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for the Rules and Regulations
and for the Governor's Office
Regulatory Agenda

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(Master Transmittal Sheet):**

No. 568, March 2022

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

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

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

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

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

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Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2022.

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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 83]

Amendment of Rule 219(a) of the Pennsylvania Rules of Disciplinary Enforcement; No. 219 Disciplinary Rules Docket

Order

Per Curiam

And Now, this 14th day of March, 2022, it is hereby *Ordered* that Rule 219(a) of the Pennsylvania Rules of Disciplinary Enforcement is amended in the attached form. This amendment shall be effective for the 2022-23 annual attorney assessment and shall continue until further Order of this Court.

Pursuant to Rule 103 of the Pennsylvania Rules of Judicial Administration, the immediate amendment of Rules 219(a) of the Pennsylvania Rules of Disciplinary Enforcement is required in the interest of efficient administration.

This *Order* shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration and shall be effective immediately.

Additions to the rule are shown in bold and are underlined.

Deletions from the rule are shown in bold and in brackets.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter B. MISCONDUCT

Rule 219. Annual Registration of Attorneys.

(a) Every attorney admitted to practice law in this Commonwealth shall pay an annual fee of [**\$145.00**] **\$195.00** and electronically file the annual fee form provided for in this rule by July 1. The fee shall be collected under the supervision of the Attorney Registration Office, which shall make the annual fee form available for filing through a link on the Board's website (<http://www.padisiplinaryboard.org>) or directly at <https://ujportal.pacourts.us>. The said fee shall be used to defray the costs of disciplinary administration and enforcement under these rules, and for such other purposes as the Board shall, with the approval of the Supreme Court, from time to time determine. Upon an attorney's written request submitted to the Attorney Registration Office and for good cause shown, the Attorney Registration Office shall

grant an exemption from the electronic filing requirement and permit the attorney to file the annual fee form in paper form.

* * * * *

[Pa.B. Doc. No. 22-453. Filed for public inspection March 25, 2022, 9:00 a.m.]

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 83]

Amendment of Rule 328 of the Pennsylvania Rules of Disciplinary Enforcement; No. 218 Disciplinary Rules Docket

Order

Per Curiam

And Now, this 10th day of March, 2022, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania; the proposal having been submitted without publication in the interests of justice and efficient administration pursuant to Pa.R.J.A. No. 103(a)(3),

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that rule 328 of the Pennsylvania Rules of Disciplinary Enforcement is amended in the attached form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective in 30 days.

Additions to the rules are shown in bold and are underlined.

Deletions from the rules are shown in bold and in brackets.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter C. DISABILITY AND RELATED MATTERS

CONSERVATORS FOR INTERESTS OF CLIENTS

Rule 328. Compensation and Expenses of Conservator.

(a) A conservator not associated with the Office of Disciplinary Counsel shall be compensated [**pursuant to a written agreement between the conservator and the Board Chair. Compensation under such an agreement shall be paid at reasonable intervals, and**] at an hourly rate identical to that received by court-appointed counsel at the non-court appearance rate in the judicial district where the conservator was appointed. When the conservator believes that extraordi-

nary circumstances justify an enhanced hourly rate, the conservator may apply to the Board Chair for enhanced compensation. Such an application shall be granted only in those situations in which extraordinary circumstances are shown to justify enhanced compensation.

(b) The necessary expenses (including, but not limited to, the fees and expenses of certified public accountant engaged pursuant to Enforcement Rule 324(c)) and any compensation of a conservator or any attendant staff shall, if possible, be paid by the absent attorney or his or her estate. Any expenses and any compensation of the conservator that are not reimbursed to the Board shall be paid as a cost of disciplinary administration and enforcement. Payment of any costs incurred by the Board pursuant to this rule that have not been reimbursed to the Board may be made a condition of reinstatement of a formerly admitted attorney or may be ordered in a disciplinary proceeding brought against the absent attorney.

[Pa.B. Doc. No. 22-454. Filed for public inspection March 25, 2022, 9:00 a.m.]

Title 25—LOCAL COURT RULES

MERCER COUNTY

Amendments to Local Rules of Civil Procedure L319, L320 and L1920.60; 2022-593

And Now, this 15th day of March, 2022, the Court hereby *Approves, Adopts* and *Promulgates* the following Amendments to the Mercer County Local Rules L319, L320 and L1920.60 regarding Termination of Inactive Cases.

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

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

By the Court

DANIEL P. WALLACE,
President Judge

AMENDMENTS TO THE MERCER COUNTY LOCAL RULES REGARDING TERMINATION OF INACTIVE CASES

- A. Local Rule L319 shall be deleted.
- B. Local Rule L320 shall be deleted and replaced with the following:

Rule L320. Termination of Inactive Cases.

(a) At least once a year, the Prothonotary of Mercer County shall provide to the President Judge a list of all those cases that have had no activity of record for two years or more.

(b) Pursuant to Pa.R.C.P. Rule 230.2(b)(1), the Prothonotary shall then send Notices of Proposed Termination to counsel of record, or to the parties if not represented, for those cases having no activity of record for two years or more.

(c) Pursuant to Rule of Judicial Administration Rule 1901(c)(2), the Prothonotary shall advertise one time in the *Mercer County Law Journal* the list of all those cases where the Notice of Proposed Termination could not be given by mail or had been returned undelivered. In addition to the list of cases, said advertisement shall include a Notice of Proposed Termination and the statement: “You have thirty (30) days to respond to this Notice by filing a Statement of Intention to Proceed pursuant to Pa.R.C.P. Rule 230.2(g).”

(d) The Prothonotary shall comply with all other provisions found in Pa.R.C.P. Rule 230.2 when terminating inactive cases that have been properly served a Notice of Termination.

(e) The President Judge shall comply with Rule 230.2(d) regarding an aggrieved party seeking to reinstate a terminated case.

C. Local Rule 1920.60 shall be deleted and replaced with the following:

Rule L1920.60. Termination of Inactive Divorce Cases.

(a) At least once a year, the Prothonotary of Mercer County shall provide to the President Judge a list of all those divorce cases that have had no activity of record for two years or more.

(b) Pursuant to Pa.R.C.P. Rule 230.2(b)(1), the Prothonotary shall then send Notices of Proposed Termination to counsel of record, or to the parties if not represented, for those divorce cases having no activity of record for two years or more.

(c) Pursuant to Rule of Judicial Administration Rule 1901(c)(2), the Prothonotary shall advertise one time in the *Mercer County Law Journal* the list of all those divorce cases where the Notice of Proposed Termination could not be given by mail or had been returned undelivered. In addition to the list of cases, said advertisement shall include a Notice of Proposed Termination and the statement: “You have thirty (30) days to respond to this Notice by filing a Statement of Intention to Proceed pursuant to Pa.R.C.P. Rule 230.2(g).”

(d) The Prothonotary shall comply with all other provisions found in Pa.R.C.P. Rule 230.2 when terminating inactive divorce cases that have been properly served a Notice of Termination.

(e) The President Judge shall comply with Pa.R.C.P. Rule 230.2(d) regarding an aggrieved party seeking to reinstate a terminated divorce case.

[Pa.B. Doc. No. 22-455. Filed for public inspection March 25, 2022, 9:00 a.m.]

SUPREME COURT

Petitions for Review Challenging the Final 2021 Legislative Reapportionment Plan; No. 569 Judicial Administration Docket

Order

Per Curiam

And Now, this 16th day of March, 2022, the schedule for the General Primary Election calendar to be held on May 17, 2022, for seats in the General Assembly and for State Party Committees is *Modified* in the following respects:

First day to circulate and file nomination petitions	March 18, 2022
Last day to circulate and file nomination petitions	March 28, 2022
First day to circulate and file nomination papers	March 29, 2022
Last day for candidates who filed nomination petitions to withdraw their candidacies	March 31, 2022
Last day for the County Boards of Elections to send remote military-overseas absentee ballots	April 2, 2022
Last day for the County Boards of Elections to send all remaining military-overseas ballots	April 2, 2022
Deadline to file objections to nomination petitions	April 4, 2022

First day to circulate and file nomination petitions	March 18, 2022
Last day that may be fixed by the Commonwealth Court for hearings on objections that have been filed to nomination petitions	April 7, 2022
Last day for the Commonwealth Court to render decisions in cases involving objections to nomination petitions	April 12, 2022

This schedule shall be implemented by the Secretary of the Commonwealth and all election officers within the Commonwealth in accordance with this Order. Immediate notification to the public of this modified schedule shall be provided by the Secretary.

[Pa.B. Doc. No. 22-456. Filed for public inspection March 25, 2022, 9:00 a.m.]

PROPOSED RULEMAKING

STATE BOARD OF AUCTIONEER EXAMINERS

[49 PA. CODE CH. 1]

Fees

The State Board of Auctioneer Examiners (Board) proposes to amend § 1.41 (relating to schedule of fees) to read as set forth in Annex A.

This proposed rulemaking increases application fees to reflect updated costs of processing applications and increases all the Board's biennial renewal fees to ensure its revenue meets or exceeds the Board's current and projected expenses. This proposed rulemaking would increase the following application fees on a graduated basis: auctioneer, apprentice auctioneer, auction company, trading assistant, trading assistant company, special license and course of study. Approximately 141 applicants will be impacted annually by the increased application fees.

The Board is proposing graduated biennial renewal fee increases for the following licenses and registrations: auctioneer, apprentice auctioneer, auction company, trading assistant and trading assistant company. There are approximately 2,437 individuals who possess current licenses and registrations issued by the Board who will be required to pay more to renew their licenses or registrations.

Effective Date

This proposed rulemaking would be effective upon final-form publication in the *Pennsylvania Bulletin*. The initial increase for application fees will be implemented immediately upon publication. Thereafter, the subsequent graduated increases for application fees will be implemented on July 1, 2025, and July 1, 2027.

The increased biennial renewal fees would be implemented beginning with the March 1, 2023—February 28, 2025, biennial renewal period. Thereafter, the subsequent graduated increases will be implemented with the biennial renewal for March 1, 2025—February 28, 2027, and for March 1, 2027—February 28, 2029.

Statutory Authority

Under section 6(a) and (b) of the Auctioneer Licensing and Trading Assistant Registration Act (act) (63 P.S. § 734.6(a) and (b)), the license and examination fees and all other fees imposed under the provisions of this act shall be fixed by the Board by regulation and shall be subject to review in accordance with the Regulatory Review Act (71 P.S. §§ 745.1—745.14). If the revenues generated by fees, fines and civil penalties imposed in accordance with the provisions of this act are not sufficient to match expenditures over a 2-year period, the Board shall increase these fees by regulation, subject to review in accordance with the Regulatory Review Act, the projected revenues will meet or exceed projected expenditures. If the Bureau of Professional and Occupational Affairs (Bureau) determines that the fees established by the Board are inadequate to meet the minimum enforcement efforts required, then the Bureau, after consultation with the Board, shall increase the fees by regulation, subject to review in accordance with the Regulatory Review Act, adequate revenues will be raised to meet the required enforcement effort. In addition to the previously

cited authority, other sections of the act support the Board's authority to amend its fees by regulation when necessary.

Section 32 of the act (63 P.S. § 734.32) provides that "[t]he board may adopt rules and regulations necessary for the proper administration and enforcement of this act." Section 33(a) of the act (63 P.S. § 734.33(a)) notes that "all fees fixed pursuant to section 203 of the act of July 1, 1978 (P.L. 700, No. 124), known as the Bureau of Professional and Occupational Affairs Fee Act, shall continue in full force and effect until changed by the board." Regarding fees for trading assistant registration, the act of October 8, 2008 (P.L. 1080, No. 89) (Act 89 of 2008) established trading assistant registration by adding section 10.1 (63 P.S. § 734.10.1 (Repealed)) Section 10.1(c) specifically required that a registration fee of \$100 be included with each application for registration. When the act was amended by the act of July 20, 2016 (P.L. 789, No. 88) (Act 88 of 2016), it added section 5.1 of the act (63 P.S. § 734.5.1(c)) requiring trading assistants and trading assistant companies to register with the Board and repealed section 10.1. Section 5.1(c) established an initial \$100 registration fee for trading assistants and trading assistant companies and expressly added the new language of allowing the Board to establish this fee by regulation. According to the fiscal notes for Act 88 of 2016 from the House and Senate Appropriations Committees, the statutory fee of \$100 for the registration and renewal of trading assistants established by section 10.1 was removed and the new section 5.1(c) provided language giving the Board the authority to increase this fee for both trading assistants and trading assistant companies when needed to increase its revenue. Here, section 5.1 expressly provides the authority for the Board to establish this fee by regulation and with the other sections of the act cited previously provides the Board with the authority to amend this initial fee by regulation when necessary.

Background and Purpose

The Board is currently in a deficit projected to amount to over \$46,000 for Fiscal Year (FY) 2020-2021 and a projected amount of over \$372,000 in FY 2021-2022. Therefore, the revenues generated by fees, fines and civil penalties imposed in accordance with the provisions of the act are not sufficient to match expenditures over a 2-year period.

Under section 6(a) of the act, the Board is required to support its operations from the revenue it generates from fees, fines and civil penalties. The act further provides that the Board shall increase fees when expenditures outpace revenue. The majority of general operating expenses of the Board are borne by the licensee population through revenue generated by the biennial renewal of licenses. A small percentage of its revenue comes from application fees, fines and civil penalties.

In 2016, the Bureau and the Board began to review its application fees and determined that the existing fee schedule did not reflect the costs of the services provided by the Board. The Board receives an annual report from the Department of State's Bureau of Finance and Operations (BFO) regarding the Board's income and expenses. During the Board's January 9, 2018, meeting, the BFO presented its annual report of the Board's income and expenses. The Board reviewed the fees charged for applications and determined that the current application fees

did not accurately reflect the actual cost of processing applications in most instances due to the fact that application fees have not been increased since 2001. During the review, it was determined that the fees needed to be amended to reflect the actual cost of processing. This resulted in a decision to increase some fees, keep some fees the same and reduce one fee. The cost of processing the “special license to conduct auction” application was determined to currently exceed the actual cost of processing this application. Therefore, the Board is proposing a decrease to this application fee. Also, the Board found that the cost for processing certain applications and requests (application fee to change sponsor, application fee to change auction company license, certification of scores, permit or registration, and verification of license, registration, permit or approval) did not incur any additional cost so those fees remained unchanged. Absent those exceptions, the Board decided to increase all other application fees to accurately reflect the cost of processing applications. In addition, the 2016 amendments to the act removed the provisions relating to licensing “auction houses” and also “Nonresident licensees.” Therefore, the changes to the fee schedule also reflect the need to delete fees regarding the licensure and renewal of “auction houses” as well as the fee associated with the “Nonresident exam eligibility review” based on the amendments to the act under Act 88 of 2016, which deleted “auction houses” and “Nonresident licensees.”

Increasing application fees alone, however, does not produce sufficient revenue to meet or exceed the Board’s projected expenditures. The Board last increased its biennial renewal fees in 2015 when the biennial renewal fee for auctioneer licensee increased from \$200 to \$260, the biennial renewal fees for apprentice auctioneer increased from \$100 to \$130, and the biennial renewal fee for auction houses and auction companies increased from \$200 to \$260. See 31 Pa.B. 6941 (December 22, 2001). This regulation proposes graduated biennial renewal fee increases for the following licenses and registrations: auctioneer, apprentice auctioneer, auction company, trading assistant and trading assistant company. There are approximately 2,437 individuals who possess current licenses and registrations issued by the Board who will be required to pay more to renew their licenses or registrations.

On January 9, 2018, May 14, 2018, and September 9, 2019, the BFO reviewed the Board’s finances. Based upon data presented, the BFO recommended that the Board consider an increase in biennial renewal fees and application fees. At the Board’s May 14, 2018, meeting, the Board approved a schedule of proposed biennial renewal fees and application fees, and a subsequent exposure draft was released to stakeholders and interested parties. One comment was received from the Pennsylvania Auctioneers Association recommending that trading assistant and trading assistant company fees should be the same as auctioneer and auction company fees. The Board considered the comment and decided that because individuals licensed as auctioneers can do more types of auctioneering than trading assistants under the act the licensure renewal fees should not be the same. Regarding the application fees, because the type of review required by the Board regarding applications by trading assistants and trading assistant companies was more in line with the type of auctioneering performed by auction companies, the Board decided that those application fees should be the same because they required the same type of review and work during the evaluation of the application for approval.

After the exposure draft, the Board moved forward with drafting the regulatory package. In 2019, the Board revisited the structure of its fee schedules. As a part of the BFO’s fee increase recommendations, the BFO recommended graduated application and biennial renewal fee increases so that the application fee increases are reflective of actual costs to process applications in each biennium and biennial renewal fees coincide more closely with the projected expenses for each biennium. Based upon the financial information presented to the Board on September 9, 2019, by the BFO, the Board adopted graduated fee increases for applications and biennial renewals.

During the Board’s January 6, 2020, meeting, the BFO presented its annual report of the Board’s income and expenses. After consideration of the more up-to-date data, the BFO recommended a revised schedule of fees, and the Board reconsidered an increase in biennial renewal fees. During the March 9, 2020, Board meeting, the Board reviewed the proposed annex again and voted to approve it and noted that the BFO would be returning to discuss any additional changes needed. During the September 14, 2020, Board meeting, the Board voted to approve the preamble to the regulatory package. During the January 11, 2021, Board meeting, the BFO presented its annual report of the Board’s income and expenses, and the Board adopted the currently proposed graduated fee schedule to both minimize the initial impact of increased fees on licensees and ensure that the Board’s fees are commensurate with its obligations and expenditures.

In determining appropriate fee increases, the Board considered the breakdown of sources for revenue. For example, during the FY 2016-2017 and 2017-2018 biennial period, 94% of revenue was received from renewals, 4% of revenue was received from applications and 2% was received from miscellaneous charges such as letters of good standing and civil penalties. While application fees only make up less than 4% of the Board’s revenue, the Board, with the encouragement and support of the Bureau, determined that a re-evaluation of all application fees was appropriate, especially given that the Board has not updated its application fees since 2001.

During the January 11, 2021, meeting, the BFO presented updated summaries of the Board’s revenue and expenses for FYs 2018-2019 and 2019-2020 and the projected revenue and expenses through FY 2023-2024. During FYs 2018-2019 through 2019-2020, the Board received biennial revenue of \$589,612.09, incurred expenses of \$651,142.11 and ended with a deficit of \$276,136.32. For FYs 2020-2021 and 2021-2022, the Board anticipates receiving biennial revenue of \$571,000 and anticipates incurring expenses of \$667,000. At the end of FY 2020-2021, the BFO anticipates a deficit balance of \$372,136.22. For FYs 2022-2023 and 2023-2024, with the implementation of this proposed fee increase, the Board projects receiving biennial revenue of \$890,000 and projects incurring expenses of \$687,000, ending with a deficit of \$169,136.32. The BFO’s data demonstrates that the Board is not able to meet expenditures over a 2-year period. Therefore, in addition to increased application fees, the BFO recommended an increase in biennial renewal fees beginning in FY 2023—2025.

Description of Proposed Amendments

The Board proposes to amend § 1.41 to set forth graduated fee schedules for application fees and biennial renewal fees. In doing so, the Board is deleting the existing fee schedule and adding a new schedule, organized by profession. Proposed subsection (a) lists the

graduated schedule of fees for applications for licensure, registration and services with corresponding fees and effective dates. Fees not associated with a profession are set forth under a miscellaneous fee category. The Board also proposes to add subsection (b), which lists the schedule of fees and corresponding effective dates for biennial renewal.

Under § 1.41(a), application fees would increase on a graduated level for the licenses and registrations for auctioneer, apprentice auctioneer, auction company, trading assistant and trading assistant company. The proposed application fees increase on a graduated basis so that the application fees collected during each biennium reflect the anticipated costs of processing applications for that biennium. These fees are designed to cover the cost to process applications and are borne by individual applicants. Actual cost calculations for application fees are based upon the following formula:

$$\begin{aligned} & \text{number of minutes to perform the function} \\ & \quad \times \\ & \text{pay rate for the classification of the personnel performing} \\ & \quad \text{the function} \\ & \quad + \\ & \text{a proportionate share of administrative overhead} \end{aligned}$$

Application fees for FY 2021-2022 are based on time study reports created within the Bureau giving each step in the process and the amount of time it takes to process one application. That amount is multiplied by the anticipated application requests for 1 year (times two since the increases are biennial). Increases effective July 1, 2025, and July 1, 2027, are calculated at a 9.5% increase based upon raises under current Commonwealth union contracts. Application fees are almost entirely dependent upon personnel-related costs.

The proposed biennial renewal fees would also increase on a graduated basis for auctioneer, apprentice auctioneer, auction company, trading assistant and trading assistant company. The graduated biennial renewal fee schedule is set forth under § 1.41(b), which lists all renewal fees and corresponding effective dates.

The new fee structure will be implemented beginning FYs 2022-2023 through 2023-2024 and will allow the Board to meet or exceed its projected expenditures of \$687,000.

Proposed application fees

As set forth as follows and in § 1.41(a), the proposed graduated increases will impact approximately 141 applicants annually as follows:

Auctioneer

The Board receives approximately 25 auctioneer applications per year. The graduated application fee increases will generate additional revenue as follows:

FY 2021-2022: The fee increase from \$50 to \$180 will generate an additional \$3,250 in application fees.

FY 2022-2023: The fee increase will continue to generate an additional \$3,250 in application fees.

FY 2023-2024: The fee increase from \$180 to \$200 will generate an additional \$500 in application fees.

FY 2024-2025: The fee increase will continue to generate an additional \$500 in application fees.

FY 2025-2026: The fee increase from \$200 to \$220 will generate an additional \$500 in application fees.

FY 2026-2027: The fee increase will continue to generate an additional \$500 in application fees.

Apprentice auctioneer

The Board receives approximately 40 apprentice auctioneer applications per year. The graduated application fee increases will generate additional revenue as follows:

FY 2021-2022: The fee increase from \$30 to \$145 will generate an additional \$4,600 in application fees.

FY 2022-2023: The fee increase will continue to generate an additional \$4,600 in application fees.

FY 2023-2024: The fee increase from \$145 to \$160 will generate an additional \$600 in application fees.

FY 2024-2025: The fee increase will continue to generate an additional \$600 in application fees.

FY 2025-2026: The fee increase from \$160 to \$175 will generate an additional \$600 in application fees.

FY 2026-2027: The fee increase will continue to generate an additional \$600 in application fees.

Auction company

The Board receives approximately 45 applications for license to practice as an auction company per year. The graduated application fee increases will generate additional revenue as follows:

FY 2021-2022: The fee increase from \$50 to \$120 will generate an additional \$3,150 in application fees.

FY 2022-2023: The fee increase will continue to generate an additional \$3,150 in application fees.

FY 2023-2024: The fee increase from \$120 to \$135 will generate an additional \$675 in application fees.

FY 2024-2025: The fee increase will continue to generate an additional \$675 in application fees.

FY 2025-2026: The fee increase from \$135 to \$150 will generate an additional \$675 in application fees.

FY 2026-2027: The fee increase will continue to generate an additional \$675 in application fees.

Trading assistant

The Board receives approximately 10 applications for registration to practice as a trading assistant per year. The graduated application fee increases will generate additional revenue as follows:

FY 2021-2022: The fee increase from \$100 to \$120 will generate an additional \$200 in application fees.

FY 2022-2023: The fee increase will continue to generate an additional \$200 in application fees.

FY 2023-2024: The fee increase from \$120 to \$135 will generate an additional \$150 in application fees.

FY 2024-2025: The fee increase will continue to generate an additional \$150 in application fees.

FY 2025-2026: The fee increase from \$135 to \$150 will generate an additional \$150 in application fees.

FY 2026-2027: The fee increase will continue to generate an additional \$150 in application fees.

Trading assistant company

The Board receives approximately ten trading assistant company applications per year. The graduated application fee increases will generate additional revenue as follows:

FY 2021-2022: The fee increase from \$100 to \$120 will generate an additional \$200 in application fees.

FY 2022-2023: The fee increase will continue to generate an additional \$200 in application fees.

FY 2023-2024: The fee increase from \$120 to \$135 will generate an additional \$150 in application fees.

FY 2024-2025: The fee increase will continue to generate an additional \$150 in application fees.

FY 2025-2026: The fee increase from \$135 to \$150 will generate an additional \$150 in application fees.

FY 2026-2027: The fee increase will continue to generate an additional \$150 in application fees.

Special license

The Board receives approximately ten special license applications per year. The graduated application fee will decrease in FY 2021-2022 and FY 2022-2023, decreasing revenue for each year by \$800. Increases will generate revenue as follows:

FY 2021-2022: The fee decrease from \$200 to \$120 will decrease revenue by \$800 in application fees.

FY 2022-2023: The fee decrease will continue to decrease revenue by \$800 in application fees.

FY 2023-2024: The fee increase from \$120 to \$135 will generate an additional \$150 in application fees.

FY 2024-2025: The fee increase will continue to generate an additional \$150 in application fees.

FY 2025-2026: The fee increase from \$135 to \$150 will generate an additional \$150 in application fees.

FY 2026-2027: The fee increase will continue to generate an additional \$150 in application fees.

Course of study

The Board receives approximately one application to approve a course per year. The graduated application fee increases will generate additional revenue as follows:

FY 2021-2022: The fee increase from \$45 to \$180 will generate an additional \$135 in application fees.

FY 2022-2023: The fee increase will continue to generate an additional \$135 in application fees.

FY 2023-2024: The fee increase from \$180 to \$200 will generate an additional \$20 in application fees.

FY 2024-2025: The fee increase will continue to generate an additional \$20 in application fees.

FY 2025-2026: The fee increase from \$200 to \$220 will generate an additional \$20 in application fees.

FY 2026-2027: The fee increase will continue to generate an additional \$20 in application fees.

Proposed biennial renewal fees

As set forth as follows and in § 1.41(b), the proposed graduated increases will impact approximately 2,437 licensees, registrants and certificate holders annually as follows:

Auctioneer

There are approximately 1,809 auctioneers who will be impacted by the proposed biennial renewal fee increases. The graduated biennial renewal fee increases will generate additional revenue as follows:

FY 2021-2022 and FY 2022-2023: The fee increase from \$260 to \$400 will generate an additional \$253,260 in revenue.

FY 2023-2024 and FY 2024-2025: The fee increase from \$400 to \$475 will generate an additional \$135,675 in revenue.

FY 2025-2026 and FY 2026-2027: The fee increase from \$475 to \$500 will generate an additional \$45,225 in revenue.

Apprentice auctioneer

There are approximately 248 apprentice auctioneers who will be impacted by the proposed biennial renewal fee increases. The graduated biennial renewal fee increases will generate additional revenue as follows:

FY 2021-2022 and FY 2022-2023: The fee increase from \$130 to \$200 will generate an additional \$17,360 in revenue.

FY 2023-2024 and FY 2024-2025: The fee increase from \$200 to \$250 will generate an additional \$12,400 in revenue.

FY 2025-2026 and FY 2026-2027: The fee increase from \$250 to \$300 will generate an additional \$12,400 in revenue.

Auction company

There are approximately 318 auctioneer companies who will be impacted by the proposed biennial renewal fee increases. The graduated biennial renewal fee increases will generate additional revenue as follows:

FY 2021-2022 and FY 2022-2023: The fee increase from \$260 to \$400 will generate an additional \$44,520 in revenue.

FY 2023-2024 and FY 2024-2025: The fee increase from \$400 to \$475 will generate an additional \$23,850 in revenue.

FY 2025-2026 and FY 2026-2027: The fee increase from \$475 to \$500 will generate an additional \$7,950 in revenue.

Trading assistant and trading assistant company

There are approximately 62 trading assistants and trading assistant companies who will be impacted by the proposed biennial renewal fee increases. The graduated biennial renewal fee increases will generate additional revenue as follows:

FY 2021-2022 and FY 2022-2023: The fee increase from \$100 to \$200 will generate an additional \$6,200 in revenue.

FY 2023-2024 and FY 2024-2025: The fee increase from \$200 to \$250 will generate an additional \$3,100 in revenue.

FY 2025-2026 and FY 2026-2027: The fee increase from \$250 to \$300 will generate an additional \$3,100 in revenue.

Fiscal Impact and Paperwork Requirements

At the end of FY 2020-2021, the Board is projected to have a deficit of \$46,136.32. The new fee structure is projected to produce biennial revenues of \$875,000 in FY 2021-2022 through FY 2022-2023, allowing the Board to begin to reduce the deficit spending. In FY 2022-2023 through FY 2023-2024, the new fee structure is projected to produce biennial revenues of \$890,000 and the deficit balance will continue to decrease to \$169,136.32. Therefore, the new fee structure is projected to allow the Board to meet or exceed its projected expenditures and will put the Board back on firm financial ground.

To accomplish this goal, the amendments will increase application and biennial renewal fees. The applicants, licensees and registrants will be required to comply with these regulations. The fees may be paid by applicants,

licensees or registrants or may be paid by their employers, should their employers choose to pay these fees. This proposed rulemaking should have no other fiscal impact on the private sector, the general public or political subdivisions of the Commonwealth.

Approximately 141 applicants will be impacted annually by the increased application fees. Specifically, the number of applicants affected are as follows: 25 auctioneers, 40 apprentice auctioneers, 1 course of study, 45 auction companies, 10 special licenses, 10 trading assistants and 10 trading assistant companies.

Based upon the graduated application fee increases, the total economic impact per fiscal year is as follows:

FY 2021-2022:	\$10,735
FY 2022-2023:	\$10,735
FY 2023-2024:	\$ 2,245
FY 2024-2025:	\$ 2,245
FY 2025-2026:	\$ 2,245
FY 2026-2027:	\$ 2,245
<u>Total:</u>	<u>\$31,250</u>

There are approximately 2,437 individuals who possess current licenses and registrations issued by the Board who will be required to pay more to renew their licenses and registrations. Specifically, the number of individuals affected are as follows:

Based upon the previously listed biennial renewal fee increases, the economic impact is as follows:

FY 2021-2023:	\$321,340
FY 2023-2025:	\$175,025
FY 2025-2027:	\$ 68,675
<u>Total:</u>	<u>\$565,040</u>

Thus, the total economic impact to applicants, licensees, registrants or employers, if employers choose to pay application or licensing fees, is \$596,290. This amount reflects the economic impact that will occur between FY 2021-2022 through FY 2026-2027.

This proposed rulemaking will require the Board to revise its printed and online application forms. The amendments will not create additional paperwork for the regulated community or for the private sector.

Sunset Date

The Board continuously monitors the effectiveness of its regulations. Therefore, no sunset date has been assigned. Additionally, the BFO provides the Board with an annual report detailing the Board’s financial condition. In this way, the Board continuously monitors the adequacy of its fee schedule.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 10, 2022, 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 Senate Consumer Protection and Professional Licensure Committee and the House 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 any comments, recommendations or objections to the proposed rulemaking within 30 days from 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 Regula-

tory 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, recommendations or objections regarding this proposed rulemaking to the Regulatory Counsel for the Department of State, State Board of Auctioneer Examiners, P.O. Box 69523, Harrisburg, PA 17106-9523 or RA-STRegulatoryCounsel@pa.gov within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference 16A-6411 Fees when submitting comments.

NEVIN B. RENTZEL,
Chairperson

Fiscal Note: 16A-6411. 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 1. STATE BOARD OF AUCTIONEER EXAMINERS

FEES

§ 1.41. Schedule of fees.

[Applicants shall pay the following fees:

Application fee for auctioneer license.....	\$50
Biennial renewal fee for auctioneer license	\$260
Application fee for apprentice auctioneer license	\$30
Biennial renewal fee for apprentice auctioneer	\$130
Application fee for auction house and auction company	\$50
Biennial renewal fee for auction house and auction company	\$260
Special license to conduct auction	\$200
Application fee to approve course.....	\$45
Application fee to change sponsor.....	\$15
Application fee to change auction house or auction company license.....	\$15
Nonresident exam eligibility review.....	\$25
Certification of scores, permit or registration...	\$25
Verification of license, registration, permit or approval	\$15]

(a) An applicant for a license, certificate, registration or service shall pay the following fees at the time of application: (Editor’s Note: The blank in the first column of effective dates refers to the date of publication of the final-form rulemaking in the *Pennsylvania Bulletin*).

		<u>Effective</u>	<u>Effective July 1, 2025</u>	<u>Effective July 1, 2027</u>
(1) Auctioneer	Application for license to practice as an auctioneer	\$180	\$200	\$220
(2) Apprentice auctioneer	Application for license to practice as an apprentice auctioneer	\$145	\$160	\$175
	Application fee to change sponsor	\$15	\$15	\$15
(3) Auction company	Application for license to practice as an auction company	\$120	\$135	\$150
	Application fee to change auction company license	\$15	\$15	\$15
(4) Trading assistant	Application for registration to practice as a trading assistant	\$120	\$135	\$150
(5) Trading assistant company	Application for registration to practice as a trading assistant company	\$120	\$135	\$150
(6) Miscellaneous	Special license to conduct auction	\$120	\$135	\$150
	Application fee to approve course	\$180	\$200	\$220
	Certification of scores, permit or registration	\$25	\$25	\$25
	Verification of license, registration, permit or approval	\$15	\$15	\$15

(b) An applicant for biennial renewal of a license, certificate or registration shall pay the following fees:

		<u>Effective March 1, 2023</u>	<u>Effective March 1, 2025</u>	<u>Effective March 1, 2027</u>
(1) Auctioneer	Biennial renewal	\$400	\$475	\$500
(2) Apprentice auctioneer	Biennial renewal	\$200	\$250	\$300
(3) Auction company	Biennial renewal	\$400	\$475	\$500
(4) Trading assistant	Biennial renewal	\$200	\$250	\$300
(5) Trading assistant company	Biennial renewal	\$200	\$250	\$300

[Pa.B. Doc. No. 22-457. Filed for public inspection March 25, 2022, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Governor's Office of Administration

The Executive Board approved a reorganization of the Governor's Office of Administration effective March 14, 2022.

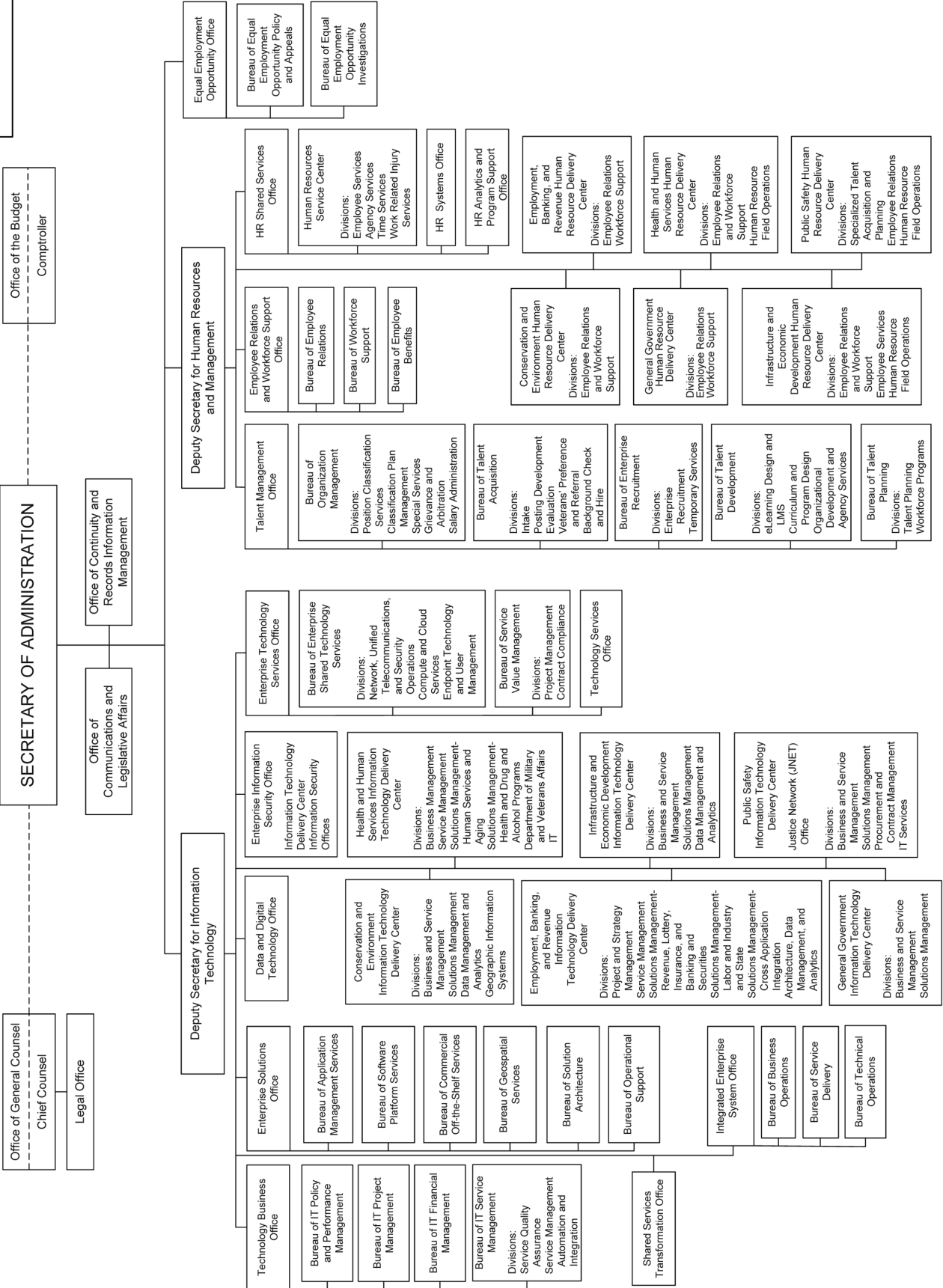
The organization chart at 52 Pa.B. 1743 (March 26, 2022) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 22-458. Filed for public inspection March 25, 2022, 9:00 a.m.]

GOVERNOR'S OFFICE OF ADMINISTRATION

OR 22-03
March 14, 2022



NOTICES

DEPARTMENT OF AGRICULTURE

Addendum to the Order of Quarantine; Spotted Lanternfly

Recitals

A. Spotted lanternfly, *Lycorma delicatula*, is a new pest to the United States and has been detected in the Commonwealth. This is a dangerous insect to forests, ornamental trees, orchards and grapes and not widely prevalent or distributed within or throughout the Commonwealth or the United States. Spotted lanternfly has been detected in the Commonwealth and has the potential to spread to uninfested areas by natural means or through the movement of infested articles.

B. The Plant Pest Act (Act) (act of December 16, 1992, P.L. 1228, No. 162) (3 P.S. §§ 258.1—258.27) empowers The Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests. A plant pest is defined as an organism, including other plants, causing or capable of causing injury or damage to plants or plant products (3 P.S. § 258.2). These powers include the authority, set forth at section 258.21 of the Act (3 P.S. § 258.21), to establish quarantines to prevent the spread of plant pests within this Commonwealth.

C. Under the authority of section 258.20 of the Act (3 P.S. § 258.20) the Department may declare a pest to be a public nuisance when the Department determines a plant pest to be dangerous or destructive to the agriculture, horticulture or forests of this Commonwealth. For the reasons set forth in Paragraph A above, the Department declares Spotted lanternfly, *Lycorma delicatula*, to be a public nuisance.

D. Consistent with the Order of Quarantine and Treatment: Spotted Lanternfly, published at 51 Pa.B. 1346 issued Saturday, March 13, 2021 (Order of Quarantine), where the Department detects or confirms any of the plant pests established in this Order of Quarantine—Spotted lanternfly, *Lycorma delicatula*—the place or area in which any of these plant pests are detected or confirmed shall be subject to the provisions of that Order of Quarantine published at 51 Pa.B. 1346 issued Saturday, March 13, 2021.

E. The place or area in which the plant pest is detected or confirmed shall be added to the Order of Quarantine, published at 51 Pa.B. 1346 issued Saturday, March 13, 2021, through an addendum delineating the specific location and geographic parameters of the area or place. Such Addendum shall be published in the *Pennsylvania Bulletin* and enforcement of the Addendum to the Order of Quarantine, published at 51 Pa.B. 1346 issued Saturday, March 13, 2021, with regard to that place or area shall become effective immediately.

Order

Under authority of section 21 of the act (3 P.S. § 258.21), and with the Recitals previously listed incorporated herein and made a part hereof this Addendum to the Order of Quarantine published at 51 Pa.B. 1346 issued Saturday, March 13, 2021, the Department Orders the following:

1. *Establishment of Quarantine.*

The provisions, standards and requirements of the Order of Quarantine published at 51 Pa.B. 1346 issued Saturday, March 13, 2021 are hereby established and hereafter apply with respect to Adams, Armstrong, Bedford, Centre, Fulton, Indiana, Lycoming, Mercer, Snyder, Union, and Washington Counties. This is in addition to, and does not replace, any areas already subject to the Order of Quarantine published at 51 Pa.B. 1346 issued Saturday, March 13, 2021 and any previous Addendums to that Order of Quarantine.

2. *All Provisions Apply.*

All of the provisions established in the Order of Quarantine published at 51 Pa.B. 1346 issued Saturday, March 13, 2021, are hereby incorporated herein and made a part hereof this Addendum as if fully set forth herein and shall hereby be made applicable to Adams, Armstrong, Bedford, Centre, Fulton, Indiana, Lycoming, Mercer, Snyder, Union, and Washington Counties.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 22-459. Filed for public inspection March 25, 2022, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending March 15, 2022.

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

BANKING INSTITUTIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
03-14-2022	Bank of Bird-in-Hand Bird-in-Hand Lancaster County		Opened
	Application to establish one mobile branch in Dauphin County to service the following proposed geographic location: Lykens Township Dauphin County		
03-15-2022	Somerset Trust Company Somerset Somerset County	Route 30, Cedar Street Latrobe Westmoreland County	Approved

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
02-28-2022	S & T Bank Indiana Indiana County	<i>To:</i> 810-814 South Aiken Avenue Pittsburgh Allegheny County <i>From:</i> 820 South Aiken Avenue Pittsburgh Allegheny County	Effective
03-14-2022	The Dime Bank Honesdale Wayne County	<i>To:</i> 1564 Route 507 Greentown Pike County <i>From:</i> 1586 Route 507 Greentown Pike County	Effective

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
03-04-2022	Mid Penn Bank Millersburg Dauphin County	132 School Road Dalmatia Northumberland County	Closed
03-04-2022	Mid Penn Bank Millersburg Dauphin County	1021 Centre Turnpike Orwigsburg Schuylkill County	Closed
03-04-2022	Mid Penn Bank Millersburg Dauphin County	689 West Main Street New Holland Lancaster County	Closed
03-04-2022	Mid Penn Bank Millersburg Dauphin County	632 West Main Street Mount Pleasant Westmoreland County	Closed
03-04-2022	Mid Penn Bank Millersburg Dauphin County	4541 Perkiomen Avenue Reading Berks County	Closed
03-04-2022	Mid Penn Bank Millersburg Dauphin County	311 South Market Street Millersburg Dauphin County	Closed
03-04-2022	Mid Penn Bank Millersburg Dauphin County	1460 Washington Boulevard Williamsport Lycoming County	Closed
03-04-2022	Mid Penn Bank Millersburg Dauphin County	34 South Market Street Elizabethville Dauphin County	Closed
03-04-2022	Mid Penn Bank Millersburg Dauphin County	Market and Third Streets Halifax Dauphin County	Closed

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
03-04-2022	Mid Penn Bank Millersburg Dauphin County	1120 South Cedar Crest Boulevard Allentown Lehigh County	Closed
03-04-2022	Mid Penn Bank Millersburg Dauphin County	55 South Main Street Duncannon Perry County	Closed
03-04-2022	Mid Penn Bank Millersburg Dauphin County	11 North Second Street Clearfield Clearfield County	Closed
03-04-2022	Mid Penn Bank Millersburg Dauphin County	16 West Shirley Street Mount Union Huntingdon County	Closed
03-04-2022	Mid Penn Bank Millersburg Dauphin County	511 East Pine Grove Road State College Centre County	Closed
03-04-2022	Mid Penn Bank Millersburg Dauphin County	2800 Slate Hill Road Wyomissing Berks County	Closed
03-04-2022	Mid Penn Bank Millersburg Dauphin County	4930 North 5th Street Highway Temple Berks County	Closed

CREDIT UNIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
03-15-2022	Belco Community Credit Union Harrisburg Dauphin County	Approved
	Application for approval to merge Wilmac Employees Credit Union, York, with and into Belco Community Credit Union, Harrisburg.	

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

RICHARD VAGUE,
Secretary

[Pa.B. Doc. No. 22-460. Filed for public inspection March 25, 2022, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Substantial Amendment to the 2019—2023 Consolidated Plan and 2019 Action Plan

On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (P.L. 116-136) was signed into law to respond to the growing effects of the novel coronavirus (COVID-19) public health crisis. The CARES Act provides special allocations to the Commonwealth under the Community Development Block Grant (CDBG), Emergency Solutions Grant and Housing Opportunities for People with AIDS Grant programs to be used to prevent, prepare for and respond to COVID-19.

Annually, Department of Community and Economic Development (Department) prepares the Action Plan which outlines the methods of distribution for Federal funding received by the Commonwealth through the United States Department of Housing and Urban Development (HUD). Notice is hereby given that the 2019—2023 Consolidated Plan and the 2019 Action Plan will be amended to account for two additional allocations of CDBG-CV funding. For the 2019 Action Plan, the Meth-

ods of Distribution to the Commonwealth's resources were updated, which according to the Pennsylvania Citizen Participation Plan for the Consolidated Plan, constituted a significant change in the distribution of funds under the plan and requires a substantial amendment to the original Consolidated Plan and Action Plan.

The Department conducted an unmet needs survey from December 20, 2021, until January 25, 2022. In addition, two listening sessions with grantees were held on March 8, 2022, and March 10, 2022. Additionally, the Department staff met with representatives of grantees at the PAHRA Capitol Conference held in February and consulted with the CD&H Advisory Committee to provide additional detail on the continued unmet needs in their communities.

The information provided to the Department necessitated changing the method of distribution to broaden the scope of public infrastructure projects to be funded and reducing other project categories, which did not receive much consideration by units of local government during the last competitive application period. Proposed activities must support and document that they prepare for, prevent or respond to the COVID-19 pandemic.

These changes triggered a substantial amendment. In accordance with a waiver of regulatory authority, approved by HUD on April 7, 2020, to the normal citizen comment period, the Commonwealth will hold a 5-day citizen comment period starting on Sunday, March 27, 2022, until April 1, 2022.

The proposed substantial amendment for the 2019 Annual Action Plan is as follows:

Increase the amount of funding for Public Improvements and Facilities to \$51,623,518

Broaden the categories of projects to be funded as Public Improvements and Facilities

Prioritize the Public Improvement and Facilities projects in the following order:

Water System Improvements

Sanitary Sewer Improvements

Broadband Infrastructure

Public Facilities (all other types)

Allow units of local government, which applied under the CDBG-Competitive Application to have their application evaluated under the CDBG-CV Program, if it meets the program requirements

Reduce the amount of funding for Public Service activities to \$800,000

Reduce the amount of funding for Housing-related activities to \$950,000

Reduce the amount of funding for Economic Development—Small Business Assistance activities to \$950,000

Allow local governments to apply for funding for Economic Development activities

Public Review and Comment Period

The Substantial Amendment to the 2019—2023 Consolidated Plan and 2019 Annual Action Plan is available on the Department's web site at <http://dced.pa.gov>, (select the Consolidated Plans, Annual Plans & Reports tab at the bottom of the home page). The substantial amendment is available for public comment from Sunday, March 27, 2022, through April 1, 2022.

A virtual public hearing will be held on March 29, 2022, at 2 p.m. through Microsoft Teams.

Individuals can join the virtual public hearing by phone at (267) 332-8737. The conference ID is 569 168 090#.

The virtual public hearing will be shortened if there is no one to testify or there is minimal response.

Individuals with disability or limited English proficiency who wish to participate in the virtual public hearing should contact Megan L. Snyder at (717) 787-5327 or TDD at (717) 346-0308 to discuss how the Department can accommodate their requests.

Comments on the Substantial Amendment to the 2019—2023 Consolidated Plan and 2019 Annual Action Plan may be electronically submitted to the Department at RA-DCEDcdbhquestions@pa.gov. Comments will

also be accepted by telephone by calling (717) 787-5327. Written comments may be submitted to Megan L. Snyder, Center for Community and Housing Development, Department of Community and Economic Development, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225. Comments must be received by 4 p.m. on April 1, 2022, to be included as testimony in the Plan that will be submitted to HUD.

NEIL WEAVER,
Acting Secretary

[Pa.B. Doc. No. 22-461. Filed for public inspection March 25, 2022, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application by Saint Joseph's University to Approve a Fundamental Change—Merger

Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application for approval of a certificate of authority for the fundamental change ensuing from the requested merger of Saint Joseph's University and the University of the Sciences. The universities will operate as Saint Joseph's University.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without a hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with the Division of Higher Education, Access and Equity, 333 Market Street, 12th Floor, Harrisburg, PA 17126-0333 on or before the due date prescribed by this notice. Persons wishing to review the application should call (717) 783-6786 or write to 333 Market Street, 12th Floor, Harrisburg, PA 17126-0333 to schedule a time for a review.

Persons with a disability, who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate, should contact the Division of Higher Education, Access and Equity at (717) 783-6786 to discuss accommodations.

NOE ORTEGA,
Secretary

[Pa.B. Doc. No. 22-462. Filed for public inspection March 25, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0260495	CAFO Individual NPDES Permit	Transfer	Hershey Springs Farm LLC 2024 Donegal Springs Road Mount Joy, PA 17552-8906	East Donegal Township Lancaster County	SCRO
0122802	Joint DEP/PFBC Pesticides Permit	Amendment	Lake Meade Properties Owners Assoc, Inc. 4 Forrest Drive East Berlin, PA 17316-9358	Latimore Township Adams County	SCRO
0916823	Joint DEP/PFBC Pesticides Permit	Amendment	Yardley Corners HOA 501 W Office Center Drive Suite 220 Fort Washington, PA 19034	Lower Makefield Township Bucks County	SERO
1017801	Joint DEP/PFBC Pesticides Permit	Renewal	Willow Run HOA P.O. Box 2304 Butler, PA 16003	Center Township Butler County	NWRO
1522801	Joint DEP/PFBC Pesticides Permit	New	Olde Oake Lane HOA 103 Chandler Road Chadds Ford, PA 19317-9371	Pennsbury Township Chester County	SERO
1722801	Joint DEP/PFBC Pesticides Permit	New	Miller Andrew 85 Millers Cove Drive DuBois, PA 15801-8203	Brady Township Clearfield County	NCRO
2322801	Joint DEP/PFBC Pesticides Permit	New	Mohn Christopher 108 Harvey Lane Chadds Ford, PA 19317	Chadds Ford Township Delaware County	SERO
2322802	Joint DEP/PFBC Pesticides Permit	New	Eastates At Chadds Ford 555 Croton Road Suite 400 King of Prussia, PA 19406-3124	Chadds Ford Township Delaware County	SERO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
2517801	Joint DEP/PFBC Pesticides Permit	Renewal	Gerald & Heather Harrington 9620 Donation Road Waterford, PA 16441-4236	Summit Township Erie County	NWRO
2522801	Joint DEP/PFBC Pesticides Permit	New	Niagara Pier Condo Association 3645 West Lake Road Erie, PA 16505	Erie City Erie County	NWRO
3622801	Joint DEP/PFBC Pesticides Permit	New	Sherman Thomas 376 Kendig Road Conestoga, PA 17516-9709	Conestoga Township Lancaster County	SCRO
6513813	Joint DEP/PFBC Pesticides Permit	Renewal	Rolling Rock Club P.O. Box 747 Ligonier, PA 15658-0747	Ligonier Township Westmoreland County	SWRO
0686404	Major Sewage Treatment Facility Individual WQM Permit	Amendment	Reading City Berks County 503 N 6th Street Reading, PA 19601-3085	Reading City Berks County	SCRO
2109402	Major Sewage Treatment Facility Individual WQM Permit	Amendment	Mechanicsburg Borough Cumberland County 36 W Allen Street Mechanicsburg, PA 17055-6257	Mechanicsburg Borough Cumberland County	SCRO
4818402	Major Sewage Treatment Facility Individual WQM Permit	Amendment	Bethlehem City Northampton County 10 East Church Street Bethlehem, PA 18018	Bethlehem City Northampton County	NERO
PA0110272	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Transfer	WW Freedom Group, LLC 229 Brook Lane Tunkhannock, PA 18657-6379	Hepburn Township Lycoming County	NCRO
2173201	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Amendment	Comm Refuse Service, LLC 1000 New Ford Mill Road Morrisville, PA 19067-3704	Hopewell Township Cumberland County	SCRO
2684405	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Transfer	Jones Estates Walnut Manor PA, LLC 2310 S Miami Boulevard Suite 238 Durham, NC 27703-4900	Georges Township Fayette County	SWRO
4179403	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Transfer	WW Freedom Group, LLC 229 Brook Lane Tunkhannock, PA 18657-6379	Hepburn Township Lycoming County	NCRO
4222403	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	New	Eldred Borough P.O. Box 270 3 Bennett Street Eldred, PA 16731-0270	Eldred Borough McKean County	NWRO
4790402	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	PA DOT Bureau of Project Delivery Bureau of Maintenance & Operations P.O. Box 3060 Harrisburg, PA 17105-3060	Liberty Township Montour County	NCRO
4790403	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	PA DOT Bureau of Project Delivery 400 North Street Floor 6 Harrisburg, PA 17120-0064	Liberty Township Montour County	NCRO

NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
6274403	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Transfer	Wilderness MHP, LLC 100 Mountain Laurel Vlg Spring Brook Township, PA 18444-6373	Pleasant Township Warren County	NWRO
NNOEXNC21	No Exposure Certification	New	Truck Lite Co., LLC 310 E Elmwood Avenue Falconer, NY 14733-1421	Wayne Township Clinton County	NCRO
NNOEXNC22	No Exposure Certification	New	Truck Lite Co., LLC 310 E Elmwood Avenue Falconer, NY 14733-1421	Coudersport Borough Potter County	NCRO
NNOEXNC23	No Exposure Certification	New	Truck Lite Co., LLC 310 E Elmwood Avenue Falconer, NY 14733-1421	Charleston Township Tioga County	NCRO
NOEXNC171	No Exposure Certification	New	Amazon Com Service, LLC P.O. Box 80842 Seattle, WA 98108-0842	Clinton Township Lycoming County	NCRO
NOEXSC288	No Exposure Certification	Renewal	New Pig Corp One Pork Avenue Tipton, PA 16684	Allegheny Township Blair County	SCRO
NOEXSE075	No Exposure Certification	Transfer	Fenzi AGT USA, LLC 498 Acorn Lane Downingtown, PA 19335-3075	Downingtown Borough Chester County	SERO
NOEXSE335	No Exposure Certification	New	Eye Designs, LLC 220 W 5th Avenue Trappe, PA 19426-2106	Trappe Borough Montgomery County	SERO
PAR216146	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Vesuvius Penn Corp P.O. Box 97 915 Clyde Street Wampum, PA 16157-0097	Robinson Township Allegheny County	SWRO
PAR218317	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Vesuvius Penn Corp 915 Clyde Street Wampum, PA 16157-4403	Wampum Borough Lawrence County	NWRO
PAR608311	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Aim Recycling Erie, LLC 1431 East Avenue Erie, PA 16503-1570	Erie City Erie County	NWRO
PAG043958	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Van Laeys Chad J 2725 Water Street York, PA 17403-9307	York Township York County	SCRO
PAG046360	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Siciliano Michele 48 Scaife Road Sewickley, PA 15143	Sewickley Heights Borough Allegheny County	SWRO
PAG153501	PAG-15 NPDES General Permit for Pesticides	Amendment	Lake Meade Properties Owners Assoc, Inc. 4 Forrest Drive East Berlin, PA 17316-9358	Latimore Township Adams County	SCRO
0603402	Pump Stations Individual WQM Permit	Amendment	Ontelaunee Township 35 Ontelaunee Drive Reading, PA 19605-7022	Ontelaunee Township Berks County	SCRO
1022404	Pump Stations Individual WQM Permit	New	Jtc 1422 Assoc, LP 607 Market Street Zelienople, PA 16063-1830	Zelienople Borough Butler County	NWRO
1471403	Pump Stations Individual WQM Permit	Amendment	Liberty Township Centre County 149 Main Park Road Howard, PA 16841-3508	Liberty Township Centre County	NCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
5220403	Sewage Treatment Facilities Individual WQM Permit	New	Aqua PA Wastewater, Inc. 1 Aqua Way White Haven, PA 18661-1115	North Union Township Schuylkill County	NERO
1407408	Sewer Extensions Individual WQM Permit	Amendment	PA State University 104A Water Reclamation Fac Admin Bldg University Park, PA 16801	State College Borough Centre County	NCRO
5422402	Sewer Extensions Individual WQM Permit	New	Frackville Area Municipal Authority Schuylkill County P.O. Box 471 42 South Center Street Frackville, PA 17931-0471	Butler Township Schuylkill County	NERO
0222400	Single Residence Sewage Treatment Plant Individual WQM Permit	New	McElroy Road, LLC 733 Thompson Run Road Pittsburgh, PA 15237-3970	Franklin Park Borough Allegheny County	SWRO
1722401	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Spicher Deryk R 25 Spruce Street Force, PA 15841-1015	Huston Township Clearfield County	NCRO
1722402	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Frederick R Cleaver Jr & Christine R Cleaver 2244 Egypt Road Woodland, PA 16881-8815	Bradford Township Clearfield County	NCRO
6221413	Single Residence Sewage Treatment Plant Individual WQM Permit	New	McMillen Larry 1175 Lanning Hill Road Sugar Grove, PA 16350-6101	Farmington Township Warren County	NWRO
6322400	Small Flow Treatment Facility Individual WQM Permit	New	Stollar James A Jr 362 Armstrong Drive Washington, PA 15301-7725	Canton Township Washington County	SWRO
WQG01222201	WQG-01 WQM General Permit	New	Cheryl Mishler & Gerald Mishler 1040 Manada Bottom Road Harrisburg, PA 17112-8824	East Hanover Township Dauphin County	SCRO
WQG016156	WQG-01 WQM General Permit	Transfer	Siciliano Michele 48 Scaife Road Sewickley, PA 15143	Sewickley Heights Borough Allegheny County	SWRO
WQG01671601	WQG-01 WQM General Permit	Transfer	Van Laeys Chad J 2725 Water Street York, PA 17403-9307	York Township York County	SCRO
WQG02482201	WQG-02 WQM General Permit	New	Nazareth Borough Municipal Authority Northampton County 872 Tatamy Road Nazareth, PA 18064-2562	Upper Nazareth Township Northampton County	NERO
WQG02482202	WQG-02 WQM General Permit	New	Pen Argyl Borough Municipal Authority Northampton County 11 N Robinson Avenue Pob 128 Pen Argyl, PA 18072-1452	Pen Argyl Borough Northampton County	NERO

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

PA0233625, Industrial, SIC Code 5083, **Warner Tractor & Equipment, Inc.**, 9848 Route 6, Troy, PA 16947-9273. Facility Name: Warner Tractor & Equipment. This proposed facility is located in Troy Township, **Bradford County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0006 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	30	XXX	75
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Iron, Dissolved	XXX	XXX	XXX	XXX	XXX	7.0

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.

PA0025933, Sewage, SIC Code 4952, **City of Lock Haven**, 20 E. Church Street, Lock Haven, PA 17745-2527. Facility Name: Lock Haven City Sewer System STP. This existing facility is located in City of Lock Haven, **Clinton 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), Bald Eagle Creek (WWF), is located in State Water Plan watershed 9-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 3.75 MGD.—Limits.

<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>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Report	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	782	1,251	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids Fecal Coliform (No./100 ml) Oct 1 - Apr 30	938	1,407	XXX	30.0	45.0	60
May 1 - Sep 30	XXX	XXX	XXX	2,000 Geo Mean 200	XXX	10,000 1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX

<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 (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen Nov 1 - Apr 30	Report 625	Report 938	XXX XXX	Report 20.0	Report 30.0	XXX 40
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report XXX	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Mercury, Total (ug/L)	XXX	XXX	XXX	0.87	1.36	2.18
Copper, Total (ug/L)	XXX	XXX	XXX	Report Annl Avg	Report Daily Max	XXX
Zinc, Total (ug/L)	XXX	XXX	XXX	Report Annl Avg	Report Daily Max	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	68,492 Total Annual	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	9,132 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.

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

- Other Requirements
- Whole Effluent Toxicity (Wet)
- Solids Management
- POTW Pretreatment Program Implementation
- Chesapeake Bay Nutrient Requirements

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

The EPA Waiver is not in effect.

PA0208922, Sewage, SIC Code 4952, **Woodward Township Sewer & Water Authority, Clearfield County**, P.O. Box 6, Houtzdale, PA 16651-0006. Facility Name: Woodward Township S & W Authority Sanitary Sewer STP. This existing facility is located in Woodward Township, **Clearfield County**.

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

The receiving stream(s), Whiteside Run (CWF), is located in State Water Plan watershed 8-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.56 MGD.—Interim 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>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6

The proposed effluent limits for Outfall 001 are based on a design flow of 0.56 MGD.—Final 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>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.09	XXX	0.32

The proposed effluent limits for Outfall 001 are based on a design flow of 0.56 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
Dissolved Oxygen	XXX	XXX	4.0 Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	70	105	XXX	15.0	22.5	30
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids Fecal Coliform (No./100 ml) Oct 1 - Apr 30	140	210	XXX	30.0	45.0	60
May 1 - Sep 30	XXX	XXX	XXX	2,000 Geo Mean 200 Geo Mean	XXX	10,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs) Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	21	31	XXX	4.5	6.7	9
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
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
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 (Total Load, lbs) (lbs) Effluent Net	XXX	10,228 Total Annual	XXX	XXX	XXX	XXX

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Parameters	Mass Units (lbs/day)		Monthly	Concentrations (mg/L)		Instant. Maximum
	Monthly	Annual		Monthly Average	Maximum	
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	1,364 Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	XXX	Report 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.

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

- Requirements for Total Residual Chlorine (TRC)

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

The EPA Waiver is not in effect.

Northeast Regional Office

PA0021199, Sewage, SIC Code 4952, **Borough of Beaver Meadows Municipal Authority**, 100 East Broad Street, Beaver Meadows, PA 18216. Facility Name: Borough of Beaver Meadows STP. This existing facility is located in Beaver Meadows Borough, **Carbon County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.180 MGD—Interim Limits.

(From Permit Effective Date to One Year After Permit Effective Date)

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum Monthly	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	1.0	XXX	2.0

The proposed effluent limits for Outfall 001 are based on a design flow of 0.180—Interim Limits.

(From One Year After Permit Effective Date to Four Years After Permit Effective Date)

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum Monthly	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6

The proposed effluent limits for Outfall 001 are based on a design flow of 0.180 MGD—Interim Limits.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum Monthly	
Ammonia-Nitrogen May 1 - Oct 31	Report	XXX	XXX	25.0	XXX	50
Copper, Total	Report	XXX	XXX	Report	Report Daily Max	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.180 MGD—Final Limits.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum Monthly	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.37	XXX	1.2

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum Daily	
Ammonia-Nitrogen May 1 - Oct 31	11.7	XXX	XXX	7.8	XXX	15.7
Copper, Total	0.05	XXX	XXX	0.032	0.049 Daily Max	0.079

The proposed effluent limits for Outfall 001 are based on a design flow of 0.180 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅) Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅) Total Suspended Solids	37.5	60.0	XXX	25.0	40.0	50.0
Total Suspended Solids Raw Sewage Influent	45.0	67.5	XXX	30.0	45.0	60.0
Fecal Coliform (No./100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	Report	XXX	XXX
May 1 - Sep 30	XXX	XXX	XXX	2,000 Geo Mean 200 Geo Mean	XXX	10,000
Ammonia-Nitrogen Nov 1 - Apr 30	Report	XXX	XXX	Report	XXX	XXX
Lead, Total	Report	XXX	XXX	Report	Report Daily Max	XXX
Zinc, Total	Report	XXX	XXX	Report	Report Daily Max	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report

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

- Solids Management
- Water Quality-Based Effluent Limitations for Toxic Pollutants
- Requirements for Total Residual Chlorine (TRC)

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0289833, Storm Water, SIC Code 4213, **Barnhart Transportation, LLC**, P.O. Box 247, Harborcreek, PA 16421-0247. Facility Name: Barnhart Transportation. This proposed facility is located in North East Township, **Erie County**.

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

The receiving stream, the Twelvemile Creek (HQ-CWF, MF), is located in State Water Plan watershed 15-A and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.00 MGD.—Limits.

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

The proposed effluent limits for Outfall 002 are based on a design flow of 0.00 MGD.—Limits.

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

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

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

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.

PA0101664, Sewage, SIC Code 6515, **Fred C Berlin LLC**, 6101 Park Road, Berwick, PA 18603-5713. Facility Name: Orchard Park Estates. This existing facility is located at 135 Apricot Drive, Franklin, PA 16323, located in Cranberry Township, **Venango 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), an Unnamed Tributary to Lower Twomile Run (CWF), is located in State Water Plan watershed 16-G 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 .018 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Daily Min 6.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	Daily Min XXX	20.0	XXX	40.0
Total Suspended Solids	XXX	XXX	XXX	20.0	XXX	40.0
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ultraviolet light transmittance (%)	XXX	XXX	XXX	Geo Mean Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report

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

The EPA Waiver is in effect.

PA0216992, Sewage, SIC Code 4952, **Shannock Valley General Services Authority**, 11 South Center Street, Numine, PA 16244-0168. Facility Name: Yatesboro STP. This existing facility is located in Cowanshannock Township, **Armstrong 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 Cowanshannock Creek (WWF), is located in State Water Plan watershed 17-E 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 0.22 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	45.9	69.8	XXX	25.0	38.0	50
May 1 - Oct 31	36.7	55.1	XXX	20.0	30.0	40
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	Report	XXX
Raw Sewage Influent						
Total Suspended Solids	55.1	82.6	XXX	30.0	45.0	60
Total Suspended Solids Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX
Fecal Coliform						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ultraviolet light transmittance (%)	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Daily Max Report	XXX	XXX
Ammonia-Nitrogen				Annl Avg		
Nov 1 - Apr 30	22.5	33.7	XXX	12.3	18.4	24.6
May 1 - Oct 31	7.5	11.2	XXX	4.1	6.1	8.2
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
				Annl Avg		

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.

PA0263575, Sewage, SIC Code 8800, **David J. Strader**, 1075 Saxonburg Road, Saxonburg, PA 16056-8521. Facility Name: David J Strader SRSTP. This existing facility is located in Clinton Township, **Butler 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), Rocky Run (TSF), is located in State Water Plan watershed 18-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

The EPA Waiver is in effect.

PA0264296, Sewage, SIC Code 8800, **Adam Brezinski**, 656 Ekastown Road, Sarver, PA 16055-9612. Facility Name: Adam Brezinski SRSTP. This existing facility is located in Buffalo Township, **Butler County**.

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

The receiving stream(s), Unnamed Tributary to Lardintown Run (TSF), is located in State Water Plan watershed 18-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
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.

PA0264491, Sewage, SIC Code 4952, 8800, **Ralph Ricciardi**, 2068 Lake Road, Sharpsville, PA 16150-3226. Facility Name: Ralph Ricciardi SRSTP. This existing facility is located in Jefferson Township, **Mercer County**.

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

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

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

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

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

The EPA Waiver is in effect.

PA0264911, Sewage, SIC Code 4952, 8800, **Cathy Hasbrouck**, 595 Plank Road, Corry, PA 16407-5307. Facility Name: Cathy Hasbrouck SRSTP. This existing facility is located in Columbus Township, **Warren County**.

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

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

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

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

PA0265098, Sewage, SIC Code 4952, 8800, **Cory Migliaccio & Jill Fuller**, P.O. Box 11222, Erie, PA 16514-1222. Facility Name: Cory Migliaccio & Jill Fuller SRSTP. This existing facility is located in Greenfield Township, **Erie County**.

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

The receiving stream is an Unnamed Tributary to Sixmile 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	Maximum	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
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.

PA0272931, Sewage, SIC Code 4952, 8800, **Steve Kashmer**, 330 Main Street, Imperial, PA 15126-1108. Facility Name: Steve Kashmer SRSTP. This existing facility is located in Howe Township, **Forest County**.

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

The receiving stream is an Unnamed Tributary to Tionesta Creek, located in State Water Plan watershed 16-F and classified for Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
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.

PA0290009, Sewage, SIC Code 4952, 8800, **Larry McMillen**, 1175 Lanning Hill Road, Sugar Grove, PA 16350-6101. Facility Name: Larry McMillen SRSTP. This proposed facility is located in Farmington Township, **Warren 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 Jackson Run, located in State Water Plan watershed 16-B and classified for Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX

<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	6.0 Inst Min	XXX	XXX	9.0
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

PA0290165, Sewage, SIC Code 8800, **Jennifer Kodrzycki**, 5875 Old State Road, Edinboro, PA 16412-9703. Facility Name: Jennifer Kodrzycki SRSTP. This proposed facility is located in Franklin Township, **Erie County**.

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

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

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

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

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

The EPA Waiver is in effect.

PA0290246, Sewage, SIC Code 8800, **Tammy Angeletti**, 3028 Frampton Road, Hermitage, PA 16148-6204. Facility Name: Tammy Angeletti SRSTP. This proposed facility is located in Hermitage City, **Mercer County**.

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

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

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

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

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

The EPA Waiver is in effect.

PA0290319, Sewage, SIC Code 8800, **Whitney Check**, 76 Mossy Oak Lane, Warren, PA 16365-7451. Facility Name: Whitney Check SRSTP. This proposed facility is located in Pleasant Township, **Warren 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 Hedgehog Run (HQ-CWF), is located in State Water Plan watershed 16-F and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

The EPA Waiver is in effect.

PA0290327, Sewage, SIC Code 8800, **Michael Dummett**, 251 Lee Road, Grove City, PA 16127-3105. Facility Name: Michael Dummett SRSTP. This proposed facility is located in Findley Township, **Mercer County**.

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

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

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

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

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

The EPA Waiver is in effect.

PA0290335, Sewage, SIC Code 8800, **Keith W. Smith**, 612 North Street, Ellwood City, PA 16117-1064. Facility Name: Keith Smith SRSTP. This proposed facility is located in West Shenango Township, **Crawford County**.

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

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

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

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

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

The EPA Waiver is in effect.

PA0290351, Sewage, SIC Code 8800, **Dean Tabich**, 2130 Warfel Avenue, Erie, PA 16503-2346. Facility Name: Dean Tabich SRSTP. This proposed facility is located in North East Township, **Erie County**.

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

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

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

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

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

The EPA Waiver is in effect.

PA0290386, Sewage, SIC Code 8800, **David & John Nisley**, 11207 Carr Road, Conneautville, PA 16406-3111. Facility Name: David & John Nisley SRSTP. This proposed facility is located in Summerhill Township, **Crawford County**.

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

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

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

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

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

The EPA Waiver is in effect.

PA0290394, Sewage, SIC Code 8800, **Mark Bohman**, 9563 Fry Road, McKean, PA 16426-1708. Facility Name: Mark Bohman SRSTP. This proposed facility is located in McKean Township, **Erie County**.

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

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

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

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

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

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

The EPA Waiver is in effect.

Southcentral Regional Office

PA0261106, Industrial, SIC Code 3339, **Voith Hydro Inc.**, P.O. Box 15002, York, PA 17405. Facility Name: Voith Siemens Hydro. This existing facility is located in West Manchester Township, **York 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 of Codorus Creek (WWF) and Unnamed Tributary of Codorus Creek (WWF, MF), is located in State Water Plan watershed 7-H 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 .15 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	9.0	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Cadmium, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium III, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	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
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX
Silver, 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	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Arsenic, Total	XXX	XXX	XXX	XXX	Report	XXX
Cadmium, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, 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 003 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	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Arsenic, Total	XXX	XXX	XXX	XXX	Report	XXX
Cadmium, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX

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

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Arsenic, Total	XXX	XXX	XXX	XXX	Report	XXX
Cadmium, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, 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 005 are based on a design flow of 0 MGD.—Limits.

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

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

The EPA Waiver is in effect.

PA0044059, Industrial, SIC Code 0921, **PA Fish & Boat Comm Fisheries Bureau**, Benner Spring Fish Research Station, State College, PA 16801. Facility Name: Reynoldsdale Fish Culture Station. This existing facility is located in East Saint Clair Township, **Bedford 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 Dunning Creek (WWF, MF), is located in State Water Plan watershed 11-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 4.7304 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Nitrate-Nitrite as N	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Avg Qrtly	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report Avg Qrtly	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Avg Qrtly	XXX	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 4.7304 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min	XXX	XXX	XXX
			5.0			
Temperature (deg F) (°F)	XXX	XXX	Inst Min	XXX	Report	XXX
			XXX			
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	214	428	XXX	16.0	32.0	40
May 1 - Oct 31	107	214	XXX	8.0	16.0	20
Total Suspended Solids	133	266	XXX	10.0	20.0	25
Ammonia-Nitrogen						
Nov 1 - Apr 30	100	200	XXX	7.5	15.0	19
May 1 - Oct 31	33	66	XXX	2.5	5.0	6.5
Formaldehyde	13.0	26.0	XXX	0.97	1.94	2.42

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.

PA0266426, Sewage, SIC Code 6514, **Donna M Stroup**, 1123 Shippen Dam Road, Millersburg, PA 17061-8883. Facility Name: Stroup Res. This existing facility is located in Upper Paxton Township, **Dauphin County**.

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

The receiving stream(s), Unnamed Tributary of Susquehanna River (WWF, MF), is located in State Water Plan watershed 6-C and is classified for Warm 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 .0008 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	5.0	XXX	XXX	9
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	Min Mo Avg	10.0	XXX	20
			XXX			
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		

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

The EPA Waiver is in effect.

PA0266043, Sewage, SIC Code 4952, **Doris K Lerew**, P.O. Box 121, Carlisle, PA 17013-0121. Facility Name: Kendor Summit Lot 10H. This existing facility is located in North Middleton Township, **Cumberland 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), Conodoguinet Creek (WWF, MF), is located in State Water Plan watershed 7-B and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Daily Maximum</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	5.0	9.0	XXX
				Annl Avg		
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
				Annl Avg		
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Daily Maximum	Maximum	
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Annl Avg	XXX	XXX

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

The EPA Waiver is in effect.

PA0265942, Storm Water, SIC Code 2022, **Schreiber Foods Inc.**, 208 East Dykeman Road, Shippensburg, PA 17257-8700. Facility Name: Schreiber Foods Inc. This existing facility is located in Shippensburg Borough, **Cumberland County**.

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

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

The proposed effluent limits for Outfall 001 and 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
Biochemical Oxygen Demand (BOD ₅)	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

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

- Stormwater Outfalls and Authorized Non-Stormwater Discharges
- Best Management Practices (BMPs), including applicable BMPs from Appendix I from the PAG-03 (effective 9/24/16 and currently administratively extended).
- Routine Inspections
- Preparedness, Prevention, and Contingency (PPC) Plan
- Stormwater Monitoring Requirements (including Benchmark for TSS, COD, and Oil and Grease).
- Other Requirements

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.

Application No. PA0246808, Concentrated Animal Feeding Operation (CAFO), **Clair Hurst** (Hurst Farm CAFO), 788 King Pen Road, Kirkwood, PA 17536-9759.

Clair Hurst has submitted an application for an Individual NPDES permit for a renewal of an CAFO known as Hurst Farm CAFO, located in Little Britain Township, **Lancaster County**.

The CAFO is situated near Unnamed Tributary to West Branch Octoraro Creek (HQ-CWF, MF) in Watershed 7-K, which is classified for High Quality—Cold Water and Migratory Fish. The CAFO is designed to maintain an animal population of approximately 632.95 animal equivalent units (AEUs) consisting of 3,600 pigs, 50 cows, 30 heifers, and 20 calves. Manure is stored in an underbarn manure storage and an earthen lagoon. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

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

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

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

PA0010502, Industrial, SIC Code 3489, **US Army Letterkenny Army Depot**, 1 Overcash Avenue, Chambersburg, PA 17201-4150. Facility Name: Letterkenny Army Depot. This existing facility is located in Greene Township, **Franklin 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), Rowe Run (CWF), Rocky Spring Branch (TSF), and Conococheague Creek (CWF), is located in State Water Plan watershed 13-C and 7-B and is classified for Trout Stocking and 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 .29 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	48	97	Inst Min XXX	20.0	40.0	50
Total Suspended Solids	Report	Report	XXX	10.0	20.0	25
Total Dissolved Solids	Report	Report	XXX	Report	Report	XXX
Oil and Grease	Report	Report	XXX	15.0	30.0	30
Total Phosphorus	Report	Report	XXX	2.0	4.0	5
Total Phosphorus	XXX	1,765	XXX	XXX	XXX	XXX
		Total Annual				
Aluminum, Total	3.8	5.92	XXX	1.57	2.45	3.93
Antimony, Total	Report	Report	XXX	Report	Report	XXX
Cadmium, Total	0.004	0.005	XXX	0.0015	0.0023	0.0038
Chromium, Total	Report	Report	XXX	1.71	2.77	4.25
Copper, Total	0.13	0.2	XXX	0.054	0.084	0.135
Cyanide, Total	Report	Report	XXX	0.65	1.2	1.62
Lead, Total	0.059	0.092	XXX	0.024	0.038	0.061
Mercury, Total	0.0004	0.0006	XXX	0.0002	0.0003	0.0004
Nickel, Total	0.73	1.13	XXX	0.3	0.469	0.75
Silver, Total	0.061	0.094	XXX	0.025	0.039	0.063
Sulfate, Total	Report	Report	XXX	Report	Report	XXX
Zinc, Total	1.07	1.67	XXX	0.443	0.692	1.108
Chloride	Report	Report	XXX	Report	Report	XXX
Bromide	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .27 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Toxic Organics	XXX	XXX	XXX	XXX	2.13	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Semi-Annual Average</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	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
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Aluminum, Total	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report	XXX	XXX
Zinc, Total	XXX	XXX	XXX	Report	XXX	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Cadmium, Total	XXX	XXX	XXX	Report	XXX	XXX
Chromium, Total	XXX	XXX	XXX	Report	XXX	XXX
Copper, Total	XXX	XXX	XXX	Report	XXX	XXX
Cyanide, Total	XXX	XXX	XXX	Report	XXX	XXX

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

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	Report Semi Avg	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	Report Semi Avg	XXX	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report Semi Avg	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report Semi Avg	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report Semi Avg	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report Semi Avg	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Semi Avg	XXX	XXX
Aluminum, Total	XXX	XXX	XXX	Report Semi Avg	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report Semi Avg	XXX	XXX

The proposed effluent limits for Outfall 005 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Semi-Annual Average</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	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
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Aluminum, Total	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report	XXX	XXX
Zinc, Total	XXX	XXX	XXX	Report	XXX	XXX

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

The EPA Waiver is not in effect.

PA0246760, Industrial, SIC Code 4941, **Franklin County General Authority**, 5000 Letterkenny Road, Suite 230, Chambersburg, PA 17201-8384. Facility Name: Franklin County General Authority Filter Backwash WTP. This existing facility is located in Greene Township, **Franklin 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), Dry Swale to Unnamed Tributary of Conococheague Creek (CWF, MF), is located in State Water Plan watershed 13-C and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .14 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.0
Total Suspended Solids	35	70	XXX	30	60	75

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Aluminum, Total	4.8	9.6	XXX	4.0	8.0	10
Iron, Total	2.4	4.8	XXX	2	4	5
Manganese, Total	1.2	2.4	XXX	1	2	2.5

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.

PA0021806, Sewage, SIC Code 4952, **Annville Township Authority**, P.O. Box 178, Annville, PA 17003-0178. Facility Name: Annville Township STP. This existing facility is located in Annville 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), Quittapahilla Creek (TSF, MF) and Quittapahilla Creek (TSF), is located in State Water Plan watershed 7-D and is classified for Trout Stocking 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 .8 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
Dissolved Oxygen	XXX	XXX	5.0 Daily Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.63
CBOD ₅	167	267	XXX	25.0	40.0	50
BOD ₅	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	200	300	XXX	30.0	45.0	60
Total Suspended Solids	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						
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
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs)	Total Mo					
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)	Total Mo					
Ammonia-Nitrogen						
Nov 1 - Apr 30	Report	XXX	XXX	Report	XXX	XXX
May 1 - Oct 31	57	XXX	XXX	8.5	XXX	17
Ammonia-Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs)	Total Mo					
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs)	Total Mo					
Total Phosphorus	13	XXX	XXX	2.0	XXX	4
Total Phosphorus	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs)	Total Mo					
Copper, Total	Report	XXX	XXX	Report	Report Daily Max	XXX
Lead, Total	Report	XXX	XXX	Report	Report Daily Max	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 (Total Load, lbs) Effluent Net	XXX	13,698 Total	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs)	XXX	Annual Report Total	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs)	XXX	Annual Report Total	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) Effluent Net	XXX	1,826 Total	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs)	XXX	Annual Report Total	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.

- The permittee is authorized to use 625 lbs/year as Total Nitrogen (TN) offsets toward compliance with the Annual Net TN mass load limitations (Cap Loads)

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.

PA0023183, Sewage, SIC Code 4952, **Mount Holly Springs Borough Authority, Cumberland County**, 200 Harmon Street, Mount Holly Springs, PA 17065-1339. Facility Name: Mt Holly Springs STP. This existing facility is located in Mount Holly Springs Borough, **Cumberland 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), Mountain Creek (TSF), is located in State Water Plan watershed 7-E 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 .7 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily 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
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	125	200	XXX	25.0	40.0	50
May 1 - Oct 31	100	150	XXX	20.0	30.0	40
Total Suspended Solids	150	225	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light intensity (µw/cm ²)	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily 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 (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen Nov 1 - Apr 30	37.5	XXX	XXX	7.5	XXX	15
May 1 - Oct 31	12.5	XXX	XXX	2.5	XXX	5
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	10	XXX	XXX	2.0	XXX	4
Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Copper, Total	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .7 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily 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
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	125	200	XXX	25.0	40.0	50
May 1 - Oct 31	100	150	XXX	20.0	30.0	40
Total Suspended Solids	150	225	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light intensity (µw/cm ²)	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen Nov 1 - Apr 30	37.5	XXX	XXX	7.5	XXX	15
May 1 - Oct 31	12.5	XXX	XXX	2.5	XXX	5
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	10	XXX	XXX	2.0	XXX	4
Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Copper, Total	0.79	1.32 Daily Max	XXX	0.14	0.23 Daily Max	0.34

The proposed effluent limits for Outfall 001 are based on a design flow of .7 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Maximum</i>	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 001 are based on a design flow of .7 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	Report	XXX	Report	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	10,959 Total Annual	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) Effluent Net	XXX	1,461 Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	XXX	Report 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.

PA0024384, Sewage, SIC Code 4952, **North Middleton Authority**, 240 Clearwater Drive, Carlisle, PA 17013-1185. Facility Name: North Middleton Authority WWTP. This existing facility is located in North Middleton Township, **Cumberland 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), Conodoguinet Creek (WWF, MF), is located in State Water Plan watershed 7-B 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 1.3 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	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX Daily Max	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Daily Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	271	434	XXX	25.0	40.0	50
May 1 - Oct 31	228	358	XXX	21.0	33.0	42
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Suspended Solids	325	488	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	173	XXX	XXX	16.0	XXX	32
May 1 - Oct 31	81	XXX	XXX	7.5	XXX	15
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	22	XXX	XXX	2.0	XXX	4
Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Aluminum, Total	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX
Copper, Total	Report	Report Daily Max	XXX	Report	Report Daily Max	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)	XXX	16,895	XXX	XXX	XXX	XXX
Effluent Net		Total Annual				
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	2,253 Total Annual	XXX	XXX	XXX	XXX
Effluent Net		Annual				
Total Phosphorus (Total Load, lbs) (lbs)	XXX	Report 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.

PA0043494, Sewage, SIC Code 4952, **Loysville Village Municipal Authority, Perry County**, P.O. Box 133, Loysville, PA 17047-0133. Facility Name: Loysville STP. This existing facility is located in Tyrone Township, **Perry 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), Muddy Run (WWF), is located in State Water Plan watershed 7-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .13 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.2	XXX	0.7
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	22.0	36.0	XXX	25.0	40.0	50
Total Suspended Solids	27.0	41.0	XXX	30.0	45.0	60
Ammonia-Nitrogen						
Nov 1 - Apr 30	7.5	XXX	XXX	8.5	XXX	17
May 1 - Oct 31	2.5	XXX	XXX	2.5	XXX	5.5
Total Phosphorus	1.8	XXX	XXX	2.0	XXX	4

The proposed effluent limits for Outfall 001 are based on a design flow of .13 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	31.0	50.0	XXX	25.0	40.0	50
Total Suspended Solids	37.0	56.0	XXX	30.0	45.0	60
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
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						
Nov 1 - Apr 30	7.5	XXX	XXX	6.0	XXX	12
May 1 - Oct 31	2.5	XXX	XXX	2.0	XXX	4
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	2.5	XXX	XXX	2.0	XXX	4
Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs) Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .13 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Copper, Total	Report Semi Avg	XXX	XXX	Report Semi Avg	XXX	XXX
Lead, Total	Report Semi Avg	XXX	XXX	Report Semi Avg	XXX	XXX
Zinc, Total	Report Semi Avg	XXX	XXX	Report Semi Avg	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .13 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min 5.0 Daily Min	XXX	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX

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

The EPA Waiver is not in effect.

PA0084247, Sewage, SIC Code 3357, **Berk-Tek, LLC**, 132 White Oak Road, New Holland, PA 17557. Facility Name: Berk-Tek LLC. This existing facility is located in Earl Township, **Lancaster County**.

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

The receiving stream, UNT to Conestoga River (CWF, MF), is located in State Water Plan watershed 7-J 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 .0075 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (No./100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
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	10.0	XXX	20
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX

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

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

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

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

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

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

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

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

- I. Other Requirements
- II. Solids Management
- III. Requirements Applicable to Stormwater Outfalls

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

The EPA Waiver is in effect.

PA0084506, Sewage, SIC Code 7033, **Kitch Inc. dba Starlite Camping Resort**, 1500 Furnace Hill Road, Stevens, PA 17578-9675. Facility Name: Starlite Camping Resort. This existing facility is located in Clay 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), Middle Creek (TSF), 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 .002 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	Report
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	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
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX

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

The EPA Waiver is in effect.

PA0247642, Sewage, SIC Code 6514, **Clay Manor Homeowners Association**, 111 East Manor Drive, Lititz, PA 17543. Facility Name: Clay Manor WWTP. This existing facility is located in Elizabeth 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, Middle Creek (WWF, MF), is located in State Water Plan watershed 7-J 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 .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 Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Avg Qrtly Report	XXX	XXX	Avg Qrtly Report	XXX	XXX
Nitrate-Nitrite as N	Avg Qrtly Report	XXX	XXX	Avg Qrtly Report	XXX	XXX
Total Nitrogen	Avg Qrtly Report	XXX	XXX	Avg Qrtly Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Avg Qrtly XXX	Report Total Annual	XXX	Avg Qrtly XXX	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Avg Qrtly XXX	Report Total Annual	XXX	Avg Qrtly XXX	XXX	XXX

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

- I—Other Requirements

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.

PA0266035, Sewage, SIC Code 4952, **Lerew Doris K**, 656 Latimore Road, York Springs, PA 17372-9775. Facility Name: Kendor Summit Lots 15I and 16I. This existing facility is located in North Middleton Township, **Cumberland 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), Conodoguinet Creek (WWF, MF), is located in State Water Plan watershed 7-B and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Daily Maximum</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg XXX	XXX	XXX	5.0 Annl Avg	9.0 Annl Avg	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0 Annl Avg	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Annl Avg	XXX	XXX

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

The EPA Waiver is in effect.

PA0266051, Sewage, SIC Code 4952, **Lerew Doris K**, 656 Latimore Road, York Springs, PA 17372-9775. Facility Name: Kendor Summit Lots 3I and 4I. This existing facility is located in North Middleton Township, **Cumberland 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), Conodoguinet Creek (WWF, MF), is located in State Water Plan watershed 7-B and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg XXX	XXX	5.0 Inst Min	XXX	9.0 Annl Avg	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

Southeast Regional Office

PAI130520, MS4, **East Goshen Township, Chester County**, 1580 Paoli Pike, West Chester, PA 19380-6107. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in East Goshen Township, **Chester County**. The receiving stream(s), Ridley Creek (HQ-TSF, MF) and East Branch Chester Creek (TSF, MF), is located in State Water Plan watershed 3-G and is classified for Migratory Fishes, Trout Stocking, and High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

The applicant has submitted the following plan(s) with the application to reduce pollutant loads to impaired waters:

- A Pollutant Reduction Plan (PRP)

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA waiver is in effect for small MS4s and is not in effect for large MS4s.

PA0051454, Sewage, SIC Code 6514, **John Alfonse**, 7002 Carls Hill Road, Zionsville, PA 18092. Facility Name: Alfonse Property. This existing facility is located in East Norriton Township, **Montgomery County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.00146 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min	XXX	XXX	XXX
			5.0			
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min	Report	XXX	Report
			XXX			
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	XXX	XXX	XXX	25	XXX	50
May 1 - Oct 31	XXX	XXX	XXX	20	XXX	40
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	4.5	XXX	9
May 1 - Oct 31	XXX	XXX	XXX	1.5	XXX	3

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

- Submission of Annual Maintenance Report (AMR) to DEP Office
- No stormwater into sewage
- Minimization of TRC in effluent
- Proper disposal of screenings, sludges, slurries and other solids

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

The EPA Waiver is in effect.

Southwest Regional Office

PA0024082 A-2, Sewage, SIC Code 4952, **Municipal Authority of Westmoreland County**, 124 Park and Pool Road, New Stanton, PA 15672. Facility Name: Avonmore Borough STP. This existing facility is located in Avonmore Borough, **Westmoreland County**.

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

The receiving stream(s), Kiskiminetas River (WWF), is located in State Water Plan watershed 18-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.19 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	39.6	59.5	XXX	25.0	37.5	50
Total Suspended Solids	47.6	71.3	XXX	30.0	45.0	60

The proposed effluent limits for Outfall 001 are based on a design flow of 0.19 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	53.6	80.4	XXX	25.0	37.5	50
Total Suspended Solids	64.3	96.5	XXX	30.0	45.0	60
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.19 MGD.—Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.19 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 4.0	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent 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	Report	XXX	XXX	Report	XXX	XXX

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

- Optimization of chlorine dosage
- Schedule of compliance
- Solids management for non-lagoon system

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.

PA0029971, Sewage, SIC Code 8211, **Avella Area School District**, 1000 Avella Road, Avella, PA 15312-2109. Facility Name: Avella Elementary & High School. This existing facility is located in Cross Creek Township, **Washington County**.

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

The receiving stream(s), Unnamed Tributary to South Fork Cross Creek (HQ-WWF), is located in State Water Plan watershed 20-D and is classified for High Quality Waters—Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0 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	Wkly Avg XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Daily Min 6.0	XXX	XXX	XXX
Total Residual Chlorine (TRC) — Interim	XXX	XXX	Daily Min XXX	0.07	XXX	0.16
Total Residual Chlorine (TRC) — Final	XXX	XXX	XXX	0.02	XXX	0.07
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	25.0	XXX	50.0
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen				Geo Mean		
Nov 1 - Apr 30	XXX	XXX	XXX	4.0	XXX	8.0
May 1 - Oct 31	XXX	XXX	XXX	1.5	XXX	3.0
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Daily Max Report	XXX	XXX
				Daily Max		

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.

PA0254886, Sewage, SIC Code 8800, **Barbara & Thomas Mannion**, 1986 Aleppo Road, Wind Ridge, PA 15380-1324. Facility Name: Mannion Properties SRSTP. This existing facility is located in Aleppo Township, **Greene County**.

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

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

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Annual Average</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

PA0256030, Sewage, SIC Code, **LIG 2, LLC**, 2094 S Main Street, Washington, PA 15301. Facility Name: LIG 2 LLC Properties SFTF. This proposed facility is located in Amwell Township, **Washington County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of .00194 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	20.0	XXX	40.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	XXX

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

The EPA Waiver is in effect.

PA0000507, Industrial, SIC Code 2821, **Eastman Chemicals Resins, Inc.**, P.O. Box 545, West Elizabeth, PA 15088-0545. Facility Name: Jefferson Plant. This existing facility is located in Jefferson Hills Borough, **Allegheny County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for existing discharges of treated industrial waste, non-contact cooling water, groundwater, and storm water.

The receiving streams, the Monongahela River (WWF) and Unnamed Tributary to the Monongahela River (WWF), are located in State Water Plan watershed 19-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharges are not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0226 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Free Available Chlorine	XXX	XXX	XXX	0.2	0.5	XXX
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Fluoride, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total	XXX	XXX	XXX	Report	Report	XXX
Phenolics, Total	XXX	XXX	XXX	0.016 Avg Qrtly	0.032	XXX

The proposed effluent limits for Outfall 002 are for variable groundwater and storm water discharges.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	Report
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report
Nickel, Total	XXX	XXX	XXX	XXX	XXX	Report
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report
Styrene	XXX	XXX	XXX	XXX	XXX	0.016
Xylenes, Total	XXX	XXX	XXX	XXX	XXX	0.033

The proposed effluent limits for Outfalls 004 and 005 are for variable storm water discharges.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average</i>	<i>Daily</i>	<i>Instant.</i>	<i>Average</i>	<i>Daily</i>	
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	Report
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report
Nickel, Total	XXX	XXX	XXX	XXX	XXX	Report
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfalls 006, 007, 010, 021, 022, 107 and 110 are for variable storm water discharges.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average</i>	<i>Daily</i>	<i>Instant.</i>	<i>Average</i>	<i>Daily</i>	
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	Report
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report
Nickel, Total	XXX	XXX	XXX	XXX	XXX	Report
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 008 are for variable storm water discharges.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average</i>	<i>Daily</i>	<i>Instant.</i>	<i>Average</i>	<i>Daily</i>	
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	Report
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report
Nickel, Total	XXX	XXX	XXX	XXX	XXX	Report
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report
Ethylbenzene	XXX	XXX	XXX	XXX	XXX	Report
Xylenes, Total	XXX	XXX	XXX	XXX	XXX	0.033

The proposed effluent limits for Outfalls 009 and 016 are for variable storm water discharges.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average</i>	<i>Daily</i>	<i>Instant.</i>	<i>Average</i>	<i>Daily</i>	
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report
Aluminum, Dissolved	XXX	XXX	XXX	XXX	XXX	Report
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	0.75
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report
Nickel, Total	XXX	XXX	XXX	XXX	XXX	Report
Zinc, Dissolved	XXX	XXX	XXX	XXX	XXX	Report
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report
Acetone	XXX	XXX	XXX	XXX	XXX	Report
Ethylbenzene	XXX	XXX	XXX	XXX	XXX	Report
Cumene	XXX	XXX	XXX	XXX	XXX	Report

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average</i>	<i>Daily</i>	<i>Instant.</i>	<i>Average</i>	<i>Daily</i>	
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
n-Propylbenzene	XXX	XXX	XXX	XXX	XXX	Report
1,2,4-Trimethylbenzene	XXX	XXX	XXX	XXX	XXX	Report
Naphthalene	XXX	XXX	XXX	XXX	XXX	Report
Styrene	XXX	XXX	XXX	XXX	XXX	Report
t-Butyl Alcohol	XXX	XXX	XXX	XXX	XXX	Report
Toluene	XXX	XXX	XXX	XXX	XXX	Report
Xylenes, Total	XXX	XXX	XXX	XXX	XXX	Report
sec-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report
tert-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 011 are for variable storm water discharges.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average</i>	<i>Daily</i>	<i>Instant.</i>	<i>Average</i>	<i>Daily</i>	
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report
Aluminum, Dissolved	XXX	XXX	XXX	XXX	XXX	Report
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	0.75
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report
Nickel, Total	XXX	XXX	XXX	XXX	XXX	Report
Zinc, Dissolved	XXX	XXX	XXX	XXX	XXX	Report
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report
Acetone	XXX	XXX	XXX	XXX	XXX	Report
Ethylbenzene	XXX	XXX	XXX	XXX	XXX	Report
Cumene	XXX	XXX	XXX	XXX	XXX	Report
n-Propylbenzene	XXX	XXX	XXX	XXX	XXX	Report
1,2,4-Trimethylbenzene	XXX	XXX	XXX	XXX	XXX	Report
Naphthalene	XXX	XXX	XXX	XXX	XXX	Report
Styrene	XXX	XXX	XXX	XXX	XXX	Report
t-Butyl Alcohol	XXX	XXX	XXX	XXX	XXX	Report
Toluene	XXX	XXX	XXX	XXX	XXX	Report
Xylenes, Total	XXX	XXX	XXX	XXX	XXX	0.033
sec-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report
tert-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 012 are for emergency fire water discharges.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average</i>	<i>Daily</i>	<i>Instant.</i>	<i>Average</i>	<i>Daily</i>	
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 013 are for variable storm water discharges.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average</i>	<i>Daily</i>	<i>Instant.</i>	<i>Average</i>	<i>Daily</i>	
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report
Aluminum, Dissolved	XXX	XXX	XXX	XXX	XXX	Report
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	0.75
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report
Nickel, Total	XXX	XXX	XXX	XXX	XXX	Report
Zinc, Dissolved	XXX	XXX	XXX	XXX	XXX	Report
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report
Acetone	XXX	XXX	XXX	XXX	XXX	Report
Ethylbenzene	XXX	XXX	XXX	XXX	XXX	Report

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Cumene	XXX	XXX	XXX	XXX	XXX	Report
n-Propylbenzene	XXX	XXX	XXX	XXX	XXX	Report
1,2,4-Trimethylbenzene	XXX	XXX	XXX	XXX	XXX	Report
Naphthalene	XXX	XXX	XXX	XXX	XXX	Report
Styrene	XXX	XXX	XXX	XXX	XXX	Report
t-Butyl Alcohol	XXX	XXX	XXX	XXX	XXX	Report
Toluene	XXX	XXX	XXX	XXX	XXX	0.033
Xylenes, Total	XXX	XXX	XXX	XXX	XXX	Report
sec-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report
tert-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 114 are for variable storm water discharges.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Oil and Grease	XXX	XXX	XXX	XXX	XXX	15.0
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report
Aluminum, Dissolved	XXX	XXX	XXX	XXX	XXX	Report
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	0.75
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report
Nickel, Total	XXX	XXX	XXX	XXX	XXX	Report
Zinc, Dissolved	XXX	XXX	XXX	XXX	XXX	Report
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report
Acetone	XXX	XXX	XXX	XXX	XXX	Report
Ethylbenzene	XXX	XXX	XXX	XXX	XXX	Report
Cumene	XXX	XXX	XXX	XXX	XXX	Report
n-Propylbenzene	XXX	XXX	XXX	XXX	XXX	Report
1,2,4-Trimethylbenzene	XXX	XXX	XXX	XXX	XXX	Report
Naphthalene	XXX	XXX	XXX	XXX	XXX	Report
Styrene	XXX	XXX	XXX	XXX	XXX	Report
t-Butyl Alcohol	XXX	XXX	XXX	XXX	XXX	Report
Toluene	XXX	XXX	XXX	XXX	XXX	Report
Xylenes, Total	XXX	XXX	XXX	XXX	XXX	0.033
sec-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report
tert-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 214 are for variable storm water discharges.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Oil and Grease	XXX	XXX	XXX	XXX	XXX	15.0
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report
Aluminum, Dissolved	XXX	XXX	XXX	XXX	XXX	Report
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	0.75
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report
Nickel, Total	XXX	XXX	XXX	XXX	XXX	Report
Zinc, Dissolved	XXX	XXX	XXX	XXX	XXX	Report
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report
Acetone	XXX	XXX	XXX	XXX	XXX	Report
Ethylbenzene	XXX	XXX	XXX	XXX	XXX	Report
Cumene	XXX	XXX	XXX	XXX	XXX	Report
n-Propylbenzene	XXX	XXX	XXX	XXX	XXX	Report
1,2,4-Trimethylbenzene	XXX	XXX	XXX	XXX	XXX	Report

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Naphthalene	XXX	XXX	XXX	XXX	XXX	Report
Styrene	XXX	XXX	XXX	XXX	XXX	Report
t-Butyl Alcohol	XXX	XXX	XXX	XXX	XXX	Report
Toluene	XXX	XXX	XXX	XXX	XXX	Report
Xylenes, Total	XXX	XXX	XXX	XXX	XXX	Report
sec-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report
tert-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfalls 017 and 019 are for variable storm water discharges.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report
Aluminum, Dissolved	XXX	XXX	XXX	XXX	XXX	Report
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	0.75
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report
Nickel, Total	XXX	XXX	XXX	XXX	XXX	Report
Zinc, Dissolved	XXX	XXX	XXX	XXX	XXX	Report
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report
Acetone	XXX	XXX	XXX	XXX	XXX	Report
Ethylbenzene	XXX	XXX	XXX	XXX	XXX	Report
Cumene	XXX	XXX	XXX	XXX	XXX	Report
n-Propylbenzene	XXX	XXX	XXX	XXX	XXX	Report
1,2,4-Trimethylbenzene	XXX	XXX	XXX	XXX	XXX	Report
Naphthalene	XXX	XXX	XXX	XXX	XXX	Report
Styrene	XXX	XXX	XXX	XXX	XXX	Report
t-Butyl Alcohol	XXX	XXX	XXX	XXX	XXX	Report
Toluene	XXX	XXX	XXX	XXX	XXX	Report
Xylenes, Total	XXX	XXX	XXX	XXX	XXX	Report
sec-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report
tert-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 020 are for variable storm water discharges.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report
Aluminum, Dissolved	XXX	XXX	XXX	XXX	XXX	Report
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	0.75
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report
Nickel, Total	XXX	XXX	XXX	XXX	XXX	Report
Zinc, Dissolved	XXX	XXX	XXX	XXX	XXX	Report
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report
Acetone	XXX	XXX	XXX	XXX	XXX	Report
Ethylbenzene	XXX	XXX	XXX	XXX	XXX	Report
Cumene	XXX	XXX	XXX	XXX	XXX	Report
n-Propylbenzene	XXX	XXX	XXX	XXX	XXX	Report
1,2,4-Trimethylbenzene	XXX	XXX	XXX	XXX	XXX	Report
Naphthalene	XXX	XXX	XXX	XXX	XXX	Report
Styrene	XXX	XXX	XXX	XXX	XXX	Report
t-Butyl Alcohol	XXX	XXX	XXX	XXX	XXX	Report
Toluene	XXX	XXX	XXX	XXX	XXX	Report
Xylenes, Total	XXX	XXX	XXX	XXX	XXX	Report

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average</i>	<i>Daily</i>	<i>Instant.</i>	<i>Average</i>	<i>Daily</i>	
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
sec-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report
tert-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 024 are for variable storm water discharges.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average</i>	<i>Daily</i>	<i>Instant.</i>	<i>Average</i>	<i>Daily</i>	
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Oil and Grease	XXX	XXX	XXX	XXX	XXX	15.0
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report
Aluminum, Dissolved	XXX	XXX	XXX	XXX	XXX	Report
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	0.75
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report
Lead, Total	XXX	XXX	XXX	XXX	XXX	Report
Nickel, Total	XXX	XXX	XXX	XXX	XXX	Report
Zinc, Dissolved	XXX	XXX	XXX	XXX	XXX	Report
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report
Acetone	XXX	XXX	XXX	XXX	XXX	Report
Ethylbenzene	XXX	XXX	XXX	XXX	XXX	Report
Cumene	XXX	XXX	XXX	XXX	XXX	Report
n-Propylbenzene	XXX	XXX	XXX	XXX	XXX	Report
1,2,4-Trimethylbenzene	XXX	XXX	XXX	XXX	XXX	Report
Naphthalene	XXX	XXX	XXX	XXX	XXX	Report
Styrene	XXX	XXX	XXX	XXX	XXX	Report
t-Butyl Alcohol	XXX	XXX	XXX	XXX	XXX	Report
Toluene	XXX	XXX	XXX	XXX	XXX	Report
Xylenes, Total	XXX	XXX	XXX	XXX	XXX	Report
sec-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report
tert-Butylbenzene	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 026 are based on a design flow of 0.0883 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Annual</i>	<i>Daily</i>	<i>Instant.</i>	<i>Annual</i>	<i>Daily</i>	
	<i>Average</i>	<i>Maximum</i>		<i>Average</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Nitrate-Nitrite as N	XXX	XXX	XXX	Avg Qrtly	Report	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Cyanide, Total	XXX	XXX	XXX	Avg Qrtly	Report	XXX
Nickel, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total	XXX	XXX	XXX	Avg Qrtly	Report	XXX
Styrene	XXX	XXX	XXX	Report	Report	XXX
Xylenes, Total	XXX	XXX	XXX	Avg Qrtly	Report	XXX
Biochemical Oxygen Demand (BOD ₅)	13.0	33.0	XXX	Report	64.0	80.0
Total Suspended Solids	Avg Mo	20.0	66.0	XXX	40.0	130.0
Total Dissolved Solids	Avg Mo	XXX	XXX	XXX	Report	XXX
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Annual Average</i>	<i>Daily Maximum</i>		<i>Annual Average</i>	<i>Daily Maximum</i>	
2,4-Dimethylphenol	0.007 Avg Mo	0.015	XXX	0.018 Avg Mo	0.036	0.045
Phenol	0.006 Avg Mo	0.010	XXX	0.015 Avg Mo	0.026	0.032
1,2,4-Trichlorobenzene	0.034 Avg Mo	0.070	XXX	0.068 Avg Mo	0.140	0.175
Ethylbenzene	0.019 Avg Mo	0.065	XXX	0.032 Avg Mo	0.108	0.135
Hexachlorobenzene	0.0008 Avg Mo	0.001	XXX	0.001 Avg Mo	0.002	0.004
Benzene	0.018 Avg Mo	0.068	XXX	0.037 Avg Mo	0.136	0.17
Benzidine	0.001 Avg Mo	0.002	XXX	0.002 Avg Mo	0.003	0.005
Dibenzo(a,h)Anthracene	0.001 Avg Mo	0.002	XXX	0.002 Avg Mo	0.003	0.005
Indeno(1,2,3-cd)Pyrene	Report Avg Mo	Report	XXX	Report Avg Mo	Report	XXX
Naphthalene	0.011 Avg Mo	0.029	XXX	0.022 Avg Mo	0.059	0.073
N-Nitrosodiphenylamine	0.007 Avg Mo	0.011	XXX	0.016 Avg Mo	0.025	0.041
Toluene	0.015 Avg Mo	0.048	XXX	0.026 Avg Mo	0.080	0.1
Trichloroethylene	0.008 Avg Mo	0.022	XXX	0.021 Avg Mo	0.054	0.067
2-Chlorophenol	0.013	0.041	XXX	0.031	0.098	0.122
2,4-Dichlorophenol	0.016	0.047	XXX	0.039	0.112	0.14
Fluorene	0.009	0.024	XXX	0.022	0.059	0.073
2,4-Dinitrophenol	0.029	0.051	XXX	0.071	0.123	0.153
2,4-Dinitrotoluene	0.047	0.120	XXX	0.113	0.285	0.356
2,6-Dinitrotoluene	0.107	0.270	XXX	0.255	0.641	0.801
4,6-dinitro-o-cresol	0.032	0.116	XXX	0.078	0.277	0.346
2-Nitrophenol	0.017	0.029	XXX	0.041	0.069	0.086
4-Nitrophenol	0.030	0.052	XXX	0.072	0.124	0.155
Acenaphthene	0.009	0.024	XXX	0.022	0.059	0.073
Acenaphthylene	0.009	0.024	XXX	0.022	0.059	0.073
Acrylonitrile	0.040	0.101	XXX	0.096	0.242	0.302
Anthracene	0.009	0.024	XXX	0.022	0.059	0.073
Chlorobenzene	0.006	0.011	XXX	0.015	0.028	0.035
1,2-Dichlorobenzene	0.032	0.068	XXX	0.077	0.163	0.203
1,3-Dichlorobenzene	0.013	0.018	XXX	0.031	0.044	0.055
1,4-Dichlorobenzene	0.006	0.011	XXX	0.015	0.028	0.035
1,3-Dichloropropylene	0.012	0.018	XXX	0.029	0.044	0.055
Nitrobenzene	0.011	0.028	XXX	0.027	0.068	0.085
Benzo(a)Anthracene	0.009	0.016	XXX	0.022	0.036	0.059
Benzo(a)Pyrene	0.001	0.002	XXX	0.002	0.003	0.005
Benzo(k)Fluoranthene	0.009	0.024	XXX	0.022	0.059	0.073
3,4-Benzofluoranthene	0.009	0.016	XXX	0.023	0.036	0.059
Carbon Tetrachloride	0.007	0.016	XXX	0.018	0.038	0.047
Chloroethane	0.043	0.112	XXX	0.104	0.268	0.335
1,1,1-Trichloroethane	0.008	0.022	XXX	0.021	0.054	0.067
1,1,2-Trichloroethane	0.008	0.022	XXX	0.021	0.054	0.067
1,1-Dichloroethane	0.009	0.024	XXX	0.022	0.059	0.073
1,2-Dichloroethane	0.028	0.088	XXX	0.068	0.211	0.263
1,2-Dichloropropane	0.064	0.096	XXX	0.153	0.230	0.287
Bis(2-Ethylhexyl)Phthalate	0.043	0.117	XXX	0.103	0.279	0.348
Chloroform	0.008	0.019	XXX	0.021	0.046	0.057
Chrysene	0.009	0.024	XXX	0.022	0.059	0.073
Diethyl Phthalate	0.034	0.085	XXX	0.081	0.203	0.253
Dimethyl Phthalate	0.008	0.019	XXX	0.019	0.047	0.058
Di-n-Butyl Phthalate	0.011	0.024	XXX	0.027	0.057	0.071
Fluoranthene	0.010	0.028	XXX	0.025	0.068	0.085
Hexachlorobutadiene	0.008	0.020	XXX	0.020	0.049	0.061
Hexachloroethane	0.008	0.022	XXX	0.021	0.054	0.067
Methyl Chloride	0.036	0.080	XXX	0.086	0.190	0.237

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Annual Average</i>	<i>Daily Maximum</i>		<i>Annual Average</i>	<i>Daily Maximum</i>	
Methylene Chloride	0.016	0.037	XXX	0.040	0.089	0.111
Phenanthrene	0.009	0.024	XXX	0.022	0.059	0.073
Pyrene	0.010	0.028	XXX	0.025	0.067	0.083
1,1-Dichloroethylene	0.006	0.010	XXX	0.016	0.025	0.031
trans-1,2-Dichloroethylene	0.008	0.022	XXX	0.021	0.054	0.067
Tetrachloroethylene	0.009	0.023	XXX	0.022	0.056	0.07
Vinyl Chloride	0.043	0.112	XXX	0.104	0.268	0.335

The proposed effluent limits for Internal Monitoring Point 101 are for variable hydrostatic test water discharges.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (GPM)	Report	XXX	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Duration of Discharge (hours)	XXX	XXX	XXX	Report	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	0.05
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Iron, Dissolved	XXX	XXX	XXX	XXX	XXX	7.0
Ethylbenzene	XXX	XXX	XXX	XXX	XXX	Report
Benzene	XXX	XXX	XXX	XXX	XXX	0.0025
BTEX, Total	XXX	XXX	XXX	XXX	XXX	0.25
Toluene	XXX	XXX	XXX	XXX	XXX	Report
Xylenes, Total	XXX	XXX	XXX	XXX	XXX	0.033

In addition, the permit contains the following major special conditions: prohibition on the net addition of pollutants to non-contact cooling water; requirements for chemical additives; requirements for storm water outfalls; requirements for biological surveys and chemical analyses of the unnamed tributary to the Monongahela River; requirements for hydrostatic test water discharges.

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

The EPA Waiver is not in effect.

PA0255017, Industrial, SIC Code 4941, **Center Township Municipal Water Authority, Beaver County**, 224 Center Grange Road, Aliquippa, PA 15001-1421. Facility Name: Center Township Water Authority. This existing facility is located in Center Township, **Beaver County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of .72 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.0
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Aluminum, Total	XXX	XXX	XXX	4.0	XXX	8.0
Iron, Total	XXX	XXX	XXX	2.0	XXX	4.0
Manganese, Total	XXX	XXX	XXX	1.0	XXX	2.0
Mercury, Total (ug/L)	XXX	XXX	XXX	Report	XXX	Report

The proposed effluent limits for Outfall 001 are based on a design flow of .72 MGD.—Final Limits.

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

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average	Daily	Instant.	Average	Daily	
	Monthly	Maximum		Monthly	Maximum	
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.0
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Aluminum, Total	XXX	XXX	XXX	4.0	XXX	8.0
Iron, Total	XXX	XXX	XXX	2.0	XXX	4.0
Manganese, Total	XXX	XXX	XXX	1.0	XXX	2.0
Mercury, Total (ug/L)	XXX	XXX	XXX	0.012	XXX	0.03

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

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

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

- A Toxics Reduction Evaluation (TRE) is required to investigate and implement corrective measures to meet the final mercury effluent limitations three (3) years after the permit issuance.
- The proposed monthly average mercury effluent limitation of 0.012 ug/L is less than the Department’s Target Quantitation Level (QL) of 0.02 ug/L. Compliance with the effluent limitation will be met provided there is no detection at 0.02 ug/L.

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.

PAS146102, Storm Water, SIC Code 2653, **International Paper Co.**, 10 Wilson Road, Eighty Four, PA 15330-2846. Facility Name: Eighty Four Container Plant. This existing facility is located in North Strabane Township, **Washington 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), Unnamed Tributary of Chartiers Creek (HQ-WWF) and Unnamed Tributary to Chartiers Creek (HQ-WWF), is located in State Water Plan watershed 20-F and is classified for High Quality Waters—Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001:

Parameters	Mass Units (lbs/day)		Instant.	Concentrations (mg/L)		IMAX
	Average	Average		Average	Daily	
	Monthly	Weekly		Monthly	Maximum	
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002:

Parameters	Mass Units (lbs/day)		Instant.	Concentrations (mg/L)		IMAX
	Average	Average		Average	Daily	
	Monthly	Weekly		Monthly	Maximum	
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX

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

The EPA Waiver is in effect.

PA0256081, Industrial, SIC Code 4941, **Northern Cambria Municipal Authority**, 1202 Philadelphia Avenue, Northern Cambria, PA 15714-1385. Facility Name: Miller Hollow Water Treatment Facility. This proposed facility is located in Susquehanna Township, **Cambria County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of process wastewater from the water treatment plant.

The receiving stream(s), Unnamed Tributary to Walnut Run (CWF, MF), is located in State Water Plan watershed 8-B and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Daily 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	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	XXX
Aluminum, Total	XXX	XXX	XXX	4.0	8.0	XXX
Iron, Total	XXX	XXX	XXX	2.0	4.0	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	XXX

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

The EPA Waiver is in effect.

Bureau of Clean Water

PA0270750, Pesticides, SIC Code 0782, **PA DCNR State Parks Bureau**, P.O. Box 8551, Harrisburg, PA 17105-8551.

Description of Existing Activity: The application is for a renewal of an NPDES permit coverage for discharges associated with the application of pesticides to lakes associated with Pennsylvania State Parks Statewide.

Applicators are required to follow product labeling instructions of pesticides, which may include provisions to reduce application doses and notify public water suppliers in the event applications are conducted near public water supply intakes. The discharges associated with the pesticide applications are not expected to affect public water supplies.

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

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.

PA0270750, Pesticides, SIC Code 0782, **PA DCNR State Parks Bureau**, P.O. Box 8551, Harrisburg, PA 17105-8551.

Description of Existing Activity: The application is for a renewal of an NPDES permit coverage for discharges associated with the application of pesticides to lakes associated with Pennsylvania State Parks Statewide.

Applicators are required to follow product labeling instructions of pesticides, which may include provisions to reduce application doses and notify public water suppliers in the event applications are conducted near public water supply intakes. The discharges associated with the pesticide applications are not expected to affect public water supplies.

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

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.

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

Application Number	Application Type	Applicant Name & Address	Municipality, County	Office
PAD090071 A-4	Amendment	NP Falls Township Industrial, LLC 4805 Montgomery Road Suite 310 Cincinnati, OH 45212-2280	Falls Township Bucks County	DEP Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAD460072	New	PECO Energy Company (PECO) 2301 Market Street, N3-3 Philadelphia, PA 19103-1338	Plymouth Township Montgomery County	DEP Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD230062	New	Duke Realty, LP 161 Washington Street Suite 1020 Conshohocken, PA 19428	Marcus Hook Borough Delaware County	DEP Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAD450158	New	Orchard BJK Company, LLC 925 Berkshire Boulevard Wyomissing, PA 19610	Coolbaugh Township Monroe County	DEP NERO Waterways & Wetlands Program 2 Public Square Wilkes-Barre, PA 18701 570.826.2511
PAD390232	Renewal	Allentown Community Development Corporation 4905 Tilghman Street Allentown, PA 18104	City of Allentown Lehigh County	DEP NERO Waterways & Wetlands Program 2 Public Square Wilkes-Barre, PA 18701 570.826.2511
PAD130037	Renewal	Split Rock Investments, LLC Carlos Padilla 3631 N Front Street Harrisburg, PA 17110	Kidder Twp Carbon Cnty	DEP, NERO Waterways & Wetlands Program 2 Public Square Wilkes-Barre, PA 18701 570.826.2511
PAD480005	Renewal	LURRS c/o Mark Leuthe 499 Riverview Drive Walnutport, PA 18088	Lehigh Township Northampton County	DEP, NERO Waterways & Wetlands Program 2 Public Square Wilkes-Barre, PA 18701 570.826.2511
PAD140089	New Individual Permit	South Atherton Development, LLC 734 South Atherton Street State College, PA 16801	State College Borough Centre Center	DEP, NCRO Waterways and Wetland Program 208 W 3rd Street Suite 101 Williamsport, PA 17701
PAD180028	New Individual Permit	Clinton County Commissioners 232 E. Main Street Lock Haven, PA 17745	Renovo Borough Chapman Township Noyes Township Clinton County	DEP, NCRO Waterways and Wetland Program 208 W 3rd Street Suite 101 Williamsport, PA 17701
PAD190001D	New Individual Permit	Stillwater DG, LLC 361 Summit Blvd Suite 103 Birmingham, AL 35243	Stillwater Borough Columbia County	DEP, NCRO Waterways and Wetland Program 208 W 3rd Street Suite 101 Williamsport, PA 17701
PAD630066	Individual Permit	Casper, Colosimo & Sons 5170 Campbells Run Road Pittsburgh, PA 15205	South Strabane Washington County	DEP, SWRO Waterways and Wetland Program 400 Waterfront Drive Pittsburgh, PA 15222-4745
PAD160004	New	Clarion FOD LLC P.O. Box 745 Clarion, PA 16214	Beaver Township Clarion County	DEP, NWRO Waterways and Wetland Program 230 Chestnut Street Meadville, PA 16335 814-332-6984

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	657.86	Swine, Heifers	NA	Approved
Emmanuel Lapp 322 Hatchery Road Dalmatia, PA 17017	Northumberland	39.8	97.99	Duck	NA	Renewal
Ryan Burkholder 200 Farm Lane Millerstown, PA 17062	Perry	27.6	389.18	Poultry/ Broiler	NA	New

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

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

SAFE DRINKING WATER

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

*Southeast Region: Safe Drinking Water Program,
2 East Main Street, Norristown, PA 19401, 484-250-5980.*

Permit No. 1522502, Public Water Supply.

Applicant	Imperial MHP GSP Management Company 2846 Main Street, # 12A Morgantown, PA 19543
Township	West Caln
County	Chester
Type of Facility	PWS
Consulting Engineer	Mill Brook Engineers, LLC P.O. Box 966 Dover, DE 19903
Application Received Date	March 10, 2022
Description of Action	Modifications to the pH adjustment that will help with the scaling and hard water without sacrificing effectiveness of corrosion control.

Permit No. 0922506, Public Water Supply.

Applicant	Doylestown Borough Water Department 10 Doyle Street Doylestown, PA 18901
Borough	Doylestown

County **Bucks**
 Type of Facility PWS
 Consulting Engineer Patrick P. DiGangi
 Vice President
 CKS Engineers
 4259 W. Swamp Road
 Doylestown, PA 18902

Application Received February 24, 2022
 Date

Description of Action Installing chemical feed systems
 at the Borough Wells 9 and 10.
 The system will introduce
 Caustic Soda for pH adjustment.

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

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

Application No. 3922502, Public Water Supply.

Applicant **Joe's Kwik Mart**
 4002 Chestnut Street
 Emmaus, PA 18049-1012

Municipality Upper Milford Township
 County **Lehigh**

Type of Facility Public Water Supply
 Consulting Engineer Jeremy Crum
 Suburban Water Technology, Inc.
 1697 Swamp Pike
 Gilbertsville, PA 19525

Application Received February 14, 2022
 Date

Description of Action Joe's Kwik Mart proposes to
 install a unit treatment process
 to remove MTBE using GAC.
 The unit treatment process will
 consist of two 12" x 52"
 cylindrical fiberglass tanks.

Application No. 4522501, Construction, Public Water
 Supply.

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

Municipality Coolbaugh Township
 County **Monroe**

Type of Facility Public Water Supply
 Consulting Engineer Richard B. Kresge, Jr., P.E.
 Atlas Technical
 Consultants, LLC
 1001 Lackawanna Trail
 Clarks Summit, PA 18411

Application Received February 22, 2022
 Date

Description of Action The applicant is proposing to
 replace a 200,000 gallon water
 storage tank with a new 200,000
 gallon bolted steel water storage
 tank and the three (3) existing
 12 HP booster pumps, and to
 install 110 feet of 36-inch
 diameter chlorine contact piping
 as part of the Pocono Farms Well
 # 7 water storage tank and
 booster pump replacement
 project.

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

Permit No. 5621505, Public Water Supply.

Applicant **Deer Valley YMCA Camp**
 254 Deer Valley Drive
 Fort Hill, PA 15540

Municipality Elk Lick Township
 County **Somerset**

Responsible Official David Reither
 Director

Type of Facility Water system
 Consulting Engineer Appalachian Engineering
 Group, LLC
 213 Dale Street
 P.O. Box 162
 Meyersdale, PA 15552

Application Received November 23, 2021
 Date

Description of Action Addition of caustic soda for pH
 adjustment and corrosion
 control.

WATER ALLOCATIONS

**Applications received under the Act of June 24,
 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relat-
 ing to the Acquisition of Rights to Divert Waters
 of the Commonwealth.**

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

WA26-846D, Water Allocations. **Pleasant Valley Wa-
 ter Authority**, 2320 Moyer Road, Connellsville, PA
 15425, Bullsken and Saltlick Townships, **Fayette
 County**. Applicant requests the right to purchase 50,000
 gallons of water per day, peak day, from the Indian Creek
 Valley Water Authority.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION UNDER ACT 2, 1995 PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environ-
 mental 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 mea-
 sures 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.

Adler Property, 124 Woodland Drive, Dingmans Ferry, PA 18328, Delaware Township, **Pike County**. Douglas Adler, 124 Woodland Drive, Dingmans Ferry, PA 18328, 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 Pike County Dispatch* on March 10, 2022.

RESIDUAL WASTE GENERAL PERMITS

Application(s) Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (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, telephone 412-442-4000.

General Permit No. WMGR123SW057. EQT Production, 400 Woodcliff Drive, Canonsburg, PA 15317. A

Registration to operate under residual waste general permit WMGR123SW057, for the EQT Production Don Flamenco Aboveground Storage Tank facility, in Richhill Township, **Greene County**, was received/deemed administratively complete in the Regional Office on March 11, 2022.

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.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application(s) Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

Permit No. 100346, FR&S Inc., Pioneer Crossing Landfill, Municipal Waste Landfill, 727 Red Lane Road, Birdsboro, PA 19508, Exeter Township, **Berks County**.

An application for a major permit modification was submitted by FR&S Inc. to modify the leachate treatment plan and increase the permit boundary to construct a leachate storage basin at Pioneer Crossing Landfill. This application was deemed administratively complete by the Southcentral Regional Office on February 18, 2022.

Comments concerning the application should be directed to Mr. John Oren, Permits Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Persons interested in obtaining more information about this permit application may contact the Southcentral Regional Office at (717) 705-4706. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

ment 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.

PLAN APPROVALS

Plan Approval Applications Received Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

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

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

23-0119K: Sunoco Partners Marketing & Terminals, L.P. (SPMT), 100 Green Street, Marcus Hook, PA 19061-0426, on February 14, 2022, a Prevention of Significant Deterioration (PSD) Plan approval application for a proposed expansion of the current ethane processing capacity at its existing Title V facility, located in Marcus Hook Borough, **Delaware County**. This will increase the

ethane processing capacity from 75,000 barrels per day (bpd) to 85,000 bpd. The proposed ethane processing expansion includes the installation of the following equipment:

- A new (fourth) ethane chiller train, also including a mixed refrigerant liquid compressor and heat exchanger, in parallel with the three existing ethane chiller trains.
- A new boil off gas system for one of the refrigerated ethane product storage tanks to be installed under previously-issued Plan Approval No. 23-0119J.
- New (additional) components for the feedstock metering, feedstock heating, amine treatment, and demethanizer off gas system.
- New piping, components (i.e., valves, pressure relief valves, pump and compressor seals, and flanges/connectors), and process vents.

The DEP's Southeast Regional Office is reviewing the application for the proposed ethane processing expansion, which is a major permitting action at a major facility. The application can be found at DEP's SERO Community Information Page <https://www.dep.pa.gov/About/Regional/SoutheastRegion/Community%20Information/Pages/default.aspx>, under SPMT tab. The facility is located in an Environmental Justice (EJ) area; therefore the application triggers the EJ Enhanced Public Participation Policy.

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

Contact: Dave Balog, New Source Review Chief, (814) 332-6328.

16-132Q: Clarion Boards, Inc., 143 Fiberboard Road, Shipperville, PA 16254, for the proposed installation of leak detection systems and removal of testing requirements for Sources 104, 105, 107, 110—113 and 506. It is also for removal of testing requirements for Sources 109 (based on low emissions) and 123 (based on limited operation and low emissions) in Paint Township, **Clarion County**. This is a Title V facility.

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

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

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

09-0250: McGill Fairless Hills, LLC, 600 Tyburn Road, Morrisville, PA 19067, for the installation of a new indoor composting facility located in Falls Township, **Bucks County**. The facility proposes to install a biofilter as an add-on control device to reduce odors emanating from the composting operation. The estimated post-control potential to emit (PTE) volatile organic compound (VOC) emissions for the composting process is 19.29 tons per year. Facility-wide PTE VOC is less than the VOC major source threshold for the Southeast Region and the Philadelphia Consolidated Metropolitan Statistical Area after the use of an add-on air pollution control device; therefore, the facility will be classified as a natural minor for criteria pollutants and an area source for Hazardous Air Pollutant (HAP) emissions. The plan approval will

include monitoring, testing, 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 plan approval can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@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.

67-05030G: CP Converters Inc., 15 Grumbacher Road, York, PA 17406, for the use of a VOC additive in the adhesive coating used in Extruders # 1 and # 2 for the lamination process at the Manchester facility located in Manchester Township, **York County**. The expected PTE increase in facility emissions as a result of the changes proposed is: VOC 6.75 tpy. The facility is a Title V facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12, and 25 Pa. Code § 129.52b—Control of VOC emissions from paper, film and foil surface coating processes. 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 an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

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

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

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

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

This project consists of two components. Domtar will divide the existing Tubel concentrator into two chambers and install two additional low energy concentrators after the existing five-effect evaporator train. Division of the

unit into two chambers would result in less overall production downtime. The changes would better allow Domtar to maintain the evaporator system's target throughput of 1,250 gpm and could achieve as high as 1,320 gpm.

Increasing the actual black liquor throughput would result in the gain of approximately 35 metric tons of air-dried bleached pulp production per day. A change in the paper production rates is not proposed. This project would decrease the amount of pulp purchased from offsite sources.

This project would result in an increase of actual emissions from modified and affected sources. The Kraft Mill/NCG Incinerator (Source 001/Control Device C001A) is the only modified source. The following sources will be affected by this project: Chemical Recovery Furnace (Source 037A), Smelt Dissolving Tank (Source 109), Lime Unloading System—Fresh Lime Silo & Reburned Lime Silo (Source 112), Lime Kiln (Source 115), Liquor Clarifiers (Source 123), Lime Mud Handling System (Source 124) Dregs Handling System (Source 125), Woodyard Activities (Source 129), and Material Handling/Stockpiling (Source 130). The Paper Machines (Source ID 119) are not considered affected emissions units because they currently operate at capacity.

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

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

Special conditions will include the following:

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

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

VOC emissions from Source 001 (Kraft Mill) shall not exceed 0.49 tpy (twelve-month rolling average). NO_x emissions from Source 037A (Chemical Recovery Furnace) shall not exceed: 114 ppmv dry corrected to 8% oxygen (30-day rolling average), 103.5 lbs/hr (30-day rolling average), or 453.35 tpy based on a 12-month rolling average. VOC emissions from Source 109 (Smelt Dissolving Tank) shall not exceed: 2.39 tpy based on a 12-month rolling average. VOC emissions from Source 115 (Lime Kiln) shall not exceed: 1.92 tpy based on a 12-month rolling average. VOC emissions from Source 123 (Liquor Clarifiers) shall not exceed: 5.01 tpy based on a 12-month rolling average. VOC emissions from Source 124 (Lime Mud Handling) shall not exceed: 7.72 tpy based on a 12-month rolling average. VOC emissions from Source 125 (Dregs Handling System) shall not exceed: 0.77 tpy based on a 12-month rolling average.

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

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

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

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

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

OPERATING PERMITS

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

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

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

23-00222: William Lombardo Funeral Home, Inc., 33 West Baltimore Avenue, Clifton Heights, PA 19018, for a renewal of a Non-Title V Facility, State-Only, Natural Minor Permit of a Matthews Animal Cremation Unit, rated at 100 lb/hr, at an existing funeral home in Clifton Heights Borough, **Delaware County**. The cremation unit is equipped with an afterburner and an opacity monitor. Emissions of PM shall remain below 0.08 grain per dry standard cubic feet, corrected to 7 percent O₂. Emissions of SO_x shall remain below 500 ppmv. The operating permit will contain monitoring, recordkeeping, and operating conditions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously

listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

46-00012: 800 Schuylkill River Road Associates LLC, formerly known as Philadelphia Media Network Conshohocken, LLC, 800 River Road, Conshohocken, PA 19428) located in Upper Merion Township, **Montgomery County**. This action is a renewal of a Synthetic Minor Operating Permit which included an amendment due to a change of ownership. The Sources of emission at the facility are as follows: three hot water boilers (3); one steam boiler (1); one (1) emergency generator; one (1) fire pump and sixteen (16) exempt miscellaneous sources. The facility has elected to take a 25-ton per year emissions limit for both VOC and NO_x, and as such operates a synthetic minor for criteria pollutants. The facility is an area source of Hazardous Air Pollutant (HAP) emissions. The following sources and associated control devices will be removed from the renewal permit: Gasoline Storage and Dispensing Source ID No. 126, Printing Presses (9) Source ID No. 127, Stage II Vapor Recovery Source ID No. C010 and Printing Press Dust Collectors Source ID No. C01.

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-EPSEROAQPUBCOM@pa.gov.

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

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

54-00006: Rausch Creek Generation LLC, Frailey Township Plant, 490 W Main Street, Tremont, PA 17981-1716. The Department intends to issue a renewal of the Title V Operating Permit for the electric services facility located in Frailey Township, **Schuylkill County**. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code Chapter 127, Subchapter G. The sources consist of a fluidized bed boiler, fire pump, and culm and lime materials handling. The sources are controlled by fabric filters and a baghouse. The proposed Title V Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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.

36-05146: EPP Renewal Energy, LLC, 1605 N. Cedar Crest Blvd., Suite 509, Allentown, PA 18104, for the operation of two (2) landfill gas-fired engine generator sets at the Frey Farm Landfill site in Manor Township, **Lancaster County**. The facility's potential emissions include 133.4 tons of CO, 43.0 tons of NO_x, 42.7 tons of SO₂, 18.6 tons of PM₁₀, 6.6 tons of VOCs, and 16.1 tons of HAPs. The renewal of the Title V 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 applicability to the RICE requirements of 40 CFR Part 60, Subpart JJJJ, and 40 CFR Part 63, Subpart ZZZZ.

36-05079: Chester County Solid Waste Authority, P.O. Box 476, Honey Brook, PA 19344, for the Lanchester Landfill located in Caernarvon Township, **Lancaster County**. The facility is a major facility subject to the operating permit requirements of Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F (relating to operating permit requirements) and G (relating to Title V operating permit requirements). Pursuant to 25 Pa. Code §§ 127.465 and 127.521, DEP proposes to implement a significant modification of the subject Title V permit. The significant modification will replace the 40 CFR, Subpart WWW provisions in the permit with 40 CFR 62, Subpart OOO, and will also replace the existing 40 CFR Part 63 Subpart AAAA provisions as listed in the permit with the newest version of that regulation. In 2020, the facility reported emitting approximately the following amounts of criteria pollutant emissions (tpy): PM_{2.5}: 6; VOC: 5, and < 1 tpy of each of the other criteria pollutants.

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

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

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

40-00143: Bekaert Corp., 165 New Commerce Blvd., Wilkes-Barre, PA 18706-1448. The Department intends to issue a State-Only (Natural) Minor Permit for the operation of steel wire and related products facility in Hanover Township, **Luzerne County**. The sources at this facility consist of a sander and steel wire draw machines. The control devices consist of collectors. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

40-00096: DMS Shredding Inc./Hanover, 9 Fellows Ave, Hanover Township, PA 18706-5231. The Department intends to issue a State-Only (Natural) Minor Permit for the operation of a metals service center and offices facility in Hanover Township, **Luzerne County**. The sources at this facility consist of a light iron metal shredder with attached cyclone. The control device consists of a venturi scrubber. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

64-00006: Hanson Aggregates PA, LLC, Lake TWP Asphalt Plant, 7600 Imperial Way, Allentown, PA 18195-1016. The Department intends to issue a State-Only (Synthetic) Minor Permit for the operation of an asphalt paving mixtures and blocks facility in Lake Township, **Wayne County**. The sources at this facility consist of a

batch hot mix asphalt plant, hot oil heaters, and a rap system. The control devices consist of a baghouse. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Thomas Joseph, P.E., Facilities Permitting Chief, (412) 442-4336.

56-00156: Windber Medical Center dba Shan Soon-Shiong Medical Center at Windber, 600 Somerset Avenue, Windber, PA 15963, natural minor operating permit for the continued operation of two boilers and three emergency generators at a medical facility located in Windber Borough, **Somerset County**.

Air contamination sources at this facility consist of one (1) 8.37 MMBtu/hr CNB tri-fuel boiler, one (1) 7.72 MMBtu/hr dual-fuel fired boiler, and three (3) No. 2 oil-fired emergency generators rated at 40-kW, 209-kW, and 210-kW, respectively. Potential emissions from this site are estimated to be 34.9 TPY SO_x, 14.8 TPY NO_x, 7.0 TPY CO, 1.4 TPY PM, 11,330 TPY CO_{2e}, and less than 1.0 TPY for all other criteria pollutants, VOCs, and total HAPs. The facility was previously designated as a synthetic minor due to the tri-fuel boiler's ability to burn coal. The boiler is no longer physically capable of burning coal, and emission estimates indicate that the facility is a natural minor. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The proposed operating permit includes emission restrictions, monitoring, recordkeeping, reporting, and work practice standards requirements for the site.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permitting Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (56-00156) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

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

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

The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at

<https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by contacting Tom Joseph, Facilities Permitting Chief, directly.

65-00044: Enterprise Terminals and Storage, LLC, 1100 Louisiana Street, Houston, TX 77002. In accordance with 25 Pa. Code §§ 127.441 and 127.425, the Department is providing notice that they intend to issue a renewed, facility-wide, natural minor, State Only Operating Permit for the continued operation of a LP gas storage and transfer facility known as the Greensburg Terminal, located in Hempfield Township, **Westmoreland County**.

The primary sources at the facility are two natural, underground, LP gas storage caverns, four dehydrators, one direct fired heater, and one 245-bhp, NG-fired emergency generator. Annual potential emissions are 28 tons of NO_x, 12 tons of CO, 4 tons of VOC, 3 tons of SO₂, 4 tons of PM₁₀, 4 tons of PM_{2.5}, 0.2 ton of SO₂, and 87,857 tons of CO_{2e}. Sources at the Greensburg Terminal are subject to 25 Pa. Code Chapters 121—145. The permit includes emission limitations and operational, monitoring, reporting, and recordkeeping requirements for the plant.

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

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of this Title V Operating Permit may submit the information to Martin L. Hochhauser, P.E., Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address, and telephone number of the person submitting the comments, identification of the proposed Operating Permit (specify Operating Permit SOOP-65-00044) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

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

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

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

10-00312 Purvis Brothers, Inc., 321 Mars Valencia Road, Mars, PA 16046-0957, the Department intends to issue a State Only Operating Permit for the operation of a wholesale trading of petroleum bulk stations and terminals facility located in Adams Township, **Butler County**. The facility's emitting sources included a comfort heating furnace, space heaters, storage tanks for gasoline, kerosene, diesel, and stoddard solvent, loading

racks, and fugitive emissions. The facility has taken the restriction of Volatile Organic Compound (VOC) emissions of 49.9 tons per year and maintains the Synthetic Minor status. The facility is subject to 40 CFR Part 63 Subpart BBBBBB—pertaining to NESHAPs for the Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities. The potential emissions from the facility are: 15.2 TPY VOC; and less than 1 TPY for all other criteria pollutants. The permit includes additional operation requirements, monitoring requirements, and recordkeeping requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

25-00983: Rupp Auto Livery, 303 East 32nd Street, Erie, PA 16504. The Department intends to renew a State Only Operating Permit for the human remains crematory located in the City of Erie, **Erie County**. The facility is a Natural Minor. The primary source at the facility is a crematory. Potential emissions are as follows: 0.096 tpy NO_x; 0.0 tpy CO; 0.027 tpy PM; 0.018 tpy SO_x; 0.018 tpy VOC. The renewal permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

37-00234 Praxair, Inc./Praxair Surface Technologies, Inc., New Castle Plant, 3225 Honeybee Lane, New Castle, PA 16510-6502, the Department intends to issue a State Only Operating Permit for metal coating operation located in Wilmington Township, **Lawrence County**. The facility has thermal and laser spray booths, grit blasting booths, finishing and machining operations, laser welding, and laser finishing. Each of these sources is controlled by a dust collector. The facility has a mop water and condenser system that is controlled by a built-in mist eliminator. The facility has an emergency diesel fire pump engine (64 hp). The potential emissions from the facility are: 5.6 TPY NO_x, 2.3 TPY CO, 6.3 TPY PM₁₀, 0.6 TPY SO_x, 0.3 TPY VOC, and 0.14 TPY combined HAPs (cobalt, chrome, manganese, and nickel). The facility is a natural minor and is subject to State Regulations and Federal Regulations (40 CFR Part 60 IIII and Part 63 WWWW). The permit includes additional operation requirements, monitoring requirements, and recordkeeping requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543.

Contact: Edward Wiener, Chief, Source Registration at 215-685-9426.

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

OP21-000044: AstraZeneca PA, 3001 Red Lion Road, Philadelphia, PA 19114, for the operation of a health care, in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) boilers firing natural gas each rated 2 MMBtu/hr, two (2) boilers firing natural gas each rated less than 4 MMBtu/hr, and two (2) emergency generators firing diesel fuel rated 605 hp and 749 hp respectively. The operating permit will contain operating, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information

are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

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

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

OP21-00023: Model Finishing Company, Inc., 4949 Cottman Avenue, Philadelphia, PA 19135, for the operation of painting and powder coating miscellaneous metal parts, in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) spray booths, one (1) powder coating line, two (2) powder coating booths, one (1) bake oven and one (1) in-line drying oven firing natural gas rated less than 1 MMBtu/hr, one (1) water heater and one (1) in-line conveyor oven firing natural gas rated less than 2 MMBtu/hr, one (1) powder bake oven firing natural gas rated less than 3 MMBtu/hr, one (1) chlorinated vapor degreaser, and one (1) miscellaneous solvent cleaning. The operating permit will contain operating, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

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

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

**COAL & NONCOAL MINING
ACTIVITY APPLICATIONS**

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the

Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21).

Mining activity permits issued in response to such applications are also subject to 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. Requests for 401 Water Quality Certifications are included in individual application only if 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). Such comments or objections should contain the name, address and phone 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.

In addition, 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 also contain 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 is associated with an application for an NPDES permit. A separate notice will be provided for the draft NPDES permit.

Coal Applications Received

Effluent Limits—The following range of effluent limits (Table 1) will apply to NPDES permits issued in conjunction with the associated coal mining activity permit. Additional effluent limits will be listed as part of the publication of the draft NPDES permit.

Table 1

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH must always be greater than 6.0; less than 9.0.			
Alkalinity must always be greater than acidity.			

Coal Applications Received

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

Permit No. 11841603. NPDES No. PA0235377. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, to renew the permit and related NPDES Permit which includes renewal of Air Quality GPA/GP12 authorization in Portage Township, **Cambria County**. Application received: December 22, 2021.

Permit No. 30831303. NPDES No. PA0013511. Cumberland Contura, LLC, 158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370, to revise the permit and related NPDES Permit for the injection of fine coal refuse slurry into Cumberland Mine workings through an existing capped air shaft in Perry and Whiteley Townships, **Greene County**, affecting 4.4 proposed surface acres. Application received: December 23, 2021.

Permit No. 33971301. NPDES No. PA0215031. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, to revise the permit and related NPDES Permit to allow regrading and install a tipple facility for loading trains from this site in Perry Township, **Jefferson County**. Application received: February 2, 2022.

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

Permit No. 56160102. NPDES No. PA0279480. Elk Resources, Inc., 30 Pounds Road, West Lebanon, PA 15783, renewal of a NPDES permit for a bituminous surface and auger mine in Paint Township, **Somerset County**, affecting 418.5 acres. Receiving streams: unnamed tributaries to Spruce Creek and Shade Creek to Stonycreek River, classified for the following use: CWF. Application received: March 7, 2022.

Pottsville District Mining Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2522, (570) 621.3118, RA-EPPottsvilleDMO@pa.gov (Contract: Theresa Reilly-Flannery).

Permit No. 54060103. Gale Mining Company, 1441 Oak Road, Pottsville, PA 17901, renewal of an anthracite surface mine and coal refuse disposal operation in Tremont Township, **Schuylkill County**, affecting 308.0 acres. Receiving stream: Lorberry Creek, classified for the following uses: CWF, MF. Application received: March 2, 2022.

Noncoal Applications Received

Effluent Limits—The following Table 2 effluent limits apply to NPDES permits issued in conjunction with a noncoal mining permit. Additional effluent limits will be listed as part of the publication of the draft NPDES permit.

Table 2

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

Noncoal Applications Received

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

Mining Permit No. 28980301. Scott's Hauling & Excavating, Inc., 1462 North Franklin Street, Chambersburg, PA 17202. Transfer of an existing large noncoal surface mine located in Montgomery Township, **Franklin County**. Receiving streams: unnamed tributary to Blue Spring Creek to Licking Creek, classified for the following uses: TSF & MF. Application received: March 2, 2022.

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

NPDES No. PA0259128. Mining Permit No. 25122801. Groundwork Resource, LLC, 8870 Baron Road, McKean, PA 16426, renewal of an NPDES permit associated with a small noncoal permit in McKean Township, **Erie County**, affecting 4.1 acres. Receiving stream: Unnamed tributaries to Walnut Creek, classified for the following use: CWF. No changes proposed. Application received: March 2, 2022.

NPDES No. PA0241792. Mining Permit No. 10000305. Three Rivers Aggregates, LLC, 321 Currie Road, Slippery Rock, PA 16057, renewal of an NPDES permit associated with a large noncoal permit in Worth Township, **Butler County**, affecting 111.0 acres. Receiving stream: Black Run and unnamed tributaries to Black Run, classified for the following use: CWF. No changes proposed. Application received: February 25, 2022.

Mining Permit No. 37070303. Allegheny Mineral Corporation, P.O. Box 1022, Kittanning, PA 16201. Proposed revision to an existing large noncoal surface mine to add 22.6 acres located in Slippery Rock Township, **Lawrence County**. Receiving streams: Unnamed tributaries to Slippery Rock Creek, classified for the following uses: CWF. Application received: March 10, 2022.

NPDES No. PA0259683. Mining Permit No. 37150302. Amerikohl Aggregates, Inc., 202 Sunset Drive, Butler, PA 16001, renewal of an NPDES permit associated with a large noncoal permit in Shenango Township, **Lawrence County**, affecting 221.1 acres. Receiving stream: Unnamed tributaries to McKee Run and McKee Run, classified for the following use: WWF. No changes proposed. Application received: March 1, 2022.

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

NPDES No. PA0269999. Mining Permit No. 18221001. R.C. Bowman, Inc., 7436 Nittany Valley Drive, Mill Hall, PA 17751, new NPDES permit application for a GP-103 noncoal (industrial minerals) mining site located in Greene Township, **Clinton County**, affecting 4.25 acres. Receiving stream(s): Fishing Creek classified for the following use(s): HQ-CWF. Application received: March 7, 2022.

NPDES No. PA0269735. Mining Permit No. 14810401. Centre Lime & Stone Company, Inc. (711 E. College Ave, Pleasant Gap, PA 16823), renewal of an NPDES permit associated with a small noncoal (industrial minerals) mining site located in Spring Township, **Centre County**, affecting 173.8 acres. Receiving stream(s): Logan Branch classified for the following use(s): CWF. Application received: March 7, 2022.

New Stanton District Office: P.O. Box 133, New Stanton, PA 15672, 724-925-5500, RA-EPNEWSTANTON@pa.gov (Contact: Tracy Norbert).

Mining Permit No. 26970401. NPDES Permit No. PA0202100. Laurel Aggregates of Delaware, LLC, 2480 Springhill Furnace Road, Lake Lynn, PA 15451. Proposed revision to upgrade the discharge at Pond 1 to a Non-Discharge Alternative BMP and add a new NPDES discharge point 024 for a proposed infiltration gallery to an existing large non-coal surface mine and underground mine permit in Springhill Township, **Fayette County**, affecting 1,873.3 acres. Receiving stream: Rubles Run and unnamed tributaries to Rubles Run, classified for the following use: CWF. Application received: March 1, 2022.

Mining Permit No. 26920401. NPDES No. PA0203441. Coolspring Mining, Inc., P.O. Box 1328, Uniontown, PA 15401. Renewal of an NPDES permit associated with a large noncoal surface mine permit in North Union Township, **Fayette County**, no additional changes are proposed. Receiving stream: unnamed tributary to Coolspring Run, classified for the following use: WWF. Application received: March 2, 2022.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2522, (570) 621.3118. RA-EPPottsvilleDMO@pa.gov (Contract: Theresa Reilly-Flannery).

NPDES Permit No. PA0595217. Mining Permit No. 5276SM5. Eureka Stone Quarry, Inc., P.O. Box 249, Chalfont, PA 18914, renewal of an NPDES Permit on a quarry operation in Dingman Township, **Pike County**, affecting 202.3 acres. Receiving stream: Unnamed tributary to Sawkill Creek, classified for the following uses: EV and MF. Application received: February 23, 2022.

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 must always be greater than 6.0; less than 9.0.

Alkalinity must always be greater than acidity.

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 § 77.522 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.

Additional criteria

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 of 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.

Submittal of comments

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 notice within 30-days of this 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 phone number of the writer and a concise statement to inform the Department of the basis of a comment and the relevant facts upon which it is based.

Requests or petitions for a public hearing on any NPDES permit applications will be accepted 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, phone number and the interest of the party filing the request and state the reasons why a hearing is warranted. The Department may hold a public hearing if the public interest is significant. 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. The Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal NPDES Draft Permits

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

NPDES No. PA0235547. Mining Permit No. 56021301. Elk Lick Energy, Inc., P.O. Box 260, 1576 Stoystown Road, Friedens, PA 15541, renewal of the NPDES permit in Lincoln Township, **Somerset County**, affecting 69.5 surface acres and 1,246.8 underground acres related to a coal mining activity permit. Receiving streams: Horner Run, classified for the following use: CWF. Kiskiminetas-Conemaugh River Watershed TMDL. Application received: September 28, 2018.

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

The proposed effluent limits for *Outfall 001* discharging to Horner Run are:

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

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

The proposed effluent limits for *Outfall 002* discharging to Horner Run are:

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

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

The proposed effluent limits for *Outfall 003* discharging to North Branch Quemahoning Creek are:

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

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

The proposed effluent limits for *Outfall 004* discharging to Horner Run are:

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

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	-
Suspended Solids	(mg/l)	-	35	70	90
pH	(s.u.)	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Acidity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	50	100	-
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report

The EPA Waiver is not in effect.

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

NPDES No. PA PA0594296. Mining Permit No. 21140301. Hempt Brothers, Inc., 3912 Brumbaugh Road, New Enterprise, PA 16664, renewal of an NPDES permit in Silver Spring Township, **Cumberland County**, affecting 283.7 acres related to a noncoal mining activity permit. Receiving stream: unnamed tributary to Hogestown Run, classified for the following use: CWF. The receiving stream is included in the Conodoguinet Creek Basin TMDL. Application received: January 25, 2022.

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

The following treated wastewater outfalls discharge to unnamed tributary to Hogestown Run:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
002	Existing	Pumped Groundwater	12.0 MGD

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Suspend Solids (mg/L)	XXX	35.0	70.0	90.0
pH (S.U.)	6.0	XXX	XXX	9.0
Flow (MGD)	XXX	XXX	12.0	XXX
Temperature (°C)	XXX	XXX	XXX	Report
Specific Conductivity (µmhos/cm)	XXX	XXX	XXX	Report

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

NPDES No. PA0219843. Mining Permit No. 41940101. Fisher Mining Company, 40 Choate Circle, Montoursville, PA 17754, renewal of an NPDES permit for discharge of water resulting from bituminous coal surface mining and coal preparation activities in Pine & McHenry Townships, **Lycoming County**, affecting 640 acres. Receiving stream(s): Buckeye Run and Right Fork Otter Run, classified for the following use(s): CWF. This receiving stream is included in the Otter Run TMDL. Application received: May 5, 2021.

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

The following outfalls discharge to Buckeye Run:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
002	New	Treatment Facility TFC	Precipitation Induced
011	New	Sediment Pond SBT-1	Precipitation Induced
012	New	Sediment Pond SBT-2	Precipitation Induced

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

<i>Outfalls: 002 (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Iron (mg/L)	1.5	3.0	3.7
Manganese (mg/L)	1.0	2.0	2.5
Aluminum (mg/L)	0.75	0.75	0.75
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Osmotic Pressure (mOsm/kg)		Report	
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

<i>Outfalls: 011 & 012 (Dry Weather Conditions)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	2.0	4.0	5.0
Aluminum (mg/L)		Report	
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

<i>Outfalls: 011 & 012 (≤10-yr/24-hr Precip. Event)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Iron (mg/L)	N/A	N/A	7.0
Total Settleable Solids (mL/L)	N/A	N/A	0.5
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

Outfalls: 011 & 012 (>10-yr/24-hr Precip. Event)
 pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.
 Alkalinity must exceed acidity at all times.

The following outfalls discharge to Right Fork Otter Run:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	Passive Treatment Facility 125SP	Continuous (2021 average flow: 80 gpm)
003	Existing	Sediment Pond MB-1	Precipitation Induced

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

<i>Outfalls: 001 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/L)		Report	
Manganese (mg/L)		Report	
Aluminum (mg/L)		Report	
Total Suspended Solids (mg/L)		Report	
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	
pH (S.U.): Report			
Alkalinity (mg/L): Report			
Acidity (mg/L): Report			

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

<i>Outfalls: 003 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	2.0	4.0	5.0
Aluminum (mg/L)	1.8	3.6	4.5
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

Noncoal NPDES Draft Permits

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

NPDES No. PA PA0594296. Mining Permit No. 21140301. Hempt Brothers, Inc., 3912 Brumbaugh Road, New Enterprise, PA 16664, renewal of an NPDES permit in Silver Spring Township, **Cumberland County**, affecting 283.7 acres related to a noncoal mining activity permit. Receiving stream: unnamed tributary to Hogestown Run, classified for the following use: CWF. The receiving stream is included in the Conodoguinet Creek Basin TMDL. Application received: January 25, 2022.

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

The following treated wastewater outfalls discharge to unnamed tributary to Hogestown Run:

<i>Outfall No.</i>	<i>New or existing</i>	<i>Type</i>	<i>Discharge rate</i>
002	Existing	Pumped Groundwater	12.0 MGD

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant</i>
		<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Total Suspend Solids (mg/L)	XXX	35.0	70.0	90.0
pH (S.U.)	6.0	XXX	XXX	9.0
Flow (MGD)	XXX	XXX	12.0	XXX
Temperature (°C)	XXX	XXX	XXX	Report
Specific Conductivity (µmhos/cm)	XXX	XXX	XXX	Report

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

NPDES Permit No. PA0269956. Mining Permit No. 17062802. Cynthia E. Russell, 2640 Greenville Pike, Grampian, PA 16838, new issuance of an NPDES permit for management of stormwater on a small industrial minerals

permit in Pike Township, **Clearfield County**, affecting 8.5 acres. Receiving stream(s): Roaring Run and an Unnamed Tributary to Roaring Run, classified for the following use(s): HQ-CWF. This receiving stream is included in the Anderson Creek TMDL. Application received: October 28, 2021.

The following outfall requires a non-discharge alternative:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	New	Sediment Pond	No Discharge (Infiltration)

There is no proposed surface discharge from the previously listed facilities to the receiving stream due to the implementation of Best Management Practices in the form of land application via perforated pipe to allow water to infiltrate into the soil.

NPDES Permit No. PA0257541. Mining Permit No. 08110302. Hanson Aggregates Pennsylvania LLC, 7660 Imperial Way, Allentown, PA 18195, renewal of an NPDES permit for discharge of water resulting from surface mining of industrial minerals in Wilmot Township, **Bradford County**, affecting 61.1 acres. Receiving stream(s): Unnamed Tributary to Panther Lick Creek, classified for the following use(s): CWF, MF. Application received: October 14, 2021.

The following outfall discharges to Unnamed Tributary to Panther Lick Creek:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	Sediment Basin 1	Precipitation Induced

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

<i>Outfalls: 001 (Dry Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Total Suspended Solids (mg/L)	35	70	90
Flow (gpm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units.			

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

Outfalls: 001 (>10-yr/24-hr Precip. Event)
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.

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

NPDES No. PA0612308. Mining Permit No. 7475SM3. Keystone Cement Company, P.O. Box A, Bath, PA 18014, renewal of the NPDES permit in East Allen Township, **Northampton County**, affecting 581.0 acres. Receiving stream: Monocacy Creek, classified for the following use: HQ-CWF & MF. Application received: June 22, 2021.

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

The following treated wastewater outfalls discharge to Monocacy Creek:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	Groundwater Sump	4.0 MGD
002	Existing	Groundwater Sump	3.0 MGD
004	Existing	Groundwater Sump	12.0 MGD

*Total Combined Discharge from 001, 002 and 004 will not exceed 16.5 MGD.

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant</i> <i>Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Total Dissolved Solids (mg/L)			Monitor And Report	

¹ This parameter is applicable at all times.

NPDES No. PA0119628. Mining Permit No. 4874SM1. County Line Quarry, Inc., 409 Stenton Avenue, Flourtown, PA 19031, renewal of NPDES permit in Hellam Township and Wrightsville Borough, **York County**, affecting 285.12 acres. Receiving stream: Kreutz Creek, classified for the following use: WWF. Application received: October 15, 2021.

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

The following treated wastewater outfalls discharge to Kreutz Creek.

<i>Outfall number</i>	<i>New or existing</i>	<i>Type</i>	<i>Discharge rate</i>
002	Existing	Pit Water	0.001 MGD

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Alkalinity (as CaCO ₃) (mg/L)			Monitor And Report	
Total Acidity (as CaCO ₃) (mg/L)			Monitor And Report	
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Discharge (MGD)		0.001	4.32	
Total Dissolved Solids (mg/L)			Monitor And Report	
Sulfates (mg/L)			Monitor And Report	
Oil and Grease (mg/L)			Monitor And Report	

¹ This Parameter is applicable at all times.

NPDES No. PA0012904. Mining Permit No. 8074SM2. Highway Materials, Inc., 409 Stenton Avenue, Flourtown, PA 19031, renewal of NPDES permit in Whitmarsh Township, **Montgomery County**, affecting 272.49 acres. Receiving streams: Lorraine Run (a TMDL Stream) classified for the following use: TSF and Plymouth Creek, classified for the following use: WWF. Application received: October 29, 2021.

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

The following treated wastewater outfalls discharge to Lorraine Run and Plymouth Creek.

<i>Outfall number</i>	<i>New or existing</i>	<i>Type</i>	<i>Discharge rate</i>
001	Existing	Pit Water	10.08
002	Existing	Pit Water	Inactive

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Alkalinity (as CaCO ₃) (mg/L)			Monitor And Report	
Total Acidity (as CaCO ₃) (mg/L)			Monitor And Report	
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Discharge (MGD) 001 + 002		10.08	10.08	
Total Dissolved Solids (mg/L)			Monitor And Report	

¹ This Parameter is applicable at all times.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or

conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8:00 AM and 4:00 PM on each working day at the office noted above the application.

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

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

Permit No. E1501222-002, 1107 Manor Road, LLC, 215 West Church Road, King of Prussia, PA 19406, West Brandywine Township, **Chester County**, ACOE Philadelphia District.

1107 Manor Road, LLC is proposing to construct and maintain a sewer outfall to facilitate discharge from a small flow treatment plant to an unnamed tributary to the West Branch of Brandywine Creek (Tributary No. 27, HQ-TSF, WF). This activity also includes the construction of a concrete headwall and the placement of riprap rock apron.

This project is located at 1107 Manor Road, Coatesville, in West Brandywine Township, Chester County (USGS PA Wagontown Quadrangle—Latitude 40.006218 N, Longitude 75.820814 W).

Permit No. E1501222-003, PECO Energy Company, 2301 Market Street, N3-3, Philadelphia, PA 19103, Tredyffrin Township, **Chester County,** ACOE Philadelphia District.

To construct and maintain approximately 305 LF of 6-inch plastic gas main in and along the assumed 100-year floodway of Crow Creek (WWF, MF) through open trench. The existing 6-inch steel gas main will be abandoned and capped in place.

The site is located along Croton Road and near the intersection of Knox and Kennedy Roads (Valley Forge, PA USGS map, Lat: 40.062672, Long: -75.397937) in Tredyffrin Township, Chester County.

Permit No. E2301122-001, Pennsylvania Department of Transportation, Engineering District 6-0, (PennDOT District 6-0) 7000 Geerdes Boulevard, King of Prussia, PA 19406, Upper Chichester Township, **Delaware County,** ACOE Philadelphia District.

PennDOT District 6-0 is proposing to perform the following water obstruction and encroachment activities associated with SR 322, Section 103 Roadway Widening and Reconstruction Project, and are listed as follows:

1. To remove an existing 30-inch stream enclosure carrying an ephemeral watercourse (WC 303) under SR 322 and Bethel Avenue to a wetland area (WL V, PEM/PSS), and in its place, construct and maintain a 218-foot-long 48-inch RCP stream enclosure resulting in 218 linear feet (218 square feet) of permanent watercourse impact. This activity also includes the placement of riprap rock aprons (USGS PA Marcus Hook Quadrangle—Latitude 39.849889 N, Longitude 75.443556 W).

2. To construct and maintain a new 18-inch CMP outfall with riprap rock apron within a wetland area (WL V, PEM/PSS) associated the reconstruction of Bethel Avenue resulting in 254 square feet (0.006 acre) of permanent wetland impact and 215 square feet (0.005 acre) of temporary wetland impact (USGS PA Marcus Hook Quadrangle—Latitude 39.849889 N, Longitude 75.443556 W).

3. To remove an existing 34.4 foot-long triple CMP arch culvert (varying in size) at Bethel Avenue East and 128-foot-long concrete-arch stream enclosure at SR 0322 carrying Bezors Run/UNT to EB Marcus Hook (WC 106, WWF), and in their place, construct and maintain the following:

- 16-foot by 6-foot, 38-foot-long precast concrete box culvert at Bethel Avenue East
- 14-foot by 9-foot, 231-foot-long precast concrete stream enclosure at SR 0322

These activities will also include the relocation of Bezors Run (WC 106, WWF) and the construction and maintenance of four (4) outfalls with grading and riprap rock aprons (24-inch CMP, 2 18-inch CMP, 24-inch RCP) resulting in a total of 867 linear feet (11,269 square feet)

of permanent watercourse impact, 108 linear feet (901 square feet) of temporary watercourse impact including temporary bypass channels, 26,786 square feet of permanent floodway impact and 12,010 square feet of temporary floodway impact (USGS PA Marcus Hook Quadrangle—Latitude 39.849694 N, Longitude 75.439676 W).

4. To place fill and grade within a wetland area (WL LTZ 23, PEM/PSS/PFO) and floodway of Bezors Run (WC 106, WWF) to facilitate the construction of stormwater facility resulting in 999 square feet (0.023 acre) of permanent wetland impact, 1,566 square feet (0.036 acre) of temporary wetland impact, 26,786 square feet of permanent floodway impact and 12,010 square feet of temporary floodway impact. This activity also includes the construction and maintenance of an 18-inch RCP outfall with riprap rock apron to facilitate discharge from the constructed stormwater facility (USGS PA Marcus Hook Quadrangle—Latitude 39.847393 N, Longitude 75.437356 W).

5. To remove an existing single span slab bridge at Bethel Road (SR 3016) and a 70-foot-long concrete arch culvert at SR 0322 at SR 0322 carrying East Branch of Marcus Hook (WC 107, WWF), and in their place, construct and maintain the following:

- 22-foot by 6-foot, 41.6-foot-long precast concrete box culvert at Bethel Road
- 17-foot by 13-foot, 104-foot-long precast concrete box stream enclosure at SR 0322

These activities will also include temporary stream bypass channels, the construction and maintenance of seven (7) outfalls with grading and riprap rock aprons (18-inch, 24-inch, varying in materials) and the placement of fill and grading associated with the construction of two (2) stormwater facilities as well as roadway reconstruction resulting in a total of 252 linear feet (5,645 square feet) of permanent watercourse impact, 209 linear feet (3,715 square feet) of temporary watercourse impact, 21,987 square feet of permanent floodway impact and 15,491 square feet of temporary floodway impact (USGS PA Marcus Hook Quadrangle—Latitude 39.848046 N, Longitude 75.433861 W).

6. To construct and maintain a twin 48-inch CMP outfall associated with stormwater discharge to a relocated unnamed tributary to East Branch Marcus Hook Creek (WC 8, WWF) resulting in 137 linear feet (1,197 square feet) of permanent watercourse impact and 125 linear feet (1,016 square feet) of temporary watercourse impact (USGS PA Marcus Hook Quadrangle—Latitude 39.847155 N, Longitude 75.431023 W).

7. To construct and maintain a 45-inch by 29-inch elliptical RCP outfall with riprap rock apron within a wetland area (WL P, PEM) resulting in 196 square feet (0.005 acre) of permanent wetland impact (USGS PA Marcus Hook Quadrangle—Latitude 39.847101 N, Longitude 75.430879 W).

8. To place fill and grade within an ephemeral watercourse (CH LTZ 15) and wetland area (WL DMG 002, PEM/PFO) associated with the reconstruction of Garfield Avenue resulting in 35 linear feet (35 square feet) of permanent watercourse impact, 1,491 square feet (0.034 acre) of permanent wetland impact and 312 square feet (0.008 acre) of temporary wetland impact (USGS PA Marcus Hook Quadrangle—Latitude 39.847483 N, Longitude 75.427882 W).

9. To place fill and grade within a wetland area (WL S, PFO) associated with roadway construction resulting in

2,727 square feet (0.083 acre) of permanent wetland impact (USGS PA Marcus Hook Quadrangle—Latitude 39.845708 N, Longitude 75.423565 W).

10. To construct and maintain a 30-inch RCP outfall including riprap rock apron within an unnamed tributary to Marcus Hook Creek (WC 109, WWF) resulting in 3 linear feet of permanent watercourse impact and 144 linear feet (740 square feet) of temporary watercourse impact (USGS PA Marcus Hook Quadrangle—Latitude 39.844664 N, Longitude 75.420056 W).

The permanent watercourse and wetland impacts associated with this project are to be mitigated onsite in combination with the previous permitted sections of SR 322 using the Patterson Tract property along the East Branch of Chester Creek in Thornbury Township, Delaware County and the Downing Ridge Dam removal on the East Branch of Brandywine Creek near Downingtown, Chester County. The SR 0322 Section 103 project is located between Chelsea Parkway and Market Street Interchange.

Permit No. E2301222-002, Chester Township, 1150 Engle Street, Chester, PA 19013, Chester Township, **Delaware County**, ACOE Philadelphia District.

The Township of Chester is proposing to rehabilitate Worrilow Park, which consists of construction and maintenance of a new walking path, upgraded concrete access stairway, rehabilitation of a tennis court, installation of new playground equipment, and construction & maintenance of a new skate park at one of the existing tennis courts within the 100-year floodplain of Chester Creek (TSF-MF). These activities will result in 0.73 acre of permanent floodplain impact.

This project is located in Worrilow Park, Brookhaven—Chester Township, Delaware County (USGS PA Marcus Hook Quadrangle—Latitude 39.856103, Longitude 75.395270 W).

Permit No. E2301122-003, Pennsylvania Department of Transportation, Engineering District 6-0, (PennDOT District 6-0) 7000 Geerdes Boulevard, King of Prussia, PA 19406, Chadds Ford and Pennsbury Townships, **Delaware and Chester Counties**, ACOE Philadelphia District.

PennDOT District 6-0 is proposing to perform the following water obstruction and encroachment activities associated with the South Creek Road Bridge Replacement Project over Brandywine Creek:

To remove an existing 501-foot-long, 26-foot-wide six-span reinforced concrete arch bridge over Brandywine Creek (WWF-MF), and in its place, construct and maintain a 527-foot-long, 29-foot-wide six-span concrete closed spandrel arch bridge resulting in 45 linear feet (4,410 square feet, 0.10 acre) of permanent watercourse impact, 140 linear feet (21,560 square feet, 0.49 acre) of temporary watercourse impact, 12,510 square feet (0.29 acre) of permanent floodway impact, 34,720 square feet (0.80 acre) of temporary floodway impact, 1,200 square feet (0.03 acre) of permanent wetland (PEM) impact, and 14,105 square feet (0.32 acre) of temporary wetland (PEM) impact. This activity also includes the placement of fill and grading with the construction and maintenance of two (2) temporary causeways as well as two (2) 18-inch outfalls with associated riprap rock aprons.

This project also includes floodplain impact and is located within the Twin Bridges Rural Historic District. The bridge replacement project is located near Creek and

Rocky Hill Roads in Chadds Ford Township, Delaware County and Pennsbury Township, Chester County (USGS PA Wilmington North Quadrangle—Latitude 39.853438, Longitude 75.596333 W).

Permit No. E4601222-003, Cheltenham Township, 8230 Old York Road, Elkins Park, PA 19027, Cheltenham Township, **Montgomery County**, ACOE Philadelphia District.

Cheltenham Township is applying for a Chapter 105 Small Projects permit to operate and maintain a previously constructed modular concrete block retaining wall associated with an emergency permit (EP4621038) within Tookany Creek (WWF). This activity resulted in 150 linear feet (2,000 square feet, 0.05 acre) of permanent watercourse impact, 100 linear feet (1,000 square feet, 0.02 acre) of temporary watercourse impact due to in-stream BMPs, and 1,000 square feet (0.02 acre) of permanent floodway impact.

This project is located along the Tookany Creek Parkway in Cheltenham Township, Montgomery County (USGS PA Frankford Quadrangle—Latitude 40.054492, Longitude 75.103925 W).

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

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

E4802222-002. Mid-Atlantic Interstate Transmission, 2800 Pottsville Pike, P.O. Box 16001, Reading, PA 19612-6001, Easton City, **Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a new ADSS aerial cable line on existing poles over the Lehigh River (WWF, MF) and Lehigh Canal in order to enhance the overall power grid reliability. The Lehigh River is considered an SLLA water. The project is located on Lehigh Drive off South 25th Street (Easton, PA Quadrangle Latitude: 40° 39' 53"; Longitude: -75° 14' 17") in Easton City, Northampton County. (Easton, PA Quadrangle, Latitude: 40° 39' 53"; Longitude: -75° 14' 17").

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

E3603221-007: 149 LB Development, LLC, 1001 E. Oregon Road, Lititz, PA 17543, in Penn Township, Lancaster County, U.S. Army Corps of Engineers Baltimore District.

To place and maintain fill in an unnamed tributary to Chiques Creek (WWF, MF) and palustrine emergent wetlands, impacting 523 feet of stream and 0.026 acre of wetlands, all for the purpose of accommodating a proposed residential subdivision. The project is located immediately southeast of the intersection of Meadowlark Lane and Stiegel Valley Road (Latitude: 40° 10' 23.65"N; Longitude: 76° 22' 56.81"W) in Penn Township, Lancaster County. Wetland impacts are de minimus and replacement is not required.

E2103221-003: Lower Frankford Township, 1205 Easy Road, Carlisle, PA 17015 in Lower Frankford Township, **Cumberland County**, U.S. Army Corps of Engineers Baltimore District.

The applicant proposes to construct and maintain a 4-foot wide by 50-foot long steel pedestrian bridge with an underclearance of 11.9 feet over Opossum Creek (TSF, MF) for the purpose of providing a safe pedestrian trail across the stream. The project is located adjacent to Mt

Zion Road and Opossum Lake in Lower Frankford Township, Cumberland County (Latitude: 40.2247; Longitude: -77.2744).

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

E4904222-001: Billig, Daniel H., 1200 Susquehanna St., Trevorton, PA 17881, Daniel Billig Garage, Zerbe Township, **Northumberland County**, U.S. Army Corps of Engineers Baltimore District (Trevorton Quadrangle; 40.782074° N; 76.685341° W).

The applicant proposes to construct and maintain a garage on the existing foundation of a building demolished in 1993 in the floodway of Zerbe Run (CWF, MF). The project proposes .02 acre of permanent direct floodway impacts.

E5704222-003. Eagles Mere Borough, P.O. Box 393, Eagles Mere, PA 17731, Clay Avenue Drainage Project in Eagles Mere Borough, **Sullivan County**, ACOE Baltimore District (Eagles Mere, PA Quadrangle; Latitude: 41° 24' 44"; Longitude -76° 34' 59").

To install two (2) 2 ft x 2 ft inlets and 180 linear feet of SLCPP stormwater conveyance and an outfall structure to Eagles Mere Lake. The total disturbed area along the watercourses is 0.46 acre. A PNDI search determined no species of concern to be present. There are no wetlands at the project site.

Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481.

E1006122-003, PADOT, Engineering District 10-0, 2550 Oakland Ave., Indiana, PA 15701. Rattigan Bridge # 1 (SR 1021, Section 250, Segment 0040, Offset 2278), in Donegal Township, **Butler County**, ACOE Pittsburgh District (Chicora, PA Quadrangle N: 40°, 54', 3.2"; W: 79°, 42', 26.7").

To remove the existing structure and to construct and maintain a 36.0-ft long precast concrete box culvert with a 28.0-ft (span) by 8.5-ft (rise) waterway opening for the purpose of providing safe and reliable transportation along SR 1021, Section 250 over Buffalo Run (HQ-CWF) in Donegal Township, Butler County resulting in a total of 50.0-ft of permanent stream impacts & 80.0-ft of temporary stream impacts to Buffalo Run and 36.0-ft of permanent impacts to UNT Buffalo Run to accommodate fill slope adjustments. No wetland impacts are proposed.

E1006222-004, Liberty Pointe Partners, LLC, 3413 Babcock Blvd, Pittsburgh, PA 15237, Liberty Pointe, in Jefferson Township, **Butler County**, ACOE Pittsburgh District (Saxonburg, PA Quadrangle N: 40°, 45', 41"; W: -79°, 48', 36").

The applicant proposes to construct and maintain a residential development, Liberty Pointe, with 29 quadplex buildings and one community building with required infrastructure including a 48-inch diameter, 95.5 feet long SLCPP culvert crossing containing a UNT to Vaur Run for access to Constitution Avenue, site utilities, parking, and stormwater management facilities all permanently impacting approximately 0.66 acre of PEM/PSS wetlands, 0.1 acre of floodway and 0.01 acre of watercourse with temporary impacts of 0.17 acre of PEM/PSS wetland and 0.05 acre of floodway in Jefferson Township, Butler County just north of Saxonburg. The applicant is proposing 0.87 acre (38,000 square feet) of onsite wetland creation.

E2406222-001, Mersen USA GS Corp., 1032 Trout Run Road, St. Marys, PA 15857, Green End Expansion

Project, in St. Marys Borough, **Elk County**, ACOE Pittsburgh District (St. Marys, PA Quadrangle N: 41°, 25', 27.74"; W: -78°, 31', 45.22").

Applicant is proposing to construct and maintain a 12,800 square foot building for the expansion of an existing production facility located along Trout Run Road in St Marys, PA resulting in the permanent impact to 0.11 acre of PEM and PSS wetlands located at the southeast corner of the site. Wetland mitigation credits will be purchased from the Robinson Fork Mitigation Bank.

E2506222-001, Millcreek Ventures, LLC, 500 Seneca Street, Suite 508, Buffalo, NY 14204-1963. Millcreek Apartments, in Millcreek Township, **Erie County**, ACOE Pittsburgh District (Erie South, PA Quadrangle N: 42°, 3', 36"; W: -80°, 6', 1").

The applicant is proposing to construct and maintain 5 apartment buildings located on an approximately 10 acres site off of Edinboro Road (SR 0699) south of interchange road in Millcreek Township, Erie County permanently impacting approximately 0.43 acre of wetland and 0.05 acre of watercourse. The applicant is proposing to purchase 0.64 credits from the Robinson Fork Mitigation Bank for wetland mitigation.

E2506222-002, Pennsylvania Department of General Services, 1800 Herr Street, Harrisburg, PA 17103. New State Police Headquarters Facility for Troop E, in Summit Township, **Erie County**, ACOE Pittsburgh District (Erie South, PA Quadrangle N: 42.036012°, W: -80.088953°).

The applicant proposes to construct a new State Police Headquarters including building construction, fueling station, parking areas, other necessary infrastructure, and stormwater management facilities. The project will impact 1.24 acres of Palustrine Emergent Wetland. To mitigate for the proposed impacts the applicant will pay into the wetland fund.

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

E0829222-010: Chief Oil and Gas, LLC, 1720 Sycamore Road, Montoursville, PA 17754, Leroy Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 12-inch diameter temporary waterline impacting 3 linear feet of an unnamed tributary to Schrader Creek (EV, MF) and 107 square feet of floodway impacts (Shunk, PA Quadrangle 41.62306°, -76.68681°);
2. a 12-inch diameter temporary waterline impacting 4 linear feet of an unnamed tributary to Schrader Creek (EV, MF) and 137 square feet of floodway impacts (Leroy, PA Quadrangle 41.62528°, -76.68472°);
3. a 12-inch diameter temporary waterline impacting 1 linear feet of an unnamed tributary to Little Schrader Creek (EV, MF) and 104 square feet of floodway impacts (Leroy, PA Quadrangle 41.62639°, -76.68361°);
4. a 12-inch diameter temporary waterline impacting 1 linear feet of an unnamed tributary to Little Schrader Creek (EV, MF) and 113 square feet of floodway impacts (Leroy, PA Quadrangle 41.62944°, -76.68139°).

The project will result in 9 linear feet of stream impacts, 461 square feet (0.01 acre) of floodway impacts, all for the purpose of installing a temporary waterline for Marcellus Shale gas development in Leroy Township, Bradford County.

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

Contact: Dana Drake.

ESCGP-3# ESG005621001-00

Applicant Name Peoples Natural Gas

Contact Person Melissa Orehowsky

Address 375 North Shore Drive

City, State, Zip Pittsburgh, PA 15212

County Somerset

Township(s) Jenner

Receiving Stream(s) and Classification(s) Quemahoning Creek & Two-Mile Run, CWF-MF

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

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

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

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

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

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

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

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to

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

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

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

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

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0291480	Industrial Stormwater Individual NPDES Permit	Issued	Amazon Com Svcs, LLC P.O. Box 80842 Seattle, WA 98108-0842	Swatara Township Dauphin County	SCRO
0916823	Joint DEP/PFBC Pesticides Permit	Issued	Yardley Corners HOA 501 W Office Center Drive Suite 220 Fort Washington, PA 19034	Lower Makefield Township Bucks County	SERO
1322801	Joint DEP/PFBC Pesticides Permit	Issued	Shah Dipal 1 Wood Acres Drive Edison, NJ 08820-2303	Penn Forest Township Carbon County	NERO
1522801	Joint DEP/PFBC Pesticides Permit	Issued	Olde Oake Lane HOA 103 Chandler Road Chadds Ford, PA 19317-9371	Pennsbury Township Chester County	SERO
1722801	Joint DEP/PFBC Pesticides Permit	Issued	Miller Andrew 85 Millers Cove Drive Du Bois, PA 15801-8203	Brady Township Clearfield County	NCRO
2322801	Joint DEP/PFBC Pesticides Permit	Issued	Mohn Christopher 108 Harvey Lane Chadds Ford, PA 19317	Chadds Ford Township Delaware County	SERO
2322802	Joint DEP/PFBC Pesticides Permit	Issued	Eastates At Chadds Ford 555 Croton Road Suite 400 King of Prussia, PA 19406-3124	Chadds Ford Township Delaware County	SERO
3521802	Joint DEP/PFBC Pesticides Permit	Issued	Geib Marion 28 W Belfast Road Ocean City, NJ 08226-4610	Spring Brook Township Lackawanna County	NERO
3521804	Joint DEP/PFBC Pesticides Permit	Issued	Wahl Joseph 330 Deer Drive Fleetville, PA 18420-9023	Benton Township Lackawanna County	NERO
3913802 A-3	Joint DEP/PFBC Pesticides Permit	Issued	Leiss Alan 1055 Cetronia Road Breinigsville, PA 18031-1681	Upper Macungie Township Lehigh County	NERO
4513855	Joint DEP/PFBC Pesticides Permit	Issued	Camp Dora Golding 5515 New Utrecht Avenue Brooklyn, NY 11219-4630	Smithfield Township Monroe County	NERO
4821808	Joint DEP/PFBC Pesticides Permit	Issued	Miller Thomas D 6160 Snyders Church Road Bath, PA 18014-9037	East Allen Township Northampton County	NERO
5817806	Joint DEP/PFBC Pesticides Permit	Issued	Holthausen Robert 1109 Cymry Drive Berwyn, PA 19312	Herrick Township Susquehanna County	NERO

NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
6421811	Joint DEP/PFBC Pesticides Permit	Issued	Keen Lake Camping & Cottage Resort 155 Keen Lake Road Waymart, PA 18472-3077	Canaan Township Wayne County	NERO
6421812	Joint DEP/PFBC Pesticides Permit	Issued	Knecht Tim & Jodi 320 McKinney Road Waymart, PA 18472-9611	South Canaan Township Wayne County	NERO
6617802	Joint DEP/PFBC Pesticides Permit	Issued	Wyoming County 1 Court House Square Tunkhannock, PA 18657-1228	Tunkhannock Township Wyoming County	NERO
1506407	Land Application and Reuse of Sewage Individual WQM Permit	Issued	East Brandywine Township Municipal Authority Chester County 1214 Horseshoe Pike Downingtown, PA 19335-1132	East Brandywine Township Chester County	SERO
PA0027154	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Issued	Phoenixville Borough Chester County 351 Bridge Street Phoenixville, PA 19460	Phoenixville Borough Chester County	SERO
PA0029441	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Issued	Bucks County Water & Sewer Authority 1275 Almshouse Road Warrington, PA 18976-1209	Upper Dublin Township Montgomery County	SERO
6369406	Major Sewage Treatment Facility Individual WQM Permit	Issued	Peters Township Sanitary Authority Washington County 111 Bell Drive McMurray, PA 15317-3415	Peters Township Washington County	SWRO
5012201	Manure Storage and Wastewater Impoundments Individual WQM Permit	Issued	MW Smith Farm 562 Bucks Church Road Newport, PA 17074-8240	Buffalo Township Perry County	SCRO
PA0011266	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	Global Advanced Metals USA, Inc. 1223 County Line Road Boyertown, PA 19512	Douglass Township Montgomery County	SERO
PA0054895	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Palmer International Inc. P.O. Box 315 Skippack, PA 19474-0315	Skippack Township Montgomery County	SERO
PA0086282	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Texas Eastern Trans LP 5400 Westheimer Court Houston, TX 77056-5353	East Hanover Township Dauphin County	SCRO
PA0103098	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Reynolds Water Co. 301 Arlington Drive Greenville, PA 16125-8214	Pymatuning Township Mercer County	NWRO
PA0255602	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	North Fayette County Municipal Authority 1634 University Drive P.O. Box 368 Dunbar, PA 15431-0368	Dunbar Township Fayette County	SWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0029050	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Pine Forest Camps Inc. 185 Pine Forest Road Greeley, PA 18425-9703	Blooming Grove Township Pike County	NERO
PA0061549	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Cherry Ridge MHP 6 Cherry Hill Road Honesdale, PA 18431-7647	Cherry Ridge Township Wayne County	NERO
PA0050148	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Warwick Township Water & Sewer Authority Bucks County 1733 Township Greene Jamison, PA 18929	Warwick Township Bucks County	SERO
PA0083429	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	West Cocalico Township Authority Lancaster County 156 B West Main Street Reinholds, PA 17569-0095	West Cocalico Township Lancaster County	SCRO
PA0252638	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Perry Township Municipal Authority Fayette County P.O. Box 306 Star Junction, PA 15482-0306	Perry Township Fayette County	SWRO
5983202	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Issued	Harpers Auto & Truck Wash, LLC 241 E Lawrence Road Lawrenceville, PA 16929-8802	Tioga Township Tioga County	NCRO
0921406	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	The McKee Group 1490 Durham Road New Hope, PA 18938	Buckingham Township Bucks County	SERO
5491410	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	East Union Township Municipal Authority Schuylkill County P.O. Box 245 Sheppton, PA 18248-0245	East Union Township Schuylkill County	NERO
PAR116125	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Alstom Grid, LLC 1 Power Lane Charleroi, PA 15022-1082	Speers Borough Washington County	SWRO
PAR126105	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Bottling Group, LLC 167 Allenbill Drive Johnstown, PA 15904-1937	Johnstown City Cambria County	SWRO
PAR126106	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Bottling Group, LLC 429 Industrial Park Road Johnstown, PA 15904-1943	Johnstown City Cambria County	SWRO
PAR404810	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Highland Fld Service, LLC 51 Zents Boulevard Brookville, PA 15825-2701	Duncan Township Tioga County	NCRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG043958	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Van Laeys Chad J 2725 Water Street York, PA 17403-9307	York Township York County	SCRO
PAG045009	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Jeffrey A & Maria L Eckart 316 Hilboldt Road Wellsboro, PA 16901-7737	Delmar Township Tioga County	NCRO
PAG045150	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Baggerly David 4481 Vetter Road Sayre, PA 18840-9483	Athens Township Bradford County	NCRO
PAG123853	PAG-12 NPDES General Permit for CAFOs	Issued	MW Smith Farm 562 Bucks Church Road Newport, PA 17074-8240	Buffalo Township Perry County	SCRO
PAG123884	PAG-12 NPDES General Permit for CAFOs	Issued	Troutman Connie & Troutman Scott 638 Railroad Road Mohrsville, PA 19541	Centre Township Berks County	SCRO
PAG124872	PAG-12 NPDES General Permit for CAFOs	Issued	Good View Farm, LLC 1317 Glory Barn Road Canton, PA 17724-9248	Canton Township Bradford County	SCRO
2117405	Pump Stations Individual WQM Permit	Issued	Camp Hill Borough Cumberland County 2145 Walnut Street Camp Hill, PA 17011-3830	Camp Hill Borough Cumberland County	SCRO
2521439	Pump Stations Individual WQM Permit	Issued	North East Township Water & Sewer Authority 31 W Main Street North East, PA 16428-1135	North East Borough Erie County	NWRO
3622401	Sewer Extensions Individual WQM Permit	Issued	West Cocalico Township Authority Lancaster County 156B West Main Street P.O. Box 95 Reinholds, PA 17569-0095	West Cocalico Township Lancaster County	SCRO
0221401	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	Allegheny County Sanitary Authority ALCOSAN 3300 Preble Avenue Pittsburgh, PA 15233-1025	Pittsburgh City Allegheny County	SWRO
PA0221031	Single Residence STP Individual NPDES Permit	Issued	Priester Sharon L 1499 Mercer New Wilmington Road New Wilmington, PA 16142-2521	East Lackawannock Township Mercer County	NWRO
PA0244198	Single Residence STP Individual NPDES Permit	Issued	Sang Mook & Hasook Ha 2565 Wayland Road Berwyn, PA 19312-2146	Easttown Township Chester County	SERO
PA0256056	Single Residence STP Individual NPDES Permit	Issued	Boggs Josh 29 Deer Hollow Lane Tarentum, PA 15084-2800	West Deer Township Allegheny County	SWRO
PA0264261	Single Residence STP Individual NPDES Permit	Issued	McClain Robert K 1310 Thompson Hill Road Russell, PA 16345-1916	Farmington Township Warren County	NWRO
PA0264521	Single Residence STP Individual NPDES Permit	Issued	McAvoy Adam J 3301 W Washington Street Bradford, PA 16701-2436	Corydon Township McKean County	NWRO
PA0264750	Single Residence STP Individual NPDES Permit	Issued	Fitch Jamie 1470 Brown Hill Road Youngsville, PA 16371-3310	Brokenstraw Township Warren County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0273147	Single Residence STP Individual NPDES Permit	Issued	Judge Thomas C 3029 Egypt Hollow Road Russell, PA 16345-4521	Pine Grove Township Warren County	NWRO
PA0287997	Single Residence STP Individual NPDES Permit	Issued	Coyne Tara 904 E Fairfield Avenue New Castle, PA 16105-2318	Neshannock Township Lawrence County	NWRO
0221403	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Boggs Josh 29 Deer Hollow Lane Tarentum, PA 15084-2800	West Deer Township Allegheny County	SWRO
0803401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Baggerly David 4481 Vetter Road Sayre, PA 18840-9483	Athens Township Bradford County	NCRO
3719403	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Coyne Tara 904 E Fairfield Avenue New Castle, PA 16105-2318	Neshannock Township Lawrence County	NWRO
5998407	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Jeffrey A & Maria L Eckart 316 Hilboldt Road Wellsboro, PA 16901-7737	Delmar Township Tioga County	NCRO
PA0264695	Small Flow Treatment Facility Individual NPDES Permit	Issued	First Susan 1090 Linn Tyro Road Hadley, PA 16130-2832	Perry Township Mercer County	NWRO
WQG01671601	WQG-01 WQM General Permit	Issued	Van Laeys Chad J 2725 Water Street York, PA 17403-9307	York Township York County	SCRO
WQG02362102	WQG-02 WQM General Permit	Issued	Elizabethtown Regional Sewer Authority Lancaster County 600 S Hanover Street Elizabethtown, PA 17022-2522	Elizabethtown Borough Lancaster County	SCRO

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

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC090497	PAG-02 General Permit	Issued	Neshaminy School District 2250 Langhorne-Yardley Road Langhorne, PA 19047-8245	Middletown Township Bucks County	DEP, SERO 2 East Main Street Norristown, PA 19401-4915 RA-EPNPDES_ SERO@pa.gov
PAC090487	PAG-02 General Permit	Issued	Michael Lohin 2721 Skippack Pike Lansdale, PA 19446-5992	New Britain Township Bucks County	DEP, SERO 2 East Main Street Norristown, PA 19401-4915 RA-EPNPDES_ SERO@pa.gov
PAC090524	PAG-02 General Permits	Issued	Capital Health System, Inc. 750 Brunswick Avenue Trenton, NJ 08638	Middletown Township Bucks County	DEP, SERO 2 East Main Street Norristown, PA 19401-4915 RA-EPNPDES_ SERO@pa.gov

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD480159	Individual NPDES	Issued	LVTC III Owner, LLC c/o Matthew Nunn 300 Conshohocken State Road Suite 250 West Conshohocken, PA 19428-3801	Bethlehem Township Lower Nazareth Township Northampton County	DEP NERO, Waterways & Wetlands Program 2 Public Square Wilkes-Barre, PA 18701 570-826-2511
PAD400051	Individual NPDES	Issued	Hazelton Logistics, LLC (A DE Entity) 4301 Indian Creek Parkway Overland Park, KS 66207	Hazle Township Luzerne County	DEP NERO, Waterways & Wetlands Program 2 Public Square Wilkes-Barre, PA 18701 570-826-2511
PAD210077	102 Individual Permit	Issued	Louise Neal 474 Pine Grove Road Gardners, PA 17324	Dickinson Township Cumberland County	DEP, SCRO, Waterways & Wetlands Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4802
PAC340038	PAG-02 General Permit	Issued	Mike Reed 400 Montgomery Street 8th Floor San Francisco, CA 94104	Walker Township Juniata County	Juniata County Conservation District 146 Stoney Creek Drive Suite 4 Mifflintown, PA 17059-8709 717.436.8953, ext. 5
PAC380244	PAG-02 General Permit	Issued	Jonas Zook 60 Elco Drive Myerstown, PA 17067	Jackson Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC140138	PAG-02 GP	Issued	Andrew G. Kotzur 392 W. Sycamore Road Snow Shoe, PA 16874	Snow Shoe Township Centre County	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823-1400
PAC170055	PAG-02 GP	Issued	PA Dept of Military and Veterans Affairs Clearfield Readiness Center 652 Coal Hill Road Clearfield, PA 16830	Lawrence Township Clearfield County	Clearfield CCD 6395 Clearfield-Woodland Hwy Suite 2 Clearfield, PA 16830-1923
PAC180016 A-1 Minor amendment	PAG-02 GP	Issued	Avery Dennison Kevin Dyer 8080 Norton Parkway Mentor, OH 44060	Bald Eagle Township Clinton County	Clinton County Conservation District 45 Cooperation Lane Mill Hall, PA 17751-8978
PAC490092	PAG-02 GP	Issued	Northumberland Solar 1, LLC Project Britany Staszak 2355 Shakespeare Road Milton, PA 17847-8320	East Township West Chillisquaque Township Northumberland County	Northumberland County Conservation District 441 Plum Creek Road Sunbury, PA 17801-6064
PAC600081	PAG-02 GP	Issued	Matt Ross Ritz-Craft Corporation of PA 15 Industrial Park Road Mifflinburg, PA 17844	W. Buffalo Township Mifflinburg Borough Union County	Union County Conservation District 155 N 15th St Lewisburg, PA 17837-8822

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC600078	PAG-02 GP	Issued	Walter Tanner BS & B Repair, Inc. 180 Green Ridge Road Mifflinburg, PA 17844	Buffalo Township Union County	Union County Conservation District 155 N 15th Street Lewisburg, PA 17837-8822
PAC630229	PAG-02 General Permit	Issued	CTG Enterprises, LP 2131 West Chestnut Street Washington, PA 15301	Canton Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301
PAC630248	PAG-02 General Permit	Issued	Columbia Gas of PA 4000 Energy Drive Bridgeville, PA 15107	Centerville Borough Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301
PAC650275A-1	PAG-02 General Permit	Issued	Municipal Authority of Westmoreland County 124 Park & Pool Road New Stanton, PA 15672	Adamsburg Borough Hempfield Township Westmoreland County	Westmoreland Conservation District 218 Donahoe Road Greensburg, PA 15601
PAC650307	PAG-02 General Permit	Issued	Walsh Construction 4 Penn Center Boulevard Pittsburgh, PA 15276	Mount Pleasant Westmoreland County	Westmoreland Conservation District 218 Donahoe Road Greensburg, PA 15601
PAC650311	PAG-02 General Permit	Issued	Peoples Natural Gas Company, LLC 375 North Shore Drive Pittsburgh, PA 15212	North Huntingdon Westmoreland County	Westmoreland Conservation District 218 Donahoe Road Greensburg, PA 15601
PAC650313	PAG-02 General Permit	Issued	Penn Township Commissioners 2001 Municipal Court Harrison City, PA 15636	Penn Township Westmoreland County	Westmoreland Conservation District 218 Donahoe Road Greensburg, PA 15601
PAC650302	PAG-02 General Permit	Issued	Chestnut Ridge Foam, Inc 443 Warehouse Drive Latrobe, PA 15650	Derry Township Westmoreland County	Westmoreland Conservation District 218 Donahoe Road Greensburg, PA 15601
PAC240024	PAG-02 General Permit	Issued	City of St. Marys 11 Lafayette Street Saint Marys, PA 15857	St. Marys City Elk County	Elk County Conservation District 850 Washington Street St. Marys, PA 15857 814-776-5373
PAC430015A1	PAG-02 General Permit	Issued	NLMK Pennsylvania, LLC 15 Roemer Boulevard Farrell, PA 16121	Farrell City Mercer County	Mercer County Conservation District 24 Avalon Court Suite 300 Mercer, PA 16137 724-662-2242
PAC030037	PAG-02 General Permit	Issued	Department of General Services 1800 Herr Street Harrisburg, PA 17103	Manor Township Armstrong County	Armstrong County Conservation District 120 S Grant Avenue Suite 2 Kittanning, PA 16201 724-548-3425

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PA100001C	PAG-02 General Permit	Issued	First Energy Corp 76 South Main Street Akron, OH 44308	Callery Borough Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC250156	PAG-02 General Permit	Issued	Askins Enterprises, LLC 2749 Zimmerly Road Erie, PA 16506	Summit Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC100235A1	PAG-02 General Permit	Issued	Peoples Natural Gas Company, LLC 375 North Shore Drive Pittsburgh, PA 15212	Adams Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC100195A1	PAG-02 General Permit	Issued	Sampson Morris Group 2500 Eldo Road Suite 1 Monroeville, PA 15146	Cranberry Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270

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>
C & J Farm JT Holland 949 Harmon Lane Warfordsburg, PA 17267	Fulton	126.8	527.56	Finishing Swine	EV	Approved

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

SAFE DRINKING WATER

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

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

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

Permit No. 2660034, Operation Permit, Public Water Supply.

Applicant	Maplewood Heights, LLC 99 Lindley Avenue Factoryville, PA 18419
Municipality	Overfield Township
County	Wyoming
Type of Facility	Public Water Supply
Consultant	Franko's Water Quality, LLC 3132 Walnut Road Falls, PA 18615
Permit Issued	February 17, 2022

Permit No. 2400374, Operation Permit, Public Water Supply.

Applicant	Lake-Lehman School District P.O. Box 38 Lehman, PA 18627
Municipality	Ross Township
County	Luzerne

Type of Facility	Public Water Supply
Consultant	Eugene Ruddy, Operator Utility Management Services 121 Sandwedge Drive Mountain Top, PA 18707
Permit Issued	February 25, 2022
Description of Action	Issuance of an Operation Permit for Designation of Optimal Water Quality Parameters at Ross Elementary School.

Permit No. 2400048, Operation Permit, Public Water Supply.

Applicant	Conyngham/Sugarloaf Joint Municipal Authority 245 Main Street Conyngham, PA 18219
Municipality	Conyngham Borough
County	Luzerne
Type of Facility	Well No. 5 Reserve Designation Public Water Supply
Consultant	Eddie Gregory Operations Manager Conyngham/Sugarloaf Joint Municipal Authority 245 Main Street Conyngham, PA 18219
Permit Issued	January 10, 2022

Permit No. 2520051, Operation Permit, Public Water Supply.

Applicant	Aqua Pennsylvania, Inc. 1 Aqua Way White Haven, PA 18661
Municipality	Shohola Township
County	Pike
Type of Facility	Public Water Supply
Consulting Engineer	Joshua P. Shoff, E.I.T. Aqua Pennsylvania, Inc. 1 Aqua Way White Haven, PA 18661
Permit Issued	January 28, 2022
Description of Action	Reserve designation for Well No. 1 in Aqua Twin Lakes Water system.

Permit No. 2359008, Operation Permit, Public Water Supply.

Applicant	Pennsylvania American Water Company 852 Wesley Drive Mechanicsburg, PA 17055
Municipality	South Abington Township
County	Lackawanna
Type of Facility	Public Water Supply
Consulting Engineer	Richard C. Dudek, P.E. Pennsylvania American Water Company 2699 Stafford Avenue Scranton, PA 18505
Permit Issued	February 10, 2022

Description of Action Partial Operation Permit for Leach Hill Pressure Reducing Valve Vault in the Scranton Service Area.

Permit No. 2520073, Operation Permit, Public Water Supply.

Applicant **Pocono Waterworks Company, Inc.**
P.O. Box 86
Hamlin, PA 18427

Municipality Palmyra Township

County **Pike**

Type of Facility Public Water Supply

Consulting Engineer Sarah J. Bue-Morris, P.E.
Bue-Morris Associates, Inc.
275 S. Sterling Road
P.O. Box 201
Newfoundland, PA 18445

Permit Issued February 8, 2022

Description of Action B.F. Killam Tract water treatment system upgrades.

Permit No. 2400082, Operation Permit, Public Water Supply.

Applicant **SUEZ Water Pennsylvania, Inc.**
6310 Allentown Road
Harrisburg, PA 17112

Municipality Dallas Township

County **Luzerne**

Type of Facility Public Water Supply

Consultant Peng Chen, P.E.
SUEZ Water Pennsylvania, Inc.
6310 Allentown Blvd
Harrisburg, PA 17112

Permit Issued December 6, 2021

Permit No. 4021507, Construction Permit, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
762 West Lancaster Avenue
Bryn Mawr, PA 19010

Municipality Jackson Township

County **Luzerne**

Type of Facility Public Water Supply

Consulting Engineer Patrick R. Boggs, P.E.
GHD, Inc.
1240 North Mountain Road
Harrisburg, PA 17112

Permit Issued February 28, 2022

Description of Action Installation of a filter system on the Fieldcrest Well Station to treat elevated levels of manganese and hydrogen sulfide.

Permit No. 2400114, Operations Permit, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc. (Beech Mountain Well 3 Project)**
1 Aqua Way
White Haven, PA 18661

Township Butler & Dennison Township

County **Luzerne**

Type of Facility PWS

Consulting Engineer Mr. Jonathan Morris, P.E.
GHD, Inc.
326 East Second St.
Bloomsburg, PA 17815

Permit to Operate Issued March 2, 2022

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

Operation Permit No. 1419508MA issued to: **SCI Rockview**, 1 Rockview Place, P.O. Box A, Bellefonte, PA 16823. PWSID No. 4140098, Benner Township, **Centre County**, on March 10, 2022, for the operation of facilities approved under construction permit # 1420504MA. This permit authorizes operation of the recently rehabilitated Benner Spring Pump Station Nos. 1 and 2.

Operation Permit No. 1422504MA issued to: **Pennsylvania-American Water Company**, 852 Wesley Drive, Mechanicsburg, PA 17055, PWSID No. 1422504MA, Rush Township, **Centre County**, on March 9, 2022, for the operation of facilities approved under construction permit # 1422504MA. This permit authorizes PAWC to replace the submersible pump in Cold Stream Well No. 1 with a new submersible well pump that has NSF certification.

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

Permit No. 6521508, Public Water Supply.

Applicant **Highridge Water Authority**
17 Maple Avenue
Blairsville, PA 15717

Municipality Seward Borough

County **Indiana**

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering Co., Inc.
1004 Ligonier Street
P.O. Box 853
Latrobe, PA 15650

Permit Issued March 8, 2022

Permit No. 2621509, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**
124 Park & Pool Road
New Stanton, PA 15672

Municipality Mount Pleasant and Greensburg

County **Westmoreland**

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering Co., Inc.
1004 Ligonier Street
P.O. Box 853
Latrobe, PA 15650

Permit Issued March 10, 2022

Permit No. 0221519MA, Minor Amendment. Public Water Supply.

Applicant **Pittsburgh Water & Sewer Authority**
1200 Penn Avenue
Pittsburgh, PA 15222

Municipality City of Pittsburgh

County **Allegheny**

Type of Facility Water system

Consulting Engineer Mott MacDonald
325 Chestnut Street
Philadelphia, PA 19106

Permit Issued March 14, 2022

Permit No. 1121512MA, Minor Amendment. Public Water Supply.

Applicant **Nanty Glo Water Authority**
1015 First Street
Suite 1
Nanty Glo, PA 15943

Municipality Cambria Township

County **Cambria**

Type of Facility Emergency shutdown valve

Consulting Engineer Stiffler McGraw and Associates
1731 North Juniata Street
Hollidaysburg, PA 16648

Permit Issued March 10, 2022

Operations Permit issued to: **National Pike Water Authority**, P.O. Box 10, Markleysburg, PA 15459, PWSID No. 5260048, Henry Clay Township, **Fayette County**, on March 4, 2022 for the operation of facilities approved under permit # 2603501-A2 for the Pump Station No. 1.

Operations Permit issued to: **Fools Bar**, 370 Rochester Road, Pittsburgh, PA 15237, PWSID No. 5020831, Ross Township, **Allegheny County**, on March 11, 2022 for the operation of facilities approved under permit # 0221541 for the Fools Bar non-community water system.

Operations Permit issued to: **Municipal Authority of the City of New Kensington**, P.O. Box 577, 920 Barnes Street, New Kensington, PA 15068, PWSID No. 5650070, City of New Kensington, **Westmoreland County**, on March 9, 2022 for the operation of facilities approved under permit # 6522501 for the SR780 above ground booster pump station.

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>
Union Township	14129 Trough Creek Valley Pike Huntingdon, PA 16652	Huntingdon

Plan Description:

Approval of a revision to the official plan of Union Township, Huntingdon County. The project is known as **Jody Bell Property SFTF**. The plan provides for the

installation of a small flow treatment facility to serve a single-family dwelling with a discharge on the property into Little Trough Creek, to replace a failing on-lot sewage disposal system for a single-family dwelling on an 8.15-acre lot. The property is located at 14596 Trough Creek Valley Pike. 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 A3-31944-105-3s and the APS ID is 1054530. Any permits must be obtained in the name of the property owner.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

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

Southcentral Region: Clean Water Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.

Plan Location:

<i>Township</i>	<i>Township Address</i>	<i>County</i>
Northeast Madison Township	640 Pension Hollow Road Loysville, PA 17047	Perry

Plan Description:

The request for planning exemption for the **Huber Subdivision** (DEP Code No. A3-50919-069-2E; APS ID No. 1057633) has been disapproved. The proposed development—located at 5158 Tuscarora Path in North-east Madison Township, PA—consists of sewage planning for one new residential lot containing a proposed hunting cabin utilizing an on-lot disposal system with total project flows of 400 gallons per day. This request for planning exception has been disapproved because the submission does not qualify as an exemption from the requirement to revise the Official Plan because the subdivision proposes the use of onlot sewage disposal systems in an area underlain by carbonate geology as per Chapter 71, Section 71.51(b)(1)(ii).

Plan Location:

<i>Township</i>	<i>Township Address</i>	<i>County</i>
Washington Township	185 Manors Road Elizabethville, PA 17023	Dauphin

Plan Description:

The request for planning exemption for the **Fisher Subdivision** (DEP Code No. A3-22935-121-2E; APS ID No. 1057852) has been disapproved. The proposed development—located on Missouri Drive in Washington Township, PA—consists of sewage planning for one new residential lot containing a proposed single-family home utilizing an on-lot disposal system with total project flows of 400 gallons per day. This request for planning exception has been disapproved because the submission does not qualify as an exemption from the requirement to revise the Official Plan because the subdivision proposes the use of onlot sewage disposal systems in an area within 1/4 mile of water supplies documented to exceed 5 PPM nitrate-nitrogen as per Chapter 71, Section 71.51(b)(1)(ii).

Plan Location:

<i>Township</i>	<i>Township Address</i>	<i>County</i>
Pequea Township	1028 Millwood Road Willow Street, PA 17584	Lancaster

Plan Description:

The planning module for the **159 Long Lane Equal Flows Subdivision** (DEP Code No. A3-36945-167-2; APS ID No. 1057808) has been disapproved. The proposed development—to be located at 159 Long Lane in Lancaster—consists of a subdivision proposing two detached single-family dwellings on an existing lot using on-lot disposal systems. This planning module has been disapproved because the following items were missing from the submission: a complete General Site Suitability Plot Plan containing all required features (also with some included items being unidentifiable), the soils testing for the proposed subdivision, a completed Section H.3 of the planning module, an Alternative Sewage Facilities Analysis, a current preliminary hydrogeologic study, and payment of the review fee.

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.

Warner's Central Garage, 8-10 Hudsondale 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 Final Report concerning soil contaminated with lead and hydrocarbons from historic fill. The report is intended to document remediation of the site to meet site specific standards.

Former CertainTeed, 1220 Oak Hill Road, Mountain Top, PA 18707, Wright Township, **Luzerne County**. Barry Isett & Associates, 1170 Highway 315, Wilkes-Barre, PA 18702, on behalf of GL 1220 Oak Hill, LLC, 1303 53rd St, Suite 140, Brooklyn, NY, 11219, submitted a combined Remedial Investigation Report, Cleanup Plan, and Final Report concerning remediation of site soil and groundwater contaminated with volatiles, semi-volatiles, metals, and chlorinated solvents from buried drums and neighboring industrial uses. The report is intended to document remediation of the site to meet a combination of Background, Site-Specific, and Statewide health standards.

Clare Property, 76 Prospect Street, East Stroudsburg, PA 18301, East Stroudsburg Borough, **Monroe County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Robert Clare, 76 Prospect Street, East Stroudsburg, PA 18301, submitted a Final Report concerning remediation of soil contaminated by a release of heating oil from an aboveground storage tank. The report is intended to document remediation of the site to meet Statewide health standards.

Adler Property, 124 Woodland Drive, Dingmans Ferry, PA 18328, Delaware Township, **Pike County**. Douglas Adler, 124 Woodland Drive, Dingmans Ferry, PA 18328, 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.

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

Hake's Grocery Store and Filling Station, 898 East Canal Road, Dover, PA 17315, Conewago Township, **York County**. BL Companies, 2601 Market Place, Suite 350, Harrisburg, PA 17110, on behalf of Randy and Ricky Hake, 898 East Canal Road, Dover, PA 17315, submitted a Final Report concerning remediation of site soil and groundwater contaminated with petroleum fuels. The report is intended to document remediation of the site to meet the Statewide Health and site-specific standards.

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.

Carsia Property, 810 East Eleventh Street, Hazleton, PA 18201, Hazleton City, **Luzerne County**. Barry Isett & Associates, 1170 Highway 315, Suite 3, Wilkes-Barre, PA 18702, on behalf of Michael Carsia, 810 East Eleventh Street, Hazleton, PA 18201, submitted a Final Report concerning remediation of groundwater contaminated by a release of heating oil from an underground storage tank. The Final Report demonstrated attainment of Statewide health standards and was approved by DEP on March 9, 2022.

S. Warriner Pad 1, 823 Fernheim Road, Montrose, PA 18801, Bridgewater Township, **Susquehanna County**. Folsom Engineering, 117 Roger Hollow Road, Mehoopany, PA 18623, on behalf of Cabot Oil & Gas Corporation, 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Final Report concerning remediation following the August 13, 2021 discovery of a release of produced fluid (brine) that impacted soil. The Final Report demonstrated attainment of a combination of Background and Statewide health standards and was approved by DEP on March 14, 2022.

Estate of Joan Nilsen, 47 Highland Acres Drive, Honesdale, PA 18431, Berlin Township, **Wayne County**. Bluestone Environmental, 196 Beach Lake Highway, Honesdale, PA 18431, on behalf of Cowley Real Estate, 3350 North Main Avenue, Scranton, PA 18508, submitted a Final Report concerning remediation of soil contaminated by a release of heating oil from an underground storage tank. The Final Report demonstrated attainment of a combination of Statewide health standards and was approved by DEP on March 15, 2022.

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

Edwards Property, 21330 Spartansburg Highway, Corry, PA 16407, Concord Township, **Erie County**. Insite Group, Inc., 611 S. Irvine Avenue, Sharon, PA 16146 on behalf of Sunrise Fuel & Supply Company, 88 Mill Street, P.O. Box 71, Grand Valley, PA 16420 has submitted a Final Report concerning the remediation of site soil contaminated with Benzene, Ethylbenzene, Toluene, Xylenes, MTBE, Cumene, Naphthalene, 1,2,4-Trimethylbenzene, and 1,3,5-Trimethylbenzene. The Final report demonstrated attainment of the Statewide health standard and was approved by the Department on March 11, 2022.

NWREC Transformer Release (10600 Concord Road, Corry), 10600 Concord Road, Corry, PA 16407, Union Township, **Erie County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412 on behalf of Northwestern REC, 22534 Highway 86, Cambridge Springs, PA 16403 has submitted a Final Report concerning the remediation of site soil contaminated with PCB-1016, PCB-1221, PCB-1232, PCB-1242, PCB-1248, PCB-1254, PCB-1260, 1,2,4-Trimethylbenzene, and 1,3,5-Trimethylbenzene. The Final report demonstrated attainment of the Statewide health standard and was approved by the Department on March 14, 2022.

DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

Permit(s) Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for Determination of Applicability for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.

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

General Permit No. WMGM043SC001. Chambersburg Waste Paper Company, Inc., 2047 Loop Road,

Chambersburg, PA 17202 located in Guilford Township, Franklin County. This permit authorizes the processing by sorting, screening, and/or shredding of unpainted and untreated natural wood waste prior to delivery to a permitted processing or recycling facility, the processing by sorting, screening, and/or crushing of stone, brick, block, and concrete prior to delivery to a permitted processing or recycling facility, and the processing by sorting and screening of cardboard, gypsum board, asphalt shingles, particle board, plastic, scrap metal and glass prior to delivery to a permitted processing or recycling facility. The Department issued the determination of applicability on March 15, 2022.

Persons interested in reviewing the general permit may contact John L. Oren, P.E., Permits Section Chief, PADEP Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110. 717.705.4706. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit(s) Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

Permit No. 400459. Merck Sharp & Dohme Corp—West Point Facility, 770 Sumneytown Pike, West Point, PA 19486-8000. Permittee has requested final closure certification approval for the Waste Heat Incinerator (WHI) and Rotary Incinerator (RKI) that were operated by Merck, Sharp & Dohme Corp. (Merck) at the West Point facility in accordance with Solid Waste Permit No. 400459. These incinerators were located in Buildings 71 and 73 in Merck's West Point campus at 770 Sumneytown Pike, Upper Gwynedd Township, **Montgomery County**. The final closure certification and revocation of permit were approved by the Southeast Regional Office on March 3, 2022.

Persons interested in reviewing the permit may contact the Pennsylvania Department of Environmental Protection (DEP) Waste Management Program Manager, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915, or by telephone at 484.250.5960. TDD users may contact the DEP 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.

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

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.

GP14-48-003: CVP Operations PA, LLC, d/b/a Wright Veterinary Medical Center, 3247 Wimmer

Road, Bethlehem, PA 18020, issued on March 14, 2022, for the continued operation of one (1) 150 lb/hr natural gas fired ERS Services, Inc. ERS150XL cremation unit located in Bethlehem Township, **Northampton County**.

GP3-48-017: Chrin Brothers, Inc., 1225 Industrial Drive, Easton, PA 18042, on March 3, 2022 for the operation of a portable crushing operation with water sprays located at the Island Park Road Quarry site in Williams Township, **Northampton County**.

GP9-48-017: Chrin Brothers, Inc., 1225 Industrial Drive, Easton, PA 18042, on March 3, 2022 for the operation of a diesel IC engines located at the Island Park Road Quarry site in Williams Township, **Northampton County**.

GP3-35-027: Keystone Sanitary Landfill, 249 Dunham Drive, Dunmore, PA 18512, on February 28, 2022 for the operation of a portable crushing operation with water sprays located at the Keystone Landfill site in Dunmore and Throop Boroughs, **Lackawanna County**.

GP9-35-027: Keystone Sanitary Landfill, 249 Dunham Drive, Dunmore, PA 18512, on February 28, 2022 for the operation of a diesel IC engines located at the Keystone Landfill site in Dunmore and Throop Boroughs, **Lackawanna County**.

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

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

GP3-06-03187: The H&K Group, Inc., 2052 Lucon Road, P.O. Box 196, Skippack, PA 19474, on March 14, 2022, for portable nonmetallic mineral crushing equipment, under GP3, at the G&T Warehouse construction site located in Bern Township, **Berks County.**

GP9-06-03187: The H&K Group, Inc., 2052 Lucon Road, P.O. Box 2052, Skippack, PA 19747, on March 14, 2022, for one diesel-fired engine, under GP9, to power portable nonmetallic mineral crushing equipment, at the G&T Warehouse construction site located in Bern Township, **Berks County.**

GP13-36-03161D: Allan Myers, LP, 638 Lancaster Ave., Malvern, PA 19355, on March 14, 2022, for a drum-mix asphalt plant, under GP13, at the Paradise Quarry, located in Paradise Township, **Lancaster County.** The general permit authorization was renewed.

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

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

AG5A-08-00015A: SWN Production Company, LLC, 917 State Route 92 North, Tunkhannock, PA 18657, on March 14, 2022, received authorization to construct and operate a new source and continue operating existing sources consisting of two 1,680 bhp 2019 model year Waukesha L7044GSI natural gas-fired compressor engines equipped with non-selective catalytic reduction (ENG-001 and ENG-002), six 0.75 MMBtu/hr, natural gas-fired gas production units (GPU-1—GPU-6), five 1.0 MMBtu/hr, natural gas-fired gas production units (GPU-7—GPU-11), two 400 bbl (16,800 gal) produced

water storage tanks (T-001 and T-003), one 400 bbl (16,800 gal) compressor/produced water storage tank (T-002), tanker liquids loading (L-001), site fugitives, blowdowns, pneumatics, and eleven unconventional wells pursuant to the General Plan Approval and/or General Operating Permit for Unconventional Natural Gas Well Site Operations and Remote Pigging Stations (BAQ-GPA/GP-5A) at the GU-VW McMahon Wellpad Site located in Stevens Township, **Bradford County**.

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

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

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.

39-00079A, Bridesburg Foundry Co., 901 Front Street, P.O. Box 269, Whitehall, PA 18052-0269, was issued on March 14, 2022 for the installation of a baghouse at the facility to control particulate emissions from the existing sand reclamation and no-bake mixer areas at their facility located in Whitehall Township, **Lehigh County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Edward Orris, P.E., New Source Review Chief—Telephone: 412-442-4168.

63-00538: Dynamet, Inc., 195 Museum Road, Washington, PA 15301. On March 14, 2022, for modification to Plan Approval PA-63-00538 to increase the chromium emission limit at the titanium finishing facility located in Chartiers and South Strabane Townships, **Washington County**.

04-00445D: Veka, Inc., 100 Veka Drive, Fombell, PA 16123, air quality plan approval issued on March 10, 2022, to authorize construction and temporary operation of one (1) additional vinyl extrusion lamination line (Line # 3) at its Fombell Plant in Marion Township, **Beaver County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

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

08-00010P: Global Tungsten & Powders Corp., 1 Hawes Street, Towanda, PA 18848, on March 14, 2022, to extend the authorization to perform the modifications pursuant to the plan approval from March 29, 2022 to September 25, 2022, at their Towanda Facility located in North Towanda Township, **Bradford County**. The plan approval has been extended.

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

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6940.

42-004K: American Refining Group, 77 North Kendall Avenue, Bradford, PA 16701, on February 24, 2022, effective February 24, 2022, has issued a plan approval extension to allow continued project shakedown activities in the City of Bradford, **McKean County**. This is a Title V facility. This will expire on August 31, 2022.

43-273A: Select Industries Incorporated dba Select Metal Litho Greenville, 242 Reynolds Industrial Park Drive, Greenville, PA 16125, on February 24, 2022, effective February 24, 2022, has issued a plan approval extension to allow time for the facility to submit an administrative amendment application and the Department to do a plan approval compliance inspection for Source 106 in Pymatuning Township, **Mercer County**. This is a State Only facility. This will expire on June 30, 2022.

43-309C: Deist Industries, LLC—Bucks Fabricating, 3547 Perry Highway, Hadley, PA 16130, on March 4, 2022, effective March 4, 2022, has authorized both a plan approval extension, and a transfer of the extension, due to an ownership change, as the new permittee requested more time to arrive at the desired VOC limits in Sandycreek Township, **Mercer County**. This is a proposed Title V facility. This extension will expire on September 30, 2022.

62-0320: Ellwood National Forge, Irvine Facility, 1 Front Street, Irvine, PA 16329, on February 25, 2022, effective February 25, 2022, has issued a plan approval extension to allow both parties more time to complete a plan approval compliance inspection so it can potentially be included in the upcoming Operating Permit renewal in Brokenstraw Township, **Warren County**. This is a Title V facility. This will expire on June 30, 2022.

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

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

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

23-00016: PQ Corporation, 1201 West Front Street, Chester, PA 19013, On March 11, 2022 for the renewal of the Title V Operating Permit for their manufacturing operation of sodium silicate glass at their plant located in the City of Chester, **Delaware County**.

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

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

22-05047: Dura Bond Pipe, LLC, 2716 South Front Street, Steelton, PA 17113-3099, on March 10, 2022, for the pipe manufacturing facility located in Steelton Borough, **Dauphin County**. The Title V permit was renewed.

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.

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

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

46-00281: Matheson Tri Gas Inc., 1401 Stauffer Road, Palm, PA 18070. On March 9, 2022 for the renewal of a Synthetic Minor Operating Permit for their facility that manufactures industrial gases in Upper Hanover Township, **Montgomery County**.

09-00152: Gelest, Inc., 11 Steel Road East, Morrisville, PA 19067. On March 10, 2022 for the renewal of the Synthetic Minor Operating Permit for their operation to produce specialty chemicals in Falls Township, **Bucks County**.

15-00052: Allan Myers L.P., 410 Doe Run Road, Coatesville, PA 19320, d.b.a. Allan Myers Materials. On March 9, 2022, for the renewal of a Synthetic Minor Operating Permit for a batch asphalt facility in East Fallowfield Township, **Chester County**.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.

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

05-05023: New Enterprise Stone & Lime Co., Inc., P.O. Box 77, New Enterprise, PA 16664-0077 on March 10, 2022, for the asphalt, concrete and stone crushing operations at the Ashcom quarry located in Snake Spring Township, **Bedford County**. The State-Only permit was renewed.

06-03077: FM Browns Sons, Inc., 205 Woodrow Avenue, Sinking Spring, PA 19608-1402 on March 11, 2022, for the birdseed mixing and packaging facility located in Sinking Spring Borough, **Berks County**. The State-Only permit was renewed.

28-03028: New Enterprise Stone & Lime Co., Inc., P.O. Box 77, New Enterprise, PA 16664-0077 on March 14, 2022, for the stone crushing and batch concrete operations at the Dry Run Quarry located in Fannett Township, **Franklin County**. The State-Only permit was renewed.

36-03042: H&K Group, Inc., 303 Quarry Road, Peach Bottom, PA 17563-9739, on March 11, 2022, for the Rock Springs Quarry stone crushing operations located in Fulton Township, **Lancaster County**. The State-Only permit was renewed.

36-03214: The Hain Celestial Group, Inc., 3775 Hempland Road, Mountville, PA 17554-1541, for operation of a natural gas-fired boiler, fire pump and snack fryers controlled by mist eliminators at the facility in West Hempfield Township, **Lancaster County**. This is the initial State-Only operating permit for the facility.

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, on March 10, 2022, was issued a

State Only (Synthetic Minor) operating permit for their Berwick facility located in the Borough of Berwick, **Columbia County**. The State Only (Synthetic Minor) operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

53-00012: Patterson Lumber Co., Inc., 95 West Street, Galetton, PA 16922, on March 14, 2022, was issued a State Only (Natural Minor) operating permit for their lumber facility located in West Branch Township, **Potter County**. The State Only (Natural Minor) operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.

26-00032: Uniontown Hospital, 500 W Berkeley St., Uniontown, PA 15401-5514. On March 10, 2022, the Department issued a renewal natural minor State Only Operating Permit (SOOP) to authorize the operation of Uniontown Hospital in the city of Uniontown, **Fayette County**.

Equipment at this facility includes a 41.0 MMBtu/hr natural gas-fired boiler with No. 2 fuel oil as backup, a 14.6 MMBtu/hr natural gas-fired boiler with No. 2 fuel oil as backup, a 6.2 MMBtu/hr natural gas-fired boiler with No. 2 fuel oil as backup, an 8.37 MMBtu/hr natural gas-fired boiler with No. 2 fuel oil as backup, and three (3) emergency electric generators rated at 350 kW, 350 kW, and 275 kW. The facility is subject to the applicable requirements of 25 Pa. Code, Article III, Chapters 121—145. The final operating permit includes conditions incorporating requirements for applicable emissions limitations, monitoring, work practice standards, reporting, and recordkeeping.

11-00535: Laurel Highlands Crematory at Harris Funeral Home, Inc., 500 Cherry Ln., Johnstown, PA 15904. On March 14, 2022, the Department issued a natural minor State Only Operating Permit for one human crematory incinerator and one animal crematory incinerator. The operating permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements at their facility located in Richland Township, **Cambria County**.

63-01048: MarkWest Liberty Midstream & Resources, LLC/Post Road Launcher/Receiver Site, 186 Post Rd., Avella, PA 15312. On March 14, 2022, the Department issued a natural minor State Only Operating Permit for a pipeline maintenance stand-alone facility where pigs are launched or received from the pipelines. The operating permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements at their facility located in Blaine Township, **Washington County**.

65-00838: Mitsubishi Chemical Advanced Materials, Inc./Delmont # 4, 201 Industrial Dr, Delmont, PA 15626. On March 14, 2022, the Department issued a natural minor State Only Operating Permit for the operation of a polyethylene plastic molding facility. The operating permit includes conditions relating to applicable emission restrictions, testing, monitoring, record-

keeping, reporting, and work practice standards requirements at the facility located in Salem Township, **Westmoreland County**.

11-00277: Northern Cambria School District (NCSD)/Northern Cambria Elementary and Middle School, 601 Joseph St., Barnesboro, PA 15714-1233. On March 15, 2022, the Department issued a synthetic minor State Only Operating Permit for the operation of combustion units at a school district. The operating permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements at their facility located in Northern Cambria Borough, **Cambria County**.

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

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

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

15-00104: Flowers Baking Company of Oxford Inc., 700 Lincoln Street, Oxford, PA 19363, Oxford Borough, **Chester County**. On March 10, 2022, for an Administrative Amendment to incorporate Plan Approval 15-0104E for the installation of a new bun oven controlled by a CSM 34A Catalytic Oxidizer. The terms and conditions from Plan Approval 15-0104E were incorporated into the Title V Operating Permit in accordance with 25 Pa. Code § 127.450(a)(5).

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

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

28-05028: Chambersburg Energy, LLC, 225 Alleman Road, Chambersburg, PA 17202, on March 10, 2022, for the power station located in Guilford Township, **Franklin County**.

The Title V permit underwent a significant modification to revise the language of Section E, Group 001, Condition # 002 to read as follows:

a) 25 ppmvd at 15% oxygen while firing natural gas, based on a one-hour averaging period.

b) 42 ppmvd at 15% oxygen while firing low-sulfur distillate oil.

c) These limits shall not apply during periods of startup and shutdown.

1) Startup is defined as the period of time from when fuel combustion commences in the unit for a duration of thirty (30) minutes.

2) Shutdown is defined as that period of time from the initial lowering of turbine output, with the intention to shutdown, until the time at which the combustion is completely stopped. The duration of each startup or shutdown shall not exceed thirty (30) minutes

d) The limit in paragraph (a) shall not apply during the standby phase of a grid black start events.

1) A grid black start event is defined as an instance during a power grid emergency when the permittee is requested by the authoritative Regional Transmission Organization to provide black start power (equal to or greater than 5 MW) to the regional electric power grid. The standby phase of a grid black start event begins when fuel combustion commences in a combustion turbine and ends when combustion turbine power output equals or exceeds 5 MW and is accepted to the regional electric power grid, or when fuel combustion in the unit is discontinued. The standby phase shall not exceed three (3) hours in duration.

2) The permittee shall provide, to the Altoona Air Quality District Supervisor, sufficient raw CEMS data and parameters calculated using the raw data to demonstrate continued compliance with the NO_x emission limit in Section E, Group 001, Condition # 004. In the event that emissions from a black start event exceed the NO_x emission limit in Section E, Group 001, Condition # 004, the permittee shall notify DEP in a manner and timeline consistent with Section C, Condition # 015(b) & (c). The emissions during startup, shutdown, and black start events shall be included in the calculations required in Section C, Condition # 011 and reported as required in Section C, Condition # 016.

Compliance with the requirement(s) specified in this streamlined permit condition assures compliance with the NO_x emission limits in 40 CFR 60.332(a) and the SO₂ emission limits specified in 25 Pa. Code 123.21 and 40 CFR 60.333(a).

67-05024: Lehigh White Cement Co., LLC, 200 Hokes Mill Road, York, PA 17404-5540 on March 10, 2022, for the cement manufacturing facility located in West Manchester Township, **York County**. The Title V permit underwent a minor modification to add emission limits for the following BART-Eligible Sources:

Source ID: Name

- 121A: Limestone Silo Pneumatic
- 123: Clay Silo Loading
- 140: Raw Mill Feed System
- 200: White Cement Kiln
- 205: CKD Return Bin 34-Ton
- 220: Clinker Discharge System
- 230A: 8th Floor Bldg. Transfer
- 300: Finish Mill Grinding System
- 380: Three Truck Loadouts
- 450: 1956 Silos Receiving

The following condition was added to the permit, Section E, Group 007 "BART LIMITS", applying to all the previously listed sources:

The combined emissions from all Group 007 sources shall be limited to less than 250 tons during any consecutive 12-month rolling period for each of the following visibility impairing pollutants:

a) Nitrogen oxides (NO_x)

b) PM₁₀ (particulate matter having an effective aerodynamic diameter less than or equal to a nominal 1 micron body)

c) Sulfur dioxide (SO₂)

ACTIONS ON COAL AND NONCOAL 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—6018.1103).

Coal Permits Issued

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

Mining Permit No. 32991301. NPDES Permit No. PA0215228. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, to renew the permit and related NPDES Permit for reclamation only in Buffington, Brush Valley, Cherryhill, and Pine Townships, **Indiana County**. Application received: November 25, 2019. Permit issued: January 13, 2022.

Mining Permit No. 037743701. Keystone Land Resources, Inc., 46226 National Road, Saint Clairsville, OH 43950 to transfer the permit from Canterbury Coal Company located in Kiskiminetas Township, **Armstrong County**. Application received: November 17, 2020. Permit issued: January 20, 2022.

Mining Permit No. 56900701. NPDES Permit No. PA0214078. PBS Coals, Inc., 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, to renew the permit and related NPDES Permit in Shade Township, **Somerset County**. Application received: April 19, 2021. Permit issued: February 4, 2022.

Mining Permit No. 11051301. NPDES Permit No. PA0235652. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, to revise the permit and related NPDES Permit for installation and maintenance of a rock dust borehole, power borehole, and two (2) degassing boreholes in Cresson and Munster Townships, **Cambria County**, affecting 8.1 surface acres. Application received: May 17, 2021. Permit issued: February 9, 2022.

Mining Permit No. 56900701. NPDES Permit No. PA0214078. PBS Coals, Inc., 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, to revise the permit and related NPDES Permit to install a pipeline for the addition of one NPDES discharge point in Shade Township, **Somerset County**, affecting 0.6 surface acre. Receiving stream(s): Dark Shade Creek. Application received: February 18, 2020. Permit issued: February 17, 2022.

Mining Permit No. 30121301. NPDES Permit No. PA0236195. Consol Pennsylvania Coal Company, LLC, 1000 Consol Energy Drive, Suite 100, Canonsburg,

PA 15317 to revise the permit and related NPDES permit for installation of a cement borehole located in Richhill and Morris Townships, **Greene County**, affecting 1.8 surface acres. Application received: November 9, 2021. Permit issued: February 23, 2022.

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

Mining Permit No. 56160102. NPDES No. PA0279480. Elk Resources, Inc., 30 Pounds Road, West Lebanon, PA 15783, renewal of a NPDES permit for a bituminous surface and auger mine in Paint Township, **Somerset County**, affecting 418.5 acres. Receiving streams: unnamed tributaries to Spruce Creek and Shade Creek to Stonycreek River, classified for the following use: CWF. Application received: March 7, 2022. Permit issued: March 10, 2022.

Mining Permit No. 11050101. NPDES No. PA0249718. RES Coal, LLC, 51 Airport Road, Clearfield, PA 16830, (formerly E.P. Bender Coal Co., Inc., P.O. Box 594, Carrolltown, PA 15722), permit transfer of a bituminous surface and auger mine in Cresson Township, **Cambria County**, affecting 197.7 acres. Receiving stream: unnamed tributary to Bear Rock Run classified for the following use: CWF. Application received: November 19, 2021. Permit issued: March 10, 2022.

Mining Permit No. 07920101. NPDES No. PA0599581. RES Coal, LLC, 51 Airport Road, Clearfield, PA 16830, (formerly E.P. Bender Coal Co., Inc., P.O. Box 594, Carrolltown, PA 15722), permit transfer of a bituminous surface mine in Allegheny Township, **Blair County**, affecting 474.0 acres. Receiving streams: unnamed tributaries to/and Sugar Run classified for the following use: CWF. Application received: November 19, 2021. Permit issued: March 10, 2022.

Mining Permit No. 11050101. NPDES No. PA0249718. RES Coal, LLC, 51 Airport Road, Clearfield, PA 16830, renewal of a NPDES permit for a bituminous surface and auger mine in Cresson Township, **Cambria County**, affecting 197.7 acres. Receiving stream: unnamed tributary to Bear Rock Run classified for the following use: CWF. Application received: November 19, 2021. Permit issued: March 11, 2022.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2522, (570) 621.3118. RA-EPPottsvilleDMO@pa.gov, (Contract: Theresa Reilly-Flannery).

Permit No. 49860102. Farragut Anthracite Company, 122 Wilburton Road, Mt. Carmel, PA 17851, renewal of an anthracite surface mine, coal refuse reprocessing, coal refuse disposal and preparation plant operation in Coal and Zerbe Townships, **Northumberland County**, affecting 814.6 acres. Receiving stream: unnamed tributary to Carbon Run. Application received: January 4, 2022. Renewal issued: March 11, 2022.

Noncoal Permits

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2522, (570) 621.3118. RA-EPPottsvilleDMO@pa.gov, (Contract: Theresa Reilly-Flannery).

NPDES Permit No. PA022448. Mining Permit No. 38970301. H & K Group, Inc., P.O. Box 196, Skippack, PA 19474, renew NPDES Permit on a quarry operation in Cornwall Borough, **Lebanon County**. Receiving stream: unnamed tributary to Snitz Creek. Application received: January 14, 2020. Renewal issued: March 10, 2022.

NPDES Permit No. PA0613142. Mining Permit No. 6276SM4. New Enterprise Stone & Lime Co., Inc., 3912 Brumbaugh Road, New Enterprise, PA 16664, renew NPDES Permit on a quarry operation in Honeybrook and Caernarvon Townships, **Chester and Lancaster Counties**. Receiving stream: unnamed tributary to West Branch Brandywine Creek. Application received: December 29, 2020. Renewal issued: March 10, 2020.

NPDES Permit No. PA0124061. Mining Permit No. 22010302. New Enterprise Stone & Lime Co., Inc., 3912 Brumbaugh Road, New Enterprise, PA 16664, renew NPDES Permit on a quarry operation in Jackson Township, **Dauphin County**. Receiving streams: unnamed tributary to Armstrong Creek and unnamed tributary to Wiconisco Creek. Application received: December 29, 2020. Renewal issued: March 10, 2020.

NPDES Permit No. PA0226211. Mining Permit No. 58080301. WM Quarries, LLC, 100 Congress Avenue, Suite 1510, Austin, TX 78701, new NPDES Permit on a quarry operation in Harmony Township and Lanesboro Borough, **Susquehanna County**. Receiving streams: Canawacta Creek and Starrucca Creek. Application received: June 20, 2021. Permit issued: March 10, 2022.

NPDES Permit No. PA0593893. Mining Permit No. 48870301. H & K Group, Inc., P.O. Box 196, Skippack, PA 19474, correction to NPDES Permit add a discharge point on a quarry operation in Lower Mt. Bethel Township, **Northampton County**. Receiving streams: Delaware River and Mud Run. Application received: July 23, 2021. Correction issued: March 10, 2022.

NPDES Permit No. PA0225983. Mining Permit No. 45880301. Tarheel Quarry, LLC, P.O. Box 900, Blakeslee, PA 18610, new NPDES Permit on a quarry operation in Tobyhanna Township, **Monroe County**. Receiving stream: unnamed tributary to Lehigh River. Application received: January 28, 2019. Permit issued: March 11, 2022.

NPDES Permit No. PA0225495. Mining Permit No. 47140301. Hanson Aggregates PA, LLC, 7660 Imperial Way, Allentown, PA 18195, renew NPDES Permit on a quarry operation in Limestone and Liberty Townships, **Montour County**. Receiving stream: unnamed tributary to Chillisquaque Creek. Application received: August 13, 2020. Renewal issued: March 11, 2022.

NPDES Permit No. PA0594661. Mining Permit No. 09890303. Naceville Materials, 350 South Main Street, Suite 207, Doylestown, PA 18091, renew NPDES Permit on a quarry operation in Plumstead Township, **Bucks County**. Receiving stream: unnamed tributary to North Branch Neshaminy Creek. Application received: November 12, 2020.

NPDES Permit No. PA0612049. Mining Permit No. 5476SM4. Glasgow, Inc., P.O. Box 1089, Glenside, PA 19038, renew NPDES Permit on a quarry operation in Montgomery Township, **Montgomery County**. Receiving stream: unnamed tributary to Neshaminy Creek. Application received: February 11, 2021. Renewal issued: March 11, 2022.

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

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2522, (570) 621.3118. RA-EPPottsvilleDMO@pa.gov, (Contract: Theresa Reilly-Flannery).

Permit No. 35224001. Holbert Explosives, Inc., 237 Mast Hope Plank Road, Suite A, Lackawaxen, PA 18435, construction blasting for Pocono Peterbilt Project in the City of Scranton, **Lackawanna County**, with an expiration date of March 5, 2023. Permit issued: March 8, 2022.

Permit No. 06224001. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345, blasting for the Conestoga Landfill Cell 26A in New Morgan Borough, **Berks County**, with an expiration date of February 16, 2023. Permit issued: March 9, 2022.

Permit No. 64224101. Explosive Services, Inc., 7 Pine Street, Bethany, PA 18431, construction blasting for Oak Ridge Heights Site Work in Berlin Township, **Wayne County**, with an expiration date of February 14, 2023. Permit issued: March 10, 2022.

Permit No. 48224104. American Rock Mechanics, Inc., 7531 Chestnut Street, Zionsville, PA 18092, construction blasting for Hanoverville Road Flex Warehouse in Lower Nazareth Township, **Northampton County**, with an expiration date of March 7, 2023. Permit issued: March 10, 2022.

Permit No. 36224106. Keystone Blasting Service, 15 Hopeland Road, Lititz, PA 17543, construction blasting for Lime Valley Farm Barn in Strasburg Township, **Lancaster County**, with an expiration date of June 30, 2022. Permit issued: March 11, 2022.

Permit No. 06224102. J Roy's, Inc., P.O. Box 125, Bowmansville, PA 17507, construction blasting for McIntosh Farm Phase II in Ontelaunee Township, **Berks County**, with an expiration date of February 18, 2023. Permit issued: March 11, 2022.

Permit No. 06224105. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345, construction blasting for Ontelaunee Warehouse in Ontelaunee Township, **Berks County**, with an expiration date of February 22, 2023. Permit issued: March 11, 2022.

Permit No. 06224104. Douglas Explosives, Inc., 2052 Philipsburg Bigler Highway, Philipsburg, PA 16866, construction blasting for Hofmann Tract in Sinking Spring Borough, **Berks County**, with an expiration date of December 30, 2022. Permit issued: March 14, 2022.

Permit No. 09224102. Rock Work, Inc., 1257 DeKalb Pike, Blue Bell, PA 19422, construction blasting for Woodside Creek Phase 2 in Richland Township, **Bucks County**, with an expiration date of April 1, 2023. Permit issued: March 14, 2022.

Permit No. 46224101. Rock Work, Inc., 1257 DeKalb Pike, Blue Bell, PA 19422, construction blasting for Del Webb North Penn in Hatfield Township, **Montgomery County**, with an expiration date of April 1, 2023. Permit issued: March 14, 2022.

Permit No. 46224102. Rock Work, Inc., 1257 DeKalb Pike, Blue Bell, PA 19422, construction blasting for Highpoint at Salford in Lower Salford Township, **Montgomery County**, with an expiration date of April 1, 2023. Permit issued: March 14, 2022.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Envi-

ronmental Assessment approval, and requests for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

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

Permit No. E0901221-008, Mr. George W. and Mrs. Barbara M. Karr, 61 Gessner Road, Kintnersville, PA 18930, Nockamixon Township, **Bucks County**, ACOE Philadelphia District.

To enlarge and maintain an existing pond. Water obstruction and encroachment activities are as follows:

1. To excavate within wetland area (Wetland W3 RP) for enlargement of existing pond resulting in 6 linear feet (1,740 sq ft, 0.03 acre) of permanent wetland impact.
2. To excavate within wetland area (Wetland W4 PEM) for enlargement of existing pond resulting in 20 linear feet (2,600 sq ft, 0.05 acre) of permanent wetland impact.

This project is located at 156 Meginnis Road, Kintnersville, PA 18930, Nockamixon Township, Bucks

County (USGS PA Rieglesville Quadrangle—Latitude 40.513344 N, Longitude -75.213869 W). Permit issued March 2, 2022.

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

To construct and maintain approximately 1,640 LF of three new 4-inch electrical conduits along Heyward Road and Chesterbrook Boulevard via jack and bore process partially along and across the UNT to Valley Creek (EV-MF) associated with the new electrical cables replacement for the residential community.

The project is located within the Tredyffrin Historic District, as mapped by the State Historic Preservation Office (SHPO). The site is located along Heyward Road and Chesterbrook Boulevard (Valley Forge, PA USGS Quadrangle, Latitude: 40.076087; Longitude: -75.450267) in Tredyffrin Township, Chester County. Permit issued March 8, 2022.

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

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

E3502221-005 Pa Department of Transportation, Engineering District 4-0, 55 Keystone Industrial Drive, Dunmore, PA 18512, La Plume Township, **Lackawanna County**, Army Corps of Engineers, Baltimore District.

The following impacts are associated with the structure replacement for T-437 over Ackerly Creek:

To remove the existing structure and to construct and maintain a 47-foot wide single-span integral abutment bridge carrying T-437 (College Road) across Ackerly Creek (TSF-CWF, MF) having a 62.33-foot normal clear span and a 7.7-foot minimum underclearance. Floodway fill appurtenant to the structure replacement will also occur. Approximately 0.01 acre of PEM/PSS wetland will be permanently impacted due to the placement of R-8/R-4 riprap scour protection.

The proposed project is located along T-437 (Factoryville, PA Quadrangle, Latitude: 41° 33' 39.64"; Longitude: -75° 46' 10.91") in La Plume Township, Lackawanna County.

E4502221-007. Orchard BJK Company, LLC, 925 Berkshire Boulevard, Wyomissing, PA 19610, Coolbaugh Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To authorize the following water obstructions and encroachments associated with the Pocono Mountains Corporate Center Warehouse Project:

- 1) To place fill within 0.05 acre of PEM/PSS/PFO Wetlands (Other) for the purpose of constructing a parking lot and associated grading.
- 2) A stream crossing of a UNT to Red Run (HQ-CWF, MF) consisting of a 50-ft long, 6-ft high, 12-ft span aluminum arch culvert having R-5 riprap aprons on the upstream and downstream ends of the culvert.
- 3) A stormwater outfall to a UNT to Red Run (HQ-CWF, MF) consisting of a vegetated, trapezoidal swale having 2:1 side slopes.
- 4) A utility line crossing of an enclosed portion of UNT to Red Run (HQ-CWF, MF) consisting of a 6-in diameter, concrete-encased PVC natural gas pipe.

5) A utility line crossing of an enclosed portion of a UNT to Red Run (HQ-CWF, MF) consisting of a 2-inch diameter HDPE sanitary sewer force main.

The project is located directly southwest of the intersection of Green Road and Sterling Road (Buck Hill Falls, PA Quadrangle Latitude: 41° 8' 42.6"; Longitude: -75° 21' 42.9") in Coolbaugh Township, Monroe County.

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

E4104221-019. Pine Township, 925 Oregon Hill Road, Morris, PA 16938. English Run Road (T-776), English Run Road (T-766), Pine Township, **Lycoming County**, ACOE District (English Center, PA Quadrangle 41.437°N; Longitude: 77.291°W).

This project proposes to repair and maintain embankment erosion and pavement damage along English Run Road (T-766) at one location and improve a stormwater conveyance/outfall at a second location. The project is located in Pine Township, Lycoming County approximately 0.2 mile north of the intersection of English Run Road and Little Pine Creek Road (SR 4001) at a Latitude/Longitude 41.43717/-77.29078. The purpose of the project is to ensure the structural integrity of English Run Road, repair existing erosional features, and prevent future erosion problems.

Total temporary impacts in the Watercourse is 368 ft² and 521 ft² in the Floodway. Permanent impact in the Watercourse is 52 ft² and 239 ft² of impact in the Floodway. English Run is a High Quality, Cold Water Fishery.

This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E1404221-005: Ferguson Township, 3147 Research Drive, State College, PA 16801. Suburban Park, Ferguson Township, **Centre County**, U.S. Army Corps of Engineers Baltimore District (Julian, PA Quadrangle; 40°48'37.92"N; 77°53'14.94"W).

The applicant is authorized to construct and maintain a Municipal park improvement project needed to modernize Suburban Park in Ferguson Township, PA. Floodplain impacts (including DEP 50' rule floodway impacts) comprise of stream restoration, stormwater control measures and outfalls, hiking paths and footbridges within the floodway of a UNT to Big Hollow (CWF, MF). The project proposes .14 acre of permanent direct watercourse impacts, and 1.01 acres of permanent direct floodplain impacts.

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

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

To construct, operate, and maintain:

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

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

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

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

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

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

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

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

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

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

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.

Northcentral Region: Waterways & Wetlands Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

ESCP-2 # ESG001816004-01
Applicant Name Renovo Energy Center, LLC
Address 12011 Sunset Hills Road
City, State, Zip Reston, VA 20190
Township(s) Renovo Borough, Noyes Township, Chapman Township, Leidy Township
County Clinton
Receiving Stream(s) and Classification(s) Drury Run CWF-MF, Two Mile Run HQ-CWF, TSF, MF, Mackintosh Hollow TSF-MF, Dry Run HQ, Shintown Run HQ, Swamp Draft HQ, Stony Run CWF-MF, Brewery Run HQ, Sixth Street Hollow WWF-MF

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

ESCGP-3 # ESG15-083-0005A—Clermont West Branch D07-U Pipeline
Applicant Name NFG Midstream Clermont, LLC
Contact Person Mr. Michael Kasprzak
Address 6363 Main Street
City, State, Zip Williamsville, NY 14221
Municipality Sergeant
County McKean
Receiving Stream(s) and Classification(s) West Fork West Branch Potato Creek—HQ-CWF; UNT to Brewer Run—HQ-CWF; UNT to and East Branch Clarion River—HQ-CWF

ESCGP-3 # ESG076321013-00—Pawlosky to Fulton Pipeline
Applicant Name Markwest Liberty Midstream & Resources, LLC
Contact Person Nathan Wheldon
Address 4600 J Barry Ct Ste 500
City, State, Zip Canonsburg PA 15317-5854
Municipality Chartiers Township & Mount Pleasant Township
County Washington
Receiving Stream(s) and Classification(s) Chartiers Run (WWF), Secondary; Ohio River (WWF) Westland Run (WWF) Secondary; Ohio River (WWF)

ESCGP-3 # ESG083221002-00—Marchand Pad 3
Applicant Name CNX Gas Co, LLC
Contact Person Sarah Weigand
Address 1000 Consol Energy Drive
City, State, Zip Canonsburg, PA 15317
Municipality North Mahoning
County Indiana
Receiving Stream(s) and Classification(s) Unnamed Tributary to Mudlick Run (HQ-CWF) (Mudlick Run (HQ-CWF))

ESCGP-3 # ESG081022002-00—W76 Well Connect
Applicant Name Pine Run Midstream, LLC
Contact Person Brock Frederick
Address 11400 Westmoor Circle
City, State, Zip Broomfield, CO 80021
Municipality Buralo Township & Clinton Township
County Butler
Receiving Stream(s) and Classification(s) UNT to Lardintown Run (TSF)/Bull Creek (TSF) UNT to Sarver Run (HQ-TSF)/Little Buffalo Creek (HQ-TSF)

ESCGP-3 # ESG080322001-00—Sunnyside to Crytzer Pipeline
Applicant Name Snyder Bros Inc
Contact Person David Snyder
Address P.O. Box 1022; One Glade Park East
City, State, Zip Kittanning, PA 16201
Municipality Kittanning Township and Valley Township
County Armstrong
Receiving Stream(s) and Classification(s) Tributary 46994 to Cowanshannock Creek (WWF) and Cowanshannock Creek (TSF) and Secondary Waters Cowanshannock Creek (TSF) and Allegheny River (WWF)

Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222, 412-442-4281.

ESCGP-3 # ESX15-007-0020—PER B15 Well Pad
Applicant Name PennEnergy Resources, LLC
Contact Person Mr. Cody Salmon
Address 1000 Commerce Drive Park Place One Suite 400
City, State, Zip Pittsburgh, PA 15275
Municipality Economy Borough
County Beaver
Receiving Stream(s) and Classification(s) North Fork Big Sewickley Creek (TSF), UNTs to North Fork Big Sewickley Creek (TSF), Tributary 36606 to North Fork Big Sewickley Creek (TSF), UNTs to Tributary 36606 to North Fork Big Sewickley Creek (TSF), Tributary 36609 to North Fork Big Sewickley Creek (TSF), UNTs to Tributary 36609 to North Sewickley Creek (TSF)

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

ESCGP-3 # ESG295822001-00
Applicant Name Williams Field Services, Co, LLC
Contact Person Barry Mahar
Address 30351 Route 6
City, State, Zip Wysox PA 18854
Municipality Jessup
County Susquehanna
Receiving Stream(s) and Classification(s) Tributary 29850 to Forest Lake Creek (CWF), Tributary 29834 to Roe Creek (CWF)
Secondary: Forest Lake Creek (CWF), Roe Creek (CWF)

ESCGP-3 # ESG290822002-00
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 14 Chesapeake Lane
City, State, Zip Sayre PA 18840
Municipality Terry
County Bradford
Receiving Stream(s) and Classification(s) Unnamed Tributary to Sugar Run (CWF, MF)
Secondary: Sugar Run (CWF, MF)

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.54, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Environment Cleanup and Brownfields, Director, P.O. Box 8763, Harrisburg, PA 17105-8763, refund. Fee variations within this fee type may include fees for regular and expedited delivery of close-out funds.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
22-45-001	Pocono Mountains Municipal Airport Authority 188 Airport Road Tobyhanna, PA 18466 Attn: John Kerrick	Monroe	Coolbaugh Township	2 ASTs storing petroleum products	24,000 gallons total

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

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

Contact: Richard Staron, Professional Geologist Manager.

Clifton Fuels 67401, 23-23941, 501 W. Lancaster Ave., Strafford, PA 19087, Radnor Township, **Delaware County**. Petrodi, LLC, Elmwood Drive, Tabernacle, NJ 08088, on behalf of Ramoco Marketing Group, P.O. Box 2218, Princeton, NJ 08540, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet nonresidential site-specific standards.

Sunoco 0004 8868, 51-32025, 801 S. Broad St., Philadelphia, PA 19147, **City of Philadelphia**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Evergreen Resources Group, LLC, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet nonresidential Statewide Health Standards.

Phila Marine Ctr, 51-42260, 235 N. Columbus Blvd, Pier 12N, Philadelphia, PA 19106, **City of Philadelphia**. Curren Environmental, Inc., 10 Penn Avenue, Cherry Hill, NJ 08002, on behalf of Piers at Penn's Landing, LLC, c/o the Durst Organization, One Bryant Park, New York, NY 10036, 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 nonresidential Statewide health standards.

Mohammed Taghi Soltani, 46-43779, 615 E. High St., PA 19106, Pottstown, PA 19464, Pottstown Borough, **Montgomery County**. Geo-Enviro Consulting and Remediation, LLC, 371 Hoes Lane, Suite 200, Piscataway, NJ 00854, on behalf of Mohammed Taghi Soltani, 615 E. High St., Pottstown, PA 19464, 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 nonresidential Statewide Health Standards.

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

Contact: Eric Supey, Environmental Program Manager.

Turkey Hill 194, Storage Tank ID # 40-50162, 460 West Main Street, Nanticoke, PA 18634, Nanticoke City, **Luzerne County**. AECOM, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19428, on behalf of Cumberland

Farms, 165 Flanders Road, Westborough, MA 01581, submitted a Remedial Action Completion Report concerning remediation of soil contaminated with gasoline. The report is intended to document remediation of the site to meet Statewide health standards.

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

Contact: Gregory Bowman, Environmental Group Manager.

Sac Shop Wolfsburg, Storage Tank Facility ID # 05-32020, 6934 Lincoln Highway, Bedford, PA 15522, Bedford Township, **Bedford County**. Gary C. Calvert, LLC, P.O. Box 504, Hollidaysburg, PA 16648, on behalf of SAC, Incorporated, 488 Business 220, Bedford, PA 15522, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The plan is intended to document the remedial actions for meeting the Statewide health standard.

Hi Way Mobil SVC, Storage Tank Facility ID # 50-62357, 322 Tuscarora Path, Ickesburg, PA 17037-9533, Saville, **Perry County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Hi Way Mobil Service, 322 Tuscarora Path, Ickesburg, PA 17037-9533 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The plan is intended to document the remedial actions for meeting the Statewide health standards.

Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6648.

Contact: Kim Bontrager, Clerk Typist 3.

Country Fair 27, Storage Tank Facility ID # 25-91194, 2301 Peninsula Drive, Erie, PA 16506, Millcreek Township, **Erie County**. Groundwater & Environmental Services, Inc., 508 Thomson Park Drive, Cranberry Township, PA 16066, on behalf of Country Fair, Inc., 2251 East 30th Street, Erie, PA 16510, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, xylenes, naphthalene, MTBE, cumene, 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene. The plan is intended to document the remedial actions for meeting the Statewide health standard.

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 3

The Department of Environmental Protection (DEP) Has Taken Action on the Following Plans and Reports Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require DEP to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is

submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

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

DEP has received the following plans and reports:

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

Contact: Eric Supey, Environmental Program Manager.

Burick's Service Station, Storage Tank ID # 40-28915, 188 South Mountain Boulevard, Mountain Top, PA 18707, Wright Township, **Luzerne County**, MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of BAM Holding Co. Inc., 88 South Mountain Boulevard, Mountain Top, PA 18707, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The report was acceptable to meet a combination of Site-Specific and Statewide health standards and was approved by DEP on March 15, 2022.

Main Street Convenience, Storage Tank ID # 40-50040, 699 East Main Street, Plymouth, PA 18651, Larksville Borough, **Luzerne County**, MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Main Street Convenience, LLC, 699 East Main Street, Plymouth, PA 18651, 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 March 10, 2022.

Met-Ed Stroudsburg Office, Storage Tank ID # 45-05507, 231 Independence Road, East Stroudsburg, PA 18301, Smithfield Township, **Monroe County**. Langan Engineering and Environmental Services, 2700 Kelly Road, Warrington, PA 18976, on behalf of FirstEnergy Corporation, 800 Cabin Hill Drive, Greensburg, PA 15601, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with diesel. The Remedial Action Completion Report demonstrated attainment of Statewide health standards and was approved by DEP on March 10, 2022.

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 revised Remedial Action

Plan concerning remediation of soil and groundwater contaminated with petroleum. The report was not acceptable to meet site-specific standards and was disapproved by DEP on March 10, 2022.

Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6648.

Contact: Kim Bontrager, Clerk Typist 3.

Country Fair 3, Storage Tank Facility ID # 25-91608, 347 E 12th Street, Erie, PA 16503, City of Erie, **Erie County**. Atlas Technical Consultants, 270 William Pitt Way, Pittsburgh, PA 15238, on behalf of Country Fair, Inc., 2251 E. 30th Street, Erie, PA 16510, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Remedial Action Completion Report demonstrated attainment of the Statewide health standard and was approved by DEP on March 10, 2022.

Fueland 214, Storage Tank Facility ID # 10-90433, 704 S. Pike Road, Sarver, PA 16055-9543, Buffalo Township, **Butler County**. Letterle & Associates, Inc., 2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of Superior Petroleum Company, 8199 McKnight Road, Pittsburgh, PA 15327-5749, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, naphthalene, cumene, total xylenes, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene and methyl tert-butyl ether. The Remedial Action Plan was acceptable to meet the Statewide health standard and was approved by DEP on March 14, 2022.

Harrisville Boro Lift Station, Storage Tank Facility ID # 10-55574, 555 South Main Street, Harrisville, PA 16038, Borough of Harrisville, **Butler County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of Borough of Harrisville, 117 South Main Street, Harrisville, PA 160385 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with diesel fuel constituents. The Remedial Action Completion Report demonstrated attainment of the Statewide health standard and was approved by DEP on March 14, 2022.

[Pa.B. Doc. No. 22-463. Filed for public inspection March 25, 2022, 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(j) (relating to prevention, control and surveillance of tuberculosis (TB)):

Quality Life Services—Grove City
400 Hillcrest Avenue
Grove City, PA 16127
FAC ID # 330102

Promedica Skilled Nursing and Rehabilitation (Huntingdon Valley)
3430 Huntingdon Pike
Huntingdon Valley, PA 19006
FAC ID # 053802

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

KEARA KLINEPETER, MSHCPM,
Acting Secretary

[Pa.B. Doc. No. 22-464. Filed for public inspection March 25, 2022, 9:00 a.m.]

DEPARTMENT OF HEALTH

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Competitive Prices and Peer Group Criteria

Peer Group Criteria

The WIC Management Information System automatically assigns stores to one of five peer groups depending on store size, number of registers and where the store is located as follows:

<i>Population Ranges</i>	<i>Geography</i>	<i>Square footage</i>	<i>Peer Group</i>
0—69,999	Remote Rural	0—999 sq./ft.	5
70,000—124,999	Rural	1,000—4,999 sq./ft.	4
125,000—249,999	Slightly Urban	5,000—9,999 sq./ft.	3
250,000—499,999	Urban	10,000—19,999 sq./ft.	2
500,000—999,999	Metro Market Edge	20,000—999,999 sq./ft.	1
1,000,000+	Metro Market Center		

<i>Population Ranges</i>	<i>Geography</i>	<i>Square footage</i>	<i>Peer Group</i>
		<i>Weighting</i>	Geography: 30%
<i># of cash registers</i>	<i>Peer group</i>		Registers: 30%
0-1, 2—4, 5—9, 10—19, 20+	5, 4, 3, 2, 1		Square footage: 40%

Competitive Prices for Peer Group 1 Stores

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization and reauthorization; and terms and conditions of participation) and 7 CFR 246.12 (relating to food delivery methods), the WIC Program hereby publishes notice of the Competitive Prices for Peer Group 1 Stores.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective, April 1, 2022, through June 30, 2022, the Competitive Prices for WIC Authorization for Peer Group 1 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread	1	\$4.09
Brown Rice	1	\$1.26
Canned Beans	1	\$1.35
Cereal (per oz.)	1	\$0.35
Cheese—16 oz.	1	\$6.74
Cheese—Kosher—16 oz.	1	\$14.46
Dried Beans/peas	1	\$2.39
Fresh shell eggs (1 dozen)	1	\$2.28
Infant Cereal	1	\$3.10
Infant Fruits	1	\$1.09
Infant Meats	1	\$1.39
Infant Vegetables	1	\$1.10
Juice 11.5/12 oz.	1	\$2.64
Juice 48 oz.	1	\$4.11
Juice 64 oz.	1	\$4.20
Light Tuna 5 oz.	1	\$1.38
Milk—Kosher—Low Fat 1/2 gallon	1	\$4.66
Milk—Low Fat 1/2 gallon	1	\$2.73
Milk—Kosher—Whole 1/2 gallon	1	\$4.74
Milk—Whole 1/2 gallon	1	\$2.98
Oats—16 oz.	1	\$1.73
Peanut Butter	1	\$3.33
Salmon 6 oz.	1	\$3.06
Sardines 3.75 oz.	1	\$1.61
Similac Adv Conc 13 oz.	1	\$7.89
Similac Adv Pwd 12.4 oz.	1	\$23.60
Similac Isomil Conc 13 oz.	1	\$7.99
Similac Isomil Pwd 12.4 oz.	1	\$24.54
Tortilla—16 oz.	1	\$3.43

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Whole Wheat Pasta 16 oz.	1	\$1.53

Competitive Prices for Peer Group 2 Stores

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Competitive Prices for Peer Group 2 Stores.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2022, through June 30, 2022, the Competitive Prices for WIC Authorization for Peer Group 2 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread	2	\$4.21
Brown Rice	2	\$1.66
Canned Beans	2	\$1.54
Cereal (per oz.)	2	\$0.38
Cheese—16 oz.	2	\$7.26
Cheese—Kosher—16 oz.	2	\$16.24
Dried Beans/peas	2	\$2.60
Fresh shell eggs (1 dozen)	2	\$2.51
Infant Cereal	2	\$3.40
Infant Fruits	2	\$1.19
Infant Meats	2	\$1.51
Infant Vegetables	2	\$1.14
Juice 11.5/12 oz.	2	\$3.23
Juice 48 oz.	2	\$4.36
Juice 64 oz.	2	\$4.41
Light Tuna 5 oz.	2	\$1.56
Milk—Kosher—Low Fat 1/2 gallon	2	\$5.13
Milk—Low Fat 1/2 gallon	2	\$2.81
Milk—Kosher—Whole 1/2 gallon	2	\$5.36
Milk—Whole 1/2 gallon	2	\$3.15
Oats—16 oz.	2	\$2.06
Peanut Butter	2	\$3.60
Salmon 6 oz.	2	\$3.25
Sardines 3.75 oz.	2	\$1.81
Similac Adv Conc 13 oz.	2	\$8.05
Similac Adv Pwd 12.4 oz.	2	\$26.58
Similac Isomil Conc 13 oz.	2	\$8.36
Similac Isomil Pwd 12.4 oz.	2	\$26.34

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Tortilla—16 oz.	2	\$3.73
Whole Wheat Pasta 16 oz.	2	\$1.73

Competitive Prices for Peer Group 3 Stores

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Competitive Prices for Peer Group 3 Stores.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2022, through June 30, 2022, the Competitive Prices for WIC Authorization for Peer Group 3 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread	3	\$4.56
Brown Rice	3	\$1.86
Canned Beans	3	\$1.65
Cereal (per oz.)	3	\$0.41
Cheese—16 oz.	3	\$7.71
Cheese—Kosher—16 oz.	3	\$18.11
Dried Beans/peas	3	\$2.81
Fresh shell eggs (1 dozen)	3	\$2.75
Infant Cereal	3	\$3.70
Infant Fruits	3	\$1.25
Infant Meats	3	\$1.61
Infant Vegetables	3	\$1.21
Juice 11.5/12 oz.	3	\$3.44
Juice 48 oz.	3	\$4.66
Juice 64 oz.	3	\$4.85
Light Tuna 5 oz.	3	\$1.70
Milk—Kosher—Low Fat 1/2 gallon	3	\$5.58
Milk—Low Fat 1/2 gallon	3	\$2.98
Milk—Kosher—Whole 1/2 gallon	3	\$5.99
Milk—Whole 1/2 gallon	3	\$3.36
Oats—16 oz.	3	\$2.24
Peanut Butter	3	\$3.68
Salmon 6 oz.	3	\$3.44
Sardines 3.75 oz.	3	\$2.31
Similac Adv Conc 13 oz.	3	\$8.54
Similac Adv Pwd 12.4 oz.	3	\$29.11
Similac Isomil Conc 13 oz.	3	\$11.24
Similac Isomil Pwd 12.4 oz.	3	\$28.80
Tortilla—16 oz.	3	\$3.83
Whole Wheat Pasta 16 oz.	3	\$1.75

Competitive Prices for Peer Group 4 Stores

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Competitive Prices for Peer Group 4 Stores.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2022, through June 30, 2022, the Competitive Prices for WIC Authorization for Peer Group 4 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread	4	\$5.06
Brown Rice	4	\$2.90
Canned Beans	4	\$1.73
Cereal (per oz.)	4	\$0.45
Cheese—16 oz.	4	\$9.14
Cheese—Kosher—16 oz.	4	\$19.99
Dried Beans/peas	4	\$2.95
Fresh shell eggs (1 dozen)	4	\$3.04
Infant Cereal	4	\$4.10
Infant Fruits	4	\$1.40
Infant Meats	4	\$1.71
Infant Vegetables	4	\$1.58
Juice 11.5/12 oz.	4	\$3.84
Juice 48 oz.	4	\$5.13
Juice 64 oz.	4	\$5.85
Light Tuna 5 oz.	4	\$1.88
Milk—Kosher—Low Fat 1/2 gallon	4	\$6.14
Milk—Low Fat 1/2 gallon	4	\$3.45
Milk—Kosher—Whole 1/2 gallon	4	\$6.65
Milk—Whole 1/2 gallon	4	\$3.50
Oats—16 oz.	4	\$3.28
Peanut Butter	4	\$4.68
Salmon 6 oz.	4	\$3.74
Sardines 3.75 oz.	4	\$2.56
Similac Adv Conc 13 oz.	4	\$11.36
Similac Adv Pwd 12.4 oz.	4	\$30.66
Similac Isomil Conc 13 oz.	4	\$13.74
Similac Isomil Pwd 12.4 oz.	4	\$30.06
Tortilla—16 oz.	4	\$3.93
Whole Wheat Pasta 16 oz.	4	\$2.86

Competitive Prices for Peer Group 5 Stores

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Competitive Prices for Peer Group 5 Stores.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2022, through June 30, 2022, the Competitive Prices for WIC Authorization for Peer Group 5 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread	5	\$5.50
Brown Rice	5	\$3.05
Canned Beans	5	\$2.20
Cereal (per oz.)	5	\$0.53
Cheese—16 oz.	5	\$11.31
Cheese—Kosher—16 oz.	5	\$20.61
Dried Beans/peas	5	\$3.01
Fresh shell eggs (1 dozen)	5	\$3.96
Infant Cereal	5	\$4.80
Infant Fruits	5	\$1.63
Infant Meats	5	\$2.01
Infant Vegetables	5	\$1.63
Juice 11.5/12 oz.	5	\$4.03
Juice 48 oz.	5	\$5.90
Juice 64 oz.	5	\$6.94
Light Tuna 5 oz.	5	\$2.19
Milk—Kosher—Low Fat 1/2 gallon	5	\$6.64
Milk—Low Fat 1/2 gallon	5	\$4.21
Milk—Kosher—Whole 1/2 gallon	5	\$7.36
Milk—Whole 1/2 gallon	5	\$4.31
Oats—16 oz.	5	\$3.61
Peanut Butter	5	\$5.65
Salmon 6 oz.	5	\$4.94
Sardines 3.75 oz.	5	\$3.69
Similac Adv Conc 13 oz.	5	\$14.55
Similac Adv Pwd 12.4 oz.	5	\$32.91
Similac Isomil Conc 13 oz.	5	\$16.35
Similac Isomil Pwd 12.4 oz.	5	\$32.36
Tortilla—16 oz.	5	\$4.34
Whole Wheat Pasta 16 oz.	5	\$3.11

Persons with a disability who require an alternative format of this listing (for example, large print, audiotope,

Braille) should contact the Department of Health, Bureau of WIC, 625 Forster Street, 7th Floor West, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289, 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).

The Pennsylvania WIC program is funded by the United States Department of Agriculture (USDA). The USDA is an equal opportunity provider.

USDA Nondiscrimination Statement:

In accordance with Federal civil rights law and USDA civil rights regulations and policies, the USDA, its agencies, offices, and employees and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, National origin, sex, disability, age or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (for example, Braille, large print, audiotope, American Sign Language) should contact the agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint> and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Individuals can submit a completed form or letter to USDA by mail to the United States Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410, fax: (202) 690-7442, program.intake@usda.gov.

This institution is an equal opportunity provider.

KEARA KLINEPETER, MSHCPM,
Acting Secretary

[Pa.B. Doc. No. 22-465. Filed for public inspection March 25, 2022, 9:00 a.m.]

DEPARTMENT OF STATE

Modified Schedule for 2022 General Primary Election for Seats in Pennsylvania General Assembly and State Party Committee

Under Order of the Pennsylvania Supreme Court, public notice is hereby given of the modified schedule for the General Primary Election to be held on May 17, 2022, for seats in the Pennsylvania General Assembly and for State Party Committees, adopted by the Pennsylvania Supreme Court in *In re: Petitions for Review Challenging the Final 2021 Legislative Reapportionment Plan*, No. 569 Judicial Administration Docket (order dated March 16, 2022). Important information, including additional election calendar dates, can be found on the Department of State's web site at www.dos.pa.gov/runningforoffice.

LEIGH M. CHAPMAN,
Acting Secretary of the Commonwealth

IN THE SUPREME COURT OF PENNSYLVANIA

IN RE: PETITIONS FOR REVIEW CHALLENGING : No. 569 Judicial Administration Docket
THE FINAL 2021 LEGISLATIVE :
REAPPORTIONMENT PLAN :

Order

Per Curiam

And Now, this 16th day of March, 2022, the schedule for the General Primary Election calendar to be held on May 17, 2022, for seats in the General Assembly and for State Party Committees is Modified in the following respects:

First day to circulate and file nomination petitions	March 18, 2022
Last day to circulate and file nomination petitions	March 28, 2022
First day to circulate and file nomination papers	March 29, 2022
Last day for candidates who filed nomination petitions to withdraw their candidacies	March 31, 2022
Last day for the County Boards of Elections to send remote military-overseas absentee ballots	April 2, 2022
Last day for the County Boards of Elections to send all remaining military-overseas ballots	April 2, 2022
Deadline to file objections to nomination petitions	April 4, 2022
Last day that may be fixed by the Commonwealth Court for hearings on objections that have been filed to nomination petitions	April 7, 2022
Last day for the Commonwealth Court to render decisions in cases involving objections to nomination petitions	April 12, 2022

This schedule shall be implemented by the Secretary of the Commonwealth and all election officers within the Commonwealth in accordance with this Order. Immediate notification to the public of this modified schedule shall be provided by the Secretary.

[Pa.B. Doc. No. 22-466. Filed for public inspection March 25, 2022, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Medical Advisory Board Meeting

The Medical Advisory Board (Board) will meet on Friday, April 8, 2022. The meeting will begin at 10 a.m. at the Riverfront Office Center, Transportation University, 1101 South Front Street, Harrisburg, PA. Chairperson Kara N. Templeton will preside. The meeting is open to the public.

Members of the public interested in addressing the Board with a concern relating to medical regulations must contact Robert Dowling at (717) 783-4534 by Friday April 1, 2022. These concerns will be discussed during "Items from the Floor" on the Agenda, which will open at 12 p.m.

The meeting location is accessible to persons with disabilities. Persons with special needs or requiring special aids should contact Robert Dowling at (717) 783-4534 prior to the meeting so that disability needs may be accommodated.

YASSMIN GRAMIAN, Secretary

[Pa.B. Doc. No. 22-467. Filed for public inspection March 25, 2022, 9:00 a.m.]

FISH AND BOAT COMMISSION

Temporary Change to Fishing Regulations; Walnut Creek Marina Basin, Erie County

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to amend 58 Pa. Code § 69.35 (relating to use of commercial seines) only as they apply at the Walnut Creek Marina

Basin, Erie County, in anticipation of the erection of a coffer dam, to be started sometime in April dependent upon the weather. Historically there are a large number of baitfish in the marina after the dam is placed that get killed by the pumps used to drain the marina. This temporary change will allow commercial seine license holders to harvest these baitfish. Only current commercial seine net license holders will be permitted to harvest fish from the basin. Commercial seine net license holders will be permitted to use seines even within 100 yards of another commercial seine net license holder. Commercial seine net license holders will be required to coordinate such activities with Captain Thomas Edwards, Northwest Region Bureau of Law Enforcement.

The Executive Director has found that this action is necessary and appropriate for the management of fish. The Commission's Executive Director has taken immediate action to make the following modifications to fishing regulations only as they apply at the Walnut Creek Marina Basin:

§ 69.35 Use of commercial seines.

* * * * *

[(b) Taking shiners, gizzard shad and alewife. It is unlawful to use a seine for the purpose of taking emerald shiners, spottail shiners, gizzard shad and alewife within an area 300 feet from the mouth of any stream or within the confines of a tributary stream to Lake Erie.]

* * * * *

[(g) Interference with other holders of commercial seine license. It is unlawful for the holder of a commercial seine license to use a seine within 100 yards of another holder of a commercial seine license.]

The Executive Director will cause these temporary modifications to fishing regulations to be posted in the vicinity of the marina and the modified regulations will be fully effective and enforceable when so posted. These

temporary modifications will remain in effect until the postings are removed by the Bureau of Law Enforcement.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 22-468. Filed for public inspection March 25, 2022, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, March 10, 2022, and announced the following:

Regulation Deemed Approved Pursuant To Section 5(g) of the Regulatory Review Act—Effective March 9, 2022

Department of Human Services # 14-550: Definitions and Redetermination (amends 55 Pa. Code Chapters 123 and 133)

Action Taken—Regulations Approved:

State Board of Examiners of Nursing Home Administrators # 16A-6219: Continuing Education (amends 49 Pa. Code §§ 39.1, 39.11, 39.11a, 39.11b, 39.44, 39.51, 39.52, 39.61, and 39.71)

State Board of Education # 6-346: Certification of Professional Personnel (amends 22 Pa. Code Chapter 49)

Approval Order

Public Meeting Held
March 10, 2022

Commissioners Voting: George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; John J. Soroko, Esq.; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*State Board of Examiners of Nursing Home Administrators—
Continuing Education
Regulation No. 16A-6219 (# 3250)*

On January 16, 2020, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Examiners of Nursing Home Administrators (Board). This rulemaking amends 49 Pa. Code §§ 39.1, 39.11, 39.11a, 39.11b, 39.44, 39.51, 39.52, 39.61, and 39.71. The proposed regulation was published in the February 1, 2020 *Pennsylvania Bulletin* with a public comment period ending on March 2, 2020. The final-form regulation was submitted to the Commission on January 12, 2022.

This regulation clarifies current biennial renewal procedures for nursing home administrators, updates continuing education requirements related to emergency preparedness and infection control, and adds a provision addressing continued competence for individuals whose licenses have been expired or inactive for five years or longer.

We have determined this regulation is consistent with the statutory authority of the Board (63 P.S. §§ 1109(b) and (e), and 1104(a)(9) and (c)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
March 10, 2022

Commissioners Voting: George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; John J. Soroko, Esq.; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*State Board of Education—
Certification of Professional Personnel
Regulation No. 6-346 (# 3283)*

On December 8, 2020, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Education (Board). This rulemaking amends 22 Pa. Code Chapter 49. The proposed regulation was published in the December 19, 2020 *Pennsylvania Bulletin* with a public comment period ending on January 18, 2021. The final-form regulation was submitted to the Commission on January 27, 2022.

This final-form regulation updates standards for educator preparedness, certification, induction and continuing education. In addition, regulations are aligned with statutory requirements in the Public School Code of 1949. 24 P.S. §§ 1-101—27-2702.

We have determined this regulation is consistent with the statutory authority of the Board (24 P.S. §§ 11-1109, 11-1141, 26-2603-B and 26-2604-B) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 22-469. Filed for public inspection March 25, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Appeal of Carmencita Maria Pedro under the Quality Health Care Accountability and Protection Article; Community Behavioral Health; Doc. No. HC22-02-030

Under Article XXI of The Insurance Company Law of 1921, known as the Quality Health Care Accountability and Protection Article (40 P.S. §§ 991.2101—991.21934), notice is hereby given that the appellant in this action has requested a hearing, in connection with the appellant's managed health care plan. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant provisions of law.

A prehearing videoconference is scheduled for April 14, 2022, at 9:30 a.m. The parties will join the Zoom prehearing conference through the link supplied in the accompanying transmittal invitation and will be in the

waiting room for the conference prior to that time. A date for a hearing shall be determined, if necessary, at the prehearing videoconference.

Protests, petitions to intervene or notices of intervention, if any, must be electronically filed on or before March 31, 2022, with the Administrative Hearings Office. The e-mail address to be used for the Administrative Hearings Office is ra-hearings@pa.gov. Answers to protests, petitions to intervene or notices of intervention, if any, will be electronically filed on or before April 12, 2022.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joseph Korman at (717) 787-4429 or jkorman@pa.gov.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-470. Filed for public inspection March 25, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Greenwood SNF Operating Company, LLC

Greenwood SNF Operating Company, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Greenwood Center for Rehabilitation and Nursing in Lewistown, PA. The initial filing was received on March 7, 2022, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P.S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient details to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@pa.gov.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-471. Filed for public inspection March 25, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Manatawny SNF Operating Company, LLC

Manatawny SNF Operating Company, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Manatawny Center for

Rehabilitation and Nursing in Pottstown, PA. The initial filing was received on March 7, 2022, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P.S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient details to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@pa.gov.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-472. Filed for public inspection March 25, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Oak Hill SNF Operating Company, LLC

Oak Hill SNF Operating Company, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Oak Hill Center for Rehabilitation and Nursing in Middletown, PA. The initial filing was received on March 7, 2022, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P.S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient details to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@pa.gov.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-473. Filed for public inspection March 25, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Timothy A. Dopson and Main Street Business Center, LLC; Order to Show Cause; Doc. No. SC22-02-011

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating

to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) except as modified by order.

A prehearing telephone conference initiated by this office is scheduled for May 11, 2022, at 9:30 a.m. The parties will provide the Hearings Administrator a telephone number to be used for the telephone conference on or before May 9, 2022. A hearing will occur on May 26, 2022, at 9:30 a.m. in the Administrative Hearings Office, Capitol Associates Buildings, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Protests, petitions to intervene or notices of intervention, if any, must be electronically filed on or before April 27, 2022, with the Administrative Hearings Office. The e-mail address to be used for the Administrative Hearings Office is ra-hearings@pa.gov. Answers to protests, petitions to intervene or notices of intervention, if any, will be electronically filed on or before May 9, 2022.

Persons with a disability who wish to attend the previously-referenced administrative proceedings and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joseph Korman at (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-474. Filed for public inspection March 25, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Cancellation of Certificates of Public Convenience for Motor Carriers; Failure to Maintain Evidence of Insurance

Public Meeting held
March 10, 2022

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

*Cancellation of Certificates of Public Convenience for
Motor Carriers; Failure to Maintain Evidence of
Insurance; M-2022-3031036*

Tentative Order

By the Commission:

Pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. § 512, the Commission is authorized to prescribe appropriate insurance requirements for motor carriers. Section 512 provides, in relevant part:

The commission may, as to motor carriers, prescribe, by regulation or order, such requirements as it may deem necessary for the protection of persons or property of their patrons and the public, including the filing of surety bonds, the carrying of insurance, or the qualifications and conditions under which such carriers may act as self-insurers with respect to such matters. All motor carriers of passengers . . . shall cover each and every vehicle, transporting such passengers, with a public liability insurance policy or a surety bond issued by an insurance carrier, or a

bonding company authorized to do business in this Commonwealth, in such amounts as the commission may prescribe. . . .

Consistent with this broad statutory charge, the Commission promulgated regulations governing motor carrier insurance requirements. 52 Pa. Code Chapter 32. Those regulations provide, *inter alia*, that a motor carrier may not operate, and a certificate of public convenience will not be issued or remain in force, until there has been filed with and approved by the Commission a certificate of insurance by an insurer authorized to do business in Pennsylvania for the payment of claims resulting from the operation, maintenance, or use of a motor vehicle in the carrier's authorized service. 52 Pa. Code §§ 32.11, 32.12. The certificate of insurance, commonly known as a Form E, is in a form prescribed and approved by the Commission and provides protection for bodily injury, death, or property damage. 52 Pa. Code § 32.2(a). Additionally, the Commission regulations require that certain carriers maintain evidence of cargo insurance via a certificate of insurance commonly known as a Form H. The Commission's regulations require that evidence of insurance be maintained at all times with the Commission to ensure the protection of the public:

(h) *Compliance.* Failure to maintain evidence of insurance on file with the Commission in accordance with this chapter shall cause the immediate suspension of the rights and privileges conferred by a certificate of public convenience or permit held by the motor carrier. The Commission may establish rules under which suspended rights and privileges may be temporarily reinstated pending compliance with this chapter.

52 Pa. Code § 32.2(h).

The Commission has been notified that the motor carriers listed in Appendix A, attached hereto, no longer have acceptable evidence of insurance on file with the Commission. The Commission sent all carriers a letter notifying them that their operating authority was suspended. Since the date of the suspensions, these motor carriers have failed to provide acceptable evidence of insurance, notwithstanding notification by the Commission of the suspension and the necessity to provide acceptable evidence of insurance.

Under these circumstances, we tentatively conclude that the motor carriers listed in Appendix A are not in compliance with the insurance requirements of 66 Pa.C.S. § 512 and our regulations at 52 Pa. Code Chapter 32. As such, it is appropriate to initiate the process to cancel their certificates of public convenience as being in the public interest; *Therefore,*

It Is Ordered That:

1. Cancellation of the Certificates of Public Convenience of each motor carrier listed in Appendix A is hereby tentatively approved as being in the public interest.
2. The Secretary's Bureau should publish a copy of this Tentative Order in the *Pennsylvania Bulletin*.
3. To the extent they challenge cancellation of the Certificates of Public Convenience, all parties listed in Appendix A, must file comments within thirty (30) days after publication in the *Pennsylvania Bulletin*. To file comments, you must either eFile them by opening and using an eFiling account through the Commission's website at www.puc.pa.gov. In the alternative, you may file comments by sending them by overnight delivery to the

Pennsylvania Public Utility Commission, Attn: Secretary Rosemary Chiavetta, Commonwealth Keystone Building, 400 North Street, 2nd Floor, Harrisburg, PA 17120. Retain the tracking information as proof of submission. Filings made by fax or email are not acceptable and will be rejected.

4. Alternatively, acceptable evidence of insurance may be filed with the Commission on behalf of the motor carriers listed in Appendix A, within thirty (30) days after publication of this order in the *Pennsylvania Bulletin*.

Motor carriers listed in Appendix A who desire to continue operations should immediately contact their insurance agents to secure compliance with Commission insurance requirements. It is the motor carrier's responsibility to ensure compliance. Motor carriers can verify their insurance status at our Web Site at <https://www.puc.pa.gov/search/utility-authority-search/>.

Additionally, motor carriers may call our insurance hotline at (717)-787-1227 for more information.

5. Absent the timely filing of comments challenging the cancellation of the Certificate of Public Convenience or

the timely filing of acceptable evidence of insurance, the Bureau of Technical Utility Services shall prepare a Secretarial Letter for issuance by the Secretary's Bureau canceling the carrier's applicable Certificate of Public Convenience. The Secretarial Letter shall direct the Department of Transportation to suspend the carrier's vehicle registration(s) consistent with 75 Pa.C.S. § 1375.

6. Upon issuance of the Secretarial Letter described in Ordering Paragraph No. 5 above, the applicable Certificate of Public Convenience of each non-compliant carrier shall be cancelled.

7. The Secretary serve a copy of the Secretarial Letter upon the Commission's Bureau of Investigation and Enforcement, Bureau of Technical Utility Services, Bureau of Administration, the Pennsylvania Department of Revenue—Bureau of Corporation Taxes, and the Pennsylvania Department of Transportation.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: March 10, 2022

ORDER ENTERED: March 10, 2022

Appendix A

Carriers Without Acceptable Evidence of Insurance

<i>Utility Code</i>	<i>Utility Name</i>	<i>Suspended Authorities</i>	<i>Insurance Type Not on File</i>
6222945	PRECIOUS CARGO TRANSPORTATION, LLC	Paratransit	Liability
631028	CLARION COUNTY TAXI, INC.	Taxi and Truck	Liability
631838	GREENS TAXI, INC.	GP 11-15 and Taxi	Liability
6410546	DAPHNE A. VANNOY & HAROLD E. VANNOY, JR., HUSBAND & WIFE	Paratransit	Liability
6417773	REGIONAL MEDICAL TRANSPORTATION, INC.	Paratransit	Liability
6421747	HERE 4U TRANSPORT, LLC	Paratransit	Liability
6422101	B. A. GROFF, LLC	Paratransit	Liability
6422320	TOP HAT LUXURY SERVICE, LLC	Paratransit	Liability
6422639	HERNANDEZ TRANSPORTATION, LLC	Paratransit	Liability
6422875	FIRMINC TRANSIT, LLC	Paratransit	Liability
6422946	MDT—AIRPORT TRANSFER, LLC	Airport Transfer	Liability
6423094	EASTERN REGIONAL EMERGENCY MEDICAL SERVICES, LLC	Paratransit	Liability
6423234	ZAHIA, LLC	Paratransit	Liability
6423493	LOVE AND CARE TRANSPORTATION, LLC	Paratransit	Liability
6423972	B2B INTERNATIONAL, LLC	Limousine	Liability
6424573	FORTUNE BUS TRANS, LLC	Group and Party 16 or Greater	Liability
648015	WERNER BUS LINES, INC.	Group and Party 16 or Greater	Liability
700911	U.S. BULK TRANSPORT, INC.	Truck	Cargo
700989	J. F. ENERGY CORPORATION, INC.	Truck	Liability
701503	CARBON EXPRESS, INC.	Truck	Cargo
702840	KERSHNER TRUCKING, INC.	Truck	Liability and Cargo
702883	DANIEL G. KEHOE	Truck	Liability

<i>Utility Code</i>	<i>Utility Name</i>	<i>Suspended Authorities</i>	<i>Insurance Type Not on File</i>
704181	CME TRUCKING, INC.	Truck	Liability and Cargo
705574	DANIEL CLARK	Truck	Liability and Cargo
705745	PENNSYLVANIA DELIVERY SERVICES, INC.	Truck	Liability and Cargo
705981	STRINE, D.E., TRUCKING, INC.	Truck	Liability
706039	HINKLE TRANSPORT, INC.	Truck	Liability and Cargo
706452	DENNIS H. TAYLOR	Truck	Liability and Cargo
706564	DB HAULING, LLC	Truck	Liability and Cargo
707759	DUTCH TRANSPORT, LLC	Truck	Liability
707804	MILLER, JOSEPH D.	Truck	Liability
707817	CDS LOGISTICS MANAGEMENT, INC.	Truck	Cargo
707989	YOURWAY TRANSPORT, INC.	Truck	Liability and Cargo
708179	JAMES MAHON MOVING & TRUCKING, INC.	Household Goods Carrier	Liability
708514	DANIEL P. ECK	Truck	Liability
726010	CENTRAL PA TRANSPORTATION, INC.	Truck	Liability and Cargo
802120	W. C. MCQUAIDE, INC.	Truck	Liability
819130	PELTON TRUCKING COMPANY, INC.	Truck	Liability
819880	PERCHAK TRUCKING, INC.	Truck	Liability
847270	SMP, INC.	Truck	Liability and Cargo
861330	RICHARD T. WAGNER TRKG CO., INC.	Truck	Liability and Cargo
8913738	KEVIN & MICHAEL YOST CO-PARTNERS, t/a YOST EXCAVATING & HAULING	Truck	Cargo
8913871	RAYMOND M. RENSHAW, JR.	Truck	Liability and Cargo
8913927	J & R FREIGHT, INC.	Truck	Liability and Cargo
8913992	ERIC M. BARTO	Truck	Liability
8914009	MACK ZIMMERMAN TRUCKING, LLC	Truck	Liability
8914717	K. B. SNOWPLOWING AND EXCAVATING, LLC	Truck	Liability
8915205	KEEP IT MOVING, LLC	Household Goods Carrier	Cargo
8915709	WRIGHT'S TRUCKING, INC.	Truck	Liability
8916146	A & Y VALLEY TRANSPORT, LLC	Truck	Liability
8916623	JOHN ZELEZNIK	Truck	Liability and Cargo
8917327	LEHIGH TRUCKING, LLC	Truck	Liability and Cargo
8918345	WEAVER PRECAST, INC.	Truck	Liability and Cargo

<i>Utility Code</i>	<i>Utility Name</i>	<i>Suspended Authorities</i>	<i>Insurance Type Not on File</i>
8919221	DEVIN YUSEF LATIMORE	Household Goods Carrier	Liability
8919237	MAVERICK RIGGING & HEAVY HAULING, LLC	Truck	Cargo
8919316	MINICH TRUCKING, LLC	Truck	Liability and Cargo
8919343	SIAN SERVICES, INC.	Truck	Cargo
8919479	DLM TRUCKING, INC.	Truck	Liability and Cargo
8919693	STACY WHITE	Truck	Liability and Cargo
8920256	AMERICAN NATURAL SUPPLY, LLC	Truck	Liability
8920580	MONICA LAMPKIN	Truck	Liability and Cargo
8920749	SHAYNE MORROW	Truck	Liability and Cargo
8920816	GREAT DANE EXPRESS, LLC	Truck	Cargo
8921034	ANR TRUCKING CORPORATION	Truck	Liability and Cargo
8921094	M&K LOGISTICS, LLC	Truck	Cargo
8921264	P&A NEUDER & SONS TRUCKING, LLC	Truck	Cargo
8921413	DAVID A. WALTERS	Truck	Liability and Cargo
8921668	M&M TRUCKING OF JP SCOTT, LLC	Truck	Liability
8921947	WEAVER TRANSIT, INC.	Truck	Cargo
8921997	CDM SALES, LLC	Truck	Liability
8922267	JRD TRANSPORT, LLC	Truck	Liability and Cargo
8922274	CHANGO KENNETH PEARCE	Truck	Liability and Cargo
8922371	DEAN SAXMAN	Truck	Liability
8922531	RSMT DELIVERY, LLC	Truck	Liability and Cargo
8922793	ALLEGHENY COMMUNITY TRANSPORTATION, LLC	Truck	Liability and Cargo
8922955	W. MILLER & SONS TRUCKING, LLC	Truck	Liability
8922961	C&H HAULING, LLC	Truck	Liability and Cargo
8922983	DPC TRUCKING, LLC	Truck	Liability and Cargo
8923014	JY TRANSPORT, LLC	Truck	Liability and Cargo
8923108	PEQUEA MOBILE HOME SALVAGE, LLC	Truck	Cargo
8923524	FINNEY HAULING SERVICES, LLC	Truck	Liability and Cargo
8923687	ADRIAN HIGH QUALITY TRANSPORT, LLC	Truck	Liability and Cargo
8923825	CESSNA HAULING AND EXCAVATING, LLC	Truck	Liability and Cargo
8923848	MOVING THE EARTH, LLC	Truck	Liability

<i>Utility Code</i>	<i>Utility Name</i>	<i>Suspended Authorities</i>	<i>Insurance Type Not on File</i>
8923992	AL SAI SJI TRANSPORT COMPANY	Truck	Liability and Cargo
8924066	AREBA EXPRESS, LLC	Truck	Cargo
8924071	THAXTON WALKER LOGISTICS, INC.	Truck	Liability and Cargo
8924167	SPRAGUE ENTERPRISE, LLC	Truck	Liability and Cargo
8924172	WELLS TRUCKING & LOGISTICS, LLC	Truck	Liability and Cargo
8924278	PENNS WOODS TRANSPORT, LLC	Truck	Liability
8924288	BROWN LOGISTICS, LLC	Truck	Liability and Cargo
8924395	RUBY ENTERPRISE CORPORATION	Truck	Liability and Cargo
8924526	MAO TRANSPORTATION, LLC	Truck	Liability and Cargo
8924576	GENERATIONS DAIRY, LLC	Truck	Liability and Cargo
8924642	MAURICE BOWSER TRANSPORT, LLC	Truck	Liability and Cargo
8924651	K & T SEAHORSES TRUCKING, LLC	Truck	Liability and Cargo
8924701	JMP DELIVERY CARGO EXPRESS, LLC	Truck	Cargo
8924757	DOUBLE ROCKIN R TRANSPORT, LLC	Truck	Liability and Cargo
899706	ALAN L. PENCE	Truck	Liability
899994	DONALD STRITE	Truck	Liability

[Pa.B. Doc. No. 22-475. Filed for public inspection March 25, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security, Insufficient Financial Security Amount or Language

Public Meeting held
March 10, 2022

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

*Electric Generation Supplier License Cancellations of
Companies with an Expired Financial Security,
Insufficient Financial Security Amount or Language;
M-2022-3030286*

Tentative Order

By the Commission:

The Commission's regulations at 52 Pa. Code § 54.40(a) state that an Electric Generation Supplier (EGS) license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. In addition, 52 Pa. Code § 54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a

bond or other approved security in the amount directed by the Commission has been obtained.

Each EGS must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120, prior to the EGS's current security expiration date. Each financial instrument must be an original document that displays a "wet" signature or digital signature, preferably in blue ink, and displays a "raised seal" or original notary stamp. The name of the principal on the original financial instrument must match exactly with the name that appears on the EGS's license issued by the Commission.

Failure to file before the financial security's expiration date may cause Commission staff to initiate a formal proceeding that may lead to the following: cancellation of each company's electric supplier license, removal of each company's information from the Commission's website, and notification to all electric distribution companies, in which each company is licensed to do business, of the cancellation of the license.

As of March 1, 2022, each EGS listed in the Supplier Table below has not provided proof to the Commission that it has a bond or other approved security in the amount or language directed by the Commission, to replace a bond which is expired, or which is non-compliant with Commission regulations.

Supplier Table—List of Electric Generation Suppliers

<i>Docket Number</i>	<i>Company Name</i>	<i>Financial Security Expiration Date</i>	<i>Commission Approved Amount or Language</i>
A-2019-3010105	BROKER ONLINE EXCHANGE, LLC	2/28/2022	Yes
A-2011-2280726	BURTON ENERGY GROUP, INC.	2/6/2022	Yes
A-2016-2534371	CQI ASSOCIATES, LLC	2/18/2022	Yes
A-2017-2595591	NATIONAL ENERGY COST SERVICES, INC.	2/26/2022	Yes
A-2019-3007847*	SOUTH BAY ENERGY CORP	2/26/2022	No

*Taking title to electricity

As part of its EGS license validation procedures, the Commission's Bureau of Technical Utility Services sent a 90-day Security Renewal Notice email to each entity in the Supplier Table above stating that original documentation of a bond, or other approved security in the amount or language directed by the Commission, must be filed within 30-days prior to each entity's security expiration date. None of the companies listed in the Supplier Table provided the required documentation.

Based on the above facts, we tentatively conclude that the EGSs listed in the Supplier Table are not in compliance with 52 Pa. Code § 54.40(a) and (d) and therefore it is appropriate to initiate the cancellation process for the EGS license of each company listed in the Supplier Table, without the necessity of a formal complaint, as being in the public interest; *Therefore,*

It Is Ordered That:

1. Cancellation of the Electric Generation Supplier License of each company listed in the Supplier Table is hereby tentatively approved as being in the public interest.

2. The Secretary (i) serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation & Enforcement, all electric generation distribution companies, and all of the Electric Generation Suppliers listed in the Supplier Table; (ii) publish a copy of this Tentative Order in the *Pennsylvania Bulletin* with a 30-day comment period; and (iii) file a copy of this Tentative Order at each Electric Generation Supplier's assigned docket number.

3. To the extent any of the Electric Generation Suppliers listed in the Supplier Table challenge the cancellation of their license, they must file comments within thirty (30) days after publication of this Tentative Order in the *Pennsylvania Bulletin*. Written comments referencing Docket No. M-2022-3030286 must be eFiled to the Pennsylvania Public Utility Commission through the Commission's eFiling System. You may set up a free eFiling account with the Commission at <https://efiling.puc.pa.gov/> if you do not have one. Filing instructions may be found on the Commission's website at http://www.puc.pa.gov/filing_resources.aspx. Comments containing confidential information should be emailed to Commission Secretary Rosemary Chiavetta at rchiavetta@pa.gov rather than eFiled.

4. Alternatively, Electric Generation Suppliers listed in the Supplier Table may provide the Commission an approved security up to and within thirty (30) days after publication in the *Pennsylvania Bulletin*. The Electric Generation Supplier must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument displaying a "wet" signature or digital signature, preferably in blue ink, and displaying a "raised seal" or original notary stamp with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120.

5. Absent the timely (i) filing of comments challenging the cancellation of the Electric Generation Supplier's license, or (ii) the filing of an approved security within 30-days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services, shall prepare a Final Order for entry by the Secretary revoking the license of each Electric Generation Supplier that fails to respond.

6. Upon entry of the Final Order, Electric Generation Suppliers that remain listed as not in compliance with 52 Pa. Code § 54.40(a) and (d) will be stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration, removed from the Commission's website, and notifications be sent to all electric distribution companies in which the Electric Generation Suppliers are licensed to do business.

7. Upon entry of the Final Order, Electric Generation Suppliers that fail to respond will be prohibited from providing electric generation supply services to retail electric customers. That upon entry of the Final Order described in Ordering Paragraph No. 5, each electric distribution company in which the Electric Generation Suppliers are licensed to do business, shall return the customers of the Electric Generation Suppliers to default service.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: March 10, 2022

ORDER ENTERED: March 10, 2022

[Pa.B. Doc. No. 22-476. Filed for public inspection March 25, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Verizon Penn- sylvania, LLC

Public Meeting held
March 10, 2022

Commissioners Present: Gladys Brown Dutrieuille, Chair-
person; John F. Coleman, Jr., Vice Chairperson; Ralph
V. Yanora

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Verizon Pennsylvania,
LLC; M-2022-3024130*

Opinion and Order

By the Commission:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is a proposed Joint Petition for Approval of Settlement (Settlement, Settlement Agreement, or Petition) filed on January 31, 2022, by the Commission's Bureau of Investigation and Enforcement (I&E) and Verizon Pennsylvania LLC (Verizon PA or Company) (collectively, the Parties), to resolve all issues with respect to an informal investigation conducted by I&E based upon complaints received by the Bureau of Consumer Services (BCS) regarding alleged improper telephone service suspensions and terminations. Both Parties filed Statements in Support of the Settlement. The Parties submit that the proposed Settlement, which has been filed pursuant to 52 Pa. Code §§ 5.41, 5.231-232, and 3.113(b)(3), is in the public interest and consistent with the Commission's Policy Statement at 52 Pa. Code § 69.1201, Factors and Standards for Evaluating Litigated and Settled Proceedings Involving Violations of the Public Utility Code and Commission Regulations. Petition at 10.

Before issuing a final decision on the merits of the proposed Settlement, and consistent with the requirement of 52 Pa. Code § 3.113(b)(3), we shall publish the Settlement in the *Pennsylvania Bulletin* and provide an opportunity for interested parties to file comments regarding the proposed Settlement.

Background and History

Under its network transformation program, and in accordance with the rules and procedures of the Federal Communications Commission (FCC), Verizon PA filed appropriate notice with the FCC to retire its copper network and to provide all of its services over fiber optic facilities in 158 wire centers in Pennsylvania.¹ Petition at 4.

The Commission recognizes that the retirement of copper telephone lines is an activity that is regulated primarily by the FCC. Petition at 4. In areas where Verizon PA is migrating its copper facilities to fiber, the Commission also recognizes that applicable federal law permits Verizon PA to suspend and ultimately terminate service of any customer who refuses to provide the

Company with the necessary access to transition the service to fiber. Petition at 4-5.

Notwithstanding the above acknowledgments, the Commission has previously determined that, during the conversion from copper to fiber, Verizon PA still must comply with Section 1501 of the Public Utility Code (Code) and Chapter 64 of the Commission Regulations as they relate to service and suspension/termination of regulated voice service when completing its copper wire retirement.² Petition at 5.

On March 13, 2020, in response to the COVID-19 pandemic, the Commission issued its March 2020 Moratorium Order³ that, inter alia, imposed a moratorium on the termination of utility services, including regulated telecommunications services, pending the Proclamation of Disaster Emergency issued by Governor Tom Wolf. Petition at 5.

On October 8, 2020, the Commission issued an Order lifting the absolute utility service termination moratorium and allowing disconnections of service to resume effective November 9, 2020. Verizon PA halted its migration to fiber efforts during the moratorium. Verizon ceased suspensions and terminations of regulated services (both for nonpayment and copper retirement) from March 13, 2020, through December 8, 2020, in compliance with the March 2020 Moratorium Order. Verizon resumed contacting customers to inform them about copper retirement and the need to migrate services to fiber on or about September 10, 2020, but it did not resume suspending services until December 8, 2020. Petition at 5.

On or about February 12, 2021, after receiving multiple informal complaints, BCS submitted a memo to I&E outlining its concerns that Verizon PA was improperly suspending telephone service. BCS provided I&E with a copy of seven informal complaints, some of which alleged suspension/termination without notice. Petition at 6.

By Data Request Letter dated March 24, 2021, I&E informed Verizon PA that it was initiating an investigation into suspension/termination of telephone service allegedly in violation of the moratorium of the March 2020 Moratorium Order and Chapters 55 and 64 of the Code. Id.; Verizon PA Statement in Support at 2. The investigation was initiated based on the information provided to I&E by BCS. I&E requested information from Verizon PA relating to telephone service suspensions and terminations associated with nonpayment and copper retirement for the time period from March 13, 2020 (the beginning of the moratorium) to March 24, 2021 (the date of I&E's letter). Verizon PA St. at 2. On April 21, 2021, Verizon PA provided responses to I&E's requests for information and cooperated in the investigation. Petition at 6; Verizon PA St. at 2.

On May 4, 2021, I&E submitted a second set of data requests, to which Verizon PA provided timely responses on May 25, 2021. Petition at 6.

While the data demonstrated Verizon PA's overall compliance with the moratorium, in the course of reviewing the responses, I&E identified five categories of potential

² See *Irwin Fox v. Verizon Pennsylvania, LLC*, Docket No. C-2016-2576094 (Order entered July 12, 2018). Also see Joint Petition of Verizon Pennsylvania LLC and Verizon North LLC for Competitive Classification of All Retail Services in Certain Geographic Areas and for a Waiver of Regulations for Competitive Services; Rulemaking to Comply with the Competitive Classification of Telecommunication Retail Services Under 66 Pa.C.S. § 3016(a); General Review of Regulations 52 Pa. Code, Chapter 63 and Chapter 64, Docket Nos. P-2014-2446303; P-2014-2446304; L-2018-3001391 (Final Order entered February 27, 2020) (revisiting waivers previously designated as temporary).

³ See generally Re: Public Utility Service Termination Moratorium, Proclamation of Disaster Emergency—COVID-19, Docket No. M-2020-3019244 (Order ratified at March 26, 2020 Public Meeting) (March 2020 Moratorium Order).

¹ See In the Matter of: Technology Transitions; Policies and Rules Governing Retirement of Copper Loops by Incumbent Local Exchange Carriers; Special Access for Price Cap Local Exchange Carriers; AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 30 FCC Rcd 9372, 9383-84, para. 16 (Rel. August 7, 2015), codified in 47 C.F.R. 51.332.

regulatory violations. Verizon PA denied the alleged violations had occurred and/or provided mitigating information. Petition at 6; Verizon PA St. at 3. The underlying facts of these issues will be discussed in more detail in the following section of this Opinion and Order.

In light of the facts involved in the informal investigation, I&E and Verizon PA began settlement discussions to amicably resolve the alleged violations. Those discussions ultimately resulted in the instant Petition, which, as noted, was filed by the Parties on January 31, 2022, to resolve the contested allegations.

The Petition

A. Alleged Violations

The Petition includes details concerning the five categories of potential violations that I&E identified as a result of its investigation. The five categories are as follows:

- (a) Customer Letters to Residents of Multiple Dwelling Units;
- (b) Suspensions on a Sunday;
- (c) Terminations on a Sunday;
- (d) One Account Allegedly Suspended and Terminated During the March 2020 moratorium; and
- (e) Letter to a Health Care Facility

Petition at 6—9.

The Petitioners aver that had this matter been fully litigated, I&E would have proffered evidence and legal arguments to demonstrate that Verizon PA committed the following violations, broken down by category:

[a. Customer Letters to Residents of Multiple Dwelling Units]

a. Verizon PA's notification letters to tenants who are residents of multiple dwelling units relating to the suspension and termination of service due to the retirement of copper wire and installation of fiber optics were confusing, conflicting, and misrepresented the customer's ability to call 911 after service was suspended/terminated. If proven, I&E alleges that such conduct would have violated 66 Pa.C.S. § 1501 (multiple counts). [footnote omitted]

[b. Suspensions on a Sunday]

b. Verizon PA unlawfully suspended telephone service on a Sunday. If proven, I&E alleges that such conduct would have violated 52 Pa. Code § 64.62 (multiple counts).

[c. Terminations on a Sunday]

c. Verizon PA unlawfully terminated telephone service on a Sunday. If proven, I&E alleges that such conduct would have violated 52 Pa. Code § 64.62 (multiple counts).

[d. One Account Allegedly Suspended and Terminated During the March 2020 Moratorium]

d. Verizon PA unlawfully suspended and terminated a customer's service on September 14, 2020. If proven, I&E alleges that such conduct would have violated the March 2020 Moratorium Order and 52 Pa. Code § 64.121.

[e. Letter to a Health Care Facility]

e. Verizon PA's notification letters to health care facility relating to suspensions and terminations were

not compliant. If proven, I&E alleges that such conduct would have violated 52 Pa. Code §§ 55.101—55.115.

Petition at 9-10.

B. Terms and Conditions of the Settlement

The Parties submit that, as a result of successful negotiations, they have reached an agreement on an appropriate outcome to the investigation as encouraged by the Commission's policy to promote settlements. See 52 Pa. Code § 5.231. Petition at 3. The Parties further state that the Settlement is consistent with the Commission's Policy Statement at 52 Pa. Code Section 69.1201 for evaluating litigated and settled proceedings involving violations of the Code and Commission Regulations. *Id.* Therefore, the Parties urge the Commission to approve the Settlement as submitted as being in the public interest. *Id.*

The Settlement comprises the Joint Petition for Approval of Settlement containing the terms and conditions of the Settlement, Proposed Ordering Paragraphs, and the respective Statements in Support of the Settlement from I&E (Appendix A to the Petition) and Verizon PA (Appendix B to the Petition).

The essential terms and conditions of the Settlement, as set forth in Paragraphs 40—52 of the Petition, are as follows:

IV. SETTLEMENT TERMS

40. Pursuant to the Commission's policy of encouraging settlements that are reasonable and in the public interest, the Parties held a series of discussions that culminated in this Settlement. I&E and Verizon PA desire to (1) terminate I&E's informal investigation; and (2) settle this matter completely without litigation. The Parties recognize that this is a disputed matter, and given the inherent unpredictability of the outcome of a contested proceeding, the Parties further recognize the benefits of amicably resolving the disputed issues. The conditions of the Settlement, for which the Parties seek Commission approval, are set forth below.

41. Verizon PA shall pay a cumulative civil penalty of thirty thousand dollars (\$30,000.00).

42. The civil penalty shall not be tax deductible or passed through as an additional charge to Verizon PA's customers in Pennsylvania.

43. Verizon PA has and will continue to work with I&E and BCS to modify/edit the notification letters, as future circumstances require, sent to multiple dwelling units and their tenants and the notification letters sent to health care facilities and their tenants relating to copper retirement, to ensure compliance with the Public Utility Code and the Commission's regulations and clarity on the intention and ramifications of the letters.

V. CONDITIONS OF SETTLEMENT

44. The benefits and obligations of this Settlement Agreement shall be binding upon the successors and assigns of the Parties to this Agreement.

45. This Agreement may be signed in counterparts and all signatures attached hereto will be considered as originals.

46. In order to effectuate the Parties' Settlement Agreement, the undersigned Parties request that the Commission issue a Secretarial Letter or Order approving the Petition without modification.

47. The Parties agree that any party may petition the Commission for rehearing or take other recourse allowed under the Commission's rules if the Commission Secretarial Letter or Order substantively modifies the terms of this Joint Petition for Approval of Settlement. In that event, any party may give notice to the other party that it is withdrawing from this Joint Petition for Approval of Settlement. Such notice must be in writing and must be given within twenty (20) business days of the issuance of any Initial or Recommended Decision or any Commission Order or Secretarial Letter which adopts this Joint Petition for Approval of Settlement with substantive modifications of its terms. The consequence of any party withdrawing from this Joint Petition for Approval of Settlement as set forth above is that all issues associated with the requested relief presented in the proceeding will be fully litigated unless otherwise stipulated between the parties and all obligations of the Parties to each other are terminated and of no force and effect. In the event that a party withdraws from this Joint Petition for Approval of Settlement as set forth in this paragraph, I&E and Verizon PA jointly agree that nothing in this Settlement Agreement shall be construed as an admission against or as prejudice to any position which any party might adopt during litigation of this case.

48. I&E and Verizon PA jointly acknowledge that approval of this Settlement Agreement is in the public interest and is fully consistent with the Commission's Policy Statement for evaluating litigated and settled proceedings involving violations of the Code and Commission regulations, 52 Pa. Code § 69.1201. The Commission will serve the public interest by adopting this Joint Petition for Approval of Settlement.

49. The Joint Petition for Approval of Settlement avoids the time and expense of litigation in this matter before the Commission, which likely would entail preparation for and attendance at hearings and the preparation and filing of briefs, reply briefs, exceptions, reply exceptions. The Parties further recognize that their positions and claims are disputed and, given the inherent unpredictability of the outcome of a contested proceeding, the Parties recognize the benefits of amicably resolving the disputed issues through settlement. Attached as Appendices A and B are Statements in Support submitted by I&E and Verizon PA, respectively, setting forth the bases upon which they believe the Settlement Agreement is in the public interest.

50. Adopting this Settlement Agreement will eliminate the possibility of any appeal from the Commission Secretarial Letter or Order, thus avoiding the additional time and expense that they might incur in such an appeal.

51. This Settlement Agreement consists of the entire agreement between I&E and Verizon PA regarding the matters addressed herein. Moreover, this Settlement represents a complete settlement of I&E's investigation of Verizon PA's alleged violations related to unlawful suspensions and terminations and copper wire retirement notification letters for the time period up to and including March 24, 2021, and fully

satisfies I&E's informal investigation of the matters discussed herein. The Parties expressly acknowledge that this Settlement Agreement represents a compromise of positions and does not in any way constitute as a finding or as an admission concerning the alleged violations of the Public Utility Code and the Commission's regulations.

52. The Settlement Agreement contains a summary of alleged violations of the Public Utility Code and the Commission's regulations. See, Section III, Alleged Violations. In addition, the Settlement Terms contains Proposed Settlement Terms. See, Section IV, Settlement Terms. With the exception of the approval of this Settlement without modification, none of the provisions in this Settlement Agreement shall be considered or shall constitute an admission, a finding of any fact, or a finding of culpability on the part of Verizon PA in this or any other proceeding.

Petition at 10—13.

Discussion

Pursuant to our Regulations at 52 Pa. Code § 5.231, it is the Commission's policy to promote settlements. The Commission must, however, review proposed settlements to determine whether the terms are in the public interest. *Pa. PUC v. Philadelphia Gas Works*, Docket No. M-00031768 (Order entered January 7, 2004).

In reviewing settlements that resolve informal investigations, the Commission will provide other potentially affected parties with the opportunity to file comments regarding a proposed settlement prior to issuing a decision. The Commission's Regulations at 52 Pa. Code § 3.113(b) provide as follows:

§ 3.113. Resolution of informal investigations.

* * *

(b) Under 65 Pa.C.S. Chapter 7 (relating to Sunshine Act), the Commission's official actions resolving informal investigations will be as follows:

* * *

(3) When the utility, or other person subject to the Commission's jurisdiction, has committed to undertake action to address or remedy a violation or potential violation of the act or to resolve another perceived deficiency at the utility, in the form of a settlement with the Commission staff or other resolution of the matter, the Commission's consideration of the settlement or approval of the utility's action will occur at public meeting. Except for staff reports and other documents covered by a specific legal privilege, documents relied upon by the Commission in reaching its determination shall be made part of the public record. *Before the Commission makes a final decision to adopt the settlement or to approve the utility's action, the Commission will provide other potentially affected persons with the opportunity to submit exceptions thereon or to take other action provided for under law.*

52 Pa. Code § 3.113(b) (emphasis added). See also *Pa. PUC, Bureau of Investigation and Enforcement v. PPL Electric Utilities Corporation*, Docket No. M-2012-2264635 (Order entered September 13, 2012); *Pa. PUC, Bureau of Investigation and Enforcement v. Liberty Power Holdings, LLC*, Docket No. M-2019-2568471 (Order entered August 8, 2019).

Conclusion

Before issuing a decision on the merits of the proposed Settlement, consistent with the requirement of 52 Pa. Code § 3.113(b)(3), and for the reasons stated above, we believe it is appropriate to provide interested parties an opportunity to file comments on the proposed Settlement. Therefore, we will: (1) publish this Opinion and Order and a copy of the proposed Settlement (including Appendices) and Statements in Support, attached hereto, in the Pennsylvania Bulletin; and (2) provide an opportunity for interested parties to file comments regarding the proposed Settlement within twenty-five days of the date of publication in the Pennsylvania Bulletin; Therefore,

It Is Ordered That:

1. The Secretary's Bureau shall duly certify this Opinion and Order along with the attached Joint Petition for Approval of Settlement (including Appendices) and the Statements in Support thereof, at Docket No. M-2022-3024130, and deposit them with the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

2. Within twenty-five (25) days of the date that this Opinion and Order and the attached Joint Petition for Approval of Settlement (including Appendices) and the Statements in Support thereof are published in the Pennsylvania Bulletin, interested parties may file com-

ments concerning the proposed Settlement. Comments to the proposed Settlement shall be filed with the Commission through efilng. Please know that at this time all parties wanting to file with the Commission and participate in proceedings before the Commission must open an efilng account free of charge through our website and accept eservice. This is in accordance with the Commission's Emergency Order at Docket No. M-2020-3019262. An efilng account may be opened at our website, https://www.puc.pa.gov/efiling/default.aspx.

3. A copy of this Opinion and Order, together with the attached Joint Petition for Approval of Settlement (including Appendices) and the Statements in Support thereof, at Docket No. M-2022-3024130, shall be served on the Office of Consumer Advocate and the Office of Small Business Advocate.

4. Subsequent to the Commission's review of any comments filed in this proceeding, at Docket No. M-2022-3024130, a final Opinion and Order will be issued by the Commission.

ROSEMARY CHIAVETTA, Secretary

ORDER ADOPTED: March 10, 2022

ORDER ENTERED: March 10, 2022

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement

v.

Verizon Pennsylvania LLC

Docket No. M-2022-3024130

JOINT PETITION FOR APPROVAL OF SETTLEMENT

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code §§ 5.41, 5.232 and 3.113(b)(3), the Pennsylvania Public Utility Commission's ("Commission") Bureau of Investigation and Enforcement ("I&E") and Verizon Pennsylvania LLC ("Verizon PA" or "Company") hereby submit this Joint Petition for Approval of Settlement ("Settlement" or "Settlement Agreement") to resolve all issues related to an informal investigation initiated by I&E. I&E's investigation was initiated based upon information provided by the Commission's Bureau of Consumer Services ("BCS"), which had received complaints regarding alleged improper telephone service suspensions and terminations.

As part of this Settlement Agreement, I&E and Verizon PA (hereinafter referred to collectively as the "Parties") respectfully request that the Commission enter a Final Opinion and Order approving the Settlement, without modification. Statements in Support of the Settlement expressing the individual views of I&E and Verizon PA are attached hereto as Appendix A and Appendix B, respectfully.

I. Introduction

1. The Parties to this Settlement Agreement are the Pennsylvania Public Utility Commission's Bureau of In-

vestigation and Enforcement, by it prosecuting attorneys, 400 North Street, Commonwealth Keystone Building, Harrisburg, PA, 17120, and Verizon Pennsylvania, LLC with a business address of 900 Race Street, 6th floor, Philadelphia, PA 19107.

2. The Pennsylvania Public Utility Commission is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within this Commonwealth, as well as other entities subject to its jurisdiction, pursuant to the Public Utility Code ("Code"), 66 Pa.C.S. §§ 101, et seq.

3. I&E is the entity established to prosecute complaints against public utilities and other entities subject to the Commission's jurisdiction pursuant to 66 Pa.C.S. § 308.2(a)(11); see also Implementation of Act 129 of 2008; Organization of Bureaus and Offices, Docket No. M-2008-2071852 (Order entered August 11, 2011) (delegating authority to initiate proceedings that are prosecutor in nature to I&E).

4. Section 501(a) of the Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Code.

5. Section 701 of the Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints alleging a violation of any law, regulation, or order that the Commission has jurisdiction to administer.

6. Section 3301 of the Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any

public utility or on any other person or corporation subject to the Commission's authority for violations of the Code, the Commission's regulations and orders. Section 3301 allows for the imposition of a fine for each violation and each day's continuance of such violation(s). 66 Pa.C.S. § 3301.

7. Verizon PA is an Incumbent Local Exchange Telecommunications Carrier ("ILEC") as defined by Section 3012 of the Code, 66 Pa.C.S. § 3012 with a public utility code number of 310200.

8. Verizon PA, as a certificated ILEC, is subject to the power and authority of the Commission pursuant to Sections 501 and Chapter 30 of the Code, 66 Pa.C.S. §§ 501, 3011 et seq.

9. The Commission has jurisdiction over the subject matter and the actions of Verizon PA in its capacity as an ILEC serving customers in Pennsylvania pursuant to applicable Commonwealth statutes and regulations.

10. This matter involves allegations related to the suspension and termination of telephone service.

11. As a result of successful negotiations between I&E and Verizon PA, the Parties have reached an agreement on an appropriate outcome to the investigation as encouraged by the Commission's policy to promote settlements. See 52 Pa. Code § 5.231. The Settlement also is consistent with the Commission's Policy Statement for evaluating litigated and settled proceedings involving violations of the Code and Commission regulations, 52 Pa. Code Section 69.1201. The Parties agree to the settlement terms set forth herein and urge the Commission to approve the Settlement as submitted as being in the public interest.

II. Stipulated Facts

12. The Commission has jurisdiction over the subject matter of and the Parties to this proceeding. 66 Pa.C.S. §§ 102, 501.

13. "It is the policy of the Commission to encourage settlements." 52 Pa. Code § 5.231(a).

14. Under its network transformation program, Verizon PA filed with the Federal Communications Commission ("FCC") to retire its copper network and provide all of its services over fiber optic facilities in 158 wire centers in Pennsylvania.

15. Verizon PA's network transformation program is intended to eliminate redundant costs associated with copper networks overlapping fiber networks and to provide a more reliable, resilient, and functionally robust network to its customers.

16. Unlike copper facilities, fiber facilities do not corrode when wet, are less susceptible to damage from lightning, are less prone to static and outages, and are easier to repair. Replacing copper with an all-fiber network is beneficial to the environment because a fiber network consumes less energy to operate, fiber lines are lighter in weight requiring less space and fewer support structures, and fiber production uses glass rather than mined copper. Fiber networks also support the high bandwidth broadband and video services that many customers need.

17. The Commission has recognized that the retirement of copper telephone lines is an activity that is regulated primarily by the FCC. While Verizon PA seeks to migrate all working services from copper to fiber to continue serving its customers over fiber in areas where copper is being retired, the Commission has recognized

that applicable law permits Verizon PA to suspend and ultimately to terminate service if a customer denies the company access to transition the service to fiber. However, the Commission has noted that, during the conversion from copper to fiber, Verizon PA must still comply with Section 1501 of the Public Utility Code and Chapter 64 of the regulations as it relates to service and suspension/termination of regulated voice service when completing its copper wire retirement.⁴

18. On March 13, 2020, in response to the COVID-19 pandemic, the Commission issued an Emergency Order ("March 2020 Moratorium Order") imposing a moratorium on the termination of utility services, including regulated telecommunications services, pending the Proclamation of Disaster Emergency issued by Governor Tom Wolf.⁵

19. On October 8, 2020, the Commission issued an Order lifting the absolute utility service termination moratorium and allowing disconnections of service to resume effective November 9, 2020.

20. Verizon PA halted its migration to fiber efforts during the March 2020 Moratorium. Verizon ceased suspensions and terminations of regulated services (both for nonpayment and copper retirement) from March 13, 2020 through December 8, 2020 in compliance with the moratorium. Verizon resumed contacting customers to inform them about copper retirement and the need to migrate services to fiber on or about September 10, 2020 but did not resume suspending services until December 8, 2020.

21. On or about February 12, 2021, the Commission's Bureau of Consumer Services ("BCS") referred to I&E its concerns that Verizon PA was improperly suspending telephone service based on informal complaints received from Verizon PA customers. Some of the complaints alleged suspension/termination without notice.

22. On March 24, 2021, I&E issued a Data Request Letter ("I&E Data Request-Set I") informing Verizon PA of the scope of its investigation and requesting a response to I&E's nine (9) data requests. Verizon PA's responses were due on April 21, 2021.

23. On April 21, 2021, Verizon PA provided its responses to I&E Data Request-Set I.

24. On May 4, 2021, I&E submitted a second set of data requests ("I&E Data Request-Set II"), to which Verizon PA timely provided its responses on May 25, 2021.

25. In reviewing Verizon PA's data request responses, I&E identified five (5) categories of potential violations, as described below. Verizon PA denied the alleged violations.

A. Customer Letters to Residents of Multiple Dwelling Units

26. In its responses, Verizon PA provided a copy of notification letters submitted to customers relating to Verizon PA's retirement of copper wire and installation of fiber optics. One set of letters was intended to be sent to copper-served Verizon PA customers who are tenants in a building where the property owner's consent was required to install fiber to serve those customers, including letters for the situation where the building owner would not allow fiber to be installed.

⁴ *Irwin Fox v. Verizon Pennsylvania, LLC*, C-2016-2576094, Opinion and Order dated July 12, 2018.

⁵ See generally Emergency Order, Docket M-2020-3019244 (Order ratified at March 26, 2020 Public Meeting).

27. I&E identified numerous issues with the letters sent to residents of multiple dwelling units where the property owner refused to permit access to install fiber, including but not limited to the conflicting information regarding the date services will be disconnected and whether the customer will be able to call 911, the inconsistent and rather confusing bolded lettering on top of the notices, and the uncertain language used, i.e., disconnect versus suspended and/or terminated.

28. Verizon PA agreed to work with BCS and I&E to revise the wording of the letters and the letters have been revised to all parties' satisfaction for use going forward.

B. *Suspensions on a Sunday*

29. In response to I&E's request for information on telephone service suspensions and terminations from March 13, 2020 to March 24, 2021, Verizon PA provided a chart to I&E of suspensions/terminations related to nonpayment during that time period.

30. The chart demonstrated that Verizon PA had ceased all suspensions and terminations for nonpayment during the moratorium period and had resumed suspensions on December 8, 2020. Out of a total of approximately 16,000 accounts listed on the spreadsheet as having been suspended and/or terminated during the requested time period, four (4) of the accounts noted on Verizon PA's chart were listed as being suspended on December 27, 2020, a Sunday.

C. *Terminations on a Sunday*

31. In reference to the chart discussed in paragraph 29 above, it indicated that, out of a total of approximately 16,000 accounts, one thousand nine hundred and eighteen (1,918) accounts were listed as being terminated on a Sunday (February 7, 2021; February 14, 2021; February 21, 2021; February 28, 2021; March 7, 2021; March 14, 2021; and March 21, 2021).

D. *One Account Allegedly Suspended and Terminated During the March 2020 Moratorium*

32. Based on an informal complaint provided by Verizon PA in response to the data requests, I&E identified one (1) customer account for which it asserted that Verizon PA suspended and terminated services on September 14, 2020. Verizon PA asserted that certain non-basic services were suspended and terminated in September of 2020, but the customer's basic dial tone services were not suspended or disconnected at that time and the customer retained the ability to place and receive telephone calls during the moratorium.

E. *Letter to a Health Care Facility*

33. In its response, Verizon PA provided copies of letters sent to the property owner of a senior living community relating to its retirement of copper wire and installation of fiber optics.

34. I&E contends that these letters must comply with Sections 55.104 and 55.108 of the Commission's regulations (relating to terminating service to health care facilities). Verizon PA asserts that the letters were not termination notices because Verizon PA does not provide voice services to this facility and that the letters were intended to inform this property owner of the need to allow Verizon to bring fiber to the building for Verizon to be able to continue to serve tenants residing within the senior living community who have Verizon service on copper.

35. I&E identified several deficiencies with the letters, including but not limited to, the letters failing to include a date of suspension and/or termination and failing to provide the 37-day notice to the facility and BCS.

36. While Verizon PA does not believe Chapter 55 was implicated in its correspondence with this particular facility, Verizon PA agreed to work with BCS and I&E on the Chapter 55 letters to be sent in the future to health care facilities if suspension and termination are required in a copper retirement situation, and the template letters have been revised to all parties' satisfaction for use going forward.

37. The results of I&E's investigation, which included review of the customer complaints, and Verizon PA's responses to data requests, formed the basis for the instant Settlement Agreement.

III. *Alleged Violations*

38. Had this matter been fully litigated, I&E would have proffered evidence and legal arguments to demonstrate that Verizon PA committed the following violations:

a. Verizon PA's notification letters to tenants who are residents of multiple dwelling units relating to the suspension and termination of service due to the retirement of copper wire and installation of fiber optics were confusing, conflicting, and misrepresented the customer's ability to call 911 after service was suspended/terminated. If proven, I&E alleges that such conduct would have violated 66 Pa.C.S. § 1501 (multiple counts).⁶

b. Verizon PA unlawfully suspended telephone service on a Sunday. If proven, I&E alleges that such conduct would have violated 52 Pa. Code § 64.62 (multiple counts).

c. Verizon PA unlawfully terminated telephone service on a Sunday. If proven, I&E alleges that such conduct would have violated 52 Pa. Code § 64.62 (multiple counts).

d. Verizon PA unlawfully suspended and terminated a customer's service on September 14, 2020. If proven, I&E alleges that such conduct would have violated the March 2020 Moratorium Order and 52 Pa. Code § 64.121.

e. Verizon PA's notification letters to health care facility relating to suspensions and terminations were not compliant. If proven, I&E alleges that such conduct would have violated 52 Pa. Code §§ 55.101—55.115.

39. Had this matter been fully litigated, Verizon PA would have denied each of the alleged violations of the Commission's regulations, the Code, or Commission's Orders, raised defenses and/or mitigating factors to each of these allegations, and defended against the same at hearing as set forth in Verizon PA's Statement in Support of Settlement.

IV. *Settlement Terms*

40. Pursuant to the Commission's policy of encouraging settlements that are reasonable and in the public interest, the Parties held a series of discussions that culminated in this Settlement. I&E and Verizon PA desire to (1) terminate I&E's informal investigation; and (2) settle this matter completely without litigation. The Parties

⁶ See also *Neil and Gilda Altman v. Verizon Pennsylvania LLC*, C-2015-2515583 (Initial Decision dated July 25, 2016) and *James H. Joseph v. Verizon Pennsylvania, Inc.*, C-2013-2344290 (Initial Decision dated February 13, 2014) 2014 Pa. PUC LEXIS 112.

recognize that this is a disputed matter, and given the inherent unpredictability of the outcome of a contested proceeding, the Parties further recognize the benefits of amicably resolving the disputed issues. The conditions of the Settlement, for which the Parties seek Commission approval, are set forth below.

41. Verizon PA shall pay a cumulative civil penalty of thirty thousand dollars (\$30,000.00).

42. The civil penalty shall not be tax deductible or passed through as an additional charge to Verizon PA's customers in Pennsylvania.

43. Verizon PA has and will continue to work with I&E and BCS to modify/edit the notification letters, as future circumstances require, sent to multiple dwelling units and their tenants and the notification letters sent to health care facilities and their tenants relating to copper retirement, to ensure compliance with the Public Utility Code and the Commission's regulations and clarity on the intention and ramifications of the letters.

V. Conditions of Settlement

44. The benefits and obligations of this Settlement Agreement shall be binding upon the successors and assigns of the Parties to this Agreement.

45. This Agreement may be signed in counterparts and all signatures attached hereto will be considered as originals.

46. In order to effectuate the Parties' Settlement Agreement, the undersigned Parties request that the Commission issue a Secretarial Letter or Order approving the Petition without modification.

47. The Parties agree that any party may petition the Commission for rehearing or take other recourse allowed under the Commission's rules if the Commission Secretarial Letter or Order substantively modifies the terms of this Joint Petition for Approval of Settlement. In that event, any party may give notice to the other party that it is withdrawing from this Joint Petition for Approval of Settlement. Such notice must be in writing and must be given within twenty (20) business days of the issuance of any Initial or Recommended Decision or any Commission Order or Secretarial Letter which adopts this Joint Petition for Approval of Settlement with substantive modifications of its terms. The consequence of any party withdrawing from this Joint Petition for Approval of Settlement as set forth above is that all issues associated with the requested relief presented in the proceeding will be fully litigated unless otherwise stipulated between the parties and all obligations of the Parties to each other are terminated and of no force and effect. In the event that a party withdraws from this Joint Petition for Approval of Settlement as set forth in this paragraph, I&E and Verizon PA jointly agree that nothing in this Settlement Agreement shall be construed as an admission against or as prejudice to any position which any party might adopt during litigation of this case.

48. I&E and Verizon PA jointly acknowledge that approval of this Settlement Agreement is in the public interest and is fully consistent with the Commission's Policy Statement for evaluating litigated and settled proceedings involving violations of the Code and Commis-

sion regulations, 52 Pa. Code § 69.1201. The Commission will serve the public interest by adopting this Joint Petition for Approval of Settlement.

49. The Joint Petition for Approval of Settlement avoids the time and expense of litigation in this matter before the Commission, which likely would entail preparation for and attendance at hearings and the preparation and filing of briefs, reply briefs, exceptions, reply exceptions. The Parties further recognize that their positions and claims are disputed and, given the inherent unpredictability of the outcome of a contested proceeding, the Parties recognize the benefits of amicably resolving the disputed issues through settlement. Attached as Appendices A and B are Statements in Support submitted by I&E and Verizon PA, respectively, setting forth the bases upon which they believe the Settlement Agreement is in the public interest.

50. Adopting this Settlement Agreement will eliminate the possibility of any appeal from the Commission Secretarial Letter or Order, thus avoiding the additional time and expense that they might incur in such an appeal.

51. This Settlement Agreement consists of the entire agreement between I&E and Verizon PA regarding the matters addressed herein. Moreover, this Settlement represents a complete settlement of I&E's investigation of Verizon PA's alleged violations related to unlawful suspensions and terminations and copper wire retirement notification letters for the time period up to and including March 24, 2021, and fully satisfies I&E's informal investigation of the matters discussed herein. The Parties expressly acknowledge that this Settlement Agreement represents a compromise of positions and does not in any way constitute as a finding or as an admission concerning the alleged violations of the Public Utility Code and the Commission's regulations.

52. The Settlement Agreement contains a summary of alleged violations of the Public Utility Code and the Commission's regulations. See, Section III, Alleged Violations. In addition, the Settlement Terms contains Proposed Settlement Terms. See, Section IV, Settlement Terms. With the exception of the approval of this Settlement without modification, none of the provisions in this Settlement Agreement shall be considered or shall constitute an admission, a finding of any fact, or a finding of culpability on the part of Verizon PA in this or any other proceeding.

Wherefore, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement and Verizon Pennsylvania LLC respectfully request that the Commission enter an Order approving the terms of the Joint Petition for Approval of Settlement in their entirety as being in the public interest.

In Witness Whereof, I&E and Verizon PA by their authorized representative have hereunto set our hands and seals on this 31st day of January 2022.

Date: January 31, 2022

Suzan D. Paiva
Associate General Counsel for
Verizon Pennsylvania LLC

Date: January 31, 2022

Kayla L. Rost
Prosecutor for the Commission's
Bureau of Investigation and Enforcement

Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement

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v.

Docket No. M-2022-3024130

Verizon Pennsylvania LLC

PROPOSED ORDERING PARAGRAPHS

1. That the Joint Petition for Approval of Settlement filed on January 31, 2022 between the Commission’s Bureau of Investigation and Enforcement and Verizon Pennsylvania LLC (“Verizon PA”) is approved in its entirety without modifications.

2. That, in accordance with Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, within thirty (30) days of the date this Order becomes final, Verizon PA shall pay thirty thousand dollars (\$30,000.00), which consists of the entirety of the civil penalty amount. Said payment shall be made by certified check or money order payable to “Commonwealth of Pennsylvania” and shall be sent to:

Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

3. That the civil penalty shall not be tax deductible or passed through as an additional charge to Verizon PA’s customers in Pennsylvania.

4. That Verizon PA will continue to work with the Commission’s Bureau of Investigation and Enforcement and the Bureau of Consumer Services to modify/edit the suspension and termination notification letters, as future circumstances require, as it relates to the retirement of copper wire and installation of fiber optics.

5. The above-captioned matter shall be marked closed upon receipt of Verizon PA’s payment of the civil penalty.

Appendix A

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement

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v.

Docket No. M-2022-3024130

Verizon Pennsylvania LLC

**THE BUREAU OF INVESTIGATION AND
ENFORCEMENT’S STATEMENT IN
SUPPORT OF THE JOINT PETITION FOR
APPROVAL OF SETTLEMENT**

TO THE HONORABLE PENNSYLVANIA PUBLIC
UTILITY COMMISSION:

Pursuant to 52 Pa. Code §§ 5.231, 5.232 and 69.1201, the Pennsylvania Public Utility Commission’s (“Commission” or “PUC”) Bureau of Investigation and Enforcement (“I&E”), a signatory party to the Joint Petition for Approval of Settlement (“Settlement” or “Settlement Agreement”) filed in the matter docketed above, submits this Statement in Support of the Settlement Agreement between I&E and Verizon Pennsylvania LLC (“Verizon PA” or “Company”).⁷ I&E avers that the terms and conditions of the Settlement are just and reasonable and in the public interest for the reasons set forth herein.

I. Background

On or about February 12, 2021, the Commission’s Bureau of Consumer Services (“BCS”) submitted a memo to I&E outlining its concerns that Verizon PA was improperly suspending telephone service after receiving multiple informal complaints. BCS provided I&E with a copy of seven (7) informal complaints which alleged

improper suspension/termination and/or suspension/termination without notice. By letter dated March 24, 2021, I&E issued a Data Request Letter (“I&E Data Request-Set I”) informing Verizon PA of the scope of its investigation and requesting a response to I&E’s nine (9) data requests. Verizon PA’s responses were due on April 21, 2021.

On April 21, 2021, Verizon PA provided its responses to I&E Data Request-Set I.

On May 4, 2021, I&E submitted a second set of data requests (“I&E Data Request-Set II”), to which Verizon PA timely provided its responses on May 25, 2021. In light of the facts involved in the informal investigation, I&E and Verizon PA began discussing settlement to amicably resolve the instant matter.

On January 31, 2022, the Parties filed a Joint Petition for Approval of Settlement resolving all issues between I&E and Verizon PA in the instant matter. This Statement in Support is submitted in conjunction with the Settlement Agreement.

II. The Public Interest

Pursuant to the Commission’s policy of encouraging settlements that are reasonable and in the public interest, the Parties held a series of settlement discussions. These discussions culminated in this Settlement Agreement, which, once approved, will resolve all issues related

⁷ I&E and Verizon PA are collectively referred to herein as the “Parties.”

to I&E's informal investigation involving allegations that Verizon PA unlawfully suspended and terminated telephone service and failed to comply with the Commission's regulations and the Public Utility Code with the issuance of its copper wire retirement notification letters.

I&E intended to prove the factual allegations set forth in its investigation at hearing to which Verizon PA would have disputed. This Settlement Agreement results from the compromises of the Parties. I&E recognizes that, given the inherent unpredictability of the outcome of a contested proceeding, the benefits to amicably resolving the disputed issues through settlement outweigh the risks and expenditures of litigation. I&E submits that the Settlement constitutes a reasonable compromise of the issues presented and is in the public interest. As such, I&E respectfully requests that the Commission approve the Settlement without modification.

III. *Terms of Settlement*

Under the terms of the Settlement Agreement, I&E and Verizon PA have agreed to the following:

A. Verizon PA shall pay a total civil penalty of \$30,000.00.

B. Verizon PA has and will continue to work with I&E and BCS to modify/edit the notification letters, as future circumstances require, sent to multiple dwelling units and their tenants and the notification letters sent to health care facilities and their tenants to ensure compliance with the Public Utility Code and clarity on the intention and ramifications of the letters.

The civil penalty shall not be tax deductible pursuant to Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f). Furthermore, the civil penalty shall not be passed through as an additional charge to Verizon PA's customers in Pennsylvania.

In consideration of Verizon PA's payment of a monetary civil penalty and its agreement to work with I&E and BCS to modify the notification letters, I&E agrees that its informal investigation relating to Verizon PA's conduct as described in the Settlement Agreement referenced herein shall be terminated and marked closed upon approval by the Commission of the Settlement Agreement without modification and completion of the numerated settlement terms.

Upon Commission approval of the Settlement in its entirety without modification, I&E will not file any complaints or initiate other action against Verizon PA at the Commission with respect to the unlawful suspensions and terminations from March 2020 to March 2021 and the copper wire retirement notification letters issued until March 24, 2021 which were the subject of I&E's instant informal investigation.

IV. *Legal Standard for Settlement Agreements*

Commission policy promotes settlements. See 52 Pa. Code § 5.231. Settlements lessen the time and expense that the parties must expend litigating a case and, at the same time, conserve precious administrative resources. Settlement results are often preferable to those achieved at the conclusion of a fully litigated proceeding. "The focus of inquiry for determining whether a proposed

settlement should be recommended for approval is not a 'burden of proof' standard, as is utilized for contested matters." *Pa. Pub. Util. Comm'n, et al. v. City of Lancaster—Bureau of Water*, Docket Nos. R-2010-2179103, et al. (Order entered July 14, 2011) at p. 11. Instead, the benchmark for determining the acceptability of a settlement is whether the proposed terms and conditions are in the public interest. *Pa. Pub. Util. Comm'n v. Philadelphia Gas Works*, Docket No. M-00031768 (Order entered January 7, 2004).

I&E submits that approval of the Settlement Agreement in the above-captioned matter is consistent with the Commission's Policy Statement regarding Factors and Standards for Evaluating Litigated and Settled Proceedings Involving Violations of the Public Utility Code and Commission Regulations ("Policy Statement"), 52 Pa. Code § 69.1201; see also *Joseph A. Rosi v. Bell-Atlantic-Pennsylvania, Inc.*, Docket No. C-00992409 (Order entered March 16, 2000). The Commission's Policy Statement sets forth ten (10) factors that the Commission may consider in evaluating whether a civil penalty for violating a Commission order, regulation, or statute is appropriate, as well as whether a proposed settlement for a violation is reasonable and in the public interest. 52 Pa. Code § 69.1201.

The Commission will not apply the factors as strictly in settled cases as in litigated cases. 52 Pa. Code § 69.1201(b). While many of the same factors may still be considered, in settled cases, the parties "will be afforded flexibility in reaching amicable resolutions to complaints and other matters as long as the settlement is in the public interest." *Id.* The first factor considers whether the conduct at issue was of a serious nature, such as willful fraud or misrepresentation, or if the conduct was less egregious, such as an administrative or technical error. Conduct of a more serious nature may warrant a higher civil penalty while conduct that is less egregious warrants a lower amount. 52 Pa. Code § 69.1201(c)(1). I&E acknowledges that the conduct did not constitute willful fraud or misrepresentation. Rather, Verizon PA represented that the unlawful suspensions and terminations were an isolated error and that Verizon PA has taken the steps to reduce or eliminate the possibility of such error in the future. In reference to the notification letters, while Verizon PA disagreed with I&E that the letters were confusing, misleading, and conflicting, Verizon PA agreed to modify the letters. These facts were considered in arriving at the civil penalty amount in the Settlement Agreement.

The second factor considers whether the resulting consequences of Verizon PA's alleged conduct were of a serious nature. When consequences of a serious nature are involved, such as personal injury or property damage, the consequences may warrant a higher penalty. 52 Pa. Code § 69.1201(c)(2). I&E has no knowledge of whether the alleged conduct resulted in personal injury or property damage. Nonetheless, the consequences of Verizon PA's conduct resulted in (1) confused, upset customers who were unsure of the seriousness and intention of the notification letters, i.e., the customer may and will lose service if not migrated to fiber optic; and (2) customers whose telephone service was suspended and/or terminated on a Sunday without any recourse or ability to timely address the issue. I&E asserts that access to telephone service is critical to everyday life and lack of access could have a serious impact.

The third factor to be considered under the Policy Statement is whether the alleged conduct was intentional or negligent. 52 Pa. Code § 69.1201(c)(3). “This factor may only be considered in evaluating litigated cases.” Id. Whether Verizon PA’s alleged conduct was intentional or negligent does not apply since this matter is being resolved by settlement of the Parties.

The fourth factor to be considered is whether Verizon PA has made efforts to change its practices and procedures to prevent similar conduct in the future. 52 Pa. Code § 69.1201(c)(4). As stated above, Verizon PA represented that it has taken steps to reduce or eliminate the possibility of a suspension or termination being processed on a Saturday, Sunday, or holiday in the future by working with its Information Technology department and reviewing its processing systems. As it relates to the notification letters, Verizon PA, I&E, and BCS have held multiple meetings and have exchanged multiple drafts of the notification letters to ensure compliance with the Public Utility Code and the Commission’s regulations, as well as to ensure that the letters are clear and informative.

The fifth factor to be considered relates to the number of customers affected by the Company’s actions and the duration of the violations. 52 Pa. Code § 69.1201(c)(5). I&E identified four (4) customers whose telephone service was suspended on a Sunday, one thousand nine hundred and eighteen (1,918) customers whose telephone service was terminated on a Sunday, and one (1) customer whose service was suspended and terminated during the March 2020 Moratorium. The notification letters that I&E focused on through its informal investigation were sent to one (1) customer and one (1) health care facility. I&E is not aware of the total number of these specific notification letters which were sent to customers or health care facilities. These facts were considered when calculating the civil penalty.

The sixth factor to be considered relates to the compliance history of Verizon PA. 52 Pa. Code § 69.1201(c)(6). An isolated incident from an otherwise compliant company may result in a lower penalty, whereas frequent, recurrent violations by a company may result in a higher penalty. Id. To date, I&E is aware of 3 formal complaints filed which relate to this issue, F-2021-3024088, C-2018-3003786, and C-2018-3006579.

The seventh factor to be considered relates to whether the Company cooperated with the Commission’s investigation. 52 Pa. Code § 69.1201(c)(7). I&E submits that Verizon PA fully cooperated in the investigation in this matter, including cooperating in both informal discovery as well as settlement discussions.

The eighth factor to be considered is the appropriate settlement amount necessary to deter future violations. 52 Pa. Code § 69.1201(c)(8). I&E submits that all the settlement terms (the civil penalty and the cooperation between the parties to modify the notification letters) are substantial and sufficient to deter Verizon PA from committing future violations.

The ninth factor to be considered relates to past Commission decisions in similar situations. 52 Pa. Code § 69.1201(c)(9). I&E submits that the instant Settlement

Agreement should be viewed on its merits as there are no past Commission decisions that are directly responsive to this matter.

The tenth factor considers “other relevant factors.” 52 Pa. Code § 69.1201(c)(10). I&E submits that an additional relevant factor—whether the case was settled or litigated—is of pivotal importance to this Settlement Agreement. A settlement avoids the necessity for the governmental agency to prove elements of each allegation. In return, the opposing party in a settlement agrees to a lesser fine or penalty, or other remedial action. Both parties negotiate from their initial litigation positions. The fines and penalties, and other remedial actions resulting from a fully litigated proceeding are difficult to predict and can differ from those that result from a settlement. Reasonable settlement terms can represent economic and programmatic compromise while allowing the parties to move forward and to focus on implementing the agreed upon remedial actions.

In addition, the settlement terms are undoubtedly in the public interest because the modifications to the notification letters are made to better inform the public. I&E discovered through this investigation that the general public may not be aware or educated on Verizon PA’s copper retirement plan and what customers can expect to happen if Verizon PA is retiring its copper network in their service area. I&E believes that the edits made to the letters will fully explain Verizon PA’s copper retirement plan, the customer’s obligations to accept the migration to fiber, the customer’s options in the event either they or their landlord refuse the migration to fiber, how the conversion to fiber will impact their services and/or bill, the general time-frame for each important event (i.e., suspension and/or termination), and the phone number of BCS and Verizon PA who the customer can contact to discuss Verizon PA’s migration and to have their questions answered.

In conclusion, I&E fully supports the terms and conditions of the Settlement Agreement. The terms of the Settlement Agreement reflect a carefully balanced compromise of the interests of the Parties in this proceeding. The Parties believe that approval of this Settlement Agreement is in the public interest. Acceptance of this Settlement Agreement avoids the necessity of further administrative and potential appellate proceedings at what would have been a substantial cost to the Parties.

Wherefore, I&E supports the Settlement Agreement as being in the public interest and respectfully requests that the Commission approve the Settlement in its entirety without modification.

Respectfully submitted,

Kayla L. Rost

Prosecutor

PA Attorney ID No. 322768

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 787-1888
karost@pa.gov

Dated: January 31, 2022

Appendix B
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement

v.

Verizon Pennsylvania LLC

Docket No. M-2022-3024130

VERIZON PENNSYLVANIA LLC'S
STATEMENT IN SUPPORT OF SETTLEMENT

Verizon Pennsylvania LLC ("Verizon PA"), a signatory to the Joint Petition for Approval of Settlement Agreement ("Settlement"), submits this Statement in Support of the Settlement in the above-captioned matter between Verizon PA and the Commission's Bureau of Investigation and Enforcement ("I&E"). The Settlement fully resolves all issues relating to I&E's investigation of Verizon PA's suspensions and terminations of telephone service.

Verizon PA respectfully submits that the Settlement is in the public interest and requests that the Commission approve it without modification. Commission policy promotes settlements, which decrease the time, expense and risks of litigation and conserve administrative resources. 52 Pa. Code § 5.231. Verizon PA and I&E engaged in an exchange of information and negotiations, and Verizon PA continues to cooperate with I&E's investigation and has resolved it amicably. While some allegations underlying this investigation remain disputed, and the proposed Settlement represents a compromise of the parties' respective litigation positions, the benefits of amicably resolving the allegations through settlement significantly outweigh the time, expense and risks of litigation. The proposed settlement is reasonable and its approval is in the public interest under the standards of the Commission's policy statement at 52 Pa. Code § 69.1201.

I. Background

By letter dated March 24, 2021, I&E informed Verizon PA that it was initiating an investigation into suspension/termination of telephone service allegedly in violation of the moratorium of the Covid-19 Emergency Order, Docket No. M-2020-3019244, and Chapters 55 and 64 of the Public Utility Code. The investigation was initiated based on information provided to I&E by the Bureau of Consumer Services ("BCS"). I&E requested information from Verizon PA relating to telephone service suspensions and terminations associated with nonpayment and copper retirement for the time period from March 13, 2020 (the beginning of the moratorium) to March 24, 2021 (the date of I&E's letter). Verizon PA responded to I&E's requests for information and cooperated in the investigation. The parties ultimately reached the amicable Settlement that is presented to the Commission for approval.

Verizon PA's produced data demonstrating that it complied with the Commission's Emergency Order at Docket No. M-2020-3019244, which established an absolute moratorium on utility service terminations (including regulated telephone service) due to the COVID-19 emergency from March 13 to November 9, 2020. After that date terminations were permitted to resume with certain restrictions and requirements. Verizon PA ceased all fiber migration suspensions and disconnection from March 13 to December 9, 2020. Verizon PA ceased all suspensions and disconnections for non-payment from March 13 to

December 8, 2021. Verizon PA's customer complaint data also showed that there was no systemic compliance problem. There were only 26 complaints regarding suspension or disconnection of telephone service from March 13, 2020 through March 24, 2021 and none of them related to a suspension or termination occurring during the time of the Commission's moratorium (with the exception of one about which Verizon PA and I&E disagree, discussed below).⁸

While the data demonstrated overall compliance with the moratorium, in the course of reviewing the responses I&E identified several issues that it asserted could be regulatory violations, although Verizon PA disagreed that violations had occurred and/or provided mitigating information. The underlying facts of these issues are as follows:

1. Copper Retirement Letters to Residents of Multiple Dwelling Units ("MDUs").

As part of its data responses, Verizon PA provided templates of the letters it uses to comply with Chapter 64 notification requirements where residential telephone service is in jeopardy of suspension or termination associated with copper retirement. Verizon also provided extensive background on its copper retirement program, explaining that it has filed with the Federal Communications Commission ("FCC") to retire its copper network and provide all of its services over fiber optic facilities in many locations in its territory, which makes sense in the context of the overall dramatic change in communications services and technology over the past quarter century because most people have abandoned copper landlines in favor of wireless, cable company or Verizon's fiber optic services. Maintaining a copper network for these very few remaining customers where there is an overlapping fiber network is both inefficient and unnecessary, so Verizon's network transformation program is intended to eliminate these redundant costs by moving the last remaining customers to fiber-optic facilities. Customers can receive the same services over fiber at the same price terms and regulatory status (including basic telephone service) but they benefit from the migration because fiber facilities are more reliable and resilient than copper since they do not corrode when they get wet, are less susceptible to damage from lightning, are less prone to static and outages, and are much easier to repair. An all-fiber network is more efficient to operate and provides environmental benefits because it requires less power to run, does not use a metal that has to be mined, and runs on lines that are smaller and lighter so that the support infrastructure is smaller and less susceptible to weight wear and tear. Fiber also allows for advanced broadband, television, and other services many customers need.

The Commission has held that, where Verizon complied with the FCC's copper retirement rules, "there are no

⁸ Verizon provided complaints from BCS, the Better Business Bureau and the Office of Attorney General.

Commission laws, regulations or Orders regarding copper line availability or migration” that would require Verizon to continue to provide service over copper,⁹ and “the Commission lacks the power to intervene with Verizon PA’s business decision to transition from copper to fiber.”¹⁰ Verizon PA would like its customers to migrate to fiber and continue being served, but “if a customer refuses to allow Verizon access to migrate its network serving lines from copper to fiber, then pursuant to Section 64.61(3) of the Commission’s Regulations, a telephone company may suspend telephone service for “[un]reasonable refusal to permit access to service connections, equipment and other property of the LEC for maintenance or repair” and then terminate service.”¹¹

I&E raised issues relating to the wording of a specific set of Chapter 64 letters sent to residential copper voice customers living in MDU buildings in an area where Verizon is retiring copper, where it is necessary for the property owner to allow Verizon PA to bring fiber into the building for Verizon PA to be able to continue to serve the tenants. The communications plan to the tenants, first, informs them of the issue and gives them an opportunity to encourage the landlord to allow fiber in the building (Verizon also engages in independent efforts to inform and persuade the landlords and those letters were produced to I&E as well). Involuntary termination of tenant service is not the desired outcome. Ideally, the property owner will respond positively and allow fiber. But if the property owner refuses fiber, these letters to the tenants offer information, assistance, and enough time for the tenants to make other arrangements for service and avoid suspension, and to contact Verizon if there are any extenuating issues. However, if the tenant does not make other arrangements for service and the property owner’s refusal of fiber continues, then these letters are intended to comply with Chapter 64’s notification requirements by serving as notices of suspension and termination to the tenants in the event this becomes necessary.

I&E did not disagree with the general process but took issue with some of the wording of the Chapter 64 notices to the tenants. Verizon PA would have demonstrated in a litigated proceeding that the format and contents of these letters complied with Chapter 64. Nonetheless, Verizon PA wishes for its letters to be as clear as possible for the customers and for there to be no doubt over its compliance, and therefore Verizon PA worked with I&E and BCS to revise the wording of the letters. The templates for future use have been revised to all parties’ satisfaction before the Settlement was finalized and Verizon PA has agreed to continue to work with I&E and BCS as circumstances may require.

2. Sunday Nonpayment Suspensions and Terminations

In response to I&E’s data requests, Verizon PA provided a spreadsheet that demonstrated that it did not suspend or terminate services for nonpayment during the Commission’s COVID moratorium, establishing Verizon’s compliance with the moratorium orders with respect to its collections program. The spreadsheet showed approximately 16,000 accounts that were suspended and/or terminated for nonpayment outside the time period of the moratorium. I&E noted that the suspension date listed for four of the 16,000 accounts was a Sunday (December 27, 2020) and the termination date listed for 1,918 of the

16,000 accounts was a Sunday (February 7, 2021; February 14, 2021; February 21, 2021; February 28, 2021; March 7, 2021; March 14, 2021; and March 21, 2021).

Verizon is aware that 52 Pa. Code § 64.62 prohibits non-emergency suspension or termination of regulated residential telephone service on a week-end or holiday and agrees that a small number of accounts were suspended or terminated on a week-end day. This was due to an inadvertent IT error that occurred when treatment for nonpayment resumed after the moratorium, but Verizon PA promptly corrected the error and took steps to prevent it from reoccurring. In a litigated proceeding Verizon PA would have argued that a number of mitigating factors should be considered, including that this was an inadvertent technical error promptly corrected and that Verizon PA complied with the moratorium by ceasing suspensions and terminations, which was the issue I&E set out to investigate. Once treatment for nonpayment resumed, the customers at risk of termination received all notices required by the Commission’s rules as well as substantial additional time and outreach beyond the rule requirements in an attempt to avoid having to disconnect customers for nonpayment. The vast majority of suspensions/terminations listed on the spreadsheet occurred on week-days in compliance with Section 64.62. Also, while the Commission’s rules would have allowed Verizon PA to terminate service only 10 days after suspension, all the customers (including the Sunday terminations) were provided a suspension period at least 30 days longer than the Commission’s rules require, during which Verizon made numerous additional contacts in an attempt to resolve their payment issues and avert termination. This process more than met the spirit of the rule at 52 Pa. Code § 64.62, which is intended to ensure the customer has an opportunity to cure the nonpayment issue before final termination of the account. By the time these particular accounts were terminated the customers were not able to resolve the issue after numerous contacts by Verizon and 30 extra days, during which their telephone service was already suspended, and so it is not likely the customers were aware that the accounts moved from suspended to terminated status on a week-end (rather than, for example, the Friday before the week-end, which would have complied with the rules). Moving the service from suspension to termination over the week-end was a technical error with no realworld impact on the customers. In sum, not only did Verizon PA refrain from collections action for many months during the moratorium, but even after the moratorium ended Verizon’s additional suspension time and extra outreach provided customer benefits during the difficult time of the COVID-19 emergency. While some customers ultimately had their accounts terminated, the extended suspension period and extra outreach efforts were a great benefit to many other customers who were able to manage their payment issues and keep service working, and so this technical error should be viewed in the context of the entire program.

3. One Account Allegedly Suspended/Terminated During Moratorium

Verizon PA and I&E disagree over one informal complaint, where I&E asserts Verizon PA might have terminated service during the moratorium. In a litigated proceeding Verizon PA would have demonstrated that this customer’s basic dial tone service was not suspended or disconnected and he retained the ability to place and receive telephone calls during the moratorium even though some non-basic services such as DSL and voicemail were suspended (basic service was eventually

⁹ *Altman v. Verizon Pennsylvania LLC*, C-2015-2515583, Initial Decision at 14 (adopted by final order entered November 18, 2016).

¹⁰ *Fox v. Verizon Pennsylvania LLC*, Docket No. C-2016-2576094 (Opinion and Order entered July 12, 2018) at 6.

¹¹ *Id.* at 6-7. In this event, new service on fiber remains available as an option if the customers change their mind.

terminated for nonpayment after the moratorium ended). In addition, the overwhelming evidence demonstrates that Verizon PA complied with the moratorium and had the systems in place to stop suspensions and terminations during that period both for copper retirement and non-payment.

4. Health Care Facility Letters

Verizon PA and I&E disagree over the application of Chapter 55 of the Commission's regulations (relating to termination of service to health care facilities) to Verizon PA's fiber migration correspondence with a specific property owner of a senior living community. I&E asserted that the letters sent to that property owner should have contained a 37-day notice of termination and other information required by Chapter 55. In a litigated proceeding, Verizon PA would have demonstrated that these letters were not termination notices to a health care facility because Verizon does not provide voice services to this facility itself. Instead, the letters were to inform this property owner of the need to allow Verizon to bring fiber to the building for Verizon to be able to continue to serve tenants with individual service within the building and to inform this property owner of the benefits of fiber and the process to bring Verizon fiber to the building. It is not clear that Chapter 55 applies in the fiber migration context since it appears to be written for a non-payment situation, but even if it applies Chapter 55 would only be relevant if Verizon PA were proposing to terminate regulated voice service to the healthcare facility itself, which it was not. Chapter 55 does not apply to termination of service to residents within the facility as clearly stated in Section 55.115(b)(2) ("with respect to a residential account of a patient or resident in a health care facility, Chapters 56 and 64 apply.") The different letters that were sent to the residential tenants (which were the subject of the first issue) are evaluated under Chapter 64 not Chapter 55.

Nevertheless, if the situation arises where Verizon PA needs to communicate in the future with a health care facility over impending service termination due to failure to migrate to fiber, then Verizon PA wishes to ensure that its letters are clear and there is no question over their compliance with the rules. Therefore, Verizon PA has worked with I&E and BCS to revise the wording of the template letters to be used in the future if service to a health care facility must be terminated for failure to allow access for fiber migration. The letters have been revised to all parties' satisfaction before the Settlement was finalized and Verizon PA has agreed to continue to work with I&E and BCS as circumstances may require.

II. Settlement Terms

The following are the terms of the Settlement for which the Parties seek Commission approval.

- Verizon PA shall pay a cumulative civil penalty of thirty thousand dollars (\$30,000.00), which shall not be tax deductible or passed through as an additional charge to Verizon PA's customers in Pennsylvania.
- Verizon PA has and will continue to work with I&E and BCS to modify/edit the notification letters, as future circumstances require, sent to multiple dwelling units and their tenants and the notification letters sent to health care facilities and their tenants relating to copper retirement, to ensure compliance with the Public Utility Code and the Commission's regulations and clarity on the intention and ramifications of the letters.

III. The Settlement is in the Public Interest and Supported by the Commission's Policy Statement for Evaluating Settled Proceedings

The Commission has issued a policy statement at 52 Pa. Code § 69.1201 setting forth the factors and standards that may be considered in the evaluation of both litigated and settled cases. The policy statement provides that "[w]hen applied in settled cases, these factors and standards will not be applied in as strict a fashion as in a litigated proceeding. The parties in settled cases will be afforded flexibility in reaching amicable resolutions to complaints and other matters so long as the settlement is in the public interest." Verizon PA respectfully submits that this Settlement comports with the standards and factors in the Commission's policy statement and is in the public interest, and therefore should be approved without modification. The individual factors are discussed below.

A. Seriousness of Conduct

The first factor is "[w]hether the conduct at issue was of a serious nature," such as "willful fraud or misrepresentation" or is "less egregious, such as administrative filing or technical errors." 52 Pa. Code § 69.1201(c)(1). In this case there was no willful or egregious conduct. The Sunday terminations issue was an inadvertent IT error promptly corrected and the network transformation correspondence at issue was intended to comply with applicable regulations.

B. Consequences of Conduct

The second factor looks at "[w]hether the resulting consequences of the conduct at issue were of a serious nature," such as "personal injury or property damage." 52 Pa. Code § 69.1201(c)(2). In this case there was no personal injury or property damage.

C. Intentional or Negligent Conduct

The third factor looks to "[w]hether the conduct at issue was deemed intentional," which is more serious, or whether it is simply negligent. "This factor may only be considered in evaluating litigated cases" and thus does not apply here. 52 Pa. Code § 69.1201(c)(3). However, there is no allegation of intentional conduct.

D. Modification of Practices and Procedures

The fourth factor looks to "[w]hether the regulated entity made efforts to modify internal practices and procedures to address the conduct at issue and prevent similar conduct in the future. These modifications may include activities such as training and improving company techniques and supervision. The amount of time it took the utility to correct the conduct once it was discovered and the involvement of top-level management in correcting the conduct may be considered." 52 Pa. Code § 69.1201(c)(4).

In both situations Verizon PA took efforts to make modifications and prevent similar issues in the future. For the Sunday terminations, Verizon PA promptly corrected the IT error and took steps to ensure that it did not recur. For the network transformation letters, Verizon PA has worked with I&E and BCS to revise them to all parties' satisfaction and pledged to continue to work with them as future circumstances require.

E. Number of Customers and Duration

The fifth factor looks to "[t]he number of customers affected and the duration of the violation." 52 Pa. Code § 69.1201(c)(5). The number of customers at issue here is small.

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 April 11, 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 April 11, 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 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-2022-3030838. Jarabacoa Transportation, LLC (833 East Diamond Avenue, Hazleton, Luzerne County, PA 18201) in paratransit service, between points in Luzerne County.

A-2022-3031058. Transworld, LLC (9651 Clark Street, Philadelphia, PA 19426) in paratransit service, limited to persons requiring medical support, between points in the Counties of Bucks, Chester, Delaware, Lehigh and Montgomery. *Attorney:* Ali M. Audi, 20 Briarcrest Square, Suite 206, Hershey, PA 17033.

A-2022-3031312. Magic Ride, LLC (1400 Berkshire Drive, Bensalem, Bucks County, PA 19020) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Bucks, Chester, Delaware and Montgomery, and the City and County of Philadelphia to points in Pennsylvania, and return.

Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.*

A-2022-3031324. Movers To Go, Inc. (67 Buck Road, Suite 117, Huntingdon Valley, Montgomery County, PA 19006) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania.

Applications of the following for the approval of the *transfer of stock as described under each application.*

A-2022-3031278. J & J Leasing & Rentals, Inc., t/a J & J Limousine Service, t/a J & J Luxury Bus and Van Service, t/a Anytime Airport Taxi by J & J

Luxury Transportation (445 Business Park Lane, Allentown, Lehigh County, PA 18109) a corporation of the Commonwealth of Pennsylvania—for the approval of the transfer of 100% of issued and outstanding shares held by John Cali to Qies Hadeed. *Attorney:* Kenneth A. Olsen, Esquire, 33 Philhower Road, Lebanon, NJ 08833.

A-2022-3031279. Mainstreet Leasing, Inc. (445 Business Park Lane, Allentown, Lehigh County, PA 18109) a corporation of the Commonwealth of Pennsylvania—for the approval of the transfer of 100% of issued and outstanding shares held by John Cali to Qies Hadeed. *Attorney:* Kenneth A. Olsen, Esquire, 33 Philhower Road, Lebanon, NJ 08833.

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-2022-3031336. Raystown Ambulance Service (4 East South Street, Everett, Bedford County, PA 15537) for the discontinuance and cancellation of its right to transport, as a common carrier, by motor vehicle, persons in paratransit service, between points in the Counties of Bedford and Fulton, and from points in said counties, to points in Pennsylvania, and return.

A-2022-3031337. St. Marys Area Ambulance Service, Inc. (773 Johnsonburg Road, Saint Marys, Elk County, PA) discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, persons in paratransit service, as more thoroughly described in the original ordering paragraphs at A-00116119.

A-2022-3031348. Primary Health Network (63 Pitt Street, P.O. Box 716, Sharon, Mercer County, PA 16146) for the discontinuance and cancellation of its right to transport, as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the drive, from points in the Counties of Crawford, Lawrence and Mercer, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority, as originally Docketed at A-2021-3026124. *Attorney:* William H. Stewart, III, Esq., 310 Grant Street, Suite 2310, Pittsburgh, PA 15219.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 22-478. Filed for public inspection March 25, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2022-3031417. Verizon Pennsylvania, LLC and Everstream Solutions, LLC. Joint petition of Verizon Pennsylvania, LLC and Everstream Solutions, LLC for approval of an interconnection agreement and UNE/resale forbearance amendment under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Everstream Solutions, LLC, by their counsel, filed on March 14, 2022, 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. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon Pennsylvania, LLC and Everstream Solutions, LLC, joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 22-479. Filed for public inspection March 25, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Waiver of Regulations Regarding Service Requirements

Public Meeting held
March 10, 2022

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

Waiver of Regulations Regarding Service Requirements;
M-2021-3028321

Order

By the Commission:

On March 6, 2020, pursuant to subsection 7301(c) of the Emergency Management Services Code, 35 Pa.C.S. §§ 7101, et seq., Governor Tom Wolf issued a Proclamation of Disaster Emergency (Proclamation) proclaiming the existence of a disaster emergency throughout the Commonwealth, which Proclamation was timely renewed throughout the last fifteen months. The Proclamation authorized and directed the suspension of "the provisions of any regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions. . . would in any way prevent, hinder, or delay necessary action in coping with this emergency."

In response to the COVID-19 pandemic, the Commission implemented telework for its entire staff. That meant that the physical locations of the Commission, the Keystone Building in Harrisburg as well as satellite state office buildings in Philadelphia, Pittsburgh, and elsewhere across Pennsylvania, were not in use until further direction from the Commission. This presented many challenges for the Commission, the regulated community, and the public.

Under these circumstances, it was necessary for the Commission to take additional measures to ensure continued operations. These measures were intended to prevent regulatory or statutory procedural rules from interfering

with the overall conduct of Commission business during the emergency. Therefore, on March 20, 2020, Chairman Gladys Brown Dutrieuille issued an Emergency Order that provided for the suspension of regulatory and statutory deadlines under appropriate circumstances and modified filing and service requirements. The Commission unanimously ratified the March 20 Emergency Order at its March 26, 2020, Public Meeting.

Our March 26, 2020, Order provided, inter alia, that the Commission shall accept only e-filings of all documents. 52 Pa. Code § 1.4. Additionally, that Order provided that any filings containing confidential or proprietary information should be emailed to the Secretary of the Commission at rchietta@pa.gov. Finally, and significant to our present Order, we directed that service by the Commission on parties will be exclusively electronic and service on Commission staff, as a party or otherwise, also shall be exclusively electronic.

On June 10, 2021, the Pennsylvania Legislature passed a Concurrent Resolution (HR106) which terminated the Governor's Proclamation originally declared on March 6, 2020, and as amended and renewed. In a related action, Governor Wolf signed into law HB 854 on June 11, 2021, which provides "temporary regulatory flexibility authority" to "Commonwealth agencies" which issued an Order suspending a regulatory statute prescribing the procedures for conduct of Commonwealth business, or an Order, rule or regulation of a Commonwealth agency which was suspended under 35 Pa.C.S. § 7301(F)(1). Under HB 854, such Orders are extended until September 30, 2021, unless sooner terminated by the authority initially authorizing them.

In light of the termination of the Proclamation of Disaster Emergency and the "temporary regulatory flexibility authority" provided in HB 854, the Commission revised the March 26, 2020, Order by adopting an expiration date of September 30, 2021.

On September 15, 2021, we issued an order concerning service of documents by and on the Commission. We recognized that the electronic service requirements we adopted were essential to ensuring continued, uninterrupted operations, providing needed flexibility. Specifically, we recognized that that the pandemic and its changing nature require certain procedural flexibility for the public, the regulated community, and the Commission.

Toward this end, we continued to permit electronic service by the Commission on all parties, regardless of whether a particular party has agreed to electronic service. An exception to this general waiver is where the Public Utility Code requires service by specified means, e.g., Section 702; or where our regulations require a specific service type, e.g., 52 Pa. Code § 3.391. We directed that the Commission memorialize proof of electronic service on its electronic docketing system. Additionally, we directed that service on Commission staff in proceedings pending before it, whether staff is a party or otherwise, shall be exclusively electronic unless the parties agree otherwise. We directed that this waiver will expire on April 1, 2022, without further Commission action, unless renewed prior to that date.

Currently, while the Commission's physical facilities are open for business, some of the operational restraints occasioned by the pandemic remain. The pandemic and its changing nature require procedural flexibility for the public, the regulated community, and the Commission. Furthering this objective, we find that the waiver of the

service requirements in our regulations, as outlined above, shall continue until October 1, 2022. Our authority to waive our regulations is provided at Section 501 of the Public Utility Code.¹ Additionally, our regulations allow for waiver of procedural regulations at 52 Pa. Code §§ 1.2, 1.91, and 5.43. We reiterate that our action today is not based on the prior Proclamation of Disaster Emergency, but rather our general regulatory authority and the need for continued flexibility in response to the pandemic; *Therefore,*

It Is Ordered:

1. Consistent with this Order, service by the Commission on parties will be exclusively electronic and service on Commission staff, as a party or otherwise, also shall be exclusively electronic.

2. The service requirements set forth in the Commission's regulations at 52 Pa. Code §§ 1.53 and 1.54 regarding are hereby waived, consistent with this Order.

3. That this waiver will expire on October 1, 2022, without further Commission action, unless renewed prior to that date.

4. That the Law Bureau shall publish a copy of this Order in the *Pennsylvania Bulletin*.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: March 10, 2022

ORDER ENTERED: March 10, 2022

[Pa.B. Doc. No. 22-480. Filed for public inspection March 25, 2022, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority applications to render service as common carriers in the City of Philadelphia have been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than April 11, 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.

¹ § 501. General powers.

(a) Enforcement of provisions of part.—In addition to any powers expressly enumerated in this part, the commission shall have full power and authority, and it shall be its duty to enforce, execute and carry out, by its regulations, orders, or otherwise, all and singular, the provisions of this part, and the full intent thereof; and shall have the power to rescind or modify any such regulations or orders. The express enumeration of the powers of the commission in this part shall not exclude any power which the commission would otherwise have under any of the provisions of this part.

Doc. No. A-22-03-02. Sanidou Taxicab, LLC (300 North Front Street, Apartment D22, Darby, PA 19023): An application for a medallion taxicab certificate of public convenience 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. 22-481. Filed for public inspection March 25, 2022, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Hamilton Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
Cory Gress—Lick Hollow Hog Farm 792 Lick Hollow Road Harrisonville, PA 17228	Fulton County/ Licking Creek Township	188.3	Cattle	New	Approved
LGH Farms, LLC Andrew and Melissa Helwig 2129 Mountain Road Catawissa, PA 17820	Columbia County/ Locust Township	316.11	Layers	Amended	Approved
Donald L. Fisher—Home Farm Cedar Glenn Farms, LLC 304 Mountain Road Millerstown, PA 17062	Perry County/ Greenwood Township	257.4	Broilers	Amended	Approved
Robbie and Danyell Dickinson 457 West McKinleyville Road Hustontown, PA 17229	Fulton County/ Taylor Township	710.47	Swine/ Dairy	Amended	Approved
Hillandale-Gettysburg, LP—Site 1 Ron Ballew 370 Spicer Road Gettysburg, PA 17325	Adams County/ Tyrone Township	0	Layers	New	Approved

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 22-482. Filed for public inspection March 25, 2022, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has approved by rule the following list of projects from February 1, 2022, through February 28, 2022.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

Supplementary Information

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(e) and (f) (relating to standards for consumptive uses of water) for the time period previously specified:

Water Source Approval—Issued Under 18 CFR 806.22(f):

1. Chesapeake Appalachia, LLC; Pad ID: Samantha; ABR-201501006.R1; Forkston Township, Wyoming County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 2, 2022.

2. Pennsylvania General Energy Company, LLC; Pad ID: Huckleberry Pad C; ABR-202202001; Union Township, Tioga County, PA; Consumptive Use of Up to 4.5000 mgd; Approval Date: February 8, 2022.

3. Chesapeake Appalachia, LLC; Pad ID: Dan Ellis; ABR-20100210.R2; Monroe Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 16, 2022.

4. Seneca Resources Company, LLC; Pad ID: McClure 527; ABR-201001043.R2; Rutland Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: February 16, 2022.

5. EXCO Resources (PA), LLC; Pad ID: Edkin Hill Unit; ABR-201412004.R1; Shrewsbury Township, Sullivan County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: February 16, 2022.

6. SWN Production Company, LLC; Pad ID: MacGeorge Well Pad; ABR-201202011.R2; Silver Lake Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: February 16, 2022.

7. Chief Oil & Gas, LLC; Pad ID: Wright A Drilling Pad # 1; ABR-201202004.R2; Canton Township, Bradford County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: February 18, 2022.

8. Chief Oil & Gas, LLC; Pad ID: L & L Construction A Drilling Pad # 1; ABR-201202014.R2; Overton Township, Bradford County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: February 18, 2022.

9. Repsol Oil & Gas USA, LLC; Pad ID: HEMLOCK VALLEY (05 265); ABR-201201035.R2; Pike Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: February 18, 2022.

10. Coterra Energy, Inc.; Pad ID: FoltzJ P2; ABR-201702003.R1; Brooklyn Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: February 18, 2022.

11. BKV Operating, LLC; Pad ID: Trecoske North Pad; ABR-201201023.R2; Silver Spring Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: February 23, 2022.

12. Repsol Oil & Gas USA, LLC; Pad ID: DCNR 587 (02 009); ABR-20100220.R2; Ward Township, Tioga County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: February 23, 2022.

13. Diversified Oil & Gas, LLC; Pad ID: Rhodes Well Pad; ABR-201201018.R2; Gamble Township, Lycoming County, PA; Consumptive Use of Up to 3.6000 mgd; Approval Date: February 23, 2022.

14. SWN Production Company, LLC; Pad ID: Tonya West; ABR-201201026.R2; New Milford Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: February 23, 2022.

15. Chesapeake Appalachia, LLC; Pad ID: Welles 5; ABR-20100217.R2; Terry Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 24, 2022.

16. EQT ARO, LLC; Pad ID: Mallory Group Pad A; ABR-202202002; Plunketts Creek Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: February 28, 2022.

17. Seneca Resources Company, LLC; Pad ID: Sharretts 805; ABR-201001043.R2; Clymer Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: February 28, 2022.

18. Seneca Resources Company, LLC; Pad ID: Burt 518; ABR-20100221.R2; Richmond Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: February 28, 2022.

19. Coterra Energy, Inc.; Pad ID: BerryD P1; ABR-20100215.R2; Dimock Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: February 28, 2022.

20. Coterra Energy, Inc.; Pad ID: RussoB P1; ABR-20100231.R1; Springville Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: February 28, 2022.

21. Repsol Oil & Gas USA, LLC; Pad ID: Longnecker (03 008) G; ABR-20100223.R2; Columbia Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: February 28, 2022.

22. Repsol Oil & Gas USA, LLC; Pad ID: BOOR (03 015) J; ABR-20100232.R2; Columbia Township, Bradford

County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: February 28, 2022.

23. Range Resources—Appalachia, LLC; Pad ID: Bobst Mtn Hunting Club 30H—33H; ABR-201202017.R2; Cogan House Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: February 28, 2022.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806 and 808

Dated: March 9, 2022

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 22-483. Filed for public inspection March 25, 2022, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Minor Modification

The Susquehanna River Basin Commission (Commission) lists the minor modifications approved for previously approved projects from February 1, 2022, through February 28, 2022.

For further information contact Jason E. Oyler, General Counsel, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

Supplementary Information

This notice lists previously approved projects, receiving approval of minor modifications, described as follows, under 18 CFR 806.18 (relating to approval modifications) or to Commission Resolution Nos. 2013-11 and 2015-06 for the time period previously specified:

Minor Modification Issued Under 18 CFR 806.18

1. Brymac, Inc.—Mountain View Country Club, Docket No. 20211212, Harris Township, Centre County, PA; modification approval to add the University Area Joint Authority as an additional source of water for consumptive use; Approval Date: February 7, 2022.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806 and 808

Dated: March 9, 2022

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 22-484. Filed for public inspection March 25, 2022, 9:00 a.m.]

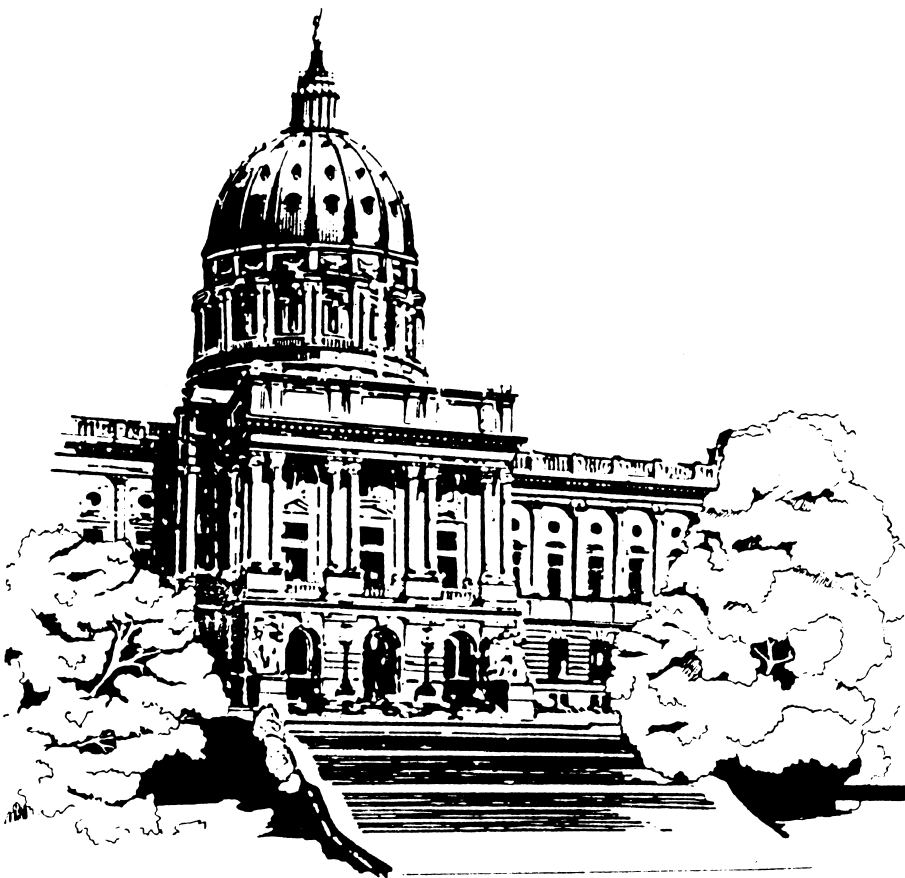
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Number 13

Part II

This part contains the
Rules and Regulations
and the Governor's Office
Regulatory Agenda



RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 121 AND 129]

Control of VOC Emissions from Gasoline Dispensing Facilities (Stage I and Stage II)

The Environmental Quality Board (Board) amends Chapters 121 and 129 (relating to general provisions; and standards for sources) as set forth in Annex A. This final-form rulemaking amends air quality regulations relating to control of volatile organic compound (VOC) emissions during loading of underground gasoline storage tanks (this is “Stage I” vapor recovery), during filling of motor vehicles at the pump (this is “Stage II” vapor recovery), and during and after decommissioning of Stage II vapor recovery equipment from gasoline dispensing pumps. This final-form rulemaking also adds and amends definitions relating to Stage I and Stage II vapor recovery systems. This final-form rulemaking amends §§ 121.1, 129.61 and 129.82 (relating to definitions; small gasoline storage tank control (Stage I control); and control of VOCs from gasoline dispensing facilities (Stage II)); and adds §§ 129.61a and 129.82a (relating to vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control; and requirements to decommission a Stage II vapor recovery system).

This final-form rulemaking was adopted by the Board at its meeting on November 16, 2021.

A. Effective Date

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

B. Contact Persons

For further information, contact Kirit Dalal, Chief, Division of Air Resource Management, Bureau of Air Quality, Rachel Carson State Office Building, P.O. Box 8468, Harrisburg, PA 17105-8468, (717) 772-3436; or Jesse C. Walker, Assistant Counsel, Bureau of Regulatory Counsel, Rachel Carson State Office Building, P.O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania Hamilton Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available on the Department of Environmental Protection’s (Department) web site at www.dep.pa.gov (select “Public Participation,” then “Environmental Quality Board” and then navigate to the Board meeting of November 16, 2021).

C. Statutory Authority

This final-form rulemaking is authorized under section 5(a)(1) of the Air Pollution Control Act (act) (35 P.S. § 4005(a)(1)), which grants the Board the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth and section 5(a)(8) of the act, which grants the Board the authority to adopt rules and regulations designed to implement the provisions of the Clean Air Act (CAA) (42 U.S.C.A. §§ 7401—7671q).

D. Background and Purpose

Purpose

The purpose of this final-form rulemaking is to require that air quality emission control systems that cause unnecessary excess emissions be removed from gasoline dispensing facilities (GDF) without causing excess emissions in the process and without increasing emissions at GDFs over the long-term. The Stage I and Stage II vapor recovery systems affected by this final-form rulemaking control VOCs and air toxics (including benzene) emitted from gasoline at GDFs. VOC emissions are precursors to the formation of ground-level ozone, a criteria air pollutant and public health and welfare hazard. Air toxics are hazardous air pollutants.

The vapor leak monitoring procedures and other emission control requirements for small gasoline storage tanks required under § 129.61a are significant to the protection of air quality in this Commonwealth. These requirements apply in the five-county Philadelphia area (consisting of Bucks, Chester, Delaware, Montgomery and Philadelphia Counties) and the seven-county Pittsburgh area (consisting of Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland Counties). The protections under § 129.61a, which include preserving leak testing requirements in § 129.82 and enhancing vapor leak testing by requiring two additional tests, will help ensure that ozone pollution in these challenging ozone pollution areas does not increase upon decommissioning of Stage II vapor recovery equipment under new § 129.82a.

For many years, the Department has required Stage II vapor recovery system installation and implementation in these ozone pollution areas under § 129.82. In this final-form rulemaking, the Board is authorizing the removal of Stage II “vapor balance” vapor recovery systems from GDFs Statewide because they are no longer needed and is requiring the removal of the more prevalent type of Stage II vapor recovery system, known as “vacuum assist,” from the five-county Philadelphia and seven-county Pittsburgh areas. (These two types of Stage II vapor recovery systems are described in more detail as follows in this section.) These amendments protect against redundancies and disbenefits created by using Stage II systems with vehicle-based onboard refueling vapor recovery (ORVR) systems, now that ORVR systems are in widespread use.

The ORVR systems, just like Stage II vapor recovery systems, are designed to reduce fuel vapor emissions from vehicle refueling. The ORVR-equipped vehicles capture 98% of the fugitive emissions caused by refueling. Pertaining to a GDF, a fugitive emission is an air contaminant emitted into the outdoor atmosphere when not properly emitted through a vent. When an ORVR-equipped vehicle is being refueled with a Stage II vacuum assist vapor recovery system, unwanted emissions of VOCs and air toxics may occur through adverse impacts of the ORVR system on the Stage I and Stage II vapor recovery systems. When a vacuum assist Stage II vapor recovery system is used while refueling an ORVR-equipped vehicle, the Stage II vapor recovery system mostly returns fresh air, not gasoline vapors, into the underground storage tank (UST), because nearly all the gasoline vapor is captured by the vehicle’s ORVR system. The fresh air returned to the UST pressurizes the empty space in the UST, forcing gasoline vapors out of the liquid gasoline portion in the UST. The pressure builds to a

point at which the vapors vent into the atmosphere through a pressure/vacuum vent valve. This venting is inherent in the UST design; it preserves the integrity and prevents damaging the UST, preventing underground leaks. When enough vehicles (approximately 90%) are equipped with ORVR systems in a Stage II area, the excess emissions emitted into the atmosphere due to the incompatibility between ORVR systems and Stage II vacuum assist vapor recovery systems exceed any emissions benefits.

To ensure that ozone pollution does not increase, the Board is repealing requirements under § 129.82 that a GDF owner or operator in the Philadelphia or Pittsburgh area install a Stage II vapor recovery system, preserving vapor leak testing requirements in § 129.82 and enhancing vapor leak testing by requiring two additional tests in § 129.61a. Other amendments are the new and amended definitions under § 121.1 that help implement this final-form rulemaking. The remaining amendments clarify Stage I vapor recovery system requirements under § 129.61.

Air quality

As mentioned previously, VOCs are precursors for ground-level ozone formation. Ground-level ozone, a public health and welfare hazard, is not emitted directly to the atmosphere from GDFs, but forms from a photochemical reaction between VOCs and nitrogen oxides (NO_x) in the presence of sunlight. The Philadelphia and Pittsburgh areas are the most challenging areas in this Commonwealth to bring into attainment of, and in which to maintain, the Federal standards for ground-level ozone.

The United States Environmental Protection Agency (EPA) is responsible for establishing National Ambient Air Quality Standards (NAAQS) for six criteria pollutants considered harmful to public health and welfare, including the environment: ground-level ozone, particulate matter, NO_x, carbon monoxide, sulfur dioxide and lead. Section 109 of the CAA (42 U.S.C.A. § 7409) established two types of NAAQS: primary standards, which are limits set to protect public health; and secondary standards, which are limits set to protect public welfare and the environment, including protection against visibility impairment and from damage to animals, crops, vegetation and buildings. The EPA established primary and secondary ground-level ozone NAAQS to protect public health and welfare.

In 1979, the EPA promulgated the first NAAQS for ground-level ozone based on a 1-hour average concentration of 0.12 parts per million (ppm) (120 parts per billion). See 44 FR 8202 (February 8, 1979).

In 1997, after determining that the 1-hour NAAQS was inadequate to protect public health, the EPA promulgated a new NAAQS based on an 8-hour average of 0.08 ppm averaged over 8 hours. See 62 FR 38855 (July 18, 1997). Because ozone ambient air monitoring data is measured out to three decimal places, the standard effectively became 0.084 ppm with rounding; areas with ozone levels as high as 0.084 ppm (84 parts per billion (ppb)) were considered to be meeting the 0.08 ppm standard. In 2004, the EPA designated 37 counties in this Commonwealth as nonattainment areas for the 1997 8-hour ozone NAAQS. See 69 FR 23858, 23931 (April 30, 2004). Based on the certified ambient air monitoring data for the 2017 and 2018 ozone seasons, all monitored areas of this Commonwealth are attaining the 1997 8-hour ozone NAAQS. Maintenance plans have been submitted to the EPA and approved for the 1997 ozone standard. Section 175A(a) of

the CAA (42 U.S.C.A. § 7505a(a)) prescribes that the maintenance plans include permanent and enforceable control measures that will provide for the maintenance of the 1997 ozone NAAQS for at least 10 years following the EPA's redesignation of the areas to attainment of the 1997 ozone standard.

In March 2008, the EPA lowered the ozone NAAQS to 0.075 ppm (75 ppb) averaged over 8 hours to provide greater protection for children, other at-risk populations and the environment against the array of ozone-induced adverse health and welfare effects. See 73 FR 16436 (March 27, 2008). In April 2012, the EPA designated five areas in this Commonwealth as nonattainment areas for the 2008 ozone NAAQS. See 77 FR 30088, 30143 (May 21, 2012). These areas include all or a portion of Allegheny, Armstrong, Beaver, Berks, Bucks, Butler, Carbon, Chester, Delaware, Fayette, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, Washington and Westmoreland Counties. The certified 2018 ambient air monitoring data indicate that all ozone monitors in this Commonwealth, except for the Bristol monitor (in Bucks County), and the Northeast Airport and Northeast Waste monitors (in Philadelphia County), are monitoring attainment of the 2008 ozone NAAQS. As with the 1997 ozone NAAQS, the Department must ensure that the 2008 ozone NAAQS is attained and maintained by implementing permanent and enforceable control measures.

On October 1, 2015, the EPA lowered the primary and secondary ozone NAAQS to 0.070 ppm (70 ppb) averaged over 8 hours. See 80 FR 65292 (October 26, 2015). As required under section 107(d) of the CAA (42 U.S.C.A. § 7407(d)), the Commonwealth submitted designation recommendations for the 2015 ozone NAAQS to the EPA on October 3, 2016, based on the ambient ozone concentrations from the 2013 through 2015 ozone seasons. See 46 Pa.B. 5162 (August 20, 2016). The Commonwealth submitted revised designation recommendations to the EPA on April 22, 2017. See 47 Pa.B. 2387 (April 22, 2017). The EPA issued final designations for the attainment/unclassifiable areas on November 16, 2017. See 82 FR 54232 (November 16, 2017). In June 2018, the EPA designated Bucks, Chester, Delaware, Montgomery and Philadelphia Counties as nonattainment for the 2015 ozone NAAQS. See 83 FR 25776 (June 4, 2018). Based on the certified ambient air monitoring data for 2018, eight monitors in seven counties in this Commonwealth have design values that violate the 2015 ozone NAAQS. The monitors are in Allegheny, Bucks, Chester, Delaware, Montgomery, Northampton and Philadelphia Counties. The Department must ensure that the 2015 ozone NAAQS is attained and maintained by implementing permanent and Federally-enforceable control measures as necessary and appropriate.

The reductions in VOC emissions that will be achieved following the implementation of this final-form rulemaking will enable the Commonwealth to make progress in attaining and maintaining the 2008 and 2015 8-hour ozone NAAQS. The Department will submit this final-form rulemaking to the EPA for approval as a revision to the Commonwealth's State Implementation Plan (SIP) at 40 CFR 52.2020 (relating to identification of plan).

Stage I vapor recovery systems—an overview

This final-form rulemaking addresses Stage I vapor recovery system requirements under amendments to § 129.61 and under new § 129.61a.

"Stage I" refers to a vapor recovery system, including equipment and components, that controls the emission

into the atmosphere of gasoline vapors during the transfer of gasoline from a gasoline tank truck to a gasoline storage tank at a GDF. A properly operating Stage I vapor recovery system returns vapors to the gasoline tank truck. The equipment and components of a Stage I vapor recovery system also control the emission of gasoline vapors during the storage of gasoline at a GDF.

The Board initially adopted Stage I vapor recovery system requirements for areas of this Commonwealth with the most persistent ozone pollution problems, including the Philadelphia and Pittsburgh areas. See 9 Pa.B. 1447 (April 9, 1979). The Board later amended the regulations at 10 Pa.B. 3788 (September 27, 1980) and in 1991 expanded the requirements Statewide to address continuing ozone nonattainment problems in this Commonwealth and throughout the Northeast. See 21 Pa.B. 3406 (August 3, 1991). The Board streamlined the regulations in 1995 to eliminate two of three exemptions, rendering the regulations applicable to gasoline storage tanks with a capacity of more than 2,000 gallons, matching the EPA's exemption. See 25 Pa.B. 3849 (September 16, 1995).

In 2008, the EPA adopted National Emission Standards for Hazardous Air Pollutants (NESHAP) from gasoline dispensing facilities. See 40 CFR, Part 63, Subpart CCCCCC (relating to National emission standards for hazardous air pollutants for source category: gasoline dispensing facilities). The EPA adopted the NESHAP under section 112 of the CAA (42 U.S.C.A. § 7412) to curb hazardous air pollutants (HAP); but not all VOCs are HAPs. The Federal standards in the NESHAP are enforceable by the EPA against sources nationwide. The NESHAP focuses on controlling the emission of HAPs in gasoline vapors during the loading of USTs, through Stage I vapor recovery systems.

The Commonwealth's existing Stage I vapor recovery regulations, under § 129.61, are more protective of air quality than the NESHAP. This final-form rulemaking, under new § 129.61a, is also more protective than the NESHAP because it requires vapor leak testing to be performed at more GDFs in the areas of the Commonwealth subject to these requirements, and more often, than under the NESHAP. Section 129.61a of this final-form rulemaking also requires the use of low permeation gasoline hoses and dripless enhanced conventional (ECO) nozzles to protect against VOC emissions into the atmosphere; measures not required by the NESHAP. These hoses and nozzles are cost effective measures that will significantly reduce VOC emissions and small gasoline spills.

A concern was raised by the Independent Regulatory Review Commission (IRRC) during the comment period on the proposed rulemaking that the Board should address in the Preamble and Regulatory Analysis Form (RAF) how the benefits of ECO nozzles outweigh the negative fiscal and environmental impacts. Another commentator stated that ECO nozzles could cause worse spills than conventional nozzles. The Board realizes that the cost of ECO nozzles will be more expensive than conventional nozzles, but the Department has explained that the cost-effectiveness of requiring ECO nozzles is comparable to other VOC control measures. The cost-effectiveness of ECO nozzles controlling gasoline from entering the environment is approximately \$2,173 per ton averaged over all subject GDFs. When considering that VOC emission reduction credits (ERC) are nearly unavailable in the two areas subject to this final-form rulemaking and those ERCs would likely be priced at a

higher premium when compared to the cost-effectiveness of the ECO nozzle at an average cost of approximately \$2,173 per ton over all subject GDFs, ECO nozzles are a cost-effective control measure.

As described previously, the protections under § 129.61a will help ensure that ozone levels do not increase upon decommissioning of Stage II vapor recovery equipment and that the current emission reductions continue to be achieved at GDFs after decommissioning of Stage II vapor recovery equipment.

In 1993, the EPA approved a SIP revision containing the Commonwealth's Stage I vapor recovery regulations. See 58 FR 28362 (May 13, 1993). The Commonwealth's approved SIP is codified under 40 CFR 52.2020. The EPA's approval of the Stage I vapor recovery regulations, under § 129.61, is codified under 40 CFR 52.2020(c)(1).

Stage II vapor recovery—an overview

This final-form rulemaking addresses Stage II vapor recovery requirements under §§ 129.61a(g)(2)(vii) and (viii), 129.82 and 129.82a. The regulation of Stage II vapor recovery systems was mandated under sections 182 and 184(b)(2) of the CAA (42 U.S.C.A. §§ 7511a and 7511c(b)(2)). The Board first adopted the Stage II vapor recovery system regulations at 22 Pa.B. 585 (February 8, 1992), under § 129.82. In 1999, the Board amended § 129.82 to adjust compliance deadlines at 29 Pa.B. 1889 (April 10, 1999). During that timeframe, amendments to the act were also made. The statutory and regulatory history, the two CAA provisions and the EPA Administrator's lifting of the mandate for States to implement Stage II vapor recovery programs are discussed in more depth under Stage II vapor recovery—statutory, regulatory and SIP history, as follows.

“Stage II” refers to a vapor recovery system, including equipment and components, that controls the emission into the atmosphere of vapors during the transfer of gasoline from a gasoline storage tank at a GDF to a motor vehicle fuel tank. A Stage II vapor recovery system also controls emissions into the atmosphere of vapors during the storage of gasoline at a GDF. Stage II vapor recovery technology uses special refueling nozzles, dispensing hoses and a system that draws refueling vapors into the UST. A properly operating Stage II vapor recovery system moves the gasoline vapors from the motor vehicle fuel tank during refueling of the vehicle into the UST at the GDF, preventing the vapors from escaping into the ambient air. Stage II vapor recovery systems are also designed to eliminate the influx of air to the UST that would have occurred without the Stage II vapor recovery system as fuel is pumped out. The Stage II vapor recovery system, in turn, prevents gasoline from evaporating from inside the UST.

Stage II vapor recovery—two types

There are two types of Stage II vapor recovery technologies: (1) vapor balance and (2) vacuum assist. The two types of Stage II vapor recovery technologies work in different ways. As mentioned previously, Stage II vapor recovery systems are designed to reduce fuel vapor emissions from vehicle refueling at a GDF. A Stage II vapor recovery system also controls emissions into the atmosphere of vapors during the storage of gasoline at a GDF. Stage II vapor recovery technology uses special refueling nozzles, dispensing hoses and a system that draws refueling vapors into the UST. A Stage II “vapor balance” vapor recovery system uses direct displacement to collect or process vapors at a GDF. Vapor transfer to the UST is accomplished by the slight pressure created in the motor

vehicle fuel tank by the incoming flow of gasoline. This system is passive. A Stage II "vacuum assist" vapor recovery system creates a vacuum to assist the movement of vapors back into the UST for storage or processing. The vacuum assist system is more complex to operate. It also draws some ambient air into the vapor return hose to the UST, which in turn requires secondary processing to accommodate the excess vapors.

Stage II vacuum assist vapor recovery technology is the prevalent Stage II system technology in this Commonwealth. It is installed at approximately 1,600 GDFs in the five-county Philadelphia and seven-county Pittsburgh areas and represents approximately 95% of the GDFs subject to Stage II vapor recovery requirements in those areas and 93% of all Stage II vapor recovery systems in this Commonwealth. However, an incompatibility exists between Stage II vacuum assist vapor recovery systems and ORVR systems installed in the motor vehicle fleet since 1998. The widespread use of ORVR systems throughout the motor vehicle fleet will soon cause the use of Stage II vacuum assist vapor recovery systems to create an emissions disbenefit in this Commonwealth and elsewhere in the United States.

For this reason, this final-form rulemaking requires decommissioning of Stage II vacuum assist vapor recovery systems in the five-county Philadelphia and seven-county Pittsburgh areas, under § 129.82a. For Stage II vapor balance vapor recovery systems, however, § 129.82a will allow, but not require, decommissioning. Section 129.61a ensures that there are not excess emissions of VOCs and HAPs during or after decommissioning.

Stage II vapor recovery—statutory, regulatory and SIP history

From the 1980s through 1999, the Department and the General Assembly acted to develop Stage II vapor recovery control requirements to reduce pervasive ozone problems in this Commonwealth and to meet CAA requirements. The statutory requirements have since been repealed, leaving only § 129.82 in State law.

The Board proposed the initial Stage II vapor recovery requirements as an ozone reduction measure. See 20 Pa.B. 3174 (June 16, 1990). At that time, 26 counties in California and in several major metropolitan areas in the United States had implemented Stage II vapor recovery programs. See 20 Pa.B. 3174. Refueling of gasoline powered motor vehicles was a major source of uncontrolled VOC emissions in much of the country and the Commonwealth needed the emission reductions to help attain the 1979 1-hour ozone NAAQS. See 20 Pa.B. 3174.

Five months later, on November 15, 1990, Congress enacted broad amendments to the CAA (1990 CAA amendments). In the 1990 CAA amendments, Congress mandated that States implement Stage II vapor recovery requirements by November 15, 1992, in areas classified as moderate or worse for ozone nonattainment. See section 182(b)(3), (c), (d) and (e) of the CAA (42 U.S.C.A. § 7511a(b)(3), (c), (d) and (e)). For states in the Ozone Transport Region (OTR), which includes the Commonwealth, Congress also required Statewide implementation of control measures capable of achieving emission reductions comparable to those achievable through the vehicle refueling controls required by section 182(b)(3) of the CAA for moderate ozone nonattainment areas. See section 184(b)(2) of the CAA. These CAA provisions required States to obtain the EPA approval of these measures as part of their SIPs to make the measures enforceable under Federal law.

Following the 1990 CAA amendments, the Board withdrew the draft final-form rulemaking it had developed for the Stage II vapor recovery rulemaking it proposed on June 16, 1990. The next year, the EPA issued important guidance under section 182(b)(3) of the CAA. The guidance, "Enforcement Guidance for Stage II Vehicle Refueling Control Programs," EPA Office of Air and Radiation, October 1991 (EPA Stage II Enforcement Guidance), addressed the effectiveness of gasoline vapor recovery systems.

On February 8, 1992, to promulgate timely regulations meeting the 1990 CAA amendments, the Board promulgated Stage II vapor recovery regulations through use of the final-omit rulemaking process. See 22 Pa.B. 585. The regulations were substantially similar to the 1990 rulemaking the Board had proposed and withdrew.

Under the 1992 regulation, § 129.82 called for Stage II implementation beginning in late 1992. The regulations, applied in areas of this Commonwealth that were classified as moderate, serious and severe ozone nonattainment areas. See 22 Pa.B. 585. The regulations were designed to address the pervasive ozone nonattainment problem that confronted the Commonwealth. See 22 Pa.B. 585. The requirements applied to the Pittsburgh moderate ozone nonattainment area (consisting of the seven-county Pittsburgh area), the Reading moderate ozone nonattainment area (consisting of Berks County) and the Philadelphia severe ozone nonattainment area (consisting of the five-county Philadelphia area). Implementation began in the five-county Philadelphia area.

Section 129.82 did not include the functional testing and certification requirements or the emission control requirements of the October 1991 EPA Stage II Enforcement Guidance. To correct the deficiencies, the Pennsylvania General Assembly added former section 6.7, formerly regarding control of volatile organic compounds from gasoline dispensing facilities, to the act (35 P.S. § 4006.7(b), (c) and (h)). Section 6.7 echoed the Stage II vapor recovery regulations, though with later compliance dates by 9 months. Section 6.7 also required use of the functional testing and certification requirements of the EPA's Stage II vapor recovery guidance documents. See section 9 of Senate Bill 1650 of 1992. This Senate Bill was enacted into law as the act of July 9, 1992 (P.L. 460, No. 95) (Act 95 of 1992).

The Department submitted the 1992 Stage II vapor recovery regulations to the EPA on March 4, 1992, seeking approval of them as a revision to the Commonwealth's SIP. The EPA proposed concurrent actions on the SIP revision the following year. See 58 FR 62560 (November 29, 1993). The first proposed EPA action proposed limited approval and limited disapproval due to deficiencies in testing, inspection frequency, facility training, and percent vapor control requirements and due to a deficiency of not requiring that the Stage II vapor recovery equipment be certified by the California Air Resources Board (CARB) or have an equivalent certification. The second proposed EPA action proposed approval of the Stage II vapor recovery regulations dependent upon the Department supplementing the SIP revision with section 6.7(b), (c) and (h) of the act and with section 17(2) of Act 95 of 1992 (which established the effective date of section 6.7).

On June 13, 1994, the EPA published notice of final rulemaking, providing a limited approval and a limited disapproval of the Department's Stage II vapor recovery SIP revision. The EPA approved § 129.82 as submitted but issued the limited disapproval to allow the Department to correct the functional testing and certification

requirement deficiencies noted by the EPA in its November 29, 1993, notice of proposed rulemaking. See 59 FR 30302 (June 13, 1994).

On October 26, 1995, the Department submitted a SIP revision to the EPA consisting of section 6.7(b), (c) and (h) of the act and section 17(2) of Act 95 of 1992. This submittal satisfied the SIP deficiencies, enabling the EPA to approve the SIP revision. The Commonwealth's EPA-approved SIP established the necessary Stage II vapor recovery control requirements to meet the 1990 CAA amendments. See 60 FR 63938 (December 13, 1995).

The Department had already begun implementing Stage II in the five-county Philadelphia area, but had deferred implementation in the moderate nonattainment areas because it desired time to determine whether the program was, in fact, necessary for attainment of the ozone air quality standard in those areas. The moderate nonattainment areas were Berks County and the seven-county Pittsburgh area. See the Department's notice of suspension of enforcement at 24 Pa.B. 1890 (April 9, 1994), regarding Stage II policy availability.

For Berks County, implementation never occurred because the area came into attainment of the NAAQS without implementation of § 129.82. In the same timeframe, the EPA promulgated ORVR system requirements for vehicles under section 202(a)(6) of the CAA (42 U.S.C.A. § 7521(a)(6)). Under this CAA provision, this EPA action enabled states to remove Stage II vapor recovery requirements from moderate ozone nonattainment areas. (For more information, see the subheading Stage II Vapor Recovery—conflict between Stage II vapor recovery systems and motor vehicle fueling emission controls; the EPA's widespread use determination, as follows.)

For the seven-county Pittsburgh area, implementation began several years later. During the period in which implementation was deferred, the area had monitored attainment of the ozone NAAQS. This had suspended the requirements for the Department to submit a SIP revision to the EPA showing how the area would come into attainment of the NAAQS under section 182(b) of the CAA. See 61 FR 28061 (June 4, 1996). In 1995, however, exceedances at ambient ozone monitors in the Pittsburgh area resulted in a violation of the ozone NAAQS, ending the SIP submittal suspension. See 61 FR 28061 (June 4, 1996). In response, Governor Tom Ridge formed a stakeholder group to review the ozone problem and to recommend emission control programs for the area. The Southwest Pennsylvania Ozone Stakeholder Working Group recommended, among other measures, implementing the Stage II vapor recovery control requirements to help the area attain the ozone NAAQS again. See 27 Pa.B. 2239 (May 3, 1997) regarding control of VOCs from gasoline dispensing facilities (Stage II). After considering this recommendation, the Board on May 3, 1997, proposed amendments to the Stage II vapor recovery regulations at 27 Pa.B. 2239.

In its 1997 proposal, the Board proposed amending compliance dates for the seven-county Pittsburgh area under § 129.82(a), adding the functional testing and certification requirements to § 129.82 as new subsection (d) and making clarifying amendments. See 27 Pa.B. 2239. In reply and to remove conflicting compliance dates, the Pennsylvania General Assembly repealed the Stage II vapor recovery provisions from the act, leaving only the SIP-approved requirement under section 6.7(h) that the Department implement functional testing and certification requirements established by the EPA guidance. See

the act of November 26, 1997 (P.L. 530, No. 57). On April 10, 1999, the Board finalized the amendments to § 129.82, including the compliance dates, clarifying edits, a possible exit from the program for the Pittsburgh area in 2010 under subsection (d) and the functional testing and certification requirements under subsection (e). See 29 Pa.B. 1889.

The Department submitted the amended regulations to the EPA as a SIP revision on March 3, 2000. The EPA approved the SIP revision. See 66 FR 27875 (May 21, 2001). On July 5, 2012, the Pennsylvania General Assembly repealed the remaining subsection 6.7(h) under the act of July 5, 2012, (P.L. 1109, No. 135).

In addition to the SIP revision that the Department plans to submit for approval of this final-form rulemaking, when adopted as a final regulation, the Department intends to submit a SIP revision to ensure removal of section 6.7 of the act from the SIP.

Stage II vapor recovery—conflict between Stage II vapor recovery systems and motor vehicle fueling emission controls; the EPA's widespread use determination

In addition to requiring that States adopt Stage II vapor recovery controls, Congress in the 1990 CAA amendments required the EPA Administrator to promulgate, by November 1, 1991, standards for vehicle-based onboard systems for the control of vehicle fueling emissions, including VOCs. See section 202(a)(6) of the CAA. These vehicle-based onboard systems are the ORVR systems mentioned previously under the subheadings, Purpose and Stage II vapor recovery—two types. Congress realized that ORVR systems would eventually replace the need for Stage II vapor recovery systems, so Congress created two off-ramps under section 202(a)(6) of the CAA. One of the off-ramps was the opportunity for States to remove Stage II vapor recovery requirements for moderate nonattainment areas upon the EPA's promulgation of ORVR standards.

The EPA promulgated the ORVR requirements in 1994. See 59 FR 16262 (April 6, 1994). Although a State could remove Stage II vapor recovery requirements in moderate ozone nonattainment areas at that point, a State could retain its Stage II vapor recovery requirements if the requirements continued to be useful and needed. The Department did not seek to remove the Stage II vapor recovery program applicability for this Commonwealth's moderate ozone nonattainment areas at that time.

Under the second off-ramp under section 202(a)(6) of the CAA, Congress authorized the EPA Administrator to waive CAA Stage II vapor recovery requirements for serious, severe and extreme ozone nonattainment areas upon determining that ORVR systems are in widespread use. In 2012, the EPA published a notice of final rulemaking determining that ORVR systems are in widespread use Nationally throughout the motor vehicle fleet. See 77 FR 28772 (May 16, 2012) (widespread use determination). Based on this determination, the EPA Administrator waived the CAA requirement that States with serious, severe and extreme ozone nonattainment areas adopt and implement programs requiring Stage II vapor recovery systems, effective May 16, 2012. See 77 FR 28772, 28778 (May 16, 2012). The widespread use determination and waiver of requirements are found in 40 CFR 51.126 (relating to determination of widespread use of ORVR and waiver of CAA section 182(b)(3) Stage II gasoline vapor recovery requirements). For an EPA Fact Sheet about the EPA's widespread use determination, see https://www.epa.gov/sites/production/files/2015-09/documents/stage_2_vapor_factsheet.pdf.

In its widespread use notice, the EPA explained that phasing out the use of Stage II vapor recovery systems could lead to long-term cost savings for affected gas station owners and operators while maintaining air quality protections. See 77 FR 28772, 28780 (May 16, 2012). The EPA also stated that the agency would issue nonbinding guidance on developing and submitting approvable SIP revisions to remove Stage II vapor recovery programs from the SIP. See 77 FR 28772 (May 16, 2012). On August 7, 2012, the EPA issued the guidance. See 77 FR 28772 (May 16, 2012). In the guidance, entitled “Guidance on Removing Stage II Gasoline Vapor Control Programs from State Implementation Plans and Assessing Comparable Measures,” EPA, H. Lynn Dail et. al., EPA-457/B-12-001, August 7, 2012 (Decommissioning Guidance), the EPA addressed how States should demonstrate that removing Stage II vapor recovery requirements will not cause “backsliding” and, for States in the OTR, how OTR States should demonstrate that they require “comparable measures” under section 184(b)(2) of the CAA.

Using the EPA’s Decommissioning Guidance, the Department completed its analysis of the effects that incompatibility between Stage II vacuum assist vapor recovery systems and ORVR systems has on emissions. Modeling shows that the equipment incompatibility will result in overall excess VOC emissions in this Commonwealth in 2021 in the seven-county Pittsburgh area and in 2022 in the five-county Philadelphia area without removal of these Stage II vapor recovery systems. Overall emissions will increase because emissions due to incompatibility will be greater than the emission reductions achieved by using Stage II vapor recovery systems to pump gasoline into vehicles not equipped with ORVR systems because ORVR-equipped vehicles comprise a larger share of the highway vehicle fleet. Excess VOC emissions would also result without the corresponding requirements to offset VOC emissions caused by, and following, the decommissioning of Stage II vapor recovery equipment.

Stage II vapor recovery—Pennsylvania Bulletin notices of Stage II enforcement discretion

Because of the EPA’s widespread use determination and the Department’s intention to remove certain Stage II vapor recovery requirements, the Department on August 18, 2012, issued a notice of suspension of enforcement of the Stage II vapor recovery requirements from new and newly affected GDFs in the five-county Philadelphia and seven-county Pittsburgh areas. See 42 Pa.B. 5437 (August 18, 2012). The suspension of enforcement applied to the owners and operators of new GDFs that began operation after July 31, 2012, and GDFs that were newly affected after July 31, 2012. The Department continued to enforce the requirements applicable to existing facilities subject to the Stage II vapor recovery requirements until further notice.

On November 12, 2016, the Department issued a supplemental notice of suspension of enforcement of the Stage II vapor recovery requirements. In this notice, the Department suspended enforcement against owners and operators who would be adding new gasoline dispensers or replacing gasoline dispensers at affected GDFs. See 46 Pa.B. 7204 (November 12, 2016). The Department noted that gasoline dispensing equipment installed after that date may be subject to future regulations developed for GDFs. For owners and operators of GDFs with Stage II vapor control systems in place to meet the Stage II vapor recovery requirements, the Department continued to require operation and maintenance of those systems under § 129.82.

The Department presented the draft final-form Annex A to the Air Quality Technical Advisory Committee on April 8, 2021, and to the Small Business Compliance Advisory Committee on May 19, 2021, and briefed the committees on the comments received on the proposed rulemaking. The Department presented the draft final-form Annex A to the Citizens Advisory Council’s (CAC) Policy and Regulatory Oversight Committee on June 1, 2021. On the recommendation of the Policy and Regulatory Oversight Committee, on June 15, 2021, the CAC concurred with the Department’s recommendation to present this final-form rulemaking to the Board for consideration. Advisory committee meetings are advertised and open to the public.

This final-form rulemaking is consistent with section 4.2(a) of the act (35 P.S. § 4004.2(a)), and is reasonably necessary to achieve and maintain the health-based and welfare-based 8-hour ground-level ozone NAAQS and to satisfy related CAA requirements in this Commonwealth. Decommissioning of Stage II vacuum assist vapor recovery systems is needed to avoid excess VOC and air toxic emissions. Vapor leak testing and related GDF emission control requirements are needed to protect against backsliding from emission reductions currently accounted for under the existing regulations.

E. Summary of Final-Form Rulemaking and Changes from Proposed to Final-Form Rulemaking

§ 121.1. Definitions

This final-form rulemaking revises § 121.1 to amend the terms “CARB Executive Order” and “gasoline dispensing facility” and adds the terms “decommission,” “monthly throughput,” “Phase I vapor recovery system,” “Phase II vapor recovery system,” “pressure/vacuum vent valve,” “Stage I enhanced vapor recovery system,” “Stage I vapor recovery system,” “Stage II vacuum assist vapor recovery system,” “Stage II vapor balance vapor recovery system,” “Stage II vapor recovery system,” “storage tank system,” “UMI,” “UMX,” “ullage” and “underground storage tank” to support the amendments to Chapter 129.

The definition of “CARB Executive Order” is amended to expand the applicability of the term to include Executive Orders that CARB issues for Stage I equipment and other related equipment covered by this final-form rulemaking. The existing definition applied only to the Pennsylvania Clean Vehicles Program in Chapter 126, Subchapter D (relating to Pennsylvania clean vehicles program).

This final-form rulemaking adds a definition of “decommission” to describe the meaning of the term as it is used under § 129.82a. The definition relates to the process to disconnect a Stage II vapor recovery system.

This final-form rulemaking amends the definition of “gasoline dispensing facility” to clarify that it is a stationary source that contains a storage tank.

This final-form rulemaking adds the definition of “monthly throughput” to explain how to calculate monthly throughput to determine if a facility in the five-county Philadelphia or seven-county Pittsburgh area has met the throughput threshold that triggers leak monitoring requirements under § 129.61a and Stage II vapor recovery requirements under § 129.82. The definition is taken from the NESHAP at 40 CFR 63.11132 (relating to what definitions apply to this subpart?).

This final-form rulemaking adds the definition of a “Phase I vapor recovery system” because the term is used in a CARB test procedure title in § 129.61a(b)(4) of this

final-form rulemaking. This CARB-derived definition means the same thing as the EPA-derived definition of the term “Stage I vapor recovery system” also added in this final-form rulemaking. See explanation of “Stage I vapor recovery system” as follows.

This final-form rulemaking adds the definition of a “Phase II vapor recovery system” because the term is used in a CARB executive order title in §§ 129.61a(e)(2) and (k)(3) and 129.82(c)(1)(i) of this final-form rulemaking. This CARB-derived definition means the same thing as the EPA-derived definition of the term “Stage II vapor recovery system,” also added to this final-form rulemaking.

This final-form rulemaking adds the definition of “pressure/vacuum vent valve” to describe the operation and purpose of this component of a Stage I vapor recovery system.

This final-form rulemaking adds the definition of a “Stage I enhanced vapor recovery system” to explain that the system must have received the necessary certification as specified by the required CARB Executive Order. A Stage I enhanced vapor recovery system is a type of Stage I vapor recovery system.

This final-form rulemaking adds the definition of a “Stage I vapor recovery system” to describe the purpose and operation of the system. The definition also includes a “Phase I vapor recovery system” and “Stage I enhanced vapor recovery system.” See the previous explanations regarding the definition of these two terms.

This final-form rulemaking adds definitions of the two types of “Stage II vapor recovery systems.” The two systems are subject to different requirements in this final-form rulemaking. They are described as follows.

The first type of “Stage II vapor recovery system” is a “Stage II vacuum assist vapor recovery system.” The definition of this term describes the purpose and operation of the system to make a distinction between a vacuum assist system and the second type of system, namely a vapor balance system.

The definition of a “Stage II vapor balance vapor recovery system” describes the purpose and operation of the vapor balance system.

This final-form rulemaking adds the definition of a “Stage II vapor recovery system” to describe the purpose and operation of the system. The definition also refers to a “Phase II vapor recovery system.” See the previous explanation regarding the definition of “Phase II vapor recovery system.” The definition of “Stage II vapor recovery system” is amended in response to a comment from IRRC to specify that the term includes both a Stage II vacuum assist vapor recovery system and a Stage II vapor balance vapor recovery system.

This final-form rulemaking adds the definition of “storage tank system” because the term is used throughout §§ 129.61a and 129.82a. The definition is the definition for the term under § 245.1 (relating to definitions).

This final-form rulemaking adds the definition of “ullage” to describe the meaning of this technical word in the context of measuring the vapor leak rate from a gasoline storage tank system under § 129.61a(e)(2)(iv).

This final-form rulemaking adds the definitions of “UMI” and “UMX” to specify certification requirements for persons performing specified work on USTs under §§ 129.61a(q) and 129.82(e). The terms have the meanings as defined under the term “certification categories” under § 245.1.

This final-form rulemaking adds the definition of “underground storage tank” because the term is used under proposed §§ 129.61a and 129.82a. The proposed definition would be the definition for the term under § 245.1.

Aside from the previously noted change to the definition of a “Stage II vapor recovery system,” no other changes were made to the definitions from the proposed to this final-form rulemaking.

§ 129.61. Small gasoline storage tank control (Stage I control)

The amendments to § 129.61 in this final-form rulemaking make several clarifications. The amendments clarify the applicability of Stage I vapor recovery control requirements under subsection (a), the requirements for transferring gasoline from a tank truck into a gasoline storage tank at a GDF under subsection (b) and the requirements pertaining to gasoline tank truck dispensing tanks under subsection (c). The amendments remove the vapor disposal regulatory cross-references from subsection (b) because the requirements are adequately addressed under subsection (c). Subsection (c) clarifies that the dispensing tank of a gasoline tank truck must remain vapor tight at all times except that the dispensing tank may be opened after the vapors are properly disposed. The exception is needed for necessary actions surrounding maintenance and other operational requirements. This final-form rulemaking adds subsection (d) to inform the owner and operator of a gasoline storage tank subject to Stage I vapor recovery control requirements that the owner or operator may also be subject to the vapor leak monitoring and other requirements for small gasoline storage tank emission controls under § 129.61a.

The Board did not make any changes to § 129.61 from the proposed rulemaking to this final-form rulemaking.

§ 129.61a. Vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control

This final-form rulemaking adds § 129.61a to provide requirements for periodic and continuous vapor leak monitoring and related requirements applicable to the owner or operator of a GDF with a small gasoline storage tank in the five-county Philadelphia or seven-county Pittsburgh area with a capacity of greater than 2,000 gallons. A “small gasoline storage tank” is defined in existing § 121.1 as a tank from which gasoline is dispensed to motor vehicle gasoline tanks.

Section 129.61a applies only to the 12 counties listed under subsection (a). These are the same 12 counties subject to the Stage II vapor recovery regulations, under § 129.82, described as follows. A GDF owner or operator, including a GDF owner or operator who decommissions Stage II vapor recovery equipment under § 129.82a, is required under § 129.61a, to monitor leaks and make repairs in the GDF’s Stage I vapor control system similarly to how leaks are monitored and repaired at GDFs with Stage II vapor recovery systems under § 129.82.

Subsection (a) describes applicability. This subsection specifies that § 129.61a applies to the owner and operator of a gasoline storage tank with a capacity of greater than 2,000 gallons that is subject to the Stage I vapor recovery control requirements under § 129.61 only if the GDF is located in one of 12 counties in the five-county Philadelphia and seven-county Pittsburgh areas, and only if the monthly throughput of the GDF exceeds the applicable threshold specified under paragraph (1) or (2). The throughput thresholds in paragraphs (1) and (2) are the same as those under existing § 129.82, which in turn

are based on section 182(b)(3)(A) of the CAA, (42 U.S.C.A. § 7511a(b)(3)(A)). The thresholds exclude GDFs with low throughputs and specify a higher throughput threshold under paragraph (2) for a GDF owned or operated by an independent small business marketer of gasoline, consistent with section 324 of the CAA (42 U.S.C.A. § 7625), regarding vapor recovery for small business marketers of petroleum products. The GDFs below the monthly throughput threshold of 10,000 gallons in paragraph (1) account for less than 2% of total throughputs in the areas subject to this final-form rulemaking. Approximately 1/3 of GDFs in the areas subject to this final-form rulemaking have monthly throughputs below the 10,000 gallon threshold in paragraph (1). The cost-effectiveness of controlling GDFs below the threshold in paragraph (1) is very low in comparison to GDFs with throughputs at or above the applicability threshold in paragraph (1). See Section F of this Preamble, and Questions 15, 16, 17 and 24 of the RAF for this final-form rulemaking, for more information on benefits and impacts of this final-form rulemaking to small businesses.

Paragraphs (1) and (2) of subsection (a) further explain that throughputs are assessed annually for determining applicability of § 129.61a, beginning with the calendar year that precedes the year in which this final-form rulemaking is published as a final regulation.

Subsection (a)(3) explains that once an affected GDF in the five-county Philadelphia or seven-county Pittsburgh area exceeds the throughput of paragraph (1) or (2) in a calendar year, it remains subject to § 129.61a even during times when the throughput falls below the threshold. This is consistent with the approach the EPA follows in the NESHAP. See 40 CFR 63.11111(i) (relating to am I subject to the requirements in this subpart?). See Sections D, F and G in this Preamble for further discussion of the NESHAP. This approach serves to avoid confusion for the purpose of compliance and enforcement.

Subsection (b) specifies the four CARB vapor recovery test procedures that the GDF owner or operator must follow to meet the vapor leak monitoring procedures under § 129.61a. This subsection specifies CARB test procedures because CARB staff have become the world's foremost experts on controlling emissions at GDFs. Regulatory bodies in the United States that require vapor leak monitoring predominantly rely on CARB test procedures. For example, the EPA, under section 4.2 of its Stage II Enforcement Guidance, requires Stage II vapor recovery systems to be CARB-approved or to be of equivalent quality. The nearby States of Delaware, Maryland (for Baltimore City and 11 counties), New Jersey, and New York (for the New York and lower Orange County metropolitan areas) require GDF owners and operators to follow CARB testing requirements. See 7 Del. Code Regs. § 1124-36.0; Md. Code Regs. 26.11.24; N.J. Admin. Code § 7:27-16.3; and N.Y. Comp. Codes R. & Regs. Tit. 6, § 230.2. The owner or operator of a GDF may need to perform up to four of the listed CARB vapor recovery test procedures to monitor for leaks, namely (1) CARB TP-201.1E—Leak Rate and Cracking Pressure/Vacuum Vent Valves, (2) CARB TP-201.3—Determination of 2-Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities, (3) CARB TP-201.3C—Determination of Vapor Piping Connections to Underground Gasoline Storage Tanks and (4) CARB TP-201.1B—Static Torque of Rotatable Phase I Adaptors.

Subsection (c) specifies a choice of two compliance options for satisfying monitoring requirements for GDF owners to comply with the vapor leak monitoring require-

ments under this section. The owner and operator of a GDF has the option to comply by using periodic or continuous vapor leak rate monitoring. For the periodic monitoring option, requirements under subsection (d) are to be followed. For the continuous monitoring option, requirements under subsections (e), (h), (i) and (j) are to be followed.

Subsection (d) applies to a GDF owner or operator who chooses to demonstrate compliance by using periodic vapor leak rate monitoring under subsection (c). Paragraph (1) requires the GDF owner or operator to conduct periodic vapor leak testing by following the following three CARB vapor recovery test procedures listed under subsection (b), namely TP-201.1E, TP-201.3 and TP-201.3C. The fourth CARB test procedure listed under subsection (b), TP-201.1B, is required if the UST is equipped with a rotatable adaptor. The test procedures must all be completed at least once during a 12-month period.

Paragraph (1)(i) specifies that the tests may be conducted simultaneously, consecutively or separately during the 12-month period. This is to allow owners and operators of GDFs flexibility in scheduling leak monitoring tests.

Subparagraphs (ii), (iii) and (iv), working in tandem, are meant to encourage GDF owners and operators to perform frequent visual leak monitoring inspections between annual leak tests and to make necessary repairs soon after a leak is detected. Subparagraph (ii) specifies that repairs may not be made to the Stage I vapor recovery system on the day that CARB TP-201.3 or CARB TP-201.3C is performed prior to completion of the test procedure. If a leak test fails, a repair to a component on, or a correction to, a vapor recovery system must be made within 10 days under subparagraph (iii). Subparagraph (iv) specifies that if a repair to a component on, or correction to, the Stage I vapor recovery system is needed to pass CARB TP-201.3 then CARB TP-201.3 must be conducted once every 6 months. The generally applicable once-in-every-12-month testing requirement may resume after two consecutive once-in-every-6-month period CARB TP-201.3 test procedures do not reveal a failure requiring a repair or correction. This requirement in this final-form rulemaking will encourage owners and operators to perform the required leak inspections on a regular basis and make the necessary repairs as vapor leaks occur. Periodic leak inspections at the GDF reduce the likelihood of an owner or operator having to conduct once-in-every-6-month testing.

Section 129.61a(d)(1) is amended to add subparagraph (v) in response to two comments received on the proposed rulemaking. Subparagraph (v) specifies that the existing CARB TP-201.1E, CARB TP-201.3, CARB TP-201.3C and CARB TP-201.1B leak tests must be performed by the GDF owners and operators within 1 year after the effective date of this final-form rulemaking and within 1 year thereafter. This paragraph provides clarity as to the effective date for when GDF owners and operators must begin conducting these tests.

Under subsection (d)(2), the recordkeeping requirements for each test procedure performed under paragraph (1) are listed. The recorded information allows the Department to track the leak rate monitoring performed and the associated action taken by the GDF owner or operator.

Subsection (e) applies to a GDF owner or operator who chooses to demonstrate compliance by using continuous vapor leak rate monitoring under subsection (c). Subsection (e) specifies the design, installation, operation and maintenance of a Stage I enhanced vapor recovery system and a continuous pressure monitoring system. Both systems are required to conduct continuous vapor leak rate monitoring.

Subsection (e)(1) specifies that a Stage I enhanced vapor recovery system must be certified by a CARB Executive Order. A CARB-certified Stage I enhanced vapor recovery system ensures a proper level of vapor tightness at a GDF to ensure that a continuous pressure monitor, required under subsection (e)(2), can work properly.

Subsection (e)(2) requires a continuous pressure monitoring system that meets specified CARB certification requirements. Subparagraphs (i) through (vi) specify the equipment and operational characteristics that the continuous pressure monitoring system needs to meet. CARB deems that by complying with these characteristics continuous pressure monitoring is at least as stringent as once-in-every-12-month leak monitoring conducted under CARB test procedures.

Subsection (f) applies to all GDF owners and operators who install a Stage I vapor recovery system under § 129.61a. Paragraph (1) specifies requirements for leak rate monitoring test procedures that are performed within 10 days of installation of the Stage I vapor recovery system. The GDF owner or operator needs to conduct and pass 3 leak rate monitoring CARB test procedures, TP-201.1E, TP-201.3 and TP201.3C. If the UST is equipped with a rotatable adaptor, the GDF owner or operator will need to conduct an additional test, TP-201.1B.

Subsection (f)(2) lists the recordkeeping requirements for each test procedure performed under paragraph (1). This information will allow the Department to track the leak rate monitoring performed and associated actions taken by the GDF owner or operator.

Subsection (f)(3) requires that the GDF owner or operator maintain onsite or electronically store allowing for onsite examination a copy of the CARB Executive Order issued for the Stage I enhanced vapor recovery system under subsection (e)(1). This will allow an inspector to determine if the proper equipment is installed at a facility that uses a continuous pressure monitoring system. This subsection is amended from proposed rulemaking to this final-form rulemaking in response to comments received to allow for GDFs to electronically store CARB Executive Orders and other records as long as they are readily available for onsite examination during inspection. This revision reflects that owners and operators of GDFs utilize electronic technology as opposed to just paper documentation.

Subsection (f)(4) requires installation and maintenance of a pressure/vacuum vent valve on the atmospheric vent of a UST to prevent fugitive emissions when these emissions occur. Examples of when these emissions occur most are when the atmospheric pressure changes, when gasoline is not withdrawn from the UST for prolonged periods and when the GDF receives a gasoline delivery. This requirement will ensure that pressure/vacuum vent valves are installed at all times.

Subsection (g) applies to all GDF owners and operators who install a Stage I vapor recovery system under § 129.61a. Subsection (g) requires regular leak monitor-

ing inspections. By following a schedule and examining potential problem spots where the vapor tightness of a Stage I vapor recovery system could easily become compromised, a person may prevent larger leaks. Larger leaks are often caused by the misuse or misoperation of a Stage I vapor recovery system and are usually apparent with a visual inspection. Small leaks, which are more difficult to discover, become large leaks over the course of several weeks or months and may be discovered by leak monitoring inspection.

Subsection (g)(1) requires the GDF owner or operator to inspect after each tank truck delivery some common sites on the Stage I vapor recovery system that may become compromised during a tank truck delivery.

Subsection (g)(2) requires the GDF owner or operator to inspect once per month components of the Stage I vapor recovery system that are less likely to be damaged during normal operation of the GDF. Subsection (g)(3) requires the GDF owner or operator to make a repair or correction to a failed component of the Stage I vapor recovery system as soon as possible before the next monthly inspection.

Subsection (g)(4) lists the needed recordkeeping requirements for each inspection of, and correction to, a Stage I vapor recovery system and repair to a failed component of a Stage I vapor recovery system under this subsection. These recorded items will allow the Department to track the leak rate monitoring performed, and associated actions taken, by the GDF owner or operator.

Subsection (h) applies to a GDF owner or operator who chooses the compliance option under subsection (c) of installing a continuous pressure monitor to perform leak monitoring. Subsection (h) specifies how a continuous pressure monitor must operate to be an equivalent form of leak monitoring as annual leak monitoring. This subsection specifies the operating parameters of the continuous pressure monitoring system, and related measurements, recordkeeping and record storage requirements, testing requirements and schedule for repairs. Subsection (h)(10) is amended from proposed rulemaking to this final-form rulemaking in response to comments received to allow for GDFs to electronically store records as long as they are readily available for onsite examination during inspection. This revision reflects that owners and operators of GDFs utilize electronic technology as opposed to just paper documentation.

Subsection (i) applies to a GDF owner or operator who chooses the compliance option under subsection (c) of installing a continuous pressure monitor to perform leak monitoring. Subsection (i) specifies what actions must occur the first time the continuous pressure monitoring system determines that the vapor leak rate standard is exceeded. This subsection includes requirements for the GDF owner and operator and for operation of the continuous pressure monitoring system. This subsection requires the continuous pressure monitoring system to activate an alarm and directs the owner or operator to determine the cause of the vapor leak rate failure and take corrective action within 7 calendar days of the first exceedance alarm. The owner or operator must record relevant information pertaining to indication of vapor leak rate failure and corrective action taken. Paragraph (2)(i) authorizes a GDF owner or operator to turn off an alarm system without meeting the certification requirements of subsection (q) when a correction or repair is not required.

Subsection (j) applies to a GDF owner or operator who chooses the compliance option under subsection (c) of

installing a continuous pressure monitor to perform leak monitoring. If the continuous pressure monitoring system determines that the vapor leak rate standard is exceeded within 7 calendar days following the correction made after the first alarm, this could be an indication of a problem with the continuous pressure monitor. Under subsection (j), a second alarm requires the owner or operator to reset the continuous pressure monitor and determine the cause of vapor leak rate failure and take corrective action within 7 calendar days of the alarm. The owner or operator is required to record the relevant information pertaining to indication of vapor leak rate failure and corrective action taken. Paragraph (2)(ii)(A) and (B) specifies the qualification requirements for persons to make repairs or corrections.

Subsection (k) applies to an owner or operator of a GDF who does not have a Stage II vapor recovery system. Paragraph (1) specifies when a GDF owner or operator must replace conventional hoses with low permeation hoses. GDF owners and operators must replace all conventional hoses with low permeation hoses within 2 years after the effective date of adoption of this final-form rulemaking. For all new gasoline dispensers at GDFs and all new GDFs, the owner or operator must install low permeation hoses on the dispensers upon installation of the dispensers. The low permeation hoses must be included on a specified component list in CARB Executive Order NVR-1-D or in an update or revision to the Executive Order.

Subsection (k)(2) specifies when a GDF owner or operator must replace conventional nozzles with enhanced conventional nozzles. Paragraph (2) requires that an owner or operator of an existing GDF replace conventional nozzles with enhanced conventional nozzles within 2 years after a notice is published in the *Pennsylvania Bulletin* indicating that the CARB Executive Officer issued an Executive Order to a second manufacturer for an enhanced conventional nozzle. For all new gasoline dispensers and GDFs that begin operation after the notice is published in the *Pennsylvania Bulletin*, the owner or operator must install enhanced conventional nozzles. The enhanced conventional nozzles must be included by the CARB Executive Officer on a specified component list in CARB Executive Order NVR-1-D or in any updates and revisions to the Executive Order.

Subsection (l) specifies additional requirements for GDF owners and operators. These requirements are best practices for maintenance of Stage I and Stage II vapor recovery systems. Although these additional requirements are currently codified only under § 129.82 for GDFs that have Stage II vapor recovery systems, they provide significant protections against vapor leaks and accidental spills that are equally important and applicable to all GDFs. They are listed in subsection (l) because most GDFs with Stage II vapor recovery systems covered under § 129.82 will be decommissioning their Stage II vapor recovery systems under § 129.82a. Subsection (l)(3) is amended from proposed rulemaking to this final-form rulemaking in response to comments received to allow for GDFs to electronically store records as long as they are readily available for onsite examination during inspection. This revision reflects that owners and operators of GDFs utilize electronic technology as opposed to just paper documentation.

Subsection (m) requires that a GDF owner or operator keep records for 2 years including measurements made, leak rate failures observed and corrective actions taken in the relevant paragraphs and subparagraphs listed, unless

a longer period is required under Chapter 127 (relating to construction, modification, reactivation and operation of sources). The records must be made readily available to the Department upon Department request or during an inspection and can be recorded in either written format or stored electronically for onsite examination. Subsection (m) is amended to correct a cross-reference to § 129.61a(j)(2)(iii) pertaining to recordkeeping information for second exceedances of the allowable vapor leak rate. Subsection (m)(1) is amended from proposed rulemaking to this final-form rulemaking in response to comments received to allow for GDFs to electronically store records as long as they are readily available for onsite examination during inspection. This revision reflects that owners and operators of GDFs utilize electronic technology as opposed to just paper documentation.

Subsection (n) requires a GDF owner or operator who chooses to demonstrate compliance by using continuous vapor leak rate monitoring under subsection (c)(2) to maintain onsite at the GDF or electronically stored allowing for onsite examination a copy of the valid CARB Executive Order for the enhanced Stage I vapor recovery system required under subsection (e)(1). Maintaining these documents onsite will facilitate the Department's inspections of the GDF. Subsection (n) is amended from proposed rulemaking to this final-form rulemaking in response to comments received to allow for GDFs to electronically store the CARB Executive Order and other records as long as they are readily available for onsite examination during inspection. This revision reflects that owners and operators of GDFs utilize electronic technology as opposed to just paper documentation.

Subsection (o) requires that the GDF owner or operator maintain onsite or electronically stored allowing for onsite examination at the GDF the CARB Executive Order required for low permeation hoses and enhanced conventional nozzles to facilitate the Department's inspections of the GDF. This subsection is amended from proposed rulemaking to this final-form rulemaking in response to comments received to allow for GDFs to electronically store CARB Executive Orders as long as they are readily available for onsite examination during inspection. This revision reflects that owners and operators of GDFs utilize electronic technology as opposed to just paper documentation.

Subsection (p) requires that the GDF owner or operator maintain onsite at the GDF or electronically stored allowing for onsite examination a copy of the record of the training schedule and written instructions required under subsection (1)(2) for the duration of the operation of the vapor recovery system. This subsection is amended from proposed rulemaking to this final-form rulemaking in response to comments received to allow for GDFs to electronically store records as long as they are readily available for onsite examination during inspection. This revision reflects that owners and operators of GDFs utilize electronic technology as opposed to just paper documentation.

Subsection (q)(1) specifies that a person making corrections or repairs to a vapor recovery system must be appropriately certified under Chapter 245, Subchapters A and B (relating to general provisions; and certification program for installers and inspectors of storage tanks and storage tank facilities). This requirement is included to ensure that appropriately qualified individuals work on these potentially dangerous sources of emissions. Paragraph (2) exempts from this requirement a person when

only performing a test specified under subsection (b), as opposed to a person performing installation or modification work.

Other than the amendments to § 129.61a(d)(1), (f)(3), (h)(10), (l)(3), (m), (n), (o) and (p), no other changes have been made from the proposed rulemaking to this final-form rulemaking.

§ 129.82. Control of VOCs from gasoline dispensing facilities (Stage II)

Existing § 129.82 applies to GDFs in the Philadelphia and Pittsburgh areas that have a monthly gasoline throughput of at least 10,000 gallons or are independent small business marketers of gasoline with a monthly throughput at the GDF of at least 50,000 gallons.

The amendments to § 129.82 in this final-form rulemaking deletes requirements for a GDF owner or operator in the five-county Philadelphia area or seven-county Pittsburgh area to install a Stage II vapor recovery systems. Removing requirements to install Stage II vapor recovery systems is consistent with allowing, and in some cases requiring, decommissioning of Stage II vapor recovery systems under § 129.82(a). The ORVR systems on the vast majority of vehicles in this Commonwealth are making Stage II vapor recovery systems obsolete. Section 129.82 also addresses requirements for GDF owners and operators in the 12 counties who retain their Stage II vapor recovery systems.

Subsection (a) specifies that § 129.82 is applicable in the 12 counties of the five-county Philadelphia and seven-county Pittsburgh areas. The amendments to this subsection delete Berks County from the list of covered counties under § 129.82 because Stage II was never implemented in Berks County (also referred to in this Preamble as the Reading moderate ozone nonattainment area). See Section D of this Preamble, previously, for additional information on the EPA's 1994 ORVR rulemaking and its effect on moderate areas under section 202(a)(6) of the CAA and also for the explanation of the Department's decision not to implement Stage II vapor recovery requirements in Berks County.

Subsection (b) clarifies and updates the existing operating requirements that the GDF owner or operator must meet for an installed Stage II vapor recovery system until the system is decommissioned under § 129.82a. Subsection (b)(6) is amended from proposed rulemaking to this final-form rulemaking in response to comments received to allow for GDFs to electronically store records as long as they are readily available for onsite examination during inspection. This revision reflects that owners and operators of GDFs utilize electronic technology as opposed to just paper documentation.

Subsection (c) amends § 129.82 to delete requirements for additional areas to become subject to § 129.82. This subsection also deletes requirements in existing subsection (d) which specify that if an ORVR program is fully implemented by December 31, 2010, then the operation and maintenance of Stage II vapor recovery systems will no longer be required. The EPA's 2012 widespread use determination that allows states to allow decommissioning of Stage II vapor recovery systems renders this existing provision obsolete.

Subsection (c) also retains the requirement that GDF owners and operators comply with the functional testing and certification requirements in the EPA's Stage II enforcement and technical guidance documents. Subsection (c) designates the appropriate CARB functional and certification requirements for both a vapor balance sys-

tem (paragraph (1)) and a vacuum assist system (paragraph (2)). Paragraph (3) specifies the schedule, frequency and recordkeeping requirements for the test procedures listed in paragraphs (1) and (2) and any possible repairs or corrections needed.

Subsection (d) informs a GDF owner or operator subject to § 129.82 that the owner or operator may also be subject to the vapor leak monitoring and other requirements for small gasoline storage tank emission controls under § 129.61a and the Stage II vapor recovery system decommissioning requirements under § 129.82a.

Other than the amendment to § 129.82(b)(6), no other changes have been made to § 129.82 from the proposed rulemaking to this final-form rulemaking.

§ 129.82a. Requirements to decommission a Stage II vapor recovery system

Section 129.82a specifies the correct way to decommission a Stage II vapor recovery system, who must decommission, decommissioning deadlines and recordkeeping requirements.

Subsection (a) establishes that this section applies to an owner and operator of a GDF that uses, has decommissioned or is decommissioning a Stage II vapor recovery system, including those who own or operate outside the 12 counties that are subject to § 129.82.

Subsection (b)(1) sets a deadline of December 31, 2022, for owners or operators of Stage II vacuum assist vapor recovery systems in the 12-county area to decommission their systems. This date was chosen because of the incompatibility between Stage II vacuum assist vapor recovery systems and ORVR systems. Using the EPA's Decommissioning Guidance methodology to estimate emissions that result from this incompatibility, the Department concluded that emissions will begin to increase in 2022 in all 12 counties. Paragraph (2) specifies that a GDF owner and operator operating a Stage II vapor balance vapor recovery system decommission under this section. This requirement is included to ensure that all decommissioning for both types of vapor recovery systems are completed correctly according to industry recommended practices.

Subsection (c) specifies the recommended practices for decommissioning. Paragraph (1) identifies the industry association's recommended practices, found in PEI/RP300-09—The Petroleum Equipment Institute's "Recommended Practices for Installation and Testing of Vapor-Recovery Systems at Vehicle-Fueling Sites," Chapter 14, Decommissioning Stage II Vapor-Recovery Piping, sections 14.1 through 14.6.13, including applicable updates and revisions. The CARB test procedures in paragraphs (2) and (3) are included in the PEI guidance. The PEI's recommended practices for decommissioning are widely followed by the industry. In the EPA's Decommissioning Guidance, the EPA notes that the PEI guidance "is especially instructive as it was developed by industry experts with a focus on regulatory compliance and safety. It contains the steps involved in dismantling Stage II hardware and applies to both balance and vacuum assist type systems." Decommissioning Guidance, page 23.

Subsection (d) specifies the best practices and test procedures that need to be accomplished to decommission a Stage II vapor recovery system properly. In addition, a Department-approved form, 27-FM-BAQ1029, needs to be completed and sent to the Department to indicate that decommissioning was completed properly. The form must be kept onsite for 2 years unless other requirements require a longer duration of time. Subsection (d)(5) is

amended from proposed rulemaking to this final-form rulemaking in response to comments received to allow for GDFs to electronically store records as long as they are readily available for onsite examination during inspection. This revision reflects that owners and operators of GDFs utilize electronic technology as opposed to just paper documentation.

Subsection (e) requires that a person performing work under this section be appropriately certified to a level specified in the Department's Storage Tank program regulations under Chapter 245 (relating to administration of the Storage Tank and Spill Prevention Program) to help ensure that the work is performed correctly.

Subsection (f) deletes the requirements for a GDF owner and operator to comply with § 129.82 after the Stage II vapor recovery system is decommissioned.

Subsection (g) informs GDF owners or operators State-wide who have decommissioned a Stage II vapor recovery system under this section that they must also comply with the Stage I vapor recovery requirements under § 129.61.

Subsection (h) informs GDF owners or operators in the 12 counties who have decommissioned a Stage II vapor recovery system under this section that they must also comply with the vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control under § 129.61a.

Other than the amendment to § 129.82a(d)(5), no other changes have been made to § 129.82a from the proposed rulemaking to this final-form rulemaking.

F. Summary of Comments and Responses on the Proposed Rulemaking

The Board adopted the proposed rulemaking at its meeting on May 19, 2020. The proposed rulemaking was published at 50 Pa.B. 5236 (September 26, 2020). Three virtual public hearings were held on October 27, 28 and 29, 2020, respectively. A 66-day public comment period closed on November 30, 2020.

Public comments were received from five commentators. Written comments were not received from the Senate or House Environmental Resources and Energy Committees. On December 30, 2020, IRRC submitted comments to the Board. The comments received on the proposed rulemaking are summarized as follows and are addressed in a comment and response document which is available from the Department.

Public comments received from small and large businesses and an association were either supportive of the proposed rulemaking or asked the Board to make changes to specific provisions of the proposed rulemaking. A trade association expressed support and indicated that the proposed rulemaking would contribute to cost savings. A commentator and IRRC stated that the timeline to begin leak testing should be better described. A commentator and IRRC commented that this final-form rulemaking should clarify that CARB Executive Orders and other records may be electronically stored at gasoline dispensing facilities for inspection. IRRC commented that the Board needed to describe how small businesses would be notified of the testing certification requirements if they are not registered with the Department. A commentator suggested that the Board should incorporate into this final-form rulemaking 40 CFR Part 63, Subpart CCCCCC leak testing requirements for gasoline dispensing facilities in other areas of this Commonwealth. This requirement is already being enforced by the EPA and is outside

the intended scope of this final-form rulemaking. A commentator suggested allowing only individuals obtaining a level of certification of either UTT, UMX, UMI or IUM from the Department's Storage Tank Program to qualify to perform leak testing. Two commentators expressed concerns about motorists having difficulty operating ECO nozzles and that ECO nozzles cost more than other types of gasoline nozzles. A commentator stated that their company locations are reporting fewer minor drips and spills since converting to the ECO nozzles. A commentator stated that some of their customers have had difficulty operating the ECO nozzles, but the difficulty can be overcome with a little help from attendants.

In response to the comments, the Board has made two changes to clarify requirements in this final-form rulemaking. The Board amends § 129.61a(d)(1) to add subparagraph (v), which clarifies when existing and new leak testing is required to be conducted. Subparagraph (v) specifies that two test procedures, CARB TP-201.1E, TP-201.3, TP-201.3C and TP-201.1B will be required to be performed within 1 year of the effective date of the rule and annually thereafter. The Board also amends §§ 129.61a (f)(3), (h)(10), (l)(3), (m)(1), (n), (o) and (p), 129.82(b)(6) and 129.82a(d)(5), respectively, to allow the owner or operator of a gasoline dispensing facility to store CARB Executive Orders and other records electronically to demonstrate compliance during an inspection. The records must be readily available for onsite electronic examination by the Department upon request.

The Board did not make any other amendments to this final-form rulemaking in response to the other comments received. The Department will not require any of the certifications for vapor leak testers because none of the suggested certifications apply to vapor leak testers. The UTT certification for Underground Tightness Testers is a certification for liquid leak testers and is not suitable for vapor leak testers for several reasons. The Department does not believe that individuals performing vapor leak testing pose a significant safety risk to themselves or others. Leak testing takes place at ground level and above where there is adequate air circulation limiting the chance for combustion of volatile vapors. The leak tester would need to follow standard safety precautions followed by a motorist using the GDF. In addition, following the safety precautions specified in the pre-test procedures in the vapor recovery test procedure for TP-201.3 required to be followed in this final-form rulemaking will also greatly limit the chance of a safety risk. This final-form rulemaking requires an individual to obtain other types of certification, like UMI or UMX certification, for some types of work in this final-form rulemaking involving cutting and capping connections below ground level where gasoline vapors may concentrate. The Department will conduct outreach to the regulated community to inform them of the requirements in this final-form rulemaking. As a point of clarification, leak testers do not require certification as was erroneously stated in the proposed RAF. The Department will contact small businesses that perform work on USTs about the new requirements by placing a notice on the Department's public web site; notifying all individuals who are registered in the Storage Tanks Program with an existing certification category of UTT, UMI or UMX; distributing a notice with trade organizations; and by contacting gasoline dispensing facilities in the 12 counties.

In response to the comments about ECO nozzles, the nozzles are a cost-effective control measure and consumers in other states have learned how to operate these nozzles. Regarding the issue of ECO nozzles getting stuck

in vehicles, the Department stresses that the problem only affects model year 2015 through 2019 Dodge Ram vehicles. There is a method to extract the nozzle that works in most instances. The Board will keep the requirements for owners and operators of gasoline dispensing facilities to install ECO nozzles. The Board agreed with one commentator who stated that there are less minor drips at locations where his company uses ECO nozzles. The Department notes that the CARB staff believes that ECO nozzles are working better than their current emission performance standard.

IRRC stated during the comment period on the proposed rulemaking that the Board should address, in the Preamble and RAF, how the benefits of ECO nozzles outweigh the negative fiscal and environmental impacts. Another commentator stated that ECO nozzles could cause worse spills than conventional nozzles. The Board realizes that the cost of ECO nozzles will be more expensive than conventional nozzles, but the cost-effectiveness of requiring ECO nozzles is comparable to other VOC control measures. The cost-effectiveness of ECO nozzles controlling gasoline from entering the environment is approximately \$2,173 per ton averaged over all subject GDFs. Considering that VOC ERCs are nearly unavailable in the two areas subject to this final-form rulemaking and the ERCs would likely be priced at a premium to the cost-effectiveness of the ECO nozzle, ECO nozzles are a cost-effective control measure.

The requirements in this final-form rulemaking will allow owners and operators of GDFs to decommission Stage II vapor recovery equipment. Keeping Stage II vapor recovery equipment beyond 2022 will contribute to an increase in emissions. At the same time, the requirements of this final-form rulemaking will preserve elements of the Stage II program that will hold VOC emissions at their current level in the most populous areas of the Commonwealth. This will help this Commonwealth attain and maintain the 2008 and 2015 ozone standards.

G. Benefits, Costs and Compliance

Benefits

The amendments in this final-form rulemaking apply predominantly in the five-county Philadelphia and seven-county Pittsburgh areas, and therefore, these areas will experience most of the benefits of this final-form rulemaking. Downwind areas will also experience air quality benefits as a result of this final-form rulemaking.

The Department estimates that the owners and operators of as many as 1,981 locations in the five-county Philadelphia and seven-county Pittsburgh areas, combined, will be required to comply with this final-form rulemaking. The Philadelphia area is home to 1,118 locations and the Pittsburgh area is home to 863 locations. Approximately 2,906 GDFs are in the Philadelphia and Pittsburgh areas; however, only facilities that have a throughput over 120,000 gallons of gasoline per year will be subject to the vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control under added § 129.61a and will be subject to the clarified requirements for Stage II vapor recovery systems in the event they retain their vapor recovery systems (an option under this proposal only for Stage II vapor balance vapor recovery systems).

Approximately 538 and 368 businesses in the five-county Philadelphia and seven-county Pittsburgh areas, respectively, will be subject to this final-form rulemaking. Some double counting between the two areas will result

when estimating total businesses, primarily due to large National companies operating in both areas. The number of double-counted businesses should not exceed more than ten companies. The Department determined that approximately 642 of these GDFs are small businesses that will be affected by this final-form rulemaking. This was determined by subtracting the 278 GDFs with throughputs below the level that requires compliance with this final-form rulemaking from the total of 920 GDFs supplied by the Pennsylvania Small Business Development Center.

This final-form rulemaking maintains fugitive VOC emissions at nearly the same level as is credited in the Commonwealth's SIP. The Department has determined that the amount of gasoline throughput controlled by Stage I and Stage II vapor recovery equipment now stands at over 98.4% versus 96% claimed in the SIP. In-use control of fugitive emissions for Stage I and Stage II vapor recovery systems, which is control of fugitive emissions during filling of USTs and during vehicle refueling, will be held to nearly the same level under this final-form rulemaking as it has been held to under the existing regulations. Breathing losses, which are emissions that occur when air is ingested and expelled from the UST, are controlled by Stage II vapor recovery equipment. Stage II vapor recovery system testing requirements also reduce emissions of the Stage I vapor recovery system that may occur when the UST is filled, from tank breathing emissions (these are emissions that occur when air is ingested and expelled from the UST) that occur throughout the day and from emissions that occur from spills. The control efficiency that limits breathing losses ranges from a level of 86% to 92% (widespread use determination, 77 FR 28772, 28774 (May 16, 2012)) under this final-form rulemaking. The Department claimed 90% in its SIP. With the increase in the amount of gasoline throughput controlled by vapor recovery systems increasing from 96% to 98%, the in-use control will remain approximately the same as it has been, based on a conservative estimate using 86% in-use control ($86\% \times 98.4\% = 85\%$ total control versus $90\% \times 96\% = 86\%$).

Under § 129.61a of this final-form rulemaking, fugitive emissions will be kept at a lower level than could be achieved under the NESHAP. The Department estimates VOC emissions in 2021 will be lower by between 548 and 1,300 tons, and 375 tons and 880 tons, in the five-county Philadelphia and seven-county Pittsburgh areas, respectively. When low permeation hoses become required under § 129.61a(k) of this final-form rulemaking, their use will reduce evaporative emissions in the five-county Philadelphia and seven-county Pittsburgh areas by 200 tons per year. Similarly, according to the Department's estimates, the use of ECO nozzles under § 129.61a(k) will reduce annual evaporative emissions by 108 tons and 73 tons in the five-county Philadelphia and seven-county Pittsburgh areas, respectively, by reducing spills more than conventional nozzles do. The use of ECO nozzles will also prevent an equal amount of gasoline from nozzle spills from reaching sources of surface and ground water.

Consumers will benefit from the reduced gasoline evaporation from hoses and the reduced gasoline evaporation and small spills from ECO nozzles. Although requiring low permeation hoses and ECO nozzles are the most expensive element of this final-form rulemaking to owners and operators of GDFs, consumers will save approximately \$407,000 a year from reduced gasoline evaporation when using low permeation hoses and ECO nozzles (estimated reduced evaporation from low permeation hoses and ECO nozzles of approximately 67,000 and 60,000 gallons, respectively, at \$3.20 a gallon).

This final-form rulemaking will lower emissions of ozone-contributing VOCs and air toxic pollution. The reduced emissions of VOCs in heavily populated urban areas is especially beneficial for reducing the formation of ground-level ozone. Typically, urban areas are VOC-limited, meaning that VOC emissions are more likely to be converted directly into ground-level ozone concentrations when VOCs are emitted into the atmosphere. Reduced air toxic pollution resulting from this final-form rulemaking will lower cancer risk among urban dwellers, and especially for people who work at or live near GDFs. Controlling VOC emissions from GDFs is a cost-effective control measure. For a GDF owner or operator, the cost of control equipment will be partially-to-totally offset, depending on the gasoline throughput of the GDF, by gasoline savings that are achieved by reducing evaporation and venting of gasoline into the atmosphere.

The reduction in spills and evaporation resulting from the use of low permeation hoses and ECO nozzles, alone, will reduce contamination of surface water and ground water, protecting the ecology of this Commonwealth's streams and their surrounding ecosystems. Fewer spills also means that less gasoline that could contact the skin of motorists refueling their vehicles. Chemical components of gasoline can, upon contact, penetrate human skin and underlying tissue. Given that some of gasoline's components have carcinogenic and mutagenic properties, this is undesirable.

As mentioned previously, the implementation of the VOC emission control measures in this final-form rulemaking predominantly benefits the health and welfare of the inhabitants of the five-county Philadelphia and the seven-county Pittsburgh areas as well as any inhabitants that experience the deleterious effects of pollutants transported from these areas. Numerous animals, crops, ecosystems and natural areas of this Commonwealth should also be positively affected.

Exposure to high concentrations of ground-level ozone is a serious human and animal health and welfare threat, causing respiratory illnesses and decreased lung function as well as other adverse health effects leading to a lower quality of life. Reduced ambient concentrations of ground-level ozone will reduce the incidences of hospital admissions for respiratory ailments, including asthma, and will improve the quality of life for citizens overall. While children, the elderly and those with respiratory problems are most at risk, even healthy individuals may experience increased respiratory ailments and other symptoms when they are exposed to high levels of ambient ground-level ozone while engaged in activities that involve physical exertion. High levels of ground-level ozone affect animals, including pets, livestock and wildlife, in ways similar to humans.

In addition to causing adverse human and animal health effects, the EPA has concluded that high levels of ground-level ozone affect vegetation and ecosystems leading to the following: reductions in agricultural crop and commercial forest yields by destroying chlorophyll; reduced growth and survivability of tree seedlings; and increased plant susceptibility to disease, pests and other environmental stresses, including harsh weather. In long-lived species, these effects may become evident only after several years or even decades and have the potential for long-term adverse impacts on forest ecosystems. Ozone damage to the foliage of trees and other plants can decrease the aesthetic value of ornamental species used in residential landscaping, as well as the natural beauty of parks and recreation areas. These effects can have

adverse impacts including loss of species diversity and changes to habitat quality and water and nutrient cycles. High levels of ground-level ozone can also cause damage to buildings and synthetic fibers, including nylon, and reduced visibility on roadways and in natural areas.

The implementation of the control measures in this final-form rulemaking will assist the Department in preventing increases in the level of VOC emissions from GDF activities locally and reduce the resultant local formation of ground-level ozone and the transport of VOC emissions and ground-level ozone to downwind areas, including other States. This final-form rulemaking is reasonably necessary to attain and maintain the health-based and welfare-based 8-hour ozone NAAQS and to satisfy related CAA requirements in this Commonwealth.

The monetized health benefits to residents in this Commonwealth and the economic benefits to agricultural, hardwoods and tourism industries in this Commonwealth as a result of attaining and maintaining the ground-level 8-hour ozone NAAQS, achieved in part through maintaining the reduced emissions of ozone precursors at GDFs, are considerable in comparison to the costs that will be incurred by the owners and operators of GDFs to comply with this final-form rulemaking. The EPA has estimated the monetized health benefits of attaining the 2008 and 2015 ozone NAAQS. The EPA estimated that the monetized health benefits of attaining the 2008 8-hour ozone NAAQS of 0.075 ppm range from \$2 billion to \$17 billion on a National basis by 2020. See "Fact Sheet, Final Revisions to the National Ambient Air Quality Standards for Ozone," available at https://www.epa.gov/sites/production/files/2015-08/documents/ozone_fact_sheet.pdf. Approximately 140 million Americans live in areas affected by unhealthy levels of ozone pollution and approximately 8 million residents of this Commonwealth live in areas with unhealthy ozone pollution. Prorating that benefit to this Commonwealth, based on population, results in a public health benefit of \$113 million to \$965 million. Similarly, the EPA estimated that the monetized health benefits of attaining the 2015 8-hour ozone NAAQS of 0.070 ppm range from \$1.5 billion to \$4.5 billion on a National basis by 2025. See "Regulatory Impact Analysis of the Final Revisions to the National Ambient Air Quality Standards for Ground-Level Ozone," September 2015. Prorating that benefit to this Commonwealth, based on these population estimates, results in a public health benefit of \$86 million to \$257 million. These estimated monetized health benefits will not all result from the implementation of this final-form rulemaking, but the EPA estimates are indicative of the benefits to residents in this Commonwealth of attaining and maintaining the 2008 and 2015 8-hour ozone NAAQS through the implementation of a suite of measures to control VOC emissions in the aggregate from different source categories.

Compliance costs

This final-form rulemaking requires GDF owners and operators to decommission Stage II vacuum assist vapor recovery systems and authorizes GDF owners and operators to decommission Stage II vapor balance vapor recovery systems. The costs for decommissioning under § 129.82a includes costs for: dispenser decommissioning, low permeation hose kits with ECO nozzles, conventional adaptors, vapor leak tests, tie tank tests, static torque tests if the GDFs are equipped with a rotatable adaptor and administrative fees. The total decommissioning cost was reduced by an estimated amount that the business owner receives for a tax deduction for performing the

work. It was assumed that the business owner would receive at least 30% of the total costs of testing and repair due to deductions from Federal, State and local taxes. Based on this methodology, the cost of decommissioning, as stated by industry sources, is approximately \$4,000 to \$6,000 per GDF, depending mostly on the number of dispensers (assuming approximately 6–10 dispensers at a GDF). After decommissioning gasoline dispensers equipped with Stage II vapor recovery equipment, the reduced costs of repairs associated with non-Stage II dispensers should pay for the cost of decommissioning in approximately 2 years.

The annual amount of cost savings due to reduced repairs for Stage II vapor recovery systems after decommissioning ranges from \$2,100 to \$3,400 per GDF. Total savings that result from the reduced need to repair Stage II vapor recovery equipment amounts to approximately \$5.1 million a year (12,316 gasoline dispensers × \$600 and adjusted for a 30% tax deduction).

Repairs under this final-form rulemaking are estimated to cost the owners and operators \$1.5 million more than the repairs under the NESHAP. Most of the increase in repair costs can be attributed to increased replacement costs of low permeation hoses and ECO nozzles, under § 129.61a(k). These costs will be offset by gasoline savings from reduced evaporation in the range of \$1.3 million to \$2.3 million per year. (Benefits of low permeation hoses and ECO nozzles to consumers are previously described under Benefits.)

The Department expects that annual vapor leak testing under § 129.61a of this final-form rulemaking will cost approximately \$600 for each facility each year or approximately \$1 million for all GDFs subject to this final-form rulemaking ($(\$750 \text{ a year testing costs} \times 1,981 \text{ GDFs subject to final-form rulemaking}) - (\$165 \text{ a year for testing costs} \times 817 \text{ GDFs subject to NESHAP}) = \1.35 million) × 0.7 factoring a 30% tax deduction for the increased costs equals approximately \$1.0 million). Increased annual repair costs will likely average \$500 or less per GDF ($\$1.0 \text{ million}/1,981 \text{ GDFs}$). These repairs include replacing the P/V vent valves, broken hoses and nozzles and other repairs to underground piping. It was assumed that the vapor leak testing and repair costs will increase approximately 2% per year. The total annual repair costs for hose kits under § 129.61a are estimated to be \$1.1 million more than for compliance with the NESHAP, which does not require low permeation hoses and ECO nozzles (Replacing low permeation hoses and ECO nozzles under this final-form rulemaking will cost approximately \$2.8 million annually and, replacing conventional hoses and nozzles under the NESHAP will cost approximately \$1.2 million. The difference of \$1.6 million minus a 30% tax deduction for businesses results in the \$1.1 million extra cost). These costs will be offset by cost savings to GDF owners and operators. By Department estimates, vapor leak testing and performing necessary repairs reduces gasoline evaporation and limit evaporation losses from USTs between \$400 and \$6,000 per year. The regulated community will save from \$1.3 million to \$2.3 million through reducing gasoline evaporation by reducing leaks. The estimated annual financial impact on potentially affected GDF owners and operators, including small businesses, when accounting for reduced Stage II vapor recovery equipment repair costs that will occur after decommissioning, could range from an average annual savings of \$1,450 to \$7,950 per GDF, excluding the one-time cost of decommissioning, which averages approximately between \$4,000 and \$6,000 per GDF.

Under these final-form amendments, individuals who perform UST system inspection, installation or repair will need to be appropriately certified as either a UMI or UMX storage tank installer. Certification training and testing requires costs approximately \$800 and takes 2 days to complete. There are 358 individuals certified as UMX and 12 individuals certified as UMI UST installers in this Commonwealth. A concern was raised by IRRIC during the comment period as to how the Department would notify small businesses that perform decommissioning, install, modify, test, or repair of newly required level of certification. As a point of clarification, leak testers do not require certification. The Department will contact small businesses that perform work on USTs about the new requirements by placing a notice on the Department's public web site; notifying all individuals who are registered in the Storage Tanks Program with an existing certification category of UTT, UMI or UMX; distributing a notice with trade organizations; and by contacting gasoline dispensing facilities in the 12 counties.

The projected changes in reporting, recordkeeping and other administrative costs are de minimis under this final-form rulemaking. The vapor leak rate inspections that will be required to be performed at the GDF under § 129.61a(d) differ only slightly from the vapor leak rate inspections required under existing § 129.82 and the NESHAP. Under existing § 129.82(e), GDF staff must visually inspect Stage I and Stage II vapor recovery equipment as a best maintenance practice. A periodic inspection under § 129.61a(g)(2) will take one person less than 15 minutes to complete. Section 129.61a(g)(1) requires GDF staff to visually inspect components that often either break or remain open after a gasoline delivery is made. This visual inspection requires approximately 5 minutes of GDF staff time for each gasoline delivery. Deliveries may occur each day or once every several days. An inspection report of basic information will need to be completed under § 129.61a(g)(3). This should take approximately 5 minutes or less and could possibly be completed during the visual inspections. Training of staff at the GDF could be accomplished on-the-job.

The owner of the GDF will need to determine whether purchasing a continuous pressure monitor is less of a financial burden than performing annual vapor leak testing. The benefits of purchasing, installing and operating a continuous pressure monitoring system are dependent on several factors, such as the GDF gasoline throughput and the equipment already installed at the GDF. For example, GDFs with larger throughputs and a higher propensity to lose gasoline to evaporation could benefit from the continuous pressure monitor's ability to identify leaks as they occur. The continuous pressure monitoring system is an add-on feature of the automatic tank gauging system. Most, if not all, GDFs have installed automatic tank gauging systems. The continuous pressure monitor system will likely cost between \$5,000 and \$8,000 to install. Potential benefits for a GDF to install a continuous pressure monitoring system would be to not have gasoline sales restricted once or twice a year because the UST is being leak tested and to forego the expense of leak testing itself. A GDF owner or operator will need to take many factors into account to determine whether installing a continuous pressure monitoring system is a more cost-effective solution than conducting periodic vapor leak testing at the GDF.

Compliance assistance plan

The Department plans to educate and assist the public and regulated community in understanding the requirements and how to comply with them. This will be accomplished through the Department's ongoing compliance assistance program.

Paperwork requirements

Owners or operators of GDFs who decommission Stage II vapor recovery equipment will have minimal new recordkeeping and reporting requirements under this final-form rulemaking. Upon decommissioning under § 129.82a, the owner or operator will be responsible for informing the Department by sending a completed form 2700-FM-BAQ0129, Stage II Vapor Recovery Decommissioning Notification Form. This form requires a certified installer to declare that decommissioning was carried out properly. This form will need to be sent to the appropriate Department Regional Office, the Philadelphia Air Management Services or the Allegheny County Health Department. Sections of this final-form rulemaking specify in greater detail what records need to be kept. The paperwork requirements associated with this final-form rulemaking set forth the information that is needed in an inspection report to properly inform Department personnel that a vapor leak occurred, when it occurred, the nature of the leak, any associated repair or corrective action taken, and who performed the repair or correction.

H. Pollution Prevention

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving State environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance.

This final-form rulemaking allows owners and operators of GDFs to decommission Stage II vapor recovery systems under § 129.82a. This will reduce overall excess VOC emissions resulting from incompatible Stage II vacuum assist vapor recovery systems and ORVR systems. Without § 129.61a, owners and operators of GDFs with a gasoline throughput between 10,000 gallons and 100,000 gallons a month would no longer be required to vapor leak test or repair their equipment because the NESHAP does not contain this requirement. Under the NESHAP, the owners and operators of large GDFs (those with a gasoline throughput equal to or greater than 100,000 gallons a month) are only required to perform vapor leak testing and repair every 3 years. Implementation of the VOC emission control measures in the five-county Philadelphia and seven-county Pittsburgh areas under § 129.61a will require annual leak testing and repair and will maintain VOC emissions at a level comparable to that achieved currently by Stage II vapor recovery system control. This final-form rulemaking will keep emissions lower than levels that could be achieved under the NESHAP. In comparison to the NESHAP, this final-form rulemaking results in additional VOC emission reductions in 2021 between 548 and 1,300 tons, and 375 tons and 880 tons, in the five-county Philadelphia and seven-county Pittsburgh areas, respectively. The imple-

mentation of this final-form rulemaking achieves approximately an 86% control efficiency of hazardous air pollutants emitted from GDFs. These estimated reductions in VOC emissions and the subsequent reduced formation of ozone helps ensure that citizens and the environment of this Commonwealth will experience the benefits of improved air quality. Commonwealth residents will also potentially benefit from improved surface water and groundwater quality through reduced gasoline spills and toxic chemical releases.

The implementation of this final-form rulemaking will limit the evaporation of gasoline from USTs. This final-form rulemaking provides a cost-effective way to limit VOC emissions into the atmosphere.

I. Sunset Review

The Board is not establishing a sunset date for this final-form rulemaking since it is needed for the Department to carry out its statutory authority. The Department will continue to closely monitor this final-form rulemaking for effectiveness and recommend updates to the Board as necessary.

J. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 17, 2020, the Department submitted a copy of the proposed rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing this final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on January 25, 2022, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on January 26, 2022, and approved this final-form rulemaking.

K. Findings of the Board

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law, and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) At least a 60-day public comment period was provided as required by law and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 50 Pa.B. 5236.

(4) These regulations are reasonably necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this order.

(5) These regulations are reasonably necessary to attain and maintain the 2008 and 2015 ozone NAAQS by and to satisfy related CAA requirements.

L. Order of the Board

The Board, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 25 Pa. Code Chapters 121 and 129, are amended by adding §§ 129.61a and 129.82a and amending §§ 121.1, 129.61 and 129.82 to read as set forth in this final-form rule-making.

(b) The Chairperson of the Board shall submit this final-form rulemaking to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form, as required by law.

(c) The Chairperson of the Board shall submit this final-form rulemaking to IRRC and the House and Senate Committees as required by the Regulatory Review Act (71 P.S. §§ 745.1—745.14).

(d) The Chairperson of the Board shall certify this final-form rulemaking and deposit it with the Legislative Reference Bureau as required by law.

(e) This final-form rulemaking will be submitted to the EPA as a revision to the Commonwealth’s SIP.

(f) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

PATRICK McDONNELL,
Chairperson

(Editor’s Note: See 52 Pa.B. 1079 (February 12, 2022) for IRRC’s approval order.)

Fiscal Note: Fiscal Note 7-525 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

CHAPTER 121. GENERAL PROVISIONS

§ 121.1. Definitions.

The definitions in section 3 of the act (35 P.S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

CARB Executive Order—A document issued by CARB certifying one of the following, unless otherwise specified:

(i) That a specified engine family or model year vehicle has met applicable Title 13 CCR requirements for certification and sale in California.

(ii) That a specified Phase I vapor recovery system or component of a Phase I vapor recovery system meets applicable requirements for certification and sale in California.

(iii) That a specified type of non-vapor recovery equipment, such as a low permeation hose, is certified for use at a gasoline dispensing facility that does not have a Stage II vapor recovery system.

* * * * *

Dealer—A person who is engaged in the sale or distribution of new motor vehicles or new motor vehicles to the

ultimate purchaser as defined in section 216(4) of the Clean Air Act (42 U.S.C.A. § 7550(4)).

Decommission—To permanently disconnect a Stage II vapor recovery system that is in active service by following procedures under § 129.82a (relating to requirements to decommission a Stage II vapor recovery system).

Decorative interior panel—Interior wall paneling that is usually grooved, frequently embossed and sometimes grain printed to resemble various wood species. Interior panels are typically manufactured at the same facilities as tileboard, although in much smaller quantities. The substrate can be hardboard, plywood, MDF or particleboard.

* * * * *

Gasoline dispensing facility—A stationary facility with an underground storage tank from which gasoline is transferred to motor vehicle fuel tanks.

* * * * *

Monongahela Valley air basin—The following political subdivisions in Fayette County: Belle Vernon Borough, Brownsville Borough, Brownsville Township, Fayette City Borough, Jefferson Township, Newell Borough and Washington Township; the following political subdivisions in Washington County: Allenport Borough, California Borough, Carroll Township, Charleroi Borough, Coal Center Borough, Donora Borough, Dunlevy Borough, Elco Borough, Fallowfield Township, Finleyville Borough, Long Branch Borough, Monongahela City, New Eagle Borough, North Charleroi Borough, Roscoe Borough, Speers Borough, Stockdale Borough, Twilight Borough, Union Township and West Brownsville Borough; and the following political subdivisions in Westmoreland County: Monessen City, North Belle Vernon Borough, Rostraver Township and West Newton Borough.

Monthly throughput—The total volume of gasoline loaded into, or dispensed from, gasoline storage tanks located at a gasoline dispensing facility. The term is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at a gasoline dispensing facility during a single day, plus the total volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at a gasoline dispensing facility during the previous 364 days, and then dividing that sum by 12.

Motor vehicle—A self-propelled vehicle designed for transporting persons or property on a street or highway.

* * * * *

Petroleum refinery—A facility engaged in producing gasoline, aromatics, kerosene, distillate fuel oils, residual fuel oils, lubricants, asphalt, or other products, through distillation of petroleum or through redistillation, cracking, rearrangement or reforming of unfinished petroleum derivatives.

Phase I vapor recovery system—

(i) Equipment and components that control the emission of gasoline vapors during the transfer of gasoline from a gasoline tank truck to a gasoline storage tank at a gasoline dispensing facility by returning the vapors to the gasoline tank truck.

(ii) Equipment and components that control the emission of gasoline vapors during the storage of gasoline at a gasoline dispensing facility.

(iii) The term includes a Stage I vapor recovery system.

Phase 2 outdoor wood-fired boiler—An outdoor wood-fired boiler that has been certified or qualified by the EPA

as meeting a particulate matter emission limit of 0.32 pounds per million Btu output or lower and is labeled accordingly.

Phase II vapor recovery system—

(i) Equipment and components that control the emission of gasoline vapors during the transfer of gasoline from a gasoline storage tank at a gasoline dispensing facility to a motor vehicle fuel tank by returning the vapors to the storage tank.

(ii) The term includes a Stage II vapor recovery system.

*Pittsburgh-Beaver Valley Area—*The seven-county area comprised of the following Pennsylvania counties: Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland.

* * * * *

*Pressed glass—*Glassware formed by placing a blob of molten glass in a metal mold, then pressing it with a metal plunger or “follower” to form the inside shape. The resultant piece, termed “mold-pressed,” has an interior form independent of the exterior, in contrast to mold-blown glass, whose interior corresponds to the outer form.

*Pressure/vacuum vent valve—*A relief valve installed on the vent stack of a gasoline storage tank system that is designed to open within a specific pressure range to protect the storage tank system from excessive pressure or vacuum.

*Pretreatment coating—*An organic coating that contains at least 0.5% acids by weight and is applied directly to metal surfaces of aerospace vehicles and components to provide surface etching, corrosion resistance, adhesion and ease of stripping.

* * * * *

*Spray gun—*A device that atomizes a coating or other material and projects the particulates or other material onto a substrate.

*Stage I enhanced vapor recovery system—*A Phase I vapor recovery system for which a CARB Executive Order has been issued certifying that it meets the enhanced vapor recovery system standards specified in the CARB CP-201, “Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities.”

Stage I vapor recovery system—

(i) Equipment and components that control the emission of gasoline vapors during the transfer of gasoline from a gasoline tank truck to a gasoline storage tank at a gasoline dispensing facility by returning the vapors to the gasoline tank truck.

(ii) Equipment and components that control the emission of gasoline vapors during the storage of gasoline at a gasoline dispensing facility.

(iii) The term includes a Phase I vapor recovery system and a Stage I enhanced vapor recovery system.

*Stage II vacuum assist vapor recovery system—*A Stage II vapor recovery system that creates a vacuum to assist the movement of vapors back into the gasoline storage tank for storage or processing.

*Stage II vapor balance vapor recovery system—*A Stage II vapor recovery system that uses direct displacement to collect or process vapors at a gasoline dispensing facility.

Stage II vapor recovery system—

(i) Equipment and components that control vapors during the transfer of gasoline from a gasoline storage tank

at a gasoline dispensing facility to a motor vehicle fuel tank and during the storage of gasoline at a gasoline dispensing facility.

(ii) The term includes a Phase II vapor recovery system, a Stage II vacuum assist vapor recovery system and a Stage II vapor balance vapor recovery system.

*Stain—*For purposes of wood furniture manufacturing operations under §§ 129.101–129.107, a color coat having a solids content by weight of no more than 8.0% that is applied in single or multiple coats directly to the substrate. The term includes nongrain raising stains, equalizer stains, sap stains, body stains, no-wipe stains, penetrating stains and toners.

* * * * *

*Stockpiling—*The act of placing, storing and removing materials on piles exposed to the outdoor atmosphere. Placing refers to the deposition of material onto the pile. Removing refers to disturbing the pile either for loading of material into or onto vehicles for transportation purposes or for material handling. Material that is not to be utilized in the production of a product or is not itself a useful product is excluded from the definition of stockpile material. Operations which consist entirely of transferring material between different transportation conveyances are also excluded from this definition.

*Storage tank system—*The term has the meaning as defined in § 245.1 (relating to definitions).

*Strippable spray booth coating—*A coating that meets the following requirements:

(i) Is applied to a spray booth wall to provide a protective film to receive overspray during a surface coating process including wood furniture manufacturing operations.

(ii) Is subsequently peeled off and disposed.

(iii) Reduces or eliminates the need to use solvents to clean spray booth walls by meeting the conditions of subparagraphs (i) and (ii).

* * * * *

*Type II chemical milling maskant—*A coating that is applied directly to aluminum aerospace vehicles and components to protect surface areas when chemically milling the aerospace vehicle or component with a Type II etchant.

*UMI—*The term has the meaning as defined under the term “certification categories” in § 245.1 (relating to definitions).

*UMX—*The term has the meaning as defined under the term “certification categories” in § 245.1 (relating to definitions).

*Ullage—*The empty volume of a gasoline storage tank system that contains liquid gasoline, expressed as accumulated gallons of empty volume for all gasoline storage tanks in the manifold system.

*Ultimate consumer—*With respect to a commercial fuel oil transfer or purchase, the last person, facility owner or operator or entity who in good faith receives the commercial fuel oil for the purpose of using it in a combustion unit or for purposes other than resale.

* * * * *

*Ultra low emission vehicle—*A vehicle certified as an ultra low emission vehicle under the Clean Air Act.

*Underground storage tank—*The term has the meaning as defined in § 245.1 (relating to definitions).

Undersea-based weapons systems components—The fabrication of parts, parts assembly or completed units of a portion of a missile launching system used on undersea ships.

* * * * *

**CHAPTER 129. STANDARDS FOR SOURCES
SOURCES OF VOCs**

§ 129.61. Small gasoline storage tank control (Stage I control).

(a) *Applicability.* This section applies Statewide to the owner and operator of a gasoline storage tank with a capacity of greater than 2,000 gallons.

(b) *Transfer requirements.* A person may not transfer gasoline from a gasoline tank truck into a gasoline storage tank at a gasoline dispensing facility unless the displaced vapors from the storage tank are transferred to the dispensing tank of the gasoline tank truck through a vapor tight return line and unless the gasoline dispensing facility storage tank is equipped with a submerged fill pipe which extends from the filling orifice to within 6 inches of the bottom of the storage tank.

(c) *Gasoline tank truck dispensing tank requirements.* The dispensing tank of a gasoline tank truck must remain vapor tight at all times, except that the dispensing tank may be opened after the vapors are disposed of under § 129.59 or § 129.60(c).

(d) *Additional requirements.* An owner and operator of a gasoline storage tank subject to this section may also be subject to § 129.61a (relating to vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control).

§ 129.61a. Vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control.

(a) *Applicability.* Beginning March 26, 2022, this section applies to the owner and operator of a gasoline storage tank subject to § 129.61 (relating to small gasoline storage tank control (Stage I control)) if the gasoline storage tank is located in Allegheny, Armstrong, Beaver, Bucks, Butler, Chester, Delaware, Fayette, Montgomery, Philadelphia, Washington or Westmoreland County and, if one of the following is met:

(1) Except as specified in paragraph (2), the gasoline dispensing facility has had a monthly throughput greater than 10,000 gallons (37,850 liters) of gasoline assessed on December 31 annually, beginning with the 2021 calendar year.

(2) The owner or operator of the gasoline dispensing facility is an independent small business marketer of gasoline as defined under section 324(c) of the Clean Air Act (42 U.S.C.A. § 7625(c)) and the gasoline dispensing facility has had a monthly throughput equal to or greater than 50,000 gallons (189,250 liters), assessed on December 31 annually beginning with the 2021 calendar year.

(3) The monthly throughput of the gasoline dispensing facility exceeds the applicable monthly throughput threshold of paragraph (1) or paragraph (2) at any time after March 26, 2022, but later falls below the applicable monthly throughput threshold of paragraph (1) or paragraph (2). The owner and operator of the gasoline dispensing facility remain subject to the applicable requirements of this section for the gasoline dispensing facility, even after the monthly throughput falls below the applicable monthly throughput threshold of paragraph (1) or paragraph (2).

(b) *CARB vapor recovery test procedures.* The following are the CARB vapor recovery test procedures specified in this section:

(1) CARB TP-201.1E—“Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves,” adopted October 8, 2003, including updates and revisions.

(2) CARB TP-201.3—“Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities,” adopted April 12, 1996, and amended March 17, 1999, and July 26, 2012, including updates and revisions.

(3) CARB TP-201.3C—“Determination of Vapor Piping Connections to Underground Gasoline Storage Tanks (Tie-Tank Test),” adopted March 17, 1999, including updates and revisions.

(4) CARB TP-201.1B—“Static Torque of Rotatable Phase I Adaptors,” adopted July 3, 2002, and amended October 8, 2003, including updates and revisions.

(c) *Vapor leak rate monitoring procedures.* The owner or operator of a gasoline dispensing facility subject to this section shall monitor the gasoline dispensing facility Stage I vapor recovery system piping for vapor leaks in one of the following ways:

(1) Perform specified test procedures under subsection (d).

(2) Perform continuous monitoring under subsections (e), (h), (i) and (j).

(d) *Vapor leak rate monitoring using specified test procedures.* The owner or operator of a gasoline dispensing facility monitoring the gasoline dispensing facility Stage I vapor recovery system piping for vapor leaks under subsection (c)(1) shall do all of the following:

(1) Conduct each of the CARB TP-201.1E, CARB TP-201.3 and CARB TP-201.3C test procedures at least once in every 12-month period. Also, if the Stage I vapor recovery system is equipped with a rotatable adaptor, conduct a CARB TP-201.1B test procedure once in every 12-month period.

(i) These four test procedures may be conducted simultaneously, consecutively or separately at different times during the 12-month period.

(ii) Repair to a component on, or correction to, the Stage I vapor recovery system may not be made on the day of the CARB TP-201.3 or CARB TP-201.3C test procedure prior to completion of the test procedure.

(iii) Repair to a component on, or correction to, the Stage I vapor recovery system must be made within 10 days following a failed CARB TP-201.1E, CARB TP-201.3, CARB TP-201.1B or CARB TP-201.3C test procedure.

(iv) If a repair to a component on, or correction to, the Stage I vapor recovery system is made to pass the CARB TP-201.3 test procedure, then the CARB TP-201.3 test procedure must be conducted once in every 6-month period. The first test procedure conducted under this subparagraph must be conducted in the month that the repair to a component on, or correction to, the Stage I system is made under subparagraph (iii). The once-in-every-12-month period CARB TP-201.3 test procedure may resume when two consecutive once-in-every-6-month period CARB TP-201.3 test procedures do not reveal a failure requiring repair or correction.

(v) Perform CARB TP-201.1E, CARB TP-201.3, CARB TP-201.3C AND CARB TP-201.1B on or before March 26, 2023, and on an annual basis thereafter.

(2) Record all of the following information, as applicable, for each test procedure performed under paragraph (1):

- (i) The name of the test procedure.
- (ii) The name of the person performing the test procedure.
- (iii) The date the test procedure was performed.
- (iv) The result of the test procedure.
- (v) The date, time, type and duration of the vapor leak rate failure.
- (vi) The name of the person correcting the vapor leak rate failure.
- (vii) The date the vapor leak rate failure was corrected.
- (viii) The action taken to correct the vapor leak rate failure.

(e) *Continuous vapor leak rate monitoring.* The owner or operator of a gasoline dispensing facility that is continuously monitoring the gasoline dispensing facility Stage I vapor recovery system piping for vapor leaks under subsection (c)(2) shall design, install, operate and maintain both of the following:

(1) A Stage I enhanced vapor recovery system for which a CARB Executive Order is issued, is valid at the time of installation and remains valid during the operation of the Stage I enhanced vapor recovery system.

(2) A continuous pressure monitoring system as identified in Exhibit 1 Section II, Exhibit 2 Section II and Exhibit 3 Section II of CARB Executive Order VR-202-R, "Relating to Certification of Vapor Recovery Systems Assist Phase II Enhanced Vapor Recovery (EVR) System including In-Station Diagnostics (ISD)," dated December 8, 2014 including updates and revisions. The continuous pressure monitoring system must meet all of the following:

- (i) Include a console, a vapor pressure sensor, an automatic gasoline storage tank system pressure gauge and vapor leak rate detection software.
- (ii) Operate at least 95% of the time on a calendar-month basis.
- (iii) Calculate and record the percentage of continuous pressure monitoring system operational time.
- (iv) Measure once every 7 days the vapor leak rate from the gasoline storage tank system at any working ullage pressure, both positive and negative.
- (v) Measure the gasoline storage tank system pressure once every 7 days.
- (vi) Record once every 7 days, with not more than 7 days between recordings, the calculated percentage of time that the gasoline storage tank system pressure is at least 0.5 inches of water column below the positive cracking pressure of the pressure/vacuum vent valve.

(f) *Stage I vapor recovery system installation requirements.* The owner or operator of a gasoline dispensing facility subject to this section that installs a Stage I vapor recovery system shall do all of the following:

- (1) Perform, and ensure that the Stage I vapor recovery system passes, all of the following CARB vapor leak rate monitoring test procedures within 10 days of installation of the Stage I vapor recovery system:
 - (i) CARB TP-201.1B if the Stage I vapor recovery system is equipped with a rotatable adaptor.

- (ii) CARB TP-201.1E.
- (iii) CARB TP-201.3.
- (iv) CARB TP-201.3C.

(2) Record all of the following information, as applicable, for each test procedure performed under paragraph (1):

- (i) The completion date of installation of the Stage I vapor recovery system.
- (ii) The name of the test procedure.
- (iii) The name of the person performing the test procedure.
- (iv) The date the test procedure was performed.
- (v) The result of the test procedure.
- (vi) The date, type and duration of a vapor leak rate failure.
- (vii) The name of the person correcting the vapor leak rate failure.
- (viii) The date the vapor leak rate failure was corrected.
- (ix) The action taken to correct the vapor leak rate failure.
- (3) Maintain onsite at the gasoline dispensing facility or electronically stored allowing for onsite examination a copy of the CARB Executive Order specified in subsection (e)(1).

(4) Install and maintain a pressure/vacuum vent valve on each atmospheric vent of the underground storage tank.

(g) *Monitoring the condition of the Stage I vapor recovery system components and other gasoline dispensing components.* The owner or operator of a gasoline dispensing facility with a Stage I vapor recovery system shall monitor the condition of the Stage I vapor recovery system components and other gasoline dispensing components in accordance with all of the following, as applicable:

- (1) Perform an inspection after each gasoline tank truck delivery to check all of the following:
 - (i) That each fill pipe adaptor and Stage I adaptor is tightly sealed.
 - (ii) That each Stage I dry break is tightly sealed.
 - (iii) That each automatic tank gauge cap is tightly sealed.
- (2) Perform an inspection one time per month to check all of the following:
 - (i) That each automatic tank gauging electrical grommet and vent extractor cap is in good working order.
 - (ii) That the riser and pressure/vacuum vent valve and cap are installed and not damaged above ground level.
 - (iii) That there are no tears or holes in gasoline hoses.
 - (iv) That gasoline nozzles are functioning according to their design.
 - (v) That gasoline hoses are not touching the ground when the nozzle is resting on its holding bracket.
 - (vi) That each gasoline nozzle fits in its holding bracket.
 - (vii) If a Stage II vapor balance vapor recovery system is installed, that a face plate can make a positive seal.

(viii) If a Stage II vapor balance vapor recovery system is installed, that the bellows are free of tears and holes.

(3) Make the needed correction to the Stage I system under paragraph (1) or make the needed repair to a failed component under paragraphs (1) and (2) as soon as possible before the next scheduled monthly inspection.

(4) Record all of the following information, as applicable, for each monitoring inspection conducted under paragraphs (1) and (2) and for each correction to the Stage I system or repair to a failed component made under paragraph (3):

- (i) The name of the person performing the inspection.
- (ii) The component inspected under paragraphs (1) and (2).
- (iii) The date the inspection was performed.
- (iv) The result of each inspection of the components under paragraphs (1) and (2).
- (v) The name of the person making the correction to the Stage I system or the repair to a failed component.
- (vi) The date the correction was made to the Stage I system or the repair was made to the failed component.
- (vii) The action taken to correct the Stage I system or to repair the failed component.

(h) *Vapor leak rate of the gasoline storage tank system.* The owner or operator of a gasoline dispensing facility that is monitoring the vapor leak rate of the gasoline storage tank system with a continuous pressure monitoring system under subsection (c)(2) shall do all of the following:

(1) Maintain the gasoline storage tank system at a vapor leak rate less than two times the allowed vapor leak rate.

(i) The allowed vapor leak rate must be determined under CARB TP-201.3.

(ii) Equation 9-2 with N=1-6 from CARB TP-201.3 must be used to determine the allowed vapor leak rate.

(2) Generate a report in electronic format once per day for the previous calendar day. The report must record the following:

- (i) Continuous pressure monitoring system operational time as a percentage.
- (ii) Percentage of time the tank system pressure is above atmospheric pressure.
- (iii) Percentage of time the tank system pressure is at least 0.5 inches water column below the positive cracking pressure of the pressure/vacuum vent valve.

(3) Generate a report in electronic format by the 15th of the month for the previous calendar month which records the following:

- (i) Continuous pressure monitoring system operational time as a percentage.
- (ii) Percentage of time the tank system pressure is above atmospheric pressure.
- (iii) Percentage of time the tank system pressure is at least 0.5 inches water column below the positive cracking pressure of the pressure/vacuum vent valve.

(iv) Warnings generated when the gasoline storage tank system vapor leak rate equals or exceeds two times the allowed vapor leak rate determined under subparagraph (1), including the date and time of each warning.

(4) Store the electronic records of the reports generated in paragraphs (2) and (3) in a manner to maintain the records despite loss of power to the continuous pressure monitoring system.

(5) Follow the applicable procedures of subsections (i) and (j) if the gasoline storage tank system vapor leak rate equals or exceeds two times the allowed vapor leak rate determined under paragraph (1).

(6) Perform, and ensure that the continuous pressure monitoring system passes, the continuous pressure monitoring system operability test as specified in Exhibit 9 or Exhibit 10, as applicable, of CARB Executive Order VR-202-R, one time every 3 years after the date the continuous pressure monitoring system is installed.

(7) Record all of the following information for the continuous pressure monitoring system operability test specified in paragraph (6):

- (i) The name of the person performing the test.
- (ii) The date the test was performed.
- (iii) The result of the test.

(8) If the continuous pressure monitoring system fails the operability test required under paragraph (6), the owner or operator shall repair and retest the continuous pressure monitoring system under paragraph (6) within 10 days.

(9) If the continuous pressure monitoring system fails the operability test required under paragraph (6), record all of the following information:

- (i) The name of the person recording the operability test failure.
- (ii) The date and time the continuous pressure monitoring system failed the operability test.
- (iii) The type and duration of the operability test failure.
- (iv) The name of the person correcting the operability test failure.
- (v) The date the repair was made to correct the operability test failure.
- (vi) The action taken to correct the operability test failure.

(10) Maintain the records required under paragraphs (7) and (9), as applicable, onsite at the gasoline dispensing facility or electronically stored allowing for onsite examination for 6 years.

(i) *First exceedance of the allowed vapor leak rate.* If the gasoline storage tank system vapor leak rate equals or exceeds two times the allowed vapor leak rate determined under subsection (h)(1), then all of the following must occur:

- (1) The continuous pressure monitoring system must activate a warning alarm and record the event.
- (2) The owner or operator shall do all of the following:
 - (i) Determine the cause of the failure and take corrective action within 7 calendar days of the alarm. If this correction does not require a repair or correction to the gasoline storage tank system, the person correcting the cause of the failure need not meet the certification requirements under subsection (q).
 - (ii) Reset the continuous pressure monitoring system when the correction under subparagraph (i) is made.

(iii) Record all of the following information, as applicable, for the exceedance:

(A) The name of the person recording the vapor leak rate failure.

(B) The date and time the continuous pressure monitoring system indicated a vapor leak rate failure.

(C) The type and duration of the vapor leak rate failure.

(D) The name of the person correcting the vapor leak rate failure.

(E) The date the vapor leak rate failure was corrected.

(F) The action taken to correct the vapor leak rate failure.

(iv) Record the date, time, duration and reason for a warning alarm that did not indicate a vapor leak rate failure.

(j) *Second exceedance of the allowed vapor leak rate.* Following the action taken to correct the cause of the failure under subsection (i)(2)(i), the continuous pressure monitoring system must recommence monitoring the gasoline storage tank system. If the gasoline storage tank system vapor leak rate equals or exceeds two times the allowed vapor leak rate within 7 calendar days following the correction made under subsection (i)(2)(i), then all of the following must occur:

(1) The continuous pressure monitoring system must activate a warning alarm and record the event.

(2) The owner or operator of the gasoline dispensing facility shall do all of the following:

(i) Reset the continuous pressure monitoring system as soon as the vapor leak rate failure is corrected.

(ii) Determine the cause of the failure and take corrective action within 7 calendar days of the alarm.

(A) The person correcting a failure to the gasoline storage tank system must meet the certification requirements under subsection (q).

(B) The person correcting a failure to the continuous pressure monitoring system must meet the certification requirements under subsection (q) or must be authorized to make repairs by the continuous pressure monitor manufacturer.

(iii) Record all of the following information, as applicable, for the exceedance:

(A) The name of the person recording the vapor leak rate failure.

(B) The date and time the continuous pressure monitoring system indicated a vapor leak rate failure.

(C) The type and duration of the vapor leak rate failure.

(D) The name of the person correcting the vapor leak rate failure.

(E) The date the vapor leak rate failure was corrected.

(F) The action taken to correct the vapor leak rate failure.

(k) *Low permeation hoses and enhanced conventional nozzles.* An owner or operator of a gasoline dispensing facility that is subject to this section and does not have a Stage II vapor recovery system shall do all of the following:

(1) Install and maintain low permeation hoses on each gasoline dispenser at the gasoline dispensing facility as follows:

(i) For a gasoline dispensing facility in operation on or before March 26, 2022, install low permeation hoses by March 26, 2024, on each gasoline dispenser that is located at the gasoline dispensing facility as of March 26, 2022.

(ii) For a gasoline dispenser installed after March 26, 2022, install low permeation hoses described in subparagraph (iv) upon installation of the gasoline dispenser.

(iii) For a gasoline dispensing facility that begins operation after March 26, 2022, install low permeation hoses described in subparagraph (iv) upon installation of each gasoline dispenser.

(iv) For subparagraphs (i) through (iii), the owner or operator may only install low permeation hoses that are included by the CARB Executive Officer on the Exhibit 1 "Component List" in CARB Executive Order NVR-1-D, "Relating to Certification of Non-Vapor Recovery Hoses and Enhanced Conventional Nozzles, For Use at Gasoline Dispensing Facilities with No Phase II Vapor Recovery Systems," executed March 1, 2019, including updates and revisions.

(2) Install and maintain enhanced conventional nozzles on each gasoline dispenser as follows:

(i) The owner or operator shall replace each conventional nozzle with an enhanced conventional nozzle within 2 years after the Department publishes notice in the *Pennsylvania Bulletin* of the CARB Executive Officer having issued an Executive Order of Certification to a second manufacturer for an enhanced conventional nozzle.

(ii) For a gasoline dispenser installed at the gasoline dispensing facility after the Department publishes the *Pennsylvania Bulletin* notice referenced in subparagraph (i), the owner or operator of the gasoline dispensing facility shall install enhanced conventional nozzles.

(iii) For a gasoline dispensing facility that begins operating after the Department publishes the notice in the *Pennsylvania Bulletin* referenced in subparagraph (i), the owner or operator of the gasoline dispensing facility shall install enhanced conventional nozzles on each gasoline dispenser.

(iv) For subparagraphs (i) through (iii), the owner or operator may only install enhanced conventional nozzles that are included by the CARB Executive Officer on the Exhibit 1 "Component List" in CARB Executive Order NVR-1-D, "Relating to Certification of Non-Vapor Recovery Hoses and Enhanced Conventional Nozzles, For Use at Gasoline Dispensing Facilities with No Phase II Vapor Recovery Systems," executed March 1, 2019, including updates and revisions.

(l) *Additional requirements for gasoline dispensing facilities.* The owner or operator of a gasoline dispensing facility subject to this section shall do all of the following:

(1) Provide necessary maintenance and make modifications to the vapor control system of the gasoline dispensing facility necessary to comply with the applicable requirements of this section.

(2) Provide adequate training and written instructions to the operator of the gasoline dispensing facility to ensure proper operation of the vapor control system.

(3) Maintain onsite at the gasoline dispensing facility or electronically stored allowing for onsite examination a

copy of the training schedule and written instructions required under paragraph (2).

(4) Immediately remove from service and tag a defective nozzle or other component of the gasoline dispensing system until the defective component is replaced or repaired.

(i) A component removed from service may not be returned to service until the defect is corrected.

(ii) If the Department finds during an inspection that a defective nozzle or other component of the gasoline dispensing system is not properly tagged, the component may not be returned to service until the defect is corrected and the Department approves its return to service.

(5) Conspicuously post the operating instructions for the gasoline dispensing system in the gasoline dispensing area. The operating instructions must include, at a minimum, all of the following information:

(i) A clear description of how to correctly dispense gasoline with the nozzles used at the site.

(ii) A warning that continued attempts to dispense gasoline after the gasoline dispensing system indicates that the motor vehicle fuel tank is full may result in spillage and contamination of the air or water or recirculation of the gasoline into the vapor recovery system.

(iii) A telephone number, email address or social media account established by the Department for the public to use to report problems experienced with the gasoline dispensing system.

(m) *Recordkeeping and reporting requirements.* The owner or operator of a gasoline dispensing facility subject to this section that creates a record under subsection (d)(2), (f)(2), (g)(4), (h)(4), (h)(10), (i)(2)(iii) or (j)(2)(iii) shall do both of the following:

(1) Maintain the required records onsite at the gasoline dispensing facility or electronically stored allowing for onsite examination for 2 years, unless specified otherwise in this section or unless a longer period is required under Chapter 127 (relating to construction, modification, reactivation and operation of sources) or a plan approval, operating permit, consent decree or order issued by the Department.

(2) Submit the records to the Department in an acceptable format upon receipt of a request from the Department.

(n) *Record certifying the Stage I enhanced vapor recovery system.* An owner or operator proceeding under subsection (c)(2) shall maintain onsite at the gasoline dispensing facility or electronically stored allowing for onsite examination a copy of the valid CARB Executive Order required under subsection (e)(1) for the duration of the operation of the Stage I enhanced vapor recovery system. The copy must be made available to the Department upon receipt of a request.

(o) *Record certifying the low permeation hoses and enhanced conventional nozzles.* The owner or operator shall maintain onsite at the gasoline dispensing facility or electronically stored allowing for onsite examination a copy of the CARB Executive Order required under subsection (k)(1) and (2) for the duration of the use of the low permeation hoses and enhanced conventional nozzles, respectively. The copy must be made available to the Department upon receipt of a request.

(p) *Record of training schedule and written instructions.* The owner or operator shall maintain onsite at the

gasoline dispensing facility or electronically stored allowing for onsite examination a copy of the training schedule and written instructions required under subsection (l)(2) for the duration of the operation of the vapor control system. The copy must be made available to the Department upon receipt of a request.

(q) *Certification requirements for a person who performs underground storage tank system installation or modification work.*

(1) The owner and operator of a gasoline dispensing facility subject to this section shall ensure that a person who performs underground storage tank system installation or modification work under this section is appropriately certified for the work they perform, as follows:

(i) The person must be a certified UMI or UMX storage tank installer under Chapter 245, Subchapter A (relating to general provisions).

(ii) The person must comply with the applicable requirements of Chapter 245, Subchapter B (relating to certification program for installers and inspectors of storage tanks and storage tank facilities).

(2) A person only performing a test specified under subsection (b) is not required to be certified under this subsection.

MOBILE SOURCES

§ 129.82. Control of VOCs from gasoline dispensing facilities (Stage II).

(a) (Reserved).

(a.1) *Applicability.* This section applies to the owner and operator of a gasoline dispensing facility equipped with a Stage II vapor recovery system and located in Allegheny, Armstrong, Beaver, Bucks, Butler, Chester, Delaware, Fayette, Montgomery, Philadelphia, Washington or Westmoreland County.

(b) *Operating requirements.* The owner or operator, or both, of a gasoline dispensing facility subject to this section shall meet the following requirements until the Stage II vapor recovery system at the gasoline dispensing facility is decommissioned under § 129.82a (relating to requirements to decommission a Stage II vapor recovery system):

(1) Maintain a Department-approved and properly operating Stage II vapor recovery system. The Department will not approve a Stage II vapor recovery system unless the Stage II vapor recovery system collects at least 90% by weight of the gasoline vapors that are displaced from a vehicle fuel tank during refueling and returns the captured vapors to a vapor tight system.

(1.1) Provide necessary maintenance and make modifications necessary to comply with this section.

(2) Provide adequate training and written instructions to the operator of the gasoline dispensing facility to assure proper operation of the Stage II vapor recovery system.

(3) Immediately remove from service and tag a defective vapor recovery hose, nozzle or other component of the Stage II vapor recovery system until the defective component is replaced or repaired.

(i) A component removed from service may not be returned to service until the defect is corrected.

(ii) If the Department finds during an inspection that a defective vapor recovery hose, nozzle or other component of the Stage II vapor recovery system is not properly

tagged, the component may not be returned to service until the defect is corrected and the Department approves its return to service.

(4) Conspicuously post the operating instructions for the gasoline dispensing system in the gasoline dispensing area which, at a minimum, include:

(i) A clear description of how to correctly dispense gasoline with the vapor recovery nozzles used at the site.

(ii) A warning that continued attempts to dispense gasoline after the system indicates that the motor vehicle fuel tank is full may result in spillage and contamination of the air or water or recirculation of the gasoline into the vapor recovery system.

(iii) A telephone number, email address or social media account established by the Department for the public to use to report problems experienced with the gasoline dispensing system.

(5) Maintain records of the gasoline dispensing system test procedure results, monthly throughput, type and duration of any failure of the system and maintenance and repair records onsite at the gasoline dispensing facility or electronically stored allowing for onsite examination. The records must be:

(i) Maintained for 2 years, unless a longer period is required under Chapter 127 (relating to construction, modification, reactivation and operation of sources) or a plan approval, operating permit, consent decree or order issued by the Department.

(ii) Made available for inspection, upon request, by the Department.

(c) (Reserved).

(d) (Reserved).

(e) *Functional testing and certification requirements.* The owner and operator of a gasoline dispensing facility subject to this section shall comply with the functional testing and certification requirements specified in the EPA's Stage II Enforcement and Technical Guidance Documents developed under section 182 of the Clean Air Act.

(1) The owner or operator of a gasoline dispensing facility that uses a Stage II vapor balance vapor recovery system shall conduct the following test procedures:

(i) A liquid blockage test procedure under CARB TP-201.6, "Determination of Liquid Removal of Phase II Vapor Recovery Systems of Dispensing Facilities," adopted April 28, 2000, including updates and revisions, upon major modification of the system and every 5 years thereafter.

(ii) A dynamic backpressure test procedure under CARB TP-201.4, "Dynamic Back Pressure," amended July 3, 2002, including updates and revisions, upon major modification of the system and every 5 years thereafter.

(2) The owner or operator of a gasoline dispensing facility that uses a Stage II vacuum assist vapor recovery system shall quantify the air to liquid volumetric ratio conducted under CARB TP-201.5 "Air to Liquid Volume Ratio," amended February 1, 2001, including updates and revisions, once in every 12-month period.

(3) The owner or operator of a gasoline dispensing facility that conducts a test procedure under paragraph (1) or (2) shall do all of the following:

(i) Conduct the test procedures in paragraph (1) simultaneously, consecutively or separately at different times of the 5-year period.

(ii) Conduct the test procedure in paragraph (2) simultaneously with, consecutively with or separately from the test procedures in § 129.61a(d)(1) (relating to vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control) during the 12-month period.

(iii) Repair to a component on, or correction to, the Stage II vapor recovery system must be made within 10 days following a failed test procedure.

(iv) Record all of the following information, as applicable, for each test procedure performed under paragraph (1) or (2):

(A) The name of the test procedure.

(B) The name of the person performing the test procedure.

(C) The date the test procedure was performed.

(D) The result of the test procedure.

(E) The date, time, type and duration of a test procedure failure.

(F) The name of the person correcting the test procedure failure.

(G) The date the test procedure failure was corrected.

(H) The action taken to correct the test procedure failure.

(d) *Additional requirements.* An owner and operator of a gasoline storage tank subject to this section may also be subject to § 129.61a and § 129.82a.

§ 129.82a. Requirements to decommission a Stage II vapor recovery system.

(a) *Applicability.* Beginning March 26, 2022, this section applies to the owner and operator of a gasoline dispensing facility that uses, has decommissioned or is decommissioning a Stage II vapor recovery system.

(b) *Compliance deadline.*

(1) *Stage II vacuum assist vapor recovery system.* The owner or operator of a gasoline dispensing facility located in Allegheny, Armstrong, Beaver, Bucks, Butler, Chester, Delaware, Fayette, Montgomery, Philadelphia, Washington or Westmoreland County that uses a Stage II vacuum assist vapor recovery system shall decommission the Stage II vacuum assist vapor recovery system on or before December 31, 2022.

(2) *Stage II vapor balance vapor recovery system.* The owner and operator of a gasoline dispensing facility in this Commonwealth that uses a Stage II vapor balance vapor recovery system shall comply with this section when the owner or operator decommissions the Stage II vapor balance vapor recovery system.

(c) *Test procedure documents.* The following are the full names of the vapor recovery test procedure documents specified in this section:

(1) PEI/RP300-09—The Petroleum Equipment Institute's "Recommended Practices for Installation and Testing of Vapor-Recovery Systems at Vehicle-Fueling Sites," Chapter 14, Decommissioning Stage II Vapor-Recovery Piping, sections 14.1 through 14.6.13, including applicable updates and revisions.

(2) CARB TP-201.3—“Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities,” amended July 26, 2012, including updates and revisions.

(3) CARB TP-201.3C—“Determination of Vapor Piping Connections to Underground Gasoline Storage Tanks (Tie-Tank Test),” adopted March 17, 1999, including updates and revisions.

(d) *Process to decommission a Stage II vapor recovery system.* The owner or operator of a gasoline dispensing facility that decommissions a Stage II vapor recovery system shall decommission the Stage II vapor recovery system by meeting all of the following:

(1) Successfully completing all of the steps in PEI/RP300-09, Chapter 14. The owner or operator shall cap off the vapor tight return line of the Stage II vapor recovery system at the gasoline storage tank top if accessible at the time of decommissioning. If the vapor tight return line is not accessible at the time of decommissioning, the vapor tight return line must be capped when either of the following circumstances occurs:

(i) The storage tank system or an associated piping component is under concrete, and a replacement or repair of the underground storage tank system or associated piping component involves breaking concrete on top of the tank where the vapor tight return line terminates.

(ii) The CARB TP-201.3 procedure performed under paragraph (2) indicates a problem with the vapor tight return line.

(2) Successfully completing all of the steps in CARB TP-201.3.

(3) Successfully completing all of the steps in CARB TP-201.3C.

(4) Completing Form 2700-FM-BAQ0129, including updates and revisions to the form, after decommissioning is complete, regardless of whether the vapor tight return line is accessible at the time of decommissioning and has been capped under paragraph (1). The owner or operator shall send the completed form within 10 business days of completion of the decommissioning to the Department Regional Air Program Manager or to the appropriate approved local air pollution control agency responsible for the county in which the decommissioning occurred.

(5) Maintaining onsite at the gasoline dispensing facility or electronically stored allowing for onsite examination a copy of the completed form that was submitted under paragraph (4). The owner or operator shall maintain the form onsite or electronically stored allowing for onsite examination for 2 years unless a longer period is required under Chapter 127 (relating to construction, modification, reactivation and operation of sources) or a plan approval, operating permit, consent decree or order issued by the Department.

(e) *Certification requirements for installers and industry inspectors.* The owner and operator of a gasoline dispensing facility subject to this section shall ensure that a person who performs underground storage tank system installation or modification work under this section is appropriately certified for the work they perform, as follows:

(1) The person must be a certified UMI or UMX storage tank installer under Chapter 245, Subchapter A (relating to general provisions).

(2) The person must comply with the applicable requirements of Chapter 245, Subchapter B (relating to

certification program for installers and inspectors of storage tanks and storage tank facilities).

(f) *Removal of responsibilities under § 129.82 (relating to control of VOCs from gasoline dispensing facilities (Stage II)).* The owner and operator of a gasoline dispensing facility that decommissions a Stage II vapor recovery system under subsections (d) and (e) are no longer subject to § 129.82 at the gasoline dispensing facility.

(g) *Retention of responsibilities under § 129.61 (relating to small gasoline storage tank control (Stage I control)).* The owner and operator of a gasoline dispensing facility remains subject to § 129.61 after decommissioning a Stage II vapor recovery system.

(h) *Retention of responsibilities under § 129.61a (relating to vapor leak monitoring procedures and other requirements for small gasoline storage tank emission control).* The owner and operator of a gasoline dispensing facility located in Allegheny, Armstrong, Beaver, Bucks, Butler, Chester, Delaware, Fayette, Montgomery, Philadelphia, Washington or Westmoreland County that decommissions a Stage II vapor recovery system remains subject to § 129.61a.

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Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF MEDICINE

[49 PA. CODE CHS. 16, 17 AND 18]

Child Abuse Reporting Requirements

The State Board of Medicine (Board) amends Chapters 16, 17 and 18 (relating to State Board of Medicine—general provisions; State Board of Medicine—medical doctors; and State Board of Medicine—practitioners other than medical doctors) to read as set forth in Annex A. Specifically, the Board amends §§ 16.12, 16.15, 16.18, 16.19, 16.101—16.107, 17.1—17.7, 18.2, 18.3, 18.13, 18.14, 18.141, 18.145, 18.307, 18.309a, 18.504, 18.511, 18.523, 18.525, 18.603, 18.610, 18.703, 18.704, 18.709, 18.814, 18.824, 18.833, 18.843 and 18.862, and adds §§ 16.108 and 16.109 (relating to child abuse recognition and reporting—mandatory training requirement; and child abuse recognition and reporting course approval process.)

Effective Date

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

Statutory Authority

Section 8 of the Medical Practice Act of 1985 (act) (63 P.S. § 422.8) sets forth the Board’s general rulemaking authority. Under 23 Pa.C.S. Chapter 63 (relating to Child Protective Services Law) (CPSL), specifically section 6383(b)(2) of the CPSL (relating to education and training), the Board is required to promulgate regulations to implement the mandatory reporting requirements for Board-regulated practitioners.

Background and Purpose

Since 2014, the General Assembly has made numerous amendments to the CPSL, including the requirement imposed by the act of April 15, 2014 (P.L. 411, No. 31)

(Act 31) on all health-related Boards to require training in child abuse recognition and reporting for licensees who are considered “mandated reporters” under the CPSL. Section 2 of Act 31 provided that these training requirements would apply to all persons applying for a license or applying for renewal of a license on or after January 1, 2015. The Board implemented the training requirements as mandated at the beginning of 2015 and subsequently proposed this final-form rulemaking to update the Board’s existing regulations on the subject of child abuse reporting to be consistent with the CPSL, as amended.

The proposed rulemaking was published at 51 Pa.B. 545 (January 30, 2021) for 30 days of public comment, but no public comments were received. The Independent Regulatory Review Commission (IRRC) submitted comments on March 31, 2021. The House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not submit comments. The following represents a summary of IRRC’s comments and the Board’s response, and a description of the amendments made to this final-form rulemaking.

Summary of IRRC’s Comments and the Board’s Response

Initially, IRRC notes that auxiliary personnel who are authorized to perform radiologic procedures under Chapter 18, Subchapter E (relating to performance of radiologic procedures by auxiliary personnel) work under the direct supervision of a medical doctor, and therefore, would be considered “mandated reporters” under 23 Pa.C.S. § 6311(a)(12) (relating to persons required to report suspected child abuse) if they have direct contact with children in the course of employment. IRRC asks the Board to explain why Subchapter E has been omitted from the rulemaking. Specifically, IRRC asks the Board to amend Subchapter E to include the appropriate cross-references to the required CPSL training in child abuse recognition and reporting for auxiliary personnel or explain why it is unnecessary to do so.

Although auxiliary personnel supervised by a medical doctor who have direct contact with children in the course of employment would be considered mandated reporters under the CPSL, the Board does not believe they are subject to the mandatory training requirements set forth in section 6383(b)(3) of the CPSL. As noted by IRRC, the mandatory training requirements apply to “all persons applying for a license or certification” and “all persons applying for renewal of a license or certification” issued by the Board. See 23 Pa.C.S. § 6383(b)(3)(i) and (ii). Auxiliary personnel do not apply for, and are not issued, a license or certificate. For this reason, the Board did not include cross-references to the mandatory training requirements in Subchapter E. However, the Board reminds its licensees and certificate holders that all personnel that they manage or supervise, including auxiliary personnel who perform radiologic procedures, would be considered mandated reporters if they have direct contact with children in the course of their employment and should be aware of their responsibilities to report suspected child abuse.

Next, IRRC noted that section 6383(b)(3)(ii) of the CPSL requires all persons applying for renewal of a license or certificate to submit documentation acceptable to the Board of the completion of at least 2 hours of approved continuing education “per licensure cycle.” IRRC asked three questions regarding the Board’s interpretation of the phrase “per licensure cycle” as it pertains to exemptions. The first question relates to Board-regulated practitioners that are exempt from completing the con-

tinuing education requirements during the initial biennial renewal period in which the license is issued. IRRC asked whether this exemption for first-time licensees include the continuing education mandated in Act 31.

The Board believes the quoted language in section 6383(b)(3)(ii) of the CPSL indicates a legislative intent that all licensees complete the required training at least once during every biennial renewal period. For that reason, the Pennsylvania Licensing System (PALS) was programmed to “look back” 24 months from the biennial licensure expiration date (that is, December 31st of even-numbered years) to determine if a licensee had completed an approved course of at least 2 hours during the 24 months prior to the expiration of the license. There is technically no “exemption” in the CPSL that would apply to the first biennial renewal cycle. However, for example, an individual who was initially licensed in March of 2019, and who took an approved course as a prerequisite to obtaining a license at that time, and who subsequently applied for renewal when all licenses expired on December 31, 2020, would not have been required to take another approved course because the initial course was taken within the 2-year “licensure cycle.” Conversely, an individual who was initially licensed in November of 2018 would not have been expected to renew the license the following month (December 31, 2018), but would have been granted a license through December 31, 2020. If this individual took an approved course in November of 2018 as a prerequisite to obtaining a license, it would be outside of the 24-month “look back” and this individual would be required to take an approved course as a condition of renewal in December of 2020. In this way, all licensees are required to complete an approved course within each biennial “licensure cycle.” In addition, there are licensees of the Board that are not required to complete continuing education at all (acupuncturists, practitioners of Oriental medicine and behavior specialists). These licensees are not exempt from the mandatory training in child abuse recognition and reporting, either as a condition of initial licensure or biennial renewal, even though section 6383(b)(3)(ii) of the CPSL is clear that this training is to be accepted as a “portion of the total continuing education required for biennial renewal,” if applicable. The Board believes its implementation of the training requirements comports with the legislative intent and has made no revisions to this final-form rulemaking in response to this comment.

IRRC’s second question related to how the Board will implement the mandatory training requirement for individuals that hold more than one license or certification. Specifically, IRRC asked if an individual is required to have licensure as a prerequisite for another level of certification or licensure, would the CPSL training credits earned for the initial license or certification satisfy the requirements for the second, if the training was completed within the same biennial renewal period. IRRC suggests that it is unclear in § 16.108 whether a Board-regulated practitioner with more than one level of certification or license would need to apply for an exemption or will the credit for the training be applied automatically to both licenses/certifications.

When a Board-regulated practitioner takes an approved course and that attendance/participation is reported by the approved provider to the Bureau of Professional and Occupational Affairs (Bureau), it is applied to all licenses held by the individual. Thus, if an individual holds two licenses issued by the Board, both of which expire on December 31st of even-numbered years, they would not need to take the course twice or apply for an exemption.

This would also apply across licensure Boards within the Bureau that also require this training. For example, a registered nurse license issued by the State Board of Nursing is a prerequisite to obtaining a license as a nurse-midwife from the Board. When an individual holding both licenses takes an approved course, the report from the approved provider received by the Bureau is applied to both licenses in PALS. Provided the course was completed within 24 months of the biennial renewal date of each license, there is no need to repeat the course or obtain an exemption from either board. In response to this question, the Board amends § 16.108(b) to clarify that “if a licensee holds more than one license issued by the Board, or holds a license issued by another licensing board within the Bureau that requires mandatory training in child abuse recognition and reporting, credit for completion of an approved course will be applied to both licenses.”

Third, IRRC asked about the exemption provided for individuals who took comparable training under section 6383(c) of the CPSL. IRRC points out that under section 6383(c)(3) of the CPSL, certain individuals are required to complete 3 hours of training within 90 days of hire or approval as a foster parent and 3 hours of training every 5 years thereafter. IRRC asked, “In order for an applicant or licensee to be granted an exemption under § 16.108(c), must the training have been completed within a certain time period to satisfy the CPSL requirements?”

Generally, exemptions under either § 16.108(c)(1) or (2) based on the completion of comparable training under either the Public School Code (24 P.S. §§ 1-101—27-2702) or under section 6383(c)(3) of the CPSL for individuals regulated by the Department of Human Services are subject to the same time frames as that required of licensees completing the mandatory training. Thus, for purposes of licensure renewal, the comparable training must have been completed during the relevant biennial renewal period (January 1 of an odd-numbered year to December 31 of the next following even-numbered year) to qualify for an exemption. To clarify this in this final-form rulemaking, the Board amends § 16.108(c)(1) and (2) by adding subparagraph (iv) which provides that “[f]or purposes of licensure renewal, the training must have been completed during the relevant biennial renewal period.”

Next, IRRC questioned whether the process for verifying completion of the mandatory training in child abuse recognition and reporting is different for volunteer license applicants, noting that § 16.18(c)(3) (relating to volunteer license) requires an applicant for a volunteer license to “provide verification” of having completed 3 hours of the mandated reporter training, while § 16.108 makes it clear that it is the approved course provider that verifies completion of the training for applicants and licensees. If the process for volunteer licensees does not work differently, IRRC suggested that the Board place the requirement in § 16.18(b) instead and revise the language to make it clear that the Board will issue a volunteer license only to Board-regulated practitioners “for whom the Board has received verification that the applicant has received 3 hours of approved training in child abuse recognition and reporting in accordance with § 16.108(a). . .” As the process for volunteer license applicants is the same as all other categories of license, the Board makes the clarity edits to § 16.18 suggested by IRRC.

IRRC also noted that while the Board has included the mandatory continuing education requirement for medical

doctors in § 16.19 (relating to continuing medical education), the proposed rulemaking did not address the “at least 3 hours of approved child abuse recognition and reporting training” for medical doctors as a condition of licensure in Chapter 17. The Board believes that the requirement in § 16.12 (relating to general qualifications for licenses and certificate), as amended to include paragraph 3.1 which incorporates the mandatory training requirement, applies to all licensees, including medical doctors. In addition, most of the licensure provisions in Chapter 17 include a cross-reference to § 16.12, which makes it clear that applicants for licensure as a medical doctor must complete the training. However, to aid clarity, the Board amends this final-form rulemaking to include appropriate cross-references in Chapter 17, including §§ 17.1—17.7. The Board does not believe adding these cross-references expands the scope of the proposed rulemaking.

Next, IRRC makes three comments relating to the definitions in § 16.101 (relating to definitions). First, IRRC noted that the term “Board-regulated practitioner” in § 16.101 of Subchapter G (relating to minimum standards of practice—child abuse) is inconsistent with the existing definition of that term in § 16.1 (relating to definitions), which applies to Chapters 16, 17 and 18, unless the context clearly indicates otherwise. IRRC suggested that the Board make the definition throughout Chapter 16 in this final-form rulemaking. Over the years, various licensure categories were added, but the definitions in both §§ 16.1 and 16.101 were not updated to reflect the additional categories. In response to IRRC’s suggestion, the Board amends the definition in § 16.1—the general definitions section—and deletes the inconsistent definition in § 16.101 to avoid this problem in the future. IRRC also asked the Board to revise the language in the definition of the term “perpetrator” to be consistent with the term “person responsible for the child’s welfare.” The Board notes that the definition of the term “perpetrator” was copied verbatim from section 6303 of the CPSL (relating to definitions), which uses a variation of the defined term “person responsible for the child’s welfare.” However, to aid in consistency and clarity, the Board amends the definition of perpetrator in subparagraph (i)(D) to read, “An individual 14 years of age or older who is a person responsible for the child’s welfare or who has direct contact with children. . .” and in subparagraph (ii)(D) to read, “A person responsible for the child’s welfare who is 18 years of age or older.” Finally, IRRC pointed out a typographical error in the definition of “recent act or failure to act,” where the word “of” should have been “or.” This error is corrected in this final-form rulemaking.

With regard to § 16.102 (relating to suspected child abuse—mandatory reporting requirements), IRRC pointed out that the provisions of section 6311(b)(2) and (3) of the CPSL were not carried over in the Board’s proposal. These sections make it clear that the mandated reporter is responsible to make a report of suspected child abuse even if the child has not come before the mandated reporter or if the mandated reporter cannot identify the person responsible for the suspected child abuse. IRRC asks the Board to incorporate these provisions in this final-form rulemaking, noting that doing so would also make this section consistent with the requirements for written or electronic reports in § 16.102(d). In response, the Board adds these provisions to § 16.102(a).

Pertaining to § 16.103 (relating to photographs, medical tests and X-rays of child subject to report), IRRC also noted that the last sentence of section 6314 of the CPSL

(relating to photographs, medical tests and X-rays of child subject to report) was omitted from the proposed rule-making. This sentence provides that medical summaries or reports of the photographs, X-rays and medical tests “shall be made available to law enforcement officials in the course of investigating cases pursuant to section 6340(a)(9) or (10) (relating to release of information in confidential reports).” IRRC notes that § 16.103 is referenced in § 16.105 (relating to immunity from liability) which provides that a Board-regulated practitioner who acts in good faith in making a report of suspected child abuse, a referral to general protective services, cooperates in or consults with an investigation, testifies in a proceeding or engaged in any action under sections 6314—6317 of the CPSL immunity from civil and criminal liability that might otherwise result by reason of the practitioner’s actions. To be consistent with the CPSL and § 16.105, IRRC suggests that the Board should amend this section to include the omitted language. In response, the Board amends this final-form rulemaking to include the omitted language.

IRRC next points out that § 16.108(a) requires an individual applying for an initial license to complete at least 3 hours of training in child abuse recognition and reporting requirements. However, unlike subsection (b), this subsection does not address the documentation and reporting of completion of training as required under section 6383(b)(3)(1) of the CPSL. IRRC asked the Board to revise this subsection to include the implementation procedures for submitting proof of training. As with licensees, completion information for applicants is submitted electronically by the approved course provider. Therefore, the Board amends § 16.108(a) to clarify that the 3 hours of training must be approved by the Department of Human Services and the Bureau, as set forth in § 16.109 to assure that the course provider can electronically report the completion of the training to the Bureau. The completion of the training is then automatically recorded on the applicant’s profile in the Pennsylvania Licensing System (PALS). An applicant would need to certify on the application that the applicant has either completed the training or has been granted an exemption by the Board. The Board amends this section to clarify that the Board will not issue a license unless the PALS system includes the report from an approved course provider or the Board has granted an exemption.

IRRC also commented that the standards for documentation and evaluation of exemption requests under § 16.108(c)(3) is vague. This provision implements section 6383(b)(6) of the CPSL which provides that a licensing board may exempt an applicant or licensee if that individual submits documentation acceptable to the licensing board that demonstrates that the individual should not be subject to the training or continuing education requirement. IRRC asks the Board to explain the standards for sufficient documentation and the evaluation process for reviewing a request for an exemption. Further, IRRC asked the Board to clarify that exemptions granted under this subsection are applicable only for the biennial renewal period for which the exemption is requested. Finally, IRRC asked for a description of how the applicant or licensee will be notified if their request for exemption is granted or denied to be included in this final-form rulemaking.

It is difficult to set standards for documentation that would apply to all situations. For example, it may include documentation that the licensee is an approved trainer in the area of child abuse recognition and reporting. Another example might be a licensee who volunteers as a Court-

appointed Special Advocate (CASA) for children who are victims of abuse or neglect. These individuals are required to complete at least 30 hours of pre-service training and 12 hours of annual in-service training. See 37 Pa. Code § 200.221 (relating to training). Generally, the Board evaluates these requests to determine whether 3 hours of training in the area of child abuse recognition and reporting would be duplicative of other training the individual has completed or is unnecessary under the circumstances. In addition, the Board would not find it sufficient for an applicant or licensee to simply state that they do not include children in their practice due to the expanded scope of the duty to report set forth in section 6311(b) of the CPSL, which no longer requires the mandated reporter to come into contact with the child in the course of their employment, occupation or practice of a profession.

In response to IRRC’s comment, the Board amends subsection (c)(3) to clarify these standards. The Board adds subsection (d) to clarify that exemptions granted under subsection (c) are only applicable for the biennial renewal period for which the exemption is requested. The Board explains the process for notifying applicants/licensees of the grant or denial of an exemption request in subsection (d). If an exemption is granted, the license will be issued or renewed. If an exemption is denied, the applicant or licensee will receive a discrepancy notice by e-mail notifying them of the need to complete an approved course, or to submit additional documentation in support of their request for an exemption.

With regard to § 16.109(c), IRRC points out that this subsection states that the Bureau will notify the applicant in writing upon approval of the course and will post a list of approved courses on the Bureau’s web site. “Applicant” as used in this subsection means an “individual, entity or organization” applying for approval to provide mandated reporter training. However, IRRC notes that in § 16.108, the term “applicant” refers to a person applying for initial certification or licensure. IRRC suggests that the Board clarify this subsection with regard to the use of the term “applicant.” In response, the Board amends subsection (c) to instead use “individual, entity or organization” in place of the term “applicant.”

IRRC asked the Board to amend § 18.603(a) (relating to application for perfusionist license) to include the phrase “or cause to be submitted” because the verification of taking the mandated child abuse recognition and reporter training will be submitted electronically by the course provider. In response, the Board makes the amendment suggested by IRRC.

Finally, IRRC asks the Board to update the statutory citation for the CPSL in item # 7 in the Regulatory Analysis Form that accompanies this final-form rulemaking. Because the CPSL was amended in 2020 and 2021 to include two additional sections, the Board updates the statutory citation to the CPSL to include 23 Pa.C.S. §§ 6301—6388.

Description of the Amendments Made to this Final-Form Rulemaking

The following is a section-by-section description of the amendments made to this final-form rulemaking.

§ 16.1 Definitions

The Board amends the definition of “Board-regulated practitioner” to include professions that have not been added over the years, including respiratory therapist, genetic counselor, behavior specialist, prosthetist, orthotist, pedorthist and orthotic fitter.

§ 16.18 *Volunteer license*

The Board amends § 16.18(b) and (c) to clarify that although the applicant for a volunteer license is expected to certify on the application that the applicant has completed the required 3 hours of approved training in child abuse recognition and reporting, it is the course provider that submits documentation verifying the applicant's attendance/participation in an approved course.

§ 16.101 *Definitions*

The Board deletes the definition of "Board-regulated practitioner" from this section as it is unnecessary. The term is defined (as amended) in § 16.1 in Subchapter A (relating to basic definitions and information) and applies to Chapters 16, 17 and 18; therefore, there is no need to repeat the term in Subchapter G. The Board amends the definition of "perpetrator" as suggested by IRRC to incorporate the defined term "person responsible for the child's welfare." The Board corrects a typographical error in the definition of "recent act or failure to act."

§ 16.102 *Suspected child abuse—mandated reporting requirements*

The Board amends subsection (a) to incorporate the provisions of 23 Pa.C.S. § 6311(b)(2) and (3) as suggested by IRRC. These sections make it clear that the mandated reporter is responsible to make a report of suspected child abuse even if the child has not come before the mandated reporter or if the mandated reporter cannot identify the person responsible for the suspected child abuse.

§ 16.103 *Photographs, medical tests and X-rays of child subject to report*

The Board amends this section to include the last sentence of section 6314 of the CPSL, which IRRC pointed out was omitted from the proposed rulemaking. This added sentence provides that "[m]edical summaries or reports of the photographs, X-rays and relevant medical tests shall be made available to law enforcement officials in the course of investigating cases under 23 Pa.C.S. § 6340(a)(9) or (10) (relating to release of information in confidential reports)."

§ 16.108 *Child abuse recognition and reporting—mandatory training requirement*

The Board amends subsection (a) to clarify that the 3 hours of training must be approved by the Department of Human Services and the Bureau of Professional and Occupational Affairs (Bureau), as set forth in § 16.109; and that an applicant would need to certify on the application that the applicant has either completed the training or has been granted an exemption by the Board. The Board amends this subsection to clarify that the Board will not issue a license unless the Bureau has received a report from an approved course provider documenting that attendance/participation or the Board has granted an exemption.

Subsection (b) is amended to clarify that, for purposes of licensure renewal, the approved course must have been taken during the relevant biennial renewal period; and that if a licensee holds more than one license, credit for completing an approved course will be applied to both licenses.

Subsection (c) is amended to likewise clarify that to qualify for an exemption of the continuing education requirement as a condition of renewal, comparable training completed as required under the Public School Code or for individuals regulated by the Department of Human Services must have been completed during the relevant

biennial renewal period. In addition, the Board amends this subsection to clarify the standards for documentation and consideration of exemptions under section 6383(b)(6) of the CPSL which provides that a licensing board may exempt an applicant or licensee if that individual submits documentation acceptable to the licensing board that demonstrates that the individual should not be subject to the training or continuing education requirement.

The Board adds subsection (d) to clarify that exemptions granted under subsection (c) are only applicable for the biennial renewal period for which the exemption is requested and to explain the process for notifying applicants/licensees of the grant or denial of an exemption request.

§ 16.109 *Child abuse recognition and reporting course approval process*

The Board amends subsection (c) to eliminate the term "applicant" and replace it with "individual, entity or organization."

Chapter 17 State Board of Medicine—medical doctors

To aid clarity, the Board adds amendments to §§ 17.1—17.7, pertaining to the various means to be licensed to practice medicine and surgery, to incorporate appropriate cross references to the mandatory training in child abuse recognition and reporting in § 16.108.

§ 18.603 *Application for perfusionist license*

The Board amends subsection (a) as suggested by IRRC to include the phrase "or cause to be submitted" in recognition of the fact that the verification of having taken the mandated child abuse recognition and reporter training will be submitted electronically by the course provider.

Fiscal Impact and Paperwork Requirements

The Board does not anticipate any significant fiscal impact or paperwork requirements relating to these amendments. Most of the Board's licensees are already required to complete mandatory continuing education, and as these 2 hours are incorporated in the existing requirement, there would be no increased burden. Only acupuncturists, practitioners of Oriental Medicine and behavior specialists do not currently have continuing education requirements, therefore, the mandatory 2 hours in child abuse recognition and reporting would be an additional requirement for biennial renewal for those licensure classifications. Additionally, all applicants for licensure are impacted by the costs associated with completing at least 3 hours of approved training in child abuse recognition and reporting. Because there are many low-cost and free options available to complete the training, the Board anticipates this impact to be minimal. Because all approved providers of this training are required to report attendance/participation electronically, there are no additional paperwork requirements imposed on licensees. In addition, the implementation of an electronic reporting system for mandatory reporters of child abuse under the CPSL by the Department of Human Services has decreased the paperwork requirements related to the mandatory reporting requirements.

Sunset Date

The Board continuously monitors the effectiveness of its regulations on a fiscal year and biennial basis. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) and (f) of the Regulatory Review Act (71 P.S. § 745.5(a) and (f)), on January 15, 2021, the

Board submitted a copy of the notice of proposed rulemaking, published at 51 Pa.B. 545, to IRRC and the Legislative Reference Bureau. The Board subsequently submitted the notice of proposed rulemaking to the Chairpersons of the HPLC and the SCP/PLC for review and comment on February 19, 2021, as required under section 5(f) of the Regulatory Review Act.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received on the rulemaking, as well as other documents when requested. In preparing this final-form rulemaking, the Board has considered all comments received from IRRC. No public comments were received. The Board also received no comments from the HPLC or the SCP/PLC.

Under section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)), on November 30, 2021, the Board delivered this final-form rulemaking to IRRC, the HPLC and the SCP/PLC. Under section 5.1(j.2) of the Regulation Review Act, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC on January 25, 2022. Under section 5.1(e) of the Regulatory Review Act, IRRC met on January 26, 2022, and approved the final-form rulemaking.

Additional Information

Additional information may be obtained by writing to Suzanne Zerbe, Board Administrator, State Board of Medicine, P.O. Box 2649, Harrisburg, PA 17105-2649, ST-MEDICINE@PA.GOV.

Findings

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).
- (2) A public comment period was provided as required by law.
- (3) This final-form rulemaking does not include any amendments that would enlarge the scope of the proposed rulemaking published at 51 Pa.B. 545.
- (4) This final-form rulemaking is necessary and appropriate for the administration of 23 Pa.C.S. §§ 6301—6388.

Order

The Board, therefore, orders that:

(a) The regulations of the Board at 49 Pa. Code Chapters 16, 17 and 18 are amended by amending §§ 16.1, 16.12, 16.15, 16.18, 16.19, 16.101—16.107, 17.1—17.7, 18.2, 18.3, 18.13, 18.14, 18.141, 18.145, 18.307, 18.309a, 18.504, 18.511, 18.523, 18.525, 18.603, 18.610, 18.703, 18.704, 18.709, 18.814, 18.824, 18.833, 18.843 and 18.862, and adding §§ 16.108 and 16.109 to read as set forth in Annex A.

(*Editor's Note:* The amendments to §§ 16.1 and 17.1—17.7 were not included in the proposed rulemaking.)

(b) The Board shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as required by law.

(c) The Board shall submit this order and Annex A to IRRC, the HPLC and the SCP/PLC as required by law.

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

(e) The final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

MARK B. WOODLAND, MS, MD,
Chairperson

(*Editor's Note:* See 52 Pa.B. 1079 (February 12, 2022), for IRRC's approval order.)

Fiscal Note: Fiscal Note 16A-4941 remains valid for the final adoption of the subject regulations.

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:

* * * * *

Board—The State Board of Medicine.

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

Category 1 activities—Continuing medical education activities approved for AMA PRA Category 1 credit.

* * * * *

Subchapter B. GENERAL LICENSE, CERTIFICATION AND REGISTRATION PROVISIONS

§ 16.12. General qualifications for licenses and certificates.

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

- (1) The applicant is of legal age.
- (2) The applicant is of good moral character.
- (3) The applicant is not intemperately using alcohol or habitually using narcotics or other habit-forming drugs.

(3.1) The applicant has completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 16.108(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(4) The applicant has not been convicted of a felony under The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144) or of an offense

under the statutes of another jurisdiction which, if committed in this Commonwealth, would be a felony under The Controlled Substance, Drug, Device and Cosmetic Act, unless the following apply:

(i) At least 10 years have elapsed from the date of conviction.

(ii) The applicant satisfactorily demonstrates to the Board that he has made significant progress in personal rehabilitation since the conviction so that licensure or certification of the applicant is not expected to create a substantial risk of harm to the health and safety of patients or the public or substantial risk of further criminal violations.

(iii) The applicant otherwise satisfies the qualifications contained in the act, 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).

§ 16.15. Biennial registration; inactive status and unregistered status.

(a) A person licensed, certified or registered by the Board, shall register biennially to retain the right to engage in practice unless specifically exempted within this section. Initial registration shall automatically occur when the license, certificate or registration is issued.

(b) The following licenses, certificates and registration are not subject to biennial registration:

- (1) Institutional license.
- (2) Graduate license.
- (3) Temporary license.
- (4) Interim limited license.

(5) Registration as a physician assistant supervisor of a physician assistant.

(c) Registration for a biennium expires December 31 of every even-numbered year. Application for biennial registration shall be made upon forms supplied by the Board. The forms shall be filed with the Board with the required registration fee prior to the expiration of the previous biennial registration.

(c.1) A licensee or certificate holder applying for biennial registration shall, as a condition of biennial registration, complete at least 2 hours of approved training in child abuse recognition and reporting in accordance with § 16.108(b) (relating to child abuse recognition and reporting—mandatory training requirement).

(d) Biennial registration forms and other forms or literature to be distributed by the Board will be forwarded to the last mailing address given the Board by the licensee, registrant or certificate holder. If the mailing address of record is changed, the Board shall be notified, in writing, within 15 days after making the address change. Failure of the Board to send, or of the individual to receive, a biennial registration application, does not relieve the individual of the biennial registration responsibility.

* * * * *

§ 16.18. Volunteer license.

* * * * *

(b) *License.* A volunteer license may be issued to a Board-regulated practitioner of the Board for whom the Board has received verification from the course provider that the applicant has completed at least 3 hours of approved training in child abuse recognition and report-

ing in accordance with § 16.108(a) (relating to child abuse recognition and reporting—mandatory training requirement) and who documents to the satisfaction of the Board that the applicant will practice without personal remuneration in approved clinics and meets one of the following:

(1) Holds a currently renewed, active, unrestricted license, registration or certificate in this Commonwealth and retires from active practice at the time the applicant applies for a volunteer license.

(2) Retires from active practice in this Commonwealth in possession of an unrestricted license which was allowed to lapse by not renewing it.

(c) *Applications.* An applicant for a volunteer license shall complete an application obtained from the Board. In addition to providing information requested by the Board, the applicant shall provide:

(1) An executed verification on forms provided by the Board certifying that the applicant intends to practice exclusively as follows:

(i) Without personal remuneration for professional services.

(ii) In an approved clinic.

(2) A letter signed by the director or chief operating officer of an approved clinic that the applicant has been authorized to provide volunteer services in the named clinic by the governing body or responsible officer of the clinic.

(3) A certification statement confirming that the applicant has completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 16.108(a).

(d) *Validity of license.* A volunteer license shall be valid for the biennial period for which it is issued, subject to biennial renewal. During each biennial renewal period, the volunteer license holder shall notify the Board of any change in clinic or volunteer status within 30 days of the date of a change, or at the time of renewal, whichever occurs first.

(e) *Renewal of license.* A volunteer license shall be renewed biennially on forms provided by the Board. In accordance with section 6(c) or (d) of the Volunteer Health Services Act (35 P.S. § 449.46), a volunteer license holder shall comply with the applicable continuing education requirements, including at least 2 hours of training in approved child abuse recognition and reporting in accordance with § 16.108(b). The applicant shall be exempt from payment of the biennial renewal fee of § 16.13 (relating to licensure, certification, examination and registration fees), and is exempt from the requirements with regard to the maintenance of liability insurance coverage under section 711 of the MCARE Act (40 P.S. § 1303.711) as provided in section 9 of the Volunteer Health Services Act (35 P.S. § 449.49).

* * * * *

§ 16.19. Continuing medical education.

* * * * *

(b) Proof of completion of 100 credit hours of continuing medical education in the preceding biennial period, including at least 2 hours of approved training in child abuse recognition and reporting in accordance with § 16.108(b) (relating to child abuse recognition and reporting—mandatory training requirement), will be required for licensure renewal for medical doctors.

* * * * *

Subchapter G. MINIMUM STANDARDS OF PRACTICE—CHILD ABUSE REPORTING

§ 16.101. Definitions.

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

Bodily injury—Impairment of physical condition or substantial pain.

Bureau—The Bureau of Professional and Occupational Affairs within the Department of State of the Commonwealth.

Child—An individual under 18 years of age.

Child abuse—Intentionally, knowingly or recklessly doing any of the following:

(i) Causing bodily injury to a child through any recent act or failure to act.

(ii) Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act.

(iii) Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.

(iv) Causing sexual abuse or exploitation of a child through any act or failure to act.

(v) Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.

(vi) Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.

(vii) Causing serious physical neglect of a child.

(viii) Engaging in any of the following recent acts:

(A) Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.

(B) Unreasonably restraining or confining a child, based on consideration of the method, location or duration of the restraint or confinement.

(C) Forcefully shaking a child under 1 year of age.

(D) Forcefully slapping or otherwise striking a child under 1 year of age.

(E) Interfering with the breathing of a child.

(F) Causing a child to be present at a location while a violation of 18 Pa.C.S. § 7508.2 (relating to operation of methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement.

(G) Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:

(I) is required to register as a Tier II or Tier III sexual offender under 42 Pa.C.S. Chapter 97, Subchapter H (relating to registration of sexual offenders), where the victim of the sexual offense was under 18 years of age when the crime was committed;

(II) has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.24 (relating to assessments) or any of its predecessors;

(III) has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. § 9799.12 (relating to definitions); or

(IV) has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.58 (relating to assessments) or has to register for life under 42 Pa.C.S. § 9799.55(b) (relating to registration).

(ix) Causing the death of the child through any act or failure to act.

(x) Engaging a child in a severe form of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (Division A of Pub.L. No. 106-386).

ChildLine—An organizational unit of the Department of Human Services which operates a 24-hour a day Statewide toll free telephone system for receiving reports of suspected child abuse, referring reports for investigation and maintaining the reports in the appropriate file.

Mandated reporter—A person who is required under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse) to make a report of suspected child abuse. For purposes of this chapter, the term includes all Board-regulated practitioners.

Parent—A biological parent, adoptive parent or legal guardian.

Perpetrator—An individual who has committed child abuse as defined in this section. The following apply:

(i) This term includes only the following:

(A) A parent of the child.

(B) A spouse or former spouse of the child's parent.

(C) A paramour or former paramour of the child's parent.

(D) An individual 14 years of age or older who is a person responsible for the child's welfare or who has direct contact with children as an employee of child-care services, a school or through a program, activity or service.

(E) An individual 14 years of age or older who resides in the same home as the child.

(F) An individual 18 years of age or older who does not reside in the same home as the child but is related within the third degree of consanguinity or affinity by birth or adoption of the child.

(G) An individual 18 years of age or older who engages a child in severe forms of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (Division A of Pub.L. No. 106-386).

(ii) Only the following may be considered a perpetrator for failing to act, as provided in this section:

(A) A parent of the child.

(B) A spouse or former spouse of the child's parent.

(C) A paramour or former paramour of the child's parent.

(D) A person responsible for the child's welfare who is 18 years of age or older.

(E) An individual 18 years of age or older who resides in the same home as the child.

Person responsible for the child's welfare—A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control.

Program, activity or service—Any of the following in which children participate and which is sponsored by a school or a public or private organization:

- (i) A youth camp or program.
- (ii) A recreational camp or program.
- (iii) A sports or athletic program.
- (iv) A community or social outreach program.
- (v) An enrichment or educational program.
- (vi) A troop, club or similar organization.

Recent act or failure to act—An act or failure to act committed within 2 years of the date of the report to the Department of Human Services or county agency.

Serious mental injury—A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that does one or more of the following:

- (i) Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.
- (ii) Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

Serious physical neglect—Any of the following that endangers a child's life or health, threatens a child's well-being, causes bodily injury or impairs a child's health, development or functioning:

- (i) A repeated, prolonged or egregious failure to supervise a child in a manner that is appropriate considering the child's developmental age and abilities.
- (ii) The failure to provide a child with adequate essentials of life, including food, shelter or medical care.

Sexual abuse or exploitation—Any of the following:

(i) The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes the following:

(A) Looking at sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.

(B) Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.

(C) Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.

(D) Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.

(ii) Any of the following offenses committed against a child:

(A) Rape as defined in 18 Pa.C.S. § 3121 (relating to rape).

(B) Statutory sexual assault as defined in 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).

(C) Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).

(D) Sexual assault as defined in 18 Pa.C.S. § 3124.1 (relating to sexual assault).

(E) Institutional sexual assault as defined in 18 Pa.C.S. 3124.2 (relating to institutional sexual assault).

(F) Aggravated indecent assault as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).

(G) Indecent assault as defined in 18 Pa.C.S. § 3126 (relating to indecent assault).

(H) Indecent exposure as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure).

(I) Incest as defined in 18 Pa.C.S. § 4302 (relating to incest).

(J) Prostitution as defined in 18 Pa.C.S. § 5902 (relating to prostitution and related offenses).

(K) Sexual abuse as defined in 18 Pa.C.S. § 6312 (relating to sexual abuse of children).

(L) Unlawful contact with a minor as defined in 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).

(M) Sexual exploitation as defined in 18 Pa.C.S. § 6320 (relating to sexual exploitation of children).

(iii) For the purposes of subparagraph (i), the term does not include consensual activities between a child who is 14 years of age or older and another person who is 14 years of age or older and whose age is within 4 years of the child's age.

§ 16.102. Suspected child abuse—mandated reporting requirements.

(a) *General rule.*

(1) Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), all Board-regulated practitioners are considered mandated reporters. A mandated reporter shall make a report of suspected child abuse in accordance with this section if the mandated reporter has reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:

(i) The mandated reporter comes into contact with the child in the course of employment, occupation and practice of the profession or through a regularly scheduled program, activity or service.

(ii) The mandated reporter is directly responsible for the care, supervision, guidance or training of the child, or is affiliated with an agency, institution, organization, school, regularly established church or religious organization or other entity that is directly responsible for the care, supervision, guidance or training of the child.

(iii) A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.

(iv) An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

(2) Nothing in this subsection shall require a child to come before the mandated reporter to make a report of suspected child abuse.

(3) Nothing in this subsection shall require the mandated reporter to identify the person responsible for the child abuse to make a report of suspected child abuse.

(b) *Staff members of public or private agencies, institutions and facilities.* Whenever a Board-regulated practitioner is required to make a report under subsection (a) in the capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, that Board-regulated practitioner shall report

immediately in accordance with subsection (c) and shall immediately thereafter notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge.

(c) *Reporting procedure.* A mandated reporter shall immediately make a report of suspected child abuse to the Department of Human Services by either:

(1) Making an oral report of suspected child abuse by telephone to ChildLine at (800) 932-0313, followed by a written report within 48 hours to the Department of Human Services or the county agency assigned to the case in a manner and format prescribed by the Department of Human Services. The written report submitted under this paragraph may be submitted electronically.

(2) Making an electronic report of suspected child abuse in accordance with 23 Pa.C.S. § 6305 (relating to electronic reporting) through the Department of Human Service's Child Welfare Information Solution self-service portal at www.compass.state.pa.us/cwis. A confirmation by the Department of Human Services of the receipt of a report of suspected child abuse submitted electronically relieves the mandated reporter of the duty to make an additional oral or written report.

(d) *Written or electronic reports.* A written or electronic report of suspected child abuse, shall include the following information, if known:

(1) The names and addresses of the child, the child's parents or any other person responsible for the child's welfare.

(2) Where the suspected abuse occurred.

(3) The age and sex of each subject of the report.

(4) The nature and extent of the suspected child abuse, including any evidence of prior abuse to the child or any sibling of the child.

(5) The name and relationship of each individual responsible for causing the suspected abuse and any evidence of prior abuse by each individual.

(6) Family composition.

(7) The source of the report.

(8) The name, telephone number and e-mail address of the person making the report.

(9) The actions taken by the person making the report, including actions taken under 23 Pa.C.S. §§ 6314—6317.

(10) Other information required by Federal law or regulation.

(11) Other information which the Department of Human Services may require by regulation.

§ 16.103. Photographs, medical tests and X-rays of child subject to report.

A Board-regulated practitioner may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county children and youth social service agency at the time the written report is sent or within 48 hours after an electronic report is made under § 16.102(c)(2) (relating to suspected child abuse—mandated reporting requirements), or as soon thereafter as possible. The county children and youth social service agency shall have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request. Medical

summaries or reports of the photographs, X-rays and relevant medical tests shall be made available to law enforcement officials in the course of investigating cases under 23 Pa.C.S. § 6490(a)(9) or (10) (relating to release of information in confidential reports).

§ 16.104. Suspected death as a result of child abuse—mandated reporting requirement.

A Board-regulated practitioner who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the coroner or medical examiner of the county where death occurred or, in the case where the child is transported to another county for medical treatment, to the coroner or medical examiner of the county where the injuries were sustained.

§ 16.105. Immunity from liability.

Under 23 Pa.C.S. § 6318 (relating to immunity from liability), a Board-regulated practitioner who participates in good faith in the making of a report of suspected child abuse, making a referral for general protective services, cooperating or consulting with an investigation including providing information to a child fatality or near fatality review team, testifying in a proceeding arising out of an instance of suspected child abuse or general protective services or engaging in any action authorized under 23 Pa.C.S. §§ 6314—6317, shall have immunity from civil and criminal liability that might otherwise result by reason of the Board-regulated practitioner's actions. For the purpose of any civil or criminal proceeding, the good faith of the Board-regulated practitioner shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of a Board-regulated practitioner's actions under §§ 16.102—16.104 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement).

§ 16.106. Confidentiality—waived.

To protect children from abuse, the reporting requirements of §§ 16.102—16.104 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) take precedence over any client confidentiality, ethical principles or professional standard that might otherwise apply. In accordance with 23 Pa.C.S. § 6311.1 (relating to privileged communications), privileged communications between a mandated reporter and a patient does not apply to a situation involving child abuse and does not relieve the mandated reporter of the duty to make a report of suspected child abuse. Additionally, under 23 Pa.C.S. § 6313(e) (relating to reporting procedure), notwithstanding any other provision of law to the contrary, a mandated reporter who makes a report of suspected child abuse does not violate the Mental Health Procedures Act (50 P.S. §§ 7101—7503), by releasing information necessary to complete the report.

§ 16.107. Noncompliance.

(a) *Disciplinary action.* A Board-regulated practitioner who willfully fails to comply with the reporting requirements in §§ 16.102—16.104 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) will be subject to disciplinary action under section 41 of the act (63 P.S. § 422.41).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties), a Board-regulated practitioner who is required to report a case of suspected child abuse or to make a referral to the appropriate authorities and who willfully fails to do so commits a criminal offense, as follows:

(1) An offense not otherwise specified in paragraphs (2), (3) or (4) is a misdemeanor of the second degree.

(2) An offense is a felony of the third degree if all of the following apply:

(i) The mandated reporter willfully fails to report.

(ii) The child abuse constitutes a felony of the first degree or higher.

(iii) The mandated reporter has direct knowledge of the nature of the abuse.

(3) If the willful failure to report continues while the mandated reporter knows or has reasonable cause to suspect a child is being subjected to child abuse by the same individual, or while the mandated reporter knows or has reasonable cause to suspect that the same individual continues to have direct contact with children through the individual's employment, program, activity or service, the mandated reporter commits a felony of the third degree, except that if the child abuse constitutes a felony of the first degree or higher, the mandated reporter commits a felony of the second degree.

(4) A mandated reporter who, at the time of sentencing for an offense under 23 Pa.C.S. § 6319, has been convicted of a prior offense under 23 Pa.C.S. § 6319, commits a felony of the third degree, except that if the child abuse constitutes a felony of the first degree or higher, the penalty for the second or subsequent offense is a felony of the second degree.

§ 16.108. Child abuse recognition and reporting—mandatory training requirement.

(a) Except as provided in subsection (c), individuals applying to the Board for an initial license shall have completed at least 3 hours of training in child abuse recognition and reporting requirements which has been approved by the Department of Human Services and the Bureau, as set forth in § 16.109 (relating to child abuse recognition and reporting course approval process). The applicant shall certify on the application that the applicant has either completed the required training or has been granted an exemption under subsection (c). The Board will not issue a license or certificate unless the Bureau has received an electronic report from an approved course provider documenting the attendance/participation by the applicant or the applicant has obtained an exemption under subsection (c).

(b) Except as provided in subsection (c), licensees seeking renewal of a license issued by the Board shall complete, as a condition of biennial renewal, at least 2 hours of approved continuing education in child abuse recognition and reporting requirements, as a portion of the total continuing education required for biennial renewal. For credit to be granted, the continuing education course or program must be approved by the Bureau, in consultation with the Department of Human Services, as set forth in § 16.109. The Board will not renew a license unless the Bureau has received an electronic report from an approved course provider documenting the attendance/participation by the licensee in an approved course within the applicable biennial renewal period or the licensee has obtained an exemption under subsection (c). If a licensee holds more than one license issued by the Board, or holds

a license issued by another licensing board within the Bureau that requires mandatory training in child abuse recognition and reporting, credit for completion of an approved course will be applied to both licenses.

(c) An applicant or licensee may apply in writing for an exemption from the training/continuing education requirements set forth in subsections (a) and (b) provided the applicant or licensee meets one of the following:

(1) The applicant or licensee submits documentation demonstrating all of the following:

(i) The applicant or licensee has already completed child abuse recognition training as required by section 1205.6 of the Public School Code of 1949 (24 P.S. § 12-1205.6).

(ii) The training was approved by the Department of Education in consultation with the Department of Human Services.

(iii) The amount of training received equals or exceeds the amount of training or continuing education required under subsection (a) or (b), as applicable.

(iv) For purposes of licensure renewal, the training must have been completed during the relevant biennial renewal period.

(2) The applicant or licensee submits documentation demonstrating all of the following:

(i) The applicant or licensee has already completed child abuse recognition training required under 23 Pa.C.S. § 6383(c) (relating to education and training).

(ii) The training was approved by the Department of Human Services.

(iii) The amount of training received equals or exceeds the amount of training or continuing education required under subsection (a) or (b), as applicable.

(iv) For purposes of licensure renewal, the training must have been completed during the relevant biennial renewal period.

(3) The applicant or licensee submits documentation acceptable to the Board demonstrating why the applicant or licensee should not be subject to the training or continuing education requirement. The Board will not grant an exemption based solely upon proof that children are not part of the applicant's or licensee's practice. Each request for an exemption under this paragraph will be considered on a case-by-case basis. The Board may grant the exemption if it finds that completion of the training or continuing education requirement is duplicative or unnecessary under the circumstances.

(d) Exemptions granted under subsection (c) are applicable only for the biennial renewal period for which the exemption is requested. If an exemption is granted, the Board will issue or renew the license, as applicable. If an exemption is denied, the Board will e mail the applicant or licensee a discrepancy notice notifying them of the need to either complete an approved course or, if warranted, to submit additional documentation in support of their request for an exemption.

§ 16.109. Child abuse recognition and reporting course approval process.

(a) An individual, entity or organization may apply for approval to provide mandated reporter training as required under 23 Pa.C.S. § 6383(b) (relating to education and training) by submitting the course materials set forth in subsection (b) simultaneously to the Department of

Human Services, Office of Children, Youth and Families and to the Bureau at the following addresses:

(1) Department of Human Services, Office of Children, Youth and Families, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120; or electronically at RA-PWOCYFCPSL@pa.gov.

(2) Bureau of Professional and Occupational Affairs, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105-2649; or electronically at RA-stcpsl_course_app@pa.gov.

(b) Submissions must include all of the following:

(1) Contact information (mailing address, e-mail address and telephone number) for the agency/course administrator.

(2) General description of the training and course delivery method.

(3) Title of the course.

(4) Timed agenda and estimated hours of training.

(5) Learning objectives.

(6) Intended audience.

(7) The course related materials, including as applicable:

(i) Handouts.

(ii) Narrated script or talking points.

(iii) Interactive activities or exercises.

(iv) Videos and audio/visual content.

(v) Knowledge checks, quizzes or other means of assessing participant's understanding of the material.

(vi) For online courses, a transcript of audio training.

(8) Citation of sources, including written permission to use copyrighted material, if applicable.

(9) Anticipated credentials or experience of the presenter, or biography of presenter, if known.

(10) Printed materials used to market the training.

(11) Evaluation used to assess participants' satisfaction with the training.

(12) Sample certificate of attendance/participation, which shall include:

(i) Name of participant.

(ii) Title of training.

(iii) Date of training.

(iv) Length of training (2 or 3 hours).

(v) Name and signature of the authorized representative of the provider. The signature may be an electronic signature.

(vi) Statement affirming the participant attended the entire course.

(13) Verification of ability to report participation/attendance electronically to the Bureau in a format prescribed by the Bureau.

(c) The Bureau will notify the individual, entity or organization in writing upon approval of the course and will post a list of approved courses on the Bureau's web site and the Board's web site.

CHAPTER 17. STATE BOARD OF MEDICINE— MEDICAL DOCTORS

Subchapter A. LICENSURE OF MEDICAL DOCTORS

§ 17.1. License without restriction.

(a) Except as provided in § 17.2 (relating to license without restriction—endorsement), to secure a license without restriction an applicant shall:

* * * * *

(5) Satisfy the general qualifications for a license specified in § 16.12 (relating to general qualifications for licenses and certificates), including having completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 16.108 (relating to child abuse recognition and reporting—mandatory training requirement).

(b) An applicant who is a graduate of an unaccredited medical college shall submit a complete application and shall, in addition to satisfying the requirements in subsection (a), submit a diploma and transcript verified by a medical college listed in the International Medical Education Directory and chartered and recognized by the country in which it is situated for the provision of medical doctor education. The transcript must identify the successful completion of the equivalent of 4 academic years of medical education including 2 academic years in the study of the arts and sciences of medicine generally recognized by the medical education community in the United States and 2 academic years of clinical study of the practice of medicine as generally recognized by the medical education community in the United States.

§ 17.2. Licensure without restriction—endorsement.

* * * * *

(e) The Board may, in lieu of the examination requirement provided for in subsection (c), consider whether the applicant has a significant history in the practice of medicine, has recognized professional and academic achievement and credentials and has obtained certification by a Board recognized specialty certification body.

(f) An applicant for a license by endorsement shall satisfy the requirements in § 16.12 (relating to general qualifications for licenses and certificates), including having completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 16.108 (relating to child abuse recognition and reporting—mandatory training requirement).

§ 17.3. Institutional license.

(a) An institutional license authorizes a qualified person to teach and practice medicine for a period of time specified by the Board, not exceeding 3 years, in one of the medical colleges, its affiliates, or community hospitals within this Commonwealth. To qualify for an institutional license, an applicant shall satisfy the requirements listed in § 16.12 (relating to general qualifications for licenses and certificates), including having completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 16.108 (relating to child abuse recognition and reporting—mandatory training requirement), and one of the following:

(1) Be a graduate of an unaccredited medical college who has attained through professional growth and teaching experience the status of teacher.

(2) Have achieved outstanding medical skills in a particular area of medicine and wish to practice, demonstrate or teach in that area, but not otherwise be licensed to do so.

* * * * *

§ 17.4. Extraterritorial license.

(a) An extraterritorial license authorizes a medical doctor who possesses a license to practice medicine and surgery without restriction or an equivalent license, in a state adjoining this Commonwealth, to practice medicine and surgery in this Commonwealth.

(b) An extraterritorial license will be issued under the following circumstances:

(1) The applicant shall satisfy the following:

* * * * *

(v) Satisfy the qualifications listed in § 16.12 (relating to general qualifications for licenses and certificates), including having completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 16.108 (relating to child abuse recognition and reporting—mandatory training requirement).

(2) The licensing authority of the adjoining state shall reciprocate by extending the same privileges to medical doctors licensed in this Commonwealth.

* * * * *

§ 17.5. Graduate license.

(a) A graduate license authorizes the licensee to participate in a year of graduate medical training within the complex of the hospital to which the licensee is assigned, and a satellite facility or other training location utilized in the graduate training program.

* * * * *

(c) Additional requirements for securing a graduate license are that the applicant shall satisfy the following:

* * * * *

(3) Satisfy the requirements in § 16.12 (relating to general qualifications for licenses and certificates), including having completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 16.108 (relating to child abuse recognition and reporting—mandatory training requirement).

(d) To participate in graduate medical training at a second-year level under the authority of a graduate license, the licensee shall first secure a passing score on FLEX I or Part I of the National Boards or Step 1 of the USMLE plus Part II of the National Boards or Step 2 of the USMLE; a passing score on a licensing examination acceptable to the Board as set forth in § 17.1(a)(1)(iii), (viii) and (ix) (relating to license without restriction), or, hold a license to practice medicine without restriction in this Commonwealth or an equivalent license granted by another state, territory or possession of the United States or the Dominion of Canada.

* * * * *

§ 17.6. Temporary license.

(a) A temporary license will be issued to an applicant who holds the equivalent of a license without restriction granted by the licensing authority of another state, territory or possession of the United States, or another country, and who satisfies the requirements in § 16.12 (relating to general qualifications for licenses and certificates), including having completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 16.108 (relating to child abuse

recognition and reporting—mandatory training requirement), to permit one of the following:

(1) The teaching and demonstration of advanced medical and surgical techniques.

(2) Participation in a medical or surgical procedure necessary for the well-being of a specified patient.

(3) The practice of medicine and surgery in a camp or resort for no more than 3 months.

(4) Attending to the medical and surgical needs of a person visiting this Commonwealth for a brief period of time.

(5) The short-term replacement of a doctor of medicine employed by the Federal government in a National Health Service Corps Clinic, under Project U.S.A. arrangements.

* * * * *

§ 17.7. Interim limited license.

(a) A person who holds a graduate license is limited to providing medical services embraced within the graduate medical training program in which the person is participating unless that person also holds an interim limited license or other license issued by the Board, other than a graduate license.

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(c) To qualify for an interim limited license, an applicant shall satisfy the following:

(1) Be a graduate of an accredited medical college.

* * * * *

(8) Satisfy the qualifications listed in § 16.12 (relating to general qualifications for licenses and certificates), including having completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 16.108 (relating to child abuse recognition and reporting—mandatory training requirement).

(9) Be evaluated by the Board as having received ample education and training to perform the specified medical services.

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

Subchapter A. LICENSURE AND REGULATION OF MIDWIFE ACTIVITIES

§ 18.2. Licensure requirements.

The Board will grant a nurse-midwife license to an applicant who meets the following requirements. The applicant shall:

(1) Be licensed as a registered nurse in this Commonwealth.

(2) Satisfy the licensure requirements in § 16.12 (relating to general qualifications for licenses and certificates), including the completion of at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 16.108(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(3) Have successfully completed a midwife program.

(4) Have obtained one of the following:

(i) A passing grade on a midwife examination. The Board accepts the passing grade on the certifying examination of the ACNM or AMCB as determined by the ACNM or AMCB or successor organization as recognized by the Board.

(ii) Certification as a midwife by the American College of Nurse-Midwives (ACNM) before the ACNM certification examination was first administered in 1971. To be eligible for renewal of a nurse-midwife license, the nurse-midwife shall maintain National certification available to the profession and recognized by the Board.

(5) Submit an application for a nurse-midwife license accompanied by the required fee. For the fee amount, see § 16.13 (relating to licensure, certification, examination and registration fees).

§ 18.3. Biennial registration requirements.

(a) A nurse-midwife license shall be registered biennially. The procedure for the biennial registration of a nurse-midwife license is in § 16.15 (relating to biennial registration; inactive status and unregistered status).

(b) As a condition of biennial license renewal, a nurse-midwife shall complete the continuing education requirement in section 12.1 of the Professional Nursing Law (63 P.S. § 222), including at least 2 hours of approved continuing education in child abuse recognition and reporting in accordance with § 16.108(b) (relating to child abuse recognition and reporting—mandatory training requirement). In the case of a nurse-midwife who has prescriptive authority under the act, the continuing education required by the Professional Nursing Law (63 P.S. §§ 211—225.5) must include at least 16 hours in pharmacology completed each biennium.

(c) The fees for the biennial renewal of a nurse-midwife license and prescriptive authority are set forth in § 16.13 (relating to licensure, certification, examination and registration fees).

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

§ 18.13. Requirements for licensure as an acupuncturist.

(a) The Board will license as an acupuncturist a person who satisfies the following requirements:

(1) Has successfully completed an acupuncture educational program which includes a course in needle sterilization techniques.

(2) Has obtained a passing grade on an acupuncture examination or has been certified by NCCAOM. If the examination was not taken in English, but is otherwise acceptable and a passing score was secured, the Board will accept the examination result if the applicant has also secured a score of 550 on the test of English as a Foreign Language (TOEFL).

(3) Has completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 16.108(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(b) The Board will license as an acupuncturist a medical doctor who satisfies the following requirements:

(1) Has successfully completed 200 hours of training in acupuncture medical programs including examinations required by those programs.

(2) Submits an application to register as an acupuncturist accompanied by the required fee. For the fee amount, see § 16.13 (relating to licensure, certification, examination and registration fees).

* * * * *

§ 18.14. Biennial registration requirements.

(a) Acupuncturists and practitioners of Oriental medicine shall register biennially and submit the appropriate registration fee to engage in the practice of acupuncture for the biennial period.

(b) Procedures for biennial registration of acupuncturists and practitioners of Oriental medicine are outlined in § 16.15 (relating to biennial registration; inactive status and unregistered status).

(c) The biennial registration fee is set forth in § 16.13 (relating to licensure, certification, examination and registration fees).

(d) As a condition of biennial registration, acupuncturists and practitioners of Oriental medicine shall complete at least 2 hours of approved training in child abuse recognition and reporting in accordance with § 16.108(b) (relating to child abuse recognition and reporting—mandatory training requirement).

Subchapter D. PHYSICIAN ASSISTANTS

LICENSURE OF PHYSICIAN ASSISTANTS AND REGISTRATION OF SUPERVISING PHYSICIANS

§ 18.141. Criteria for licensure as a physician assistant.

The Board will approve for licensure as a physician assistant an applicant who:

(1) Satisfies the licensure requirements in § 16.12 (relating to general qualifications for licenses and certificates) including the completion of at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 16.108(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(2) Has graduated from a physician assistant program recognized by the Board.

(3) Has submitted a completed application together with the required fee, under § 16.13 (relating to licensure, certification, examination and registration fees).

(4) Has passed the physician assistant examination.

§ 18.145. Biennial registration requirements; renewal of physician assistant license.

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(c) To be eligible for renewal of a physician assistant license, the physician assistant shall complete continuing medical education as required by the NCCPA, including at least 2 hours of approved training in child abuse recognition and reporting in accordance with § 16.108(b) (relating to child abuse recognition and reporting—mandatory training requirement), and maintain National certification by completing current recertification mechanisms available to the profession, identified on the NCCPA's web site as recognized by the Board. The Board recognizes certification through the NCCPA and its successor organizations and certification through any other National organization for which the Board publishes recognition of the organization's certification of physician assistants on the Board's web site.

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Subchapter F. RESPIRATORY THERAPISTS

§ 18.307. Criteria for licensure as a respiratory therapist.

The Board will approve for licensure as a respiratory therapist an applicant who:

(1) Submits evidence satisfactory to the Board, on forms supplied by the Board, that the applicant has met one or more of the following criteria:

(i) Has graduated from a respiratory care program approved by the CoARC and passed the entry level credentialing examination as determined by the NBRC.

(ii) Holds a valid license, certificate or registration as a respiratory therapist in another state, territory or the District of Columbia which has been issued based on requirements substantially the same as those required by the Commonwealth, including the examination requirement.

(2) Has paid the appropriate fee in a form acceptable to the Board.

(3) Has completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 16.108(a) (relating to child abuse recognition and reporting—mandatory training requirement).

§ 18.309a. Requirement of continuing education.

(a) The following continuing education requirements shall be completed each biennial cycle:

(1) An applicant for biennial renewal or reactivation of licensure is required to complete, during the 2 years preceding the application for renewal or reactivation, a minimum of 30 hours of continuing education as set forth in section 36.1(f)(2) of the act (63 P.S. § 422.36a(f)(2)).

* * * * *

(4) One continuing education hour shall be completed in medical ethics, 1 continuing education hour shall be completed in patient safety and at least 2 hours shall be completed in child abuse recognition and reporting in accordance with § 16.108(b) (relating to child abuse recognition and reporting—mandatory training requirement).

(5) Credit will not be given for continuing education in basic life support, including basic cardiac life support and cardiopulmonary resuscitation. In any given biennial renewal period, a licensee may receive credit for no more than 8 continuing education hours in advanced life support, including advanced cardiac life support, neonatal advanced life support/neonatal resuscitation and pediatric advanced life support.

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Subchapter H. ATHLETIC TRAINERS

§ 18.504. Application for licensure.

(a) The applicant shall submit the following on forms supplied by the Board:

(1) A completed application and the fee set forth in § 16.13 (relating to licensure, certification, examination and registration fees).

(2) Verification of professional education in athletic training in accordance with § 18.505 (relating to educational requirements).

(3) Documentation of passage of the National examination in accordance with § 18.506 (relating to examination requirement).

(4) Documentation of practice as an athletic trainer, if licensed or certified in another jurisdiction, and verification as to whether there has been disciplinary action taken in that jurisdiction.

(5) Verification of having completed at least 3 hours of approved training in child abuse recognition and report-

ing in accordance with § 16.108(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(b) To qualify for licensure, an applicant shall be at least 20 years of age and may not be addicted to alcohol or hallucinogenic, narcotic or other drugs which tend to impair judgment or coordination.

§ 18.511. Continuing education.

(a) Beginning with the biennial period commencing on the next biennial renewal period following July 14, 2007, athletic trainers shall complete the continuing education requirements prescribed by the BOC.

(a.1) Applicants for renewal of a license shall, as a condition of biennial renewal, complete at least 2 hours of approved training in child abuse recognition and reporting in accordance with § 16.108(b) (relating to child abuse recognition and reporting—mandatory training requirement).

(b) Applicants for renewal of a license shall provide a signed statement verifying that the continuing education requirement has been met.

(c) Proof of completion of the required continuing education shall be retained for at least 2 years after completion.

Subchapter I. BEHAVIOR SPECIALISTS

§ 18.523. Application for licensure as behavior specialist.

(a) An applicant for licensure as a behavior specialist shall submit, on forms made available by the Board, a completed application, including all necessary supporting documents, for licensure as a behavior specialist and pay the fee in § 16.13(i) (relating to licensure, certification, examination and registration fees) for application for licensure as a behavior specialist.

(1) Among the supporting documents, the applicant shall submit, or cause to be submitted, to the Board:

(i) A criminal history record information report completed by the Pennsylvania State Police or the state police for each state in which the applicant currently resides or works and has resided or worked during the previous 10 years completed no more than 90 days prior to the date the application is received in the Board office.

(ii) A child abuse history clearance completed by the Department of Public Welfare or equivalent agency for each state in which the applicant currently resides or works and has resided or worked during the previous 10 years completed no more than 90 days prior to the date the application is received in the Board office.

(iii) A Federal Bureau of Investigation criminal justice information services criminal record completed no more than 90 days prior to the date the application is received in the Board office.

(iv) Verification of having completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 16.108(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(2) The applicant shall provide updates to documents in possession of the Board for more than 6 months while the application remains pending.

* * * * *

§ 18.525. **Renewal of licensure as behavior specialist.**

(a) A license issued under this subchapter expires on December 31 of the even-numbered year unless renewed for the next biennium.

(b) Biennial renewal forms and other forms and literature to be distributed by the Board will be forwarded to the last address on file with the Board.

(c) To retain licensure as a behavior specialist, the licensee shall renew the license in the manner prescribed by the Board and pay the required biennial renewal fee specified in § 16.13(i) (relating to licensure, certification, examination and registration fees) prior to the expiration of the current biennium.

(d) To renew licensure as a behavior specialist, the licensee shall apply on forms made available by the Board, fully answer all questions and pay the current renewal fee specified in § 16.13(i).

(e) As a condition of biennial renewal, a licensee shall complete at least 2 hours of approved training in child abuse recognition and reporting in accordance with § 16.108(b) (relating to child abuse recognition and reporting—mandatory training requirement).

Subchapter J. PERFUSIONISTS

§ 18.603. **Application for perfusionist license.**

(a) An applicant for a license to practice as a perfusionist shall submit, or cause to be submitted, on forms made available by the Board, a completed application, including the necessary supporting documents, for a license to practice as a perfusionist and pay the fee in § 16.13(l) (relating to licensure, certification, examination and registration fees) for application for a perfusionist license.

(b) The Board may issue a license to practice as a perfusionist to an applicant who:

(1) Demonstrates that the applicant holds a current certification by a certifying agency approved by a Nationally-recognized accrediting agency approved by the Board.

(2) Demonstrates that the applicant has graduated from an accredited perfusion program approved by the Board.

(3) Demonstrates that the applicant is at least 18 years of age and of good moral character.

(4) Demonstrates that the applicant has obtained professional liability insurance as required under section 13.3(k) of the act (63 P.S. § 422.13c(k)).

(4.1) Demonstrates that the applicant has completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 16.108(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(5) Otherwise complies with this subchapter.

(c) The Board may deny an application for licensure as a perfusionist upon the grounds for disciplinary action in § 18.609 (relating to disciplinary action for licensed perfusionists).

§ 18.610. **Continuing education for licensed perfusionists.**

(a) *Credit hour requirements.* A licensed perfusionist shall satisfy the following continuing education credit hour requirements.

(1) As a condition for biennial registration, a licensee shall complete at least 30 hours of continuing education applicable to the practice of perfusion, including at least 10 hours of category I continuing education, and at least 2 hours of approved training in child abuse recognition and reporting in accordance with § 16.108(b) (relating to child abuse recognition and reporting—mandatory training requirement). A licensee is not required to complete continuing education during the biennium in which the licensee is first licensed.

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Subchapter K. GENETIC COUNSELORS

§ 18.703. **Application for genetic counselor license.**

(a) An applicant for a license to practice as a genetic counselor shall submit, on forms made available by the Board, a completed application for a license to practice as a genetic counselor, including the necessary supporting documents, and pay the application fee in § 16.13(m) (relating to licensure, certification, examination and registration fees).

(b) The Board may issue a license to practice as a genetic counselor to an applicant who demonstrates that the applicant:

(1) Is at least 21 years of age and of good moral character, as required under section 13.4(e)(1) and (2) of the act (63 P.S. § 422.13d(e)(1) and (2)).

* * * * *

(4) Has obtained professional liability insurance, or is exempt from the requirement to obtain professional liability insurance, as set forth in § 18.710 (relating to professional liability insurance coverage for genetic counselors).

(5) Has completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 16.108(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(c) The Board may deny an application for licensure as a genetic counselor upon the grounds for disciplinary action in § 18.708 (relating to disciplinary action for applicants and genetic counselors).

§ 18.704. **Application for genetic counselor license by uncertified persons.**

(a) An applicant for a license to practice as a genetic counselor who has never passed the ABGC or ABMG certification examination shall submit, on forms made available by the Board, a completed application for a license to practice as a genetic counselor, including the necessary supporting documents, and pay the application fee in § 16.13(m) (relating to licensure, certification, examination and registration fees).

(b) The Board may issue a license to practice as a genetic counselor to an uncertified applicant who:

(1) Submits an application to the Board, along with the required supporting documentation, by February 20, 2015.

* * * * *

(5) Demonstrates that the applicant has obtained professional liability insurance, or is exempt from the requirement to obtain professional liability insurance, as set forth in § 18.710 (relating to professional liability insurance coverage for genetic counselors).

(6) Demonstrates that the applicant has completed at least 3 hours of approved training in child abuse recogni-

tion and reporting in accordance with § 16.108(a) (relating to child abuse recognition and reporting—mandatory training requirement).

§ 18.709. Continuing education for genetic counselors.

(a) *Credit hour requirements.* A genetic counselor shall satisfy the following continuing education credit hour requirements:

(1) As a condition for biennial registration, a genetic counselor shall complete at least 30 hours of continuing education applicable to the practice of genetic counseling, including at least 2 hours of approved training in child abuse recognition and reporting in accordance with § 16.108(b) (relating to child abuse recognition and reporting—mandatory training requirement). Credit will not be given for a course in office management or practice building. A genetic counselor is not required to complete continuing education during the biennium in which the genetic counselor was first licensed if licensure occurred within 3 years of completion of the degree.

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**Subchapter L. PROSTHETISTS, ORTHOTISTS, PEDORTHISTS AND ORTHOTIC FITTERS
QUALIFICATIONS FOR LICENSURE AS A
PROSTHETIST**

§ 18.814. Prosthetist license.

(a) An applicant for a license to practice as a prosthetist shall submit, on forms made available by the Board, a completed application for licensure, including the necessary supporting documents and pay the application fee in § 16.13(n) (relating to licensure, certification, examination and registration fees).

(b) The Board may issue a license to practice as a prosthetist to an applicant who:

(1) Is of good moral character.

* * * * *

(5) Has complied with § 18.864 (relating to professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter). An applicant shall demonstrate this requirement by submitting proof of professional liability insurance coverage through self-insurance, a personally purchased insurance policy or insurance provided by the applicant’s employer in accordance with § 18.864.

(6) Has completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 16.108(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(c) The Board may deny an application for licensure as a prosthetist upon the grounds for disciplinary action in section 41 of the act (63 § 422.41), § 16.61 or § 18.853 (relating to unprofessional and immoral conduct) or other applicable law, such as 18 Pa.C.S. § 9124 (relating to use of records by licensing agencies).

(d) An individual holding an active, unsuspended prosthetist license may use the title “prosthetist.”

**QUALIFICATIONS FOR LICENSURE
AS AN ORTHOTIST**

§ 18.824. Orthotist license.

(a) An applicant for a license to practice as an orthotist shall submit, on forms made available by the Board, a completed application for licensure, including the neces-

sary supporting documents, and pay the application fee in § 16.13(o) (relating to licensure, certification, examination and registration fees).

(b) The Board may issue a license to practice as an orthotist to an applicant who:

(1) Is of good moral character.

* * * * *

(5) Has complied with § 18.864 (relating to professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter). An applicant shall demonstrate this requirement by submitting proof of professional liability insurance coverage through self-insurance, a personally purchased insurance policy or insurance provided by the applicant’s employer in accordance with § 18.864.

(6) Has completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 16.108(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(c) The Board may deny an application for licensure as an orthotist upon the grounds for disciplinary action in section 41 of the act (63 P.S. § 422.41), § 16.61 or § 18.853 (relating to unprofessional and immoral conduct) or other applicable law, such as 18 Pa.C.S. § 9124 (relating to use of records by licensing agencies).

(d) An individual holding an active, unsuspended orthotist license may use the title “orthotist.”

**QUALIFICATIONS FOR LICENSURE
AS A PEDORTHIST**

§ 18.833. Pedorthist license.

(a) An applicant for a license to practice as a pedorthist shall submit, on forms made available by the Board, a completed application for licensure, including the necessary supporting documents, and pay the application fee in § 16.13(p) (relating to licensure, certification, examination and registration fees).

(b) The Board may issue a license to practice as a pedorthist to an applicant who:

(1) Is of good moral character.

* * * * *

(5) Has complied with § 18.864 (relating to professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter). An applicant shall demonstrate this requirement by submitting proof of professional liability insurance coverage through self-insurance, a personally purchased insurance policy or insurance provided by the applicant’s employer in accordance with § 18.864.

(6) Has completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 16.108(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(c) The Board may deny an application for licensure as a pedorthist upon the grounds for disciplinary action in section 41 of the act (63 P.S. § 422.41), § 16.61 or § 18.853 (relating to unprofessional and immoral conduct) or other applicable law, such as 18 Pa.C.S. § 9124 (relating to use of records by licensing agencies).

(d) An individual holding an active, unsuspended pedorthist license may use the title “pedorthist.”

**QUALIFICATIONS FOR LICENSURE
AS AN ORTHOTIC FITTER**

§ 18.843. Orthotic fitter license.

(a) An applicant for a license to practice as an orthotic fitter shall submit, on forms made available by the Board, a completed application for licensure, including the necessary supporting documents, and pay the application fee in § 16.13(q) (relating to licensure, certification, examination and registration fees).

(b) The Board may issue a license to practice as an orthotic fitter to an applicant who:

(1) Is of good moral character.

* * * * *

(5) Has complied with § 18.864 (relating to professional liability insurance coverage for licensed prosthetist, orthotist, pedorthist or orthotic fitter). An applicant shall demonstrate this requirement by submitting proof of professional liability insurance coverage through self-insurance, a personally purchased insurance policy or insurance provided by the applicant's employer in accordance with § 18.864.

(6) Has completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 16.108(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(c) The Board may deny an application for licensure as an orthotic fitter upon the grounds for disciplinary action in section 41 of the act (63 P.S. § 422.41), § 16.61 or § 18.853 (relating to unprofessional and immoral conduct) or other applicable law, such as 18 Pa.C.S. § 9124 (relating to use of records by licensing agencies).

(d) An individual holding an active, unsuspended orthotic fitter license may use the title "orthotic fitter."

BIENNIAL RENEWAL AND REACTIVATION

§ 18.862. Continuing education.

(a) *Credit hour requirements.* A licensed prosthetist, orthotist, pedorthist or orthotic fitter shall satisfy the following continuing education credit hour requirements:

(1) As a condition for biennial renewal, a prosthetist shall complete at least 24 hours of ABC-approved or BOC-approved continuing education applicable to the practice of prosthetics and an orthotist shall complete at least 24 hours of ABC-approved or BOC-approved continuing education applicable to the practice of orthotics. At least 2 of the required 24 hours shall be completed in approved training in child abuse recognition and reporting in accordance with § 16.108(b) (relating to child abuse recognition and reporting—mandatory training requirement).

(2) As a condition for biennial renewal, a pedorthist shall complete at least 13 hours of ABC-approved or BOC-approved continuing education applicable to the practice of pedorthics and an orthotic fitter shall complete at least 13 hours of ABC-approved or BOC-approved continuing education applicable to the practice of orthotic fitting. At least 2 of the required 13 hours shall be completed in approved training in child abuse recognition and reporting in accordance with § 16.108(b) (relating to child abuse recognition and reporting—mandatory training requirement).

(3) Credit for continuing education will not be given for courses in office management or practice building.

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**Title 49—PROFESSIONAL AND
VOCATIONAL STANDARDS**

STATE BOARD OF NURSING

[49 PA. CODE CH. 21]

Child Abuse Reporting Requirements

The State Board of Nursing (Board) amends §§ 21.28, 21.29, 21.131, 21.155, 21.156, 21.271, 21.331, 21.501—21.507, 21.603, 21.605, 21.721, 21.723, 21.724, 21.811, 21.812 and 21.822; and adds §§ 21.20, 21.150, 21.508 and 21.509 to read as set forth in Annex A.

Effective Date

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

Statutory Authority

Section 2.1(k) of the Professional Nursing Law (63 P.S. § 222.1(k)) and section 17.6 of the Practical Nurse Law (63 P.S. § 667.6) set forth the Board's general rulemaking authority. Under 23 Pa.C.S. Chapter 63 (relating to Child Protective Services Law) (CPSL), specifically section 6383(b)(2) of the CPSL (relating to education and training), the Board is required to promulgate regulations to implement the mandatory reporting requirements for licensees of the Board.

Background and Purpose

Beginning in 2014, and continuing through 2019, the General Assembly has made numerous amendments to the CPSL, including the requirement imposed by the act of April 15, 2014 (P.L. 411, No. 31) (Act 31) on all health-related boards to require training in child abuse recognition and reporting. Section 2 of Act 31 provides that these training requirements apply to all persons applying for a license or certificate, or applying for renewal of a license or certificate, on or after January 1, 2015. The Board implemented the training requirements as mandated at the beginning of 2015 and subsequently proposed this rulemaking to update the Board's existing regulations on the subject of child abuse reporting to be consistent with the CPSL, as amended.

The proposed rulemaking was published at 51 Pa.B. 558 (January 30, 2021) for 30 days of public comment, but no public comments were received. The Independent Regulatory Review Commission (IRRC) submitted comments on March 31, 2021. The House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not submit comments. The following represents a summary of IRRC's comments and the Board's response, and a description of the amendments made to this final-form rulemaking.

Summary of IRRC's Comments and the Board's Response

Initially, IRRC points out that the proposed rulemaking did not amend the application and continuing education requirements in Subchapters C and H (relating to certi-

fied registered nurse practitioners; and clinical nurse specialists). IRRC acknowledged that these certifications are held by individuals who are licensed registered nurses and asks the Board to explain how the child abuse recognition and reporting training and continuing education requirements in 23 Pa.C.S. § 6383(b)(3)(i) and (ii) are implemented for these certifications. Further, IRRC asked the Board to consider clarifying these subchapters by either adding the child abuse recognition and reporting requirements or cross-references to the applicable registered nurse regulations.

The mandatory training requirements under the CPSL are applicable to all licenses and certificates issued by the Board. So, if a licensed registered nurse subsequently applies for a certificate as a certified registered nurse practitioner or as a clinical nurse specialist, the registered nurse is required to have completed at least 3 hours of approved training in child abuse recognition and reporting as a condition of certification. If the registered nurse's education profile in the Pennsylvania Licensing System (PALS) contains evidence of at least 3 hours of approved training, as reported by approved course providers, the certificate would be issued. If not, the individual would need to complete the required training. Often, an applicant will apply for both credentials simultaneously, such as when the individual is already licensed as a registered nurse/certified as a certified registered nurse practitioner from another state. That individual would only need to complete 3 hours of approved training, not 6, which would be applied to both credentials. As for the continuing education that is required as a condition of biennial renewal, when a Board-regulated practitioner takes an approved course and that attendance/participation is reported by the approved provider, it is applied to all licenses and certificates held by the individual. Thus, if an individual holds both a registered nurse license and a certificate as a certified registered nurse practitioner, both of which expire on the same date under § 21.331(a) (relating to biennial renewal of certification), that individual would not need to take the course twice or apply for an exemption.

This would also apply across licensure Boards within the Bureau of Professional and Occupational Affairs (Bureau) that also require this training. For example, a registered nurse license issued by the Board is a prerequisite to obtaining a license as a nurse-midwife from the State Board of Medicine. When an individual holding both licenses takes an approved course, the report from the approved provider received by the Bureau is applied to both licenses. When the licensee applies for biennial renewal, the PALS system then "looks back" 24 months from the applicable expiration date of the license to determine whether the individual completed an approved course of at least 2 hours in child abuse recognition and reporting during the relevant biennial licensure cycle. If so, the license is renewed. Provided the course was completed within the 2-year biennial renewal cycle for each license/certificate held by the individual, there is no need to repeat the course or obtain an exemption from either board. However, because different boards have different biennial renewal cycles, it is incumbent upon the licensee to make sure that they complete the training at a time when the biennial renewal periods overlap, or risk having to take the course again.

In response to this inquiry by IRRC, the Board makes a number of amendments to this final-form rulemaking. First, the Board clarifies in § 21.508(b) (relating to child abuse recognition and reporting—mandatory training requirements) that if a licensee holds more than one license

or certificate issued by the Board, or holds a license issued by another licensing board within the Bureau that required mandatory training in child abuse recognition and reporting, credit for completion of an approved course will be applied to both credentials. In addition, the Board adds references to the mandatory training requirements for certified registered nurse practitioners and clinical nurse specialists in Subchapters C and H, as suggested by IRRC. Specifically, the Board adds to §§ 21.171, 21.811 and 21.812 (relating to certification requirements; qualifications for initial certification; and qualifications for certification by endorsement; additional certification) the requirement that an applicant for initial certification shall have completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 21.508(a); and adds to §§ 21.331 and 21.822 (relating to biennial renewal of certification) the requirement to have completed at least 2 hours of approved training as a condition of biennial renewal in accordance with § 21.508(b).

Next, IRRC points out that §§ 21.20, 21.28(f), 21.131(d) and (e), 21.150, 21.155(f) and 21.723(b)(3) require an applicant or licensee to "submit proof of completion" of the required training, while it is the approved course provider that reports participation/attendance electronically to the Bureau. IRRC asked the Board to revise these sections to clarify that the approved course provider electronically reports proof of attendance/completion. In response, the Board amends each of these sections to aid clarity. Each section is amended in this final-form rulemaking to require the applicants to "complete" the required training or "cause to be submitted" the proof of completion of the mandated reporter training. In addition, the Board amends § 21.508(a) to clarify that the Board will not issue a license or certificate unless the Bureau has received a report from an approved course provider documenting the attendance/participation by the applicant, or the applicant has obtained an exemption from the Board.

Pertaining to § 21.501 (relating to definitions), IRRC offered two comments. First, IRRC commented that subparagraphs (i)(D) and (ii)(D) of the definition of "perpetrator" would be clearer if the specifically-defined term "person responsible for the child's welfare" were used. In response, the Board amends these subparagraphs to use the defined term. IRRC's second comment noted that the definition of "serious physical neglect" does not include the phrase "when committed by a perpetrator" as specified in the definition of this term in 23 Pa.C.S. § 6303 (relating to definitions). IRRC asked the Board to revise the definition to include the omitted language. Initially, the Board had omitted the language because the Board did not want to dissuade individuals from making a report of suspected child abuse if they did not know who was responsible for the "serious physical neglect" or imply that they had a duty to determine whether that individual would be considered "a perpetrator" under the CPSL. However, the Board adds the omitted language as requested by IRRC. In addition, amendments made in response to IRRC's next comment provide additional clarity that a mandated reporter is not required to identify the person responsible for the child abuse to make a report.

Next, IRRC notes that § 21.502(a) (relating to suspected child abuse—mandated reporting requirements) requires a Board-regulated practitioner to report suspected child abuse when there is reasonable cause to suspect that a child is a victim of child abuse under a set of circumstances derived from 23 Pa.C.S. § 6311(b)(1)

(relating to persons required to report suspected child abuse), but that the provisions of 23 Pa.C.S. § 6311(b)(2) and (3) have been omitted. These provisions provide that the responsibility to report suspected child abuse exists even when certain information is unknown. Specifically, they provide that:

“(2) Nothing in this subsection shall require a child to come before the mandated reporter to make a report of suspected child abuse.

(3) Nothing in this subsection shall require the mandated reporter to identify the person responsible for the child abuse to make a report of suspected child abuse.”

The Board agrees that the omitted language does clarify the scope of the duty to report and has been added to § 21.502, which necessitated some re-numbering of the section.

With regard to § 21.503 (relating to photographs, medical tests and X-rays of child subject to report), IRRC noted that under 23 Pa.C.S. § 6314 (relating to photographs, medical tests and X-rays of child subject to report), these types of materials “shall be made available to law enforcement officials in the course of investigating cases.” However, this requirement was not included in the proposed rulemaking. For consistency, IRRC suggested that the Board should add the statutory requirement to make these materials available to law enforcement officials. The Board agrees and adds the omitted language to this final-form rulemaking.

Next, IRRC offered a number of comments pertaining to § 21.508. First, IRRC notes that subsection (a), which requires an individual applying for initial licensure to complete at least 3 hours of training in child abuse recognition and reporting requirements, does not address the documentation and reporting of completion of training as required under 23 Pa.C.S. § 6383(b)(3)(i). IRRC asked the Board to revise this subsection to include the implementation procedures for submission of proof of training by an approved course provider. The Board amends this section to clarify that applicants for an initial license or certificate shall have completed the required training, which has been approved by the Department of Human Services and the Bureau. Further, the Board adds the requirement that the applicant shall certify on the application that the training has been completed, and that the Board will not issue a license or certificate unless the Bureau has received an electronic report from an approved course provider documenting the attendance/participation by the applicant or the applicant has obtained an exemption from the Board.

IRRC also noted that subsection (b) indicates that the Board will not renew a license unless the Bureau has received an electronic report from an approved course provider documenting the attendance/participation by the licensee in an approved course or the licensee has obtained an exemption under subsection (c). However, IRRC pointed out that § 21.131(b) (relating to continuing education) provides that a registered nurse “will not be required to meet the continuing education requirement on the first renewal immediately following licensure.” IRRC asked the Board to explain how it will implement the child abuse recognition and reporting continuing education requirements for registered nurse’s who are exempt from continuing education following initial licensure.

There is no exception provided by the CPSL that would excuse a registered nurse from complying with the mandated reporter training requirements the first time they renew. However, as a practical matter, the PALS system

was programmed to “look back” 24 months to determine if a licensee applying for renewal has completed an approved course of at least 2 hours. If so, the license would be renewed. If not, the licensee would receive a discrepancy notice. Since an applicant is required to complete at least 3 hours of training as a condition of licensure, if the subsequent renewal occurs within 2 years of the date of completion of that course, the PALS system would renew the registered nurse’s license without requiring an additional 2 hours of approved training. However, it would depend on when the initial training was completed as compared to the expiration date of the individual’s license. If the first renewal would fall beyond the 24-month look-back period from the date the licensee completed the initial training, then the licensee would need to complete the additional 2 hours. The Board believes this comports with the statutory intent that a licensee be required to complete at least 2 hours of training in child abuse recognition and reporting during each biennial licensure cycle. In response to IRRC’s comment, the Board amends § 21.131(b) to clarify that the exception does not apply to the mandatory continuing education in child abuse recognition and reporting. The Board also notes that licensed practical nurses currently have no continuing education requirements at all, but are required to complete the mandatory training in child abuse recognition and reporting as a condition of renewal and would likewise not be exempt during their first renewal after initial licensure.

With regard to § 21.508(c), which provides for circumstances in which the Board may grant an exemption from the mandatory training requirements, IRRC raised three concerns. First, the standards for documentation and evaluation are vague. Second, this subsection does not specify if the exemption is limited to one biennial renewal period. Third, the process for notification of approval or denial is not stated. IRRC asked the Board to explain the standards for sufficient documentation and the evaluation process for reviewing a request for exemption, including if there is a time frame for completion of training prior to applying for an exemption. IRRC also asked the Board to consider clarifying this subsection to state the time period of the exemption and the process for notifying applicants and licensees.

In response to IRRC’s comments, the Board makes a number of amendments to subsection (c). First, the Board clarifies that for purposes of licensure renewal, comparable training in child abuse recognition and reporting completed as required either under the Public School Code of 1949 (24 P.S. §§ 1-101—27-2702) or under 23 Pa.C.S. § 6383(c) for individuals subject to regulation by the Department of Human Services must have been completed during the relevant biennial renewal period. Next, the Board amends paragraph (3) to clarify the standards for review of other exemption requests. It is difficult to specify what documentation might be “acceptable to the Board,” because it would depend on the reason for the exemption request. For example, it may include documentation that the licensee is an approved trainer in the area of child abuse recognition and reporting. Another example might be a licensee who volunteers as a Court-appointed Special Advocate for children who are victims of abuse or neglect. These individuals are required to complete at least 30 hours of pre-service training and 12 hours of annual in-service training. See 37 Pa. Code § 200.221 (relating to training). In this case acceptable documentation may consist of proof of having completed the annual in-service training. Generally, the Board evaluates these requests to determine whether training in the area of child abuse recognition and reporting would

be duplicative of other training the individual has completed or is unnecessary under the circumstances. In addition, the Board would not find it sufficient for an applicant or licensee to simply state that they do not include children in their practice, due to the expanded scope of the duty to report set forth in section 6311(b) of the CPSL which no longer requires the mandated reporter to come into contact with the child in the course of their employment, occupation or practice of a profession.

The Board adds new subsection (d) to clarify that exemptions granted under subsection (c) are only applicable for the biennial renewal period for which the exemption is requested. This, too, the Board believes is consistent with the statutory intent that a mandated reporter be required to complete at least 2 hours of approved training every 2 years or obtain an exemption from the Board. The Board explains the process for notifying applicants/licensees of the grant or denial of an exemption request in subsection (d). If an exemption is granted, the license or certificate will be issued or renewed. If an exemption is denied, the applicant or licensee will receive a discrepancy notice by e-mail notifying them of the need to complete an approved course, or to submit additional documentation in support of their request for an exemption.

With regard to § 21.721 (relating to qualifications for licensure), IRRC pointed out that because the approved course providers electronically report participation/attendance to the Bureau, subsection (c) should be revised to delete the word “submit.” The Board agrees and makes this correction. In addition, IRRC pointed out a number of miscellaneous clarity issues resulting from typographical and other errors in §§ 21.501, 21.502, 21.507(b)(4), 21.603(b) and 21.605, as well as in the Regulatory Analysis Form. These are corrected in this final-form rulemaking.

Description of the Amendments to this Final-Form Rulemaking

The following is a description of the amendments made to this final-form rulemaking.

§§ 21.20 and 21.150 *Licensure by examination*

In response to comments from IRRC, the Board amends these sections to eliminate the requirement that an applicant for licensure “submit proof of completion of” the mandatory training in recognition of the fact that it is the approved course provider that actually submits the report to the Bureau. Instead, these sections will simply require an applicant to complete the required training.

§§ 21.28 and 21.155 *Licensure by endorsement*

A similar revision was made to these sections to clarify that an applicant for licensure by endorsement shall complete at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 21.508(a), which now makes it clear that the Board will not issue the license unless the approved course provider has submitted the required report to the Bureau.

§ 21.131 *Continuing education*

In response to IRRC’s comments, subsection (b) is amended to make it clear that there is no exception to the mandatory continuing education in child abuse recognition and reporting for licensees who are renewing for the first time. In addition, subsections (d) and (e) are amended to clarify that a registered nurse seeking reinstatement or reactivation of a lapsed, inactive or suspended license would be required to submit, or cause to be submitted, documentation demonstrating the comple-

tion of 30 hours of continuing education, including at least 2 hours in approved training in child abuse recognition and reporting.

§ 21.156 *Renewal of license*

The Board amends subsection (b.1) to be consistent with other provisions by adding the term “approved” to make it clear that the 2 hours of training in child abuse recognition and reporting must be approved by the Department of Human Services and the Bureau.

§ 21.271 *Certification requirements*

In response to IRRC’s comments, the Board adds a cross-reference in subsections (a) and (b) to the mandatory training requirements in § 21.508(a) to make it clear that applicants for certification as a certified registered nurse practitioner must have completed at least 3 hours of approved training in child abuse recognition and reporting as a condition of certification.

§ 21.331 *Biennial renewal of certification*

Likewise, the Board amends this section to add a cross-reference to the requirement that a certified registered nurse practitioner complete at least 2 hours of approved training in child abuse recognition and reporting in accordance with § 21.508(b) as a condition of renewal.

§ 21.501 *Definitions*

The Board amends the definition of the term “mandated reporter” to refer to this “subchapter” rather than “chapter.” The definition of “perpetrator” is amended to incorporate the specifically-defined term “person responsible for the child’s welfare,” and to correct a typographical error to refer to “birth or adoption to the child.” A typographical error is corrected in the definition of “recent act or failure to act” correcting the word “of” to read “or.” The Board adds the omitted phrase “when committed by a perpetrator” to the definition of “serious physical neglect.”

§ 21.502 *Suspected child abuse—mandated reporting requirements*

The Board amends subsection (a) to incorporate the provisions of 23 Pa.C.S. § 6311(b)(2) and (3) to clarify that “nothing in this subsection shall require a child to come before the mandated reporter” and that “nothing in this subsection shall require the mandated reporter to identify the person responsible for the child abuse” for the mandated reporter to make a report of suspected child abuse. In addition, the term “subparagraph” is corrected to read “paragraph” in subsection (c)(1).

§ 21.503 *Photographs, medical tests and X-rays of child subject to report*

As suggested by IRRC, the Board adds language clarifying that medical summaries or reports of the photographs, X-rays and relevant medical tests shall be made available to law enforcement officials in the course of investigating cases under 23 Pa.C.S. § 6490(a)(9) or (10) (relating to release of information in confidential reports).

§ 21.507 *Noncompliance*

The citation to the relevant section of the CPSL is corrected to read “23 Pa.C.S. § 6319” in paragraph (4).

§ 21.508 *Child abuse recognition and reporting—mandatory training requirement*

In response to IRRC’s comments, the Board makes substantial edits to this section. First, subsection (a), pertaining to the mandatory training in child abuse recog-

dition and reporting required for initial licensure or certification, the Board amends the language to clarify that an applicant shall have completed at least 3 hours of training which has been approved by the Department of Human Services and the Bureau, as set forth in § 21.509 (relating to child abuse recognition and reporting course approval process). In addition, the Board includes a requirement that the applicant shall certify on the application that the training has been completed or that the applicant has received an exemption from the Board. Finally, the Board adds a notice that the Board will not issue a license or certificate unless the Bureau has received an electronic report from an approved course provider documenting the attendance/participation by the applicant or the applicant has obtained an exemption under subsection (c).

Additionally, the Board amends subsection (b) to make it clear that licensees seeking renewal of a license or certificate issued by the Board are required to complete at least 2 hours of approved continuing education in child abuse recognition and reporting as a condition of renewal, and that the training must have been completed within the applicable biennial renewal period. The Board clarifies that if a licensee holds more than one license or certificate issued by the Board, or holds a license issued by another licensing board within the Bureau that requires mandatory training in child abuse recognition and reporting, credit for completion of an approved course will be applied to both credentials.

The Board amends subsection (c)(1) and (2) to clarify that, for purposes of licensure renewal, an exemption may be granted to individuals who have completed comparable training provided that the training must have been completed during the relevant biennial renewal period. Paragraph (3) is amended to provide that the Board may otherwise grant an exemption of the applicant or licensee submit documentation acceptable to the Board indicating that the completion of the mandated reporter training is duplicative or unnecessary under the circumstances, and that it is not enough that the applicant or licensee state that they do not include children in their practice.

Finally, the Board adds subsection (d) to provide that exemptions granted under subsection (c) are applicable only for the biennial renewal period for which the exemption is requested and to set for the process by which the Board will notify applicants and licensees of the grant or denial of an exemption request.

§ 21.603 Applications

The Board corrects a typographical error in subsection (b) where the term “licensee” should have read “license.” In addition, for the sake of consistency, the Board clarifies that the training in child abuse recognition and reporting must be “approved.”

§ 21.605 Biennial renewal

The Board corrects the citation to section 6(c) of the Volunteer Health Services Act.

§§ 21.272 and 21.723 Qualifications for licensure; and license renewal

Both of these sections, pertaining to licensed dietitian-nutritionists, are amended to clarify the fact that the applicant/licensee shall complete the training or “cause to be submitted” proof to the Board of completion of the required training, in recognition of the fact that it is the approved course provider that submits the report of the applicant’s/licensee’s completion of the required training.

§§ 21.811 and 21.812 Qualifications for initial certification; and qualifications for certification by endorsement; additional certification

In response to IRRC’s comments, the Board adds a cross-reference to the mandatory training requirements in § 21.508(a) to make it clear that applicants for certification as a clinical nurse specialist must have completed at least 3 hours of approved training in child abuse recognition and reporting as a condition of certification.

§ 21.822 Biennial renewal of certification

Likewise, the Board amends this section to add a cross-reference to the requirement that a clinical nurse specialist complete at least 2 hours of approved training in child abuse recognition and reporting in accordance with § 21.508(b) as a condition of renewal.

Fiscal Impact and Paperwork Requirements

The Board does not anticipate any significant fiscal impact or paperwork requirements relating to these amendments. Registered nurses, dietitian-nutritionists, clinical nurse specialists, certified registered nurse practitioners and volunteer license holders are already required to complete mandatory continuing education, and as these 2 hours are incorporated in the existing requirement, there would be no increased burden. Only applicants for licensure/certification and licensed practical nurses would incur an additional requirement. Because there are many low-cost and free options available to complete the training, the Board anticipates this impact to also be minimal. Because all approved Act 31 training providers are required to report attendance/participation electronically, there are no additional paperwork requirements imposed on licensees. In addition, the implementation of an electronic reporting system for mandatory reporters of child abuse under the CPSL by the Department of Human Services has decreased the paperwork requirements related to the mandatory reporting requirements.

Sunset Date

The Board continuously monitors the effectiveness of its regulations on a fiscal year and biennial basis. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) and (f) of the Regulatory Review Act (71 P.S. § 745.5(a) and (f)), on January 15, 2021, the Board submitted a copy of the notice of proposed rulemaking, published at 51 Pa.B. 558, to IRRC and the Legislative Reference Bureau. The Board subsequently submitted the notice of proposed rulemaking to the Chairpersons of the HPLC and the SCP/PLC for review and comment on February 19, 2021, as required under section 5(f) of the Regulatory Review Act.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received on the regulation, as well as other documents when requested. In preparing this final-form rulemaking, the Board has considered all comments received from IRRC. No public comments were received. The Board also received no comments from the HPLC or the SCP/PLC.

Under section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)), on November 30, 2021, the Board delivered this final-form rulemaking to IRRC, the HPLC and the SCP/PLC. Under section 5.1(j)(2) of the Regulation Review Act, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC on January 25, 2022. Under section 5.1(e) of the Regulatory Review Act,

IRRC met on January 26, 2022, and approved the final-form rulemaking.

Additional Information

Additional information may be obtained by writing to Cynthia Miller, Board Administrator, State Board of Nursing, P.O. Box 2649, Harrisburg, PA 17105-2649, ST-NURSE@PA.GOV.

Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided as required by law, but no comments were received.

(3) The amendments to this final-form rulemaking do not enlarge the original purpose of the proposed rulemaking published at 51 Pa.B. 558.

(4) This final-form rulemaking is necessary and appropriate for the administration of the CPSL (23 Pa.C.S. §§ 6301—6388).

Order

The Board, therefore, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 21 are amended by amending §§ 21.28, 21.29, 21.131, 21.155, 21.156, 21.271, 21.331, 21.501—21.507, 21.603, 21.605, 21.721, 21.723, 21.724, 21.811, 21.812 and 21.822, and adding §§ 21.20, 21.150, 21.508 and 21.509 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Board shall submit this final-form rulemaking to the Office of Attorney General and the Office of General Counsel for approval as required by law.

(c) The Board shall submit this final-form rulemaking to IRRC, the HPLC and the SCP/PLC as required by law.

(d) The Board shall certify this final-form rulemaking and deposit it with the Legislative Reference Bureau as required by law.

(e) This final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

KRISTIN MALADY, BSN, RN,
Chairperson

(Editor's Note: See 52 Pa.B. 1079 (February 12, 2022) for IRRC's approval order.)

Fiscal Note: Fiscal Note 16A-5140 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 21. STATE BOARD OF NURSING

Subchapter A. REGISTERED NURSES LICENSES

§ 21.20. Licensure by examination.

An applicant for licensure by examination shall comply with the requirements of § 21.23 (relating to application

for examination), pass the examination and complete at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 21.508(a) (relating to child abuse recognition and reporting—mandatory training requirement).

§ 21.28. Licensure by endorsement.

* * * * *

(e) An applicant for licensure by endorsement shall demonstrate proficiency in English by submitting proof that the applicant's nursing education program was conducted in English or that the applicant received a passing score on a Board-approved English proficiency examination unless the applicant has met this requirement in satisfaction of § 21.7(b)(2) (relating to temporary practice permits). The Board will make available a list of Board-approved English proficiency examinations on its web site.

(f) An applicant for licensure by endorsement shall complete at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 21.508(a) (relating to child abuse recognition and reporting—mandatory training requirement).

§ 21.29. Expiration and renewal of license.

* * * * *

(c) The applicant for license renewal may complete and submit an application online or may mail a completed application form to the Board's administrative office. When applying for licensure renewal, a registered nurse shall:

(1) Complete and submit the renewal application, including disclosing any license to practice nursing or any allied health profession in any other state, territory, possession or country.

(2) Pay the biennial renewal of licensure fee in § 21.5 (relating to fees).

(3) Verify that the registered nurse has complied with the continuing education requirements mandated by section 12.1 of the act (63 P.S. § 222) during the biennial period immediately preceding the application for renewal in accordance with §§ 21.131—21.134 (relating to continuing education). School nurses, who as certified education specialists are required to obtain continuing professional education under the Public School Code of 1949 (24 P.S. §§ 1-101—27-2702), shall verify by signed statement that the school nurse has complied with the continuing education requirements for certification by the Department of Education.

(3.1) Ensure that the registered nurse has completed at least 2 hours of approved training in child abuse recognition and reporting in accordance with § 21.508(b) (relating to child abuse recognition and reporting—mandatory training requirement).

(4) Disclose any discipline imposed by a state licensing board on any nursing or allied health profession license or certificate in the previous biennial period and any criminal charges pending or criminal conviction, plea of guilty or nolo contendere, or admission into a probation without verdict or accelerated rehabilitative disposition during the previous biennial period unless prior notification has been made under § 21.29a (relating to reporting of crimes and disciplinary action).

(d) When communicating with the Board, licensees shall identify themselves by full name, current address and license number.

CONTINUING EDUCATION

§ 21.131. Continuing education.

(a) Requirement of continuing education. A registered nurse seeking licensure renewal shall complete 30 hours of continuing education approved by the Board during the biennial period immediately preceding the application for renewal in accordance with section 12.1 of the act (63 P.S. § 222) and this subchapter. At least 2 of the 30 hours shall be completed in approved continuing education in child abuse recognition and reporting requirements in accordance with § 21.508(b) (relating to child abuse recognition and reporting—mandatory training requirement). The Board will not renew a license of a registered nurse who fails to verify compliance with the continuing education requirement. A registered nurse whose license is not renewed by the expiration of the biennial period may not engage in the practice of professional nursing until the continuing education requirements are satisfied and the license has been renewed, reinstated or reactivated.

(b) Exception. An applicant applying for initial licensure in this Commonwealth will not be required to meet the continuing education requirement on the first renewal immediately following licensure, except for the mandatory continuing education in child abuse recognition and reporting required under § 21.508(b).

* * * * *

(d) Reinstatement of lapsed license or reactivation of inactive license. A registered nurse seeking to reinstate a lapsed license or reactivate an inactive license shall file an application for reinstatement or reactivation and submit, or cause to be submitted, documentation to demonstrate that the licensee completed 30 hours of continuing education, including at least 2 hours in approved child abuse recognition and reporting in accordance with § 21.508(b), within the biennial period immediately preceding application.

(e) Reinstatement of suspended license. A registered nurse seeking to reinstate a suspended license shall submit, or cause to be submitted, documentation to demonstrate that the registered nurse completed 30 hours of continuing education, including at least 2 hours in approved child abuse recognition and reporting in accordance with § 21.508(b), within the biennial period immediately preceding application for reinstatement.

* * * * *

Subchapter B. PRACTICAL NURSES LICENSURE

§ 21.150. Licensure by examination.

An applicant for licensure by examination shall comply with the requirements of § 21.151 (relating to application for examination), pass the examination and complete at least 3 hours of training in child abuse recognition and reporting in accordance with § 21.508(a) (relating to child abuse recognition and reporting—mandatory training requirement).

§ 21.155. Licensure by endorsement.

* * * * *

(e) An applicant for licensure by endorsement shall demonstrate proficiency in English by submitting proof that the applicant's nursing education program was conducted in English or that the applicant has received a passing score on a Board-approved English proficiency examination unless the applicant has previously met this requirement in satisfaction of § 21.149(b)(2) (relating to

temporary practice permits). The Board will make available a list of Board-approved English proficiency examination on its web site.

(f) An applicant for licensure by endorsement shall complete at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 21.508(a) (relating to child abuse recognition and reporting—mandatory training requirement).

§ 21.156. Renewal of license.

* * * * *

(b) When applying for licensure renewal, a licensed practical nurse shall:

(1) Submit the renewal application, including disclosing a license to practice nursing or an allied health profession in any other state, territory, possession or country.

(2) Pay the biennial renewal of license fee in § 21.147(b) (relating to fees).

(3) Disclose discipline imposed by a state licensing board in the previous biennial period and criminal charges pending or criminal conviction, plea of guilty or nolo contendere, or admission into a probation without verdict or accelerated rehabilitative disposition during the previous biennial period, unless prior notification has been made under § 21.156b (relating to reporting of crimes and disciplinary actions).

(b.1) Licensed practical nurses applying for renewal shall complete at least 2 hours of approved training in child abuse recognition and reporting in accordance with § 21.508(b) (relating to child abuse recognition and reporting—mandatory training requirement).

(c) When communicating with the Board, licensed practical nurses shall identify themselves by their full name, current address and license number.

Subchapter C. CERTIFIED REGISTERED NURSE PRACTITIONERS

CERTIFICATION REQUIREMENTS

§ 21.271. Certification requirements.

(a) Initial certification. An applicant for initial certification shall meet the following requirements:

(1) Registered nurse license. An applicant for certification shall hold a current, unrestricted license as a professional nurse in this Commonwealth.

(2) Education. An applicant for certification shall have completed an accredited, Board-approved master's or postmaster's nurse practitioner program or other Board-approved program that awarded an advanced degree or a course of study considered by the Board to be equivalent to that required for certification in this Commonwealth at the time the course was completed.

(3) National certification. An applicant for initial certification after February 7, 2005, shall hold current National certification in the specialty in which the professional nurse is seeking certification.

(4) Mandatory training in child abuse recognition and reporting. An applicant for initial certification shall have completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 21.508(a) (relating to child abuse recognition and reporting—mandatory training requirement) as a condition of certification.

(b) Certification by endorsement. An applicant for certification who holds a current, unrestricted license or certificate as a nurse practitioner from another state,

territory or possession of the United States or a foreign country, shall meet the certification requirements that were effective at the time the applicant was licensed or certified as a nurse practitioner by the other jurisdiction. Applicants who were initially licensed or certified by another state, territory or possession of the United States or a foreign country after February 7, 2005, shall hold current National certification in the specialty in which the nurse is seeking certification. Nurse practitioners applying for certification from a jurisdiction that does not designate the nurse practitioner's specialty will be required to present evidence satisfactory to the Board to demonstrate the nurse practitioner's specialty. An applicant for initial certification by endorsement shall have completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 21.508(a) (relating to child abuse recognition and reporting—mandatory training requirement) as a condition of certification.

(c) *Addition of a specialty.* A CRNP who holds an unrestricted certification to practice may apply for certification in an additional specialty. To be granted certification in an additional specialty, the CRNP shall meet the educational and National certification requirements for the specialty in which the CRNP is applying for certification.

MAINTENANCE OF CERTIFICATION

§ 21.331. Biennial renewal of certification.

* * * * *

(c) As a condition of biennial renewal, a CRNP shall:

- (1) Renew the CRNP's registered nurse license.
- (2) Verify completion of a minimum of 30 hours of Board-approved continuing education in the 2 years prior to renewal, including at least 2 hours of approved training in child abuse recognition and reporting in accordance with § 21.508(b) (relating to child abuse recognition and reporting—mandatory training requirement). As a condition of biennial renewal of prescriptive authority approval, a CRNP shall complete a minimum of 16 of the 30 hours of Board-approved continuing education in pharmacology in the 2 years prior to renewal.
- (3) Demonstrate current National certification, if the CRNP was certified by the Board after February 7, 2005.
- (4) Pay the required biennial renewal fee set forth in § 21.253 (relating to fees).
- (5) Verify compliance with section 8.7 of the act (63 P.S. § 218.7) regarding liability coverage.
- (d) Any written communication with the Board must be typed or printed and include the CRNP's full name, including former names, the current address and certification number.

Subchapter E. CHILD ABUSE REPORTING REQUIREMENTS

§ 21.501. Definitions.

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

- Acts*—The Professional Nursing Law (63 P.S. §§ 211—225); and the Practical Nurse Law (63 P.S. §§ 651—667).
- Board-regulated practitioner*—A registered nurse (RN), licensed practical nurse (LPN), certified registered nurse practitioner (CRNP), clinical nurse specialist (CNS) or licensed dietitian-nutritionist (LDN).

Bodily injury—Impairment of physical condition or substantial pain.

Bureau—Bureau of Professional and Occupational Affairs within the Department of State of the Commonwealth.

Child—An individual under 18 years of age.

Child abuse—

Intentionally, knowingly or recklessly doing any of the following:

- (i) Causing bodily injury to a child through any recent act or failure to act.
- (ii) Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act.
- (iii) Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.
- (iv) Causing sexual abuse or exploitation of a child through any act or failure to act.
- (v) Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
- (vi) Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
- (vii) Causing serious physical neglect of a child.
- (viii) Engaging in any of the following recent acts:

- (A) Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
- (B) Unreasonably restraining or confining a child, based on consideration of the method, location or duration of the restraint or confinement.
- (C) Forcefully shaking a child under 1 year of age.
- (D) Forcefully slapping or otherwise striking a child under 1 year of age.
- (E) Interfering with the breathing of a child.
- (F) Causing a child to be present at a location while a violation of 18 Pa.C.S. § 7508.2 (relating to operation of methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement.
- (G) Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:

(I) is required to register as a Tier II or Tier III sexual offender under 42 Pa.C.S. Chapter 97, Subchapter H (relating to registration of sexual offenders), where the victim of the sexual offense was under 18 years of age when the crime was committed;

(II) has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.24 (relating to assessments) or any of its predecessors;

(III) has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. § 9799.12 (relating to definitions); or

(IV) has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.58 (relating to assessments) or has to register for life under 42 Pa.C.S. § 9799.55(b) (relating to registration).

- (ix) Causing the death of the child through any act or failure to act.

(x) Engaging a child in a severe form of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (Division A of Pub.L. No. 106-386).

ChildLine—An organizational unit of the Department of Human Services, which operates a 24-hour a day Statewide toll-free telephone system for receiving reports of suspected child abuse, referring reports for investigation and maintaining the reports in the appropriate file.

Mandated reporter—A person who is required under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse) to make a report of suspected child abuse. For purposes of this subchapter, the term includes all Board-regulated practitioners.

Parent—A biological parent, adoptive parent or legal guardian.

Perpetrator—A person who has committed child abuse as defined in this section.

(i) This term includes only the following:

- (A) A parent of the child.
- (B) A spouse or former spouse of the child's parent.
- (C) A paramour or former paramour of the child's parent.
- (D) An individual 14 years of age or older who is a person responsible for the child's welfare or who has direct contact with children as an employee of child-care services, a school or through a program, activity or service.

(E) An individual 14 years of age or older who resides in the same home as the child.

(F) An individual 18 years of age or older who does not reside in the same home as the child but is related within the third degree of consanguinity or affinity by birth or adoption to the child.

(G) An individual 18 years of age or older who engages a child in severe forms of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (Division A of Pub.L. No. 106—386).

(ii) Only the following may be considered a perpetrator for failing to act, as provided in this section:

- (A) A parent of the child.
- (B) A spouse or former spouse of the child's parent.
- (C) A paramour or former paramour of the child's parent.
- (D) A person responsible for the child's welfare who is 18 years of age or older.
- (E) An individual 18 years of age or older who resides in the same home as the child.

Person responsible for the child's welfare—A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control.

Program, activity or service Any of the following in which children participate and which is sponsored by a school or a public or private organization:

- (i) A youth camp or program.
- (ii) A recreational camp or program.
- (iii) A sports or athletic program.
- (iv) A community or social outreach program.

(v) An enrichment or educational program.

(vi) A troop, club or similar organization.

Recent act or failure to act—An act or failure to act committed within 2 years of the date of the report to the Department of Human Services or county agency.

Serious mental injury—A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that does one or more of the following:

- (i) Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.
- (ii) Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

Serious physical neglect—Any of the following when committed by a perpetrator that endangers a child's life or health, threatens a child's well-being, causes bodily injury or impairs a child's health, development or functioning:

- (i) A repeated, prolonged or egregious failure to supervise a child in a manner that is appropriate considering the child's developmental age and abilities.
- (ii) The failure to provide a child with adequate essentials of life, including food, shelter or medical care.

Sexual abuse or exploitation—Any of the following:

(i) The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes the following:

- (A) Looking at sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.
- (B) Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.

(C) Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.

(D) Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.

(ii) Any of the following offenses committed against a child:

- (A) Rape as defined in 18 Pa.C.S. § 3121 (relating to rape).
- (B) Statutory sexual assault as defined in 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).

(C) Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).

(D) Sexual assault as defined in 18 Pa.C.S. § 3124.1 (relating to sexual assault).

(E) Institutional sexual assault as defined in 18 Pa.C.S. 3124.2 (relating to institutional sexual assault).

(F) Aggravated indecent assault as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).

(G) Indecent assault as defined in 18 Pa.C.S. § 3126 (relating to indecent assault).

(H) Indecent exposure as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure).

(I) Incest as defined in 18 Pa.C.S. § 4302 (relating to incest).

(J) Prostitution as defined in 18 Pa.C.S. § 5902 (relating to prostitution and related offenses).

(K) Sexual abuse as defined in 18 Pa.C.S. § 6312 (relating to sexual abuse of children).

(L) Unlawful contact with a minor as defined in 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).

(M) Sexual exploitation as defined in 18 Pa.C.S. § 6320 (relating to sexual exploitation of children).

(iii) For the purposes of subparagraph (i), the term does not include consensual activities between a child who is 14 years of age or older and another person who is 14 years of age or older and whose age is within 4 years of the child's age.

§ 21.502. Suspected child abuse—mandated reporting requirements.

(a) *General rule.*

(1) Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), all Board-regulated practitioners are considered mandated reporters. A mandated reporter shall make a report of suspected child abuse in accordance with this section if the mandated reporter has reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:

(i) The mandated reporter comes into contact with the child in the course of employment, occupation and practice of the profession or through a regularly scheduled program, activity or service.

(ii) The mandated reporter is directly responsible for the care, supervision, guidance or training of the child, or is affiliated with an agency, institution, organization, school, regularly established church or religious organization or other entity that is directly responsible for the care, supervision, guidance or training of the child.

(iii) A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.

(iv) An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

(2) Nothing in this subsection shall require a child to come before the mandated reporter to make a report of suspected child abuse.

(3) Nothing in this subsection shall require the mandated reporter to identify the person responsible for the child abuse to make a report of suspected child abuse.

(b) *Staff members of public or private agencies, institutions and facilities.* Whenever a Board-regulated practitioner is required to make a report under subsection (a) in the capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, that Board-regulated practitioner shall report immediately in accordance with subsection (c) and shall immediately thereafter notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge.

(c) *Reporting procedure.*

A mandated reporter shall immediately make a report of suspected child abuse to the Department of Human Services by either:

(1) Making an oral report of suspected child abuse by telephone to ChildLine at (800) 932-0313, followed by a written report within 48 hours to the Department of Human Services or the county agency assigned to the case in a manner and format prescribed by the Department of Human Services. The written report submitted under this paragraph may be submitted electronically.

(2) Making an electronic report of suspected child abuse in accordance with 23 Pa.C.S. § 6305 (relating to electronic reporting) through the Department of Human Services' Child Welfare Information Solution self-service portal at www.compass.state.pa.us/cwis. A confirmation by the Department of Human Services of the receipt of a report of suspected child abuse submitted electronically relieves the mandated reporter of the duty to make an additional oral or written report.

(d) *Written or electronic reports.* A written or electronic report of suspected child abuse, shall include the following information, if known:

(1) The names and addresses of the child, the child's parents and any other person responsible for the child's welfare.

(2) Where the suspected child abuse occurred.

(3) The age and sex of each subject of the report.

(4) The nature and extent of the suspected child abuse, including any evidence of prior abuse to the child or any sibling of the child.

(5) The name and relationship of each individual responsible for causing the suspected abuse and any evidence of prior abuse by each individual.

(6) Family composition.

(7) The source of the report.

(8) The name, telephone number and e-mail address of the person making the report.

(9) The actions taken by the person making the report, including actions taken under 23 Pa.C.S. §§ 6314—6317.

(9.1) Other information required by Federal law or regulation.

(10) Other information which the Department of Human Services may require by regulation.

§ 21.503. Photographs, medical tests and X-rays of child subject to report.

A Board-regulated practitioner may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county children and youth social service agency at the time the written report is sent, or within 48 hours after an electronic report is made under § 21.502(c)(2) (relating to suspected child abuse—mandated reporting requirements), or as soon thereafter as possible. The county children and youth social service agency shall have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request. Medical summaries or reports of the photographs, X-rays and relevant medical tests shall be made available to law enforcement officials in the course of investigating cases

under 23 Pa.C.S. § 6490(a)(9) or (10) (relating to release of information in confidential reports).

§ 21.504. Suspected death as a result of child abuse—mandated reporting requirement.

A Board-regulated practitioner who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the coroner or medical examiner of the county where death occurred or, in the case where the child is transported to another county for medical treatment, to the coroner or medical examiner of the county where the injuries were sustained.

§ 21.505. Immunity from liability.

Under 23 Pa.C.S. § 6318 (relating to immunity from liability), a Board-regulated practitioner who participates in good faith in the making of a report of suspected child abuse, making a referral for general protective services, cooperating or consulting with an investigation including providing information to a child fatality or near fatality review team, testifying in a proceeding arising out of an instance of suspected child abuse or general protective services or engaging in any action authorized under 23 Pa.C.S. §§ 6314—6317, shall have immunity from civil and criminal liability that might otherwise result by reason of the Board-regulated practitioner's actions. For the purpose of any civil or criminal proceeding, the good faith of the Board-regulated practitioner shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of a Board-regulated practitioner's actions under §§ 21.502—21.504 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement).

§ 21.506. Confidentiality—waived.

To protect children from abuse, the reporting requirements of §§ 25.502—25.504 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) take precedence over provisions of any client confidentiality, ethical principle or professional standard that might otherwise apply. In accordance with 23 Pa.C.S. § 6311.1 (relating to privileged communications), privileged communications between a mandated reporter and a patient does not apply to a situation involving child abuse and does not relieve the mandated reporter of the duty to make a report of suspected child abuse. Additionally, under 23 Pa.C.S. § 6313(e) (relating to reporting procedure), notwithstanding any other provision of law to the contrary, a mandated reporter who makes a report of suspected child abuse does not violate the Mental Health Procedures Act (50 P.S. §§ 7101—7503), by releasing information necessary to complete the report.

§ 21.507. Noncompliance.

(a) *Disciplinary action.* A Board-regulated practitioner who willfully fails to comply with the reporting requirements in §§ 25.502—25.504 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) will be subject to disciplinary action under section 14 of the Professional Nursing Law (63 P.S. § 224) and section 16 of the Practical Nurse Law (63 P.S. § 666).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties), a Board-regulated practitioner who is required to report a case of suspected child abuse or to make a referral to the appropriate authorities and who willfully fails to do so commits a criminal offense, as follows:

(1) An offense not otherwise specified in paragraphs (2), (3) or (4) is a misdemeanor of the second degree.

(2) An offense is a felony of the third degree if all of the following apply:

(i) The mandated reporter willfully fails to report.

(ii) The child abuse constitutes a felony of the first degree or higher.

(iii) The mandated reporter has direct knowledge of the nature of the abuse.

(3) If the willful failure to report continues while the mandated reporter knows or has reasonable cause to suspect a child is being subjected to child abuse by the same individual, or while the mandated reporter knows or has reasonable cause to suspect that the same individual continues to have direct contact with children through the individual's employment, program, activity or service, the mandated reporter commits a felony of the third degree, except that if the child abuse constitutes a felony of the first degree or higher, the mandated reporter commits a felony of the second degree.

(4) A mandated reporter who, at the time of sentencing for an offense under 23 Pa.C.S. § 6319, has been convicted of a prior offense under 23 Pa.C.S. § 6319, commits a felony of the third degree, except that if the child abuse constitutes a felony of the first degree or higher, the penalty for the second or subsequent offense is a felony of the second degree.

§ 21.508. Child abuse recognition and reporting—mandatory training requirement.

(a) Except as provided in subsection (c), individuals applying to the Board for an initial license or certificate shall have completed at least 3 hours of training in child abuse recognition and reporting requirements which has been approved by the Department of Human Services and the Bureau, as set forth in § 21.509 (relating to child abuse recognition and reporting course approval process). The applicant shall certify on the application that the applicant has either completed the required training or has been granted an exemption under subsection (c). The Board will not issue a license or certificate unless the Bureau has received an electronic report from an approved course provider documenting the attendance/participation by the applicant or the applicant has obtained an exemption under subsection (c).

(b) Except as provided in subsection (c), licensees seeking renewal of a license or certificate issued by the Board shall complete, as a condition of biennial renewal, at least 2 hours of approved continuing education in child abuse recognition and reporting requirements, as a portion of the total continuing education required for biennial renewal. For credit to be granted, the continuing education course or program must be approved by the Bureau, in consultation with the Department of Human Services, as set forth in § 21.509 (relating to child abuse recognition and reporting course approval process). The Board will not renew a license or certificate unless the Bureau has received an electronic report from an approved course provider documenting the attendance/participation by the licensee in an approved course within the applicable 2-year biennial licensure cycle or the licensee has ob-

tained an exemption under subsection (c). If a licensee holds more than one license or certificate issued by the Board, or holds a license issued by another licensing board within the Bureau that requires mandatory training in child abuse recognition and reporting, credit for completion of an approved course will be applied to both credentials.

(c) An applicant or licensee may apply in writing for an exemption from the training/continuing education requirements set forth in subsections (a) and (b) provided the applicant or licensee meets one of the following:

(1) The applicant or licensee submits documentation demonstrating all of the following:

(i) The applicant or licensee has already completed child abuse recognition training as required by section 1205.6 of the Public School Code of 1949 (24 P.S. § 12-1205.6).

(ii) The training was approved by the Department of Education in consultation with the Department of Human Services.

(iii) The amount of training received equals or exceeds the amount of training or continuing education required under subsection (a) or (b), as applicable.

(iv) For purposes of licensure renewal, the training must have been completed during the relevant biennial renewal period.

(2) The applicant or licensee submits documentation demonstrating all of the following:

(i) The applicant or licensee has already completed child abuse recognition training required under 23 Pa.C.S. § 6383(c) (relating to education and training).

(ii) The training was approved by the Department of Human Services.

(iii) The amount of training received equals or exceeds the amount of training or continuing education required under subsection (a) or (b), as applicable.

(iv) For purposes of licensure renewal, the training must have been completed during the relevant biennial renewal period.

(3) The applicant or licensee submits documentation acceptable to the Board demonstrating why the applicant or licensee should not be subject to the training or continuing education requirement. The Board will not grant an exemption based solely upon proof that children are not part of the applicant's or licensee's practice. Each request for an exemption under this paragraph will be considered on a case-by-case basis. The Board may grant the exemption if it finds that completion of the training or continuing education requirement is duplicative or unnecessary under the circumstances.

(d) Exemptions granted under subsection (c) are applicable only for the biennial renewal period for which the exemption is requested. If an exemption is granted, the Board will issue or renew the license/certificate, as applicable. If an exemption is denied, the Board will e-mail the applicant or licensee a discrepancy notice notifying them of the need to either complete an approved course or, if warranted, to submit additional documentation in support of their request for an exemption.

§ 21.509. Child abuse recognition and reporting course approval process.

(a) An individual, entity or organization may apply for approval to provide mandated reporter training as required under 23 Pa.C.S. § 6383(b) (relating to education

and training) by submitting the course materials set forth in subsection (b) simultaneously to the Department of Human Services, Office of Children, Youth and Families, and to the Bureau at the following addresses:

(1) Department of Human Services, Office of Children, Youth and Families, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120; or electronically at RA-PWOCYFCPSL@pa.gov.

(2) Bureau of Professional and Occupational Affairs, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105-2649; or electronically at RA-stcpsl_course_app@pa.gov.

(b) Submissions must include all of the following:

(1) Contact information (mailing address, e-mail address and telephone number) for the agency/course administrator.

(2) General description of the training and course delivery method.

(3) Title of the course.

(4) Timed agenda and estimated hours of training.

(5) Learning objectives.

(6) Intended audience.

(7) Course related materials, including as applicable:

(i) Handouts.

(ii) Narrated script or talking points.

(iii) Interactive activities or exercises.

(iv) Videos and audio/visual content.

(v) Knowledge checks, quizzes or other means of assessing participant's understanding of the material.

(vi) For online courses, a transcript of audio training.

(8) Citation of sources, including written permission to use copyrighted material, if applicable.

(9) Anticipated credentials or experience of the presenter, or biography of presenter, if known.

(10) Printed materials used to market the training.

(11) Evaluation used to assess participants' satisfaction with the training.

(12) Sample certificate of attendance/participation, which shall include:

(i) Name of participant.

(ii) Title of training.

(iii) Date of training.

(iv) Length of training (2 or 3 hours).

(v) Name and signature of the authorized representative of the provider. The signature may be an electronic signature.

(vi) Statement affirming the participant attended the entire course.

(13) Verification of ability to report participation/attendance electronically to the Bureau in a format prescribed by the Bureau.

(c) The Bureau will notify the individual, entity or organization in writing upon approval of the course and will post a list of approved courses on the Bureau's web site and the Board's web site.

Subchapter F. VOLUNTEER LICENSES**§ 21.603. Applications.**

(a) An applicant for a volunteer license shall complete an application obtained from the Board. In addition to providing information requested by the Board, the applicant shall provide:

(1) An executed verification on forms provided by the Board certifying that the applicant intends to practice nursing exclusively:

(i) Without personal remuneration for professional services.

(ii) In an approved clinic.

(2) A letter signed by the director or chief operating officer of an approved clinic that the applicant has been authorized to provide volunteer services in the named clinic by the governing body or responsible officer of the clinic.

(b) An applicant for a volunteer license shall complete at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 21.508(a) (relating to child abuse recognition and reporting—mandatory training requirement) as a condition of issuance of a volunteer license.

§ 21.605. Biennial renewal.

A volunteer license shall be renewed biennially on forms provided by the Board. In accordance with section 6(c) of the Volunteer Health Services Act (35 P.S. § 449.46(c)), a volunteer license holder shall comply with the applicable continuing education requirements imposed by the Board, including at least 2 hours of training in approved child abuse recognition and reporting in accordance with § 21.508(b) (relating to child abuse recognition and reporting—mandatory training requirement). The applicant shall be exempt from payment of the biennial renewal fee of § 21.5, § 21.147 or § 21.253 (relating to fees), as applicable.

**Subchapter G. DIETITIAN-NUTRITIONISTS
LICENSURE REQUIREMENTS****§ 21.721. Qualifications for licensure.**

(a) An individual may apply for licensure as a dietitian-nutritionist by submitting a written application on forms provided by the Board and remitting the application fee set forth in § 21.705 (relating to fees).

(b) To obtain licensure, an applicant must meet the qualifications set forth in section 6(b)(1)—(4) of the act (63 P.S. § 216(b)(1)—(4)), which include:

(1) Evidencing good moral character.

(2) Receipt of a baccalaureate or higher degree from a Board-approved program or equivalent program as set forth in section 5(b) and (c) of the act (63 P.S. § 215(b) and (c)).

(3) Completion of a planned continuous preprofessional experience of at least 900 hours under appropriate supervision.

(4) Successful completion of one of the examinations specified in § 21.722 (relating to education and examination of applicants).

(c) To obtain licensure, an applicant shall complete at least 3 hours of training in child abuse recognition and reporting in accordance with § 21.508(a) (relating to child abuse recognition and reporting—mandatory training requirement).

§ 21.723. License renewal.

(a) A license issued under section 5(e) of the act (63 P.S. § 215(e)) or under this subchapter will be valid from the date of issuance through September 30, 2006, following the issuance of the license. Each subsequent license renewal will be valid for 2 years from October 1 through September 30.

(b) When applying for renewal of licensure, an LDN shall:

(1) Complete the renewal application, including disclosing a license to practice dietetics-nutrition in any other state, territory, possession or country.

(2) Pay the required fee as set forth in § 21.705 (relating to fees).

(3) Submit, or cause to be submitted, proof to the Board that the LDN has satisfactorily completed a minimum of 30 hours of CPE approved by the Board in accordance with § 21.724 (relating to continuing education) during the 2 calendar years immediately preceding the application for renewal. At least 2 of the required 30 hours shall be completed in approved training in child abuse recognition and reporting in accordance with § 21.508(b) (relating to child abuse recognition and reporting—mandatory training requirement).

(4) Disclose any discipline imposed by a state licensing board in the previous biennial period or any criminal charges pending or criminal conviction, plea of guilty or nolo contendere, or admission into a probation without verdict or accelerated rehabilitative disposition program during the previous biennial period unless prior notification has been made under § 21.723a (relating to reporting of crimes and disciplinary action).

§ 21.724. Continuing education.

(a) *Prior to renewal.* One hour of CPE credit will be given for each 50-minute clock hour of CPE activity. Each LDN shall complete 30 CPE credits during the 2 calendar years immediately preceding the application for license renewal. At least 2 of the 30 hours shall be completed in approved training in child abuse recognition and reporting in accordance with § 21.508(b) (relating to child abuse recognition and reporting—mandatory training requirement). If any activity overlaps two renewal periods, the date of completion of the activity determines the date in which the activity can be reported.

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**Subchapter H. CLINICAL NURSE SPECIALISTS
CERTIFICATION REQUIREMENTS****§ 21.811. Qualifications for initial certification.**

The Board may certify an applicant for initial certification who files an application on a form provided by the Board and pays the application fee in § 21.805 (relating to fees), in accordance with the following:

(1) *RN license.* The Board may certify an applicant who has a current, unrestricted license to practice professional nursing in this Commonwealth.

(2) *Education.* The Board may certify an applicant who has a master's degree, doctoral degree or post-master's degree or certificate in nursing from an educational program that meets the requirements of section 6.2(c)(1) of the act (63 P.S. § 216.2(c)(1)).

(3) *Alternative education.* An applicant for initial certification who completed an educational program in a related discipline previously recognized for National certification as a CNS may be granted certification from the

Board in the area of the applicant's current National certification from the American Nurses Association or the American Nurses Credentialing Center.

(4) *National certification or equivalence.*

(i) The Board may grant initial certification in a Board-designated specialty or other pertinent specialty to an applicant who demonstrates current National certification by examination.

(ii) The Board may grant initial certification without specialty to applicants who demonstrate that their educational program does not make them eligible to take a National certification examination and who demonstrate equivalence. For purposes of this section, the Board will determine equivalence on a case-by-case basis after considering the information submitted by the applicant that may include an official transcript, course descriptions, current curriculum vitae, work history in the CNS role, professional recommendations and additional advanced nursing education and certification examinations.

(5) *Mandatory training in child abuse recognition and reporting.* An applicant for initial certification shall have completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 21.508(a) (relating to child abuse recognition and reporting—mandatory training requirement).

§ 21.812. Qualifications for certification by endorsement; additional certification.

(a) *Certification by endorsement.* An applicant for certification by the Board who holds an unrestricted license, certificate or authorization to practice as a CNS from another state, territory or possession of the United States or a foreign country, who met initial certification requirements equivalent to the Board's certification requirements and a current RN license in this Commonwealth may be granted certification by endorsement. An applicant for initial certification by endorsement shall have completed at least 3 hours of approved training in child abuse recognition and reporting in accordance with § 21.508(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(b) *Additional certification.* A CNS who is already certified by the Board may apply for an additional certification. To be granted an additional certification, the CNS shall meet the educational and National certification requirements for the additional certification.

MAINTENANCE OF CERTIFICATION

§ 21.822. Biennial renewal of certification.

(a) The certification of a CNS will expire at the same time as the CNS's professional nursing license as provided in § 21.29 (relating to expiration and renewal of license).

(b) Notice of application for renewal will be forwarded biennially to each active CNS at the CNS's address of record with the Board prior to the expiration date of the current biennial period.

(c) As a condition of biennial renewal, a CNS shall hold a valid, unexpired and unrestricted professional nursing license.

(d) As a condition of biennial renewal, a CNS shall complete a minimum of 30 hours of Board-approved continuing education, in the 2 years prior to renewal as required under section 8.5(c)(2) of the act (63 P.S. § 218.5(c)(2)), unless the requirement is waived by the Board under § 21.823(b) (relating to CNS-level continuing education; waiver; sanctions) or the CNS's certification is on inactive status. At least 2 of the required 30 hours must be completed in approved training in child abuse recognition and reporting in accordance with § 21.508(b) (relating to child abuse recognition and reporting—mandatory training requirement).

(e) The applicant shall remit the required renewal fee in § 21.805 (relating to fees) with the applicant's renewal application forms. Upon approval of the renewal application, the CNS will receive a certification for the current renewal period.

[Pa.B. Doc. No. 22-487. Filed for public inspection March 25, 2022, 9:00 a.m.]

NOTICES

GOVERNOR’S OFFICE

Regulatory Agenda

Executive Order 1996-1 requires all agencies under the jurisdiction of the Governor to submit for publication semi-annually an agenda of regulations under development or consideration.

The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process.

Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments.

This Agenda represents the Administration’s present intentions regarding future regulations. The information provided is current as of March, 2022. The nature and complexity of an individual regulation obviously will determine whether and when any particular regulation listed (as well as any considered subsequent to publication of this Agenda) is published.

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Department of Aging			
Older Adult Daily Living Centers 6 Pa. Code Chapter 11	Spring 2022, as Proposed	The purpose of 6 Pa. Code Chapter 11 is to protect the health, safety and well-being of persons with functional impairments for the licensure and operation of Older Adult Daily Living Centers (OADLC). These regulations—the statutory authority for which is found in Act 118 of 1990 and in 62 P.S. Chapter 2 § 1511—were adopted on July 2, 1993 and effective October 12, 1993. The Pennsylvania Department of Aging is responsible for the enforcement of these regulations. OADLC services provide a structured program of services to clients who require the service along with valuable respite to caregivers. The proposed rulemaking would update the existing regulatory language to address changes in other statutes, regulations, codes, ordinances and other professional standards and practices, along with addressing the increasing frailty of clients served in OADLC.	Barb Valaw (717) 787-4522
Pennsylvania Community Adult Respite Services Program Act 166 of 2014	Summer 2022, as Proposed	Act 166 of 2014 (P.L. 2615, Oct. 22, 2014, No. 166) created a new program called the Pennsylvania Community Adult Respite Services Program (CARP), authorizing the Department of Aging to license and inspect community adult respite services programs that serve participants with minor functional impairments. The purpose of the proposed rulemaking is to provide guidance to persons wishing to provide community adult respite services to eligible persons for part of a 24-hour day, filling a niche between senior centers and older adult daily living centers, as required by Act 166 of 2014.	Barb Valaw (717) 787-4522

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Department of Agriculture</i>			
Agricultural Conservation Easement Purchase Program 7 Pa. Code Chapter 138e (# 2-192)	August 2022, as Proposed	The regulation will revise the regulation to address the five amendments of the Agricultural Area Security Law that occurred since 2004, when the regulation was last revised. The revision will accomplish a “housekeeping” update to reflect the Department’s experience in administering the Agricultural Conservation Easement purchase program.	Doug Wolfgang (717) 783-3167
Milk Sanitation 7 Pa. Code Chapter 59a (# 2-194)	April 2022, as Proposed	The regulation will: 1) accomplish a “housekeeping” update to the technical Milk Sanitation regulations; 2) allow for the lawful production and sale of raw milk butter; and 3) lower the maximum permissible somatic cell count for milk.	Sheri Morris (717) 787-4315
State Food Purchase Program 7 Pa. Code Chapter 160 (# 2-195)	March 2022, as Final-Form	This regulation will increase the income threshold cap for the Program from the current 150% of the poverty level established by the USDA to 185%.	Caryn Long Earl (717) 772-2688
<i>Department of Banking and Securities (DOBS)</i>			
Promulgation of agency rules of administrative practice and procedure, to be added to Title 10, Part I	Spring 2022, as Proposed	The Department currently uses the General Rules of Administrative Practice and Procedure (“GRAAP”), which contemplate that an agency may promulgate its own rules. 1 Pa. Code § 31.1(c). The agency desires to enact rules more suited to its statutory requirements.	Stefanie Hamilton (717) 787-1471
<i>Department of Conservation and Natural Resources (DCNR)</i>			
DCNR plant regulations update 17 Pa. Code Chapter 45	Spring 2022, as Proposed	This rulemaking proposes to amend 17 Pa. Code Chapter 45 by doing the following: 1) updating the classification lists of native wild plants; and 2) updating the scientific and common names of certain native wild plants. Regarding updates to the classification lists of native wild plants, this rulemaking proposes to amend the following classification lists: Pennsylvania Extirpated (§ 45.11); Pennsylvania Endangered (§ 45.12); Pennsylvania Threatened (§ 45.13); Pennsylvania Rare (§ 45.14); and Tentatively Undetermined (§ 45.21). This rulemaking proposes to amend the classification lists in the following ways: 1) adding plants that are currently unclassified, to a classification list; 2) reclassifying plants already on a classification list, to a new classification; and 3) removing plants from the classification lists altogether (declassifying them).	Rebecca Bowen (717) 772-0258 Lisa Maiorana, Esq. (717) 783-0139
Prescribed Burning Practices Act	Fall 2022, as Proposed	DCNR and other agencies and organizations have been utilizing prescribed fires (controlled burns) on publicly-owned forests and grasslands in the Commonwealth since 2009. At this time, there is significant interest and need to expand the use of prescribed fire to manage privately-owned lands in Pennsylvania. To do so safely,	Michael Kern (717) 783-7957

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		DCNR proposes regulations for the training and certification of prescribed burn managers and for the review and approval of prescribed burn plans.	
<i>Department of Corrections (DOC)</i>			
37 Pa. Code § 61.2 Confidentiality of Records 37 Pa. Code § 63.1(d) Granting of Parole 37 Pa. Code § 63.3 Violation of Parole 37 Pa. Code § 63.4 General Conditions of Parole 37 Pa. Code § 65.1 Board Acceptance of Cases 37 Pa. Code § 65.3 Detention and Revocation 37 Pa. Code § 65.5 Special Provisions or Conditions of Sentence 37 Pa. Code § 67.2 Release from Conditions of Probation or Parole 37 Pa. Code § 69.1 General—Parole Agents 37 Pa. Code § 69.2 Limitations 37 Pa. Code § 69.3 Procedures 37 Pa. Code § 71.1 Initiation of Proceedings 37 Pa. Code § 71.2 Procedure for Violation of Parole Conditions 37 Pa. Code § 71.3 Return for a New Criminal Charge 37 Pa. Code § 71.4 Conviction for a New Criminal offense 37 Pa. Code § 71.5 General 37 Pa. Code § 77.2 Citizens Advisory Committees	Fall 2022, as Proposed	Parole regulations are being updated to reflect changes resulting from Act 59 of 2021, which transferred authority for the actions covered in the regulations from the Pennsylvania Parole Board to the Pennsylvania Department of Corrections. The amendments are limited to changing existing references to the Parole Board to the Department of Corrections.	Tracey Tubbs (717) 728-7763
<i>Department of Education (PDE)</i>			
Regulations of the State Board of Private Academic Schools 22 Pa. Code Chapters 51, 53, 55, 57, 59, 61 and 63	Spring 2022, as Proposed	These regulations define the requirements for obtaining licensure as a Private Academic School. The Board is in the process of updating the regulations, which were promulgated in 1988. The regulations are promulgated under the authority of the Private Academic Schools Act (24 P.S. §§ 6701 et. seq.).	Sherri Smith (717) 772-4557
Department of Education 22 Pa. Code Chapter 751	Summer 2022, as Proposed	These regulations will address the possession and use of medical marijuana by students and employees on the grounds of a preschool, primary school and a secondary school. These regulations are promulgated under authority of the Medical Marijuana Act (2016 Pa. Laws 16).	Sherri Smith (717) 772-4557

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Regulations of the State Board of Private Licensed Schools 22 Pa. Code Chapter 73	Spring 2022, as Proposed	These regulations define the requirements for obtaining and maintaining licensure as a Private Licensed School and set outcomes benchmarks. The regulations are promulgated under the authority of the Private Licensed Schools Act (24 P.S. §§ 6501 et. seq.).	Lynette Kuhn (717) 783-8228
Regulations of Special Education Services and Programs 22 Pa. Code Chapter 14	Spring 2022, as Final-Omitted	This regulation supports Pennsylvania's people with an intellectual disability by updating the language in 22 Pa. Code relating to education by replacing the terms "mentally retarded" and "mental retardation" with the terms "intellectually disabled" or "intellectual disabilities." The regulation is promulgated under the authority of Sections 1372 and 26-2603-B, of the Public School Code of 1949, as amended, (24 P.S. §§ 13-1372 and 26-2603-B).	Karen Molchanow (717) 787-3787
Regulations of Charter School and Cyber Charter School Services and Programs for Children with Disabilities 22 Pa. Code Chapter 711	Spring 2022, as Final-Omitted	This regulation supports Pennsylvania's people with an intellectual disability by updating the language in 22 Pa. Code relating to education by replacing the terms "mentally retarded" and "mental retardation" with the terms "intellectually disabled" or "intellectual disabilities." The regulation is promulgated under the authority of Sections 1701-A through 1732-A, 1749-A(b)(8), 1751-A, of the Public School Code of 1949, as amended, 24 P.S. §§ 17-1701-A through 17-1732-A, 17-1749-A(b)(8), 17-1751-A and §§ 875-101 through 875-503 of the Early Intervention Services System Act, as amended, 11 P.S. §§ 875-101 through 875-503.	Sherri Smith (717) 772-4557
State Board of Education 22 Pa. Code Chapter 49	Spring 2022, as Final-Form	These regulations establish requirements for certification of professional personnel employed in the public schools of the Commonwealth. In July 2020, the Board approved proposed revisions to the Chapter that were informed by stakeholder input gathered through Statewide public hearings and written comments. The regulations are promulgated under the authority of the Public School Code of 1949, 24 P.S. § 2603-B.	Karen Molchanow (717) 787-3787
State Board of Education 22 Pa. Code Chapter 4	Spring 2022, as Final-Form	These regulations update the Commonwealth's current academic standards for Science and Technology and Environment and Ecology to establish new academic standards that are in line with contemporary research on learning and teaching science. At the same time, the Board is making technical updates to Chapter 4 to align relevant sections of the regulation with changes to high school graduation requirements enacted by Act 158 of 2018 and will update terminology to replace references to vocational-technical education with the more appropriate term Career and Technical Education. The regulations are promulgated under the authority of Public School Code of 1949, 24 P.S. § 26-2604-B(b)(vii).	Karen Molchanow (717) 787-3787

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Department of Education 22 Pa. Code Chapter 713	Spring 2022, as Final-Form	The Department will promulgate new regulations to ensure transparency and accountability in implementation of the Charter School Law related to the establishment of a charter school entity, the governance and operation of a charter school entity, and the closure of a charter school entity. The regulations are promulgated under the authority of the Public School Code of 1949, 24 P.S. §§ 17-1732-A(c) and 17-1751-A.	Randall Seely (717) 787-9744
<i>Environmental Hearing Board (EHB)</i>			
Practice and Procedure 25 Pa. Code Chapter 1021 (# 106-13)	1st or 2nd Quarter 2022, as Final-Form	The rulemaking amends the Board's rules in the following categories: motions for admission pro hac vice; petitions to appeal nunc pro tunc; the requirement of a table of contents in briefs exceeding 30 pages and in prehearing memoranda; and other minor corrections to the rules.	Maryanne Wesdock, Senior Assistant Counsel (412) 565-5245
Practice and Procedure 25 Pa. Code Chapter 1021 (# 106-14)	1st or 2nd Quarter 2022, as Proposed	This rulemaking would amend the Board's rules on attorney fees and costs by clarifying the procedure for seeking costs and fees in certain types of proceedings. The Board expects to vote to approve proposed rulemaking in the 1st Quarter of 2022.	Maryanne Wesdock, Senior Assistant Counsel (412) 565-5245
<i>Department of Environmental Protection (DEP)</i>			
Noncoal Mining Clarifications and Corrections 25 Pa. Code Chapter 77 (# 7-554)	Quarter 2, 2022, EQB Consideration, as Final-Form	This rulemaking proposes to clarify and correct existing regulatory requirements for noncoal mining. The rulemaking also proposes to update the blasting section to be consistent with the recently revised Chapter 211 and to reflect current technology. (Noncoal Surface Mining Conservation and Reclamation Act, Clean Streams Law)	Bill Allen (717) 783-9580 wallen@pa.gov
Coal Refuse Disposal Revisions 25 Pa. Code Chapter 90 (# 7-565)	Quarter 2, 2022, EQB Consideration, as Final-Form	This rulemaking proposes to implement Act 74 of 2019. Proposed regulatory amendments will include clarification of the triggering events that would require an operator to install a system to prevent precipitation from contacting the coal refuse; differences between the State and Federal regulations relating to temporary cessation; and establish a connection between the disposal area and the source of the refuse. (Surface Mining Conservation and Reclamation Act, Clean Streams Law, Coal Refuse Disposal Control Act)	Greg Greenfield (717) 787-3174 grgreenfie@pa.gov
Environmental Protection Performance Standards for Conventional Oil and Gas Operators 25 Pa. Code Chapter 78 (# 7-539)	Quarter 2, 2022, EQB Consideration, as Proposed	This rulemaking proposes to amend the Oil and Gas regulations applicable to conventional operators (Chapter 78) to update the environmental protection performance standards related to oil and gas activities. (2012 Oil and Gas Act, Clean Streams Law, Solid Waste Management Act, Dam Safety Encroachment Act, Land Recycling and Environmental Remediation Standards Act, Radiation Protection Act, Unconventional Well Report Act, Act 126 of 2014)	Kurt Klapkowski (717) 772-2199 kklapkowski@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Waste Management and Related Issues at Conventional Oil and Gas Well Sites 26 Pa. Code Chapter 78 (# 7-540)	Quarter 3, 2022, EQB Consideration, as Proposed	This proposed rulemaking relates primarily to the proper management of waste generated at conventional oil and gas well sites. The purpose of this regulation is to update the performance standards for surface activities at conventional well sites to ensure that these activities are conducted in a manner that protects the health, safety and environment and property of Pennsylvania's residents.	Kurt Klapkowski (717) 772-2199 kklapkowski@pa.gov
Annual Fee for Unconventional Operations 25 Pa. Code Chapter 78a (# 7-573)	Quarter 3, 2022, EQB Consideration, as Proposed	This rulemaking proposes to establish an annual fee for unconventional operations. The annual fee will provide a stable source of funding through FY 2027-28. (2012 Oil and Gas Act, Clean Streams Law, Dam Safety and Encroachments Act, Solid Waste Management Act)	Kurt Klapkowski (717) 772-2199 kklapkowski@pa.gov
Administration of the Land Recycling Program Vanadium MSC 25 Pa. Code Chapter 250 (# 7-572)	Quarter 2, 2022, EQB Consideration, as Proposed	The rulemaking proposes to amend 25 Pa. Code Chapter 250 to update the toxicity value and medium specific concentrations (MSCs) established under the Statewide health standard for vanadium based on the most recent published scientific information. MSCs are concentrations of contaminants in soil and groundwater that are protective of human health and the environment under various exposure scenarios. This rule will focus on updates to the vanadium toxicity value and updates to the vanadium soil and groundwater MSCs. DEP is required by § 250.11 to propose appropriate MSC changes based on current scientific information no more than 36 months after the effective date of the most recently promulgated MSCs. (Land Recycling and Environmental Remediation Standards Act)	Mike Maddigan (717) 772-3609 mmaddigan@pa.gov
Administration of the Land Recycling Program 25 Pa. Code Chapter 250 (# 7-575)	Quarter 1, 2023, EQB Consideration, as Proposed	The rulemaking proposes to amend 25 Pa. Code Chapter 250 to update the medium specific concentrations (MSCs) established under the Statewide health standard based on the most recent published scientific information. MSCs are concentrations of contaminants in soil and groundwater that are protective of human health and the environment under various exposure scenarios. This rule will focus on updates to the models used to calculate the MSCs for lead in soil and potential changes to how the MSCs for PAH's are calculated. These regulations identify the formulas DEP must use to calculate MSCs and the sources of the toxicological information. This rulemaking also proposes to clarify administrative elements of Chapter 250. DEP is required by § 250.11 to propose appropriate MSC changes based on current scientific information no more than 36 months after the effective date of the most recently promulgated MSCs. (Land Recycling and Environmental Remediation Standards Act)	Mike Maddigan (717) 772-3609 mmaddigan@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Radiation Protection Program Fees 25 Pa. Code Chapter 218 (# 7-574)	Quarter 2, 2022, EQB Consideration, as Proposed	This rulemaking amends Chapter 218 relating to fees. DEP must review the adequacy of established fees every three years. The current fee review indicates the need for a fee increase for the Radioactive Materials and Decommissioning Program and the Radiation-Producing Machines Program, as fee revenue is insufficient to cover program costs. (Radiation Protection Act)	John Chipppo (717) 787-2480 jchippo@pa.gov
Radiation Safety Requirements for Non-Healing Arts Radiation Generating Devices 25 Pa. Code Chapters 227 and 228 (# 7-555)	Quarter 3, 2022, EQB Consideration, as Final-Form	This rulemaking proposes to update Chapter 227 to stay current with advances that have occurred in the uses of non-medical X-ray equipment. The revisions will ensure consistency with other government agencies that similarly regulate these devices. (Radiation Protection Act)	John Chipppo (717) 787-2480 jchippo@pa.gov
Administration of Sewage Facilities Program 25 Pa. Code Chapters 71—73 (# 7-570)	Quarter 4, 2022, EQB Consideration, as Proposed	This rulemaking proposes to update 25 Pa. Code Chapters 71—73 to implement recent amendments to the Pennsylvania Sewage Facilities Act made by Act 26 of 2017 and Act 34 of 2020, and to address a number of other issues in these regulations, which were last revised significantly in 1997. The regulatory revisions in this proposed rulemaking will include site suitability criteria for sites with shallow soils, which will provide additional opportunities for new land development in a manner that provides safe, effective long-term sewage disposal. This proposed rulemaking will also include other regulatory revisions and updates to ensure that the planning, permitting, operation and maintenance of sewage facilities sufficiently protect public health and safety, the waters of the Commonwealth, and property values. (Pennsylvania Clean Streams Law, Pennsylvania Sewage Facilities Act)	Jay Patel (717) 783-2283 jaypatel@pa.gov
Water Quality Standard for Manganese 25 Pa. Code Chapters 93 and 96 (# 7-553)	Quarter 2, 2022, EQB Consideration, as Final-Form	This rulemaking proposes to address a provision regarding the water quality standards for manganese included in Act 40 of 2017. This rulemaking proposes to amend 25 Pa. Code Chapter 93 (relating to water quality standards). The amendments propose to delete manganese from Table 3 at § 93.7 (relating to specific water quality criteria) and add manganese to Table 5 at § 93.8c (relating to human health and aquatic life criteria for toxic substances). The amendments also maintain the point of compliance for the manganese water quality standard in all surface waters (i.e., near the point of discharge). (Pennsylvania Clean Streams Law, Federal Clean Water Act)	Kristen Schlauderaff (717) 787-9637 kschlauder@pa.gov
Water Quality Standards—Dunbar Creek et al. Stream Redesignations 25 Pa. Code Chapter 93 (# 7-557)	Quarter 2, 2022, EQB Consideration, as Final-Form	The regulatory changes included in this rulemaking are the result of stream evaluations conducted by DEP in response to petitions submitted by citizens and data collected by the Department. In this rulemaking, redesignations rely on § 93.4b(a) and (b) to qualify one water for	Tom Barron (717) 787-9637 tbarron@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		High Quality (HQ) and seven waters for Exceptional Value (EV) as well as correct the erroneous HQ designation of UNT Oley Creek to remove HQ. One water will be redesignated from Trout Stocking to Cold Water Fishes. Based on these data and appropriate regulatory criteria, DEP developed this package of stream redesignations including HQ stream redesignations in the Delaware, Susquehanna and Ohio River basins. (Pennsylvania Clean Streams Law, Federal Clean Water Act)	
Water Quality Standards for Site-Specific Criteria for Methylmercury and Clarifications to the Process for Developing Site-Specific Criteria 25 Pa. Code Chapter 93 (# 7-571)	Quarter 2, 2022, EQB Consideration, as Proposed	This rulemaking proposes to update 25 Pa. Code Chapter 93 with site-specific water quality criteria for methylmercury for unnamed tributary to Ebaughs Creek located in York County. In addition, proposed updates will revise provisions to allow for a more efficient regulatory review process to incorporate site-specific criteria into the water quality standards in 25 Pa. Code Chapter 93, which would allow site-specific criteria to be incorporated into National Pollutant Discharge Elimination System (NPDES) permits more quickly. (Pennsylvania Clean Streams Law, Federal Clean Water Act)	Tom Barron (717) 787-9637 tbarron@pa.gov
Water Quality Standards—Triennial Review of Water Quality Standards and Updates to Toxics Management Strategy—Statement of Policy 25 Pa. Code Chapters 93 and 16	Quarter 4, 2022, EQB Consideration, as Proposed	This rulemaking revises the Commonwealth's water quality criteria and standards in Chapter 93 and updates the Chapter 16 Statement of Policy to reflect the latest scientific information and Federal guidelines for criteria development, as required by the triennial review requirements in the Federal Clean Water Act. (40 CFR § 131.20)	Tom Barron (717) 787-9637 tbarron@pa.gov
National Pollutant Discharge Elimination System (NPDES) Program and Combined Sewer Overflows (CSO) 25 Pa. Code Chapter 92a (# 7-563)	Quarter 1, 2022, Publication, as Proposed	This rulemaking proposes to amend 25 Pa. Code § 92a.51(a) to provide an exception for combined sewer overflows (CSO) dischargers with approved long-term control plans (LTCPs) to comply with water quality standards in accordance with the schedule contained in the approved LTCPs allowing renewals of NPDES permits for CSOs to move forward. (Federal Clean Water Act, Pennsylvania Clean Streams Law)	Sean Furjanic (717) 787-2137 sefurjanic@pa.gov
Dam Safety and Waterway Management 25 Pa. Code Chapter 105 (# 7-556)	Quarter 3, 2022, EQB Consideration, as Final-Form	This rulemaking proposes to amend Chapter 105; clarifying existing requirements; deleting or updating obsolete and antiquated requirements; incorporating new or revised sections and definitions; and correcting typographical errors. (Federal Clean Water Act, Pennsylvania Clean Streams Law, Dam Safety and Encroachment Act)	Andy Klinger (717) 772-5975 anklinger@pa.gov
PFAS MCL Rule 25 Pa. Code Chapter 109 (# 7-569)	Quarter 1, 2022, Publication, as Proposed	This proposed rulemaking would establish a maximum contaminant level (MCL) for two per- and polyfluoroalkyl substances (PFAS)—PFOA and PFOS—in drinking water. (Safe Drinking Water Act)	Lisa Daniels (717) 772-4046 ldaniels@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Lead and Copper Rule Revisions (LCRR) 25 Pa. Code Chapter 109 (# 7-576)	Quarter 1, 2023, Publication, as Proposed	This proposed rulemaking would incorporate the final Federal LCRR provisions into state regulations to strengthen public health protection and maintain primacy by ensuring State regulations are as stringent as Federal regulations. (Safe Drinking Water Act)	Lisa Daniels (717) 772-4046 ldaniels@pa.gov
Control of VOC Emissions from Oil and Natural Gas Sources 25 Pa. Code Chapter 129 (# 7-544)	Quarter 1, 2022, EQB Consideration, as Final-Form	This final-form rulemaking establishes emission limitations and other requirements in 25 Pa. Code Chapter 129 consistent with reasonably available control technology (RACT). This final-form rulemaking establishes RACT requirements for volatile organic compounds and other pollutants from existing oil and natural gas production facilities, compressor stations, processing plants, and transmission stations. Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a SIP revision. (Air Pollution Control Act)	Viren Trivedi (717) 783-9476 vtrivedi@pa.gov
Control of VOC Emissions from Gasoline Dispensing Facilities (Stage I and Stage II) 25 Pa. Code Chapters 121 and 129 (# 7-525)	Quarter 1, 2022, Publication, as Final-Form	This final-form rulemaking removes the requirement to install new Stage II vapor recovery systems and establish procedures for the decommissioning of existing Stage II vapor recovery systems. Stage II systems that are not decommissioned will be required to comply with existing Stage II regulatory maintenance requirements. Industry standards for Stage I and Stage II vapor leak monitoring and relating measures will be added for small gasoline storage tanks. Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a SIP revision. (Air Pollution Control Act)	Chris Trostle (717) 772-3926 dtrostle@pa.gov
Additional RACT Requirements for Major Sources of NO _x and VOCs for the 2015 Ozone NAAQS 25 Pa. Code Chapters 121 and 129 (# 7-561)	Quarter 2, 2022, EQB Consideration, as Final-Form	This final-form rulemaking is part of the Commonwealth's demonstration to fulfill the RACT requirements for the 2015 8-hour ozone NAAQS. This final-form rulemaking establishes additional presumptive NO _x and VOC RACT requirements and RACT emission limitations for certain major stationary sources of NO _x and VOC emissions. Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a SIP revision. (Air Pollution Control Act)	Viren Trivedi (717) 783-9476 vtrivedi@pa.gov
CO ₂ Budget Trading Program 25 Pa. Code Chapter 145 (# 7-559)	Quarter 1 or 2, 2022, Publication, as Final-Form	This final-form rulemaking amends 25 Pa. Code Chapter 145 (relating to interstate pollution transport reduction) by adding Subchapter E (relating to CO ₂ budget trading program). This final-form rulemaking establishes a cap on carbon dioxide (CO ₂) emissions from fossil fuel-fired electric generating units in Pennsylvania, with a nameplate capacity equal to or greater than 25 megawatts (MWe). This final-form rulemaking allows Pennsylvania to participate in the Regional Greenhouse Gas Initiative by establishing the Pennsylvania component of the CO ₂ Budget Trading Program, which is designed to reduce anthropogenic emissions of CO ₂ , a greenhouse gas, in a manner that is protective of public health, welfare and the environment. (Air Pollution Control Act)	Viren Trivedi (717) 783-9476 vtrivedi@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
VOC RACT Requirements for Certain CTG Source Categories for the 2015 Ozone NAAQS 25 Pa. Code Chapters 121 and 129 (# 7-568)	Quarter 1, 2022, Publication, as Proposed	This proposed rulemaking would be part of the Commonwealth's demonstration to fulfill the RACT requirements for the 2015 8-hour ozone NAAQS. This proposed rulemaking would establish presumptive VOC RACT requirements and RACT emission limitations for these CTG source categories: shipbuilding and ship repair surface coating; synthetic organic chemical manufacturing industry air oxidation, distillation, and reactor processes; and large petroleum dry cleaners. Upon promulgation, the final-form regulation would be submitted to the EPA for approval as a SIP revision. (Air Pollution Control Act)	Randy Bordner (717) 772-3921 ranbordner@pa.gov
MAX Delisting 25 Pa. Code Chapter 261a (# 7-566)	Quarter 1, 2022, Publication, as Proposed	This proposed rulemaking seeks to amend 25 Pa. Code Chapter 261a to exclude the wastewater sludge generated from the treatment disposal impoundment and landfill leachate and contact stormwater at the MAX Environmental Technologies, Inc. Bulger and Yukon facilities from the list of hazardous wastes under the Resource Conservation and Recovery Act of 1976 (RCRA) and Solid Waste Management Act and their implementing regulations. The regulatory changes in this rulemaking, once promulgated, will codify delisting the wastewater sludge from the Bulger and Yukon Facilities as a hazardous waste. (Solid Waste Management Act, Resource Conservation and Recovery Act)	Tom Mellott (717) 783-3390 mtmellott@pa.gov
Municipal Waste Processing Permit-By-Rule; Rural Transfer Facility 25 Pa. Code Chapter 271 (# 7-564)	Quarter 1, 2022, Publication, as Proposed	This proposed rulemaking amends 25 Pa. Code Chapter 271.103 to add a new municipal waste processing permit-by-rule (PBR) for rural transfer facilities. It establishes requirements for operation of a rural transfer facility, including siting, storage, recordkeeping and other requirements. This proposed rulemaking was developed to create waste management and recycling opportunities for more citizens and in communities that are currently underserved or without collection infrastructure. (Solid Waste Management Act; Municipal Waste Planning, Recycling and Waste Reduction Act)	Laura Henry (717) 772-5713 lahenry@pa.gov
Prohibiting Electronic Liquid-Vaporizing Devices at Underground Bituminous Coal Mines 25 Pa. Code Chapter 208 (# 7-558)	Quarter 2, 2022, BCMS Consideration, as Final-Form	This rulemaking will amend the smoking prohibition at underground bituminous coal mines to expressly prohibit the use and/or possession of electronic liquid-vaporizing devices, including, but not limited to, electronic cigarettes, and will provide for the imposition of a penalty for violations of the prohibition. This rulemaking will also separately distinguish the prohibition at surface work areas of underground bituminous coal mines from the prohibition in the underground areas of these mines. (Bituminous Coal Mine Safety Act)	Richard Wagner (724) 404-3154 rwagner@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Revisions to the Nutrient Management Regulations 25 Pa. Code Chapter 83, Subchapters D and E (# 7-573)	Fall 2022, SCC Consideration, as Proposed	The State Conservation Commission proposes to revise the nutrient management regulations to more effectively address nutrient losses from concentrated animal operations and farms which receive manure from those operations. The proposed revisions to these regulations include incorporating advances in nutrient management knowledge and technology, as well as updating provisions on the protection of water quality regarding nutrient management. This rulemaking also proposes to remove the Nutrient Management Funding Program—Statement of Policy from regulation and provide the direction to delegated county conservation districts as guidance. (Conservation District Law, Nutrient Management Act, Conservation and Natural Resources Act)	Frank Schneider (717) 705-3895 fschneider@pa.gov
<i>Department of Health (DOH)</i>			
Health Facilities and Hospitals 28 Pa. Code Chapters 51 and 101—158	December 2022, as Proposed	The Secretary of Health created a task force of hospital industry representatives to review the current hospital regulations and provide recommendations to improve the quality of care in hospitals across the State.	Sarah Kurish (717) 783-2500 Susan Coble (717) 783-1078 Scott Mincemoyer (717) 736-7358
Long Term Care Facilities 28 Pa. Code §§ 201.1—201.3 and 211.12(i).	October 2022, as Final-Form	The first (10-221) of four rulemaking packages updating regulations for long-term care nursing facilities. In the proposed rulemaking, the Department proposed to adopt Federal requirements for long-term care nursing facilities, update definitions and increase the number of direct care hours that facilities are required to provide to residents.	Kevin Hoffman (717) 783-2500 Susan Coble (717) 783-1078 Ann Chronister (717) 787-8015
Long Term Care Facilities 28 Pa. Code §§ 201.23 and 207.4; and Chapters 203, 204 and 205	October 2022, as Final-Form	The second (10-222) of four rulemaking packages updating regulations for long-term care nursing facilities. In the proposed rulemaking, the Department proposed to eliminate provisions that are outdated and duplicative of Federal requirements and update standards for alterations, renovations or construction of long-term care nursing facilities.	Kevin Hoffman (717) 783-2500 Susan Coble (717) 783-1078 Ann Chronister (717) 787-8015
Long Term Care Facilities 28 Pa. Code §§ 201.12—201.17, 201.22, 209.1, 209.7, 209.8 and 211.1	Spring 2022, as Proposed	The third (10-223) of four rulemaking packages updating regulations for long-term care nursing facilities. The Department plans to propose updates to the requirements for the application for licensure, safety requirements and requirements for infection prevention and control.	Kevin Hoffman (717) 783-2500 Susan Coble (717) 783-1078 Ann Chronister (717) 787-8015
Long Term Care Facilities 28 Pa. Code §§ 201.18—201.21, 201.24—201.31, 207.2, 209.3, 211.2—211.17	Spring 2022, as Proposed	The fourth (10-224) of four rulemaking packages updating regulations for long-term care nursing facilities. The Department plans to propose updates to requirements for nursing services, residents' rights and admissions policies and procedures.	Kevin Hoffman (717) 783-2500 Susan Coble (717) 783-1078 Ann Chronister (717) 787-8015

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Medical Marijuana Program 28 Pa. Code Chapters 1141a—1230a	May 2022, as Final-Form	To promulgate permanent regulations to update existing temporary regulations for the Medical Marijuana program.	Carol Mowery (717) 783-2500 Pete Blank (717)-547-3454
Certified Lifeguards 28 Pa. Code § 18.42	May 2022, as Proposed	The Public Bathing Law authorizes the Department to develop regulations related to lifeguards. The Department is proposing to amend existing regulations for certified lifeguards to remove all named lifeguard certifying authorities.	Neil Mahalingam (717) 783-2500 Melisa Rader (717) 787-4366 Richard Pugh (717) 736-7393
Incubators for newborns Ch. 25, Title 23 § 6504.3	May 2022, as Proposed	Act 68 of 2017 amended Section 6504(b) of Title 23 for hospitals, police stations or other entities employing or otherwise providing access to an emergency services provider to provide an incubator for an infant to be placed anonymously by the parent. The Department is required to promulgate regulations regarding the requirements for installation of an incubator for the care of a newborn.	Christopher Gleeson (717) 783-2500 Victoria Bosman (717) 783-8804
<i>Department of Human Services (DHS)</i>			
Psychiatric Rehabilitation Services 55 Pa. Code Chapter 5231	Spring 2022, as Proposed	This regulation will expand psychiatric rehabilitation services to individuals 14 years of age or older, but under 18 years of age, who meet admission requirements and individuals diagnosed with posttraumatic stress disorder, attention deficit hyperactivity disorder or anxiety disorders and amend outdated language throughout.	Tanoa Fagan (717) 787-8307
Medical Assistance Manual 55 Pa. Code Chapter 1101.51	Fall 2022, as Final-Form	This regulation will be amended to rescind the outdated “shared space” language at § 1101.51(b)(3) to allow for a more integrated approach to the provision of health care by multi-disciplinary and co-location arrangements.	Tanoa Fagan (717) 787-8307
Medical Assistance Manual 55 Pa. Code Chapter 1121	Winter 2022, as Proposed	This proposed regulation includes technical amendments to 55 Pa. Code Chapters 1101, 1121, 1141, 1142 and 1144. In addition to the technical amendments, the payment methodology for covered outpatient drugs has been amended in Chapter 1121 to comply with the Covered Outpatient Drugs final rule issued by CMS on 2/1/16 (81 FR 5170).	Tanoa Fagan (717) 787-8307
Medical Marijuana in Facilities 55 Pa. Code Chapters 3270, 3280, 3290, 3800, 5310, 6400 and 6600	Spring 2022, as Proposed	This proposed regulation will amend Chapters 3270, 3280, 3290, 3700, 3800, 5310, 6400 and 6600 as directed by Section 2105 of the Medical Marijuana Act, regarding possession and use of medical marijuana by children and employees in childcare centers or other social services centers.	Tanoa Fagan (717) 787-8307
Adult Protective Services 55 Pa. Code Chapter 15	Spring 2022, as Proposed	This proposed regulation will govern the investigation of allegations of abuse, neglect, exploitation or abandonment of adults between the ages of 18 and 59 years, and the provision of protective services as indicated by the results of those investigations. The authority for the regulation and resulting services is provided by Act 70 of 2010, the Adult Protective Services Act.	Tanoa Fagan (717) 787-8307

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Crisis Regulations 55 Pa. Code Chapters 1350 and 5250	Winter 2022, as Proposed	This new chapter of regulation will replace the 1993 draft version of the Crisis Intervention Services regulations that was never promulgated. It will have robust staffing, services and physical site parameters.	Tanoa Fagan (717) 787-8307
Children with Intellectual Disabilities and Autism 55 Pa. Code Chapters 3800 and 6400	Spring 2022, as Proposed	This regulation will allow Office of Developmental Programs to license sites dedicated to children with medical complexities.	Tanoa Fagan (717) 787-8307
Definitions and Redeterminations 55 Pa. Code Chapters 123 and 133	Spring 2022, as Final-Form	This regulation will allow applicants for and recipients of Temporary Assistance to Needy Families (TANF) to fulfill requirements without a face-to-face interview.	Tanoa Fagan (717) 787-8307
Administration of County Children and Youth Social Service Programs 55 Pa. Code Chapter 3130	Spring 2022, as Proposed	This regulation will replace Chapter 3130 to align with current practice models and support implementation of improvements consistent with the Child and Family Services Review findings and amendments to State and Federal laws.	Tanoa Fagan (717) 787-8307
Child Residential and Day Treatment Facilities 55 Pa. Code Chapter 3800	Spring 2022, as Proposed	This regulation will update programmatic requirements for facilities to incorporate the Family First Prevention Services Act.	Tanoa Fagan (717) 787-8307
Psychiatric Residential Treatment Facilities 55 Pa. Code Chapters 5330 and 1330	Spring 2022, as Proposed	This regulation will provide foundational standards to meet the complex mental health needs of children, youth and young adults receiving services in psychiatric residential treatment facilities that are currently certified by OHMSAS and licensed by OCYF through the Chapter 3800 regulations.	Tanoa Fagan (717) 787-8307
<i>Pennsylvania Insurance Department (PID)</i>			
Term and Universal Life Ins. Reserve Financing Standards	Fall 2022, as Final-Form	Establishes uniform, National standards governing reserve financing arrangements pertaining to life insurance policies containing guaranteed non-level gross premiums, guaranteed non-level benefits and universal life insurance policies with secondary guarantees.	Richard L. Hendrickson Department Counsel (717) 787-2567
<i>Department of Labor and Industry (L&I)</i>			
Flammable and Combustible Liquids Title 34, Part I, Chapters 14 and 14a Bureau of Occupational and Industrial Safety	Summer 2022, as Proposed	Update regulations based on Act 144 of 2012 and adopt requirements for storage and dispensing of compressed natural gas as vehicular fuel.	Matthew Kegg (717) 783-6304
Services for the Blind and Visually Impaired Currently Title 55, Part IV, Adult Services Manual, Subpart D Non-residential Agencies/Facilities/Services Chapter 2430 to be moved to Title 34	Summer 2022, as Proposed	Deletion of current regulations and creation of new regulations for the Business Enterprise Program to reflect operational changes, based on the transfer of the program from the Department of Welfare to L&I, Act 15 of 1999.	Rod Alcidonis (717) 787-7312
Bureau of Workers' Compensation Title 34, Chapter 123 Subchapter B Impairment Ratings	Summer 2022, as Proposed	Update regulations to reflect new statutory provisions and changes to the IRE process enacted by Act 111 of 2018.	Marianne Saylor (717) 886-9001
Minimum Wage Act of 1968 Regulations Title 34, Part XII, Chapter 231	Spring 2022, as Final-Form	Update regulations on tipped employees and the regular rate.	Bryan Smolock (717) 787-0606

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Minimum Wage Act of 1968 Regulations Title 34, Part XII, Chapter 231	Fall 2022, as Proposed	Update the definition of hours worked.	Bryan Smolock (717) 787-0606
Minimum Wage Act of 1968 Regulations Title 34, Part XII, Chapter 231	Fall 2022, as Proposed	Update Executive, Administrative and Professional definitions for exempt salaried workers.	Bryan Smolock (717) 787-0606
Uniform Construction Code Regulations Title 34, Part I, Chapter 405 Bureau of Occupational and Industrial Safety	Summer 2022, as Proposed	Update regulations related to lifting devices based on Act 68 of 2018 and adopt certification standards for third party inspection agencies.	Matthew Kegg (717) 787-6304
<i>Department of Military and Veterans Affairs (DMVA)</i>			
Veterans' Homes Regulations 43 Pa. Code Chapter 7	Fall 2022, as Proposed	This proposed regulation is a comprehensive update to its regulations on State Veterans' Homes. The statutory authority for these regulations is section 902(10) of the Military and Veterans Code (51 Pa.C.S. § 903(10)). These regulations are out-of-date. They were last updated in 1986. The purpose of the changes to these regulations is to bring them in line with best practices in the long-term care arena.	Elizabeth Pettis (717) 861-8503
Bureau of Veterans' Affairs 43 Pa. Code Chapter 5	Winter 2022, as Proposed	This proposed regulation is a comprehensive update to its regulations related to the former Bureau of Veterans' Affairs that is now the Bureau of Programs, Initiatives, Reintegration and Outreach. The statutory authority for these regulations Sections 1704(7) and 7701 of the Military and Veterans Code (51 Pa.C.S.). These regulations are out-of-date. They were last updated in 1991.	Elizabeth Pettis (717) 861-8503
Fort Indiantown Gap 43 Pa. Code (new Chapter)	Spring 2023, as Proposed	This proposed regulation provides installation regulations that enhance the safety of military and civilian personnel and protect the military and Commonwealth property. The statutory authority for these regulations Chapter 7 § 708 of the Military and Veterans Code (51 Pa.C.S.).	Elizabeth Pettis (717) 861-8503
<i>Municipal Police Officers' Education and Training Commission (MPOETC)</i>			
Administration of the Municipal Police Officers' Education and Training Program 37 Pa. Code Chapter 203 (# 17-80)	Spring 2022, as Final-Form	Title 53 Pa.C.S. § 2164(14) conveys powers and duties to the Municipal Police Officers' Education and Training Commission to make such rules and regulations and to perform such other duties as may be reasonably necessary or appropriate to implement the education and training program for police officers. Omnibus revisions to Chapter 203, which pertains to the certification and training of the Commonwealth's municipal police officers, are necessary to modernize these regulations, as they have not undergone a major revision since 1996. The amendments that will be proposed are the product of an extensive review project that included key stakeholders of the regulated community.	Corporal Travis Messenger (717) 705-0843

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Administration of Law Enforcement Background Investigations and Employment Information Act 57 of 2020 (# 17-87)	Spring 2022, as Proposed	Act 57 of 2020 (P.L. 613, July 14, 2020, No. 57) established the requirement for background investigations and employment information for law enforcement officers. Duties conveyed to the Municipal Police Officers' Education and Training Commission include to establish and maintain an electronic database containing separation records of law enforcement officers; establish minimum background investigation standards; and promulgate regulations.	Corporal Travis Messenger (717) 705-0843
Administration of Mental Health Evaluations for Law Enforcement Officers Act 59 of 2020 (# 17-88)	Spring 2022, as Proposed	Act 59 of 2020 (P.L. 624, July 14, 2020, No. 59) established the requirement for mandatory mental health evaluations for law enforcement officers. Duties conveyed to the Municipal Police Officers' Education and Training Commission include to establish procedures for confidentiality of mental health evaluations and related records; other procedures as necessary; and promulgate regulations.	Corporal Travis Messenger (717) 705-0843
<i>Pennsylvania Commission on Crime and Delinquency (PCCD)</i>			
Sheriffs' and Deputy Sheriffs' Education and Training Program 37 Pa. Code Chapter 421	Summer 2022, as Proposed	The Sheriffs' and Deputy Sheriffs' Education and Training Board (Board), an advisory board within the Commission on Crime and Delinquency, plans to amend the regulations at 37 Pa. Code Chapter 421 (relating to the Board) due to statutory changes in Act 114 of 2014 (Act of Jul. 9, 2014, P.L. 1006, No. 114).	Mike Pennington (717) 265-8461 Debra Sandifer (717) 265-8517
County Probation and Parole Officers' Firearm Education and Training Commission 37 Pa. Code Chapter 79	Summer 2022, as Proposed	The County Adult Probation and Parole Advisory Committee (CAPPAC), an advisory committee within the Commission on Crime and Delinquency, plans to transfer and amend the regulations at 37 Pa. Code Chapter 79 to a newly created 37 Pa. Code Chapter 491 due to statutory changes in Act 115 of 2019 (Act of Dec. 18, 2019, P.L. 776, No. 115).	Mike Pennington (717) 265-8461 Debra Sandifer (717) 265-8517
Constables' Education and Training Board 37 Pa. Code Chapter 431	Summer 2022, as Proposed	The Constables' Education and Training Board, an advisory board within the Commission on Crime and Delinquency, plans to amend the regulations at 37 Pa. Code Chapter 431 (relating to Constables' Education and Training Board) to update policies and procedures.	Mike Pennington (717) 265-8461 Debra Sandifer (717) 265-8517
<i>Pennsylvania Infrastructure Investment Authority (PENNVEST)</i>			
Pennsylvania Infrastructure Investment Authority (PENNVEST) Assistance and Clean Water State Revolving Fund 25 Pa. Code §§ 963.1—963.20, including inter alia: 963.12(a) 963.13(c) 963.13(e) 963.15(a) 963.15(c) 963.16 963.18(c) 963.20 (# 101-10)	Spring 2022, as Proposed	Revisions under consideration include, inter alia: Amendments to 25 Pa. Code §§ 963.1—963.20 to be consistent with statutory revisions imposed by P.L. 51, No. 16, enacted June 19, 2013, the Federal Water Resources Reform and Development Act of 2014, and guidance revisions implemented by the Department of Environmental Protection, to reflect updates to business practices, and to incorporate any provisions necessary to accommodate for the deletion of 25 Pa. Code § 965 in its entirety, including, but not limited to the following:	Shawn W. Weis (717) 783-6776

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		<p>(1) Amend 25 Pa. Code § 963.12(a)(1) by revising the section to provide for the eligibility of certain interior plumbing costs.</p> <p>(2) Delete 25 Pa. Code § 963.12(a)(3) and § 963.12(c)(3) thereby allowing PENNVEST to provide financial assistance (loan and grant) for costs associated with the purchase of land that qualify as eligible costs under § 963.11(a)(4).</p> <p>(3) Delete 25 Pa. Code § 963.12(a)(7) thereby allowing PENNVEST to provide financial assistance (loan and grant) for costs associated with the extraction for profit of minerals or other resources from wastewater or sludge whether the project is sponsored by a public or private actor.</p> <p>(4) Amend 25 Pa. Code § 963.13(c) by revising the section to provide for an amortization of advance funding loans with a term of 59 months of interest only and repayment of principal and interest on the 60th month.</p> <p>(5) Delete 25 Pa. Code § 963.13(e) requiring PENNVEST to set aside 10% of the available finance assistance for advance funding assistance due to a lack of demand.</p> <p>(6) Amend 25 Pa. Code § 963.15(a) by revising the first sentence to provide for a change in the normal loan term to allow 3 years of interest only prior to principal amortization.</p> <p>(7) Amend 25 Pa. Code § 963.15(c)(5) to provide that maximum interest rates on loans shall be determined based upon the unemployment rate for the applicable county in the most recent calendar year for which data has been finalized as of the application cutoff date.</p> <p>(8) Amend 25 Pa. Code § 963.15(c)(6) by revising the sentence to define “bond interest rate” to mean the rate of interest paid by the Commonwealth in its issuance of general obligation bonds immediately preceding the application cut-off date for the next regularly scheduled PENNVEST Board meeting.</p> <p>(9) Amend 25 Pa. Code § 963.16 to provide the parameters of a loan or bond guarantee program to be provided by PENNVEST.</p> <p>(10) Amend 25 Pa. Code § 963.18(c)(2)(iii) to increase the threshold for PENNVEST’s prior written approval of change orders from \$25,000, or 2 percent of the amount of the project’s construction cost, whichever is less, to \$50,000.</p> <p>(11) Delete 25 Pa. Code § 963.20 eliminating the requirement for a second opinion project review for projects in excess of \$10M.</p>	
<i>Pennsylvania State Police (PSP)</i>			
Purchase and Possession of Partially-Manufactured Frame or Receiver for Pistol or Rifle 37 Pa. Code (new chapter)	Spring 2022, as Proposed	Title 18 Pa.C.S. § 6111.1 requires the Pennsylvania State Police to administer the provisions of the Uniform Firearms Act. The Office of Attorney General, Official Opinion 2019-3, 49 Pa.B. 7659, establishes	Corporal Travis Messenger (717) 705-0843

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		a partially-manufactured frame or receiver for a pistol or rifle as a firearm as defined within the Uniform Firearms Act. The purpose of the proposed rulemaking is to ensure clear guidance is given to licensees/sheriffs and the public in processing the sale/transfer and possession of a partially-manufactured frame or receiver for a pistol or rifle.	
<i>Department of Revenue (DOR)</i>			
Amendments to Local Option Small Games of Chance (SGOC) 61 Pa. Code Chapter 901a	April 2022, as Proposed	The Department is proposing to replace Chapter 901 with a new Chapter 901a as a result of the amendments to the SGOC law. The proposed rulemaking will reorganize and clarify the SGOC regulations as well as incorporate necessary changes to implement Acts 2 and 184 of 2012 and Acts 90 and 92 of 2013.	John Brenner (717) 705-3906
Amendments to Realty Transfer Tax (RTT) Regulations 61 Pa. Code Chapter 91	September 2022, as Proposed	Amendments to the RTT regulations are being proposed to improve the clarity and effectiveness of the regulations. The proposed amendments will be consistent with Department policy and language in the RTT statute.	John Brenner (717) 705-3906
Corporate Net Income Tax 61 Pa. Code §§ 153.26 and 153.26a (Proposed Rulemaking) Sales factor sourcing sales of tangible personal property and Sales factor sourcing sales of services	September 2022, as Proposed	Under the authority contained in section 6 of the Fiscal Code (72 P.S. § 6) and section 401 of the TRC (72 P.S. § 7401(3)), the Department proposes amendments to 61 Pa. Code § 153.26 (relating to sales factor sourcing sales of tangible personal property) and the addition of § 153.26a (relating to sales factor sourcing sales of services). Act 52 of 2013 enacted a revised methodology for sourcing revenue from sales of services in the computation of CNIT. The proposed rulemaking will establish the processes for sourcing service income and the apportionment of taxpayers' business income to this Commonwealth and ensure that all taxpayers implement uniform methods for sourcing their sales of services to this Commonwealth. Informal public outreach conducted re: contemplated reg; preparation of proposed rulemaking package underway.	Jack Frehafer (717) 623-2695
Corporate Net Income Tax 61 Pa. Code Chapter 153 (Proposed Rulemaking) Business income and nonbusiness income	April 2022, as Proposed	Under the authority contained in section 6 of the Tax Reform Code of 1971 (TRC) (72 P.S. § 6), the Department is proposing amendments to the CNIT regulations by adding § 153.24a (relating to business and nonbusiness income) due to legislative changes and constitutional case law.	Michael Vadner (717) 346-4640
<i>Department of State (DOS)</i>			
<i>State Board of Accountancy</i>			
Competence to Supervise Attest Services 49 Pa. Code § 11.23a (# 16A-5516)	Spring 2022, as Proposed	The proposed rulemaking would provide a CPE "safe harbor" for licensees supervising attest services; require licensees supervising, signing or authorizing another to sign an accountant's report for attest services to comply with the competency requirements; and fix a typographical error.	Miranda Murphy (717) 214-8402

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		<i>Statutory Authority:</i> Section 3(a)(12) of the CPA Law (63 P.S. § 9.3(a)(12)) authorizes the Board to promulgate and enforce regulations as are necessary and proper to carry into effect the provisions of the CPA Law.	
Licensure by Endorsement 49 Pa. Code §§ 11.5a and 115.b (# 16A-5517)	Spring 2022, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Miranda Murphy (717) 214-8402
Continuous Testing CPA Exam 49 Pa. Code § 11.16(a) (# 16A-5518)	Summer 2022, as Proposed	This proposed rulemaking amends the Board's regulations to implement continuous testing of the CPA Exam. Currently, section 11.16(a) of the Accountancy regulations states that the CPA examination will be administered within specific testing windows within of each quarter of every year. As of July 1, 2020, Prometric, the testing administrator for the Uniform CPA Examination, began administering the CPA Exam throughout the year, without testing windows. This proposed rulemaking would amend section 11.16(a) by eliminating testing windows. Section 11.16(a) would also be amended so that CPA test takers would not have to wait until the next quarter to retake a failed section of the CPA Exam.	Miranda Murphy (717) 214-8402
<i>State Architects Licensure Board</i>			
Electronic Seals and Signing 49 Pa. Code Chapter 9 (# 16A-4111)	Spring 2022, as Final-Form	The regulations update existing regulations on seals and set forth standard requirements for electronic seals and electronic signing of design documents. The goal of this proposal is to be consistent with regulations of the State Registration Board for Professional Engineers, Land Surveyors and Geologists and the State Board of Landscape Architects to provide all design professionals with standards that are as consistent as possible with respect to both traditional seals and electronic seals to benefit both the design professionals and their clients.	Amanda Li (717) 783-3397
Licensure by Endorsement 49 Pa. Code Chapter 9 (# 16A-4120)	Spring 2022, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current	Amanda Li (717) 783-3397

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	
<i>State Board of Auctioneer Examiners</i>			
Schedule of Fees 49 Pa. Code § 1.41 (# 16A-6411)	Spring 2022, as Proposed	The proposed rulemaking is needed to increase application and biennial renewal fees to provide sufficient biennial revenue to meet projected expenditures as required under section 6(a) of the Auctioneer Licensing and Trading Assistant Registration Act (63 P.S. § 734.6).	Terrie Kocher (717) 783-3397
Licensure by Endorsement 49 Pa. Code §§ 1.3, 1.27 and 1.28 (# 16A-6412)	Spring 2022, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Terrie Kocher (717) 783-3397
Act 88 Amendments 49 Pa. Code Chapter 1 (# 16A-6410)	Summer 2022, as Proposed	The act of July 20, 2016 (P.L. 789, No. 88) (Act 88 of 2016) amended the Auctioneer Licensing and Trading Assistant Registration Act by updating its provisions, eliminating auction house licenses, and creating a registration for trading assistant companies. It also redefined terms, altered qualifications for auctioneers to include a combination of education and apprenticeship. This proposed rulemaking is needed to fully implement Act 88 of 2016.	Terrie Kocher (717) 783-3397
<i>State Board of Barber Examiners</i>			
Schedule of Fees 49 Pa. Code § 3.103 (# 16A-4211)	Winter 2022, as Final-Form	The final rulemaking is needed to increase the application and biennial renewal fees to provide sufficient biennial revenue to meet the projected expenditures as required under section 14 of the Barbers' License Law (63 P.S. § 564).	Valerie Eaton (717) 346-1757
Licensure by Endorsement 49 Pa. Code §§ 3.16 and 3.17 (# 16A-4212)	Spring 2022, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current	Valerie Eaton (717) 346-1757

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	
<i>State Board of Chiropractic</i>			
General Revisions: 49 Pa. Code Chapter 5 (# 16A-4328)	Summer 2022, as Proposed	This proposed rulemaking would update the Board's regulations to include provisions related to volunteer licenses, government employee liability coverage, and sexual misconduct.	Sarah McNeil (717) 425-7398
Child Abuse Reporting Requirements 49 Pa. Code §§ 5.91—5.96 (# 16A-4322)	Spring 2022, as Proposed	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Chiropractic obtain required training in child abuse recognition and reporting.	Sarah McNeil (717) 425-7398
Licensure by Endorsement 49 Pa. Code §§ 5.1. 5.11a, 5.13a and 5.13b (# 16A-4334)	Spring 2022, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Sarah McNeil (717) 425-7398
Schedule of Fees 49 Pa. Code § 5.6 (# 16A-4335)	Fall 2022, as Proposed	The proposed rulemaking is needed to increase the application and biennial renewal fees to provide sufficient biennial revenue to meet the projected expenditures as required under section 1101 of the Chiropractic Practice Act (63 P.S. § 625.1101).	Sarah McNeil (717) 425-7398
<i>Commissioner of Professional and Occupational Affairs</i>			
Act 53 Schedules of Criminal Offenses 49 Pa. Code Subchapter D §§ 301 et seq. (# 16A-66)	Spring 2022, as Proposed	This proposed rulemaking is required to implement provisions of the act of July 1, 2020 (P.L. 545, No. 53), relating to the consideration of criminal history record information by licensing boards and commissions under the Bureau of Professional and Occupational Affairs, including schedules of criminal convictions that may constitute grounds to refuse to	Cynthia Montgomery (717) 783-7200

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		issue, suspend or revoke a license, certificate, registration or permit for each occupation or profession regulated by the various boards/commissions. <i>Statutory Authority:</i> Section 3117 of the act of July 1, 2020 (63 Pa.C.S. § 3117) requires the Commissioner to promulgate a regulation codifying the schedules of criminal offenses within 2 years.	
<i>Bureau of Elections Services and Notary</i>			
Notaries Public 4 Pa. Code Part VIII, Subpart C (# 16-061)	Spring 2022, as Proposed	The rulemaking implements the act of October 9, 2013 (P. L. 609, No. 73), which adopted the Revised Uniform Law on Notarial Acts (RULONA).	Martha Brown (717) 783-0736
<i>State Board of Cosmetology</i>			
Schedule of Fees 49 Pa. Code Chapter 7 (# 16A-4520)	Spring 2022, as Proposed	The proposed rulemaking would increase the application and biennial renewal fees to provide sufficient biennial revenue to meet the projected expenditures as required under section 14 of the Cosmetology Law (63 P.S. § 522).	Val Eaton (717) 783-3402
Licensure by Endorsement 49 Pa. Code Chapter 7 (# 16A-4521)	Spring 2022, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Val Eaton (717) 783-3402
Massage Therapists in Cosmetology or Esthetician Salons 49 Pa. Code Chapter 7 (# 16A-4518)	Spring 2022, as Proposed	The proposed rulemaking implements part of the Act 136 of 2014 (P.L. 2476, No. 136), which allows massage therapists to practice within the licensed square footage of cosmetology or esthetician salons and requires the Board and the State Board of Massage Therapy to jointly promulgate regulations to carry out these provisions. <i>Statutory Authority:</i> Sections 11 and 9.3 of the Act of May 3, 1933 (P.L. 242, No. 86), commonly referred to as the Beauty Culture Law, 63 P.S. §§ 515.3 and 517.	Val Eaton (717) 783-3402
<i>Bureau of Corporations and Charitable Organizations</i>			
<i>State Board of Crane Operators</i>			
Licensure by Endorsement 49 Pa. Code §§ 6.16 and 6.17 (# 16A-7104)	Spring 2022, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are	Amanda Li (717) 783-1404

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	
<i>State Board of Dentistry</i>			
General Revisions 49 Pa. Code Chapter 33 (# 16A-4628)	Summer 2022, as Proposed	The State Board of Dentistry has undertaken a review of existing regulations with the goal of updating the regulations and eliminating outdated and obsolete provisions. This proposed rulemaking would generally amend, update and clarify the regulations relating to fictitious names, biennial renewal, inactive status, reactivation, licensure by criteria approval, acceptable proof of professional liability insurance, use of titles, advertising, unprofessional conduct, multi-disciplinary professional corporations, exclusion of auxiliary personnel from performing radiological procedures and continuing dental education. It would also implement two new licensure categories: restricted faculty licenses (incorporating into this rulemaking the subject matter from prior Reg. # 16A-4632) and temporary volunteer dental licenses (incorporating into this rulemaking the subject matter from prior Reg. # 16A-4631).	Lisa Burns (717) 783-7162
Fees 49 Pa. Code § 33.339 (# 16A-4634)	Spring 2022, as Final-Form	The rulemaking is needed to increase fees to meet or exceed biennial expenditures. Section 4(b) of the Dental Law (63 P.S. § 123(b)) requires the Board to increase fees when the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures over a 2-year period.	Lisa Burns (717) 783-7162
Licensure by Endorsement 49 Pa. Code Chapter 33 (# 16A-4635)	Spring 2022, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Lisa Burns (717) 783-7162

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>State Board of Professional Engineers, Land Surveyors & Geologists</i>			
Electronic Seals and Signatures 49 Pa. Code Chapter 37 (# 16A-4712)	Spring 2022, as Final-Form	The regulations would update existing regulations on seals and set forth standard requirements for electronic seals and electronic signing of design documents. The goal of this proposal is to be consistent with regulations of the State Architects Licensure Board and the State Board of Landscape Architects to provide all design professionals with standards that are as consistent as possible with respect to both traditional seals and electronic seals to benefit both the design professionals and their clients.	Jeannie Bronshtein (717) 783-7049
<i>State Board of Funeral Directors</i>			
Child Abuse Reporting Requirements 49 Pa. Code §§ 13.301—13.307 (# 16A-4824)	Winter 2022, as Final-Form	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Funeral Directors obtain required training in child abuse recognition and reporting.	Kristel Hennessy Hemler (717) 783-4866
Licensure by Endorsement 49 Pa. Code § 13.77.1 (# 16A-4832)	Spring 2022, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Kristel Hennessy Hemler (717) 783-4866
<i>State Board of Landscape Architects</i>			
Electronic Signature and Seals 49 Pa. Code Chapter 15 (# 16A-6112)	Spring 2022, as Final-Form	The regulations would update existing regulations on seals and set forth standard requirements for electronic seals and electronic signing of design documents. The goal of this proposal is to be consistent with regulations of the State Registration Board for Professional Engineers, Land Surveyors and Geologists and the State Architects Licensure Board to provide all design professionals with standards that are as consistent as possible with respect to both traditional seals and electronic seals to benefit both the design professionals and their clients.	Terri Kocher (717) 772-8528

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Licensure by Endorsement 49 Pa. Code Chapter 15 (# 16A-6121)	Spring 2022, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Terri Kocher (717) 772-8528
Schedule of Civil Penalties— Landscape Architects 49 Pa. Code Chapter 43b (# 16A-6120)	Summer 2022, as Proposed	This proposed regulation would adopt a schedule of civil penalties for unlicensed practice and other violations of the Landscape Architects Registration Law. <i>Statutory Authority:</i> Section 5(a) of Act 48 of 1993, 63 P.S. § 2205(a), authorizes the Commissioner to set forth schedules of civil penalties.	Terri Kocher (717) 772-8528
<i>State Board of Massage Therapy</i>			
General Revisions 49 Pa. Code §§ 20.1—20.54 (# 16A-725)	Summer 2022, as Proposed	This proposed rulemaking updates several provisions, including education, scope of practice, and examinations. <i>Statutory Authority:</i> Section 4(2) of the Massage Therapy Act, 63 P.S. § 627.4(2).	Christina Townley (717) 783-7155
Massage Therapists in Cosmetology or Esthetician Salons 49 Pa. Code Chapter 20 (# 16A-726)	Spring 2022, as Proposed	This proposed rulemaking enacts part of the act of September 24, 2014 (P.L. 2476, No. 136), which allows massage therapists to practice in cosmetology or esthetician salons. <i>Statutory Authority:</i> Act 136 requires the Board and the State Board of Cosmetology to jointly promulgate regulations implementing the new law; Section 4(2) of the Massage Therapy Law, 63 P.S. § 4(2), provides the Board's general authority to promulgate regulations.	Christina Townley (717) 783-7155
Child Abuse Reporting Requirements 49 Pa. Code Chapter 20 (# 16A-722)	Spring 2022, as Proposed	This regulation implements mandatory reporting requirements relating to suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Massage Therapy obtain required training in child abuse recognition and reporting.	Christina Townley (717) 783-7155
Licensure by Endorsement 49 Pa. Code Chapter 20 (# 16A-727)	Summer 2022, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the	Christina Townley (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	
State Board of Medicine			
Practitioners of Oriental Medicine 49 Pa. Code Chapter 18 (# 16A-4956)	Fall 2022, as Final-Form	This proposed rulemaking would revise the regulations relating to acupuncturists and practitioners of oriental medicine (POM) to transform the current POM license into a one-time registration, make amendments to reflect legislative changes regarding acupuncturists which have occurred since the prior regulatory amendments on the topic, and to address acceptable testing scores due to new test formats.	Suzanne Zerbe (717) 787-7768
Examinations 49 Pa. Code §§ 16.1, 17.11, 17.12 and 17.12c (# 16A-4948)	Spring 2022, as Final-Form	The rulemaking will conform the regulation to reflect changes made by the National Board of Medical Examiners to the United States Medical Licensing Examination (USMLE) regarding limitations on the number and timing of attempts an applicant may take the various USMLE parts. The rulemaking will also remove the detailed descriptions of the FLEX and Federation of State Medical Boards (FSMB) licensing examinations which have not been offered for 24 and 33 years, respectively. <i>Statutory Authority:</i> Section 8 of the Medical Practice Act of 1985 (63 P.S. § 422.8).	Suzanne Zerbe (717) 787-7768
Orthotic Fitter Extension of Temporary Practice Permit 49 Pa. Code Chapter 18 §§ 18.841 and 18.842 (# 16A-4947)	Spring 2022, as Final-Form	The rulemaking would extend the temporary practice permit from 12 months to 18 months to be consistent with National certification standards and provide permit holders with a full year to test. It would also permit an individual who has failed the certification examination three times and whose permit has expired to apply for a second permit after completing another approved education program.	Suzanne Zerbe (717) 787-7768
Child Abuse Reporting Requirements 49 Pa. Code §§ 16.101—16.107 (# 16A-4941)	Winter 2022, as Final-Form	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Medicine obtain required training in child abuse recognition and reporting.	Suzanne Zerbe (717) 787-7768
Temporary Graduate Perfusionist 49 Pa. Code § 18.604(e) (# 16A-4954)	Spring 2022, as Final-Omitted	The rulemaking will incorporate the provisions of Act 119 of 2016 by deleting 49 Pa. Code § 18.604(e) which directed that a temporary graduate perfusionist license expired upon the failure of the certification examination.	Suzanne Zerbe (717) 787-7768
Licensure by Endorsement 49 Pa. Code Chapter 17 (# 16A-4958)	Spring 2022, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41	Suzanne Zerbe (717) 787-7768

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	
Schedule of Fees 18 Pa. Code § 16.13 (# 16A-4951)	Summer 2022, as Proposed	The rulemaking would update the fees for initial applications and reduce the biennial renewal fees of the State Board of Medicine to reflect recent analysis by the budget office of Board finances and fee-for-service costs.	Suzanne Zerbe (717) 787-7768
Naturopathic Doctors 49 Pa. Code Chapter 18 (# 16A-4953)	Summer 2022, as Final-Form	The final rulemaking will amend the Board's regulations to implement the Naturopathic Doctor Registration Act, Act of Nov. 3, 2016, P.L. 997, No. 128, 63 P.S. §§ 272.101—272.301, which provides for the registration of naturopathic doctors. The regulation establishes fees, registration requirements, continuing education requirements, standards of practice, required records, advertising, grounds for discipline and types of discipline.	Suzanne Zerbe (717) 787-7768
<i>State Board of Examiners of Nursing Home Administrators</i>			
Continuing Education Requirements 49 Pa. Code § 39.11 (# 16A-6219)	Spring 2022, as Final-Form.	The regulation amends the biennial continuing education requirements. Additionally, the rulemaking provides for showing of continued competence where a licensee has been inactive for a period of time.	Chris Stuckey (717) 783-7155
Child Abuse Reporting Requirements 49 Pa. Code Chapter 39 (# 16A-6218)	Spring 2022, as Proposed	This regulation implements mandatory reporting requirements relating to suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of State Board of Examiners of Nursing Home Administrators obtain required training in child abuse recognition and reporting.	Chris Stuckey (717) 783-7155
Licensure by Endorsement 49 Pa. Code § 39.8a (# 16A-6220)	Spring 2022, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions	Chris Stuckey (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	
State Board of Nursing			
Nursing Education Programs 49 Pa. Code Chapter 21 (# 16A-5141)	Spring 2022, as Proposed	This proposed rulemaking consolidates and updates pre- and post-licensure education regulations for registered nurses, licensed practical nurses and certified registered nurse practitioners and updates IV therapy terminology.	Cindy Miller (717) 783-7142
Child Abuse Reporting Requirements 49 Pa. Code Chapter 21 (# 16A-5140)	Winter 2022, as Final-Form	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Nursing obtain required training in child abuse recognition and reporting.	Cindy Miller (717) 783-7142
Licensure by Endorsement 49 Pa. Code Chapter 21 (# 16A-5143)	Spring 2022, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Cindy Miller (717) 783-7142
CRNA Licensure 49 Pa. Code Chapter 21 (# 16A-5145)	Summer 2022, as Proposed	This rulemaking will add certification and scope of practice provisions per Act 60 of 2021. <i>Statutory Authority:</i> Section 8.8 and 8.9 of the Professional Nursing Law (63 P.S. §§ 218.8 and 218.9).	Cindy Miller (717) 783-7142
Continuing Education 49 Pa. Code Chapter 21 (# 16A-5146)	Summer 2022, as Proposed	This rulemaking would adopt the PA-Support curriculum developed under contract with the Bureau of Professional and Occupational Affairs to implement the "safe prescription of a controlled substance containing an opioid" curriculum required by Act 126 of 2016 (35 Pa.C.S. § 5102). In addition, it would add mandatory education on organ and tissue donation and recovery under Act 90 of 2018 (Donate Life PA Act).	Cindy Miller (717) 783-7142
Nurse Licensure Compact 49 Pa. Code Chapter 21 (# 16A-5147—NLC)	Summer 2022, as Proposed	This rulemaking will add nurse licensure compact provisions per Act 68 of 2021 (35 P.S. § 10292).	Cindy Miller (717) 783-7142

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>State Board of Occupational Therapy Education and Licensure</i>			
Child Abuse Reporting Requirements 49 Pa. Code §§ 42.41, 42.42, 42.45 and 42.47 (# 16A-6719)	Spring 2022, as Proposed	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Occupational Therapy Education and Licensure obtain required training in child abuse recognition and reporting.	Christina Townley (717) 783-1389
Licensure by Endorsement 49 Pa. Code §§ 42.1, 42.9 and 42.10 (# 16A-6713)	Fall 2022, as Final-Form	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Christina Townley (717) 783-1389
<i>State Board of Optometry</i>			
Child Abuse Reporting Requirements 49 Pa. Code §§ 23.111—23.116 (# 16A-5215)	Spring 2022, as Proposed	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Optometry obtain required training in child abuse recognition and reporting.	Sarah McNeil (717) 425-7398
Licensure by Endorsement 49 Pa. Code §§ 23.27—23.27b (# 16A-5218)	Spring 2022, as Final-Form	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Sarah McNeil (717) 425-7398
<i>State Board of Osteopathic Medicine</i>			
Prescribing 49 Pa. Code § 25.218 (# 16A-5330)	Spring 2022, as Proposed	The State Board of Osteopathic Medicine proposes this rulemaking to set forth the minimum acceptable standards of practice that an osteopathic physician or physician	Nichole Wray (717) 772-8543

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		assistant licensed by the Board must follow when prescribing, administering or dispensing drugs, including the requirements of the Safe Emergency Prescribing Act (Act 122 of 2016), the provisions of Chapter 52A of Title 35, relating to prescribing opioids to minors, and the provisions of Chapter 51 of Title 35 relating to safe opioid prescription and voluntary non-opioid directives.	
Licensure Requirements 49 Pa. Code Chapter 25 (# 16A-5335)	Spring 2022, as Proposed	This proposed rulemaking is needed to address the current transition and ultimate merger of the American Osteopathic Association (AOA), the American Association of Colleges of Osteopathic Medicine (AACOM) and the Accreditation Council for Graduate Medical Education (ACGME), creating a single accreditation system for all graduate medical education.	Nichole Wray (717) 772-8543
Child Abuse Reporting Requirements 49 Pa. Code §§ 25.401—25.416 (# 16A-5326)	Spring 2022, as Proposed	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Osteopathic Medicine obtain required training in child abuse recognition and reporting.	Nichole Wray (717) 772-8543
Licensure by Endorsement 49 Pa. Code Subchapter P §§ 25.1001—25.1008 (# 16A-5336)	Spring 2022, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Nichole Wray (717) 772-8543
Temporary Graduate Perfusionist 49 Pa. Code § 25.804(e) (# 16A-5332)	Spring 2022, as Final-Omitted	The rulemaking will incorporate the provisions of Act 120 of 2016 by deleting 49 Pa. Code § 25.804(e) which directed that a temporary graduate perfusionist license expired upon the failure of the certification examination. Statutory Authority: Section 16 of the Osteopathic Medical Practice Act, 63 P.S. § 271.16.	Nichole Wray (717) 772-8543
<i>State Board of Pharmacy</i>			
Administration of Injectable Medications, Biologicals and Immunizations 49 Pa. Code §§ 27.12 and 27.401—27.407 (# 16A-5429)	Spring 2022, as Final-Form	This rulemaking addresses amendments to section 9.2 of the Pharmacy Act (63 P.S. § 380-9.2) which reduce the age of patients to whom pharmacists can administer influenza immunizations and permit pharmacy interns to administer injectable medications, biologicals and immunizations.	Melanie Zimmerman (717) 783-7156

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Child Abuse Reporting Requirements 49 Pa. Code Chapter 27 (# 16A-5430)	Spring 2022, as Proposed	This proposed regulation implements mandatory reporting requirements relating to suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of State Board of Pharmacy obtain required training in child abuse recognition and reporting.	Melanie Zimmerman (717) 783-7156
Licensure by Endorsement 49 Pa. Code §§ 27.25a and 27.25b (# 16A-5432)	Spring 2022, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Melanie Zimmerman (717) 783-7156
Pharmacy Technicians 49 Pa. Code Chapter 27 (# 16A-5433)	Spring 2022, as Proposed	This rulemaking will set up the registration requirements for pharmacy technicians and pharmacy technician trainees in accordance with the amendments made to the Pharmacy Act (Act 140 of 2020).	Melanie Zimmerman (717) 783-7156
<i>State Board of Physical Therapy</i>			
Early Exam and CE for Clinical Instruction 49 Pa. Code Chapter 40 (# 16A-6522)	Spring 2022, as Proposed	This proposed rulemaking would allow physical therapist students, and physical therapist assistant students, to sit for the requisite examinations up to 90 days prior to graduation from their respective programs. Additionally, this proposed rulemaking would allow physical therapists (PTs) and physical therapist assistants (PTAs) who provide clinical instruction to student PTs and student PTAs, at clinical facilities affiliated with accredited programs, to receive a limited amount of continuing education credits for providing clinical instruction to student PTs and student PTAs. Furthermore, the proposed rulemaking will amend the Board's regulations to allow applicants to register for the national examination with the examination provider, without having to first obtain the Board's permission.	Michelle Roberts (717) 783-7134
Licensure by Endorsement 49 Pa. Code Chapter 40 (# 16A-6523)	Spring 2022, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are	Michelle Roberts (717) 783-7134

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	
<i>State Board of Podiatry</i>			
Continuing Education 49 Pa. Code § 29.61 (# 16A-4417)	Spring 2022, as Final-Form	This proposed rulemaking would provide for the use of distance learning to satisfy the continuing education requirement and provide for exemptions.	Nichole Wray (717) 772-8543
Licensure by Endorsement Qualifications for Licensure 49 Pa. Code Chapter 29 (# 16A-4419)	Spring 2022, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses. This regulation combined 16A-4415 (relating to qualifications for licensure), which proposes to update and clarify the requirements for licensure as a doctor of podiatric medicine. Combining was necessary to clarify Act 41 licensure requirements.	Nichole Wray (717) 772-8543
<i>State Board of Psychology</i>			
Continuing Education 49 Pa. Code § 41.59 (# 16A-6317)	Spring 2022, as Proposed	The Board, in its effort to continually review the efficacy of its regulations, has again reviewed the continuing education regulations and has determined that amendments are needed to update, revise and clarify the continuing education requirements. This proposed rulemaking would amend the requirements relating to home study, instruction and carry over.	Sarah McNeil (717) 425-7398
General Revisions 49 Pa. Code § 41.31 (# 16A-6320)	Spring 2022, as Proposed	This proposed rulemaking will update the Board's regulations to conform to changes made to the Professional Psychologists Practice Act by the Act of June 23, 2016 (P.L. 379, No. 53) (Act 53 of 2016). Act 53 of 2016 clarifies the scope of practice of psychology, grants the Board the power to issue temporary licenses to out of state licensees, revises and removes some of the previous exemptions to licensure, removes the time limitation pertaining to the retaking of the licensure examinations, eliminates the requirement that at least one year of supervised experience be	Sarah McNeil (717) 425-7398

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		obtained subsequent to the granting of the doctoral degree, gives the Board the ability to bar a suspended licensee from engaging in any other form of counseling or mental health practice, and requires licensees to report multiple licensure of any other health profession. <i>Statutory Authority:</i> Section 3.2(2) of the Professional Psychologists Practice Act, 63 P.S. § 1203.2(2).	
Child Abuse Reporting Requirements 49 Pa. Code §§ 41.1, 41.42, 41.45 and 41.47 (# 16A-6322)	Spring 2022, as Proposed	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Psychology obtain required training in child abuse recognition and reporting.	Sarah McNeil (717) 425-7398
<i>State Board of Certified Real Estate Appraisers</i>			
Licensure by Endorsement 49 Pa. Code §§ 36.226 and 36.227 (# 16A-7024)	Spring 2022, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Kristel Hennessy Hemler (717) 214-7779
Schedule of Fees 49 Pa. Code § 36.6 (# 16A-7025)	Spring 2022, as Proposed	The proposed rulemaking is needed to increase the application and biennial renewal fees to provide sufficient biennial revenue to meet the projected expenditures as required under section 9 of the Real Estate Appraisers Certification Act (63 P.S. § 457.9).	Kristel Hennessy Hemler (717) 214-7779
General Revisions 49 Pa. Code §§ 458.1—458.16 (# 16A-7026)	Summer 2022, as Proposed	This proposed rulemaking will update several provisions, including definitions, permissible and prohibited activity, and qualification of applicants, to conform with the Act 88 of 2020 amendments to the Assessors Certification Act. <i>Statutory Authority:</i> Section (3) of the Assessors Certification Act, 63 P.S. § 458.3.	Kristel Hennessy Hemler (717) 214-7779
Distance Education 49 Pa. Code §§ 36.1, 36.11, 36.12, 36.12a, 36.43, 36.201, 36.224, 36.262 and 36.263 (# 16A-7029)	Spring 2022, as Proposed	Act 100 of 2021 requires each licensing board to establish rules and regulations for continuing education that provides for distance education. This proposed rulemaking will update definitions and distance education standards for qualifying and continuing education courses. The rulemaking will affect certified residential and general real estate appraisers, licensed	Kristel Hennessy Hemler (717) 214-7779

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		appraiser trainees, and Certified Pennsylvania Evaluators. The distance education standards will comply with new Federal requirements implemented by the Appraisal Qualifications Board (AQB) effective January 1, 2022.	
<i>State Real Estate Commission</i>			
General Revisions 49 Pa. Code Chapter 35 (# 16A-5616)	Summer 2022, as Proposed	The proposed rulemaking would update the Commission's regulations to reflect changes in the law and practice in the industry, which include advertising and escrow requirements. <i>Statutory Authority:</i> Section 404 of the Real Estate Licensing and Registration Act, 63 P.S. § 455.404. This regulation was formerly entitled "Advertising." The Board decided to expand the regulation to include other general updates.	Krista Linsenchach (717) 783-3658
Broker Price Opinions 49 Pa. Code Subchapter J (# 16A-5626)	Spring 2022, as Proposed	The proposed rulemaking implements the act of June 29, 2018 (P.L. 500, No. 75) (Act 75 of 2018) which amended the Real Estate Licensing and Registration Act (63 P.S. §§ 455.101—455.902). The proposed regulations would add a new subchapter which sets forth limitations and requirements for broker price opinions, including required disclosures, signature requirements, permissible uses and required experience and education for brokers, associate brokers and salespersons.	Krista Linsenchach (717) 783-3658
Licensure by Endorsement 49 Pa. Code § 35.230 (# 16A-5625)	Spring 2022, as Proposed	This rulemaking amends the Commission's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Krista Linsenchach (717) 783-3658
<i>State Board of Social Workers, Marriage and Family Therapists and Professional Counselors</i>			
General Revisions 49 Pa. Code Chapters 47—49 (# 16A-6923)	Spring 2022, as Proposed	The Board has undertaken a comprehensive review of its regulations relating to qualifications for licensure, supervision of clinical experience, including the provision of supervision through electronic means and continuing education. The purpose of this rulemaking is to eliminate outdated provisions, update standards to reflect modern technology, and to modernize the Board's processes relating to licensure. This rulemaking also amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and	Sandra Matter (717) 783-1389

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		ommissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	
Child Abuse Reporting Requirements 49 Pa. Code Chapters 47—49 (# 16A-6919)	Winter 2022, as Final-Form	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the Board obtain required training in child abuse recognition and reporting.	Sandra Matter (717) 783-1389
<i>State Board of Examiners in Speech-Language Pathology and Audiology</i>			
Licensure by Endorsement 49 Pa. Code §§ 45.601— 45.604 (# 16A-6808)	Summer 2022, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Sarah McNeil (717) 425-7398
Child Abuse Reporting Requirements 49 Pa. Code §§ 45.401— 45.407 (# 16A-6805)	Spring 2022, as Proposed	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Examiners in Speech-Language Pathology and Audiology obtain required training in child abuse recognition and reporting.	Sarah McNeil (717) 425-7398
<i>State Board of Vehicle Manufacturers, Dealers and Salespersons</i>			
Fees 49 Pa. Code § 19.4 (# 16A-5726)	Spring 2022, as Final-Form	This proposed rulemaking would increase application fees and biennial renewal fees for licensees of the Board such that revenues would be sufficient to meet	Janice Cline (717) 772-0483

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		projected expenditures. <i>Statutory Authority:</i> Section 30(a) of the Board of Vehicles Act (Act) (63 P.S. § 818.30(a)) requires an increase in fees when the expenses incurred by the Board to meet its obligations under the Act, including enforcement, exceed revenues.	
<i>State Board of Veterinary Medicine</i>			
Licensure of Euthanasia Technicians and Animal Protection Organizations 49 Pa. Code Chapter 31 (# 16A-5726)	Winter 2022, as Proposed	This proposed rulemaking is necessary to implement the act of October 24, 2012 (P.L. 1452, No. 182) (Act 182 of 2012) which amended the Animal Destruction Method Authorization Law to require the State Board of Veterinary Medicine to register animal organizations and to license euthanasia technicians to permit the organizations to purchase controlled substances and employ euthanasia technicians for the humane euthanasia of small domestic animals.	Michelle Roberts (717) 783-7134
Licensure by Endorsement 49 Pa. Code Chapter 31 (# 16A-5730)	Spring 2022, as Proposed	This rulemaking amends the Board's regulations to implement the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). Act 41 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant who holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth and who meet other criteria set forth under Act 41. All licensing boards and commissions under the Bureau of Professional and Occupational Affairs are required to draft regulations for the implementation of Act 41 to include methods of determining competency and expiration dates for provisional licenses.	Michelle Roberts (717) 783-7134
Continuing Education 49 Pa. Code Chapter 31 (# 16A-5731)	Summer 2022, as Proposed	This rulemaking amends the Board's regulations to remove language that currently prevents veterinarians from obtaining more than 25% of the required 30 continuing education (CE) hours via online continuing education.	Michelle Roberts (717) 783-7134
Schedule of Fees 49 Pa. Code Chapter 31 (# 16A-5732)	Summer 2022, as Proposed	The proposed rulemaking is needed to increase the application and biennial renewal fees to provide sufficient biennial revenue to meet the projected expenditures as required under section 13 of the Veterinary Medicine Practice Act (63 P.S. § 485.13).	Michelle Roberts (717) 783-7134
<i>Department of Transportation (DOT)</i>			
Access to and Occupancy of Highways by Driveways and Local Roads 67 Pa. Code Chapter 441	Spring 2022, as Proposed	The Department will be promulgating a regulation to rewrite the entirety of Chapter 441 and to address comments received during the promulgation of an earlier promulgated Chapter 441 regulation redefining the term "owner."	Mike Dzurko (717) 783-6080
Vehicle Equipment and Inspection 67 Pa. Code Chapter 175	Spring 2022, as Proposed	This rulemaking updates vehicle equipment and inspection standards to better reflect current technologies, consistent with recommendations made by the Department's Inspection Advisory Board.	Laura Krol (717) 346-1907

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Intrastate Motor Carrier Safety 67 Pa. Code Chapter 231	Summer 2022, as Proposed	This rulemaking is necessary to waive hours of service limitations imposed by Federal law and other requirements for mass transportation organizations and their drivers, while establishing new requirements consistent with the public interest.	Danielle Spila (717) 787-1208
<i>Office of Administration (OA)</i>			
Office of Administration Civil Service Reform 4 Pa. Code Chapters 601a—607a	March 2022, as Temporary	This rulemaking is needed to continue the implementation of Act 71 of 2018 (P.L. 460, No. 71), 71 Pa.C.S. Part III, commonly referred to as “the Civil Service Reform Act” (“Act”). The Act transferred administration of the Commonwealth’s merit system of employment from the State Civil Service Commission (“SCSC”) to the Office of Administration (“OA”). Under Section 2203(b) of the Act, 71 Pa.C.S. § 2203(b), OA may promulgate temporary regulations to facilitate the prompt implementation of the merit system. On March 16, 2019, OA, pursuant to its statutory authority, published temporary regulations implementing the transfer of duties from SCSC to OA. In March 2022, OA will be promulgating a new set of temporary regulations to address policy and procedural changes made by OA since promulgating the March 16, 2019 temporary regulations.	Cynthia Williams (717) 783-2590

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