

# PENNSYLVANIA BULLETIN

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

**No. 566, January 2022**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

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

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

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

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

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

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### Printing Format

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

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

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

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

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

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

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

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

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

### Fiscal Notes

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

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

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

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## List of Pa. Code Chapters Affected

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

### 4 Pa. Code (Administration)

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### 255 Pa. Code (Local Court Rules)

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# THE GOVERNOR

## Title 4—ADMINISTRATION

### PART I. GOVERNOR'S OFFICE

[ 4 PA. CODE CH. 7 ]

[ EXECUTIVE ORDER NO. 2021-08 ]

### No Surprises Act Implementation

December 20, 2021

*Whereas*, Pennsylvanians should be protected from surprise medical bills in situations where they have little or no control over who provides their care; and

*Whereas*, surprise medical bills can happen when an individual cannot control who is involved in their care, such as when a patient receives emergency care from an out-of-network provider or has non-emergency services at an in-network facility but is unexpectedly treated by an out-of-network provider; and

*Whereas*, the United States Congress passed, and the President of the United States signed into law the No Surprises Act, a law to protect individuals from surprise medical bills for health care services; and

*Whereas*, the No Surprises Act takes effect January 1, 2022; and

*Whereas*, the No Surprises Act contemplates that states may exercise primary enforcement authority; and

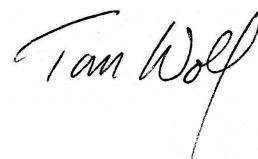
*Whereas*, my Administration is committed to protecting Pennsylvanians from surprise medical bills to the fullest extent of its authority; and

*Whereas*, multiple agencies under my jurisdiction have regulatory oversight over insurance entities, health care facilities, and health care providers, which entities, facilities, and providers have responsibilities under the No Surprises Act; and

*Whereas*, additional departments, boards, offices, commissions, and other agencies under my jurisdiction may have opportunities to assist or otherwise collaborate in efforts to implement the No Surprises Act; and

*Whereas*, the Insurance Department has a framework in place to receive inquiries and complaints concerning the No Surprises Act and to coordinate with other departments, boards, offices, commissions, and other agencies, whether state or federal, as may be appropriate, to best protect Pennsylvania consumers who may be subject to surprise medical bills.

*Now, Therefore*, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby direct the following:



Governor

**Fiscal Note:** GOV-2021-08. No fiscal impact; (8) recommends adoption.



**Annex A**  
**TITLE 4. ADMINISTRATION**  
**PART I. GOVERNOR'S OFFICE**  
**CHAPTER 7. MISCELLANEOUS PROVISIONS**  
**Subchapter DDD. NO SURPRISES ACT IMPLEMENTATION**

Sec.	
7.901.	Definitions.
7.902.	Designation of lead agency.
7.903.	Cooperation by State agencies.
7.904.	Independent agencies, State-affiliated entities and State-related entities participation.
7.905.	Effective date.

**§ 7.901. Definitions.**

The words and phrases used in this subchapter have, unless the context clearly indicates otherwise, the meanings given to them in the No Surprises Act and the regulations issued thereunder by the United States Department of Health and Human Services, United States Department of Labor, United States Department of Treasury and the United States Office of Personnel Management. The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

*Insurance Department*—The Insurance Department of the Commonwealth.

*Licensee*—An individual or entity licensed or otherwise authorized by an agency of this Commonwealth to engage in business in this Commonwealth.

*No Surprises Act*—Div. BB, Title I of the Consolidated Appropriations Act of 2021 (Pub.L. No. 116-260) enacted December 27, 2020.

**§ 7.902. Designation of lead agency.**

The Insurance Department is hereby designated as the lead agency under the Governor's jurisdiction to coordinate implementation of the No Surprises Act within the Commonwealth.

**§ 7.903. Cooperation by State agencies.**

(a) The Insurance Department, the Department of State, the Department of Health and the Department of Drug and Alcohol Programs shall exercise their statutory and regulatory responsibilities to ensure that consumers are protected and licensees are compliant with their responsibilities under the No Surprises Act.

(b) All Commonwealth departments, boards, offices, commissions and other agencies under the Governor's jurisdiction shall cooperate fully and provide assistance and information, as needed, in the implementation of this subchapter.

(c) Additional interagency cooperation may include:

(1) Adoption of policies to support the Commonwealth's implementation and enforcement of the No Surprises Act.

(2) Dissemination of educational materials and information.

(3) Receipt of inquiries and complaints.

**§ 7.904. Independent agencies, State-affiliated entities and State-related entities participation.**

Independent agencies, State-affiliated entities and State-related entities are encouraged to participate in the goals and provisions of this subchapter.

**§ 7.905. Effective date.**

This subchapter shall take effect immediately and remain in effect until amended or rescinded by the Governor.

[Pa.B. Doc. No. 22-71. Filed for public inspection January 14, 2022, 9:00 a.m.]

# THE GENERAL ASSEMBLY

## THE GENERAL ASSEMBLY

### Recent Actions during the 2021 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2021 Regular Session:

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2021 General Acts of Regular Session Enacted—Act 091 through 100</b>					
091	Dec 17	H0412	PN2533	Immediately	Public School Code of 1949—omnibus amendments
092	Dec 22	H0291	PN0257	Immediately	State Lottery Law—determination of eligibility
093	Dec 22	H1255	PN2532	Immediately*	Judiciary and Judicial Procedure (42 Pa.C.S.)—additional surcharge, real estate appraisals and repeal
094	Dec 22	H1260	PN2320	60 days	State Lottery Law—pharmaceutical assistance contract for the elderly needs enhancement tier, board, powers of the department and coordination of benefits
095	Dec 22	H1837	PN2394	60 days	Workers' Compensation Act—modifications, reinstatements, suspensions and terminations and compromise and release
096	Dec 22	H2071	PN2518	Immediately	Public Authorities and Quasi-Public Corporations (64 Pa.C.S.)—omnibus amendments
097	Dec 22	S0208	PN0177	60 days	Pennsylvania Municipalities Planning Code—completion of improvements or guarantee thereof prerequisite to final plat approval
098	Dec 22	S0729	PN0831	60 days	Nurse Aide Resident Abuse Prevention Training Act—implementation
099	Dec 22	S0772	PN1127	180 days	Insurance Company Law of 1921—omnibus amendments
100	Dec 22	S0869	PN1074	Immediately	Professions and Occupations (State Licensed) (63 Pa.C.S.)—definitions and virtual operation
<b>2021 Vetoes of Regular Session of Bills—Veto 004 through 005</b>					
004	Dec 2	S0565	PN1212		Crimes Code (18 Pa.C.S.)—omnibus amendments and repeals
005	Dec 22	H1332	PN2272		Public School Code of 1949—online curriculum availability

\* denotes an effective date with exceptions

#### Effective Dates of Statutes

The effective dates specified for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective date of statutes).

#### Advance Copies of Statutes

Section 1106 of 1 Pa.C.S. (relating to prothonotaries to keep files of advance copies of statutes) provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available.

One-time purchases of the advance copies of statutes can be purchased through the State Bookstore's web site at [www.shoppaheritage.com](http://www.shoppaheritage.com).

VINCENT C. DeLIBERATO, Jr.,  
*Director*  
*Legislative Reference Bureau*

[Pa.B. Doc. No. 22-72. Filed for public inspection January 14, 2022, 9:00 a.m.]

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART II. GENERAL ADMINISTRATION

#### [ 204 PA. CODE CH. 29 ]

#### Promulgation of Financial Regulations Pursuant to Act 93 of 2021; No. 562 Judicial Administration Docket

#### Order

*Per Curiam:*

And Now, this 29th day of December, 2021, it is Ordered, pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and 42 Pa.C.S. § 3502(a), that the attached amendments to the Financial Regulations are hereby adopted.

To the extent that notice of proposed rulemaking may be required by Pa.R.J.A. 103(a), the immediate promulgation of the regulations is hereby found to be in the interests of efficient administration. See Pa.R.J.A. 103(a)(3).

This Order is to be processed in accordance with Pa.R.J.A. 103(b), and the amendments shall be effective January 1, 2022.

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART II. GENERAL ADMINISTRATION

#### CHAPTER 29. MISCELLANEOUS PROVISIONS

#### Subchapter I. BUDGET AND FINANCE

#### § 29.351. Definitions.

(a) *Pennsylvania Supreme, Superior and Commonwealth Courts. Initial Filing.*

Except for the provisions of subsection (g)(1) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1 and section 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E), a statutory fee of nineteen dollars (\$19.00) shall be imposed on all items enumerated in the fee schedules of the Appellate Courts for which a filing and service fee is collected, excluding the following:

- i. Second and Subsequent Filings for Extension of Time.
- ii. Reargument/Reconsideration.
- iii. Services in Connection with Appeals to or Writs of Certiorari from the United States Supreme Court.
- iv. Miscellaneous Fees.
- v. Subpoenas.

(b) *Court of Common Pleas. Prothonotary. Civil Actions and Legal Proceedings.*

1. Except for the provisions of subsection (g)(1) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1 and section 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E), a statutory fee of nineteen dollars (\$19.00) shall be imposed on a civil action or legal proceeding in a Court of Common Pleas whenever it is initiated upon the filing of

the first legal paper therein of record with the prothonotary. The first legal paper may be any of the following:

- i. Praecipe for a Writ of Summons.
- ii. Complaint.
- iii. Deleted.
- iv. Petition.
- v. Notice of Appeal from a court of limited jurisdiction.
- vi. Petition or grant of any other legal paper commencing an action or proceeding authorized by Act of Assembly or rule of court.

2. For purposes of these regulations, the initiation of a civil action or legal proceeding shall include, but is not limited to:

i. Actions governed by or authorized under the Pennsylvania Rules of Civil Procedure, such as Civil Action Ejectment, Equity, Ground Rent, Mandamus, Mortgage Foreclosure, Partition of Real Property, Quiet Title, Quo Warranto, Replevin, and the Prevention of Waste.

ii. Actions pertaining to Dependency, Annulments, Divorce, Custody, Partial Custody, Alimony Pendente Lite, Support, and Paternity. With respect to Divorce actions, a separate statutory fee shall be imposed for each count in the complaint in addition to the count requesting divorce.

iii. Statutory actions such as Confirmation of Arbitration Awards, Confirmation of Confessed Judgment, Declaratory Judgment, Opening or Striking Off a Judgment, Eminent Domain, Habeas Corpus, Proceedings on Liens (other than revival), Name Changes, Partition of Property Held by Husband and Wife as Tenants By the Entireties, Tax Sales of Real Property.

iv. Other actions not included in subsections (i), (ii) or (iii), such as: Appeals from Board of Elections, Appeals from Board of Viewers, Appeals from Zoning Boards, and Certiorari to Magisterial District Judges.

(c) *Court of Common Pleas. Orphans' Court Clerk, Register of Wills.*

Except for the provisions of subsection (g)(1) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1 and 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E), a statutory fee of nineteen dollars (\$19.00) shall be imposed on all petitions for grant of letters, and first filings in petitions concerning adoptions, incapacitated persons' estates, minors' estates, and *inter vivos* trusts.

(d) *Court of Common Pleas. Clerk of Court.*

1. Except for the provisions of subsection (g)(1) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1 and section 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E), a statutory fee of nineteen dollars (\$19.00) shall be imposed upon conviction, guilty plea, or when a defendant is granted entry into an Accelerated Rehabilitative Disposition (ARD) or other pretrial diversionary program based upon the initiation of any criminal proceeding. The initiation of a criminal proceeding shall include the following:

i. Cases commenced at the magisterial district judge level resulting in the issuance of a numbered docket transcript form (OTN), and subsequently waived or held to court.

ii. The appeal of a summary conviction to the Court of Common Pleas.

iii. Cases involving juvenile defendants where a petition alleging delinquency has been filed in the Court of Common Pleas.

iv. Cases involving juvenile defendants certified to the Court of Common Pleas, resulting in the issuance of a numbered docket transcript form (OTN).

v. Cases involving the severance of charges into separate cases resulting in the issuance of one or more additional numbered docket transcripts (OTNs).

2. Except for the provisions of subsection (g)(1) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1 and section 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E), a statutory fee of nineteen dollars (\$19.00) shall be imposed for each filing of a deed, mortgage or property transfer for which a fee, charge or cost is now authorized. The documents identified as meeting the above conditions are listed below. The list is not exclusive; other filings for which a fee is imposed and that can be considered a property transfer are included, and the fee shall be imposed. Subject to later amendment, the following documents have been identified as meeting the statutory provisions:

- i. Deeds in any form.
- ii. Mortgages.
- iii. Mortgage assignments.
- iv. Mortgage releases.
- v. Mortgage satisfaction pieces.
- vi. Installment sales agreements.
- vii. Leases for a term of thirty (30) years or longer.
- viii. Easements.
- ix. Rights of Way.

(e) *Minor Judiciary. Civil and Criminal Proceedings.*

For purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1[ , ] and section 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E), a statutory fee of nineteen dollars (\$19.00) shall be imposed on the initiation of a legal proceeding except as provided in subsection (iii). The initiation of a legal proceeding, in the following courts of the Minor Judiciary, shall include, but is not limited to, the following:

i. *Magisterial District Judge. Civil Actions.* Except for the provisions of subsection (g)(1) below, a statutory fee of nineteen dollars (\$19.00) shall be imposed in connection with the filing of a complaint in Trespass and Assumpsit or for the Recovery of Possession of Real Property (Landlord and Tenant Proceeding) or for any other Civil Action as provided in the Rules of Civil Procedure Governing Actions and Proceedings before Magisterial District Judges.

ii. *Magisterial District Judge. Criminal Actions.* Except for the provisions of subsection (g)(1) below, a statutory fee of nineteen dollars (\$19.00) shall be imposed upon a conviction, guilty plea or when a defendant is granted entry into an Accelerated Rehabilitative Disposition (ARD) or any other pretrial diversionary program based upon the filing of a criminal complaint or non-traffic citation charging an offense classified as misdemeanor or summary under a state statute or local ordinance as provided in the Pennsylvania Rules of Criminal Procedure.

iii. *Magisterial District Judge, Pittsburgh Municipal Court, and Philadelphia Municipal Court.* Title 75 Summary Offenses Initiated by Traffic Citation. Except for the

provisions of subsection (g)(2) below, a statutory fee of twelve dollars (\$12.00) shall be imposed upon a conviction or guilty plea based upon the filing of a traffic citation charging a violation of Title 75 (relating to vehicles) offense classified as summary under a state statute or local ordinance as provided in the Pennsylvania Rules of Criminal Procedure.

iv. *Pittsburgh Municipal Court. Civil Actions.* Except for the provisions of subsection (g)(1) below, a statutory fee of nineteen dollars (\$19.00) shall be imposed in connection with the filing of a civil complaint seeking recovery of fines and penalties imposed by an ordinance of the City of Pittsburgh or by any ordinance or regulation relating to housing and health administered and enforced by the county health department where the violation occurs within the City of Pittsburgh.

v. *Pittsburgh Municipal Court. Criminal Actions.* Except for the provisions of subsection (g)(1) below, a statutory fee of nineteen dollars (\$19.00) shall be imposed upon a conviction, guilty plea or when a defendant is granted entry into an Accelerated Rehabilitative Disposition (ARD) or any other pretrial diversionary program based upon the filing of a criminal complaint or non-traffic citation charging an offense classified as misdemeanor or summary under state statute or local ordinance as provided for in the Pennsylvania Rules of Criminal Procedure.

vi. *Philadelphia Municipal Court. Civil Actions.* Except for the provisions of subsection (g)(1) below, a statutory fee of nineteen dollars (\$19.00) shall be imposed in connection with the filing of a complaint for a Civil Action, as defined in the Philadelphia Municipal Court Rules of Civil Procedure.

vii. *Philadelphia Municipal Court. Criminal Actions.* Except for the provisions of subsection (g)(1) below, a statutory fee of nineteen dollars (\$19.00) shall be imposed upon conviction, guilty plea or when a defendant is granted entry into an Accelerated Rehabilitative Disposition (ARD) or any other pretrial diversionary program based upon the filing of a criminal complaint or non-traffic citation charging an offense classified as misdemeanor or summary under state statute or local ordinance as provided for in the Pennsylvania Rules of Criminal Procedure.

(f) *Recorders of Deeds.*

Except for the provisions of subsection (g)(1) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1 and section 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E), a statutory fee of nineteen dollars (\$19.00) shall be imposed for each filing of a deed, mortgage or property transfer for which a fee, charge or cost is now authorized. The documents identified as meeting the above conditions are listed below. The list is not exclusive; other filings for which a fee is imposed and that can be considered a property transfer are included, and the fee shall be imposed. Subject to later amendment, the following documents have been identified as meeting the statutory provisions:

- i. Deeds in any form.
- ii. Mortgages.
- iii. Mortgage assignments.
- iv. Mortgage releases.
- v. Mortgage satisfaction pieces.
- vi. Installment sales agreements.
- vii. Leases for a term of thirty (30) years or longer.

- viii. Easements.
- ix. Rights of Way.
- (g) *Temporary Surcharge*.

1. Beginning [ **July 1, 2019** ] **January 1, 2022**, and until [ **December 31, 2021** ] **June 30, 2022**, for purposes of [ **section 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E)** ] **42 Pa.C.S. § 3733.2**, a temporary surcharge of twenty-one dollars and twenty-five cents (\$21.25) shall be collected by all collectors of the JCS/ATJ/CJEA fee to supplement the nineteen dollars (\$19.00) statutory fee described above. This temporary surcharge may not be imposed upon a conviction or guilty plea based upon the filing of a traffic citation charging a Title 75 (relating to vehicles) offense classified as summary under a state statute or local ordinance as provided in the Pennsylvania Rules of Criminal Procedure.

2. *Magisterial District Judge, Pittsburgh Municipal Court, and Philadelphia Municipal Court*. Title 75 Summary Offenses Initiated by Traffic Citation. Beginning [ **July 1, 2019** ] **January 1, 2022**, and until [ **December 31, 2021** ] **June 30, 2022**, for purposes of [ **section 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E)** ] **42 Pa.C.S. § 3733.2**, a temporary surcharge of ten dollars (\$10.00) shall be collected to supplement the twelve dollars (\$12.00) statutory fee imposed upon a conviction or guilty plea based upon the filing of a traffic citation charging a violation of Title 75 (relating to vehicles) offense classified as summary under a state statute or local ordinance as provided in the Pennsylvania Rules of Criminal Procedure.

[Pa.B. Doc. No. 22-73. Filed for public inspection January 14, 2022, 9:00 a.m.]

**Title 204—JUDICIAL SYSTEM  
GENERAL PROVISIONS**

**PART IV. ADMISSION TO PRACTICE LAW  
[ 204 PA. CODE CH. 71 ]**

**Order Amending Rules 102, 202, 203, 204, 205, 206, 304, 311, and 341 and Adopting Rule 207 of the Pennsylvania Bar Admission Rules; No. 897 Supreme Court Rules Docket**

**Order**

*Per Curiam*

And Now, this 4th day of January, 2022, the proposal having been published for public comment in the *Pennsylvania Bulletin* at 51 Pa.B. 1648 (March 27, 2021), and pursuant to Article V, Section 10 of the Constitution of Pennsylvania, *It Is Ordered* that:

- A. Rules 102, 202, 203, 204, 205, 206, 304, 311 and 341 of the Pennsylvania Bar Admission Rules are amended in the attached form;
- B. Rule 207 of the Pennsylvania Bar Admission Rules is adopted in the attached form;
- C. The Pennsylvania Board of Law Examiners (“Board”) will administer the Uniform Bar Examination (“UBE”) beginning in July 2022;
- D. The Board will begin accepting applications for UBE transfers beginning in August 2022;

E. The minimum scaled score required to constitute satisfactory completion of the UBE for purposes of Pennsylvania bar admission shall be 272, and the minimum scaled score required to constitute satisfactory completion of the Multistate Professional Responsibility Examination (MPRE) for purposes of Pennsylvania bar admission shall be 75. The Board shall post that information on the Board’s public web site prior to commencing registration for administration of the UBE; and

F. The prior orders of this Court dated January 31, 1997 (Order No. 169, Supreme Court Rules Docket No. 1), May 22, 2000 (Order No. 246, Supreme Court Rules Docket No. 1), December 6, 2001 (Order No. 285, Supreme Court Rules Docket No. 1), and March 12, 2004 (Order No. 328, Supreme Court Rules Docket No. 1), regarding standards for passing the Pennsylvania bar examination and the MPRE, are rescinded to the extent they are inconsistent with this Order.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective on January 12, 2022.

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

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

Chief Justice Baer files a dissenting statement.

Justice Dougherty notes his dissent.

Justice Brobson did not participate in the consideration or decision of this matter.

**Annex A**

**TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS**

**PART IV. ADMISSION TO PRACTICE LAW**

**CHAPTER 71. PENNSYLVANIA BAR ADMISSION RULES**

**Subchapter A. PRELIMINARY PROVISIONS**

**Rule 102. Definitions.**

(a) *General Rule*. Subject to additional definitions contained in subsequent provisions of these rules which are applicable to specific provisions of these rules, the following words and phrases when used in these rules shall have, unless the context clearly indicates otherwise, the meanings given to them in this rule:

\* \* \* \* \*

*Enforcement Rules*—The Pennsylvania Rules of Disciplinary Enforcement.

**Filing—When used in reference to an application for admission, including a supplemental application, the application is filed only when it is both submitted and the filing fee is received by the Board.**

*Government Unit*—The Governor and the departments, boards, commissions, officers, authorities, and other agencies of the Commonwealth, including the General Assembly and its officers and agencies and any court or other officer or agency of the unified judicial system, and any political subdivision or municipal or other local authority or any officer or agency of any such political subdivision or local authority. The term includes boards of arbitrators appointed pursuant to statute.

\* \* \* \* \*

*Reciprocal state*—[ **A state having a reciprocal agreement or arrangement with this Commonwealth concerning admission to the bar** ] **A state that has a reciprocal agreement or arrangement with this Commonwealth to allow admission on motion without examination based upon a specific number of years of practice.**

\* \* \* \* \*

**Subchapter B. ADMISSION TO THE BAR  
GENERALLY  
IN GENERAL**

**Rule 202. Admission to the bar.**

An applicant who complies with the requirements of Rule 203 (relating to [ **admission of graduates of accredited institutions** ] **admission by bar examination**), Rule 204 (relating to [ **admission of domestic attorneys** ] **admission by reciprocity**), [ or ] Rule 205 (relating to [ **admission of foreign attorneys** ] **admission by bar examination for graduates with foreign law degrees**) or **Rule 206 (relating to admission by transfer of bar examination score)** and the applicable rules of the Board shall be admitted to the bar of this Commonwealth in the manner prescribed by these rules.

\* \* \* \* \*

**Rule 203. Admission [ of graduates of accredited and unaccredited institutions ] by bar examination.**

(a) *Bar Examination.* The general requirements for permission to sit for the bar examination are:

(1) Receipt of an undergraduate degree from an accredited college or university or the receipt of an education which, in the opinion of the Board, is the equivalent of an undergraduate college or university education.

(2)(i) Except as provided in subparagraph 2(ii) of this Rule, completion of the study of law at and receipt without exception of an earned Bachelor of Laws or Juris Doctor degree from a law school that was an accredited law school at the time the applicant matriculated or graduated. See Rule 205 (relating to admission [ of ] **by bar examination for graduates [ of ] with foreign [ institutions ] law degrees**) for standards applicable to graduates of foreign law schools; or

\* \* \* \* \*

(b) *Admission to the Bar.* The general requirements for admission to the bar of this Commonwealth are:

(1) satisfactory completion of the bar examination administered by or under the authority of the Board; [ and ]

(2) absence of prior conduct by the applicant which in the opinion of the Board indicates character and general qualifications (other than scholastic) incompatible with the standards expected to be observed by members of the bar of this Commonwealth[ . ]; and

**(3) satisfactory completion of the Multistate Professional Responsibility Examination at the score determined by the Court which score shall be publicly posted;**

**Rule 204. Admission [ of domestic attorneys ] by reciprocity.**

As an alternative to satisfying the requirements of Rule 203, an attorney, licensed to practice law in another state,

may be admitted to the bar of this Commonwealth if the applicant meets the following requirements:

(1) Has completed the study of law at and received without exception an earned Bachelor of Laws or Juris Doctor degree from a law school that was an accredited law school at the time the applicant matriculated or graduated.

(2) Is a member of the bar of a reciprocal state on active status at the time of filing of the application for admission to the bar of this Commonwealth.

(3) Presentation of a certificate of good standing from the highest court or agency having jurisdiction over admission to the bar and the practice of law in every state or jurisdiction in which the applicant has been admitted to practice law, stating that the applicant is in good professional standing at the bar of such court or such state. An applicant who is disbarred or suspended for disciplinary reasons from the practice of law in another jurisdiction at the time of filing an application for admission to the bar shall not be eligible for admission to the bar of this Commonwealth.

(4) Presentation of proof satisfactory to the Board that the applicant has for a period of five years of the last seven years immediately preceding the date of filing of the application for admission to the bar of this Commonwealth devoted a major portion of time and energy to the practice of law in one or more states.

(5) Presentation of proof satisfactory to the Board that the applicant has either taken and passed the bar examination in a reciprocal state or has devoted a major portion of time and energy to the practice of law in a reciprocal state for five years of the last seven years immediately preceding the date on which an application was filed under this Rule.

**[ (6) An applicant who has taken and failed the Pennsylvania bar examination will not be admitted under this Rule. This provision does not apply to individuals who have passed the bar examination upon a subsequent attempt. ]**

**[ (7) ]** Satisfaction of the requirements of Paragraphs (a)(1) [ and ], (b)(2) **and (b)(3)** of Rule 203.

**[ (8) Has passed the Multistate Professional Responsibility Exam with the score required by the Court to be achieved by successful applicants under Rule 203. ]**

\* \* \* \* \*

**Rule 205. Admission [ of foreign attorneys and graduates of foreign institutions ] by bar examination for graduates with foreign law degrees.**

(a) *General rule.* The Board, under such standards, rules and procedures as it may prescribe, may extend the provisions of Rule 203 (relating to the admission [ of graduates of accredited and unaccredited institutions ] **by bar examination**) to any applicant who has completed the study of law in a law school which at the time of such completion was not located within the geographical area encompassed by the accreditation activities of the American Bar Association and:

\* \* \* \* \*

**Rule 206. [ Disqualification of an applicant ] Admission by bar examination score transfer.**

**[ (a) Automatic disqualification. An applicant who is found to have:**

(1) obtained, used, or attempted to obtain or use answers or written or oral information or materials relating to the subjects tested on the bar examination from another applicant or any other person or source while taking the bar examination;

(2) brought in to the bar examination any personal notes relating to the subjects tested on the bar examination and used or attempted to use such notes while taking the bar examination;

(3) secreted any answers, information, materials, or personal notes relating to the subjects tested on the bar examination with the intent to review or use such information while taking the bar examination;

(4) received advance knowledge or information about the questions or the answers to the questions that are included on the bar examination being taken;

(5) written any notes or unauthorized information relating to the subjects tested on the bar examination on any examination materials prior to the beginning of the examination session; or

(6) given or attempted to give answers or information relating to the bar examination being taken to another applicant shall be disqualified from the bar examination and will not receive a score for the bar examination, or if a score had already been determined such score will be invalidated. Such applicant shall not be eligible to file an application to sit for another bar examination for a period of three years from the date of the disqualification. If such applicant successfully completes a subsequent bar examination, the conduct underlying the disqualification will be considered by the Board in determining whether the applicant has the requisite character to be a member of the bar.

(b) *Discretionary disqualification.* An applicant who is found to have violated or attempted to violate any other rule or restriction established by the Board related to taking the bar examination, including but not limited to bringing any item or material prohibited by the Board into the examination room, failure to follow instructions concerning the beginning or end of the examination, communicating with another applicant or external source during the examination, violating any oral or written instructions given in connection with the administration of the bar examination, compromising or disrupting the process for administration of the bar examination, failure to cooperate in the investigation of any conduct in connection with the administration of the bar examination, or otherwise failing to make a good faith effort to take the bar examination may be disqualified from the examination. An applicant who is disqualified under this section will not receive a score for the bar examination, or if a score had already been determined such score will be invalidated. If an applicant is not disqualified under this section for a violation of any rule or restriction, or if such applicant is disqualified and successfully completes a subsequent bar examination, the conduct underlying the violation of the rules and restrictions will be considered by the Board in determining whether the applicant has the requisite character to be a member of the bar.

(c) The initial determination as to the disqualification of an applicant shall be made by the Execu-

tive Director. An applicant receiving notice of the disqualification shall have the right to request in writing, within 10 days of the disqualification, a hearing before the Board, which hearing shall be governed by the general procedures set forth in Rule 213. ]

Applicants may apply for admission to the bar of the courts of this Commonwealth using a Uniform Bar Examination (UBE) score earned in another jurisdiction provided that the applicant meets the requirements below.

(a) *Score requirements.*

(1) The UBE score must meet or exceed that established by the Court as the minimum passing score for applicants sitting for the bar exam at the time the applicant files an application for admission under this rule; and

(2) No more than 30 months have passed from the first day of the UBE that resulted in the score the applicant seeks to transfer.

(b) *Applicant requirements.*

(1) Provide supplemental documentation as the Board directs in support of the application for admission by UBE transfer within six months from the date of filing the application; and

(2) Satisfy the requirements of Paragraphs (a), (b)(2) and (b)(3) of Rule 203.

(c) *Administrative withdrawal.* The Board will deem the application administratively withdrawn if the applicant fails to meet (b)(1) of this rule. In the event the Board deems an application administratively withdrawn, the applicant will be required to reapply and successfully meet all of the requirements for admission to the bar in order for the Board to issue a certificate recommending the applicant's admission to the bar.

(d) *Subsequent hearing after Board denial.* If the executive director issues an initial denial per Pa.B.A.R. 213(a) and the Board, after a hearing pursuant to Pa.B.A.R. 213, also declines to issue a certificate recommending admission, the applicant may be permitted to submit a supplemental application to seek a subsequent hearing before the Board if 36 months have not passed from the first day of the examination from which the applicant is seeking to transfer the score.

*Official Note:* In accordance with the requirement in Pa.B.A.R. 203(a)(2)(i), graduates of foreign law schools must also meet the requirements of Pa.B.A.R. 205—Admission by Bar Examination for Graduates of Foreign Law Schools—to transfer a score under this rule.

Rule 207. Disqualification of an applicant.

(a) *Automatic disqualification.* An applicant who is found to have:

(1) obtained, used, or attempted to obtain or use answers or written or oral information or materials relating to the subjects tested on the bar examination from another applicant or any other person or source while taking the bar examination;

(2) brought in to the bar examination any personal notes relating to the subjects tested on the bar examination and used or attempted to use such notes while taking the bar examination;

(3) secreted any answers, information, materials, or personal notes relating to the subjects tested on the bar examination with the intent to review or use such information while taking the bar examination;

(4) received advance knowledge or information about the questions or the answers to the questions that are included on the bar examination being taken;

(5) written any notes or unauthorized information relating to the subjects tested on the bar examination on any examination materials prior to the beginning of the examination session; or

(6) given or attempted to give answers or information relating to the bar examination being taken to another applicant

shall be disqualified from the bar examination and will not receive a score for the bar examination, or if a score had already been determined such score will be invalidated. Such applicant shall not be eligible to file an application to sit for another bar examination for a period of three years from the date of the disqualification. If such applicant successfully completes a subsequent bar examination, the conduct underlying the disqualification will be considered by the Board in determining whether the applicant has the requisite character to be a member of the bar.

(b) Discretionary disqualification. An applicant who is found to have violated or attempted to violate any other rule or restriction established by the Board related to taking the bar examination, including but not limited to bringing any item or material prohibited by the Board into the examination room, failure to follow instructions concerning the beginning or end of the examination, communicating with another applicant or external source during the examination, violating any oral or written instructions given in connection with the administration of the bar examination, compromising or disrupting the process for administration of the bar examination, failure to cooperate in the investigation of any conduct in connection with the administration of the bar examination, or otherwise failing to make a good faith effort to take the bar examination may be disqualified from the examination. An applicant who is disqualified under this section will not receive a score for the bar examination, or if a score had already been determined such score will be invalidated. If an applicant is not disqualified under this section for a violation of any rule or restriction, or if such applicant is disqualified and successfully completes a subsequent bar examination, the conduct underlying the violation of the rules and restrictions will be considered by the Board in determining whether the applicant has the requisite character to be a member of the bar.

(c) The initial determination as to the disqualification of an applicant shall be made by the Executive Director. An applicant receiving notice of the disqualification shall have the right to request in writing, within 10 days of the disqualification, a hearing before the Board, which hearing shall be governed by the general procedures set forth in Rule 213.

### Subchapter C. RESTRICTED PRACTICE OF LAW IN GENERAL

#### Rule 304. Limited Admission of Spouses of Active-Duty Service Members of the United States Uniformed Services.

An applicant may apply for limited admission to the practice of law in Pennsylvania as a spouse of an active-duty service member of the United States Uniformed Services if all requirements of this rule are satisfied.

(a) *Qualifications.*

An applicant who seeks admission pursuant to this rule:

(1) must be present in Pennsylvania as the spouse of an active-duty member of the United States Uniformed Services who is (A) assigned to duty in Pennsylvania or (B) assigned to duty outside the United States but whose last assignment within the United States was in Pennsylvania;

(2) must satisfy the requirements of Rule 203(a)(1) and (2)(i) (related to completion of undergraduate studies and legal studies at a law school accredited by the American Bar Association) and Rule 203(b)(2) (related to character and fitness);

**[ (3) must not have taken and failed the Pennsylvania bar examination; ]**

**[ (4) ]** must be currently admitted as an attorney at law in the highest court of another state, commonwealth, territory or the District of Columbia;

**[ (5) ]** must not currently be the subject of a pending disciplinary matter in any jurisdiction in which the applicant is admitted to the practice of law or be currently suspended or disbarred in any such jurisdiction;

**[ (6) ]** must not have been disciplined for professional misconduct by any jurisdiction within the 10 years immediately preceding filing of the Pennsylvania application or been disbarred at any time by any jurisdiction; and

**[ (7) ]**(A) must be employed and supervised by a Pennsylvania-licensed attorney who is in good standing and who is currently engaged in the practice of law in Pennsylvania; or

(B) be employed by the federal government, the Commonwealth of Pennsylvania or a local government within Pennsylvania and supervised in that employment by a Pennsylvania-licensed attorney who is currently engaged in the practice of law in Pennsylvania.

(b) *Procedure.*

(1) An applicant who seeks admission pursuant to this rule must submit to the Board of Law Examiners an affidavit confirming that the applicant satisfies the requirements of Rule 304(a); that the applicant agrees to supplement his or her application with any information that might arise during the limited admission to practice that bears on any of the requirements of Rule 304(a); that the applicant agrees to notify the Prothonotary of the Pennsylvania Supreme Court of any information that might arise during the limited admission to practice that bears on any of the requirements of Rule 304(a); that the applicant has read, is familiar with and agrees to abide by the Pennsylvania Rules of Professional Conduct and the Pennsylvania Rules of Disciplinary Enforcement; that the applicant will comply with any obligations imposed by



the Pennsylvania Continuing Legal Education Board; and that the applicant submits to the jurisdiction of the Pennsylvania Supreme Court with respect to any and all disciplinary matters.

(2) An applicant must submit to the Board of Law Examiners an affidavit of the Pennsylvania attorney who will, pursuant to Rule 304(a)([ 7 ]6), supervise the applicant if the application is granted. The supervising lawyer must confirm in the affidavit that he or she will (A) supervise the applicant in the performance of the applicant's legal work and (B) notify the Board in the event the applicant leaves the employ of the supervising attorney's law firm or government entity or is otherwise no longer being supervised by that attorney.

(3) The applicant must submit to the Board of Law Examiners the following:

(A) certificates or official transcripts evidencing compliance with the provisions of Rule 304(a)(2) related to legal education;

(B) a certificate of good standing from the highest court or the admissions authority of a state, commonwealth, territory or the District of Columbia in which the applicant is currently licensed to practice law;

(C) a copy of the United States military orders of the applicant's spouse establishing that the spouse is present in Pennsylvania because of military orders; and

(D) any fee required by the Board of Law Examiners.

(4) If an applicant satisfactorily completes the steps required by this rule and the Board determines that the applicant is qualified under this rule, the Board shall provide to the applicant a certificate recommending admission of a spouse of an active-duty service member.

(5) At any time within six months of the issuance of a certificate recommending admission of a spouse of an active-duty service member, an applicant may file a motion with the Prothonotary of the Supreme Court of Pennsylvania, on a form prescribed by the Board for issuance of such a license. The applicant shall submit the form with the certificate recommending admission of a spouse of an active-duty service member along with any fee the Prothonotary may assess.

(6) Upon receipt of a properly supported motion, the Prothonotary shall enter the name of the applicant upon the docket of persons specially admitted to the bar of the Supreme Court of Pennsylvania subject to the restrictions of this rule.

(c) *Limitations*

(1) An applicant who is granted limited admission under this rule and who continues to satisfy the requirements of Rule 304(a) is entitled to all the same rights, privileges and benefits and is subject to the same duties, obligations and responsibilities as active members of the bar of the Supreme Court of Pennsylvania subject to the following limitations.

(2) The limited admission provided by this rule shall terminate automatically upon the occurrence of any of the following:

(A) any of the provisions of Rule 304(a) are no longer satisfied or

(B) the attorney admitted under this rule is admitted to the bar of the Supreme Court of Pennsylvania under any other rule.

(3) In the event Rule 304(c)(2)(A) or (B) applies as a result of the death of the spouse of the attorney admitted under this rule, the termination of the limited admission provided by this rule will be subject to a six-month grace period.

**Official Note:** For purposes of this rule, the "United States Uniformed Services" are defined to include the following: the United States Army; the United States Marine Corps; the United States Navy; the United States Air Force; the United States Coast Guard; the United States Public Health Service Commissioned Corps; the National Oceanic and Atmospheric Administration Commissioned Corps and any other entity designated as part of the United States Uniformed Services by the United States Department of Defense or the United States Department of Homeland Security. See 10 U.S.C. § 101(a)(4) and (5).

The phrase "active duty" shall have the meaning given it in 10 U.S.C. § 101(d)(1).

For purposes of Rule 304(a)([ 7 ]6), "practice of law" shall have the meaning set out in Rule 204.

The supervision required by Rule 304(a)([ 7 ]6) must be sufficient to insure that the supervising attorney has knowledge of the specific conduct, ratifies the conduct, knows of the conduct at a time when its consequences may be avoided or mitigated and will assume responsibility for the supervised attorney's work should the supervised attorney's limited license terminate.

**ATTORNEY PARTICIPANTS IN DEFENDER OR LEGAL SERVICES PROGRAMS**

**Rule 311. Attorney Participants in Defender or Legal Services Programs.**

\* \* \* \* \*

(d) *Requirements.* The requirements for issuance of a limited license under this rule are:

\* \* \* \* \*

**[ 5. An applicant who has taken and failed the Pennsylvania bar examination will not be admitted under this Rule. This provision does not apply to individuals who have passed the bar examination upon a subsequent attempt. ]**

\* \* \* \* \*

**FOREIGN LEGAL CONSULTANTS**

**Rule 341. Licensing of foreign legal consultants.**

(a) *Required qualifications.* An applicant may be licensed to practice in this Commonwealth as a foreign legal consultant, without examination, if the applicant:

\* \* \* \* \*

(3) possesses the good moral character and general fitness requisite for a member of the bar of this Commonwealth;

(4) is at least 26 years of age;

(5) intends to practice as a foreign legal consultant in this Commonwealth and to maintain an office in this Commonwealth for that purpose; and

(6) has passed the Multistate Professional Responsibility Exam [ **with the score** ] **as** required [ **by the Court to be achieved by** ] **for** successful applicants under Rule 203.

\* \* \* \* \*

**Dissenting Statement**

**Chief Justice Baer**

**Filed: January 4, 2022**

I dissent from the Court's adoption of a minimum scaled score of 272 for passage of the Uniform Bar Examination (UBE) in Pennsylvania ("cut score"). In my view, setting a cut score of 272 disadvantages Pennsylvania's law students and law schools generally by making Pennsylvania an outlier. Only five of the 39 UBE states have cut scores above 270: Pennsylvania (272), Idaho (272), Arizona (273), Colorado (276), and Alaska (280). Closer to home, most of the states in our geographic region utilize cut scores of either 266 or 270. New York, New Jersey, Maryland, District of Columbia, and Connecticut, all in our geographic region, employ 266 as their cut score. Ohio, West Virginia, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine use a cut score of 270.

Pennsylvania's higher cut score of 272 may place Pennsylvania's law schools at a competitive disadvantage in their quest to maintain and increase enrollment, as well as to fulfill their commitment to graduate law students who can pass the bar and pursue their profession. A college graduate could choose to attend law school in a state with a lower cut score, so that upon graduation, certainly in need of employment and perhaps burdened by debt, the student is not facing the bar exam with the highest cut score in the eastern United States.

Accordingly, I would lower Pennsylvania's cut score for passage of the UBE to either 266 or 270, thus bringing Pennsylvania into conformity with our neighboring states.

[Pa.B. Doc. No. 22-74. Filed for public inspection January 14, 2022, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CHS. 1, 5, 6 AND 10 ]

Order Amending Rules 529, 543, 575, 576, 576.1, 587, and 1011 and the Comments to Rules 113, 567, 568, 573, 580, and 605 of the Pennsylvania Rules of Criminal Procedure; No. 536 Criminal Procedural Rules Docket

### Order

*Per Curiam*

*And Now*, this 4th day of January, 2022, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 529, 543, 575, 576, 576.1, 587, and 1011 and the Comments to Rules 113, 567, 568, 573, 580, and 605 of the Pennsylvania Rules of Criminal Procedure are amended in the attached form.

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

Justice Brobson did not participate in the consideration or decision of this matter.

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

Deletions from the rule are shown in bold and brackets.

### Annex A

## TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

### PART A. Business of the Courts

#### Rule 113. Criminal Case File and Docket Entries.

\* \* \* \* \*

#### Comment

This rule sets forth the mandatory contents of the list of docket entries and the criminal case files. This is not intended to be an exhaustive list of what is required to be recorded in the docket entries. The judicial districts may require additional information be recorded in a case or in all cases.

The list of docket entries is a running record of all information related to any action in a criminal case in the court of common pleas of the clerk's county, such as dates of filings, of orders, and of court proceedings. The clerk of courts is required to make docket entries at the time the information is made known to the clerk, and the practice in some counties of creating the list of docket entries only if an appeal is taken is inconsistent with this rule.

Nothing in this rule is intended to preclude the use of automated or other electronic means for time stamping or making docket entries.

This rule applies to all proceedings in the court of common pleas at any stage of a criminal case.

The requirement in paragraph (C)(2) that all attorneys and their addresses be recorded makes certain there is a record of all attorneys who have appeared for any litigant in the case. The requirement also ensures that attorneys are served as required in Rules 114 and 576. *See also* Rule 576([ B ]b)(4) concerning certificates of service.

\* \* \* \* \*

## CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

### PART C(1). Release Procedures

#### Rule 529. Modification of Bail Order Prior to Verdict.

([ A ]a) The issuing authority who is the magisterial district judge who was elected or assigned to preside over the jurisdiction where the crime occurred, upon request of the defendant or the attorney for the Commonwealth, or by the issuing authority sua sponte, and after notice to the defendant and the attorney for the Commonwealth and an opportunity to be heard, may modify a bail order at anytime before the preliminary hearing.

([ B ]b) A bail order may be modified by an issuing authority at the preliminary hearing.

([ C ]c) The existing bail order may be modified by a judge of the court of common pleas:

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

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

([ D ]d) Once bail has been set or modified by a judge of the court of common pleas, it shall not be modified except

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

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

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

**Comment**

In making a decision whether to modify a bail order, the issuing authority or judge should evaluate the information about the defendant as it relates to the release criteria in Rule 523 and the types of release on bail set forth in Rule 524.

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

The procedures for modification of a bail order by the issuing authority were amended in 2006 to permit the issuing authority to modify bail at any time before the preliminary hearing on the issuing authority's own motion or request of a party when, for example, new information becomes available concerning the defendant that would affect the issuing authority's decision concerning the type of release and the conditions of release imposed at the preliminary arraignment. The 2006 amendments to [ paragraph ] subdivision ( [ A ]a) are not intended to affect bail procedures in the Philadelphia Municipal Court.

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

Pursuant to this rule, the motion, notice, and hearing requirements in [ paragraphs ] subdivisions ( [ C ]c)(1) and ( [ D ]d)(2) must be followed in all cases before a common pleas judge may modify a bail order unless the modification is made on the record in open court either when all parties are present at a pretrial hearing—such as a suppression hearing—or during trial.

*See* Pa.R.A.P. [ 1762(b)(2) ] 1610 for the procedures to obtain appellate court review of an order of a judge of the court of common pleas granting or denying release, or modifying the conditions of release.

**[ Official Note: Former Rule 4008 adopted July 23, 1973, effective 60 days hence; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rule 4010. Present Rule 4008 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; the April 1, 1996 effective dates extended to July 1, 1996; renumbered Rule 529 and amended March 1, 2000, effective April 1, 2001; Comment revised August 24, 2004, effective August 1, 2005; amended May 19, 2006, effective August 1, 2006.**

**Committee Explanatory Reports:**

**Final Report explaining the provisions of the new rule published with Court's Order at 25 Pa.B. 4116 (September 30, 1995).**

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

**Final Report explaining the August 24, 2004 Comment revision published with the Court's Order at 34 Pa.B. 5025 (September 11, 2004).**

**Final Report explaining the May 19, 2006 amendments concerning "pre-preliminary hearing" modification of bail by the issuing authority published with the Court's Order at 36 Pa.B. 2633 (June 3, 2006). ]**

**PART D. Proceedings in Court Cases Before Issuing Authorities**

**Rule 543. Disposition of Case at Preliminary Hearing.**

\* \* \* \* \*

(C) When the defendant has appeared and has been held for court, the issuing authority shall:

(1) set bail as permitted by law if the defendant did not receive a preliminary arraignment; or

(2) continue the existing bail order, unless the issuing authority modifies the order as permitted by Rule 529([ A ]a);

\* \* \* \* \*

**PART F. Procedures Following a Case Held for Court**

**Rule 567. Notice of Alibi Defense.**

\* \* \* \* \*

**Comment**

This rule, which is derived from paragraphs (C)(1)(a), (c)—(g), and (D) of Rule 573 (Pretrial Discovery and Inspection) and was made a separate rule in 2006, sets forth the notice procedures when a defendant intends to raise an alibi defense at trial.

The reference in paragraph (A) to Rule 579 (Time for Omnibus Pretrial Motion and Service) contemplates consideration of the exceptions to the time for filing set forth in Rule 579(A).

The notice-of-alibi provision is intended to comply with the requirement of *Wardius v. Oregon*, 412 U.S. 470 (1973), by the inclusion of reciprocal disclosure responsibilities placed upon the Commonwealth in paragraph (C). *See also Commonwealth v. Contakos*, [ 455 Pa. 136, ] 314 A.2d 259 (Pa. 1974).

Any motion under this rule must comply with the provisions of Rule 575 (Motions and Answers) and Rule 576 (Filing and Service by Parties).

*See* Rule 576([ B ]b)(4) and Comment for the contents and form of the certificate of service.

\* \* \* \* \*

**Rule 568. Notice of Defense of Insanity or Mental Infirmary; Notice of Expert Evidence of a Mental Condition.**

\* \* \* \* \*

**Comment**

This rule, which is derived from paragraphs (C)(1)(b), (c)—(f), and (D) of Rule 573 (Pretrial Discovery and Inspection) and was made a separate rule in 2006, sets forth the notice procedures when a defendant intends to raise a defense of insanity or mental infirmity, or introduce evidence relating to a mental disease or defect or any other mental condition at trial.

For the procedures related to the determination of mental retardation precluding imposition of a sentence of death, see Chapter 8 Part (B).

The reference in paragraph (A) to Rule 579 (Time for Omnibus Pretrial Motion and Service) contemplates consideration of the exceptions to the time for filing set forth in Rule 579(A).

See Rule 569 (Examination of Defendant by Mental Health Expert) for the procedures for the examination of the defendant by the Commonwealth’s expert when the defendant provides notice of an intention to raise a defense of insanity or mental infirmity or an intention to introduce expert evidence concerning his or her mental condition.

Any motion under this rule must comply with the provisions of Rule 575 (Motions and Answers) and Rule 576 (Filing and Service by Parties).

See Rule 576([ B ]b)(4) and Comment for the contents and form of the certificate of service.

\* \* \* \* \*

**PART G. Procedures Following Filing of Information**

**Rule 573. Pretrial Discovery and Inspection.**

\* \* \* \* \*

**Comment**

\* \* \* \* \*

See Rule 576([ B ]b)(4) and *Comment* for the contents and form of the certificate of service.

\* \* \* \* \*

**PART G(1). Motion Procedures**

**Rule 575. Motions and Answers.**

(A) MOTIONS

\* \* \* \* \*

(2) A written motion shall comply with the following requirements:

\* \* \* \* \*

(f) The motion shall include a certificate of service as required by Rule 576([ B ]b)(4).

\* \* \* \* \*

(B) ANSWERS

\* \* \* \* \*

(3) A written answer shall comply with the following requirements:

\* \* \* \* \*

(c) The answer shall include a certificate of service as required by Rule 576([ B ]b)(4).

\* \* \* \* \*

**Comment**

For the definition of “motion,” see Rule 103.

See Rule 1005 for the procedures for pretrial applications for relief in the Philadelphia Municipal Court.

“Rules to Show Cause” and “Rules Returnable” were abolished in 2004 because the terminology is arcane, and the concept of these “rules” has become obsolete. These “rules” have been replaced by the plain language “notice of hearings” provided in Rule 577(A)(2).

Pursuant to paragraphs (A)(2)(f) and (B)(3)(c), and Rule 576([ B ]b)(4), all filings by the parties must include a certificate of service setting forth the date and manner of service, and the names, addresses, and phone numbers of the persons served.

\* \* \* \* \*

The prohibition on local rules mandating cover sheets was added because cover sheets are no longer necessary with the addition of the Rule 576([ B ]b)(1) requirement that the court administrator be served a copy of all motions and answers.

Although paragraph (D) precludes local rules that require a proposed order be included with a motion, a party should consider whether to include a proposed order. Proposed orders may aid the court by defining the relief requested in the motion or answer.

\* \* \* \* \*

**Rule 576. Filing and Service by Parties.**

( [ A ]a ) [ FILING ] Filing.

(1) All written motions and any written answers, and any notices or documents for which filing is required, shall be filed with the clerk of courts.

(2) Filing shall be:

( [ a ]i ) by personal delivery to the clerk of courts;

( [ b ]ii ) by mail addressed to the clerk of courts. Except as provided by law, filing by mail shall be timely only when actually received by the clerk of courts within the time fixed for filing; or,

( [ c ]iii ) in a judicial district that permits electronic filing pursuant to Rule 576.1, as provided in Rule 576.1(E).

(3) The clerk of courts shall accept all written motions, answers, notices, or documents presented for filing. When a document, which is filed pursuant to [ paragraph ] subdivision ( [ A ]a)(1), is received by the clerk of courts, the clerk shall time stamp it with the date of receipt and make a docket entry reflecting the date of receipt, and promptly shall place the document in the criminal case file.

(4) In any case in which a defendant is represented by an attorney, if the defendant submits for filing a written motion, notice, or document that has not been signed by the defendant’s attorney, the clerk of courts shall accept it for filing, time stamp it with the date of receipt and make a docket entry reflecting the date of receipt, and place the document in the criminal case file. A copy of the time stamped document shall be forwarded to the defendant’s attorney and the attorney for the Commonwealth within 10 days of receipt.

(5) If a defendant submits a document *pro se* to a judge without filing it with the clerk of courts, and the document requests some form of cognizable legal relief, the judge promptly shall forward the document to the clerk of courts for filing and processing in accordance with this rule.

(6) Unified Practice. Any local rule that is inconsistent with the provisions of this rule is prohibited, including

any local rule requiring that a document has to be presented in person before filing or requiring review by a court or court administrator before a document may be filed.

**[ B ]b [ SERVICE ] Service.**

(1) All written motions and any written answers, and notices or documents for which filing is required, shall be served upon each party and the court administrator concurrently with filing.

(2) Service on the parties shall be by:

**[ A ]i** personal delivery of a copy to a party's attorney, or the party if unrepresented; or

**[ b ]ii** personal delivery of a copy to the party's attorney's employee at the attorney's office; or

**[ c ]iii** mailing a copy to a party's attorney or leaving a copy for the attorney at the attorney's office; or

**[ d ]iv** in those judicial districts that maintain in the courthouse assigned boxes for counsel to receive service, when counsel has agreed to receive service by this method, leaving a copy for the attorney in the attorney's box; or

**[ e ]v** sending a copy to an unrepresented party by certified, registered, or first class mail addressed to the party's place of residence, business, or confinement; or

**[ f ]vi** sending a copy by facsimile transmission or other electronic means if the party's attorney, or the party if unrepresented, has made a written request for this method of service for the document; or

**[ g ]vii** delivery to the party's attorney, or the party if unrepresented, by carrier service.

(3) Service on the court administrator shall be by:

**[ a ]i** mailing a copy to the court administrator; or

**[ b ]ii** in those judicial districts that maintain in the courthouse assigned boxes for the court administrator to receive service, leaving a copy for the court administrator in the court administrator's box; or

**[ c ]iii** leaving a copy for the court administrator at the court administrator's office; or

**[ d ]iv** sending a copy to the court administrator by facsimile transmission or other electronic means if authorized by local rule; or

**[ e ]v** delivery to the court administrator by carrier service.

(4) Certificate of Service,

**[ a ]i** All documents that are filed and served pursuant to this rule shall include a certificate of service.

**[ b ]ii** The certificate of service shall be in substantially the form set forth in the Comment, signed by the party's attorney, or the party if unrepresented, and shall include the date and manner of service, and the names, addresses, and phone numbers of the persons served.

(5) In a judicial district that permits electronic filing pursuant to Rule 576.1, service shall be made as provided in Rule 576.1(D)(2) and (H)(1).

**[ C ]c** Any non-party requesting relief from the court in a case shall file the motion with the clerk of courts as provided in **[ paragraph ] subdivision [ A ]a**, and serve the defendant's attorney, or the defendant if

unrepresented, the attorney for the Commonwealth, and the court administrator as provided in **[ paragraph ] subdivision [ B ]b**.

**Comment**

For the procedures for electronic filing and service as a local option, see Rule 576.1.

**[ Paragraph ] Subdivision [ A ]a**(1) requires the filing of all written motions, and answers. The provision also applies to notices and other documents only if filing is required by some other rule or provision of law. *See, e.g.*, the notice of withdrawal of charges provisions in Rule 561 (Withdrawal of Charges by Attorney for the Commonwealth), the notice of alibi defense and notice of insanity defense or mental infirmity defense provisions in Rule 573 (Pretrial Discovery and Inspection), the notice that offenses or defendants will be tried together provisions in Rule 582 (Joinder—Trial of Separate Indictments or Informations), the notice of aggravating circumstances provisions in Rule 802 (Notice of Aggravating Circumstances), and the notice of challenge to a guilty plea provisions in Municipal Court cases in Rule 1007 (Challenge to Guilty Plea).

When a motion, notice, document, or answer is presented for filing pursuant to **[ paragraph ] subdivision [ A ]a**(1), the clerk of courts must accept it for filing even if the motion, notice, document, or answer does not comply with a rule or statute or appears to be untimely filed. It is suggested that the judicial district implement procedures to inform the filing party when a document is not in compliance with these rules or a local rule so the party may correct the problem.

*See Commonwealth v. Jones*, 700 A.2d 423 (Pa. 1997); and *Commonwealth v. Little*, 716 A.2d 1287 (Pa. Super. 1998) concerning the timeliness of filings by prisoners proceeding *pro se* (the "prisoner mailbox rule").

**[ The 2004 amendments to paragraph (A)(4) modified the procedure by which the clerks of courts handle filings by represented defendants when the defendant's attorney has not signed the document being filed by the defendant. As amended, paragraph ] Subdivision [ A ]a**(4) requires, in all cases in which a represented defendant files a document, that the clerk of courts make a docket entry of the defendant's filing and place the document in the criminal case file, and then forward a copy of the document to both the attorney of record and the attorney for the Commonwealth. *See Commonwealth v. Castro*, 766 A.2d 1283 (Pa. Super. 2001). *Compare* Pa.R.A.P. **[ 3304 ] 121(g)** (Hybrid **[ R ]**representation). The requirement that the clerk time stamp and make docket entries of the filings in these cases only serves to provide a record of the filing, and does not trigger any deadline nor require any response. *See* Rules 120 (Attorneys—Appearance and Withdrawals) and 122 (Assignment of Counsel) concerning the duration of counsel's obligation under the rules.

**[ Paragraph ] Subdivision [ A ]a**(4) only applies to cases in which the defendant is represented by counsel, not cases in which the defendant is proceeding *pro se*.

The purpose of **[ paragraph ] subdivision [ A ]a**(5) is to ensure documents raising cognizable legal issues submitted to the judge are transmitted to the clerk of courts, and does not relieve the defendant from complying with the other requirements of the rules. When a document is forwarded to the clerk from a judge, if the

defendant is unrepresented, the clerk is to proceed as provided in [ **paragraph** ] **subdivision** ([ **A** ]**a**)(3) and the defendant is to be treated like any other party. If the defendant is represented, the clerk is to proceed pursuant to [ **paragraph** ] **subdivision** ([ **A** ]**a**)(4).

[ **Paragraph** ] **Subdivision** ([ **A** ]**a**)(6), titled “Unified Practice,” was added in 2004 to emphasize that local rules must not conflict with the statewide rules. Although this prohibition on local rules that are inconsistent with the statewide rules applies to all Criminal Rules through Rule 105 (Local Rules) and Rule of Judicial Administration 103 (Procedures for Adoption, Filing, and Publishing Rules), the reference to the specific prohibitions is included because these types of local rules have been identified by practitioners as creating significant impediments to the statewide practice of law within the unified judicial system. See the first paragraph of the *Note* to Pa.R.J.A. No. 103. The term “local rule” includes every rule, regulation, directive, policy, custom, usage, form or order of general application. See Pa.R.J.A. No. 103(d)(1).

Any local rule that requires personal appearance in addition to filing with the clerk of courts is inconsistent with this rule.

See Rule 113 (Criminal Case File and Docket Entries) for the requirements concerning the contents of the criminal case file and the minimum information to be included in the docket entries.

[ **Paragraph** ] **Subdivision** ([ **B** ]**b**)(1) requires that, concurrently with filing, the party must serve a copy on the court administrator. This requirement provides flexibility to accommodate the various practices for scheduling. However, it is not intended to replace the requirement that the party must file with the clerk of courts.

When a judge is assigned to a case, in addition to the requirements of [ **paragraph** ] **subdivision** ([ **B** ]**b**)(1), it is suggested counsel send the judge a courtesy copy of any filings.

Under any system of scheduling, once a hearing or argument is scheduled, the court or court administrator must give notice of the hearing or argument to the parties, and a copy of the notice must be filed in the criminal case file and a docket entry made. See Rule 114(C)(2).

Although [ **paragraph** ] **subdivision** ([ **B** ]**b**)(2)([ **d** ]**iv**) permits the use of assigned mailboxes for service under this rule, the Attorney General’s office never may be served by this method.

A facsimile number or an electronic address set forth on letterhead is not sufficient to authorize service by facsimile transmission or other electronic means under [ **paragraph** ] **subdivision** ([ **B** ]**b**)(2)([ **f** ]**vi**). The authorization for service by facsimile transmission or other electronic means under this rule is document specific and only valid for an individual document. Counsel will have to renew the authorization for each document.

Nothing in this rule is intended to preclude a judicial district from utilizing the United States Postal Service’s return receipt electronic option, or any similar service that electronically provides a return receipt, when using certified mail, return receipt requested.

For the definition of “carrier service,” see Rule 103.

[ **Paragraph** ] **Subdivision** ([ **B** ]**b**)(4) requires the filing party to include with the document filed a certifi-

cate of service. The certificate of service should be in substantially the following form:

\* \* \* \* \*

[ *Official Note*: Former Rule 9022 adopted October 21, 1983, effective January 1, 1984; amended March 22, 1993, effective January 1, 1994; amended July 9, 1996, effective September 1, 1996; renumbered Rule 576 and amended March 1, 2000, effective April 1, 2001. Former Rule 9023 adopted October 21, 1983, effective January 1, 1984; amended June 2, 1994, effective September 1, 1994; renumbered Rule 577 and amended March 1, 2000, effective April 1, 2001; rescinded March 3, 2004, effective July 1, 2004. Rules 576 and 577 combined and amended March 3, 2004, effective July 1, 2004, Comment revised June 4, 2004, effective November 1, 2004; Comment revised September 18, 2008, effective February 1, 2009; Comment revised September 21, 2012, effective November 1, 2012; amended January 25, 2018, effective May 1, 2018.

*Committee Explanatory Reports:*

Final Report explaining the March 22, 1993 amendments to former Rule 9022 published with the Court’s Order at 23 Pa.B. 1699 (April 10, 1993).

Report explaining the June 2, 1994 amendments to former Rule 9023 published at 23 Pa.B. 5008 (October 23, 1993).

Final Report explaining the July 9, 1996 amendments to former Rule 9022 published with the Court’s Order at 26 Pa.B. 3532 (July 27, 1996).

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

Final Report explaining the March 3, 2004 changes amending and combining Rule 576 with former Rule 577 published with the Court’s Order at 34 Pa.B. 1561 (March 20, 2004).

Final Report explaining the September 18, 2008 revision of the Comment concerning the United States Postal Service’s return receipt electronic option published with the Court’s Order at 38 Pa.B. 5428 (October 4, 2008).

Final Report explaining the September 21, 2012 revision of the Comment correcting a typographical error in the thirteenth paragraph published with the Court’s Order at 42 Pa.B. 6251 (October 6, 2012).

Final Report explaining the January 25, 2018 amendment regarding electronic filing and service pursuant to Rule 576.1 published with the Court’s Order at 48 Pa.B. 861 (February 10, 2018). ]

**Rule 576.1. Electronic Filing and Service of Legal Papers.**

\* \* \* \* \*

(H) *Service*

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

(2) Upon the acceptance by the clerk of courts office of a legal paper for electronic filing, the system shall provide an electronic notification to other parties and attorneys to the case who are participating in electronic filing that the legal paper has been accepted.

(3) Service of electronic filings on any attorney or party who has not established a UJS web portal account or who is unable to file or receive legal papers electronically or otherwise unable to access the system shall be made by the procedures provided under Rules 114(B) and 576([ B ]b).

**Comment**

\* \* \* \* \*

See Rule 576([ B ]b) governing service of motions and any written answers, and any notices or documents for which filing is required by facsimile transmission or other means.

\* \* \* \* \*

**Rule 580. Disposition of Pretrial Motions.**

\* \* \* \* \*

**Comment**

See Rule 587([ B ]b) for the procedures for motions to dismiss on double jeopardy grounds.

\* \* \* \* \*

**Rule 587. Motion for Dismissal.**

([ A ]a) *Untimely Filing of Information.*

(1) Upon motion and a showing that an information has not been filed within a reasonable time, the court may order dismissal of the prosecution, or in lieu thereof, make such other order as shall be appropriate in the interests of justice.

(2) The attorney for the Commonwealth shall be afforded an opportunity to respond.

([ B ]b) *Double Jeopardy.*

(1) A motion to dismiss on double jeopardy grounds shall state specifically and with particularity the basis for the claim of double jeopardy and the facts that support the claim.

(2) A hearing on the motion shall be scheduled in accordance with Rule 577 (Procedures Following Filing of Motion). The hearing shall be conducted on the record in open court.

(3) At the conclusion of the hearing, the judge shall enter on the record a statement of findings of fact and conclusions of law and shall issue an order granting or denying the motion.

(4) In a case in which the judge denies the motion, the findings of fact shall include a specific finding as to frivolousness.

(5) If the judge makes a finding that the motion is frivolous, the judge shall advise the defendant on the record that a defendant has a right to file a petition for review of that determination pursuant to [ Rule of Appellate Procedure ] Pa.R.A.P. [ 1573 ] 1311(a)(3) within 30 days of the order denying the motion.

(6) If the judge denies the motion but does not find it frivolous, the judge shall advise the defendant on the record that the denial is immediately appealable as a collateral order.

**Comment**

*Cf.* Pa.R.J.A. 1901 concerning termination of inactive cases.

A motion filed pursuant to this rule must comply with the provisions of Rule 575 (Motions and Answers) and Rule 576 (Filing and Service by Parties).

In any case in which a summary offense is joined with a misdemeanor, felony, or murder charge, and therefore is part of the court case, a dismissal of the prosecution pursuant to [ paragraph ] subdivision ([ A ]a)(1) would include the dismissal of the summary offense. See the Comment to Rule 502 (Instituting Proceedings in Court Cases).

“Hearing,” as used in [ paragraph ] subdivision ([ B ]b)(2) includes the taking of testimony, or the hearing of argument, or both. See Rule 115 for the procedures for the recording and transcribing of the hearing.

[ Paragraph ] Subdivision ([ B ]b)(4) requires the judge to make a specific finding whether the motion is being dismissed as frivolous. The judge should expressly cite on-point controlling case law that would make the claim frivolous. *See, e.g., Commonwealth v. Gains*, [ 383 Pa.Super. 208, 217, ] 556 A.2d 870, 874 (Pa. Super. 1989) (“A frivolous claim is a claim clearly and palpably without merit; it is a claim which presents no debatable question.”). A mere adverse decision of the case does not mean the matter is frivolous.

Although the judge is required to advise the defendant of his or her appellate rights in [ paragraphs ] subdivisions ([ B ]b)(5) and ([ B ]b)(6) upon dismissing the motion, nothing in this rule is intended to preclude the defendant from proceeding to trial without first appealing the double jeopardy question. *See, e.g., Commonwealth v. Lee*, [ 490 Pa. 346, 350, ] 416 A.2d 503, 504-05 (Pa. 1980) (“Unquestionably, appellant could have sought immediate appellate review of the question involved. For whatever reason, however, appellant proceeded to trial without first appealing the double jeopardy question. We believe that a defendant may choose to proceed to trial and if convicted, still challenge the propriety of the pretrial motion to dismiss on double jeopardy grounds on appeal.” ([ citations ] footnote omitted)).

For the procedures for challenging the denial of the motion to dismiss on double jeopardy grounds when the judge makes a finding that the motion is frivolous, see [ Rule of Appellate Procedure ] Pa.R.A.P. [ 1573 ] 1311(a)(3).

Pursuant to [ Rule of Appellate Procedure ] Pa.R.A.P. 1701(d), the filing of a petition for review does not affect the judge’s power to proceed further in the case while the petition for review is pending.

[ Official Note: Rule 316 adopted June 30, 1964, effective January 1, 1965; amended June 8, 1973, effective July 1, 1973; amended February 15, 1974, effective immediately; renumbered Rule 315 and amended June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; Comment revised January 28, 1983, effective July 1, 1983; amended August 12, 1993, effective September 1, 1993; renumbered Rule 587 and amended March 1, 2000, effective April 1, 2001; amended March 3, 2004, effective July 1, 2004; Comment revised March

9, 2006, effective September 1, 2006; amended June 4, 2013, effective July 4, 2013.

*Committee Explanatory Reports:*

Report explaining the August 12, 1993 amendments published at 22 Pa.B. 3826 (July 25, 1992).

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

Final Report explaining the March 3, 2004 amendment of paragraph (B) published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).

Final Report explaining the March 3, 2006 Comment revision concerning joinder of summary offenses with misdemeanor, felony, or murder charges published with the Court's Order at 36 Pa.B. 1392 (March 25, 2006).

Final Report explaining the June 4, 2013 provisions of the new paragraph (B) concerning motions to dismiss on double jeopardy grounds published with the Court's Order at 43 Pa.B. 3331 (June 22, 2013). ]

**CHAPTER 6. TRIAL PROCEDURES IN COURT CASES**

**PART A. General Provisions**

**Rule 605. Mistrial.**

\* \* \* \* \*

**Comment**

This rule replaces the practice of moving for the withdrawal of a juror.

Examples of "manifest necessity" can be found in *Commonwealth v. Stewart*, [ 456 Pa. 447, ] 317 A.2d 616 (Pa. 1974); *Commonwealth v. Brown*, [ 451 Pa. 395, ] 301 A.2d 876 (Pa. 1973); *United States ex rel. Russo v. Superior Court of New Jersey, Law Division, Passaic County*, 483 F.2d 7 (3rd Cir. 1973), cert. denied, 414 U.S. 1023 (1973); *United States v. Tinney*, 473 F.2d 1085 (3rd Cir. 1973), cert. denied, 412 U.S. 928 (1973); *United States v. Jorn*, 440 U.S. 470 (1971); and *United States v. Perez*, 9 Wheat. 579 (1824); see also *Illinois v. Somerville*, 410 U.S. 458 (1973).

See Rule 587([ B ]b) for the procedures when a motion to dismiss on double jeopardy grounds is filed.

\* \* \* \* \*

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

**PART A. Philadelphia Municipal Court Procedures**

**Rule 1011. Bail.**

(A) Prior to verdict, an existing bail order may be modified by a Municipal Court judge in a Municipal Court case in the same manner as a judge of the court of common pleas may modify a bail order pursuant to Rule 529([ C ]c), ([ D ]d), and ([ E ]e).

\* \* \* \* \*

**CRIMINAL PROCEDURAL RULES COMMITTEE ADOPTION REPORT**

**Technical and Stylistic Amendment of Pa.R.Crim.P. 529, 576, and 587 with Correlative Amendment of Pa.R.Crim.P. 543, 575, 576.1, and 1011 and of the Comments to Pa.R.Crim.P. 113, 567, 568, 573, 580, and 605.**

On January 4, 2022, effective July 1, 2022, the Supreme Court amended Pa.R.Crim.P. 529, 576, and 587 with correlative amendment of Pa.R.Crim.P. 543, 575, 576.1, and 1011 and of the Comments to Pa.R.Crim.P. 113, 567, 568, 573, 580, and 605. These amendments are intended to update citations to the Rules of Appellate Procedure. The Criminal Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, Comment. The statements contained herein are those of the Committee, not the Court.

Rule 587(B)(5) currently cites to Pa.R.A.P. 1573, which previously provided for review when a court found a double jeopardy claim to be frivolous. Such appeals may now be taken by permission pursuant to Pa.R.A.P. 1311(a)(3). Rule 587(B)(5) has been updated accordingly. The citation in the Comment to this rule has been similarly amended. Additionally, parallel citations have been removed from the Comment so that only citations to the *Atlantic Reporter* appear.

The Comment to Rule 529 currently cites Pa.R.A.P. 1762(b)(2) "for the procedures to obtain appellate court review of an order of a judge of the court of common pleas granting or denying release, or modifying the conditions of release." Pa.R.Crim.P. 529, Comment. However, the procedure for seeking review of such an order is now found at Pa.R.A.P. 1610, which provides for "filing a petition for specialized review[.]" The Comment has been updated accordingly.

The Comment to Rule 576 currently refers the reader to Pa.R.A.P. 3304 regarding hybrid representation and the filing of documents. However, Pa.R.A.P. 3304 has been rescinded and replaced with Pa.R.A.P. 121(g). The Comment has been updated accordingly.

Parallel citations have also been removed from the Comment to Rule 605 so that only citations to the *Atlantic Reporter* appear.

Finally, Pa.R.Crim.P. 543, 575, 576.1, and 1011 and the Comments to Pa.R.Crim.P. 113, 567, 568, 573, 580, and 605 have been amended to reflect stylistic changes to Pa.R.Crim.P. 529, 576, and 587.

The following commentary has been removed from Rule 587:

**Official Note:** Rule 316 adopted June 30, 1964, effective January 1, 1965; amended June 8, 1973, effective July 1, 1973; amended February 15, 1974, effective immediately; renumbered Rule 315 and amended June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; Comment revised January 28, 1983, effective July 1, 1983; amended August 12, 1993, effective September 1, 1993; renumbered Rule 587 and amended March 1, 2000, effective April 1, 2001; amended March 3, 2004, effective July 1, 2004; Comment revised March 9, 2006, effective September 1, 2006; amended June 4, 2013, effective July 4, 2013.



*Committee Explanatory Reports:*

Report explaining the August 12, 1993 amendments published at 22 Pa.B. 3826 (July 25, 1992).

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

Final Report explaining the March 3, 2004 amendment of paragraph (B) published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).

Final Report explaining the March 3, 2006 Comment revision concerning joinder of summary offenses with misdemeanor, felony, or murder charges published with the Court's Order at 36 Pa.B. 1392 (March 25, 2006).

Final Report explaining the June 4, 2013 provisions of the new paragraph (B) concerning motions to dismiss on double jeopardy grounds published with the Court's Order at 43 Pa.B. 3331 (June 22, 2013).

The following commentary has been removed from Rule 529:

**Official Note:** Former Rule 4008 adopted July 23, 1973, effective 60 days hence; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rule 4010. Present Rule 4008 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; the April 1, 1996 effective dates extended to July 1, 1996; renumbered Rule 529 and amended March 1, 2000, effective April 1, 2001; Comment revised August 24, 2004, effective August 1, 2005; amended May 19, 2006, effective August 1, 2006.

*Committee Explanatory Reports:*

Final Report explaining the provisions of the new rule published with Court's Order at 25 Pa.B. 4116 (September 30, 1995).

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

Final Report explaining the August 24, 2004 Comment revision published with the Court's Order at 34 Pa.B. 5025 (September 11, 2004).

Final Report explaining the May 19, 2006 amendments concerning "pre-preliminary hearing" modification of bail by the issuing authority published with the Court's Order at 36 Pa.B. 2633 (June 3, 2006).

The following commentary has been removed from Rule 576:

**Official Note:** Former Rule 9022 adopted October 21, 1983, effective January 1, 1984; amended March 22, 1993, effective January 1, 1994; amended July 9, 1996, effective September 1, 1996; renumbered Rule 576 and amended March 1, 2000, effective April 1, 2001. Former Rule 9023 adopted October 21, 1983, effective January 1, 1984; amended June 2, 1994, effective September 1, 1994; renumbered Rule 577 and amended March 1, 2000, effective April 1, 2001; rescinded March 3, 2004, effective July 1, 2004. Rules 576 and 577 combined and amended March 3, 2004, effective July 1, 2004, Comment revised June 4, 2004, effective November 1, 2004; Comment revised September 18, 2008, effective February 1, 2009; Comment revised September 21, 2012, effective November 1, 2012; amended January 25, 2018, effective May 1, 2018.

*Committee Explanatory Reports:*

Final Report explaining the March 22, 1993 amendments to former Rule 9022 published with the Court's Order at 23 Pa.B. 1699 (April 10, 1993).

Report explaining the June 2, 1994 amendments to former Rule 9023 published at 23 Pa.B. 5008 (October 23, 1993).

Final Report explaining the July 9, 1996 amendments to former Rule 9022 published with the Court's Order at 26 Pa.B. 3532 (July 27, 1996).

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

Final Report explaining the March 3, 2004 changes amending and combining Rule 576 with former Rule 577 published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).

Final Report explaining the September 18, 2008 revision of the Comment concerning the United States Postal Service's return receipt electronic option published with the Court's Order at 38 Pa.B. 5428 (October 4, 2008).

Final Report explaining the September 21, 2012 revision of the Comment correcting a typographical error in the thirteenth paragraph published with the Court's Order at 42 Pa.B. 6251 (October 6, 2012).

Final Report explaining the January 25, 2018 amendment regarding electronic filing and service pursuant to Rule 576.1 published with the Court's Order at 48 Pa.B. 861 (February 10, 2018).

[Pa.B. Doc. No. 22-75. Filed for public inspection January 14, 2022, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### ERIE COUNTY

#### Prothonotary Fees 2022; No. 90064-2021

#### Order of Court

*And Now*, to-wit, this 10th day of December, 2021, pursuant to 42 P.S. Section 21071.1(b), and 42 P.S. Section 21071.2 the fee schedule appended to this order is hereby approved and adopted effective February 1, 2022.

*By the Court*

JOSEPH M. WALSH, III,  
*President Judge*

<b>APPEAL TO HIGHER COURT</b> —Superior, Commonwealth & Supreme	(Pro Costs)	58.00
	(State)	90.25
<b>ARBITRATION/MEDIATION PRAECIPE</b>		23.50
<b>ASSIGNMENTS</b>		10.00
<b>BANKRUPTCY ORDERS</b>		10.00
<b>CERTIFICATES</b> —(separately issued certificate documents)		
	Discontinuance/Satisfactions	6.00
	Divorce	6.00
	Member in Good Standing	6.00
	Notary Certificate	6.00
<b>COMMENCEMENT OF ACTION</b> (this includes \$5.00 Automation Fee, \$.50 state tax, \$40.25 JCS)		143.75
<b>Custody Complaint/Petition</b>		152.25
(This includes \$5.00 Automation Fee, \$.50 state tax, \$40.25 JCS, & \$8.50 AOPC fee)		
<b>Divorce</b> —Add \$40.25 JCS Fee for each additional named count		228.75
Add \$48.75 (JCS Fee + \$8.50 AOPC Fee) when Custody is named as a count		
Includes \$10.00 Surcharge for each complaint		
Includes \$75.00 Master Fee Fund		
<b>Name Change</b> —Add \$12.00 Lien Search Fee (143.75 + 12.00 per name)		155.75
(This includes \$5.00 Automation Fee, \$.50 state tax, \$40.25 JCS)		
<b>COPY COSTS</b> —Per Page		.25
	Certified Copies (\$1.00 for certification + .25 per page)	1.00
	Gold Seal Certified Copies (\$5.50 + \$.25 per page)	6.00
<b>CUSTODY MODIFICATION/CONTEMPT/SPECIAL RELIEF/EMERGENCY PETITION</b> (existing case)		50.00
<b>CRIMINAL JUDGMENTS W/SAT FEE</b> (CLERK OF COURTS) (includes \$.50 state tax & \$5.00 automation fee)		33.50
<b>DISTRICT JUDGE APPEALS</b> (includes \$.25 state tax, \$40.25 JCS fee & \$5.00 automation fee)		143.50
<b>DIVORCE TRANSMITTAL</b>		12.00
<b>EXECUTIONS</b> —(Personal Property or Real Estate) (Includes \$.50 state tax)		30.00
<b>EXEMPLIFICATION OF RECORD</b>		12.00
<b>FOREIGN EXECUTIONS</b> (Includes \$.50 state tax)		30.00
<b>POLITICAL SUBDIVISION FEE</b> (Includes \$.50 state tax, \$40.25 JCS & \$5.00 automation Fee)		55.75
<b>JUDGMENTS</b> —Agreement to Revive, Decree Nisi, Default, Final Judgment, Judgments against Garnishees and Judgments on Award, Verdicts & Court Ordered Judgments		18.00
	Declaratory Judgment (New Action) (includes state tax \$.50, JCS \$40.25 & \$5.00 automation fee)	143.75
	District Judge Judgments (includes \$.25 state tax & \$5.00 automation fee)	23.25
	Foreign Judgments (includes state tax \$.50, JCP \$40.25 & \$5.00 automation fee)	143.75
	Complaint in Confession of Judgment (Includes \$.50 state tax, JCS \$40.25 & \$5.00 automation fee)	63.75
	Exemplified Judgments (includes \$.50 state tax & \$5.00 automation fee)	23.50
<b>LICENSE REVOCATION</b> (certification of motor vehicle judgment)		12.00
<b>LIENS</b> —	Commonwealth Tax Lien (includes \$.50 state tax & \$5.00 automation fee)	23.50
	Federal Tax Lien (includes \$.50 state tax & \$5.00 automation fee)	23.50
	Commonwealth Tax Lien (w/sat fee) (includes state tax \$.50 for Lien, \$.50 for Sat & \$5.00 automation fee)	34.00
	Municipal Liens (includes Satisfaction fee, \$.50 state tax & \$5.00 automation fee)	33.50
	Suggestion of Non-Payment (Commonwealth Liens)	18.00
	Suggestion of Non-Payment (Municipal Lien (includes sat fee)	33.00

<b>LIS PENDENS—</b>	Commencing an action (includes \$.50 state tax, \$40.25 JCS, \$5.00 automation fee)	143.75
	On a Pending Action	18.00
<b>MASTER FEE PETITION</b>		450.00
<b>MECHANICS LIEN—</b>	Claims (includes \$.50 state tax, \$40.25 JCS, \$5.00 automation fee)	143.75
	Waivers/Releases (includes \$.50 state tax & \$5.00 automation fee)	29.00
<b>MOTOR VEHICLE LICENSE and/or REGISTRATION SUSPENSION APPEAL</b>		143.75
(Includes \$.50 state tax, \$40.25 JCS, \$5.00 automation fee)		
<b>NOTARY PUBLIC</b>	Registration of Signature	3.50
<b>PETITION FOR APPOINTMENT OF BOARD OF VIEWERS</b>		58.00
	(This fee is in addition to the Commencement Fee of \$143.75)	
<b>PETITION TO OPEN AND/OR STRIKE JUDGMENT</b>		143.75
(Includes \$.50 state tax, \$40.25 JCS, \$5.00 automation fee)		
<b>POUNDAGE</b>	For the handling of money paid into Court:	.03
	For each \$1.00 of the first \$1,000.00	.01
	For each \$1.00 over the initial \$1,000.00 or fraction thereof	
<b>POWER OF ATTORNEY</b> (Includes \$.50 state tax)		24.00
	Revocation of Power of Attorney (per named)	10.00
<b>PRAECIPE FOR NOTICE OF INTENT TO ATTACH WAGES</b>		143.75
(Includes \$.50 state tax, \$40.25 JCS, \$5.00 automation fee)		
<b>PRAECIPE FOR WRIT OF ATTACHMENT OF WAGES</b> (includes \$.50 state tax)		30.00
<b>PRAECIPE TO STRIKE/TERMINATE—APPEAL/SUPERSEDEAS</b>		10.00
<b>PROTECTION FROM ABUSE PETITIONS</b>		(Fees ordered by Court)
<b>REINSTATEMENT OF ALL COMPLAINTS</b>		10.00
<b>RE-ISSUANCE OF WRITS (except Writ of Execution)</b>		10.00
<b>RE-ISSUANCE OF WRIT OF EXECUTION</b>		30.00
<b>RELEASES</b> (per legal description)		10.00
<b>RESUMPTION OF PRIOR SURNAME</b>		10.00
<b>SATISFACTIONS/DISCONTINUANCES/VACATE</b>		10.00
<b>SATISFACTION W/CERTIFICATE</b>		16.00
<b>SATISFACTION W/CERTIFICATE &amp; STATEMENT OF COSTS</b>		22.00
<b>SATISFACTIONS—COMMONWEALTH LIENS</b>		10.50
<b>SEARCHES</b> (genealogy or name changes)		12.00
<b>STATEMENT OF COSTS</b>		6.00
<b>STATEMENT OF OBJECTIONS</b>		143.50
(Includes \$.25 state tax, \$40.25 JCS, \$5.00 automation fee)		
<b>SUBORDINATIONS &amp; POSTPONEMENTS</b>		10.00
<b>SUBPOENA</b>		3.00
<b>TRANSFER OF VENUE</b>		18.00
<b>WRIT OF CERTIORARI</b>		143.75
(Includes \$.50 state tax, \$40.25 JCS, \$5.00 automation fee)		
<b>WRIT OF POSSESSION / WRIT OF SEIZURE</b> (includes \$.50 state tax)		30.00
<b>WRIT OF REVIVAL</b>		23.50
<b>WRIT OF SCIRE FACIAS</b> (includes \$40.25 JCS & \$.50 state tax)		58.75
<b>YEARLY FINANCIAL STATEMENT OF BONDING COMPANIES</b>		6.00

[Pa.B. Doc. No. 22-76. Filed for public inspection January 14, 2022, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 22—EDUCATION

### DEPARTMENT OF EDUCATION

#### [ 22 PA. CODE CHS. 741 AND 741a ]

#### Postsecondary Distance Education Reciprocity

The Department of Education (Department) amends Part XXIII (relating to reciprocity for distance education) by rescinding Chapter 741 (relating to State authorization reciprocity) and adding Chapter 741a (relating to State authorization reciprocity) to read as set forth in Annex A.

#### *Effective Date*

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

#### *Statutory Authority*

This final-form rulemaking is authorized under section 124(b) of the Public School Code of 1949 (24 P.S. § 1-124(b)).

#### *Background and Purpose*

The act of June 1, 2016 (P.L. 252, No. 35) (Act 35) amended the Public School Code of 1949 by adding section 124(a), which requires the Secretary of Education “to enter into and administer membership in a regional compact and an interstate reciprocity agreement for the provision of postsecondary distance education.” Pursuant to this directive, the Department has affiliated with the Southern Regional Education Board, one of four regional compacts, for the sole purpose of participating in the State Authorization Reciprocity Agreement (SARA), the interstate reciprocity agreement adopted by the regional compacts to establish National standards for interstate delivery of postsecondary distance education.

Prior to Act 35, institutions of higher education in this Commonwealth seeking to offer distance education to students residing in other states needed to apply for authorization in those states and pay registration fees to each state. To address this issue, the four interstate education compacts worked together to organize SARA as a way to provide for reciprocity among member states and their participating institutions. Section 124(a) of the Public School Code of 1949 provides for Commonwealth affiliation with one of the regional compacts and membership in SARA and establishes the Department as the agency responsible for implementation and administration.

The Department is authorized under 124(b) of the Public School Code of 1949 to “charge administrative fees to institutions of higher education that choose to participate in the agreement, not to exceed the amount necessary to pay the administrative costs of the agreement.” Under the authority in section 124(b) of the Public School Code of 1949, the Department promulgated a final-omitted regulation that set the fees for institutions of higher education seeking to join SARA, which were set in accordance with the Department’s projected cost of implementing and administering participation in SARA. Section 124(b) of the Public School Code of 1949 directs that these “final-omitted regulations shall expire June 30, 2018” and “any revisions to the administrative fees charged under this subsection shall be made through regulations promulgated under the Regulatory Review Act.” Accordingly, the amended regulation rescinds cur-

rent Chapter 741, which expired on June 30, 2018, and adds Chapter 741a to set the fees for institutions of higher education seeking to join SARA. Additionally, the amended regulation repromulgates the sections of Chapter 741 concerning definitions, SARA membership, fees nonrefundable and annual renewals, while reducing the administrative fees currently in Chapter 741.

#### *Comment and Response to Proposed Rulemaking*

The Department published a notice of proposed rulemaking at 51 Pa.B. 1516 (March 20, 2021), with a public comment period as required by law. The Department received two comments from the public. The Department did not receive comments from the Independent Regulatory Review Commission (IRRC), the House Education Committee or the Senate Education Committee.

#### *Billing*

Comment:

One commentator commented on the effective date of the regulation and how this date related to billing.

Response:

The amended regulations will become effective on January 1, 2023. Any institutions who apply for new institutional participation after January 1, 2023, or renew their participation after January 1, 2023, will be billed according to the new fee schedule.

#### *Reduced Fee Schedule*

Comment:

One commentator requested clarification of the reduction of membership costs, the fee schedule effective date, whether a SARA fee is required for membership prior to January 1, 2023, and whether costs for participation have been reduced from \$60,000 to \$7,000.

Response:

Due to the unexpected institutional participation in SARA by Commonwealth institutions during its initial membership stage, the Department is now able to reduce membership fees. The new fee schedule will become effective January 1, 2023, and will be based on distance education revenue from the 2022 calendar year. Institutions will not be charged fees by the Commonwealth until January 1, 2023. Most of the institutions will benefit from the new fee schedule as the maximum fee charged by the Commonwealth has been reduced from \$60,000 to \$7,000.

#### *Explanation of Regulation*

There have been no amendments to the proposed rulemaking. This final-form rulemaking rescinds the current Chapter 741 in its entirety as it expired on June 30, 2018 under Act 35. See 24 P.S. § 1-124(b). Additionally, the amended regulation repromulgates the sections of Chapter 741 concerning definitions (22 Pa. Code § 741.1), SARA membership (22 Pa. Code §§ 741.11–741.13), fees nonrefundable (22 Pa. Code § 741.22), and Institutional renewal to participate in SARA (22 Pa. Code § 741.23), while reducing the administrative fees currently in Chapter 741 for institutions of higher education in this Commonwealth seeking to join SARA (22 Pa. Code § 741.21) as Chapter 741a.

#### *Persons or Entities Affected*

This final-form rulemaking affects the Department, as well as Commonwealth institutions of higher education which provide or seek to provide distance education to students in other states.

*Fiscal Impact*

Implementation requires the Department to pay an annual fee of \$50,000 to affiliate with the Southern Regional Education Board compact. In addition, the Department estimates a need for \$236,547 in staffing and administrative costs for implementation of the program with those Commonwealth institutions of higher education that are interested in joining SARA. The administrative responsibilities for SARA may not be covered by general fund revenues. In accordance with section 124 of the Public School Code of 1949, the amended regulation re-establishes fees that pay the administrative costs of the program, without the need for funding from the Department's general funds.

This final-form rulemaking will equate to a fiscal savings to 73 of the 108 Commonwealth institutions of higher education that already chose to participate in SARA and provide for lower initial fees for any institution that chooses to join in the future. The amended fees represent a small fraction of the costs that Commonwealth institutions would otherwise bear to obtain State authorization to offer distance education in other states if the Commonwealth did not join SARA.

Local governments do not have any involvement with the SARA program; as such, no fiscal impact is anticipated.

*Paperwork Requirements*

This final-form rulemaking will maintain current paperwork responsibilities on the Department and the regulated community because application materials have been developed by the Department and those materials must be completed and filed annually by interested institutions of higher education. The paperwork requirements imposed by current Chapter 741 will remain the same in amended Chapter 741a.

*Sunset Date*

There is no sunset date. The effectiveness of this final-form rulemaking will be reviewed and evaluated on an ongoing basis.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 9, 2021, the Department submitted a copy of the proposed rulemaking, published at 51 Pa.B. 1516 (March 20, 2021), to IRRC and to the majority and minority chairpersons of the House and Senate Education Committees for review and comment.

Under section 5(c) of the Regulatory Review Act (71 P.S. § 745.5(c)), the Department is required to submit to IRRC and the House and Senate Education Committees with copies of the comments received during the public comment period, as well as other documents when requested. In preparing this final-form rulemaking, the Department considered comments received from the public.

On September 22, 2021, the Department delivered this final-form rulemaking to IRRC, to the majority and minority chairpersons of the House and Senate Education Committees. Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), the final-form rulemaking was deemed approved by the House and Senate Education Committees on November 17, 2021. Under 5.1(e) of the Regulatory Review Act (71 P.S. § 745.5a(e)), IRRC met on November 17, 2021, and announced, that because no comments were received on the proposed rulemaking and the Department did not amend the

rulemaking, IRRC was deemed to have approved the final-form rulemaking under section 5(g) of the Regulatory Review Act.

*Contact Persons*

For further information, contact Lynette Kuhn, Division Chief, 333 Market Street, 12th Floor, Harrisburg, PA 17126, lykuhn@pa.gov.

*Findings*

The Department finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided as required by law.

(3) This final-form rulemaking does not include any amendments that would enlarge the scope of proposed rulemaking published at 51 Pa.B. 1516.

(4) This final-form rulemaking adopted by this order is necessary and appropriate for the administration of State Authorization Reciprocity.

*Order*

The Department, acting under its authorizing statute, orders that:

(a) The regulations of the Department in section 124(b) of the Public School Code of 1949 are amended to read as set forth in Annex A.

(b) The Department shall submit this final-form rulemaking to the Office of Attorney General and the Office of General Counsel for approval as required by law.

(c) The Department shall submit this final-form rulemaking to IRRC, and the House and Senate Education Committees as required by law.

(d) The Department shall certify this final-form rulemaking and deposit it with the Legislative Reference Bureau as required by law.

(e) This final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*, except for the fees that will become effective January 1, 2023.

NOE ORTEGA,  
*Secretary*

*(Editor's Note:* See 51 Pa.B. 7590 (December 4, 2021) for IRRC's approval order.)

**Fiscal Note:** Fiscal Note 6-339 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 22. EDUCATION**

**PART XXIII. RECIPROCITY FOR DISTANCE EDUCATION**

**CHAPTER 741. (Reserved)**

- § 741.1. (Reserved).
- §§ 741.11—741.13. (Reserved).
- §§ 741.21—741.23. (Reserved).

**CHAPTER 741a. STATE AUTHORIZATION RECIPROCITY**

**DEFINITIONS**

Sec.  
741a.1. Definitions.

**SARA MEMBERSHIP**

741a.11. State membership in a regional compact.  
741a.12. State membership in SARA.  
741a.13. Institutional participation in SARA.

**FEES**

741a.21. Fee for postsecondary institutions in this Commonwealth to participate in SARA.  
741a.22. Fees nonrefundable.  
741a.23. Institutional renewal to participate in SARA.  
741a.24. Effective date.

**DEFINITIONS**

**§ 741a.1. Definitions.**

The following words and terms, when used in this chapter, have the following meaning, unless the context clearly indicates otherwise:

*Calendar year*—January 1—December 31.

*Department*—The Department of Education of this Commonwealth.

*Distance education*—

(i) Instruction offered by any means when the student and faculty member are in separate physical locations so that face-to-face communication is absent and communication is accomplished by one or more technological media. It includes real-time or delayed interaction using voice, video, data or text, or both, including instruction provided online, by correspondence, or by interactive video.

(ii) Instruction provided by means of synchronous video from an institution in this Commonwealth to additional campus sites of the same institution in this Commonwealth is not considered distance education.

(iii) Distance education is instructor-led and is not independent study.

*Portal agency*—The single entity designated to serve as the interstate point of contact for SARA questions, complaints and other communications.

*Postsecondary institution*—An institution legally authorized to award degrees at the associate level or above.

*Regional compact*—A nonprofit organization with member states dedicated to advancing education in a region. The four regional compacts are the Midwestern Higher Education Compact, the New England Board of Higher Education, the Southern Regional Education Board and the Western Interstate Commission for Higher Education.

*SARA—State Authorization Reciprocity Agreement*—A voluntary agreement adopted by the regional compacts to establish National standards for interstate delivery of postsecondary education through distance education.

*Tuition*—

(i) Moneys charged by the institution for instruction.

(ii) The term does not include moneys charged as fees, such as technology fees, student services fees or activities fees if those fees are noted on the invoice and in publications as fees that are separated from tuition.

**SARA MEMBERSHIP**

**§ 741a.11. State membership in a regional compact.**

The Department, consistent with section 124(b) of the Public School Code of 1949 (24 P.S. § 1-124(b)), has

affiliated with the Southern Regional Education Board for the sole purpose of being able to participate in SARA and facilitate interested postsecondary institutions in this Commonwealth offering distance education to students in other SARA member states.

**§ 741a.12. State membership in SARA.**

(a) The Department will be the SARA portal agency for the Commonwealth and will employ staff as necessary to provide the services required to implement SARA.

(b) The Department's staffing and other costs related to SARA membership and responsibilities will be covered by fees paid by postsecondary institutions in accordance with §§ 741a.21 and 741a.22 (relating to fee for postsecondary institutions in this Commonwealth to participate in SARA; and fees nonrefundable).

**§ 741a.13. Institutional participation in SARA.**

(a) Postsecondary institutions will apply annually to the Department for authorization to participate in SARA in such manner and on such forms as prescribed by the Department. If the fee submitted with the application does not correspond to the distance education enrollment data in the Federal Integrated Postsecondary Education Data System database for the most recent reporting year, the institution will be required to provide evidence to support the calculation of the fee amount.

(b) The required fees as set forth in §§ 741a.21 and 741a.22 (relating to fee for postsecondary institutions in this Commonwealth to participate in SARA; and fees nonrefundable) must accompany the application. The Department will not process an application until the fees are received.

(c) The fees established by this chapter cover the administrative costs of the Department and do not cover other fees due to other organizations.

**FEES**

**§ 741a.21. Fee for postsecondary institutions in this Commonwealth to participate in SARA.**

Postsecondary institutions in this Commonwealth shall pay a fee to the Department based on tuition revenue from distance education in the most recently completed calendar year for the initial application fee and for each annual renewal to the Department to participate in SARA.

<i>Distance Tuition Revenue Fee</i>	
\$0—9,999	\$1,000
\$10,000—\$4,999,999	\$2,000
\$5,000,000—\$19,999,999	\$3,000
\$20,000,000—\$39,999,999	\$5,000
\$40,000,000 and over	\$7,000

**§ 741a.22. Fees nonrefundable.**

(a) The fee submitted with an application is not refundable if the registration or participation is denied or if the postsecondary institution withdraws its application.

(b) No portion of the fee will be refunded upon suspension or revocation of participation or optional termination of participation.

**§ 741a.23. Institutional renewal to participate in SARA.**

(a) Approval for participation in SARA is valid for 1 calendar year.

(b) An application for renewal of participation is required annually in accordance with § 741a.13 (relating to institutional participation in SARA).

**§ 741a.24. Effective date.**

(a) The fees established in § 741a.21 (relating to fee for postsecondary institutions in this Commonwealth to participate in SARA) will become effective on January 1, 2023.

[Pa.B. Doc. No. 22-77. Filed for public inspection January 14, 2022, 9:00 a.m.]

**Title 28—HEALTH AND SAFETY**

**DEPARTMENT OF HEALTH**

[ 28 PA. CODE CHS. 1141, 1151, 1161, 1171, 1181, 1191, 1211 AND 1230 ]

**Medical Marijuana; General Provisions; Growers/Processors; Dispensaries; Laboratories; Physicians and Practitioners; Patients and Caregivers; Clinical Registrants and Academic Clinical Research Centers; and Practice and Procedure; Temporary Regulations**

To implement the Medical Marijuana Program, the Department of Health (Department) periodically published temporary regulations regarding various sections of the Medical Marijuana Act (act) (35 P.S. §§ 10231.101—10231.2110). The act was amended on June 30, 2021, (P.L. 210, No. 44) to extend the expiration date of the Department’s authority to adopt temporary regulations until May 31, 2022. See section 1107(b) of the act. Pursuant to this authority, the Department is extending the deadline of the Department’s temporary medical marijuana regulations by republishing and readopting the temporary regulations to read as set forth in the following existing chapters:

- Chapter 1141 (relating to general provisions—temporary regulations). This chapter sets forth the general requirements for the Medical Marijuana Program.
- Chapter 1151 (relating to growers/processors—temporary regulations). This chapter sets forth the requirements for an entity to become permitted and operate as a grower/processor under the act.
- Chapter 1161 (relating to dispensaries—temporary regulations). This chapter sets forth the requirements for an entity to become permitted and operate as a dispensary under the act.
- Chapter 1171 (relating to laboratories—temporary regulations). This chapter sets forth the requirements for a laboratory to become approved by the Department to test medical marijuana under the act.
- Chapter 1181 (relating to physicians and practitioners—temporary regulations). This chapter sets forth the requirements for a physician to become a practitioner who may issue patient certifications under the act.
- Chapter 1191 (relating to patients and caregivers—temporary regulations). This chapter sets forth the requirements for a patient and caregiver to become registered with the Department to participate in the Medical Marijuana Program under the act.
- Chapter 1211 (relating to clinical registrants and academic clinical research centers—temporary regula-

tions). This chapter pertains to clinical registrants and academic clinical research centers in this Commonwealth who wish to participate in the Medical Marijuana Program.

- Chapter 1230 (relating to practice and procedure—temporary regulations). This chapter pertains to growers/processors, dispensaries, laboratories, disappointed medical marijuana organization permit applicants and any other person choosing to challenge an action taken by the Office of Medical Marijuana under the act.

*Statutory Authority*

The temporary regulations are published under the Medical Marijuana Act (act) (35 P.S. §§ 10231.101—10231.2110). Section 1107 of the act (35 P.S. § 10231.1107) specifically provides that the Department may promulgate temporary regulations that are not subject to sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1205), referred to as the Commonwealth Documents Law, the Regulatory Review Act (71 P.S. §§ 745.1—745.14) and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P.S. §§ 732-204(b) and 732-301(10)).

*Proposed Regulations*

The Department published proposed regulations at 51 Pa.B. 1141 (March 6, 2021). The Department intends to promulgate the final-form Medical Marijuana regulations by Spring 2022.

*Contact Person*

Interested persons are invited to submit written comments, suggestions or objections regarding these amended temporary regulations to John J. Collins, Office of Medical Marijuana, Department of Health, Room 628, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 547-3047, RA-DHMedMarijuana@pa.gov.

Persons with a disability who wish to submit comments, suggestions or objections regarding these amended temporary regulations or who require an alternative format of these amended temporary regulations (for example, large print, audiotape, Braille) may do so by using the previous contact information, 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).

*Order*

The Department, acting under section 1107 of the act (35 P.S. § 10231.1107), orders that:

(1) The following temporary regulations of the Department are incorporated by reference under 1 Pa. Code § 3.41 (relating to matter not required to be published) and readopted:

28 Pa. Code Chapter 1141 pages 1141-1 to 1141-35 at serial pages (393521) to (393522), (391791) to (391806), (393523) to (393524), (391809) to (391810), (393525) to (393526) and (391813) to (391823).

28 Pa. Code Chapter 1151 pages 1151-1 to 1151-29 at serial pages (393527) to (393528) and (391827) to (391853).

28 Pa. Code Chapter 1161 pages 1161-1 to 1161-17 at serial pages (393529) to (393530), (391857) to (391870) and (393531).

28 Pa. Code Chapter 1171 pages 1171-1 to 1171-13 at serial pages (391873) to (391885).

28 Pa. Code Chapter 1181 pages 1181-1 to 1181-10 at serial pages (391887) to (391896).

28 Pa. Code Chapter 1191 pages 1191-1 to 1191-10 at serial pages (391897) to (91906).

28 Pa. Code Chapter 1211 pages 1211-1 to 1211-15 at serial pages (395023) to (395037).

28 Pa. Code Chapter 1230 pages 1230-1 to 1230-8 at serial pages (391909) to (391916).

(2) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

**Fiscal Note:** Fiscal Notes Reg # 10-210, 10-212, 10-213, 10-214, 10-215, 10-207, 10-217, and 10-218 remain valid for the republication of the subject temporary regulations.

KEARA KLINEPETER, MSHCPM,  
*Acting Secretary*

[Pa.B. Doc. No. 22-78. Filed for public inspection January 14, 2022, 9:00 a.m.]



# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CH. 92a ]

### National Pollutant Discharge Elimination System (NPDES) Schedules of Compliance

The Environmental Quality Board (Board) proposes to amend Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance) to revise § 92a.51(a) (relating to schedules of compliance) to allow for the implementation of Long-Term Control Plans (LTCP) for combined sewer overflow (CSO) dischargers to achieve State water quality standards (WQS) by a period that may exceed 5 years, but that may not exceed the implementation period specified in an approved LTCP.

This proposed rulemaking was adopted by the Board at its meeting of October 19, 2021.

#### A. *Effective Date*

These amendments will go into effect upon publication in the *Pennsylvania Bulletin* as a final-form rulemaking.

#### B. *Contact Persons*

For further information, contact Sean M. Furjanic, PE, Environmental Program Manager, Bureau of Clean Water, P.O. Box 8774, Rachel Carson State Office Building, Harrisburg, PA 17105-8774, (717) 787-2137, or Adam Duh, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P.O. Box 8464, Harrisburg, PA 17105, (717) 783-8261. Information regarding submitting comments on this proposal appears in section J of this preamble. Persons with a disability may use the Pennsylvania Hamilton Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Environmental Quality Board" and then navigate to the Board meeting of October 19, 2021).

#### C. *Statutory Authority*

This proposed rulemaking is being made under the authority of sections 5(b)(1) and 402 of the Clean Streams Law (35 P.S. §§ 691.5(b)(1) and 691.402) and section 1920-A of the Administrative Code of 1929 (71 P.S. § 510-20), which authorize the Board to promulgate rules and regulations necessary for the Department to perform its work.

#### D. *Background and Purpose*

Many municipalities across this Commonwealth have combined sewer systems (CSS), in which sewage and stormwater are collected and conveyed together during precipitation events. Depending on factors such as the intensity of a precipitation event, the flow in CSSs may exceed the dry weather carrying capacity of those systems, resulting in CSO discharges from the CSS to surface waters prior to reaching a wastewater treatment facility. Wet weather CSO discharges are authorized under the Federal Clean Water Act (33 U.S.C.A. §§ 1251–1388), the Commonwealth's Clean Streams Law (35 P.S. §§ 691.1–691.1001), and Chapter 92a, when approved under an NPDES permit.

In 1994, the United States Environmental Protection Agency (EPA) issued its Combined Sewer Overflow Con-

trol Policy, 59 FR 18688 (April 19, 1994), that required implementation of nine minimum controls that all permittees with CSO discharges must implement, along with an LTCP to achieve WQS. In this Commonwealth, LTCPs are implemented through NPDES permits. Permittees have several options for achieving and demonstrating achievement of WQS in an LTCP. Each permittee must develop and submit an LTCP for approval by the Department, who is delegated to administer the Federal NPDES program in this Commonwealth.

A permittee's CSO discharges are presumed to be in noncompliance for WQS until an approved LTCP is implemented. Neither Federal regulations nor policy require that LTCPs be implemented and WQS be achieved by a specific date, other than in the shortest feasible period of time. Due to the scale of infrastructure modifications and financial commitments involved with implementing LTCPs, implementation schedules exceeding 20 years are common. However, the Department's regulation in § 92a.51(a) currently requires that any discharge not in compliance with WQS and effluent limitations or standards must achieve compliance as soon as practicable, but in no case longer than 5 years.

The EPA has expressed concerns that the Department's practice of approving LTCP implementation schedules exceeding 5 years is inconsistent with the existing language in § 92a.51(a) that requires compliance within 5 years. Consequently, the Department has paused approving NPDES permit renewals for CSO dischargers with these longer LTCP implementation schedules until the inconsistency is resolved. This proposed rulemaking would amend § 92a.51(a) for NPDES permit schedules of compliance to allow the Department to approve permits for CSO dischargers with compliance schedules beyond the 5-year period currently established in the regulations, but not longer than the implementation period in the discharger's approved LTCP.

#### E. *Summary of Regulatory Requirements*

##### § 92a.51. *Schedules of Compliance*

The Department's regulation at § 92a.51(a) authorizes schedules of compliance for existing discharges that are not in compliance with WQS or effluent limitations or standards. This regulation is more stringent than equivalent Federal regulations because the Department establishes a maximum period of time to come into compliance of 5 years (unless a court of competent jurisdiction issues an order allowing a longer time for compliance), while Federal regulations do not. CSO dischargers, however, typically require more than 5 years to implement LTCPs to achieve compliance with WQS due to the scale of infrastructure modifications and financial commitments needed to implement LTCPs, and the Department has approved many LTCPs with implementation schedules exceeding 5 years.

This proposed rulemaking would amend subsection (a) to allow compliance schedules for CSO dischargers to exceed 5 years, but those schedules could not exceed the period of implementation specified in an approved LTCP.

This proposed rulemaking will not result in any degradation of public health or environmental protection. Conversely, the proposal is expected to improve public health and the environment by allowing the Department to move forward with reissuing long overdue NPDES permits to CSO dischargers and incorporating new conditions to

minimize the discharge of pollutants to surface waters. Ultimately, the revision would recognize the Department's longstanding practice of approving LTCPs with implementation schedules exceeding 5 years.

#### F. *Benefits, Costs and Compliance*

##### *Benefits*

NPDES permits have a fixed term not exceeding 5 years. If a timely application is submitted for reissuance or renewal of an NPDES permit, the permit may be administratively extended after the permit expiration date to allow a discharger to continue operating under the terms and conditions of the permit. The EPA has objected to or otherwise expressed concerns to the Department over the reissuance of NPDES permits for CSO dischargers because the EPA perceives that the Department's approval of LTCPs with implementation schedules longer than 5 years conflicts with § 92a.51(a). As a result, there are many administratively extended NPDES permits for CSO dischargers across this Commonwealth. By amending § 92a.51(a) as described previously, the Department will be able to move forward with reissuing these permits, providing the Department the opportunity to update the permits to ensure the most up-to-date standards and pollution control measures are included in the permits, benefiting public health and the environment.

##### *Compliance costs*

The proposed regulatory revision would not impose any additional costs on the regulated community.

##### *Compliance assistance plan*

A compliance assistance plan is not considered necessary for the proposed regulatory revision.

##### *Paperwork requirements*

The proposed amendment to Chapter 92a clarifies existing processes but does not add to or change the existing paperwork requirements for the submission of NPDES permit applications and Notices of Intent to the Department.

#### G. *Pollution Prevention*

Pollution prevention is not applicable to this proposed rulemaking.

#### H. *Sunset Review*

The Board is not establishing a sunset date for these regulations because these regulations are needed for the Department to carry out its statutory authority. The Department will continue to closely monitor these regulations for their effectiveness and recommend updates to the Board as necessary.

#### I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on January 4, 2022, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act

(71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor.

#### J. *Public Comments*

Interested persons are invited to submit to the Board written comments, suggestions, support or objections regarding this proposed rulemaking. Comments, suggestions, support or objections must be received by the Board by March 1, 2022.

Comments may be submitted to the Board online, by e-mail, by mail or express mail as follows.

Comments may be submitted to the Board online by accessing eComment at <http://www.ahs.dep.pa.gov/eComment>.

Comments may be submitted to the Board by e-mail at [RegComments@pa.gov](mailto:RegComments@pa.gov). A subject heading of this proposed rulemaking and a return name and address must be included in each transmission.

If an acknowledgement of comments submitted online or by e-mail is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt. Comments submitted by facsimile will not be accepted.

Written comments should be mailed to the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Environmental Quality Board, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

#### K. *Public Hearings*

The Board will hold a virtual public hearing for the purpose of accepting comments on this proposed rulemaking. The hearing will be held on February 16, 2022, at 1 p.m.

Persons wishing to present testimony at the hearing must contact Jennifer Swan for the Department and the Board, (717) 783-8727 or [RA-EPEQB@pa.gov](mailto:RA-EPEQB@pa.gov), by February 14, 2022, to reserve a time to present testimony. Language interpretation services are available upon request. Persons in need of language interpretation services must contact Jennifer Swan by 5 p.m. on February 9, 2022.

Witnesses may provide testimony by means of telephone or Internet connection. Verbal testimony is limited to 5 minutes for each witness. Organizations are limited to designating one witness to present testimony on their behalf. Video demonstrations and screen sharing by witnesses will not be permitted.

Witnesses are requested to submit written copy of their verbal testimony by e-mail to [RegComments@pa.gov](mailto:RegComments@pa.gov) after providing testimony at the hearing.

Information on how to access the hearing will be available on the Board's webpage found through the Public Participation tab on the Department's web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Environmental Quality Board"). Prior to the hearing, individuals are encouraged to visit the Board's webpage for the most current information for accessing the hearing.

Any members of the public wishing to observe the public hearing without providing testimony are also directed to access the Board's webpage. Those who have not registered with Jennifer Swan in advance as described previously will remain muted for the duration of the public hearing.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Board at (717) 783-8727 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice users) to discuss how the Board may accommodate their needs.

PATRICK McDONNELL,  
*Chairperson*

**Fiscal Note:** 7-563. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**

**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE II. WATER RESOURCES**

**CHAPTER 92a. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMITTING, MONITORING AND COMPLIANCE**

**Subchapter C. PERMITS AND PERMIT CONDITIONS**

**§ 92a.51. Schedules of compliance.**

(a) With respect to an existing discharge that is not in compliance with the water quality standards and effluent limitations or standards in § 92a.44 or § 92a.12 (relating to establishing limitations, standards, and other permit conditions; and treatment requirements), the applicant shall be required in the permit to take specific steps to remedy a violation of the standards and limitations in accordance with a legally applicable schedule of compliance, in the shortest, reasonable period of time, the period to be consistent with the Federal Act. **[ Any ] Except as otherwise set forth in this subsection, a schedule of compliance specified in the permit must require compliance with final enforceable effluent limitations as soon as practicable, but in no case longer than 5 years, unless a court of competent jurisdiction issues an order allowing a longer time for compliance. Compliance schedules granted to CSO dischargers may exceed 5 years but may not exceed the period of implementation specified in an approved long-term control plan (LTCP).**

\* \* \* \* \*

[Pa.B. Doc. No. 22-79. Filed for public inspection January 14, 2022, 9:00 a.m.]

**ENVIRONMENTAL QUALITY BOARD**

**[ 25 PA. CODE CHS. 271 AND 279 ]**

**Municipal Waste Rural Transfer Facility Permit-By-Rule**

The Environmental Quality Board (Board) proposes to amend Chapters 271 and 279 (relating to municipal waste management—general provisions; and transfer facilities) to update the regulations to read as set forth in Annex A. This proposed rulemaking would amend Chapter 271 to establish requirements for operating a Rural Transfer Facility under a permit-by-rule. The amendment to Chap-

ter 279 clarifies that the requirements of that chapter are not applicable to Rural Transfer Facilities.

This proposed rulemaking was adopted by the Board at its meeting on November 16, 2021.

**A. Effective Date**

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

**B. Contact Persons**

For further information, contact Ali Tarquino Morris, Director, Bureau of Waste Management, P.O. Box 69170, Rachel Carson State Office Building, Harrisburg, PA 17106-9170, (717) 783-7827; or Nikolina Smith, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 783-8501. Persons with a disability may use the Pennsylvania Hamilton Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection’s (Department) website at [www.dep.pa.gov](http://www.dep.pa.gov) (select “Public Participation,” then “Environmental Quality Board” and then navigate to the Board meeting of November 16, 2021).

**C. Statutory Authority**

The proposed amendments to Chapters 271 and 279 are authorized under sections 105 and 501 of the Solid Waste Management Act (35 P.S. §§ 6018.105 and 6018.501), which grant the Board the authority to adopt rules and regulations of the Department to accomplish the purposes and carry out the provisions of the Solid Waste Management Act; sections 301 and 302 of Act 101, the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4001.301 and 4001.302); and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20), which grant the Board the authority to adopt rules and regulations for the proper performance of the work of the Department.

**D. Background and Purpose**

Presently, all residents of this Commonwealth do not have convenient and affordable access to waste disposal and recycling options. Specifically, in rural areas of this Commonwealth trash collection and recycling services are not economically feasible to establish and therefore unavailable to many local communities. This lack of access results in residential waste and recycling being mismanaged through illegal dumping or open burning of the waste, which cause environmental degradation and place a significant strain on the Department and local governments to clean up.

For context, a 10-year study (partially funded by the Department) was conducted by Keep Pennsylvania Beautiful in which more than 6,200 illegal dumps were identified across this Commonwealth. The study found that cleanups of illegal dump sites cost on average \$3,000 per site and divert funding and staff resources from State and local governments that could otherwise be used more productively. It also conveyed that there is less illegal dumping in areas where there is universal access to waste and recycling collection and more than 87% of residents of this Commonwealth indicated they would be willing to take their household waste, recyclables or other items not collected at the curb to a convenient outlet and pay for the service.

Additionally, open burning of waste also can be a dangerous and environmentally hazardous activity. According to the Department of Conservation and Natural

Resources, one of the major causes of forest fires in this Commonwealth is debris burning. A careless or unaware person burning trash or yard waste can be responsible for causing wildfires that burn thousands of acres of valuable forests. In fact, 98% of the wildfires in this Commonwealth are a direct result of people's actions and place emergency responders directly in harm's way. Furthermore, a United States Environmental Protection Agency report published in November 1997 shows that a single household burn barrel may emit as many toxic chemicals as a well-controlled municipal incinerator.

To address the waste and recycling collection gap that currently exists in the more rural areas of this Commonwealth and help to prevent illegal dumping and burning of waste, the Board is proposing to establish a permit-by-rule framework for persons to construct and operate rural transfer facilities. A rural transfer facility is a facility located in a municipality with a population density of under 300 people per square mile where residents can drop off municipal waste and source separated recyclable materials that the operators of the facility would then transfer to a permitted processing or disposal facility.

The Board proposes to use a permit-by-rule framework for authorizing rural transfer facilities operations. A permit-by-rule is a permit which a person or municipality is deemed to have for the operation of a facility or an activity upon compliance with the general requirements contained in the regulations authorizing the permit-by-rule in § 271.103 (relating to permit-by-rule for municipal waste processing facilities other than for regulated medical or chemotherapeutic waste; qualifying facilities; general requirements) and the requirements contained in this proposed rulemaking.

Under the permit-by-rule format, public or private entities would notify the Department of their intent to operate a rural transfer facility and would not have to submit an application for review. This simplifies the application requirements associated with other types of permitted facilities by replacing voluminous application materials with more general operational plans and notification documents while still protecting the health, safety and welfare of residents of this Commonwealth and the environment.

A facility operating under a permit-by-rule must follow a standard and abbreviated set of operating requirements that are tailored for the type of activity undertaken. As noted previously, the permit-by-rule for rural transfer facilities would only be available for sites located in rural areas with a population density of under 300 people per square mile. Rural transfer facilities would also be limited in the amount of waste they can manage onsite to 80 cubic yards of municipal waste stored in a maximum of 4 containers. In general, this and other thresholds in this proposed rulemaking are based on those that were included in the draft general permit the Department previously proposed to authorize what were referred to as convenience centers. The Department worked closely with regional waste program managers and the Solid Waste Advisory Committee (SWAC) to determine appropriate thresholds as described as follows. These thresholds were also based on information the Department had about existing individually permitted municipal waste transfer facilities, including how much waste these facilities accept on a quarterly or annual basis. The thresholds represent and establish an appropriate amount of waste to be managed at a small rural transfer facility that will meet the needs of rural communities without approaching amounts that would require the facility to obtain an

individual permit. Further explanation of the proposed thresholds and full operating requirements for the rural transfer facilities permit-by-rule are outlined as follows. If the facility fails to comply with the conditions of the permit-by-rule as proposed in this rulemaking, the facility may be required to obtain an individual or general permit instead.

This proposed rulemaking was developed in consultation with the Department's SWAC and Recycling Fund Advisory Committee (RFAC). Members of SWAC and RFAC represent municipal solid waste authorities, local government interests, solid waste management industry groups, the legislature, consulting firms and private citizens.

Discussions formally began in 2015, with the formation of an Ad Hoc committee to focus on developing a model for what were then known as convenience centers and advise the Department on the requirements for operation. The Ad Hoc committee disbanded after its final meeting in August 2015.

The convenience center model evolved over the next several years, until the Department developed a general permit (GP) to authorize their operation. The Department brought the GP before SWAC and RFAC in December 2018, at which time it was determined that the recordkeeping requirements of the GP were too onerous for operators (that is, rural counties and municipalities) to meet. However, SWAC and RFAC members and the Department agreed that a means of authorizing operation of these facilities to aid in providing convenient, affordable access to waste disposal and recycling to all residents of this Commonwealth was imperative. The Department responded by developing this proposed rulemaking to authorize a permit-by-rule for rural transfer facilities. On June 3, 2020, SWAC voted to concur with the Department's recommendation that this proposed rulemaking move forward in the regulatory process.

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

##### § 271.103. *Permit-by-rule for municipal waste processing facilities other than for regulated medical or chemotherapeutic waste; qualifying facilities; general requirements*

Proposed amendments to this section would add provisions for the operation of a rural transfer facility authorized through a permit-by-rule.

Subsection (i) is proposed to be added to authorize operation of a rural transfer facility through a permit-by-rule under certain conditions. The permit-by-rule format streamlines and reduces costs associated with permitting and obtaining the authorizations necessary to establish and operate a transfer facility. This allows persons or municipalities in rural areas more flexibility and ease in constructing, siting and operating the facility, in conjunction with the added benefit of reducing illegal dumping and better serving residents of rural areas while still being protective of public health and the environment.

Paragraph (1) proposes operating requirements that a rural transfer facility must follow to receive authorization under this proposed permit-by-rule. These requirements are intended to ensure rural transfer facilities are operating in a way that ensures the health, safety and welfare of residents of this Commonwealth and the environment are protected.

Subparagraph (i) describes the types of wastes that may be transferred through a rural transfer facility. It proposes that no processing other than the transfer of

residential municipal waste, construction/demolition waste and yard waste take place at the rural transfer facility since this is a permit-by-rule for municipal waste specifically. As such, the only materials that may be accepted at a rural transfer facility are municipal wastes as defined elsewhere in statute and regulation. See 35 P.S. § 6018.103 and 25 Pa. Code § 271.1 (relating to definitions). Construction/demolition and yard waste are both classified as municipal wastes and are specifically identified to clarify what wastes are acceptable for management at a rural transfer facility.

Subparagraph (ii) requires the rural transfer facility to collect steel and bimetallic cans, corrugated cardboard and aluminum, at a minimum, for the purpose of recycling. This requirement is proposed in order to capture more recyclables, which contributes to this Commonwealth's recycling marketplace and helps support the 66,000 recycling-related jobs it provides.

Subparagraph (iii) proposes that a rural transfer facility may not collect or process any liquid, special handling waste, residual waste or hazardous waste. Management of these types of wastes by regulation requires additional scrutiny and approval for management and is not suitable for this municipal waste permit-by-rule.

Subparagraph (iv) proposes limits on the volume of municipal waste that can be stored at a rural transfer facility prior to transfer. This proposed rulemaking sets these limits at 80 cubic yards stored in a maximum of 4 containers at a facility. These proposed limits do not apply to construction and demolition (C&D) waste nor yard waste as they have their own limits specified in § 271.103(i)(2) and (3). These thresholds are based on information the Department has about existing individually permitted municipal waste transfer facilities, including how much waste these facilities accept on a quarterly or annual basis. The thresholds represent an appropriate amount of waste to be managed at a small rural transfer facility to meet the needs of rural communities without approaching amounts that would require the facility to obtain an individual permit. The volume thresholds were established to limit the size and impact of these facilities so the less rigorous permit-by-rule framework for construction and operation can be utilized.

Subparagraph (v) proposes that containers at rural transfer facilities be emptied at least once every 10 days. The total waste collected, excluding C&D and yard waste, cannot exceed 160 cubic yards during that same 10-day period, and all containers must be emptied within 72 hours of being filled. Similar to the reasoning discussed previously for the requirements in proposed § 271.103(iv), these volume and storage thresholds were established to limit the size and impact of these facilities and so the less rigorous permit-by-rule framework for construction and operation can be utilized. Time limits for emptying containers were specifically established to minimize the potential for nuisances associated with operation of the facility.

Subparagraph (vi) proposes that records of pick up dates for all containers at a rural transfer facility be kept onsite for 5 years and made available to the Department upon request. These requirements are consistent with those already established for other facilities authorized by a permit-by-rule in this section. The additional requirement to keep records onsite for 5 years ensures that the Department can collect data on the facilities to evaluate the effectiveness of the rulemaking.

Subparagraph (vii) proposes that a rural transfer facility cannot cause or allow a point or nonpoint source

discharge from or on the facility to surface waters of this Commonwealth. This requirement is included to maintain compliance with The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and protect the waters of the Commonwealth.

Subparagraph (viii) proposes prohibitions on the areas in which rural transfer facilities may be located. These prohibited areas include: a populated area as described in § 272.411(a) and (b) (relating to affected municipalities) and section 1501(a) and (b) of the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. § 4000.1501(a) and (b)); a municipality with a population density over 300 people per square mile; or an area that is zoned as residential, unless otherwise approved in writing by a municipality. Municipalities with a population density over 300 people per square mile is used in section 1501(b) of the Municipal Waste Planning, Recycling and Waste Reduction Act and was included in the list of prohibited areas because municipalities with a population density exceeding this threshold already have recycling and waste management infrastructure. The intent of this proposed regulation is to facilitate and establish access to waste management and recycling services in the underserved rural areas of this Commonwealth. The defined areas described previously are not considered rural or underserved and are, therefore, not suitable for siting and operation of a rural transfer facility.

Subparagraph (ix) proposes a requirement that the rural transfer facility not store waste, yard waste or source separated recyclable materials outside of a container in order to protect human health and the environment by preventing nuisances, vectors, and point and nonpoint source pollution. These requirements also aim to protect the market value of recyclable materials collected by preventing contamination during management.

Subparagraph (x) prohibits a rural transfer facility from accepting waste transported by a truck, tractor or combination having a gross vehicle weight rating, gross combination weight rating, registered gross weight, registered combination weight or actual gross weight of 17,001 pounds or more. These vehicle weight limits are established in the regulations implementing the Commonwealth's Vehicle Code at 67 Pa. Code § 231.8(1) (relating to additions or modifications to 49 CFR) and trigger additional authorization and licensing under 27 Pa.C.S. §§ 6201—6209 (Act 90) (relating to Waste Transportation Safety Act). Rural transfer facilities are not an acceptable destination for vehicles exceeding these weight limits, as they carry an amount of waste that would exceed the volume and storage limits established by the permit-by-rule. Use of a rural transfer facility by these size vehicles would negate the potential benefits of convenient and affordable disposal and recycling for local residents.

Subparagraph (xi) proposes that rural transfer facilities must be operated in a manner to minimize and control nuisances and vectors to protect human health and the environment. Facilities that do not meet this requirement may be required to obtain an individual or general permit under § 271.103(c).

Subparagraph (xii) proposes that rural transfer facilities store source separated recyclable materials in a manner that preserves their marketability. This requirement is intended to ensure that recyclables are not damaged and ultimately are able to be recycled to help bolster this Commonwealth's recycling marketplace.

Subparagraph (xiii) requires an operator of a rural transfer facility to submit written notice to the Depart-

ment when intending to operate a facility under the proposed permit-by-rule. As proposed in clause (A), the notice must be submitted to the Department within 30 days of adoption of this proposed rulemaking when published as a final-form rulemaking and by January 31 every 5 years after the initial notice. As proposed in clause (B), for any rural transfer facilities that are constructed after the effective date of the final-form rulemaking, operators shall submit written notice to the Department at least 30 days before beginning operations and by January 31 every 5 years after the initial notice. As proposed in clause (C), the written notice shall contain the following information: the contact information and address of the rural transfer facility; proposed hours of operation; the contact information and address of the person or municipality responsible for operating the facility; a brief description of the facility; and the name and address of the facilities to which the rural transfer facility transfers municipal waste. If there are any changes to the facilities to which a rural transfer facility transfers waste, the rural transfer facility operator shall notify the Department within 15 days of the change. These notification requirements are consistent with requirements for existing municipal waste permit-by-rule facilities in § 271.103(d) and (e)—(h). Notification also allows the Department to accurately identify the universe of rural transfer facilities operating in this Commonwealth and the disposal facilities they utilize.

Subparagraph (xiv) proposes that the operator post and maintain signs at the rural transfer facility. Clauses (A)—(D) propose that the signs include the facility name, hours of operation, a list of accepted materials, and the contact information and address of the facility operator. This subparagraph is consistent with existing site identification and signage requirements. These requirements allow for proper identification of the rural transfer facility site; provide emergency contact information to users; and provide clarity about what materials are able to be managed at the facility.

Paragraph (2) proposes that rural transfer facilities may provide for the collection of C&D waste in addition to the volumes permitted in § 271.103(i)(1)(iv) as long as the following two conditions are met. The volume of C&D waste stored at the rural transfer facility cannot exceed 40 cubic yards and be stored in a maximum of 2 containers as proposed in subparagraph (i), and the containers are removed and taken to a permitted processing or disposal facility at least once every 10 days as proposed in subparagraph (ii). These requirements are based on information the Department has about existing individually permitted municipal waste transfer facilities, including how much waste these facilities accept on a quarterly or annual basis, and allow for limited management of C&D waste while protecting the overall intent of the rulemaking, which is to provide convenient and affordable access to disposal of municipal waste and management of recyclables to underserved areas of the Commonwealth.

Paragraph (3) proposes that a rural transfer facility may provide for the collection of yard waste in addition to the volumes permitted in § 271.103(i)(1)(iv) as long as the following two conditions are met. The volume of yard waste stored at the rural transfer facility cannot exceed 40 cubic yards and be stored in a maximum of 2 containers as proposed in subparagraph (i), and the containers are removed at least every 10 days and taken to a composting facility, land application site or other facility permitted for the beneficial use of yard waste as proposed in subparagraph (ii). These requirements are

based on information the Department has about existing individually permitted municipal waste transfer facilities, including how much waste these facilities accept on a quarterly or annual basis, and allow for limited management of yard waste while protecting the overall intent of the rulemaking, which is to provide convenient and affordable access to disposal of municipal waste and management of recyclables to underserved areas of the Commonwealth.

#### § 279.1. Scope

Subsection (a) is proposed to be amended to clarify that the application and operating requirements for transfer facilities established in Chapter 279 do not apply to rural transfer facilities operating under a permit-by-rule, as these facilities are now authorized under § 271.103(i).

#### F. Benefits, Costs and Compliance

##### Benefits

This proposed rulemaking aims to provide convenient and affordable access to waste disposal and recycling services in rural areas of this Commonwealth where trash collection and recycling services are not economically feasible to establish and therefore, are currently unavailable to many rural communities. By establishing rural transfer stations where all members of the community can drop off their waste and recycling to be transferred to a permitted disposal or processing facility, rural Pennsylvanians will benefit from gaining access to disposal and recycling options and being able to responsibly dispose of their waste.

Accordingly, this proposed rulemaking will help to alleviate the mismanagement of residential municipal waste and associated burning or illegal dumping of waste that currently exists in the more rural areas of this Commonwealth. This rulemaking provides a mechanism for municipalities to strategically locate a facility in areas that are most convenient for residents and/or where open burning and illegal dumping are an issue. Making responsible waste disposal and recycling options conveniently available in the community at little or no cost will meet the need of those currently paying significantly more to properly dispose of waste and manage recyclables. It will also provide an incentive to recycle and begin properly disposing of waste for those currently mismanaging these materials due to lack of convenience and prohibitive costs. This will improve protection of public health and the environment by preventing air and land pollution through an anticipated decrease in the instances of burning and illegal dumping of municipal waste and recyclables. It will also help to alleviate the costs State and local governments incur to clean up illegal dump sites and reduce the enforcement costs the Department currently incurs to respond to burning and illegal dumping complaints. Furthermore, once implemented, this proposed rulemaking will also allow for the capture of more recyclables, positively contributing to this Commonwealth's recycling marketplace and the 66,000 jobs it creates.

Public or private entities who decide to operate a rural transfer facility under the authorization of this proposed rulemaking will also realize benefits. By using the permit-by-rule format for this proposed rulemaking, the application requirements are simplified, compared to the requirements associated with other types of permitted facilities, by replacing voluminous application materials with more general operational plans and notification documents. A permit-by-rule provides persons or municipalities in rural areas more flexibility and allows them to

obtain the authorization necessary to operate a rural transfer facility at a lower permitting cost, while providing necessary and adequate environmental controls to ensure that public health and the environment are protected.

*Compliance costs*

This proposed regulation does not mandate that any public or private entity operate a rural transfer facility. Therefore, no compliance costs are required as part of this proposed rulemaking.

*Compliance assistance plan*

The Department will continue to work with the regulated community to ensure this proposed rulemaking is understood. Department staff will provide compliance assistance during routine facility permitting and inspection activities.

*Paperwork requirements*

Rural Transfer Facility operators are required in this proposed rulemaking to maintain records of pick-up dates for all containers for a period of 5 years. Records may be kept in a hard copy format or electronically. The permit-by-rule allows for significantly less paperwork than if a facility were required to apply for and obtain a general or individual permit.

*G. Pollution Prevention*

By providing convenient and affordable access to waste disposal and recycling services in rural areas of this Commonwealth, this proposed rulemaking will help to alleviate the mismanagement of residential municipal waste and associated burning or illegal dumping of waste. By decreasing the instances of burning and illegal dumping of municipal waste and recyclables, the regulation will thereby improve public health and the environment by preventing air and land pollution.

Development of this regulation will also provide the Department with the opportunity to further educate the public about proper management of waste and recyclables and the environmental and economic benefits of proper management.

*H. Sunset Review*

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

*I. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on January 4, 2022, the Department submitted a copy of this proposed rulemaking and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5(b)) which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

*J. Public Comments*

Interested persons are invited to submit written comments, suggestions, support or objections regarding this proposed rulemaking to the Board. Comments, suggestions or objections must be received by the Board by February 14, 2022.

Comments may be submitted to the Board online, by e-mail, by mail or express mail as follows.

Comments may be submitted to the Board online by accessing eComment at <http://www.ahs.dep.pa.gov/eComment>.

Comments may be submitted to the Board by e-mail at [RegComments@pa.gov](mailto:RegComments@pa.gov). A subject heading of this proposed rulemaking and a return name and address must be included in each transmission.

If an acknowledgement of comments submitted online or by e-mail is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt. Comments submitted by facsimile will not be accepted.

Written comments should be mailed to the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17107-8477. Express mail should be sent to the Environmental Quality Board, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

PATRICK McDONNELL,  
*Chairperson*

**Fiscal Note:** 7-564. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart D. ENVIRONMENTAL HEALTH AND SAFETY**

**ARTICLE VIII. MUNICIPAL WASTE**

**CHAPTER 271. MUNICIPAL WASTE MANAGEMENT—GENERAL PROVISIONS**

**Subchapter B. GENERAL REQUIREMENTS FOR PERMITS AND PERMIT APPLICATIONS**

**REQUIREMENT**

**§ 271.103. Permit-by rule for municipal waste processing facilities other than for regulated medical or chemotherapeutic waste; qualifying facilities; general requirements.**

\* \* \* \* \*

(h) *Yard waste composting facility.* A person or municipality that operates a yard waste composting facility that is less than 5 acres, other than an individual backyard composting facility, shall be deemed to have a municipal waste processing permit-by-rule if the person or municipality meets the requirements of subsections (a)—(c), the facility is operated in accordance with the Department’s guidelines on yard waste composting and the operator submits a written notice to the Department that includes the name, address and telephone number of the facility, the individual responsible for operating the facility and a brief description of the facility.

**(i) Rural transfer facility. The following apply to a facility that provides publicly available municipal waste processing and collection of source separated recyclable materials:**

(1) A processing facility shall be deemed to have a municipal waste transfer facility permit under this article if, in addition to subsections (a)—(c), the following conditions are met:

(i) No processing other than the transfer of residential municipal waste, construction/demolition waste and yard waste takes place at the facility.

(ii) The facility provides for the collection of, at a minimum, steel and bimetallic cans, corrugated cardboard and aluminum for the purpose of recycling.

(iii) The facility does not collect or process any liquid, special handling waste, residual waste or hazardous waste.

(iv) Except as provided in paragraphs (2) and (3), the volume of municipal waste stored at the facility prior to transfer does not exceed 80 cubic yards stored in a maximum of 4 containers.

(v) Municipal waste is transferred to a permitted processing or disposal facility at least once every 10 days and the total volume of municipal waste managed at the facility does not exceed 160 cubic yards during the same 10 days. A full container must be transferred to a permitted processing or disposal facility within 72 hours of the container being filled.

(vi) Records of pick up dates for all containers at the facility shall be kept onsite for 5 years and made available to the Department upon request.

(vii) The facility does not cause or allow a point or nonpoint source discharge in violation of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) from or on the facility to surface waters of this Commonwealth.

(viii) The facility is not located in any of the following:

(A) A populated area as described in § 272.411(a) and (b) (relating to affected municipalities) and section 1501(a) and (b) of the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. § 4000.1501(a) and (b)).

(B) A municipality with a population density over 300 people per square mile.

(C) An area that is zoned as residential, unless otherwise approved in writing by the municipality.

(ix) The facility does not store waste, yard waste or source separated recyclable materials outside of a container.

(x) The facility does not accept waste transported by a truck, tractor or combination having a gross vehicle weight rating, gross combination weight rating, registered gross weight, registered combination weight or actual gross weight of 17,001 pounds or more.

(xi) The facility is operated in a manner to minimize and control nuisances and vectors.

(xii) Source separated recyclable materials are stored in a manner which preserves their marketability.

(xiii) The operator submits written notice to the Department as follows:

(A) Within 30 days of \_\_\_\_\_ (Editor's Note: The blank refers to the effective date of adoption of

this proposed rulemaking when published as a final-form rulemaking), and by January 31 every 5 years after the initial notice.

(B) The operator of a rural transfer facility constructed after \_\_\_\_\_ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking) shall submit written notice to the Department at least 30 days before beginning operation and by January 31 every 5 years after the initial notice.

(C) The written notice shall contain the following:

(I) The name, address and telephone number of the facility.

(II) Proposed hours of operation for the facility.

(III) The name, address and telephone number of the person or municipality responsible for operating the facility.

(IV) A brief description of the facility.

(V) The name and address of the facilities to which the rural transfer facility transfers municipal waste. The rural transfer facility shall notify the Department in writing of any changes to the facilities to which it transfers waste within 15 days of the change.

(xiv) The operator posts and maintains signs that include the following information:

(A) Facility name.

(B) Hours of operation.

(C) A list of accepted materials.

(D) The name, business address, and telephone number of the facility operator.

(2) A rural transfer facility may provide for collection of construction/demolition waste, in addition to the volumes permitted in (i)(1)(iv), if the following conditions are both met:

(i) The volume of construction/demolition waste stored at the facility prior to transfer does not exceed 40 cubic yards, stored in a maximum of 2 containers.

(ii) The containers are removed and taken to a permitted processing or disposal facility at least once every 10 days.

(3) A rural transfer facility may provide for collection of yard waste, in addition to the volumes permitted in (i)(1)(iv), if the following conditions are both met:

(i) The volume of yard waste stored at the facility prior to transfer does not exceed 40 cubic yards, stored in a maximum of 2 containers.

(ii) The containers are removed at least every 10 days and taken to a composting facility, land application site or other facility permitted for the beneficial use of yard waste.



## CHAPTER 279. TRANSFER FACILITIES

## Subchapter A. GENERAL

## § 279.1. Scope.

(a) This chapter sets forth application and operating requirements for a person or municipality that operates a transfer facility, **other than a rural transfer facility operating under a permit-by-rule under § 271.103(i) (relating to permit-by rule for municipal waste processing facilities other than for regulated medical or chemotherapeutic waste; qualifying facilities; general requirements)**. The requirements in this

chapter are in addition to the applicable requirements in Chapter 271 (relating to municipal waste management—general provisions).

(b) The Department may waive or modify a requirement of this chapter for permitted transfer facilities at which no actual loading, unloading or transferring of municipal waste occurs, if the absence of loading, unloading or transferring activity renders the requirement unnecessary.

[Pa.B. Doc. No. 22-80. Filed for public inspection January 14, 2022, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGING

### Pennsylvania Long-Term Care Council—2022 Meetings

Due to the novel coronavirus (COVID-19) pandemic, the Pennsylvania Long-Term Care Council's (Council) meetings will be held as a hybrid meeting by means of WebEx and in-person at the Department of Aging, 555 Walnut Street, 5th Floor, Harrisburg, PA 17101. The Council will maintain this format until the Council can resume normal in-person meetings. The start time is 10 a.m. and the end time will be contingent on the specific agenda for each meeting but for planning purposes, the meetings may typically be scheduled through 12 p.m.

The 2022 meeting dates for the Council are: Thursday, February 10, 2022; Thursday, April 14, 2022; Thursday, June 9, 2022; Thursday, August 11, 2022; Thursday, October 13, 2022; and Thursday, December 8, 2022.

Persons wishing to attend the meetings are asked to contact Glenda Ebersole, Executive Director, RA-AILTCC@pa.gov, (717) 783-1550.

Individuals in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Glenda Ebersole, Executive Director, RA-AILTCC@pa.gov, (717) 783-1550.

ROBERT TORRES,  
Secretary

[Pa.B. Doc. No. 22-81. Filed for public inspection January 14, 2022, 9:00 a.m.]

## DEPARTMENT OF AGRICULTURE

### Repeal of the Order of Quarantine; Thousand Cankers Disease of Walnut

#### Recitals

A. By this Order, the Department of Agriculture, Bureau of Plant Industry hereby Repeals the Order of Quarantine imposed on the plant pest Thousand Cankers Disease (TCD) which, Order was published in the *Pennsylvania Bulletin*, on Saturday, August 2, 2014 (44 Pa.B. 5216, No. 31) and all addenda thereto.

B. The Department, based on the following information, hereby rescinds the classification of TCD, the fungus *Geosmithia morbida* and the walnut twig beetle, *Pityophthorus juglandis*, as a public nuisance and a plant pest:

1. Native populations of *Juglans nigra* (black walnut) in the eastern United States have been largely unaffected by TCD despite detections of the beetle and/or fungus in nine states (Moore et al., 2019; Seybold et al., 2019).

Moore, M., Juzwik, J., Miller, F., Roberts, L., and Ginzl, M.D. 2019. Detection of *Geosmithia morbida* on numerous insect species in four eastern states. *Plant Health Prog.* 20:133—139.

Seybold, S.J., Klingeman, W.E., III, Hishinuma, S.M., Coleman, T.W., and Graves, A.D. 2019. Status and impact of walnut twig beetle in urban forest, orchard, and native forest ecosystems. *J. For.* 117:152—163.

2. Based on survey results in Tennessee and Virginia, the percentages of black walnut trees with slight, moderate and severe TCD remained the same for 3 years (Griffin, 2015).

Griffin, G.J. Status of thousand cankers disease on eastern black walnut in the eastern United States at two locations over 3 years. *For. Path.* 45 (2015) 203—214.

3. The outbreaks of TCD in Tennessee and Virginia appear to be partially a result of drought stress of the trees in 2011-2012 (Griffin, 2015).

4. High precipitation levels and high soil water potentials in 2013 were associated with extensive new foliage and stem growth and recovery from TCD (Griffin, 2015).

5. It is possible that TCD has been repeatedly introduced into the eastern United States and/or the fungus may be endemic nationwide as suggested by the widespread presence of *Geosmithia* spp. in other parts of the United States (Huang et al., 2019).

Huang, Y.T., Skelton, J., Johnson, A.J., Kolařík M., and Hulcr, J. (2019). *Geosmithia* species in southeastern USA and their affinity to beetle vectors and tree hosts. *Fungal Ecol.* 39, 168—183. doi: 10.1016/j.funeco.2019. 02.005.

6. Castrillo et al. (2017) demonstrated that treatment of logs with the commercially available entomopathogenic fungal pathogens, *Beauveria bassiana* or *Metarhizium brunneum*, provided suitable control of WTB populations. Similarly, Mayfield et al. (2019) tested *Beauveria bassiana* as well as a synthetic pyrethroid against WTB infection of black walnut and found similar results.

Castrillo, L.A., A.E. Mayfield III, M.H. Griggs, R. Camp, B. Mudder, A. Taylor, and J.D. Vandenberg. 2017. Mortality and reduced brood production in walnut twig beetles, *Pityophthorus juglandis* (Coleoptera: Curculionidae), following exposure to commercial strains of entomopathogenic fungi *Beauveria bassiana* and *Metarhizium brunneum*. *Biol. Control.* 114: 79—86.

#### Order

Under authority of section 21 of the Plant Pest Act (Act of December 16, P.L. 1228, No. 162, § 21) (3 P.S. § 258.21), and with the Recitals previously listed incorporated into this Order, the Department hereby rescinds the Quarantine Order published at 44 Pa.B. 5216, No. 31, issued Saturday, August 2, 2014, and all addenda thereto and with such repeals the classification of TCD, the fungus *Geosmithia morbida* and the walnut twig beetle, *Pityophthorus juglandis*, as a public nuisance and a plant pest.

RUSSELL C. REDDING,  
Secretary

[Pa.B. Doc. No. 22-82. Filed for public inspection January 14, 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 January 4, 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>
12-31-2021	Driver Opportunity Partners I, LP (General Partner—Driver Management Company, LLC) New York New York County, NY	Filed
	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.	
01-05-2022	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 Codorus Valley Bancorp, Inc., York, PA.	

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-20-2021	Peoples Security Bank and Trust Company Scranton Lackawanna County	444 Hoes Lane Suite 301 Piscataway Middlesex County, NJ	Opened
12-22-2021	First Citizens Community Bank Mansfield Tioga County	3630 Rothsville Road Ephrata Lancaster County	Filed
12-22-2021	Bank of Bird-in-Hand Bird-in-Hand Lancaster County		Filed
	Application to establish one mobile branch in Dauphin County to service the following proposed geographic location: Lykens Township Dauphin County		
01-03-2022	Citizens & Northern Bank Wellsboro Tioga County	2098 Spring Valley Road Lancaster Lancaster County	Opened

### CREDIT UNIONS

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
12-22-2021	Wawa Employees Credit Union Wawa Delaware County	Approved
	Application for approval to merge Wawa Employees Credit Union, Wawa, with and into Franklin Mint Federal Credit Union, Chadds Ford.	

**Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
01-03-2022	Diamond Credit Union Pottstown Montgomery County	Cedar Top Road Township of Cumru Berks County	Filed

**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
01-01-2022	Franklin Oil-Region Credit Union Franklin Venango County	Effective

Amendment to Article 8 of the institution's Articles of Incorporation provides for a change to the Credit Union's field of membership.

Articles of Amendment provide for the institution's Articles of Incorporation to be amended and restated in their entirety.

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

RICHARD VAGUE,  
*Secretary*

[Pa.B. Doc. No. 22-83. Filed for public inspection January 14, 2022, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of February 2022

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of February 2022, is 4 1/4%.

The interest rate limitations under the Commonwealth's usury statute were pre-empted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub.L. No. 96-221). Further pre-emption was instituted with the signing of Pub.L. No. 96-399, which overrode State interest rate

limitations on any individual who finances the sale or exchange of residential real property which such individual owns and which such individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board or the United States Treasury, or both. The latest yield rate on long-term government securities is 1.74 to which was added 2.50 percentage points for a total of 4.24 that by law is rounded off to the nearest quarter at 4 1/4%.

RICHARD VAGUE,  
*Secretary*

[Pa.B. Doc. No. 22-84. Filed for public inspection January 14, 2022, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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### APPLICATIONS

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

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

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

and 40 CFR Part 122, implementing The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376). More information on the types of NPDES and WQM permits that are available can be found on DEP's website (visit [www.dep.pa.gov](http://www.dep.pa.gov) and select Businesses, Water, Bureau of Clean Water, Wastewater Management, and NPDES and WQM Permitting Programs).

*Section Category*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEP will also accept requests or petitions for public hearings on applications. The request or petition must indicate the interest of the party filing and the reasons why a hearing is warranted. A hearing will be held if the Department

determines that there is a significant public interest. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. DEP will postpone its final determination until after a public hearing is held.

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

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

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0117803	Joint DEP/PFBC Pesticides Permit	Renewal	Motts LLP 45 Aspers North Road Aspers, PA 17304-9486	Menallen Township Adams County	SCRO
0117807	Joint DEP/PFBC Pesticides Permit	Renewal	RL Orchard Co. 2760 Carlisle Road Gardners, PA 17324-9684	Menallen Township Adams County	SCRO
0213800	Joint DEP/PFBC Pesticides Permit	Renewal	Pittsburgh Field Club 121 Field Club Road Pittsburgh, PA 15238-2224	Ohara Township Allegheny County	SWRO
0216805	Joint DEP/PFBC Pesticides Permit	Renewal	Higgins Michael S 10580 Grubbs Road Wexford, PA 15090-9424	McCandless Township Allegheny County	SWRO
0621806	Joint DEP/PFBC Pesticides Permit	New	Lausch Solomon 1586 W Leesport Road Leesport, PA 19533-9311	Bern Township Berks County	SCRO
2113816	Joint DEP/PFBC Pesticides Permit	Renewal	Gleim John W Jr 625 Hamilton Street Carlisle, PA 17013-1925	Middlesex Township Cumberland County	SCRO
2117801	Joint DEP/PFBC Pesticides Permit	Renewal	Rich Valley Golf Inc. 227 Rich Valley Road Mechanicsburg, PA 17050-1743	Silver Spring Township Cumberland County	SCRO
2317801	Joint DEP/PFBC Pesticides Permit	Renewal	Springhaven Club 600 S Providence Road Wallingford, PA 19086-6605	Nether Providence Township Delaware County	SERO
2317804	Joint DEP/PFBC Pesticides Permit	Renewal	Aronimink Golf Course 3600 Saint Davids Road Newtown Square, PA 19073-1710	Newtown Township Delaware County	SERO
2321810	Joint DEP/PFBC Pesticides Permit	New	La Maison Apt 219 Sugartown Road Wayne, PA 19087-3070	Radnor Township Delaware County	SERO
3617806	Joint DEP/PFBC Pesticides Permit	Renewal	The Star Barn at Ironstone Ranch 724 Lawn Road Palmyra, PA 17078	West Donegal Township Lancaster County	SCRO
3621807	Joint DEP/PFBC Pesticides Permit	New	Four Seasons at Elm Tree 1392 Emerson Drive Mount Joy, PA 17552-7212	Rapho Township Lancaster County	SCRO
5613806	Joint DEP/PFBC Pesticides Permit	Renewal	Stoughton Lake P.O. Box 262 Jennerstown, PA 15547-0262	Jennerstown Borough Somerset County	SWRO
6513802	Joint DEP/PFBC Pesticides Permit	Renewal	Murrysville Borough Westmoreland County 4100 Sardis Road Murrysville, PA 15668-1120	Murrysville Borough Westmoreland County	SWRO
6721805	Joint DEP/PFBC Pesticides Permit	New	Wildasin David 115 Ruppert Road East Berlin, PA 17316-9181	Washington Township York County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0008541	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Transfer	Johnson Controls Navy System LLC 631 S Richland Avenue York, PA 17403-3445	Spring Garden Township York County	SCRO
6377204	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Amendment	Langeloth Metallurgical Co. LLC P.O. Box 608 Langeloth, PA 15054-0608	Smith Township Washington County	SWRO
PAG030010	PAG-03 NPDES General Permit for Industrial Stormwater	Amendment	PCI Fairless Hills, LLC 529 Terminal Avenue New Castle, DE 19720-1426	Falls Township Bucks County	SERO
PAG036240	PAG-03 NPDES General Permit for Industrial Stormwater	Amendment	PA Department of Military & Veterans Affairs Air National Guard 171 Air Refueling Wing 300 Tanker Road Coraopolis, PA 15108-4805	Moon Township Allegheny County	SWRO
PAR608350	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Metalico Bradford Inc. 286 High Street Bradford, PA 16701	Bradford City McKean County	NWRO
2117405	Pump Stations Individual WQM Permit	Amendment	Camp Hill Borough Cumberland County 2145 Walnut Street Camp Hill, PA 17011-3830	Camp Hill Borough Cumberland County	SCRO
2521439	Pump Stations Individual WQM Permit	New	North East Township Water & Sewer Authority 31 W Main Street North East, PA 16428-1135	North East Borough Erie County	NWRO
2021420	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Annamarie & Gary Chizmar 4639 Pitts Road Adamsville, PA 16110-1327	South Shenango Township Crawford County	NWRO
2521437	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Rose Douglas 12044 Route 6 Corry, PA 16407-8976	Wayne Township Erie County	NWRO
2521438	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Meredith & Shane Johnson 9735 Sherman Road Albion, PA 16401-8705	Springfield Township Erie County	NWRO
6121404	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Vince Destefano 4033 New Castle Road Pulaski, PA 16143-1207	Victory Township Venango County	NWRO

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

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*Northeast Regional Office*

**PA0011517**, Industrial, SIC Code 3241, **Keystone Cement Company**, Route 329, Box A, Bath, PA 18014-0058. Facility Name: Keystone Cement Company. This existing facility is located in East Allen Township, **Northampton 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), Monocacy Creek (HQ-CWF, MF) is located in State Water Plan watershed 2-C and is classified for High Quality Waters—Cold Water Fishes, 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 002 are based on a design flow of 0 MGD (stormwater, quarry dewatering, and non-contact cooling water (overflow from site impoundment)).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	50.0	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0 MGD (stormwater).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	100.0	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 004 are based on a design flow of 3.7 MGD (stormwater and quarry dewatering).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	100.0	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 005 are based on a design flow of 0 MGD (stormwater).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	100.0	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 006 are based on a design flow of 0 MGD (stormwater).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	100.0	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

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

- Chemical Additives
- Requirements Applicable to Stormwater Outfalls

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

The EPA Waiver is in effect.

**PAI132276, MS4, North Whitehall Township, 3256 Levans Road, Coplay, PA 18037-2118.**

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 North Whitehall Township, Lehigh



County. The receiving streams, the Lehigh River (TSF/MF), Unnamed Tributaries to the Lehigh River (CWF/MF), Coplay Creek (CWF/MF), Unnamed Tributaries to Coplay Creek (CWF/MF), Fells Creek (CWF/MF), Unnamed Tributaries to Fells Creek (CWF/MF), Jordan Creek (TSF/MF), Unnamed Tributaries to Jordan Creek (HQ-CWF/MF), Rockdale Creek (CWF/MF), Spring Creek (CWF/MF), Unnamed Tributaries to Spring Creek (CWF/MF), Unnamed Tributary to Hassen Creek (HQ-CWF/MF), and Unnamed Tributaries to Mill Creek (CWF/MF) are located in State Water Plan watershed 2-C and are classified as previously indicated as well as for aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)

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.

**PA0276448**, Storm Water, SIC Code 3231, **Cardinal LG Company**, 42 Archbald Heights Road, Jessup, PA 18434-1156. Facility Name: Cardinal LG Company. This proposed facility is located in Archbald Borough, **Lackawanna County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0 MGD (stormwater).

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

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

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

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

The EPA Waiver is in effect.

**PA0276502**, Storm Water, SIC Code 3535, **Flexlink System, Inc.**, 6580 Snowdrift Road, Allentown, PA 18106. Facility Name: Flexlink Sys-Allentown. This proposed facility is located in Upper Macungie Township, **Lehigh County**.

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

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

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

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

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

The EPA Waiver is in effect.

**PA0029807**, Sewage, SIC Code 7032, **New Jersey Federation of YMHA & YWHA**, 21 Plymouth Street, Fairfield, NJ 07004-1615. Facility Name: New Jersey Y Camps WWTF. This existing facility is located in Dingman Township, **Pike 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), Sawkill Pond (EV, MF), is located in State Water Plan watershed 1-D and is classified for Exceptional Value Waters 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 0.01 MGD.

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

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4.0

The proposed effluent limits for Outfall 001 are based on a design flow of 0.10 MGD.

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

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.32	XXX	1.0
Total Phosphorus	XXX	XXX	XXX	1.0	XXX	2.0

The proposed effluent limits for Outfall 001 are based on a design flow of 0.10 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	
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	Inst Min 7.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	Inst Min XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	3.0	XXX	6.0
May 1 - Oct 31	XXX	XXX	XXX	1.0	XXX	2.0
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Annl Avg Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Annl Avg Report	XXX	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report

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

- Solids Management
- Requirements for Total Residual Chlorine (TRC)
- Discharge Reporting

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

The EPA Waiver is in effect.

*Northwest Regional Office*

**PA0238414**, Sewage, SIC Code 4522, 8800, **Amy L & Roger A Sandak**, 124 Memory Lane, New Castle, PA 16101-8346. Facility Name: Amy L & Roger A Sandak SFTF. This existing facility is located in Scott Township, **Lawrence 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 is an Unnamed Tributary to Big Run, located in State Water Plan watershed 20-A and classified for Warm Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0008 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>Daily Maximum</i>	<i>Daily Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5 Avg Mo	XXX	1.6
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	Annl Avg 200 Annl Avg	XXX	1,000

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

The EPA Waiver is in effect.

*Southcentral Regional Office*

**PA0085863**, Industrial, SIC Code 4953, **SC Holdings, Inc.**, 100 Brandywine Boulevard, Suite 300, Newtown, PA 18940-4002. Facility Name: Harmony Grove Landfill. This existing facility is located in Dover Township, **York County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of .04 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Quarterly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX Daily Max	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.2 Avg Mo	XXX	0.6
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	Report	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Avg Mo Report	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Avg Mo 3.0	6.0	7.5
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Avg Mo Report	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .04 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Quarterly</i>	<i>Daily Maximum</i>	
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Arsenic, Total	XXX	XXX	XXX	Report	Report	XXX
Barium, Total	XXX	XXX	XXX	Report	Report	XXX
Cadmium, Total	XXX	XXX	XXX	Report	Report	XXX
Chromium, Hexavalent	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total	XXX	XXX	XXX	Report	Report	XXX
Toxaphene	XXX	XXX	XXX	Report	Report	XXX
Trichloroethylene	XXX	XXX	XXX	Report	Report	XXX

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

The EPA Waiver is in effect.

**PA0088111**, Industrial, SIC Code 9224, **Fire Chiefs & Fire Fighters Association of York County**, 330 Emig Road, York, PA 17406-9733. Facility Name: York County Fire School. This existing facility is located in Manchester Township, **York County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of .01 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	30	30
Benzene (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Toluene (ug/L)	XXX	XXX	XXX	Report	Report	XXX

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

The EPA Waiver is in effect.

**PA0267635**, Industrial (Hydrostatic Testing), SIC Code 4922, **Texas Eastern Transmission, LP (TELTP)**, 890 Winter Street, Waltham, MA 02451-1470. Facility Name: TELTP Bechtelsville Compressor Station. This proposed facility is located in Washington Township, **Berks County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated industrial waste (from hydrostatic testing of new pipeline).

The receiving stream(s), Unnamed Tributary to West Branch Perkiomen Creek (EV, MF), is located in State Water Plan watershed and is classified for Exceptional Value Waters and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001:

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (GPM)	Report	XXX	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal) (M Gal)	Report	XXX	XXX	XXX	XXX	XXX
Duration of Discharge (hours)	XXX	XXX	XXX	Report	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	0.05
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Iron, Dissolved	XXX	XXX	XXX	XXX	XXX	7.0

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

- Annual Report requirement
- BMPs (adapted from the PAG-10 NPDES General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines)
- This discharge may also be subject to effluent limitations and conditions as developed and required by the Delaware River Basin Commission (DRBC). The DRBC limits may be more stringent. Please contact the DRBC for more information at (690) 883-9500.

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.

**PA0267651**, Sewage, SIC Code 8811, **Rosalie A Moulton**, 23053 Tannery Road, Shade Gap, PA 17255. Facility Name: Moulton Res. This proposed facility is located in Dublin Township, **Huntingdon 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), Trout Run (HQ-CWF, MF), is located in State Water Plan watershed 12-C and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 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 Annl Avg	XXX	XXX	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

*Southeast Regional Office*

**PA0050148**, Sewage, SIC Code 4952, **Warwick Township Water & Sewer Authority**, 1733 Township Greene, Jamison, PA 18929. Facility Name: Fish Creek STP. This existing facility is located in Warwick Township, **Bucks County**.

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

The receiving stream(s), Unnamed Tributary to Neshaminy Creek (TSF, MF), is located in State Water Plan watershed 2-F and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.85 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>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0 Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	177	283	XXX	25	40	50
May 1 - Oct 31	106	163	XXX	15	23	30
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	212	319	XXX	30	45	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N						
Nov 1 - Jun 30	Report	XXX	XXX	Report	XXX	XXX
Jul 1 - Oct 31	67.4	XXX	XXX	9.5	XXX	19
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	21.2	XXX	XXX	3.0	XXX	6
May 1 - Oct 31	10.6	XXX	XXX	1.5	XXX	3
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus						
Nov 1 - Mar 31	14.2	XXX	XXX	2.0	XXX	4
Apr 1 - Oct 31	8.5	XXX	XXX	1.2	XXX	2.4

The proposed effluent limits for Outfall 001 are based on a design flow of 0.85 MGD.—Limits.

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

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

- No stormwater in sewage
- Proper disposal of screenings, slurries, sludges and solids
- Notification of the designation of responsible operator
- Development of Operations and Maintenance (O&M) Plan
- Operation of ultraviolet (UV) disinfection system

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.

*Northcentral Regional Office*

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

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

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

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

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

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

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

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

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	3.7	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	4.5	XXX	XXX	30.0	XXX	60.0
Total Dissolved Solids	Report	Report	XXX	Report	Report	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Aluminum, Total	Report	Report	XXX	Report	Report	XXX
Iron, Total	Report	Report	XXX	Report	Report	XXX
Manganese, Total	Report	Report	XXX	Report	Report	XXX
Sulfate, Total	Report	Report	XXX	Report	Report	XXX
Thallium, Total	Report	Report	XXX	Report	Report	XXX
Zinc, Total	Report	Report	XXX	Report	Report	XXX
Chloride	Report	Report	XXX	Report	Report	XXX
Bromide	Report	Report	XXX	Report	Report	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Free Available Chlorine	XXX	XXX	XXX	XXX	XXX	0.00
Total Suspended Solids	325	XXX	XXX	30.0	XXX	50
Total Dissolved Solids	Report	Report	XXX	Report	Report	XXX
Oil and Grease	163	217	XXX	15.0	20.0	30
Aluminum, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
Iron, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
Manganese, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
Sulfate, Total	Report	Report	XXX	Report	Report	XXX
Thallium, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
Zinc, Total	Report	Report	XXX	Report	Report	XXX
Chloride	Report	Report	XXX	Report	Report	XXX
Bromide	Report	Report	XXX	Report	Report	XXX
PCBs, Total (ug/L)	XXX	XXX	XXX	XXX	XXX	1.75
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

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

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

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

The EPA Waiver is not in effect.

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

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD480164	Renewal	Mike Downs Toll PA, LP 1140 Virginia Drive Fort Washington, PA 19034	East Allen Township Northampton County	NERO

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD480163	Renewal	J. G. Petrucci Company, Inc. 171 State Route 173 Suite 201 Asbury, NJ 08802	Hanover Township Northampton County	NERO
PAD600008	New	Mark Byler A.M. Logging, LLC 434 Swartz Road Lewsiburg, PA 17837	Buffalo Township Union County	NCRO
PAD250015	New	PADOT District 1 255 Elm Street Oil City, PA 16301	Erie City Erie County	NWRO

## PUBLIC WATER SUPPLY PERMITS

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

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

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

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

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

### SAFE DRINKING WATER

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

*Southeast Region: Safe Drinking Water Program, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5887.*

*Contact: Kimberleigh Rivers, Clerk Typist 2, 424.250.5887.*

**Permit No., 1521527,** Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010

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Township	Schuylkill
County	<b>Chester</b>
Responsible Official	Todd Duerr 762 West Lancaster Avenue Bryn Mawr, PA 19010
Type of Facility	PWS
Consulting Engineer	BCM Engineers 920 Germantown Pike Plymouth Meeting, PA 19462
Application Received Date	December 20, 2021
Description of Action	Installation of a chlorine dioxide generator and two (2) 4, 900-gallon, 25% sodium storage tank (inside of an existing 12' x 30' building with containment) to serve both Picking East and Picking West Water. Treatment plants.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent (NOI) to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a (NOI) to Remediate with the Department. A NOI to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation



identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

*Contact: Eric Supey, Environmental Program Manager.*

**Rag Apple Well Site**, 4990 Ridge Road, Montrose, PA 18801, Springville Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of Coterra Energy Inc., 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Notice of Intent to Remediate. Soil was contaminated by releases of diesel to soil. Future use of the site will be residential. The Notice of Intent to Remediate was published in *The Susquehanna County Independent* on January 5, 2022.

**Estate of Joan Nilsen**, 47 Highland Acres Drive, Honesdale, PA 18431, Berlin Township, **Wayne County**. Bluestone Environmental, 196 Beach Lake Highway, Honesdale, PA 18431, on behalf of Cowley Real Estate, 3350 North Main Avenue, Scranton, PA 18508, submitted a Notice of Intent to Remediate. Soil was contaminated by a release of heating oil from an underground storage tank. Future use of the site will be residential. The Notice of Intent to Remediate was published in the *Tri-County Independent* on December 2, 2021.

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

**1525 East Lake Road**, 1525 East Lake Road, Erie, PA 16511, City of Erie, **Erie County**. Environmental

Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412 on behalf of 1525 East Lake Road, LLC, 1540 East Lake Road, Erie, PA 16511 has submitted a Notice of Intent to Remediate. Historical use of the property has been for industrial manufacturing. Site soil and site groundwater have been impacted with trichloroethene, tetrachloroethene, and manganese. A combination of site-specific and Statewide health standards has been selected for remediation. Future use of the property will be nonresidential. The Notice of Intent to Remediate was published in *The Erie-Times News* on December 20, 2021.

**Barber Brady Unit 1 Well**, 205 Barber Drive, Franklin, PA 16323, Sugar creek Borough, **Venango County**. Penn Environmental & Remediation, Inc., 111 Ryan Court, Pittsburgh, PA 15205 on behalf of OWS Energy, LLC, 1369 Cochran Road, Carlton, PA 16311 has submitted a Notice of Intent to Remediate. A release of brine was discovered during an inspection of the site. A combination of Statewide health and background standards has been selected for remediation. The intended future use of the site will be nonresidential. The Notice of Intent to Remediate was published in *The Meadville Tribune* on December 23, 2021.

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

**Application Received Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401, 484-250-5960.*

**Permit Application No. 101470. United States Recycling, Inc.**, 6101 Tacony Street, Philadelphia, PA 19135-2998. This application is for a 10-year permit renewal of the solid waste permit No. 101470 to continue to operate at the United States Recycling Inc., located in the City and **County of Philadelphia**. The application was received by the Southeast Regional Office on June 24, 2021.

Comments concerning the application should be directed to the Waste Management Program Manager, Department of Environmental Protection (DEP) Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915. Persons interested in obtaining more information about the general permit application may contact the Southeast Regional Office by telephone at 484.250.5960. TDD users may contact the (DEP) through the Pennsylvania Hamilton Relay Service, (800) 654.5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

#### AIR QUALITY

#### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

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

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

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

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

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

#### PLAN APPROVALS

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

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507.*

**35-00011A: Alliance Sanitary Landfill, Inc.**, 398 South Keyser Avenue, Taylor, PA 18517, to revise CO and SO<sub>x</sub> emission limits and conditions concerning flare operating at the existing municipal solid waste landfill located in Taylor Borough, **Lackawanna County**.

**40-00129C: Caithness Energy, LLC**, 565 Fifth Avenue, Fl 29, New York, NY 10017-2478, for the modification of their turbines at the Moxie Freedom Generation Plant located in Salem Township, **Luzerne County**.

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

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.*

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

**67-03083C: Utz Quality Foods, LLC**, 900 High Street, Hanover, PA 17331, for the construction of a new tortilla chip production line at the snack food manufacturing facility located in the Borough of Hanover, **York County**. The expected actual increases in facility emissions as a result of the changes proposed are: 0.79 tpy VOCs, 2.03 tpy PM<sub>10</sub>/PM<sub>2.5</sub>, 0.08 tpy HAPs, 4.18 tpy NO<sub>x</sub>, 0.03 tpy SO<sub>x</sub>, 3.51 tpy CO. The facility is a State Only facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

#### 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.**

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.*

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

**67-05047: Republic Services of PA, LLC**, 4400 Mount Pisgah Rd, York, PA 17406, for the operation of a municipal solid waste landfill located in Lower Windsor Township, **York County**. This is for renewal of the

existing Title V permit. Actual 2020 air emissions are estimated at 54.5 tons PM, 20.4 tons NO<sub>x</sub>, 102.8 tons CO, 13.1 tons VOC, 20.5 tons SO<sub>2</sub>, and 1.7 tons HAPs. The Title V Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions for the landfill and engines subject to the following regulations: 40 CFR Part 62: Landfill: Subpart OOO—Federal Plan Requirements for Municipal Solid Waste Landfills that Commenced Construction On or Before July 17, 2014 and Have Not Been Modified or Reconstructed Since July 17, 2014. NSPS 40 CFR Part 60: Engines: Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. MACT 40 CFR Part 63: Landfill: Subpart AAAA—National Emission Standards for Hazardous Air Pollutants for Municipal Solid Waste Landfills. Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.*

**41-00006, High Steel Structures, Inc.**, 1853 William Penn Way, Lancaster, PA 17605-0008, for the Williamsport facility located in Williamsport, **Lycoming County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and intends to issue a Title V operating permit for the previously mentioned facility. The facility is currently operating under a Title V operating permit 41-00006. The facility's sources include a surface coating operation, several natural gas-fired heater, welding operation, three (3) diesel-fired emergency generators and two (2) parts washers. The subject facility has the following potential emissions: 15.45 TPY of CO; 12.86 TPY of NO<sub>x</sub>; 0.09 TPY of SO<sub>x</sub>; 4.74 TPY of PM/PM<sub>10</sub>; less than 50 TPY of VOC; 16.28 TPY of toluene; less than 25 TPY of total combined volatile hazardous air pollutants and 14,644 TPY of CO<sub>2e</sub>. The emission limits, throughput limitations and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 40 CFR Part 63 Subpart ZZZZ, 40 CFR Part 63 Subpart MMMM, 40 CFR Part 60 Subpart JJJJ and 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

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

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

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

**39-00083: Filmtech Corporation/Allentown**, 2121 31st St. SW, Allentown, PA 18103, for the operation of

sources at their facility located in Allentown City, **Lehigh County**. This is a renewal of a State-Only Operating Permit. The State-Only Operating Permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

**35-00056: P.A. Hutchison Co./Mayfield Plant**, 400 Penn Avenue, Mayfield, PA 18433, for the operation of sources at their facility located in Mayfield Borough, **Lackawanna County**. This is a renewal of a State-Only Operating Permit. The State-Only Operating Permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

**35-00007: PA Department of Human Services/Clarks Summit State Hospital**, 1451 Hillside Drive, Clarks Summit, PA 18411, for the operation of sources at their facility located in Newton Township, **Lackawanna County**. This is a renewal of a State-Only Operating Permit. The State-Only Operating Permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

**48-00051: New Enterprise Stone and Lime Co. Inc./Bath HMA Plant**, P.O. Box 77, New Enterprise, PA 16664, for the operation of sources at their facility located in East Allen Township, **Northampton County**. This is a renewal of a State-Only Operating Permit. The State-Only Operating Permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

**39-00095: American Atelier, Inc.**, 2132 Downyflake Lane, Allentown, PA 18103, for the operation of sources at their facility located in Allentown City, **Lehigh County**. This is a renewal of a State-Only Operating Permit. The State-Only Operating Permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.*

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

**06-03005: Akzo Nobel Coatings, Inc.**, 150 Columbia Avenue, Reading, PA 19601, to issue a State Only Operating Permit for the powdered coating manufacturing facility located in the City of Reading, **Berks County**. The potential emissions from the facility are estimated at 47.44 tpy of particulate matter. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.*

**41-00029: Chemcoat, Inc.**, P.O. Box 188, Montoursville, PA 17754, to issue a renewal State Only "Synthetic

Minor" Operating Permit for their Montoursville Paint Manufacturing Plant located in Loyalsock Township, **Lycoming County**. The facility is currently operating under State Only Operating Permit 41-00029. The significant emissions source at the facility is the paint manufacturing process, which is equipped with two dust collectors. The facility has potential emissions of 0.9 ton per year of carbon monoxide, 1.4 tons per year of nitrogen oxides, 0.01 ton per year of sulfur oxides, 32.8 tons per year of particulate matter, 49.9 tons per year of volatile organic compounds, 2.4 tons per year of total Hazardous Air Pollutants, and 1,211 tons per year of carbon dioxide equivalents (greenhouse gases). No emissions or equipment changes are being proposed by this renewal. The emission limits, throughput limitations and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145 and 40 CFR Parts 60 and 63. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

**53-00012: Patterson Lumber Co., Inc.**, 95 West Street, Galeton, PA 16922, to issue a renewal State Only Operating Permit for their Galeton facility located in West Branch Township, **Potter County**. The facility is currently operating under State Only Operating Permit 53-00012. The facility's main sources include twelve (12) lumber dry kilns, one (1) wood fired boiler, one (1) natural gas fired emergency generator and a mill operation. The facility has potential emissions of 14.24 tons per year of nitrogen oxides, 35.23 tons per year of carbon monoxide, 1.17 tons per year of sulfur oxides, 23.90 tons per year of particulate matter, 3.02 tons per year of volatile organic compounds including total hazardous air pollutants (HAPs). No emission or major equipment changes are being proposed by this action. The wood fired boiler is subject to 40 CFR Part 63, Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial and Institutional Boilers Area Sources. The natural gas fired emergency generator is subject to 40 CFR Part 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The emission limits, throughput limitations and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145 as well as 40 CFR Parts 60 and 63. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

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

*Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.*

**65-00838: Mitsubishi Chemical Advanced Materials, Inc./Delmont # 4**, 201 Industrial Dr., Delmont, PA 15626-1016. In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department is providing notice of intent to issue a natural minor State Only Operating Permit for the operation of a polyethylene plastic molding facility located in Salem Township, **Westmoreland County**.

Mitsubishi manufactures an ultra-high molecular weight polyethylene plastic product by converting raw plastic polyethylene resin powder into solid molded shapes. This facility has a potential to emit 19.3 tons/12-consecutive month period (12-cmp) of NO<sub>x</sub>, 16.3 tons/12-cmp of CO, 0.1 ton/12-cmp of SO<sub>x</sub>, 1.5 tons/cmp of PM<sub>10</sub>, 13.6 tons/12-cmp of VOCs, and 0.4 ton/21-cmp of HAPs. The proposed operating permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements for each unit.

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 (65-00838) 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.

## COAL & NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21).

Mining activity permits issued in response to such applications are also subject to applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection. A copy of the application is available for inspection at the District Mining Office indicated above each application. Requests for 401 Water Quality Certifications are included in individual application only if noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the District Mining Office indicated above each application within 30-days of this publication, or within 30-days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportu-

nity for comment, and informal conferences). Such comments or objections should contain the name, address and phone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

In addition, requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 (relating to public hearing-informal conferences) or § 86.34 (relating to informal conferences), must also contain a brief summary of the issues to be raised by the requestor at the conference and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application is associated with an application for an NPDES permit. A separate notice will be provided for the draft NPDES permit.

*Coal Applications Received*

*Effluent Limits*—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Table 1

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH <sup>1</sup>		greater than 6.0; less than 9.0	
Alkalinity greater than acidity <sup>1</sup>			

<sup>1</sup> The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

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

**Permit No. 17140103 and NPDES No. PA0269743. RES Coal, LLC**, 224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920. Permit renewal application for a bituminous surface coal mine and associated NPDES permit located in Chest and Burnside Townships, **Clearfield County**, affecting 184.5 acres. Receiving stream(s): Spring Run and unnamed tributaries to Spring Run classified for the following use(s): CWF. Application received: December 27, 2021.

*Noncoal Applications Received*

*Effluent Limits*—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Table 2

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

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

**NC SMP/Land Use Revision. 4876SM2. Lakeland Sand & Gravel, Inc.,** 11203 Ellion Road, Conneaut Lake, PA 16316. Revision to an existing large industrial minerals surface mine to change the post-mining land use from Woods & Brushland to Industrial Commercial and Unmanaged Natural Habitat on the Darla J. Adzima and James E. Adzima properties in East Fallowfield Township, **Crawford County**. Receiving streams: Unnamed tributaries to Crooked Creek, classified for the following uses: TSF. Application received: December 6, 2021.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, RA-EPPottsvilleDMO@pa.gov (Contact: Theresa Reilly-Flannery).*

**NPDES Permit No. PA0594679 (Mining Permit No. 7775SM3). Lehigh Cement Co., LLC,** 7660 Imperial Way, Allentown, PA 18195, renew NPDES Permit for a large quarry operation in Richmond and Maxatawny Townships, **Berks County**. Receiving stream: unnamed tributary to Moselem Creek, classified for the following use: HQ-CWF. Application received: December 16, 2021.

### MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

#### *Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l

pH must always be greater than 6.0; less than 9.0.

Alkalinity must always be greater than acidity.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

#### *Effluent Limits for Noncoal Mining Activities*

The limits for noncoal mining activities as provided in 25 Pa. Code § 77.522 are pH 6 to 9 and other parameters the Department may require.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

#### *Additional criteria*

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan, and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters of this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

#### *Submittal of comments*

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit notice within 30-days of this notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and phone number of the writer and a concise statement to inform the Department of the basis of a comment and the relevant facts upon which it is based.

Requests or petitions for a public hearing on any NPDES permit applications will be accepted as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30-days of this public notice and contain the name, address, phone number and the interest of the party filing the request and state the reasons why a hearing is warranted. The Department may hold a public hearing if the public interest is significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will consider comments from the public hearing in the final determination on the NPDES permit application.

#### *Coal NPDES Draft Permits*

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

**NPDES No. PA0234231 (Mining Permit No. 56960107), PBS Coals, Inc.**, 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, renewal of a NPDES permit for a bituminous surface mine in Jenner Township, **Somerset County**, affecting 13 acres. Receiving stream(s): Unnamed Tributary to Quemahoning Creek, classified for the following use(s): CWF. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: August 24, 2021.

The following treated wastewater outfall discharges to an Unnamed Tributary to Quemahoning Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001A (Treatment Ponds # 1 & # 2)	N

The proposed effluent limits for the previously listed outfall 001 are as follows:

<i>Outfall: 001 (Treatment Pond # 1) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0

pH (S.U.): Must be between 6.0 and 10.0 standard units at all times.

Alkalinity must exceed acidity at all times.

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

**NPDES No. PA0259331 (Permit No. 61120107). Hillside Stone, LLC**, 4080 Sandy Lake Road, Sandy Lake, PA 16145, Transfer of an NPDES permit for a bituminous surface mine in Irwin Township, **Venango County**, affecting 58.5 acres. Receiving streams: Unnamed tributary to Scrubgrass Creek, classified for the following uses: CWF. TMDL: Scrubgrass Creek. Application received: November 3, 2021.

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

The following outfalls require a non-discharge alternative:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N
003	N

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

<i>Parameter</i>	<i>30-Day Minimum</i>	<i>Daily Average</i>	<i>Instant. Maximum</i>	<i>Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Manganese (mg/l)				5.0
Aluminum (mg/l)				5.0
Total Suspended Solids (mg/l)				90.0

Alkalinity greater than acidity<sup>1</sup>

The parameter is applicable at all times.

**NPDES No. PA0212130 (Permit No. 16940105). Neiswonger Construction, Inc.**, 17592 Route 322, Strattanville, PA 16258, Transfer of an NPDES permit for a bituminous surface mine in Perry Township, **Clarion County**, affecting 131.0 acres. Receiving stream(s): Unnamed tributaries to the Allegheny River and the Allegheny River, classified for the following use(s): WWF. TMDL: None. Application received: July 26, 2021.

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

The following outfalls discharge to unnamed tributaries to the Allegheny River and the Allegheny River:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
009	N
010	N
011	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Alkalinity greater than acidity <sup>1</sup>				

<sup>1</sup> The parameter is applicable at all times.

The following outfalls discharge to an unnamed tributary to the Allegheny River and the Allegheny River:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
003	N
004	N
005	N
006	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Alkalinity greater than acidity <sup>1</sup>				

<sup>1</sup> The parameter is applicable at all times.

#### *Noncoal NPDES Draft Permits*

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

**NPDES No. PA0269913 (Mining Permit No. 08200301), Anthony Bennett**, 3657 Old Stage Coach Road, Wyalusing, PA 18853, new NPDES application for discharge of water resulting from noncoal (industrial minerals) surface mining in Pike Township, **Bradford County**, affecting 73 acres. Receiving stream(s): Williams Creek, classified for the following use(s): CWF, MF. Application received: October 30, 2020.

The following outfall discharges to Williams Creek, all stormwater and pit water that does not report to the outfall must be contained on site.

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	New	Pit Water Treatment Pond	Intermittent

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

<i>Outfalls: 001 (All Weather Conditions)</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
<i>Parameter</i>			
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Flow (gpm)	Report		
pH (S.U.): Must be between 6.0 and 9.0 standard units.			

**NPDES No. PA0257486 (Mining Permit No. 41100301), Glenn O. Hawbaker, Inc.**, 711 East College Avenue, Bellefonte, PA 16823, renewal of an NPDES permit for discharge of water resulting from surface mining of industrial minerals in Armstrong Township, **Lycoming County**, affecting 81.5 acres. Receiving stream(s): Hagermans Run, classified for the following use(s): Designated Use CWF (stream segment downstream of the southern boundary of South Williamsport Borough), Existing Use EV (stream segment upstream of the southern boundary of South Williamsport Borough). Application received: August 30, 2021.

The following outfall discharges to Hagermans Run (stream segment downstream of the southern boundary of South Williamsport Borough):

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	Sediment Basin # 3	Precipitation Induced



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

<i>Outfalls: 001 (Dry Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Flow (gpm)	Report		
pH (S.U.): Must be between 6.0 and 9.0 standard units.			
<i>Outfalls: 001 (≤10-yr/24-hr Precip. Event)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Total Settleable Solids (mL/L)	N/A	N/A	0.5
Flow (gpm)	Report		
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
<i>Outfalls: 001 (&gt;10-yr/24-hr Precip. Event)</i>			
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			

The following outfall requires a non-discharge alternative:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
002	Existing	Moat Sediment Basin	No Discharge

There is no proposed surface discharge from the previously listed facilities to the receiving stream due to the implementation of Best Management Practices in the form of an infiltration gallery.

The following outfall discharges to Hagermans Run (stream segment upstream of the southern boundary of South Williamsport Borough):

<i>Outfall Nos.</i>	<i>New or Existing</i>	<i>Type</i>
002	Existing	Sediment Pond Emergency Spillway

The only potential point source discharges to surface water are the discharges from the emergency spillway of a sediment pond during precipitation that exceeds a 10 yr/24 hr event.

Effluent limits for the emergency spillway are as follows:

<i>Outfalls: 002 Sediment Pond Emergency Spillway</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>(During &gt;10-yr/24-hr Precipitation Event)</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
<i>Parameter</i>			
Total Suspended Solids (mg/L)	N/A	N/A	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, RA-EPPottsvilleDMO@pa.gov (Contact: Theresa Reilly-Flannery).*

**NPDES Permit No. PA0119229 (Mining Permit No. 6575SM2). Eureka Stone Quarry, Inc.,** P.O. Box 249, Chalfont, PA 18914, renewal of NPDES Permit on large quarry operation in Hamilton Township, **Monroe County**, affecting 135.3 acres. Receiving stream: no discharge to unnamed tributary to McMichael Creek Watershed, classified for the following use: HQ—CWF. The Department has made a tentative determination to impose effluent limitations, within the ranges specified in Table 1 in addition to the limits identified in Table 2. Application received: February 17, 2021.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
N/A	N/A	SFO

<i>Outfalls:</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instantaneous</i>
<i>Parameter</i>	<i>Minimum</i>	<i>Maximum</i>	<i>Maximum</i>
pH <sup>1</sup> (S.U.)	6.0		9.0
Total Alkalinity (as CaCO <sub>3</sub> ) (mg/L)		Monitor And Report	
Total Acidity (as CaCO <sub>3</sub> ) (mg/L)		Monitor And Report	
Net Alkalinity (mg/L)	0.0		
Total Suspended Solids (mg/L)		70.0	90.0
Oil and Grease (mg/L)		Monitor And Report	
Turbidity (NTU) (HQ/EV SFO)		80.0	100.0

<sup>1</sup> This Parameter is applicable at all times.

### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection. Section 401 of the Federal Water Pollution Control Act (FWPCA)

(33 U.S.C.A. § 1341), requires the State to certify that the involved projects will not violate the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), as well as relevant State requirements. Persons objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environ-

mental Assessment must submit any comments, suggestions or objections within 30-days of the date of this notice, as well as any questions to the office noted above the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed, and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8:00 AM and 4:00 PM on each working day at the office noted above the application.

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

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

**Permit No. E1501221-017, Borough of Phoenixville, 351 Bridge Street, Phoenixville, PA 19460, Phoenixville Borough, Chester County, ACOE Philadelphia District.**

Borough of Phoenixville is proposing to perform the following water obstruction and encroachment activities associated with the Phoenixville Borough Water Treatment Plant Intake Replacement Project within the Schuylkill River (WWF-MF):

1. To construct and maintain a new 18-inch passive intake screen with conical debris deflector within the Schuylkill River (WWF-MF) resulting in 6 linear feet (36 square feet) of permanent watercourse impact. Also included with this activity, is the construction and maintenance of two (2) 1.5-inch stainless steel compressed air lines and a new 24-inch TR Flex DIP raw water main to be trenched within the riverbed resulting in 59 linear feet (354 square feet) of temporary watercourse impact and 186 square feet of temporary floodway impact.

2. In order to facilitate the construction of the new passive intake, a temporary cofferdam within the Schuylkill River (WWF-MF) compressed air pipes and passive intake screens resulting in 138 linear feet (11,592 square feet, 0.27 acre) of temporary watercourse impact. A rock construction access will also be constructed on riverbed within this area to facilitate construction activities, as well as to abandon the existing 24-inch raw intake structure with the construction of a concrete bulkhead and placement of flowable fill resulting in 15 linear feet

(390 square feet) of temporary watercourse impact and 12 square feet of temporary floodway impact.

3. To perform streambank stabilization resulting in 350 square feet of permanent watercourse impact, 150 square feet of permanent floodway impact, 1,032 square feet of temporary watercourse impact, and 390 square feet of temporary floodway impact with an additional 2,484 square feet of temporary floodway impact for construction access.

This project is located near Water Street at the Phoenixville Borough Water Plant in Phoenixville Borough, Chester County (USGS PA Phoenixville Quadrangle—Latitude 40.146551 N, Longitude 75.522503 W).

**Permit No. E2301221-020, Radnor Township, 301 Iven Avenue, Wayne, PA 19087, Radnor Township, Delaware County, ACOE Philadelphia District.**

Radnor Township is proposing to remove historic fill to create a naturalized stormwater detention/slow-release system, as well as the construction of two (2) subsurface stormwater detention/slow-release systems to provide ecological and stormwater restoration which receives approximately 60 acres of runoff. Impacts to regulated resources include two (2) temporary wetland crossings (W001, PFO) resulting in 340 square feet (0.008 acre) of temporary wetland impact due to access to construct the stormwater management facilities, 220 square feet (0.005 acre) of permanent wetland impact due to the construction and maintenance of an outfall structure to facilitate discharge from constructed stormwater facilities, and an additional 504 square feet (0.012 acre) of permanent wetland impact due to grading. This activity also includes the construction and maintenance of a 24-inch outfall to an unnamed tributary of Little Darby Creek (CWF, MF) to facilitate discharge of stormwater from a subsurface basin and is considered a waived activity.

This project is located within West Wayne Preserve and Friends of Radnor Trail Park in Radnor Township, Delaware County (USGS PA Valley Forge Quadrangle—Latitude 40.041549 N, Longitude 75.397514 W).

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

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

**E1302221-001. Richard Henry Construction, 1944 PA-940, Pocono Pines, PA 18350-7742, in Kidder Township, Carbon County, U.S. Army Corps of Engineers, Philadelphia District.**

To construct and maintain the following water obstructions and encroachments associated with the Richard Henry Construction SR 940 Warehouse Project:

1. To construct a culvert extension to an existing crossing of a UNT to Tobyhanna Creek (EV) associated with the road widening of SR 940 and access road construction. The culvert extension will add 8 linear feet of 18" RCP to the existing 61 linear foot crossing.

2. To place fill in 0.10 acre of wetlands (EV) associated with the proposed SR 940 shoulder widening, culvert extension and construction of site access.

3. To place fill in 0.89 acre of wetlands associated with the construction of the warehouse, access road and parking areas.

4. To mitigate in a 2:1 ratio in order to compensate for the total amount of wetlands permanently impacted. A total of 2.04 acres of new wetlands will be constructed onsite.

The project is located on the right side of SR 940 while traveling south approximately 1.8 miles after the intersection with SR 115 (Hickory Run and Blakeslee, PA Quadrangles Latitude: 41° 5' 11.63"; Longitude: -75° 37' 14.71") in Kidder Township, Carbon County. (Hickory Run and Blakeslee, PA Quadrangle, Latitude: 41° 5' 11.63"; Longitude: -75° 37' 14.71").

**F5802221-002. Franklin Township**, 715 Hawk Road, Montrose PA 18801, in Franklin Township, **Susquehanna County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following sites in the floodplain of Snake Creek through the HMGP Acquisition Program. Sites will be restored and stabilized to open space. Sites are located in Franklin Township, Susquehanna County.

1. 115 Forks Hill Road (Franklin Forks, PA Quadrangle Latitude: 41° 55' 5.32"; Longitude: -75° 50' 43.74").

2. 20689 State Route 29 (Franklin Forks, PA Quadrangle Latitude: 41° 55' 2.59"; Longitude: -75° 50' 52.06").

3. 3548 Silver Creek Road (Franklin Forks, PA Quadrangle Latitude: 41° 54' 57.13"; Longitude: -75° 51' 13.97").

4. 3660 Silver Creek Road (Franklin Forks, PA Quadrangle Latitude: 41° 54' 59.01"; Longitude: -75° 51' 7.71").

**F5802221-001. Liberty Township**, 5050 Creamery Road, Montrose PA 18801, in Liberty Township, **Susquehanna County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following sites in the floodplain of Snake Creek through the HMGP Acquisition Program. Sites will be restored and stabilized to open space. Sites are located in Liberty Township, Susquehanna County.

1. 118 Lazy Brook Circle (Franklin Forks, PA Quadrangle Latitude: 41° 56' 58.83"; Longitude: -75° 49' 53.15").

2. 123 DeRose Road (Franklin Forks, PA Quadrangle Latitude: 41° 59' 47.18"; Longitude: -75° 47' 30.19").

3. 214 English Flats Road (Franklin Forks, PA Quadrangle Latitude: 41° 59' 37.17"; Longitude: -75° 47' 41.85").

**E3902221-007. Forge Development Company**, 840 West Hamilton Street, Suite 620, Allentown, PA 18101-2455, in South Whitehall Township, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the 1215 Hausman Road Development Project, which will involve the construction of a 90,100 ft<sup>2</sup> industrial building, three (3) parking lots, and an access road adjoining Hausman Road:

1. A wetland fill within 0.015 acre of PFO Wetlands (Other).

2. A wetland fill within 0.159 acre of PFO Wetlands (Other).

3. A wetland fill within 0.002 acre of PFO Wetlands (Other).

4. A wetland fill within 0.011 acre of PFO Wetlands (Other).

5. A wetland fill within 0.009 acre of PFO Wetlands (Other).

6. A wetland fill within 0.0025 acre of PFO Wetlands (Other).

7. A wetland fill within 0.003 acre of PFO Wetlands (EV).

8. A wetland fill within 0.109 acre of PFO Wetlands (Other).

9. A wetland fill within 0.034 acre of PFO Wetlands (EV).

10. A wetland fill within 0.020 acre of PFO Wetlands (Other).

The applicant will provide 0.648 acre of wetland mitigation.

The project is located at 1215 Hausman Road in Allentown, approximately 0.15 mile northwest of the intersection of Hausman Road and Crackersport Road (Allentown West, PA Quadrangle Latitude: 40° 36' 8.94"; Longitude: -75° 33' 54.52") in South Whitehall Township, Lehigh County. (Allentown West, PA Quadrangle, Latitude: 40° 36' 8.94"; Longitude: -75° 33' 54.52").

**E5802121-007: PA Department of Transportation**, Eng District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512, Lanesboro Borough, **Susquehanna County**, Army Corps of Engineers, Baltimore District.

To authorize the following water obstructions and encroachments associated with the SR 1009 Section 572 Project:

1. Remove the existing structure and construct and maintain a 40.4-foot wide bridge carrying SR 1009 across Starrucca Creek (CWF, MF) having a 115.5-foot span and a 7.73'-foot underclearance.

2. Relocate and restore a portion of Starrucca Creek. 458 linear feet of Starrucca Creek will be impacted for watercourse relocation, grading and restoration. Restoration activities include the installation of rock vanes, boulder bank revetments and riffle/pool habitats. 71 linear feet of Pigpen Creek (CWF, MF) will also be impacted to tie into the relocated Starrucca Creek.

3. Impact 0.04 acre of the Starrucca Creek floodway for watercourse relocation and restoration.

4. Impact 33 LF of a Tributary to Starrucca Creek (CWF, MF) and 0.01 acre of Tributary to Starrucca Creek floodway for the construction of a temporary stream crossing. These impacts associated with grading in the watercourse and floodway will be permanent, but the stream crossing will be removed.

The project is located along S.R. 1009 Sec 572 Segment 0170, Offset 0813, approximately 0.60 mile east of the S.R. 1009/1017 intersection (Susquehanna, PA Quadrangle Latitude: 41° 58' 1.18" N Longitude: -75° 34' 24.64" W).

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

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

The project is located along S.R. 0329 Sec 01B, Segment 0130 Offset 1182, approximately 1 mile east of the

S.R. 0329/SR 0145 intersection (Cementon, PA Quadrangle Latitude: 40° 41' 24.73" N, Longitude: 75° 30' 12.84" W).

**E4002121-019, PA Department of Transportation, Eng District 4-0**, 55 Keystone Industrial Park, Dunmore, PA 18512, Sugarloaf Township, **Luzerne County**, Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a 142-foot wide single span precast concrete box culvert carrying SR 3040 across a tributary to Nescopeck Creek (CWF, MF). The structure will have a 15-foot normal clear span and a 6-foot minimum underclearance.

The project is located along S.R. 3040 Section D51 Segment 0010, Offset 0000, approximately 0.1 mile east of the SR 3040/0093 intersection (Sybertsville, PA Quadrangle, Latitude: 41° 1' 25.43" N; Longitude: -76° 4' 40.71" W) in Sugarloaf Township, Luzerne County.

**E5802221-009. Pennsylvania American Water Company**, 852 Wesley Drive, Mechanicsburg, PA 17055-4436, in Bridgewater Township, **Susquehanna County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a culvert extension that transfers Snake Creek (CWF, MF) as a part of a Lake Montrose Dam rehabilitation project. The crossing will extend an existing 15-inch diameter steel culvert pipe that outlets to the project area. The culvert extension will consist of a 59.0-foot long 15-inch diameter corrugated HDPE pipe with a concrete endwall and riprap. The project is located on State Route 29 approximately 0.4 mile north of the intersection of State Route 29 and State Route 167 (Montrose East, PA Quadrangle Latitude: 41° 50' 42"; Longitude: -75° 51' 33") in Bridgewater Township, Susquehanna County. (Montrose East, PA Quadrangle, Latitude: 41° 50' 42"; Longitude: -75° 51' 33").

*Northcentral Region: Waterways & Wetlands Program, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.*

**E4904221-004: Ralpho Township Muni Auth Northumberland County**, 206 South Market Street, Suite 1, Elysburg, PA 17824, West Center Street Sewer Replacement & Stream Relocation, Ralpho Township, **Northumberland County**, U.S. Army Corps of Engineers Baltimore District (Shamokin Quadrangle; Latitude: 40.763967°; Longitude: -76.556869°).

The applicant proposes the replacement and maintenance of an existing sewer line that runs parallel to a UNT to Shamokin Creek (CWF). The project also will minimally relocate the UNT and install bank protection to address historic stream meander and re-establish desired separation between the sewer line and the UNT. The project proposes .03 acre of direct permanent watercourse impact, and .15 acre of direct permanent floodway impact.

*Northwest Region: District Oil & Gas, 230 Chestnut Street, Meadville, PA 16335, 814-332-6860.*

**E2408221-003, National Fuel Gas Midstream Clermont, LLC**, 6363 Main Street, Williamsville, NY 14221, Beechwood Phase I, in St. Mary's Township, Jones Township, **Elk County**, ACOE 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. 0.03 acre of permanent impacts and 0.90 acre of temporary impacts to Palustrine Emergent wetland(s) 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**, ACOE 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 60 linear feet of permanent impacts, and 457 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. 0.06 acre of permanent impacts and 0.02 acre of temporary impacts to Palustrine Emergent wetland(s) and 0.03 acre of permanent impacts to Palustrine Forested wetland(s) 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.

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

**E0829221-027: Chesapeake Appalachia, LLC**, 14 Chesapeake Lane, Sayre, PA 18840-1567, Brad 84-Lecrone Frac Pond in Towanda Township, **Bradford County**, ACOE Baltimore District.

This Joint Permit Application is being submitted for after-the-fact authorization of temporary & permanent wetland impacts at the Brad 84-Lecrone Frac Pond in accordance with the Consent Decree United States, et al. v. Chesapeake Appalachia, LLC, Civil Action No. 4:21-00538-MWB CALLC entered into with the U.S. Environmental Protection Agency and PADEP on May 20, 2021. The project is to construct, operate and maintain 0.7270 acre of permanent and 0.1980 acre of temporary impacts to on-site wetlands. All impacts are associated with the Brad 84-Lecrone Frac Pond construction in 2011. Finally, 0.1448 acre of on-site wetland restoration is proposed.

There are no stream and floodway impacts associated with this after-the-fact authorization. The project will result in a total of 33,669 SF (0.727 acre) of permanent and 14,934 SF (0.3495 acre) of temporary wetland impacts.

**Wetland Impact Table:**

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Cow. Class</i>	<i>Listed Trout</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Lat. Long.</i>
Construction W-GJM-028	Towanda Powell	Temporary Workspace	PEM; EV	None	130	1,176			41.736109° 76.503778°
Construction W-GJM-028	Towanda Powell	Fill	PEM; EV	None	136	3,354			41.736131° 76.503686°
Restoration W-GJM-028	Towanda Powell	Restoration	PEM; EV	None	130	2,397			41.736087° 76.503765°
Construction Wetland 1	Towanda Powell	Fill	PEM; EV	None			110	2,178	41.738036° 76.502589°
Construction W-GJM-029	Towanda Powell	Fill	PEM; EV	None	160	4,095	250	29,490	41.737561° 76.501722°
Restoration W-GJM-029	Towanda Powell		PEM; EV	None	150	3,912			41.737593° 76.501466°
TOTAL IMPACTS					706	14,934	360	33,669	

**E0829221-026: Chesapeake Appalachia, LLC**, 14 Chesapeake Lane, Sayre, PA 18840, Monroe Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. A water impoundment impacting 3,049 square feet (0.07 acre) of temporary Palustrine Emergent Wetland impacts and 1,917 square feet (0.044 acre) of permanent Palustrine Emergent Wetland impacts (Monroeton, PA Quadrangle, Latitude: 41.695413°; Longitude: -76.436248°).

This project is an after-the-fact permit that is associated with the Chesapeake Audit and will result in 4,966 square feet (0.114 acre) of PEM wetland impacts, all for the purpose of building a water impoundment for Marcellus well development in Monroe, Township, Bradford County. The permittee will provide 0.23 acre of PEM wetland mitigation at Camp Brook Restoration (Elkland, PA Quadrangle, Latitude: 41.988385°; Longitude: -77.337152°), permit application number E5929221-006.

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## ACTIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<i>Application Number</i>	<i>Permit Type</i>	<i>Action</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0042102	Industrial Stormwater Individual NPDES Permit	Issued	Huntsman Advanced Materials American, LLC 10003 Woodloch Forest Drive Spring, TX 77380-1913	Manor Borough Westmoreland County	SWRO
PA0232874	Industrial Stormwater Individual NPDES Permit	Issued	American Rock Salt Co., LLC P.O. Box 190 Mount Morris, NY 14510-0190	Sandy Township Clearfield County	NCRO
PA0027715	Industrial Waste Individual NPDES Permit, Major	Issued	Max Environmental Tech, Inc. 651 Holiday Drive Suite 5 Pittsburgh, PA 15220-2740	South Huntingdon Township Westmoreland County	SWRO
PA0037141	Industrial Waste Individual NPDES Permit, Minor	Issued	PA Fish & Boat Comm Fisheries Bureau 1735 Shiloh Road State College, PA 16801-8495	Penn Township Cumberland County	SCRO
0307203	Industrial Waste Individual WQM Permit	Issued	Eastern Gas Trans & Storage, Inc. 5000 Dominion Boulevard Glen Allen, VA 23060-3308	South Bend Township Armstrong County	NWRO
3292202	Industrial Waste Individual WQM Permit	Issued	Keystone Conemaugh Project, LLC 175 Cornell Road Suite 1 Blairsville, PA 15717	West Wheatfield Township Indiana County	NWRO
6200201	Industrial Waste Individual WQM Permit	Issued	United Refinery Co. of PA P.O. Box 780 15 Bradley Street Warren, PA 16365-0780	Warren City Warren County	NWRO
6207201	Industrial Waste Individual WQM Permit	Issued	United Refinery Co. of PA P.O. Box 780 15 Bradley Street Warren, PA 16365-0780	Warren City Warren County	NWRO
0921830	Joint DEP/PFBC Pesticides Permit	Issued	Franlin Joseph 565 Kellers Church Road Ottsville, PA 18947	Bedminster Township Bucks County	SERO
0921831	Joint DEP/PFBC Pesticides Permit	Issued	Reserve at Southampton HOA Inc. 112 Stephenson Way Huntingdon Valley, PA 19006-2229	Upper Southampton Township Bucks County	SERO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0005037	Major Industrial Waste Facility < 250 MGD Individual NPDES Permit	Issued	NRG Homer City Service, LLC 1750 Power Plant Road Homer City, PA 15748	Center Township Indiana County	NWRO
PA0024431	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Issued	Dillsburg Area Authority York County 98 W Church Street Dillsburg, PA 17019-1230	Carroll Township York County	SCRO
PA0011436	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	Handy & Harman Tube Co., Inc. 590 Madison Avenue 32nd Floor New York, NY 10022	East Norriton Township Montgomery County	SERO
PA0010251	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Usarmy Carlisle Barracks United States Army Carlisle Barracks 330 Engineer Avenue Carlisle, PA 17013-5020	North Middleton Township Cumberland County	SCRO
PA0083364	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Chambersburg Borough Franklin County 100 S 2nd Street Chambersburg, PA 17201-2515	Greene Township Franklin County	SCRO
PA0100838	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Barkeyville Municipal Authority Venango County 1610 Barkeyville Road Grove City, PA 16127-7904	Barkeyville Borough Venango County	NWRO
PA0252701	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Eastern Gas Trans & Storage, Inc. 925 White Oaks Boulevard Bridgeport, WV 26330-6919	South Bend Township Armstrong County	NWRO
PA0272825	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Slippery Rock Municipal Authority P.O. Box 157 116 Crestview Road Slippery Rock, PA 16057-0157	Slippery Rock Township Butler County	NWRO
PA0031313	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Intermediate Unit 1 1 Intermediate Unit Drive Coal Center, PA 15423-1000	Redstone Township Fayette County	SWRO
PA0031887	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Green Hill MHC, LLC P.O. Box 677 Morgantown, PA 19543-0677	Marlborough Township Montgomery County	SERO
PA0034878	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Buie Stephen T 13669 Ridge Road West Springfield, PA 16443-9447	Spring Township Crawford County	NWRO
PA0085197	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Kampel Enterprises, Inc. 8930 Carlisle Road Wellsville, PA 17365-9735	Warrington Township York County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0101702	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Rocky Ridge Village, LLC 156 Maple Grove Circle Franklin, PA 16323-3662	Sandycreek Township Venango County	NWRO
PA0103608	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Heather & Shaun Welsh 11901 Country Acres Trailer Court 2 Guys Mills, PA 16327-4207	East Mead Township Crawford County	NWRO
PA0209201	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	DMP Northern Tier LP 1952 Waddle Road State College, PA 16803-1649	Wyalusing Township Bradford County	NCRO
PA0216666	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Iron Cumberland, LLC P.O. Box 1020 855 Kirby Road Waynesburg, PA 15370-3020	Whiteley Township Greene County	SWRO
PA0239569	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Lezzer Martin LP P.O. Box 217 Curwensville, PA 16833-0217	Connoquenessing Township Butler County	NWRO
PA0253367	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Christian Youth Crusade 293 Rich Road Somerset, PA 15501-9668	Milford Township Somerset County	SWRO
PA0030597	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Franklin County Gen Authority 5540 Coffey Avenue Chambersburg, PA 17201-4113	Letterkenny Township Franklin County	SCRO
PA0041831	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Northwest Crawford County Sewer Authority P.O. Box 56 105 Project Street Springboro, PA 16435-0056	Springboro Borough Crawford County	NWRO
PA0205931	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Menallen Township Fayette County 427 Searights Herbert Road Uniontown, PA 15401-5137	Menallen Township Fayette County	SWRO
1993401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	PA DOT Bureau of Project Delivery Bureau of Maintenance & Operations P.O. Box 3060 Harrisburg, PA 17105-3060	Mifflin Township Columbia County	NCRO
2177403	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Mount Holly Springs Borough Authority Cumberland County 200 Harmon Street Mount Holly Springs, PA 17065-1339	Mount Holly Springs Borough Cumberland County	SCRO



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<i>Application Number</i>	<i>Permit Type</i>	<i>Action</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
3075402	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Iron Cumberland, LLC P.O. Box 1020 855 Kirby Road Waynesburg, PA 15370-3020	Whiteley Township Greene County	SWRO
5607403	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Christian Youth Crusade 293 Rich Road Somerset, PA 15501-9668	Milford Township Somerset County	SWRO
NOEXSC195	No Exposure Certification	Issued	GXO Logistics Supply Chain, Inc. 1700 Cloister Drive Lancaster, PA 17601-2358	East Hempfield Township Lancaster County	SCRO
NOEXSC365	No Exposure Certification	Issued	GXO Logistics Supply Chain, Inc. 6111 Grayson Road Harrisburg, PA 17111-3385	Swatara Township Dauphin County	SCRO
NOEXSW006	No Exposure Certification	Issued	USPS Warrendale 300 Brush Creek Road Warrendale, PA 15086-1002	Marshall Township Allegheny County	SWRO
PAG041045	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Bethany & Sean Cunningham 5471 Old State Road Edinboro, PA 16412-1061	Washington Township Erie County	NWRO
PAG122215	PAG-12 NPDES General Permit for CAFOs	Issued	Haas Farms, LLC 15 Haas Road Klingerstown, PA 17941-9733	Upper Mahantango Township Schuylkill County	SCRO
PAG123673	PAG-12 NPDES General Permit for CAFOs	Issued	Oscar J Manbeck 10 Fort Henry Road Bethel, PA 19507-9544	Bethel Township Berks County	SCRO
PAG123751	PAG-12 NPDES General Permit for CAFOs	Issued	Skyline Acres, Inc. 477 Skyline Drive Bernville, PA 19506-8740	Upper Bern Township Berks County	SCRO
PAG123874	PAG-12 NPDES General Permit for CAFOs	Issued	Hess Agrimarketing, LLC 218 Rock Point Road Marietta, PA 17547-9205	East Donegal Township Lancaster County	SCRO
PAG124858	PAG-12 NPDES General Permit for CAFOs	Issued	Hummer Brian J 193 Trump Road Danville, PA 17821-9319	Valley Township Montour County	SCRO
6721404	Pump Stations WQM Individual Permit	Issued	Wrightsville Borough Municipal Authority York County 601 Water Street Wrightsville, PA 17368-1646	Wrightsville Borough York County	SCRO
0609402	Sewage Treatment Facilities Individual WQM Permit	Issued	Washington Township Berks County 120 Barto Road Barto, PA 19504-8746	Washington Township Berks County	SCRO
2072402	Sewage Treatment Facilities Individual WQM Permit	Issued	Buie Stephen T 13669 Ridge Road West Springfield, PA 16443-9447	Spring Township Crawford County	NWRO
5012402	Sewage Treatment Facilities Individual WQM Permit	Issued	Jones Barbara A & Jones Larry A 97 Sloop Road Shermans Dale, PA 17090	Carroll Township Perry County	SCRO

## NOTICES

<i>Application Number</i>	<i>Permit Type</i>	<i>Action</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
6721405	Sewage Treatment Facilities Individual WQM Permit	Issued	Major League Properties, LLC 1500 E Market Street York, PA 17403-1255	York Township York County	SCRO
PA0233111	Single Residence STP Individual NPDES Permit	Issued	Fink Ryan M 565 Kimble Hill Road Williamsport, PA 17701-8855	Loyalsock Township Lycoming County	NCRO
PA0245321	Single Residence STP Individual NPDES Permit	Issued	Miller Amanda L 170 Short Road Doylestown, PA 18901-3217	Doylestown Township Bucks County	SERO
PA0261823	Single Residence STP Individual NPDES Permit	Issued	Jones Barbara A & Jones Larry A 97 Sloop Road Shermans Dale, PA 17090	Carroll Township Perry County	SCRO
PA0264601	Single Residence STP Individual NPDES Permit	Issued	Miller Benjamin R 9660 Old Route 99 McKean, PA 16426-1724	McKean Township Erie County	NWRO
PA0266353	Single Residence STP Individual NPDES Permit	Issued	Baughman Chad M 605 Roxbury Road Newville, PA 17241-8617	Upper Mifflin Township Cumberland County	SCRO
PA0267554	Single Residence STP Individual NPDES Permit	Issued	Major League Properties, LLC 1500 E Market Street York, PA 17403-1255	York Township York County	SCRO
PA0273155	Single Residence STP Individual NPDES Permit	Issued	Zaffino Mark 471 Thompson Hill Road Russell, PA 16345-2443	Farmington Township Warren County	NWRO
PA0289906	Single Residence STP Individual NPDES Permit	Issued	Alicia McGill & Kenneth Bluska 8741 Talmadge Road Erie, PA 16509-4359	McKean Township Erie County	NWRO
0921405	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Miller Amanda L 170 Short Road Doylestown, PA 18901-3217	Doylestown Township Bucks County	SERO
2516411	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	John & Paula Patton 4261 Harborgreene Road Erie, PA 16510	Greene Township Erie County	NWRO
2521426	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Alicia McGill & Kenneth Bluska 8741 Talmadge Road Erie, PA 16509-4359	McKean Township Erie County	NWRO
4121401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Fink Ryan M 565 Kimble Hill Road Williamsport, PA 17701-8855	Loyalsock Township Lycoming County	NCRO
WQG018810	WQG-01 WQM General Permit	Issued	Bethany & Sean Cunningham 5471 Old State Road Edinboro, PA 16412-1061	Washington Township Erie County	NWRO

**II. Final Actions on PAG-02 General NPDES Permit NOIs and Individual NPDES Permit Applications for Construction Stormwater.**

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC130022	PAG-02 General Permit	Issued	Weatherly Borough Multi—Use Trail c/o Harold Pudliner 61 West Main Street Weatherly, PA 18255	Weatherly Borough Carbon County	Carbon County Conservation District 5664 Interchange Road Lehighon, PA 18235 610-377-4894
PAC540112	PAG-02 General Permit	Issued	Kevin Murphy AutoZone LLC 123 S. Front St Memphis, TN 38103	East Norwegian Township St. Clair Borough Schuylkill County	Conservation District Info Schuylkill Conservation District 1206 Ag Center Drive Pottsville, PA 17901
PAD480085 A-1	Individual NPDES	Issued	City of Bethlehem c/o Matt Dorner 10 East Church Street Bethlehem PA 18018-6028	City of Bethlehem Northampton County	NERO
PAC400224	PAG-02 General Permit	Issued	1852 Wyoming, LLC Brendan Johnson 28 Thorndal Circle 3rd Floor Darien, CT 06820	Wyoming Borough Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAD390218	Individual NPDES	Issued	Good Shepherd Rehabilitation Network 850 S. Fifth Street Allentown, PA 18103	Upper Saucon Township Lehigh County	NERO
PAD450133	Individual NPDES	Issued	Tobyhanna Township 105 Government Center Way Pocono Pines, PA 18350	Tobyhanna Township Monroe County	NERO
PAC600079	PAG-02 GP	Issued	Ed Bakish Lewisburg Dev LLC 190 International Drive Lewisburg, PA 17837	Kelly Township Union County	Union County Conservation District 155 N. 15th Street Lewisburg, PA 17837-8822
PAC600080	PAG-02 GP	Issued	John Moran JM Industrial Realty, LLC 17935 Russell Rd Allenwood, Pa 17810	Gregg Township Union County	Union County Conservation District 155 N 15th Street Lewisburg, PA 17837-8822
PAC100252	PAG-02 General Permit	Issued	Henry's Meat Market Holdings LLC 201 West Mercer Street Harrisville, PA 16038	Cranberry Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270

**STATE CONSERVATION COMMISSION**
**NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Hamilton Relay Service at (800) 654-5984. Appeals

must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

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

**NUTRIENT MANAGEMENT PLAN  
CAFO PUBLIC NOTICE SPREADSHEET— ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Brian Martin Coffee Brook Holstein 684 Church Road Womelsdorf, PA 19567	Berks	116.9	332.48	Dairy	NA	Approved

**PUBLIC WATER SUPPLY PERMITS**

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

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

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

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

**SAFE DRINKING WATER**

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

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

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

**Permit No. 3390055, Operations Permit, Public Water Supply.**

Applicant **Lehigh County Authority (Schnecksville Tank)**  
1053 Spruce Road  
P.O. Box 3348  
Allentown, PA 18106-0348

Township North Whitehall Township

County **Lehigh**

Type of Facility PWS

Consulting Engineer Jason Saylor, PE  
Utility Service Co., Inc.  
1230 Peach Tree NE  
Suite 1100  
Atlanta, GA 30309

Permit to Operate Issued December 15, 2021

**Permit No. 6620504, Public Water Supply.**

Applicant **Exeter Township Senior Center & Apartment Complex**  
2690 Sullivan's Trail Road  
Falls, PA 18615

Township Exeter Township

County **Wyoming**

Type of Facility PWS

Consulting Engineer Joseph S. Durkin, PE  
Reilly Associates  
49 S. Main Street  
Suite 200  
Pittston, PA 18640

Permit to Construct Issued December 20, 2021

**Permit No. 3130029, Operations Permit, Public Water Supply.**

Applicant **WME Management, LLC (Weiner's MHP)**  
2846 Main Street, Box 12A  
Morgantown, PA 19543

Township Lower Towamensing Township  
 County **Carbon**  
 Type of Facility PWS  
 Consulting Engineer NA  
 Permit to Operate December 6, 2021  
 Issued

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

*Contact: Edie M. Gair, P.G., 570-327-3779.*

**Operations Permit** issued to: **Tioga MHC, LLC**, 35 Calais Road, Randolph, NJ, 07869, PWSID No. 2590053, Lawrence Township, **Tioga County**. On December 8, 2021 for the operation of facilities approved under construction permit Nos.: 5991505-T2, 5999502-T2, MA(1/18/2000)-T2, MA(2/4/2013)-T2 and 5920505-MA-T1. This transfer permit application approved five public water supply permits for operation that have been transferred. Well No. 1 and special conditions for treatment of water from this well were removed from PWS Permit No. 5991505-T1, issued August 25, 2020. PWS Permit No. 5904502-T1 is being cancelled because PWS Permit No. 5920505-MA, issued December 22, 2020, supersedes PWS Permit No. 5904502 regarding iron and manganese treatment and the raw water pressure tank existing in the water treatment system in 2006.

**Monument Water Association (Public Water Supply)**, 2332 Monument-Orviston Rd, Beech Creek, PA 16822-9105, Liberty Township, **Centre County**. On December 28, 2021, the Safe Drinking Water Program approved the Source Water Protection (SWP) plan for the Monument Water Association community water system. The personnel involved with the development of this SWP are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP plan was funded by the Department of Environmental Protection.

#### 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 Elmerston Avenue, Harrisburg, PA 17110.*

##### *Plan Location:*

<i>Township</i>	<i>Township Address</i>	<i>County</i>
Howe Township	22 Cherry Road Liverpool PA 17045	Perry County

##### *Plan Description:*

The request for planning exception for the **Newport Convenience Store Development** (DEP Code No. A3-50909-049-3E; APS ID No. 1053392) has been disapproved. The proposed development—located at 78 Juniata Parkway East in Howe Township, PA—consists of sewage planning to connect one new residential building to the Howe Township Municipal Authority and Newport Borough Municipal Authority public sewer systems. This request for planning exemption has been disapproved because the submission does not qualify as an exemption from the requirement to revise the Official Plan because permittee of the sewerage facilities has not submitted information under Chapter 94 that documents that the existing collection and conveyance facilities do not have

an existing or a 5-year projected hydraulic overload as per Chapter 71, Section 71.51(b)(2)(ii).

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).**

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

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

The Department has received the following plans and reports:

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

*Contact: Eric Supey, Environmental Program Manager.*

**Rag Apple Well Site**, 4990 Ridge Road, Montrose, PA 18801, Springville Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of Coterra Energy, Inc., 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Final Report concerning remediation of soil contaminated by releases of diesel. The report is intended to document remediation of the site to meet a combination of Background and Statewide health standards.

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

**Estate of Ruth Longer Property**, Intersection of Montour Boulevard and Grovania Drive, Danville, PA 17821, Cooper Township, **Montour County**. BL Companies, 2601 Market Place, Suite 350, Harrisburg, PA 17110, on behalf of IA Construction Corporation, P.O. Box 568, Franklin, PA 16323, has submitted a Revised Remedial Investigation Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the site-specific standard.

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

*Contact: Abbey Owoc, Environmental Group Manager, Storage Tanks Program.*

**Former BP Service Station No. 09131**, Storage Tank Facility ID # 11-14138, 1133 Scalp Avenue, Johnstown, PA 15904, Richland Township, **Cambria County**. Antea Group, 535 Route 38, Suite 203, Cherry Hill, NJ 08002, on behalf of BP Products North America, Inc, 201 Helios Way, Floor 6, Houston, TX 77079, submitted a combined Remedial Action Plan and Remedial Action Completion Report concerning remediation of groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet the Statewide health standard and site-specific standard.

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

**Fmr. Martin's Sunoco**, 18298 Conneaut Lake Road, Meadville, PA 16335, Vernon Township, **Crawford County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412 on behalf of Travaglini Enterprises, Inc., 211 Chestnut Street, Meadville, PA 16335 has submitted a Final Report concerning remediation of site soil and site groundwater contaminated with 1,2 Dibromoethane, Benzene, 1,2 Dichloroethane, Ethylbenzene, Cumene, MTBE, Naphthalene, Toluene, 1,2,4 Trimethylbenzene, 1,3,5-Trimethylbenzene, Xylenes, and Lead. The report is intended to document remediation of the site to meet the Statewide health standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

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

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental

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

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

The Department has received the following plans and reports:

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

*Contact: Eric Supey, Environmental Program Manager.*

**Sunoco Fullerton Terminal # 0358-1501**, 2480 Main Street, Whitehall, PA 18052, Whitehall Township, **Lehigh County**. Groundwater & Environmental Services, 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Sunoco Partners Marketing & Terminals, LP, 3807 West Chester Pike, Newtown Square, PA 19073, submitted a revised, combined Remedial Investigation Report and Final Report concerning remediation of site soils contaminated with petroleum. The Remedial Investigation Report was approved, but the Final Report was not acceptable to meet a combination of site-specific and Statewide health standards and was disapproved by DEP on December 27, 2021.

**Pilot Travel Center 298**, 1114 State Route 93, Drums, PA 18222, Sugarloaf Township, **Luzerne County**. Atlas Technical Consultants, 270 William Pitt Way, Pittsburgh 15238, on behalf of Pilot Travel Centers, LLC, 5508 Lonas Drive, Knoxville, TN 37939, submitted a Final Report concerning remediation of soil contaminated by a release of diesel from truck accident. The Final Report demonstrated attainment of Statewide health standards and was approved by DEP on December 27, 2021.

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

**Satterlee Street Cleanup Project**, 101 Satterlee Street, Athens, PA 18810, Athens Borough, **Bradford County**. Moody and Associates, Inc., 101 North Main Street, Suite 1, Athens, PA 18810, on behalf of Athens Borough, 2 South River Street, Athens, PA 18810, has submitted a Final Report concerning remediation of site soil contaminated with foundry waste material. The Final report demonstrated attainment of the site-specific standard and was approved by the Department on December 29, 2021.

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

**Magill Storage Yard**, 274 Prospect Road, Evans City, PA 16033, Connoquenessing Township, **Butler County**. Moody & Associates, Inc., 11548 Cotton Road, Suite 101, Meadville, PA 16335 on behalf of PennEnergy Resources, LLC, 1000 Commerce Drive, Park Place One, Suite 400, Pittsburgh, PA 15275 has submitted a Final Report concerning the remediation of site soil contaminated with Chloride, Aluminum, Barium, Boron, Iron, Lithium, Manganese, Selenium, Strontium, Vanadium, and Zinc. The Final Report did not demonstrate attainment of the Statewide health standard and was disapproved by the Department on December 27, 2021.

**FMR. Martin's Sunoco**, 18298 Conneaut Lake Road, Meadville, PA 16335, Vernon Township, **Crawford County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412 on behalf of Travaglini Enterprises, Inc., 211 Chestnut Street, Meadville, PA 16335 has submitted a Final Report concerning remediation of site soil and site groundwater contaminated with 1,2 Dibromoethane, Benzene, 1,2 Dichloroethane, Ethylbenzene, Cumene, MTBE, Naphthalene, Toluene, 1,2,4 Trimethylbenzene, 1,3,5-Trimethylbenzene, Xylenes, and Lead. The Final Report did not demonstrate attainment of the Statewide health standard and was disapproved by the Department on December 28, 2021.

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

**Permit Renewal Issued Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401, 484-250-5960.*

**Permit No. 400658. Hatfield Township Municipal Authority Montgomery County**, 3200 Advance Lane, Colmar, PA 18915-9766. This ten-year renewal permit under the Solid Waste Permit No. 400658 is to continue operation of the Hatfield Township Municipal Authority Wastewater Treatment facility, an existing sewage sludge incinerator located in Hatfield Township, **Montgomery County**. The permit was issued by the Southeast Regional Office on December 16, 2021.

Persons interested in reviewing the permit for the facility may contact the Pennsylvania Department of Environmental Protection (DEP) Waste Management Program Manager, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915, or by telephone at

484.250.5960. TDD users may contact the DEP through the Pennsylvania Hamilton Relay Service, (800) 654.5984.

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

**Permit No. 101243. Northern Tier Solid Waste Authority**, P.O. Box 10, Burlington, PA 18814-0010, West Burlington Township, **Bradford County**. This permit modification is for the use of Posi-Shell as an Alternative Daily Cover at the Bradford County Landfill. The permit was issued by the Northcentral Regional Office on January 4, 2022.

Persons interested in reviewing the 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, (800) 654-5984.

## AIR QUALITY

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

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

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

**GP3-35-026: RLE Equipment, Inc.**, 457 N Main Street, Moscow, PA 18444. On January 4, 2022 for the operation of a portable crushing operation with water sprays located at the Drinker Turnpike site in Covington Township, **Lackawanna County**.

**GP9-35-026: RLE Equipment, Inc.**, 457 N Main Street, Moscow, PA 18444. On January 4, 2022 for the operation of a diesel IC engines located at the Drinker Turnpike site in Covington Township, **Lackawanna County**.

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

*Contact: Edward Orris, New Source Review Chief, 412.442.4168.*

**GP5-30-00236B/AG5-30-00022A: EQM Gathering Opco, LLC**, 2200 Energy Dr., Canonsburg, PA 15317-1001, on December 23, 2021, to authorized the construction and operation of eight (8) natural gas fired Caterpillar compressor engines each rated at 2,500 bhp, two (2) TEG Dehydrators including reboilers and Thermal Oxidizers at their Cole Farm Compressor Station located in Wayne Township, **Greene County**.

**GP5-63-00965C/AG5-63-00015B: EQM Gathering Opco, LLC**, 2200 Energy Dr., Canonsburg, PA 15317-1001, authorization issued on December 23, 2021, for continued operation of the previously installed sources that includes: Two Caterpillar rated at 3550 bhp, Two Caterpillar rated at 2370 bhp, two TEG-Dehydrators rated at 61 MMSCFD and 205 MMSCFD, a flare rated at 10.0 MMBtu/hr, pneumatic devices, and miscellaneous storage tanks etc. at Twilight Compressor Station located in West Pike Run Township, **Washington County**.

**GP5-63-01000B/AG5-63-00010B: EQM Gathering Opco, LLC**, 2200 Energy Dr., Canonsburg, PA 15317-1001, on November 18, 2020, reauthorized continued

operation of the previously installed sources which include: Four (4) natural gas-fired G3608 Caterpillar 4SLB compressor engines each 2,370 bhp; one (1) diesel fired Cummins rated at 1,220 bhp; one (1) 225 MMscfd TEG Dehydrator with 2.0 MMBtu/hr reboiler; one (1) EnviroTherm International enclosed flare rated at 7.0 MMBtu/hr; two (2) produced water tanks; one (1) truck loadout; pigging operations, miscellaneous blow-down emissions; and fugitives at their Kryptonite Compressor Station, located in Amwell Township, **Washington County**.

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

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

**GP5-03-979D (AG5-03-00008A): Snyder Brothers, Incorporated—Mushroom Mine Compressor Station**, Millen Hollow Road, Worthington, PA 16262, on December 28, 2021 to allow the continued operation of equipment at the Mushroom Mine Compressor Station (BAQ-GPA/GP5) located in West Franklin Township, **Armstrong County**.

**GP5-16-151E (AG5-16-00005A): Peoples Natural Gas Company, LLC—Limestone Compressor Station**, 606 Limestone Road, Summerville, PA 15864, on December 21, 2021 to allow the continued operation of equipment at the Limestone Compressor Station (BAQ-GPA/GP5) located in Limestone Township, **Clarion County**.

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

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

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

**35-00014A: Keystone Sanitary Landfill, Inc.**, 249 Dunham Drive, Dunmore, PA 18512, issued on January 3, 2022 for the Phase III landfill expansion with existing control equipment at the facility located in Dunmore and Throop Boroughs, **Lackawanna County**.

**40-00002B: Transcontinental Gas Pipeline Company, LLC (Transco)**, P.O. Box 1396, Houston, TX 77251-1396, issued on December 27, 2021 for the modification to the Compressor Station 515 facility located in Buck Township, **Luzerne County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Program Manager, (570) 327-3648.*

**18-00035A: Mas Wayne RNG**, 3340 Peachtree Hill Road, Suite 170, Atlanta, GA 30326, on December 28, 2021, was issued a plan approval for the construction and temporary operation of a renewable natural gas plant located at the Wayne Township Landfill in Wayne Township, **Clinton County**. The plan approval was issued and became effective on December 28, 2021 and will expire on June 27, 2023. The plan approval contains all applicable requirements including emission limits, monitoring, recordkeeping, testing and reporting conditions to ensure compliance with all State and Federal regulations.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

*Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.*

**46-0295A: Amazon**, 2455 Boulevard of the Generals, Norristown, PA 19403-3661. On December 29, 2021, for an extension of the temporary shakedown period for a plan approval authorizing the installation of additional hoods of the system for 16 digital dryers (Source ID Nos. 201—216) at their facility in West Norriton Township, **Montgomery County**.

**09-0240: Mazza Iron & Steel, LLC**, 60 Solar Drive, Fairless Hills, PA 19030. On December 27, 2021, for a modification of the plan approval to address changes in the operating equipment used in the Ferrous Recovery Line and the Non-ferrous Processing Line and extend the plan approval for another 6 months for temporary shakedown at this location in Falls Township, **Bucks County**.

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.*

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

**28-05002S: Letterkenny Army Depot**, One Overcash Avenue, Chambersburg, PA 17201, on January 3, 2022, for the permanent shutdown and removal of the Regenerative Thermal Oxidizer (RTO), which has functioned as a VOC control device for four coating booths operating inside Building 350, and for the rework of the ventilation system for the coating booths at the Letterkenny Army Depot located in Letterkenny Township, **Franklin County**. The plan approval also revised the facility's existing PAL provisions. The plan approval was extended.

**67-05014C: York Group Inc.**, 2880 Black Bridge Road, York, PA 17406-9703, on January 3, 2022, for the approval of a Reasonably Available Control Technology 2 (RACT 2) plan for the Sources 200, 205, 220, 225, 230, 240, 260, 270, 280, 290, and 295, spray coating booths, at the casket manufacturing facility located in Manchester Township, **York County**. The plan approval authorizes removal of the existing VOC control system and replacement of it with a dual train regenerative thermal oxidizer control system, with each train preceded by a cartridge collector. The new system will control VOC emissions from Sources 220, 225, 230, 240, 260, and 295. The plan approval also addresses modification of the facility's RACT 1 requirements to reflect the modified control arrangements. The plan approval also adds a RACT compliance schedule for the facility, adds a 60.06 tpy emission cap to the sources in Group 003, and makes various minor administrative changes to the existing sources/requirements. The plan approval was extended.

**34-05002A: Texas Eastern Transmission, LP**, 5400 Westheimer Court, Houston, TX 77056, on January 3, 2022, for an engine project at the Perulack Compressor Station located in Lack Township, **Juniata County**. The Plan Approval will authorize the following items: 1.) Retrofit the existing natural gas-fired Cooper Bessemer GMVA-8 engine (Source 031), as clean burn spark ignition



engine (SI RICE), without increasing its rated 1,100 hp, 2.) Install Control ID C031, Oxygen Catalyst on Source 031. The plan approval was extended.

**21-05028C: Fry Communications, Inc., Building 3,** 800 W. Church Road, Mechanicsburg, PA 17055, on December 30, 2021, for the installation of a new 75" Manroland Lithoman IV 4-80 745 lithographic printing press at the Building 3 printing facility located in Mechanicsburg Borough, **Cumberland County**. The printing press includes an integral dryer and afterburner for the control of VOC emissions. The plan approval was extended.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Program Manager, (570) 327-3648.*

**41-00084C: Hamilton Patriot, LLC,** 50 Patriot Lane, Montgomery, PA 17752, on December 22, 2021, received authorization for extension of the plan approval to June 24, 2022, for the rotor and upgrade electrical generation capacity for the natural gas-fired combined cycle combustion turbine Source P103 at the Hamilton Patriot Generation Plant facility located in Clinton Township, **Lycoming County**. The plan approval has been extended.

**18-00005E: Eastern Gas Transmission & Storage, Inc.,** 6603 West Broad Street, Richmond, VA 23230, on December 27, 2021, received authorization for extension of the plan approval to June 28, 2022, for the temporary operation of a compressor turbine located at the Finnefrock Station in Leidy Township, **Clinton County**, pending Department evaluation of compliance testing. The plan approval has been extended.

**59-00035A: Empire Pipeline, Inc.,** 6363 Main Street, Williamsville, NY 14221, on December 29, 2021, received authorization for extension of the plan approval to July 1, 2022, for the temporary operation of compressor turbines located at the Jackson Station located in Jackson Township, **Tioga County** pending Department evaluation of compliance testing. The plan approval has been extended.

**18-00030C: First Quality Tissue, LLC,** 904 Woods Avenue, Lock Haven, PA 17745, on December 29, 2021, received authorization for extension of the plan approval to July 3, 2022, for the temporary operation of a paper towel and tissue manufacturing operation at their facility located in Castanea Township, **Clinton County**. The plan approval has been extended.

**18-00030D: First Quality Tissue, LLC,** 904 Woods Avenue, Lock Haven, PA 17745, on December 29, 2021, received authorization for extension of the plan approval to July 3, 2022, for the temporary operation of a paper towel and tissue manufacturing operation at their facility located in Castanea Township, **Clinton County**. The plan approval has been extended.

**60-00026A: GAF Keystone, LLC,** 2093 Old Route 15, New Columbia, PA 17856, on December 27, 2021, to extend the plan approval expiration date to July 16, 2022 to allow continued operation of the ISO Foam Board Facility located in White Deer Township, **Union County**.

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

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

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

**45-00002: WestRock Converting Co., LLC,** P.O. Box 770, Paper Mill Road, Delaware Water Gap, PA 18327. The Department issued, on December 14, 2021, a Title V Operating Permit Renewal for their facility located in Smithfield Township, **Monroe County**. The Title V Operating Permit includes all applicable emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirement.

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**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.**

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

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**23-00024: Hanson Aggregates, Glen Mills Quarry,** 533 Forge Road, Glen Mills, PA 19342. On December 29, 2021, for a renewal of a Non-Title V Facility, State-Only, Synthetic Minor Permit for the operation of a quarry and rock crushing facility in Thornbury Township, **Delaware County**.

**46-00235: North Penn School District,** 1340 South Valley Forge Road, Lansdale, PA 19446. On December 23, 2021, for a renewal of State Only Operating Permit for North Penn High School in Towamencin Township, **Montgomery County**. This Operating Permit renewal contains a change of status of this permit from Synthetic Minor to Natural Minor.

**15-00145: Vanguard Group/Malvern East Campus,** 100 Vanguard Blvd, Malvern, PA 19087. On December 30, 2021, for a Non-Title V Facility, State-Only, Synthetic Minor Permit for workstations and ancillary systems in support of a range of positions in the financial services industry in Tredyffrin Township, **Chester County**.

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

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

**40-00095: Polyglass USA Inc./Humboldt Plant,** 555 Oak Ridge Road, Hazleton, PA 18202. The Department issued, on December 7, 2021, a State-Only Operating Permit for operation of sources at their facility located in Hazle Township, **Luzerne County**. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

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

**22-03009: Dauphin Precision Tool, LLC,** 200 Front Street, Millersburg, PA 17061-1324, on January 3, 2022, for the machine tool manufacturing facility located in Millersburg Borough, **Dauphin County**. The State-Only permit was renewed.

**36-05071: Valley Proteins Inc.**, 693 Wide Hollow Road, East Earl, PA 17519, on December 30, 2021, for the rendering and boiler operations at the Terre Hill facility located in East Earl Township, **Lancaster County**.

**06-05158: Allan Myers, L.P.**, 638 Lancaster Avenue, Malvern, PA 19355, on December 23, 2021, for the Reading Asphalt Plant located in Ontelaunee Township, **Berks County**.

**06-03094: K&L Woodworking, Inc.**, 440 N. 4th Street, Reading, PA 19601-2847, on December 22, 2021, for the custom cabinet and shelving manufacturing facility located in Reading City, **Berks County**. The State-Only permit was renewed

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.*

**17-00074: Adamson Funeral Chapel & Crematorium, Inc.**, 1312 Chestnut Avnue, DuBois, PA 15801, was issued on January 3, 2022, a State Only Natural Minor Operating Permit for their facility in Sandy Township, **Clearfield County**. All applicable Federal and State regulatory requirements derived from 25 Pa. Code Chapters 121—145, including appropriate testing, monitoring, recordkeeping, reporting, and work practice to verify compliance are included in the permit.

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

*Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.*

**63-01050: MarkWest Liberty Midstream & Resources, LLC/Huntington Farms Launcher/Receiver Site**, 4600 J. Barry Ct., Ste. 500, Canonsburg, PA 15317-5854. On January 4, 2022, the Department issued a natural minor State Only Operating Permit for a pipeline maintenance stand-alone facility where pigs are launched or received from the pipelines. The Operating Permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements at their facility located in Canton Township, **Washington County**.

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

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

**25-00943: EE Austin & Son, Incorporated**, 1919 Reed Street, Erie, PA 16503-2159. On December 22, 2021, the Department issued the renewal State Only Natural Minor Operating Permit for operation of the concrete batch plant located in Erie City, **Erie County**. The facility's primary emission source consists of two diesel/fuel oil-fueled boilers and the concrete mixer and cement silo. The potential emission of PM<sub>10</sub> is 66.05 TPY, and the rest of the pollutants are below major source thresholds; thus, the facility is a natural minor. The boilers are subject to 40 CFR 63 Subpart JJJJJJ, NESHAP for Boiler Area Sources. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.*

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

**01-05033: Knouse Foods Cooperative, Inc.**, 800 Peach Glen-Idaville Road, Peach Glen, PA 17307. On January 3, 2022, for the Peach Glen fruit processing facility in Tyrone and Huntingdon Townships, **Adams County**. The State-Only permit was administratively amended to incorporate the requirements of Plan Approval No. 01-05033B.

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

*Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.*

**TVOP-26-00495: Gans Energy, LLC**, P.O. Box 166, 198 Butler Street, Springdale, PA 15144-0166. Administrative Amendment, issued on December 21, 2021, to change the name of the Responsible Official, Permit Contact, and correct errors in the permit. The name of the Responsible Official is now Eric Kuper. The name of the Permit Contact is now Jamille Ford. The Gans Power Station is located in Springhill Township, **Fayette County**.

**TVOP-65-00837: Eastern Gas Transmission and Storage, Inc.**, 6603 W. Broad Street, Richmond, VA 23230-1711. Administrative Amendment, issued on December 27, 2021, to change the name of the owner/operator, Responsible Official, and Permit Contact, on the permit. The name of the owner/operator is now Eastern Gas Transmission and Storage, Inc. (EGTS). The name of the responsible Official is now John M. Lamb, Vice President of Eastern Pipeline Operations. The name of the Permit Contact is now Glenn S. Boutillier, Environmental Specialist III. The Oakford Compressor Station is located in Salem Township, **Westmoreland County**.

**63-01046: MarkWest Liberty Midstream & Resources, LLC/Joe Cain Launcher/Receiver Site**, 4600 J. Barry Ct., Ste. 500, Canonsburg, PA 15317-5854. Department-initiated Administrative Amendment, issued on January 4, 2022, to correct typographical errors and incorporate minor changes for consistency with subsequent permits at similar pigging sites. Joe Cain Launcher/Receiver Site is a pipeline maintenance stand-alone facility where pigs are launched or received from the pipelines for operational and maintenance purposes, located in Smith Township, **Washington County**.

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**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

*Contact: Edward Orris, New Source Review Chief, 412.442.4168.*

**SOOP-63-00942: MarkWest Liberty Midstream & Resources, LLC**, 4600 J Barry Ct., Ste. 500, Canons-

burg, PA 15317-5854. Per 25 Pa. Code § 127.449(i), this notice is for the following de minimis emission increase at MarkWest Liberty Midstream & Resources LLC located in Independence Township, **Washington County**: installation and operation of one (1) natural gas fired emergency generator equipped with a catalyst muffler. The de minimis increases for this facility includes only this project and include the following increases: less than or equal to 0.09 tpy of CO; less than or equal to 0.01 tpy of NO<sub>x</sub>; less than 0.01 tpy of SO<sub>2</sub>; less than or equal to 0.01 tpy of PM<sub>10</sub>; less than or equal to 0.02 tpy of VOC.

**Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.**

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.*

**19-00019: Dillon Floral Corp.**, 933 Columbia Blvd., Bloomsburg, PA 17815, terminated State Only Operating Permit 19-00019 on December 30, 2021 for the Bloomsburg Greenhouse located in the Town of Bloomsburg, **Columbia County**. This termination was due to the permanent shutdown of the facility's boilerhouse. The facility still retains operation of an emergency generator and miscellaneous heating sources.

**49-00042: Catawissa Wood & Components, Inc.**, 1015 W. Valley Ave., Elysburg, PA 17824, terminated State Only Operating Permit 49-00042 on December 30, 2021 for the Paxinos Plant located in Ralpho Township, **Northumberland County**. This termination was due to the shutdown of the facility.

**ACTIONS ON COAL AND NONCOAL APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1103).**

*Coal Permits Issued*

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

**Permit 32000108. River Hill Coal Co., Inc.**, P.O. Box 141, 48 Memorial Street, Kylertown, PA 16847, land use change from forestland to unmanaged natural habitat on a bituminous surface and auger mine in West Wheatfield Township, **Indiana County**, affecting 759.2 acres. Re-

ceiving stream(s): unnamed tributaries to/and Cone-maugh River, Richards Run and Roaring Run, classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: October 7, 2021. Permit issued: December 21, 2021.

**Permit 32150101 and NPDES No. PA0279421. Amerikohl Mining, Inc.**, 202 Sunset Drive, Butler, PA 16001, renewal for reclamation only of a bituminous surface mine in West Wheatfield Township, **Indiana County**, affecting 58.4 acres. Receiving streams: unnamed tributary to/and Roaring Run to Cone-maugh River, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: May 18, 2021. Permit issued: December 22, 2021.

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

**Permit No. 4777SM7 and NPDES PA0257648. Warner Company c/o Waste Management**, 10376 Bullock Drive, King George, VA 22485. Permit renewal for continued treatment of acid mine drainage on a bituminous surface coal mine located in Snow Shoe Township, **Centre County**, affecting 155 acres. Receiving stream(s): Unnamed Tributary to Beech Creek classified for the following use(s): CWF, MF. Application received: May 27, 2021. Permit issued: December 23, 2021.

**Permit No. 17090107 and NPDES No. PA0257257. RES Coal, LLC**, 224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920, permit renewal for continued operation and restoration of a bituminous surface coal and auger mine located in Goshen Township, **Clearfield County**, affecting 442.1 acres. Receiving stream(s): Chubb Run, Surveyor Run, Unnamed Tributaries to the West Branch Susquehanna River classified for the following use(s): CWF. Application received: June 9, 2021. Permit issued: December 23, 2021.

*Noncoal Permits Issued*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, RA-EPPottsvilleDMO@pa.gov, (Contact: Theresa Reilly-Flannery).*

**Permit No. 5177SM2. Twin Falls Resources, LLC**, 326 Post Hill Road, Falls, PA 18615, transfer of a quarry operation in Exeter Township, **Wyoming County**, affecting 22.4 acres. Receiving stream: Susquehanna River. Application received: July 6, 2021. Transfer issued: December 23, 2021.

**Permit No. PAM121035. Twin Falls Resources, LLC**, 326 Post Hill Road, Falls, PA 18615, coverage under the General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 5177SM2 in Exeter Township, **Wyoming County**, receiving stream: Susquehanna River. Application received: July 6, 2021. Permit issued: December 23, 2021.

**Permit No. 66880302. Twin Falls Resources, LLC**, 326 Post Hill Road, Falls, PA 18615, transfer of a quarry operation in Falls Township, **Wyoming County**, affecting 24.5 acres. Receiving stream: Buttermilk Creek. Application received: July 6, 2021. Transfer issued: December 23, 2021.

**Permit No. PAM121037. Twin Falls Resources, LLC**, 326 Post Hill Road, Falls, PA 18615, coverage under the General NPDES Stormwater Permit for stormwater

discharges associated with mining activities on Surface Mining Permit No. 66880302 in Falls Township, **Wyoming County**, receiving stream: Buttermilk Creek. Application received: July 6, 2021. Permit issued: December 23, 2021.

### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

#### *Blasting Permits Issued*

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

**20214001. Wampum Hardware Company**, 636 Paden Road, New Galilee, PA 16141, Blasting activity permit to blast at the Earnst Farms Borrow Pit located in Union Township, **Crawford County**. This blasting activity permit will expire on July 1, 2022. Permit Issued: December 3, 2021.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, RA-EPPottsvilleDMO@pa.gov, (Contact: Theresa Reilly-Flannery).*

**Permit No. 06214118. Schlouch, Inc.**, 132 Excelsior Drive, Blandon, PA 19510, construction blasting for Berks Park 183 in Bern Township, **Berks County** with an expiration date of December 14, 2022. Permit issued: December 22, 2021.

**Permit No. 15214111. M3 Explo, LLC**, P.O. Box 528, Bowmansville, PA 17507, construction blasting for Marsh Creek Phase 2 & 3 in Upper Uwchlan Township, **Chester County** with an expiration date of December 10, 2022. Permit issued: December 22, 2021.

**Permit No. 22214112. Maine Drilling & Blasting, Inc.**, P.O. Box 1140, Gardiner, ME 04345, construction blasting for Woodland Hill Phase 4, 5 & 7 in Middletown Borough, **Dauphin County** with an expiration date of December 13, 2022. Permit issued: December 22, 2021.

**Permit No. 35214112. Explosive Services, Inc.**, 7 Pine Street, Bethany, PA 18431, construction blasting for Montage Mountain in Moosic Borough, **Lackawanna County** with an expiration date of December 12, 2022. Permit issued: December 22, 2021.

**Permit No. 36214152. Keystone Blasting Service**, 15 Hopeland Road, Lititz, PA 17543, construction blasting Penn Grant Commons West Phase I in Pequea Township, **Lancaster County** with an expiration date of December 30, 2022. Permit issued: December 22, 2021.

**Permit No. 38214114. Keystone Blasting Service**, 15 Hopeland Road, Lititz, PA 17543, construction blasting for Summer Layne in North Londonderry Township, **Lebanon County** with an expiration date of December 30, 2022. Permit issued: December 22, 2021.

**Permit No. 38214115. Keystone Blasting Service**, 15 Hopeland Road, Lititz, PA 17543, construction blasting for Jeremy Horst chicken house in Millcreek Township, **Lebanon County** with an expiration date of April 30, 2022. Permit issued: December 22, 2021.

**Permit No. 40214125. Maine Drilling & Blasting, Inc.**, P.O. Box 1140, Gardiner, ME 04345, construction blasting for Serta in Hazle Township, **Luzerne County** with an expiration date of December 14, 2022. Permit issued: December 22, 2021.

**Permit No. 45214110. Silver Valley Drilling & Blasting, Inc.**, P.O. Box 506, Saylorburg, PA 18353, construction blasting for Moyer Shop in Hamilton Township, **Monroe County** with an expiration date of December 30, 2022. Permit issued: December 22, 2021.

**Permit No. 48214117. Holbert Explosives, Inc.**, 237 Mast Hope Plank Road, Suite A, Lackawaxen, PA 18435, construction blasting for 4961 Floral Lane in the City of Bethlehem, **Northampton County** with an expiration date of December 7, 2022. Permit issued: December 22, 2021.

**Permit No. 48214118. Valley Rock Solutions, LLC**, P.O. Box 246, Macungie, PA 18062, construction blasting for Lafayette Hill in Forks Township, **Northampton County** with an expiration date of December 31, 2022. Permit issued: December 22, 2021.

**Permit No. 67214125. Maine Drilling & Blasting, Inc.**, P.O. Box 1140, Gardiner, ME 04345, construction blasting for York Avenue Healthcare in York Township, **York County** with an expiration date of December 13, 2022. Permit issued: December 22, 2021.

**Permit No. 36214151. Abel Construction Co., Inc.**, 3925 Columbia Avenue, Mountville, PA 17554, construction blasting for Traditions of American in East Hempfield Township and East Petersburg Borough, **Lancaster County** with an expiration date of December 8, 2022. Permit issued: December 27, 2021.

**Permit No. 67214124. Valley Rock Solutions, LLC**, P.O. Box 246, Macungie, PA 18062, construction blasting for Park 83 Logistics in Conewago Township, **York County** with an expiration date of December 31, 2022. Permit issued: December 27, 2021.

**Permit No. 15214112. M3 Explo, LLC**, P.O. Box 528, Bowmansville, PA 17507, construction blasting for Valley Suburban in Valley Township, **Chester County** with an expiration date of December 16, 2022. Permit issued: December 30, 2021.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

Any person aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Hamilton Relay

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

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

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

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

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

**E4002221-002. Yatesville Borough**, 33 Pittston Avenue, Yatesville, PA 18640, Yatesville Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain the following water obstructions and encroachments associated with the Yatesville Borough Park Flood Control Project:

1. An outfall along the eastern bank of UNT to the Susquehanna River # 1 (CWF, MF) consisting of a 12-inch diameter HDPE stormwater pipe, concrete endwall, and R-6 riprap apron.

2. A streambank retaining device along the western bank of UNT to the Susquehanna River # 1 (CWF, MF) consisting of a 100-ft long, 15-ft wide R-6 riprap apron having 2:1 side slopes.

3. A streambank retaining device along the eastern bank of UNT to the Susquehanna River # 1 (CWF, MF) consisting of a 120-ft long, 10.5-ft high stacked block retaining wall.

4. A streambank retaining device along the western bank of UNT to the Susquehanna River # 1 (CWF, MF) consisting of a 30-ft long, 10-ft wide R-6 riprap apron having 2:1 side slopes.

5. A streambank retaining device along the western bank of UNT to the Susquehanna River # 1 (CWF, MF) consisting of a 40-ft long, 8-ft wide R-7 riprap apron having 2:1 side slopes.

6. A streambank retaining device along the southern bank of UNT to the Susquehanna River # 2 (CWF, MF) consisting of a 90-ft long, 15-ft wide R-7 riprap apron having 2:1 side slopes.

7. An outfall rehabilitation within UNT to the Susquehanna River # 2 (CWF, MF) consisting of a concrete endwall and R-6 riprap apron.

8. A streambank retaining device along the western bank of UNT to the Susquehanna River # 1 (CWF, MF) consisting of a 80-ft long, 30-ft wide R-6 riprap apron having 2:1 side slopes.

9. To remove an existing structure and to construct and maintain a stream enclosure of UNT to the Susquehanna River # 1 (CWF, MF) consisting of a 137-inch high, 87-inch wide, 154-ft long polymer-coated arch pipe, concrete headwalls, concrete wingwalls, an R-6 riprap apron on the upslope end of the enclosure and a grouted R-8 riprap apron on the downstream end of the enclosure.

10. An outfall rehabilitation within UNT to the Susquehanna River # 1 (CWF, MF) consisting of a concrete endwall and a R-6 riprap apron.

The project is located directly east of the intersection of Hale Street and Teasdale Street (Pittston, PA Quadrangle Latitude: 41° 18' 17.6", Longitude: -75° 47' 3.4") in Yatesville Borough, Luzerne County.

**E4502220-024. Tobyhanna Township**, 105 Government Center Way, Pocono Pines, PA 18350. Tobyhanna Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain several road improvements near the I-380/SR940 interchange for the purpose of improving safety and traffic flow. The road improvements will permanently impact 0.62 acre of EV wetlands. To compensate for the permanent wetland impacts, the applicant will mitigate in a 2:1 ratio, providing 1.31 acres of new wetlands offsite. The wetland mitigation site is located approximately 2.5 miles southwest of the project site along Tamaqua Lake Road. The project is located on the west side of the I-380/SR940 interchange (Pocono Pines, PA Quadrangle Latitude: 41° 6' 27", Longitude: -75° 24' 6") in Tobyhanna Township, Monroe County.

**E5402219-004. Dennis Nolt**, 105 Turkey Farm Road, Pine Grove, PA 17963, Washington Township, **Schuylkill County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with proposed improvements to an existing commercial agricultural operation located on Turkey Farm Road:

1. To remove an existing structure and to construct and maintain a stream crossing of the Upper Little Swatara Creek (CWF, MF) consisting of a 20-foot wide, 16-foot span pre-tensioned concrete bridge having abutments comprised of concrete block retaining walls. This activity will permanently impact 0.038 acre of PFO Wetlands.

2. To construct a wetland crossing consisting of a 30-foot wide gravel access road. This activity will permanently impact 0.057 acre of PEM/PFO Wetlands (Other).

This project will provide 0.1 acre of wetland mitigation.

The project is located 0.3 mile north of the intersection of Turkey Farm Road (T-556) and Sweet Arrow Lake Road (S.R. 3002) (Swatara Hill, PA Quadrangle Latitude: 40° 35' 39", Longitude: -76° 18' 42") in Washington Township, Schuylkill County.

**E3902220-031. West Hills (Hillwood) Partners, LP**, 5050 W. Tilghman Street, Suite 435, Allentown, PA 18104. Weisenberg Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a stream restoration project with dam removal in a 517-foot reach of a UNT to Lyon Creek (HQ-CWF, MF) using natural stream channel design techniques to create a natural stream corridor. Work will include re-grading of the channel, re-grading floodplain, establishment of riparian buffers, and the placement of in-stream structures including random boulder placement, rock cross vanes, live stake plantings and constructed riffles. The project is located on the right of Seipstown Road approximately 0.2 mile after the intersection with Golden Key Road (Topton, PA Quadrangle Latitude: 40° 35' 12", Longitude: -75° 42' 18") in the Weisenberg Township, Lehigh County.

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

**E0283220-037. Pennsylvania Turnpike Commission**, 700 S. Eisenhower Blvd, Middletown, PA 17057. West Mifflin Borough and the City of Duquesne, **Allegheny County**, U.S. Army Corps of Engineers, Pittsburgh District.

To construct and maintain the following water obstructions and encroachments associated with the Mon/Fayette Expressway PA Rt 51 to I-376, Section 53C2:

1. To excavate 435 square feet of a tributary to Monongahela River (WWF) to construct and maintain a ditch that will flow into a 48" pipe. (MON-1-S31-2, Lat. 40.3835439°, Long. -79.8709109°)

2. To excavate 798 square feet of a tributary to Monongahela River (WWF) for stabilization of the stream channel and extension and replacement of an existing pipe. (MON-1-S31-7, Lat. 40.3826274°, Long. -79.8696278°)

3. To replace and relocate 856 linear feet of an existing 30-inch RCP stream enclosure with a 48-inch stream enclosure and extending the stream enclosure an additional 56 linear feet impacting 3,319 square feet of a tributary to Monongahela River (WWF). (MON-1-S31-8, Lat. 40.3824675°, Long. -79.8677576°)

4. To excavate and fill 1,250 square feet of a tributary to Monongahela River (WWF) for roadway construction. (MON-1-S32-1, Lat. 40.3824949°, Long. -79.8715343°)

5. To excavate and fill 1,245 square feet of a tributary to Monongahela River (WWF) for roadway and basin construction. (MON-1-S32-2, Lat. 40.3823278°, Long. -79.8702612°)

6. To fill 287 square feet of a tributary to Monongahela River (WWF) and to remove 191 linear feet of 18-inch RCP. (MON-1-S32-3, Lat. 40.3822789°, Long. -79.8694621°)

7. To fill 1,785 square feet of a tributary to Monongahela River (WWF) for road construction. (MON-1-S206-1, Lat. 40.3819228°, Long. -79.86852°)

8. To fill 237 square feet of a tributary to Monongahela River (WWF) for road construction. (MON-1-S207-1, Lat. 40.3819228°, Long. -79.86852°)

9. To fill 810 square feet of a tributary to Monongahela River (WWF) for roadway construction. (MON-1-S207-2, Lat. 40.3820767°, Long. -79.8686409°)

10. To excavate 180 square feet of a tributary to Monongahela River (WWF) to relocate and stabilize the channel. (MON-1-S209-2, Lat. 40.3833258°, Long. -79.8661448°)

11. To replace and relocate an existing 280 LF, 24-inch CMP stream enclosure with a 1,622 linear feet of various

size CMP impacting 3,756 square feet of a tributary to Monongahela River (WWF) for roadway construction. (MON-1-S30-3, Lat. 40.3802897°, Long. -79.866293°)

12. To place and maintain a 36-inch pipe for a stormwater basin in a PEM wetland within the Monongahela River water shed (WWF), resulting in 0.012 acre of permanent wetland impact. (MON-1-W300-1, Lat. 40.3820915°, Long. -79.8641017°)

In total the project will result in 442 linear feet (0.04 acre) of temporary and 3,877 linear feet (0.32 acre) permanent stream impact, 1.22 acres of temporary and 2.85 acres of permanent floodway impact, and 0.012 acre of permanent wetland impact.

The permittee is required to provide compensatory stream mitigation through the purchase of 159 stream credits from the Laurel Hill Creek Mitigation Bank (DEP permit No. MB990556-0001) located in Jefferson Township, **Somerset County**. (Lat. 40.024776°, Long. -79.182315°).

The project begins west of the intersection of SR 2044, Greensprings Avenue and Homeville Road and continues until the intersection of SR 2044 and Duquesne Place Drive (Braddock, PA Quadrangle Latitude: 40.379444°; Longitude: -79.853611°) in West Mifflin Borough and the City of Duquesne, **Allegheny County**.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA0703221-001. US Fish and Wildlife Service**, 110 Radnor Road, Suite 101, State College, PA 16801-7987, Freedom Township, **Blair County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a stream restoration project realigning approximately 2,400 linear feet of Frankstown Branch Juniata River. Project includes installation of 9 log vane structures, 270-foot mudd sill cribbing stabilization and channel blocks to restore the stream alignment to historic location and dimension and stabilize channel, (WWF, MF).

The project is located near 120 Standish Lane, approximately 0.4-mile East of intersection with Dunnings Highway. (Hollidaysburg, PA Quadrangle, Latitude: 40.374932; Longitude: -78.426349) in Freedom Township, Blair 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 # ESG295921006-00  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 14 Chesapeake Lane  
City, State, Zip Sayre PA 18840-1567  
County Tioga  
Township(s) Osceola  
Receiving Stream(s) and Classification(s) Camp Brook (WWF, MF)  
Secondary: UNT Camp Brook (WWF, MF)

ESCGP-3 # ESG295721008-00  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 14 Chesapeake Lane  
City, State, Zip Sayre PA 18840  
County Sullivan  
Township(s) Colley  
Receiving Stream(s) and Classification(s) UNT 1 North Branch Mehoopany Creek (S-JKL-056) (CWF, MF), UNT 2 North Branch Mehoopany Creek (CWF, MF)  
Secondary: North Branch Mehoopany Creek (CWF, MF)

ESCGP-3 # ESG290821062-00  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 14 Chesapeake Lane  
City, State, Zip Sayre PA 18840  
County Bradford  
Township(s) Ulster  
Receiving Stream(s) and Classification(s) UNT Cash Creek (WWF, MF), Cash Creek (WWF, MF)  
Secondary: Susquehanna River (WWF, MF)

ESCGP-3 # ESG290821069-00  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 14 Chesapeake Lane  
City, State, Zip Sayre PA 18840  
County Bradford  
Township(s) Wyalusing  
Receiving Stream(s) and Classification(s) UNT Wyalusing Creek (WWF, MF), UNT Susquehanna River (CWF)  
Secondary: Wyalusing Creek (WWF, MF), Susquehanna River (CWF)

## **CORRECTIVE ACTION UNDER ACT 32, 1989**

### **PREAMBLE 2**

**The following plans and reports were submitted under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

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

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

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5960.*

*Contact: Richard Staron, Professional Geologist Manager.*

**7 Eleven 40200**, 51-30599, 2601 Penrose Ave., Philadelphia, PA 19145, **City of Philadelphia**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf Evergreen Resources Management Operations, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet nonresidential site-specific standards.

**Bennett Park Gulf Sta**, 51-44941, 11600 Roosevelt Blvd., Philadelphia, PA 19116, **City of Philadelphia**. Environmental Maintenance Company, 1420 E. Mermaid Lane, Glenside, PA 19038, on behalf Bennet Park Gulf Station, 11600 Roosevelt Blvd., Philadelphia, PA 19116 submitted a Remedial Action Completion Plan and Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet residential Statewide health standards.

**Sunoco 0004 7522**, 23-30279, 1491 N. Providence Road, Media, PA 19063, Upper Providence Township, **Delaware County**. Aquaterra Technologies, Inc., P.O. Box 744, West Chester, PA 19381, on behalf Evergreen Resources Management Operations, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, submitted a Remedial Action Completion Report concerning remediation of soil

and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet nonresidential Statewide health standards.

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

*Contact: Eric Supey, Environmental Program Manager.*

**Quinn's Café Stop**, Storage Tank ID # 35-20617, 224 Main Street, Archbald, PA 184403, Archbald Borough, **Lackawanna County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of DK & DK, LLC, 224 Main Street, Archbald, PA 18403, submitted a revised Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document remediation of the site to meet Statewide health standards.

**7-Eleven 21110**, Storage Tank ID # 39-24558, 1146 Chestnut Street, Emmaus, PA 18049, Emmaus Borough, **Lehigh County**, AECOM, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19428, on behalf of 7-Eleven Inc., 3200 Hackberry Road, P.O. Box 711 (0148), Dallas, TX 75221-0711, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet Statewide health standards.

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

**Friendly Food Mart**, Storage Tank ID # 48-40201, 4619 West Mountain View Drive, Walnutport, PA 18088, Lehigh Township, **Northampton County**, MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Bharat Shah, 3749 Ranees Street, Easton, PA 18045, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet Statewide health standards.

*Northcentral Region: Environmental Cleanup & Brownfields Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3636.*

*Contact: Randy Farmerie, Environmental Program Manager.*

**Dushore Agway Facility**, Storage Tank Facility ID # 57-26264, 112 Headley Avenue, Dushore, PA 18614, Dushore Borough, **Sullivan County**. Gary C. Calvert, LLC, P.O. Box 504, Hollidaysburg, PA 16648, on behalf of Dushore Agway, 112 Headley Avenue, Dushore, PA 18614, submitted an Amended Site Characterization Report & Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting the site-specific standard.

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 3

**The DEP has taken action on the following plans and reports under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

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

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

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

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

The DEP has received the following plans and reports:

*Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5960.*

*Contact: Richard Staron, Professional Geologist Manager.*

**Granite Run Sunoco**, 23-30269, 1157 W. Baltimore Pike, Media, PA 19063, Middletown Township, **Delaware County**. Aquaterra Technologies, Inc., P.O. Box 744, West Chester, PA 19381, on behalf of Sunoco, LLC, c/o Evergreen Resources Management Operations, 2 Righter Parkway, Suite 120, Wilmington, DE 19803 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline and used motor oil. The Remedial Action Completion Report demonstrated attainment of site-specific standards and was approved by DEP on December 15, 2021.

**Greyhound Aramingo Petro**, 51-30272, 2750 Aramingo Avenue, Philadelphia, PA 19134, **City of Philadelphia**. Aquaterra Technologies, Inc., 901 S. Bolmar Street, Suite A, West Chester, PA 19382, on behalf of



Greyhound Aramingo Petroleum, 290 Bilmar Drive, Pittsburgh, PA 15205 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Remedial Action Plan was acceptable to meet residential Statewide health standards and was approved by DEP on December 20, 2021.

**Blairs Auto**, 15-42616, 3575 Schuylkill Road, Spring City, PA 19475, East Vincent Township, **Chester County**. Converse Consultants, 2738 West College Ave, State College, PA 16801, on behalf of Stephanie Fanfera, 110 Millstone Court, Royersford, PA 19468, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan was acceptable to meet residential Statewide health and site-specific standards and was approved by DEP on December 20, 2021.

**Amer Auto Wash**, 51-27103, 7885 Oxford Avenue, Philadelphia, PA 19111, **City of Philadelphia**. Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19046, on behalf of Fox Chase Holdings Company, 7539 Haverford Ave, Philadelphia, PA 19151 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Remedial Action Completion Report demonstrated attainment of non-residential Statewide health and site-specific standards and was approved by DEP on December 21, 2021.

**Newtown Square Amoco**, 23-09154, 3608 West Chester Pike, Newtown Square, PA 19057, Newtown Township, **Delaware County**. Alpha Geoscience, 679 Plank Road, Clifton Park, NY 12065, on behalf of 3608 Newtown Square Inc., 4 Troon Court, Moorestown, New Jersey 08057, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan was acceptable to meet residential Statewide health and site-specific standards and was approved by DEP on December 21, 2021.

**7 Eleven 24569**, 51-24574, 4701 Mascher Avenue, Philadelphia, PA 19140, **City of Philadelphia**. AECOM, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19428, on behalf of 7-Eleven, Inc., 3200 Hackberry Road, P.O. Box 711 (0148), Dallas, TX 75221, submitted a Remedial Action Completion Report concerning remediation of soil contaminated with Unleaded Gasoline & Waste Oil & Dissolved Lead. The Remedial Action Completion Report demonstrated attainment of non-residential Statewide health standards and was approved by DEP on December 21, 2021.

**USA 41 Fuel Stop**, 15-45034, 1803 Baltimore Pike, Avondale, PA 19311, Avondale Borough, **Chester County**. Geo-Enviro Consulting & Remediation, LLC, 371 Hoes Lane, Suite 200, Piscataway, NJ 08854, on behalf of Maruti 123, LLC, US 41 Fuel Station, 1803 Baltimore Pike, Avondale, PA 19311, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with kerosene. The Remedial Action Completion Report demonstrated attainment of non-residential Statewide health standards and was approved by DEP on January 3, 2022.

**US Capital Investments 6**, 51-55064, 512 W. Montgomery Avenue, Philadelphia, PA 19146, **City of Philadelphia**. Environmental Maintenance Company, 1420 E. Mermaid Lane, Glenside, PA 19038, on behalf of the US Capital Investments, Inc. 2301 Washington Avenue, Suite 111, Philadelphia, PA 19146, submitted a Remedial Action

Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline and heating oil. The Remedial Action Completion Report did not demonstrate attainment of non-residential Statewide health standards and was approved by DEP on January 4, 2022.

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

*Contact: Kim Bontrager, Clerk Typist 3.*

**Vista Metals**, Storage Tank Facility ID # 03-81084, 189 Noltz Drive, Kittanning, PA 16201, East Franklin Township, **Armstrong County**. Cribbs and Associates, Inc., P.O. Box 44, Delmont, PA 15626 on behalf of Vista Metals, Inc., 1024 East Smithfield Street, McKeesport, PA 15135, submitted a combined Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with heptane. The combined Remedial Action Plan and Remedial Action Completion Report demonstrated attainment of the site-specific standard and was approved by DEP on December 28, 2021.

**Butler Citgo**, Storage Tank Facility ID #10-90049, 125 Pittsburgh Road, Butler, PA 16001-3259, Butler Township, **Butler County**. Letterle & Associates, Inc., 2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of Marks, Inc., P.O. Box 15575, Pittsburgh, PA 15244, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, naphthalene, cumene, total xylenes, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene and methyl tert-butyl ether. The Remedial Action Plan was acceptable to meet the Statewide health standard and was approved by DEP on January 3, 2022.

[Pa.B. Doc. No. 22-85. Filed for public inspection January 14, 2022, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Application for Reimbursement for Certified Host Municipality Inspectors under Act 101 (Section 1102), the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, and Act 108 (Section 304), the Hazardous Sites Cleanup Act of 1988

The Department of Environmental Protection (Department) announces the submission deadline for 2021 Host Municipality Inspector Program (Program) reimbursement applications. Reimbursements are available to municipalities under the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P.S. §§ 4000.101—4000.1904) and the Hazardous Sites Cleanup Act (Act 108) (35 P.S. §§ 6020.101—6020.1305). Municipalities include cities, boroughs, incorporated towns, townships and home rule municipalities.

Reimbursements are allocated from the Recycling Fund authorized under Act 101 for municipal waste facilities, or from the Hazardous Sites Cleanup Fund under Act 108 for hazardous waste facilities. Reimbursements are available to any municipality that has a municipal waste landfill, resource recovery facility, or commercial hazardous waste storage, treatment and disposal facility located

within its geographic borders. Upon application from any host municipality, the Department shall award reimbursements for authorized costs incurred for the salary and expenses of up to two certified Host Municipality Inspectors. The reimbursement shall not exceed 50% of the approved costs of salaries and expenses. Reimbursement is available only for Host Municipality Inspectors trained and certified by the Department.

The application for reimbursement contains tables for specifying the itemized expenses for certified inspectors and for calculating the total reimbursement request. Complete instructions are included with the application.

Applications must be submitted online through the Commonwealth's Electronic Single Application web site, eGrants, at [www.esa.dced.state.pa.us](http://www.esa.dced.state.pa.us). Applications must be received prior to 11:59 p.m. on Thursday, March 31, 2022. Applications received after the deadline or through another delivery method will not be considered.

Questions regarding the Program should be directed to Allen Bardar, Bureau of Waste Management, at [abardar@pa.gov](mailto:abardar@pa.gov) or (717) 787-2553. Additional information is also available on the Department's web site at [www.dep.pa.gov](http://www.dep.pa.gov) (search term: "Host Municipality Inspector").

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 22-86. Filed for public inspection January 14, 2022, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Bid Opportunity

**OOGM 21-1, Cleaning Out and Plugging Seven Orphan Oil and Gas Wells, Mead Township, Warren County.** The principal items of work and approximate quantities include: clean out and plug seven orphan oil and gas wells, estimated to be up to 2,000 feet in depth, to Department of Environmental Protection (Department) specifications; prepare and restore well sites; and mobilize and demobilize plugging equipment.

This bid issues on January 7, 2022, and bids will be opened on February 10, 2022, at 2 p.m. Bid documents may be downloaded for free beginning on the issue date from the Department by going to [www.BidExpress.com](http://www.BidExpress.com). A mandatory prebid conference is scheduled for January 20, 2022, at 9 a.m. at Chapman State Park, 4790 Chapman Dam Road, Clarendon, PA 16313-2830, 5 miles southwest of Clarendon, PA. Parking Lot and/or Pavilion 1 (just past the spillway). Failure to attend the prebid conference will be cause for rejection of the bid. Contact the Construction Contracts Section at (717) 787-7820 or [RA-ConstructionContr@pa.gov](mailto:RA-ConstructionContr@pa.gov) for more information on this bid. Note this is a Small Construction Business Program bid opportunity.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 22-87. Filed for public inspection January 14, 2022, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Draft 2022 Integrated Water Quality Monitoring and Assessment Report; Available for Public Comment

The Department of Environmental Protection (Department) is providing for public comment its draft 2022 Integrated Water Quality Monitoring and Assessment Report (Integrated Report). The Integrated Report includes both a narrative description of the Commonwealth's water quality status and management programs (formerly the Federal Clean Water Act section 305(b) Report) and waterbody-specific lists depicting the status of Commonwealth surface waters as required by section 303(d) of the Federal Clean Water Act (33 U.S.C.A. § 1313(d)).

Section 303(d) of the Federal Clean Water Act and 40 CFR Part 130 (relating to water quality planning and management) require states to identify waters which do not meet applicable water quality standards, even after the appropriate pollution control technology has been applied to point sources and required best management practices are in place for nonpoint sources. The Integrated Report establishes five categories for listing waterbodies. Waterbodies that do not meet water quality standards and require a Total Maximum Daily Load (TMDL) are placed on Category 5 of the Integrated Report waterbody list.

In addition to comments of a general nature on the Integrated Report, the Department is seeking comment on the waters listed as high priorities for TMDL development and the waters selected to be restored through alternatives to TMDLs (Category 5alt). The draft 2022 Integrated Report continues the new digital and fully interactive format and will be accessible online through the Department's eComment tool at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) beginning January 15, 2022.

The Department will accept comments on the draft Integrated Report through Tuesday, March 1, 2022. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the commentator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment). Written comments can also be submitted by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov) or by mail to Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "Draft 2022 Integrated Report" as the subject line in written communication.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Water Quality Division at (717) 787-9637 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TTD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 22-88. Filed for public inspection January 14, 2022, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Public Notice of Draft Base General Permit for Short Duration Processing and Beneficial Use of Oil and Gas Liquid Waste (WMGR163)

The Department of Environmental Protection (Department) is proposing a new base General Permit No. WMGR163 (WMGR163) under the authority of the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904). WMGR163 would authorize the short duration processing, transfer and beneficial use of oil and gas liquid waste to develop or hydraulically fracture an oil or gas well.

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

#### Written Comments

Interested persons are invited to submit written comments on this draft general permit through Tuesday, March 15, 2022. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the commentator's name and address. Commentators are encouraged to submit comments using the Department's online eComment system at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov). Written comments can be mailed to the Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "Draft General Permit WMGR163" as the subject line in written communication.

Questions regarding the draft general permit should be directed to Chris Solloway, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170, [csolloway@pa.gov](mailto:csolloway@pa.gov) or (717) 787-7381. Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Chris Solloway at (717) 787-7381 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 22-89. Filed for public inspection January 14, 2022, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation and relating to</i>
Community Surgery and Laser Center, LLC	28 Pa. Code § 553.31(a) and (b) (relating to administrative responsibilities)
Hazleton Surgery Center, LLC	28 Pa. Code § 551.21(d)(1) (relating to criteria for ambulatory surgery)
West Shore Endoscopy Center, LLC	28 Pa. Code § 553.31(a) and (b)

The following ASFs have filed a request for exception under 28 Pa. Code § 571.1 (relating to minimum standards). Requests for exceptions under this section relate to *Guidelines for Design and Construction of Hospitals and of Outpatient Facilities*, as published by the Facility Guidelines Institute (*FGI Guidelines*). The following list includes the citation to the section of the *FGI Guidelines* for which the hospital is seeking an exception and the year of publication.

<i>Facility Name</i>	<i>Guidelines Section and Relating to</i>	<i>Yr<sup>1</sup></i>
Hazleton Surgery Center, LLC	A2.1-3.2.3.2 space requirements	18-O
Pain Center of Wyoming Valley, LLC	A2.1-3.2.3.2 space requirements	18-O

<sup>1</sup> 2018 Year FGI Regulations were split into 2 books; *Hospitals*, and *Outpatient Facilities* as indicated by "-O."

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov). Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

KEARA KLINEPETER, MSHCPM,  
Acting Secretary

[Pa.B. Doc. No. 22-90. Filed for public inspection January 14, 2022, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Decisions on Requests for Exceptions to Health Care Facility Regulations

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b), for exceptions to regulations contained in 28 Pa. Code Part IV, Subparts B—G.

Section 51.33(d) of 28 Pa. Code provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from December 1, 2021, through December 31, 2021. Future publications of decisions on exception requests will appear on a quarterly basis.

Requests for additional information on the exception request and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals, abortion facilities and ambulatory surgical facilities shall be addressed to Garrison E. Gladfelter, Jr., Director, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980. Inquiries regarding long-term care facilities shall be addressed to Susan Williamson, Director, Division of Nursing Care Facilities, Room 528, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816. Inquiries regarding Home Health agencies should be directed to Linda Chamberlain, Director, Division of Home Health, Forum Place, Suite 701, 555 Walnut Street, Harrisburg, PA 17101, (717) 783-1379.

#### Ambulatory Surgical Facilities

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Berks Center for Digestive Health, LP	§ 553.31(a) and (b) (relating to administrative responsibilities)	12/02/2021	Granted w/Conditions
Children's Dental Surgery	§ 571.1 (relating to minimum standards) 2.7-3.5.8.7(1)—(3) clinical sink	12/02/2021	Granted
Muve Chadds Ford Ambulatory Surgical Center	§ 551.21(d)(1) (relating to criteria for ambulatory surgery)	12/07/2021	Granted Probationary w/Conditions
Nemours Children's Hospital, Surgery Center, Bryn Mawr	§ 553.31(a) and (b)	12/03/2021	Granted w/Conditions
Pottstown Ambulatory Center, LLC	§ 553.31(a) and (b)	12/02/2021	Granted w/Conditions

#### Hospitals

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Clarion Hospital	§ 107.61 (relating to written orders)	12/02/2021	Granted w/Conditions
Geisinger—Lewistown Hospital	§ 107.64 (relating to administration of drugs)	12/02/2021	Granted w/Conditions
Geisinger Medical Center	§ 153.1(a) (relating to minimum standards) 2.2-3.4.7.1(2) general	12/03/2021	Granted
Geisinger Medical Center Muncy	§ 107.26(b)(8) (relating to additional committees)	11/04/2021	Granted w/Conditions
Magee Rehabilitation Hospital	§ 109.2(b) (relating to director of nursing services)	12/03/2021	Granted w/Conditions
Roxborough Memorial Hospital	§ 107.61	12/03/2021	Granted w/Conditions
Saint Luke's Hospital—Anderson Campus	§ 138.18(b) (relating to EPS studies)	12/03/2021	Granted w/Conditions

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Saint Luke's Hospital of Bethlehem, Pennsylvania	§ 138.18(b)	12/03/2021	Granted w/Conditions
Saint Luke's Hospital—Carbon Campus	§ 107.2 (relating to medical staff membership)	12/03/2021	Granted w/Conditions
	§ 107.61	12/03/2021	Granted w/Conditions
	§ 107.62(a) and (b) (relating to oral orders)	12/03/2021	Granted w/Conditions
	§ 127.32 (relating to written orders)	12/03/2021	Granted w/Conditions
	§ 138.18(b)	12/03/2021	Granted w/Conditions
Saint Luke's Hospital—Monroe Campus	§ 138.18(b)	12/03/2021	Granted w/Conditions
UPMC Presbyterian Shadyside	§ 153.1(a) 2.1-2.4.3.1(2)(a) general	12/07/2021	Granted
	§ 153.1(a) 2.5-2.2.2.6(1) patient toilet room	12/07/2021	Granted
Wellspan Gettysburg Hospital	§ 143.4 (relating to medical appraisal of a podiatric patient)	12/03/2021	Granted w/Conditions
	§ 143.5 (relating to medical supervision of podiatric patients)	12/03/2021	Granted w/Conditions
	§ 153.1(a) 2.1-3.4.1.4(1) and (2) number of patient care stations	12/03/2021	Granted
	§ 153.1(a) 2.2-3.4.8.15(1)—(3) pre- and post-procedure patient care area	12/03/2021	Granted

#### Nursing Care Facilities

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Allied Services Meade Street Skilled Nursing	§ 205.38(b) (relating to toilet facilities)	12/06/2021	Granted
Bloomsburg Care and Rehabilitation Center	§ 205.36(h) (relating to bathing facilities)	12/13/2021	Granted
Landis Homes	§ 201.22(j) (relating to prevention, control and surveillance of tuberculosis (TB))	12/06/2021	Granted
Moravian Manor	§ 205.6(a) (relating to function of building)	12/06/2021	Granted
Rydal Park of Philadelphia Presbytery Homes, Inc.	§ 205.67(j) and (k) (relating to electric requirements for existing and new construction)	12/13/2021	Granted

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact the Division of Acute and Ambulatory Care or the Division of Nursing Care Facilities at the previously referenced address or telephone number, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

KEARA KLINEPETER, MSHCPM,  
Acting Secretary

[Pa.B. Doc. No. 22-91. Filed for public inspection January 14, 2022, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals).

<i>Facility Name</i>	<i>Regulation and relating to</i>
Geisinger Jersey Shore Hospital	28 Pa. Code § 109.2(b) (relating to director of nursing services)
Moses Taylor Hospital	28 Pa. Code § 107.12(5) (relating to content of bylaws, rules and regulations)
	28 Pa. Code § 107.61 (relating to written orders)
Penn State Health Holy Spirit Medical Center	28 Pa. Code § 109.2(b)
Wellspring York Hospital	28 Pa. Code § 109.4 (relating to professional nursing staff)
	28 Pa. Code § 113.13 (relating to cabinets)
	28 Pa. Code § 133.6(b)(1) (relating to special care unit nursing service)
	28 Pa. Code § 151.12 (relating to fire warning and safety systems)
	28 Pa. Code § 151.13 (relating to testing fire warning systems)
	28 Pa. Code § 151.45 (relating to electrical safety)
	28 Pa. Code § 151.46(1) (relating to general safety precautions)
	28 Pa. Code § 151.47(1) (relating to safety devices)

The following hospitals have filed requests for exceptions under 28 Pa. Code § 153.1 (relating to minimum standards). Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities—2014 Edition*, or *Guidelines for Design and Construction of Hospitals—2018 Edition*, *Guidelines for Design and Construction of Outpatient Facilities—2018 Edition*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception.

<i>Facility Name</i>	<i>FGI Guidelines Section and relating to</i>	<i>Yr<sup>1</sup></i>
Abington Hospital	2.2-3.4.2.2(a) space requirements	18
ACMH Hospital	2.1-3.2.3.2(c) space requirements	18-O
Albert Einstein Medical Center	2.2-3.1.3.6(2)(a) treatment room or area	18
Lankenau Medical Center	2.1-4.3.2.2 sinks	18
	2.1-4.3.2.3 food preparation surfaces	18
	2.1-4.3.2.4(1)—(3) equipment	18
	2.1-4.3.2.5 hand-washing stations	18
	2.1-4.3.3.1 assembly and distribution facilities	18
	2.1-4.3.3.2) and (3) assembly and distribution facilities	18
	2.1-4.3.4.1 warewashing facilities	18
	2.1-4.3.4.3 pot- and pan-washing facilities	18
	2.1-4.3.4.4 hand-washing station	18
	2.1-4.3.8.4 office	18
	2.1-4.3.8.14(1)—(3) environmental services room	18
	2.1-4.3.8.16 trash storage	18
Mount Nittany Medical Center	2.1-8.2 heating, ventilation, and air-conditioning (HVAC) systems	18
	2.2-3.3.3.5(2) other design requirements	18
	2.2-3.3.7.1 support areas directly accessible to the semi-restricted area	18
	2.2-3.3.7.12(1)(b) soiled workroom or soiled holding room	18
West Penn Hospital	2.1-2.8.7.1 hand-washing station	18
	2.1-3.4.2.5 hand-washing stations	18

<sup>1</sup> 2018 Year FGI Regulations for Outpatient Facilities are indicated by “-O.”

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or for speech and/or hearing impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

KEARA KLINEPETER, MSHCPM,  
*Acting Secretary*

[Pa.B. Doc. No. 22-92. Filed for public inspection January 14, 2022, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Infant Hearing Screening Advisory Committee Virtual Public Meeting

The Infant Hearing Screening Advisory Committee established under the Infant Hearing, Education, Assessment, Reporting and Referral (IHEARR) Act (11 P.S. §§ 876-1—876-9), will hold a virtual public meeting on Thursday, January 20, 2022. The virtual public meeting will be held by means of Microsoft Teams from 1 p.m. until 3 p.m. The virtual public meeting can be accessed by logging on electronically through Microsoft Teams at the following web address. Individuals may also participate by phone by calling (267) 332-8737 and entering conference ID 657049219#. Additionally, a physical meeting space will also be provided; contact Mark Beall using the following contact information in advance of the meeting if individuals would like to attend in person. Agenda items will include reports by the Cytomegalovirus and Audiology subcommittees, an assessment of audiology training currently in development and a review of upcoming program activities.

For additional information or for persons with a disability who wish to attend the virtual public meeting and require auxiliary aid, service or other accommodation to do so, contact Mark Beall, Program Administrator, Division of Newborn Screening and Genetics, (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).

The web address for the Teams Meeting is [https://teams.microsoft.com/l/meetup-join/19:meeting\\_OGJhNWUyMzMtMTk3NC00MjhmLWIwYWYtZGRmODBhZjcyODI5thread.v2/0?context={%22Tid%22:418e2841-0128-4dd5-9b6c-47fc5a9a1bde,%22Oid%22:a1f4fb12-9c8c-4b8e-8331-8d2e9559f28c%22}](https://teams.microsoft.com/l/meetup-join/19:meeting_OGJhNWUyMzMtMTk3NC00MjhmLWIwYWYtZGRmODBhZjcyODI5thread.v2/0?context={%22Tid%22:418e2841-0128-4dd5-9b6c-47fc5a9a1bde,%22Oid%22:a1f4fb12-9c8c-4b8e-8331-8d2e9559f28c%22}).

This virtual public meeting is subject to cancellation without notice.

KEARA KLINEPETER, MSHCPM,  
*Acting Secretary*

[Pa.B. Doc. No. 22-93. Filed for public inspection January 14, 2022, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.17 (relating to location):

Silvercare Subacute Care Facility  
2600 West 9th Street, Unit A  
Chester, PA 19013  
(Pending New Nursing Care Facility)

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

River Run Healthcare and Rehabilitation Center  
615 Wyoming Avenue  
Kingston, PA 18704  
FAC ID # 381402

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Silvercare Subacute Care Facility  
2600 West 9th Street, Unit A  
Chester, PA 19013  
(Pending New Nursing Care Facility)

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.67(j) and (k) (relating to electric requirements for existing and new construction):

Landis Homes  
101 East Oregon Road  
Lititz, PA 17543-9206  
FAC ID # 120602

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

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

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

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

KEARA KLINEPETER, MSHCPM,  
*Acting Secretary*

[Pa.B. Doc. No. 22-94. Filed for public inspection January 14, 2022, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Pennsylvania Rural Health Redesign Center Authority Board Virtual Meeting

The Pennsylvania Rural Health Redesign Center Authority Board (Board), established under section 302 of the Pennsylvania Rural Health Redesign Center Authority Act (35 P.S. § 449.132), will hold its next virtual meeting on Tuesday, January 18, 2022, from 10 a.m. to 12 p.m. The meeting will be held by means of Microsoft Teams at [bit.ly/RHRCA-Board](https://bit.ly/RHRCA-Board).

The virtual meeting can also be joined using the following call-in information: toll number: (267) 332-8737; conference ID: 117 103 886#.

The Board is charged with administering the Pennsylvania Rural Health Model (Model) which aims to protect the financial viability of rural hospitals in this Commonwealth through transitioning them from a traditional

fee-for-service model to a global budget payment model. The virtual meeting will provide updates on a variety of topics including Model status updates, Federal grant deliverables, global budget methodology and more. It will also discuss current and upcoming activities.

For additional information or for persons with a disability who wish to attend the virtual meeting and require an auxiliary aid, service or other accommodation to do so, contact Denise Williams, (717) 547-3162, [deniswilli@pa.gov](mailto:deniswilli@pa.gov). For speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

This virtual meeting is subject to cancellation without notice.

KEARA KLINEPETER, MSHCPM,  
*Acting Secretary*

[Pa.B. Doc. No. 22-95. Filed for public inspection January 14, 2022, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Administration of Booster Dose of SARS-CoV-2 Vaccines and Third Dose of the Moderna, Inc. SARS-CoV-2 Vaccine

In accordance with 55 Pa. Code § 1150.61(a) (relating to guidelines for fee schedule changes), the Department of Human Services (Department) announces the addition of the following procedure codes to the Medical Assistance (MA) Program Fee Schedule for the administration of a booster dose of the novel coronavirus (SARS-CoV-2) vaccines manufactured by Pfizer, Inc., Janssen Biotech, Inc. and Moderna, Inc. The effective dates and MA Fee for the codes are indicated as follows.

<i>Vaccine Manufacturer</i>	<i>Procedure Code</i>	<i>Description</i>	<i>Effective Date</i>	<i>MA Fee</i>
Pfizer, Inc.	0004A	Immunization administration by intramuscular injection of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) (coronavirus disease (COVID-19)) vaccine, mRNA-LNP, spike protein, preservative free, 30 mcg/ 0.3 mL dosage, diluent reconstituted; booster dose	9/22/21	\$40
Janssen Biotech, Inc.	0034A	Immunization administration by intramuscular injection of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) (coronavirus disease (COVID-19)) vaccine, DNA, spike protein, adenovirus type 26 (Ad26) vector, preservative free, 5×10 <sup>10</sup> viral particles/0.5 mL dosage; booster dose	10/20/21	\$40
Moderna, Inc.	0064A	Immunization administration by intramuscular injection of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) (coronavirus disease (COVID-19)) vaccine, mRNA-LNP, spike protein, preservative free, 50 mcg/ 0.25 mL dosage, booster dose	10/20/21	\$40

The MA Program Fee Schedule has been updated with the new Current Procedural Terminology (CPT) code to allow for payment of the administration of a booster dose of the SARS-CoV-2 vaccines manufactured by Pfizer, Inc., Janssen Biotech, Inc. and Moderna, Inc.

The Department issued an MA Bulletin to enrolled providers to advise them of the addition of the CPT codes for the administration of a booster dose of the SARS-CoV-2 vaccines manufactured by Pfizer, Inc., Janssen Biotech, Inc. and Moderna, Inc. to the MA Program Fee Schedule.

In addition, this notice corrects a typographical error that appeared in the public notice, "Updates to Medical Assistance Program Fee Schedule for Administration of a Third Dose of SARS-CoV-2 Vaccines Manufactured by Pfizer, Inc. and Moderna Inc.," published at 51 Pa.B. 6226 (September 25, 2021). The procedure code for the third dose of the Moderna, Inc. SARS-CoV-2 vaccine is 0013A, as is reflected in the MA Program Fee Schedule.

#### *Fiscal Impact*

The estimated fiscal impact of the addition of the CPT code for the administration of a booster dose of the SARS-CoV-2 vaccines for Fiscal Year 2021-2022 is \$33.770 million for managed care and \$3.463 million for Fee-for-Service.



*Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision to the MA Program Fee Schedule.

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

MEG SNEAD,  
*Acting Secretary*

**Fiscal Note:** 14-NOT-1482. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 22-96. Filed for public inspection January 14, 2022, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Payment for Nursing Facility Services Provided by Nonpublic Nursing Facilities; Medical Assistance Day One Incentive Payments to Nonpublic Nursing Facilities for Fiscal Year 2021-2022

This announcement provides advance notice that the Department of Human Services (Department) intends to continue to make Medical Assistance Day One Incentive (MDOI) payments to qualified nonpublic nursing facilities for Fiscal Year (FY) 2021-2022. The MDOI payments to nonpublic nursing facilities will provide incentives to nonpublic nursing facilities to provide services to individuals who are Medical Assistance (MA) eligible on the day of admission. The MDOI payments are intended to encourage nonpublic nursing facilities to increase access to care for the poor and indigent citizens of this Commonwealth.

#### *Nonpublic Medical Assistance Day One Incentive Payments*

The Department will use the Total Pennsylvania Medical Assistance (PA MA) days and Total Resident Days as reported by nonpublic nursing facilities under Article VIII-A of the Human Services Code (62 P.S. §§ 801-A—815-A), regarding nursing facility assessments, to determine eligibility and calculate payments.

To qualify for MDOI payments, the nursing facility must be a nonpublic nursing facility for the full Resident Day quarters ended December 31, 2019, and March 31, 2020, and have submitted the required resident day reports for those quarters. In addition, the nonpublic nursing facility shall have an overall occupancy rate of at least 85% and an MA occupancy rate of at least 65% during the applicable Resident Day quarter. A nursing facility's overall occupancy rate for these payments will be determined as follows: Overall occupancy rate = (Total Resident Days ÷ (licensed bed capacity at the end of the quarter × the number of calendar days in the quarter)). A nursing facility's MA occupancy rate for these payments will be determined as follows: MA occupancy rate = Total PA MA days ÷ Total Resident Days.

For qualifying nursing facilities in the southwest Community HealthChoices (CHC) zone, the Department will use the nursing facility assessment quarterly resident day reporting forms available on October 31, 2021, for the July 1, 2017—September 30, 2017, Resident Day Quarter for the first payment and will use the nursing facility assessment quarterly resident day reporting forms available on January 31, 2022, for the October 1, 2017—

December 31, 2017, Resident Day Quarter for the second payment. For qualifying nursing facilities in the southeast CHC zone, the Department will use the nursing facility assessment quarterly resident day reporting forms available on October 31, 2021, for the July 1, 2018—September 30, 2018, Resident Day Quarter for the first payment and will use the nursing facility assessment quarterly resident day reporting forms available on January 31, 2022, for the October 1, 2018—December 31, 2018, Resident Day Quarter for the second payment. For qualifying nursing facilities in the Lehigh/Capital, northwest and northeast CHC zone, the Department will use the nursing facility assessment quarterly resident day reporting forms available on October 31, 2021, for the July 1, 2019—September 30, 2019, Resident Day Quarter for the first payment and will use the nursing facility assessment quarterly resident day reporting forms available on January 31, 2022, for the October 1, 2019—December 31, 2019, Resident Day Quarter for the second payment. The Department will calculate each qualified nonpublic nursing facility's MDOI payments based on the following formula:

(i) A MDOI per diem for each of the two MDOI payments will be 1/2 of the total funds appropriated for the fiscal year divided by the Total PA MA days as reported by all qualifying nursing facilities for the applicable Resident Day Quarter.

(ii) Each MDOI per diem will then be multiplied by each qualified nursing facility's Total PA MA days, as reported, for the applicable Resident Day Quarter to determine its MDOI payment.

(iii) The State funds allocated for FY 2021-2022 are \$16 million.

The Department will not retroactively revise an MDOI payment amount based on a nursing facility's late submission or revision of its report related to the previously listed dates. The Department may recoup payments based on an audit of a nursing facility's report.

The Department will submit a Medicaid State Plan Amendment (SPA) to the Centers for Medicare & Medicaid Services (CMS), which is a condition for the availability of the payment. If CMS approves the SPA, the Department will have the authority to make MDOI payments to nonpublic nursing facilities for FY 2021-2022.

#### *Fiscal Impact*

The fiscal impact of this change is estimated at \$41.410 million (\$16 million in State funds) for FY 2021-2022.

#### *Public Comment*

Interested persons are invited to submit written comments regarding these payments to the Department of

Human Services, Office of Long-Term Living, Bureau of Policy Development and Communications Management, Attention: Danielle Cyphert, P.O. Box 8025, Harrisburg, PA 17105-8025 or at RA-PWOLTLNFPUBLICCOM@pa.gov. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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

MEG SNEAD,  
*Acting Secretary*

**Fiscal Note:** 14-NOT-1474. (1) General Fund; (2) Implementing Year 2021-22 is \$16,000,000; (3) 1st Succeeding Year 2022-23 through 5th Succeeding Year 2026-27 are \$0; (4) 2020-21 Program—\$208,841,000; 2019-20 Program—\$470,244,000; 2018-19 Program—\$850,149,000; (7) MA—Long-Term Living; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 22-97. Filed for public inspection January 14, 2022, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Renewal of Section 1115 Demonstration Project for Medicaid Coverage for Former Foster Care Youth from a Different State and Substance Use Disorder

The Department of Human Services (Department) is making available for public review and comment the proposed renewal application for extension of the Section 1115 Medicaid Demonstration (Demonstration) titled Medicaid Coverage for Former Foster Care Youth from a Different State and SUD Demonstration (Project Number: 11-W-003083/3). The effective dates of the current approved Demonstration are October 1, 2017, through September 30, 2022. The extension requested will be for an additional 5 years through September 30, 2027.

The approval of the Demonstration by the Center for Medicare & Medicaid Services (CMS) authorized the Commonwealth to continue to provide Medicaid State Plan coverage to former foster care youth 26 years of age or younger who were in foster care under the responsibility of another state or tribe from such other state when they “aged out” of foster care at 18 years of age or older (as elected by the state) and were enrolled in Medicaid at that time. CMS approved an amendment to the Demonstration effective July 1, 2018, which authorized the Commonwealth to receive Federal financial participation for substance use disorder (SUD) treatment in residential and inpatient facilities that meet the definition of an Institution for Mental Disease for Medicaid beneficiaries between 21 and 64 years of age and who receive services through Managed Care.

Since the beginning of the Demonstration, there have been an average of 36 individuals at any point in time who were 26 years of age or younger and who “aged out” of foster care in a different state and sought or retained Medicaid coverage in the Commonwealth. The Department continues to be committed to providing Medicaid

coverage to former foster care youth from a different state and to help provide positive health outcomes for these individuals.

Since the beginning of the SUD portion of the Demonstration, there have been an average of 7,000 individuals who received residential services at any point in time that would not have been otherwise Medicaid reimbursable. The objectives of the SUD portion of the Demonstration are to promote the objectives of Medicaid and it is expected to achieve the following results:

- Increased rates of identification, initiation and engagement in treatment.
- Increased adherence to and retention in treatment.
- Reductions in overdose deaths, particularly those due to opioids.
- Reduced utilization of emergency department and inpatient hospital settings for treatment where the utilization is preventable or medically inappropriate through improved access to other continuum of care services.
- Fewer re-admissions to the same or higher level of care where the re-admission is preventable or medically inappropriate.
- Improved access to care for physical health conditions among beneficiaries.

A copy of the Department’s proposed Demonstration renewal application and information related to the proposed Demonstration renewal can be found at <https://www.dhs.pa.gov/Services/Assistance/Pages/Medicaid-Coverage-Former-Foster-Care-Youth-Different-State-Substance-Use-Disorder-Section-1115.aspx>.

In addition, copies of the application are available upon written request to the Director, Bureau of Policy, Planning and Program Development, Office of Mental Health and Substance Abuse Services, 11th Floor, Commonwealth Tower, 303 Walnut Street, Harrisburg, PA 17101.

#### *Public Hearing Schedule*

The Department will conduct two virtual public hearings to receive comments from the public regarding the proposed Demonstration renewal application. These meetings will be held as follows:

February 2, 2022, from 10 a.m. to 11:30 a.m.

To join online use <https://pennsylvaniacmhsbg.webex.com/pennsylvaniacmhsbg/j.php?mtid=mb18cf21e6f8601b570f6ac97deb7f264>.

To join by phone dial (415) 655-0001. The meeting access code is 2630-218-0146.

February 4, 2022, from 10 a.m. to 11:30 a.m.

To join online use <https://pennsylvaniacmhsbg.webex.com/pennsylvaniacmhsbg/j.php?mtid=m8393ab7debae5eef634e2ef04cc793dd>.

To join by phone dial (415) 655-0001. The meeting access code is 2632-249-0306.

The Department will also present updates on the Demonstration renewal application at the Medical Assistance Advisory Committee (MAAC) meeting on January 27, 2022. Individuals can register for the MAAC meeting at <https://attendee.gotowebinar.com/register/1192383395911684111>.

#### *Public Comment*

The 30-day public comment period will begin on January 15, 2022, and end on February 15, 2022. Individuals who wish to speak at one of the public hearings to provide comments on the proposed Demonstration re-

new application should schedule a time by calling (717) 705-8154 or e-mailing chtshudy@pa.gov. Individuals may also send a written request to Charles Tshudy, Bureau of Policy, Planning and Program Development, Office of Mental Health and Substance Abuse Services, 11th Floor, Commonwealth Tower, 303 Walnut Street, Harrisburg, PA 17101 during the comment period.

Even if individuals are not planning to speak at the hearing to provide comments, but are attending, e-mail their name, organization, e-mail address and phone number to chtshudy@pa.gov so the Department has the contact information for the Department's records.

Individuals may also submit written comments at any of the public hearings or by e-mail to chtshudy@pa.gov or by mail to Charles Tshudy at the previously mentioned

address. The Department will consider all comments received by February 15, 2022, in developing the final Demonstration renewal application.

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

MEG SNEAD,  
Acting Secretary

**Fiscal Note:** 14-NOT-1486. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 22-98. Filed for public inspection January 14, 2022, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Updates to Medical Assistance Program Fee Schedule for Administration of the Pediatric SARS-CoV-2 Vaccine Manufactured by Pfizer, Inc.

In accordance with 55 Pa. Code § 1150.61(a) (relating to guidelines for fee schedule changes), the Department of Human Services (Department) announces the addition of the following procedure codes to the Medical Assistance (MA) Program Fee Schedule for the administration of the pediatric novel coronavirus (SARS-CoV-2) vaccine manufactured by Pfizer, Inc. The effective date and MA Fee for each code is indicated as follows.

<i>Vaccine Manufacturer</i>	<i>Procedure Code</i>	<i>Description</i>	<i>Effective Date</i>	<i>MA Fee</i>
Pfizer, Inc.	0071A	Immunization administration by intramuscular injection of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) (coronavirus disease (COVID-19)) vaccine, mRNA-LNP, spike protein, preservative free, 10 mcg/ 0.2 mL dosage, diluent reconstituted, tris-sucrose formulation; first dose	10/29/21	\$40
	0072A	Immunization administration by intramuscular injection of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) (coronavirus disease (COVID-19)) vaccine, mRNA-LNP, spike protein, preservative free, 10 mcg/ 0.2 mL dosage, diluent reconstituted, tris-sucrose formulation; second dose	10/29/21	\$40

The MA Program Fee Schedule has been updated with the new Current Procedural Terminology (CPT) codes to allow for payment of the administration of the pediatric SARS-CoV-2 vaccines manufactured by Pfizer, Inc.

The Department issued an MA Bulletin to enrolled providers to advise them of the addition of the CPT codes for the administration of the pediatric SARS-CoV-2 vaccines manufactured by Pfizer, Inc. to the MA Fee Schedule.

#### *Fiscal Impact*

The estimated fiscal impact of the addition of CPT codes for the administration of the pediatric SARS-CoV-2 vaccines manufactured by Pfizer, Inc. for Fiscal Year 2021-2022 is \$2.951 million in total funds.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision to the MA Program Fee Schedule.

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

MEG SNEAD,  
Acting Secretary

**Fiscal Note:** 14-NOT-1483. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 22-99. Filed for public inspection January 14, 2022, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Highly Automated Vehicle Advisory Committee Teleconference Meeting

The Highly Automated Vehicle Advisory Committee will hold a Microsoft Teams teleconference meeting on Thursday, January 20, 2022, between 1 p.m. and 3 p.m. Attendees from the public should RSVP to the following e-mail address to receive call-in information. For more information or to RSVP, contact Mark C. Kopko, Director, Office of Transformational Technology, (717) 783-1903, markkopko@pa.gov.

YASSMIN GRAMIAN,  
*Secretary*

[Pa.B. Doc. No. 22-100. Filed for public inspection January 14, 2022, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Continental General Insurance Company (SERFF # GLTC-133013622); Rate Increase Filing for Sev- eral Individual LTC Forms; Rate Filing

Continental General Insurance Company is requesting approval to increase the premium 11% on 64 policyholders of forms 405, 420 and 432.

Unless formal administrative action is taken prior to April 1, 2022, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Pending Long Term Care Rate Filings").

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 22-101. Filed for public inspection January 14, 2022, 9:00 a.m.]

## INTERGOVERNMENTAL COOPERATION AUTHORITY FOR THE CITY OF HARRISBURG

### Financial Statement

Under section 207 of the Intergovernmental Cooperation Authority Act for Cities of the Third Class (53 P.S. § 42207) the Intergovernmental Cooperation Authority for the City of Harrisburg (Authority) is required to publish a "concise financial statement" annually in the *Pennsylvania Bulletin*. The Authority has issued its annual report for its fiscal year ended June 30, 2021, which includes an audit for this period performed in accordance with generally accepted auditing standards by an independent firm of certified public accountants. The complete annual report of the Authority may be obtained from the Authority's web site at [www.hbgica.org](http://www.hbgica.org) or from the Authority Manager at (717) 645-5431.

JEFFREY M. STONEHILL,  
*Authority Manager*

### INTERGOVERNMENTAL COOPERATION AUTHORITY FOR HARRISBURG CONCISE STATEMENT OF CASH RECEIPTS, CASH DISBURSEMENTS AND CASH BALANCES AS OF AND FOR THE YEAR ENDED JUNE 30, 2021

Total Cash Receipts	\$ 100,020
Total Cash Disbursements	(84,633)
Excess of Cash Receipts over Cash Disbursements	<u>15,387</u>
Cash—Beginning of Year	82,855
Cash—End of Year	<u>\$ 98,242</u>

[Pa.B. Doc. No. 22-102. Filed for public inspection January 14, 2022, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### Governor's Office

Manual No. 210.09—The Commonwealth of Pennsylvania General Records Retention and Disposition Schedule, Amended December 8, 2021.

Administrative Circular No. 21-13—Availability—Commonwealth Telephone Directory, Dated December 1, 2021.

Administrative Circular No. 21-14—Holiday Trees and Decorations in Commonwealth-Owned or Leased Buildings, Dated December 1, 2021.

Administrative Circular No. 21-15—Computation of Interest Penalties, Act 1982-266, Amended December 20, 2021.

AMY J. MENDELSON,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 22-103. Filed for public inspection January 14, 2022, 9:00 a.m.]

## PATIENT SAFETY AUTHORITY

### Virtual Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. § 1303.303), announces a virtual public meeting of the Authority's Board to be held by means of the Authority's webinar platform Zoom on Thursday, January 27, 2022, at 1 p.m. and is open to the general public.

There will be Zoom capabilities to attend the virtual public board meeting remotely, so registration is required.

Individuals can register by going to <https://us06web.zoom.us/j/8444444444>.

After registering, individuals will receive a confirmation e-mail containing information about joining the virtual public meeting.

Individuals who are unable to sign in with the previously listed link may dial-in by using the following information:

Meeting ID: 880 0881 7042

Passcode: 6aW49t

One tap mobile:

+16465588656, 88008817042# US (New York)

+13017158592, 88008817042# US (Washington DC)

Dial by individual's location:

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 720 707 2699 US (Denver)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 880 0881 7042

Find individual's local number: <https://us06web.zoom.us/j/8444444444>

Individuals with questions regarding this virtual public meeting, which is open to the public, should contact the Authority at (717) 346-0469.

A closed executive session of the Authority's Board of Directors will be held on January 27, 2022, at 12:30 p.m. by means of Zoom. The purpose of the executive session is for consideration of personnel matters and to engage in nondeliberative informational discussions regarding various actions and matters which have been approved at previous public meetings.

REGINA M. HOFFMAN, MBA, BSN, RN, CPPS,  
*Executive Director*

[Pa.B. Doc. No. 22-104. Filed for public inspection January 14, 2022, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Formal protests, petitions to intervene and answers must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before January 31, 2022. Filings are recommended to be made electronically through eFiling to the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant by January 31, 2022. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Commission's eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. The documents filed in support of the application are only available for inspection through the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) by searching under the previously listed docket number or by searching the applicant's web site.

**Application of the following for approval to begin operating as common carriers for transportation of persons as described under the application.**

**A-2021-3030206. Global Tours Transportation, Inc.** (465 Ridge Avenue, West Hazleton, Luzerne County, PA 18202) in paratransit service, from points in Luzerne County, to points in Pennsylvania, and return.

**Applications of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.**

**A-2021-3030063. 96 Tours, LLC** (3442 Carmela Drive, New Castle, PA 16105) discontinuance of service and cancellation of its certificate—for the right to begin to transport, as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, between points in the Counties of Allegheny, Beaver, Butler and Lawrence.

**A-2021-3030065. G. Rebecca Peck, t/a Peck Transportation Service** (566 Springville Road, Apartment 311, New Holland, PA 17557) discontinuance of service and cancellation of its certificate—for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

**A-2021-3030147. Rodney L. Huber** (251 Willow Valley Drive, Lancaster, Lancaster County, PA 17602) discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, at A-6410031, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Lancaster and York and that portion of the County of Chester west of Route 10, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 22-105. Filed for public inspection January 14, 2022, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Transfer of Control

**A-2021-3030201. CCP II Finco, LLC, Hummingbird Circle, LLC and IPC Corp.** Joint application of CCP II Finco, LLC, Hummingbird Circle, LLC and IPC Corp. for the approval of a holding company level transfer of control whereby Hummingbird Circle, LLC will acquire indirect control of IPC Network Services, Inc., a subsidiary of IPC Corp., from CCP II Finco.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before January 31, 2022. Filings must be made with the Secretary of the Pennsylvania Public Utility

Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available only online for inspection and copying on the Pennsylvania Public Utility Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

*Joint Applicants:* CCP II Finco, LLC; Hummingbird Circle, LLC; IPC Network Services, Inc., a subsidiary of IPC Corp.

*Through and By:* Deanne M. O'Dell, Esquire, Eckert Seamans Cherin & Mellott, LLC, 213 Market Street, 8th Floor, Harrisburg, PA 17101, (717) 255-3744, fax (717) 237-6019, [dodell@eckertseamans.com](mailto:dodell@eckertseamans.com)

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 22-106. Filed for public inspection January 14, 2022, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Water Service

**A-2022-3030304. Pennsylvania-American Water Company.** Application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish or supply water service to the public in an additional portion of Middle Smithfield Township, Monroe County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before January 31, 2022. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available only online for inspection and copying on the Pennsylvania Public Utility Commission's (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address. Parties to proceedings pending before the Commission must open and use an eFiling account through the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) or may submit the filing by overnight delivery to the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery. Large filings containing confidential or proprietary material may be submitted through the Commission's Share Point File system with advanced notice to the Commission prior to submittal.

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

*Through and By Counsel for:* Elizabeth Rose Triscari, Esquire, Pennsylvania-American Water Company, 852 Wesley Drive, Mechanicsburg, PA 17055, (717) 550-1574, [elizabeth.triscari@amwater.com](mailto:elizabeth.triscari@amwater.com)

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 22-107. Filed for public inspection January 14, 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:

June 8, 2022	Account of Jeanine Esch (Purchase of Out-of-State 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.

GLEN R. GRELL,  
*Executive Director*

[Pa.B. Doc. No. 22-108. Filed for public inspection January 14, 2022, 9:00 a.m.]

**STATE EMPLOYEES’  
RETIREMENT BOARD**

**Hearings Scheduled**

The following hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees’ Retirement Code), in connection with the State Employees’ Retirement System’s denial of claimant’s request concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees’ Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

April 20, 2022	Justin L. Weaver Disability Retirement Issue	1 p.m.
April 27, 2022	Michael L. Miholics (Deceased) Contested Death Benefit Issue	1 p.m.

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JOSEPH A. TORTA,  
*Secretary*

[Pa.B. Doc. No. 22-109. Filed for public inspection January 14, 2022, 9:00 a.m.]

