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for the Subject Index for
January—June 2022

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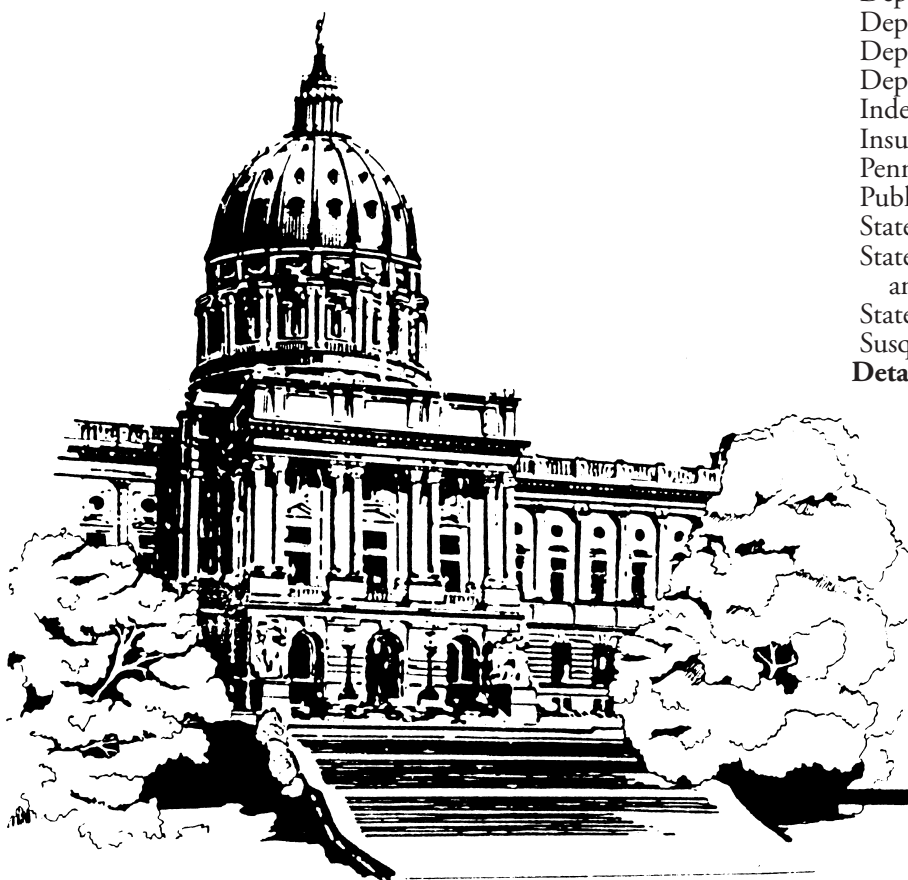
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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 572, July 2022

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the Pennsylvania Bulletin

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

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

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

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

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

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Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

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List of Pa. Code Chapters Affected

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THE GOVERNOR

GOVERNOR'S OFFICE

Notice of Veto

June 21, 2022

To The Honorable House of Representatives
of the Commonwealth of Pennsylvania and
The Honorable Senate of the Commonwealth
of Pennsylvania

Pursuant to Article III, Section 9 of the Pennsylvania Constitution and Section 7(d) of the Regulatory Review Act, I veto and disapprove, and return herewith, House Concurrent Regulatory Review Resolution Number 1, which disapproves the Department of Education's Final-Form Regulation 6-349 (relating to charter schools).

I am vetoing, disapproving, and returning this concurrent resolution for two reasons. First, the concurrent resolution is procedurally defective. In adopting the concurrent resolution, the General Assembly failed to comply with the Regulatory Review Act (RRA), which creates the concurrent resolution process as applied to regulations. The RRA provides:

Upon receipt of the commission's order . . . one or both of the committees may, within 14 calendar days, report to the House of Representatives or Senate a concurrent resolution and notify the agency. . . If either committee reports a concurrent resolution before the expiration of the 14-day period, the Senate and the House of Representatives shall each have 30 calendar days or ten legislative days, whichever is longer, from the date on which the concurrent resolution has been reported, to adopt the concurrent resolution.

71 P.S. § 745.7(d). Although the House adopted the concurrent resolution within the statutory timeframe, the Senate failed to adopt it within the 30 calendar days or ten legislative days from the date that the House committee reported the concurrent resolution. Given the Senate's failure to adopt the concurrent resolution in a timely and effective manner, the General Assembly has failed to comply with the RRA. As such, the RRA directs that the General Assembly is deemed to have approved Final-Form Regulation 6-349.

Second, I am vetoing, disapproving, and returning the Concurrent Resolution because Final-Form Regulation 6-349 is a critical step forward in increasing transparency, equity, quality, and accountability in the implementation of the outdated Charter School Law, which has not been significantly amended since its passage over 20 years ago. After years of failed reform efforts, this regulatory package includes a host of needed reforms, including:

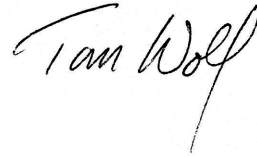
- Providing clear application requirements for entities seeking to open a charter school, regional charter school, or cyber charter school;
- Clarifying ethics requirements for charter and cyber charter school trustees;
- Requiring school districts and charter schools to follow the same fiscal management and auditing standards;
- Streamlining the process for charter schools to request tuition payments; and
- Providing a consistent, common-sense method for charter schools to meet the employee health care requirements in law.

While this regulation represents the most significant charter school reform to date, the work is not done. I urge the members of the General Assembly to pass my comprehensive charter reform legislation, which would

modernize the law and create fair, predictable, and equitable funding for charter schools that will save school districts an estimated \$373 million annually.

For the reasons set forth above, I must veto, disapprove, and withhold my signature from House Concurrent Regulatory Review Resolution Number 1.

Sincerely,

A handwritten signature in black ink that reads "Tom Wolf". The signature is written in a cursive, flowing style.

Governor

[Pa.B. Doc. No. 22-970. Filed for public inspection July 1, 2022, 9:00 a.m.]

THE COURTS

Title 255—LOCAL COURT RULES

BERKS COUNTY

Amendments to Local Rules; No. 22-233 Prothonotary

Order

And Now, this 15th day of June, 2022, all previously promulgated Berks County Orphan's Court local rules under Chapter XV concerning adoption proceedings are vacated effective July 1, 2022, pursuant to the PA Supreme Court Order dated July 22, 2021.

Berks County Orphan's Court Rules 15.3A, 15.12A, 15.13A, 15.13B, and 15.13C shall become effective on July 1, 2022, or thirty (30) days after publication in the *Pennsylvania Bulletin*, in accordance with Pa.R.J.A. No. 103(d)(5)(iii), whichever comes last.

The District Court Administrator is *Ordered* and *Directed* to:

1. Submit one (1) copy of this Order, including the amended rule, to the appropriate Rules Committee of the Supreme Court of Pennsylvania for review.

2. Distribute two (2) copies of this Order, including the amended rule, and one (1) disk copy to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) copy of this Order, including the amended rules, with the Administrative Office of Pennsylvania Courts contemporaneously with publishing the local rules in the *Pennsylvania Bulletin*.

IN RE:
ADOPTION OF

: IN THE COURT OF COMMON PLEAS
: OF BERKS COUNTY, PENNSYLVANIA
: ORPHANS' COURT DIVISION
:
: No.

STATEMENT OF FINANCIAL RESPONSIBILITY

I, _____, the person petitioning to adopt the above-named child, acknowledge that if the adoption is approved by the court I will have the duty, just as any other parent, to support the child financially. I acknowledge that this duty of support is absolute and may extend beyond the child's eighteenth (18th) birthday in accordance with 23 Pa.C.S.A. § 4321. I acknowledge that I will owe this duty of support even if my relationship with the child's other parent ends, regardless of which parent has physical custody of the child, and I may need to make sacrifices to meet this burden.

As evidenced by my signature below, I accept my acknowledged parental duty of financial support for the above-named child.

Date: _____

Adoptive Parent

Rule 15.13C. Agreements for Post-Adoption Contact.

Whenever a request for court approval of a voluntary agreement for continuing contact, or modification or termination thereof, under Subchapter D of the Adoption Act is filed and the child(ren) subject to the agreement is or was represented by a guardian ad litem in a dependency or termination of parental rights proceeding, the party filing the request for approval shall immediately

4. Compile the local rules within the complete set of local rules available on the Berks County Court website no later than 30 days following publication in the *Pennsylvania Bulletin*.

5. Distribute one (1) copy of this Order, including the amended rule to the Berks County Prothonotary's Office so they can keep them continuously available for public inspection and copying.

THOMAS G. PARISI,
President Judge

Chapter XV. Adoptions

Rule 15.3A. Separate Petitions.

A separate petition shall be filed for each parent whose rights the petitioner seeks to terminate.

Rule 15.12A. Guardian ad Litem.

If a child had an appointed guardian ad litem through any prior permanency review hearings, the appointed guardian ad litem shall cooperate with the post-adoption continuing contact agreement, if available.

Rule 15.13A. Pending Petitions.

In addition to the requirements of Rule 15.13(a)(11), if there are any known pending petitions regarding custody or guardianship of the adoptee, the Petitioner shall inform the Court of such and request guidance on whether to provide notice of the adoption and hearing to those parties in the pending action for custody or guardianship of the adoptee.

Rule 15.13B. Financial Responsibility.

A Statement of Financial Responsibility, in the following form, shall be attached to all petitions for adoption:

serve notice of the filing on the guardian ad litem. If a voluntary agreement for continuing contact is proposed for the first time at the time of an adoption hearing and a previously appointed guardian ad litem is not present for the hearing, the matter shall be continued to allow notice to the guardian.

[Pa.B. Doc. No. 22-971. Filed for public inspection July 1, 2022, 9:00 a.m.]

STATEMENTS OF POLICY

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF NURSING

[49 PA. CODE CH. 21]

Interpretations Regarding the Administration of Drugs—Statement of Policy

The State Board of Nursing (Board) provides notice of its intent to amend § 21.413(d)(1) (relating to interpretations regarding the administration of drugs—statement of policy) to read as set forth in Annex A. This statement of policy is intended to provide guidance to Board-regulated practitioners, other healthcare providers, health and hospital systems and the general public.

Effective Date

This statement of policy will take effect upon publication of the final-form statement of policy in the *Pennsylvania Bulletin*.

Statutory Authority

Sections 8.2(c) and 8.3(b) of the Professional Nursing Law (RN Law) (63 P.S. §§ 218.2(c) and 218.3(b)) authorize certified registered nurse practitioners (CRNP) who meet the requirements of section 8.3(a) of the RN Law to prescribe medical therapeutic or corrective measures within the terms of the collaborative agreement. Section 21.401(d) (relating to interpretations; scope of practice) delineates the procedure for adopting a statement of policy, including publication of a notice and review and consideration of public comments received following publication of the notice.

Background and Purpose

In 1998 when § 21.413(d) was last amended, CRNPs had not yet been granted the authority under the RN Law to prescribe. Since that time, sections 8.2(c) and 8.3(b) of the RN Law were added authorizing CRNPs who possess prescriptive authority to prescribe medical therapeutic or corrective measures, including conscious sedation under § 21.284(b)(7) (relating to prescribing and dispensing parameters). Therefore, the Board proposes to amend § 21.413(d)(1) to reflect the changes in the RN Law. This amendment would authorize CRNPs within the scope of their collaborating agreements to order intravenous conscious sedation medications. Additionally, it would authorize CRNPs to be physically present so that registered nurses (RN) can administer these medications.

As required by § 21.401(a), on December 28, 2018, the Pennsylvania Coalition of Nurse Practitioners (PCNP) requested that the Board modernize § 21.413(d)(1). It maintained that at times, in both inpatient (acute) and ambulatory (outpatient) settings, the CRNP may be the primary care provider for the patient and may be the only health care provider present, especially overnight. Waiting for a physician to order the medications or be physically present for their administration creates unnecessary delays, for example, when a patient is in respiratory distress and needs to be intubated but no physician is present to order or view the administration or in cases where only CRNPs and physician assistants are manning intensive care units or emergency rooms.

The proposed interpretation is consistent with the Department of Health's (DOH) regulations in 28 Pa. Code §§ 107.61, 107.62, 107.64, 107.65, 109.23, 109.61 and 211.7.

Although not required for the promulgation of a statement of policy, the Board sent an exposure draft to stakeholders on August 9, 2019. The Board received comments from licensees as well as professional associations about this proposed statement of policy. On August 9 and 19, 2019, Kathleen G. Hoover, PhD, RN, Dean, Nursing & Health Sciences, Neumann University, Therese M. Sayers, MS, RN, Assistant Professor of Nursing, Lock Haven University and Rose O'Driscoll, PhD, RN, separately expressed their support for this proposed amendment.

On September 4, 2019, John P. Gallagher, MD, then Chair, Board of Trustees of the Pennsylvania Medical Society (PAMED) submitted seven questions to the Board so as to gain a better understanding of the Board's decision. Specifically, PAMED questioned the impetus for the proposed change, how the DOH's regulations comport with or conflict with the proposed change, and whether the proposed change aligns with CRNP scope of practice and education requirements. PAMED also questioned whether the prescriptive authority collaborative agreement must specifically authorize the CRNP to issue this order to the RN, how the Board will oversee the proposed change, whether the CRNP who issued the order must be present when the order is carried out or whether another CRNP can be present and could a CRNP be present if the physician issued the order. Finally, PAMED sought a definition for "minor therapeutic and diagnostic procedures."

On September 9, 2019, the Hospital and Healthsystem Association of Pennsylvania, the Pennsylvania Association of Certified Nurse-Midwives, the Pennsylvania Association of Nurse Anesthetists, PCNP, the Pennsylvania Rural Health Association and the Pennsylvania State Nurses Association collectively strongly supported this proposed amendment. They reiterated the position of PCNP that this proposed amendment would ease patient care delays in both acute and ambulatory care settings. Also, on September 9, 2019, Patrick V. Norton, Chief of Staff, Office of the EVP/Dean, Vice President for Public Affairs, and Secretary, Penn Medicine Board, Perelman School of Medicine, University of Pennsylvania Health System, added that this proposed amendment would modernize the statement of policy and reflect contemporary health care practice.

The Board also received input from Paula M. Susi, MSN, RN, Professor, Nursing Community College of Allegheny County, on August 11, 2019, who disagreed with RNs administering conscious sedation for any procedure regardless of who orders the sedation. Paula M. Susi opined that except for ICU patients on full ventilatory support, only certified RN anesthetists should administer and monitor all levels of sedation.

At the December 5, 2019, meeting, the Board discussed the pre-draft comments with representatives from PCNP and PAMED. The Board noted that PCNP requested the Board to amend § 21.413(d) on December 28, 2018. The Board explained, as indicated previously, that the proposed change is consistent with DOH regulations and is also consistent with CRNP scope of practice and education requirements. Like all other health care services

provided by CRNPs, the collaborative agreement and the prescriptive authority collaborative agreement must outline the details of the collaboration between the CRNP and the collaborating physician. To address PAMED's concern, however, the Board added the qualifier "within the terms of the collaborative agreement," to § 21.413(d). As for whether the physician or CRNP who ordered the service is required to be present when the order is carried out by an RN, the Board discussed that that is not required. The only requirement is that a physician or CRNP be present when the service is provided. The Board also noted that section 2(1) of the RN Law (63 P.S. § 212(1)) authorizes RNs to execute medical regimens executed by licensed physicians. Similarly, sections 8.2 and 8.3 of the RN Law authorize CRNPs to prescribe medical therapeutic or corrective measures and issue orders to be executed by others.

Following discussion, the representative on behalf of PAMED acknowledged that the Board's modification clarified PAMED's questions. The Board voted to proceed with promulgation of this statement of policy at that meeting.

Fiscal Impact and Paperwork Requirements

This statement of policy will have no adverse fiscal impact on the Commonwealth or its political subdivisions and will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

Comments

Under § 21.401(e), the Board will entertain public comment for 60 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Interested persons are invited to submit written comments, recommendations or objections regarding the proposed amendment to Judith Pachter Schuler, Counsel, State Board of Nursing, P.O. Box 2649, Harrisburg, PA 17105-2649, or RA-STRegulatoryCounsel@pa.gov. Reference No. 16A-5144 (Interpretations Regarding the Administration of Drugs—Statement of Policy), when submitting comments.

A hearing on this revision will be held on October 28, 2022, at 10 a.m. The hearing will be held in person and virtually during the Board's regularly scheduled meeting.

Information about the hearing and the meeting will be posted on the Board's web site.

LINDA M. KMETZ, PhD, RN,
Chairperson

Fiscal Note: 16A-5144. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 21. STATE BOARD OF NURSING

Subchapter D. INTERPRETATIONS

STATEMENT OF POLICY

§ 21.413. Interpretations regarding the administration of drugs—statement of policy.

* * * * *

(d) As used in this subsection, "conscious sedation" is defined as a minimally depressed level of consciousness in which the patient retains the ability to independently and continuously maintain an airway and respond appropriately to physical stimulation and verbal commands. The registered nurse who is not a certified registered nurse anesthetist may administer intravenous conscious sedation medications, under § 21.14, during minor therapeutic and diagnostic procedures, when the following conditions exist:

(1) The specific amount of intravenous conscious sedation medications has been ordered in writing by a licensed physician **or certified registered nurse practitioner within the terms of the collaborative agreement** and a licensed physician **or certified registered nurse practitioner** is physically present in the room during administration.

* * * * *

[Pa.B. Doc. No. 22-972. Filed for public inspection July 1, 2022, 9:00 a.m.]

NOTICES

CENTER FOR RURAL PENNSYLVANIA

Definition of Rural and Urban Counties in this Commonwealth, School Districts and Municipalities

Following each decennial Census, the Center for Rural Pennsylvania (Center) revises their rural/urban definitions, which are based on Statewide population density, to identify rural and urban counties in this Commonwealth, school districts and municipalities. According to the 2020 Census, the population of this Commonwealth is 13,002,700 and the number of square miles of land in this Commonwealth is 44,742. Therefore, the population density is 291 people per square mile.

In October 2021, the Center's Board of Directors approved the updated definition of rural/urban counties and school districts. In May 2022, the Board of Directors approved the updated definition of rural/urban municipalities.

The following provides the definition for each classification.

County or School District Definition

A county or school district is rural when the number of people per square mile within the county or school district is fewer than 291. Counties and school districts that have 291 people or more per square mile are considered urban.

Municipal Definition

A municipality is rural when the number of people per square mile in the municipality is fewer than 291 or the municipality is in a rural county and has fewer than 2,500 residents. Other municipalities are considered urban.

According to the Center's definition, there are 48 rural counties and 19 urban counties in this Commonwealth.

At the school district level, 238 of this Commonwealth's 500 public school districts are rural and 262 public school districts are urban.

At the municipal level, 1,649, 64%, of this Commonwealth's 2,560 municipalities are rural and 911 municipalities, 36%, are urban.

For complete lists of counties, school districts and municipalities by rural/urban classification, individuals can visit <https://www.rural.pa.gov/data/rural-urban-definitions> (last accessed June 16, 2022).

KYLE C. KOPKO,
Executive Director

[Pa.B. Doc. No. 22-973. Filed for public inspection July 1, 2022, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Product Promotion, Education and Export Promotion Matching Grant Program; 2022-2023 Application Period

The Department of Agriculture (Department) announces the program requirements and application period

for grants under the Pennsylvania Agricultural Product Promotion, Education and Export Promotion Matching Grant Program (Program). The Program is authorized under a Fiscal Year (FY) 2022-2023 budgetary appropriation to the Department for agricultural product promotion, education and exports. The Department intends to make up to \$303,000 available for grants under the Program. Funding is contingent upon FY 2022-2023 budget appropriations.

1. *Program objectives.*

(a) *Purpose.* The Department will award grants to provide matching funds to nonprofit agricultural product promotion and marketing organizations to reimburse up to 50% of the cost of projects intended to:

(1) increase consumer awareness of agricultural products within this Commonwealth and thereby increase sales of these agricultural products;

(2) educate producers and consumers with respect to agricultural products within this Commonwealth; or

(3) otherwise facilitate the growth and development of export markets for agricultural products within this Commonwealth.

(b) *Applicants.* Grants will be awarded to nonprofit agricultural product promotion and marketing organizations in this Commonwealth.

(c) *FY 2022-2023 project funding priorities.*

(1) The Department will prioritize eligible projects that promote the farmers market nutrition programs, food delivery systems through farm markets and farm stands within this Commonwealth for grown fresh fruits and vegetables.

(2) The Department will also prioritize eligible dairy projects for export of dairy products within this Commonwealth that support the industry.

(3) The Department will also prioritize eligible projects that improve food security in this Commonwealth, including projects that improve access to nutritious food, decrease food waste in schools and other settings, and that leverage Federal, State and community resources through public-private partnerships.

(4) The Department will also prioritize eligible projects that promote agritourism.

(d) *Competitive program.* The Program is competitive. Grant requests and related documentation will be reviewed by the Secretary, who will approve or reject each grant request.

(e) *Funds available basis.* Grants will not be awarded unless funds are available for this purpose. The Department need not expend all the funds that are available for the Program.

2. *Definitions.* The following words and terms have the following meanings:

Applicant—A Pennsylvania nonprofit agricultural product promotion and marketing organization which applies for grant moneys under the Program.

Bureau—The Bureau of Market Development of the Department.

Pennsylvania agricultural products—The following agricultural commodities grown, processed or manufactured within this Commonwealth: agricultural, horticultural,

aquacultural, viticulture and dairy products, including artisan cheese, livestock and the products thereof, ranch raised fur-bearing animals and the products thereof, the products of poultry and beef raising, forestry and forestry products, and all products raised or produced on farms intended for human consumption, and the processed or manufactured products thereof intended for human consumption, transported or intended to be transported in commerce.

Pennsylvania nonprofit agricultural product promotion and marketing organization—A nonprofit business organization having its principal business offices within this Commonwealth, or having 50% or more of its membership within this Commonwealth, or having 50% or more of the agricultural products which it promotes or markets produced within this Commonwealth, and having as its members groups, individuals or organizations that serve to distribute a agricultural product within this Commonwealth in commerce. These members may include wholesalers, distributors, brokers, retailers, processors, growers and producers.

Secretary—The Secretary of the Department.

3. *Limitations on grants.* The minimum amount of a matching grant is \$1,000. A matching grant is a reimbursement grant, meaning no payment of grant funds will be made by the Department until the subject project is completed and the applicant documents the completion of the project to the Department in accordance with this notice.

4. *Uses of matching grant moneys.*

(a) *Conformity to application.* Matching grant moneys awarded to an applicant shall be expended solely to reimburse up to 50% of the cost of the specific project described in the grant application.

(b) *Allowable expenditures of grant moneys.* Grant moneys shall be used for one or more of the following purposes described in the grant application:

(1) To pay the cost of the specific project described in the grant application.

(2) To pay the cost of a portion of a Commonwealth nonprofit agricultural product promotion and marketing organization's contribution to a National or regional agricultural product promotion and marketing project.

(3) To pay the cost of programs conducted by an applicant to educate producers and consumers with respect to Commonwealth agricultural products.

(4) To pay the cost of trade shows conducted or attended by an applicant, or other projects to facilitate the growth and development of export markets for produced agricultural products within this Commonwealth.

(c) *Prohibited expenditure of grant moneys.* Grant moneys may not be used to defray the costs of employing temporary or permanent personnel.

5. *Applications.*

(a) *Application required.* Interested nonprofit agricultural product promotion and marketing organizations in this Commonwealth shall submit grant applications to the Department. An application shall include a detailed work plan and project budget.

(b) *Project commencement and completion dates.* An application shall designate July 1, 2022, or a later date, as the project start date and June 30, 2023, or earlier, as the project completion date. Program grant funds will not

be awarded or paid for project activities that occur before the stated project start date or beyond the stated project completion date.

(c) *Electronic applications only.* Interested applicants must submit a complete electronic project proposal and grant application using the Department's Electronic Single Application web site at <https://www.esa.dced.state.pa.us/Login.aspx>.

(d) *Application window.* Applications shall be submitted by 5 p.m. on Friday, August 5, 2022.

(e) *Additional documentation.* The Secretary may require that an applicant submit additional documentation to complete or verify an application. The additional documentation may include a letter, affidavit or other documentation:

(1) Verifying that an applicant is a Commonwealth nonprofit agricultural product promotion and marketing organization.

(2) Verifying the activities and location of offices of an applicant.

(3) Confirming that the applicant for a matching grant has secured funds in an amount at least equal to the matching grant amount sought for the project.

6. *Review of application.*

(a) *Transmittal of application to Bureau.* When the Bureau receives a complete and accurate grant application, it will forward this application, together with supporting documentation submitted therewith, to the Secretary for review. The Bureau may also forward a recommendation as to whether the application should be approved or rejected, whether the grant should be in an amount less than requested and whether special restrictions or limitations should be placed on the grant.

(b) *Factors.* The Secretary will review and evaluate the application and supporting documentation and may consider the following factors, among others, in deciding whether to approve or reject the grant request:

(1) The relevance of the project to the promotion or marketing of agricultural products in this Commonwealth.

(2) The innovativeness of the project described in the application.

(3) The scope of the project and the number of people who will be exposed to or affected by the project described in the application.

(4) The impact which the project will have upon the promotion and sales of the Commonwealth agricultural products to which the project is targeted.

(5) The availability of full funding for the project from the applicant or from any source other than the Grant Program.

(6) The apparent ability of the applicant to complete the project as described in the application or, in the case of a grant to fund a National or regional agricultural product promotion or marketing project, the apparent ability of the entity with primary responsibility for the project to complete it.

(7) The overall performance of the project if the project had received funding through any other grant program administered by the Department in a previous fiscal year.

(8) Projects that are joint efforts between two or more Commonwealth nonprofit agricultural product promotion and marketing organizations may be given preference over projects involving only one organization.

(9) Projects where reference to the Department as a source of funding can practicably be made in promotional materials or broadcasts, and that would make a reference, may be given preference over projects that would not make a reference.

(10) Whether the project has been assigned priority for funding in FY 2022-2023, as previously described in Paragraph No. 1(c).

(c) *Decisions.* The Secretary may approve a grant in an amount less than that requested in the grant application. In addition, the Secretary may impose restrictions or special conditions upon the issuance of a grant. The Secretary will review all recommendations of the Bureau but will have final authority to accept or reject these recommendations.

7. *Notice of disposition of application.*

The Department will e-mail notice of the acceptance or rejection of a grant application. This notice will be by e-mail to the address provided by the applicant in the grant application.

8. *Grant agreement.*

After the Secretary approves a grant application, and as a precondition to the Department's release of grant moneys to a successful applicant, the Department and the applicant will execute a written or electronic grant agreement which describes the terms and conditions subject to which the grant is made. The grant agreement shall contain and conform to the requirements of this notice and shall also contain special terms and conditions as required by the Secretary.

9. *Verification of project completion.*

(a) *General.* Within 30 days of completion of the subject project, the applicant shall provide the Department with proof of the completion of the project and eligibility to receive reimbursement grant funds from the Department.

(b) *Required documentation.* The proof described in subsection (a) shall consist of:

(1) copies of invoices for goods or services directly related to the project, confirming that the total billed amount is at least twice the amount of the grant, along with the written certification of the president or treasurer of the applicant that the goods or services that are the subject of the invoices have been delivered or provided to the applicant; and

(2) a certificate of completion, signed by its president or treasurer, verifying completion of the subject project and stating that the grant funds will reimburse the applicant for a portion of the costs incurred by the applicant in completing the subject project.

10. *Delivery of grant funds by the Department.* The Department will pay the grant amount to the applicant in a single payment within 45 days of receiving the proof of completion previously described in Paragraph No. 9.

11. *Questions and additional information.* Questions on this Program, including on the online application process, may be directed to Morgan Sheffield, Bureau of Administrative Services, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-3568.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 22-974. Filed for public inspection July 1, 2022, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending June 21, 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

Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
06-17-2022	Driver Opportunity Partners I, LP (General Partner—Driver Management Company, LLC) New York New York County, NY	Approved
	Application for approval to solicit revocable proxies from more than 10% of the voting shares of common stock of Republic First Bancorp, Inc., Philadelphia, PA, and thereby indirectly acquire 10% or more of the voting control of Republic First Bank, Philadelphia, PA.	

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
06-14-2022	PennCrest Bank Altoona Blair County	Filed
	Application for approval to purchase assets and assume liabilities of one branch of Mid Penn Bank, Millersburg, Dauphin County, located at: 101 High Street Williamsburg Blair County	

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

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
06-15-2022	Customers Bank Phoenixville Chester County	Effective
	Amendment to Article I of the institution's Articles of Incorporation provides for the principal place of business of the bank to be relocated from 99 Bridge Street, Phoenixville, Chester County, PA, to 40 General Warren Boulevard, Malvern, Chester County, PA. Articles of Amendment provide for the institution's Articles of Incorporation to be amended and restated in their entirety.	

CREDIT UNIONS

No activity.

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

RICHARD VAGUE,
Secretary

[Pa.B. Doc. No. 22-975. Filed for public inspection July 1, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION**Applications, Actions and Special Notices****APPLICATIONS****THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT****APPLICATIONS FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS UNDER THE CLEAN STREAMS LAW AND FEDERAL CLEAN WATER ACT**

This notice provides information about persons who have applied to the Department of Environmental Protection (DEP) for a new, renewed, or amended NPDES or WQM permit, or a permit waiver for certain stormwater discharges, or have submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications and NOIs concern, but are not limited to, effluent discharges from sewage treatment facilities and industrial facilities to surface waters or groundwater; stormwater discharges associated with industrial activity (industrial stormwater), construction activity (construction stormwater), and municipal separate storm sewer systems (MS4s); the application of pesticides; the operation of Concentrated Animal Feeding Operations (CAFOs); and the construction of sewage, industrial waste, and manure storage, collection and treatment facilities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water

Act (33 U.S.C.A. §§ 1251—1376). More information on the types of NPDES and WQM permits that are available can be found on DEP's website (visit www.dep.pa.gov and select Businesses, Water, Bureau of Clean Water, Wastewater Management, and NPDES and WQM Permitting Programs).

Section Category

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

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

- Individual and General WQM Permit Applications Received—DEP provides a 15-day public comment period for Individual WQM Permit Applications for new and reissued permits. There is no public comment period for General WQM Permit NOIs.
- General Chapter 92a NPDES Permit NOIs Received—There is no public comment period for General NPDES NOIs received.
- All Transfer and Minor Amendment Applications/NOIs Received—Transfer and Minor Amendment Applications/NOIs received for Individual and General WQM Permits and Individual and General NPDES Permits, excluding PAG-01 and PAG-02, are identified but do not have public comment periods. DEP provides a 15-day public comment period for Individual WQM Permit Applications for amendments.

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

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

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

Applications, NOIs and draft permits, where applicable, may be reviewed at the DEP office that received the application or NOI. Members of the public are encouraged to use DEP's website to obtain additional information as discussed previously.

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

DEP office contact information to review applications and NOIs and to submit comments for those applications, when applicable, is as follows:

DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484.250.5910. Email: RA-EPNPDES_SERO@pa.gov for permits in Sections I & II; RA-EPWW-SERO@pa.gov for permits in Section III.

DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 570.826.5472. Email: RA-EPNPDES_NERO@pa.gov for permits in Sections I & II; RA-EPWW-NERO@pa.gov for permits in Section III.

DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717.705.4732. Email: RA-EPNPDES_SCRO@pa.gov for permits in Sections I & II; RA-EPWW-SCRO@pa.gov for permits in Section III.

DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570.327.3693. Email: RA-EPNPDES_NCRO@pa.gov for permits in Sections I & II; RA-EPWW-NCRO@pa.gov for permits in Section III.

DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412.442.4286. Email: RA-EPNPDES_SWRO@pa.gov for permits in Sections I & II; RA-EPWW-SWRO@pa.gov for permits in Section III.

DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814.332.6340. Email: RA-EPNPDES_NWRO@pa.gov for permits in Sections I & II; RA-EPWW-NWRO@pa.gov for permits in Section III.

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

DEP Regional Permit Coordination Office (RPCO)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717-772-5987. Email: RA-EPREGIONALPERMIT@pa.gov.

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

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

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

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
3622802	Joint DEP/PFBC Pesticides Permit	New	McCormick Daniel F 3865 Nolt Road Landisville, PA 17538-1530	East Hempfield Township Lancaster County	SCRO
0619407	Land Application and Reuse of Sewage Individual WQM Permit	Amendment	HRES Hereford, LLC 5601 Mariner Street Suite 100 Tampa, FL 33609	Hereford Township Berks County	SCRO
1587416	Land Application and Reuse of Sewage Individual WQM Permit	Amendment	Longwood Gardens, Inc. P.O. Box 501 Route 1 Kennett Square, PA 19348-0501	East Marlborough Township Chester County	SERO
0208201	Major Industrial Waste Treatment Facility Individual WQM Permit	Amendment	Redland Quarries NY, Inc. 6205 Newton Falls Bailey Road Warren, OH 44481	West Mifflin Borough Allegheny County	SWRO
0721201	Manure Storage and Wastewater Impoundments Individual WQM Permit	New	Kulp Family Dairy, LLC 1691 Millerstown Road Martinsburg, PA 16662-8020	North Woodberry Township Blair County	SCRO
3999401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	Lehigh County Authority 1053 Spruce Street Allentown, PA 18106-0348	Heidelberg Township Lehigh County	NERO
NNOEXNC51	No Exposure Certification	Renewal	Const Spec of NJ, Inc. 6696 Route 405 Highway Muncy, PA 17756-6381	Hughesville Borough Lycoming County	NCRO
NOEXNC174	No Exposure Certification	New	HPM Ind., Inc. 125 Tom Mix Drive DuBois, PA 15801-2541	DuBois City Clearfield County	NCRO
NOEXNW034	No Exposure Certification	Renewal	LNS Chipblaster Inc. 13605 S Mosiertown Road Meadville, PA 16335-8346	Vernon Township Crawford County	NWRO
NOEXNW221	No Exposure Certification	New	IRG Erie Inc. 1001 State Street Erie, PA 16501-1814	Erie City Erie County	NWRO
NOEXSE166	No Exposure Certification	Renewal	Global Pkg Inc. 209 Brower Avenue Oaks, PA 19456	Upper Providence Township Montgomery County	SERO

NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAR234816	PAG-03 NPDES General Permit for Industrial Stormwater	Amendment	Altium Pkg LLC 920 Back Road Berwick, PA 18603-1146	Berwick Borough Columbia County	NCRO
PAG046350	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Johnson Robert D 4158 State Gamelands Road Wexford, PA 15090-7560	Marshall Township Allegheny County	SWRO
PAG046369	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Broadwater Justin D 396 Walker Road Buffalo Mills, PA 15534-1703	Allegheny Township Somerset County	SWRO
PAG136241	PAG-13 NPDES General Permit for MS4s	Renewal	Thornburg Borough Allegheny County 545 Hamilton Road Pittsburgh, PA 15205-1708	Thornburg Borough Allegheny County	SWRO
PA0267295	Single Residence STP Individual NPDES Permit	Transfer	Myers Maxx & Watts Alycia 6611 Old Harrisburg Road York Springs, PA 17372-8707	Huntington Township Adams County	SCRO
0120402	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Myers Maxx & Watts Alycia 6611 Old Harrisburg Road York Springs, PA 17372-8707	Huntington Township Adams County	SCRO
0208403	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Johnson Robert D 4158 State Gamelands Road Wexford, PA 15090-7560	Marshall Township Allegheny County	SWRO
0622405	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Shawn & Jennifer Mehall 163 Amity Park Road Birdsboro, PA 19508-8719	Amity Township Berks County	SCRO
1622403	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Mainwaring Stacy 462 Fairlane Boulevard New Galilee, PA 16141-2302	Washington Township Clarion County	NWRO
4622403	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Stephen And Caroline Grasso 694 W Beidler Road King of Prussia, PA 19406-1422	Upper Merion Township Montgomery County	SERO
5695405	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Broadwater Justin D 396 Walker Road Buffalo Mills, PA 15534-1703	Allegheny Township Somerset County	SWRO
6522403	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Laraway Brian D 4028 Route 130 Irwin, PA 15642-7830	Penn Township Westmoreland County	SWRO
WQG016146	WQG-01 WQM General Permit	Transfer	Johnson Robert D 4158 State Gamelands Road Wexford, PA 15090-7560	Marshall Township Allegheny County	SWRO

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

Northeast Regional Office

PAI132210, MS4, Bethlehem City, Northampton County, 10 E Church Street, Bethlehem, PA 18018-6005.

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 Bethlehem City, **Northampton County**. The receiving streams, Monocacy Creek (HQ-CWF, MF), Saucon Creek (CWF, MF), and Lehigh River (WWF), are located in State Water Plan watershed 2-C and is classified for High Quality—Cold Water, Migratory Fish, Cold Water Fishes, and Migratory Fishes, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)

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 for small MS4s and is not in effect for large MS4s.

PA0042048, Sewage, SIC Code 4952, **Conyngham-Sugarloaf Joint Municipal Authority**, P.O. Box 469, Conyngham, PA 18219-0469. Facility Name: Conyngham-Sugarloaf Joint Municipal Authority WWTP. This existing facility is located in Sugarloaf Township, **Luzerne County**.

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

The receiving stream, Little Nescopeck Creek (CWF/MF), is located in State Water Plan watershed 5-D and is classified for Cold Water 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 0.35 MGD.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.35 MGD.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.35 MGD.

(From Permit Effective Date to Permit Expiration Date)

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Quarterly	Weekly Average		Average Quarterly	Weekly Average	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 001 are based on a design flow of 0.35 MGD.

(From Permit Effective Date to Permit Expiration Date)

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Annual Average	Weekly Average		Annual Average	Weekly Average	
Aluminum, Total	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report	XXX	XXX
Manganese, Total	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.35 MGD.

(From Permit Effective Date to Permit Expiration Date)

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	73	117	XXX	25.0	40.0	50.0
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids Fecal Coliform (No./100 ml)	87	131	XXX	30.0	45.0	60.0
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

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

- Solids Management

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

The EPA Waiver is in effect.

PA0063274, Sewage, SIC Code 8811, **Marie A. Cetta & Walter E. Pratt, Jr.**, 1034 Lower Rhiney Creek Road, Hallstead, PA 18822-9016. Facility Name: Cetta Residence. This existing facility is located in Liberty Township, **Susquehanna County**.

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

The receiving stream(s), Unnamed Tributary to Rhiney Creek (CWF), is located in State Water Plan watershed 4-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 0.00015 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 (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report Avg Mo	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.

Southcentral Regional Office

PA0247715, Sewage, SIC Code 8361, **The York Water Co.**, 130 East Market Street, York, PA 17401. Facility Name: Amblebrook WWTP. This existing facility is located in Straban Township, **Adams County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.27 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	25.0	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	25.0	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	Geo Mean XXX	XXX	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ammonia-Nitrogen						
May 1 - Oct 31	2.5	XXX	XXX	1.0	XXX	2.0
Nov 1 - Apr 30	7.5	XXX	XXX	3.0	XXX	6.0
Total Phosphorus	0.75	XXX	XXX	0.3	XXX	0.6

The proposed monitoring requirements and effluent limits for implementation of Pennsylvania's Chesapeake Bay Watershed Implementation Plan are as follows for Outfall 001.—Limits.

Parameters	Mass Units (lbs/day)		Monthly	Concentrations (mg/L)		Instant. Maximum
	Monthly	Annual		Monthly Average	Maximum	
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen*	Report	5,479	XXX	XXX	XXX	XXX
Net Total Phosphorus*	Report	274	XXX	XXX	XXX	XXX

*This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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

The EPA Waiver is not in effect.

PA0265861, Sewage, SIC Code 4952, **Naomi Williams**, 3740 Spring Road, Carlisle, PA 17013-8704. Facility Name: Williams Res. This existing facility is located in Middlesex Township, **Cumberland County**.

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

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

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg XXX	XXX	6.0 Inst Min XXX	XXX	XXX	9.0
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000

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

The EPA Waiver is in effect.

Southwest Regional Office

PA0026891, Sewage, SIC Code 4952, **The Authority of the Borough of Charleroi**, P.O. Box 211, Charleroi, PA 15022-0211. Facility Name: Charleroi STP. This existing facility is located in Charleroi Borough, **Washington County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 3.0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅) Raw Sewage Influent	625.0	950.0	XXX	25.0	38.0	50.0
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	750.0	1,125.0	XXX	30.0	45.0	60.0
Total Suspended Solids Fecal Coliform (No./100 ml)	Report	Report Daily Max	XXX	Report	XXX	XXX
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	Report Daily Max	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Copper, Total	XXX	XXX	XXX	Report	Report Daily Max	XXX

The proposed effluent limits for Outfall 014 are based on a design flow of 9.0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Carbonaceous Biochemical Oxygen Demand (CBOD ₅) Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	Report
Carbonaceous Biochemical Oxygen Demand (CBOD ₅) CBOD ₅	XXX	XXX	XXX	Report	XXX	Report
Minimum % Removal (%)	XXX	XXX	35.0	XXX	XXX	XXX
Total Suspended Solids Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	Report
Total Suspended Solids Minimum % Removal (%)	XXX	XXX	XXX	Report	XXX	Report
Total Suspended Solids Fecal Coliform (No./100 ml)	XXX	XXX	60.0	XXX	XXX	XXX
Nov 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Oct 31	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum	Daily Minimum	Average Monthly	Daily Maximum	
Total Nitrogen	XXX	XXX	XXX	XXX	XXX	Report
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report

The following Combined Sewer Overflow outfalls are identified in the permit, all discharging to the Monongahela River: Outfalls 002—009 and 011—014.

In addition, the permit contains the following major special conditions: a requirement to develop a High Flow Management Plan; requirements for the acceptance of hauled-in wastes; requirements for Combined Sewer Overflows including implementation of Nine Minimum Controls, implementation of a Long-Term Control Plan (LTCP) that will achieve 90.47% capture of system-wide combined sewage during typical year conditions, and a schedule for implementation of the LTCP; requirements for Pretreatment Program development and implementation; requirements for solids management; requirements for storm water discharges; and requirements for Whole Effluent Toxicity testing.

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

The EPA Waiver is not in effect.

PA0218987, Sewage, SIC Code, **John A. and Diane M. Vaccarello**, 487 Exton Lake Road, Apollo, PA 15613-9214. Facility Name: Vaccarello SFTF. This existing facility is located in Washington Township, **Westmoreland County**.

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

The receiving stream(s), Poke Run (HQ-CWF), is located in State Water Plan watershed 18-B and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min	XXX	XXX	XXX
			Daily Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.02	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX
				Geo Mean		
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	4.5	XXX	9.0
May 1 - Oct 31	XXX	XXX	XXX	1.5	XXX	3.0

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

- AMR and DMR submission requirements
- Septic tank pumping requirements
- Optimization of chlorine dosage
- Explore alternative disinfection method

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.

PA0284874, Sewage, SIC Code 8800, **Sherman Brizzi**, 965 Fair Oaks Street, Bethel Park, PA 15102-2218. Facility Name: Brizzi Properties SRSTP. This proposed facility is located in Union Township, **Washington 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 Froman Run (TSF), is located in State Water Plan watershed 19-C and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000

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

The EPA Waiver is in effect.

PA0000361, Industrial, SIC Code 4941, **Westmoreland County Municipal Authority**, P.O. Box 730, Greensburg, PA 15601-0730. Facility Name: Beaver Run WTP. This existing facility is located in Washington Township, **Westmoreland County**.

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

The receiving stream(s), Beaver Run (TSF), is located in State Water Plan watershed 18-B 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 2.0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Insta. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	XXX
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0.0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Insta. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Quarterly</i>	<i>Daily Maximum</i>		<i>Average Quarterly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	XXX
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	XXX

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

The EPA Waiver is in effect.

PA0000647, Industrial, SIC Code 3399, **ATI Powder Metals, LLC**, 1000 Six PPG Place, Pittsburgh, PA 15222-5479. Facility Name: ATI Powder Metals Robinson. This existing facility is located in Robinson Township, **Allegheny County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0727 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Temperature (°F)	XXX	XXX	XXX	Report	XXX	110.0

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0727 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Temperature (°F)						
Jan 1 - Feb 28	XXX	XXX	XXX	Report	40.4	XXX
Mar 1 - 31	XXX	XXX	XXX	Report	47.0	XXX
Apr 1 - 15	XXX	XXX	XXX	Report	53.2	XXX
Apr 16 - 30	XXX	XXX	XXX	Report	59.2	XXX
May 1 - 15	XXX	XXX	XXX	Report	64.8	XXX
May 16 - 31	XXX	XXX	XXX	Report	73.3	XXX
Jun 1 - 15	XXX	XXX	XXX	Report	81.0	XXX
Jun 16 - 30	XXX	XXX	XXX	Report	85.0	XXX
Jul 1 - Aug 31	XXX	XXX	XXX	Report	87.5	XXX
Sep 1 - 15	XXX	XXX	XXX	Report	84.4	XXX
Sep 16 - 30	XXX	XXX	XXX	Report	78.4	XXX
Oct 1 - 15	XXX	XXX	XXX	Report	72.4	XXX
Oct 16 - 31	XXX	XXX	XXX	Report	66.4	XXX
Nov 1 - 15	XXX	XXX	XXX	Report	58.4	XXX
Nov 16 - 30	XXX	XXX	XXX	Report	50.3	XXX
Dec 1 - 31	XXX	XXX	XXX	Report	42.3	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>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	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, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 101 are based on a design flow of 0.0053 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.5
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Total Suspended Solids	XXX	XXX	XXX	20.0	XXX	50.0
Oil and Grease	XXX	XXX	XXX	12.0	XXX	30.0
Chromium, Total	XXX	XXX	XXX	0.5	XXX	1.25
Copper, Total	XXX	XXX	XXX	1.0	XXX	2.5
Cyanide, Total	XXX	XXX	XXX	0.12	XXX	0.30
Iron, Total	XXX	XXX	XXX	4.0	XXX	10.0
Lead, Total	XXX	XXX	XXX	0.20	XXX	0.50
Mercury, Total	XXX	XXX	Report	XXX	XXX	Report

The proposed effluent limits for Outfall 201 are based on a design flow of 0.0611 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6

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

- Outfall 002 will be representative of Outfall 003. Both outfalls discharge only stormwater.

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

PA0232696, Concentrated Animal Feeding Operation (CAFO), **Martin Noah N (Martin Farm Finishing Barn)**, 1821 State Route 184, Trout Run, PA 17771-8634.

Martin Noah N has submitted an application for an Individual NPDES permit for a renewal of an CAFO known as Martin Farm Finishing Barn, located in Cogan House Township, **Lycoming County**.

The CAFO is situated near Wolf Run (EV (existing use)) in Watershed 10-A, which is classified for High Quality—Cold Water and Migratory Fish. The CAFO is designed to maintain an animal population of approximately 724.41 animal equivalent units (AEUs) consisting of 4,800 grow—finish swine, 2 horses, 8 beef cows, 15 finishing beef, and 8 beef calves. Manure is stored in two underbarn manure storages. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

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

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

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

Southeast Regional Office

PA0245364, Sewage, SIC Code 8811, **Fritchman Kevin**, 4942 Skippack Pike, Schwenksville, PA 19473-2049. Facility Name: 4942 Skippack Pike. This proposed facility is located in Skippack Township, **Montgomery 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), Perkiomen Creek (WWF, MF), is located in State Water Plan watershed 3-E 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 .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 Inst Min	XXX	XXX	9
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX

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

- Installation of a nitrogen-reducing treatment component is required.
- The system must meet NSF 245 Criteria.

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.

Northwest Regional Office

PA0265209, Sewage, SIC Code 8800, **William E. Roberts, Jr.**, 6300 Franklin Road, Fairview, PA 16415. Facility Name: William E Roberts SRSTP. This existing facility is located in Fairview Township, **Erie County**.

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

The receiving stream(s), Unnamed Tributary to Lake Erie, is located in State Water Plan watershed 15-A and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

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

The EPA Waiver is in effect.

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

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD090085	New	York Road—BLADCO, LP c/o Paul Aschkensay 925 West Lancaster Avenue Suite 200 Bryn Mawr, PA 19010-3050	Warwick Township Bucks County	SERO
PAD150264	New	Semerjian Builders Chris Bickell 308 Dorset Road Devon, PA 19333	Willistown Township Chester County	SERO
PAD450160	New	PennDot District 5-0 1002 Hamilton Street Allentown, PA 18101	Hamilton Township Monroe County	NERO
PAD360008	Renewal	John R. Zimmerman 1014 Silver Hill Road Narvon, PA 17555	Brecknock Township Lancaster County	SCRO
PAD060066	Renewal	Oak Grove Partners, LLC Attn: Gary McEwen 3335 Morgantown Road P.O. Box 7 Mohnton, PA 19540	Robeson Township Berks County	SCRO
PAD060063	New	Washington Township 120 Barto Road Barto, PA 19504	Washington Township Berks County	SCRO
PAD070030	New	MAG Industries Ltd 1631 Lincoln Ave Tyrone, PA 16686	Antis Township Blair County	SCRO
PAD670065	New	West Shore School District 507 Fishing Creek Road P.O. Box 803 New Cumberland, PA 17070	Fairview Township Newberry Township York County	SCRO
PAD250016	New	Enterprise Development Center of Erie County 1314 Griswold Place Suite 100 Erie, PA 16501	Erie City Erie County	NWRO

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>
Jeremy Imler 566 Salemville Road New Enterprise, PA 16664	Bedford	9.7	696.60	Swine	HQ	New
Tim Landis 2607 Klingerstown Road Herndon, PA 17830	Northumberland	645.7	565.54	Swine and Beef	NA	Renewal
Joel Krall 480 Schaeffer Road Lebanon, PA 17042	Lebanon	1.8	627.48	Dairy	NA	Renewal
Esbenshade, Inc. 220 Eby Chiques Road Mount Joy, PA 17552	Lancaster	404	8,870.5	Layers	NA	Renewal

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

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

SAFE DRINKING WATER

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

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

Permit No. 0221535, Major Construction, Public Water Supply.

Applicant	Lighthouse Pointe at Chapel Harbor—Seneca Place 3600 Forbes Avenue Suite 10072 Pittsburgh, PA 15213
Municipality	O'Hara Township
County	Allegheny
Responsible Official	Roger Davis Chief Operating Officer
Type of Facility	Senior Living Community

Consulting Engineer Allen Shariff
22412 Perry Highway
Suite 412C
Zelienople, PA 16063

Application Received Date June 2, 2022

Description of Action Installation of a liquid chlorine (sodium hypochlorite) secondary disinfection treatment unit at the UPMC Senior Living Community Facility, Lighthouse Pointe at Chapel Harbor.

Permit No. 2622504, Public Water Supply—Application.

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

Municipality West Brownsville

County **Washington**

Responsible Official Bruce Aiton
Vice President

Type of Facility Pump Station

Application Received Date June 8, 2022

Description of Action Replacement of four pumps at the SR-88 pump station.

Permit No. 5622504, Public Water Supply—Application.

Applicant **Somerset Township Municipal Authority**
P.O. Box 247
Somerset, PA 15501

Municipality Somerset Township

County **Somerset**

Responsible Official Carolyn Zambanini
Manager

Type of Facility Interconnect

Consulting Engineer Somerset Engineering, LLC

Application Received Date June 9, 2022

Description of Action Friedens Water System Interconnect

WATER ALLOCATIONS

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

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

WA04-1018A, Water Allocations. **Beaver Borough Municipal Authority**, 469 Third Street, Beaver, PA 15009, **Beaver County**. The applicant is requesting the right to withdraw 3,600,000 gallons of water per day, peak day, from their wells located along the Ohio River.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995
PREAMBLE 1

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

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

Under Sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the NOI to Remediate is published in a newspaper of general circulation in the area of the site. For the following identified site(s), proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30-days of the following specified date. During this comment period the municipality may request that the following identified person, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

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

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

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

Contact: Charline Bass.

2104 East Tioga Street, 2104 East Tioga Street, Philadelphia, PA 19134, City of Philadelphia, **Philadelphia County**. Henry Bienkowski, PG, Crawford Environmental Services, LLC, 20 Cardinal Drive, Birdsboro, PA 19508 on behalf of Stephanie Weldon, Tioga Fuel Company Inc., 230 East Tioga Street, Philadelphia, PA 19134 submitted a Notice of Intent to Remediate. The onsite soils had been found to be contaminated with No. 2 fuel oil. The current and future use of the property is expected to be residential. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in *The Metro Philadelphia* on May 18, 2022.

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

Whitehall Farms, 3101 MacArthur Road, Whitehall, PA 18052, Whitehall Township, **Lehigh County**. Geo-Technology Associates, 2405 John Fries Highway, Building 3, Quakertown, PA 18951, on behalf Pennsylvania Venture Capital, Inc., 177 Sixth Street, Whitehall, PA 18052, submitted a Notice of Intent to Remediate. Soil was contaminated with arsenic, lead, vanadium, and semi-volatile organic compounds from historic fill material. Future use of the site will be residential. The Notice of Intent to Remediate was published in *The Lehigh Valley Press* on June 15, 2022.

Northcentral Region: Environmental Cleanup & Brownfields Program, 208 West Third Street, Williamsport, PA 17701.

Linski BRA Pad, 214 Edinger Hill Road, Laceyville, PA 18623, Tuscarora Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, has submitted a Notice of Intent to Remediate concerning remediation of site soil contaminated with produced water. The applicant proposes to remediate the site to meet the residential Statewide health standard. A summary of the Notice of Intent to Remediate was published in *The Daily Review* on June 9, 2022.

Manahan BRA 2H, 101H, 103H, 104HC on the Manahan BRA Pad, 1677 Hatch Hill Road, New Albany, PA 18833, Albany Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, has submitted a Notice of Intent to Remediate concerning remediation of site soil contaminated with produced water. The applicant proposes to remediate the site to meet the residential Statewide health standard. A summary of the Notice of Intent to Remediate was published in *The Daily Review* on June 9, 2022.

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.

OPERATING PERMITS

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

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

Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.

26-00402: Chestnut Valley Landfill, LLC, 144 Summer Seat Ln, Pittsburgh, PA 15237. In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing notice that it intends to issue a Title V Operating Permit renewal to Chestnut Valley Landfill, LLC for their facility located in German Township, **Fayette County**.

Chestnut Valley Landfill, LLC operates a municipal solid waste landfill. Air contamination sources and air cleaning devices at this facility include Landfill Gas (waste), Paved and Unpaved Roads, Landfill Fugitives Gas, Diesel Generator, 2,200 cfm Enclosed Flare, 1,200 cfm backup Flare, pressurized water truck and other insignificant activities associated with landfill operation.

This facility has the potential emit per year of the following type and quantity of air contaminants: 30.37 tons of carbon monoxide, 9.17 tons of nitrogen oxides, 21.57 tons of particulate matter, 2.03 tons of sulfur oxides, 2.10 tons of volatile organic compounds and 2.28 tons of HAPs. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 60, 40 CFR Part 61, 40 CFR Part 62 Subpart OOO, 40 CFR Parts 63 Subpart AAAA, 40 CFR Part 63 Subpart ZZZZ and 25 Pa. Code Article III, Chapters 121—145.

A person may oppose the proposed Title V Operating Permit by filing a written protest with the Department through Noor Nahar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; email to naharr@pa.gov; or fax to 412.442.4194. Additional written comments may also be submitted. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Title V Operating Permit (TV-26-00402) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

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

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

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

Contact: Matthew Williams, Facilities Permitting Chief, (814) 332-6328.

62-00017: United Refining Company, 15 Bradley Street, Box 780, Warren, PA 16365-0780. The Department of Environmental Protection intends to modify a Title V Operating Permit for the refinery located in Warren City, **Warren County**. The Application was submitted to incorporate emission limits for SO₂. By complying with the emission limits, the total TPY of SO₂ from the affected Best Available Retrofit Technology (BART) Sources is less

than the 250 TPY potential that would require a Case-By-Case BART Determination. The facility proposed the following SO₂ emission limits (on a TPY basis): FCC Heater—4.0 TPY; East Reformer Heater—40 TPY; North Crude Heater—80 TPY; South Crude Heater—80 TPY; and the Pretreater Heater 30.0 TPY. These limits will be listed in the Refinery's Title V Operating Permit.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335.

Any person wishing to provide the Department of Environmental Protection with additional information they believe should be considered prior to the issuance of this permit may submit the information to the Department at the address shown previously. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit # TV 62-00017) and a concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the 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 Mr. Eric A. Gustafson, Program Manager, Air Quality, Department of Environmental Protection, Northwest Region, 230 Chestnut Street, Meadville, PA 16335. For additional information concerning the permit or the issuance procedure, contact Mr. Matthew M. Williams, Facilities Section Chief, Air Quality Program, at the same address or phone at (814) 332-6940.

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

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

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

63-00958: MarkWest Liberty Midstream & Resources, LLC/Welling Compressor Station, 165 Carlisle Rd., Claysville, PA 15323. In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department is providing notice of intent to issue an initial synthetic minor State Only Operating Permit for a compressor station, located in Buffalo Township, **Washington County**.

MarkWest operates two 1,380 hp compressor engines controlled by oxidation catalyst, six 1,980 hp compressor engines controlled by non-selective catalytic reduction, eight tanks controlled by vapor recovery units, four methanol tanks, two glycol dehydration units with reboilers controlled by enclosed flares, four electric reciprocating compressors, miscellaneous components, six pig receivers, and one pig launcher.

This facility has a potential to emit 37.9 tons/12-consecutive month period (12-cmp) of NO_x, 53.9 tons/

12-cmp of CO, 0.3 ton/12-cmp of SO_x, 48.3 tons/12-cmp of VOCs, 9.0 tons/12-cmp of PM₁₀, and 11.0 tons/12-cmp of HAPs.

The facility also has the potential to emit 2.9 tons/12-cmp of formaldehyde (included in VOCs, previously listed), 0.9 ton/12-cmp of benzene, 0.02 ton/12-cmp of ethylbenzene, 1.2 tons/12-cmp of toluene, 2.4 tons of xylenes, 1.3 tons of n-hexane, and 13,693 tons/12-cmp of methane.

The facility is required to conduct regular surveys of the site while operating to ensure compliance with visible, fugitive, and odor emission requirements and maintain records of those surveys. The proposed operating permit limits the glycol circulation rate to 15 gpm and the stripping gas rate to 40 scfm on the first dehydration unit, and limits the glycol circulation rate to 12 gpm and the stripping gas rate to 70 scfm on the second dehydration unit. The air quality permit includes emission limitations, operating requirements, monitoring requirements, work practice standards, testing, reporting, and record-keeping requirements for the site.

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

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (63-00958) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant, and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Tom Joseph, Facilities Permit Chief, at the previously listed address.

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

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

25-00688: UPMC Hamot, 201 State Street, Erie, PA 16550-0002. The Department is providing notice that they intend to renew a State Only Natural Minor Operating Permit for the medical and surgical hospital located in

the City of Erie, **Erie County**. The facility's primary emission sources include four natural gas-fired boilers with fuel oil backup, nine diesel-fueled emergency generators, one natural gas-fired emergency generator, two parts washers, and an ethylene oxide sterilizer controlled by a scrubber. The potential emissions of the primary pollutants from the facility are as follows: 4.11 TPY PM₁₀ and PM_{2.5}, 69.50 TPY NO_x, 5.83 TPY SO_x, 47.26 TPY CO, 6.87 TPY VOC, and 0.85 TPY total HAP; thus, the facility is a natural minor. The boilers include restrictions on fuel oil in order to avoid the requirements of 40 CFR 63 Subpart JJJJJJ. The boilers are subject to 40 CFR 60 Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units; however, the fuel oil sulfur requirements of this subpart are streamlined by 25 Pa. Code § 123.22. The diesel-fueled emergency generators are subject to 40 CFR 60 Subpart IIII, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. The natural gas-fired engine is subject to 40 CFR 60 Subpart JJJJ, Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. The EtO sterilizer is subject to 40 CFR 63 Subpart WWWW, National Emission Standards for Hospital Ethylene Oxide Sterilizers. 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.

25-01000: Advanced Mold Technologies, 2011 East 30th Street, Erie, PA 16510-2547. The Department is providing notice that they intend to renew a State Only Natural Minor Operating Permit for the electroplating, plating, and polishing facility located in the City of Erie, **Erie County**. The facility's primary emission sources include the chrome electroplating tank, nickel electroplating tanks, the copper electroplating tank, the copper cyanide electroplating tank, a natural gas-fired boiler, media blasting and machine grinding surface preparation, and final surface preparation. The potential emissions of the primary pollutants from the facility are as follows: 3.64 TPY total HAP, 0.0083 TPY Chromium, 3.548 TPY Nickel, 0.062 TPY Copper, 0.070 TPY copper cyanide, and 7.88 TPY PM₁₀; thus, the facility is a natural minor. The chrome electroplating tank is subject to 40 CFR 63 Subpart N, NESHAP for Chromium Emissions from Hard and Decorative Electroplating and Chromium Anodizing Tanks. The nickel electroplating tanks are subject to 40 CFR 63 Subpart WWWW, NESHAP for Plating and Polishing Operations Area Sources. 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.

61-00007: IA Construction Corporation/Franklin Hot Mix Plant, P.O. Box 568, Franklin, PA 16323-0568. The Department is providing notice they intend to renew a State Only Synthetic Minor Operating Permit for operation of the hot mix asphalt (HMA) facility located in Sugar creek Borough, **Venango County**. The facility's primary emission sources include the continuous HMA process controlled by a knockout box and baghouse, and a portable crusher and screen powered by a diesel generator engine. The potential emissions of the primary pollutants from the facility are as follows: 23.175 TPY (tons per year) NO_x, 99.00 TPY CO, 34.924 TPY VOC, 4.217 TPY total HAP, 6.178 TPY PM₁₀, 3.291 TPY PM_{2.5}, and 3.253 TPY SO_x. The facility is a synthetic minor, taking a limit of 1,451,200 tons per year of asphalt produced to maintain CO emissions below 100 TPY. The

HMA process is subject to 40 CFR 60 Subpart I, Standards of Performance for Hot Mix Asphalt Facilities, which is streamlined from the permit. 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.

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)).

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

E2803221-001: Hamilton Township, 1270 Crottles-town Road, Chambersburg, PA 17201 in Hamilton Township, **Franklin County**, U.S. Army Corps of Engineers Baltimore District.

To 1) remove 369 linear feet of an existing 24-inch reinforced concrete pipe (RCP) carrying an Unnamed Tributary (UNT) to Conococheague Creek (WWF, MF); 2) construct and maintain a 284 long, 5-foot wide, 6-inch deep low flow stream channel, 20-foot wide vegetated

benches with deciduous tree plantings on each side of the channel, and a 60-foot long R-6 rock riprap apron; 3) replace and maintain 124 linear feet of a 24-inch RCP, and 4) install and maintain a 24-inch RCP winged headwall, resulting in 369 linear feet of permanent impacts to the UNT to Conococheague Creek (WWF, MF), all for the purpose of improving the efficiency of the stream to provide water quality benefits in order to meet the Township's MS4 permit requirements. The project is located between Hoke Drive and Sunset Avenue in Hamilton Township, Franklin County (Latitude: 39.941073, Longitude: -77.674945). No wetlands will be impacted by this project.

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

Contact: Dana Drake.

E0405222-002, Vanport Township, 477 State Avenue, Vanport, PA 15009, Vanport Township, **Beaver County**; Army Corps of Engineers Pittsburgh District.

The applicant proposes to:

1. Excavate and maintain a 5' wide, 155' long bench on both sides of Twomile Run within the floodway, to reconnect the floodplain; and
2. Construct and maintain riparian plantings 35' wide and 155' long, on both sides of Twomile Run (WWF); and
3. Construct, operate, and maintain a temporary road crossing of Twomile Run and a temporary road crossing of a UNT to Twomile Run (WWF).

For the purpose of better connecting the stream to its floodway, bank rehabilitation, and riparian buffer enhancement to satisfy the Township's Municipal Separate Storm Sewer (MS4) requirements. Permanent impacts are to 155 linear feet of stream bank and 0.25 acre of floodway. Temporary impacts are to 239 linear feet of stream and all temporarily impacted areas will be restored upon project completion. Temporary floodplain impacts are 0.03 acre.

The project site is located along Twomile Run near the intersection of Georgetown Lane and Spring Lane (Beaver, PA USGS topographic quadrangle; N: 40°, 41', 22"; W: -80°, 19', 38"; Sub-basin 20B; USACE Pittsburgh District), in Vanport Township, Beaver County.

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

E6307222-006: ETC Northeast Field Services, LLC, 6051 Wallace Road Extension, Suite 300, Wexford, PA 15090, Robinson Township, **Washington County**, Army Corps of Engineers Pittsburgh District.

ETC Northeast Field Services, LLC is proposing to remediate a slope failure near Station 2087+50 of the Revolution natural gas pipeline (40.423919, -80.352728). The project requires permanent impacts to streams and wetlands due to reconstruction of the slope with engineered soil fill and a riprap fill foundation key. The slope will be reconstructed to approximate pre-existing grades.

Wetland mitigation is proposed at the already constructed Upper Cross Creek Restoration Area.

The project is located within the Clinton USGS 7 1/2 Minute Quadrangle Map.

<i>Resource</i>	<i>Resource Type</i>	<i>Activity Type</i>	<i>Permanent Direct (acres)</i>	<i>Temporary Direct (acres)</i>	<i>Permanent Indirect (acres)</i>	<i>Temporary Indirect (acres)</i>
Wetland 9-ET	PEM (Other)	Fill	0.002	0.007	-----	-----
UNT to Trib 33805 to Little Raccoon Run	WWF	Riprap foundation key and placement of structural fill/ geogrid within floodway	-----	0.077	0.004	-----

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

E2408221-003, National Fuel Gas Midstream Clermont, LLC, 6363 Main Street, Williamsville, NY 14221. Beechwood Phase I, in St. Marys Township, Jones Township, **Elk County**, Army Corps of Engineers Pittsburgh District & Baltimore District, Rich Valley, Wildwood Fire Tower, PA Quadrangle N: 41°, 31', 42.49"; W: 78°, 19', 24.97".

The proposed project is for the installation of steel natural gas pipelines and a waterline to connect proposed and existing natural gas well pads to an existing compressor station along Shawmut Grade Road. The total proposed alignment is approximately 14 miles long. Roughly half of the route is in Elk County and half is in Cameron County. The proposed project impacts in Elk County include a total of 100 linear feet of permanent impacts, and 612 linear feet of temporary impacts to Clear Creek (EV, MF), UNT's to Little Clear Creek (EV, MF), Little Clear Creek (EV, MF) and UNT's to Straight Creek (EV). Eight floodways will be impacted having 0.05 acre of permanent impacts and 1.08 acres of temporary impacts. 0.04 acre of permanent impacts and 0.89 acre of temporary impacts to Palustrine Emergent wetlands are also proposed.

E1208221-001, National Fuel Gas Midstream Clermont, LLC, 6363 Main Street, Williamsville, NY 14221. Beechwood Phase I, in Shippen Township, **Cameron County**, Army Corps of Engineers Pittsburgh District & Baltimore District, Rich Valley, Wildwood Fire Tower, PA Quadrangle N: 41°, 31', 42.49"; W: 78°, 19', 24.97".

The proposed project is for the installation of steel natural gas pipelines and a waterline to connect proposed and existing natural gas well pads to an existing compressor station along Shawmut Grade Road. The total proposed alignment is approximately 14 miles long. Roughly half of the route is in Elk County and half is in Cameron County. The proposed project impacts in Cameron County include a total of 60 linear feet of permanent impacts, and 443 linear feet of temporary impacts to Clear Creek (EV, MF), UNT's Clear Creek (EV, MF), and UNT's to Bobby Run (EV, MF). Eight floodways will be impacted having 0.03 acre of permanent impacts and 0.90 acre of temporary impacts. 0.03 acre of permanent impacts and 0.01 acre of temporary impacts to Palustrine Emergent wetlands and 0.05 acre of permanent impacts to Palustrine Forested wetlands are also proposed. Mitigation for project impact will be located adjacent to the pipeline right of way with 0.21 acre of wetland being created.

Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101; Email; RA-EPREGIONAL PERMIT@pa.gov.

E0283222-014. Pennsylvania Turnpike Commission, 700 S. Eisenhower Blvd, Middletown, PA 17057, West Mifflin Borough, **Allegheny County**, U.S. Army Corps of Engineers, Pittsburgh District.

1. To relocate a combined 531 linear feet of a tributary to Monongahela River (WWF) (MON-2-S24-2 & MON-2-S24-3) for the purpose of road construction, geotechnical treatments of an unstable slope, and erosion and sediment pollution controls.

2. Aerial impact from new, dual bridges (MF-406/MF-407) will impact 131 linear feet of the relocated tributary to Monongahela River (WWF) (MON-2-S24-2). The bridges will have approximately 169 feet under clearance.

3. To extend and maintain an existing 18-inch pipe carrying a tributary to Monongahela River (WWF) (MON-2-S24-3) under New England Road for stream relocation.

4. To fill 142 linear feet of a tributary to Monongahela River (WWF) (MON-1-S201-1) for the purpose of constructing the abutments associated with structures MF-406/MF-407, an access road and crane pad to construct the piers of structures MF-406/MF-407.

5. To construct and maintain a 36-inch CMP stream enclosure impacting 432 linear feet of a tributary to Monongahela River (WWF) (MON-2-S8-3 & MON-2-S8-4).

6. To fill 78 linear feet of a tributary to Monongahela River (WWF) (MON-2-S6-2) for the purpose of placing rock embankment protection to stabilize an eroding bank.

7. Aerial impact from new, dual, 3 spans each, bridges (MF-408/MF-409) will impact 104 linear feet of a tributary to Monongahela River (WWF) (MON-2-S6-5). The bridges will have approximately 169 feet under clearance.

8. To construct an outfall impacting 39 linear feet of a tributary to Monongahela River (WWF) (MON-2-S6-6) for the purpose of constructing a riprap apron for stormwater discharge.

9. To fill 178 linear feet of a tributary to Monongahela River (WWF) (MON-2-S7-1) for the purpose of geotechnical treatments to construct and maintain bridge structures MF-408 and MF-409.

10. To fill 237 linear feet of a tributary to Monongahela River (WWF) (MON-2-S18-2) for roadway construction.

11. To relocate 160 linear feet of a tributary to Monongahela River (WWF) (MON-2-S12-2) for roadway construction.

12. To fill 3 linear feet of a tributary to Monongahela River (WWF) (MON-2-S17-2) for the purpose of grading the confluence tie in with another tributary.

13. To fill 603 linear feet of a tributary to Monongahela River (WWF) (MON-S27-2) for the purpose of road construction, drainage structures and post construction stormwater management.

14. To relocate 1215 linear feet of a tributary to Monongahela River (WWF) (MON-2-S32) for the purpose of road construction.

15. To fill 51 linear feet of a tributary to Monongahela River (WWF) (MON-2-S33-1) for the purpose of road construction.

16. To relocate 32 linear feet of tributary to Monongahela River (WWF) (MON-2-S33-1) for the purpose of road construction

17. To fill 84 linear feet of a tributary to Monongahela River (WWF) (MON-2-S34-1) for the purpose of road construction.

18. To fill 273 linear feet of a tributary to Monongahela River (WWF) (MON-2-S98-1) for the purpose of road construction.

19. To fill 51 linear feet of a tributary to Monongahela River (WWF) (MON-3-S15-1) for the purpose of grading an area for excess embankment soil.

20. To excavate 0.030 acre of PFO wetlands within the Monongahela River (WWF) (MON-2-W77-1) watershed for the purpose of geotechnical treatments to construct and maintain bridge structures MF-406 and MF-407.

21. To excavate 0.012 acre of PFO wetlands within the Monongahela River (WWF) (MON-2-W76-1) watershed for the purpose of geotechnical treatments to construct and maintain bridge structures MF-406 and MF-407.

22. To excavate and fill 0.09 acre of PFO wetlands and 0.03 acre of PEM wetlands within the Monongahela River (WWF) (MON-2-W33-1 and MON-2-W33-2) watershed for the purpose of geotechnical treatments to construct and maintain bridge structures MF-406 and MF-407.

23. To fill 0.04 acre of PFO wetlands within the Monongahela River (WWF) (MON-2-W2-1) watershed for the purpose of roadway construction.

24. To excavate and fill 0.18 acre of PFO wetlands and 0.13 acre of PEM wetlands, within the Monongahela River (WWF) (MON-2-W3) watershed for the purpose of geotechnical treatments to construct and maintain bridge structures MF-408 and MF-409.

25. To excavate and fill 0.06 acre of PFO wetlands within the Monongahela River (WWF) (MON-2-W4-1) watershed for the purpose of geotechnical treatments to construct and maintain bridge structures MF-408 and MF-409.

26. To fill 0.03 acre of PEM wetlands within the Monongahela River (WWF) (MON-2-W20-1) watershed for the purpose of roadway construction.

27. To fill 0.008 acre of PEM wetlands within the Monongahela River (WWF) (MON-2-W18-1) watershed for the purpose of roadway construction.

28. To fill 0.01 acre of PSS wetlands within the Monongahela River (WWF) (MON-2-W16-1) watershed for the purpose of constructing post construction stormwater management.

29. To fill 0.01 acre of PEM wetlands within the Monongahela River (WWF) (MON-2-W17-1) watershed for the purpose of constructing post construction stormwater management.

30. To fill 0.001 acre of PEM wetlands within the Monongahela River (WWF) (MON-2-W29-1) watershed for the purpose of roadway construction and drainage structures.

31. To fill 0.003 acre of PEM wetlands within the Monongahela River (WWF) (MON-2-W30-1) watershed for the purpose of roadway construction and drainage structures.

32. To excavate 0.01 acre of PFO wetlands within the Monongahela River (WWF) (MON-2-W37-1) watershed for the purpose of constructing post construction stormwater management.

33. To fill 0.005 acre of PEM wetlands within the Monongahela River (WWF) (MON-2-W38-1) watershed for the purpose of roadway construction.

34. To fill 0.04 acre of PEM wetlands within the Monongahela River (WWF) (MON-2-W18-1) watershed for the purpose of roadway construction.

In total the project will result in 0.24 acre of temporary and 0.60 acre of permanent stream impact, 0.01 acre of temporary and 0.20 acre of permanent floodway impact, and 0.69 acre of permanent wetland impact.

The project is located beginning at New England Road east of the intersection with SR 2030 (Camp Hollow Road) and continues north until Curry Hollow Road, all in West Mifflin Borough (Glassport, PA Quadrangle, Latitude: 40.3236°; Longitude: -79.9067°), Allegheny County.

E0983222-001. Pennsylvania Turnpike Commission, 700 S. Eisenhower Blvd, Middletown, PA 17057, Bristol Township & Bensalem Township, **Bucks County**, U.S. Army Corps of Engineers, Philadelphia District.

This project proposes to widen the existing road and replace an existing bridge over the Neshaminy Creek (WWF, MF). Impacts will include 242 linear feet to Neshaminy Creek (WWF, MF), 639 linear feet to various tributaries to Neshaminy Creek (WWF, MF) and 0.01 ac impact to PFO wetlands in the Neshaminy Creek (WWF, MF) watershed.

In total the project will result in 0.18 acre of temporary and 0.59 acre of permanent stream impact, 0.52 acre of temporary and 1.04 acres of permanent floodway impact, and 0.03 acre of temporary and 0.01 acre of permanent wetland impact.

The project is located along I-276 west of the I-95/I-276 Interchange to the west side of the Neshaminy Creek Bridge (Langhorne & Beverly, PA Quadrangle, Latitude: 40.1289°; Longitude: -74.9005°) in Bristol Township & Bensalem Township, Bucks County.

ENVIRONMENTAL ASSESSMENTS

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

EA6703222-003: York County Conservation District, 118 Pleasant Acres Road, York, PA 17042, Newberry Township, **York County**, U.S. Army Corps of Engineers Baltimore District.

The applicant proposes to restore and maintain 1) 1,910 linear feet of Bennet Run (WWF, MF) by use of channel relocation, floodplain grading/reconnection, root wad woody habitat structures, log vanes, J-hooks, random boulder placement, toe wood, constructed riffles, and sod matting, and 2) 678 linear feet of a UNT to Bennet Run (WWF, MF) by use of channel relocation, floodplain grading/reconnection and valley-wide log sills, all for the

purpose of restoring aquatic habitat functions to Bennet Run. The project is located along Lewisberry Road adjacent to East Front Street in Newberry Township, York County (40.1289; -76.8486).

EA6703222-001: Aquatic Resource Restoration Company, 12506 Susquehanna Trail South, New Freedom, PA 17349, Chanceford Township, **York County**, U.S. Army Corps of Engineers Baltimore District.

The applicant proposes to construct and maintain a stream restoration project along a 229 linear foot stretch

of Pine Run (CWF, MF) by use of channel relocation, bank grading/floodplain reconnection, rock J-hooks, log J-hooks, a cross rock vane, and toe wood, all for the purpose of establishing a stable stream reach immediately downstream of previously authorized restoration work (under permit EA67-033). The project is located adjacent to Runkle Road in Chanceford and Windsor Townships, York County (Latitude: 39.8658; Longitude: -76.5631). Wetlands are present at the project site but will not be impacted.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484.250.5910. Email: RA-EPNPDES_SERO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SERO@pa.gov for Chapter 102 permits.

DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 570.826.5472. Email: RA-EPNPDES_NERO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NERO@pa.gov for Chapter 102 permits.

DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717.705.4732. Email: RA-EPNPDES_SCRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SCRO@pa.gov for Chapter 102 permits.

DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570.327.3693. Email: RA-EPNPDES_NCRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NCRO@pa.gov for Chapter 102 permits.

DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412.442.4286. Email: RA-EPNPDES_SWRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SWRO@pa.gov for Chapter 102 permits.

DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814.332.6340. Email: RA-EPNPDES_NWRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NWRO@pa.gov for Chapter 102 permits.

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

DEP Regional Permit Coordination Office (RPCO)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717-772-5987. Email: RA-EPREGIONALPERMIT@pa.gov.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

For actions taken on applications for pipelines that are regulated by the Federal Energy Regulatory Commission (FERC).

Any person aggrieved by this action may challenge it in an appropriate legal forum. The State and Federal courts are currently split on whether the proper forum to challenge a Department permit, authorization or approval for a facility or activity subject to the Federal Natural Gas Act, 15 U.S.C.A. § 717 et seq., is the United States Court of Appeals for the Third Circuit or the Pennsylvania Environmental Hearing Board. See *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot.*, 833 F.3d 360 (3d Cir. 2016); *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot.*, 903 F.3d 65 (3d Cir. 2018), cert. denied, 139 S. Ct. 1648, 203 L. Ed. 899 (2019) and *Cole v. Dep't. of Env'tl. Prot.*, 1577 C.D. 2019 WL 2420667 (Pa. Cmwlth Ct. June 15, 2021) (Pet. for Allowance of Appeal pending); *West Rockhill Twp. v. Dep't of Env'tl. Prot.*, No. 1595 C.D. 2019 WL 2426014 (Pa. Cmwlth. June 15, 2021) (Pet. for Allowance of Appeal pending).

I. Final Actions on NPDES and WQM Permit Applications and NOIs for Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides, CAFOs and Individual Construction Stormwater.

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAD090005	Chapter 102 Individual NPDES Permit	Issued	Easton Road LPG Partners, LLC 21 Brownstone Road Ottsville, PA 18942	Nockamixon Township Bucks County	SERO
PAD140074	Chapter 102 Individual NPDES Permit	Issued	Black Moshannon State Park 4216 Beaver Road Philipsburg, PA 16866-5964	Rush Township Centre County	NCRO
PAD350027	Chapter 102 Individual NPDES Permit	Issued	Outlook Properties, LLC P.O. Box 400 Hamlin, PA 18427-0400	Jefferson Township Lackawanna County	NERO
PAD390230	Chapter 102 Individual NPDES Permit	Issued	LRE Allentown, LLC 2 Cooper Street Camden, NJ 08102-2348	Upper Macungie Township Lehigh County	NERO
PAD400052	Chapter 102 Individual NPDES Permit	Issued	Copart of Ct, Inc. 14185 Dallas Parkway Suite 300 Dallas, TX 75254-1327	Duryea Borough Luzerne County	NERO
PAD450024	Chapter 102 Individual NPDES Permit	Issued	FedEx Freight, Inc. 2200 Forward Drive Harrison, AR 72601-2004	Tobyhanna Township Monroe County	NERO
PAD450046	Chapter 102 Individual NPDES Permit	Issued	CBK Lodge LP P.O. Box 168 Tannersville, PA 18372-0168	Pocono Township Monroe County	NERO
PA0233196	Industrial Stormwater Individual NPDES Permit	Issued	AM Logging, LLC 116 Thompson Lane Millheim, PA 16854-9617	Buffalo Township Union County	NCRO
6415801	Joint DEP/PFBC Pesticides Permit	Issued	Lake Waynewood 164 Waynewood Road Lake Ariel, PA 18436-4285	Salem Township Wayne County	NERO
PAI130520	MS4 Individual NPDES Permit	Issued	East Goshen Township Chester County 1580 Paoli Pike West Chester, PA 19380-6107	East Goshen Township Chester County	SERO
PAI130521	MS4 Individual NPDES Permit	Issued	Willistown Township Chester County 688 Sugartown Road Malvern, PA 19355	Willistown Township Chester County	SERO
PAI130530	MS4 Individual NPDES Permit	Issued	West Whiteland Township Chester County 101 Commerce Drive Exton, PA 19341-2726	West Whiteland Township Chester County	SERO

NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAI130541	MS4 Individual NPDES Permit	Issued	South Coventry Township Chester County 1371 New Philadelphia Road Pottstown, PA 19465-8669	South Coventry Township Chester County	SERO
PAI130545	MS4 Individual NPDES Permit	Issued	Delaware County Rose Tree Park-Hunt Club 1521 N. Providence Road Media, PA 19063	Media Borough Delaware County	SERO
PAI130546	MS4 Individual NPDES Permit	Issued	Chester County P.O. Box 2748 313 Market Street West Chester, PA 19380-0991	West Chester Borough Chester County	SERO
PAI136104	MS4 Individual NPDES Permit	Issued	White Oak Borough Allegheny County 2280 Lincoln Way White Oak, PA 15131-2408	White Oak Borough Allegheny County	SWRO
PA0001627	Major Industrial Waste Facility >= 250 MGD Individual NPDES Permit	Issued	Cheswick Plant Environmental Redevelopment Group, LLC 12601 Plantside Drive Louisville, KY 40299-6386	Springdale Borough Allegheny County	SWRO
0206202	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
0272216	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
0277206	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
467I021	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
4914201	Major Industrial Waste Treatment Facility Individual WQM Permit	Issued	Cherokee Pharmaceuticals, LLC P.O. Box 367 Riverside, PA 17868-0367	Riverside Borough Northumberland County	NCRO
PA0042170	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Issued	Schuylkill County Municipal Authority 221 S Centre Street Pottsville, PA 17901-3506	West Brunswick Township Schuylkill County	NERO
4922201	Manure Storage and Wastewater Impoundments Individual WQM Permit	Issued	PA American Water Co. 105 Sodom Road Milton, PA 17847-9232	Milton Borough Northumberland County	NCRO
6022201	Manure Storage and Wastewater Impoundments Individual WQM Permit	Issued	PA American Water Co. 105 Sodom Road Milton, PA 17847-9232	White Deer Township Union County	NCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0255777	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	Harwick Oper Co. LLC 12601 Plantside Drive Louisville, KY 40299-6386	Springdale Borough Allegheny County	SWRO
PA0091740	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	West Penn Power Co. 800 Cabin Hill Drive Greensburg, PA 15601-1650	Frazer Township Allegheny County	SWRO
PA0020656	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Newell Municipal Authority Fayette County 413 Second Street Newell, PA 15466-0356	Newell Borough Fayette County	SWRO
PA0021199	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Beaver Meadows Municipal Authority 100 E Broad Street Beaver Meadows, PA 18216	Beaver Meadows Borough Carbon County	NERO
PA0021628	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Salisbury Borough Somerset County 171 Smith Avenue P.O. Box 343 Salisbury, PA 15558-0343	Salisbury Borough Somerset County	SWRO
PA0209066	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Roulette Township Potter County P.O. Box 253 Roulette, PA 16746-0253	Roulette Township Potter County	NCRO
0221205	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Issued	Harwick Oper Co. LLC 12601 Plantside Drive Louisville, KY 40299-6386	Springdale Borough Allegheny County	SWRO
4795401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Great Dane LLC 222 N La Salle Street Suite 1000 Chicago, IL 60601-1007	Limestone Township Montour County	NCRO
5999401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Delmar Township Tioga County 610 N Lawton Road Wellsboro, PA 16901-7941	Delmar Township Tioga County	NCRO
NOEXNC150	No Exposure Certification	Issued	Staiman Recycling Corp 206 Walnut Street Williamsport, PA 17701-5925	Williamsport City Lycoming County	NCRO
NOEXNC173	No Exposure Certification	Issued	New Penn Motor Express Inc. 11500 Outlook Street Suite 400 Overland Park, KS 66211-1804	Turbot Township Northumberland County	NCRO
NOEXSC288	No Exposure Certification	Issued	New Pig Corp One Pork Avenue Tipton, PA 16684	Allegheny Township Blair County	SCRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
NOEXSC367	No Exposure Certification	Issued	Shaffer Trucking Inc. 400 NW 56th Street Lincoln, NE 68528-8842	Silver Spring Township Cumberland County	SCRO
NOEXSC383	No Exposure Certification	Issued	Keystone Container LLC 4201 Pottsville Pike Reading, PA 19605-1219	Muhlenberg Township Berks County	SCRO
NOEXSW034	No Exposure Certification	Issued	Siemens Large Drives LLC 500 Hunt Valley Road New Kensington, PA 15068	Plum Borough Allegheny County	SWRO
PAG036254	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Siemens Large Drives LLC 500 Hunt Valley Road New Kensington, PA 15068-7060	Upper Burrell Township Westmoreland County	SWRO
PAR803727	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Adusa Distr LLC 4875 N Susquehanna Trail York, PA 17406-8498	Conewago Township York County	SCRO
1407408	Sewer Extensions Individual WQM Permit	Issued	PA State University 104A Water Reclamation Fac Admin Bldg University Park, PA 16801	State College Borough Centre County	NCRO
PA0218600	Single Residence STP Individual NPDES Permit	Issued	Leonard Arthur J 310 Spang Road Baden, PA 15005-2540	Middlecreek Township Somerset County	SWRO
PA0233242	Single Residence STP Individual NPDES Permit	Issued	Caldwell Shelia E 12416 Wallis Run Road Trout Run, PA 17771-8555	Plunketts Creek Township Lycoming County	NCRO
PA0253499	Single Residence STP Individual NPDES Permit	Issued	Polito Janice 256 Park Lane Darlington, PA 16115-3118	Big Beaver Borough Beaver County	SWRO
PA0284815	Single Residence STP Individual NPDES Permit	Issued	McElroy Road LLC 733 Thompson Run Road Pittsburgh, PA 15237-3970	Franklin Park Borough Allegheny County	SWRO
PA0290459	Single Residence STP Individual NPDES Permit	Issued	Barkey Ronald 818 Des Moines Street Des Moines, IA 50309-5466	Plain Grove Township Lawrence County	NWRO
PA0290513	Single Residence STP Individual NPDES Permit	Issued	Fosbaugh Christina 121 Main Street Shippenville, PA 16254	Elk Township Clarion County	NWRO
PA0290530	Single Residence STP Individual NPDES Permit	Issued	Campbell Greg 232 Ridge Road Valencia, PA 16059-1626	Jefferson Township Butler County	NWRO
0222400	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	McElroy Road LLC 733 Thompson Run Road Pittsburgh, PA 15237-3970	Franklin Park Borough Allegheny County	SWRO
1022405	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Campbell Greg 232 Ridge Road Valencia, PA 16059-1626	Jefferson Township Butler County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
1622402	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Fosbaugh Christina 121 Main Street Shippenville, PA 16254	Elk Township, Clarion County	NWRO
3722402	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Barkey Ronald 818 Des Moines Street Des Moines, IA 50309-5466	Plain Grove Township Lawrence County	NWRO
4122401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Caldwell Shelia E 12416 Wallis Run Road Trout Run, PA 17771-8555	Plunketts Creek Township Lycoming County	NCRO

II. Final Actions on PAG-01 and PAG-02 General NPDES Permit NOIs.

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC580025A-1	PAG-02 General Permit	Issued	Elizabeth Sandreth 217 Three Springs Drive Weirton, WV 26062	Auburn Township Susquehanna County	Susquehanna County Conservation District 89 Industrial Drive Montrose, PA 18801 570-782-2105
PAC580005	PAG-02 General Permit	Issued	Robert Heed 800 Williams Road Montrose, PA 18801	New Milford Township Gibson Township Susquehanna County	Susquehanna County Conservation District 89 Industrial Drive Montrose, PA 18801 570-782-2105
PAC380242	PAG-02 General Permit	Issued	Lebanon School District 1000 S. 8th Street Lebanon, PA 17042	South Lebanon Township North Cornwall Township Lebanon City Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC380245	PAG-02 General Permit	Issued	Eastern Lebanon School District 180 Elco Drive Myerstown, PA 17067	Jackson Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC380238	PAG-02 General Permit	Issued	Cleona Elementary School 520 South White Oak Street Annville, PA 17003	Cleona Borough Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC380247	PAG-02 General Permit	Issued	Sanjay Patel 7975 Jonestown Road Harrisburg, PA 17112	East Hanover Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC380228	PAG-02 General Permit	Issued	German Builders at Wynfield, LLC 529 E Main Street Lititz, PA 17543	South Annville Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC380232	PAG-02 General Permit	Issued	NP South Annville, LLC 4825 NW 41st Street Suite 500 Riverside, MO 64510	South Annville Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC380241	PAG-02 General Permit	Issued	Community Homes of Lebanon County 1407 Oak Street Lebanon, PA 17042	North Lebanon Township Lebanon County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC380252	PAG-02 General Permit	Issued	Mid-Atlantic Transmission, LLC 2800 Pottsville Pike Reading, PA 19605	East Hanover Township Union Township Swatara Township Bethel Township Lebanon County Bethel Township Berks County East Hanover Township Dauphin County	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC670334A-1	PAG-02 General Permit	Issued	Howard Detraglia 454 Brenneman Drive Mechanicsburg, PA 17055	Fairview Township York County	York County Conservation District 2401 Pleasant Valley Rd. Suite 101 Room 139 York, PA 17402 717-840-7430
PAC670154A-2	PAG-02 General Permit	Issued	441 McNaughton Properties, LLC Joel McNaughton 4400 Deer Path Road Suite 201 Harrisburg, PA 17110	Newberry Township York County	York County Conservation District 2401 Pleasant Valley Rd. Suite 101 Room 139 York, PA 17402 717-840-7430
PAC670555	PAG-02 General Permit	Issued	Mid-Atlantic Interstate Transmission LLC Amanda Habershaw 2800 Pottsville Pike Reading, PA 19605-2459	Spring Garden Township York County	York County Conservation District 2401 Pleasant Valley Rd. Suite 101 Room 139 York, PA 17402 717-840-7430
PAC670472A-1	PAG-02 General Permit	Issued	East Manchester Township Kristie Masemer 5080 North Sherman Street Mount Wolf, PA 17347	East Manchester Township York County	York County Conservation District 2401 Pleasant Valley Rd. Suite 101 Room 139 York, PA 17402 717-840-7430
PAC340039	PAG-02 General Permit	Issued	Keith Whistler West Park Properties, LLC 267 Industrial Circle P.O. Box 203 Mifflintown, PA 17059	Fermanagh Juniata County	Juniata County Conservation District 146 Stoney Creek Drive Suite 4 Mifflintown, PA 17059-8709 717.436.8953, ext. 5

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC440024	PAG-02 General Permit	Issued	Mifflin County Planning Department 20 North Wayne Street Lewistown, PA 17044	Lewistown Borough Mifflin County	Mifflin County Conservation District 20 Windmill Hill Suite 4 Burnham, PA 17009-1837 717.248.4695
PAC360732	PAG-02 General Permit	Issued	PPL Electric Utilities Corp 827 Hausman Road Allentown, PA 18104	Penn Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360692	PAG-02 General Permit	Issued	PennDOT District 8-0 2140 Herr Street Harrisburg, PA 17103	Manheim Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360734	PAG-02 General Permit	Issued	Phil Good 1307 Lime Valley Road Lancaster, PA 17602	Strasburg Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360341 A-1	PAG-02 General Permit	Issued	Pleasant View Retirement Community 544 N. Penryn Road Manheim, PA 17545	Penn Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360664	PAG-02 General Permit	Issued	Crowe Realty LLC 2388 N. Market Street Elizabethtown, PA 17022	West Donegal Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC040119	PAG-02 General Permit	Issued	Kevin Sweger 3399 Broadhead Road Aliquippa, PA 15001	Franklin Township Beaver County	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
PAC040120	PAG-02 General Permit	Issued	Center Valley School District 225 Center Grange Road Aliquippa, PA 15001	Center Township Beaver County	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
PAC100258	PAG-02 General Permit	Issued	Diesel Development System 2989 Elfinwild Road Allison Park, PA 15101	Cranberry Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC250165	PAG-02 General Permit	Issued	MSA Premier Soccer Park LLC 5036 Westbury Farms Drive Erie, PA 16506	McKean Borough McKean Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403

Permit Number	Permit Type	Action Taken	Applicant Name & Address	Municipality, County	Office
PAC100254	PAG-02 General Permit	Issued	PennDot District 10 2550 Oakland Avenue Indiana, PA 15701	Cranberry Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAD680011	Individual NPDES	Issued	PA DEP Bureau of Abandoned Mine Reclamation Sugar Run Road New Florence, PA 15944	St. Clair Township Westmoreland County	DEP Bureau of Abandoned Mine Reclamation 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800

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).

Southeast Region: Safe Drinking Water Program, 2 East Main Street, Norristown, PA 19401.

Permit No. 0922511, Public Water Supply.

Applicant	Anchor Presbyterian Church 980 Durham Road Wrightstown, PA 18940-9611
Municipality	Wrightstown Township

County	Bucks
Type of Facility	PWS
Consulting Engineer	Earthers 6912 Old Easton Road P.O. Box 468 Pipersville, PA 18947
Permit to Construct Issued	June 13, 2022
<i>Northeast Region: Safe Drinking Water Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, 570-826-2511.</i>	
<i>Contact: Gillian Pehala, Clerk Typist 2, 570-830-3077.</i>	
Permit No. 4820502, Construction Permit , Public Water Supply.	
Applicant	Lehigh Township Municipal Authority 1069 Municipal Authority Walnutport, PA 18088
Municipality	Lehigh Township
County	Northampton
Type of Facility	Public Water Supply
Consulting Engineer	Blake Romanowski Ebert Engineering, Inc. 4397 Skippack Pike Skippack, PA 19474
Permit Issued	June 15, 2022
Description of Action	Construction of an interconnection, pump station, and distribution system (Phase 1) of the proposed Pennsville Development.

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

Construction Permit No. 4122502, Public Water Supply.

Applicant	Jersey Shore Area Joint Water Authority
Address	1111 Bardo Avenue Jersey Shore, PA 17740-0506
Municipality	Pine Creek Township
County	Clinton

Consulting Engineer Edward Brown, P.E.
Larson Design Group
1000 Bardo Avenue
Jersey Shore, PA 17740-0506

Permit Issued June 15, 2022

Description This permit authorizes construction of upgrades to the Pine Creek Filter Plant, including replacement of the old filters with new, rapid-rate, gravity filters.

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

Operation Permit No. 1721503MA issued to: **Huston Township Municipal Authority**, 11837 Bennetts Valley Hwy., Suite 2, Penfield, PA 15849, PWSID No. 1398094, Huston Township, **Clearfield County**, on June 16, 2022, for the operation of facilities approved under construction permit # 1721503MA. This permit authorizes Huston Township Municipal Authority to operate a pressure reducing valve (PRV) vault on the high-pressure waterline from Jay Township interconnection to Hollywood Tank, to be followed by rehabilitation of Hollywood Tank by removing degraded sealant from where this tank has developed leaks and applying new sealant to restore water-tight condition.

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

Emergency Permit issued to: **Pittsburgh Water & Sewer Authority**, Penn Liberty Plaza 1, 1200 Penn Avenue, Pittsburgh, PA 15222, PWSID No. 5020038, City of Pittsburgh, **Allegheny County**, on June 14, 2022 for the construction/operation of facilities approved under emergency permit 0222522-E for the emergency use of sodium permanganate (NaMnO₄) as a temporary replacement for the current pre-oxidant, potassium permanganate (KMnO₄) at the Aspinwall water treatment plant.

Operations Permit issued to: **Pittsburgh Water and Sewer Authority**, Penn Liberty Plaza 1, 1200 Penn Avenue, Pittsburgh, PA 15222, PWSID No. 5020038, City of Pittsburgh, **Allegheny County**, on June 16, 2022 for the operation of facilities approved under construction permit 0210521. Operation permit number 0210521-A1 permits the operation of 18 high-rate dual media filters at a peak filter flow rate of up to 4.0 gallons per minute per square foot (gpm/sf).

WATER ALLOCATIONS

Actions taken on applications received under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631–641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth.

Southwest Region: Safe Drinking Program, 400 Waterfront Drive, Pittsburgh, PA 15222.

WA03-957A, Water Allocations. **Gilpin Township Municipal Authority**, 874 State Route 66, Leechburg, PA 15656, Borough of Leechburg, **Armstrong County**. The right to purchase 288,000 gallons of water per day (as a 30-day average) from the Municipal Authority of Westmoreland County.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.5.

Southcentral Region: Clean Water Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.

Plan Location:

<i>Municipality</i>	<i>Municipality Address</i>	<i>County</i>
West Hempfield Township	3476 Marietta Avenue Lancaster, PA 17601	Lancaster

Plan Description:

Approval of a revision to the official plan of West Hempfield Township, Lancaster County has been issued. This action is a result of the review of a planning module for the 620 Sycamore Drive Subdivision (DEP Code No. B3-36960-320-3; APS ID No. 1055911). The proposed development—to be located at 620 Sycamore Drive in Columbia—consists of 100 single-family dwelling units served by a proposed pump station and force main. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. Permits must be obtained in the name of Lancaster Area Sewer Authority.

Southwest Region: Clean Water Program, 400 Water-front Drive, Pittsburgh, PA 15222-4745.

Plan Location:

<i>Municipality</i>	<i>Municipality Address</i>	<i>County</i>
Donora Borough	603 Meldon Avenue Donora, PA 15033	Washington

Plan Description:

The approved plan provides for the construction of a 2 million-gallon equalization tank for Combined Sewer Overflow No. 011. Construction of this equalization tank is expected to produce a system-wide sewage flow capture of 85.55%, exceeding the 85% capture requirement of the Federal Clean Water Act. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Disapprovals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.5.

Southcentral Region: Clean Water Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.

Plan Location:

<i>Municipality</i>	<i>Municipality Address</i>	<i>County</i>
Rapho Township	971 North Colebrook Road Manheim, PA 17545-3480	Lancaster

Plan Description:

The revision to the official plan of Rapho Township, Lancaster County for the 1973 Iron Bridge Road Subdivision (DEP Code No. A3-36948-502-2; APS ID No. 1057921) has been disapproved. The proposed development—to be located at 1973 Iron Bridge Road in Columbia—consists of an additional single-family dwelling plus a greenhouse business using a community on-lot disposal

system on an existing lot. This plan revision has been disapproved because the preliminary hydrogeologic study included with the submission did not accurately characterize the background nitrate-nitrogen concentration at the site.

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 Manager, 2 East Main Street, Norristown, PA 19401, 484-250-5787.

Contact: Charline Bass.

Existing Keystone Auto & Tire Center/Jeffrey's Auto World LLC, 1538 & 1546 Easton Road, Abington, PA 19001, Abington Township, **Montgomery County**. Matthew Thurston, Envocare Environmental & Facility Management, 1527 Route 27, Somerset, NJ 08873 on behalf of Vince Tiberi, JSF Easton Road, LLC, 86 Summit Avenue, Suite 20, Summit, NJ 07901 submitted a Final Report concerning remediation of site soil and groundwa-

ter contaminated with PCE and TCE. The report is intended to document remediation of the site to meet the Statewide health standard.

6200 Bristol Pike, 6200 Bristol Pike (Route 13 and PA Turnpike), Levittown, PA 19057, Bristol Township, **Bucks County**. Philip F. Gray, Jr., PG, Atlas Technical Consultants, 920 Germantown Pike, Suite 200, Plymouth Meeting, PA 19462 on behalf of Bruce Goodman, Good Bristol Associates, LLC, 636 Old York Road, Jenkintown, PA 19046 submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of site soil and groundwater contaminated with VOCs and PCE. The report is intended to document remediation of the site to meet the site-specific standard.

Former Philadelphia Media Network Facility, 800 River Road, Conshohocken, PA 19428, Upper Merion Township, **Montgomery County**. Jeffrey K. Walsh, PG, Penn Environmental & Remediation, Inc., 400 Old Dublin Pike, Doylestown, PA 18901 on behalf of Kevin S. Kyle, 800 Schuylkill River Road Associates, LLC, 201 King of Prussia Road, Suite 501, Radnor, PA 19087 submitted a Remedial Investigation Report/Cleanup Plan/Final Report concerning remediation of site groundwater contaminated with VOCs and metals. The report is intended to document remediation of the site to meet the site-specific standard.

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

Contact: Eric Supey, Environmental Program Manager.

America on Wheels Site and Adjacent Parcel, 5 North Front Street and 51 North Front Street, Allentown, PA 18102, Allentown City, **Lehigh County**. Earthres Group, 6912 Old Easton Road, Pipersville, PA 18947, on behalf of Lehigh River Development Corporation IV, LLC, 300 Coles Street, Jersey City, NJ 07310, submitted a combined Remedial Investigation Report and Cleanup Plan concerning remediation of soil contaminated with metals, volatile organic compounds, and semi-volatile organic compounds from historic industrial operations. The report is intended to document remediation of the site to meet site-specific standards.

Northcentral Region: Environmental Cleanup & Brownfields Program, 208 West Third Street, Williamsport, PA 17701.

Hattie N 2H on the Hattie BRA Pad, 211 Dietz Road, Sugar Run, PA 18846, Wilmot Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, has submitted a Final Report concerning remediation of site soil contaminated with produced water. The report is intended to document remediation of the site to meet the residential Statewide health standard.

Linski BRA Pad, 214 Edinger Hill Road, Laceyville, PA 18623, Tuscarora Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, has submitted a Final Report concerning remediation of site soil contaminated with produced water. The report is intended to document remediation of the site to meet the residential Statewide health standard.

Manahan BRA 2H, 101H, 103H, 104HC on the Manahan BRA Pad, 1677 Hatch Hill Road, New Albany, PA 18833, Albany Township, **Bradford County**. Creston

Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, has submitted a Final Report concerning remediation of site soil contaminated with produced water. The report is intended to document remediation of the site to meet the residential Statewide health standard.

Cowan Systems Diesel Spill Site, I80 Westbound Mile Run Exit Ramp (Exit 199), Lewisburg, PA 17837, West Buffalo Township, **Union County**. Letterle & Associates, Inc., 2022 Axemann Road, Suite 201, Bellefonte, PA 16823 on behalf of Cowan Systems, LLC, 4555 Hollins Ferry Road, Baltimore, MD 21227, has submitted a Final report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the residential Statewide health standard.

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

Beechwood Pad A, Primary Facility ID # **855182**, 411 Boundary Lane, St. Marys, PA 15857, City of St. Marys, **Elk County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Pin Oak Energy Partners, LLC, 388 South Main Street, Akron, OH 44311 has submitted a Risk Assessment/Remedial Investigation/Final Report concerning remediation of site soil and site groundwater contaminated with Aluminum, Barium, Boron, Chloride, Iron, Lithium, Manganese, Selenium, Strontium, Vanadium, and Zinc. The report is intended to document remediation of the site to meet the Site-Specific, Background, and Statewide health standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the

presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program 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:

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

B&G Excavating, Inc., 150 & 170 North King Street, Denver, PA 17517, West Cocalico Township, **Lancaster County**. Liberty Environmental, Inc., 315 West James Street, Suite 205, Lancaster, PA 17603 on behalf of B&G Excavating, Inc., 150 & 170 North King Street, Denver, PA 17517 submitted a Final Report concerning the remediation of site soils contaminated with No. 2 Fuel Oil Compounds. The Final Report demonstrated attainment of the Statewide health standard and was approved by the DEP on June 15, 2022.

Miller Chemical & Fertilizer, LLC, 120 Radio Road, Hanover, PA 17331, Conewago Township, **Adams County**. Ramboll US Corporation, 4350 North Fairfax Drive, Suite 300, Arlington, VA 22203, on behalf of Miller Chemical & Fertilizer, LLC, 120 Radio Road, Hanover, PA 17331 submitted a Remedial Investigation Report and Cleanup Plan concerning the remediation of groundwater contaminated with various compounds of concern (COC). The report was approved by the DEP on June 16, 2022.

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

Vitro Meadville Flat Glass, LLC, Primary Facility ID # **857354**, 5123 Victory Boulevard, Cochranon, PA 16314, Greenwood Township, **Crawford County**. Geosyntec Consultants, 5313 Campbells Run Road, Suite 150, Pittsburgh, PA 15205 on behalf of Vitro Meadville Flat Glass, LLC, 5123 Victory Boulevard, Cochranon, PA 16314 has submitted a Final Report concerning the remediation of site soil contaminated with fuel oil/diesel. The Final report did not demonstrate attainment of the Statewide health standard and was disapproved by the Department on June 14, 2022.

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

Contact: Charline Bass, 484-250-5787.

4 Stagecoach Road Site, 4 Stagecoach Road, Pipersville, PA 18947, Tincum Township, **Bucks County**. Bradley D. Musser, Willow Grove Consulting, LLC, d/b/a/ PennJersey Environmental Consulting, 744 Milford Warren Glen Road, Milford, NJ 08848 on behalf of Kenneth & Lisa Miller, P.O. Box 175, Erwinna, PA 08920 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with benzene, toluene, naphthalene, cumene, ethylbenzene, 1,2,4- and 1,3,5-trimethylbenzene, and MTBE. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on June 10, 2022.

Gibbons Automotive, 600 Park Avenue, Media, PA 19063, Upper Providence Township **Delaware County**. Val F. Britton, PG, V.F. Britton Group, LLC, 326 Conestoga Road, Wayne, PA 19087 on behalf of Michael Gibbons, Gibbons Automotive, Inc., 600 Park Avenue, Media, PA 19063 submitted a Remedial Investigation Report/Cleanup Plan/Final Report concerning the remediation of site soil contaminated with benzo(a)pyrene. The Final Report demonstrated attainment of the site-specific standard and was approved by the Department on June 9, 2022.

Brightview Wayne, 293-319 East Conestoga Road, Wayne, PA 19087, Tredyffrin Township, **Chester County**. Richard Lake, Geo-Technology Associates, Inc., 14 World's Fair Drive, Somerset, NJ 08873 on behalf of Alan Siegfried, Brightview Senior Living, 218 North Charles Street, Baltimore, MD 21201 submitted a Final Report concerning the remediation of site soil contaminated with 2-methylnaphthalene, acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, benzo(k)fluoranthene, 2-chloronaphthalene, chrysene, dibenzo(a,h)anthracene, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, naphthalene, phenanthrene, pyrene, lead, benzene, toluene, ethylbenzene, xylenes, cumene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, 1,2-dichloroethane and 1,2-dibromoethane. Groundwater contaminated with benzene, toluene, ethylbenzene, xylenes, naphthalene, cumene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, 1,2-dichloroethane, 1,2-dibromoethane and dissolved lead. The Final Report demonstrated attainment of the Statewide health standard/site-specific standard and was approved by the Department on June 10, 2022.

DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

Permit(s) Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for Determination of Applicability for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.

CORRECTION—previously published on May 28, 2022.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

WMGM036NC005. Denali Water Solutions, LLC, 3308 Bernice Avenue, Russellville, AR 72802-8465. Determination of Applicability received for the portable processing of sewage sludge into Class A biosolids at the Gilberton Coal Company Locust Summit Mine site. Application received: April 26, 2022. The Department issued the Determination of Applicability on June 14, 2022.

The Department published a 60-day comment period for this coverage on May 28, 2022 in error. The permit coverage is being issued in accordance with all applicable regulations.

Persons interested in reviewing the general permit may contact Lisa D. Houser, P.E., Environmental Engineer Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3752. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

Contact: Edward Orris, P.E., New Source Review Chief—Telephone: 412-442-4168.

GP9-26-00612A: Charles L. Swenglich & Sons Coal Company, Inc., 2 Swenglich Lane, Smithfield, PA 15478. On June 6, 2022, to authorize and allow the installation and operation of three (3) diesel-fired engines that include Deutz 96 bhp, Caterpillar 130 bhp, and Caterpillar 425 bhp in conjunction with the existing portable nonmetallic mineral processing plant located in Springhill and Georges Townships, **Fayette 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.

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

Contact: Edward Orris, P.E., New Source Review Chief—Telephone: 412-442-4168.

11-00542: Military Resource Enhancement Specialists, Inc., 3179 Lincoln Highway, Stoystown, PA 15563-7919. Plan Approval issuance date effective June 16, 2022, expiration November 28, 2023, to allow the construction and temporary operation of the MRES Slag Operation located in Conemaugh Township, **Cambria County**. Estimated maximum throughput at the facility will be 500,000 tons of steel slag per year.

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.

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

Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.

26-00613: ACF Group, LLC/Allison Custom Fabrication, 120 Mine Street, Allison, PA 15413. On June 16, 2022, the Department issued an initial natural minor State Only Operating Permit for the custom metal fabrication operation at their facility. The Operating Permit includes conditions relating to applicable emission restric-

tions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements at the facility located in Luzerne Township, **Fayette County**.

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

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.

37-00012: Lindy Paving, Incorporated, Hillsville Asphalt Plant, 4877 West State Street, Edinburg, PA 16116. On June 7, 2022, the Department issued the renewal State-Only Operating Permit of a batch mix asphalt plant located in Mahoning Township, **Lawrence County**. To keep its CO emissions below the 100-TPY major source threshold and be Synthetic Minor for permitting purposes, the facility elected to be subject to a 495,000-TPY production limit. In this renewal, a portable recycled asphalt pavement (RAP) screen plant and an associated diesel engine are incorporated as permitted sources. Provisions on source test submittals based on latest instructions from Source Testing Section are added. Permit conditions based on an approved Request For Determination (RFD) are removed. With monthly HMA throughputs already reported in annual emissions inventory reports, an annual reporting on HMA throughput is removed.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

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

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

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

Important legal rights are at stake, however, so you should show this notice to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro bono

representation. Call the Secretary to the Board (717) 787-3483 for more information.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

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

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

E4802221-003. Jaindl Land Company, 3150 Cof-feetown Road, Orefield, PA 18069, East Allen Township, **Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a stream crossing of a UNT to Catasauqua Creek (CWF, MF) consisting of a 70-foot long, 49-foot span open-bottom concrete arch culvert having a 8.6-foot underclearance and concrete wingwalls. The project is located approximately 0.2 mile east of the intersection of Hanover Street and Liverto Lane (Catasauqua, PA Quadrangle Latitude: 40° 41' 18", Longitude: -75° 25' 26") in East Allen Township, Northampton County.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

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

ESCGP-3 # ESG295822005-00
Applicant Name Williams Field Services Co, LLC
Contact Person Barry Mahar
Address 30351 Route 6

City, State, Zip Wysox, PA 18854
Municipality Bridgewater
County Susquehanna

Receiving Stream(s) and Classification(s) UNT to Snake Creek (CWF, MF), UNT to HOP Bottom Creek (CWF, MF), UNT to Meshoppen Creek (CWF, MF), UNT to Martins Creek (CWF, MF)
Secondary: Snake Creek (CWF, MF), HOP Bottom Creek (CWF, MF), Meshoppen Creek (CWF, MF), Martins Creek (CWF, MF)

ESCGP-3 # ESG295822006-00
Applicant Name Williams Field Services Co, LLC
Contact Person Barry Mahar
Address 30351 Route 6

City, State, Zip Wysox, PA 18854
Municipality Springville
County Susquehanna

Receiving Stream(s) and Classification(s) Pond Brook # 8789 (CWF, MF)

ESCGP-3 # ESG290822018-00
Applicant Name Repsol Oil & Gas USA, LLC
Contact Person Jonathan Fronk

Address 337 Daniel Zenker Drive
City, State, Zip Horsheads, NY 14845-1008
Municipality Warren & Windham
County Bradford

Receiving Stream(s) and Classification(s) Wappasening Creek (CWF, MF)

ESCGP-3 # ESG290822013-00
Applicant Name Regency Marcellus Gathering, LLC
Contact Person Nicholas J. Bryan

Address 101 W Third Street, 3rd Floor
City, State, Zip Williamsport, PA 17701-6413
Municipality Franklin
County Bradford

Receiving Stream(s) and Classification(s) Coal Run (HQ, CWF), Falls Creek (HQ, CWF)
Secondary: Schrader Creek (HQ, CWF)

ESCGP-3 # ESG295922002-00
Applicant Name Seneca Resources Co, LLC
Contact Person Doug Kepler

Address 51 Zents Boulevard
City, State, Zip Brookville, PA 15825-2701
Municipality Middlebury Twp
County Tioga

Receiving Stream(s) and Classification(s) North Run (WWF, MF), UNT to Crooked Creek (WWF, MF)
Secondary: Crooked Creek (WWF, MF)

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 2

The Following Plans and Reports were Submitted under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a

description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning plans or reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone 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.

Onvo Express White Haven, Storage Tank ID # **13-25464**, 4700 State Route 534, White Haven, PA 18661, Kidder Township, **Carbon County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Truck Stop 39, Inc., 2227 Scranton-Carbondale Highway, Scranton, PA 18508, submitted a combined Site Characterization Report and 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 Statewide health 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 # 42, Storage Tank Facility ID # **67-26971**, 3 Charles Avenue, Stewartstown, PA 17363, Stewartstown Borough, **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 the Statewide health standards.

Southwest Region: Environmental Cleanup & Brownfields Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

GetGo # 3105, Storage Tank Facility ID # **02-33961**, 998 Hayden Boulevard, Elizabeth, PA 15037, Forward Township, **Allegheny County**. PVE, LLC, 200 Georgetown Drive, Suite 101, Sewickley, PA 15143, on behalf of Giant Eagle, Inc., 101 Kappa Drive, Pittsburgh, PA 15238, submitted a Remedial Action Plan concerning remediation of site soils and groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting the residential Statewide health standards.

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

Contact: Kim Bontrager, Clerical Assistant 3.

Big Dave's Service Center, Storage Tank Facility ID # **32-07987**, 402 Salt Street, Saltsburg, PA 15681-1124, Conemaugh Township, **Indiana County**. Cribbs & Associates, Inc., P.O. Box 44, Delmont, PA 15626, on behalf of Pam Ramsden, 4035 Route 981, Saltsburg, PA 15681, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, total xylenes, cumene, naphthalene, and methyl tert-butyl ether. The report is intended to document remediation of the site to meet the Statewide health standard for soil and the site-specific standard for groundwater.

Kwik Fill S 89, Storage Tank Facility ID # **32-22451**, 1030 Franklin Street, Clymer, PA 15728, Clymer Borough, **Indiana County**. Groundwater & Environmental Services, Inc., 508 Thompson Park Drive, Cranberry Township, PA 16066, on behalf of United Refining Company of PA, 814 Lexington Avenue, Warren, PA 16365, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide health standard.

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 3

The 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:

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

Contact: Robin L. Yerger, LPG.

Rutter's Farm Store # 42, Storage Tank Facility ID # **67-26971**, 3 Charles Avenue, Stewartstown, PA 17363, Stewartstown Borough, **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 acceptable to meet the Statewide health standard and was approved by the DEP on June 14, 2022.

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

Contact: Kim Bontrager, Clerical Assistant 3.

Big Dave's Service Center, Storage Tank Facility ID # **32-07987**, 402 Salt Street, Saltsburg, PA 15681-1124, Conemaugh Township, **Indiana County**. Cribbs & Associates, Inc., P.O. Box 44, Delmont, PA 15626, on behalf of Pam Ramsden, 4035 Route 981, Saltsburg, PA 15681, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, total xylenes, cumene, naphthalene, and methyl tert-butyl ether. The Remedial Action Completion Report demonstrated attainment of the site-specific and Statewide health standards and was approved by DEP on June 14, 2022.

Kwik Fill S 89, Storage Tank Facility ID # **32-22451**, 1030 Franklin Street, Clymer, PA 15728, Clymer Borough, **Indiana County**. Groundwater & Environmental Services, Inc., 508 Thompson Park Drive, Cranberry Township, PA 16066, on behalf of United Refining Company of PA, 814 Lexington Avenue, Warren, PA 16365, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Remedial Action Completion Report demonstrated attainment of the Statewide health standard and was approved by DEP on June 15, 2022.

SPECIAL NOTICES

WATER PROGRAMS

Application and Draft Permit for National Pollutant Discharge Elimination System (NPDES) Permit for Discharges of Stormwater Associated with Construction Activities

Southcentral Region: Waterways and Wetlands Program Manager, 909 Elmerton Ave. Harrisburg, PA 17110-8200, 717-705-4802, RA-EPWW-SCRO@pa.gov.

This notice is provided in accordance with 25 Pa. Code Chapter 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 permits that are available can be found on DEP's website (visit www.dep.pa.gov and select Businesses, Water, Bureau of Clean Water, Stormwater Management, and Construction Stormwater Programs).

The Department of Environmental Protection (DEP) has received an application for an Individual NPDES Permit from the following named applicant to authorize discharges of stormwater associated with construction activities from the following project site named to surface waters of the Commonwealth.

<i>Application Number</i>	<i>Applicant & Address</i>	<i>Project Site Name & Address</i>	<i>Municipality/ County</i>	<i>Total Earth Disturbance Area</i>
PAD070014	M&G Realty, Inc. 2100 North George Street York, PA 17404	Rutter's Store No. 82 NW Corner of Pleasant Valley Blvd. and Sabbath Rest Road Altoona, PA 16601	Antis Township Blair County	approximately 19.25 acres

Surface Waters Receiving New Stormwater Discharges: Sandy Run (HQ-CWF, MF), UNT to Sandy Run (HQ-CWF, MF), and wetlands (EV). The discharges will be conveyed from the site best management practices to the surface waters of the Commonwealth through an existing culvert under Sabbath Rest Road, then by a swale along U.S. 220 (Bus.) East Pleasant Valley Boulevard.

Project Description: Proposed construction of a Rutter's convenience store with fuel dispensing facilities, Parking Lot, and stormwater best management practices.

Effluent limitations and rate or frequency of the discharges: Upon issuance of the permit, compliance is required with the narrative based effluent limitations as identified in the Erosion and Sediment Control Plan and Post-Construction Stormwater Management Plan and in accordance with 25 Pa. Code, Chapter 102. Rate of discharges as identified in the application and in accordance with 25 Pa. Code, Chapter 102.

The Department of Environmental Protection (DEP) has made a tentative determination to issue an Individual NPDES Permit to the previously named applicant. Interested persons may submit written comments to DEP at the previous address or e-mail address for DEP's consideration in taking a final action on the permit application. Written comments for this application and draft permit will be accepted through August 16, 2022. The DEP has already received written public comments and requests for DEP to hold a public hearing. DEP has decided to hold a public hearing on DEP's tentative determination to issue NPDES Permit No. PAD070014 and public notice of the August 4, 2022 public hearing has been published in this edition, the July 2, 2022 *Pennsylvania Bulletin* (pacodeandbulletin.gov). You may also review the permit application file, draft permit, and Fact Sheet by contacting DEP's File Review Coordinator at 717-705-4732 or by visiting the DEP Southcentral Regional Office website- <https://www.dep.pa.gov/About/Regional/SouthcentralRegion/Community%20Information/Pages/default.aspx>.

Public Hearing: Rutter's Convenience Store, NPDES Application Antis Township, Blair County

M&G Realty, Inc., 2100 North George Street, York, PA 17404, proposes to construct a **Rutter's Convenience Store** with fuel dispensing, parking lot, and stormwater best management practices, also known as Rutter's Store No. 82. The NPDES Construction Stormwater permit

application No. is **PAD070014** and the application proposes 19.25 acres of earth disturbance activity.

The Pennsylvania Department of Environmental Protection (DEP) will hold a public hearing regarding M&G Realty, Inc.'s application for a DEP Individual National Pollutant Discharge Elimination System permit for Stormwater Discharges Associated with Construction Activities (NPDES Construction Stormwater) on Thursday, August 4, 2022, beginning at 6:30 p.m. at the Pinecroft Volunteer Fire Company, 2134 Old 6th Avenue Road, Altoona, PA 16601.

Notice of receipt of M&G Realty, Inc.'s complete application was published in the *Pennsylvania Bulletin* on February 6, 2021. Notice of DEP's tentative determination to issue NPDES permit PAD070014 and availability of the draft permit and Fact Sheet has been published in this edition, the July 2, 2022 *Pennsylvania Bulletin*.

The purpose of the hearing is to collect public comments on the Individual NPDES Construction Stormwater permit application submitted and the Draft NPDES permit for this project. The DEP has already received written public comments and requests for DEP to hold a public hearing. The public comments received to date primarily express concerns about degradation of Sandy Run and the wetlands associated with Sandy Run due to stormwater runoff, gas station spills, and potentially contaminated stormwater runoff from the proposed project. Concerns about increased traffic, noise and light pollution, and crime were also expressed.

The proposed Rutters No. 82 site is located in Antis Township, **Blair County**, at the North West corner of the intersection of Pleasant Valley Boulevard and Sabbath Rest Road, Altoona, PA 16601. Stormwater discharges from the proposed project would be to an unnamed tributary to Sandy Run, Sandy Run and wetlands. The discharges will be conveyed from the site to the surface waters of the Commonwealth through an existing culvert under Sabbath Rest Road, then by a swale along U.S. 220 (Bus.) East Pleasant Valley Boulevard. As identified in 25 Pa. Code § 93.9n Drainage List N, Sandy Run has a designated use of High-Quality Cold Water Fishes, and Migratory Fishes. The wetlands are protected as Exceptional Value. The proposed stormwater discharges from the site are from the stormwater control Best Management Practices proposed in the permit application. M&G Realty, Inc.'s NPDES Construction Stormwater permit application, draft Individual NPDES Permit and Fact Sheet is available for public review at the

DEP Southcentral Region Office (SCRO) or the SCRO's webpage: <https://www.dep.pa.gov/About/Regional/SouthcentralRegion/Community%20Information/Pages/default.aspx>.

Individuals who wish to offer testimony at the public hearing should register with John Repetz, Community Relations Coordinator for DEP's Southcentral Region, at 717-705-4904 or by email at jrepetz@pa.gov by 4 p.m. on Wednesday, August 3, 2022. Oral comments are limited to five minutes per person. To ensure that all speakers have a fair and equal opportunity to present their testimony, relinquishing of time to other speakers will be prohibited, and groups are asked to designate one speaker. Registration is not required simply to attend the hearing.

Individuals with questions regarding the hearing or application can also contact the DEP at 717-705-4802. Individuals wishing to schedule a file review at the SCRO should call 717-705-4732.

Written comments on this application or the draft NPDES permit will be accepted until 4 p.m. on Friday, August 16, 2022, and may be submitted to RA-EPWW-SCRO@pa.gov or mailed to the SCRO, Waterways and Wetlands Program, 909 Elmerton Ave., Harrisburg, PA 17110-8200. To assist with mail routing, it is requested that mailed comments contain the following on the envelope: "Comments on Rutter Store # 82, PAD070014".

DEP representatives will be on hand prior to the hearing from 5:45 p.m.—6:15 p.m. so that the public may ask questions about the Individual NPDES permitting process and regulatory requirements.

[Pa.B. Doc. No. 22-976. Filed for public inspection July 1, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Agricultural Advisory Board Meeting Rescheduled

The Agricultural Advisory Board (Board) will meet on Monday, July 18, 2022, at 1 p.m. in the 12th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. This meeting was previously scheduled for June 23, 2022, in Harrisburg, PA. Individuals may attend the meeting in person or remotely. Individuals interested in providing public comments during the meeting are encouraged to sign up in advance by contacting Jay Braund at jbraund@pa.gov or (717) 772-5636.

Information on how to join the meeting, as well as agenda and meeting materials, will be available on the Board's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Water," then "Agricultural Advisory Board," then "Agendas and Handouts").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-5636 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. 22-977. Filed for public inspection July 1, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Alternative Fuels Incentive Grant Program; Program Opportunity Notice

The Department of Environmental Protection (Department), Energy Programs Office announces an opportunity to apply for grants under the Alternative Fuels Incentive Grant (AFIG) Program. AFIG is intended to help the Commonwealth reach its greenhouse gas emissions reduction goals, improve air quality and reduce consumption of imported oil through the use of homegrown alternative fuels that will help this Commonwealth's economy and environment. The Department is seeking applications for innovative, advanced fuel and vehicle technology projects resulting in cleaner alternative transportation within this Commonwealth.

Approximately \$3 million in grants is available for school districts, municipal authorities, political subdivisions, nonprofit entities, corporations, limited liability companies or partnerships incorporated or registered in the Commonwealth to support:

- Incremental cost expenses relative to retrofitting vehicles to operate on alternative fuels.
- Incremental cost expenses to purchase new alternative fuel vehicles.
- The cost to purchase and install refueling equipment servicing alternative fuel vehicles.
- The cost to perform research, training, development and demonstration of new applications or next-phase technology related to alternative fuel vehicles.

Priorities for AFIG 2022 funding include:

- Businesses whose headquarters or principal place of business are located in this Commonwealth.
- Zero emission vehicle projects.
- Medium-Duty and Light-Duty fleet refueling infrastructure projects.
- Renewable natural gas vehicle and infrastructure projects.
- Projects located in or predominantly serving environmental justice areas. (<https://www.dep.pa.gov/PublicParticipation/OfficeofEnvironmentalJustice/Pages/PA-Environmental-Justice-Areas.aspx>).
- Applicants that are minority, veteran or woman-owned businesses.

The Department will endeavor to award a minimum 20% of available AFIG funding for the program year to the following entities, dependent upon applications received:

- Counties, townships, municipalities or municipal authorities.

- Public school districts including brick and mortar charter schools.

- Organizations registered as a 501(c)(3) that provide services to seniors, low income individuals and families, individuals with disabilities, veterans or medical services of any type.

- Businesses either registered with the Commonwealth as a Small Diverse Business or who are registered with one of the Department of General Services accepted approved third-party certifications as identified on the web site at <https://www.dgs.pa.gov/Small%20Diverse%20Business%20Program/Small-Diverse-Business-Verification/Pages/default.aspx>.

- Organizations who are county/local government supported or contracted to provide services to seniors, low income individuals and families, individuals with disabilities, veterans or medical services of any type.

Changes to the program for 2022 for the Vehicle Retrofit and Purchase projects category are:

- For vehicle projects, applicants who have previously converted a portion of their existing Commonwealth fleet to alternative fuels may request the following maximum grant award per vehicle:

- 1—25% of current existing fleet converted to alternative fuels may request up to 75% of the maximum award per vehicle.

- 26—50% of current existing fleet converted to alternative fuels may request up to 50% of the maximum award per vehicle.

- 51—75% of current existing fleet converted to alternative fuels may request up to 25% of the maximum award per vehicle.

- 75% or greater of current or existing fleet converted to alternative fuels may request up to 10% of the maximum award per vehicle.

For the purposes of this solicitation, an existing Commonwealth fleet is defined as the total number of class 1 and 2 or class 3+ vehicles at all of the applicant's primary and subsidiary locations within this Commonwealth.

Changes to the program for 2022 for the Alternative Fuel Refueling Infrastructure projects category are:

- The 2022 round will focus on projects that service medium-duty fleets of class 3—6 vehicles and light-duty fleets of class 1 and 2 vehicles. Funding for other types of refueling infrastructure projects may be available through the Driving PA Forward DC Fast Charger grant and Level 2 Rebate programs and through Department programs funded through the National Electric Vehicle Infrastructure program and other Infrastructure Investment and Jobs Act funding.

- If a project is eligible for the Level 2 Rebate Program under Driving PA Forward, it must apply for that program. If a project that is eligible for the Level 2 Rebate Program is submitted to the AFIG program, it will not be considered for funding.

- If a project is located within 1 roadway mile of a Federal Highway Administration Designated Alternative Fuel Corridor, it will not be considered for AFIG.

The program guidelines and application instructions are available on the AFIG web site at <http://www.dep.pa.gov/AFIG>. Applications will be accepted online through the Commonwealth's eGrants system. Visit <http://www.esa.dced.state.pa.us/> to submit an application.

The Department will collect and review applications received by 4 p.m. on Friday, August 26, 2022, and by 4 p.m. on Friday, December 16, 2022. Hard copy applications will not be accepted.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 22-978. Filed for public inspection July 1, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of Grants through Driving PA Forward; Electric Cargo Handling Grant Program

The Department of Environmental Protection (Department) announces an opportunity to apply for approximately \$5.46 million in grants offered through the Electric Cargo Handling Grant Program (Program), one of the programs under the Driving PA Forward Initiative. This funding is available for eligible diesel emission reduction projects that will improve air quality and protect public health and the environment by reducing emissions from large forklifts, airport ground support equipment and port cargo handling equipment.

The Department is seeking applications for projects that will replace or repower eligible large forklifts, airport ground support equipment and port cargo handling equipment with electric versions of the equipment. Other restrictions may apply. Public and private entities that own or operate eligible vehicles, engines or equipment throughout this Commonwealth should apply. These entities may include airports and port authorities, municipal authorities, political subdivisions, State agencies, non-profit entities, corporations, limited liability companies or partnerships incorporated or registered in this Commonwealth, air quality or transportation organizations and metropolitan or rural planning organizations.

The Department will not reimburse grant recipients for project costs incurred prior to the grant performance period set forth in the applicable grant agreement. The Program guidelines and application instructions are available on the Department's Driving PA Forward webpage at <http://dep.pa.gov/DrivingPAForward>.

A recorded presentation providing an overview of the Program and application process will be available on the Department's Driving PA Forward web site during the application period. Applicants can contact the Bureau of Air Quality at ra-epvwmitigation@pa.gov or (717) 787-9495 with questions or to request clarification about the presentation or Program documents.

Applications must be submitted online through the Commonwealth's Electronic Single Application web site at <https://www.esa.dced.state.pa.us/Login.aspx>. The Department is now accepting applications. Applications must be received by 4 p.m. on Friday, September 23, 2022, after which time the Department will review and score applications.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 22-979. Filed for public inspection July 1, 2022, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(j) (relating to prevention, control and surveillance of tuberculosis (TB)):

Scottdale Healthcare and Rehabilitation Center
900 Porter Avenue
Scottdale, PA 15683
FAC ID # 232802

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed contact information.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DENISE A. JOHNSON,
Acting Secretary

[Pa.B. Doc. No. 22-980. Filed for public inspection July 1, 2022, 9:00 a.m.]

DEPARTMENT OF HEALTH

Newborn Screening and Follow-Up Technical Advisory Board Public Meeting

The Newborn Screening and Follow-Up Technical Advisory Board (Board), established under the Newborn Child Testing Act (35 P.S. §§ 621—625), will hold a public meeting on Thursday, July 14, 2022, from 10 a.m. until 1 p.m. The public meeting will be conducted as a teleconference by means of Microsoft Teams at https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F_%23%2F1%2Fmeetup-join%2F19%3Ameeting_YjQ1MzgXjYTMtMWY1Mi00OTZkLTg0YzQtYTViNjZjNjczY2Qw%40thread.v%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%252241e2841-0128-4dd5-9b6c-47fc5a9a1bde%2522%252c%2522Oid%2522%253a%252257f4c8d4-0b5e-4b47-b04d-cf584316ca06%2522%257d%26CT%3D1655124892443%26OR%3DOutlook-Body%26CID%3D0367C806-570A-48D4-BC1A-C7616E6FFA9D%26anon%3Dtrue&type=meetup-join&deeplinkId=2db87fe8-7c0c-4c16-92b7-08361af20f08&directDl=true&msLaunch=true&enableMobilePage=true&suppressPrompt=true. Individuals may participate by phone by calling (267) 332-8737 and entering conference ID 286 328 387#.

The agenda will include: discussions about Board member terms; updates from the Bureau of Family Health (Bureau); payment options for additional conditions; conducting research on dried blood spot specimens; a discussion on Metachromatic Leukodystrophy; and updates from the Ethics, Lysosomal Storage Disorders/X-ALD, Cystic Fibrosis, Hemoglobinopathy and Critical Congenital Heart Defects subcommittees. The Bureau will provide data for each subcommittee update as needed.

For additional information or for persons with a disability who wish to attend the public meeting and require auxiliary aid, service or other accommodation to do so, contact Patricia Alexander, Nursing Services Consultant, Division of Newborn Screening and Genetics, at (717) 783-8143. Speech and/or hearing-impaired persons use V/TT (717) 783-6514 or the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TT).

This public meeting is subject to cancellation without notice.

DR. DENISE A. JOHNSON,
Acting Secretary

[Pa.B. Doc. No. 22-981. Filed for public inspection July 1, 2022, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Designated Exceptional Durable Medical Equipment

In accordance with the Department of Human Services' (Department) currently approved State Plan, the Department is required to publish an annual list of exceptional Durable Medical Equipment (DME) by notice in the *Pennsylvania Bulletin* in July of each year for nursing facilities Statewide. Interested persons may petition the Department to consider additions to the exceptional DME list by submitting a written request to the Department. Requests received on or before December 31 will be considered in developing the list for the following July.

During calendar year 2021, the Department received one written request for an addition to the list of exceptional DME. The request was to add negative pressure wound therapy (NPWT) pumps and supplies to the list of exceptional DME. According to the Department's Medical Assistance fee schedule rates, the cost of a NPWT pump and supplies, in aggregate, is approximately \$2,000 (procedure codes HCPCS E2402 (NPWT pump), A6550 (NPWT dressing sets) and A7000 (disposable canisters for pump)).

Upon review, the Department determined that NPWT pumps and supplies would not meet the acquisition cost of \$5,000 or more necessary to qualify as an item of exceptional DME. In addition, the Department determined that NPWT pumps and supplies do not meet the criteria to qualify as an item of "Specially Adapted DME" since the pump and supplies are not substantially adapted or modified in a way to meet the needs of a specific resident and, therefore, is suitable for the contemporaneous use by numerous other persons. Accordingly, this notice makes no changes in either the acquisition cost or the list of qualifying DME.

"Exceptional DME" is defined as DME that has an acquisition cost of \$5,000 or more and is either Specially

Adapted DME or other DME that is designated as exceptional DME by the Department annually by notice in the *Pennsylvania Bulletin*.

“Specially Adapted DME” is DME that is uniquely constructed or substantially adapted or modified in accordance with the written orders of a physician for the particular use of one resident, making its contemporaneous use by another resident unsuitable.

The list of exceptional DME that has been designated by the Department is as follows:

(1) *Air fluidized beds*. The pressure relief provided by this therapy uses a high rate of airflow to fluidize fine particulate material (for example, beads or sand) to produce a support medium that has characteristics similar to liquid. It may have a Gore-Tex cover.

(2) *Powered air flotation bed (low air loss therapy)*. A semielectric or total electric bed with a fully integrated powered pressure-reducing mattress, which is characterized by all of the following:

(a) An air pump or blower with a series of interconnected woven fabric air pillows which provides sequential inflation and deflation of the air cells or a low interface pressure throughout the mattress allowing some air to escape through the support surface to the resident. It may have a Gore-Tex cover.

(b) Inflated cell height of the air cells through which air is being circulated is 5 inches or greater.

(c) Height of the air chambers, proximity of the air chambers to one another, frequency of air cycling (for alternating pressure mattresses) and air pressure provide adequate patient lift, reducing pressure and prevent bottoming out.

(d) A surface designed to reduce friction and shear.

(e) May be placed directly on a hospital bed frame.

(f) Automatically readjusts inflation pressures with change in position of bed (for example, head elevation).

(3) *Augmentative communication devices*. Used by residents who are unable to use natural oral speech as a primary means of communication. The specific device requested must be appropriate for use by the resident and the resident must demonstrate the abilities or potential abilities to use the device selected. Portable devices need to supplement, aid or serve as an alternative to natural speech for residents with severe expressive communication disorders. Nonportable devices may be covered only if required for visual enhancement or physical access needs that cannot be accommodated by a portable device.

(4) *Ventilators (and related supplies)*.

(a) Used by residents 21 years of age and older who require full ventilator support for a minimum of 8 hours per day to sustain life.

(b) Used by residents 20 years of age and younger who require ventilator support to sustain life (no minimum time requirement).

Effective Date

This notice is effective upon publication in the *Pennsylvania Bulletin*.

Public Comment

Interested persons are invited to submit petitions for the Department to consider additions to the exceptional DME list or written comments regarding these designated

DME items 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-WOLTLNFPUBLICCOM@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 by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

MEG SNEAD,
Acting Secretary

Fiscal Note: 14-NOT-1512. No fiscal impact; (8) recommendations adoption.

[Pa.B. Doc. No. 22-982. Filed for public inspection July 1, 2022, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Cash in a Flash Fast Play Game 5167

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name*: The name of the lottery game is Pennsylvania Cash in a Flash (hereinafter “Cash in a Flash”). The game number is PA-5167.

2. *Definitions*:

(a) *Authorized retailer* or *retailer*: A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code*: The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *FLASH NUMBER*: The area at the top of a Cash in a Flash game ticket containing one play symbol that, when matched according to the instructions, determines whether the player wins the “PROGRESSIVE TOP PRIZE.”

(d) *Game Ticket*: A bearer instrument produced through a Lottery Terminal that is the player’s record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(e) *Lottery Central Computer System*: The computer gaming system on which all Fast Play plays are recorded.

(f) *Lottery Terminal*: A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports and performing inventory functions.

(g) *Play*: A chance to participate in a particular Fast Play lottery game.

(h) *Play Area*: The area on a ticket which contains one or more play symbols.

(i) *Play Symbol*: A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(j) *PROGRESSIVE TOP PRIZE*: The top prize available for this game that begins with a minimum prize amount that grows at a pre-determined rate every time a ticket is purchased, and then resets to the minimum prize amount whenever a top prize-winning ticket is sold.

(k) *Prize*: A non-monetary item, money or experience that can be won as specified in section 6 (relating to prizes available to be won and determination of prize winners) of this game notice.

(l) *WINNING NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the "YOUR NUMBERS" area, determine whether a player wins a prize.

(m) *Winning ticket*: A game ticket which has been validated and qualifies for a prize.

(n) *YOUR NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the "WINNING NUMBERS" area, determine whether a player wins a prize.

3. *Price*: The price of a Cash in a Flash ticket is \$1.

4. *Description of the Cash in a Flash Fast Play lottery game*:

(a) The Cash in a Flash lottery game is an instant win game printed from a Lottery Terminal. With the exception of the "PROGRESSIVE TOP PRIZE," all prizes are predetermined, and the player does not have the ability to select their own play symbols. Cash in a Flash tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Cash in a Flash is played by matching any of the play symbols located in the "YOUR NUMBERS" area to any of the play symbols located in the "WINNING NUMBERS" area. A player matching play symbols in this manner will win the prize shown under the matching "YOUR NUMBERS" play symbol. A bet slip is not used to play this game.

(c) Cash in a Flash tickets contain a "FLASH NUMBER" area. Whenever a player matches the play symbol in the "FLASH NUMBER" area to any of the play symbols in the "WINNING NUMBERS" area, the player wins the "PROGRESSIVE TOP PRIZE."

(d) Players can win the prizes identified in section 6 (relating to prizes available to be won and determination of prize winners).

(e) Cash in a Flash tickets cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(f) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Cash in a Flash ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(g) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the

self-service terminal a dollar amount equal to the total purchase price of a Cash in a Flash ticket and select the Cash in a Flash option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Cash in a Flash ticket characteristics*:

(a) Cash in a Flash tickets shall contain a play area, the cost of the play, the date of sale and a bar code.

(b) *Play Symbols*: Cash in a Flash tickets will contain a "WINNING NUMBERS" area, a "YOUR NUMBERS" area and a "FLASH NUMBER" area. The play symbols and their captions, located in the "WINNING NUMBERS" area, the "YOUR NUMBERS" area and the "FLASH NUMBER" area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR) and 25 (TWYFIV).

(c) *Prize Symbols*: The prize symbols and their captions, located in the "YOUR NUMBERS" area, are: FREE (TICKET), \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$50⁰⁰ (FIFTY) and \$100 (ONE HUN).

(d) *Prizes*: The prizes that can be won in this game, are: Free \$1 Ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$50 and \$100. The prize that can be won in the "FLASH NUMBER" area is the "PROGRESSIVE TOP PRIZE." The "PROGRESSIVE TOP PRIZE" amount starts at \$2,500 and increases by \$0.05 every time a Cash in a Flash ticket is purchased. When a "PROGRESSIVE TOP PRIZE" winning ticket is sold, the "PROGRESSIVE TOP PRIZE" resets to \$2,500. A player can win up to six times on a ticket.

(e) *Approximate number of tickets available for the game*: Approximately 1,800,000 tickets will be available for sale for the Cash in a Flash lottery game.

6. *Prizes available to be won and determination of prize winners*:

(a) All Cash in a Flash prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols match the "FLASH NUMBER" play symbol, on a single ticket, shall be entitled to a prize of a "PROGRESSIVE TOP PRIZE." The amount won under this paragraph is the amount of the "PROGRESSIVE TOP PRIZE," determined by the Lottery Central Computer System, as of the time the winning ticket was purchased. The amount won will be a minimum of \$2,500.

(c) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(e) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20.⁰⁰ (TWENTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(f) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(g) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5.⁰⁰ (FIV DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(h) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$4.⁰⁰ (FOR DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$4.

(i) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$2.⁰⁰ (TWO DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2.

(j) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1.⁰⁰ (ONE DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1.

(k) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of FREE (TICKET) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of one Cash in a Flash Fast Play Game Ticket.

7. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes and approximate chances of winning:

<i>When Any Of “YOUR NUMBERS” Match Any “WINNING NUMBER,” Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,800,000 Tickets:</i>
FREE	FREE \$1 TICKET	10	180,000
\$1	\$1	25	72,000
\$1 × 2	\$2	40	45,000
\$2	\$2	40	45,000
\$2 × 2	\$4	100	18,000
(\$1 × 2) + \$2	\$4	200	9,000
\$4	\$4	200	9,000
(\$1 × 3) + \$2	\$5	333.33	5,400
(\$2 × 2) + \$1	\$5	500	3,600
\$4 + \$1	\$5	500	3,600
\$5	\$5	250	7,200
\$5 × 2	\$10	666.67	2,700
(\$2 × 2) + (\$1 × 2) + \$4	\$10	666.67	2,700
(\$4 × 2) + (\$1 × 2)	\$10	666.67	2,700
\$5 + \$4 + \$1	\$10	1,000	1,800
\$10	\$10	500	3,600
\$5 × 4	\$20	4,000	450
\$10 × 2	\$20	4,000	450
(\$4 × 4) + (\$2 × 2)	\$20	1,500	1,200
(\$5 × 2) + (\$4 × 2) + (\$1 × 2)	\$20	1,500	1,200
\$10 + \$5 + \$4 + \$1	\$20	4,000	450
\$20	\$20	1,500	1,200
(\$5 × 4) + \$20 + \$10	\$50	6,000	300
(\$10 × 2) + (\$5 × 2) + \$20	\$50	4,000	450
(\$20 × 2) + (\$2 × 3) + \$4	\$50	4,000	450

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,800,000 Tickets:</i>
\$50	\$50	2,400	750
\$50 × 2	\$100	12,000	150
(\$20 × 2) + \$50 + \$5 + \$4 + \$1	\$100	6,000	300
\$100	\$100	12,000	150
CURRENT PTP* w/ FLASH NUMBER MATCH	\$2,500	360,000	5

*PTP = PROGRESSIVE TOP PRIZE

When any WINNING NUMBER matches the FLASH NUMBER, win the current PROGRESSIVE TOP PRIZE amount instantly!

The minimum value of the PROGRESSIVE TOP PRIZE is \$2,500. The PROGRESSIVE TOP PRIZE increases by \$0.05 every time a ticket is purchased, and resets to \$2,500 whenever a top prize-winning ticket is sold.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

9. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on

account of any play recorded thereon. The determination of the Secretary in this regard is final.

10. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned, and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 12 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

11. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining

undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

12. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

13. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

14. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Fast Play Cash in a Flash lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

15. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

16. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Cash in a Flash lottery game tickets.

17. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A

bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

18. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Cash in a Flash or through normal communications methods.

19. *Applicability:* This notice applies only to the Cash in a Flash lottery game announced in this notice.

C. DANIEL HASSELL,
Secretary

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DEPARTMENT OF REVENUE

Pennsylvania It's Your Lucky Day Fast Play Game 5165

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name:* The name of the lottery game is Pennsylvania It's Your Lucky Day (hereinafter "It's Your Lucky Day"). The game number is PA-5165.

2. *Definitions:*

(a) *Authorized retailer or retailer:* A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code:* The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *CLOUD BONUS:* The area at the top of an It's Your Lucky Day lottery game ticket containing three play symbols that, when played according to the instructions, determines whether the player wins a prize of \$10, \$25 or \$50. "CLOUD BONUS" is played separately.

(d) *FINGERS CROSSED:* The visual representation of a "FINGERS CROSSED" symbol printed around certain play symbols in the "YOUR NUMBERS" area. When five "FINGERS CROSSED" symbols appear in the "YOUR NUMBERS" area, the player wins a prize of \$75.

(e) *Game Ticket:* A bearer instrument produced through a Lottery Terminal that is the player's record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(f) *Lottery Central Computer System:* The computer gaming system on which all Fast Play plays are recorded.

(g) *Lottery Terminal:* A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including

making purchases, validating plays, transmitting reports and performing inventory functions.

(h) *Play*: A chance to participate in a particular Fast Play lottery game.

(i) *Play Area*: The area on a ticket which contains one or more play symbols.

(j) *Play Symbol*: A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(k) *Prize*: A non-monetary item, money, or experience that can be won as specified in section 6 (relating to prizes available to be won and determination of prize winners) of this game notice.

(l) *PRIZE LEGEND*: The area at the bottom of an It's Your Lucky Day lottery game ticket that shows a player the corresponding prize that can be won by matching different winning scenarios in the "CLOUD BONUS" area.

(m) *WINNING NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the "YOUR NUMBERS" area, determine whether a player wins a prize.

(n) *Winning ticket*: A game ticket which has been validated and qualifies for a prize.

(o) *YOUR NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the "WINNING NUMBERS" area, determine whether a player wins a prize.

3. *Price*: The price of an It's Your Lucky Day ticket is \$5.

4. *Description of It's Your Lucky Day Fast Play lottery game*:

(a) It's Your Lucky Day lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select their own play symbols. It's Your Lucky Day tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) It's Your Lucky Day is played by matching any of the play symbols located in the "YOUR NUMBERS" area to any of the play symbols located in the "WINNING NUMBERS" area. A player matching play symbols in this manner will win the prize shown under the matching "YOUR NUMBERS" play symbol. If five "FINGERS CROSSED" symbols appear in the "YOUR NUMBERS" area, the player wins a prize of \$75. A bet slip is not used to play this game.

(c) It's Your Lucky Day tickets also contain a "CLOUD BONUS" area. If a Lamp symbol, a Unicorn symbol or a Crystal Ball symbol appears in the "CLOUD BONUS" area, the player wins the corresponding prize shown in the "PRIZE LEGEND." The "CLOUD BONUS" is played separately.

(d) Players can win the prizes identified in section 6 (relating to prizes available to be won and determination of prize winners).

(e) It's Your Lucky Day tickets cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(f) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request an It's Your Lucky Day ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(g) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of an It's Your Lucky Day ticket and select the It's Your Lucky Day option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *It's Your Lucky Day ticket characteristics*:

(a) It's Your Lucky Day tickets shall contain a play area, the cost of the play, the date of sale and a bar code.

(b) *Play Symbols*: It's Your Lucky Day tickets will contain a "WINNING NUMBERS" area, a "YOUR NUMBERS" area and a "CLOUD BONUS" area. The play symbols and their captions, located in the "WINNING NUMBERS" area and the "YOUR NUMBERS" area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRT). The play symbols and their captions, located in the "YOUR NUMBERS" area and printed on a "FINGERS CROSSED" symbol, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRT). The play symbols and their captions, located in the "CLOUD BONUS" area, are: Four Leaf Clover symbol, Penny symbol, Ladybug symbol, Horseshoe symbol, Rainbow symbol, Crown symbol, Pot of Gold symbol, Star symbol, Lamp symbol, Unicorn symbol and a Crystal Ball symbol.

(c) *Prize Symbols*: The prize symbols and their captions, located in the "YOUR NUMBERS" area, are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$25⁰⁰ (TWY FIV), \$50⁰⁰ (FIFTY), \$75⁰⁰ (SVY FIV), \$100 (ONE HUN), \$200 (TWO HUN), \$1,000 (ONE THO) and \$75,000 (SVYFIVTHO).

(d) *Prizes*: The prizes that can be won in this game, are: \$5, \$10, \$15, \$25, \$50, \$75, \$100, \$200, \$1,000 and \$75,000. A player can win up to 16 times on a ticket.

(e) *Approximate number of tickets available for the game*: Approximately 600,000 tickets will be available for sale for the It's Your Lucky Day lottery game.

6. *Prizes available to be won and determination of prize winners*:

(a) All It's Your Lucky Day prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING

NUMBERS” play symbols and a prize symbol of \$75,000 (SVYFIVTHO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$75,000.

(c) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$200 (TWO HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(e) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$75⁰⁰ (SVYFIV) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$75.

(g) Holders of tickets upon which five “YOUR NUMBERS” play symbols appear within a “FINGERS CROSSED” symbol, on a single ticket, shall be entitled to a prize of \$75.

(h) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets upon which a Crystal Ball symbol appears in the “CLOUD BONUS” area, on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$25⁰⁰ (TWY FIV) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$25.

(k) Holders of tickets upon which a Unicorn symbol appears in the “CLOUD BONUS” area, on a single ticket, shall be entitled to a prize of \$25.

(l) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(m) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets upon which a Lamp symbol appears in the “CLOUD BONUS” area, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

7. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes and approximate chances of winning:

<i>When Any Of “YOUR NUMBERS” Match Any “WINNING NUMBER,” Win Prize Shown Under The Matching Number. Win With:</i>	<i>“CLOUD BONUS:”</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 600,000 Tickets:</i>
\$5		\$5	8.93	67,200
\$5 × 2		\$10	50	12,000
	\$10 w/ LAMP	\$10	38.46	15,600
\$10		\$10	50	12,000
\$5 × 3		\$15	125	4,800
\$10 + \$5		\$15	100	6,000
\$5	\$10 w/ LAMP	\$15	52.63	11,400
\$15		\$15	200	3,000
\$5 × 5		\$25	1,000	600
\$15 + \$10		\$25	1,000	600
\$5	(\$10 w/ LAMP) × 2	\$25	142.86	4,200
\$10 + \$5	\$10 w/ LAMP	\$25	200	3,000
\$15	\$10 w/ LAMP	\$25	200	3,000

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"CLOUD BONUS:"</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 600,000 Tickets:</i>
	\$25 w/ UNICORN	\$25	200	3,000
\$25		\$25	1,000	600
\$25 × 2		\$50	2,000	300
\$5	(\$25 w/ UNICORN) + ((\$10 w/ LAMP) × 2)	\$50	666.67	900
\$5 × 3	(\$25 w/ UNICORN) + (\$10 w/ LAMP)	\$50	1,000	600
\$10 + \$5	(\$25 w/ UNICORN) + (\$10 w/ LAMP)	\$50	1,000	600
\$25	\$25 w/ UNICORN	\$50	1,000	600
	(\$25 w/ UNICORN) × 2	\$50	1,000	600
	\$50 w/ CRYSTAL BALL	\$50	1,000	600
\$50		\$50	2,000	300
\$25 × 3		\$75	24,000	25
(\$10 × 3) + (\$5 × 2)	(\$25 w/ UNICORN) + (\$10 w/ LAMP)	\$75	4,000	150
(\$15 × 2) + (\$5 × 2)	(\$25 w/ UNICORN) + (\$10 w/ LAMP)	\$75	4,000	150
	(\$50 w/ CRYSTAL BALL) + (\$25 w/ UNICORN)	\$75	6,000	100
\$75 w/ FIVE FINGERS CROSSED		\$75	2,400	250
\$75		\$75	24,000	25
\$25 × 2	\$50 w/ CRYSTAL BALL	\$100	12,000	50
\$5 × 3	(\$50 w/ CRYSTAL BALL) + (\$25 w/ UNICORN) + (\$10 w/ LAMP)	\$100	6,000	100
\$50	\$50 w/ CRYSTAL BALL	\$100	8,000	75
(\$75 w/ FIVE FINGERS CROSSED) + (\$5 × 5)		\$100	2,400	250
(\$75 w/ FIVE FINGERS CROSSED) + \$5	(\$10 w/ LAMP) × 2	\$100	3,000	200
\$75 w/ FIVE FINGERS CROSSED	\$25 w/ UNICORN	\$100	3,000	200
	(\$50 w/ CRYSTAL BALL) + ((\$25 w/ UNICORN) × 2)	\$100	6,000	100
	(\$50 w/ CRYSTAL BALL) × 2	\$100	8,000	75
\$100		\$100	12,000	50
\$100 × 2		\$200	60,000	10
(\$75 w/ FIVE FINGERS CROSSED) + (\$10 × 2) + (\$5 × 4)	(\$50 w/ CRYSTAL BALL) + (\$25 w/ UNICORN) + (\$10 w/ LAMP)	\$200	24,000	25

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"CLOUD BONUS:"</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 600,000 Tickets:</i>
(\$75 w/ FIVE FINGERS CROSSED) + \$25	(\$50 w/ CRYSTAL BALL) + ((\$25 w/ UNICORN) × 2)	\$200	24,000	25
\$75 w/ FIVE FINGERS CROSSED	(((\$50 w/ CRYSTAL BALL) × 2) + (\$25 w/ UNICORN))	\$200	24,000	25
\$200		\$200	60,000	10
\$200 × 5		\$1,000	120,000	5
(\$75 w/ FIVE FINGERS CROSSED) + (\$100 × 2) + (\$75 × 3) + (\$50 × 3) + (\$25 × 2) +	\$200 + \$15 (\$50 w/ CRYSTAL BALL) + (\$25 w/ UNICORN) + (\$10 w/ LAMP)	\$1,000	120,000	5
\$1,000		\$1,000	120,000	5
\$75,000		\$75,000	200,000	3

When five "FINGERS CROSSED" symbols appear in the YOUR NUMBERS area, win \$75 instantly!

CLOUD BONUS: When a "Lamp," "Unicorn," or "Crystal Ball" symbol appears in the cloud, win corresponding prize shown in the PRIZE LEGEND below. CLOUD BONUS is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

9. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

10. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned, and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 12 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

11. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

12. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

13. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

14. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary and procedures established by the Secretary for the conduct of the Fast Play It's Your Lucky Day lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

15. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

16. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play It's Your Lucky Day lottery game tickets.

17. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum

payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

18. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote It's Your Lucky Day or through normal communications methods.

19. *Applicability:* This notice applies only to the It's Your Lucky Day lottery game announced in this notice.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 22-984. Filed for public inspection July 1, 2022, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Money Magnet Fast Play Game 5166

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name:* The name of the lottery game is Pennsylvania Money Magnet (hereinafter "Money Magnet"). The game number is PA-5166.

2. *Definitions:*

(a) *Authorized retailer or retailer:* A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code:* The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *Game Ticket:* A bearer instrument produced through a Lottery Terminal that is the player's record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(d) *LINE:* A specific, pre-defined portion of the play area, which contains three "YOUR NUMBERS" play symbols and a "Prize" symbol in a vertical "LINE" that, when matched against the play symbols in the "WINNING NUMBERS" area, determines whether a player wins a prize. Each "LINE" is played separately.

(e) *Lottery Central Computer System*: The computer gaming system on which all Fast Play plays are recorded.

(f) *Lottery Terminal*: A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports and performing inventory functions.

(g) *MAGNETIC NUMBER*: The area at the top of a Money Magnet lottery game ticket containing one play symbol that, when matched against the play symbols in the "WINNING NUMBERS" area, determine whether the player multiplies any prize won in any "LINE" by the multiplier shown in the "MONEY MULTIPLIER" area.

(h) *MONEY MULTIPLIER*: The area at the top of a Money Magnet lottery game ticket containing one multiplier play symbol that, when played according to the instructions, determines whether the player multiplies any prize won in any "LINE" by the multiplier shown. The "PROGRESSIVE TOP PRIZE" is not multiplied.

(i) *Play*: A chance to participate in a particular Fast Play lottery game.

(j) *Play Area*: The area on a ticket, which contains one or more play symbols.

(k) *Play Symbol*: A number, letter, symbol, image or other character found in the play area, which is used to determine whether a player wins a prize.

(l) *PROGRESSIVE TOP PRIZE*: The top prize available for this game that begins with a minimum prize amount that grows at a pre-determined rate every time a ticket is purchased, and then resets to the minimum prize amount whenever a top prize-winning ticket is sold.

(m) *Prize*: A non-monetary item, money or experience that can be won as specified in section 6 (relating to prizes available to be won and determination of prize winners) of this game notice.

(n) *WINNING NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the "YOUR NUMBERS" area in any "LINE," determine whether a player wins a prize.

(o) *Winning ticket*: A game ticket which has been validated and qualifies for a prize.

(p) *YOUR NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the "WINNING NUMBERS" area, determine whether a player wins a prize.

3. *Price*: The price of a Money Magnet ticket is \$2.

4. *Description of the Money Magnet Fast Play lottery game*:

(a) The Money Magnet lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select their own play symbols. Money Magnet tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Money Magnet is played by matching any of the play symbols in any "LINE" within the "YOUR NUMBERS" area to any of the play symbols located in the "WINNING NUMBERS" area. A player matching play symbols in this manner will win the prize shown under the "LINE" containing the matching "YOUR NUMBERS" play symbol. A bet slip is not used to play this game. Each "LINE" is played separately.

(c) Money Magnet tickets contain a "MONEY MULTIPLIER" area and a "MAGNETIC NUMBER" area. Whenever any of the play symbols located in the "WINNING NUMBERS" area match the "MAGNETIC NUMBER," the player multiplies any prize won in any "LINE" by the multiplier shown in the "MONEY MULTIPLIER" area. The "PROGRESSIVE TOP PRIZE" cannot be multiplied.

(d) Players can win the prizes identified in section 6 (relating to prizes available to be won and determination of prize winners).

(e) A Money Magnet game ticket cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(f) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Money Magnet game ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(g) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Money Magnet game ticket and select the Money Magnet option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Money Magnet ticket characteristics*:

(a) A Money Magnet ticket shall contain a play area, the cost of the play, the date of sale and a bar code. Each ticket contains five "LINE" areas designated as "LINE 1," "LINE 2," "LINE 3," "LINE 4" and "LINE 5." Each "LINE" is played separately.

(b) *Play Symbols*: Each Money Magnet ticket play area will contain five "LINE" areas, a "MAGNETIC NUMBER" area and a "MONEY MULTIPLIER" area. The play symbols and their captions, located in the "WINNING NUMBERS" area, the "MAGNETIC NUMBER" area and in each "LINE," are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWTENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and 25 (TWYFIV). The play symbols and their captions, located in the "MONEY MULTIPLIER" area, are: 2X (2TIMES) symbol and a 5X (5TIMES) symbol.

(c) *Prize Symbols*: The prize symbols and their captions, located in the "LINE" areas, are: \$2.⁰⁰ (TWO DOL), \$4.⁰⁰ (FOR DOL), \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$20.⁰⁰ (TWENTY), \$50.⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN) and a PROG (TOP PRIZE) symbol.

(d) *Prizes*: The prizes that can be won in this game, are: \$2, \$4, \$5, \$10, \$20, \$50, \$100, \$200 and the "PROGRESSIVE TOP PRIZE." The "PROGRESSIVE TOP PRIZE" amount starts at \$10,000 and increases by \$0.10 every time a Money Magnet ticket is purchased. When a "PROGRESSIVE TOP PRIZE" winning ticket is sold, the

“PROGRESSIVE TOP PRIZE” resets to \$10,000. Money Magnet also contains a feature that can multiply the prize won. The “PROGRESSIVE TOP PRIZE” cannot be multiplied. For a complete list of prizes, and how those prizes can be won, see section 7 (relating to number and description of prizes and approximate chances of winning). A player can win up to six times on a ticket.

(e) *Approximate number of tickets available for the game:* Approximately 600,000 tickets will be available for sale for the Money Magnet lottery game.

6. *Prizes available to be won and determination of prize winners:*

(a) All Money Magnet prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols match any of the play symbols in a “LINE” and a prize symbol of PROG (TOP PRIZE) appears in the “Prize” area at the end of that “LINE,” on a single ticket, shall be entitled to a prize of a “PROGRESSIVE TOP PRIZE.” The amount won under this paragraph is the amount of the “PROGRESSIVE TOP PRIZE,” determined by the Lottery Central Computer System, as of the time the winning ticket was purchased. The amount won will be a minimum of \$10,000.

(c) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols in any “LINE” match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$200 (TWO HUN) appears in the “Prize” area for that “LINE,” on a single ticket, shall be entitled to a prize of \$200.

(d) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches any of the play symbols in a “LINE” and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area at the end of that “LINE,” and upon which any of the “WINNING NUMBERS” play symbols matches the “MAGNETIC NUMBER” and a 2X (2TIMES) multiplier symbol appears in the “MONEY MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$200.

(e) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols in any “LINE” match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area for that “LINE,” on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches any of the play symbols in a “LINE” and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “Prize” area at the end of that “LINE,” and upon which any of the “WINNING NUMBERS” play symbols matches the “MAGNETIC NUMBER” and a 2X (2TIMES) multiplier symbol appears in the “MONEY MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches any of the play symbols in a “LINE” and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “Prize” area at the end of that “LINE,” and upon which any of the “WINNING NUMBERS” play symbols matches the “MAGNETIC NUMBER” and a 5X (5TIMES) multiplier symbol appears in the “MONEY MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols in any “LINE” match any of the

“WINNING NUMBERS” play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “Prize” area for that “LINE,” on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches any of the play symbols in a “LINE” and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “Prize” area at the end of that “LINE,” and upon which any of the “WINNING NUMBERS” play symbols matches the “MAGNETIC NUMBER” and a 5X (5TIMES) multiplier symbol appears in the “MONEY MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches any of the play symbols in a “LINE” and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “Prize” area at the end of that “LINE,” and upon which any of the “WINNING NUMBERS” play symbols matches the “MAGNETIC NUMBER” and a 2X (2TIMES) multiplier symbol appears in the “MONEY MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$40.

(k) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches any of the play symbols in a “LINE” and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “Prize” area at the end of that “LINE,” and upon which any of the “WINNING NUMBERS” play symbols matches the “MAGNETIC NUMBER” and a 5X (5TIMES) multiplier symbol appears in the “MONEY MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$25.

(l) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols in any “LINE” match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “Prize” area for that “LINE,” on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches any of the play symbols in a “LINE” and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “Prize” area at the end of that “LINE,” and upon which any of the “WINNING NUMBERS” play symbols matches the “MAGNETIC NUMBER” and a 2X (2TIMES) multiplier symbol appears in the “MONEY MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches any of the play symbols in a “LINE” and a prize symbol of \$4⁰⁰ (FOR DOL) appears in the “Prize” area at the end of that “LINE,” and upon which any of the “WINNING NUMBERS” play symbols matches the “MAGNETIC NUMBER” and a 5X (5TIMES) multiplier symbol appears in the “MONEY MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$20.

(o) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols in any “LINE” match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “Prize” area for that “LINE,” on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches any of the play symbols in a “LINE” and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “Prize” area at the end of that “LINE,” and upon which any of the “WINNING NUMBERS” play symbols matches the “MAGNETIC NUM-

BER” and a 2X (2TIMES) multiplier symbol appears in the “MONEY MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$10.

(q) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches any of the play symbols in a “LINE” and a prize symbol of \$2.00 (TWO DOL) appears in the “Prize” area at the end of that “LINE,” and upon which any of the “WINNING NUMBERS” play symbols matches the “MAGNETIC NUMBER” and a 5X (5TIMES) multiplier symbol appears in the “MONEY MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$10.

(r) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols in any “LINE” match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5.00 (FIV DOL) appears in the “Prize” area for that “LINE,” on a single ticket, shall be entitled to a prize of \$5.

(s) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols in any “LINE” match any of the “WINNING NUMBERS” play symbols and a prize symbol

of \$4.00 (FOR DOL) appears in the “Prize” area for that “LINE,” on a single ticket, shall be entitled to a prize of \$4.

(t) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols matches any of the play symbols in a “LINE” and a prize symbol of \$2.00 (TWO DOL) appears in the “Prize” area at the end of that “LINE,” and upon which any of the “WINNING NUMBERS” play symbols matches the “MAGNETIC NUMBER” and a 2X (2TIMES) multiplier symbol appears in the “MONEY MULTIPLIER” area, on a single ticket, shall be entitled to a prize of \$4.

(u) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols in any “LINE” match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$2.00 (TWO DOL) appears in the “Prize” area for that “LINE,” on a single ticket, shall be entitled to a prize of \$2.

7. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes and approximate chances of winning:

<i>When Any of “YOUR NUMBERS” Match Any “WINNING NUMBER,” Win “Prize” Shown For That “LINE.” Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 600,000 Tickets:</i>
\$2	\$2	8.33	72,000
\$2 × 2	\$4	50	12,000
2X w/ \$2	\$4	40	15,000
\$4	\$4	50	12,000
\$5	\$5	25	24,000
\$5 × 2	\$10	500	1,200
5X w/ \$2	\$10	100	6,000
2X w/ \$5	\$10	333.33	1,800
\$10	\$10	1,000	600
\$5 × 4	\$20	1,000	600
(\$5 × 2) + \$10	\$20	500	1,200
5X w/ (\$2 × 2)	\$20	1,000	600
2X w/ (\$5 × 2)	\$20	500	1,200
5X w/ \$4	\$20	333.33	1,800
2X w/ \$10	\$20	500	1,200
\$20	\$20	1,000	600
(\$10 × 3) + \$20	\$50	24,000	25
(\$20 × 2) + (\$4 × 2) + \$2	\$50	12,000	50
5X w/ ((\$4 × 2) + \$2)	\$50	12,000	50
5X w/ (\$5 × 2)	\$50	12,000	50
2X w/ ((\$10 × 2) + \$5)	\$50	12,000	50
2X w/ (\$20 + \$5)	\$50	12,000	50
5X w/ \$10	\$50	12,000	50
\$50	\$50	60,000	10
\$50 × 2	\$100	120,000	5
(\$20 × 2) + (\$5 × 2) + \$50	\$100	60,000	10

<i>When Any of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win "Prize" Shown For That "LINE." Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 600,000 Tickets:</i>
5X w/ (($\$5 \times 2$) + ($\4×2) + $\$2$)	\$100	60,000	10
5X w/ (($\$5 \times 2$) + $\$10$)	\$100	60,000	10
5X w/ ($\$5 \times 4$)	\$100	40,000	15
5X w/ ($\$10 \times 2$)	\$100	12,000	50
2X w/ (($\$20 \times 2$) + ($\4×2) + $\$2$)	\$100	12,000	50
5X w/ $\$20$	\$100	12,000	50
2X w/ $\$50$	\$100	24,000	25
\$100	\$100	120,000	5
5X w/ ($\$20 \times 2$)	\$200	120,000	5
2X w/ $\$100$	\$200	120,000	5
\$200	\$200	120,000	5
\$10,000	\$10,000*	200,000	3

When any WINNING NUMBER matches the MAGNETIC NUMBER above, multiply any prize won in any LINE by the multiplier shown in the MONEY MULTIPLIER area. Each LINE is played separately.

*PROGRESSIVE TOP PRIZE: The minimum value of the PROGRESSIVE TOP PRIZE is \$10,000. The PROGRESSIVE TOP PRIZE increases by \$0.10 every time a ticket is purchased, and resets to \$10,000 whenever a top prize-winning ticket is sold.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

9. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

10. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 12 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

11. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

12. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

13. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

14. *“PROGRESSIVE TOP PRIZE” restrictions:*

(a) An amount of \$0.10 from the sale of each Money Magnet ticket will be accumulated in the “PROGRESSIVE TOP PRIZE” pool.

(b) *Prize Amount:* The amount of the “PROGRESSIVE TOP PRIZE” at the time a ticket is purchased can only be verified through the Lottery’s Central Computer System. Any advertisement or any materials describing the amount of the “PROGRESSIVE TOP PRIZE” are only valid as of the time they are posted. If any discrepancy exists between this notice and any material describing or advertising the Money Magnet game, this notice and the data contained in the Lottery’s Central Computer System shall govern.

(c) The “PROGRESSIVE TOP PRIZE” and all other prizes are subject to availability at the time of purchase. The Lottery is not responsible for prizes that are not awarded due to technical issues. In the event of a “PROGRESSIVE TOP PRIZE” being reset without the actual sale of a “PROGRESSIVE TOP PRIZE” winning ticket, all prize money that had accumulated into the “PROGRESSIVE TOP PRIZE” pool (i.e., \$0.10 from the sale of each ticket) shall be awarded as part of the next “PROGRESSIVE TOP PRIZE” won.

(d) Prizes payable to “PROGRESSIVE TOP PRIZE” winners will be paid as a one-time cash payment. For the purposes of calculation of the prize to be paid to “PROGRESSIVE TOP PRIZE” winners, the “PROGRESSIVE TOP PRIZE” amount will be rounded up to the nearest \$0.50.

15. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary and procedures established by the Secretary for the conduct of the Fast Play Money Magnet lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

16. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer’s license without the Lottery’s prior written authorization.

17. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Money Magnet lottery game tickets.

18. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

19. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Money Magnet or through normal communications methods.

20. *Applicability:* This notice applies only to the Money Magnet lottery game announced in this notice.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 22-985. Filed for public inspection July 1, 2022, 9:00 a.m.]

DEPARTMENT OF REVENUE

Realty Transfer Tax; 2021 Common Level Ratio; Real Estate Valuation Factors

The following real estate valuation factors are based on sales data compiled by the State Tax Equalization Board in 2021. These factors are the mathematical reciprocals of the actual common level ratio (CLR). For Pennsylvania Realty Transfer Tax purposes, these factors are applicable for documents accepted from July 1, 2022, to June 30, 2023. The date of acceptance of a document is rebuttably presumed to be its date of execution, that is, the date specified in the body of the document as the date of the instrument (61 Pa. Code § 91.102 (relating to acceptance of documents)).

<i>County</i>	<i>CLR Factor</i>
Adams	1.14
Allegheny	1.57
Armstrong	2.46
Beaver	6.76
Bedford	1.39
Berks	2.22
Blair	1.16
Bradford	4.33
Bucks	13.70
Butler	14.08
Cambria	6.06
Cameron	4.18
Carbon	4.12
Centre	4.67
Chester	2.53
Clarion	3.44
Clearfield	9.90
Clinton	1.57
Columbia	5.78
Crawford	4.69
Cumberland	1.17
Dauphin	1.91
Delaware	1.37
Elk	3.98
Erie	1.41
Fayette	1.93
Forest	6.85
Franklin	10.53
Fulton	3.76
Greene	2.19
Huntingdon	6.54
Indiana	1.06
Jefferson	3.66
Juniata	9.35
Lackawanna	12.20
Lancaster	1.47

<i>County</i>	<i>CLR Factor</i>
Lawrence	1.67
Lebanon	1.39
Lehigh	1.57
Luzerne	1.32
Lycoming	1.79
McKean	1.24
Mercer	6.99
Mifflin	3.51
Monroe	1.65
Montgomery	2.53
Montour	1.81
Northampton	4.61
Northumberland	8.20
Perry	1.41
Philadelphia	1.08
Pike	8.26
Potter	4.37
Schuylkill	3.82
Snyder	8.40
Somerset	4.24
Sullivan	1.81
Susquehanna	4.52
Tioga	1.94
Union	1.80
Venango	1.52
Warren	5.26
Washington	1.19
Wayne	1.75
Westmoreland	9.09
Wyoming	7.04
York	1.52

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 22-986. Filed for public inspection July 1, 2022, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, June 16, 2022, and announced the following:

Action Taken—Regulations Approved:

State Board of Podiatry # 16A-4417: Continuing Education (amends 49 Pa. Code Sections 29.60, 29.61, and 29.68)

Pennsylvania Liquor Control Board # 54-95: Limited Wineries (amends 40 Pa. Code Sections 3.62—3.64, 5.103, 11.111, and 5.401—5.409)

Insurance Department # 11-260: Term and Universal Life Insurance Reserve Financing Standards (adopts 31 Pa. Code Chapter 90j)

Environmental Hearing Board # 106-13: Practice and Procedure (amends 25 Pa. Code Chapter 1021)

Approval Order

Public Meeting Held
June 16, 2022

Commissioners Voting: George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; John J. Soroko, Esq.; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*State Board of Podiatry—
Continuing Education
Regulation No. 16A-4417 (# 3257)*

On May 18, 2020, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Podiatry. This rulemaking amends 49 Pa. Code Sections 29.60, 29.61, and 29.68. The proposed regulation was published in the May 30, 2020 *Pennsylvania Bulletin* with a public comment period ending on June 29, 2020. The final-form regulation was submitted to the Commission on April 27, 2022.

This regulation amends the Board's regulations related to continuing education requirements. The regulation eliminates the current restriction on the number of hours that may be completed through programs that involve the use of the Internet and permits an unlimited amount of continuing education credits to be obtained through distance education, consistent with a trend in licensure requirements in other states.

We have determined this regulation is consistent with the statutory authority of the State Board of Podiatry (63 P.S. §§ 42.9, 42.15, 42.9a; 63 Pa.C.S. § 3107.1) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
June 16, 2022

Commissioners Voting: George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; John J. Soroko, Esq.; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Pennsylvania Liquor Control Board—
Limited Wineries
Regulation No. 54-95 (# 3323)*

On November 9, 2021, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Liquor Control Board (Board). This rulemaking amends 40 Pa. Code §§ 3.62—3.64, 5.103, 11.111, and 5.401—5.409. The proposed regulation was published in the December 18, 2021 *Pennsylvania Bulletin* with a public comment period ending on January 18, 2022. The final-form regulation was submitted to the Commission on May 3, 2022.

This final regulation gathers regulations pertaining to limited wineries from Chapters 3, 5, and 11 of the Board's regulations and organizes them in a new Subchapter K in Chapter 5 to improve accessibility for the regulated

community. The regulation also revises many of these regulations to make them more consistent with the Liquor Code.

We have determined this regulation is consistent with the statutory authority of the Board (47 P.S. §§ 2-207(i); 4-488(b)(4), (g); 5-505.2(a)(2), (3), (4), (6)(i), and (6.4)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
June 16, 2022

Commissioners Voting: George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; John J. Soroko, Esq.; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Insurance Department—
Term and Universal Life Insurance Reserve
Financing Standards
Regulation No. 11-260 (# 3333)*

On January 26, 2022, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Insurance Department (Department). This rulemaking adopts 31 Pa. Code Chapter 90j. The proposed regulation was published in the February 5, 2022 *Pennsylvania Bulletin* with a public comment period ending on March 7, 2022. The final-form regulation was submitted to the Commission on May 2, 2022.

This final-form rulemaking adopts regulations relating to term and universal life insurance reserve financing standards.

We have determined this regulation is consistent with the statutory authority of the Department (40 P.S. § 442.3(j) and 71 P.S. §§ 66, 186, 411 and 412) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
June 16, 2022

Commissioners Voting: George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; John J. Soroko, Esq.; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Environmental Hearing Board—
Practice and Procedure
Regulation No. 106-13 (# 3301)*

On April 6, 2021, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Hearing Board (Board). This rulemaking amends 25 Pa. Code Chapter 1021. The proposed regulation was published in the April 17, 2021 *Pennsylvania Bulletin* with a public comment period ending on May 17, 2021. The final-form regulation was submitted to the Commission on April 25, 2022.

This final-form regulation amends rules of practice and procedure before the Board relating to representation, appeals and filings.

We have determined this regulation is consistent with the statutory authority of the Board (35 P.S. § 7515(c)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 22-987. Filed for public inspection July 1, 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>
125-240	Pennsylvania Gaming Control Board Private Testing and Certification Facilities 52 Pa.B. 2211 (April 16, 2022)	5/16/22	6/15/22

Pennsylvania Gaming Control Board Regulation # 125-240 (IRRC # 3340)

Private Testing and Certification Facilities

June 15, 2022

We submit for your consideration the following comments on the proposed rulemaking published in the April 16, 2022 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

1. Compliance with the RRA and regulations of IRRC.

Section 5.2 of the RRA (71 P.S. § 745.5b) directs IRRC to determine whether a regulation is in the public interest. When making this determination, IRRC considers criteria such as economic or fiscal impact and reasonableness. To make that determination, IRRC must analyze the text of 2 the proposed regulation and the reasons for the new or amended language. IRRC also considers the information a promulgating agency is required to provide under Section 5 of the RRA in the Regulatory Analysis Form (RAF) (71 P.S. § 745.5(a)).

RAF and Preamble

The explanation in the Preamble and the information contained in the RAF are not sufficient to allow this Commission to determine if the regulation is in the public interest. The “Explanation” section of the Preamble provides a broad overview of the proposed changes. It does not, however, provide a concise explanation for each section being amended. The Board should submit a revised Preamble to the final-form regulation that includes a concise explanation for each section of the regulation being amended, including the need and rationale for the changes.

There are instances in the RAF and Preamble where the Board refers to “license” or “licensing process.” Since this regulation requires registration, not licensing, we ask the Board to change any references to these terms to either “registration” or “registration process.” Additionally, the Annex refers to the “Bureau of Gaming Laboratory Operations;” however, there are several responses in the RAF where the “Office of Gaming Laboratory Operations” is used. We ask the Board to be consistent in its use of terms throughout the RAF, Preamble and Annex.

In the “Fiscal Impact” section of the Preamble, under “Private Sector,” the Board does not include application, registration and renewal costs. These costs are delineated in the Board’s response to RAF question # 19 and should be set out in this section.

Lastly, there are several examples where the Board’s responses to RAF questions are incomplete. We ask the Board to provide more complete answers as directed below:

- State how the regulation compares with other states in RAF question # 12;
- Categorize those entities mentioned in response to RAF question # 15 as either small businesses or another size business;
- Utilize a numerical value or specify the meaning of “N/A” in RAF question # 23; and
- Revise the Board’s response to RAF question # 27(c) and (d) to discuss the abbreviated certification process and the ISO/IEC 17025 accreditation, if the Board determines that the entities identified in RAF questions # 15 and # 16 are small businesses (as defined in Section 3 of the RRA, Act 76 of 2012).

2. Section 461a.3. Testing and approval of games and gaming devices, generally.—Clarity.

The Board is proposing to amend Subsections (c) by adding the following:

(c) The Board will require payment of all costs for the testing and approval of slot machines, **tables games, table game devices, interactive games, sports wagering devices, video gaming terminals** and **all** associated equipment submitted by manufacturers or gaming related gaming service providers or installed at a licensed facility **or offered on an approved interactive gaming or interactive sports wagering web site or mobile application** based on the actual direct costs incurred by the Board.

The Board is also adding new subsection (f) to read:

(f) The Bureau of Gaming Laboratory Operations shall review the report from the registered private testing and certification facility, and prior to installation or use of a slot machine, table game, table game device, interactive game, sports wagering device or video gaming terminal and all associated equipment at a licensed facility, on an authorized interactive gaming or sports wagering web site or mobile application, or at a licensed truck stop establishment, shall report the findings to the Board's Executive Director for abbreviated certification and approval in accordance with § 461a.4 (relating to submission for testing and approval).

Section 461a.3(c) should be amended to include "or at a licensed truck stop establishment to be consistent with the proposed language in Section 461a.3(f).

Additionally, we ask the Board to review, for consistency, Sections 461a.4(k) and (m), 469a.4(b)(1) and (2), and 469a.4(r) to determine if where "licensed facility" appears in the text, should the phrase "on an authorized interactive gaming or sports wagering web site or mobile application, or at a licensed truck stop establishment" follow.

3. Section 461a.4. Submission for testing and approval.—Clarity; Need; and Fiscal or economic impact.

Subsection (a)

A commentator asserts that it is unclear whether or not the proposed language in Section 461a.4(a) would also apply to changes or modifications to interactive gaming, particularly with respect to software, which are currently governed by existing regulations on change management process. The commentator claims that if the Board applied these testing regulations to every software change on a sports or interactive gaming platform whenever there was independent laboratory testing, it would adversely impact their ability to make changes to their platforms, both in Pennsylvania and in other jurisdictions where they operate, if they had to submit everything to the Bureau of Gaming Laboratory Operations and wait 30 days for approval.

The Board should clarify the intent of this subsection in the Preamble to the final-form regulation. If the Board intends to apply the testing regulations to every software change on a sports or interactive gaming platform whenever there is independent laboratory testing, we ask the Board to explain the need for and reasonableness of applying the regulation in that manner and identify the fiscal impact associated with implementation.

4. Section 469a.2. Registration of private testing and certification facilities.—Clarity.

This section provides for the registration process for private testing and certification facilities, including application requirements for both the entity and individuals who own or are in a position of authority in these facilities.

Sections 469a.2(b)(4)(i) and (ii) require that certain individuals affiliated with the private testing and certification facility submit fingerprints in a manner prescribed by the Bureau of Gaming Laboratory Operations. The Board should clarify in the final rulemaking that the officers covered under subparagraph (ii) are officers other than those covered under subparagraph (i). We believe the regulated community's understanding of this particular provision would be enhanced by this further clarification.

5. Section 469a.3. Standards for private testing and certification facilities.—Clarity.

This section establishes the standards that a private testing and certification facility must meet to be eligible for registration. Under Section 469a.3(b)(1), a private testing and certification facility and its owners, managers, supervisory personnel and employees may not "have a financial or other interest, *direct or otherwise*, in a manufacturer of slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals or all associated equipment or gaming related gaming service providers licensed by the Board." (Emphasis added.)

The use of the phrase "direct or otherwise" would preclude indirect ownership such as through a mutual fund or an Individual Retirement Account. Is this the intent of the Board? We ask the Board to clarify its intent with this provision. If the intent is to preclude indirect ownership such as through the example provided, the Board should provide its rationale. If it is not the intent, the Annex should be revised to align with the intention of the Board.

6. Section 469a.4. Responsibilities of a private testing and certification facility.—Clarity; Reasonableness of the requirements; and Economic and fiscal impacts.

Subsection (n)

A commentator states that this section appears to require that private testing facilities maintain all submission and testing-related documents indefinitely. The requirement to maintain an indefinite, ever-growing library of submitted software and associated data, reports and materials, in their view, is fiscally unsustainable. The commentator suggests that this section be amended to require that the documentation under this section be maintained "for as long as the product remains approved or authorized for use in Pennsylvania."

We ask the Board, when it submits the final rulemaking, to clarify the intent of this provision. If the intent of the Board is to require that private testing facilities maintain all submission and testing related documents indefinitely, the Board should include an estimate of these costs to the regulated community that is associated with compliance in RAF questions # 19 and # 24. It should also explain the reasonableness of the requirement.

7. Miscellaneous.—Clarity.

In Section 461a.4(i) the word "and" where it appears the second time should be "or."

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 22-988. Filed for public inspection July 1, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Proposed Scope of the Network Adequacy Study: Request for Public Comment; Notice 2022-11

The Insurance Department (Department) has been awarded a total of \$698,584 in Federal funds as a part of the State Flexibility to Stabilize the Market Grant Program Cycle II. One of the proposed projects includes studying the availability of providers in various specialties and geographic areas. The goal of this study is to understand areas of need based on current availability of providers to accept new patients, the amount of time it takes to get an appointment with these providers and assess network adequacy considerations based on the findings. The development of this proposed list was informed by research on provider accessibility.

The Department welcomes public comment from organizations, consumer advocates, providers and consumers about their experience with getting an appointment or finding available specialists. The following is a proposed list of targeted provider types, but input, comments, lived experiences and suggestions of other provider types are needed. The final list for the study will include no more than ten provider types. When submitting responses individuals must indicate which of the following provider types they believe have accessibility issues based on their experiences or known issues or if they have experienced access issues with provider types that are not included on the list.

Physical Health Specialists

Obstetrics and Gynecology

- Examples of services: gynecology services, annual exams, pap smears, prenatal care, post-partum care, sexually transmitted disease testing and treatment, breast exams, reproduction issues and cervical cancer treatment.

Neurologists

- Examples of services: diagnose and treat epilepsy, Multiple Sclerosis, Parkinson's Disease, Alzheimer's Disease, concussions, headaches and migraines, brain or spinal cord injury and stroke.

Oncologists

- Examples of services: cancer diagnosis and treatment.

Dermatologists

- Examples of services: diagnose and treat skin conditions.

Oral Surgeons

- Examples of services: mouth surgery, dental implants, extractions, dental infections, tooth repair, reconstructive oral surgery, jaw tumor or cyst removals, throat cancer treatment and facial injury repairs.

Otolaryngologists

- Examples of services: diagnose and treat conditions pertaining to an individual's ear, nose and throat (also referred to as ear, nose and throat physicians).

Gastroenterologists

- Examples of services: diagnose and treat gastrointestinal conditions, Irritable Bowel Syndrome, Hepatitis, peptic ulcers, Colitis, Pancreatitis and Gastroesophageal Reflux Disease.

Behavioral Health Specialists

Licensed Clinical Social Workers

Psychologists

Licensed Professional Counselors

Child and Adolescent Behavioral Analysts

- Examples of services: therapy, Intensive Behavioral Health Services, psychological testing, substance use disorder counseling and applied behavior analysis.

Psychiatrists

- Examples of services: diagnosis, prevention, study and treatment of mental disorders and prescribing psychotropic (mental health) medications (for example, medication for anxiety, depression, schizophrenia, bipolar disorder, eating disorders or addiction).

Addiction Medicine Physicians

- Examples of services: assess and treat substance use disorders (for example, alcohol use disorder or opioid use disorder) and prescribing medication assisted treatment.

Comments may be submitted to RA-IN-PolicyOffice@pa.gov, Attn: Katie Merritt, Policy Director, 1326 Strawberry Square, Harrisburg, PA 17120.

Comments will be accepted until Friday, August 5, 2022.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-989. Filed for public inspection July 1, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Cancellation of Certificates of Public Convenience for Motor Carriers; Failure to Maintain Evidence of Insurance

Public Meeting held
June 16, 2022

Commissioners Present: Gladys Brown Dutrieuille, Chairperson; John F. Coleman, Jr., Vice Chairperson; Ralph V. Yanora

*Cancellation of Certificates of Public Convenience for
Motor Carriers; Failure to Maintain Evidence of
Insurance; M-2022-3032626*

Tentative Order

By the Commission:

Pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. § 512, the Commission is authorized to prescribe appropriate insurance requirements for motor carriers. Section 512 provides, in relevant part:

The commission may, as to motor carriers, prescribe, by regulation or order, such requirements as it may deem necessary for the protection of persons or property of their patrons and the public, including the filing of surety bonds, the carrying of insurance, or the qualifications and conditions under which such carriers may act as self-insurers with respect to such matters. All motor carriers of passengers . . . shall cover each and every vehicle, transporting such passengers, with a public liability insurance policy or a surety bond issued by an insurance carrier, or a bonding company authorized to do business in this Commonwealth, in such amounts as the commission may prescribe. . . .

Consistent with this broad statutory charge, the Commission promulgated regulations governing motor carrier insurance requirements. 52 Pa. Code Chapter 32. Those regulations provide, inter alia, that a motor carrier may not operate, and a certificate of public convenience will not be issued or remain in force, until there has been filed with and approved by the Commission a certificate of insurance by an insurer authorized to do business in Pennsylvania for the payment of claims resulting from the operation, maintenance, or use of a motor vehicle in the carrier's authorized service. 52 Pa. Code §§ 32.11, 32.12. The certificate of insurance, commonly known as a Form E, is in a form prescribed and approved by the Commission and provides protection for bodily injury, death, or property damage. 52 Pa. Code § 32.2(a). Additionally, the Commission regulations require that certain carriers maintain evidence of cargo insurance via a certificate of insurance commonly known as a Form H. The Commission's regulations require that evidence of insurance be maintained at all times with the Commission to ensure the protection of the public:

(h) *Compliance.* Failure to maintain evidence of insurance on file with the Commission in accordance with this chapter shall cause the immediate suspension of the rights and privileges conferred by a certificate of public convenience or permit held by the motor carrier. The Commission may establish rules under which suspended rights and privileges may be temporarily reinstated pending compliance with this chapter.

52 Pa. Code § 32.2(h).

The Commission has been notified that the motor carriers listed in Appendix A, attached hereto, no longer have acceptable evidence of insurance on file with the Commission. The Commission sent all carriers a letter notifying them that their operating authority was suspended. Since the date of the suspensions, these motor carriers have failed to provide acceptable evidence of insurance, notwithstanding notification by the Commission of the suspension and the necessity to provide acceptable evidence of insurance.

Under these circumstances, we tentatively conclude that the motor carriers listed in Appendix A are not in compliance with the insurance requirements of 66 Pa.C.S. § 512 and our regulations at 52 Pa. Code Chapter 32. As such, it is appropriate to initiate the process to cancel their certificates of public convenience as being in the public interest; *Therefore,*

It Is Ordered That:

1. Cancellation of the Certificates of Public Convenience of each motor carrier listed in Appendix A is hereby tentatively approved as being in the public interest.

2. The Secretary's Bureau should publish a copy of this Tentative Order in the *Pennsylvania Bulletin*.

3. To the extent any motor carrier listed in Appendix A challenges cancellation of the Certificates of Public Convenience, the motor carrier must file comments within thirty (30) days after publication in the *Pennsylvania Bulletin*. To file comments, you must either efile them by opening and using an efilng account through the Commission's website at www.puc.pa.gov. In the alternative, you may file comments by sending them by overnight delivery to the Pennsylvania Public Utility Commission, Attn: Secretary Rosemary Chiavetta, Commonwealth Keystone Building, 400 North Street, 2nd Floor, Harrisburg, PA 17120. Retain the tracking information as proof of submission. Filings made by fax or email are not acceptable and will be rejected.

4. Alternatively, acceptable evidence of insurance may be filed with the Commission on behalf of the motor carriers listed in Appendix A, within thirty (30) days after publication of this order in the *Pennsylvania Bulletin*.

Motor carriers listed in Appendix A who desire to continue operations should immediately contact their insurance agents to secure compliance with Commission insurance requirements. It is the motor carrier's responsibility to ensure compliance. Motor carriers can verify their insurance status at our Web Site at <https://www.puc.pa.gov/search/utility-authority-search/>.

Additionally, motor carriers may call our insurance hotline at (717)-787-1227 for more information.

5. Absent the timely filing of comments challenging the cancellation of the Certificate of Public Convenience or the timely filing of acceptable evidence of insurance, the Bureau of Technical Utility Services shall prepare a Secretarial Letter for issuance by the Secretary's Bureau canceling the carrier's applicable Certificate of Public Convenience. The Secretarial Letter shall direct the Department of Transportation to suspend the carrier's vehicle registration(s) consistent with 75 Pa.C.S. § 1375.

6. Upon issuance of the Secretarial Letter described in Ordering Paragraph No. 5 above, the applicable Certificate of Public Convenience of each non-compliant carrier shall be cancelled.

7. The Secretary serve a copy of the Secretarial Letter upon the Commission's Bureau of Investigation and Enforcement, Bureau of Technical Utility Services, Bureau of Administration, the Pennsylvania Department of Revenue—Bureau of Corporation Taxes, and the Pennsylvania Department of Transportation.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: JUNE 16, 2022

ORDER ENTERED: JUNE 16, 2022

Appendix A

Carriers Without Acceptable Evidence of Insurance

<i>Utility Code</i>	<i>Utility Name</i>	<i>Suspended Authorities</i>	<i>Insurance Type Not on File</i>
6316085	AMBULANCE EXPRESS, INC.	Paratransit	Liability
637222	TRANSLINE LIMOUSINE SERVICE, INC.	Airport Transfer, Limousine	Liability
6410077	ENTERPRISE LIMOUSINE, INC.	Limousine	Liability
641205	GENNY LIMOUSINE, INC.	Limousine	Liability
6414437	DAVID F. WEAVER	Paratransit	Liability
6415386	MAYTAV BUS COMPANY	Group and Party 28 or Greater	Liability
6415801	FIRST CLASS TRANSPORTATION, INC.	Paratransit, Taxi	Liability
6416547	ROBERT'S LIMOUSINE, LLC	Airport Transfer	Liability
6416671	SPECIAL EVENT EMS, INC.	Paratransit	Liability
6417187	SHERRY M. VERBEECK	Paratransit	Liability
6417189	NEW VALLEY TRANSPORTATIONS, LLC	Group and Party 16 or Greater, Limousine	Liability
6419125	LEON L. AND LINDA J. FULLER	Paratransit	Liability
6419224	GRAYLING LM, LLC	Limousine	Liability
6420954	PA LIMO COMPANY	Limousine, GP11—15, GP16+	Liability
6421317	ROYAL MEDICAL SERVICES, LLC	Paratransit	Liability
6421394	TERRY W. SCHMIDT	Paratransit	Liability
6421839	PLEASANT TRANSPORT, LLC	Paratransit	Liability
6422340	BLACKHAWK SERVICE, LLC	Paratransit	Liability
6422814	WILKE-BARRE TRANSPORTATION, LLC	Paratransit	Liability
6422900	EROLA R. GRISHAM ENTERPRISE, LLC	Group and Party 16 or Greater	Liability
6423234	ZAHIA, LLC	Paratransit	Liability
6423529	CHARLES C. ZOOK	Paratransit	Liability
701134	JET MESSENGER, INC.	Truck	Liability
701193	TOM RITCHEY TRANSPORT, INC.	Truck	Liability
701834	STUMP, EDWARD C., JR. AND LINDA K.	Truck	Liability and Cargo
702903	NOW MESSENGER, INC.	Truck	Cargo
704181	CME TRUCKING, INC.	Truck	Liability and Cargo
704712	MERRING, FREDERICK E.	Truck	Liability
704749	A.P.C. TRANSIT, INC.	Truck	Liability and Cargo
706541	MARK EMERY	Truck	Liability
706556	ELIZABETH EQUIPMENT SERVS, INC.	Truck	Cargo
706573	JOHN GORDON JESSO	Truck	Liability and Cargo
706684	II OMEGA CORPORATION	Truck	Liability and Cargo
707746	KFG TRUCKING, LLC	Truck	Liability
708289	MULHERNS MOVING, INC.	Household Goods Carrier, Truck	Cargo
708334	ANNADELE TRANSPORT, LLC	Truck	Liability and Cargo
708379	WILLIAMS, TED S.	Truck	Liability and Cargo
708816	BILL WILLIAMS	Truck	Liability
806320	MILLER BROS TRUCKING, INC.	Truck	Liability
824260	M. POLLON, INC.	Truck	Liability

<i>Utility Code</i>	<i>Utility Name</i>	<i>Suspended Authorities</i>	<i>Insurance Type Not on File</i>
8910702	GARY L. TEMPLIN, JR. EXCAVATING & TRUCKING, LLC	Truck	Cargo
8911069	STANLEY FIMOWICZ	Truck	Liability
8911178	Z. A. KEITH HORSE TRANSPORT, LLC	Truck	Liability
8912586	RICHARD M. THORNTON	Truck	Liability
8914320	CHAD TUTTLE	Truck	Cargo
8914542	DAVID A. GUBALA	Truck	Liability and Cargo
8914620	JOHN BARRETT	Truck	Liability
8915402	JOSE F. JOSE	Truck	Liability and Cargo
8915520	TRANS AM, LLC	Truck	Liability and Cargo
8916212	CACHORRO TRANSPORT, LLC	Truck	Cargo
8916389	IRONCLAD LOGISTICS, LLC	Truck	Liability
8916462	WEAKLAND WRECKERS, LLC	Truck	Cargo
8916920	BLACK MAGIC TRUCKING, LLC	Truck	Liability
8917079	DAVID J. KEPHART	Truck	Liability
891741	WILLIS TRUCKING COMPANY	Truck	Liability and Cargo
8917434	G & Y TRANSPORTATION, LLC	Truck	Cargo
8917601	SIDNEY SMITH	Truck	Liability and Cargo
8918212	KYLE T. BAUMANN	Truck	Liability and Cargo
8918668	PAUL J. FISHER	Truck	Liability and Cargo
8918755	INDUSTRIAL TRUCKING, LLC	Truck	Liability and Cargo
8919864	HYDRO HAULING OPERATIONS, LP	Truck	Liability
8920319	DCB DELIVERIES, LLC	Truck	Liability and Cargo
8920380	DUKE TRUCKING, LLC	Truck	Liability and Cargo
8920560	LUKWARO & COMPANY INCORPORATED	Truck	Liability and Cargo
8920734	THOMAS JAY EMERY	Truck	Liability
8920825	DIAMOND VALLEY TRANSPORT, LLC	Truck	Cargo
8920901	ESK TRUCKING INCORPORATED	Truck	Liability
8920905	LB TRANSPORTATION, LLC	Truck	Liability and Cargo
8921003	FREED TRANSPORT, LLC	Truck	Cargo
8921762	JJS TRANSPORTATION & DISTRIBUTION CO., INC.	Truck	Liability
8921786	KENNETH PEACE	Truck	Liability
8921987	ANDERSON PLUMBING & EXCAVATING, LLC	Truck	Cargo
8922260	BOWES TRUCKING, INC.	Truck	Liability
8922337	BUJDOS ONE TRUCKING, LLC	Truck	Liability and Cargo
8922614	DULLS TOWING, LLC	Truck	Liability and Cargo
8922815	BRAVOS TRUCKING, LLC	Truck	Liability and Cargo
8922828	NIGHT OWL XPRESS, LLC	Truck	Liability
8922907	PREMIUM AUTO CARRIERS, LLC	Truck	Liability and Cargo
8923070	MISH LOGISTICS, LLC	Truck	Cargo
8923121	DYLAN BEECHER SCHROCK	Truck	Cargo
8923323	A & D TRUCKING EXPRESS, LLC	Truck	Cargo
8923467	EDWIN PAUL SHAFFER, JR.	Truck	Liability and Cargo

<i>Utility Code</i>	<i>Utility Name</i>	<i>Suspended Authorities</i>	<i>Insurance Type Not on File</i>
8923469	WALTER FRANCIS BETTER CONNECTIONS, LLC	Truck	Liability and Cargo
8923569	PEREZ SERVICES EXPRESS, LLC	Truck	Liability and Cargo
8923748	BLACK MOUNTAIN ENTERPRISES, LLC	Truck	Cargo
8923762	PANTUSA TOWING PHILADELPHIA, LLC	Truck	Cargo
8923790	JTB TRANSPORTATION, LLC	Truck	Cargo
8923800	RKD TRUCKING, LLC	Truck	Liability and Cargo
8923813	J & S FREI LOGISTICS, INC.	Truck	Liability and Cargo
8923875	M. MICHOLOS TRUCKING, LLC	Truck	Liability and Cargo
8923965	VICS TOWING, LLC	Truck	Liability and Cargo
8924088	LANDSMAN LOGISTICS, LLC	Truck	Liability and Cargo
8924271	NEW LIFE CONTRACTING SOLUTIONS, LLC	Truck	Liability and Cargo
8924283	MARCO T., LLC	Truck	Liability and Cargo
8924330	INCREDIBLE HAWK TRUCKING, LTD	Truck	Liability and Cargo
8924450	Y AND W, LLC	Truck	Liability and Cargo
8924472	KIDD RAUDABAUGH ENTERPRISES, LLC	Truck	Liability and Cargo
8924503	LYRIC TRANSPORTERS, INC.	Truck	Liability and Cargo
8924549	LETS ROLL LOGISTICS, LLC	Truck	Liability and Cargo
8924593	WHITSELS TRUCKING, LLC	Truck	Liability and Cargo
8924696	LIGHTSPEED TRANSPORTATION, INC.	Truck	Liability and Cargo
8924763	HD MOBILE AUTO, LLC	Truck	Liability and Cargo
8924853	AVENUE AUTO TRANSPORT, LLC	Truck	Liability and Cargo
8924911	MEE TRUCKING, LLC	Truck	Cargo
899619	PROLINE PIPELINE, INC.	Truck	Liability

[Pa.B. Doc. No. 22-990. Filed for public inspection July 1, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security, Insufficient Financial Security Amount or Language

Public Meeting held
June 16, 2022

Commissioners Present: Gladys Brown Dutrieuille, Chairperson; John F. Coleman, Jr., Vice Chairperson; Ralph V. Yanora

*Electric Generation Supplier License Cancellations of
Companies with an Expired Financial Security,
Insufficient Financial Security Amount or Language;
M-2022-3030286*

Tentative Order

By the Commission:

The Commission's regulations at 52 Pa. Code § 54.40(a) state that an Electric Generation Supplier (EGS) license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. In addition, 52 Pa. Code § 54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a

bond or other approved security in the amount directed by the Commission has been obtained.

Each EGS must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120, prior to the EGS's current security expiration date. Each financial instrument must be an original document that displays a "wet" signature or digital signature, preferably in blue ink, and displays a "raised seal" or original notary stamp. The name of the principal on the original financial instrument must match exactly with the name that appears on the EGS's license issued by the Commission.

Failure to file before the financial security's expiration date may cause Commission staff to initiate a formal proceeding that may lead to the following: cancellation of each company's electric supplier license, removal of each company's information from the Commission's website, and notification to all electric distribution companies, in which each company is licensed to do business, of the cancellation of the license.

As of June 7, 2022, each EGS listed in the Supplier Table below has not provided proof to the Commission that it has a bond or other approved security in the amount or language directed by the Commission, to replace a bond which is expired, or which is non-compliant with Commission regulations.

Supplier Table—List of Electric Generation Suppliers

<i>Docket Number</i>	<i>Company Name</i>	<i>Financial Security Expiration Date</i>	<i>Commission Approved Amount or Language</i>
A-2012-2308026	ACHIEVE ENERGY SOLUTIONS, LLC	5/30/2022	Yes
A-2021-3026768*	ECOPLUS POWER, LLC	5/18/2022	No
A-2020-3021546	GREENCROWN ENERGY, LLC	6/1/2022	Yes
A-2010-2151569	PLATINUM ADVERTISING II, LLC	5/6/2022	Yes
A-2021-3027018*	POWER UP ENERGY PENNSYLVANIA, LLC	5/11/2022	No
A-2011-2245433	PRIORITY POWER MANAGEMENT, LLC	5/19/2022	Yes
A-2021-3024692*	ROBISON ENERGY (COMMERCIAL), LLC	5/4/2022	No
A-2015-2500554	TITAN ENERGY—NEW ENGLAND, INC.	5/31/2022	Yes

*Taking title to electricity

As part of its EGS license validation procedures, the Commission's Bureau of Technical Utility Services sent a 90-day Security Renewal Notice email to each entity in the Supplier Table above stating that original documentation of a bond, or other approved security in the amount or language directed by the Commission, must be filed within 30-days prior to each entity's security expiration date. None of the companies listed in the Supplier Table provided the required documentation.

Based on the above facts, we tentatively conclude that the EGSs listed in the Supplier Table are not in compliance with 52 Pa. Code § 54.40(a) and (d) and therefore it is appropriate to initiate the cancellation process for the EGS license of each company listed in the Supplier Table, without the necessity of a formal complaint, as being in the public interest; *Therefore,*

It Is Ordered That:

1. Cancellation of the Electric Generation Supplier License of each company listed in the Supplier Table is hereby tentatively approved as being in the public interest.

2. The Secretary (i) serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation & Enforcement, all electric generation distribution companies, and all of the Electric Generation Suppliers listed in the Supplier Table; (ii) publish a copy of this Tentative Order in the *Pennsylvania Bulletin* with a 30-day comment period; and (iii) file a copy of this Tentative Order at each Electric Generation Supplier's assigned docket number.

3. To the extent any of the Electric Generation Suppliers listed in the Supplier Table challenge the cancellation of their license, they must file comments within thirty (30) days after publication of this Tentative Order in the *Pennsylvania Bulletin*. Written comments referencing Docket No. M-2022-3030286 must be eFiled to the Pennsylvania Public Utility Commission through the Commission's eFiling System. You may set up a free eFiling account with the Commission at <https://efiling.puc.pa.gov/> if you do not have one. Filing instructions may be found on the Commission's website at http://www.puc.pa.gov/filing_resources.aspx. Comments containing confidential information should be emailed to Commission Secretary Rosemary Chiavetta at rchiavetta@pa.gov rather than eFiled.

4. Alternatively, Electric Generation Suppliers listed in the Supplier Table may provide the Commission an approved security up to and within thirty (30) days after publication in the *Pennsylvania Bulletin*. The Electric Generation Supplier must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument displaying a "wet" signature or digital signature, preferably in blue ink, and displaying a "raised seal" or original notary stamp with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120.

5. Absent the timely (i) filing of comments challenging the cancellation of the Electric Generation Supplier's license, or (ii) the filing of an approved security within 30-days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services, shall prepare a Final Order for entry by the Secretary revoking the license of each Electric Generation Supplier that fails to respond.

6. Upon entry of the Final Order, Electric Generation Suppliers that remain listed as not in compliance with 52 Pa. Code § 54.40(a) and (d) will be stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration, removed from the Commission's website, and notifications be sent to all electric distribution companies in which the Electric Generation Suppliers are licensed to do business.

7. Upon entry of the Final Order, Electric Generation Suppliers that fail to respond will be prohibited from providing electric generation supply services to retail electric customers. That upon entry of the Final Order described in Ordering Paragraph No. 5, each electric distribution company in which the Electric Generation Suppliers are licensed to do business, shall return the customers of the Electric Generation Suppliers to default service.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: June 16, 2022

ORDER ENTERED: June 16, 2022

[Pa.B. Doc. No. 22-991. Filed for public inspection July 1, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

**Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Columbia Gas
of Pennsylvania, Inc.**

Public Meeting held
June 16, 2022

Commissioners Present: Gladys Brown Dutrieuille, Chairperson; John F. Coleman, Jr., Vice Chairperson; Ralph V. Yanora

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Columbia Gas of
Pennsylvania, Inc.; M-2022-3012079*

Opinion and Order

By the Commission:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is a proposed Joint Petition for Approval of Settlement (Settlement, Settlement Agreement, or Petition) filed on March 4, 2022, by the Commission's Bureau of Investigation and Enforcement (I&E) and Columbia Gas of Pennsylvania, Inc. (Columbia Gas or the Company) (collectively, the Parties), with respect to an informal investigation conducted by I&E. Both Parties filed Statements in Support of the Settlement. The Parties submit that the proposed Settlement is in the public interest and is consistent with the Commission's Policy Statement at 52 Pa. Code § 69.1201, Factors and Standards for Evaluating Litigated and Settled Proceedings Involving Violations of the Public Utility Code and Commission Regulations. Petition at 10.

Before issuing a final decision on the merits of the proposed Settlement, and consistent with the requirement of 52 Pa. Code § 3.113(b)(3), we shall publish the Settlement in the *Pennsylvania Bulletin* and provide an opportunity for interested parties to file comments regarding the proposed Settlement.¹

History of the Proceeding

This matter concerns a natural gas explosion that occurred on July 31, 2019, at 100 Park Lane in Washington, Washington County, Pennsylvania (100 Park Lane). At least four individuals were injured as a result of the explosion. No fatalities occurred. The explosion demolished the entire residential structure at 100 Park Lane and caused severe damage to three vehicles that were located on the property. One other residence was condemned as a result of the explosion, and numerous other homes were damaged. Pipeline Safety Inspectors from I&E's Gas Safety Division responded to the scene on the day of the explosion and initiated an investigation. Petition at 4.

Thereafter, the Parties entered into negotiations and agreed to resolve the matter in accordance with the Commission's policy to promote settlements at 52 Pa. Code § 5.231. *Id.* As previously indicated, the Parties filed the instant Settlement on March 4, 2022.

¹ As discussed, *infra*, because of the nature of the incident as described in the Settlement, it is appropriate to publish the Settlement in the *Pennsylvania Bulletin*.

Background

The Distribution System

Columbia Gas and NPL Construction Co. (NPL), the construction contractor used by Columbia Gas on this project, were working on an incremental mainline uprating project as part of the Company's "Dewey Avenue Replacement Project" (Project) at the time of the explosion. The Project was a two-phase project initiated by Columbia Gas on March 8, 2019 to install new main and uprate existing main from its operating pressure of Low Pressure (LP), ~ 11 inches of water column, to a Maximum Allowable Operating Pressure (MAOP) of 45 pounds per square inch gauge (psig). The uprate portion of the Project involved facilities on Nokomis Drive, Mineola Avenue, Iola Avenue and Winona Avenue in Washington, PA. It was expected to impact approximately sixty of the Company's customers. Columbia Gas failed to include the residence at 100 Park Lane on the Company's maps for the Project, and, therefore, it was mistakenly omitted from the scope of the Dewey Avenue Replacement Project. While the house did have a different street address from other houses included in the Project, the service line for this residence was tapped off the Company's Mineola Avenue facilities—facilities that were within the scope of the Project. Petition at 4-5.

On August 23, 2019, a joint evaluation was conducted by the State Fire Marshal and I&E Pipeline Safety personnel to determine the cause of the 100 Park Lane explosion. It was determined that the primary cause of the explosion was the over pressurization of the house piping and appliances since the service line to the 100 Park Lane residence was not equipped with a service regulator at the time of the incremental pressure uprating. The source of the gas was surmised to be natural gas leaks occurring around the gas appliances located inside the residence. Petition at 6.

If this matter had been fully litigated, I&E would have proffered evidence and legal arguments to demonstrate that Columbia Gas committed, *inter alia*, the following violations:

- a. Columbia Gas did not use reasonable effort to protect the public from danger in that it failed to identify all gas and non-gas customers within the scope of its Dewey Avenue Replacement Project, an alleged violation of 52 Pa. Code § 59.33(a).
- b. Columbia Gas did not adequately inspect adjacent structures to the gas main(s) involved in the incremental uprating, in that it failed to identify that the service line at 100 Park Lane would be affected by its Dewey Avenue Replacement Project, an alleged violation of 52 Pa. Code § 59.35.
- c. Columbia Gas uprating procedures were inadequate in that the procedures failed to require the inspection of all abutting and adjacent structures to gas main(s) involved in an incremental uprating project before significantly increasing the normal operating pressure of a distribution or transmission pipeline, an alleged violation of 49 CFR § 192.13(c).
- d. Columbia Gas Incremental Uprate Plan did not identify the adjacent structure of 100 Park Lane as being affected by its Dewey Avenue Replacement Project, an alleged violation of 49 CFR § 192.553(c).
- e. Columbia Gas' design failed to include operating, and maintenance history of the segment of pipeline before increasing the operating pressure above the previously established MAOP in that it did not

include the service at 100 Park Lane in its design documents and procedures for the uprating project, an alleged violation of 49 CFR § 192.557(b)(1) and 52 Pa. Code § 59.33(a).

f. Columbia Gas' leak survey before increasing the operating pressure above the previously established MAOP from ~ 11 inches of water column to 45 psig did not include 100 Park Lane, an alleged violation of 49 CFR § 192.557(b)(2) and 52 Pa. Code § 59.33(a).

g. Columbia Gas failed to account for the service line at 100 Park Lane and therefore failed to install a service regulator on the service line before the Company increased the operating pressure of the distribution system from ~ 11 inches of water column to 45 psig, an alleged violation of 49 CFR § 192.557(b)(6).

h. Columbia Gas failed to furnish and maintain adequate, efficient, safe and reasonable service and facilities and make such repairs, changes, alterations, substitutions, extensions and improvements in or to its service and facilities necessary or proper for the accommodation and safety of its patrons, employees and the public, thereby placing the safety of its customers, employees and the public in danger, an alleged violation of 66 Pa.C.S. § 1501.

Petition at 10—12.

Columbia Gas fully acknowledges the seriousness of the allegations and recognizes the need to prevent future reoccurrences. Petition at 13.

Terms and Conditions of the Settlement

The Parties submit that the Settlement is a complete settlement related to I&E's informal investigation and represents a compromise by both I&E and Columbia Gas of their competing positions. The Parties further state that the Settlement constitutes a carefully crafted package representing reasonably negotiated compromises on the issues addressed therein. The Parties urge the Commission to approve the Settlement in its entirety and without modification, as being in the public interest and consistent with the Commission's Policy Statement at 52 Pa. Code § 69.1201 governing settled proceedings involving violations of the Public Utility Code (Code) and the Commission's Regulations. Petition at 19.

The Settlement consists of the Joint Petition for Approval of Settlement containing the terms and conditions of the Settlement, Proposed Ordering Paragraphs (Appendix A to the Petition) and the respective Statements in Support of the Settlement of I&E (Appendix B to the Petition) and Columbia Gas (Appendix C to the Petition), filed on March 4, 2022.

The essential terms of the Settlement are set forth in Paragraphs 48-49 of the Petition. Petition at 13—16. These terms and conditions are excerpted in relevant part (footnotes omitted for brevity), as follows:

48. Pursuant to the Commission's policy of encouraging settlements that are reasonable and in the public interest, the Parties held a series of discussions that culminated in this Settlement. I&E and Columbia [Gas] desire to (1) resolve I&E's informal investigation; and (2) settle this matter completely without litigation. The Parties recognize that given the inherent unpredictability of the outcome of a contested proceeding, there are mutual benefits of amicably resolving the disputed issues. The terms and condi-

tions of the Settlement, for which the Parties seek Commission approval, are set forth below.

49. I&E and Columbia Gas, intending to be legally bound and for consideration given, desire to fully and finally conclude this investigation and agree that a Commission Order approving the Settlement without modification shall create the following rights and obligations:

a. Civil Penalty:

Respondent will pay a civil penalty in the amount of \$990,000.00 pursuant to 66 Pa.C.S. § 3301(c). Said payment shall be made within thirty (30) days of the date of the Commission's Final Order approving the Settlement Agreement and shall be made by certified check or money order payable to the "Commonwealth of Pennsylvania." Columbia Gas will not seek recovery of any portion of the total civil penalty amount in any future ratemaking proceeding and agrees that it will not be tax deductible under Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f).

b. Corrective Actions:

Columbia Gas recognizes the seriousness of this matter and will promptly take the following steps to prevent a similar occurrence:

1) Revise its Uprating Procedure Gas Standard [GS 5500.400] to require the inspection of all abutting and adjacent structures to gas main(s) involved in an incremental uprating project before significantly increasing the normal operating pressure of a distribution or transmission pipeline above the previously established MAOP. Significantly shall mean the increase in operating pressure requiring a change in service regulation or an incremental increase in pressure as required by 192.557(c).

2) Develop and implement a program or process which ensures identification of the location, main, and pressure system for each service line tap within Columbia Gas service territory. This program or process must be able to identify properties where the actual tap location differs from the street address.

3) Modify the minimum requirements found in Exhibit A under Gas Standard GS 3020.012 for service line records to include street names and address or geospatial data. Where the actual tap location differs from the street address, the service line sketch will include street names and address, until such time the service line record is fully contained within the Company's Geographic Information System. Retrain all impacted Columbia Gas employees on all Company standards that outline the minimum requirements for service line records which includes the locations of the tap and the main. Create a QA/QC program to review service line records to ensure they meet the minimum requirements of the Company standards. Create a program to review all existing service line records to ensure that the record meets the minimum requirements. Establish procedures to identify all service lines in and around every project which significantly increases the MAOP of the system or an incremental increase in pressure as required by 192.557(c), including physical inspections and record inspections of all adjacent structures. This shall include marking out the service location or other equivalent confirmation method prior to any 15 uprate. The mark out or other equivalent confirmation method must include verification of service location.

4) Develop a buffer zone with a minimum of a 500-foot radius of the main to be uprated to capture and verify all service locations of all structures. This buffer zone should consider the length of the service lines.

5) Enhance personnel training, including field, management, supervision and engineering. The Company must develop an uprate training module that incorporates the new procedural changes. This training should be provided to all impacted employees, including management and engineering staff on three (3) year intervals. This training module must also address the low pressure conversions, or re-qualifications.

6) Develop a process to ensure pipeline system updates are correctly mapped. When substantive mapping or record errors are encountered, conduct a causal evaluation investigation into why the maps or records are incorrect so that Company can develop best practices and training programs to help ensure the errors are reduced or eliminated.

7) Consider mapping system enhancements that would include the following:

a) Enhance the information retained on the Service Line Records (SLR) designating a new data field or a symbol(s) in an existing data field which gives clear indication that a tap location differs from the actual service address. When the tap itself is not depicted in GIS, this designation should be usable within the GIS database and not solely based in a comment section on a scanned tap card. Conflate the mapping/asset information using high-quality road-edge/centerline information;

b) Capture and store X, Y, and Z coordinates for facility locations (and other asset data) through means which comport with acceptable industry standards;

c) Complete a "Visualization Tool," which will visualize what is connected to mains via service points and will be linked to service record information and drawings; and

d) Capture and store information including but not limited to location of main service taps, curb valves, and other such appurtenances and pipe anomalies for legacy pipe when mains and services are "out of service" through the use of in-line cameras, geo-spatial technology and/or other means.

8) Discontinue use of incremental uprates for low pressure to elevated pressure. Utilize requalification (air pressure test) process to convert low pressure to elevated pressure systems.

If the Settlement is approved by the Commission without modification, I&E shall be deemed to have released Columbia Gas from all past claims that were made or could have been made by the Commission for monetary and/or other relief based on allegations that the Company failed to comply with the allegations that are the subject of the instant I&E informal investigation. Petition at 16; I&E Statement in Support at 7.

The proposed Settlement is conditioned on the Commission's approval without modification of any of its terms or conditions. If the Commission does not approve the proposed Settlement or makes any change or modification to the proposed Settlement, either Party may elect to withdraw from the Settlement. Petition at 17.

The Parties agree that the underlying allegations were not the subject of any hearing and that there has been no order, findings of fact or conclusions of law rendered in this proceeding. Further, by entering into this Settlement Agreement, Respondent has made no concession or admission of fact or law and may dispute all issues of fact and law for all purposes in any other proceeding. This Settlement may not be used by any other person or entity as a concession or admission of fact or law. The Parties acknowledge that this Settlement Agreement reflects a compromise of competing positions and does not necessarily reflect any party's position with respect to any issues raised in this proceeding. Petition at 17-18.

This Settlement represents a complete settlement of I&E's informal investigation against Columbia Gas' alleged violations of the Code and the Commission's Regulations. The Parties expressly acknowledge that this Settlement Agreement represents a compromise of positions and does not in any way constitute a finding or an admission concerning the alleged violations of the Code and the Commission's Regulations. Petition at 19.

Discussion

Pursuant to our Regulations at 52 Pa. Code § 5.231, it is the Commission's policy to promote settlements. The Commission must, however, review proposed settlements to determine whether the terms are in the public interest. *Pa. PUC v. Philadelphia Gas Works*, Docket No. M-00031768 (Order entered January 7, 2004).

In reviewing settlements that resolve informal investigations, the Commission will provide other potentially affected parties with the opportunity to file comments regarding a proposed settlement prior to issuing a decision. The Commission's Regulations at 52 Pa. Code § 3.113(b) provide as follows:

§ 3.113. Resolution of informal investigations.

* * *

(b) Under 65 Pa.C.S. Chapter 7 (relating to Sunshine Act), the Commission's official actions resolving informal investigations will be as follows:

* * *

(3) When the utility, or other person subject to the Commission's jurisdiction, has committed to undertake action to address or remedy a violation or potential violation of the act or to resolve another perceived deficiency at the utility, in the form of a settlement with the Commission staff or other resolution of the matter, the Commission's consideration of the settlement or approval of the utility's action will occur at public meeting. Except for staff reports and other documents covered by a specific legal privilege, documents relied upon by the Commission in reaching its determination shall be made part of the public record. *Before the Commission makes a final decision to adopt the settlement or to approve the utility's action, the Commission will provide other potentially affected persons with the opportunity to submit exceptions thereon or to take other action provided for under law.*

52 Pa. Code § 3.113(b) (emphasis added). See also *Pa. PUC, Bureau of Investigation and Enforcement v. PPL Electric Utilities Corporation*, Docket No. M-2012-2264635 (Order entered September 13, 2012); *Pa. PUC, Bureau of Investigation and Enforcement v. Liberty Power Holdings, LLC*, Docket No. M-2019-2568471 (Order entered August 8, 2019).

Conclusion

Before issuing a decision on the merits of the proposed Settlement, and consistent with the requirement of 52 Pa. Code § 3.113(b)(3), and for the reason(s) stated above, we believe it is appropriate to provide interested parties an opportunity to file comments on the proposed Settlement. Therefore, we will: (1) publish this Opinion and Order and a copy of the proposed Settlement (including Appendices) and Statements in Support, attached hereto, in the Pennsylvania Bulletin; and (2) provide an opportunity for interested parties to file comments regarding the proposed Settlement within twenty-five days of the date of publication in the Pennsylvania Bulletin; Therefore,

It Is Ordered That:

1. The Secretary’s Bureau shall duly certify this Opinion and Order along with the attached Joint Petition for Approval of Settlement (including Appendices) and the Statements in Support thereof, at Docket No. M-2022-3012079, and deposit them with the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

2. Within twenty-five (25) days of the date that this Opinion and Order and the attached Joint Petition for Approval of Settlement (including Appendices) and the Statements in Support thereof are published in the

Pennsylvania Bulletin, interested parties may file comments concerning the proposed Settlement. Comments to the proposed Settlement shall be filed with the Commission through efilng. Please know that at this time all parties wanting to file with the Commission and participate in proceedings before the Commission must open an efilng account free of charge through our website and accept eservice. This is in accordance with the Commission’s Emergency Order at Docket No. M-2020-3019262. An efilng account may be opened at our website, https://www.puc.pa.gov/efiling/default.aspx.

3. A copy of this Opinion and Order, together with the attached Joint Petition for Approval of Settlement (including Appendices) and the Statements in Support thereof, at Docket No. M-2022-3012079, shall be served on the Office of Consumer Advocate and the Office of Small Business Advocate.

4. Subsequent to the Commission’s review of any comments filed in this proceeding, at Docket No. M-2022-3012079, a final Opinion and Order will be issued by the Commission.

ROSEMARY CHIAVETTA, Secretary

ORDER ADOPTED: June 16, 2022

ORDER ENTERED: June 16, 2022

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement’s Investigation of Columbia Gas of Pennsylvania, Inc.’s July 31, 2019 Uprating Incident at 100 Park Lane, Washington, Washington County, Pennsylvania

Docket No. M-2022-3012079

JOINT PETITION FOR APPROVAL OF SETTLEMENT

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code §§ 5.41 and 5.232, the Pennsylvania Public Utility Commission’s (“Commission” or “PUC”) Bureau of Investigation and Enforcement (“I&E”) and Columbia Gas of Pennsylvania, Inc. (“Columbia Gas” or “Company”) hereby submit this Joint Petition for Approval of Settlement (“Settlement” or “Settlement Agreement”) to resolve all issues related to the explosion that occurred on July 31, 2019 at 100 Park Lane in Washington, Washington County, Pennsylvania. As part of this Settlement Agreement, I&E and Columbia Gas (hereinafter referred to collectively as the “Parties” or “Joint Petitioners”) respectfully request that the Commission approve the Settlement without modification for the compelling public interest reasons set forth, infra. Proposed Ordering Paragraphs are attached hereto as Appendix A. Statements in Support of the Settlement expressing the individual views of I&E and Columbia Gas are attached hereto as Appendix B and Appendix C, respectively.

I. Introduction

1. The Parties to this Settlement Agreement are the Pennsylvania Public Utility Commission’s Bureau of Investigation and Enforcement, by its prosecuting attorneys, 400 North Street, Harrisburg, PA 17120, and Columbia Gas of Pennsylvania, Inc., a natural gas utility

with a primary mailing address of 121 Champion Way, Suite 100, Canonsburg, PA 15317.

2. The Pennsylvania Public Utility Commission is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within this Commonwealth, as well as other entities subject to its jurisdiction, pursuant to the Public Utility Code (“Code”), 66 Pa.C.S. §§ 101, et seq.

3. I&E is the bureau within the Commission established to prosecute complaints against public utilities. See Implementation of Act 129 of 2008; Organization of Bureaus and Offices, Docket No. M-2008-2071852 (Order entered August 11, 2011) (delegating authority to initiate proceedings that are prosecutory in nature to I&E); See also 66 Pa.C.S. § 308.2(a)(11).

4. Columbia Gas is a “public utility” as that term is defined at 66 Pa.C.S. § 102,² as it is engaged in providing public utility service as a natural gas distribution company (“NGDC”) to the public for compensation.

² At 66 Pa.C.S. § 102, “Public utility” is defined under that term at subsection (1)(i) as:

(1) Any person or corporations now or hereafter owning or operating in this Commonwealth equipment or facilities for: (i) Producing, generating, transmitting, distributing or furnishing natural or artificial gas, electricity, or steam for the production of light, heat, or power to or for the public for compensation.

5. Section 501(a) of the Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Code.

6. Section 3301(c) of the Code, 66 Pa.C.S. § 3301(c), authorizes the Commission to impose civil penalties on any person or corporation, defined as a public utility, who violates any provisions of the Code or any regulation or order issued thereunder governing the safety of pipeline or conduit facilities in the transportation of natural gas, flammable gas, or gas which is toxic or corrosive. Section 3301(c) further provides that a civil penalty of up to Two Hundred Thousand Dollars (\$200,000.00) per violation for each day that the violation persists may be imposed, except that for any related series of violations, the maximum civil penalty shall not exceed Two Million Dollars (\$2,000,000.00) or the penalty amount provided under Federal pipeline safety laws, whichever is greater.

7. Civil penalties for violations of Federal pipeline safety laws and regulations are adjusted annually to account for changes in inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Pub.L. 114-74, § 701, 129 Stat. 599, 28 U.S.C. § 2461 note (Nov. 2, 2015) (amending the Federal Civil Penalties Inflation Adjustment Act of 1990). The most recent adjustment made by the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration ("PHMSA") occurred on July 31, 2019, and revises the maximum civil penalty to Two Hundred and Eighteen Thousand, Six Hundred and Forty-Seven Dollars (\$218,647.00) for each violation for each day the violation continues, with a maximum penalty not to exceed Two Million, One Hundred Eighty-Six Thousand, Four-Hundred and Sixty-Five Dollars (\$2,186,465.00) for a related series of violations. 84 Fed. Reg. 37071 (July 31, 2019).

8. Pursuant to Section 59.33(b) of the Commission's regulations, 52 Pa. Code § 59.33(b), I&E's Safety Division has the authority to enforce Federal pipeline safety laws and regulations set forth in 49 U.S.C.A. §§ 60101—60503 and as implemented at 49 CFR Parts 191—193, 195 and 199, and to apply the federal civil penalty. The federal pipeline safety laws and regulations proscribe the minimum safety standards for all natural gas and hazardous liquid public utilities in the Commonwealth.

9. Columbia Gas, in providing natural gas distribution service to the public for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations and orders, including Federal pipeline safety laws and regulations.

II. Background

10. On July 31, 2019, at approximately 4:00 PM, a natural gas explosion occurred at 100 Park Lane, Washington, PA 15301 ("100 Park Lane"), a residential home in the North Franklin service territory of Columbia Gas. The homeowner, Deborah Braden, and two (2) firefighters were onsite at the time of the explosion. At least four (4) individuals were injured as a result of the explosion. No fatalities occurred.

11. The explosion demolished the entire residential structure at 100 Park Lane and caused severe damage to three (3) vehicles that were located on the property. One other residence was condemned as a result of the explosion, and numerous other homes were reportedly damaged.

12. In addition to local emergency personnel, Pipeline Safety Inspectors from I&E's Safety Division responded to the scene on the day of the explosion and initiated an investigation. The following background consists of a summary of the findings from that investigation.

A. The Distribution System

13. Columbia Gas and NPL Construction Co. ("NPL"), the construction contractor used by Columbia Gas on this project, were working on an incremental mainline uprating project as part of the Company's "Dewey Avenue Replacement Project" at the time of the explosion.

14. The "Dewey Avenue Replacement Project" ("Project") was a two-phase project initiated by Columbia Gas on March 8, 2019 to install new main and uprate existing main from its operating pressure of Low Pressure (LP) ~ 11 inches of water column to a Maximum Allowable Operating Pressure ("MAOP") of 45 pounds per square inch gauge ("psig"). The uprate portion of the Project involved facilities on Nokomis Drive, Mineola Avenue, Lola Avenue and Winona Avenue in Washington, PA. It was expected to impact approximately sixty (60) of the Company's customers.

15. The Columbia Gas distribution system in the uprate portion of the Project area involved a total of approximately 2,780-feet of 2-inch, 3-inch and 4-inch existing plastic main, which was installed in 1995, 1998, 2013, and 2019.

16. Columbia Gas failed to include the residence at 100 Park Lane on the Company's maps for the Project, and, therefore, it was mistakenly omitted from the scope of the Dewey Avenue Replacement Project. While the house did have a different street address from other houses included in the Project, the service line for this residence was nevertheless tapped off the Company's Mineola Avenue facilities—facilities that were within the scope of the Project. As a result of this oversight and other Company missteps described infra, the 100 Park Lane explosion occurred.

17. The Columbia Gas distribution system at 100 Park Lane consisted of a plastic main with plastic service lines. The main was located at the dead end of Mineola Ave and was 2-inch Polyethylene plastic pipe. The service line was 1-inch Polyethylene plastic pipe and was 255 feet in length and ran from the end of the main located near Mineola Ave. Columbia Gas renewed the main in 2013 and installed the service line to 100 Park Lane on June 20, 2013.

18. At the time of the explosion, the distribution system was operating at a pressure of forty (40) psig.

19. On August 23, 2019, a joint evaluation was conducted by the State Fire Marshal and I&E Pipeline Safety personnel to determine the cause of the 100 Park Lane explosion. It was determined that the primary cause of the explosion was the over pressurization of the house piping and appliances since the service line to the 100 Park Lane residence was not equipped with a service regulator at the time of the incremental pressure uprating. The source of the gas was surmised to be natural gas leaks occurring around the gas appliances located inside the residence.

B. Chronology of the Events

20. At or about 6:50 AM on July 30, 2019, Columbia Gas and NPL personnel arrived at the site of the Project to begin working on the incremental uprating.

21. At approximately 9:20 AM, Columbia Gas's Gas Measurement & Regulation (GM&R) personnel activated the temporary regulator station located along Nokomis Drive, near State Route 18 ("SR-18").

22. At or around 10:05 AM, the system was raised to one (1) psig. Following the increase, gauges were verified at separation points.

23. At approximately 10:20 AM, the system was raised to two (2) psig, and a leak survey was conducted.

24. At or around 10:55 AM, the system was raised to thirteen (13) psig. Following the increase, another leak survey was completed.

25. At or about 11:30 AM, the incremental uprating was stopped due to reported weather issues.

26. At approximately 7:35 AM on the following day, July 31, 2019, NPL leak surveyors were notified to perform a leak survey on the distribution system. During I&E-Safety Division's subsequent investigation of the incident, it was reported that after receiving this notification, NPL crews surveyed the area by walking over the gas lines with detectors to locate any potential leaks. Additionally, NPL reported that its crews checked each house with a meter set believed to encompass the Project for leaks. According to NPL, no leaks were identified.

27. At or around 8:45 AM, the system pressure was increased from thirteen (13) psig to twenty-four (24) psig. A leak survey was conducted following the pressure increase, and it was reported that no leaks were found.

28. At approximately 9:40 AM, the system pressure was further increased to thirty-five (35) psig. A leak survey was completed following the increase, and it was reported that no leaks were found.

29. At or around 10:30 AM, the system pressure was increased for a final time to forty-five (45) psig. Leak surveyors completed a final leak survey at approximately 11:44 AM, and it was reported that no leaks were found.

30. At or around 11:50 AM, GM&R was given approval by the Columbia Gas supervisor to return the system to the normal operating pressure of 40 psig.

31. At approximately 3:50 PM, homeowner Deborah Braden returned to her residence at 100 Park Lane and smelled a strong odor of gas. Ms. Braden immediately called 911.

32. Two firefighters responded to Ms. Braden's emergency call. It was reported that the firefighters shut off the gas to the residence at the meter once they arrived on scene.

33. Seconds after Ms. Braden and the first responders exited the residence, an explosion occurred. The explosion levelled the 100 Park Lane residence, also resulting in another home being condemned and allegedly causing damage to other residences in the area. Three vehicles located on the property at 100 Park Lane were also severely damaged.

34. The explosion also resulted in alleged bodily injuries to at least four people. The injuries that were allegedly sustained included lacerations, concussions from flying debris, as well as one firefighter being thrown from the site of the explosion.

35. The explosion resulted in the temporary curtailment of natural gas service to approximately sixty (60) Columbia Gas customers.

36. At approximately 3:55 PM, the Company's Uprate Leader was notified of the incident.

37. At or around 4:03 PM, the Columbia Gas Uprate Leader directed the NPL Construction Crew Supervisor to close the outlet valve at the temporary regulator station located along Nokomis Drive, near State Route 18 ("SR-18").

38. At approximately 4:31 PM, I&E's Pipeline Safety regional supervisor notified an I&E Safety Division investigator of the explosion and directed him to proceed to the site of the explosion.

39. The assigned I&E Safety Division investigator arrived at the site of the explosion at approximately 5:30 PM and began coordinating the incident investigation with field personnel. Personnel from the North Franklin Volunteer Fire Department and the State Police Fire Marshals were also on scene. The I&E Safety investigator assessed the area with the Operations Compliance Manager for Columbia Gas and the Vice President and General Manager of Columbia Gas of Maryland and Pennsylvania. At this time, I&E's Safety Division requested that the Company conduct a leak survey of all impacted areas.

40. At or about 5:30 PM, a residence located at 240 Park Avenue, Washington, PA 15301, was toured and inspected by I&E's Safety Division at the request of the homeowner. The home was found to be damaged as a result of the explosion.

41. At the same time, a residence located at 268 Park Avenue, Washington, PA was toured by I&E's Safety Division at the request of the owner and landlord. As a result of the explosion, this residence was condemned because there were structural cracks on the walls and the floor was lifted and displaced.

42. At approximately 6:45 PM, Columbia Gas separated the main from the service line at 100 Park Lane to terminate the flow of natural gas to the residence. The Company conducted a pressure test at or about 6:52 PM, which indicated that the service line was at or about 92 psig for ten (10) minutes. The Company's Standard Operation Procedures require service lines to be tested with air at least 90-psig for five to ten minutes during leak investigations. The pressure test held, and no leak was detected.

C. Columbia Gas Uprating Procedure Deficiencies

43. It is the position of I&E that this incident was due to the lack of overall Company oversight of critical tasks. The fact that the Company's Project maps were not accurate should have been discovered through an engineering review or by field personnel during the course of the Project. The improvement to the service line at 100 Park Lane was relatively recent (2013) and these records should have made clear that this residence, albeit located on a different street, was nevertheless within the parameters of the Project and should have been identified at the time of the uprating.

44. It is I&E's position that the Incremental Uprate Plan (0001-19-0238117-00) ("IUP") followed by Columbia Gas personnel on July 31, 2019 was inadequate in that the structure at 100 Park Lane was not included or identified on any of the Company's Project Maps related to the Dewey Avenue Replacement Project.

45. It is I&E's position that the Incremental Uprate Plan (0001-19-0238117-00) followed by Columbia Gas personnel on July 31, 2019 was inadequate in that the

Plan's directive that uprate procedures begin only "after it has been confirmed that all of the required customer service lines, associated meter work, and main line replacement, along the involved streets [Nokomis Drive, Mineola Ave, Iola Ave and Winona Ave, North Franklin Township, Washington County, Pennsylvania]. . . has been successfully completed" was incomplete in that it failed to include Park Lane as an involved street in the Dewey Avenue Replacement Project. See, IUP, page 1.

46. It is I&E's position that Columbia Gas Upgrading Procedure Gas Standard [GS 5500.400] was inadequate at the time of the explosion in that it did not require the Company to physically inspect and record the inspection of all adjacent structures within the area of its upgrading project. The Company did not take into consideration the length of service lines in establishing an appropriate buffer zone to identify adjacent structures along the perimeter of the project.

III. Alleged Violations

47. Had this matter been litigated, I&E would have proffered evidence and legal arguments to demonstrate that Columbia Gas committed, inter alia, the following violations:

a. Columbia Gas did not exercise reasonable care when it failed to identify all gas and non-gas customers within the scope of its Dewey Avenue Replacement Project. The Company did not use reasonable effort to protect the public from danger in that: 1) the Company's upgrading project plans omitted 100 Park Lane in the design phase of the upgrading project; 2) there was no mark out of the service to 100 Park Lane in the days prior to the explosion; 3) the Company did not discover the omission of the service line to 100 Park Lane during the course of construction; and 4) the Company's Project Maps used in performing the project did not take into consideration the length of service lines in establishing an appropriate buffer zone to identify adjacent structures.

If proven, I&E alleges that such conduct violated 52 Pa. Code § 59.33(a) (requiring public utilities to use reasonable effort to properly warn and protect the public from danger, and to exercise reasonable care to reduce the hazards to which employees, customers and others may be subjected to by reason of its equipment and facilities).

b. Columbia Gas did not adequately inspect adjacent structures to the gas main(s) involved in the incremental upgrading, in that it failed to identify that the service line at 100 Park Lane would be affected by its Dewey Avenue Replacement Project.

If proven, I&E alleges that such conduct violated 52 Pa. Code § 59.35 (requiring that structures abutting or adjacent to the gas mains shall be inspected to confirm the utility's records as to the presence or absence of a gas service line on each property).

c. Columbia Gas upgrading procedures were inadequate in that the procedures failed to require the inspection of all abutting and adjacent structures to gas main(s) involved in an incremental upgrading project before significantly increasing the normal operating pressure of a distribution or transmission pipeline. The procedures were not sufficiently detailed to allow the identification of all affected structures. Records are kept in a manner that would not have allowed properties with different street addresses to be identified in the scope of uprate projects.

If proven, I&E alleges that such conduct violated 49 CFR § 192.13(c) (requiring that each operator shall maintain, modify as appropriate, and follow the plans, procedures, and programs that it is required to establish under 49 CFR Subpart A).

d. Columbia Gas Incremental Uprate Plan (0001-19-0238117-00) did not identify the adjacent structure of 100 Park Lane as being affected by its Dewey Avenue Replacement Project.

If proven, I&E alleges that such conduct violated 49 CFR § 192.553(c) (requiring that each operator who upgrades a segment of pipeline shall establish a written procedure that will ensure that each applicable requirement of 49 CFR Subpart K—Upgrading is complied with).

e. Columbia Gas' design failed to include operating, and maintenance history of the segment of pipeline before increasing the operating pressure above the previously established MAOP in that it did not include the service at 100 Park Lane in its design documents and procedures for the upgrading project.

If proven, I&E alleges that such conduct violated 49 CFR § 192.557(b)(1) and 52 Pa. Code § 59.33(a).

f. Columbia Gas' leak survey before increasing the operating pressure above the previously established MAOP from ~ 11 inches of water column to 45 pounds per square inch gauge ("psig") did not include 100 Park Lane.

If proven, I&E alleges that such conduct violated 49 CFR § 192.557(b)(2) and 52 Pa. Code § 59.33(a).

g. Columbia Gas failed to account for the service line at 100 Park Lane and therefore failed to install a service regulator on the service line before the Company increased the operating pressure of the distribution system from ~ 11 inches of water column to 45 pounds per square inch gauge ("psig").

If proven, I&E alleges that such conduct violated 49 CFR § 192.557(b)(6) (requirement that before increasing operating pressure above the previously established maximum allowable operating pressure, the operator shall install a service regulator on each service line and test each regulator to determine that it is functioning if the pressure in mains or service lines, or both, is to be higher than the pressure delivered to the customer.)

h. As set forth in subparagraphs a through g, supra, Columbia Gas failed to furnish and maintain adequate, efficient, safe and reasonable service and facilities and make such repairs, changes, alterations, substitutions, extensions and improvements in or to its service and facilities necessary or proper for the accommodation and safety of its patrons, employees and the public, thereby placing the safety of its customers, employees and the public in danger.

If proven, I&E alleges that such conduct violated 66 Pa.C.S. § 1501.

IV. Terms of Settlement

48. Pursuant to the Commission's policy of encouraging settlements that are reasonable and in the public interest,³ the Parties held a series of discussions that culminated in this Settlement. I&E and Columbia Gas desire to: (i) terminate I&E's informal investigation; and (ii) settle this matter completely without litigation. Columbia

³ See 52 Pa. Code § 5.231(a).

Gas fully acknowledges the seriousness of the allegations and recognizes the need to prevent future reoccurrences. Moreover, the Parties recognize that this is a disputed claim, and given the inherent unpredictability of the outcome of a contested proceeding, the Parties further recognize the significant and more immediate benefits of amicably resolving the disputed issues through settlement as opposed to time-consuming and expensive litigation. The terms and conditions of the Settlement, for which the Parties seek Commission approval, are set forth below.

49. I&E and Columbia Gas, intending to be legally bound and for consideration given, desire to fully and finally conclude this investigation and agree that a Commission Order approving the Settlement without modification shall create the following rights and obligations:

a. *Civil Penalty:*

Respondent will pay a civil penalty in the amount of \$990,000.00 pursuant to 66 Pa.C.S. § 3301(c). Said payment shall be made within thirty (30) days of the date of the Commission's Final Order approving the Settlement Agreement and shall be made by certified check or money order payable to the "Commonwealth of Pennsylvania." The docket number of this proceeding shall be indicated with the certified check or money order and the payment shall be sent to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, PA 17120

Columbia Gas will not seek recovery of any portion of the total civil penalty amount in any future ratemaking proceeding and agrees that it will not be tax deductible under Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f).

b. *Corrective Actions:*

Columbia Gas recognizes the seriousness of this matter and will promptly take the following steps to prevent a similar occurrence:

1) Revise its Upgrading Procedure Gas Standard [GS 5500.400] to require the inspection of all abutting and adjacent structures to gas main(s) involved in an incremental upgrading project before significantly increasing the normal operating pressure of a distribution or transmission pipeline above the previously established MAOP. Significantly shall mean the increase in operating pressure requiring a change in service regulation or an incremental increase in pressure as required by 192.557(c).

2) Develop and implement a program or process which ensures identification of the location, main, and pressure system for each service line tap within Columbia Gas service territory. This program or process must be able to identify properties where the actual tap location differs from the street address.

3) Modify the minimum requirements found in Exhibit A under Gas Standard GS 3020.012 for service line records to include street names and address or geospatial data. Where the actual tap location differs from the street address, the service line sketch will include street names and address, until such time the service line record is fully contained within the Company's Geographic Information System. Retrain all impacted Columbia Gas employees on all Com-

pany standards that outline the minimum requirements for service line records which includes the locations of the tap and the main. Create a QA/QC program to review service line records to ensure they meet the minimum requirements of the Company standards. Create a program to review all existing service line records to ensure that the record meets the minimum requirements. Establish procedures to identify all service lines in and around every project which significantly increases the MAOP of the system or an incremental increase in pressure as required by 192.557(c), including physical inspections and record inspections of all adjacent structures. This shall include marking out the service location or other equivalent confirmation method prior to any uprate. The mark out or other equivalent confirmation method must include verification of service location.

4) Develop a buffer zone with a minimum of a 500-foot radius of the main to be uprated to capture and verify all service locations of all structures. This buffer zone should consider the length of the service lines.

5) Enhance personnel training, including field, management, supervision and engineering. The Company must develop an uprate training module that incorporates the new procedural changes. This training should be provided to all impacted employees, including management and engineering staff on three (3) year intervals. This training module must also address the low pressure conversions, or re-qualifications.

6) Develop a process to ensure pipeline system updates are correctly mapped. When substantive mapping or record errors are encountered, conduct a causal evaluation investigation into why the maps or records are incorrect so that Company can develop best practices and training programs to help ensure the errors are reduced or eliminated.

7) Consider mapping system enhancements that would include the following:

a) Enhance the information retained on the Service Line Records (SLR) designating a new data field or a symbol(s) in an existing data field which gives clear indication that a tap location differs from the actual service address. When the tap itself is not depicted in GIS, this designation should be usable within the GIS database and not solely based in a comment section on a scanned tap card. Conflate the mapping/asset information using high-quality road-edge/centerline information;

b) Capture and store X, Y, and Z coordinates for facility locations (and other asset data) through means which comport with acceptable industry standards;

c) Complete a "Visualization Tool," which will visualize what is connected to mains via service points and will be linked to service record information and drawings; and

d) Capture and store information including but not limited to location of main service taps, curb valves, and other such appurtenances and pipe anomalies for legacy pipe when mains and services are "out of service" through the use of in-line cameras, geospatial technology and/or other means.

8) Discontinue use of incremental uprates for low pressure to elevated pressure. Utilize requalification (air pressure test) process to convert low pressure to elevated pressure systems.

50. Upon Commission approval of the Settlement in its entirety without modification, I&E shall be deemed to have released Columbia Gas from all past claims that were made or could have been made by the Commission for monetary and/or other relief based on allegations that the Company failed to comply with the allegations that are the subject of the instant I&E informal investigation.

51. I&E and Columbia Gas jointly acknowledge that approval of this Settlement Agreement is in the public interest and fully consistent with the Commission's Policy Statement regarding Factors and Standards for Evaluating Litigated and Settled Proceedings, 52 Pa. Code § 69.1201. The Parties submit that the Settlement Agreement is in the public interest because it effectively addresses I&E's allegations that are the subject of the I&E informal investigation, promotes public and facility safety, and avoids the time and expense of litigation, which entails hearings, travel for Respondent's witnesses, and the preparation and filing of briefs, exceptions, reply exceptions, as well as possible appeals. Attached as Appendix B and Appendix C are Statements in Support submitted by I&E and Columbia Gas, respectively, setting forth the bases upon which they believe the Settlement Agreement is in the public interest.

V. Conditions of Settlement

52. This document represents the Settlement Agreement in its entirety. No changes to obligations set forth herein may be made unless they are in writing and are expressly accepted by the Parties. This Settlement Agreement shall be construed and interpreted under Pennsylvania law.

53. The benefits and obligations of this Joint Petition for Approval of Settlement shall be binding upon the successors and assigns of the parties to the Settlement.

54. This Joint Petition may be signed in counterparts and all signatures attached hereto will be considered as originals.

55. In order to effectuate the parties' Joint Petition for Approval of Settlement, the undersigned parties request that the Commission issue a Final Order approving the Petition without modification.

56. The Settlement is conditioned upon the Commission's approval of the terms and conditions contained in this Joint Petition for Approval of Settlement without modification. If the Commission modifies this Settlement Agreement, any party may elect to withdraw from the Settlement and may proceed with litigation and, in such event, this Settlement Agreement shall be void and of no effect. Such election to withdraw must be made in writing, filed with the Secretary of the Commission and served upon the other party within twenty (20) days after entry of an Order modifying the Settlement.

The consequence of any party withdrawing from this Joint Petition for Approval of Settlement as set forth above is that all issues associated with the requested relief presented in the proceeding will be fully litigated by the filing of a Formal Complaint unless otherwise stipulated between the parties and all obligations of the parties to each other set forth herein are terminated and of no force and effect.

57. The Parties agree that the underlying allegations were not the subject of any hearing and that there has been no order, findings of fact or conclusions of law rendered in this proceeding. It is further understood that, by entering into this Settlement Agreement, Respondent has made no concession or admission of fact or law and may dispute all issues of fact and law for all purposes in any other proceeding. Nor may this settlement be used by any other person or entity as a concession or admission of fact or law.

58. The Parties acknowledge that this Settlement Agreement reflects a compromise of competing positions and does not necessarily reflect any party's position with respect to any issues raised in this proceeding.

59. This Settlement Agreement is being presented only in the context of this proceeding in an effort to resolve the proceeding in a manner that is fair and reasonable. This Settlement is presented without prejudice to any position that any of the Parties may have advanced and without prejudice to the position any of the Parties may advance in the future on the merits of the issues in any other proceedings, except to the extent necessary to effectuate or enforce the terms and conditions of this Settlement Agreement. This Settlement does not preclude the parties from taking other positions in any other proceeding but is conclusive in this proceeding and may not be reasserted in any other proceeding or forum except for the limited purpose of enforcing the Settlement by a Party.

60. I&E and Columbia Gas jointly acknowledge that approval of this Settlement Agreement is in the public interest and is fully consistent with the Commission's Policy Statement for evaluating litigated and settled proceedings involving violations of the Code and Commission regulations, 52 Pa. Code § 69.1201. The Commission will serve the public interest by adopting this Joint Petition for Approval of Settlement.

61. The Joint Petition for Approval of Settlement avoids the time and expense of litigation in this matter before the Commission, which likely would entail the filing of a Formal Complaint, the preparation for and attendance at hearings, and the preparation and filing of testimony, briefs, reply briefs, exceptions, and reply exceptions. The Parties further recognize that their positions and claims are disputed and, given the inherent unpredictability of the outcome of a contested proceeding, the Parties recognize the benefits of amicably resolving the disputed issues through settlement.

62. Since the Parties agree to the terms of the Joint Petition for Approval of Settlement, adopting it will eliminate the possibility of any appeal from the Commission Secretarial Letter or Order, thus avoiding the additional time and expense that they might incur in such an appeal.

63. This Settlement consists of the entire agreement between I&E and Columbia Gas regarding the matters addressed herein. Moreover, this Settlement represents a complete settlement of I&E's informal investigation against Columbia Gas' alleged violations of the Public Utility Code and the Commission's regulations as discussed in more detail in Section III. The Parties expressly acknowledge that this Settlement Agreement represents a

compromise of positions and does not in any way constitute a finding or an admission concerning the alleged violations of the Public Utility Code and the Commission's regulations. This Settlement shall be construed and interpreted under Pennsylvania Law.

64. The terms and conditions of this Settlement Agreement constitute a carefully crafted package representing reasonably negotiated compromises on the issues addressed herein. Thus, the Settlement Agreement is consistent with the Commission's rules and practices encouraging negotiated settlements set forth in 52 Pa. Code §§ 5.231 and 69.1201.

Wherefore, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement and Columbia Gas of Pennsylvania, Inc. respectfully request that the Commission approve the terms of the Joint Petition for Approval of Settlement without modification and in their entirety as being in the public interest.

Respectfully submitted and filed by:

Date: 3/4/2022 Michael L. Swindler, Deputy Chief Prosecutor

PA Attorney ID No. 43319
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120
mswindler@pa.gov

Date: 3/4/2022 Amy E. Hirakis, Senior Counsel

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Appendix A
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission, :
Bureau of Investigation and :
Enforcement's Investigation of Columbia :
Gas of Pennsylvania, Inc.'s July 31, 2019 : Docket No. M-2022-3012079
Uprating Incident at 100 Park Lane, :
Washington, Washington County, :
Pennsylvania :

Proposed Ordering Paragraphs

1. That the Joint Settlement Petition filed on March 4, 2022 between the Commission's Bureau of Investigation and Enforcement and Columbia Gas of Pennsylvania, Inc. is approved in its entirety without modification.

2. That, in accordance with Section 3301(c) of the Public Utility Code, 66 Pa.C.S. § 3301(c), within thirty (30) days of the date this Order becomes final, Columbia Gas of Pennsylvania, Inc. shall pay a civil penalty of Nine Hundred Ninety Thousand Dollars (\$990,000.00). Said payment shall be made by certified check or money order payable to "Commonwealth of Pennsylvania" and shall be sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

3. Columbia Gas of Pennsylvania, Inc. also agrees to promptly take the numerous corrective actions as expressly set forth in the Settlement Agreement.

4. A copy of this Opinion and Order shall be served upon the Financial and Assessment Chief, Bureau of Administration.

5. That the above-captioned matter shall be marked closed upon receipt of the civil penalty.

Appendix B
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission, :
Bureau of Investigation and :
Enforcement's Investigation of Columbia :
Gas of Pennsylvania, Inc.'s July 31, 2019 : Docket No. M-2022-3012079
Uprating Incident at 100 Park Lane, :
Washington, Washington County, :
Pennsylvania :

**THE BUREAU OF INVESTIGATION AND ENFORCEMENT'S
STATEMENT IN SUPPORT OF THE
JOINT PETITION FOR APPROVAL OF SETTLEMENT**

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code §§ 5.231, 5.232 and 69.1201, the Pennsylvania Public Utility Commission's ("Commission" or "PUC") Bureau of Investigation and Enforcement ("I&E"), a signatory party to the Joint Petition for Approval of Settlement ("Settlement" or "Settlement Agreement") filed in the matter docketed above, submits this Statement in Support of the Settlement Agreement between I&E and Columbia Gas of Pennsylvania, Inc. ("Columbia Gas" or "Company") (hereinafter referred to collectively as the "Parties" or "Joint Petitioners"). I&E avers that the terms and conditions of the Settlement are just and reasonable and in the public interest for the reasons set forth herein.

I. Background

On July 31, 2019, at approximately 4:00 PM, a natural gas explosion occurred at 100 Park Lane, Washington, PA 15301 ("100 Park Lane"), a residential home in the North Franklin service territory of Columbia Gas. The homeowner and two (2) firefighters were onsite at the time of the explosion. At least four individuals were injured as a result of the explosion but there were no fatalities. The explosion demolished the entire residential structure at 100 Park Lane and caused severe damage to three vehicles (3) that were located on the property. One other residence was condemned as a result of the explosion, and numerous other homes were reportedly damaged. In addition to local emergency personnel, Pipeline Safety Inspectors from I&E's Safety Division responded to the scene on the day of the explosion and initiated an investigation.

At the time of the explosion, Columbia Gas and NPL Construction Co. ("NPL"), the construction contractor used by Columbia Gas on this project, were working on an incremental mainline uprating project as part of the Company's "Dewey Avenue Replacement Project." The "Dewey Avenue Replacement Project" ("Project") was initiated by Columbia Gas on March 8, 2019 to install new main and to increase or uprate the pressure on the existing main. The uprate portion of the Project involved facilities on Nokomis Drive, Mineola Avenue, Iola Avenue and Winona Avenue in Washington, PA and was expected to impact approximately sixty (60) of the Company's customers. However, Columbia Gas failed to include the residence at 100 Park Lane on the Company's maps for the Project, and, therefore, it was mistakenly omitted from the scope of the Dewey Avenue Replacement Project. While the house did have a different street address from other houses included in the Project, the service line for this residence was nevertheless tapped off the Company's Mineola Avenue facilities—facilities that were within the scope of the Project. As a result of this oversight, the 100 Park Lane explosion occurred.

On August 23, 2019, a joint evaluation was conducted by the State Fire Marshal and I&E Pipeline Safety personnel to determine the cause of the 100 Park Lane explosion. It was determined that the primary cause of the explosion was the over pressurization of the house piping and appliances since the service line to the 100 Park Lane residence was not equipped with a service regulator at the time of the incremental pressure uprat-

ing. The source of the gas was surmised to be natural gas leaks occurring around the gas appliances located inside the residence.

I&E and Columbia Gas subsequently engaged in extensive negotiations regarding the resolution of I&E's investigation. On March 4, 2022, the Parties filed a Joint Petition for Approval of Settlement resolving all issues between I&E and Columbia Gas in the instant matter. This Statement in Support is submitted in conjunction with the Settlement Agreement.

II. The Public Interest

Pursuant to the Commission's policy of encouraging settlements that are reasonable and in the public interest, the Parties held a series of settlement discussions. These discussions culminated in this Settlement Agreement, which, once approved, will resolve all issues related to the instant I&E Investigation. Columbia Gas has been cooperative and proactive with I&E related to identifying policies and procedures, facilities and training that can be further improved to assist the Company in enhancing the safety and reliability of service and to satisfy the commitments that I&E has required in the settlement process.

The Settlement, if approved, will provide substantial public benefits including numerous improvements to the Company's operations and procedures related to, inter alia, revisions to uprating procedures, modifications to service line records, enhancements to personnel training and refinements to the Company's mapping system.

Although I&E and Columbia Gas may disagree with respect to I&E's factual allegations, the Company recognizes the need to prevent a similar incident from reoccurring. Further, I&E recognizes that, given the inherent unpredictability of the outcome of a contested proceeding, the benefits of amicably resolving the disputed issues through settlement outweigh the risks and expenditures of litigation. I&E submits that the Settlement constitutes a reasonable compromise of the issues involved and is in the public interest as it provides for a number of relevant corrective measures as well as a civil penalty. As such, I&E respectfully requests that the Commission approve the Settlement without modification so that these important public benefits may be realized expeditiously.

III. Terms of Settlement

Under the terms of the Settlement, I&E and Columbia Gas have agreed as follows:

a. Civil Penalty:

Respondent will pay a civil penalty in the amount of \$990,000.00 pursuant to 66 Pa.C.S. § 3301(c). Said payment shall be made within thirty (30) days of the date of the Commission's Final Order approving the Settlement Agreement and shall be made by certified check or money order payable to the "Commonwealth of Pennsylvania." The docket number of this proceeding shall be indicated with the certified check or money order and the payment shall be sent to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, PA 17120

Columbia Gas will not seek recovery of any portion of the total civil penalty amount in any future ratemaking proceeding and agrees that it will not be tax deductible under Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f).

b. *Corrective Actions:*

Columbia Gas recognizes the seriousness of this matter and will promptly take the following steps to prevent a similar occurrence:

1) Revise its Uprating Procedure Gas Standard [GS 5500.400] to require the inspection of all abutting and adjacent structures to gas main(s) involved in an incremental uprating project before significantly increasing the normal operating pressure of a distribution or transmission pipeline above the previously established MAOP. Significantly shall mean the increase in operating pressure requiring a change in service regulation or an incremental increase in pressure as required by 192.557(c).

2) Develop and implement a program or process which ensures identification of the location, main, and pressure system for each service line tap within Columbia Gas service territory. This program or process must be able to identify properties where the actual tap location differs from the street address.

3) Modify the minimum requirements found in Exhibit A under Gas Standard GS 3020.012 for service line records to include street names and address or geospatial data. Where the actual tap location differs from the street address, the service line sketch will include street names and address, until such time the service line record is fully contained within the Company's Geographic Information System. Retrain all impacted Columbia Gas employees on all Company standards that outline the minimum requirements for service line records which includes the locations of the tap and the main. Create a QA/QC program to review service line records to ensure they meet the minimum requirements of the Company standards. Create a program to review all existing service line records to ensure that the record meets the minimum requirements. Establish procedures to identify all service lines in and around every project which significantly increases the MAOP of the system or an incremental increase in pressure as required by 192.557(c), including physical inspections and record inspections of all adjacent structures. This shall include marking out the service location or other equivalent confirmation method prior to any uprate. The mark out or other equivalent confirmation method must include verification of service location.

4) Develop a buffer zone with a minimum of a 500-foot radius of the main to be uprated to capture and verify all service locations of all structures. This buffer zone should consider the length of the service lines.

5) Enhance personnel training, including field, management, supervision and engineering. The Company must develop an uprate training module that incorporates the new procedural changes. This training should be provided to all impacted employees, including management and engineering staff on three (3) year intervals. This training module must also address the low pressure conversions, or re-qualifications.

6) Develop a process to ensure pipeline system updates are correctly mapped. When substantive mapping or record errors are encountered, conduct a causal evaluation investigation into why the maps or records are incorrect so that Company can develop best practices and training programs to help ensure the errors are reduced or eliminated.

7) Consider mapping system enhancements that would include the following:

a) Enhance the information retained on the Service Line Records (SLR) designating a new data field or a symbol(s) in an existing data field which gives clear indication that a tap location differs from the actual service address. When the tap itself is not depicted in GIS, this designation should be usable within the GIS database and not solely based in a comment section on a scanned tap card.

Conflate the mapping/asset information using high-quality road-edge/centerline information;

b) Capture and store X, Y, and Z coordinates for facility locations (and other asset data) through means which comport with acceptable industry standards.

c) Complete a "Visualization Tool," which will visualize what is connected to mains via service points and will be linked to service record information and drawings; and

d) Capture and store information including but not limited to location of main service taps, curb valves, and other such appurtenances and pipe anomalies for legacy pipe when mains and services are "out of service" through the use of in-line cameras, geo-spatial technology and/or other means.

8) Discontinue use of incremental uprates for low pressure to elevated pressure. Utilize requalification (air pressure test) process to convert low pressure to elevated pressure systems.

Upon Commission approval of the Settlement in its entirety without modification, I&E shall be deemed to have released Columbia Gas from all past claims that were made or could have been made by the Commission for monetary and/or other relief based on allegations that the Company failed to comply with the allegations that are the subject of the instant I&E informal investigation.

I&E and Columbia Gas jointly acknowledge that approval of this Settlement Agreement is in the public interest and fully consistent with the Commission's Policy Statement regarding Factors and Standards for Evaluating Litigated and Settled Proceedings, 52 Pa. Code § 69.1201. The Parties submit that the Settlement Agreement is in the public interest because it effectively addresses I&E's allegations that are the subject of the I&E informal investigation, promotes public and facility safety, and avoids the time and expense of litigation, which entails hearings, travel for Respondent's witnesses, and the preparation and filing of briefs, exceptions, reply exceptions, as well as possible appeals.

IV. *Legal Standard for Settlement Agreements*

Commission policy promotes settlements. See 52 Pa. Code § 5.231. Settlements lessen the time and expense that the parties must expend litigating a case and, at the same time, conserve precious administrative resources. Settlement results are often preferable to those achieved at the conclusion of a fully litigated proceeding. "The focus of inquiry for determining whether a proposed settlement should be recommended for approval is not a

‘burden of proof’ standard, as is utilized for contested matters.” *Pa. Pub. Util. Comm’n, et al. v. City of Lancaster—Bureau of Water*, Docket Nos. R-2010-2179103, et al. (Order entered July 14, 2011) at p. 11. Instead, the benchmark for determining the acceptability of a settlement is whether the proposed terms and conditions are in the public interest. *Pa. Pub. Util. Comm’n v. Philadelphia Gas Works*, Docket No. M-00031768 (Order entered January 7, 2004).

I&E submits that approval of the Settlement Agreement in the above-captioned matter is consistent with the Commission’s Policy Statement regarding Factors and Standards for Evaluating Litigated and Settled Proceedings Involving Violations of the Public Utility Code and Commission Regulations (“Policy Statement”), 52 Pa. Code § 69.1201; See also *Joseph A. Rosi v. Bell-Atlantic-Pennsylvania, Inc.*, Docket No. C-00992409 (Order entered March 16, 2000). The Commission’s Policy Statement sets forth ten factors that the Commission may consider in evaluating whether a civil penalty for violating a Commission order, regulation, or statute is appropriate, as well as whether a proposed settlement for a violation is reasonable and in the public interest. 52 Pa. Code § 69.1201.

The Commission will not apply the factors as strictly in settled cases as in litigated cases. 52 Pa. Code § 69.1201(b). While many of the same factors may still be considered, in settled cases, the parties “will be afforded flexibility in reaching amicable resolutions to complaints and other matters as long as the settlement is in the public interest.” *Id.*

The first factor considers whether the conduct at issue was of a serious nature, such as willful fraud or misrepresentation, or if the conduct was less egregious, such as an administrative or technical error. Conduct of a more serious nature may warrant a higher penalty. 52 Pa. Code § 69.1201(c)(1). I&E alleges that the Company’s procedures that were in place at the time of the incident were deficient in their failure to identify all gas and non-gas customers within the scope of its Dewey Avenue Replacement Project resulting in disastrous consequences. I&E submits that the alleged violations alleged as a result of I&E’s Investigation are of a serious nature and were considered in arriving at the civil penalty and remedial relief set forth in the terms of the Settlement.

The second factor considered is whether the resulting consequences of the Company’s alleged conduct were of a serious nature. When consequences of a serious nature are involved, such as personal injury or property damage, the consequences may warrant a higher penalty. 52 Pa. Code § 69.1201(c)(2). In this case, the natural gas explosion resulted in injuries to at least four individuals, though none were fatal. The explosion destroyed the residential structure at 100 Park Lane and significantly damaged surrounding residences. The terms and conditions of the Settlement acknowledge that serious consequences occurred and are designed to further enhance the safety of Columbia Gas’s service and facilities.

The third factor to be considered under the Policy Statement is whether the alleged conduct was intentional or negligent. 52 Pa. Code § 69.1201(c)(3). “This factor may only be considered in evaluating litigated cases.” *Id.* This factor does not apply to the present case since this matter is being resolved through a settlement of the Parties.

The fourth factor to be considered is whether the Company has made efforts to change its practices and

procedures to prevent similar conduct in the future. 52 Pa. Code § 69.1201(c)(4). In response to the July 31, 2019 incident, Columbia Gas moved forward to adopt several changes to its policies and procedures. A comprehensive list of these changes is outlined in the Settlement Agreement. Some of the more significant changes include:

- 1) Revise its Upgrading Procedure Gas Standard [GS 5500.400] to require the inspection of all abutting and adjacent structures to gas main(s) involved in an incremental upgrading project before significantly increasing the normal operating pressure of a distribution or transmission pipeline above the previously established MAOP. Significantly shall mean the increase in operating pressure requiring a change in service regulation or an incremental increase in pressure as required by 192.557(c).
- 2) Develop and implement a program or process which ensures identification of the location, main, and pressure system for each service line tap within Columbia Gas service territory. This program or process must be able to identify properties where the actual tap location differs from the street address.
- 3) Modify the minimum requirements found in Exhibit A under Gas Standard GS 3020.012 for service line records to include street names and address or geospatial data. Where the actual tap location differs from the street address, the service line sketch will include street names and address, until such time the service line record is fully contained within the Company’s Geographic Information System. Retrain all impacted Columbia Gas employees on all Company standards that outline the minimum requirements for service line records which includes the locations of the tap and the main. Create a QA/QC program to review service line records to ensure they meet the minimum requirements of the Company standards. Create a program to review all existing service line records to ensure that the record meets the minimum requirements. Establish procedures to identify all service lines in and around every project which significantly increases the MAOP of the system or an incremental increase in pressure as required by 192.557(c), including physical inspections and record inspections of all adjacent structures. This shall include marking out the service location or other equivalent confirmation method prior to any uprate. The mark out or other equivalent confirmation method must include verification of service location.
- 4) Develop a buffer zone with a minimum of a 500-foot radius of the main to be upgraded to capture and verify all service locations of all structures. This buffer zone should consider the length of the service lines.
- 5) Enhance personnel training, including field, management, supervision and engineering. The Company must develop an uprate training module that incorporates the new procedural changes. This training should be provided to all impacted employees, including management and engineering staff on three (3) year intervals. This training module must also address the low pressure conversions, or re-qualifications.
- 6) Develop a process to ensure pipeline system updates are correctly mapped. When substantive mapping or record errors are encountered, conduct a causal evaluation investigation into why the maps or records are incorrect so that Company can develop

best practices and training programs to help ensure the errors are reduced or eliminated.

7) Consider mapping system enhancements that would include the following:

a) Enhance the information retained on the Service Line Records (SLR) designating a new data field or a symbol(s) in an existing data field which gives clear indication that a tap location differs from the actual service address. When the tap itself is not depicted in GIS, this designation should be usable within the GIS database and not solely based in a comment section on a scanned tap card.

Conflate the mapping/asset information using high-quality road-edge/centerline information;

b) Capture and store X, Y, and Z coordinates for facility locations (and other asset data) through means which comport with acceptable industry standards;

c) Complete a "Visualization Tool," which will visualize what is connected to mains via service points and will be linked to service record information and drawings; and

d) Capture and store information including but not limited to location of main service taps, curb valves, and other such appurtenances and pipe anomalies for legacy pipe when mains and services are "out of service" through the use of in-line cameras, geo-spatial technology and/or other means.

8) Discontinue use of incremental uprates for low pressure to elevated pressure. Utilize requalification (air pressure test) process to convert low pressure to elevated pressure systems.

Each of these modifications to the Company's internal procedures and commitments address the alleged conduct at issue and are designed to prevent a similar incident from occurring again. Moreover, the improvements provide a significant benefit to public safety.

The fifth factor to be considered relates to the number of customers affected by the Company's actions and the duration of the violations. 52 Pa. Code § 69.1201(c)(5). In this case, at approximately 4:00 PM on July 31, 2019, a natural gas explosion occurred that resulted in at least four non-life-threatening injuries, demolished the entire residential structure at 100 Park Lane, and caused severe damage to neighboring homes in the area.

The sixth factor to be considered relates to the compliance history of Columbia Gas. 52 Pa. Code § 69.1201(c)(6). An isolated incident from an otherwise compliant company may result in a lower penalty, whereas frequent, recurrent violations by a company may result in a higher penalty. *Id.* Columbia Gas has been the subject of multiple proceedings over the past twelve years where the Commission imposed civil penalties arising from alleged gas safety violations or rejected proposed civil penalties as being inadequate.

Columbia Gas has been the subject of multiple proceedings over the past twelve years where the Commission imposed civil penalties arising from alleged gas safety violations or rejected proposed civil penalties as being inadequate. The following compliance history of Columbia Gas encompasses all but two of the civil penalties im-

posed on the company between 2010 and 2022. The two instances were omitted because they involved low penalty amounts.⁴

In *Pa. Pub. Util. Comm'n v. Columbia Gas of Pa., Inc.*, Docket No. M-2016-2378672 (Order entered December 7, 2017), a settlement between I&E and Columbia Gas arose following two separate incidents of contractor employee injuries in 2013. The first incident occurred due to failure to warn a contract employee reconnecting two pipeline segments that the section was still under pressure from an earlier test. When the end cap blew off the still-pressurized segment, the contractor employee sustained a severe leg injury. The second incident involved a contractor employee who sustained injuries to his foot and ankle while working at the receiving end of a pigging operation. I&E's post-incident investigations found that a contract employee involved in the pigging operation was not in compliance with Columbia Gas operating procedures, having not successfully passed the qualification test necessary to engage in any construction and maintenance activities. I&E investigations led to allegations that during both incidents Columbia Gas and its contractor failed to exercise reasonable care to reduce the hazards to which employees, customers, and others may be subjected. The Commission approved a settlement agreement wherein Columbia Gas agreed to pay a civil penalty amount of \$50,000.00 as a result of these serious employee safety-related incidents.

In *Pa. Pub. Util. Comm'n v. Columbia Gas of Pa., Inc.*, Docket No. M-2014-2306076 (Order entered Dec. 18, 2014), the Commission modified a settlement agreement wherein Columbia Gas agreed to pay a civil penalty following nine separate incidents investigated by I&E. I&E's investigations determined that the conduct of Columbia Gas included the following: (1) failure to check and service valves at the required regulatory intervals; (2) six instances of pipelines operating at pressures exceeding the maximum allowable operating pressure; (3) lack of pressure regulation devices to prevent accidental overpressuring; and (4) excavation damage of a pipeline due to failure to provide temporary marking of buried pipeline in the excavation area and related failures of personnel responding to the location request. The Commission modified the proposed settlement agreement between Columbia Gas and I&E to raise the civil penalty amount from \$110,000.00 to \$200,000.00. The Commission denied reconsideration of the modified amount, stating that the inherent serious nature of a high number of alleged incidents—all gas safety incidents posing a danger to public safety—warranted a higher civil penalty.

In *Pa. Pub. Util. Comm'n v. Columbia Gas of Pa., Inc.*, Docket No. C-20102071433 (Order entered August 31, 2012), the Commission approved a settlement agreement in which Columbia Gas agreed to pay a civil penalty of \$5,000.00 resolving allegations that it released the confidential billing and account information of twenty-two customers.

In *Pa. Pub. Util. Comm'n v. Columbia Gas of Pa., Inc.*, Docket No. M-200915053996 (Order entered August 3, 2010), the Commission approved a settlement agreement in which Columbia Gas agreed to pay a civil penalty

⁴ See *Pa. Pub. Util. Comm'n v. Columbia Gas of Pa., Inc.*, Docket No. C-2010-2071433 (Order entered August 31, 2012). ("In *White v. Columbia Gas of Pennsylvania, Inc.*, Docket No. F-2009-2096158 (Order entered February 26, 2010), Columbia was ordered to pay a civil penalty of \$250.00 because it failed to provide actual meter readings to a customer as frequently as is required by our Regulations. Finally, in *Harris v. Columbia Gas of Pennsylvania, Inc.*, Docket No. C-2011-2241198 (Order entered January 20, 2012), Columbia was ordered to pay a civil penalty of \$500.00 for failing to provide reasonable and adequate customer service in accordance with its tariff and Commission Regulations.")

of \$10,000.00 resolving allegations that it failed to keep adequate maps and records of its distribution system and that it failed to locate and mark its buried service line as requested through the One Call System.

In summary, given the compliance history of Columbia Gas as it relates to allegations of gas safety violations over the past decade, the substantial civil penalty of \$990,000.00 in this proceeding is warranted.

The seventh factor to be considered relates to whether the Company cooperated with the Commission’s investigation. 52 Pa. Code § 69.1201(c)(7). I&E submits that Columbia Gas cooperated in the Investigation and settlement process in this matter and that such cooperation demonstrates a commitment consistent with public safety goals and objectives.

The eighth factor to be considered is the appropriate settlement amount necessary to deter future violations. 52 Pa. Code § 69.1201(c)(8). I&E submits that a civil penalty amount of \$990,000.00, which is not tax deductible, in combination with the monetary cost of the performance of all of the remedial measures is sufficient to deter the Company from committing future violations of the nature alleged here and, when viewed altogether, represents a pecuniary concession that is well above the maximum civil penalty that could have been imposed in this matter.

The ninth factor to be considered relates to past Commission decisions in similar situations. 52 Pa. Code § 69.1201(c)(9). I&E submits that the instant Settlement provides comparable or even superior relief to prior enforcement matters involving similar pipeline safety violations.

I&E submits that the instant Settlement Agreement should be viewed on its own merits and is fair and reasonable. However, in looking at the relevant factors that are comparable to other pipeline matters involving violations of pipeline safety violations that resulted in very serious consequences, the instant Settlement is consistent with past Commission actions in that a substantial civil penalty will be paid and numerous, costly corrective actions to address the alleged violations will be performed.

The tenth factor considers “other relevant factors.” 52 Pa. Code § 69.1201(c)(10). I&E submits that an additional relevant factor—whether the case was settled or litigated—is of pivotal importance to this Settlement Agreement. A settlement avoids the necessity for the governmental agency to prove elements of each allegation. In return, the opposing party in a settlement agrees to a lesser fine or penalty, or other remedial action. The fines and penalties, and other remedial actions resulting from a fully-litigated proceeding are difficult to predict and can differ from those that result from a settlement. Reasonable settlement terms can represent economic and programmatic compromise while allowing the parties to move forward and to focus on implementing the agreed upon remedial actions.

In conclusion, I&E fully supports the terms and conditions of the Settlement Agreement. The terms of the Settlement Agreement reflect a carefully balanced compromise of the interests of the Parties in this proceeding. The Parties believe that approval of this Settlement Agreement is in the public interest. Acceptance of this Settlement Agreement avoids the necessity of administrative and potential appellate proceedings at what would have been a substantial cost to the Parties.

Wherefore, I&E supports the Settlement Agreement as being in the public interest and respectfully requests that the Commission approve the Settlement in its entirety without modification.

Respectfully submitted,

Michael L. Swindler
Deputy Chief Prosecutor
Bureau of Investigation and Enforcement
PA Attorney ID No. 43319
mswindler@pa.gov

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Dated: March 4, 2022

**APPENDIX C
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement’s	:	
Investigation of Columbia Gas of	:	
Pennsylvania, Inc.’s July 31, 2019 Uprating	:	Docket No. M-2022-3012079
Incident at 100 Park Lane, Washington,	:	
Washington County, Pennsylvania	:	

**COLUMBIA GAS OF PENNSYLVANIA, INC.’S
STATEMENT IN SUPPORT OF
SETTLEMENT AGREEMENT**

Columbia Gas of Pennsylvania, Inc. (“Columbia Gas” or “the Company”), by and through its counsel, hereby respectfully submits its Statement in Support of the Joint Petition for Approval of Settlement (“Settlement Agreement”) submitted in the above-captioned proceeding. The terms and conditions of the Settlement Agreement are in

the public interest and represent a fair, just, reasonable, and equitable resolution of the matters described therein. Approval of the Settlement Agreement is consistent with the Commission’s Policy Statement for Litigated and Settled Proceedings Involving Violations of the Public Utility Code and Commission Regulations, 52 Pa. Code § 69.1201.

Columbia Gas and the Commission’s Bureau of Investigation and Enforcement (“I&E”) engaged in extensive

exchange of information and negotiation and, as a result, I&E and the Company have agreed upon the terms embodied in the Settlement Agreement. Columbia Gas submits that the Settlement Agreement is in the public interest, as supported by the following factors:

I. *Background*

1. As the Settlement Agreement indicates, this matter resolves an informal investigation initiated by I&E as a result of information provided by the Commission's Safety Division relating to the explosion that occurred on July 31, 2019 at 100 Park Lane in Washington, Washington County, Pennsylvania.

2. I&E and other bureaus with enforcement authority are the entities established by statute to initiate proceedings against public utilities that are prosecutory in nature. (Delegation of Prosecutory Authority to Bureaus with Enforcement Responsibilities, M00940593, Order entered September 2, 1994), as amended by Act 129 of 2008, 66 Pa.C.S.A § 308.2(a)(11). Moreover, pursuant to Section 59.33(b) of the Commission's regulations, 52 Pa. Code § 59.33(b), I&E's Safety Division has the authority to enforce Federal pipeline safety laws and regulations set forth in 49 U.S.C.A. §§ 60101—60503 and as implemented at 49 CFR Parts 191—193, 195 and 199.

3. Columbia Gas has its principal place of business located in Canonsburg, Pennsylvania and at all times relevant to this proceeding was a public utility, as defined by 66 Pa.C.S. § 102, engaged in providing natural gas service to the public for compensation.

II. *Parties' Positions*

4. The averments of I&E contained in sections II.C. and III. of the Settlement Agreement were formulated without the benefit of a hearing and certain averments are or may be disputed by Columbia Gas.

5. The Parties' agreement to settle the matters described in I&E's averments was made without any admission or prejudice to any position that they might adopt during any subsequent administrative or court proceeding of whatever nature, including any necessary subsequent litigation of the issues addressed in the Settlement Agreement in the event that this settlement is rejected by the Commission or otherwise properly withdrawn by either of the parties.

III. *Settlement Agreement*

6. The parties to the Settlement Agreement have engaged in extensive and detailed discussions with respect to the allegations and defenses relating to each of the matters described in Paragraphs 43 through 47 of the Settlement Agreement. The purpose of this Settlement Agreement is to resolve these matters without litigation in a manner that minimizes concerns regarding future similar events.

7. Columbia Gas has been cooperative and pro-active in addressing the concerns identified in Paragraphs 43 through 47 of the Settlement Agreement.

8. Based upon the foregoing, the parties have agreed to the entry of an Order directing as follows in Paragraphs 9 through 10, below:

9. Columbia Gas agrees to pay a total civil penalty of \$990,000.00 within thirty days of the date of the Commission's Final Order approving the Settlement Agreement. Columbia Gas will not seek recovery of any portion of the civil penalty amount in any future ratemaking proceed-

ing, and agrees that it will not be tax deductible under Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f).

10. Columbia Gas agrees to take the following steps to prevent a similar occurrence:

1) Revise its Upgrading Procedure Gas Standard [GS 5500.400] to require the inspection of all abutting and adjacent structures to gas main(s) involved in an incremental upgrading project before significantly increasing the normal operating pressure of a distribution or transmission pipeline above the previously established MAOP. Significantly shall mean the increase in operating pressure requiring a change in service regulation or an incremental increase in pressure as required by 192.557(c).

2) Develop and implement a program or process which ensures identification of the location, main, and pressure system for each service line tap within Columbia Gas service territory. This program or process must be able to identify properties where the actual tap location differs from the street address.

3) Modify the minimum requirements found in Exhibit A under Gas Standard GS 3020.012 for service line records to include street names and address or geospatial data. Where the actual tap location differs from the street address, the service line sketch will include street names and address, until such time the service line record is fully contained within the Company's Geographic Information System. Retrain all impacted Columbia Gas employees on all Company standards that outline the minimum requirements for service line records which includes the locations of the tap and the main. Create a QA/QC program to review service line records to ensure they meet the minimum requirements of the Company standards. Create a program to review all existing service line records to ensure that the record meets the minimum requirements. Establish procedures to identify all service lines in and around every project which significantly increases the MAOP of the system or an incremental increase in pressure as required by 192.557(c), including physical inspections and record inspections of all adjacent structures. This shall include marking out the service location or other equivalent confirmation method prior to any uprate. The mark out or other equivalent confirmation method must include verification of service location.

4) Develop a buffer zone with a minimum of a 500 foot radius of the main to be uprated to capture and verify all service locations of all structures. This buffer zone should consider the length of the service lines.

5) Enhance personnel training, including field, management, supervision and engineering. The Company must develop an uprate training module that incorporates the new procedural changes. This training should be provided to all impacted employees, including management and engineering staff on three (3) year intervals. This training module must also address the low pressure conversions, or requalifications.

6) Develop a process to ensure pipeline system updates are correctly mapped. When substantive mapping or record errors are encountered, conduct a causal evaluation investigation into why the maps or records are incorrect so that Company can develop best practices and training programs to help ensure the errors are reduced or eliminated.

7) Consider mapping system enhancements that would include the following:

a) Enhance the information retained on the Service Line Records (SLR) designating a new data field or a symbol(s) in an existing data field which gives clear indication that a tap location differs from the actual service address. When the tap itself is not depicted in GIS, this designation should be usable within the GIS database and not solely based in a comment section on a scanned tap card.

Conflate the mapping/asset information using high-quality road-edge/centerline information;

b) Capture and store X, Y, and Z coordinates for facility locations (and other asset data) through means which comport with acceptable industry standards;

c) Complete a "Visualization Tool," which will visualize what is connected to mains via service points and will be linked to service record information and drawings; and

d) Capture and store information including but not limited to location of main service taps, curb valves, and other such appurtenances and pipe anomalies for legacy pipe when mains and services are "out of service" through the use of in-line cameras, geospatial technology and/or other means.

8) Discontinue use of incremental uprates for low pressure to elevated pressure. Utilize requalification (air pressure test) process to convert low pressure to elevated pressure systems.

11. Notably, Columbia Gas had already voluntarily initiated several of the terms specified in Paragraph 10 above as part of its response to the incident.

12. In consideration of the Columbia Gas' payment of a civil penalty in the amount of \$990,000.00, as described herein, and implementation and completion of the corrective actions described above in Paragraphs 10 of this Statement in Support, I&E has expressly agreed to forbear the institution of any formal complaint or other informal investigation that relates to the Columbia Gas' conduct as alleged in Paragraphs 43 through 47 of the Settlement Agreement.

13. Nothing in the Settlement Agreement shall affect the Commission's authority to receive and resolve any informal or formal complaints filed by any affected party with respect to the alleged events covered by the Settlement Agreement, except that no further enforcement action, including but not limited to civil penalties, shall be imposed by the Commission on Columbia Gas for any actions that are within the scope of the Settlement Agreement.

14. Columbia Gas submits that the Settlement Agreement is in the public interest, and therefore requests that the Commission approve the Settlement Agreement as in the public interest. The Settlement Agreement is expressly conditioned upon the Commission's approval under applicable public interest standards without modification, addition, or deletion of any term or condition herein. The parties have agreed that if the Commission Order substantively modifies the terms of the Settlement Agreement, any party may give notice to the other that it is withdrawing from the Joint Petition for Approval of Settlement. Such notice must be in writing and must be given within twenty (20) business days of the issuance of the Final Order which adopts the Settlement Agreement with substantive modifications of its terms. In the event that a party withdraws from the Joint Petition for

Approval of Settlement, I&E and Columbia Gas jointly agree that nothing in the Joint Petition shall be construed as an admission against or as prejudice to any position which any party might adopt during litigation of this case.

15. Nothing contained in the Settlement Agreement may be used or construed by any person as an admission of any fact by Columbia Gas. The Settlement Agreement is proposed by the Parties without any admission against, or prejudice to, any position which any Party may adopt during any subsequent administrative or court proceeding of whatever nature.

IV. Compliance with the Commission's Policy Statement on Litigated and Settled Proceedings Involving Violation of the Public Utility Code and Commission Regulations

16. Columbia asserts that approval of the Settlement Agreement is consistent with the Commission's Policy Statement for Litigated and Settled Proceedings Involving Violations of the Public Utility Code and Commission Regulations, 52 Pa. Code § 69.1201 ("Policy Statement").

17. Under this Policy Statement, the Commission will consider specific factors when evaluating settlements of alleged violations of the Public Utility Code and Commission's Regulations. These factors are: (1) Whether the conduct at issue was of a serious nature, such as willful fraud or misrepresentation; (2) Whether the resulting consequences of the conduct at issue were of a serious nature, such as personal injury or property damage; (3) Whether the conduct at issue was deemed intentional or negligent (may only be considered when evaluating litigated cases); (4) Whether the regulated entity made efforts to modify internal policies and procedures to address the conduct at issue and prevent similar conduct in the future; (5) The number of customers affected and the duration of the violation; (6) The compliance history of the regulated entity that committed the violation; (7) Whether the regulated entity cooperated with the Commission's investigation; (8) The amount of the civil penalty or fine necessary to deter future violations; (9) Past Commission decisions in similar situations; and (10) Other relevant factors. 52 Pa. Code § 69.1201(c).

18. When applied to settled cases, the Commission will not apply the standards as strictly as it will in litigated cases. 52 Pa. Code § 69.1201(b).

19. With regard to the first standard and starting point in the Policy Statement, whether the conduct at issue was of a serious nature, such as willful fraud or misrepresentation, there is no suggestion in the descriptions of alleged violations in the Settlement Agreement that Columbia Gas engaged in willful fraud or misrepresentation. With that said, Columbia Gas recognizes that the provision of natural gas to customers is, by nature, a serious matter, and that inadvertent errors can be serious in nature in that they can result in serious property damage and/or loss of life. The terms of the Settlement Agreement adequately take Columbia's alleged conduct into account, while taking into consideration the Company's response to the incident.

20. With regard to the second standard set out in the Policy Statement, whether the resulting consequences attributable to the conduct at issue were of a serious nature, Columbia submits that its alleged conduct, as described in the Settlement Agreement, did result in serious consequences. Columbia submits that the terms of Settlement Agreement recognizes the seriousness of the incident and the corrective actions Columbia has agreed

to implement are designed to minimize the likelihood that a similar incident will occur in the future.

21. Since this is a settled matter, the third standard set out in the Policy Statement, whether the alleged conduct at issue was intentional or negligent, is not at issue.

22. Under the fourth standard in the Policy Statement, the Commission will consider modifications that Columbia undertook to prevent a similar situation from occurring in the future. Modifications to be considered include activities such as requiring additional trainings and improving company policies and techniques. Under the Settlement Agreement, as described above, Columbia Gas will adopt numerous changes to its policies and procedures to enhance the safety of its service. With respect to the timing it has taken Columbia implement changes to its policies and practices, it should be noted that the Company began implementation of several corrective measures prior to the submission of the Settlement Agreement.

23. Regarding the fifth standard in the Policy Statement, which relates to the number of customers affected and the duration of the incident, the incident led to the temporary interruption of natural gas service to approximately sixty (60) Columbia Gas customers. The terms of the Settlement recognize the serious nature of the incident and the number of customers impacted.

24. Regarding the sixth standard in the Policy Statement, the compliance history of Columbia Gas, in the past eleven (11) years, the Company has had two gas safety related incident that have resulted in civil penalties, ranging from \$50,000 to \$200,000, and a third incident is currently pending before the Commission with a proposed civil penalty of \$535,000. See Docket Nos. M-2014-2306076; M-2016-2378672; and M-2021-3005572. The increased civil penalties that have been agreed upon between Columbia and I&E in the instant matter reflect this history.

25. Regarding the seventh standard in the Policy Statement, Columbia cooperated fully with I&E in its investigation. There are no facts alleged that would tend to establish bad faith on the part of Columbia Gas, active concealment of violations, or attempts to interfere with the Commission's investigation.

26. Regarding the eighth standard in the Policy Statement, Columbia Gas submits that the civil penalty of

\$990,000.00 will adequately serve to deter future violations. The assessment of a \$990,000.00 civil fine would be the highest civil penalty that the Commission has assessed against Columbia Gas to date.

27. Regarding the ninth standard in the Policy Statement, please see Paragraph 26, above.

28. Regarding the tenth standard in the Policy Statement, Columbia Gas submits that it is in the public interest to settle this matter so as to avoid the expense of litigation. Moreover, the Settlement is in the public interest because it will result in public benefits that will promote gas safety and reliability in Columbia's service territory.

29. Columbia Gas submits that both Parties' efforts have resulted in fair and equitable settlement that is in the public interest. The Commission has consistently encouraged settlements to avoid the time and expense associated with litigation. The parties submit that the Settlement Agreement is in the public interest because it recognizes the alleged incidents, while effectively addressing and resolving the issues raised by the investigation, and avoids the time and expense of litigation, which entails hearings, filings of briefs, exceptions, reply exceptions, and appeals. The Company has also agreed to pay a civil penalty and implement a number of corrective actions that will enhance the safety and reliability of service provided by Columbia Gas. The Settlement Agreement clearly meets the standards set forth in Section 69.1201.

Wherefore, Columbia Gas of Pennsylvania, Inc. respectfully requests that the Pennsylvania Public Utility Commission adopt an order approving the terms of the Settlement Agreement as being in the public interest.

Respectfully submitted
Columbia Gas of Pennsylvania, Inc.

By:

Amy E. Hirakis
Senior Counsel
NiSource Corporate Services Co.
800 North Third Street
Harrisburg, PA 17012
717-210-9625
ahirakis@nisource.com

Date: March 4, 2022

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, :
Bureau of Investigation and :
Enforcement's Investigation of Columbia :
Gas of Pennsylvania, Inc.'s July 31, 2019 : Docket No. M-2022-3012079
Uprating Incident at 100 Park Lane, :
Washington, Washington County, :
Pennsylvania :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Service by Electronic Mail:

Amy E. Hirakis, Esq.
Columbia Gas of Pennsylvania, Inc.
800 North 3rd Street
Suite 204
Harrisburg, PA 17102
ahirakis@nisource.com

Michael L. Swindler
Deputy Chief Prosecutor
PA Attorney ID No. 43319

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
717.783-6369
mswindler@comcast.net

Dated: March 4, 2022

[Pa.B. Doc. No. 22-992. Filed for public inspection July 1, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Recalculation of the Pennsylvania Telecommunications Relay Service Surcharge

Public Meeting held
June 16, 2022

Commissioners Present: Gladys Brown Dutrieuille, Chairperson; John F. Coleman, Jr., Vice Chairperson; Ralph V. Yanora

Recalculation of the Pennsylvania Telecommunications Relay Service Surcharge; M-2022-3030272; M-00900239

Order

By the Commission:

In accordance with our May 29, 1990 Order at Docket No. M-00900239 establishing the Pennsylvania Telecommunications Relay Service (TRS or Relay)¹ and surcharge funding mechanism (TRS surcharge) and subsequent Commission orders and legislation,² we have completed the annual recalculation of the TRS surcharge for the fiscal year period beginning on July 1, 2022, and ending June 30, 2023. The Commission will set the TRS surcharge rate for residential and business access lines at \$0.00 per month.

Background

The TRS surcharge recovers anticipated costs to provide calling services and equipment to individuals that are deaf, hard of hearing, deaf-blind or have difficulty speaking to make and receive telephone calls. The sur-

¹ Additional information on TRS may be found at http://www.puc.pa.gov/utility_industry/telecommunications/telecommunications_relay_service.aspx.

² See Act 34 of 1995, 35 P.S. §§ 6701.1—6701.4 (the statutory provisions were amended by Act 181 of 2002 to be more inclusive of persons with disabilities), establishing the Telecommunication Device Distribution Program (TDDP) to be funded by the TRS surcharge and which codified Relay and use of the TRS surcharge funding mechanism; and Act 174 of 2004, 35 P.S. § 6701.3a, which established the Print Media Access System Program (PMASP) which may be funded in part or in whole by the TRS surcharge. PMASP is a reading service for persons with certain vision-related physical disabilities. The law is now called the “Universal Telecommunications and Print Media Access Act.”

charge funds three individual programs: the Relay service itself, the Telecommunications Device Distribution Program (TDDP),³ and the Print Media Access System Program (PMASP).⁴ The surcharge is assessed only upon the customers of wireline Incumbent Local Exchange Carriers (ILECs) and Competitive Local Exchange Carriers (CLECs) (collectively, LECs).

The annual TRS surcharge recalculation is dependent on data from several sources. LECs submit annual wireline access line counts pursuant to 52 Pa. Code § 63.37. The traditional relay provider, Hamilton Relay, Inc.,⁵ submitted the estimated minutes of use and charges for July 1, 2022, through June 30, 2023. Hamilton Telephone Company d/b/a Hamilton Telecommunications submitted the estimated minutes-of-use report for the Captioned Telephone Relay Service⁶ (CTRS). The Office of Vocational Rehabilitation (OVR), Department of Labor and Industry, submitted the 2022-2023 TDDP budget and the 2022-2023 PMASP budget.

Calculation for 2022-2023

Combined residential and business wireline access lines reported by LECs for 2021 and adjusted for Centrex lines are estimated to be 4,000,729. Based upon the number of access lines, projected TRS program costs (Relay, CTRS, TDDP, and PMASP), anticipated Pennsylvania TRS Advisory Board⁷ expenses, TRS Fund administration costs,

³ This program provides specialized telecommunications devices, such as text telephones and amplifiers, at no charge to qualifying persons who are deaf or hard of hearing, or with speech and language disorders, or with a physical disability that prevents them from using standard telecommunication equipment. As per 35 P.S. § 6701.4, the Pennsylvania Department of Labor and Industry—Office of Vocational Rehabilitation is required to provide the Commission with an annual budget for the TDDP for the upcoming fiscal year. We note that our action on the TRS surcharge for the 2022-23 surcharge year should not be construed as an approval of the TDDP annual budget for 2022-23. Rather, the TDDP budget for 2022-23, including whether the budget is compliant with applicable law, is still under review.

⁴ This program is a reading service for persons with certain vision-related physical disabilities.

⁵ Hamilton Relay, Inc. (Hamilton) holds the TRS Certificate of Public Convenience to provide TRS throughout the Commonwealth of Pennsylvania. The Commission approved Hamilton's Application by order entered December 4, 2014, at Docket No. A-2014-2447601.

⁶ Hamilton Telecommunications, an affiliate of Hamilton Relay, provides CTRS services.

⁷ The Pennsylvania TRS Advisory Board was established pursuant to Commission Order entered May 29, 1990. The TRS Advisory Board's By-Laws and quarterly meeting schedule can be found at: http://www.puc.pa.gov/utility_industry/telecommunications/telecommunications_relay_service/trs_advisory_board.aspx.

and the financial status of the TRS Fund, the 2022-2023 TRS surcharge rate for residential and business access lines shall be set to \$0.00 per month per access line.

The TRS fund is running a massive surplus such that current TRS services could operate with full funding for approximately seven years with no surcharge. It would be unreasonable and imprudent to maintain this over-collection year after year without recognition of the effect this may have on ratepayers. While the Commission supports access to the TRS programs, we nevertheless do not support continued overcollections.

Operations for 2022-2023

We shall continue our active oversight of the operations of the Pennsylvania Telecommunications Relay Service. Further, in accordance with 35 P.S. §§ 6701.3a & 4, we shall continue to collaborate with OVR and its TDDP administrator⁸ to ensure adequate funding for distribution of TDDP equipment to qualified Pennsylvanians. Further, we shall continue to assist OVR in its mission to ensure adequate funding for the PMA SP.

Audits

On August 3, 2020, the Commission's Bureau of Audits began an audit of the TDDP and PMA SP at Docket No. D-2020-3020696. The audit covers the twelve-month periods ended June 30, 2019; June 30, 2018; and June 30, 2017. The audit report was released at Public Meeting on October 7, 2021. On August 3, 2020, the Bureau of Audits began an audit of the Telecommunications Relay Service at D-2022-3030518. The audit covers the twelve-month periods ended February 29, 2020; and February 28, 2021. The audit report is expected to be released in 2022.

Service of Order

In the past, our practice has been to serve the annual TRS surcharge recalculation order on every LEC in the Commonwealth in addition to each Relay service provider, the Office of Vocational Rehabilitation, the Office of Consumer Advocate, the Office of Small Business Advocate, the Pennsylvania Telephone Association, and the Fund Administrator. Consistent with the TRS surcharge recalculation order entered May 23, 2013, at Docket No. M-2013-2341301, we now serve paper copies of the annual TRS surcharge recalculation order only when there is a change in the TRS surcharge rate or other provision in the order requiring that the LECs file a tariff supplement or take other action. As this order does change the TRS surcharge rate, we shall serve a copy on every LEC in the Commonwealth in addition to each Relay service provider, the Office of Vocational Rehabilitation, the Office of Consumer Advocate, the Office of Small Business Advocate, the Pennsylvania Telephone Association, and the

⁸ As of January 1, 2007, the TDDP is administered by Pennsylvania's Initiative on Assistive Technology, Institute on Disabilities, Temple University.

Fund Administrator. Additionally, we will publish the order in the *Pennsylvania Bulletin* and on the Commission's website. All TRS surcharge revenues shall continue to be remitted to the Fund Administrator. Please note the change in surcharge remittance payment details.⁹

Conclusion

The Commission has completed the annual recalculation of the TRS surcharge rate. The TRS surcharge rate for residential and business access lines to be applied beginning August 1, 2022,¹⁰ through July 31, 2023, will be set at \$0.00 per month. All LECs are required to file a tariff supplement with the Secretary of the Commission to implement the new TRS surcharge rate. These tariff supplements may be filed to become effective on one day's notice; *Therefore*,

It Is Ordered That:

1. For the period of August 1, 2022, through July 31, 2023, the TRS surcharge rate for residential and business access lines shall be set at \$0.00 per month, unless the Commission takes further action to revise the TRS surcharge rate prior to July 31, 2023.

2. All local exchange carriers are directed to use the updated attached blank remittance form to remit the monthly TRS surcharge collections to the Fund Administrator. The blank remittance form shall be posted to the Commission's website. All local exchange carriers are required to collect and remit the TRS surcharge revenue with the completed remittance form monthly by the 20th of each month.

3. A copy of this Order be served upon all local exchange carriers, Hamilton Telephone Company d/b/a Hamilton Telecommunications, Hamilton Relay, Inc., U.S. Bank Institutional Trust & Custody, the Office of Vocational Rehabilitation in the Department of Labor and Industry, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Pennsylvania Telephone Association.

4. A copy of this Order be published in the *Pennsylvania Bulletin*.

5. A copy of this Order be posted to the Commission's website.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: June 16, 2022

ORDER ENTERED: June 21, 2022

⁹ U.S. Bank National Wholesale Lockbox, Pennsylvania TRS Fund, PO Box 645899, Cincinnati, OH 45264-5899. Remittances are payable to the "Pennsylvania TRS Fund" and designated for PA Relay. US Bank National Wholesale Lockbox regular mail, overnight mail, and wire instructions can be found on the remittance form attached to this Order.

¹⁰ This effective date is intended to allow carriers sufficient time to make the necessary systems changes to accommodate the reduction in the surcharge and to file the necessary tariff supplements.

REMITTANCE FORM FOR MONTHLY TRS SURCHARGE COLLECTIONS

Effective August 1, 2022, through July 31, 2023

M-2022-3030272

Pennsylvania TRS Surcharge

All local exchange carriers are required to collect and remit the TRS Surcharge revenue monthly, by the 20th of each month providing the following information with the monthly remittance:

Company Name: _____
Utility Code: _____
Contact Person: _____
Phone: (_____) _____ FAX: (_____) _____
Email: _____

- 1. For the Month Ending _____
2. Number of Residential access lines _____
x \$0.00 per line \$ _____
3. Number of Business access lines _____
x \$0.00 per line \$ _____
4. Total TRS Surcharge remittance \$ _____

Make check payable to: Pennsylvania TRS Fund

Table with 2 columns: If paying via check, If paying via bank wire. Includes mail report and payment to, regular mail address, overnight address, and bank wire details for U.S. Bank N.A.

Authorized Signature: _____ Date: _____

Please direct any questions regarding the TRS Surcharge remittance to Eric Jeschke at (717) 783-3850 or ejeschke@pa.gov or Melissa Derr at (717) 783-6171 or mderr@pa.gov.

[Pa.B. Doc. No. 22-993. Filed for public inspection July 1, 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 utility) on or before July 18, 2022. Filings are recommended 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 18, 2022. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Com-

mission's eFiling system at https://www.puc.pa.gov/efiling/Default.aspx. A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. The documents filed in support of the application are only available for inspection through the Commission's web site at www.puc.pa.gov by searching under the previously listed docket number or by searching the applicant's web site.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2022-3032711. Courtesy Travel, Inc., t/a Hana Transportation (7828 Old York Road, Elkins Park, Montgomery County, PA 19027) for the right to begin to transport, as a common carrier, by motor vehicle, persons in airport transfer service, from points in the Counties of

Bucks and Montgomery, and the City and County of Philadelphia to Philadelphia International Airport and vice versa.

A-2022-3032818. Ronald Scott, LLC, t/a Rons Ride (115 Morrison Avenue, Punxsutawney, Jefferson County, PA 15767) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, between points in the Counties of Allegheny, Armstrong, Butler, Centre, Clarion, Clearfield, Elk, Indiana and Jefferson.

A-2022-3032860. M3 Logistics, Inc. (1311 Huntingdon Pike, Huntingdon Valley, Montgomery County, PA 19006) to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the County of Delaware and the City and County of Philadelphia, to points in Pennsylvania, and return. *Attorney:* David Temple, Esquire, 1600 Market Street, Suite 1320, Philadelphia, PA 19103.

A-2022-3032894. Keystone Medical Transportation, Inc. (2016 South 27th Street, Philadelphia, Philadelphia County, PA 19145) to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

A-2022-3032900. Party Bus Partners, LLC (1605 Mack Street, Natrona Heights, Allegheny County, PA 15065) in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points within a 30-mile radius of 1605 Mack Street, Natrona Heights, Allegheny County, PA 15065.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under each application.

A-2022-3032411. Vite Moving, LLC (1930 South 16th Street, Philadelphia, Philadelphia County, PA 19145) to transport, as a common carrier, household goods in use, between points in Pennsylvania.

A-2022-3032509. Bright Eye Movers and Cleaners, LLC (1517 Cedar Cliff Drive, Suite 102, Camp Hill, Cumberland County, PA 17011-7705) household goods in use between points in Pennsylvania.

Applications of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.

A-2022-3032829. M.W. Leventry Construction, Inc. (302 Kim Lane, Windber, Cambria County, PA 15963) for the discontinuance and cancellation of its right to transport, as a common carrier, by motor vehicle, persons in airport transfer service, from points in the Counties of Bedford, Blair, Cambria, Indiana, Somerset and Westmoreland to John Murtha Johnstown-Cambria County Airport and vice versa, as originally docketed at A-2021-3028895.

A-2022-3032864. Edward A. Stoltzfus (1145 Brownstone Road, New Holland, Lancaster County, PA 17557) discontinuance of service and cancellation of its certificate, to transport persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster, to points in Pennsylvania, and return.

A-2022-3033011. Family Ties Transportation, LLC (1707 Conestoga Street, Philadelphia, PA 19143) discontinuance of service and cancellation of its certificate, to transport, by motor vehicle, persons in paratransit service, from points within the City and County of Philadelphia, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 22-994. Filed for public inspection July 1, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2022-3033007. Verizon Pennsylvania, LLC and Consolidated Communications Enterprise Services, Inc., f/k/a Penn Telecom, Inc. Joint petition of Verizon Pennsylvania, LLC and Consolidated Communications Enterprise Services, Inc., f/k/a Penn Telecom, Inc. for approval of a UNE/resale forbearance amendment to the interconnection agreement amendment under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Consolidated Communications Enterprise Services, Inc., f/k/a Penn Telecom, Inc., by their counsel, filed on June 15, 2022, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a UNE/resale forbearance amendment to the interconnection agreement amendment under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon Pennsylvania, LLC and Consolidated Communications Enterprise Services, Inc., f/k/a Penn Telecom, Inc., joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 22-995. Filed for public inspection July 1, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2022-3033035. Verizon Pennsylvania, LLC and Consolidated Communications Enterprise Services, Inc., f/k/a Penn Telecom, Inc. Joint petition of Verizon Pennsylvania, LLC and Consolidated Communications

Enterprise Services, Inc., f/k/a Penn Telecom, Inc. for approval of a UNE/resale forbearance amendment to the interconnection agreement amendment under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Consolidated Communications Enterprise Services, Inc., f/k/a Penn Telecom, Inc., by their counsel, filed on June 15, 2022, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a UNE/resale forbearance amendment to the interconnection agreement amendment under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement. Filings must be made electronically through eFiling with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon Pennsylvania, LLC and Consolidated Communications Enterprise Services, Inc., f/k/a Penn Telecom, Inc., joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 22-996. Filed for public inspection July 1, 2022, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearing Scheduled

A hearing has been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimant's request concerning the indicated account.

The hearing will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101.

November 9, 2022	Account of David Webb (Purchase of Service)	10 a.m.
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Persons with a disability who wish to attend the previously listed hearing and require an auxiliary aid, service or other accommodation to attend the proceeding should contact the Appeal Docket Clerk at (717) 720-4888 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 22 Pa. Code § 201.1 (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.

TERRILL J. SANCHEZ,
Executive Director

[Pa.B. Doc. No. 22-997. Filed for public inspection July 1, 2022, 9:00 a.m.]

STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs v. Aaron Wesley Brown, Jr., Respondent; File No. 19-60-009787

Notice to Aaron Wesley Brown, Jr.:

On April 14, 2022, the Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs, instituted a formal administrative action against you by filing an Order to Show Cause, before the State Board of Vehicle Manufacturers, Dealers and Salespersons, alleging that you have violated certain provisions of the Pennsylvania Board of Vehicles Act, act of December 22, 1983, P.L. 306, No. 84 ("Act"), as amended, 63 P.S. §§ 818.101—818.704; 63 Pa.C.S. Chapter 31 ("Chapter 31"). Pursuant to 1 Pa. Code § 33.31 and Rule 430 of the Pennsylvania Rules of Civil Procedure, 231 Pa. Code Rule 430, providing for service of process upon you by publication.

Notice

Formal disciplinary action has been filed against you. You may lose your license, certificate, registration or permit to practice your profession or occupation. You may be subject to civil penalties of up to \$10,000 for each violation, and the imposition of costs of investigation.

If you wish to defend against the charges in the attached Order to Show Cause or to present evidence to mitigate any penalty that may be imposed, the procedures for doing so are explained in the Order to Show Cause. You may obtain a copy of the Order to Show Cause from the Prothonotary for the Department of State, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105, telephone number, (717) 772-2686.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are advised to seek the help of an attorney. You also have the right to have an interpreter provided should you request one.

All proceedings are conducted under the Administrative Agency Law and the General Rules of Administrative Practice and Procedures.

You are directed to respond to the charges by filing a written answer within thirty (30) days of this NOTICE. IF YOU DO NOT FILE AN ANSWER, DISCIPLINARY ACTION MAY BE TAKEN AGAINST YOU WITHOUT A HEARING. To file your answer, you must bring or send

an original and three (3) copies of your answer and any pleadings or other documents related to this matter to the following address:

Prothonotary
Department of State
2601 North Third Street
P.O. Box 2649
Harrisburg, PA 17105

You must also send a separate copy of your answer and any other pleadings or documents related to this case to the prosecuting attorney named in the Order to Show Cause.

KIRK A. DAVIS,
Chairperson

[Pa.B. Doc. No. 22-998. Filed for public inspection July 1, 2022, 9:00 a.m.]

STATE TAX EQUALIZATION BOARD

2021 Common Level Ratio

The State Tax Equalization Board (Board) has established a Common Level Ratio (CLR) for each county in this Commonwealth for the calendar year 2021. The Board is governed by sections 1500—1521 of the Community and Economic Development Enhancement Act (act) (71 P.S. §§ 1709.1500—1709.1521).

The act requires the Board to use statistically acceptable techniques, to make the methodology for computing ratios public and to certify, prior to July 1, the ratio to the Chief Assessor of each county annually.

The statistically acceptable technique which the Board used for the 2021 CLR is to determine the arithmetic median of the individual sales ratios for every valid sale received from the county for the calendar year 2021.

The methodology used is to include every valid sale as verified by the county assessor. The Board has defined high and low limits by computing outliers based on an interquartile range (IQR-factor of 3) to establish an upper and lower boundary. This outlier trimming is based on standards recommended by the International Association of Assessing Officers. After the boundary limits are defined, the Board has utilized the remaining valid sales, rejecting those sales which exceed the limits. The resulting arithmetic median ratio is the ratio which the Board is certifying as the CLR for each county for 2021.

The CLRs for 2021 are listed as follows.

2021 Common Level Ratios—Certified

Ratios to be used from July 1, 2022, to June 30, 2023

<i>County</i>	<i>CLR</i>
*Adams	87.5
*Allegheny	63.6
Armstrong	40.7
Beaver	14.8
*Bedford	71.7
*Berks	45.0
*Blair	85.9
Bradford	23.1

<i>County</i>	<i>CLR</i>
*Bucks	7.3
*Butler	7.1
*Cambria	16.5
Cameron	23.9
Carbon	24.3
Centre	21.4
*Chester	39.5
*Clairon	29.1
Clearfield	10.1
*Clinton	63.6
Columbia	17.3
Crawford	21.3
*Cumberland	85.7
*Dauphin	52.4
*Delaware	72.8
Elk	25.1
*Erie	71.1
*Fayette (sales January to September)	51.9
*Forest	14.6
*Franklin	9.5
*Fulton	26.6
*Greene	45.6
Huntingdon	15.3
*Indiana	94.0
*Jefferson	27.3
*Juniata	10.7
*Lackawanna (sales January to June)	8.2
*Lancaster	68.1
*Lawrence	60.0
*Lebanon	71.9
*Lehigh	63.6
*Luzerne	76.0
*Lycoming	56.0
*McKean	80.6
Mercer	14.3
Mifflin	28.5
*Monroe	60.5
*Montgomery	39.6
*Montour	55.4
Northampton	21.7
*Northumberland	12.2
*Perry	71.1
*Philadelphia (sales January to August)	92.6
Pike	12.1
*Potter	22.9
Schuylkill	26.2
*Snyder	11.9
Somerset	23.6

<i>County</i>	<i>CLR</i>
*Sullivan	55.1
Susquehanna	22.1
*Tioga	51.6
*Union	55.6
*Venango	65.8
Warren	19.0
*Washington	84.3
*Wayne	57.0
*Westmoreland	11.0
Wyoming	14.2
*York	65.9

*Counties with a predetermined assessment ratio of 100% CLR's are to be used in the Appeal Process only and not used to set market value.

CLR factors can be found on the Department of Revenue's web site at <https://www.revenue.pa.gov/TaxTypes/RTT/Pages/Common%20Level%20Ratios.aspx>.

PETER BARSZ,
Chairperson

[Pa.B. Doc. No. 22-999. Filed for public inspection July 1, 2022, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at June Meeting

As part of its regular business meeting held on June 16, 2022, from Baltimore, MD the Susquehanna River Basin Commission (Commission) approved the applications of certain water resources projects, and took additional actions, as set forth in the Supplementary Information as follows.

The business meeting was held on June 16, 2022.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788. Also see the Commission web site at www.srbc.net.

Supplementary Information

In addition to the actions taken on projects identified in the previous summary and the listings as follows, the following items were also acted upon at the business meeting: (1) election of Commission officers for Fiscal Year (FY) 2023; (2) reconciliation of FY 2023 budget; (3) a motion related to the Conowingo Watershed Implementation Plan; (4) ratification of contracts/grants; (5) revision of Commission By-laws; (6) proposed Water Resources Program for 2022—2024; and (7) three regulatory program waiver requests.

Project Applications Approved:

1. Project Sponsor and Facility: Blackhill Energy, LLC (Susquehanna River), Ulster Township, Bradford County, PA. Application for surface water withdrawal of up to 3.024 mgd (peak day).

2. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Mehoopany Township, Wyoming County, PA. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20170603).

3. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Wysox Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20170604).

4. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Wyalusing Creek), Rush Township, Susquehanna County, PA. Application for renewal of surface water withdrawal of up to 0.715 mgd (peak day) (Docket No. 20170605).

5. Project Sponsor: Corning Incorporated. Project Facility: Houghton Park, City of Corning, Steuben County, NY. Application for renewal of groundwater withdrawal of up to 1.080 mgd (30-day average) from Well 5 (Docket No. 19970503).

6. Project Sponsor and Facility: East Cocalico Township Authority, East Cocalico, West Cocalico and Brecknock Townships, Lancaster County, PA. Applications for renewal of groundwater withdrawals (30-day averages) of up to 0.081 mgd from Well 11, 1.150 mgd from Well F and 1.395 mgd from Well M (Docket Nos. 19920702 and 20070606).

7. Project Sponsor: Golf Acres, Inc. Project Facility: Chapel Hill Golf Course (Little Muddy Creek), Spring Township, Berks County, PA. Applications for surface water withdrawal of up to 0.180 mgd (peak day) and consumptive use of up to 0.162 mgd (peak day).

8. Project Sponsor and Facility: Hydrage, LLC, East Union and Mahanoy Townships, Schuylkill County, PA. Application for renewal of consumptive use of up to 0.200 mgd (peak day) (Docket No. 20070603).

9. Project Sponsor and Facility: Lykens Valley Golf Course & Resort, Inc. (unnamed tributary to Wiconisco Creek), Upper Paxton Township, Dauphin County, PA. Applications for renewal of surface water withdrawal of up to 0.200 mgd (peak day) and consumptive use of up to 0.200 mgd (peak day) (Docket No. 20080614).

10. Project Sponsor: New Enterprise Stone & Lime Co., Inc. Project Facility: Tyrone Quarry, Warriors Mark Township, Huntingdon County, PA. Application for groundwater withdrawal of up to 0.173 mgd (30-day average) from Well MW-36B and modification to increase consumptive use (peak day) by an additional 0.238 mgd, for a total consumptive use of up to 0.532 mgd (Docket No. 20031205).

11. Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Towanda Creek), Franklin Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 1.000 mgd (peak day) (Docket No. 20170611).

12. Project Sponsor and Facility: SWN Production Company, LLC (Susquehanna River), Oakland Township, Susquehanna County, PA. Application for surface water withdrawal of up to 3.000 mgd (peak day).

13. Project Sponsor and Facility: Town of Kirkwood, Broome County, NY. Application for renewal of groundwater withdrawal of up to 0.841 mgd (30-day average) from Well 3 (Docket No. 19920304).

14. Project Sponsor and Facility: Village of Canisteo, Steuben County, NY. Application for renewal of groundwater withdrawal of up to 0.499 mgd (30-day average) from Well 2 (Docket No. 19950902).

15. Project Sponsor: Vulcan Construction Materials, LLC. Project Facility: Havre de Grace Quarry (Susquehanna River), Havre de Grace District, Harford County, MD. Applications for renewal of surface water withdrawal of up to 0.234 mgd (peak day) and consumptive use of up to 0.823 mgd (peak day) (Docket No. 19920105).

Project Scheduled for Action Involving a Diversion:

16. Project Sponsor and Facility: Patrick Hoopes Trucking, Inc., Eulalia Township, Potter County, PA. Application for an into-basin diversion from the Ohio River Basin of up to 1.000 mgd (peak day) from the Allegheny River.

Commission Initiated Project Approval Modification:

17. Project Sponsor and Facility: Lebanon Valley College, Annville and North Annville Townships, Lebanon County, PA. Conforming the grandfathered amount with the forthcoming determination for groundwater withdrawals (30-day averages) of up to 0.019 mgd from the Football Well, 0.044 mgd from the Baseball Well and 0.042 mgd from the West (Soccer) Well, as well as modify monitoring and reporting requirements for the project (Docket No. 20030409).

Projects Tabled:

18. Project Sponsor and Facility: Municipal Authority of the Township of East Hempfield d/b/a Hempfield Water Authority, East Hempfield Township, Lancaster County, PA. Applications for renewal of groundwater withdrawals (30-day averages) of up to 0.353 mgd from Well 6, 0.145 mgd from Well 7, 1.447 mgd from Well 8 and 1.800 mgd from Well 11, and Commission-initiated modification to Docket No. 20120906, which approves withdrawals from Wells 1—5 and Spring S-1 (Docket Nos. 19870306, 19890503, 19930101 and 20120906).

19. Project Sponsor and Facility: Shrewsbury Borough, Shrewsbury Township and Shrewsbury Borough, York County, PA. Applications for renewal of groundwater withdrawals (30-day averages) of up to 0.099 mgd from the Meadow Well and 0.180 mgd from the Village Well (Docket Nos. 19890501 and 19900105).

20. Project Sponsor: SUEZ Water Pennsylvania, Inc. Project Facility: Grantham Operation, Upper Allen Township, Cumberland County, PA. Application for renewal of groundwater withdrawal of up to 0.395 mgd (30-day average) from Well 2 (Docket No. 19901104).

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: June 17, 2022

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 22-1000. Filed for public inspection July 1, 2022, 9:00 a.m.]

