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Agencies in this issue

The Courts

Department of Agriculture

Department of Banking and Securities

Department of Community and Economic
Development

Department of Conservation and Natural
Resources

Department of Environmental Protection

Department of Health

Department of Human Services

Department of Transportation

Game Commission

Independent Regulatory Review Commission

Insurance Department

Pennsylvania Public Utility Commission

Philadelphia Parking Authority

Detailed list of contents appears inside.



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(Master Transmittal Sheet):**

No. 570, May 2022

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CONTENTS

THE COURTS

DISCIPLINARY BOARD OF THE SUPREME COURT
 Notice of disbarment (3 Documents)..... 3060
 Notice of suspension 3060

LOCAL COURT RULES

Bradford County
 Detention or incarceration of juveniles pursuant to amendments of the Federal Juvenile Justice Reform Act; No. 2022 IR 0035..... 3059

Monroe County
 Local rule of civil procedure 1018.1 rescinded, amended and adopted; 109 AD 2022; 5 CV 2022 3059

RULES OF CIVIL PROCEDURE
 Proposed amendment of Pa.R.O.C.P. 5.50..... 3057

SUPREME COURT

Financial institutions approved as depositories for fiduciary accounts; No. 221 disciplinary rules docket..... 3060

Reestablishment of the magisterial districts within the 4th Judicial District of the Commonwealth of Pennsylvania; No. 476 magisterial rules docket ... 3063

Reestablishment of the magisterial districts within the 22nd Judicial District of the Commonwealth of Pennsylvania; No. 477 magisterial rules docket. .3063

Reestablishment of the magisterial districts within the 48th Judicial District of the Commonwealth of Pennsylvania; No. 478 magisterial rules docket ... 3063

Reestablishment of the magisterial districts within the 58th Judicial District of the Commonwealth of Pennsylvania; No. 475 magisterial rules docket ... 3064

EXECUTIVE AND INDEPENDENT AGENCIES

DEPARTMENT OF AGRICULTURE

Notices
 Continuation of the Pennsylvania Apple Program ... 3110
 Exemption of plants from controlled plants and noxious weed list 3110
 Pennsylvania Apple Program 2022 order, amended.. 3110
 Program requirements for the Pennsylvania Agriculture Veteran Grant Program..... 3113

DEPARTMENT OF BANKING AND SECURITIES

Notices
 Actions on applications..... 3114

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Notices
 Change to community housing development organizations operating requests..... 3114

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Notices
 Governor’s Advisory Council for Hunting, Fishing and Conservation public meeting 3115
 Snowmobile and ATV Advisory Committee public meeting..... 3115

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices
 Aggregate Advisory Board; change in date, time and location for August meeting 3177
 Applications, actions and special notices..... 3115
 Availability of technical guidance 3177
 Extension of general permit for the beneficial use of biosolids by land application (PAG-08)..... 3177
 Extension of general permit for the beneficial use of exceptional quality biosolids by land application (PAG-07) 3178
 Extension of general permit for the beneficial use of residential septage by land application (PAG-09).. 3178

DEPARTMENT OF HEALTH

Proposed Rulemaking
 Long-term care nursing facilities..... 3070

Notices
 Long-term care nursing facilities; requests for exception..... 3178

DEPARTMENT OF HUMAN SERVICES

Notices
 Supplemental payments to qualifying hospitals 3179

DEPARTMENT OF TRANSPORTATION

Notices
 Automated red light enforcement transportation enhancement grants program applications 3180
 Contemplated sale of land no longer needed for transportation purposes 3180

GAME COMMISSION

Rules and Regulations
 Hunting and trapping; big game 3065
 Special permits; deer control; agriculture 3066

Proposed Rulemaking
 Hunting and trapping; big game 3101
 Hunting and trapping; general..... 3102
 Hunting and trapping; small game..... 3105
 Special permits; deer control; deer management assistance program permits 3106
 Special permits; nuisance wildlife control operator .. 3107
 Special permits; wildlife rehabilitation 3108

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices
 Notice of filing of final rulemakings 3180

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

INSURANCE DEPARTMENT

Notices

1332 Waiver Reinsurance Program—program parameters; notice 2022-07 3181

Jason R. Anthony; license denial appeal; doc. No. AG22-05-002..... 3181

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

Electric generation supplier license cancellations of companies with an expired financial security, insufficient financial security amount or language .. 3181

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Peoples Natural Gas Company, LLC 3183

Pro forma transaction..... 3199

Revocation of natural gas supplier licenses of companies that did not file a natural gas supplier annual report or pay past due annual or supplemental fees..... 3199

Service of notice of motor carrier applications..... 3202

PHILADELPHIA PARKING AUTHORITY

Notices

Service of notice of motor carrier applications in the City of Philadelphia..... 3202

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.

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

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

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

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

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Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

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List of Pa. Code Chapters Affected

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

4 Pa. Code (Administration)

Adopted Rules

1	936
7	336
601a	1454
602a	1454
603a	1454
604a	1454
605a	1454
606a	1454
607a	1454

Statements of Policy

9	1112, 1276, 1742, 2218, 2972
---	------------------------------

7 Pa. Code (Agriculture)

Adopted Rules

160	2699
-----	------

16 Pa. Code (Community Affairs)

Proposed Rules

41	2122
----	------

22 Pa. Code (Education)

Adopted Rules

49	2451
741	356
741a	356

Statements of Policy

238	1009
-----	------

25 Pa. Code (Environmental Protection)

Adopted Rule

121	1875
129	1875
145	2471

Proposed Rules

92a	361
109	1245
121	689
129	689
261a	235
271	363
279	363

28 Pa. Code (Health and Safety)

Adopted Rules

1141	359
1151	359
1161	359
1171	359
1181	359
1191	359
1211	359
1230	359

Proposed Rules

201	1626, 3070
207	3070
209	1626, 3070
211	1626, 3070

31 Pa. Code (Insurance)

Proposed Rules

90j	830
-----	-----

Statements of Policy

89	2128
----	------

34 Pa. Code (Labor and Industry)

Adopted Rules

101	1480
231	2701
401	971
403	971

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

3	1485
13	1600
16	1899
17	1899
18	1899
19	444
21	1916
37	17
39	2963
41	446
42	448
47	1608
48	1608
49	1608

Proposed Rules

1	1736, 2969
6	1978
7	2558
18	985
31	1980
42	835

52 Pa. Code (Public Utilities)

Proposed Rules

59	992
----	-----

55 Pa. Code (Human Services)

Adopted Rules

123	2548
133	2548

58 Pa. Code (Recreation)

Adopted Rules

113	983
141	3065
147	3066
623b	1491
627b	1491
629b	1491

Proposed Rules

63	1494
65	1494, 1496
141	3101, 3102, 3105
147	3106, 3107, 3108
461a	2211
469a	2211

67 Pa. Code (Transportation)
Adopted Rules
 55 68

101 Pa. Code (General Assembly)
Statements of Policy
 31 1642

201 Pa. Code (Rules of Judicial Administration)
Proposed Rules
 19 2561

204 Pa. Code (Judicial System General Provisions)
Adopted Rules
 29 339
 71 341
 82 964
 83 1733, 1974, 2955
 85 2581
 87 2581
 89 2581
 91 2581
 93 2581

Proposed Rules
 81 942
 83 942, 965
 303 583
 309 2344
 311 2351

207 Pa. Code (Judicial Conduct)
Adopted Rules
 1 680, 2208

210 Pa. Code (Appellate Procedure)
Adopted Rules
 19 9

Proposed Rules
 5 2561
 16 1452

231 Pa. Code (Rules of Civil Procedure)
Adopted Rules
 200 440
 400 10, 682
 1915 826
 Part II 441, 684

Proposed Rules
 240 2561
 Part II 2561, 3057

234 Pa. Code (Rules of Criminal Procedure)
Proposed Rules
 1 205, 346
 4 2561
 5 205, 346, 2689
 6 346
 7 205
 10 205, 346

237 Pa. Code (Juvenile Rules)
Proposed Rules
 1 2561
 5 11

246 Pa. Code (Minor Court Civil Rules)
Adopted Rules
 300 2357

Proposed Rules
 200 2561

249 Pa. Code (Philadelphia Rules)
 Unclassified 230, 827

252 Pa. Code (Allegheny County Rules)
 Unclassified 13

255 Pa. Code (Local Court Rules)
 Unclassified 14, 15, 16, 231, 232, 233, 353,
 443, 685, 828, 968, 969, 1111, 1453, 1599, 1734, 1975,
 1976, 2208, 2360, 2584, 2585, 2695, 2697, 2792, 2843,
 3059

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

[231 PA. CODE PART II]

Proposed Amendment of Pa.R.O.C.P. 5.50

The Orphans' Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.O.C.P. 5.50 governing petitions for small estates for the reasons set forth in the accompanying explanatory 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:

Pamela S. Walker, Counsel
Orphans' Court Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9546
orphanscourtproceduralrules@pacourts.us

All communications in reference to the proposal should be received by July 15, 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 Orphans' Court
Procedural Rules Committee*

HONORABLE EMIL A. GIORDANO (RET.),
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

CHAPTER V. RULES GOVERNING SPECIFIC TYPES OF PETITIONS

Rule 5.50. Settlement of Small Estates by Petition.

(a) *Applicability.* This Rule applies to all petitions filed pursuant to 20 Pa.C.S. § 3102, pertaining to settlement of small estates by petition.

(b) *Contents.* In addition to the requirements provided by the Rules in Chapter III, a petition shall set forth the following:

(1) *Estate.*

(i) the name and address of each petitioner and the petitioner's relationship to the decedent;

(ii) the decedent's name, date of death, and domicile at the time of death;

(iii) a statement whether the decedent died testate or intestate and, if testate [,]:

(A) that the original will [**is attached**] **has been lodged or probated with the register** [,]; or

(B) that the original will cannot be produced, the reason it cannot be produced, **and that the register issued a decree accepting the photocopy as an original** [**and that a photocopy of the original will is attached**];

(iv) the name and address of each testate or intestate beneficiary, and if any such beneficiary is a minor or otherwise incapacitated, the name and address of such beneficiary's legal representative, as applicable; and

(v) whether a claim for family exemption is included, and if the claimant is not the surviving spouse, the relationship of the claimant to the decedent, and a statement that the claimant resided with the decedent at the date of death and if the claimant is the surviving spouse, that he or she has not forfeited the right to claim the family exemption.

(2) *Assets.* All assets of decedent's estate, other than real estate and property distributable under 20 Pa.C.S. § 3101, and the value of each asset.

(3) *Liabilities.*

(i) [**the**] **The** names and addresses of all known creditors, total amounts claimed by each, whether the debts have been satisfied, and an itemized list of all debts, including whether or not admitted, a description of the property claimed and the gross value thereof, and whether there is any objection to the debt, and if so, by whom;

(ii) an itemized list of unpaid administrative expenses, unpaid taxes, all other unpaid debts, and, if insolvent, as prioritized under 20 Pa.C.S. § 3392; and

(iii) if the decedent was 55 years of age or older at the time of death, whether a request for a statement of claim was sent to the Department of Human Services in accordance with 62 P.S. § 1412, the date the request was made, and the response received from the Department.

(4) *Distribution.*

(i) [**the**] **The** name of any distributee paid prior to the filing of the petition, including the nature and amount of each payment;

(ii) the name of each proposed distributee and respective proposed distribution;

(iii) the name of each interested person who has consented to or joined in the petition; and

(iv) the names of each testate or intestate beneficiary, as applicable, who has not consented to or joined in the petition.

(5) *Taxes.* A statement that a Pennsylvania inheritance tax return has been filed, that all taxes due on the assets listed on the petition have been paid in full, and that proof of such payment is attached to the petition, or the reason why **the filing has not been made or** payment has not occurred.

(c) *Exhibits*. The following items shall be attached as exhibits to the petition in the following order:

- (1) an original death certificate;
 - (2) **[the decedent's will, if any] a photocopy of the decedent's will along with either:**
 - (i) **proof the original will was lodged or probated with the register; or**
 - (ii) **a decree of the register accepting a photocopy as the original.**
 - (3) **[Pennsylvania Department of Revenue Notice of Appraisal and Assessment of Tax] documentation supporting the statement required by subdivision (b)(5), if any;**
 - (4) original consents, joinders, and statements of no objection signed by interested parties; and
 - (5) a copy of any correspondence received from the Department of Human Services in response to the statement of claim referenced in **[subparagraph] subdivision (b)(3)(iii).**
- (d) *Notice*. The petitioner shall serve written notice on interested parties in compliance with **[Chapter III] Rule 3.5(b).**

[Explanatory] Comment: The original will is to be lodged or probated with the register to ensure it can be located at a later time, if necessary. If the petitioner does not have the original will, he or she must petition the register for a decree accepting a photocopy of the will as the original. The decree by the register establishes the validity of the will. The register's decree is not intended to initiate probate, but rather ensure that the appropriate entity is determining the validity of the will.

20 Pa.C.S. § 3101, referenced in **[paragraph] subdivision (b)(2)**, sets forth certain allowable payments to the decedent's family members, and to a licensed funeral director for the decedent's burial expenses. Property payable under 20 Pa.C.S. § 3101 shall not be included when determining whether the decedent's personal property exceeds a gross value of \$50,000.

In **[paragraph] subdivision (b)(3)**, the term "creditors" includes creditors of the decedent on the date of death, providers of funeral services, and providers of goods and services to the petitioner arising from settlement of the estate.

The Medical Assistance Estate Recovery Program, established by federal law, requires the Commonwealth to recover the Medical Assistance costs from decedents' estates. See 42 U.S.C. § 1396p; 62 P.S. § 1412.

Examples of documentation required by subdivision (c)(3) include, but are not limited to, a copy of the Pennsylvania Department of Revenue Notice of Appraisal and Assessment of Tax, the filed inheritance tax return, proof of payment of the inheritance tax, or a statement from the Department of Revenue or its agent that no tax is due.

The filings required by this rule are subject to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*. See **[Rule] Pa.R.O.C.P. 1.99**.

**SUPREME COURT OF PENNSYLVANIA
ORPHANS' COURT PROCEDURAL RULES
COMMITTEE**

PUBLICATION REPORT

**Proposed Amendment of Rule 5.50 of the
Pennsylvania Orphans' Court Rules**

In 2020, the Supreme Court of Pennsylvania adopted new Pa.R.O.C.P. 5.50, providing for the contents of small estate petitions. See Order of August 18, 2020, No. 847, Supreme Court Rules Docket. Subsequently, the Committee received correspondence expressing concern about certain provisions in the rule. One concern related to the requirement in subdivision (c)(3) that the Department of Revenue Notice of Appraisal and Assessment of Tax ("Notice") be attached as an exhibit to the petition. Another concern related to service on interested persons in compliance with Chapter III.

Regarding the attachment of the Notice, commenters reported delays in the issuance of these notices—sometimes six months or more. In some cases, this delay could outweigh the benefit of filing a small estate petition. Thus, the Committee reconsidered the need to require attachment of the Notice and contemplated other means by which payment of tax (or the waiver of same) could be demonstrated. The Committee also noted the limited exposure of an underpayment, given the estate cap for small estate eligibility. Therefore, the Committee is considering proposing amendments to Rule 5.50(c)(3) permitting alternative documents to demonstrate the status of tax payments. Instead of limiting the required exhibit to the Notice, other documentation would be acceptable including, but not limited to, the Notice, the filed inheritance tax return, proof of payment of the inheritance tax, or a statement from the Department of Revenue or its agent that no tax is due.

Current Rule 5.50(d), pertaining to service of the petition, provides that "[t]he petitioner shall serve written notice on interested parties in compliance with Chapter III." Commenters expressed concern that failure to designate the precise service procedure leaves practitioners electing the issuance of a preliminary decree and citation for all parties in interest not already subject to the court's jurisdiction—an expensive proposition for a small estate. While the Committee had initially thought it better to leave the service determination to practitioners, it is sensitive to the cost issues raised and acknowledges the small estate statute does not direct the method of service of the petition, merely stating "with such notice as the court shall direct." See 20 Pa.C.S. § 3102. Therefore, the Committee is considering proposing amendments to Rule 5.50(d) narrowing the service requirement of the small estate petition to Rule 3.5(b) (service by notice).

Finally, while considering these two issues, the Committee identified a need to refine provisions for attaching the original or a photocopy of the decedent's will (if the original will cannot be produced) as an exhibit to the petition as required by current Rule 5.50(c)(2). First, the Committee observed that permitting the attachment of a photocopy of a will to the petition had the potential to lead to an incorrect distribution. In the absence of the original will, questions of validity and revocation must be determined, which falls within the jurisdiction of a register of wills. Thus, the Committee considered whether a petitioner who does not have the original will should petition the register and obtain a decree as to the photocopy's validity. The register's decree accepting the photocopy would establish proof of the validity of the will

and enable the court to order distribution in accordance with the will. The petition to accept the photocopy would not necessarily initiate probate, although the decree could be used to do so or to file the small estate petition. The Committee observes that adding this practice to Rule 5.50 could disincentivize petitioners who do not have an original will from electing a small estate petition over probate when the photocopy is of questionable validity. However, it seems a necessary change to ensure the integrity and validity of the document in question.

Concurrently, the Committee reconsidered whether an original will should be filed with the petition. The register is the office for the lodging and probating of wills and maintains filing and cataloging systems for such responsibilities. In contrast, an original will filed as an exhibit to a petition may be difficult to locate in the future and not easily discoverable. Therefore, the Committee is considering proposing that an original be lodged or probated with the register before filing of the small estate petition. Rather than attaching the original will, the petitioner would attach a photocopy demonstrating proof of lodging with the register or the decree of the register accepting a photocopy of the original.

The Committee invites all comments, concerns, and suggestions.

[Pa.B. Doc. No. 22-761. Filed for public inspection May 27, 2022, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BRADFORD COUNTY

Detention or Incarceration of Juveniles Pursuant to Amendments of the Federal Juvenile Justice Reform Act; No. 2022 IR 0035

Order

And Now, this 11th day of May, 2022, pursuant to recent amendments of the Federal Juvenile Justice Reform Act (JJRA) of 2018, 34 U.S.C. § 11101 et seq., it is hereby *Ordered* and *Directed* that a juvenile (a child under the age of eighteen) arrested on or after December 21, 2021, for an act designated as a crime under the laws of this Commonwealth and subject to adult criminal proceedings initiated pursuant to provisions of the Juvenile Act (42 Pa.C.S. § 6302 and 6355), and who is not released on bail, shall be detained at a juvenile facility until such time as a Common Pleas judge, upon motion of the Commonwealth, promptly makes the “interest of justice” determination as required by 34 U.S.C. § 11133(a)(3)(B) and commits the juvenile for incarceration in the Bradford County Correctional Facility. The period(s) of incarceration of the subject juvenile shall be in accordance with the requirements of the JJRA, unless waived in writing or on the record by the juvenile.

It is hereby ordered that the Administrative Order for the Detention or Incarceration of Juveniles Pursuant to Amendments of the Federal Juvenile Justice Reform Act is adopted as follows:

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

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

2) Forward two (2) paper copies and one (1) electronic copy in a Microsoft Word format to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3) Publish said rule on the court’s website after publication in the *Pennsylvania Bulletin*.

4) Forward one (1) paper copy and/or (1) electronic copy in a Microsoft Word format for the publication *Bradford County Law Journal*.

5) File one copy in the appropriate filing offices for public inspection and copying.

The Administrative Order for Detention or Incarceration of Juveniles Pursuant to Amendments of the Federal Juvenile Justice Reform Act shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

MAUREEN T. BEIRNE,
President Judge

[Pa.B. Doc. No. 22-762. Filed for public inspection May 27, 2022, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MONROE COUNTY

Local Rule of Civil Procedure 1018.1 Rescinded, Amended and Adopted; 109 AD 2022; 5 CV 2022

Order

And Now, this 16th day of May, 2022, it is *Ordered* that Monroe County Rules of Civil Procedure (Monroe Co.R.Crim.P. 1018.1) is amended, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

It Is Further Ordered that the District Court Administrator shall:

1. File one (1) electronic copy of this Rule with the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.

2. File two (2) paper copies of this Order and Rule with the Legislative Reference Bureau and one (1) electronic copy in Microsoft Word format only via email to bulletin@palrb.us for publication in the *Pennsylvania Bulletin*.

3. Arrange to have this Rule published on the Monroe County Bar Association website at www.monroebar.org.

4. Arrange to have this Rule, as well as all local rules, published on the 43rd Judicial District website at www.monroepacourts.us.

5. Keep this Rule, as well as all local rules of this Court, continuously available for public inspection and copying in the respective Monroe County filing office

a. Upon request and payment of reasonable cost of reproduction and mailing, the respective filing office shall furnish to any person a copy of any local rule.

By the Court

MARGHERITA PATTI-WORTHINGTON,
President Judge

Rule 1018.1. Notice to Defend.

The name, address and telephone number of the organization to be set forth in the Notice to Defend required by Pa.R.C.P. 1018(c) and in any similar notice required by the Pennsylvania Rules of Civil Procedure shall be:

MONROE COUNTY BAR ASSOCIATION
 FIND A LAWYER PROGRAM
 913 MAIN STREET
 STROUDSBURG, PENNSYLVANIA 18360
 Telephone (570) 424-1340
 Fax (570) 424-8234

Note: This Rule was amended May 16, 2022, to reflect a new telephone number for the Monroe County Bar Association's Find a Lawyer Program.

[Pa.B. Doc. No. 22-763. Filed for public inspection May 27, 2022, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Stephanie Julia Brown, (# 94715), having been disbarred in New Jersey, the Supreme Court of Pennsylvania issued an Order May 12, 2022, disbaring Stephanie Julia Brown, from the Bar of this Commonwealth, effective June 11, 2022.

In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 22-764. Filed for public inspection May 27, 2022, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Susan Ann Lowden, (# 60228), having been disbarred in New Jersey, the Supreme Court of Pennsylvania issued an Order May 12, 2022, disbaring Susan Ann Lowden, from the Bar of this Commonwealth, effective June 11, 2022.

In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 22-765. Filed for public inspection May 27, 2022, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that John Brian Sogliuzzo, (# 33860), having been disbarred in New Jersey, the Supreme Court of Pennsylvania issued an Order May 12, 2022, disbaring John Brian Sogliuzzo, from the Bar of this Commonwealth, effective June 11, 2022.

In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 22-766. Filed for public inspection May 27, 2022, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

By Order of the Supreme Court of Pennsylvania dated May 12, 2022, Jewel M. Harmon (# 50826), whose registered address is in Maryland, has been suspended from the practice of law in this Commonwealth for a period of sixty days, with the suspension stayed in favor of a one-year probation with conditions, effective June 11, 2022. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 22-767. Filed for public inspection May 27, 2022, 9:00 a.m.]

SUPREME COURT

Financial Institutions Approved as Depositories for Fiduciary Accounts; No. 221 Disciplinary Rules Docket

Order

Per Curiam

And Now, this 17th day of May, 2022, the attached corrected list of financial institutions approved as depositories for fiduciary accounts in accordance with Pa.R.D.E. 221 shall replace the list attached to the Order entered May 5, 2022.

FINANCIAL INSTITUTIONS APPROVED AS DEPOSITORIES OF TRUST ACCOUNTS OF ATTORNEYS

Bank Code A.

595 Abacus Federal Savings Bank
 2 ACNB Bank

613 Allegent Community Federal Credit Union
 375 Altoona First Savings Bank
 376 Ambler Savings Bank
532 AMERICAN BANK (PA)
 615 Americhoice Federal Credit Union
116 AMERISERV FINANCIAL
 648 Andover Bank (The)
 377 Apollo Trust Company

Bank Code B.

558 Bancorp Bank (The)
 485 Bank of America, NA
 662 Bank of Bird in Hand
 415 Bank of Landisburg (The)
 664 BankUnited, NA
 501 BELCO Community Credit Union
 673 Benchmark Federal Credit Union
 652 Berkshire Bank
 663 BHC
 5 BNY Mellon, NA
 392 Brentwood Bank
 495 Brown Brothers Harriman Trust Co., NA

Bank Code C.

654 CACL Federal Credit Union
 618 Capital Bank, NA
 136 Centric Bank
394 CFS BANK
 623 Chemung Canal Trust Company
 599 Citibank, NA
 238 Citizens & Northern Bank
 561 Citizens Bank, NA
 206 Citizens Savings Bank
 576 Clarion County Community Bank
 660 Clarion FCU
 591 Clearview Federal Credit Union
 23 CNB Bank
 223 Commercial Bank & Trust of PA
 21 Community Bank (PA)
 371 Community Bank, NA (NY)
 132 Community State Bank of Orbisonia
 380 County Savings Bank
 536 Customers Bank

Bank Code D.

339 Dime Bank (The)
 27 Dollar Bank, FSB

Bank Code E.

500 Elderton State Bank
 567 Embassy Bank for the Lehigh Valley
 541 Enterprise Bank
 28 Ephrata National Bank
 601 Esquire Bank, NA
 340 ESSA Bank & Trust

Bank Code F.

629 1st Colonial Community Bank
 158 1st Summit Bank
 31 F & M Trust Company—Chambersburg
 658 Farmers National Bank of Canfield
 205 Farmers National Bank of Emlenton (The)
 34 Fidelity Deposit & Discount Bank (The)
 583 Fifth Third Bank
 661 First American Trust, FSB
 643 First Bank
 174 First Citizens Community Bank
 191 First Columbia Bank & Trust Company

539 First Commonwealth Bank
 504 First Federal S & L Association of Greene County
 525 First Heritage Federal Credit Union
 42 First Keystone Community Bank
 51 First National Bank & Trust Company of Newtown (The)
 48 First National Bank of Pennsylvania
 426 First Northern Bank & Trust Company
 604 First Priority Bank, a division of Mid Penn Bank
592 FIRST RESOURCE BANK
 657 First United Bank & Trust
 408 First United National Bank
 151 Firstrust Savings Bank
 416 Fleetwood Bank
 175 FNCB Bank
647 FORBRIGHT BANK
 291 Fox Chase Bank
 241 Franklin Mint Federal Credit Union
 639 Freedom Credit Union
 58 Fulton Bank, NA

Bank Code G.

499 Gratz Bank (The)
 498 Greenville Savings Bank

Bank Code H.

244 Hamlin Bank & Trust Company
 362 Harleysville Savings Bank
 363 Hatboro Federal Savings
 463 Haverford Trust Company (The)
 606 Hometown Bank of Pennsylvania
 68 Honesdale National Bank (The)
 350 HSBC Bank USA, NA
364 HUNTINGDON VALLEY BANK
 605 Huntington National Bank (The)
 608 Hyperion Bank

Bank Code I.

669 Industrial Bank
 365 InFirst Bank
 526 Iron Workers Savings Bank
 668 Inspire FCU
 557 Investment Savings Bank
 670 Investors Bank

Bank Code J.

70 Jersey Shore State Bank
 127 Jim Thorpe Neighborhood Bank
 488 Jonestown Bank & Trust Company
 659 JPMorgan Chase Bank, NA
72 JUNIATA VALLEY BANK (THE)

Bank Code K.

651 KeyBank NA
 414 Kish Bank

Bank Code L.

78 Luzerne Bank

Bank Code M.

361 M & T Bank
 386 Malvern Bank, NA
 510 Marion Center Bank
 387 Marquette Savings Bank
 81 Mars Bank

367	Mauch Chunk Trust Company
511	MCS (Mifflin County Savings) Bank
641	Members 1st Federal Credit Union
555	Mercer County State Bank
192	Merchants Bank of Bangor
671	Merchants Bank of Indiana
610	Meridian Bank
294	Mid Penn Bank
276	MIFFLINBURG BANK & TRUST COMPANY
457	Milton Savings Bank
596	MOREBANK, A DIVISION OF BANK OF PRINCETON (THE)
484	MUNCY BANK & TRUST COMPANY (THE)

Bank Code N.

433	National Bank of Malvern
168	NBT Bank, NA
347	Neffs National Bank (The)
434	NEW TRIPOLI BANK
15	NexTier Bank, NA
636	Noah Bank
638	Norristown Bell Credit Union
666	Northern Trust Co.
439	Northumberland National Bank (The)
93	Northwest Bank

Bank Code O.

653	OceanFirst Bank
489	OMEGA Federal Credit Union
94	Orrstown Bank

Bank Code P.

598	PARKE BANK
584	Parkview Community Federal Credit Union
40	Penn Community Bank
540	PennCrest Bank
419	Pennian Bank
447	Peoples Security Bank & Trust Company
99	PeoplesBank, a Codorus Valley Company
556	Philadelphia Federal Credit Union
448	Phoenixville Federal Bank & Trust
665	Pinnacle Bank
79	PNC Bank, NA
449	Port Richmond Savings
667	Premier Bank
354	Presence Bank
451	Progressive-Home Federal Savings & Loan Association
637	Provident Bank
456	Prudential Savings Bank
491	PS Bank

Bank Code Q.

107	QNB Bank
560	Quaint Oak Bank

Bank Code R.

452	Reliance Savings Bank
220	Republic First Bank d/b/a Republic Bank

Bank Code S.

153	S & T Bank
316	Santander Bank, NA
460	Second Federal S & L Association of Philadelphia
646	Service 1st Federal Credit Union
458	Sharon Bank

462	Slovenian Savings & Loan Association of Franklin-Conemaugh
486	SOMERSET TRUST COMPANY
633	SSB Bank
518	STANDARD BANK, PASB
122	Susquehanna Community Bank

Bank Code T.

143	TD Bank, NA
656	TIOGA FRANKLIN SAVINGS BANK
182	Tompkins Vist Bank
577	Traditions Bank
609	Tristate Capital Bank
672	Truist Bank
640	TruMark Financial Credit Union
467	Turbotville National Bank (The)

Bank Code U.

483	UNB Bank
481	Union Building and Loan Savings Bank
634	United Bank, Inc.
472	United Bank of Philadelphia
475	United Savings Bank
600	Unity Bank
232	Univest Bank & Trust Co.

Bank Code V.

611	Victory Bank (The)
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Bank Code W.

119	WASHINGTON FINANCIAL BANK
121	Wayne Bank
631	Wells Fargo Bank, NA
553	WesBanco Bank, Inc.
494	West View Savings Bank
473	Westmoreland Federal S & L Association
476	William Penn Bank
272	Woodlands Bank
573	Woori American Bank
630	WSFS (Wilmington Savings Fund Society), FSB

Bank Code X.**Bank Code Y.****Bank Code Z.****PLATINUM LEADER BANKS**

The **HIGHLIGHTED ELIGIBLE INSTITUTIONS** are Platinum Leader Banks—Institutions that go above and beyond eligibility requirements to foster the IOLTA Program. These Institutions pay a net yield at the higher of 1% or 75 percent of the Federal Funds Target Rate on all PA IOLTA accounts. They are committed to ensuring the success of the IOLTA Program and increased funding for legal aid.

IOLTA EXEMPTION

Exemptions are not automatic. If you believe you qualify, you must apply by sending a written request to the IOLTA Board's executive director: 601 Commonwealth Avenue, Suite 2400, P.O. Box 62445, Harrisburg, PA 17106-2445. If you have questions concerning IOLTA or exemptions from IOLTA, please visit their website at

www.paiolta.org or call the IOLTA Board at (717) 238-2001 or (888) PAIOLTA.

[Pa.B. Doc. No. 22-768. Filed for public inspection May 27, 2022, 9:00 a.m.]

SUPREME COURT

Reestablishment of the Magisterial Districts within the 4th Judicial District of the Commonwealth of Pennsylvania; No. 476 Magisterial Rules Docket

Order

Per Curiam

And Now, this 16th day of May 2022, upon consideration of the Petition to Reestablish the Magisterial Districts of the 4th Judicial District (Tioga County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the reestablishment of the Magisterial Districts within Tioga County as they currently exist, to be effective immediately, is granted.

Said Magisterial Districts will be reestablished as follows:

Magisterial District 04-3-01 Magisterial District Judge James R. Edgcomb	Brookfield Township Clymer Township Deerfield Township Elkland Borough Farmington Township Jackson Township Knoxville Borough Lawrenceville Borough Lawrence Township Nelson Township Osceola Township Tioga Borough Tioga Township Westfield Borough Westfield Township
Magisterial District 04-3-02 Magisterial District Judge Robert L. Repard	Liberty Borough Wellsboro Borough Charleston Township Chatham Township Delmar Township Duncan Township Elk Township Gaines Township Liberty Township Middlebury Township Morris Township Shippen Township
Magisterial District 04-3-03 Magisterial District Judge Tiffany L. Cummings	Blossburg Borough Mansfield Borough Roseville Borough Bloss Township Covington Township Hamilton Township Putnam Township Richmond Township Rutland Township Sullivan Township Union Township Ward Township

[Pa.B. Doc. No. 22-769. Filed for public inspection May 27, 2022, 9:00 a.m.]

SUPREME COURT

Reestablishment of the Magisterial Districts within the 22nd Judicial District of the Commonwealth of Pennsylvania; No. 477 Magisterial Rules Docket

Order

Per Curiam

And Now, this 16th day of May 2022, upon consideration of the Petition to Reestablish the Magisterial Districts of the 22nd Judicial District (Wayne County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the reestablishment of the Magisterial Districts within Wayne County as they currently exist, to be effective immediately, is granted.

Said Magisterial Districts will be reestablished as follows:

Magisterial District 22-3-01 Magisterial District Judge Bonnie L. Carney	Dreher Township Hawley Borough Lake Township Lehigh Township Palmyra Township Paupack Township Salem Township Sterling Township
Magisterial District 22-3-02 Magisterial District Judge Kay L. Bates	Canaan Township Cherry Ridge Township Honesdale Borough Prompton Borough South Canaan Township Texas Township Waymart Borough
Magisterial District 22-3-04 Magisterial District Judge Jonathan J. Dunsinger	Berlin Township Bethany Borough Buckingham Township Clinton Township Damascus Township Dyberry Township Lebanon Township Manchester Township Mount Pleasant Township Oregon Township Preston Township Scott Township Starrucca Borough

[Pa.B. Doc. No. 22-770. Filed for public inspection May 27, 2022, 9:00 a.m.]

SUPREME COURT

Reestablishment of the Magisterial Districts within the 48th Judicial District of the Commonwealth of Pennsylvania; No. 478 Magisterial Rules Docket

Order

Per Curiam

And Now, this 16th day of May 2022, upon consideration of the Petition to Reestablish the Magisterial Districts of the 48th Judicial District (McKean County) of the

Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the elimination of Magisterial District 48-3-03, within McKean County, to be effective, January 1, 2024, is granted; and that the Petition, which provides for the realignment of Magisterial Districts 48-1-01, 48-3-02, and 48-3-04, within McKean County, to be effective January 1, 2024, is granted.

Said Magisterial Districts shall be as follows:

Magisterial District 48-1-01 Magisterial District Judge Dominic A. Cercone, Jr.	City of Bradford, (Voting Districts 1, 2, 3, 4, 5, 6-1 and 6-2) Bradford Township Foster Township
Magisterial District 48-3-02 Magisterial District Judge William K. Todd	Annin Township Ceres Township Eldred Borough Eldred Township Keating Township Liberty Township Norwich Township Otto Township Port Allegany Borough Smethport Borough
Magisterial District 48-3-04 Magisterial District Judge David R. Engman	Corydon Township Hamilton Township Hamlin Township Kane Borough Lafayette Township Lewis Run Borough Mount Jewett Borough Sergeant Township Wetmore Township

[Pa.B. Doc. No. 22-771. Filed for public inspection May 27, 2022, 9:00 a.m.]

SUPREME COURT

Reestablishment of the Magisterial Districts within the 58th Judicial District of the Commonwealth of Pennsylvania; No. 475 Magisterial Rules Docket

Order

Per Curiam

And Now, this 16th day of May 2022, upon consideration of the Petition to Reestablish the Magisterial Districts of the 58th Judicial District (Mifflin County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the reestablishment of Magisterial District 58-3-02 within Mifflin County as it currently exists, to be effective immediately, is granted; and that the Petition, which provides for the realignment of Magisterial Districts 58-3-01 and 58-3-03, within Mifflin County, to be effective October 4, 2022 is granted.

Said Magisterial Districts will be reestablished as follows:

Magisterial District 58-3-01 Magisterial District Judge Jack E. Miller	Granville Township Juniata Terrace Borough Lewistown Borough, Wards 1, 2, 3, 4, 5
Magisterial District 58-3-02 Magisterial District Judge Jonathan W. Reed	Burnham Borough Decatur Township Derry Township Lewistown Borough, Wards 6, 7
Magisterial District 58-3-03 Magisterial District Judge Kent A. Smith	Armagh Township Bratton Township Brown Township Kistler Borough McVeytown Borough Menno Township Newton Hamilton Borough Oliver Township Union Township Wayne Township

[Pa.B. Doc. No. 22-772. Filed for public inspection May 27, 2022, 9:00 a.m.]

RULES AND REGULATIONS

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Big Game

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 9, 2022, meeting amends § 141.47 (relating to elk seasons) to eliminate the outdated reference to the elk season orientation.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 51 Pa.B. 6611 (October 23, 2021).

1. Purpose and Authority

The Commission has historically required mandatory hunter orientation for all hunters successfully drawn for an elk license. The purpose of this orientation was to provide hunters with important information about this unique hunt. The Commission has since transitioned away from this in-person orientation training and now provides hunters with all of the necessary instructions by mail along with their licensing materials. In light of this change in process, the Commission amends § 141.47 to eliminate the outdated reference to the elk season orientation.

Section 2102(a) of the code (relating to regulations) provides that “The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to § 141.47 are adopted under this authority.

2. Regulatory Requirements

This final-form rulemaking amends § 141.47 to eliminate the outdated reference to the elk season orientation.

3. Persons Affected

Persons interested or required to receive important information about hunting elk within this Commonwealth will be affected by this final-form rulemaking.

4. Comment and Response Summary

There were no official comments received regarding this final-form rulemaking.

5. Cost and Paperwork Requirements

This final-form rulemaking should not result in any additional cost or paperwork.

6. Effective Date

This final-form rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding this final-form rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.47 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-476 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§ 141.47. Elk seasons.

(a) *Archery elk season.*

(1) *Permitted devices.* It is lawful to hunt elk during the archery elk season with any of the following devices:

* * * * *

(2) *Prohibitions.* While hunting elk during the archery elk season, it is unlawful to:

* * * * *

(iii) Fail to mark the kill site after lawful harvest in accordance with instructions provided by the Commission.

* * * * *

(b) *Regular, extended and late firearms elk seasons and elk seasons established for the Special Conservation License and the Special License.*

(1) *Permitted devices.* It is lawful to hunt elk during the regular, extended and late firearms elk seasons and

elk seasons established for the Special Conservation License and the Special License with any of the following devices:

* * * * *

(2) *Prohibitions.* While hunting elk during the regular, extended and late firearms elk seasons and elk seasons established for the Special Conservation License and the Special License, it is unlawful to:

* * * * *

(iii) Fail to mark the kill site after lawful harvest in accordance with instructions provided by the Commission.

* * * * *

[Pa.B. Doc. No. 22-773. Filed for public inspection May 27, 2022, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 147]

Special Permits; Deer Control; Agriculture

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 9, 2022, meeting amends §§ 147.551—147.559 (relating to agriculture), adds § 147.551a (relating to definitions) and deletes § 147.554 (relating to subpermit) to update and improve the agriculture deer control permit program.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 51 Pa.B. 6611 (October 23, 2021).

1. *Purpose and Authority*

The agricultural deer control program is a special permit for deer control related to agricultural depredation that generally authorizes farmers to enlist the aid of hunters to remove additional antlerless deer from their agricultural properties outside of regular deer hunting seasons and annual harvest tag allocations. Under the former “red tag” program, farmers applied for and received red plastic tags at a rate of one tag for every 5 acres under cultivation. The farmers were then permitted to distribute these tags out to hunters at a rate of one per hunter, including themselves. Additionally, the farmers themselves, and not the hunters, were responsible for providing monthly harvest reports and collecting and returning all the unused red plastic tags to the Commission.

Over the years, farmers and program administrators have identified issues with the logistics and lack of efficiencies within the program. In response to public requests for various modifications, the Commission organized a meeting of organizations who use or represent groups who use the program. Participants were asked to provide input on what works, what does not work and how the Commission could fix the items that do not work. From this input, the Commission developed a number of amendments intended to improve efficiency and effectiveness of the program for both farmers and hunters.

The first amendment deletes the public access requirement and signage requirements as eligibility criteria for applicants. Properties in Wildlife Management Units 5C and 5D are already exempt from these requirements and this change would remove disparity in program eligibility standards for certain applicants. Furthermore, farmers and Commission staff have identified this requirement as an unnecessary barrier to participation that was not significantly improving hunter access on these properties.

The second amendment increases the number of harvest tags a single hunter can be issued by the farmer from one to four. This change also makes it clear that successful hunters are authorized to keep all deer harvested. This change brings the program into harmony with the four harvest tags per hunter standard under the separate, but related, Deer Management Assistance Program (DMAP). Farmers and Commission staff have identified the old quota as an unnecessary barrier to harvest success that was not significantly improving hunter participation on these properties.

The third amendment alters the program effective dates to August 1 to September 15 and February 1 to April 15. This amendment expanded the summer closure period to protect deer from pressure during peak fawning periods and also reorganized the permit effective dates to run by fiscal year rather than by calendar year. The latter change allows the program application and distribution methods to be consistent with other permits issued by the Commission, including allowing for autorenewals.

The fourth amendment transitions program reporting responsibilities from the farmer to the hunter. This amendment deletes unnecessary paperwork and record keeping responsibilities for farmers and brings the program into harmony with reporting requirements under DMAP where hunters fulfill these roles. With this change, hunters will report both positive and negative harvests for each harvest permit by April 30 each year.

The fifth amendment deletes the former requirement that applicants be residents of this Commonwealth to be eligible for participation in this program. Farmers and Commission staff have identified this requirement as an unnecessary barrier to harvest success that was not significantly improving resident hunter access on these properties.

The sixth amendment replaces the red snap tags formerly issued under this program with harvest permits and associated carcass tags. Also similar to the structure of DMAP, this change will allow the farmer to distribute coupons to hunters who will in turn submit the coupons for harvest permits issued through the Commission’s Pennsylvania Automated License System (PALS). Incidentally, this amendment also necessitates changing the colloquial program reference from “Reg Tag Deer Control Permit” to “agriculture deer control permit” due to the elimination of the red snap tags.

The seventh amendment replaces the program’s very basic baiting authorization standards with the standards currently outlined in § 141.1 (relating to special regulations areas). This change reduces confusion and brings consistency between the baiting authorization under this program and that currently authorized during regular deer hunting seasons.

On April 9, 2022, the Commission also approved a number of floor amendments to the original proposal to further improve and clarify the provisions of the agriculture deer control program. The amendments are in addition to the amendments described previously. The

first change to the original proposal amends the definition of the term “coupon” in § 147.551a to provide greater clarity of this term’s meaning. The second change redefines the process by which an applicant requests and the Commission approves a request for the issuance of additional coupons exceeding the default of one coupon for every 5 acres under cultivation in § 147.552(d) (relating to application), again, to provide clarity. The third change to the original proposal amends § 147.552(f) to highlight that the issuance of coupons limit applies to a permittee’s distribution of coupons to him/herself, thus inferring that the permittee is authorized to receive coupons. The fourth and final change to the original proposal amends the definition of “agriculture deer control permit” in § 147.551a by deleting the criteria establishing who a “qualified person” is under the term “agriculture deer control permit” and creating a new definition for the term “qualified person” to both re-establish this criteria and also highlight the continued allowance of political subdivisions to make application for a conglomeration of separate, but otherwise individually eligible properties located within the jurisdictional boundaries of the political subdivision.

The Commission amends §§ 147.551—147.559, adds § 147.551a and deletes § 147.554 to update and improve the agriculture deer control program. The Commission does not intend these changes take effect immediately, but rather intends that they take effect on November 1, 2022, to allow for a smooth transition to the new program standards.

Section 2901(b) of the code (relating to authority to issue permits) provides “the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” The amendments to §§ 147.551—147.559, addition of § 147.551a and deletion of § 147.554 are adopted under this authority.

2. *Regulatory Requirements*

This final-form rulemaking amends §§ 147.551—147.559, adds § 147.551a and deletes § 147.554 to update and improve the agriculture deer control program.

3. *Persons Affected*

Persons who use or participate in the agriculture deer control program will be affected by this final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

5. *Cost and Paperwork Requirements*

This final-form rulemaking should not result in any additional cost or paperwork.

6. *Effective Date*

This final-form rulemaking will go into effect on November 1, 2022, and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding this final-form rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending §§ 147.551—147.559, adding § 147.551a and deleting § 147.554 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective on November 1, 2022, and will remain in effect until changed by the Commission.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-474 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter R. DEER CONTROL

AGRICULTURE

§ 147.551. General.

Sections 147.552—147.559 (relating to agriculture) establish rules for the submission of applications and the issuance of agriculture deer control harvest permits on lands enrolled in the agriculture deer control program.

§ 147.551a. Definitions.

The following words and phrases, when used in this subchapter shall have the meanings given to them in this section, unless the context clearly indicates otherwise:

Agriculture deer control permit—The permit issued to a qualified person that authorizes its holder to issue harvest permit coupons to aid in the removal of deer by shooting on lands under their ownership or control, or both.

Coupon—The coupon issued by the Commission to the holder of an approved agriculture deer control area permit for distribution to qualified hunters entitling the holder to one agriculture deer control harvest permit for the area indicated on the coupon.

Harvest permit—The numbered agriculture deer control harvest permit issued through the Commission’s Pennsylvania Automated Licensing System (PALS), authorizing the holder thereof to hunt antlerless deer in the area

indicated on the coupon. Each harvest permit has its own antlerless deer ear tag attached to be used only for tagging an antlerless deer harvested in the designated area.

Qualified person—An individual defined as a person, as defined in section 2121(c) of the act (relating to killing game or wildlife to protect property). This term also includes political subdivisions as applicants for a conglomeration of separate, but otherwise individually eligible properties located within the jurisdictional boundaries of the political subdivision as set forth in § 147.558a (relating to political subdivisions as applicants).

§ 147.552. Eligibility and application for agriculture deer control permit.

(a) Application for the agriculture deer control permit shall be made on a form provided by the Commission.

(b) An applicant shall submit a copy of a deed or lease showing the applicant to be the owner or have control, or both, of the hunting rights of the land to be covered by the permit.

(c) The applicant shall designate the location and boundaries of the area to be covered by the permit in a manner approved by the Commission.

(d) By default, the Commission will allocate one agriculture deer control coupon for every 5 acres of land that the agriculture deer control permit holder has under cultivation. Applicants may submit a request to the Commission for the issuance of additional coupons. This request must be accompanied by a written deer management plan describing in detail current deer population data and landscape conditions relative to the applicant's land use goals and objectives. The request must also identify the specific number of additional coupons requested. The Commission, in its sole discretion, may approve a request for the issuance of additional coupons if the applicant's deer management plan both justifies an increase and such increase does not conflict with the Commission's broader deer management goals and objectives for any affected Wildlife Management Units.

(e) There is no fee to apply for the agriculture deer control permit.

(f) An agriculture deer control permit holder may not issue more than four coupons to any person, including him/herself, to take deer on the agriculture deer control permit holder's land enrolled in the agriculture deer control program.

§ 147.553. Agriculture deer control harvest permit.

(a) *Validity.* An agriculture deer control harvest permit is valid from August 1 to September 15 and February 1 to April 15 each license year, excluding Sundays, during legal hunting hours as set forth in § 141.4 and Chapter 141, Appendix G (relating to hunting hours).

(b) *Fee for permit.* Coupon holders shall submit a valid, completed coupon and pay the applicable transaction and issuing agent fees to receive a harvest permit.

(c) *Hunting license or exemption.* A harvest permit will only be issued to a person who possesses a valid Pennsylvania hunting license or qualifies for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions) for the property covered by the agriculture deer control permit.

(d) *Protective material requirements.* A person issued a harvest permit shall comply with the protective material

requirements of § 141.20(a) (relating to protective material required) at all times while engaged in activities authorized by the permit.

(e) *Possession of permit.* A person issued a harvest permit shall possess the permit at all times while engaged in activities authorized by the permit.

§ 147.554. (Reserved).

§ 147.555. Antlerless deer only.

Only antlerless deer may be taken under this subchapter, unless otherwise authorized by the Director. For the purposes of enforcing this chapter, the term "antlerless deer" has the meaning as defined in § 131.2 (relating to definitions).

§ 147.556. Lawful devices and methods.

(a) *Devices.* A person issued a harvest permit is authorized to hunt and take deer with firearms, bows and crossbows as may be authorized for hunting deer during the regular firearms deer season as provided in the act and § 141.43 (relating to deer seasons).

(b) *Methods.* A person issued a harvest permit for an agriculture deer control area in the southeast special regulations areas is authorized to hunt or take deer through the use of or by taking advantage of bait in the manner set forth in § 141.1(d)(7) (relating to special regulations areas).

(c) *Further restrictions.* An agriculture deer control permit holder may further restrict the use of devices and methods authorized under this section on lands under the agriculture deer control permit holder's ownership or control, or both.

§ 147.557. Reporting requirements.

A person issued an agriculture deer control harvest permit shall report either a positive or negative harvest report, whichever is applicable, on a form provided by the Commission by April 30 each year.

§ 147.558. Tagging requirements.

A person who harvests a deer under the authorization of a harvest permit shall tag the deer in accordance with the requirements of section 2323(a)(1) of the act (relating to tagging and reporting big game kills).

§ 147.558a. Political subdivisions as applicants.

(a) *Eligibility.* Political subdivisions are authorized to apply for an agriculture deer control permit under this subchapter for the limited purpose of managing the agriculture deer control activities occurring on a conglomeration of separate, but otherwise individually eligible properties located within the jurisdictional boundaries of the political subdivision. Any lands, other than those publicly owned, which lie immediately adjacent to and are connected with otherwise individually eligible lands may be included in the conglomeration of properties with the written consent of the owner or lessee thereof.

(b) *Application.* Political subdivisions applying for an agriculture deer control permit are responsible for the collection and submission of the application records required under § 147.552 (relating to eligibility and application for agriculture deer control permit) for each of the properties included in the conglomeration.

§ 147.559. Violations.

(a) It is unlawful to:

(1) Use, possess or attempt to use or possess more than four agriculture deer control harvest permits for a specific agriculture deer control area in any permit year.

(2) Use or possess or attempt to use or possess agriculture deer control harvest permit that was issued to another person.

(3) Lend or transfer an agriculture deer control harvest permit to any other person regardless of the purpose.

(4) Issue more than four coupons to any person for a specific agriculture deer control area in any permit year.

(5) Fail to tag any deer taken with an agriculture deer control harvest permit in accordance with provisions of this part and the act relating to tagging big game.

(6) Fail to submit harvest report and survey information in accordance with instructions provided.

(7) Charge or accept any fee or consideration for a coupon.

(8) Fail to comply with any other provisions of §§ 147.551—147.558a (relating to agriculture).

(b) The Director may revoke a permit for a violation of this subchapter upon written notice to the agriculture deer control permit holder.

[Pa.B. Doc. No. 22-774. Filed for public inspection May 27, 2022, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF HEALTH

[28 PA. CODE CHS. 201, 207, 209 AND 211]

Long-Term Care Nursing Facilities

The Department of Health (Department), after consultation with the Health Policy Board, proposes to amend §§ 201.18—201.21, 201.24, 201.26, 201.29, 211.2—211.10, 211.12, 211.16 and 211.17 and delete §§ 201.25, 201.30, 201.31, 207.2, 209.3, 211.11 and 211.15 to read as set forth in Annex A.

The Department initially decided to submit proposed amendments to Part IV, Subpart C (relating to long-term care facilities) in five separate packages. The Department has since decided, in response to concerns raised during the public comment period for the previous packages, to reduce the number of proposed packages from five to four by combining what it intended to propose in its fourth and fifth packages. Therefore, this is the fourth, and last, set of amendments to be proposed to Part IV, Subpart C.

The Department will begin drafting the corresponding four final-form rulemaking packages after the public has had the opportunity, through the separate public comment periods provided for in each package, to review and comment on all four proposed rulemaking packages. The Department is also planning to hold meetings with stakeholders after each public comment period has ended. The first of these meetings, to discuss proposed groups 1 and 2, took place on December 15, 2021. Additional meetings will be scheduled to discuss proposed groups 3 and 4 after the public comment period has ended for each of those groups. The Department intends to submit all four final-form regulatory packages to the House Health Committee, Senate Health and Human Services Committee and the Independent Regulatory Review Commission (IRRC) together on the same day, so that all four final-form regulatory packages can be reviewed together as a whole.

The contents for this fourth, and last, proposed rulemaking are as follows:

Proposed Rulemaking 4

- § 201.18. Management.
- § 201.19. Personnel records.
- § 201.20. Staff development.
- § 201.21. Use of outside resources.
- § 201.24. Admission policy.
- § 201.25. Discharge policy.
- § 201.26. Power of attorney.
- § 201.29. Resident rights.
- § 201.30. Access requirements.
- § 201.31. Transfer agreement.
- § 207.2. Administrator's responsibility.
- § 209.3. Smoking.
- § 211.2. Physician services.
- § 211.3. Oral and telephone orders.
- § 211.4. Procedure in event of death.
- § 211.5. Clinical records.
- § 211.6. Dietary services.

- § 211.7. Physician assistants and certified registered nurse practitioners.
- § 211.8. Use of restraints.
- § 211.9. Pharmacy services.
- § 211.10. Resident care policies.
- § 211.11. Resident care plan.
- § 211.12. Nursing services.
- § 211.15. Dental services.
- § 211.16. Social services.
- § 211.17. Pet therapy.

The contents for the previously submitted proposed rulemakings are as follows:

Proposed Rulemaking 1

- § 201.1. Applicability.
- § 201.2. Requirements.
- § 201.3. Definitions.
- § 211.12(i). Nursing Services.

Proposed Rulemaking 2

- § 201.23. Closure of facility.
- Chapter 203. Application of Life Safety Code for Long-Term Care Nursing Facilities.
- Chapter 204. Physical Environment and Equipment Standards for Alteration, Renovation or Construction of Long-Term Care Nursing Facilities.
- Chapter 205. Physical Environment and Equipment Standards for Long-Term Care Nursing Facilities.
- § 207.4. Ice containers and storage.

Proposed Rulemaking 3

- § 201.12. Application for license of a new facility or change in ownership.
- § 201.12a. Evaluation of application for license of a new facility or change in ownership. (new)
- § 201.12b. Opportunity for public comment.
- § 201.13. Issuance of license for a new facility or change in ownership.
- § 201.13a. License renewal.
- § 201.14. Responsibility of licensee.
- § 201.15. Restrictions on license.
- § 201.17. Location.
- § 201.22. Prevention, control and surveillance of tuberculosis (TB).
- § 209.1. Fire department service.
- § 209.7. Disaster preparedness.
- § 209.8. Fire drills.
- § 211.1. Reportable diseases.

Background and Need for Amendments

The percentage of adults 65 years of age or older in this Commonwealth is increasing. In 2010, approximately 15% of Pennsylvanians were aged 65 or older. In 2017, this number increased to 17.8%. This Commonwealth also has a higher percentage of older adults when compared to other states. In 2017, this Commonwealth ranked fifth in

the Nation in the number (2.2 million) of older adults and seventh in percentage (17.8%). The increase in older Pennsylvanians is expected to continue. It has been estimated that by 2030, there will be 38 older Pennsylvanians (65 years of age or older) for every 100-working age Pennsylvanians (15 years of age to 64 years of age). Penn State Harrisburg, Pennsylvania State Data Center. (July 2018). *Population Characteristics and Change: 2010 to 2017* (Research Brief). Retrieved from <https://pasdc.hbg.psu.edu/data/research-briefs/pa-population-estimates>. As the number of older Pennsylvanians increases, the number of those needing long-term care nursing will also increase. It has been estimated that an individual turning 65 years of age today has an almost 70% chance of needing some type of long-term nursing care during the remainder of their lifetime. Administration for Community Living. (February 2020). *How Much Care Will You Need?* Retrieved from <https://acl.gov/ltc/basic-needs/how-much-care-will-you-need>. Currently, there are approximately 73,000 Pennsylvanians residing in 689 long-term care nursing facilities licensed by the Department.

The Department's long-term care nursing facilities regulations have not been updated since 1999, with the last significant update occurring in 1997 after the 1996 amendment to the Health Care Facilities Act (the HCFA or act) (35 P.S. §§ 448.101—448.904b). Since that time, there have been substantial changes in the means of delivering care and providing a safe environment for residents in long-term care nursing facilities. This proposed rulemaking is necessary to improve the quality of care delivered to residents, increase resident safety and minimize procedural burdens on health care practitioners who provide care to residents in long-term care nursing facilities.

The Department began the process of updating the current long-term care regulations in late 2017. The Department sought review, assistance and advice from members of a long-term care work group (LTC Work Group) consisting of relevant stakeholders. The members of the LTC Work Group were drawn from a diverse background and included representatives from urban and rural long-term care facilities and various stakeholder organizations and consumer groups that work in the area of resident care and delivery of services. The LTC Work Group members consisted of representatives from the following organizations: American Institute of Financial Gerontology; Baker Tilly Virchow Krause, LLP; Berks Heim and Rehabilitation; Fulton County Medical Center; Garden Spot Community; HCR ManorCare; Inglis House; Landis Communities; Leading Age; Legg Consulting Services; LIFE Pittsburgh; Luzerne County Community College; The Meadows at Blue Ridge; Mennonite Home, Lutheran Senior Life Passavant Community; PA Coalition of Affiliated Healthcare and Living Communities; Pennsylvania Home Care Association; University of Pittsburgh; and Valley View Nursing Home. The following State agencies participated: Department of Aging; the Department of Human Services (DHS); and the Department of Military and Veteran's Affairs (DMVA).

The members of the LTC Work Group met regularly during 2018 with the LTC Work Group's primary focus being the simplification and modernization of the existing long-term care regulations. Upon completion of the LTC Work Group's discussions, the Department conducted an internal review of the recommended changes. While the Department accepted most of the language and substantive changes proposed by the LTC Work Group and attempted to incorporate them in this proposed rule-

making, the Department is proposing additional changes to language and additional substantive changes, as well.

During 2019 and 2020, the Department conferred with other agencies that would be potentially affected by the proposed regulatory changes, to seek their input on provisions within their substantive expertise. These agencies included the Department of Aging, DHS and the DMVA. The Department received recommendations from these agencies regarding the draft proposed regulations and made additional changes to the proposed regulations to enhance resident safety and quality of care.

The Department in its first and second proposed rulemakings addressed inconsistencies between Federal and State requirements for long-term care nursing facilities licensed in this Commonwealth. In the first proposed rulemaking, the Department proposed to expand the adoption of the Federal requirements to include all of the requirements set forth in 42 CFR Part 483, Subpart B (relating to requirements for long-term care facilities). The purpose of that amendment was to create consistency in the application of Federal and State requirements to long-term care nursing facilities in this Commonwealth. In the second proposed rulemaking, the Department proposed to amend existing regulations pertaining to the closure of a long-term care nursing facility to eliminate duplication between existing State requirements and Federal requirements. The Department also proposed in that rulemaking to update requirements for alterations, renovations or construction of long-term care nursing facilities.

In the third proposed rulemaking, the Department shifted its focus to the requirements that a long-term care nursing facility must meet for licensure, as well as safety requirements and requirements for infection prevention and control. The amendments in that proposed rulemaking included: eliminating provisions that are duplicative of the Federal requirements, and updating requirements for the application for licensure of new facilities and changes in ownership for existing facilities.

In this fourth, and last, proposed rulemaking, the Department proposes amendments to the remaining sections of regulations pertaining to long-term care nursing facilities. These proposed amendments include additional elimination of provisions that are duplicative and that conflict with the Federal requirements. Other proposed amendments include increasing the number of registered nurses (RN), licensed practical nurses (LPN) and nurse aides required under § 211.12 (relating to nursing services), adding a requirement that facilities have a full-time qualified social worker regardless of the size of the facility, requiring facilities to have admissions policies and procedures that include introductions and orientation for new residents to key personnel and services, and adding an anti-discrimination provision.

Description of Proposed Amendments

§ 201.18. Management

Subsection (a)

The Department proposes to delete this subsection to eliminate duplication and avoid conflict with the Federal requirements for long-term care nursing facilities. Under 42 CFR 483.70(d) (relating to administration), a facility is required to have a governing body, or designated persons functioning as a governing body, that is legally responsible for establishing and implementing policies regarding the management and operation of a facility.

Subsection (b)

The Department proposes to add language at the beginning of this subsection to clarify that the requirements in this subsection are in addition to the Federal requirements at 42 CFR 483.70(d). The Department also proposes to add the words “of a facility” after “governing body” to make it clear that the governing body of a long-term care nursing facility shall perform the tasks delineated in paragraphs (1) through (3) of subsection (b).

Subsection (c)

The Department proposes to replace “provide the information required in § 201.12 (relating to application for license) and prompt reports of changes which would affect the accuracy of the information required” with “report to the Department within 30 days changes to the information that was submitted with the facility’s application for licensure under § 201.12 (relating to application for license of a new facility or change in ownership)” to clarify the governing body’s responsibility with respect to the information submitted under § 201.12. It is a prospective owner’s responsibility to submit the information required under § 201.12 for the application for licensure, rather than the governing body. Once an application for licensure is approved, the governing body becomes responsible for reporting to the Department any changes to the information that was submitted with the application for licensure. The Department is proposing to require that changes be reported within 30 days to align with § 51.4 (relating to change in ownership; change in management), which requires notification to the Department at least 30 days prior to a transfer involving 5% or more of stock or equity, a change in ownership and a change in management.

Subsection (d)

The Department proposes to delete the first sentence in subsection (d) to eliminate duplication and avoid conflict with the Federal requirements. Under 42 CFR 483.70(d)(1), a facility is required to have a governing body that is legally responsible for establishing and implementing policies regarding the management and operation of the facility. In the second sentence of subsection (d), the Department proposes to add a cross-reference to the requirement in 42 CFR 483.70(d)(1) for clarity. The Department also proposes to delete the phrase “shall be made available to the members of the governing body, which shall ensure that they are operational.” This phrase is unnecessary and redundant given that the governing body is responsible for establishing and implementing policies for the management and operation of the facility, under the Federal requirements. In the third sentence, the Department proposes to replace the term “responsible persons” with the term “resident representatives.” The term “responsible person” is an outdated term that is no longer used and has been replaced, throughout the regulations, with the term “resident representative” to describe the types of individuals who may act on behalf of a resident. The term “resident representative” is defined in the Federal requirements at 42 CFR 483.5 (relating to definitions) and encompasses not only individuals who are authorized by law to act on behalf of a resident but also other individuals who may be chosen by residents to act on their behalf.

Subsection (d.1)

This subsection is proposed to be added. The Department proposes to move the requirement from the first sentence of existing subsection (e) to this new subsection with some minor changes. The Department proposes to replace language requiring the governing body to appoint

an administrator with a cross-reference to that requirement in 42 CFR 483.70(d)(2) of the Federal requirements. The Department proposes to retain the requirement that the administrator be currently licensed and registered in this Commonwealth and that the administrator be employed full time. The Department is proposing to remove the requirement in existing subsection (e) that a facility, with 25 beds or less, seek an exception to share an administrator with another facility. The Department proposes new language, in subsection (d.1), to permit a facility with 25 beds or less to share an administrator provided that the Department is informed of this arrangement, there is a plan in the event of an emergency when the administrator is not working, and there is a readily available method for residents to contact the administrator should they find it necessary. The existing language limiting the sharing of an administrator to two facilities is moved from subsection (e) to this subsection.

The Department has received multiple requests for exception under existing subsection (e), particularly from facilities that provide transitional care, have few residents, and a lot of resident turnover. In these cases, the facilities would like to share an administrator with other facilities within their network to save money. Permitting facilities with 25 beds or less to share an administrator addresses these concerns and will provide flexibility for those facilities that do not have a need for a full-time administrator. Adding the requirements in paragraphs (1) through (4), that is, requiring the Department to be informed, having a plan in the event of an emergency when the administrator is not working, having a readily available method of contacting the administrator and requiring the director of nursing to have sufficient knowledge and experience to compensate for the time that the administrator is not in the facility, will ensure the health and safety of residents when a facility chooses to employ a part-time administrator.

Subsection (d.2)

This subsection is proposed to be added. The Department proposes to move the requirement in the fourth sentence of subsection (e) into this subsection with no substantive changes. The Department proposes to move this requirement to its own subsection for clarity and ease of readability.

Subsection (e)

As noted previously, the Department proposes to delete the requirement in the first sentence of this subsection and move it to proposed subsection (d.1), with amendments. The Department proposes to delete the next two sentences. The ability of a facility to share an administrator is contemplated through the addition of the language in proposed subsection (d.1) which will permit facilities with 25 beds or less to have a part-time administrator if the requirements in subsection (d.1)(1) through (4) are met. As noted previously, the Department also proposes to delete the requirement in the fourth sentence and move it into subsection (d.2).

The Department proposes to retain the last sentence in subsection (e), as well as paragraphs (1) through (7). The Department proposes to add new paragraph (2.1). The Department proposes to move into paragraph (2.1) the existing language from § 207.2(a) (relating to administrator’s responsibility), requiring an administrator to ensure satisfactory housekeeping and maintenance of the buildings and grounds. The Department is proposing this amendment so that the responsibilities of the administrator are all together in one place in the regulations. In paragraph (5), the Department proposes to replace the

term “employee” with the term “employee” for correct usage and spelling of that term. The Department does not propose any amendments to paragraphs (1), (2), (3), (4), (6) or (7).

Subsection (f)

The Department proposes to delete the words “and funds” and the phrase “and for expenditures and disbursements made on behalf of the resident” to eliminate duplication and avoid conflict with the Federal requirements. A facility’s responsibility for resident funds is addressed in the Federal requirements at 42 CFR 483.10(f)(10) and (11) (relating to resident rights). The Department also proposes to replace the term “responsible person” with the term “resident representative” for consistency in the use of that term throughout the regulations.

Subsection (g)

The Department does not propose any amendments to this subsection.

Subsection (h)

The Department proposes to replace the term “resident’s responsible person” with “resident representative” for consistency in the use of that term throughout the regulations. The Department proposes to delete the last sentence requiring a facility to provide residents with access to their money within 3 business days in the form requested, cash or check, by the resident. The Department proposes to replace this sentence with a requirement that a facility provide the resident with cash, if requested, within 1 day of the request, or with a check, if requested, within 3 days of the request. The proposed requirement that a facility provide a resident with cash, if requested, within 1 day is new. Based on discussions with the LTC Work Group, the Department believes that facilities typically have enough cash on hand, or have the ability to obtain cash quickly, and therefore, should be able to provide a resident with cash, if requested, within 1 day. The Department proposes no amendment to the existing requirement that a check be provided, if requested, within 3 days because specific personnel are often needed to process a check and these personnel may not be onsite every day.

§ 201.19. *Personnel records*

The Department proposes to amend the name of this section from “personnel policies and procedures” to “personnel records.” This section requires a facility to maintain certain types of personnel records, not to create policies and procedures for personnel records. Therefore, the term “personnel records” more accurately describes the requirements of this section.

The Department also proposes to replace the term “employee” with the term “employee” to reflect the current usage and spelling of that term. The Department proposes to add the word “facility” before the word “employee” to clarify that this section applies to employees of the facility and not, for example, employees of another agency that the facility may utilize to provide care or services to residents. The Department proposes to replace the word “sufficient” with the words “the following” and to delete “to support placement in the position to which assigned” after the word “information.” The Department proposes these amendments to accommodate the addition of several new proposed requirements in paragraphs (1) through (9) of this section.

The Department proposes in paragraphs (1) through (9) to require a facility to keep in its personnel records, for each facility employee: (1) the employee’s job description,

educational background and employment history; (2) employee performance evaluations; (3) documentation of current certification, registration or licensure, if applicable, for the position to which the employee is assigned; (4) a determination by a health care practitioner that the employee is free from communicable diseases or conditions listed in § 27.155 (relating to restrictions on health care practitioners); (5) records of the pre-employment health examinations and of subsequent health services rendered to the facility’s employees as are necessary to ensure that all employees are physically able to perform their duties; (6) documentation of the employee’s orientation to the facility and the employee’s position prior to or within 1 week of the employee’s start date; (7) documentation of the employee’s completion of required trainings; (8) a criminal history record; and (9) in the event of a conviction, a determination of the employee’s suitability for employment in the position to which the employee is assigned. Proposed paragraphs (1) through (4), (6) and (7) are currently in the Department’s interpretive guidelines for § 201.19 (relating to personnel records). Facilities, therefore, are already maintaining this information. Nonetheless, the Department is proposing to include these guidelines in regulation to make it clear that facilities are expected to include these items in employee personnel records. Department of Health. Interpretive Guidelines. Retrieved from: https://www.health.pa.gov/topics/Documents/Laws%20and%20Regulations/interpretive_guidelines_for_state_regs.pdf.

Proposed paragraph (5) is an expansion of the Department’s inclusion of “health status” that is currently in the previously-referenced guidance. Because the use of the term “health status” is vague, the Department is proposing to clarify in regulation that a facility is required to maintain records of pre-employment health examinations and subsequent health services rendered to the facility’s employees as are necessary to ensure that all employees are physically able to perform their duties. This requirement mirrors a requirement that exists for hospitals in § 103.36 (relating to personnel records). For this requirement, the Department is not concerned with what specific conditions an employee may have but is only looking to see if the facility is maintaining this information. It is not the Department’s intent to determine who can and cannot perform certain duties due to a medical condition or health condition. Rather, it is up to each individual facility to determine what to do with this information, for example, provide restrictions for the employee or limit contact with residents, depending on specific circumstances and in accordance with applicable laws. Requiring a facility to maintain the types of records identified in paragraphs (1) through (7) will assist both the facility and the Department if a concern arises regarding an employee at the facility.

The Department is proposing to add paragraph (8) to align with section 502 of the Older Adult Protective Services Act (OAPSA) (35 P.S. § 10225.502), which requires a criminal history background check for individuals applying for employment in a long-term care nursing facility. The Department is proposing to add paragraph (9) to require, in the event that an employee has a conviction, that a facility include in the employee’s personnel record a determination of the employee’s suitability for employment in the position to which the employee is assigned. The Department recognizes that hiring decisions should be made on a case-by-case basis, and are dependent upon individual circumstances, but proposes to require that a facility document its determination, where an employee has a conviction, to demonstrate that the

employee's background was considered should a concern arise regarding the employee's suitability for employment.

§ 201.20. *Staff development*

Subsection (a)

The Department proposes to delete "training related to problems, needs and rights of the residents." The Department proposes to move the requirement that a facility provide, at a minimum, annual in-service training from subsection (c), to add a cross-reference to the Federal training requirements in 42 CFR 483.95 (relating to training requirements), and to include from existing subsection (c) accident prevention, restorative nursing techniques, emergency preparedness and fire prevention and safety as additional training topics. The Department proposes to delete from subsection (c) those requirements that are duplicative of the Federal requirements in 42 CFR 483.95, and to move from subsection (c) those topics that are not covered under 42 CFR 483.95. For additional clarity and ease of readability, the Department proposes to place these training topics into an enumerated list.

The topics proposed for deletion from subsection (c) include infection prevention and control, residents' confidential information, residents' psychosocial needs and resident rights, as these are required as part of the training requirements in 42 CFR 483.95. The Department proposes to retain and move into subsection (a), accident prevention and restorative nursing techniques, as these two topics are not covered within the training requirements in 42 CFR 483.95. The Department proposes to retain these two training requirements to ensure the health and safety of residents. The Department also proposes to retain and move into subsection (a), emergency preparedness and fire prevention and safety as training topics, as they are not covered within 42 CFR 483.95. These topics are covered elsewhere in the Federal requirements, but because they are not covered specifically in 42 CFR 483.95, the Department proposes to retain them in this subsection with cross-references for clarity. Disaster preparedness is covered under 42 CFR 483.73(d) (relating to emergency preparedness), which requires facilities to develop and maintain an emergency preparedness training and testing program that is based on their emergency plan. Fire prevention and safety training is required by the National Fire Protection Association's *Life Safety Code* (NFPA 101 *Life Safety Code*), which has been adopted in the Federal requirements in 42 CFR 483.90(a) (relating to physical environment). Under sections 18.7.2.3.1 and 19.7.2.3.1 of the NFPA 101 *Life Safety Code*, all facility personnel are to be instructed in their role in the use of and response to fire alarms.

Subsection (b)

The Department proposes to replace the term "employee" with the term "employee" for current usage and spelling of that term. The Department proposes to delete the second sentence of this subsection because training on the prevention of resident abuse and reporting of abuse is covered under the Federal requirements at 42 CFR 483.95(c).

Subsection (c)

The Department proposes to delete this subsection in light of the proposed amendments to subsection (a), as described previously.

Subsection (d)

The Department proposes one minor, grammatical amendment to this subsection. The Department proposes to delete the word "the" between the words "at" and "staff development programs."

§ 201.21. *Use of outside resources*

Subsection (a)

The Department proposes to delete this subsection to eliminate duplication and to avoid conflict with the Federal requirements. Under 42 CFR 483.70(g)(2)(i), an arrangement or agreement for the use of outside resources must specify in writing that the facility assumes responsibility for obtaining services that meet professional standards and principles that apply to professionals providing services in the facility.

Subsection (b)

The Department proposes to delete this subsection to eliminate duplication and to avoid conflict with the Federal requirements. Under 42 CFR 483.70(g)(1), a facility is required to have services furnished to residents by a person or agency outside the facility if the facility does not employ a qualified professional person to furnish that service.

Subsection (c)

The Department proposes to delete this subsection to eliminate duplication and avoid conflict with the Federal requirements. Under 42 CFR 483.70(g)(2), the arrangement or agreement for outside services must be in writing.

Subsection (d)

The Department proposes to delete this subsection and replace it with subsection (e), described as follows.

Subsection (e)

Proposed subsection (e) will replace the requirement in existing subsection (d) regarding outside resources that supply temporary employees to a facility. The Department proposes to require in this new subsection that if a facility acquires employees from outside resources, the facility shall obtain confirmation from the outside resource that the employees are free from the communicable diseases and conditions listed in § 27.155 and that the employees are physically able to perform their assigned duties. The Department is proposing this amendment to ensure that employees obtained from outside resources, such as agency staff, are able to care for residents. As with proposed § 201.19(4) and (5), the Department is not concerned with what specific conditions an employee may have but is only checking to see if the facility has obtained confirmation from an outside resource that the employees being provided are able to work with residents. It would be up to the outside agency to comply with applicable laws pertaining to the sharing of personal information.

§ 201.24. *Admission policy*

Subsection (a)

The Department proposes to delete this subsection to eliminate duplication and to avoid conflict with the Federal requirements. As discussed previously, the term "responsible person" is an outdated term that is no longer used and has been replaced with the term "resident representative" to describe the types of individuals who may act on behalf of a resident. The term "resident representative" is defined in the Federal requirements in 42 CFR 483.5 and encompasses not only individuals who are authorized by law to act on behalf of a resident but also other individuals who may be chosen by residents to act on their behalf. The ability of a resident representative to exercise the rights of a resident are addressed in 42 CFR 483.10(b). Under 42 CFR 483.10(b), a resident

representative has the right to exercise a resident's rights to the extent those rights are delegated to the resident representative, either by the resident or by law.

Subsection (b)

The Department proposes to delete this subsection to eliminate duplication and avoid conflict with the Federal requirements. Under 42 CFR 483.15(a)(2)(i) (relating to admission, transfer, and discharge rights), a facility must not request or require residents or potential residents from waiving their rights under the Federal requirements, or applicable State, Federal or local licensing or certification laws. Under 42 CFR 483.15(a)(2)(iii), a facility must not request or require residents or potential residents to waive facility liability for losses of personal property.

Subsections (c) and (d)

The Department does not propose any amendments to subsections (c) or (d).

Subsection (e)

This subsection is proposed to be added and goes above and beyond the Federal requirements in 42 CFR 483.15(a) by requiring that the governing body of a facility establish written policies and procedures for the admissions process for residents, and through the administrator, to develop and adhere to procedures implementing those policies. The Department proposes to require a facility to include the following in its policies and procedures: (1) introduction of residents to at least one member of the professional nursing staff for the unit where the resident will be living and to direct care staff who have been assigned to care for the resident; (2) orientation of the resident to the facility and location of essential services and key personnel to include the dining room, nurses' workstations, and offices for the social worker and grievance or compliance officer; (3) a description of facility routines to include nursing shifts, mealtimes and posting of menus; (4) discussion and documentation of the resident's customary routines and preferences to be included in the care plan developed for the resident under 42 CFR 483.21 (relating to comprehensive person-centered care planning); and (5) assistance to the resident, if needed, in creating a homelike environment and settling personal possessions in the room to which the resident has been assigned. The Department, under section 803 of the act (35 P.S. § 448.803), has the authority to promulgate rules and regulations necessary to carry out the purposes and provisions of the act. One of the stated purposes of section 102 of the act (35 P.S. § 448.102), is to assure that citizens receive humane, courteous and dignified treatment. The Department has been made aware of residents being left on their own for hours and even up to a day after admission to a facility, without receiving any information or services, which can be confusing or disorienting to a resident. Requiring a facility to have in place policies and procedures to introduce and orient a resident to a facility will ensure that residents are provided with essential information concerning their stay at the facility, at the time of admission when they are likely to feel the most vulnerable.

Subsection (f)

This subsection is proposed to be added and will require that the coordination of introductions, orientation and discussions, required under proposed subsection (e), be the responsibility of the facility's social worker, or other designee designated by the governing body. Social workers play a vital role in assisting residents with their psychosocial needs, and thus, are ideally suited for per-

forming these types of tasks. The Department proposes to permit another individual, identified by the governing body, to stand in the shoes of the facility's social worker to perform these tasks as the social worker may not always be available at the time of a resident's admission. The Department also proposes to require that the coordination of introductions, orientation and discussions occur within 2 hours of a resident's admission to further ensure that residents are not left on their own for too long after being admitted to a facility.

§ 201.25. Discharge policy

The Department proposes to delete this section to eliminate duplication and avoid confusion with the Federal requirements. Under 42 CFR 483.21(c), a facility is required to develop and implement a discharge plan and a post-discharge plan of care. The requirements of these plans include, among other things, ensuring that the discharge needs of the resident are identified and arrangements for the resident's care following discharge.

§ 201.26. Resident representative

The Department proposes to replace the words "power of attorney" in the title and body of this section. The term "resident representative" encompasses not only a power of attorney relationship, but also other types of individuals who are authorized to act on behalf of a resident. The Department proposes to delete the slash mark and replace it with a comma to make "owner" and "operator" two words for stylistic reasons. The Department proposes to replace the word "employe" with "employee" for current usage and spelling of that term. The Department proposes another grammatical change by replacing the word "having" with the word "with" for ease of readability. The Department also proposes to add to the end of this section an exception for family members of residents who are employed in the facility. The Department proposes to allow family members who are employed in the facility to serve as resident representatives, so long as there is no conflict of interest. This amendment was proposed by the LTC Work Group, and the Department agrees that a resident should have the best person acting on their behalf, regardless of that person's employment within the facility. The addition of "so long as there is no conflict of interest" is proposed to ensure that residents are protected from possible financial exploitation from having a family member employee serve as their resident representative.

§ 201.29. Resident's rights

Subsection (a)

The Department proposes to add a sentence requiring that the written policies established by the governing body include a mechanism for the inclusion of residents in the development, implementation and review of the policies and procedures regarding the rights and responsibilities of residents. The Department proposes this requirement as part of its efforts to promote more resident-centered environments in long-term care nursing facilities. The residents of a facility live there and are subject to the policies and procedures of the facility. Therefore, they should be allowed to have some say in how the facility operates. Including residents in the development and implementation of policies and procedures regarding resident rights will provide residents with this ability.

Subsections (b) and (c)

The Department proposes no amendments to subsections (b) and (c).

Subsection (d)

The Department proposes to delete this subsection to eliminate duplication and avoid conflict with the Federal requirements. Under 42 CFR 483.95(b), a facility must ensure that staff members are educated on the rights of residents and the responsibilities of the facility to properly care for residents, as set forth in 42 CFR 483.10.

Subsection (e)

The Department proposes to delete this subsection to eliminate duplication and avoid conflict with the Federal requirements. Under 42 CFR 483.10(g)(18), a facility is required to inform a resident, before or at the time of admission, and periodically during the resident's stay, of services available in the facility and of charges for those services, including charges for services not covered by Medicare or Medical Assistance (MA), or by the per diem rate of the facility. A facility is also required under 42 CFR 483.10(g)(18)(i) and (ii), to provide notice when changes in coverage are made to items and services covered by Medicare or MA, and at least 60 days prior to the implementation of changes to charges for other items and services offered by the facility. The 60-day notice under the Federal requirements is more stringent and thus, is more protective of residents than the language that currently exists in subsection (e). The return of security deposits is covered by 42 CFR 483.10(g)(18)(iii), which requires a facility to refund any deposit or charges already paid, less the facility per diem rate, for the days the resident actually resided or reserved or retained a bed in the facility, regardless of any minimum stay or discharge requirements. Facility requirements for the handling of resident funds are also addressed in 42 CFR 483.10(f)(10) and (11).

Subsection (f)

The Department proposes to delete this subsection to eliminate duplication and to avoid conflict with the Federal requirements. The requirements pertaining to the transfer and discharge of residents are in 42 CFR 483.15. The first sentence of existing subsection (f) is addressed in 42 CFR 483.15(c)(1). Under 42 CFR 483.15(c)(1), a facility must permit each resident to remain in the facility and not transfer or discharge the resident from the facility unless the transfer or discharge is necessary for the resident's welfare and the resident's needs cannot be met in the facility; the resident's health has improved sufficiently so that the resident no longer needs services provided by the facility; the health and safety of individuals is endangered; the resident has failed after reasonable and appropriate notice to pay for staying at the facility; or the facility ceases to operate.

The notification requirements contained in the second, third and fourth sentences of existing subsection (f) are covered in 42 CFR 483.15(c)(3) and (4). Under 42 CFR 483.15(c)(3) and (4), a facility must notify a resident and the resident's representative of the transfer or discharge in writing and in a language and manner they understand, at least 30 days before the transfer or discharge, except where an immediate transfer or discharge is required, where the health and safety of individuals at the facility would be endangered, or when a resident has not resided in the facility for 30 days. A facility's bed-hold policy is covered by 42 CFR 483.15(d), which requires written notice regarding the duration of its bed-hold policy to a resident, or the resident representative. Although existing subsection (f) refers to the bed-hold policy in terms of discharge, and the Federal requirements refer to a bed-hold in the context of a transfer, the Department considers the term "discharge" to be synonymous with

"transfer" in this context because conceptually, a bed-hold is only necessary in the case of a temporary absence. The last two sentences of subsection (f), pertaining to documentation, are addressed in 42 CFR 483.15(c)(2), which requires documentation of the transfer or discharge in the resident's medical record and that appropriate information regarding the resident be communicated to the receiving health care institution or provider.

Subsection (g)

The Department proposes to delete the first sentence of this subsection to eliminate duplication and avoid conflict with the Federal requirements. The Federal requirements pertaining to the transfer and discharge of residents are in 42 CFR 483.15. Under 42 CFR 483.15(c)(7), a facility must provide and document preparation and orientation to residents to ensure a safe and orderly transfer or discharge from the facility. Under 42 CFR 483.15(c)(2), a facility is required to document the transfer or discharge in the resident's medical record and communicate appropriate information regarding the resident to the receiving health care institution or provider, including all necessary information to ensure a safe and effective transition of care. Where a transfer occurs because the facility cannot meet the needs of the resident, the facility must document its attempts to meet the resident's needs and the service that is available at the receiving facility to meet the resident's needs. The Department proposes to retain the second sentence in this subsection, with minor amendments. Specifically, the Department proposes to replace the term "resident's responsible person" with "resident representative" for consistency in the use of that term throughout the regulations. The Department also proposes to replace "MA" with "Medical Assistance" for clarity.

Subsection (h)

The Department proposes to delete this subsection to eliminate duplication and to avoid conflict with the Federal requirements. The Federal requirements pertaining to the transfer of residents are in 42 CFR 483.15. Under 42 CFR 483.15(c), a facility is only permitted to transfer a resident under certain circumstances. These circumstances do not contemplate the ability to transfer a resident where the transfer would be harmful to the physical or mental health of the resident being transferred. Because the Department is proposing to adopt the Federal requirements, and a facility would be prohibited under 42 CFR 483.15(c) from transferring a resident where the transfer would be harmful to that resident, there is no need to include this requirement in State regulation.

Subsection (i)

The Department proposes to delete this subsection to eliminate duplication and to avoid conflict with the Federal requirements. Under 42 CFR 483.10(b), a resident has the right to exercise their rights as a resident of the facility and as a citizen or resident of the United States. Under 42 CFR 483.10(g)(4) and (5), a resident has the right to receive notices orally and in writing in a format and a language that they understand. The notices required under 42 CFR 483.10(g)(4) include contact information for all pertinent State regulatory and informational agencies, advocacy groups, the State Long-Term Care Ombudsman and others. A facility is also required to provide information for filing grievances or complaints. Under 42 CFR 483.10(g)(5), a facility is required to post this information, in a form and manner that is accessible and understandable to residents and resident representatives. In addition, under 42 CFR 483.10(j), a resident has

the right to voice grievances to the facility or to an agency or entity that hears grievances without discrimination or reprisal or fear of discrimination or reprisal. A facility is also required under 42 CFR 483.10(j)(4) to establish a grievance policy which meets certain minimum requirements, and under 42 CFR 483.10(j)(3), make available information on how to file a grievance or complaint.

Subsection (j)

The Department proposes to delete subsection to eliminate duplication and to avoid this conflict with the Federal requirements. Under 42 CFR 483.10(a)(1), a facility is required to treat each resident with respect and dignity and to care for each resident in a manner and in an environment that promotes maintenance or enhancement of quality of life, while recognizing each resident's individuality. Under 42 CFR 483.10(h), a resident has a right to personal privacy and confidentiality of personal and medical records. The right to personal privacy encompasses accommodations, medical treatment, communications (oral, written and telephone), personal care, and visits and meetings with family and resident groups.

Subsection (k)

The Department proposes to delete this subsection to eliminate duplication and to avoid conflict with the Federal requirements. Under 42 CFR 483.10(e)(2), a resident has the right to retain and use personal possessions, including clothing and furnishings, as space permits, unless to do so would infringe upon the rights or health and safety of other residents. Under 42 CFR 483.10(i), a facility must provide residents with a safe, clean, comfortable and homelike environment, and allow residents to use their personal belongings to the extent possible. This includes the provision of private closet space in each resident's room.

Subsection (l)

The Department proposes to delete this subsection to eliminate duplication and to avoid conflict with the Federal requirements. The ability of a resident representative to exercise the rights of a resident are addressed in 42 CFR 483.10(b). Under that subsection, a resident representative has the right to exercise a resident's rights to the extent those rights are delegated to the resident representative, either by the resident or by law.

Subsection (m)

The Department proposes to delete this subsection. Existing subsection (a), which the Department proposes to retain, addresses the requirement that a facility have policies and procedures related to resident rights. Thus, there is no need to retain this subsection.

Subsection (n)

The Department proposes no amendments to the first sentence of this subsection. The Department proposes to delete the second sentence in this subsection to eliminate duplication and to avoid conflict with the Federal requirements. Under 42 CFR 483.10(g)(16), a facility must provide a notice of rights and services to residents prior to or upon admission and also, during the residents' stay. A facility must inform a resident of their rights and all rules and regulations governing resident conduct and responsibilities during their stay in the facility, both orally and in writing in a language that the resident understands. The Department proposes to replace the word "clinical" with the word "medical" in the last sentence for consistency in the use of the term "medical record" throughout the regulations to describe a resident's medical record.

Subsection (o)

The Department proposes to replace the term "nursing home" with the term "facility" for consistency in the use of that term throughout this subpart, and as defined in § 201.3 (relating to definitions). The remaining amendments proposed by the Department, to this subsection, align with the Federal requirements and Federal guidance found in *Appendix PP—Guidance to Surveyors for Long-Term Care Facilities* from the Centers of Medicare & Medicaid Services (CMS) State Operations Manual. Under 42 CFR 483.10(c)(6), a resident has the right to participate in or refuse to participate in experimental research. *Appendix PP* expands upon this as follows:

The resident has the right to refuse to participate in experimental research. A resident being considered for participation in experimental research must be fully informed of the nature of the experimental research (for example, medication or other treatment) and the possible consequences of participating. The resident must provide informed consent prior to participation and initiation of experimental research. If the resident is incapable of understanding the situation and of realizing the risks and benefits of the proposed research, but a resident representative gives consent, facility staff have a responsibility to ensure that the consent is properly obtained and that essential measures are taken to protect the resident from harm or mistreatment. The resident (or his or her representative if the resident lacks health care decision-making capacity) must have the opportunity to refuse to participate both before and during the experimental research activity.

Appendix PP defines experimental research as the development, testing and use of a clinical treatment, such as an investigational drug or therapy that has not yet been approved by the United States Food and Drug Administration (FDA) or medical community as effective and conforming to accepted medical practice. Commentators and IRRC, requested in prior proposed rulemakings that the Department expressly add into regulation any guidance that it wishes to adopt from *Appendix PP*. The Department proposes to expressly add the previous guidance from *Appendix PP* into regulation because it provides greater protection to residents than the Federal requirement alone. This protection is necessary as residents who are being considered for experimental research are already vulnerable and need to be fully informed of the nature of the research and the possible consequences for participating in the research to make a decision.

Subsection (p)

The Department proposes to add this subsection to make it clear that a resident has the right to care without discrimination based upon race, color, familial status, religious creed, ancestry, age, sex, gender, sexual orientation, gender identity or expression, national origin, ability to pay, handicap or disability, use of guide or support animals because of the blindness, deafness or physical handicap of the resident or because the resident is a handler or trainer of support or guide animals. The Department's proposal to include race, color, familial status, religious creed, ancestry, age, sex, national origin, handicap or disability, use of guide or support animals because of the blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals in this subsection mirrors existing protections under the Pennsylvania Human Relations Act (PHRA) (43 P.S. §§ 951—963). Section 5(i) of the PHRA (43 P.S. § 955(i)) prohibits places of public accommodation from discriminating against individuals on the

basis of race, color, familial status, religious creed, ancestry, age, sex, national origin, handicap or disability, use of guide or support animals because of the blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals.

Further, the Department is proposing to clarify that discrimination in the provision of health care based on sexual orientation, gender identity and expression is also prohibited. Currently, Federal and State law do not specifically prohibit discrimination based on sexual orientation or gender identity, though the Federal requirements for long-term care nursing facilities do provide some protections for same-sex spouses and residents based on sexual orientation and gender identity. See 42 CFR 483.10(b)(3); 42 CFR 483.10(f)(4)(vi)(B) and (C). In 2018, the Pennsylvania Human Relations Commission (PHRC), the entity charged with enforcing the PHRA, released guidance stating that its interpretation of the term “sex” in the PHRA “may refer to sex assigned at birth, sexual orientation, transgender identity, gender transition, gender identity, and/or gender expression.” PHRC. Pennsylvania Human Relations Commission Guidance on Discrimination on the Basis of Sex under the Pennsylvania Human Relations Act. Retrieved from <https://www.phrc.pa.gov/AboutUs/Documents/APPROVED%20Sex%20Discrimination%20Guidance%20PHRA.pdf>. The result of that guidance is that the PHRC will accept filing of complaints arising out of discrimination based on sex assigned at birth, sexual orientation, transgender identity, gender transition, gender identity or gender expression in places of public accommodation. As mentioned, long-term care nursing facilities are places of public accommodation under both Federal and State law and therefore, would be subject to the PHRC guidance.

Further, the Department’s proposal in subsection (p) is consistent with its duty and authority under section 102 of the act to ensure that “all citizens receive humane, courteous, and dignified treatment.” That duty cannot be met if the Department allows or remains silent on discrimination against any class of persons, especially persons that otherwise have not been afforded clear protections under the law. Section 804 of the act (35 P.S. § 448.804), further prohibits any provider from discriminating on the basis of sex. Consistent with the PHRC guidance, discrimination on the basis of “sex” would include discrimination based on sex assigned at birth, sexual orientation, transgender identity, gender transition, gender identity or gender expression. The Department is proposing to make clear to long-term care nursing facilities the Department’s interpretation of this statutory provision, which is consistent with the text of the statute and the intent and purpose of the act.

§ 201.30. Access requirements

The Department proposes to delete this section to eliminate duplication and avoid conflict with the Federal requirements at 42 CFR 483.10(f). Under 42 CFR 483.10(f)(4), a resident has a right to receive visitors of their choosing at the time of their choosing. A facility must provide immediate access to certain individuals, subject to the resident’s right to deny visitation. A facility must provide reasonable access to any entity or individual that provides health, social, legal or other services to the resident, subject to the resident’s right to deny visitation. A facility must have written policies and procedures regarding visitation rights, including any clinically necessary or reasonable restriction or limitation or safety restriction or limitation the facility may need to place on these rights. These policies and procedures must include the reasons for the restriction or limitation.

§ 201.31. Transfer agreement

The Department proposes to delete this section to eliminate duplication and avoid conflict with the Federal requirements at 42 CFR 483.70(j). Under 42 CFR 483.70(j), a facility is required to have in effect a written transfer agreement with one or more hospitals that are approved for participation under Medicare or Medical Assistance. The transfer agreement must reasonably assure that residents will be transferred to the hospital with timely admission to the hospital when transfer is medically appropriate and that all medical and other information needed for the care and treatment of residents will be exchanged between the providers. The facility is also required to attempt in good faith to enter into an agreement with a hospital sufficiently close to the facility to make transfer feasible.

§ 207.2. Administrator’s responsibility

The Department proposes to delete this section. As discussed previously, the Department proposes to move the requirement in existing subsection (a), pertaining to the administrator’s responsibility for housekeeping and maintenance, to § 201.18(e)(2.a) (relating to management). Thus, there is no need to retain this requirement here. The Department proposes to delete subsection (b) as this provision is outdated. In recent years, there has been a shift in the long-term care nursing environment to providing residents with a more homelike environment. Residents being cared for at home would not typically have services provided by multiple people. Prohibiting nursing services personnel from performing any housekeeping duties can contribute to residents feeling as though they are institutionalized regardless of what their environment looks like. Properly trained staff should be allowed to provide primary care for residents that covers a broad range of tasks.

§ 209.3. Smoking

The Department proposes to delete this section to eliminate duplication and avoid conflict with the Federal requirements. Under 42 CFR 483.90(i)(5), a facility is required to establish policies, in accordance with applicable Federal, State and local laws and regulations, regarding smoking, smoking areas and smoking safety that also take into account non-smoking residents. The NFPA 101 *Life Safety Code*, which has been adopted in the Federal requirements in 42 CFR 483.90(a), also addresses requirements for smoking policies at 18.7.4 and 19.7.4.

§ 211.2. Medical director

As explained as follows, the Department proposes to delete subsections from this section, pertaining to physicians, to eliminate duplication and to avoid confusion with the Federal requirements. The Department proposes to retain and amend subsections of this section that pertain to the medical director. As a result of these amendments, the Department proposes to amend the title of this section from “physician services” to “medical director” to reflect the proposed contents of this section more accurately.

Subsection (a)

The Department proposes to delete this subsection to eliminate duplication and avoid conflict with the Federal requirements for facilities. Under 42 CFR 483.30 (relating to physician services), a physician is required to approve in writing an individual’s admission to a facility, and each resident in a facility must remain under the care of a physician. Under 42 CFR 483.21(b), a facility is required to develop and implement a comprehensive person-

centered care plan for each resident. This care plan is prepared by an interdisciplinary care team, that includes the attending physician, the resident and resident representative, and others who are involved in the resident's care.

Subsection (b)

The Department proposes to delete this subsection to eliminate duplication and avoid conflict with the Federal requirements. Under 42 CFR 483.20(a) (relating to resident assessment), a facility is required to have, at the time of admission, a physician's orders for the resident's immediate care. Under 42 CFR 483.21 (relating to comprehensive person-centered care planning), a facility is required to develop and implement, within 48 hours of admission, a baseline care plan for each resident. The baseline care plan must include the minimum healthcare information necessary to properly care for a resident, including physician orders. A facility is also required, under 42 CFR 483.20(b), to conduct a comprehensive assessment of a resident's needs, strengths, goals, life history and preferences, using a resident assessment instrument. Under 42 CFR 483.20(b)(2)(i), this assessment must be conducted within 14 days after admission.

Subsection (c)

The Department proposes to amend the first sentence of subsection (c), to delete language that is duplicative of the Federal requirements for the provision of a medical director and to include a cross-reference to the Federal requirements for a medical director at 42 CFR 483.70(h). Under 42 CFR 483.70(h), a facility is required to designate a physician to serve as medical director. The medical director is responsible for implementation of resident care policies and the coordination of medical care in the facility. The Department proposes to retain the requirement that the medical director be licensed as a physician in this Commonwealth, as that is not specifically indicated in the Federal requirements for a medical director.

The Department also proposes to add, at the request of stakeholders, a requirement that the medical director complete at least 4 hours annually of continuing medical education (CME) pertinent to the field of medical direction or post-acute and long-term care medicine. The Department has determined that this addition, which is not included in the Federal requirements, is necessary to ensure that the medical director of a facility remains current in the field. Having a knowledgeable medical director is critical to the provision of quality care. Additionally, requiring 4 hours of CME pertinent to the field of medical direction or post-acute and long-term care medicine will not present a burden for medical directors as these hours would count towards the 100 minimum CME hours required annually for physicians to maintain their licensure in this Commonwealth. In the second sentence, the Department proposes to delete the ability of a facility to have a medical director serve on a full or part time basis. Under 42 CFR 483.70(f), a facility is required to have professional staff on a full-time, part-time or consultant basis as needed. This would extend to the medical director.

Subsection (d)

The Department proposes to delete this subsection to eliminate duplication and avoid conflict with the Federal requirements. Paragraph (1) is covered by 42 CFR 483.75(g)(1) (relating to quality assurance and performance improvement), which requires a facility to maintain a quality assessment and assurance committee. The medical director or the medical director's designee serves on this committee. Paragraph (2) is covered under 42

CFR 483.70(h)(2). Under 42 CFR 483.70(h)(2), the medical director is responsible for the implementation of resident care policies and the coordination of medical care in the facility. This includes oversight of the responsibilities of attending physicians.

§ 211.3. *Verbal and telephone orders*

The Department proposes to replace the word "oral" with the word "verbal" in the title of this section, as the word "verbal" is more commonly used now in the long-term care nursing environment to describe nonwritten communications.

Subsection (a)

The Department proposes to replace "a physician's oral" with the word "verbal" at the beginning of this subsection. The amendment from "oral" to "verbal" is made for consistency in the use of terminology. The Department proposes the deletion of the word "physician" because physicians are not the only individuals permitted to issue orders under the scope of practice standards. Under 42 CFR 483.30(e), a physician may delegate tasks to a physician assistant, nurse practitioner or clinical nurse specialist acting within the scope of their practice as defined by State law. The scope of practice for physician assistants, including supervision by a physician, is set forth in section 13 of the Medical Practice Act of 1985 (63 P.S. § 422.13) and in regulation at 49 Pa. Code Chapter 18, Subchapter D (relating to physician assistants). The scope of practice for certified registered nurse practitioners is set forth in section 8.2 of the Professional Nursing Law (63 P.S. § 218.2) and in regulation at 49 Pa. Code Chapter 21, Subchapter C (relating to certified registered nurse practitioners). The scope of practice for clinical nurse specialists set forth in section 8.6 of the Professional Nursing Law (63 P.S. § 218.6) and in regulation at 49 Pa. Code Chapter 21, Subchapter H (relating to clinical nurse specialists). The Department proposes to delete the last sentence allowing written orders to be faxed, as this is duplicative of existing language in subsection (d), which the Department proposes to keep with amendments, as described as follows.

Subsection (b)

The Department proposes to replace "a physician's oral" with the word "verbal" for consistency with the proposed amendments to subsection (a). The Department proposes to replace "and treatments" with "treatment or medication" to clarify that this subsection applies to medication orders as well as orders for care or treatment. The Department proposes to add "or physician's designee authorized under 42 CFR 483.30(e) (relating to physician services)" after the word "physician" to clarify which individuals are permitted to issue verbal orders. The Department proposes to delete the requirement that verbal and telephone orders be dated and countersigned with the original signature of the physician or physician's designee within 7 days and replace this with the requirement, currently in subsection (c), that verbal and telephone orders be dated and countersigned within 48 hours. The Department proposes this amendment as it is imperative that orders be signed within 48 hours to ensure that the orders are correct, especially in cases where the medical issue that is being addressed is urgent.

Subsection (c)

The Department proposes to delete this subsection. As noted previously, the Department proposes to move the 48-hour requirement from the first sentence of this subsection into subsection (b). The Department proposes to delete the second sentence of this subsection, pertain-

ing to Schedule II medications. Dispensation of controlled substances is covered under Federal law. See 21 CFR 1306.11 (relating to requirement of prescription).

Subsection (d)

The Department proposes to replace the word “oral” with the word “verbal” for consistency in terminology. The Department proposes to replace “medication or treatment” with “care, treatment or medication” for consistency with the proposed amendments to subsection (b), as described previously. The Department proposes to replace the term “responsible practitioner” with “physician, or physician’s delegee authorized under 42 CFR 483.30(e)” as well for consistency with the proposed amendments in subsection (b). The Department proposes to replace the word “received” with the word “sent” for grammatical reasons. The Department also proposes to add “or secure electronic transmission” after the word “fax” to account for the use of electronic health record systems, as well as other electronic mechanisms, such as e-mail or text, that are used to enter orders.

Subsection (e)

The Department proposes, throughout this subsection, to replace the words “an oral” with the words “a verbal” for consistency in terminology. In paragraph (2), the Department proposes to replace “practitioner” with “physician, or physician’s delegee authorized under 42 CFR 483.30(e)” for consistency in terminology. In paragraph (4), the Department proposes to add the words “or secure electronic” between the word “fax” and the word “transmissions” for consistency with the use of this term as proposed in subsection (d).

§ 211.4. Procedure in event of death

Subsection (a)

The Department proposes to replace the words “at each nursing station” with the words “to all personnel.” The long-term care nursing industry has begun to shift away from terms such as “nurses’ station” and “nursing station” towards terms that focus more on resident-centered care. The term “all personnel” is more specific and more accurately reflects who should have access to written postmortem procedures.

Subsection (b)

The Department proposes only one amendment to this subsection. The Department proposes to replace the term “responsible party” with the term “resident representative” for consistency in the use of that term throughout the regulations.

§ 211.5. Medical records

The Department proposes to amend the title of this section from “clinical records” to “medical records.” The Department proposes this amendment to align with the use of this term in the Federal requirements throughout 42 CFR Part 483, Subpart B, to refer to a resident’s medical records.

Subsection (a)

The Department proposes to delete subsection (a) to eliminate duplication and to avoid conflict with the Federal requirements at 42 CFR 483.10(h)(3)(ii). Under 42 CFR 483.10(h)(3)(ii), a facility must allow representatives of the Office of the State Long-Term Care Ombudsman to examine a resident’s medical, social and administrative records in accordance with State law.

Subsection (b)

The Department proposes to delete this subsection to eliminate duplication and to avoid conflict with the

Federal requirements. Under 42 CFR 483.10(h)(3), a resident has the right to secure and confidential personal and medical records, and under 42 CFR 483.10(h)(3)(i), has the right to refuse the release of personal and medical records except as provided under 42 CFR 483.70(i)(2) or other applicable Federal or State laws. Under 42 CFR 483.70(i)(2), a facility is required to keep information contained in a resident’s medical records confidential except when the records are released to the resident or resident representative, for treatment, payment or health care operations, for public health activities or as required by law.

Subsection (c)

The Department proposes to delete this subsection to eliminate conflict with the Federal requirements at 42 CFR 483.70(i)(4), which requires medical records to be retained for the period of time required by State law or for 5 years from the date of discharge when there is no State law requirement, or in the case of a minor, for 3 years after the resident reaches legal age under State law.

Subsection (d)

The Department proposes one minor amendment in this subsection. The Department proposes to replace the word “clinical” with “medical” for consistency in terminology.

Subsection (e)

The Department proposes to replace the word “clinical” with the word “medical” before the word “records” for consistency in the use of the term “medical records.” In the second sentence, the Department proposes to add the word “resident” before medical records for clarity. The Department also proposes to replace the phrase, “notify the Department of how the records may be obtained” with “provide to the Department, within 30 days of providing notice of closure under § 201.23 (relating to closure of facility), a plan for the storage and retrieval of medical records.” When a facility closes, it is often difficult to determine where medical records have been stored as there is no longer a point of contact for the facility. Requiring a facility to have a plan for storage and retrieval and to provide the Department with that plan, will ensure that residents will be able to access their medical records after the facility closes.

Subsection (f)

The Department proposes to replace the word “clinical” with the word “medical” for consistency in the use of the term “medical record.” The Department proposes to delete the words “at a minimum, the” at the beginning of this subsection and add a cross-reference to 42 CFR 483.70(i)(5) to clarify that the items listed in this subsection are required in addition to the items in the Federal requirements. The Department also proposes to replace the language after the word “include” with a delineated list that includes the items that are presently in subsection (f). The Department proposes this amendment for clarity and ease of readability.

Subsection (g)

The Department proposes to delete this subsection to eliminate duplication and avoid conflict with the Federal requirements. Under 42 CFR 483.70(i)(1), a facility must maintain medical records in accordance with accepted professional standards and practices. Medical records must contain sufficient information to identify the resident, a record of the resident’s assessments, a comprehensive plan of care and services provided, the results of any preadmission screening and resident review evaluations

and determinations conducted by the State, progress notes from physicians, nurses and other licensed professionals, and laboratory, radiology and other diagnostic services reports.

Subsection (h)

The Department proposes to delete this subsection to eliminate duplication and avoid conflict with the Federal requirements. Under 42 CFR 483.70(i)(5)(v), a resident's medical record must contain progress notes from physicians, nurses and other licensed professionals.

Subsection (i)

The Department proposes to replace the word "clinical" with the word "medical" for consistency in the use of the term "medical record." The Department also proposes one minor grammatical change by replacing the comma following the word "utilized" with a semi-colon.

§ 211.6. *Dietary services*

Subsection (a)

The Department proposes to add language to this subsection to require that menus not only be planned but also posted in the facility or distributed to residents at least 2 weeks in advance. This requirement goes above and beyond the Federal requirements for facilities under 42 CFR 483.60 (relating to food and nutrition services). The Department proposes this requirement as part of its efforts to promote more resident-centered environments in long-term care nursing facilities. Requiring that menus be posted or distributed to residents contributes to a more resident-centered environment by allowing residents and their visitors to view and plan meals in advance.

Subsection (b)

The Department proposes to delete this subsection to eliminate duplication and avoid conflict with the Federal requirements. Under 42 CFR 483.60, a facility must provide each resident with a nourishing, palatable, well-balanced diet that meets the resident's daily nutritional and special dietary needs, taking into consideration the resident's preferences. Facilities should utilize the emergency plan developed under 42 CFR 483.73 to determine how much food is needed in the event of an emergency. Each facility's needs will be different in terms of facility size and the amount of time they need to shelter in place. Requiring a facility to have food on hand for a specific number of days could result in a cost and waste to the facility. Instead, facilities should utilize the emergency plan developed under 42 CFR 483.73 to determine how much food is needed in the event of an emergency.

Subsection (c)

The Department proposes to delete this subsection to eliminate duplication and avoid conflict with the Federal requirements. Under 42 CFR 483.60(a)(1), a facility is required to employ sufficient staff with the appropriate competencies and skills necessary to carry out the functions of the food and nutrition service, taking into account resident assessments, individual plans of care, and the number, acuity and diagnoses of the resident population in accordance with the facility assessment. In addition to providing sufficient support personnel to safely carry out the functions of the food and nutrition service, a facility must employ a qualified dietitian or other clinically qualified nutrition professional on either a full-time, part-time or on a consultant basis. This individual must meet the requirements of 42 CFR 483.60(a)(1)(i)–(iv). If a qualified dietician or other clinically qualified nutrition professional is not employed full-time, the facility must

designate a director of food and nutrition services, who meets the requirements set forth in 42 CFR 483.60(a)(2)(i)–(iii).

Subsection (d)

The Department proposes to delete this subsection to eliminate duplication and avoid conflict with the Federal requirements. A facility must employ sufficient dietary staff that meet the requirements in 42 CFR 483.60(a) to carry out the functions of the food and nutrition service, as described in 42 CFR 483.60.

Subsection (e)

The Department proposes to delete this subsection to eliminate duplication and avoid conflict with the Federal requirements. Under 42 CFR 483.60(b), a member of the food and nutrition services staff must participate on the interdisciplinary team as required by 42 CFR 483.21(b)(2)(ii). The Federal requirements are also quite extensive regarding the requirements for menus and food and nutrition for residents. Menu requirements are addressed in 42 CFR 483.60(c), food and drink requirements are addressed in 42 CFR 483.60(d), therapeutic diets are addressed in 42 CFR 483.60(e), meal frequency requirements are addressed in 42 CFR 483.60(f), and equipment and utensils are addressed in 42 CFR 483.60(g).

Subsection (f)

The Department proposes only minor amendments to this subsection. Specifically, the Department proposes to replace "an employe" with "employees" and "employes" with "employees." The Department proposes these two amendments for grammatical reasons and for consistency in the usage and spelling of the term "employees."

§ 211.7. *Physician assistants and certified registered nurse practitioners*

The Department proposes to delete subsections (a), (b)(1), (c), (d) and (e) to eliminate duplication and avoid conflict with the Federal requirements and State scope of practice standards. Under 42 CFR 483.30, each resident must remain under the care of a physician. The circumstances under which a physician may delegate tasks to a physician assistant, nurse practitioner or clinical nurse specialist are delineated in 42 CFR 483.30(e) and (f), and includes the requirement that the physician assistant, nurse practitioner or clinical nurse specialist be acting within the scope of their practice as defined by State law. The scope of practice for physician assistants, including supervision by a physician, is set forth in statute in section 13 of the Medical Practice Act of 1985 and in regulation at 49 Pa. Code Chapter 18, Subchapter D. The scope of practice for certified registered nurse practitioners is set forth in statute in section 8.2 of the Professional Nursing Law and in regulation at 49 Pa. Code Chapter 21, Subchapter C. The scope of practice for clinical nurse specialists is set forth in statute in section 8.6 of the Professional Nursing Law and in regulation at 49 Pa. Code Chapter 21, Subchapter H.

The Department proposes to retain the requirements in subsection (b)(2) through (4) as the Federal requirements do not cover posting and notification requirements for supervising physicians. The Department proposes one minor amendment to subsection (b)(2). The Department proposes to replace the term "nursing station" with the term "workstation." As noted in the Department's other proposed long-term care nursing regulatory packages, the long-term care nursing industry has begun to shift away from the use of the term "nurses' station" in favor of terms such as "workstations" that focus more on person centered care.

§ 211.8. *Use of restraints*

Subsection (a)

The Department proposes to delete this subsection to eliminate duplication and avoid conflict with the Federal requirements. Under 42 CFR 483.10(e)(1), a resident has the right to be free from any physical or chemical restraints imposed for the purposes of discipline or convenience and not required to treat the resident's medical symptoms. A facility, under 42 CFR 483.12(a)(2) (relating to freedom from abuse, neglect, and exploitation), is required to ensure that residents are free from physical or chemical restraints imposed for discipline or convenience and that are not required to treat a resident's medical symptoms. When the use of restraints is indicated, the facility must use the least restrictive alternative for the least amount of time and document ongoing re-evaluation of the need for restraints.

Subsection (b)

The Department proposes to delete this subsection. As noted previously, under 42 CFR 483.12(a)(2), when restraints are used, a facility must use the least restrictive alternative for the least amount of time. In addition, any restraint to a resident that results in injury to the resident would be considered to be abuse as defined in the Federal requirements at 42 CFR 483.5 and prohibited by 42 CFR 483.12(a)(1).

Subsection (c)

The Department proposes to delete this subsection, which requires removal of restraints for a specified time period. The Department is concerned that setting forth a requirement in regulation for the removal of restraints for a specified period of time could result in a facility only complying with the minimum standard for removal, rather than considering the health and safety of the particular individual that is being restrained. The Department proposes to delete subsection (c) and replace it with new language in subsection (c.1) as follows.

Subsection (c.1)

The Department proposes this new subsection as a replacement for existing subsection (c) to require that, if restraints are used, a facility ensure that appropriate interventions are in place to safely and adequately respond to resident needs. Physical or chemical restraints are permitted by the Federal requirements, but only in limited circumstances. When used, the facility must use the least restrictive alternative for the least amount of time and document ongoing re-evaluation of the need for restraints. The Department is proposing to add the language in subsection (c.1) to clarify that a facility is required to have appropriate interventions in place, when restraints are used, to protect the health and safety of residents. Depending on the type of restraint, these interventions would include, for example, turning and repositioning residents, providing distractions while the resident is in restraints, checking the skin of the resident underneath the restraint, and supervising the resident to ensure that the resident is not harmed while in restraints.

Subsection (d)

The Department proposes to delete the words "a signed, dated, written" because orders for restraints may be either written or verbal. The Department also proposes to replace the word "physician" with the phrase "from a physician, or physician's delegatee authorized under 42 CFR 483.30(e) (relating to physician services)" for consistency in the use of terminology to describe the type of individual who may provide medical orders. The Depart-

ment proposes to delete the last two sentences of this subsection. As noted previously, physical or chemical restraints are permitted by the Federal requirements, but only in limited circumstances. When used, the facility must use the least restrictive alternative for the least amount of time and document ongoing re-evaluation of the need for restraints.

Subsection (e)

The Department proposes to add "or physician's delegatee authorized under 42 CFR 483.30(e)" after the word "physician" for consistency in the use of terminology as described previously.

Subsection (f)

The Department proposes no amendments to this subsection.

§ 211.9. *Pharmacy services*

Subsection (a)

The Department proposes to retain the requirement in paragraph (1) with minor stylistic amendments. The Department proposes to delete paragraph (2) because in practice, medications are dispensed by pharmacies to facilities, not directly to the residents. Medications are administered to residents by authorized persons to administer drugs and medication, as defined in § 201.3.

Subsection (b)

The Department proposes to amend subsection (b) by replacing "medications shall be" with "facility policies shall ensure that medications are" before "administered by authorized persons." This amendment is made to clarify that a facility is required to have policies in place to ensure that medications are administered by authorized persons to administer drugs and medications.

Subsection (c)

The Department proposes no amendments to this subsection.

Subsection (d)

The Department proposes to add the words "both prescription and non-prescription" after the word "medications" to make it clear that a written order is required for both prescription and non-prescription medications. An order is necessary for both prescription and non-prescription medications so as to maintain a resident's continuity of care. Requiring an order for both prescription and non-prescription medications will enable a facility to monitor and track all medications that a resident receives, to ensure that there are no contraindications or interactions between medications, and to help prevent accidental overdoses from residents self-administering non-prescription medications. The Department proposes to delete the word "written" before the word "orders" because orders may be written or verbal. The Department also proposes to add "or the physician's delegatee authorized under 42 CFR 483.30(e)" for consistency in the use of this term throughout the regulation, and because these individuals may also provide medication orders.

Subsection (e)

The Department proposes to delete this subsection. It is not necessary to retain this requirement given the proposed amendment to subsection (d), to require a written order for both prescription and non-prescription medications.

Subsection (f)

The Department proposes only one amendment to this subsection. In paragraph (1), the Department proposes to

replace the term “resident’s responsible person” with the term “resident representative” for consistency in the use of that term throughout the regulations.

Subsections (g) and (h)

The Department proposes to delete subsections (g) and (h) to eliminate duplication and avoid conflict with the Federal requirements. Pharmacy services requirements for facilities are located at 42 CFR 483.45 (relating to pharmacy services). Under 42 CFR 483.45(a), a facility is required to provide pharmaceutical services, including procedures that assure accurate acquiring, receiving, dispensing and administering of all medications, to meet the needs of each resident. The Federal requirements further require that a facility employ a pharmacist and outline the responsibilities of the pharmacist, which include providing consultation on all aspects of the provision of pharmacy services. The pharmacist is to conduct a review of the medication regimen for each resident at least once a month and must report any irregularities to the attending physician, the medical director and the director of nursing. Other requirements in 42 CFR 483.45 address unnecessary medications, psychotropic medications, labeling and storage.

Subsections (i) and (j)

The Department proposes to delete subsections (i) and (j) and add subsection (j.1), pertaining to the disposition of medications, as described as follows.

Subsection (j.1)

The Federal requirements for pharmacy services do not directly address the disposition of medications. The Department, therefore, proposes to add subsection (j.1) to require a long-term care nursing facility to have written policies and procedures for the disposition of medications. The Department also proposes to require that a facility’s policies and procedures address: (1) timely identification and removal of medications for disposition; (2) identification of storage methods for medications awaiting final disposition; (3) control and accountability of medications awaiting final disposition consistent with standards of practice; (4) documentation of actual disposition of medications to include the name of the individual disposing of the medication, the name of the resident, the name of the medication, the strength of the medication, the prescription number if applicable, the quantity of medication and the date of disposition; and (5) a method of disposition to prevent diversion or accidental exposure consistent with applicable Federal and State requirements, local ordinances and standards of practice. These requirements align with Federal guidance found in section F755 of *Appendix PP*. Commentators, and IRRC, requested in prior proposed rulemakings that the Department expressly add into regulation any guidance that it wishes to adopt from *Appendix PP*. The Department proposes to expressly add the previous guidance from *Appendix PP* into regulation because it provides greater protection to residents than the Federal requirement. Proper procedures for the disposition of medications are vital for the health and safety of residents.

Subsection (k)

The Department proposes no amendments to this subsection.

Subsection (l)

The Department proposes to move the requirement that an emergency medication kit be “readily available to staff” from paragraph (4) to the first sentence in this subsection. Moving this requirement to the beginning of the subsection adds clarity to the requirement that a

facility have at least one medication kit. In paragraph (1), the Department proposes to add “security” and “inventory tracking” to the policies and procedures that a facility is required to have for the emergency medication kit. The Department proposes this addition to prevent diversion and to protect the integrity of the contents of the emergency medication kit to ensure that the medications within it are available in the event of an emergency. In paragraph (2), the Department proposes to delete the phrase “kept to a minimum and shall be” because this language is unclear and unnecessary. It is more important that the medications within the emergency kit meet the needs of the residents than to be kept at a minimum. The Department also proposes, in paragraph (2), to require that the criteria for the contents of the emergency medication kit be reviewed not less than annually. This requirement will ensure that the emergency medication kits are tailored to the needs of the facility’s current resident population. In paragraph (3), the Department proposes a grammatical change from the word “pre-scribe” to “prescribe.” The Department also proposes to correct the citation to the Pharmacy Act from (63 P.S. §§ 390.1—390.13) to (63 P.S. §§ 390-1—390-13).

The Department proposes to delete paragraph (4). As noted, the Department proposes to move the phrase “readily available to staff” to the first sentence of this subsection. The Department proposes to delete the requirement that an emergency medical kit have a breakaway lock that is replaced after each use because this requirement is outdated. When the regulations were promulgated, facilities used tackle boxes with locks for emergency medication kits. A breakaway lock was required to ensure quick access in an emergency. Due to technological advances, many emergency medication kits now can be locked electronically, with the use of a code. Thus, the requirement for a breakaway lock is no longer necessary. Instead, the Department proposes to require, in paragraph (1), that the facility have policies and procedures that address the security of the emergency medication kits. In this way, the facility will have discretion to determine the best way to secure the medication.

§ 211.10. Resident care policies

Subsection (a)

The Department proposes to delete the last sentence in this subsection to eliminate duplication and to avoid conflict with the Federal requirements. A facility is required to establish and implement an admissions policy under 42 CFR 483.15(a). Transfers and discharges are covered in 42 CFR 483.15(c). Admission, transfer and discharge planning are also part of the resident’s comprehensive care plan and are covered in 42 CFR 483.21(b) and (c). The Department proposes to retain the first sentence in subsection (a) because even though the Federal requirements address what is required for resident care planning, the requirements do not require a facility to have resident care policies, and the Department considers resident care policies to be an integral part of resident care planning.

Subsections (b) through (d)

The Department proposes no amendments to subsections (b) through (d).

§ 211.11. Resident care plan

The Department proposes to delete this section to eliminate duplication and to avoid conflict with the Federal requirements. Under 42 CFR 483.21(b), a facility is required to develop and implement a comprehensive person-centered care plan for each resident. This care

plan is prepared by an interdisciplinary care team, that includes the attending physician, an RN and nurse aide with responsibility for the resident, a member of the food and nutrition services staff, the resident and resident representative and others who are involved in the resident's care. Nursing services personnel are responsible, under 42 CFR 483.35(a)(4) (relating to nursing services), for assessing, evaluating, planning and implementing resident care plans.

§ 211.12. *Nursing services*

Subsection (a)

The Department proposes to delete this subsection to eliminate duplication and to avoid conflict with the Federal requirements. Under 42 CFR 483.35(a)(1), a facility is required to provide services by sufficient numbers of personnel on a 24-hour basis to provide nursing care to all residents in accordance with resident care plans.

Subsection (b)

The Department proposes to delete this subsection to eliminate duplication and to avoid conflict with the Federal requirements. Under 42 CFR 483.35(b)(2), except when waived, a facility is required to designate an RN to serve as the director of nursing on a full-time basis.

Subsection (c)

The Department proposes only one amendment to this subsection. The Department proposes to replace the word "staff" with the word "personnel" for consistency in the use of the term "nursing services personnel" throughout the regulations.

Subsection (d)

The Department proposes only one amendment to this subsection. The Department proposes to add the word "services" between the words "nursing" and "personnel" for consistency in the use of the term "nursing services personnel" throughout the regulations.

Subsection (e)

The Department proposes to delete this subsection to eliminate duplication and to avoid conflict with the Federal requirements. Charge nurses are responsible for overseeing nursing activities within the facility. Under 42 CFR 483.35(a)(2), unless waived, a facility is required to designate a licensed nurse to serve as a charge nurse on each tour of duty.

Subsection (f)

The Department proposes to delete this subsection. The Department proposes new minimum staffing ratios, to replace the requirements in paragraph (1). These new staffing ratios are outlined in proposed subsection (f.1). The new proposed staffing ratios also render paragraph (2) obsolete, as the Department's proposal does not contemplate an LPN being responsible for overseeing total nursing activities within a facility on the night tour of duty. The Department is proposing to require one RN instead of an LPN during the night shift because there should always be an RN on duty to provide care to residents. Residents do not stop needing the higher level of care provided by an RN during the night. An LPN does not have the same level of education or training as an RN, and the scope of practice for an RN is more extensive than an LPN. For example, an LPN cannot complete an assessment of a resident. If someone were to fall in the middle of the night shift, an RN would have to be called in or the resident would have to wait until the next shift for an assessment to be performed. Requiring an RN at all times ensures resident safety.

Subsection (f.1)

This subsection is proposed to be added. The Department proposes to move the requirements in subsections (g) to proposed paragraph (3), subsection (h) to proposed paragraph (2), and subsection (j) to new proposed paragraph (1) to this subsection for clarity and ease of readability. The Department proposes in paragraph (4) to require a minimum of 1 nurse aide per 10 residents during the day, 1 nurse aide per 10 residents during the evening and 1 nurse aide per 15 residents overnight. This requirement is being proposed to clarify the expected distribution of nurse aides over the course of three shifts, to ensure that the same level of nurse aide coverage is provided to residents during the day and evening, and to ensure that adequate staffing is being provided throughout the course of a 24-hour period. Adding this requirement will also improve the ability of residents and their families to determine whether the regulations are being followed.

The Department proposes in paragraph (5) to require a facility to provide a minimum of 2 RNs and 1 LPN during the day, 1 RN and 1 LPN during the evening and 1 RN overnight, per 60 residents. The Department proposes to add a chart with a breakdown for facilities with 1 to 540 residents to assist facilities in determining the actual number of RNs and LPNs required under paragraph (1). The Department proposes to add clarifying language for facilities with more than 540 residents to make it clear that those facilities will need to calculate and provide additional RNs and LPNs in accordance with the ratios established by this subsection.

The Federal requirements do not specify a minimum number of direct care hours to be provided to residents, nor do the requirements specify a minimum number or type of nursing services personnel for resident care. CMS, however, in a 2001 study, found that a minimum of 4.1 hours of direct care per resident day would improve the quality of care provided to a resident, and that anything below that amount "could result in harm and jeopardy to residents." Medicare and Medicaid Programs; Reform of Requirements for Long-Term Care Facilities, 80 FR 42167, 42202 (July 16, 2015). In the Department's first proposed rulemaking published at 51 Pa.B. 4074 (July 31, 2021), the Department proposed, in subsection (i) to require a minimum of 4.1 direct care hours to align with the CMS study. In the 2001 study, CMS identified a pattern of incremental benefits in increased staffing until a threshold was reached, where no significant quality improvements were observed. This threshold occurred when 2.8 hours of care per resident day were provided by nurse aides, .75 hours of care per resident day were provided by RNs and .55 hours of care per resident day were provided by other licensed staff, that is, LPNs. Feuerberg, Marvin. CMS. (December 2001). Appropriateness of Minimum Nurse Staffing Ratios in Nursing Homes. Overview of the Phase II Report: Background, Study Approach, Findings, and Conclusions. Retrieved from: https://www.justice.gov/sites/default/files/elderjustice/legacy/2015/07/12/Appropriateness_of_Minimum_Nurse_Staffing_Ratios_in_Nursing_Homes.pdf.

The Department considered the breakdown of RNs, LPNs and nurse aides recommended by CMS, but ultimately determined that a somewhat lower breakdown is more feasible in this Commonwealth, given the funding concerns shared by facilities in response to the Department's first proposed rulemaking as well as the ongoing nurse staffing challenges and shortages in this Commonwealth and Nationally. The Department, therefore, is proposing to require fewer RNs and LPNs than those recommended by CMS, but to require more nurse aides,

proportionally, to achieve the 4.1 hours of direct care per resident per day proposed in § 211.12(i) of the Department's first proposed rulemaking.

Based on the experience and expertise of Department staff with first-hand knowledge of the administration of long-term care nursing facilities, the Department determined that the lowest acceptable level of nursing services personnel would be 2 RNs and 1 LPN per 60 residents during the day shift, 1 RN and 1 LPN per 60 residents during the evening shift, and 1 RN per 60 residents during the night shift, so that there is always an RN on duty. Therefore, per resident day, a minimum of 4 RNs and a minimum of 2 LPNs would be required per 60 residents, with nurse aides making up the remaining number of staff needed to meet the minimum 4.1 hours of direct care required by proposed § 211.12(i). By contrast, at the staffing levels recommended in the CMS study, a minimum of 6 RNs and 4 LPNs would be required per day, per 60 residents, with nurse aides making up the remaining number of nursing services personnel needed to meet the minimum 4.1 hours of direct care.¹

It is important to note that, despite being somewhat lower than what was recommended by CMS, the nursing staff ratios proposed by the Department represent a significant increase from current minimum requirements, which the Department believes will result in improvements in resident care and reduced professional nurse staff workloads. Lower staffing levels have been associated with high turnover rates and burnout among professional nurse staff, which leads to a greater risk of resident safety errors, reduction in quality measures and adverse outcomes overall, ultimately increasing health care costs. This in turn leads to poor outcomes for residents. Kolonoski, Ann. (2021). "A Call to the CMS: Mandate Adequate Professional Nurse Staffing in Nursing Homes." 121 *The American Journal of Nursing* 3.; Harrington, Charlene. (2016). "The Need for Higher Minimum Staffing Standards in U.S. Nursing Homes." 9 *Health Services Insights* 13. Benefits of higher staffing ratios to residents include improved activity levels, lower mortality rates, fewer infections, less antibiotic use, fewer pressure ulcers and fewer catheterized residents, improved eating patterns and pain levels, and improved mental health. Shin, Juh Hyun and Bae, Sung-Heui. (2012). "Nurse Staffing, Quality of Care, and Quality of Life in U.S. Nursing Homes, 1996—2011." 38 *Journal of Gerontological Nursing* 46. Requiring a proportionally higher rate of nurse aides, as proposed by the Department, will also ensure adequate time is devoted to attending residents' basic needs, as nurse aides are often the ones responsible for basic care, which includes assisting residents with toileting and dressing and psychosocial needs.

In addition, the Department is proposing higher staffing ratios for RNs and LPNs during the day because residents are generally awake during the day, the majority of interactions with physicians, pharmacies and other healthcare professionals typically occur during the day, the majority of admissions and discharges take place during the day, most treatments and medications are administered during the day, residents receive visitors during the day and care planning typically occurs during the day. The Department is proposing a slightly lower ratio of nursing services personnel in the evening. Many of the activities listed previously take place during the

evening, but to a lesser extent. The Department is proposing to require one RN instead of an LPN during the night shift because there should always be an RN on duty to provide care to residents. Residents do not stop needing the higher level of care provided by an RN during the night. An LPN does not have the same level of education or training as an RN, and the scope of practice for an RN is more extensive than an LPN. For example, an LPN cannot complete an assessment of a resident. If someone were to fall in the middle of the night shift, an RN would have to be called in or the resident would have to wait until the next shift for an assessment to be performed. Requiring an RN at all times ensures resident safety.

Subsection (f.2)

The Department proposes in this subsection to add language that will prohibit a facility from substituting a nurse aide for an LPN or RN and substituting an LPN for an RN to meet the minimum nursing staff ratio. However, a facility may substitute an RN for a nurse aide or an LPN to meet the ratio. Nurse aides are not able to perform the work of an LPN or RN based on their education and training. Likewise, LPNs are not able to perform the work of an RN based on their education and training. However, LPNs and RNs can perform the work of a nurse aide and could be substituted for a nurse aide. Likewise, an RN can perform all of the work of an LPN based on their education and training, and thus, could be used as a substitute where an LPN is required to meet the minimum nursing staff ratio.

Subsection (g)

As noted previously, the Department proposes to delete this subsection and to move the requirements of this subsection to proposed subsection (f.1).

Subsection (h)

As noted previously, the Department proposes to delete this subsection and to move the requirements of this subsection to proposed subsection (f.1).

Subsection (i)

Proposed amendments to subsection (i) were discussed and explained in the Department's first proposed rulemaking, which was published at 51 Pa.B. 4074. The Department is presently reviewing and considering public comments that were submitted in response to that proposed rulemaking to determine if further amendments are needed in the final-form rulemaking.

Subsection (i.1)

This subsection is proposed to be added. The Department proposes to add a requirement that only direct resident care provided by nursing service personnel be counted towards the total number of hours of general nursing care required under subsection (i). Under this requirement, only direct care provided to residents by RNs, LPNs and nurse aides would count toward the 4.1 number of direct care hours that were proposed by the Department in subsection (i) in its first proposed rulemaking. Section (i.1) goes above and beyond the Federal requirements for direct care staffing, as the Federal requirements contemplate that direct care may be provided by additional individuals, including therapists. See 42 CFR 483.70(q)(2)(i). Direct care refers to assisting a resident, through interpersonal contact, with care and services that allow the resident to attain or maintain the highest practicable physical, mental and psychosocial well-being. 42 CFR 483.70(q)(1). Direct care typically involves assisting residents with tasks such as grooming and dressing themselves, exercise, eating, changing soiled

¹ The Department reached this conclusion by multiplying the minimum proposed hours per resident day by 60 residents and dividing by 8 to represent 8-hour shifts. For example, for RNs, the Department multiplied .75 hours per resident day times 60 and divided by 8, to determine that the CMS staffing equivalent would be 6 RNs per resident day.

clothing, repositioning and providing toileting assistance. RNs, LPNs and nurse aides are better positioned to provide this type of resident care based on their training and experience, than other types of professionals, such as physical therapists, who are primarily focused on providing residents with specialized care.

Subsection (j)

As noted previously, the Department proposes to delete this subsection and to move the requirements of this subsection to proposed subsection (f.1).

Subsection (k)

The Department proposes to delete this subsection to eliminate duplication and to avoid conflict with the Federal requirements. Under 42 CFR 483.35(g), a facility is required to post, on a daily basis and at the beginning of each shift, the total number and actual hours worked by RNs, LPNs and certified nurse aides.

Subsection (l)

The Department proposes to delete this subsection. The Department proposed, in its first proposed rulemaking, to add language to subsection (i) requiring a facility to have, during each shift in each 24-hour period, a sufficient number of nursing staff with the appropriate competencies and skill sets to provide nursing care and related services to assure resident safety and to attain or maintain the highest practicable physical, mental and psychosocial well-being of each resident. It is therefore not necessary to retain the language in subsection (l).

§ 211.15. *Dental services*

The Department proposes to delete this section to eliminate duplication and to avoid conflict with the Federal requirements. Under 42 CFR 483.55 (relating to dental services), a facility is required to provide or obtain from an outside resource routine and emergency dental services. A facility is required to assist residents in making dental appointments and arranging transportation to and from dental services locations. A facility is also required to have a policy to identify the circumstances in which the loss or damage of dentures is the facility's responsibility and to provide a referral for dental services for residents with lost or damaged dentures, within 3 days.

§ 211.16. *Social services*

Subsection (a)

The Department proposes to delete the first sentence of this subsection and to replace the phrase "facilities with a resident census of more than 120 residents" with "a facility." The effect of this proposed amendment will be to require that all facilities have a full-time qualified social worker, regardless of size. This exceeds the Federal requirements at 42 CFR 483.70(p) which only require a full-time qualified social worker for facilities with more than 120 beds. The Department, under section 803 of the act, has the authority to promulgate rules and regulations necessary to carry out the purposes and provisions of the act. One of the stated purposes of the act is to assure that citizens receive humane, courteous and dignified treatment. See 35 P.S. § 448.102. The Department believes strongly that all facilities need to have a full-time social worker on staff regardless of the size of the facility. Social workers have specialized education and training and are well-suited to assist residents and their families with all aspects of their stay in a long-term care nursing facility, including the social, emotional, financial, and psychological aspects, and preparing residents and their families for life post-discharge. In addition, over time, the condition of

residents seeking care in the long-term care nursing environment has changed, and there has been an increase in the number of residents presenting with a wide range of psychosocial or behavioral issues. For example, facilities may have younger residents with mental health conditions, veterans with post-traumatic stress disorder or older residents with dementia. These residents require engaged social workers to assist with their care planning and to provide psychosocial support.

Subsection (b)

The Department proposes to delete this subsection in light of the proposed changes to subsection (a) as described previously, which will require all facilities to have a full-time qualified social worker, regardless of size.

§ 211.17. *Pet therapy*

The Department proposes to rephrase this section to require a facility to have written policies and procedures that incorporate the requirements that already exist in this section, with amendments, if pet therapy is utilized. The Department proposes grammatical changes to paragraphs (2)—(4) and (6) for ease of readability. In paragraphs (4) and (6), the Department proposes to amend the word "pets" to "animals" for consistency in the use of terms throughout this section. The Department proposes to delete paragraph (5) and replace it with proposed paragraph (5.1) to address the health of animals and the health and safety of residents by requiring that a facility have policies and procedures in place to ensure that animals are up to date on vaccinations, are in good health and do not pose a risk to the health and safety of residents. In paragraph (6), the Department proposes to add the words "or visit" to clarify that a facility shall have policies and procedures in place to ensure that animals and places where they visit, as well as where they reside, are kept clean and sanitary. Paragraph (7) is proposed to be added and will require a facility to have in place policies and procedures to ensure that infection prevention and control measures, such as hand hygiene, are followed by residents and personnel when handling animals, to reduce the risk of illness or infection that can sometimes occur when handling animals.

Fiscal Impact and Paperwork Requirements

Fiscal Impact

Commonwealth—Department

The Department's surveyors perform the function of surveying and inspecting long-term care nursing facilities for compliance with both Federal and State regulations. The proposed elimination of sections, as described previously, that are duplicative of the Federal requirements will streamline the survey process for long-term care nursing facilities. This, in turn, will create consistency and eliminate confusion in the application of standards that apply to long-term care nursing facilities.

Commonwealth—DHS

Cost to meet proposed nursing staff ratio

The Department consulted with DHS to determine the effect of the proposed increase in § 211.12(f.1)(5) to the 20 county-owned facilities and the 594 privately-owned facilities, that are not operated by the DMVA, and to determine the effect on the MA program. The proposed increase in RNs and LPNs, as proposed by the Department in § 211.12(f.1)(5), will require the 20 county-owned facilities that participate in MA to employ an additional estimated 184 Full Time Equivalent (FTE) RNs but no LPNs. The average cost for an RN is projected to average \$127,072, which is an increase of 28% from the average

current cost report data provided by county owned facilities. This estimate for the increased cost includes wages and benefits and is based on the 75th percentile of Bureau of Labor Statistics (BLS) wage data reported for these professions across all industries in this Commonwealth. The wages were increased to reflect the most recent benefit cost percentage (28%) and trended for inflation to 2023 (5%). The 75th percentile wage was used as a proxy for expected wages in 2023 with consideration of increased demand from the 4.1-hour requirement along with trends in the labor market for RNs, LPNs and nurse aides and unchecked pressures on agency use and pricing. The total cost to county-owned facilities that participate in MA to add 184 RNs at the increased salary assumption is estimated to be \$23,381,248. The affected county-owned facilities will also need to hire an estimated 539 FTE nurse aides in addition to the 184 RNs to meet the Department's proposal in the first rulemaking to require, in § 211.12(i), 4.1 direct resident care hours per resident per day. The average cost for a nurse aide, including wages and benefits, is projected to increase to \$56,477 which is an increase of 23%, from the average salary paid as reported by facilities in the current cost report data reported to DHS. The cost to hire an additional 539 FTE nurse aides is projected to be \$30,441,103. The total cost to meet the requirements of § 211.12(f.1)(5) and (i) therefore will be \$53,822,351. According to data obtained from DHS, approximately 84.51% or \$45,485,269 of this cost will be covered by the MA program. The Federal MA Program rate, estimated to be 52%, will apply to MA payments made to fund these costs, for an estimated Federal match of \$23,652,340 and a State general fund investment of \$21,832,929.

The proposed increase in RNs and LPNs, as proposed by the Department in § 211.12(f.1)(5), is projected to require the 594 privately-owned facilities that participate in MA to employ an additional 2,374 FTE RNs and 26 FTE LPNs. The average cost for an RN is projected at \$127,072, which is an increase of 28% from the average current cost report data for privately owned facilities that participate in MA. The average cost for an LPN is projected at \$67,395 which is an increase of 4% from the average current cost report data. This estimate of increased costs includes wages and benefits determined using the assumptions and data described in the county facility cost explanation. The total cost to facilities to add an estimated 2,374 FTE RNs is estimated to be \$301,540,749. The total cost to facilities to add 26 FTE LPNs is estimated to be \$1,752,277. The affected privately-owned facilities will also need to hire an estimated 5,988 FTE nurse aides in addition to the estimated 2,374 FTE RNs and estimated 26 FTE LPNs to meet the Department's proposal in the first rulemaking to require, in § 211.12(i), 4.1 direct resident care hours per resident per day. The average nurse aide salary is projected at \$56,477 which is a 23% increase from the average current cost report data. The total estimated cost to add 5,988 FTE NAs is \$338,128,429. The total increased cost to meet the requirements of § 211.12(f.1)(5) and (i) therefore will be \$641,421,455. According to data obtained from DHS, approximately 75.82%, or \$486,325,747, of this cost will be covered by the MA program. Applying the Federal share of approximately 52% to the total costs results in an estimated Federal match of \$252,889,388 and a State general fund investment of \$233,436,359.

The Department's proposal in § 211.12(f.1)(4) to require 1 nurse aide per 10 residents during the day, 1 nurse aide per 10 residents during the evening and 1 nurse aide per 15 residents overnight will not result in any costs beyond those already delineated previously.

Cost of proposal to add qualified social worker

The Department estimates that the annual cost to employ one full-time social worker in the private sector, in the first year, will be approximately \$73,216 on average, including wages and benefits. Assuming that the data provided to the Department in the 2019-2020 annual report remains unchanged, the Department estimates that the total cost to the 70 privately-owned MA facilities, with 120 beds or less, that do not employ either a full-time or part-time social worker, will be approximately \$5,125,120 in the first year. According to data obtained from DHS, approximately 73%, or \$3,741,338, of this cost will be covered by the MA program. Applying the Federal share of approximately 52% to the total costs results in an estimated Federal match of \$1,945,496 and a State general fund investment of \$1,795,842. The Department estimates a 5% increase in wages and benefits for each year thereafter.

The Department estimates that it will cost facilities with 120 beds or less \$36,608 each to staff up from a part-time social worker to a full-time social worker. This assumes that the part-time social workers, currently employed, are earning half the salary of a full-time social worker. The total cost to the ten MA facilities is estimated to be \$329,472. According to data obtained from DHS, approximately 73%, or \$240,515, of the cost to the ten MA facilities will be covered by the MA program. Applying the Federal share of approximately 52% to the total costs results in an estimated Federal match of \$125,068 and a State general fund investment of \$115,447. The Department estimates a 5% increase in wages and benefits for each year thereafter.

Commonwealth—DMVA

Cost to meet proposed nursing staff ratio

The DMVA operates six veterans' homes across the State with the capacity to serve 1,526 total residents and employs more than 2,000 clinical and professional staff. The proposed increase in RNs and LPNs, as proposed by the Department in § 211.12(f.1)(5) will require the DMVA to employ an additional 166 RNs and 83 LPNs. The average cost to the DMVA for an RN is \$136,031.24 and for an LPN is \$103,720.67. This estimate includes wages and benefits. The total cost to the DMVA to add 166 RNs will be \$22,581,185.84 and to add 83 LPNs will be \$8,608,815.61, for a total cost of \$31,189,918.45. The DMVA will need to hire an additional 43 nurse aides in addition to the 166 RNs and 83 LPNs to meet the Department's proposal in the first proposed rulemaking to require, in § 211.12(i), 4.1 direct care resident hours, per day. The average cost to the DMVA for a nurse aide, including wages and benefits, is \$75,871.34 for a total cost of \$3,262,467.62. The total cost to the DMVA under the proposed amendments to meet the requirements of § 211.12(f.1)(5) and (i) will be \$34,452,469.07. Based on the number of eligible MA residents, about 35% of the total cost, an estimated \$12 million, will be covered by the MA program; therefore, the Federal MA Program rate, estimated to be 52%, will apply to these costs, for an estimated \$6.2 million. Applying the Federal share of approximately 52% to the total costs of approximately \$34 million needed to staff up to the 4.1 ratio results in an estimated increase of approximately \$28 million in State funding (\$5.8 million State funds for the MA program and \$22.2 million DMVA share non-MA eligible residents).

Cost of proposal to add qualified social worker

The DMVA operates six veterans' homes across the State with the capacity to serve 1,526 total residents and

employs more than 2,000 clinical and professional staff. Six veterans' homes currently employ a licensed social worker on a full-time basis. Thus, the DMVA would not be impacted by the Department's proposal in § 211.16 (relating to social services) to require that a facility employ a qualified social worker on a full-time basis.

Regulated community

Cost of proposal to adopt Federal requirements

The Department anticipates little to no financial impact on the 689 licensed long-term care nursing facilities as a result of the proposed elimination of sections that are duplicative of the Federal requirements. All but 3 of the 689 long-term care nursing facilities participate in either Medicare or MA and thus, are required to comply with existing Federal requirements. The three long-term care nursing facilities that do not participate in Medicare or MA may be impacted if they do not already meet the minimum standards within the Federal requirements. However, any financial impact to the three facilities that do not participate in Medicare or MA is outweighed by the need for consistency in the application of standards to all long-term care nursing facilities, regardless of whether the facilities participate in Medicare or MA.

Cost to meet proposed nursing staff ratio

The Department consulted with the DMVA to determine the impact of the proposed increase to the nursing staff ratio in § 211.12(f.1)(5) as well as the proposed increase in the number of direct care nursing hours to 4.1 as proposed in the Department's first proposed rulemaking. The proposed increase in RNs and LPNs, as proposed by the Department in § 211.12(f.1)(5) will require the DMVA to employ an additional 166 RNs and 83 LPNs. The average cost to the DMVA for an RN is \$136,031.24 and for an LPN is \$103,720.67. This estimate includes wages and benefits. The total cost to the DMVA to add 166 RNs will be \$22,581,185.84 and to add 83 LPNs will be \$8,608,815.61, for a total cost of \$31,189,918.45. The DMVA will need to hire an additional 43 nurse aides in addition to the 166 RNs and 83 LPNs to meet the Department's proposal in the first proposed rulemaking to require, in § 211.12(i), 4.1 direct care resident hours, per day. The average cost to the DMVA for a nurse aide, including wages and benefits, is \$75,871.34 for a total cost of \$3,262,467.62. The total cost to the DMVA under the proposed amendments to meet the requirements of § 211.12(f.1)(5) and (i) will be \$34,452,469.07. Based on the number of eligible MA residents, about 35% of the total cost, an estimated \$12 million, will be covered by the MA program; therefore, the Federal MA Program rate, estimated to be 52%, will apply to these costs for an estimated \$6.2 million. Applying the Federal share of approximately \$6.2 million to the total costs of approximately \$34 million needed to staff up to the 4.1 ratio results in an estimated increase of approximately \$28 million in State funding (\$5.8 million State fund for the MA program and \$22.2 million DMVA share non-MA eligible residents).

The Department consulted with DHS to determine the impact of the proposed increase in § 211.12(f.1)(5) to the 20 county-owned facilities and the 594 privately-owned facilities, that are not operated by the DMVA. The proposed increase in RNs and LPNs, as proposed by the Department in § 211.12(f.1)(5), will require the 20 county-owned facilities, that participate in MA, to employ an additional estimated 184 FTE RNs but no LPNs. The average cost for an RN is projected to average \$127,072, which is an increase of 28% from the average current cost report data. This estimate for the increased cost includes wages and benefits and is based on the 75th percentile of

BLS wage data reported for these professions across all industries in this Commonwealth. The wages were increased to reflect the most recent benefit cost percentage (28%) and trended for inflation to 2023 (5%). The 75th percentile wage was used as a proxy for expected wages in 2023 with increased demand from the 4.1-hour requirement along with trends in the labor market for RNs, LPNs and nurse aides and unchecked pressures on agency use and pricing. The total cost to county-owned facilities that participate in MA, to add 184 RNs at the increased salary assumption is estimated to be \$23,381,248. The affected county-owned facilities will also need to hire an estimated 539 FTE nurse aides in addition to the 184 RNs to meet the Department's proposal in the first rulemaking to require, in § 211.12(i), 4.1 direct resident care hours, per day. The average cost for a nurse aide, including wages and benefits, is projected to increase to \$56,477, which is an increase of 23%, from the average salary paid as reported by facilities in the current cost report data reported to DHS. The cost to hire an additional 539 FTE nurse aides is projected to be \$30,441,103. The total cost to meet the requirements of § 211.12(f.1)(5) and (i) therefore will be \$53,822,351. According to data obtained from DHS, approximately 84.51%, or \$45,485,269, of this cost will be covered by the MA program. The Federal MA Program rate, estimated to be 52%, will apply to MA payments made to fund these costs, for an estimated Federal match of \$23,652,340 and a State general fund investment of \$21,832,929.

The proposed increase in RNs and LPNs, as proposed by the Department in § 211.12(f.1)(5), is projected to require the 594 privately-owned facilities that participate in MA to employ an additional 2,374 FTE RNs and 26 FTE LPNs. The average cost for an RN is projected at \$127,072, which is an increase of 28% from the average current cost report data for privately owned facilities that participate in MA. The average cost for an LPN is projected at \$67,395, which is an increase of 4% from the average current cost report data. This estimate of increased costs includes wages and benefits determined using the assumptions and data described in the county facility cost explanation. The total cost to facilities to add an estimated 2,374 FTE RNs is estimated to be \$301,540,749. The total cost to facilities to add 26 FTE LPNs is estimated to be \$1,752,277. The affected privately-owned facilities will also need to hire an estimated 5,988 FTE nurse aides in addition to the estimated 2,374 FTE RNs and estimated 26 FTE LPNs to meet the Department's proposal in the first rulemaking to require, in § 211.12(i), 4.1 direct resident care hours, per day. The average nurse aide salary is projected at \$56,477, which is a 23% increase from the average current cost report data. The total estimated cost to add 5,988 FTE NAs is \$338,128,429. The total increased cost to meet the requirements of § 211.12(f.1)(5) and (i) therefore will be \$641,421,455. According to data obtained from DHS, approximately 75.82%, or \$486,325,747, of this cost will be covered by the MA program. Applying the Federal share of approximately 52% to the total costs results in an estimated Federal match of \$252,889,388 and a State general fund investment of \$233,436,359.

There are 62 facilities that participate only in Medicare. The proposed increase in RNs and LPNs, as proposed by the Department in § 211.12(f.1)(5), will require these 62 facilities, to employ an additional 258 FTE RNs and 3 FTE LPNs. This estimate is based on data obtained from the Department's 2019-2020 annual report. The average projected annual cost for an RN is \$127,072 and the average projected annual cost for an LPN is \$67,395. This estimate includes wages and benefits. The total cost

to facilities to add approximately 258 FTE RNs, based on the same cost assumptions provided by DHS, will be approximately \$32,784,576. The total cost to add three FTE LPNs will be approximately \$202,186. The affected Medicare facilities will also need to hire 659 nurse aides in addition to the 258 RNs and 3 LPNs to meet the Department's proposal in the first rulemaking to require, in § 211.12(i), 4.1 direct resident care hours per resident per day. The average cost for a nurse aide, including wages and benefits, is \$56,477. The total cost to add 659 nurse aides is approximately \$37,218,412. The total cost for Medicare facilities to meet the requirements of both § 211.12(f.1)(5) and (i) therefore will be \$70,205,174. The Department is not able to assess to what extent these costs will be offset by Medicare as Medicare is a Federally managed healthcare program and the Department does not have access to data regarding payment of Medicare to facilities.

There are three private-pay facilities that do not participate in either Medicare or MA. The proposed increase in RNs and LPNs, as proposed by the Department in § 211.12(f.1)(5), will require the three privately-owned facilities to employ an additional three FTE RNs, but no LPNs. This estimate is based on data obtained from the Department's 2019-2020 annual report. The average projected annual cost for an RN is \$127,072. This estimate includes wages and benefits. The total cost to facilities to add three RNs is estimated to be \$381,216. The affected facilities will also need to hire eight nurse aides in addition to the three RNs to meet the Department's proposal in the first rulemaking to require, in § 211.12(i), 4.1 direct resident care hours, per day. The average cost for a nurse aide, including wages and benefits, is \$56,477. The total cost to meet the requirements of § 211.12(f.1)(5) and (i), therefore, will be \$833,031.

The Department's proposal in § 211.12(f.1)(4) to require 1 nurse aide per 10 residents during the day, 1 nurse aide per 10 residents during the evening and 1 nurse aide per 15 residents overnight will not result in any costs beyond those already delineated previously.

Cost of proposal to add full-time qualified social worker

Some long-term care nursing facilities will be affected by the Department's proposal, in § 211.16, to require all facilities to employ a full-time qualified social worker. Currently, a full-time social worker is only required for facilities with more than 120 beds. To estimate how many facilities will be impacted, the Department pulled data from the most recent, available annual report, for fiscal year 2019-2020. This report is available on the Department's web site. Department of Health. (2021). Nursing Home Reports. Retrieved from: <https://www.health.pa.gov/topics/HealthStatistics/HealthFacilities/NursingHomeReports/Pages/nursing-home-reports.aspx>. Data within the annual report is obtained through an annual survey of facilities. The data therefore is dependent on self-reporting from the facilities who complete the survey. Based on a review of the report, the Department estimates that the proposal in § 211.16 will impact 91 privately-owned facilities.² Out of these 91 facilities, 10 indicated that they only have a part-time social worker, and the remaining 81 reported that they do not have either a full-time or part-time social worker. Of the 81 facilities that reported they do not have either a full-time or part-time social worker, 70 participate in MA, 10

participate only in Medicare and 1 is private pay only. Of the ten facilities that have only a part-time social worker, nine participate in MA and one is private pay only.

According to this Commonwealth's Center for Workforce Information & Analysis, the median annual wage for a healthcare social worker is \$55,890. Center for Workforce Information & Analysis. (2021). Occupational Wages. Retrieved from: <https://www.workstats.dli.pa.gov/Products/Occupational%20Wages/Pages/default.aspx>. This does not include the cost of benefits. According to the United States Bureau of Labor Statistics, benefits make up approximately 31% of an employer's cost for compensation, in the private sector.

The Department estimates, based on the previous, that the annual cost to employ one full-time social worker in the private sector, in the first year, will be approximately \$73,216 on average, including wages and benefits. Assuming that the data provided to the Department in the 2019-2020 annual report remains unchanged, the Department estimates that the total cost to the 70 privately-owned MA facilities with 120 beds or less, that do not employ either a full-time or part-time social worker, will be approximately \$5,125,120 in the first year. According to data obtained from DHS, approximately 73%, or \$3,741,338, of this cost will be covered by the MA program. Applying the Federal share of approximately 52% to the total costs results in an estimated Federal match of \$1,945,496 and a State general fund investment of \$1,795,842. The total estimated cost to the ten Medicare-only facilities that do not employ either a full-time or part-time social worker is \$73,216. The total estimated cost to the one private pay facility that does not employ either a full-time or part-time social worker is \$73,216. The Department estimates a 5% increase in wages and benefits for each year thereafter.

The Department estimates that it will cost facilities with 120 beds or less \$36,608 each to staff up from a part-time social worker to a full-time social worker. This assumes that the part-time social workers, currently employed, are earning half the salary of a full-time social worker. The total cost to the nine MA facilities is estimated to be \$329,472. According to data obtained from DHS, approximately 73%, or \$240,515, of the cost to the nine MA facilities will be covered by the MA program. Applying the Federal share of approximately 52% to the total costs results in an estimated Federal match of \$125,068 and a State general fund investment of \$115,447. The total estimated cost to the one private pay facility that needs to staff up from a part-time social worker to a full-time social worker is \$36,608. The Department estimates a 5% increase in wages and benefits for each year thereafter.

The Department believes that the costs to facilities to employ a full-time social worker is strongly outweighed by the need to have a full-time social worker on staff. Social workers have specialized education and training and are well-suited to assist residents and their families with all aspects of their stay in a long-term care nursing facility, including the social, emotional, financial, and psychological aspects, and preparing residents and their families for life post-discharge. In addition, over time, the condition of residents seeking care in the long-term care nursing environment has changed, and there has been an increase in the number of residents presenting with a wide range of psychosocial or behavioral issues. These residents require engaged social workers to assist with their care planning and to provide psychosocial support.

² The DMVA indicated to the Department that the six veterans' homes that it operates will not be affected by the Department's proposal in § 211.16. In addition, out of the 20 county-owned facilities, 19 have more than 120 beds and thus, are already required to have a full-time social worker. The one county-owned facility with 120 or less beds reported having a full-time social worker in the 2019-2020 annual report. If this continues to be the case, there will be no impact to this facility.

*Local government**Cost of proposal to adopt Federal requirements*

There are currently 20 county-owned long-term care nursing facilities which account for approximately 8% (8,706 beds) of long-term care nursing beds across this Commonwealth. Allegheny County owns four of the nursing homes; the remaining homes are in the following 16 counties: Berks, Bradford, Bucks, Chester, Clinton, Crawford, Cumberland, Delaware, Erie, Indiana, Lehigh, Monroe, Northampton, Philadelphia, Warren and Westmoreland. The county-owned long-term care nursing facilities participate in either Medicare or MA. Because these facilities are already required to comply with Federal requirements, they will not incur a cost as a result of the Department's proposed elimination of sections that are duplicative of the Federal requirements.

Cost to meet proposed nursing staff ratio

The Department consulted with DHS to determine the impact of the proposed increase in § 211.12(f.1)(5) to the 20 county-owned facilities. The proposed increase in RNs and LPNs, as proposed by the Department in § 211.12(f.1)(5), will require the 20 county-owned facilities that participate in MA to employ an additional estimated 184 FTE RNs but no LPNs. The average cost for an RN is projected to average \$127,072, which is an increase of 28% from the average current cost report data. This estimate for the increased cost includes wages and benefits and is based on the 75th percentile of BLS wage data reported for these professions across all industries in this Commonwealth. The wages were increased to reflect the most recent benefit cost percentage (28%) and trended for inflation to 2023 (5%). The 75th percentile wage was used as a proxy for expected wages in 2023 with increased demand from the 4.1-hour requirement along with trends in the labor market for RNs, LPNs and nurse aides and unchecked pressures on agency use and pricing. The total cost to county-owned facilities that participate in MA, to add 184 RNs at the increased salary assumption is estimated to be \$23,381,248. The affected county-owned facilities will also need to hire an estimated 539 FTE nurse aides in addition to the 184 RNs to meet the Department's proposal in the first rulemaking to require, in § 211.12(i), 4.1 direct resident care hours, per day. The average cost for a nurse aide, including wages and benefits, is projected to increase to \$56,477 which is an increase of 23%, from the average salary paid as reported by facilities in the current cost report data reported to DHS. The cost to hire an additional 539 FTE nurse aides is projected to be \$30,441,103. The total cost to meet the requirements of § 211.12(f.1)(5) and (i) therefore will be \$53,822,351. According to data obtained from DHS, approximately 84.51% or \$45,485,269 of this cost will be covered by the MA program. The Federal MA Program rate, estimated to be 52%, will apply to MA payments made to fund these costs, for an estimated Federal match of \$23,652,340 and a State general fund investment of \$21,832,929.

Cost of proposal to add full-time qualified social worker

There will be no cost to the county-owned long-term care nursing facilities as a result of the Department's proposal in § 211.16. Currently, a full-time social worker is only required for facilities with more than 120 beds. Out of the 20 county-owned facilities, 19 have more than 120 beds and thus, are already required to have a full-time social worker. The one county-owned facility with 120 or less beds reported having a full-time social worker in the 2019-2020 annual report. If this continues to be the case, there will be no impact to this facility.

General public and residents of long-term care nursing facilities

There is expected to be no cost to the general public. More than 72,000 individuals reside in the 689 long-term care nursing facilities licensed by the Department and will be affected by the proposed regulations. These residents, and their family members, will benefit from the proposed adoption of the Federal requirements because the same standards will now apply to all long-term care nursing facilities, regardless of whether these facilities participate in Medicare or MA. It is also expected that those who currently reside in facilities, as well as those who may need long-term care nursing in the future, will benefit from improved quality of care and life due to the proposed increase in direct care hours provided by RNs, LPNs and nurse aides.

The Department is not able to determine the extent to which residents may be financially affected by the proposed regulations. Various insurance options cover the costs residents pay for long-term nursing care, including Original Medicare, Medicare Supplement Insurance (Medigap), a Medicare Advantage Plan, long-term care insurance, MA and out-of-pocket.

Most people with Medicare get their health care through Original Medicare, which is managed by the Federal government. For residents of long-term care nursing facilities, only short-term stays of up to 100 days are covered by Original Medicare. Original Medicare does not cover all services provided by a long-term care nursing facility. Original Medicare does not cover custodial care, such as assistance with getting in and out of bed, eating, bathing, dressing and using the bathroom, if that is the only kind of care that is needed. Centers for Medicare & Medicaid Services. (2019). Medicare Coverage of Skilled Nursing Facility Care. Retrieved from <https://www.medicare.gov/Pubs/pdf/10153-Medicare-Skilled-Nursing-Facility-Care.pdf>.

Original Medicare will cover long-term nursing care if the resident has Medicare Part A, has had a qualifying hospital stay of 3 consecutive days or more and enters the facility within 30 days of leaving the hospital, the resident needs inpatient services which require the skill of professional personnel, and the resident needs skilled care on a daily basis and the services can only be given in a facility. Original Medicare pays the full cost of the first 20 days of a long-term care nursing facility stay. For days 21–100, Original Medicare pays all but a daily coinsurance, which is the resident's responsibility. In 2019, the coinsurance was up to \$170.50 per day. For days beyond 100, Original Medicare pays nothing, and the resident is responsible for the full cost of covered services. Id.

Covered services and costs in a long-term care nursing facility may be different if the resident has Medigap, a Medicare Advantage Plan, MA or long-term care insurance. Covered services and costs vary under these types of plans depending on the type of plan the resident has. Id. MA is managed by the state and provides benefits for residents with limited income and resources. The costs not covered by the previous resources would result in an out-of-pocket cost to the resident. Medicare.gov. How Can I Pay for Nursing Home Care? <https://www.medicare.gov/what-medicare-covers/what-part-a-covers/how-can-i-pay-for-nursing-home-care>.

Because the circumstances of each resident are unique with respect to the types of insurance coverage they may have as well as to their length of stay and needs while in the facility, the Department is not able to estimate to what extent costs of a long-term care nursing stay, including costs for professional nursing staff, may be

offset by Original Medicare, Medigap, a Medicare Advantage Plan, MA or long-term care insurance. The Department is also not able to estimate how much a resident may pay out-of-pocket for care, based on these variables.

Paperwork Requirements

The Department's proposed amendment to § 201.19 will require a facility to maintain certain employee personnel records, as proposed in paragraphs (1) through (9). Proposed paragraphs (1) through (7) are currently in the Department's interpretive guidelines for § 201.19. Facilities, therefore, are already maintaining this information. Proposed paragraph (8), which requires a criminal background check, is already required by OAPSA. Proposed paragraph (9) would be a new paperwork requirement. Proposed paragraph (9) will require a facility, in the event that an employee has a conviction, to include in the employee's personnel record a determination of suitability for employment in the position to which the employee is assigned. The Department is not proposing any particular format for this determination and does not believe this requirement will be overburdensome to facilities. Indeed, a facility should benefit from having all of the information proposed in paragraphs (1) through (9) in the event that a question or concern arises regarding an employee at the facility.

The Department's proposed amendment to § 201.24(e) (relating to admission policy) will require the governing body of a facility to establish written policies and procedures for the admission process for residents, and through the administrator, to develop and adhere to procedures implementing those policies. The Department is proposing that these policies and procedures include introductions and orientation for residents to the facility and key staff, discussion and documentation of resident routines and preferences to be included in their care plan, and assistance to residents in creating a homelike environment. The Department is not requiring any particular format for these policies and procedures and believes that many facilities may already have these policies and procedures in place or may only need to review and update their existing policies and procedures to ensure compliance with the proposed amendment.

The Department's proposed amendment to § 211.5(e) (relating to medical records) will require a long-term care nursing facility to provide to the Department, within 30 days of closure, a plan for the storage and retrieval of medical records. A specific form will not be required for this plan, and thus, should not be overburdensome for facilities. In addition, this requirement will only affect a facility in the event of a closure. When a facility closes, it is often difficult to determine where medical records have been stored as there is no longer a point of contact for the facility. Requiring a facility to have a plan for storage and retrieval, and to provide the Department with that plan, will ensure that residents will be able to access their medical records after a facility closes.

The Department's proposed addition of § 211.9(j.1) will require a facility to have written policies and procedures for the disposition of medications. The Department proposes that these policies and procedures align with Federal guidance found in *Appendix PP* and address the following: (1) timely identification and removal of medications for disposition; (2) identification of storage methods for medications awaiting final disposition; (3) control and accountability of medications awaiting final disposition consistent with standards of practice; (4) documentation of actual disposition of medications to include the name of the individual disposing of the medication, the name of the resident, the name of the medication, the strength of

the medication, the prescription number if applicable, the quantity of medication and the date of disposition; and (5) a method of disposition to prevent diversion or accidental exposure consistent with applicable Federal and State requirements, local ordinances and standards of practice. This should not impose any burden on those facilities that participate in Medicare or MA as they are already following this guidance. In addition, existing § 211.9(i) and (j) already requires all facilities licensed by the Department, including those that do not participate in Medicare or MA, to have policies in place regarding the disposition of medications that are similar to those being proposed in § 211.9(j.1). Therefore, only a minor update to existing policies and procedures should be required for the three facilities that do not participate in Medicare or MA.

Statutory Authority

Sections 601 of the HCFA (35 P.S. § 448.601) and section 803 of the HCFA authorize the Department to promulgate, after consultation with the Health Policy Board, regulations necessary to carry out the purposes and provisions of the HCFA. Section 801.1 of the HCFA (35 P.S. § 448.801a) seeks to promote the public health and welfare through the establishment of regulations setting minimum standards for the operation of health care facilities that includes long-term care nursing facilities. The minimum standards are to assure safe, adequate, and efficient facilities and services, and to promote the health, safety and adequate care of patients or residents of those facilities. In section 102 of the HCFA, the General Assembly has found that a purpose of the HCFA is, among other things, to assure that citizens receive humane, courteous and dignified treatment. Finally, section 201(12) of the HCFA (35 P.S. § 448.201(12)) provides the Department with explicit authority to enforce its rules and regulations promulgated under the HCFA.

The Department also has the duty to protect the health of the people of this Commonwealth under section 2102(a) of the Administrative Code of 1929 (71 P.S. § 532(a)). The Department has general authority to promulgate regulations under section 2102(g) of the Administrative Code of 1929 (71 P.S. § 532(g)).

Effectiveness/Sunset Date

This proposed rulemaking will become effective upon publication in the *Pennsylvania Bulletin* as a final-form rulemaking. A sunset date will not be imposed. The Department will monitor the regulations and update them as necessary.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 11, 2022, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the Chairpersons of the Senate Health and Human Services Committee and the House Health Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations, or objections to the proposed rulemaking within 30 days 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 the review prior to final publication of the rulemaking by the Department, the General Assembly and the Governor.

Contact Person

Interested persons are invited to submit comments, suggestions or objections to the proposed regulations within 30 days after publication of this notice in the *Pennsylvania Bulletin*. The Department prefers that comments, suggestions or objections be submitted by e-mail to RA-DHLTCRegs@pa.gov. Persons without access to e-mail may submit comments, suggestions or objections to Lori Gutierrez, Director, Office of Policy, 625 Forster Street, Room 814, Health and Welfare Building, Harrisburg, PA 17120, (717) 317-5426. Persons with a disability may submit questions in alternative format such as by audio tape, Braille or by using V/TT (717) 783-6514 or the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TT). Persons who require an alternative format of this document may contact Lori Gutierrez at the previously listed e-mail, address or telephone number so that necessary arrangements can be made. Comments should be identified as pertaining to proposed rulemaking 10-224 (Long-term care nursing facilities, Proposed Rulemaking 4).

DR. DENISE A. JOHNSON,
Acting Secretary

Fiscal Note: 10-224. (1) General Fund;

(7) DHS—MA—Community HealthChoices; (2) Implementing Year 2021-22 is \$0; (3) 1st Succeeding Year 2022-23 is \$60,889,000; 2nd Succeeding Year 2023-24 is \$121,775,000; 3rd Succeeding Year 2024-25 is \$127,864,000; 4th Succeeding Year 2025-26 is \$134,257,000; 5th Succeeding Year 2026-27 is \$140,970,000; (4) 2020-21 Program—\$3,166,000; 2019-20 Program—\$2,329,000; 2018-19 Program—\$693,766,000;

(7) DMVA—Veterans Homes; (2) Implementing Year 2021-22 is \$0; (3) 1st Succeeding Year 2022-23 is \$12,757,000; 2nd Succeeding Year 2023-24 is \$25,513,000; 3rd Succeeding Year 2024-25 is \$26,789,000; 4th Succeeding Year 2025-26 is \$28,128,000; 5th Succeeding Year 2026-27 is \$29,535,000; (4) 2020-21 Program—\$76,167,000; 2019-20 Program—\$80,914,000; 2018-19 Program—\$82,863,000;

(8) recommends adoption. Funds have been accounted for in the budget.

Annex A**TITLE 28. HEALTH AND SAFETY****PART IV. HEALTH FACILITIES****Subpart C. LONG-TERM CARE FACILITIES****CHAPTER 201. APPLICABILITY, DEFINITIONS, OWNERSHIP AND GENERAL OPERATION OF LONG-TERM CARE NURSING FACILITIES.****OWNERSHIP AND MANAGEMENT****§ 201.18. Management.**

(a) [**The facility shall have an effective governing body or designated person functioning with full legal authority and responsibility for the operation of the facility.**] (Reserved).

(b) [**The**] **In addition to the requirements under 42 CFR 483.70(d) (relating to administration), the governing body of a facility shall adopt and enforce rules relative to:**

- (1) The health care and safety of the residents.
- (2) Protection of personal and property rights of the residents, while in the facility, and upon discharge or after death.
- (3) The general operation of the facility.

(c) **The governing body shall [provide the information required in § 201.12 (relating to application for license) and prompt reports of changes which would affect the current accuracy of the information required] report to the Department within 30 days changes to the information that was submitted with the facility's application for licensure under § 201.12 (relating to application for license of a new facility or change in ownership).**

(d) [**The governing body shall adopt effective administrative and resident care policies and by-laws governing the operation of the facility in accordance with legal requirements.**] The administrative and resident care policies and bylaws, **established and implemented by the governing body under 42 CFR 483.70(d)(1), shall be in writing; shall be dated; [shall be made available to the members of the governing body, which shall ensure that they are operational;]** and shall be reviewed and revised, in writing, as necessary. The policies and bylaws shall be available upon request, to residents, [**responsible persons**] **resident representatives** and for review by members of the public.

(d.1) The administrator appointed by the governing body under 42 CFR 483.70(d)(2) shall be currently licensed and registered in this Commonwealth and shall be employed full-time in facilities that have more than 25 beds. Facilities with 25 beds or less may share an administrator provided that all of the following apply:

(1) The Department is informed of this arrangement.

(2) There is a plan in the event of an emergency when the administrator is not working.

(3) There is a readily available method for residents to contact the administrator should they find it necessary.

(4) The director of nursing services has adequate knowledge and experience to compensate for the time the administrator is not in the building.

(5) The sharing of an administrator shall be limited to two facilities.

(d.2) The administrator's schedule shall be publicly posted in the facility.

(e) [**The governing body shall appoint a full-time administrator who is currently licensed and registered in this Commonwealth and who is responsible for the overall management of the facility. The Department may, by exception, permit a long-term care facility of 25 beds or less to share the services of an administrator in keeping with section 3(b) of the Nursing Home Administrators License Act (63 P.S. § 1103(b)). The sharing of an administrator shall be limited to two facilities. The schedule of the currently licensed administrator shall be publicly posted in each facility.**] The administrator's responsibilities shall include the following:

(1) Enforcing the regulations relative to the level of health care and safety of residents and to the protection of their personal and property rights.

(2) Planning, organizing and directing responsibilities obligated to the administrator by the governing body.

(2.1) Ensuring satisfactory housekeeping in the facility and maintenance of the building and grounds.

(3) Maintaining an ongoing relationship with the governing body, medical and nursing staff and other professional and supervisory staff through meetings and periodic reports.

(4) Studying and acting upon recommendations made by committees.

(5) Appointing, in writing and in concurrence with the governing body, a responsible [**employee**] **employee** to act on the administrator's behalf during temporary absences.

(6) Assuring that appropriate and adequate relief personnel are utilized for those necessary positions vacated either on a temporary or permanent basis.

(7) Developing a written plan to assure the continuity of resident care and services in the event of a strike in a unionized facility.

(f) A written record shall be maintained on a current basis for each resident with written receipts for personal possessions [**and funds**] received or deposited with the facility [**and for expenditures and disbursements made on behalf of the resident**]. The record shall be available for review by the resident or [**resident's responsible person**] **resident representative** upon request.

(g) The governing body shall disclose, upon request, to be made available to the public, the licensee's current daily reimbursement under Medical Assistance and Medicare as well as the average daily charge to other insured and noninsured private pay residents.

(h) When the facility accepts the responsibility for the resident's financial affairs, the resident or [**resident's responsible person**] **resident representative** shall designate, in writing, the transfer of the responsibility. [**The facility shall provide the residents with access to their money within 3 bank business days of the request and in the form—cash or check—requested by the resident.**] **The facility shall provide cash, if requested, within 1 day of the request or a check, if requested, within 3 days of the request.**

§ 201.19. Personnel [**policies and procedures**] **records.**

Personnel records shall be kept current and available for each [**employee**] **facility employee** and contain [**sufficient**] **all of the following** information [**to support placement in the position to which assigned.**]:

(1) **The employee's job description, educational background and employment history.**

(2) **Employee performance evaluations.**

(3) **Documentation of current certification, registration or licensure, if applicable, for the position to which the employee is assigned.**

(4) **A determination by a health care practitioner that the employee, as of the employee's start date, is free from the communicable diseases or conditions listed in § 27.155 (relating to restrictions on health care practitioners).**

(5) **Records of the pre-employment health examinations and of subsequent health services rendered to the facility's employees as are necessary to ensure that all employees are physically able to perform their duties.**

(6) Documentation of the employee's orientation to the facility and the employee's assigned position prior to or within 1 week of the employee's start date.

(7) Documentation of the employee's completion of required trainings.

(8) A criminal history record.

(9) In the event of a conviction prior to or following employment, a determination by the facility of the employee's suitability for initial or continued employment in the position to which the employee is assigned.

§ 201.20. Staff development.

(a) There shall be an ongoing coordinated educational program which is planned and conducted for the development and improvement of skills of the facility's personnel, including [**training related to problems, needs and rights of the residents**], **at a minimum, annual in-service training on the topics outlined in 42 CFR 483.95 (relating to training requirements) in addition to the following topics:**

(1) **Accident prevention.**

(2) **Restorative nursing techniques.**

(3) **Emergency preparedness in accordance with 42 CFR 483.73(d) (relating to emergency preparedness).**

(4) **Fire prevention and safety in accordance with 42 CFR 483.90 (relating to physical environment).**

(b) An [**employee**] **employee** shall receive appropriate orientation to the facility, its policies and to the position and duties. [**The orientation shall include training on the prevention of resident abuse and the reporting of the abuse.**]

(c) [**There shall be at least annual in service training which includes at least infection prevention and control, fire prevention and safety, accident prevention, disaster preparedness, resident confidential information, resident psychosocial needs, restorative nursing techniques and resident rights, including personal property rights, privacy, preservation of dignity and the prevention and reporting of resident abuse.**] (Reserved).

(d) Written records shall be maintained which indicate the content of and attendance at [**the**] staff development programs.

§ 201.21. Use of outside resources.

(a) [**The facility is responsible for insuring that personnel and services provided by outside resources meet all necessary licensure and certification requirements, including those of the Bureau of Professional and Occupational Affairs in the Department of State, as well as requirements of this subpart.**] (Reserved).

(b) [**If the facility does not employ a qualified professional person to render a specific service to be provided by the facility, it shall make arrangements to have the service provided by an outside resource, a person or agency that will render direct service to residents or act as a consultant to the facility.**] (Reserved).

(c) [**The responsibilities, functions and objectives and the terms of agreement, including financial arrangements and charges of the outside resource**

shall be delineated in writing and signed and dated by an authorized representative of the facility and the person or agency providing the service.] (Reserved).

(d) [Outside resources supplying temporary employees to a facility shall provide the facility with documentation of an employee's health status as required under § 201.22 (c)—(j) and (l)—(m) (relating to prevention, control and surveillance of tuberculosis (TB)).] (Reserved).

(e) If a facility acquires employees from outside resources, the facility shall obtain confirmation from the outside resource that the employees are free from the communicable diseases and conditions listed in § 27.155 (relating to restrictions on health care practitioners) and are physically able to perform their assigned duties.

§ 201.24. Admission policy.

(a) [The resident may be permitted to name a responsible person. The resident is not required to name a responsible person if the resident is capable of managing the resident's own affairs.] (Reserved).

(b) [A facility may not obtain from or on behalf of residents a release from liabilities or duties imposed by law or this subpart except as part of formal settlement in litigation.] (Reserved).

(c) A facility shall admit only residents whose nursing care and physical needs can be provided by the staff and facility.

(d) A resident with a disease in the communicable stage may not be admitted to the facility unless it is deemed advisable by the attending physician—medical director, if applicable—and administrator and unless the facility has the capability to care for the needs of the resident.

(e) The governing body of a facility shall establish written policies for the admissions process for residents, and through the administrator, shall be responsible for the development of and adherence to procedures implementing the policies. The policies and procedures shall include all of the following:

(1) Introduction of residents to at least one member of the professional nursing staff for the unit where the resident will be living and to direct care staff who have been assigned to care for the resident. Prior to introductions, the professional nursing and direct care staff shall review the orders of the physician or other health care practitioner for the resident's immediate care.

(2) Orientation of the resident to the facility and location of essential services and key personnel, including the dining room, nurses' workstations and offices for the facility's social worker and grievance or complaint officer.

(3) A description of facility routines, including nursing shifts, mealtimes and posting of menus.

(4) Discussion and documentation of the resident's customary routines and preferences, to be included in the care plan developed for the resident under 42 CFR 483.21 (relating to comprehensive person-centered care planning).

(5) Assistance to the resident, if needed, in creating a homelike environment and settling personal possessions in the room to which the resident has been assigned.

(f) The coordination of introductions, orientation and discussions, under subsection (e), shall be the responsibility of the facility's social worker, or a delegatee designated by the governing body, and shall occur within 2 hours of a resident's admission.

§ 201.25. [Discharge policy] (Reserved).

[There shall be a centralized coordinated discharge plan for each resident to ensure that the resident has a program of continuing care after discharge from the facility. The discharge plan shall be in accordance with each resident's needs.]

§ 201.26. [Power of attorney] Resident representative.

[Power of attorney may not be assumed for a resident by the] A resident representative may not be a licensee, [owner/operator] owner, operator, members of the governing body, an [employe] employee or anyone [having] with a financial interest in the facility unless ordered by a court of competent jurisdiction, except that a resident's family member who is employed in the facility may serve as a resident representative so long as there is no conflict of interest.

§ 201.29. Resident rights.

(a) The governing body of the facility shall establish written policies regarding the rights and responsibilities of residents and, through the administrator, shall be responsible for development of and adherence to procedures implementing the policies. The written policies shall include a mechanism for the inclusion of residents in the development, implementation and review of the policies and procedures regarding the rights and responsibilities of residents.

(b) Policies and procedures regarding rights and responsibilities of residents shall be available to residents and members of the public.

(c) Policies of the facility shall be available to staff, residents, consumer groups and the interested public, including a written outline of the facility's objectives and a statement of the rights of its residents. The policies shall set forth the rights of the resident and prohibit mistreatment and abuse of the resident.

(d) [The staff of the facility shall be trained and involved in the implementation of the policies and procedures.] (Reserved).

(e) [The resident or if the resident is not competent, the resident's responsible person, shall be informed verbally and in writing prior to, or at the time of admission, of services available in the facility and of charges covered and not covered by the per diem rate of the facility. If changes in the charges occur during the resident's stay, the resident shall be advised verbally and in writing reasonably in advance of the change. "Reasonably in advance" shall be interpreted to be 30 days unless circumstances dictate otherwise. If a facility requires a security deposit, the written procedure or contract that is given to the resident or resident's responsible person shall indicate how the deposit will be used and the terms for the return of the

money. A security deposit is not permitted for a resident receiving Medical Assistance (MA).] (Reserved).

(f) [The resident shall be transferred or discharged only for medical reasons, for his welfare or that of other residents or for nonpayment of stay if the facility has demonstrated reasonable effort to collect the debt. Except in an emergency, a resident may not be transferred or discharged from the facility without prior notification. The resident and the resident's responsible person shall receive written notification in reasonable advance of the impending transfer or discharge. Reasonable advance notice shall be interpreted to mean 30 days unless appropriate plans which are acceptable to the resident can be implemented sooner. The facility shall inform the resident of its bed-hold policy, if applicable, prior to discharge. The actions shall be documented on the resident record. Suitable clinical records describing the resident's needs, including list of orders and medications as directed by the attending physician shall accompany the resident if the resident is sent to another medical facility.] (Reserved).

(g) [Unless the discharge is initiated by the resident or resident's responsible person, the facility is responsible to assure that appropriate arrangements are made for a safe and orderly transfer and that the resident is transferred to an appropriate place that is capable of meeting the resident's needs.] Prior to transfer, the facility shall inform the resident or the [resident's responsible person] resident representative as to whether the facility where the resident is being transferred is certified to participate in the Medicare and [MA] Medical Assistance reimbursement programs.

(h) [It is not necessary to transfer a resident whose condition had changed within or between health care facilities when, in the opinion of the attending physician, the transfer may be harmful to the physical or mental health of the resident. The physician shall document the situation accordingly on the resident's record.] (Reserved).

(i) [The resident shall be encouraged and assisted throughout the period of stay to exercise rights as a resident and as a citizen and may voice grievances and recommend changes in policies and services to the facility staff or to outside representatives of the resident's choice. The resident or resident's responsible person shall be made aware of the Department's Hot Line (800) 254-5164, the telephone number of the Long-Term Care Ombudsman Program located within the Local Area Agency on Aging, and the telephone number of the local Legal Services Program to which the resident may address grievances. A facility is required to post this information in a prominent location and in a large print easy to read format.] (Reserved).

(j) [The resident shall be treated with consideration, respect and full recognition of dignity and individuality, including privacy in treatment and in care for the necessary personal and social needs.] (Reserved).

(k) [The resident shall be permitted to retain and use personal clothing and possessions as space permits unless to do so would infringe upon rights

of other residents and unless medically contraindicated, as documented by his physician in the medical record. Reasonable provisions shall be made for the proper handling of personal clothing and possessions that are retained in the facility. The resident shall have access and use of these belongings.] (Reserved).

(l) [The resident's rights devolve to the resident's responsible person as follows:

(1) When the resident is adjudicated incapacitated by a court.

(2) As Pennsylvania law otherwise authorizes.] (Reserved).

(m) [The resident rights in this section shall be reflected in the policies and procedures of the facility.] (Reserved).

(n) The facility shall post in a conspicuous place near the entrances and on each floor of the facility a notice which sets forth the list of resident's rights. [The facility shall on admission provide a resident or resident's responsible person with a personal copy of the notice. In the case of a resident who cannot read, write or understand English, arrangements shall be made to ensure that this policy is fully communicated to the resident.] A certificate of the provision of personal notice as required in this section shall be entered in the resident's [clinical] medical record.

(o) Experimental research or treatment in a [nursing home] facility may not be carried out without the approval of the Department and without the written approval and informed consent of the resident [after full disclosure.], or resident representative, obtained prior to participation and initiation of the experimental research or treatment. The resident, or resident representative, shall be fully informed of the nature of the experimental research or treatment and the possible consequences of participating. The resident, or resident representative, shall be given the opportunity to refuse to participate both before and during the experimental research or treatment. For the purposes of this subsection, "experimental research" [means an experimental treatment or procedure that is one of the following:

(1) Not a generally accepted practice in the medical community.

(2) Exposes the resident to pain, injury, invasion of privacy or asks the resident to surrender autonomy, such as a drug study.] refers to the development, testing and use of a clinical treatment, such as an investigational drug or therapy that has not yet been approved by the United States Food and Drug Administration or medical community as effective and conforming to medical practice.

(p) A resident has the right to care without discrimination based upon race, color, familial status, religious creed, ancestry, age, sex, gender, sexual orientation, gender identity or expression, national origin, ability to pay, handicap or disability, use of guide or support animals because of the blindness, deafness or physical handicap of the resident or because the resident is a handler or trainer of support or guide animals.

§ 201.30. [Access requirements] (Reserved).

[(a) The facility may limit access to a resident when the interdisciplinary care team has determined it may be a detriment to the care and well-being of the resident in the facility. The facility may not restrict the right of the resident to have legal representation or to visit with the representatives of the Department of Aging Ombudsman Program. A facility may not question an attorney representing the resident or representatives of the Department, or the Department of Aging Ombudsman Program, as to the reason for visiting or otherwise communicating with the resident.]

(b) A person entering a facility who has not been invited by a resident or a resident's responsible persons shall promptly advise the administrator or other available agent of the facility of that person's presence. The person may not enter the living area of a resident without identifying himself to the resident and without receiving the resident's permission to enter.]

§ 201.31. [Transfer agreement] (Reserved).

[(a) The facility shall have in effect a transfer agreement with one or more hospitals, located reasonably close by, which provides the basis for effective working arrangements between the two health care facilities. Under the agreement, inpatient hospital care or other hospital services shall be promptly available to the facility's residents when needed.]

(b) A transfer agreement between a hospital and a facility shall be in writing and specifically provide for the exchange of medical and other information necessary to the appropriate care and treatment of the residents to be transferred. The agreement shall further provide for the transfer of residents' personal effects, particularly money and valuables, as well as the transfer of information related to these items when necessary.]

CHAPTER 207. HOUSEKEEPING AND MAINTENANCE STANDARDS FOR LONG-TERM CARE NURSING FACILITIES

HOUSEKEEPING AND MAINTENANCE

§ 207.2. [Administrator's responsibility] (Reserved).

[(a) The administrator shall be responsible for satisfactory housekeeping and maintenance of the buildings and grounds.]

(b) Nursing personnel may not be assigned housekeeping duties that are normally assigned to housekeeping personnel.]

CHAPTER 209. FIRE PROTECTION AND SAFETY PROGRAMS FOR LONG-TERM CARE NURSING FACILITIES

FIRE PROTECTION AND SAFETY

§ 209.3. [Smoking] (Reserved).

[(a) Policies regarding smoking shall be adopted. The policies shall include provisions for the protection of the rights of the nonsmoking residents. The smoking policies shall be posted in a conspicuous place and in a legible format so that they may be easily read by residents, visitors and staff.]

(b) Proper safeguards shall be taken against the fire hazards involved in smoking.]

(c) Adequate supervision while smoking shall be provided for those residents who require it.]

(d) Smoking by residents in bed is prohibited unless the resident is under direct observation.]

(e) Smoking is prohibited in a room, ward or compartment where flammable liquids, combustible gases or oxygen is used or stored, and in other hazardous locations. The areas shall be posted with "NO SMOKING" signs.]

(f) Ash trays of noncombustible material and safe design shall be provided in areas where smoking is permitted.]

(g) Noncombustible containers with self-closing covers shall be provided in areas where smoking is permitted.]

CHAPTER 211. PROGRAM STANDARDS FOR LONG-TERM CARE NURSING FACILITIES

§ 211.2. [Physician services] Medical director.

(a) [The attending physician shall be responsible for the medical evaluation of the resident and shall prescribe a planned regimen of total resident care.] (Reserved).

(b) [The facility shall have available, prior to or at the time of admission, resident information which includes current medical findings, diagnoses and orders from a physician for immediate care of the resident. The resident's initial medical assessment shall be conducted no later than 14 days after admission and include a summary of the prior treatment as well as the resident's rehabilitation potential.] (Reserved).

(c) [A facility shall have a medical director who is] In addition to the requirements of 42 CFR 483.70(h) (relating to administration), the medical director of a facility shall be licensed as a physician in this Commonwealth [and who is responsible for the overall coordination of the medical care in the facility to ensure the adequacy and appropriateness of the medical services provided to the residents] and shall complete at least four hours annually of continuing medical education (CME) pertinent to the field of medical direction or post-acute and long-term care medicine. The medical director may [serve on a full- or part-time basis depending on the needs of the residents and the facility and may] be designated for single or multiple facilities. There shall be a written agreement between the physician and the facility.]

(d) [The medical director's responsibilities shall include at least the following:]

(1) Review of incidents and accidents that occur on the premises and addressing the health and safety hazards of the facility. The administrator shall be given appropriate information from the medical director to help insure a safe and sanitary environment for residents and personnel.]

(2) Development of written policies which are approved by the governing body that delineate the responsibilities of attending physicians.] (Reserved).

§ 211.3. [**Oral**] **Verbal** and telephone orders.

(a) [**A physician's oral**] **Verbal** and telephone orders shall be given to a registered nurse, physician or other individual authorized by appropriate statutes and the State Boards in the Bureau of Professional and Occupational Affairs and shall immediately be recorded on the resident's clinical record by the person receiving the order. The entry shall be signed and dated by the person receiving the order. [**Written orders may be by fax.**]

(b) [**A physician's oral**] **Verbal** and telephone orders for care [**and treatments**], **treatment or medication**, shall be dated and countersigned with the original signature of the physician, **or physician's delegee authorized under 42 CFR 483.30(e) (relating to physician services)**, within [**7 days**] **48 hours** of receipt of the order. [**If the physician is not the attending physician, he shall be authorized and the facility so informed by the attending physician and shall be knowledgeable about the resident's condition.**]

(c) [**A physician's telephone and oral orders for medications shall be dated and countersigned by the prescribing practitioner within 48 hours. Oral orders for Schedule II drugs are permitted only in a bona fide emergency.**] (Reserved).

(d) [**Oral**] **Verbal** orders for [**medication or treatment**] **care, treatment or medication** shall be accepted only under circumstances where it is impractical for the orders to be given in a written manner by the [**responsible practitioner**] **physician, or physician's delegee authorized under 42 CFR 483.30(e)**. An initial written order as well as a countersignature may be [**received**] **sent** by a fax **or secure electronic transmission** which includes the practitioner's signature.

(e) The facility shall establish policies identifying the types of situations for which [**oral**] **verbal** orders may be accepted and the appropriate protocols for the taking and transcribing of [**oral**] **verbal** orders in these situations, which shall include:

(1) Identification of all treatments or medications which may not be prescribed or dispensed by way of [**an oral**] **a verbal** order, but which instead require written orders.

(2) A requirement that all [**oral**] **verbal** orders be stated clearly, repeated by the issuing [**practitioner**] **physician, or physician's delegee authorized under 42 CFR 483.30(e)**, and be read back in their entirety by personnel authorized to take the [**oral**] **verbal** order.

(3) Identification of all personnel authorized to take and transcribe [**oral**] **verbal** orders.

(4) The policy on fax **or secure electronic** transmissions.

§ 211.4. **Procedure in event of death.**

(a) Written postmortem procedures shall be available [**at each nursing station**] **to all personnel.**

(b) Documentation shall be on the resident's clinical record that the next of kin, guardian or [**responsible party**] **resident representative** has been notified of the resident's death. The name of the notified party shall be written on the resident's clinical record.

§ 211.5. [**Clinical**] **Medical** records.

(a) [**Clinical records shall be available to, but not be limited to, representatives of the Department of Aging Ombudsman Program.**] (Reserved).

(b) [**Information contained in the resident's record shall be privileged and confidential. Written consent of the resident, or of a designated responsible agent acting on the resident's behalf, is required for release of information. Written consent is not necessary for authorized representatives of the State and Federal government during the conduct of their official duties.**] (Reserved).

(c) [**Records shall be retained for a minimum of 7 years following a resident's discharge or death.**] (Reserved).

(d) Records of discharged residents shall be completed within 30 days of discharge. [**Clinical**] **Medical** information pertaining to a resident's stay shall be centralized in the resident's record.

(e) When a facility closes, resident [**clinical**] **medical** records may be transferred with the resident if the resident is transferred to another health care facility. Otherwise, the owners of the facility shall make provisions for the safekeeping and confidentiality of **resident** medical records and shall [**notify the Department of how the records may be obtained**] **provide to the Department, within 30 days of providing notice of closure under § 201.23 (relating to closure of facility), a plan for the storage and retrieval of medical records.**

(f) [**At a minimum, the**] **In addition to the items required under 42 CFR 483.70(i)(5) (relating to administration), a resident's [clinical] medical** record shall include [**physicians' orders, observation and progress notes, nurses' notes, medical and nursing history and physical examination reports; identification information, admission data, documented evidence of assessment of a resident's needs, establishment of an appropriate treatment plan and plans of care and services provided; hospital diagnoses authentication—discharge summary, report from attending physician or transfer form—diagnostic and therapeutic orders, reports of treatments, clinical findings, medication records and discharge summary including final diagnosis and prognosis or cause of death. The information contained in the record shall be sufficient to justify the diagnosis and treatment, identify the resident and show accurately documented information.**] **at a minimum:**

(i) **Physicians' orders.**

(ii) **Observation and progress notes.**

(iii) **Nurses' notes.**

(iv) **Medical and nursing history and physical examination reports.**

(v) **Admission data.**

(vi) **Hospital diagnoses authentication.**

(vii) **Report from attending physician or transfer form.**

(viii) **Diagnostic and therapeutic orders.**

(ix) **Reports of treatments.**

(x) **Clinical findings.**

(xi) **Medication records.**

(xii) **Discharge summary, including final diagnosis and prognosis or cause of death.**

(g) [Symptoms and other indications of illness or injury, including the date, time and action taken shall be recorded.] (Reserved).

(h) [Each professional discipline shall enter the appropriate historical and progress notes in a timely fashion in accordance with the individual needs of a resident.] (Reserved).

(i) The facility shall assign overall supervisory responsibility for the [clinical] medical record service to a medical records practitioner. Consultative services may be utilized[,]; however, the facility shall employ sufficient personnel competent to carry out the functions of the medical record service.

§ 211.6. Dietary services.

(a) Menus shall be planned **and posted in the facility or distributed to residents** at least 2 weeks in advance. Records of menus of foods actually served shall be retained for 30 days. When changes in the menu are necessary, substitutions shall provide equal nutritive value.

(b) [Sufficient food to meet the nutritional needs of residents shall be prepared as planned for each meal. There shall be at least 3 days' supply of food available in storage in the facility at all times.] (Reserved).

(c) [Overall supervisory responsibility for the dietary services shall be assigned to a full-time qualified dietary services supervisor.] (Reserved).

(d) [If consultant dietary services are used, the consultant's visits shall be at appropriate times and of sufficient duration and frequency to provide continuing liaison with medical and nursing staff, advice to the administrator, resident counseling, guidance to the supervisor and staff of the dietary services, approval of menus, and participation in development or revision of dietary policies and procedures and in planning and conducting inservice education and programs.] (Reserved).

(e) [A current therapeutic diet manual approved jointly by the dietitian and medical director shall be readily available to attending physicians and nursing and dietetic service personnel.] (Reserved).

(f) Dietary personnel shall practice hygienic food handling techniques. [An employe] **Employees** shall wear clean outer garments, maintain a high degree of personal cleanliness and conform to hygienic practices while on duty. [Employes] **Employees** shall wash their hands thoroughly with soap and water before starting work, after visiting the toilet room and as often as necessary to remove soil and contamination.

§ 211.7. Physician assistants and certified registered nurse practitioners.

(a) [Physician assistants and certified registered nurse practitioners may be utilized in facilities, in accordance with their training and experience and the requirements in statutes and regulations governing their respective practice.] (Reserved).

(b) If the facility utilizes the services of physician assistants or certified registered nurse practitioners, the following apply:

(1) [There shall be written policies indicating the manner in which the physician assistants and certi-

fied registered nurse practitioners shall be used and the responsibilities of the supervising physician.] (Reserved).

(2) There shall be a list posted at each [nursing station] workstation of the names of the supervising physician and the persons, and titles, whom they supervise.

(3) A copy of the supervising physician's registration from the State Board of Medicine or State Board of Osteopathic Medicine and the physician assistant's or certified registered nurse practitioner's certificate shall be available in the facility.

(4) A notice plainly visible to residents shall be posted in prominent places in the institution explaining the meaning of the terms "physician assistant" and "certified registered nurse practitioner."

(c) [Physician assistants' documentation on the resident's record shall be countersigned by the supervising physician within 7 days with an original signature and date by the licensed physician. This includes progress notes, physical examination reports, treatments, medications and any other notation made by the physician assistant.] (Reserved).

(d) [Physicians shall countersign and date their verbal orders to physician assistants or certified registered nurse practitioners within 7 days.] (Reserved).

(e) [This section may not be construed to relieve the individual physician, group of physicians, physician assistant or certified registered nurse practitioner of responsibility imposed by statute or regulation.] (Reserved).

§ 211.8. Use of restraints.

(a) [Restraints may not be used in lieu of staff effort. Locked restraints may not be used.] (Reserved).

(b) [Restraints may not be used or applied in a manner which causes injury to the resident.] (Reserved).

(c) [Physical restraints shall be removed at least 10 minutes out of every 2 hours during the normal waking hours to allow the resident an opportunity to move and exercise. Except during the usual sleeping hours, the resident's position shall be changed at least every 2 hours. During sleeping hours, the position shall be changed as indicated by the resident's needs.] (Reserved).

(c.1) **If restraints are used, a facility shall ensure that appropriate interventions are in place to safely and adequately respond to resident needs.**

(d) [A signed, dated, written physician] **An order from a physician, or physician's delegee authorized under 42 CFR 483.30(e) (relating to physician services), shall be required for a restraint. [This includes the use of chest, waist, wrist, ankle, drug or other form of restraint. The order shall include the type of restraint to be used.]**

(e) The physician, **or physician's delegee authorized under 42 CFR 483.30(e)**, shall document the reason for the initial restraint order and shall review the continued need for the use of the restraint order by evaluating the resident. If the order is to be continued, the order shall be renewed by the physician, **or physi-**

cian's delegee authorized under 42 CFR 483.30(e), in accordance with the resident's total program of care.

(f) Every 30 days, or sooner if necessary, the interdisciplinary team shall review and reevaluate the use of all restraints ordered by physicians.

§ 211.9. Pharmacy services.

(a) Facility policies shall ensure that:

(1) **Facility** staff involved in the administration of resident care shall be knowledgeable of the policies and procedures regarding pharmacy services including medication administration.

(2) **[Only licensed pharmacists shall dispense medications for residents. Licensed physicians may dispense medications to the residents who are in their care.] (Reserved).**

(b) **[Medications shall be] Facility policies shall ensure that medications are** administered by authorized persons as indicated in § 201.3 (relating to definitions).

(c) Medications and biologicals shall be administered by the same licensed person who prepared the dose for administration and shall be given as soon as possible after the dose is prepared.

(d) Medications, **both prescription and non-prescription**, shall be administered under the **[written]** orders of the attending physician, **or the physician's delegee authorized under 42 CFR 483.30(e) (relating to physician services).**

(e) **[Each resident shall have a written physician's order for each medication received. This includes both proprietary and nonproprietary medications.] (Reserved).**

(f) Residents shall be permitted to purchase prescribed medications from the pharmacy of their choice. If the resident does not use the pharmacy that usually services the facility, the resident is responsible for securing the medications and for assuring that applicable pharmacy regulations and facility policies are met. The facility:

(1) Shall notify the resident or the **[resident's responsible person] resident representative**, at admission and as necessary throughout the resident's stay in the facility, of the right to purchase medications from a pharmacy of the resident's choice as well as the resident's and pharmacy's responsibility to comply with the facility's policies and State and Federal laws regarding packaging and labeling requirements.

* * * * *

(g) **[If over-the-counter drugs are maintained in the facility, they shall bear the original label and shall have the name of the resident on the label of the container. The charge nurse may record the resident's name on the nonprescription label. The use of nonprescription drugs shall be limited by quantity and category according to the needs of the resident. Facility policies shall indicate the procedure for handling and billing of nonprescription drugs.] (Reserved).**

(h) **[If a unit of use or multiuse systems are used, applicable statutes shall be met. Unit of use dispensing containers or multiuse cards shall be properly labeled. Individually wrapped doses shall be stored in the original container from which they were dispensed.] (Reserved).**

(i) **[At least quarterly, outdated, deteriorated or recalled medications shall be identified and returned to the dispensing pharmacy for disposal in accordance with acceptable professional practices. Written documentation shall be made regarding the disposition of these medications.] (Reserved).**

(j) **[Disposition of discontinued and unused medications and medications of discharged or deceased residents shall be handled by facility policy which shall be developed in cooperation with the consultant pharmacist. The method of disposition and quantity of the drugs shall be documented on the respective resident's chart. The disposition procedures shall be done at least quarterly under Commonwealth and Federal statutes.] (Reserved).**

(j.1) The facility shall have written policies and procedures for the disposition of medications that address all of the following:

(1) Timely identification and removal of medications for disposition.

(2) Identification of storage methods for medications awaiting final disposition.

(3) Control and accountability of medications awaiting final disposition consistent with standards of practice.

(4) Documentation of actual disposition of medications to include the name of the individual disposing of the medication, the name of the resident, the name of the medication, the strength of the medication, the prescription number if applicable, the quantity of medication and the date of disposition.

(5) A method of disposition to prevent diversion or accidental exposure consistent with applicable Federal and State requirements, local ordinances and standards of practice.

(k) The oversight of pharmaceutical services shall be the responsibility of the quality assurance committee. Arrangements shall be made for the pharmacist responsible for the adequacy and accuracy of the services to have committee input. The quality assurance committee, with input from the pharmacist, shall develop written policies and procedures for drug therapy, distribution, administration, control, accountability and use.

(l) A facility shall have at least one emergency medication kit **that is readily available to staff**. The kit used in the facility shall be governed by the following:

(1) The facility shall have written policies and procedures pertaining to the use, content, storage **[and], security, refill of and inventory tracking for** the kits.

(2) The quantity and categories of medications and equipment in the kits shall be **[kept to a minimum and shall be]** based on the immediate needs of the facility **and criteria for the contents of the emergency medication kit shall be reviewed not less than annually.**

(3) The emergency medication kits shall be under the control of a practitioner authorized to dispense or **[pre-scribe] prescribe** medications under the Pharmacy Act **[(63 P.S. §§ 390.1—390.13)] (63 P.S. §§ 390.1—390.13).**

(4) **[The kits shall be kept readily available to staff and shall have a breakaway lock which shall be replaced after each use.] (Reserved).**

§ 211.10. Resident care policies.

(a) Resident care policies shall be available to admitting physicians, sponsoring agencies, residents and the public, shall reflect an awareness of, and provision for, meeting the total medical and psychosocial needs of residents. [**The needs include admission, transfer and discharge planning.**]

(b) The policies shall be reviewed at least annually and updated as necessary.

(c) The policies shall be designed and implemented to ensure that each resident receives treatments, medications, diets and rehabilitative nursing care as prescribed.

(d) The policies shall be designed and implemented to ensure that the resident receives proper care to prevent pressure sores and deformities; that the resident is kept comfortable, clean and well-groomed; that the resident is protected from accident, injury and infection; and that the resident is encouraged, assisted and trained in self-care and group activities.

§ 211.11. [**Resident care plan**] (Reserved).

[(a) **The facility shall designate an individual to be responsible for the coordination and implementation of a written resident care plan. This responsibility shall be included as part of the individual's job description.**]

(b) **The individual responsible for the coordination and implementation of the resident care plan shall be part of the interdisciplinary team.**

(c) **A registered nurse shall be responsible for developing the nursing assessment portion of the resident care plan.**

(d) **The resident care plan shall be available for use by personnel caring for the resident.**

(e) **The resident, when able, shall participate in the development and review of the care plan.**]

§ 211.12. Nursing services.

(a) [**The facility shall provide services by sufficient numbers of personnel on a 24-hour basis to provide nursing care to meet the needs of all residents.**] (Reserved).

(b) [**There shall be a full-time director of nursing services who shall be a qualified licensed registered nurse.**] (Reserved).

(c) The director of nursing services shall have, in writing, administrative authority, responsibility and accountability for the functions and activities of the nursing services [**staff,**] **personnel** and shall serve only one facility in this capacity.

(d) The director of nursing services shall be responsible for:

- (1) Standards of accepted nursing practice.
- (2) Nursing policy and procedure manuals.
- (3) Methods for coordination of nursing services with other resident services.
- (4) Recommendations for the number and levels of nursing services personnel to be employed.
- (5) General supervision, guidance and assistance for a resident in implementing the resident's personal health program to assure that preventive measures, treatments, medications, diet and other health services prescribed are properly carried out and recorded.

(e) [**The facility shall designate a registered nurse who is responsible for overseeing total nursing activities within the facility on each tour of duty each day of the week.**] (Reserved).

(f) [**In addition to the director of nursing services, the following daily professional staff shall be available.**

(1) The following minimum nursing staff ratios are required:

<i>Census</i>	<i>Day</i>	<i>Evening</i>	<i>Night</i>
59 and under	1 RN	1 RN	1 RN or 1 LPN
60/150	1 RN	1 RN	1 RN
151/250	1 RN and 1 LPN	1 RN and 1 LPN	1 RN and 1 LPN
251/500	2 RNs	2 RNs	2 RNs
501/1,000	4 RNs	3 RNs	3 RNs
1,001/Upward	8 RNs	6 RNs	6 RNs

(2) **When the facility designates an LPN as a nurse who is responsible for overseeing total nursing activities within the facility on the night tour of duty in facilities with a census of 59 or under, a registered nurse shall be on call and located within a 30-minute drive of the facility.**] (Reserved).

(f.1) **In addition to the director of nursing services, a facility shall provide all of the following:**

(1) **Nursing services personnel on each resident floor.**

(2) **A minimum of two nursing services personnel on duty at all times.**

(3) **A minimum of 1 nursing services personnel on duty, per 20 residents.**

(4) **A minimum of 1 nurse aide per 10 residents during the day, 1 nurse aide per 10 residents during the evening and 1 nurse aide per 15 residents overnight.**

(5) **A minimum of 2 RNs and 1 LPN during the day, 1 RN and 1 LPN during the evening and 1 RN overnight, per 60 residents, as follows:**

<i>Census</i>	<i>Day</i>	<i>Evening</i>	<i>Night</i>
1—60	2 RNs and 1 LPN	1 RN and 1 LPN	1 RN
61—120	4 RNs and 2 LPNs	2 RNs and 2 LPNs	2 RNs
121—180	6 RNs and 3 LPNs	3 RNs and 3 LPNs	3 RNs
181—240	8 RNs and 4 LPNs	4 RNs and 4 LPNs	4 RNs
241—300	10 RNs and 5 LPNs	5 RNs and 5 LPNs	5 RNs
301—360	12 RNs and 6 LPNs	6 RNs and 6 LPNs	6 RNs
361—420	14 RNs and 7 LPNs	7 RNs and 7 LPNs	7 RNs
421—480	16 RNs and 8 LPNs	8 RNs and 8 LPNs	8 RNs
481—540	18 RNs and 9 LPNs	9 RNs and 9 LPNs	9 RNs

Facilities with more than 540 residents shall calculate and provide additional nursing services personnel in accordance with the ratios provided under this subsection.

(f.2) A facility may substitute a nurse aide with an LPN or RN and an LPN with an RN, but may not substitute an RN with a nurse aide or an LPN, to meet the requirements of subsection (f.1).

(g) [There shall be at least one nursing staff employe on duty per 20 residents.] (Reserved).

(h) [At least two nursing service personnel shall be on duty.] (Reserved).

(Editor's Note: The text or subsection (i) is printed as it currently appears in the Pennsylvania Code. This subsection is proposed to be amended as set forth in the proposed rulemaking published at 51 Pa.B. 4074 (July 31, 2021)).

(i) A minimum number of general nursing care hours shall be provided for each 24-hour period. The total number of hours of general nursing care provided in each 24-hour period shall, when totaled for the entire facility, be a minimum of 2.7 hours of direct resident care for each resident.

(i.1) Only direct resident care provided by nursing service personnel may be counted towards the total number of hours of general nursing care required under subsection (i).

(j) [Nursing personnel shall be provided on each resident floor.] (Reserved).

(k) [Weekly time schedules shall be maintained and shall indicate the number and classification of nursing personnel, including relief personnel, who worked on each tour of duty on each nursing unit.] (Reserved).

(l) [The Department may require an increase in the number of nursing personnel from the minimum requirements if specific situations in the facility—including, but not limited to, the physical or mental condition of residents, quality of nursing care administered, the location of residents, the location of the nursing station and location of the facility—indicate the departures as necessary for the welfare, health and safety of the residents.] (Reserved).

§ 211.15. **[Dental services] (Reserved).**

[(a) The facility shall assist residents in obtaining routine and 24-hour emergency dental care.

(b) The facility shall make provisions to assure that resident dentures are retained by the resident. Dentures shall be marked for each resident.]

§ 211.16. **Social services.**

(a) [The facility shall provide social services designed to promote preservation of the resident's physical and mental health and to prevent the occurrence or progression of personal and social problems. Facilities with a resident census of more than 120 residents] A facility shall employ a qualified social worker on a full-time basis.

(b) [In facilities with 120 beds or less that do not employ a full-time social worker, social work consultation by a qualified social worker shall be provided and documented on a regular basis.] (Reserved).

§ 211.17. **Pet therapy.**

If pet therapy is utilized, **[the following standards apply] a facility shall have written policies and procedures to ensure all of the following:**

(1) Animals are not permitted in the kitchen or other food service areas, dining rooms when meals are being served, utility rooms and rooms of residents who do not want animals in their rooms.

(2) Careful selection of types of animals **[shall be] is** made so **[they] the animals** are not harmful or annoying to residents.

(3) The number and types of pets **[shall be] are** restricted according to the layout of the building, type of residents, staff and animals.

(4) **[Pets shall be] Animals are** carefully selected to meet the needs of the residents involved in the pet therapy program.

(5) **[The facility shall have written procedures established which will address the physical and health needs of the animals. Rabies shots shall be given to animals who are potential victims of the disease. Care of the pets may not be imposed on anyone who does not wish to be involved.] (Reserved).**

(5.1) Animals are up to date on vaccinations, are in good health and do not pose a risk to the health and safety of residents.

(6) **[Pets] Animals** and places where they reside **[shall be] or visit are** kept clean and sanitary.

(7) Infection prevention and control measures, such as hand hygiene, are followed by residents and personnel when handling animals.

[Pa.B. Doc. No. 22-775. Filed for public inspection May 27, 2022, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Big Game

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its April 9, 2022, meeting to amend § 141.45 (relating to turkey seasons) to eliminate the use of shotguns and muzzleloaders that propel single-projectile ammunition during the fall turkey seasons.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the April 9, 2022, meeting of the Commission. Comments can be sent until July 6, 2022, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

The Commission's final-form rulemaking, published at 51 Pa.B. 2940 (May 22, 2021), to remove rifles as lawful implements during fall turkey seasons became effective. Despite this change shotguns and muzzleloaders that propel single-projectile ammunition currently remain

listed as permitted devices for use by hunters during fall turkey seasons in all Wildlife Management Units (WMU) with an open fall turkey season excluding those portions found within areas designated as special regulations areas (WMUs 2B, 5B, 5C and 5D). The Commission has observed that very few hunters hunt during the fall turkey seasons with a shotgun or muzzleloader using single projectile ammunition. After the changes were made to this section in 2021, the Commission remains focused on identifying alternative methods of stabilizing fall turkey harvest numbers without focusing solely on further reductions in hunting opportunity as measured by season length. The Commission has determined that the elimination of shotguns and muzzleloaders that propel single-projectile ammunition during fall turkey seasons may aid in this goal. The Commission is proposing to amend § 141.45 to eliminate the use of shotguns and muzzleloaders that propel single-projectile ammunition during the fall turkey seasons.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to “promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used.” The amendments to § 141.45 are proposed under this authority.

2. Regulatory Requirements

This proposed rulemaking will amend § 141.45 to eliminate the use of shotguns and muzzleloaders that propel single-projectile ammunition during the fall turkey seasons.

3. Persons Affected

Persons interested in hunting turkey within this Commonwealth during the fall turkey seasons will be affected by this proposed rulemaking.

4. Cost and Paperwork Requirements

This proposed rulemaking should not result in any additional cost or paperwork.

5. Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. Contact Person

For further information regarding this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: 48-479. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§ 141.45. Turkey seasons.

(a) *Fall turkey season.*

(1) *Permitted devices.* It is lawful to hunt turkey during the fall turkey season with any of the following devices:

(i) (Reserved).

(ii) A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun that propels [**single-projectile ammunition or**] multiple projectile shotgun ammunition no larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 (relating to approval of nontoxic shot types and shot coatings). A centerfire shotgun’s magazine capacity may not exceed two rounds. The shotgun’s total aggregate ammunition capacity may not exceed three rounds.

(iii) [**A muzzleloading rifle or handgun that propels single-projectile ammunition.**] (Reserved).

(iv) *A bow and arrow.* A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(v) *A crossbow and bolt.* A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(2) *Prohibitions.* While hunting turkey during the fall turkey season, it is unlawful to:

(i) [**Use or possess a firearm using single projectile ammunition in Wildlife Management Units 2B, 5B, 5C and 5D, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).**] (Reserved).

(ii) Use drives or any method other than hand or mouth calling.

(iii) Use or possess an electronic caller or a live turkey as a decoy.

(iv) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act (**relating to possession of firearm for protection of self or others**).

(b) *Spring turkey season.*

(1) *Permitted devices.* It is lawful to hunt turkey during the spring turkey season with any of the following devices:

(i) A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun using shot ammunition no larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134. A centerfire shotgun’s magazine capacity may not exceed two rounds. The shotgun’s total aggregate ammunition capacity may not exceed three rounds.

(ii) A bow and arrow as permitted under subsection [**(a)(1)(iii)**] **(a)(1)(iv)**.

(iii) A crossbow and bolt as permitted under subsection [**(a)(1)(iv)**] **(a)(1)(v)**.

* * * * *

[Pa.B. Doc. No. 22-776. Filed for public inspection May 27, 2022, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; General

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its April 9, 2022, meeting to amend § 141.4 and Appendix G (relating to hunting hours) to replace the current hunting hours and migratory bird hunting hours tables to accurately reflect the dates and hours of legal hunting for the 2022-2023 hunting/trapping license year and also to delete the closure of open hunting hours for all other wild birds and wild mammals during the overlap with the regular firearms deer seasons.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the April 9, 2022, meeting of the Commission. Comments can be sent until July 6, 2022, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

The Commission is proposing to amend § 141.4 and Appendix G to replace the current hunting hours and migratory bird hunting hours tables to accurately reflect the dates and hours of legal hunting for the 2022-2023 hunting/trapping license year. As an additional matter for consideration, members of the falconry hunting community have recently approached the Commission to request an expansion of various falconry hunting seasons to include the 2-week period comprising the regular firearms deer season. As a general rule, § 141.4 establishes legal hunting hours within this Commonwealth from 1/2 hour before sunrise to 1/2 hour after sunset. However, this section also provides four exceptions to this general rule, including a closure under paragraph (1) of open hunting hours for all other wild birds and wild mammals during the overlap with the regular firearms deer seasons. Six exceptions to this hour closure for this overlap period are listed for hunting game birds on regulated hunting grounds, migratory waterfowl, coyotes, feral swine, wild boar and bear. The Commission has reviewed the expansion request submitted by the falconry hunting community and determined that it will not significantly impact other hunting activities occurring during the regular firearms deer seasons. The Commission is therefore proposing to amend § 141.4 to delete the closure of open hunting hours for all other wild birds and wild mammals during the overlap with the regular firearms deer seasons.

It is important to highlight that the deletion of this text will not only remove the impediment to falconry hunting during the overlap with the regular firearms deer seasons, but will also simplify and streamline this section as a whole. Furthermore, removing the text associated with the closure to open hunting hours for all other wild birds and wild mammals during the overlap with the regular firearms deer seasons also eliminates the need to redundantly identify and list the six exceptions (seven if falconry were added) to the hour closure for the overlap period. The Commission has determined current season and bag limit regulations found in § 139.4 (relating to seasons and bag limits for the license year) sufficiently control the allowance of the hunting of these species during the period of overlap with the regular firearms

deer seasons thus eliminating the need for further reauthorization in § 141.4. It is also important to highlight that the hours expansion for falconers during the overlap with the regular firearms deer seasons will not substantively have its intended effect until the Commission expands the falconry hunting seasons during this overlap period in § 139.4. The remainder of the proposed changes to § 141.4 are nonsubstantive housekeeping edits to improve the organization and clarity of the text.

Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 141.4 and Appendix G are proposed under this authority.

2. Regulatory Requirements

This proposed rulemaking will amend § 141.4 and Appendix G to replace the current hunting hours and migratory bird hunting hours tables to accurately reflect the dates and hours of legal hunting for the 2022-2023 hunting/trapping license year and also to delete the closure of open hunting hours for all other wild birds and wild mammals during the overlap with the regular firearms deer seasons.

3. Persons Affected

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2022-2023 hunting/furtaking license year will be affected by this proposed rulemaking.

4. Cost and Paperwork Requirements

This proposed rulemaking should not result in any additional cost or paperwork.

5. Effective Date

This proposed rulemaking will be effective July 1, 2022, to June 30, 2023.

6. Contact Person

For further information regarding this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: 48-480. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.4. Hunting hours.

Except as otherwise provided **in this section**, wild birds and mammals may be hunted 1/2 hour before sunrise to 1/2 hour after sunset.

(1) [**During the regular antlered and antlerless deer seasons, it is unlawful to take or attempt to**

take other wild birds or mammals except game birds on regulated hunting grounds, migratory waterfowl, coyotes, feral swine, wild boar and bear. Coyotes may be hunted from the first day to the last day inclusive of any big game season only by persons who possess a valid furtaker's license, or by persons lawfully engaged in hunting big game who have a valid tag. Feral swine and wild boar may be taken from the first day to the last day inclusive of any big game season only by persons lawfully engaged in hunting big game who have a valid tag.] (Reserved).

(2) **Furbearer seasons.** Raccoon, fox, skunk, opossum, coyote, bobcat and weasel may be hunted any hour, day or night [, except during restricted periods in paragraph (1)].

(3) **Spring turkey season.** Turkey may be hunted 1/2 hour before sunrise to 12 noon from the opening day of the spring gobbler season through the third Saturday and for the remainder of the season from 1/2 hour before sunrise to 1/2 hour after sunset.

(4) **Migratory bird seasons.** Migratory birds may only be hunted 1/2 hour before sunrise until sunset, except during the snow goose conservation season and the September resident goose season, when geese may be hunted 1/2 hour before sunrise until 1/2 hour after sunset.

Appendix G. HUNTING HOURS

(Editor's Note: As part of this proposed rulemaking, the Commission is proposing to replace the tables which appear in Appendix G, 58 Pa. Code pages 141-37—141-41, serial pages (404733)—(404737), with the following tables printed in regular type to enhance readability.)

**HUNTING HOURS TABLE
FOR JULY 1, 2022, THROUGH JUNE 30, 2023**

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
July 1—July 2	5:06	9:03
July 3—9	5:10	9:01
July 10—16	5:15	8:58
July 17—23	5:21	8:53
July 24—30	5:27	8:46
July 31—Aug. 6	5:34	8:39
Aug. 7—13	5:40	8:30
Aug. 14—20	5:47	8:20
Aug. 21—27	5:54	8:10
Aug. 28—Sept. 3	6:00	7:59
Sept. 4—10	6:07	7:47
Sept. 11—17	6:14	7:36
Sept. 18—24	6:20	7:24
Sept. 25—Oct. 1	6:27	7:13
Oct. 2—8	6:34	7:02
Oct. 9—15	6:41	6:51
Oct. 16—22	6:49	6:41
Oct. 23—29	6:56	6:32

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Oct. 30—Nov. 5	7:04	6:24
Nov. 6—12 **Ends	6:12	5:17
Nov. 13—19	6:20	5:11
Nov. 20—26	6:28	5:08
Nov. 27—Dec. 3	6:35	5:06
Dec. 4—10	6:41	5:05
Dec. 11—17	6:46	5:06
Dec. 18—24	6:50	5:07
Dec. 25—31	6:52	5:11
Jan. 1—7	6:52	5:16
Jan. 8—14	6:52	5:22
Jan. 15—21	6:51	5:30
Jan. 22—28	6:47	5:38
Jan. 29—Feb. 4	6:42	5:46
Feb. 5—11	6:35	5:54
Feb. 12—18	6:27	6:03
Feb. 19—25	6:18	6:11
Feb. 26—March 4	6:09	6:19
March 5—11	5:58	6:27
March 12—18 *Begins	6:47	7:34
March 19—25	6:36	7:41
March 26—Apr. 1	6:25	7:49
April 2—8	6:13	7:56
April 9—15	6:02	8:03
April 16—22	5:52	8:10
April 23—29	5:42	8:23
April 30—May 6	5:32	8:24
May 7—13	5:24	8:31
May 14—20	5:17	8:38
May 21—27	5:11	8:44
May 28—June 3	5:06	8:50
June 4—10	5:03	8:55
June 11—17	5:01	8:59
June 18—24	5:03	9:02
June 25—June 30	5:06	9:03

Daylight Saving Time:
*Begins
**Ends

**MIGRATORY GAME BIRD
HUNTING HOURS TABLE
FOR JULY 1, 2022, THROUGH JUNE 30, 2023**

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
July 1—July 2	5:06	8:33
July 3—9	5:10	8:31
July 10—16	5:15	8:28
July 17—23	5:21	8:23

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
July 24—30	5:27	8:16
July 31—Aug. 6	5:34	8:09
Aug. 7—13	5:40	8:00
Aug. 14—20	5:47	7:50
Aug. 21—27	5:54	7:40
Aug. 28—Sept. 3	6:00	7:29
Sept. 4—10	6:07	7:17
Sept. 11—17	6:14	7:06
Sept. 18—24	6:20	6:54
Sept. 25—Oct. 1	6:27	6:43
Oct. 2—8	6:34	6:32
Oct. 9—15	6:41	6:21
Oct. 16—22	6:49	6:11
Oct. 23—29	6:56	6:02
Oct. 30—Nov. 5	7:04	5:54
Nov. 6—12 **Ends	6:12	4:47
Nov. 13—19	6:20	4:38
Nov. 20—26	6:28	4:36
Nov. 27—Dec. 3	6:35	4:35
Dec. 4—10	6:41	4:36
Dec. 11—17	6:46	4:37
Dec. 18—24	6:50	4:37
Dec. 25—31	6:52	4:41
Jan. 1—7	6:52	4:46
Jan. 8—14	6:52	4:52
Jan. 15—21	6:51	5:00
Jan. 22—28	6:47	5:08
Jan. 29—Feb. 4	6:42	5:16
Feb. 5—11	6:35	5:24
Feb. 12—18	6:27	5:33
Feb. 19—25	6:18	5:41
Feb. 26—March 4	6:09	5:49
March 5—11	5:58	5:57
March 12—18 *Begins	6:47	7:04
March 19—25	6:36	7:11
March 26—Apr. 1	6:25	7:19
April 2—8	6:13	7:26
April 9—15	6:02	7:33
April 16—22	5:52	7:40
April 23—29	5:42	7:53
April 30—May 6	5:32	7:54
May 7—13	5:24	8:01
May 14—20	5:17	8:08
May 21—27	5:11	8:14
May 28—June 3	5:06	8:20
June 4—10	5:03	8:25
June 11—17	5:01	8:29

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
June 18—24	5:03	8:32
June 25—June 30	5:06	8:33

Daylight Saving Time:

*Begins

**Ends

[Pa.B. Doc. No. 22-777. Filed for public inspection May 27, 2022, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Small Game

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its April 9, 2022, meeting to add § 141.30 (relating to wild bobwhite quail recovery area) to create a wild bobwhite quail recovery area surrounding the Letterkenny Army Depot in Greene Township, Franklin County.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the April 9, 2022, meeting of the Commission. Comments can be sent until July 6, 2022, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

The Commission is proposing to add § 141.30 to create a wild bobwhite quail recovery area surrounding the Letterkenny Army Depot in Greene Township, Franklin County. To maximize the likelihood of successful reintroduction, it is important to avoid any harvest mortality on the reintroduced population, as well as potential negative genetic effects from interbreeding with captive-reared bobwhites. Implementation of a wild bobwhite quail recovery area will provide important protections and facilitate dispersal and expansion of the reintroduced bobwhite quail population. The boundary of the recovery area was developed using major roads surrounding the Letterkenny Army Depot that are easily identified with a minimum distance of 7.4 kilometers (km) beyond the Letterkenny Army Depot boundary. Based on average spring dispersal of quail, the 7.4 km distance should provide an adequate buffer to protect almost all dispersing quail from harvest and minimize the possibility of interbreeding with captive-raised quail originating from beyond the restoration area boundary. The wild bobwhite quail recovery area surrounding the Letterkenny Army Depot will cover 177.65 square miles.

Section 2102(a) of the code (relating to regulations) provides that “The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the

vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The addition of § 141.30 is proposed under this authority.

2. *Regulatory Requirements*

This proposed rulemaking will add § 141.30 to create a wild bobwhite quail recovery area surrounding the Letterkenny Army Depot in Greene Township, Franklin County.

3. *Persons Affected*

Persons who are interested in hunting bobwhite quail or releasing artificially propagated bobwhite quail in the area surrounding the Letterkenny Army Depot in Greene Township, Franklin County will be affected by this proposed rulemaking.

4. *Cost and Paperwork Requirements*

This proposed rulemaking should not result in any additional cost or paperwork.

5. *Effective Date*

This proposed rulemaking will be effective upon final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: 48-477. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter B. SMALL GAME

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

§ 141.30. Wild bobwhite quail recovery area.

(a) *Definition.* For the purpose of this section, the phrase “wild bobwhite quail recovery area” includes and is limited to portions of Wildlife Management Units 4B and 5A in Franklin County, bounded and described as follows: Beginning in the southwestern extent of the wild bobwhite quail recovery area at the intersection of Route 30 (Lincoln Highway) and PA-75 (Path Valley Road), proceed east on Route 30 for approximately 15.3 miles to the intersection of Interstate 81. The boundary follows Interstate 81 north for 8.5 miles to exit 24 and continues left on PA-696 (Old Scotland Road). Follow Old Scotland Road north for 2 miles then continue along PA-696 which becomes South Fayette Street. Follow South Fayette Street for 0.5 miles to West King Street. Follow left on West King Street, then right onto Spring Street, bear right onto Roxbury Road. Follow Roxbury Road for 9 miles to PA-641 (meets at Newburg Road, which becomes Forge Hill Road, Timmons Road, then Spring Run Road). The boundary follows PA-641 northwest for 7.5 miles then taking a left turn on Stone Bridge Road. At the end of Stone Bridge Road take a left onto PA-75 (Path Valley Road) and follow PA-75 for 17 miles to the intersection of Route 30 and the point of origin.

(b) *Prohibitions.* It is unlawful to:

(1) Release artificially propagated quail any time within any area designated as a wild bobwhite quail recovery area.

(2) Hunt quail within any area designated as a wild bobwhite quail recovery area.

[Pa.B. Doc. No. 22-778. Filed for public inspection May 27, 2022, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 147]

Special Permits; Deer Control; Deer Management Assistance Program Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its April 9, 2022, meeting to amend § 147.672 (relating to definitions) to expand the application of the term “private land” to lands where the hunting rights have been leased and where a fee has been charged for hunting.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the April 9, 2022, meeting of the Commission. Comments can be sent until July 6, 2022, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

The Commission is proposing to amend § 147.672 to expand the application of the term “private land” to lands where the hunting rights have been leased and where a fee has been charged for hunting. This amendment will effectively expand the meaning of the term, “private land” to include lands otherwise previously ineligible for participation in the Deer Management Assistance Program (DMAP). The Commission has determined that the quantity of land where the hunting rights have been leased and where a fee has been charged for hunting is approximately 5% as reported by hunters. By excluding DMAP on leased land, the only tool the Commission is giving these landowners or lessees to address deer population concerns and their land use goals are Wild Management Unit-based (WMU), allocations which may not be enough. DMAP provides an additional means for landowners to manage deer to meet their land-use goals outside of the WMU-based antlerless allocations. Fundamentally, there is no difference between DMAP on leased land and DMAP on private land with no public access. Both can restrict hunting access and both need the proper tools to meet their goals. Historic restrictions of DMAP permits for certain lands to encourage public access did not lead to significantly more public access or prevention of leased lands. Leased lands still exist and are part of the landscape of this Commonwealth.

Section 2901(b) of the code (relating to authority to issue permits) provides “the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activi-

ties which may be performed under authority of any permit issued.” The amendments to § 147.672 are proposed under this authority.

2. *Regulatory Requirements*

This proposed rulemaking will amend § 147.672 to expand the application of the term “private land” to lands where the hunting rights have been leased and where a fee has been charged for hunting.

3. *Persons Affected*

Private landowners who participate in the DMAP program will be affected by this proposed rulemaking.

4. *Cost and Paperwork Requirements*

This proposed rulemaking should not result in any additional cost or paperwork.

5. *Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: 48-478. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter R. DEER CONTROL

DEER MANAGEMENT ASSISTANCE PROGRAM PERMITS

§ 147.672. **Definitions.**

* * * * *

Hunting club—A corporation or legal cooperative which owns its enrolled acres in fee title, was established prior to January 1, 2000, and has provided its club charter and list of current members to the Commission.

Private land—Land not defined as public land [**where the hunting rights are not leased or there is no fee charged for hunting**].

Public land—Any land owned or controlled by a Federal or State agency, or municipal political subdivision.

[Pa.B. Doc. No. 22-779. Filed for public inspection May 27, 2022, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 147]

Special Permits; Nuisance Wildlife Control Operator

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its April 9, 2022, meeting to amend §§ 147.726 and 147.728 (relating to operation; and unlawful acts) to authorize nuisance wildlife control operators to collect

and properly dispose of deer carcasses from roadways and private property with or without a fee.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the April 9, 2022, meeting of the Commission. Comments can be sent until July 6, 2022, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

Each year, the Commission receives thousands of calls from the public concerning the presence of white-tailed deer carcasses along roadways and on private property. The Commission will often assign and task its wardens to collect and properly dispose of these carcasses as their schedules and work duties may permit. Suffice it to say, the task is often not accomplished in accordance with the expectations of the public from time to time. This is true despite the efforts of the Commission and the Department of Transportation to contract collection and disposal efforts out to qualified vendors across this Commonwealth.

Current regulations prohibit a person, licensed or otherwise, from picking up white-tailed deer carcasses from roadways and private property, except as may be authorized by a consumption permit. These restrictions limit the public and Commission’s ability to utilize existing resources to collect and properly dispose of these white-tailed deer carcasses. The Commission is proposing to amend §§ 147.726 and 147.728 to authorize nuisance wildlife control operators to collect and properly dispose of deer carcasses from roadways and private property with or without a fee.

These changes will provide residents of this Commonwealth an additional resource to address their concerns with the removal of white-tailed deer found dead along roadways and on private property. Furthermore, nuisance wildlife control operators are already currently regulated through the Commission, therefore these changes are simply an expansion of the existing authority of nuisance wildlife control operators, not the creation of a new permitted class. Lastly, nuisance wildlife control operators are not obligated to engage in white-tailed deer collection and disposal, but rather can elect to expand their business services to include these activities at their discretion.

Section 2901(b) of the code (relating to authority to issue permits) provides “the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” The amendments to §§ 147.726 and 147.728 are proposed under this authority.

2. *Regulatory Requirements*

This proposed rulemaking will amend §§ 147.726 and 147.728 to authorize nuisance wildlife control operators to collect and properly dispose of deer carcasses from roadways and private property with or without a fee.

3. *Persons Affected*

Persons holding a nuisance wildlife control operator permit within this Commonwealth will be affected by this proposed rulemaking.

4. *Cost and Paperwork Requirements*

This proposed rulemaking should not result in any additional cost or paperwork.

5. *Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: 48-482. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter T. NUISANCE WILDLIFE CONTROL OPERATOR

§ 147.726. Operation.

* * * * *

(h) Carcasses shall be disposed of by incineration or in an approved landfill in a manner consistent with the solid waste laws of the Commonwealth. The taking of any white-tailed deer shall be reported within 24 hours and turned over to the district wildlife conservation officer, unless alternative arrangements are accepted by the district wildlife conservation officer.

(i) Nuisance wildlife control operators are authorized to collect and properly dispose of deer carcasses from roadways and private property with or without a fee.

§ 147.728. Unlawful acts.

It is unlawful to:

(1) [**Control**] **Except as otherwise provided in § 147.726 (relating to operation), control** any white-tailed deer, black bear, elk, wild turkey, beaver, fisher, otter or bobcat without prior approval of the District Wildlife Conservation Officer.

* * * * *

[Pa.B. Doc. No. 22-780. Filed for public inspection May 27, 2022, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 147]

Special Permits; Wildlife Rehabilitation

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its April 9, 2022, meeting to amend § 147.305 (relating to wildlife capture and transportation permits) to require a permit holder to submit a monthly report to the Commission documenting the species and quantity of all wildlife captured or transported, the location where the wildlife is captured, the location where the wildlife is transported to and the disposition of deceased wildlife.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the April 9, 2022, meeting of the Commission. Comments can be sent until July 6, 2022, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

Currently, a wildlife capture and transportation permit holder is required to have a wildlife rehabilitator as a sponsor when submitting his or her initial application. However, after the permit application is submitted and approved, the permit holder no longer needs to maintain an affiliation or sponsorship with any particular wildlife rehabilitator. In fact, a wildlife capture and transportation permit holder can pick up wildlife any place at any time and transport the wildlife to the closest properly permitted wildlife rehabilitator. The Commission has observed instances where some of these wildlife capture and transportation permit holders are using this permit to pick up injured wildlife and then holding it and acting as an actual rehabilitator without the required permit.

The Commission provides little oversight to wildlife capture and transportation permit holders once a permit is received. The Commission has no data on how active permit holders are, the volume of wildlife handled, the locations wildlife is transported to, the species of wildlife captured and transported, the location rehabilitated wildlife is transported to or any other disposition of wildlife. Section 2907 of the code (relating to reports) generally authorizes the Commission to require reports as may be needed for its operations. The Commission is proposing to amend § 147.305 to require that a permit holder submit a monthly report to the Commission documenting the species and quantity of all wildlife captured or transported, the location where the wildlife is captured, the location where the wildlife is transported to and the disposition of deceased wildlife. The Wildlife Rehabilitation and Education Council both support this proposal.

Section 2901(b) of the code (relating to authority to issue permits) provides “the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” The amendments to § 147.305 are proposed under this authority.

2. *Regulatory Requirements*

This proposed rulemaking will amend § 147.305 to require that a permit holder submit a monthly report to the Commission documenting the species and quantity of all wildlife captured or transported, the location where the wildlife is captured, the location where the wildlife is transported to and the disposition of deceased wildlife.

3. *Persons Affected*

Persons holding a wildlife capture and transportation permit within this Commonwealth will be affected by this proposed rulemaking.

4. *Cost and Paperwork Requirements*

This proposed rulemaking should not result in any additional cost or paperwork.

5. *Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of

Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: 48-481. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter P. WILDLIFE REHABILITATION

§ 147.305. Wildlife capture and transportation permits.

(a) Issuance of wildlife capture and transportation permits will be limited to the number authorized by the permit class of the sponsoring wildlife rehabilitator.

(b) Qualifications are as follows:

(1) The applicant shall be sponsored by a wildlife rehabilitation permittee.

(2) The applicant shall successfully pass a Council-approved wildlife capture and transport written examination with a minimum score of 80%.

(3) The applicant, upon completion of testing, shall obtain a certificate from the Council approved written examination. This certificate, along with a permit application shall be mailed to the district wildlife conservation officer to receive a permit.

(c) Permit conditions are as follows:

(1) A permittee may capture and transport injured or displaced wildlife when necessary.

(2) Wildlife shall be immediately transported to the sponsoring permittee or to the nearest properly permitted wildlife rehabilitator.

(3) Wildlife may not be captured or transported by a permittee outside of the area serviced by a sponsoring permittee except when advance permission from the wildlife rehabilitator has been obtained.

(d) Monthly reports. A permittee shall submit a monthly report to the district wildlife conservation officer documenting the species and quantity of all wildlife captured or transported, the location where the wildlife is captured, the location where the wildlife is transported to and the disposition of deceased wildlife.

[Pa.B. Doc. No. 22-781. Filed for public inspection May 27, 2022, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Continuation of the Pennsylvania Apple Program

Under the applicable provisions of 3 Pa.C.S. §§ 4501—4513 (relating to Agricultural Commodities Marketing Act), a referendum was held from March 21, 2022, to April 18, 2022, to determine if the producers affected by the Pennsylvania Apple Program (Program) wished to continue the Program for an additional 5 years. To pass, a majority of eligible producers voting had to vote in favor of the Program's continuation. An impartial Teller Committee (Committee) met on May 9, 2022, to count the ballots. The following results were submitted by the Committee: a total of 83 eligible votes were cast with 54 producers voting in favor of and 29 voting against the continuation of the Program. There were six spoiled or ineligible ballots returned to the Department of Agriculture (Department). One ballot was ineligible because it was returned to the Department due to an invalid mailing address. Two ballots were ineligible because they were not from affected producers. One ballot was ineligible because the vote was cast and signed by an individual other than the contact to which the ballot was addressed. Two ballots were ineligible because the envelopes in which they were delivered were not postmarked. Of the total votes: 61% were affirmative votes, 33% were negative votes and 7% were spoiled or ineligible ballots. Percentages are rounded to the nearest whole number and therefore do not add to 100. In accordance with the foregoing, the Program shall continue for 5 years, effective immediately.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 22-782. Filed for public inspection May 27, 2022, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Exemption of Plants from Controlled Plants and Noxious Weed List

Japanese barberry (*Berberis thunbergii*) was added to the Commonwealth's noxious weed list by the Controlled Plant and Noxious Weed Committee (Committee) in July of 2021. It became an official State noxious weed in October of 2021, with a 2-year grace period for enforcement, allowing growers and retail businesses to downsize their stock. The enforcement of the sale of Japanese barberry will begin October 9, 2023.

The Committee also voted to allow an application process for sterile cultivars of Japanese barberry as an exemption to enforcement. The Department of Agriculture (Department) received and reviewed an application for four Japanese barberry cultivars. The Department has approved the four sterile cultivars for sale and planting in this Commonwealth as exemptions to the Japanese barberry ban.

The approved infertile, seedless barberry varieties from SynRG, LLC, Raleigh, NC, are listed as follows:

Parent species: *Berberis thunbergii*

These are in the WorryFree® Series of barberries from the company SynRG, LLC:

- Crimson Cutie® (UCONNBTCP4N)
- Lemon Cutie® (UCONNBTB113)
- Lemon Glow® (UCONNBTB048)
- Mr. Green Genes® (UCONNBTB039)

The Department hereby publishes Japanese barberry Crimson Cutie® (UCONNBTCP4N), Lemon Cutie® (UCONNBTB113), Lemon Glow® (UCONNBTB048) and Mr. Green Genes® (UCONNBTB039), as exemptions to the Commonwealth's noxious weed list.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 22-783. Filed for public inspection May 27, 2022, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Pennsylvania Apple Program 2022 Order, Amended

Article I: Declaration

In accordance with requirements of the Agricultural Commodities Marketing Act, as amended, the Secretary of Agriculture finds that this program effectuates the purposes of said Act.

Article II: Definitions

Section A. Definitions: As used in this program, the following words and terms shall have the following meaning unless the context clearly indicates otherwise:

1. "Act" means the Act of March 24, 1998 (P.L. 217, No. 39) (3 Pa.C.S.A. § 4501 et seq.) known as the Agricultural Commodities Marketing Act.

2. "Apples" means all apples produced or grown in Pennsylvania for the purpose of sale by any producer as herein defined.

3. "Commodity Board" or "Board" consists of the Secretary plus those persons who are appointed by the Secretary from among producers whose commodities are subject to this program.

4. "Department" means the Department of Agriculture of the Commonwealth of Pennsylvania.

5. "Fresh Market" means all outlets other than processing.

6. "Contract" Any contract or agreement between the Commodity Board and a person for the performance of services relating to U.S. Apple Association membership obligations, research, consumer education, and administrative expense necessary for the accomplishment of those authorized activities.

7. "Season" means the period beginning July 1 of any year extending through June 30 of the following year.

8. "Person" means an individual, partnership, firm, corporation, association or any other business unit.

9. "Processing" means the operation of canning, dehydrating, preserving, freezing, grinding, crushing, slicing or in any way preserving or changing the form of apples, as herein defined, for marketing in any form other than as a whole apple for fresh consumption.

10. "Producer" means a person who produces or grows or causes to be produced or grown apples as herein defined.

11. "Sales Agent" A processor, a producer or a person who purchases, handles, receives, sells or contracts to sell apples originating from a producer. A producer may be a sales agent with respect to apples of his/her/its own production.

12. "Secretary" means the Secretary of Agriculture of the Commonwealth of Pennsylvania, or his/her designee.

Article III: Scope of Program

The area affected by this program shall be the Commonwealth of Pennsylvania. The program shall apply to all producers who have 500 or more apple trees of all ages.

Article IV: Commodity Board

Section A. Establishment and Members

The Commodity Board shall consist of seven (7) members, one of whom shall be the Secretary, or his/her designee, and shall have the primary decision-making authority in the administration of this program, as provided in the Act.

Section B. Term of Office

1. The term of office of each appointed member shall be for three (3) years, beginning July 1 and ending June 30: Provided, that the terms of office of the initial appointed members of the Commodity Board shall be staggered as follows: two (2) members shall serve one (1) year terms; two (2) members shall serve two (2) year terms; and three (3) members shall serve three (3) year terms. All members appointed after those first appointed, shall serve three (3) year terms.

2. The Secretary, or his/her designee, will be a member of the Commodity Board, and the other six (6) members shall be appointed by the Secretary from among the affected producers. In making these appointments, the Secretary shall consider nominations submitted by the affected producers.

3. Successor members to fill the expired terms of members of the Commodity Board shall be appointed in the same manner as the initial members of the Commodity Board. Members shall serve in such capacities for the portion of the term of office for which they are appointed and until their respective successors are appointed and have qualified.

4. Any person appointed as a member of the Commodity Board shall be and remain a producer while a member of the Board and shall qualify by filing a written acceptance with the Secretary within fifteen (15) days of being notified.

5. To fill any vacancy occasioned by the failure of any person appointed as a member of the Commodity Board, a successor for the unexpired term of such member shall be appointed by the Secretary from among the affected producers.

6. Meetings of the Board will be held at least two (2) times a year.

Section C. Powers and Duties of the Board

The Commodity Board shall have the primary decision-making authority relative to contracts and other projects in furtherance of this program and includes the following powers and duties:

1. To determine all matters pertaining to this program.

2. To adopt written procedures for acquiring and disposing of property, and subject to these procedures, to acquire, own, use, hire, lease, operate and dispose of personal property, real property and interests in real property.

3. To make and enter into contracts and agreements, in accordance with the provisions of the law, which the Board deems necessary or incidental to the furtherance of the program or performance of duties and powers pursuant to the Act. The Board shall adopt written procurement procedures for all contracts.

4. To receive, account for and disburse all monies collected pursuant to this program, the Act and any applicable regulations.

5. To prepare a budget for the administration, operating costs and expenses of this program.

6. To receive and report to the Secretary complaints or violations of this program and to assist and cooperate with the Secretary in the enforcement thereof.

7. To establish committees or subcommittees to carry out assigned duties and functions, and to designate Board members and non-board members to serve on such committees and subcommittees.

8. To collect and gather information and data relevant to the proper administration of this program.

9. To charge fees and to assist the Secretary in the imposition of fees and the collection of fees and revenue pursuant to the Act.

10. To issue an annual report on the operation of this program.

11. To recommend amendments to this program and amendments to the Act and regulations issued pursuant thereto.

Section D. Expenses and Compensation

No member of the Board shall receive a salary, but each shall be entitled to actual expenses incurred while engaged in performing duties authorized herein. In addition, a per diem payment may be made to each Board Member or subcommittee member for each day in which a Board Member or subcommittee member is performing a duty necessary to the functions of the Board. The per diem payment shall not exceed the maximum sum allowable under the Act.

Article V: Powers and Duties of the Secretary

Subject to the provisions contained in the Act, the Secretary shall administer and enforce the provisions of the Act, and shall have and shall exercise all administrative powers necessary to effectuate the purposes of the Act, including the issuance of this program, the appointment of members to the Commodity Board and the providing of personnel, staff, legal counsel, and office facilities required for the administration and enforcement of this program.

Article VI: Purpose

This program is to provide funds to be used for, or to contract with any person, organization, or state or federal agency to, conduct, administer and execute plans and/or contracts for: (1) fulfillment of U.S. Apple membership obligations; (2) research regarding apples or apple products; (3) consumer education regarding apples or apple products; and (4) administrative activities necessary to those three authorized objectives and activities. U.S. Apple membership obligations shall be satisfied and maintained at the millage rate set for Pennsylvania by the U.S. Apple Association.

No program materials shall be approved, which shall make use of false or unwarranted claims. The Secretary and the Board may cooperate with any other state or Federal agency, or other organization whose activities may be deemed beneficial to the purpose of this Act.

*Article VII: Budget, Rate of Assessment, Collection of Assessment, Disbursement of Funds**Section A. Budget and Assessment*

1. A budget shall be prepared and established for each season and not later than July 1st, for the administration and enforcement of this program and for carrying out duly authorized programs and activities as herein provided.

2. The rate of assessment shall be five cents (\$.05) per harvested bushel of apples sold for fresh market use and one cent (\$.01) per harvested bushel of apples sold or accepted for processing. A producer may elect to pay the rate of (\$.05) per harvested bushel of apples sold for all purposes.

3. A bushel shall be that amount defined as a bushel of apples by the United States Department of Agriculture, Federal Crop Insurance Corporation regulations.

4. No assessment shall be paid on apples grown and processed by a producer as an ingredient of an agricultural commodity sold by that same producer subject to another program established under the Agricultural Commodities Marketing Act.

Section B. Collection of Assessment/Charge

1. Each producer shall be responsible for payment of the proper charge upon the apples which he/she produces or causes to be produced, and sells or delivers for sale.

2. All producers shall make remittance and accounting of the proper charge to the Secretary or his/her designated fiscal agent. Such remittance and accounting shall be inclusive of all sales of apples through the end of the period.

3. Any delinquent producer may be assessed a penalty for late payments as established by regulation.

Section C. Disbursement of Funds

1. Disbursement of funds shall be made in the manner described in the Act and in any rules or any regulations promulgated by the Secretary to effectuate the provisions and intent thereof, and in accordance with the provisions of this program.

Article VIII: Effecting Program

This program, or any amendment thereto, shall not become effective unless and until the Secretary determines by a referendum whether the affected producers assent to the proposed action. The Secretary shall conduct the referendum among affected producers and the affected producers shall be deemed to have assented to the proposed program if, of those voting, not less than a majority by number and a majority by volume assent to the proposed program.

Article IX: Amending Program

The Secretary shall call for a referendum on amendments to the program within a reasonable period of time, upon the request of the Board or with written request of ten percent of the producers in a commodity group of over two thousand affected producers or fifteen percent of the producers in a commodity group of less than two thousand affected producers. In voting on an amendment to the program, the vote shall be only on the amendment, and shall not terminate the program.

Article X: Terminating Program

Subject to approval of the Board, the Secretary shall suspend or terminate this program or any provisions hereof whenever he/she finds that such provisions or program does not tend to effectuate the purpose of the Act within the standards and subject to the limitations and restrictions imposed in the Act; Provided that such termination or suspension shall not be effective until the expiration of the current season.

If the Secretary finds that the termination of the program is requested in writing, by more than thirty-three and one-third percent of the affected producers who produce for market more than fifty percent of the volume of agricultural commodities produced within the designated production area for market, the Secretary shall terminate or suspend for a specified period, the program or provisions thereof; provided that such termination shall be effective only if announced on or before the first day of July in any calendar year. If ten percent of the producers in a commodity group of over two thousand affected producers or fifteen percent of the producers in a commodity group of less than two thousand affected producers, request in writing, that a referendum be held on the question of terminating the program, the Secretary must announce and conduct a referendum within a reasonable period of time. The program shall be terminated if so voted by a majority of those voting.

Article XI: Program Reviewed

At intervals of no greater than five (5) years, the Secretary of Agriculture shall call a referendum to determine whether or not a majority of the apple producers voting still desire a Commodity Program.

Article XII: Interpretation

Applicable provisions of this program shall be interpreted consistent with the Act and the Act shall take precedence in the event of any conflict with this program.

Article XIII: Effective Date

This Program shall become effective immediately.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 22-784. Filed for public inspection May 27, 2022, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Program Requirements for the Pennsylvania Agriculture Veteran Grant Program

The Department of Agriculture (Department) hereby provides notice of the standards and requirements for the Pennsylvania Veteran Grant Program (Program). This notice establishes the grant solicitation by the Department to solicit applications to conduct one or more “mini-grant” programs for the benefit of military veterans entering or expanding farm operations or related businesses as part of its ongoing commitment to agricultural business and workforce development in Fiscal Year (FY) 2022-2023.

1. *Grant Solicitation.* The Department is soliciting applications to conduct one or more “mini-grant” programs for the benefit of military veterans entering or expanding farm operations or related businesses as part of its ongoing commitment to agricultural business and workforce development.

Depending on the quality of applications received, the Department may make up to three awards of up to \$100,000 each. Mini-grants to individual veterans should not exceed \$10,000. The proposed mini-grant program should allow for one or more of the following purposes (additional purposes may be proposed):

- Business planning.
- Feasibility studies.
- Food safety, including Hazard Analysis and Critical Control Points plans.
- Biosecurity planning.
- Cost-sharing implementation of natural resource conservation planning.
- Cost-sharing permitting fees.
- Cost-sharing equipment purchases.
- Working capital.
- Marketing and promotion of agricultural commodities and value-added products.

2. *Scoring of Applications.* The Department will evaluate each complete and timely-filed project proposal and grant application it receives, using a 100-point scale assessing:

- a) Up to 10 points for the project needs statement.
- b) Up to 20 points for projected Program outcomes, including enhancement of diversity, equity and inclusion in farming.
- c) Up to 30 points for the methodology of awarding mini-grants and ensuring funds are used as intended.
- d) Up to 20 points for the applicant’s project evaluation process.
- e) Up to 20 points for support, including financial support, and participation in operating the mini-grant from veterans and the farming industry.

Upon completion of application scoring, the Department will prepare a record identifying each complete and timely-filed project proposal and grant application received and the numerical score assigned to each. The Department will award up to three grants based upon its evaluation and scoring of applications.

3. *Grant Agreement.* With the e-mailed grant award notice, the Department will provide applicants with a grant agreement for execution and return within 30 days or instructions as to finalizing the grant agreement electronically. The Department will obtain the required Commonwealth signatures on the grant agreements and return a copy of the fully executed grant agreement to the applicant. The grant agreement is not effective and work should not begin until all required signatures have been applied to the grant agreement. Among the terms of the grant agreement shall be a requirement that the grant recipient provide the Department full and complete access to all records relating to the performance of the project and submit such information as the Department may require.

4. *Application Delivery and Deadline.* Interested applicants must submit a complete electronic proposal and grant application using the Department of Community and Economic Development’s Electronic Single Application web site at <https://www.esa.dced.state.pa.us/Login.aspx> by Friday, June 17, 2022, at 5 p.m. Questions regarding this online application process may be directed to Joshua Scheinberg, at (717) 919-0377 or jscheinber@pa.gov.

5. *Multiyear Projects or Extensions.* The Department may award grant funding for multiyear projects or extensions of an ongoing project, if the Department identifies that a multiyear term or an extension advances the grant’s objectives. Requests for extensions of ongoing projects shall be made, evaluated and processed in accordance with all the requirements of this notice.

6. *Notice of Award.* Applicants shall be notified by mail of the decision on their grant applications by the Department. Best efforts will be made to do so within 15 days of the application deadline.

7. *Nonmatching Cost-Reimbursable Grant.* Grants made hereunder do not require the applicant to provide matching funds; however outside funding may be considered as an evaluation criterion under paragraph 2 of this solicitation. Payment of grant funds will occur on a reimbursement basis, with the possibility of a 50% advance payment option upon the written submission of justification and subsequent approval of the Department and Comptroller operations. Applicants that require advance payment must indicate that in their proposal.

8. *Allowable Indirect Cost Reimbursement.* Grants made hereunder are subject to an indirect cost cap of 15% of total direct project costs. For the purpose of this solicitation, indirect costs shall include administrative salaries and benefits, office supplies and equipment, facility-related cost including maintenance and repairs, telephones, memberships/dues, freight/postage cost and any consultant related costs associated with the administration of this grant.

9. *Reporting Requirements.* Within 60 days of completing a mini-grant program, grant recipients will submit a final report to the Department detailing the program’s results based upon the evaluation method proposed in the application.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 22-785. Filed for public inspection May 27, 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 May 17, 2022.

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

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
05-12-2022	Fulton Financial Corporation Lancaster Lancaster County	Approved
	Application for approval to acquire 100% of Prudential Bancorp, Inc., Philadelphia, PA, and thereby indirectly acquire 100% of Prudential Bank, Philadelphia, PA.	

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
05-11-2022	Bank of Bird-in-Hand Bird-in-Hand Lancaster County	2483 Stiegel Pike Schaefferstown Lebanon County	Approved
05-11-2022	Truist Bank Charlotte Mecklenburg County, NC	821 Lancaster Avenue Wayne Chester County, PA	Filed

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-01-2022	Harleysville Bank Harleysville Montgomery County	815 Maplewood Drive Harleysville Montgomery County (Limited Service Facility)	Closed

CREDIT UNIONS

No activity.

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

RICHARD VAGUE,
Secretary

[Pa.B. Doc. No. 22-786. Filed for public inspection May 27, 2022, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Change to Community Housing Development Organizations Operating Requests

The Department of Community and Economic Development, Center for Community and Housing Development, is changing its funding request limit for Community Housing Development Organizations (CHDO) requesting operating assistance. The change is:

Certified CHDOs are eligible to request operating assistance through the HOME Program. A CHDO can

receive up to 50% of its annual operating budget or \$50,000, whichever is greater. Applications for CHDO operating funding must also be submitted at the same time as the project funding and CHDO Certification application submissions. Applications for CHDO operating funding are submitted separately through the Electronic Single Application and require the submission of the General Application only.

NEIL WEAVER,
Acting Secretary

[Pa.B. Doc. No. 22-787. Filed for public inspection May 27, 2022, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Governor's Advisory Council for Hunting, Fishing and Conservation Public Meeting

The Governor's Advisory Council for Hunting, Fishing and Conservation (Council) to the Department of Conservation and Natural Resources (Department) will hold a public meeting on June 6, 2022, at 2 p.m. at the Nature Inn, Bald Eagle State Park, 201 Warbler Way, Howard, PA 16841.

In-person seating is limited and preregistration is required. A virtual access option will be available by means of WebEx. A link will be provided for virtual registration and attendance on the Council's web site prior to the meeting at www.dcnr.pa.gov/Conservation/GovernorsAdvisoryCouncil.

Questions concerning this public meeting or agenda items can be directed to Derek Eberly at (717) 317-0028. For public comment to be considered at the public meeting, follow the instructions on the Council's web site.

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

CINDY ADAMS DUNN,
Secretary

[Pa.B. Doc. No. 22-788. Filed for public inspection May 27, 2022, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Snowmobile and ATV Advisory Committee Public Meeting

The Snowmobile and ATV Advisory Committee (Committee) to the Department of Conservation and Natural Resources (Department) will hold a public meeting on June 1, 2022, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The public meeting may be attended by means of WebEx through a link found on the Committee's web site prior to the public meeting at <https://www.dcnr.pa.gov/SnowmobileATVAdvisoryCommittee/Pages/default.aspx>.

Questions concerning this public meeting or agenda items can be directed to Jake Newton at (717) 783-3349. Those wishing to participate during the public comment section are encouraged to submit their comments in writing to janewton@pa.gov.

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

CINDY ADAMS DUNN,
Secretary

[Pa.B. Doc. No. 22-789. Filed for public inspection May 27, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

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

Section *Category*

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

<i>Section</i>	<i>Category</i>
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 Chapter 92a 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, excluding PAG-01 and PAG-02, are identified but do not have public comment periods. DEP provides a 15-day public comment period for Individual WQM Permit Applications for amendments.

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

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

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

Applications, NOIs and draft permits, where applicable, may be reviewed at the DEP office that received the application or NOI. 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 and to submit comments for those applications, 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 for permits in Sections I & II; RA-EPWW-SERO@pa.gov for permits in Section III.

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 for permits in Sections I & II; RA-EPWW-NERO@pa.gov for permits in Section III.

DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717.705.4732. Email: RA-EPNPDES_SCRO@pa.gov for permits in Sections I & II; RA-EPWW-SCRO@pa.gov for permits in Section III.

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 for permits in Sections I & II; RA-EPWW-NCRO@pa.gov for permits in Section III.

DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412.442.4286. Email: RA-EPNPDES_SWRO@pa.gov for permits in Sections I & II; RA-EPWW-SWRO@pa.gov for permits in Section III.

DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814.332.6340. Email: RA-EPNPDES_NWRO@pa.gov for permits in Sections I & II; RA-EPWW-NWRO@pa.gov for permits in Section III.

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 Regional Permit Coordination Office (RPCO)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717-772-5987. Email: RA-EPREGIONALPERMIT@pa.gov.

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

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

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

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAD450129	Chapter 102 Individual NPDES Permit	Transfer	Chestnuthill Township Monroe County 128 Route 715 Brodheads ville, PA 18322-7106	Chestnuthill Township Monroe County	NERO
2622800	Joint DEP/PFBC Pesticides Permit	New	Reskovac Michael M 162 Ruane Road Uniontown, PA 15401-9708	North Union Township Fayette County	SWRO
2622801	Joint DEP/PFBC Pesticides Permit	New	Pressman Stacey 533 Elliotsville Road Farmington, PA 15437-1182	Wharton Township Fayette County	SWRO
4813807	Joint DEP/PFBC Pesticides Permit	Renewal	Crayola, LLC 1100 Church Lane Easton, PA 18040-6638	Forks Township Northampton County	NERO
5222801	Joint DEP/PFBC Pesticides Permit	New	Faraone Eric 140 Corkys Road Hawley, PA 18428-7727	Lackawaxen Township Pike County	NERO
6322800	Joint DEP/PFBC Pesticides Permit	New	Noble Will E. II 1728 Beham Ridge Road Claysville, PA 15323-1285	Donegal Township Washington County	SWRO
6422802	Joint DEP/PFBC Pesticides Permit	New	Camp Towanda 700 Niles Pond Road Honesdale, PA 18431-6609	Lebanon Township Wayne County	NERO
3691201	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Amendment	Valley Proteins, Inc. P.O. Box 369 693 Wide Hollow Road Terre Hill, PA 17581-0369	East Earl Township Lancaster County	SCRO
6618403	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	Aqua PA Wastewater, Inc. 1 Aqua Way White Haven, PA 18661-1115	Tunkhannock Township Wyoming County	NERO
0275447	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	Deer Creek Drainage Basin Authority 45 Little Deer Creek Valley Road Russellton, PA 15076	West Deer Township Allegheny County	SWRO
NOEXSC382	No Exposure Certification	New	FedEx Supply Chain 325 S Salem Church Road York, PA 17408-5500	West Manchester Township York County	SCRO
PAR403503	PAG-03 NPDES General Permit for Industrial Stormwater	Amendment	Envirite of PA, Inc. 730 Vogelsong Road York, PA 17404-6707	York City York County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
1407405	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Sharrow Colby T 151 Spotts Road Julian, PA 16844-9212	Union Township Centre County	NCRO
1722404	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Rickabaugh Adam 13959 Tyrone Pike Curwensville, PA 16833-8308	Ferguson Township Clearfield County	NCRO
2522412	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Christopher & Jacqueline Wassel 8139 Station Road Erie, PA 16510-5705	Harborcreek Township Erie County	NWRO
2522414	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Hinkle Melissa 3207 Reichert Road Erie, PA 16509-4337	McKean Township Erie County	NWRO
4322404	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Hoobler David P 110 Hutcheson Road Stoneboro, PA 16153	Lake Township Mercer County	NWRO
4694425	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Cornes Thomas 208 Neiffer Road Schwenksville, PA 19473-1410	Limerick Township Montgomery County	SERO
5622401	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Indian Lake Borough 1301 Causeway Drive Central City, PA 15926	Indian Lake Borough Somerset County	SWRO
6222406	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Becker Paul 237 Callodine Avenue Buffalo, NY 14226-3129	Farmington Township Warren County	NWRO
1022407	Small Flow Treatment Facility Individual WQM Permit	New	Stelter Robert 1319 Willowbrook Road New Castle, PA 16101-5415	Oakland Township Butler County	NWRO
WQG02222202	WQG-02 WQM General Permit	New	Royalton Borough Dauphin County 101 Northumberland Street Middletown, PA 17057-1612	Royalton Borough Dauphin County	SCRO
WQG02042101	WQG-02 WQM General Permit	New	Economy Borough Municipal Authority 2860 Conway Wallrose Road Baden, PA 15005-2306	Economy Borough Beaver County	SWRO

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

Northcentral Regional Office

PA0020338, Sewage, SIC Code 4952, **Kulpmont Marion Heights Borough Joint Municipal Authority, Northumberland County**, 9590 State Route 61, Coal Township, PA 17866-4110. Facility Name: Kulpmont Marion Heights Joint Municipal Sewer System. This existing facility is located in Coal Township, **Northumberland County**.

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

The receiving stream(s), Unnamed Tributary to Quaker Run (CWF), is located in State Water Plan watershed 6-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.5 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	9.0 Max 40	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	104	166	XXX	25		50
Biochemical Oxygen Demand (BOD ₅)	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	125	187	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
Ultraviolet light transmittance (%)	XXX	XXX	Report	Geo Mean XXX	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	Report	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	Report	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Daily Max Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Daily Max 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.

<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	9,132	XXX	XXX	XXX	XXX
Effluent Net		Total				
Total Nitrogen (Total Load, lbs) (lbs)	XXX	Annual Report	XXX	XXX	XXX	XXX
Total		Annual				
Ammonia-Nitrogen (Total Load, lbs) (lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total		Annual				
Total Phosphorus (Total Load, lbs) (lbs)	XXX	1,218	XXX	XXX	XXX	XXX
Total		Total				
Effluent Net		Annual				
Total Phosphorus (Total Load, lbs) (lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total		Annual				

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

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

The EPA Waiver is not in effect.

PA0233234, Sewage, SIC Code 4952, **Forest House Hotel**, 10410 Buffalo Road, Mifflinburg, PA 17844-7873. Facility Name: Forest House Hotel. This proposed facility is located in Mifflinburg Borough, **Union County**.

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

The receiving stream(s), Rapid Run (HQ-CWF, MF), is located in State Water Plan watershed 10-C 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 0.002 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
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX
				Geo Mean		

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

- Other Requirements.

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

The EPA Waiver is in effect.

Northeast Regional Office

PA0063312, Sewage, SIC Code 4952, **Girardville Area Municipal Authority, Schuylkill County**, Fourth and B Streets, Girardville, PA 17935-0005. Facility Name: Girardville Area Municipal Authority. This existing facility is located in Butler Township, **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), Mahanoy Creek (WWF), is located in State Water Plan watershed 6-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 .34 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Aluminum, Total	Report	Report	XXX	Report	Report	XXX
Iron, Total	Annl Avg	Daily Max	XXX	Annl Avg	Daily Max	XXX
	Report	Report		Report	Report	
	Annl Avg	Daily Max		Annl Avg	Daily Max	

The proposed effluent limits for Outfall 001 are based on a design flow of .34 MGD.—Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of .34 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max	6.0	XXX	XXX	9.0
		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>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Dissolved Oxygen	XXX	XXX	4.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.50	XXX	1.63
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	70.8	113.4	XXX	25.0	40.0	50.0
BOD ₅	85	XXX	XXX	XXX	XXX	XXX
Minimum % Removal (%)	Min Mo Avg					
Total Suspended Solids	85.0	127.6	XXX	30.0	45.0	60.0
Total Suspended Solids Minimum % Removal (%)	85 Min Mo Avg	XXX	XXX	XXX	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
Nitrate-Nitrite as N	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX
Total Nitrogen	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX
May 1 - Oct 31	Report	Report Daily Max	XXX	25.0	50.0	50.0
Total Kjeldahl Nitrogen	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX
Total Phosphorus	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX
Copper, Total	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX
Manganese, Total	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX

The proposed effluent limits for Internal Monitor Point/Outfall 101 are based on a design flow of NA 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 Monthly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Biochemical Oxygen Demand (BOD ₅)	Report	Report Daily Max	XXX	Report	Report	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	Report	XXX	Report	Report	XXX
Raw Sewage Influent						

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

- Stormwater prohibition; Necessary Property Rights; Residuals Management; Chlorine Minimization; Responsible Operator; Operations & Maintenance Plans; High Flow Management Plan; Changes to Stream/Discharge; 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

PA0289990, Storm Water, SIC Code 3471, 3541, **Penn United Technologies, Inc.**, P.O. Box 399, Saxonburg, PA 16056-0399. Facility Name: Penn United Technologies Electroplating. This proposed facility is located in Buffalo Township, **Butler County**.

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

The receiving stream, an Unnamed Tributary to the Sarver Run (HQ-TSF), is located in State Water Plan watershed 18-F and is classified for High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0 MGD.—Limits.

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

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

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

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

The EPA Waiver is in effect.

PA0104396, Industrial, SIC Code 0182, **Kullagruppen USA Holding Company**, 568 Tomato Drive, Punxsutawney, PA 15767-5627. Facility Name: Kullagruppen USA Holding. This existing facility is located in Ringgold Township, **Jefferson 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, the Caylor Run (CWF), is located in State Water Plan watershed 17-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 0.2025 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
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

The proposed effluent limits for Outfall 301 are based on a design flow of 0.00175 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
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min	0.5	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	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
Aluminum, Total	XXX	XXX	XXX	Geo Mean Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Annl Avg Report	XXX	XXX
Manganese, Total	XXX	XXX	XXX	Annl Avg Report	XXX	XXX

The proposed effluent limits for Outfall 601 are based on a design flow of 0.0995 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
Total Suspended Solids	XXX	XXX	Inst Min	30.0	XXX	60.0
Aluminum, Total	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Annl Avg	XXX	XXX
Manganese, Total	XXX	XXX	XXX	Report	XXX	XXX
				Annl Avg		

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

- Chemical Additives

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.

PA0042234, Sewage, SIC Code 4952, **Kittanning Borough Municipal Authority**, P.O. Box 993, Kittanning, PA 16201-0993. Facility Name: Kittanning Borough STP. This existing facility is located in Kittanning Borough, **Armstrong County**.

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

The receiving stream, the Allegheny River (WWF), is located in State Water Plan watershed 17-E and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.2 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min Report	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	250.0	375.0	XXX	25.0	37.5	50
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Total Suspended Solids	300.0	450.0	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Chloride	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Avg Qrtly Report	XXX	XXX	Daily Max Report	XXX	XXX
Copper, Total (ug/L)	XXX	XXX	XXX	Daily Max Report	XXX	XXX
Nickel, Total (ug/L)	XXX	XXX	XXX	Daily Max Report	XXX	XXX
Zinc, Total (ug/L)	XXX	XXX	XXX	Daily Max Report	XXX	XXX
Bis(2-Ethylhexyl) Phthalate (ug/L)	XXX	XXX	XXX	Daily Max Report	XXX	XXX
				Daily Max		

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

- Solids Management
- Requirements Applicable to Stormwater Outfalls
- Whole Effluent Toxicity (WET)

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.

PA0210404, Sewage, SIC Code 4952, 8811, **Melvin J Wachob**, 4916 Glen Hazel Road, Wilcox, PA 15870-5124. Facility Name: Melvin J Wachob SRSTP. This existing facility is located in Jones Township, **Elk County**.

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

The receiving stream is an Unnamed Tributary to East Branch Clarion River, located in State Water Plan watershed 17-A and classified for High Quality Waters—Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	Report
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000

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

The EPA Waiver is in effect.

PA0238929, Sewage, SIC Code 4952, 8800, **Douglas E & Michele Gnora Roesch**, 925 Saint James Street, Pittsburgh, PA 15232-2114. Facility Name: Douglas E & Michele Gnora Roesch SRSTP. This existing facility is located in North East Township, **Erie County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.000225 MGD.

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

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

The EPA Waiver is in effect.

PA0263940, Sewage, SIC Code 4952, 8800, **Brittney L & Tanner J Golembeski**, 15702 Dickson Road, Meadville, PA 16403. Facility Name: Brittney L & Tanner J Golembeski SRSTP. This existing facility is located in Woodcock Township, **Crawford County**.

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

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

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

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

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

The EPA Waiver is in effect.

PA0265306, Sewage, SIC Code 4952, 8800, **Valerie Gressang**, 181 Stoup Road, Mars, PA 16046-3811. Facility Name: Valerie Gressang SRSTP. This existing facility is located in Licking 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 is an Unnamed Tributary to Clarion River, located in State Water Plan watershed 17-B and classified for Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

The EPA Waiver is in effect.

PA0265454, Sewage, SIC Code 4952, 8800, **Walter Tecza**, 8620 Bargain Road, McKean, PA 16426-1327. Facility Name: Walter Tecza SRSTP. This existing facility is located in McKean Township, **Erie County**.

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

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

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg	XXX	6.0 Daily Min	XXX	9.0 Daily Max	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000

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

The EPA Waiver is in effect.

PA0290599, Sewage, SIC Code 8800, **Margarita & Vlacheslav Yunikov**, 4512 Shannon Road, Erie, PA 16510-4234. Facility Name: Margarita & Vlacheslav Yunikov SRSTP. This proposed facility is located in Harborcreek Township, **Erie County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 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 Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

PA0290661, Sewage, SIC Code 4952, 8800, **Christopher & Jacqueline Wassel**, 8139 Station Road, Erie, PA 16510-5705. Facility Name: Christopher & Jacqueline Wassel SRSTP. This proposed facility is located in Harborcreek Township, **Erie County**.

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

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

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

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

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

The EPA Waiver is in effect.

PA0290688, Sewage, SIC Code 8800, **Melissa Hinkle**, 3207 Reichert Road, Erie, PA 16509-4337. Facility Name: Melissa Hinkle SRSTP. This proposed facility is located in McKean Township, **Erie County**.

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

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

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

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

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

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

The EPA Waiver is in effect.

Southcentral Regional Office

PA0042269, Sewage, SIC Code 4952, **Lancaster Area Sewer Authority**, 130 Centerville Road, Lancaster, PA 17603-4007. Facility Name: Susquehanna Water Pollution Control Facility. This existing facility is located in Manor Township, **Lancaster County**.

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

The receiving stream, Dry Run (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 15 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Annual Average	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	3,128	5,004	XXX	25	40	50
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Total Suspended Solids	3,753	5,630	XXX	30	45	60
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ammonia-Nitrogen						
Nov 1 - Apr 30	Report	XXX	XXX	Report	XXX	XXX
May 1 - Oct 31	876	XXX	XXX	7.0	XXX	14
Total Phosphorus	250	XXX	XXX	2.0	XXX	4.0
Copper, Total	XXX	XXX	XXX	Report	XXX	XXX
Cyanide, Free	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 15 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Monthly	Concentrations (mg/L)		IMAX
	Monthly	Annual		Average Monthly	Maximum	
Ammonia-Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen	XXX	310,498	XXX	XXX	XXX	XXX
Net Total Phosphorus	XXX	41,400	XXX	XXX	XXX	XXX

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

- Chesapeake Bay Nutrient Requirements
- POTW Pretreatment Program Implementation
- Solids Management
- Whole Effluent Toxicity (WET)
- Requirements Applicable to Stormwater Outfalls
- Other Requirements

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

The EPA Waiver is not in effect.

Southwest Regional Office

PA0000272, Industrial, SIC Code 4941, **PA American Water Co.**, 1 Water St., Camden, NJ 08105. Facility Name: PA American Water E. H. Aldrich WTP. This existing facility is located in Union Township, **Washington County**.

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

The receiving stream(s), Monongahela River (WWF), is located in State Water Plan watershed 19-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 an average discharge flow of 0.944 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	0.5	1.0	1.6
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	XXX
Aluminum, Total	XXX	XXX	XXX	4.0	8.0	XXX
Iron, Total	XXX	XXX	XXX	2.0	4.0	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	XXX

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

The EPA Waiver is in effect.

PA0091910, Industrial, SIC Code 4953, **Alex E. Paris Contracting Co., Inc.**, P.O. Box 369, Atlasburg, PA 15004-0369. Facility Name: Paris Flyash Landfill. This existing facility is located in Hanover Township, **Beaver County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of .114 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>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	0.5	XXX	1.25
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	75.0
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	0.75
Arsenic, Total	XXX	XXX	XXX	Report	Report	XXX
Boron, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	3.75
Manganese, Total	XXX	XXX	XXX	1.0	2.0	2.5
Selenium, Total	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .114 MGD.—Final 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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average</i>	<i>Daily</i>	<i>Instant.</i>	<i>Average</i>	<i>Daily</i>	
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.25
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	75.0
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	0.75
Arsenic, Total	XXX	XXX	XXX	0.105	0.163	0.262
Boron, Total	XXX	XXX	XXX	16.7	26.1	41.9
Iron, Total	XXX	XXX	XXX	1.5	3.0	3.75
Manganese, Total	XXX	XXX	XXX	1.0	2.0	2.5
Selenium, Total	XXX	XXX	XXX	0.0522	0.0815	0.131

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

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

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

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

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

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

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

- A Toxics Reduction Evaluation (TRE) is provided for selenium, arsenic and boron. Final effluent limits for selenium, arsenic, and boron will become effective three (3) years after permit issuance.

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.

PA0284840, Storm Water, SIC Code 3275, **US Gypsum Co.**, 1 Woodlawn Road, Aliquippa, PA 15001-5413. Facility Name: US Gypsum Aliquippa Plant. This proposed facility is located in Aliquippa City, **Beaver County**.

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

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

The proposed effluent limits for Outfall 001:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>	
	<i>Average</i>	<i>Daily</i>	<i>Instant.</i>	<i>Daily</i>	<i>Instant.</i>
	<i>Monthly</i>	<i>Maximum</i>		<i>Maximum</i>	<i>Maximum</i>
pH (S.U.)	XXX	XXX	XXX	Report	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>	
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids	XXX	XXX	XXX	100.0	XXX
Aluminum, Total	XXX	XXX	XXX	Report	XXX
Iron, Total	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.

PA0027219, Sewage, SIC Code 4952, **Greater Uniontown Joint Sewer Plant Authority**, 90 Romeo Lane, Uniontown, PA 15401-2337. Facility Name: Uniontown STP. This existing facility is located in Uniontown City, **Fayette 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), Redstone Creek (WWF), is located in State Water Plan watershed 19-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 12.4 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>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	2,065	3,100	XXX	20	30	40
May 1 - Oct 31	1,030	1,550	XXX	10	15	20
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	Report	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	Report	XXX	Report	Report	XXX
Raw Sewage Influent						
Total Suspended Solids	3,100	4,650	XXX	30	45	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	Report
Ammonia-Nitrogen						
Nov 1 - Apr 30	414	XXX	XXX	4.0	XXX	8
May 1 - Oct 31	155	XXX	XXX	1.5	XXX	3
Copper, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total	XXX	XXX	XXX	Report	Daily Max Report	XXX
Bis(2-Ethylhexyl) Phthalate	XXX	XXX	XXX	0.002	Daily Max 0.005 Daily Max	0.006

The proposed effluent limits for Outfall 001 are based on a design flow of 12.4 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>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Nitrogen	XXX	Report Daily Max	XXX	XXX	Report Daily Max	XXX
Total Phosphorus	XXX	Report Daily Max	XXX	XXX	Report Daily Max	XXX
Aluminum, Total	XXX	Report Daily Max	XXX	XXX	Report Daily Max	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Iron, Total	XXX	Report Daily Max	XXX	XXX	Report Daily Max	XXX
Manganese, Total	XXX	Report Daily Max	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 412-442-4000.

The EPA Waiver is not in effect.

PA0098434, Sewage, SIC Code 4952, **Pennsylvania Department of Transportation**, Bureau of Maintenance of Operation, 400 North Street, 6th Floor, Harrisburg, PA 17120. Facility Name: Welcome Center Site D. This existing facility is located in Whiteley 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), Unnamed Tributary to Whiteley Creek (TSF), is located in State Water Plan watershed 19-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 001 are based on a design flow of .0095 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)	0.0095	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Wkly Avg 5.0	XXX	Daily Max XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	Daily Min XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	2.7	XXX	5.4
May 1 - Oct 31	XXX	XXX	XXX	1.9	XXX	3.8

The proposed effluent limits for Outfall 001 are based on a design flow of .0095 MGD.—Limits.

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

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

- Dry stream discharge
- Solids management for non-lagoon system

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

The EPA Waiver is in effect.

PA0218391, Sewage, SIC Code 4952, **Georges Creek Municipal Authority**, 14 Water Street, Smithfield, PA 15478. Facility Name: Georges Creek Municipal Authority STP. This existing facility is located in Georges Township, **Fayette 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), Georges Creek (WWF), is located in State Water Plan watershed 19-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 .16 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>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Zinc, Total	Report	Report Daily Max	Report Avg Mo	Report Daily Max	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .16 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Zinc, Total	0.22	0.35 Daily Max	XXX	0.169	0.263 Daily Max	0.421

The proposed effluent limits for Outfall 001 are based on a design flow of .16 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>Daily Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 001 are based on a design flow of .16 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>Daily Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	33.4	50.7	XXX	25.0	38.0	50
May 1 - Oct 31	26.7	40.0	XXX	20.0	30.0	40
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	Report	XXX
Raw Sewage Influent						
Total Suspended Solids	40.0	60.0	XXX	30.0	45.0	60
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX
Fecal Coliform (No./100 ml)						
Nov 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Oct 31	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	12.0	XXX	XXX	9.0	13.5	18
May 1 - Oct 31	4.0	XXX	XXX	3.0	4.5	6
Copper, Total	Report	Report	XXX	Report	Report Daily Max	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .16 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>Daily Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report Daily Max	XXX

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

- Optimization of chlorine dosage
- Notification of designation of responsible operator
- Hauled-in waste restriction

- Solids management for non-lagoon system
- WQBEL for toxics pollutants

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.

PA0253961, Sewage, SIC Code 4952, **Mahadevji, LLC**, P.O. Box 287, Donegal, PA 15628-0287. Facility Name: Holiday Inn Express & Suites Donegal WWTP. This existing facility is located in Donegal Township, **Westmoreland County**.

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

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

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

Parameters	Mass Units (lbs/day)		Instantaneous Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	0.02	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	4.0	XXX	8.0
May 1 - Oct 31	XXX	XXX	XXX	2.3	XXX	4.6

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

Parameters	Mass Units (lbs/day)		Instantaneous Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Daily Max Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Daily Max Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Daily Max 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.

PA0254223, Sewage, **Lincoln Township Municipal Authority, Somerset County**, P.O. Box 162, Sipesville, PA 15561-0162. Facility Name: Southside STP. This existing facility is located in Lincoln Township, **Somerset 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), Trib 45660 of Quemahoning Creek (CWF), is located in State Water Plan watershed 18-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .01 MGD.—Limits.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0 Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	XXX	XXX	XXX	25.0	XXX	50.0
May 1 - Oct 31	XXX	XXX	XXX	24.0	XXX	48.0
Biochemical Oxygen Demand (BOD ₅)	Report	XXX	XXX	Report	XXX	Report
Raw Sewage Influent						
Total Suspended Solids	Report	XXX	XXX	Report	XXX	Report
Raw Sewage Influent						
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light transmittance (%)	XXX	XXX	XXX	Report	Report	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	Report	XXX	XXX	10.5	XXX	21.0
May 1 - Oct 31	Report	XXX	XXX	9.0	XXX	18.0
Aluminum, Total	0.06	XXX	XXX	0.75	0.75	XXX
Iron, Total	0.13	XXX	XXX	1.5	3.0	XXX
Manganese, Total	0.08	XXX	XXX	1.0	2.0	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	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.

PA0255246, Sewage, SIC Code 8800, **Charles R Culotta**, 6 E Clarke Avenue, Milford, DE 19963. Facility Name: Culotta SRSTP. This existing facility is located in Wharton Township, **Fayette 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), Meadow Run (HQ-CWF), is located in State Water Plan watershed 19-E and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX Annl Avg	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000

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

The EPA Waiver is in effect.

Bureau of Clean Water

PA0270822, Pesticides, SIC Code 4911, **PPL Electric Utilities Corp**, 1639 Church Road, Allentown, PA 18104-9342.

Description of Existing Activity: The application is for a renewal of an NPDES permit for a discharge associated with the application of pesticides Statewide within PPL Electric Utilities Corp's service area.

The receiving streams are located throughout the Commonwealth in multiple State Water Plan watersheds and with various classifications for aquatic life, water supply, and recreation. Applicators are required to follow product labeling

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

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

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-787-5017.

The EPA waiver is in effect.

Southeast Regional Office

PA0010961, Industrial, SIC Code 3452, **SPS Technologies, LLC**, 301 Highland Avenue, Jenkintown, PA 19046-2630. Facility Name: SPS Technologies—Jenkintown Facility. This existing facility is located in Abington Township, **Montgomery County**.

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

The receiving stream(s), Unnamed Tributary to Tacony Creek (WWF, MF) and Tacony Creek (WWF, MF), is located in State Water Plan watershed 3-J and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
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 MGD.—Limits.

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

The proposed effluent limits for Outfall 009 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
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 104 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>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
Internal Monitoring Point pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Internal Monitoring Point Oil and Grease	XXX	XXX	Inst Min	15	30	30
Internal Monitoring Point 1,2-Dichloroethane	XXX	XXX	XXX	0.007	0.011	0.017
Internal Monitoring Point Trichloroethylene	XXX	XXX	XXX	0.013	0.020	0.032

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

- Dry stream discharge
- 2°F temperature difference during an hour
- Visual inspection of the discharge system
- Requirements applicable to stormwater outfalls

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

The EPA Waiver is in effect.

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

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAD150253	New	East Pikeland Township 1158 Rapps Dam Road Kimberton, PA 19442	East Pikeland Township Chester County	SERO
PAD150259	New	Ivan L. Zook 2237 Beaver Dam Road Honeybrook, PA 19344	West Caln Township Chester County	SERO
PAD460071	New	DP Spring Mill Developers, LLC 967 E. Swedesford Road Suite 400 Exton, PA 19341-2332	Whitemarsh Township Montgomery County	SERO
PAD540030	New	Max Breitmayer Northpoint, LLC 12977 N. Outer 40 Road Suite 300 St. Louise, MO 63141	Butler Township Schuylkill County	NERO
PAD520041	New	RRSAT-Global Communications/Mx1, Inc. (SES) 4 Research Way Princeton, NJ 08540	Palmyra Township Pike County	NERO
PAD130038	New	JFBB Ski Areas Inc. P.O. Box 1539 Blakeslee, PA 18610	Kidder Township Carbon County	NERO
PAD130039	New	JFBB Ski Areas, Inc. P.O. Box 1539 Blakeslee, PA 18610	Kidder Township Carbon County	NERO
PAD450016	Renewal	DEPG Bartonsville Route 611 Plaza, LP 1000 Fayette Street Conshohocken, PA 19428 DEPG Parcel D, LLC 1000 Fayette Street Conshohocken, PA 19428	Stroud Township Monroe County	NERO
PAD520038	New	Pike County Light & Power 105 Schneider Lane Milford, PA 18337	Westfall Township Matamoras Township Pike County	NERO
PAD210083	New	M&G Realty, Inc. 2295 Susquehanna Trail York, PA 17404	Shippensburg Township Cumberland County	SCRO
PAD680011	New	PA DEP Bureau of Abandoned Mine Reclamation Sugar Run Road New Florence, PA 15944	St. Clair Township Westmoreland County	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800

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>
Woodland View Farm, LLC Paul Smoker 133 Woodland Dr Oxford, PA 19363	Chester	204	145.05	Duck	NA	New
Quint T Egg Farm 3819 Powells Valley Road Halifax, PA 17032	Dauphin	207.8	212.9	Poultry (Layer)	NA	Renewal
Kreider Middletown Poultry Farm 301 Long View Drive Middletown, PA 17507	Dauphin	346	7,080.7	Poultry (Layer)	NA	Renewal
Molly Pitcher Milk 1317 Ritner Highway Shippensburg, PA 17257	Cumberland	144.6	1,458.5	Dairy	NA	New
<i>Mailing address:</i> Milton Rotz Dairy 1015 Heritage Avenue Shippensburg, PA 17257	Adams	22.2	406.00	Dairy	NA	Renewal
<i>Operation address:</i> 125 Oak Hill Road Biglerville, PA 17307						
Presque Isle Downs 8199 Perry Highway Erie, PA 16509	Erie	237.4	469.88	Horse	NA	Renewal
<i>Mailing Address:</i> Miller's Poultry, LLC Curtis Miller 345 Church Road East Berlin, PA 17316	Adams	5.7	463.38	Poultry	NA	Renewal
<i>Operation Address:</i> 580 Church Road East Berlin, PA 17316						
Round Hill Poultry Travis and Mitchell Miller 6108 Carlisle Pike East Berlin, PA 17316	Adams	34.2	366.67	Poultry	NA	Renewal
Star Rock Dairy, Inc./ Star Rock Farms, LLC Heindel Steer Farm 13845 Ted Wallace Road Brogue, PA 17309	York	64.9	2,489.6	Steer & Heifer	NA	Renewal
Bauman Farm Tyler Bauman 277 Bridgeton Road Airville, PA 17302	York	134.74	378.15	Broilers	NA	Renewal

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

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

SAFE DRINKING WATER

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

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

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

Permit No. 5421510, Public Water Supply.

Applicant	Red Lion Café 697 Deturksville Road Pine Grove, PA 17963
Municipality	Washington Township
County	Schuylkill
Type of Facility	Public Water Supply
Consulting Engineer	Charles A. Kehew, II, P.E. James R. Holley & Associates, Inc. 18 South George Street Suite 300 York, PA 17401
Application Received Date	December 13, 2021
Description of Action	Red Lion Café proposes to replace a water softener and install treatment to attain 4-Log inactivation of viruses.

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

Permit No. 0822501, Major, Public Water Supply.

Applicant	Hart's Mobile Home Park 232 Rocky Top Lane Rome, PA 18837
Municipality	Rome Borough
County	Bradford
Responsible Official	Joseph J. Hunt, P.E.
Type of Facility	Public Water Supply
Consulting Engineer	Joseph J. Hunt, P.E. JHA Companies 466 South Main Street Montrose, PA 18801
Application Received Date	April 15, 2020
Description of Action	Installation of 80 ft. of 8" diameter contact piping & appurtenances for future expansion of finished water storage and pressure booster. Also, the relocation of the sodium hypochlorite injection system to the proposed new building is also proposed.

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

Permit No. 0222512, Public Water Supply.

Applicant	Pennsylvania American Water Company 852 Wesley Drive Mechanicsburg, PA 17055
Municipality	Baldwin
County	Allegheny
Responsible Official	Bruce Aiton Vice President
Type of Facility	Water Treatment Plant
Consulting Engineer	Gannett Fleming 730 Holiday Drive Suite 400 Pittsburgh, PA 15220
Application Received Date	April 8, 2022
Description of Action	Installation of a new chlorine analyzers and a new ferric chloride dosing point.

Permit No. 0222514, Public Water Supply.

Applicant	Hampton Shaler Water Authority 3101 McCully Road Allison Park, PA 15101
Municipality	Shaler
County	Allegheny
Responsible Official	April Winkmann Executive Director
Type of Facility	Water Treatment Plant, Pump Station

Consulting Engineer	Herbert, Rowland & Grubic, Inc. 200 West Kensing Drive Suite 400 Cranberry Township, PA 16066
Application Received Date	April 8, 2022
Description of Action	Installation of a booster pump station at the Anderson Tank and interior tank maintenance for the Anderson Tank.
Permit No. 2622503,	Public Water Supply.
Applicant	Pennsylvania American Water Company 852 Wesley Drive Mechanicsburg, PA 17055
Municipality	Luzerne Township
County	Fayette
Responsible Official	Bruce Aiton Vice President
Type of Facility	Finished Water Storage
Consulting Engineer	Gwin Dobson & Foreman Engineers 3121 Fairway Drive Altoona, PA 16602
Application Received Date	April 25, 2022
Description of Action	Installation of a 0.5 MG water storage tank at the Hiller Reservoir.

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.

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

WA05-496B, Water Allocations. Evitts Creek Water Company (PWS ID No. 4050028), 57 North Liberty Street, Cumberland, MD 21502, Cumberland Valley Township, **Bedford County**. The permittee is requesting the right to withdraw 15,000,000 gallons per day from Lake Gordon and Lake Koon on Evitts Creek in Cumberland Valley Township, Bedford County. Applicant Address: Zachary Sloane, WFP Superintendent, Evitts Creek Water Company, 57 North Liberty Street, Cumberland, MD 21502. Consulting Engineer: Mark V. Glenn, P.E., Gwin, Dobson & Foreman, Inc., 3121 Fairway D, Suite B, Altoona, PA 16602-4475. Application Received: April 9, 2022.

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.

Contact: Charline Bass.

Keystone Trade Center—Lot 26, South Port Road, Fairless Hills, PA 19067, Falls Township, **Bucks County**. Jeffrey A. Smith, PG, Langan Engineering and Environmental Services, Inc., 1818 Market Street, Suite 3300, Philadelphia, PA 19103 on behalf of Andy Mace, NP Falls Township Industrial, LLC, 4825 NW 41st Street, Suite 500, Riverside, MO 64150 submitted a revised Notice of Intent to Remediate. Lot 26 soils have been found to contain iron, lead, and vanadium, which has impacted soil on the site. The proposed future use of the property

will be nonresidential for industrial activities. The proposed cleanup standard for the site is Statewide health standard/site-specific standard. The Notice of Intent to Remediate was previously published in *The Bucks County Courier Times* on March 11, 2021.

Former Baum Farm, 491 Forty Foot Road, Hatfield, PA 19440, Hatfield Township, **Montgomery County**. Michael D. Lattanze, Penn Environmental & Remediation, Inc., 400 Old Dublin Pike, Doylestown, PA 18901 on behalf of Bob Hermley, Pulte Group, 1210 Northbrook Drive, Suite 260, Treviso, PA 19053 submitted a Notice of Intent to Remediate. Localized impacts of benzene, 1,2,4-trimethylbenzene, and 1,3,5-trimethylbenzene are present in site soil. The site is currently being redeveloped for residential purposes. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in *The Reporter* on April 9, 2022.

Southcentral Region: Environmental Cleanup & Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.

Lion Auto Service, Inc., 781 Delta Road, Red Lion, PA 17356, Windsor Township, **York County**. United Environmental Services, Inc., 1143 Long Run Road, Schuylkill Haven, PA 17972, on behalf of Lion Auto Service, Inc., 781 Delta Road, Red Lion, PA 17356 and Leiphart T.A. Masonry, Inc., 781 Delta Road, Red Lion, PA 17356, submitted a Notice of Intent to Remediate site soil contaminated with No. 2 Fuel Oil. The site will be remediated to the Statewide health standard. Future use of the site is for nonresidential use. The Notice of Intent to Remediate was published in *The York Daily* on March 1, 2022.

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

COP Tract 551A, 6483 Bodine Mountain Road, Ralston, PA 17763, McIntyre Township, **Lycoming County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of EQT Corporation, 33 West Third Street, Suite 300, Williamsport, PA 17701, has submitted a Notice of Intent to Remediate concerning site soil contaminated with produced water. The applicant proposes to remediate the site to meet the residential Statewide health standard.

Ahsas Trucklines, Inc., Cleanup Project, US Route 15S at Exit 148 off-ramp, Williamsport, PA 17701, Lewis Township, **Lycoming County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of Ahsas Trucklines, Inc., 450 Dougall Avenue, Caledon, ON L7C4A6, has submitted a Notice of Intent to Remediate concerning site soil contaminated with diesel fuel and used motor oil. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was published in *The Daily Item* on April 22, 2022.

Lyco Hot Shots Cleanup Project, Interstate 180E at Faxon Street Exit, Williamsport, PA 17701, Loyalsock Township, **Lycoming County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of Lyco Hot Shots, 36 West Lincoln Avenue, Williamsport, PA 17701, has submitted a Notice of Intent to Remediate concerning site soil contaminated with diesel fuel. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was published in *The Daily Item* on April 5, 2022.

SWN Production Company, LLC Greenzweig Large Impoundment, 329 E. Cole Road, Wyalusing, PA 18853, Herrick Township, **Bradford County**. Resource Environmental, 50 Maple Street, Montrose, PA 18801, on behalf of SWN Production Company, LLC, 917 State Route 92 North, Tunkhannock, PA 18657, has submitted a Notice of Intent to Remediate concerning site soil contaminated with produced water. The applicant proposes to remediate the site to meet the Background and Statewide health standards.

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

Former Nike Missile Site, Primary Facility ID # 857983, 500 Nike Road, Moon Township, PA 15108, Moon Township, **Allegheny County**. Ku Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Hollow Oak Land Trust, P.O. Box 741, Coraopolis, PA 15108, has submitted a Notice of Intent to Remediate concerning site soil and groundwater contaminated with arsenic and naphthalene. The proposed cleanup standard for the site is the Site-Specific Standard. The Notice of Intent to Remediate was published in *The Pittsburgh Post-Gazette* on May 1, 2022.

Holt Property, Primary Facility ID # 857944, Dinner Bell Road, Farmington, PA 15437, Wharton Township and Henry Clay Township, **Fayette County**. Environmental Standards, Inc., 1140 Valley Forge Road, Valley Forge, PA 19482, on behalf of Nemaocolin Woodlands, Inc., 1001 Lafayette Drive, Farmington, PA 15437, has submitted a Notice of Intent to Remediate concerning site soil contaminated with lead. The proposed cleanup standard for this site is the Background Standard. The Notice of Intent to Remediate was published in *The Herald Standard* on May 10, 2022.

Speedway 2919, Primary Facility ID # 824024, 500 Willow Crossing Road, Greensburg, PA 15601, Hempfield Township, **Westmoreland County**. ATC Group Services LLC, 270 William Pitt Way, Pittsburgh, PA 15238, on behalf of Speedway LLC, 500 Speedway Drive, Enon, OH 45323, has submitted a Notice of Intent to Remediate. Soil and groundwater impacts were discovered during construction activities associated with the new build of the retail fuel and convenience store facility. The impacts appear to have originated from an historical gas station and USTs formerly located upgradient from the Speedway property. The constituents detected in soil are Benzene; Ethylbenzene; Cumene; Naphthalene; Toluene; 1,2,4-Trimethylbenzene; 1,3,5-Trimethylbenzene; and Xylene (total). The constituents detected in groundwater are Benzene; Ethylbenzene; Cumene; Naphthalene; Toluene; 1,2,4-Trimethylbenzene; 1,3,5-Trimethylbenzene; and Xylene (total). The current and intended future use of the Speedway property is a retail petroleum facility. The proposed cleanup standard for the site is the Background Standard. The Notice of Intent to Remediate was published in *The Tribune-Review* on April 14, 2022.

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

Vista Metals Inc., Primary Facility ID # 858012, 189 Nolte Drive, West Kittanning, PA 16201, East Franklin Township, **Armstrong County**. Cribbs & Associates, Inc., P.O. Box 44, Delmont, PA 15626 on behalf of Vista Metals, Inc., 189 Nolte Drive, West Kittanning, PA 16201 has submitted a Notice of Intent to Remediate. Site soil and site groundwater has been contaminated with Heptane due to a release from a leaking union on the

product line and during excavation when a contractor damaged a product line. Intended future use of the property will be nonresidential. The Notice of Intent to Remediate was published in *The Leader Times* on April 16, 2022.

DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

Application(s) Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for Determination of Applicability for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

WMGM036NC005. Denali Water Solutions, LLC, 3308 Bernice Avenue, Russellville, AR 72802-8465. Determination of Applicability received for the portable processing of sewage sludge into Class A biosolids at the Gilberton Coal Company Locust Summit Mine site. The application for determination of applicability was received on April 26, 2022.

Comments and questions concerning the application should be directed to Lisa D. Houser, P.E., Environmental Engineer Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3752. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60-days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department’s Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments,

protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

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

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

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

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.

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

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

48-00027C: Bethlehem Landfill Company, 2335 Applebutter Road, Bethlehem, PA 18015, for their facility in Lower Saucon Township, **Northampton County.**

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) intends to issue a Plan Approval for Bethlehem Landfill Company, 2335 Applebutter Road, Bethlehem, PA 18015, for their facility in Lower Saucon Township, Northampton County. This Plan Approval No. 48-00027C will be incorporated into a Title V Permit through an administrative amendment, in accordance with 25 Pa. Code § 127.450, at a later date. The facility currently has a Title V Operating Permit No. 48-00027.

Plan Approval No. 48-00027C is for the construction and operation of one (1) new enclosed flare and one (1) new utility flare utilizing the existing landfill gas (LFG) collection system, which includes one (1) landfill gas

enclosed flare currently installed at the facility. This change does not represent an increase in allowable tonnage per day and no other current emission limits in the facility Title V permit will change as a result of this modification. The primary air emissions from the flares will be volatile organic compounds (VOCs) and hazardous air pollutants (HAPs). The proposed LFG flares will serve as an additional control device to reduce the emission of VOCs and HAPs present in raw LFG will and provide for the ability to control LFG flows to as low as approximately 50 scfm. The Plan Approval will contain additional recordkeeping, testing, and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 48-000027C and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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.

46-00221: Upper Moreland—Hatboro Joint Sewer Authority, 2875 Terwood Road, Willow Grove, PA 19090, for the renewal of the Title V Operating Permit (TVOP) for the operation of a sewage sludge incinerator, subject to 40 CFR Part 62 Subpart LLL, located in Upper Moreland Township, **Montgomery County**. The proposed Title V Operating incorporates Permit Plan Approvals 46-0221B and 46-0221C. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

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

54-00073: Ingenco Wholesale Power, LLC, 2250 Dabney Road, Richmond, VA 23230. The Department intends to issue a renewal of the Title V Operating Permit for electric power services in Pine Grove Township, **Schuylkill County**. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code Chapter 127, Subchapter G.

The sources consist of Eighteen (18) Engines. The proposed Title V Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.

65-00693: USA Valley Landfill, Inc., 6015 Pleasant Valley Road, Irwin, PA 15642. In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing notice that it intends to issue a Title V Operating Permit renewal to USA Valley Landfill, Inc. for their facility located in Penn Township, **Westmoreland County**.

USA Valley Landfill, Inc. operates a municipal solid waste landfill. Air contamination sources and air cleaning devices at this facility include Landfill Gas (waste), Paved and Unpaved Roads, Landfill Fugitives Gas, Diesel Generator, 2,500 cfm Enclosed Flare, and pressurized water truck.

This facility has the potential emit per year of the following type and quantity of air contaminants: 60.88 tons of carbon monoxide, 23.08 tons of nitrogen oxides, 56.51 tons of particulate matter, 30.92 tons of sulfur oxides, 7.12 tons of volatile organic compounds and 5.36 tons of HAPs. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 60, 40 CFR Part 61, 40 CFR Part 62 Subpart OOO, 40 CFR Parts 63 and 25 Pa. Code Article III, Chapters 121—145.

A person may oppose the proposed Title V Operating Permit by filing a written protest with the Department through Noor Nahar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; email to nnahar@pa.gov; or fax to 412.442.4194. Additional written comments may also be submitted. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Title V Operating Permit (TV-65-00693) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

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.

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

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

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

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

22-03025: Minnich Family Funeral Homes, Inc., 406 Market Street, Lykens, PA 17048, to issue a renewal of the State-Only Operating Permit for the crematorium located in Lykens Borough, **Dauphin County**. The facility has the potential to emit 1.45 tpy of NO_x, 0.84 tpy of CO, and 0.08 tpy of PM₁₀. 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.

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

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

49-00018: ARCOS Industries, LLC, 1 Arcos Drive, Mt. Carmel, PA 17851, for their manufacturing facility in Mt Carmel Township, **Northumberland County**. The facility is currently operating under State Only Operating Permit 49-00018. The facility's main sources include one (1) inline cold continuous web perchloroethylene cleaning machine, a natural gas fired paint bake off oven and various small combustion sources. The facility has the potential to emit 0.63 ton per year of particulate matter less than 10 microns, 5.75 tons per year of nitrogen oxides, 1.22 tons per year of carbon monoxide, 0.30 ton per year of volatile organic compounds, 2.50 tons per year of hazardous air pollutants and 1.58 tons per year of sulfur oxides. The emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. The emission restrictions, testing, monitoring, recordkeeping, reporting and work practice conditions of the operating permit have been derived from the applicable requirements of 25 Pa. Code Article III, Chapters 121—145 and 40 CFR Parts 60 and 63 to ensure the facility complies with all applicable air quality regulations. 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.

60-00002: Gold Bond Building Products, LLC, 2586 Old Route 15, New Columbia, PA 17856, to issue a renewal State Only "Synthetic Minor" Operating Permit for their Milton Paper Plant located in White Deer Township, **Union County**. The facility is currently operating under State Only Operating Permit 60-00002. The significant emissions sources at the facility are two natural gas-fired boilers one of which also utilizes No. 2 fuel oil as a backup fuel. The facility has potential emissions of 39.2 tons per year of carbon monoxide, 67.8 tons per year of nitrogen oxides, 12.9 tons per year of

sulfur oxides, 4.7 tons per year of particulate matter, 6.7 tons per year of volatile organic compounds, 5.0 tons per year of total Hazardous Air Pollutants, and 75,358 tons per year of carbon dioxide equivalents (greenhouse gases). No emissions or equipment changes are being proposed by this renewal. 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 Parts 60 and 63. 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.

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

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

03-00125: Peoples Gas Company LLC Valley Station, 375 North Shore Drive, Suite 600, PA 15212, the Department intends to issue a State Only Operating Permit for compression and transfer of natural gas located in Cowanshannock Township, **Armstrong County**. The subject facility consists of two natural gas compressor engines (1—660 hp and 1—1,775 hp), 1 emergency generator rated at 276 hp, 1—1.0 MMBtu dehydrator, and fugitive emissions. The 2021 Annual Emission Summary (TPY) for the Valley Station is: 9.31 CO, 19.19 NO_x, 28.57 VOC, 3.95 HAPs, 0.94 PM, 0.041 SO_x, 424.45 Methane, and 10,655.7 Carbon Dioxide. The facility is a synthetic minor and is subject to State regulations and Federal regulations (40 CFR Part 60 JJJJ, OOOOa and Part 63 ZZZZ). The permit includes additional operation requirements, monitoring requirements, and recordkeeping requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

PLAN APPROVALS

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

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

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

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to **Keystone Cement Co.**, Route 329, Bath, PA 18014-0058, for their facility located in East Allen Township, **Northampton County**. In accordance with 25 Pa. Code § 127.450, Plan Approval No. 48-00003G will be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

Plan Approval No. 48-00003G is for the addition of a new cement storage dome and a new truck cement loadout bay to the existing equipment operations at the facility controlled by five (5) baghouses. The facility currently has a Title V Operating Permit, No. 48-00003. The project does not trigger the requirements of 40 CFR 52.21 related to Prevention of Significant Deterioration (PSD), or those of 25 Pa. Code Chapter 127, Subchapter E related to Nonattainment New Source Review (NSR). The proposed new baghouses will collect 99.9% of particulate emissions before discharging into atmosphere. The use of baghouses capable of removing 99.9% of emissions meets Department's BAT criteria for this type of process. The company will operate the baghouses in accordance with good operating practices to assure proper operation of the system. The plan approval will contain additional recordkeeping, testing and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The new sources are subject to 40 CFR Part 60, Subpart F—Standards of Performance for Portland Cement Plants and Subpart LLL—National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry.

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

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 48-00003G and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Environmental Engineer Manager, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, phone number 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 are also subject to applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

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

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the District Mining Office indicated above each application within 30-days of this publication, or within 30-days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences). Such comments or objections should contain the name, address and phone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

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

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application is associated with an application for an NPDES permit. A separate notice will be provided for the draft NPDES permit.

Coal Applications

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

Table 1

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l

pH must always be greater than 6.0; less than 9.0.
Alkalinity must always be greater than acidity.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200, RA-EPMOSHANNON@pa.gov (Contact: Cassandra Stanton).

Mining Permit No. 17940107. NPDES No. PA0219801. River Hill Coal Company, P.O. Box 141, Kylertown, PA 16847. Modification of an NPDES permit of a bituminous coal mine/coal refuse disposal located in Karthaus Township, **Clearfield County**, affecting 531.0 acres. Three non-discharging cannel coal treatment basins to collect and treat the stormwater are being proposed. Receiving stream(s): Unnamed tributaries to West Branch Susquehanna River, unnamed tributaries to Upper Three Runs and unnamed tributaries to Saltlick Run classified for the following use(s): HQ-CWF, MF. Application received: May 5, 2022.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, RA-EPPottsvilleDMO@pa.gov (Contact: Theresa Reilly-Flannery).

Mining Permit No. 35970201. APHC II, Inc., 148 Adams Avenue, Scranton, PA 18503, renewal for reclamation activities only on an anthracite coal refuse reprocessing operation in the City of Scranton, **Lackawanna County**, affecting 10.0 acres. Receiving stream: Laurel Run, classified for the following uses: CWF, MF. Application received: May 5, 2022.

Mining Permit No. 49663009. Mallard Contracting Co., Inc., 122 Wilburton Road, Mt. Carmel, PA 17851, correction to an existing anthracite surface mine, coal refuse reprocessing, coal refuse disposal and preparation plant operation to update the haul road from SR 61 and construct a stream variance and crossing in Mt. Carmel and Conyngham Townships, **Northumberland County** and **Columbia County**, affecting 1,189.0 acres. Receiving stream: North Branch Shamokin Creek, classified for the following uses: CWF, MF. Application received: May 5, 2022.

Noncoal Applications

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

Table 2

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

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

Mining Permit No. 25220301. Stream Encroachment No. E2524222-003. Waste Management Disposal Services of PA, Inc., 1000 New Ford Mill Road, Morrisville, PA 19067, application for a stream encroachment to construct the tie-in of Stream By-Pass Channel B to Unnamed Tributary No. 1 to Walnut Creek (Permit Site), located in Summit Township, **Erie County**. Receiving streams: Unnamed Tributaries to Walnut Creek, classified for the following uses: CWF, MF. Application also includes a request for a Section 401 Water Quality Certification. Application received: March 30, 2022.

Mining Permit No. 25220301. Stream Encroachment No. E2524222-004. Waste Management Disposal Services of PA, Inc., 1000 New Ford Mill Road, Morrisville, PA 19067, application for a stream encroachment to construct the tie-in of Stream Mitigation Channel 4B to Unnamed Tributary No. 1 to Walnut Creek (Mitigation Site), located in Summit Township, **Erie County**. Receiving streams: Unnamed Tributaries to Walnut Creek, classified for the following uses: CWF, MF. Application also includes a request for a Section 401 Water Quality Certification. Application received: March 30, 2022.

Mining Permit No. 25220301. Stream Encroachment No. E2524222-005. Waste Management Disposal Services of PA, Inc., 1000 New Ford Mill Road, Morrisville, PA 19067, application for a stream encroachment to relocate 347 feet of Unnamed Tributary No. 1 to Walnut Creek (Permit Site) and to construct a permanent stream crossing over Unnamed Tributary No. 1 to Walnut Creek (Permit Site), located in Summit Township, **Erie County**. Mitigation for the proposed stream impacts will take place in accordance with the plans outlined in Module 14. The proposed mitigation site is located approximately 1.5 miles southeast of the proposed permit area, west of Donation Road, and on the north and south sides of East Zwilling Road. Receiving streams: Unnamed Tributaries to Walnut Creek, classified for the following uses: CWF, MF. Application also includes a request for a Section 401 Water Quality Certification. Application received: March 30, 2022.

Mining Permit No. 25220301. Stream Encroachment No. E2524222-006. Waste Management Disposal Services of PA, Inc., 1000 New Ford Mill Road, Morrisville, PA 19067, application for a stream encroachment to construct the tie-in of Stream By-Pass Channel A to Unnamed Tributary No. 3 to Walnut Creek, located in Summit Township, **Erie County**. Receiving streams: Unnamed Tributaries to Walnut Creek, classified for the following uses: CWF, MF. Application also includes a request for a Section 401 Water Quality Certification. Application received: March 30, 2022.

Mining Permit No. 25220301. Stream Encroachment No. E2524222-007. Waste Management Disposal Services of PA, Inc., 1000 New Ford Mill Road, Morrisville, PA 19067, application for a stream encroachment to construct a temporary bridge crossing over Unnamed Tributary No. 6 to Walnut Creek, located in Summit Township, **Erie County**. Receiving streams: Unnamed Tributaries to Walnut Creek, classified for the following uses: CWF, MF. Application also includes a request for a Section 401 Water Quality Certification. Application received: March 30, 2022.

Mining Permit No. 25220301. Stream Encroachment No. E2524222-008. Waste Management Disposal Services of PA, Inc., 1000 New Ford Mill Road, Morrisville, PA 19067, application for a stream encroachment to construct a

temporary bridge crossing over Unnamed Tributary No. 9 to Walnut Creek, located in Summit Township, **Erie County**. Receiving streams: Unnamed Tributaries to Walnut Creek, classified for the following uses: CWF, MF. Application also includes a request for a Section 401 Water Quality Certification. Application received: March 30, 2022.

Mining Permit No. 25220301. Stream Encroachment No. E2524222-009. Waste Management Disposal Services of PA, Inc., 1000 New Ford Mill Road, Morrisville, PA 19067, application for a stream encroachment to mine through and relocate 1,424 feet of Unnamed Tributary No. 6 to Walnut Creek, located in Summit Township, **Erie County**. Mitigation for the proposed stream impacts will take place in accordance with the plans outlined in Module 14. The proposed mitigation site is located approximately 1.5 miles southeast of the proposed permit area, west of Donation Road, and on the north and south sides of East Zwilling Road. Receiving streams: Unnamed Tributaries to Walnut Creek, classified for the following uses: CWF, MF. Application also includes a request for a Section 401 Water Quality Certification. Application received: March 30, 2022.

Mining Permit No. 25220301. Stream Encroachment No. 2524222-010. Waste Management Disposal Services of PA, Inc., 1000 New Ford Mill Road, Morrisville, PA 19067, application for a stream encroachment to mine through and relocate 1,337 feet of Unnamed Tributary No. 9 to Walnut Creek, located in Summit Township, **Erie County**. Mitigation for the proposed stream impacts will take place in accordance with the plans outlined in Module 14. The proposed mitigation site is located approximately 1.5 miles southeast of the proposed permit area, west of Donation Road, and on the north and south sides of East Zwilling Road. Receiving streams: Unnamed Tributaries to Walnut Creek, classified for the following uses: CWF, MF. Application also includes a request for a Section 401 Water Quality Certification. Application received: March 30, 2022.

Mining Permit No. 25220301. Stream Encroachment No. 2524222-011. Waste Management Disposal Services of PA, Inc., 1000 New Ford Mill Road, Morrisville, PA 19067, application for a stream encroachment to mine through and relocate 30 feet of Unnamed Tributary No. 10 to Walnut Creek, located in Summit Township, **Erie County**. Mitigation for the proposed stream impacts will take place in accordance with the plans outlined in Module 14. The proposed mitigation site is located approximately 1.5 miles southeast of the proposed permit area, west of Donation Road, and on the north and south sides of East Zwilling Road. Receiving streams: Unnamed Tributaries to Walnut Creek, classified for the following uses: CWF, MF. Application also includes a request for a Section 401 Water Quality Certification. Application received: March 30, 2022.

Mining Permit No. 25220301. Stream Encroachment No. 2524222-012. Waste Management Disposal Services of PA, Inc., 1000 New Ford Mill Road, Morrisville, PA 19067, application for a stream encroachment to mine through and relocate 30 feet of Unnamed Tributary No. 11 to Walnut Creek, located in Summit Township, **Erie County**. Mitigation for the proposed stream impacts will take place in accordance with the plans outlined in Module 14. The proposed mitigation site is located approximately 1.5 miles southeast of the proposed permit area, west of Donation Road, and on the north and south sides of East Zwilling Road. Receiving streams: Unnamed Tributaries to Walnut Creek, classified for the following uses: CWF, MF. Application also includes a request for a Section 401 Water Quality Certification. Application received: March 30, 2022.

Mining Permit No. 25220301. Stream Encroachment No. 25220301-E-11. Waste Management Disposal Services of PA, Inc., 1000 New Ford Mill Road, Morrisville, PA 19067, application for a stream encroachment to conduct support activities and reclamation slope construction up to 25 feet of Unnamed Tributaries Nos. 1, 7, and 8 to Walnut Creek. Application for a stream encroachment to conduct mining activities up to 50 feet of Unnamed Tributaries Nos. 1, 7, and 8 to Walnut Creek, located in Summit Township, **Erie County**. Receiving streams: Unnamed Tributaries to Walnut Creek, classified for the following uses: CWF, MF. Application received: March 30, 2022.

Mining Permit No. 25220301. Stream Encroachment No. 25220301-E-12. Waste Management Disposal Services of PA, Inc., 1000 New Ford Mill Road, Morrisville, PA 19067, application for a stream encroachment to conduct support activities and reclamation slope construction up to 25 feet of Unnamed Tributaries Nos. 3—6 to Walnut Creek. Application for a stream encroachment to conduct mining activities up to 50 feet of Unnamed Tributaries Nos. 3—6 to Walnut Creek, located in Summit Township, **Erie County**. Receiving streams: Unnamed Tributaries to Walnut Creek, classified for the following uses: CWF, MF. Application received: March 30, 2022.

Mining Permit No. 25220301. Waste Management Disposal Services of PA, Inc., 1000 New Ford Mill Road, Morrisville, PA 19067, application for a wetland encroachment. The areal extent of the wetlands proposed to be impacted is 0.0948 acre of emergent wetlands and 0.0893 acre of forested wetlands located in Summit Township, **Erie County**. As replacement for the wetland impacts, 0.0948 acre of emergent wetlands and 0.2680 acre of forested wetlands will be developed according to the Module 14.4 mitigation plan. The proposed mitigation site is located approximately 1.5 miles southeast of the proposed permit area, north of East Zwilling Road and west of Donation Road. Receiving streams: Unnamed Tributaries to Walnut Creek, classified for the following uses: CWF, MF. Application also includes a request for a Section 401 Water Quality Certification. Application received: March 30, 2022.

Mining Permit No. 10110303. Allegheny Mineral Corporation, P.O. Box 1022, Kittanning, PA 16201, renewal of an existing large noncoal surface mine located in Washington Township, **Butler County**. No changes are proposed. Receiving streams: Five unnamed tributaries to South Branch Slippery Rock Creek, classified for the following uses: CWF, WWF. Application received: May 6, 2022.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200, RA-EPMOSHANNON@pa.gov (Contact: Cassandra Stanton).

Mining Permit No. 18020803. Big Woods Land Company, P.O. Box 400, McElhattan, PA 17748. Transfer of an existing small noncoal permit located in Wayne Township, **Clinton County**, affecting 5.0 acres. Transfer of permit from Tom Evers Plumbing & Heating. Receiving stream(s): Tributary to Susquehanna River and McElhattan Creek classified for the following use(s): HQ-CWF. Application received: May 6, 2022.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, RA-EPPottsvilleDMO@pa.gov (Contact: Theresa Reilly-Flannery).

Mining Permit No. 58110303. MM Quarries, Inc., 1202 Marshwood Road, Throop, PA 18512, transfer of an existing quarry operation from Natstone, LLC dba Rock Ridge Stone in Forest Lake Township, **Susquehanna County**, affecting 102.87 acres. Receiving stream: Middle Branch Wyalusing Creek. Classified for the following uses: CWF, MF. Application received: May 4, 2022.

Mining Permit No. 64132501. NPDES Permit No. PA0226297. Kevin Schrader, P.O. Box 262. Lake Como, PA 18437, NPDES Permit for discharge of treated mine drainage from a quarry operation in Buckingham Township, **Wayne County**, affecting 12 acres. Receiving stream: Equinunk Creek, classified for the following use: HQ—CWF. Application received: May 9, 2022.

MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

Effluent Limits for Coal Mining Activities

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH must always be greater than 6.0; less than 9.0.			
Alkalinity must always be greater than acidity.			

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Effluent Limits for Noncoal Mining Activities

The limits for noncoal mining activities as provided in 25 Pa. Code § 77.522 are pH 6 to 9 and other parameters the Department may require.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

Additional criteria

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan, and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters of this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Submittal of comments

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit notice within 30-days of this notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and phone number of the writer and a concise statement to inform the Department of the basis of a comment and the relevant facts upon which it is based.

Requests or petitions for a public hearing on any NPDES permit applications will be accepted as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30-days of this public notice and contain the name, address, phone number and the interest of the party filing the request and state the reasons why a hearing is warranted. The Department may hold a public hearing if the public interest is significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal NPDES Draft Permits

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200, RA-EPMOSHANNON@pa.gov (Contact: Ashley Smith).

NPDES No. PA0206628. Mining Permit No. 17910114. River Hill Coal Company, Inc., P.O. Box 141, Kylertown, PA 16847, renewal of an NPDES permit for discharge of water resulting from post-mining treatment of acid mine drainage in Karthaus Township, **Clearfield County**, affecting 4.0 acres. Receiving stream(s): Dutch Hollow Run classified for the following use(s): HQ-CWF. Application received: April 11, 2022.

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

The following outfall discharges to Unnamed tributary to Dutch Hollow Run:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
039	Existing	Passive Treatment System	Continuous average of 0.0014 MGD

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

<i>Outfalls: 039 (All Discharges) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	2.0	4.0	5.0
Aluminum (mg/L)	2.3	4.6	5.7
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)	Report		
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

Noncoal NPDES Draft Permits

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

NPDES No. PA0280780. Mining Permit No. 61190301. Glenn O. Hawbaker, Inc., 1952 Waddle Road, Suite 203, State College, PA 16803, New NPDES permit in Barkeyville Borough & Pine Township, **Venango County** and **Butler County**, affecting 197.0 acres. Receiving stream: Unnamed tributaries to North Branch Slippery Rock Creek, East Branch Wolf Creek, classified for the following use: CWF. Application received: March 21, 2022.

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

The following treated wastewater outfalls discharge to Unnamed tributaries to North Branch Slippery Rock Creek, East Branch Wolf Creek:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge rate: MGD</i>
001	New	SWO	0.087
002	New	SWO	0.512
003	New	SWO	0.369
004	New	SWO	0.356
005	New	TFO	0.072
006	New	TFO	0.072
007	New	TFO	0.072

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

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

¹ The parameter is applicable at all times.

NPDES No. PA0259705. Mining Permit No. 16160301. Glen Gery Corporation, 1166 Spring Street, P.O. Box 7001, Wyomissing, PA 19610, Renewal of an NPDES permit in Monroe Township, **Clarion County**, affecting 238.0 acres. Receiving stream: Unnamed tributaries to Reids Run, Piney Creek, classified for the following use: CWF. TMDL: Reids Run, Lower Clarion River. Application received: March 17, 2022.

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

The following treated wastewater outfalls discharge to unnamed tributaries to Reids Run, Piney Creek:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge rate: MGD</i>
001	New	SWO	0.333
002	New	SWO	0.263
003	New	SWO	0.096
004	New	SWO	0.256
005	New	SWO	0.138
006	New	SWO	0.054
007	New	SWO	0.154
008	New	TFO	0.072
009	New	TFO	0.072
010	New	TFO	0.072
011	New	TFO	0.072
012	New	TFO	0.072
013	New	TFO	0.072
014	New	TFO	0.072

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.75	0.75	0.75
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Alkalinity greater than acidity ¹				

¹ The parameter is applicable at all times.

NPDES No. PA0280771. Mining Permit No. 33190301. Infrastructure Resources, Inc., P.O. Box 45, Punxsutawney, PA 15767. New NPDES permit in Ringgold Township, **Jefferson County**, affecting 210.0 acres. Receiving stream: Unnamed tributaries to Pine Run, classified for the following use: CWF. TMDL: Pine Run. Application received: April 25, 2022.

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

The following treated wastewater outfalls discharge to unnamed tributaries to Pine Run:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge rate: MGD</i>
ST01	New	TFO	0.12
STO3	New	TFO	0.08
T05	New	TFO	0.01

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		1.5	3.0	3.75
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.75	0.75	0.75
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Alkalinity greater than acidity ¹				

¹ The parameter is applicable at all times.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, RA-EPPottsvilleDMO@pa.gov (Contact: Theresa Reilly-Flannery).

NPDES No. PA0594211. Mining Permit No. 22880302. Pennsy Supply, Inc., 2400 Thea Drive, Suite 3A, Harrisburg, PA 17110, renewal of an NPDES permit in Lower Swatara Township, **Dauphin County**, affecting 136.02 acres. Receiving stream: Swatara Creek, classified for the following use: WWF. Application received: September 14, 2021.

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

The following treated wastewater outfalls discharge to Swatara Creek:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate (MGD)</i>
001	Existing	TFO	1.7
002	Existing	TFO	1.7

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
001 Flow (MGD)		1.7		
002 Flow (MGD)		1.7		
pH	6.0			9.0
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Total Acidity (mg/l)				Report
Net Alkalinity (mg/l)	0.0			
Total Alkalinity (mg/l)				Report
Oil & Grease (mg/l)				Report

NPDES No. PA022627. Mining Permit No. 58220801. Saula Natural Stone, LLC, 271 Church Street, Floor One, Great Bend, PA 18821 new NPDES permit in New Milford Township, **Susquehanna County**, affecting 6.0 acres. Receiving stream: East Lake Creek/Salt Lick Creek Watershed classified for the following uses: HQ—CWF, MF. No discharge is proposed for the NPDES Permit. Non-Discharging Best Management Practices will be in effect. Application received: December 27, 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. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8:00 a.m. and 4:00 p.m. on each working day at the office noted above the application.

If you are a person with a disability and wish to attend the hearing and you require an auxiliary aid, service or other accommodation to participate in the proceedings, please contact the specified program. TDD users may

contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone: 484.250.5160, E-mail: ra-epww-sero@pa.gov.

E4601222-009, Ryan and Kari Lenhart, 107 Old Oak Tree Road, Lansdale, PA 19446, Montgomery Township, **Montgomery County**, Army Corps of Engineers Philadelphia District.

To perform the following listed water obstruction and encroachment activities associated with the Lenhart Residence. The project proposes streambank rehabilitation which includes to construct and maintain a 155 LF by 3 ft gabion wall along the streambank of the UNT Wissahickon Creek (TSF, MF) and to place fill in a wetland to restore the lawn area. The proposed project is disturbing approximately 0.107 acre of wetlands, permanent stream impacts of 465 square feet, and temporary stream impacts of 1,320 square feet. There are no impacts to the floodway and floodplain.

The site is located at 107 Old Oak Tree Road (Lansdale, PA USGS map; Lat: 40.239186; Long: -75.259102) in Montgomery Township, Montgomery County.

E4601222-011, Upper Providence Township, 1286 Black Rock Road, Oaks, PA 19456, Upper Providence Township, **Montgomery County**, Army Corps of Engineers Philadelphia District.

To demolish and remove the existing house including foundation, walkways, driveway, and site improvements and maintain as open lawn ground along the floodplain of the Schuylkill River (WWF-MF) associated with the Floodplain Management Site Restoration.

The site is located at 929 Port Providence Road (Collegeville, PA USGS Quadrangle; Latitude 40.128298; Longitude -75.491120) in Mont Clare, Montgomery County.

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

Contact: Dana Drake.

E0205221-011, The Borough of Jefferson Hills, 925 Clairton Road, Jefferson Hills Borough, 15025, **Allegheny County**, Army Corps of Engineers Pittsburgh District.

Has been given consent to:

Construct, operate, and maintain a stream enclosure, consisting of two (2) 72" SLCPP pipes, at 145 linear feet each, in an unnamed tributary (UNT) to Lick Run (TSF), in association with the construction of a new roadway, Frank Street over this watercourse, for the purpose of emergency access.

The project will permanently impact 0.007 acre of wetland, 0.13 acre of floodway, and 150 linear feet of stream, and will temporarily impact 0.014 acre of wetland and 40 feet of stream. Stream mitigation is also proposed to offset the permanent stream impacts.

The project site is located at 4214 Harlin Drive and Spaniel Lane (Glassport, PA USGS topographic quadrangle; N: 40°, 19', 3.41"; W: -79°, 57', 58.37"; Sub-basin 19C; USACE Pittsburgh District), in the Borough of Jefferson Hills, Allegheny County.

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

E0829222-020: Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840-1567. Frisbee Bra Pad in Orwell Township, **Bradford County**, Army Corps of Engineers Baltimore District.

This project seeks after-the-fact authorization in accordance with the Consent Decree Chesapeake Appalachia, LLC entered into with the U.S. Environmental Protection Agency and the PA Department of Environmental Protection on May 20, 2021. As referenced previously, Water Obstruction and Encroachment (WOEP) Application E0829222-020 Chesapeake Appalachia, LLC (Chesapeake) has applied for an Individual—Joint Permit to construct, operate and maintain 0.195 acre of permanent and 0.055 acre of temporary impacts to on-site wetlands. All impacts are associated with the Frisbee Bra Pad construction in 2010.

There are no stream and floodway impacts associated with this after-the-fact authorization. The project will result in a total of 8,494 SF (0.195 acre) of permanent and 2,396 SF (0.055 acre) of temporary wetland impacts.

Wetland Impact Table:

Resource Name	Municipality Quadrangle	Activity	Cow. Class	Listed Trout	Impact Length Temp. (LF)	Impact Area Temp. (SF)	Impact Length Perm. (LF)	Impact Area Perm. (SF)	Lat. Long.
W-WRA-001-T	Orwell Windham	Temporary Workspace	PEM	None	100	2,396			41.877277° 76.277714°
W-WRA-001-P W-WRA-002-P W-WRA-003-P	Orwell Windham	Fill	PEM	None			120	8,494	41.877433° 76.277719°
TOTAL IMPACTS					100	2,396	120	8,494	

ENVIRONMENTAL ASSESSMENTS

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

D55-047EA. Talen Generation, LLC, 600 Hamilton Street, Suite 600, Allentown, PA 18101. Monroe Township, **Snyder County**, U.S. Army Corps of Engineers Baltimore District.

To modify, operate, and maintain the spillway outlet channel of Sunbury Ash Basin No. 3 which conveys Shreiners Creek (a perennial tributary to the Susquehanna River; WWF, MF), permanently impacting 0.035 acre of PEM/PSS wetlands to construct an access road at the toe of the dam for the construction of the proposed Route 15 southbound embankment. (40.856825, -76.831234).

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 and Individual permits under 25 Pa. Code Chapter 102, including links to Individual Chapter 92a NPDES and WQM Permits, may be reviewed by generating the “Final Actions Report” on DEP’s website at www.dep.pa.gov/CWPUBLICNOTICE.

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

DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484.250.5910. Email: RA-EPNPDES_SERO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SERO@pa.gov for Chapter 102 permits.

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 for Chapter 91 & 92a permits; RA-EPWW-NERO@pa.gov for Chapter 102 permits.

DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717.705.4732. Email: RA-EPNPDES_SCRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SCRO@pa.gov for Chapter 102 permits.

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 for Chapter 91 & 92a permits; RA-EPWW-NCRO@pa.gov for Chapter 102 permits.

DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412.442.4286. Email: RA-EPNPDES_SWRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SWRO@pa.gov for Chapter 102 permits.

DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814.332.6340. Email: RA-EPNPDES_NWRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NWRO@pa.gov for Chapter 102 permits.

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 Regional Permit Coordination Office (RPCO)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717-772-5987. Email: RA-EPREGIONALPERMIT@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.

For actions taken on applications for pipelines that are regulated by the Federal Energy Regulatory Commission (FERC).

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).

I. Final Actions on NPDES and WQM Permit Applications and NOIs for Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides, CAFOs and Individual Construction Stormwater.

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0275875	CAFO Individual NPDES Permit	Issued	Heislars Egg Farm 757 Valley Road Tamaqua, PA 18252-5005	Walker Township Schuylkill County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAD090081	Chapter 102 Individual NPDES Permit	Issued	Byerley Curt 228 Kings Highway E Haddonfield, NJ 08033-1913	Falls Township Bucks County	SERO
PAD130036	Chapter 102 Individual NPDES Permit	Issued	St Lukes Health Network, Inc. 801 Ostrum Street Bethlehem, PA 18015-1000	Franklin Township Carbon County	NERO
PAD130037	Chapter 102 Individual NPDES Permit	Issued	Split Rock Inv, LLC 3631 North Front Street Harrisburg, PA 17110-1533	Kidder Township Carbon County	NERO
PAD150124	Chapter 102 Individual NPDES Permit	Issued	Cedar Run Comm Assoc 4310 Whitehorse Road Malvern, PA 19355	Charlestown Township Chester County	SERO
PAD390232	Chapter 102 Individual NPDES Permit	Issued	Allentown Comm Development Co. 4905 Tilghman Street Allentown, PA 18104	Allentown City Lehigh County	NERO
PAD450014	Chapter 102 Individual NPDES Permit	Issued	Pocono Mountain Municipal Airport Authority P.O. Box 115 Mount Pocono, PA 18344-0115	Tobyhanna Township Monroe County	NERO
PAD450092	Chapter 102 Individual NPDES Permit	Issued	Slater Holdings, LLC 221 Skyline Drive East Stroudsburg, PA 18301-1352	Smithfield Township Monroe County	NERO
PAD450129	Chapter 102 Individual NPDES Permit	Issued	Chestnuthill Township Monroe County 128 Route 715 Brodheads ville, PA 18322-7106	Chestnuthill Township Monroe County	NERO
PAD450150	Chapter 102 Individual NPDES Permit	Issued	CP Mt Pocono, LLC 200 W Madison Street Suite 1625 Chicago, IL 60606-3414	Mount Pocono Borough Monroe County	NERO
PAD510202	Chapter 102 Individual NPDES Permit	Issued	Philadelphia Parks & Recreation 1515 Arch Street Philadelphia, PA 19102-1501	Philadelphia City Philadelphia County	SERO
PAD540025	Chapter 102 Individual NPDES Permit	Issued	Brewster Land Co. 70 Eightteenth Drive Franklin, MA 02038	Kline Township Schuylkill County	NERO
PA0244911	Industrial Stormwater Individual NPDES Permit	Issued	AC Miller Concrete Products, Inc. 31 E Bridge Street Spring City, PA 19475-1404	Spring City Borough Chester County	SERO
PA0246417	Industrial Stormwater Individual NPDES Permit	Issued	State Line Salvage, Inc. 675 Nottingham Road Peach Bottom, PA 17563-9749	Fulton Township Lancaster County	SCRO
PA0289833	Industrial Stormwater Individual NPDES Permit	Issued	Barnhart Transportation, LLC P.O. Box 247 Harborcreek, PA 16421-0247	North East Township Erie County	NWRO
PAS802222	Industrial Stormwater Individual NPDES Permit	Issued	Male Road Ind Properties, LP P.O. Box 160 Wind Gap, PA 18091-0160	Plainfield Township Northampton County	NERO
PA0013714	Major Industrial Waste Facility >= 250 MGD Individual NPDES Permit	Issued	Constellation Energy Generation, LLC 200 Exelon Way Kennett Square, PA 19348-2442	Eddystone Borough Delaware County	SERO

NOTICES

3155

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0024384	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Issued	North Middleton Authority Cumberland County 240 Clearwater Drive Carlisle, PA 17013-1185	North Middleton Township Cumberland County	SCRO
3919408	Major Sewage Treatment Facility Individual WQM Permit	Issued	Allentown City Lehigh County Department of Public Works 435 Hamilton Street Allentown, PA 18101	Allentown City Lehigh County	NERO
PA0010502	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	US Army Letterkenny US Army Depot 1 Overcash Avenue Bldg 14 Chambersburg, PA 17201-4150	Greene Township Franklin County	SCRO
PA0051560	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Western Berks Water Authority 91 Water Road Sinking Spring, PA 19608-9632	Lower Heidelberg Township Berks County	SCRO
PA0111911	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Const Spec of NJ Inc. 6696 Route 405 Highway Muncy, PA 17756-6381	Clinton Township Lycoming County	NCRO
PA0261106	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Voith Hydro, Inc. P.O. Box 15002 York, PA 17405	West Manchester Township York County	SCRO
PA0094757	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	EJ Holtz Sewer, Inc. 633 Logan Boulevard Altoona, PA 16602-4139	Allegheny Township Cambria County	SWRO
PA0102431	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Cedar Acres/ Cunningham MHP, Inc. 203 Independence Lane New Castle, PA 16101-2883	Scott Township Lawrence County	NWRO
PA0023183	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Mount Holly Springs Borough Authority Cumberland County 200 Harmon Street Mount Holly Springs, PA 17065-1339	Mount Holly Springs Borough Cumberland County	SCRO
PA0024708	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Union Township Municipal Authority Mifflin County P.O. Box 5625 Belleville, PA 17004-5625	Union Township Mifflin County	SCRO
PA0216992	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Shannock Valley Gen Service Authority P.O. Box 168 Nu Mine, PA 16244-0168	Cowanshannock Township Armstrong County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0221708	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Chicora Borough Sewer Authority Butler County P.O. Box 35 110 Firehouse Cartway Chicora, PA 16025-0035	Chicora Borough Butler County	NWRO
3522401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Covington Township Sewer Authority Lackawanna County P.O. Box 266 Moscow, PA 18444-0266	Covington Township Lackawanna County	NERO
NNOEXSC90	No Exposure Certification	Issued	Kestrel Acquisition, LLC 1731 Hunterstown Road Gettysburg, PA 17325-7526	Straban Township Adams County	SCRO
NOEXNC172	No Exposure Certification	Issued	Chance Group, LLC 11616 Landstar Boulevard Orlando, FL 32824-9025	Williamsport City Lycoming County	NCRO
NOEXSC271	No Exposure Certification	Issued	Fenner Prec Polymers 102 S Heintzelman Street Manheim, PA 17545-1724	Manheim Borough Lancaster County	SCRO
NOEXSC273	No Exposure Certification	Issued	New Penn Motor Express, Inc. 11500 Outlook Street Overland Park, KS 66211-1804	Muhlenberg Township Berks County	SCRO
NOEXSC377	No Exposure Certification	Issued	Southwire Co. (SCBWP) 1500 Bartlett Drive York, PA 17406-6144	East Manchester Township York County	SCRO
NOEXSC379	No Exposure Certification	Issued	Hood Container Corp 200 Boxwood Lane York, PA 17402-9302	Springettsbury Township York County	SCRO
NOEXSC380	No Exposure Certification	Issued	Graham Pkg Co. 700 Indian Springs Drive Lancaster, PA 17601-7800	Manchester Township York County	SCRO
NOEXSC381	No Exposure Certification	Issued	Cronimet Specialty Metals USA, Inc. 172 Friendship Village Road Suite 103 Bedford, PA 15522-6621	Bedford Township Bedford County	SCRO
NOEXSC382	No Exposure Certification	Issued	FedEx Supply Chain 325 S Salem Church Road York, PA 17408-5500	West Manchester Township York County	SCRO
PAR800143	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Shiplay Energy Co. 415 Norway Street York, PA 17403-2531	East Vincent Township Chester County	SERO
PAG123564	PAG-12 NPDES General Permit for CAFOs	Issued	Buckwalter Farms, LLC 350 Rock Point Road Marietta, PA 17547-9209	East Donegal Township Lancaster County	SCRO
PAG124824	PAG-12 NPDES General Permit for CAFOs	Issued	Rodney E Lane 1550 Harrison Fox Hill Road Harrison Valley, PA 16927-9424	Harrison Township Potter County	SCRO
0922401	Pump Stations Individual WQM Permit	Issued	Lower Makefield Township Bucks County 1100 Edgewood Road Yardley, PA 19067	Lower Makefield Township Bucks County	SERO
0922401	Pump Stations Individual WQM Permit	Issued	Lower Makefield Township Bucks County 1100 Edgewood Road Yardley, PA 19067	Lower Makefield Township Bucks County	SERO

NOTICES

3157

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0922402	Pump Stations Individual WQM Permit	Issued	Lower Makefield Township Bucks County 1100 Edgewood Road Yardley, PA 19067	Lower Makefield Township Bucks County	SERO
0922402	Pump Stations Individual WQM Permit	Issued	Lower Makefield Township Bucks County 1100 Edgewood Road Yardley, PA 19067	Lower Makefield Township Bucks County	SERO
0922403	Pump Stations Individual WQM Permit	Issued	Lower Makefield Township Bucks County 1100 Edgewood Road Yardley, PA 19067	Lower Makefield Township Bucks County	SERO
0922403	Pump Stations Individual WQM Permit	Issued	Lower Makefield Township Bucks County 1100 Edgewood Road Yardley, PA 19067	Lower Makefield Township Bucks County	SERO
0922405	Pump Stations Individual WQM Permit	Issued	Lower Makefield Township Bucks County 1100 Edgewood Road Yardley, PA 19067	Lower Makefield Township Bucks County	SERO
0922405	Pump Stations Individual WQM Permit	Issued	Lower Makefield Township Bucks County 1100 Edgewood Road Yardley, PA 19067	Lower Makefield Township Bucks County	SERO
2115404	Sewage Treatment Facilities Individual WQM Permit	Issued	Lerew Doris K P.O. Box 121 Carlisle, PA 17013-0121	North Middleton Township Cumberland County	SCRO
2115405	Sewage Treatment Facilities Individual WQM Permit	Issued	Lerew Doris K 656 Latimore Road York Springs, PA 17372-9775	North Middleton Township Cumberland County	SCRO
4522401	Sewer Extensions Individual WQM Permit	Issued	Great Wolf Lodge of The Poconos, LLC 1 Great Wolf Lodge Drive Scotrun, PA 18355	Pocono Township Monroe County	NERO
PA0245372	Single Residence STP Individual NPDES Permit	Issued	Smith Stephen 1432 Burgoyne Road Downingtown, PA 19335-3904	Edgmtont Township Delaware County	SERO
PA0255718	Single Residence STP Individual NPDES Permit	Issued	Damron Loretta A 2149 Henry Road Sewickley, PA 15143-9173	Sewickley Hills Borough Allegheny County	SWRO
PA0256064	Single Residence STP Individual NPDES Permit	Issued	Barsis Rudolph 77 Hickory Road Claysville, PA 15323-1162	East Finley Township Washington County	SWRO
PA0261734	Single Residence STP Individual NPDES Permit	Issued	Moore Genevieve E & Moore Stephen J 4350 Old Orchard Road York, PA 17402-3322	Springettsbury Township York County	SCRO
PA0264580	Single Residence STP Individual NPDES Permit	Issued	Bates Raymond 248 Carbon Center Road Butler, PA 16002-1020	Summit Township Butler County	NWRO
PA0266051	Single Residence STP Individual NPDES Permit	Issued	Lerew Doris K 656 Latimore Road York Springs, PA 17372-9775	North Middleton Township Cumberland County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0290335	Single Residence STP Individual NPDES Permit	Issued	Smith Keith W 612 North Street Ellwood City, PA 16117-1064	West Shenango Township Crawford County	NWRO
PA0290386	Single Residence STP Individual NPDES Permit	Issued	David & John Nisley 11207 Carr Road Conneautville, PA 16406-3111	Summerhill Township Crawford County	NWRO
PA0290394	Single Residence STP Individual NPDES Permit	Issued	Bohman Mark 9563 Fry Road McKean, PA 16426-1708	McKean Township Erie County	NWRO
PA0290475	Single Residence STP Individual NPDES Permit	Issued	Kersnick Brian 10643 Keepville Road Albion, PA 16401-8415	Deerfield Township Warren County	NWRO
0220402	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Damron Loretta A 2149 Henry Road Sewickley, PA 15143-9173	Sewickley Hills Borough Allegheny County	SWRO
2022401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Smith Keith W 612 North Street Ellwood City, PA 16117-1064	West Shenango Township Crawford County	NWRO
2022402	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	David & John Nisley 11207 Carr Road Conneautville, PA 16406-3111	Summerhill Township Crawford County	NWRO
2522404	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Bohman Mark 9563 Fry Road McKean, PA 16426-1708	McKean Township Erie County	NWRO
6222403	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Kersnick Brian 10643 Keepville Road Albion, PA 16401-8415	Deerfield Township Warren County	NWRO
6321408	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Barsis Rudolph 77 Hickory Road Claysville, PA 15323-1162	East Finley Township Washington County	SWRO
PA0058599	Small Flow Treatment Facility Individual NPDES Permit	Issued	Piper Real Properties, LLC 1201 Beechwood Boulevard Pittsburgh, PA 15206-4519	Bedminster Township Bucks County	SERO
0903408	Small Flow Treatment Facility Individual WQM Permit	Issued	Piper Real Properties, LLC 1201 Beechwood Boulevard Pittsburgh, PA 15206-4519	Bedminster Township Bucks County	SERO
WQG02092202	WQG-02 WQM General Permit	Issued	Lower Makefield Township Bucks County 1100 Edgewood Road Yardley, PA 19067	Lower Makefield Township Bucks County	SERO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
WQG02092202	WQG-02 WQM General Permit	Issued	Lower Makefield Township Bucks County 1100 Edgewood Road Yardley, PA 19067	Lower Makefield Township Bucks County	SERO
WQG02092203	WQG-02 WQM General Permit	Issued	Lower Makefield Township Bucks County 1100 Edgewood Road Yardley, PA 19067	Lower Makefield Township Bucks County	SERO
WQG02092203	WQG-02 WQM General Permit	Issued	Lower Makefield Township Bucks County 1100 Edgewood Road Yardley, PA 19067	Lower Makefield Township Bucks County	SERO
WQG02092204	WQG-02 WQM General Permit	Issued	Lower Makefield Township Bucks County 1100 Edgewood Road Yardley, PA 19067	Lower Makefield Township Bucks County	SERO
WQG02092204	WQG-02 WQM General Permit	Issued	Lower Makefield Township Bucks County 1100 Edgewood Road Yardley, PA 19067	Lower Makefield Township Bucks County	SERO
WQG02652201	WQG-02 WQM General Permit	Issued	Penn Township Sewer Authority Westmoreland County 12441 Route 993 N Huntingdon, PA 15642-4264	North Huntingdon Township Westmoreland County	SWRO

II. Final Actions on PAG-01 and PAG-02 General NPDES Permit NOIs.

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC090502	PAG-02 General Permit	Issued	Gavin Construction Company 1700B Derstine Road Souderton, PA 18964-2511	Buckingham Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550
PAC090532	PAG-02 General Permit	Issued	Seba Cable 9753 Verree Road Philadelphia, PA 19115-1920	Lower Southampton Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550
PAC350129	PAG-02 General Permit	Issued	The Borough of Dickson City 901 Enterprise Street Dickson City, PA 18519-1569	Dickson City Borough Lackawanna County	Lackawanna County Conservation District 1038 Montdale Road Scott Township, PA 18447 570-382-3086
PAC010192	PAG-02 General Permit	Issued	Racehorse Road, LLC 160 Ram Drive Hanover, PA 17331	Conewago Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
PAC010203	PAG-02 General Permit	Issued	Robert W. and Rebecca A. Plunkert 175 Elmwood Avenue Hanover, PA 17331	Union 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 & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC050055	PAG-02 General Permit	Issued	Pennsylvania Turnpike Commission 700 South Eisenhower Boulevard Middletown, PA 17057	Bedford Township Bedford County	Bedford County Conservation District 702 West Pitt Street Suite 4 Bedford, PA 15522 814.623.7900, ext. 4
PAC670552	PAG-02 General Permit	Issued	Columbia Gas of Pennsylvania 1600 Colony Road York, PA 17408	West Manchester Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC360706	PAG-02 General Permit	Issued	CWP West Corporation 222 East 5th Street Tucson, AZ 85705	East Lampeter Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360747	PAG-02 General Permit	Issued	Columbia Water Company 220 Locust Street Columbia, PA 17512	East Donegal Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360460 A-1	PAG-02 General Permit	Issued	Caleb Strausser 160 Wissler Road New Holland, PA 17557	West Earl Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360722	PAG-02 General Permit	Issued	Henry & Sylvia Beiler 133 South Maple Avenue Leola, PA 17540	Rapho Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360670	PAG-02 General Permit	Issued	Lampeter Strasburg School District 1600 Book Road Lancaster, PA 17602	West Lampeter Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC110090	PAG-02 General Permit	Issued	Peoples Natural Gas 375 North Shore Drive Pittsburgh, PA 15212	Cambria Township Cambria County	Cambria County Conservation District 401 Candlelight Drive Suite 221 Ebensburg, PA 15931 814-472-2120
PAC630012	PAG-02 General Permit	Renewed	Gregg Inc. 1790 Route 136 Eighty Four, PA 15330	Somerset 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 & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC630244	PAG-02 General Permit	Issued	PTV 1223, LLC 400 Penn Center Building 4 Suite 100 Pittsburgh, PA 15235	Carroll Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098
PAC630250	PAG-02 General Permit	Issued	Pittsburgh Powder Coat, Inc. 4273 Finleyville-Elrama Road Finleyville, PA 15332	Union Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098

**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>
Ryan Burkholder 200 Farm Lane Millerstown PA 17062	Perry	27.6	398.18	Poultry	NA	Approved
Emanuel Lapp 322 Hatchery Road Dalmatia, PA 17017	Northumberland	41.98	105.71	Ducks	NA	Approved
Boops Family Hog Farm 1795 Swengel Road Mifflinburg, PA 17844	Union	391.8	1,453.81	Swine	NA	Approval

PUBLIC WATER SUPPLY PERMITS

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717)

787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

SAFE DRINKING WATER

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

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

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

Permit No. 5422502MA, Public Water Supply.

Applicant	Schuylkill County Municipal Authority Morea Emergency Interconnection Project 221 S. Centre Street Pottsville, PA 17901
Municipality	Mahanoy Township
County	Schuylkill
Type of Facility	PWS
Consulting Engineer	Mr. Nick Lewis PE Gannett Fleming, Inc. 7133 Rutherford Rd S-300 Baltimore, MD 21244
Permit to Construct Issued	April 6, 2022

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

Construction Permit No. 0622510 MA, Minor Amendment, Public Water Supply.

Applicant	Lenape Hills Trailer Park 468 B Lenape Road Bechtelsville, PA
Municipality	Borough of Bechtelsville
County	Berks
Consulting Engineer	Jeremy S. Madaras, P.E. J.S. Madaras Consulting, LLC 250 Indian Lane Boyertown, PA 19512
Permit Issued	May 9, 2022

Description	Installation of new 4-log virus inactivation contact tanks, new finished water storage tanks, and new booster pumps.
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Construction Permit No. 3622502 MA, Minor Amendment, Public Water Supply.

Applicant	West Earl Water Authority 157 West Metzler Road Browntown, PA 17508
Municipality	West Earl Township
County	Lancaster
Consulting Engineer	Dan Hopkins, P.E. Entech Engineering 201 Penn Street Reading, PA 19603

Permit Issued	April 11, 2022
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Description	Akron Tank rehabilitation and mixer installation.
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Construction Permit No. 3622503 MA, Minor Amendment, Public Water Supply.

Applicant	City of Lancaster 120 North Duke Street P.O. Box 1599 Lancaster, PA 17608
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Municipality	West Hempfield Township
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County	Lancaster
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Consulting Engineer	Matthew D. Warfel The ARRO Consulting, Inc. 108 West Airport Road Lititz, PA 17543
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Permit Issued	April 11, 2022
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Description	Susquehanna water treatment plant chemical feed pump replacements.
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Construction Permit No. 3622508 MA, Minor Amendment, Public Water Supply.

Applicant	Lancaster Estates Condo Association 600 Olde Hickory Road Suite 100 Lancaster, PA 17601
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Municipality	Rapho Township
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County	Lancaster
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Consulting Engineer	Charles A. Kehew II, P.E. James R. Holley & Associates, Inc. 18 South George Street York, PA 17401
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Permit Issued	April 13, 2022
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Description	Replacement of the existing 8,000-gallon contact/storage tank with one 3,000-gallon contact tank and two 3,000-gallon storage tanks, and modifications to 4-log treatment of viruses.
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Construction Permit No. 2822504 MA, Minor Amendment, Public Water Supply.

Applicant	Bear Valley Joint Authority 218 School House Road St. Thomas, PA 17252
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Municipality St. Thomas Township
 County **Franklin**
 Consulting Engineer James F. Potopa, P.E.
 Gwin, Dobson & Foreman, Inc.
 3121 Fairway Drive
 Altoona, PA 16602-4496

Permit Issued April 14, 2022

Description Broad Run Treatment Plant capacity rerating, contact piping installation, entry point relocation and instrumentation, and installation of a mixer in the 5.3 MG storage tank.

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

Construction Permit No. 1922501MA, Public Water Supply.

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

Municipality Berwick Borough
 County **Columbia**
 Consulting Engineer Ewoud Hulstein, P.E.
 PA American Water Co.
 852 Wesley Drive
 Mechanicsburg, PA 17055

Permit Issued May 12, 2022

Description This permit authorizes replacement of the existing back-up CL17 chlorine residual analyzer with a new Hydro Instruments RPH-250 chlorine residual analyzer.

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

Permit No. 0222505MA, Minor Amendment. Public Water Supply.

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

Municipality Baldwin Borough
 County **Allegheny**
 Type of Facility Caustic Soda Feed System Replacement
 Consulting Engineer Gwin, Dobson, and Foreman, Inc.
 3121 Fairway Drive
 Altoona, PA 16602

Permit Issued May 5, 2022

Permit No. 0422502MA, Minor Amendment. Public Water Supply.

Applicant **PA DCNR—Bureau of State Parks Raccoon Creek State Park**
 3000 State Route 18
 Hookstown, PA 15050

Municipality Hanover Township

County **Beaver**
 Type of Facility Water Treatment Plant
 Consulting Engineer PA DCNR—Facility Design and Construction
 P.O. Box 8451
 Harrisburg, PA 17105-8451

Permit Issued May 5, 2022

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

Operation Permit No. 3120501 issued to: **Camp Kanesatake (PWS ID No. 4310317)**, 4976 Camp Kanesatake Lane, Spruce Creek, PA 16683, Spruce Creek Township, **Huntingdon County**, on April 12, 2022 for facilities submitted under Application No. 3120501.

Comprehensive Operation Permit No. 7210841 issued to: **Southampton Township Building & Parks (PWS ID No. 7210841)**, 200 Airport Road, Shippensburg, PA 17257, Southampton Township, **Cumberland County**, on May 12, 2022 for the operation of facilities approved under Construction Permit No. 2121511. Comprehensive Operation Permit for Southampton Township Building and Parks to replace the existing UV disinfection with 4-log treatment of viruses using chlorine disinfection.

Operation Permit No. 3622509 MA issued to: **East Donegal Township Municipal Authority (PWS ID No. 7360083)**, 23 North River Street, Marietta, PA 17547, East Donegal Township, **Lancaster County**, on April 19, 2022 for facilities approved under Construction Permit No. 3622509 MA. Replacement of the Entry Point 100 online chlorine analyzer.

Transferred Comprehensive Operation Permit No. 7010316 issued to: **Vyas Hospitality, LLC, (PWS ID No. 7010316)**, 2585 Biglerville Road, Gettysburg, PA 17325, Butler Township, **Adams County**, on May 9, 2022. Action is for a Change in Ownership for Blue Sky Motel, Adams County for the operation of facilities previously issued to Vijay Vyas.

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

Operations Permit issued to: **Addison Area Water Authority**, P.O. Box 13, Addison, PA 15411, PWSID No. 4560028, Addison Borough and Addison Township, **Somerset County**, on April 14, 2022 for the operation of facilities approved under permit # 5619508 for water system upgrades.

Operations Permit issued to: **Addison Area Water Authority**, P.O. Box 13, Addison, PA 15411, PWSID No. 4560028, Addison Borough and Addison Township, **Somerset County**, on April 14, 2022 for the operation of facilities approved under permit # 5613509GWR-A1 for the Addison Area Water Authority groundwater rule permit.

Operations Permit issued to: **Pennsylvania American Water Company**, 852 Wesley Drive, Mechanicsburg, PA 17055, PWSID No. 5020039, Robinson Township, **Washington County**, on May 11, 2022 for the operation of facilities approved under permit # 0222518 for the Ridge Road Waterline Extension.

Operations Permit issued to: **West View Water Authority**, 210 Perry Highway, Pittsburgh, PA 15229, PWSID No. 5020043, Franklin Park Borough, **Allegheny County**, on April 22, 2022 for the operation of facilities

approved under construction permit # 0221522 for a liquid ammonium sulfate feed system at the Franklin Park pump station.

Operations Permit issued to: **Beaver Falls Municipal Authority**, 1425 8th Avenue, Beaver Falls, PA 15010, PWSID No. 5040012, Eastvale Borough, **Beaver County**, on May 4, 2022 for the operation of facilities approved under permit # 0420508MA for Filters No. 4 and 5.

Operations Permit issued to: **Southwestern Pennsylvania Water Authority**, 1442 Jefferson Road, P.O. Box 187, Jefferson, PA 15344, PWSID No. 5300017, Cumberland Township, **Greene County**, on April 17, 2022 for the operation of facilities approved under construction permit # 3022503MA for an interconnection with the Municipal Authority of the Borough of Carmichaels.

Operations Permit issued to: **Higgins Hauling Company**, 202 Higgins Lane, Waynesburg, PA 15370, PWSID No. 5306369, Waynesburg Borough, **Greene County**, on March 1, 2022 for the operation of facilities approved under permit # 5306369-A1 for the Higgins Bulk Water Hauling System including four tank trucks and four fill stations.

WATER ALLOCATIONS

Actions Taken on Applications Received Under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) Relating to the Acquisition of Rights to Divert Waters of the Commonwealth.

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

WA02-1022A, Water Allocations. **Municipal Authority of Westmoreland County**, 124 Park and Pool Road, New Stanton, PA 15672, City of McKeesport, **Allegheny County**. The right to withdrawal up to 10,000,000 gallons of water per day, annual average, from the Youghiogheny River in Allegheny County.

WA26-1009A, Water Allocations. **Municipal Authority of Westmoreland County**, 124 Park and Pool Road, New Stanton, PA 15672, Dunbar Township, **Fayette County**. The right to withdraw up to 40 million gallons of water per day (MGD), annual average, from the Youghiogheny River in Fayette County. 23 MGD of that 40 MGD allocation is contingent upon MAWC continuing to purchase upstream storage from the Army Corps of Engineers with a net yield of 22 MGD. It is recommended that the storage agreement be updated to increase the purchase to a total of 27 MGD or that MAWC Indian Creek seek additional supply from another source. After issuance of the Public Water Supply Operation Permit for upgrades to expand the capacity of the Indian Creek water treatment plant to 50 MGD, the right to withdraw 50 MGD, annual average, from the Youghiogheny River in Fayette County. 23 MGD of that 50 MGD allocation is contingent upon MAWC continuing to purchase upstream storage from the Army Corps of Engineers with a net yield of 22 MGD. It is recommended that the storage agreement be updated to increase the purchase to a total of 27 MGD or that MAWC Indian Creek seek additional supply from another source.

WA65-111I, Water Allocations. **Municipal Authority of Westmoreland County**, 124 Park and Pool Road, New Stanton, PA 15672, Bell Township, **Westmoreland County**. The right to withdraw up to 35,000,000 gallons of water per day, annual average, from the Beaver Run

Reservoir (Sweeney) in Westmoreland County, with a conservation release of 6,400,000 gallons of water per day.

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.

Contact: Charline Bass.

860 Unit Cooling Tower and Hartranft Street—Point Breeze South Yard, 3144 Passyunk Avenue, Philadelphia, PA 19153, City of Philadelphia, **Philadelphia County**. Kevin Long, Terraphase Engineering Inc., 100 Canal Pointe Boulevard, Suite 108, Princeton, NJ 08540 on behalf of Anne Garr, Philadelphia Energy Solutions Refining and Marketing, LLC, 111 South Wacker Drive, Suite 3000, Chicago, IL 60606 submitted a Final Report concerning remediation of site soil and groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet the Statewide health standard.

Hale Products Facility, 720 Spring Mill Avenue, Conshohocken, PA 19428, Conshohocken Borough, **Montgomery County**. Jon Rutledge, ARCADIS, U.S., Inc., 10 Friends Lane, Suite 200, Newtown, PA 18940 on behalf of Mike Wells, IDEX on behalf of Hurst Jaws of Life, Inc., (f/k/a Hale Products, Inc.) 3100 Sanders Road, Suite 301, Northbrook, IL 60062 submitted a Cleanup Plan concerning remediation of site soil and groundwater contaminated with VOCs, SVOCs and metals. The report is intended to document remediation of the site to meet the site-specific standard.

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 BH 110, Chester, PA 19013 on behalf of Lucie McDonald, JRM Developers, 9525 Frankford Avenue, Philadelphia, PA 19114 submitted a Final Report concerning remediation of site soil contaminated with naphthalene. The report is intended to document remediation of the site to meet the Statewide health standard.

Drexel Hill United Methodist Church, 600 Burmont Road, Drexel Hill, PA 19026, Upper Darby Township, **Delaware County**. Geoff Kristof, PG, Aquaterra Technologies, Inc., 901 South Bolmar Street, Suite A, West Chester, PA 19382 on behalf of Alexander Mullins, Drexel Hill United Methodist Church, 600 Burmont Road, Drexel Hill, PA 19026 submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil and No. 5 fuel oil. The report is intended to document remediation of the site to meet the Standard health standard.

Former Baum Farm, 491 Forty Foot Road, Hatfield, PA 19440, Hatfield Township, **Montgomery County**. Michael D. Lattanze, Penn E&R, Inc., 400 Old Dublin Pike, Doylestown, PA 18901 on behalf of Bob Hermley, Pulte Group, 1210 Northbrook Drive, Suite 260, Trevese, PA 19053 submitted a Final Report concerning remediation of site soil contaminated with 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene and benzene. 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.

Palmer Town Center, 757 S 25th Street, Easton, PA 18042, Palmer Township, **Northampton County**. Apex Companies, 4701 Creek Road, Suite 100, Blue Ash, OH 45242, on behalf of Palmer Town Station LLC, 11501 Northlake Drive, Cincinnati, OH 45249, submitted a Final Report concerning soil contaminated with chlorinated solvents, metals, petroleum, PCBs, and polycyclic aromatic hydrocarbons from historic use as a former iron foundry and car dealership. The report is intended to document remediation of the site to meet a combination of Site Specific and Statewide health standards.

Roberts Property, 1427 Main Street, Bethlehem, PA 18018, Bethlehem City, **Northampton County**. Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, on behalf of Norman Roberts, 1427 Main Street, Bethlehem, PA 18018, submitted a combined Remedial Investigation Report, Risk Assessment, Cleanup Plan, and Final Report concerning remediation of site soil and groundwater contaminated with heating oil from an aboveground storage tank. The report is intended to document remediation of the site to meet site-specific standards.

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

COP Tract 551A, 6483 Bodine Mountain Road, Ralston, PA 17763, McIntyre Township, **Lycoming County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of EQT Corporation, 33 West Third Street, Suite 300, Williamsport, PA 17701 has submitted a Final Report concerning remediation of site soil contaminated with produced water. The report is intended to document remediation of the site to meet the Statewide health standard.

Ahsas Trucklines, Inc. Cleanup Project, US Route 15S @ Exit 148 off-ramp, Williamsport, PA 17701, Lewis Township, **Lycoming County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of Ahsas Trucklines, Inc., 450 Dougall Avenue, Caledon, ON L7C4A6, has submitted a Final Report concerning site soil contaminated with diesel fuel and used motor oil. The report is intended to document remediation of the site to meet the Statewide health standard.

Lycos Hot Shots Cleanup Project, Interstate 180E at Faxon Street Exit, Williamsport, PA 17701, Loyalsock Township, **Lycoming County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of Lycos Hot Shots, 36 West Lincoln Avenue, Williamsport, PA 17701, has submitted a Final Report concerning site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide health standard.

SWN Production Company, LLC Grenzweig Large Impoundment, 329 E. Cole Road, Wyalusing, PA 18853, Herrick Township, **Bradford County**. Resource Environmental, 50 Maple Street, Montrose, PA 18801, on behalf of SWN Production Company, LLC, 917 State Route 92 North, Tunkhannock, PA 18657, has submitted a Final Report concerning site soil contaminated with produced water. The report is intended to document remediation of the site to meet the Background and Statewide health standards.

Former Paxar Facility, 1 Wilcox Street, Sayre, PA 18840, Sayre Borough, **Bradford County**. VHB, 1805 Atlantic Avenue, Manasquan, NJ 08736, on behalf of Avery Dennison Corporation, 8080 Norton Parkway, Mentor, OH 44060, has submitted a Remedial Investigation and Risk Assessment Report concerning site soil and groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the site-specific standard.

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

CHS Warehouse Property, Primary Facility ID # 806694, 158-170 Southmont Boulevard, Johnstown, PA 15901, Johnstown City, **Cambria County**. Groundwater Sciences Corporation, 2550 Interstate Drive, Suite 303, Harrisburg, PA 17110, on behalf of 1889 Foundation, Inc., 4 Valley Pike, Johnstown, PA 15905, has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with used motor oil, unleaded & leaded gasoline and, from a release of used motor oil, unleaded & leaded gasoline substances. The report is intended to document remediation of the site to meet the site-specific standards.

Fueland # 22, Primary Facility ID # 577746, 710 Beulah Road, Turtle Creek, PA 15145, Wilkins Township, **Allegheny County**. Letterle & Associates, Inc.,

2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of Superior Petroleum Company, 8199 McKnight Road, Pittsburgh, PA 1523, has submitted a Remedial Action Completion Report concerning remediation of site groundwater contaminated with diesel fuel. The report is intended to document remediation of the site to meet the residential Statewide health standard.

Sunrise Sunoco 5, Primary Facility ID # **614213**, PA Turnpike Hempfield Service Plaza, New Stanton, PA 15672, New Stanton Borough, **Westmoreland County**. GAI Consultants, Inc., 385 East Waterfront Drive, Homestead, PA 15120, on behalf of Pennsylvania Turnpike Commission, PA Turnpike, P.O. Box 67676, Harrisburg, PA 17106, has submitted a Remedial Action Completion Report concerning remediation of site soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the residential Statewide health standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department Has Taken Action on the Following Plans and Reports Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

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

For further information concerning the plans and reports, contact the environmental cleanup program man-

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

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup & Brownfield Program, 2 East Main Street, Norristown, PA 19401.

Contact: Charline Bass, 484-250-5787.

Sharswood Development, 2015-2077 Ridge Avenue, Philadelphia, PA 19121, City of Philadelphia, **Philadelphia County**. Shad Manning, REPSG, Inc., 6901 Kingsessing Avenue, Second Floor, Philadelphia, PA 19142 on behalf of Leslie Smallwood-Lewis, Sharswood Partners, LP, 3525 I Street, Philadelphia, PA 19134 submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil contaminated with benzo(a)pyrene, benzo(b)fluoranthene, indeno(1,2,3-cd)pyrene, arsenic and vanadium. The Report was approved on May 9, 2022.

2630 West Girard Avenue, Southeast Corner of North 27th Street & West Girard Avenue, Philadelphia, PA 19130, City of Philadelphia, **Philadelphia County**. Jennifer Poole, PG, Pennoni, 1900 Market Street, Suite 300, Philadelphia, PA 19103 on behalf of Dan Bleznak, 27th & Girard Limited Partnership, c/o ADCO, American Development Company, 715 Montgomery Avenue, Suite 3, Narberth, PA 19072 submitted a Final Report concerning the remediation of site soil contaminated with VOCs, SVOCs and metals. The Report was reviewed by the Department which issued a technical deficiency letter on May 10, 2022.

Court and State Street Site, 215 South State Road, Newtown, PA 18940, Newtown Borough, **Bucks County**. Rocco Mercuri, PG, Gilmore & Associates, Inc., 65 East Butler Avenue, New Britain, PA 18901 on behalf of Scott Torok, Court and State, LLC, 1125 Mill Creek Road, Southampton, PA 18966 submitted a Final Report concerning the remediation of site soil contaminated with lead, benzene, 1,2,4-TMB, 1,3,5-TMB, and benzo(a)pyrene. The Final Report demonstrated attainment of the Statewide health standard and was approved on May 9, 2022.

Proposed Residential Development, West Elm Street, and Corson Street, Conshohocken, PA 19428, Conshohocken Borough, **Montgomery County**. Jeffrey T. Bauer, PG, Whitestone Associates, Inc., 1600 Manor Drive, Suite 220, Chalfont, PA 18914 on behalf of John Forbe, Equus Development, LP, Ellis Preserve, 3843 West Chester Pike, Newtown Square, PA 19073 submitted a Final Report concerning the remediation of site soil contaminated with arsenic and benzo(a)pyrene. The Report was reviewed by the Department which issued a technical deficiency letter on May 9, 2022.

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

Contact: Eric Supey, Environmental Program Manager.

Rutkowski Pad, 3846 Glenwood Road, Hop Bottom, PA 18824, Lenox Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of Coterra Energy Inc, 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Final Report concerning remediation of soil con-

taminated by a release of diesel from a heater. The Final Report demonstrated attainment of Statewide health standards and was approved on May 11, 2022.

Southcentral Region: Environmental Cleanup & Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.

Former Robesonia Furnace, South Freeman Street, Robesonia, PA 19551, Borough of Robesonia, **Berks County**. Liberty Environmental, Inc., 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of Borough of Robesonia, 75 South Brooke Street, Robesonia, PA 19551, submitted a Remedial Investigation Report and Cleanup Plan concerning the remediation of site soil contaminated with lead. The Report was approved on May 12, 2022.

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

Yencha BRA 2H on the Yencha BRA Pad, 51 Margies Way, New Albany, PA 18833, Monroe 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 demonstrated attainment of the Statewide health standard and was approved on April 18, 2022.

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

Community Guidance Center, Primary Facility ID # **857101**, 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 15101 has submitted 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 Risk Assessment/Remedial Action Plan/Cleanup Plan was approved by the Department on May 17, 2022.

NWREC Transformer Release 11871 Comer Road, Primary Facility ID # **857101**, 11871 Comer Road, Waterford, PA 16441, Washington Township, **Erie County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412 on behalf of Northwestern REC, 22534 Highway 86, Cambridge Springs, PA 16403 has submitted a Final Report concerning remediation of site soil contaminated with aroclor-1016, aroclor-1221, aroclor-1232, aroclor-1242, aroclor-1248, aroclor-1254, aroclor-1260, 1,2,4-Trimethylbenzene, and 1,3,5-Trimethylbenzene. The Final report demonstrated attainment of the Statewide health standard and was approved on May 17, 2022.

Potato Creek 3H Well Pad, Primary Facility ID # **802545**, Dividing Ridge Road, Austin, PA 16720, Norwich Township, **McKean County**. Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16335, on behalf of Pennsylvania General Energy Company, LLC, 120 Market Street, Warren, PA 16365 has submitted a Final Report concerning remediation of site soil contaminated with Zinc Chloride, Aluminum, Barium, Boron, Chloride, Lithium, Manganese, Selenium, Strontium, Vanadium and site groundwater contaminated with Chloride, Aluminum, Barium, Boron, Zinc, Lithium, Vana-

dium, Selenium, and Strontium. The Final report did not demonstrate attainment of a combination of the Statewide Health and Background Standards and was disapproved on May 13, 2022.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

Contact: Raymond Kempa, New Source Review Chief, Telephone: 570-826-2531.

AG5A-58-00045A: Coterra Energy, Inc., 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, issued on May 16, 2022, for the construction and operation of one (1) 1,380 bhp Caterpillar G3516J 4SLB natural gas-fired compressor engine controlled by an oxidation catalyst, and twelve (12) small heaters <5 MMBtu/hr each, pursuant to the General Plan Approval and/or General Operating Permit for Unconventional Natural Gas Well Site Operations and Remote Pigging Stations (BAQ-GPA/GP-5A) located at Williams, D. Pad 1 in Brooklyn Township, **Susquehanna County**.

GP4-40-004: Trion Industries, Inc., 297 Laird Street, Wilkes-Barre, PA 18702, on May 12, 2022, for the operation of two (2) burn off ovens controlled by after burner at the facility located in City of Wilkes-Barre, **Luzerne County**.

GP3-48-037: Highway Materials, Inc., 409 Stenton Avenue, Flourtown, PA 19031, on May 12, 2022, for the operation of a portable stone crushing plant at the facility located in Upper Nazareth Township, **Northampton County**.

GP9-48-037: Highway Materials, Inc., 409 Stenton Avenue, Flourtown, PA 19031, on May 12, 2022, for the operation of I C Engine at the facility located in Upper Nazareth Township, **Northampton County**.

GP1-40-009: Department of Veterans Affairs, 1111 East End Boulevard, Wilkes-Barre, PA 18711, on May 13, 2022, for the operation of three (3) natural gas/# 2 oil fired boilers at facility located in Plains Township, **Luzerne County**.

Plan Approvals Issued Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and Regulations in 25 Pa. Code Chapter 127, Subchapter B Relating to Construction, Modification and Reactivation of Air Contamination Sources and Associated Air Cleaning Devices.

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

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

09-0250: McGill Fairless Hills, LLC, 600 Tyburn Road, Morrisville, PA 19067. On May 13, 2022, for the installation of a new indoor composting facility with an add-on biofilter to control odors emanating from the composting operation located in Falls Township, **Bucks 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.

36-03218A: East Penn Manufacturing Co., Inc., 2501 Horseshoe Road, Lancaster, PA 17601, on May 10, 2022, for the construction of eight (8) lid sealing units at the Lancaster Mold facility located in Upper Leacock Township, **Lancaster County**.

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

Contact: Edward Orris, P.E., New Source Review Chief—Telephone: 412-442-4168.

30-00089D: Eastern Gas Transmission and Storage, Inc., 6603 West Broad Street, Richmond, VA 23220, for Extension effective May 28, 2022, to extend the period of construction and temporary operation of two natural gas-fired compressor turbines controlled by an oxidation catalyst, microturbine generators, boiler, one produced fluids storage tank, 2,500 gallon capacity; one lube oil tank, 1,000 gallon capacity; and piping components in natural gas service authorized under PA-30-00089D, until November 28, 2022, at the Crayne Compressor Station located in Franklin Township, **Greene County**.

63-01004C: Tech Met, Inc., 15 Allegheny Square, Glassport, PA 15045, plan approval extension effective May 28, 2022, with expiration on November 28, 2022, to authorize construction and temporary operation of sources and controls associated with a chemical milling and etching facility located in Donora Borough, **Washington County**.

Plan Approval Revisions Issued Including Extensions, Minor Modifications and Transfers of Ownership Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

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

67-05083F: Calpine Mid-Merit, LLC, 1055 Pikes Peak Road, Delta, PA 17314, on May 13, 2022, for the upgrade of the Block 2 Electricity Generation Project's nominally rated power output capacity from 760 MW to 830 MW at the York Energy Center in Peach Bottom Township, **York County**. The plan approval was extended.

67-05083G: Calpine Mid-Merit, LLC, 1055 Pikes Peak Road, Delta, PA 17314, on May 13, 2022, for the modification of the York Energy Center Block 2 Electricity Generation Project's turbine BACT emission limits. These limits are imposed on each combined cycle (CC) combustion turbine (CT) associated with the project. The existing facility is located in Peach Bottom Township, **York County**. The modification consists of the following changes to the requirements of P.A. No. 67-05083F (issued on August 1, 2016): 1.) Remove provisional status of any emission limits previously so specified except CO, 2.) Remove requirement for second stack test related to provisional emission limits, and 3) Revise the CO BACT emission limit for the CTs firing ULSD without duct

burners from 3.5 ppmvd at 15% O₂ (3-hour block average; average of 3 test runs) to a bifurcated limit as follows: Load ≥ 90% = 2.0 ppmvd at 15% O₂ (3-hour block average; average of 3 test runs); Load < 90% = 3.5 ppmvd at 15% O₂ (3-hour block average; average of 3 test runs). 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.

47-00014D: United States Gypsum Company, 86 PPL Road, Danville, PA 17821, was issued a plan approval extension on May 12, 2022, to permit continued operation of the board kiln dryer (Source ID P114) and allow additional time to incorporate into the Operating Permit for their gypsum board manufacturing plant in Derry Township, **Montour County**. The plan approval has been extended for an additional 180-days.

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

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

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

58-00001: Tennessee Gas Pipeline Company/Compressor Station 321, 1001 Louisiana Street, Houston, Texas, 77002. On May 10, 2022, the Department issued an administrative amendment to the Title V Operating Permit for the natural gas transmission station in Clifford Township, **Susquehanna County**. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code Chapter 127, Subchapter G. The administrative amendment is for the appropriate emission limits to reflect correct number of significant figures.

The primary sources at this facility consist of natural gas solar turbines, a natural gas fired boiler, heating furnaces, and space heaters. The administrative amendment to the Title V Operating Permit includes emission restrictions, work practice standards and testing, monitoring, recordkeeping, and reporting requirements to ensure compliance with all applicable Federal and State air quality regulations.

54-00006: Rausch Creek Generation LLC, Frailey Township Plant, 490 W Main Street, Tremont, PA 17981-1716. On April 26, 2022, the Department issued a renewal of the Title V Operating Permit for the electric services facility located in Frailey Township, **Schuylkill County**. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code, Chapter 127, Subchapter G.

The sources consist of a fluidized bed boiler, fire pump, and culm and lime materials handling. The sources are controlled by fabric filters and a baghouse. The Title V Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

48-00006: Portland Power, LLC, Portland Generating Station, P.O. Box 238, Portland, PA 18351-0238. On May 13, 2022, the Department issued an administrative

amendment to the Title V Operating Permit for the transmission and electric services station in Upper Mount Bethel Township, **Northampton County**. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code Chapter 127, Subchapter G. The proposed administrative amendment is for the divestment of sources to a third party.

The primary sources at this facility consist of three (3) combustion turbines. The administrative amendment to the Title V Operating Permit includes emission restrictions, work practice standards and testing, monitoring, recordkeeping, and reporting requirements to ensure compliance with all applicable Federal and State air quality regulations.

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

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

06-05100: Ontelaunee Power Operating Co., LLC, 5115 Pottsville Pike, Reading, PA 19605-9729, on May 10, 2022, for the Ontelaunee Energy Center located in Ontelaunee Township, **Berks County**. The Title V permit was renewed.

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

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.

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

35-00042: Pennsylvania American Water Company, 2699 Stafford Avenue, Scranton, PA 18505, issued on May 11, 2022, for the operation of sewage sludge process equipment with a scrubber at the existing facility located in Scranton, **Lackawanna County**.

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

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

14-00033: Spectra Wood, Inc., 2651 Carolean Industrial Drive, State College, PA 16801, on May 10, 2022, was issued a State Only Operating Permit (renewal) for Spectra Wood, Inc.'s facility located in College Township, **Centre County**. Appropriate monitoring, testing, recordkeeping and reporting conditions regarding compliance with the applicable requirements have been included in the State Only Operating Permit.

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

Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.

65-00044: Enterprise Terminals and Storage, LLC, 1100 Louisiana Street, Houston, TX 77002. In accordance with Pa. Code 25 §§ 127.441 and 127.425, the Department of Environmental Protection (DEP) is providing notice that on May 13, 2022, DEP issued a renewed State Only Operating: Enterprise Terminals and Storage, LLC, for the continued operation of a LP gas transfer and

breakout terminal, known as the Greensburg Terminal, located in Hempfield Township, **Westmoreland County**.

The primary sources at the facility are two natural underground LP gas storage caverns, four dehydrators, one direct fired heater, and one 245-bhp, NG-fired emergency generator. Sources at the Greensburg Terminal are subject to 25 Pa. Code Chapters 121—145. The permit includes emission limitations and operational, monitoring, reporting, and recordkeeping requirements for the plant.

Sources at the facility are subject to applicable requirements in 25 Pa. Code Chapters 121—145. No equipment or emission changes are being approved by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of Pa. Code Title 25, Article III, Chapters 121—145.

26-00573: Johnson Matthey, Inc., 605 Mountain View Drive, Smithfield, PA 15478, on May 11, 2022, an Air Quality State Only Operating Permit (SOOP) renewal to Johnson Matthey, Inc. to authorize the operation of a facility located in Georges Township, **Fayette County**.

30-00258: ECC Windsor, Inc., 9601 Hillridge Drive, Kensington, MD 20895-3121, natural minor Operating Permit on May 16, 2022, the Department of Environmental Protection issued an initial natural minor State-Only Operating Permit for two (2) John Zink Company, LLC ZTOF6X30 enclosed flares for the Buckland flaring site located in Richhill Township, **Greene County**. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The natural minor State-Only Operating Permit includes emission restrictions, monitoring, recordkeeping, reporting, and work practice standards requirements for the site.

63-00954: MarkWest Liberty Midstream & Resources, LLC, 4600 J. Barry Ct., Ste. 500, Canonsburg, PA 15317-5854, on May 11, 2022, the Department of Environmental Protection issued an initial natural minor State-Only Operating Permit for the continued operation of the MarkWest Brigich natural gas compressor station located in Chartiers Township, **Washington County**. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145 and the applicable requirements of 40 CFR Part 60 Subpart JJJJ and 40 CFR Part 63 Subparts ZZZZ and HH. The air quality Operating Permit includes emission limitations, operating requirements, monitoring requirements, work practice standards, testing, reporting, and recordkeeping requirements for the site.

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

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

25-00983: Rupp Auto Livery, 303 East 32nd Street, Erie, PA 16504. On April 26, 2022, the Department issued a renewal of the State Only Operating Permit for the human remains crematory located in the City of Erie, **Erie County**. The facility is a Natural Minor. The primary source at the facility is a crematory. Potential emissions are as follows: 0.096 tpy NO_x; 0.0 tpy CO; 0.027 tpy PM; 0.018 tpy SO_x; 0.018 tpy VOC. The renewal permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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.

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.

36-05079: Chester County Solid Waste Authority, 7224 Division Highway, Narvon, PA 17555-9505, on May 10, 2022, for the Lanchester Landfill located in Caernarvon Township, **Lancaster County**. The Title V permit underwent a significant modification to 1.) replace the 40 CFR Subpart WWW provisions with 40 CFR 62, Subpart OOO, and 2.) to replace the existing 40 CFR Part 63 Subpart AAAA provisions with the newest version of that regulation, and 3.) to replace existing 40 CFR Part 60, Subpart IIII provisions with the newest version of that regulation.

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

Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.

65-00865: DNP ImagingComm America Corporation, 1001 Technology Drive, Mount Pleasant, PA 15666. Administrative Amendment, issued on May 16, 2022, for a change in the Responsible Official. The facility is located in East Huntingdon Township, **Westmoreland County**.

65-00839: Texas Eastern Transmission, L.P., 5400 Westheimer Court, Houston, TX 77056. Administrative Amendment, issued on May 9, 2025, to change the name of the Responsible Official, on the permit. The name of the Responsible Official is now Bob Steede. The Delmont Compressor Station is located in Salem Township, **Westmoreland County**.

30-00077: Texas Eastern Transmission, L.P., 5400 Westheimer Court, Houston, TX 77056. Administrative Amendment, issued on May 5, 2025, to change the name of the Responsible Official, on the permit. The name of the Responsible Official is now Bob Steede. The Holbrook Compressor Station is located in Richhill Township, **Greene County**.

Operating Permits Denied, Terminated, Suspended or Revoked Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.

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

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

09-00001: Avery Dennison Corporation, 35 Penn Am Drive, Quakertown, PA 18951-2434. On April 1, 2022, for the revocation of a Title V Operating Permit for a distribution/processing center (formerly a manufacturing plant) located in Quakertown Township, **Bucks County**. The Operating Permit was revoked for the permanent shutdown of significant sources, including QR-6 Coating line (Source ID No. 116), two (2) wash tanks (Source ID

No. 113) and maintenance an equipment cleaning associated with coating operation (Source ID No. 114) at the facility. All miscellaneous sources associated with the coating operations including one cooling zone baffle, four (4) adhesive tanks, two (2) Corona treating systems for Source ID No. 116 and one (1) Cleaver Brooks boiler have been removed from the facility.

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

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

17-00005: Glen-Gery Corporation, 433 S. Pottsville Pike, Shoemakersville, PA 19555, for termination of the Air Quality Operating Permit for their plant in Bradford Township, **Clearfield County**. TVOP 17-00005 is terminated.

ACTIONS ON COAL AND NONCOAL APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1103).

Coal Permits

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

Mining Permit No. 03900112. Keystone Land Resources, Inc., 46226 National Road, St. Clairsville, OH 43950, transfer of permit formerly issued to Canterbury Coal Co. for continued operation and reclamation of a bituminous surface mining site located in Kiskiminetas Township, **Armstrong County**, affecting 81.2 acres. Receiving stream: unnamed tributary to Long Run. Classified for the following use: WWF. Application received: December 17, 2021. Permit issued: May 12, 2022.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, RA-EP PottsvilleDMO@pa.gov, (Contact: Theresa Reilly-Flannery).

Mining Permit No. 49151301. Clinton M. Wynn Mining, 419 Shingara Lane, Sunbury, PA 17801, renewal for reclamation activities only of an anthracite underground mine operation in Zerbe Township, **Northumberland County**, affecting 3.5 acres. Receiving stream: Zerbe Run. Application received: January 14, 2021. Renewal issued: May 11, 2022.

Mining Permit No. 54783702. Reading Anthracite Company, P.O. Box 1200, Pottsville, PA 17901, renewal of an anthracite coal refuse reprocessing, refused disposal

and coal preparation plant operation in Cass, Norwegian & New Castle Townships, **Schuylkill County**, affecting 681.0 acres. Receiving stream: West Branch Schuylkill River. Application received: March 9, 2020. Renewal issued: May 16, 2022.

Mining Permit No. PAM112019. Reading Anthracite Company, P.O. Box 1200, Pottsville, PA 17901, coverage under the General NPDES Stormwater Permit for stormwater discharges associated with mining activities (BMP-GP-104) on Surface Mining Permit No. 54783702 in Cass, Norwegian and New Castle Townships, **Schuylkill County**, receiving stream: West Branch Schuylkill River. Application received: March 30, 2022. Coverage issued: May 16, 2022.

Noncoal Permits

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

Mining Permit No. PAM421006-GP104. NL Minich & Sons, Inc., 211 North Middleton Road, Carlisle, PA 17013-8612. Coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Noncoal Permit No. 6476SM12 located in North Middleton Township, **Cumberland County**. Receiving stream: Meetinghouse Run classified for the following use: WWF. Notice of Intent for Coverage received: August 5, 2021. Approved: May 10, 2022.

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

Mining Permit No. 20890304. R. Hunter, Inc., 15428 Sheets Road, Guy Mills, PA 16327, Revision to an existing large industrial mineral surface mine to add 15.8 acres to bring the total acreage to 37.8 acres in Hayfield Township, **Crawford County**, affecting 37.8 acres. Receiving stream: Unnamed tributaries to French Creek, classified for the following use: WWF. Application received: May 27, 2021. Permit issued: May 3, 2022.

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

Mining Permit No. 03142001. NPDES No. PA0278211. Bardon, Inc., 6401 Golden Triangle Drive, Greenbelt, MD 20770-3202, NPDES permit renewal for continued treatment at a non-coal mine located in South Bend Township, **Armstrong County**, affecting 84.5 surface acres and 161.5 underground acres. Receiving stream: Crooked Creek to Allegheny River, classified for the following use: WWF. Application received: June 21, 2021. Permit issued: May 12, 2022.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, RA-EP PottsvilleDMO@pa.gov, (Contact: Theresa Reilly-Flannery).

Mining Permit No. 8275SM3. NPDES Permit No. PA0117986. New Enterprise Stone & Lime Co., Inc., 3912 Brumbaugh Road, New Enterprise, PA 16664, renew NPDES Permit on a quarry operation in Caernarvon and East Earl Townships, **Lancaster County**. Receiving stream: unnamed tributary to Conestoga River. Application received: June 20, 2021. Renewal issued: May 13, 2022.

Mining Permit No. PAM121042. DH Manufacturing, LLC, 1731 Catlin Road, Kingsley, PA 18826, coverage under the General NPDES Stormwater Permit for stormwater discharges associated with mining activities (BMP-GP-104) on GP-105 Permit No. 58212509 in Liberty

Township, **Susquehanna County**, receiving stream: Snake Creek. Application received: August 5, 2021. Permit issued: May 13, 2022.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on Applications Under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting Activity Performed as Part of a Coal or Noncoal Mining Activity Will Be Regulated by the Mining Permit for that Coal or Noncoal Mining Activity.

Blasting Permits

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

Permit No. 65224101. Senex Explosives, Inc., 710 Millers Run Road, Cuddy, PA 15031-9742. Blasting activity permit for the construction/demolition of the Republic Services—Greenridge Landfill, located in East Huntingdon Township, **Westmoreland County**, with an expiration date of May 30, 2023. Permit issued: May 12, 2022.

Permit No. 02224104. Senex Explosives, Inc., 710 Millers Run Road, Cuddy, PA 15031-9742. Blasting activity permit for the construction/demolition of the Republic Services—Imperial Landfill, located in Findlay Township, **Allegheny County**, with an expiration date of May 1, 2023. Permit issued: May 12, 2022.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, RA-EP PottsvilleDMO@pa.gov, (Contact: Theresa Reilly-Flannery).

Permit No. 58224108. Accublast Explosives, LLC, 1727 Catlin Road, Kingsley, PA 18826, construction blasting for Plomchok Dwelling in Lathrop Township, **Susquehanna County**, with an expiration date of December 31, 2022. Permit issued: May 9, 2022.

Permit No. 64224105. Explosive Services, Inc., 7 Pine Street, Bethany, PA 18431, construction blasting for Explosive Services, Inc. in Clinton Township, **Wayne County**, with an expiration date of May 8, 2025. Permit issued: May 9, 2022.

Permit No. 35224103. Accublast Explosives, LLC, 1727 Catlin Road, Kingsley, PA 18826, construction blasting for Burke Farm Road Fill in Glenburn Township, **Lackawanna County**, with an expiration date of December 31, 2022. Permit issued: May 10, 2022.

Permit No. 36224115. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345, construction blasting for Traditions of America East Hempfield in East Hempfield Township, **Lancaster County**, with an expiration date of April 25, 2023. Permit issued: May 10, 2022.

Permit No. 66224101. Accublast Explosives, LLC, 1727 Catlin Road, Kingsley, PA 18826, construction blasting for Tunnelhill in Nicholson Township, **Wyoming County**, with an expiration date of December 31, 2022. Permit issued: May 10, 2022.

Permit No. 64224104. Explosive Services, Inc., 7 Pine Street, Bethany, PA 18431, construction blasting for Augello Excavating foundation in Mt. Pleasant Township, **Wayne County**, with an expiration date of May 4, 2023. Permit issued: May 12, 2022.

Permit No. 54224102. Holbert Explosives, Inc., 237 Mast Hope Plank Road, Suite A, Lackawaxen, PA

18435, construction blasting for Site Services Group in Kline Township, **Schuylkill County**, with an expiration date of May 12, 2023. Permit issued: May 13, 2022.

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 at 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

Actions on Applications for the Following Activities Filed Under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and the Clean Streams Law and Notice of Final Action for Certification Under Section 401 of the FWPCA.

Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484.250.5160. E-mail: ra-epww-sero@pa.gov.

Permit No. E4601222-003, Cheltenham Township, 8230 Old York Road, Elkins Park, PA 19027, Cheltenham Township, **Montgomery County**, Army Corps of Engineers Philadelphia District.

To operate and maintain a previously constructed modular concrete block retaining wall associated with an emergency permit (EP4621038) within Tookany Creek

(WWF). This activity resulted in 150 linear feet (2,000 square feet, 0.05 acre) of permanent watercourse impact, 100 linear feet (1,000 square feet, 0.02 acre) of temporary watercourse impact due to instream BMPs, and 1,000 square feet (0.02 acre) of permanent floodway impact.

This project is located along the Tookany Creek Parkway in Cheltenham Township, Montgomery County (USGS PA Frankford Quadrangle—Latitude: 40.054492, Longitude: 75.103925 W). Permit issued: May 12, 2022.

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

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

E4502222-001. Carl Reinert, 130 Frog Hollow Road, Churchville, PA 18966. Coolbaugh Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain an "L" shaped dock that's approximately 4-foot wide by 20-foot long, with an area of 80 square feet, in Arrowhead Lake (EV, MF). The project is located at 188 North Arow Drive Road (Thornhurst, PA Quadrangle Latitude: 41.162622; Longitude: -75.567590) in Coolbaugh Township, Monroe County.

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

E2103221-003, Lower Frankford Township, 1205 Easy Road, Carlisle, PA 17015. Lower Frankford Township, **Cumberland County**, Army Corps of Engineers Baltimore District.

The applicant proposes to construct and maintain a 4-foot wide by 50-foot long steel pedestrian bridge with an underclearance of 11.9 feet over Opossum Creek (TSF, MF) for the purpose of providing a safe pedestrian trail across the stream. The project is located adjacent to Mt Zion Road and Opossum Lake in Lower Frankford Township, Cumberland County (Latitude: 40.2247; Longitude: -77.2744).

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

Contact: Dana Drake.

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

Has been given consent to:

Amend the existing permit # 11930, which authorized the construction of a dock along the left bank of the Allegheny River (WWF), approximately 17.8 miles above its mouth, in Plum Township, Allegheny County.

For the purpose of adding an additional barge mooring capacity.

This amendment proposes to:

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

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

E0205221-025, Bridgeville Borough, 425 Bower Hill Road, Bridgeville, PA 15017, Bridgeville Borough, **Allegheny County**; Army Corps of Engineers Pittsburgh District.

Has been given consent to:

Remove the existing playground equipment and to construct and maintain replacement playground equipment, subsurface drainage, and a poured rubber surface within the Chartiers Creek (WWF) floodway and floodplain, for the purpose of improving the quality and user experience of the playground. Permanent impacts include 0.2 acre of floodplain impacts. Temporary impacts include 0.1 acre of floodway impacts, and 0.03 acre of floodplain impacts.

The project site is located approximately 370-ft west of the park access drive intersection with Chartiers Street (Bridgeville, PA USGS topographic quadrangle; N: 40°, 20', 56"; W: -80°, 6', 27"; Sub-basin 20F; USACE Pittsburgh District) in Upper St. Clair Township, Allegheny County.

E0205221-006, O'Hara Township, 325 Fox Chapel Road, Pittsburgh, PA 15238, O'Hara Township, **Allegheny County**; Army Corps of Engineers Pittsburgh District.

Has been given consent to:

Remove 400 linear feet of existing 48-inch culvert, and to construct and maintain, in its place, approximately 450 linear feet of a restored section of Powers Run (WWF).

For the purpose of removing an undersized culvert and re-establishing the existing stream channel to its more natural condition. Construction will consist of approximately 0.97 acre of earth disturbance for the removal of the existing culvert, re-establishment of the stream channel, and streambank stabilization.

Emergency Permit (EP0205220-001) was previously authorized for the temporary stabilization of an existing 10-inch sanitary sewer line crossing. Failure of this stabilization effort promoted the authorization of a second Emergency Permit (EP0205220-012) for the temporary installation of an additional 40 linear feet to the existing 48-inch culvert, to support the sanitary line. A General Permit 5 registration (GP050200220-034) was acknowledged by the Allegheny County Conservation District, to replace and relocate the existing 10-inch sanitary sewer line under the restored stream channel. The temporary 40 feet of additional culvert extension was removed as part of authorization of the General Permit 5.

The project site is located north of Freeport Road and west of Powers Run Road (Fox Chapel, PA USGS topographic quadrangle; N: 40°, 30', 25.43"; W: -79°, 51', 11.72"; Sub-basin 18A; USACE Pittsburgh District), in O'Hara Township, Allegheny County.

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

E0829222-001: Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, Albany Township, **Bradford County**, Army Corps of Engineers Baltimore District.

To construct, operate and maintain:

1. a permanent access road impacting 3,920 square feet of a Palustrine Emergent Wetland (Dushore, PA Quadrangle Latitude: 41.588861°, Longitude: -76.452183°);

2. a permanent access road impacting 4,008 square feet of a Palustrine Emergent Wetland (EV) (Dushore, PA Quadrangle Latitude: 41.589410°, Longitude: -76.452471°);

3. a 300' by 400' well pad permanently impacting 5,445 square feet of a Palustrine Forested Wetland (EV) and converted 19,950 square feet of Palustrine Forested Wetland (EV) (Dushore, PA Quadrangle Latitude: 41.591163°, Longitude: -76.454646°);

4. a 300' by 400' well pad permanently impacting 2,962 square feet of a Palustrine Forested Wetland (EV) and converted 14,331 square feet of Palustrine Forested Wetland (EV) (Dushore, PA Quadrangle Latitude: 41.591188°, Longitude: -76.454910°);

This project is an after-the-fact permit that is associated with the Chesapeake Audit and will result in 7,928 square feet (0.182 acre) of permanent PEM wetland impacts and 42,688 square feet (0.98 acre) of permanent PFO wetland impacts, all for the purpose of installing a natural gas well pad and permanent access road for Marcellus Shale development in West Burlington Township, Bradford County. The permittee will provide 7.22 acres of PFO and PEM mitigation at Camp Brook Restoration (Elkland, PA Quadrangle, Latitude: 41.988385°, Longitude: -77.337152°), permit application number E5929221-006.

E4129221-015: Inflection Energy (PA), LLC, 101 West 3rd Street, 5th Floor, Williamsport, PA 17701. Reynolds to Smith Pipeline in Gamble & Eldred Township, **Lycoming County**, Army Corps of Engineers Baltimore District.

To construct, operate and maintain one (1) permanent 16-inch steel natural gas pipeline and one (1) 12-inch HDPE waterline under Calebs Run in Gamble & Eldred Township, Lycoming County.

The project will result in a total of 104 LF (455 SF) of permanent and 153 LF (1,559 SF) of temporary stream impacts, 20,311 SF (0.4663 acre) of permanent and 31,399 SF (0.7208 acre) of temporary floodway impacts and 112 SF (0.0026 acre) of permanent and 216 SF (0.0050 acre) of temporary wetland impacts all for the purpose of constructing an natural gas pipeline under Calebs Run for Marcellus well development.

STREAM IMPACT TABLE:

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Chap. 93</i>	<i>Listed Trout</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
UNT 1 Calebs Run Crossing # 1	Gamble Montoursville	Trench & Temp Bridge	TSF; EV	Wild	57	527	18	98	41.347303° 76.948204°

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Chap. 93</i>	<i>Listed Trout</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
Calebs Run Crossing # 2	Gamble Montoursville	Trench & Temp Bridge	TSF; EV	Wild	55	809	52	286	41.345304° 76.952348°
UNT 2 Calebs Run Crossing # 5	Eldred Montoursville	Access Road	TSF; EV	Wild	41	223	34	71	41.342128° 76.953479°
TOTAL IMPACTS					153	1,559	104	455	

WETLAND IMPACT TABLE:

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Cow. Class</i>	<i>Listed Trout</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
Wetland C	Eldred Montoursville	Access Road	PEM; EV	Wild	36	216	19	112	41.343831° 76.952982°
TOTAL IMPACTS					36	216	19	112	

FLOODWAY IMPACT TABLE:

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Lat. Long.</i>
UNT 1 Calebs Run Crossing # 1	Gamble Montoursville	Trench & Temp Bridge	148	6,216	141	524	41.347303° 76.948204°
Calebs Run Crossing # 2	Gamble Montoursville	Trench & Temp Bridge	148	5,798	133	555	41.345304° 76.952348°
Calebs Run Crossing # 3	Eldred Montoursville	Access Road	533	3,904	509	8,071	41.340375° 76.954232°
UNT 4 Calebs Run Crossing # 4	Eldred Montoursville	Access Road	385	6,674	233	4,221	41.341422° 76.953798°
UNT 2 Calebs Run Crossing # 5	Eldred Montoursville	Access Road	116	3,626	134	2,386	41.342128° 76.953479°
Calebs Run Crossing # 6	Eldred Montoursville	Access Road	330	3,245	278	4,145	41.342493° 76.953473°
Calebs Run Crossing # 7	Eldred Montoursville	Access Road	112	1,936	61	409	41.343831° 76.952982°
TOTAL IMPACTS			1,772	31,399	1,489	20,311	

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of

practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

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

ESCGP-3 # ESG295922003-00
 Applicant Name Seneca Resources Co, LLC
 Contact Person Doug Kepler
 Address 2000 Westinghouse Drive, Suite 400
 City, State, Zip Cranberry Township, PA 16066
 Township(s) Middlebury
 County Tioga
 Receiving Stream(s) and Classification(s) Losey Creek
 (WWF, MF)
 Secondary: Crooked Creek Watershed (WWF, MF)

ESCGP-3 # ESG290822010-00
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 14 Chesapeake Lane
 City, State, Zip Sayre, PA 18840
 Township(s) Ulster
 County Bradford
 Receiving Stream(s) and Classification(s) UNT to Cash
 Creek (WWF, MF), Susquehanna River (WWF, MF)
 Secondary: Cash Creek (WWF, MF), Susquehanna
 River (WWF, MF)

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 2

The Following Plans and Reports Were Submitted Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101–6021.2104).

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

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

The Department has received the following plans and reports:

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

Contact: Richard Staron, Professional Geologist Manager.

Mobile Gamils, 51-41435, 9214 Frankford Ave., Philadelphia, PA 19114, **City of Philadelphia**. Arcadis U.S. Inc., 6041 Wallace Road Extension, Suite 300, Wexford, PA 15090, on behalf of ExxonMobil, 876 West Poplar Avenue, Suite 23, # 353, Collierville, TN 38017, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet nonresidential site-specific standards.

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

Contact: Gregory Bowman, Environmental Group Manager.

HC Rineer Sons, Storage Tank Facility ID # **36-23059**, 902 Strasburg Pike, Strasburg, PA 17579-9621, Strasburg Township, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of TFP Real Estate, LLC, 902 Strasburg Pike, Strasburg, PA 17579, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The plan is intended to document remediation of the site to meet the Statewide health standards.

Herrs Market, Storage Tank Facility ID # **36-62410**, 1406 River Road, Marietta, PA 17547-9776, East Donegal Township, **Lancaster County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Moksha Real Estate, LLC, 1406 River Road, Marietta, PA 17547, submitted a Remedial Action Plan concerning remediation of groundwater contaminated with petroleum constituents. The plan is intended to document the remedial actions for meeting the Statewide health standard.

Davis Landscape, Storage Tank Facility ID # **22-12980**, 2340 Paxton Church Road, Harrisburg, PA 17110, Susquehanna Township, **Dauphin County**. Letterle & Associates, 202 Axemann Road, Suite 201, Bellefonte, PA 16823, on behalf of Davis Landscape, Ltd, 2340 Paxton Church Road, Harrisburg, PA 17110 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The plan is intended to document the remedial actions for meeting the Statewide health standard.

Northcentral Region: Environmental Cleanup & Brownfields Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3636.

Contact: Randy Farmerie, Environmental Program Manager.

Fuel On 2, Storage Tank Facility ID # **19-00603**, 711 Market Street, Bloomsburg, PA 17815, City of Bloomsburg, **Columbia County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Fuel On 2, 711 Market Street, Bloomsburg, PA 17815, submitted a Site Characterization Report and Remedial Action Plan concerning remediation of ground-

water contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting the Statewide health standard.

Former Sheetz Store # 165, Storage Tank Facility ID # **53-06321**, 208 South Main Street, Coudersport, PA 16915, Coudersport Borough, **Potter County**. EnviroTrac Environmental Services, 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Sheetz, Inc., 351 Sheetz Way, Claysburg, PA 16625, submitted a Revised Site Characterization Report and Remedial Action Plan concerning remediation of groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting the Statewide health standard.

Kwik Fill M0086, Storage Tank Facility ID # **17-14823**, 978 North Front Street, Philipsburg, PA 16866, Decatur Township, **Clearfield County**. Groundwater & Environmental Services, Inc., 508 Thomson Park Drive, Cranberry Township, PA 16066, on behalf of United Refining Company of PA, 814 Lexington Avenue, Warren, PA 16365, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide health standard.

Rich Oil Company, Storage Tank Facility ID # **49-25326**, 1072 Point Township Drive, Northumberland, PA 17857, Northumberland Borough, **Northumberland County**. Quad 3 Group, Inc., 37 North Washington Street, Wilkes-Barre, PA 18701, on behalf of Rich Tank Lines, 1493 Foxboro Road, Selinsgrove, PA 17870, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline and diesel fuel. The report is intended to document remediation of the site to meet the Statewide health standard.

Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6648.

Contact: Kim Bontrager, Clerk Typist 3.

Ashland Branded Market 962044, Storage Tank Facility ID # **10-00829**, 264 Ekastown Road, Sarver, PA 16055, Buffalo Township, **Butler County**. Antea USA, Inc., 535 Route 38, Suite 203, Cherry Hill, NJ 08002, on behalf of Ashland, LLC, 500 Hercules Road, Wilmington, DE 19808, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the nonresidential site-specific standard.

CORRECTIVE ACTION UNDER ACT 32, 1989 PREAMBLE 3

The DEP Has Taken Action on the Following Plans and Reports Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of

studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

The DEP may approve or disapprove plans and reports submitted. This notice provides the DEP's decision and, if relevant, the basis for disapproval.

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

The DEP has received the following plans and reports:

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

Contact: Richard Staron, Professional Geologist Manager.

Lukoil 69717, 46-41558, 1685 Sumneytown Pike, Kulpville, PA 19443, Towamencin Township, **Montgomery County**. EnviroTrac Ltd., 602 S. Bethlehem Pike, Suite A-2&3, Ambler, PA 19002 on behalf of Lukoil North America, LLC, 302 Harper Drive, Suite 303, Moorestown, NJ 08057, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The RACR demonstrated attainment of the residential Statewide health standards in soil and groundwater and was approved on May 13, 2022.

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

Contact: Eric Supey, Environmental Program Manager.

4260 West Tilghman Realty, Storage Tank ID # **39-41532**, 4260 West Tilghman Street, Allentown, PA 18104, South Whitehall Township, **Lehigh County**, MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of 4260 West Tilghman Realty, LLC, 4101 River Road, Allentown, PA 18104, submitted a combined Site Characterization Report and Remedial Action Plan 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 on May 12, 2022.

Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6648.

Contact: Kim Bontrager, Clerk Typist 3.

Nelson's Mini Mart, Storage Tank Facility ID # **32-82000**, 109 Main Street, Home, PA 15747, Plumville Borough, **Indiana County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Larry Nelson, P.O. Box 164, Yatesboro, PA 16263, submitted a Remedial Action Plan concerning remediation of ground-

water and soil contaminated with 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, benzene, toluene, ethylbenzene, MTBE, cumene, and naphthalene. The Remedial Action Plan was acceptable to meet the Statewide health standard and was approved on May 16, 2022.

[Pa.B. Doc. No. 22-790. Filed for public inspection May 27, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Aggregate Advisory Board; Change in Date, Time and Location for August Meeting

The Aggregate Advisory Board (Board) meeting originally scheduled for August 3, 2022, in Harrisburg, PA has been rescheduled to Thursday, August 4, 2022. The meeting will begin at 12:30 p.m. at the New Stanton District Mining Office, 131 Broadview Road, New Stanton, PA. Individuals may attend the meeting in person or remotely. Individuals interested in providing public comments during the meeting are encouraged to sign up in advance by contacting Daniel E. Snowden at dsnowden@pa.gov or (717) 783-8846.

Information on how to join the meeting remotely, as well as agenda and meeting materials, will be available on the Board's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Mining," then "Aggregate Advisory Board," then "2022").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the August 4, 2022, meeting can be directed to Daniel E. Snowden at dsnowden@pa.gov or (717) 783-8846.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Daniel E. Snowden at (717) 783-8846 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 22-791. Filed for public inspection May 27, 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.depgreenport.state.pa.us/elibrary/. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final TGDs are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft TGDs.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download TGDs. When this option is not

available, persons can order a paper copy of any of the Department's draft or final TGDs by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to TGDs

Following is the current list of recent changes. Persons who have questions or comments about a particular document should contact the person whose name and phone number are listed with each document.

Final TGD: Substantive Revision

DEP ID: 563-2112-656. *Title:* Liners and Caps for Coal Refuse Disposal Areas. *Description:* This guidance explains the procedures that the Department will use in approving liners and caps for facility designs and the criteria for as-built certifications for coal refuse disposal areas. The previous version did not contain specification for caps as barrier layers. This revision also removes reference to liners for water impoundments and stockpiles, updates standards and testing methods for liners, and includes a section on preventing contact of the refuse with precipitation during temporary cessation. Additional changes were made based on public comments.

Contact: Questions regarding this TGD can be directed to Sharon Hill at shill@pa.gov or (717) 787-6842.

Effective Date: May 28, 2022

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 22-792. Filed for public inspection May 27, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Extension of General Permit for the Beneficial Use of Biosolids by Land Application (PAG-08)

Under the authority of the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1387), The Clean Streams Law (35 P.S. §§ 691.1—691.1001), sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904), the Department of Environmental Protection (Department) is, by this notice, extending the availability of the current General Permit for the Beneficial Use of Biosolids by Land Application (PAG-08).

The existing PAG-08 General Permit in effect at this time will expire May 31, 2022. By this notice, the Department is administratively extending the PAG-08 General Permit to November 30, 2023, or the date of final renewal as published, whichever is earlier. Persons who are operating under the existing PAG-08 General Permit may continue to operate under its terms until the date final renewal is published. Persons whose coverage expires or persons seeking new coverage during the extension period may submit a Notice of Intent for the

Department's review in accordance with the procedures set forth in PAG-08 to obtain renewed or new coverage under the permit.

To access the General Permit and related documents, visit the Department's eLibrary web site at www.depgreenport.state.pa.us/elibrary/ (select "Permit and Authorization Packages," then "Point and Non-Point Source Management").

Questions regarding the PAG-08 General Permit can be directed to Jay Patel at jaypatel@pa.gov or (717) 705-4090.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 22-793. Filed for public inspection May 27, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Extension of General Permit for the Beneficial Use of Exceptional Quality Biosolids by Land Application (PAG-07)

Under the authority of the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1387), The Clean Streams Law (35 P.S. §§ 691.1—691.1001), sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904), the Department of Environmental Protection (Department) is, by this notice, extending the availability of the current General Permit for the Beneficial Use of Exceptional Quality Biosolids by Land Application (PAG-07).

The existing PAG-07 General Permit in effect at this time will expire May 31, 2022. By this notice, the Department is administratively extending the PAG-07 General Permit to November 30, 2023, or the date of final renewal as published, whichever is earlier. Persons who are operating under the existing PAG-07 General Permit may continue to operate under its terms until the date final renewal is published. Persons whose coverage expires or persons seeking new coverage during the extension period may submit a Notice of Intent for the Department's review in accordance with the procedures set forth in PAG-07 to obtain renewed or new coverage under the permit.

To access the General Permit and related documents, visit the Department's eLibrary web site at www.depgreenport.state.pa.us/elibrary/ (select "Permit and Authorization Packages," then "Point and Non-Point Source Management").

Questions regarding the PAG-07 General Permit can be directed to Jay Patel at jaypatel@pa.gov or (717) 705-4090.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 22-794. Filed for public inspection May 27, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Extension of General Permit for the Beneficial Use of Residential Septage by Land Application (PAG-09)

Under the authority of the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1388), The Clean Streams Law (35 P.S. §§ 691.1—691.1001), sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904), the Department of Environmental Protection (Department) is, by this notice, extending the availability of the current General Permit for the Beneficial Use of Residential Septage by Land Application (PAG-09).

The existing PAG-09 General Permit in effect at this time will expire May 31, 2022. By this notice, the Department is administratively extending the PAG-09 General Permit to November 30, 2023, or the date of final renewal as published, whichever is earlier. Persons who are operating under the existing PAG-09 General Permit may continue to operate under its terms until the date final renewal is published. Persons whose coverage expires or persons seeking new coverage during the extension period may submit a Notice of Intent for the Department's review in accordance with the procedures set forth in PAG-09 to obtain renewed or new coverage under the permit.

To access the General Permit and related documents, visit the Department's eLibrary web site at www.depgreenport.state.pa.us/elibrary/ (select "Permit and Authorization Packages," then "Point and Non-Point Source Management").

Questions regarding the PAG-09 General Permit can be directed to Jay Patel at jaypatel@pa.gov or (717) 705-4090.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 22-795. Filed for public inspection May 27, 2022, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.17 (relating to location):

Provident Transitional Care at Mercy Fitzgerald
1500 Lansdowne Avenue
Darby, PA 19023
Pending New Facility

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(d), (e) and (j) (relating to the prevention, control and surveillance of tuberculosis (TB)):

Church of God Home, Inc.
801 North Hanover Street
Carlisle, PA 17013
FAC ID # 291602

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(e):

Valley View Haven, Inc.
4702 East Main Street
Belleville, PA 17004
FAC ID # 220402

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.1 (relating to location or site):

Provident Transitional Care at Mercy Fitzgerald
1500 Lansdowne Avenue
Darby, PA 19023
Pending New Facility

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.19 (relating to windows and windowsills):

Provident Transitional Care at Mercy Fitzgerald
1500 Lansdowne Avenue
Darby, PA 19023
Pending New Facility

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.26 (relating to laundry):

Provident Transitional Care at Mercy Fitzgerald
1500 Lansdowne Avenue
Darby, PA 19023
Pending New Facility

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.38 (relating to toilet facilities):

Provident Transitional Care at Mercy Fitzgerald
1500 Lansdowne Avenue
Darby, PA 19023
Pending New Facility

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Provident Transitional Care at Mercy Fitzgerald
1500 Lansdowne Avenue
Darby, PA 19023
Pending New Facility

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone number, or for speech and/or

hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DENISE A. JOHNSON,
Acting Secretary

[Pa.B. Doc. No. 22-796. Filed for public inspection May 27, 2022, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Supplemental Payments to Qualifying Hospitals

The Department of Human Services (Department) is announcing its intent to allocate funds in Fiscal Year (FY) 2021-2022 to establish a new class of supplemental payments to promote the continuation of quality medical services to individuals enrolled in the Pennsylvania (PA) Medical Assistance (MA) Program and provide financial relief to hospitals during the novel coronavirus (COVID-19) pandemic.

Qualifying Criteria

Acute care general, medical rehabilitation, and drug and alcohol rehabilitation hospitals enrolled in the PA MA Program that have submitted a FY 2016-2017 MA-336 Hospital Cost Report available to the Department as of October 29, 2019, are eligible for these payments.

Payment Methodology

Payments will be divided proportionately among qualifying hospitals based on each qualifying hospital's day ratio multiplied by the total annualized amount of funding available for these payments. For purposes of these payments, each hospital's day ratio is as follows: the numerator is the hospital's PA MA fee-for-service (FFS) acute care inpatient days plus the hospital's PA MA FFS rehabilitation days (medical and drug and alcohol), and the denominator is the total PA MA FFS acute care inpatient days plus the total PA MA FFS rehabilitation days (medical and drug and alcohol) of all qualifying hospitals.

Fiscal Impact

For FY 2021-2022, the Department will allocate an annualized amount of \$70 million in total funds (State and Federal) for these supplemental payments upon approval by the Centers for Medicare & Medicaid Services.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. The Department will review and consider comments received within 30 days in determining the final payment methodology for these payments.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

MEG SNEAD,
Acting Secretary

Fiscal Note: 14-NOT-1514. (1) General Fund; (2) Implementing Year 2021-22 is \$0; (3) 1st Succeeding Year

2022-23 is \$28,784,000; 2nd Succeeding Year 2023-24 through 5th Succeeding Year 2026-27 are \$0; (4) 2020-21 Program—\$808,350,000; 2019-20 Program—\$344,107,000; 2018-19 Program—\$342,544,000; (7) MA—FFS; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 22-797. Filed for public inspection May 27, 2022, 9:00 a.m.]

**DEPARTMENT OF
TRANSPORTATION**

Automated Red Light Enforcement Transportation Enhancement Grants Program Applications

Under 67 Pa. Code Chapter 233 (relating to transportation enhancement grants from automated red light enforcement system revenues), the Department of Transportation (Department) is inviting city, county and municipal governments and other local boards or bodies with authority to enact laws relating to traffic in this Commonwealth to submit applications in accordance with the parameters delineated in 67 Pa. Code Chapter 233. Applications will be accepted from June 1, 2022, to June 30, 2022.

Additional guidance and information can be found on the Department's Traffic Signal Resource Portal at <http://www.dot.state.pa.us/signals>, including a link to the online application. Supporting documents may be attached to the online application. Only the online application and supporting documents attached to the online application will be considered. Paper copies are not required.

Questions related to the Automated Red Light Enforcement Transportation Enhancement Grants Program may

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or it can be viewed at the Commission's web site at www.irrc.state.pa.us.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
11-260	Insurance Department Term and Universal Life Insurance Reserve Financing Standards	5/2/22	6/16/22
54-95	Pennsylvania Liquor Control Board Limited Wineries	5/3/22	6/16/22

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 22-800. Filed for public inspection May 27, 2022, 9:00 a.m.]

be directed to Michael Centi, Bureau of Maintenance and Operations, 400 North Street, 6th Floor, Harrisburg, PA 17120, (717) 787-5313, ARLE@pa.gov.

YASSMIN GRAMIAN,
Secretary

[Pa.B. Doc. No. 22-798. Filed for public inspection May 27, 2022, 9:00 a.m.]

**DEPARTMENT OF
TRANSPORTATION**

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P.S. §§ 1381.1—1381.3), intends to sell certain land owned by the Department.

The following property is available for sale by the Department.

City of Bethlehem, Northampton County. The parcel contains 0.642 acre of unimproved land located on the southwest corner of State Route 0412 and Commerce Center Boulevard. The estimated fair market value is \$22,000.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to the Department of Transportation, Engineering District 5-0, Attn: Right-of-Way, 1002 Hamilton Street, Allentown, PA 18101.

YASSMIN GRAMIAN,
Secretary

[Pa.B. Doc. No. 22-799. Filed for public inspection May 27, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

1332 Waiver Reinsurance Program—Program Parameters; Notice 2022-07

On July 24, 2020, the Centers for Medicare & Medicaid Services, a division of the United States Department of Health and Human Services, and the United States Department of the Treasury, approved the Insurance Department's 1332 Waiver Application. The approval is effective for a waiver period from January 1, 2021, through December 31, 2025, with a provision for a possible extension at the end of the initial term.

The reinsurance program is a claims-based, attachment point reinsurance program that will reimburse health insurers for claims costs of qualifying Affordable Care Act-compliant individual enrollees, where a percentage of the claims costs exceeding a specified threshold (attachment point) and up to a specified ceiling (reinsurance cap) will be reimbursed. Beginning January 1, 2023, the program adopted parameters will provide an attachment point of \$60,000, a cap of \$100,000 and a coinsurance rate of 40%.

Questions regarding this notice may be addressed to the Bureau of Life, Accident and Health, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, RA-RATEFORM@pa.gov.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-801. Filed for public inspection May 27, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Jason R. Anthony; License Denial Appeal; Doc. No. AG22-05-002

Under Article VI-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.1—310.99a), Jason R. Anthony has appealed the denial of the application for a 1033 written waiver to engage in the business of insurance. 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 telephone conference initiated by this office is scheduled for July 20, 2022, at 9:30 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before July 18, 2022. A hearing will occur on August 4, 2022, at 9:30 a.m. in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA.

Protests, petitions to intervene or notices of intervention, if any, must be electronically filed on or before July 6, 2022. The e-mail address to be used for the Administrative Hearings Office is ra-hearings@pa.gov. Answer to protests, petitions to intervene or notices of intervention, if any shall be electronically filed on or before July 18, 2022.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodations to participate in the hearing should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-802. Filed for public inspection May 27, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security, Insufficient Financial Security Amount or Language

Public Meeting held
May 12, 2022

Commissioners Present: Gladys Brown Dutrieuille, Chairperson; John F. Coleman, Jr., Vice Chairperson; Ralph V. Yanora

Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security, Insufficient Financial Security Amount or Language;
M-2022-3030286

Tentative Order

By the Commission:

The Commission's regulations at 52 Pa. Code § 54.40(a) state that an Electric Generation Supplier (EGS) license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. In addition, 52 Pa. Code § 54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a bond or other approved security in the amount directed by the Commission has been obtained.

Each EGS must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120, prior to the EGS's current security expiration date. Each financial instrument must be an original document that displays a "wet" signature or digital signature, preferably in blue ink, and displays a "raised seal" or original notary stamp. The name of the principal on the original financial instrument must match exactly with the name that appears on the EGS's license issued by the Commission.

Failure to file before the financial security's expiration date may cause Commission staff to initiate a formal proceeding that may lead to the following: cancellation of each company's electric supplier license, removal of each company's information from the Commission's website, and notification to all electric distribution companies, in which each company is licensed to do business, of the cancellation of the license.

As of May 3, 2022, each EGS listed in the Supplier Table below has not provided proof to the Commission that it has a bond or other approved security in the

amount or language directed by the Commission, to replace a bond which is expired, or which is non-compliant with Commission regulations.

Supplier Table—List of Electric Generation Suppliers

<i>Docket Number</i>	<i>Company Name</i>	<i>Financial Security Expiration Date</i>	<i>Commission Approved Amount or Language</i>
A-2019-3008014	DANIEL J. REITH, LLC	2/22/2022	Yes
A-2016-2558553	FAIR VIEW ENERGY, INC.	3/9/2022	Yes
A-2019-3009364	INTEGRATED ENERGY SERVICES, LLC	3/8/2022	Yes
A-2013-2398398	NATIONAL POWER SOURCE, LLC	3/9/2022	Yes
A-2010-2168441	SATORI ENTERPRISES, LLC	3/31/2022	Yes

As part of its EGS license validation procedures, the Commission's Bureau of Technical Utility Services sent a 90-day Security Renewal Notice email to each entity in the Supplier Table above stating that original documentation of a bond, or other approved security in the amount or language directed by the Commission, must be filed within 30-days prior to each entity's security expiration date. None of the companies listed in the Supplier Table provided the required documentation.

Based on the above facts, we tentatively conclude that the EGSs listed in the Supplier Table are not in compliance with 52 Pa. Code § 54.40(a) and (d) and therefore it is appropriate to initiate the cancellation process for the EGS license of each company listed in the Supplier Table, without the necessity of a formal complaint, as being in the public interest; *Therefore,*

It Is Ordered That:

1. Cancellation of the Electric Generation Supplier License of each company listed in the Supplier Table is hereby tentatively approved as being in the public interest.

2. The Secretary (i) serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation & Enforcement, all electric generation distribution companies, and all of the Electric Generation Suppliers listed in the Supplier Table; (ii) publish a copy of this Tentative Order in the *Pennsylvania Bulletin* with a 30-day comment period; and (iii) file a copy of this Tentative Order at each Electric Generation Supplier's assigned docket number.

3. To the extent any of the Electric Generation Suppliers listed in the Supplier Table challenge the cancellation of their license, they must file comments within thirty (30) days after publication of this Tentative Order in the *Pennsylvania Bulletin*. Written comments referencing Docket No. M-2022-3030286 must be eFiled to the Pennsylvania Public Utility Commission through the Commission's eFiling System. You may set up a free eFiling account with the Commission at <https://efiling.puc.pa.gov/> if you do not have one. Filing instructions may be found on the Commission's website at http://www.puc.pa.gov/filing_resources.aspx. Comments containing confidential information should be emailed to Commission Secretary Rosemary Chiavetta at rchiavetta@pa.gov rather than eFiled.

4. Alternatively, Electric Generation Suppliers listed in the Supplier Table may provide the Commission an approved security up to and within thirty (30) days after publication in the *Pennsylvania Bulletin*. The Electric Generation Supplier must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument displaying a "wet" signature or digital signature, preferably in blue ink, and displaying a "raised seal" or original notary stamp with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120.

5. Absent the timely (i) filing of comments challenging the cancellation of the Electric Generation Supplier's license, or (ii) the filing of an approved security within 30-days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services, shall prepare a Final Order for entry by the Secretary revoking the license of each Electric Generation Supplier that fails to respond.

6. Upon entry of the Final Order, Electric Generation Suppliers that remain listed as not in compliance with 52 Pa. Code § 54.40(a) and (d) will be stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration, removed from the Commission's website, and notifications be sent to all electric distribution companies in which the Electric Generation Suppliers are licensed to do business.

7. Upon entry of the Final Order, Electric Generation Suppliers that fail to respond will be prohibited from providing electric generation supply services to retail electric customers. That upon entry of the Final Order described in Ordering Paragraph No. 5, each electric distribution company in which the Electric Generation Suppliers are licensed to do business, shall return the customers of the Electric Generation Suppliers to default service.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: May 12, 2022

ORDER ENTERED: May 12, 2022

[Pa.B. Doc. No. 22-803. Filed for public inspection May 27, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Peoples Natural Gas Company, LLC

Public Meeting held
May 12, 2022

Commissioners Present: Gladys Brown Dutrieuille, Chairperson; John F. Coleman, Jr., Vice Chairperson; Ralph V. Yanora

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Peoples Natural Gas
Company, LLC; M-2022-3028365*

Tentative Opinion and Order

By the Commission:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is a proposed Joint Petition for Approval of Settlement (Settlement), filed on March 9, 2022, by the Commission's Bureau of Investigation and Enforcement (I&E) and Peoples Natural Gas Company LLC (Peoples or the Company), with respect to an informal investigation conducted by I&E's Gas Safety Division (Safety Division) concerning possible violations of the Public Utility Code (Code), Commission Regulations and federal pipeline safety regulations in connection with a temporary meter station that failed on March 9, 2019, resulting in a natural gas leak and subsequent service outage. Both I&E and Peoples filed a Statement in Support of the Settlement (Statement in Support). Further, both I&E and Peoples submit that the proposed Settlement is in the public interest and is consistent with the Commission's Policy Statement at 52 Pa. Code § 69.1201, Factors and standards for evaluating litigated and settled proceedings involving violations of the Public Utility Code and Commission regulations—statement of policy (Policy Statement). See Settlement at ¶¶ 12-13, 41, *infra*.

Before issuing a final decision on the merits of the proposed Settlement, and consistent with the requirement of 52 Pa. Code § 3.113(b)(3), we shall publish the Settlement in the *Pennsylvania Bulletin* and provide an opportunity for interested parties to file comments regarding the proposed Settlement.¹

History of the Proceeding

This matter concerns allegations regarding Peoples, a natural gas distribution company that provides service to the public for compensation.² The allegations against Peoples are in connection with a temporary meter station (TMS) located at the 100 block of Western Avenue, Moon Township, Pennsylvania (Western Ave TMS). Settlement at ¶¶ 9, 14. The Western Ave TMS, which was installed by Peoples on July 24, 2018, failed on March 9, 2019, after an above-ground Dresser coupling (the connection point between the steel and plastic) pulled apart at the outlet side of the temporary meter set, which lead to a natural gas leak and subsequent service outage. Settlement at ¶¶ 12, 14, 19.

¹As discussed, *infra*, because of the number of customers impacted by the incident as indicated in the Settlement, it is appropriate to publish the Settlement in the *Pennsylvania Bulletin*.

²Peoples is a "public utility," as defined at 66 Pa.C.S. § 102, and is the largest natural gas distribution company in Pennsylvania, serving approximately 740,000 customers in western Pennsylvania, West Virginia, and Kentucky. Settlement at ¶ 9.

I&E and Peoples entered into negotiations and agreed to resolve the matter in accordance with the Commission's policy to promote settlements at 52 Pa. Code § 5.231. Settlement at ¶ 13.

As previously noted, on March 9, 2022, I&E and Peoples filed the instant Settlement. Also, as noted earlier, the Parties to the Settlement in this instance have each filed a Statement in Support. See Appendix B and C to Settlement, which are Statements of Support filed by I&E and Peoples, respectively.

Background

As previously discussed, on March 9, 2019, the Western Ave TMS failed, resulting in a natural gas leak and subsequent service outage. Settlement at ¶ 14. The timeline of pertinent events that took place on March 9, 2019, are provided as follows:

<i>March 9, 2019</i>	<i>Event</i>
7:27 a.m.	A customer residing on Western Avenue in Moon Township called Peoples to report the smell of a natural gas odor.
7:28 a.m.	The Moon Township Police Department (MTPD) contacted Peoples to advise that another customer residing on Western Avenue reported to the police a loud popping noise at the end of the street near the TMS.
7:48 a.m.	An officer from the MTPD contacted Peoples to advise that he was at the site of the TMS and observed a broken line connection that appeared to be a six-inch valve with gas blowing into the air.
7:51 a.m.	Peoples dispatched a technician to the site.
Between 8:07 a.m. and 9:20 a.m.	Various personnel from Peoples arrived at the site.
9:20 a.m.	A supervisor from Peoples advised Peoples' employees to shut down the system.
9:30 a.m.	Peoples shut down the side gate of the TMS.
10:51 a.m.	The Safety Division learned of the gas outage through the media.
11:05 a.m.	Peoples notified the Safety Division of the outage.
11:38 a.m.	Peoples filed National Response Center (NRC) report no. 123962, to report an outage impacting 980 customers.
12:15 p.m.	The Safety Division received Pennsylvania Emergency Management Association report no. 88495, which reported the outage and referenced the NRC Report.
12:35 p.m.	A Safety Division inspector arrived at the site and commenced I&E's investigation.
5:00 p.m.	Peoples completed repairs and began purging the TMS.

Settlement at ¶ 15. By 6:00 p.m. on March 10, 2019, Peoples completed the restoration of service to all customers impacted by the outage. Id.

Peoples installed the Western Ave TMS downstream from a regulator station operated by Equitrans Midstream Corporation (Equitrans). The Western Ave TMS measured gas purchased from Equitrans and supplied to Peoples' line M-4611, which was operating at approximately 30 pounds per square inch gauge (PSIG) at the time of the incident. Settlement at ¶ 16. Peoples constructed the station using two four-inch plastic main lines (inlet and outlet lines) running beneath Western Avenue, which connected to 90-degree elbows underground. The plastic main lines came above ground to two additional 90-degree elbows before transitioning to the steel piping of the TMS. The station was also constructed with a steel frame on the ground with pipe supports and attached fencing. The station piping consisted of six-inch steel with valves. Supports were attached to the steel frame, as well as two big solar panels and other telemetering devices. Settlement at ¶¶ 17-18. The meter was a "six-inch Flowisc 500 meter." Settlement at ¶ 18.

As noted, *supra*, the above-ground Dresser coupling, which was the connection point between the steel and plastic, pulled apart at the outlet side of the Western Ave TMS. Settlement at ¶ 19. With regard to the repairs, Peoples: (1) "excavated the risers and used 2a modified stone in place of the native soil around the risers of the temporary meter station;"³ (2) soap-tested the coupling and purged the remaining product downstream; and (3) installed ratchet straps, with minimal pressure as an ancillary measure, around the station and plastic risers. After conversations with the Safety Division regarding further repairs to the Western Ave TMS, Peoples added: (1) signage to the station; (2) barricades to aid in damage protection; and (3) steel risers in place of the above-ground plastic. On March 13, 2019, the repairs were completed and, upon completion, Peoples removed the ratchet straps. Settlement at ¶¶ 20-21.

According to Peoples, the cause of the incident was "settlement of wet soil close to the edge of the station. The soil caused movement on the station, which led the steel piping to pull out of the coupling." Settlement at ¶ 22.

During its investigation, the Safety Division determined that Peoples constructed the Western Ave TMS "without following any comprehensive specifications and standards." Settlement at ¶ 23. Further, the Safety Division observed that the construction of TMSs is not addressed in the Company's procedures. Id. Moreover, the Safety Division identified several ways that the Western Ave TMS was flawed. Each station flaw, as summarized in the Settlement, is reprinted verbatim below:

- a) Peoples used Polyethylene pipe for the risers, which is not as rigid or strong compared to steel, and tends to bend, flex, and displace when external force is applied.
- b) Peoples placed the temporary meter station on grass and soil instead of a flat, solid base.
- c) Peoples used a coupling that was not a category 1 fitting and thus was not resistant to pull-out. The coupling was designed to be installed underground, however, Peoples' above-ground installation of the coupling rendered the coupling to be unable to hold the piping together.

d) The temporary meter station lacked supports anchored to the ground. Rather, the station was secured to the tightened compression coupling and its weight on the native ground. Peoples used tie-down straps in an effort to create more longitudinal support for the coupling. Two solar panels were installed on the one side of the station and caused unequal weight distribution.

Settlement at ¶ 24. Additionally, the Safety Division found that, due to moisture in the ground and the absence of a solid base under the skid, the station moved longitudinally relative to the inlet and outlet piping because it was not securely anchored. As a result of the station moving by undesirable longitudinal forces, the coupling separated. The Safety Division further observed that, although not a cause of the failure, the Western Ave TMS, which the Company placed along a roadway, was not protected from vehicular traffic (i.e., no bollards or cement barricades surrounded the station). Settlement at ¶¶ 25-26.

If this matter had been fully litigated, I&E was prepared to present evidence and legal arguments to demonstrate that Peoples committed the following alleged violations, reprinted verbatim below:

- a) Peoples failed to construct the temporary meter station in accordance with comprehensive written specifications or standards consistent with Part 192 of the Federal pipeline safety regulations in that no written specifications or standards were utilized to build the station. I&E alleges that this is a violation of 49 CFR § 192.303 (relating to compliance with specifications or standards when constructing a main) and 52 Pa. Code § 59.33(b) (adopting the Federal pipeline safety regulations as the minimum safety standards for natural gas public utilities) (one count).
- b) The temporary meter station failed to maintain structural integrity, as constructed, in that the station moved due to undesirable longitudinal forces, causing the coupling to separate. I&E alleges that this is a violation of 49 CFR §§ 192.53 (relating to general requirements for pipe and components), 192.143 (relating to general requirements for the design of pipeline components), 192.161 (relating to supports and anchors), 192.203(b)(7) (requiring that the arrangement of pipe, components and supports provide safety under anticipated operating stresses), and 192.273 (relating to general requirements for the joining of materials other than by welding), and 52 Pa. Code § 59.33(b) (adopting the Federal pipeline safety regulations as the minimum safety standards for natural gas public utilities) (one count).
- c) The above-ground plastic piping, which was exposed to weather and temperature changes, was not designed with enough flexibility to prevent thermal expansion or contraction from causing excessive stresses on the coupling in that the coupling separated. I&E alleges that this is a violation of 49 CFR § 192.159 (providing that pipeline must be designed with flexibility to withstand excessive stresses) and 52 Pa. Code § 59.33(b) (adopting the Federal pipeline safety regulations as the minimum safety standards for natural gas public utilities) (one count).
- d) Peoples failed to take all practicable steps to protect the temporary meter station from unstable soil or other hazards that may cause the pipeline to move or sustain abnormal loads in that the Company installed the station on native grass and soil, which

³ Settlement at ¶ 20.

subjected the station to detrimental environmental conditions, and did not install the station on a solid base of stone or other material that would offer firm support. I&E alleges that this is a violation of 49 CFR § 192.317(a) (related to protection from hazards) and 52 Pa. Code § 59.33(b) (adopting the Federal pipeline safety regulations as the minimum safety standards for natural gas public utilities) (one count).

e) Peoples failed to protect the temporary meter station from accidental vehicular damage in that it was installed alongside a road without bollards or cement barricades surrounding it. I&E alleges that this is a violation of 49 CFR § 192.317(b) (related to protection from hazards) and 52 Pa. Code § 59.33(b) (adopting the Federal pipeline safety regulations as the minimum safety standards for natural gas public utilities) (one count).

f) Peoples failed to install the temporary meter station in a manner that minimized shear or tensile stresses in that the station was not supported on a stable base and only the plastic inlet and outlet legs, which came out of the ground, supported the station. I&E alleges that this is a violation of 49 CFR § 192.321(c) (related to the installation of plastic pipe) and 52 Pa. Code § 59.33(b) (adopting the Federal pipeline safety regulations as the minimum safety standards for natural gas public utilities) (one count).

g) Peoples failed to place line markers around the perimeter of the station and to indicate the underground location of the inlet and outlet pipeline in that no signage was present to warn the public of the hazards of the area. I&E alleges that this is a violation of 49 CFR § 192.707 (related to line markers for mains and transmission lines) and 52 Pa. Code § 59.33(b) (adopting Federal pipeline safety regulations as the minimum safety standards for natural gas public utilities) (one count).

h) Peoples failed to maintain adequate, safe and reasonable service and facilities in that the construction of the temporary meter station was inadequate, which led to a portion of the piping pulling out of the coupling, causing a natural gas outage that impacted approximately 980 customers. I&E alleges that this is a violation of 66 Pa.C.S. § 1501 (related to character of service and facilities) (one count).

Settlement at ¶ 27.

Terms of the Settlement

The Parties state that the purpose of the Settlement is to resolve I&E's informal investigation and settle this matter completely without litigation. Further, although Peoples may dispute or disagree with the allegations described in the Settlement, the Company fully acknowledges the seriousness of the allegations and recognizes the need to prevent similar allegations in the future. Moreover, the Parties note that they recognize that this is a disputed matter and that resolving the disputed issues prior to the initiation of any formal enforcement proceeding can be beneficial given the inherent unpredictability of the outcome of a contested proceeding. Furthermore, the Parties acknowledge that approval of this Settlement is in the public interest and consistent with the Commission's Policy Statement for evaluating litigated and settled proceedings involving violations of the Code and Commission Regulations, pursuant to 52 Pa. Code § 69.1201. Settlement at ¶¶ 28, 33.

The conditions of the Settlement are reprinted verbatim below:

29. I&E and Peoples, intending to be legally bound and for consideration given, desire to fully and finally conclude this matter and agree that a Commission Order approving the Settlement without modification shall create the following rights and obligations:

a) Peoples will pay a civil penalty in the amount of (\$195,000), pursuant to 66 Pa.C.S. § 3301(c), to fully and finally resolve all possible claims of alleged violations of the Public Utility Code, Commission regulations, and Code of Federal Regulations in connection with the March 9, 2019 failure of its temporary meter station. Said payment shall be made within thirty (30) days of the date of the Commission's Final Order approving the Settlement Agreement and shall be made by certified check or money order payable to the "Commonwealth of Pennsylvania" and sent to:

Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg PA 17120

The civil penalty shall not be tax deductible pursuant to Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f). Peoples will not seek recovery of any portion of the civil penalty amount in any future ratemaking proceeding.

b) Peoples agrees that no monies spent on the construction or repair of temporary meter set are subject to recovery in a future base rate or ratemaking case.

c) Within thirty (30) days of the entry date of the Commission's Final Order approving the Settlement Agreement in this matter, Peoples shall provide the I&E Safety Division with a list of the locations of all current temporary meter and regulator stations in Peoples' system, if any, including the date that each went into service and the date Peoples intends to install permanent facilities or a permanent solution.

d) Within thirty (30) days of the entry date of the Commission's Final Order approving the Settlement Agreement in this matter, Peoples shall change its design process with regard to temporary meter and regulator stations to ensure that they meet all of the requirements of 49 CFR Part 192, including:

- (1) Providing support to the station;
- (2) Constructing a suitable base and support that will prevent movement and settling;
- (3) Installing the proper barricades to protect the station from external damage;
- (4) Installing the proper line markers and warning signs;
- (5) Eliminating the use of Dresser couplings, steel-to-plastic, being installed above-ground, including in temporary situations; and
- (6) Creating design standards for temporary meter and regulation stations.

e) Within thirty (30) days of the entry date of the Commission's Final Order approving the Settlement Agreement in this matter, Peoples shall implement a process to consult with the I&E Safety Division in the event if Peoples is uncertain whether a situation would be considered to be a reportable incident.

30. This Settlement is without admission that the foregoing rights and obligations have any nexus to the allegations arising from I&E's investigation.

31. Upon Commission approval of the Settlement in its entirety without modification and in consideration of the Company's payment of the total civil penalty in the amount of One Hundred Ninety-Five Thousand Dollars (\$195,000) and compliance with the other terms of this Settlement specified herein, I&E agrees that its informal investigation relating to the March 9, 2019 temporary meter set failure as described in this Settlement Agreement shall be terminated and marked closed.

32. Upon Commission approval of the Settlement in its entirety without modification, I&E shall be deemed to have released Peoples from all past claims that were made or could have been made monetary and/or other relief based on allegations associated with the March 9, 2019 temporary meter station failure.

See Settlement at ¶¶ 29—32.

The Parties jointly agree that the Settlement shall be construed and interpreted under Pennsylvania law. Further, the Parties also jointly agree that changes to obligations set forth in the Settlement may be made if they are in writing and are expressly accepted by the Parties. Moreover, if the Commission modifies the Settlement, the Parties agree that any party may withdraw from the Settlement, may proceed with litigation and, in such event, the Settlement will be void and of no effect. The Parties indicate that the election of any Party withdrawing from the Settlement must be made in writing, filed with the Commission's Secretary, and served upon the Parties within twenty (20) days after entry of an Order modifying the Settlement. Settlement at ¶¶ 35-36.

The Parties also agree that the underlying allegations were not the subject of any hearing and I&E's informal investigation did not result in an order, findings of fact, or conclusions of law. Further, the Parties understand that, by entering into this Settlement, the Company has made no concession or admission of fact or law and may dispute all issues of fact and law for all purposes in all proceedings that may arise as a result of the circumstances described in the Settlement. Moreover, the Parties acknowledge that the Settlement reflects a compromise of competing positions and does not necessarily reflect any Party's position with respect to any issues raised in the instant matter. Furthermore, the Parties jointly agree that, if either Party should file a pleading or comments in response to a Commission order, the other Party shall have the right to file a reply. Settlement at ¶¶ 37—39.

The Parties also acknowledge that, in order to resolve this matter in a fair and reasonable manner, the Settlement is being presented in the context of this informal investigation and without prejudice to any position that any of the Parties may have advanced or may advance in the future on the merits of the issues in future proceedings, except to the extent necessary to effectuate the terms and conditions of the Settlement. The Parties also jointly agree that they are not precluded by the Settlement from taking other positions in any other proceeding. Settlement at ¶ 40.

Finally, the Parties note that, after conducting informal discovery and engaging in discussions, they arrived at the terms and conditions of this Settlement, which constitute "a carefully crafted package representing reasonably negotiated compromises on the issues" addressed in the Settlement. Settlement at ¶ 41. The Parties, therefore, provide that the Settlement is consistent with the Commission's rules and practices encouraging negotiated settlements set forth in 52 Pa. Code §§ 5.231 and 69.1201. Id.

Discussion

Pursuant to the Commission's Regulations at 52 Pa. Code § 5.231, it is the Commission's policy to promote settlements. The Commission must, however, review proposed settlements to determine whether the terms are in the public interest. *Pa. PUC v. Philadelphia Gas Works*, Docket No. M-00031768 (Order entered January 7, 2004).

In reviewing settlements that resolve informal investigations, the Commission will provide other potentially affected parties with the opportunity to file comments regarding a proposed settlement prior to issuing a decision. The Commission's Regulations at 52 Pa. Code § 3.113(b) provide as follows:

§ 3.113. Resolution of informal investigations.

* * *

(b) Under 65 Pa.C.S. Chapter 7 (relating to Sunshine Act), the Commission's official actions resolving informal investigations will be as follows:

* * *

(3) When the utility, or other person subject to the Commission's jurisdiction, has committed to undertake action to address or remedy a violation or potential violation of the act or to resolve another perceived deficiency at the utility, in the form of a settlement with the Commission staff or other resolution of the matter, the Commission's consideration of the settlement or approval of the utility's action will occur at public meeting. Except for staff reports and other documents covered by a specific legal privilege, documents relied upon by the Commission in reaching its determination shall be made part of the public record. *Before the Commission makes a final decision to adopt the settlement or to approve the utility's action, the Commission will provide other potentially affected persons with the opportunity to submit exceptions thereon or to take other action provided for under law.*

52 Pa. Code § 3.113(b) (emphasis added). See also *Pa. PUC, Bureau of Investigation and Enforcement v. PPL Electric Utilities Corporation*, Docket No. M-2012-2264635 (Order entered September 13, 2012); *Pa. PUC, Bureau of Investigation and Enforcement v. Liberty Power Holdings, LLC*, Docket No. M-2019-2568471 (Order entered August 8, 2019).

Additionally, given that the record reflects that approximately 980 customers were impacted by the natural gas outage that resulted from the failure of the Western Ave TMS, we find that it is advisable to provide notice to impacted customers by publication of this proposed Settlement in the *Pennsylvania Bulletin* and to provide an opportunity for interested parties to file comments regarding the proposed Settlement.

Conclusion

Before issuing a decision on the merits of the proposed Settlement, consistent with the requirement of 52 Pa. Code § 3.113(b)(3), and for the reason(s) stated above,

we are providing an opportunity for interested parties to file comments regarding the proposed Settlement; *Therefore,*

It Is Ordered That:

1. The Secretary’s Bureau shall duly certify this Opinion and Order along with the attached Joint Petition for Approval of Settlement (including Appendices) and the Statements in Support thereof, at Docket No. M-2022-3028365, and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

2. Within twenty-five (25) days of the date that this Opinion and Order and the attached Joint Petition for Approval of Settlement (including Appendices) and the Statements in Support thereof are published in the *Pennsylvania Bulletin*, interested parties may file comments concerning the proposed Settlement. Filing and service requirements are governed by the Commissions Regulations. 52 Pa. Code Chapters 1, 3, and 5. It is strongly encouraged that any comments be filed with the Commission through efilng by opening an efilng account free of charge through our website. An efilng account may be opened at our website, <https://www.puc.pa.gov/efiling/default.aspx>. Paper copies shall be filed with the Secretary’s Bureau at the following address:

Pennsylvania Public Utility Commission, :
Bureau of Investigation and Enforcement :
 :
 :
 v. :
 :
Peoples Natural Gas Company LLC :

JOINT PETITION FOR APPROVAL OF SETTLEMENT

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code §§ 5.41, 5.232 and 3.113(b)(3), the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”) and Peoples Natural Gas Company LLC (“Peoples” or “Company”) hereby submit this Joint Petition for Approval of Settlement (“Settlement” or “Settlement Agreement”) to resolve all issues related to the I&E Safety Division’s investigation of a temporary meter station that failed on March 9, 2019, and created a large volume natural gas leak, the repair of which necessitated an outage of service to approximately 985 customers in Moon Township, Allegheny County, Pennsylvania.

As part of this Settlement Agreement, I&E and Peoples (hereinafter referred to collectively as the “Parties”) respectfully request that the Commission enter a Final Opinion and Order approving the Settlement, without modification. Proposed Ordering Paragraphs are attached as Appendix A. Statements in Support of the Settlement expressing the individual views of I&E and Peoples are attached hereto as Appendix B and Appendix C, respectively.

I. Introduction

1. The Parties to this Settlement Agreement are the Pennsylvania Public Utility Commission’s Bureau of Investigation and Enforcement, by its prosecuting attor-

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

3. A copy of this Opinion and Order, together with the attached Joint Petition for Approval of Settlement and the Statements in Support thereof, at Docket No. M-2022-3028365, shall be served on the Office of Consumer Advocate and the Office of Small Business Advocate.

4. This Opinion and Order, together with the attached Joint Petition for Approval of Settlement and the Statements in Support thereof, at Docket No. M-2022-3028365, shall be issued for comments by any interested party.

5. Subsequent to the Commission’s review of comments filed in this proceeding, at Docket No. M-2022-3028365, a final Opinion and Order will be issued by the Commission.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: May 12, 2022

ORDER ENTERED: May 12, 2022

Docket No. M-2022-3028365

neys, 400 North Street, Harrisburg, PA 17120, and Peoples Natural Gas Company LLC with a principal place of business at 375 North Shore Drive, Suite 600, Pittsburgh, PA 15212.

2. The Pennsylvania Public Utility Commission is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within this Commonwealth, as well as other entities subject to its jurisdiction, pursuant to the Public Utility Code (“Code”), 66 Pa.C.S. §§ 101, et seq.

3. I&E is the entity established to prosecute complaints against public utilities and other entities subject to the Commission’s jurisdiction pursuant to 66 Pa.C.S. § 308.2(a)(11); See also Implementation of Act 129 of 2008; Organization of Bureaus and Offices, Docket No. M-2008-2071852 (Order entered August 11, 2011) (delegating authority to initiate proceedings that are prosecutory in nature to I&E).

4. Section 501(a) of the Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Code.

5. Section 701 of the Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints alleging a violation of any law, regulation, or order that the Commission has jurisdiction to administer.

6. Section 3301(c) of the Code, 66 Pa.C.S. § 3301(c), which is specific to gas pipeline safety violations, authorizes the Commission to impose civil penalties on any person or corporation, defined as a public utility, who violates any provisions of the Code or any regulation or

order issued thereunder governing the safety of pipeline or conduit facilities in the transportation of natural gas, flammable gas, or gas which is toxic or corrosive. Section 3301(c) further provides that a civil penalty of up to Two Hundred Thousand Dollars (\$200,000) per violation for each day that the violation persists may be imposed, except that for any related series of violations, the maximum civil penalty shall not exceed Two Million Dollars (\$2,000,000) or the penalty amount provided under Federal pipeline safety laws, whichever is greater.

7. Civil penalties for violations of Federal pipeline safety laws and regulations are adjusted annually to account for changes in inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Pub.L. 114-74, § 701, 129 Stat. 599, 28 U.S.C. § 2461 note (Nov. 2, 2015) (amending the Federal Civil Penalties Inflation Adjustment Act of 1990). The most pertinent adjustment made by the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration ("PHMSA") occurred on November 27, 2018 and revised the maximum civil penalty to Two Hundred Thirteen Thousand, Two Hundred Sixty-Eight Dollars (\$213,268) for each violation for each day the violation continues, with a maximum penalty not to exceed Two Million, One Hundred Thirty-Two Thousand, Six Hundred Seventy-Nine Dollars (\$2,132,679) for a related series of violations. 83 Fed. Reg. 60732 (November 27, 2018).

8. Pursuant to Section 59.33(b) of the Commission's regulations, 52 Pa. Code § 59.33(b), I&E's Safety Division has the authority to enforce Federal pipeline safety laws and regulations set forth in 49 U.S.C.A. §§ 60101—60503 and as implemented at 49 CFR Parts 191—193, 195 and 199. The Federal pipeline safety laws and regulations proscribe the minimum safety standards for natural gas public utilities in the Commonwealth.

9. Peoples is a "public utility" as that term is defined at 66 Pa.C.S. § 102,⁴ as it is engaged in providing natural gas distribution services to the public for compensation. Peoples is the largest natural gas distribution company in Pennsylvania and serves approximately 740,000 customers in western Pennsylvania, West Virginia and Kentucky.⁵

10. Peoples, in providing natural gas distribution service to the public for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations and orders, including Federal pipeline safety laws and regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations and Federal statutes and regulations, the Commission has jurisdiction over the subject matter and actions of Peoples in its capacity as a public utility providing natural gas distribution services in Pennsylvania.

12. This matter alleges violations of the Public Utility Code, Commission regulations, and Federal pipeline safety regulations in connection with a temporary meter station that Peoples installed on July 24, 2018 and that failed on March 9, 2019, resulting in a natural gas leak and subsequent outage of service.

⁴ At 66 Pa.C.S. § 102, "Public utility" is defined under that term at subsection (1)(i) as:

(1) Any person or corporations now or hereafter owning or operating in this Commonwealth equipment or facilities for:

(i) Producing, generating, transmitting, distributing or furnishing natural or artificial gas, electricity, or steam for the production of light, heat, or power to or for the public for compensation.

⁵ <https://www.peoples-gas.com/about/>

13. As a result of successful negotiations between I&E and Peoples, the Parties have reached an agreement on an appropriate outcome to the investigation as encouraged by the Commission's policy to promote settlements. See 52 Pa. Code § 5.231. The duly authorized Parties executing this Settlement Agreement agree to the settlement terms set forth herein and urge the Commission to approve the Settlement as submitted as being in the public interest.

II. Background

14. On March 9, 2019, a temporary meter station that had been installed by Peoples less than eight months earlier failed when an above-ground Dresser coupling pulled apart at the outlet side of the temporary meter set causing a natural gas leak. The meter station was located at the 100 block of Western Avenue, Moon Township, Pennsylvania.

A. Timeline of Events on March 9 and March 10, 2019

15. A timeline of the pertinent events follows:

a. On March 9, 2019 at 7:27 a.m., a customer residing on Western Avenue, Moon Township called Peoples to report smelling a natural gas odor.

b. At 7:28 a.m., that same day, the Moon Township Police Department contacted Peoples to advise that another customer residing on Western Avenue called the police and reported a loud "popping" noise at the end of the street near the temporary meter station.

c. At 7:48 a.m. that same day, an officer from the Moon Township Police Department contacted Peoples to advise that he was at the site of the temporary meter station and observed a broken line connection that appeared to be a 6-inch valve with gas blowing into the air.

d. At 7:51 a.m. that same day, Peoples dispatched a technician to the site and between 08:07 a.m. and 9:20 a.m. various Peoples personnel arrived at the site.

e. At 9:20 a.m. that same day, a supervisor from Peoples advised Peoples employees to shut down the system.

f. At 9:30 a.m. that same day, Peoples shut down the side gate of the temporary meter station.

g. At 10:51 a.m. that same day, the Safety Division learned of the gas outage through the media.

h. At 11:05 a.m. that same day, Peoples notified the Safety Division of the outage.

i. At 11:38 a.m. that same day, Peoples filed National Response Center ("NRC") report no. 123962 to report an outage impacting 980 customers.

j. At 12:15 p.m. that same day, the I&E Safety Division received Pennsylvania Emergency Management Association ("PEMA") report no. 88495, which reported the outage and referenced the NRC report.

k. At 12:35 p.m. that same day, an I&E Safety Division Inspector arrived at the site and commenced I&E's investigation.

l. At 5:00 p.m. that same day, Peoples completed repairs and began purging the temporary meter station.

m. By 6:00 p.m. on March 10, 2019, Peoples completed the restoration of service to all customers impacted by the outage.

B. The Temporary Meter Station

16. Peoples installed the temporary meter station on July 24, 2018. It was located at the side of the road at

Western Avenue, Moon Township, downstream from a regulator station operated by Equitrans Midstream Corporation (“Equitrans”). The temporary meter station measured gas purchased from Equitrans and supplied to Peoples’ line M-4611. At the time of the incident, line M-4611 was operating at approximately 30 pounds per square inch gauge (“PSIG”).

17. Peoples constructed the station using two four-inch plastic main lines (inlet and outlet lines) running beneath Western Avenue, which connected to 90-degree elbows underground and then came out of the ground to two additional 90-degree elbows above-ground before transitioning to the steel piping of the temporary meter station.

18. Peoples constructed the station with a steel frame on the ground with pipe supports and fencing attached to the steel frame. The station piping consisted of six-inch steel with valves. The meter was a six-inch Flowsic 500 meter. Supports for the six-inch steel piping were attached to the steel frame. Also attached to the steel frame resting on the ground were two big solar panels and other telemetering devices.

19. The above-ground Dresser coupling, which was the connection point between the steel and plastic, pulled apart at the outlet side of the temporary meter station.

20. With respect to the repair process, Peoples excavated the risers and used 2a modified stone in place of the native soil around the risers of the temporary meter station. The repair was completed using the original piping and new couplings. Peoples soap-tested the coupling and purged remaining product downstream. Peoples also installed ratchet straps around the station and plastic risers. The straps were installed with minimal pressure as an ancillary measure.

21. After conversations with the I&E Safety Division, Peoples made further repairs to the temporary meter station. These repairs included adding signage to the station, barricades to aid in damage protection, and steel risers in place of the above-ground plastic pipe. These repairs were completed by March 13, 2019 and, upon completion, Peoples removed the ratchet straps.

22. Peoples determined that the cause of the incident was due to settlement of wet soil close to the edge of the station. The soil caused movement on the station, which led the steel piping to pull out of the coupling.

C. Findings of the I&E Safety Division Investigation

23. The I&E Safety Division determined that Peoples constructed the temporary meter station without following any comprehensive specifications and standards. The Company’s procedures also do not address construction of temporary meter stations. Overall, the I&E Safety Division found that Peoples constructed the temporary meter station without consideration of the applicable requirements of Part 192 of the Federal pipeline safety regulations.

24. The I&E Safety Division found that the construction of the temporary meter station was flawed in the following ways:

a. Peoples used Polyethylene pipe for the risers, which is not as rigid or strong compared to steel, and tends to bend, flex, and displace when external force is applied.

b. Peoples placed the temporary meter station on grass and soil instead of a flat, solid base.

c. Peoples used a coupling that was not a category 1 fitting and thus was not resistant to pull-out. The coupling was designed to be installed underground, however, Peoples’ above-ground installation of the coupling rendered the coupling to be unable to hold the piping together.

d. The temporary meter station lacked supports anchored to the ground. Rather, the station was secured to the tightened compression coupling and its weight on the native ground. Peoples used tie-down straps in an effort to create more longitudinal support for the coupling. Two solar panels were installed on the one side of the station and caused unequal weight distribution.

25. Due to moisture in the ground and the absence of a solid base under the skid, the I&E Safety Division found that the station moved longitudinally relative to the inlet and outlet piping since it was not anchored securely. When the station moved by the undesirable longitudinal forces, the coupling separated.

26. While not a cause of the temporary meter station’s failure, the I&E Safety Division observed during its investigation that the station, which Peoples placed along a roadway, was not protected from vehicular traffic in that no bollards or cement barricades surrounded the station.

III. Alleged Violations

27. Had this matter been fully litigated, I&E would have proffered evidence and legal arguments to demonstrate that Peoples committed the following violations:

a. Peoples failed to construct the temporary meter station in accordance with comprehensive written specifications or standards consistent with Part 192 of the Federal pipeline safety regulations in that no written specifications or standards were utilized to build the station. I&E alleges that this is a violation of 49 CFR § 192.303 (relating to compliance with specifications or standards when constructing a main) and 52 Pa. Code § 59.33(b) (adopting the Federal pipeline safety regulations as the minimum safety standards for natural gas public utilities) (one count).

b. The temporary meter station failed to maintain structural integrity, as constructed, in that the station moved due to undesirable longitudinal forces, causing the coupling to separate. I&E alleges that this is a violation of 49 CFR §§ 192.53 (relating to general requirements for pipe and components), 192.143 (relating to general requirements for the design of pipeline components), 192.161 (relating to supports and anchors), 192.203(b)(7) (requiring that the arrangement of pipe, components and supports provide safety under anticipated operating stresses), and 192.273 (relating to general requirements for the joining of materials other than by welding), and 52 Pa. Code § 59.33(b) (adopting the Federal pipeline safety regulations as the minimum safety standards for natural gas public utilities) (one count).

c. The above-ground plastic piping, which was exposed to weather and temperature changes, was not designed with enough flexibility to prevent thermal expansion or

contraction from causing excessive stresses on the coupling in that the coupling separated. I&E alleges that this is a violation of 49 CFR § 192.159 (providing that pipeline must be designed with flexibility to withstand excessive stresses) and 52 Pa. Code § 59.33(b) (adopting the Federal pipeline safety regulations as the minimum safety standards for natural gas public utilities) (one count).

d. Peoples failed to take all practicable steps to protect the temporary meter station from unstable soil or other hazards that may cause the pipeline to move or sustain abnormal loads in that the Company installed the station on native grass and soil, which subjected the station to detrimental environmental conditions, and did not install the station on a solid base of stone or other material that would offer firm support. I&E alleges that this is a violation of 49 CFR § 192.317(a) (related to protection from hazards) and 52 Pa. Code § 59.33(b) (adopting the Federal pipeline safety regulations as the minimum safety standards for natural gas public utilities) (one count).

e. Peoples failed to protect the temporary meter station from accidental vehicular damage in that it was installed alongside a road without bollards or cement barricades surrounding it. I&E alleges that this is a violation of 49 CFR § 192.317(b) (related to protection from hazards) and 52 Pa. Code § 59.33(b) (adopting the Federal pipeline safety regulations as the minimum safety standards for natural gas public utilities) (one count).

f. Peoples failed to install the temporary meter station in a manner that minimized shear or tensile stresses in that the station was not supported on a stable base and only the plastic inlet and outlet legs, which came out of the ground, supported the station. I&E alleges that this is a violation of 49 CFR § 192.321(c) (related to installation of plastic pipe) and 52 Pa. Code § 59.33(b) (adopting the Federal pipeline safety regulations as the minimum safety standards for natural gas public utilities) (one count).

g. Peoples failed to place line markers around the perimeter of the station and to indicate the underground location of the inlet and outlet pipeline in that no signage was present to warn the public of the hazards of the area. I&E alleges that this is a violation of 49 CFR § 192.707 (related to line markers for mains and transmission lines) and 52 Pa. Code § 59.33(b) (adopting the Federal pipeline safety regulations as the minimum safety standards for natural gas public utilities) (one count).

h. Peoples failed to maintain adequate, safe and reasonable service and facilities in that the construction of the temporary meter station was inadequate, which led to a portion of the piping pulling out of the coupling, causing a natural gas outage that impacted approximately 980 customers. I&E alleges that this is a violation of 66 Pa.C.S. § 1501 (related to character of service and facilities) (one count).

IV. Settlement Terms

28. Pursuant to the Commission's policy of encouraging settlements that are reasonable and in the public interest, the Parties held a series of discussions that culminated in this Settlement. I&E and Peoples desire to: (i) resolve I&E's informal investigation; and (ii) settle this

matter completely without litigation. Although Peoples may dispute or disagree with the allegations described above, it fully acknowledges the seriousness of the allegations and recognizes the need to prevent similar allegations from reoccurring. Moreover, the Parties recognize that this is a disputed claim, and given the inherent unpredictability of the outcome of a contested proceeding, the Parties further recognize the benefits of amicably resolving the disputed issues prior to the initiation of any formal enforcement proceeding. The terms and conditions of the Settlement, for which the Parties seek Commission approval, are set forth below.

29. I&E and Peoples, intending to be legally bound and for consideration given, desire to fully and finally conclude this matter and agree that a Commission Order approving the Settlement without modification shall create the following rights and obligations:

a. Peoples will pay a civil penalty in the amount of One Hundred Ninety-Five Thousand Dollars (\$195,000), pursuant to 66 Pa.C.S. § 3301(c), to fully and finally resolve all possible claims of alleged violations of the Public Utility Code, Commission regulations, and Code of Federal Regulations in connection with the March 9, 2019 failure of its temporary meter station. Said payment shall be made within thirty (30) days of the date of the Commission's Final Order approving the Settlement Agreement and shall be made by certified check or money order payable to the "Commonwealth of Pennsylvania" and sent to:

Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

The civil penalty shall not be tax deductible pursuant to Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f). Peoples will not seek recovery of any portion of the civil penalty amount in any future ratemaking proceeding.

b. Peoples agrees that no monies spent on the construction or repair of temporary meter set are subject to recovery in a future base rate or ratemaking case.

c. Within thirty (30) days of the entry date of the Commission's Final Order approving the Settlement Agreement in this matter, Peoples shall provide the I&E Safety Division with a list of the locations of all current temporary meter and regulator stations in Peoples' system, if any, including the date that each went into service and the date Peoples intends to install permanent facilities or a permanent solution.

d. Within thirty (30) days of the entry date of the Commission's Final Order approving any Settlement Agreement in this matter, Peoples shall change its design process with regard to temporary meter and regulator stations to ensure that they meet all of the requirements of 49 CFR Part 192, including:

- (1) Providing support to the station;
- (2) Constructing a suitable base and support that will prevent movement and settling;
- (3) Installing the proper barricades to protect the station from external damage;
- (4) Installing the proper line markers and warning signs;

(5) Eliminating the use of Dresser couplings, steel-to-plastic, being installed above-ground, including in temporary situations; and

(6) Creating design standards for temporary meter and regulation stations.

e. Within thirty (30) days of the entry date of the Commission's Final Order approving any Settlement Agreement in this matter, Peoples shall implement a process to consult with the I&E Safety Division in the event if Peoples is uncertain whether a situation would be considered to be a reportable incident.

30. This Settlement is without admission that the foregoing rights and obligations have any nexus to the allegations arising from I&E's investigation.

31. Upon Commission approval of the Settlement in its entirety without modification and in consideration of the Company's payment of the total civil penalty in the amount of One Hundred Ninety-Five Thousand Dollars (\$195,000) and compliance with the other terms of this Settlement as specified herein, I&E agrees that its informal investigation relating to the March 9, 2019 temporary meter set failure as described in this Settlement Agreement shall be terminated and marked closed.

32. Upon Commission approval of the Settlement in its entirety without modification, I&E shall be deemed to have released Peoples from all past claims that were made or could have been made for monetary and/or other relief based on allegations associated with the March 9, 2019 temporary meter station failure.

33. I&E and Peoples jointly acknowledge that approval of this Settlement Agreement is in the public interest and fully consistent with the Commission's Policy Statement for Litigated and Settled Proceedings Involving Violations of the Code and Commission Regulations, 52 Pa. Code § 69.1201. The Parties submit that the Settlement Agreement is in the public interest because it effectively addresses I&E's allegations, and avoids the time and expense of litigation, which entails hearings, potential travel for the Company's witnesses, and the preparation and filing of briefs, exceptions, reply exceptions, as well as possible appeals.

34. Attached as Appendices B and C are Statements in Support submitted by I&E and Peoples, respectively, setting forth the bases upon which the Parties believe the Settlement Agreement is in the public interest.

V. Conditions Of Settlement

35. This document represents the Settlement Agreement in its entirety. No changes to obligations set forth herein may be made unless they are in writing and are expressly accepted by the Parties. This Settlement Agreement shall be construed and interpreted under Pennsylvania law.

36. The Settlement is conditioned upon the Commission's approval of the terms and conditions contained in this Joint Petition for Approval of Settlement without modification. If the Commission modifies this Settlement Agreement, any party may elect to withdraw from the Settlement and may proceed with litigation and, in such event, this Settlement Agreement shall be void and of no effect. Such election to withdraw must be made in writing, filed with the Secretary of the Commission and served upon all parties within twenty (20) days after entry of an Order modifying the Settlement.

37. The Parties agree that the underlying allegations were not the subject of any hearing and that there has

been no order, findings of fact, or conclusions of law rendered in this informal investigation proceeding. It is further understood that, by entering into this Settlement Agreement, Peoples has made no concession or admission of fact or law and may dispute all issues of fact and law for all purposes in all proceedings that may arise as a result of the circumstances described in the Settlement.

38. The Parties acknowledge that this Settlement Agreement reflects a compromise of competing positions and does not necessarily reflect any party's position with respect to any issues raised in this matter.

39. If either party should file any pleading, including comments, in response to a tentative or final order of the Commission, the other party shall have the right to file a reply.

40. This Settlement Agreement is being presented only in the context of this informal investigation in an effort to resolve the matter in a manner that is fair and reasonable. This Settlement is presented without prejudice to any position that any of the Parties may have advanced and without prejudice to the position any of the Parties may advance in the future on the merits of the issues in future proceedings, except to the extent necessary to effectuate the terms and conditions of this Settlement Agreement. This Settlement does not preclude the Parties from taking other positions in any other proceeding.

41. The Parties arrived at the Settlement after conducting informal discovery and engaging in discussions over many months. The terms and conditions of this Settlement Agreement constitute a carefully crafted package representing reasonably negotiated compromises on the issues addressed herein. Thus, the Settlement Agreement is consistent with the Commission's rules and practices encouraging negotiated settlements set forth in 52 Pa. Code §§ 5.231 and 69.1201.

Wherefore, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement and Peoples Natural Gas Company LLC respectfully request that the Commission issue an Order approving the terms of this Settlement Agreement in their entirety as being in the public interest.

Respectfully Submitted,

Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement
by
Stephanie M. Wimer
Senior Prosecutor
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
stwimer@pa.gov

Date: March 9, 2022

Peoples Natural Gas Company LLC
by
Michael C. Turzai
Vice President and General Counsel
Peoples Natural Gas Company LLC
375 North Shore Drive
Pittsburgh, PA 15212
Michael.Turzai@peoples-gas.com

Date: March 9, 2022

Appendix A
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement
v.
Peoples Natural Gas Company LLC

Docket No. M-2022-3028365

Proposed Ordering Paragraphs

1. That the Joint Settlement Petition filed on March 9, 2022 between the Commission's Bureau of Investigation and Enforcement and Peoples Natural Gas Company LLC is approved in its entirety without modification.

2. That, in accordance with Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301(c), within thirty (30) days of the date this Order becomes final, Peoples Natural Gas Company LLC shall pay a civil penalty of One Hundred Ninety-Five Thousand Dollars (\$195,000). Said payment shall be made by certified check or money order payable to "Commonwealth of Pennsylvania" and shall be sent to:

Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

3. Within thirty (30) days of the date this Order becomes final, Peoples shall change its design process with regard to temporary meter and regulator stations to ensure that they meet all of the requirements of 49 CFR Part 192, including:

- a. Providing support to the station;

b. Constructing a suitable base and support that will prevent movement and settling;

c. Installing the proper barricades to protect the station from external damage;

d. Installing the proper line markers and warning signs;

e. Eliminating the use of Dresser couplings, steel-to-plastic, being installed above-ground, including in temporary situations; and

f. Creating design standards for temporary meter and regulation stations.

4. Within thirty (30) days of the date this Order becomes final, Peoples shall implement a process to consult with the I&E Safety Division in the event if Peoples is uncertain whether a situation would be considered to be a reportable incident.

5. A copy of this Opinion and Order shall be served upon the Financial and Assessment Chief, Bureau of Administration.

6. That the above-captioned matter shall be marked closed upon receipt of the civil penalty.

Appendix B
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility
Commission,
Bureau of Investigation
and Enforcement
v.
Peoples Natural Gas Company LLC

Docket No. M-2022-3028365

THE BUREAU OF INVESTIGATION AND
ENFORCEMENT'S STATEMENT IN SUPPORT
OF THE JOINT PETITION FOR APPROVAL
OF SETTLEMENT

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code §§ 5.231, 5.232 and 69.1201, the Pennsylvania Public Utility Commission's ("Commission" or "PUC") Bureau of Investigation and Enforcement ("I&E")⁶, a signatory party to the Joint Petition for Approval of Settlement ("Settlement" or "Settlement Agreement") filed in the matter docketed above, submits this Statement in Support of the Settlement Agreement

between I&E and Peoples Natural Gas Company LLC ("Peoples" or "Company"). I&E avers that the terms and conditions of the Settlement are just and reasonable and in the public interest for the reasons set forth herein.

I. Background

The I&E Safety Division serves as a registered agent for the Pipeline and Hazardous Materials Safety Administration ("PHMSA"), a federal agency housed in the U.S. Department of Transportation and, as such, is contracted to enforce Federal pipeline safety standards on jurisdictional intrastate pipelines. The I&E Safety Division employs engineer-inspectors who possess engineering degrees and are trained and qualified by PHMSA to perform pipeline safety inspections and verify compliance with the Federal pipeline safety standards, which the Commission

⁶ I&E and Peoples are collectively referred to herein as the "Parties."

has adopted for natural gas public utilities operating in the Commonwealth. 52 Pa. Code § 59.33(b). Accordingly, the I&E Safety Division maintains exclusive jurisdiction over pipeline safety on the intrastate pipeline facilities of natural gas public utilities in Pennsylvania.

I&E's Safety Division conducted an in-depth investigation of a temporary meter station that failed on March 9, 2019 shortly before 7:30 am, and created a large volume natural gas leak, the repair of which necessitated an outage of service to approximately 985 customers in Moon Township, Allegheny County, Pennsylvania. Peoples owned and operated the temporary meter station, which has since been removed and replaced with a permanent station at a different location.

The I&E Safety Division's investigation consisted of visiting the incident site shortly after becoming aware of the failure, the service of two (2) sets of data requests directed to the Company and review of the responses thereto, and numerous meetings and phone calls with Company personnel. Peoples cooperated with the investigation.

Peoples installed the meter station on July 24, 2018, less than eight months prior to its failure. The temporary meter station failed when an above-ground coupling pulled apart at the outlet side of the station. Repairing the station and natural gas leak required shutting down natural gas in the area. Peoples fully restored natural gas service to customers impacted by the outage by 6:00 pm on March 10, 2019.

At the conclusion of its investigation, the I&E Safety Division found that the construction of the temporary meter station was flawed in that: (1) Peoples used Polyethylene pipe for the risers, which is not as rigid or strong compared to steel, and tends to bend, flex, and displace when external force is applied; (2) Peoples placed the temporary meter station on grass and soil instead of a flat, solid base; (3) Peoples used a coupling that was not a category 1 fitting and thus was not resistant to pull-out. Furthermore, the coupling that Peoples used was designed to be installed underground and the above-ground installation of the coupling rendered the coupling to be unable to hold the piping together; and (4) the temporary meter station lacked supports anchored to the ground. Rather, the station was secured to the tightened compression coupling and its weight on the native ground. Peoples used tie-down straps in an effort to create more longitudinal support for the coupling.

Upon review of all data, the I&E Safety Division found that due to moisture in the ground and the absence of a solid base under the skid, the temporary meter station moved longitudinally relative to the inlet and outlet piping since it was not anchored securely. When the station moved by the undesirable longitudinal forces, the coupling separated.

The results of the I&E Safety Division's investigation formed the basis for the allegations that I&E would have advanced had this matter been litigated. I&E would have alleged that Peoples committed numerous violations of the Public Utility Code, Commission regulations and 49 CFR Part 192 in connection with the incident, including 49 CFR § 192.303 (requiring an operator to construct transmission lines or mains in accordance with comprehensive written specifications or standards consistent with 49 CFR Part 192), 49 CFR § 192.53 (requiring an operator to use materials for pipe and components that are able to maintain the structural integrity of the

pipeline under environmental conditions that may be anticipated), 49 CFR § 192.143 (requiring an operator to design each component of a pipeline to be able to withstand anticipated loadings without impairment of its serviceability), 49 CFR § 192.161 (requiring an operator to design a pipeline and its associated equipment with enough anchors or supports to resist longitudinal forces caused by a bend or offset in the pipe), 49 CFR § 192.203(b)(7) (requiring an operator to arrange pipe, components, and supports to provide safety under anticipated operating stresses), 49 CFR § 192.273 (requiring an operator to design and install a pipeline so that each joint will sustain the longitudinal pullout or thrust forces caused by anticipated external loading), 49 CFR § 192.159 (requiring an operator to design a pipeline with flexibility to withstand excessive stresses), 49 CFR § 192.317(a)-(b) (requiring an operator to take all practicable steps to protect each transmission line or main from hazards that may cause the pipeline to move and from accidental damage by vehicular traffic), 49 CFR § 192.321(c) (requiring an operator to install plastic pipe so as to minimize shear or tensile stresses), 49 CFR § 192.707 (requiring an operator to place line markers at certain points over each buried main and transmission line), and 66 Pa.C.S. § 1501 (requiring every public utility to furnish and maintain adequate, efficient, safe, and reasonable service and facilities).

I&E and Peoples engaged in negotiations regarding the complex technical issues raised by the allegations advanced by I&E, which resulted from the I&E Safety Division's investigation. On March 9, 2022, I&E and Peoples filed a Joint Petition for Approval of Settlement resolving all issues between I&E and Peoples in the instant matter. This Statement in Support is submitted in conjunction with the Settlement Agreement.

II. *The Public Interest*

Pursuant to the Commission's policy of encouraging settlements that are reasonable and in the public interest, the Parties held a series of settlement discussions. These discussions culminated in this Settlement Agreement, which, once approved, will resolve all issues related to the instant I&E Safety Division informal investigation and provide public benefits.

Most notably, Peoples confirmed that there are no other locations of temporary meter stations in its distribution system in the Commonwealth. In the event that Peoples elects to construct temporary meter and regulator stations in the future, it has agreed to revise its design process to ensure that it meets all of the requirements of 49 CFR Part 192. Moreover, Peoples has agreed to refrain from seeking recovery on monies spent on the construction or repair of the aforementioned temporary meter station in a future base rate or ratemaking case.

I&E intended to prove the allegations that arose from the findings of the I&E Safety Division's investigation at hearing, to which the Company would have disputed. This Settlement Agreement results from the compromises of the Parties. Although I&E and Peoples may disagree with respect to I&E's factual allegations, the Company recognizes the need to prevent a similar incident from reoccurring.

Further, I&E recognizes that, given the inherent unpredictability of the outcome of a contested proceeding, the benefits of amicably resolving the disputed issues through settlement outweigh the risks and expenditures of litigation. I&E submits that the Settlement constitutes a reasonable compromise of the issues presented and is in

the public interest as it provides for relevant corrective measures as well as a civil penalty. As such, I&E respectfully requests that the Commission approve the Settlement without modification.

III. Terms of Settlement

Under the terms of the Settlement, I&E and Peoples have agreed as follows:

a. Peoples will pay a civil penalty in the amount of One Hundred Ninety-Five Thousand Dollars (\$195,000), pursuant to 66 Pa.C.S. § 3301(c), to fully and finally resolve all possible claims of alleged violations of the Public Utility Code, Commission regulations, and Code of Federal Regulations in connection with the March 9, 2019 failure of its temporary meter station. Said payment shall be made within thirty (30) days of the date of the Commission's Final Order approving the Settlement Agreement and shall be made by certified check or money order payable to the "Commonwealth of Pennsylvania" and sent to:

Secretary
 Pennsylvania Public Utility Commission
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, PA 17120

The civil penalty shall not be tax deductible pursuant to Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f). Peoples will not seek recovery of any portion of the civil penalty amount in any future ratemaking proceeding.

b. Peoples agrees that no monies spent on the construction or repair of temporary meter set are subject to recovery in a future base rate or ratemaking case.

c. Within thirty (30) days of the entry date of the Commission's Final Order approving the Settlement Agreement in this matter, Peoples shall provide the I&E Safety Division with a list of the locations of all current temporary meter and regulator stations in Peoples' system, if any, including the date that each went into service and the date Peoples intends to install permanent facilities or a permanent solution.

d. Within thirty (30) days of the entry date of the Commission's Final Order approving any Settlement Agreement in this matter, Peoples shall change its design process with regard to temporary meter and regulator stations to ensure that they meet all of the requirements of 49 CFR Part 192, including:

- (1) Providing support to the station;
- (2) Constructing a suitable base and support that will prevent movement and settling;
- (3) Installing the proper barricades to protect the station from external damage;
- (4) Installing the proper line markers and warning signs;
- (5) Eliminating the use of Dresser couplings, steel-to-plastic, being installed above-ground, including in temporary situations; and
- (6) Creating design standards for temporary meter and regulation stations.

e. Within thirty (30) days of the entry date of the Commission's Final Order approving any Settlement Agreement in this matter, Peoples shall implement a process to consult with the I&E Safety Division in the event if Peoples is uncertain whether a situation would be considered to be a reportable incident.

In consideration of Peoples' payment of a monetary civil penalty and performance of the above-described corrective actions, I&E agrees that it has released Peoples from all past claims that were made or could have been made for monetary and/or other relief based on allegations associated with the March 9, 2019 temporary meter station failure.

IV. Legal Standard for Settlement Agreements

Commission policy promotes settlements. See 52 Pa. Code § 5.231. Settlements lessen the time and expense that the parties must expend litigating a case and, at the same time, conserve precious administrative resources. Settlement results are often preferable to those achieved at the conclusion of a fully litigated proceeding. "The focus of inquiry for determining whether a proposed settlement should be recommended for approval is not a 'burden of proof' standard, as is utilized for contested matters." *Pa. Pub. Util. Comm'n, et al. v. City of Lancaster—Bureau of Water*, Docket Nos. R-2010-2179103, et al. (Order entered July 14, 2011) at p. 11. Instead, the benchmark for determining the acceptability of a settlement is whether the proposed terms and conditions are in the public interest. *Pa. Pub. Util. Comm'n v. Philadelphia Gas Works*, Docket No. M-00031768 (Order entered January 7, 2004).

I&E submits that approval of the Settlement Agreement in the above-captioned matter is consistent with the Commission's Policy Statement regarding Factors and Standards for Evaluating Litigated and Settled Proceedings Involving Violations of the Public Utility Code and Commission Regulations ("Policy Statement"), 52 Pa. Code § 69.1201; See also *Joseph A. Rosi v. Bell-Atlantic-Pennsylvania, Inc.*, Docket No. C-00992409 (Order entered March 16, 2000). The Commission's Policy Statement sets forth ten factors that the Commission may consider in evaluating whether a civil penalty for violating a Commission order, regulation, or statute is appropriate, as well as whether a proposed settlement for a violation is reasonable and in the public interest. 52 Pa. Code § 69.1201.

The Commission will not apply the factors as strictly in settled cases as in litigated cases. 52 Pa. Code § 69.1201(b). While many of the same factors may still be considered, in settled cases, the parties "will be afforded flexibility in reaching amicable resolutions to complaints and other matters as long as the settlement is in the public interest." *Id.*

The first factor considers whether the conduct at issue was of a serious nature, such as willful fraud or misrepresentation, or if the conduct was less egregious, such as an administrative or technical error. Conduct of a more serious nature may warrant a higher penalty. 52 Pa. Code § 69.1201(c)(1). I&E alleges that the driving conduct in this matter involves Peoples' failure to construct the temporary meter station in accordance with 49 CFR Part 192 in that the station was unable to withstand anticipated external forces. A coupling pulled apart from a recently constructed temporary meter station, which created a large volume natural gas leak. I&E therefore submits that the alleged violations resulting from the I&E Safety Division's investigation are of a serious nature and were considered in arriving at the civil penalty and remedial relief set forth in the terms of the Settlement.

The second factor considered is whether the resulting consequences of Peoples' alleged conduct were of a serious nature. When consequences of a serious nature are

involved, such as personal injury or property damage, the consequences may warrant a higher penalty. 52 Pa. Code § 69.1201(c)(2). In this matter, no personal injury or property damage occurred aside from damage to Peoples' pipeline facilities. However, the repair of the temporary meter station and ensuing natural gas leak required Peoples to shut off natural gas in the surrounding area. As a result, approximately 985 customers did not receive natural gas service, including heat, for up to thirty-five hours on March 9, and 10, 2019. Therefore, I&E avers that serious consequences occurred, which are reflected in the terms and conditions of the Settlement.

The third factor to be considered under the Policy Statement is whether the alleged conduct was intentional or negligent. 52 Pa. Code § 69.1201(c)(3). "This factor may only be considered in evaluating litigated cases." *Id.* This factor does not apply to the present case since this matter is being resolved through a settlement of the Parties.

The fourth factor to be considered is whether the Company has made efforts to change its practices and procedures to prevent similar conduct in the future. 52 Pa. Code § 69.1201(c)(4). Prior to the filing of the instant Settlement, Peoples removed from service any remaining temporary meter stations in its distribution system. Furthermore, Peoples has committed to revising its design process with respect to any future construction and installation of temporary meter and regulator stations to address the specific concerns raised by the I&E Safety Division arising from the investigation of the instant matter.

The fifth factor to be considered relates to the number of customers affected by the Company's actions and the duration of the violations. 52 Pa. Code § 69.1201(c)(5). Approximately 985 customers lost natural gas service for up to thirty-five hours as a result of the natural gas leak that ensued from the failure of the temporary meter station.

The sixth factor to be considered relates to the compliance history of Peoples. 52 Pa. Code § 69.1201(c)(6). An isolated incident from an otherwise compliant company may result in a lower penalty, whereas frequent, recurrent violations by a company may result in a higher penalty. *Id.* Peoples has been the subject of at least five proceedings over the past ten years⁷ where the Commission imposed civil penalties upon the Company.

In *Alan Bricker v. Peoples Natural Gas Company LLC*, Docket No. F-2017-2614037 (Order entered March 27, 2018), the Commission imposed a civil penalty of \$500 for a violation of 66 Pa.C.S. § 1501 due to Peoples' failure to recognize a malfunctioning meter for approximately ten months.

In *Pa. Pub. Util. Comm'n, Bureau of Investigation and Enforcement v. Peoples Natural Gas Company LLC*, Docket No. C-2016-2437295 (Order entered January 18, 2018), the Commission approved a settlement agreement where Peoples agreed to pay a civil penalty of \$50,000 in connection with allegations about deficiencies with the Company's leak classification, monitoring, repair, surveying, and reporting operations and procedures, including a failure to correctly classify and document gas leaks and a failure on two occasions to make necessary and appropriate repairs in a timely manner.

⁷ The Commission limited the review of the compliance history of a long-time certificated natural gas public utility to the past ten-years when the matter concerned alleged gas safety violations. *Pa. Pub. Util. Comm'n, Bureau of Investigation and Enforcement v. UGI Utilities, Inc.—Gas Division*, Docket No. C-2018-3005151 (Order entered October 29, 2020) at 27.

In *Stuart Beckerman v. Peoples Natural Gas Company LLC*, Docket No. F-20132380130 (Order entered July 2, 2014), the Commission imposed a civil penalty of \$250 for failing to correctly charge a customer for natural gas consumed during March 2013.

In *Joseph Palla v. Peoples Natural Gas Company LLC*, Docket No. F-2012-2293016 (Order entered December 5, 2012), the Commission imposed a civil penalty of \$2,600 for Peoples' failure to furnish reasonable public utility service in violation of 66 Pa.C.S. § 1501 by neglecting to notify a customer about the presence of a foreign load.

In *Pa. Pub. Util. Comm'n, Law Bureau Prosecutory Staff v. The Peoples Natural Gas Company LLC, f/k/a The Peoples Natural Gas Company, d/b/a Dominion Peoples*, Docket No. M-2011-2157955 (Order entered August 2, 2012), the Commission approved a settlement agreement where Peoples agreed to pay a civil penalty of \$5,000 in connection with an alleged failure to properly abandon a service line in violation of 52 Pa. Code §§ 59.33(a) and 59.36(5), and 66 Pa.C.S. § 1501.

In summary, Peoples' compliance history, especially as it relates to allegations of gas safety violations over the past decade, was considered in arriving at the agreed-upon civil penalty in this matter.

The seventh factor to be considered relates to whether the Company cooperated with the Commission's investigation. 52 Pa. Code § 69.1201(c)(7). I&E submits that Peoples fully cooperated in the investigation and settlement process in this matter and that such cooperation demonstrates a commitment consistent with public safety goals and objectives.

The eighth factor to be considered is the appropriate settlement amount necessary to deter future violations. 52 Pa. Code § 69.1201(c)(8). I&E submits that a civil penalty amount of \$195,000, which may not be claimed as a tax deduction or recovered in any future ratemaking proceeding, in combination with Peoples' agreement to refrain from seeking recovery in a future ratemaking proceeding of monies spent on the construction or repair of the temporary meter station, is a significant pecuniary concession that is sufficient to deter Peoples from committing future violations.

The ninth factor to be considered relates to past Commission decisions in similar situations. 52 Pa. Code § 69.1201(c)(9). I&E's research did not reveal another situation involving a failure of a temporary meter station. However, I&E submits that the instant Settlement provides comparable relief to one other situation involving allegations that pipeline facilities were not constructed in accordance with written specifications or standards consistent with Part 192 of the Federal pipeline safety regulations. In *Pa. Pub. Util. Comm'n, v. Equitable Gas Company, LLC, A Subsidiary of EQT Corporation f/k/a Equitable Resources, Inc.*, Docket No. M-2009-1505395 (Order entered May 10, 2010), Equitable Gas Company, LLC ("Equitable") used a coupling assembly to tie-in a new section of plastic natural gas pipe. Soon after the coupling assembly was installed, Equitable discovered that it was leaking natural gas at the connection with the existing pipe. When Equitable attempted to stop the leak, the coupler detached from the pipe, allowing a release of natural gas that ignited, and a fire ensued that damaged a building. It was determined that the thrust force caused by the natural gas flow caused the coupling assembly to fail, and that Equitable did not prevent undue strain on the coupling assembly, such as by adding anchors and other support. In relation to the coupling assembly failure

and two other incidents involving allegations of damage prevention violations, the Commission imposed a \$65,000 civil penalty on Equitable and directed Equitable to contribute an additional \$65,000 to its hardship fund.

I&E submits that the instant Settlement Agreement should be viewed on its own merits and is fair and reasonable. However, in looking at the relevant factors that are comparable to other pipeline matters involving violations of the Federal pipeline safety regulations, the instant Settlement is consistent with past Commission actions in that a civil penalty will be paid and corrective actions will be performed to address the alleged violations.

The tenth factor considers “other relevant factors.” 52 Pa. Code § 69.1201(c)(10). I&E submits that an additional relevant factor—whether the case was settled or litigated—is of pivotal importance to this Settlement Agreement. A settlement avoids the necessity for the governmental agency to prove elements of each allegation. In return, the opposing party in a settlement agrees to a lesser fine or penalty, or other remedial action. Both parties negotiate from their initial litigation positions. The fines and penalties, and other remedial actions resulting from a fully litigated proceeding are difficult to predict and can differ from those that result from a settlement. Reasonable settlement terms can represent economic and programmatic compromise while allowing

the parties to move forward and to focus on implementing the agreed upon remedial actions.

In conclusion, I&E fully supports the terms and conditions of the Settlement Agreement. The terms of the Settlement Agreement reflect a carefully balanced compromise of the interests of the Parties in this proceeding. The Parties believe that approval of this Settlement Agreement is in the public interest. Acceptance of this Settlement Agreement avoids the necessity of further administrative and potential appellate proceedings at what would have been a substantial cost to the Parties.

Wherefore, I&E supports the Settlement Agreement as being in the public interest and respectfully requests that the Commission approve the Settlement in its entirety without modification.

Respectfully submitted,
Stephanie M. Wimer
Senior Prosecutor
Bureau of Investigation and Enforcement
PA Attorney ID No. 207522
stwimer@pa.gov

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
Dated: March 9, 2022

Appendix C
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission, :
Bureau of Investigation and Enforcement, :
Complainant :
v. :
Peoples Natural Gas Company LLC :
Respondent :

Docket No. M-2022

PEOPLES NATURAL GAS COMPANY LLC’S
STATEMENT IN SUPPORT OF JOINT PETITION
FOR APPROVAL OF SETTLEMENT

Honorable Commissioners:

Peoples Natural Gas Company LLC (“Peoples”) hereby files this statement in Support of the Joint Petition for Approval of Settlement (“Settlement” or “Joint Settlement”) entered into by Peoples and the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”) (hereinafter, collectively “Joint Petitioners”) in the above-captioned proceeding. The Settlement, if approved, will fully resolve all issues related to I&E’s formal complaint involving a natural gas leakage and outage ensuing from a temporary meter set on March 9, 2019 in Moon Township, Allegheny County, Pennsylvania (“March 9, 2019 Incident” or “Incident”). Peoples respectfully requests that the Commission approve the Settlement, including the terms and conditions thereof, without modification.

The Settlement reflects a carefully balanced compromise of the interests of the Joint Petitioners to this proceeding. Peoples undertook an extensive investigation

of the events related to the March 9, 2019 Incident and fully cooperated with and assisted I&E’s investigation of the events surrounding the Incident. Peoples has been proactive with I&E related to identifying and modifying facilities, practices, and procedures to enhance the safety and reliability of its distribution service. The Settlement, if approved, will provide substantial public benefits. For these reasons and the reasons set forth below, the Settlement is fair, just and reasonable and, therefore, the Settlement should be approved without modification.

I. Introduction
A. Parties

I&E is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11). The Commission has delegated its authority to initiate proceedings that are prosecutorial in nature to I&E and other bureaus with enforcement responsibilities. Implementation of Act 129 of 2008; Organization of Bureaus and Offices, Docket No. M-2008-2071852 (Aug. 11, 2011).

Peoples is a “public utility” and a “natural gas distribution company as those terms are defined in Sections 102 and 2202 of the Public Utility Code, 66 Pa.C.S. §§ 102,

2202. Peoples provides natural gas transmission, distribution, and supplier of last resort services to its customers throughout its certificated service territory subject to the regulatory jurisdiction of the Commission.

B. Background

The background of this matter is adequately set forth in Section II of the Joint Settlement and is incorporated herein by reference.

II. Commission Policy Favors Settlement

Commission policy promotes settlements. See 52 Pa. Code § 5.231. Settlements lessen the time and expense that the parties must expend litigating a case and, at the same time, conserve precious administrative resources. Settlement results are often preferable to those achieved at the conclusion of a fully litigated proceeding. In order to accept a settlement, the Commission must determine that the proposed terms and conditions are in the public interest. *Pennsylvania Public Utility Commission v. Columbia Gas of Pennsylvania, Inc.*, Docket No. C-2010-2071433, 2012 Pa. PUC LEXIS 1377 at *6 (August 31, 2012).

The Commission has promulgated a Policy Statement that sets forth ten factors that the Commission may consider in evaluating whether a civil penalty for violating a Commission order, regulation, or statute is appropriate, as well as whether a proposed settlement for a violation is reasonable and in the public interest. 52 Pa. Code § 69.1201. These factors are (i) Whether the conduct at issue was of a serious nature; (ii) Whether the resulting consequences of the conduct at issue were of a serious nature; (iii) Whether the conduct at issue was deemed intentional or negligent; (iv) Whether the regulated entity made efforts to modify internal policies and procedures to address the conduct at issue and prevent similar conduct in the future; (v) The number of customers affected and the duration of the violation; (vi) The compliance history of the regulated entity that committed the violation; (vii) Whether the regulated entity cooperated with the Commission's investigation; (viii) The amount of the civil penalty or fine necessary to deter future violations; (ix) Past Commission decisions in similar situations; and (x) Other relevant factors. 52 Pa. Code § 69.1201(c). The Commission will not apply the standards as strictly in settled cases as in litigated cases. 52 Pa. Code § 69.1201(b). While many of the same factors may still be considered, in settled cases the parties "will be afforded flexibility in reaching amicable resolutions to complaints and other matters so long as the settlement is in the public interest." 52 Pa. Code § 69.1201(b).

The substantial public benefits of the Settlement, as well as the ten factors that the Commission considers in reviewing a settlement of an alleged violation, are addressed in the section that follows. For the reasons explained below, the Settlement is in the public interest and should be approved.

III. The Settlement is in the Public Interest

A. Summary

The Settlement, once approved, will resolve all issues related to the I&E complaint related to the March 9, 2019 Incident. The Complaint alleges that, in connection with the Incident, Peoples committed several violations of the Public Utility Code and federal pipeline safety standards. Based on these allegations, the Complaint requested that the Commission order Peoples to pay a civil penalty, to change its design process with regard to temporary meter and regulator stations and to implement a process to

consult with I&E about reportable incidents. Peoples removed the temporary meter set at issue. During negotiations and agreement on settlement terms, Peoples accurately told I & E that it had no other temporary meter sets and no temporary regulator stations. On February 18, 2022, Peoples did, however, install a temporary skid-mounted regulating set in Greentree, Pennsylvania of which Peoples informed I & E Gas Safety division.

Throughout the investigative and settlement processes in this proceeding, Peoples has worked cooperatively and proactively with I&E to enhance the safety and reliability of its distribution services involving temporary meter and regulation stations. Further, Peoples has agreed to an adequate civil penalty in this matter. Finally, the terms and conditions of the Settlement favorably align with the ten factors that may be considered under the Commission's Policy Statement. Accordingly, the Settlement should be approved.

B. Description of the Settlement

Importantly, as discussed in the Joint Settlement, the Parties agree that it is their intent that the Joint Settlement not be admitted as evidence in any potential civil proceeding involving this matter. It is further understood that, by entering into the Joint Settlement, Peoples has made no concession or admission of fact or law and may dispute all issues of fact and law for all purposes in all proceedings including, but not limited to, any civil proceedings, that may arise as a result of the circumstances described in the Joint Settlement.

The terms of the Settlement fully resolve all of the issues raised in and relief requested by I&E's Complaint, including the payment of civil penalties. As explained below, Peoples avers that approval of the Settlement is in the public interest. Further, acceptance of the Settlement will avoid the necessity of further administrative and potential appellate proceedings at what would have been a substantial cost to the parties. If approved, the Settlement will provide substantial and important benefits to the customers and communities served by Peoples, including improvements to temporary meter and regulator stations moving forward.

C. Factors Under Commission's Policy Statement

Under the Policy Statement, the Commission may consider ten specific factors when evaluating settlements of alleged violations of the Public Utility Code and the Commission's Regulators. 52 Pa. Code § 69.1201(c).

The first factor addresses whether the conduct at issue was of a serious nature. Peoples avers that the gas leak did not cause a catastrophic event, that no persons were injured, and that no property was damaged. Gas service was shut off out of an abundance of caution. In responding to this March 9, 2019 Incident, Peoples acted promptly and prudently. On March 9, 2019, Peoples and its contractors excavated the risers and replaced the native soil around the risers of the temporary meter station with 2 a modified stone. New couplings were put into place connecting the steel and plastic pipes. Peoples also installed ratchet straps around the station and plastic risers. On March 13, 2019, Peoples replaced the above ground plastic pipe with steel risers. Peoples added signage to the framed station. Peoples added barricades around the already framed station. Peoples restored service to some customers on March 9, 2019 and to remaining customers on March 10, 2019.

The second factor considers the seriousness of the consequences of the incident at issue. There was no

catastrophic incident, no injuries to any persons, no damage to any homes or businesses or other properties. Further, please know that Peoples decided to interrupt the flow of gas at the meter set to the downstream customers in the interest of public safety. The decision to stop service was the safest, most prudent course of action. By doing so, Peoples ensured that there was no air-gas mixture in the pipelines, service lines and residences, thereby preventing any likelihood of a catastrophic event.

The third factor to be considered in this case, namely, whether Peoples' alleged conduct was intentional or negligent. To the extent this factor is to be considered, there has been no finding that Peoples' conduct was either intentional or negligent. Further, this matter is fully resolved through a negotiated settlement with no admission of fault. Further, Peoples acted promptly and prudently to prevent any catastrophic event.

The fourth factor to be considered is whether Peoples made efforts to modify internal policies and procedures to address the alleged conduct at issue and to prevent similar conduct in the future. Peoples agrees to change its design and construction process with regard to temporary meter and regulator stations. Further, the terms and conditions of the Settlement adequately take into account Peoples' agreement to change its design and construction process to address the alleged conduct.

The fifth factor to be considered deals with the number of customers affected and the duration of the violation. The March 9, 2019 incident was not catastrophic, no persons were injured and no real property or other properties were damaged. Peoples returned customers to service, some on March 9th and the remainder on March 10th. Peoples shut off service as the safest, most prudent course of action.

The sixth factor considered is the compliance history of Peoples, who has a positive, proactive relationship with I&E as the Company provides safe and reliable natural gas distribution service. The Settlement further evidences Peoples' good faith efforts to enhance the safety and reliability of its gas system, consistent with the purposes of the Code and the Commission's regulations.

The seventh factor considered is whether the regulated entity cooperated with the Commission's investigation. Peoples supported and cooperated fully with I&E and its staff throughout its investigation, as well as in negotiations regarding the Commission's complaint and settlement process.

The eighth factor is whether the amount of the civil penalty or fine will deter future violations. Peoples sub-

mits that a civil penalty in the amount of \$195,000 constitutes an adequate deterrent. Peoples avers that the civil penalty set forth in the Settlement appropriately recognizes the seriousness of this matter. The compromised penalty amount does recognize the prompt efforts of Peoples in addressing the March 9, 2019 Incident, changes to its design process going forward and its cooperation regarding this Settlement.

The ninth factor examines past Commission decisions in similar situations. When all relevant factors are considered, the Settlement is consistent with past Commission actions.

Relative to the tenth factor, Peoples avers that a compromise best meets public policy as both Peoples and I&E want to prevent a leakage from any temporary meter set or regulator station going forward. Further, this Settlement recognizes that Peoples will improve its design and construction processes going forward. Peoples has demonstrated a commitment consistent with the Commission's public safety goals and objectives and insured concern for its customers and the general public.

Based on the foregoing, the Settlement should be considered fair, equitable and reasonable under the Commission's Policy Statement.

IV. Conclusion

Through cooperative efforts and the open exchange of information, the Joint Petitioners have arrived at a settlement that resolves all issues in the proceeding in a fair, equitable, and reasonable manner. The Settlement resolves all issues related to the I&E Complaint related to the March 9, 2019 Incident. Finally, the terms and conditions of the Settlement should be viewed as satisfying the ten factors set forth in the Commission's Policy Statement, 52 Pa. Code § 69.1201(c). A fair, equitable and reasonable compromise has been achieved in this case. Peoples fully supports the Settlement and respectfully requests that the Honorable Commission approve the Settlement in its entirety, without modification.

Respectfully submitted,

Michael C. Turzai
VP, General Counsel
Peoples
375 North Shore Drive
Pittsburgh, PA 15212
Phone: 412.258.4473
Email: Michael.turzai@peoples-gas.com

Date: March 7, 2022

Pennsylvania Public Utility Commission, :
Bureau of Investigation and Enforcement :
 :
v. :
 :
Peoples Natural Gas Company LLC :

Docket No. M-2022-3028365

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Service by *Electronic Mail Only*:
Michael C. Turzai
Vice President and General Counsel
Peoples Natural Gas Company LLC
375 North Shore Drive
Pittsburgh, PA 15212
Michael.Turzai@peoples-gas.com

Stephanie M. Wimer
Senior Prosecutor
PA Attorney ID No. 207522

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 772-8839
stwimer@pa.gov

Dated: March 9, 2022

[Pa.B. Doc. No. 22-804. Filed for public inspection May 27, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pro Forma Transaction

A-2022-3032458. Mobilitie, LLC. Application for approval of a pro forma transaction on behalf of Mobilitie, LLC for approval to undertake a pro forma intra-corporate internal reorganization transaction that will result in a change of the Mobilitie, LLC's indirect holding companies, but not its ultimate parent company, Canada Pension Plan Investment Board.

The application was filed as a pro forma transaction under 52 Pa. Code § 63.325(a) (relating to Commission approval of a pro forma transaction subject to 66 Pa.C.S. §§ 1102(a)(3) and 1103). However, the intra-company consolidation results in the transfer of 100% of the membership interests of BAI Communications US Holdings II, LLC, Mobilitie, LLC's direct corporate parent company, to a newly created corporate entity. Under the regulations in 52 Pa. Code § 63.324(a) (relating to Commission approval of a general rule transaction subject to 66 Pa.C.S. §§ 1102(a)(3) and 1103), a transaction that results in the transfer of 20% or more of the assets or of the direct or indirect control of an applicant is a general rule transaction. The Pennsylvania Public Utility Commission (Commission) therefore reclassifies the application as a general rule transaction under 52 Pa. Code § 63.325(b).

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before June 13, 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 for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicant: Mobilitie, LLC

Through and By Counsel: Michael A. Gruin, Esq., Stevens & Lee, 17 North Second Street, 16th Floor, Harrisburg, PA 17101, (717) 255-7365, mag@stevenslee.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 22-805. Filed for public inspection May 27, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Revocation of Natural Gas Supplier Licenses of Companies that Did Not File a Natural Gas Supplier Annual Report or Pay Past Due Annual or Supplemental Fees

Public Meeting held
May 12, 2022

Commissioners Present: Gladys Brown Dutrieuille, Chairperson; John F. Coleman, Jr., Vice Chairperson; Ralph V. Yanora

*Revocation of Natural Gas Supplier Licenses of
Companies that did not file a Natural Gas Supplier
Annual Report or pay past due Annual or Supplemental
Fees; M-2022-3030293*

Tentative Order

By the Commission:

The Public Utility Code authorizes the Pennsylvania Public Utility Commission (Commission) to establish, by order or rule, on a reasonable cost basis, fees to be charged for annual activities related to the oversight of natural gas suppliers (NGS). 66 Pa.C.S. § 2208(h). NGSs are required to pay these fees. In addition, NGSs are required to file annual reports with the Commission by April 30 of each year identifying their gross Pennsylvania intrastate operating revenues from the prior calendar year. 52 Pa. Code § 62.110(a)(1).

Both the Code, 66 Pa.C.S. § 2208(c)(2), and Commission regulations, 52 Pa. Code § 62.113(a)(5), state that the failure of an NGS to comply with applicable provisions of the Code or the rules, regulations, orders, or directives of the Commission shall be cause for the Commission to revoke the license of the NGS. Through this Order, the Commission tentatively finds that the NGSs identified in Table 1 (failure to pay fees) and Table 2 (failure to report revenue) are not in compliance with their obligations under the Code and Commission regulations and initiates this proceeding to revoke their NGS licenses.

Annual and Supplemental Fees

Act 155 of 2014 authorized the Commission to establish annual fees to fund the Commission's oversight of NGSs. 66 Pa.C.S. § 2208(h). These fees were established by order of the Commission¹ as (1) a flat annual fee of \$350

¹ Final Implementation Order on Implementation of Act 155 of 2014, at pgs. 3–8, Docket No. M-2014-2448825 (Order entered April 24, 2015) (Final Implementation Order).

to be paid by all licensed suppliers and brokers regardless of reported gross intrastate operating revenues and (2) a supplemental fee—to be paid only by suppliers—based on each NGS's gross intrastate operating revenues.

NGSs are required to pay the \$350 flat annual fee to the Commission's Bureau of Administration by July 1 of each year. Suppliers with reported gross intrastate operating revenues are also required to pay the supplemental fee to the Commission within thirty days of receiving the Commission issued supplemental fee invoice.

Although an NGS is not a "public utility," see 66 Pa.C.S. §§ 102, 2202 and 52 Pa. Code § 62.141 (relating to the definitions of "public utility" and "natural gas supplier"), it is a licensed entity subject to the power and authority of the Commission, and it must comply with applicable provisions of the Code, Commission regulations, and Commission orders. 66 Pa.C.S. §§ 501 and 2208(e). The Commission has the authority, consistent with due process, to suspend or revoke an NGS's license for the NGS's failure to comply with applicable provisions of the Code, Commission regulations, and Commission orders. 66 Pa.C.S. § 2208(c)(2) and 52 Pa. Code

§ 62.113(a)(5). An NGS that fails to pay either or both of its annual or supplemental fee violates both the Code, 66 Pa.C.S. § 2208(h), and the Commission's directives contained in the Final Implementation Order. Therefore, such an NGS is subject to fines and having its license revoked by the Commission.

On April 28, 2021, the Commission sent all NGS brokers and suppliers an Annual Fee Invoice with payment due by July 1, 2021. On July 21, 2021, a past due balance letter was sent to delinquent NGS brokers and suppliers requesting that the past due annual fee be paid within 20 days of the date of the letter.

On September 10, 2021, the Commission sent NGS suppliers a Supplemental Fee invoice and an explanation of the Supplemental Fee with payment due within 30 days of receipt of the invoice. On October 27, 2021, the Commission sent past due balance letters to delinquent NGS suppliers stating that the past due supplemental fee must be paid within 20 days of the date of the letter.

As of May 3, 2022, the NGS brokers and suppliers listed in Table 1 below have not paid either or both of their annual or supplemental fees through 2021.

Table 1—Failure to Pay Annual and/or Supplemental Fees

<i>Docket Number</i>	<i>Company Name</i>	<i>Annual or Supplemental</i>
A-2017-2590010	BENCHMARK SERVICES, INC.	Annual
A-2018-3004017*	CIMA ENERGY SOLUTIONS, LLC	Supplemental
A-2010-2159802*	CONOCOPHILLIPS COMPANY	Supplemental
A-2013-2397052	DELTA ENERGY SERVICES OHIO, LLC	Annual
A-2016-2522628	DIVERSEGY, LLC	Annual ²
A-2017-2638656	ELECTRICITY RATINGS, LLC	Annual
A-2013-2384046	ENGIE POWER & GAS, LLC	Annual
A-2021-3024027	GOTHAM ENERGY 360, LLC	Annual
A-2014-2451662	H P TECHNOLOGIES, INC.	Annual
A-2014-2414016	INCITE ENERGY, LLC	Annual
A-2018-3006224	MY ENERGY OPTION, LLC	Annual
A-2015-2501184	PHILIP HARVEY	Annual ³
A-125068	RILEY NATURAL GAS COMPANY	Annual
A-2020-3019883	SELECTED POWER, INC.	Annual
A-125137	SEQUENT ENERGY MANAGEMENT, LP	Annual
A-125043	SEQUENT ENERGY SERVICES, INC.	Annual
A-2018-3003351*	STATEWISE ENERGY PENNSYLVANIA, LLC	Annual
A-2021-3023625	SUNWAVE USA HOLDINGS, INC.	Annual
A-2018-3000580	TOTAL MARKETING CONCEPTS, INC.	Annual
A-2017-2622058*	WORLD FUEL SERVICES, INC.	Annual ⁴

*Taking title to natural gas.

Annual Report

All NGS suppliers must also file an Annual Report with the Commission by April 30 each year. 52 Pa. Code § 62.110(a). The Annual Report must include, among other things, the NGS's total gross receipts from the sale of natural gas supply services in the preceding calendar year. 52 Pa. Code § 62.110(a)(1). This information is used by the Commission to calculate the supplemental fee in accordance with the terms of the Final Implementation Order.

² Annual Fee is from calendar year 2016.

³ Annual fee is from calendar year 2016.

⁴ Annual fees are from calendar years 2020 and 2021.

As previously noted, the Commission has the authority, consistent with due process, to suspend or revoke an NGS's license for the NGS's failure to comply with applicable provisions of the Code, Commission regulations, and Commission orders. 66 Pa.C.S. § 2208(c)(2) and 52 Pa. Code § 62.113(a)(5). An NGS that fails to file an annual report violates the Commission's regulations at 52 Pa. Code § 62.110(a). Therefore, such an NGS is subject to fines and having its license revoked by the Commission.

The Commission sent an NGS Requirements Letter to all NGS suppliers in February 2021 advising them of their annual filing requirements and the due dates. In October 2021, the Commission sent a Failure to Submit Annual Report Notice (Notice) to NGS suppliers that failed to file a 2021 Annual Report with the Commission. The Notice stated that the past due Annual Report must be filed within 30 days of the Notice.

As of May 3, 2022, the NGS suppliers listed in Table 2 below have not filed a 2021 Annual Report, reporting their 2020 gross receipts, with the Commission.

Table 2—Failure to File a Natural Gas Supplier Annual Report

Docket Number	Company Name
A-125071*	COENERGY TRADING COMPANY
A-2019-3008742*	ECO ENERGY NATURAL GAS, LLC
A-2016-2527549*	NATIONAL GAS & ELECTRIC
A-2018-3001651*	PHOENIX FUEL MANAGEMENT COMPANY

*Taking title to natural gas.

Disposition

Based on the above facts, we tentatively find that the NGSs listed in Table 1 are not in compliance with the Public Utility Code, 66 Pa.C.S. § 2208(c)(2), (h) and the Final Implementation Order, and the NGSs listed in Table 2 are not in compliance with the Public Utility Code, 66 Pa.C.S. § 2208(c)(2), and the Commission's regulations at 52 Pa. Code § 62.110(a). Therefore, it is appropriate to initiate the NGS license revocation process for each company listed in Table 1 and Table 2 as being in the public interest; *Therefore,*

It Is Ordered That:

1. Revocation of the Natural Gas Supplier License of each company listed in Table 1 and Table 2 is hereby tentatively approved as being in the public interest.

2. The Secretary (i) serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation & Enforcement, all natural gas distribution companies, and all of the Natural Gas Suppliers listed in Table 1 and Table 2; (ii) publish a copy of this Tentative Order in the *Pennsylvania Bulletin* with a 30-day comment period; and (iii) file a copy of this Tentative Order at each Natural Gas Supplier's assigned docket number.

3. To the extent any of the Natural Gas Suppliers listed in Table 1 and Table 2 challenge the revocation of their license, they must file comments within thirty (30) days after publication of this Tentative Order in the *Pennsylvania Bulletin*. Written comments referencing Docket No. M-2022-3030293 should be eFiled to the Pennsylvania Public Utility Commission through the Commission's eFiling System. You may set up a free eFiling account with the Commission at <https://efiling.puc.pa.gov/> if you do not have one. Comments containing confidential information should be sent to the Commission via overnight service rather than eFiled.

4. Alternatively, Natural Gas Suppliers listed in Table 1 may pay their outstanding fee balance up to and within thirty (30) days after publication in the *Pennsylvania Bulletin*. Payment shall be sent to the Pennsylvania Public Utility Commission, Attn: Fiscal Office, Commonwealth Keystone Building, 400 North Street, 3rd Floor,

Harrisburg, PA 17120. Checks shall be made payable to "Commonwealth of Pennsylvania."

5. Alternatively, Natural Gas Suppliers listed in Table 2 may file their outstanding 2021 annual revenue report within thirty (30) days after publication in the *Pennsylvania Bulletin*. Any completed 2021 annual revenue reports shall be sent to the Pennsylvania Public Utility Commission, Attn: Secretary's Bureau, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120.

6. Absent the timely (i) filing of comments challenging the revocation of the Natural Gas Supplier's license; (ii) payment of the Natural Gas Supplier's outstanding fee balance; or (iii) filing of the Natural Gas Supplier's 2021 annual revenue report within 30-days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services, in conjunction with the Bureau of Administration, shall prepare a Final Order for entry by the Secretary revoking the license of each Natural Gas Supplier that fails to respond.

7. Upon entry of the Final Order, Natural Gas Suppliers that fail to respond will be prohibited from providing natural gas supply services to retail gas customers. Any customers served by the Natural Gas Supplier will be returned to the appropriate Natural Gas Distribution Company's provider of last resort service as set forth in the Final Order.

8. Upon entry of the Final Order, Natural Gas Suppliers that fail to respond will be stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration, removed from the Commission's website, and notifications will be sent to all natural gas distribution companies in which the Natural Gas Suppliers were licensed to do business.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: May 12, 2022

ORDER ENTERED: May 12, 2022

[Pa.B. Doc. No. 22-806. Filed for public inspection May 27, 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 June 13, 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 June 13, 2022. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Commission's eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. The documents filed in support of the application are only available for inspection through the Commission's web site at www.puc.pa.gov by searching under the previously listed docket number or by searching the applicant's web site.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-2022-3032132. Benevolent Home Health Care, LLC (2900 North Bailey Street, Philadelphia, Philadelphia County, PA 19132) for the right to begin to transport, as a common carrier, by motor vehicle, members of Benevolent Home Health Care Agency in paratransit service, from points in the Counties of Bucks, Chester, Delaware and Montgomery, and the City and County of Philadelphia to points in Pennsylvania, and return.

A-2022-3032295. Jeremy Cockerham (131 Broad Street, Montgomery, Lycoming County, PA 17752) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lycoming County to points in Pennsylvania, and return.

Application of the following for the approval of the *transfer of stock as described under the application.*

A-2022-3032290. Keshav Smruti, LLC, t/a Golden Dove Transit (1011 Scranton Carbondale Highway, Suite 2, Scranton, Lackawanna County, PA 18508) for the approval of the transfer of ownership, from Komal Patel to Aahuti Bhathal, Akshay Patel, Hetal Pandya and The KP 2021 Irrevocable Trust.

Applications of the following for the approval of the *right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.*

A-2022-3032302. Medallion Transportation, Ltd (P.O. Box 1049, Skippack, Montgomery County, PA 19474) discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle,

at A-2010-2151312, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in Lehigh and Montgomery Counties to points in Pennsylvania, and return.

A-2022-3032398. Medallion Transportation, Ltd (P.O. Box 1049, Skippack, Montgomery County, PA 19474) discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, at A-00121230, persons in limousine service, (1) from points in the Counties of Lehigh and Northampton to points in Pennsylvania, and return, subject to the following condition: that no right, power or privilege is granted to provide service between points in the said counties, except that which originates or terminates at the Counties of Bucks, Chester, Delaware, Montgomery and Philadelphia, and from points in said counties, to points in Pennsylvania, and return.

A-2022-3032484. H. E. Rohrer, Inc., t/d/b/a Rohrer Bus Service (P.O. Box 100, Duncannon, Perry County, PA 17020) discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, persons on schedule, as more thoroughly described in the original ordering paragraphs at A-0097618, F.2. *Attorney:* Ken Stark, Esquire, McNees Wallace & Nurick, 100 Pine Street, Harrisburg, PA 17101.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 22-807. Filed for public inspection May 27, 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 June 13, 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-22-05-09. B&B Taxi, LLC (142 Glencoe Road, Upper Darby, PA 19082): An application for a medallion taxicab certificate of public convenience (CPC) to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* David R. Alperstein, Esq., 314 Cherry Avenue, Voorhees, NJ 08043.

Doc. No. A-22-05-10. Abdulai Taxi, LLC (8133 Lindbergh Boulevard, Philadelphia, PA 19153): An application for a medallion taxicab CPC to transport, as a

common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant*: David R. Alperstein, Esq., 314 Cherry Avenue, Voorhees, NJ 08043.

Doc. No. A-22-05-12. AR Rahman Cab, Inc. (18 North Millbourne Avenue, Upper Darby, PA 19082): 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.

DENNIS WELDON,
Temporary Executive Director

[Pa.B. Doc. No. 22-808. Filed for public inspection May 27, 2022, 9:00 a.m.]

