

# PENNSYLVANIA BULLETIN

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Department of Community and Economic  
Development

Department of Education

Department of Environmental Protection

Department of Health

Department of Human Services

Department of Revenue

Department of Transportation

Environmental Quality Board

Health Care Cost Containment Council

Independent Regulatory Review Commission

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Office of the State Fire Commissioner

Pennsylvania Public Utility Commission

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State Employees' Retirement Board

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

**No. 571, June 2022**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

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

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

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

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

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

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### Printing Format

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

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

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

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

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

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

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

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

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

### Fiscal Notes

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

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

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

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# List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[ 231 PA. CODE CH. 1930 ]

#### Order Amending Rule 1930.4 of the Pennsylvania Rules of Civil Procedure; No. 734 Civil Procedural Rules Docket

##### Order

*Per Curiam*

And Now, this 9th day of June, 2022, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been published for public comment at 51 Pa.B. 1131 (March 6, 2021):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1930.4 of the Pennsylvania Rules of Civil Procedure is amended in the attached form.

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

##### Annex A

#### TITLE 231. RULES OF CIVIL PROCEDURE

##### PART I. GENERAL

#### CHAPTER 1930. RULES RELATING TO DOMESTIC RELATIONS MATTERS GENERALLY

*(Editor's Note: The following rule text replaces the current rule text which appears in 231 Pa. Code pages 1930-3—1930-6, serial pages (393969)—(393972) in its entirety.)*

The rule text is deleted in its entirety and replaced with the following text.

#### Rule 1930.4. Service of Original Process in Domestic Relations Matters.

##### (a) *Personal Service.*

(1) *Persons Who May Serve.* A sheriff or competent adult, as defined in Pa.R.Civ.P. 76, may effectuate personal service of original process in domestic relations matters, including Protection of Victims of Sexual Violence or Intimidation matters.

##### (2) *Manner of Service.*

(i) A sheriff or competent adult may serve original process:

(A) by handing a copy of the original process to the defendant;

(B) at the defendant's residence by handing a copy of the original process to:

(I) an adult member of the family with whom the defendant resides; but if an adult family member is unavailable, then to an adult in charge of the residence; or

(II) the clerk or manager of the hotel, inn, apartment house, boarding house, or other place of lodging; or

(C) at the defendant's office or usual place of business by handing a copy of the original process to the defendant's agent or the person for the time being in charge; or

(ii) pursuant to special order of court.

(3) *Service in Protection From Abuse and Protection of Victims of Sexual Violence or Intimidation Matters.*

(i) If the sheriff or competent adult cannot complete personal service within 48 hours after a Protection From Abuse or a Protection of Victims of Sexual Violence or Intimidation petition is filed, the court may authorize alternative service by special order as set forth in subdivision (a)(2)(ii).

(ii) Alternative service may include, but is not limited to, service by mail pursuant to subdivision (b) or service by commercial carrier pursuant to subdivision (c).

##### (b) *Service by Mail.*

(1) In domestic relations matters, except Protection from Abuse and Protection of Victims of Sexual Violence or Intimidation matters, a party may serve the original process, a notice or order to appear, if required, and other orders or documents, as necessary, by United States Postal Service (USPS) first class regular and certified mail to the defendant's last known address.

(i) The party serving the original process by mail shall:

(A) restrict delivery of the certified mail to the addressee only; and

(B) request a return receipt, which may be an electronic return receipt.

(ii) *Completed Service by Mail.* Service of original process is complete when:

(A) the return receipt bears the defendant's purported signature indicating receipt of the certified mail;

(B) the return receipt acknowledges delivery of the certified mail to the defendant consistent with USPS policy and the first class regular mail is not returned within 15 days of mailing; or

(C) USPS returns the certified mail indicating the defendant refused delivery, but the first class regular mail is not returned within 15 days of mailing.

##### (iii) *Incomplete Service by Mail.*

(A) Service of original process is incomplete when:

(I) USPS returns the certified mail with a notation indicating that the mail was unclaimed by the defendant; or

(II) is otherwise inconsistent with subdivision (b)(1)(ii).

(B) If service by mail is incomplete, the party attempting service shall utilize another method pursuant to these rules to effectuate service.

(2) *Protection from Abuse and Protection of Victims of Sexual Violence or Intimidation Matters.* A party may serve original process by mail, if authorized by the court under subdivision (a)(2)(ii).

##### (c) *Service by Commercial Carrier.*

(1) In all domestic relations matters, except Protection from Abuse and Protection of Victims of Sexual Violence or Intimidation matters, a party may serve the original process, a notice or order to appear, if required, and other orders or documents, as necessary, by commercial carrier and USPS first class regular mail to the defendant's last known address.

(i) The party serving the original process by commercial carrier shall:

(A) restrict delivery of the commercial carrier's package to the defendant's address only; and

(B) request that the commercial carrier provide a return receipt, which may be an electronic return receipt, detailing the date of delivery, the delivery address, and to whom the package was delivered.

(ii) *Completed Service by Commercial Carrier.* Service of original process is complete when:

(A) the return receipt bears the defendant's purported signature indicating receipt of the commercial carrier's package;

(B) the return receipt acknowledges delivery of the commercial carrier's package to the defendant's address consistent with the commercial carrier's policy and the first class regular mail is not returned within 15 days; or

(C) the commercial carrier returns the package indicating the defendant refused delivery, but the first class regular mail is not returned within 15 days of mailing.

(iii) *Incomplete Service by Commercial Carrier.*

(A) Service of original process is incomplete when:

(I) the commercial carrier returns the package indicating that the package was unclaimed by the defendant; or

(II) is otherwise inconsistent with subdivision (c)(1)(ii).

(B) If service by commercial carrier is incomplete, the party attempting service shall utilize another service method pursuant to these rules.

(2) *Protection from Abuse and Protection of Victims of Sexual Violence or Intimidation Matters.* A party may serve original process by commercial carrier, if authorized by the court under subdivision (a)(2)(ii).

(d) *Acceptance of Service.* The defendant or the defendant's authorized agent may accept service of original process as set forth in Pa.R.Civ.P. 402(b).

(e) *Time for Service.*

(1) *Service Within the Commonwealth.* Within 30 days of filing the original process, a person or party shall serve the original process on a defendant located within the Commonwealth.

(2) *Service Outside of the Commonwealth.*

(i) Within 90 days of filing the original process, a person or party shall serve the original process on a defendant located outside the Commonwealth as:

(A) authorized by this rule;

(B) provided by the law of the jurisdiction in which defendant will be served;

(C) provided by treaty; or

(D) directed by the foreign authority in response to a letter rogatory or request.

(ii) *Protection from Abuse and Protection of Victims of Sexual Violence or Intimidation Matters.*

(A) A person shall serve original process on a defendant located outside of the Commonwealth by personal service as provided:

(I) in subdivision (a); or

(II) by the law in the jurisdiction where the defendant resides or is located.

(B) If personal service is not completed within 48 hours after the filing of the original process, a person or party may serve a defendant located outside of the Commonwealth by other means authorized by this rule.

(f) *Service of Original Process on an Incarcerated Party.*

(1) A party serving original process on an incarcerated party in a domestic relations action shall include:

(i) a notice of any proceeding; and

(ii) a specific notice of the incarcerated party's right to petition the court to participate in the proceeding.

(2) A party may petition the court to request that the incarcerated party participate in a proceeding when:

(i) the incarcerated party seeks to participate as provided by statute or rule; or

(ii) another party requires the incarcerated party's participation or testimony.

(g) *Reinstatement of Original Process.*

(1) If a person or party cannot complete service within the time required by subdivision (e), the prothonotary shall reinstate the original process upon the party's *praecipe*:

(i) accompanied by the original process; or

(ii) indicating that the original process has been lost or destroyed and accompanied by a substituted original process.

(2) A person or party shall serve the reinstated original process within the time periods set forth in subdivision (e).

(3) A party may:

(i) request the prothonotary reinstate the original process at any time or any number of times; or

(ii) name a new party defendant in a reinstated original process only if the complaint or petition has not been served on a defendant.

(h) *Proof of Service.*

(1) *Original Process Served.*

(i) A party or person serving the original process shall complete a proof of service, which shall be by an affidavit if an individual other than a sheriff serves the original process.

(ii) The proof of service shall state:

(A) the date and time of service;

(B) the place of service;

(C) the manner in which service was made;

(D) the identity of the person served;

(E) other facts necessary for the court to determine whether proper service has been made; and

(F) the additional documents required in subdivision (h)(3), as necessary.

(2) *Personal Service Pursuant to Subdivision (a).* The proof of service shall be filed in the appropriate filing office within ten days of the date of service.

(3) *Service by Mail or Commercial Carrier Pursuant to Subdivisions (b) or (c).*

(i) *Service Complete under Subdivision (b)(1)(ii)(A) or (c)(1)(ii)(A).*

(A) The proof of service shall include the return receipt bearing the defendant's purported signature; and

(B) The proof of service shall be filed within ten days of the date the defendant signed the return receipt.

(ii) *Service Complete under Subdivision (b)(1)(ii)(B) or (c)(1)(ii)(B).*

(A) The proof of service shall include:

(I) the return receipt or envelope acknowledging delivery to the defendant's residence consistent with USPS or the commercial carrier's policy; and

(II) an affidavit indicating the first class regular mail was not returned within 15 days of mailing.

(B) The proof of service shall be filed within ten days of the date:

(I) the return receipt acknowledges delivery to the defendant's address consistent with USPS or the commercial carrier's policy; and

(II) after the passage of time set forth in subdivisions (b)(1)(ii)(B) or (c)(1)(ii)(B).

(iii) *Service Complete under Subdivision (b)(1)(ii)(C) or (c)(1)(ii)(C).*

(A) The proof of service shall include:

(I) the return receipt or envelope acknowledging the attempted delivery to the defendant's residence and that delivery had been refused; and

(II) an affidavit stating the first class regular mail was not returned within 15 days after mailing.

(B) The proof of service shall be filed within ten days of the date:

(I) the return receipt acknowledges the attempted delivery to the defendant's address consistent with USPS or the commercial carrier's policy; and

(II) after the passage of time set forth in subdivisions (b)(1)(ii)(C) or (c)(1)(ii)(C).

(4) *Acceptance of Service Pursuant to Subdivision (d).*

(i) If the defendant or the defendant's authorized agent accepts service of the original process as authorized in subdivision (d), the defendant or the defendant's authorized agent shall sign an Acceptance of Service on the form set forth in Pa.R.Civ.P. 402(b).

(ii) The Acceptance of Service shall be filed in the appropriate filing office within ten days of accepting service.

(5) *Original Process Not Served.*

(i) If a party or person cannot serve the defendant within the time allowed in subdivision (e), the party or person attempting service:

(A) shall complete a proof of no service promptly; and

(B) file the proof of no service in the appropriate filing office within ten days of the expiration of time allowed for service in subdivision (e).

(ii) If a party or a person other than a sheriff attempts service of the original process, the proof of no service shall be by an affidavit stating with particularity the efforts made to effect service.

(i) *Appearance at Hearing or Conference.* A party appearing for a hearing or conference will be deemed to have been served.

### **Comment:**

Additional alternative procedures for service outside the Commonwealth are set forth in 42 Pa.C.S. §§ 5323 and 5329(2). For Protection from Abuse and Protection of Victims of Sexual Violence or Intimidation matters served outside of the Commonwealth, the party shall attempt personal service first before service can be made by certified and first class regular mail or by other means prescribed in subdivision (e)(2).

Subdivision (f) addresses service of original process on an incarcerated party, and the incarcerated party's right to seek permission to appear and testify. *See Vanaman v. Cowgill*, 526 A.2d 1226 (Pa. Super. 1987) and *Salemo v. Salemo*, 554 A.2d 563 (Pa. Super. 1989).

The Domestic Relations Section is the filing office for child support, spousal support, and alimony *pendente lite* cases. *See Pa.R.Civ.P. 1910.4(a)*.

The timing of an attorney's solicitation of a prospective client in actions governed by the Family Court Rules, *see* Pa.R.Civ.P. 1931(a), and actions pursuant to the Protection of Victims of Sexual Violence or Intimidation Act, *see* 42 Pa.C.S. §§ 62A03—62A20, are restricted until proof of service appears on the docket. *See* Pennsylvania Rule of Professional Conduct 7.3(b)(4).

## **SUPREME COURT OF PENNSYLVANIA DOMESTIC RELATIONS PROCEDURAL RULES COMMITTEE**

### **ADOPTION REPORT**

On June 9, 2022, the Supreme Court of Pennsylvania adopted a recommendation of the Domestic Relations Procedural Rules Committee (Committee). The Recommendation amends Pa.R.Civ.P. 1930.4. The rule addresses service of original process in domestic relations actions. The Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. *See* Pa.R.J.A. 103, Comment. The statements contained in this Adoption Report are those of the Committee, not the Court.

In March 2020, the United States Postal Service (USPS) implemented changes to its policy for delivery of registered or certified restricted mail. According to its website, the USPS modified the "customer signature capture procedures. While maintaining a safe, appropriate distance, [postal] employees will request the customer's first initial and last name so that the employee can enter the information on the electronic screen or hard copy items such as return receipts." Unfortunately, the revised procedure, as written, did not comply with Pa.R.Civ.P. No. 1930.4(h)(2)(ii)(A), which requires a signed return receipt.

The Committee published proposed amendments for comment. *See* 51 Pa.B. 1131 (March 6, 2021). The amendments completely rewrite Pa.R.Civ.P. No. 1930.4; however, most of the rule text remains unchanged, but is written into an outline format with some current subdivisions combined and renumbered. Also, official notes were incorporated into rule text or moved into the Comment. The amendments also include several substantive changes to address the issues related to the USPS policy.

First, subdivision (b)(1)(ii)(B) addresses the USPS policy change by allowing return receipts that are consistent with USPS policy. The current rule allows for similar service when the addressee refuses delivery and the first class mail is not returned.

Also, subdivision (c) authorizes a party to utilize commercial carriers, such as UPS and FedEx, to effectuate original process service. This amendment is intended to provide a contemporary, effective, and convenient form of service. Commercial carriers utilize tracking services, including return receipts, illustrating delivery to an address and the recipient's signature. Yet, unlike USPS, commercial carriers do not restrict delivery to an addressee, just to an address. In order to resolve the issue, subdivision (c)(1) also requires service of the original process by USPS first class mail. If that mail is not returned within 15 days and the commercial carrier's return receipt indicates delivery to the defendant's last known address, subdivision (c)(1)(ii)(B) provides that service is completed.

Post-publication, the Committee took notice of the recent amendment of Pa.R.Civ.P. 401(b)(2) to prohibit a plaintiff from adding an additional defendant when reinstating a complaint if another defendant had been served previously. To maintain consistency among rules governing the same subject matter, the Committee revised the proposal to include a similar limitation. See Pa.R.Civ.P. 1930.4(g)(3)(ii).

The amendments become effective October 1, 2022.

[Pa.B. Doc. No. 22-936. Filed for public inspection June 24, 2022, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Philadelphia Licenses and Inspections Liens Filed Pursuant to the Municipal Claim and Tax Lien Act (MCTLA), 53 P.S. §§ 7101—7505; Administrative Order No. 10 of 2022

##### Order

And Now, this 10th day of June 2022, it is hereby Ordered and Decreed as follows:

(1) effective this date and thereafter, the City of Philadelphia may electronically file and the Office of Judicial Records (formerly the "Prothonotary") shall receive, City of Philadelphia Licenses & Inspections ("L & I") Abatement Cost Liens which shall be indexed and searchable through the dockets maintained by the Office of Judicial Records and the First Judicial District of Pennsylvania; and

(2) effective this date, the Office of Judicial Records shall assess and collect the filing fee required by its fee bill, 42 Pa.C.S. § 1725, as itemized in the Fee Schedule of the Office of Judicial Records which is available on the website of the First Judicial District at [www.courts.phila.gov/pdf/prothyfees.pdf](http://www.courts.phila.gov/pdf/prothyfees.pdf) (see "Filing of a Lien as a First Filing"). Provided, however, that the filing fee may be added by the City of Philadelphia to the amount owed by the owner(s) of the real estate, shall be collected by the City of Philadelphia, and shall be paid to the Office of Judicial Records by the City of Philadelphia within ninety (90) days of the date the lien is marked satisfied.

It is further Ordered and Decreed that:

(a) the Office of Judicial Records shall migrate, as soon as practicable, all existing and unsatisfied L & I Abatement Cost Liens filed pursuant to the Municipal Claim and Tax Liens Act ("MCTLA"), 53 P.S. §§ 7101—7505, to

the Banner case management system, and such liens shall be indexed and searchable through the dockets maintained by the Office of Judicial Records and the First Judicial District of Pennsylvania; and

(b) the Office of Judicial Records shall continue to maintain an in rem index, the form and location of which shall be within the discretion of the Office of Judicial Records.

This Order is issued in accordance with the Municipal Claim and Tax Liens Act ("MCTLA"), Act of May 16, 1923, P.L. 207, 53 P.S. §§ 7101—7505. This Order is issued in accordance with Pa.R.C.P. No. 239 and the April 11, 1986 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration. The original order shall be filed with the Office of Judicial Records in a Docket maintained for Administrative orders issued by the Administrative Judge of the Trial Division, Court of Common Pleas of Philadelphia County, and shall be submitted to the *Pennsylvania Bulletin* for publication. Copies of the order shall be submitted to the Administrative Office of Pennsylvania Courts, American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and shall be posted on the website of the First Judicial District of Pennsylvania: <http://www.courts.phila.gov/regs>.

By the Court

HONORABLE LISETTE SHIRDAN-HARRIS,  
*Administrative Judge*  
*Trial Division*  
*Court of Common Pleas, Philadelphia County*  
*First Judicial District of Pennsylvania*

[Pa.B. Doc. No. 22-937. Filed for public inspection June 24, 2022, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### CUMBERLAND COUNTY

#### Local Rules (1920.51-1, 1920.51-2, 1920.51-3, 1920.53-1, 1920.53-2, 1920.53-3, 1920.53-4, 1920.53-6, 1920.55-1); 1996-1335

##### Order of Court

And Now, this 9th day of June 2022, it is hereby Ordered and Decreed, that effective thirty (30) days after publication in the *Pennsylvania Bulletin*, the Cumberland County Court of Common Pleas amends local rules 1920.51-1, 1920.51-2, 1920.51-3, 1920.53-1, 1920.53-2, 1920.53-3, 1920.53-4, 1920.53-6, 1920.55-1.

**Rule 1920.51-1.** Unless directed otherwise by the court or precluded by the Divorce Code or Pennsylvania Rules of Civil Procedure, claims in a divorce action shall be heard by the Cumberland County Divorce Hearing Officer.

(a) The party who moves for appointment of the Hearing Officer shall file on a form prescribed by the Court and available on the Court Website.

(b) The moving party shall also provide a proposed order on a form prescribed by the Court and available on the Court Website.

(c) If the moving party has never filed a Federal Income Tax Return, they shall note that status in an addendum attachment to the required motion.

Adopted April 29, 1983, effective June 1, 1983.

**Rule 1920.51-2.** The party requesting appointment of the Hearing Officer shall file the motion with the Prothonotary and serve a copy on the other party.

Adopted April 29, 1983, effective June 1, 1983.

Amended December 1, 1991, effective December 1, 1991.

**Rule 1920.51-3.** The Hearing Officer shall mail or deliver the written notice of the hearing, required by Pa.R.C.P. 1920.51(b), at least fifteen (15) days prior to the hearing date.

*Note:* This rule is derived from former Rule 1133.5.

Adopted April 29, 1983, effective June 1, 1983.

**Rule 1920.53-1.** If the Hearing Officer finds the proceedings are fatally defective, he shall make a prompt report to the court. If the defect is curable by amendment, the Hearing Officer shall notify counsel and suspend further action pending correction. If no correction is made, the Hearing Officer shall report to the court.

*Note:* This rule was formerly Rule 1133-6.

Adopted April 29, 1983, effective June 1, 1983.

**Rule 1920.53-2.** To facilitate efficient review of the transcript of the testimony, the Hearing Officer may require presentation of evidence in the following order:

- (a) Name, address, age, and occupation of each party;
- (b) when the method of service of the complaint has been by registered mail, proof of the defendant's signature;
- (c) date and place of marriage;
- (d) length of the parties' respective residences within the Commonwealth;
- (e) name, age, and residence of each child, and with whom each resides;
- (f) grounds for divorce or annulment; and
- (g) other relevant matters.

*Note:* This rule is derived from former Rule 1133-7 and Pa.R.C.P. 1920.53(b) & (c).

Adopted April 29, 1982, effective June 1, 1983.

**Rule 1920.53-3.** The Hearing Officer shall determine whether actions for support and custody have been instituted, whether decrees have been entered, the nature of the decrees, and whether they have been observed.

*Note:* This rule is derived from former Rule 1133-10 and 1133-11.

Adopted April 29, 1983, effective June 1, 1982.

**Rule 1920.53-4.** The Hearing Officer shall engage the services of a stenographer; however, the testimony shall not be transcribed unless:

- (a) required by the Hearing Officer to prepare the report to the court, or
- (b) ordered by the court following the filing of exceptions or otherwise.

*Note:* This rule is derived from former Rule 1133-12. Under this rule the expense of transcribing the recorded testimony should be incurred only when there is an actual need for a transcript. If the Hearing Officer can prepare the report without a transcript and no exceptions are filed thereto, then no transcript need be prepared.

Adopted April 29, 1983, effective June 1, 1983.

**Rule 1920.53-6.** Proof of notice of the filing of the Hearing Officer's report to each party, as required by Pa.R.C.P. 1920.53(a)(2), shall be filed of record. The Hearing Officer shall inform each party that exceptions may be filed pursuant to Pa.R.C.P. 1920.55 within ten (10) days after notice of the filing of the report was mailed.

*Note:* This rule is derived from former Rule 1133-17.

Adopted April 29, 1983, effective June 1, 1983.

**Rule 1920.55-1.**

(a) When exceptions to the Divorce Hearing Officer's report are filed, the Prothonotary shall promptly forward the cases to the Court Administrator who shall assign them to a Judge of the Court of Common Pleas.

(b) If the parties withdraw or settle all claims pending before the Hearing Officer, the parties shall provide the Hearing Officer with a copy of the Marital Settlement Agreement or a signed letter acknowledging that all outstanding claims are resolved or withdrawn. Upon receipt of appropriate proof that claims are no longer outstanding, the Hearing Officer shall forward a proposed order vacating appointment of the Hearing Officer to Court Administration.

Adopted April 29, 1983, effective June 1, 1983.

Amended March 22, 2017, effective May 1, 2017.

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

1. File one (1) copy to the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.
2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Publish these Rules on the Cumberland County Court website at www.ccpa.net.
4. Incorporate the local rule into the set of local rules on www.ccpa.net within thirty (30) days after the publication of the local rule in the *Pennsylvania Bulletin*.
5. File one (1) copy of the local rule in the appropriate filing office for public inspection and copying.
6. Forward one (1) copy to the *Cumberland Law Journal*.

*By the Court*

EDWARD E. GUIDO,  
*President Judge*

[Pa.B. Doc. No. 22-938. Filed for public inspection June 24, 2022, 9:00 a.m.]

## SUPREME COURT

**Reestablishment of the Magisterial Districts within the 18th Judicial District of the Commonwealth of Pennsylvania; No. 491 Magisterial Rules Docket**

**Order**

*Per Curiam*

*And Now*, this 14th day of June 2022, upon consideration of the Petition to Reestablish the Magisterial Districts of the 18th Judicial District (Clarion County) of the

Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the elimination of Magisterial District 18-3-01, within Clarion County, to be effective January 1, 2024, is granted; and that the Petition, which provides for the realignment of Magisterial Districts 18-3-02, 18-3-03, and 18-3-04, within Clarion County, to be effective January 1, 2024, is granted. The vacancy for Magisterial District 18-3-01 shall not appear on the ballot for the primary or general election in 2023.

Said Magisterial Districts shall be as follows:

Magisterial District 18-3-02 Magisterial District Judge Timothy P. Schill	Clarion Borough Strattanville Borough Clarion Township Farmington Township Highland Township Knox Township Millcreek Township Washington Township
Magisterial District 18-3-03 Magisterial District Judge Jarah L. Heeter	Foxburg Borough Knox Borough Saint Petersburg Borough Shippensburg Borough Ashland Township Beaver Township Elk Township Paint Township Richland Township Salem Township
Magisterial District 18-3-04 Magisterial District Judge Jeffrey C. Miller	Callensburg Borough East Brady Borough Hawthorn Borough New Bethlehem Borough Rimersburg Borough Sligo Borough Brady Township Licking Township Limestone Township Madison Township Monroe Township Perry Township Piney Township Porter Township Redbank Township Toby Township

[Pa.B. Doc. No. 22-939. Filed for public inspection June 24, 2022, 9:00 a.m.]

## SUPREME COURT

### Reestablishment of the Magisterial Districts within the 21st Judicial District of the Commonwealth of Pennsylvania; No. 488 Magisterial Rules Docket

#### Order

*Per Curiam*

And Now, this 14th day of June, 2022, upon consideration of the Petition to Reestablish the Magisterial Districts of the 21st Judicial District (Schuylkill County) of

the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the reestablishment of the Magisterial District Courts 21-3-01 and 21-3-07 within Schuylkill County as they currently exist, to be effective immediately; and for the realignment of Magisterial District Courts 21-2-01, 21-3-03, 21-3-04, 21-3-05, and 21-3-06, to be effective November 1, 2022, is granted.

Said Magisterial Districts will be reestablished as follows:

Magisterial District 21-2-01 Magisterial District Judge Edward J. Tarantelli	Ashland Borough Butler Township Delano Township Frackville Borough Girardville Borough Gordon Borough Kline Township McAdoo Borough North Union Township Ringtown Borough Ryan Township Union Township
Magisterial District 21-3-01 Magisterial District Judge David A. Plachko	Blythe Township East Norwegian Township Mechanicsville Borough Middleport Borough Minersville Borough New Castle Township New Philadelphia Borough Norwegian Township Palo Alto Borough Port Carbon Borough Saint Clair Borough Schuylkill Township
Magisterial District 21-3-03 Magisterial District Judge (Vacant)	Auburn Borough Cressona Borough Deer Lake Borough East Brunswick Township Landingville Borough New Ringgold Borough North Manheim Township Orwigsburg Borough Port Clinton Borough Schuylkill Haven Borough South Manheim Township Walker Township West Brunswick Township West Penn Township
Magisterial District 21-3-04 Magisterial District Judge David J. Rossi	Barry Township Branch Township Cass Township Eldred Township Foster Township Frailey Township Hegins Township Hubley Township Pine Grove Borough Pine Grove Township Porter Township Reilly Township Tower City Borough Tremont Borough Tremont Township Upper Mahantongo Township Washington Township Wayne Township

Magisterial District 21-3-05 Magisterial District Judge Anthony J. Kilker	East Union Township Gilberton Borough Mahanoy City Borough Mahanoy Township Shenandoah Borough West Mahanoy Township
Magisterial District 21-3-06 Magisterial District Judge Stephen J. Bayer	Coaldale Borough Rush Township Tamaqua Borough
Magisterial District 21-3-07 Magisterial District Judge James K. Reiley	Mount Carbon Borough City of Pottsville

[Pa.B. Doc. No. 22-940. Filed for public inspection June 24, 2022, 9:00 a.m.]

### SUPREME COURT

#### Reestablishment of the Magisterial Districts within the 24th Judicial District of the Commonwealth of Pennsylvania; No. 490 Magisterial Rules Docket

##### Order

*Per Curiam*

And Now, this 14th day of June 2022, upon consideration of the Petition to Reestablish the Magisterial Districts of the 24th Judicial District (Blair 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 Blair County as they currently exist, to be effective immediately, is granted.

Said Magisterial Districts will be reestablished as follows:

Magisterial District 24-1-02 Magisterial District Judge Benjamin F. Jones	City of Altoona (Wards 3, 4, 5, 6, 9, 12, and 14)
Magisterial District 24-1-03 Magisterial District Judge Daniel C. DeAntonio	City of Altoona (Wards 1, 2, 7, 8, 10, 11, 13)
Magisterial District 24-3-01 Magisterial District Judge Fred B. Miller	Antis Township Bellwood Borough Tyrone Township Snyder Township Tyrone Borough
Magisterial District 24-3-02 Magisterial District Judge Matthew S. Dunio	Allegheny Township Logan Township Tunnelhill Borough
Magisterial District 24-3-03 Magisterial District Judge Paula M. Aigner	Blair Township Catharine Township Duncansville Borough Frankstown Township Hollidaysburg Borough Newry Borough Williamsburg Borough Woodbury Township

Magisterial District 24-3-04 Magisterial District Judge Andrew L. Blattenberger	Freedom Township Greenfield Township Huston Township Juniata Township Martinsburg Borough North Woodbury Township Roaring Spring Borough Taylor Township
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[Pa.B. Doc. No. 22-941. Filed for public inspection June 24, 2022, 9:00 a.m.]

### SUPREME COURT

#### Reestablishment of the Magisterial Districts within the 46th Judicial District of the Commonwealth of Pennsylvania; No. 489 Magisterial Rules Docket

##### Order

*Per Curiam*

And Now, this 14th day of June, 2022, upon consideration of the Petition to Reestablish the Magisterial Districts of the 46th Judicial District (Clearfield 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 Clearfield County as they currently exist, to be effective immediately, is granted.

Said Magisterial Districts will be reestablished as follows:

Magisterial District 46-3-01 Magisterial District Judge David S. Meholick	Bloom Township Brady Township City of DuBois Falls Creek Borough Huston Township Pine Township Sandy Township Troutville Borough Union Township
Magisterial District 46-3-02 Magisterial District Judge Joseph M. Morris	Clearfield Borough Curwensville Borough Lawrence Township Pike Township
Magisterial District 46-3-03 Magisterial District Judge Jerome M. Nevling	Bradford Township Chester Hill Borough Cooper Township Covington Township Decatur Township Girard Township Goshen Township Graham Township Karthaus Township Morris Township Osceola Mills Borough

<p>Magisterial District 46-3-04 Magisterial District Judge James B. Glass</p>	<p>Beccaria Township Bell Township Bigler Township Boggs Township Brisbin Borough Burnside Borough Burnside Township Chest Township Coalport Borough Ferguson Township Glen Hope Borough Grampian Borough Greenwood Township Gulich Township Houtzdale Borough Irvona Borough Jordan Township Knox Township Lumber City Borough Mahaffey Borough New Washington Borough Newburg Borough Penn Township Ramey Borough Wallaceton Borough Westover Borough Woodward Township</p>
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[Pa.B. Doc. No. 22-942. Filed for public inspection June 24, 2022, 9:00 a.m.]

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# PROPOSED RULEMAKING

## DEPARTMENT OF HEALTH

[ 28 PA. CODE CH. 18 ]

### Certified Lifeguards

The Department of Health (Department) proposes to amend § 18.42 (relating to certified lifeguards) to read as set forth in Annex A.

#### *Background and Need for Amendments*

Lifeguard certifying authorities provide certification courses designed to ensure that individuals seeking to become lifeguards are properly trained and prepared in the event of a water emergency. The regulation establishes requirements that lifeguard training courses must satisfy. The Department approves lifeguard certifying authorities based on these requirements. In 2020, the Department recognized the following lifeguard certifying authorities: 1) The American Red Cross; 2) Jeff Ellis and Associates; 3) Lifeguard-Pro; 4) YMCA; 5) The Boy Scouts of America; 6) StarGuard ELITE; 7) National Aquatic Safety Company; 8) American Aquatics & Safety Training; and 9) United States Lifesaving Association (beach and open water).

The existing regulation specifically names as recognized lifeguard certifying authorities American Red Cross, YMCA and Jeff Ellis and Associates, Inc. The Department has regularly received requests from lifeguard certifying authorities not listed in the regulation, such as Lifeguard-Pro, to have their names included in the regulation. The lifeguard certifying authorities not included argue that the American Red Cross, YMCA and Jeff Ellis and Associates, Inc. are their competition and that their names in the regulation give them more credibility and a competitive advantage. Additionally, it is argued that the regulation listing the names of some lifeguard certifying authorities can appear to be the Department recommending their services over others.

The Department mailed a letter to the lifeguard certifying authorities, including American Red Cross, YMCA and Jeff Ellis and Associates, Inc. asking for feedback, including support, opposition or alternatives, to amending the regulation to remove the names of specific lifeguard certifying authorities. The Department received support for removing the names from StarGuard ELITE and the Chair of the National Certification Committee of the United States Lifesaving Association. The Department did not receive any opposition or alternatives from the lifeguard certifying authorities. This proposed rulemaking package was developed based on the feedback from the lifeguard certifying authorities.

#### *Description of Proposed Amendments*

##### § 18.42. *Certified lifeguards*

The Department proposes to delete the sentence “the Department recognizes the American Red Cross, the YMCA and Jeff Ellis and Associates, Inc. as lifeguard certifying authorities” from subsection (a) and to replace the words “other organizations” with the word “organizations” in paragraph (1). Removing all named lifeguard certifying authorities from the regulation will alleviate the concerns of those lifeguard certifying authorities that are not specifically named in the existing regulation. There will also be no need for the Department to annually amend the regulation based on the current

approved lifeguard certifying authorities and possible changes in names. The Department will continue to follow the process currently outlined in § 18.42 to approve and recognize lifeguard certifying authorities, with publication of the list of approved certifying authorities annually in the *Pennsylvania Bulletin*. The American Red Cross, the YMCA and Jeff Ellis Associates, Inc. already follow this process and will not be negatively impacted by the removal of their names from the regulation.

#### *Fiscal Impact and Paperwork Requirements*

##### *Fiscal Impact*

###### *Commonwealth*

###### *Department*

The Department approves all lifeguard certifying authorities, including the American Red Cross, the YMCA and Jeff Ellis and Associates, Inc., after conducting a review of materials submitted under the existing regulation and this proposed amendment will not alter this requirement. The Department will not be fiscally impacted by this proposed amendment.

###### *Regulated community*

There will be no fiscal impact on the lifeguard certifying authorities as a result of this proposed amendment. All lifeguard certifying authorities are required to comply with the existing regulation and this proposed amendment will not alter that requirement. In 2020, there were a total of nine approved lifeguard certifying authorities, including the American Red Cross, YMCA and Jeff Ellis and Associates, Inc. The removal of the American Red Cross, YMCA and Jeff Ellis and Associates, Inc. as specifically named entities in the regulation should have no impact on them because they already submit materials annually for approval like other lifeguard certifying authorities.

###### *Local governments*

This proposed rulemaking will not fiscally impact local governments.

###### *General public*

This proposed rulemaking will not fiscally impact the general public.

###### *Paperwork Requirements*

This proposed rulemaking will not impose any new or additional paperwork requirements on any of the previously listed entities. The existing application form and application procedures will continue to be used.

###### *Statutory Authority*

The Department's overarching authority to promulgate these regulations is found in section 1 of the Public Bathing Law (act) (35 P.S. § 672). In 1995, under section 501 of the Conservation and Natural Resources Act (71 P.S. § 1340.501) the Department of Environmental Resources (DER) was renamed as the Department of Environmental Protection and DER's duties and powers were reorganized. Under section 505 of the Conservation and Natural Resources Act (71 P.S. § 1340.505) the Department was transferred the following powers and duties from DER (Emphasis added.):

(1) The control of nuisances arising from the sanitary condition of tenements, lodging and boarding houses and management of the sanitary affairs of this

Commonwealth related to tenements, lodging and boarding houses, organized camps and public bathing places.

(2) The act of November 10, 1959 (P.L. 1400, No. 497), entitled "An act providing for the annual registration of organized camps for children, youth and adults; defining the duties of the Department of Health of the Commonwealth of Pennsylvania; and prescribing penalties."

(3) *The act of June 23, 1931 (P.L. 899, No. 299), known as the Public Bathing Law. As to the Public Bathing Law, the Department of Health shall have the authority to promulgate rules and regulations to protect the public health and safety at all public [bathing] places.*

Certified lifeguards are specifically addressed in section 4.1 of the act (35 P.S. § 675.1), which states that "the department shall promulgate regulations to determine the number of lifeguards required at a recreational swimming establishment using objective criteria that take into consideration industry standards." Moreover, the Department is to develop regulations related to lifeguards while consulting approved certifying authorities and recreational swimming establishments.

#### *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 June 9, 2022, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the 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 which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior

to final publication of the rulemaking, by the Department, the General Assembly and the Governor.

#### *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-DHPUBLICBATHINGPL@pa.gov. Persons without access to e-mail may submit comments, suggestions or objections to Richard A. Pugh, Environmental Health Program Manager, Bureau of Community Health Systems, 30 Kline Plaza, Harrisburg, PA 17104, (717) 736-7393. Persons with a disability may submit questions in an 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 Richard A. Pugh 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 10-236 (Certified Lifeguards).

DR. DENISE A. JOHNSON,  
*Acting Secretary*

**Fiscal Note:** 10-236. No fiscal impact; (8) recommends adoption.

#### **Annex A**

#### **TITLE 28. HEALTH AND SAFETY**

#### **PART II. LOCAL HEALTH**

#### **CHAPTER 18. PUBLIC SWIMMING AND BATHING PLACES**

#### **GENERAL SAFETY**

#### **§ 18.42. Certified lifeguards.**

(a) *Recognized lifeguard certifying authorities.* [ **The Department recognizes the American Red Cross, the YMCA and Jeff Ellis and Associates, Inc. as lifeguard certifying authorities.** ]

(1) [ **Other organizations** ] **Organizations** that intend to qualify as certifying authorities shall submit materials, on an annual basis, to the Department to establish that their lifeguard training courses satisfy the criteria in subsection (b).

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[Pa.B. Doc. No. 22-943. Filed for public inspection June 24, 2022, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending June 14, 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>
06-01-2022	Raymond James Financial, Inc. and its subsidiary Macaroon Two, LLC Saint Petersburg Pinellas County, FL  Application for approval to acquire 100% of TriState Capital Holdings, Inc., Pittsburgh, PA, and thereby indirectly acquire 100% of TriState Capital Bank, Pittsburgh, PA.	Effective
06-14-2022	Farmers National Banc Corp. Canfield Mahoning County, OH  Application for approval to acquire 100% of Emclair Financial Corp., Emlenton, Venango County, PA, and thereby indirectly acquire 100% of The Farmers National Bank of Emlenton, Emlenton, Venango County, PA.	Filed

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
06-13-2022	First Commonwealth Bank Indiana Indiana County	12449 Perry Highway Wexford Allegheny County	Opened
06-14-2022	Hometown Bank of Pennsylvania Bedford Bedford County	511 Main Street Saxton Bedford County	Approved

#### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
06-13-2022	First Commonwealth Bank Indiana Indiana County	<i>To:</i> 51 South Hamilton Road Whitehall Franklin County, OH  <i>From:</i> 4300 East Broad Street Whitehall Franklin County, OH	Effective

#### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
05-25-2022	Penn Community Bank Doylestown Bucks County	200 Manor Avenue Langhorne Bucks County (Limited Service Facility)	Closed

## CREDIT UNIONS

## Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
06-08-2022	Clearview Federal Credit Union Moon Township Allegheny County	Filed
	Application for approval to merge PA Healthcare Credit Union, Sewickley, with and into Clearview Federal Credit Union, Moon Township.	

## Branch Applications

## De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
05-23-2022	BHCU Ridley Park Delaware County	1305 East Chester Pike Havertown Delaware County	Opened

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

RICHARD VAGUE,  
*Secretary*

[Pa.B. Doc. No. 22-944. Filed for public inspection June 24, 2022, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Industrialized Commercial Buildings; Third Party Agency Applications

The Department of Community and Economic Development (Department), under section 5 of the Industrialized Housing Act (act) (35 P.S. § 1651.5) establishes administrative procedures for the implementation of the act which facilitates the use of industrialized housing, buildings, and housing or building components in this Commonwealth consistent with safeguarding the health, safety and welfare of citizens of this Commonwealth.

At this time the Department is accepting a letter of intention from the designated employee of an agency who wishes to become an evaluation agency, an inspection agency, or both, for the purposes of industrialized (commercial) buildings and building components.

Once the letter of intention is received, under section 145.73 of the act, the Department will provide a written application form to the designated employee.

#### Requirements:

Those agencies and qualified personnel wishing to be eligible to become a third-party agency for the purposes of industrialized buildings or building components are required to have and maintain the following certifications under the International Code Council:

#### Evaluation Services Qualifications:

- Building Plans Examiner
- Plumbing Plans Examiner
- Mechanical Plans Examiner
- Electrical Plans Examiner

#### Inspection Services Qualifications:

- Commercial Building Inspector
- Commercial Plumbing Inspector
- Commercial Mechanical Inspector
- Commercial Electrical Inspector

#### Accessibility Inspector/Plans Examiner:

Individuals should address the letter of intention to Michael Moglia, Director, Housing Standards Division, Office of Community Enhancement, Department of Community and Economic Development, Commonwealth Keystone Building, 4th Floor, 400 North Street, Harrisburg, PA 17120.

For questions, contact Michael Moglia, Director, (717) 720-7416, [mmoglia@pa.gov](mailto:mmoglia@pa.gov).

NEIL WEAVER,  
*Acting Secretary*

[Pa.B. Doc. No. 22-945. Filed for public inspection June 24, 2022, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application by Geisinger Commonwealth School of Medicine to Amend Articles of Incorporation

#### Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application for approval of a Certificate of Authority for Geisinger Commonwealth School of Medicine to amend its Articles of Incorporation to change its trade name to Geisinger College of Health Sciences, apply for a degree program in nursing and adopt fictitious names as determined by the Board of Directors. The institution's legal name will remain Geisinger Commonwealth School of Medicine.

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

accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

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

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

ERIC HAGARTY,  
*Acting Secretary*

[Pa.B. Doc. No. 22-946. Filed for public inspection June 24, 2022, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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

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

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

*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                                |
| 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](http://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](http://www.dep.pa.gov/CWPUBLICNOTICE). Notification of 15-day extensions for comment will be provided in the “Applications Received with Comment Periods Report” (Comments column).

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

Applications, 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 &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0922809	Joint DEP/PFBC Pesticides Permit	New	Emerson Scott 407 E Lancaster Avenue Wayne, PA 19087-4202	Milford Township Bucks County	SERO
2522804	Joint DEP/PFBC Pesticides Permit	New	Lakeview CC 8351 Rte 89 Northeast, PA 16428	North East Township Erie County	NWRO
3922803	Joint DEP/PFBC Pesticides Permit	New	Lee Andy 6994 Carriage Drive Coopersburg, PA 18036-1326	Upper Saucon Township Lehigh County	NERO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
4319804	Joint DEP/PFBC Pesticides Permit	Transfer	Lee Pigford 86 Clubhouse Drive West Middlesex, PA 16159-2206	Shenango Township Mercer County	NWRO
6122801	Joint DEP/PFBC Pesticides Permit	New	Timothy Stephens 174 Carolyn Lane Cranberry, PA 16319	Cranberry Township Venango County	NWRO
PA0204854	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Transfer	Jones Estates Knobvue PA, LLC 2310 S Miami Boulevard Durham, NC 27703-5798	New Sewickley Township Beaver County	SWRO
NOEXSC378	No Exposure Certification	New	Wipro Enterprises, Inc. 1101 Sheffler Drive P.O. Box 371 Chambersburg, PA 17201-4844	Chambersburg Borough Franklin County	SCRO
NOEXSC383	No Exposure Certification	New	Keystone Container, LLC 4201 Pottsville Pike Reading, PA 19605-1219	Muhlenberg Township Berks County	SCRO
PAR803680	PAG-03 NPDES General Permit for Industrial Stormwater	Amendment	LKQ Corp 500 W Madison Street Suite 2800 Chicago, IL 60661-4544	Hamilton Township Franklin County	SCRO
PA0265241	Single Residence STP Individual NPDES Permit	Transfer	Preston Benjamin 155 Miller Hill Road Warren, PA 16365-8655	Conewango Township Warren County	NWRO
1022409	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Glenn Dolores 131 Bonair Plaza Butler, PA 16001	Clay Township Butler County	NWRO
2522416	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Kaitlynn Gross & Zachariah Long 8625 Shreve Road Union City, PA 16438-7709	Union Township Erie County	NWRO
4222404	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Knapp Daphne 265 Main Street Duke Center, PA 16729-9715	Otto Township McKean County	NWRO
6217410	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Preston Benjamin 155 Miller Hill Road Warren, PA 16365-8655	Conewango Township Warren County	NWRO
WQG02022201	WQG-02 WQM General Permit	New	Pittsburgh Water Sewer Authority 3300 Preble Avenue Pittsburgh, PA 15233-1025	Pittsburgh City Allegheny County	SWRO

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## 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.

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### *Northeast Regional Office*

**PA0276511**, Storm Water, SIC Code 2875, **The Espoma Company**, 6 Espoma Road, Millville, NJ 08332. Facility Name: Espoma Hegins. This proposed facility is located in Frailey Township, **Schuylkill County**.

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

The receiving stream, Gebhard Run (CWF/MF), is located in State Water Plan watershed 7-D 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 MGD (stormwater).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Semiannual Average</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	6.0	XXX	Report	9.0
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
Fecal Coliform (No./100 mL)	XXX	XXX	XXX	XXX	XXX	Report
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

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

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

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

The EPA Waiver is in effect.

**PAS222204**, Storm Water, SIC Code 2426, 2542, **Consolidated Storage Co. Inc.**, 225 Main Street, Tatamy, PA 18085-7059. Facility Name: Consolidated Storage Co. Inc. This existing facility is located in Tatamy Borough, **Northampton County**.

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

The receiving stream(s), Bushkill Creek (HQ-CWF), is located in State Water Plan watershed 1-F and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	Report
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report
Aluminum, Total	XXX	XXX	XXX	XXX	XXX	Report
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report
Zinc, Total	XXX	XXX	XXX	XXX	XXX	Report

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

The EPA Waiver is in effect.

**PAS232212**, Storm Water, SIC Code 2834, **Piramal Critical Care, Inc.**, 3950 Schelden Circle, Bethlehem, PA 18017. Facility Name: Piramal Critical Care Inc. Bethlehem Plant. This existing facility is located in Hanover Township, **Northampton County**.

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



The receiving stream(s), Unnamed Tributary to Monocacy Creek (HQ-CWF), is located in State Water Plan watershed 2-C and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

The EPA Waiver is in effect.

**PA0063347**, Sewage, SIC Code 3499, **Wayne Romanishan**, 195 E Moorestown Road, Wind Gap, PA 18091-9725. Facility Name: Romanishan Metal Fabrication. This existing facility is located in Bushkill Township, **Northampton County**.

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

The receiving stream(s), Unnamed Tributary of Bushkill Creek (HQ-CWF, MF), is located in State Water Plan watershed 1-F and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0006 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (MGD)	Report Annl Avg	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	20.0	XXX	40
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 570-826-5472.

The EPA Waiver is in effect.

*Northwest Regional Office*

**PA0273091**, Sewage, SIC Code 4952, 8800, **Stephen G Paxson**, 51 Quarry Hill Road, Greenville, PA 16125-9779. Facility Name: Stephen G Paxson SRSTP. This existing facility is located in Hempfield Township, **Mercer County**.

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

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

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

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

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

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.

**PA0290670**, Sewage, SIC Code 8800, **Jacqueline & Ross Fonticella**, 6501 Franklin Road, Fairview, PA 16415-2442. Facility Name: Jacqueline & Ross Fonticella SRSTP. This proposed facility is located in Fairview Township, **Erie County**.

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

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

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

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

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

The EPA Waiver is in effect.

**PA0290777**, Sewage, SIC Code 4952, 8800, **Dolores Glenn**, 131 Bonair Plaza, Butler, PA 16001. Facility Name: Dolores Glenn SRSTP. This proposed facility is located at 1311 W Sunbury Road, West Sunbury, PA 16061-2927 in Clay Township, **Butler 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 of South Branch Slippery Rock Creek, located in State Water Plan watershed 20-C 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 0.0005 MGD.

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

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

The EPA Waiver is in effect.

**PA0290785**, Sewage, SIC Code 4952, 8800, **Daphne Knapp**, 265 Main Street, Duke Center, PA 16729-9715. Facility Name: Daphne Knapp SRSTP. This proposed facility is located in Otto Township, **McKean 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 Tram Hollow Run, is located in State Water Plan watershed 16-C 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 .0004 MGD.

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

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

The EPA Waiver is in effect.

**PA0290807**, Sewage, SIC Code 4952, 8800, **Kaitlynn Gross & Zachariah Long**, 8625 Shreve Road, Union City, PA 16438-7709. Facility Name: Kaitlynn Gross & Zachariah Long SRSTP. This proposed facility is located in Union 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 Horton Run, located in State Water Plan watershed 16-A and classified for Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

The EPA Waiver is in effect.

*Southeast Regional Office*

**PAI130054**, MS4, **West Grove Borough, Chester County**, P.O. Box 61, West Grove, PA 19390. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in West Grove Borough, **Chester County**. The receiving stream(s), Unnamed Tributary of East Branch White Clay Creek (CWF, MF) and Middle Branch White Clay Creek (TSF, MF), is located in State Water Plan watershed 3-I and is classified for Cold Water Fishes, Migratory Fishes, and Trout Stocking, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Total Maximum Daily Load (TMDL) Plan

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

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

**PA0054151**, Sewage, SIC Code 4952, **Tami O'Sullivan**, 7 Collegeview Drive, Malvern, PA 19355-1968. Facility Name: O'Sullivan SRSTP. This existing facility is located in East Whiteland Township, **Chester County**.

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

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

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

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

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2

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

- AMR submission, Septic tank pumping, TRC optimization

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

The EPA Waiver is in effect.

*Southwest Regional Office*

**PA0252999**, Sewage, SIC Code 4952, **Unity Township Municipal Authority**, P.O. Box 506, Pleasant Unity, PA 15676-0506. Facility Name: 14 Mile Run STP. This existing facility is located in Unity 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 (WWF), is located in State Water Plan watershed 18-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 .95 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Instantaneous Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Annual Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	195	300	XXX	25.0	38.0	50
May 1 - Oct 31	140.0	210.0	XXX	18.0	27.0	36
Biochemical Oxygen Demand (BOD <sub>5</sub> )	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	235	355	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
Ultraviolet light intensity (mW/cm <sup>2</sup> )	XXX	XXX	Report	Geo Mean XXX	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	35	70	XXX	4.5	6.5	9
May 1 - Oct 31	15	30	XXX	2.0	3.0	4
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	XXX	XXX	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>	
Total Phosphorus	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report Daily Max	XXX

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.

**PA0284831**, Sewage, SIC Code 8800, **Shaun Lacey**, 1527 Peninsula Drive, Central City, PA 15926-9123. Facility Name: Lacey Properties SRSTP. This proposed facility is located in Indian Lake Borough, **Somerset 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 Rhoads 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 0.0007 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

**PA0284882**, Sewage, SIC Code 8800, **Lori Hendrickson**, 128 Sunset Drive, Beaver Falls, PA 15010-6842. Facility Name: Gordon Properties SRSTP. This proposed facility is located in New Sewickley Township, **Beaver 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 Pine Run (WWF), is located in State Water Plan watershed 20-G and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Annual Average</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	9.0 Inst Max	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200.0	XXX	XXX

In addition, the permit contains the following major special conditions: N/A.

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.

**PA0284891**, Sewage, SIC Code 8800, **John Stefanik**, 26 Janette Circle, Irwin, PA 15642-8922. Facility Name: Stefanik Properties SRSTP. This proposed facility is located in Penn Township, **Westmoreland 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 Brush Creek (TSF), is located in State Water Plan watershed 19-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200.0	XXX	XXX

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

The EPA Waiver is in effect.

*Northcentral Regional Office*

**PA0010031**, Industrial, SIC Code 4911, **Shawville Power, LLC**, 250 Power Plant Road, Shawville, PA 16873. Facility Name: Shawville Generating Station. This existing facility is located in Bradford Township, **Clearfield County**.

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

The receiving stream(s), West Branch Susquehanna River is located in State Water Plan watershed 8-C and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed monitoring requirements for Outfalls 001 and 002 are:

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 005 are based on a design flow of 3.445 MGD.—Interim Limits

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Total Dissolved Solids	Report	Report	XXX	Report	Report	XXX
Aluminum, Total (ug/L)	33.6	52.4	XXX	1,170.0	1,825.0	2,924
Iron, Total	19.74	39.48	XXX	1.80	3.60	4.5
Manganese, Total	23.03	46.06	XXX	2.10	4.20	5.3
Sulfate, Total	Report	Report	XXX	Report	Report	XXX
Thallium, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
Zinc, Total	Report	Report	XXX	Report	Report	XXX
Chloride	Report	Report	XXX	Report	Report	XXX
Bromide	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 005 are based on a design flow of 3.445 MGD.—Final Limits

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Total Dissolved Solids	Report	Report	XXX	Report	Report	XXX
Aluminum, Total (ug/L)	33.6	52.4	XXX	1,170.0	1,825.0	2,924
Iron, Total	19.74	39.48	XXX	1.80	3.60	4.5
Manganese, Total	23.03	46.06	XXX	2.10	4.20	5.3
Sulfate, Total	Report	Report	XXX	Report	Report	XXX
Thallium, Total (ug/L)	0.08	0.12	XXX	2.78	4.34	6.96
Zinc, Total	Report	Report	XXX	Report	Report	XXX
Chloride	Report	Report	XXX	Report	Report	XXX
Bromide	Report	Report	XXX	Report	Report	XXX

The proposed monitoring requirements for IMPs 101, 201, and 102 are:

<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
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 205 are based on a design flow of 0.018 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	3.7	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	4.5	XXX	XXX	30.0	XXX	60.0
Total Dissolved Solids	Report	Report	XXX	Report	Report	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
Aluminum, Total	Report	Report	XXX	Report	Report	XXX
Iron, Total	Report	Report	XXX	Report	Report	XXX
Manganese, Total	Report	Report	XXX	Report	Report	XXX
Sulfate, Total	Report	Report	XXX	Report	Report	XXX
Thallium, Total	Report	Report	XXX	Report	Report	XXX
Zinc, Total	Report	Report	XXX	Report	Report	XXX
Chloride	Report	Report	XXX	Report	Report	XXX
Bromide	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 405 are based on a design flow of 3.427 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Free Available Chlorine	XXX	XXX	XXX	XXX	XXX	0.00
Total Suspended Solids	325	XXX	XXX	30.0	XXX	50
Total Dissolved Solids	Report	Report	XXX	Report	Report	XXX
Oil and Grease	163	217	XXX	15.0	20.0	30
Aluminum, Total (ug/L)	Report	Report	XXX	Report	Report	XXX

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average	Daily	Minimum	Average	Daily	IMAX
	Monthly	Maximum		Monthly	Maximum	
Iron, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
Manganese, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
Sulfate, Total	Report	Report	XXX	Report	Report	XXX
Thallium, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
Zinc, Total	Report	Report	XXX	Report	Report	XXX
Chloride	Report	Report	XXX	Report	Report	XXX
Bromide	Report	Report	XXX	Report	Report	XXX
PCBs, Total (ug/L)	XXX	XXX	XXX	XXX	XXX	1.75
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 605 are based on a design flow of 2.07 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average	Daily	Minimum	Average	Daily	IMAX
	Monthly	Maximum		Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Chromium, Total	3.45	3.45	XXX	0.2	0.2	XXX
Zinc, Total	17.26	17.26	XXX	1.0	1.0	XXX
Priority Pollutants, Total	XXX	Report	XXX	XXX	Report	XXX

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

The EPA Waiver is not in effect.

*Southcentral Regional Office*

**PA0266370**, Storm Water, SIC Code 2952, **Tarco Roofing Materials, Inc.**, 8650 Molly Pitcher Highway, Greencastle, PA 17225-9716. Facility Name: Tarco Greencastle Felt Roofing Plant. This existing facility is located in Antrim Township, **Franklin County**.

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

The receiving stream(s), Unnamed Tributary to Muddy Run (HQ-CWF, MF), is located in State Water Plan watershed 13-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:

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

Monitoring not required for Outfall 002 since it qualifies as no exposure.

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

- Stormwater Outfalls and Authorized Non-Stormwater Discharges
- Best Management Practices (BMPs)—Including Sector-Specific BMPs from Appendix M
- Routine Inspections
- Preparedness, Prevention and Contingency (PPC) Plan
- Stormwater Monitoring Requirements—Including Stormwater Benchmark Values from NPDES PAG-03 General Permit, Appendix M.
- Other Requirements—Standard for Industrial Wastewater Facilities

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

The EPA Waiver is in effect.

**PA0291609**, Storm Water, SIC Code 4215, **UPS, Inc.**, 55 Glenlake Parkway, Atlanta, GA 30328-3474. Facility Name: UPS Middletown East Zone Region Hub. This proposed facility is located in Lower Swatara Township, **Dauphin County**.

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



The receiving stream(s), Swatara Creek (WWF, MF), and Unnamed Tributary to Swatara Creek (WWF, MF), is located in State Water Plan watershed 7-D 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 MGD.—Limits.

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

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

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

The proposed effluent limits for Outfall 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 Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

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

- Stormwater Outfalls and Authorized Non-Stormwater Discharges
- Best Management Practices (BMPs), Including Applicable BMPs from Appendix L from the PAG-03.
- Routine Inspections
- Preparedness, Prevention, and Contingency (PPC) Plan
- Stormwater Monitoring Requirements (Including Benchmarks for TSS, Oil and Grease)
- Other Requirements

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

The EPA Waiver is in effect.

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

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD230060	New	Delaware County Regional Water Quality Control Authority 100 E 5th Street Chester, PA 19013	City of Chester Darby Township Folcroft Borough Norwood Borough Prospect Park Borough Ridley Township Delaware County	SERO
PAD510220	New	PennDOT District 6-0 Charles Davies 7000 Geerdes Blvd King of Prussia, PA 19406	City of Philadelphia Philadelphia County	SERO
PAD350025A-2	Major Amendment	Matt Development, Inc. 39 South Main Street P.O. Box 573 Pittston, PA 18640-1815	Carbondale Township Lackawanna County	NERO

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD400002A-1	Renewal Major Amendment	Walden Estates, Inc. Joseph Thomas 149 Barrys Road White Haven, PA 18661	Fairview Township Luzerne County	NERO
PAD520040	New	JLM Real Estate Investments, LLC 950 East Main Street Schuylkill, PA 17972	Dingman Township Pike County	NERO
PAD410021	New Individual Permit	Hamilton Patriot LLC 50 Patriot Lane Montgomery, PA 17752	Clinton Township Lycoming County	NCRO
PAD420010	New	Kane Area School District 400 West Hemlock Avenue Kane, PA 16735	Wetmore Township McKean County	NWRO
PAD050015	Renewal	Pennsylvania Turnpike Commission 700 S Eisenhower Blvd Middletown, PA 17057	Snake Spring Township West Providence Township Bedford County	RPCO

### 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>
Keister Family Farms LLC 105 Keister Farm Lane Middleburg, PA 17842	Snyder	30.1	439.11	Turkeys Steers	NA	Renewal
Embrovac, LLC 616 Dairy Road Tamaqua, PA 18252	Schuylkill	20.4	347.49	Poultry (layers)	HQ	Renewal
Beachdale Farms, Inc. 126 Bronco Drive Berlin, PA 15530	Somerset	840.8	878.9	Swine Beef	NA	Renewal
Keith & Denise Leydig 594 Cumberland Highway Berlin, PA 15530	Somerset	598.4	726.9	Swine	HQ	Renewal

<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>
Dwayne Nolt 58 East Strack Drive Myerstown, PA 17067	Lebanon	52	644	Swine	NA	Renewal
Bryan Byers 81 Four Pines Road Quarryville, PA 17566	Lancaster	275.7	178.46	Ducks	HQ	Renewal
Ken Martin 1397 Robert Fulton Highway Quarryville, PA 17566	Lancaster	266.6	1,754.53	Swine/ Dairy/ Pullets	HQ	Renewal

**PUBLIC WATER SUPPLY PERMITS**

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

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

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

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

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

**SAFE DRINKING WATER**

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

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

**Permit No. 5122501**, Public Water Supply.

Applicant	<b>NG 1500 Market Street, LLC</b> 1500 Market Street Suite LM525 Philadelphia, PA 19102
Municipality	City of Philadelphia
County	<b>Philadelphia</b>

Type of Facility	PWS
Consulting Engineer	Jacobs Engineering Associates 1914 Mt. Royal Blvd. Glenshaw, PA 15116
Application Received Date	June 2, 2022
Description of Action	Secondary disinfection to cold water for internal water safety goals and maintenance of disinfectant residual.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995  
PREAMBLE 1**

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent (NOI) to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a NOI to Remediate with the Department. A NOI to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under Sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific

standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the NOI to Remediate is published in a newspaper of general circulation in the area of the site. For the following identified site(s), proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30-days of the following specified date. During this comment period the municipality may request that the following identified person, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

For further information concerning the content of a NOI to Remediate, please contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

The Department of Environmental Protection has received the following Notice(s) of Intent to Remediate:

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

**Former Concrete Batch Plant**, 3311 Farmersville Road, Bethlehem, PA 18020, Bethlehem Township, **Northampton County**. Whitestone Associates, 1600 Manor Drive, Suite 220, Chalfont, PA 18914, on behalf of Tristate Ventures, LP, 992 Old Eagle School Road, Suite 915, Wayne, PA 19087, submitted a Notice of Intent to Remediate. Soil was contaminated with petroleum from storage tanks. Future use of the site will be nonresidential. The Notice of Intent to Remediate was published in *The Morning Call* on May 22, 2022.

#### **OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

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

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

**Permit Application No. 101679. Blythe Recycling and Demolition Site Holdings, Inc.**, 1786 Salzman Road, Waterloo, NY 13165. Site location is in Blythe Township, **Schuylkill County**. A permit reissuance application to transfer the Blythe Recycling and Demolition Site (BRADS) c/d waste landfill permit from Blythe Township to Blythe Recycling and Demolitions Site Holdings, Inc. The application was received on April 29, 2022, supplemental information was received on June 6, 2022, and the application was deemed administratively complete on June 8, 2022.

Comments concerning the application should be directed to Roger Bellas, Environmental Program Manager, Waste Management Program, Northeast Regional Office,

2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

### **AIR QUALITY**

#### **PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS**

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

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

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

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

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution

Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

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

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

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

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

**46-0027I: Janssen Research & Development, LLC**, 1400 McKean Road, Spring House, PA 19477, to permit three existing and two temporary (rental) emergency generator sets at its existing pharmaceutical research and development facility located in Lower Gwynedd Township, **Montgomery County**. The emergency generator sets were previously exempted from Plan Approval requirements under the following Requests for Determination (RFDs) with the respective Source ID in the current Title V Operating Permit (TVOP) No. 46-00027, but are now proposed to be permitted under Plan Approval to remove their exempt status:

- RFD No. 790 (approved April 7, 2009): 1,000-ekW emergency generator set equipped with a diesel fuel/No. 2 fuel oil-fired engine (Source ID 113).
- RFD No. 3783 (approved July 15, 2013): 750-ekW emergency generator set equipped with a diesel fuel/No. 2 fuel oil-fired engine (Source ID 119).
- RFD No. 6354 (approved June 1, 2017): 1,000-ekW emergency generator set equipped with a natural gas-fired engine (Source ID 122).
- RFD No. 8716 (approved September 25, 2020): two temporary (rental) 2,000-ekW emergency generator sets, each equipped with a diesel fuel/No. 2 fuel oil-fired engine.

Currently, the engines of the emergency generator sets, as well as two existing fire pumps (Source ID 121), are subject to combined nitrogen oxides (NO<sub>x</sub>) emission rate restrictions of 100 lbs/hr, 1,000 lbs/day, 2.75 tons/ozone season, and 6.6 tons/yr, calculated monthly as a 12-month rolling sum. Under the Plan Approval, the engines of the emergency generator sets will be subject to the following NO<sub>x</sub> emission rate restrictions based on total operating times of 500 hrs/yr for the existing units and 150 hrs/yr for the temporary (rental) units:

- Source ID 113: 12.91 lbs/hr and 3.23 tons/yr, calculated monthly as a 12-month rolling sum.
- Source ID 119: 9.65 lbs/hr and 2.41 tons/yr, calculated monthly as a 12-month rolling sum.
- Source ID 122: 6.47 lbs/hr and 1.62 tons/yr, calculated monthly as a 12-month rolling sum.
- Temporary (rental) units: 41.987/83.974 lbs/hr (each/total) and 3.149/6.298 tons/yr, calculated monthly as a 12-month rolling sum (each/total).

Since the engines of the existing emergency generator sets are currently subject to total operating time restrictions of 500 hrs/yr each, DEP does not consider them to have undergone a modification, as defined in 25 Pa. Code § 121.1 (i.e., “a change in the method of operation of a source which would increase the amount of an air contaminant emitted by the source.”) However, since the temporary emergency generator sets are no longer onsite, will only be brought onsite only if an existing cogeneration unit (Source ID 118 in TVOP No. 46-00027) is down for maintenance or otherwise not operational, and may not be the same units as previously onsite, DEP will permit the temporary emergency generator sets as new sources. (The fire pumps are not included in the Plan Approval.)

Based on the NO<sub>x</sub> and volatile organic compounds (VOCs) from the engines of the temporary emergency generator sets, as well as the other historical emissions increases and decreases of NO<sub>x</sub> and VOCs at the facility, including the aforementioned combined (exempt) annual NO<sub>x</sub> emission rate restriction, the project is not subject to New Source Review (NSR) requirements.

Each of the engines of the emergency generator sets is/will be EPA-certified and rated at greater than 1,000 bhp power output. Therefore, the engine is subject to the Standards of Performance for New Stationary Sources (NSPS) for Stationary Compression or Spark Ignition Internal Combustion Engines [40 CFR Part 60, Subparts IIII and JJJJ, respectively], as applicable, and the additional NO<sub>x</sub> requirements specified in 25 Pa. Code §§ 129.203—129.204.

The Plan Approval will include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

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**OPERATING PERMITS**

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**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.**

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

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

**05-05014: Sandy Run Landfill, LLC**, 995 Landfill Road, Hopewell, PA 16650, to issue a Title V Operating Permit for the municipal solid waste landfill in Broad Top Township, **Bedford County**. The facility 2020 actual air emissions were 2.94 tons VOC, 9.63 tons PM<sub>-10</sub>, 2.49 tons PM<sub>-2.5</sub>, 2.52 tons total HAPs, 5.36 tons NO<sub>x</sub>, 1.28 tons SO<sub>2</sub>, and 18.48 tons CO. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other requirements in the permit, certain sources at the facility are subject to the requirements of 40 CFR 62 Subpart OOO—Federal Plan Requirements for Municipal Solid Waste Landfills That

Commenced Construction On or Before July 17, 2014 and Have Not Been Modified or Reconstructed Since July 17, 2014, and 40 CFR 63 Subpart AAAA—National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills.

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

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

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

**46-00247: Universal Concrete Products Corporation**, 400 Old Reading Pike, Stowe, PA 19464, located in West Pottsgrove Township, **Montgomery County**. This action is a renewal of a Natural Minor Operating Permit. This facility manufactures pre-cast concrete panels. Resins used in the facility's Mold Coating Process (Source ID No. 111) has the potential to emit VOC and HAPS. The facility operates one (1) blast machine (Source ID No. 103) that has the potential to emit PM. Water is used to control PM emissions resulting from hydroblasting operations. The facility also operates the following miscellaneous sources: One (1) cement batch plant with four (4) outdoor silos, each equipped with bin vents, that vents indoors; Twenty-two (22) kerosene heaters and one (1) Kemco natural gas hot water heater. Potential emissions at the facility are as follows: 11.86 tons per year of particulate matter; less than 3 tons per year of NO<sub>x</sub> less than 2 tons per year of CO; and less than 1 ton per year each of SO<sub>x</sub>, VOC and HAPs. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility 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.

**46-00228: PR Plymouth Meeting, L.P.**, 500 Germantown Pike, Suite 150, Plymouth Meeting, PA 19462, located in Plymouth Township, **Montgomery County**. This is for the renewal of a non-Title V (State Only, Natural Minor) operating permit of a retail shopping mall. Sources of air emissions are two (2) gas-fired boilers and two (2) emergency generators, with potential-to-emit below the thresholds. The renewal 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.

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

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

**38-03062: Sunoco Pipeline LP/Cornwall Station**, 370 Horseshoe Pike, Lebanon, PA 17042, to issue a State

Only Operating Permit for the natural gas liquid (ethane, propane, butane or a mixture of these) pumping station located in West Cornwall Township, **Lebanon County**. The potential emissions from the facility are estimated to be 0.06 tpy NO<sub>x</sub>, 0.24 tpy CO, 0.76 tpy VOCs, 0.01 tpy Methane and 108 tpy GHG. 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.*

**14-00043: University Area Joint Authority**, 1576 Spring Valley Rd., State College, PA 16801, to issue a State Only Operating Permit for the Spring Creek Pollution Control Facility located in Benner and College Townships, **Centre County**. The facility's sludge handling operations are currently operating under Plan Approval 14-00043A. The facility's main sources include a wastewater treatment plant that also includes advanced water treatment operations; a sewage sludge dewatering and composting operation, the air contaminant emissions from which are controlled by a biofilter; one 1,141 kW, diesel-fired, standby generator; one 1,000 gallon diesel fuel storage tank; various natural gas-fired combustion sources. The facility has potential emissions of 9.71 TPY of CO; 31.41 TPY of NO<sub>x</sub>; 0.08 TPY of SO<sub>x</sub>; 1.86 TPY of PM/PM<sub>10</sub>; 6.36 TPY of VOCs; 2.65 TPY HAPs; 3.48 TPY of ammonia; 7.03 TPY of hydrogen sulfide; 10,563 TPY GHGs. The generator engine is subject to 40 CFR Part 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. 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. These operating permit conditions have been derived from the applicable requirements of Title 25 Pa. Code Chapters 121—145, as well as 40 CFR Part 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.

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

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

**63-00940: MarkWest Liberty Midstream & Resources, LLC**, 4600 J. Barry Ct., Ste. 500, Canonsburg, PA 15317-5854, initial Natural Minor State-Only Operating Permit is for the Shaw natural gas compressor station located in Chartiers Township, **Washington County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and is providing notice that it intends to issue an Air Quality Operating Permit for the previously-mentioned facility. Sources of emissions consist of four (4) 1,340-HP Caterpillar G3516LE compressor engines, one (1) 1,340-HP Caterpillar G3516LE compressor engine converted to a G3516B NO<sub>x</sub> emissions profile, one (1) 1,380-HP Caterpillar G3516B compressor engine all controlled by oxidation catalysts, one (1) 60.0 MMscf

day dehydration unit and associated 1.0 MMBtu/hr reboiler, one (1) 7.0 MMBtu/hr enclosed flare, three (3) 400-bbl storage tanks, one (1) 520-gallon methanol storage tank, pneumatic devices, venting/blowdowns, fugitives, condensate loadout, crankcase vents, pigging operations, and miscellaneous sources that includes rod packing and measurement analyzers. The facility is required to conduct regular surveys of the site while operating to ensure compliance with visible, fugitive, and malodor emission requirements and maintain records of those surveys. The facility-wide potential-to-emit is 93.6 TPY NO<sub>x</sub>, 37.0 TPY CO, 41.0 TPY VOC, 2.9 TPY PM, 2.9 TPY PM<sub>10</sub>/PM<sub>2.5</sub>, 0.20 TPY SO<sub>x</sub>, 53,052 TPY CO<sub>2e</sub>, 10.0 TPY total HAP, and 6.1 TPY single HAP. The air quality operating permit includes emission limitations, operating requirements, monitoring requirements, work practice standards, testing, reporting, and recordkeeping requirements for the site.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Natural Minor State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (63-00940) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

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

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

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

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

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

**03-00253: Rosebud Mining Company Parkwood Mine Coal Preparation Plant**, 301 Market Street, Kittanning, PA 16201. The Department intends to issue a renewal State Only Operating Permit for operating of a coal preparation plant located in Plumcreek Township, **Armstrong County**. The subject facility consists of stockpiles, conveyors, screens, transfer points, truck load-out, and one emergency generator. Emissions from the facility are based on the coal throughput limit, hours of operating, and AP-42 emission factors. The facility has the potential to emit 2.0 TPY NO<sub>x</sub>, 1.1 TPY CO, 13.8 TPY PM, 4.9 TPY PM<sub>10</sub>, and less than 1 TPY for all other criteria pollutants. The facility is a natural minor and is subject to State and Federal Regulations (40 CFR Part 60

Subpart Y and III and 40 CFR Part 63 Subpart ZZZZ). The permit includes operation requirements, monitoring requirements, and recordkeeping requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**32-00375: Rosebud Mining Company Lowry Mine Coal Preparation Plant**, 301 Market Street, Kittanning, PA 16201. The Department intends to issue a renewal State Only Operating Permit for operating of a coal preparation plant located in White Township, **Indiana County**. The subject facility consists of stockpiles, conveyors, screens, transfer points, truck load-out, and one emergency generator. Emissions from the facility are based on the coal throughput limit, hours of operating, and AP-42 emission factors. The facility has the potential to emit 1.3 TPY CO, 15.6 TPY PM, 5.6 TPY PM<sub>10</sub>, and less than 1 TPY for all other criteria pollutants. The facility is a natural minor and is subject to State and Federal Regulations (40 CFR Part 60 Subpart Y and III and 40 CFR Part 63 Subpart ZZZZ). The permit includes operation requirements, monitoring requirements, and recordkeeping requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**32-00397: Rosebud Mining Company Heilwood Mine Coal Preparation Plant**, 301 Market Street, Kittanning, PA 16201. The Department intends to issue a renewal State Only Operating Permit for operating of a coal preparation plant located in Pine Township, **Indiana County**. The subject facility consists of stockpiles, conveyors, screens, transfer points, truck load-out, and two emergency generators. Emissions from the facility are based on the coal throughput limit, hours of operating, and AP-42 emission factors. The facility has the potential to emit 1.35 TPY NO<sub>x</sub>, 1.67 TPY CO, 35 TPY PM, 12.7 TPY PM<sub>10</sub>, and less than 1 TPY for all other criteria pollutants. The facility is a natural minor and is subject to State and Federal Regulations (40 CFR Part 60 Subpart Y and III and 40 CFR Part 63 Subpart ZZZZ). The permit includes operation requirements, monitoring requirements, and recordkeeping requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**43-00390: Sherman Funeral Home and Crematory, Inc.**, 2201 Highland Road, Hermitage, PA 16148-2822. The Department is providing notice that they intend to issue a new State Only Natural Minor Operating Permit for operation of the human crematory located in Sharpsville Borough, **Mercer County**. The facility's primary emission source consists of a human crematory. The potential emissions of the primary pollutants from the facility are as follows: 1.169 TPY (tons per year) NO<sub>x</sub>, 0.969 TPY CO, 0.098 TPY VOC, 0.799 TPY filterable PM, and 0.713 TPY SO<sub>x</sub>; thus, the facility is a natural minor. The crematory is subject to Plan Approval 43-390A which includes opacity and emission restrictions. The renewal permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

## 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

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

*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. 63120103. NPDES Permit No. PA0252310. Amerikohl Mining, Inc.**, 1384 State Route 711, Stahlstown, PA 15687. Revision to an existing bituminous surface mine to change the post-mining land use from forestland to unmanaged natural habitat on the property in Nottingham Township, **Washington County**. Receiving streams: unnamed tributaries to Mingo Creek and Mingo Creek, classified for the following uses: HQ-TSF. Application received: June 8, 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

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

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

**Mining Permit No. 01870301. NPDES No. PA0593931. Vulcan Construction Materials, LLC**, 875 Oxford Avenue, Hanover, PA 17331, renewal of an NPDES Permit, located in Oxford, Berwick & Conewago Townships, **Adams County**. Receiving streams: unnamed tributaries to South Branch Conewago Creek (locally known as Slagle Run and North Stream) classified for the following use: WWF and MF. Application received: June 6, 2022.



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

**Mining Permit No. 26140401. NPDES No. PA0278149. Laurel Aggregates of Delaware, LLC**, 2480 Springhill Furnace Road, Lake Lynn, PA 15451, renewal of an NPDES permit associated with a large noncoal permit in Springhill Township, **Fayette County**, affecting 197.0 acres. Receiving stream: unnamed tributaries to Rubles Run and Rubles Run, classified for the following use: CWF. Application received: June 3, 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. 36820301. NPDES Permit No. PA0612171. H & K Group, Inc.**, 2052 Lucon Road, Skippack, PA 19474, renewal of an NPDES Permit on a quarry operation in Brecknock Township, **Lancaster County**, affecting 131.71 acres. Receiving stream: unnamed tributary to Black Creek, classified for the following use: HQ-WWF. Application received: June 2, 2022.

**Mining Permit No. 7776SM1. NPDES Permit No. PA0611883. Martin Stone Quarries, Inc.**, 1355 North Reading Avenue, Bechtelsville, PA 19505, renewal of an NPDES Permit on a quarry operation in Bechtelsville Borough and Colebrookdale Township, **Berks County**, affecting 349.35 acres. Receiving stream: unnamed tributary to Swamp Creek, classified for the following uses: TSF, MF. Application received: June 2, 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. PA0243833. Mining Permit No. 14040101. RES Coal, LLC**, 51 Airport Road, Clearfield, PA 16830, renewal of an NPDES permit for discharge of water resulting from bituminous coal surface mining in Rush Township, **Centre County**, affecting 547.3 acres. Receiving stream(s): unnamed tributaries to Trout Run and unnamed tributaries to Moshannon Creek, classified for the following use(s): CWF. This receiving stream is included in the Moshannon Creek Watershed TMDL. Application received: February 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 outfalls discharge to Tributary 'A' to Moshannon Creek:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
010	Existing	Sediment Pond SP10	Precipitation Induced
011	Existing	Treatment Basin TB1	Intermittent

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

<i>Outfalls: 010 &amp; 011 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/L)	2.6	5.2	6.5
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
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.

The following outfalls discharge to Moshannon Creek:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
007	Existing	Sediment Pond SP7	Precipitation Induced
009	Existing	Sediment Pond SP9	Precipitation Induced
012	Existing	Treatment Basin TB2	Intermittent

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

<i>Outfalls: 007, 009 &amp; 012 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	1.7	3.4	4.2
Aluminum (mg/L)	0.75	0.75	0.75
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	

*Outfalls: 007, 009 & 012 (All Weather Conditions)*

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Specific Conductivity ( $\mu\text{mhos/cm}$ )		Report	

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

The following outfalls discharge to Tributary 'B' to Trout Run:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
003	Existing	Sediment Pond SP3	Precipitation Induced
004	Existing	Sediment Pond SP4	Precipitation Induced
005	Existing	Sediment Pond SP5	Precipitation Induced
006	Existing	Sediment Pond SP6	Precipitation Induced
013	Existing	Treatment Basin TB3	Intermittent

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

<i>Outfalls: 003, 004, 005, 006 &amp; 013 (All Weather Conditions)</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
<i>Parameter</i>			
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
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature ( $^{\circ}\text{C}$ )		Report	
Specific Conductivity ( $\mu\text{mhos/cm}$ )		Report	

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

The following outfalls discharge to Tributary 'A' to Trout Run:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	Sediment Pond SP1	Precipitation Induced
002	Existing	Sediment Pond SP2	Precipitation Induced
014	Existing	Treatment Basin TB4	Intermittent

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

<i>Outfalls: 001, 002 &amp; 014 (All Weather Conditions)</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
<i>Parameter</i>			
Iron (mg/L)	2.2	4.4	5.5
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
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature ( $^{\circ}\text{C}$ )		Report	
Specific Conductivity ( $\mu\text{mhos/cm}$ )		Report	

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

This site also contains or is hydrologically connected to substandard discharges for which there is no responsible party. Pursuant to 25 Pa. Code Chapter 87, Subchapter F, effluent limits for those discharges will be based upon the existing baseline pollution load, or the standards found at 25 Pa. Code Chapter 87.102(a) Group A, whichever is least stringent.

#### *Noncoal NPDES Draft Permits*

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

**NPDES Permit No. PA0269964. Mining Permit No. 08210303. M.R. Dirt, Inc.,** 21186 Route 187, Towanda, PA 18848, new NPDES permit for discharge of water resulting from an Industrial Minerals surface mine located in Wyalusing Township, **Bradford County**, affecting 17.6 acres. Receiving stream(s): Unnamed Tributary to Billings Creek and Unnamed Tributary to Brewer Creek, classified for the following use(s): WWF, MF. Application received: October 25, 2021.

The following outfalls discharge to Unnamed Tributary to Billings Creek:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	New	Sediment Basin 1	Precipitation Induced
003	New	Treatment Basin 3	Pumped

The following outfall discharges to Unnamed Tributary to Brewer Creek:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
002	New	Sediment Trap 2	Precipitation Induced
The proposed effluent limits for Outfalls 001 & 002 are as follows:			
<i>Outfalls: 001 &amp; 002 (Dry Weather Conditions)</i>			
<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Flow (gpm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units.			
<i>Outfalls: 001 &amp; 002 (≤10-yr/24-hr Precip. Event)</i>			
<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Settleable Solids (mL/L)	N/A	N/A	0.5
Flow (gpm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
<i>Outfalls: 001 &amp; 002 (&gt;10-yr/24-hr Precip. Event)</i>			
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			

The proposed effluent limits for Outfall 003 are as follows:

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

## 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 AM and 4:00 PM on each working day at the office noted above the application.

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

## WATER OBSTRUCTIONS AND ENCROACHMENTS

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

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.*

*Contact: Dana Drake.*

**E6305220-025, Traditions of America**, 1235 Westlake Drive, Suite 300, Berwyn, PA 19312, Cecil Township, **Washington County**; Army Corp of Engineers Pittsburgh District.

The applicant has been given consent to construct, operate, and maintain:

1. A 128 linear feet (LF) stream enclosure. The impact is to 154 LF of an unnamed tributary (UNT) to Chartiers Creek (Stream R001).
2. Fill within 142 LF of a UNT to Chartiers Creek (WWF), with a drainage area less than 100 acres (Stream R001A1).
3. Fill within 64 LF of a UNT to Chartiers Creek (WWF), with a drainage area less than 100 acres Stream R001A).
4. Fill within 44 LF of a UNT to Chartiers Creek (WWF), with a drainage area less than 100 acres (Stream R001B).
5. Fill within 110 LF of a UNT to Chartiers Creek (WWF), with a drainage area less than 100 acres (Stream R004).

6. The cumulative impacts to 514 LF of streams will be mitigated by eliminating 2 existing impoundments and creating 698 LF of stream channel in the footprint. Enhancement of the newly created channel will include riparian plantings and in-stream habitat.

For the purpose of constructing a residential subdivision with associated road infrastructure and post construction stormwater facilities. The site is approximately 189.6 acres and approximately 130 acres will be disturbed.

The project site is located at 1000 Atlas Drive, Canonsburg, PA 15317 (Canonsburg Quadrangle, PA USGS topographic quadrangle; N: 40°, 16', 52"; W: -80°, 8', 50"; Sub-basin 20F; USACE Pittsburgh District), in Cecil Township, Washington County.

*Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E6106222-003, Jackson Township Supervisors**, P.O. Box 238, Copperstown, PA 16317, White Road Bridge Replacement, in Jackson Township, **Venango County**, Army Corp of Engineers Pittsburgh District (Dempseytown, PA Quadrangle N: 41°, 32', 18.7178"; W: 79°, 51', 32.3945").

The permittee proposes to replace the former bridge spanning an unnamed tributary to the East Branch of Sugar Creek with a single span steel beam bridge with laminated timber deck on White Road approx. 1.2 miles south of the intersection with State Route 4022. The replacement bridge will have the clear span of approx. 48 feet and an average underclearance of 7 feet with a waterway capacity of 336 square feet permanently impacting 0.03 acre of stream and 0.05 acre of floodway.

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## ACTIONS

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

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

The Department has taken the following actions on previously received applications for new, amended, and renewed NPDES and WQM permits, applications for permit waivers, and NOIs for coverage under General Permits, as listed in the following tables. This notice of final action is published in accordance with 25 Pa. Code Chapters 91, 92a, and 102 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376). The official file for each listed action can be reviewed at the DEP or delegated county conservation district (CCD) office identified in the table for the action. DEP/CCD office contact information is listed as follows for Section I and is contained within the table for Section II. Additional information for permits issued under 25 Pa. Code Chapters 91 and 92a 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](http://www.dep.pa.gov/CWPublicNotice).

DEP office contact information to review official files relating to the final actions in Section I is as follows:

*DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484.250.5910. Email: RA-EPNPDES\_SERO@pa.gov 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 at (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 &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAD110013	Chapter 102 Individual NPDES Permit	Issued	PA Game Comm 2001 Elmerton Avenue Harrisburg, PA 17110-9762	Chest Township Cambria County	SWRO
PAD360082	Chapter 102 Individual NPDES Permit	Issued	Shirk Allen 111 E Black Creek Road East Earl, PA 17519-9794	Caernarvon Township Lancaster County	SCRO
PAD390221	Chapter 102 Individual NPDES Permit	Issued	Sheetz Inc. 351 Sheetz Way Claysburg, PA 16625-8346	Allentown City Lehigh County	NERO
PAD450152	Chapter 102 Individual NPDES Permit	Issued	LTS Homes LLC 805 Seven Bridge Road East Stroudsburg, PA 18301-7943	Stroud Township Monroe County	NERO
PAD450153	Chapter 102 Individual NPDES Permit	Issued	D E & S Properties Inc. 2621 Route 940 Pocono Summit, PA 18346-7734	Smithfield Township Monroe County	NERO
PAD460057	Chapter 102 Individual NPDES Permit	Issued	DPD-Bridgeview LP 740 Sansom Street Suite 501 Philadelphia, PA 19106-3213	Bridgeport Borough Montgomery County	SERO
PAD630008	Chapter 102 Individual NPDES Permit	Issued	Team Rahal Of Canonsburg Inc. 2610 Washington Road Canonsburg, PA 15317	North Strabane Township Washington County	SWRO
PAD640029	Chapter 102 Individual NPDES Permit	Issued	David Dulay, Inc. 3224 Lake Ariel Highway Honesdale, PA 18431-7602	Cherry Ridge Township Wayne County	NERO
PAS122204	Industrial Stormwater Individual NPDES Permit	Issued	Samuel Adams PA Brewery Co. 7880 Penn Drive Breinigsville, PA 18031-1508	Upper Macungie Township Lehigh County	NERO
0220800	Joint DEP/PFBC Pesticides Permit	Issued	Shute Gary 1036 Cecil Reissing Road McDonald, PA 15057-2590	South Fayette Township Allegheny County	SWRO
0915820	Joint DEP/PFBC Pesticides Permit	Issued	Ditnes Russell 2603 Heron Pointe Jamison, PA 18929	Buckingham Township Bucks County	SERO
0922806	Joint DEP/PFBC Pesticides Permit	Issued	Doman Bruce 298 Rock Ridge Road Upper Black Eddy, PA 18972-9636	Nockamixon Township Bucks County	SERO

## NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
1022802	Joint DEP/PFBC Pesticides Permit	Issued	Erin Conley 457 Three Degree Road Renfrew, PA 16053-1223	Penn Township Butler County	NWRO
2522802	Joint DEP/PFBC Pesticides Permit	Issued	Eric Schuster 10247 Sharp Road Waterford, PA 16441-3953	Waterford Township Erie County	NWRO
2522803	Joint DEP/PFBC Pesticides Permit	Issued	Paul Lorei 1429 S Hill Road Erie, PA 16509-4835	Summit Township Erie County	NWRO
1508411	Land Application and Reuse of Sewage Individual WQM Permit	Issued	London Grove Township Municipal Authority Chester County 372 Rose Hill Road Suite 100 West Grove, PA 19468	London Grove Township Chester County	SERO
PA0051926	Major Industrial Waste Facility < 250 MGD Individual NPDES Permit	Issued	Constellation Energy Generation, LLC 3146 Sanatoga Road Pottstown, PA 19464-3418	Limerick Township Montgomery County	SERO
0213200	Major Industrial Waste Treatment Facility Individual WQM Permit	Issued	Cheswick Plant Environmental Redevelopment Group, LLC 12601 Plantside Drive Louisville, KY 40299-6386	Springdale Borough Allegheny County	SWRO
4809403	Major Sewage Treatment Facility Individual WQM Permit	Issued	Nazareth Borough Municipal Authority Northampton County P.O. Box A Nazareth, PA 18064-0450	Lower Nazareth Township Northampton County	NERO
0122201	Manure Storage and Wastewater Impoundments Individual WQM Permit	Issued	Hillandale Gettysburg LP 3910 Oxford Road Gettysburg, PA 17325-8367	Tyrone Township Adams County	SCRO
3822201	Manure Storage and Wastewater Impoundments Individual WQM Permit	Issued	Copenhaver Duane 984 Forney Lane Lebanon, PA 17042-4714	South Annville Township Lebanon County	SCRO
PA0032026	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Family Affair Campground, LLC 1135 Tamarack Road Waterford, PA 16441	North East Township Erie County	NWRO
PA0051268	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	PA DCNR 2808 Three Mile Run Road Perkasie, PA 18944-2065	Upper Makefield Township Bucks County	SERO
PA0093203	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	PA State University 139J Physical Plant Building University Park, PA 16802	Upper Burrell Township Westmoreland County	SWRO
PA0101826	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Jones Estates Woodland Meadows PA, LLC 2310 S Miami Boulevard Suite 238 Durham, NC 27703-5798	Connoquenessing Township Butler County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0880206	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Issued	PA DCNR 28 Entrance Road Troy, PA 16947-8506	West Burlington Township Bradford County	NCRO
1073412	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Jones Estates Woodland Meadows PA, LLC 2310 S Miami Boulevard Suite 238 Durham, NC 27703-5798	Connoquenessing Township Butler County	NWRO
2595408	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Family Affair Campground, LLC 1135 Tamarack Road Waterford, PA 16441	North East Township Erie County	NWRO
NOEXSE183	No Exposure Certification	Issued	First Transit, Inc. 110 Perimeter Park Suite E Knoxville, TN 37922-2200	Eddystone Borough Delaware County	SERO
PAR608350	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Metalico Bradford, Inc. 286 High Street Bradford, PA 16701	Bradford City McKean County	NWRO
PAG040064	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Cornes Thomas 208 Neiffer Road Schwenksville, PA 19473-1410	Limerick Township Montgomery County	SERO
PAG041138	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Amanda Coburn & Corey Ferrell 6751 Route 6N Edinboro, PA 16412-1235	Washington Township Erie County	NWRO
PAG094844	PAG-09 General Permit for Beneficial Use of Residential Septage	Issued	Kremser Assoc, LLC 1300 Jordan Avenue Montoursville, PA 17754-2520	Muncy Creek Township Lycoming County	NCRO
PAG109620	PAG-10 NPDES General Permit for Hydrostatic Test Water	Issued	Transcontinental Gas Pipe Line Co. LLC 2800 Post Oak Boulevard Houston, TX 77056-6100	Statewide Statewide	CO
1471403	Pump Stations Individual WQM Permit	Issued	Liberty Township Centre County 149 Main Park Road Howard, PA 16841-3508	Liberty Township Centre County	NCRO
PA0245381	Single Residence STP Individual NPDES Permit	Issued	Stephen And Caroline Grasso 694 W Beidler Road King of Prussia, PA 19406-1422	Upper Merion Township Montgomery County	SERO
PA0290432	Single Residence STP Individual NPDES Permit	Issued	Barton Linda 134 Mitchell Road West Middlesex, PA 16159-3314	Pulaski Township Lawrence County	NWRO
PA0291528	Single Residence STP Individual NPDES Permit	Issued	Re Kirk A 1640 Old Carlisle Road Aspers, PA 17304-9761	Conestoga Township Lancaster County	SCRO
3622403	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Re Kirk A 1640 Old Carlisle Road Aspers, PA 17304-9761	Conestoga Township Lancaster County	SCRO



**NOTICES**

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
3722401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Barton Linda 134 Mitchell Road West Middlesex, PA 16159-3314	Pulaski Township Lawrence County	NWRO
PA0290602	Small Flow Treatment Facility Individual NPDES Permit	Issued	Mahan Larry 21843 Mayflower Hill Drive Venango, PA 16440-2035	Venango Township Crawford County	NWRO
2022403	Small Flow Treatment Facility Individual WQM Permit	Issued	Mahan Larry 21843 Mayflower Hill Drive Venango, PA 16440-2035	Venango Township Crawford County	NWRO
WQG01251323	WQG-01 WQM General Permit	Issued	Amanda Coburn & Corey Ferrell 6751 Route 6N Edinboro, PA 16412-1235	Washington Township Erie County	NWRO

**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 &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC510255	PAG-02 General Permit	Issued	4301 Chestnut, LLC 414 S 16th Street Suite 100 Philadelphia, PA 19146	City of Philadelphia Philadelphia County	DEP, SERO 2 East Main Street Norristown, PA 19401-4915 RA-EPNPDES_SERO@pa.gov
PAC480014	PAG-02 General Permit	Issued	CMC Development Corporation 4511 Falmer Drive Bethlehem, PA 18020	Palmer Township Northampton County	Northampton County Conservation District 14 Gracedale Avenue Greystone Building Nazareth, PA 18064-9211 610-829-6276
PAC140132	PAG-02 General Permit	Issued	Alex's Proscapes P.O. Box 645 Lemont, PA 16851-0645	Harris Township Centre County	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823-1400
PAC470032	PAG-02 General Permit	Issued	Integrity Land, Inc 197 Point Township Drive Northumberland, PA 17857	Liberty Township Montour County	Montour County Conservation District 1210 Bloom Road Danville, PA 17821
PAC600088	PAG-02 General Permit	Issued	PNK P2, LLC Alex Rozengaus Enterprise Blvd Allenwood, PA 17810	Gregg Township Union County	Union County Conservation District 155 N 15th Street Lewisburg, PA 17837-8822
PAC600090	PAG-02 General Permit	Issued	Walnut Buildings, LLC 216 St Anthony Street Lewisburg, PA 17837	Lewisburg Borough Union County	Union County Conservation District 155 N 15th Street Lewisburg, PA 17837-8822
PAC630252	PAG-02 General Permit	Issued	3210 Project, LLC 45 Howard Ridge Road Washington, PA 15317	South Franklin Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 (724) 705-7098

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC650303	PAG-02 General Permit	Issued	Cherry Wood Development 1868 Lions Club Road New Alexandria, PA 15670	Mount Pleasant Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 (724) 837-5271
PAC320056	PAG-02 General Permit	Issued	Blairsville Housing 2, LLC Century Building 130 7th Street Suite 300 Pittsburgh, PA 15222	Conemaugh Township Indiana County	Indiana County Conservation District 435 Hamill Road Indiana, PA 15701 724-471-4751

**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>
Country View Family Farms, LLC 15197 Great Cove Road Big Cove Tannery, PA 17212	Fulton	224	3,271.50	Sows, Sows with Litters, Gilts and Boars	NA	Approved

**PUBLIC WATER SUPPLY PERMITS**

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the

Pennsylvania Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

### SAFE DRINKING WATER

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

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

**Construction Permit No. 3621533**, Public Water Supply.

Applicant **Turkey Hill Minit Market # 73**  
165 Flanders Rd  
Westborough, MA 01581

Municipality Elizabeth Township

County **Lancaster**

Consulting Engineer Scott M. Rights, P.E.  
Steckbeck Engineering Associates  
279 N Zinns Mill Rd  
Lebanon, PA 17042

Permit Issued June 7, 2022

Description Installation of nitrate removal treatment.

**Construction Permit No. 3621532**, Public Water Supply.

Applicant **Zymis, LLC**  
P.O. Box 141  
Quarryville, PA 17566

Municipality East Drumore Township

County **Lancaster**

Consulting Engineer Scott M. Rights, P.E.  
Steckbeck Engineering Associates  
279 N Zinns Mill Rd  
Lebanon, PA 17042

Permit Issued June 6, 2022

Description Addition of nitrate removal treatment.

**Construction Permit No. 0622506**, Public Water Supply.

Applicant **Camp Adahi & Adahi Kids**  
172 Hartz Store Road  
Mohnton, PA 17540

Municipality Brecknock Township

County **Berks**

Consulting Engineer Jeremy S. Madaras, P.E.  
J.S. Madaras Consulting LLC  
250 Indian Lane  
Boyertown, PA 19512

Permit Issued June 6, 2022

Description Construction permit for adding pH adjustment to the system.

**Construction Permit No. 2821521**, Public Water Supply.

Applicant **Herbrucks of Pennsylvania, LLC**  
8069 Corner Road  
Mercersburg, PA 17236

Municipality Montgomery Township

County **Franklin**

Consulting Engineer Robert H. Schemmerling, P.E.  
RHS Engineering, Inc.  
2909 Conococheague Lane  
Greencastle, PA 17225

Permit Issued June 6, 2022

Description Construction of Wells C1 and C2, softening, nitrate treatment, and sodium hypochlorite disinfection.

**Construction Permit No. 3122501 MA, Minor Amendment**, Public Water Supply.

Applicant **Broad Top City Water Authority**  
20432 Hazel Street  
P.O. Box 183  
Broad Top City, PA 16621

Municipality Broad Top City Borough

County **Huntingdon**

Consulting Engineer Jason G. Saylor, P.E.  
Utility Service Company Inc  
1230 Peachtree Street NE  
Atlanta, GA 30309

Permit Issued June 3, 2022

Description Rehabilitation of existng 0.125 MG tank and installation of a mixer.

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

**Construction Permit No. 5922501MA**, Public Water Supply.

Applicant **KA Middlebury Mobile Home Park, LLC**  
34 Brennan Way  
Hillsborough, NJ 08844

Municipality Middlebury Township

County **Tioga**

Consulting Engineer Mathew A. Tusing, P.E.  
Penn Environmental & Remediation, Inc.  
13180 Route 6  
Mansfield, PA 16933

Permit Issued June 8, 2022

Description This permit authorizes the water system to replace two 120-gallon steel retention tanks with similar US Water Systems Model USWRT-120 120-gallon tanks constructed of fiberglass in Middlebury Township, Tioga County.

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

**Comprehensive Operation Permit No. 3060069** issued to: **Pennsylvania-American Water Company**

(PWS ID No. 3060069), 852 Wesley Drive, Mechanicsburg, PA 17055, Spring Township, **Berks County**, on June 7, 2022 for the operation of facilities at Penn District approved under Construction Permit No. 0619521 MA. Comprehensive Operation Permit for the PAWC's Penn District, including the operation of the Grings Hill tank after rehabilitation.

**Operation Permit No. 3621507 MA** issued to: **Borough of Lititz (PWS ID No. 7360126)**, 7 South Broad Street, Lititz, PA 17543, Lititz Borough, **Lancaster County**, on June 7, 2022 for facilities approved under Construction Permit No. 3621507 MA. Orange Street Meter Pit Replacement

**Operation Permit No. 6722508 MA** issued to: **Borough of Hanover (PWS ID No. 7670076)**, 44 Frederick Street, Hanover, PA 17331, Hanover Borough, **York County**, on May 27, 2022 for facilities submitted under Application No. 6722508 MA. The application is for a proposed turbidimeter replacement for the combined filter effluent (CFE) at the Old Plant (Plant No. 300) and four (4) individual filter effluent (IFE) turbidimeters at the New Plant (Plant No. 302).

**Operation Permit No. 6722506 MA** issued to: **Pennsylvania-American Water Company (PWS ID No. 7210029)**, 852 Wesley Drive, Mechanicsburg, PA 17055, Fairview Township, **York County**, on June 6, 2022 for facilities at Mechanicsburg System submitted under Application No. 6722506 MA. Online chlorine analyzer replacement at the West Shore Regional Water Treatment Plant.

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

**Operation Permit No. 0889510-T2 & MAGWR-T1** issued to: **Kelley Rentals, LLC**, P.O. Box 35, Rome, PA 18837. PWSID No. 2080012, Rome Borough, **Bradford County**, on June 8, 2022, for the operation of facilities approved under construction Permit No. 0889510 & GWR. This permit authorizes two transfers of public water supply permits for operation of the Kelley Rentals, LLC, community water system. Permit No. 0889510-T2 approves operation of the existing public water system, including Well No. 1, sodium hypochlorite disinfection and AquaMag corrosion control systems, a hydro-pneumatic tank, and the distribution system. Permit No. MAGWR-T1 approves operation of the existing treatment facilities for 4-log inactivation of viruses, including disinfection followed by 80 LF of 8-inch diameter detention piping.

**Operation Permit No. 4120507** issued to: **PA DOC Muncy State Correctional Institute**, P.O. Box 180, Muncy, PA 17756, PWSID No. 4410176, Clinton Township, **Lycoming County**, on June 9, 2022, for the operation of facilities approved under construction Permit No. 4120507. Partial operation permit. This permit authorizes the water system to operate the interconnection with Montgomery Water Authority and to rehabilitate the existing water storage tank, rehabilitate the existing filters and surface wash system in the water treatment plant along with replacing pumps, valves, and actuators and also replace RTU's at the wellhouses and provide new telemetry communications to communicate with the water treatment plant.

**Operation Permit No. 1917502-A1** issued to: **Tom Bowman Trucking, Inc.**, 281 Bowmans Mill Road, Orangeville, PA 17859. PWSID No. 4190008, Orangeville Borough, **Columbia County**, on June 7, 2022, for the operation of facilities approved under construction permit

# 1917502. This permit approves operation of bulk hauling potable water by using five updated trailers and five updated trucks that are also used to haul raw milk. This permit shall supersede Permit No. 1917502, issued August 25, 2017.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995  
PREAMBLE 2

**The Following Plans and Reports Were Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

**2630 West Girard Avenue**, Southeast Corner of North 27th Street & West Girard Avenue, Philadelphia, PA 19130, City of Philadelphia, **Philadelphia County**. Jennifer Poole, 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 remediation of site soil contaminated with VOCs, SVOCs

and metals. The report is intended to document remediation of the site to meet the Statewide health standard.

**1530 South 33rd Street**, 1530 South 33rd Street, Philadelphia, PA 19146, City of Philadelphia, **Philadelphia County**. Teresa Blanch, Liberty Environmental, Inc., 315 West James Street, Suite 205, Lancaster, PA 17603 on behalf of Paul Frank, 1450 South 33rd, LLC, 750 South West End Boulevard, Quakertown, PA 18951 submitted a Cleanup Plan/Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with lead, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, 1,2-dichloroethane, benzene, ethylbenzene, isopropyl benzene, methylcyclohexane, methylene chloride, naphthalene, toluene, xylenes, anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthrene, benzo(g,h,i)perylene, chrysene, indeno(1,2,3-cd)pyrene, phenanthrene and pyrene. The report is intended to document remediation of the site to meet the site-specific standard.

**2201 Hunter Road (Proposed Lot A and Proposed Lot C)**, 2201 Hunter Road, Bristol, PA 19007, Bristol Borough, **Bucks County**. Richard S. Werner, PG, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Seppi Colloredo-Mansfeld, Cabot Properties, Inc., One Beacon Street, Suite 2800, Boston, MA 02108 submitted a Final Report concerning remediation of site soil contaminated with TCL VOCs including 1,2,4- and 1,3,5-trimethylbenzene; TCL SVOCs excluding benzo(a)pyrene; PCBs; pesticides; herbicides; TAL metals including hexavalent chromium, but excluding vanadium and cyanide. The report is intended to document remediation of the site to meet the Statewide health standard.

**1002-1004 Buttonwood Street Site**, 1002-1004 Buttonwood Street, Philadelphia, PA 19123, City of Philadelphia, **Philadelphia County**. William Schmidt, Ransom Consulting, LLC, 2127 Hamilton Avenue, Hamilton Township, NJ 08619 on behalf of Aaron Cohen, SA Buttonwood LP, 600 Spring Garden Street, Suite 200, Philadelphia, PA 19123 submitted a Remedial Investigation Report/Cleanup Plan/Final Report concerning the remediation of site soil and groundwater contaminated with VOCs and arsenic. The report is intended to document remediation of the site to meet the site-specific standard.

**Signature Cleaners**, 1456 Ferry Road, Unit 10, Doylestown, PA 18901, New Britain Township, **Bucks County**. Joseph Kraycik, Environmental Standards, Inc., 1140 Valley Forge Road, P.O. Box 810, Valley Forge, PA 19482 on behalf of Michael Rosen, MAR & SAR, LLC d/b/a/Signature Cleaners, 1456 Ferry Road, Unit 10, Doylestown, PA 18901 submitted a Remedial Investigation Report/Cleanup Plan/Final Report concerning remediation of site soil and groundwater contaminated with VOCs. The report is intended to document remediation of the site to meet the site-specific standard.

**Don's Service Center**, 6501 Rising Sun Avenue, Philadelphia, PA 19111, City of Philadelphia, **Philadelphia County**. Martin Gilgallon, PG, LaBella Associates, P.C., 1000 Dunham Drive, Suite B, Dunmore, PA 18512 on behalf of Dot Dunning/Estate of Donald J. Dunning, 6501 Rising Sun Avenue, Philadelphia, PA 19111 submitted a Final Report concerning remediation of site soil contaminated with benzene, ethylbenzene, cumene, MTBE, naphthalene, toluene, 1,2,4-TMB, 1,3,5-TMB and xylenes. 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.*

**Seamans Airport**, 65 Windsock Lane, Factoryville, PA 18419, Benton Township, **Lackawanna County**. Earth Engineering, 115 West Germantown Pike, Suite 200, East Norriton, PA 19401, on behalf of RMB Aviation LLC, 1586 Heart Lake Road, Jermyn, PA 18433, submitted a Final Report concerning remediation of soil contaminated with heating oil from an underground storage tank. The report is intended to document remediation of the site to meet Statewide health standards.

**Former Concrete Batch Plant**, 3311 Farmersville Road, Bethlehem, PA 18020, Bethlehem Township, **Northampton County**. Whitestone Associates, 1600 Manor Drive, Suite 220, Chalfont, PA 18914, on behalf of Tristate Ventures, LP, 992 Old Eagle School Road, Suite 915, Wayne, PA 19087, submitted a Final Report concerning remediation of soil contaminated with heating oil from storage tanks. The report is intended to document remediation of the site to meet Statewide health standards.

*Southwest Region: Environmental Cleanup & Brownfields Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**EQT Prentice Well Pad**, Primary Facility ID # 858641, 1322 Lytle Road, Monogahela, PA 15063, Forward Township, **Allegheny County**. Moody and Associates, Inc., 1720 Washington Road, Suite 100, Washington, PA 15301, on behalf of EQT Corporation, 625 Liberty Avenue, 17th Floor, Pittsburgh, PA 15222, has submitted a Final Report concerning remediation of site soils contaminated with aluminum, barium, boron, iron, lithium, manganese, selenium, strontium, vanadium, and zinc. The report is intended to document remediation of the site to meet the Statewide health standards.

**Former Jeannette Glass Plant Site**, Primary Facility ID # 625108, Bullitt Avenue and South Sixth Street, Jeannette, PA 15644, Jeannette City, **Westmoreland County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205, on behalf of Elliott Company, 901 North Fourth Street, Jeannette, PA 15644 and Westmoreland Co Ind Dev Corp, 40 North Pennsylvania Avenue, Suite 520, Greensburg, PA 15601, has submitted a Final Report concerning remediation of site soils contaminated with antimony, arsenic, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, beryllium, cadmium, dibenzo(a,h)anthracene, indeno(1,2,3-cd)pyrene, iron, lead, selenium, vanadium, and vinyl chloride, and of site groundwater contaminated with aluminum, arsenic, cobalt, iron, manganese, and vinyl chloride. The report is intended to document remediation of the site to meet the nonresidential site specific standards.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

**The Department has Taken Action on the Following Plans and Reports Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Stan-

dards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup & Brownfield Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: Charline Bass, 484-250-5787.*

**Latch Rosen Property/ConocoPhillips Trainer Refinery**, 3800 Post Road, Trainer, PA 19061, Trainer Borough, **Delaware County**. Catherine Grzybek, GHD, 410 Eagleview Boulevard, Suite 110, Exton, PA 19341 on behalf of Deborah LaMond, Phillips 66 Remediation Management, 1400 Park Avenue, Room BOB S-206, Linden, NJ 07036 submitted a Remedial Investigation Report/Risk Assessment Report/Final Report concerning the remediation of site soil and groundwater contaminated with arsenic, lead, carbon tetrachloride, dieldrin, heptachlor, and heptachlor epoxide. The Final Report did not demonstrate attainment of the site-specific standard and was disapproved on June 8, 2022.

**Former Ashbourne Country Club**, 1100 Ashbourne Road, Cheltenham, PA 19012, Cheltenham Township, **Montgomery County**. Jeffrey K. Walsh, PG, Penn E&R, Inc., 400 Old Dublin Pike, Doylestown, PA 18901 on behalf of Louis Dalesio, Land Group LTD, 1930 Route 309, Coopersburg, PA 18036 submitted a Final Report concerning the remediation of site soil contaminated with arsenic, lead, and mercury. The Final Report demonstrated attainment of the Statewide health standard and was approved on June 7, 2022.

**Philadelphia Coke Plant**, 4501 Richmond Street, Philadelphia, PA 19137, City of Philadelphia, **Philadelphia County**. Daniel P. Sheehan, PE, Arcadis U.S., Inc., 824 North Market Street, Suite 820, Wilmington, DE 19801 on behalf of Brian M. Stearns, National Grid, 300 Erie Boulevard West, Syracuse, NY 13202 submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning the remediation of site soil and groundwater contaminated with PAHs, metals and VOCs. The Report was reviewed by the Department which issued an administrative deficiency letter on June 9, 2022.

**Former Defense Supply Center Philadelphia (DSCP) and Former Passyunk Homes**, 2990 B South 20th Street, Philadelphia, PA 19145, City of Philadelphia, **Philadelphia County**. Meredith Braverman, Arcadis U.S. Inc., 1700 North Orange Street, Suite 411 and 412, Wilmington, DE 19801 on behalf of Bradley Clawson, DLA Installation Management, 8725 John J. Kingman Road, Suite 2639, Fort Belvoir, VA 22060 submitted a Remedial Investigation Report/Cleanup Plan/Risk Assessment Report concerning the remediation of site groundwater contaminated with leaded gasoline, aviation gasoline and jet fuel. The Report was reviewed by the Department which issued an administrative deficiency letter on June 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.*

**2300 Hanover Ave**, 2300 Hanover Avenue, Allentown, PA 18109, Allentown City, **Lehigh County**. Barry Isett & Associates, 85 South Route 100, Allentown, PA 18106, on behalf of Central Park Realty LLC, 915 West Broad St, Bethlehem, PA 18018, submitted a Final Report concerning remediation of soil contaminated with petroleum from a former car dealership. The Final Report demonstrated attainment of Statewide health standards and was approved on June 9, 2022.

**LVR**, 75 West 21st Street, Northampton, PA 18067, Northampton Borough, **Northampton County**. JMT Industrial & Environmental Contracting Services, 710 Uhler Road, Easton, PA 18040, on behalf of LVR, 75 West 21st Street, Northampton, PA 18067, submitted a revised Final Report concerning remediation of soil contaminated by releases of petroleum from underground storage tanks. The Final Report demonstrated attainment of Statewide health standards and was approved on June 13, 2022.

**Blue Mountain Truck Garage**, 51 Hope Avenue, New Ringgold, PA 17960, East Brunswick Township, **Schuylkill County**. Barry Isett & Associates, 85 South Route

100, Allentown, PA 18106, on behalf of DK Bailey LLC, 51 Hope Avenue, New Ringgold, PA 17960, submitted a Final Report concerning remediation of soil contaminated by release of diesel from an aboveground storage tank. The Final Report demonstrated attainment of Statewide health standards and was approved on June 8, 2022.

**Marbaker Well Pad**, 830 Retta Road, Montrose, PA 18801, Auburn Township, **Susquehanna County**. Creston Environmental, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840, submitted a Final Report concerning remediation of soil contaminated by release of production fluid (brine). The Final Report demonstrated attainment of Statewide health standards and was approved on June 8, 2022.

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

**Former Structures Facility**, 471 North Reading Road, Ephrata, PA 17520, Ephrata Township, **Lancaster County**. August Mack Environmental, 941 Wheatland Avenue, Suite 401, Lancaster, PA 17603, on behalf of Ms. Charmaine Garman, 529 Stevens Road, Ephrata, PA 17522 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with VOC's and vapor is also considered a potential concern. The Final Report did not demonstrate attainment of the site-specific standard and was disapproved on June 8, 2022.

*Southwest Region: Environmental Cleanup & Brownfields Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**4137 Bakerstown Rd., LLC**, Primary Facility ID # **824928**, 4137 Bakerstown Road, Gibsonia, PA 15044, Richland Township **Allegheny County**. PVE, LLC, 2000 Georgetowne Drive, Suite 100, Sewickley, PA 15143 on behalf of TOA Richland, LLC, 4121 Bakerstown Road, Gibsonia, PA 15044 has submitted a Final Report concerning the remediation of site soils contaminated with arsenic, benzo(a)pyrene, and vanadium. The Final report demonstrated attainment of the residential Statewide health standards for benzo(a)pyrene in soils and the Background Standards for arsenic and vanadium in soils and was approved on June 10, 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 18711-0790.*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.*

**AG5-58-00032A: Williams Field Services Company, LLC**, 310 State Route 29, Tunkhannock, PA 18657 on June 10, 2022 a general Operating Permit GP5 issued for the re-authorization and modification of operation of natural gas compressor stations at the facility located in Forest Lake Township, **Susquehanna County**.

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

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

**GP14-36-03217B: Charles F. Snyder Funeral Home, Inc./Willow Street**, 3110 Lititz Pike, Lititz, PA 17543. On June 10, 2022, for a human crematory, under GP14, at the funeral home located in West Lampeter Township, **Lancaster County**.

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

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6940.*

**GP5-27-020C (AG5-27-00003A): Minard Run Oil Company, TB-5129**, 609 South Avenue, Bradford, PA 16701. On June 3, 2022, for the authority to allow the continued operation of equipment at the Minard Run Oil Company TB-5129 Station (BAQ-GPA/GP5) located in Howe Township, **Forest County**.

**GP5-27-021C (AG5-27-00002A): Minard Run Oil Company, TB-37**, 609 South Avenue, Bradford, PA 16701. On June 3, 2022, for the authority to allow the continued operation of equipment at the Minard Run Oil Company TB-37 Station (BAQ-GPA/GP5) located in Howe Township, **Forest County**.

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

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

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.*

**40-00090A: Bridon-Bekaert Corporation**, 280 New Commerce Blvd., Wilkes-Barre, PA 18706 issued on June 7, 2022 for the installation and operation of a steel wire drawing process with fabric collector to remove soap dust at their manufacturing facility located in Hanover Township, **Luzerne County**.

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

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6940.*

**32-040D: Seward Generation, LLC**, 595 Plant Road, New Florence, PA 15944. On May 27, 2022 has issued a plan approval agreeing with Seward's proposed re-evaluation of SO<sub>x</sub> BAT for the existing Boilers (# 1 and 2). Revised permit conditions were developed to ensure the new BAT will be implemented properly. The facility is located in East Wheatfield Township, **Indiana County**. This is a Title V facility.

**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.*

**06-05069AC: East Penn Manufacturing Co., Inc.**, P.O. Box 147, Lyon Station, PA 19536. On June 10, 2022, for the installation of a new fabric filter dust collector in the S-1 Facility and modification of dust collectors C59/C59A and C64/C64A in the A-3 Facility. These facilities are located at the lead acid battery assembly facility in Richmond Township, **Berks County**. The plan approval was extended.

**06-05096E: Reading Hospital**, P.O. Box 16052, Reading, PA 19612. On June 7, 2022, for the reactivation of Cogeneration Plant # 2 at the Reading Hospital located in West Reading Borough, **Berks County**. The plan approval was extended.

**28-05015C: Blue Ridge Landfill Co.**, 3747 White Church Road, Chambersburg, PA 17202. On Jun 7, 2022, for the Blue Ridge Landfill in Greene Township, **Franklin County**. Plan Approval No. 28-05015C authorizes the installation of a new enclosed landfill gas flare. The plan approval was extended.

**38-03066A: Georgia Pacific Corrugated, LLC**, 122 Bordnersville Road, Jonestown, PA 17038. On June 8, 2022, for the installation of two recyclable mailer production lines in Union Township, **Lebanon County**. The plan approval was extended.

**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.**

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

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

**38-05034: Bluescope Building North America, LLC**, 400 North Weaver Street, Annville, PA 17003-1103. On June 10, 2022, for the steel fabrication facility located in Annville Township, **Lebanon County**. The State-Only permit was renewed.

**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.*

**67-03166: ADUSA Distribution, LLC**, 1149 Harrisburg, PA, License Department, Carlisle, PA 17013-1607. On June 13, 2022, for the generators at the warehouse facility in Conewago Township, **York County**. The State-Only permit was administratively amended to reflect a change of ownership.

**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*

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200, RA-EP MOSHANNON@pa.gov, (Contact: Ashley Smith).*

**Mining Permit No. 17940107. NPDES Permit No. PA0219801. River Hill Coal Company, Inc.**, P.O. Box 141, Kylertown, PA 16847, Application to apply biosolids for reclamation of the existing coal surface mine located in Karthaus Township, **Clearfield County**, affecting 531.0 acres. 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): HW-CWF, MF. Application received: September 22, 2021. Permit Issued: June 1, 2022.

**Mining Permit No. 17160104. NPDES Permit No. PA0269778. RES Coal, LLC**, 51 Airport Road, Clearfield, PA 16830, application received for a major revision to add 6.2 acres to and delete 6.2 acres from the existing mining permit and add a collector ditch which will lead to an added sediment pond for an existing bituminous surface and auger coal mining permit located in Decatur Township, **Clearfield County**, affecting 90.6 acres. Receiving stream(s): Unnamed tributary to Shimel Run to Shimel Run to Moshannon Creek, Little Laurel Run to Laurel Run to Moshannon Creek classified for the following use(s): CWF, TSF. Application received: March 28, 2022. Permit Issued: June 9, 2022.

**Mining Permit No. 17140103. NPDES No. PA0269743. RES Coal, LLC**, 51 Airport Road, Clearfield, PA 16830. Permit renewal application for a bituminous surface coal mine and associated NPDES permit located in Chest and Burnside Townships, **Clearfield County**, affecting 184.5 acres. Receiving stream(s): Spring Run and unnamed tributaries to Spring Run classified for the following use(s): CWF. Application received: December 27, 2021. Permit Issued: June 10, 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. 65100101. Britt Energies, Inc.**, P.O. Box 515, Indiana, PA 15701. Permit renewal for



reclamation only at an existing bituminous surface mining site located in Derry Township, **Westmoreland County**, affecting 69.6 acres. Receiving stream: unnamed tributaries to McGee Run and Conemaugh River. Classified for the following use: TSF. Application received: January 24, 2022. Permit issued: May 26, 2022.

**Contract No. 65-21-01 and NPDES Permit No. PA0278530. David L. Patterson, Jr.**, 12 Short Cut Road, Smithfield, PA 15478. Government Financed Construction Contract issued for reclamation of approximately 7.8 acres of abandoned mine lands located in Loyalhanna Township, **Westmoreland County**. Receiving streams: unnamed tributaries to Kiskiminetas River and unnamed tributaries to Getty Run. Application received: October 27, 2021. Contract issued: June 10, 2022.

#### *Noncoal Permits*

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200, RA-EP MOSHANNON@pa.gov, (Contact: Cassandra Stanton).*

**Mining Permit No. 55210801 and GP104 PAM221002. Shrawder Builders & Excavating, LLC**, 14 Lester Lane, Middleburg, PA 17842, New permit application for a small noncoal (industrial minerals) operation located in Middlecreek Township, **Snyder County**, affecting 4.97 acres. Receiving stream(s): UNT of Middlecreek classified for the following use(s): CWF. Application received: December 24, 2020. Permit Issued: June 9, 2022.

**Mining Permit No. 08212502 and GP-104 No. PAM221019. Johnson Quarries, Inc.**, P.O. Box 136, LeRaysville, PA 18829, commencement, operation, and restoration of a GP-105 (industrial minerals) operation located in Asylum Township, **Bradford County**, affecting 4.4 acres. Receiving stream(s): Durell Creek and Unnamed Tributary to the Susquehanna River classified for the following use(s): WWF, MF. Application received: July 28, 2021. Permit Issued: June 10, 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-EP NEWSTANTON@pa.gov, (Contact: Tracy Norbert).*

**Permit No. 30224101. Wampum Hardware Company**, 636 Paden Road, New Galilee, PA 16141-2018. Blasting activity permit for construction of the Bear commercial development located in Aleppo Township, **Greene County**, with an expiration date of: December 31, 2022. Permit issued: May 24, 2022.

**Permit No. 02224105. Wampum Hardware Company**, 636 Paden Road, New Galilee, PA 16141-2018. Blasting activity permit for the construction of the Wagner commercial development located in North Fayette Township, **Allegheny County**, with an expiration date of: December 31, 2022. Permit issued: June 6, 2022.

#### **FEDERAL WATER POLLUTION CONTROL ACT SECTION 401**

The Department has taken the following actions on previously received permit applications, requests for Envi-

ronmental Assessment approval, and requests for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

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

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

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

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

#### **WATER OBSTRUCTIONS AND ENCROACHMENTS**

**Actions on Applications for the Following Activities Filed Under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and the Clean Streams Law and Notice of Final Action for Certification Under Section 401 of the FWPCA.**

*Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484.250.5160. E-mail: ra-epww-sero@pa.gov.*

**Permit No. E4601220-044, DPD-Bridgeview, LP**, 740 Sansom Street, Suite 501, Philadelphia, PA 19106, Bridgeport Borough, **Montgomery County**, Army Corp of Engineers Philadelphia District.

To perform the following water obstruction and encroachment activities within the floodway of the Schuylkill River (WWF-MF) associated with a residential build project located within the 100-year floodplain:

1. To construct and maintain a 48-inch diameter outfall (Outfall No. 1, HW-200) within the floodway of the Schuylkill River to facilitate the discharge of stormwater resulting in 625 square feet (0.01 acre) of temporary floodway impact and 3,040 square feet (0.04 acre) of permanent floodway impact. This activity also includes the placement of riprap rock apron and grading.

2. To construct and maintain a 42-inch diameter outfall (Outfall No. 2, HW-300) within the floodway of the Schuylkill River to facilitate the discharge of stormwater resulting in 325 square feet (0.01 acre) of temporary floodway impact and 1,804 square feet (0.09 acre) of permanent floodway impact. This activity also includes the placement of riprap rock apron and grading.

3. To construct and maintain a dual 72-inch HDPE outfall (Outfall No. 3, HW-400) within the floodway of the Schuylkill River to facilitate the discharge of stormwater resulting in 1,040 square feet (0.02 acre) of temporary floodway impact and 3,832 square feet (0.09 acre) of permanent floodway impact. This activity also includes the placement of riprap rock apron and grading.

4. To construct and maintain a 30-inch diameter concrete outfall (Outfall No. 4, HW-500) and to place fill within a 180 linear-foot existing stormwater drainage channel associated with a pipe network extension and construction of asphalt parking area to facilitate the discharge of stormwater. This activity is considered waived under Chapter 105.12(a)(6).

5. To construct and maintain an 8-foot wide, 3,018 linear-foot asphalt walking trail within the floodway of the Schuylkill River (WWF-MF) resulting in 23,868 square feet (0.55 acre) of permanent floodway impact.

6. To place riprap scour protection within the floodway of the Schuylkill River (WWF-MF) associated with the construction of a retaining wall located in the 100-year floodplain fringe resulting in 7,980 square feet (0.18 acre) of permanent floodway impact.

7. To demolish an existing building, including building foundations, asphalt, and utilities within the floodway of the Schuylkill River as part of this project resulting in 198,665 square feet (4.56 acres) of temporary floodway impact.

This project is also associated with the ACT 2 program and will export approximately 94.58 cubic yards of soil within the floodway and is located north of the Ford and East Front Streets intersections in Bridgeport, Montgomery County (USGS PA Norristown Quadrangle—Latitude: 40.107266 N, Longitude: 75.339438 W). Permit issued June 7, 2022.

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

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

**E3902121-009: PA Department of Transportation, Eng District 5-0**, 1002 Hamilton Street, Allentown, PA 18101, Whitehall Township, and Northampton Borough, **Lehigh County and Northampton County**, Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a 51-foot wide four-span prestressed concrete PA bulb-tee beam bridge carrying SR 0329 across the Lehigh River (TSF, MF). In total, the structure will have a 575-foot span and a 15.9-foot minimum underclearance.

The project is located along SR 0329 Sec 01B, Segment 0130 Offset 1182, approximately 1 mile east of the SR 0329/SR 0145 intersection (Cementon, PA Quadrangle Latitude: 40° 41' 24.73" N, Longitude: 75° 30' 12.84" W)

#### **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 sec-

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

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

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

*Southwest District: Oil & Gas Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4281.*

ESCGP-3 # ESG076322004-00  
Applicant Name EQM GATHERING OPCO, LLC  
Contact Person Gregg West  
Address 2200 Energy Drive  
City, State, Zip Canonsburg, PA 15317  
Municipality Amwell Township  
County Washington  
Receiving Stream(s) and Classification(s) Little Tenmile Creek (TSF), UNT to Little Tenmile Creek (TSF); Tenmile Creek (TSF), Little Tenmile Creek (TSF)

*Northwest Region: Oil & Gas Management Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

ESCGP-3 # ESG084322001-00—Palmer Pipeline  
Applicant Name Pin Oak Energy Partners LLC  
Contact Person Chris  
Address 388 S Main Street  
City, State, Zip Akron, OH 44311  
Municipality Fairview Township  
County Mercer  
Receiving Stream(s) and Classification(s) UNT Neshanock Creek (Other TSF)  
Secondary Shenango River (TSF)

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

ESCGP-3 # ESG295822007-00  
Applicant Name Coterra Energy, Inc.  
Contact Person Kenneth Marcum  
Address 2000 Park Lane, Suite 300  
City, State, Zip Pittsburgh, PA 15275-1121  
Municipality Bridgewater Township  
County Susquehanna  
Receiving Stream(s) and Classification(s) South Branch Wyalusing Creek # 3308 (WWF, MF)

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 2

#### The Followig Plans and Reports Were Submitted Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

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

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

DEP has received the following plans and reports:

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

*Contact: Eric Supey, Environmental Program Manager.*

**Convenient Food Mart**, Storage Tank ID # **40-08918**, 340 Wilkes-Barre Township Boulevard, Wilkes-Barre, PA 18702, Wilkes-Barre Township, **Luzerne County**. Reliance Environmental, 235 N. Duke Street, Lancaster, PA 17602, on behalf of CDG 320 Inc., 304 North Wilkes-Barre Township Boulevard, Wilkes-Barre, PA 18702, submitted a revised, combined Site Characterization Report and Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document remediation of the site to meet a combination of site-specific and Statewide health standards.

**Former Tolino's Speedbreak # 35**, Storage Tank ID # **48-35164**, 1035 Blue Valley Drive, Pen Argyl, PA 18072, Plainfield Township, **Northampton County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Tolino Fuel Service, Inc., 225 Flicksville Road, Flicksville, PA 18050, has submitted a Remedial Action Plan concerning remediation of groundwater contaminated with gasoline. The report is intended to document remediation of the site to meet site-specific standards.

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

*Contact: Robin L. Yerger, LPG.*

**Rutter's Farm Store # 53**, Storage Tank Facility ID # **67-09933**, 5305 Susquehanna Trail, Eppers, PA 17319, Newberry Township, **York County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of CHR Corporation, 2295 North Susquehanna Trail, Suite C, York, PA 17404 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet a combination of the Site-Specific and Statewide health standards.

*Contact: Greg Bowman, Environmental Group Manager.*

**Sandy's Warm Spring Self-Serve**, Storage Tank Primary Facility ID # **28-60906**, 1080 Lincoln Way West, Chambersburg, Hamilton Township, **Franklin County**. August Mack Environmental, 806 Fayette Street, Conshohocken, PA 19428, on behalf of Mr. Pritesh Patel, Janmangal Property, LLC, 114 Charter Court, Trevoise, PA 19053-7955, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The report is intended to document remediation of the site to meet the Statewide health standard.

*Southwest Region: Environmental Cleanup & Brownfields Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**A to Z Convenience Store**, Primary Facility ID # **575525**, 161 West Street, Homestead, PA 15120, Homestead Borough, **Allegheny County**. Compliance Environmental Services, 2700 Kirila Boulevard, Hermitage, PA 16148, on behalf of Gary Graham, 131 East 17th Avenue, Homestead, PA 15120, has submitted a revised Remedial Action Plan (RAP) concerning remediation of site soil and groundwater contaminated with unleaded gasoline. The RAP is intended to document remediation of the site to meet the residential Statewide health standards.

**Honey Bear Mini Mart**, Primary Facility ID # **61810**, 4216 State Route 66, Apollo, PA 15613, Washington Township, **Westmoreland County**. Instie Group, Inc., 611 South Irvine Avenue, Sharon, PA 16146, on behalf of Graft Oil Co, 2561 Memorial Boulevard, P.O. Box 899, Connellsville, PA 15425, has submitted a Remedial Action Plan and Risk Assessment Report concerning remediation of site soil and groundwater contaminated with unleaded gasoline. The reports are intended to document remediation of the site to meet the site specific standards.

**McDonalds # 37-0012**, Storage Tank Facility ID # **04-98038**, 300 Ohio Boulevard, Baden, PA 15005, Baden Borough, **Beaver County**. Atlas Technical Consultants, LLC, 270 William Pitt Way, Pittsburgh, PA 15238, (on behalf of McDonald's Corporation, 110 North Carpenter Street, Chicago, IL 60607) submitted a Remedial Action Plan concerning remediation of soils and groundwater contaminated with leaded gasoline. The plan is intended to document the remedial actions for meeting the residential Statewide Health and background standards.

**Sunoco 0363-4037**, Primary Facility ID # **576499**, 2700 Mossie Boulevard, Monroeville, PA 15146, Monroeville Borough, **Allegheny County**. EnviroTrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 16365, on behalf of Sunoco, Inc., 2 Righter Parkway, Suite 120, Wilmington,

DE 19803, has submitted a Remedial Action Completion Report concerning remediation of site groundwater contaminated with gasoline. The report is intended to document remediation of the site to meet the site specific standards.

*Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6648.*

*Contact: Kim Bontrager, Clerical Assistant 3.*

**Country Fair 98**, Storage Tank Facility ID # **25-90212**, 7650 Old Perry Highway, Erie, PA 16509, Summit Township, **Erie County**. Atlas Technical Consultants, 270 William Pitt Way, Pittsburgh, PA 15238, on behalf of Country Fair, Inc., 2251 East 30th Street, Erie, PA 16510, submitted a combined Remedial Action Plan and Remedial Action Completion Report concerning remediation of surface water contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide health standard.

**Dixonville Food N Gas**, Storage Tank Facility ID # **32-81438**, 17659 Route 403 Highway North, Dixonville, PA 15734, Green Township, **Indiana County**. Cribbs & Associates, Inc., P.O. Box 44, Delmont, PA 15626, on behalf of Mr. Naveed Chowdhry, 17659 State Route 403 Highway N, Dixonville, PA 15734, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, methyl tert-butyl ether, cumene, naphthalene, 1,2,4-trimethylbenzene, and 1,3,5-trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide health standards.

**Surfine 0457 4653**, Storage Tank Facility ID # **20-36816**, 800 Main St, Conneautville, PA 16406, Conneautville Borough, **Crawford County**. EnviroTrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Sunoco Retail, LLC, 1815 Gallagher Road, Plymouth Meeting, PA 19362, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with Benzene, Isopropyl Benzene, Ethyl Benzene, Methyl Tert-Butyl Ether, Naphthalene, Toluene, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, and Total Xylenes. The plan is intended to document the remedial actions for meeting the nonresidential Statewide health standard.

**Ukish Tire**, Storage Tank Facility ID # **32-80564**, 197 Coaltown Road, Saltsburg, PA 15681-8133, Saltsburg Borough, **Indiana County**. Letterle & Associates, Inc., 2022 Axemann Road, Suite 201, Bellefonte, PA 16823, on behalf of Ukish Tire, 197 Coaltown Road, Saltsburg, PA 15681-8133, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting the residential used aquifer Statewide health standards.

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 3

**The Department of Environmental Protection (DEP) Has Taken Action on the Following Plans and Reports Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require DEP to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

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

DEP has received the following plans and reports:

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

*Contact: Eric Supey, Environmental Program Manager.*

**PSC San Souci**, Storage Tank ID # **40-19264**, 21 Main Road, Hanover Township, PA 18706, Hanover Township, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Pragnesh Patel, 2386 Sullivan Trail, Exeter Township, PA 18615, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The Remedial Action Completion Report demonstrated attainment of Statewide health standards and was approved on June 9, 2022.

**J.A. & W.A. Hess Ready Mix**, Storage Tank ID # **40-51043**, 10 Hess Road, Hazleton, PA 18202, Hazle Township, **Luzerne County**, United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of J.A. & W.A. Hess Inc., 10 Hess Road, Hazleton, PA 18202, submitted a combined Site Characterization Report and Remedial Action Plan concerning remediation of soil contaminated with diesel. The report was not acceptable to meet site-specific standards and was disapproved on June 10, 2022.

**Montrose Convenience Store**, Storage Tank ID # **58-13082**, 11046 State Route 29, South Montrose, PA 18843, Bridgewater Township, **Susquehanna County**, United Environmental Services, 1143 Long Run Road, Schuylkill Haven, PA 17972, on behalf of Rocks Investment LLC, 11046 State Route 29, South Montrose, PA 18843, 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 June 8, 2022.

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

*Contact: Robin L. Yerger, LPG.*

**Rutter's Farm Store # 53**, Storage Tank Facility ID # **67-09933**, 5305 Susquehanna Trail, Etters, PA 17319, Newberry Township, **York County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of CHR Corporation, 2295 North Susquehanna Trail, Suite C, York, PA 17404 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The Remedial Action Completion Report was not acceptable to meet the Statewide health standard and site-specific standard and was disapproved on June 8, 2022.

*Contact: Cherie M. Campbell, Soil Scientist.*

**Herr's 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 soil and groundwater contaminated with petroleum constituents. The Remedial Action Plan was not acceptable to meet the Statewide health standard and was disapproved on June 8, 2022.

*Southwest Region: Environmental Cleanup & Brownfields Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Maloy's Amoco**, Primary Facility ID # **614202**, 101 Altman Road, Jeannette, PA, Jeannette City, **Westmoreland County**. Letterle & Associates, Inc., 2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of Richard Maloy, 331 Kemerer Drive, Greensburg, PA 15601, has submitted a Remedial Action Completion Report concerning remediation of site groundwater contaminated with unleaded gasoline. The report demonstrated attainment of the Statewide health standard and was approved on June 9, 2022.

**Former Mazzas Amoco**, Primary Facility ID # **613260**, 714 1st Street, Canonsburg, PA 15317, Canonsburg Borough, **Washington County**. Letterle & Associates, Inc., 2859 Oxford Boulevard, Allison, PA 15101, on behalf of Coen Markets, Inc., 1000 Philadelphia Street, Canonsburg, PA 15317, has submitted a Remedial Action Plan concerning remediation of site soils and groundwater contaminated with unleaded gasoline. The report demonstrated attainment of the Statewide health standard and was approved on June 10, 2022.

*Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6648.*

*Contact: Kim Bontrager, Clerical Assistant 3.*

**Kwik Fill M174**, Storage Tank Facility ID # **61-14802**, 1293 Allegheny Boulevard, Franklin, PA 16343, Sugar-creek Borough, **Venango County**. Atlas Technical Consultants, LLC, 270 William Pitt Way, Pittsburgh, PA 15238 on behalf of United Refining Company, 11 Bradley Street, Warren, PA 16365 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline and

diesel fuel. The Remedial Action Completion Report demonstrated attainment of the Statewide health standard and was approved on June 8, 2022.

**New Castle Sunoco**, Storage Tank Facility ID # **37-24166**, 719 East Washington Street, New Castle, PA 15205, New Castle City, **Lawrence County**. Core Environmental Services, Inc., 3960 William Flinn Highway, Suite 100, Allison Park, PA 15101-3603, on behalf of SGII Group, LLC, 290 Bilmar Avenue, Pittsburgh, PA 16205, submitted a combined Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with leaded gasoline. The combined Remedial Action Plan and Remedial Action Completion Report demonstrated attainment of the Statewide health standard and was approved on June 8, 2022.

**Surfine 0457 4653**, Storage Tank Facility ID # **20-36816**, 800 Main Street, Conneautville, PA 16406, Conneautville Borough, **Crawford County**. EnviroTrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Sunoco Retail, LLC, 1815 Gallagher Road, Plymouth Meeting, PA 19362, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with Benzene, Isopropyl Benzene, Ethyl Benzene, Methyl Tert-Butyl Ether, Naphthalene, Toluene, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, and Total Xylenes. The Remedial Action Plan was not acceptable to meet the nonresidential Statewide health standard and was disapproved on June 10, 2022.

[Pa.B. Doc. No. 22-947. Filed for public inspection June 24, 2022, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Bid Opportunity

**OSM 64(4272,4271)102.1, Abandoned Mine Reclamation Project, Forest City East—PFBC Access, Forest City Borough, Susquehanna County and Clinton Township, Wayne County.** The principal items of work and approximate quantities include: grading, 281,000 cubic yards; pipe, 1,400 linear feet; drainage excavation, 3,200 cubic yards; rock lining, 2,400 square yards; type D-W endwalls, 9 each; and manholes, 2 each.

This bid issues on June 17, 2022, and bids will be opened on July 21, 2022, at 2 p.m. Small Diverse Business (SDB) Goals will be required for this project. The goals are 6% SDB and 3% Veteran Business Enterprise. A Bureau of Diversity, Inclusion and Small Business Opportunities training will be held by means of Microsoft Teams on Wednesday, June 29, 2022, at 3 p.m. Individuals can use the following link to join the Teams meeting on that date, [https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F\\_%23%2F1%2Fmeetup-join%2F19%3Ameeting\\_YzExZTk5MTktZDljNC00ZTlkLWE4ZjAtNjY1OTk4YTdkZjly%40thread.v2%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%2522418e2841-0128-4dd5-9b6c-47fc5a9a1bde%2522%252c%2522Oid%2522%253a%2522e422be73-6be8-4319-960f-5686049f9702%2522%257d%26anon%3Dtrue&type=meetup-join&deeplinkId=176da47a-f759-45c1-9346-82b1686d2a0e&directDl=true&msLaunch=true&enableMobilePage=false&suppressPrompt=true](https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F_%23%2F1%2Fmeetup-join%2F19%3Ameeting_YzExZTk5MTktZDljNC00ZTlkLWE4ZjAtNjY1OTk4YTdkZjly%40thread.v2%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%2522418e2841-0128-4dd5-9b6c-47fc5a9a1bde%2522%252c%2522Oid%2522%253a%2522e422be73-6be8-4319-960f-5686049f9702%2522%257d%26anon%3Dtrue&type=meetup-join&deeplinkId=176da47a-f759-45c1-9346-82b1686d2a0e&directDl=true&msLaunch=true&enableMobilePage=false&suppressPrompt=true).

Bid documents, including drawings in PDF format and AutoCAD Map 3D format, may be downloaded for

free beginning on the issue date from the Department of Environmental Protection by going to [www.BidExpress.com](http://www.BidExpress.com). This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. § 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or RA-ConstructionContr@pa.gov for more information on this bid.

PATRICK McDONNELL,  
Secretary

[Pa.B. Doc. No. 22-948. Filed for public inspection June 24, 2022, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Bid Opportunity

**OSM 40,54(1385,3723,3722)101.1, Abandoned Mine Reclamation Project, Audenried Coal to Solar Project—Phase 1, Hazle Township, Luzerne County and Kline Township, Schuylkill County.** The principal items of work and approximate quantities include: removal and disposal of structures, 4; grading, hauling and compaction, 1,970,130 cubic yards; disposal of asbestos waste, 40 tons; drainage excavation, 2,977 cubic yards; rock lining, 620 square yards; and seeding, 155 acres.

This bid issues on June 17, 2022, and bids will be opened on July 14, 2022, at 2 p.m. Bid documents, including drawings in PDF format and AutoCAD Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to [www.BidExpress.com](http://www.BidExpress.com). This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. § 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or RA-ConstructionContr@pa.gov for more information on this bid.

PATRICK McDONNELL,  
Secretary

[Pa.B. Doc. No. 22-949. Filed for public inspection June 24, 2022, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Residual Waste General Permit WMGR163; New Base General Permit

Under the authority of 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 providing notice of the issuance of General Permit No. WMGR163 on June 25, 2022. This General Permit authorizes the processing and transfer of oil and gas liquid waste at temporary facilities that operate for no more than

180 consecutive days at any one time and subsequent beneficial use of oil and gas liquid waste to develop or hydraulically fracture an oil or gas well.

The creation of this general permit is a result of legislation (HB 336) act of July 9, 2021 (P.L. 377, No. 70) (Act 70). The language in Act 70 requires the Department, by July 1, 2022, to submit to the Legislative Reference Bureau, for final publication in the *Pennsylvania Bulletin*, a general permit under 25 Pa. Code § 287.643 (relating to registration) for the transfer, storage or processing of oil and gas liquid waste at temporary facilities which will be in operation for no more than 180 consecutive days at any one time.

The draft WMGR163 language was noticed in the *Pennsylvania Bulletin* for a 60-day public comment period published at 52 Pa.B. 419 (January 15, 2022). The comment period closed on March 15, 2022. The Bureau of Waste Management (BWM) received comments from Southwestern Energy, the Marcellus Shale Coalition, the Pennsylvania Independent Oil and Gas Association, Range Resources—Appalachia, LLC, the Center for Coalfield Justice, the Three Rivers Waterkeeper and the Environmental Integrity Project.

The BWM reviewed comments submitted during the 60-day public comment period to determine whether any additional revisions to WMGR163 were warranted. The terms and conditions of WMGR163 were ultimately revised as follows:

- The duration of coverage for authorizations under WMGR163 has been changed from 1 year to 2 years, during which permittees can only operate for a maximum of 1 year. A permittee's coverage will automatically expire 1 year from date they begin receiving or processing waste, or 2 years from the date of permit issuance, whichever is less.

Additionally, permittees are only authorized to operate for a maximum of 180 consecutive days at any one time during the period of coverage.

- The definition of “operate” was revised for clarity, to ensure that a permittee's operational period doesn't begin prior to oil and gas liquid waste being received or processed at a permitted location.

- Former Condition C.1., which limited the storage capacity of operation under WMGR163, was deleted, as it may have ultimately hindered the ability for permittees to function in the manner intended by the language in Act 70.

- Former Condition C.5. (now Condition C.4.) was revised to clarify that once a permittee has ceased receiving and processing waste, closure and post closure activities must occur.

- Former Condition C.8. (now Condition C.7.) was revised to clarify that Department-approved Radiation Protection Action Plans must be immediately accessible at the facility at any point while the facility is operating.

- Former Condition C.26. (now Condition C.25.), which requires permittees to demonstrate compliance with 25 Pa. Code, Subpart C, Article III (relating to air resources), pertaining to air emissions, was revised to allow permittees to demonstrate that they are exempt from Air Quality permitting for open-top storage tanks or any other air contamination sources in accordance with the aforementioned regulations. This condition was also revised to clarify that permittees are not authorized to store oil and gas liquid waste in impoundments.

- Condition E.2. was revised to eliminate redundancies in reporting requirements for WMGR163 permittees that process or transfer solely their own oil and gas liquid waste.

- Condition F.1. was revised to clarify that permittees seeking renewal under WMGR163 must submit a statement to the Department at least 180 days in advance of the expiration date of the base general permit certifying that the information contained in the original application has not changed since permit issuance. If original permit issuance is within 180 days of the expiration date of the base general permit, the certification statement is not necessary.

- Condition F.3. was revised to clarify that permittees may apply for coverage under WMGR163 at a site where prior WMGR163 coverage was issued, however, the subsequent coverage cannot be issued until the prior permittee has successfully completed closure and postclosure.

Persons interested in reviewing the general permit may contact Chris Solloway at csolloway@pa.gov, (717) 787-7381, or Environmental Group Manager, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Chris Solloway at (717) 787-7381 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. 22-950. Filed for public inspection June 24, 2022, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Competitive Prices and Peer Group Criteria

#### Peer Group Criteria

The WIC Management Information System automatically assigns stores to one of five peer groups depending on store size, number of registers and where the store is located as follows:

<i>Square footage</i>	0—999 sq/ft	1,000—4,999 sq/ft	5,000—9,999 sq/ft	10,000—19,999 sq/ft	20,000—99,999 sq/ft
<i>Peer group</i>	5	4	3	2	1
<i>Number of cash registers</i>	0-1	2—4	5—9	10—19	20+
				<i>Geography</i>	
<i>Weighting</i>			<i>Population Range</i>		<i>Density</i>
<i>Square footage</i>	30%		0—69,999	Remote Rural	0—50
<i>Registers</i>	30%		70,000—124,999	Rural	51—99
<i>Geography</i>	40%		125,000—499,999	Slightly Urban	100—199
			500,000—999,999	Urban	200—499
			1,000,000+	Metro Market Edge	500—1,000
				Metro Market Center	1,000+

#### Competitive Prices for Peer Group 1 Stores

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization and reauthorization; and terms and conditions of participation) and 7 CFR 246.12 (relating to food delivery methods), the WIC Program hereby publishes notice of the Competitive Prices for Peer Group 1 Stores.

#### Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective, July 1, 2022, through September 30, 2022, the Competitive Prices for WIC Authorization for Peer Group 1 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread	1	\$4.30

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Brown Rice	1	\$1.33
Canned Beans	1	\$1.55
Cereal (per oz.)	1	\$0.35
Cheese—16 oz.	1	\$7.36
Cheese—Kosher—16 oz.	1	\$14.66
Dried Beans/Peas	1	\$2.54
Fresh shell eggs	1	\$3.45
Infant Cereal	1	\$3.54
Infant Fruits	1	\$1.26
Infant Meats	1	\$1.55
Infant Vegetables	1	\$1.26
Juice 11.5/12 oz.	1	\$2.85

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Juice 48 oz.	1	\$4.52
Juice 64 oz.	1	\$5.19
Light Tuna 5 oz.	1	\$1.56
Milk—Kosher—Low Fat 1/2 gallon	1	\$4.98
Milk—Low Fat 1/2 gallon	1	\$3.04
Milk—Whole—Kosher 1/2 gallon	1	\$5.06
Milk—Whole 1/2 gallon	1	\$3.54
Oats 16 oz.	1	\$1.98
Peanut Butter	1	\$3.60
Salmon 6 oz.	1	\$3.59
Sardines 3.75 oz.	1	\$1.81
Similac Adv Conc 13 oz.	1	\$8.13
Similac Adv Pwd 12.4 oz.	1	\$25.25
Similac Isomil Conc 13 oz.	1	\$8.15
Similac Isomil Pwd 12.4 oz.	1	\$25.65
Tortilla 16 oz.	1	\$3.71
Whole Wheat Pasta 16 oz.	1	\$1.89

#### Competitive Prices for Peer Group 2 Stores

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Competitive Prices for Peer Group 2 Stores.

#### *Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2022, through September 30, 2022, the Competitive Prices for WIC Authorization for Peer Group 2 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread	2	\$4.62
Brown Rice	2	\$1.74
Canned Beans	2	\$1.69
Cereal (per oz.)	2	\$0.39
Cheese—16 oz.	2	\$7.87
Cheese—Kosher—16 oz.	2	\$16.29
Dried Beans/Peas	2	\$2.77
Fresh shell eggs	2	\$3.71
Infant Cereal	2	\$4.16
Infant Fruits	2	\$1.35
Infant Meats	2	\$1.63
Infant Vegetables	2	\$1.31
Juice 11.5/12 oz.	2	\$3.45
Juice 48 oz.	2	\$4.82
Juice 64 oz.	2	\$5.54
Light Tuna 5 oz.	2	\$1.63
Milk—Kosher—Low Fat 1/2 gallon	2	\$5.47

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Milk—Low Fat 1/2 gallon	2	\$3.29
Milk—Whole—Kosher 1/2 gallon	2	\$5.56
Milk—Whole 1/2 gallon	2	\$3.69
Oats 16 oz.	2	\$2.25
Peanut Butter	2	\$3.93
Salmon 6 oz.	2	\$3.67
Sardines 3.75 oz.	2	\$1.90
Similac Adv Conc 13 oz.	2	\$8.40
Similac Adv Pwd 12.4 oz.	2	\$28.78
Similac Isomil Conc 13 oz.	2	\$8.76
Similac Isomil Pwd 12.4 oz.	2	\$28.29
Tortilla 16 oz.	2	\$4.08
Whole Wheat Pasta 16 oz.	2	\$2.04

#### Competitive Prices for Peer Group 3 Stores

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Competitive Prices for Peer Group 3 Stores.

#### *Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2022, through September 30, 2022, the Competitive Prices for WIC Authorization for Peer Group 3 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread	3	\$4.85
Brown Rice	3	\$1.81
Canned Beans	3	\$1.83
Cereal (per oz.)	3	\$0.44
Cheese—16 oz.	3	\$8.29
Cheese—Kosher—16 oz.	3	\$18.45
Dried Beans/Peas	3	\$3.00
Fresh shell eggs	3	\$3.87
Infant Cereal	3	\$4.37
Infant Fruits	3	\$1.37
Infant Meats	3	\$1.70
Infant Vegetables	3	\$1.42
Juice 11.5/12 oz.	3	\$3.80
Juice 48 oz.	3	\$5.12
Juice 64 oz.	3	\$5.89
Light Tuna 5 oz.	3	\$1.82
Milk—Kosher—Low Fat 1/2 gallon	3	\$6.02
Milk—Low Fat 1/2 gallon	3	\$3.50
Milk—Whole—Kosher 1/2 gallon	3	\$6.12
Milk—Whole 1/2 gallon	3	\$3.85
Oats 16 oz.	3	\$2.54
Peanut Butter	3	\$4.45



<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Salmon 6 oz.	3	\$3.74
Sardines 3.75 oz.	3	\$2.04
Similac Adv Conc 13 oz.	3	\$8.66
Similac Adv Pwd 12.4 oz.	3	\$31.02
Similac Isomil Conc 13 oz.	3	\$9.63
Similac Isomil Pwd 12.4 oz.	3	\$30.65
Tortilla 16 oz.	3	\$4.36
Whole Wheat Pasta 16 oz.	3	\$2.25

#### Competitive Prices for Peer Group 4 Stores

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Competitive Prices for Peer Group 4 Stores.

##### *Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2022, through September 30, 2022, the Competitive Prices for WIC Authorization for Peer Group 4 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread	4	\$5.43
Brown Rice	4	\$2.34
Canned Beans	4	\$1.98
Cereal (per oz.)	4	\$0.49
Cheese—16 oz.	4	\$9.45
Cheese—Kosher—16 oz.	4	\$20.52
Dried Beans/Peas	4	\$3.22
Fresh shell eggs	4	\$4.34
Infant Cereal	4	\$4.47
Infant Fruits	4	\$1.53
Infant Meats	4	\$1.78
Infant Vegetables	4	\$1.59
Juice 11.5/12 oz.	4	\$4.15
Juice 48 oz.	4	\$5.53
Juice 64 oz.	4	\$6.25
Light Tuna 5 oz.	4	\$2.02
Milk—Kosher—Low Fat 1/2 gallon	4	\$6.63
Milk—Low Fat 1/2 gallon	4	\$3.77
Milk—Whole—Kosher 1/2 gallon	4	\$6.73
Milk—Whole 1/2 gallon	4	\$4.26
Oats 16 oz.	4	\$3.29
Peanut Butter	4	\$4.98
Salmon 6 oz.	4	\$3.98
Sardines 3.75 oz.	4	\$2.20
Similac Adv Conc 13 oz.	4	\$9.65
Similac Adv Pwd 12.4 oz.	4	\$33.24
Similac Isomil Conc 13 oz.	4	\$10.60

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Similac Isomil Pwd 12.4 oz.	4	\$33.02
Tortilla 16 oz.	4	\$4.63
Whole Wheat Pasta 16 oz.	4	\$3.24

#### Competitive Prices for Peer Group 5 Stores

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Competitive Prices for Peer Group 5 Stores.

##### *Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2022, through September 30, 2022, the Competitive Prices for WIC Authorization for Peer Group 5 Stores are as follows:

<i>Description</i>	<i>Peer Group</i>	<i>Competitive Prices</i>
Bread	5	\$5.90
Brown Rice	5	\$4.13
Canned Beans	5	\$2.42
Cereal (per oz.)	5	\$0.60
Cheese—16 oz.	5	\$12.56
Cheese—Kosher—16 oz.	5	\$21.48
Dried Beans/Peas	5	\$3.45
Fresh shell eggs	5	\$5.15
Infant Cereal	5	\$5.41
Infant Fruits	5	\$1.77
Infant Meats	5	\$2.31
Infant Vegetables	5	\$1.91
Juice 11.5/12 oz.	5	\$4.69
Juice 48 oz.	5	\$6.32
Juice 64 oz.	5	\$7.83
Light Tuna 5 oz.	5	\$2.47
Milk—Kosher—Low Fat 1/2 gallon	5	\$7.29
Milk—Low Fat 1/2 gallon	5	\$4.71
Milk—Whole—Kosher 1/2 gallon	5	\$7.40
Milk—Whole 1/2 gallon	5	\$4.84
Oats 16 oz.	5	\$3.74
Peanut Butter	5	\$6.38
Salmon 6 oz.	5	\$5.15
Sardines 3.75 oz.	5	\$2.73
Similac Adv Conc 13 oz.	5	\$16.20
Similac Adv Pwd 12.4 oz.	5	\$37.54
Similac Isomil Conc 13 oz.	5	\$16.86
Similac Isomil Pwd 12.4 oz.	5	\$37.77
Tortilla 16 oz.	5	\$5.33
Whole Wheat Pasta 16 oz.	5	\$3.63

Persons with a disability who require an alternative format of this listing (for example, large print, audiotape,

Braille) should contact the Department of Health, Bureau of WIC, 625 Forster Street, 7th Floor West, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

The Pennsylvania WIC program is funded by the United States Department of Agriculture (USDA). The USDA is an equal opportunity provider.

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This institution is an equal opportunity provider.

DR. DENISE A. JOHNSON,  
*Acting Secretary*

[Pa.B. Doc. No. 22-951. Filed for public inspection June 24, 2022, 9:00 a.m.]

## **DEPARTMENT OF HUMAN SERVICES**

### **Nursing Facility Assessment Program for Fiscal Year 2022-2023**

This notice announces the proposed assessment amount, the proposed assessment methodology and the estimated aggregate impact on nursing facilities that will be subject to the assessment under the Nursing Facility Assessment Program (Assessment Program) beginning in Fiscal Year (FY) 2022-2023.

#### *Background*

Article VIII-A of the Human Services Code (code) (62 P.S. §§ 801-A—815-A) authorized the Department of Hu-

man Services (Department) to impose an annual monetary assessment on nonpublic and county nursing facilities in this Commonwealth each fiscal year until June 30, 2022. See 62 P.S. §§ 803-A and 815-A. The Department anticipates that the General Assembly will enact legislation to reauthorize the assessment, effective July 1, 2022, in accordance with Article VIII-A. Consequently, the Department is issuing this notice to be prepared for reauthorization of the assessment.

Under Article VIII-A of the code, the Department may impose the assessment only to the extent that the assessment revenues qualify as the State share of Medical Assistance (MA) Program expenditures eligible for Federal financial participation (FFP). To ensure receipt of FFP, Article VIII-A of the code requires the Department to seek a waiver from the Centers for Medicare & Medicaid Services (CMS), if necessary, to implement the Assessment Program. See 62 P.S. § 812-A. For FY 2022-2023, the Department will submit a waiver request to CMS to implement changes to the Assessment Program as described in this notice. The implementation of these changes is contingent both on the enactment of State legislation reauthorizing the assessment and on CMS's approval of the waiver request.

For each fiscal year that the Assessment Program is implemented, the Secretary of the Department (Secretary) determines the aggregate amount of the assessment and the annual assessment rates in consultation with the Secretary of the Budget. See 62 P.S. § 804-A. The annual assessment rates must be sufficient to generate at least \$50 million in additional revenue, but not more than the maximum aggregate assessment amount that qualifies for FFP. See 62 P.S. § 804-A.

Before imposing an annual assessment for a fiscal year, the Secretary must publish a notice in the *Pennsylvania Bulletin*. The notice must specify the amount of the assessment being proposed, explain the proposed assessment methodology, identify the estimated assessment amount and aggregate impact on nursing facilities subject to the assessment and provide interested persons a 30-day period to comment. See 62 P.S. § 805-A.

This notice announces the assessment amounts, rates and methodology that the Department is proposing to implement in FY 2022-2023 and the estimated aggregate impact on nursing facilities that will be subject to the assessment in FY 2022-2023.

#### *Proposed Assessment Methodology and Rates*

During FY 2022-2023, the Department is proposing to modify the assessment methodology by now including in the lower rate tier nursing facilities with at least 100,000 MA days and with an overall occupancy rate of 77% or higher based on FY 2020-2021 resident days data. No other changes to the current assessment methodology have been made. For FY 2022-2023 the Department is also proposing a uniform \$3.76 increase to the FY 2021-2022 assessment rates for both tiers. The Department is proposing to calculate the annual assessment amount for each nonexempt nursing facility by multiplying its assessment rate by the facility's historical non-Medicare resident days for FY 2020-2021. The Department intends to continue its policy of annually updating the basis of the assessment to the most current year for which complete data is available. The Department will continue to collect the annual assessment amount in four equal quarterly installments. With these modifications, the Assessment Program will be implemented as follows:

For FY 2022-2023, the assessment will be imposed on all licensed nursing facilities in this Commonwealth except the following nursing facilities, which will be exempt from the Assessment Program:

- (1) State-owned and operated nursing facilities;
- (2) Veteran's Administration nursing facilities;
- (3) Nursing facilities that provide nursing facility services free of charge to all residents; and
- (4) Newly licensed nursing facilities that have not been licensed and operated by the current or previous owner until the nursing facility's days are included in the data used as the basis of the assessment. A nursing facility that changes ownership is not considered a newly licensed nursing facility for assessment purposes.

For FY 2022-2023, the Department is proposing to continue to assess nonexempt nursing facilities at two rates. The Department is proposing to assess a rate of \$9.32 to the following five categories of nursing facilities:

- County nursing facilities.
- Nursing facilities that have 44 or fewer licensed beds.
- Certain continuing care retirement community (CCRC) nursing facilities (see 40 Pa.B. 7297 (December 18, 2010)).
- Nursing facilities with an MA occupancy rate of at least 94% based on FY 2020-2021 resident days as of February 15, 2022. For the purpose of qualifying for the lower assessment rate, a nursing facility's MA occupancy rate will be calculated as follows:  $\text{MA Occupancy Rate} = \frac{\text{Sum of Total PA MA Days from the FY 2020-2021 resident days data}}{\text{Sum of Total Resident Days from the FY 2020-2021 resident days data}}$ , rounded to two decimals.
- Nursing facilities with at least 100,000 MA days and with an overall occupancy rate of 77% or higher based on the FY 2020-2021 resident days as of February 15, 2022. For the purpose of qualifying for the lower assessment rate, a nursing facility's overall occupancy rate will be calculated as follows:  $\text{Overall Occupancy Rate} = \frac{\text{Sum of Total Resident Days from FY 2020-2021 resident days as of February 15, 2022}}{\text{(number of licensed beds as of February 10, 2022} \times 365)}$ , rounded to two decimals. The denominator uses 365 days unless the State fiscal year includes an additional day due to leap year in which case 366 days will be used.

For all other nonexempt facilities, including nursing facilities that began participation in a CCRC on or after July 1, 2010, the Department is proposing to assess these facilities at a rate of \$33.41.

#### *Aggregate Assessment Amounts and Fiscal Impact*

The Department estimates that if the proposed assessment rates are implemented the annual aggregate assessment fees for nonexempt nursing facilities will total \$452.258 million. The Department will use the State revenue derived from the assessment fees and any associated FFP to support payments to qualified MA nursing facility providers in accordance with applicable laws and regulations.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this proposed assessment to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Robyn Kokus, P.O. Box 8025, Harrisburg, PA 17105-8025

or at RA-PWOLTLNFPUBLICCOM@pa.gov. Comments must be submitted within 30 days of publication of this notice. See 62 P.S. § 805-A. After considering the comments, the Secretary will publish a second notice announcing the final assessment rates for FY 2022-2023. The Department will not begin collecting assessment fees until after the publication of the final assessment rate notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

MEG SNEAD,  
*Acting Secretary*

**Fiscal Note:** 14-NOT-1519. (1) General Fund; (2) Implementing Year 2021-22 is \$0; (3) 1st Succeeding Year 2022-23 is -\$452,258,000; 2nd Succeeding Year 2023-24 through 5th Succeeding Year 2026-27 are \$0; (4) 2020-21 Program—\$3,035,000,000; 2019-20 Program—\$2,329,000,000; 2018-19 Program—\$693,766,000,000; (7) Community HealthChoices; (8) recommends adoption. Funds have been accounted for in the budget.

[Pa.B. Doc. No. 22-952. Filed for public inspection June 24, 2022, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Payment for Nursing Facility Services Provided by County and Nonpublic Nursing Facilities; Notice of Change in Methods and Standards of Setting Payment Rates; Budget Adjustment Factor

The Department of Human Services (Department) is announcing its intent to amend the Commonwealth's Title XIX State Plan to update the Medical Assistance (MA) payment methodology and standards for payment of MA nursing facility services in Fiscal Year (FY) 2022-2023 to authorize the continued use of a budget adjustment factor (BAF) in setting payment rates for nursing facility services.

#### *Background*

Since 1996, the Department has used a case-mix prospective payment methodology to set per diem rate payments for MA nursing facility providers. One of the reasons the Department adopted this payment methodology was that the prior retrospective cost-based payment system had proven to be "highly inflationary" and change was necessary to curb an "explosive growth of nursing facility expenditures." See 25 Pa.B. 4477 (October 14, 1995). In 2006, the Department noted that "since the case-mix payment system was implemented in 1996, MA nursing facility payment rates have risen more than 56% and, since 2000, have increased by 27.4% overall. During this same period, expenditures for MA nursing facility services have grown to nearly \$3 billion and expenditures for MA services to the elderly and [people with disabilities] now consume approximately 70% of the \$14 billion MA Program budget." See 36 Pa.B. 3207 (June 24, 2006).

Realizing that the MA Program could not continue to sustain the pace at which long-term care expenditures were growing, the Department amended the Commonwealth's Title XIX State Plan and issued regulations changing the case-mix payment methodology effective

July 1, 2005, to include use of a BAF in annual rate-setting. See 35 Pa.B. 6232 (November 12, 2005). Application of a BAF was continued in 2007, 2008, 2011, 2013, 2016 and again in 2019. See the act of June 30, 2007 (P.L. 49, No. 16), the act of July 4, 2008 (P.L. 557, No. 44), the act of June 30, 2011 (P.L. 89, No. 22), the act of July 9, 2013 (P.L. 369, No. 55), the act of July 8, 2016 (P.L. 480, No. 76), and the act of June 28, 2019 (P.L. 168, No. 19). The BAF limits the estimated Statewide day-weighted average payment rate for MA nursing facility services for county and nonpublic nursing facilities in effect for the fiscal year to the amount permitted by the funds appropriated by the General Appropriations Act for the fiscal year.

Since the implementation of the BAF, case-mix per diem rates have increased on an annual average basis by \$2.10 per day and in the aggregate by 20.26% overall from FY 2004-2005 through estimated payment rates for FY 2021-2022. In contrast, had the BAF not been used, rates would have increased on an annual average basis by \$4.90 per day and overall by 47.22%, well in excess of either the Consumer Price Index or the Centers for Medicare & Medicaid Services' (CMS) Nursing Home without Capital Market Basket Index.

Further, during the years that the BAF has been in place, the Department has not uncovered any evidence that the quality of care in this Commonwealth's MA nursing facilities has been adversely impacted by use of the BAF. To the contrary, MA nursing facility providers continue to deliver a high quality of care. The Department does not expect the quality of care to decline in FY 2022-2023 and will continue enforcement and monitoring activities to ensure that is the case.

In short, use of the BAF has served to conserve taxpayer funds while assuring, and continuing to assure, that fee-for-service payments to nursing facilities under the MA Program are consistent with efficiency and economy and at the same time sufficient to assure access to quality care. The General Assembly had authorized the BAF through June 30, 2022. 62 P.S. § 443.1(7)(iv). The Department anticipates that the General Assembly will enact legislation to continue the use of a BAF in FY 2022-2023, subject to CMS approval. The Department issues this notice in preparation of the anticipated reauthorization of the BAF.

#### *Proposed BAF Methodology for FY 2022-2023*

The Department intends to submit a State Plan Amendment (SPA) to CMS to continue use of the BAF. Under the proposed SPA, the Department will apply a BAF and make adjustments to nonpublic nursing facility and county nursing facility payment rates in FY 2022-2023. As in prior years, the BAF will limit the estimated Statewide day-weighted average payment rate for MA nursing facility services for county and nonpublic nursing facilities so that the average payment rate in effect for the fiscal year is limited to the amount permitted by the funds appropriated by the General Appropriations Act for the fiscal year.

#### *Nonpublic Nursing Facilities*

From July 1, 2005, through June 30, 2011, the Department calculated one BAF each rate-setting year and applied that BAF to the nursing facility payment rates in effect for the rate-setting year. For FY 2011-2012, the nursing facility industry requested, and the Department responded by calculating a BAF each quarter of the fiscal year for nonpublic nursing facilities instead of calculating one BAF for the fiscal year. For FYs 2012-2013 through

2016-2017, the Department returned to formulas similar to the formula used in FYs 2009-2010 and 2010-2011 which allowed for an adjustment in the fourth quarter if certain conditions were met. See 39 Pa.B. 4958 (August 15, 2009). For FYs 2017-2018 through 2021-2022 the Department calculated a quarterly BAF for nonpublic nursing facilities using a formula similar to the formula used in FY 2011-2012. The Department is proposing to continue the quarterly BAF in FY 2022-2023 for nonpublic nursing facilities using the same formula used in FYs 2017-2018 through 2021-2022. The formula is as follows.

#### *Nonpublic Nursing Facilities' BAF Determination*

*Quarterly BAF Formula*—Prior to establishing the MA nonpublic nursing facility quarterly rates for the 2022-2023 rate year, the Department will use the following formula to determine the Quarterly BAF:

Annual target rate divided by the weighted average quarterly rate at 100% equals the Quarterly BAF.

If the Quarterly BAF as calculated is greater than 1.0, the Quarterly BAF will equal 1.0.

#### *Terms Related to the BAF Determination*

The following words and terms, when used in the 2022-2023 BAF determinations; have the following meaning, unless the context clearly indicates otherwise:

*Annual target rate*—The base rate multiplied by one plus the percentage rate of change permitted by the funds appropriated by the General Appropriations Act for the applicable rate year.

*Base days*—The source of days for the day-weighted calculation used in determining the base rate and the weighted-average quarterly rates at 100%. The base days are the sum of each nonpublic nursing facility's paid facility days, therapeutic leave days and 1/3 of the hospital bed reserve days for dates of service for the quarter beginning 6 months prior to the quarterly rate for which the BAF is being calculated.

*Base rate*—The base rate is the prior year's annual target rate.

*Quarterly BAF*—The BAF applied to each nonpublic nursing facility's quarterly rate, as calculated for the quarter.

*Weighted-average quarterly rate at 100%*—The Statewide day-weighted average of the nonpublic nursing facilities' quarterly rates, as applicable, determined in accordance with 55 Pa. Code Chapter 1187 (relating to nursing facility services), calculated using base days, prior to application of a BAF.

#### *County Nursing Facilities*

The Department will continue to calculate and apply the BAF to county nursing facility payment rates as it has in prior rate-setting years. Specifically, the Department will adjust each county nursing facility's per diem rate by multiplying the rate by a BAF. A county nursing facility's per diem rate for an MA resident will be the facility's July 1, 2021, per diem rate as calculated under 55 Pa. Code Chapter 1189, Subchapter D (relating to rate setting) and 55 Pa. Code § 1189.91(b) (relating to per diem rates for county nursing facilities) multiplied by the county BAF.

#### *Fiscal Impact*

No fiscal impact is anticipated as a result of these changes through June 30, 2023. The amount of funding available for this program is dependent upon the funds

appropriated by the General Assembly in the forthcoming fiscal year. Therefore, until a budget bill is passed and enacted, any estimated fiscal impact associated with this notice is based on the funding levels in the General Appropriation Act of 2021.

#### *Public Comment*

Interested persons are invited to submit written comments regarding the BAF formula to the Department of Human Services, Office of Long-Term Living, Bureau of Policy Development and Communications Management, Attention: Robyn Kokus, P.O. Box 8025, Harrisburg, PA 17105-8025 or at RA-PWOLTLNFPUBLICCOM@pa.gov. Comments received within 30 days will be reviewed and considered.

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-1517. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 22-953. Filed for public inspection June 24, 2022, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Payments to Nonpublic and County Nursing Facilities; Proposed Rates for State Fiscal Year 2022-2023

This notice announces the Department of Human Services (Department) proposed annual case-mix per diem payment rates for State Fiscal Year (FY) 2022-2023 for nonpublic and county nursing facilities that participate in the Medical Assistance (MA) Program.

#### *Nonpublic Nursing Facility Per Diem Rates*

As required by the case-mix payment methodology in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting), the Department intends to set an annual MA per diem rate for each nonpublic nursing facility provider. Each facility's annual per diem rate will have four components: resident care; other resident related; administrative; and capital. For each quarter of FY 2022-2023, the Department will adjust the resident care component of each facility's rate by multiplying the resident care component by the facility's MA case-mix index (CMI) for the appropriate picture date.

In addition, in calculating the proposed rates, the Department assumes that the General Assembly will enact legislation authorizing the continued use of a budget adjustment factor (BAF) in setting MA payment rates for FY 2022-2023.<sup>1</sup> Upon reauthorization of the BAF, the Department will submit a State Plan Amendment (SPA) to the Centers for Medicare & Medicaid Services (CMS) to include the BAF formula which the Department will use in FY 2022-2023.

<sup>1</sup> The Department will finalize the BAF once the General Assembly has enacted a General Appropriations Act for FY 2022-2023 and will include the BAF in the Department's notice announcing final MA nursing facility payment rates for the rate-setting year.

A detailed description of the BAF formula for FY 2022-2023 is in the notice, Payment for Nursing Facility Services Provided by County and Nonpublic Nursing Facilities; Notice of Change in Methods and Standards of Setting Payment Rates; Budget Adjustment Factor published at 52 Pa.B. 3637 (June 25, 2022). Under the proposed formula, the BAF will limit the estimated Statewide day-weighted average payment rate for MA nursing facility services for nonpublic nursing facilities so that the average payment rate in effect for the fiscal year is limited to the amount permitted by the funds appropriated by the General Appropriations Act for the fiscal year. A BAF will be calculated each quarter of FY 2022-2023 for nonpublic nursing facilities.

Finally, in calculating the proposed rates, the Department assumes that the General Appropriation Act of 2022 will include increased funding based on the Governor's proposed budget and that CMS will approve the SPA including the BAF formula for nonpublic nursing facilities.

#### *County Nursing Facility Per Diem Rates*

As required by the rate methodology in 55 Pa. Code Chapter 1189, Subchapter D (relating to rate setting), the Department intends to set an annual MA per diem rate for each county nursing facility provider. As specified in 55 Pa. Code § 1189.91(b) (relating to per diem rates for county nursing facilities), for each rate year beginning on or after July 1, 2007, the per diem rate paid to a county nursing facility for a rate year will be the facility's prior rate year per diem multiplied by a BAF determined in accordance with the formula in the Commonwealth's approved State Plan. The Department will submit a SPA to CMS to include the BAF formula, which the Department will use for county nursing facilities in FY 2022-2023. Again, in calculating the proposed rates, the Department assumes that the General Appropriation Act of 2022 will include increased funding based on the Governor's proposed budget and that CMS will approve the SPA, including the BAF formula for county nursing facilities.<sup>2</sup>

The proposed annual per diem rates for FY 2022-2023, the July Quarterly BAF that will be applied to nonpublic nursing facility rates and the annual BAF that will be applied to county nursing facilities are available on the Department's web site at <https://www.dhs.pa.gov/providers/Providers/Pages/Rates-Nursing%20Facilities.aspx> and at local county assistance offices throughout this Commonwealth or by contacting Robyn Kokus, Department of Human Services, Office of Long-Term Living at (717) 857-3280.

#### *Fiscal Impact*

If the proposed payment rates are adopted as final, there will be no fiscal impact for per diem rate payments for nonpublic and county nursing facilities for FY 2022-2023. The amount of funding available for this program is dependent upon the funds appropriated by the General Assembly in the forthcoming fiscal year. Therefore, until a budget bill is passed and enacted, any estimated fiscal impact associated with this notice is based on the funding levels in the General Appropriation Act of 2021.

#### *Public Comment*

Interested persons are invited to submit written comments regarding the proposed annual rates for FY 2022-2023 to the Department of Human Services, Office of

<sup>2</sup> The Department will finalize the BAF once the General Assembly has enacted a General Appropriations Act for FY 2022-2023 and will include the BAF in its notice announcing final MA nursing facility payment rates for the rate-setting year.

Long-Term Living, Bureau of Policy Development and Communications Management, Attention: Robyn Kokus, P.O. Box 8025, Harrisburg, PA 17105-8025 or at RA-PWOLTLNFPUBLICCOM@pa.gov. Comments received within 30 days will be reviewed and considered.

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-1518. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 22-954. Filed for public inspection June 24, 2022, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Adjustment of Program Service Revenue Amounts

In accordance with section 6(a)(5) of the Institutions of Purely Public Charity Act (act) (10 P.S. § 376(a)(5)), the Department of Revenue is required to adjust the annual program service revenue amount used as a benchmark in section 6(a)(1) and (2) of the act of the purpose of asserting a rebuttable presumption.

The annual program service revenue amounts referred to in section 6(a)(1) and (2) of the act shall be increased by 1% as follows:

- (1) Effective July 1, 1999—Program Service Revenues—\$10,100,000.
- (2) Effective July 1, 2000—Program Service Revenues—\$10,201,000.
- (3) Effective July 1, 2001—Program Service Revenues—\$10,303,010.
- (4) Effective July 1, 2002—Program Service Revenues—\$10,406,040.
- (5) Effective July 1, 2003—Program Service Revenues—\$10,510,100.
- (6) Effective July 1, 2004—Program Service Revenues—\$10,615,201.
- (7) Effective July 1, 2005—Program Service Revenues—\$10,721,353.
- (8) Effective July 1, 2006—Program Service Revenues—\$10,828,567.
- (9) Effective July 1, 2007—Program Service Revenues—\$10,936,853.
- (10) Effective July 1, 2008—Program Service Revenues—\$11,046,222.
- (11) Effective July 1, 2009—Program Service Revenues—\$11,156,684.
- (12) Effective July 1, 2010—Program Service Revenues—\$11,268,251.
- (13) Effective July 1, 2011—Program Service Revenues—\$11,380,934.
- (14) Effective July 1, 2012—Program Service Revenues—\$11,494,743.
- (15) Effective July 1, 2013—Program Service Revenues—\$11,609,690.

(16) Effective July 1, 2014—Program Service Revenues—\$11,725,787.

(17) Effective July 1, 2015—Program Service Revenues—\$11,843,045.

(18) Effective July 1, 2016—Program Service Revenues—\$11,961,475.

(19) Effective July 1, 2017—Program Service Revenues—\$12,081,090.

(20) Effective July 1, 2018—Program Service Revenues—\$12,201,901.

(21) Effective July 1, 2019—Program Service Revenues—\$12,323,920.

(22) Effective July 1, 2020—Program Service Revenues—\$12,447,159.

(23) Effective July 1, 2021—Program Service Revenues—\$12,571,631.

(24) Effective July 1, 2022—Program Service Revenues—\$12,697,347.

C. DANIEL HASSELL,  
*Secretary*

[Pa.B. Doc. No. 22-955. Filed for public inspection June 24, 2022, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Retail Incentive Program and Related Retailer Incentive Programs and Promotions for Fiscal Year 2022-2023

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), and under Title 4, Amusements, (4 Pa.C.S. §§ 501—505) the Secretary of Revenue hereby provides public notice of the Retail Incentive Program and Related Retailer Incentive Programs and Promotions (collectively referred to as “the Program”) for fiscal year 2022-2023.

This notice describes the Program, including incentives, bonuses, and promotions available to Retailers throughout fiscal year 2022-2023.

1. *Effective Date:* The Retail Incentive Program and related retailer incentive programs and promotions described herein are effective as of July 1, 2022.

2. *Purpose:* The Pennsylvania Lottery (hereinafter referred to as “Lottery”), hereby gives notice of the Retail Incentive Program, as provided for in 4 Pa.C.S. § 504, and of related retailer incentive programs, as provided for in 61 Pa. Code § 803.11 (relating to the powers and duties of the Secretary of Revenue), 61 Pa. Code § 819.222(b) (relating to incentives for the sale of instant tickets), 61 Pa. Code § 875.17 (relating to the sale of terminal based tickets), 61 Pa. Code § 874.17 (relating to the sale of raffle lottery games), 61 Pa. Code § 876.18 (relating to the sale of iLottery games) in order to detail programs planned by the Lottery for the fiscal year beginning July 1, 2022 and ending June 30, 2023. The Retail Incentive Program and the related retailer incentive programs and promotions, as described in this notice were developed to create a comprehensive, compensation package for Lottery Retailers and to reward them for helping the Lottery achieve its goals. Changes or additions to the Retail Incentive Program will be communi-

cated through an amended notice published in the *Pennsylvania Bulletin*. Changes or additions related to the retailer incentive programs and promotions as described in this notice will be communicated through the usual methods of communication.

### 3. Definitions:

(a) *Agent or Lottery Sales Agent or Retailer*: A person licensed under section 305 of the State Lottery Law. For the purposes of this notice each separate Retail Location with a separate Lottery license shall be considered a separate Retailer in all respects.

(b) *Fiscal Year*: For the purposes of this notice only, the accounting year used by the Lottery beginning on July 1, 2022 and ending on June 30, 2023.

(c) *Lottery or Pennsylvania Lottery*: The Lottery established under the State Lottery Law.

(d) *Traditional Lottery Products*: For the purposes of this notice, traditional lottery products are limited to instant lottery games, terminal-based lottery games, Fast Play games, raffle lottery games and WebCash sold by a lottery Retailer at a physical Retail Location.

(e) *Retailer in Good Standing*: To be a Retailer in Good Standing, the Retailer must meet all of the following requirements:

(1) Must be an active Retailer permitted to sell Lottery tickets.

(2) Must be an active Retailer on the first day of the Quarter and the last day of the Quarter.

(f) *Secretary*: The Secretary of Revenue of the Commonwealth.

(g) *Standard Retailer Commission*: The amount of compensation provided to Retailers for selling Lottery products, as set forth in the State Lottery Law and the corresponding regulations. The current commission is defined in 61 Pa. Code § 805.10 (relating to compensation).

(h) *State Lottery Law*: The Act of August 26, 1971 (P.L. 351, No. 91), known as the State Lottery Law (72 P.S. §§ 3761-101—3761-314).

(i) *Quarter*: A Quarter is a period of time during the year which consists of three consecutive months and which are consistent with the descriptions below.

(1) First quarter is the period of time beginning on July 1 and ending on September 30.

(2) Second quarter is the period of time beginning on October 1 and ending on December 31.

(3) Third quarter is the period of time beginning on January 1 and ending on March 31.

(4) Fourth quarter is the period of time beginning on April 1 and ending on June 30.

(j) *Retail Location*: Physical location of a Retailer, including a physical address or other designation used by the Lottery to determine the physical location of a Retailer.

4. *Program Goals*: The Lottery seeks to attain the following business goals through the operation of the Program:

(a) *Adoption of Lottery Best Practices*: The Lottery has identified certain best practices as described in section 5, below, and desires to encourage the adoption of these best practices by all Retailers.

(b) *Increasing Retailer Sales*: Traditional Lottery Products can only be sold at physical, Retail Locations and the Lottery desires to award Retailers who increase their sales for the benefit of older Pennsylvanians through the Retail Incentive Program, retailer incentive programs and promotions.

(c) *Encouraging Retailers to Engage in Specific Best Practices*: The Lottery has undertaken to establish the Lottery Best Practices Initiatives as identified in section 9, below, in select Retail Locations throughout the Commonwealth that elect to do so through the Program.

(d) *Rewarding Retailers*: The Lottery has established an aggressive bonus program under the Sales Growth Incentive Program as described in section 8, below, for Retailers who increase their sales proportionately with the overall increase in sales goals the Lottery has established for fiscal year 2022-2023.

### 5. Lottery Best Practices:

(a) Lottery has identified the following ten best practices that Lottery Retailers are encouraged to adopt and adhere to in order to maximize Lottery sales and player engagement with Traditional Lottery Products at Retail Locations.

(1) *Ask for the Sale*: Retailers can maximize their Traditional Lottery Product sales and player engagement by encouraging customers to buy Traditional Lottery Products.

(2) *Keep Lottery Fresh and Clean*: Retailers can maximize their sales of Traditional Lottery Products and player engagement by maintaining and keeping clean the area of their establishment in which Traditional Lottery Products are sold and displayed.

(3) *Know Lottery Products*: Retailers can maximize their Traditional Lottery Product sales and player engagement by being knowledgeable about the wide variety of Traditional Lottery Products.

(4) *Pay Winning Tickets*: Retailers can maximize their Traditional Lottery Product sales and player engagement by paying winning Lottery tickets of \$2,500, or less, that players present at their Retail Locations.

(5) *Post Winning Tickets*: Retailers can maximize their Traditional Lottery Product sales and player engagement by posting winning tickets sold at their Retail Locations.

(6) *Maintain Inventory*: Retailers can maximize their Traditional Lottery Product sales and player engagement by maintaining their inventory of Traditional Lottery Products, specifically scratch-off tickets, and by introducing new Traditional Lottery Products promptly upon issuance.

(7) *Post Jackpot Amounts*: Retailers can maximize their Traditional Lottery Product sales and player engagement by posting jackpot amounts prominently in places where they are highly visible to customers.

(8) *Make Lottery Visible*: Retailers can maximize their Traditional Lottery Product sales and player engagement by making Traditional Lottery Products easily visible in their Retail Locations.

(9) *Display Indoor Signs*: Retailers can maximize their Traditional Lottery Product sales and player engagement by posting Lottery signs and advertisements inside of their Retail Locations.

(10) *Display Outdoor Signs*: Retailers can maximize their Traditional Lottery Product sales and player engagement by posting Lottery signs and advertisements outside of their Retail Locations.

(b) To meet the goals of the Lottery and to encourage the Lottery Best Practices described in section 5(a), above, the Lottery provides each Retailer with Lottery-owned equipment and advertising materials based upon the individual retail environment.

#### 6. Program Requirements:

(a) Unless otherwise stated in this notice, to participate in the Program, the Retailer must be a Retailer in Good Standing.

(b) The determination of a Retailer's eligibility for participation will be made at the end of each Quarter of the Program for the fiscal year beginning on July 1, 2022 and ending on June 30, 2023.

(1) The determination will be made based on the information in the Lottery's financial accounting system for the Retailer and the status of the Retailer's license as of September 30, 2022 for the first quarter.

(2) The determination will be made based on the information in the Lottery's financial accounting system for the Retailer and the status of the Retailer's license as of December 31, 2022 for the second quarter.

(3) The determination will be made based on the information in the Lottery's financial accounting system for the Retailer and the status of the Retailer's license as of March 31, 2023 for the third quarter.

(4) The determination will be made based on the information in the Lottery's financial accounting system for the Retailer and the status of the Retailer's license as of June 30, 2023 for the fourth quarter.

(c) A Retailer may be eligible to participate in and receive the incentives provided in section 8, below, for each Quarter in which the Retailer satisfies the eligibility requirements of this section and the requirements of section 8.

(d) A Retailer may be eligible to participate in and receive the incentives provided in section 9, below, one time during the Fiscal Year if the Retailer satisfies the eligibility requirements of this section and the requirements of section 9 and is approved for participation.

(e) A Retailer is only eligible for participation in the Program for those Quarters in which the Retailer remains eligible for the entire Quarter. Failure to maintain the requirements of a Retailer in Good Standing for any reason for any Quarter shall preclude the Retailer from receiving any payment or payments that the Retailer would otherwise be entitled to for that Quarter.

(f) The final determination of a Retailer's eligibility will be made by the Secretary, whose judgment will be final and binding.

#### 7. How to Enroll:

(a) Licensed Retailers are automatically enrolled in the Sales Growth Incentive Program as described in section 8, below, and the Quarterly Retailer Incentive Promotions as described under section 10 of this notice.

(b) Retailers who do not wish to participate in the Sales Growth Incentive Program must sign a form indicating that the Retailer understands and acknowledges that the Retailer will not receive incentives as described under section 8 of this notice.

(c) Participation in the Lottery Best Practices Initiatives is voluntary on the part of each Retailer and requires the Retailer to opt-in as described in this notice.

(d) Retailers who wish to enroll in one or more of the Lottery Best Practices Initiatives are responsible for:

(1) Reading and understanding this notice;

(2) Reading any Lottery materials describing the Lottery Best Practices Initiatives; and

(3) Communicating interest in participation in one or more of the Lottery Best Practices Initiatives to the Lottery through their Lottery Sales Representative or by emailing the Lottery at PALotteryRetailIncentive@pa.gov.

8. *Sales Growth Incentive Program*: Retailers may qualify for a Sales Growth Incentive, in addition to the Standard Retailer Commission, by meeting the requirements of this section.

(a) The Lottery will establish a sales baseline for each Retailer.

(1) For a Retailer existing in fiscal year 2021-2022, the Lottery will establish a sales baseline for each Retailer based on that Retailer's fiscal year 2021-2022 sales for each Quarter that the Retailer is eligible for the Sales Growth Incentive Program under sections 6 and 7 of this notice.

(2) If the Retail Location was not licensed as a Retailer in fiscal year 2021-2022, the Lottery will establish a sales baseline for that Retailer for each Quarter that the Retailer is eligible for the Sales Growth Incentive Program under sections 6 and 7 of this notice. The Lottery may consider any relevant factors to determine the sales baseline.

(3) If the Retailer was not a licensed Retailer for the entirety of any Quarter in fiscal year 2021-2022, the Lottery will establish a sales baseline for that Retailer for the corresponding Quarter based on sales at the Retail Location for the same Quarter in fiscal year 2021-2022.

(b) Sales baseline figures may account for periods in which the Retailer did not have Traditional Lottery Product sales but met the definition of Retailer in Good Standing.

(c) Each Retailer shall be provided with their sales baseline figures and sales goals by the Lottery in writing.

(d) A Retailer who exceeds their prior year sales figure by at least 0.01%, but not more than 3.99%, for any Quarter in the Fiscal Year to which this notice applies, shall be awarded an additional 0.75% incentive above the Standard Retailer Commission. For example, assuming that the Retailer has met all other requirements of this notice, a Retailer with a sales baseline of \$100,000 for a Quarter, who raises their sales by 0.01% to \$100,010, shall be entitled to the Sales Growth Incentive of 0.75% in addition to the Standard Retailer Commission and will be entitled to a Sales Growth Incentive payment of \$750.08. With the Standard Retailer Commission of \$5,000.50 on sales of \$100,010, the Retailer would receive a total payment of \$5,750.58 for that Quarter.

(e) A Retailer who exceeds their sales baseline figure for any Quarter by at least 4% shall be awarded an additional 1.50% incentive above the Standard Retailer Commission. For example, assuming that the Retailer has



met all other requirements of this notice, a Retailer with a sales baseline of \$100,000 for a Quarter, who raises their sales by 4% to \$104,000, shall be entitled to a 1.50% incentive in addition to the Standard Retailer Commission and will be entitled to Sales Growth Incentive payment of \$1,560. With the Standard Retailer Commission of \$5,200 on sales of \$104,000, the Retailer would receive a total payment of \$6,760 for that Quarter.

(f) A Retailer shall not receive an incentive above 1.50% for any Quarter under section 8 of this notice.

#### 9. *Lottery Best Practices Initiatives:*

(a) *Qualifying Retailers:* In order to participate in one or more of the Lottery Best Practices Initiatives as described below, the Retailer must meet the eligibility requirements as set forth in section 6 of this notice. Only Retailers who agree to participate and are approved by the Lottery shall be eligible for the Lottery Best Practices Initiatives. Retailers that are engaging in the best practices or who have already received Lottery-owned equipment or materials listed below are not eligible to participate in the applicable initiatives unless they are increasing their level of engagement relative to a specific initiative.

(b) *Levels of Participation:* Consistent with the Lottery's objectives, qualifying Retailers will fall into one of three levels for participation in the Lottery Best Practices Initiatives, as follows:

(1) *Level 1 Retailer:* A Retailer that has a Quarterly average of \$90,000 or more in sales of Traditional Lottery Products for the fiscal year beginning on July 1, 2021 and ending on June 30, 2022 or a Retailer that is part of a Retail Chain as defined by the Pennsylvania Lottery.

(2) *Level 2 Retailer:* A Retailer that has a Quarterly average of less than \$90,000 in sales of Traditional Lottery Products for the fiscal year beginning on July 1, 2021 and ending on June 30, 2022.

(3) *Level 3 Retailer:* A Retailer that meets all of the following criteria:

(i) The prospective Retailer submitted a complete application, in addition to any other forms and agreements that must be completed by prospective Retailers, to become a Lottery Retailer during: the third quarter of fiscal year 2021-2022; the fourth quarter of fiscal year 2021-2022; or fiscal year 2022-2023.

(ii) The proposed Retail Location was not a licensed Retailer in fiscal year 2021-2022.

(iii) The application is approved by the Lottery in fiscal year 2022-2023.

(c) *Enrollment in the Lottery Best Practices Initiatives:* A Retailer who wants to participate in one or more of the Lottery Best Practices Initiatives must opt-in by April 1, 2023.

(d) *Schedule for Delivery of Materials and Equipment:* For each Retailer that has opted-in to one or more of the Lottery Best Practices Initiatives and has been approved for participation, the Lottery will determine when the materials or Lottery-owned equipment, as applicable, for each of the Lottery Best Practices Initiatives will be delivered. Delivery and installation dates will be scheduled at the Lottery's discretion. Delivery and installation dates may occur in the subsequent fiscal year.

#### (e) *Lottery Best Practices Initiatives:*

(1) The following Lottery Best Practices Initiatives are available to Level 1 Retailers upon approval for participation by the Lottery:

##### (i) *Increased Counter Facings Initiative:*

(A) Level 1 Retailers are required to increase their counter facings by 12 and agree to maintain the display in such a way as to prevent anything from impeding the view of the increased facings.

(B) Level 1 Retailers are eligible to receive a one-time payment of \$500 following agreement and approval to participate in the Increased Counter Facings Initiative for Level 1 Retailers.

##### (ii) *Designated Lottery Space Initiative:*

(A) Level 1 Retailers that agree to participate in the Designated Lottery Space Initiative must create and maintain a physical location within the Retail Location designated for customers to play the lottery and agree to install and maintain the Lottery-owned equipment.

(B) Level 1 Retailers are eligible to receive a one-time payment of \$350 following agreement and approval to participate in the Designated Lottery Space Initiative for Level 1 Retailers.

##### (iii) *Winner Awareness Area Initiative:*

(A) Level 1 Retailers that agree to participate in the Winner Awareness Area Initiative must create and maintain a physical location within the Retail Location, of a minimum of 6 square feet, designated to display winning tickets paid by the Retailer and must update the area with tickets paid by the Retailer on a monthly basis.

(B) The Lottery will provide the Retailer with the materials necessary to display winning tickets.

(C) Level 1 Retailers are eligible to receive a one-time payment of \$350 following agreement and approval to participate in the Winner Awareness Initiative for Level 1 Retailers.

##### (iv) *Signage Initiative:*

(A) Level 1 Retailers that agree to participate in the Signage Initiative must increase and maintain the amount of Lottery provided indoor and outdoor signage displayed at the Retail Location above the amount the Retailer displays prior to agreeing to participate in the Signage Initiative.

(B) Level 1 Retailers are eligible to receive a one-time payment of \$350 following agreement and approval to participate in the Signage Initiative for Level 1 Retailers.

##### (v) *Second-Chance Drawing Initiative:*

(A) A Level 1 Retailer that agrees to participate in the Second-Chance Drawing Initiative must conduct a Second-Chance Drawing during the Fiscal Year.

(B) To conduct a Second-Chance Drawing, Level 1 Retailers must conduct a drawing for Lottery players in which they randomly select one or more winners. The Retailer shall receive at least \$100 worth of Lottery coupons or promotional tickets to support the drawing.

(C) Level 1 Retailers that agree to participate in the Second-Chance Drawing Initiative must also supply a prize, not otherwise prohibited by law that matches or exceeds the monetary value of the Lottery coupons or promotional tickets provided to support the drawing. The prize supplied by the Retailer may be made using money, merchandise or any other item of value provided by the Retailer.

(D) Level 1 Retailers are eligible to receive the Lottery coupons or promotional tickets following agreement and approval to participate in the Second-Chance Drawing Initiative for Level 1 Retailers.

(E) Level 1 Retailers that participate in the Second-Chance Drawing Initiative are responsible for developing and communicating the rules for the Second-Chance Drawings conducted by the Retailer. Retailers who participate in the Second-Chance Drawing Initiative are responsible for implementing and adhering to the rules that they develop for the Second-Chance Drawings they conduct. The Lottery does not administer and is not responsible for the conduct or the outcome of the Second-Chance Drawings as described in this notice.

(F) The Lottery will only support one Second-Chance Drawing for each qualifying and approved Level 1 Retailer.

(vi) *All-In Initiative:*

(A) Level 1 Retailers that agree to participate in the All-In Initiative must conduct each of the Lottery Best Practices Initiatives as described in section 9(e)(1)(i)—(v) for Level 1 Retailers.

(B) Level 1 Retailers are eligible to receive a one-time total payment of \$2,000, which includes a \$450 All-In Initiative bonus, as well as up to \$100 worth of Lottery coupons or promotional tickets used to support the Second-Chance Drawing Initiative, following agreement and approval to participate in the All-In Initiative for Level 1 Retailers.

(2) The following Lottery Best Practices Initiatives are available to Level 2 Retailers upon approval by the Lottery:

(i) *Ask for the Sale Initiative:*

(A) A Level 2 Retailer that agrees to participate in the Ask for the Sale Initiative must conduct an Ask for the Sale promotion at the Retail Location once during the Fiscal Year.

(B) To conduct an Ask for the Sale promotion, the Level 2 Retailer must agree to ask every customer to purchase a Lottery ticket during the agreed upon time frame and must display Lottery provided materials advertising the promotion.

(C) Level 2 Retailers shall receive up to \$100 worth of Lottery coupons or promotional tickets to support the promotion by awarding any player not asked to purchase a Lottery ticket, a Lottery coupon or promotional ticket.

(D) Level 2 Retailers who opt-in to the Second-Chance Drawing Initiative as described in section 9(e)(2) are not eligible for the Ask for the Sale Initiative.

(ii) *Second-Chance Drawing Initiative:*

(A) Level 2 Retailers that agree to participate in the Second-Chance Drawing Initiative must conduct a Second-Chance Drawing during the Fiscal Year.

(B) To conduct a Second-Chance Drawing, Retailers must conduct a drawing for Lottery players in which they randomly select one or more winners. The Retailer shall receive at least \$100 worth of Lottery coupons or promotional tickets to support the drawing.

(C) Level 2 Retailers are eligible to receive Lottery coupons or promotional tickets following agreement and approval to participate in the Second-Chance Drawing Initiative for Level 2 Retailers.

(D) Level 2 Retailers who participate in the Second-Chance Drawing Initiative are responsible for developing and communicating the rules for the Second-Chance Drawings conducted by the Retailer. Retailers who participate in the Second-Chance Drawing Initiative are responsible for implementing and adhering to the rules that they develop for the Second-Chance Drawings they conduct. The Lottery does not administer and is not responsible for the conduct or the outcome of the Second-Chance Drawings as described in this notice.

(E) Level 2 Retailers are not eligible to participate in the Second-Chance Drawing Initiative if the same Retailer opted-in and was approved for the Ask for the Sale Initiative as described in this notice.

(F) The Lottery will only support one Second-Chance Drawing for each qualifying and approved Level 2 Retailer.

(3) Level 3 Retailers are eligible for the Prospective Social Environment Retail Recruitment Initiative as described below, upon approval of the Lottery:

(i) Level 3 Retailers that agree to participate in the Prospective Social Environment Retail Recruitment Initiative must meet the requirements of a Level 3 Retailer as described in section 9(b)(3).

(ii) Level 3 Retailers that agree to participate in the Prospective Social Environment Retail Recruitment Initiative must agree to the installation of Lottery-owned equipment, as recommended by the Lottery for the specific Retail Location. Required Lottery-owned equipment includes, but is not limited to, at least two monitors for the display of certain terminal-based Lottery games, commonly referred to as monitor games.

(iii) Level 3 Retailers that agree to participate in the Prospective Social Environment Retail Recruitment Initiative must be a Retailer in Good Standing for 6 months following the installation of the Lottery-owned equipment.

(iv) Level 3 Retailers that agree to participate in the Prospective Social Environment Retail Recruitment Initiative must keep the Lottery-owned equipment installed and operational for 6 months following the installation of the Lottery-owned equipment.

(v) Level 3 Retailers are eligible to receive a one-time payment of \$500 for each monitor installed, following agreement and approval to participate in the Prospective Social Environment Retail Recruitment Initiative.

(vi) All Lottery-owned equipment to be installed shall be determined by the Lottery. Level 3 Retailers may

request certain equipment be placed in their Retail Location. The ultimate decision as to the type of Lottery-owned equipment, number of monitors, and the like, that will be placed in a Retail Location is at the sole discretion of the Lottery.

(vii) Level 3 Retailers who agree to participate in the Prospective Social Environment Retail Recruitment Initiative must acknowledge and agree to the terms of the Prospective Social Environment Retail Recruitment Initiative. The Lottery is authorized to deduct \$500 for each monitor installed from the Retailer's bank account as part of the Retailer's weekly settlement process if the Retailer fails to have the Lottery-owned equipment installed and operational for a period of 6 months from the date of installation or if the Retailer fails to maintain its status as a Retailer in Good Standing.

(f) If a Level 2 Retailer reaches the thresholds of a Level 1 Retailer in Traditional Lottery Product sales for either the first or second quarter during the Fiscal Year, the Retailer may apply for the respective Lottery Best Practices Initiatives for the newly achieved Retailer level. If approved by the Lottery for participation in the specific Lottery Best Practices Initiatives, the Retailer shall be entitled to the same cash payment, if any, associated with the specific Lottery Best Practices Initiatives participated in by the Retailer.

(g) Notwithstanding any other provision of this notice, the Lottery may determine, in its sole discretion, that every Retailer in the Retail Chain is eligible for the Lottery Best Practice Initiatives set forth in 9(e)(1)(i)—(vi). Retail Chain shall be defined as Retailers who have five (5) or more locations under the same employee identification number and has been designated as a corporate chain by the Lottery.

#### 10. *Quarterly Retailer Incentive Promotions:*

(a) The Lottery will conduct Quarterly incentive promotions that provide Retailers with an opportunity to earn a reward by conducting various promotions related to the sale of Traditional Lottery Products.

(b) The Lottery will advise Retailers of the Quarterly incentive promotions through Lottery sales-terminal messages, information provided by Lottery Sales Representatives and information provided on the Retailer's Corner of the Lottery web site, <https://www.palottery.state.pa.us/About-PA-Lottery/For-Retailers/Current-Retailers.aspx>.

(c) The rewards to Retailers issued through the Quarterly incentive promotions may include, but are not limited to, bonus commissions and entries into drawings.

11. *Funds for the Retail Incentive Program:* For fiscal year 2022-2023 the Pennsylvania Lottery caps expenditures of the Sales Growth Incentive Program as described in section 8, above, the Lottery Best Practices Initiatives as described in section 9, above, and the Quarterly Retailer Incentive Promotions as described in section 10, above, to the statutory requirement of 0.5% of the sale of Traditional Lottery Products at Retail Locations within fiscal year 2021-2022 as required pursuant to 4 Pa.C.S. § 504(b).

12. *Nonlapse:* Amounts remaining in the Retail Incentive Program at the end of the Fiscal Year shall not lapse,

but shall be used to fund retail sales initiatives including, but not limited to, new equipment, signage, training, coupons, consumer and agent in-store promotions and sales makeovers that are designed to improve in-store merchandising, foot traffic and sales as determined by the Lottery.

#### 13. *Retailer Incentive Programs and Promotions:*

(a) The Pennsylvania Lottery is authorized to offer retailer incentive programs and promotions pursuant to 61 Pa. Code § 811.41. Any expenditures for the Program incurred by the Lottery that exceed the limit set forth at 4 Pa.C.S. § 504(b) in section 11, above, will be attributed to retailer incentive programs and promotions authorized pursuant to 61 Pa. Code § 811.41.

(b) The Retail Incentive Program will run concurrently and in conjunction with the retailer incentive programs and promotions described in this notice.

14. *Payments:* Payments due to Retailers pursuant to the requirements of the Retail Incentive Program and the related retailer incentive programs and promotions described in this notice will be credited to the Retailer at a time or times determined by the Lottery.

15. *Applicability:* This notice applies only to the Retail Incentive Program for the fiscal year beginning on July 1, 2022 and ending on June 30, 2023 and the related retailer incentive programs and promotions described in this notice. Additional related retailer incentive programs, promotions and customer referral programs may be conducted throughout the Fiscal Year pursuant to the State Lottery Law and corresponding regulations and will be communicated through normal methods of communication.

C. DANIEL HASSELL,  
*Secretary*

[Pa.B. Doc. No. 22-956. Filed for public inspection June 24, 2022, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Receipt of Applications for Funding under the Section 5310 Program Fiscal Year 2022-2023

The Department of Transportation, Bureau of Public Transportation, under the authority in section 5310 of the Federal Transit Act (49 U.S.C. § 5310), gives notice that it will receive applications for the State-administered Section 5310 Program (Program). The application will open on Friday, July 1, 2022, and is due by the close of business on Monday, August 1, 2022. The 5310 private nonprofit (PNP) application instructions can be found under Program Resources at <https://www.penndot.pa.gov/Doing-Business/Transit/InformationandReports/Documents/5310%20Resources/5310%20PNP%20Applicant%20Instructions.pdf>.

Under this Program, PNP organizations and designated public bodies may apply for Federal capital assistance to pay up to 80% of the purchase cost of new wheelchair accessible small transit vehicles used to provide transportation services for senior citizens and persons with disabilities who cannot be reasonably accommodated by existing transportation providers.

Additional Program guidelines and general information on how to apply can be obtained by calling John Levitsky, Bureau of Public Transportation, (717) 787-1206, jlevitsky@pa.gov.

YASSMIN GRAMIAN,  
*Secretary*

[Pa.B. Doc. No. 22-957. Filed for public inspection June 24, 2022, 9:00 a.m.]

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-3277 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,  
*Chairperson*

[Pa.B. Doc. No. 22-958. Filed for public inspection June 24, 2022, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### July Meeting Rescheduled

The July 19, 2022, meeting of the Environmental Quality Board (Board) has been rescheduled to Tuesday, July 12, 2022. The meeting will begin at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Individuals may attend the meeting in person or remotely.

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](http://www.dep.pa.gov) (select "Public Participation," then "Environmental Quality Board," then "2022 Meetings").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the July 12, 2022, meeting can be directed to Laura Griffin at [laurgriffi@pa.gov](mailto:laurgriffi@pa.gov) or (717) 772-3277.

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meetings Scheduled

The Health Care Cost Containment Council (Council) has scheduled the following meetings: June 30, 2022—Data Systems Committee at 1 p.m.; July 7, 2022—Special meeting at 9:45 a.m.; and Regular Council meeting at 10 a.m. Meetings will be held virtually. Agendas will be available 24 hours in advance at <https://www.phc4.org/council/calendar.htm>.

The public is invited to participate. Contact [rgreenawalt@phc4.org](mailto:rgreenawalt@phc4.org) at least 24 hours in advance for details.

BARRY BUCKINGHAM,  
*Executive Director*

[Pa.B. Doc. No. 22-959. Filed for public inspection June 24, 2022, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
57-335	Pennsylvania Public Utility Commission Rulemaking Regarding Hazardous Liquid Public Utility Safety Standards at 52 Pa. Code Chapter 59; Notice of Proposed Rulemaking 52 Pa.B. 992 (February 12, 2022)	5/12/22	6/13/22

### **Pennsylvania Public Utility Commission Regulation # 57-335 (IRRC # 3330)**

#### **Rulemaking Regarding Hazardous Liquid Public Utility Safety Standards at 52 Pa. Code Chapter 59; Notice of Proposed Rulemaking**

**June 13, 2022**

We submit for your consideration the following comments on the proposed rulemaking published in the February 12, 2022 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory

Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the RRA (71 P.S. § 745.5a(a)) directs the Pennsylvania Public Utility Commission (PUC) to respond to all comments received from us or any other source.

**1. Statutory authority; Whether the regulation is consistent with the intent of the General Assembly; Possible conflict with or duplication of statutes or existing regulations.**

The stated the intent of this rulemaking is to provide more comprehensive regulation of public utilities that

transport petroleum products and other hazardous liquids in intrastate commerce. The PUC has cited 66 Pa.C.S. §§ 501(b) and 1501 as its statutory authority for this rulemaking. Section 501(b) of 66 Pa.C.S. is the PUC's general rulemaking authority. Section 1501 of 66 Pa.C.S. requires public utilities, in part, to "furnish and maintain adequate, efficient, safe, and reasonable service and facilities." According to the PUC, these two sections provide the general authority to "ensure, inter alia, the adequacy, efficiency, safety, and reasonableness of hazardous liquid public utility service and facilities."

As noted by the PUC, the Commonwealth participates as a certified state in the pipeline safety program administered by the United States Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) under 49 U.S.C.A. § 60105(a). Pursuant to 49 U.S.C.A. § 60105(b), certified states must adopt the minimum Federal pipeline safety standards. The PUC adopted those standards in Section 59.33(b) (relating to safety). This subsection states the following:

*Safety code.* The minimum safety standards for all natural gas and hazardous liquid public utilities in this Commonwealth shall be those issued under the pipeline safety laws as found in 49 U.S.C.A. §§ 60101—60503 and as implemented at 49 CFR Parts 191—193, 195 and 199, including all subsequent amendments thereto. Future Federal amendments to 49 CFR Parts 191—193, 195 and 199, as amended or modified by the Federal government, shall have the effect of amending or modifying the Commission's regulations with regard to the minimum safety standards for all natural gas and hazardous liquid public utilities. The amendment or modification shall take effect 60 days after the effective date of the Federal amendment or modification, unless the Commission publishes a notice in the *Pennsylvania Bulletin* stating that the amendment or modification may not take effect.

The PUC explains that under 49 CFR Part 195, Appendix A certified states "may adopt additional more stringent standards so long as they are compatible" with Federal standards.

Commentators opposed to the rulemaking believe this proposed rulemaking is not compatible with Federal regulations. Those commentators have provided examples of new requirements in the proposed rulemaking that will conflict with existing Federal requirements. Commentators that support the rulemaking believe the PUC's cited statutory authority provides them the authority to promulgate regulations that are necessary to protect the public health, safety and welfare, and also the environment. We do not question the PUC's authority and duty to protect the citizens and the environment of the Commonwealth from the potential danger associated with transporting petroleum products and other hazardous liquids via pipelines. However, we do ask for further explanation in the Preamble to the final-form regulation of how the more stringent provisions of this rulemaking are compatible with the Federal standards of the PHMSA regulations, as also addressed in Comment # 4. In addition, we ask the PUC to consider revisions to this rulemaking that do not create a stricter enforcement standard in the Commonwealth.

A second issue raised by commentators opposed to the rulemaking relates to a potential conflict with Act 127 of 2011, the Gas and Hazardous Liquids Pipeline Act (58 P.S. §§ 801.101—801.1101) (Act 127). These commentators believe the following language from Section 501(a)

of Act 127 prohibits the PUC from promulgating regulations that are more stringent than Federal standards:

*Commission authority.*—The commission shall have general administrative authority to supervise and regulate pipeline operators within this Commonwealth consistent with Federal pipeline safety laws. The commission may adopt regulations, consistent with the Federal pipeline safety laws, as may be necessary or proper in the exercise of its powers and perform its duties under this act. *The regulations shall not be inconsistent with or greater or more stringent than the minimum standards and regulations adopted under the Federal pipeline safety law.*

58 P.S. § 801.501(a). (Emphasis added.)

In addition, opponents believe the proposed rulemaking will treat private pipelines and public utility pipelines carrying similar product differently. This will create a "two-tiered regulatory environment that is needlessly complex and without any demonstration that this will produce additional benefits to the public."

Commentators that support the rulemaking provided comments stating Act 127 does not apply to public utilities and should not be an impediment to the promulgation of this rulemaking. They again cite to the PUC's authority and duty to protect the citizens and environment of the Commonwealth. In the Preamble to the final-form rulemaking, we ask the PUC explain what its duties are under Act 127 and whether Act 127 is applicable to public utility pipelines. We also ask the PUC how it will regulate private and public utility pipelines if and when this rulemaking is finalized.

## **2. Protection of the public health, safety and welfare and the effect on this Commonwealth's natural resources.**

Environmental advocates, private citizens and legislators have submitted comments in support of the rulemaking. An example of a recurring sentiment from many of the commentators is, "This rulemaking is an appropriate and desperately-needed response to years of advocacy calling for the Commission to step up to protect the public it serves."

These commentators have provided many specific suggestions on each section of the rulemaking that would increase the protection of the public health, safety and welfare of the Commonwealth's citizens and also the Commonwealth's natural resources. Suggestions have also been made to increase public awareness and participation in decisions regarding the construction, maintenance and operation of public utility pipelines. Some of the suggestions would expand the scope of the rulemaking and, in some instances, require legislative action in order for the suggestions to be implemented. Examples of these types of suggestions include: a best practices approach to regulating pipelines; inclusion of siting approval and setback provisions; enforcement mechanisms; enhanced communications with affected communities; requiring new certificates of convenience and necessity for conversion of existing oil and gas pipelines to highly volatile gas liquids; environmental justice considerations; additional study and reporting of pipeline performance and integrity; and coordination of effort with other regulatory agencies that oversee various aspects of the pipeline industry. While some of these suggestions might be beyond the scope of this rulemaking, we believe the suggestions are worthy of discussion and consideration for a future rulemaking package.

Finding common ground among those that support and oppose this rulemaking will not be an easy task. We acknowledge the work already done via the Advance Notice of Proposed Rulemaking issued by the PUC in June 2019 and encourage the PUC to continue its work with all members of the regulated community as it strives to provide a safe regulatory environment for the construction, operation and maintenance of public utility pipelines and also to increase public awareness and participation by communities affected by pipelines. If any of the advocates' suggested amendments are incorporated into the final-form rulemaking, we ask the PUC to be cognizant of the potential fiscal impact it may have on the oil and gas industry and consumers in general. As addressed in Comment # 5, quantification of those costs or any potential savings, should be included in the Regulatory Analysis Form submitted with the final-form rulemaking.

**3. Implementation procedures; Possible conflict with or duplication of statutes or existing regulations.**

Several commentators have expressed concern with how this rulemaking will be implemented. There is confusion regarding the potential retroactive nature of the regulations and what specific activities by a hazardous liquid public utility (HLPU) would trigger compliance obligations. Some commentators believe retroactive application would conflict with 49 U.S.C.A. § 60104(b).

In the Preamble to the final-form regulation, we ask the PUC to explain if existing pipelines that are the subject of this rulemaking and currently operating pipelines are grandfathered, and therefore not obligated to comply with the standards. We also ask the PUC to explain why the requirements potentially being imposed would not violate the Federal Pipeline Safety Act.

In addition, the phrase "or otherwise changing existing pipelines" is used in several sections of the regulation. Commentators seek clarity on this phrase and whether activities such as routine maintenance would require compliance with this regulation. We agree that the quoted phrase is vague and ask the PUC to clarify it and specifically detail what activities would require compliance obligations.

**4. Need; Reasonableness; Possible conflict with or duplication of statutes or existing regulations.**

In response to Question # 10 of the Regulatory Analysis Form (RAF) submitted with this proposed rulemaking, the PUC explains the need for this rulemaking as follows:

A more comprehensive and complete regulatory framework for hazardous liquid public utilities in the Commonwealth is necessary to address the concerns of the public regarding aging pipeline infrastructure and pipeline integrity. Proponents of stronger regulations for new and existing pipelines have identified hazardous liquid public utility incidents like spills, leaks, sinkholes, and private well contamination to support their position. As noted in the response to No. 14, in 2019, the PUC entered an Advance Notice of Proposed Rulemaking (ANOPR) and solicited comments. In response, several commenters requested greater public awareness between hazardous liquid public utilities and the affected public, public officials, emergency responders, and school administrators near hazardous liquid pipelines.

The Preamble submitted with proposed rulemaking explains what changes are being made to the PUC's existing regulations and a description of the new sections being proposed. However, it does not explain the rationale

behind the new language and why more a more stringent standard is needed for the particular topic being addressed. We ask the PUC to provide additional information related to why the new language is needed and reasonable for each new section of the rulemaking. In addition, we ask the PUC to cite specific instances of pipeline spills, leaks, sinkholes and water contamination caused by or related to HLPUs activity. The PUC should explain how the more stringent standards of this rulemaking would have prevented or curtailed those problems or incidents.

As noted by several commentators that oppose the proposed rulemaking, there are several PHMSA rulemakings underway at this time. If the PHMSA rulemakings provide for more stringent standards, we question the need for all new sections in this proposed rulemaking. We ask the PUC to monitor the progress of those rulemakings and, if any of those rulemakings are finalized before this rulemaking is submitted in final-form, to make the appropriate revisions to this rulemaking.

**5. Economic or fiscal impact; Direct and indirect costs to the Commonwealth, to its political subdivisions and to the private sector; Adverse effects on prices of goods and services, productivity or competition; Whether the regulation is supported by acceptable data; Compliance with the provisions of the RRA or the regulations of this Commission in promulgating the regulation.**

This Commission's regulations in 1 Pa. Code § 305.1(b)(1) require an agency to submit a complete RAF when it delivers a proposed rulemaking. The RAF submitted by the PUC with this proposed rulemaking provides answers to all of the questions posed. However, answers to some of the questions do not provide sufficient information for this Commission to determine if the rulemaking is in the public interest. In addition, those opposed to the rulemaking, including 16 members of the House Environmental Resources and Energy Committee, have raised concerns regarding fiscal impact and a lack of data to support to the proposed rulemaking. We ask the PUC to provide more information in response to the following questions in the RAF:

- Question # 18, related to how the benefits of the regulation outweigh any costs and adverse effects;
- Question # 19, related to a specific estimate of costs and/or savings to the regulated community and how the estimates were derived;
- Question # 23, related to a summary of costs and savings estimates for the regulated community, local government and state government for the current fiscal year and the next five fiscal years; and
- Question # 28, related to whether data was the basis for this regulation.

Regarding Questions # 18, # 19 and # 23, the PUC's decision to not perform a complete fiscal analysis of the proposed rulemaking and delay that analysis until the final-form rulemaking stage of the regulatory review process is problematic. As noted by a commentator, it prevents this Commission and the regulated public from evaluating the accuracy of the information. It is also not in compliance with Section 5(a)(4) of the RRA, which requires "[e]stimates of the direct and indirect costs to the Commonwealth, to its political subdivisions and to the private sector." 71 P.S. § 745.5(a)(4). We ask the PUC to work with the regulated community to ascertain the costs required to comply with the rulemaking, especially as it relates to the potential retroactive nature of it.

Another cost that should be considered is the cost to other entities in the oil and gas supply chain, including higher costs of product and potential disruption of service due to the more stringent standards as contemplated by Section 5.2(b)(1)(ii) of the RRA. We also ask the PUC to consult with those that support the rulemaking to quantify in economic terms the benefits this rulemaking will have for the Commonwealth and its citizens.

Regarding Question # 28, the answer provided by the PUC indicates that data was not the basis for the rulemaking. Commentators that oppose the rulemaking question the appropriateness of this response and suggest that the PUC should provide scientific data to support their contention that more stringent standards are needed. Section 5.2(b)(7) of the RRA requires this Commission to consider when determining if a rulemaking is in the public interest is, “Whether the regulation is supported by acceptable data.” Therefore, we ask the PUC to include documentation, statistics, reports, studies or research to support the need for the more stringent standards contained in each section of the rulemaking.

**6. Section 59.132. Definitions.—Need; Clarity; Reasonableness.**

*Affected public*

This definition includes residents and places of congregation (businesses, schools, and the like) along the pipeline and the associated right-of-way within 1,000 feet, or within the lower flammability limit, of a pipeline or pipeline facility, whichever is greater. The Department of Environmental Protection (DEP) recommended two revisions to this definition. First, DEP requests clarification of how to identify residents and places of congregation and thereby determine compliance with the notification provisions in Sections 59.138 and 59.140 (relating to horizontal directional drilling and trenchless technology, or direct buried methodologies; and operation and maintenance). Second, DEP seeks clarification of how to measure the distance in the definition, that is, 1,000 feet from the limit of disturbance. We ask the PUC to consider clarifying this definition as suggested by DEP.

*Emergency responders*

This definition includes a list of local, county and city emergency responders. A commentator feels this definition is overly broad and not limited to those agencies along a pipeline route. We ask the PUC to consider clarifying this definition to specify local, county and city agencies along the pipeline route to mirror the definition of “public officials.”

*Geotechnical hazard*

A “geotechnical hazard” is defined as a “geological and environmental feature which may be caused by natural or human-induced conditions, involve long-term or short-term geological processes, and lead to widespread damage or risk.” A commentator stated this definition is vague, overbroad and subjective, making it difficult for pipeline owner to comply with Section 59.136 (relating to design requirements). A second commentator believes that it is not necessary for a geotechnical hazard to be both geological and environmental. We ask the PUC to clarify this definition to establish a standard that is achievable by the regulated community.

*HLPESA—Hazardous Liquid Pipeline Safety Act of 1979*

This definition cites a Federal statute and regulation. A commentator explains that the HLPESA was recodified in 1994 with provisions of the Natural Gas Pipeline Safety Act and suggests the definition be revised to “Federal

Pipeline Safety Act.” We ask the PUC to consider revising this definition as suggested to improve clarity and accuracy.

*TT—Trenchless technology*

This definition explains a type of subsurface construction work that requires few trenches or no trenches. DEP commented that this definition is based on its draft technical guidance document “Trenchless Technology Guidance,” Doc. No. 310-2100-003. DEP accepted public comments through May 18, 2022. It recommended that the agencies collaborate as they finalize the technical guidance document and this rulemaking package to discuss consistent definitions of this term or a basis for any differences. As addressed in Comment # 12, we have concerns with the PUC basing this definition on DEP’s guidance document. We ask the PUC to revise this definition as necessary to align it with any revisions to Section 59.138.

**7. Section 59.133. General.—Need; Statutory authority; Reasonableness of requirements, implementation procedures and timetables for compliance by the public and private sectors; Whether the regulation is supported by acceptable data; Clarity.**

This section sets forth the general provisions applicable to HLPUs. As noted in Comments # 4 and # 5, we ask the PUC to explain its rationale for imposing more stringent standards and provide data to support its conclusions for all of the subsections of this section.

*Subsection (a) Minimum safety standards.*

This subsection adopts by reference minimum safety standards in 49 U.S.C.A. §§ 60101—60503 as implemented by 49 CFR Parts 195 and 199 with automatic adoption provisions for future changes to Federal regulations, including the following:

If future Federal amendments to 49 CFR Parts 195 and 199 have the effect of making a Federal PHMSA safety requirement more stringent than a like requirement under §§ 59.131—59.143 (relating to hazardous liquid public utility safety standards), the more stringent Federal safety standard shall control.

We have two concerns. First, the provision does not state how the PUC will ensure the regulated community is in compliance with the most current regulations when the Federal minimum standards are updated and the PUC’s regulations are not amended. The lack of explanation will require HLPUs to interpret and determine which set of regulations is more stringent—the federal or state standards. Second, the term “like requirement” lacks clarity. We ask the PUC to explain how this provision will be implemented and the timetables for the regulated community to comply with standards that may be updated. We also ask the PUC to clarify the term “like requirement.”

*Subsection (d) Pipeline conversion.*

Subsection (d) requires notification to the PUC’s Pipeline Safety Section before a pipeline is converted from service not previously covered by the hazardous liquid pipeline safety standards. It also requires compliance with a PHMSA guidance document.

Subsection (d)(1) places notification requirements on an HLPU “converting a pipeline from service not previously covered by *this part*.” (Emphasis added.) This reference lacks clarity. As explained in the Preamble, this refers to pipelines “previously covered by the ‘Hazardous Liquid Pipeline Safety Standards.’” It may be interpreted as

52 Pa. Code Part I. A commentator interpreted this as referencing 49 CFR Part 195. To ensure proper implementation of this regulation, we ask the PUC to clarify this citation to refer to specific regulations.

Additionally, subsection (d)(1) applies to pipelines already designed for bi-directional flow. A commentator stated an operating characteristic is not relevant when determining if a pipeline is subject to the the PHMSA's conversion-to-service requirements and urges elimination of this requirement. We ask the PUC to consider this recommendation and clarify this subsection by deleting this provision or explain why it is needed.

Subsection (d)(2) requires an HLPU to adhere to 49 CFR 195.5 and "Pipeline Safety: Guidance for Pipeline Flow Reversals, Product Changes and Conversion to Service," PHMSA Advisory Bulletin ADB-2014-04, and any updates thereto. The PUC stated in the Preamble that these "requirements will provide additional oversight for pipeline conversions." Commentators expressed concern with requiring compliance with PHMSA guidance "which is not legally required and does not have the force and effect of law" and can be modified without prior notice or stakeholder comment. They urge the PUC to eliminate this requirement. We concur with these concerns. We also ask the PUC to explain why it is necessary to include this guidance document in addition to the Federal regulation and, further, to consider eliminating this requirement.

**8. Section 59.134. Accident reporting.—Need; Statutory authority; Reasonableness of requirements, implementation procedures and timetables for compliance by the public and private sectors; Whether the regulation is supported by acceptable data; Protection of the public health, safety and welfare.**

This section contains standards for HLPUs to meet when reporting an accident. As noted in Comments # 4 and # 5, we ask the PUC to explain its rationale for imposing more stringent standards and provide data to support its conclusions for all of the subsections of this section.

*Subsection (b) Failure analysis reports.*

*Subsection (c) Root cause analysis reports.*

These subsections require an HLPU to provide failure and root cause analysis reports conducted by an independent third-party following an accident that causes a result identified in 49 CFR 195.50. A commentator stated the PUC has not identified inadequacies in the reporting and analysis requirements in 49 CFR Part 195 or justified the need for additional requirements. The commentator also states that the PUC does not provide a rationale for requiring these reports to be conducted by an independent third-party. In addition, another commentator contends that Federal regulations provide for an HLPU to conduct its own analysis of pipeline accidents. As addressed in Comments # 4 and # 5, we ask the PUC to explain its rationale for imposing more stringent standards and provide data to support its conclusions.

*Subsection (d) Process for obtaining approval of a third-party laboratory and consultant.*

This subsection requires an HLPU to obtain approval by the PUC's Pipeline Safety Section of a third-party laboratory or consultant to conduct the analyses required under subsections (b) and (c), respectively. This subsection

includes timeframes for submission of recommendations, responses and determinations. A commentator states that this process is untenable and the timeframe for compliance presents an undue burden on HLPUs. The commentator also suggests the PUC allow use of an approved vendor without the need for reapproval. We ask the PUC to explain why it is necessary to require an HLPU to engage in this process, and the reasonableness of the implementation procedures and timetables for compliance. Further, the PUC should consider allowing the use of preapproved vendors as suggested by the commentator.

**9. Section 59.135. Construction, operation and maintenance, and other reports.—Need; Statutory authority; Reasonableness of requirements, implementation procedures and timetables for compliance by the public and private sectors; Whether the regulation is supported by acceptable data.**

This section sets forth reporting standards for construction, operation, maintenance and other activities. As noted in Comments # 4 and # 5, we ask the PUC to explain its rationale for imposing more stringent standards and provide data to support its conclusions for all of the subsections of this section.

*Subsection (b) Timeframe for notice.*

Subsection (b) requires notification to the PUC's Pipeline Safety Section of numerous actions taken by an HLPU. Several commentators have concerns regarding implementation of this subsection and a perceived requirement to obtain approval of these actions. These commentators also question the need for notification timeframes ranging from 10 days to 45 days and the reasonableness of monetary thresholds. We ask the PUC to explain how this subsection will be implemented and why the timeframes for compliance and monetary thresholds are reasonable.

In addition, subsection (b)(3) requires an HLPU to notify the PUC's Pipeline Safety Section of excavation damages and washouts immediately. A commentator suggests this timeframe be revised to "upon confirmed discovery" as defined in 49 CFR 195.2. We ask the PUC to consider revising this implementation procedure to establish a more practical standard for HLPUs.

**10. Section 59.136. Design requirements.—Need; Statutory authority; Reasonableness of requirements, implementation procedures and timetables for compliance by the public and private sectors; Whether the regulation is supported by acceptable data; Fiscal impact.**

Subsection (a) establishes design requirements for an HLPU and subsection (b) requires an HLPU to account for external loads listed in 49 CFR 195.110(a) and anticipated external loads from landslides, sinkholes, subsidence and other geotechnical hazards. Commentators expressed numerous concerns with these subsections relating to fiscal impact and need given the Federal regulations. As addressed in Comment # 3, we ask the PUC to explain if existing pipelines are subject to this regulation. As addressed in Comments # 4 and # 5, we ask the PUC to explain its rationale for imposing more stringent standards and provide data to support its conclusions.



**11. Section 59.137. Construction.—Need; Statutory authority; Fiscal impact; Clarity; Reasonableness of requirements, implementation procedures and timetables for compliance by the public and private sectors; Whether the regulation is supported by acceptable data.**

This section sets forth construction requirements for HLPUs. As noted in Comments # 4 and # 5, we ask the PUC to explain its rationale for imposing more stringent standards and provide data to support its conclusions for all of the subsections of this section.

*Subsection (g) Valves for pipelines transporting HVLs.*

Subsection (g) requires HPLUs to install emergency flow restrictive devices, install valves based on proximity to certain buildings, and develop and maintain a risk-based plan to address valve spacing.

Subsection (g)(1) requires installation of an emergency flow restricting device on a main line with lateral spacing not to exceed five miles. Commentators stated this requirement is expensive, arbitrary and lacking technical justification. We ask the PUC to explain the need and rationale for this requirement. Further, we ask the PUC to address the commentator's concern with fiscal impact and data as addressed in Comment # 5.

Subsection (g)(2) requires the installation of valves based on a pipeline's *proximity* to specific buildings within the outer most area of the lower flammability limit. (Emphasis added.) The term "proximity" is vague. We ask the PUC to clarify this term to establish a clear standard for implementation.

*Subsection (h) Vehicle barriers.*

This subsection requires installation of vehicle barriers at an above-ground valve station *adjacent* to a roadway designed and constructed to protect the station from the *largest types of vehicles*. (Emphasis added.) These terms are vague. We ask the PUC to clarify these terms to establish a clear standard for implementation.

In addition, a commentator explains that certain valves have natural berms or barriers that would render additional barriers unnecessary. The commentator asked that the PUC consider providing an exception based on the characteristics of the valve station. We concur and ask the PUC to revise this subsection or explain why it is not necessary to do so.

**12. Section 59.138. Horizontal directional drilling and trenchless technology, or direct buried methodologies.—Need; Statutory authority; Reasonableness of requirements, implementation procedures and timetables for compliance by the public and private sectors; Whether the regulation is supported by acceptable data; Clarity.**

This section sets forth requirements for an HLU using horizontal directional drilling, trenchless technology or direct buried methodologies in construction or operation and maintenance. As noted in Comments # 4 and # 5, we ask the PUC to explain its rationale for imposing more stringent standards and provide data to support its conclusions for all of the subsections of this section.

*Compliance with DEP regulations and technical guidance*

Subsection (c)(1) requires HLPUs to comply with DEP "Trenchless Technology Technical Guidance and subse-

quent updates thereto." Subsections (d)(1) and (e)(1) include similar language and also require compliance with "relevant regulations" of DEP, "including but not limited to 25 Pa. Code § 78a.68a (relating to horizontal directional drilling for oil and gas pipelines), 25 Pa. Code Chapter 102 (relating to erosion and sediment control), 25 Pa. Code Chapter 105 (relating to dam safety and waterway management), and 25 Pa. Code Chapter 109 (relating to safe drinking water)."

We have four concerns with these provisions.

First, what authority does the PUC have to require compliance with DEP regulations and guidance?

Second, entities engaged in a particular regulated activity will have to comply with DEP regulations and abide by the technical guidance. What is the need for including references to those documents in this regulation?

Third, the phrase "including but not limited to" is problematic because it is vague and does not inform the regulated public of the full extent of what the requirements are.

Fourth, requiring compliance with a guidance document of another agency and subsequent updates to it is not appropriate language to include in a regulation. Requiring compliance with a guidance document via regulation would make that guidance document a de facto regulation. This is an inappropriate delegation of the PUC's rulemaking authority. In addition, adopting subsequent updates that bypass the regulatory review process violates the laws of the Commonwealth that provide for proper and legal rulemaking. We ask the PUC to respond to these concerns and amend these subsections accordingly.

*Comments and suggestions of DEP*

DEP has submitted extensive comments on subsection (b), relating to notification, subsection (c), relating to geological and environmental impacts, subsection (d), relating to protection of water wells and supplies, and subsection (e), relating to adverse impacts to water wells and supplies. Their suggestions relate to improved clarity, better implementation procedures, increased public awareness and notification, more protective standards, and increased access to information and documentation from HLPUs by DEP. We urge the PUC to consult with and consider the recommendations of DEP. Both agencies should work together to create a regulatory framework that is within its own specific delegated statutory authority, clear and non-duplicative for all aspects of the regulated community, and protective of the environment and the citizens of the Commonwealth.

*Subsection (a) Scope.*

This subsection reads as follows:

This section establishes requirements for hazardous liquid public utilities using HDD, TT, or direct buried methodologies for constructing new pipelines, and converting, relocating, replacing, or otherwise changing existing pipelines (the foregoing terms individually or in the aggregate shall constitute the term "construction" for purposes of this section), or in the operation and maintenance O&M of pipelines.

We question the need for and clarity of the parenthetical definition of the term “construction.” We note that Section 59.137 addresses construction and Section 59.140 addresses operation and maintenance. Since the term “construction” is used in multiple sections of this rulemaking, we recommend it be defined in Section 59.132 (relating to definitions).

*Subsection (d) Protection of water wells and supplies.*

This section requires an HLPU to comply with specific DEP regulations and all DEP Trenchless Technology Technical Guidance when using horizontal directional drilling or trenchless technology for construction or operation and maintenance activities near private or public water supply sources, such as wells or reservoirs. In addition to our comment above on need and statutory authority, we raise the following concerns. First, a commentator stated HLPUs lack the authority to require public and private owners of water supplies to share location information. This would make compliance with subsection (d)(2) impracticable. The PUC should explain in the Preamble to the final-form rulemaking how an HLPU can comply with this provision if the public and private owners are unwilling to provide the required information. Second, under subsection (d)(2), what is meant by the phrase “water supplies deemed at potential risk due to geological structures”? This should be clarified in the final-form regulation.

**13. Section 59.139. Pressure testing.—Need; Statutory authority; Reasonableness of requirements, implementation procedures and timetables for compliance by the public and private sectors; Whether the regulation is supported by acceptable data; Clarity.**

This section establishes requirements for HLPU conducting pressure testing. As addressed in Comments # 4 and # 5, we ask the PUC to explain its rationale for imposing more stringent standards and provide data to support its conclusions for all of the subsections of this section.

*Subsection (b) Hydrostatic testing and reassessment generally.*

This subsection addresses hydrostatic testing and reassessment, and sets forth requirements for pipelines installed before 1970, pipelines installed after 1970 and pipelines that have been placed back in service after a leak has been repaired. Commentators have raised five concerns or questions. First, what is the rationale for different standards for pipelines before 1970 and after 1970? Second, commentators state that pipelines installed before 1970 were not designed for in-line inspections and compliance could cost billions of dollars. Third, as written, pipelines installed in 1970 would appear to be exempt from this sections of the regulation. Fourth, this subsection requires the use of “appropriate” in-line inspections every two years. That standard is vague. Fifth, this subsection and Subsection (c) call for an assessment using in-line inspection tools, but there is not sufficient detail to describe what constitutes a proper in-line inspection, whether the tool selection is appropriate, how an inspection is to be conducted, and how the data should be maintained, analyzed and used.

We ask the PUC to further explain the distinction between pre- and post-1970 pipelines and to consider the

practical and financial implications of in-line inspections for pipelines constructed prior to 1970. We also ask the PUC to include clarifying language in the final-form regulation to address issues three through five noted above.

*Subsection (c) Hydrostatic testing in HCAs.*

This subsection addresses hydrostatic testing in high consequence areas. DEP submitted comments suggesting that HLPUs comply with its regulations for discharged water from hydrostatic testing of pipelines to waters of the Commonwealth. Under this rulemaking, how is discharged water to be managed by HLPUs? What is the cost associated with the management of discharged water? We ask the PUC to address these questions in the Preamble to the final-form regulation.

**14. Section 59.140. Operation and maintenance.—Need; Statutory authority; Whether the regulation is consistent with the intent of the General Assembly; Reasonableness of requirements, implementation procedures and timetables for compliance by the public and private sectors; Whether the regulation is supported by acceptable data; Clarity; Protection of the public health, safety and welfare and the effect on this Commonwealth’s natural resources.**

This section establishes requirements for an HLPU operating and maintaining a pipeline. As addressed in Comments # 4 and # 5, we ask the PUC to explain its rationale for imposing more stringent standards and provide data to support its conclusions for all of the subsections of this section.

*Subsection (b) Emergency procedures manual and activities.*

This subsection requires HLPUs to consult with emergency responders in developing and updating an emergency procedures manual.

We have three clarity concerns with subsection (b)(3). First, what is meant by “geographic area”? Second, what is meant by “table top drill”? Third, is it unclear how many drills must be conducted on an annual basis. Are separate drills required for each different pipeline and product in each geographic area? The PUC should explain how an HLPU is to comply with this subsection in the Preamble to the final-form rulemaking and also amend the rulemaking to improve its clarity.

*Subsection (c) Liaison activities with emergency responders.*

This subsection addresses liaison activities as it pertains to emergency responders. A commentator is concerned that the some of the information to be shared with emergency responders in this subsection is problematic because it could violate provisions of the Public Utility Confidential Security Information Disclosure Protection Act (35 P.S. §§ 2141.1—2141.6) and the Right-to-Know Law (65 P.S. § 67.708(b)). According to the commentator, these statutes protect certain confidential information of public utilities from public disclosure. In addition, they contend the requirements of this subsection go beyond the legislative intent of 66 Pa.C.S. § 1512, which sets forth what information must be shared and with whom it must be shared. The commentator believes these three statutes

demonstrate that the information required to be shared under this subsection must be protected due to its sensitive nature. In the Preamble to the final-form regulation, we ask the PUC to explain why this subsection, as written, does not violate the statutes referenced. We also ask the PUC to consider revising this subsection to establish a standard that balances the sensitive information related to HPLUs while protecting the public health, safety and welfare.

We have similar concerns with subsection (d) and the sharing of information with the school administrators identified there.

In addition, under Subsection (c)(3), a commentator believes the term “hazard assessment zone analysis” lacks clarity and questions why the analysis must be conducted annually. We ask the PUC to clarify this term and to explain the rationale for an annual analysis.

*Subsection (d) Liaison activities with school administrators when a school building or facility is located within 1,000 feet, or within the LFL, of a pipeline or pipeline facility, whichever is greater.*

This subsection addresses liaison activities as it pertains to school administrators. A commentator believes the term “school” lacks clarity and questions if the term would include businesses or institutions such as daycares or colleges. We agree that the clarity of the rulemaking would be improved if “school” were defined in Section 59.132 of the final-form regulation.

*Subsection (g) Inspection of pipeline rights-of-way.*

This subsection sets forth ground patrol requirements in non-high consequence areas and high consequence areas. A commentator suggested that aerial patrols are an effective method of performing inspections. We ask the PUC to consider this alternative and, if appropriate, include it in the final-form regulation.

*Subsection (h) Leak detection and odorization.*

This subsection sets forth requirements for leak detection systems and odorization of highly volatile liquid pipelines. As noted by a commentator, the requirement for a leak detection system to be capable of detecting a “small leak” is problematic because it does not set a specific standard. We ask the PUC to clarify what the actual compliance threshold is for detection of leaks.

**15. Section 59.142. Land agents.—Need; Reasonableness.**

This section requires a land agent employed or contracted by an HPLU to hold a valid Pennsylvania professional license as an attorney, real estate salesperson, real estate broker, professional engineer, professional land surveyor or professional geologist. In addition, the land agent’s Pennsylvania professional license must be in good standing during the performance of the land agent work or services on behalf of the HPLU. Commentators have raised two issues with this section that we believe require further explanation. First, they question the rationale for requiring one of the enumerated licenses. Second, they state the licenses listed represent only a fraction of the professionals who engage in pipeline infrastructure land acquisition. In the Preamble to the final-form rulemaking,

we ask the PUC to explain why it believes the enumerated licenses are appropriate and the only professions capable of performing the required duties of a land agent.

**16. Section 59.143. Corrosion control.—Need; Statutory authority; Reasonableness of requirements, implementation procedures and timetables for compliance by the public and private sectors; Whether the regulation is supported by acceptable data; Clarity.**

This section establishes requirements for HPLUs protecting pipelines against corrosion. As addressed in Comments # 4 and # 5, we ask the PUC to explain its rationale for imposing more stringent standards and provide data to support its conclusions for all of the subsections of this section.

*Subsection (b) Procedures.*

This subsection requires written procedures for the design, installation, operation and maintenance of cathodic protection systems. Commentators are concerned with the requirement to “determine and document the average and the worst-case corrosion rate experienced for each pipeline segment.” They question an operator’s ability to fulfill the requirement. In the Preamble to the final-form regulation, we ask the PUC to consult with the industry on how the requirement could be implemented and amend the rulemaking to allow for compliance.

*Subsection (c) Criteria for cathodic protection.*

This subsection addresses the level of cathodic protection that a cathodic protection system must provide. A commentator that developed the national standard on which the criteria are based, the Association for Materials Protection and Performance (AMPP), believes the criteria have been altered, are not reflective of their most recent standard and less stringent than the Federal regulations. Was it the intent of the PUC to deviate from the national standard and to promulgate a regulation that is less stringent than the Federal regulation? We ask the PUC to explain its intent in the Preamble to the final-form rulemaking.

*Subsection (d) Adequacy of cathodic protection.*

This subsection addresses the frequency at which an HPLU is required to test a cathodically-protected pipeline. In addition to the overall need for this subsection, commentators question the rationale for testing twice a year under subsection (d)(1) and (2), the rationale for the frequency of inspections under subsection (d)(3) and (4), and the timeframes for initiating remedial measures under subsection (d)(5). We ask the PUC to provide further explanation of the need for and reasonableness of these requirements.

*Subsection (e) Close interval surveys.*

Subsection (e) requires an HPLU to conduct close interval surveys, including paved surfaces, every three years and to adhere to the standards set forth in NACE International Standard Practice 0207-2007, Performing Close-Interval Potential Surveys and DC Surface Potential Gradient Surveys on Buried or Submerged Metallic Pipelines (March 10, 2007). AMPP stated the standard is being revised and the PUC should refer to the most recent version of it in the final-form regulation. They also question the rationale and practicability of requiring these surveys at arbitrary time intervals. We ask the

PUC to ensure the final-form regulation includes a citation to the most recent version of this standard and to also explain rationale for this section.

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 22-960. Filed for public inspection June 24, 2022, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Genworth Life Insurance Company; Rate Increase Filing for LTC Form 7052 (GEFA-133237752); Rate Filing

Genworth Life Insurance Company is requesting approval to increase the premium 112.8% on 3,376 policyholders with individual LTC policy form 7052.

Unless formal administrative action is taken prior to September 9, 2022, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To view these filing notices (hover the cursor over the "Consumers" tab, then select "Pending Long Term Care Rate Filings").

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [laverty@pa.gov](mailto:laverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 22-961. Filed for public inspection June 24, 2022, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Genworth Life Insurance Company; Rate Increase Filing for LTC Forms 7044 and 744 Rev (GEFA-133237749); Rate Filing

Genworth Life Insurance Company is requesting approval to increase the premium 75.3% on 11,859 policyholders with the following individual LTC policy form numbers: 7044 and 744 Rev (also called CHOICE 2 and 2.1).

Unless formal administrative action is taken prior to September 9, 2022, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To view these filing notices (hover the cursor over the "Consumers" tab, then select "Pending Long Term Care Rate Filings").

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [laverty@pa.gov](mailto:laverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

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tion, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 22-962. Filed for public inspection June 24, 2022, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Per Diem Charges for Financial Examinations Conducted by the Insurance Department; Notice 2022-09

Under the authority of section 907 of The Insurance Department Act of 1921 (40 P.S. § 323.7) and 31 Pa. Code § 12.4 (relating to per diem charges), an updated schedule of per diem charges for financial examinations conducted by the Insurance Department (Department) is hereby adopted.

The new schedule of charges is as follows:

Financial Examiner Trainee	\$652
Financial Examiner 1/Actuarial Associate 1	\$825
Financial Examiner 2/Actuarial Associate 2/IT Examiner	\$970
Financial Examiner 3/Actuary 1/IT Administrator	\$1,251
Financial Examination Manager/Actuary 2	\$1,320
Chief Actuary	\$1,650

In accordance with 31 Pa. Code § 12.4(c), the Department will calculate and bill per diem charges for financial examination costs.

This schedule is effective July 1, 2022.

This document supersedes the notice published at 51 Pa.B. 3578 (June 26, 2021) and shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 22-963. Filed for public inspection June 24, 2022, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Per Diem Charges for Market Conduct Examinations Conducted by the Insurance Department; Notice 2022-10

Under the authority of section 907 of The Insurance Department Act of 1921 (40 P.S. § 323.7) and 31 Pa. Code § 12.4 (relating to per diem charges), an updated schedule of per diem charges for market conduct examinations conducted by the Insurance Department (Department) is hereby adopted.

The new schedule of charges is as follows:

Examiner Trainee	\$667
Administrative Officer 2	\$874
Examiner 1	\$784
Examiner 2	\$926
Division Chief	\$1,013

In accordance with 31 Pa. Code § 12.4(c), the Department will calculate and bill per diem charges for market conduct examination costs.

This schedule is effective July 1, 2022.

This document supersedes the notice published at 51 Pa.B. 3578 (June 26, 2021) and shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 22-964. Filed for public inspection June 24, 2022, 9:00 a.m.]

## OFFICE OF THE STATE FIRE COMMISSIONER

### Application for the Fire Company and Emergency Medical Service Grant Program

This notice provides information about the Fire Company and Emergency Medical Service Grant Program (Program) established under 35 Pa.C.S. Chapter 78, Subchapters B and C (relating to Fire Company Grant Program; and Emergency Medical Services Grant Program) as amended by the act of October 29, 2020 (P.L. 739, No. 91). Fire, Rescue and Emergency Medical Service companies seeking grants under the Program shall submit completed applications no later than 4 p.m. on October 21, 2022. Written instructions and guidelines for the 2022-2023 Program and grant applications will be available online at the Office of State Fire Commissioner's web site at [www.osfc.pa.gov](http://www.osfc.pa.gov) no later than September 7, 2022.

CHARLES J. McGARVEY, Sr.,  
*Acting Commissioner*

[Pa.B. Doc. No. 22-965. Filed for public inspection June 24, 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 July 11, 2022. Filings are recommended to be made electronically through eFiling to the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant by July 11, 2022. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Commission's eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. The documents filed in support of the application are only available for inspection through the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) by searching under the previously listed docket number or by searching the applicant's web site.

### Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

**A-2022-3032252. Helping Hands Warming Hearts Transportation, LLC** (611 North 33rd Street, Philadelphia, Philadelphia County, PA 19104) to transport persons, by motor vehicle, 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-2022-3032519. Sweeley's Transport, LLC** (125 Hidden Valley Lane, Howard, Centre County, PA 16841) for the right to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Centre and Clinton to points in Pennsylvania, and return.

**A-2022-3032725. Loving Care Senior Services, Inc.** (305 York Road, Suite 300 and 310, Jenkintown, Montgomery County, PA 19046) to transport persons, by motor vehicle, in paratransit service, from points in Montgomery County and the City and County of Philadelphia, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 22-966. Filed for public inspection June 24, 2022, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Actuarial Tables

The act of December 20, 1995 (P.L. 689, No. 77) (Act 77), amended 24 Pa.C.S. § 8502(h) and (j) (relating to administrative duties of board) to require the Public School Employees' Retirement Board (Board) to publish in the *Pennsylvania Bulletin* the actuarial tables used by the Public School Employees' Retirement System (PSERS) in calculating annuities and other benefits. The act of June 12, 2017 (P.L. 11, No. 5) (Act 5) added 24 Pa.C.S. § 8535.1 (relating to payments to school entities by Commonwealth commencing with the 2019-2020 school year), which made changes to PSERS and created new membership classes, T-G, T-H and DC. Accordingly, this

information has been updated to include the new membership classes and is being published as required by Act 77. The tables published herein are effective as of July 1, 2022.

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Interim Executive Director

The following material provides general information and actuarial tables for computing an estimated regular (non-disability) retirement benefit from PSERS Defined Benefit (DB) Plan. Also, included as Table 6 is the Present Value of \$1 Annuity Using Disability Mortality table for the DB plan.

**General Information about PSERS DB Plan**

A vestee or any other eligible member upon termination of school service who has not withdrawn his accumulated deductions may apply for and elect to receive either a maximum single life annuity (MSLA) or a reduced annuity (Reduced MSLA) certified by the actuary to be actuarially equivalent to the maximum single life annuity and in accordance with one of the options under the Optional Forms of an Annuity section of this document. Optional forms of an annuity are considered to be “actuarially equivalent” if they have the same present value (PV) as the PV of the maximum single life annuity. A Class T-E, Class T-F, T-G and T-H member may not receive an annual benefit, calculated as of the effective date of retirement, greater than the member’s final average salary.

A vestee who retires on or after attaining superannuation age is entitled to a “normal” annuity, also known as a superannuation or full annuity, where no age or service-related adjustments (for retiring early) are applied to the MSLA.

*Superannuation or normal retirement age is defined by Membership Class as:*

Membership Class	Age
T-A	62 or any age upon accrual of 35 eligibility points (service credits)
T-B	62
T-C and T-D	62 provided the member has at least 1 eligibility point or age 60 provided the member has at least 30 eligibility points (service credits), or any age upon accrual of 35 eligibility points

Membership Class	Age
T-E and T-F	65 with accrual of at least three eligibility points or a combination of age and eligibility points totaling 92, provided the member has accrued at least 35 eligibility points
T-G*	67 with accrual of at least 3 eligibility points, or a combination of age and eligibility points totaling 97, provided the member has accrued at least 35 eligibility points
T-H*	67 with accrual of at least 3 eligibility points
DC*	No DB (Only a distribution from their DC account upon termination of service)

\*Class T-G and T-H members have both a DB and a defined contribution component to their retirement benefit. Members in these classes will receive a guaranteed benefit from the DB plan, if vested, and a distribution from their DC account. Class DC participants do not have a DB benefit.

A vestee who retires prior to attaining superannuation age is entitled to an “early” or “withdrawal” annuity, where the MSLA is reduced due to retiring early. This early retirement reduction is based on how far away from superannuation age the member is on the effective date of retirement.

A key component in the computation of a PSERS’ retirement benefit is the final average salary (FAS). PSERS’ retirement code defines FAS for Class T-C, T-D, T-E and T-F members as the highest average compensation received as an active member for any three nonoverlapping periods of 12 consecutive months and for Class T-G and T-H members as the highest average compensation received as an active member for any five nonoverlapping periods of 12 consecutive months. Compensation for part-time service is annualized on the basis of the fractional portion of the school year for which credit is received.

**Calculating the MSLA**

Calculating all forms of a (non-disability) retirement benefit begins with calculating the MSLA.

For Class T-C members, the MSLA is calculated as:

MSLA	=	2.0%	×	Total Class T-C Service Credits	×	FAS	×	Early Retirement Factor*
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For Class T-D members, the MSLA is calculated as:

MSLA	=	2.0%	×	Total Class T-C Service Credits	×	FAS	×	Early Retirement Factor*
	+	2.5%	×	Total Class T-D Service Credits	×	FAS	×	Early Retirement Factor*

For Class T-E members, the MSLA is calculated as:

MSLA	=	2.0%	×	Total Class T-E Service Credits	×	FAS	×	Early Retirement Factor*
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MSLA is limited to 100% of FAS.

For Class T-F members, the MSLA is calculated as:

MSLA	=	2.5%	×	Total Class T-F Service Credits	×	FAS	×	Early Retirement Factor*
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MSLA is limited to 100% of FAS.

For Class T-G members, the MSLA is calculated as:

MSLA	=	1.25%	×	Total Class T-G Service Credits	×	FAS	×	Early Retirement Factor*
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MSLA is limited to 100% of FAS.

For Class T-H members, the MSLA is calculated as:

MSLA	=	1.00%	×	Total Class T-H Service Credits	×	FAS	×	Early Retirement Factor*
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MSLA is limited to 100% of FAS.

\*Early Retirement Factors for:

Class T-C, T-D, T-E and T-F can be found in Table 3a Early Retirement Factor—Unisex, except:

- The Early Retirement Factor for members who have attained superannuation age is 1.0, which results in no reduction.
- The reduction for Class T-C, T-D, T-E and T-F members who have attained age 55 and have 25 or more service credits is equal to 1/4% multiplied by the number of months, including a fraction of a month as a full month, by which the effective date of retirement precedes superannuation age.

Class T-G and T-H:

- If a member has attained superannuation age, the Early Retirement Factor is 1.0, which results in no reduction.
- If the member has at least 25 years of credited service, use Table 3a Early Retirement Factor—Unisex:
  - If a Class T-G member is retiring before age 57 with at least 25 years of credited service but less than 35 years of credited service, the reduction factor is based on the 4.0% statutory interest rate table and a superannuation age of 67.
  - If a Class T-H member is retiring before age 55 with at least 25 years of credited service but less than 35 years of credited service, the reduction factor is based on the 4.0% statutory interest rate table and a superannuation age of 67.
  - If a Class T-G member is retiring before age 57 and with at least 35 years of credited service but the sum of the member's age and credited service is less than 97, the reduction factor is based on the 4.0% statutory interest rate table and a superannuation age equal to the member's age when added to the member's credited service equals 97.

◦ *Special Early Retirement*—The reduction for Class T-G members who terminate service after attaining age 57 with at least 25 years of credited service but less than 35 years of credited service and for Class T-H members who terminate service after attaining age 55 with at least 25 years of credited service but less than 35 years of credited service is equal to 1/4% multiplied by the number of months, including a fraction of a month as a full month, by which the effective date of retirement precedes superannuation age.

- If the member has less than 25 years of credited service, use Table 3b Early Retirement Factor—Unisex: If a Class T-G or T-H member is retiring with less than 25 years of credited service, the reduction factor from age 67

to 62 is based on the statutory interest rate of 4.0% and the additional reduction from age 62 to the commencement date is based on the valuation interest rate, currently at 7.0%.

**Calculating the PV of the MSLA**

As previously noted in the general information section, optional forms of an annuity are considered to be “actuarially equivalent” to the MSLA if they have the same PV as the PV of the MSLA.

The PV of the MSLA is calculated as:

PV of the MSLA	=	MSLA	×	PV of \$1 Annuity on the Effective Date of Retirement*
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\*See Table 1a Present Value of \$1 Annuity—Unisex

**Optional Forms of an Annuity**

Acceptable optional forms of an annuity are:

*Option 1.*—A life annuity to the member with a guaranteed total payment equal to the PV of the MSLA on the effective date of retirement with the provision that, if, at his death, he has received less than such PV, the unpaid balance shall be payable to his beneficiary. The Option 1 Annuity is made to be actuarially equivalent to the MSLA by applying an Option 1 Reducing Factor, which is based on the age of the member as of the effective date of retirement, to the MSLA.

The Option 1 annuity is calculated as:

Option 1 Annuity	=	MSLA	×	Option 1 Reducing Factor*
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\*See Table 2 Service Option 1 Reducing Factors—Unisex

*Option 2.*—A joint and survivor annuity payable during the lifetime of the member with the full amount of such annuity payable thereafter to his designated survivor annuitant, if living at his death. The Option 2 Annuity is made to be actuarially equivalent to the MSLA by applying an Option 2 Reducing Factor, which is based on the age of the member and the age of the designated survivor annuitant as of the effective date of retirement, to the MSLA.

An Option 2 annuity is calculated as:

Option 2 Annuity	=	MSLA	×	Option 2 Reducing Factor*
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\*See Table 4 Factors for Obtaining Annuities and Pensions Under Option 2—Unisex

*Option 3.*—A joint and fifty percent (50%) survivor annuity payable during the lifetime of the member with one-half of such annuity payable thereafter to his designated survivor annuitant, if living at his death. The Option 3 Annuity is made to be actuarially equivalent to the MSLA by applying an Option 3 Reducing Factor, which is based on the age of the member and the age of the designated survivor annuitant as of the effective date of retirement, to the MSLA.

An Option 3 annuity is calculated as:

Option 3 Annuity	=	MSLA	×	Option 3 Reducing Factor*
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\*See Table 5 Factors for Obtaining Annuities and Pensions Under Option 3—Unisex

*Option 4.*—Some other benefit certified by the actuary to be actuarially equivalent to the MSLA, subject to the following restrictions:

(i) Any annuity shall be payable without reduction during the lifetime of the member.

(ii) The sum of all annuities payable to the designated survivor annuitants shall not be greater than one and one-half times the annuity payable to the member.

(iii) A portion of the benefit may be payable as a lump sum, except that such lump sum payment shall not exceed an amount equal to the accumulated deductions standing to the credit of the member. The balance of the PV of the maximum single life annuity shall be paid in the form of an annuity with a guaranteed total payment, a single life annuity, or a joint and survivor annuity or any combination thereof but subject to the restrictions of subparagraphs (i) and (ii) of this paragraph. This option is often referred to as Special Option 4 Partial Lump Sum Withdrawal.

Prior to Act 5, the previously listed subparagraph did not apply to a Class T-E or Class T-F member. Act 5 was passed in June of 2017. Under this legislation, effective immediately, Class T-E and Class T-F members are eligible to elect a “cost-neutral” Special Option 4 Lump Sum distribution of all or a portion of the member’s accumulated contributions at retirement. The term “cost-neutral,” as applied to any lump sum withdrawal attributable to contributions credited to the member’s savings account of Class T-E or Class T-F members, together with statutory interest thereon, shall mean equal PVs, com-

puted on the basis of the interest rate and such mortality and other tables as adopted by the Board in effect on the effective date of retirement of the member. Class T-G and T-H are also eligible to elect a “cost-neutral” Special Option 4 Lump Sum distribution of all or a portion of the member’s accumulated contributions at retirement.

The most common form of Option 4 is that described in subparagraph (iii). The reduction to the MSLA on account of a Partial Lump Sum Withdrawal is calculated as:

Special Option 4 Partial Lump Sum Withdrawal Reduction	=	Partial Lump Sum Payment Amount	/	PV of \$1 Annuity*
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\*See Table 1a Present Value of \$1 Annuity—Unisex for Class T-C and T-D members. See Table 1b Present Value of \$1 Annuity—Unisex 7.00% for Class T-E, T-F, T-G and T-H members.

The Special Option 4 Partial Lump Sum Withdrawal Annuity is calculated as:

Special Option 4 Lump Sum Withdrawal Annuity	=	MSLA	–	Special Option 4 Partial Lump Sum Withdrawal Reduction
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Other forms of Option 4 must also be actuarially equivalent to the MSLA and are calculated by PSERS’ actuary.

**Combining Optional Form 1, 2 or 3 of an Annuity with the Special Option 4 Partial Lump Sum Withdrawal**

When combining Optional Form 1, 2 or 3 of an Annuity with the Special Option 4 Partial Lump Sum Withdrawal, the annuity is calculated as:

Annuity	=	Special Option 4 Lump Sum Withdrawal Annuity	×	Appropriate Option (1, 2 or 3) Reducing Factor*
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\*See Tables 2, 4 or 5, as appropriate, based on the Option.

**Actuarial Tables for Regular (Non-Disability) Retirements (Adopted August 6, 2021; Effective July 1, 2022)**

**Table 1a  
Present Value of \$1 Annuity  
Unisex at 4.00%**

Age	Unisex	Age	Unisex	Age	Unisex
		41	20.782	76	10.283
		42	20.604	77	9.859
		43	20.420	78	9.434
		44	20.228	79	9.009
		45	20.029	80	8.587
		46	19.822	81	8.167
		47	19.608	82	7.752
		48	19.386	83	7.344
		49	19.155	84	6.943



<i>Age</i>	<i>Unisex</i>	<i>Age</i>	<i>Unisex</i>	<i>Age</i>	<i>Unisex</i>
		50	18.917	85	6.552
		51	18.682	86	6.172
		52	18.439	87	5.805
18	23.501	53	18.188	88	5.453
19	23.426	54	17.930	89	5.116
20	23.348	55	17.663	90	4.796
21	23.267	56	17.394	91	4.494
22	23.182	57	17.118	92	4.211
23	23.093	58	16.834	93	3.945
24	23.000	59	16.542	94	3.696
25	22.904	60	16.242	95	3.463
26	22.804	61	15.933	96	3.244
27	22.700	62	15.616	97	3.040
28	22.592	63	15.289	98	2.852
29	22.480	64	14.954	99	2.679
30	22.365	65	14.609	100	2.519
31	22.245	66	14.255	101	2.373
32	22.121	67	13.892	102	2.238
33	21.993	68	13.519	103	2.116
34	21.860	69	13.138	104	2.006
35	21.722	70	12.749	105	1.905
36	21.580	71	12.352	106	1.815
37	21.432	72	11.949	107	1.735
38	21.278	73	11.539	108	1.664
39	21.119	74	11.124	109	1.603
40	20.954	75	10.705	110	1.555

Table 1b

**Present Value of \$1 Annuity  
Unisex at 7.00%**

<i>Age</i>	<i>Unisex</i>	<i>Age</i>	<i>Unisex</i>	<i>Age</i>	<i>Unisex</i>
		41	13.835	76	8.447
		42	13.775	77	8.158
		43	13.712	78	7.863
		44	13.645	79	7.563
		45	13.573	80	7.260
		46	13.497	81	6.954
		47	13.415	82	6.647
		48	13.329	83	6.340
		49	13.237	84	6.034
		50	13.139	85	5.732
		51	13.044	86	5.435
		52	12.943	87	5.144
18	14.546	53	12.837	88	4.861
19	14.532	54	12.724	89	4.587
20	14.517	55	12.606	90	4.325
21	14.501	56	12.486	91	4.075
22	14.484	57	12.360	92	3.837
23	14.466	58	12.228	93	3.613

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<i>Age</i>	<i>Unisex</i>	<i>Age</i>	<i>Unisex</i>	<i>Age</i>	<i>Unisex</i>
24	14.446	59	12.089	94	3.401
25	14.424	60	11.944	95	3.201
26	14.401	61	11.791	96	3.011
27	14.377	62	11.630	97	2.834
28	14.351	63	11.462	98	2.669
29	14.324	64	11.285	99	2.516
30	14.295	65	11.099	100	2.374
31	14.264	66	10.903	101	2.243
32	14.232	67	10.699	102	2.122
33	14.197	68	10.485	103	2.012
34	14.161	69	10.261	104	1.912
35	14.122	70	10.028	105	1.820
36	14.081	71	9.786	106	1.738
37	14.038	72	9.535	107	1.664
38	13.992	73	9.275	108	1.598
39	13.943	74	9.006	109	1.542
40	13.890	75	8.730	110	1.497

**Table 2**  
**Service Option 1 Reducing Factors**  
**Unisex at 4.00%**

<i>Age</i>	<i>Unisex</i>	<i>Age</i>	<i>Unisex</i>	<i>Age</i>	<i>Unisex</i>
		41	0.9922	76	0.8699
		42	0.9915	77	0.8596
		43	0.9906	78	0.8480
		44	0.9897	79	0.8360
		45	0.9885	80	0.8237
		46	0.9873	81	0.8098
		47	0.9859	82	0.7959
		48	0.9844	83	0.7815
		49	0.9827	84	0.7656
		50	0.9808	85	0.7500
		51	0.9793	86	0.7342
		52	0.9777	87	0.7169
18	0.9982	53	0.9760	88	0.7003
19	0.9981	54	0.9741	89	0.6845
20	0.9981	55	0.9721	90	0.6668
21	0.9980	56	0.9702	91	0.6503
22	0.9979	57	0.9682	92	0.6354
23	0.9978	58	0.9662	93	0.6200
24	0.9977	59	0.9639	94	0.6041
25	0.9975	60	0.9614	95	0.5898
26	0.9974	61	0.9588	96	0.5769
27	0.9972	62	0.9559	97	0.5633
28	0.9970	63	0.9528	98	0.5488
29	0.9968	64	0.9493	99	0.5358
30	0.9966	65	0.9456	100	0.5246
31	0.9963	66	0.9412	101	0.5153
32	0.9961	67	0.9366	102	0.5050

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<i>Age</i>	<i>Unisex</i>	<i>Age</i>	<i>Unisex</i>	<i>Age</i>	<i>Unisex</i>
33	0.9958	68	0.9316	103	0.4931
34	0.9955	69	0.9258	104	0.4827
35	0.9952	70	0.9196	105	0.4736
36	0.9949	71	0.9131	106	0.4658
37	0.9945	72	0.9056	107	0.4588
38	0.9940	73	0.8976	108	0.4521
39	0.9935	74	0.8893	109	0.4454
40	0.9929	75	0.8798	110	0.4390

Table 3a  
Early Retirement Factors—Unisex at 4.00%

Table with columns for Age at Withdrawal (50-70) and Normal Retirement Age (50-70). The table contains numerical values representing early retirement factors for various ages and withdrawal scenarios.

Table 3b

**Early Retirement Factors—4% from age 67 to 62 and  
7.00% for ages prior to age 62**

<i>Age</i>	<i>Unisex</i>	<i>Age</i>	<i>Unisex</i>
18	0.027798	43	0.161231
19	0.029778	44	0.173464
20	0.031901	45	0.186696
21	0.034179	46	0.201017
22	0.036621	47	0.216531
23	0.039241	48	0.233351
24	0.042053	49	0.251604
25	0.045071	50	0.271432
26	0.048310	51	0.292987
27	0.051789	52	0.316435
28	0.055524	53	0.341972
29	0.059537	54	0.369815
30	0.063848	55	0.400209
31	0.068481	56	0.433427
32	0.073462	57	0.469773
33	0.078819	58	0.509597
34	0.084580	59	0.553298
35	0.090780	60	0.601332
36	0.097454	61	0.654221
37	0.104641	62	0.712564
38	0.112383	63	0.760208
39	0.120728	64	0.812187
40	0.129726	65	0.869041
41	0.139433	66	0.931401
42	0.149912	67	1.000000

**Table 4**  
**Factors for Obtaining Annuities and Pensions Under Option 2—Unisex\***

Age of Survivor Annuitant at Member's Retirement	Member Age																	
	25	30	35	40	45	50	55	60	65	70	75	80	85	90	95	100	105	110
5	0.9407	0.9199	0.8945	0.8636	0.8261	0.7806	0.7292	0.6708	0.6036	0.5268	0.4425	0.3549	0.2708	0.1983	0.1431	0.1041	0.0788	0.0643
10	0.9482	0.9280	0.9030	0.8723	0.8347	0.7890	0.7372	0.6783	0.6104	0.5329	0.4476	0.3591	0.2740	0.2006	0.1448	0.1054	0.0797	0.0650
15	0.9563	0.9372	0.9129	0.8825	0.8450	0.7992	0.7470	0.6875	0.6188	0.5403	0.4539	0.3642	0.2780	0.2035	0.1469	0.1069	0.0809	0.0660
20	0.9644	0.9470	0.9239	0.8943	0.8571	0.8112	0.7586	0.6985	0.6288	0.5492	0.4614	0.3702	0.2826	0.2069	0.1494	0.1087	0.0822	0.0671
25	0.9721	0.9569	0.9358	0.9077	0.8713	0.8256	0.7728	0.7120	0.6413	0.5602	0.4708	0.3778	0.2884	0.2112	0.1525	0.1109	0.0839	0.0685
30	0.9787	0.9663	0.9480	0.9223	0.8875	0.8427	0.7899	0.7286	0.6568	0.5741	0.4826	0.3874	0.2958	0.2166	0.1564	0.1138	0.0861	0.0702
35	0.9841	0.9745	0.9596	0.9372	0.9053	0.8622	0.8102	0.7486	0.6758	0.5913	0.4974	0.3994	0.3050	0.2234	0.1613	0.1174	0.0888	0.0724
40	0.9883	0.9811	0.9696	0.9515	0.9237	0.8839	0.8338	0.7727	0.6991	0.6127	0.5160	0.4147	0.3168	0.2321	0.1676	0.1220	0.0922	0.0753
45	0.9914	0.9862	0.9778	0.9639	0.9413	0.9065	0.8602	0.8012	0.7276	0.6396	0.5398	0.4344	0.3322	0.2434	0.1758	0.1280	0.0968	0.0790
50	0.9938	0.9901	0.9841	0.9740	0.9567	0.9283	0.8881	0.8335	0.7618	0.6729	0.5700	0.4599	0.3522	0.2584	0.1868	0.1360	0.1029	0.0839
55	0.9956	0.9931	0.9889	0.9818	0.9692	0.9474	0.9150	0.8675	0.8006	0.7127	0.6072	0.4920	0.3778	0.2776	0.2008	0.1462	0.1106	0.0903
60	0.9970	0.9952	0.9924	0.9876	0.9788	0.9630	0.9387	0.9008	0.8424	0.7593	0.6534	0.5330	0.4111	0.3028	0.2193	0.1598	0.1210	0.0987
65	0.9979	0.9968	0.9950	0.9918	0.9859	0.9749	0.9580	0.9304	0.8840	0.8110	0.7092	0.5858	0.4556	0.3372	0.2448	0.1786	0.1353	0.1104
70	0.9986	0.9979	0.9969	0.9949	0.9911	0.9837	0.9726	0.9544	0.9214	0.8635	0.7732	0.6525	0.5155	0.3852	0.2811	0.2056	0.1559	0.1274
75	0.9991	0.9987	0.9981	0.9970	0.9947	0.9900	0.9831	0.9720	0.9510	0.9106	0.8394	0.7310	0.5936	0.4522	0.3337	0.2455	0.1866	0.1526
80	0.9995	0.9992	0.9989	0.9984	0.9971	0.9942	0.9902	0.9839	0.9720	0.9472	0.8983	0.8129	0.6878	0.5420	0.4089	0.3046	0.2331	0.1911
85	0.9997	0.9996	0.9994	0.9992	0.9986	0.9969	0.9947	0.9914	0.9851	0.9715	0.9424	0.8848	0.7960	0.6509	0.5104	0.3898	0.3024	0.2496
90	0.9999	0.9998	0.9997	0.9996	0.9993	0.9984	0.9972	0.9956	0.9924	0.9855	0.9699	0.9358	0.8689	0.7610	0.6293	0.5004	0.3981	0.3329
95	1.0000	0.9999	0.9998	0.9998	0.9997	0.9996	0.9992	0.9977	0.9962	0.9927	0.9846	0.9658	0.9251	0.8496	0.7420	0.6202	0.5116	0.4367
100	1.0000	1.0000	0.9999	0.9999	0.9998	0.9996	0.9992	0.9983	0.9968	0.9928	0.9817	0.9617	0.9219	0.8305	0.7286	0.6262	0.5486	0.4865
105	1.0000	1.0000	0.9999	0.9999	0.9999	0.9998	0.9996	0.9993	0.9988	0.9978	0.9954	0.9894	0.9750	0.9436	0.8884	0.8093	0.7212	0.6485
110	1.0000	1.0000	1.0000	1.0000	0.9999	0.9998	0.9997	0.9995	0.9992	0.9985	0.9968	0.9926	0.9824	0.9594	0.9174	0.8539	0.7788	0.7134

Table 5  
Factors for Obtaining Annuities and Pensions Under Option 3—Unisex\*

Age of Survivor Annuitant at Member's Retirement	Member Age																	
	25	30	35	40	45	50	55	60	65	70	75	80	85	90	95	100	105	110
5	0.9694	0.9683	0.9443	0.9268	0.9047	0.8768	0.8434	0.8030	0.7528	0.6901	0.6135	0.5239	0.4262	0.3309	0.2504	0.1886	0.1460	0.1208
10	0.9734	0.9627	0.9490	0.9318	0.9099	0.8821	0.8487	0.8083	0.7581	0.6953	0.6184	0.5284	0.4302	0.3342	0.2530	0.1907	0.1476	0.1221
15	0.9777	0.9676	0.9544	0.9376	0.9160	0.8884	0.8552	0.8148	0.7645	0.7016	0.6244	0.5339	0.4350	0.3382	0.2562	0.1932	0.1496	0.1238
20	0.9819	0.9728	0.9604	0.9442	0.9231	0.8958	0.8628	0.8225	0.7721	0.7090	0.6314	0.5404	0.4407	0.3429	0.2599	0.1961	0.1519	0.1257
25	0.9858	0.9780	0.9669	0.9516	0.9312	0.9045	0.8719	0.8318	0.7815	0.7181	0.6402	0.5484	0.4477	0.3487	0.2646	0.1997	0.1548	0.1282
30	0.9892	0.9829	0.9733	0.9596	0.9404	0.9146	0.8826	0.8430	0.7928	0.7294	0.6510	0.5585	0.4565	0.3561	0.2705	0.2043	0.1585	0.1312
35	0.9920	0.9871	0.9794	0.9676	0.9503	0.9260	0.8952	0.8562	0.8065	0.7432	0.6644	0.5709	0.4675	0.3652	0.2778	0.2101	0.1631	0.1351
40	0.9941	0.9905	0.9846	0.9751	0.9603	0.9383	0.9094	0.8718	0.8229	0.7599	0.6808	0.5863	0.4812	0.3767	0.2871	0.2174	0.1689	0.1400
45	0.9957	0.9931	0.9888	0.9816	0.9697	0.9509	0.9249	0.8896	0.8424	0.7802	0.7011	0.6057	0.4987	0.3915	0.2991	0.2269	0.1765	0.1464
50	0.9969	0.9950	0.9920	0.9868	0.9779	0.9628	0.9408	0.9092	0.8648	0.8045	0.7261	0.6300	0.5210	0.4107	0.3148	0.2394	0.1865	0.1549
55	0.9978	0.9965	0.9944	0.9908	0.9844	0.9730	0.9556	0.9291	0.8922	0.8323	0.7556	0.6595	0.5484	0.4345	0.3344	0.2551	0.1992	0.1656
60	0.9985	0.9976	0.9962	0.9937	0.9893	0.9811	0.9684	0.9478	0.9144	0.8632	0.7903	0.6954	0.5827	0.4649	0.3598	0.2756	0.2158	0.1797
65	0.9990	0.9984	0.9975	0.9959	0.9929	0.9873	0.9785	0.9640	0.9384	0.8956	0.8299	0.7388	0.6260	0.5043	0.3933	0.3031	0.2383	0.1989
70	0.9993	0.9990	0.9984	0.9975	0.9955	0.9918	0.9861	0.9767	0.9591	0.9268	0.8721	0.7847	0.6803	0.5562	0.4389	0.3411	0.2698	0.2259
75	0.9996	0.9994	0.9991	0.9985	0.9974	0.9950	0.9915	0.9858	0.9749	0.9532	0.9127	0.8446	0.7450	0.6228	0.5004	0.3942	0.3146	0.2648
80	0.9998	0.9996	0.9995	0.9992	0.9986	0.9971	0.9951	0.9919	0.9858	0.9729	0.9464	0.8968	0.8150	0.7030	0.5804	0.4669	0.3780	0.3209
85	0.9999	0.9998	0.9997	0.9996	0.9993	0.9985	0.9973	0.9957	0.9925	0.9856	0.9703	0.9389	0.8802	0.7886	0.6759	0.5609	0.4643	0.3995
90	0.9999	0.9999	0.9998	0.9998	0.9997	0.9992	0.9986	0.9978	0.9962	0.9927	0.9847	0.9669	0.9299	0.8643	0.7725	0.6670	0.5695	0.4995
95	1.0000	0.9999	0.9999	0.9999	0.9998	0.9996	0.9993	0.9989	0.9981	0.9963	0.9922	0.9826	0.9611	0.9187	0.8519	0.7655	0.6769	0.6079
100	1.0000	1.0000	1.0000	0.9999	0.9999	0.9998	0.9994	0.9994	0.9990	0.9981	0.9959	0.9807	0.9785	0.9524	0.9074	0.8430	0.7701	0.7085
105	1.0000	1.0000	1.0000	1.0000	1.0000	0.9999	0.9998	0.9997	0.9994	0.9989	0.9977	0.9847	0.9874	0.9710	0.9409	0.8946	0.8380	0.7868
110	1.0000	1.0000	1.0000	1.0000	1.0000	0.9999	0.9998	0.9998	0.9996	0.9992	0.9984	0.9863	0.9911	0.9793	0.9569	0.9212	0.8757	0.8327

**Table 6**  
**Present Value of \$1 Annuity**  
**Disability Mortality—Unisex at 4.00%**

<i>Age</i>	<i>Unisex</i>	<i>Age</i>	<i>Unisex</i>	<i>Age</i>	<i>Unisex</i>
		41	16.927	76	8.507
		42	16.727	77	8.175
		43	16.524	78	7.845
		44	16.318	79	7.517
		45	16.109	80	7.194
		46	15.898	81	6.875
		47	15.686	82	6.564
		48	15.474	83	6.260
		49	15.263	84	5.966
		50	15.056	85	5.682
		51	14.853	86	5.409
		52	14.648	87	5.148
18	20.875	53	14.444	88	4.897
19	20.757	54	14.240	89	4.655
20	20.634	55	14.036	90	4.422
21	20.504	56	13.834	91	4.199
22	20.364	57	13.632	92	3.983
23	20.214	58	13.429	93	3.775
24	20.054	59	13.223	94	3.572
25	19.884	60	13.012	95	3.373
26	19.708	61	12.796	96	3.179
27	19.530	62	12.573	97	2.992
28	19.350	63	12.341	98	2.814
29	19.168	64	12.100	99	2.646
30	18.986	65	11.848	100	2.489
31	18.803	66	11.586	101	2.344
32	18.620	67	11.314	102	2.211
33	18.436	68	11.032	103	2.090
34	18.252	69	10.740	104	1.980
35	18.068	70	10.439	105	1.880
36	17.883	71	10.130	106	1.791
37	17.696	72	9.815	107	1.711
38	17.507	73	9.493	108	1.641
39	17.317	74	9.167	109	1.581
40	17.123	75	8.838	110	1.533

[Pa.B. Doc. No. 22-967. Filed for public inspection June 24, 2022, 9:00 a.m.]

## STATE CONSERVATION COMMISSION

### **Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program**

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Hamilton Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.



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

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

**Odor Management Plan—Public Notice Spreadsheet—Actions**

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
Daniel Z. Martin 125 Kerrsville Road Carlisle, PA 17015	Cumberland County/ West Pennsboro Township	199.75	Layers	Existing	Rescind
Darrel Rosenberry— Windswept Acres 6151 Guitner Road Greencastle, PA 17225	Franklin County/ Antrim Township	0	Swine	New	Approved
BDS Farms, LLC—Cattle Farm Deanna D. Harvey 282 Troup Road Beaver Springs, PA 17812	Snyder County/ Spring Township	23.75	Cattle	New	Approved
Aaron R. Martin—North End View 1383 River Road Mohrsville, PA 19541	Berks County/ Centre Township	124.89	Ducks/Cattle	New	Approved
Aurand Poultry, LLC— Farm 2 Gary and Tyler Aurand 135 Woodside Drive Bloomsburg, PA 17815	Columbia County/ Madison Township	403.45	Layers	New	Approved
Samuel L. Stoltzfus—Veal Farm Samuel L. Stoltzfus 1888 West Valley Road Loganton, PA 17747	Clinton County/ Logan Township	50.13	Veal	Amended	Approved

RUSSELL C. REDDING,  
*Secretary*

[Pa.B. Doc. No. 22-968. Filed for public inspection June 24, 2022, 9:00 a.m.]

**STATE EMPLOYEES’  
RETIREMENT BOARD**

**Hearings Scheduled**

The following hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees’ Retirement Code), in connection with the State Employees’ Retirement System’s denial of claimant’s request concerning the indicated account.

The hearings will be held before a hearing examiner at the State Employees’ Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

October 12, 2022	Zhaojin Ke Domestic Relations Issue	10 a.m.
November 18, 2022	Toria Page-Williams Superannuation Date Issue	10 a.m.

December 16, 2022	Michael H. Miholics (Deceased) Contested Death Benefit Issue	10 a.m.
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Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JOSEPH A. TORTA,  
*Secretary*

[Pa.B. Doc. No. 22-969. Filed for public inspection June 24, 2022, 9:00 a.m.]





