Ch. 105 Permit No.</i>	<i>Applicant Name and Address</i>	<i>Counties</i>	<i>DEP Regional Office</i>
E15-862	Sunoco Pipeline, LP (SPLP) 535 Fritztown Road Sinking Spring, PA 19608	Chester	Southeast Region

**Chapter 102 Permit No. ESG0100015001:** This request, received April 7, 2021, is entitled Major Amendment, HDD S3-0290 Installation Method Change and Additional Temporary Workspace, Upper Uwchlan Township, **Chester County**. This amendment consists of a change in the route and installation method for the 20-inch diameter pipeline previously permitted as Horizontal Directional Drill (HDD) 290.

This amendment is being requested for earth disturbance activities associated with a change in the horizontal directional drill (HDD) installation method for the 20-inch diameter pipeline to a conventional open trench construction. The new installation plan will involve use of the open cut construction method across Wetland H17 and dry open cut construction methods across Streams S-H10 and S-H11, and open cut construction under the intersection of Milford Road and Little Conestoga Road and under Highview Road. Additional temporary workspace will be required.

An increase to the limits of disturbance of 5.42 acres is being requested.

**Chapter 105 Permit No. E15-862:** This request, received April 7, 2021, is entitled Major Amendment, HDD S3-0290 Installation Method Change, Upper Uwchlan Township, **Chester County**. This amendment consists of a change in the route and installation method for the 20-inch diameter pipeline previously permitted as Horizontal Directional Drill (HDD) 290.

This amendment is being requested for water obstruction and encroachment activities associated with a change in the horizontal directional drill (HDD) installation method for the 20-inch diameter pipeline to a conventional open trench construction. The new installation plan will involve use of the open cut construction method across Wetland H17 and dry open cut construction methods across Streams S-H10 and S-H11.

For more detailed information regarding the Chapter 102 Permit (ESG0100015001) and Chapter 105 Permit (E15-862) related to this project, which is available in the Department's Southeast Regional Office and available online at [dep.pa.gov/pipelines](http://dep.pa.gov/pipelines), contact the Southeast Regional Office, (484) 250-5160 to request a file review.

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 receipt of written notice of this action 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.

[Pa.B. Doc. No. 21-2115. Filed for public inspection December 17, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Board and Committee Meeting Schedules for 2022

The following is a list of 2022 advisory board and committee meetings associated with the Department of Environmental Protection (Department). Meetings will have an in-person as well as a remote participation option. These schedules and an agenda for each meeting, including meeting materials, will be available on the Department's web site at [www.dep.pa.gov](http://www.dep.pa.gov) through the Public Participation tab. Prior to each meeting, the Department encourages individuals to visit the web site to confirm meeting date, time, location and remote participation options.

Persons in need of accommodations, as provided for in the Americans with Disabilities Act of 1990, should contact the individual listed for each board or committee, 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.

#### *Aggregate Advisory Board*

The Aggregate Advisory Board will meet at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The meeting dates are as follows:

February 2, 2022  
May 4, 2022  
August 3, 2022  
November 2, 2022

*Contact:* Daniel E. Snowden, Bureau of Mining Programs, 400 Market Street, Harrisburg, PA 17101 at [dsnowden@pa.gov](mailto:dsnowden@pa.gov) or (717) 783-8846.

#### *Agricultural Advisory Board*

The Agricultural Advisory Board has not yet scheduled meetings for 2022. Notices for upcoming meetings will be published in future issues of the *Pennsylvania Bulletin*.

*Contact:* Jay Braund, Bureau of Clean Water, 400 Market Street, Harrisburg, PA 17101 at [jbraund@pa.gov](mailto:jbraund@pa.gov) or (717) 772-5636.

#### *Air Quality Technical Advisory Committee*

The Air Quality Technical Advisory Committee will meet at 9:15 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The meeting dates are as follows:

February 10, 2022  
April 7, 2022  
June 2, 2022  
August 18, 2022  
October 13, 2022  
December 8, 2022

*Contact:* Kirit Dalal, Bureau of Air Quality, 400 Market Street, Harrisburg, PA 17101 at [kdalal@pa.gov](mailto:kdalal@pa.gov) or (717) 772-3436.

*Board of Coal Mine Safety*

The Board of Coal Mine Safety will meet at 10 a.m. in Conference Rooms A and B, Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931. The meeting dates are as follows:

March 2, 2022  
June 9, 2022  
September 6, 2022  
December 7, 2022

*Contact:* Peggy Scheloske, Bureau of Mine Safety, P.O. Box 133, New Stanton, PA 15672 at mscheloske@pa.gov or (724) 404-3143.

*Citizens Advisory Council*

The Citizens Advisory Council (CAC) will meet at 12:30 p.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The meeting dates are as follows:

January 18, 2022  
February 15, 2022  
March 15, 2022  
April 19, 2022  
May 18, 2022 (Wednesday)  
June 21, 2022  
July 19, 2022  
September 20, 2022  
October 18, 2022  
November 15, 2022—a portion of this meeting will be held with the Environmental Justice Advisory Board

*Contact:* Keith Salador, Citizens Advisory Council, P.O. Box 8459, Harrisburg, PA 17105-8459 at ksalador@pa.gov or (717) 787-8171.

*Cleanup Standards Scientific Advisory Board*

The Cleanup Standards Scientific Advisory Board will meet at 9:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The meeting dates are as follows:

April 6, 2022  
August 17, 2022  
December 14, 2022

*Contact:* Mike Maddigan, Bureau of Environmental Cleanup and Brownfields, 400 Market Street, Harrisburg, PA 17101 at mmaddigan@pa.gov or (717) 772-3609.

*Climate Change Advisory Committee*

The Climate Change Advisory Committee will meet at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The meeting dates are as follows:

February 22, 2022  
April 14, 2022  
June 23, 2022  
August 23, 2022  
October 25, 2022  
December 13, 2022

*Contact:* Lindsay Byron, Energy Programs Office, 400 Market Street, Harrisburg, PA 17101 at lbyron@pa.gov or (717) 772-8951.

*Coal and Clay Mine Subsidence Insurance Fund Board*

The Coal and Clay Mine Subsidence Insurance Fund Board will meet at 10 a.m. in the 12th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The meeting date is as follows:

January 13, 2022

*Contact:* James Charowsky, Bureau of Mining Programs, 400 Market Street, Harrisburg, PA 17101 at jcharowsky@pa.gov or (717) 787-7007.

*Coastal Zone Advisory Committee*

The Coastal Zone Advisory Committee will meet at 9:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The meeting dates are as follows:

January 12, 2022  
June 15, 2022

*Contact:* Joe Sieber, Compacts and Commissions Office, 400 Market Street, P.O. Box 8465, Harrisburg, PA 17105-8465 at josieber@pa.gov or (717) 787-4726.

*Environmental Justice Advisory Board*

The Environmental Justice Advisory Board will meet at 9 a.m. in the 16th Floor Delaware Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The meeting dates are as follows:

February 17, 2022  
May 19, 2022

November 15, 2022—a portion of this meeting will be held with the CAC in Room 105, Rachel Carson State Office Building

*Contact:* John Brakeall, Office of Environmental Justice, 400 Market Street, Harrisburg PA 17101 at jbrakeall@pa.gov or (717) 783-9731.

*Environmental Quality Board*

The Environmental Quality Board will meet at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. Meetings will only be held when there is a sufficient number of agenda items for consideration. The meeting dates are as follows:

January 18, 2022  
February 15, 2022  
March 15, 2022  
April 19, 2022  
May 18, 2022 (Wednesday)  
June 21, 2022  
July 19, 2022  
August 16, 2022  
September 20, 2022  
October 18, 2022  
November 15, 2022  
December 20, 2022

*Contact:* Laura Griffin, Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477 at laurgriffi@pa.gov or (717) 772-3277.

*Laboratory Accreditation Advisory Committee*

The Laboratory Accreditation Advisory Committee has not yet scheduled meetings for 2022. Notices for upcoming meetings will be published in future issues of the *Pennsylvania Bulletin*.

*Contact:* Annmarie Beach, Bureau of Laboratories, 2575 Interstate Drive, Harrisburg, PA 17110 at eplabaccredit@pa.gov or (717) 346-7200.



*Low-Level Radioactive Waste Advisory Committee*

The Low-Level Radioactive Waste Advisory Committee will meet at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The meeting date is as follows:

September 30, 2022

*Contact:* Kristina Hoffman, Bureau of Radiation Protection, 400 Market Street, Harrisburg, PA 17101 at krihoffman@pa.gov or (717) 787-2480.

*Mine Families First Response and Communications Advisory Council*

The Mine Families First Response and Communications Advisory Council has not yet scheduled meetings for 2022. Notices for upcoming meetings will be published in future issues of the *Pennsylvania Bulletin*.

*Contact:* Peggy Scheloske, Bureau of Mine Safety, P.O. Box 133, New Stanton, PA 15672 at mscheloske@pa.gov or (724) 404-3143.

*Mining and Reclamation Advisory Board*

The Mining and Reclamation Advisory Board will meet at 10 a.m. in the 16th Floor Delaware Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The meeting dates are as follows:

January 20, 2022

April 7, 2022

July 21, 2022

October 12-13, 2022

*Contact:* Daniel E. Snowden, Bureau of Mining Programs, 400 Market Street, Harrisburg, PA 17101 at dsnowden@pa.gov or (717) 783-8846.

*Oil and Gas Technical Advisory Board*

The Oil and Gas Technical Advisory Board will meet at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The meeting dates are as follows:

January 14, 2022

April 25, 2022

July 18, 2022

October 20, 2022

*Contact:* Todd M. Wallace, Office of Oil and Gas Management, 400 Market Street, Harrisburg, PA 17101 at twallace@pa.gov or (717) 783-9438.

*Pennsylvania Energy Development Authority*

The Pennsylvania Energy Development Authority has not yet scheduled meetings for 2022. Notices for upcoming meetings will be published in future issues of the *Pennsylvania Bulletin*.

*Contact:* Allen Landis, Energy Programs Office, 400 Market Street, Harrisburg, PA 17101 at alllandis@pa.gov or (717) 787-7389.

*Public Water System Technical Assistance Center Board*

The Public Water System Technical Assistance Center Board will meet at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The meeting dates are as follows:

February 8, 2022

April 21, 2022

July 14, 2022

October 27, 2022

*Contact:* Dawn Hissner, Bureau of Safe Drinking Water, 400 Market Street, Harrisburg, PA 17101 at dhissner@pa.gov or (717) 772-2189.

*Radiation Protection Advisory Committee*

The Radiation Protection Advisory Committee will meet at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The meeting dates are as follows:

March 3, 2022

October 6, 2022

*Contact:* John Chipppo, Bureau of Radiation Protection, 400 Market Street, Harrisburg, PA 17101 at jchippo@pa.gov or (717) 783-9730.

*Recycling Fund Advisory Committee*

The Recycling Fund Advisory Committee has not yet scheduled meetings for 2022. Notices for upcoming meetings will be published in future issues of the *Pennsylvania Bulletin*.

*Contact:* Laura Henry, Bureau of Waste Management, 400 Market Street, Harrisburg, PA 17101 at lahenry@pa.gov or (717) 783-2388.

*Sewage Advisory Committee*

The Sewage Advisory Committee will meet at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The meeting dates are as follows:

March 30, 2022

September 14, 2022

*Contact:* Janice Vollero, Bureau of Clean Water, 400 Market Street, Harrisburg, PA 17101 at jvollero@pa.gov or (717) 772-5157.

*Small Business Compliance Advisory Committee*

The Small Business Compliance Advisory Committee will meet at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The meeting dates are as follows:

January 27, 2022

April 27, 2022

July 28, 2022

October 26, 2022

*Contact:* Lucas Hershey, Bureau of Air Quality, 400 Market Street, Harrisburg, PA 17101 at luchershey@pa.gov or (717) 787-7019.

*Solid Waste Advisory Committee*

The Solid Waste Advisory Committee has not yet scheduled meetings for 2022. Notices for upcoming meetings will be published in future issues of the *Pennsylvania Bulletin*.

*Contact:* Laura Henry, Bureau of Waste Management, 400 Market Street, Harrisburg, PA 17101 at lahenry@pa.gov or (717) 783-2388.

*State Board for Certification of Sewage Enforcement Officers*

The State Board for Certification of Sewage Enforcement Officers will meet at 10 a.m. in the 12th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The meeting dates are as follows:

April 20, 2022

September 7, 2022

October 12, 2022

November 30, 2022

*Contact:* Amy Forney, Bureau of Clean Water, 400 Market Street, Harrisburg, PA 17101 at ra-seotrng@pa.gov or (717) 772-2186.

*State Board for Certification of Water and Wastewater Systems Operators*

The State Board for Certification of Water and Wastewater Systems Operators will meet at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The meeting dates are as follows:

February 9, 2022  
April 13, 2022  
June 8, 2022  
August 10, 2022  
October 5, 2022  
December 7, 2022

*Contact:* Laura Chambers, Bureau of Safe Drinking Water, 400 Market Street, Harrisburg, PA 17101 at lchambers@pa.gov or (717) 772-5158.

**State Water Plan—Regional Water Resource Committees**

*Delaware Regional Water Resource Committee*

The Delaware Regional Water Resource Committee will meet at 9 a.m. in the 16th Floor Delaware Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The meeting dates are as follows:

January 11, 2022  
April 12, 2022  
October 11, 2022

*Contact:* Mark Matlock, Compacts and Commissions Office, 400 Market Street, Harrisburg, PA 17101 at marmatlock@pa.gov or (717) 783-2285.

*Great Lakes Regional Water Resource Committee*

The Great Lakes Regional Water Resource Committee will meet at 9 a.m. in the 16th Floor Delaware Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The meeting dates are as follows:

January 26, 2022  
April 27, 2022  
October 26, 2022

*Contact:* Mark Matlock, Compacts and Commissions Office, 400 Market Street, Harrisburg, PA 17101 at marmatlock@pa.gov or (717) 783-2285.

*Lower Susquehanna Regional Water Resource Committee*

The Lower Susquehanna Regional Water Resource Committee will meet at 9 a.m. in the 16th Floor Delaware Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The meeting dates are as follows:

January 12, 2022  
April 13, 2022  
October 12, 2022

*Contact:* Mark Matlock, Compacts and Commissions Office, 400 Market Street, Harrisburg, PA 17101 at marmatlock@pa.gov or (717) 783-2285.

*Ohio Regional Water Resource Committee*

The Ohio Regional Water Resource Committee will meet at 1 p.m. in the 16th Floor Delaware Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The meeting dates are as follows:

January 25, 2022  
April 26, 2022  
October 25, 2022

*Contact:* Mark Matlock, Compacts and Commissions Office, 400 Market Street, Harrisburg, PA 17101 at marmatlock@pa.gov or (717) 783-2285.

*Potomac Regional Water Resource Committee*

The Potomac Regional Water Resource Committee will meet at 1 p.m. in the 16th Floor Delaware Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The meeting dates are as follows:

January 13, 2022  
April 14, 2022  
October 13, 2022

*Contact:* Mark Matlock, Compacts and Commissions Office, 400 Market Street, Harrisburg, PA 17101 at marmatlock@pa.gov or (717) 783-2285.

*Upper/Middle Susquehanna Regional Water Resource Committee*

The Upper/Middle Susquehanna Regional Water Resource Committee will meet at 9 a.m. in the 16th Floor Delaware Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The meeting dates are as follows:

January 27, 2022  
April 28, 2022  
October 27, 2022

*Contact:* Mark Matlock, Compacts and Commissions Office, 400 Market Street, Harrisburg, PA 17101 at marmatlock@pa.gov or (717) 783-2285.

*Statewide Water Resources Committee*

The Statewide Water Resources Committee will meet at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The meeting dates are as follows:

January 19, 2022  
March 16, 2022  
May 11, 2022  
July 20, 2022  
September 21, 2022  
November 9, 2022

*Contact:* Mark Matlock, Compacts and Commissions Office, 400 Market Street, Harrisburg, PA 17101 at marmatlock@pa.gov or (717) 783-2285.

*Storage Tank Advisory Committee*

The Storage Tank Advisory Committee will meet at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The meeting dates are as follows:

March 8, 2022  
June 7, 2022  
September 7, 2022  
December 6, 2022

*Contact:* Kris A. Shiffer, Bureau of Environmental Cleanup and Brownfields, 400 Market Street, Harrisburg, PA 17101 at kshiffer@pa.gov or (717) 772-5809.

*Technical Advisory Committee on Diesel-Powered Equipment*

The Technical Advisory Committee on Diesel-Powered Equipment will meet at 10 a.m. in the Westmoreland Room, New Stanton Office, 131 Broadview Road, New Stanton, PA 15672. The meeting dates are as follows:

January 12, 2022  
 April 13, 2022  
 July 13, 2022  
 October 12, 2022

Contact: Peggy Scheloske, Bureau of Mine Safety, P.O. Box 133, New Stanton, PA 15672 at mscheloske@pa.gov or (724) 404-3143.

*Water Resources Advisory Committee*

The Water Resources Advisory Committee will meet at 9:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The meeting dates are as follows:

January 20, 2022  
 March 17, 2022  
 May 19, 2022  
 July 21, 2022  
 September 15, 2022  
 November 17, 2022

Contact: Bob Haines, Bureau of Clean Water, 400 Market Street, Harrisburg, PA 17101 at robhaines@pa.gov or (717) 705-4090.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-2116. Filed for public inspection December 17, 2021, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### State Board for Certification of Sewage Enforcement Officers; Examination Schedule for 2022

The State Board for Certification of Sewage Enforcement Officers (Board) has scheduled the certification examination schedule for 2022.

To qualify to sit for the certification examination, all Sewage Enforcement Officer (SEO) candidates must successfully complete the Pre-Certification Academy. Examination applications must be received (not postmarked) by the Board, complete and correct, by close of business on the dates indicated. Applications received after these dates will not be considered for examination. Applications that do not contain all the required information will be returned and will not be considered eligible for the examination. The examination schedule for 2022 is as follows:

<i>Examination Date:</i>	Friday, April 1, 2022 (12:30 p.m. registration, exam 1 p.m. to 4:30 p.m.)
<i>Examination Application Deadline:</i>	Wednesday, March 16, 2022
<i>Location:</i>	Pennsylvania State Association of Township Supervisors PSATS Education Center 4855 Woodland Drive Enola, PA 17025
<i>Examination Date:</i>	Friday, August 26, 2022 (12:30 p.m. registration, exam 1 p.m. to 4:30 p.m.)
<i>Examination Application Deadline:</i>	Wednesday, August 10, 2022
<i>Location:</i>	Pennsylvania State Association of Township Supervisors PSATS Education Center 4855 Woodland Drive Enola, PA 17025
<i>Examination Date:</i>	Monday, September 19, 2022 (8:30 a.m. registration, exam 9 a.m. to 12:30 p.m.)
<i>Examination Application Deadline:</i>	Friday, September 2, 2022
<i>Location:</i>	Pennsylvania Department of Environmental Protection Southcentral Regional Office Susquehanna Conference Room Main entrance 909 Elmerton Avenue Harrisburg, PA 17110
<i>Examination Date:</i>	Friday, November 18, 2022 (12:30 p.m. registration, exam 1 p.m. to 4:30 p.m.)
<i>Examination Application Deadline:</i>	Wednesday, November 2, 2022
<i>Location:</i>	Pennsylvania State Association of Township Supervisors PSATS Education Center 4855 Woodland Drive Enola, PA 17025

Additional examination dates will be posted as scheduled. Individuals are encouraged to visit the Board's webpage to confirm date, time and location prior to each examination.

The SEO written examination contains 100 multiple-choice questions covering sewage planning requirements, administration and enforcement of the onlot sewage permitting program, and technical criteria for soils and onlot sewage

disposal systems. The examination must be completed within a 3 1/2-hour time limit. The passing grade is 50% correct responses in each subject area and an overall minimum of 70 correct answers on the entire examination. This is an open book examination. Applicants are not permitted to bring their own materials. Necessary reference materials will be provided at the test site.

Examination applications may be obtained by contacting the Department of Environmental Protection, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8774, Harrisburg, PA 17105-8774, ra-seotrng@pa.gov or (717) 772-2186.

Applicants will receive a confirmation e-mail from the Board prior to the date of the examination.

Persons who anticipate the need for a testing accommodation due to a disability should contact the Board at (717) 772-5157 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss their request. This request must be submitted with the application form.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 21-2117. Filed for public inspection December 17, 2021, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 201.22(e) and (j) (relating to prevention, control and surveillance of tuberculosis (TB)):

Buffalo Valley Lutheran Village  
189 East Tressler Boulevard  
Lewisburg, PA 17838  
FAC ID # 023602

Mountain View, A Nursing and Rehabilitation Center  
2050 Trevorton Road  
Coal Township, PA 17866  
FAC ID # 390302

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(j):

The Bethlen Home of the Hungarian Reformed Federation of America  
66 Carey School Road  
Ligonier, PA 15658  
FAC ID # 021402

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or

hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ALISON BEAM,  
*Acting Secretary*

[Pa.B. Doc. No. 21-2118. Filed for public inspection December 17, 2021, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Disproportionate Share Payments and Supplemental Hospital Payments to Qualifying Hospitals

The Department of Human Services (Department) is announcing its intent to allocate funds in Fiscal Year (FY) 2021-2022 for several classes of inpatient disproportionate share hospital (DSH) payments and supplemental payments to Medical Assistance (MA) enrolled, qualifying inpatient acute care general hospitals. The Department does not intend to otherwise change the qualifying criteria or payment methodology for these payments. The qualifying criteria and payment methodology for each payment are described in Pennsylvania's Medicaid State Plan.

All payment limitations are applicable, including those limitations that the Commonwealth may not exceed its aggregate annual DSH allotment, and that no hospital may receive DSH payments in excess of its hospital-specific limit.

The allocation of the funds for DSH payments described as follows is contingent on the availability of Federal financial participation for these payments.

#### *Allocation of Funds*

The Department intends to allocate \$1.057 million in total funds for DSH payments to qualifying acute care general hospitals that have a low commercial-payer ratio, a negative trend in their net patient revenue and are located in an area of this Commonwealth with a disproportionate need for MA services to promote continued access to care for the MA population, upon approval by the Centers for Medicare & Medicaid Services (CMS).

The Department intends to allocate \$1.585 million in total funds for DSH payments to qualifying acute care general hospitals to promote access to acute care services



for MA eligible persons in less urban areas of this Commonwealth, upon approval by CMS.

The Department intends to allocate \$18.293 million in total funds for DSH payments to MA enrolled acute care general hospitals that qualify as a trauma center for the purpose of improving access to readily available and coordinated trauma care for the citizens of this Commonwealth, upon approval by CMS.

The Department intends to allocate \$111.585 million in total funds for DSH payments to qualifying MA enrolled acute care hospitals that promote access to comprehensive inpatient services for MA eligible persons by providing an adequate supply of health care professionals who have been trained in high volume MA enrolled hospital settings, upon approval by CMS.

The Department intends to allocate \$9.377 million in total funds for DSH payments to qualifying acute care general hospital burn centers, upon approval by CMS.

The Department intends to allocate \$14.119 million in total funds for DSH payments to qualifying acute care general hospitals providing obstetrical and neonatal services, upon approval by CMS.

The Department intends to allocate \$0.500 million in total funds for DSH payments to qualifying teaching hospitals that provide psychiatric services to MA beneficiaries in order to help offset medical education costs of psychiatrists that are incurred by hospitals providing assistance to MA beneficiaries and uninsured persons, upon approval by CMS.

The Department intends to allocate \$34.356 million in total funds for DSH payments to critical access and qualifying rural hospitals, upon approval by CMS.

The Department intends to allocate \$ 0.695 million in total funds for DSH payments to qualifying acute care general hospitals that, in partnership with an independent facility listed as a Cleft and Craniofacial Team by the American Cleft Palate-Craniofacial Association, provide surgical services to patients with cleft palate and craniofacial abnormalities, upon approval by CMS.

The Department intends to allocate \$0.737 million in total funds funding for DSH payments made to qualifying MA enrolled acute care general hospitals that provide a high volume of inpatient services to MA eligible and low-income populations, upon approval by CMS.

The Department intends to allocate \$4.333 million in total funds for DSH payments to qualifying acute care general hospitals that qualify as academic medical centers, upon approval by CMS.

The Department intends to allocate \$23.946 million in total funds for DSH payments to qualifying acute care general hospitals to provide additional support for the operation of academic medical programs through the medical education of health care professionals needed to treat the MA population, upon approval by CMS.

The Department intends to allocate \$7.397 million in total funds DSH payments to qualifying acute care general hospitals that participate in an academic medical program, upon approval by CMS.

The Department intends to allocate \$5.290 million in total funds for supplemental payments to qualifying acute care general hospitals that provide medical and surgical ocular services to MA beneficiaries to ensure continued access to these critical eye related services, upon approval by CMS.

The Department intends to allocate \$0.900 million in total funds for supplemental payments to qualifying acute care general hospitals that provide a substantial portion of their inpatient services to MA beneficiaries, upon approval by CMS.

#### *Fiscal Impact*

The FY 2021-2022 impact, as a result of the funding allocation for these payments, is \$234.170 million in total funds (State and Federal), upon approval by CMS.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. The Department will review and consider comments received within 30 days in determining the final payment methodology for these payments.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

MEG SNEAD,  
*Acting Secretary*

#### **Fiscal Note:** 14-NOT-1471. (1) General Fund;

(7) MA—Fee-for-Service; (2) Implementing Year 2021-22 is \$53,460,000; (3) 1st Succeeding Year 2022-23 through 5th Succeeding Year 2026-27 are \$0; (4) 2020-21 Program—\$808,350,000; 2019-20 Program—\$344,107,000; 2018-19 Program—\$342,544,000;

(7) MA—Critical Access Hospitals; (2) Implementing Year 2021-22 is \$13,057,000; (3) 1st Succeeding Year 2022-23 through 5th Succeeding Year 2026-27 are \$0; (4) 2020-21 Program—\$9,777,000; 2019-20 Program—\$8,850,000; 2018-19 Program—\$10,400,000;

(7) MA—Hospital-Based Burn Centers; (2) Implementing Year 2021-22 is \$4,437,000; (3) 1st Succeeding Year 2022-23 through 5th Succeeding Year 2026-27 are \$0; (4) 2020-21 Program—\$3,862,000; 2019-20 Program—\$3,792,000; 2018-19 Program—\$3,782,000;

(7) MA—Obstetric and Neonatal Services; (2) Implementing Year 2021-22 is \$3,681,000; (3) 1st Succeeding Year 2022-23 through 5th Succeeding Year 2026-27 are \$0; (4) 2020-21 Program—\$2,814,000; 2019-20 Program—\$2,709,000; 2018-19 Program—\$3,681,000;

(7) MA—Academic Medical Centers; (2) Implementing Year 2021-22 is \$17,831,000; (3) 1st Succeeding Year 2022-23 through 5th Succeeding Year 2026-27 are \$0; (4) 2020-21 Program—\$21,479,000; 2019-20 Program—\$21,092,000; 2018-19 Program—\$24,681,000;

(7) MA—Physician Practice Plans; (2) Implementing Year 2021-22 is \$2,000,000; (3) 1st Succeeding Year 2022-23 through 5th Succeeding Year 2026-27 are \$0; (4) 2020-21 Program—\$9,618,000; 2019-20 Program—\$7,502,000; 2018-19 Program—\$10,071,000;

(7) Autism Intervention; (2) Implementing Year 2021-22 is \$450,000; (3) 1st Succeeding Year 2022-23 through 5th Succeeding Year 2026-27 are \$0; (4) 2020-21 Program—\$27,262,000; 2019-20 Program—\$27,052,000; 2018-19 Program—\$30,842,000;

(7) MA—Trauma Centers; (2) Implementing Year 2021-22 is \$8,656,000; (3) 1st Succeeding Year 2022-23 through 5th Succeeding Year 2026-27 are \$0; (4) 2020-21

Program—\$7,534,000; 2019-20 Program—\$7,397,000; 2018-19 Program—\$8,656,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 21-2119. Filed for public inspection December 17, 2021, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Consumer Price Index Adjustment of Base Amounts on Bids Effective January 1, 2022

Each year the Department of Labor and Industry (Department) is required by the following statutes to publish changes to the base amounts triggering the requirement for public bids, telephonic bids or separate bids, or both, for certain contracts. The Department is required to announce the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U): All Items for the United States City Average for the 12-month period ending September 30 of each year. The Department utilizes the most current nonseasonally adjusted series, as published by the United States Bureau of Labor Statistics (BLS), which at present uses 1982—1984 as the index base period (set equal to 100). The percentage change for the 12-month period ending September 30, 2021, is 5.4%.

The change to the base rate is determined as follows:

1) Calculate the percentage change in CPI-U (I) from September 2020 to September 2021. This is derived as  $I = (CPI_{21} - CPI_{20}) / CPI_{20}$ , where the subscripts refer to Sep-

tember 2021 and 2020 values of CPI-U. As reported by the BLS these values are  $(274.310 - 260.280) / 260.280 = +14.030 / 260.280 = +5.3903\%$ , which when rounded to 1 decimal place = 5.4%. (This was also reported as 5.4% in Table A of the BLS News release on the Consumer Price Index Summary for September 2021.)

2) The legislation puts a floor of 0 and a cap of 3% on the percentage change to be utilized in the calculations (technically these restrictions are on the Preliminary Adjusted Base (PAB), defined in step 4, however this is mathematically equivalent). The truncated value of the percentage change to be used in the adjustment formula is denoted as PC, resulting in:

- a)  $PC = I$ , for  $0 \leq I \leq 3\%$ ,
- b)  $PC = 0$ , for  $I < 0$  and
- c)  $PC = 3\%$ , for  $I > 3\%$ .

3) The base value (either original for new legislation or the prior year's PAB) is designated as B and the product of B and PC (determined previously) is P. (There are different values of the base depending on the entity and the type of bid, so technically B could be designated with 2 subscripts. For illustration purposes, the subscripts are omitted.) Then  $P = B * PC$ . A common value for the base amount in 2021 for a public bid is \$21,253.23. (The other two prior PABs, which are this year's bases for a variety of bid types, were \$11,488.22 and \$28,720.57.) For example, using  $B = \$21,253.23$ , results in  $P = \$21,253.23 * 3.0\% = \$637.60$ . (Since  $I = 5.4\%$ ,  $PC = 3\%$  as stated previously in 2c.)

4) Then the Preliminary Adjusted Base,  $PAB = P + B$ , which reduces to  $\$637.60 + \$21,253.23 = \$21,890.83$ .

5) The Final Adjusted Base Amount, FAA, (which is used as the limit for the next year that is 2022) is the PAB rounded to the nearest 100. Therefore, the FAA = \$21,900.00.

Entity and Legislation	Final Adjusted Base Amount for Use in 2022			
	Public Bid	Written / Telephonic Bid	Separate Bids	Concessions
The County Code (16 P.S. §§ 1801—1803 and 2317)	\$21,900	\$11,800	\$21,900	
Second Class County Code (16 P.S. §§ 3112, 5001, 5511-A and 5517)	\$21,900	\$11,800	\$21,900	
Public School Code (24 P.S. §§ 1-120, 7-751 and 8-807.1)	\$21,900	\$11,800	\$21,900	
Public School Code, Thaddeus Stevens College of Technology (24 P.S. § 19-1913.1-B)	\$21,900			
Public School Code, State System of Higher Education (24 P.S. §§ 20-2003-A.1 and 20-2010-A)	\$21,900			
Prevention and Control of Floods, Flood Control Districts (32 P.S. §§ 662 and 662.1)	\$21,900			
Housing Authorities (35 P.S. § 1551)	\$21,90	\$11,800		
Intergovernmental Cooperation (53 Pa.C.S. §§ 2308, 2311 and 2312)	\$21,900	\$11,800		
General Municipal Law, Flood Control (53 P.S. § 2863)	\$21,900	\$11,800		
Political Subdivisions Joint Purchases Law (53 P.S. § 5432)	\$21,900	\$11,800		
Parking Authorities (53 Pa.C.S. § 5511)	\$29,600	\$11,800		
Municipal Authorities (53 Pa.C.S. § 5614)	\$21,900	\$11,800		

Entity and Legislation	Final Adjusted Base Amount for Use in 2022			
	Public Bid	Written/ Telephonic Bid	Separate Bids	Concessions
Public Auditorium Authorities Law (53 P.S. § 23851)	\$21,900	\$11,800		
Third Class City Code (11 Pa.C.S. §§ 11901.1, 11901.2, 11901.4, 11902, 11903.1 and 11909)	\$21,900		\$21,900	
Boroughs and Incorporated Towns (8 Pa.C.S. §§ 1402, 1403 and 1405)	\$21,900	\$11,800	\$21,900	
Incorporated Towns (53 P.S. §§ 53202, 53202.1, 53203, 53203.1 and 53205)	\$21,900	\$11,800	\$21,900	
First Class Township Code (53 P.S. §§ 56802, 56803 and 56805)	\$21,900	\$11,800	\$21,900	
Second Class Township Code (53 P.S. §§ 68102 and 68107)	\$21,900	\$11,800	\$21,900	
Economic Development Financing Law (73 P.S. § 382)	\$21,900	\$11,800		
Metropolitan Transportation Authorities (74 Pa.C.S. § 1750)	\$29,600			\$21,900

JENNIFER BERRIER,  
Secretary

[Pa.B. Doc. No. 21-2120. Filed for public inspection December 17, 2021, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania WILLY WONKA GOLDEN TICKET™ Fast Play Lottery Game 5131; Change to Game Rules; Amended Notice

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue) the Secretary of Revenue hereby provides public notice of changes to the Pennsylvania WILLY WONKA GOLDEN TICKET™ Fast Play Game 5131 (hereinafter referred to as “WILLY WONKA GOLDEN TICKET™”) Fast Play lottery game rules that were published at 51 Pa.B. 5787 (September 4, 2021).

The Pennsylvania Lottery is providing notice of additional prizes to be awarded in the Pennsylvania Lottery’s EVERLASTING MILLION Second-Chance Drawing for qualifying WILLY WONKA GOLDEN TICKET™ Fast Play lottery game tickets, and a change to the published drawing dates. The Lottery has added 50 prizes of \$100 iLottery Bonus Money, which were advertised, but not originally provided for in the Second-Chance Drawing rules, as described herein. Further, to ensure a fair drawing, the Lottery has provided a separate drawing date for the 50 winners of \$100 iLottery Bonus Money, as further described herein. Sections have been renumbered accordingly. The correct version of this document is as follows, with ellipses referring to the existing text as it appeared at 51 Pa.B. 5787—5798:

\* \* \* \* \*

9. *Second-Chance Drawing*: The Pennsylvania Lottery’s (hereafter, the “Lottery”) EVERLASTING MILLION Second-Chance Drawing for qualifying Fast Play lottery game tickets (hereafter, the “Drawing”).

\* \* \* \* \*

(c) *Drawing description*:

(1) The Lottery will conduct two drawings associated with the EVERLASTING MILLION Second-Chance

Drawing for qualifying Fast Play Lottery game tickets. All time references are Eastern Prevailing Time.

(2) *Drawings*:

(i) *EVERLASTING MILLION Prize Package drawing*: All entries received after 4:59:59 a.m. September 7, 2021, through 11:59:59 p.m. December 2, 2021, will be entered into the EVERLASTING MILLION Prize Package drawing to be held between December 6, 2021 and December 14, 2021.

(ii) *iLottery Bonus Money drawing*: All non-winning entries from the EVERLASTING MILLION Prize Package drawing will be carried forward into a separate iLottery Bonus Money drawing to be held between December 20, 2021 and December 28, 2021.

\* \* \* \* \*

(d) *Prizes available to be won, determination of winners and odds of winning*:

\* \* \* \* \*

(4) *EVERLASTING MILLION Prize Package drawing prizes*: The first through the third entries selected in the EVERLASTING MILLION Prize Package drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of one EVERLASTING MILLION CHALLENGE™ Trip Prize Package, as described in section 9(e) (relating to EVERLASTING MILLION CHALLENGE™ trip prize package description) of these rules.

(5) *iLottery Bonus Money drawing prizes*: The first through the fiftieth entries selected from all non-winning entries entered into the EVERLASTING MILLION Prize Package Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(6) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their lottery account and will receive an email notifying them that they won a prize.



(7) The number of winning entries to be selected for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(8) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(9) A computer-generated randomizer will be used to select the Drawing winners.

\* \* \* \* \*

(i) *Drawing restrictions:*

\* \* \* \* \*

(13) Winners of iLottery Bonus Money must abide by the iLottery Terms & Conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 9(d)(6). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's account.

(14) Prizes are not transferrable.

(15) Other restrictions may apply.

\* \* \* \* \*

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 21-2121. Filed for public inspection December 17, 2021, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania WILLY WONKA GOLDEN TICKET™ Instant Lottery Game 1540; Change to Game Rules; Amended Notice

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of changes to the Pennsylvania WILLY WONKA GOLDEN TICKET™ (hereinafter referred to as "WILLY WONKA GOLDEN TICKET™") instant lottery game rules that were published at 51 Pa.B. 5934 (September 11, 2021).

The Pennsylvania Lottery is providing notice of additional prizes to be awarded in the Pennsylvania Lottery's EVERLASTING MILLION Second-Chance Drawing for qualifying WILLY WONKA GOLDEN TICKET™ instant lottery game tickets, and a change to the published drawing dates. The Lottery has added 50 prizes of \$100 iLottery Bonus Money, which were advertised, but not originally provided for in the Second-Chance Drawing rules, as described herein. Further, to ensure a fair drawing, the Lottery has provided a separate drawing date for the 50 winners of \$100 iLottery Bonus Money, as further described herein. Sections have been renumbered accordingly. The correct version of this document is as follows, with ellipses referring to the existing text as it appeared at 51 Pa.B. 5934—5940:

\* \* \* \* \*

10. *Second-Chance Drawing:* Pennsylvania Lottery's EVERLASTING MILLION Second-Chance Drawing for qualifying instant lottery game tickets (hereafter, the "Drawing"):

\* \* \* \* \*

(c) *Drawing description:*

(1) The Lottery will conduct two drawings associated with the EVERLASTING MILLION Second-Chance Drawing for qualifying instant lottery game tickets. All time references are Eastern Prevailing Time.

(2) *Drawings:*

(i) *EVERLASTING MILLION Prize Package drawing:* All entries received after 11:59:59 p.m. September 12, 2021, through 11:59:59 p.m. December 2, 2021 will be entered into the EVERLASTING MILLION Prize Package drawing to be held between December 6, 2021 and December 14, 2021.

(ii) *iLottery Bonus Money drawing:* All non-winning entries from the EVERLASTING MILLION Prize Package drawing will be carried forward into a separate iLottery Bonus Money drawing to be held between December 20, 2021 and December 28, 2021.

\* \* \* \* \*

(d) *Prizes available to be won, determination of winners, and odds of winning:*

\* \* \* \* \*

(3) *EVERLASTING MILLION Prize Package drawing prizes:* The first through the thirty-fifth entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of one EVERLASTING MILLION CHALLENGE™ Trip Prize Package, as described in section 10(e) (relating to EVERLASTING MILLION CHALLENGE™ trip prize package description) of these rules.

(4) *iLottery Bonus Money drawing prizes:* The first through the fiftieth entries selected from all non-winning entries entered into the EVERLASTING MILLION Prize Package Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(5) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their lottery account and will receive an email notifying them that they won a prize.

(6) The number of winning entries to be selected for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(7) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(8) A computer-generated randomizer will be used to select the Drawing winners.

\* \* \* \* \*

(i) *Drawing restrictions:*

\* \* \* \* \*

(16) Winners of iLottery Bonus Money must abide by the iLottery Terms & Conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 10(d)(5). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required



to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's account.

(17) Prizes are not transferrable.

(18) Other restrictions may apply.

\* \* \* \* \*

C. DANIEL HASSELL,  
*Secretary*

[Pa.B. Doc. No. 21-2122. Filed for public inspection December 17, 2021, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**Frank R. Zokaite and Zokaite Contracting, Inc. v.  
Department of Environmental Protection; EHB  
Doc. No. 2021-119-R**

Frank R. Zokaite and Zokaite Contracting, Inc. have appealed the denial by the Department of Environmental Protection of coverage under NPDES General Permit PAG-02, to renew Permit No. PAG-02 0004-06-014R, for a project site 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. 21-2123. Filed for public inspection December 17, 2021, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**Frank R. Zokaite and Zokaite Properties, LP v.  
Department of Environmental Protection; EHB  
Doc. No. 2021-118-R**

Frank R. Zokaite and Zokaite Properties, LP have appealed the denial by the Department of Environmental Protection of coverage under NPDES General Permit PAG-02, to renew Permit No. PAG-02 0004-06-016R, for a project site 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. 21-2124. Filed for public inspection December 17, 2021, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**Upper Merion Sanitary and Stormwater Authority v.  
Department of Environmental Protection; EHB  
Doc. No. 2021-116-B**

Upper Merion Sanitary and Stormwater Authority has appealed the issuance by the Department of Environmental Protection of NPDES Permit No. PA0026085, for discharges from a facility known as U Merion-Matsunk STP, located in Upper Merion Township, Montgomery 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. 21-2125. Filed for public inspection December 17, 2021, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**Upper Merion Sanitary and Stormwater Authority v.  
Department of Environmental Protection; EHB  
Doc. No. 2021-117-B**

Upper Merion Sanitary and Stormwater Authority has appealed the issuance by the Department of Environmental Protection of NPDES Permit No. PA0026131, for discharges from a facility known as Upper Merion Municipal Sewer System and STP Trout Run, located in Upper Merion Township, Montgomery 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. 21-2126. Filed for public inspection December 17, 2021, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
10-222	Department of Health Long-Term Nursing Care Facilities 51 Pa.B. 6401 (October 9, 2021)	11/8/21	12/8/21

#### Department of Health Regulation # 10-222 (IRRC # 3316)

#### Long-Term Care Nursing Facilities

**December 8, 2021**

We submit for your consideration the following comments on the proposed rulemaking published in the October 9, 2021 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the RRA (71 P.S. § 745.5a(a)) directs the Department of Health (Department) to respond to all comments received from us or any other source.

**1. Determining whether the regulation is in the public interest; Protection of the public health, safety, and welfare; Clarity and lack of ambiguity; Reasonableness.**

The Preamble states that the Department tentatively intends to promulgate proposed amendments to Subpart C (relating to long-term care facilities) in five separate parts. Proposed Rulemaking Package # 1 (regulation # 10-221) was published in the *Pennsylvania Bulletin* on July 31, 2021, and this Commission issued comments on September 29, 2021. This current proposed regulation is Rulemaking Package # 2. As with Rulemaking Package # 1, the regulated community reiterates its opposition to the delivery of separate proposed regulations. We include a sampling of the statements made by the regulated community as taken from the submitted comments:

- “The Department claims that promulgating the changes in five separate packages will allow the public greater opportunity to thoroughly examine the proposed amendments and provide detailed comments to the proposed changes. We are in total disagreement with this reasoning, as this fragmented process will only create confusion and undermine the public and regulated community as they seek to understand how each separate package fits together.” [Pennsylvania Health Care Association (PHCA)]

- “. . .it is difficult to comment without seeing how the regulations as a whole work to protect residents. . . .” [Pennsylvania Health Funders Collaborative (PHFC)]

- “The regulated community and the public cannot anticipate how the changes to definitions, for example, will impact regulations that have not yet been revealed, nor can they understand how various portions of the regulations will interact with one another.” [LeadingAge PA]

- “In the preamble, the Department assumes the incorporation by reference of the Center for Medicare and Medicaid Services (CMS) guidance to surveyors found in the State Operations Manual (SOM), Chapter 7 and Appendix PP—Guidance to Surveyors for Long-Term Care Facilities [(Appendix PP)] as proposed in the first rulemaking 10-221. This assumption is troubling and serves to further demonstrate the confusion this fragmented process has created, while also supporting our request for one comprehensive regulatory package.” [PHCA]

- “We found it quite challenging and cumbersome to review and comment on both the first and the second regulatory package in isolation of the remaining proposed changes.” [AARP PA]

- “Previously, [Disability Rights PA (DRP)] noted our disagreement with the process for disseminating the proposed changes to the public, as well as its process for soliciting public comment.”

- “Stakeholders will be unable to provide meaningful public comments, and the Department will not be able to fully understand the impact of its proposed regulations based on stakeholder feedback.” [DRP]

- “Without view of the comprehensive package, neither the regulated community nor the public can assess the full scope of changes that may be promulgated as final. This could happen for any number of reasons; none more important than each package likely requiring individual approval by the Independent Regulatory Review Commission and oversight committees in the General Assembly.

This could result in incongruous enactment and confusion that will not further [the Department's] stated goals of improving the quality of care." [LeadingAge PA]

- "LeadingAge PA would respectfully request that [the Department] combine the regulatory packages into one coherent whole before publishing as proposed."

We agree with the significant concerns of the regulated community and question whether the presentation of this regulation as a separate regulation rather than as part of a comprehensive regulatory package is in the public interest, protects the public health, safety, and welfare, is reasonable, and lacks ambiguity.

The point raised by the commenter above regarding Appendix PP is significant and exemplifies our concerns with the Department's intent to continue to deliver individual regulatory packages. In Rulemaking Package # 1, the Department proposed to incorporate by reference Appendix PP which is an improper delegation of the Department's statutory authority. In our Comment # 2 on Rulemaking Package # 1, we asked the Department to delete that incorporation by reference and include any mandatory provisions from Appendix PP in order to establish clear and unambiguous standards that could be predicted by the regulated community. If the Department deletes the incorporation by reference of Appendix PP from Rulemaking Package # 1, what is the impact on this proposed regulation? We ask the Department to address the impact in the final-form regulation. The Department's delivery of separate but interrelated regulatory packages has the unintended consequence of complicating the process for the regulated community and this Commission to comment on impacts between the regulatory packages, as well as on the entirety of the changes proposed by the Department.

From the Preamble, we offer examples of the complexity associated with delivering separate proposed rulemaking packages:

- With the *anticipated promulgation* of the amendments to [Section] 201.2 (relating to requirements) *proposed in its first rulemaking*, published at 51 Pa.B. 4074 (July 31, 2021), the Department expects all long-term care nursing facilities in this Commonwealth to comply with the Federal participation requirements, including the requirements in 42 CFR 483.70(i) and (m) (relating to administration). *With these requirements in mind*, the Department proposes the following changes to [Section] 201.23 (relating to closure of facility) . . . (Emphasis added.)
- Section 203.1 (relating to application of the *Life Safety Code*) is the only section within [Chapter 203 (relating to application of *Life Safety Code* for long-term care nursing facilities)]. The Department proposes to delete [Section] 203.1 and by extension, this Chapter, from the regulations, as part of its process to streamline Federal and State requirements for long-term care nursing facilities. The *Life Safety Code* is incorporated by reference in the Federal requirements for long-term care nursing facilities at 42 CFR 483.73(g)(1) (relating to emergency preparedness). *Because the Department is adopting the requirements in 42 CFR Part 483, Subpart B* as requirements for all long-term care nursing facilities operating in this Commonwealth, it is no longer necessary to have a separate provision within the State requirements regarding the applicability of the *Life Safety Code*. (Emphasis added.)

We emphasize that the amendment to Section 201.2 and the adoption of 42 CFR Part 483, Subpart B refer-

enced above have not yet happened, and are not guaranteed to happen. As noted earlier by a commenter, Rulemaking Package # 1 must be reviewed by the Department, this Commission, the General Assembly, and the Attorney General as it continues through the regulatory review process. Having multiple interrelated proposed regulations at the same time creates the opportunity for inconsistencies and errors across the packages. Furthermore, asking the regulated community to keep one proposed regulation—which is subject to change—in mind while reviewing another proposed regulation is challenging. Assuming subsequent packages will include similar cross-references, we question whether it is in the public interest or reasonable to expect the regulated community to hold multiple proposed regulations simultaneously in mind while reviewing a proposed regulation.

Because of the continuing concerns of the regulated community, and because the Department's process of issuing separate rulemaking packages raises a serious question as to whether this process is in the public interest, protects the public health, safety, and welfare, and is reasonable, we encourage the Department to reevaluate its approach to the promulgation of these rulemakings and consider submitting one comprehensive regulatory package regarding long-term care nursing facilities.

If the Department proceeds with individual rulemaking packages, we ask the Department to explain why this approach is in the public interest and reasonable, and how it protects the public health, safety, and welfare in light of concerns expressed by the regulated community and the demonstrated difficulty that the regulated community likely faces as each subsequent rulemaking package is released. We also ask the Department to:

- Identify in the final-form Preamble any provisions which assume approval of Rulemaking Package # 1 as final-form;
- Cross-reference in the final-form Preamble those provisions to the relevant provisions in Rulemaking Package # 1; and
- Explain the impact if Rulemaking Package # 1 is not approved before or at the same time as Rulemaking Package # 2.

We ask that these recommendations be implemented as the Department prepares the subsequent long-term care nursing facilities regulatory packages.

Finally, if the Department proceeds with separate regulatory packages, we recommend that the Department deliver each of the individual packages as final regulations on the same day, which would give the regulated community an opportunity to review the separate final regulations at the same time. We want to make clear that doing so is not the equivalent of withdrawing and submitting one comprehensive regulatory package, which would include a public comment period, providing both the regulated community and this Commission an opportunity to provide feedback on the entirety of the Department's proposed changes regarding long-term care nursing facilities.

**2. Section 201.23. Closure of facility.—Protection of the public health, safety, and welfare; Clarity, feasibility, and reasonableness; Need.**

*Subsection (a)*

The Department proposes to delete Subsection (a) which states, "The administrator or owner shall notify the appropriate Division of Nursing Care Facilities field office



at least 90 days prior to closure,” and add language requiring facilities to comply with 42 CFR 483.70(l) and (m) (relating to administration) which requires notification at least 60 days prior to the date of closure. The Department states that “the deletion of subsection (a) and the adoption of 42 CFR 483.70(l)(1) comports with not only the Federal requirements but also existing State regulations.” Commenters across the board are strongly opposed to this proposal. We include the following statements from commenters:

- “The Department’s justification is that the federal rules only require 60 days. The state has the authority (is not preempted from requiring 90 days) and the Department clearly chose 90 days in the current regulations for good reason. A safe and orderly transfer of all residents takes time and planning. We urge the Department not to take away what, in essence, is a consumer protection by reducing this time frame to 60 days.” [Center for Advocacy for the Rights & Interests of the Elderly/Community Legal Services]
- “Given the tremendous complexity of resident needs and the dangers posed by sudden changes, we believe that 90 days is the minimum appropriate time for notice.” [SEIU Healthcare PA]
- “The Department should not use updating of these regulations as a reason to reduce the protections for residents who are being forced to relocate where they live due to no fault of their own.” [PHFC]
- “It is not easy to find a quality nursing home placement in a short period of time, particularly when residents are competing against each other for the available beds in the region, as during a closure, all facility residents will find themselves in the same position of needing to find an alternative place to live at the same time.” [DRP]

Since the requirement which the Department proposes to delete is for a facility to notify the appropriate Division of Nursing Care Facilities field office, does the reduction from 90 days to 60 days affect notice to residents? If this change impacts residents, we ask the Department to explain the reasonableness and feasibility of reducing the notice timeframe, and explain how the final-form regulation protects the health, safety, and welfare of residents. Additionally, we note that Subsection (d) states, “No resident in a facility may be required to leave the facility prior to 30 days following receipt of a written notice from the licensee of the intent to close the facility. . . .” What is the benefit to a resident to have 60 days’ notice if the facility can require a resident to leave on day 31? We ask the Department to explain how these provisions work together to protect the public health, safety, and welfare.

*Subsection (c)*

Regarding Subsection (c), the Preamble states:

The Department proposes to delete existing subsection (c). Existing subsection (c) requires a long-term care nursing facility to give a resident or the resident’s responsible person sufficient time to effectuate an orderly transfer. Under 42 CFR 483.70(l)(3), the administrator of a long-term care nursing facility is required to submit for the Department’s review and approval of a plan for the closure of the long-term care nursing facility. The Department expects a closure plan, at a minimum, to meet the requirements set forth by CMS in Appendix PP—Guidance to Surveyors for Long-Term Care Facilities of the State Operations Manual. Under section F845 of Appendix PP, the closure plan must contain. . . .(Emphasis added.)

We emphasize once again that this proposed amendment relies on the Department’s expectation that Appendix PP will be incorporated by reference in Rulemaking Package # 1. As noted in Comment # 1, we asked the Department in Rulemaking Package # 1 to delete that incorporation by reference. If Appendix PP is removed from Rulemaking Package # 1, how will that impact requirements for closure plans for long-term care nursing facilities? We ask the Department to clarify in the final-form regulation the requirements for a long-term care nursing facility closure plan.

Additionally, commenters oppose deletion of this provision, asserting that submitting a plan is not the same as guaranteeing a resident the right to receive sufficient time for an orderly transfer. A commenter states that by deleting the requirement, the Department is eliminating this resident right and protection. We note that the existing requirement to provide “sufficient time to effectuate an orderly transfer” offers a protection of the public health, safety, and welfare that is not required under the Federal regulations. If this language is not retained in the final-form regulation, we ask the Department to explain the need for and reasonableness of eliminating this provision, and how the final-form regulation protects the public health, safety, and welfare.

*Subsection (g)*

In the Preamble, the Department states:

[Subsection (g)] refers to an outdated requirement that a licensee file proof of financial responsibility with the Department. As outlined previously, a long-term care nursing facility is expected to develop a closure plan in accordance with policies and procedures developed by the facility under the Federal requirements and the State Operations Manual. The closure plan must include, among other things, a plan for continuing payment of salaries and other expenses incurred by the facility during the closure process.

Commenters oppose this deletion, stating that a closure plan is not “proof of financial responsibility” and is not evidence of the ability to pay for salaries and other expenses in accordance with the plan. Commenters are deeply concerned that this provision puts residents and caregivers at risk. We ask the Department to explain the need for eliminating this provision and how requiring a “plan” versus “proof” is reasonable and protects the public health, safety, and welfare.

**3. Section 204.1. Application of Guidelines for Design and Construction of Residential Health, Care and Support Facilities.—Statutory authority; Clarity and lack of ambiguity.**

*Subsection (a)*

Subsection (a) requires that facility alterations, renovations, and construction approved on or after the date six months after the final regulation is published as a final-form rulemaking shall comply with the 2018 edition of the Facility Guidelines Institute (FGI) Guidelines for Design and Construction of Residential Health, Care, and Support Facilities (Guidelines). We ask the Department to define “alteration,” “renovation,” and “construction” to provide clarity for the regulated community.

Regarding the FGI Guidelines, we note that the Department states in the Preamble that an earlier edition of the FGI Guidelines were included in Federal requirements but then removed in 1984. The Department explains that, at that time, the title was changed to



“represent its non-regulatory status.” A commenter states the FGI Guidelines are not regulatory in nature, and requests that the Department retain the existing language. We ask the Department to explain how requiring facilities to comply with the 2018 FGI Guidelines is not an improper delegation of the Department’s statutory authority since this document is not subject to regulatory review requirements.

*Subsection (c)*

Subsection (c) states:

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

Commenters raise concerns that the language in this provision is ambiguous and suggests that a facility will be considered to be compliant even if it has let buildings deteriorate to the point that they would not meet the standards once met. The Department states in the Preamble that the intent is “to only hold a facility to the standards that were in effect at the time the alteration, renovation or construction was approved.” We ask the Department to amend Subsection (c) to clarify under what circumstances facilities will be deemed to be in compliance.

**4. Section 204.2. Building plans.—Protection of the public health, safety, and welfare; Clarity, feasibility, and reasonableness.**

*Subsection (d)*

Subsection (d) states, “Any part of a facility that has not been occupied or used for 1 year or more may not be used by the facility for any purpose except as provided for in this section.” Commenters raise various concerns regarding this proposed language. What is meant by the phrase “any part?” How does the Department define occupancy and use? Would a room qualify as being “occupied or used” if one item is being stored in it? A commenter expresses concern regarding protecting residents from provider-motivated resident room moves. In other words, providers may be motivated to move residents around to ensure that no space goes unused for a year or more. Commenters also raise concerns as to how facilities would be able to respond rapidly in emergency situations such as the COVID-19 pandemic where it became necessary to isolate people and spread them out to the maximum extent possible. We ask the Department to clarify the language of this provision, and to explain how the final form regulation is reasonable, feasible, and protects the public health, safety, and welfare.

*Subsection (e)*

Subsection (e) states:

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

A commenter states that many nursing facilities are forced currently to limit admission as they struggle to

recruit, hire, and retain staff sufficient to provide the level of quality care that residents deserve, and, in many instances, facilities are forced to leave areas and wings vacant. The commenter explains that this requirement could impose the unintended consequence of causing the facility to permanently delicense those beds, causing a reduction in the commonwealth’s capacity to serve its aging population. We ask the Department to explain the reasonableness of this requirement, and how the final-form regulation protects the public health, safety, and welfare.

**5. Section 204.3. Building; general.—Protection of the public health, safety, and welfare; Clarity, feasibility, and reasonableness.**

*Subsection (b)*

Subsection (b) states in part, “Special authorization shall be given by the Department’s Division of Nursing Care Facilities before a part of the building is to be used for a purpose other than health care.” (Emphasis added.) To comply with the *Pennsylvania Code & Bulletin Style Manual*, we ask the Department to follow the language of Section 205.6(a), which states in part, “Special authorization shall be given by the Department’s Division of Nursing Care Facilities if a part of the building is to be used for a purpose other than health care.” (Emphasis added.)

**6. Section 204.5. Resident rooms.—Protection of the public health, safety, and welfare; Clarity; Reasonableness.**

The Department explains in the Preamble that many provisions in Section 204 are carried over from Section 205. However, commenters raise concerns regarding certain provisions of existing Section 205 which are not carried over. For example, language in Section 205.20(d) and (e) (relating to resident bedrooms), establishing minimum square footage requirements for resident rooms, is not addressed in the Preamble or proposed regulation. Commenters raise similar concerns regarding Section 205.23 (relating to location of bedrooms). Commenters acknowledge that these requirements may be covered in the 2018 FGI Guidelines. We ask the Department to clarify in the Preamble of the final-form regulation any provisions which are not carried over because they are addressed in the 2018 FGI Guidelines.

*Subsection (d)*

Subsection (d) states, “A resident shall have a choice in the placement of the resident’s bed in the room unless the placement presents a safety hazard.” A commenter expresses concern that without a definition of “safety hazard,” a facility will have too much leeway to deny the residents’ choices and preferences. We ask the Department to clarify this provision or explain the reasonableness of retaining this language in the final-form regulation. This comment also applies to Section 205.22 (relating to placement of beds).

**7. Section 207.4. Ice containers and storage.—Protection of the public health, safety, and welfare.**

The Department states in the Preamble:

The Department proposes to delete this section. Ice storage and the handling of ice are addressed in the Federal requirements at 42 CFR 483.60(i)(2) (relating to food and nutrition services) and at F812 in [Appendix PP]. The Department proposed to adopt the Federal requirements and Appendix PP in [Section] 201.2 in the first proposed rulemaking. Under

42 CFR 483.60(i)(2), a facility must store, prepare, distribute and serve food in accordance with professional standards for food service safety. The Department expects, in accordance with this provision and Appendix PP, a long-term care nursing facility to engage in appropriate ice and water handling practices to prevent contamination and waterborne illness.

As discussed in Comment # 1, we asked the Department in Rulemaking Package # 1 to delete language proposing to incorporate by reference Appendix PP. We ask the Department to retain the language of this section in the final-form regulation or amend it to include the specific requirements from Appendix PP with which a long-term care nursing facility must comply.

#### 8. Regulatory Analysis Form (RAF).

The explanation of the regulation in the Preamble and the information contained in the RAF are not sufficient to allow this Commission to determine if the regulation is in the public interest. In addressing potential impacts on small businesses in the RAF, the Department states that it is “unable to identify which long-term care nursing facilities may be small businesses,” and that “[t]he Department’s responsibility to the health and welfare of all residents in long-term care facilities is not altered by the fact that a long-term care nursing facility may be a small business.” Does the Department, in conjunction with other state agencies, have the ability to access data to enable the Department to evaluate potential impacts on small businesses? For example, the Department of Labor may be able to provide information on the number of employees. Also, since Pennsylvania disburses Medicare and Medicaid reimbursement to these facilities, information is available to estimate facility revenue. We ask the Department to calculate and address the impact of the final-form regulation on small businesses as required under the RRA.

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 21-2127. Filed for public inspection December 17, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Alleged Violation of Insurance Laws; Jahvon J. Thompson; Doc. No. SC21-12-001

Notice is hereby given of the Order to Show Cause issued on November 16, 2021, by the Deputy Insurance Commissioner in the previously-referenced matter. Violations of the following are alleged: sections 611-A(1), (2), (7), (8) and (20) and 678-A(a) of The Insurance Department Act of 1921 (40 P.S. §§ 310.11 (1), (2), (7), (8) and (20) and 310.78(a)).

The respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—588 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention,

if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102, ra-hearings@pa.gov.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Domenica Dean, Agency ADA Coordinator, at (717) 705-4194.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-2128. Filed for public inspection December 17, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### American Progressive Life and Health Insurance Company of New York; Rate Increase Filing for Several LTC Forms (UNAM-133030214); Rate Filing

American Progressive Life and Health Insurance Company of New York is requesting approval to increase the premium an aggregate 69% on 65 policyholders with the following individual LTC policy series: HHC 1/98, PRNHO, PRNHOQ, PRNHOQRS and QHHC 11/99.

Unless formal administrative action is taken prior to March 4, 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 James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-2129. Filed for public inspection December 17, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Geisinger Health Plan (GSHP-133068143); Small Group HMO—Transitional Filing; Rate Filing

Geisinger Health Plan submitted a rate filing for its Small Group HMO Non-Grandfathered (that is, transitional) Plans. The filing proposes a rate adjustment of 0% and will affect approximately 1,254 members with policies renewing from June 2022 through October 2022.

Unless formal administrative action is taken prior to February 17, 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, select “Consumers,” then under “Resources” select “Product Notices”).

Interested parties are invited to submit written or e-mail comments, suggestions or objections to David D'Agostino, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [davdagosti@pa.gov](mailto:davdagosti@pa.gov) within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-2130. Filed for public inspection December 17, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Geisinger Quality Options (GSHP-133068067); Small Group PPO—Transitional Filing; Rate Filing

Geisinger Quality Options submitted a rate filing for its Small Group PPO Non-Grandfathered (that is, transitional) Plans. The filing proposes a rate adjustment of 0% and will affect approximately 4,616 members with policies renewing from June 2022 through October 2022.

Unless formal administrative action is taken prior to February 17, 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, select "Consumers," then under "Resources" select "Product Notices").

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Valerie Romig, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [vromig@pa.gov](mailto:vromig@pa.gov) within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-2131. Filed for public inspection December 17, 2021, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Massachusetts Mutual Life Insurance Company; Rate Increase Filing for Several LTC Forms (MILL-132937942); Rate Filing

Massachusetts Mutual Life Insurance Company is requesting approval to increase the premium an aggregate 35.8% on 4,964 policyholders with the following individual LTC policy series: MM-200-P-PA, MM-201-P-PA, MM-202-P-PA, MM-203-P-PA, MM-200-P-1-PA, MM-201-P-1-PA, MM-202-P-1-PA, MM-203-P-1-PA, MM-400-P-PA, MM-401-P-PA, MM-402-P-PA, MM-403-P-PA, MM-404-P-PA, MM-405-P-PA, MM-500-P-PA, MM-502-P-PA, MM-500-P-1-PA and MM-502-P-1-PA.

Unless formal administrative action is taken prior to March 4, 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 James Lavery, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlavery@pa.gov](mailto:jlavery@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 21-2132. Filed for public inspection December 17, 2021, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Executive Board*

Resolution No. CB-21-003, Dated November 15, 2021. International Union, United Government Security Officers of America, Local 304 bargaining unit (R1) Collective Bargaining Agreement September 1, 2021, through August 31, 2023.

Resolution No. CB-21-004, Dated November 15, 2021. International Union, United Government Security Officers of America, Local 304 meet-and-discuss unit (R2) Memorandum of Understanding September 1, 2021, through August 31, 2023.

#### *Governor's Office*

Management Directive No. 310.12—Refunding Fees and Charges Collected in Error, Amended November 23, 2021.

Management Directive No. 310.15—Tax Identification Numbers Assigned to the Commonwealth and its Agencies, Amended November 1, 2021.

Management Directive No. 310.31—Purchase Order Receiving, Invoice Processing and Invoice Reconciliation Processes, Amended November 1, 2021.

Management Directive No. 310.39—Establishment, Collection, and Management of Master Data for Customers, Vendors, and Business Partners, Amended November 18, 2021.

Management Directive No. 315.09—Withholding of Delinquent Local Taxes from Employee Pay, Amended November 23, 2021.

Management Directive No. 315.15—Withholding of Pennsylvania Higher Education Assistance Agency Loans from Employee Pay, Amended November 1, 2021.

Management Directive No. 315.26—Backup Withholding on Missing and/or Incorrect Taxpayer Identification Numbers, Amended November 18, 2021.



Management Directive No. 315.31—Preparation, Distribution, Processing and Filing of Internal Revenue Service Forms 1099, Amended November 24, 2021.

Management Directive No. 325.02—Audit Inquiry Relative to Agency Litigation, Claims, and Assessments, Amended November 1, 2021.

Management Directive No. 325.07—Implementation of the Commonwealth's State-Level Single Audit, Amended November 18, 2021.

Management Directive No. 325.08—Remedies for Recipient Noncompliance with Audit Requirements, Amended November 24, 2021.

Management Directive No. 525.06—Payroll Advances, Amended November 24, 2021.

AMY J. MENDELSON,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 21-2133. Filed for public inspection December 17, 2021, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule; Milk Marketing Area No. 1

Under the provisions of the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 1 on March 2, 2022, beginning at 9 a.m. in Room 309, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 1. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the first halves of calendar years 2020 and 2021; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; and a reasonable rate of return to milk dealers. Evidence and testimony will be considered regarding the heating fuel adjuster in Milk Marketing Area No. 1. Evidence and testimony will be considered regarding the diesel fuel cost adjuster in Milk Marketing Area No. 1. Evidence and testimony will be considered regarding the container efficiency adjustment.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 1 p.m. on January 18, 2022, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 1 p.m. on January 18, 2022, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to [deberly@pa.gov](mailto:deberly@pa.gov).

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 2 p.m. on February 4, 2022, Board staff shall file with the Board one electronic copy and ensure receipt by all other parties of one electronic copy of:

a. A list of witnesses who will testify for Staff, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 2 p.m. on February 16, 2022, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 2 p.m. on February 23, 2022, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whether these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing directed to [chardbarger@pa.gov](mailto:chardbarger@pa.gov) and received by 1 p.m. on February 18, 2022.

Electronic filings should be made to [deberly@pa.gov](mailto:deberly@pa.gov). The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

CAROL HARDBARGER,  
*Secretary*

[Pa.B. Doc. No. 21-2134. Filed for public inspection December 17, 2021, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule; Milk Marketing Area No. 2

Under the provisions of the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 2 on March 2, 2022, beginning at 9:30 a.m. in Room 309, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 2. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the first halves of calendar years 2020 and 2021; skim and



butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; and a reasonable rate of return to milk dealers. Evidence and testimony will be considered regarding the heating fuel adjuster in Milk Marketing Area No. 2. Evidence and testimony will be considered regarding the diesel fuel cost adjuster in Milk Marketing Area No. 2. Evidence and testimony will be considered regarding the container efficiency adjustment.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 1 p.m. on January 18, 2022, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 1 p.m. on January 18, 2022, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to [deberly@pa.gov](mailto:deberly@pa.gov).

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 2 p.m. on February 4, 2022, Board staff shall file with the Board one electronic copy and ensure receipt by all other parties of one electronic copy, of:

a. A list of witnesses who will testify for Staff, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 2 p.m. on February 16, 2022, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 2 p.m. on February 23, 2022, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whether these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing directed to [chardbarger@pa.gov](mailto:chardbarger@pa.gov) and received by 1 p.m. on February 18, 2022.

Electronic filings should be made to [deberly@pa.gov](mailto:deberly@pa.gov). The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

CAROL HARDBARGER,  
*Secretary*

[Pa.B. Doc. No. 21-2135. Filed for public inspection December 17, 2021, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule; Milk Marketing Area No. 4

Under the provisions of the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 4 on March 2, 2022, beginning at 10 a.m. in Room 309, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 4. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the first halves of calendar years 2020 and 2021; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; and a reasonable rate of return to milk dealers. Evidence and testimony will be considered regarding the heating fuel adjuster in Milk Marketing Area No. 4. Evidence and testimony will be considered regarding the diesel fuel cost adjuster in Milk Marketing Area No. 4. Evidence and testimony will be considered regarding the container efficiency adjustment.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 1 p.m. on January 18, 2022, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 1 p.m. on January 18, 2022, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to [deberly@pa.gov](mailto:deberly@pa.gov).

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 2 p.m. on February 4, 2022, Board staff shall file with the Board one electronic copy and ensure receipt by all other parties of one electronic copy of:

a. A list of witnesses who will testify for Staff, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 2 p.m. on February 16, 2022, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 2 p.m. on February 23, 2022, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whether these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing directed to chardbarge@pa.gov and received by 1 p.m. on February 18, 2022.

Electronic filings should be made to deberly@pa.gov. The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

CAROL HARDBARGER,  
Secretary

[Pa.B. Doc. No. 21-2136. Filed for public inspection December 17, 2021, 9:00 a.m.]

**PENNSYLVANIA INFRASTRUCTURE  
INVESTMENT AUTHORITY  
DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

**Environmental Assessment Approval for PENNVEST  
Funding Consideration**

*Scope:* Clean Water and Drinking Water State Revolving Fund Projects for January 19, 2022, Pennsylvania Infrastructure Investment Authority (PENNVEST) Board meeting consideration

*Description:* PENNVEST, which administers the Commonwealth’s Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund, is intended to be the funding source for the following projects. The Department of Environmental Protection’s (Department) review of these projects, and the information received in the Environmental Report for these projects, has not identified any significant, adverse environmental impact resulting from any of the proposed projects. The Department hereby approves the Environmental Assessment for each project. If no significant comments are received during this comment period, the Environmental Assessment will be considered approved and funding for the projects will be considered by PENNVEST.

To be considered, the Department must receive comments on this approval on or by Tuesday, January 18, 2022. Commentators are encouraged to submit comments using the Department’s online eComment tool at www.ahs.dep.pa.gov/eComment or by e-mail to ecomment@pa.gov. Written comments can be mailed to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use “PENNVEST SRF-Environmental Assessment” as the subject line in written communication.

For more information about the approval of the following Environmental Assessments or the Clean Water and Drinking Water State Revolving Loan Programs contact Richard Wright, Bureau of Clean Water, Department of

Environmental Protection, P.O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-4059, riwright@pa.gov, or visit the Department’s web site at www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance/Pages/default.aspx.

Comments received during the comment period, along with the Department’s comment and response document, will be available on the Department’s web site at www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance/Pages/EnvironmentalReview.aspx.

Upon approval, the full list of approved projects and their costs can be found in a press release on PENNVEST’s web site at www.pennvest.pa.gov.

*CWSRF Projects Being Considered:*

<i>Applicant:</i>	Cecil Township Municipal Authority
<i>County:</i>	Washington
<i>Applicant Address:</i>	375 Southpointe Boulevard Canonsburg, PA 15317

*Project Description:* The scope of this project includes: (1) constructing a new 0.33 million gallons per day (MGD) wastewater treatment plant (WTP); (2) converting the existing Teodori Sewage Treatment Plant to a 0.57 MGD lift station; (3) installing 3,900 linear feet of 8-inch force main; and (4) installing 17,000 linear feet of 8-inch and 10-inch gravity sewer.

*Problem Description:* Wildcat sewers exist in the eastern section of the Village of Lawrence; a public sewer system is needed. In addition, the western section of the Village of Lawrence (Teodori Service Area) is serviced by a gravity fed, 30-year old facility, the Teodori Sewage Treatment Plant, that is approaching the end of its useful life. Environmental benefits include eliminating untreated sewage discharges to a tributary of Chartiers Creek.

<i>Applicant:</i>	City of Monessen
<i>County:</i>	Westmoreland
<i>Applicant Address:</i>	575 Donner Avenue Monessen, PA 15062

*Project Description:* The Sewer Rehabilitation Project—Phase 4 is a continuation of the City of Monessen’s commitment to the Department’s corrective action plan, approved August 10, 2017, to rehabilitate or replace failing sewer pipes. Three separate deteriorated and failing combined sewer lines in different locations in the northern part of the City: Delaware Street, Ninth Street and Shawnee Park will be replaced. The over 100-year old brick arches on Ninth Street and the Shawnee Park sewer line are to be re-aligned. The Delaware Street sewer pipe will be replaced in situ with the same size pipe and new manholes.

*Problem Description:* During peak rain events infiltration of groundwater into the City of Monessen’s deteriorated and collapsing combined sewer system is causing overflows at Valley Sewer Authority’s (Authority) satellite treatment facility. Environmental benefits include reducing untreated or inadequately treated sewage discharges to the Authority’s waterways during wet weather.

<i>Applicant:</i>	North Union Township Municipal Services Authority
<i>County:</i>	Fayette
<i>Applicant Address:</i>	120 Commonwealth Drive Suite 101 Lemont Furnace, PA 15456

*Project Description:* This is a multi-municipal project where the sewage will be treated by a regional system, namely the Greater Uniontown Joint Sewage Plant Authority, at their WTP. The project involves the installation of about 56,000 linear feet of sewage pipe. Four pump stations (PS) are to be constructed, namely Oliver West, Oliver East, Lower Oliver and West Leisenring. Oliver East and Oliver West are replacing the existing Oliver PS. Sewage conveyance capacity in the Misty Lane area will be increased to accommodate additional flows. In addition, Springwood's gravity sewer will be taken over by the North Union Township Municipal Services Authority (NUTSMA). NUTSMA will convey flow to the public sewage system eliminating the nonmunicipal permitted sewage treatment plant.

*Problem Description:* Malfunctioning onlot disposal systems exist in three areas: Yauger Hollow (Cove Run), Oliver 3/Springwood and West Leisenring. The Misty Lane area's sewer main is undersized and will need to be modified to accept sewage flow from the Yauger Hollow area. Environmental benefits include reducing or eliminating the potential flow of wastewater to tributaries of Cove Run and Redstone Creek from malfunctioning onlot systems.

<i>Applicant:</i>	Halifax Area Water and Sewer Authority
<i>County:</i>	Dauphin
<i>Applicant Address:</i>	P.O. Box 44 Halifax, PA 17032

*Project Description:* The Halifax Township Sanitary Sewer Extension Project will include the installation of approximately 13,600 linear feet of 6-inch, 8-inch and 10-inch gravity sewers, approximately 160 grinder pumps, and approximately 19,800 linear feet of associated force mains and low pressure sewers, ranging in size from 2-inches to 6-inches in diameter. In addition, three PSs, the Lenker Estates PS, the Creek Road PS and the Roadcap Lane PS will also be constructed. Three primary points of connection to the existing sanitary sewer system are proposed: (1) near the intersection of State Route 225 and 147 at the existing Sheetz; (2) at Manhole 318A adjacent to the McDonalds along State Route 225; and (3) at Manhole 326 near the former Sheetz along State Route 225.

*Problem Description:* The project area in Halifax Township is characterized by pre-regulatory onlot disposal systems which are not protective of public health or the environment. A sanitary survey was conducted. By identifying onlot malfunctions, testing water well samples and analyzing soil suitability (high groundwater table, slow permeability, flooding, steep slopes or shallow depth to bedrock) immediate sewage needs were identified. Planned and projected growth were also identified and included in the scope of this project. Environmental benefits include reducing the potential flow of untreated

or inadequately treated sewage to Powells Creek and the Susquehanna River from malfunctioning onlot systems.

<i>Applicant:</i>	Freeport Borough
<i>County:</i>	Armstrong
<i>Applicant Address:</i>	414 Market Street Freeport, PA 16229

*Project Description:* This project consists of constructing a new 0.6 MGD sequencing batch reactor (SBR) with new headworks for grit control, an equalization basin and ultraviolet (UV) disinfection adjacent to the existing treatment plant. Peak flow capacity will be 3.0 MGD.

*Problem Description:* The current 0.35 MGD WTP is hydraulically overloaded and frequently has effluent violations. These efforts are in line with Freeport Borough's long-term control plan with the Department. Environmental benefits include reducing or eliminating the flow of untreated or inadequately treated sewer discharges to Buffalo Creek during wet weather.

<i>Applicant:</i>	City of DuBois
<i>County:</i>	Clearfield
<i>Applicant Address:</i>	P.O. Box 408 DuBois, PA 15801

*Project Description:* The existing sewage treatment plant will be demolished and replaced on the same site in Sandy Township with a new plant of the same size including a new influent PS, septage receiving, screening, grit removal, SBR biological process, tertiary filtration, UV disinfection, aerobic digestion and sludge dewatering along with a new administration building, and a new access road and bridge to the site. In addition, the project includes the replacement of 8,000 linear feet of sanitary sewer, 4,500 linear feet of sewer interceptor and the rehabilitation of 1,600 linear feet of sewer interceptor.

*Problem Description:* The existing trickling filter sewage treatment plant serving the City of DuBois, Falls Creek Borough, portions of Sandy Township in Clearfield County, and portions of Washington Township in Jefferson County is nearing the end of its useful life. Additionally, the existing treatment technology cannot reliably meet the effluent limitations in the new National Pollutant Discharge Elimination System permit from 2018, specifically biological oxygen demand, ammonia nitrogen and copper. Further, the plant is also affected by inflow and infiltration. Environmental benefits include eliminating the potential of sending untreated or inadequately treated sewage to Sandy Lick Creek from a facility approaching the end of its useful life.

<i>Applicant:</i>	Lewis Township
<i>County:</i>	Union
<i>Applicant Address:</i>	3920 Pleasant Grove Road Mifflinburg, PA 17844

*Project Description:* The project consists of the rehabilitation and expansion of the existing sewage treatment plant through conversion of the existing sequencing batch reactor tanks into aerobic digestors and the elimination of the Marsh and Meadow System treatment process. The new treatment technology will follow the Virginia Initia-



tive Process, and the hydraulic capacity will be increased from 33,500 gallons per day (GPD) to 44,000 GPD. This conversion requires roughly 55,000 gallons of new precast process tankage with necessary pumps, blowers, mixers and other auxiliary equipment. Additional screening will be added to the headworks, a new influent PS will be constructed and primary disinfection will be changed from a chlorine system to an UV system. Additionally, the project consists of three sewer extensions servicing nine equivalent dwelling units including one confirmed malfunction. This will be accomplished by installing 3,060 linear feet of gravity sewer and 1,150 linear feet of low-pressure force main.

*Problem Description:* The existing sewage treatment plant serving the villages of Millmont and Swengle is roughly 30 years old and nearing the end of its useful life. Further, the plant is operating at roughly 87% of its capacity, but there are sewage needs in the community due to a number of small lots and older onlot systems. Environmental benefits include reducing or eliminating wastewater sent to Cold Run and Penns Creek from malfunctioning onlot systems.

PATRICK McDONNELL,  
*Secretary*  
*Department of Environmental Protection*

BRION JOHNSON,  
*Executive Director*  
*Pennsylvania Infrastructure Investment Authority*

[Pa.B. Doc. No. 21-2137. Filed for public inspection December 17, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Certificates of Public Convenience

**A-2021-3029831 and A-2021-3029833. Peoples Natural Gas Company, LLC and Peoples Gas Company, LLC.** Application for approval of a joint application of Peoples Natural Gas Company, LLC and Peoples Gas Company, LLC for all of the authority and necessary certificates of public convenience to merge Peoples Natural Gas Company, LLC and Peoples Gas Company, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before January 3, 2022. 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 individuals may submit the filing by overnight delivery to the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery. Large filings containing confidential or proprietary material may be submitted through the Commission's Share Point File system with advanced notice to the Commission prior to submittal.

*Applicants:* Peoples Natural Gas Company, LLC, 375 North Shore Drive, Pittsburgh, PA 15212; Peoples Gas Company, LLC, 205 North Main Street, Butler, PA 16001

*Through and By Counsel for:* Michael W. Gang, Esquire, Michael W. Hassell, Esquire, Anthony D. Kanagy, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601, (717) 731-1970, fax (717) 731-1985, [mgang@postschell.com](mailto:mgang@postschell.com), [mhassell@postschell.com](mailto:mhassell@postschell.com), [akanagy@postschell.com](mailto:akanagy@postschell.com); Michael Turzai, Esquire, Peoples Natural Gas Company, LLC, 375 North Shore Drive, Pittsburgh, PA 15212-5861, (412) 258-4473, fax (412) 208-6575, [Michael.turzai@peoples-gas.com](mailto:Michael.turzai@peoples-gas.com)

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-2138. Filed for public inspection December 17, 2021, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Natural Gas Service

**A-2021-3029836. UGI Utilities, Inc.—Gas Division.** Application for approval of the application of UGI Utilities, Inc.—Gas Division for approval of abandonment of natural gas service to one commercial customer located in Coudersport Borough, Potter County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before January 3, 2022. 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 individuals may submit the filing by overnight delivery to the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery. Large filings containing confidential or proprietary material may be submitted through the Commission's Share Point File system with advanced notice to the Commission prior to submittal.

*Applicant:* UGI Utilities, Inc.—Gas Division, 1 UGI Drive, Denver, PA 17517

*Through and By Counsel for:* Devin T. Ryan (ID # 316602), Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601, (717) 731-1970, fax (717) 731-1985, [dryan@postschell.com](mailto:dryan@postschell.com); Michael S. Swerling (ID # 94748), UGI Corporation, 460 North Gulph Road, King of Prussia, PA 19406, (610) 992-3762, [swerlingm@ugicorp.com](mailto:swerlingm@ugicorp.com)

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-2139. Filed for public inspection December 17, 2021, 9:00 a.m.]



## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Formal protests, petitions to intervene and answers must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before January 3, 2022. 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 January 3, 2022. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Commission's eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. The documents filed in support of the application are only available for inspection through the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) by searching under the previously listed docket number or by searching the applicant's web site.

#### **Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-2021-3029648. Seydou Dao, t/a NM Benie Transportation** (2025 Ravenwood Drive, Folcroft, Delaware County, PA 19032) persons in paratransit service, by motor vehicle, from points in the County of Delaware and the City and County of Philadelphia, to points in Pennsylvania, and return.

**A-2021-3029701. Galeron Consulting, LLC** (501 Cambria Avenue, Suite 108, Bensalem, Bucks County, PA 19020) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, from points in the County of Delaware to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2021-3029703. Travel Free, LLC** (18 Red Tail Court, Limerick, Montgomery County, PA 19468) to transport, by motor vehicles, in paratransit service, persons from points in the City and County of Philadelphia and the Counties of Bucks and Montgomery, to points in Pennsylvania, and return.

**A-2021-3029707. Tri-Boro Transportation, LLC** (711 East 10th Avenue, Munhall, Allegheny County, PA 15120) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the County of Allegheny to points in Pennsylvania, and return.

**A-2021-3029835. Lock Haven Taxi, Inc.** (17 Corning Street, Lock Haven, Clinton County, PA 17745) to transport persons, in motor vehicles, in paratransit service, from points in the Counties of Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Elk, Huntingdon, Lycoming, McKean, Mifflin, Northumberland, Potter, Snyder, Sullivan, Tioga and Union, to points in Pennsylvania, and return.

**A-2021-3029840. Hano, LLC** (618 North Terrace Drive, Altoona, Blair County, PA 16602) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, between points in the Counties of Bedford, Blair, Cambria and Huntingdon.

#### **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-2021-3029730. Altoona VIP Limousine and Car Service, LLC** (201 East 22nd Avenue, Altoona, Blair County, PA 16601) for the discontinuance and cancellation of its right and privilege to transport persons in limousine service, from points in Pennsylvania, and return; excluding points within Allegheny County, and area under the jurisdiction of the Philadelphia Parking Authority.

**A-2021-3029748. Shirley Ann Ritter** (1038 Barrville Road, Reedsville, PA 17084) discontinuance of service and cancellation of its certificate—for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Mifflin, to points in Pennsylvania, and return.

**A-2021-3029749. Pittsburgh Chauffer, LLC, t/a Pittsburgh Chauffeur** (844 Greenhaven Drive, Bethel Park, PA 15102) discontinuance of service and cancellation of its certificate to transport, as a motor common carrier, persons, in paratransit service, from points in the County of Allegheny, to points in Pennsylvania, and return.

**A-2021-3029750. DCJ Transfer, LLC, t/a Twin Rivers Transport** (433-A Male Road, Wind Gap, PA 18091) discontinuance of service and cancellation of its certificate—for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton and Wyoming, to points in Pennsylvania, and return; subject to the following condition: that no right, power or privilege is granted to provide service from the Township of Salem, Luzerne County.

**A-2021-3029768. Constable Transport Service, LLC** (4340 Winfield Terrace, Bethlehem, Northampton County, PA 18045) for the discontinuance and cancellation of its right to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in Bethlehem Township, Northampton County and within an airline distance of 90 statutory miles of the municipality (excluding points of origin in Bucks, Chester, Montgomery, Northumberland and Schuylkill Counties), to points in Pennsylvania and return, as originally docketed at A-2019-3008136. *Attorney:* Christina M. Mellott, 5010 East Trindle Road, Suite 202, Mechanicsburg, PA 17050.

**A-2021-3029779. Carrie Rowan** (1515 Stiver Road, Punxsutawney, Indiana County, PA 15767) for the discontinuance and cancellation of its right and privilege to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Cambria, Clearfield, Indiana and Jefferson, to points in Pennsylvania, and return.

**A-2021-3029784. A Limo Car Service, LLC** (53 Portsmouth Court, Southampton, Bucks County, PA 18966) for the discontinuance and cancellation of its right and privilege to transport persons in limousine service from points in Bucks County, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-2140. Filed for public inspection December 17, 2021, 9:00 a.m.]

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**PENNSYLVANIA PUBLIC  
UTILITY COMMISSION**  
Telecommunications

**A-2021-3029789. Verizon North, LLC and Metropolitan Telecommunications of PA, Inc.** Joint petition of Verizon North, LLC and Metropolitan Telecommunications of PA, Inc. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and Metropolitan Telecommunications of PA, Inc., by their counsel, filed on December 3, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice.

The documents filed in support of Verizon North, LLC and Metropolitan Telecommunications of PA, Inc. joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-2141. Filed for public inspection December 17, 2021, 9:00 a.m.]

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**PENNSYLVANIA PUBLIC  
UTILITY COMMISSION**  
Telecommunications

**A-2021-3029797. Verizon Pennsylvania, LLC and Metropolitan Telecommunications of PA, Inc.** Joint petition of Verizon Pennsylvania, LLC and Metropolitan Telecommunications of PA, Inc. for approval of an amended interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Metropolitan Telecommunications of PA, Inc., by their counsel, filed on December 3, 2021, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon Pennsylvania, LLC and Metropolitan Telecommunications of PA, Inc. joint petition are available for inspection at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 21-2142. Filed for public inspection December 17, 2021, 9:00 a.m.]

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**PHILADELPHIA  
PARKING AUTHORITY**

**Service of Notice of Motor Carrier Applications in  
the City of Philadelphia**

The following permanent authority applications to render service as common carriers in the City of Philadelphia have been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than January 3, 2022. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The applications are available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business addresses of the respective applicants or attorneys, or both.

**Doc. No. A-21-12-01. Aicha Taxi, LLC** (208 Francis Street, Darby, PA 19023): An application for a medallion taxicab certificate of public convenience (CPC) to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* David R. Alperstein, Esq., 314 Cherry Avenue, Voorhees, NJ 08043.

**Doc. No. A-21-12-02. BD Taxi, LLC** (96 North 46th Street, Philadelphia, PA 19139): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* David R. Alperstein, Esq., 314 Cherry Avenue, Voorhees, NJ 08043.

SCOTT PETRI,  
*Executive Director*

[Pa.B. Doc. No. 21-2143. Filed for public inspection December 17, 2021, 9:00 a.m.]

### STATE ATHLETIC COMMISSION

#### Public Meetings for 2022

The State Athletic Commission (Commission) of the Department of State announces its schedule for regular meetings to be held at least once every 2 months in 2022 under 5 Pa.C.S. § 103 (relating to duties of commission). Meetings will be held at 11 a.m. in Room 303, North Office Building, Harrisburg, PA 17120. These meetings are open to the public and are scheduled as follows:

- February 23, 2022
- April 27, 2022
- June 21, 2022
- August 24, 2022
- October 26, 2022
- December 14, 2022

Individuals with questions regarding these meetings should contact the Commission at (717) 787-5720.

GREGORY P. SIRB,  
*Executive Director*

[Pa.B. Doc. No. 21-2144. Filed for public inspection December 17, 2021, 9:00 a.m.]

### STATE BOARD OF NURSING

#### Automatic Suspension of the License to Practice Practical Nursing of Heather Rae Copenhaver, LPN; Case No. 19-51-006455

On December 6, 2021, Heather Rae Copenhaver, LPN, license No. PN275043, last known of Linesville, Crawford County, and Warren, OH, had her license suspended, effective April 5, 2021, because she was convicted of a misdemeanor under The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).

Individuals may obtain a copy of the adjudication at [www.pals.pa.gov](http://www.pals.pa.gov).

This order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review.

KRISTIN MALADY, BSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 21-2145. Filed for public inspection December 17, 2021, 9:00 a.m.]





