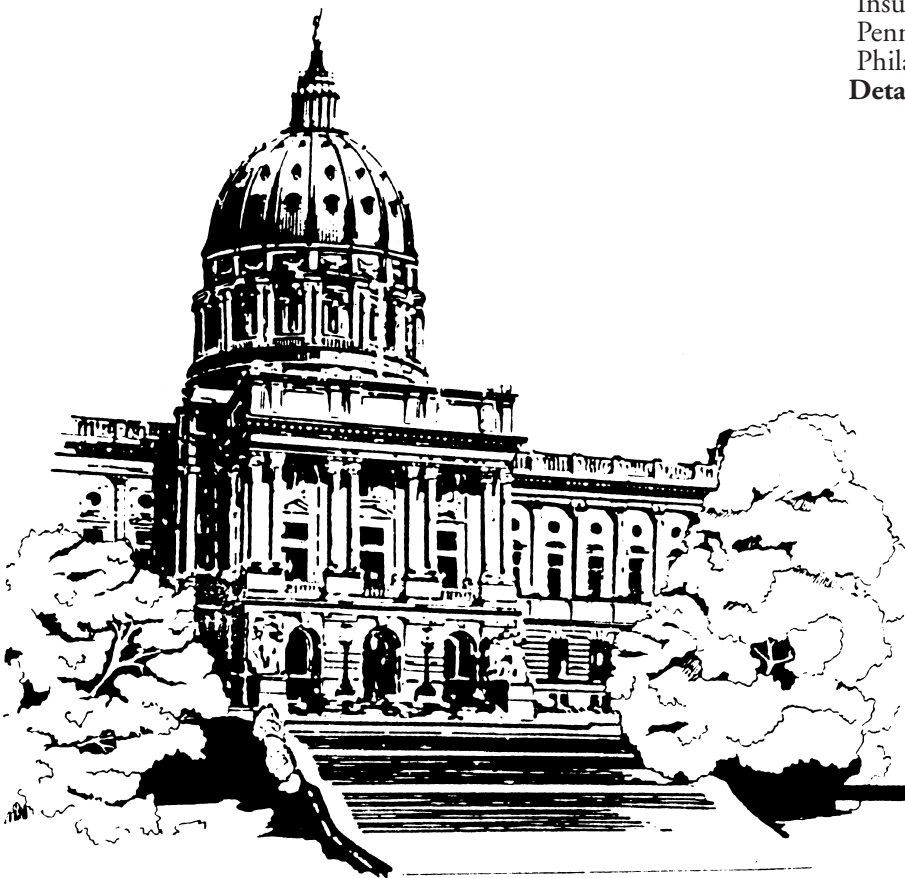


# PENNSYLVANIA BULLETIN

Volume 52  
Saturday, January 8, 2022 • Harrisburg, PA  
Number 2  
Pages 197—328

**Agencies in this issue**

The Governor  
The Courts  
Department of Agriculture  
Department of Banking and Securities  
Department of Environmental Protection  
Department of Health  
Department of Human Services  
Environmental Quality Board  
Insurance Department  
Pennsylvania Public Utility Commission  
Philadelphia Parking Authority  
**Detailed list of contents appears inside.**



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

**No. 566, January 2022**

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

**CHANGE NOTICE/NEW SUBSCRIPTION**

If information on mailing label is incorrect, please email changes to [info@pabulletin.com](mailto:info@pabulletin.com) or mail to:

**FRY COMMUNICATIONS, INC.**  
Attn: *Pennsylvania Bulletin*  
800 W. Church Rd.  
Mechanicsburg, PA 17055-3198

CUSTOMER NUMBER (6 digit number above name on mailing label)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City) (State) (Zip Code)

TYPE OR PRINT LEGIBLY

**PENNSYLVANIA**



**BULLETIN**

(ISSN 0162-2137)

The *Pennsylvania Bulletin* is published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 641 Main Capitol Building, Harrisburg, Pennsylvania 17120, under the policy supervision and direction of the Joint Committee on Documents under 45 Pa.C.S. Part II (relating to publication and effectiveness of Commonwealth documents). The subscription rate is \$87.00 per year, postpaid to points in the United States. Individual copies are \$2.50. Checks for subscriptions and individual copies should be made payable to "*Fry Communications, Inc.*" Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

FRY COMMUNICATIONS, Inc.  
Attn: *Pennsylvania Bulletin*  
800 West Church Road  
Mechanicsburg, Pennsylvania 17055-3198  
(717) 766-0211 ext. 2340  
(800) 334-1429 ext. 2340 (toll free, out-of-State)  
(800) 524-3232 ext. 2340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

Fry Communications, Inc.  
Attn: *Pennsylvania Bulletin*  
800 West Church Road  
Mechanicsburg, Pennsylvania 17055-3198

Copyright © 2022 Commonwealth of Pennsylvania

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 West Church Road, Mechanicsburg, Pennsylvania 17055-3198.

# CONTENTS

## THE GOVERNOR

### Proclamations

Proclamation; House Bill No. 1332, Printer’s No. 2272 ..... 203

### Vetoes

Notice of veto; House Bill No. 1332, Printer’s No. 2272 ..... 203

## THE COURTS

### LOCAL COURT RULES

#### Bucks County

Promulgation of rule of criminal procedure 576.1—electronic filing and service of legal papers; administrative order No. 104 ..... 231

#### Cumberland County

Local rule 1910.12; civil 96-1335 ..... 232

#### Dauphin County

Promulgation of local rules; No. 1793 S 1989 ..... 233

### PHILADELPHIA RULES

Amendment of Phila.R.J.A. No. \*401; administrative order No. 44 of 2021 ..... 230

### RULES OF CRIMINAL PROCEDURE

Proposed amendment of Pa.R.Crim.P. 122 and 1003; rescission of Pa.R.Crim.P. 520—529 and replacement with Pa.R.Crim.P. 520.1—520.19; adoption of Pa.R.Crim.P. 708.1, and renumbering and amendment of Pa.R.Crim.P. 708..... 205

## EXECUTIVE AND INDEPENDENT AGENCIES

### DEPARTMENT OF AGRICULTURE

#### Notices

Controlled Plant and Noxious Weed Committee virtual public meeting ..... 244

### DEPARTMENT OF BANKING AND SECURITIES

#### Notices

Actions on applications ..... 244

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Notices

Applications, actions and special notices ..... 245  
 Availability of technical guidance ..... 322

### DEPARTMENT OF HEALTH

#### Notices

Health Research Advisory Committee virtual public meeting ..... 322

Medical Marijuana Advisory Board virtual meetings .. 323

Special Pharmaceutical Benefits Program Advisory Council public teleconference meeting ..... 323

### DEPARTMENT OF HUMAN SERVICES

#### Notices

Payment for nursing facility services provided by county nursing facilities; county nursing facility supplementation payment for fiscal year 2021-2022 ..... 323

Payment for nursing facility services provided by nonpublic and county nursing facilities; supplemental ventilator care and tracheostomy care add-on payment for fiscal year 2021-2022 ..... 324

Payment for nursing facility services provided by nonpublic nursing facilities located in a county of the first class; nonpublic nursing facility supplementation payment for fiscal year 2021-2022 ..... 325

Payment for nursing facility services provided by nonpublic nursing facilities located in a county of the eighth class; nonpublic nursing facility supplementation payment for fiscal year 2021-2022 .. 325

### ENVIRONMENTAL QUALITY BOARD

#### Proposed Rulemaking

Exclusion for identification and listing hazardous waste at MAX Environmental Technologies, Inc. Bulger and Yukon facilities ..... 235

### INSURANCE DEPARTMENT

#### Notices

Continental General Insurance Company (SERFF # GLTC-132995871); rate increase filing for several individual LTC forms; rate filing ..... 326

Antonia Fritz; order to show cause; doc. No. SC21-11-013 ..... 326

Review procedure hearings; cancellation or refusal of insurance ..... 326

Transamerica Life Insurance Company (SERFF # AEGB-133092985); rate increase filing for individual LTC form ICC10 TLC-3; rate filing ..... 327

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

#### Notices

Service of notice of motor carrier applications..... 327

Transfer of customers ..... 328

### PHILADELPHIA PARKING AUTHORITY

#### Notices

Service of notice of motor carrier applications in the City of Philadelphia..... 328

---

Available Online at <http://www.pacodeandbulletin.gov>

---

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

## *Citation to the Pennsylvania Bulletin*

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

## *Pennsylvania Code*

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

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

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

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

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

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

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

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

The *Pennsylvania Bulletin* is available at [www.pacodeandbulletin.gov](http://www.pacodeandbulletin.gov).

**Subscription Information: (717) 766-0211**  
**General Information and Finding Aids: (717) 783-1530**

### 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).

### Reproduction, Dissemination or Publication of Information

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish information except as provided by 1 Pa. Code § 3.44:

#### § 3.44. General permission to reproduce content of Code and Bulletin.

Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the [Legislative Reference] Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

## 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.

<b>25 Pa. Code (Environmental Protection)</b>		<b>234 Pa. Code (Rules of Criminal Procedure)</b>	
<b>Proposed Rules</b>		<b>Proposed Rules</b>	
261a .....	235	1 .....	205
<b>49 Pa. Code (Professional and Vocational Standards)</b>		5 .....	205
<b>Adopted Rules</b>		7 .....	205
37 .....	17	10 .....	205
<b>210 Pa. Code (Appellate Procedure)</b>		<b>237 Pa. Code (Juvenile Rules)</b>	
<b>Adopted Rules</b>		<b>Proposed Rules</b>	
19 .....	9	5 .....	11
<b>231 Pa. Code (Rules of Civil Procedure)</b>		<b>249 Pa. Code (Philadelphia Rules)</b>	
<b>Adopted Rules</b>		Unclassified .....	230
400 .....	10	<b>252 Pa. Code (Allegheny County Rules)</b>	
		Unclassified .....	13
		<b>255 Pa. Code (Local Court Rules)</b>	
		Unclassified .....	14, 15, 16, 231, 232, 233

# THE GOVERNOR

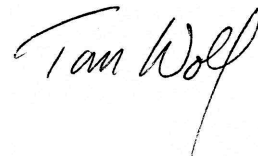
## GOVERNOR'S OFFICE

### Proclamation; House Bill No. 1332, Printer's No. 2272

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

House Bill No. 1332, Printer's No. 2272, entitled "An act [a]mending the act of March 10, 1949 (P.L. 30, No. 14), entitled 'An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto,' in terms and courses of study, providing for online curriculum availability."

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



Governor

Attest:

JONATHAN MARKS,  
*Deputy Secretary for Elections and Commissions*

[Pa.B. Doc. No. 22-45. Filed for public inspection January 7, 2022, 9:00 a.m.]

## GOVERNOR'S OFFICE

### Notice of Veto; House Bill No. 1332, Printer's No. 2272

December 22, 2021

To the Honorable House of Representatives  
of the Commonwealth of Pennsylvania

Pursuant to Article IV, Section 15 of the Pennsylvania Constitution, I am returning herewith, without my approval, House Bill 1332, Printer's Number 2272.

Under the guise of transparency, this legislation politicizes what is being taught in our public schools. State regulations adopted by the State Board of Education already require that public schools provide parents and guardians with course curriculum and instructional materials upon request. In addition, textbooks are adopted by school boards in meetings open to the public. Therefore, requiring all public schools to publish on their website the details of every textbook, course syllabus or written summary of each course, and the relevant academic standards for each course is not only duplicative, but overly burdensome. The onerous requirements of this bill fall on educators who should be focused on critical issues such as addressing learning loss, managing the impacts of the pandemic on students, and

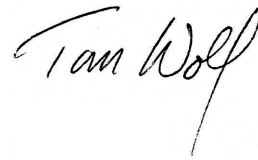
## THE GOVERNOR

working through staffing shortages. Many education stakeholder groups voiced significant concerns and opposition to this bill, including its underlying purpose, the lack of need, and its burdensome impact.

This legislation is a thinly veiled attempt to restrict truthful instruction and censor content reflecting various cultures, identities, and experiences. My Administration is committed to creating a safe learning environment for all students, and we will not take part in this dangerous and harmful imposition.

For the reasons set forth above, I must withhold my signature from House Bill 1332, Printer's Number 2272.

Sincerely,

A handwritten signature in black ink that reads "Tom Wolf". The signature is written in a cursive style with a long, sweeping tail on the letter "f".

*Governor*

[Pa.B. Doc. No. 22-46. Filed for public inspection January 7, 2022, 9:00 a.m.]

---



# THE COURTS

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CHS. 1, 5, 7 AND 10 ]

### Proposed Amendment of Pa.R.Crim.P. 122 and 1003; Rescission of Pa.R.Crim.P. 520—529 and Replacement with Pa.R.Crim.P. 520.1—520.19; Adoption of Pa.R.Crim.P. 708.1, and Renumbering and Amendment of Pa.R.Crim.P. 708.

The Criminal Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the proposed amendment of Pa.R.Crim.P. 122 (Appointment of Counsel) and 1003 (Procedure in Non-Summary Municipal Court Cases); rescission of Pa.R.Crim.P. 520—529 and replacement with Pa.R.Crim.P. 520.1—520.19 governing bail proceedings; adoption of Pa.R.Crim.P. 708.1 (Violation of Probation or Parole: Notice, Detainer, *Gagnon I* Hearing, Disposition, and Swift Sanction Program), and renumbering and amendment of Pa.R.Crim.P. 708 (Violation of Probation or Parole: *Gagnon II* Hearing and Disposition), for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Joshua M. Yohe, Counsel  
Criminal Procedural Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
FAX: (717) 231-9521  
criminalrules@pacourts.us

All communications in reference to the proposal should be received by Tuesday, March 8, 2022. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Criminal Procedural  
Rules Committee*

BETH A. LAZZARA,  
*Chair*

#### Annex A

### TITLE 234. RULES OF CRIMINAL PROCEDURE

#### CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

#### PART B. Counsel

#### Rule 122. Appointment of Counsel.

(A) Counsel shall be appointed:

(1) in all summary cases, for all defendants who are without financial resources or who are otherwise unable to employ counsel when there is a likelihood that imprisonment will be imposed;

(2) in all court cases, prior to the preliminary hearing to all defendants who are without financial resources [ or ], who are otherwise unable to employ counsel, **or as required by rule**;

(3) in all cases, by the court, on its own motion, when the interests of justice require it.

(B) When counsel is appointed,

(1) the judge shall enter an order indicating the name, address, and phone number of the appointed counsel, and the order shall be served on the defendant, the appointed counsel, the previous attorney of record, if any, and the attorney for the Commonwealth pursuant to Rule 114 (Orders and Court Notices: Filing; Service; and Docket Entries); and

(2) **unless otherwise provided in these rules**, the appointment shall be effective until final judgment, including any proceedings upon direct appeal.

(C) A motion for change of counsel by a defendant for whom counsel has been appointed shall not be granted except for substantial reasons.

#### Comment

This rule is designed to implement the decisions of *Argersinger v. Hamlin*, 407 U.S. 25 (1972), and *Coleman v. Alabama*, 399 U.S. 1 (1970), that no defendant in a summary case be sentenced to imprisonment unless the defendant was represented at trial by counsel, and that every defendant in a court case has counsel starting no later than the preliminary hearing stage.

No defendant may be sentenced to imprisonment or probation if the right to counsel was not afforded at trial. See *Alabama v. Shelton*, 535 U.S. 654 (2002) and *Scott v. Illinois*, 440 U.S. 367 (1979). See Rule 454 (Trial in Summary Cases) concerning the right to counsel at a summary trial.

Appointment of counsel can be waived, if such waiver is knowing, intelligent, and voluntary. See *Faretta v. California*, 422 U.S. 806 (1975). Concerning the appointment of standby counsel for the defendant who elects to proceed *pro se*, see Rule 121.

In both summary and court cases, the appointment of counsel to represent indigent defendants remains in effect until all appeals on direct review have been completed.

Ideally, counsel should be appointed to represent indigent defendants immediately after they are brought before the issuing authority in all summary cases in which a jail sentence is possible, and immediately after preliminary arraignment in all court cases. This rule strives to accommodate the requirements of the Supreme Court of the United States to the practical problems of implementation. Thus, in summary cases, paragraph (A)(1) requires a pretrial determination by the issuing authority as to whether a jail sentence would be likely in the event of a finding of guilt in order to determine whether trial counsel should be appointed to represent indigent defendants. It is expected that the issuing authorities in most instances will be guided by their experience with the particular offense with which defendants are charged. This is the procedure recommended by the ABA Stan-

dards Relating to Providing Defense Services § 4.1 (Approved Draft 1968) and cited in the United States Supreme Court's opinion in *Argersinger, supra*. If there is any doubt, the issuing authority can seek the advice of the attorney for the Commonwealth, if one is prosecuting the case, as to whether the Commonwealth intends to recommend a jail sentence in case of conviction.

In court cases, paragraph (A)(2) requires counsel to be appointed at least in time to represent the defendant at the preliminary hearing. Although difficulty may be experienced in some judicial districts in meeting the *Coleman* requirement, it is believed that this is somewhat offset by the prevention of many post-conviction proceedings that would otherwise be brought based on the denial of the right to counsel. However, there may be cases in which counsel has not been appointed prior to the preliminary hearing stage of the proceedings, e.g., counsel for the preliminary hearing has been waived, or a then-ineligible defendant subsequently becomes eligible for appointed counsel. In such cases, it is expected that the defendant's right to appointed counsel will be effectuated at the earliest appropriate time.

**Counsel must be appointed for a defendant, regardless of financial resources, for a hearing to review bail conditions pursuant to Rule 520.15 or impose pretrial detention pursuant to Rule 520.16. See Rule 520.5.**

An attorney may not be appointed to represent a defendant in a capital case unless the attorney meets the educational and experiential requirements set forth in Rule 801 (Qualifications for Defense Counsel in Capital Cases).

Paragraph (A)(3) retains in the issuing authority or judge the power to appoint counsel regardless of indigency or other factors when, in the issuing authority's or judge's opinion, the interests of justice require it.

Pursuant to paragraph (B)(2) counsel retains his or her appointment until final judgment, which includes all avenues of appeal through the Supreme Court of Pennsylvania. In making the decision whether to file a petition for allowance of appeal, counsel must (1) consult with his or her client, and (2) review the standards set forth in Pa.R.A.P. 1114 (Considerations Governing Allowance of Appeal) and the note following that rule. If the decision is made to file a petition, counsel must carry through with that decision. *See Commonwealth v. Liebel*, [573 Pa. 375,] 825 A.2d 630 (Pa. 2003). Concerning counsel's obligations as appointed counsel, see *Jones v. Barnes*, 463 U.S. 745 (1983). See also *Commonwealth v. Padden*, 783 A.2d 299 (Pa. Super. 2001). **The scope and term of counsel's representation may also be limited by rule. For example, see Rule 520.5(D) that provides for limited representation for initial bail determination, review of bail conditions, and pretrial detention.**

See *Commonwealth v. Alberta*, [601 Pa. 473,] 974 A.2d 1158 (Pa. 2009), in which the Court stated that "[a]ppointed counsel who has complied with *Anders v. California*, 386 U.S. 738 (1967),] and is permitted to withdraw discharges the direct appeal obligations of counsel. Once counsel is granted leave to withdraw per *Anders*, a necessary consequence of that decision is that the right to appointed counsel is at an end."

For suspension of Acts of Assembly, see Rule 1101.

\* \* \* \* \*

## CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

### Part C. Bail

(*Editor's Note:* Rules 520—529 of the Rules of Criminal Procedure, which appear in 234 Pa. Code pages 5-24.12 to 15-39, serial pages (395172) to (395174), (312439) to (312440), (395665) to (395666), (382199) to (382200), (312441) to (312444), (335941) to (335942), (376049) to (376052) and (383601) are proposed to be rescinded and replaced with the following proposed new rules.)

### Introduction

In accordance with Section 5702 of the Judicial Code, 42 Pa.C.S. § 5702, which provides that "all matters relating to the fixing, posting, forfeiting, exoneration, and distribution of bail and recognizances shall be governed by general rules," the rules in this subchapter govern the bail determination procedures for the release of a defendant from custody pending the full and final disposition of the defendant's case. In 202 \_\_, Pa.R.Crim.P. 520—529 were rescinded and replaced with Pa.R.Crim.P. 520.1—520.19 effective \_\_\_\_\_, 202 \_\_.

The goal of the bail determination procedures is for the least number of people being detained, through timely release at the earliest stage, as is necessary to reasonably ensure appearance for court and the safety of the community, including the victim, defendant, and judicial system.

All defendants will receive a determination of bail eligibility. Unless the defendant is charged with a disqualifying offense, the process begins with an individualized assessment of release factors to determine whether a defendant is bailable. After considering these factors, the bail authority shall make a determination of the least restrictive necessary and available conditions to reasonably assure the purpose of bail, if any. The purpose of this determination is not to impose punishment. A defendant may not be eligible for bail following a detention hearing.

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

#### Rule 520.1. Purpose of Bail.

(A) *Purpose.* The purpose of bail is to release timely a defendant at the earliest stage with any conditions to reasonably assure:

- (1) the defendant's appearance for court;
- (2) the safety of the community, including the victim, from harm by the defendant;
- (3) the protection of the defendant from immediate risk of substantial physical self-harm; and
- (4) the integrity of the judicial system.

(B) *Detention.* A defendant shall not be detained unless no available condition or combination of conditions can fulfill the purpose of bail.

(C) *Agreements.* A bail authority shall accept no agreement of the parties concerning bail conditions unless the bail authority is satisfied the agreement is consistent with the purpose of bail.

#### Comment

Article I, § 14 of the Pennsylvania Constitution states: "All prisoners shall be bailable by sufficient sureties, unless for capital offenses or for offenses for which the maximum sentence is life imprisonment or unless no condition or combination of conditions other than imprisonment will reasonably assure the safety of any person and the community when the proof is evident or presump-

tion great; and the privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.”

The purpose of bail is derived from Article I, § 14 and intended to “reasonably assure the safety of any person and the community.” An immediate risk of physical self-harm may include crisis induced by alcohol, drug, or mental health issues requiring emergent intervention.

Reasonably assuring the integrity of the judicial system includes protection against likely witness intimidation and destruction of evidence.

A defendant charged with a capital offense or an offense having a maximum sentence of life imprisonment is not bailable regardless of any available condition. *See also* Rule 520.16.

### **Rule 520.2. Bail Determination Before Verdict.**

(A) Bail before verdict shall be determined in all cases.

(B) A defendant may be admitted to bail on any day and at any time.

(C) Unless otherwise provided by rule, the initial determination of bail shall occur:

(1) At the preliminary arraignment when the bail authority does not detain the defendant pending a detention hearing pursuant to Rule 520.16; or

(2) At the preliminary hearing when a defendant does not receive a preliminary arraignment.

#### **Comment**

This rule was adopted in 20 \_\_\_ and is derived, in part, from prior Rule 520.

For the minor judiciary’s authority to set bail, see the Judicial Code, 42 Pa.C.S. §§ 1123(a)(5), 1143(a)(1), and 1515(a)(4).

*See* Pa.R.J.C.P. 396, which provides that, at the conclusion of a transfer hearing, the juvenile court judge is to determine bail pursuant to these bail rules for a juvenile whose case is ordered transferred to criminal proceedings.

Rule 117(C) requires the president judge to ensure coverage is provided to satisfy the requirements of paragraph (B).

For the initial determination of bail otherwise provided by rule, see Rule 517 (Procedure in Court Cases When Warrant of Arrest is Executed Outside of Judicial District of Issuance).

For the release by the arresting officer of a defendant arrested without a warrant, see Pa.R.Crim.P. 519(B). A preliminary arraignment shall be afforded without unnecessary delay. *See* Pa.R.Crim.P. 519(A). It is best practice to hold the preliminary arraignment within 24 hours of arrest to minimize the period of detention before the initial determination of bail. *See also Commonwealth v. Yandamuri*, 159 A.3d 503, 529 (Pa. 2017) (recognizing abrogation of the bright-line rule of inadmissibility of statements made more than six hours after arrest in favor of a totality-of-the-circumstances approach, although “unnecessary delay between arrest and arraignment remains a factor to consider in the voluntariness analysis”); *County of Riverside v. McLaughlin*, 500 U.S. 44, 56 (1991) (a defendant may not be detained without a judicial determination of probable cause no less than 48 hours after arrest).

### **Rule 520.3. Bail Determination After Finding of Guilt.**

(A) *Before Sentencing.*

(1) *Capital and Life Imprisonment Cases.* When a defendant is found guilty of an offense, which is punishable by death or life imprisonment, the defendant shall be detained.

(2) *Other Cases.*

(a) The defendant shall have the same right to bail after verdict and before the imposition of sentence as the defendant had before verdict when the aggregate of possible sentences to imprisonment on all outstanding verdicts against the defendant within the same judicial district cannot exceed three years.

(b) Except as provided in paragraph (A)(1), when the aggregate of possible sentences to imprisonment on all outstanding verdicts against the defendant within the same judicial district can exceed three years, the defendant shall have the same right to bail as before verdict unless the judge makes a finding that no condition of bail will reasonably assure the purpose of bail, as provided in Rule 520.1. The judge may revoke bail or detain the defendant based upon such a finding.

(B) *After Sentencing.*

(1) When the sentence imposed includes imprisonment of less than two years, the defendant shall have the same right to bail as before verdict, unless the judge, pursuant to paragraph (D), modifies the bail order.

(2) Except as provided in paragraph (A)(1), when the sentence imposed includes imprisonment of two years or more, the defendant shall not have the same right to bail as before verdict, but bail may be allowed in the discretion of the judge.

(3) When the defendant is released on bail after sentencing, the judge shall require as a condition of release that the defendant either file a post-sentence motion and perfect an appeal or, when no post-sentence motion is filed, perfect an appeal within the time permitted by law.

(C) *Reasons for Revoking Bail or Detention.* Whenever bail is revoked or the defendant detained under this rule, the judge shall state on the record the reasons for this decision.

(D) *Modification of Bail Order After Verdict or After Sentencing.*

(1) When a defendant is eligible for release on bail after verdict or after sentencing pursuant to this rule, the conditions of the existing bail order may be modified by a judge of the court of common pleas, upon the judge’s own motion or upon motion of counsel for either party with notice to opposing counsel, in open court on the record when all parties are present.

(2) The decision whether to change the type of release on bail or what conditions of release to impose shall be based on the judge’s evaluation of the information about the defendant as it relates to the release factors set forth in Rule 520.6. The judge shall also consider whether there is an increased likelihood of the defendant’s fleeing the jurisdiction or whether the defendant is a danger to any other person or to the community or to himself or herself.

(3) The judge may change the type of release on bail and conditions, as appropriate.

(E) *Municipal Court*. Bail after a finding of guilt in the Philadelphia Municipal Court shall be governed by the rules set forth in Chapter 10.

#### Comment

This rule was adopted in 20 \_\_ and is derived, in part, from prior Rule 521.

For post-sentence procedures generally, see Rules 704 and 720. For additional procedures in cases in which a sentence of death or life imprisonment has been imposed, see Rules 810 and 811. “Life imprisonment cases” include those cases where the defendant is subject to a potential sentence of life imprisonment due to prior convictions.

For purposes of this rule, “verdict” includes a plea of guilty or *nolo contendere* that is accepted by the judge.

Whenever the trial judge sets bail after sentencing pending appeal, paragraph (B)(3) requires that a condition of release be that the defendant perfect a timely appeal. However, the trial judge cannot, as part of that condition, require that the defendant perfect the appeal in less time than that allowed by law.

Unless bail is revoked, the bail bond is valid until full and final disposition of the case. See Rule 534. The Rule 534 *Comment* points out that the bail bond is valid through all avenues of direct appeal in the Pennsylvania courts, but not through any collateral attack.

#### Rule 520.4. Detention of Witnesses.

(A) *Timing and Application*. After a defendant has been arrested for any offense, upon application of the attorney for the Commonwealth or defense counsel, and subject to the provisions of this chapter, a court may determine bail for any material witness named in the application. The application shall be supported by an affidavit setting forth adequate cause for the court to conclude that the witness will fail to appear when required if not held in custody or released on bail. The application shall also identify the proceeding for which the witness’s presence is required. If the court grants the application, then the court shall issue process to bring any named witnesses before it for the purpose of determining bail.

(B) *Detention*. If the material witness is unable to satisfy the conditions of release after having been given immediate and reasonable opportunity to do so, the court shall order the witness detained, provided that at any time thereafter and prior to the term of court for which the witness is being held, the court shall release the witness when the witness satisfies the conditions of release. No material witness may be detained because of inability to comply with any condition of release if the testimony of such witness can adequately be preserved, and if further detention is not necessary to prevent a failure of justice. Release of a material witness may be delayed for a reasonable period of time until the witness’s testimony can be preserved.

(C) *Further Application*. Upon application, a court may release a witness from detention with or without conditions, or grant other appropriate relief.

(D) *Minors*. If process has been issued pursuant to paragraph (A) for a material witness who is under the age of 18 years, the procedures provided in Rule 151 shall apply.

(E) *Rescission and Release*. At the conclusion of the criminal proceeding for which process has been issued, any process for a witness to appear pursuant to paragraph (A) shall be rescinded. To eliminate unnecessary

detention, the court shall supervise the detention of any persons held as material witnesses. Any witness detained pursuant to paragraph (B) shall be released when the witness’s presence is no longer necessary.

#### Comment

This rule was adopted in 20 \_\_ and is derived, in part, from prior Rule 522.

This rule does not permit a witness to be detained prior to the arrest of the defendant, since an arrest might never take place and the witness could be held indefinitely.

See Pa.R.Crim.P. 500 and 501 (Preservation of testimony).

Pursuant to paragraph (C), a witness may be released conditioned upon the witness’ written agreement to appear as required. See Rule 520.8.

This rule does not affect the compensation and expenses of witnesses under the Judicial Code, 42 Pa.C.S. § 5903, or the provisions of the Uniform Act to Secure the Attendance of Witnesses from Within or Without a State in Criminal Proceedings. See 42 Pa.C.S. §§ 5963(c) and 5964(b) relating to bail.

In determining bail for a material witness pursuant to this rule, the court should consider all available conditions pursuant to Rules 520.8—520.11. When a material witness’ presence is required, the court should impose the least restrictive means of assuring the witness’ presence.

#### Rule 520.5. Counsel.

(A) *Bail Determination*. A defendant may be represented by counsel at the initial bail determination.

(B) *Review of Conditions*. If a defendant remains in detention 48 hours following an initial bail determination, the defendant shall be eligible for the appointment of counsel regardless of the defendant’s financial resources for the review of conditions.

(C) *Detention*. When a defendant is detained for detention hearing pursuant to Rule 520.16, the defendant shall be eligible for the appointment of counsel regardless of the defendant’s financial resources for the detention hearing.

(D) *Limited Representation*. Counsel may represent a defendant for the limited purpose of the initial bail determination, review of conditions, or a detention hearing.

#### Comment

A defendant may be represented at the initial bail determination. If a judicial district elects to have a representative from the Public Defender’s Office at the preliminary arraignment, the bail authority shall appoint the Public Defender, regardless of the defendant’s financial resources, to represent the defendant for the purpose of a bail determination, except when the defendant requests to proceed *pro se*, the defendant has private counsel, or the Public Defender asserts a conflict of interest.

In the absence of private counsel, counsel will be appointed to represent the defendant for the review of conditions or detention hearing. The process for identifying defendants remaining in detention and requiring the appointment of counsel is a matter of local practice, subject to the time requirement for condition review pursuant to Rules 520.15. For the responsibility of pre-trial services for identifying such defendants, see Rule 520.18(F).

To permit prompt bail determinations, the appointment of counsel should not operate to delay review of conditions or a detention hearing.

For privately retained counsel, the extent of counsel's representation should be set forth in the entry of appearance. For appointed counsel, the extent of counsel's representation should set forth in the order of appointment or by local rule adopted pursuant to Rule 105 and Pa.R.J.A. No. 103(d).

### Part C(1). Release Procedures

#### Rule 520.6. Release Factors.

(A) *Factors.* In determining whether a defendant is bailable and what, if any, conditions to impose consistent with Rule 520.1, the bail authority shall consider all available relevant information, including, but not limited to:

- (1) Current Charge:
  - (a) the nature and circumstances of the crime charged;
  - (b) whether a firearm or other deadly weapon was involved;
  - (c) the possibility and duration of statutorily mandated imprisonment;
  - (d) whether the crime charged was committed against a victim with intent to hinder prosecution;
  - (e) likelihood of witness intimidation or destruction of evidence by the defendant; and
  - (f) the victim's risk of harm by the defendant.
- (2) Personal Information:
  - (a) the family ties of the defendant;
  - (b) the defendant's employment;
  - (c) the length of residence in the community; and
  - (d) the defendant's immediate risk of substantial physical self-harm.
- (3) Prior Criminal History:
  - (a) record of convictions;
  - (b) custody status at time of offense;
  - (c) history of compliance with court-ordered probation, parole, and prior bail conditions;
  - (d) record of appearances at court proceedings or of flight to avoid prosecution or willful failure to appear at court proceedings.
- (4) Pre-Trial Risk Assessment, if available.
- (5) Whether the prosecution has provided notice seeking pretrial detention pursuant to Rule 520.16.

(B) *Non-Cooperation.* A defendant's decision neither to admit culpability nor to assist in an investigation shall not be a reason to impose additional or more restrictive conditions of bail on the defendant.

#### Comment

This rule was adopted in 20 \_\_\_ and is derived, in part, from prior Rule 523.

To the extent that a pre-trial risk assessment may reflect some of these factors, such as prior criminal history, the bail authority should not assign additional weight to those factors absent compelling reasons for doing so.

When deciding whether to release a defendant on bail and what conditions of release to impose, the bail authority must consider all the criteria provided in this rule, rather than considering, for example, only the designation

of the offense or the fact that the defendant is a nonresident. Generally, the graver an offense involving danger to a person, including those allegedly committed with a firearm, the greater the potential risk to the community upon release. Further, the more severe a potential sentence, the greater the risk of non-appearance.

"Custody status" includes a defendant released on bail, probation, or parole. When a defendant who has been released on bail and awaiting trial is arrested on a second or subsequent charge, the bail authority may consider that factor in conjunction with other release criteria in determining bail for the new charge. For alleged technical violations of a condition of county probation or parole, see Rule 708.1.

The bail authority may weigh the evidence against the defendant insofar as probable cause exists to believe that defendant committed the acts charged, but no farther regardless of the sufficiency of the evidence.

When the prosecution has provided notice seeking pretrial detention, a detention hearing may be scheduled. See Rule 520.16 for detention hearing.

#### Rule 520.7. Least Restrictive Bail Determination.

The bail determination, including the conditions imposed, shall be the least restrictive to satisfy the purpose of bail, as provided in Rule 520.1.

#### Comment

The least restrictive bail determination is release subject to general conditions. Progressively stricter determinations include release on nominal bail with general conditions, release with non-monetary special conditions, and release with monetary conditions. The most restrictive determination is that the defendant is not eligible for bail and is detained.

#### Rule 520.8. Determination: Release with General Conditions.

(A) *General Conditions.* In every case in which a defendant is released on bail, the general conditions of the bail bond shall be that the defendant will:

- (1) appear at all times required until full and final disposition of the case;
- (2) obey all further orders of the bail authority;
- (3) give written notice to the bail authority, the clerk of courts, the district attorney, and the court bail agency or other designated court bail officer, of any change of address within 48 hours of the date of the change;
- (4) neither do, nor cause to be done, nor permit to be done on his or her behalf, any act proscribed by 18 Pa.C.S. § 4952 (relating to intimidation of witnesses or victims) or 18 Pa.C.S. § 4953 (relating to retaliation against witnesses or victims); and
- (5) refrain from criminal activity.

(B) *Bond.* The bail authority shall set forth in the bail bond all conditions of release imposed pursuant to this rule.

#### Comment

This rule was adopted in 20 \_\_\_ and is derived, in part, from prior Rule 526.

All the conditions of the bail bond set forth in paragraph (A) must be imposed in every criminal case in which a defendant is released on bail. If a defendant fails to comply with any of the conditions of the bail bond in

paragraph (A), the defendant's bail may be modified or revoked. For additional sanctions for failing to appear in a criminal case when required, see 18 Pa.C.S. § 5124.

**Rule 520.9. Determination: Release on Nominal Bail with General Conditions.**

A defendant may be released on a nominal bail and subject to general conditions upon the defendant's depositing \$1.00 with the bail authority and the agreement of a designated person, organization, or bail agency to act as surety for the defendant.

**Comment**

This rule was adopted in 20 \_\_ and is derived, in part, from prior Rule 524(C)(4).

Nominal bail may be used as an alternative when it is desirable to have a surety. It may be used when the bail authority believes the defendant poses a risk for non-appearance due to transience or a residence outside of Pennsylvania. The purpose of the surety is to facilitate interstate apprehension of any defendant who absconds by allowing the nominal surety the right to arrest the defendant without the necessity of extradition proceedings. *See, e.g., Frisbie v. Collins*, 342 U.S. 519 (1952). A bail agency may be the nominal bail surety, as well as private individuals or acceptable organizations. In all cases, the surety on nominal bail incurs no financial liability for the defendant's failure to appear for court.

**Rule 520.10. Determination: Release with Non-Monetary Special Conditions.**

(A) *Necessity*. When general conditions are insufficient, a defendant may be released subject to both general conditions and any non-monetary special conditions necessary to mitigate the defendant's risk of non-appearance, the safety of the community, substantial physical self-harm, or the integrity of the judicial system risk, when the proof is evident and the presumption is great.

(B) *Special Conditions*. Non-monetary special conditions may include, but are not limited to, the following:

- (1) remaining in the custody of a designated person;
- (2) maintaining employment, or, if unemployed, actively seeking employment;
- (3) maintaining or commencing an educational program;
- (4) abiding by specified restrictions on personal associations, place of abode, or travel;
- (5) reporting on a regular basis to a designated law enforcement agency, or other agency, or pretrial services program;
- (6) complying with a specified curfew;
- (7) refraining from possessing a firearm, destructive device, or other dangerous weapon;
- (8) refraining from the use of alcohol, or any use of a narcotic drug or other controlled substance without a prescription;
- (9) submission to a medical, psychological, psychiatric, or drug or alcohol dependency assessment;
- (10) compliance with any existing treatment plan or service plan;
- (11) a protective order pursuant to 18 Pa.C.S. § 4954 when a potential risk of witness or victim intimidation is present;
- (12) no contact by the defendant with the victim;

(13) refraining from entering the residence or household of the victim and the victim's place of employment when there is a potential risk of danger to the victim in a domestic violence case pursuant to 18 Pa.C.S. § 2711(c)(2);

(14) returning to custody of the person designated in paragraph (B)(1) for specified hours following release for employment, schooling, or other limited purposes;

(15) being placed in a pretrial home supervision capacity with or without the use of an approved electronic monitoring device; or

(16) satisfying any other condition that is necessary to reasonably assure the purpose of bail, as provided in Rule 520.1.

**Comment**

This rule was adopted in 20 \_\_ and is derived, in part, from prior Rule 527.

The bail authority may determine that, in addition to general conditions, it is necessary to impose non-monetary special conditions on release to reasonably assure the safety of the community and the defendant from immediate physical self-harm, the defendant's appearance, and integrity of the judicial system. The special conditions should be tailored to the specific risks posed by the defendant's release. The bail authority should clearly state on the bail bond all special conditions of release in specific detail. The availability of pretrial services among judicial districts may vary some conditions.

The bail authority should consider any reasonable suggestions for non-monetary special conditions of release on bail in an effort to establish the most suitable and least restrictive conditions necessary for a particular defendant. It would be appropriate in some circumstances for the defendant and counsel to offer suggestions about types of conditions that would help the defendant appear and comply with the conditions of the bail bond.

The following are a few examples of conditions that might be imposed to address specific situations. In some circumstances, a combination of such conditions might also be considered. This is not intended to be an exhaustive list of appropriate conditions.

When the defendant poses a risk of non-appearance, the bail authority could require that the defendant report by phone or in person at specified times to pretrial services, or that the defendant be supervised by pretrial services. Pretrial services may maintain close contact with the defendant, assist the defendant in making arrangements to appear in court, and, if appropriate, accompany the defendant to court. It might also be helpful to require that the defendant maintain employment or continue an educational program.

When the defendant is known to have an alcohol or a drug problem posing an immediate risk of harm to the defendant, the bail authority could require the defendant to submit to drug or alcohol screening, avail to cessation or rehabilitative services as recommended by the screening, and refrain from the use of alcoholic beverages or illegal drugs.

When the defendant has a recent or substantial history of failing to comply with less restrictive conditions of the bail bond, the bail authority might limit travel, restrict the defendant to his or her residence or supervised housing, or place the defendant on electronic monitoring.

There may be cases when the relationship between the defendant and another person is such that the bail authority might require that the defendant refrain from contact with that other person.

When a case proceeds by summons, the issuing authority must require that the defendant submit to required administrative processing and identification procedures, such as fingerprinting required by the Criminal History Record Information Act, 18 Pa.C.S. § 9112, which ordinarily occur following an arrest. Rule 510(C)(2) requires an order directing the defendant to be fingerprinted as issued with the summons. If the defendant has not completed fingerprinting by the date of the preliminary hearing, completion of these processing procedures must be made a condition of release.

**Rule 520.11. Determination: Release with Monetary Conditions.**

(A) *Necessity.* A bail authority may impose a monetary condition on a defendant's release only when proof is evident and the presumption is great that no non-monetary special conditions exist to satisfy the purpose of bail, as provided in Rule 520.1.

(B) *Securitization.* A monetary condition may be secured or unsecured.

(C) *Deposit.* The bail authority may require a monetary condition to be secured by either the entire amount or a deposit of a sum of money not to exceed 10% of the full amount of the monetary condition if the bail authority determines that such a deposit is sufficient to ensure the defendant's compliance with non-monetary conditions.

(D) *Amount.* The amount of security required for the monetary condition, whether the entire amount or a percentage, shall be reasonably attainable by the defendant.

(1) A verified financial disclosure form setting forth a defendant's income, expenses, assets, and debts shall be completed whenever the imposition of a monetary condition is deemed necessary.

(2) The bail authority shall consider the information contained on the form when determining the amount of a monetary condition and the defendant's ability to satisfy that condition.

(E) *Source.* The bail authority may inquire as to the defendant's source of security for a monetary condition.

(F) *Risk.* The amount of a monetary condition shall be reasonably correlated with the defendant's risk.

(G) *Bail Schedule.* The use of a bail schedule is not permitted to determine the amount of a monetary bail condition. The determination shall be based upon the defendant's ability to pay.

(H) *Not in Lieu of Detention.* A secured monetary condition shall never be imposed for the sole purpose of detaining a defendant until trial.

(I) *Written Reason.* The bail authority shall indicate in writing the specific risk that the monetary bail condition is intended to mitigate.

**Comment**

This rule was adopted in 20 \_\_\_ and is derived, in part, from prior Rule 528.

The use of a monetary bail condition is permitted only when non-monetary conditions cannot reasonably assure a defendant's release consistent with the purpose of bail. A monetary condition may be used in conjunction with

non-monetary special conditions. A monetary condition is intended to incentivize a defendant's willingness to comply with non-monetary conditions by subjecting the amount of the monetary condition to forfeiture. The strength of the incentive, as represented by the amount of a monetary condition, should bear a reasonable relationship with the defendant's risk, which is based, in part, on the severity of the charge. Whether a monetary condition is secured or unsecured is relevant to forfeiture, not incentive.

Release on an unsecured monetary condition requires the defendant's written agreement to be liable for a fixed sum of money if the defendant fails to comply with the non-monetary special conditions, as well as general conditions. No money or other form of security is required to be deposited for an unsecured monetary condition. Release may be revoked for a defendant who fails to satisfy a liability arising from non-compliance.

"Reasonably attainable" in paragraph (D) should include not only consideration of the amount of the security, but also include the timeliness in which the security can be attained by the defendant.

A monetary condition shall not be imposed on a defendant unable to satisfy the condition at any amount. *See* Pa. Const. art. 1, § 13 (excessive bail shall not be required). Under that circumstance, the defendant may be released with sufficient non-monetary special conditions or scheduled for a detention hearing.

When a defendant is charged with a violation of The Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. §§ 780-101 *et seq.*, the bail authority shall inquire as to the source of currency, bonds, realty or other property used to secure the monetary condition. *See* 42 Pa.C.S. § 5761. Further, for any charge, when the surety is a third party, the security may only be forfeited for a failure of the defendant to appear at a scheduled court proceeding. *See* Rule 536(A)(2)(a). Third parties sureties are not liable for a defendant's new criminal act or other violations of conditions. Therefore, unless a defendant is the depositor, a secured monetary condition should not be imposed to mitigate any other risk other than a failure to appear.

For permitted forms of security and related procedures, see Rule 520.14.

**Rule 520.12. Statement of Reasons.**

Other than release with general conditions or a release on nominal bail, the bail authority shall provide a recorded or written contemporaneous statement of reasons for any bail determination.

**Comment**

The bail authority should identify the specific factors and supporting information relied upon for the determination. This statement is intended to assist in expediting review, if required, and modification of the determination, if warranted. *See* Rule 520.15 (Condition Review).

**Rule 520.13. Bail Bond.**

(A) *Written Agreement.* A bail bond is a document whereby the defendant agrees to comply with all the imposed conditions of the bail while at liberty after being released on bail.

(B) *Timing.* At the time the bail is set, the bail authority shall:

- (1) have the bail bond prepared; and
- (2) sign the bail bond verifying the imposed conditions.

(C) *Conditions.* The bail bond shall set forth the determination of bail, including the general conditions set forth in Rule 520.8, any other conditions ordered by the bail authority, and the consequences of failing to comply with all the conditions of the bail bond.

(D) *Defendant's Signature.* The defendant shall not be released until he or she signs the bail bond.

(E) *Other Signatures.* To be released, the defendant shall sign the bail bond. Sureties shall also sign the bond when a monetary condition has been imposed. The official who releases the defendant also shall sign the bail bond witnessing the defendant's signature.

(F) *Detention.* If the defendant is unwilling to agree to comply with all the imposed conditions of the bail at the time bail is set, then the bail authority shall detain the defendant. The unexecuted bail bond and the other necessary paperwork shall accompany the defendant to the place of incarceration.

(G) *Recording.* After the defendant signs the bail bond, a copy of the bail bond shall be given to the defendant, and the original shall be included in the record.

### Comment

This rule was adopted in 20 \_\_\_ and is derived, in part, from prior Rule 525.

Paragraph (G) requires the court official who accepts a deposit of bail and has the defendant sign the bail bond to include the original of the bail bond in the record of the case. See Rule 535(A) for the other contents of the record in the context of the bail deposit.

For some of the consequences when a defendant fails to appear or fails to comply as required, see the Crimes Code, 18 Pa.C.S. § 5124. See also Rule 536.

### Rule 520.14. Secured Monetary Conditions—Security; Recording; Liability.

(A) *Security.* One or a combination of the following forms of security shall be accepted to satisfy a monetary condition:

(1) Cash or when permitted by the local court a cash equivalent.

(2) Bearer bonds of the United States Government, of the Commonwealth of Pennsylvania, or of any political subdivision of the Commonwealth, in the full amount of the monetary condition, provided that the defendant or the surety files with the bearer bond a sworn schedule that shall verify the value and marketability of such bonds, and that shall be approved by the bail authority.

(3) Realty located anywhere within the Commonwealth, including realty of the defendant, as long as the actual net value is at least equal to the full amount of the monetary condition. The actual net value of the property may be established by considering, for example, the cost, encumbrances, and assessed value, or another valuation formula provided by statute, ordinance, or local rule of court. Realty held in joint tenancy or tenancy by the entirety may be accepted provided all joint tenants or tenants by the entirety execute the bond.

(4) Realty located anywhere outside of the Commonwealth but within the United States, provided that the person(s) posting such realty shall comply with all reasonable conditions designed to perfect the lien of the county in which the prosecution is pending.

(5) The surety bond of a professional bondsman licensed under the Judicial Code, 42 Pa.C.S. §§ 5741—5749, or of a surety company authorized to do business in the Commonwealth of Pennsylvania.

(B) *Recording.* The bail authority shall record on the bail bond the amount of the monetary condition imposed and the form of security that is posted by the defendant or by an individual acting on behalf of the defendant or acting as a surety for the defendant.

(C) *Liability of Depositor.* Except as limited in Rule 531, the defendant or another person may deposit the cash percentage of the bail. If the defendant posts the money, the defendant shall sign the bond, thereby becoming his or her own surety, and is liable for the full amount of bail if he or she fails to appear or to comply. When a person other than the defendant deposits the cash percentage of the bail, the clerk of courts or issuing authority shall explain and provide written notice to that person that:

(1) if the person agrees to act as a surety and signs the bail bond with the defendant, the person shall be liable for the full amount of bail if the defendant fails to appear; or

(2) if the person does not wish to be liable for the full amount of bail, the person shall be permitted to deposit the money for the defendant to post, and will relinquish the right to make a subsequent claim for the return of the money pursuant to these rules. In this case, the defendant would be deemed the depositor, and only the defendant would sign the bond and be liable for the full amount of bail.

(3) Pursuant to Rule 535(E), if the bail was deposited by or on behalf of the defendant and the defendant is the named depositor, the amount otherwise returnable to the defendant may be used to pay and satisfy any outstanding restitution, fees, fines, and costs owed by the defendant as a result of a sentence imposed in the court case for which the deposit is being made.

### Comment

This rule was adopted in 20 \_\_\_ and is derived, in part, from prior Rule 528(D)—(F).

When the bail authority authorizes the deposit of a percentage of the cash bail, the defendant may satisfy the monetary condition by depositing, or having an individual acting as a surety on behalf of the defendant deposit, the full amount of the monetary condition. Additionally, there may be cases when a defendant does not have the cash to satisfy a monetary condition, but has some other form of security, such as realty. In such a case, the defendant must be permitted to execute a bail bond for the full amount of the monetary condition and deposit one of the forms or a combination of the forms set forth in paragraph (A) as security.

If a percentage of the cash bail is accepted pursuant to these rules, when the funds are returned at the conclusion of the defendant's bail period, the court or bail agency may retain as a fee an amount reasonably related to the cost of administering the cash bail program. See *Schilb v. Kuebel*, 404 U.S. 357 (1971).

Pursuant to paragraph (C), written notice is required be given to the person posting the bail, especially a third party, of the possible consequences if the defendant receives a sentence that includes restitution, a fine, fees, and costs. See also Rule 535 for the procedures for retaining bail money for satisfaction of outstanding restitution, fines, fees, and costs.



The defendant must be permitted to substitute the form(s) of security deposited as provided in Rule 532.

The method of valuation when realty is offered to satisfy the monetary condition pursuant to paragraphs (A)(3) and (A)(4) is determined at the local level. If no satisfactory basis exists for valuing particular tracts of offered realty, especially tracts located in remote areas, acceptance of that realty is not required by this rule.

**Rule 520.15. Condition Review.**

If a defendant remains detained after 48 hours following the initial bail determination because the defendant has not satisfied a bail condition, then a review of conditions shall be conducted no longer than 72 hours, or the close of the next business day if the 72 hours expires on a non-business day, after the initial bail determination by a designated bail authority, subject to:

(A) The defendant shall be appointed counsel for the condition review.

(B) The bail authority shall reconsider whether the initially imposed condition is the least restrictive bail condition reasonably calculated to meet the purpose of bail, as provide in Rule 520.1.

(C) The defendant, defendant's counsel, and the Commonwealth may appear via audio-visual communication technology.

(D) The parties may present additional information to the bail authority for reconsideration of the initial determination.

(E) Upon review, a bail authority may modify the bail order establishing the initial bail determination.

**Comment**

This rule is applicable to defendants who are able to be released subject to conditions. Condition review proceedings are intended to afford defendants detained due to an unsatisfied bail condition an expedited review of the initial bail determination. Nothing in this rule is intended to prevent a judicial district from conducting a review prior to the 72-hour threshold. Jail staff or pretrial services should identify defendants remaining in detention after the initial determination. While time is of the essence, the failure to conduct a review within the time specified in paragraph (A) shall not operate to release the defendant.

See Rule 520.5 for right to counsel. The Commonwealth may, but is not required to, appear.

An unsatisfied bail condition does not mean that the condition is not reasonably calculated to meet the purpose of bail. This review is to consider whether a less restrictive condition may be available that will meet the purpose of bail.

As designated by the president judge, a review may be conducted by the original bail authority or another judge sitting as a bail authority. Any further modification of a bail order modified subject to this rule or modification of a bail order not subject to this rule shall proceed in accordance with Rule 520.17.

**Rule 520.16. Detention.**

(A) *Permitted Bases for Detention.* All defendants shall be released subject to conditions except when proof is evident and presumption is great of:

(1) *Offense.* Capital offenses or for offenses for which the maximum sentence is life imprisonment; or

(2) *No Condition.* No available condition or combination of conditions other than detention will reasonably assure that a defendant's release is consistent with the purpose of bail, as provided in Rule 520.1.

(B) *Offense Basis.*

(1) *Temporary Detention.* A defendant charged with a qualifying offense pursuant to paragraph (A)(1) shall be ordered temporarily detained at the defendant's first appearance until a detention hearing can be held before a judge of the court of common pleas or a judge of the Philadelphia Municipal Court.

(2) *Detention Hearing.* A detention hearing before a judge of the court of common pleas or a judge of the Philadelphia Municipal Court shall be scheduled to occur within 72 hours of the defendant's first appearance.

(C) *No Condition Basis.* At a defendant's first appearance, a bail authority, may *sua sponte*, and shall, when requested by the Commonwealth, inquire and determine whether no available condition or combination of conditions exist other than detention pursuant to paragraph (A)(2).

(1) *Bail Authority Notice.* A bail authority, possessing a reasonable belief that no available condition or combination of conditions may exist other than detention, shall give notice of such to the defendant and the prosecution at the time of the defendant's first appearance. Notice shall include the initial reason(s) for seeking detention.

(2) *Commonwealth Notice and Request.* The Commonwealth may give notice, either orally or in writing, no later than the time of the defendant's first appearance that it requests the bail authority inquire and determine that no available condition or combination of conditions may exist other than detention and shall set forth the basis for the request. Notice shall include the initial reason(s) for seeking detention.

(3) *Temporary Detention.* Upon such notice, the bail authority shall permit the defendant or defendant's counsel, and the Commonwealth to address the court on the issue. If, after argument, upon a sufficient showing that no condition or combination of conditions will assure the purposes of bail, a bail authority shall order the temporary detention of the defendant until a detention hearing can be held.

(4) *Scheduling.* The detention hearing shall be scheduled to occur no later than 48 hours from the defendant's first appearance. The parties may seek a single three-day continuance of the hearing for cause or by agreement.

(5) *Defendant's Statements.* Any statement made by the defendant after notice is given by a bail authority or the Commonwealth for the purpose of securing release during the first appearance shall not be admissible against the defendant in any criminal proceeding or at trial except for the purpose of impeachment, nor shall any evidence derived from that statement be admissible.

(D) *Counsel.* The defendant shall be appointed counsel for the detention hearing.

(E) *No Default.* The failure to conduct a detention hearing in the time prescribed by this rule shall not result in the defendant's release.

(F) *Written Reason.* The bail authority shall indicate in writing the reason(s) for detaining a defendant following the hearing.

(G) *Subsequent Review.*

(1) *Offense Basis.* A defendant ordered detained on the basis of a charged offense following a detention hearing may seek review of that order pursuant to Pa.R.A.P. 1762.

(2) *No Condition Basis.* A defendant ordered detained on the basis of no available condition following a detention hearing may seek modification of the order pursuant to Pa.R.Crim.P. 520.17(C) by motion to a judge of the court of common pleas.

**Comment**

For permitted bases of detention, see Pa. Const. art. 1, § 14. Detention may also subsequently be sought through a modification of the bail order pursuant to Rule 520.17.

The temporary detention permitted by paragraphs (B) or (C) is to allow the scheduling of a detention hearing, appointment of counsel for the defendant, and the consultation and preparation of the defendant and defendant's counsel. Nothing in this rule is intended to delay the issuing authority from addressing other matters scheduled to occur at a defendant's first appearance. See generally *County of Riverside v. McLaughlin*, 500 U.S. 44 (1991) (requiring probable cause determination for detention within 48 hours of arrest); Pa.R.Crim.P. 540(E) (requiring determination of probable cause when defendant is arrested without a warrant; otherwise defendant shall not be detained).

Murder of the first or second degree, 18 Pa.C.S. § 2502(a)-(b), murder of an unborn child of the first or second degree, 18 Pa.C.S. § 2604(a)-(b), and murder of a law enforcement officer of the first or second degree, 18 Pa.C.S. § 2507(a)-(b), are offenses subject to paragraph (A)(1). See 18 Pa.C.S. §§ 1102(a)-(b) & 1102.1(a), (c). Given the gravity of the underlying charges and potential for life imprisonment, the defendant's initial bail determination is to be made by a judge of the court of common pleas. See also 42 Pa.C.S. § 1515(a)(4) (requiring bail determination for certain offenses, including murder, to be performed by a judge of the court of common pleas).

**Rule 520.17. Modification of Bail Order Prior to Verdict.**

(A) *Permitted Modification.* A bail order may be modified at any time before the preliminary hearing by:

(1) The issuing authority who is the magisterial district judge who was elected or assigned to preside over the jurisdiction where the crime occurred, upon request of the defendant or the attorney for the Commonwealth, or by the issuing authority *sua sponte*, and after notice to the defendant and the attorney for the Commonwealth and an opportunity to be heard; or

(2) A bail authority sitting by designation and pursuant to Rule 520.15.

(B) *Issuing Authority.* A bail order may be modified by an issuing authority at the preliminary hearing.

(C) *Judge.* The existing bail order may be modified by a judge of the court of common pleas:

(1) at any time prior to verdict upon motion of counsel for either party with notice to opposing counsel and after a hearing on the motion; or

(2) at trial or at a pretrial hearing in open court on the record when all parties are present.

(D) *Further Modification.* Once bail has been set or modified by a judge of the court of common pleas, it shall not be modified except:

(1) by a judge of a court of superior jurisdiction, or

(2) by the same judge or by another judge of the court of common pleas either at trial or after notice to the parties and a hearing.

(E) *Explanation.* When bail is modified pursuant to this rule, the modification shall be explained to the defendant and stated in writing or on the record by the issuing authority or the judge.

**Comment**

This rule is derived, in part, from prior Rule 529.

In making a decision whether to modify a bail order, the issuing authority or judge should evaluate the information about the defendant as it relates to the bail factors and conditions.

In Municipal Court cases, the Municipal Court judge may modify bail in the same manner as a common pleas judge may under this rule. See Rule 1011.

Once bail has been modified by a common pleas judge, only the common pleas judge subsequently may modify bail, even in cases that are pending before a magisterial district judge. See Rules 543 and 536.

Pursuant to this rule, the motion, notice, and hearing requirements in paragraphs (C) and (D) must be followed in all cases before a common pleas judge may modify a bail order unless the modification is made on the record in open court when all parties are present either at a pretrial hearing, such as a suppression hearing, or during trial.

See Pa.R.A.P. 1762 for the procedures to obtain appellate court review of an order of a judge of the court of common pleas granting or denying release, or modifying the conditions of release.

**Rule 520.18. Responsibilities of Pretrial Services.**

A president judge may establish pretrial services, and subject to the supervision of the president judge or designee, such services, at a minimum, shall be responsible for:

(A) Advising the president judge on the feasibility of adopting and maintaining a validated risk assessment tool and recommendation matrix.

(B) Preparing and disseminating pretrial risk assessments, if adopted.

(C) Reminding every defendant on release at least once of an upcoming court appearance within 48 hours of the scheduled appearance.

(D) Establishing capacity for telephonic and in-person reporting of defendants on release when reporting is a condition of release.

(E) Identifying and referring defendants with mental health and alcohol/substance abuse issues posing an immediate risk to the defendant for appropriate services.

(F) Identifying, monitoring, and reporting any defendants remaining in detention 48 hours after the initial bail determination.

**Comment**

The provision of pretrial services is a best practice, but not a requirement. While limitations may be placed on the range of available pretrial services due to resource constraints, this rule imposes minimum responsibilities for the provision of those services.

In paragraph (C), reminders may include telephone calls, email, or text messaging. Depending on the method

of communication, additional contact information may need to be collected at the time of the initial bail determination.

Providers of pretrial services should be encouraged to affiliate with a professional organization such as the Pennsylvania Pretrial Services Association to exchange information, participate in educational programs, and share best practices.

**Rule 520.19. Pretrial Risk Assessment Tool Parameters.**

A president judge may authorize the adoption and use of a pretrial risk assessment tool by local rule, subject to these parameters:

(A) The pretrial risk assessment shall be conducted in all criminal cases prior to the preliminary arraignment or, when a preliminary arraignment is not held, the preliminary hearing.

(B) At a minimum, the pretrial risk assessment tool shall determine a risk of failure to appear and new criminal activity.

(C) The pretrial risk assessment tool shall be statistically validated prior to adoption and at an established interval thereafter to demonstrate racial and gender neutrality, and meet a minimum level of predictability of no less than 70%. Validation reports shall be made public.

(D) A report of aggregate outcomes of pretrial risk shall be made public at least annually following adoption of a pretrial risk assessment tool.

(E) At a minimum, the pretrial risk assessment tool shall classify risk of pretrial failure as high, moderate, and low risk. Further sub-classifications are subject to local option. Risk classifications shall be described to users in terms of success.

(F) The person, department, or agency responsible for completing the assessment shall be designated by local order or rule.

(G) The bail authority, defendant, defendant's counsel if known, and the Commonwealth shall receive the pretrial risk assessment report and bail recommendation. Reports for individual defendants shall not be publically accessible.

(H) A bail recommendation based upon a pretrial risk assessment tool shall be clearly marked as advisory of release and bail conditions.

(I) A bail recommendation based upon a pretrial risk assessment tool shall not be the sole determinate for making a bail determination.

**Comment**

For local procedural rulemaking, see Rule 105 and Pa.R.J.A. No. 103(d).

Pursuant to paragraph (B), a judicial district is not restricted in the use of a pretrial risk assessment for only determining a risk of failure to appear and new criminal activity. A judicial district may also use a pretrial risk assessment tool to determine the risk of domestic violence and new violent criminal activity, provided the tool satisfies the other parameters set forth in this rule.

Prior to implementation of a pretrial risk assessment tool, the judicial district should establish a baseline for the rate of pretrial failure in the category of non-appearance and new criminal activity. This baseline then can be compared to the incidence of pretrial failure after implementation. The requirement of paragraph (D) is

intended to report annually the rate of pretrial failure. Such reports can be helpful in determining whether the use of a pretrial risk assessment tool has affected the historical rate of pretrial failure.

Reports generated by pretrial risk assessment tools may contain confidential information about a defendant that is necessary for the bail authority to make an informed bail determination. Pursuant to paragraph (G), those reports are available to the parties, but not publically accessible. However, the recommended bail determination and any conditions based upon the report are publically accessible, provided the recommendation is separate from the report.

As set forth in paragraph (H), a bail recommendation based upon a pretrial risk assessment tool is advisory. Per paragraph (I), the recommendation is intended to inform the bail authority, not dictate an outcome.

**CHAPTER 7. POST-TRIAL PROCEDURES  
IN COURT CASES**

**PART A. Sentencing Procedures**

**Rule 708. [ Violation of Probation, Intermediate Punishment, or Parole: Hearing and Disposition ]  
Rescinded and Renumbered.**

**[ (A) A written request for revocation shall be filed with the clerk of courts.**

**(B) Whenever a defendant has been sentenced to probation or intermediate punishment, or placed on parole, the judge shall not revoke such probation, intermediate punishment, or parole as allowed by law unless there has been:**

**(1) a hearing held as speedily as possible at which the defendant is present and represented by counsel; and**

**(2) a finding of record that the defendant violated a condition of probation, intermediate punishment, or parole.**

**(C) Before the imposition of sentence,**

**(1) the defendant may plead guilty to other offenses that the defendant committed within the jurisdiction of the sentencing court.**

**(2) When such pleas are accepted, the court shall sentence the defendant for all the offenses.**

**(D) Sentencing Procedures**

**(1) At the time of sentencing, the judge shall afford the defendant the opportunity to make a statement in his or her behalf and shall afford counsel for both parties the opportunity to present information and argument relative to sentencing.**

**(2) The judge shall state on the record the reasons for the sentence imposed.**

**(3) The judge shall advise the defendant on the record:**

**(a) of the right to file a motion to modify sentence and to appeal, of the time within which the defendant must exercise those rights, and of the right to assistance of counsel in the preparation of the motion and appeal; and**

**(b) of the rights, if the defendant is indigent, to proceed in forma pauperis and to proceed with assigned counsel as provided in Rule 122.**

(4) The judge shall require that a record of the sentencing proceeding be made and preserved so that it can be transcribed as needed. The record shall include:

(a) the record of any stipulation made at a presentence conference; and

(b) a verbatim account of the entire sentencing proceeding.

(E) Motion to Modify Sentence

A motion to modify a sentence imposed after a revocation shall be filed within 10 days of the date of imposition. The filing of a motion to modify sentence will not toll the 30-day appeal period.

Comment

This rule addresses *Gagnon II* revocation hearings only, and not the procedures for determining probable cause (*Gagnon I*). See *Gagnon v. Scarpelli*, 411 U.S. 778 (1973).

Paragraph (A) requires that the *Gagnon II* proceeding be initiated by a written request for revocation filed with the clerk of courts.

The judge may not revoke probation or parole on arrest alone, but only upon a finding of a violation thereof after a hearing, as provided in this rule. However, the judge need not wait for disposition of new criminal charges to hold such hearing. See *Commonwealth v. Kates*, 452 Pa. 102, 305 A.2d 701 (1973).

This rule does not govern parole cases under the jurisdiction of the Pennsylvania Board of Probation and Parole, but applies only to the defendants who can be paroled by a judge. See 61 P.S. § 314. See also *Georgevich v. Court of Common Pleas of Allegheny County*, 510 Pa. 285, 507 A.2d 812 (1986).

This rule was amended in 1996 to include sentences of intermediate punishment. See 42 Pa.C.S. §§ 9763 and 9773. Rules 704, 720, and 721 do not apply to revocation cases.

The objective of the procedures enumerated in paragraph (C) is to enable the court to sentence the defendant on all outstanding charges within the jurisdiction of the sentencing court at one time. See Rule 701.

When a defendant is permitted to plead guilty to multiple offenses as provided in paragraph (C), if any of the other offenses involves a victim, the sentencing proceeding must be delayed to afford the Commonwealth adequate time to contact the victim(s), and to give the victim(s) an opportunity to offer prior comment on the sentencing or to submit a written and oral victim impact statement. See the Crime Victims Act, 18 P.S. § 11.201(5).

Issues properly preserved at the sentencing proceeding need not, but may, be raised again in a motion to modify sentence in order to preserve them for appeal. In deciding whether to move to modify sentence, counsel must carefully consider whether the record created at the sentencing proceeding is adequate for appellate review of the issues, or the issues may be waived. See *Commonwealth v. Jarvis*, 444 Pa. Super. 295, 663 A.2d 790, 791-2, n.1 (1995). As a general rule, the motion to modify sentence under paragraph (E) gives the sentencing judge the earliest opportunity to modify the sentence. This procedure does not affect the

court's inherent powers to correct an illegal sentence or obvious and patent mistakes in its orders at any time before appeal or upon remand by the appellate court. See, e.g., *Commonwealth v. Jones*, 520 Pa. 385, 554 A.2d 50 (1989) (sentencing court can, *sua sponte*, correct an illegal sentence even after the defendant has begun serving the original sentence) and *Commonwealth v. Cole*, 437 Pa. 288, 263 A.2d 339 (1970) (inherent power of the court to correct obvious and patent mistakes).

Under this rule, the mere filing of a motion to modify sentence does not affect the running of the 30-day period for filing a timely notice of appeal. Any appeal must be filed within the 30-day appeal period unless the sentencing judge within 30 days of the imposition of sentence expressly grants reconsideration or vacates the sentence. See *Commonwealth v. Coleman*, 721 A.2d 798, 799, fn.2 (Pa. Super. 1998). See also Pa.R.A.P. 1701(b)(3).

Once a sentence has been modified or re-imposed pursuant to a motion to modify sentence under paragraph (E), a party wishing to challenge the decision on the motion does not have to file an additional motion to modify sentence in order to preserve an issue for appeal, as long as the issue was properly preserved at the time sentence was modified or re-imposed.

Official Note

Former Rule 1409 adopted July 23, 1973, effective 90 days hence; amended May 22, 1978, effective as to cases in which sentence is imposed on or after July 1, 1978; Comment revised November 1, 1991, effective January 1, 1992; amended September 26, 1996, effective January 1, 1997; Comment revised August 22, 1997, effective January 1, 1998; renumbered Rule 708 and amended March 1, 2000, effective April 1, 2001; amended February 26, 2002, effective July 1, 2002; amended March 15, 2013, effective May 1, 2013.

Committee Explanatory Reports:

Report explaining the January 1, 1992 amendments published at 21 Pa.B. 2246 (May 11, 1990); Supplemental Report published with the Court's Order at 21 Pa.B. 5329 (November 16, 1991).

Final Report explaining the September 26, 1996 amendments published with the Court's Order at 26 Pa.B. 4900 (October 12, 1996).

Final Report explaining the August 22, 1997 Comment revision that cross-references Rule 721 published with the Court's Order at 27 Pa.B. 4553 (September 6, 1997).

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

Final Report explaining the February 26, 2002 amendments concerning the 30-day appeal period published with the Court's Order at 32 Pa.B. 1394 (March 16, 2002).

Final Report explaining the March 15, 2013 amendments to paragraph (C) concerning multiple guilty pleas and the Comment concerning the Crime Victims Act published at 43 Pa.B. 1705 (March 30, 2013). ]

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

**Rule 708.1. Violation of Probation or Parole: Notice, Detainer, *Gagnon I* Hearing, Disposition, and Swift Sanction Program.**

(A) *Technical Violation.* Upon belief that the defendant has violated a technical condition of probation or parole, the authority supervising the defendant may:

(1) serve a written notice upon the defendant containing a time and location for the defendant's appearance before the supervising judge for a revocation hearing under Rule 708.2;

(2) arrest the defendant pursuant to 42 Pa.C.S. § 9771.1; or

(3) lodge a detainer subject to paragraph (C).

(B) *New Criminal Charge.* Following institution of a new criminal charge against the defendant, the authority supervising the defendant may:

(1) serve written notice for a hearing pursuant to paragraph (A)(1); or

(2) lodge a detainer subject to paragraph (C) if:

(i) the defendant requests; or

(ii) the defendant is not detained on the new criminal charge pursuant to Rule 520.16; and

(iii) the supervising authority believes the defendant has committed a technical violation beyond the fact of the new criminal charge.

(C) *Detainer.* Unless a defendant requests, a detainer shall not be lodged unless the supervising authority believes the alleged conduct resulting in the technical violation creates an ongoing risk to the public's safety, to the defendant's safety, or of non-appearance at the revocation hearing. In all other cases, the supervising authority shall serve written notice for a hearing pursuant to paragraph (A)(1).

(D) *Gagnon I Hearing.* Unless a defendant has requested a detainer pursuant to paragraph (B)(2)(i), a defendant subject to a detainer for a technical violation pursuant to paragraph (A)(3) or (B)(2) shall be brought before the sentencing judge or other designated judge or authority no later than 14 days after detention for a hearing to determine whether probable cause exists to believe that a violation has been committed and if the defendant can be released on any available condition. If hearing is not held within this time period, the detainer shall expire by operation of law.

(E) *Disposition.* Upon a judicial finding of the existence of such probable cause under paragraph (D), the authority supervising the defendant may file a request to revoke probation or parole pursuant to Rule 708.2(A).

(F) *Swift Sanction Program.* A defendant arrested pursuant to paragraph (A)(2) may proceed in accordance with 42 Pa.C.S. § 9771.1 and local rule.

**Comment**

This rule addresses the lodging and review of detainees, and the "*Gagnon I*" procedures for determining probable cause, see *Gagnon v. Scarpelli*, 411 U.S. 778 (1973).

Factors when evaluating risk pursuant to paragraph (C) include, but are not limited to, the seriousness of the alleged violation such as a new criminal charge involving the use of a weapon or physical assault, the immediate risk of self-harm due to non-compliance with terms of

probation or parole, and the defendant's compliance history while under supervision, including reporting.

At the hearing pursuant to paragraph (D), if probable cause exists, the issue is not whether the defendant should be released on the new charge—that is determined by the bail authority. Rather, the question is whether the defendant should continue to be detained, consistent with paragraph (C), until such time as a revocation hearing can be conducted.

**Rule 708.2. Violation of Probation [ , *Intermediate Punishment*, ] or Parole: *Gagnon II* Hearing and Disposition.**

A. *Revocation Request.* A written request for revocation shall be filed with the clerk of courts.

B. *Record Hearing.* Whenever a defendant has been sentenced to probation or placed on parole, the judge shall not revoke such probation or parole as allowed by law unless there has been:

1. a hearing held as speedily as possible at which the defendant is present and represented by counsel; and

2. a finding of record that the defendant violated a condition of probation or parole.

C. *Plea.* Before the imposition of sentence,

1. the defendant may plead guilty to other offenses that the defendant committed within the jurisdiction of the sentencing court.

2. When such pleas are accepted, the court shall sentence the defendant for all the offenses.

D. *Sentencing Procedures.*

1. At the time of sentencing, the judge shall afford the defendant the opportunity to make a statement [ **in** ] **on** his or her behalf and shall afford counsel for both parties the opportunity to present information and argument relative to sentencing.

2. The judge shall state on the record the reasons for the sentence imposed.

3. The judge shall advise the defendant on the record:

(a) of the right to file a motion to modify sentence and to appeal, of the time within which the defendant must exercise those rights, and of the right to assistance of counsel in the preparation of the motion and appeal; and

(b) of the rights, if the defendant is indigent, to proceed *in forma pauperis* and to proceed with assigned counsel as provided in Rule 122.

4. The judge shall require that a record of the sentencing proceeding be made and preserved so that it can be transcribed as needed. The record shall include:

(a) the record of any stipulation made at a pre-sentence conference; and

(b) a verbatim account of the entire sentencing proceeding.

E. *Motion to Modify Sentence.* A motion to modify a sentence imposed after a revocation shall be filed within 10 days of the date of imposition. The filing of a motion to modify sentence will not toll the 30-day appeal period.

**Comment**

This rule addresses *Gagnon II* revocation hearings. [ **only, and not the procedures for determining probable cause (*Gagnon I*)** ]. See *Gagnon v. Scarpelli*, 411 U.S. 778 (1973).

Paragraph (A) requires that the *Gagnon II* proceeding be initiated by a written request for revocation filed with the clerk of courts.

The judge may not revoke probation or parole on arrest alone, but only upon a finding of a violation thereof after a hearing, as provided in this rule. However, the judge need not wait for disposition of new criminal charges to hold such hearing. See *Commonwealth v. Kates*, [ 452 Pa. 102, ] 305 A.2d 701 (Pa. 1973).

This rule does not govern parole cases under the jurisdiction of the Pennsylvania Board of Probation and Parole, but applies only to the defendants who can be paroled by a judge. See 61 P.S. § 314. See also *Georgevich v. Court of Common Pleas of Allegheny County*, [ 510 Pa. 285, ] 507 A.2d 812 (Pa. 1986).

[ This rule was amended in 1996 to include sentences of intermediate punishment. See 42 Pa.C.S. §§ 9763 and 9773. ] Rules 704, 720, and 721 do not apply to revocation cases.

The objective of the procedures enumerated in paragraph (C) is to enable the court to sentence the defendant on all outstanding charges within the jurisdiction of the sentencing court at one time. See Rule 701.

When a defendant is permitted to plead guilty to multiple offenses as provided in paragraph (C), if any of the other offenses involves a victim, the sentencing proceeding must be delayed to afford the Commonwealth adequate time to contact the victim(s), and to give the victim(s) an opportunity to offer prior comment on the sentencing or to submit a written and oral victim impact statement. See [ the ] Crime Victims Act, 18 P.S. § 11.201(5).

Issues properly preserved at the sentencing proceeding **may, but** need not, [ **but may,** ] be raised again in a motion to modify sentence in order to preserve them for appeal. In deciding whether to move to modify sentence, counsel must carefully consider whether the record created at the sentencing proceeding is adequate for appellate review of the issues, or the issues may be waived. See *Commonwealth v. Jarvis*, [ 444 Pa. Super. 295, ] 663 A.2d 790, 791-2, n.1 (Pa. Super. 1995). As a general rule, the motion to modify sentence under paragraph (E) gives the sentencing judge the earliest opportunity to modify the sentence. This procedure does not affect the court's inherent powers to correct an illegal sentence or obvious and patent mistakes in its orders at any time before appeal or upon remand by the appellate court. See, e.g., *Commonwealth v. Jones*, [ 520 Pa. 385, ] 554 A.2d 50 (Pa. 1989) (sentencing court can, *sua sponte*, correct an illegal sentence even after the defendant has begun serving the original sentence) and *Commonwealth v. Cole*, [ 437 Pa. 288, ] 263 A.2d 339 (Pa. 1970) (inherent power of the court to correct obvious and patent mistakes).

Under this rule, the mere filing of a motion to modify sentence does not affect the running of the 30-day period for filing a timely notice of appeal. Any appeal must be filed within the 30-day appeal period unless the sentencing judge within 30 days of the imposition of sentence expressly grants reconsideration or vacates the sentence. See *Commonwealth v. Coleman*, 721 A.2d 798, 799, [ f ]n.2 (Pa. Super. 1998). See also Pa.R.A.P. 1701(b)(3).

Once a sentence has been modified or re-imposed pursuant to a motion to modify sentence under paragraph (E), a party wishing to challenge the decision on the

motion does not have to file an additional motion to modify sentence in order to preserve an issue for appeal, as long as the issue was properly preserved at the time sentence was modified or re-imposed.

## CHAPTER 10. RULES OF CRIMINAL PROCEDURE FOR THE PHILADELPHIA MUNICIPAL COURT AND THE PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION

### PART A. Philadelphia Municipal Court Procedures Rule 1003. Procedure in Non-Summary Municipal Court Cases.

#### (A) [ INITIATION OF CRIMINAL PROCEEDINGS ] *Initiation of Criminal Proceedings.*

(1) Criminal proceedings in court cases shall be instituted by filing a written complaint, except that proceedings may be also instituted by:

(a) an arrest without a warrant when a felony or misdemeanor is committed in the presence of the police officer making the arrest; or

(b) an arrest without a warrant upon probable cause when the offense is a misdemeanor not committed in the presence of the police officer making the arrest, when the arrest without a warrant is specifically authorized by law; or

(c) an arrest without a warrant upon probable cause when the offense is a felony.

#### (2) *Private Complaints.*

(a) When the affiant is not a law enforcement officer, the complaint shall be submitted to an attorney for the Commonwealth, who shall approve or disapprove it without unreasonable delay.

(b) If the attorney for the Commonwealth:

(i) approves the complaint, the attorney shall indicate this decision on the complaint form and transmit it to the issuing authority;

(ii) disapproves the complaint, the attorney shall state the reasons on the complaint form and return it to the affiant. Thereafter, the affiant may petition the President Judge of Municipal Court, or the President Judge's designee, for review of the decision. Appeal of the decision of the Municipal Court shall be to the Court of Common Pleas.

#### (B) [ CERTIFICATION OF COMPLAINT ] *Certification of Complaint.*

Before an issuing authority may issue process or order further proceedings in a Municipal Court case, the issuing authority shall ascertain and certify on the complaint that:

(1) the complaint has been properly completed and executed; and

(2) when prior submission to an attorney for the Commonwealth is required, an attorney has approved the complaint.

The issuing authority shall then accept the complaint for filing, and the case shall proceed as provided in these rules.

#### (C) [ SUMMONS AND ARREST WARRANT PROCEDURES ] *Summons and Arrest Warrant Procedures.*

When an issuing authority finds grounds to issue process based on a complaint, the issuing authority shall:

(1) issue a summons and not a warrant of arrest when **[ the offense charged is punishable by imprisonment for a term of not more than 1 year ] the most serious offense charged is a misdemeanor of the second degree or a misdemeanor of the first degree in cases arising under 75 Pa.C.S. § 3802**, except as set forth in paragraph (C)(2);

(2) issue a warrant of arrest when:

(a) **[ the offense charged is punishable by imprisonment for a term of more than 5 years ] one or more of the offenses charged is a felony or murder;**

(b) the issuing authority has reasonable grounds for believing that the defendant will not obey a summons;

(c) the summons has been returned undelivered;

(d) a summons has been served and disobeyed by a defendant;

(e) the identity of the defendant is unknown; or

**[ (f) a defendant is charged with more than one offense, and one of the offenses is punishable by imprisonment for a term of more than 5 years; or ]**

(3) when the offense charged does not fall within the categories specified in paragraph (C)(1) or (2), the issuing authority may, in his or her discretion, issue a summons or a warrant of arrest.

**(D) [ PRELIMINARY ARRAIGNMENT ] *Preliminary Arraignment.***

(1) **Except as provided in paragraph (D)(2), [ W ]**when a defendant has been arrested within Philadelphia County in a Municipal Court case, with or without a warrant, the defendant shall be afforded a preliminary arraignment by an issuing authority without unnecessary delay.

**(2) The arresting officer shall promptly release from custody a defendant who has been arrested without a warrant, rather than taking the defendant before the issuing authority, when the following conditions have been met:**

**(a) the most serious offense charged is a misdemeanor of the second degree or a misdemeanor of the first degree in cases arising under 75 Pa.C.S. § 3802;**

**(b) the defendant poses no threat of immediate physical harm to any other person or to himself or herself; and**

**(c) the arresting officer has reasonable grounds to believe that the defendant will appear as required.**

**When a defendant is released pursuant to paragraph (D)(2), a complaint shall be filed against the defendant within five days of the defendant's release. Thereafter, the issuing authority shall issue a summons, not a warrant of arrest, and shall proceed as provided in Rule 510.**

(3) If the defendant was arrested without a warrant pursuant to paragraph (A)(1)(a) or **(A)(1)(b)**, unless the issuing authority makes a determination of probable cause, the defendant shall not be detained.

**[ (2) ] (4)** In the discretion of the issuing authority, the preliminary arraignment of the defendant may be conducted by using two-way simultaneous audio-visual communication. When counsel for the defendant is present,

the defendant must be permitted to communicate fully and confidentially with defense counsel immediately prior to and during the preliminary arraignment.

**[ (3) ] (5)** At the preliminary arraignment, the issuing authority:

(a) shall not question the defendant about the offense(s) charged;

(b) shall give the defendant's attorney, or if unrepresented the defendant, a copy of the certified complaint;

(c) if the defendant was arrested with a warrant, the issuing authority shall provide the defendant's attorney, or if unrepresented the defendant with copies of the warrant and supporting affidavit(s) at the preliminary arraignment, unless the warrant and affidavit(s) are not available at that time, in which event the defendant's attorney, or if unrepresented the defendant, shall be given copies no later than the first business day after the preliminary arraignment; and

(d) also shall inform the defendant:

(i) of the right to secure counsel of choice and the right to assigned counsel in accordance with Rule 122;

(ii) of the day, date, hour, and place for the trial, which shall not be less than 20 days after the preliminary arraignment, unless the issuing authority fixes an earlier date for the trial upon request of the defendant or defense counsel, with the consent of the attorney for the Commonwealth, and that failure to appear without cause at any proceeding for which the defendant's presence is required, including trial, may be deemed a waiver of the right to be present, and the proceeding may be conducted in the defendant's absence, and a warrant of arrest shall be issued;

(iii) in a case charging a felony, unless the preliminary hearing is waived by a defendant who is represented by counsel, or the attorney for the Commonwealth is presenting the case to an indicting grand jury pursuant to Rule 556.2, of the date, time, and place of the preliminary hearing, which shall not be less than 14 nor more than 21 days after the preliminary arraignment unless extended for cause or the issuing authority fixes an earlier date upon the request of the defendant or defense counsel with the consent of the complainant and the attorney for the Commonwealth; and that failure to appear without cause for the preliminary hearing will be deemed a waiver by the defendant of the right to be present at any further proceedings before the issuing authority, and that the case shall proceed in the defendant's absence, and a warrant of arrest shall be issued;

(iv) if a case charging a felony is held for court at the time of the preliminary hearing, that failure to appear without cause at any proceeding for which the defendant's presence is required, including trial, the defendant's absence may be deemed a waiver of the right to be present, and the proceeding may be conducted in the defendant's absence, and a warrant of arrest shall be issued; and

(v) of the type of release on bail, as provided in Chapter 5 Part C of these rules, and the conditions of the bail bond.

**[ (4) ] (6)** After the preliminary arraignment, if the defendant is detained, he or she shall be given an immediate and reasonable opportunity to post bail, secure counsel, and notify others of the arrest. Thereafter, if the defendant does not post bail, he or she shall be committed to jail, as provided by law.

(E) [ **PRELIMINARY HEARING IN CASES CHARGING A FELONY** ] *Preliminary Hearing in Cases Charging a Felony.*

(1) Except as provided in paragraphs (E)(2) and (E)(3), in cases charging a felony, the preliminary hearing in Municipal Court shall be conducted as provided in Rule 542 (Preliminary Hearing; Continuances) and Rule 543 (Disposition of Case at Preliminary Hearing).

(2) At the preliminary hearing, the issuing authority shall determine whether there is a *prima facie* case that an offense has been committed and that the defendant has committed it.

(a) Hearsay as provided by law shall be considered by the issuing authority in determining whether a *prima facie* case has been established.

(b) Hearsay evidence shall be sufficient to establish any element of an offense including, but not limited to, those requiring proof of the ownership of, non-permitted use of, damage to, or value of property.

(3) If a *prima facie* case is not established on any felony charges, but is established on any misdemeanor or summary charges, the judge shall remand the case to Municipal Court for trial.

(F) [ **ACCEPTANCE OF BAIL PRIOR TO TRIAL** ] *Acceptance of Bail Prior to Trial.*

The Clerk of Courts shall accept bail at any time prior to the Municipal Court trial.

**Comment**

The 2004 amendments make it clear that Rule 1003 covers the preliminary procedures for all non-summary Municipal Court cases, see Rule 1001(A), and cases charging felonies, including the institution of proceedings, the preliminary arraignment, and the preliminary hearing.

See Chapter 5 (Procedure in Court Cases), Parts I (Instituting Proceedings), II (Complaint Procedures), III(A) (Summons Procedures), III(B) (Arrest Procedures in Court Cases), and IV (Proceedings in Court Cases Before Issuing Authorities) for the statewide rules governing the preliminary procedures in court cases, including non-summary Municipal Court cases, not otherwise covered by this rule.

The 2004 amendments to paragraph (A)(1) align the procedures for instituting cases in Municipal Court with the statewide procedures in Rule 502 (Means of Instituting Proceedings in Court Cases).

The 1996 amendments to paragraph (A)(2) align the procedures for private complaints in non-summary cases in Municipal Court with the statewide procedures for private complaints in Rule 506 (Approval of Private Complaints). In all cases in which the affiant is not a law enforcement officer, the complaint must be submitted to the attorney for the Commonwealth for approval or disapproval.

As used in this rule, "Municipal Court judge" includes a bail commissioner acting within the scope of the bail commissioner's authority under 42 Pa.C.S. § 1123(A)(5).

The procedure set forth in paragraph (C)(3) allows the issuing authority to exercise discretion in whether to issue a summons or an arrest warrant depending on the circumstances of the particular case. Appropriate factors for issuing a summons rather than an arrest warrant will, of course, vary. Among the factors that may be taken

into consideration are the severity of the offense, the continued danger to the victim, the relationship between the defendant and the victim, the known prior criminal history of the defendant, etc.

If the attorney for the Commonwealth exercises the options provided by Rule 202, Rule 507, or both, the attorney must file the certifications required by paragraphs (B) of Rules 202 and 507 with the Court of Common Pleas of Philadelphia County and with the Philadelphia Municipal Court.

For the contents of the complaint, see Rule 504.

Under paragraphs (A) and (D), if a defendant has been arrested without a warrant, the issuing authority must make a prompt determination of probable cause before the defendant may be detained. See *County of Riverside v. McLaughlin*, 500 U.S. 44 (1991). The determination may be based on written affidavits, an oral statement under oath, or both.

Within the meaning of paragraph (D)([ 2 ]4), counsel is present when physically with the defendant or with the issuing authority.

Under paragraph (D)([ 2 ]4), the issuing authority has discretion to order that a defendant appear in person for the preliminary arraignment.

Under paragraph (D)([ 2 ]4), two-way simultaneous audio-visual communication is a form of advanced communication technology.

See Rule 130 concerning venue when proceedings are conducted pursuant to this rule using advanced communication technology.

Paragraph (D)([ 3 ]5)(c) requires that the defendant's attorney, or if unrepresented the defendant, receive copies of the arrest warrant and the supporting affidavits at the preliminary arraignment. This amendment parallels Rule 540(C). See also Rules 208(A) and 513(A).

Paragraph (D)([ 3 ]5)(c) includes a narrow exception which permits the issuing authority to provide copies of the arrest warrant and supporting affidavit(s) on the first business day after the preliminary arraignment. This exception applies only when copies of the arrest warrant and affidavit(s) are not available at the time the issuing authority conducts the preliminary arraignment, and is intended to address purely practical situations such as the unavailability of a copier at the time of the preliminary arraignment.

Nothing in this rule is intended to address public access to arrest warrant affidavits. See *Commonwealth v. Fenstermaker*, [ 515 Pa. 501, ] 530 A.2d 414 (Pa. 1987).

The 2012 amendment to paragraph (D)([ 3 ]5)(d)(iii) conforms this rule with the new procedures set forth in Chapter 5, Part E, permitting the attorney for the Commonwealth to proceed to an indicting grand jury without a preliminary hearing in cases in which witness intimidation has occurred, is occurring, or is likely to occur. See Rule 556.2. See also Rule 556.11 for the procedures when a case will be presented to the indicting grand jury.

Paragraphs (D)([ 3 ]5)(d)(ii) and (D)([ 3 ]5)(d)(iv) require that, in all cases at the preliminary arraignment, the defendant be advised of the consequences of failing to appear for any court proceeding. See Rule 602 concerning a defendant's failure to appear for trial. See also *Commonwealth v. Bond*, 693 A.2d 220 (Pa. Super. 1997) ("[A



defendant who is unaware of the charges against him, unaware of the establishment of his trial date or is absent involuntarily is not absent “without cause.”)

Under paragraph (D)([ 4 ]6), after the preliminary arraignment, if the defendant is detained, the defendant must be given an immediate and reasonable opportunity to post bail, secure counsel, and notify others of the arrest. Thereafter, if the defendant does not post bail, he or she must be committed to jail as provided by law.

Paragraphs (D)([ 3 ]5)(d)(iii) and (E) make it clear that, with some exceptions, the procedures in Municipal Court for both preliminary hearings and cases in which the defendant fails to appear for the preliminary hearing are the same as the procedures in the other judicial districts.

Paragraph (E) was amended in 2013 to reiterate that traditionally our courts have not applied the law of evidence in its full rigor in proceedings such as preliminary hearings, especially with regard to the use of hearsay to establish the elements of a *prima facie* case. See the Pennsylvania Rules of Evidence generally, but in particular, Article VIII. Accordingly, hearsay, whether written or oral, may establish the elements of any offense. The presence of witnesses to establish these elements is not required at the preliminary hearing. *But compare Commonwealth ex rel. Buchanan v. Verbonitz*, [ 525 Pa. 413, ] 581 A.2d 172 (Pa. 1990) (plurality) (disapproving reliance on hearsay testimony as the sole basis for establishing a *prima facie* case. See also Rule 542.

For purposes of modifying bail once bail has been set by a common pleas judge, see Rules 529 and 536.

\* \* \* \* \*

#### PUBLICATION REPORT

##### **Proposed Amendment of Pa.R.Crim.P. 122 and 1003; Rescission of Pa.R.Crim.P. 520—529 and Replacement with Pa.R.Crim.P. 520.1—520.19; Adoption of Pa.R.Crim.P. 708.1, and Renumbering and Amendment of Pa.R.Crim.P. 708.**

The Criminal Procedural Rules Committee is considering proposing to the Supreme Court a set of statewide procedural rules governing bail proceedings, summons and arrest warrant procedures in the First Judicial District, and technical violations of county probation and parole.

Beginning in 2018, a workgroup was formed to review criminal pretrial detention practice in Pennsylvania. The workgroup identified the goal of the pretrial process as detaining the least number of people—through timely release at the earliest stage of the proceedings—as is necessary to reasonably ensure both the safety of the community and that defendants appear for court. Substantial strides toward meeting that goal could be achieved through a three-prong effort involving procedural amendments, risk assessment tools, and pretrial services. However, risk assessment tools and pretrial services carried a resource requirement that prohibited any mandate absent additional funding.

The scope of the workgroup’s effort expanded to include matters raised in *Commonwealth v. Davis*, 68 EM 2019, concerning procedures for holding defendants on parole detainers. That scope was further expanded by matters raised in *Philadelphia Community Bail Fund v. Arraignment Court Magistrates of the First Judicial District*, 21 EM 2019.

This set of proposed rules were prepared by the workgroup and submitted to the Criminal Procedural Rules

Committee for consideration. Some aspects of the proposed rules refine and reinforce existing procedures. Other aspects introduce new procedures, such as review of bail conditions and detention hearings, and new requirements, such as providing a statement of reasons for conditions and obtaining information about a defendant’s ability to afford a monetary bail condition. The rules are also arranged for consideration of bail conditions from the least restrictive to the most restrictive.

The proposed process for determining bail entails the following: At the defendant’s initial appearance, the bail authority determines whether the defendant will be detained or released. That determination begins with consideration of whether there are any bail conditions reasonably calculated to meet the purpose of bail. If not, then the defendant should be detained. If such bail conditions do exist, then the bail authority must release the defendant with the least restrictive conditions. If a defendant remains detained 48 hours after their initial appearance, a detention review is conducted. The defendant is appointed counsel for that review. At the review, the bail authority reconsiders whether a defendant initially detained should be released and, if so, the least restrictive bail condition reasonably calculated to meet the purpose of bail. For a defendant who remains detained due to release conditions that the defendant has not met, the bail authority reconsiders whether the conditions are reasonably calculated to meet the purpose of bail. Subsequent modifications of bail orders would proceed in accordance with Pa.R.Crim.P. 529, although the detention review is anticipated to reduce the frequency of bail modification motions.

The proposed rules also address pretrial services and pretrial risk assessment tools. The rules do not mandate these services or use of any such tools; rather, the rules are intended to establish minimum requirements for when the services are provided or the tools are used. The goal of these requirements is to establish statewide consistency.

To further promote statewide consistency, procedural amendments to rules concerning summons and arrest warrants in the First Judicial District have been proposed. The proposal provided an opportunity to re-examine prior rationale for the marked divergence in procedure between the most populous judicial district and the other 59 judicial districts.

While many of the proposed rules address bail, those rules share a common element with rules regarding technical violations of county probation and parole: affording a defendant due process where detention, or continued detention, is a possible outcome. Accordingly, a new rule governing the use of detainers and *Gagnon I* hearings aims to provide such due process. The rule also establishes objective criteria for the lodging of a county probation or parole detainer and a deadline for judicial review of detainers.

Corollary amendment of other rules may be necessary to update citations and title references. However, given the size of the proposal, corollary amendments have been omitted for the purpose of comments. Those amendments will be incorporated post-publication if the proposal advances.

As noted, the proposed rulemaking would rescind Rules 520—529 concerning bail and replace them with an entirely new set of rules. The current rules are bookended with other rules, which limit expansion. Accordingly, the proposed rules are numbered using a decimal, similar to

the indicting grand jury rules. The rules follow the basic structure of rule text containing procedural requirements with Comments containing statements and references to assist in the application or interpretation of the rule text. Rather than renumber existing Rule 708 in its entirety, the rule will be renumbered as Rule 708.2 to permit expansion for New Rule 708.1. Rule 122 and Rule 1003 are amended using textual indicators.

The Committee invites all comments, concerns, and suggestions.

#### *Rule 122. Appointment of Counsel*

Given the provision of counsel in bail proceedings both for the limited purpose of reviewing conditions, *see* Rule 520.15, and for detention hearings, *see* Rule 520.16, this rule was revised in two parts. First, paragraph (A)(2) created a rule-based exception to the appointment of counsel based on financial eligibility. Second, paragraph (B)(2) created a rule-based exception to the term of counsel's appointment. The Comment was also revised to explain that the "bail rules" are a source for those exceptions.

Further discussion of counsel in bail proceedings can be found in this Publication Report regarding Rule 520.5.

#### *Part C. Bail—Introduction*

The current introduction describing the rulemaking history and arrangement of the rules was replaced with a discussion of the purpose of the rules and a brief overview of the bail determination process. Retained from the current introduction was the citation to the statutory authority for rulemaking on this subject. Retention of the statutory citation was not intended to impinge upon the Court's constitutional rulemaking authority.

The second paragraph is a restatement of the goal of the bail determination procedures that was prepared by the workgroup. This restatement is intended to guide interpretation and application of the rules.

The third paragraph is intended to generally describe the bail determination process. It also reinforces that a bail determination should impose the least restrictive conditions necessary to address risk; a determination should not be punitive.

#### *Rule 520.1. Purpose of Bail*

The proposed expansion of the purpose of bail includes the protection of the defendant from immediate risk. The expansion is arguably a substantive matter, but the defendant remains part of the community, so enumeration of the defendant's risk of self-harm was believed to be a reasonable interpretation of "any person and the community." *See* Pa. Const. art. I, § 14. Paragraph (A)(2) clarifies that the "safety of the community" specifically includes the victim.

Some concern was expressed about paragraph (A)(3) regarding the protection of the defendant from immediate risk of substantial physical self-harm. The concern centered on whether bail authorities have the necessary information, ability, or training to clinically assess addictions or mental illnesses that might underlie such risk. Moreover, the criminal justice system may not be the appropriate forum to address medical issues, especially at the time of setting bail. This concern, while not unfounded, was overridden by the notion that the criminal justice system, even during the bail process, can assist in offering critical services to people in need. Additionally, many communities are just not able to actively provide these services absent intervention from the criminal

justice system. This issue arose again in the context of Rule 520.10 and release with non-monetary conditions.

The purpose of bail was also expanded to include reasonable assurances of the integrity of the judicial system. Such safeguarding of the integrity of the judicial system includes preventing both witness intimidation and the destruction of evidence. While this purpose of bail may not be traced to the language of Article I, § 14, the workgroup believed the courts have an inherent authority to ensure a full and fair trial, including adopting measures designed to thwart efforts to deny a full and fair trial.

The phrasing in paragraph (B) of "no available condition" is intended to recognize that the availability of conditions may vary among judicial districts.

Discussed was whether the rule should include a statement indicating that the bail authority, and not the parties, is the final arbiter of release and imposition of any necessary conditions. Paragraph (C) was added to indicate that the bail authority will not accept an agreement between the parties concerning bail conditions unless the bail authority is satisfied that the agreement is consistent with the purpose of bail. Hence, the bail authority is not simply a "rubber stamp" for whatever is agreed upon by the parties.

The Pennsylvania Constitution is quoted in the Comment, similar to current Rule 520. The placement of this language in the first "bail rule" seemed appropriate.

#### *Rule 520.2. Bail Determination Before Verdict*

This rule was formerly Pa.R.Crim.P. 520. Paragraph (C) was added to indicate when the initial bail determination should occur. "Unless otherwise provided by rule" was intended to acknowledge that some rules, such as Rule 517 concerning out-of-county warrants, may apply with regard to timing. A reference to Rule 517 was also added to the Comment.

The absence of a deadline, such as 48 hours, is reflective of discussions about time requirements for preliminary arraignments. A deadline was not believed attainable in all counties, and a maximum might operate to delay determinations in counties that currently make them in less than 48 hours. Notwithstanding those concerns, the Comment identifies holding the hearing within 24 hours of arrest as best practice. A citation to *Commonwealth v. Yandamuri*, 159 A.3d 503, 529 (Pa. 2017) was also added to inform law enforcement that lack of a prompt preliminary arraignment might be a factor in suppression. A citation to *County of Riverside v. McLaughlin*, 500 U.S. 44 (1991) was added to the Comment—the case is codified at Pa.R.Crim.P. 540(E), but that rule does not contain a time limitation.

#### *Rule 520.3. Bail Determination After Finding of Guilt*

This rule was formerly Pa.R.Crim.P. 521. Paragraphs (A)(2)(b) and (D)(2) were revised from the current rule to incorporate by reference the purpose of bail announced in Rule 520.1. Otherwise, no substantive change to the current rule was intended.

A sentence was added to the 2nd paragraph of the Comment to indicate that "life imprisonment cases" include cases where the potential sentence is life imprisonment due to prior convictions. *See, e.g.*, 42 Pa.C.S. §§ 9714, 9715.

#### *Rule 520.4. Detention of Witnesses*

This rule was formerly Pa.R.Crim.P. 522. Paragraph titles were added to assist readers.

The last sentence in paragraph (A) of the current rule suggested that the issuing of process was discretionary before bail was set. It further suggested that all a court needed before issuing process was to receive an application. This sentence was revised to state: “If the court grants the application, then the court shall issue process to bring any named witnesses before it for the purpose of determining bail.”

The language in paragraph (B) was revised to change “bail bond” to “release” and “commit the witness to jail” to “order the witness detained.” These changes were not intended to be substantive. Discussed was whether a detained witness, as permitted in paragraph (B), should be provided with a detention hearing, similar to that proposed for defendants. The present rule does not provide such procedural protections for a witness nor does it provide for the appointment of counsel. In the absence of a need for such protections, they were not added.

Rather, to limit the need and extent of any necessary detention, paragraph (B) of the rule now allows for a witness’s testimony to be preserved pursuant to Pa.R.Crim.P. 500 and 501, thereby possibly obviating the need to detain the witness. This provision is based largely upon 18 U.S.C. § 3144.

A new paragraph (E) was added to provide for the rescission of any process at the conclusion of the criminal proceeding and the release of any detained witness when that witness’s presence is no longer necessary. Discussed was whether the “conclusion of the criminal proceeding” was too vague. Resultantly, paragraph (A) was further revised to require the application to detain a material witness to identify the proceeding for which the witness’s presence is required. Similarly, discussed was whether “presence is no longer necessary” was too vague for determining when to release a witness. However, identifying a specific triggering event that would accommodate all cases was not possible, and the use of “no longer necessary” provides a judge flexibility based upon the circumstances.

Added to paragraph (E) was a provision requiring the judge to supervise the witness’s detention to eliminate any unnecessary detention. This provision was based largely on Fed.R.Crim.P. 46(h)(1).

#### *Rule 520.5. Counsel*

The current rules governing bail do not specifically address the right to counsel. Pa.R.Crim.P. 540(F)(1) requires the issuing authority to advise the defendant of the right to counsel at the preliminary arraignment—the same proceeding in which bail is set. Generally, the Pennsylvania Rules of Criminal Procedure require counsel to be provided prior to the preliminary hearing if a defendant is unable to afford counsel. Pa.R.Crim.P. 122(A)(2). Additionally, a court may appoint counsel “when the interests of justice require it.” Pa.R.Crim.P. 122(A)(3).

In *Rothgery v. Gillespie Co.*, 554 U.S. 191, 213 (2008), the Supreme Court of the United States held that “a criminal defendant’s initial appearance before a judicial officer, where he learns the charge against him and his liberty is subject to restriction, marks the start of adversary judicial proceedings that trigger attachment of the Sixth Amendment right to counsel.” See also *Kuren v. Luzerne Co.*, 146 A.3d 715 (Pa. 2016). Arguably, a defendant has a right to counsel at the time of the initial bail determination, which could occur at a defendant’s preliminary arraignment, if the defendant’s liberty is subject to restriction.

Within the context of the bail process, the appointment of counsel prior to bail determinations was considered along a continuum, from counsel being appointed in every case to counsel never being appointed prior to a determination. Presumably, if appointed prior to the bail determination, counsel could meet and consult with the defendant in preparation for that determination. Such consultation and preparation would enhance the reliability of the bail determination through counsel’s cogent presentation of facts and argument to the bail authority. The best practice would therefore be to have counsel prior to the initial bail determination. The benefit of counsel being appointed at the earliest possible stage would not be limited to minimizing detention; early legal representation and consultation would also be beneficial to the preparation of a defendant’s defense and increase judicial efficiency.

However, there is a practical restraint on requiring the appointment of counsel prior to every bail determination: a lack of resources in all counties for the timely appointment of counsel in all cases. In larger counties with greater resources and higher volume that justify coverage, counsel may be available at the preliminary arraignment for all defendants regardless of the defendant’s financial wherewithal. When resources are limited, it may take days for the public defender to interview a defendant, assuming the defendant applies for services and qualifies for services. This may have unintended consequences, such as delaying the bail determination and prolonging detention until counsel is present. However, the necessity of counsel at the preliminary arraignment generally decreases when bail determinations result in the release of defendants.

Proposed is a requirement that a defendant who remains detained more than 48 hours after the initial bail determination be represented by counsel at the detention review. Counsel’s representation would be limited to the detention review and not based upon the defendant’s financial wherewithal. This requirement would be the minimum for representation and is not intended to preclude representation of all defendants at preliminary arraignment in those counties that can provide such coverage.

Recognized within this rule-based requirement for the appointment of counsel regardless of a defendant’s financial resources is potential tension with the Public Defender Act, 16 P.S. § 9960.6(b) and the authority it bestows upon the public defender to determine eligibility for services. While responsibility for determining a defendant’s eligibility for appointed counsel may be shared with the courts, see *Dauphin Cty. Pub. Def.’s Off. v. Ct. of Common Pleas of Dauphin Cty.*, 849 A.2d 1145, 1151 n.7 (Pa. 2004), and while the Act has been subject to suspension in the rulemaking context, see Pa.R.Crim.P. 1101(4), the Committee especially seeks the input of public defenders about this aspect of the proposal.

Paragraph (A) is a recognition that there is a role for counsel at the initial bail determination. Paragraph (B) requires the appointment of counsel if the defendant is still detained 48 hours after the initial bail determination. See also Rule 520.15 (Condition Review). Paragraph (C) also requires the appointment of counsel if the defendant is detained for a detention hearing. These two instances for the appointment of counsel were intended to impose a minimum requirement. If a county wished to provide counsel for all bail determinations, the rule would not proscribe that practice.

Paragraphs (B) and (C) provide for the defendant's eligibility for the appointment of counsel, without regard to the defendant's financial resources, to eliminate the process of financial qualification and acceptance prior to appointment. Removing the financial threshold for eligibility serves to expedite the appointment of counsel for the upcoming proceeding, thus allowing representation to begin sooner rather than later. Neither paragraph is intended to preclude the use of private counsel or impinge upon a defendant's right of self-representation. Both paragraphs appear somewhat in tension with Rule 122, which provides for the appointment of counsel to defendants without financial resources and for those appointments to be effective until final judgement. Hence, the proposed amendments to Rule 122.

Paragraph (D) specifically permits limited representation. This paragraph was intended to provide for expedited representation for the purpose of bail whereby matters related to eligibility for public defender services and conflicts could be addressed afterward. Ideally, such issues would be determined prior to the bail determination, but they may operate to delay a review of conditions or a detention hearing, which would operate to prolong a defendant's detention.

The Comment defers to local practice for the appointment of counsel. This approach is intended to accommodate both large and small counties with different resources and availability. Additionally, the commentary indicates that the extent of counsel's representation can be set forth in the appointment order or by local rule. This approach was intended to limit the administrative burden of withdrawing an appearance.

#### *Rule 520.6. Release Factors*

This rule was formerly Rule 523. The enumerated factors were intended to be a substantial restatement of the "release criteria" found in Rule 523, together with the addition of several new factors. The factors concerning a defendant's financial condition, age, reputation, and character were removed.

"Financial condition" was removed because a defendant's ability to pay only arises in the context of a monetary condition. This factor should not be considered in the release/detention decision. Notably, some may argue that "financial condition" is relevant to flight risk because wealth might provide a means for evasion.

The defendant's age was removed because 1) age is not necessarily a proxy for maturity, reliability, or wisdom; and 2) a factor without guidance can be subjectively and inconsistently applied. Some pretrial risk assessment tools may use age as one variable in a multi-variant calculation. The elimination of age as a factor in Rule 520.6 is not intended to preclude the use of age in a pretrial risk assessment tool, provided the tool is validated in accordance with Rule 520.19(C).

The defendant's reputation was removed as a factor because reputation evidence at the initial bail determination would not be limited by the Rules of Evidence.

"Character" was also removed as a factor, but an argument was recognized for its retention. In one aspect, "character" is redundant of the other factors because the bail authority is asked to determine whether the defendant has the character (or propensity) to comply with the conditions of bail. In another aspect, "character" represents the bail authority's unquantifiable assessment of a defendant's risk. The tension in using "character" is that

a bail authority's perception may be based on stereotype or experience, which may be inaccurate, rather than on an individualized assessment.

Paragraph (A)(5) instructs the bail authority, when making a determination of whether a defendant is bailable, to consider whether the prosecution has sought pretrial detention. If the prosecutor has given notice, the bail authority should proceed to Rule 520.18 to determine detention.

Paragraph (B) is largely based on the wording of the existing rule with revisions to improve readability.

The Comment carried over some existing commentary and added guidance when considering the gravity of the offense charged and the severity of a potential sentence. This guidance was intended to temper the possibility of detaining a high risk defendant facing relatively minor charges. The Comment also cautions the bail authority to not "double count" a defendant's prior criminal history and other factors if using a risk assessment report because the assessment will already reflect these factors.

"Custody status" was defined in the Comment. While typically a prior arrest for unrelated charges is not a factor to consider in determining bail, the Comment notes that the bail authority is permitted to consider a defendant's prior arrest insofar as the defendant is currently released on bail for that arrest. This language is carried over from the current rule.

#### *Rule 520.7. Least Restrictive Bail Determination*

This is an entirely new rule. This rule is less procedure and more policy. It is intended to require the bail authority to impose sufficient conditions to meet the purpose of bail while simultaneously using the least restrictive conditions necessary. The goal is to address and hopefully eliminate the over-conditioning of release. The Comment informs the reader of the increasing restrictiveness of determinations which is also reflected in the ordering of the rules, beginning with Rule 520.8 (Determination: Release with General Conditions) and culminating in Rule 520.16 (Detention).

#### *Rule 520.8. Determination: Release with General Conditions*

This rule was formerly Pa.R.Crim.P. 526. As indicated in the prior rule, this determination is the least restrictive. This type of determination is intended to be similar to release on recognizance. The conditions in this rule were carried over from current Rule 526. The Comment to this rule is derived from the current Comment to Rule 526 with some editing, including the removal of content that can be found in other rules.

#### *Rule 520.9. Determination: Release on Nominal Bail with General Conditions*

This rule was based on current Rule 524(C)(4). The rule indicates that \$1.00 is sufficient for nominal bail. This is a change from the current language, which also allows for release on a nominal amount of cash but only suggests \$1.00, leaving the bail authority to determine what is sufficient security.

The commentary discusses the purpose of nominal bail and the circumstances when it might be imposed. "Transience" was used to indicate a person who is staying or working in a place for only a short time. The term was not used to suggest homeless persons.

Carried over from the current Comment was the following statement: "The purpose of the surety is to facilitate interstate apprehension of any defendant who absconds

by allowing the nominal surety the right to arrest the defendant without the necessity of extradition proceedings. *See, e.g., Frisbie v. Collins*, 342 U.S. 519 (1952).” However, this statement should not be read to supersede any foreign jurisdiction’s extradition requirements. *See, e.g., Uniform Criminal Extradition Act*, 42 Pa.C.S. §§ 9121 *et seq.*

*Rule 520.10. Determination: Release with Non-Monetary Special Conditions*

This rule was formerly Pa.R.Crim.P. 527. Paragraph (A) (Necessity) specifies that special conditions are applicable only when general conditions are insufficient. This reinforces that release with special conditions is progressively more restrictive relative to general conditions.

The most significant change in this rule is the expanded list, in paragraph (B), of potential special conditions that may be imposed. As indicated in the commentary, the availability of special conditions may be contingent on the availability of pretrial services in a particular judicial district. While no attempt was undertaken to order the special conditions from least restrictive to most restrictive, electronic monitoring does appear as the second to last condition on the list.

Regarding paragraph (B)(8), the special condition of refraining from the use of alcohol, there was discussion concerning whether this condition should prohibit “excessive” use of alcohol. Including that qualification, however, might suggest that a bail authority can only prohibit the excessive use of alcohol. On the other hand, eliminating the qualification might suggest that a bail authority must either permit the consumption of any amount of alcohol or prohibit the use of alcohol entirely. Ultimately, the calibrating of permissible alcohol consumption was left to the bail authority’s discretion.

The interplay between the purpose of bail to protect a defendant from immediate risk of self harm and the imposition of special conditions was also discussed. Concerns were expressed that bail authorities were untrained to diagnose medical and psychological issues, including alcohol/drug dependency. Understanding that bail authorities are unable to render a clinical diagnosis from subtle signs and symptoms, they are able to detect immediate risk based upon more obvious actions and statements made by a defendant or observed by law enforcement. This detection would permit the bail authority to order the defendant to submit to an assessment, as provided for in paragraph (B)(9), but the bail authority could not order treatment based upon their detection of an immediate risk absent an existing treatment or service plan.

Several of the examples from the Comment to Rule 527 were carried over, and some of the examples were modified.

*Rule 520.11. Determination: Release with Monetary Conditions*

This rule was formerly Pa.R.Crim.P. 528. This rule represents a significant change from the current rule concerning the imposition of monetary conditions. Paragraph (A) limits the availability of this condition to circumstances where non-monetary conditions cannot address the risk. Paragraph (B) is intended to extend the limitation in paragraph (A) to both secured and unsecured monetary conditions. Paragraph (C) permits a secured monetary condition to be satisfied with a deposit. Note that “non-monetary conditions” in paragraph (C) could either be general conditions only or general conditions and special conditions. The use of non-monetary

special conditions and monetary conditions are not mutually exclusive. For example, a high risk of non-appearance may warrant safekeeping of the defendant’s passport and a substantial monetary bail condition.

Paragraph (D) requires the defendant to complete and verify a financial disclosure form and for the bail authority to consider it when determining the amount of the monetary condition. The requirement that the bail authority consider “the financial ability of the defendant” is currently imposed by Rule 528(A)(2). Paragraph (D) goes further to require that any amount be attainable by the defendant. It is anticipated that a statewide form would be created to ensure uniformity in the reporting of financial information.

Discussed was the requirement that the bail authority rely upon a defendant’s self-reporting even though a strong incentive exists for the defendant to understate their wealth. However, aside from self-reporting, there was no other practical mechanism available to permit a timely bail determination and to include an ability-to-pay finding in setting amounts. If a defendant is rational and wishes to avoid the risk of detention, then the defendant would be incentivized to accurately self-report wealth. Moreover, an assessment of wealth based only upon a defendant’s appearance, accoutrements, or occupation is fraught with subjectivity and undercut by incompleteness.

Also discussed was whether paragraph (D) should be revised so the amount of security reflects what is “reasonably immediately attainable” by the defendant. This revision would address the liquidity of the security and a defendant’s ability to raise security immediately. To avoid detention being a function of liquidity, which has no bearing on risk, timeliness should be a factor in determining the reasonable attainability of the amount. As such, the Comment was revised to add the 4th paragraph discussing timeliness. Rule 520.14(A) discusses the forms of security that will be accepted for a monetary condition. These forms of acceptable security inform the reader about the liquidity of the security.

Paragraph (D)(1) refers to the defendant’s wealth and not to other sources, such as family members, when determining the defendant’s ability to pay.

Paragraph (E) permits the bail authority to inquire into the source of the defendant’s security. This paragraph is not intended for the bail authority to inquire about other sources, but to delve into the source of the defendant’s self-reported wealth. As indicated in the Comment, this is required by statute for charges under Title 35; however, paragraph (E) does not limit the inquiry based on the charges. The purpose of this permitted inquiry is to provide a bail authority with a more complete picture before imposing a monetary bail condition.

Paragraph (F) is more a statement of policy than procedure. It requires the amount to be correlated to the defendant’s risk and is intended as a check against unreasonably high amounts notwithstanding a defendant’s ability to pay.

Paragraph (G) eliminates the use of bail schedules and requires the bail authority to make an individualized assessment of a defendant’s ability to pay before imposing a monetary condition.

Paragraph (H) is a statement of policy carried over from the current rule.

Paragraph (I) is arguably duplicative of the requirement of Rule 520.12 to provide a statement of reasons, although it explicitly requires the reason to be in writing

to facilitate review and to memorialize the rationale for possible future comparative analysis. However, the paragraph is intended to reinforce that a monetary bail condition must be related to risk and operate to mitigate that risk.

The Comment indicates that whether a monetary condition is secured or unsecured is relevant to forfeiture, not incentive. However, one could argue that there is a difference between a loss and a debt. A loss is immediate while a debt must be collected. Yet, the bail authority's determination should be informed by whether a defendant has a means of satisfying the debt based upon an ability to pay determination. As a matter of policy, the bail authority should not set a monetary condition that would exceed what is reasonably attainable by a defendant regardless of whether the condition is unsecured, partially secured, or fully secured. In theory, it is the amount of the condition, and not the amount of security, that mitigates the risk. The ability of a defendant to fundraise should have no connection to whether the defendant presents a risk.

The Comment also states that a monetary condition is not available for a defendant unable to pay the total amount of the condition. An amount above what a defendant can afford does not provide an incentive for lawful behavior because, when a defendant has nothing, the risk of losing anything is meaningless. The alternative is for indigent defendants to be released on non-monetary conditions or scheduled for a detention hearing.

Furthermore, the Comment informs the reader that a third party surety should only be used to address a risk of non-appearance because the third party surety is not liable for other violations of conditions of bail.

Consideration was given to whether minor-defendants should be "presumed indigent" for the purpose of imposing a monetary bail condition. For the purpose of appointing counsel for juveniles in delinquency proceedings, the Juvenile Act states:

In delinquency cases, all children shall be *presumed indigent*. If a child appears at any hearing without counsel, the court shall appoint counsel for the child prior to the commencement of the hearing. The presumption that a child is indigent may be rebutted if the court ascertains that the child has the financial resources to retain counsel of his choice at his own expense. The court may not consider the financial resources of the child's parent, guardian or custodian when ascertaining whether the child has the financial resources to retain counsel of his choice at his own expense.

42 Pa.C.S. § 6337.1(b)(1) (emphasis added). Accordingly, a juvenile's wealth is presumed to be nil when appointing counsel unless there is information that suggests otherwise.

Conceptually, this approach is not very different from that in Rule 520.11(D), which would require the defendant's financial disclosure and the bail authority's consideration of that information when setting the amount of a monetary condition. Thus in either case, appointing counsel or setting a monetary condition, the court is to consider available information before determining a juvenile's ability to pay. The primary difference is that, in the absence of such information, wealth is zero for a juvenile in need of counsel, while there is no such presumption when determining bail. Section 6337.1(b)(1) also prohibits the court from considering third party sources of financial

resources when determining whether a juvenile can afford private counsel. Rule 520.11(D)(1) does not contain such a prohibition.

There was a concern that a presumption of indigence would operate to foreclose the possibility of monetary bail conditions for a youth, which could result in more youths being detained, especially when these young defendants are often involved in more severe offenses that are either directly filed or transferred to criminal court. Additionally, a presumption of indigence was believed to be unnecessary since Rule 520.11(D) requires a defendant to self-report wealth. If a youth truthfully and accurately reports no wealth, then there is no need for a presumption.

#### *Rule 520.12. Statement of Reasons*

This is an entirely new rule. The rule requires the bail authority to provide reasons for any bail determination that imposes special conditions. These reasons need to be contemporaneously provided with the bail determination so as not to delay review if the defendant is detained due to a failure to satisfy a condition.

Fundamentally, if a defendant is presumed to be innocent and is subject to judicially imposed pretrial restrictions that impinge upon their liberty, then a reason should be provided for those restrictions. Reasoned action defeats claims of arbitrariness and fosters public confidence through increased accountability and consistency.

Requiring a statement of reasons for the imposition of special conditions presents an increased administrative burden. Discussed was whether a statement of reasons should be required for all bail determinations, even those when a defendant is released on general conditions. While such information may be helpful if the Commonwealth seeks modification or if a situation arises because of the defendant's release, in light of the anticipated burden for special conditions, an expanding of the requirement to all bail determinations was not favored.

A requirement for written reason(s) for the detention of a defendant is covered by Rule 520.16(F).

#### *Rule 520.13. Bail Bond*

This rule is substantially the same as current Pa.R.Crim.P. 525. Titles were added and some paragraphs re-ordered. A paragraph in the Comment concerning 1995 rulemaking was removed as historical.

Paragraph (C) of current Rule 525 states, in part, "If the defendant is unable to post bail at the time bail is set. . . ." This rule moves that language to paragraph (F) and rephrases it, "If the defendant is unwilling to agree to comply with all the imposed conditions of the bail at the time bail is set. . . ." "Unable" was changed to "unwilling" to indicate that the imposed conditions must be attainable, a recognition that unattainable conditions are tantamount to detention. "Post bail" was replaced with "agree to comply" to remove the suggestion that secured monetary conditions were the norm.

#### *Rule 520.14. Secured Monetary Conditions—Security; Recording; Liability*

Portions of this rule are substantially the same as current Pa.R.Crim.P. 528(D)—(F). Titles were added. Current paragraphs (A)—(C) and corresponding commentary were removed because that subject matter is addressed in Rule 520.13.

To more accurately reflect the Act of July 2, 2015, P.L. 110, paragraph (C)(1) was revised to remove the defendant's noncompliance as a basis for third-party liability.

*Rule 520.15. Condition Review*

This is an entirely new rule intended to provide judicial review of any condition imposed at the initial bail determination that remains unsatisfied, causing a defendant to remain detained. The first paragraph includes the phrase “designated bail authority” to permit the president judge to designate a magisterial district court judge or a court of common pleas judge to act as the bail authority for purposes of review. This designation is intended to address the possible conflict with Rule 520.17 concerning bail modification, which limits who can modify bail before a preliminary hearing and the “once up, always up” aspect of court of common pleas’ modifications. See Pa.R.Crim.P. 529(D). Rule 520.17 is proposed to replace Pa.R.Crim.P. 529. A separately designated bail authority sitting in review of conditions is an alternative to the initial bail authority simply reviewing its prior determination.

A condition review is designed to be less procedurally rigorous than a detention hearing. As with both procedures, the defendant is appointed counsel. A defendant may remain detained due to either an unwillingness or inability to satisfy bail conditions. An aspect of this review includes the reasons for failing to satisfy bail conditions and reconsideration of whether initially imposed conditions remain necessary.

In paragraph (C), appearance by advanced communications technology (“ACT”) is permissive for all counsel and the defendant. Paragraph (D) allows the parties to present additional information to the bail authority. “Information” was used to avoid “evidence,” which might imply that the Rules of Evidence are to be enforced. In paragraph (E), a bail authority is permitted to modify the initial determination.

The commentary also clarifies that a failure to comply with the time requirements of review should not result in the release of the defendant by default.

*Rule 520.16. Detention*

This is an entirely new rule. This rule “bookends” the range of restrictiveness as being the most restrictive. Paragraph (A) sets forth the bases for detention and is taken from the Pennsylvania Constitution. The paragraph also contains the constitutional clause “proof is evident and presumption is great.” See also *Commonwealth v. Talley*, 14 MAP 2021.

In practice, the only information required for paragraph (A)(1) is often the charge itself. Yet, for a charged offense of murder with an unspecified degree, the bail authority must examine the alleged circumstances to determine whether there is sufficient evidence of culpability to establish a *prima facie* offense of murder of the first or second degree. Generally, murder of only the third degree would not be subject to paragraph (A)(1). See 18 Pa.C.S. § 2502(c) (murder of the third degree is a felony of the first degree); 18 Pa.C.S. § 1103 (Sentence of Imprisonment for Felony). To that end, the bail authority could examine the probable cause affidavit for additional information.

As indicated in the Comment, paragraph (A)(1)—offenses with sentencing of death or life imprisonment—is intended to include capital offenses and offenses that may result in a sentence of life imprisonment. Discussed was whether charges that do not have a life sentence, *per se*, but may result in a life sentence due to prior convictions, should be subject to paragraph (A)(1). For example, a defendant’s prior criminal history may also subject the defendant to a maximum sentence of life imprisonment

for the current offense. See 42 Pa.C.S. § 9714 (Sentences for Second and Subsequent Offenses); 42 Pa.C.S. § 9715 (Life Imprisonment for Homicide). While it is believed the risk of nonappearance is impacted by the potential sentence, regardless of the offense, the applicability of paragraph (A)(1) in those instances should be decided on appeal and not by the rules.

A magisterial district judge does not have authority to fix bail for offenses under 18 Pa.C.S. § 2502 (murder) and § 2503 (voluntary manslaughter). See 42 Pa.C.S. § 1515(a)(4). Therefore, in paragraph (A)(1) matters, the magisterial district judge should order the defendant detained until a detention hearing can be heard by a judge of the court of common pleas or a judge of the Philadelphia Municipal Court pursuant to paragraph (B). The offenses that may form the basis for detention are not identical to the limitation on magisterial district judge jurisdiction. For example, “voluntary manslaughter” is a felony of the first degree, which is not an offense serving as a basis *per se* for detention. In those cases, the common pleas judge is sitting as the bail authority, but those cases are not subject to this rule.

Paragraph (A)(2) matters concerning available conditions can be heard by magisterial district judges pursuant to paragraph (C). In cases where both paragraphs (A)(1) and (A)(2) may offer a basis for a defendant’s detention, it was presumed for the purpose of rulemaking that the Commonwealth would pursue detention on both grounds before a judge of the court of common pleas in light of 42 Pa.C.S. § 1515(a)(4).

In matters concerning available conditions, paragraph (C)(4) requires a detention hearing to be held within 48 hours, which is 24 hours less than required by paragraph (B)(2) for a detention hearing based upon the offense. However, paragraph (C)(4) also contains a provision for an additional 3-day continuance for cause or by agreement when it is alleged that no available conditions exist other than detention. That provision is not limited to requests by the defendant but is also available to the prosecution.

Paragraph (C)(3) permits the bail authority to order the defendant to be temporarily detained if the bail authority possesses a reasonable belief that no other conditions are available except detention. Because a prosecutor may not always be present for the defendant’s first appearance, the bail authority should be able to order a detention hearing *sua sponte*. Alternatively, the bail authority may reject a bail agreement among the parties to not seek detention.

Discussed was whether the notice given for the detention hearing should contain the reason for seeking detention. The reason would be necessary if the parties are going to be able to argue whether a detention hearing is warranted. Further, knowing the reason would allow the parties to prepare for the detention hearing, especially if the detention hearing was ordered *sua sponte*. However, there was concern about limiting the reasons for detention at the hearing to only those provided with the notice. A party should not be precluded from offering a new reason if additional information comes to light after further investigation. Accordingly, paragraphs (C)(1) and (C)(2) require that notice include the initial reason for seeking detention. There should be no incentive for less than candid disclosure of all reasons known at the time of the detention request given the ability of the defendant to challenge the sufficiency of the showing pursuant to paragraph (C)(3). If reasons later surface prior to the

detention hearing, then a party may seek a continuance if necessary. If those reasons surface after the detention hearing, then a modification may be sought.

Paragraph (C)(3) provides a defendant the opportunity to argue that a reasonable basis for a detention hearing does not exist. The opportunity for such argument is intended to prevent a mere request from the prosecution for a detention hearing from causing the detention of the defendant until the hearing. Without this opportunity, the interim detention decision would be removed from the bail authority. If the bail authority denies a request for a detention hearing due to a lack of reasonable basis, the prosecution is not precluded from later seeking detention through a modification of the bail order. A Comment to this effect was added to the rule.

Paragraph (D) provides for the appointment of counsel, which may be a limited appointment similar to other bail determinations due to the uncertainty of capital case qualified counsel being available in all counties on short notice.

Paragraph (E) was added to emphasize there are no default releases for untimely hearings. This is a matter of policy. Reasonable arguments can be made that liberty, rather than detention, should be the default. Such an approach would be consistent with a presumption of innocence. Further, defaulted release could be a strong incentive for timely bail hearings. Conversely, the defendants subject to detention hearings, especially on an offense basis, are alleged to have committed some of the worst crimes and, presumably, pose the greatest risk.

Paragraph (F) requires the bail authority to state in writing the reasons for detaining a defendant after a hearing. If the bail authority does not order detention and releases the defendant subject to special conditions, then the bail authority must provide a statement of reasons pursuant to Rule 520.12.

Paragraph (G) addresses where to seek further review. Again, the procedure is driven by the basis for detention. Because the offense-based detention hearings are going to be heard by a court of common pleas judge, the appeal would lie with the Superior Court subject to the Rules of Appellate Procedure. For a no-condition basis for detention, those hearings are not necessarily heard in the first instance by a court of record. Therefore, those decisions are subject to modification by a court of common pleas judge pursuant to the Rules of Criminal Procedure. Thereafter, the decision can be appealed to the Superior Court.

#### *Rule 520.17. Modification of Bail Order Prior to Verdict*

This rule was formerly Pa.R.Crim.P. 529. Paragraph (A) is amended to add new subparagraphs (1) and (2). Currently, paragraph (A) provides the issuing authority the ability to modify bail any time before the preliminary hearing. This is provided for in subparagraph (1).

Subparagraph (2) now provides a “bail authority sitting by designation” with the same authority to review conditions. This provision is intended to permit a court of common pleas judge, sitting by designation, to modify bail conditions upon review pursuant to Rule 520.15, but not to thereafter preclude a magisterial district judge from further modifying the conditions at the preliminary hearing. *Cf.* Pa.R.Crim.P. 520.17(D) (proposed).

#### *Rule 520.18. Responsibilities of Pretrial Services*

This is an entirely new rule. This rule is intended to establish minimum services for pretrial services. Robust, objective, informed, and innovative pretrial services is

critical to risk mitigation, appropriate conditioning, and consistency of outcomes. However, the ability of the rules to mandate the provision of pretrial services, in the absence of additional funding, was considered foreclosed and beyond the scope of rulemaking. Additional funding was believed necessary lest a county feel compelled to impose user fees on defendants to fund pretrial services.

At a minimum, pretrial services would be required to consider and advise the president judge about the feasibility of adopting a risk assessment tool. Pretrial services would also be required to provide basic services, including reminders of court dates, reporting capabilities, referrals for services, and identification of detained defendants. The technology for telephonic, text, and email reminders exists in Pennsylvania, and results indicate that such reminders reduce the number of missed court appearances. Reporting capabilities may also exist through adult probation. The identification of detained defendants is essential for triggering the condition review for defendants who remain detained due to unsatisfied conditions. However, in the absence of pretrial services, this need may be met by prison reporting.

The benefit of effective, neutral pretrial services cannot be overstated.

#### *Rule 520.19. Pretrial Risk Assessment Tool Parameters*

The use of pretrial risk assessment tools (PRATs) in making bail determinations is acknowledged in the Comment to Pa.R.Crim.P. 523, as revised in 2016, but not required: “Nothing in this rule prohibits the use of a pretrial risk assessment tool as one of the means of evaluating the factors to be considered under [Pa.R.Crim.P. 523](A). However, a risk assessment tool must not be the only means of reaching the bail determination.”

A PRAT is intended to provide a statistically valid and objective analysis of whether an arrested person is likely to appear in court and not reoffend if released before trial. It is also intended to reduce bias and subjectivity in court decisions about who should be detained before trial and which conditions, if any, should be imposed on those who are released. Moreover, when paired with a scaled matrix setting forth escalating release conditions, it also can provide consistency, objectivity, and predictability in bail recommendations and determinations.

PRATs have been adopted in many jurisdictions, including counties within Pennsylvania. Advocates contend that the use of PRATs represent a best practice. Yet, support for these tools is not universal; there was also a lack of unanimity about the value of recommendations derived from assessments.

The Committee believes, with certain reservations and necessary assurances, that the rules should facilitate the use of PRATs. Accordingly, Rule 520.19 is intended to establish parameters on current risk assessment tools and inform counties contemplating the adoption of PRATs. Notably, in paragraph (A), the adoption and use of a PRAT is left to local decision-making. As noted, the mandated statewide use of a PRAT is constrained by funding and is a policy-based decision that should more appropriately involve state or local legislative bodies.

This rule is more administrative or technical than procedural, but it is intended to ensure that only validated PRATs are used. What the rule does not address is significant. It leaves to local decision-making the setting of risk classification thresholds, allowing a county to decide which scores are considered high, medium, or low. Additionally, the rule does not address the matrix of release options based on risk classifications. The options



depend largely on the availability of pretrial services and the extent to which pretrial services offers supervision options.

In paragraph (B), PRATs, at a minimum, must determine the risk of new criminal activity and failure to appear. Note that a PRAT meeting only this minimum standard would be inadequate to ensure that the purpose of bail is completely satisfied insofar as it does not capture the defendant's immediate risk of self-harm or safeguard the integrity of the judicial system.

The requirement of paragraph (C) is intended to ensure that only validated and neutral PRATs are used. The paragraph proposes a minimum level of predictability of 70%, but the Committee welcomes informative comments about the attainability and appropriateness of that level.

*Rule 708.1. Violation of Probation or Parole: Notice, Detainer, Gagnon I Hearing, Disposition, and Swift Sanction Program*

The petition in *Commonwealth v. Davis*, 68 E.M. 2019, noted that “[t]here are no statutes or Rules of this Court authorizing or governing detainers for defendants on county probation and parole.” In *Davis*, the petitioner sought to bar the use of risk assessment tools for the automatic lodging of detainers. Instead, a defendant believed to have violated county probation and parole should only be detained upon a showing of significant risk to the safety of the community based on an assessment of all relevant evidence.

Risk assessment tools, consonant with Rule 520.19, should not be used as the sole basis for decision-making. When properly validated, such tools may be used as one factor of many to inform decision-making, but never as a substitute.

The proposed rule governs the lodging of detainers when the supervising authority believes that the alleged conduct of the defendant creates an ongoing risk to the public's safety or to the defendant's safety or creates a risk of non-appearance at the revocation hearing. In that vein, the court should have authority to release a detained defendant subject to conditions in a manner similar to bail. Additionally, decisions to detain a defendant should be subject to judicial review. *See, e.g., Gagnon v. Scarpelli*, 411 U.S. 778 (1973).

The rule is intended to address the procedure when an authority supervising a defendant on county probation or parole believes the defendant has violated a condition of probation or parole. Those violations are grouped as either technical violations or new criminal charges. This grouping serves to separate new criminal charges from other technical violations because this type of violation has more often resulted in the lodging of a detainer.

The options appearing under each grouping are not mandated; a supervising authority can always choose not to proceed with further action. The supervising authority can also take the informal action of counseling or warning the defendant if the supervising authority believes the defendant violated a term. Because “no action” or “informal action” does not implicate court procedures, those options are not included in the rule.

Per paragraph (A), the supervising authority has three escalating options when a technical violation is alleged: 1) serve notice to appear for a revocation hearing; 2) arrest pursuant to 42 Pa.C.S. § 9771.1; or 3) lodge a detainer. The arrest option was included because of the amendment of 42 Pa.C.S. § 9771.1 by Act 115 of 2019. The Committee is not aware of any judicial districts that

promulgated an implementing local rule, as permitted by Section 9913(j) and required by Rule 105. Of course, the rule does not provide the exclusive basis for a supervising authority to arrest a defendant for a violation—that is also provided for generally by 42 Pa.C.S. § 9913.

While there may be few instances warranting a detainer for technical violations, the rule contemplates some scenarios where a detainer may be justified. Accordingly, this option is reflected in paragraph (A)(3).

Per paragraph (B), the probation or parole officer has two options with a new criminal arrest: 1) serve notice to appear for a revocation hearing; or 2) lodge a detainer. The arrest option was not included because the defendant would likely be arrested on a new criminal charge or served a summons. In the matter of a summons, the supervising authority could arrest the defendant pursuant to 42 Pa.C.S. § 9913.

Paragraph (B)(2)(i) permits a defendant to request a detainer. This would allow the defendant to receive credit for the time in detention and have that credit applied to any sanction for the violation if the defendant is not sentenced to prison on the new criminal charge. This would avoid “dead time,” which is time in detention that is neither applied to the new criminal charge nor to the violation. In practice, some judges may factor in “dead time” at sentencing for the violation, but this provision would make that practice applicable statewide. Preserving the time under a detainer may be particularly relevant if there is a “Daisy Kates” hearing whereby the Commonwealth proceeds with the violation before the new criminal charge is disposed. *See Commonwealth v. Kates*, 305 A.2d 701 (Pa. 1973).

Paragraphs (B)(2)(ii) and (iii) permit the lodging of a detainer only if the defendant is not detained on the new charge and the supervising authority believes the defendant has committed a technical violation beyond the fact of the new criminal charge. This restriction on lodging a detainer accommodates the fact that the new charge will be the subject of a bail determination specific to that charge. This provision was not intended to affect the possibility of revocation as a sanction; rather, it operates to limit the circumstances for detaining a defendant prior to revocation.

Regarding paragraph (C), the bases for a detainer are similar to the purpose of bail in Rule 520.1: 1) risk to public safety; 2) risk to the defendant's safety; and 3) risk of failure to appear at the revocation hearing.

Paragraph (D) provides for a *Gagnon I* hearing within 14 days of detention unless a defendant has requested a detainer. The rule provides for the expiration of the detainer if a hearing is not held within that time.

Concerning the timing of the *Gagnon I* hearing, a 72-hour requirement, similar to Rule 150, was considered, but rejected because it might conflict with the operation of specialty courts where judges have dedicated oversight of a defendant. Bringing a defendant before another judge who may not be familiar with the defendant or the program seemed antithetical to the concept of specialized courts. Bringing the defendant before a judge other than the one supervising the defendant's release would also increase the probability that the defendant will be either released or detained without full consideration of defendant-specific risks and needs.

Further, the principle catalyzing expedited pretrial bail determinations, *i.e.*, a presumption of innocence, did not extend to matters involving a convicted defendant. While the defendant's interest in liberty may be as great in

either scenario, the weight to be given to that interest is lightened in post-conviction proceedings. *Compare* Rule 520.2 (Bail Determination Before Verdict) *with* Rule 520.3 (Bail Determination After Finding of Guilt).

Ultimately, a 14-day hearing deadline (“no later than”) is proposed for the purpose of comments. This time limit is intended to allow sufficient time for the defendant to appear before the proper judge, while addressing concerns about prolonged and unnecessary detention. With this relatively wider window for a hearing, the language providing for the expiration of the detainer after 14 days without a hearing was thought more acceptable. This mandate was intended to be incentive for courts to conduct timely hearings. Of course, there is nothing to stop the Commonwealth from seeking a continuance or the supervising authority from lodging another detainer.

**Rule 708.2. Violation of Probation or Parole: Gagnon II Hearing and Disposition**

This rule is based largely on current Rule 708 and concerns *Gagnon II* hearing procedures. The only significant changes have been to the Comment.

**Rule 1003(C) (Summons and Arrest Warrant Procedures)—(D) (Preliminary Arraignment)**

Rule 1003 was reviewed in light of Rule 509 (Use of Summons or Warrant of Arrest in Court Cases) and Rule 519 (Procedure in Court Cases Initiated by Arrest Without Warrant). The review focused on two aspects of Rule 1003: the use of summons in paragraph (C) and the requirement of a preliminary arraignment in paragraph (D).

Currently, Rule 1003(C)(1) gives the issuing authority in the First Judicial District (“FJD”) the discretion to proceed with a summons rather than an arrest warrant when the offense is punishable for a term of imprisonment not more than one year. Rule 509(1) affords an issuing authority outside of the FJD greater discretion, including when the offense is punishable for a term of imprisonment not more than two years. In other words, the issuing authority can proceed with a summons in the FJD in the case of a misdemeanor of the 3rd degree while the issuing authority can proceed with a summons outside the FJD in the case of a misdemeanor of the 2nd or 3rd degree.

As proposed, Rule 1003(C)(1) and Rule 509(1) would be consistent, and issuing authorities in the FJD and outside the FJD would have the same authority. This approach would be in harmony with other changes to bail practice intended to foster consistent, statewide practice. Any justification to maintain this dissimilarity is specifically invited via comment.

Current Rule 1003(C)(2)(a) requires an issuing authority in the FJD to issue a warrant of arrest when an offense charged is punishable by imprisonment for a term of more than five years. Outside of the FJD, an issuing authority is required to issue a warrant of arrest when one or more of the offenses charged is a felony or murder. *See* Pa.R.Crim.P. 509(2)(a). For consistency, proposed Rule 1003(C)(2)(a) would be made consistent with Rule 509(2)(a). Additionally, this revision would make it easier for the reader to understand the rule without having to consult 18 Pa.C.S. §§ 1103 (Sentence of Imprisonment for Felony) and 1104 (Sentence of Imprisonment for Misdemeanors). Such a revision would also obviate the need for Rule 1003(C)(2)(f).

The revision to Rule 1003(C)(2), however, would impact current practice in the FJD. Referring to the offense

grading rather than to the possible sentence will result in requiring an arrest warrant in some cases where a summons is currently permitted. For example, under the Controlled Substance, Drug, Device and Cosmetic Act, there are felony offenses that provide for a maximum sentence of five years. *See, e.g.*, 35 P.S. § 780-113(f)(2). Under the current rule, a summons would be permitted because the maximum sentence could not be more than five years. However, the proposed amendment would require the issuance of an arrest warrant as the offense is a felony. Comments favoring the disparate treatment of defendants based upon geography—where location determines if you are summoned or if you are arrested—are welcome.

Next considered was whether Rule 1003(D) should be revised to give an arresting officer in Philadelphia County discretion to release a defendant following a warrantless arrest rather than requiring the defendant to be brought before the issuing authority for a preliminary arraignment. The Committee is unaware of the rationale for not having Rule 1003(D) be the same as Rule 519(B). The District Attorney may continue to make charging decisions before a summons is issued through the local option pursuant to Rule 507 (requiring district attorney approval of police complaints prior to filing). Therefore, paragraph (D) is proposed to be bifurcated into paragraph (D)(1) and paragraph (D)(2) based upon the language of Rule 519(B). All comments are welcome particularly on this aspect of the proposal.

The Committee takes note that the Comment to Rule 1003 concerning paragraph (E) and the use of hearsay to establish a *prima facie* case could be updated in light of *Commonwealth v. McClelland*, 233 A.3d 717 (Pa. 2020) (*prima facie* case may not be established solely on hearsay evidence). However, updating rules, including Rule 542, that govern preliminary hearings is a separate matter for consideration by the Criminal Procedural Rules Committee.

[Pa.B. Doc. No. 22-47. Filed for public inspection January 7, 2022, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Amendment of Phila.R.J.A. No. \*401; Administrative Order No. 44 of 2021

#### Order

*And Now*, this 14th day of December, 2021, in compliance with the October 6, 2021 order of the Supreme Court of Pennsylvania (Judicial Administration Docket No. 556) which amended the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania to require the statewide use of the Confidential Information Form, it is *Ordered* and *Decreed* that Philadelphia Rules of Judicial Administration No. \*401 is amended, as follows, effective January 1, 2022.

This Order is issued in accordance with Pa.R.J.A. 103 and shall be filed with the following rule with the Office of Judicial Records (formerly the Prothonotary, Clerk of Courts and Clerk of Quarter Sessions) in a docket maintained for Orders issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. 103(d)(5)(ii), two certified copies of this Order and rule shall be distributed to the Legislative Reference Bureau,

together with a copy on a computer diskette, for publication in the *Pennsylvania Bulletin*. As required by Pa.R.J.A. 103(d)(6) one certified copy of this Order and rule shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the website of the First Judicial District at <http://courts.phila.gov>, and shall be incorporated in the compiled set of Philadelphia local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the Order and rules shall also be published in *The Legal Intelligencer* and will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

*By the Court*

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

**First Judicial District of Pennsylvania**  
**Philadelphia Rules of Judicial Administration**  
**Amendment to Philadelphia Rule of**  
**Judicial Administration \*401.**

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

**Rule \*401. Policy Concerning Access to Case Records of the Court of Common Pleas and Philadelphia Municipal Court, in Conjunction with the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania (“Case Records Policy of the UJS”).**

(a) *Confidential Information.* [ **When a document (including exhibits) contains any of the confidential information listed in Section 7.0 of the Case Records Policy of the UJS, the filer shall file a Redacted Version and an Unredacted Version of the document, as provided below.**

(1) **Redacted Version.** The Redacted Version of the document shall not include any of the confidential information listed in Section 7.0 (A) and must be redacted in a manner that is visibly evident to the reader. The Redacted Version of the document shall be accessible by the public.

(2) **Unredacted Version.** The Unredacted Version of the document shall contain all information, including the confidential information listed in Section 7.0 (A). The Unredacted Version of the document shall not be accessible by the public.

(3) **A Redacted Version of a document which contains confidential information does not need to be filed for case types that are sealed or exempt from public access pursuant to applicable authority.]**

**The confidential information listed in Section 7.0 of the Case Records Policy of the Unified Judicial System of Pennsylvania (“Case Records Policy of the UJS”) shall not be included in (or shall be redacted from) any document filed with a court or custodian and shall instead be included on the court-approved Confidential Information Form which must be filed contemporaneously with the document.**

\* \* \* \* \*

*Note:* Adopted by the Administrative Governing Board of the First Judicial District of Pennsylvania on November 13, 2017, effective January 6, 2018. See Administrative Governing Board Order No. 02 of 2017. Published in

the *Pennsylvania Bulletin* on December 2, 2017. Amended by Order dated May 10, 2018, effective on July 1, 2018. **Amended by Order dated December 14, 2021, effective January 1, 2022.**

[Pa.B. Doc. No. 22-48. Filed for public inspection January 7, 2022, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### BUCKS COUNTY

#### Promulgation of Rule of Criminal Procedure 576.1—Electronic Filing and Service of Legal Papers; Administrative Order No. 104

##### Order

*And Now*, this 17th day of December, 2021, Bucks County Rule of Criminal Procedure No. 576.1—Electronic Filing and Service of Legal Papers, is promulgated as follows:

#### **Bucks County Rule of Criminal Procedure No. 576.1. Electronic Filing and Service of Legal Papers.**

##### (A) *Authorization of Electronic Filing System*

Pursuant to Pennsylvania Rule of Criminal Procedure 576.1(A), electronic filing of legal papers through the PACFile electronic filing system is hereby authorized in the Bucks County Court of Common Pleas, Criminal Division. The Administrative Office of Pennsylvania Courts and the Seventh Judicial District, through the Office of the Clerk of Courts (“Clerk of Courts”), have agreed upon an implementation plan for PACFile in the Bucks County Court of Common Pleas.

*Note:* For the purposes of this rule, authorization for use of PACFile in the “Criminal Division” of the Court shall, subject to any requirements of the Clerk of Courts and the limitations set forth in section (B) hereof, include all legal papers that may be appropriately filed with the Clerk of Courts, including but not limited to those related to criminal, juvenile and dependency matters.

##### (B) *Legal Papers*

(1) “Legal papers” are pleadings or other submissions to the court, including motions, answers, notices, or other documents, of which filing is required or permitted, including orders, exhibits and attachments, but excluding:

- (a) applications for search warrants;
- (b) applications for arrest warrants;
- (c) any grand jury materials, except the indicting grand jury indictment or the investigating grand jury presentment;
- (d) submissions filed ex parte as authorized by law;
- (e) submissions filed or authorized to be filed under seal;
- (f) exhibits offered into evidence, whether or not admitted, in a court proceeding; and
- (g) Wiretap Act, tracker, cell phone and internet surveillance petitions.

(2) The applicable rules of procedure, general rules of court, and court policies that implement such rules shall continue to apply to the filing of all legal papers regardless of the method of filing.

(3) Any legal paper submitted for filing to the Clerk of Courts in a physical paper (“hard-copy”) format shall be accepted by the Clerk of Courts in that format and shall be retained by the Clerk of Courts as may be required by applicable rules of court and record retention policies. The Clerk of Courts shall convert such hard-copy legal paper to .pdf and add it to the system, except those legal papers excluded from electronic filing pursuant to Pa.R.Crim.P. 576.1(C) and this rule.

(C) *PACFile*

(1) The exclusive system for electronic filing in the Bucks County Court of Common Pleas, Criminal Division, shall be the PACFile System, developed and administered by the Administrative Office of the Pennsylvania Courts and located on Pennsylvania’s Unified Judicial System Web Portal at <https://ujportal.pacourts.us/PACFile.aspx>.

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

(3) Use of the PACFile System is permissive and voluntary. Any party who declines to participate in the PACFile electronic filing system, who is unable to electronically file or accept service of legal papers which were filed electronically, or who is otherwise unable to access the PACFile system, shall be permitted to file legal papers in hard copy format and shall be served legal papers as required by Pa.R.Crim.P. 576 in a hard copy format by the Clerk of Courts and other parties, regardless of whether such legal papers are electronically filed or in a hard copy format.

(4) Upon submission of a legal paper for electronic filing, the PACFile system shall provide an electronic notification to other parties and attorneys to the case who are participating in electronic filing that the legal paper has been submitted. This notification upon submission shall satisfy the service requirements of Rules 114(B) and 576(B) on any attorney or party who has established a PACFile system account.

(D) *Filing Fees*

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

(E) *Record on Appeal*

Electronically filed legal papers, and copies of legal papers filed in a hard copy format as provided in subsection (B)(3), shall become the record on appeal.

(F) *Confidential Information*

Counsel and unrepresented parties shall adhere to the Public Access Policy of the Unified Judicial System of Pennsylvania and refrain from including confidential information in legal papers filed with the Clerk of Courts or the Court whether filed electronically or in a hard copy format.

(G) *Provision of Hard Copy Legal Papers to Court*

The Clerk of Courts shall provide hard copies of any filed legal papers to the Court as required by the Court, regardless of the format in which such legal papers are filed and/or maintained by the Clerk of Courts.

This rule shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

WALLACE H. BATEMAN, Jr.,  
*President Judge*

[Pa.B. Doc. No. 22-49. Filed for public inspection January 7, 2022, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### CUMBERLAND COUNTY

#### Local Rule 1910.12; Civil 96-1335

##### Order of Court

*And Now*, this 20th day of December, 2021, and effective January 18, 2022, or thirty (30) days after publication in the *Pennsylvania Bulletin*, whichever is later, Cumberland County Local Rule of Court 1910.12 is amended to read as follows:

##### **Rule 1910.12. Conduct of Hearing; Exceptions.**

(a) Hearings shall be conducted by the Support Master.

(b) The Support Master shall engage the services of a Court Reporter or a Courtroom Technician; however, the notes of testimony shall not be transcribed unless:

(1) required by the Support Master to prepare the report and recommendation to the Court, or

(2) ordered by the Court following the filing of exceptions.

(c) It shall be the responsibility of the party who first files exceptions to obtain an order directing that the notes of testimony be transcribed. The party filing the exceptions shall bear the cost of the original transcript. If both parties file exceptions, the cost of the original transcript shall be shared equally. Nothing herein shall prevent the Court from thereafter reallocating the costs of the transcript as part of a final order.

(d) When exceptions are filed, the Domestic Relations Office shall forthwith forward the cases to the Court Administrator who shall assign them to the Judges of the Court of Common Pleas on a rotating basis.

*Note:* In Cumberland County the “Hearing Officer” referred to in Rule 1910.12 Pa.R.C.P. is designated as the Support Master.

Amended December 20, 2021, effective January 18, 2022.

The Cumberland County District Court Administrator is Ordered and Directed to do the following:

1. File one (1) copy to the Administrative Office of Pennsylvania Courts via email to [adminrules@pacourts.us](mailto:adminrules@pacourts.us).

2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to [bulletin@palrb.us](mailto:bulletin@palrb.us) with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish these Rules on the Cumberland County Court website at [www.ccpa.net](http://www.ccpa.net).

4. Incorporation of the local rule into the set of local rules on [www.ccpa.net](http://www.ccpa.net) within thirty (30) days after the publication of the local rule in the *Pennsylvania Bulletin*.

5. File one (1) copy of the local rule in the appropriate filing office for public inspection and copying.

6. Forward one (1) copy to the *Cumberland Law Journal*.

By the Court

EDWARD E. GUIDO,  
President Judge

[Pa.B. Doc. No. 22-50. Filed for public inspection January 7, 2022, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### DAUPHIN COUNTY

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

##### Order

And Now, this 21st day of December, 2021, Dauphin County Local Rule of Civil Procedure 1915.13 is amended as follows:

Rule 1915.13. [ Applications ] Petitions for Special Relief and Emergency Petitions for Custody.

[ a. An original and one copy of the application for special relief shall be filed with the Prothonotary simultaneously with the custody complaint or petition for modification or contempt of a custody order.

b. The attorney or pro se party shall promptly notify the Deputy Civil Court Administrator's Office by telephone as soon as it is determined that an application for special relief will be filed and shall give the Deputy Civil Court Administrator's Office a realistic estimate of the date and time of the intended filing.

c. The application for special relief shall state, in detail, the facts alleged to warrant the special relief.

d. The application for special relief shall be served on all parties.

e. An administrative fee of \$150.00 shall be paid to the Prothonotary in accordance with Rule 1915.3(a) or 1915.3(b). The filing party need only pay the administrative fee associated with the custody complaint or petition for modification or contempt. There shall be no additional administrative fee associated with the filing of the application for special relief.

f. The Prothonotary shall forward both the original custody complaint or petition for modification or contempt of the custody order and the application for special relief to the Court Administrator's Office. The custody complaint or the petition for modification or contempt of the custody order shall be assigned to a Custody Conference Officer. The application for special relief shall be assigned to the judge who is assigned to handle emergency custody matters or to the judge who has handled the case on a previous assignment. ]

##### a. Definitions

1. Petitions for Special Relief shall be filed to address a specific circumstance that does not ne-

cessitate the modification of an existing Custody Order and does not involve the violation of the existing Custody Order.

2. Emergency Petitions for Custody shall be filed when there is an immediate threat to the health, safety, or welfare of the child.

##### b. New Cases with Emergency Petition

1. An original and one copy of the Emergency Petition for Custody shall be filed with the Prothonotary simultaneously with the Custody Complaint. The Emergency Petition for Custody must be a separate document apart from the Custody Complaint.

2. In addition to the filing fees assessed for the filing of Custody Complaints, an additional administrative fee in the amount of \$150.00 shall be paid to the Prothonotary simultaneously with the filing of the Custody Complaint in accordance with Local Rule 1915.3.

3. The Prothonotary shall immediately forward the Custody Complaint and the Emergency Petition for Custody to the Court Administrator's Office. The Emergency Petition for Custody shall be immediately assigned to a Family Court Judge and the Custody Complaint will be scheduled for a Custody Conference with a Custody Conference Officer.

##### c. Existing Cases—No Change Requested to Existing Custody Order and No Violation of Existing Custody Order

1. An original and one copy of the Petition for Special Relief or Emergency Petition for Custody shall be filed with the Prothonotary. The filing of a Petition for Modification or a Petition for Contempt is not required.

2. The Prothonotary shall immediately forward the Petition for Special Relief or Emergency Petition for Custody to the Court Administrator's Office. The Petition for Special Relief or Emergency Petition for Custody shall be immediately assigned to a Family Court Judge.

3. The assigned Family Court Judge shall review the filing and either schedule a hearing, enter an Order, or direct that a Petition for Modification and/or a Petition for Contempt be filed so that the matter may be assigned to the Conference Officer with the goal of reaching a resolution at the conference. If a Petition for Modification and/or a Petition for Contempt is to be filed, the filing party shall pay an administrative fee of \$150.00 to the Prothonotary.

##### d. Existing Cases—Modification of Existing Custody Order Requested or Contempt of Existing Custody Order

1. An original and one copy of the Emergency Petition for Custody shall be filed with the Prothonotary simultaneously with the Petition for Modification or Petition for Contempt. The Emergency Petition for Custody must be a separate document apart from the Petition for Modification or Petition for Contempt.

2. An administrative fee of \$150.00 shall be paid to the Prothonotary in accordance with Local Rules 1915.3.1 or 1915.3.2.

3. The Prothonotary shall immediately forward the Petition for Modification or Petition for Con-

tempt and the Emergency Petition for Custody to the Court Administrator's Office. The Emergency Petition for Custody shall be immediately assigned to a Family Court Judge and the Petition for Modification or Petition for Contempt will be scheduled for a Custody Conference with a Custody Conference Officer.

e. The attorney or self-represented party shall promptly notify the Deputy Civil Court Administrator's Office by telephone or email as soon as it is determined that a Petition for Special Relief or Emergency Petition for Custody will be filed and

shall give the Deputy Civil Court Administrator's Office a realistic estimate of the date and time of the intended filing.

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

*By the Court*

JOHN F. CHERRY,  
*President Judge*

[Pa.B. Doc. No. 22-51. Filed for public inspection January 7, 2022, 9:00 a.m.]

# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CH. 261a ]

### Exclusion for Identification and Listing Hazardous Waste at MAX Environmental Technologies, Inc. Bulger and Yukon Facilities

The Environmental Quality Board (Board) proposes to amend Chapter 261a (relating to identification and listing of hazardous waste) to conditionally exclude the wastewater treatment sludge filter cake derived from EPA Hazardous Waste No. F039 (multi-source leachate) generated at MAX Environmental Technologies, Inc. Bulger and Yukon facilities from the list of hazardous wastes found in 40 CFR 261.31 (relating to hazardous wastes from non-specific sources). This proposed rulemaking is the result of two Petitions to Delist F039 (Delisting Petitions) leachate from MAX Environmental Technologies, Inc.

This proposed rulemaking was adopted by the Board at its meeting of September 21, 2021.

#### A. Effective Date

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

#### B. Contact Persons

For further information, contact Thomas Mellott, Chief, Division of Hazardous Waste Management, P.O. Box 69170, Rachel Carson State Office Building, Harrisburg, PA 17106-9170, (717) 787-6239; or Nikolina Smith, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 783-8501. Persons with a disability may use the Pennsylvania Hamilton Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Environmental Quality Board" and then navigate to the Board meeting of September 21, 2021).

#### C. Statutory Authority

This proposed rulemaking is adopted under the authority of sections 105, 402 and 501 of the Solid Waste Management Act (SWMA) (35 P.S. §§ 6018.105, 6018.402 and 6018.501), section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20), and section 303 of the Hazardous Sites Cleanup Act (35 P.S. § 6020.303), which grants the Board the authority to promulgate regulations to carry out the provisions of the Hazardous Sites Cleanup Act. Under sections 105, 402 and 501 of the SWMA, the Board has the power and duty to adopt rules and regulations concerning the storage, treatment, disposal and transportation of hazardous waste that are necessary to protect the public's health, safety, welfare and property, and the air, water and other natural resources of this Commonwealth. Section 1920-A of The Administrative Code of 1929 grants the Board the authority to promulgate rules and regulations that are necessary for the proper work of the Department.

#### D. Background and Purpose

##### *Hazardous waste delisting*

As defined in 40 CFR 261.3 (relating to definition of hazardous waste), a hazardous waste is: 1) a solid waste that is not excluded from regulation as a hazardous waste under 40 CFR 261.4(b) (relating to exclusions); 2) exhibits any of the characteristics of hazardous waste (ignitability, corrosivity, reactivity or toxicity); or 3) is listed in 40 CFR Part 261 Subpart D (relating to Lists of Hazardous Waste). A delisting petition is a request to exclude waste from a particular facility from the list of hazardous wastes under the Resource Conservation and Recovery Act of 1976 (RCRA) (42 U.S.C.A. §§ 6901—6986) and SWMA (35 P.S. §§ 6018.101—6018.1003). Under section 3006 of the RCRA (42 U.S.C.A. § 6926), any state which seeks to administer and enforce a hazardous waste program may submit an application for approval to the United States Environmental Protection Agency (EPA) to implement an EPA-approved program. The Commonwealth received final authorization from the EPA to implement its base hazardous waste program effective January 30, 1986 (51 FR 1791 (January 15, 1986)), and the EPA approved the Commonwealth's most recent Program Revision III effective June 29, 2009 (74 FR 19453 (April 29, 2009)).

Under 40 CFR 260.20 and 260.22 (relating to general; and petitions to amend Part 261 to exclude a waste produced at a particular facility), which are incorporated by reference in the Department's regulations § 260a.1 (relating to incorporation by reference, purpose and scope) and modified by § 260a.20 (relating to rulemaking petitions), a person may petition the EPA or a state administering an EPA-approved hazardous waste management program to remove a waste or the residuals resulting from effective treatment of a waste from a particular generating facility from the lists of hazardous wastes in 40 CFR 261.31 and 261.32 (relating to hazardous wastes from non-specific sources; and hazardous wastes from specific sources). Specifically, 40 CFR 260.20 allows a person to petition to modify or revoke any provision of 40 CFR Parts 260—266, 268 and 273. Section 260.22 of 40 CFR provides a person the opportunity to petition to exclude a waste on a "generator specific" basis from the hazardous waste lists.

The delisting process exists due to a National recognition that a specific listed waste produced at a particular facility may not meet the standards for which the waste was originally listed as hazardous. The intent of the delisting process was to ease the regulatory burden on handlers of listed waste improperly captured by the broad listing definitions under 40 CFR 261.3. Delisting has since evolved to also include listed wastes that are sufficiently treated so that they no longer pose a health threat. The delisting process provides a mechanism that allows the Department to work with a facility to evaluate their waste and ensure appropriate waste management while reducing over-regulation. If the delisting analysis shows that a currently listed waste meets those delisting criteria in 40 CFR 260.22(a), then the Department must move forward with the delisting process. It is important to emphasize that a delisting does not exclude a hazardous waste from hazardous waste regulation. More accurately, a delisting excludes a waste that is not hazardous from being managed as a hazardous waste.

Under the Commonwealth's hazardous waste regulations in § 260a.20, delisting petitions shall be submitted to the Board in accordance with the procedures established in Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy) instead of the procedures in 40 CFR 260.20(b)—(e).

In a delisting petition, the petitioner must demonstrate that waste generated at a particular facility does not meet any of the criteria for which the waste was originally listed as a hazardous waste in 40 CFR 261.11 (relating to criteria for listing hazardous waste). In addition, a petitioner must demonstrate that the waste does not exhibit any of the hazardous waste characteristics (that is, ignitability, corrosivity, reactivity and toxicity) and present sufficient information for the Department to decide whether factors other than those for which the waste was originally listed as hazardous warrant retaining it as a hazardous waste. Only after the Department's analysis has shown that the waste does not meet the criteria for being listed as a hazardous waste, nor does it exhibit any of hazardous waste characteristics, may amendments be pursued to exclude the waste from the lists of hazardous wastes in 40 CFR 261.31 and 261.32.

For background information related to the wastes discussed in these Delisting Petitions, in 40 CFR 260.10 (relating to definitions) the Federal definition of leachate is “. . . any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste.” Sludge is defined as “. . . any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.” *Id.* Filter cake is the solids that result after the sludge has been dewatered by a filter press.

#### *MAX Environmental, Bulger facility*

MAX Environmental Technologies, Inc. (MAX) owns and operates the Bulger facility (MAX Bulger), which is located approximately 18 miles west-southwest of Pittsburgh, PA, in Smith Township, Washington County. MAX Bulger (Solid Waste Disposal/Processing Facility Permit—301359) operates under a Consent Order and Agreement (COA) with the Department. A COA is generally a voluntary agreement negotiated between two or more parties to resolve a disagreement. Select solids are managed at the facility to create a cap support zone for closure of a historical impoundment. The facility is currently used for beneficial placement of a wide range of materials from the energy, construction, and manufacturing industries, as well as metal-impacted materials (for example, soil, dredging wastes) from site remediation projects. More recently, the largest volume wastes received at the facility for placement consist of metal-impacted soils from remediation projects and drill cuttings from the oil and gas industry.

Due to the nature of the wastes disposed of at MAX Bulger, the leachate that is generated from MAX Bulger has been presumed to be hazardous (by definition) and therefore has been classified as an F039 listed hazardous waste. Under 40 CFR 261.31(a), F039 is defined as “Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous.”

#### *MAX Environmental, Yukon facility*

MAX also owns and operates the Yukon facility (MAX Yukon), which is located approximately 30 miles southeast of Pittsburgh, PA, in Yukon, Westmoreland County. MAX Yukon operates as a RCRA Subtitle C permitted treatment facility (PAD004835146) and as an onsite commercial residual waste landfill (Solid Waste Permit No. 301071). High-volume stabilization and solidification, chemical treatment of waste dusts and liquids, and crushing and resizing of slag and refractory brick for treatment and disposal are conducted at the facility. The residual waste landfill at MAX Yukon is used for disposal of a wide range of materials from the energy, construction, and manufacturing industries, as well as metal-impacted materials (for example, soil) from site remediation projects. More recently, the largest volume wastes received at the facility for treatment and disposal consist of metal-impacted soils from remediation projects and drill cuttings from the oil and gas industry.

Similar to MAX Bulger, due to the nature of the wastes, the leachate that is generated from MAX Yukon has been classified as an F039 listed hazardous waste under 40 CFR 261.31.

#### *MAX Environmental Delisting Petitions*

In May 2019, MAX submitted two petitions: a petition to delist the F039 sludge generated from the leachate treatment plant at MAX Bulger (Bulger Petition) and a petition to delist the F039 sludge generated from the leachate treatment plant at MAX Yukon (Yukon Petition). The petitions were based on the framework described in the EPA RCRA Delisting Program Guidance Manual for the Petitioner, March 23, 2000 (EPA Delisting Guidance Manual).

Both the Bulger Petition and the Yukon Petition were prepared to satisfy the requirements of two COAs entered by and between the Department and MAX on April 6, 2018, for MAX Bulger and on March 28, 2018, for MAX Yukon. The COAs required MAX to manage the sludge at both facilities as F039 hazardous wastes unless and until such time that the sludges are delisted as being hazardous wastes. Under the terms of each COA, MAX agreed to submit a full and complete petition in accordance with 40 CFR 260.22 to request the delisting of the sludge derived from the treatment of leachate from the Bulger and Yukon facilities. Based on historical data regarding leachate and subsequent sludge generation, the volume of filter cake generated for MAX Bulger may not exceed 150 cubic yards per 3-month period. MAX also agreed to submit a full and complete petition in accordance with 40 CFR 260.22 to request the sludge derived from the treatment of leachate from Yukon Impoundment 5 or sludge derived from the treatment of leachate that has been mixed with leachate from Yukon Impoundment 5 be delisted. Based on historical data regarding leachate and subsequent sludge generation, the volume of filter cake generated for MAX Yukon may not exceed 20 cubic yards per 3-month period.

For both Delisting Petitions, MAX requested a specific conditional delisting of the wastewater treatment sludge filter cake at MAX Bulger and MAX Yukon. A conditional delisting means MAX would be required to test samples of the sludge filter cake and verify that the samples on a volume basis do not exhibit any hazardous waste characteristics as described in Chapter 261a Appendix IXa,



Table 2a(1) (relating to wastes excluded from specific sources) regarding delisting levels prior to waste disposal. Prior to sample verification, the sludge material would continue to be managed as a hazardous waste and only after sample verification could the sludge be managed as non-hazardous waste.

Upon receipt of the Delisting Petitions, the Department reviewed each in accordance with the Board's petition policy in Chapter 23, including verifying that the petitions were administratively complete as required by § 23.1 (relating to petitions); the petitions requested actions that could be taken by the Board; and the requested actions did not conflict with Federal law. Based on this verification, the Department determined that the Delisting Petitions met the conditions in § 23.2 (relating to departmental review) for further review. The Department then notified the petitioners and the Board that the Delisting Petitions met the requirements for acceptability. At the June 18, 2019, Board meeting, the Department recommended that the Board accept both Delisting Petitions for further study. The Board voted unanimously to accept this recommendation. On June 29, 2019, the Department published notice of acceptance of the Delisting Petitions at 49 Pa.B. 3316 (June 29, 2019) and began its evaluation.

#### *MAX Bulger Petition evaluation*

To determine whether the sludge from MAX Bulger should be delisted as a hazardous waste, a Sampling and Analysis Plan (SAP) based on historical knowledge of the materials handled at MAX Bulger and a Quality Assurance Project Plan (QAPP) were developed during pre-application meetings and approved by the Department in October 2017 and February 2018, respectively, to be used to complete the Delisting Petition analysis. In accordance with the SAP and QAPP, MAX submitted samples obtained from four sampling events performed over a 1-year period to reflect potential variations in constituent concentrations under various seasonal conditions. Samples were collected as composites for total metals and toxicity characteristic leaching procedure (TCLP) metals. Grab samples were analyzed for Volatile Organic Compounds (VOC) and Semi-Volatile Organic Compounds (SVOC).

The SAP was designed to provide enough data to prepare a Delisting Risk Assessment System (DRAS) simulation to aid in the Delisting Petition analysis. DRAS is a risk assessment software program that calculates the potential risks associated with disposing a given waste stream to a landfill or surface impoundment. It can only provide risk analyses based on the information entered into the program. The user assigns a target cancer risk and hazard index, and DRAS calculates both the waste's aggregate risks and back-calculates each waste constituent's maximum allowable concentration permissible for delisting it as a hazardous waste. The risk-based approach combines state-of-the-art fate and transport modeling with standardized exposure assessment algorithms to provide sound risk assessment. However, the risk assessment results from DRAS are only one factor in a delisting decision.

The analytical results from the DRAS simulation were evaluated by means of two mechanisms. The first mechanism is a direct comparison of the concentrations identified in the samples provided by MAX in accordance with the SAP to the Universal Treatment Standards (UTS) table at 40 CFR 268.48 (relating to universal treatment standards). For any given hazardous waste, the "underlying hazardous constituents" are any constituents listed in the UTS table which can reasonably be expected to be

present at the point of generation at a concentration above the UTS level. A characteristic hazardous waste that is going to be land disposed must first be treated to reduce the concentration of any underlying hazardous characteristic to below the levels in the UTS table.

The second is a simulation of potential human health or ecological risks by means of the use of a conservative multimedia exposure model. The MAX Bulger Petition was prepared using the DRAS to identify constituents that could pose a threat to humans or ecological receptors. Constituents of interest for the purposes of execution of the DRAS simulations were also selected. DRAS was run assuming a target cancer risk level of  $1 \times 10^{-6}$  and a target hazard quotient of 1 (non-carcinogenic human health effects and ecological receptors).

The MAX Bulger Petition is limited to a maximum annual volume of 600 cubic yards of filter cake and is conditioned upon the petitioner performing certain verification testing of the filter cake to demonstrate compliance with maximum allowable concentration limits. The maximum allowable concentration limits were selected for organic and inorganic constituents of the filter cake and must be met before the delisted waste can be disposed in a RCRA Subtitle D (non-hazardous waste) landfill.

This sampling and analysis evaluation indicated that the sludge does not meet the criteria for listing as an F039 hazardous waste in 40 CFR 261.31.

The samples that were collected reveal that metals are the most commonly detected constituents of the material accepted at the facility. Sporadic detections of VOCs and SVOCs have also been observed. However, analysis of the sludge indicates that the concentrations of constituents of interest do not exceed the UTS promulgated at 40 CFR 268.48. In fact, they are one or more orders of magnitude below the chemical specific UTS.

The analyses revealed that the sludge at MAX Bulger does not exhibit the characteristics of hazardous waste. The pH of the additional sludge samples show that the material is not corrosive and the nature of the material together with generator knowledge demonstrates that the sludge is non-reactive and non-ignitable. The analytical data confirmed that none of the target pesticides, herbicides or polychlorinated biphenyls (PCB) were detected. The EPA Delisting Guidance Manual stipulates that reactive sulfide and reactive cyanide should be analyzed if their total concentrations results exceed 500 and 250 parts per million, respectively.

The maximum concentration measured for total cyanide was 3.42 mg/kg, and total sulfide was not detected for the leachate treatment system sludge. Cyanide and sulfide concentrations are below the calculated DRAS limits. The maximum and average concentrations of total metals in the sludge samples are below the calculated limits. A comparison of the TCLP analysis of the leachate concentrations with the concentrations from the DRAS simulation model shows that the constituents of interest are non-carcinogenic for human health effects and ecological receptors, because they are significantly lower than the DRAS model acceptable concentrations limits.

#### *MAX Yukon Petition evaluation*

For the MAX Yukon Petition, MAX submitted samples that were obtained and analyzed in accordance with the same SAP and QAPP approved for use in the Bulger Petition.

The MAX Yukon Petition was prepared using the DRAS to identify constituents that could pose a threat to humans or ecological receptors. Constituents of interest for the purposes of execution of the DRAS simulations were also selected. This was a relatively straightforward process given that a decision was made to simulate any targeted and detected constituent accommodated by the DRAS software. DRAS was run assuming a target cancer risk level of  $1 \times 10^{-6}$  and a target hazard quotient of 1 (non-carcinogenic human health effects and ecological receptors).

The Yukon Petition is limited to a maximum annual volume of 80 cubic yards of filter cake and is conditioned upon the petitioner performing certain verification testing of the filter cake to demonstrate compliance with maximum allowable concentration limits. The maximum allowable concentration limits were selected for organic and inorganic constituents of the filter cake and must be met before the delisted waste can be disposed in a RCRA Subtitle D (non-hazardous waste) landfill.

Sampling and analysis indicate that the sludge from MAX Yukon does not meet the criteria for listing as an F039 hazardous waste in 40 CFR 261.31.

The samples that were collected reveal that metals are the most commonly detected constituents of the material accepted at the facility. Sporadic detections of VOCs and SVOCs have also been observed. However, analysis of the sludge indicates that the concentrations of constituents of interest do not exceed the UTS promulgated at 40 CFR 268.48. In fact, they are one or more orders of magnitude below the chemical specific UTS.

The analyses also revealed that the sludge does not exhibit the characteristics of hazardous waste. The pH of the additional sludge samples show that the material is not corrosive and the nature of the material together with generator knowledge demonstrates that the sludge is also non-reactive and non-ignitable. The analytical data confirmed that none of the target pesticides, herbicides, or PCBs were detected. The EPA Delisting Guidance Manual also stipulates that reactive sulfide and reactive cyanide should be analyzed if their total concentration results exceed 500 and 250 parts per million, respectively. The maximum total sulfide and total cyanide concentrations measured for the leachate treatment system sludge were 13.4 mg/kg and 23.5 mg/kg, respectively, which are below the calculated DRAS limits.

The maximum and average concentrations of total metals in the sludge samples are below the calculated limits. A comparison of the TCLP analysis of the leachate concentrations with the concentrations from the DRAS simulation model shows that the constituents of interest are non-carcinogenic for human health effects and ecological receptors because they are significantly lower than the DRAS model acceptable concentrations limits.

#### *Delisting Petition approval for rulemaking*

On June 16, 2020, the Department presented to the Board the two evaluation reports that included the findings from the Department's careful and independent review of the Delisting Petitions as summarized previously. Based on the Department's conclusion that the sludge from both MAX Bulger and MAX Yukon did not meet the criteria for being listed as F039 hazardous wastes nor did it exhibit any of the hazardous waste characteristics, the Board unanimously approved both Delisting Petitions for rulemaking.

#### *E. Summary of the Proposed Rulemaking*

Chapter 261a contains provisions for the identification and listing of hazardous waste. Section 261a.32 (relating to hazardous wastes from specific sources) was added in 2006 to refer to Appendix IXa (relating to wastes excluded under 25 Pa. Code § 260a.20 and 40 CFR 260.20 and 260.22). Appendix IXa contains Table 1a (relating to wastes excluded from nonspecific sources), which lists wastes from nonspecific sources that have been delisted through the petition process by the Department and the Board. This numbering scheme is being used to parallel the Federal regulations for clarity and consistency with the incorporation by reference of the Commonwealth's hazardous waste regulations.

This proposed rulemaking amends Chapter 261a Appendix IXa, Table 1a to provide a specific conditional delisting of the wastewater treatment sludge filter cake generated at the MAX Bulger and MAX Yukon facilities.

#### *Chapter 261a Appendix IXa, Table 1a(1)—delisting levels*

The proposed exclusion for MAX Bulger and MAX Yukon would not apply until MAX completes verification sampling on a volume basis on the treated waste to verify it does not exhibit any hazardous waste characteristics as described in Chapter 261a Appendix IXa, Table 1a(1) regarding delisting levels. The constituents to sample for were identified as any "underlying hazardous constituents" listed in the UTS table which could reasonably be expected to be present at the point of generation at a concentration above the UTS level. MAX Bulger and MAX Yukon each have the same testing parameters for the constituents to be sampled for in verification testing. The delisting levels in Appendix IXa were established by using the more conservative of health-based values calculated by DRAS or toxicity characteristic regulatory levels.

#### *Chapter 261a Appendix IXa, Table 1a(2)—verification testing schedule*

The verification testing schedule listed in Chapter 261a Appendix IXa, Table 1a(2) regarding verification testing schedule provides that MAX must collect and analyze representative samples of the treatment sludge at both MAX Bulger and MAX Yukon at a frequency of one sample per every 20 cubic yards of material to be shipped or disposed, using SW-846 Method 1311 with appropriate detection levels and quality control procedures. The sample frequency is based on the size of a standard shipping container. Each facility has a different maximum volume of material to be shipped or disposed: MAX Bulger may not exceed 150 cubic yards per 3-month period; MAX Yukon may not exceed 20 cubic yards per 3-month period. The difference in maximum volume is based on historical volume generation data.

Representative samples of the waste are to be collected as described in Chapter 261a Appendix IXa, Table 1a(2)(i) regarding sample collection for both MAX Bulger and MAX Yukon. Composite samples must be collected at a rate of one composite per every 20 cubic yards and shall be generated from four grab samples (one grab sample from each quadrant of the vessel) to increase the representativeness of the sample. Sampling shall be completed in accordance with the approved Sampling and Analysis Plan (dated October 2017). Each sample collection event shall include all necessary QA/QC samples and a duplicate.

As outlined in Chapter 261a Appendix IXa, Table 1a(2)(ii) regarding sample analysis, each composite sample will be analyzed for a predetermined list of constituents presented in Chapter 261a Appendix IXa,

Table 1a(1). If the level of any constituent measured in the sample of the sludge equals or exceeds those levels, then the waste is hazardous and must be managed in accordance with Subtitle C of RCRA. The analytical data will be submitted to the Department's Southwest Regional Office. Data must be accompanied by a signed copy of the statement in 40 CFR 260.22(i)(12) to certify to the truth and accuracy of the data submitted. Records of operating conditions and analytical data must be compiled, summarized and maintained onsite for a minimum of 3 years and must be furnished upon request by any employee or representative of the Department, and made available for inspection in accordance with Federal and State regulation.

Management and storage of the sludge material prior to sample verification at both MAX Bulger and MAX Yukon would continue to be as a hazardous waste as outlined in Chapter 261a Appendix IXa, Table 1a(2)(iii) regarding management of sludge pending verification analyses. Upon meeting the conditions of the verification testing, the sludge would be excluded from the hazardous waste regulations and would then be managed as a residual waste under the Department's Residual Waste Regulations in Article IX (relating to residual waste management).

*Chapter 261a Appendix IXa, Table 1a(3)—changes in operating conditions*

As described in Chapter 261a Appendix IXa, Table 1a(3) regarding changes in operating conditions, should MAX significantly change their treatment process compared to what is described in the Delisting Petitions, the treatment sludge generated from the new process would not be eligible to be managed under this exclusion until:

1. MAX demonstrates that the new waste meets the delisting levels in paragraph (1);
2. MAX demonstrates that no new hazardous constituents listed in Appendix VIII of 40 CFR Part 261 have been introduced into the treatment process; and
3. MAX obtains written approval from the Department to manage the waste under this exclusion.

This is a mechanism by which the Department can assure the conditions of the delisting are maintained to properly manage the wastes from MAX Bulger and MAX Yukon.

*Chapter 261a Appendix IXa, Table 1a(4)—reopener*

Chapter 261a Appendix IXa, Table 1a(4), regarding reopener, allows for the possibility that MAX may discover that a condition at MAX Bulger or MAX Yukon or an assumption related to the disposal of the excluded waste that was modeled or predicted in the Delisting Petitions does not occur as modeled or predicted. If this occurs, then MAX must report any information relevant to that condition, in writing, to the Department within 10 days of the discovery of that condition. Subsequently, upon receiving information described in subparagraph (i) of this section, regardless of its source, the Department will determine whether the reported condition requires further action. Further action may include repealing the exclusion, modifying the exclusion, or another appropriate response necessary to protect human health and the environment. Again, this is a mechanism by which the Department can assure the conditions of the delisting are maintained to properly manage the wastes from MAX Bulger and MAX Yukon.

*F. Benefits, Costs and Compliance*

*Benefits*

This proposed rulemaking establishes a maximum volume of wastewater treatment sludge filter cake generated at the MAX Bulger and Yukon facilities that may be delisted on an annual basis. Under the terms of the delisting language, MAX may dispose of the filter cake in a permitted Subtitle D landfill after performing certain verification testing that confirms it does not exhibit any hazardous waste characteristics. The application of this proposed rulemaking would provide a cost-effective and environmentally responsible method of disposal for this now non-hazardous waste. Based on the current costs incurred by MAX to properly dispose of the filter cake, the company will save over \$850,000 annually for the MAX Bulger facility waste and over \$100,000 annually for the MAX Yukon facility waste in disposal, transportation and laboratory costs as a result of this delisting amendment.

*Compliance cost*

MAX will be required to comply with the conditions in the delisting regulation, including testing and recordkeeping requirements. However, the delisting of the filter cake should result in an overall reduced waste management cost for the MAX facilities, which would otherwise send the filter cake it generates to a Subtitle C landfill. Combined, MAX estimates that financial savings for both the MAX Bulger and MAX Yukon facilities would approach \$950,000 annually.

*Compliance assistance plan*

This proposed rulemaking should not require educational, technical or compliance assistance efforts. The Department has and will continue to provide manuals, instructions, forms and web site information consistent with the final-form rulemaking. If assistance is required, the Department's regional and central office staff will provide the necessary information and guidance.

*Paperwork requirements*

This proposed rulemaking does not create new paperwork requirements for MAX. MAX will continue to be required to conduct post-exclusion testing and recordkeeping to demonstrate compliance with the conditions of the proposed regulation.

*G. Pollution Prevention*

This proposed rulemaking will not impact pollution prevention efforts of the Department. This proposed rulemaking represents a conditional exclusion, meaning that there will be post-exclusion testing requirements that must be met by the petitioner prior to waste disposal. The sludge material would continue to be managed as a hazardous waste prior to sample verification. Only after sample verification confirms the sludge filter cake does not exhibit any hazardous waste characteristics could it be managed as non-hazardous waste. This sludge would then be managed under Department's Residual Waste regulations.

*H. Sunset Review*

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

*I. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on December 14, 2021, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

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

*J. Public Comments*

Interested persons are invited to submit to the Board written comments, suggestions, support or objections regarding this proposed rulemaking. Comments, suggestions, support or objections must be received by the Board by February 22, 2022.

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

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

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

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

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

*K. Public Hearings*

The Board will hold three virtual public hearings for the purpose of accepting comments on this proposed rulemaking. The hearings will be held at 6 p.m. on January 19, 2022, January 20, 2022, and January 26, 2022.

Persons wishing to present testimony at a hearing must contact Jennifer Swan for the Department and the Board, (717) 783-8727 or [RA-EPEQB@pa.gov](mailto:RA-EPEQB@pa.gov), by January 18, 2022, to reserve a time to present testimony. Language interpretation services are available upon request. Persons in need of language interpretation services must contact Jennifer Swan by 5 p.m. on January 14, 2022.

Witnesses may provide testimony by means of telephone or Internet connection. Verbal testimony is limited to 5 minutes for each witness. Organizations are limited to designating one witness to present testimony on their behalf at a hearing. Video demonstrations and screen sharing by witnesses will not be permitted.

Witnesses are requested to submit written copy of their verbal testimony by e-mail to [RegComments@pa.gov](mailto:RegComments@pa.gov) after providing testimony at a hearing.

Information on how to access the hearings will be available on the Board's webpage found through the Public Participation tab on the Department's web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Environmental Quality Board"). Prior to a hearing, individuals are encouraged to visit the Board's webpage for the most current information for accessing the hearing.

Members of the public wishing to observe a public hearing without providing testimony are also directed to access the Board's webpage. Those who have not registered with Jennifer Swan in advance as described previously will remain muted for the duration of the public hearing.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Board at (717) 787-4526 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice users) to discuss how the Board may accommodate their needs.

PATRICK McDONNELL,  
*Chairperson*

**Fiscal Note:** 7-566. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**

**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart D. ENVIRONMENTAL HEALTH AND SAFETY**

**ARTICLE VII. HAZARDOUS WASTE MANAGEMENT**

**CHAPTER 261a. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE**

**Subchapter D. LISTS OF HAZARDOUS WASTES**

**APPENDIX IXa. WASTES EXCLUDED UNDER 25 PA. CODE § 260a.20 AND 40 CFR 260.20 AND 260.22**

**Table 1a. Wastes Excluded from Nonspecific Sources**

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

<i>Facility</i>	<i>Address</i>	<i>Waste Description</i>
		* * * * *

Facility	Address	Waste Description																		
MAX Environmental Technologies, Inc. Bulger Facility	200 MAX Drive Bulger, PA 15109	<p>Wastewater treatment sludge from former landfill operations (EPA Hazardous Waste No. F039), generated at an estimated annual rate of 600 cubic yards, after _____ (<i>Editor's Note: The blank refers to the effective date of this proposed rulemaking, when published as a final-form rulemaking</i>), and disposed in the MAX Yukon Landfill or other Subtitle D landfill permitted in this Commonwealth. The exclusion covers the filter cake resulting from the treatment of hazardous waste leachate derived from the MAX Environmental Technologies, Inc. Bulger facility (MAX or MAX Bulger). MAX shall meet the following conditions for the exclusion to be valid:</p> <p>(1) <i>Delisting Levels:</i> All leachable concentrations for the following constituents measured using the SW-846 Method 1311 (the TCLP) must be below the following levels (mg/L):</p> <table border="1" data-bbox="548 558 1502 961"> <thead> <tr> <th data-bbox="548 558 867 625">Constituent</th> <th data-bbox="867 558 1502 625">Maximum Allowable: Leachate Concentration<sup>(1)</sup></th> </tr> </thead> <tbody> <tr> <td data-bbox="548 625 867 672">Arsenic</td> <td data-bbox="867 625 1502 672">0.30</td> </tr> <tr> <td data-bbox="548 672 867 718">Barium</td> <td data-bbox="867 672 1502 718">100</td> </tr> <tr> <td data-bbox="548 718 867 764">Cadmium</td> <td data-bbox="867 718 1502 764">1.0</td> </tr> <tr> <td data-bbox="548 764 867 810">Chromium</td> <td data-bbox="867 764 1502 810">5.0</td> </tr> <tr> <td data-bbox="548 810 867 856">Lead</td> <td data-bbox="867 810 1502 856">5.0</td> </tr> <tr> <td data-bbox="548 856 867 903">Mercury</td> <td data-bbox="867 856 1502 903">0.2</td> </tr> <tr> <td data-bbox="548 903 867 949">Selenium</td> <td data-bbox="867 903 1502 949">1.0</td> </tr> <tr> <td data-bbox="548 949 867 995">Silver</td> <td data-bbox="867 949 1502 995">5.0</td> </tr> </tbody> </table> <p><sup>1</sup>. <i>The delisting levels are based on precedent for delisted PA F039 waste (arsenic), and Toxicity Criteria per 40 CFR 261.24.</i></p> <p>(2) <i>Verification Testing Schedule:</i> MAX Environmental shall collect and analyze representative samples of the treatment sludge at a frequency of one sample per every 20 cubic yards of material to be shipped, using SW-846 Method 1311 with appropriate detection levels and quality control procedures. Shipments shall not exceed 150 cubic yards per 3-month period.</p> <p>(i) <i>Sample Collection:</i> Representative samples of the waste shall be collected. Composite samples shall be collected at a rate of one composite per every 20 cubic yards and shall be generated from four grab samples (one grab sample from each quadrant of the vessel). Sampling shall be completed in accordance with the approved Sampling and Analysis Plan (dated October 2017) used for the purposes of this delisting petition. Each sample collection event shall include all necessary QA/QC samples and a duplicate.</p> <p>(ii) <i>Sample Analysis:</i> Each composite sample shall be analyzed for all of the constituents listed in paragraph (1). If the level of any constituent measured in the sample of the sludge equals or exceeds the levels set forth in paragraph (1), then the waste is hazardous and shall be managed in accordance with Subtitle C of RCRA. The analytical data shall be submitted to the Department of Environmental Protection, Southwest Regional Office, Waste Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222. All data shall be accompanied by a signed copy of the statement set forth in 40 CFR 260.22(i)(12) to certify to the truth and accuracy of the data submitted. Records of operating conditions and analytical data shall be compiled, summarized, and maintained onsite for a minimum of 3 years and shall be furnished upon request by any employee or representative of the Department, and made available for inspection.</p> <p>(iii) <i>Management of Sludge Pending Verification Analyses:</i> The treated, dewatered sludge shall be stored and managed as hazardous until the verification analyses are completed. This includes storage in containers that are to remain covered, except when sludge is being added or removed.</p> <p>(3) <i>Changes in Operating Conditions:</i> If MAX significantly changes the treatment process described in the petition, the treatment sludge generated from the new process may not be managed under this exclusion until it has met the following conditions: (i) MAX shall demonstrate that the new waste meets the delisting levels set forth in paragraph (1); (ii) MAX shall demonstrate that no new hazardous</p>	Constituent	Maximum Allowable: Leachate Concentration <sup>(1)</sup>	Arsenic	0.30	Barium	100	Cadmium	1.0	Chromium	5.0	Lead	5.0	Mercury	0.2	Selenium	1.0	Silver	5.0
Constituent	Maximum Allowable: Leachate Concentration <sup>(1)</sup>																			
Arsenic	0.30																			
Barium	100																			
Cadmium	1.0																			
Chromium	5.0																			
Lead	5.0																			
Mercury	0.2																			
Selenium	1.0																			
Silver	5.0																			

PROPOSED RULEMAKING

Facility	Address	Waste Description																		
		<p>constituents listed in Appendix VIII of 40 CFR Part 261 have been introduced into the treatment process; (iii) MAX shall obtain written approval from the Department to manage the waste under this exclusion.</p> <p>(4) <i>Reopener:</i></p> <p>(i) If MAX discovers that a condition at the facility or an assumption related to the disposal of the excluded waste that was modeled or predicted in the petition does not occur as modeled or predicted, then MAX shall report any information relevant to that condition, in writing, to the Regional Director of the Department of Environmental Protection Southwest Region within 10 days of the discovery of that condition.</p> <p>(ii) Upon receiving information described in subparagraph (i) of this section, regardless of its source, the Department shall determine whether the reported condition requires further action. Further action may include repealing the exclusion, modifying the exclusion, or other appropriate response necessary to protect human health and the environment.</p>																		
<p>MAX Environmental Technologies, Inc. Yukon Facility</p>	<p>233 MAX Lane Yukon, PA 15698</p>	<p>Wastewater treatment sludge from former landfill operations (EPA Hazardous Waste No. F039), generated at an estimated annual rate of 80 cubic yards, after _____ (<i>Editor's Note:</i> The blank refers to the effective date of this proposed rulemaking, when published as a final-form rulemaking), and disposed in the MAX Yukon Landfill or other Subtitle D landfill permitted in this Commonwealth. The exclusion covers the filter cake resulting from the treatment of hazardous waste leachate derived from the MAX Environmental Technologies, Inc. Yukon facility (MAX or MAX Yukon). MAX shall meet the following conditions for the exclusion to be valid:</p> <p>(1) <i>Delisting Levels:</i> All leachable concentrations for the following constituents measured using the SW-846 Method 1311 (the TCLP) must be below the following levels (mg/L):</p> <table border="1" data-bbox="548 976 1502 1375"> <thead> <tr> <th data-bbox="548 976 868 1039"><i>Constituent</i></th> <th data-bbox="868 976 1502 1039"><i>Maximum Allowable: Leachate Concentration<sup>(1)</sup></i></th> </tr> </thead> <tbody> <tr> <td data-bbox="548 1039 868 1081">Arsenic</td> <td data-bbox="868 1039 1502 1081">0.30</td> </tr> <tr> <td data-bbox="548 1081 868 1123">Barium</td> <td data-bbox="868 1081 1502 1123">100</td> </tr> <tr> <td data-bbox="548 1123 868 1165">Cadmium</td> <td data-bbox="868 1123 1502 1165">1.0</td> </tr> <tr> <td data-bbox="548 1165 868 1207">Chromium</td> <td data-bbox="868 1165 1502 1207">5.0</td> </tr> <tr> <td data-bbox="548 1207 868 1249">Lead</td> <td data-bbox="868 1207 1502 1249">5.0</td> </tr> <tr> <td data-bbox="548 1249 868 1291">Mercury</td> <td data-bbox="868 1249 1502 1291">0.2</td> </tr> <tr> <td data-bbox="548 1291 868 1333">Selenium</td> <td data-bbox="868 1291 1502 1333">1.0</td> </tr> <tr> <td data-bbox="548 1333 868 1375">Silver</td> <td data-bbox="868 1333 1502 1375">5.0</td> </tr> </tbody> </table> <p><sup>1</sup> <i>The delisting levels are based on precedent for delisted PA F039 waste (arsenic), and Toxicity Criteria per 40 CFR 261.24.</i></p> <p>(2) <i>Verification Testing Schedule:</i> MAX Environmental shall collect and analyze representative samples of the treatment sludge at a frequency of one sample per every 20 cubic yards of material to be disposed/shipped, using SW-846 Method 1311 with appropriate detection levels and quality control procedures. Shipments shall not exceed 20 cubic yards per 3-month period.</p> <p>(i) <i>Sample Collection:</i> Representative samples of the waste shall be collected. Composite samples shall be collected at a rate of one composite per every 20 cubic yards and shall be generated from four grab samples (one grab sample from each quadrant of the vessel). Sampling shall be completed in accordance with the approved Sampling and Analysis Plan (dated October 2017) used for the purposes of this delisting petition. Each sample collection event shall include all necessary QA/QC samples and a duplicate.</p> <p>(ii) <i>Sample Analysis:</i> Each composite sample shall be analyzed for all of the constituents listed in paragraph (1). If the level of any constituent measured in the sample of the sludge equals or exceeds the levels set forth in paragraph (1), then the waste is hazardous and shall be managed in accordance with Subtitle C of RCRA. The analytical data shall be submitted to the Department of Environmental Protection, Southwest Regional Office, Waste Management Program, 400 Water-</p>	<i>Constituent</i>	<i>Maximum Allowable: Leachate Concentration<sup>(1)</sup></i>	Arsenic	0.30	Barium	100	Cadmium	1.0	Chromium	5.0	Lead	5.0	Mercury	0.2	Selenium	1.0	Silver	5.0
<i>Constituent</i>	<i>Maximum Allowable: Leachate Concentration<sup>(1)</sup></i>																			
Arsenic	0.30																			
Barium	100																			
Cadmium	1.0																			
Chromium	5.0																			
Lead	5.0																			
Mercury	0.2																			
Selenium	1.0																			
Silver	5.0																			

<i>Facility</i>	<i>Address</i>	<i>Waste Description</i>
		<p>front Drive, Pittsburgh, PA 15222. All data shall be accompanied by a signed copy of the statement set forth in 40 CFR 260.22(i)(12) to certify to the truth and accuracy of the data submitted. Records of operating conditions and analytical data shall be compiled, summarized, and maintained onsite for a minimum of 3 years and shall be furnished upon request by any employee or representative of the Department, and made available for inspection.</p> <p>(iii) <i>Management of Sludge Pending Verification Analyses:</i> The treated, dewatered sludge shall be stored and managed as hazardous until the verification analyses are completed. This includes storage in containers that are to remain covered, except when sludge is being added or removed.</p> <p>(3) <i>Changes in Operating Conditions:</i> If MAX significantly changes the treatment process described in the petition, the treatment sludge generated from the new process may not be managed under this exclusion until it has met the following conditions: (i) MAX shall demonstrate that the new waste meets the delisting levels set forth in paragraph (1); (ii) MAX shall demonstrate that no new hazardous constituents listed in Appendix VIII of 40 CFR Part 261 have been introduced into the treatment process; (iii) MAX shall obtain written approval from the Department to manage the waste under this exclusion.</p> <p>(4) <i>Reopener:</i></p> <p>(i) If MAX discovers that a condition at the facility or an assumption related to the disposal of the excluded waste that was modeled or predicted in the petition does not occur as modeled or predicted, then MAX shall report any information relevant to that condition, in writing, to the Regional Director of the Department of Environmental Protection Southwest Region within 10 days of the discovery of that condition.</p> <p>(ii) Upon receiving information described in subparagraph (i) of this section, regardless of its source, the Department will determine whether the reported condition requires further action. Further action may include repealing the exclusion, modifying the exclusion, or other appropriate response necessary to protect human health and the environment.</p>

[Pa.B. Doc. No. 22-52. Filed for public inspection January 7, 2022, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Controlled Plant and Noxious Weed Committee Virtual Public Meeting

The Department of Agriculture (Department) announces a virtual public meeting of the Controlled Plant and Noxious Weed Committee (Committee), established by 3 Pa.C.S. § 1511 (relating to designation of noxious weeds and controlled plants). The virtual public meeting will be held at 1 p.m. on January 20, 2022, by means of Microsoft Teams. The call in number is (267) 332-8737. The conference ID is 720113888#.

The purpose of the virtual public meeting is to consider the addition of three plants to the noxious weed list. If time permits, these three plants will be considered at this meeting:

- Glossy buckthorn (*Frangula alnus* (Synonym: *Rhamnus frangula*) (Class B)
- Common buckthorn (*Rhamnus cathartica*) (Class B)
- Raveanna grass (*Tripidium ravennae*) (Synonym: *Saccharum ravennae*) (Class A)

Public comment will be accepted either in person at the meeting or in writing prior to the meeting. Written comments may be sent to RA-plant@pa.gov or to the Department of Agriculture, Bureau of Plant Industry Noxious Weed Program, 2301 North Cameron Street, Harrisburg, PA 17110. Written comments must be received by January 19, 2022, to be considered. Written comments will become a part of the record, with the same force as if presented during the virtual public meeting.

The virtual public meeting agenda related to this consideration is as follows: presentation of background information on plants for consideration; public comment period; Committee discussion; and Committee action on plants under consideration.

Individuals with questions regarding this virtual public meeting should contact the Department at (717) 787-4843.

RUSSELL C. REDDING,  
Secretary

[Pa.B. Doc. No. 22-53. Filed for public inspection January 7, 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 December 28, 2021.

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

#### BANKING INSTITUTIONS

##### Branch Applications

###### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-21-2021	Farmers and Merchants Trust Co. of Chambersburg Chambersburg Franklin County	83 West Washington Street Hagerstown Washington County, MD	Filed

###### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-21-2021	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	Filed

###### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-17-2021	West View Savings Bank Pittsburgh Allegheny County	572 Lincoln Avenue Pittsburgh Allegheny County	Closed



## CREDIT UNIONS

No activity.

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

RICHARD VAGUE,  
Secretary

[Pa.B. Doc. No. 22-54. Filed for public inspection January 7, 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](http://www.dep.pa.gov) and select Businesses, Water, Bureau of Clean Water, Wastewater Management, and NPDES and WQM Permitting Programs).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0117806	Joint DEP/PFBC Pesticides Permit	Renewal	Hoffman Homes, Inc. 815 Orphanage Road Littlestown, PA 17340-9329	Mount Joy Township Adams County	SCRO
0614801	Joint DEP/PFBC Pesticides Permit	Renewal	High Point Camp P.O. Box 188 Geigertown, PA 19523-0188	Robeson Township Berks County	SCRO
0814801	Joint DEP/PFBC Pesticides Permit	New	Calumet Enterprises 2205 Old Philadelphia Pike Lancaster, PA 17602-3400	Overton Township Bradford County	NCRO
0821802	Joint DEP/PFBC Pesticides Permit	New	Johnson Kevin A 333 Harrison Road Rome, PA 18837-8111	Stevens Township Bradford County	NCRO
2121805	Joint DEP/PFBC Pesticides Permit	New	Doubling Gap Center, Inc. 1550 Doubling Gap Road Newville, PA 17241-9758	Lower Mifflin Township Cumberland County	SCRO
2217802	Joint DEP/PFBC Pesticides Permit	Renewal	Bouslough Craig 1281 Waltonville Road Hummelstown, PA 17036-8910	Derry Township Dauphin County	SCRO

## NOTICES

247

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
2217803	Joint DEP/PFBC Pesticides Permit	Renewal	Jones Emelyn 27 Shetland Drive Hummelstown, PA 17036-9238	West Hanover Township Dauphin County	SCRO
2817802	Joint DEP/PFBC Pesticides Permit	Renewal	Fisher Jay 13278 Cumberland Highway Orrstown, PA 17244-9627	Letterkenny Township Franklin County	SCRO
3817802	Joint DEP/PFBC Pesticides Permit	Renewal	Boyer Joe 409 Awol Road Jonestown, PA 17038	Union Township Lebanon County	SCRO
2112404	Major Sewage Treatment Facility Individual WQM Permit	Amendment	Lemoyne Borough Municipal Authority Cumberland County 3 Lowther Street Lemoyne, PA 17043-2029	Lemoyne Borough Cumberland County	SCRO
3521403	Major Sewage Treatment Facility Individual WQM Permit	New	PA American Water Co. 2699 Stafford Avenue Scranton, PA 18505-3608	Scranton City Lackawanna County	NERO
PA0032026	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Transfer	Family Affair Campground, LLC 1135 Tamarack Road Waterford, PA 16441	North East Township Erie County	NWRO
PA0216666	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Amendment Minor	Iron Cumberland, LLC P.O. Box 1020 855 Kirby Road Waynesburg, PA 15370-3020	Whiteley Township Greene County	SWRO
3016200	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Transfer	Iron Cumberland, LLC P.O. Box 1020 855 Kirby Road Waynesburg, PA 15370-3020	Monongahela Township Greene County	SWRO
2110401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	Silver Spring Country Estates 9450 SW Gemini Drive # 65221 Beaverton, OR 97008-7105	Silver Spring Township Cumberland County	SCRO
2595408	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Transfer	Family Affair Campground, LLC 1135 Tamarack Road Waterford, PA 16441	North East Township Erie County	NWRO
3075402	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Transfer	Iron Cumberland, LLC P.O. Box 1020 855 Kirby Road Waynesburg, PA 15370-3020	Whiteley Township Greene County	SWRO
6613401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Transfer	Scranton Hospital Co., LLC 746 Jefferson Avenue Scranton, PA 18510-1624	Tunkhannock Township Wyoming County	NERO
NOEXNW218	No Exposure Certification	New	Old Dominion Freight Line, Inc. 500 Old Dominion Way Thomasville, NC 27360-8923	Erie City Erie County	NWRO
NOEXSC295	No Exposure Certification	Renewal	Johnson & Johnson Consumer, Inc. 1838 Colonial Village Lane Lancaster, PA 17601-6700	East Lampeter Township Lancaster County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
NOEXSC365	No Exposure Certification	Transfer	GXO Logistics Supply Chain, Inc. 6111 Grayson Road Harrisburg, PA 17111-3385	Swatara Township Dauphin County	SCRO
NOEXSW006	No Exposure Certification	Renewal	USPS Warrendale 300 Brush Creek Road Warrendale, PA 15086-1002	Marshall Township Allegheny County	SWRO
PAG033540	PAG-03 NPDES General Permit for Industrial Stormwater	Amendment	Knouse Foods Cooperative, Inc. P.O. Box 807 Biglerville, PA 17307-0807	Tyrone Township Adams County	SCRO
PAR606195	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	AMG Resources Corp 2 Robinson Plaza Pittsburgh, PA 15205-1017	Donegal Township Washington County	SWRO
PAG049593	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Amy & Neal Chase 751 Saxonburg Road Butler, PA 16002-0961	Jefferson Township Butler County	NWRO
0921409	Pump Stations Individual WQM Permit	New	Bucks County Water & Sewer Authority 1275 Almshouse Road Warrington, PA 18976-1209	Doylestown Township Bucks County	SERO
6703403	Sewer Extensions Individual WQM Permit	Transfer	The York Water Co. 2412 Baltimore Pike Hanover, PA 17331-9612	West Manheim Township York County	SCRO
6703406	Sewer Extensions Individual WQM Permit	Transfer	The York Water Co. 2412 Baltimore Pike Hanover, PA 17331-9612	West Manheim Township York County	SCRO
6708406	Sewer Extensions Individual WQM Permit	Transfer	The York Water Co. 2412 Baltimore Pike Hanover, PA 17331-9612	West Manheim Township York County	SCRO
6798407	Sewer Extensions Individual WQM Permit	Transfer	The York Water Co. 2412 Baltimore Pike Hanover, PA 17331-9612	West Manheim Township York County	SCRO
6798409	Sewer Extensions Individual WQM Permit	Transfer	The York Water Co. 2412 Baltimore Pike Hanover, PA 17331-9612	West Manheim Township York County	SCRO
PA0062901	Single Residence STP Individual NPDES Permit	Transfer	Felts Derek 7280 Borman Road New Tripoli, PA 18066-4316	Lynn Township Lehigh County	NERO
PA0281760	Single Residence STP Individual NPDES Permit	Transfer	Fuller Patricia Ann 175 Hakes Hollow Road Wrightsville, PA 17368-8907	Lower Windsor Township York County	SCRO
0218400	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Paul And Kaylee Haggerty 108 Almond Way Sewickley, PA 15143	Bell Acres Borough Allegheny County	SWRO
2516411	Single Residence Sewage Treatment Plant Individual WQM Permit	Amendment	John & Paula Patton 4261 Harborgreene Road Erie, PA 16510	Greene Township Erie County	NWRO
2521433	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Blasco Garrett 10721 Old Rte 99 McKean, PA 16426	Washington Township Erie County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
2521436	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Andrew & Heather Zuber 544 Rankine Avenue Erie, PA 16511-2047	Franklin Township Erie County	NWRO
6521406	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Hart Brian 3104 Lillian Avenue Murrysville, PA 15668-1905	Murrysville Borough Westmoreland County	SWRO
6719406	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Fuller Patricia Ann 175 Hakes Hollow Road Wrightsville, PA 17368-8907	Lower Windsor Township York County	SCRO
3994403	Small Flow Treatment Facility Individual WQM Permit	Transfer	Felts Derek 7280 Borman Road New Tripoli, PA 18066-4316	Lynn Township Lehigh County	NERO
WQG018761	WQG-01 WQM General Permit	Transfer	Amy & Neal Chase 751 Saxonburg Road Butler, PA 16002-0961	Jefferson Township Butler County	NWRO
0621203	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	New	M & G Realty, Inc. 2100 N. George St. York, PA 17404	Maxatawny Township Berks County	SCRO

## 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

**PA0209368**, Sewage, SIC Code 4952, **Benton Foundry, Inc.**, 5297 State Route 487, Benton, PA 17814-7641. Facility Name: Benton Foundry. This existing facility is located in Sugarloaf Township, **Columbia 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), Coles Creek (CWF, MF), Unnamed Tributary to Coles Creek (CWF, MF), and Coles Creek (CWF), is located in State Water Plan watershed 5-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 .01 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Report	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (CFU/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	Report	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report Avg Mo	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report Avg Mo	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Avg Mo	XXX	XXX

The proposed effluent limits for Outfall 002 and 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 Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total Other Stormwater	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Copper, Total Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total Other Stormwater	XXX	XXX	XXX	Report Daily Max	XXX	XXX

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

The EPA Waiver is in effect.

*Northeast Regional Office*

**PA0276472**, Storm Water, SIC Code 3629, **Myers Emergency Power Systems**, 44 South Commerce Way, Bethlehem, PA 18017-8915. Facility Name: Myers Emergency Power Systems. This proposed facility is located in Hanover Township, **Northampton County**.

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

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

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

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

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

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

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

The EPA Waiver is in effect.

**PA0026476**, Sewage, SIC Code 4952, **Coaldale-Lansford-Summit Hill Sewer Authority**, 124 West Ridge Street, Lansford, PA 18232-1310. Facility Name: Coaldale Lansford Summit Hill Sewer Authority. This existing facility is located in Coaldale Borough, **Schuylkill 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), Panther Creek (CWF), Nesquehoning Creek (CWF, MF), and Unnamed Tributary to Panther Creek (CWF, MF), is located in State Water Plan watershed 3-A and 2-B and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.65 MGD.—Limits.

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

<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>	
Dissolved Oxygen	XXX	XXX	5.0 Inst Min XXX	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	340	550	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD <sub>5</sub> ) Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	410	620	XXX	30.0	45.0	60
Total Suspended Solids Raw Sewage Influent	XXX	XXX	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	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.65 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Dissolved Solids	XXX	XXX	XXX	1,000.0 Avg Qrtly	XXX	2000
Aluminum, Total (ug/L)	XXX	XXX	XXX	Report	XXX	XXX
Copper, Total (ug/L)	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Iron, Total (ug/L)	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Lead, Total (ug/L)	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Manganese, Total (ug/L)	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Silver, Total (ug/L)	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Zinc, Total (ug/L)	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.65 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Ammonia-Nitrogen	XXX	XXX	XXX	20.0	30.0 Wkly Avg	40

The proposed effluent limits for Outfall 001 are based on a design flow of 1.65 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.11	XXX	0.25
Ammonia-Nitrogen Oct 1 - May 31	XXX	XXX	XXX	9.18	18.36 Wkly Avg	27.54
Jun 1 - Sep 30	XXX	XXX	XXX	3.06	4.6 Wkly Avg	6.12

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

- Combined Sewer Overflows
- Solids Management
- Whole Effluent Toxicity (WET) Testing

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

The EPA Waiver is not in effect.

**PA0035009**, Sewage, SIC Code 4952, 8211, **Lake Lehman School District**, P.O. Box 38, 1237 Market Street, Lehman, PA 18627-0038. Facility Name: Lake Lehman High School. This existing facility is located in Lehman Township, **Luzerne County**.

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

The receiving stream(s), Unnamed Tributary to East Fork Harveys Creek (CWF, MF), is located in State Water Plan watershed 5-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 0.018 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum Daily	
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
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.1
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	7.5	XXX	15.0
May 1 - Oct 31	XXX	XXX	XXX	2.5	XXX	5.0
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

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*

**PA0103250**, Industrial, SIC Code 3321, **Urick Foundry Company, Inc.**, 1501 Cherry Street, Erie, PA 16502-1732. Facility Name: Urick Foundry. This existing facility is located in Erie City, **Erie 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, an Unnamed Tributary to the Presque Isle Bay (WWF), is located in State Water Plan watershed 15-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0 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
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 101 are based on a design flow of 0.0 MGD.—Limits.

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



The proposed effluent limits for Outfall 102 are based on a design flow of 0.0 MGD.—Limits.

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

The proposed effluent limits for Outfall 103 are based on a design flow of 0.0 MGD.—Limits.

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

The proposed effluent limits for Outfall 002 are based on a design flow of 0.0 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 201 are based on a design flow of 0.0 MGD.—Limits.

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

The proposed effluent limits for Outfall 202 are based on a design flow of 0.0 MGD.—Limits.

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

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>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 0.0 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 005 are based on a design flow of 0.0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>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 006 are based on a design flow of 0.0 MGD.—Limits.

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

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

- Chemical Additives
- Requirements Applicable to Stormwater Outfalls

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

The EPA Waiver is in effect.

**PA0021792**, Sewage, SIC Code 4952, **Edinboro Borough Municipal Authority, Erie County**, 124 Meadville Street, Edinboro, PA 16412-2502. Facility Name: Edinboro Borough Municipal Authority STP. This existing facility is located in Edinboro Borough, **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(s), Conneauttee Creek (TSF), Darrows Creek (WWF), and Unnamed Tributary to Conneauttee Creek (WWF), is located in State Water Plan watershed 16-A and is classified for Warm Water Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.8 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.24	XXX	0.8

The proposed effluent limits for Outfall 001 are based on a design flow of 1.8 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.090	XXX	0.29

The proposed effluent limits for Outfall 001 are based on a design flow of 1.8 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Wkly Avg XXX	6.0	XXX	9.0 Max	XXX
Dissolved Oxygen	XXX	XXX	4	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	150	225	XXX	10.0	15.0	20
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Wkly Avg Report	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	450	676	XXX	30	45	60
		Wkly Avg				
Fecal Coliform (CFU/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
				Geo Mean		
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	90	XXX	XXX	6	XXX	12
May 1 - Oct 31	30	XXX	XXX	2	XXX	4
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Cadmium, Total	Report	Report	XXX	Report	Report	XXX
					Daily Max	
Copper, Total	Report	Report	XXX	Report	Report	XXX
					Daily Max	
Iron, Dissolved	Report	Report	XXX	Report	Report	XXX
					Daily Max	
Zinc, Total	Report	Report	XXX	Report	Report	XXX
					Daily Max	

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

- Solids Management
- Whole Effluent Toxicity (WET) Testing
- Requirements Applicable to Stormwater Outfalls

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

The EPA Waiver is not in effect.

**PA0032913**, Sewage, SIC Code 6515, **Scenic MHP, LLC**, 24 Bogle Avenue, North Arlington, NJ 07031-4726. Facility Name: Scenic MHP. This existing facility is located at 156 Shenango Park Road, Transfer, PA 16154, located in Pymatuning Township, **Mercer County**.

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

The receiving stream(s), Brush 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 .02 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>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	Daily Min 4.0	XXX	XXX	XXX
			Daily Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.21	XXX	0.5
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
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 Geo Mean	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	6.6	XXX	13.2
May 1 - Oct 31	XXX	XXX	XXX	2.2	XXX	4.4
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	Avg Qrtly 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.

**PA0034959**, Sewage, SIC Code 7033, **Pinebloom Corp**, 308 Timberwolf Run, Knox, PA 16232-4072. Facility Name: Wolfs Camping Resort. This existing facility is located in Beaver Township, **Clarion County**.

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

The receiving stream(s), Unnamed Tributary 49382 to Canoe Creek (HQ-CWF), is located in State Water Plan watershed 17-B 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 .015 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Daily Min 4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)— Interim	XXX	XXX	Daily Min XXX	0.5	XXX	1.6
Total Residual Chlorine (TRC)— Final	XXX	XXX	XXX	0.4	XXX	1.5
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200 Geo Mean	XXX	1,000
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	25.0	XXX	50
May 1 - Oct 31	XXX	XXX	XXX	8.5	XXX	17
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.

**PA0102547**, Sewage, SIC Code 4952, 6515, **Oak Springs MHP, Inc.**, P.O. Box 1922, Cranberry Twp, PA 16066-0922. Facility Name: Oak Springs MHP. This existing facility is located in Cranberry Township, **Butler County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of .022 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Daily Min XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	Geo Mean XXX	XXX	Report
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	6.0	XXX	12
May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4

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.

**PA0210081**, Sewage, SIC Code 8800, **Kevin Mundy**, 16675 Stuart Road, Corry, PA 16407-8712. Facility Name: Kevin Mundy SRSTP. This existing facility is located in Wayne Township, **Erie County**.

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

The receiving stream(s), Unnamed Tributary to Hubbel Run (HQ-WWF), is located in State Water Plan watershed 16-A 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 .0005 MGD.—Limits.

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

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

The EPA Waiver is in effect.

**PA0238571**, Sewage, SIC Code 4952, 6515, **Jones Estates Pinehurst Manor PA, LLC**, P.O. Box 14466, Durham, NC 27709-4466. Facility Name: Pinehurst Manor MHP. This existing facility is located in Center Township, **Butler County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage. Ownership is being transferred from Rhett Walls to the Jones Estates Pinehurst Manor PA, LLC.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.014 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	Inst Min XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	Geo Mean XXX	XXX	Report
Ultraviolet light intensity (µw/cm <sup>2</sup> )	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	4.5	XXX	9
May 1 - Oct 31	XXX	XXX	XXX	1.5	XXX	3
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4
Aluminum, Total	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Annl Avg Report	XXX	XXX
Manganese, Total	XXX	XXX	XXX	Annl Avg 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.

*Southcentral Regional Office*

**PA0044628**, Industrial, SIC Code 4911, **York Haven Power Co., LLC**, P.O. Box 67, York Haven, PA 17370-0067. Facility Name: York Haven Hydroelectric Power Station. This existing facility is located in York Haven Borough, **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 Susquehanna River (WWF), is located in State Water Plan watershed 7-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 101 are based on a design flow of 0.259 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	XXX	9.0
Temperature (deg F) (°F)	XXX	XXX	Inst Min XXX	XXX	Report Daily Max	XXX

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

The EPA Waiver is in effect.

**PA0085812**, Industrial, SIC Code 4941, **Altoona Water Authority**, 900 Chestnut Avenue, Altoona, PA 16601-4617. Facility Name: Altoona City Water System. This existing facility is located in Tyrone Township, **Blair 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), Kettle Creek (CWF, EV, EV (existing use)), is located in State Water Plan watershed 11-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 .12 MGD.—Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of .12 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Semi-Annual Average</i>	<i>Daily Maximum</i>		<i>Semi-Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Avg Mo	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	9.0 Daily Max	XXX

The proposed effluent limits for Outfall 101 are based on a design flow of <0.12 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Semi-Annual Average</i>	<i>Daily Maximum</i>		<i>Semi-Annual Average</i>	<i>Daily Maximum</i>	
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Copper, Total	Report	Report	XXX	Report	XXX	XXX
Mercury, Total	Report	Report	XXX	Report	XXX	XXX
Silver, Total	Report	Report	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 101 are based on a design flow of <0.12 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Semi-Annual Average</i>	<i>Daily Maximum</i>		<i>Semi-Annual Average</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report Avg Mo	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30 Avg Mo	60	75
Aluminum, Total	1.0 Avg Mo	2.0	XXX	1.0 Avg Mo	2.0	2.5
Iron, Total	2.0 Avg Mo	Report	XXX	2.0 Avg Mo	4.0	5
Manganese, Total	1.0 Avg Mo	Report	XXX	1.0 Avg Mo	2.0	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.

**PA0262072**, Industrial, SIC Code 2033, **Knouse Foods Cooperative, Inc.**, 800 Peach Glen Idaville Road, Peach Glen, PA 17375-0001. Facility Name: Knouse Foods Peach Glen Fruit Proc Facility. This existing facility is located in Huntington Township, **Adams 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 Bermudian Creek (WWF, MF), is located in State Water Plan watershed 7-F and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.217 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>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	5.0	XXX	XXX	XXX
Color (Pt-Co Units) (Pt-Co Units)	XXX	XXX	XXX	91.0	182.0	228.0
BOD <sub>5</sub>	18.1	36.2	XXX	10.0	20.0	25.0
Total Suspended Solids	18.1	36.2	XXX	10.0	20.0	25.0
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	27.1	XXX	XXX	15.0	XXX	30.0
Ammonia-Nitrogen						
May 1 - Oct 31	3.6	7.2	XXX	2.0	4.0	5.0
Nov 1 - Apr 30	10.9	21.7	XXX	6.0	12.0	15.0
Total Nitrogen	21.7	43.4	XXX	12.0	24.0	30.0
Total Phosphorus	0.9	1.8	XXX	0.5	1.0	1.25
Aluminum, Total	1.053	1.643	XXX	0.582	0.908	1.455
Copper, Total (ug/L)	0.018	0.027	XXX	10.1	14.7	14.7
Iron, Dissolved	0.657	1.024	XXX	0.363	0.566	0.908
Iron, Total	3.285	5.125	XXX	1.815	2.832	4.538
Lead, Total (ug/L)	0.005	0.009	XXX	3.02	4.71	7.54
Manganese, Total	Report	Report	XXX	Report	Report	XXX
Selenium, Total (ug/L)	0.013	0.02	XXX	7.05	11.0	17.6
Zinc, Total	0.166	0.250	XXX	0.092	0.138	0.23

The proposed effluent limits for Outfall 001 are based on a design flow of 0.217 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>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Temperature (°F)	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.217 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Temperature (°F)						
Jan 1 - 31	XXX	XXX	XXX	43.3	XXX	XXX
Feb 1 - 28	XXX	XXX	XXX	42.4	XXX	XXX
Mar 1 - 31	XXX	XXX	XXX	50.8	XXX	XXX
Apr 1 - 15	XXX	XXX	XXX	55.8	XXX	XXX
Apr 16 - 30	XXX	XXX	XXX	56.9	XXX	XXX
May 1 - 15	XXX	XXX	XXX	58.1	XXX	XXX
May 16 - 31	XXX	XXX	XXX	62.1	XXX	XXX
Jun 1 - 15	XXX	XXX	XXX	65.3	XXX	XXX
Jun 16 - 30	XXX	XXX	XXX	69.3	XXX	XXX
Jul 1 - 31	XXX	XXX	XXX	72.7	XXX	XXX
Aug 1 - 15	XXX	XXX	XXX	71.6	XXX	XXX
Aug 16 - 31	XXX	XXX	XXX	71.6	XXX	XXX
Sep 1 - 15	XXX	XXX	XXX	67.5	XXX	XXX
Sep 16 - 30	XXX	XXX	XXX	61.5	XXX	XXX
Oct 1 - 15	XXX	XXX	XXX	56.5	XXX	XXX
Oct 16 - 31	XXX	XXX	XXX	52.5	XXX	XXX
Nov 1 - 15	XXX	XXX	XXX	47.7	XXX	XXX
Nov 16 - 30	XXX	XXX	XXX	43.3	XXX	XXX
Dec 1 - 31	XXX	XXX	XXX	45.0	XXX	XXX

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

<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>Annual</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen	Report	0	XXX	XXX	XXX	XXX
Net Total Phosphorus	Report	0	XXX	XXX	XXX	XXX



The proposed effluent limits for Outfall 002 are based on a design flow of 0.005 MGD.—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>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	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
E. Coli (No./100 ml)	XXX	XXX	XXX	Geo Mean Report	XXX	Report
Ultraviolet light transmittance (%)	XXX	XXX	Report	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	25.0	XXX	50.0
Nov 1 - Apr 30	XXX	XXX	XXX	Report	XXX	XXX

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 002.

<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>Annual</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen	Report	0	XXX	XXX	XXX	XXX
Net Total Phosphorus	Report	0	XXX	XXX	XXX	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Oxygen	XXX	XXX	XXX	XXX	Report	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Oxygen	XXX	XXX	XXX	XXX	Report	XXX
CBOD <sub>5</sub>	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 717-705-4732.

The EPA Waiver is in effect.

**PA0023108**, Sewage, SIC Code 4952, **Elizabethtown Borough, Lancaster County**, 600 S Hanover Street, Elizabethtown, PA 17022. Facility Name: Elizabethtown STP. This existing facility is located in Elizabethtown Borough, **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, Susquehanna River (WWF, MF), is located in State Water Plan watershed 7-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 4.5 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	938	1,407	XXX	25	37.5	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	1,126	1,689	XXX	30	45	60
Total Suspended Solids Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)		Daily Max				
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	Geo Mean XXX	XXX	Report
Total Nitrogen	300	XXX	XXX	8.0	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	37.5	XXX	XXX	1.0	XXX	3
Copper, Total	XXX	XXX	XXX	Report	XXX	XXX
Zinc, Total	XXX	XXX	XXX	Daily Max Report	XXX	XXX
				Daily Max		

<i>Parameters</i>	<i>Mass Units (lbs)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Average Monthly</i>	<i>Maximum</i>
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrite-Nitrate as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen	XXX	109,500 <sup>(1)</sup>	XXX	XXX	XXX
Net Total Phosphorus	XXX	13,688 <sup>(1)</sup>	XXX	XXX	XXX

The loading amounts of 82,191 lbs/year for Total Nitrogen and 10,959 lbs/year for Total Phosphorus shall be used for the purposes of determining eligibility to sell nutrient credits. Loadings less than these values may be sold as part of the nutrient trading process.

The receiving stream, Conoy Creek (TSF, MF), is located in State Water Plan watershed 7-G 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 002 are based on a design flow of 9 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.44	XXX	1.43
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	20	30	40
Total Suspended Solids	XXX	XXX	XXX	30	45	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
				Geo Mean		

<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>Weekly Average</i>	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	XXX	XXX	XXX	8.0	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	8.0	XXX	16
May 1 - Oct 31	XXX	XXX	XXX	5.0	XXX	10
Total Phosphorus	XXX	XXX	XXX	1.0	XXX	3

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.

**PA0028720**, Sewage, SIC Code 4581, **Berks County Region Airport Authority**, 2385 Bernville Road, Reading, PA 19605-9400. Facility Name: Reading Region Airport. This existing facility is located in Bern Township, **Berks 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), Schuylkill River (WWF, MF), Unnamed Tributary to Schuylkill River (WWF), and Unnamed Tributary of Tulpehocken Creek (WWF, MF), is located in State Water Plan watershed 3-C and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .42 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report 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 <sub>5</sub> )	87	140	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	105	157	XXX	30.0	45.0	60
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Dissolved Solids	Report	XXX	XXX	2,605.0	5,210.0 Daily Max	5210
Oil and Grease	52	XXX	XXX	15.0	XXX	30
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	XXX
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	XXX
Ammonia-Nitrogen	70	XXX	XXX	20.0	XXX	40

The proposed effluent limits for Outfall 001 are based on a design flow of .42 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	Report Daily Max	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 <sub>5</sub> )	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Semi-Annual Average</i>	<i>Maximum</i>	
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report	XXX	XXX
Potassium, Total	XXX	XXX	XXX	Report	XXX	XXX
Ethylene Glycol	XXX	XXX	XXX	Report	XXX	XXX
Propylene Glycol	XXX	XXX	XXX	Report	XXX	XXX
Diethylene Glycol	XXX	XXX	XXX	Report	XXX	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>Semi-Annual Average</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report	XXX	XXX
Potassium, Total	XXX	XXX	XXX	Report	XXX	XXX
Ethylene Glycol	XXX	XXX	XXX	Report	XXX	XXX
Propylene Glycol	XXX	XXX	XXX	Report	XXX	XXX
Diethylene Glycol	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>Semi-Annual Average</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report	XXX	XXX
Potassium, Total	XXX	XXX	XXX	Report	XXX	XXX
Ethylene Glycol	XXX	XXX	XXX	Report	XXX	XXX
Propylene Glycol	XXX	XXX	XXX	Report	XXX	XXX
Diethylene Glycol	XXX	XXX	XXX	Report	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 <sub>5</sub> )	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report	XXX	XXX
Potassium, Total	XXX	XXX	XXX	Report	XXX	XXX
Ethylene Glycol	XXX	XXX	XXX	Report	XXX	XXX
Propylene Glycol	XXX	XXX	XXX	Report	XXX	XXX
Diethylene Glycol	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 006 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

<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>	
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report	XXX	XXX
Potassium, Total	XXX	XXX	XXX	Report	XXX	XXX
Ethylene Glycol	XXX	XXX	XXX	Report	XXX	XXX
Propylene Glycol	XXX	XXX	XXX	Report	XXX	XXX
Diethylene Glycol	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 007 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>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 <sub>5</sub> )	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report	XXX	XXX
Potassium, Total	XXX	XXX	XXX	Report	XXX	XXX
Ethylene Glycol	XXX	XXX	XXX	Report	XXX	XXX
Propylene Glycol	XXX	XXX	XXX	Report	XXX	XXX
Diethylene Glycol	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 008 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>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 <sub>5</sub> )	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report	XXX	XXX
Potassium, Total	XXX	XXX	XXX	Report	XXX	XXX
Ethylene Glycol	XXX	XXX	XXX	Report	XXX	XXX
Propylene Glycol	XXX	XXX	XXX	Report	XXX	XXX
Diethylene Glycol	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 009 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 <sub>5</sub> )	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report	XXX	XXX
Potassium, Total	XXX	XXX	XXX	Report	XXX	XXX
Ethylene Glycol	XXX	XXX	XXX	Report	XXX	XXX
Propylene Glycol	XXX	XXX	XXX	Report	XXX	XXX
Diethylene Glycol	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 in effect.

**PA0248088 A-1**, Sewage, SIC Code 4952, **PA American Water Co.**, 852 Wesley Drive, Mechanicsburg, PA 17055-4436. Facility Name: Franklin WWTP. This existing facility is located in Franklin Township, **Adams County**.

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

The receiving stream(s), Unnamed Tributary to Marsh Creek (CWF), is located in State Water Plan watershed 13-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 0.2 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>Daily Maximum</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.051	XXX	0.166
BOD <sub>5</sub>	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
CBOD <sub>5</sub>	41.7	66.7	XXX	25.0	40.0	50.0
Total Suspended Solids	50.0	Wkly Avg 75.1	XXX	30.0	45.0	60.0
Fecal Coliform (No./100 ml)		Wkly Avg				
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	4.2	XXX	XXX	2.5	XXX	5.0
Nov 1 - Apr 30	12.5	XXX	XXX	7.5	XXX	15.0
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.2 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>Daily Maximum</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Ultraviolet light intensity (mW/cm <sup>2</sup> )	XXX	XXX	Report	XXX	XXX	XXX
BOD <sub>5</sub>	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	41.7	66.7	XXX	25.0	40.0	50.0
Total Suspended Solids	50.0	Wkly Avg 75.1	XXX	30.0	45.0	60.0
Fecal Coliform (No./100 ml)		Wkly Avg				
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	4.2	XXX	XXX	2.5	XXX	5.0
Nov 1 - Apr 30	12.5	XXX	XXX	7.5	XXX	15.0
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.2 MGD.—Limits.

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

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

The EPA Waiver is in effect.

**PA0260118**, Sewage, SIC Code 6515, **New Oxford MHC Group, LLC**, 31200 Northwestern Highway, Farmington Hills, MI 48334-5900. Facility Name: New Oxford MHC. This existing facility is located in Mount Pleasant Township, **Adams 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), South Branch Conewago Creek (WWF), is located in State Water Plan watershed 7-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.062328 MGD.—Limits.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)	
	Average Monthly	Daily Maximum		Average Monthly	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	25	50
Total Suspended Solids	XXX	XXX	XXX	30	60
Fecal Coliform (CFU/100 ml)					
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	10,000
E. Coli (No./100 ml)	XXX	XXX	XXX	Report	XXX
UV Intensity ( $\mu\text{w}/\text{cm}^2$ )	XXX	XXX	Report	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX

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

Parameters	Mass (lbs)		Minimum	Concentration (mg/l)	
	Monthly	Annual		Monthly Average	Maximum
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen	Report	1,339	XXX	XXX	XXX
Net Total Phosphorus	Report	243	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 in effect.

*Southwest Regional Office*

**PA0254711**, Storm Water, SIC Code 2491, **Great Southern Wood, Inc.**, 115 West Road, Fombell, PA 16123-1425. Facility Name: Great Southern Wood, Fombell Facility. This existing facility is located in Marion Township, **Beaver County**.

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

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

The proposed effluent limits for Outfalls 001—006 are based on a design flow of 0 MGD.—Limits.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	60.0	XXX
Arsenic, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Pentachlorophenol	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.

**PA0255602**, Industrial, SIC Code 4941, **North Fayette County Municipal Authority**, 1634 University Drive, Dunbar, PA 15431-0368. Facility Name: Porter Hill Water Treatment Plant. This proposed facility is located in Dunbar Township, **Fayette County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of filter backwash water.

The receiving stream, Dunbar Creek (TSF), is located in State Water Plan watershed 19-D 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 0.4002 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.293	XXX	0.686
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	75.0
Aluminum, Total	XXX	XXX	XXX	1.0	1.5	2.5
Copper, Total (ug/L)	XXX	XXX	XXX	16.6	25.9	41.4
Iron, Total	XXX	XXX	XXX	2.0	4.0	5.0
Manganese, Total	XXX	XXX	XXX	1.0	2.0	2.5
Silver, Total (ug/L)	XXX	XXX	XXX	3.64	5.68	9.11
Thallium, Total (ug/L)	XXX	XXX	XXX	0.57	0.89	1.42
Zinc, Total (ug/L)	XXX	XXX	XXX	Report	Report	XXX

In addition, the permit contains the following major special conditions: requirements for chemical additives and sedimentation basin cleaning.

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.

**PA0046426**, Sewage, SIC Code 4952, **Franklin Township Sewer Authority**, 570 Rolling Meadows Road, Waynesburg, PA 15370-2510. Facility Name: Franklin Township Sewer Authority STP. This existing facility is located in Franklin Township, **Greene 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), South Fork Tenmile Creek and unnamed tributary to South Fork Tenmile Creek, is located in State Water Plan watershed 19-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 1.74 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Aluminum, Total	Report	Report	XXX	Report	Report	XXX
Acrolein (ug/L)	Report	Report	XXX	Report	Report	XXX
1,3-Dichloropropylene (ug/L)	Report	Report	XXX	Report	Report	XXX
1,2,4-Trichlorobenzene (ug/L)	Report	Report	XXX	Report	Report	XXX
Benzene (ug/L)	Report	Report	XXX	Report	Report	XXX
Carbon Tetrachloride (ug/L)	Report	Report	XXX	Report	Report	XXX
Chlorodibromomethane	Report	Report	XXX	Report	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>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
1,1,2-Trichloroethane (ug/L)	Report	Report	XXX	Report	Report	XXX
1,1,2,2-Tetrachloroethane (ug/L)	Report	Report	XXX	Report	Report	XXX
Hexachlorobutadiene (ug/L)	Report	Report	XXX	Report	Report	XXX
Trichloroethylene (ug/L)	Report	Report	XXX	Report	Report	XXX
Vinyl Chloride (ug/L)	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.74 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Aluminum, Total	12.7	19.8	XXX	0.87	1.36	2.18
Acrolein (ug/L)	0.051	0.079	XXX	3.49	5.45	8.74
1,3-Dichloropropylene (ug/L)	0.009	0.014	XXX	0.64	0.99	1.59
1,2,4-Trichlorobenzene (ug/L)	0.007	0.007	XXX	0.5	0.5	0.5
Benzene (ug/L)	0.02	0.031	XXX	1.37	2.14	3.42
Carbon Tetrachloride (ug/L)	0.014	0.021	XXX	0.94	1.47	2.36
Chlorodibromomethane (ug/L)	0.027	0.043	XXX	1.89	2.95	4.72
1,1,2-Trichloroethane (ug/L)	0.019	0.029	XXX	1.3	2.02	3.24
1,1,2,2-Tetrachloroethane (ug/L)	0.007	0.011	XXX	0.5	0.74	1.18
Hexachlorobutadiene (ug/L)	0.007	0.007	XXX	0.5	0.5	0.5
Trichloroethylene (ug/L)	0.021	0.032	XXX	1.42	2.21	3.54
Vinyl Chloride (ug/L)	0.007	0.007	XXX	0.5	0.5	0.5

The proposed effluent limits for Outfall 001 are based on a design flow of 1.74 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Daily Min	XXX	9.0 Daily Max	XXX
Dissolved Oxygen	XXX	XXX	5.0 Daily Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	159	239	XXX	11.0	16.5	22
Biochemical Oxygen Demand (BOD <sub>5</sub> ) Influent	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids Influent	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids	435	653	XXX	30.0	45.0	60
Fecal Coliform (CFU/100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ultraviolet light transmittance (%)	XXX	XXX	XXX	Report	XXX	Report
Ammonia-Nitrogen Nov 1 - Apr 30	58	XXX	XXX	4.0	XXX	8
May 1 - Oct 31	36	XXX	XXX	2.5	XXX	5
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Daily Max Report	XXX
Cobalt, Total	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX
Copper, Total	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX
Iron, Dissolved	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX
Lead, Total	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX
Zinc, Total	Report	Report Daily Max	XXX	Report	Report Daily Max	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>Weekly Average</i>	
1,2-Dichloropropane (ug/L)	Report	Report Avg Mo	XXX	Report	Report Daily Max	XXX
Dichlorobromomethane (ug/L)	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX

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

- Solids Management
- Water Quality-Based Effluent Limits for Toxic Pollutants
- Whole Effluent Toxicity
- WQBELs Below Quantitation Limits
- 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 412-442-4000.

The EPA Waiver is not in effect.

**PA0098043**, Sewage, SIC Code 4952, **ITI Trailers & Truck Bodies**, 8535 Mason Dixon Highway, Meyersdale, PA 15552-7100. Facility Name: Traditions Restaurant & ITI STP. This existing facility is located in Elk Lick Township, **Somerset 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 to Casselman Run (CWF), is located in State Water Plan watershed 19-F and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .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)	0.002	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	18.0	XXX	36.0
May 1 - Oct 31	XXX	XXX	XXX	6.0	XXX	12.0

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

The EPA Waiver is in effect.

**PA0205729 A-1**, Sewage, SIC Code 8811, **Jayme S & Shawn H Cunningham**, 208 Rural Valley Road, Claysville, PA 15323-1338. Facility Name: Cunningham SFTF. This existing facility is located in Blaine Township, **Washington County**.

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

The receiving stream(s), Wolf Run (HQ-WWF), is located in State Water Plan watershed 20-E 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 .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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.1
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Geo Mean						
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18.0
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0

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

The EPA Waiver is in effect.

**PA0205869**, Sewage, SIC Code 4952, **West Branch Sewer Authority**, 901 Maple Avenue, Suite 2, Northern Cambria, PA 15714-1331. Facility Name: W Branch Sewer Authority STP. This existing facility is located in Susquehanna Township, **Cambria County**.

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

The receiving stream(s), West Branch Susquehanna River (WWF), is located in State Water Plan watershed 8-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 0.9 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Ammonia-Nitrogen	Report	XXX	XXX	Report	Report	XXX
Copper, Total	Report	Report	XXX	Report	Report	XXX
Lead, Total	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.9 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	Report	Report	XXX
Upstream Monitoring Temperature (deg C) (°C)	XXX	XXX	XXX	Report	Report	XXX
Upstream Monitoring Temperature (deg C) (°C)	XXX	XXX	XXX	Report	Report	XXX
Hardness, Total (as CaCO <sub>3</sub> )	XXX	XXX	XXX	Report	Report	XXX
Hardness, Total (as CaCO <sub>3</sub> )	XXX	XXX	XXX	Report	Report	XXX
Upstream Monitoring						

The proposed effluent limits for Outfall 001 are based on a design flow of 0.9 MGD.—Final Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Ammonia-Nitrogen						
Nov 1 - Apr 30	32.58	XXX	XXX	4.34	8.68	XXX
May 1 - Oct 31	97.73	XXX	XXX	13.02	26.04	XXX
Copper, Total	0.17	0.27	XXX	0.0229	0.0358	0.0573
Lead, Total	Wkly Avg 0.061	0.095	XXX	0.0081	0.0127	0.0203

The proposed effluent limits for Outfall 001 are based on a design flow of 0.9 MGD.—Limits.

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

NOTICES

<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>	
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 0.9 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	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	187.65	281.48	XXX	25.0	37.5	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	225.18	337.77	XXX	30.0	45.0	60
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
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)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Effluent Net 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
Effluent Net Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Zinc, 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	16,438	XXX	XXX	XXX	XXX
Effluent Net 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

Parameters	Mass Units (lbs/day)		Monthly	Concentrations (mg/L)		Instant. Maximum
	Monthly	Annual		Monthly Average	Maximum	
Total Phosphorus (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs) Effluent Net	XXX	2,192 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:

- Chesapeake Bay Nutrients requirements
- Solids Management for non-lagoon system
- Notification of designation of responsible operator
- Hauled-in waste restriction
- UV operation report
- Discharge and up-stream data collection

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.

**PA0256056**, Sewage, SIC Code 8800, **Josh Boggs**, 29 Deer Hollow Lane, Tarentum, PA 15084-2800. Facility Name: Boggs Properties SRSTP. This proposed facility is located in West Deer Township, **Allegheny County**.

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

The receiving stream(s), Unnamed Tributary of Little Deer Creek (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 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

*Southeast Regional Office*

**PA0058211**, Storm Water, SIC Code 2911, **Evergreen Resources Management Operations**, 2 Righter Parkway, Suite 120, Wilmington, DE 19803-1528. Facility Name: Read Boyd Farm. This existing facility is located in Upper Chichester Township, **Delaware 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), Marcus Hook Creek (WWF) and Marcus Hook Creek (WWF, MF), is located in State Water Plan watershed 3-G and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Daily Maximum	Maximum	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Daily Maximum</i>	<i>Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	100	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	XXX
Aluminum, Total	XXX	XXX	XXX	5.0	XXX	XXX
Iron, Total	XXX	XXX	XXX	5.0	XXX	XXX
Manganese, Total	XXX	XXX	XXX	1.5	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>Daily Maximum</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	100	XXX	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	XXX
Aluminum, Total	XXX	XXX	XXX	5.0	XXX	XXX
Chromium, Total	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	5.0	XXX	XXX
Lead, Total	XXX	XXX	XXX	Report	XXX	XXX
Manganese, Total	XXX	XXX	XXX	1.5	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>Daily Maximum</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	100	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	XXX
Aluminum, Total	XXX	XXX	XXX	5.0	XXX	XXX
Iron, Total	XXX	XXX	XXX	5.0	XXX	XXX
Lead, Total	XXX	XXX	XXX	Report	XXX	XXX
Manganese, Total	XXX	XXX	XXX	1.5	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>Daily Maximum</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	100	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	XXX
Aluminum, Total	XXX	XXX	XXX	5.0	XXX	XXX
Iron, Total	XXX	XXX	XXX	5.0	XXX	XXX
Lead, Total	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 006 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>Daily Maximum</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	100	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	XXX
Aluminum, Total	XXX	XXX	XXX	5.0	XXX	XXX
Barium, Total	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	5.0	XXX	XXX
Lead, Total	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 007 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>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>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Daily Maximum</i>	<i>Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	100	XXX	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	XXX
Aluminum, Total	XXX	XXX	XXX	5.0	XXX	XXX
Barium, Total	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	5.0	XXX	XXX
Lead, Total	XXX	XXX	XXX	Report	XXX	XXX
Manganese, Total	XXX	XXX	XXX	1.5	XXX	XXX

The proposed effluent limits for Outfall 009 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>Daily Maximum</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	100	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	XXX
Aluminum, Total	XXX	XXX	XXX	5.0	XXX	XXX
Iron, Total	XXX	XXX	XXX	5.0	XXX	XXX

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

- Non-stormwater discharges
- BMPs
- Routine Inspection
- PPC Plan
- Stormwater monitoring
- Requirement to acquire all other applicable permits

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.

**PAS800001**, Storm Water, SIC Code 4213, **Fedex Freight Inc.**, 2200 Forward Drive DC 2219, Harrison, AR 72601. Facility Name: Fedex Freight Inc. Chester Springs Facility. This existing facility is located in Upper Uwchlan Township, **Chester County**.

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

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

The proposed effluent limits for Outfall 001 are based on a stormwater.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Semi-Annual Average</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Iron, Total	XXX	XXX	XXX	XXX	7.0 Daily Max	XXX

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

- Stormwater Requirements
- Other Requirements

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

The EPA Waiver is in effect.

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

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD150235	New	Traditions of America, L.P. David Biddson 1235 Westlakes Drive Suite 300 Berwyn, PA 19312	West Brandywine Township Chester County	SERO
PAD150240	New	Berwyn Owner, LLC 976 E. Swedesford Road Suite 400 Exton, PA 19341	Easttown Township Chester County	SERO
PAD230061	New	Pulte Homes of PA, LP 150 Allen Road Suite 303 Basking Ridge, NJ 07920	Concord Township Delaware County	SERO
PAD450150	New	Clarius Partners, LLC 200 W Madison Street Suite 1625 Chicago, IL, 60606	Mount Pocono Borough Monroe County	NERO
PAD450149	New	Marcia Jarrett 218 18 109th Ave Queens Village, NY 11429	Chestnuthill Township Monroe County	NERO
PAD640025A-1	Major Amendment	Name Roamingwood Sewer and Water Authority John Lennox P.O. Box 6 Lake Ariel, PA 18436-0006	Salem Township Wayne County	NERO
PAD020004A-3	Major Amendment	Friends of Pittsburgh Professional Soccer 234 Pittsburgh Street Uniontown PA 15401	Coraopolis Borough Moon Township Robinson Township Allegheny County	SWRO
PAD560008	New	Listonburg Solar, LLC 106 Isabella Street Suite 400 Pittsburgh, PA 15212	Addison Township Somerset County	SWRO
PAD150187A-1	Major Amendment	Pennsylvania Turnpike Commission 700 S Eisenhower Blvd. Middletown, PA 17057	West Nantmeal Township Chester County	Regional Permit Coordination Office (RPCO) Rachel Carson State Office Building 400 Market Street Harrisburg, PA 17101 Email: RA-EPREGIONAL PERMIT@pa.gov
PAD400047	New	Pennsylvania Turnpike Commission James L. Stump 700 South Eisenhower Blvd. Middletown, PA 17057	Bear Creek Township Luzerne County	Regional Permit Coordination Office (RPCO) Rachel Carson State Office Building 400 Market Street Harrisburg, PA 17101 Email: RA-EPREGIONAL PERMIT@pa.gov
PA630001D	New	Pennsylvania Turnpike Commission P.O. Box 67676 Harrisburg, PA 17106	Cecil Township Washington County	Regional Permit Coordination Office (RPCO) Rachel Carson State Office Building 400 Market Street Harrisburg, PA 17101 Email: RA-EPREGIONAL PERMIT@pa.gov



**STATE CONSERVATION COMMISSION  
PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS  
FOR NPDES PERMITS FOR CAFOs**

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

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

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

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

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Chiques View Farms Kenton Reiff 1775 Pinkerton Road Mount Joy, PA 17552	Lancaster	336.8	466.02	Beef Ducks	NA	New
Matthew Martin 1830 Kenbrook Road Lebanon, PA 17046	Lebanon	74.1	324.15	Broilers	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).**

*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. 4521505**, Construction, Public Water Supply.

Applicant

**Coppola's Pizza  
c/o Ronald C. Strunk  
P.O. Box 88  
Analomink, PA 18320**

Municipality	Stroud Township
County	<b>Monroe</b>
Type of Facility	Public Water Supply
Consulting Engineer	Harry Garman, P.E. Barry Isett & Associates, Inc. 85 South Route 100 Allentown, PA 18106
Application Received Date	December 2, 2021
Description of Application	Construction of a 4-Log treatment of viruses system.
	<i>Southwest Region: Safe Drinking Water Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.</i>
	<b>Permit No. 2621509</b> , Public Water Supply.
Applicant	<b>Municipal Authority of Westmoreland County</b> 124 Park & Pool Road New Stanton, PA 15672
Township and City	East Huntingdon Township and the City of Greensburg
County	<b>Westmoreland</b>
Responsible Official	Jack Ashton Assistant Manager
Type of Facility	Water system
Consulting Engineer	Gibson Thomas Engineering Co., Inc. 1004 Ligonier Street Box 853 Latrobe, PA 15650
Application Received Date	November 23, 2021
Description of Action	Painting and addition of a mixer/power vent system in the Armburst and Tarrs Tanks.

#### WATER ALLOCATIONS

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

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

**WA2-1003A, Water Allocations. City of Duquesne, 12 Second Street, Duquesne, PA 15110, City of Duquesne, Allegheny County.** Applicant requests the right to purchase 1,000,000 gallons of water per day, peak month, from the Municipal Authority of Westmoreland County.

#### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

##### UNDER ACT 2, 1995 PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment

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

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

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

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

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

**3222 Phoenixville Pike Park, 3222 Phoenixville Pike Park, Malvern, PA 19355, Charlestown Township and East Whiteland Township, Chester County.** Kenneth J. Pasterak, PG, Atlas Technical, 270 William Pitt Way, Building A3, 3rd Floor, Pittsburgh, PA 15238 on behalf of Linda Kaiser, 3222 Phoenixville Pike Owner, LLC, 2001 Ross Avenue, 31st Floor, Dallas, TX 75201 submitted a Notice of Intent to Remediate. Soil at the site has been found to be contaminated with Light Non-Aqueous Phase Liquid (LNAPL) from a surface release of diesel fuel. The current and planned site use is nonresidential. The proposed cleanup standard for the site is the Statewide

health standard. The Notice of Intent to Remediate was published in *the Daily Local News* on October 9, 2021.

**8362-8380 State Road**, 8362-8380 State Road, Philadelphia, PA 19136, City of Philadelphia, **Philadelphia County**. David Berry, The Vertex Companies, Inc., 2501 Seaport Drive, Suite 110, Chester, PA 19013 on behalf of Lucie McDonald, JRM Developers, 9525 Frankford Avenue, Philadelphia, PA 19114 submitted a Notice of Intent to Remediate. Soil and groundwater at the site have been found to be contaminated with petroleum. The proposed future use of the site will continue to be a nonresidential, multi-tenant, light-industrial building. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in *The Metro Philadelphia* on November 18, 2021.

**Indian Valley Bulk Carriers, Inc.**, 74 Ridge Road, Tylersport, PA 18971, Salford Township, **Montgomery County**. Matthew Mercuri, PG, RMS Environmental LLC, 2198 Pennsbury Drive, Jamison, PA 18929 on behalf of Walt Kontra, Indian Valley Bulk Carriers, Inc., 74 Ridge Road, Tylersport, PA 18971 submitted a Notice of Intent to Remediate. Soil and groundwater at the site have been found to be contaminated with No. 2 fuel oil, used motor oil and antifreeze. The proposed future use of the property will remain commercial/residential. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in *The Reporter* on November 17, 2021.

**3421 Aramingo Avenue**, 3421 Aramingo Avenue, Philadelphia, PA 19134, City of Philadelphia, **Philadelphia County**. Jason Hanna, Langan Engineering and Environmental, Services, Inc., 1818 Market Street, Suite 3300, Philadelphia, PA 19103 on behalf of Scott Montgomery, Map Real Estate, LLC c/o Raider Hill Advisors, LLC, 25700 Science Park Drive, Suite 270, Beachwood, OH 44122 submitted a Notice of Intent to Remediate. Based on the findings of a recent investigation, constituents of interest include semivolatile organic compounds (SVOCs) and metals in soil and lead in groundwater. The proposed future use of the property will be nonresidential for commercial use. The proposed cleanup standard for the site is the site-specific standard. The Notice of Intent to Remediate was published in *The Philadelphia Inquirer* on December 2, 2021.

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

Contact: Eric Supey, Environmental Program Manager.

**C. Larue Pad 2**, 2310 State Route 3010, Springville, PA 18844, Dimock Township, **Susquehanna County**. Folsom Engineering, 117 Roger Hollow Road, Mehoopany, PA 18629 on behalf of Coterra Energy, Inc., 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Notice of Intent to Remediate. Soil was contaminated by natural gas well drilling operations. Future use of the site will be residential. The Notice of Intent to Remediate was published in the *Susquehanna Transcript* on December 22, 2021.

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

**Decker Residence**, 18 George Street, Douglassville, PA 19518, Union Township, **Berks County**. MEA, Inc., 1365 Bangor, PA 18013, on behalf of Don Decker, 18 George Street, Douglassville, PA 19518, submitted a Final Report concerning remediation of site soil and

groundwater contaminated with heating oil. The Final Report is intended to document remediation of the site to meet the residential Statewide health standard.

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

**R&R Lawrence Trucking Project**, 743 PA Route 118, Hughesville, PA 17737, Wolf Township, **Lycoming County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of R&R Lawrence, Inc., 19422 Route 414, Monroeton, PA 18832, has submitted a Notice of Intent to Remediate. concerning remediation of site soil contaminated with diesel fuel, used motor oil, and antifreeze. The applicant proposes to remediate the site to meet the nonresidential Statewide health standard. A summary of the Notice of Intent to Remediate was published in *The Daily Item* on December 7, 2021.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

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

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

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

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

---

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

---

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

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

**09-0243A: Gelest, Inc.**, 1 Progress Drive, Morrisville, PA 19067, for installation of one 500-gallon glass-lined steel reactor and one 380-gallon Hastelloy Nutsche filter at the existing silicone specialty chemical processing plant located in Falls Township, **Bucks County**. The project post-control potential to emit PM is 0.33 pound per year, VOC PTE is 1.81 tons per year, HAP PTE is 1.88 tons per year (combination HAP). Facility-wide potential emissions are capped below major source emission thresholds for the Philadelphia Metropolitan Area; therefore, the facility is classified as a Synthetic Minor Facility. 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 plan approval can be submitted through the Air Quality resource account at RA-EPSEROPUBCOM@pa.gov.

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

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

**65-00993A: Cintas Corporation**, 320 Westec Dr., Mount Pleasant, PA 15666-2762. Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Pennsylvania Department of Environmental Protection

(Department) intends to issue Air Quality Plan Approval PA-65-00993A for operation of the industrial laundering facility located in Mount Pleasant Township, **Westmoreland County**.

Potential emissions are 7.0 tons of nitrogen oxides (NO<sub>x</sub>), 6.0 tons of carbon monoxide (CO), 10.0 tons of volatile organic compounds (VOC) 2.0 tons of hazardous air pollutants (HAP), and 21.0 tons of particulate matter (PM) per year. This authorization is subject to the Best Available Technology (BAT) requirements of 25 Pa. Code § 127.1. The Department has determined that the proposed project satisfies the Department's BAT requirements. The facility is subject to State regulations including 25 Pa. Code §§ 121.7, 123.1, 123.2, 123.31, 123.41 and 123.43. The Plan Approval has been conditioned to ensure compliance with all applicable rules including emission restrictions, operational restrictions, monitoring, record-keeping, reporting, and work practice requirements. Once compliance with the Plan Approval is demonstrated, the applicant will be required to submit a State Only Operating Permit application in accordance with 25 Pa. Code Subchapter F.

The Plan Approval application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Plan Approval for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the Plan Approval Application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed air Quality Plan Approval for this project, a person may contact the Department's Southwest Regional Office File Review Coordinator at 412.442.4000.

A person may oppose the proposed plan approval by filing a written protest with the Department through Alexander Sandy, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; asandy@pa.gov; or fax 412.442.4194. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-65-00993A) and a concise statement of the objections to the plan approval and the relevant facts upon which the objections are based.

All comments must be received prior to the close of business 30 days after the date of this publication. For additional information, you may contact Alexander Sandy at 412.442.4028.

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 is sufficient. Written comments or requests for a public hearing should be directed to Mark R. Gorog, P.E., Regional Program Manager, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222 or by email to mgorog@pa.gov. All comments must be received prior to the close of business 30 days after the date of this publication.

## OPERATING PERMITS

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

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

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

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

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

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

The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

**23-00016: PQ Corporation**, 1201 West Front Street, Chester, PA 19013, for the renewal of the Title V Operating Permit. The initial permit was issued on July 6, 2000, for the operation of two (2) glass melting furnaces at their plant located in the City of Chester, **Delaware County**. Per this permit renewal, the # 2 Potassium Silicate Furnace (Source ID 101) has been decommissioned and will not be put back into service. The facility is a major source for NO<sub>x</sub>. Sources include two (2) boilers, the # 4 Sodium Silicate Furnace, a spray drying operation, and a backup generator. The boilers are subject to 40 CFR Part 60, Subpart Dc. The furnace is subject to 25 Pa. Code §§ 129.301—129.310. The backup generator is subject to 40 CFR Part 60, Subpart IIII. Applicable requirements have been incorporated into the Title V Operating Permit renewal. Individual limits apply to the various sources at the facility. There are no emission increases being authorized under the Title V Operating Permit renewal. The following are potential site-wide emissions: NO<sub>x</sub>—368 TPY; SO<sub>x</sub>—137.05 TPY; PM—57.05 TPY; CO—110.26 TPY; VOC—6.15 TPY; and HAP—

0.69 TPY. The facility is not subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64. The Operating Permit will contain requirements to keep the facility operating within all applicable air quality requirements for this source.

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

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

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

**21-05053: EPP Renewable Energy, LLC**, 135 Vaughn Road, Shippensburg, PA 17257, to issue a Title V Operating Permit for the gas to energy plant in Hopewell Township, **Cumberland County**. This is for renewal of the Title V permit. The facility 2020 actual air emissions were 27.99 tons PM<sub>10</sub>, 27.99 tons PM<sub>2.5</sub>, 12.35 tons HAP total, 12.30 tons formaldehyde, 41.45 tons NO<sub>x</sub>, 12.70 tons SO<sub>x</sub>, and 218.49 tons CO. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other requirements in the permit, certain sources at the facility are subject to the requirements of 40 CFR 62 Subpart OOO—Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014 and Have Not Been Modified or Reconstructed Since July 17, 2014, 40 CFR 60 Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, Subpart AAAA—National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills and 40 CFR 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

**22-05047: Dura-Bond Pipe, LLC**, 2716 South Front Street, Steelton, PA 17113, for operation of the pipe and structural shapes manufacturing facility in Steelton Borough, **Dauphin County**. Actual emissions from the facility in 2020 were estimated at 2.81 tons CO, 3.35 tons NO<sub>x</sub>, 0.16 ton PM<sub>10</sub>, 0.07 ton PM<sub>2.5</sub>, 0.02 ton SO<sub>x</sub>, 30.27 tons VOC, 19.42 tons of a single HAP (xylene), and 27.33 tons of combined HAPs. 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 provisions derived from 40 CFR 63, Subpart MMMM—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Miscellaneous Metal Parts and Products and from of 25 Pa. Code § 129.52d—Control of VOC emissions from miscellaneous metal parts surface coating processes, miscellaneous plastic parts surface coating processes and pleasure craft surface coatings.

**21-05002: Vitro Flat Glass, LLC**, 400 Park Drive, Carlisle, PA 17013-9271, to issue a Title V Operating Permit for the glass manufacturing facility in South Middleton Township, **Cumberland County**. The facility 2020 actual air emissions are estimated at 25.65 tons VOC, 227.86 tons PM<sub>10</sub>, 215.87 tons PM<sub>2.5</sub>, 0.12 ton HAP total, 2,112.75 tons NO<sub>x</sub>, 430.25 tons SO<sub>2</sub>, and

25.07 tons CO. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other requirements in the permit, certain sources at the facility are subject to the requirements of 40 CFR 60 Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines and 40 CFR 63 Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

**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, (570) 826-2409.*

**66-00033: Deer Park Lumber Inc., Deer Park Mfg Plant, 3042 SR 6, Tunkhannock, PA 18657-7797.** The Department intends to issue a renewal State-Only (Synthetic) Minor Operating Permit for the sawmills and planning mills facility in Tunkhannock Township, **Wyoming County**. The sources consist of a 27.4 MMBtu wood fired boiler. The control devices consist of dual multiclones. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**48-00071: Green Knight Economic Development Corporation/Plainfield, 2147 Pen Argyl Road, Pen Argyl, PA 18702.** The Department intends to issue a renewal of the State-Only (Natural) Minor Permit for an electric generating plant in Plainfield Township, **Northampton County**. The sources at this facility consist of are three (3) combustion turbines that are fueled by LFG from the Grand Central Sanitary Landfill, and which produce electricity to a local grid. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**40-00137: Western Intl. Gas & Cylinders/Berwick, 53 River Road, Berwick, PA 18603-6721.** The Department intends to issue a State-Only (Natural) Minor Permit for the operation of a gas cylinder distribution facility in Salem Township, **Luzerne County**. The sources at this facility consist of paint booths, paint baking ovens, and gas transfer lines. The control devices consist of fabric filters. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**63-00912: The AMES Co., Inc./Champion Facility, 465 Railroad Ave., Camp Hill, PA 17011-5611.** In accord-

ance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department is providing notice of intent to issue a natural minor State-Only Operating Permit for a sawmill operations facility, located in Donegal Township, **Washington County**. The AMES Co. operates a 12.87 MMBtu/HR. wood-fired boiler, an oil-fired boiler, a dimension mill, and wood surface coating operations. The control devices are dust collectors and a multi-clone collector. The proposed operating permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements. The boilers are subject to the NESHAPs in 40 CFR 63 Subpart JJJJJJ.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (65-00912) and a concise statement 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.

*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.*

**06-03049: US Anodize, 153 Wagner Lane, Reading, PA 19601,** to issue a State Only Operating Permit for the aluminum anodizing and bright dip facility located in Bern Township, **Berks County**. The potential emissions from the facility are estimated at 1.09 tpy of PM, 0.09 tpy of SO<sub>x</sub>, 8.66 tpy of NO<sub>x</sub>, 1.64 tpy of CO and 0.18 tpy of TOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63, Subpart WWWW—National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations and 40 CFR Part 63, Subpart

JJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial and Institutional Boilers Area Sources.

**06-03170: Sealed Air Corporation**, 450 Riverfront Drive, Reading, PA 19602, to issue a State Only Operating Permit for the packing paper manufacturing facility in the City of Reading, **Berks County**. Potential emissions from the facility when combusting natural gas are estimated to be: 11.84 tpy CO, 18.40 tpy NO<sub>x</sub>, 2.13 tpy PM<sub>10</sub>, 2.38 tpy PM<sub>2.5</sub>, 0.22 tpy SO<sub>x</sub>, and 1.52 tpy VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include surface coating provisions derived from 25 Pa. Code § 129.63, 40 CFR 60 Subpart Dc—Standards of Performance for Small Industrial—Commercial-Institutional Steam Generating Units and 40 CFR 60 Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.

**06-03167: Walbert Funeral Home & Cremation Services**, 14390 Kutztown Road, Fleetwood, PA 19522, to issue a State-Only Operating Permit for the operation of a human crematory and emergency generator at the funeral home located in Richmond Township, **Berks County**. Potential emissions from the facility are estimated to be 0.71 tpy CO, 0.95 tpy NO<sub>x</sub>, 0.17 tpy of PM<sub>10</sub>, 0.27 tpy of SO<sub>x</sub>, 0.07 tpy VOC and 0.42 tpy HCl. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.

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

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

**19-00032: Benton Area School District**, 600 Green Acres Road, Benton, PA 17814-7603, to issue a renewal State Only Natural Minor Operating Permit for their school campus located in Benton Borough, **Columbia County**. The facility is currently operating under State Only Operating Permit 19-00032. The facility's main sources are a biomass fired boiler, four (4) small No. 2 fuel oil fired boilers and two (2) emergency generators. The facility has potential emissions of 18.04 tons per year (tpy) of NO<sub>x</sub>, 4.57 tpy of SO<sub>x</sub>, 7.74 tpy of PM<sub>10</sub>, 8.06 tpy of CO, 0.29 tpy of VOCs and 0.40 tpy of total HAPs. There are no emissions increases or equipment changes being proposed by this action. The emission limits, throughput limitations and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145 and 40 CFR Part 63 Subparts ZZZZ and JJJJJ. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

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

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

**63-01048: MarkWest Liberty Midstream & Resources, LLC/Post Road Launcher/Receiver Site**, 4600 J Barry Ct., Ste. 500, Canonsburg, PA 15317-5854. In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department is providing notice of intent to issue a natural minor State Only Operating Permit for a pipeline maintenance stand-alone facility where pigs are launched or received from the pipelines, located at 186 Post Rd., Avella, PA 15312, Blaine Township, **Washington County**.

MarkWest operates one pig receiver and one portable flare at this site. This facility has the potential to emit 0.38 ton of VOCs, 0.03 ton of HAPs, and 0.57 ton of methane. The proposed operating permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements, as well as conditions required by the April 2018 Consent Decree filed between US EPA, the Department, and MarkWest.

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

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address, and telephone number of the person submitting the comments, identification of the proposed Operating Permit (63-01048) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

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

**63-01049: MarkWest Liberty Midstream & Resources, LLC/Smith T Launcher/Receiver Site** (4600 J Barry Ct., Ste. 500, Canonsburg, PA 15317-5854). In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department is providing notice of intent to issue a natural minor State Only Operating Permit for

a pipeline maintenance stand-alone facility where pigs are launched or received from the pipelines, located at 471 Hickory Nut Rd., Avella, PA 15312 in Independence Township, **Washington County**.

MarkWest operates one pig receiver and two pig launchers at this site. Emissions are controlled by a Zero-Emissions Vacuum and Compression (ZEVAC) unit. This facility has the potential to emit 0.16 ton/12-consecutive month period (12-cmp) of VOCs, 0.01 ton/12-cmp of HAPs, and 0.4 ton/12-cmp of methane. The proposed operating permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements, as well as conditions required by the April 2018 Consent Decree filed between US EPA, the Department, and MarkWest.

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

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address, and telephone number of the person submitting the comments, identification of the proposed Operating Permit (63-01049) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

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

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

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

**32-00207: Sprankle Mills Tipple Valier Coal Yard**, 91 Coolspring Road, Punxsutawney, PA 15767, The Department intends to issue a renewal of the State Only Operating Permit for operating of a coal preparation plant located in North Mahoning Township, **Indiana County**. The subject facility consists of an enclosed coal crusher, shaker/screen, front end loader, dump trucks and rail cars. Emissions from the facility are based on the coal throughput limit of 195,000 tpy and AP-42 emission

factors. The facility has the potential to emit 2.54 tpy PM<sub>10</sub>. The facility is a natural minor and is subject to State and Federal Regulations (40 CFR Part 60 Subpart Y). The renewal permit includes operation requirements, monitoring requirements, and recordkeeping requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**43-00359: Wabtec US Rail, Incorporated**, 660 Barkeyville Road, Grove City, PA 16127. The Department intends to issue a State Only Operating Permit renewal for Wabtec's engine re-build facility located in Pine Township, **Mercer County**. This facility is a Natural Minor. Potential emissions are as follows: 18.8 tpy VOC; 7.8 tpy NO<sub>x</sub>; 9.3 tpy CO; 0.05 tpy SO<sub>x</sub>; 1.35 tpy PM<sub>10</sub>; 2.05 tpy all HAPs combined and 9,324 tpy CO<sub>2e</sub>. The sources at the facility include a surface coating booth, a natural gas fueled emergency generator, miscellaneous solvent use for cleaning, sealing, coating, and lubrication of parts, and several natural gas fueled heaters for building heat and process use. The emergency engine is subject to 40 CFR Part 63 Subpart ZZZZ, National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The conditions from Plan Approval 43-359A are incorporated into the permit. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

#### PLAN APPROVALS

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

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

*Contact: Ray Kempa.*

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to **Packaging Corporation of America**, 7451 Centronia Road, Allentown, PA 18106, for their facility located in Upper Macungie Township, **Lehigh County**. This **Plan Approval No. 39-00058B** will be incorporated into a State Only Permit through an administrative amendment at a later date.

Plan Approval No. 39-00058B is for the installation of an additional flexographic printing and converting machine along with the removal of several existing converting equipment at the facility. The VOC emissions from the facility will not equal or exceed 50 TPY, based on a 12-month rolling sum. The NO<sub>x</sub> emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. The HAPs from the facility must never equal or exceed 10 TPY of any single HAP and must never equal or exceed 25 TPY of all aggregated HAPs, based on a 12-month rolling sum. The facility is subject 25 Pa. Code § 127.12(a)(5) Best Available Technology (BAT) requirements. The visible emission opacity shall not be equal to or greater than 20% at any time. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. The Plan Approval and Operating permit will contain additional



recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 39-00058B and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

## COAL & NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

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

### *Coal Applications Received*

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

Table 1

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

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

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

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

**Permit No. 65131301 and NPDES Permit No. PA0236241. LCT Energy LP**, 938 Mt. Airy Drive, Suite 200, Johnstown, PA 15904, to revise the permit and related NPDES Permit for Rustic Ridge # 1 in Donegal Township and

Donegal Borough, **Westmoreland County** and Saltlick Township, **Fayette County**, affecting 1,452.0 proposed underground acres and 1,411.5 proposed subsidence control plan acres. No additional discharges. The application was considered administratively complete on December 7, 2021. Application received: October 5, 2021.

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

**Permit No. 49170102. Reading Anthracite Company**, P.O. Box 1200, Pottsville, PA 17901, revision to an anthracite surface mine operation to increase the permitted acres from 371.0 acres to 376.6 acres in East Cameron and Mt. Carmel Townships, **Northumberland County**. Receiving stream: Mahanoy Creek, classified for the following use: WWF. Application received: December 7, 2021.

**Permit No. 549060101. Mountaintop Coal Mining, Inc.**, P.O. Box 183, Elysburg, PA 17824, renewal of an anthracite surface mine and coal refuse disposal operation in Barry and Foster Townships, **Schuylkill County**, affecting 255.2 acres. Receiving stream: Hans Yost Creek, classified for the following uses: CWF, MF. Application received: December 21, 2021.

#### *Noncoal Applications Received*

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

Table 2

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

\* The parameter is applicable at all times.

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

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

**NPDES Permit No. PA0250651 (Mining Permit No. 03052001). M & M Lime Co., Inc.**, 215 Nichola Road, Worthington, PA 16262, renewal of an NPDES permit associated with a large noncoal surface mine, located in West Franklin and Clearfield Townships, **Armstrong** and **Butler Counties**, affecting 77.4 acres. Receiving stream: unnamed tributary to Buffalo Creek, classified for the following use: HQ-TSF. Renewal application received: December 17, 2021.

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

**NPDES Permit No. PA0226254 (Mining Permit No. 09920302). Delaware Valley Landscape Stone, Inc.**, P.O. Box 778, New Hope, PA 18938, new NPDES Permit for a large quarry operation in Middletown Township, **Bucks County**. Receiving stream: unnamed tributary to Neshaminy Creek, classified for the following uses: WWF, MF. Application received: December 1, 2021.

**NPDES Permit No. PA0225002 (Mining Permit No. 19110301). Hanson Aggregates PA, LLC**, 7660 Imperial Way, Allentown, PA 18195, renew NPDES Permit for a large quarry operation in Hemlock and Madison Townships, **Columbia County**. Receiving stream: unnamed tributary to Little Fishing Creek, classified for the following uses: CWF, MF. Application received: December 6, 2021.

**Permit No. 58970868. Mahlon A. Winkleblech, Jr.**, 89 South Booth Road, Montrose, PA 18801, Stage I & I bond release of a quarry operation in Franklin Township, **Susquehanna County**, affecting 1.0 acre on property owned by Mahlon and Marjorie Winkleblech. Application received: December 7, 2021.

**Permit No. 58120301. Joseph Zawisky, LLC**, 729 Walkers Road, Susquehanna, PA 18847, correction to update the mining area to the east in Jackson and Oakland Townships, **Susquehanna County**, affecting 68.6 acres. Receiving streams: unnamed tributary to Drinker Creek and unnamed tributary to Lewis Creek, classified for the following uses: CWF, MF. Application received: December 16, 2021.

### MINING ACTIVITY NPDES DRAFT PERMITS

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

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

#### *Effluent Limits for Coal Mining Activities*

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

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

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

Alkalinity greater than acidity\*

\*The parameter is applicable at all times.

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

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

#### *Effluent Limits for Noncoal Mining Activities*

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

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

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

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

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

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

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

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

#### *Coal NPDES Draft Permits*

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

**NPDES No. PA0235571 (Mining Permit No. 17031301) Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201, a revision to the NPDES and mining activity permit to reactivate the NPDES permit for Cherry Tree Mine in Burnside Township, **Clearfield County**, affecting 49.0 surface acres and 5,382.0 underground acres. Receiving stream(s): West Branch Susquehanna River, classified for the following use: WWF. West Branch Susquehanna River Watershed TMDL. The application was considered administratively complete: May 24, 2021. The application was received: March 9, 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.

*Outfall 001* discharges to: West Branch Susquehanna River

The proposed effluent limits for *Outfall 001* (Lat: 40° 44' 11"; Long: -78° 48' 00") 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)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	0.75	0.75	0.75
Suspended Solids	(mg/l)	-	35	70	90
pH	(s.u.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report

*Outfall 002* discharges to: West Branch Susquehanna River

The proposed effluent limits for *Outfall 002* (Lat: 40° 44' 18"; Long: -78° 47' 50") 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	0.75
Suspended Solids	(mg/l)	-	35	70	90
pH	(s.u.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report

*Outfall 003* discharges to: West Branch Susquehanna River

The proposed effluent limits for *Outfall 003* (Lat: 40° 44' 22"; Long: -78° 47' 53") 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	0.75
Suspended Solids	(mg/l)	-	35	70	90
pH	(s.u.)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report

The EPA Waiver is not in effect.

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

**NPDES Permit No. PA0225231 (Mining Permit No. 40663033). Jeddo-Highland Coal Company**, 144 Brown Street, Yatesville, PA 18640, renew NPDES Permit on an anthracite surface mine in Butler and Foster Townships, **Luzerne County**, affecting 1,515.0 acres. Receiving streams: Nescopeck Creek, classified for the following uses: HQ-CWF, MF; Little Nescopeck Creek, classified for the following uses: CWF, MF and Pond Creek, classified for the following use: HQ-CWF. This permit has no discharges. (No outfall, no flow). Application received: February 23, 2021.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

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

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

**E5802121-010: Pa Department of Transportation, Eng District 4-0**, 55 Keystone Industrial Park, Dunmore, PA 18512, Auburn Township, **Susquehanna County**, Army Corps of Engineers, Baltimore District.

To authorize the following water obstructions and encroachments associated with the SR 0367 Section 550 Project:

1. Remove the existing structure and construct and maintain a 44-foot wide box culvert carrying SR 0367 across a tributary to Tuscarora Creek (CWF, MF) having a 19-foot span and a 5-foot underclearance.
2. To construct and maintain a stormwater outfall within the watercourse and floodway of Tuscarora Creek (CWF, MF) consisting of an 8-foot wide vegetated swale,

an 8-foot long, 8-foot wide R-4 riprap apron in the floodway and a 12-foot long R-4 riprap lining in the floodway and watercourse.

The project is located along S.R. 0367 Sec 550 Segment 0030, Offset 3529, approximately 200 feet northeast of the S.R. 0367/3004 intersection (Auburn Center, PA Quadrangle Latitude: 41° 43' 14.05" N; Longitude: -76° 6' 22.05" W).

**E3902221-008: Serfass Development & Acquisitions 1, LLC**, 3764 Mauch Chunk Road, Allentown, PA 18104, in City of Allentown, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with Basin Street Warehouse Project:

1. A stream crossing of Little Lehigh Creek (HQ-CWF, MF) consisting of a 38.5-ft long, 98-ft span steel girder bridge having an 8-ft underclearance, concrete wingwalls, and R-7 riprap armoring along the abutments.
2. An outfall in the floodway of Little Lehigh Creek (HQ-CWF, MF) consisting of a 12-in diameter HDPE stormwater pipe, concrete endwall, and riprap apron.
3. An outfall in the floodway of Little Lehigh Creek (HQ-CWF, MF) consisting of a 15-in diameter HDPE stormwater pipe, concrete endwall, and riprap apron.
4. An outfall in the floodway of Little Lehigh Creek (HQ-CWF, MF) consisting of a 15-in diameter HDPE stormwater pipe, two (2) concrete inlet boxes, concrete endwall, and riprap apron.
5. A utility line crossing of the floodway of Little Lehigh Creek (HQ-CWF, MF) consisting of a 6-in diameter PVC sanitary sewer line and a concrete manhole.
6. A fill in the floodway of Little Lehigh Creek (HQ-CWF, MF) consisting of grading associated with a 13-space tractor trailer parking lot and a 38.5-ft wide, 200-ft long access road adjoining Martin Luther King Boulevard.

The project is located approximately 0.2 mile south of the intersection of Union Street and S. 3rd Street (Allentown East, PA Quadrangle Latitude: 40° 35' 59"; Longitude: -75° 27' 41") in City of Allentown, Lehigh County. (Allentown East, PA Quadrangle, Latitude: 40° 35' 59"; Longitude: -75° 27' 41").

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

*Contact: Dana Drake, Program Manager.*

**E0205221-013: Castle Shannon Borough**, 3310 McRoberts Road, Castle Shannon, PA 15234, Castle Shannon Borough, **Allegheny County**; Pittsburgh ACOE District.

The applicant proposes to:

Construct and maintain a stream restoration project, along an approximately 255 section of Sawmill Run (WWF), by re-grading the streambank and establishing a minimum 35-foot riparian buffer, with vegetative plantings, for the purpose of reconnecting the watercourse with its floodplain, managing erosive velocities, filtering pollutants from overland runoff and reducing sediment loading. No armoring will be installed, as part of this project.

The project is located east of Canal Street, between Willow Avenue and Library Road (Bridgeville, PA USGS topographic quadrangle; Latitude: 40.3642; Longitude:

-80.0264; Pennsylvania Subbasin 20F; ACOE: Pittsburgh District), in Castle Shannon Borough, Allegheny County.

**E0205221-026: Sewickley Borough**, 601 Thorn Street, Sewickley, PA 15143, Sewickley Borough, **Allegheny County**; Pittsburgh ACOE District.

The applicant proposes to:

Regrade and maintain approximately 1,040 linear feet of streambanks, cumulatively, along a section of an Unnamed Tributary (UNT) to the Ohio River (WWF) and along another UNT (WWF) to this UNT, and to establish and maintain a 35' wide riparian buffer, with vegetative plantings, along both sides of these watercourses. No armoring will be installed as part of the project. The project purpose is to decrease pollutant and sediment loading to meet municipal MS4 requirements.

The project site is located within War Memorial Park, along Blackburn Road (Ambridge, PA USGS topographic quadrangle; N: 40.5477°; W: -80.1732°; Pennsylvania Subbasin 20G; USACE Pittsburgh District), in Sewickley Borough, Allegheny County.

**E6505121-011: PennDOT District 12-0**, 1620 N. Galatin Ave. Ext., Uniontown, PA 15401, Rostraver Township, **Westmoreland County**; Pittsburgh ACOE District.

The applicant proposes to:

Remove the existing, dual 6' diameter corrugated metal culverts, and to construct and maintain a replacement, 121" x 77" Reinforced Concrete Elliptical Pipe, with a length of 72 LF, along with scour and streambank protection around the inlet and outlet, having a cumulative and permanent impact of 82 LF, and a temporary impact of 100 LF, to an unnamed tributary (UNT) to Sewickley Creek (HQ-CWF). For the purpose of replacing a deficient structure, carrying SR 2019 over a UNT to Sewickley Creek.

The project is located near the intersection of Bernie Stone Road and Marguerite Road (Latrobe, PA USGS

topographic quadrangle; N: 40°, 15', 59.1054"; W: -79°, 27', 25.1607"; Sub-basin 19D; USACE Pittsburgh District), in Unity Township, Westmoreland County.

*Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E1006221-013: Sampson Morris Group**, 2500 Eldo Rd, Suite 1, Monroeville, PA 15146, Ehrman Square, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 40°, 44', 4.612"; W: -80°, 06', 40.1053").

To construct and maintain stormwater management controls and preform landslide repair permanently impacting approximately 0.163 acre of wetland, 0.004 acre of floodway and temporarily impacting 0.354 acre of wetland, 0.012 acre of stream, and 0.21 acre of floodway for the redevelopment of a Ehrman square along the west side of Route 19 and the east side of Old Route 19 in Cranberry Township, Butler County.

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

**E3007221-006: EQM Gathering OPCO, LLC**, 2200 Energy Drive, Canonsburg, PA 15317, Washington Township, **Greene County**, ACOE Pittsburgh District.

To construct, operate and maintain:

1. A permanent access road with a 4' x 10' precast concrete box culvert impacting 83 linear feet of Pettit Run (HQ-WWF) and 8,614 square feet of its channel/floodway (Waynesburg, PA Quadrangle Latitude: 39.946627°, Longitude: -80.244861°);

The project will result in 25 linear feet (0.025 acre) of permanent stream impacts and 8,614 square feet (0.198 acre) of floodway impacts, all for the purpose of installing a pipeline access road for Marcellus Shale development in Washington Township, Greene County.

---

## ACTIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0260274	CAFO Individual NPDES Permit	Issued	Hillside Poultry Farm Inc. 1849 Letterkenny Road Chambersburg, PA 17201-8733	Greene Township Franklin County	SCRO
PA0043818	Industrial Stormwater Individual NPDES Permit	Issued	Waste Management Disposal Service of PA, Inc. 1000 New Ford Mill Road Morrisville, PA 19067	Falls Township Bucks County	SERO
PA0276430	Industrial Stormwater Individual NPDES Permit	Issued	Deerfoot Auto Parts, Inc. 6600 Sullivan Trail Wind Gap, PA 18091-9798	Plainfield Township Northampton County	NERO
PA0094510	Industrial Waste Individual NPDES Permit, Major	Issued	US Steel Corp 400 State Street Clairton, PA 15025-1855	Braddock Borough Allegheny County	SWRO
PAI130516	MS4 Individual NPDES Permit	Issued	New Garden Township Chester County 299 Starr Road Landenberg, PA 19350-9208	New Garden Township Chester County	SERO
PA0100200	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Issued	Reynolds Disposal, Co. 301 Arlington Drive Greenville, PA 16125-8214	Pymatuning Township Mercer County	NWRO
3504401	Major Sewage Treatment Facility Individual WQM Permit	Issued	PA American Water Co. 2699 Stafford Avenue Scranton, PA 18505-3608	Scranton City Lackawanna County	NERO
3521402	Major Sewage Treatment Facility Individual WQM Permit	Issued	PA American Water Co. 2699 Stafford Avenue Scranton, PA 18505-3608	Scranton City Lackawanna County	NERO
PA0244856	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	Waste Management of Fairless, LLC 1000 New Ford Mill Road Morrisville, PA 19067-3704	Falls Township Bucks County	SERO

## NOTICES

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0062553	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	PA American Water Co. 171 W Johnson Highway Norristown, PA 19401-3030	Fairview Township Luzerne County	NERO
PA0082457	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Alexandria Borough Water Authority Huntingdon County P.O. Box 336 7561 Bridge Street Suite 3 Alexandria, PA 16611-0336	Porter Township Huntingdon County	SCRO
PA0034070	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Glencrest MHP, LLC 139 Country Club Road Northampton, PA 18067-3028	Washington Township Lehigh County	NERO
PA0035335	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Barton Court MHC, LLC 1199 Lancaster Avenue Suite 100 Berwyn, PA 19312-1341	Pocono Township Monroe County	NERO
PA0053970	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Martins Community, LLC 25 Randy Lane Cochranville, PA 19330-1647	West Nottingham Township Chester County	SERO
PA0096369	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	UMH Properties, Inc. 3499 Us Highway 9 Suite 3C Freehold, NJ 07728-3277	East Huntingdon Township Westmoreland County	SWRO
PA0204498	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Marion Center School District P.O. Box 156 22820 Route 403 Highway N Marion Center, PA 15759-0156	Rayne Township Indiana County	NWRO
PA0223018	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Farmington Township Warren County 596 Fairbanks Road Russell, PA 16345-2712	Farmington Township Warren County	NWRO
PA0239071	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Clarion Vista Lofts, LLC 1768 N Main Street Ext Suite 4 Butler, PA 16001	Paint Township Clarion County	NWRO
PA0024171	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Cambria Township Sewer Authority Cambria County P.O. Box 247 Revloc, PA 15948-0247	Cambria Township Cambria County	SWRO
PA0024961	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Oley Township Municipal Authority Berks County 1 Rose Virginia Road P.O. Box 19 Oley, PA 19547-8605	Oley Township Berks County	SCRO



## NOTICES

293

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0025461	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Vernon Township Sanitary Authority Crawford County 16678 McMath Avenue Meadville, PA 16335-6568	Vernon Township Crawford County	NWRO
PA0025739	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Port Allegany Borough Municipal Authority 45 W Maple Street Port Allegany, PA 16743-1318	Port Allegany Borough McKean County	NWRO
PA0029726	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Jamestown Borough Municipal Authority Mercer County P.O. Box 188 406 Jackson Street Jamestown, PA 16134-0188	Jamestown Borough Mercer County	NWRO
PA0208647	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Kratzer Run Sewer Authority P.O. Box 253 Grampian, PA 16838-0253	Penn Township Clearfield County	NCRO
PA0244333	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	East Brandywine Township Municipal Authority Chester County 1214 Horseshoe Pike Downingtown, PA 19335-1132	East Brandywine Township Chester County	SERO
PA0025755	Minor Sewage Facility with CSOs Individual NPDES Permit	Issued	Freeport Borough Armstrong County 414 Market Street Freeport, PA 16229-1122	Freeport Borough Armstrong County	NWRO
3587201A1	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Issued	PA American Water Co. 1799 Jumper Road Wilkes-Barre, PA 18702-8032	Roaring Brook Township Lackawanna County	NERO
4091202	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Issued	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055	Jackson Township Luzerne County	NERO
4092202	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Issued	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055	Plains Township Luzerne County	NERO
4099201	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Issued	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055	Dallas Township Luzerne County	NERO
3916402	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Glencrest MHP, LLC 139 Country Club Road Northampton, PA 18067-3028	Washington Township Lehigh County	NERO

## NOTICES

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
4569403	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Barton Court MHC, LLC 1199 Lancaster Avenue Suite 100 Berwyn, PA 19312-1341	Pocono Township Monroe County	NERO
NOEXSC254	No Exposure Certification	Issued	GXO Logistics Supply Chain Inc. 4408 Industrial Park Road Camp Hill, PA 17011-5736	Hampden Township Cumberland County	SCRO
NOEXSC313	No Exposure Certification	Issued	GX OWhse Co. Inc. 381 Freight Street Camp Hill, PA 17011-5711	Hampden Township Cumberland County	SCRO
NOEXSW046	No Exposure Certification	Issued	148 Olympic, LLC 148 Olympic Lane Johnstown, PA 15904-6825	Adams Township Cambria County	SWRO
NOEXSW215	No Exposure Certification	Issued	GPS Metals Inc. 301 Wide Drive McKeesport, PA 15135-1019	Elizabeth Township Allegheny County	SWRO
PAR116127	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Hitachi Energy USA, Inc. 100 Distribution Circle Mt Pleasant, PA 15666-1044	East Huntingdon Township Westmoreland County	SWRO
PAR210017	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Fizzano Bros Concrete Products 1776 Chester Pike Crum Lynne, PA 19022-1223	Ridley Township Delaware County	SERO
PAG046433	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Greenleaf Real Estate Investment LLC 126 Bay Mist Drive Erie, PA 16505-5444	Franklin Township Beaver County	SWRO
PAG096106	PAG-09 General Permit for Beneficial Use of Residential Septage	Issued	Hapchuk Sanitary Co. 430 Fosterville Road Greensburg, PA 15601-6896	Hempfield Township Westmoreland County	SWRO
PAG123523	PAG-12 NPDES General Permit for CAFOs	Issued	Hershey Ag Services 138 Airport Road Marietta, PA 17547-9105	Fayette Township Juniata County	SCRO
PAG123717	PAG-12 NPDES General Permit for CAFOs	Issued	Flintrock Corp 16 E Brubaker Valley Road Lititz, PA 17543-9630	Elizabeth Township Lancaster County	SCRO
PAG123752	PAG-12 NPDES General Permit for CAFOs	Issued	Shelmar Acres LLC 580 Colebrook Road Mount Joy, PA 17552-9777	East Donegal Township Lancaster County	SCRO
PAG123860	PAG-12 NPDES General Permit for CAFOs	Issued	Zugstead Farm Inc. 558 Freed Road Mifflintown, PA 17059-7772	Walker Township Juniata County	SCRO
PAG123889	PAG-12 NPDES General Permit for CAFOs	Issued	Klines Hillside Farm 167 Coble Road Chambersburg, PA 17202-9430	Saint Thomas Township Franklin County	SCRO
PAG124831	PAG-12 NPDES General Permit for CAFOs	Issued	Montour Farms 3899 Mountain Road Beamsville, ON L0R 1B2	Derry Township Montour County	SCRO
PAG124837	PAG-12 NPDES General Permit for CAFOs	Issued	Joe Jurgielewicz & Son Ltd P.O. Box 257 Shartlesville, PA 19554-0257	Rockefeller Township Northumberland County	SCRO
PAG124839	PAG-12 NPDES General Permit for CAFOs	Issued	Martin Robert S 4227 Ridge Road Beaver Springs, PA 17812-9419	West Beaver Township Snyder County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG124850	PAG-12 NPDES General Permit for CAFOs	Issued	Garrett & Darren Moyer 1200 Red Bank Road Middleburg, PA 17842-9246	Washington Township Snyder County	SCRO
PAG124856	PAG-12 NPDES General Permit for CAFOs	Issued	Scattered Acres Farms 190 Tyson School Road Catawissa, PA 17820-8212	Locust Township Columbia County	SCRO
PAG124867	PAG-12 NPDES General Permit for CAFOs	Issued	Landis Farm 2607 Klingerstown Road Herndon, PA 17830	Jordan Township Northumberland County	SCRO
PAG126101	PAG-12 NPDES General Permit for CAFOs	Issued	Leydig Keith & Denise 594 Cumberland Highway Berlin, PA 15530-6002	Brothersvalley Township Somerset County	SCRO
PAG126105	PAG-12 NPDES General Permit for CAFOs	Issued	Hillcrest Saylor Dairy Farms LLC 947 Hatch Hollow Road Rockwood, PA 15557-7802	Middlecreek Township Somerset County	SCRO
PAG130121	PAG-13 NPDES General Permit for MS4s	Issued	Prospect Park Borough Delaware County 720 Maryland Avenue Prospect Park, PA 19076-0301	Prospect Park Borough Delaware County	SERO
PA0065412	Pesticides Individual NPDES Permit	Issued	Lakeside Outing Club, Inc. 227 East Shore Drive Susquehanna, PA 18847	New Milford Township Susquehanna County	NERO
4621412	Pump Stations Individual WQM Permit	Issued	Green Lane Borough & Marlborough Township Joint Authority Montgomery County P.O. Box 45 Green Lane, PA 18054-0045	Green Lane Borough Montgomery County	SERO
0921403	Sewage Land Application Individual WQM Permit	Issued	Solebury School 6832 Phillips Mill Road New Hope, PA 18938-9682	Solebury Township Bucks County	SERO
0421405	Sewage Treatment Facilities Individual WQM Permit	Issued	Pitchford Mark 110 Bowers Drive Fombell, PA 16123-2302	Franklin Township Beaver County	SWRO
2021412	Sewage Treatment Facilities Individual WQM Permit	Issued	Susan & Tracy Tome 10171 Krider Road Meadville, PA 16335-6217	Vernon Township Crawford County	NWRO
2021415	Sewage Treatment Facilities Individual WQM Permit	Issued	Belisky Harry 10917 Westview Avenue Meadville, PA 16335-4751	Summerhill Township Crawford County	NWRO
2096407	Sewage Treatment Facilities Individual WQM Permit	Issued	Meadville Area Sewer Authority Crawford County 1320 Park Avenue Meadville, PA 16335-3114	Meadville City Crawford County	NWRO
4200401	Sewage Treatment Facilities Individual WQM Permit	Issued	Port Allegany Borough Municipal Authority 45 W Maple Street Port Allegany, PA 16743-1318	Port Allegany Borough McKean County	NWRO
4287402	Sewage Treatment Facilities Individual WQM Permit	Issued	Port Allegany Borough Municipal Authority 45 W Maple Street Port Allegany, PA 16743-1318	Port Allegany Borough McKean County	NWRO

## NOTICES

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
4296403	Sewage Treatment Facilities Individual WQM Permit	Issued	Port Allegany Borough Municipal Authority 45 W Maple Street Port Allegany, PA 16743-1318	Port Allegany Borough McKean County	NWRO
6586418	Sewage Treatment Facilities Individual WQM Permit	Issued	Franklin Township Municipal Sanitary Authority Westmoreland County 3001 Meadowbrook Road Murrysville, PA 15668-1627	Murrysville Borough Westmoreland County	SWRO
PA0054551	Single Residence STP Individual NPDES Permit	Issued	Snyder Jonathan D 4 Fox Run Lane Newtown Square, PA 19073-1004	Willistown Township Chester County	SERO
PA0255238	Single Residence STP Individual NPDES Permit	Issued	Gregory Lawrence 286 McClay Road Washington, PA 15301	Canton Township Washington County	SWRO
PA0255378	Single Residence STP Individual NPDES Permit	Issued	Paul And Kaylee Haggerty 108 Almond Way Sewickley, PA 15143	Bell Acres Borough Allegheny County	SWRO
PA0266792	Single Residence STP Individual NPDES Permit	Issued	Creany Alexandra M 179 Atlas Drive Hollidaysburg, PA 16648	Frankstown Township Blair County	SCRO
PA0289779	Single Residence STP Individual NPDES Permit	Issued	Susan & Tracy Tome 10171 Krider Road Meadville, PA 16335-6217	Vernon Township Crawford County	NWRO
PA0289884	Single Residence STP Individual NPDES Permit	Issued	Belisky Harry 10917 Westview Avenue Meadville, PA 16335-4751	Summerhill Township Crawford County	NWRO
PA0290025	Single Residence STP Individual NPDES Permit	Issued	Laboski Jennifer 9345 Station Road Erie, PA 16510-5625	Greenfield Township Erie County	NWRO
PA0290033	Single Residence STP Individual NPDES Permit	Issued	Julie & Randy White 4200 Neyland Road Edinboro, PA 16412-1182	Washington Township Erie County	NWRO
PA0290050	Single Residence STP Individual NPDES Permit	Issued	Peach Sheena 300 N Broadway Street Lebanon, OH 45036-1717	Eldred Township McKean County	NWRO
0218400	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Paul And Kaylee Haggerty 108 Almond Way Sewickley, PA 15143	Bell Acres Borough Allegheny County	SWRO
0719401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Creany Alexandra M 179 Atlas Drive Hollidaysburg, PA 16648	Frankstown Township Blair County	SCRO
2521428	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Laboski Jennifer 9345 Station Road Erie, PA 16510-5625	Greenfield Township Erie County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
2521429	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Julie & Randy White 4200 Neyland Road Edinboro, PA 16412-1182	Washington Township Erie County	NWRO
4221404	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Peach Sheena 300 N Broadway Street Lebanon, OH 45036-1717	Eldred Township McKean County	NWRO
368S043	Small Flow Treatment Facility Individual WQM Permit	Issued	Greenleaf Real Estate Investment LLC 126 Bay Mist Drive Erie, PA 16505-5444	Franklin Township Beaver County	SWRO
2142101	WQG-02 WQM General Permit	Issued	PA DCNR Bald Eagle State Park 149 Main Park Road Howard, PA 16841-3508	Liberty Township Centre County	NCRO
WQG02022103	WQG-02 WQM General Permit	Issued	North Versailles Township Sanitary Authority 3300 Preble Avenue Pittsburgh, PA 15233-1025	Pittsburgh City Allegheny County	SWRO
WQG02022104	WQG-02 WQM General Permit	Issued	North Versailles Township Sanitary Authority 3300 Preble Avenue Pittsburgh, PA 15233-1025	Pittsburgh City Allegheny County	SWRO
WQG02052101	WQG-02 WQM General Permit	Issued	West Providence Township Municipal Authority 83 East Fifth Avenue Everett, PA 15537	West Providence Township Bedford 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 &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC150280	PAG-02	Issued	Radley Run Country Club, Inc. c/o Kurt Hutter 1100 Country Club Road West Chester, PA 19382	Birmingham Township Chester County	SERO
PAC150288	PAG-02	Issued	Armstrong Lloyd, LLC 576 Rosedale Road Kennett Square, PA 19348	Kennett Township Chester County	SERO
PAC090499	PAG-02 General Permit	Issued	Costa Homes Inc. 665 Amalie Lane Southampton, PA 18966-4904	Bensalem Township Bucks County	SERO
PAC090190 A-1	PAG-02 General Permit	Issued	Pantera Realty, LLC Johanna Farms Road P.O. Box 272 Flemington, NJ 08822-0272	Solebury Township Bucks County	SERO
PAC090479	PAG-02 General Permit	Issued	Britton Realty of Morrisville, LLC 227 Bakers Basin Road Lawrenceville, PA 08648-3307	Falls Township & Morrisville Borough Bucks County	SERO
PAC090427 A-1 Major Amendment	PAG-02 General Permit	Issued	Pennridge School District 1200 North 5th Street Perkasie, PA 18944-1898	East Rockhill Township Bucks County	SERO
PAC090469	PAG-02 General Permit	Issued	StoneMor PA, LLC 3600 Horizon Boulevard Trevose, PA 19053-4965	Lower Makefield Township Bucks County	SERO

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC090488	PAG-02 General Permit	Issued	East Village Developers, LLC 9 Quinn Circle Holland, PA 18966-2819	Northampton Township Bucks County	SERO
PAC230202	General	Permit Issuance	D'Annunzio Homes 104 Spring Valley Way Aston, PA 19014	Bethel Township Delaware County	SERO
PAD230006	Individual NPDES	Renewal	Ashford Land Company, LP 517 Lisester Road Newtown Square, PA 19073	Newtown Township Delaware County	SERO
PAD390015 A-1	Individual NPDES	Issued	Liberty Property Limited Partnership 400 Boulder Dr. Suite 200 Breinigsville, PA 18031	Lower Macungie Township Lehigh County	NERO
PAD480161	Individual NPDES	Issued	HH Bath View Commercial, LLC c/o Justin Huratiak 416 O.W. Road Bangor PA 18013-9380	Borough of Bath Northampton County	NERO
PAC480102	PAG-02 General Permit	Issued	Brandon Prego PPL Electric Utilities Corporation 2 North Ninth Street Allentown, PA 18101	Allen Township Northampton County	Northampton County Conservation District 14 Gracedale Ave Greystone Building Nazareth, PA 18064-9211 610-829-6276
PAD350023	Individual NPDES	Issued	Jeremy Wentz 2377 Port Royal Road Clarks Summit, PA 18411	Ransom Township Lackawanna County	NERO
PAD480155	Individual NPDES	Issued	Jaindl Land Company c/o Luke Jaindl 3150 Coffeetown Road Orefield, PA 18069-2511	Hanover Township Northampton County	NERO
PAD050011	Individual NPDES	Issued	Merit SI 717 Texas Avenue 12th Floor Houston, TX 77002	Cumberland Valley Township Bedford Township Bedford County	SCRO
PAD050012	Individual NPDES	Issued	SAC, Inc. 4588 Business 220 Bedford, PA 15522	South Woodbury Township Bedford County	SCRO
PAD070015	Individual NPDES	Issued	6 DS Properties 3229 Pleasant Valley Boulevard Altoona, PA 16602	Antis Township Blair County	SCRO
PAD070019	Individual NPDES	Issued	Hopper Commons, LP 500 South Front Street 10th Floor Columbus, OH 43215	Frankstown Township Blair County	SCRO
PAD210070	Individual NPDES	Issued	121 Will Farm, LLC 2325 Paxton Church Road Harrisburg, PA 17110-9688	Middlesex Township Cumberland County	SCRO
PAD210073	Individual NPDES	Issued	Smith Farm Partners, LLC 430 North Front Street Wormleysburg, PA 17043	South Middleton Cumberland County	SCRO
PAC010184	PAG-02 General Permit	Issued	ACNB Bank P.O. Box 3129 Gettysburg, PA 17325	Butler Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC070087 A-1	PAG-02 General Permit	Issued	Penelec, A FirstEnergy Company 341 White Pond Drive Akron, OH 44320	Snyder Township Blair County	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814.696.0877, ext. 5
PAC310024	PAG-02 General Permit	Issued	LM Real Estate Investments, LLC 50 East Main Street P.O. Box 472 Schuylkill, PA 17972	Dublin Township Huntingdon County	Huntingdon County Conservation District 10605 Raystown Road Suite A Huntingdon, PA 16652-9603 814.627.1627
PAC360703	PAG-02 General Permit	Issued	Matthew Feiler 2890 Club House Road Costa Mesa, CA 92626	Manor Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360182 A-1	PAG-02 General Permit	Issued	Property Investing & Management Inc. 341 Clay School Road Ephrata, PA 17522	Ephrata Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360595	PAG-02 General Permit	Issued	KW Cornerstone W-1 LLC 6259 Reynolds Mill Road Seven Valleys, PA 17360	Rapho Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC380217	PAG-02 General Permit	Issued	Nelson Martin 70 Martin Road Myerstown, PA 17067	Jackson Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC380233	PAG-02 General Permit	Issued	North Cornwall Township 320 South 18th Street Lebanon, PA 17042	North Cornwall Township Lebanon City Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC380231	PAG-02 General Permit	Issued	Millfield Heights, LLC 2130 Marietta Avenue P.O. Box 6370 Lancaster, PA 17607	Palmyra Borough Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC670495	PAG-02 General Permit	Issued	Aquaphoenix Scientific 860 Gitts Run Road Hanover, PA 17331	Penn Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC670501	PAG-02 General Permit	Issued	Neil B. & Tammy M. Gingerich 170 Beshore School Road Manchester, PA 17345	East Manchester Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC670218 A-3	PAG-02 General Permit	Issued	Steve Schiding 1660 Crows Nest Lane York, PA 17403	York Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC670488	PAG-02 General Permit	Issued	Blue Field Properties, LLC 217 Farefield Court York, PA 17402	York Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC040091A-2	PAG-02 General Permit	Issued	Gaucha Solar, Inc. 905 W. McDermott Drive Allen, TX 75013	Independence Township Beaver County Findlay Township Allegheny County	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 724-378-1701
PAC040108	PAG-02 General Permit	Issued	Giant Eagle, Inc. 101 Kappa Dr. Pittsburgh, PA 15238	Center Township County	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 724-378-1701
PAC110082	PAG-02 General Permit	Issued	CPV Rogue's Wind, LLC 50 Braintree Hill Office Park Suite 300 Braintree, MA 02184	Chest Township Westover Borough Clearfield County Chest Township Cambria County	Cambria County Conservation District 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 814-472-2120
PAD300015	PAG-02 Individual Permit	Issued	Peoples Natural Gas Company, LLC 195 Donohoe Road Greensburg, PA 15601 Superior Utility Excavating, Inc. 1149 Beaver Run Road Greensburg, PA 15601	Center Township Franklin Township Jackson Township Greene County	SWRO
PAC630215	PAG-02 General Permit	Issued	Chapman Properties 100 Leetsdale Industrial Drive Leetsdale, PA 15056	South Strabane Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098
PAC630235	PAG-02 General Permit	Issued	Columbia Gas of PA, Inc. 4000 Energy Drive Bridgeville, PA 15017	Amwell Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098



<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD280009	Individual	Issued	Rising Sun Developers, LLC 2341 Falling Spring Road Chambersburg, PA 17202	Guilford Township Franklin County	Regional Permit Coordination Office (RPCO) Rachel Carson State Office Building 400 Market Street Harrisburg, PA 17101 Email: RA-EPREGIONAL PERMIT@pa.gov

**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>
Todd Rabert 380 South Locust Point Road Mechanicsburg, PA 17055	Cumberland	555.42	274.29	Broilers/ Beef	N/A	Approved
Franklin Family Farms Longacre Farm 19625 Path Valley Road Dry Run, PA 17220	Franklin	0	568.87	Swine	N/A	Approved
Franklin Family Farms McClay’s Farm 7597 McClay’s Mill Road Newburg, PA 17240	Franklin	0	691.44	Swine	N/A	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. 3390047, Operations Permit, Public Water Supply.**

Applicant	<b>Lehigh County Authority LCA Heidelberg Heights Division (Heidelberg Tank Rehab.)</b> 1053 Spruce Street P.O. Box 3348 Allentown, PA 18106-0348
Township	Heidelberg Township
County	<b>Lehigh</b>
Type of Facility	PWS
Consulting Engineer	Mr. Jason G. Saylor, P.E. Utility Service Company, Inc. 1230 Peachtree Street NE Suite 1100—Promenade Atlanta, GA 30309
Permit to Operate Issued	November 22, 2021

**Permit No. 4821507MA, Public Water Supply.**

Applicant	<b>Mr. William G. Ross, Authority Administrator Lower Saucon Authority</b> 3706 Old Philadelphia Pike Bethlehem, PA 18015-5426
Township	Lower Saucon Township
County	<b>Northampton</b>
Type of Facility	PWS
Consulting Engineer	Mr. J. Bradley Youst, P.E. Hanover Engineering Associates, Inc. 252 Brodhead Rd. Suite 100 Bethlehem, PA 18017
Permit to Construct Issued	November 17, 2021

**Permit No. 4521503, Construction Permit, Public Water Supply.**

Applicant	<b>JARF Enterprises, LLC</b> 1150 Red Fox Court Kresgeville, PA 18333
Municipality	Coolbaugh Township
County	<b>Monroe</b>
Type of Facility	Public Water Supply
Consulting Engineer	Timothy J. Pilcher, P.E. B&B Diversified Enterprises, Inc. 302 Norton Road Stroudsburg, PA 18360
Permit to Construct Issued	December 3, 2021

Description of Action	Installation of pH adjustment and water softening equipment along with UV disinfection.
-----------------------	---

**Permit No. 3396420, Operations Permit, Public Water Supply.**

Applicant	<b>BlueTriton Brands, Inc.</b> 305 Nestle Way Breinigsville, PA 18031
Township	Upper Macungie Township
County	<b>Lehigh</b>
Type of Facility	Bottled Water Facility
Consulting Engineer	Edward E. Davis, P.E. Miller Brothers Construction, Inc. P.O. Box 472 Schuylkill Haven, PA 17972
Permit to Operate Issued	December 6, 2021

**Permit No. 4521501, Public Water Supply.**

Applicant	<b>Pennsylvania American Water Company PAWC Pocono District—Pocono Farms East</b> 852 Wesley Dr. Mechanicsburg, PA 17055
Township	Coolbaugh Township
County	<b>Monroe</b>
Type of Facility	PWS
Consulting Engineer	Mr. Peter Keenan, P.E., Sr. Director Technical Services American Water—Engineering 1 Water Street Camden, NJ 08102
Permit to Construct Issued	November 30, 2021

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

**Permit No. 4921503, Major Amendment, Public Water Supply.**

Applicant	<b>Pennsylvania-American Water Company</b> 852 Wesley Drive Mechanicsburg, PA 17055
Borough or Township	White Deer Township

County **Union County**  
 Type of Facility **Public Water Supply**  
 Consulting Engineer **Garret J. Hargenrader**  
**Gwin, Dobson and Foreman, Inc.**  
**3121 Fairway Drive**  
**Altoona, PA 16602**  
 Permit Issued **December 20, 2021**

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

**Sunset Ridge Healthcare (Public Water Supply)**, 3298 Ridge Road, Bloomsburg, PA 17815-7932, Scott Township, **Columbia County**. On December 21, 2021, the Safe Drinking Water Program approved the Source Water Protection (SWP) plan for the Sunset Ridge Healthcare community water system. The personnel involved with the development of this SWP are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP plan was funded by the Department of Environmental Protection.

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

**Permit No. 0221543, Major Amendment**, Public Water Supply.

Applicant **Veterans Administration**  
**Pittsburgh Healthcare**  
**System**  
 University Drive C  
 Pittsburgh, PA 15240  
 Borough or Township **O'Hara Township**  
 County **Allegheny**  
 Type of Facility **Water system**  
 Consulting Engineer **Civil & Environmental**  
**Consultants, Inc.**  
**333 Baldwin Road**  
**Pittsburgh, PA 15205**  
 Permit Issued **December 16, 2021**

## **HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988**

### **Public Notice of Proposed Consent Order and Agreement Under HSCA/CERCLA.**

**Furlong Manufacturing Company HSCA Site**, 760 York Road, Furlong, PA 18925, Doylestown and Buckingham Townships, **Bucks County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA), 35 P.S. Section 6020.101 et seq., has entered into a proposed Consent Order and Agreement (CO&A) with the Beierlein Family Partnership LLC (Partnership) with regard to the Furlong Manufacturing Company HSCA Site (Site) located at 760 York Road, Furlong, PA.

The Furlong Manufacturing Company (FMC) operated a lamp manufacturing facility on the Property between approximately 1969 and 1980. Leon J. Mendelson was the owner and president of FMC. Prior to 1980, FMC used trichloroethylene (TCE) and 1,1,1-trichloroethane (1,1,1-TCA) in its manufacturing operations. As a result of investigations conducted by the Department, the Bucks County Department of Health, and the US Environmental

Protection Agency, the Department determined that there was a release or threat of release of hazardous substances at the Site within the meaning of HSCA. Beginning in 2001, the Department implemented a response action at the Site by excavating and properly disposing of contaminated soils above applicable cleanup standards as the remedy for the Site.

The Partnership is the current owner of the Site Property. However, the Department has no information that the Partnership ever used TCE or 1,1,1-TCA at the Site Property or that it has ever been or is presently affiliated with FMC or Leon J. Mendelson.

Under the terms and conditions of the CO&A, the Partnership will record an Environmental Covenant which places certain activity and use limitations on the Site Property consistent with current or future Site conditions. In addition, the CO&A provides that any future transferee of the Site Property will submit payment to the Department in the amount of \$5,000.00 towards the Department's past response costs at the Site.

This notice is provided pursuant to Section 1113 of HSCA, 35 P.S. § 6020.1113, which states that, "settlement shall become final upon the filing of the Department's response to significant written comments". The Department has reserved the right to withdraw its consent to the CO&A if comments submitted during the public comment period disclose facts or considerations which indicate, in the Department's discretion, that the CO&A is inappropriate or not in the public interest. A person adversely affected by the settlement may file an appeal with the Pennsylvania Environmental Hearing Board. A public comment period on the CO&A will extend for a period of 60 days from the date of this notice. Persons may submit written comments regarding the agreement by mail to Wayne Harms, Solid Waste Specialist, Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401 or by email to wharms@pa.gov. Further information or a copy of the Settlement Agreement can be obtained by contacting Mr. Wayne Harms at wharms@pa.gov or 484-250-5730 or Mr. Anderson Lee Hartzell at ahartzell@pa.gov or 484-250-5866. Interested persons may submit written comments regarding the Settlement Agreement to the Department by submitting them to Mr. Harms at the previously listed address.

## **LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

### **UNDER ACT 2, 1995 PREAMBLE 2**

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation

performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

**Powel and Auriemma Residences**, 445 and 443 Penn Road, Plymouth Meeting, PA 19462, Plymouth Township, **Montgomery County**. Jason Charles, Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Penny Dunyan, Worcester Heating and Air Conditioning, 2830 West Main Street, Suite 3, Eagleview, PA 19403 submitted a Final Report concerning remediation of site soil contaminated with benzene, ethylbenzene, cumene, MTBE, naphthalene, toluene, 1,2,4-TMB and 1,3,5-TMB. The report is intended to document remediation of the site to meet the Statewide health standard.

**Tesno Residence**, 2582 Church Lane, Kinshersville, PA 18930, Nockamixon Township, **Bucks County**. Richard Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Andrea Gluch, State Farm Insurance, P.O. Box 106169, Atlanta, GA 30348 submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide health standard.

**545 North Broad Street**, 545 North Broad Street, Philadelphia, PA 19123, City of Philadelphia, **Philadelphia County**. James Manuel, REPSG, Inc., 6901 Kingessing Avenue, Philadelphia, PA 19142 on behalf of Paul Horos, 545NB QOZB, LLC, 702 North 3rd Street, Unit 204, Philadelphia, PA 19123 submitted a Final Report concerning remediation of site soil contaminated with PCBs. The report is intended to document remediation of the site to meet the Statewide health standard.

**Darby Town Center**, 150 South MacDade Boulevard, Darby, PA 19023, Darby Borough, **Delaware County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Jeff Nurk, MacDade Darby Development, LP, 5004 State Road, Drexel Hill, PA 19026 submitted a Final Report concerning remediation of site soil contaminated with

lead, petroleum hydrocarbons and VOCs. The report is intended to document remediation of the site to meet the site-specific standard.

**Superior Scaffold Services, Inc.**, 520 East Luzerne Street, Philadelphia, PA 19124, City of Philadelphia, **Philadelphia County**. Christopher M. Kern, PG, Liberty Environmental, Inc., 505 Penn Street, Suite 400, Reading, PA 19601 on behalf of Guy L. Bianchini, Superior Scaffold Services, Inc., 600 Center Avenue, Bensalem, PA 19020 submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning remediation of site soil and groundwater contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to meet the site-specific standard.

**3222 Phoenixville Pike Park**, 3222 Phoenixville Pike Park, Malvern, PA 19355, Charlestown Township & East Whiteland Township, **Chester County**. Kenneth Pasterak, PG, Atlas Technical, 270 William Pitt Way, Building 3A, Pittsburgh, PA 15238 on behalf of Linda Kaiser, 3222 Phoenixville Pike Owner, LLC, 2001 Ross Avenue, 31st Floor, Dallas, TX 75201 submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide health standard.

**NP Falls Township Industrial, LLC—Keystone Trade Center (KTC)—Lot 23**, One Ben Fairless Drive, Fairless Hills, PA 19030, Falls Township, **Bucks County**. John Garges, GHD Services Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341 on behalf of Andy Mace, NP Falls Township Industrial, LLC, 2652 Mayfair Lane, York, PA 17408 submitted a Remedial Investigation Report/Risk Assessment Report/Final Report concerning remediation of site soil contaminated with VOCs, SVOCs, metals, PCBs and vanadium. The report is intended to document remediation of the site to meet the site-specific standard.

**54 Wentworth Lane**, 54 Wentworth Lane, Bryn Mawr, PA 19010, Radnor Township, **Delaware County**. Gilbert J. Marshall, PG, Marshall Geoscience, Inc., 170 1st Avenue, Collegeville, PA 19426 on behalf of Marc Schwarz, 54 Wentworth Lane, Bryn Mawr, PA 19010, submitted a Final Report concerning remediation of site soil contaminated with benzene, ethylbenzene, isopropylbenzene, MTBE, naphthalene, toluene, 1,2,4-trimethylbenzene, and 1,3,5-trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide health standard.

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

*Contact: Eric Supey, Environmental Program Manager.*

**Westminster Village**, 801 North Wahneta Street, Allentown, PA 18109, Allentown City, **Lehigh County**. United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Presbyterian Homes Inc., 1 Trinity Drive, Suite 201, Dillsburg, PA 17019, submitted a Final Report concerning remediation of soil contaminated by a release of diesel from an aboveground storage tank. The report is intended to document remediation of the site to meet Statewide health standards.

**Hazleton Generation**, 120 Maplewood Road, Hazleton, PA 18202, Hazle Township, **Luzerne County**. Stantec Consulting Services, 400 Davis Drive, Suite 400, Plymouth Meeting, PA 19462, on behalf of Hazleton Generation, LLC, 120 Maplewood Road, Hazleton, PA 18202, submitted a Final Report concerning remediation

of soil contaminated by releases of No. 2 fuel oil. The report is intended to document remediation of the site to meet Statewide health standards.

**C. Larue Pad 2**, 2310 State Route 3010, Springville, PA 18844, Dimock Township, **Susquehanna County**. Folsom Engineering, 117 Roger Hollow Road, Mehoopany, PA 18629 on behalf of Coterra Energy, Inc., 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Final Report concerning remediation of soil contaminated by natural gas well drilling operations. The report is intended to document remediation of the site to meet a combination of Background and Statewide health standards.

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

**Covington 5H on the Covington BRA Pad**, 984 E. Warner Hill Road, Ulster, PA 18850, Sheshequin Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, has submitted a Final Report concerning remediation of site soil contaminated with production fluid. The report is intended to document remediation of the site to meet the residential Statewide health standard.

**R&R Lawrence Trucking Project**, 743 PA Route 118, Hughesville, PA 17737, Wolf Township, **Lycoming County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 177889, on behalf of R&R Lawrence, Inc., 19422 Route 414, Monroeton, PA 18832, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel, used motor oil, and antifreeze. The report is intended to document remediation of the site to meet the nonresidential Statewide health standard.

**Highland & York Property Heating Oil Release Cleanup**, 240 North Third Street, Lewisburg, PA 17837, Lewisburg Borough, **Union County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of Highland & York, LLC, 660 Sixth Street, Northumberland, PA 17857, has submitted a Final Report concerning remediation of site soil contaminated with No. 2 heating oil. The report is intended to document remediation of the site to meet the Statewide health standard.

## 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 dem-

onstrate 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.*

**Synthetic Thread**, 825 12th Avenue, Bethlehem, PA 18018, Bethlehem City, **Lehigh County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Francesca Associates LLC, 903 Chestnut Street, Emmaus, PA 18049, submitted a Final Report concerning remediation contaminated by a release of No. 4 heating oil from an underground storage tank. The Final Report demonstrated attainment of Statewide health standards and was approved by DEP on December 17, 2021.

**2329 Santee Mill Road**, 2329 Santee Mill Road, Bethlehem, PA 18017, Bethlehem City, **Northampton County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Susan Cumings, P.O. Box 399, Springtown, PA 18081, submitted a Final Report concerning remediation of soil contaminated by heating oil from an underground storage tank. The Final Report demonstrated attainment of Statewide health standards and was approved by DEP on December 21, 2021.

**Henry's Service Station**, 4024 Mountain View Drive, Danielsville, PA 18038, Lehigh Township, **Northampton County**. JMT Industrial & Environmental Contracting Services, 710 Uhler Road, Easton, PA 18040, on behalf of Preston Henry, 4024 Mountain View Drive, Danielsville, PA 18038, submitted a second revised Final Report concerning remediation of soil contaminated by gasoline from a tanker truck. The Final Report demonstrated attainment of Statewide health standards and was approved by DEP on December 22, 2021.

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

**York Plant Holding, LLC**, 651 Memory Lane, York, PA 17402, Springettsbury Township, **York County**. AECOM, 100 Sterling Parkway, Suite 205, Mechanicsburg, PA 17050, on behalf of Talen Energy, 6561 Memory Lane, York, PA 17402, and Equity Industrial Properties, 145 Rosemary Street, Suite 3, Needham, MA 02494, submitted a Remedial Investigation and Final Report concerning remediation of site soil and groundwater contaminated with kerosene from a subsurface piping release. The Final Report demonstrated attainment of the site-specific standard and was approved by the Department on December 14, 2021.

**Moser Farm Property**, 1320 Montgomery Avenue, Bechtelsville, PA 19505, Colebrookdale Township, **Berks County**. Liberty Environmental, Inc., 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of Hollenbach Swamp Creek Properties, LLC, P.O. Box 507, Boyertown, PA 19512, submitted Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the residential Statewide health standard and was approved by the Department on December 15, 2021.

**Berks Park 183 Former Pistol Range**, Aviation Road, Reading, PA 19605, Bern Township, **Berks County**. Liberty Environmental, LLC, 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of Berks County Industrial Development Authority, 633 Court Street, 14th Floor, Reading, PA 19601, submitted a Final Report concerning remediation of site soil contaminated with lead. The Final Report demonstrated attainment of the site-specific standard and was approved by the Department on December 15, 2021.

**L.B. Fencing**, 305 Good Road, East Earl, PA 17519, Brecknock Township, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of L.B. Fencing, 305 Good Road, East Earl, PA 17519, submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The Final Report did not demonstrate attainment of the residential Statewide health standard and was disapproved by the Department on December 17, 2021.

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

**Former Myers Property**, 2447 State Route 44, Alenwood, PA 17810, Gregg Township, **Union County**. Gary C. Calvert, LLC, P.O. Box 504, Hollidaysburg, PA 16648, on behalf of Myers Property Estate/Trust, 581 Fredrick Drive, Watsontown, PA 17777, has submitted a Final Report concerning remediation of site soil contaminated with heating oil. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on December 10, 2021.

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

**Community Guidance Center**, 304 East Pike Road, Indiana, PA 15701, White Township, **Indiana County**. CORE Environmental Services, Inc., 3960 William Flinn Highway, Suite 100, Allison Park, PA 15101 on behalf of Community Guidance Center, 793 Old Route 119, Highway North, Indiana, PA 15701 has submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning remediation of site soil contaminated

with Arsenic, Iron, Manganese and site groundwater contaminated with Dissolved Manganese. The combined Remedial Investigation Report/Risk Assessment Report/Cleanup Plan was disapproved by the Department on December 22, 2021.

**Interstate Chemical Company**, 2797 Freedland Road, Hermitage, PA 16148, City of Hermitage, **Mercer County**. Wood Environment & Infrastructure Solutions, Inc., 437 Grant Street, Suite 918, Pittsburgh, PA 15219 on behalf of Interstate Chemical Company, Inc., 2797 Freedland Road, Hermitage, PA 16148 has submitted a Risk Assessment (Revision 3) Report concerning remediation of site soil and groundwater contaminated with 1,1,1-Trichloroethane, 1,1,2,2-Tetrachloroethane, 1,1,2-Trichloro-1,2,2-trifluoroethane, 1,1-Dichloroethane, 1,1-Dichloroethene, 1,2-Dichlorobenzene, 1,2-Dichloroethane, 2-Butanone (MEK), 2-Hexanone, 4-Methyl-2-pentanone (MIBK), Acetone, Benzene, Carbon disulfide, Chlorobenzene, Chloroethane, Chloroform, cis-1,2-Dichloroethene, Cyclohexane, Cyclohexanone, Dichlorodifluoromethane, Ethylbenzene, Hexane, Isopropylbenzene, Methyl acetate, Methyl tert-butyl ether, Methylcyclohexane, Methylene Chloride, Styrene, Tetrachloroethene, Tetrahydrofuran, Toluene, trans-1,2-Dichloroethene, trans-1,3-Dichloropropene, Trichloroethene, Vinyl chloride, Xylenes (Total), 1-Propanol, 2-Propanol (Isopropanol), Ethyl acetate, Ethylene glycol, Furfural, Methanol, n-Butyl alcohol, Formaldehyde, Isobutyl alcohol, 1,1'-Biphenyl, 2,4-Dimethylphenol, 2-Methylnaphthalene, 2-Methylphenol, 4-Chloroaniline, Acenaphthene, Acenaphthylene, Acetophenone, Aniline, Anthracene, Benzaldehyde, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Benzo[g,h,i]perylene, Benzo[k]fluoranthene, Benzoic acid, Bis(2-ethylhexyl) phthalate, Butyl benzyl phthalate, Carbazole, Chrysene, Cresols (Total), Dibenz[a,h]anthracene, Dibenzofuran, Diethyl phthalate, Di-n-butyl phthalate, Di-n-octyl phthalate, Fluoranthene, Fluorene, Hexachlorobenzene, Indeno[1,2,3-cd]pyrene, Isophorone, Methylphenol, 3 & 4, Naphthalene, Nitrobenzene, Phenanthrene, Phenol, Pyrene, PCB-1242, Arsenic, Barium, Cadmium, Chromium, Chromium (VI), Lead, Mercury, Selenium, Silver, and Distilled Ammonia. The Risk Assessment (Revision 3) Report was disapproved by the Department on December 22, 2021.

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

**Johnson Matthey Inc.—West Whiteland Facility**, 1401 King Road, West Whiteland Township, PA 19380, West Whiteland Township, **Chester County**. William Gilchrist, Roux Associates, Inc., 402 Heron Drive, Logan Township, NJ 08085 on behalf of Dave Campbell, Johnson Matthey Inc., 1401 King Road, West Whiteland Township, PA 19380 submitted a Risk Assessment Report/Final Report concerning the remediation of site soil and groundwater contaminated with VOCs (tetrachloroethylene, trichloroethylene, 1,1,1-trichloroethane, 1,1,2,2-tetrachloroethane). The Report was reviewed by the Department which issued an administrative deficiency letter on December 2, 2021.

**105 Bala Avenue Site**, 105 Bala Avenue, Bala Cynwyd, PA 19004, Lower Merion Township, **Montgomery County**. Ryan Beebe, Crawford Environmental Services, LLC, 20 Cardinal Drive, Birdsboro, PA 19508 on behalf of Garrett Bergman, P.O. Box 465, Narberth, PA 19072, submitted a Final Report concerning the remediation of site soil and groundwater contaminated with No. 2

fuel oil. The Report was reviewed by the Department which issued a technical deficiency letter on December 2, 2021.

**Scholler, Inc., Property**, 3320 Collins Street, Philadelphia, PA 19134, City of Philadelphia, **Philadelphia County**. John C. Lydzinski, PG, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of David Goldstein, Follow Through Capital, 20 Conshohocken State Road, Apt. 312, Bala Cynwyd, PA 19004 submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Report was disapproved by the Department on November 30, 2021.

**Greyhound Lines**, 700-735 North Delaware Avenue, Philadelphia, PA 19123, City of Philadelphia, **Philadelphia County**. Janine Mueller, Pennoni Associates, Inc., 1900 Market Street, Suite 300, Philadelphia, PA 19103 on behalf of Sean McGovern, Fairmount Street Partners, LP, 359 Springfield Avenue, 2nd Floor, Summit, NJ 07901, submitted a Final Report concerning the remediation of site groundwater contaminated with MTBE. The Final Report demonstrate attainment of the Statewide health standard and was approved by the Department on December 2, 2021.

**209 Main Street**, 209 Main Street, Red Hill, PA 18076, Upper Hanover Township, **Montgomery County**. Richard Doran, HETI, P.O. Box 8028, Pelham, NY 10803 on behalf of Charles Dampman, C.R. Dampman Fuels, Inc., P.O. Box 63, East Greenville, PA 18041, submitted a Final Report concerning the remediation of site soil contaminated with benzene, toluene, ethylbenzene, MTBE, naphthalene, cumene, 1,2,4-trimethylbenzene, and 1,3,5-trimethylbenzene. The Final Report demonstrate attainment of the Statewide health standard and was approved by the Department on December 2, 2021.

**3111 Grays Ferry Avenue**, 3111 Grays Ferry Avenue, Philadelphia, PA 19146, City of Philadelphia, **Philadelphia County**. Heather Shoemaker, GZA, 1515 Market Street, Suite 945, Philadelphia, PA 19102, on behalf of Richard S. Oller, GOS Grays Ferry, LLC, 107 South 2nd Street, Suite 500, Philadelphia, PA 19106, submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site groundwater contaminated with VOCs, SVOCs and metals. The Report was disapproved by the Department on December 2, 2021.

**3 Sumner Lane**, 3 Sumner Lane, West Grove, PA 19390, Penn Township, **Chester County**. Stephen Huxta, PG, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Mr. & Mrs. Thomas Strode, 3 Sumner Lane, West Grove, PA 19390 submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrate attainment of the Statewide health standard and was approved by the Department on December 1, 2021.

**Grease Monkey Facility**, 819 North Easton Road, Doylestown, PA 18902, Plumstead Township, **Bucks County**. Heath A. Brown, Environmental Standards, Inc., 1140 Valley Forge Road, Valley Forge, PA 19482, on behalf of Kenneth Lowther, Doylestown Properties, LP, 14000 Horizon Way, Suite 100, Mount Laurel, NJ 08054 submitted a Remedial Investigation Report/Cleanup Plan/

Final Report concerning the remediation of site groundwater contaminated with petroleum. The Final Report demonstrated attainment of the site-specific standard and was approved by the Department on November 30, 2021.

**580 East Lancaster Avenue**, 580 East Lancaster Avenue, Berwyn, PA 19312, Easttown Township, **Chester County**. Michael S. Welsh, PE, Welsh Environmental, Inc., 131 Clearview Drive, Downingtown, PA 19335, on behalf of David Della Porta, Berwyn Owner, LLC, 775 Lancaster Avenue, Suite 210, Villanova, PA 19075, submitted a Final Report concerning the remediation of site groundwater contaminated with benzene, chlorobenzene and MTBE. The Final Report demonstrated attainment of the site-specific standard and was approved by the Department on November 30, 2021.

**Langford Square**, 0 Langford Road, Broomall, 19008, Marple Township, **Delaware County**. Paul White PG, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, on behalf of Vincent Antonini, G Antonini Real Estate Inc., 3605 Winding Way, Newtown Square, PA 19073, submitted a Final Report concerning the remediation of site soil and groundwater contaminated with VOCs, SVOCs and metals. The Report was reviewed by the Department which issued an administrative deficiency letter on December 3, 2021.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License Received under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.*

#### *Renewal Applications Received*

**McCutcheon Enterprises, Inc.**, 250 Park Road, Apollo, PA 15613. License No. **PA-AH 0130**. Effective November 10, 2021.

**Berner Trucking, Inc.**, P.O. Box 660, Dover, OH 44622. License No. **PA-AH 0382**. Effective December 10, 2021.

**U.S. Bulk Transport, Inc.**, 205 Pennbriar Drive, Erie, PA 16509. License No. **PA-AH 0408**. Effective December 22, 2021.

**JMT Environmental Technologies, Inc.**, P.O. Box 22044, Lehigh Valley, PA 18002. License No. **PA-AH 0648**. Effective November 29, 2021.

**Best Dedicated, LLC**, 829 Graves Street, Kernersville, NC 27284. License No. **PA-AH 0886**. Effective December 9, 2021.

**J and D Trucking, Inc.**, 3526 NW Boulevard, Vineland, NJ 08360. License No. **PA-AH 0652**. Effective November 10, 2021.

**AERC Acquisitions Corp., dba AERC Recycling Solution, A Clean Earth Company**, 2591 Mitchell Avenue, Allentown, PA 18103. License No. **PA-AH 0687**. Effective November 24, 2021.

**AEG Environmental Products & Services, Inc.**, P.O. Box 286, Westminster, MD 21158. License No. **PA-AH 0701**. Effective December 21, 2021.

**Environmental Services, Inc.**, 90 Brookfield Street, South Windsor, CT 06074. License No. **PA-AH 0725**. Effective November 24, 2021.

**Providence Environmental Concepts and Services LLC**, 312 Sharpe Road, Columbia, SC 29203. License No. **PA-AH 0739**. Effective December 21, 2021.

**Goulet Trucking, Inc.**, P.O. Box 259, South Deerfield, MA 01373. License No. **PA-AH 0768**. Effective December 10, 2021.

**Three Rivers Trucking, Inc.**, 3250 County Road 427, Waterloo, IN 46793. License No. **PA-AH 0769**. Effective November 10, 2021.

**WM Curbside, LLC**, 301 Stanhope Street, Pittsburgh, PA 15204. License No. **PA-AH 0793**. Effective December 10, 2021.

**KAG Specialty Products Group, LLC**, 4366 MT Pleasant St. NW, North Canton, OH 44720. License No. **PA-AH 0895**. Effective November 17, 2021.

*Transporter Licenses Reissued*

**McCutcheon Enterprises, Inc.**, 250 Park Rd, Apollo, PA 15613. License No. **PA-AH 0130**. Effective November 10, 2021.

**Berner Trucking, Inc.**, P.O. Box 660, Dover, OH 44622. License No. **PA-AH 0382**. Effective December 10, 2021.

**U.S. Bulk Transport, Inc.**, 205 Pennbriar Drive, Erie, PA 16509. License No. **PA-AH 0408**. Effective December 22, 2021.

**JMT Environmental Technologies, Inc.**, P.O. Box 22044, Lehigh Valley, PA 18002. License No. **PA-AH 0648**. Effective November 29, 2021.

**J and D Trucking, Inc.**, 3526 NW Boulevard, Vineland, NJ 08360. License No. **PA-AH 0652**. Effective November 10, 2021.

*New Applications Received*

**ERG Environmental Services**, 13040 Merriman Rd, Livonia, MI 48150. License No. **PA-AH 0914**. Effective July 29, 2021.

**Island Pump & Tank Corp.**, 40 Doyle Ct., East Northport, NY 11731. License No. **PA-AH 0915**. Effective July 29, 2021.

**D&A Contracting LLC**, 322 Route 46 West, Parsippany, NJ 07054. License No. **PA-AH 0917**. Effective September 17, 2021.

**Hazel's Hot Shot, Inc., d/b/a Hazel's Expedited Freight**, P.O. Box 810239, Dallas, TX 75381. License No. **PA-AH 0918**. Effective October 12, 2021.

*New Transporter Licenses Issued*

**ERG Environmental Services**, 13040 Merriman Rd, Livonia, MI 48150. License No. **PA-AH 0914**. Effective December 9, 2021.

**Island Pump & Tank Corp.**, 40 Doyle Ct., East Northport, NY 11731. License No. **PA-AH 0915**. Effective November 18, 2021.

**D&A Contracting, LLC**, 322 Route 46 West, Parsippany, NJ 07054. License No. **PA-AH 0917**. Effective November 17, 2021.

**Hazel's Hot Shot, Inc., dba Hazel's Expedited Freight**, P.O. Box 810239, Dallas, TX 75381. License No. **PA-AH 0918**. Effective November 17, 2021.

**REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES**

---

**Actions on applications for Regulated Medical and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P.L. 525, No. 93) and regulations to transport regulated medical and chemotherapeutic waste.**

---

*Central Office: Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.*

*Renewal Applications Received*

**R. Mor Enterprises, Inc., d/b/a NJ Medical Waste**, P.O. Box 6595, East Brunswick, NJ 08816. License No. **PA-HC 0246**. Effective December 21, 2021.

**MDB BioMed, LLC**, 116 Level Road, Collegeville, PA 19426. License No. **PA-HC 0269**. Effective November 24, 2021.

*Transporter License Reissued*

**R. Mor Enterprises, Inc., dba NJ Medical Waste**, P.O. Box 6595, East Brunswick, NJ 08816. License No. **PA-HC 0246**. Effective December 21, 2021.

**MDB BioMed, LLC**, 116 Level Road, Collegeville, PA 19426. License No. **PA-HC 0269**. Effective November 24, 2021.

**HAZARDOUS WASTE TREATMENT, STORAGE & DISPOSAL FACILITIES**

---

**Permits issued under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.**

---

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

**PAD085690592. Republic Environmental System PA, LLC**, 2869 Sandstone Driver, Hatfield, PA 19440-1912. This Class 1 permit modification under Solid Waste permit No. PAD085690592 is for the replacement of the liner system in the Containment Building Unit and to update the inspection frequency of the leachate collection and leak detection systems at Republic Environmental Systems of Pennsylvania, LLC (RESPA) facility, a commercial hazardous and residual waste storage and treatment facility, located at 2869 in Hatfield Township, **Montgomery County**. The Class 1 permit modification was issued by the Southeast Regional Office on December 21, 2021.

Persons interested in reviewing the Class 1 permit modification for the facility 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.



### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

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

**General Permit No. WMGR123SW046. Platinum Fluid Solutions, LLC**, P.O. Box 265, Mt Morris, PA 15349. A Determination of Applicability for operation under General Permit WMGR123 for the processing and beneficial use of oil and gas liquid waste at the Kirby Produced Fluid Storage Facility, 1680 Kirby Road, Whiteley Township, PA 15370, **Greene County**, was issued by the Regional Office on December 22, 2021.

Persons interested in reviewing the general permit or the application may contact the Department of Environmental Protection, Regional Files, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984.

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

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

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

**Permit No. 400658. Hatfield Township Municipal Authority**, 3200 Advance Lane, Colmar, PA 18915-9766. This ten-year renewal permit under the Solid Waste Permit No. 400658 is to continue operation of the Hatfield Township Municipal Authority Sewage Sludge Incinerator facility, an existing sewage sludge incinerator located in Hatfield Township, **Montgomery County**. The permit was issued by the Southeast Regional Office on December 16, 2021.

Persons interested in reviewing the permit for the facility 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.**

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

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

**GP3-46-0169: Harleysville Materials, LLC**, 460 Indian Creek Rd., Harleysville, PA 19438. On December 14, 2021 for a Crushing Plant and two crushers located in Lower Salford Township, **Montgomery County**.

**GP3-09-0164: Allied Recycling Company**, 1752 Limekiln Pike, Dresher, PA 19025. On December 16, 2021 for a portable nonmetallic mineral processing plant consisting of (1) JCI FT 4240 Crusher, (1) JCI 4X12 DBL Vibratory Screen and (4) JCI Conveyors to be operated at the Hanson Aggregates Wrightstown Township, **Bucks County**.

**GP11-09-0067: Allied Recycling Company**, 1752 Limekiln Pike, Dresher, PA 19025. On December 16, 2021 for operation of a nonroad engine model Cummins QS19 rated at 340 BHP and associated with the operation of a portable nonmetallic mineral processing plant at the Hanson Aggregates Wrightstown Township, **Bucks County**.

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

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.*

**GP9-45-010: Lehigh Valley Health Network Pocono**, 206 East Brown Street, East Stroudsburg, PA 18301-3094, issued on December 16, 2021, for the operation of one 619 BHP diesel-fired emergency engine, and one 1,483 BHP diesel-fired emergency engine at the facility located in East Stroudsburg Borough, **Monroe County**.

**GP11-58-010A: Williams Field Services Co, LLC**, 310 SR 92 North, Tunkhannock, PA 18657, on October 29, 2021 to operate one (1) Diesel I/C engines at the Teel Compressor Station in Springville Township, **Susquehanna County**.

**AG5A-58-00036A: Chesapeake Appalachia, LLC**, 14 Chesapeake Lane, Sayre, PA 18840, on November 17, 2021 to operate one (1) IC Engine, one (1) heater, one (1) generator, and one (1) condensate tank at the Nickolyn SUS well pad site in Auburn Township, **Susquehanna County**.

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

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

**GP1-06-05090A: Toppan InterAmerica, Inc.**, 378 Thousand Oaks Blvd., Morgantown, PA 19543, on December 21, 2021, for an existing natural gas-fired boiler, 29,291 MMBtu, under GP1, at the printing facility located in Caernarvon Township, **Berks County**. The general permit authorization was renewed.

**GP1-22-03088: Harrisburg School District**, 1601 State Street, Harrisburg, PA 17103, on December 14,

2021, for two (2) existing natural gas-fired boilers, each rated at 10 MMBtu, under GP1, at the John Harris High School located in the City of Harrisburg, **Dauphin 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.*

**AG5-59-00015B: NFG Midstream Covington, LLC**, 1100 State Street, Erie, PA 16501, on December 16, 2021, to authorize the construction and operation of a new 100 MMscfd dehydration unit, two storage tanks, one line heater, and an emergency generator as well as continuing to operate other existing equipment at the site pursuant to the General Plan Approval and/or General Operating Permit for Compression Stations, Processing Plants and Transmission Stations (BAQ-GPA/GP-5) at their Krause Compressor Station located in Sullivan Township, **Tioga 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.*

**48-00089D: Spray Tek, LLC**, 3010 Avenue B, Bethlehem, PA 18017, on November 16, 2021 for the installation and operation of one (1) new natural gas heated spray dryer using one (1) wet scrubber to control particulate matter (PM) emissions at their facility in the City of Bethlehem, **Northampton County**.

**54-00093A: The Espoma Company**, 6 Espoma Road, Millville, NJ 08332, on December 16, 2021 for the installation and operation of a fertilizer granulation process consisting of two (2) propane/landfill gas fired dryers (one (1) rotary dryer and one (1) fluidized bed dryer), two (2) hammermills using two (2) baghouse filters and four (4) cyclone separators to control particulate matter (PM) emissions at their facility in Frailey Township, **Schuylkill 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.*

**67-05083G: Calpine Mid-Merit, LLC**, 717 Texas Street, Suite 1000, Houston, TX 77002-2743, on December 14, 2021, for the modification of the York Energy Center Block 2 Electricity Generation Project's turbine BACT emission limits. These limits are imposed on each combined cycle (CC) combustion turbine (CT) associated with the project. The existing facility is located in Peach Bottom Township, **York County**. The modification con-

sists of the following changes to the requirements of P.A. No. 67-05083F (issued on August 1, 2016): 1.) Remove provisional status of any emission limits previously so specified except CO, 2.) Remove requirement for second stack test related to provisional emission limits, and 3) Revise the CO BACT emission limit for the CTs firing ULSD without duct burners from 3.5 ppmvd at 15% O<sub>2</sub> (3-hour block average; average of 3 test runs) to a bifurcated limit as follows: Load  $\geq$  90% = 2.0 ppmvd at 15% O<sub>2</sub> (3-hour block average; average of 3 test runs); Load  $<$  90% = 3.5 ppmvd at 15% O<sub>2</sub> (3-hour block average; average of 3 test runs).

---

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

---

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

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

**23-0003AC: Monroe Energy, LLC**, 4101 Post Road, Trainer, PA 19061. On December 16, 2021 for the installation of an Ultra-Low Sulfur Gasoline (ULSG) unit and for a crude rate throughput increase at their location in Trainer Borough, **Delaware County**.

**15-0110B: Pepperidge Farm, Inc.**, 421 Boot Road, Downingtown, PA 19335. On December 17, 2021 for the installation and operation of two (2) 25-ton capacity use bins for deliveries of flour to Pepperidge Farm, Inc. Each use bin has bin-vent filters to prevent loss of flour to the atmosphere at their facility located in Downingtown Borough, **Chester County**.

**15-0141A: Tin Technologies & Refining LLC**, 905 Fern Hill Road, West Chester, PA 19380. On December 14, 2021, for the installation of an additional recovery furnace and two (2) new melting pots at their location in West Goshen 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.*

**67-03105A: Minerals Technologies, Inc.**, 600 Lincoln Street, York, PA 17401-3317, on December 14, 2021, for the ownership change and modification of venting existing, controlled, sources outside of the building at the facility in **York City, York County**. The plan approval was extended.

**28-05002J: Letterkenny Army Depot—US Department of Defense**, One Overcash Avenue, Chambersburg, PA 17201, on December 14, 2021, for a new AP Rocket Motor Destruction (ARMD) Facility within the Letterkenny Munitions Center ammunition storage area, at the Letterkenny Army Depot in Greene/Letterkenny Townships, **Franklin County**. Air emissions from the ARMD will be controlled by a wet scrubber system, followed by an ADIOX packed bed scrubber tower absorption system. The plan approval was extended.

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

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

**14-00002T: Graymont (PA) Inc.**, 375 Graymont Rd., Bellefonte, PA 16823, on December 14, 2021, to extend the plan approval expiration date to June 21, 2022 to authorize continued operation of several sources for the production of quicklime and hydrated lime at the Pleasant Gap facility in Spring Township, **Centre County**.

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

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

**65-00767B: Westmoreland Sanitary Landfill, LLC**, 111 Conner Ln., Bell Vernon, PA 15012-4569. On December 21, 2021, to allow continued temporary operation of the 2,128 bhp natural gas-fired generator engine at the Westmoreland Sanitary Landfill located in Rostraver Township, **Westmoreland County**.

---

**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.*

**46-00038: Exelon Generation Company/Limerick Generation Station**, Evergreen and Sanatoga Roads, Sanatoga, PA 19464. On December 16, 2021, for the operation of boilers, emergency generators, cooling towers, and an emergency spray pond for their facility located in Limerick Township, **Montgomery County**.

**23-00044: Sunoco Partners Marketing and Terminals, LP—Marcus Hook (No. 2) Tank Farm**, 7 Commerce Road, Aston, PA 19014. On December 22, 2021 for the renewal of the Title V Operating Permit for 15 storage tanks, a water separator, and diesel-fired emergency generators at their location in Upper Chichester Township, **Delaware County**.

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

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

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

**36-05013: Lancaster County Solid Waste Management Auth.**, 1911 River Road, Bainbridge, PA 17502-

9360, on December 13, 2021, for the Lancaster County Resource Recovery facility located in Conoy Township, **Lancaster County**. The Title V permit was renewed.

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

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

**20-00145: Vitro Meadville Flat Glass**, 5123 Victory Boulevard, Cochranon, PA 16314-3969. On December 6, 2021 the Department issued an administrative amendment to the Title V Operating Permit for the facility located in Greenwood Township, **Crawford County**. The amendment incorporates the requirements of Plan Approval 20-145C.

---

**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.*

**09-00134: Harsco Corporation**, 905 Steel Road South, Fairless Hills, PA 1903. On December 16, 2021 issued the renewal of a Natural Minor State Only Operating Permit, for operation of a slag roofing granules plant in Falls Township, **Bucks County**.

**09-00110: Riverside Construction Materials, Inc.**, 7900 North Radcliffe Street, Bristol, PA 19007. On December 16, 2021 issued the Natural Minor Operating Permit Renewal for the operation of their cement and bulk material handling processes located in Bristol Township, **Bucks County**.

**46-00049: Intellus**, 431 Yerkes Rd, King of Prussia, PA 19406. On December 16, 2021, for the renewal Synthetic Minor Operating Permit for their marketing material printing and envelope manufacturing facility located in Upper Merion Township, **Montgomery County**.

**46-00291: Precision Polymer Products, Inc.**, 815 South St., Pottstown, PA 19464. On December 17, 2021 for a non-Title V, State Only, Synthetic Minor Operating Permit for the usage of isopropyl alcohol in their manufacturing processes in Pottstown Township, **Montgomery 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.*

**01-05019: Acme Composites**, 262 Church Street, Hanover, PA 17331-8991, on December 14, 2021, for the fiberglass automotive aftermarket accessories manufacturing facility located in Conewago Township, **Adams County**. The State-Only permit was renewed.

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

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

**41-00067: Glenn O. Hawbaker, Inc.**, 711 East College Avenue, Bellefonte, PA 16823, on December 13, 2021, for their Montoursville Plant # 15 facility located in

Loyalsock Township, **Lycoming 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.

**17-00050: GKN Sinter Metals, LLC**, One Tom Mix Drive, DuBois, PA 15801, was issued on December 13, 2021, a State Only Operating Permit for their Natural Minor facility in DuBois City, **Clearfield County**. All applicable Federal and State regulatory requirements derived from 25 Pa. Code Chapters 121—145, including appropriate testing, monitoring, recordkeeping, reporting, and work practice to verify compliance are included in the Operating Permit for the previously listed Natural Minor facility.

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

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

**OP-11-00280: Northern Cambria School District**, 601 Joseph St., Northern Cambria, PA 15714-1232. On December 21, 2021, the Department issued a renewal Synthetic Minor Operating Permit for operation of the Northern Cambria High School located in Northern Cambria Borough, **Cambria County**.

Equipment at this facility includes a CNB tri-fuel boiler rated at 6.4 MMBtu/hr equipped to burn either coal or fuel oil, an H.B. Smith fuel oil-fired boiler rated at 5.2 MMBtu/hr, and an Onan emergency generator engine rated at 60 kW fired on propane. The facility is subject to the applicable requirements of Pa. Code Title 25 Chapters 121—145. The final Operating Permit contains applicable emission limitations, monitoring, recordkeeping, work practice standards, and reporting requirements for the facility.

**63-01047: MarkWest Liberty Midstream & Resources, LLC/Wilhelm Launcher/Receiver Site**, 4600 JBarry Ct., Ste. 500, Canonsburg, PA 15317-5854. On December 21, 2021, 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 Donegal Township, **Washington County**.

**65-00732: Excelsa Health**, 1 Mellon Way, Latrobe, PA 15650-1197. On December 21, 2021, the Department issued a natural minor renewal State Only Operating Permit to authorize the operation of the Latrobe Hospital located in the city of Latrobe, **Westmoreland County**. Equipment at this facility includes two (2) 35.7 MMBtu/hr natural gas-fired boilers with No. 2 fuel oil as back-up and four (4) No. 2 fuel oil-fired emergency generator engines. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The final Operating Permit includes conditions containing applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice standards requirements.

---

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

---

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

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

**Permit No. 23-00040: Laurel Pipeline Co. LP**, 5002 Buckeye Rd., Emmaus, PA 18049. On December 16, 2021, 2021. Minor modification of TVOP No. 23-00040 is issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.62 for its Boothwyn Break-out Station facility located in Bethel Twp., **Delaware County**. The minor modification is for the replacement of a sample well for an above-ground petroleum storage tank (Tank 9), equipped with an external floating roof, with a new slotted guidepole. The modified TVOP incorporates the applicable requirements of 40 CFR 60, Subpart Kb for the modified tank. The modified TVOP includes monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**54-00084: Richard E Pierson Const Co., Inc.** (P.O. Box 704, Bridgeport, NJ 08014) on December 22, 2021, in Walker Township, **Schuylkill County** for an amendment to incorporate process modification. The conditions from Plan Approval 54-00084B were copied into the State Only Operating Permit. Administrative Amendment of State Only Operating Permit issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450.

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

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

**08-00010: Global Tungsten & Powders Corp.**, 1 Hawes Street, Towanda, PA 18848 on December 9, 2021, was issued a revised State Only (synthetic minor) Operating Permit for their facility located in North Towanda Township, **Bradford County**. The Operating Permit revision was issued in order to incorporate the terms and conditions of Plan Approval 08-000100. The revised State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**55-00014: Bingaman & Son Lumber, Inc.**, 1195 Creek Mountain Road, Kreamer, PA 17833 on December 13, 2021, was issued a revised State Only Operating Permit for their facility located in Middlecreek Township, **Snyder County**. The Operating Permit revision was issued in order to incorporate the terms and conditions of Plan Approval 55-00014B. The revised State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

**10-00374: Three Rivers Aggregates, LLC, Black Run Mine**, 321 Currie Road, Slippery Rock, PA 16057-4503, on December 21, 2021 the Department issued an administrative amendment to the State Only Natural

Minor Operating Permit for the facility located in Worth Township, **Butler County**. The amendment incorporates the change in responsible official.

**37-00280: Three Rivers Aggregates, LLC, McCandless Plant**, 321 Currie Road, Slippery Rock, PA 16057-4503, on December 21, 2021 the Department issued an administrative amendment to the State Only Natural Minor Operating Permit for the facility located in Plain Grove Township, **Lawrence County**. The amendment incorporates the change in responsible official.

**37-00319: Three Rivers Aggregates, LLC, Wampum Plant**, 321 Currie Road, Slippery Rock, PA 16057-4503, on December 21, 2021 the Department issued an administrative amendment to the State Only Natural Minor Operating Permit for the facility located in North Beaver Township, **Lawrence County**. The amendment incorporates the change in responsible official.

**43-00354: Reclaimed Rubber & Plastics Incorporated**, 15921 South Mosiertown Road, Meadville, PA 16335-7867, on December 9, 2021 the Department issued an administrative amendment to the State Only Natural Minor Operating Permit for the facility located in Jackson Township, **Mercer County**. The amendment incorporates the requirements of Plan Approval 43-354B.

---

**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

---

*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.*

**21-03111: World Energy HBG, LLC**, 2850 Appleton Street, Suite E, Camp Hill, PA 17011, pursuant to 25 Pa. Code § 127.449(i), this *Pennsylvania Bulletin* Notice is for the following de minimis emission increase resulting from the proposed installation of a catalyst mix tank and storage tank at the biofuel production facility located in Lower Allen Township, **Cumberland County**: 0.34 tpy of VOCs. This is the first de minimis emissions increase at the facility during the term of the current Operating Permit.

**28-03045: Eastern Gas Transmission & Storage, Inc.—Chambersburg Compressor Station**, 6603 West Broad Street, Richmond, VA 23230). Pursuant to 25 Pa. Code § 127.449(i), this *Pennsylvania Bulletin* Notice is for a de minimis emissions increase of 0.08 tpy of particulate matter resulting from the installation of three new electric chillers and associated system to cool the inlet air to three gas turbines, Source IDs 103—104, and 105. The use of an inlet air chiller system during the warmer summer months, is to prevent a loss of gas turbine horsepower, which leads to a reduction in gas transmission capacity, around the ambient temperature above 90 degrees Fahrenheit. Addition of chillers will reduce the efficiency loss of the gas turbines at the Chambersburg Compressor Station located in Hamilton Township, **Franklin County**. This is the first de minimis emissions increase at the facility during the term of the current Operating Permit.

---

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

---

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).**

---

*Coal Permits Issued*

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

**Permit No. 49850701. Reading Anthracite Company**, P.O. Box 1200, Pottsville, PA 17901, renewal of an anthracite coal refuse disposal operation in Coal Township, **Northumberland County**, affecting 35.4 acres. Receiving stream: Carbon Run. Application received: November 23, 2020. Renewal issued: December 15, 2021.

**Permit No. PAM111059. Reading Anthracite Company**, P.O. Box 1200, Pottsville, PA 17901, renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Surface Mining Permit No. 49850701 in Coal Township, **Northumberland County**, receiving stream: Carbon Run. Application received: November 23, 2020. Renewal issued: December 15, 2021.

**Permit No. PAM114018. Stoudt's Ferry Preparation Co., Inc.**, 68 Mush Dahl Road, New Ringgold, PA 17960, modification of coverage under the General NPDES Permit for Stormwater Discharges associated with Mining Activities on Contract No. G91-18-101-1 in West Brunswick Township, **Schuylkill County**. Receiving stream: Schuylkill River. Application received: April 16, 2021. Correction issued: December 16, 2021.

*Noncoal Permits Issued*

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

**NPDES Permit No. PA0121592 (Mining Permit No. 7475SM4). Lehigh Cement Co., LLC**, 7660 Imperial Way, Allentown, PA 18195, modification to the NPDES permit to increase the Average Monthly Discharge from Outfall 001 for a quarry operation in Upper and Lower Nazareth Townships, **Northampton County**. Receiving stream: unnamed tributary to East Branch Monocacy Creek. Application received: October 19, 2020. Correction issued: December 15, 2021.

**Permit No. 58122502. Robert A Coleman**, P.O. Box 3, Susquehanna, PA 18847, commencement, operation and restoration of a GP-105 (Bluestone) quarry operation in Oakland Township, **Susquehanna County**, affecting 10.0 acres. Receiving stream: Lewis Creek. Application received: January 25, 2021. Permit issued: December 17, 2021.

**Permit No. PAM121006. Robert A Coleman**, P.O. Box 3, Susquehanna, PA 18847, coverage under the General NPDES Stormwater Permit for stormwater discharges associated with mining activities on GP-105 Permit No. 58212502 in Oakland Township, **Susquehanna County**, receiving stream: Lewis Creek. Application received: January 25, 2021. Permit issued: December 17, 2021.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

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

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

**E4002220-029. Earth Conservancy**, 101 South Main Street, Ashley, PA 18706, Hanover Township, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain and the following water obstructions and encroachments associated with the Espy Run Stream Restoration Project:

1. A channel change within a 3,000-LF section of Espy Run (CWF, MF) consisting of an 11-foot wide trapezoidal channel having a 3-foot wide streambed consisting of erosion matting, topsoil, geotextile, sand, and an impervious liner. The channel will have 2:1 side slopes, boulder cluster placement, thalweg rock and step pools, rock cross vanes, longitudinal slopes ranging from 1.00% to 12.15%, and a 100-foot riparian buffer planting area. The purpose of this channel is to connect the discharge from the Hanover Reservoir and re-establish the historic Espy Run stream channel that was removed as a result of past mining practices. This is partially an after-the-fact authorization, as portions of the existing concrete block walls, splash pools, riprap apron, and ajax structures will be removed and a thalweg step pool transition low flow channel will be constructed.

2. A stream enclosure of Espy Run (CWF, MF) consisting of a 120-ft long, 19-ft span, 7-ft high open-bottom steel plate arch culvert, R-5 riprap, ajax structures, and concrete wingwalls. This is partially an after-the-fact authorization, as portions of the riprap installed within the stream channel will be removed.

3. A stormwater outfall into Espy Run (CWF, MF) consisting of a 15-inch HDPE diameter culvert and a 15-ft long, 12-ft wide R-4 riprap apron.

The project is located approximately 0.4 mile south of the intersection of Middle Road and South Prospect Street (Wilkes-Barre West, PA Quadrangle Latitude: 41° 10' 57.55"; Longitude: -75° 59' 35.27") in Hanover Township, Luzerne County.

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

**E3603221-005. West Hempfield Township**, 3476 Marietta Avenue, Lancaster, PA 17601. West Hempfield Township, **Lancaster County**, ACOE Baltimore District.

To conduct a streambank stabilization project along approximately 1,600 feet of an unnamed tributary to Chiques Creek (WWF, MF) including 1.) the installation and maintenance of 14 cross rock vanes; 2.) the construction and maintenance of 162 linear feet of boulder wall; 3.) the installation and maintenance of one boulder deflector; 4.) the construction and maintenance of two agricultural crossings; and 5.) the construction and maintenance of an online stilling basin impacting 244 of an unnamed tributary to Chiques Creek (WWF, MF), all for the purpose of improving water quality and instream habitat. The project is located immediately west of Farndale Road (Latitude: 40° 4' 13" N, Longitude: 76° 28' 17" W) in West Hempfield Township, Lancaster County. No wetlands will be impacted by this project. Permit issued December 20, 2021.

**F6703221-001. Hallam Borough**, 250 West Beaver Street, Hallam, PA 17406, Hallam Borough, **York County**, U.S. Army Corps of Engineers Baltimore.

To remove structures from the floodplain at the locations listed. The projects propose to temporarily affect approximately 1.69 acres of floodplains. The issuance of

this permit will not constitute approval of Water Quality Certification under Section 401 of the Federal Clean Water Act (33 U.S.C.A. § 1341).

Address	Waterway	Chapter 93 Designation	USGS Quadrangle	Latitude	Longitude
Michael D. & Samantha A. Grim 295 Frysville Road Hallam, PA 17406	UNT Kreutz Creek	Warm Water Fishes (WWF)	Red Lion	39.99643	-76.61432
Hallam Borough 295 Frysville Road Hallam, PA 17406	UNT Kreutz Creek	Warm Water Fishes (WWF)	Red Lion	39.99647	-76.61399
Deanna E. Fogelman 295 Frysville Road Hallam, PA 17406	UNT Kreutz Creek	Warm Water Fishes (WWF)	Red Lion	39.99676	-76.61371

Permit Issued December 13, 2021.

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

Contact: Dana Drake, Program Manager.

**E0205220-029, Kossman Development Co., LLC**, 11 Parkway Center, Suite 300, Pittsburgh, PA 15220, Moon Township, **Allegheny County**; ACOE Pittsburgh District.

Has been given consent to:

Place and maintain fill within 2.28 acres of 13 PEM wetlands, for the purpose of constructing a senior living facility and residential apartment-commercial complex. The project will consist of a 200,000 SF senior care facility, 642,273 SF (596 units) apartment complex, 41,720 SF commercial space, 25,823 SF gym, including new roadways, sidewalks, utilities, athletic field, athletic courts, pool, parking facilities as well as associated appurtenant structures and stormwater management facilities. The project will permanently impact 2.28 acres of 13 PEM wetlands. To mitigate for the wetland impacts, the permittee will contribute One Hundred Sixty-One Thousand, Eight Hundred and Fifty-Six Dollars (\$161,856) into the Pennsylvania Wetland Replacement Project.

The project site is located at Marketplace Blvd., Coraopolis, PA 15108 (Oakdale, PA USGS topographic quadrangle; N: 40°, 27', 40"; W: -80°, 11', 18"; Sub-basin 20G; USACE Pittsburgh District), in Moon Township, Allegheny County.

*Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E2506220-026, North East Township Supervisors**, 10300 West Main Road, North East, PA 16428. Sixteen Mile Creek Dredging, in North East Township, **Erie County**, ACOE Pittsburgh District (North East, PA Quadrangle N: 42°, 14', 33.7106"; W: -79°, 49', 56.7872").

Performing maintenance dredging to remove accumulated gravel, sediment, and debris as needed, in order to reduce flooding at the mouth of Sixteenmile Creek at Lake Erie (North East, PA Quadrangle N: 42°, 14', 33.7106"; W: -79°, 49', 56.7872") in North East Township, Erie County.

**E2506220-027, North East Township Supervisors**, 10300 West Main Road, North East, PA 16428. Twentynine Creek Dredging, in North East Township,

**Erie County**, ACOE Pittsburgh District (North East, PA Quadrangle N: 42°, 15', 46.6841"; W: -79°, 47', 4.3075").

Performing maintenance dredging to remove accumulated gravel, sediment, and debris as needed, in order to reduce flooding at the mouth of Twentymile Creek at Lake Erie in North East Township, Erie County. (North East, PA Quadrangle N: 42°, 15', 46.6841"; W: -79°, 47', 4.3075").

**E1606221-002, James Kapp**, 8100 Ohio River Boulevard, Pittsburgh, PA 15202. Kapp Boat Ramps, in Madison Township, **Clarion County**, ACOE Pittsburgh District (Rimersburg, PA Quadrangle N: 41°, 00', 25.1"; W: -79°, 36', 07.8").

Operating and maintaining five boat ramps to provide access to the Allegheny River from the northern side of the Rails to Trails' "Armstrong Trail" on James Kapp's property impacting approximately 0.46 acre of floodway to the river (Rimersburg, PA Quadrangle N: 41°, 00', 25.1"; W: -79°, 36', 07.8") in Madison Township, Clarion County.

#### ENVIRONMENTAL ASSESSMENTS

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

**D24-005 EA. James Reinsburrow, Chairman, Johnsonburg Municipal Authority**, 601 Market Street, Johnsonburg, PA 15845, Johnsonburg Borough, **Elk County**. USACOE Pittsburgh District.

The Division of Wetlands, Encroachments, and Training has approved the restoration plan to remove the Powers Run Dam to eliminate a threat to public safety and to restore approximately 500 feet of stream channel to a free-flowing condition. The project is located across Powers Run (CWF) (Ridgway, PA Quadrangle, Latitude: 41.4828; Longitude: -78.6606). Approved on December 15, 2021.

#### DAM SAFETY

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

**D63-127. Glencannon Homes Association**, P.O. Box 831, McMurray, PA 15317. Permit issued to modify, operate, and maintain Glencannon Pond Dam across a tributary to Chartiers Creek (HQ-WWF) for the purpose of raising the top of the dam to comply with Department Regulations, North Strabane Township, **Washington County**.

**EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control permits have been issued.

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

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

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

*Southwest District: Oil & Gas Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4281.*

ESCGP-3 # ESG073021012-00  
Applicant Name Greylock Midstream, LLC  
Contact Person Travis Wendel  
Address 500 Corporate Landing  
City, State, Zip Charleston, WV 23511  
County Greene  
Township(s) Jefferson, Greene, and Cumberland  
Receiving Stream(s) and Classification(s) Muddy Creek and UNTs to Muddy Creek (WWF), UNTs to Frosty Run (TSF); Monongahlea River (WWF)

ESCGP-3 # ESG076521010-00  
Applicant Name Hyperion Midstream, LLC  
Contact Person Brian Dillemath  
Address 501 Technology Drive Suite 1200  
City, State, Zip Canonsburg, PA 15317  
County Westmoreland  
Township(s) Upper Burrell  
Receiving Stream(s) and Classification(s) UNTs to/and # 27254 Little Pucketa Creek (TSF), UNTs to 16362 Pine Run (WWF); 26465 Allegheny River (WWF), 16356 Kiskiminetas River (WWF)

ESCGP-3 # ESG076521011-00  
Applicant Name Hyperion Midstream, LLC  
Contact Person Brian Dillemath  
Address 501 Technology Drive Suite 1200  
City, State, Zip Canonsburg, PA 15317  
County Westmoreland  
Township(s) Penn  
Receiving Stream(s) and Classification(s) Tributary 37297 to Bushy Run (TSF), UNT 3 to Tributary 37299 to Bushy Run (TSF); Bushy Run (TSF)

ESCGP-3 # ESG076521007-00  
Applicant Name CNX Gas Co, LLC  
Contact Person Sarah Weigand  
Address 1000 Consol Energy Drive  
City, State, Zip Canonsburg, PA 15317  
County Westmoreland  
Township(s) Bell  
Receiving Stream(s) and Classification(s) Tributary 42945 to Beaver Run (TSF, Wild Trout Stream, Siltation-Imapired), UNTs to Tributary 42945 to Beaver Run (TSF, Wild Trout Stream, Siltation-Imapired), UNTs to Tributary 42946 to Beaver Run (TSF, Wild Trout Stream, Siltation-Imapired), Beaver Run (HQ-TSF, Wild Trout Stream), EV Wetlands (7B, 7D, 8A, 8B, 8C, 12); Secondary Receiving Water—Beaver Run (HQ-TSF, Wild Trout Stream), Kiskiminetas River (WWF)

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

ESCGP-3 # ESG295821034-00  
Applicant Name Williams Field Services Co, LLC  
Contact Person Barry Mahar  
Address 30351 Route 6  
City, State, Zip Wysox PA 18854  
County Susquehanna  
Township(s) Springville  
Receiving Stream(s) and Classification(s) Horton Creek (CWF, MF), Monroe Creek (CWF, MF)  
Secondary: Tunkhannock Creek (TSF, MF)

ESCGP-3 # ESG290821068-00  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 14 Chesapeake Lane  
City, State, Zip Sayre PA 18840  
County Bradford  
Township(s) Leroy  
Receiving Stream(s) and Classification(s) UNT to Towanda Creek (CWF, MF)  
Secondary: Towanda Creeek (TSF, MF)

ESCGP-3 # ESG295821013-00  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 14 Chesapeake Lane  
City, State, Zip Sayre PA 18840  
County Susquehanna  
Township(s) Auburn  
Receiving Stream(s) and Classification(s) UNT Transue Creek (CWF)  
Secondary: Transue Creek (CWF)

ESCGP-3 # ESG290821057-00  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 14 Chesapeake Lane  
City, State, Zip Sayre PA 18840  
County Bradford  
Township(s) Albany  
Receiving Stream(s) and Classification(s) UNT South Branch Towanda Creek DA-1 and DA-2 (CWF, MF), UNT Lick Creek DA-3 (CWF, MF), South Branch Towanda Creek DA-4 through DA-9 (CWF, MF)  
Secondary: South Branch Towanda Creek (CWF, MF), Lick Creek (CWF, MF), Towanda Creek (WWF, MF)



ESCGP-3 # ESG290821065-00  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 14 Chesapeake Lane  
 City, State, Zip Sayre PA 18840  
 County Bradford  
 Township(s) Wysox  
 Receiving Stream(s) and Classification(s) UNT to Johnson  
 Creek (CWF, MF)  
 Secondary: Johnson Creek (CWF, MF)

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 2

**The Following Plans and Reports Were Submitted Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

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

For further information concerning plans or reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone 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.*

**Uni Mart Blakeslee**, Storage Tank ID # 45-00752, 5663 State Route 115, Blaeslee, PA 18610, Tobyhanna Township, **Monroe County**, MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Theme Family LP, 10742 Wilson Avenue, P.O. Box 500, Alta Loma, CA 91737, submitted a revised Remedial Action Plan concerning remediation of groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet site-specific standards.

**136 Verma**, Storage Tank ID # 48-51086, 136 East Lawn Road, Nazareth, PA 18064, Upper Nazareth Town-

ship, **Northampton County**. Synergy Environmental, 155 Railroad Plaza, Royersford, PA 19468, on behalf of PALGC UST I LLC, 645 Hamilton Street, Suite 400, Allentown, PA 18101, has submitted a combined Site Characterization Report and Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document remediation of the site to meet Statewide health standards.

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

*Contact: Gregory Bowman, Environmental Group Manager.*

**Mount Union Terminal**, Storage Tank Facility ID # 31-60835, Route 522, Mount Union, PA 17066, Mount Union, **Huntingdon County**. EnviroTrac Environmental Services, LTD, 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Evergreen Resources Management, 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 plan is intended to document remediation of the site to meet the Statewide health standards.

*Northwest Regional: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6648.*

*Contact: Kim Bontrager, Clerk Typist 3.*

**CORRECTED—Alleghany Pit Stop**, Storage Tank Facility ID # 62-36970, 306 South Main Street, Sheffield, PA 16347-2010, Sheffield Township, **Warren County**. Cribbs & Associates, Inc., P.O. Box 44, Delmont, PA 15626, on behalf of Alleghany Pit Stop, 306 South Main Street, Sheffield, PA 16347, submitted a Remedial Action Plan concerning remediation of groundwater contaminated with methyl tertiary butyl ether (MTBE). The plan is intended to document the remedial actions for meeting the nonresidential 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.*

**Leffler's Service Station**, Storage Tank ID # 13-50651, 1103 North Street, Jim Thorpe, PA 18229, Jim Thorpe Borough, **Carbon County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Subhash Patel, 1103 North Street, Jim Thorpe, PA 18229, has submitted a revised, combined Site Characterization Report & Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report was not acceptable to meet a combination of Site-Specific and Statewide health standards and was disapproved by DEP on December 17, 2021.

**Misericordia University—former Frontier Communications Building**, Storage Tank ID # 40-50097, 100 Lake Street, Dallas, PA 18612, Dallas Borough, **Luzerne County**, August Mack Environmental, 941 Wheatland Avenue, Suite 401, Lancaster, PA 17603, on behalf of Misericordia University, 301 Lake Street, Dallas, PA 18612, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The Remedial Action Completion Report demonstrated attainment of Statewide health standards and was approved by DEP on December 23, 2021.

**Henry's Service Station**, Storage Tank ID # 48-03706, 4024 Mountain View Drive, Danielsville PA 18038, Lehigh Township, **Northampton County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Preston Henry, 4024 Mountain View Drive, Danielsville, PA 18038, submitted a combined Site Characterization and Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The report was acceptable to meet a combination of Site Specific and Statewide health standards and was approved by DEP on December 22, 2021.

**Turkey Hill 229**, Storage Tank ID # 54-36538, 1565 Bunting Street, Pottsville, PA 17901, Norwegian Township, **Schuylkill County**. AECOM, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19428, on behalf of

Cumberland Farms, 165 Flanders Road, Westborough, MA 01581, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The Remedial Action Completion Report demonstrated attainment of Statewide health standards and was approved by DEP on December 21, 2021.

**Meshoppen Swift Mart**, Storage Tank ID # 66-23392, 8253 State Route 6, Meshoppen, PA 18630, Meshoppen Borough, **Wyoming County**. Juniata Geosciences, 6872 Willow Brook Road, Alexandria, PA 16611, on behalf of Meshoppen Swift Mart, Inc., P.O. Box 28, Meshoppen, PA 18630, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The Remedial Action Completion Report demonstrated attainment of a combination of Site-Specific and Statewide health standards and was approved by DEP on December 23, 2021.

*Northcentral Regional: Environmental Cleanup & Brownfields Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3636.*

*Contact: Randy Farmerie, Environmental Program Manager.*

**Williamsport West Terminal**, Storage Tank Facility ID # 41-70544, 1606 Sylvan Dell Road, South Williamsport, PA 17702, Armstrong Township, **Lycoming County**. Piedmont Geologic, 6003 Chapel Hill Rd., Raleigh, NC 27607, on behalf of Lucknow-Highspire Terminals, LLC, 900 S. Eisenhower Blvd, Middletown, PA 17057, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The Remedial Action Completion Report demonstrated attainment of the Statewide health standard and was approved by DEP on December 20, 2021.

**Whitmer Fuels, Inc. Facility**, Storage Tank Facility ID # 49-00691, Intersection of Sixth and Church Streets, Sunbury, PA 17801, Sunbury City, **Northumberland County**. Geosyntec Consultants, Inc., 5313 Campbells Run Road, Pittsburgh, PA 15205, on behalf of Norfolk Southern Railway Company, 650 West Peachtree Street NW, Atlanta, GA 30308, submitted a Remedial Action Completion Report concerning remediation of groundwater and soil contaminated with unleaded gasoline. The Remedial Action Completion Report demonstrated attainment of the Statewide health standard and was approved by DEP on December 10, 2021.

*Northwest Regional: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6648.*

*Contact: Kim Bontrager, Clerk Typist 3.*

**Hanks Pennzoil**, Storage Tank Facility ID # 20-20054, 3 Erie Street, Linesville, PA 16424, Linesville Borough, **Crawford County**. AECOM, 681 Andersen Drive, Pittsburgh, PA 15220, on behalf of Pennzoil Quaker State Company, 20945 S. Wilmington Avenue, Carson, CA 90810, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline and diesel fuel. The Remedial Action Plan was not acceptable to meet the nonresidential Statewide Health and site-specific standards and was disapproved by DEP on December 22, 2021.

**PA0326 Reynoldsville**, Storage Tank Facility ID # 33-31100, 501 E. Main Street, Reynoldsville, PA 15851-1334, Reynoldsville Borough, **Jefferson County**. Synergy Environmental, Inc., 155 Railroad Plaza, 1st Floor, Royersford, PA 19468, on behalf of PALG UST V, LLC, 645 Hamilton Street, Suite 400, Allentown, PA 18101, submitted a Remedial Action Plan concerning remediation of groundwater contaminated with methyl tertiary butyl ether (MTBE). The Remedial Action Plan was acceptable to meet the residential Statewide health standard and was approved by DEP on December 22, 2021.

---

## SPECIAL NOTICES

---

### WASTE MANAGEMENT

#### NOTICE OF REQUEST FOR PROPOSALS FOR MUNICIPAL SOLID WASTE CAPACITY

---

**Request for Proposals for Municipal Solid Waste Disposal Capacity, Somerset County Planning and Zoning Department on behalf of the Somerset County Board of Commissioners, Somerset, PA.**

*Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222, 412-442-4000.*

The following notice(s) is placed through the Department of Environmental Protection as required by Section 502(d) of Act 101 of 1988: The Municipal Waste Planning, Recycling and Waste Reduction Act.

The **Somerset County Planning and Zoning Department** is hereby soliciting proposals for disposal or processing capacity for municipal solid waste (MSW), including construction/demolition (C/D) waste and sewage sludge generated within the County for a period covering the years from 2022 through 2031. The Request for Proposals (RFP) is being issued in accordance with Pennsylvania Code Title 25, Environmental Protection, Chapter 272.225 Municipal Waste Planning Recycling and Waste Reduction (as amended December 22, 2000).

The Request for Proposals (RFP) will be available electronically from Michele Nestor, michele@nestorresources.com, Nestor Resources, Inc., consultant to Somerset County, on or after Monday, January 3, 2022. Include the words Somerset RFP Capacity in the header of the request.

The Somerset County Planning and Zoning Department will receive sealed proposals until 4 p.m., prevailing Time on Friday, February 18, 2022. All proposals must be made on the Proposal Forms and be in accordance with the Requirements for Submitting Proposals contained in the Request for Proposals. The Proposer is required to submit two (2) original printed copies of the Proposal and one (1) separate electronic media, (Flash Drive) each with a copy of the proposal in MS Word or pdf format. Envelopes containing the proposals must be sealed and clearly labeled to show the name and address of the Proposer,

the statement "Proposal Disposal Capacity" and be addressed to: Somerset County Planning and Zoning Department, 300 North Center Avenue, Ste 540, Somerset, PA 15501, attention: Mr. Brad Zearfoss, Director. Proposers may withdraw their proposal at any time prior to the scheduled closing time for receipt of proposals.

The Somerset County Board of Commissioners reserves the right to reject any or all proposals, to waive any irregularities and/or information in any proposal and to make an award in any manner, consistent with applicable laws, which is deemed to be in the best interest of the County.

---

#### **Notice of Plan Revision Approval Under the Municipal Waste Planning and Waste Reduction Act Of 1988, Act 101.**

---

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

*Contact: Roger Bellas, Program Manager.*

The Department of Environmental Protection (DEP) approved a revision to the **Northampton County Municipal Waste Management Plan** on December 18, 2021.

Any Person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of this 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.

The Plan Revision is a public document and may be viewed at the DEP Regional Office previously noted.

Questions concerning this approval should be directed to Roger Bellas, Waste Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

---

## WATER PROGRAMS

### EROSION AND SEDIMENT CONTROL

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

**ESG833621001-00.** The Department of Environmental Protection (Department) provides notice of final action regarding the following Chapter 102, Erosion and Sediment Control Permit Application related to Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities.

The Silver Spring Groundbed Project proposes to install an approximately 4.19-mile long linear anode groundbed and an approximately 4.22-mile long linear anode groundbed, with approximately 50.77 disturbed acres, in Drumore Township, **Lancaster County**.

Permit No.	Applicant Name & Address	Counties	DEP Office
ESG833621001-00	Transcontinental Gas Pipe Line Company, LLC Park Place Corporate Center Two 2000 Commerce Drive Pittsburgh, PA 15275	Lancaster	Regional Permit Coordination Office

Any person aggrieved by this action may challenge it in an appropriate legal forum. The state and Federal courts are currently split on whether the proper forum to challenge a Department permit, authorization or approval for a facility or activity subject to the Federal Natural Gas Act, 15 U.S.C.A. § 717 et seq., is the United States Court of Appeals for the Third Circuit or the Pennsylvania Environmental Hearing Board. See *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot.*, 833 F.3d 360 (3d Cir. 2016); *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot.*, 903 F.3d 65 (3d Cir. 2018), cert. denied, 139 S. Ct. 1648, 203 L. Ed. 899 (2019) and *Cole v. Dep't. of Env'tl. Prot.*, 1577 C.D. 2019 WL 2420667 (Pa. Cmwlth Ct. June 15, 2021) (Pet. for Allowance of Appeal pending); *West Rockhill Twp. v. Dep't of Env'tl. Prot.*, No. 1595 C.D. 2019 WL 2426014 (Pa. Cmwlth. June 15, 2021) (Pet. for Allowance of Appeal pending). You should promptly consult with a lawyer on the steps to take if you wish to challenge this action and to best protect your interests. Important legal rights are at stake. You should show this document to a lawyer at once.

**ESG001514002-02.** The Department of Environmental Protection (Department) provides notice of final action regarding the following Chapter 102, Erosion and Sediment Control Permit Application related to amendment of coverage under Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities for the Rock Springs Expansion Compressor Station No. 200 Modifications.

This major amendment authorizes approximately 15.62 acres of earth disturbance for a contractor yard gravel area with associated stormwater controls adjacent to the Station 200 Compressor Facility in East Whiteland Township.

Permit No.	Applicant Name & Address	Counties	DEP Office
ESG001514002-02	Transcontinental Gas Pipe Line Company 2000 Commerce Drive Pittsburgh, PA 15275	Chester County	Regional Permit Coordination Office

Any person aggrieved by this action may challenge it in an appropriate legal forum. The state and Federal courts are currently split on whether the proper forum to challenge a Department permit, authorization or approval for a facility or activity subject to the Federal Natural Gas Act, 15 U.S.C.A. § 717 et seq., is the United States Court of Appeals for the Third Circuit or the Pennsylvania Environmental Hearing Board. See *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot.*, 833 F.3d 360 (3d Cir. 2016); *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot.*, 903 F.3d 65 (3d Cir. 2018), cert. denied, 139 S. Ct. 1648, 203 L. Ed. 899 (2019) and *Cole v. Dep't. of Env'tl. Prot.*, 1577 C.D. 2019 WL 2420667 (Pa. Cmwlth Ct. June 15, 2021) (Pet. for Allowance of Appeal pending); *West Rockhill Twp. v. Dep't of Env'tl. Prot.*, No. 1595 C.D. 2019 WL 2426014 (Pa. Cmwlth. June 15, 2021) (Pet. for Allowance of Appeal pending). You should promptly consult with a lawyer on the steps to take if you wish to challenge this action and to best protect your interests. Important legal rights are at stake. You should show this document to a lawyer at once.

**ESG830021003-00.** The Department of Environmental Protection (Department) provides notice of final action regarding the following Chapter 102, Erosion and Sediment Control Permit Application related to Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities.

Line 1485 Replacement Project, North Fayette Township, **Allegheny County** & Armwell Township, **Washington County**. The project is proposing to replace approximately 1.75 miles of 20-inch diameter natural gas steel pipe.

Permit No.	Applicant Name & Address	Counties	DEP Office
ESG830021003-00	Columbia Gas Transmission, LLC 1700 MacCorkle Avenue Charleston, WV 25325	Allegheny & Washington Counties	Regional Permit Coordination Office

Any person aggrieved by this action may challenge it in an appropriate legal forum. The state and Federal courts are currently split on whether the proper forum to challenge a Department permit, authorization or approval for a facility or activity subject to the Federal Natural Gas Act, 15 U.S.C.A. § 717 et seq., is the United States Court of Appeals for the Third Circuit or the Pennsylvania Environmental Hearing Board. See *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot.*, 833 F.3d 360 (3d Cir. 2016); *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot.*, 903 F.3d 65 (3d Cir. 2018), cert. denied, 139 S. Ct. 1648, 203 L. Ed. 899 (2019) and *Cole v. Dep't. of Env'tl. Prot.*, 1577 C.D. 2019 WL 2420667 (Pa. Cmwlth Ct. June 15, 2021) (Pet. for Allowance of Appeal pending); *West Rockhill Twp. v. Dep't of Env'tl. Prot.*, No. 1595 C.D. 2019 WL 2426014 (Pa. Cmwlth. June 15, 2021) (Pet. for Allowance of Appeal pending). You should promptly consult with a lawyer on the steps to take if you wish to challenge this action and to best protect your interests. Important legal rights are at stake. You should show this document to a lawyer at once.

**Proposed State Water Quality Certification Required by Section 401 of the Clean Water Act for the US Department of Veterans Affairs Indiantown Gap National Cemetery Project.**

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

**DEP File No.: WQ3803221-001, U.S. Department of Veterans Affairs** (Applicant), 425 Eye Street, NW, STE6W.417C, Washington, D.C. 20001-4343. Indiantown Gap National Cemetery, Union and East Hanover Townships, **Lebanon County** (Indiantown Gap, PA Quadrangle, Lat: 40° 25' 17"; Long: -76° 33' 27"),

On September 29, 2021, the Applicant requested a state water quality certification from the Pennsylvania Department of Environmental Protection (PADEP), as required by Section 401 of the Clean Water Act (33 U.S.C.A. § 1341), to ensure that the construction, operation and maintenance of the Indiantown Gap National Cemetery Project will protect water quality in Pennsylvania through compliance with State water quality standards and associated State law requirements, which are consistent with the requirements of the Clean Water Act.

The proposed project consists of the installation of a 49.97-foot long, 84.0-inch diameter corrugated steel pipe arch culvert in an unnamed tributary to Aires Run (WWF, MF) and palustrine emergent wetlands, impacting 0.03 acre of wetland at the Indiantown Gap National Cemetery.

PADEP anticipates issuing a state water quality certification to the applicant for the Indiantown Gap National Cemetery Project that will require compliance with the following State water quality permitting programs, criteria and conditions established pursuant to State law to ensure that the Indiantown Gap National Cemetery Project does not violate applicable State water quality standards set forth in 25 Pa. Code Chapter 93:

1. *Erosion and Sediment Control Permit*—Applicant shall comply with PADEP's Chapter 102 Erosion and Sediment Control requirements pursuant to Pennsylvania's Clean Streams Law and Storm Water Management Act (32 P.S. §§ 680.1—680.17), and all applicable implementing regulations (25 Pa. Code Chapter 102).

2. *Erosion and Sediment Control Plan*—Applicant shall develop an Erosion and Sediment Control Plan that is consistent with the requirements identified in 25 Pa. Code Chapter 102. Applicant shall implement best management practices (BMPs) to minimize the potential for accelerated erosion and sedimentation from the project and to protect, maintain, reclaim and restore water quality and the existing and designated uses of waters of the Commonwealth and comply with all applicable implementing regulations (25 Pa. Code Chapter 102) pursuant to Pennsylvania's Clean Streams Law.

3. *Water Obstruction and Encroachment*—Applicant shall comply with the requirements of 25 Pa. Code Chapter 105, for the construction, operation and maintenance of all water obstructions and encroachments associated with the Indiantown Gap National Cemetery Project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 673.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601).

4. *Water Quality Monitoring*—PADEP retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by any operational and construction process that may be employed by Applicant.

5. *Inspection*—The Indiantown Gap National Cemetery Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of PADEP to determine compliance with this State Water Quality Certification, including all required State water quality permits and State water quality standards. A copy of this certification shall be available for inspection by the PADEP, or an authorized representative thereof, during such inspections of the Indiantown Gap National Cemetery Project.

6. *Transfer of Projects*—If Applicant intends to transfer any legal or equitable interest in the Indiantown Gap National Cemetery Project which is affected by this State Water Quality Certification, Applicant shall serve a copy of this certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the PADEP Regional Office of such intent. Notice to PADEP shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of certification responsibility, coverage, and liability between them.

7. *Correspondence*—All correspondence with and submittals to PADEP concerning this State Water Quality Certification shall be addressed to: Department of Environmental Protection, Southcentral Regional Office, Program Manager, Waterways and Wetlands, 909 Elmerton Avenue, Harrisburg, PA 17110.

8. *Reservation of Rights*—PADEP may suspend or revoke this State Water Quality Certification if it determines that Applicant has not complied with the terms and conditions of this certification. PADEP may require additional measures to achieve compliance with applicable law, subject to Applicant's applicable procedural and substantive rights.

9. *Other Laws*—Nothing in this State Water Quality Certification shall be construed to preclude the institution of any legal action or relieve Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal or state law or regulation.

10. *Severability*—The provisions of this State Water Quality Certification are severable and should any provision of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

Prior to issuance of the final State water quality certification, PADEP will consider all relevant and timely comments, suggestions or objections submitted to PADEP within 30 days of this notice. Written comments should be submitted to PADEP by e-mail to EP,WW-SCRO@pa.gov or by mail to the previously listed address or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD) and should be directed to Program Manager, Waterways and Wetlands Program. Comments must be submitted in writing and contain the name, address and telephone number of the person commenting and a concise statement of comments, objections, or suggestions on this proposal. No comments submitted by facsimile will be accepted.

[Pa.B. Doc. No. 22-55. Filed for public inspection January 7, 2022, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Availability of Technical Guidance

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

#### Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download TGDs. When this option is not available, persons can order a paper copy of any of the Department's draft or final TGDs by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### Changes to TGDs

Following is the current list of recent changes. Persons who have questions or comments about a particular document should contact the person whose name and phone number are listed with each document.

#### Final TGD: New Guidance

**DEP ID:** 310-2137-001. **Title:** Pennsylvania Function-Based Aquatic Resource Compensation Protocol. **Description:** This guidance provides standard guidelines for evaluating aquatic resource compensatory mitigation for the purpose of meeting applicable regulatory requirements contained in 25 Pa. Code Chapter 105 (relating to dam safety and waterway management). The guidance outlines how evaluations should be conducted using this methodology and the factors to consider when doing so. It also establishes a system for quantifying compensatory mitigation requirements and proposals intended to meet the 25 Pa. Code Chapter 105 regulations.

Compared with the draft TGD published at 44 Pa.B. 1396 (March 8, 2014), this final TGD has been revised based on meetings with other Federal and Commonwealth agencies, consultation with the Department's Water Resources Advisory Committee, Department regional staff workshops and public comments received on the draft TGD. During the public comment period on the draft TGD, comments were received from 17 organizations. The comment and response document accompanies the final TGD and is available on the Department's eLibrary web site.

The revisions made to this TGD from draft to final include:

- Inserting sections to provide additional regulatory overview and background information on the guidance and the conditions for general use of the guidance.
- The reorganization of the riverine function groups, removal of the recreation function groups and revisions to the project effect value section.
- The addition of reference resources.

The Department will provide updated application forms, instructions and training through webinars and regional settings prior to the effective date of this TGD.

**Contact:** Questions regarding this TGD can be directed to David Goerman at [dgoerman@pa.gov](mailto:dgoerman@pa.gov) or (717) 772-5971.

**Effective Date:** March 1, 2022

#### Rescission of TGD

**DEP ID:** 381-5511-113. **Title:** Handbook for PENNVEST Wastewater Projects. **Description:** The purpose of this document was to establish a rationale and reasonable basis for staff decisions that promoted quality, timely and consistent service to the public and regulated community. However, this document, last revised August 15, 2003, had not been updated to reflect more recent changes in law, regulation and policy; the development of Department standard operating procedures; and general program efficiency improvements associated with rapid technology changes. The Pennsylvania Infrastructure Investment Authority's (PENNVEST) funding agreements with borrowers and grant recipients reflect current requirements. The Department's project management guidance is now a standard operating procedure (SOP) with supporting public guidance available at [www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance](http://www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance).

**Contact:** Questions regarding this TGD can be directed to Richard Wright at [riwright@pa.gov](mailto:riwright@pa.gov) or (717) 772-4059.

**Effective Date:** January 8, 2022

#### Rescission of TGD

**DEP ID:** 383-5500-113. **Title:** Handbook for PENNVEST Drinking Water Projects. **Description:** The purpose of this document was to establish a rationale and reasonable basis for staff decisions that promoted quality, timely and consistent service to the public and regulated community. However, this document, last revised June 20, 2003, had not been updated to reflect more recent changes in law, regulation and policy; the development of Department standard operating procedures; and general program efficiency improvements associated with rapid technology changes. The PENNVEST's funding agreements with borrowers and grant recipients reflect current requirements. The Department's project management guidance is now an SOP with supporting public guidance available at [www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance](http://www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance).

**Contact:** Questions regarding this TGD can be directed to Richard Wright, PE at [riwright@pa.gov](mailto:riwright@pa.gov) or (717) 772-4059.

**Effective Date:** January 8, 2022

PATRICK McDONNELL,  
Secretary

[Pa.B. Doc. No. 22-56. Filed for public inspection January 7, 2022, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Health Research Advisory Committee Virtual Public Meeting

The Department of Health's Health Research Advisory Committee (Committee), established by section 903(b) of

the Tobacco Settlement Act (35 P.S. § 5701.903(b)), will hold a virtual public meeting on Monday, January 10, 2022, from 2:30 p.m. to 4 p.m. The virtual public meeting will be held virtually by means of Microsoft Teams at (267) 332-8737 with Conference ID: 994 021 882#.

The purpose of the virtual public meeting is to review the work of the Committee, confirm the 2021 priorities and to plan for future health research priorities.

For additional information or persons with disabilities who wish to attend the virtual public meeting and require an auxiliary aid, service or other accommodation, contact Will Cramer, Director, Health Research Office, or Pamela Brown, Management Technician, Health Research Office, ra-healthresearch@pa.gov. 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).

Check the Department of Health, Health Research Office CURE Health Research Advisory Committee web site at <https://www.health.pa.gov/topics/Research/CURE/Pages/Committee.aspx> for any changes to this virtual public meeting.

This virtual public meeting is subject to cancellation without notice.

KEARA KLINEPETER, MSHCPM,  
*Acting Secretary*

[Pa.B. Doc. No. 22-57. Filed for public inspection January 7, 2022, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Medical Marijuana Advisory Board Virtual Meetings

The Medical Marijuana Advisory Board (Board), established under section 1201 of the Medical Marijuana Act (35 P.S. § 10231.1201), hereby gives notice that the Board will hold virtual meetings on the following days from 10 am to 12 p.m.: Thursday, January 27, 2022; Tuesday, March 22, 2022; Thursday, May 26, 2022; Thursday, July 28, 2022; Tuesday, September 27, 2022; and Tuesday, November 22, 2022.

At these virtual meetings, the Board will discuss Medical Marijuana Program updates.

These virtual meetings will be broadcasted live for the public through Commonwealth Media Services. Check [www.medicalmarijuana.pa.gov](http://www.medicalmarijuana.pa.gov) and click on the Medical Marijuana Advisory Board tab for live streaming information the day of the virtual meeting.

For additional information, including an alternative format of this notice (for example, large print, audiotope, Braille) or for persons with a disability who wish to attend the virtual meetings who require an auxiliary aid, service or other accommodation to do so, contact Holli Senior, Special Assistant, Office of Medical Marijuana, 625 Forster Street, Room 628, Health and Welfare Building, Harrisburg, PA 17120, (717) 547-3047, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

These virtual meetings are subject to cancellation without notice.

KEARA KLINEPETER, MSHCPM,  
*Acting Secretary*

[Pa.B. Doc. No. 22-58. Filed for public inspection January 7, 2022, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Special Pharmaceutical Benefits Program Advisory Council Public Teleconference Meeting

The Statewide Special Pharmaceutical Benefits Program (SPBP) Advisory Council, established by the Department of Health (Department) to aid in the carrying out of its Federal grant responsibilities under section 2616 of the Ryan White Comprehensive AIDS Resource Emergency Act of 1990 (42 U.S.C.A. § 300ff-26), will hold a public teleconference meeting on Thursday, January 27, 2022, from 10 a.m. to 12 p.m. To participate dial in by location at (412) 648-8888 or (866) 588-4789. The meeting ID is 487 872 318#. The public teleconference meeting will begin promptly at 10 a.m. and participants are urged to call in by 9:50 a.m.

The SPBP Advisory Council will provide program guidance and recommendations to the Department's SPBP in regard to the following: drug formulary; covered lab services; drug utilization review; clinical programs; eligibility; and program management.

For additional information, contact Sandy Brosius, Bureau of Communicable Diseases, Department of Health, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 547-3419.

Persons with a disability who wish to attend the public teleconference meeting and require an auxiliary aid, service or other accommodation to do so should contact Sandy Brosius, Bureau of Communicable Diseases, Department of Health, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 547-3419, or for speech or hearing impaired persons contact V/TT (717) 783-0572 or the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TT).

This public teleconference meeting is subject to cancellation without prior notice.

KEARA KLINEPETER, MSHCPM,  
*Acting Secretary*

[Pa.B. Doc. No. 22-59. Filed for public inspection January 7, 2022, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Payment for Nursing Facility Services Provided by County Nursing Facilities; County Nursing Facility Supplementation Payment for Fiscal Year 2021-2022

This announcement provides advance notice that the Department of Human Services (Department) intends to

continue to make an additional payment to certain county nursing facilities in Fiscal Year (FY) 2021-2022.

#### *Proposed Payment*

The Department intends to make a county nursing facility supplementation payment to each qualified county nursing facility. To qualify, a county nursing facility must be located in a home rule county that was formerly a county of the second class A, have more than 725 beds and a Medicaid acuity of 0.79 as of August 1, 2015. The number of beds will be the number of licensed beds as of August 1, 2015, and the Medicaid acuity will be determined using the Case Mix Index Report for the August 1, 2015, Picture Date in accordance with 55 Pa. Code § 1187.33 (relating to resident data and picture date reporting requirements).

The Department will calculate the qualifying county nursing facility's supplementation payment for FY 2021-2022 by multiplying the supplementation per diem by the number of paid Medical Assistance (MA) facility and therapeutic leave days for the prior fiscal year. The supplementation per diem will be calculated by dividing the total funds available by the total number of paid MA facility and therapeutic leave days for the prior fiscal year for qualifying facilities.

The Department will submit a State Plan Amendment (SPA) to the Centers for Medicare & Medicaid Services (CMS). If CMS approves the SPA, the total funds will consist of both State and Federal funding. The Department will use its best efforts to process this supplementation payment within 30 days of the date it receives notice from CMS.

#### *Fiscal Impact*

This change will result in an estimated cost of \$4.864 million (\$2.000 million in State funds) for FY 2021-2022.

#### *Public Comment*

Interested persons are invited to submit written comments regarding the county nursing facility supplementation payment to the Department of Human Services, Office of Long-Term Living, Bureau of Policy Development and Communications Management, Attention: Danielle Cyphert, P.O. Box 8025, Harrisburg, PA 17105-8025 or at RA-PWOLTLNFPUBLICCOM@pa.gov. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

MEG SNEAD,  
*Acting Secretary*

**Fiscal Note:** 14-NOT-1475. (1) General Fund; (2) Implementing Year 2021-22 is \$2,000,000; (3) 1st Succeeding Year 2022-23 through 5th Succeeding Year 2026-27 are \$0; (4) 2020-21 Program—\$208,841,000; 2019-20 Program—\$470,244,000; 20178-19 Program—\$850,149,000; (7) MA—Long-Term Living; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 22-60. Filed for public inspection January 7, 2022, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Payment for Nursing Facility Services Provided by Nonpublic and County Nursing Facilities; Supplemental Ventilator Care and Tracheostomy Care Add-on Payment for Fiscal Year 2021-2022

This announcement provides advance notice that the Department of Human Services (Department) intends to make an additional payment in Fiscal Year (FY) 2021-2022 to nonpublic and county nursing facilities that qualified for supplemental ventilator care and tracheostomy care payments in FY 2014-2015.

#### *Proposed Payment*

The Department intends to make an additional supplemental ventilator care and tracheostomy care payment to qualified nonpublic and county nursing facilities. This additional payment will be made to nonpublic and county nursing facilities that qualified for supplemental ventilator care and tracheostomy care payments in FY 2014-2015 with a percentage of Medical Assistance (MA) residents who required medically necessary ventilator care or tracheostomy care greater than 90%.

The Department will calculate the FY 2021-2022 add-on payment to qualified nonpublic and county nursing facilities by dividing the total funds for the supplemental ventilator care and tracheostomy care payment by the number of qualified nonpublic and county nursing facilities.

The Department will submit a State Plan Amendment (SPA) to the Centers for Medicare & Medicaid Services (CMS). If CMS approves the SPA, the total funds will consist of both State and Federal funding. The Department will use its best efforts to process this payment within 30 days of the date it receives notice from CMS.

#### *Fiscal Impact*

This change will result in an estimated cost of \$1.824 million (\$0.750 million in State funds) for FY 2021-2022.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this supplemental ventilator care and tracheostomy care add-on payment to the Department of Human Services, Office of Long-Term Living, Bureau of Policy Development and Communications Management, Attention: Danielle Cyphert, P.O. Box 8025, Harrisburg, PA 17105-8025 or at RA-PWOLTLNFPUBLICCOM@pa.gov. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

MEG SNEAD,  
*Acting Secretary*

**Fiscal Note:** 14-NOT-1476. (1) General Fund; (2) Implementing Year 2021-22 is \$750,000; (3) 1st Succeeding Year 2022-23 through 5th Succeeding Year 2026-27 are \$0; (4) 2020-21 Program—\$208,841,000; 2019-20 Program—\$470,244,000; 2018-19 Program—\$850,149,000; (7) MA—Long-Term Living; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 22-61. Filed for public inspection January 7, 2022, 9:00 a.m.]



## DEPARTMENT OF HUMAN SERVICES

### Payment for Nursing Facility Services Provided by Nonpublic Nursing Facilities Located in a County of the First Class; Nonpublic Nursing Facility Supplementation Payment for Fiscal Year 2021-2022

This announcement provides advance notice that the Department of Human Services (Department) intends to continue to make an additional payment to certain nonpublic nursing facilities in a county of the first class in Fiscal Year (FY) 2021-2022 to ensure access to necessary nursing care in that county.

#### *Proposed Payment*

The Department intends to make a nonpublic nursing facility supplementation payment to each qualified nonpublic nursing facility. To qualify, a nonpublic nursing facility must be located in a county of the first class, have more than 395 beds and a Medicaid acuity of 1.18 as of August 1, 2020. The number of beds will be the number of licensed beds as of August 1, 2020, and the Medicaid acuity will be determined using the Case Mix Index Report for the August 1, 2020, Picture Date in accordance with 55 Pa. Code § 1187.33 (relating to resident data and picture date reporting requirements).

The Department will calculate the payment to qualifying facilities by multiplying the supplementation per diem by the number of paid Medical Assistance (MA) facility and therapeutic leave days for the prior fiscal year. The supplementation per diem will be calculated by dividing the total funds available by the total number of paid MA facility and therapeutic leave days for the prior fiscal year for qualifying facilities.

The Department will submit a State Plan Amendment (SPA) to the Centers for Medicare & Medicaid Services (CMS). If CMS approves the SPA, the total funds will consist of both State and Federal funding. The Department will use its best efforts to process this supplementation payment within 30 days of the date it receives notice from CMS.

#### *Fiscal Impact*

This change will result in an estimated cost of \$2.432 million (\$1.000 million in State funds) for FY 2021-2022.

#### *Public Comment*

Interested persons are invited to submit written comments regarding the nonpublic nursing facility supplementation payment to the Department of Human Services, Office of Long-Term Living, Bureau of Policy Development and Communications Management, Attention: Danielle Cyphert, P.O. Box 8025, Harrisburg, PA 17105-8025 or at RA-PWOLTLNFPUBLICCOM@pa.gov. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

MEG SNEAD,  
*Acting Secretary*

**Fiscal Note:** 14-NOT-1477. (1) General Fund; (2) Implementing Year 2021-22 is \$1,000,000; (3) 1st Succeeding Year 2022-23 through 5th Succeeding Year 2026-27

are \$0; (4) 2020-21 Program—\$208,841,000; 2019-20 Program—\$470,244,000; 2018-19 Program—\$850,149,000; (7) MA—Long-Term Living; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 22-62. Filed for public inspection January 7, 2022, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Payment for Nursing Facility Services Provided by Nonpublic Nursing Facilities Located in a County of the Eighth Class; Nonpublic Nursing Facility Supplementation Payment for Fiscal Year 2021-2022

This announcement provides advance notice that the Department of Human Services (Department) intends to continue to make an additional payment to certain nonpublic nursing facilities in a county of the eighth class in Fiscal Year (FY) 2021-2022 to ensure access to necessary nursing home care in that county.

#### *Proposed Payment*

The Department intends to make a nonpublic nursing facility supplementation payment to each qualified nonpublic nursing facility. To qualify, a nonpublic nursing facility must be located in a county of the eighth class, have more than 119 beds and a Medicaid acuity of 1.04 as of August 1, 2020. The number of beds will be the number of licensed beds as of August 1, 2020, and the Medicaid acuity will be determined using the Case Mix Index Report for the August 1, 2020, Picture Date in accordance with 55 Pa. Code § 1187.33 (relating to resident data and picture date reporting requirements).

The Department will calculate the qualifying nonpublic nursing facility's supplementation payment for FY 2021-2022 by multiplying the supplementation per diem by the number of paid Medical Assistance (MA) facility and therapeutic leave days for the prior fiscal year. The supplementation per diem will be calculated by dividing the total funds available by the total number of paid MA facility and therapeutic leave days for the prior fiscal year for qualifying facilities.

The Department will submit a State Plan Amendment (SPA) to the Centers for Medicare & Medicaid Services (CMS). If CMS approves the SPA, the total funds will consist of both State and Federal funding. The Department will use its best efforts to process this supplementation payment within 30 days of the date it receives notice from CMS.

#### *Fiscal Impact*

This change will result in an estimated cost of \$12.159 million (\$5.000 million in State funds) for FY 2021-2022.

#### *Public Comment*

Interested persons are invited to submit written comments regarding the nonpublic nursing facility supplementation payment to the Department of Human Services, Office of Long-Term Living, Bureau of Policy Development and Communications Management, Attention: Danielle Cyphert, P.O. Box 8025, Harrisburg, PA 17105-8025 or at RA-PWOLTLNFPUBLICCOM@pa.gov.

Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

MEG SNEAD,  
*Acting Secretary*

**Fiscal Note:** 14-NOT-1478. (1) General Fund; (2) Implementing Year 2021-22 is \$5,000,000; (3) 1st Succeeding Year 2022-23 through 5th Succeeding Year 2026-27 are \$0; (4) 2020-21 Program—\$208,841,000; 2019-20 Program—\$470,244,000; 2018-19 Program—\$850,149,000; (7) MA—Long-Term Living; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 22-63. Filed for public inspection January 7, 2022, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Continental General Insurance Company (SERFF # GLTC-132995871); Rate Increase Filing for Several Individual LTC Forms; Rate Filing

Continental General Insurance Company is requesting approval to increase the premium 132% on 85 policyholders of forms 1LTCIP0001(PA) and 1LTCIP0002(PA).

Unless formal administrative action is taken prior to March 10, 2022, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Pending Long Term Care Rate Filings").

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 22-64. Filed for public inspection January 7, 2022, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Antonia Fritz; Order to Show Cause; Doc. No. SC21-11-013

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).

A prehearing videoconference initiated by this office is scheduled for January 19, 2022, at 9:30 a.m. The parties shall join the Zoom prehearing conference through the link supplied in the accompanying transmittal invitation and shall 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 January 14, 2022, with the Administrative Hearings Office. The e-mail address to be used for the Administrative Hearings Office shall be [ra-hearings@pa.gov](mailto:ra-hearings@pa.gov). Answer to protests, petitions to intervene or notices of intervention, if any, shall be electronically filed on or before January 26, 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, (717) 787-4429, [jkorman@pa.gov](mailto:jkorman@pa.gov).

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 22-65. Filed for public inspection January 7, 2022, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P.L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The hearing will be held in accordance with the requirements of Act 68; 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). This administrative hearing will be held virtually by means of Zoom. Failure by the appellant to appear at the scheduled video hearing may result in dismissal with prejudice.

The parties and their representatives and witnesses shall join the Zoom hearing through the link supplied in the invitation. The Administrative Hearings Office may be contacted at (717) 783-2126, [ra-hearings@pa.gov](mailto:ra-hearings@pa.gov).

Appeal of Paul Sweeney; Progressive Specialty Insurance Company; File No. 21-114-262904; Doc. No. P21-11-023; January 26, 2022, 9:30 a.m.

Following the video hearing and receipt of the stenographic transcript, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the video hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative video hearing and require an auxiliary aid, service or other accommodation to participate in the video hearing, should contact Joseph Korman, (717) 787-4429, [jkorman@pa.gov](mailto:jkorman@pa.gov).

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 22-66. Filed for public inspection January 7, 2022, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Transamerica Life Insurance Company (SERFF # AEGB-133092985); Rate Increase Filing for Individual LTC Form ICC10 TLC-3; Rate Filing

Transamerica Life Insurance Company is requesting approval to increase the premium 52.7% on 259 policyholders of form ICC10 TLC-3.

Unless formal administrative action is taken prior to March 10, 2022, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Pending Long Term Care Rate Filings").

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 22-67. Filed for public inspection January 7, 2022, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Formal protests, petitions to intervene and answers must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before January 24, 2022. Filings are recommended to be made electronically through eFiling to the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant by January 24, 2022. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Commission's eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. The documents filed in support of the application are only available for inspection through the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) by searching under the previously listed docket number or by searching the applicant's web site.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-2021-3029529. Family Care For You, LLC, t/a Family Care For You** (28 Gooseneck Road, Levittown, Bucks County, PA 19057) to transport persons, by motor vehicle, in paratransit service, from points in Berks, Bucks, Delaware, Lancaster, Lehigh and Montgomery Counties, and the City and County of Philadelphia, to points in Pennsylvania, and return.

**A-2021-3030054. Reading Metro, LLC, t/a Infina Health** (615 Elm Street, # 1, Reading, Berks County, PA 19601) persons in paratransit service, from points in Chester, Lancaster, Lebanon, Lehigh and Montgomery Counties, to points in Pennsylvania, and return.

**A-2021-3030093. Mt. Nebo Center, LLC** (561 Martic Heights Drive, Holtwood, Lancaster County, PA 17532) to transport persons in paratransit service whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

**A-2021-3030099. Medical Transportation Providers, LLC** (314 South Henderson Road, Suite G-195, King of Prussia, PA 19406) to transport persons, by motor vehicle, in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

**A-2021-3030109. Tala Medical Trans Care, LLC** (2102 Hoffnagle Street, # 1, Philadelphia, PA 19152) persons in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

**A-2021-3030150. Tass Trans, LLC** (6453 Eastwood Street, Philadelphia, Philadelphia County, PA 19149) persons in paratransit service, from points in the Counties of Bucks and Montgomery, and the City and County of Philadelphia, to points in Pennsylvania, and return.

**Applications of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.**

**A-2021-3029988. John K. Kane, t/a Hercules Movers** (P.O. Box 601, Berwyn, Chester County, PA 19312) discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, household goods in use, as more thoroughly described in the original ordering paragraphs at A-00109368.

**A-2021-3030036. The Rose Limousine Service, Inc.** (676 Main Road, Hanover Township, PA 18706) discontinuance of service and cancellation of its certificate—for the right to begin to transport, as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, between points in the County of Luzerne, and from points in said county, to points in Pennsylvania, and return.

**A-2021-3030051. Vandoren C. Boone, t/a B Line Van Services** (5017 North Marvine Street, Philadelphia, Philadelphia County, PA 19141) for the discontinuance and cancellation of its right and privilege to transport in paratransit service, limited to transportation to correc-

tional facilities and amusement parks, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

**A-2021-3030066. Queen Transportation & Consulting, LLC** (982 Rawlinsville Road, Willow Street, Lancaster County, PA 17584) for the discontinuance and cancellation of its right to transport, as a common carrier, by motor vehicle, persons in paratransit service, between points in Lancaster County, as originally docketed at A-2019-3011957.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 22-68. Filed for public inspection January 7, 2022, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Transfer of Customers

**A-2021-3030113 and A-2021-3030114. Protel Advantage, Inc. and Legent Comm, LLC, d/b/a Long Distance Services, d/b/a Long Distance America.** Joint application of Protel Advantage, Inc. and Legent Comm, LLC, d/b/a Long Distance Services, d/b/a Long Distance America for approval of a transfer of customers from Protel to Legent.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before January 24, 2022. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available only online for inspection and copying on the Pennsylvania Public Utility Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

*Joint Applicants:* Protel Advantage, Inc.; Legent Comm, LLC, d/b/a Long Distance Services, d/b/a Long Distance America

*Through and By:* Sharon Thomas, Inteserra Consulting Group, 151 Southhall Lane, Suite 450, Maitland, FL 32751, (407) 740-3031, fax (407) 740-0613, [stomas@inteserra.com](mailto:stomas@inteserra.com)

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 22-69. Filed for public inspection January 7, 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 January 24, 2022. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The applications are available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business addresses of the respective applicants or attorneys, or both.

**Doc. No. A-21-12-05. Shiba Trans, LLC** (2 Violet Lane, Glen Mills, PA 19342): An application for a medallion taxicab certificate of public convenience (CPC) to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* Charles Milstein, Esq., 7102 Frankford Avenue, Philadelphia, PA 19135.

**Doc. No. A-21-12-06. Nahar, Inc.** (121 South Chestnut Street, Lansdale, PA 19446): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**Doc. No. A-21-12-07. Najma, Inc.** (3432 Primrose Road, Philadelphia, PA 19114): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**Doc. No. A-21-12-08. J. Sandhu, LLC** (2 Violet Lane, Glen Mills, PA 19342): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* Danielle Friedman, Esq., 2301 Church Street, Philadelphia, PA 19124.

SCOTT PETRI,  
*Executive Director*

[Pa.B. Doc. No. 22-70. Filed for public inspection January 7, 2022, 9:00 a.m.]