

# PENNSYLVANIA BULLETIN

Volume 52

Number 30

Saturday, July 23, 2022 • Harrisburg, PA

Pages 4071—4218

## Agencies in this issue

The Governor

The Courts

Capitol Preservation Committee

Department of Agriculture

Department of Banking and Securities

Department of Conservation and Natural  
Resources

Department of Environmental Protection

Department of Health

Department of Transportation

Environmental Quality Board

Executive Board

Independent Regulatory Review Commission

Insurance Department

Liquor Control Board

Milk Marketing Board

Pennsylvania Public Utility Commission

Philadelphia Parking Authority

Public School Employees' Retirement Board

State Charter School Appeal Board

Susquehanna River Basin Commission

Thaddeus Stevens College of Technology

**Detailed list of contents appears inside.**



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

**No. 572, July 2022**

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**BULLETIN**

(ISSN 0162-2137)

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

Postmaster send address changes to:

FRY COMMUNICATIONS, Inc.  
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# CONTENTS

## THE GOVERNOR

### Proclamations

Proclamation; Senate Bill No. 275, Printer's No. 1163 ..... 4079

### Vetoes

Notice of veto; House Bill No. 972, Printer's No. 2886 ..... 4079

Notice of veto; House Bill No. 1420, Printer's No. 3371 ..... 4080

Notice of veto; Senate Bill No. 275, Printer's No. 1163 ..... 4081

Notice of veto; Senate Bill No. 573, Printer's No. 1712 ..... 4081

## THE COURTS

### JUDICIAL SYSTEM

Promulgation of financial regulations pursuant to Act 54 of 2022; No. 575 judicial administration docket..... 4083

### LOCAL COURT RULES

#### Cumberland County

Local rules 1028(c); 1034(a); 1035.2(a); 1996-1335 ... 4085

#### Westmoreland County

Local adoption rules; No. 3 of 2022 ..... 4086

### SUPREME COURT

Reestablishment of the Magisterial Districts within the 33rd Judicial District of the Commonwealth of Pennsylvania; No. 499 Magisterial Rules Docket .. 4087

Reestablishment of the Magisterial Districts within the 35th Judicial District of the Commonwealth of Pennsylvania; No. 496 Magisterial Rules Docket .. 4087

Reestablishment of the Magisterial Districts within the 36th Judicial District of the Commonwealth of Pennsylvania; No. 498 Magisterial Rules Docket .. 4088

Reestablishment of the Magisterial Districts within the 42nd Judicial District of the Commonwealth of Pennsylvania; No. 497 Magisterial Rules Docket ..... 4088

## EXECUTIVE AND INDEPENDENT AGENCIES

### CAPITOL PRESERVATION COMMITTEE

#### Notices

Request for proposals ..... 4141

### DEPARTMENT OF AGRICULTURE

#### Notices

Program requirements for the Very Small Meat and Poultry Processor Reimbursement Grant Program .. 4141

### DEPARTMENT OF BANKING AND SECURITIES

#### Notices

Actions on applications..... 4143

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Notices

Conservation and Natural Resources Advisory Council public meeting..... 4144

Grant funding for ATV or snowmobile projects and programs..... 4144

Wild Resource Conservation Program; public hearing..... 4145

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Notices

Applications, actions and special notices..... 4145

Cleanup Standards Scientific Advisory Board meeting rescheduled..... 4204

## DEPARTMENT OF HEALTH

### Notices

Health Policy Board meeting ..... 4204

Long-term care nursing facilities; requests for exception..... 4204

Organ Donation Advisory Committee meeting ..... 4205

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); WIC Advisory ..... 4205

Traumatic Brain Injury Advisory Board meeting .... 4205

## DEPARTMENT OF TRANSPORTATION

### Notices

Application for disposing of excess land (3 documents)..... 4206

State Transportation Innovation Council business meeting ..... 4206

## ENVIRONMENTAL QUALITY BOARD

### Notices

August meeting rescheduled..... 4207

## EXECUTIVE BOARD

### Statements of Policy

Reorganization of the Department of Revenue ..... 4139

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notices

Notice of filing of final rulemakings..... 4207

## INSURANCE DEPARTMENT

### Notices

Alleged violation of insurance laws; Jennifer Kern; doc. No. SC22-07-007 ..... 4207

Geisinger Health Plan (GSHP-133310013); small group HMO—transitional filing; rate filing ..... 4208

Geisinger Quality Options (GSHP-133310023); small group PPO—transitional filing; rate filing ..... 4208

Metropolitan Life Insurance Company; rate increase filing for several group LTC forms (META-133317758); rate filing ..... 4208

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

Metropolitan Life Insurance Company; rate increase filing for several group LTC forms (META-133317762); rate filing ..... 4208

Metropolitan Life Insurance Company; rate increase filing for several group LTC forms (META-133317789); rate filing ..... 4209

The Prudential Insurance Company of America; rate increase filing for several LTC forms (PRUD-133315768); rate filing ..... 4209

The Prudential Insurance Company of America; rate increase filing for several LTC forms (PRUD-133315769); rate filing ..... 4209

The Prudential Insurance Company of America; rate increase filing for several LTC forms (PRUD-133315785); rate filing ..... 4209

The Prudential Insurance Company of America; rate increase filing for several LTC forms (PRUD-133315786); rate filing ..... 4210

Union Security Insurance Company; rate increase filing for several individual LTC forms (MULF-133297681); rate filing ..... 4210

Union Security Insurance Company; rate increase filing for several individual LTC forms (MULF-133298594); rate filing ..... 4210

**LIQUOR CONTROL BOARD**

**Rules and Regulations**

Limited wineries..... 4090

**MILK MARKETING BOARD**

**Notices**

Hearing and presubmission schedule for all milk marketing areas; over-order premium ..... 4210

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Rules and Regulations**

Rulemaking to implement Act 120 of 2018..... 4096

**Notices**

Service of notice of motor carrier applications..... 4211

Transfer of customers ..... 4212

Transfer by sale ..... 4212

**PHILADELPHIA PARKING AUTHORITY**

**Notices**

Service of notice of motor carrier applications in the City of Philadelphia..... 4212

Taxicab and limousine division fee schedule for the 2023 fiscal year beginning July 1, 2022 ..... 4213

**PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD**

**Notices**

Hearing scheduled ..... 4213

**STATE CHARTER SCHOOL APPEAL BOARD**

**Notices**

Schedule of meetings..... 4214

**SUSQUEHANNA RIVER BASIN COMMISSION**

**Notices**

Grandfathering registration notice ..... 4214

Projects approved for consumptive uses of water ... 4214

Projects approved for minor modifications ..... 4216

Public hearing..... 4216

**THADDEUS STEVENS COLLEGE OF TECHNOLOGY**

**Notices**

Request for proposals ..... 4218

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

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

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

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

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

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

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

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### Printing Format

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

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

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

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

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

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

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

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

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

### Fiscal Notes

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

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

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

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# List of Pa. Code Chapters Affected

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

## 4 Pa. Code (Administration)

### Adopted Rules

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

### Statements of Policy

9	1112, 1276, 1742, 2218, 2972, 3439, 4139
---	--

## 7 Pa. Code (Agriculture)

### Adopted Rules

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

## 16 Pa. Code (Community Affairs)

### Proposed Rules

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

## 22 Pa. Code (Education)

### Adopted Rules

4	3946
49	2451
741	356
741a	356

### Statements of Policy

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

## 25 Pa. Code (Environmental Protection)

### Adopted Rule

121	1875
129	1875
145	2471

### Proposed Rules

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

## 28 Pa. Code (Health and Safety)

### Adopted Rules

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

### Proposed Rules

18	3587
201	1626, 3070
207	3070
209	1626, 3070
211	1626, 3070

## 31 Pa. Code (Insurance)

### Proposed Rules

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

### Statements of Policy

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

## 34 Pa. Code (Labor and Industry)

### Adopted Rules

101	1480
111	3317
231	2701
401	971
403	971

## 40 Pa. Code (Liquor)

### Adopted Rules

3	4090
5	4090
11	4090

### Proposed Rules

13	3318
----	------

## 49 Pa. Code (Professional and Vocational Standards)

### Adopted Rules

3	1485
13	1600
16	1899
17	1899
18	1899
19	444
21	1916
27	3822
37	17
39	2963
41	446
42	448
47	1608
48	1608
49	1608

### Proposed Rules

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

## 52 Pa. Code (Public Utilities)

### Adopted Rules

65	4096
66	4096

### Proposed Rules

59	992
----	-----

## 55 Pa. Code (Human Services)

### Adopted Rules

123	2548
133	2548

### Proposed Rules

5230	3828
------	------

**58 Pa. Code (Recreation)**

**Adopted Rules**

113 ..... 983  
 141 ..... 3065  
 147 ..... 3066  
 623b ..... 1491, 3224  
 627b ..... 1491  
 629b ..... 1491

**Proposed Rules**

51 ..... 3982  
 57 ..... 3423  
 61 ..... 3320  
 63 ..... 1494, 3321, 3322, 3423, 3434, 3984  
 65 ..... 1494, 1496  
 69 ..... 3982  
 71 ..... 3423  
 71a ..... 3423  
 73 ..... 3423  
 91 ..... 3982  
 93 ..... 3982  
 97 ..... 3323  
 103 ..... 3435  
 105 ..... 3435  
 109 ..... 3435  
 111 ..... 3324, 3435  
 141 ..... 3101, 3102, 3105  
 147 ..... 3106, 3107, 3108  
 461a ..... 2211  
 469a ..... 2211

**67 Pa. Code (Transportation)**

**Adopted Rules**

55 ..... 68

**101 Pa. Code (General Assembly)**

**Statements of Policy**

31 ..... 1642

**201 Pa. Code (Rules of Judicial Administration)**

**Proposed Rules**

19 ..... 2561

**204 Pa. Code (Judicial System General Provisions)**

**Adopted Rules**

29 ..... 339, 4083  
 71 ..... 341  
 82 ..... 964  
 83 ..... 1733, 1974, 2955  
 85 ..... 2581  
 87 ..... 2581  
 89 ..... 2581  
 91 ..... 2581  
 93 ..... 2581

**Proposed Rules**

81 ..... 942  
 83 ..... 942, 965  
 303 ..... 583  
 309 ..... 2344  
 311 ..... 2351

**207 Pa. Code (Judicial Conduct)**

**Adopted Rules**

1 ..... 680, 2208  
 3 ..... 3932  
 33 ..... 3937  
 51 ..... 3937

**210 Pa. Code (Appellate Procedure)**

**Adopted Rules**

19 ..... 9

**Proposed Rules**

5 ..... 2561  
 16 ..... 1452

**231 Pa. Code (Rules of Civil Procedure)**

**Adopted Rules**

200 ..... 440  
 400 ..... 10, 682  
 1300 ..... 3213  
 1915 ..... 826  
 1930 ..... 3579  
 Part II ..... 441, 684

**Proposed Rules**

240 ..... 2561  
 Part II ..... 2561, 3057

**234 Pa. Code (Rules of Criminal Procedure)**

**Proposed Rules**

1 ..... 205, 346  
 4 ..... 2561  
 5 ..... 205, 346, 2689, 3215  
 6 ..... 346  
 7 ..... 205  
 10 ..... 205, 346

**237 Pa. Code (Juvenile Rules)**

**Proposed Rules**

1 ..... 2561  
 5 ..... 11

**246 Pa. Code (Minor Court Civil Rules)**

**Adopted Rules**

300 ..... 2357

**Proposed Rules**

200 ..... 2561  
 300 ..... 3816

**249 Pa. Code (Philadelphia Rules)**

Unclassified ..... 230, 827, 3418, 3582, 3938

**252 Pa. Code (Allegheny County Rules)**

Unclassified ..... 13

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

Unclassified ..... 14, 15, 16, 231, 232, 233, 353, 443, 685, 828, 968, 969, 1111, 1453, 1599, 1734, 1975, 1976, 2208, 2360, 2584, 2585, 2695, 2697, 2792, 2843, 3059, 3218, 3220, 3312, 3418, 3419, 3420, 3421, 3582, 3678, 3944, 4085, 4086



# THE GOVERNOR

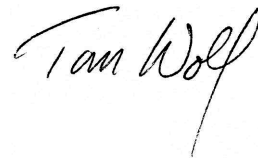
## GOVERNOR'S OFFICE

### Proclamation; Senate Bill No. 275, Printer's No. 1163

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

Senate Bill No. 275, Printer's No. 1163, entitled "An act [a]mending Title 53 (Municipalities Generally) of the *Pennsylvania Consolidated Statutes*, in preemptions, providing for restrictions on utility services prohibited."

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



Governor

Attest:

JONATHAN MARKS,  
*Deputy Secretary for Elections and Commissions*

[Pa.B. Doc. No. 22-1078. Filed for public inspection July 22, 2022, 9:00 a.m.]

## GOVERNOR'S OFFICE

### Notice of Veto; House Bill No. 972, Printer's No. 2886

July 8, 2022

To the Honorable House of Representatives  
of the Commonwealth of Pennsylvania

Pursuant to Article IV, Section 15 of the Pennsylvania Constitution, I am returning herewith, without my approval, House Bill 972, Printer's Number 2886.

This discriminatory legislation would prohibit transgender girls and women from participating on women's athletic teams or sports. The bill denies opportunities to transgender youth, which would have a devastating impact on a vulnerable population already at greater risk of bullying and depression. The harmful impact of politicizing transgender and other LGBTQ+ issues is evident by increasing rates of suicidal thoughts among LGBTQ+ young people. Even if enacted, this bill would face legal challenges for violating federal law and constitutional guarantees of equal protection.

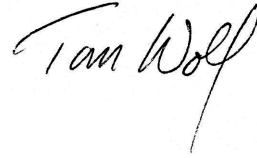
My Administration is committed to supporting transgender individuals and ensuring that Pennsylvania is an inclusive place, and we stand against efforts to divide us and distract us from critical work needed to enhance protections for LGBTQ+ Pennsylvanians. LGBTQ+ youth with supportive parents and caregivers, schools, and communities report lower rates of attempting suicide and better mental health. To the LGBTQ+ community in

## THE GOVERNOR

Pennsylvania and around the country, and especially to our transgender and nonbinary youth and young people: I see you, I support you, I respect you, and I stand with you.

For the reasons set forth above, I must withhold my signature from House Bill 972, Printer's Number 2886.

Sincerely,



Governor

[Pa.B. Doc. No. 22-1079. Filed for public inspection July 22, 2022, 9:00 a.m.]

---

**GOVERNOR'S OFFICE**
**Notice of Veto; House Bill No. 1420, Printer's No. 3371**

July 8, 2022

To the Honorable House of Representatives  
of the Commonwealth of Pennsylvania

Pursuant to Article IV, Section 15 of the Pennsylvania Constitution, I am returning herewith, without my approval, House Bill 1420, Printer's Number 3371.

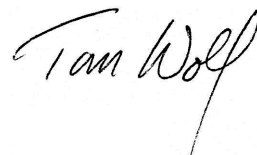
This legislation unnecessarily prohibits the Department of Human Services from contracting with a vendor to provide financial management services that assist with home and community-based services for older Pennsylvanians and individuals with physical disabilities. These self-directed services allow participants to make choices about their own care, with this model supporting both participants and direct care workers.

Furthermore, it is irresponsible to block a pathway to a living wage and health care benefits for direct care workers. Our health care workforce is in crisis. This model benefits direct care workers by allowing them to have the benefits of being co-employed by an agency, resulting in access to employer-sponsored health care as well as paid time off and other benefits.

I want to be clear, however, that I support the remaining provisions of this bill in their entirety, and I am asking the General Assembly to pass those provisions, cleanly, and in short order. Failure to do so creates a \$1.8 billion hole in the Commonwealth's financial statement for the current fiscal year, and the state budget cannot be considered complete without them.

For the reasons set forth above, I must withhold my signature from House Bill 1420, Printer's Number 3371.

Sincerely,



Governor

[Pa.B. Doc. No. 22-1080. Filed for public inspection July 22, 2022, 9:00 a.m.]

**GOVERNOR'S OFFICE****Notice of Veto; Senate Bill No. 275, Printer's No. 1163**

July 11, 2022

To the Honorable Senate of the  
Commonwealth of Pennsylvania

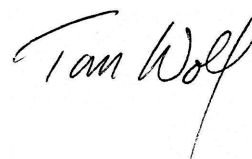
Pursuant to Article IV, Section 15 of the Pennsylvania Constitution, I am returning herewith, without my approval, Senate Bill 275, Printer's Number 1163.

This legislation takes away local decision-making from municipalities by preempting local control on energy matters and choices. Specifically, the legislation would limit the tools available to local governments to address the global threat of climate change in future years and stands in the way of clean energy incentives and initiatives. As an additional matter, this bill is unnecessary as the Public Utility Commission currently regulates the provision of utility services in the commonwealth.

Further, the language of this bill is overly broad and sweeping, likely providing unintended impacts and additional litigation against municipalities across the commonwealth.

For the reasons set forth above, I must withhold my signature from Senate Bill 275, Printer's Number 1163.

Sincerely,



Governor

[Pa.B. Doc. No. 22-1081. Filed for public inspection July 22, 2022, 9:00 a.m.]

**GOVERNOR'S OFFICE****Notice of Veto; Senate Bill No. 573, Printer's No. 1712**

July 8, 2022

To the Honorable Senate of the  
Commonwealth of Pennsylvania

Pursuant to Article IV, Section 15 of the Pennsylvania Constitution, I am returning herewith, without my approval, Senate Bill 573, Printer's Number 1712.

This legislation does nothing to increase access to voting. Instead, this bill undermines the integrity of our election process and encourages voter intimidation.

This bill would permit any registered voter to be a poll watcher in any election district throughout the Commonwealth. Current law only permits a person to serve as a poll watcher in the county where the person is registered to vote. This requirement is important because poll watchers who live in the county are generally familiar with the voting district in which they are serving.

This bill makes it possible for bad faith partisan operatives to target a specific neighborhood or group of voters in an attempt to challenge the

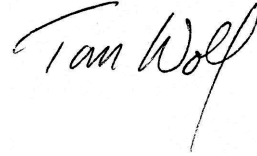
## THE GOVERNOR

eligibility of voters, make poll workers' jobs more difficult, and disrupt the counting of ballots. This will only serve to slow down the election process and restrict access to the ballot box.

Our elections work best when members of the community work together to ensure that everyone's voice is heard. I urge the Republican-controlled General Assembly to focus their efforts on election reform measures that ensure that voters can freely and safely exercise their right to vote.

For the reasons set forth above, I must withhold my signature from Senate Bill 573, Printer's Number 1712.

Sincerely,

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

*Governor*

[Pa.B. Doc. No. 22-1082. Filed for public inspection July 22, 2022, 9:00 a.m.]

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART II. GENERAL ADMINISTRATION

[ 204 PA. CODE CH. 29 ]

#### Promulgation of Financial Regulations Pursuant to Act 54 of 2022; No. 575 Judicial Administration Docket

##### Order

##### *Per Curiam*

And Now, this 12th day of July, 2022, 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 immediately.

Additions are shown in bold and are underlined.

Deletions are shown in bold and are bracketed.

##### 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, Conformation 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 [ **January 1, 2022** ] **July 11, 2022**, and until [ **June 30, 2022** ] **July 31, 2023**, for purposes of [ **42 Pa.C.S. § 3733.2** ] **section 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E)**, 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 [ **January 1, 2022** ] **July 11, 2022**, and until [ **June 30, 2022** ] **July 31, 2023**, for purposes of [ **42 Pa.C.S. § 3733.2** ] **section 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E)**, 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. 22-1083. Filed for public inspection July 22, 2022, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### CUMBERLAND COUNTY

#### Local Rules 1028(c); 1034(a); 1035.2(a); 1996-1335

##### Order of Court

*And Now*, this 13th day of July 2022, it is hereby Ordered and Decreed, that effective thirty (30) days after publication in the *Pennsylvania Bulletin*, the Cumberland County Court of Common Pleas amends local rules 1028(c); 1034(a); 1035.2(a).

##### ARGUMENT COURT

#### Rule 1028(c). Preliminary Objections.

All preliminary objections shall be filed with the Cumberland County Prothonotary's Office. Thereafter, the issues raised will be disposed of at regular sessions of argument court, which shall be scheduled as part of the annual court calendar. The procedure for disposition of matters at argument court shall be as follows:

1) The Prothonotary shall maintain the argument court list.

2) A case may not be listed for argument until either 1) all briefing requirements have been met, or 2) the time for the briefing schedule has elapsed. A brief with two copies, limited to twenty (20) double-spaced pages (unless prior court approval has been granted), containing a statement of facts, discussion of the issues and reference to all authorities relied upon, shall be filed with the Prothonotary concurrently with the preliminary objections. The objecting party shall furnish the briefs and serve a copy of the brief upon opposing counsel and any unrepresented party. The responding party shall furnish briefs in a similar manner within twenty (20) days of the date of service of the objecting party's brief. Argument may be denied to any party who fails to comply with the filing requirements of this paragraph. If the party seeking the order has not filed a timely brief in accordance with this rule, the Court may deny the relief sought on that basis alone.

3) A case shall be listed for argument by filing a praecipe, in duplicate, with the Prothonotary. The party listing the case for argument shall serve a copy of the praecipe on all counsel and any unrepresented party. The case shall be decided on briefs unless any party requests oral argument by praecipe. The request for oral argument must be made by the listing party at the time the case is listed for argument. A request for oral argument by any other party must be made by filing and serving on all other parties a praecipe no later than twenty (20) days before the scheduled argument court date.

4) The argument list shall be closed forty (40) days prior to the date for argument. The list shall then be prepared by the Prothonotary and the cases shall be set out in order of their listing. Upon the closing of the argument list, the Prothonotary shall furnish notification by regular mail to all attorneys and unrepresented parties who have cases listed for argument.

5) One week prior to argument, the Court Administrator, at the direction of the President Judge, shall prepare the final list of cases to be argued, and the judge or judges to hear each case. The list of assigned cases shall be listed in the Prothonotary's Office six (6) days prior to the date for argument.

6) Issues raised, but not briefed, shall be deemed abandoned.

7) References in any brief to parts of the record appearing in a reproduced record shall be to the pages and the lines in the reproduced record where said parts appear, e.g., "(r. pg. 30 l. 15)." If references are made in the briefs to parts of the original record not reproduced, the references shall be to the parts of the record involved, e.g., "(Answer p. 7)," "(Motion for Summary Judgment p. 2)."

8) Counsel or any party presenting oral argument shall be limited to fifteen (15) minutes unless prior permission is granted to extend argument in a complex case.

9) Briefs will be retained by the Prothonotary and will be on the record.

10) All agreements for continuances and/or withdrawals shall be communicated to the Court Administrator no later than two (2) days prior to argument court.

#### Rule 1034(a).

*Motions for Judgment on the Pleadings.* Motions for judgment on the pleadings shall be filed with the Cumberland County Prothonotary's Office and disposed of in the same manner as preliminary objections in accordance with Rule 1028(c).

**Rule 1035.2(a).**

*Motions for Summary Judgment.* All motions for summary judgment shall be filed with the Cumberland County Prothonotary's Office and disposed of in the same manner as preliminary objections in accordance with Rule 1028(c).

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

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

By the Court

EDWARD E. GUIDO,  
President Judge

[Pa.B. Doc. No. 22-1084. Filed for public inspection July 22, 2022, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### WESTMORELAND COUNTY

#### Local Adoption Rules; No. 3 of 2022

##### Administrative Order of Court

And Now, this 7th day of July 2022, *It Is Hereby Ordered* that Westmoreland County Orphans' Court Procedural Rules W015.1, W015.7, W015.8, W015.9 and W015.10 are amended. This change is effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

RITA DONOVAN HATHAWAY,  
President Judge

**Rule W015.1. Professional Testimony—Adoptions.**

Unless objections are filed at least ten (10) days prior, testimony in termination of parental rights proceedings of experts including physicians, psychologists and other medical professionals may be taken by two-way advanced communication technology, including, but not limited to, technology including video conferencing and teleconferencing.

Adopted September 17, 2009, effective November 2, 2009. Rule W0305 renumbered April 6, 2017, effective May, 29 2017. Rule W015.1 amended, effective \_\_\_\_\_ .

**Rule W015.7. Voluntary Relinquishment to Agency.**

A petition to relinquish parental rights and duties with respect to a child who has been in the care of an agency,

which alleges that one of the natural parents is deceased shall have attached to it the death certificate of the deceased parent, or if no death certificate or certification of registration of death can be obtained, a statement of the reason therefor and an allegation of the efforts made to obtain the certificate with a request that the court establish a date and place of death at the adoption hearing on the basis of the evidence presented.

Rescinded September 17, 2009; New Rule W0301 adopted September 17, 2009, effective November 2, 2009. Rule W0301(b) rescinded August 27, 2013, effective October 14, 2013. Rule W0301 renumbered April 6, 2017, effective May 29, 2017. Rule W015.7 amended, effective \_\_\_\_\_ .

**Rule W015.8. Voluntary Relinquishment to Adult Intending to Adopt Child.**

A petition to relinquish parental rights and duties with respect to a child who has been in the exclusive care of Prospective Adoptive Parents, which alleges that one of the natural parents is deceased shall have attached to it the death certificate of the deceased parent, or if no death certificate or certification of registration of death can be obtained, a statement of the reason therefor and an allegation of the efforts made to obtain the certificate with a request that the court establish a date and place of death at the adoption hearing on the basis of the evidence presented.

Rescinded September 17, 2009; New Rule W0302 adopted September 17, 2009, effective November 2, 2009. Rule W0302(b) rescinded in part August 27, 2013, effective October 14, 2013. Rule W0302 renumbered April 6, 2017, effective May 29, 2017. Rule W015.8 amended effective \_\_\_\_\_ .

**Rule W015.9. Alternative Procedure for Relinquishment by Confirmation of Consent to Adoption.**

A petition to confirm consent to adoption given by a birth parent, presumptive father, or putative father relinquishing parental rights and agreeing to have the child placed for adoption, which alleges that one of the natural parents is deceased, shall have attached to it the death certificate of the deceased parent, or if no death certificate or certification of registration of death can be obtained, a statement of the reason therefor and an allegation of the efforts made to obtain the certificate with a request that the court establish a date and place of death at the adoption hearing on the basis of the evidence presented.

Rule W015.9, adopted effective \_\_\_\_\_ .

**Rule W015.10. Involuntary Termination of Parental Rights.**

A petition for involuntary termination of parental rights, which alleges that one of the natural parents is deceased, shall have attached to it the death certificate of the deceased parent, or if no death certificate or certification of registration of death can be obtained, a statement of the reason therefor and an allegation of the efforts made to obtain the certificate with a request that the court establish a date and place of death at the adoption hearing on the basis of the evidence presented.



Adopted September 17, 2009, effective November 2, 2009. Rule W0303(a) rescinded August 27, 2013, effective October 14, 2013. Rule W0303 amended and renumbered April 6, 2017, effective May 29, 2017. Rule W015.10 amended effective \_\_\_\_\_.

[Pa.B. Doc. No. 22-1085. Filed for public inspection July 22, 2022, 9:00 a.m.]

**SUPREME COURT**

**Reestablishment of the Magisterial Districts within the 33rd Judicial District of the Commonwealth of Pennsylvania; No. 499 Magisterial Rules Docket**

**Order**

*Per Curiam*

And Now, this 12th day of July 2022, upon consideration of the Petition to Reestablish the Magisterial Districts of the 33rd Judicial District (Armstrong County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the reestablishment of the Magisterial Districts within Armstrong County as they currently exist, to be effective immediately, is granted.

Said Magisterial Districts will be reestablished as follows:

Magisterial District 33-3-01 Magisterial District Judge J. Gary DeComo	Cadogan Township Ford City Borough Ford Cliff Borough Freeport Borough Manor Township Manorville Borough North Buffalo Township South Buffalo Township
Magisterial District 33-3-02 Magisterial District Judge James H. Owen	Applewold Borough Bradys Bend Township East Franklin Township Hovey Township Kittanning Borough Parker City Borough Perry Township Rayburn Township Sugarcreek Township Washington Township West Franklin Township West Kittanning Borough Worthington Borough
Magisterial District 33-3-03 Magisterial District Judge James Andring	Apollo Borough Bethel Township Gilpin Township Kiskiminetas Township Leechburg Borough North Apollo Borough Parks Township
Magisterial District 33-3-04 Magisterial District Judge Kevin L. McCausland	Atwood Borough Boggs Township Burrell Township Cowanshannock Township Dayton Borough Elderton Borough

	Kittanning Township Madison Township Mahoning Township Pine Township Plumcreek Township Redbank Township Rural Valley Borough South Bend Township South Bethlehem Borough Valley Township Wayne Township
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[Pa.B. Doc. No. 22-1086. Filed for public inspection July 22, 2022, 9:00 a.m.]

**SUPREME COURT**

**Reestablishment of the Magisterial Districts within the 35th Judicial District of the Commonwealth of Pennsylvania; No. 496 Magisterial Rules Docket**

**Order**

*Per Curiam*

And Now, this 12th day of July 2022, upon consideration of the Petition to Reestablish the Magisterial Districts of the 35th Judicial District (Mercer County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the reestablishment of the Magisterial Districts within Mercer County as they currently exist, to be effective immediately, is granted.

Said Magisterial Districts will be reestablished as follows:

Magisterial District 35-2-01 Magisterial District Judge Travis P. Martwinski	City of Sharon Sharpsville Borough
Magisterial District 35-2-02 Magisterial District Judge Mary A. Odem	City of Farrell City of Hermitage Shenango Township West Middlesex Borough Wheatland Borough
Magisterial District 35-3-01 Magisterial District Judge Daniel W. Davis	Coolspring Township Delaware Township East Lackawannock Township Fairview Township Findley Township Fredonia Borough Jefferson Township Lackawannock Township Mercer Borough Otter Creek Township Perry Township Salem Township Sandy Creek Township Sheakleyville Borough Springfield Township Wilmington Township

Magisterial District 35-3-02 Magisterial District Judge Douglas E. Straub	Deer Creek Township French Creek Township Grove City Borough Jackson Center Borough Jackson Township Lake Township Liberty Township Mill Creek Township New Lebanon Borough New Vernon Township Pine Township Sandy Lake Borough Sandy Lake Township Stoneboro Borough Wolf Creek Township Worth Township
Magisterial District 35-3-03 Magisterial District Judge Brian R. Arthur	Clark Borough Greene Township Greenville Borough Hempfield Township Jamestown Borough Pymatuning Township South Pymatuning Township Sugar Grove Township West Salem Township

[Pa.B. Doc. No. 22-1087. Filed for public inspection July 22, 2022, 9:00 a.m.]

## SUPREME COURT

### Reestablishment of the Magisterial Districts within the 36th Judicial District of the Commonwealth of Pennsylvania; No. 498 Magisterial Rules Docket

#### Order

*Per Curiam*

*And Now*, this 12th day of July 2022, upon consideration of the Petition to Reestablish the Magisterial Districts of the 36th Judicial District (Beaver County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the reestablishment of the Magisterial Districts within Beaver County as they currently exist, to be effective immediately, is granted.

Said Magisterial Districts will be reestablished as follows:

Magisterial District 36-1-01 Magisterial District Judge Alexander J. Korol	Ambridge Borough Baden Borough Harmony Township
Magisterial District 36-1-02 Magisterial District Judge Dirk A. Goodwald	City of Beaver Falls Eastvale Borough Fallston Borough Patterson Heights Borough Patterson Township West Mayfield Borough White Township

Magisterial District 36-2-01 Magisterial District Judge Edward C. Howe	Conway Borough East Rochester Borough Economy Borough Freedom Borough New Sewickley Township Rochester Borough
Magisterial District 36-2-02 Magisterial District Judge Robert P. Dappenbrook	Beaver Borough Bridgewater Borough Brighton Township Glasgow Borough Industry Borough Midland Borough Ohioville Borough Vanport Township
Magisterial District 36-3-01 Magisterial District Judge Dale F. Nicholson	Daugherty Township Ellwood City Borough Franklin Township Marion Township New Brighton Borough North Sewickley Township Pulaski Township Rochester Township
Magisterial District 36-3-02 (Vacant)	Big Beaver Borough Chippewa Township Darlington Borough Darlington Township Homewood Borough Koppel Borough New Galilee Borough South Beaver Township
Magisterial District 36-3-03 Magisterial District Judge Joseph L. Schafer	Center Township Georgetown Borough Greene Township Hookstown Borough Monaca Borough Potter Township Raccoon Township Shippingport Borough
Magisterial District 36-3-04 Magisterial District Judge Felicia E. Santillan	City of Aliquippa Frankfort Springs Borough Hanover Township Hopewell Township Independence Township South Heights Borough

[Pa.B. Doc. No. 22-1088. Filed for public inspection July 22, 2022, 9:00 a.m.]

## SUPREME COURT

### Reestablishment of the Magisterial Districts within the 42nd Judicial District of the Commonwealth of Pennsylvania; No. 497 Magisterial Rules Docket

#### Order

*Per Curiam*

*And Now*, this 12th day of July 2022, upon consideration of the Petition to Reestablish the Magisterial Districts of the 42nd Judicial District (Bradford County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the

reestablishment of Magisterial District 42-3-02 within Bradford County as it currently exists, to be effective immediately; and that the realignment of Magisterial Districts 42-3-01, 42-3-03, and 42-3-04, to be effective November 1, 2022, is granted.

Said Magisterial Districts will be reestablished as follows:

Magisterial District 42-3-01 Magisterial District Judge Jonathan W. Wilcox	Alba Borough Armenia Township Canton Borough Canton Township Columbia Township Granville Township LeRoy Township Ridgebury Township Smithfield Township South Creek Township Springfield Township Sylvania Borough Troy Borough Troy Township Ulster Township Wells Township West Burlington Township
Magisterial District 42-3-02 Magisterial District Judge Larry J. Hurley	Athens Borough Athens Township Sayre Borough South Waverly Borough
Magisterial District 42-3-03 Magisterial District Judge Todd A. Carr	Albany Township Burlington Township Burlington Borough Franklin Township Monroe Borough Monroe Township New Albany Borough North Towanda Township Overton Township Towanda Borough Towanda Township

Magisterial District 42-3-04 Magisterial District Judge Fred M. Wheaton	Asylum Township Herrick Township LeRaysville Borough Litchfield Township Orwell Township Pike Township Rome Borough Rome Township Sheshequin Township Standing Stone Township Stevens Township Terry Township Tuscarora Township Warren Township Wilmot Township Windham Township Wysox Township Wyalusing Borough Wyalusing Township
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[Pa.B. Doc. No. 22-1089. Filed for public inspection July 22, 2022, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 40—LIQUOR

### LIQUOR CONTROL BOARD

#### [ 40 PA. CODE CHS. 3, 5 AND 11 ]

#### Limited Wineries

The Liquor Control Board (Board), under the authority of section 207(i) of the Liquor Code (47 P.S. § 2-207(i)), deletes §§ 3.62—3.64, 5.103 and 11.111, and adds §§ 5.401—5.409 to read as set forth in Annex A.

*Summary*

This final-form rulemaking gathers regulations pertaining to limited wineries from Chapters 3, 5 and 11 (relating to license applications; duties and rights of licensees; and purchases, sales and returns) and places them in a new subchapter in Chapter 5. In addition, this final-form rulemaking amends many of these regulations to make them more consistent with the Liquor Code (47 P.S. §§ 1-101—10-1001), which has been amended several times since 2011. The changes are intended to provide more clarity to the regulated community and allow for easier navigation of the applicable regulations.

Currently, regulations that are specifically applicable to licensed limited wineries are located in three different chapters of the Board’s regulations: Chapters 3, 5 and 11. The regulated community benefits from having in one location the regulations that apply to them. In addition,

the current regulations are out of date and in certain sections, which are explained as follows, misleading or incorrect. As such, the regulated community, which consists of 461 active licensed limited wineries as of March 9, 2022, benefits by having accurate, up-to-date regulations.

To ensure that the regulations include only necessary content, two regulations are deleted completely and not relocated. These regulations are §§ 3.62 and 11.111(a)(7) (relating to creation; and sale by limited winery licensees). Section 3.62 states, “Under section 505.2 of the Liquor Code (47 P.S. § 5-505.2), holders of a Limited Winery License may produce and sell wines, subject to §§ 3.63, 5.103 and 11.111 (relating to agents; limited wineries; and sale by limited winery licensees).” It is not necessary to have a regulation reiterate what is provided by statute or other regulations. Similarly, § 11.111(a)(7) provides, “Limited winery licensees engaged in the retail and wholesale sales of wine are responsible to conform to the Liquor Code and this title.” It is not necessary to have a regulation that tells the regulated community that they must follow the enabling statute and the regulations.

This final-form rulemaking adds Subchapter K (relating to limited wineries), which incorporates existing regulations from Chapters 3, 5 and 11 and organizes them to improve accessibility for the regulated community. The following two tables show where the previous content has been relocated and a sequential ordering of the new content in Subchapter K, showing its origins:

<i>Current section</i>	<i>Proposed section</i>
3.62	Deleted
3.63	5.405(c)
3.64	5.408
5.103	5.409
11.111(a)(1)	5.404
11.111(a)(2)	5.407
11.111(a)(3)	5.407
11.111(a)(4)	5.403
11.111(a)(5)	5.403
11.111(a)(6)	5.402
11.111(a)(7)	Deleted
11.111(a)(8)	5.406
11.111(a)(9)	5.406
11.111(a)(10)	5.405, 5.407
11.111(b)	5.405(c)
11.111(c)	5.409
11.111(d)	5.408

<i>Proposed section</i>	<i>Current section</i>
5.401	New
5.402	11.111(a)(6)
5.403	11.111(a)(4), (5)
5.404	11.111(a)(1)
5.405	3.63 11.111(a)(10) 11.111(b)
5.406	11.111(a)(8), (9)
5.407	11.111(a)(2) 11.111(a)(3) 11.111(a)(10)
5.408	3.64 11.111(d)
5.409	5.103 11.111(c)

Section 5.401 (relating to definitions) provides new content; it has not been relocated from another section. The Board believes the addition of these definitions to the regulations provides clarity. Section 5.401 includes the following:

- A definition for “limited winery,” which is consistent with the definition provided in section 102 of the Liquor Code (47 P.S. § 1-102), but also incorporates a minimum production amount of 200 gallons per year, based on language in section 491(2) of the Liquor Code (47 P.S.

§ 4-491(2)). Section 491(2) allows the manufacture of up to 200 gallons of wine for personal use without the need to obtain a manufacturing license.

- A definition for “original container,” which is based on a definition for the same term that is provided in section 102 of the Liquor Code. However, because the definition in the Liquor Code is geared towards manufacturers of malt or brewed beverages, it has been modified in § 5.401 to apply to limited wineries.

- A definition for “produce” (verb), is added because the Board is frequently asked what type of activity is required to say that a limited winery “produced” wine. The need for this definition stems from the following provision in section 505.2(a)(2) of the Liquor Code (47 P.S. § 5-505.2(a)(2)) (Emphasis added.):

[A] limited winery shall not, in any calendar year, purchase alcoholic cider, fermented fruit beverages, mead or wine produced by other limited wineries *in an amount in excess of fifty per centum of the alcoholic cider, fermented fruit beverage, mead or wine produced by the purchasing limited winery in the preceding calendar year.*

- A definition for “tasting sample,” is added to provide clarification for § 5.402 (relating to tasting samples), addressing where a limited winery may provide tasting samples of winery product. This phrase is added for clarity between the verbiage of the Liquor Code and that of the Board’s regulations. The Liquor Code uses the word “samples” to refer to small quantities offered to consumers who want to taste the product. However, in the Board’s regulations in § 13.231 (relating to samples), “samples” are small bottles of product that may be given to consumers to try at home. To reduce confusion, the regulation uses the phrase “tasting sample,” which incorporates the verbiage of the Liquor Code but is distinguished from the § 13.231 sample.

- A definition for “wine cooler,” is added because the phrase appears in the Liquor Code but is not defined in the Liquor Code. The Board had previously attempted to amend the regulations pertaining to limited wineries, (IRRC # 3117, PLCB # 54-85), but that final-form rulemaking was disapproved by the Independent Regulatory Review Commission (IRRC). During that process, IRRC recommended that the Board define the phrase “wine cooler.” Based on IRRC’s recommendation, the Board adds the definition to this final-form rulemaking.

- A definition for “winery products,” is added to enhance the readability of the regulation. It is cumbersome to identify the numerous different products that can be made by a limited winery, including alcoholic cider, fermented fruit beverages, mead, wine or wine coolers, or both. The term “winery products” is an umbrella term that incorporates all of these products. For clarity, the winery products must be produced by the limited winery that is engaging in any of the activities covered by this subchapter.

This final-form rulemaking adds § 5.402 which is based, in part, on the current regulatory provisions in § 11.111(a)(6) of the Board’s regulations. Section 11.111(a)(6) states that visitors may be provided samples of wine “without charge.” However, section 505.2(a)(4) of the Liquor Code states that samples may be sold or offered free of charge. Therefore, this regulation provides that “The limited winery may provide tasting samples of winery products in accordance with section 505.2(a) of the Liquor Code and § 13.211 (relating to tasting events).” This regulation also provides that “To the extent possible,

section 505.2 of the Liquor Code and § 13.211 will be construed together; however, when there is a conflict between these two sections, including with regard to locations where tasting samples may be provided, the volume of each tasting sample that may be provided, and whether a fee may be charged for a tasting sample, the provisions of section 505.2 of the Liquor Code will prevail.” In this way, it is clear that limited wineries may continue offering tasting samples in a manner that is consistent with the provisions of the Liquor Code and the Board’s regulations regarding tasting events, depending on the specific circumstances involved with the offering being made.

Section 5.402 clarifies that tasting samples may not be provided at a limited winery’s storage facilities. Section 505.2(a)(6.4) of the Liquor Code allows a limited winery licensee to have up to two Board-approved storage locations. The section provides that only the limited winery licensee and its employees may be present at the storage locations. Therefore, no customers or potential customers should be present at the storage locations, and as a result, no tasting samples may be provided. This section also directs the limited winery licensee to operate the storage locations “under such conditions and regulations as the board may enforce.”

This final-form rulemaking adds § 5.403 (relating to sales generally) to give general information regarding sales by a limited winery. This section was based on the current regulation in § 11.111(a)(4). This final-form rulemaking provides that a limited winery may sell winery products during the time periods or circumstances set forth in section 505.2(a)(6.3) of the Liquor Code. In addition, this section incorporates the types of payment that a limited winery may accept, which is currently found in § 11.111(a)(5). A limited winery may accept, from licensees, checks drawn on their account, cash, money orders, cashier checks, debit cards and electronic funds transfers. From unlicensed individuals, a limited winery may accept all of the aforementioned methods as well as credit cards issued by banking or financial institutions subject to Federal or State regulations.

The Board notes that the act of June 8, 2016 (P.L. 273, No. 39) (Act 39 of 2016) specifically amended the Liquor Code to allow distributors and importing distributors to accept credit cards from licensees. Similar amendments were not made to allow limited wineries to accept credit cards from licensees. In light of this legislative inaction, the Board decided not to allow limited wineries to accept credit cards for payment by licensees.

Section 5.403 adds language to clarify requirements that exist in the Liquor Code for alcoholic cider, fermented fruit beverages and mead. These products are considered malt or brewed beverages, not wine, and are treated differently under the Liquor Code. For instance, malt or brewed beverages are subject to the brand registration requirements set forth in section 445 of the Liquor Code (47 P.S. § 4-445), as well as the distribution provisions set forth in section 431 of the Liquor Code (47 P.S. § 4-431). This final-form rulemaking explains that a limited winery may sell alcoholic cider, fermented fruit beverages and mead to importing distributors, distributors or any other licensee that is authorized, under the Liquor Code, to sell, possess, or store malt or brewed beverages. However, a limited winery shall not sell wine or wine coolers to importing distributors, distributors or any other licensee that is not authorized, under the Liquor Code, to sell, possess, or store alcoholic beverages other than malt or brewed beverages.

This final-form rulemaking adds § 5.404 (relating to sales for on-premises consumption) which updates the types of liquor or malt or brewed beverages a limited winery may sell for consumption on the premises. Currently, § 11.111(a)(1) of the Board's regulations provides that there may be no consumption of liquor or malt or brewed beverages on the licensed premises. However, the act of June 28, 2011 (P.L. 55, No. 11) (Act 11 of 2011) amended section 505.2(a)(6.1) of the Liquor Code to allow limited wineries to sell, for on-premises consumption, any winery products they could sell for off-premises consumption. In addition, Act 39 of 2016 amended the Liquor Code to allow limited winery licensees to sell malt or brewed beverages and liquor for on-premises consumption, provided that the malt or brewed beverages and liquor are produced by Pennsylvania-licensed manufacturers.

Subsection (c) of § 5.404 requires that, if the limited winery licensee sells malt or brewed beverages through a malt or brewed beverage dispensing system—also known as a draft beer system—the limited winery must comply with §§ 5.51—5.54. The limited winery licensee will be held to the same standard of beer line cleaning as other retail dispensers who sell beer by draft. In addition, subsection (d) provides that a limited winery that chooses to sell wine or wine coolers through a wine dispensing system must comply with § 11.103 (relating to dispensing system sanitation).

Section 5.405 (relating to sales for off-premises consumption) pertains to sales for off-premises consumption. This section begins with a reference to section 505.2(a) of the Liquor Code. Subsection (b) is based on current § 11.111(a)(10) and has been expanded to allow the acceptance of orders by the Internet. Subsection (b) references § 5.407 (relating to delivery of products). Subsection (c) incorporates the regulatory language regarding agents, which is currently located in § 3.63 (relating to agents). Subsections (d) and (e) clarify who may sell winery products at wine expositions and farmers markets, as well as where those sales must occur.

Section 5.406 (relating to sales of other items) updates the list of items that limited wineries may sell. Currently found in § 11.111(a)(8), the list is amended to reflect the statutory changes found in section 505.2(a)(6.1) and (6.2) of the Liquor Code. Act 11 of 2011 amended section 505.2(a)(6.1), which now permits limited winery licensees to “Sell food for consumption on or off the licensed premises. . . .” The statute does not authorize any restriction as to the source or type of food. Thus, the current reference to fruits, jellies, jams, preserves and mushrooms, as well as cheese, crackers, breads, nuts and preserved meats, is moot since each of these items is permissible under the limited winery's general authority to sell food. Section 5.406 also incorporates current § 11.111(a)(9), which explains the process for a limited winery to follow if it wants to sell something that is not on the regulatory list.

Section 5.407 (relating to delivery of products) sets forth rules pertaining to the delivery of winery products by or for limited wineries. Subsection (a) identifies general rules for all deliveries by a limited winery. Subsection (b) pertains to a limited winery utilizing its own vehicles to deliver its winery products, whereas subsection (c) pertains to a limited winery utilizing a transporter-for-hire licensee to deliver its winery products.

Subsection (d) addresses a change in the law regarding the delivery of wine or wine coolers to an unlicensed individual. Act 39 of 2016 amended the Liquor Code to

require limited winery licensees—and all other wine manufacturers—to obtain a direct wine shipping license before shipping wine to consumers in this Commonwealth. Subsection (d) clarifies that the delivery of alcoholic cider, fermented fruit beverages or mead, does not require a direct wine shipping license. Finally, subsection (e) incorporates language from current § 11.111(a)(10), that limited wineries are responsible for ensuring that winery products are not delivered to minors or visibly intoxicated persons, and that proper receipts are provided in accordance with § 5.409 (relating to records, receipts and reports).

Section 5.408 (relating to additional Board-approved locations) is largely based on current § 3.64 (relating to additional Board-approved locations). Subsection (e) refers licensees to four other sections in the Board's regulations—§§ 3.51 through 3.54—and was included to reduce confusion among licensees as to what may or may not be an appropriate location for an additional Board-approved location. Subsections (j) and (k) offer new guidance to clarify for licensees what arrangements are and are not consistent with the Liquor Code when multiple licensees want to operate additional Board-approved locations.

Section 5.409 is based substantially on current § 5.103 (relating to records, invoices and reports). The term “invoices” has been replaced with “receipts” because it is a more accurate term to describe the paperwork that accompanies the purchase of a winery product. Invoices are issued prior to payment; receipts are issued after payment. A licensee cannot sell products off of the licensed premises; therefore, there should never be a situation where a product is shipped with an invoice for the recipient to pay after the product is received. A licensee can only ship products for which payment has already been received. That being the case, the proper terminology for the document that accompanies the product is “receipt,” not “invoice.”

In § 5.409, current § 5.103(a) was broken into subsections for easier comprehension. The phrase “agricultural commodity” replaces the word “fruits” to be consistent with section 505.2(a)(1) of the Liquor Code. The last sentence of current § 5.103(a) is deleted since it is actually a repeat of a sentence that occurs earlier in that section.

Subsection (b) is based on current § 5.103(b) and addresses receipts and identifies what information the sales receipt should include. Subsection (c) is based on current § 5.103(b)(5) and sets forth how receipts are to be used during a delivery. Subsection (d) pertains to reports and is based on the text at current § 5.103(c) but broken into paragraphs and subparagraphs for greater readability.

This final-form rulemaking includes one change that was not present in the proposed rulemaking. For the sake of clarity, the Board adds additional language to § 5.409(c)(1) to clarify which entity is required to retain the signed copy of the sales receipt after the winery products have been delivered.

#### *Affected Parties*

The affected parties include all present and future holders of a limited winery license. As of March 9, 2022, there were 461 active limited winery licensees that could be affected by this final-form rulemaking.

#### *Paperwork Requirements*

This final-form rulemaking will not require any additional paperwork to be filed.

*Fiscal Impact*

The regulatory changes are intended to make the Board's regulations consistent with the Liquor Code. Therefore, no fiscal impact is anticipated.

*Effective Date*

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

*Contact Person*

Questions regarding this final-form rulemaking should be addressed to Rodrigo Diaz, Chief Counsel, Jason Worley, Deputy Chief Counsel, or Norina Foster, Assistant Counsel, Office of Chief Counsel, Pennsylvania Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on November 9, 2021, the Board submitted a copy of the notice of proposed rulemaking, published at 51 Pa.B. 7869 (December 18, 2021), to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Liquor Control Committee and Senate Committee on Law and Justice for review and comment.

Under section 5(c) of the Regulatory Review Act, the Board is required submit to IRRC and the House and Senate Committees copies of comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IRRC, the House and Senate Committees, and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on June 15, 2022, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 16, 2022, and approved the final-form rulemaking.

*Findings*

The Board finds that:

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

(2) The amendments to the Board's regulations in the manner provided in this order are necessary and appropriate for the administration of the Liquor Code.

*Order*

The Board, acting under authorizing statute, orders that:

(a) The regulations of the Board, 40 Pa. Code Chapters 3, 5 and 11, are amended by deleting §§ 3.62—3.64, 5.103 and 11.111, and adding §§ 5.401—5.409 to read as set forth in Annex A.

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

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

TIM HOLDEN,  
*Chairperson*

(*Editor's Note:* See 52 Pa.B. 3740 (July 2, 2022) for IRRC's approval order.)

**Fiscal Note:** Fiscal Note 54-95 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 40. LIQUOR**

**PART I. LIQUOR CONTROL BOARD**

**CHAPTER 3. LICENSE APPLICATIONS**

**Subchapter G. (Reserved)**

§ 3.62. [Reserved].

§ 3.63. [Reserved].

§ 3.64. [Reserved].

**CHAPTER 5. DUTIES AND RIGHTS OF LICENSEES**

**Subchapter H. RECORDS AND REPORTS—BREWERIES, BONDED WAREHOUSES, AND LICENSED DISTILLERIES OF HISTORICAL SIGNIFICANCE**

§ 5.103. [Reserved].

**Subchapter K. LIMITED WINERIES**

- |        |                                      |
|--------|--------------------------------------|
| Sec.   |                                      |
| 5.401. | Definitions.                         |
| 5.402. | Tasting samples.                     |
| 5.403. | Sales generally.                     |
| 5.404. | Sales for on-premises consumption.   |
| 5.405. | Sales for off-premises consumption.  |
| 5.406. | Sales of other items.                |
| 5.407. | Delivery of products.                |
| 5.408. | Additional Board-approved locations. |
| 5.409. | Records, receipts and reports.       |

**§ 5.401. Definitions.**

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

*Limited winery*—A winery that produces at least 200 gallons per year but not more than 200,000 gallons per year of winery products for each full calendar year that the limited winery holds an active limited winery license from the Commonwealth.

*Original container*—Bottles, casks, kegs, cans, boxes or other suitable containers that have been securely capped, sealed or corked by the limited winery at the place of manufacture, with the name and address of the limited winery affixed to the bottle, cask, keg or other container.

*Produce*—To manufacture winery products from agricultural commodities, including preparation for fermentation, fermentation, blending, preserving, filtering and packaging the winery products.

*Tasting sample*—An individual portion of a winery product, in an open container, offered to allow a consumer to sample the flavor of the winery product.

*Wine cooler*—A beverage made from combining wine with a non-alcoholic beverage, such as fruit juice or a carbonated beverage, resulting in a beverage with lower alcohol by volume than the original wine. The term does not include a malt or brewed beverage.

*Winery products*—Alcoholic products including alcoholic cider, fermented fruit beverages, mead, wine and wine coolers that have been produced by the limited winery.

**§ 5.402. Tasting samples.**

(a) A limited winery may provide tasting samples of winery products in accordance with section 505.2(a) of the Liquor Code (47 P.S. § 5-505.2(a)) and § 13.211 (relating to tasting events). To the extent possible, section 505.2 of the Liquor Code and § 13.211 shall be construed together. When there is a conflict between these two sections, including with regard to locations where tasting samples may be provided, the volume of each tasting sample that may be provided and whether a fee may be charged for a tasting sample, the provisions of section 505.2 of the Liquor Code shall prevail.

(b) Tasting samples may not be provided at a limited winery's storage facilities since only the limited winery and its employees may be present at those locations, in accordance with section 505.2(a)(6.4) of the Liquor Code.

**§ 5.403. Sales generally.**

(a) A limited winery may sell winery products during the time periods or circumstances set forth in section 505.2(a)(6.3) of the Liquor Code (47 P.S. § 5-505.2(a)(6.3)).

(b) A limited winery may accept all of the following methods of payment:

(1) From licensees: checks drawn on their account, cash, money orders, cashier checks, debit cards and electronic funds transfers.

(2) From unlicensed individuals: all of the methods of payment listed in paragraph (1) and credit cards issued by banking or financial institutions subject to Federal or State regulations.

(c) A limited winery that manufactures alcoholic cider, fermented fruit beverages and mead, which are defined as "malt or brewed beverages" in section 102 of the Liquor Code (47 P.S. § 1-102), must register these brands with the Board as required under section 445 of the Liquor Code (47 P.S. § 4-445). The following apply:

(1) A limited winery may self-distribute alcoholic cider, fermented fruit beverages and mead to importing distributors, distributors or any other licensee that is authorized under the Liquor Code to sell, possess or store malt or brewed beverages.

(2) A limited winery may choose to grant territorial distribution rights and name a distributor or an importing distributor as the primary or original supplier of the product in accordance with section 431(b) of the Liquor Code (47 P.S. § 4-431(b)).

(d) A limited winery may not sell wine or wine coolers to importing distributors, distributors, retail dispensers or any other licensee that is not authorized under the Liquor Code to sell, possess or store any alcoholic beverages other than malt or brewed beverages.

**§ 5.404. Sales for on-premises consumption.**

(a) A limited winery may sell winery products on the licensed premises and at additional Board-approved locations in accordance with the Liquor Code and this part. Sales of winery products for on-premises consumption may be made by the glass, bottle or any other open or closed container.

(b) A limited winery may sell, only for on-premises consumption, malt or brewed beverages and liquor

produced by Pennsylvania-licensed manufacturers, under section 505.2(a)(6.1) of the Liquor Code (47 P.S. § 5-505.2(a)(6.1)).

(c) A limited winery that chooses to sell malt or brewed beverages through a malt or brewed beverage dispensing system, defined in § 5.50 (relating to definition), must comply with §§ 5.51—5.54.

(d) A limited winery that chooses to sell wine or wine coolers through a wine dispensing system must comply with § 11.103 (relating to dispensing system sanitation).

**§ 5.405. Sales for off-premises consumption.**

(a) A limited winery may sell winery products for off-premises consumption as permitted under section 505.2(a) of the Liquor Code (47 P.S. § 5-505.2(a)).

(b) A limited winery may accept orders for the purchase of its winery products in person or through mail, telephone or the Internet. A limited winery shall make deliveries of winery products in accordance with § 5.407 (relating to delivery of products).

(c) A limited winery may employ individuals, known as agents, to solicit orders for winery products or promote the sale of winery products. The following apply:

(1) Agents may only advertise and promote the sale of winery products produced by the limited winery that has employed the agent. Agents may solicit orders from licensees and make deliveries on behalf of the limited winery in accordance with § 5.407.

(2) Agents may only sell, as that word is defined under section 102 of the Liquor Code (47 P.S. § 1-102), the limited winery's products on the limited winery's licensed premises, additional Board-approved location or a location that is covered by the limited winery's wine exposition permit or farmer's market permit.

(d) Under section 505.2(a)(4) of the Liquor Code, a limited winery may obtain a permit to participate in alcoholic cider, fermented fruit beverages, mead, wine and food expositions off the licensed premises. The following apply:

(1) Only the limited winery, including its employees and agents, may sell its winery products at a wine and food exposition.

(2) Sales of the limited winery's products must occur on a location within the exposition that is covered by the limited winery's wine exposition permit.

(e) Under section 505.2(a)(4.1) of the Liquor Code, a limited winery may obtain a permit to participate in one or more farmers' markets at any given time and an unlimited number throughout the year. The following apply:

(1) Only the limited winery, including its employees and agent, may sell its winery products at a farmers market.

(2) Sales of the limited winery's products must occur on a location within the farmers market that is covered by the limited winery's farmers market permit.

**§ 5.406. Sales of other items.**

(a) In addition to the sale of food, wine-scented or liquor-scented candles, and any other item authorized under section 505.2(a) of the Liquor Code (47 P.S. § 5-505.2(a)), the following items are permitted to be offered for sale on the licensed premises and at additional Board-approved locations:



(1) Home winemaking, cider making, fermented fruit beverage making or mead making equipment, or both, and supplies.

(2) Serving and storage accessories as follows: cork removers, wine glasses and decanters, wine racks, serving baskets and buckets and bottle stoppers.

(3) Publications dealing with wine and winemaking, alcoholic cider and cider making, fermented fruit beverages and fermented fruit beverage making, and mead and mead making.

(4) Promotional items advertising the limited winery including tee shirts, glassware, caps and the like.

(b) If a limited winery wants to sell on the licensed premises or additional Board-approved location an item that is not listed in subsection (a), the limited winery shall request, in writing, Board approval to sell that item. The Board will advise the limited winery, in writing, whether approval to sell the item is granted, with or without conditions, or denied.

**§ 5.407. Delivery of products.**

(a) The only winery products a limited winery is authorized to deliver are those it has produced. A limited winery may not deliver any liquor or malt or brewed beverages, as those terms are defined in section 102 of the Liquor Code (47 P.S. § 1-102), that were manufactured by another entity. The following apply:

(1) A limited winery shall ensure that winery products sold and delivered to points within this Commonwealth are sealed in original containers and labeled as required by applicable law.

(2) A limited winery may deliver food or other non-alcoholic items that have already been purchased by the customer. A limited winery may not offer for sale items from the delivery vehicle.

(3) A limited winery shall include with the delivery of any winery products a sales receipt in accordance with § 5.409(b) (relating to records, receipts and reports).

(b) A limited winery may utilize its own vehicle to deliver its winery products. The following apply:

(1) A limited winery's vehicle must be identified in accordance with § 9.22 (relating to identification of vehicles).

(2) A limited winery may utilize the same vehicle to deliver alcoholic cider, fermented fruit beverages or mead as well as wine or wine coolers.

(c) A limited winery may utilize a transporter-for-hire licensee to deliver its winery products. The following apply:

(1) Alcoholic cider, fermented fruit beverages and mead may be delivered by a transporter-for-hire Class A, B or C, in accordance with §§ 9.1 and 9.11 (relating to definitions; and transportation-for-hire).

(2) Wine or wine coolers must be delivered by a transporter-for-hire Class A or Class C, but may not be delivered by a Transporter-for-Hire Class B, in accordance with §§ 9.1 and 9.11.

(d) Prior to delivering wine or wine coolers to an unlicensed individual in this Commonwealth, a limited winery shall obtain a direct wine shipping license under section 488 of the Liquor Code (47 P.S. § 4-488). The following apply:

(1) A direct wine shipping license is required whether the delivery of wine or wine coolers is accomplished by the limited winery or by a transporter-for-hire.

(2) A direct wine shipping license is not required for the lawful delivery of wine or wine coolers to another licensee, or for the lawful delivery of alcoholic cider, fermented fruit beverages or mead.

(e) It is the limited winery's responsibility to ensure that its winery products are not delivered to minors or visibly intoxicated persons and that proper receipts are provided under § 5.409.

**§ 5.408. Additional Board-approved locations.**

(a) A limited winery may not use additional locations, as authorized under section 505.2(a)(3) of the Liquor Code (47 P.S. § 5-505.2(a)(3)), in the operation of a licensed business unless the additional location is approved by the Board.

(b) Applications and fees are as follows:

(1) A limited winery seeking Board approval of an additional location shall submit an application to the Board, accompanied by payment of a \$220 fee. Board approval is valid for that calendar year.

(2) If a limited winery wants to continue use of the additional Board-approved location, it shall submit a renewal application on an annual basis, accompanied by payment of a \$75 fee.

(c) If the additional location requires physical alterations or new construction, the Board may grant prior approval for the additional location, as similarly provided in section 403(a) of the Liquor Code (47 P.S. § 4-403(a)). The limited winery may not produce or sell any winery products at the location until the additional location has been re-inspected and the Board has approved the completed alterations or construction and issued the limited winery a license for the additional location.

(d) Portions of an additional Board-approved location must be contiguous.

(e) The licensed premises and any additional Board-approved locations of a limited winery are subject to the following regulations:

(1) § 3.51 (relating to connection with residence);

(2) § 3.52 (relating to connection with other business);

(3) § 3.53 (relating to restriction on storage and sales where Board has approved connection with other business); and

(4) § 3.54 (relating to separation between licensed premises and other business).

(f) The limited winery shall appoint a manager for each additional Board-approved location in accordance with § 5.23 (relating to appointment of managers).

(g) Additional Board-approved locations of a limited winery license shall be enclosed by soundly constructed walls, with controlled points of access and egress directly accessible to the general public. The application shall be subject to the provisions of section 468(e)(2) of the Liquor Code (47 P.S. § 4-468(e)(2)).

(h) A limited winery shall provide Board officers who are conducting licensing investigations of additional locations with all of the following:

(1) Leases or other evidence of the right to occupy the premises.

(2) Management agreements.

- (3) Employee agreements.
- (4) Commission agreements.
- (5) Other agreements the Board may deem necessary.

(i) The Board may grant permission for two or more limited wineries to share a single, additional Board-approved location, in accordance with section 505.2(a)(3) of the Liquor Code.

(j) The Board shall not grant permission for a limited winery and another manufacturer, such as a brewery, limited distillery or distillery, to share a single, additional Board-approved location.

(k) If a limited winery licensee holds, under identical ownership, a manufacturing license other than a limited winery license, such as a brewery, limited distillery or distillery license, each licensee may have an additional Board-approved location at the same property, but each licensee shall have its own separate designated area at the property.

(l) If a limited winery discontinues use of an additional Board-approved location, it shall notify the Board within 15 days of the discontinuance.

#### § 5.409. Records, receipts and reports.

(a) A limited winery shall maintain and keep on the licensed premises daily permanent records that shall conform to the requirements of section 512 of the Liquor Code (47 P.S. § 5-512). The following apply:

(1) The records shall include complete details concerning the source of any agricultural commodity, as that term is defined in section 505.2(c) of the Liquor Code (47 P.S. § 5-505.2(c)), used in the production of limited winery products.

(2) Electronic media recordkeeping, maintained and based upon generally accepted accounting principles, may be kept instead of hard copy records.

(3) The recordkeeping system utilized by the limited winery shall have the capability to provide for the reconciling of required data.

(4) Entries shall be verifiable by supporting original documents.

(b) In addition to the records prescribed in subsection (a), the limited winery shall prepare a sales receipt at the licensed premises for each sale to a private individual when the purchase is for greater than 16 liters in a single transaction. The sales receipt shall include all of the following:

(1) The name and address of the limited winery.

(2) The name and address of the recipient of the winery products if the winery products are being delivered off the licensed premises to the recipient.

(3) The winery products' name, the date of sale, the size of the package in milliliters, number of units sold, the price per unit of the winery products, the Commonwealth sales tax and any other taxes applicable and the total amount paid by the customer.

(4) Items other than winery products that are sold by the limited winery, which shall be listed on the receipt separately from the winery products.

(c) Winery products that are delivered shall be accompanied by two copies of a sales receipt that includes the information identified in subsection (b)(1)–(4). The limited winery shall require the person who is delivering the

winery products to obtain the signature of the recipient, 21 years of age or older, on one copy of the sales receipt.

(1) The person delivering the winery products shall give an unsigned copy of the sales receipt to the recipient of the winery products and the limited winery licensee, or a transporter-for-hire acting on behalf of a limited winery licensee, shall retain the signed copy of the sales receipt on the licensed premises for 2 years.

(2) Delivery shall be accomplished in accordance with § 5.407 (relating to delivery of products).

(d) A limited winery shall file reports, in the manner set forth by the Board, covering operations of their licensed business during the preceding calendar year. The following apply:

(1) The reports shall be signed and sworn to by the limited winery or his authorized agent and shall be filed with the Board at the time of the renewal or validation of the license. The following apply:

(i) A copy of each report shall be retained on the licensed premises for at least 2 years from the date of filing.

(ii) Failure to file the reports will preclude the Board from renewing or validating the license in question.

(2) These reports are in addition to information or reports the limited winery may be required to provide to the Department of Agriculture under 3 Pa.C.S. Chapter 45 (relating to Agricultural Commodities Marketing Act) and regulations promulgated thereunder, including 7 Pa. Code § 104.75 (relating to accounting and payment), as well as any reports required under section 488.1 of the Liquor Code (47 P.S. § 4-488.1).

## CHAPTER 11. PURCHASES, SALES AND RETURNS

### Subchapter C. WINES

#### § 11.111. [Reserved].

[Pa.B. Doc. No. 22-1090. Filed for public inspection July 22, 2022, 9:00 a.m.]

## Title 52—PUBLIC UTILITIES

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

[ 52 PA. CODE CHS. 65 AND 66 ]

[ L-2020-3019521 ]

#### Rulemaking to Implement Act 120 of 2018

Public Meeting held  
February 24, 2022

*Commissioners Present:* Gladys Brown Dutrieuille, Chairperson, Statement, Dissenting; John F. Coleman, Jr., Vice Chairperson; Ralph V. Yanora

*Rulemaking to Implement Act 120 of 2018 at 52 Pa. Code Chapters 65 and 66; L-2020-3019521*

#### Final Rulemaking Order

*By the Commission:*

Act 120 of 2018 (Act 120) amended Section 1311(b) of the Public Utility Code, 66 Pa.C.S. § 1311(b) (relating to valuation of and return on the property of a public utility), by addressing the replacement of lead service lines (LSL) and damaged wastewater service laterals (DWSL) as well as the recovery of associated costs. On

September 17, 2020, at the above-referenced docket number, the Pennsylvania Public Utility Commission (Commission) entered a Notice of Proposed Rulemaking Order (NOPR) to implement Act 120. The Commission sought to modify the regulations at Title 52, 52 Pa. Code §§ 1.1—1065.1. In particular, we proposed to set forth regulations addressing LSL replacements (LSLR) in Chapter 65 and to create a new Chapter 66 addressing wastewater service and DWSL replacements (DWSL Replacements).

We provided interested stakeholders with an opportunity to offer input regarding the Commission's proposed Chapter 65 and Chapter 66 regulations by filing comments and reply comments. Upon consideration of the entirety of the stakeholder comments and reply comments received by the Commission, as well as the Independent Regulatory Review Commission's (IRRC) comments, we hereby enter this Final Rulemaking Order.

#### *Background*

On October 24, 2018, Governor Wolf signed Act 120 into law, thereby amending 66 Pa.C.S. § 1311(b) to address the accelerated replacement of customer-owned LSLs and DWSLs. Act 120 sets forth a uniform, minimum standard under which jurisdictional water and wastewater utilities<sup>1</sup> (or entities hereinafter) may seek to replace LSLs and DWSLs and recover the costs associated with replacement.

#### *A. Commission Actions*

Prior to the passage of Act 120, the Commission and jurisdictional water and wastewater utilities were actively addressing the replacement of LSLs and DWSLs. On March 8, 2017, for instance, the Commission approved The York Water Company's (York Water) proposal to replace LSLs in their service territory. See Petition of The York Water Company, Docket No. P-2016-2577404 (Order entered March 8, 2017). Nonetheless, Act 120 served to clarify certain legal issues that the Commission, water utilities, and wastewater utilities identified during the course of such proceedings.

On December 23, 2018, when Act 120 became effective, the Commission was in the process of adjudicating Pennsylvania American Water Company's (PAWC) proposal regarding customer-owned LSLs. In response to Act 120, the Commission remanded the proceeding to the Office of Administrative Law Judge instructing the parties to evaluate the proposal under the new requirements of Act 120 and supplement the record to achieve compliance with 66 Pa.C.S. § 1311(b). See Petition of Pennsylvania American Water Company, Docket No. P-2017-2606100 (Order entered January 4, 2019). On July 17, 2019, the parties filed a Joint Petition for Settlement on Remand (Joint Settlement), which addressed many issues in accordance with 66 Pa.C.S. § 1311(b). The parties acknowledged and the Commission determined, however, that several issues implicated by Act 120 remain unresolved and required more generic guidance for future proceedings. See Joint Settlement ¶ 23, 41.

Accordingly, on October 3, 2019, Chairman Gladys Brown Dutrieuille and Commissioner John F. Coleman, Jr., issued a Joint Motion directing Commission staff to initiate a further examination of Act 120. Implementation of Act 120 of 2018, Docket No. M-2019-3013286 (Joint Motion issued October 3, 2019). The Joint Motion instructed the Commission's Bureau of Technical Utility

Services (TUS) and Law Bureau to develop recommendations for additional parameters for the replacement of LSLs and DWSLs, especially as part of the Long Term Infrastructure Improvement Plan (LTIIP) and the Distribution System Improvement Charge (DSIC). The Joint Motion directed (1) entry of an Order consistent with the Joint Motion, (2) transmission of directed questions to interested stakeholders within 30 days, (3) assembly of a working group, and (4) submission of a written staff recommendation to the Commission by March 31, 2020.

Consistent with the Joint Motion, on October 24, 2019, the Commission sent a Secretarial Letter to interested stakeholders for comment on the replacement of LSLs and DWSLs, accompanied by a list of directed questions including questions on the following topics: parameters for planning and reporting, communications, replacements, and refusals, an analysis of Section 1311(b), and rates. Implementation of Act 120 of 2018, Docket No. M-2019-3013286 (Secretarial Letter issued October 24, 2019); see 66 Pa.C.S. § 1311(b). The Secretarial Letter directed the filing of comments by November 22, 2019.<sup>2</sup> The Secretarial Letter also scheduled a working group meeting to convene on December 19, 2019. Notice of the meeting was published in the *Pennsylvania Bulletin* on November 2, 2019. See 49 Pa.B. 6652.

On November 1, 2019, the Commission issued an Implementation Order in accordance with the Joint Motion. Implementation of Act 120 of 2018, Docket No. M-2019-3013286 (Order entered November 1, 2019). The Implementation Order reiterated the steps to be taken by staff to conduct a further examination of Act 120.

On November 19, 2019, the County of Northampton (Northampton County) filed with the Commission comments in response to the October 24, 2019 directed questions. On November 21, 2019, Pennsylvania-American Water Company (PAWC) filed comments. On November 22, 2019, the following stakeholders also filed comments in response to the directed questions: the Coalition for Affordable Utility Service and Energy (CAUSE-PA), Green & Healthy Homes Initiative (GHHI), and Pittsburgh United (UNITED) collectively; the Natural Resources Defense Council (NRDC); the Office of Consumer Advocate (OCA); Aqua Pennsylvania, Inc. (Aqua); Suez Water Pennsylvania, Inc. (SUEZ); the Office of Small Business Advocate (OSBA); Pittsburgh Water and Sewer Authority (PWSA); and Columbia Water Company (Columbia Water).

On December 3, 2019, the Commission issued a Secretarial Letter containing further details regarding the working group meeting and noted that stakeholders may submit reply comments by January 16, 2020. Implementation of Act 120 of 2018, Docket No. M-2019-3013286 (Secretarial Letter issued December 3, 2019).

The working group meeting convened on December 19, 2019. The following stakeholders attended the meeting: Northampton County, PAWC, CAUSE-PA, GHHI, the NRDC, the OCA, Aqua, SUEZ, the OSBA, PWSA, Columbia Water, PENNVEST, the Public Utility Law Project (PULP), the Bureau of Investigation and Enforcement (BI&E), and York Water. The three-hour working group meeting started with a presentation by TUS staff, including questions for the participants in attendance, followed by an open dialogue regarding the replacement of LSLs

<sup>1</sup> Later, we use the term "entity" as defined in revised Section 65.52 to refer to jurisdictional water utilities, and the term "entity" as defined in revised Section 66.32 to refer to jurisdictional wastewater utilities. For purposes of the "Background" here, these terms are interchangeable. See *infra*, p. 12, 68, flip.

<sup>2</sup> On November 15, 2019, Aqua Pennsylvania Water, Inc. (Aqua) requested that the Commission extend the period for comments in response to the directed questions to December 9, 2019. Suez Water Pennsylvania, Inc. (Suez) and the Office of Consumer Advocate (OCA) filed letters in support of Aqua's request on November 15, 2019, and November 18, 2019, respectively. On November 19, 2019, the Commission denied Aqua's request in light of the impending December 19, 2019 working group meeting.

and DWSLs as it pertains to parameters for planning and reporting, communications, replacements, and refusals, an analysis of Section 1311(b), and rates. See 66 Pa.C.S. § 1311(b). TUS staff encouraged the filing of reply comments as a means to further respond to matters raised during the working group meeting. On January 16, 2019, the Commission received reply comments from CAUSE-PA, GHHI, UNITED, and the NRDC collectively, the OSBA, and PWSA.

On March 31, 2020, in consideration of the comments filed in response to the directed questions, the working group meeting, and the reply comments filed thereafter, TUS and Law Bureau staff submitted to the Commission a confidential Staff Report detailing their recommendations regarding additional parameters for the replacement of LSLs and DWSLs. Pursuant to the November 1, 2019 Implementation Order, the Staff Report addressed proposed requirements for planning and reporting, communications, replacements, and refusals, an analysis of Section 1311(b), and rates. See 66 Pa.C.S. § 1311(b). The Staff Report also addressed options for implementation such as orders, policy statements, and rulemakings.

Upon consideration of the Staff Report, on September 17, 2020, the Commission entered a NOPR proposing to implement Act 120 by modifying the regulations at 52 Pa. Code §§ 1.1—1065.1. In particular, the Commission proposed to set forth regulations addressing LSLRs in Chapter 65 and to create a new Chapter 66 addressing wastewater service and establishing regulations for DWSLs. The Law Bureau submitted the NOPR to the Office of Attorney General (OAG) for review as to form and legality and to the Governor's Office of Budget for review as to fiscal impact. By memorandum, on October 30, 2020, the OAG tolled its 30-day statutory review period for NOPR pending clarification from the Commission on certain items. The Law Bureau responded to the OAG's tolling memorandum on February 2, 2021, and the OAG approved the NOPR on February 10, 2020, contingent upon the Commission making the revisions identified in its response.<sup>3</sup> The Law Bureau subsequently submitted the NOPR to the IRRC and Legislative Standing Committees. In addition, the NOPR was published in the *Pennsylvania Bulletin* on April 3, 2021, at 51 Pa.B. 1802. Stakeholder comments were due within 60 days of publication, and reply comments were due 30 days thereafter.

On June 2, 2021, the following parties filed comments with the Commission: the OCA; PWSA; CAUSE-PA and GHHI, collectively; and Aqua. With the exception of GHHI and Aqua, these parties also filed reply comments on July 2, 2021. The IRRC filed its comments on August 2, 2021.

#### B. Lead And Copper Rule Revisions

Pennsylvania is not alone in its focus on lead service line replacement and removal. The U.S. Environmental Protection Agency (EPA) recently set forth revisions to the National Primary Drinking Water Regulation for lead and copper, referred to as the Lead and Copper Rule Revisions (LCRR). The EPA promulgated the final rule on January 15, 2021, with an effective date of March 16, 2021, and a compliance date of January 24, 2024. National Primary Drinking Water Regulation: Lead and Copper Rule Revisions, 86 FR 4198—4312 (January 15, 2021) (amending 40 CFR 141-142). Subsequently, on June 15, 2021, the EPA delayed the effectiveness of the LCRR until Decem-

ber 16, 2021, to further review the final rule and consult with affected parties. The EPA also delayed the compliance date for water systems until October 16, 2024. National Primary Drinking Water Regulation: Lead and Copper Rule Revisions, 86 FR 31939—31948 (January 15, 2021) (amending 40 CFR 141-142).

The LCRR aims to provide greater and more effective public health protection by reducing lead and copper in drinking water. The EPA will now require all community water systems to develop an inventory of LSLs or service lines of unknown composition and to submit LSLR plans, within the meaning of the LCRR, to their respective state primacy agency by October 16, 2024. The centerpiece of the EPA program is the development of detailed service line inventories by water service providers to identify what is known and not known about their service lines, how service providers are to communicate that information to the public, and how they will establish LSL replacement priorities. The EPA service line inventory requirements include the identification and categorization of certain service lines by material directly associated with lead, including "lead," "non-lead," "lead status unknown," or "galvanized requiring replacement" designations. See 86 FR 4198 at 4200, 4213, 4290-4291.

Under the LCRR, LSLR plans are prepared in advance so that water systems are positioned to avoid delays that may impede their ability to implement a LSLR program in the event they are above the trigger level or action level established by the EPA. Water systems above the trigger level, but at or below the action level, must conduct replacements at a "goal rate," while water systems above the action level must "annually replace a minimum of three percent per year, based upon a 2-year rolling average of the number of known or potential LSLs in the inventory at the time the action level exceedance occurs." LSLR efforts based on the trigger level or action level are conducted pursuant to the LSLR program. Additionally, some water systems are afforded compliance alternatives and may not be required to conduct LSLRs. Water systems below the lead trigger level are not required to execute any system-wide LSLR program. See 86 FR 4198 at 4200, 4217-4218, 4221.

The EPA plans to issue guidance, including best practices, case studies, and templates to help develop service line inventories and to assist community water systems with implementation of the LCRR in the near future.<sup>4</sup> The EPA also plans to develop a new proposed rule, the Lead and Copper Rule Improvements, that will strengthen the Federal regulatory framework by proposing requirements that would result in the replacement of all lead service lines as quickly as feasible. *Id.* The primacy agency responsible for implementation of the LCRR and future iterations in Pennsylvania is the Pennsylvania Department of Environmental Protection (DEP).

#### Discussion

Act 120 establishes a standard for LSLR and DWSL Replacements as well as the recovery of costs associated with replacement. Act 120 provides for LSLRs and DWSL Replacements under a Commission-approved program and directs the Commission to establish certain standards, processes, and procedures by regulation. See 66 Pa.C.S. §§ 1311(b)(2)(i)—(vii). In addition to the authority conferred upon the Commission by Act 120 to address LSLRs and DWSL Replacements, the Commission is

<sup>3</sup> We identify our revisions to the proposed regulations based on the OAG's tolling memorandum in our dispositions of the stakeholders, comments, the reply comments, and the IRRC's comments herein.

<sup>4</sup> EPA Announces Intent to Strengthen Lead and Copper Regulations, Support Proactive Lead Service Line Removal Across the Country, United States Environmental Protection Agency (December 16, 2021) available at <https://www.epa.gov/newsreleases/epa-announces-intent-strengthen-lead-and-copper-regulations-support-proactive-lead>.

responsible for enforcing 66 Pa.C.S. § 1501 (relating to character and service of facilities), which imposes an affirmative duty for “[e]very public utility. . .[to] furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as may be necessary or proper for the accommodation, convenience and safety of the utility’s customers and the public.” As set forth in 66 Pa.C.S. § 102 (relating to definitions), the term “service” includes a wide range of actions, and the statutory definition has been broadly construed by the Commission and the courts. *Country Place Waste Treatment Co., Inc. v. Pa. PUC*, 654 A.2d 72 (Pa. Cmwlth. 1995).

The Commission has determined that LSLs are problematic with respect to the adequacy, efficiency, safety, and reasonableness of service and facilities under 66 Pa.C.S. § 1501. It is well established that lead is a cumulative poison in humans and that lead is known to cause serious health problems, which are permanent and irreversible.<sup>5</sup> The Commission’s final LSLR regulations aim to address critical issues presented by LSLs. These regulations represent significant action to combat and eliminate the adverse effects of lead exposure by requiring all entities, as defined in Section 65.52, to remove LSLs.

Stakeholders and the IRRC have expressed concern regarding the interplay between the Commission’s LSLR regulations and the EPA’s LCRR, claiming that the Commission’s regulations will not be consistent with the LCRR. Because the DEP is the primacy agency under the Federal Safe Drinking Water Act, it will be the responsibility of the DEP to interpret and direct all community water systems in the Commonwealth on compliance with the LCRR. Given the importance and scope of this task, the Commission will follow the directive of Section 318 of the Public Utility Code, 66 Pa.C.S. § 318 (relating to commission to cooperate with other departments), which mandates that the Commission cooperate with DEP in areas concerning the purity of the public water supply. To that end, the Commission will avoid promulgating regulations that may interfere with the DEP’s efforts in an area of DEP primary jurisdiction, namely the implementation of the Federal Safe Drinking Water Act.

Our regulations will work with the LCRR to fill an important gap. The LCRR only requires water systems above the EPA’s trigger level or action level to undertake LSLRs as a remedial measure, whereas the Commission’s regulations will require all entities, as defined in Section 65.52, to undertake LSLRs as a matter of course. Entities will routinely engage in LSLRs pursuant to the Commission’s regulations with the goal of total LSL removal. If an entity hits the EPA’s trigger level or action level, however, that entity will become subject to the LCRR provisions for using LSLRs as a remediation tool. The Commission’s final LSLR regulations are critical for the Commonwealth to ensure the total removal of LSLs by all entities, not just the removal of LSLs in water systems that are required to conduct LSLRs under the existing LCRR. See 66 Pa.C.S. § 1501. The public health and safety goals this rulemaking works to achieve are important efforts in the Commonwealth’s rehabilitation of its water infrastructure.

Our final DWSL regulations are likewise important with regard to the rehabilitation of wastewater infrastructure. See 66 Pa.C.S. § 1501. Wastewater infrastruc-

ture installed more than 50 years ago is now reaching the end of its useful life and requires rehabilitation and modernization to support us in the current century. The volume of modern rainfall events exacerbates the shortfalls of aging wastewater infrastructure and can approach or exceed design limitations of aging combined wastewater/stormwater systems. This rulemaking takes critical steps to address these challenges. Service laterals are an integral component of wastewater collection systems and are susceptible to damage by natural material deterioration, tree roots, surface activities, or excavation. DWSLs may create serious environmental and health hazards due to the inherently deleterious composition of wastewater.<sup>6</sup> Consistent with Act 120, however, and to avoid disincentivizing the personal accountability of customers or property owners with respect to maintaining DWSLs in functional condition, entities should only replace DWSLs in limited situations where the costs will prudently benefit and improve system reliability, efficiency, and service quality in known problem areas.

As discussed herein, LSLRs and DWSL Replacements will benefit both ratepayers and public utilities. The final regulations addressing LSLRs and DWSL Replacements are set forth in Annexes A and B to this Order and are discussed in more detail below.

#### A. Lead Service Line Replacements

In order to implement the LSL provisions of Act 120, we proposed to divide Chapter 65 of the Commission’s regulations, which relates to water service, into two subchapters. We suggested that the first subchapter address water service generally, and that the subsequent subchapter address LSLRs. The stakeholders do not object to this approach, and the Commission continues to find that it is appropriate. Thus, Subchapter A, Service Generally, will encompass the existing water service regulations at 52 Pa. Code §§ 65.1—65.23, and Subchapter B, Lead Service Line Replacements, will encompass the new LSLR regulations at 52 Pa. Code §§ 65.51—65.62.

##### 1. § 65.51. Purpose.

In the NOPR, we stated that proposed Section 65.51 would set forth the purpose of Subchapter B, which is to implement Act 120, governing the standard under which “entities,” as defined in Section 65.52, may seek to replace LSLs and recover associated costs. We also explained that Subchapter B would establish the time, manner, form, and content of filings for Commission approval of LSLRs and set forth the minimum requirements for LSLRs. The stakeholders do not offer substantive comments regarding Section 65.51. The IRRC also does not offer comments on this Section. The OCA, however, notes a grammatical correction in Appendix A of its comments. OCA Comments at 2. Accordingly, we will change “minimum requirements of LSLRs” to “minimum requirements for LSLRs.” (Emphasis added). We will also replace the term “jurisdictional water utilities” with “an entity” in Section 65.51 to be consistent with the remainder of the regulations. We note that this revision is based on the Law Bureau’s response to the OAG’s tolling memorandum.

##### 2. § 65.52. Definitions.

In the NOPR, we explained that proposed Section 65.52 would set forth definitions pertinent to the regulation of

<sup>5</sup> Salvato, P.E., DEE, Joseph A., Environmental Engineering and Sanitation, 4th Ed., p. 46, New York: John Wiley & Sons, Inc., 1992.

<sup>6</sup> DWSLs may cause wastewater to backup into a customer’s home or discharge into the environment and may become a source of inflow and infiltration (I&I), contributing to hydraulically overloaded conditions within portions of a wastewater collection system or at a wastewater treatment plant (WWTP). I&I adds to the flow entering the collection system and being treated at the WWTP, reducing capacity and, in extreme cases, may be the largest contributing factor to hazardous overflows.

LSLRs. We defined “LSL” consistent with Act 120. Additionally, we explained the meaning of “LSLR” and distinguished an “LSLR Program” from an “LSLR Plan.” Among other things, we also defined the term “entity” as encompassing (1) a public utility as defined in 66 Pa.C.S. § 102 that provides water service, (2) a municipal corporation as defined in 66 Pa.C.S. § 102 that provides water service beyond its corporate limits, and (3) an authority as defined in 66 Pa.C.S. § 3201 (relating to definitions).<sup>7</sup>

a. *Stakeholder Comments on § 65.52.*

In its comments, the OCA recommends defining “authority” and “municipal corporation” with respect to the meaning of “entity.” The OCA notes that 66 Pa.C.S. § 1329 (relating to valuation of acquired water and wastewater systems) provides a different definition for “entity.” The OCA also suggests revising the definition of “customer-owned LSL” to more clearly identify the portion owned by the customer and proposes a definition that it claims more closely aligns with how entities define the term. The OCA points to PAWC as an example. In addition, the OCA asserts that the “LSLR Program” and “LSLR Plan” overlap, suggesting that the Commission combine the definition of “LSLR Program” with that of “LSLR Plan.” Further, the OCA recommends revising the definition of “LSLR Project Area” by removing the one-mile radius. The OCA argues that what constitutes an “LSLR Project Area” should be examined on a case-by-case basis. OCA Comments at 2–4.

PWSA recommends modifying the definition of “customer-owned LSL” and “service line” to replace “at the first shutoff valve located within” with “to one foot beyond the interior foundation wall of,” and claims that its proposed modifications will permit an entity to bring the service line into a structure where it makes the most sense and replace lines in an efficient and cost-effective manner. PWSA suggests that the definition of “LSL” be expanded to include service lines composed of galvanized iron and galvanized steel as defined by LCRR and claims that lead particles can attach to the surface of galvanized pipes. PWSA contends that confusion may persist if there are different standards for service line materials in the regulations implementing Act 120 and the LCRR. PWSA also notes that other places in the proposed regulation may require modifications to include galvanized pipes. Further, PWSA recommends modifying the definition of “Service Line Inventory” to require the inventory, where applicable, to identify the service line material for both the entity-owned and customer-owned portions of the line. PWSA also suggests replacing “composition” with “material” and removing the requirement to inventory the diameter of the services lines, which PWSA claims is not required under the LCRR. PWSA Comments at 4–7.

CAUSE-PA and GHHI support the inclusion of pigtailed and goosenecks in the definition of “LSL” to help ensure that all possible sources of lead contamination are removed during a LSLR. CAUSE-PA and GHHI Comments at 4.

Aqua recommends that the definition of “LSL” be updated to align with the LCRR, noting that the definition now includes a galvanized service line if it was or is downstream of a LSL or service line of unknown material. Aqua states that the definition of “LSLR Project Area” should not include a one-mile radius or be defined by distance. Rather, Aqua suggests that the definition be limited to the premises that are affected by the main

replacement project. Aqua states that including a one-mile distance qualifier from the site of any one-off replacement would create a patchwork of one-mile qualifying customers that is constantly changing depending on the year and timing of the one-off replacement. Aqua notes that the “LSLR Project Area” is important for customer reimbursement purposes. Aqua states that, in a separate proceeding regarding its existing Lead Service Line Replacement Program, at Docket No. P-2020-3021766, it offered a sliding scale reimbursement for the previous three years from the start of a main replacement project. Aqua also offered a similar sliding scale reimbursement for customers who request reimbursement within approval of Aqua’s Program. Aqua asserts that its reimbursement plan is beneficial to customers and provides equitable results for customers who may have replaced their own LSLs in the past. Lastly, Aqua notes that it agrees with the Commission’s definition of “entity.” Aqua Comments at 4-5.

b. *Reply Comments on § 65.52.*

In its reply comments, the OCA notes that it may be difficult to define “customer-owned LSL” in a way that encompasses how each entity defines the customer portion of the line, pointing to PWSA and Aqua’s comments as an example. The OCA suggests referring to the definition of customer-owned LSL contained in each entity’s tariff. The OCA also notes that it supports including the phrase “or galvanized iron or galvanized steel that is or formerly was downstream of lead” in the definition of “LSL” and claims that this is consistent with the LCRR. OCA Reply Comments at 2.

PWSA agrees with the OCA’s proposed elimination of “LSLR Plan” and its edit to the definition of “LSLR Program.” PWSA also agrees with the OCA’s comment that a one-mile radius for the “LSLR Project Area” may be too burdensome for entities, and with Aqua’s comment that the one-mile radius may create a patchwork of qualifying customers. PWSA recommends that the Commission adopt Aqua’s proposed language, which would define “LSLR Project Area” to include, for a main replacement project, the premises affected by a main replacement project. PWSA Reply Comments at 1-2.

c. *IRRC Comments on § 65.52.*

The IRRC states that the stakeholders’ comments illustrate that entities define the customer-owned portion of the service line differently. The IRRC asks the Commission to revise the definition to ensure clarity for the regulated community. The IRRC also indicates that the definition of “LSL” does not include service lines made of galvanized iron or galvanized steel as defined by the LCRR. The IRRC asks the Commission to revise the definition and modify any other portions of the final regulation as necessary to support this definition. In addition, the IRRC notes stakeholders’ assertions that a one-mile radius for a “LSLR Project Area” may be burdensome and would create a patchwork of qualifying customers. The IRRC asks the Commission to explain how the definition reasonably protects the public health, safety and welfare. Further, the IRRC notes the stakeholders’ contentions that, with respect to a “service line,” the first shutoff valve may be located on the opposite side of where the service line is brought into the structure. The IRRC asks the Commission to clarify the definition to ensure that LSLRs are conducted in an efficient and cost-effective manner. IRRC Comments at 2-3.

d. *Disposition on § 65.52.*

First, in response to later comments regarding the distinction between customers and property owners, we

<sup>7</sup> For purposes of Sections A and C of the “Discussion” pertaining to the LSLR provisions of this rulemaking, “entity” has the same meaning as it does in revised Section 65.52, which is explained herein.

will add a definition for “customer” in Section 65.52, which is consistent with the existing definition in Section 65.1 of the Commission’s regulations. In later Sections, we will revise the proposed regulations by specifying where we refer to a customer versus a property owner and where we refer to both in some circumstances.

Next, we will revise the proposed definition of “customer-owned LSL” in Section 65.52, to clarify that, if the entity’s meter is located outside of the structure, or water is not metered by the entity, the customer-owned LSL ends “at the first shutoff valve located within the interior of the structure.” This definition of “customer-owned LSL” is consistent with industry standards. We also note that this definition will not impact other definitions for similar terms that entities may have in their tariffs. This definition is only for purposes of determining what is a “customer-owned LSL” for LSLRs.

We will also revise the proposed definition of “entity.” We will use the language from 66 Pa.C.S. § 102, with respect to water service to refer to “public utility.” While we will continue to refer to “municipal corporation” in the definition of “entity,” we will separately define the term as well. The definition will refer to 66 Pa.C.S. § 102, noting that a municipal corporation diverts, develops, pumps, impounds, distributes or furnishes water service to or for the public for compensation beyond its corporate limits as referenced in 66 Pa.C.S. § 1501. This revision is based on the Law Bureau’s response to the OAG’s tolling memorandum. In the definition of “entity,” we will also modify the citation for “authority” to 66 Pa.C.S. § 3201(1), which references water service. These combined modifications will better clarify the meaning of the “entity.”

Further, we will modify the proposed definition of “LSL” to include galvanized materials as the stakeholders recommend. In doing so, we will set forth a definition for “galvanized service line” and state in the definition of “LSL” that a galvanized service line is considered a lead service line if it ever was or is currently downstream of any lead service line or service line of unknown material. With these modifications, the definition of “LSL” is consistent with 66 Pa.C.S. § 1311(b)(5), which includes lead pigtails, goosenecks, and other fittings in the definition of “lead water service line,” and is consistent with the LCRR, which includes galvanized materials.

With regard to the definitions of “LSLR Program” and “LSLR Plan,” we decline to merge the two terms as suggested by the OCA or to otherwise make changes to the proposed definitions. Contrary to the OCA’s assertions, the LSLR Program and LSLR Plan are not one and the same. Although the terms “LSLR Program” and “LSLR Plan” carry different meanings in the Commission’s regulations than they do in the LCRR, the terms are clear here. The LSLR Program is the “what,” and the LSLR Plan is the “how.” Thus, the LSLR Program focuses on what actions an entity will undertake to remove LSLs from its water distribution systems, while the LSLR Plan describes how the entity will implement its LSLR Program. Combining these terms as the OCA suggests would fundamentally alter the LSLR regulations, making them impractical.

As it pertains to the proposed definition of “LSLR Project Area,” we will make changes to reflect that it is the area encompassing an entity’s scheduled LSLR activities, including the area within a one-mile radius of a LSLR Project if served by the entity. We decline, however, to eliminate the one-mile radius. This radius will create economies of scale and equity for customers. This radius is appropriate as service lines within the radius are likely

to be of the same vintage requiring replacement, which will enhance mobilization and cost efficiencies. This radius will also ensure that LSLR Projects are properly conducted and managed as LSLR Projects, rather than main replacement projects. We will also define “LSLR Project Commencement” to clarify that a LSLR Project commences upon installation of the first LSLR within a LSLR Project Area.

Moreover, we will revise the proposed definition of “Service Line Inventory” to reflect the changes to Section 65.56(a) discussed in detail below. See *infra*, p. 37–39. In short, we agree that the Commission’s Service Line Inventory requirements should conform to the LCRR as implemented by the DEP. Therefore, we will define “Service Line Inventory” in Section 65.52 as the “process of identifying each service line under the timing and direction of the United States Environmental Protection Agency regulation at 40 CFR 141.1–143.20 as enforced by the Department of Environmental Protection, inclusive of future changes as those regulations may be amended.”

Lastly, we will revise proposed Section 65.52 by adding a definition for “water distribution system.” The LSLR regulations refer to water distribution systems a number of times, such as in Section 65.53, Section 65.56, and Section 65.59. Defining the term will clarify that the Commission is referring to equipment and facilities owned or operated by an entity for diverting, developing, pumping, impounding, distributing or furnishing water to or for the public for compensation. This language is also consistent with other definitions such as the definition of “entity” and “municipal corporation.”

### 3. § 65.53. Time to replace LSLs.

In the NOPR, we noted that Section 65.53 would establish that the requirement to remove and replace LSLs applies to all entities. We proposed that a Class A public utility or an authority replace all LSLs within or connected to its distribution system within 25 years. We also proposed that a Class B or Class C public utility do the same within 30 years, while a municipal corporation replace all LSLs within or connected to its distribution system, beyond its corporate limits, within 30 years. We explained that the proposed timeframes of 25-to-30 years would avoid rate shock.

#### a. Stakeholder Comments on § 65.53.

In its comments, the OCA proposes to move the timeframes for a Class A public utility or an authority to replace all LSLs to Section 65.53(a) and the timeframes for a Class B or Class C public utility or a municipal corporation to Section 65.53(b). The OCA does not propose changes to the timeframes for replacement. OCA Comments at 4.

PWSA contends that entities seeking Act 120 cost recovery be required to replace only residential customer-owned lead service lines, rather than all non-residential customer-owned services lines. PWSA believes that such a requirement may dissuade entities from submitting a LSLR Program for Commission approval. PWSA also suggests that the Commission recognize in its regulations that it will be almost impossible for an entity to remove every single LSL from its system due to unresponsive property owners and that, despite an entity’s best efforts to identify all LSLs, there may be some LSLs that remain in the system. PWSA Comments at 8–10.

CAUSE-PA and GHFI fully support applying the requirement to remove and replace LSLs to all LSLs in an entity’s system regardless of ownership. They believe the regulations will fill an important gap as the replacement

of LSLs is currently only required if the entity exceeds the lead action level. CAUSE-PA and GHHI assert that customer-owned LSLs present a significant threat to public health, especially when a consumer lacks the resources to replace a LSL. They urge the Commission to reduce the timeline for completing LSLRs to 10 years. CAUSE-PA and GHHI Comments at 4–6.

In addition, CAUSE-PA and GHHI recommend that the Commission require entities to provide targeted education and flushing instructions to all customers with known or suspected LSLs, as well as free filters to low-income and moderate-income customers with LSLs. CAUSE-PA and GHHI suggest an income threshold of no less than 250% of the Federal poverty level for households to receive free filters. In situations where a LSLR is truly not an option, such as certain landlord/tenant scenarios, CAUSE-PA and GHHI suggest that entities should be required to offer tenants alternative lead remediation programming like free testing kits, filters, and replacement cartridges. CAUSE-PA and GHHI Comments at 6, 21-22, 23-24.

Moreover, CAUSE-PA and GHHI urge the Commission to include mitigation provisions to help control costs, noting that the cost of a LSLR Program does not need to be recovered within the timeframe for replacement. They recommend that the Commission require entities to amortize the cost of the program over a 25-year period and explicitly require entities to seek all available public funds and long-term financing programs to help reduce the cost of the program to ratepayers. They encourage the Commission to require entities to exhaust all avenues of funding, including federal and state dollars, before allowing entities to use a rate increase to recover LSLR costs. They also urge the Commission to take clear and decisive steps to ensure that water affordability programs are appropriately funded, adequately designed, and readily accessible to ensure that low-income households can continue to access and maintain safe and affordable water service. Further, CAUSE-PA and GHHI contend that the cost of LSL remediation programming should be shared across all customer classes and that the Commission should set clear expectations for entities to come forward with such proposals. CAUSE-PA and GHHI Comments at 6-7, 22.

Aqua agrees that the Commission's proposed timeframe of 25 years provides a reasonable amount of time for a Class A public utility to find and replace all of the LSLs in its system. Aqua states that it has policies and procedures in place to observe service line material during customer service calls. Aqua also states that it will continue to implement its pre-main replacement project of service line materials in order to be able to plan projects accordingly. Aqua Comments at 5.

b. *Reply Comments on § 65.53.*

In its reply comments, the OCA asks the Commission to reject PWSA's recommendation to require entities to replace only residential customer-owned LSLs. The OCA argues that Act 120 does not limit its scope or application to any specific customer class. OCA Reply Comments at 2-3.

PWSA recommends that the Commission reject CAUSE-PA and GHHI's suggestion to provide targeted education, flushing instructions, and free filters to low-income and moderate-income customers with known LSLs. PWSA submits that filter distribution should be tied to individual lead testing results, not income levels. If the Commission adopts CAUSE-PA and GHHI's recommendation, PWSA recommends that filters be provided

only upon request. PWSA also opposes CAUSE-PA and GHHI's proposal that entities be required to exhaust all avenues of funding before allowing entities to put forth a rate increase to recover LSLR costs and that entities be required to document all sources of financing pursued by the entity. PWSA Reply Comments at 8-9.

c. *IRRC Comments on § 65.53.*

The IRRC notes that one stakeholder asserts that, due to the acute risk to consumer health and safety, the Commission should reduce the timeline to 10 years, and that the entire cost of LSLR Programs does not need to be recovered within the same timeframe for replacement. The IRRC asks the Commission to explain the reasonableness of the implementation timeframe in the final regulation and how it protects the public health, safety, and welfare while balancing the fiscal impacts. IRRC Comments at 3.

d. *Disposition on § 65.53.*

We disagree with PWSA that LSLRs should be limited to residential customers. We agree with the OCA that Act 120 does not limit the scope of replacements to residential customers. Section 1311(b) of the Public Utility Code refers to customers generally, not only residential customers, for LSLR purposes. See 66 Pa.C.S. § 1311(b).

In addition, we disagree with the OCA that proposed Sections 65.53(a) and 65.53(b) should be combined. The Commission's proposed structure sets forth clear requirements and the OCA's revisions do not have a substantive impact on these provisions. We also note that the OCA does not recommend changes to the timeframes for the replacements of LSLs. With regard to CAUSE-PA and GHHI's proposal to reduce the timeframes to 10 years, we disagree that 10 years is an appropriate timeframe to require all entities to replace LSLs. The LCRR may require a shorter timeframe for water systems above the EPA's trigger level or action level and, as explained earlier, entities that hit the trigger level or action level will be subject to those requirements. The 25-to-30-year timeframes identified by the Commission for replacement are reasonable for entities that are currently in compliance with the LCRR and not subject to the accelerated replacement schedule. Entities that are currently in compliance with the LCRR generally do not present risks that require faster replacement schedules. Additionally, the 25-to-30-year timeframes proposed by the Commission will serve to minimize the financial impact of LSLRs on entities by allowing entities to undertake replacements over a period of years, at a reasonable pace. Thus, where entities do not exceed the trigger level or action level, the Commission's schedule will provide an appropriate amount of time for entities to conduct LSLRs in a manner that protects the public health, safety, and welfare. We note that these timeframes will be the minimum requirements and that entities may choose to accelerate LSLRs to complete total LSL replacement before the Commission's deadlines.

Moreover, we disagree with CAUSE-PA and GHHI that the Commission should require entities to provide mitigation instructions or devices and remediation programs to customers. The primary focus of this rulemaking is the removal of LSLs. We note that the LCRR provides for mitigation measures, such as pitcher filters or point-of-use devices, in certain circumstances. We will not require entities to provide mitigation instructions or devices and remediation programs as part of this rulemaking. Entities, however, are not prohibited by the Commission from proposing such provisions in their LSLR Plans or otherwise undertaking such action.



Regarding CAUSE-PA and GHHI's comments on mitigating the costs associated with a LSLR Program, we note that Section 65.60(b) of the regulations will authorize entities to defer certain expenses associated with the regulations, including income taxes which may be associated with grants or loans related to LSLRs, and expenses associated with service line inventories, LSLR Program development, LSLR Plan, LSLR Program Report, and reimbursement expenses, to the extent such costs are not recovered through the entities existing base rates or DSIC. Entities, however, will not be required to defer such costs and may, if necessary, initiate a rate proceeding to change its existing rates to address costs related to the proposed regulations. We discuss our revisions to Section 65.60(b) in more detail later in this Order. See *infra*, p. 60-61.

Further, we will make minor changes to proposed Section 65.53(b) to coincide with our revisions to the definitions of "municipal corporation" and "water distribution systems." These changes are for purposes of consistency and do not alter the requirements of this Section.

#### 4. § 65.54. *Petitioning the Commission for a LSLR Program.*

In the NOPR, we explained that Section 65.54 would effectuate the mandate of Act 120 that an entity shall obtain prior approval from the Commission for LSLRs by filing a new tariff or supplement to its existing tariff under 66 Pa.C.S. § 1308(d) (relating to voluntary changes in rates), by requiring all entities to file a LSLR Program petition with the Commission for review and approval. See 66 Pa.C.S. § 1311(b)(2)(v). We noted that an entity's LSLR Program petition would vary based on whether the entity has a Commission-approved LTIIP.

In its comments,<sup>8</sup> the OCA notes that 52 Pa. Code § 121.5 requires an entity to file a separate petition for major modifications to an existing LTIIP. The OCA argues that entities should use existing procedures for LTIIPs and suggests that the Commission make it clear that the LSLR Program filing does not trigger or inhibit the existing LTIIP review process. OCA Comments at 4-5.

Aqua states that it is not opposed to filing a modified LTIIP that includes its LSLR Plan within the LTIIP document. However, Aqua suggests that a ten-day protest period apply to those entities that have a Commission approved LSLR Program prior to the effective date of these regulations. Aqua notes that those entities that already have a Commission approved LSLR Program in place have had their plan reviewed by the Commission and have begun implementing replacements. Aqua Comments at 5-6.

We do not intend to change existing LTIIP modification procedures. For an entity that has a Commission-approved LTIIP, a LSLR Plan is intended to be a separate and distinct component of the LTIIP. A LSLR Plan may result in a "major modification" if the LSLR Plan filing meets the criteria as this term is defined in Section 121.2 of the Commission's regulations. See 52 Pa. Code § 121.2. In addition, regarding the protest period, we do not intend to alter the timeframe provided in the Commission's regulations. Contrary to Aqua's suggestion, this timeframe should still apply to an entity that received prior Commission approval to perform LSLR activities given that the entity remains required to file a LSLR Program and a corresponding LSLR Plan that conforms with the LSLR regulations pursuant to Section 65.61.

<sup>8</sup> We address only comments here as the stakeholders did not file reply comments on Section 65.54. The IRRC likewise does not offer comments regarding this Section.

#### 5. § 65.55. *LSLR Program Requirements.*

In the NOPR, we stated that Section 65.55 would set forth the time for establishing and filing a LSLR Program, the components of a LSLR Program, and the approval process for a LSLR Program. We proposed that a Class A public utility or an authority file a LSLR Program within one year of the effective date of the regulations, while a Class B or Class C public utility or a municipal corporation file a LSLR Program within two years. We also proposed that the LSLR Program primarily entail: (1) a LSLR Plan as described in Section 65.56; (2) a pro forma tariff or tariff supplement containing proposed changes necessary to implement the entity's LSLR Program as described in Section 65.58; and (3) other information required for filings under 66 Pa.C.S. § 1308. Further, we proposed that a final Commission Order direct the resubmission of the entity's pro forma tariff or tariff supplement pursuant to 66 Pa.C.S. § 1308 and that, after Commission-approval, an entity's LSLR Program would be reviewed in base rate cases.

##### a. *Stakeholder Comments on § 65.55.*

In its comments, the OCA agrees that an entity's LSLR Program should be subject to review during base rate cases, but states that this should be addressed in Section 65.57, rather than Section 65.55. The OCA also notes that there may be circumstances where changes to the LSLR Program need to be made outside of a base rate proceeding. The OCA expands on these comments in addressing Section 65.57. OCA Comments at 5.

Aqua agrees with the Commission that Class A public utilities that do not have a pre-existing replacement program in place should be required to file a LSLR Program petition within one year of the effective date of the regulations. Aqua suggests that the Commission should add clarifying language to Section 65.55(a) to reference Section 65.61 for entities with existing Commission-approved LSLR Programs. However, Aqua disagrees that the LSLR Program "must" be reviewed in each base rate case. Aqua recommends that "must" be changed to "may" so that entities have the flexibility to petition the Commission to modify their LSLR Programs as needed. Aqua notes that this includes instances where the DEP or EPA may implement regulatory changes that would require changes to an entity's LSLR Plan. Aqua Comments at 6-7.

##### b. *Reply Comments on § 65.55.*

PWSA agrees with Aqua's recommendation that Section 65.55(d) be changed from "must" to "may" so that the LSLR Program is not required to be reviewed in each base rate case. PWSA also agrees with Aqua that an entity should be permitted to petition the Commission for modifications to its LSLR Program outside the context of a base rate case. PWSA Reply Comments at 2.

##### c. *IRRC Comments on § 65.55.*

As it pertains to Section 65.55(a), the IRRC questions how the requirement to file a LSLR Program within a given timeframe impacts those entities that have a preexisting LSLR Program. The IRRC notes that one stakeholder claims that a LSLR Program will be challenging and of limited value for entities that do not have an inventory in place. The IRRC also notes that the stakeholder asks for an inventory timeframe consistent with the LCRR. The IRRC asks the Commission to explain

how the requirements of this provision are reasonable and will impact existing programs.<sup>9</sup> IRRC Comments at 3.

With respect to Section 65.55(d), the IRRC notes that stakeholders assert that a LSLR Program should not be required to be reviewed in each base rate case and that an entity should be able to file a petition to modify its LSLR Plan or a proposed tariff revision under 66 Pa.C.S. § 1308(a). The IRRC explains that stakeholders assert that changes by the Department of Environmental Protection (DEP) or the EPA could force an entity to violate its approved LSLR Plan if a change cannot be made outside of a base rate case. The IRRC questions whether opportunities for the submission of modifications should be limited and asks the Commission to clarify the final regulation or explain the reasonableness of the requirements. IRRC Comments at 3.

d. *Disposition on § 65.55.*

First, we agree with Aqua that Section 65.55(a) should include a reference to Section 65.61, which addresses filing requirements and timing for entities with pre-existing LSLR activities. We will revise proposed Section 65.55(a) to clarify that entities with prior Commission approval to perform LSLR activities shall comply with Section 65.61. Section 65.61 will work in conjunction with Section 65.55 and provide that an entity that received prior approval to perform LSLR activities shall submit a LSLR Program meeting the requirements of Section 65.55(b) no later than the effective date of the rates established under the entity's next base rate case following the effective date of the Section or within two years of the effective date of this Section, whichever comes first. This provision will provide entities with preexisting LSLR activities with a reasonable amount of time in which to file their LSLR Program. Consistency among LSLR Programs for entities with preexisting LSLR activities and entities undertaking LSLR activities for the first time is important to effectuate the goal of Act 120.

We disagree with the OCA that review of the LSLR Program should be addressed in Section 65.57, rather than Section 65.55. Section 65.55(d) pertains to the review of LSLR Programs in future base rate cases, while Section 67.57 pertains to the review of LSLR Plans as part of the LTIP process. Additionally, we agree with Aqua and PWSA that LSLR Programs may be reviewed in base rates cases, but are not required to be reviewed at that time. Accordingly, we will revise proposed Section 65.55(d) to reflect that an entity's LSLR program "may" be subject to review in future base rate cases.

Further, while an entity will be permitted to modify its LSLR Plan outside the context of a base rate case, a base rate case is the most appropriate vehicle for review and modification of an entity's LSLR Program. Changes to a LSLR Program are expected to occur less frequently than changes to a LSLR Plan since the LSLR Program involves the "what" and the LSLR Plan involves the "how." Also, 66 Pa.C.S. § 1311(b)(2)(v) requires Commission approval of tariff provisions regarding LSLRs. The LSLR Program involves the entity's tariff, which is typically subject to review in base rate cases where any party may call into question tariff provisions. Thus, LSLR Program changes should be limited to base rate cases. In case-by-case situations where an entity requires changes to a LSLR

Program outside of a base rate case, the entity may petition the Commission for a waiver under 52 Pa. Code § 5.43.

6. *§ 65.56. LSLR Plan Requirements.*

In the NOPR, we explained that Section 65.56 would outline the main components of a LSLR Plan: Service Line Inventory; planning and replacements; and communications, outreach, and education. For example, we stated that Section 65.56(a) would specify the timeframe for an entity to complete a Service Line Inventory identifying the material, composition, diameter, and location of each service line connected to its water distribution systems. We also noted that Section 65.56(b) would set forth the minimum requirements for the portion of a LSLR Plan that addresses the entity's LSLR criteria, processes, and procedures for LSLRs. Further, we stated that Section 65.56(c) would require an entity to outline the communications, outreach, and education steps it will take to inform customers of the harmful effects of LSLs and the entity's plan to remove LSLs.

a. *Stakeholder Comments on § 65.56.*

The OCA's comments pertain to Section 65.56 generally. The OCA suggests combining this Section, which addresses LSLR Plan requirements with Section 65.55 regarding LSLR Program requirements, assuming the LSLR Plan and LSLR Program are one and the same. The OCA also raises concerns regarding landlord-tenant situations. The OCA notes that Section 65.56(c)(1)(iv) requires notification to "persons that receive drinking water from the entity. . ." as part of the communications and outreach plan for LSLRs, and states that it agrees certain individuals who receive drinking water from an entity, but who may not be a bill-paying customer, should be included in communication and outreach efforts. The OCA, however, states that the portions of Section 65.56 that discuss the obligations of a customer do not include language or exceptions for customers that are not the property owner. The OCA argues that there should generally be more specificity regarding what is required under a landlord-tenant arrangement and proposes language to address these situations. OCA Comments at 5-6.

With regard to Section 65.56(a) and Service Line Inventory, PWSA notes that the LCRR requires an inventory within a three-year period followed by a LSLR Plan. PWSA states that requiring completion of an inventory followed by a LSLR Program will help ensure that an entity establishes realistic replacement objectives based on a solid understanding of the number and concentration of LSLs in the entity's system. PWSA, however, questions why the Commission would depart from the EPA parameters for service line inventories without justification. PWSA contends that the inventory requirements proposed in Section 65.56(a)(4) should be aligned with the requirements in the LCRR to prevent the need for entities to create two separate inventories—one to comply with the LCRR and one to comply with the Commission's regulations. PWSA also supports allowing entities to identify the material type of entity-owned and customer-owned service lines as "non lead" when completing an inventory because it is consistent with the LCRR. In addition, PWSA asks the Commission to clarify the meaning of "grouped" in Section 65.56(a)(4)(ii), which requires inventory to "be grouped by material type and diameter." PWSA Comments at 10-11.

As it pertains to planning and replacement requirements, PWSA submits that requiring a LSLR Plan to

<sup>9</sup> We address comments regarding the timeframe for entities with pre-existing LSLR activities to file LSLR Programs and the impact on pre-existing LSLR activities in the "Disposition on § 65.55." See *infra*, p. 26, flip. We address comments regarding Service Line Inventories and the LCRR's inventory requirements, which appear to relate to PWSA's comments regarding Section 65.56(a), rather than Section 65.55, in the "Disposition on § 65.56." See *infra*, p. 36, flip.

include a description of an entity's lead/material recycling and disposal efforts, per Section 65.56(b)(7), is unnecessary as these are addressed in regulations promulgated by other regulatory bodies. PWSA Comments at 10-11.

Moreover, regarding communications and outreach, PWSA seeks clarification on the meaning of "sensitive populations" in Section 65.56(c)(1)(i). PWSA asks where the term is defined in a separate regulation. PWSA suggests revising the subsection to reflect that a LSLR plan must describe the entity's prioritization of LSLRs. In addition, to be consistent with the LCRR, PWSA recommends revising Section 65.56(c)(1)(iv) to require communication to those served by lead service lines and service lines of unknown material, rather than to all customers. PWSA also recommends deleting Section 65.56(c)(1)(v) in its entirety because as-built drawings or graphical depictions of a LSLR on the property between the customer's structure and the curb stop are not necessary. Further, PWSA notes that it supports Section 65.56(c)(2), assuming that printed and broadcast materials can be modified as necessary, without Commission approval as the LSLR Program evolves. PWSA Comments at 12-14.

CAUSE-PA and GHHI offer general comments as well as specific comments regarding Section 65.56. Generally, they advise that Sections 65.56 requires clarification as to specific prioritization criteria and should explicitly include prioritization criteria for Service Line Inventory and planning and replacements. They argue that clarification is required to ensure that the most vulnerable communities are prioritized at every stage. They also argue that specific prioritization will prevent delays in remediating properties or neighborhoods that are more difficult to serve, noting that batch LSLRs may be easier. CAUSE-PA and GHHI Comments at 7-9.

As it pertains to Service Line Inventory, CAUSE-PA and GHHI urge the Commission to revise Section 65.56(a) to include a requirement that an entity explain how it will ensure that historically underserved populations are not overlooked in the inventory process. CAUSE-PA and GHHI also recommend that Section 65.56(a) be revised to require inventories of all entities to be completed within three years, which they claim is a more reasonable timeframe. CAUSE-PA and GHHI Comments at 9-10.

With regard to planning and replacements, CAUSE-PA and GHHI urge the Commission to revise Section 65.56(b) to require entities to describe their plan to replace LSLs at no upfront costs to consumers, prioritize disadvantaged communities, and specify plans to handle landlord refusals. CAUSE-PA and GHHI note that it is important that consumers do not shoulder the cost of property restoration once LSLs have been removed and that property restoration should be included as part of the remediation plan. Restoration, according to CAUSE-PA and GHHI, should include ensuring any damage to the property necessary for mobility, such as stairs, walkways, and ramps, are repaired. CAUSE-PA and GHHI assert that it is important for the Commission to specify that customer-driven replacement and reimbursement should be limited to pre-program reimbursements or subsequent to customer refusals pursuant to Sections 65.58(d) and 65.56(b)(10)(ii) respectively. CAUSE-PA and GHHI Comments at 10-13.

In addition, CAUSE-PA and GHHI argue that the Commission should clarify the meaning of "sensitive populations" in Section 65.56(b)(3). They assert that the Commission should require entities to include in the definition of "sensitive populations" the six demographic indicators identified in the EPA's EJSCREEN: Environ-

mental Justice Screening and Mapping Tool, percent low income, percent people of color, less than high school education, linguistic isolation, individuals under age five, and individuals over age sixty-four. CAUSE-PA and GHHI recommend biannual reporting that include equity metrics, i.e., entities should be required to track the demographics of customers who participate in a LSLR Program to ensure equitable deployment of program dollars and to allow for course correction if the reports indicate that certain populations are not equitably served. CAUSE-PA and GHHI Comments at 14, 17-18.

CAUSE-PA and GHHI also note that Section 65.56(b) does not address or require entities to provide information to tenants about the risk of lead exposure or the consequences of their landlord's inaction and contends that additional steps must be taken to protect tenants and other occupants who reside in housing with private side LSLs. Thus, CAUSE-PA and GHHI urge the Commission to revise the regulations to provide step-in rights for entities to provide replacements where a landlord's failure to respond or refusal to accept a LSLR places tenants at increased risk of lead exposure and/or the loss of critical water services to their home. CAUSE-PA and GHHI urge the Commission to revise Section 65.56(b)(10) to require entities to provide robust notice and disclosures to tenants who are at risk of lead exposure, and notes that informing end users, including tenants, may take extra effort. CAUSE-PA and GHHI further recommend that the Commission revise Section 65.56(b)(10) to require entities to document the reasons for customer refusals, which will provide vital information for evaluation of the program and remove barriers to participation. CAUSE-PA and GHHI Comments at 20-22.

Regarding Section 65.56(c) and communications and outreach, CAUSE-PA and GHHI recommend that baseline communications, outreach, and education procedures for each entity to seek customer consent, including at least one attempt by mail, phone, and in person. CAUSE-PA and GHHI also urge the Commission to require that materials be provided in multiple languages. They recommend that entities be instructed to translate all outreach and education materials into Spanish, as well as other languages spoken by 5% or more of individuals in the entity's service territory. For languages spoken less commonly, notices should include a statement in those languages informing the consumer to contact the entity for assistance. CAUSE-PA and GHHI Comments at 14-16, 19.

Aqua believes that, with respect to Service Line Inventory and Section 65.56(a), 60 months is a reasonable amount of time for an entity to complete an inventory provided that certain assumptions and methods may be used. Aqua contends that the only "full proof" way to comply with the Commission's proposal to determine service line material type is to perform an in-person examination of the service line at the customer's structure. Aqua states that this type of examination is cost prohibitive and cannot be completed in five years. Aqua submits that entities be permitted to make reasonable assumptions regarding their inventory or that the five-year time period be extended to 10 years. Aqua disagrees that 36 months is reasonable for entities to complete an inventory for a new acquisition because an entity may have to develop the inventory from scratch. Aqua proposes 60 months for inventories for new acquisitions. Aqua also disagrees with the requirement that each entity must complete an inventory for all entity-owned and customer-owned service line materials and diameters. Aqua opines that, since the purpose of Act 120 is to find

and replace LSLs, an identification of “not lead” should be acceptable for a service line material. Likewise, Aqua does not see the relevance of including pipe diameter in a service line inventory that is focused on LSLs. Further, regarding costs, Aqua believes that permitting certain assumptions will assist in lowering overall costs to establish the inventory and allow for a more targeted review of the entity’s system. Aqua Comments at 7—9.

As it pertains to planning and replacements and Section 65.56(b), Aqua notes that it agrees with the information required in the planning and replacement portion of the LSLR. Aqua states that an entity can provide a projection of the number of LSLs it will replace in the upcoming five years based upon main replacement projects. However, Aqua explains that the timing may shift depending upon several factors including the weather, municipal paving schedules, etc. Aqua notes that one-off replacements by customer requests will vary year-to-year. Aqua attached a copy of the LSLR consent form it uses to its comments for reference. Aqua Comments at 9.

With respect to communications and outreach and Section 65.56(c), Aqua agrees with the Commission that consumer communication, outreach, and education is important. However, Aqua disagrees that entities should be required to provide as-built drawings that identify the location of LSLs on customers’ property. Aqua believes that sharing such information poses a security risk to its infrastructure and urges the Commission to remove this provision from the regulation. Regarding its website, Aqua is not opposed to dedicating a section of its website to consumer information regarding the health effects of lead, including communication materials and a consent form. However, Aqua disagrees that entities should be required to establish an online tool showing planned LSLR projects, whether customers are eligible for reimbursements, and a map showing the location of LSLs. Aqua believes that providing this type of information may violate customer privacy. Aqua acknowledges that the LCRR requires entities to provide some form of LSL identifier on its website for systems that serve populations over 50,000. However, Aqua notes that this requirement is system-wide, only covers systems in this targeted group and does not require the information to be in the form of a map. Aqua Comments at 10-11.

*b. Reply Comments on § 65.56.*

In its reply comments, the OCA asks the Commission to reject PWSA’s suggestion to require completion of the Service Line Inventory prior to filing a LSLR Program. The OCA argues that entities should expeditiously implement LSLR Programs while at the same time fulfilling inventory obligations. The OCA notes that PWSA proposed a three-year inventory period, while Aqua supports a five-year period. The OCA submits that the three-year period is preferred because it is consistent with the requirements of the LCRR. Additionally, the OCA agrees with CAUSE-PA’s suggestion to revise Section 65.56(b)(1) to require entities to provide robust and clear notice and disclosures to tenants at risk of lead exposure. Further, the OCA disagrees with Aqua’s position against establishing an online tool to show LSL projects and a map showing whether a customer has a LSL. The OCA avers that these tools are critical and that the LCRR requires a “publicly accessible” inventory of LSLs. OCA Reply Comments at 3-4.

PWSA supports Aqua’s proposed language in Section 65.56(a)(4)(i) to allow an entity to identify the material type of entity-owned and customer-owned service lines as “not lead” in completing a service line inventory. PWSA is

concerned that CAUSE-PA and GHHI’s recommendation regarding property restoration could be misconstrued to require entities to repair preexisting structural issues with the foundation/wall around the replacement site. PWSA submits that the replacement should be deemed complete when the replacement is completed, not when restoration is completed, and recommends that certain restoration costs be borne by the customer. In addition, PWSA opposes CAUSE-PA and GHHI’s recommendation that entities be required to submit a biannual report on equity metrics. PWSA also contends that the proposal to translate materials into multiple languages goes beyond the Commission’s current requirements for termination notices and would require entities to incur significant costs to translate various outreach and education materials. PWSA believes that providing an online map for communication and outreach purposes that discloses the location of LSLs and where PWSA plans to replace LSLs sufficiently informs the public about the status of replacement. PWSA does not believe entities should be required to offer a “secure online tool” for a customer to determine their eligibility for reimbursement where information is available on the entity’s website. PWSA Reply Comments at 3, 9—11.

CAUSE-PA agrees with the OCA’s concern that more specificity is needed regarding landlord-tenant arrangements and exemptions for customers that may not be property owners. CAUSE-PA recommends additional clarification to the OCA’s proposed language of adding “property owners and/or” in front of customers. Instead, CAUSE-PA would simply add “property owners and.” CAUSE-PA believes that this clarification would ensure that entities notify both property owners and tenants of LSLs and LSL programming. Additionally, CAUSE-PA fully supports the OCA’s recommended clarifying language to Sections 65.56(b)(5) and 65.56(b)(6), stating that these modifications ensure that all persons who receive drinking water from an entity are adequately protected and processes are in place to ensure that communication is provided to both those with authority to make decisions about LSLRs and those who are the direct recipient of those decisions. CAUSE-PA reiterates that the Commission should require all LSLR Plans to consider equity impacts and the methods entities will use to ensure lower income households benefit from LSLR and the metrics entities will use to track the socioeconomic and demographics of households receiving LSLRs. CAUSE-PA Reply Comments at 4—7.

*c. IRRC Comments on § 65.56.*

Regarding Section 65.56(a), the IRRC notes that a stakeholder expresses concern regarding the definition of “complete” and further asserts that the LSLR should only be deemed complete when full remediation and restoration efforts have occurred. The IRRC asks the PUC to clarify how completion will be determined. Additionally, the IRRC notes that a stakeholder asserts that the purpose of Act 120 is to find and replace LSLs and that the identification of “not lead” should suffice since it is consistent with the LCRR. The IRRC also notes that the stakeholder opposes requirements to provide the service line material and diameter. The IRRC questions the need for identifying and grouping by material type. The IRRC asks the Commission to explain the reasonableness and need for this information and to clarify the term “grouped.” IRRC Comments at 4.

As it pertains to Section 65.56(b), the IRRC questions whether the phrase “within 1 year of commencement of an entity’s LSLR Project” means within one year prior to

or after commencement. The IRRC also questions what marks a project's commencement. The IRRC notes that these comments also apply to Sections 65.58(d), 66.36(a)(9)(ii), and 66.38(d). Additionally, the IRRC notes that stakeholders are concerned about scenarios where a landlord's failure to respond or refusal to accept a LSLR places tenants at risk. The IRRC asks the Commission to clarify Section 65.56(b)(10)(iii) and other relevant provisions to ensure protection of the public health, safety, and welfare where inaction or refusal by landlord may harm others. IRRC Comments at 4.

With regard to Section 65.56(c), the IRRC notes that stakeholder states that it is not aware of any DEP or EPA regulation regarding "sensitive populations." The IRRC asks the Commission to include where the regulated community can locate a definition of this term or clarify how the term is to be defined. In addition, the IRRC notes that a stakeholder expresses concern regarding notifying a bill-paying customer who is not the property owner for outreach purposes due to landlord-tenant situations. The IRRC notes that another stakeholder argues that only those served by the LSL should be notified. The IRRC asks the Commission to clarify Section 65.56(c)(1)(iv) in terms of what is required when the bill-payer is not the owner. The IRRC also asks the Commission to explain the need for notifying all bill-paying customers and persons that receive drinking water, rather than targeting who would be impacted. The IRRC states that its comment here also applies to Section 66.36(b)(1)(iii). Further, the IRRC notes that a stakeholder expressed concern regarding Section 65.56(c)(1)(v) since this stakeholder indicated it is unlikely to have "as-built drawings" of each customer's service line and that sharing this information could pose a security risk. Thus, the IRRC asks what the need is for such information. The IRRC also asks the Commission to clarify the phrase "relevant documents associated with the LSLR." IRRC Comments at 4-5.

d. *Disposition on § 65.56.*

Generally, we reject the OCA's recommendation to combine Section 65.55 and Section 65.56, noting that Section 65.55 pertains to LSLR Programs and Section 65.56 pertains to LSLR Plans. As explained earlier, LSLR Programs and LSLR Plans will be separate components of the LSLR regulations. We note that we will change the term "inventorying" to "the inventory" in Section 65.56(a)(5) at the suggestion of the OCA. This minor wording change does not impact the substance of the regulation.

Moreover, throughout Section 65.56, we will clarify references to "customer" to address concerns raised in the OCA's comments and in CAUSE PA and GHFI's comments. Since "customer" refers to a person contracting with an entity for service, there may be situations in which the customer is not the property owner and cannot legally authorize a LSLR. The modifications to language referring to "customers" in Section 65.56 will address these situations by ensuring that the customer or property owner, if the customer is not the property owner, authorizes the LSLR. Additionally, the Commission will account for instances in which both the customer and the property owner, if the customer is not the property owner, should receive information regarding LSLRs since the customer's service will be impacted by the LSLR and the property owner's asset will be impacted by the LSLR. We will make such changes throughout Section 65.56. We will also add a provision regarding an entity's process to address replacements in situations where a property

owner who is not the customer is nonresponsive to an entity's offer to replace a customer-owned LSL in Section 65.58, which pertains to an entity's pro forma tariff or tariff supplement, given that such situations are most appropriately addressed in an entity's tariff. See *infra*, p. 52.

With regard to Section 65.56(a) and Service Line Inventory requirements, we agree that entities should not be required to identify service line material beyond the categorization required in the LCRR. Requiring this information as part of the Commission's Service Line Inventory requirements is not consistent with the intent of nor necessary for compliance with Act 120, is not likely cost-effective, could potentially delay LSL replacements throughout the Commonwealth, and risks the creation of confusion and/or uncertainty with the EPA's already robust service line inventory requirements and future DEP regulations developed to direct compliance with the LCRR.

In particular, the Pennsylvania Regulatory Review Act requires that Commission regulations both conform to the intention of the Pennsylvania General Assembly and be necessary for compliance. See 71 P.S. § 745.5b. Under Act 120, the General Assembly authorized the Commission to, *inter alia*, coordinate the elimination of LSLs. The Commission's role under Act 120 with respect to LSLs is to establish certain standards, processes, and procedures under which water utilities may engage in the accelerated replacement of such lines and recover costs associated with replacement. Similar infrastructure legislation implemented by the Commission—the highly detailed LTIP filed by water utilities—only requires a "general description of the location of eligible property" and a "reasonable estimate of the quantity" of the property to be improved. See 66 Pa.C.S. § 1352(a)(3)-(4) (relating to long-term infrastructure improvement plan). Thus, as to the Commission, the fundamental intent of Act 120 is the accelerated replacement of lead service lines, not a granular survey of all materials in use as service lines.<sup>10</sup> Requiring water utilities to identify service lines by material in a manner similar, but not identical, to that directed by the LCRR, is beyond the scope of and is not necessary for compliance with Act 120. The diameter of a service line is also not relevant to whether the service line is a LSL under Act 120.

Moreover, requiring entities to identify service lines other than by the categorization included in the LCRR will likely result in significant additional costs for ratepayers. The Regulatory Review Act requires that the Commission consider the fiscal impacts of our regulatory requirements and any "adverse effects on prices of goods and services, productivity or competition." 71 P.S. § 745.5b(b). Similarly, the Public Utility Code mandates that the Commission pursue service that is cost efficient as well as safe and reliable. 66 Pa.C.S. § 1501. Under the cost recovery mechanism of Act 120, costs incurred by entities in identifying LSLs will eventually be recovered from ratepayers, meaning that any unnecessary costs will not serve the goal of lead service line replacement, but will ultimately be borne by customers.

Requiring entities to identify service lines other than by the categorization included in the LCRR could also delay LSLRs throughout the Commonwealth. As Aqua indicates, LSL installations were widely used across the country until the 1950s. The only way to definitively

<sup>10</sup> Memorandum from Representative Alexander T. Charlton to All House Members, Lead Water Service Lines and Replacement of Damaged Sewer Lateral, 2017-2018 Sess. (Pa. February 1, 2018).

know the material and diameter of each existing service line is by in-person examination of all of an entity's service lines, which could take years. The Commission will not delay efforts to replace LSLs by mis-directing resources away from identifying those directly associated with lead.

Further, the EPA has already developed a robust, science-based service line inventory requirement in the LCRR that does not require identification of water provider service lines by materials not directly associated with lead. As noted above, the EPA's service line inventory requirements include the identification and categorization of certain service lines by material directly associated with lead, including "lead," "non-lead," "lead status unknown," or "galvanized requiring replacement." The EPA plans to issue guidance to help develop service line inventories in the coming months, while DEP, the agency charged with enforcing the LCRR in the Commonwealth, has yet to develop regulations and/or guidance regarding service line inventories. Because the EPA and DEP are still developing their materials, we decline to establish separate Service Line Inventory requirements at this time.

Therefore, we will eliminate the proposed separate Service Line Inventory requirements in this final rule-making and instead refer to the LCRR service line inventory requirements. Adopting the EPA's service line inventory requirements is the prudent step for the Commission to take at a time when the EPA and the DEP are still in the process of developing guidance regarding the LCRR. Because the EPA and DEP are still working to develop their materials, we will include language in our regulations to ensure automatic adoption of any future changes to the LCRR. Automatic adoption language has been most recently used by the Commission in our pole attachment regulations at 52 Pa. Code § 77.4(a), which adopted certain Federal telecommunications regulations "inclusive of future changes as those regulations may be amended." Thus, Section 65.56(a) will require entities to submit to the Commission a Service Line Inventory that complies with the EPA's regulation at 40 CFR 141.1—143.20 as enforced by the DEP, inclusive of future changes as those regulations may be amended.

As it pertains to acquisitions, we will make changes to proposed Section 65.56(a)(3), which is now Section 65.56(a)(2), to reflect that an entity acquiring a water distribution system shall provide to the Commission a Service Line Inventory for the acquired system upon completion of the acquisition or as part of the Service Line Inventory under Section 65.56(a)(1), whichever is later. We will also add language to specify that an entity may rely on a previously completed Service Line Inventory for an acquired system if the entity updates the Service Line Inventory to meet the requirements set forth by the Commission. This revision is based on the Law Bureau's response to the OAG's tolling memorandum.

Additionally, with regard to proposed Section 65.56(a)(4), which is now Section 65.56(a)(3), we will address PWSA's concerns regarding the meaning of "grouped" by removing this requirement. We will revise Section 65.56(a)(3) to require only that a Service Line Inventory must comply with the timing and direction of the EPA's regulation at 40 CFR 141.1—143.20 as enforced by the DEP, inclusive of future changes as those regulations may be amended. Moreover, we agree with Aqua that entities are permitted to use assumptions in their Service Line Inventories. Accordingly, in the new Section

65.56(a)(4), we will clarify that an entity shall identify assumptions in its Service Line Inventory to the Commission.

With regard to planning and replacements, in proposed Section 65.56(b)(7), the Commission seeks information regarding the entity's lead/material recycling and disposal efforts in order to understand the entity's responsibilities regarding disposal of waste materials, and to estimate the salvage value, if any, that an entity may receive since the value may be appropriate to pass through to customers to reduce rates. Providing this information to the Commission for service and rate purposes will not interfere with other regulatory bodies' regulations as PWSA suggests.

Regarding proposed Section 65.56(b)(9), it is commonly understood that a LSLR is "complete" when water service has been restored, any excavations have been backfilled, and grade has been returned to such a level that does not present a hazard. Entities are generally not responsible for replacing sidewalks, stone or asphalt driveways, or landscaping outside of a right-of-way. We agree with PWSA that completion should not be misconstrued to require entities to repair preexisting issues on a property.

Additionally, we will revise proposed Section 65.56(b)(10)(ii) to clarify when a LSLR Project Commences by referencing the term "LSLR Project Commencement" as defined in Section 65.52. LSLR Project Commencement means the installation of the first LSLR within a LSLR Project Area. Additionally, we will clarify that the phrase "within 1 year of commencement" refers to "1 year from LSLR Project Commencement" here, where we are dealing with a customer or property owner's refusal to accept an entity's offer to replace a LSL and the impact on reimbursement. In this context, it would not be possible for refusal to occur one year before LSLR Project Commencement since the entity would not yet have made the offer at that time.

As for communications, outreach, and education, we will revise Section 65.56(c) consistent with the public notice requirements of the LCRR. The LCRR requires that a service line inventory must be publicly accessible and that water systems serving greater than 50,000 persons must make the inventory available online. The LCRR also specifies that the inventory must include a location identifier such as a street address associated with each service line requiring replacement. In addition, the LCRR provides for extensive public outreach and public education regarding the results of the service line inventory. See 86 FR 4198 at 4290—4296. Therefore, it is unnecessary to duplicate this effort or run the risk of promulgating regulations that compete or conflict with those of DEP or that confuse the public.

Section 65.56(c) of the final regulations will direct entities to demonstrate compliance with the EPA's regulations at 40 CFR 141.85, inclusive of future changes as those regulations may be amended. We will remove proposed Section 65.56(c)(1)(i)—(v) in its entirety. Proposed Section 65.56(c)(2) will become Section 65.56(c)(1) and proposed Section 65.56(c)(3) will become Section 65.56(c)(2). With regard to revised Section 65.56(c)(2), we will remove the proposed requirement for a "secure online map" and require a Class A public utility or an authority to provide on their website "information that provides the ability to determine whether a property may have a LSL." We will also require these entities to provide a method to request assistance to determine if a service line is a LSL.

#### 7. § 65.57. Periodic review of LSLR Plan.

In the NOPR, we noted that proposed Section 65.57 would require an entity to update its LSLR Plan at least

once every five years after initial approval of the LSLR Plan. We proposed that the Commission would review the LSLR Plan of an entity with a LTIIP as part of the typical LTIIP review and renewal process and would review other LSLR Plans using a similar periodic review outside of the LTIIP process.

a. *Stakeholder Comments on § 65.57.*

In its comments, the OCA states that reviewing the LSLR Plan as part of the LTIIP review process is reasonable given that Section 64.54(b) requires an entity to file a modified LTIIP for the LSLR Program. The OCA argues that review should only occur every five years if an entity does not have a LTIIP. The OCA avers that this will be more efficient and prevent competing processes. The OCA asks the Commission to specify that Section 65.57 does not inhibit the scope of review of the LSLR Program during base rates cases. The OCA avers that both processes should complement each other and provide multiple opportunities for review. OCA Comments at 6.

PWSA suggests that the Commission establish procedures for completion of a LSLR Plan in or around Section 65.57, where the Commission currently proposes periodic reviews. PWSA Comments at 14.

Aqua notes that it agrees with the Commission that LSLR Plans should be reviewed during the periodic review of the LTIIP. Based on fluctuating factors, Aqua submits that an increase or decrease in the quantity of dollars projected for LSLRs should not trigger a major modification under 52 Pa. Code § 121.2 for information filed in an entity's Annual Optimization Plan and LTIIP under 52 Pa. Code § 65.59. Aqua states that if the program is not flexible, the Commission may be required to process LTIIP modifications several times within a five-year projected period. Aqua Comments at 9, 11.

b. *Reply Comments on § 65.57.*

In its reply comments, the OCA disagrees with Aqua's suggestion that submitting information regarding an increase or decrease in the quantities or dollars projected for LSLRs through an annual asset optimization plan (AAOP) should not trigger a major modification to the LTIIP under the Commission's regulations. The OCA argues that circumventing the LTIIP procedures is premature. OCA Reply Comments at 5.

PWSA supports Aqua's comment that if an entity is submitting information through its AAOP and LTIIP, then an increase or decrease in the quantities or dollars projected for LSLRs should not trigger a major modification under the Commission's regulations. PWSA Reply Comments at 3-4.

c. *IRRC Comments on § 65.57.*

The IRRC notes that one stakeholder states that there should come a point in time when an entity has completed its LSLR Plan and the obligations in Chapter 65 dissipate. The IRRC asks the Commission to revise the final regulation to establish procedures for the completion of a LSLR Plan. IRRC Comments at 5.

d. *Disposition on § 65.57.*

We agree with the OCA that existing LTIIP procedures should not be changed. As noted earlier, a LSLR Plan may constitute a "major modification" if the LSLR Plan filing meets the criteria in 52 Pa. Code § 121.2. However, the LSLR Program annual cap on the number of replacements should minimize Aqua's concern that one of these parameters would be triggered.

As it pertains to the OCA's concerns regarding the scope of review of the LSLR Program during base rates cases, we note that Section 65.57 will not limit the scope of the issues that may be raised in a base rate proceeding. Section 65.57 addresses only the items to be considered as part of the periodic review under Chapter 65.

Additionally, while LSLR Plans will be longstanding, we agree with PWSA that the regulations should provide for the Commission's review of a LSLR Plan to determine whether the requirements should terminate. We note that entities may acquire non-jurisdictional water distribution systems that contain LSLs and those systems, upon acquisition, would become subject to Commission regulations and the entity's LSLR Program. As such, an entity's LSLR Program may need to remain in place for the foreseeable future, and a LSLR Plan update that indicates minor changes to update an entity's prior LSLR Plan would generally be required after acquisition. Thus, review of an entity's LSLR Plan status is appropriate as part of the periodic review. We will revise proposed Section 65.57(a) to specify that the Commission's periodic review of a LSLR Plan will include determinations regarding whether an entity's LSLR Plan has been satisfied, whether the entity has demonstrated the absence of LSLs through its Service Line Inventory, and whether the entity should be released from LSLR Plan requirements.

8. *§ 65.58. Pro forma tariff or tariff supplement requirements.*

In the NOPR, we stated that proposed Section 65.58 would outline the minimum requirements, in addition to proposed changes necessary to implement a LSLR Program, that must be contained in an entity's pro forma tariff or tariff supplement, including: LSLR Program annual cap; service line demarcation; partial LSLRs; reimbursements; and warranty. For example, we noted that Section 65.58(a) would effectuate the mandate that a new tariff or supplement to an existing tariff approved by the commission include a cap on the maximum number of customer-owned lead water services lines that can be replaced annually." See 66 Pa.C.S. § 1311(b)(2)(vi). We also noted that Section 65.58(b) would require an entity's tariff or tariff supplement to distinguish entity-owned and customer-owned LSLs for LSLRs. In addition, we explained that Section 65.58(c) would require an entity to include in its tariff or tariff supplement provisions to address partial LSLRs. We also explained that Section 65.58(d) would require an entity to offer reimbursements to eligible customers who have replaced their LSLs within one year of commencement of an entity's LSLR Project within a LSLR Project Area. See 66 Pa.C.S. § 1311(b)(2)(vii)(B). Further, we addressed warranty provisions in Section 65.58(e). See 66 Pa.C.S. § 1311(b)(2)(vii)(A).

a. *Stakeholder Comments on § 65.58.*

The OCA focuses its comments on Section 65.58(c) and partial LSLRs. The OCA claims that Section 65.58(c)(2) allows a customer to require an entity to replace the entity-owned portion of a LSL if the customer elects to replace their portion of the LSL sooner. The OCA argues that this could create a problem by requiring the entity to replace a LSL in a geographic area where it has yet to develop economies of scale creating additional costs. The OCA also argues that it may be more reasonable to have customers provide notice that they desire to replace their LSL, which will then create an obligation for the entity to notify others in surrounding areas of a quicker timeline. In addition, the OCA recommends that the regulations address emergency situations so that a LSL can be

replaced faster than the 90-day minimum when necessary. Moreover, the OCA claims that Section 65.58(c)(3) allows partial replacements when a customer's service is terminated. The OCA argues that this provision contradicts Section 65.62, which prohibits partial LSLRs. OCA Comments at 6-7.

Additionally, regarding Section 65.58(d), the OCA proposes language changes so that reimbursements apply to customers who moved forward to replace LSLs prior to the establishment of an entity's LSLR program. The OCA also recommends removing the phrase "licensed to perform LSLR work in the Commonwealth" from Sections 65.58(c) and 65.58(d), addressing reimbursements and warranty respectively, noting that it is not aware of any such licensing requirements. OCA Comments at 6-8.

Noting its proposed revisions to the definitions of "customer-owned lead service line" and "service line," first, with regard to service line demarcation PWSA recommends deleting Section 65.58(b)(2). PWSA also requests clarification regarding how an entity is to use the LSLR process to perfect its ownership of the portion of the service line located within the then-existing right-of-way to ensure it can obtain necessary permits as directed by Section 65.58(b)(3). PWSA Comments at 14-15.

Next, as it pertains to reimbursements, PWSA seeks clarity of the language in Section 65.58(d) establishing that an entity will "provide a reimbursement to an eligible customer who replaced their LSL within one year of commencement of an entity's LSLR Project within a LSLR Project Area" and also suggests defining "commencement of the LSLR Project." PWSA suggests that once the planning on a LSLR Project is complete, the customer not be eligible for reimbursement for replacement of their line. PWSA also seeks clarification as to whether it can continue its income-based reimbursement program for customer-initiated replacements not performed within a year of commencement of a LSLR Project, if the Commission's proposed regulations are adopted. PWSA also recommends deletion of Section 65.58(d)(1)(iii)(B) by contending that it would micromanage the submission and verification of appropriate documentation relating to a customer-initiated LSLR. PWSA Comments at 15-17.

Further, with respect to warranty, PWSA submits that the Commission's proposal to require a two-year warranty for a customer-owned LSL that an entity replaced is longer than the accepted industry practice for a warranty term and believes that a 30-day warranty on workmanship and materials would adequately protect the customer. PWSA recommends that the proposed warranty requirement be revised to exclude "restoration of surfaces" from Section 65.58(e)(2) or clarify that the surfaces to be restored are roadways, public sidewalks, and the backfilling of any trenches excavated as part of the replacement and not all surfaces on private property. PWSA Comments at 17-18.

Aqua begins its comments by addressing the LSLR Program annual cap and Section 65.58(a). In this regard, Aqua does not offer substantive comments regarding changes to the proposed regulations, but recounts how it developed its yearly LSLR cap. Aqua states that it ultimately estimated that each LSLR project would be \$4,000 based on discussions with contractors and a review of similar LSLR projects. Aqua noted that the projects generally ranged from \$3,000-\$5,500, depending on the length of the service line and other factors, including restoration. Aqua Comments at 12.

Regarding service line demarcation, Aqua agrees with the Commission's proposed regulation at Section 65.58(b) regarding what the entity owns and what the customer owns. Aqua believes that an entity should not be required to investigate or have a duty to investigate a customer's internal plumbing to determine material type while replacing a customer LSL. Aqua asserts that entities should not be exposed to potential liability of what may, may not, or should have been observed related to the internal plumbing of a customer's structure. Aqua Comments at 12-13.

Moreover, with respect to Section 65.58(c) and partial LSLRs, Aqua notes that it understands the Commission's rationale for requiring termination of service for partial LSLRs. However, Aqua points to complexities and difficulties in terminating service for refusal to allow replacement of customer side LSLs or discovery of a partial LSL. For example, if the landlord refuses to accept replacement or refuses to replace a customer side LSL, the renter is left without water without any fault of their own. Also, Aqua notes that replacement by customers may be difficult to track, unless the entity is notified by the customer. Aqua states that the likely scenario is that when an entity discovers a partial LSL, it will enter an emergency PA One Call ticket and replace the LSL rather than terminate service to the customer. Aqua Comments at 13.

As for Section 65.58(d) and reimbursements, Aqua agrees with the Commission that an entity's tariff should explain LSLR reimbursement conditions. Aqua disagrees with the amounts set forth in the proposed regulations. Aqua recommends that the language be changed to reflect that customers will be eligible for reimbursement at the lower cost of the customer's actual cost or what the entity would have incurred to perform the replacement. Aqua Comments at 14.

Finally, with respect to Section 65.58(e) and warranty, Aqua agrees with the Commission that a two-year warranty term is appropriate. Aqua recommends that the warranty, begin on the date that the LSLR is dedicated to the customer, and that it be limited to repairing the customer's service line. Aqua states that the language regarding access for repairs can be included in the consent form. Aqua clarified that the two-year warranty should not apply if a customer replaces its LSL outside of the two-year warranty period and seeks reimbursement. Aqua reasoned that an entity should not be required to provide a warranty on work done by someone other than the entity or the entity's contractor(s). Aqua recommends that this change should also be reflected in Section 65.56(b)(10)(ii). Aqua believes that this language change should encourage customers to seek replacement under the entity's replacement program. Aqua Comments at 14.

*b. Reply Comments on § 65.58.*

In its reply comments, the OCA notes that it agrees with Aqua regarding difficulties with termination for refusal to allow a LSLR and suggests that it may be best to allow an entity to propose termination protocols based on the specific circumstances and service territory. The OCA argues that this will allow for different approaches where termination is not feasible or appropriate. In addition, the OCA asks the Commission to reject Aqua's and PWSA's suggestions regarding reimbursements. The OCA states that customers should not be penalized for replacing LSLs to remediate health concerns and that customers who replace LSLs after the commencement of a LSLR Project should still have the opportunity to seek



reimbursement. The OCA also disagrees with PWSA's suggestion that a 30-day warranty is sufficient. OCA Reply Comments at 6-7.

PWSA states that it supports Aqua's proposed change to Section 65.58(d) to reflect that an entity is required to reimburse eligible customers for LSLR expenses "at the lower of the customer's actual cost or what the entity would have incurred to perform the replacement." PWSA also agrees with Aqua that, if a customer replaces their LSL outside an entity's replacement program and seeks reimbursement, the entity should not be responsible for a warranty on the LSLR. PWSA Reply Comments at 4-5.

CAUSE-PA agrees with Aqua that an emergency LSLR is appropriate in circumstances where a tenant faces termination of service due to the landlord's refusal to allow LSLR, even though replacement is to be provided at no cost to the landlord. Also, CAUSE-PA agrees with OCA that termination of service should not be a requirement for discovering a partial LSL. CAUSE-PA recommends that references to termination of service be stricken from the regulation and be replaced with OCA's proposed process for emergency LSLRs. CAUSE-PA asks the Commission to consider revising this process to ensure that customers, especially tenants, are not placed at risk of lead exposure or deprived of water service. CAUSE-PA Reply Comments at 7-8.

*c. IRRC Comments on § 65.58.*

Regarding the LSLR Program annual cap and Section 65.58(a), the IRRC notes that the annual cap is described as a maximum number of replacements, while the Commission later refers to the "value of reimbursements" causing the entity to exceed its annual budgeted cap. The IRRC questions whether the cap is based on a number of replacements or the value of reimbursements. If the cap is number-based, the IRRC asks the Commission to explain how the value of reimbursement impacts the annual cap. The IRRC also asks the Commission to explain the conflicting provisions. The IRRC notes that this comment applies to Sections 66.38(a) and 66.38(d)(2). IRRC Comments at 5-6.

As it pertains to service line demarcation and Section 65.58(b), the IRRC notes that one stakeholder questions how an entity is to use the LSLR process to perfect the entity's ownership of the portion of the service line located within the then-existing right-of-way to ensure that the entity can obtain necessary permits. The IRRC asks the Commission to clarify this provision. IRRC Comments at 6.

With respect to partial LSLRs and Section 65.58(c), the IRRC notes that a stakeholder claims terminating service for refusal to allow an entity to replace a customer-side LSL, or discovery of a partial replacement, will present difficulties for entities administering a LSLR. The IRRC also notes that another stakeholder asks the Commission to allow an entity to propose termination protocols based on the specific circumstances and service territory which will allow for different approaches where termination is not feasible or otherwise not appropriate. The IRRC asks the Commission to explain the reasonableness of requiring termination of service for a partial LSLR and how the final regulation protects the public health, safety and welfare. In addition, the IRRC notes that a stakeholder questions the phrase "licensed to perform LSLR work in the Commonwealth." The IRRC asks the Commission to clarify this provision. The IRRC states that the same applies to Sections 65.58(d)(1)(iii)(B) and 66.38(d)(1)(iii)(B). Further, the IRRC notes that a stake-

holder claims an entity is allowed to perform a partial LSLR when service has been terminated and that this conflicts with Section 65.62. The IRRC asks the Commission to clarify these provisions. IRRC Comments at 6-7.

Regarding reimbursements and Section 65.58(d), the IRRC notes that some stakeholders argue that reimbursements should be the lower of the customer's actual cost or what the entity would have incurred to perform the replacement, while another commentator states that the Commission's proposed language appropriately recognizes that a customer's costs to replace a LSL may exceed the entity's cost. The IRRC asks the Commission to explain the reasonableness of the proposed language and notes that this comment applies similarly to Section 66.38(d)(1)(iii)(A). IRRC Comments at 7.

Finally, the IRRC notes that stakeholders request clarification that the warranty in Section 65.58(e) would not apply to a customer-side LSL replaced by someone other than the entity or its contractors. The IRRC asks the Commission to clarify this provision as well as Section 66.38(e). IRRC Comments at 7.

*d. Disposition on § 65.58.*

First, we will revise proposed Section 65.58(a), which addresses LSLR Program annual caps, by removing the word "maximum" as it is redundant. Thus, the LSLR Program annual cap will be a "cap on the number of customer-owned LSLs that can be replaced annually." There will not be a specified monetary value for a LSLR Program annual cap in the regulations. Rather, an entity will be responsible for establishing a prudent budget for LSLRs based on the number of customer-owned LSLs that the entity can replace annually under the cap. However, entities may establish budget caps in their tariff, and some have done so.

Next, we will revise proposed Section 65.58(b)(1) regarding service line demarcation to reflect that the entity's tariff must include a definition of customer-owned LSL "for purposes of the entity's LSLR Program" that is consistent with Section 65.52. As noted above, the definition is only intended to determine what is a "customer-owned LSL" in terms of an entity's LSLR Program, not other aspects of an entity's tariff. In addition, we will revise Section 65.58(b)(3) to clarify an entity's requirements for perfecting ownership of the portion of a service line located within a then-existing right-of-way. In this regard, the entity shall resolve ownership conflicts in accordance with its Commission-approved tariff during the planning phase of a LSLR Project.

Throughout Section 65.58(c) regarding partial LSLRs, we will clarify references to "customer" as we did in Section 65.56 to properly refer to customers versus property owners. We will also make similar changes throughout Section 65.58(d). We note that proposed Section 65.58(c)(1) is not inconsistent with proposed Section 65.62, as the OCA suggests. Section 65.58(c)(1) pertains to an entity's tariff provisions on partial LSLRs and Section 65.62 pertains to partial LSLRs generally. Accordingly, when a customer-owned LSL is replaced prior to the replacement of an entity-owned LSL, Section 65.58(c)(1) will require the entity to terminate service until it can replace its LSL. Section 65.62 will require an entity to replace its LSL concurrent with the replacement of a customer-owned LSL within a specified timeframe when a customer initiates a LSLR. It will also require that a customer's refusal when an entity offers to replace the customer-owned LSL will result in termination. Thus, a partial LSLR on the customer or entity will be prohibited

and lead to termination. Partial LSLRs result in permanent negative health effects from lead exposure. Therefore, these termination requirements are necessary to ensure adequate, efficient, safe, and reasonable service due to the known dangers of partial LSLRs to the public health.<sup>11</sup>

We recognize that entities may wish to proceed with replacements necessary to avoid a partial LSLR resulting in termination in situations where the property owner is not the customer and is nonresponsive to the entity's offer to replace a customer-owned LSL. Thus, we will revise Section 65.58(c) by adding a provision regarding an entity's process to address such situations. This provision will allow an entity to propose in its tariff language specifying the entity's process to address replacement of a customer-owned LSL to avoid termination of service when a property owner who is not the customer is nonresponsive to the entity's offer to replace the LSL. For instance, an entity should specify whether it will exercise step-in rights to make necessary replacements of a customer-owned LSL to avoid termination of service when a property owner who is not the customer is nonresponsive to an entity's offer to replace a customer-owned LSL.<sup>12</sup> This provision will be Section 65.58(c)(3) and the proposed Section 65.58(c)(3) will be Section 65.58(c)(4).

With respect to the new Section 65.58(c)(4), we will replace the phrase "contractor licensed to perform LSLR work in the Commonwealth" with "licensed contractor." We agree with the OCA that there is no specific license required for LSLR work. The purpose of this provision is simply to ensure that qualified professionals are undertaking LSLRs or are verifying as to the completion of the LSLR. Requiring that a licensed contractor complete the work or verify completion of the LSLR will fulfill this purpose. We will make the same change in Section 65.58(d)(1)(iii)(B).

Moreover, we note that Section 65.58(d) will require reimbursement to all eligible customers or property owners, if the customer is not the property owner, who replace their LSL within one year of LSLR Project Commencement. As noted in Section 65.52, the term "LSLR Project Commencement" refers to the installation of the first LSLR within a LSLR Project Area. Thus, under Section 65.58(d), a LSLR eligible for reimbursement must be within a LSLR Project Area. Section 65.58(d) is intended to encompass all eligible customers or property owners, including, as noted in Section 65.56(b)(10)(ii), those that refuse an entity's offer to replace their LSL and later replaced the LSL within the requisite timeframe. For such customer or property owners, replacement must occur within one year from LSLR Project Commencement in order to be eligible for reimbursement as earlier replacement would not be possible given that refusal cannot occur before LSLR Project Commencement. See *supra*, p. 41.

Otherwise, we will revise proposed Section 65.58(d) to clarify that an entity shall provide a reimbursement to an eligible customer or property owner, if the customer is not

the property owner, who replaced their LSL "1 year before or from LSLR Project Commencement." In this regard, we note that Act 120 broadly allows "reimbursement to a customer who has replaced the customer's lead water service line... within one year of commencement of a project." 66 Pa.C.S. § 1311(b)(2)(vii)(B). For instance, we note that customer-initiated LSLRs under Section 65.62(a) will generally be eligible for reimbursement under Section 65.58(d), if the customer-owned LSL is replaced within one year before or from LSLR Project Commencement and is within a LSLR Project Area. We note that the cap under Section 65.58(a) will not apply to entity-owned LSLRs installed concurrent with a customer-owned LSLR under Section 65.62(a), since the cap only applies to the entity's replacement of customer-owned LSLs. Further, PWSA seeks clarification about the impact of the reimbursement regulations on its existing reimbursement program for customer-initiated replacements not performed within one year of commencement of LSLR Project Commencement. Again, we note that the Commission's regulations will set forth minimum requirements and, thus the regulations will not limit entities from offering other reimbursements.

Regarding the amount of reimbursement, in proposed Section 65.58(d)(1)(iii), the Commission properly limited reimbursements to the customer's actual cost. Restricting the reimbursement amount further would not provide a meaningful reimbursement and may disincentivize customers from proceeding with replacements. Therefore, we decline to limit the amount of reimbursement in the manner some stakeholders suggest.

In addition, we will revise the language of proposed Section 65.58(d)(2) to specify that, notwithstanding the LSLR Program annual cap set out in Section 65.58(a), an entity shall provide reimbursements within the length of time in Section 65.58(d)(1)(ii) to eligible customers. If the reimbursement would cause the entity to exceed its current annual cap under Section 65.58(a), the entity will be required to increase its current annual cap by the amount of the reimbursement and reduce its next annual cap by the same amount. The purpose of Section 65.58(d)(2) is to ensure that, if the annual cap in an entity's tariff, budgetary or otherwise, would restrict the entity from providing a reimbursement to an eligible customer, the entity shall nonetheless provide the reimbursement to the customer and reduce their next annual cap by the amount of reimbursement. We note that entities should develop annual caps based on an expectation of reimbursements, and that entities cannot use such caps as a basis for rejecting reimbursement requests or delaying reimbursement requests beyond the length of time indicated in Section 65.58(d)(1)(ii).

Lastly, with respect to proposed Section 65.58(e) regarding warranty, we agree with PWSA and Aqua that the warranty is only for LSLR work performed by the entity or its contractor and we will revise this Section accordingly. Additionally, we disagree that the warranty term in Section 65.58(e)(1) should be shortened. A two-year warranty period is reasonable as it covers a full freeze-and-thaw cycle, which may reveal any issues with the LSLR. Further, regarding Section 65.58(e)(2), as noted earlier, "restoration of surfaces" refers to excavations that have been backfilled and grade that has been returned to level. Entities are generally not responsible for replacing sidewalks, stone or asphalt driveways, or landscaping outside of a right-of-way. Therefore, the warranty required by our regulations will not extend beyond this.

<sup>11</sup> As stated in the NOPR, in Implementation of Chapter 32 of the Public Utility Code Regarding Pittsburgh Water and Sewer Authority—Stage 1, Docket No. M-2018-2640802 (Order entered June 18, 2020), the Commission determined that partial LSLRs are not in the public interest and are not consistent with the statutory requirements of 66 Pa.C.S. § 1501. *Id.* at 93-94. The Commission noted that "[t]he negative effects of partial service line replacements are well documented in scientific literature" and that "[t]he permanent negative health effects from lead exposure, especially to uniquely vulnerable populations of developing fetuses, infants and children, is explained in the un rebutted testimony of [UNITED's expert witness] Dr. Lapphear." *Id.* at 92.

<sup>12</sup> In Implementation of Chapter 32 of the Public Utility Code Regarding Pittsburgh Water and Sewer Authority—Stage 1, Docket No. M-2018-2640802 (Order entered February 4, 2021), the Commission directed PWSA to include provisions regarding step-in rights in its tariff. *Id.* at 31-32.

9. § 65.59. *LSLR Program Reports.*

In the NOPR, we stated that Section 65.59 would require that each entity with an approved LSLR Program file an annual LSLR Program Report by March 1. We also proposed that the LSLR Program Report would detail an entity's annual activities based on 13 metrics identified by the Commission, including, for example, the number of LSLRs, the average costs of LSLRs, and the efforts to obtain additional funding.

a. *Stakeholder Comments on § 65.59.*

In its comments, the OCA suggests adding language to Section 65.59(b) to reflect more specific references to LSLs replaced by a municipality, rather than at the county level if the entity provides service only one county. The OCA also suggests adding the reason for the refusal as a proposed reporting requirement. The OCA argues that these items will be helpful as part of the reports. OCA Comments at 8.

PWSA believes it is irrelevant to capture the length and pipe diameter of LSLs replaced. Additionally, PWSA notes that the "actual cost of each LSLR by county," "average cost of a LSLR by county," and "total annual LSLR expenditures for the calendar year by customer class" can be difficult to determine and are not always apparent. PWSA seeks clarity on the geographic location of LSLR customer refusal for the calendar year and the applicable lead monitoring requirements established by the DEP for each entity's water distribution systems. PWSA recommends removal of the reference to "pipe diameters" in Section 65.59(b) as well as adjusting the reference to "customer service lines" if the Commission is seeking the status of the inventory of both entity-owned and customer-owned LSLs. PWSA Comments at 18.

Aqua agrees that certain information should be provided in reporting and tracking LSLRs. However, Aqua believes that some of the information included in the proposed regulation is unnecessary. Aqua suggests removing (b)(2) and (b)(3) from the reporting requirements. Aqua believes that length and pipe diameter does not need to be reported and would be overly burdensome to collect. Aqua Comments at 15.

b. *Reply Comments on § 65.59.*

In its reply comments, the OCA notes that it disagrees with PWSA's and Aqua's claims regarding the content of LSLR Program Reports, specifically that providing the pipe length and diameter of LSLRs would be burdensome. The OCA argues that providing information on pipe length and diameter of LSLRs will assist in base rate cases and in the review of LSLR Programs. The OCA also notes that these requirements ensure transparency. OCA Reply Comments at 8.

c. *IRRC Comments on § 65.59.*

The IRRC notes that stakeholders assert that several of the proposed metrics in Section 65.59(a) are not necessary or useful information for an entity's lead remediation efforts. For example, the IRRC states that one stakeholder argues that the length and pipe diameter of LSLs replaced are irrelevant and the "actual cost of each LSLR by county" and "total annual LSLR expenditures for the calendar year by customer class" can be difficult to determine. The IRRC asks the Commission to explain the reasonableness and need for the items required in the LSLR Program Reports. IRRC Comments at 7.

d. *Disposition on § 65.59.*

We disagree with Aqua and PWSA that the length of LSLs removed, by pipe diameter, and the pipe length,

diameter, and material type for LSLRs are not necessary to include in LSLR Program Reports pursuant to Section 65.59(b)(2) and 65.59(b)(3). We nonetheless acknowledge PWSA's concern regarding reporting certain metrics on a "by county" basis. To reduce the risk of increased costs and delay, we will revise Sections 65.59(b)(1)—(5) to require reporting "by water system," rather than "by county." Identifying and reporting these metrics should not present a burden for entities as they perform replacements. This data is likely readily available to entities and is consistent with accepted ratemaking principles and practices. Tracking such metrics is also important to ensure complete records for water distribution systems.

We also disagree with PWSA's assertion that tracking the actual cost and average cost of LSLRs is not necessary. We agree with the OCA's comments that this information is useful for the review of LSLR Programs in the context of base rate proceedings. We also agree that reporting this information offers transparency. The same is true of tracking the total annual LSLR expenditures for the calendar year by customer class. Accordingly, the metrics specified in Section 65.59(b) are reasonable and appropriate for inclusion in LSLR Program Reports.

Additionally, we agree with the OCA that entities should report the municipality of refusals and the reasons for refusal when reporting the number of LSLR refusals. As the OCA notes, this information will allow for a better understanding of the issues leading to refusals and will allow an entity to identify and tailor its outreach efforts in problem areas. The Commission does not anticipate that entities will face a large number of refusals and, as such, reporting this information will not be a burden for entities. We will revise Section 65.59(b)(9) to reflect this change.

Regarding PWSA's comment on the reporting of applicable lead monitoring requirements established by the DEP proposed in Section 65.59(b)(10), we clarify that the Commission will seek information on an entity's compliance reporting to DEP here. This information must be in the form of an explanation indicating whether an entity is in compliance with the DEP's lead monitoring requirements. Further, we will revise the language in Section 65.59(b)(12), which will require an entity to report the status of its Service Line Inventory efforts as part of its LSLR Program Report.

10. § 65.60. *Accounting and financial.*

In the NOPR, we explained that Section 65.60 would set forth uniform standards for the accounting treatment of LSLR costs, including expenditures associated with installing LSLRs. We proposed to require an entity to record LSLR costs in compliance with the National Association of Regulatory Utility Commissioners (NARUC) uniform system of accounts applicable to the entity, in an intangible asset account. We also proposed to allow the deferral of certain income taxes that are not recovered through base rates or the DSIC for accounting purposes and the deferral of certain expenses that are not recovered through base rates. We noted that prudent and reasonable deferred income taxes would be amortized over a reasonable period of time with a return on an entity's investment, whereas other expenses would be amortized over a reasonable period of time without a return on an entity's investment, unless otherwise directed by the Commission. Further, we explained that, for purposes of calculating the return of and on an entity's prudently incurred cost for LSLRs, the Commission would employ the equity return rate in 66 Pa.C.S. § 1357(b)(2)-(3) (relating to computation of charge), which appear to

indicate the amortization rate for LSLRs should be the entity's permitted equity return rate. See 66 Pa.C.S. § 1311(b)(2)(iii).

a. *Stakeholder Comments on § 65.60.*

In its comments,<sup>13</sup> the OCA proposes the use of a subaccount to separately identify LSLR costs. The OCA states that its proposal is consistent with the procedure used by PAWC in its previously approved LSLR Program. The OCA claims that Act 120 does not authorize entities to defer income taxes or expenses related to implementation of its requirements. The OCA avers that it is unusual for the Commission to promulgate regulations that expressly allow deferral of all taxes and expenses associated with the implementation of regulations and that deferred regulatory accounting has only been used sparingly for expenses that are non-recurring and extraordinary. The OCA states that there is no reason costs cannot be dealt with in the normal course of a base rate proceeding. The OCA also states that whether deferred costs are allowed to be recovered in future proceedings is not predetermined at the time deferred regulatory accounting is granted. The OCA argues that allowing an entity to earn a return on deferred income taxes and dollar-for-dollar recovery of expense is unwarranted. The OCA also asks the Commission to remove language referring to 66 Pa.C.S. § 523 (relating to performance factor consideration), arguing that it is a departure from ratemaking principles. OCA Comments at 9-10.

Aqua disagrees with the Commission that LSLRs should be recorded as intangible assets. Aqua submits that the proper NARUC account is "Account 333" and that these costs and these investments should be depreciated over the group remaining life of the entire class of assets. Aqua asserts that this treatment method allows for a more accurate match of cost recovery through depreciation expense incorporated into the cost of service. Aqua states that under this method, costs will be recognized for return on and return of an entity's investment as projects are completed and depreciated over the useful life of the services asset class. Aqua Comments at 15-16.

b. *IRRC Comments on § 65.60.*

The IRRC notes that one stakeholder asserts that LSLRs should not be recorded as intangible assets and another stakeholder asserts that this Section goes beyond the requirements of Act 120, stating that Act 120 does not authorize entities to defer income taxes or expenses related to implementation. The IRRC also notes that this stakeholder expresses further concerns related to the language that would permit a return on the entity's investment and states that it is not appropriate for the entity to earn a return on operating expenses and is contrary to sound ratemaking principles. The IRRC asks the Commission to explain its statutory authority regarding tax deferral and explain the reasonableness of the fiscal impacts of these provisions. The IRRC states that this comment applies to similar language in Section 66.40(b). IRRC Comments at 8.

c. *Disposition on § 65.60.*

We agree with the OCA that entities should use subaccounts for LSLR costs. We will eliminate the portion of proposed Section 65.60(a) that refers to intangible assets and revise this Section to reflect that LSLR costs recorded as assets must be maintained under separate and distinct subaccounts. This revision will also resolve Aqua's concerns that LSLR costs should not be recorded

as intangible assets and should instead be recorded in certain NARUC accounts. We will not require use of a particular account.

In addition, we will largely re-write proposed Section 65.60(b) pertaining to deferral. Per the OCA's comments, we will remove language allowing entities to earn a return on deferred income taxes. Also, consistent with the OCA's recommendation, we will remove language providing that prudent and reasonable deferred expenses must be amortized over a reasonable period of time without a return on the entity's investment, unless the Commission finds that providing a return on investment is warranted. This change will likewise eliminate the reference to 66 Pa.C.S. § 523.

We will revise proposed Section 65.60(b) to provide that entities may defer, for accounting purposes, income taxes related to no-cost and low-cost sources of funding for LSLRs, including applicable income taxes on contributions-in-aid-of-construction and/or below market rate loans, Service Line Inventory, LSLR Program development, LSLR Plan, LSLR Program Report, and reimbursement expense, to the extent that such costs are not recovered through the entity's existing base rates or DSIC. With these revisions, the accounting and financial provisions in Section 65.50 are reasonable and appropriate.

Additionally, we note that an entity will not be required to defer the costs identified and may, if necessary, initiate a rate proceeding to change its existing rates to address costs related to the proposed regulations. Within the context of a rate proceeding, the Commission will review whether any costs, deferred or otherwise, are recoverable and, if so, whether the entity's proposed methods to recover costs result in rates that are just and reasonable. The Commission's review will include, among other things, consideration of how costs should be recovered from the entity's various customer classes and what periods are appropriate to recover such costs. This review will be appropriately based upon the specific facts presented in the entity's rate proceeding.

11. *§ 65.61. Preexisting LSLR activities.*

In the NOPR, we noted that Section 65.61 would require an entity that is engaged in existing Commission-approved LSLR activities to submit a LSLR Program that, at a minimum, conforms with the requirements set forth in Subchapter B. We explained that these LSLR Programs would become effective no later than the filing date of the rates established under the entity's next base rate case or within two years of the effective date of these regulations, whichever occurs first.

a. *Stakeholder Comments on § 65.61.*

In its comments,<sup>14</sup> PWSA suggests that the Commission avoid a "one size fits all" approach to implementation of Act 120. Therefore, for entities that have an existing comprehensive lead remediation plan, PWSA recommends that the Commission create and impose only the standards and procedures that it is tasked with establishing pursuant to Act 120, with those not specifically directed by Act 120 falling to the jurisdiction of DEP and the EPA. PWSA Comments at 19.

Aqua states that, if an entity has a pending rate case before the Commission at the time these regulations become effective, the entity should be required to file a LSLR Program, no later than the effective date of its next

<sup>13</sup> We address only the stakeholders' comments and the IRRC's comments here as no stakeholders filed reply comments regarding Section 65.60.

<sup>14</sup> We address only the stakeholders' comments and the IRRC's comments here as no stakeholders filed reply comments regarding Section 65.61.

base rate case or within two years of the effective date of the regulations, whichever is sooner, and not on the date rates would go into effect for an entity's pending rate case. Aqua Comments at 16.

b. *IRRC Comments on § 65.61.*

The IRRC states that a stakeholder seeks clarification with respect to entities that have pending rate cases before the Commission at the time the regulations go into effect. The IRRC asks the Commission to clarify these procedures. IRRC Comments at 8.

c. *Disposition on § 65.61.*

We disagree with PWSA that entities with preexisting LSLR activities should not be subject to the LSLR regulations in Subchapter B. As noted earlier, achieving consistency among all entities' LSLR Programs is important to effectuate the goal of Act 120. We agree with Aqua that an entity with preexisting LSLR activities should not be required to submit its LSLR Program on the date rates would go into effect for an entity's pending rate case. Accordingly, we will revise proposed Section 65.61 to provide that an entity that received prior Commission approval to perform LSLR activities shall submit its LSLR Program no later than the effective date of the rates established under the entity's next base rate case filed following the effective date of this Section or within two years of the effective date of this Section, whichever comes first.

12. *§ 65.62. Prohibition on partial LSLRs.*

In the NOPR, we explained that Section 65.62 would prohibit partial LSLRs due to the known dangers of partial LSLRs to the public health. In this regard, we proposed requiring a full LSLR in all circumstances, including when the customer elects to replace the customer-owned LSL and when an entity is under a Pennsylvania DEP directive to replace a LSL due to a system's action level exceedance. In Section 65.62, we also proposed the termination of service to a partial LSLR.

a. *Stakeholder Comments § 65.62.*

The OCA states that it is concerned regarding the absolute prohibition on partial LSLRs. The OCA argues that there should be an exception for emergencies that would necessitate a partial replacement and that, in emergencies, certain actions can be taken to reduce potential harm to customers. To prevent abuse of an exception, the OCA suggests limiting emergencies to only those allowed by a waiver request. Additionally, the OCA asks the Commission to address landlord-tenant situations or issues with tangled title. The OCA also argues that terminating service when an entity becomes aware that a customer is taking service from a partial LSLR goes too far. The OCA recommends that a lead test be performed to determine whether there are actionable levels of lead that necessitate termination. Further, the OCA claims that the intent of Section 65.62(e) is not clear. The OCA questions whether the Commission will require replacements if the DEP requires replacement. The OCA suggests a possible Memorandum of Understanding to address any issues related to this provision. OCA Comments at 10–13.

PWSA expresses that the Commission's regulations at Section 65.58(c)(2)(i) and Section 65.62 should align with the provisions of the LCRR with respect to the timeframe in which an entity must replace an entity-owned LSL when a customer elects to replace the customer-owned LSL. PWSA Comments at 15, 19.

CAUSE-PA and GHHI note that they appreciate the Commission's prohibition on partial LSLRs. CAUSE-PA and GHHI Comments at 2.

Aqua agrees that partial LSLRs should be discouraged and should be replaced wherever they are found. However, Aqua reiterates that terminating service will create difficulties for entities implementing their LSLR Programs. Aqua Comments at 16.

b. *Reply Comments on § 65.62.*

PWSA agrees with the OCA that there should be an exception to the prohibition on partial LSLRs for emergencies, landlord tenant situations, and "tangled titles," and also agrees that Section 65.62(d) goes too far by requiring an entity that becomes aware that a customer is currently taking service under a partial LSL to terminate service in all instances. PWSA suggests that the regulations permit each entity to submit a proposal regarding partial replacements that would include circumstances in which it believes partial replacement could be justified and the steps it would be willing to take to mitigate potential health risks caused by the partials. PWSA encourages the Commission to grandfather preexisting policies that address landlord tenant situation and tangled titles. PWSA Reply Comments at 5-6.

c. *IRRC Comments on § 65.62.*

The IRRC notes that a stakeholder asserts that there is some confusion as to when an entity's obligation to replace a LSL is triggered and that it appears that an entity is required to replace its portion of the LSL within a certain time period if the customer provides notice to the entity that it will be replacing the customer-owned portion. The IRRC also notes that the stakeholder indicates that this could be problematic if the entity has not yet developed economies of scale in a particular area, or if such requirements would unreasonably burden the entity's prioritized replacements and schedule. The IRRC asks the PUC to clarify this provision or explain the reasonableness of the fiscal impacts. Additionally, the IRRC notes that stakeholders express concerns over termination provisions if a customer refuses or fails to accept a LSLR, particularly with respect to landlord-tenant and tangled title scenarios. The IRRC asks the Commission to ensure protection of the public health, safety and welfare. IRRC Comments at 8-9.

d. *Disposition on § 65.62.*

Section 65.62(a) will require an entity to replace an entity-owned LSL concurrent with replacement of a customer-owned LSLs when a customer or property owner, if the customer is not the property owner, elects to replace a customer-owned LSL. This requirement is necessary to avoid partial LSLRs, which, as explained earlier, pose a danger to the public health. With regard to the OCA's concerns about economies of scale, the timeframes for replacement in Section 65.62(a)(1) and 65.62(a)(2) will allow an entity to coordinate other LSLRs in the area to create cost efficiencies, if necessary. Also, as noted regarding Section 65.58(d) above, customer-initiated LSLRs under Section 65.62(a) will only be eligible for reimbursement under Section 65.58(d) if the customer-owned LSL is replaced within one year before or from LSLR Project Commencement and is within a LSLR Project Area. See supra, p. 53. Any potential reductions in cost efficiencies for an entity related to a customer-initiated LSLR will be offset, in part, by the customer or property owner bearing the cost of replacement of the customer-owned LSL when a LSLR is not eligible for reimbursement.

We disagree with PWSA that the timeframes for replacing an entity-owned LSL in this situation should align with the LCRR. The timeframes in the LCRR pertain to situations where simultaneous replacement cannot be conducted. Here, we will require the entity to coordinate with the customer or property owner so that the entity's LSLR occurs at the same time as the customer or property owner's LSLR. The timeframes we provide will be the period in which the simultaneous replacement must occur. Thus, while we state in proposed Section 65.62(a) that replacement must be concurrent, we will revise Sections 65.62(a)(1) and 65.62(a)(2) to reiterate the same for purposes of clarity.

Additionally, we will make changes throughout Section 65.62 to specify where we refer to a customer versus a property owner. As it pertains to the OCA and PWSA's concerns about landlord-tenant situations, as noted earlier, in Section 65.58(c) addressing partial LSLR tariff provisions, we will allow an entity to propose in its tariff language specifying the entity's process to address replacement of a customer-owned LSL to avoid termination of service when a property owner who is not the customer is nonresponsive to the entity's offer to replace a customer-owned LSL. Such language will specify how the entity intends to address replacements of customer-owned LSLs in these situations to avoid termination resulting from a partial LSLR.

Further, Section 65.62(d) will require an entity to terminate service when it has reasonable evidence indicating service by a partial LSLR that was installed after the effective date of the Section by a customer or property owner, if the customer is not the property owner. Thus, termination will not be required for preexisting partial LSLRs installed by a customer or property owner. We note that, in cases where a partial LSLR was completed by a customer or property owner long before the effective date of this Section, the immediate harm resulting from a partial LSLR appears to have passed. Moreover, we will revise Section 65.58(d) to specify an entity is required to terminate service pursuant to the terms of the entity's tariff, unless otherwise directed by the Commission. We remind entities that, to resolve concerns regarding terminations, they may petition the Commission for a waiver of the termination requirements under 52 Pa. Code § 5.43.

Finally, with respect to the OCA's questions regarding Section 65.62(e), we note that this Section will require the entity-owned and customer-owned LSLs to both be replaced when an entity is conducting replacements for purposes of a DEP directive due to an action level exceedance. Thus, this requirement is consistent with the prohibition on partial LSLRs. We also note that we will change the reference to DEP's regulations in this Section to 25 Pa. Code Chapter 29, Subchapter K, which relates to lead and copper, generally. While 25 Pa. Code § 109.1102 relates to action levels specifically, we find that citing Subchapter K generally is appropriate to ensure that our regulations are inclusive of all DEP regulations relating to action levels.

#### B. Damaged Wastewater Service Laterals

In order to implement the DWSL provisions of Act 120, we proposed to create a new Chapter 66 addressing wastewater service. We also proposed to divide Chapter 66 into two subchapters. We suggested that the first subchapter be set aside for wastewater service generally, while the subsequent subchapter address DWSLs alone. The stakeholders do not object to this approach, and the Commission continues to find that it is appropriate to create a new Chapter for wastewater regulations with a

separate subchapter for DWSL provisions. Thus, Subchapter A, Service Generally, will establish wastewater service regulations and Subchapter B, Lead Service Line Replacements, will establish DWSL regulations at 52 Pa. Code §§ 66.31—66.42.

#### 1. § 66.31. Purpose.

In the NOPR, we proposed that Section 66.31 would set forth the purpose of Subchapter B, that is, to implement Act 120 governing the standard under which an entity, as defined in Section 66.32, may seek to replace, rehabilitate, or repair DWSLs and recover associated costs. We explained that Subchapter B would encompass the proposed program for optional replacement, rehabilitation, and/or repair of DWSLs (DWSL Program). The stakeholders do not offer substantive comments regarding Section 66.31. The IRRC also does not offer comments on this Section. We note that we will replace the term "jurisdictional wastewater utilities" in Section 66.31 with "an entity," as defined in Section 66.32, to be consistent with the remainder of the regulations. We note that this revision is based on the Law Bureau's response to the OAG's tolling memorandum.

#### 2. § 66.32. Definitions.

In the NOPR, we explained that Section 66.32 would set forth definitions pertinent to the regulation of DWSL Replacements. We defined "DWSL," explained the meaning of "DWSL Replacement," and distinguished a "DWSL Program" from a "DWSL Plan." Among other things, we defined the term "entity," which encompasses (1) a public utility as defined in 66 Pa.C.S. § 102 that provides wastewater service, (2) a municipal corporation as defined in 66 Pa.C.S. § 102 that provides wastewater service beyond its corporate limits, and (3) an authority as defined in 66 Pa.C.S. § 3201.<sup>15</sup>

#### a. Stakeholder Comments on § 66.32.

In its comments, the OCA claims that the definition of "customer" may not fully capture who has the responsibility or ownership over a DWSL. The OCA argues that there may be landlord-tenant situations or tangled title situations where the customer of an entity may not be the owner of a portion of the DWSL. OCA Comments at 14.

PWSA contends that the definition of "company's service lateral" and "customer's service lateral" should include the standard ownership structure for municipal utilities, wherein all laterals are owned and are the responsibility of customer or property owners. In addition, PWSA suggests that the definition of "DWSL" should be modified to permit an Act 120 Plan to propose that an entity may undertake to replace, at its expense, laterals or portions of laterals in the public right-of-way where the damaged lateral is or could become a health or safety risk and where the cost of replacing the DWSL would be prohibitive to the customer or property owner. PWSA Comments at 22-23.

Aqua notes that it agrees with many of the Commission's proposed definitions. Aqua suggests that a "customer's service lateral" should be defined as the lateral two feet outside the exterior wall of the structure to clarify "away from" in the definition. Aqua also suggests changing "area" to "defect" in the definition of "DWSL" to clarify that it is the defects in the DWSL that cause impairments to the lateral. Aqua Comments at 16-17.

<sup>15</sup> For purposes of Section B of the "Discussion" pertaining to the DWSL Replacement provisions of this rulemaking, "entity" has the same meaning as it does in revised Section 66.32, which is explained herein.

b. *Reply Comments on § 66.32.*

In its reply comments, the OCA notes that there may be discrepancies in how entities define the customer-owned portion of the service lateral. The OCA suggests that it may be more appropriate to allow each entity to define the term in a way that best suits the entity and its service territory. OCA Reply Comments at 8.

c. *IRRC Comments on § 66.32.*

The IRRC notes that a stakeholder questions whether the definition of “customer” adequately captures who has the responsibility or ownership over the DWSL in the case of a landlord-tenant or tangled title situation. The IRRC requests that the Commission clarify the term or explain how the definition protects the public health, safety and welfare. With regard to the definition of “company’s service lateral” and “customer’s service lateral,” the IRRC notes that a stakeholder states that all laterals in its service territory are owned and are the responsibility of the customer or property owner. The IRRC also notes that another stakeholder indicates that it may be more appropriate to allow each entity to define this term in a way that best suits them. The IRRC asks the Commission to explain why these definitions are reasonable and how they protect the public health, safety, and welfare. Further, the IRRC notes that a stakeholder asserts that replacement efforts should focus on situations where portions of private laterals in the public right-of-way fail or are damaged, which do not necessarily create inflow and infiltration issues. The IRRC also asks the Commission to explain how the definition of “DWSL” protects the public health, safety, and welfare. IRRC Comments at 10.

d. *Disposition on § 66.32.*

First, for purposes of clarity and consistency throughout this regulation, we will rename “company’s service lateral” as “entity’s service lateral.” We will also revise the proposed definition of “customer” to refer to “[a] party contracting with an entity for service,” replacing “public utility” in the definition with “entity.” In response to the OCA’s concern about whether the definition of “customer” adequately captures the party with responsibility or ownership of a DWSL in the case of a landlord-tenant or tangled title situation, in later sections of Subchapter B, as with the LSLR regulations, we will modify the proposed DWSL regulations by specifying where we refer to a customer versus a property owner and where we reference both in some circumstances.

Next, we will adopt the recommendation of Aqua and revise the proposed definition of “customer’s service lateral” to reference “the portion of the service lateral owned by the customer or property owner, if the customer is not the property owner, most often extending from the curb, property line or entity connection to a point 2 feet from the exterior face of the foundation of the structure.” Similarly, we will revise the generic term “service lateral” to reflect the same. While PWSA contends that the definitions of “entity’s service lateral” and “customer’s service lateral” should be modified to include an ownership structure wherein all service laterals are owned by and are the responsibility of a customer or property owner, we note that, while this is not an uncommon scenario, the proposed phrasing “most often” is sufficient to recognize the varying ownership dynamics of wastewater service laterals. This language also addresses the OCA’s reply comments about the discrepancies in how entities may define the customer-owned portion of a wastewater service lateral. We also note that this defini-

tion will not impact other definitions for similar terms that entities may have in their tariffs. This definition is only for determining what is a “customer’s service lateral” for DWSLs. We will make a similar change to add the phrase “most often” to the definition of “entity’s service lateral.”

We reject PWSA’s suggestion that the proposed definition of “DWSL” be modified to permit an entity to undertake replacement, more widely than we have defined the scope, by replacing DWSLs pursuant to its own DWSL Program. We conclude that the intent of Act 120 is purpose driven, rather than supportive of a broad application of unconditional replacement of any DWSL by entities, which would abdicate individual property owners of the responsibility to maintain their service laterals in functional condition. Thus, we will properly limit our approval of DWSL Programs to where the purpose can be specifically linked to the parameters of Section 66.33. Moreover, we are not inclined to adopt Aqua’s proposed revision that would change the word “area” in the definition of “DWSL” to “defect.” The word “area” is less prescriptive than “defect” and is more appropriate to achieving the goals outlined in Act 120. Thus, we maintain that the definition of “DWSL” proposed by the Commission is reasonable and will adequately protect the public health, safety, and welfare.

Regarding the term “DWSL Replacement,” we will revise the proposed DWSL regulations generally to correct a typographical error where we referenced “DWSL replacement,” rather than “DWSL Replacement.” We will correct this error to clarify that we are referring to “DWSL Replacement” as defined in Section 66.32. We will also provide a definition for “DWSL Project Commencement” for clarity and use this term in areas where we previously referred to simply “commencement” or other similar terms and phrases throughout the proposed DWSL regulations.

Further, we will revise the proposed definition of “entity.” We will use the language from 66 Pa.C.S. § 102, with respect to wastewater to refer to “public utility” and “municipal corporation.” We will also add a reference to 66 Pa.C.S. § 1501 with respect to “municipal corporation” for clarity. This revision is based on the Law Bureau’s response to the OAG’s tolling memorandum. In addition, in the definition of “entity,” we will modify the citation for “authority” to 66 Pa.C.S. § 3201(2), which references wastewater service. These modifications will solidify the meaning of “entity.”

3. *§ 66.33. DWSL Program parameters.*

In the NOPR, we explained that Section 66.33 would allow an entity to file a petition with the Commission for approval of a DWSL Program to repair, rehabilitate, or replace DWSLs under certain circumstances. We noted that Act 120 mandates that an entity obtain prior approval from the Commission for the replacement of customer-owned DWSLs by filing a new tariff or supplement to existing tariffs under 66 Pa.C.S. § 1308. See 66 Pa.C.S. § 1311(b)(2)(v). Additionally, we proposed to limit approval of DWSL Programs to instances where the purpose is linked to an entity’s efforts to address: (1) excessive I&I causing, or which is reasonably expected within the next five years to cause, a hydraulically overloaded condition, wastewater overflows, and/or additional flow which is prudent for the entity to avoid; or (2) other design or construction conditions causing, or which are reasonably expected within the next five years to cause, wastewater overflows.

a. *Stakeholder Comments on § 66.33.*

In its comments,<sup>16</sup> PWSA requests that the Commission add an additional category of program to Section 66.33 in which a damaged lateral is otherwise creating a public health and/or safety hazard. Additionally, PWSA expresses concern regarding modifying its LTIP prior to obtaining Commission approval of a DWSL Program. PWSA suggests that Section 66.33(b) be modified to permit an entity to file an amendment to its proposed LTIP after Commission approval of the DWSL Program.<sup>17</sup> PWSA Comments at 23-24.

Aqua agrees with the Commission that Act 120 should not be used as a replacement for customer responsibility to maintain and repair their wastewater service lateral. Aqua also agrees that DWSL Replacements should be linked to excessive inflow and infiltration that lead to wastewater overflows. Additionally, Aqua states that it would use a graduated approach, consistent with DEP guidelines to improve its system where I&I was present by removing I&I at its source. Aqua Comments at 8.

b. *IRRC Comments on § 66.33.*

The IRRC states that a stakeholder suggests a new program for DWSLs that are creating a public health or safety hazard. The IRRC also notes that a stakeholder recommends adding an option for to permit an entity to file an amendment to its approved LTIP after the Commission approves its DWSL Program. The IRRC asks the Commission to revise this provision or explain how retaining the proposed language protects the public health, safety, and welfare. IRRC Comments at 10.

c. *Disposition on § 66.33.*

As stated in our disposition regarding Section 66.32, the intent of Act 120 is purpose driven, rather than supportive of a broad application of unconditional replacement of any DWSL by entities, which would abdicate individual property owners of the responsibility to maintain their service laterals in functional condition. Limiting the parameters of DWSL Programs will not prohibit an entity from petitioning the Commission, separately, to institute a program that would allow the entity to replace or repair service laterals that create a public health and/or safety hazard to individual customers, but that would not provide system-wide benefits. Our decision not to expand the scope of a DWSL Program as requested by PWSA is based on the scope and objectives of Act 120, which is to address system-wide benefits. The cost recovery mechanism for an entity to petition the Commission to replace service laterals outside the scope of Act 120 may also differ from a Commission-approved DWSL Program under the provisions of this subchapter. Therefore, we will not revise Section 66.33 as suggested by PWSA. We agree with Aqua that the proposed parameters of a DWSL Program are sufficiently limited to accomplish the purpose of Act 120.

Moreover, in Section 66.33(a), we will remove an errant “or both” that appeared in our NOPR. We will also revise proposed Section 66.33(b)(1) to move the words “to cause.” This will make Sections 66.33(b)(1) and 66.33(b)(2) consistent.

4. *§ 66.34. Petitioning the Commission for a DWSL Program.*

In the NOPR, we explained that Section 66.34 would effectuate the mandate of Act 120 that an entity electing

to have a DWSL Program shall obtain prior approval from the Commission for the replacement of customer-owned DWSLs by filing a new tariff or tariff supplement to its existing tariff under 66 Pa.C.S. § 1311(b)(2)(v). We noted that an entity’s DWSL Program petition would vary based on whether the entity has a LTIP.

a. *Stakeholder Comments on § 66.34.*

In its comments,<sup>18</sup> the OCA notes that Section 121.5 of the Commission’s existing regulations requires an entity to file a separate petition for major modifications to an existing LTIP. The OCA argues that entities should use existing procedures for LTIPs and suggests that the Commission make it clear that the DWSL Program filing does not trigger or inhibit the existing LTIP review process. OCA Comments at 14.

PWSA recommends that Section 66.34(b) be revised to read that “[a]n entity that has a Commission-approved LTIP may include with its DWSL Program petition a modified LTIP containing a DWSL Plan as a separate and distinct component of the entity’s LTIP or may file for an amendment to its LTIP after its DWSL Program petition is approved by the Commission.” PWSA Comments at 24.

Aqua notes that it agrees with the Commission and has no substantive comments regarding Section 66.34. Aqua Comments at 18.

b. *IRRC Comments on § 66.34.*

The IRRC notes that a stakeholder again asks for the opportunity to file for an amendment to its LTIP after its DWSL Program petition is approved. The IRRC questions whether the Commission intends to limit opportunities for modifications and asks the Commission to clarify the final regulation or explain the reasonableness of this requirement. IRRC Comments at 10.

c. *Disposition § 66.34.*

As with the LSLR regulations, we note here that we do not intend to change existing LTIP modification procedures. For an entity that has a Commission-approved LTIP, a DWSL Plan is intended to be a separate and distinct component of the LTIP. Thus, we reject PWSA’s requested revision, which would make the filing of a modified LTIP containing a DWSL Plan optional when an entity files a DWSL Program petition. A DWSL Plan may result in a “major modification” if the DWSL Plan filing meets the criteria in 52 Pa. Code § 121.2. In response to the IRRC’s inquiry as to whether the Commission intends to limit opportunities for modification, we do. We take this action to account for the fact that such modifications generally impact customer rates, which may be reasonable, but should also be approached cautiously.

Further, with respect to proposed Section 66.34(a), we will make a ministerial revision to reference Section 66.35(a), which sets forth the DWSL Program requirements. This revision is intended to clarify that an entity’s DWSL Program petition should be filed in accordance with the requirements of Section 66.35(a).

5. *§ 66.35. DWSL Program requirements.*

In the NOPR, we stated that Section 66.35 would set forth the primary components of a DWSL Program, which include: (1) a DWSL Plan; (2) a pro forma tariff or tariff supplement containing proposed changes necessary to implement the entity’s DWSL Program; and (3) other information required for filings under 66 Pa.C.S. § 1308,

<sup>16</sup> We address only the stakeholders’ comments and the IRRC’s comments here as no stakeholders filed reply comments regarding Section 66.33.

<sup>17</sup> We note that this comment appears to relate to PWSA’s comments regarding Section 66.34. Accordingly, we address this comment in the “Disposition on § 66.34.”

<sup>18</sup> We address only the stakeholders’ comments and the IRRC’s comments here as no stakeholders filed reply comments regarding Section 66.34.



including statements as required by 52 Pa. Code § 53.52(a). We also identified the approval process that would follow submission of a DWSL Program. We proposed that a final Commission Order direct the resubmission of the entity's pro forma tariff or tariff supplement pursuant to 66 Pa.C.S. § 1308 and that, after Commission-approval, an entity's DWSL Program would be reviewed in base rate cases.

a. *Stakeholder Comments on § 66.35.*

In its comments,<sup>19</sup> the OCA agrees that an entity's DWSL Program should be subject to review during base rate cases, but notes that there may be circumstances where changes need to be made outside of a base rate proceeding. The OCA suggests replacing "shall" with "may" when stating that "[a]n entity shall submit any modification to the DWSL Program for review with its base rate case." OCA Comments at 5.

Aqua's disagreements with respect to Section 66.35 are similar to its disagreements regarding Section 65.55. Aqua does not believe that the DWSL Program "must" be reviewed in each base rate case and recommends that the language in Section 65.35(c) be changed to "may." In addition, because the proposed regulations already require periodic review under Section 66.37, Aqua believes that making this provision permissive will allow flexibility when an entity's DWSL Program does not require review in each base rate case. Aqua also disagrees that modifications to an entity's DWSL Program may only be done during a base rate case. Aqua notes that, if an entity is not permitted to petition to modify its DWSL Program when modifications are necessary, waiting for the next base rate case would unnecessarily delay the replacement of damaged laterals in an entity's system. Aqua Comments at 18-19.

b. *Reply Comments on § 66.35.*

PWSA agrees that Aqua's proposed changes to Section 66.35 would provide appropriate flexibility so that an entity's DWSL Program may, but is not required to, be reviewed in each base rate case. PWSA also supports Aqua's position that an entity should be permitted to petition the Commission outside of a base rate case for modifications to its DWSL Program. PWSA Reply Comments at 6.

c. *Disposition on § 66.35.*

We agree with the OCA, Aqua, and PWSA that DWSL Programs may be reviewed in base rate cases, but should not be required to be reviewed at that time. Accordingly, we revise proposed Section 66.35(c) to reflect that an entity's DWSL Program "may" be subject to review in future base rate cases.

Further, while an entity will be permitted to modify its DWSL Plan outside the context of a base rate case, a base rate case is the most appropriate vehicle for review and modification of an entity's DWSL Program. Changes to an DWSL Program are expected to occur less frequently than changes to a DWSL Plan since the DWSL Program involves the "what" and the DWSL Plan involves the "how." Also, 66 Pa.C.S. § 1311(b)(2)(v) requires Commission approval of tariff provisions regarding DWSL Replacements. The DWSL Program involves the entity's tariff, which is typically subject to review in base rate cases where any party may call into question tariff provisions. Thus, DWSL Program changes should be limited to base rate cases. In case-by-case situations

where an entity requires changes to a DWSL Program outside of a base rate case, the entity may petition the Commission for a waiver under 52 Pa. Code § 5.43.

6. *§ 66.36. DWSL Plan requirements.*

In the NOPR, we explained that Section 66.36 would outline the two main components of a DWSL Plan: planning and replacements; and communications, outreach, and education. For example, we noted that Section 66.36(a) would establish the minimum requirements for the portion of a DWSL Plan that addresses the planning and replacements, including the projected annual investment in DWSL Replacements with an explanation of the anticipated sources of financing, the standard to be used to determine whether a customer's service lateral is damaged and is impacting the entity's system, the prioritization criteria considered by the entity in developing its DWSL Replacement schedule, and the processes and procedures to be followed based upon a customer's acceptance or refusal of a DWSL replacement. We also noted that Section 66.36(b) would require an entity to outline the communications, outreach, and education steps it will take to ensure customers are educated about the impact of DWSLs and the entity's plan to address DWSL Replacements.

a. *Stakeholder Comments on § 66.36.*

The OCA's comments<sup>20</sup> focus on communications and outreach. The OCA notes that its recommendation for Section 66.36 mirrors in part its recommendation for Section 65.57 addressing LSLRs. Thus, the OCA suggests that property owners be notified of DWSL Replacements. OCA Comments at 15.

Regarding planning and replacements, PWSA states that it has the technical capability to provide a graphic depiction of the private sewer lateral to be replaced but does not prepare bearing angles, distances or metes and bounds; these would result in PWSA incurring additional costs. PWSA recommends that 66.36(a)(4) be revised to require one or the other. With regard to Section 66.36(a)(6), PWSA believes that improving public health and safety should be added as an alternative benefits analysis. PWSA notes that preparing a net present value study can be costly and time consuming and urges the Commission to add a provision that permits an entity to describe the costs and benefits on a qualitative basis and provide cost reductions when readily available. In addition, as it pertains to communications and outreach, PWSA claims that Section 66.36(b)(1)(iv) should be revised to accommodate the fact that, in its service territory, the customer owns the entire lateral to the main. PWSA Comments at 24—26.

With regard to planning and replacements, Aqua notes that identifying DWSLs is a much different and more difficult task than identifying LSLs. Aqua states that repairing DWSLs is usually the last step in a concerted effort to investigate a system with hydraulic overloading and wastewater overflow issues. Aqua recited the steps it takes to identify damaged wastewater laterals and noted that its DWSL Plan would need to be updated to reflect its investigative work. For customer acceptance or refusal, Aqua notes that it would follow the same procedures it uses for LSLRs. Similar to LSLRs, Aqua would dedicate the wastewater lateral back to the customer upon completion of the project. Customer refusals would be noted in Aqua's customer information system. In terms of communications and outreach, Aqua agrees that enti-

<sup>19</sup> We address only the stakeholders' comments and reply comments here as the IRRC does not offer comments on Section 66.35.

<sup>20</sup> We address only the stakeholders' comments and reply comments here as the IRRC does not offer comments on Section 66.36.

ties should develop information regarding DWSLs that can be put on their websites. Aqua disagrees, however, that as-built drawings should be provided to customers. Aqua states that it would not be in possession of as-built drawing and cites security issues as a concern as well. Aqua also disagrees that an online tool should be set up to determine if a customer has a DWSL. Aqua asserts the tool is unnecessary because it will communicate directly with the customer when it detects a DWSL. Aqua Comments at 19—21.

b. *Reply Comments on § 66.36.*

In its reply comments, PWSA agrees with Aqua that an online tool for customers to determine whether records reflect that a property of record has a DWSL would not be helpful as customers will be notified by the entity. PWSA Reply Comments at 7.

c. *Disposition on § 66.36.*

Generally, we note that, similar to the dynamic of the LSLR regulations, DWSL Programs and DWSL Plans will be separate components of the DWSL regulations. Therefore, to the extent that stakeholders suggest we combine the provisions proposed in Section 66.35 with those in Section 66.36, we disagree. Section 66.35 properly addresses DWSL Programs, while Section 66.36 addresses DWSL Plans.

Moreover, throughout Section 66.36, we will clarify references to “customer” to address concerns raised by the OCA. Since “customer” refers to a person contracting with an entity for service, there may be situations in which the customer is not the property owner and cannot legally authorize a DWSL Replacement. The modifications to language referring to “customers” in Section 66.36 will address these situations by ensuring that the customer or property owner, if the customer is not the property owner, authorizes the DWSL Replacement. Additionally, the Commission will account for instances in which both the customer and the property owner, if the customer is not the property owner, should receive information regarding DWSL Replacements since the customer’s service will be impacted by the DWSL Replacement and the property owner’s asset will be impacted by the DWSL Replacement.

In this regard, as it pertains to planning and replacements, we will add a provision to require the entity to identify its processes and procedures to obtain acceptance of a DWSL Replacement prior to DWSL Project Commencement if the customer is the property owner, and the entity’s processes and procedures to obtain acceptance prior to DWSL Project Commencement if the customer is not the property owner. This provision mirrors Section 65.56(b)(5) of the LSLR regulations. We note that the addition of this provision will impact the numbering of proposed Sections 66.36(a)(9) and 66.36(a)(10).

Additionally, we decline to adopt PWSA’s suggestion that Section 66.36(a)(4) be revised to require either a graphic depiction of the private sewer lateral or the bearing angles and distances or metes and bounds, rather than both. Class A public utilities and municipal corporations, using Geographic Information Systems (GIS) or other computer-aided tools, are sophisticated and can readily collect and provide both through available data properties; this can be achieved with minimal effort and at a reasonable cost. As addressed in our dispositions of Section 66.32 and Section 66.33, we will reject PWSA’s proposed revisions to Section 66.36(a)(6) to add improving public health and safety as an alternative benefits analysis. Our decision is based on the scope of Act 120 and its

objectives, which are to address system-wide functionality. Similarly, we find that requiring an estimate of the net present value of an entity’s future reduced and/or increased costs associated with DWSL Replacements identified in a DWSL Plan is prudent. Thus, we will not revise proposed Section 66.36(a)(7) as requested by PWSA.

We will, however, revise proposed Section 66.36(a)(9), which is now Section 66.36(a)(10), to clarify, as we did in the LSLR regulations, that the phrase “within 1 year of commencement” refers to “1 year from DWSL Project Commencement” here, where we are dealing with a customer or property owner’s refusal to accept an entity’s offer to replace a DWSL and the impact on reimbursement. In this context, it would not be possible for refusal to occur one year before DWSL Project Commencement since the entity would not yet have made the offer at that time.

Further, regarding the communications, outreach, and education provisions proposed in Section 66.36(b), we note that we will not limit the applicability of these provisions to certain customers or property owners. All customers or property owners should receive information regarding DWSLs given that anyone in an entity’s wastewater system could have an existing DWSL or may have DWSL at some point in the future. It is important that entities communicate widely regarding the harmful effects of DWSLs and the entity’s plan to address DWSL Replacements.

Based on Aqua’s comment that it would not be in possession of as-built drawings, we agree that the requirement proposed in Section 66.36(b)(1)(iv) should be modified. The proposed requirement would mean that at least some entities would need to survey a property to prepare new as-built drawings for each customer or property owner’s sewer lateral upon a DWSL Replacement. The preparation of each new as-built drawing will result in additional costs, time, and resources. To avoid the potential delay of DWSL Replacement and associated increased costs, we will only require an entity to provide as-built drawings for each customer or property owner’s sewer lateral if the as-built drawings are already available to the entity. When possible, the customer or property owner should possess this information to avoid damaging service laterals that have been replaced by an entity. Further, we will revise this Section to reflect that the “relevant documents” to be provided by the entity include documents associated with the DWSL Replacement and appurtenances, including product manuals, specification sheets, and manufacturer brochures.

Finally, as it pertains to Section 66.36(b)(3)(i), we will make a minor change to require that the secure online tool used to determine reimbursement eligibility must also include information regarding the reimbursement requirements. Additionally, regarding Section 66.36(b)(3)(ii), we do not agree with Aqua and PWSA that the online tool that will be used to determine whether records reflect that a property has a DWSL is unnecessary. Rather, the tools on an entity’s website to assist with whether a property has a DWSL will be important for the public in terms of information and education. We also note that such tools do not need to be secure. Thus, we will remove “secure” from Section 66.36(b)(3)(ii) to provide sufficient public information.

7. *§ 66.37. Periodic review of DWSL Plan.*

In the NOPR, we noted that proposed Section 66.37 would require an entity to update its DWSL Plan at least once every five years after initial approval of the DWSL

Plan. We proposed that the Commission would review the DWSL Plan of an entity with a LTIIP as part of the typical LTIIP review and renewal process and would review other DWSL Plans using a similar periodic review outside of the LTIIP process.

a. *Stakeholder Comments on § 66.37.*

In its comments,<sup>21</sup> the OCA notes that reviewing the DWSL Plan periodically will ensure that it continues to be sufficient to maintain efficient, safe, adequate, reliable, and reasonable service. In addition, the OCA states that DWSL Plan review should be incorporated in the LTIIP review process and argues that review should only occur every five years if an entity does not have a LTIIP. The OCA asks the Commission to clarify that Section 66.37 does not inhibit the scope of review of the DWSL Program during base rates cases. OCA Comments at 15.

Aqua agrees that the DWSL should be reviewed during the periodic review of the LTIIP. Aqua has no other comments on Section 66.37. Aqua Comments at 21.

b. *Reply Comments on § 66.37.*

In response to the OCA's proposal, PWSA encourages the Commission to clarify that parties cannot relitigate issues decided by the Commission in its initial approval of an entity's DWSL Plan or in the periodic review process. PWSA Reply Comments at 7.

c. *Disposition on § 66.37.*

We agree with the OCA that existing LTIIP procedures should not be changed. As noted earlier, a DWSL Plan could constitute a "major modification" if the DWSL Plan filing meets the criteria indicated in 52 Pa. Code § 121.2. Additionally, regarding the OCA's concerns about limiting the scope of review of the DWSL Program during base rate cases, we note that, as with the LSLR regulations at Section 65.57, Section 66.37 similarly will not limit the scope of the issues that may be raised. Section 66.37 addresses only the items to be considered as part of the periodic review under Chapter 66.

8. *§ 66.38. Pro forma tariff or tariff supplement requirements.*

In the NOPR, we stated that proposed Section 66.38 would outline the minimum requirements, in addition to proposed changes necessary to implement a DWSL Program, that must be contained in an entity's pro forma tariff or tariff supplement, including: DWSL Program annual cap; service line demarcation; frequency of DWSL Replacements; reimbursement, and warranty. For example, we noted that Section 66.38(a) would require an entity's tariff or tariff supplement to include a cap on customer-owned DWSLs replaced annually. See 66 Pa.C.S. § 1311(b)(2)(vi). We also noted that Section 66.38(b) would require clear demarcation between customer-owned and entity-owned service laterals. In addition, we explained that Section 66.38(c) would limit the frequency of DWSL Replacements in order to ensure that costs will be reasonably and prudently incurred, and benefit and improve system reliability, efficiency, and service quality in problem areas. We also explained that Section 66.38(d) would require an entity to offer reimbursements to eligible customers who have replaced, rehabilitated, or repaired DWSLs within one year of commencement of the entity's DWSL Project within a DWSL Project Area. See 66 Pa.C.S. § 1311(b)(2)(vii)(B). Further, we addressed warranty provisions in Section 66.38(e). See 66 Pa.C.S. § 1311(b)(2)(vii)(A).

<sup>21</sup> We address only the stakeholders' comments and reply comments here as the IRRC does not offer comments on Section 66.37.

a. *Stakeholder Comments on § 66.38.*

PWSA's comments focus on service line demarcation and Section 66.38(b). Once again, PWSA notes that, like most municipal utilities, it does not own any portion of the sewer lateral. Therefore, PWSA argues that Section 66.38(b)(2) should be modified with respect to perfecting an entity's ownership of the portion of the service lateral in the then-existing right-of-way. Noting that the Commission has established that a refusal to accept an entity's offer to replace a private LSL should result in the termination of water service at a property, PWSA suggests that, in instances in which a DWSL Replacement is to alleviate public health and safety risks, the Commission should consider a similar rule, i.e., refusal to accept an offer of a cost-free replacement should result in termination of water service. PWSA Comments at 26-27.

Aqua begins its comments by addressing the DWSL Program annual cap in Section 66.38(a). Aqua explains that as an entity completes an investigation of its system or sewershed, the entity can provide more accurate numbers on how many laterals need to be replaced. Aqua cautioned that this number will be fluid and will fluctuate based upon the number of investigations and the timing of results. Aqua Comments at 22.

Next, with regard to service line demarcation, Aqua submits that its tariff clearly defines a "company service lateral" and a "customer service lateral." Aqua argues that those definitions provide clear demarcation of ownership between company-owned and customer-owned service lines. Aqua asks the Commission to adopt definitions for "company service line" and "customer service lateral" in which the service line will end two feet outside the exterior wall of a customer's structure. Aqua Comments at 22.

As it pertains to the frequency of DWSL Replacements, Aqua notes that it agrees with the Commission's proposed regulations at Section 66.38(c). Aqua agrees that DWSLs should not be eligible for more than one replacement during the time of the average service life established in the entity's most recent base rate case. Aqua notes that wastewater utilities are not required to file service life studies. In addition, Aqua proposes that Section 66.38(c) apply going forward as of the effective date of the regulations since entities may not have accurate records of replaced customer side service lines. Aqua Comments at 22-23.

With respect to reimbursements, Aqua agrees that an entity's tariff should explain reimbursement conditions as set forth in Section 66.38(d). Similar to its position on LSL reimbursements, Aqua disagrees with the proposed reimbursement amount. Aqua proposes that the language be changed to reflect that customers would be eligible for reimbursement at the lower of the customer's actual cost or what the entity would have incurred to perform the replacement. Aqua Comments at 23.

Finally, regarding warranty, Aqua proposes language that clarifies that if a customer replaces its DWSL outside of the entity's replacement program and seeks reimbursement from the entity, the two-year warranty will not apply to that service line. Aqua also asserts that an entity should not be required to provide a warranty for work that was not done by the entity or the entity's contractors. Aqua proposed similar language in Section 66.36(a)(9)(ii). Aqua believes that this language should encourage customers to seek replacements under an entity's replacement program. Aqua Comments at 23.

b. *Reply Comments on § 66.38.*

In its reply comments, the OCA disagrees with PWSA's recommendation that an entity should terminate water service if a customer refuses replacement of a DWSL. The OCA agrees with Aqua's comments regarding Section 66.39(b)(12) that termination of water service due to wastewater issues is complicated, particularly when each service is provided by different entities. The OCA argues that termination of water service for non-payment for wastewater service is a very different circumstance than terminating a customer for refusing a DWSL Replacement. Thus, the OCA states that there should be strict limitations in place depending on the type of replacement program and the degree of risk of public harm. Additionally, the OCA disagrees with Aqua's recommendation regarding reimbursements. The OCA states that the Commission's proposed language is appropriate. OCA Reply Comments at 9-10; see also Aqua Comments at 25.

PWSA agrees with Aqua's proposed language to change the Commission's proposed customer reimbursement amount in Section 66.38(d). PWSA also supports Aqua's proposed clarification that if a customer replaces a customer side DWSL outside of the entity's replacement program and seeks reimbursement, that the entity is not required to provide a warranty for the replacement. PWSA Reply Comments at 7-8.

c. *IRRC Comments on § 66.38.*

The IRRC states that a stakeholder raises the issue of whether a customer should be able to refuse to accept an offer to replace a private wastewater lateral where the reason for the replacement is to reduce or eliminate a public health or safety risk. The IRRC also states that the stakeholder suggests revising the final regulation similar to the termination language related to water service. The IRRC, however, again notes concerns related to the impacts of termination language and the potential for public harm. The IRRC asks the Commission to explain how this provision protects the public health, safety, and welfare. IRRC Comments at 10-11.

d. *Disposition on § 66.38.*

As an initial matter, we will revise proposed Section 66.38(a), which addresses DWSL Program annual caps, by removing the word "maximum" as it is redundant. Thus, the DWSL Program annual cap will be a "cap on the maximum number of DWSL Replacements that can be completed annually." In alignment with the Commission's reasoning for the LSLR Program annual cap, we note that there is will not be a specified monetary value for the DWSL Program annual cap in the regulations. Rather, an entity will be responsible for establishing a prudent budget for DWSL Replacements based on the number of DWSLs that the entity can replace annually under the cap. Section 66.38(a) is consistent with Section 66.38(d)(2), which addresses the protocol for reimbursements when the entity exceeds its "annual budgeted cap on the number of DWSL Replacements."

Regarding proposed Section 66.38(b) and service line demarcation, as stated in our disposition of Section 66.32, we will revise the definition of "customer's service lateral" as requested by Aqua. As noted above, the definition is only intended to determine what is a "customer's service lateral" in terms of an entity's DWSL Program, not other aspects of an entity's tariff. Additionally, we will revise Section 66.38(b)(2) to clarify an entity's requirements for perfecting ownership of the portion of a service line located within a then-existing right-of-way. The entity shall resolve ownership conflicts in accordance with its

Commission-approved tariff. We note that, if no conflict exists, as may be the case for entities that do not own any portion of the sewer lateral, then ownership has been perfected.

Additionally, we reject PWSA's suggestion that we include in the regulations a rule providing that refusal to accept an entity's offer of a DWSL Replacement will result in the termination of water service. We agree with the OCA and Aqua that termination of water service due to wastewater issues is complex in light of the fact that each service may be provided by different entities. As the OCA notes, termination of water service for non-payment for wastewater service is a very different circumstance than terminating service for refusing a DWSL Replacement. Accordingly, the Commission finds that refusals of DWSL Replacements should be handled on a case-by-case basis. Thus, the Commission's determination to decline to adopt a blanket rule tying DWSL Replacement refusals to water service termination is in the public interest.

With regard to proposed Section 66.38(c) addressing the frequency of DWSL Replacements, we will not make modifications to the regulations to address Aqua's suggestion that Section 66.38(c) apply on a going forward basis as of the effective date of our final regulations since that application is inherent in the adoption of our regulations.

Moreover, throughout Section 66.38(d) regarding reimbursements, we will clarify references to "customer" as we did in Section 66.36 to properly refer to customers versus property owners. Similar to Section 65.58(d) of the LSLR regulations, Section 66.38(d) will require reimbursement to all eligible customers or property owners, if the customer is not the property owner, who replace their DWSL within one year of DWSL Project Commencement. As noted in Section 66.32, the term "DWSL Project Commencement" refers to the installation of the first DWSL Replacement within a DWSL Project Area. Thus, under Section 66.38(d), a DWSL Replacement eligible for reimbursement must be within a DWSL Project Area. Section 66.38(d) is intended to encompass all eligible customers or property owners, including, as noted in Section 66.36(a)(10)(ii), those that refuse an entity's offer to replace their DWSL and later replaced the DWSL within the requisite timeframe. For such customer or property owners, replacement must occur within one year from DWSL Project Commencement in order to be eligible for reimbursement as earlier replacement would not be possible given that refusal cannot occur before DWSL Project Commencement. See *supra*, p. 81.

Otherwise, we will revise proposed Section 66.38(d) to specify that an entity shall provide a reimbursement to an eligible customer or property owner, if the customer is not the property owner, who replaced their DWSL "within 1 year of commencement," meaning within "1 year before or from DWSL Project Commencement." This provision mirrors the LSLR regulations at Section 65.58(d). We again note that Act 120 broadly allows "reimbursement to a customer who has replaced the customer's lead water service line. . . within one year of commencement of a project." 66 Pa.C.S. § 1311(b)(2)(vii)(B). Additionally, we will eliminate proposed Section 66.38(d)(4) as this provision is repetitive of what is already set forth at the outset of Section 66.38(d).

Regarding the amount of reimbursement, in proposed Section 66.38(d)(1)(iii), the Commission properly limited reimbursements to the customer's actual cost. Restricting the reimbursement amount beyond this would not provide a meaningful reimbursement and may disincentivize cus-

tomers from proceeding with replacements. As with LSLR reimbursement, we decline to further limit the amount of DWSL reimbursement.

In addition, we will revise the language of proposed Section 66.38(d)(2) to specify that, notwithstanding the DWSL Program annual cap set out in Section 66.38(a), an entity shall provide reimbursements within the length of time in Section 66.38(d)(1)(ii) to eligible customers. If the reimbursement would cause the entity to exceed its current annual cap under Section 66.38(a), the entity will be required to increase its current annual cap by the amount of the reimbursement and reduce its next annual cap by the same amount. Like Section 65.58(d)(2), the purpose of Section 66.38(d)(2) is to ensure that, if the annual cap in an entity's tariff, budgetary or otherwise, would restrict the entity from providing a reimbursement to an eligible customer, the entity shall nonetheless provide the reimbursement to the customer and reduce their next annual cap by the amount of reimbursement. As with annual caps for LSLRs, we note that entities should develop annual caps based on an expectation of reimbursements, and that entities cannot use such caps as a basis for rejecting reimbursement requests or delaying reimbursement requests beyond the length of time indicated in Section 66.38(d)(1)(ii).

With respect to proposed Section 66.38(e) regarding warranty, we agree with PWSA and Aqua that the warranty is only for DWSL Replacement work performed by the entity or its contractor, and we will revise this Section accordingly. Additionally, we disagree that the warranty term in Section 66.38(e)(1) should be shortened. A two-year warranty period is reasonable as it covers a full freeze-and-thaw cycle, which may reveal any issues with the DWSL Replacement. Further, regarding Section 66.38(e)(2), as noted earlier, "restoration of surfaces" refers to excavations that have been backfilled and grade that has been returned to level. Entities are generally not responsible for replacing sidewalks, stone or asphalt driveways, or landscaping outside of a right-of-way. The warranty required by our regulation will not extend beyond this.

9. § 66.39. *DWSL Program Reports.*

In the NOPR, we noted that Section 66.39 would require that an entity with an approved DWSL Program file an annual DWSL Program Report by March 1. We also proposed that the DWSL Program Report would include, among other things, the number of DWSLs replaced, the length of DWSLs removed by pipe diameter, and a breakdown of actual cost of each DWSL Replacement.

a. *Stakeholder Comments on § 66.39.*

In its comments, PWSA states that it believes that the proposed two-year time periods, both prior to and following a DWSL Replacement, for monthly average flow and the three-month maximum flow are excessive and recommends that each be reduced to a minimum of six months. PWSA believes that a longer period of time could be "cost prohibitive." PWSA asserts that it incurs approximately \$2,500 per meter for every month of flow monitoring it is required to do. PWSA also provides that, in areas where a DWSL is replaced due to public health and safety issues, flow rates would more than likely not be observable. PWSA Comments at 27-28.

Aqua agrees that certain information can be provided in the AAOP related to DWSL Replacements. However, Aqua disagrees with several of the 16 reporting metrics especially in the time frame for the submission of an AAOP.

Aqua does not believe that length, pipe diameter and replacement method by county or the length, diameter, material type broken down by county, flow type or system type is necessary in AAOP reporting. Aqua does not see the benefit of providing additional information which would necessitate capturing and logging information not presently collected. Additionally, regarding I&I, Aqua believes that reporting the average flow cost per thousand gallons treated may provide a better metric if examined over the long term than by trying to quantify I&I and ascribe costs to it by sewershed. Aqua also believes that publicly reporting refusals by geographic area raises customer information security concerns. Lastly, Aqua believes that terminating a customer who refuses to fix or have the entity replace their DWSL may create complex issues if the entity does not provide both water and wastewater service to that customer. Aqua comments at 23—25.

b. *Reply Comments on § 66.39.*

The OCA notes that, similar to its comments regarding Section 65.59, it disagrees with Aqua's suggestion to limit the information reported when replacing DWSLs by eliminating the length and pipe diameter requirements. The OCA notes that an entity will collect this information during replacements and that there are few barriers to ensuring that the entity's DWSL Program Report provides complete, transparent descriptions of the work undertaken by the entity. OCA Reply Comments at 10.

c. *IRRC Comments on § 66.39.*

The IRRC notes that one stakeholder objects to several metrics in Section 66.39(b), especially in the timeframe for submission of an AAOP plan. The IRRC also notes that the stakeholder asserts that inflow and infiltration varies year to year depending on precipitation and antecedent soil moisture and groundwater level conditions. The IRRC further notes that the stakeholder refers to difficulties with fixing certain leaks within a system is that that specific fix may cause other issues within the system. The IRRC asks the Commission to explain the need for and reasonableness of the reporting requirements contained in this provision of the final regulation. IRRC Comments at 11.

d. *Disposition on § 66.39.*

While Aqua does not believe identifying the metrics proposed in Section 66.39(b) is necessary, especially in the time frame for submission of an AAOP, we disagree in part. Tracking certain metrics is important to ensure that an entity maintains complete records and entities generally possess the ability to track and report the wastewater information proposed in Section 66.39(b). We will, however, revise some portions of Section 66.39(b) to allow for more flexible reporting requirements. Tracking the information required by Section 66.39(b) of this final rulemaking will be useful for the review of DWSL Programs in the context of base rate proceedings. We further note that requiring entities to report this information will offer transparency.

For the reasons explained with respect to Section 65.59 of the LSLR regulations, we will modify proposed Sections 66.39(b)(1) and 66.39(b)(2) to require the collection of information "by wastewater system," defined in Section 66.32, rather than "by county." We will likewise modify Section 66.39(b)(3) and 66.39(b)(4).

Additionally, with regard to Section 66.69(b)(5) and 66.69(b)(16), we note that, while collecting and interpreting monthly flow data at certain time intervals could help determine whether certain investments will improve the

efficiency of a system, Act 120 does not authorize or require the Commission to make such determinations. Similarly, Act 120 does not require, as part of its program review and approval, a substantiation to the Commission that the proposed benefits of replacing certain DWSLs have been achieved. Because Act 120 does not expressly require prudence review or cost-benefit determinations, it follows that the significant additional costs presented by requiring such reporting should not be imposed on customers as a routine matter. Rather, benefit analysis regarding measurable cost savings, system capacity increases, reduction in service interruption, and/or reductions in observed wastewater overflows is the type of analysis that is appropriate for rate case review whereby entities must demonstrate how these improvements fit into just and reasonable rates overall. Therefore, we will eliminate proposed Section 66.39(b)(5) and 66.69(b)(16) from the final rulemaking. We will adjust the numbering of Section 66.39(b)(6) through 66.39(b)(15) accordingly.

10. § 66.40. *Accounting and financial.*

In the NOPR, we explained that Section 66.40 would set forth uniform standards for the accounting treatment of DWSL costs, including expenditures associated with installing DWSL Replacements. We proposed to require an entity to record DWSL Replacement costs in compliance with the NARUC uniform system of accounts applicable to the entity, in an intangible asset account. We also proposed to allow the deferral of certain income taxes that are not recovered through base rates or the DSIC for accounting purposes and the deferral of certain expenses that are not recovered through base rates. We noted that prudent and reasonable deferred income taxes would be amortized over a reasonable period of time with a return on an entity's investment, whereas other expenses would be amortized over a reasonable period of time without a return on an entity's investment, unless otherwise directed by the Commission. Further, we explained that, for purposes of calculating the return of and on an entity's prudently incurred cost for LSLRs, the Commission would employ the equity return rate in 66 Pa.C.S. § 1357(b)(2)-(3), which appear to indicate the amortization rate for DWSLs should be the entity's permitted equity return rate. See 66 Pa.C.S. § 1311(b)(2)(iii).

a. *Stakeholder Comments on § 66.40.*

In its comments,<sup>22</sup> the OCA states that it has the same concerns with Section 66.40 as with Section 65.50. The OCA claims that it is unusual and not appropriate to allow an entity to defer income taxes and routine expenses by regulation and that the regulation should not predetermine that such costs are recoverable. OCA Comments at 16.

Aqua disagrees that DWSLs should be recorded as intangible assets. Aqua submits that the proper NARUC account is Account 363. Aqua asserts that recording these assets in this way will allow for a more accurate match of cost recovery through depreciation expense incorporated into the cost of service. Aqua states that this activity is properly reported at the project group level not as an accounting asset. In addition, Aqua disagrees with the proposed language in Section 66.40(b)(2). Aqua recommends that all costs associated with the development of the DWSL Program be accounted for as "Preliminary Survey and Investigation Charges", consistent with NARUC Account 183. Aqua states that costs accumulated

under this account will be recognized incrementally as actual work is completed and placed in service. Aqua Comments at 25-26.

b. *Disposition on § 66.40.*

We agree with the OCA that entities should use subaccounts for DWSL Replacement costs. We will eliminate the portion of proposed Section 66.40(a) that refers to intangible assets and revise this Section to reflect that DWSL Replacement costs recorded as assets shall be maintained under separate and distinct subaccounts. This revision will also resolve Aqua's concerns that DWSL Replacement costs should not be recorded as intangible assets and should instead be recorded in certain NARUC accounts. We will not require use of a particular account.

As with the similar provision in Section 65.60(b) of the LSLR regulations, we will largely re-write proposed Section 66.40(b). We will remove language allowing entities to earn a return on deferred income taxes. Also, we will remove language providing that prudent and reasonable deferred expenses must be amortized over a reasonable period of time without a return on the entity's investment, unless the Commission finds that providing a return on investment is warranted, including the cite to 66 Pa.C.S. § 523.

In addition, we will revise proposed Section 66.40(b) to provide that entities may defer, for accounting purposes, income taxes related to no-cost and low-cost sources of funding for DWSL Replacements, including applicable income taxes on contributions-in-aid-of-construction and/or below market rate loans, Service Line Inventory, DWSL Program development, DWSL Plan, DWSL Program Report, and reimbursement expense, to the extent that such costs are not recovered through the entity's existing base rates or DSIC. With these revisions, the provisions in Section 66.40 are reasonable and appropriate.

Again, we note that an entity will not be required to defer the costs identified and may, if necessary, initiate a rate proceeding to change its existing rates to address costs related to the proposed regulations. Within the context of a rate proceeding, the Commission will review whether any costs, deferred or otherwise, are recoverable and, if so, whether the entity's proposed methods to recover costs result in rates that are just and reasonable. The Commission's review will include, among other things, consideration of how costs should be recovered from the entity's various customer classes and what periods are appropriate to recover such costs. This review will be appropriately based upon the specific facts presented in the entity's rate proceeding.

11. § 66.41. *Unpermitted connections.*

In the NOPR, we proposed that Section 66.41 would condition DWSL Program eligibility upon the elimination of any existing unpermitted connections in compliance with an entity's tariff provisions. We noted, however, that continued use of previously unpermitted connections is permitted where other applicable laws or the entity's tariff makes it permissible and the situation is documented. In its comments, Aqua states that it agrees with the Commission's language in this Section. Aqua states that it will document any connections allowed to remain in the entity's customer information system. Aqua Comments at 26. No other stakeholders filed comments regarding this Section. Accordingly, we will not modify Section 66.41 substantively. Throughout Section 66.41, however, we will clarify references to "customer" as we did in other Sections to properly refer to customers versus property owners.

<sup>22</sup> We address only the stakeholders' comments and the IRRC's comments here as no stakeholders filed reply comments regarding Section 66.34.

12. § 66.42. *Competitive advantage.*

In the NOPR, we explained that Section 66.42 would relate to competition that may arise regarding optional insurance and warranty products to cover DWSL repair, replacement, and/or rehabilitation. We noted that proposed Section 66.42 is intended to require an entity with a DWSL Program, to make good faith efforts in structuring its DWSL Program to prevent competition with these products. No stakeholders object to this approach. Accordingly, we will maintain the requirements of Section 66.42.

C. *Directed Questions from Former Vice Chairman Sweet*

On September 17, 2020, former Vice Chairman David W. Sweet issued a Statement regarding the NOPR and asked stakeholders to file comments on a number of directed questions. The questions related to the LSLR provisions of the NOPR and addressed: (1) whether the NOPR adequately carries out the directives in the statute, (2) whether all entities should be required to develop and file a LSLR Plan, (3) whether the NOPR conflicts with Act 44 of 2017 (Act 44), (4) whether the requirement that a filed plan include the location of customer refusals adequately protects customer information, (5) whether the NOPR grants entities with preexisting LSLR activities the flexibility to continue replacing affected lines under already approved terms, (6) whether the NOPR adequately provides due process to both entities and customers, (7) whether the NOPR adequately provides information regarding the process to be used when a filed plan is contested, and (8) whether the NOPR should be streamlined.

1. *Stakeholder Comments on the Directed Questions*

The OCA states that the NOPR carries out the directives of Act 120, but reiterates its concerns regarding landlord-tenant situations and some of the financial proposals. The OCA states that the regulation should apply to all entities due to the serious health risks of LSLs and suggests that an entity seek a waiver under 52 Pa. Code § 5.43 if it cannot comply with the LSLR regulations. The OCA notes there is no conflict between Act 44 of 2017 and Act 120 as it relates to PWSA, which it points out is the only municipal authority subject to Commission jurisdiction. With respect to customer privacy concerns, the OCA notes that there is precedent for providing access to an online map indicating where LSLs exist and that the disclosure of such information is a helpful indicator of overall progress and concerns. The OCA also states that the NOPR affords entities with preexisting LSLR activities sufficient flexibility. OCA Comments, Appendix B at 1-2.

With regard to due process, the OCA notes that review of LSLR Plans in base rate cases and LTIP reviews ensures that the programs will be updated as issues arise. The OCA states that the process for challenging a LSLR Plan is fairly straightforward and is consistent with the Commission's existing processes. Lastly, in terms of streamlining the NOPR, the OCA states that entities should retain some discretion to make LSLR decisions and that some processes should be simplified in order to eliminate confusion between the LSLR Plan and LSLR Program. OCA Comments, Appendix B at 1-2.

PWSA believes that the proposed regulations carry out the directives of Act 120; however, PWSA contends that the regulations impose certain requirements that are overly burdensome for entities that seek recovery under Act 120. PWSA expresses that entities should only be required to develop and file a LSLR Plan if they seek recovery under Act 120 and that the Commission should

accept LSLR Plans prepared by entities in accordance with the LCRR. Also, the Commission should only require those entities to include additional information specifically required by Act 120. PWSA does not believe that there is a conflict between Act 44 of 2017 and Act 120 as they relate to PWSA. Regarding customer privacy, PWSA states that its website hosts an online map that discloses the location of LSLs and it believes that this information sufficiently informs the public about the status of replacements. PWSA states, however, that the NOPR does not appropriately acknowledge or provide flexibility to entities with preexisting LSLR activities to continue replacing affected lines in an efficient and cost-effective manner considering they have already been through a rigorous and costly review process. PWSA argues that the regulations should make clear that preexisting, Commission-approved LSLR activities will be accepted as compliant. PWSA Reply Comments at 12—14.

Moreover, PWSA believes that the NOPR adequately provides due process to entities and customers. PWSA contends that the process for challenging a LSLR Plan should be consistent with the process set forth in the Commission's regulations and existing procedures. PWSA also shares its opinion that the NOPR can and should be streamlined by using the LCRR provisions relating to inventories and LSLR Plans, rather than creating different obligations. PWSA Reply Comments at 12—14.

Aqua believes that the proposed regulations carry out the directives Act 120. Due to the health effects of lead exposure, Aqua believes all entities should be directed to develop and file a LSLR Program. Aqua does not believe that the NOPR conflicts with Act 44 of 2017, since the NOPR and Act 120 specifically apply to municipal authorities that fall under the Commission's jurisdiction. Aqua is concerned about customer privacy relating to providing an online tool for customers to determine if their service line is made of lead, if the customer has a DWSL, or if the customer refuses to replace the LSL or DWSL. Aqua proposes to note the refusal in its customer information system and could report refusals by county to protect customer information. Aqua also is concerned with rate case filings and the timing of establishing a LSLR Program. If Aqua's proposed clarification is adopted, Aqua believes the NOPR will provide entities with adequate flexibility to continue under their current programs and to modify the programs as needed to comply with the new regulations. Aqua Comments at 27—29.

Finally, Aqua states that the NOPR adequately provides due process to customers and entities. Aqua notes that the NOPR does not set forth procedures for a litigated LSLR Program, but that the procedures would be the same as a typical litigated proceeding. Regarding streamlining the NOPR, Aqua asserts that its proposed changes will sufficiently streamline the NOPR and the reporting process for entities that apply for a LSLR Program and DWSL Program. Aqua Comments at 27—29.

2. *Review of the Comments on the Directed Questions*

Generally, the stakeholders agree that the NOPR carries out the directives set forth in Act 120. We note that the LSLR regulations will effectuate the mandate of Act 120 that entities perform replacements of customer-owned LSLs "under a Commission-approved program." 66 Pa.C.S. § 1311(b)(2)(i). The regulations will also carry other Act 120 directives, such as the requirement that entities obtain prior approval from the Commission for LSLRs "by filing a new tariff or supplement to existing tariffs under section 1308." See 66 Pa.C.S. § 1308; 66 Pa.C.S. § 1311(b)(2)(v). With regard to PWSA's comment

that the regulations go beyond Act 120, our revisions in this final rulemaking resolve PWSA's areas of concern, including the Service Line Inventory requirements. Nonetheless, as noted earlier, the Commission has the authority under 66 Pa.C.S. § 1501 to ensure adequate, efficient, safe, and reasonable water service and facilities. The Commission has determined that LSLs are not consistent with the requirements of 66 Pa.C.S. § 1501 and, therefore, our regulations will properly require the removal of all LSLs by entities.

Additionally, due to the known hazards of LSLs, the Commission appropriately determined that all entities should file LSLR Programs, including LSLR Plans. As explained with respect to Section 65.61, the regulations will account for the fact that some entities received prior Commission approval to engage in LSLR activities and will afford flexibility to such entities in filing their LSLR Programs. The revisions to Section 65.61 discussed herein will provide further flexibility by extending the timeframe to no later than the effective date of the rates established under the entity's next base rate case filed following the effective date of this Section or within 2 years of the effective date of Section 65.61, whichever comes first. While we recognize that some entities are currently engaged in preexisting LSLR activities, we emphasize the importance of consistent LSLR Programs that conform with the Commission's regulations.

Moreover, the stakeholders agree that the Commission's regulations do not conflict with Act 44 of 2017 because the regulations only extend to authorities subject to Commission jurisdiction. In this regard, we note that Act 65 of 2017 granted the Commission oversight of PWSA and, under 66 Pa.C.S. § 3202(a) (relating to application of provisions of title), the provisions of the Public Utility Code, with the exception of Chapters 11 and 21, apply to PWSA "in the same manner as a public utility." Accordingly, PWSA is subject to Act 120. PWSA is also required to comply with Section 1501 of the Public Utility Code in that it must "furnish and maintain adequate, efficient, safe, and reasonable service and facilities" and "make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public." 66 Pa.C.S. § 1501.

For the requirement that an entity's LSLR Program Report include the number of refusals and information regarding the location of refusals, as noted above, we will revise Section 65.59(b)(9) to require that entities provide the municipality with the number of refusals, rather than the "geographic location." This revision will resolve any concerns regarding customer privacy. Additionally, regarding the online tool showing whether a property has a LSL, we will revise this requirement as explained with respect to Section 65.56(c)(3)(iii), which is now Section 65.56(c)(2)(iii).

Further, as it pertains to due process, the stakeholders agree that the Commission's LSLR regulations do not raise due process concerns. We agree with PWSA and Aqua that litigation resulting from the requirements of these regulations will follow the existing process set forth in the Commission's regulations. Further, as the OCA notes, rate cases and the LTIP review process will ensure the resolution of issues as they arise.

Finally, regarding streamlining the rulemaking, we agree with PWSA that the Commission should adopt LCRR provisions to streamline some areas. As explained in this Order, the Commission's regulations will serve a

separate and distinct purpose by requiring the removal of LSLs by all entities, as defined in Section 65.52, not just the removal of LSLs in water systems subject to the LCRR based on a trigger level or action level. Nonetheless, for purposes of consistency and to avoid confusion among entities required to comply with the LCRR and the Commission's regulations, we will revise certain areas of the proposed regulations, including the definition of "LSL," the definition of "Service Line Inventory," portions of Section 65.56(a) regarding Service Line Inventory, and portions of Section 65.56(c) regarding communications, education, and outreach, to refer to the LCRR requirements.

With the feedback of the stakeholders and the IRRC, we will refine the regulations, as set forth in Annex A, by making appropriate modifications to a number of Sections. These modifications will ensure that the regulations properly carry out the Commission's duty to implement Act 120 and address the critical issues presented by LSLs. Streamlining the rulemaking in other aspects, however, would negatively impact the effectiveness of the regulations. Accordingly, we conclude that no further revisions to the regulations as proposed in the NOPR are required based on the stakeholders' comments in response to former Vice Chairman Sweet's Directed Questions.

#### *Conclusion*

The Commission's LSLR regulations represent significant action to combat and eliminate the adverse effects of lead exposure by requiring all entities to remove LSLs. The DWSL regulations are likewise a critical step in eliminating environmental and health hazards stemming from damage to service laterals by natural material deterioration, tree roots, surface activities, or excavation. Both the LSLR regulations at Chapter 65 and the DWSL Replacement regulations at Chapter 66 are reasonable, appropriate, and in the public interest.

Accordingly, under Sections 501, 1311(b), and 1501 of the Public Utility Code, 66 Pa.C.S. §§ 501, 1311(b), and 1501; Sections 201 and 202 of the Act of July 31, 1968, P.L. 769 No. 240, 45 P.S. §§ 1201 and 1202, referred to as the Commonwealth Documents Law, and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2 and 7.5; Section 204(b) of the Commonwealth Attorneys Act, 71 P.S. § 732.204(b); Section 745.5 of the Regulatory Review Act, 71 P.S. § 745.5; and Section 612 of The Administrative Code of 1929, 71 P.S. § 232, and the regulations promulgated thereunder at 4 Pa. Code §§ 7.231—7.234, we seek to finalize the regulations set forth in Annexes A and B, attached hereto; *Therefore*,

#### *It Is Ordered That:*

1. The Commission hereby adopts the revised final regulations set forth in Annexes A and B.
2. The Law Bureau shall submit this Final Rulemaking Order and Annexes A and B for review by the Legislative Standing Committees, and for review and approval by the Independent Regulatory Review Commission.
3. The Law Bureau shall submit this Final Rulemaking Order and Annexes A and B to the Office of Attorney General for review as to form and legality and to the Governor's Budget Office for review of fiscal impact.
4. The Law Bureau shall deposit this Final Rulemaking Order and Annexes A and B with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.
5. The final regulations embodied in Annexes A and B shall become effective upon publication in the *Pennsylvania Bulletin*.



6. The Secretary shall serve this Final Rulemaking Order and Annexes A and B upon all jurisdictional water and wastewater utilities and the Pennsylvania Chapter of the National Association of Water Companies; the Office of Consumer Advocate; the Office of Small Business Advocate; the Commission’s Bureau of Investigation and Enforcement; and the Department of Environmental Protection.

7. The contact persons for this Final Rulemaking are Assistant Counsel Hayley E. Dunn, (717) 214-9594, haydunn@pa.gov; Colin W. Scott, (717) 783-5959, colin.scott@pa.gov; and Rhonda L. Daviston, (717) 787-6166, rdaviston@pa.gov, in the Law Bureau, and Fixed Utility Valuation Engineer Matthew T. Lamb, (717) 783-1001, mlamb@pa.gov, in the Bureau of Technical Utility Services

ROSEMARY CHIAVETTA,  
*Secretary*

ORDER ADOPTED: February 24, 2022

ORDER ENTERED: March 14, 2022

(*Editor’s Note:* See 52 Pa.B. 329 (June 4, 2022 for IRRC’s approval order.)

**Fiscal Note:** Fiscal Note 57-330 remains valid for the final adoption of the subject regulations.

**Statement of Chairperson Gladys Brown Dutrieuille**

Before the Commission for consideration and disposition is our final rulemaking order setting forth regulations to implement Act 120 of 2018 (Act 120) which amended Section 1311(b) of the Public Utility Code, 66 Pa.C.S. § 1311(b), by directing the replacement of customer-owned lead water service lines (LSL) and damaged wastewater service laterals (DWSL), while addressing the recovery of associated costs.

This Commission has long recognized the inherent and proven danger that LSLs pose to public health and the public interest and, even prior to the passage of Act 120, the Commission approved The York Water Company’s replacement of this type of aged infrastructure. See Petition of The York Water Company, Docket No. P-2016-2577404 (Order entered March 8, 2017). However, the subsequent passage of Act 120, which provides a comprehensive framework for the replacement of LSRs for jurisdictional water utilities, clarifies the Commission’s authority to put replacement costs into rates; and, therefore, will accelerate the replacement of lead service lines in the Commonwealth, if properly implemented.

After Act 120 was enacted, the U.S. Environmental Protection Agency (EPA) promulgated the Lead and Copper Rule Revisions (LCRR)<sup>23</sup> on January 15, 2021, with the goal of reducing lead and copper in drinking water. The Commission’s regulations regarding LSL replacements (LSLR) are meant to work in conjunction with the federal LCRR which will be implemented by Pennsylvania’s Department of Environmental Protection (DEP). The LCRR requires water systems with LSLs, or service lines of unknown status, to create lead LSLR plans, within the meaning of the LCRR, by 2024. Under the LCRR, water systems above the trigger level, but at or below the action level, must conduct replacements at a “goal rate,” while water systems above the action level must “annually replace a minimum of three percent per year, based upon a 2-year rolling average of the number of known or potential LSLs in the inventory at the time the action level exceedance occurs.” Additionally, some water sys-

tems are afforded compliance alternatives and may not be required to conduct LSLRs. Further, water systems below the lead trigger level are not required to execute any system-wide LSLR program. See 86 FR 4198 at 4200, 4213, 4217-4218, 4221.

In comparison, Act 120 requires no trigger or action level for LSLR replacement and Act 120 in conjunction with Section 1501 of the Public Utility Code, 66 Pa.C.S. § 1501, requires Commission jurisdictional entities to undertake LSLRs, as a matter of course, to effectuate the removal of all LSLs. Stakeholders and the IRRC have expressed concern regarding the interplay between the Commission’s LSLR regulations and the EPA’s LCRR, claiming that the Commission’s regulations will not be consistent with the federal LCRR. In my view, the LCRR sets a minimum level of LSLR while Act 120 and Section 1501 provide for a full-scale replacement of Commission jurisdictional LSLs. Thus, under the Commission’s final regulations, entities should be required to routinely engage in LSLRs with the goal of total LSL removal. This charge was assigned to the Commission by the General Assembly and signed into law by Governor Wolf.

The Commission, as an economic regulator, must address LSLs as an infrastructure replacement issue, while the replacement of LSLs under the LCRR is driven by Lead Action Level Exceedances of lead in the water by a public water system. However, if an entity hits the LCRR’s trigger level or action level, that entity will become subject to the relevant LCRR provisions for using LSLRs as a remediation tool. See e.g., 86 FR 4198 at 4200, 4221. Given this dynamic, with Act 120 providing for the removal of all LSLs from jurisdictional public utilities by a time certain, while only the sub-category of those entities with severe lead leaching will be subject to the LCRR’s more immediate timelines, there will be no conflict between the Commission’s final regulations and the LCRR as they seek to achieve different, but both necessary, goals.<sup>24</sup>

*Service Line Inventory*

Both the LCRR and our notice of proposed rulemaking (NPR) provide for an inventory to ascertain where the lead service lines are located. The Commission “Service Line Inventory” would function to emphasize the inventory as a process of identifying each service line’s material and, correspondingly, establish a minimum uniform structure for the organization of the data collected during the inventory process.

Producing a report containing the information sought by the Commission in the proposed rulemaking need not be burdensome. Entities could use the inventory submitted under the LCRR as a basis for the Service Line Inventory submitted to the Commission. To the extent that an entity desired to submit their Service Line Inventory to the Commission at the same time as their LCRR inventory, it could do so. In other words, the Commission Service Line Inventory would require an entity to conduct only one coordinated inventory effort of the entity-owned and customer-owned service lines. The LCRR inventory is due to DEP no later than October 16, 2024, with annual updates to follow, while the Commission’s Service Line Inventory would be due at a reasonable time thereafter. With the LCRR inventory due first,

<sup>23</sup> National Primary Drinking Water Regulation: Lead and Copper Rule Revisions, 86 FR 31939—31948 (January 15, 2021) (amending 40 CFR 141-142).

<sup>24</sup> Federal regulation by means of minimum standards of the picking, processing, and transportation of agricultural commodities, however comprehensive for those purposes that regulation may be, does not of itself import displacement of state control over the distribution and retail sale of those commodities in the interests of the consumers of the commodities within the State. . . . Congressional regulation of one end of the stream of commerce does not, ipso facto, oust all state regulation at the other end. *Florida Lime & Avocado Growers, Inc. v. Paul*, 373 U.S. 132, \*145.

any additional requirements that DEP puts into upcoming rulemakings could be incorporated, along with Commission parameters, into one database by an entity. This approach to the timing of inventory filings would avoid any duplication of efforts and any conflicts between agency requirements.

While DEP is the “primacy agency” with respect to the LCRR, the Commission has a statutory duty to effectively implement Act 120 and regulate the safety of public utility infrastructure and assets. See 66 Pa.C.S. § 1311(b), 1501. The NOPR does not attempt to implement the LCRR in DEP’s place. Rather, the NOPR requires a Service Line Inventory because the Commission’s proper and effective implementation of Act 120 and regulation of public utility safety calls for a Commission-specific Service Line Inventory. This requirement parallels 52 Pa. Code § 65.4, which requires entities to keep complete maps, plans, or records of its entire distribution and other systems showing the size, character and location of each main, street valve, and each company service line together with other information that may be necessary. See 52 Pa. Code § 65.4. Recording material type and diameter is important so that entities have complete records of their water distribution systems. For example, if another material is determined to be as hazardous as lead in the future, entities will not be required to duplicate efforts to create a Service Line Inventory based on the presence of that material because they will already have complete records with which to identify it. If entities are fully compliant with 52 Pa. Code § 65.4(b), the requirement to include the service line sizes in the Service Line Inventory would serve to consolidate relevant information about service lines into one document. If entities are not fully compliant with this regulation, the requirement to include the service line sizes will provide entities with an opportunity to comply. Also, service line sizes are used to develop equivalent weights in cost-of-service studies, so additional data would result in more equitable cost allocations between customer classes (residential vs. commercial, etc.) and within customer classes (customer charges for customers with a 5/8” meter vs. customers with a 2” meter, where customer charges include costs associated with service lines).<sup>25</sup>

Even so, I agree that we should allow an entity to use reasonable assumptions to ascertain the material type and diameter of service lines in its Commission Service Line Inventory, provided that the entity informs the Commission of the assumptions used. For example, entities should be allowed to make generalizations regarding material type and diameter of service lines based on their knowledge with respect to nearby lines to facilitate inventories of smaller, acquired, or aged water systems.

With the enactment of Act 120’s clear statutory directive to remove LSLs from Commission jurisdictional drinking water systems, this Commission is constrained to first inventory the affected systems in order to cost-effectively and efficiently carry out our statutory mandate. Act 120 differs from the EPA’s LCRR in a critical way. Act 120 provides the Commission with the authority to establish processes for the cost recovery of LSLRs. The service line inventory proposed in the Commission’s NOPR necessarily will differ from the EPA/DEP inventory in order to more specifically categorize facilities to efficiently set rates. Because the LCRR and Act 120 have foundational differences, reliance on the LCRR’s inventory will not be sufficient to prudently effectuate Act 120.

<sup>25</sup> See 52 Pa. Code § 53.53, Exhibit D, Section VIII.1.f.; Aqua Pennsylvania, Inc., Exhibit 1-A Water, Docket No. R-2018-3003068 at PDF p. 1,284-1,285 and 1,341-1,342 available at <https://www.puc.pa.gov/pcdocs/1582242.pdf>.

### *LSLR Plan Requirements*

Act 120 requires replacements as a matter of course, which is an inherently different goal than the LCRR. “This legislation would allow regulated utilities to replace this part of the line as part of its normal operations. . . The Public Utility Commission would retain the ability to determine how these costs are recovered from consumers.”<sup>26</sup>

Rate recovery/ratemaking remains the exclusive jurisdiction of the Commission; therefore, it is within the Commission’s authority to establish processes for the collection of information to facilitate and implement the recovery of LSLR costs from consumers. These processes not only include LSL inventories; but also, communications and reporting requirements that may differ based on the Commission’s discretionary authority to establish processes for rate recovery. The Commission LSLR Plan and the plan required by the LCRR have some similarities, but there are distinctive differences in various aspects of the reporting requirements. An entity can and should prepare the base information required by both plans to maintain efficiencies but will need to respond to the differing aspects of Commission and EPA/DEP requirements. Ultimately, it is not uncommon for entities to be required to file plans and reports with utility commissions, state environmental agencies and federal agencies that have similar, yet distinctive, elements based on the regulating bodies’ particular responsibilities.

In keeping with the theme that Commission LSLRs cannot be implemented simply by requiring adherence to the LCRR, it is important that the “communications, education, and outreach” provisions of the NOPR be maintained. As stated earlier, while both statutes involve LSLs, the scale of replacement to be achieved under the EPA LCRR and Act 120 are different. This Commission, as a creature of the Legislature, is charged with implementing Act 120.<sup>27</sup> We are able to do so without stymieing the LCRR.<sup>28</sup> The LCRR delineates different communication, outreach, and education activities an entity must undertake based on: (1) the type of service line in use; (2) if a trigger level is reached or an exceedance occurs; and (3) the size and type of entity providing service. See 86 FR 4198 at 4294–4296.

Meanwhile, Act 120, as an infrastructure replacement bill, serves a purpose unique from the LCRR by requiring entities to explain how their efforts are being prioritized and consider feedback from third parties that could benefit the entity and its customers. For example, the Pittsburgh Water and Sewer Authority (PWSA) has a Community Lead Response Advisory Group that provides PWSA feedback on its LSLR activities. Because this is a ratepayer funded initiative, the Commission should require entities to attempt to reduce costs by coordinating LSLR Program efforts with the efforts of other organizations where prudent and feasible. An entity may be able to lower its costs by coordinating LSLR activities with other projects, such as street paving. As such, any communications, education, and outreach efforts that further such efficiency should be implemented.

<sup>26</sup> H. Leg. Journal No. 33 at 1028, 202d Cong., Sess. of 2018 (Pa. 2018).

<sup>27</sup> Administrative agencies are creatures of the legislature and have only those powers which have been conferred by statute. An administrative agency cannot by mere contrary usage acquire a power not conferred by its organic statutes. It is settled that jurisdiction of a court cannot be extended or conferred by agreement; it must follow, a fortiori, that an administrative agency cannot acquire jurisdiction by agreement. Nor is it for the agency to seek to create or assure its own jurisdiction by insisting that applicants subscribe to the agency’s view of what public policy requires. *Western Pennsylvania Water Co. v. Pa. PUC*, 370 A.2d 337, 339-340 (Pa. 1977) (citations omitted).

<sup>28</sup> Absent clear congressional intent to the contrary, federal preemption of state law is not favored, especially in areas of law traditionally occupied by the states. *Marsh v. Rosenbloom*, 499 F.3d 165, \*177.

With regard to communications, outreach, and education, any requirements should apply only to situations where customers and property owners, if the customer is not the property owner, have LSLs or service lines with an undetermined material type. This will resolve concerns regarding notifying all-bill paying customers, rather than targeting those that will be impacted.

Additionally, the term “sensitive populations” as proposed in Section 65.56(c)(1)(i) should be clarified as requested in PWSA’s comments and the Coalition for Affordable Utility Service and Energy (CAUSE-PA) and Green & Healthy Homes Initiative’s (GHHI) comments. A more widely understood definition, “subpopulations at greater risk,” which is a term referenced in the Safe Drinking Water Act at 42 U.S.C.S. § 300j-18(a) should be utilized. Thus, LSLR efforts should be prioritized to target the subpopulations at greater risk of adverse health effects from exposure to contaminants in drinking water identified in the Safe Drinking Water Act, including infants, children, pregnant women, the elderly, individuals with a history of serious illness, or other subpopulations that can be identified and characterized as likely to experience elevated health risks. Due to the burden on entities, I would decline to adopt CAUSE-PA and GHHI’s suggestions regarding reporting equity metrics.

Regarding Section 65.56(c)(1)(v), entities replacing the customer-owned LSL should have the ability to provide as-built drawings or similar depictions indicating the location of the customer-owned portion of the LSLR to the customer or property owner, if the customer is not the property owner. I note that because the Commission would not require entities to disclose information regarding their infrastructure, I see no security risk with this proposal. In order to provide property owners with adequate information to avoid damaging the lines, entities should be required to provide other documents associated with the LSLR and appurtenances, including product manuals, specification sheets, or manufacturer brochures. Such clear communication safeguards ratepayer investment in these replacements.

Finally, as it pertains to Section 65.56(c)(3), I agree with the OCA that the online map entities will put forth to determine whether records reflect that a property has a LSL does not need to be secure as it simply reflects the property status. As the OCA indicated, this tool will be critical for the public in terms of LSL information and education. Additionally, I note that the LCRR requires a “publicly accessible” inventory of LSLs. Therefore, entities will already be undertaking efforts to create publicly available LSL inventories.

In conclusion, I believe that in order for the Commission to carry out its duty to facilitate the removal of all lead service lines from water utilities under the Commission’s jurisdiction while managing the related cost recovery, it is crucial that the Commission first establish its own specific rules regarding lead service line inventories and customer communications. If the Commission simply adopts the DEP’s forthcoming inventory and communication plan pursuant to the federal LCRR, we will have met a lesser standard than that established in Act 120 of 2018.

Dated: February 24, 2022

GLADYS BROWN DUTRIEUILLE,  
Chairperson

**Annex A**

**TITLE 52. PUBLIC UTILITIES  
PART I. PUBLIC UTILITY COMMISSION  
Subpart C. FIXED SERVICE UTILITIES  
CHAPTER 65. WATER SERVICE**

Subchap.

- A. SERVICE GENERALLY
- B. LEAD SERVICE LINE REPLACEMENTS

**Subchapter A. SERVICE GENERALLY**

Sec.

- 65.1. Definitions.
- 65.2. Accidents.
- 65.3. Complaints.
- 65.4. Records.
- 65.5. Interruptions of service.
- 65.6. Pressures.
- 65.7. Metered service.
- 65.8. Meters.
- 65.9. Adjustment of bills for meter error.
- 65.10. Disputed bills.
- 65.11. Mandatory conservation measures.
- 65.12. Notice of desire to have service discontinued.
- 65.13. Temporary service.
- 65.14. Measurement.
- 65.15. Refusal to serve applicants.
- 65.16. System of accounts.
- 65.17. Standards of design.
- 65.18. Standards of construction.
- 65.19. Filing of annual financial reports.
- 65.20. Water conservation measures—statement of policy.
- 65.21. Duty of public utility to make line extensions.
- 65.22. Customer advance financing, refunds and facilities on private property.
- 65.23. Special utility service.

**Subchapter B. LEAD SERVICE LINE REPLACEMENTS**

Sec.

- 65.51. Purpose.
- 65.52. Definitions.
- 65.53. Time to replace LSLs.
- 65.54. Petitioning the Commission for a LSLR program.
- 65.55. LSLR program requirements.
- 65.56. LSLR plan requirements.
- 65.57. Periodic review of LSLR plan.
- 65.58. Pro forma tariff or tariff supplement requirements.
- 65.59. LSLR Program reports.
- 65.60. Accounting and financial.
- 65.61. Preexisting LSLR activities.
- 65.62. Prohibition on partial LSLRs.

**§ 65.51. Purpose.**

The purpose of this subchapter is to implement 66 Pa.C.S. § 1311(b) (relating to valuation of and return on the property of a public utility) governing the standard under which an entity may seek to replace LSLs and recover associated costs. This subchapter establishes the time, manner, form and content of filings for Commission approval of LSLRs. This subchapter also sets forth the minimum requirements for LSLRs.

**§ 65.52. Definitions.**

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

*AAO plan*—*Annual asset optimization plan*—The term as defined in § 121.2 (relating to definitions).

*Customer*—A party contracting with an entity for service.

*Customer-owned LSL*—*Customer-owned lead service line*—The portion of the lead service line extending from the curb, property line or entity connection to an entity’s water meter or, if the entity’s meter is located outside of the structure or water is not metered by the entity, at the first shutoff valve located within the interior of the structure.

*DSIC—Distribution system improvement charge*—The term as defined in § 121.2.

*Entity*—A public utility as defined in 66 Pa.C.S. § 102 (relating to definitions) engaged in diverting, developing, pumping, impounding, distributing or furnishing water service to or for the public for compensation, a municipal corporation as defined in § 65.52 (relating to definitions), and an authority as defined in 66 Pa.C.S. § 3201(1) (relating to definitions).

*Galvanized service line*—Iron or steel piping that has been dipped in zinc to prevent corrosion and rusting.

*LSL—Lead service line*—A service line made of lead that connects the water main to a building inlet and a lead pigtail, gooseneck or other fitting that is connected to the lead line. A galvanized service line is considered a lead service line if it ever was or is currently downstream of any lead service line or service line of unknown material.

*LSLR—Lead service line replacement*—A service line, whether entity-owned or customer-owned, installed to replace a lead service line.

*LSLR plan—Lead service line replacement plan*—A plan and supporting documents submitted to and approved by the Commission that specify how an entity intends to implement its lead service line replacement program.

*LSLR program—Lead service line replacement program*—A program submitted to and approved by the Commission for the replacement of lead service lines by an entity.

*LSLR program report—Lead service line replacement program report*—The annual report, including a plan and supporting documents, providing information for lead service line replacements completed by an entity under its lead service line replacement program.

*LSLR project—Lead service line replacement project*—An entity-scheduled lead service line replacement activity either in conjunction with main replacements or as part of a lead service line replacement program.

*LSLR project area—Lead service line replacement project area*—The area encompassing an entity's scheduled lead service line replacement activities, which includes the area within a 1-mile radius of a lead service line replacement project if served by the entity.

*LSLR project commencement—Lead service line replacement project commencement*—Installation of the first lead service line replacement within a lead service line replacement project area.

*LTIP—Long-term infrastructure improvement plan*—The term as defined in § 121.2.

*Municipal corporation*—The term as defined in 66 Pa.C.S. § 102 (relating to definitions) engaged in diverting, developing, pumping, impounding, distributing or furnishing water service to or for the public for compensation beyond its corporate limits as referenced in 66 Pa.C.S. § 1501 (relating to character of service and facilities).

*Partial LSLR—Partial lead service line replacement*—A lead service line replacement that does not replace both the entity-owned and customer-owned portions of a lead service line.

*Service line*—The pipe and appurtenances which connect any main to an entity's water meter or, if the entity's water meter is located outside of the structure or the

connection is not metered by the entity, at the first shutoff valve located within the interior of the structure.

*Service line inventory*—The process of identifying each service line under the timing and direction of United States Environmental Protection Agency regulation at 40 CFR 141.1—143.20 as enforced by the Department of Environmental Protection, inclusive of future changes as those regulations may be amended.

*Water distribution system*—The equipment and facilities owned or operated by an entity for diverting, developing, pumping, impounding, distributing or furnishing water to or for the public for compensation.

#### § 65.53. Time to replace LSLs.

(a) An entity, other than a municipal corporation, shall remove and replace all LSLs, whether entity-owned or customer-owned, within or connected to its water distribution systems within 25 years from the effective date of this section for a Class A public utility or authority, and within 30 years from the effective date of this section for a Class B public utility or Class C public utility.

(b) A municipal corporation shall remove and replace all LSLs, within or connected to its water distribution systems, beyond its corporate limits, whether municipal corporation-owned or customer-owned, within 30 years from the effective date of this section.

#### § 65.54. Petitioning the Commission for a LSLR program.

(a) An entity shall file a LSLR program petition in accordance with § 65.55(a) (relating to LSLR program requirements) with the Commission's Secretary's Bureau with copies served upon the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate, and the parties of record in the entity's most recent base rate case. Service is evidenced by a certificate of service filed with the LSLR program petition.

(b) An entity that has a Commission-approved LTIP shall include with its LSLR program petition a modified LTIP containing a LSLR plan as a separate and distinct component of the entity's LTIP.

(c) An entity that does not have a Commission-approved LTIP when filing its LSLR program petition shall include a LSLR plan meeting the requirements of § 121.3 (relating to LTIP).

#### § 65.55. LSLR program requirements.

A LSLR program must comply with the following:

(a) A Class A public utility or authority shall file a LSLR program within 1 year of the effective date of this section. A Class B public utility, Class C public utility or municipal corporation shall file a LSLR program within 2 years of the effective date of this section. An entity that received prior Commission approval to perform LSLR activities shall comply with § 65.61 (relating to preexisting LSLR activities).

(b) An entity's LSLR program must include:

(1) A LSLR plan as described in § 65.56 (relating to LSLR plan requirements).

(2) A pro forma tariff or tariff supplement containing the proposed changes necessary to implement the entity's LSLR program as described in § 65.58 (relating to pro forma tariff or tariff supplement requirements).

(3) Information required by the Commission for filings under 66 Pa.C.S. § 1308 (relating to voluntary changes in

rates), including statements required by § 53.52(a) (relating to applicability; public utilities other than canal, turnpike, tunnel, bridge and wharf companies).

(c) A final Commission Order approving an entity's LSLR program will direct the entity to make any necessary revisions to the pro forma tariff or tariff supplement and resubmit the tariff or tariff supplement under 66 Pa.C.S. § 1308.

(d) After initial Commission approval of an entity's LSLR program, the LSLR program may be subject to review in all future base rate cases. An entity shall submit any modification to the LSLR program for review with its base rate case.

**§ 65.56. LSLR plan requirements.**

An entity's LSLR plan must contain, at a minimum:

(a) *Service line inventory.*

(1) Entities subject to this chapter shall submit to the Commission a service line inventory that complies with United States Environmental Protection Agency regulation at 40 CFR 141.1—143.20 as enforced by the Department of Environmental Protection, inclusive of future changes as those regulations may be amended.

(2) An entity acquiring a water distribution system shall provide to the Commission a service line inventory for the acquired system upon completion of the acquisition or as part of the entity's service line inventory under paragraph (1), whichever is later. An entity may rely on a previously completed service line inventory for an acquired system if the entity updates the service line inventory to meet the requirements of paragraph (3).

(3) An entity's service line inventory must comply with the timing and direction of United States Environmental Protection Agency regulation at 40 CFR 141.1—143.20 as enforced by the Department of Environmental Protection, inclusive of future changes as those regulations may be amended.

(4) An entity shall identify assumptions in its service line inventory to the Commission.

(5) Until the inventory is complete, an entity shall provide detailed information regarding the progress of its service line inventory as part of its annual LSLR program report under § 65.59 (relating to LSLR program reports).

(6) After an entity's service line inventory is complete, it must be incorporated into the entity's next LSLR plan update under § 65.57 (relating to periodic review of LSLR plan).

(b) *Planning and replacements.* The planning and replacements section of an entity's LSLR plan must include:

(1) The entity's projected annual investment in LSLRs with an explanation of the entity's anticipated sources of financing.

(2) The entity's projected number of LSLRs per calendar year with an explanation of how the entity's projection was determined and a statement that this number is consistent with the entity's annual cap on LSLRs.

(3) The prioritization criteria considered by the entity when developing its LSLR schedule.

(4) An explanation of the entity's processes and procedures to address emergency repairs or replacements which reveal LSLs.

(5) The entity's processes and procedures to obtain acceptance of a LSLR prior to LSLR project commencement if the customer is the property owner, and the

entity's processes and procedures to obtain acceptance prior to LSLR project commencement if the customer is not the property owner.

(6) The entity's processes and procedures based upon acceptance of a LSLR, including:

(i) A consent agreement form by which the customer or property owner, if the customer is not the property owner, will authorize the LSLR.

(ii) A brief description of the entity's process for LSLRs under normal conditions and under atypical conditions.

(iii) An explanation of the entity's process for coordination with the customer, and property owner, if the customer is not the property owner, and the information the entity will provide to the customer and the property owner throughout the LSLR process.

(iv) The entity's process for addressing LSLR completion or closeout, or both, with the customer and property owner, if the customer is not the property owner.

(7) The entity's lead/material recycling and disposal efforts, including a description of what the entity will do with proceeds from recycling and disposal efforts.

(8) The industry-accepted practices that the entity plans to use to replace entity-owned and customer-owned LSLs.

(9) A detailed explanation of how the entity's acquisition of water distribution systems will be integrated into the entity's efforts to complete LSLRs throughout its water distribution systems.

(10) The procedure for documenting refusal of, or failure to accept, the offer by the entity to replace a LSL, including the entity's duty to:

(i) Provide the customer and property owner, if the customer is not the property owner, with a complete disclosure of the known health hazards from the continued use of a LSL.

(ii) Inform the customer or property owner, if the customer is not the property owner, that refusal or failure to accept will require replacement of the customer-owned LSL, at the customer or property owner's expense, within 1 year from LSLR project commencement for the customer or property owner, if the customer is not the property owner, to be eligible for reimbursement.

(iii) Communicate to the customer and property owner, if the customer is not the property owner, that failure to allow the entity to complete the LSLR or to replace the customer-owned LSL concurrent with the entity replacing the entity-owned LSL will lead to termination of water service under the provisions of the entity's tariff.

(c) *Communications, outreach and education.* An entity subject to this chapter shall demonstrate compliance with United States Environmental Protection Agency regulations at 40 CFR 141.85 (relating to public education and supplemental monitoring and mitigation requirements), inclusive of future changes as those regulations may be amended.

(1) The entity's LSLR plan must include copies of all printed and broadcast material to be distributed under the entity's LSLR program.

(2) A Class A public utility or an authority shall develop a LSLR section of its web site within 12 months of Commission approval of its LSLR program. The web site must contain, at a minimum:

(i) An online tool describing the replacement schedule by geographic location, at least 6 months into the future.

(ii) Information regarding the reimbursement requirements and a secure online tool that provides customers or property owners, if the customer is not the property owner, the ability to determine whether the customer or property owner may be eligible for a reimbursement.

(iii) Information that provides the ability to determine whether a property may have a LSL, delineating the known or reasonably anticipated material types for the entity-owned and customer-owned portions of the service line and a method to request assistance to determine if a service line is a LSL.

(iv) Information and resources relating to health risks associated with lead and LSLs, the status of current efforts to replace LSLs and community meetings and advisory committees hosted by the entity.

**§ 65.57. Periodic review of LSLR plan.**

After initial Commission-approval of an entity's LSLR plan, the entity shall update the LSLR plan for Commission review at least once every 5 years. The Commission will, to the extent possible, coordinate the review of the updated LSLR plan with the periodic review of an entity's LTIP under § 121.7 (relating to periodic review of an LTIP).

(a) The Commission's review will determine:

- (1) If the entity has adhered to its LSLR plan.
- (2) If changes to the entity's LSLR plan are necessary to maintain and improve the efficiency, safety, adequacy and reliability of its LSLR program.
- (3) If the updated LSLR plan is consistent with the parameters of the entity's LSLR program.
- (4) If the LSLR plan has been satisfied.
- (5) If the entity has demonstrated the absence of LSLs through its service line inventory.
- (6) If the entity should be released from LSLR plan requirements.

(b) Service of the updated LSLR plan must be made consistent with the requirements of § 65.54(a) (relating to petitioning the Commission for a LSLR program). The Commission will issue a Secretarial Letter establishing a schedule for the submission of comments and reply comments to aid in its periodic review. If the Commission determines that the entity's approved LSLR plan is no longer sufficient to ensure and maintain efficient, safe, adequate, reliable and reasonable service, the Commission will direct the entity to revise, update or resubmit its LSLR plan as appropriate.

**§ 65.58. Pro forma tariff or tariff supplement requirements.**

An entity's pro forma tariff or tariff supplement containing proposed changes necessary to implement the entity's LSLR program must address, at a minimum:

(a) *LSLR program annual cap.*

An entity's pro forma tariff or tariff supplement must include a cap on the number of customer-owned LSLs that can be replaced annually.

(b) *Service line demarcation.*

(1) An entity's pro forma tariff or tariff supplement must include a definition for customer-owned LSL for purposes of the entity's LSLR program that is consistent with § 65.52 (relating to definitions).

(2) An entity may specify in its tariff or tariff supplement that, if a shutoff valve is not located along a specific length of pipe within a structure, the entity may install a shutoff valve to serve as a point of demarcation between the property's service line and the property's interior water distribution piping.

(3) An entity shall perfect its ownership of the portion of the service line located within the then-existing right-of-way in conformance with its Commission-approved tariff to ensure that the entity can obtain necessary permits during the planning phase of a LSLR project.

(c) *Partial LSLRs.* An entity shall specify as follows in its pro forma tariff or tariff supplement:

(1) Neither a customer nor a property owner may install a partial LSLR. A partial LSLR must result in termination of service until such time as the entity can replace the entity-owned LSL under § 65.62 (relating to prohibition on partial LSLRs).

(2) Where a customer or a property owner, if the customer is not the property owner, elects to replace the customer-owned LSL, the customer or property owner shall replace the customer-owned LSL concurrent with the entity replacing the entity-owned LSL, subject to the following:

(i) For a Class A public utility or an authority, the customer or property owner, if the customer is not the property owner, shall provide the public utility or authority at least 90 days' notice prior to replacing the customer-owned LSL.

(ii) For a Class B or Class C public utility or a municipal corporation, the customer or property owner, if the customer is not the property owner, shall provide the public utility or municipal corporation at least 180 days' notice prior to replacing the customer-owned LSLs.

(3) An entity may establish a process to address replacement of a customer-owned LSL to avoid termination of service when a property owner who is not the customer is nonresponsive to an entity's offer to replace a customer-owned LSL.

(4) An entity shall not connect an applicant for water service to the entity-owned service line at a property where a customer or property owner, if the customer is not the property owner, previously refused or failed to accept an entity's offer of a LSLR until the applicant verifies the replacement of the customer-owned LSL by providing a paid invoice from a licensed contractor where applicable or a verified statement from a licensed contractor attesting to completion of the LSLR.

(d) *Reimbursements.* An entity shall provide a reimbursement to an eligible customer or property owner, if the customer is not the property owner, who replaced their LSL within 1 year before or from LSLR project commencement.

(1) An entity's pro forma tariff or tariff supplement must include language explaining its reimbursement terms and conditions which shall contain, at a minimum:

(i) An explanation of the entity's method for determining the amount of reimbursement, including any restrictions on reimbursements.

(ii) An explanation of the entity's reimbursement methods, including the forms of payment to be used by the entity to distribute reimbursements and the length of time by which the entity will issue a reimbursement for an eligible reimbursement request.

(iii) An explanation of the entity's method for determining eligibility, providing that:

(A) A customer or property owner, if the customer is not the property owner, located within a LSLR project area is eligible for a reimbursement of LSLR expenses up to 125% of the average cost the entity would have incurred to perform the replacement of a similarly-sized service line, not to exceed the actual cost.

(B) A customer or property owner, if the customer is not the property owner, shall submit to the entity a detailed estimate and paid invoice from a licensed contractor where applicable, verifying the replacement of the customer-owned LSL. Instead of a detailed estimate, a verified statement from the contractor attesting to completion of a LSLR may be sufficient.

(2) Notwithstanding the LSLR program annual cap in subsection (a), an entity shall provide a reimbursement to an eligible customer or property owner, if the customer is not the property owner, within the length of established under subsection (d)(1)(ii). If the reimbursement would cause the entity to exceed its current annual cap subsection (a), the entity must increase its current annual cap by the amount of the reimbursement and decrease its next annual cap by this amount.

(3) An entity shall make reasonable best efforts to assist a customer or property owner, if the customer is not the property owner, through the reimbursement process and, to the extent possible, make determinations in favor of the customer or property owner where the customer or property owner has provided reasonable evidence of a LSLR to the entity.

(e) *Warranty.* An entity's pro forma tariff or tariff supplement must provide a warranty on LSLR work performed by the entity or its contractor of a term of not less than 2 years. The entity's warranty provisions must:

- (1) Define the start date of the 2-year term.
- (2) Ensure that the materials and workmanship of the replacement and restoration of surfaces are covered.
- (3) Define the maximum coverage amounts under the warranty.
- (4) Explain any liability an entity will have for damages not covered by the warranty.
- (5) Ensure entity access to the property to correct any deficiencies.

**§ 65.59. LSLR program reports.**

(a) An entity with an approved LSLR program shall file with the Commission a LSLR program report by March 1 of each year, in both print and electronic formats, including supporting spreadsheets. If an entity is implementing its LSLR plan as part of a Commission-approved LTIIP, the entity shall include a LSLR program report as part of the entity's AAO plan under § 121.6 (relating to AAO plan filings).

(b) An entity's LSLR program report must identify the preceding year's activities, including:

- (1) The number of LSLs replaced in the preceding year by water system.
- (2) The length of LSLs removed, by pipe diameter, in each water system.
- (3) The length, pipe diameters and material types of LSLRs by water system.
- (4) The actual cost of each LSLR by water system.

(5) The average cost of a LSLR by water system.

(6) The total annual LSLR expenditures for the calendar year by customer class.

(7) The total projected LSLR expenditures for the following calendar year.

(8) The entity's outreach and coordination activities with other entities, the Department of Transportation, local governments and customers.

(9) The number of LSLR refusals for the calendar year, including municipality and reason for refusal.

(10) Applicable lead monitoring requirements established by the Department of Environmental Protection for each of the entity's water distribution systems.

(11) The entity's compliance with the regulatory requirements established by the United States Environmental Protection Agency and the Department of Environmental Protection, including a description of any violations thereof associated with lead.

(12) The current status of the entity's service line inventory efforts.

(13) The entity's efforts to obtain grants, low interest loans and donations for LSLRs.

**§ 65.60. Accounting and financial.**

(a) An entity shall record LSLR costs in compliance with the National Association of Regulatory Utility Commissioners uniform system of accounts applicable to the entity. LSLR costs recorded as assets shall be maintained under separate and distinct subaccounts.

(b) For subaccounting purposes, an entity may defer income taxes related to no cost and low-cost sources of funding for LSLRs, including applicable income taxes on contributions-in-aid-of-construction or below-market rate loans, or both, service line inventory, LSLR program development, LSLR plan, LSLR program report, and reimbursement expenses, to the extent that such costs are not recovered through the entity's existing base rates or DSIC.

**§ 65.61. Preexisting LSLR activities.**

An entity that received prior Commission approval to perform LSLR activities shall submit for Commission approval and file under § 65.55(b) (relating to LSLR program requirements) a LSLR program that, at a minimum, conforms with the requirements of this subchapter no later than the effective date of the rates established under the entity's next base rate case filed following the effective date of this section or within 2 years of the effective date of this section, whichever comes first.

**§ 65.62. Prohibition on partial LSLRs.**

The following provisions must apply after the effective date of this section:

(a) Where a customer or property owner, if the customer is not the property owner, elects to replace a customer-owned LSL, an entity shall replace the connected entity-owned LSL concurrent with replacement of the customer-owned LSL, subject to the following:

- (1) A Class A public utility or authority shall replace the entity-owned LSL concurrent with replacement of the customer-owned LSL within 90 days of the date of a request, or on the LSLR date specified, by the customer or property owner, if the customer is not the property owner, whichever is later.

(2) A Class B or Class C public utility or a municipal corporation shall replace the entity-owned LSL concurrent with replacement of the customer-owned LSL within 180 days of the date of a request, or on the LSLR date specified, by the customer, or property owner, if the customer is not the property owner, whichever is later.

(b) An entity may not install, or cause to be installed, a partial LSLR and may not furnish water service using a partial LSLR that is installed after the effective date of this section by a customer or property owner, if the customer is not the property owner.

(c) Where a customer or property owner, if the customer is not the property owner, refuses, or fails to accept, an entity's offer to replace a customer-owned LSL, the entity shall replace the entity-owned portion of the LSL in accordance with the entity's LSLR plan and terminate service in accordance with the entity's tariff.

(d) Where an entity has reasonable evidence indicating service is being provided using a partial LSLR installed after the effective date of this section by a customer or property owner, if the customer is not the property owner, the entity shall terminate service in accordance with the entity's tariff, unless otherwise directed by the Commission.

(e) An entity shall install, or cause to be installed, entity-owned and customer-owned LSLRs even where an entity is under a Department of Environmental Protection directive to replace LSLs due to a water system's action level exceedance as identified in 25 Pa. Code Chapter 109, Subchapter K (relating to lead and copper).

## Annex B

### TITLE 52. PUBLIC UTILITIES

#### PART I. PUBLIC UTILITY COMMISSION

##### Subpart C. FIXED SERVICE UTILITIES

##### CHAPTER 66. WASTEWATER SERVICE

###### Subchap.

- A. SERVICE GENERALLY  
B. DAMAGED WASTEWATER SERVICE LATERALS

##### Subchapter A. SERVICE GENERALLY

###### Sec.

- 66.1. Definitions.

#### § 66.1. Definitions.

*Public utility*—Persons or corporations owning or operating equipment or facilities in this Commonwealth for wastewater collection, treatment or disposal for the public for compensation. The term does not include a person or corporation not otherwise a public utility who or which furnishes service only to himself or itself, or a bona fide cooperative association which furnishes service only to its stockholders or members on a nonprofit basis.

##### Subchapter B. DAMAGED WASTEWATER SERVICE LATERALS

###### Sec.

- 66.31. Purpose.  
66.32. Definitions.  
66.33. DWSL program parameters.  
66.34. Petitioning the Commission for a DWSL program.  
66.35. DWSL program requirements.  
66.36. DWSL plan requirements.  
66.37. Periodic review of DWSL plan.  
66.38. Pro forma tariff or tariff supplement requirements.  
66.39. DWSL program reports.  
66.40. Accounting and financial.  
66.41. Unpermitted connections.  
66.42. Competitive advantage.

#### § 66.31. Purpose.

The purpose of this subchapter is to implement 66 Pa.C.S. § 1311(b) (relating to valuation of and return on the property of a public utility) governing the standard under which an entity may seek to replace, rehabilitate or repair damaged wastewater service laterals and recover associated costs. This subchapter sets forth the scope of and provides minimum requirements for DWSL replacements.

#### § 66.32. Definitions.

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

*AAO plan—Annual asset optimization plan*—The term as defined in § 121.2 (relating to definitions).

*Combined sewer system*—As defined by the Department of Environmental Protection under 25 Pa. Code § 94.1 (relating to definitions).

*Customer*—A party contracting with an entity for service.

*Customer's service lateral*—The portion of a service lateral owned by the customer or property owner, if the customer is not the property owner, most often extending from the curb, property line or entity connection to a point 2 feet from the exterior face of the foundation of the structure.

*DSIC—Distribution system improvement charge*—The term as defined in § 121.2.

*DWSL—Damaged wastewater service lateral*—A customer's service lateral containing a single area or a combination of several areas, acting collectively, identified by visual or other means, along the length of the lateral which has or have been determined to significantly impair the intended function of the customer's service lateral to convey wastewater flow to the entity's service lateral and keep inflow and infiltration flows, within reason, out of the customer's service lateral.

*DWSL plan—Damaged wastewater service lateral plan*—A plan and supporting documents submitted to and approved by the Commission that specify how an entity intends to implement its damaged wastewater service lateral program.

*DWSL program—Damaged wastewater service lateral program*—A program submitted to and approved by the Commission for the replacement, rehabilitation or repair, or both, of damaged wastewater service laterals by an entity.

*DWSL program report—Damaged wastewater service lateral program report*—The annual report, including a plan and supporting documents, providing information for damaged wastewater service lateral replacements completed by an entity under its damaged wastewater service lateral program.

*DWSL project—Damaged wastewater service lateral project*—An entity's scheduled damaged wastewater service lateral activity either in conjunction with main replacements or as part of a damaged wastewater service lateral program.

*DWSL project area—Damaged wastewater service lateral project area*—The area of a sewershed described by an entity as being eligible for the entity's damaged wastewater service lateral plan.



*DWSL project commencement—Damaged wastewater service lateral project commencement*—Installation of the first damaged wastewater service lateral replacement within a damaged wastewater lateral project area.

*DWSL replacement—Damaged wastewater service lateral replacement*—A service lateral installed to replace a damaged wastewater service lateral or an approved method under the entity’s damaged wastewater service lateral plan to rehabilitate or repair, or both, a damaged wastewater service lateral.

*Entity*—A public utility as defined in 66 Pa.C.S. § 102 (relating to definitions) engaged in wastewater collection, treatment or disposal for the public for compensation, a municipal corporation as defined in 66 Pa.C.S. § 102 engaged in wastewater collection, treatment or disposal for the public for compensation beyond its corporate limits as referenced in 66 Pa.C.S. § 1501 (relating to character of service and facilities), and an authority as defined in 66 Pa.C.S. § 3201(2) (relating to definitions).

*Entity’s service lateral*—The portion of a service lateral owned by the entity, most often extending from a main to the outlet connection of a customer’s service lateral at the curb or property line.

*Hydraulic design capacity*—The term as defined by the Department of Environmental Protection under 25 Pa. Code § 94.1 (relating to definitions).

*Hydraulic overload*—The term as defined by the Department of Environmental Protection under 25 Pa. Code § 94.1.

*I&I—Inflow and infiltration*—The total quantity of water from both infiltration and inflow.

*Infiltration*—The term as defined by the Department of Environmental Protection under 25 Pa. Code § 965.1.

*Inflow*—The term as defined by the Department of Environmental Protection under 25 Pa. Code § 965.1 (relating to definitions).

*LTIP—Long-term infrastructure improvement plan*—The term as defined in § 121.2.

*Main*—The pipe of a public utility system, excluding service laterals, located in a public highway, street, alley or private right-of-way which pipe is used in collecting and conveying wastewater.

*Monthly average flow*—The term as defined by the Department of Environmental Protection under 25 Pa. Code § 94.1.

*Sanitary sewer system*—“Separate sanitary sewer system” as defined by the Department of Environmental Protection under 25 Pa. Code § 94.1.

*Service lateral*—The pipe and appurtenances that connect any main to a point 2 feet from the exterior face of the foundation of the structure.

*Sewershed*—A delineated area contributing wastewater flows to a single downstream point in a wastewater system.

*Wastewater*—The term as defined in 66 Pa.C.S. § 102.

*Wastewater facilities*—Sewerage facilities as defined by the Department of Environmental Protection under 25 Pa. Code § 94.1.

*Wastewater system*—Sewer system as defined by the Department of Environmental Protection under 25 Pa. Code § 94.1.

*Wastewater overflow*—Includes the terms “CSO-Combined sewer overflow” and “Sanitary sewer overflow” as defined by the Department of Environmental Protection under 25 Pa. Code § 94.1.

**§ 66.33. DWSL program parameters.**

(a) An entity may petition the Commission for approval of a DWSL program to replace, rehabilitate or repair DWSLs where its purpose can be specifically linked to the entity’s efforts to address either of the objectives set forth in subsection (b).

(b) An entity’s purpose for petitioning the Commission for approval of a DWSL program shall be linked to:

(1) Excessive I&I causing, or which is reasonably expected to cause within the next 5 years, a hydraulically overloaded condition, wastewater overflows or additional flow which is prudent for the entity to avoid.

(2) Design or construction conditions causing, or which are reasonably expected to cause within the next 5 years, wastewater overflows.

**§ 66.34. Petitioning the Commission for a DWSL program.**

(a) An entity may file a DWSL program petition in accordance with § 66.35(a) (relating to DWSL program requirements) with the Commission’s Secretary’s Bureau with copies served upon the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate and the parties of record in the entity’s most recent base rate case. Service is evidenced by a certificate of service filed with the DWSL program petition.

(b) An entity that has a Commission-approved LTIP shall include with its DWSL program petition a modified LTIP containing a DWSL plan as a separate and distinct component of the entity’s LTIP.

(c) An entity that does not have a Commission-approved LTIP when filing its DWSL program petition shall include a DWSL plan meeting the requirements of § 121.3 (relating to LTIP).

**§ 66.35. DWSL program requirements.**

(a) A DWSL program must include the following:

(1) A DWSL plan as described in § 66.36 (relating to DWSL plan requirements).

(2) A pro forma tariff or tariff supplement containing the proposed changes necessary to implement the entity’s DWSL program as described in § 66.38 (relating to pro formal tariff or tariff supplement requirements).

(3) Information required by the Commission for filings under 66 Pa.C.S. § 1308 (relating to voluntary changes in rates), including statements required by § 53.52(a) (relating to applicability; public utilities other than canal, turnpike, tunnel, bridge and wharf companies).

(b) A final Commission Order approving an entity’s DWSL program will direct an entity to make any necessary revisions to the pro forma tariff or tariff supplement and resubmit the tariff or tariff supplement under 66 Pa.C.S. § 1308.

(c) After initial Commission-approval of an entity’s DWSL program, the DWSL program may be subject to review in all future base rate cases. An entity shall submit any modification to the DWSL program for review with its base rate case.

**§ 66.36. DWSL plan requirements.**

An entity's DWSL plan must contain, at a minimum:

(a) *Planning and replacements.* The planning and replacements section of an entity's DWSL plan must include:

(1) The entity's projected annual investment in DWSL replacements with an explanation of the entity's anticipated sources of financing.

(2) The entity's projected number of DWSL replacements per calendar year with an explanation of how the entity's projection was determined, and a statement that this number is consistent with the entity's annual cap on DWSL replacements.

(3) The identification criteria or standard to be used by the entity to determine whether a service lateral is damaged and is impacting the entity's wastewater system.

(4) The eligible areas designated by the entity as proposed DWSL project areas described with a bearing angles and distances or metes and bounds description and graphically depicted.

(5) The prioritization criteria considered by the entity when developing its DWSL replacement schedule.

(6) A benefit analysis detailing the expected improvements in the entity's wastewater system functionality.

(7) An estimate of the net present value of the entity's future reduced or increased costs associated with DWSL replacements, or both, identified in the DWSL plan broken down by capital costs and operation and maintenance costs.

(8) The entity's processes and procedures to obtain acceptance of a DWSL replacement prior to DWSL project commencement if the customer is the property owner, and the entity's processes and procedures to obtain acceptance prior to DWSL project commencement if the customer is not the property owner.

(9) The entity's processes and procedures based upon acceptance of a DWSL replacement including:

(i) A consent agreement form by which the customer or property owner, if the customer is not the property owner, will authorize the DWSL replacement.

(ii) A brief description of the entity's process for DWSL replacement under normal conditions and atypical conditions for gravity and pressurized DWSLs.

(iii) An explanation of the entity's process for coordination with the customer and property owner, if the customer is not the property owner, and the information the entity will provide to the customer and the property owner throughout the DWSL replacement process.

(iv) The entity's process for addressing DWSL replacement completion or closeout, or both, with the customer and property owner, if the customer is not the property owner.

(10) The procedure for documenting refusal of the offer by the entity to replace a DWSL, including the entity's duty to:

(i) Provide the customer and property owner, if the customer is not the property owner, with a complete disclosure of the known health hazards from the continued use of a DWSL.

(ii) Inform the customer or property owner, if the customer is not the property owner, that refusal will

require replacement of the DWSL, at the customer or property owner's expense, within 1 year from DWSL project commencement for the customer or property owner, if the customer is not the property owner, to be eligible for reimbursement.

(11) The industry-accepted construction practices the entity plans to use to replace both the entity's service lateral and the customer's service lateral.

(b) *Communications, outreach and education.* An entity's DWSL plan must outline the entity's communication, outreach and education steps to educate customers and property owners, if the customer is not the property owner, about the harmful effects of DWSLs and the entity's plan to address DWSL replacements.

(1) An entity's DWSL plan must describe, at a minimum, how the entity will:

(i) Prioritize DWSL replacement efforts to areas of the entity's collection system that have known wastewater overflows, basement backups or I&I issues.

(ii) Coordinate DWSL program efforts with State, county and local governments and agencies, community organizations and public works departments.

(iii) Ensure that relevant information will be provided to customers and property owners, if the customer is not the property owner, in plain language that can be understood by the general public; including a description of steps the consumer may take to identify DWSLs.

(iv) Provide customers or property owners, if the customer is not the property owner, with copies of as-built drawings or similar depictions that indicate the location of the customer-owned portion of the DWSL replacement, if available. An entity shall make a good faith effort to provide customers or property owners, if the customer is not the property owner, with other relevant documents associated with the DWSL replacement and appurtenances, including product manuals, specification sheets and manufacturer brochures.

(2) The entity's DWSL plan must include copies of all printed and broadcast material to be distributed under the entity's DWSL program.

(3) A Class A public utility or authority shall develop a DWSL section on its web site within 12 months of the Commission approval of its DWSL program. The web site must contain, at a minimum:

(i) Information regarding the reimbursement requirements and a secure online tool that provides customers, or property owners, if the customer is not the property owner, the ability to determine whether the customer or property owner may be eligible for a reimbursement.

(ii) An online tool that provides the ability to determine whether records reflect that the property has a DWSL.

(iii) A copy of any static map or graphic representation depicting DWSL project areas.

(iv) Information and resources relating to the health risks associated with DWSLs, the status of current efforts to replace DWSLs, and community meetings and advisory committees hosted by the entity.

**§ 66.37. Periodic review of DWSL plan.**

After initial Commission approval of an entity's DWSL plan, the entity shall update the DWSL plan for Commission review at least once every 5 years. The Commission will, to the extent possible, coordinate the review of the

updated DWSL plan with the periodic review of an entity's LTIIP under § 121.7 (relating to periodic review of an LTIIP).

(a) The Commission's review will determine:

(1) If the entity has adhered to its DWSL plan.

(2) If changes to the entity's DWSL plan are necessary to maintain and improve the efficiency, safety, adequacy and reliability of its DWSL program.

(3) If the updated DWSL plan is consistent with the parameters of the entity's DWSL program.

(b) Service of the updated DWSL plan shall be made consistent with the requirements of § 66.34(a) (relating to petitioning the Commission for a DWSL program). The Commission will issue a Secretarial Letter establishing a schedule for the submission of comments and reply comments to aid in its periodic review. If the Commission determines that the entity's approved DWSL plan is no longer sufficient to ensure and maintain efficient, safe, adequate, reliable and reasonable service, the Commission will direct the entity to revise, update or resubmit its DWSL plan as appropriate.

**§ 66.38. Pro forma tariff or tariff supplement requirements.**

An entity's pro forma tariff or tariff supplement containing proposed changes necessary to implement the entity's DWSL program must address at a minimum:

(a) *DWSL program annual cap.* An entity's pro forma tariff or tariff supplement must include a cap on the number of DWSL replacements that can be completed annually.

(b) *Service line demarcation.*

(1) An entity's pro forma tariff or tariff supplement must include a definition for customer's service lateral for purposes of the entity's DWSL program that is consistent with § 66.32 (relating to definitions).

(2) An entity shall perfect its ownership of the portion of the service lateral located within the then-existing right-of-way in conformance with its Commission-approved tariff to ensure that the entity can obtain necessary permits to complete work within the public right-of-way in the future.

(c) *Frequency of DWSL replacements.* An entity's pro forma tariff or tariff supplement must include a restriction where the entity may not complete more than one DWSL replacement for a customer at a property that previously received a DWSL replacement for a length of time equal to the lesser of the average service life for DWSL replacements established in the entity's most recent base rate case or the average service life for Account No. 363—Services to Customers in the entity's most recent Service Life Study filed with the Commission under § 73.5 (relating to service life study report).

(d) *Reimbursements.* An entity shall provide a reimbursement to an eligible customer or property owner, if the customer is not the property owner, who completed a DWSL replacement within 1 year before or from DWSL project commencement.

(1) An entity's pro forma tariff or tariff supplement must include language explaining its reimbursement terms and conditions, which shall contain, at a minimum:

(i) An explanation of the entity's method for determining the amount of reimbursement, including any restrictions on reimbursements.

(ii) An explanation of the entity's reimbursement methods, including the forms of payment to be used by the entity to distribute reimbursements and the length of time by which the utility will issue a reimbursement for an eligible reimbursement request.

(iii) An explanation of the entity's method for determining eligibility, providing that:

(A) A customer or property owner, if the customer is not the property owner, located within a DWSL project area is eligible for a reimbursement of DWSL replacement expenses up to 125% of the average cost the entity would have incurred to perform a DWSL replacement of a similarly-sized customer service lateral, not to exceed the actual cost.

(B) A customer or property owner, if the customer is not the property owner, shall submit to the entity a detailed estimate and paid invoice from a licensed contractor where applicable, verifying the completion of a DWSL replacement. Instead of a detailed estimate, a verified statement from a licensed contractor attesting to completion of a DWSL replacement may be sufficient.

(2) Notwithstanding the DWSL program annual cap in subsection (a), an entity must provide a reimbursement to an eligible customer or property owner, if the customer is not the property owner, within the length of established under subsection (d)(1)(ii). If the reimbursement would cause the entity to exceed its annual cap under subsection (a), the entity must increase its current annual cap by the amount of the reimbursement and decrease its next annual cap by this amount.

(3) An entity shall make reasonable best efforts to assist a customer or property owner, if the customer is not the property owner, through the reimbursement process and, to the extent possible, make determinations in favor of the customer or property owner where the customer or property owner has provided reasonable evidence of a DWSL replacement to the entity.

(e) *Warranty.* An entity's pro forma tariff or tariff supplement must provide a warranty on DWSL replacement work performed by the entity or its contractor of a term of not less than 2 years. The entity's warranty provisions must:

(1) Define the start date of the 2-year term.

(2) Ensure that the materials and workmanship of the DWSL replacement and restoration of surfaces are covered.

(3) Define the maximum coverage amounts under the warranty.

(4) Explain any liability an entity will have for damages not covered by the warranty.

(5) Ensure entity access to the property to correct any deficiencies.

**§ 66.39. DWSL program reports.**

(a) An entity with an approved DWSL program shall file with the Commission a DWSL program report by March 1 of each year, in both print and electronic format, including all supporting spreadsheets. If an entity is implementing its DWSL program as part of a LTIIP, the entity shall include a DWSL program report as part of the entity's AAO plan under § 121.6 (relating to AAO plan filings).

(b) An entity's DWSL program report must identify the preceding year's activities, including:

(1) The number of DWSL replacements completed in the preceding year by wastewater system.

(2) The length of DWSL replacements completed, by pipe diameter and by replacement, rehabilitation or repair method, in each wastewater system.

(3) The pipe lengths, diameters and material types of DWSL replacements, broken down as follows:

(i) By wastewater system.

(ii) By DWSL replacement flow type (that is, gravity or pressurized).

(iii) By wastewater system type serving the properties that received the DWSL replacements (that is, sanitary sewer system or combined sewer system).

(4) The actual cost of each DWSL replacement, broken down as follows:

(i) By wastewater system.

(ii) By DWSL replacement flow type (that is, gravity or pressurized).

(iii) By wastewater system type serving the properties that received the DWSL replacements (that is, sanitary sewer system or combined sewer system).

(5) A calculation of the average marginal cost of I&I for each of the entity's wastewater systems, by individual sewershed, broken down by the following types:

(i) Wastewater systems where wastewater treatment is provided by the entity.

(ii) Wastewater systems where wastewater treatment is not provided by the entity.

(6) The entity's total annual DWSL replacement expenditures for the calendar year by customer class.

(7) The entity's total projected DWSL replacement expenditures for the following calendar year.

(8) The entity's outreach and coordination activities with other entities, the Department of Transportation, local governments and customers.

(9) The number of DWSL replacement refusals for the calendar year, including municipality and reason for refusal.

(10) The number of customers that had water or wastewater service, or both, terminated due to refusal to replace or to accept the entity's offer to replace a DWSL by wastewater system.

(11) Applicable wastewater system monitoring requirements established by the Department of Environmental Protection as part of a corrective action plan or consent order and agreement.

(12) The entity's compliance with the regulatory requirements established by the United States Environmental Protection Agency and the Department of Environmental Protection, including a description of any violations associated with wastewater overflows and any connection management plans.

(13) The entity's efforts to obtain grants, low and no interest loans and donations for DWSL replacements.

#### § 66.40. Accounting and financial.

(a) An entity shall record DWSL costs in compliance with the National Association of Regulatory Utility Commissioners uniform system of accounts applicable to the entity. DWSL replacement costs recorded as assets shall be maintained under separate and distinct subaccounts.

(b) For subaccounting purposes an entity may defer income taxes related to no cost and low-cost sources of funding for DWSL replacements, including applicable income taxes on contributions-in-aid-of-construction or below-market rate loans, or both, DWSL program development, DWSL plan, DWSL program report, and reimbursement expenses to the extent that such costs are not recovered through the entity's existing base rates or DSIC.

#### § 66.41. Unpermitted connections.

(a) As part of an entity's DWSL program, an entity shall disconnect any unpermitted connection to a customer's service lateral or property owner's service lateral, if the customer is not the property owner, in compliance with its tariff provisions.

(b) Notwithstanding subsection (a), where the continued use of any previously unpermitted connection to a customer's service lateral or property owner's service lateral, if the customer is not the property owner, is permissible under other applicable laws, including the entity's tariff, an entity may permit the continued use of these connections as long as the entity's permission and existence of additional connection(s) is documented.

#### § 66.42. Competitive advantage.

An entity shall make a good faith effort to structure its DWSL program to prevent competition with optional insurance and warranty products that cover DWSL replacements.

[Pa.B. Doc. No. 22-1091. Filed for public inspection July 22, 2022, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of Revenue

The Executive Board approved a reorganization of the Department of Revenue effective July 12, 2022.

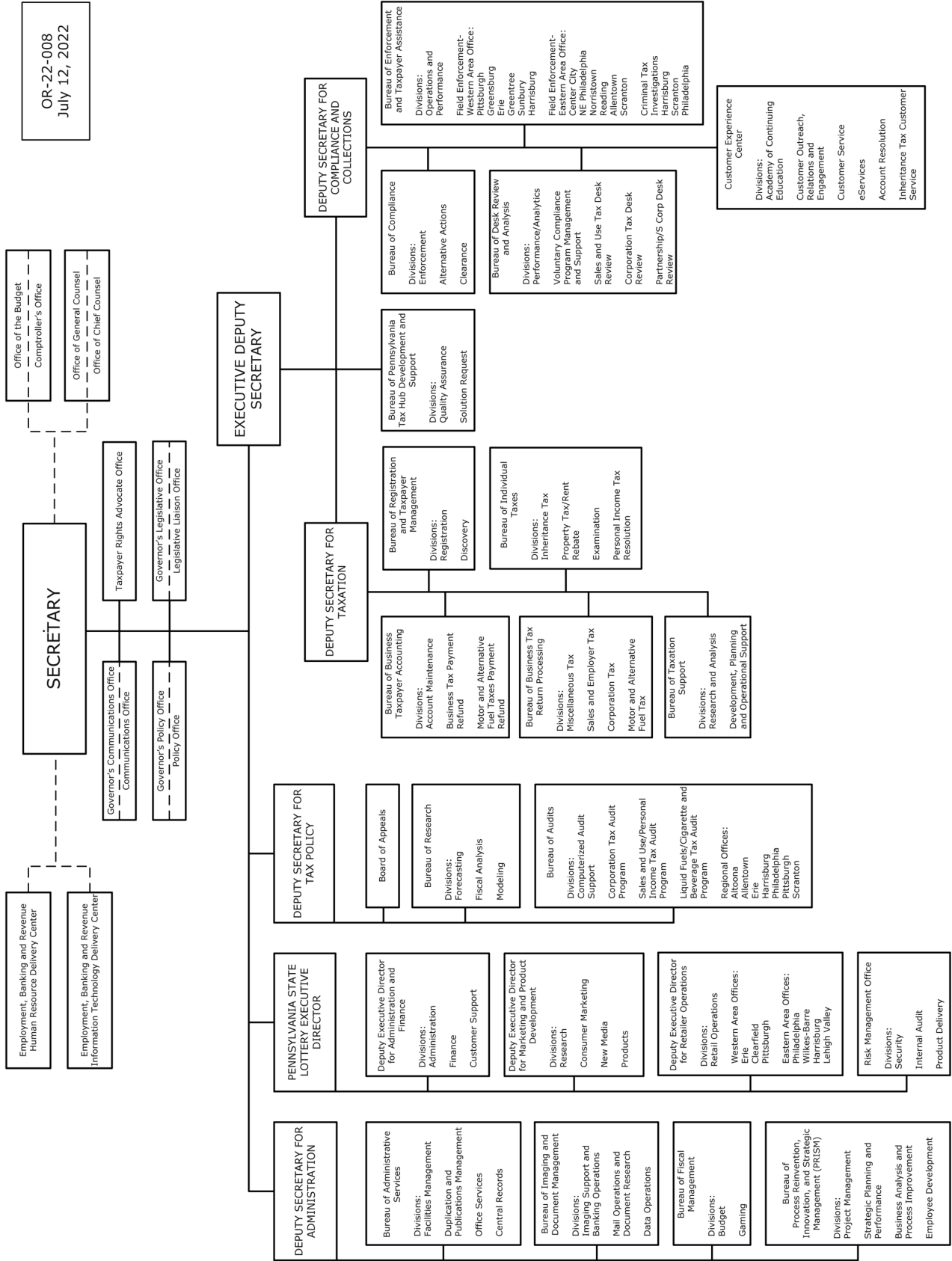
The organization chart at 52 Pa.B. 4140 (July 23, 2022) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 22-1092. Filed for public inspection July 22, 2022, 9:00 a.m.]

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DEPARTMENT OF REVENUE



OR-22-008  
July 12, 2022

# NOTICES

## CAPITOL PRESERVATION COMMITTEE

### Request for Proposals

**CPC 21.184: Restoration and Refinishing of the Senate Chamber Desks.** A brief description of the project is as follows: Offsite studio restoration and refinishing of 50 historic chamber desks. The work is divided into 10 groups of 5 desks each. Each group is to be completed and returned in sequence. The work includes secure transportation to and from the Capitol and the retrieval, setup and return of temporary desks from the Committee's offsite storage facility.

The issue date of the request for proposals will be on July 25, 2022. A mandatory preproposal conference and walk through will be held on August 2, 2022, at 10 a.m. in Room 630 of the Main Capitol Building. A \$25 deposit will be required for issuance of project documents. The deposit is fully refundable with the return of the USB flash drive. The proposal receipt date is August 25, 2022, at 2 p.m. Project documents may be obtained in Room 630, Main Capitol Building, Harrisburg, PA or by contacting Tara Pyle at (717) 783-6484.

DAVID L. CRAIG,  
*Executive Director*

[Pa.B. Doc. No. 22-1093. Filed for public inspection July 22, 2022, 9:00 a.m.]

## DEPARTMENT OF AGRICULTURE

### Program Requirements for the Very Small Meat and Poultry Processor Reimbursement Grant Program

The Department of Agriculture (Department) hereby provides notice of the standards and requirements for the Very Small Meat and Poultry Processor Reimbursement Grant Program (Program).

The Program is established under the authority of 3 Pa.C.S. §§ 10101—10106 (relating to Very Small Meat Processor Federal Inspection Reimbursement Grant Program). The Program allows the Department to award reimbursement grants for certain eligible costs incurred by a very small meat or poultry processing operation who meets the Federal definition of a “very small establishment.”

This notice establishes the procedures by which grant applications will be solicited, reviewed and awarded for Fiscal Year (FY) 2022-2023. The amount appropriated for grants in FY 2022-2023 will be no less than \$500,000.

1. *Program Objective.* The Program's objective is to support the development and expansion of current or future very small meat and poultry processing operations in this Commonwealth by offering reimbursement grants to cover the cost associated with obtaining a grant of inspection from United States Department of Agriculture (USDA) Food Safety Inspection Service (FSIS), opening a new very small meat and poultry processing operation, expanding the capacity of a current very small meat and poultry processing operation or a combination of those purposes.

2. *Definitions.* The following words and phrases apply to the Program:

*Applicant.* A person applying for a reimbursement grant.

*Grant cycle.* The period of time from when the Department solicits applications for grants under 3 Pa.C.S. §§ 10101—10106 until final reimbursement.

*Grant of inspection.* An inspection by the USDA FSIS certifying that products at a very small meat and poultry processing operation are produced in accordance with Federal law.

*Person.* An individual, partnership, association, firm, corporation or any other legal entity.

*Secretary.* The Secretary of the Department.

*USDA.* United States Department of Agriculture.

*Very small meat and poultry processing operation.* A person operating under a grant of inspection that meets the definition of “very small establishment” in 9 CFR 381.65(g)(1)(i) (relating to operations and procedures, generally).

3. *Grant program.* Program grants will be reimbursement grants. The following will apply:

a. The amount of reimbursement is based on actual eligible costs submitted by an approved applicant within the grant cycle.

b. Grant reimbursement money shall only be available for eligible costs associated with meeting the requirements to obtain a grant of inspection, opening a new very small meat and poultry processing operation, expanding the capacity of a current very small meat and poultry operation or a combination of those purposes.

c. Grants are limited to no more than \$100,000 per applicant.

d. Grant reimbursement money may not be used to reimburse any portion of an in-kind contribution to an eligible project.

e. Grant money may not be used to pay or reimburse wages or salaries of grant recipient staff.

f. Grant money may not be used to reimburse any portion of the project costs which are being paid or reimbursed under another Federal or State grant program.

g. Grants will only be offered to the extent that funding is made available to the Department. In the event funding is exhausted or otherwise unavailable, the Department will be under no obligation to provide grants. Grant money may be prorated or offered as a percentage of actual costs, as determined by the Department, and set forth in an order by the Secretary, to spread available money to a larger number of eligible applicants.

h. Grant money may only be awarded and distributed to the owner of the eligible very small meat and poultry processing operation. The Department may not assign grant money to a lessee, operator or person other than the owner of the eligible very small meat and poultry processing operation.

4. *Applicant Eligibility.* An applicant may apply to receive reimbursement for eligible costs if the applicant is a very small meat and poultry processing operation and is either:

a. Currently operating under a grant of inspection.

b. Upon completion of the approved project, the applicant will obtain a grant of inspection. An applicant must attest to this eligibility requirement under penalty of law to receive reimbursement.

5. *Application Procedure.*

a. *Online Applications Only.* An applicant for a grant under this Program must submit an application through the Commonwealth's Single Application for Assistance online application system at [www.esa.dced.state.pa.us](http://www.esa.dced.state.pa.us).

b. *Application Window.* Applications must be submitted through the Single Application for Assistance online application system between 8 a.m. on July 25, 2022, and 5 p.m. on September 26, 2022. Applications received outside of that application window will not be considered or reviewed.

c. *Application Requirements.* An application for a grant under the Program must contain the following information:

i. The applicant's name, the organization name, a business address and a telephone number.

ii. A list of corporate officers if the applicant is a corporation.

iii. The applicant's eligibility (describing whether they are currently a USDA inspected operation or will obtain a grant of inspection by the completion of the proposed project).

iv. A detailed plan to include:

(1) The process being undertaken to meet the requirements necessary to obtain a grant of inspection from USDA FSIS, if applicable.

(2) An outline of the overall project and materials being requested.

(3) A line-item proposed budget.

(4) Individual tasks required to complete the project.

(5) A detailed timeline for completion of project tasks.

(6) A detailed description of equipment or supplies required to complete the project, training, consulting, technical support and other services utilized, as applicable.

(7) A detailed list of costs, including training and equipment costs, as applicable.

(8) An attestation signed by the applicant, stating the applicant is in compliance, or will be in compliance with the Federal Meat Inspection Act (Pub.L. No. 59-382, 21 U.S.C.A. §§ 601—695) or Poultry Product Inspection Act (Pub.L. No. 85-172, 21 U.S.C.A. §§ 451—473) upon completion of the approved project to maintain a grant of inspection.

d. *Eligible Costs.* The following costs, incurred during the term of the grant cycle in which the grant is awarded, are eligible for reimbursement:

i. Consulting or other technical support services that directly support the development and maintenance of programs required to operate under a grant of inspection.

ii. Professional employee training and educational services and programs that support the development and maintenance of programs to operate under a grant of inspection. If a professional consultant is utilized, reasonable costs may be reimbursed, as determined by the Department.

iii. Up to 85% of the purchase of meat or poultry slaughter or processing equipment or supplies. This does not include reimbursement of the costs of planning,

erecting, repair or modification of a structure or building or repair of installation of roofing or other physical structure improvements.

iv. The purchase of equipment or supplies directly related to employee safety.

6. *Evaluation of Applications.* The Department will review each application and supporting documentation submitted for completeness and accuracy. If an application is found to be incomplete or inaccurate, the Department may request additional documentation and may discontinue further processing of the application until the requested information is received. The Department will evaluate an application on the basis of:

a. The ability of the applicant to complete the stated project within the stated timeline.

b. The ability of the applicant to provide a detailed description of the project and project costs.

c. The potential of the project to provide slaughter or meat or poultry processing capacity and services to this Commonwealth's livestock and poultry producers.

d. The potential of the project to provide availability of Commonwealth-produced meat or poultry products to consumers.

7. *Agreement Required.* If the Secretary approves a grant application, and as a precondition to the Department's release of grant moneys to a successful applicant, the Department and the applicant shall execute a Grant Agreement which describes the terms and conditions subject to which the grant is made.

8. *Final Reimbursement.* Reimbursement will be based on the approved applicant's completion of the project and submission of the final costs related to expenses and materials in the applicant's approved grant project within the grant cycle. The submission must also include:

a. Documentation of actual expenditures for eligible costs approved in the grant application and invoices evidencing payment of the costs. The documentation may include invoices for hours of training or consultation.

b. Documentation of the completion of the approved project. The documentation may include pictures and dates of training and equipment installation.

c. Documentation demonstrating the very small meat and poultry processing operation is operating under a grant of inspection.

d. A written report related to:

i. The completed project.

ii. The expansion of meat or poultry processing capability.

iii. Expanded services to this Commonwealth's livestock and poultry producers.

iv. An increase to the availability of this Commonwealth's meat or poultry products to consumers.

Documents submitted to the Department under this paragraph should be directed to the Department of Agriculture, Attn: Joshua Scheinberg, 2301 North Cameron Street, Harrisburg, PA 17110-9408.

9. *Additional Information.* Additional information may be obtained from the Department by contacting Joshua Scheinberg, (717) 919-0377, [jscheinber@pa.gov](mailto:jscheinber@pa.gov).

RUSSELL C. REDDING,  
*Secretary*

[Pa.B. Doc. No. 22-1094. Filed for public inspection July 22, 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 July 12, 2022.

Under section 503.E of the Department of Banking and Securities Code (71 P.S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file comments in writing with the Department of Banking and Securities, Bank Supervision or Credit Union and Trust Supervision (as applicable), 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, for banks (717) 783-8240 and for credit unions and trust companies (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
07-01-2022	Fulton Financial Corporation Lancaster Lancaster County	Effective
	Application for approval to acquire 100% of Prudential Bancorp, Inc., Philadelphia, PA, and thereby indirectly acquire 100% of Prudential Bank, Philadelphia, PA.	

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
07-06-2022	Somerset Trust Company Somerset Somerset County	226 Main Street Irwin Westmoreland County	Filed
07-08-2022	Bank of Bird-in-Hand Bird-in-Hand Lancaster County	118 Doe Run Road Manheim Lancaster County	Filed
07-08-2022	Penn Community Bank Doylestown Bucks County	2285 Schoenersville Road Bethlehem Lehigh County	Filed
07-08-2022	Penn Community Bank Doylestown Bucks County	3100 West Tilghman Street Allentown Lehigh County	Filed
07-11-2022	Somerset Trust Company Somerset Somerset County	100 Maple Avenue East Vienna Fairfax County, VA	Opened
07-12-2022	Kish Bank Belleville Mifflin County	511 East Pine Grove Road State College Centre County	Approved

##### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
05-25-2022	Penn Community Bank Doylestown Bucks County	200 Manor Avenue Langhorne Bucks County (Limited Service Facility)	Closed
06-15-2022	Customers Bank Malvern Chester County	99 Bridge Street Phoenixville Chester County	Closed
07-12-2022	Citizens & Northern Bank Wellsboro Tioga County	1500 East Lancaster Avenue Paoli Chester County	Closed

## CREDIT UNIONS

No activity.

## BANKING INSTITUTIONS

## Section 112 Acquisitions

Under section 112 of the Banking Code of 1965 (7 P.S. § 112) the following application was filed. 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 call (717) 783-8240. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
06-27-2022	George E. Norcross, III Palm Beach Palm Beach County, FL  Gregory Braca Palm Beach Palm Beach County, FL  Philip A. Norcross Palm Beach Palm Beach County, FL  Avery Conner Capital Trust Palm Beach Palm Beach County, FL	Filed

Application for approval to solicit revocable proxies from more than 10% of the holders of the shares of common stock of Republic First Bancorp, Inc., Philadelphia, PA, and thereby acquire 10% or more of the ownership or voting control of Republic Bank, Philadelphia, PA.

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. 22-1095. Filed for public inspection July 22, 2022, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council Public Meeting

The Conservation and Natural Resources Advisory Council (Council) to the Department of Conservation and Natural Resources (Department) will hold a public meeting on July 27, 2022, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The public meeting may be attended by means of WebEx through a link found on the Council's web site prior to the public meeting at [www.dcnr.pa.gov/cnrac](http://www.dcnr.pa.gov/cnrac).

Questions concerning this public meeting or agenda items can be directed to Gretchen Leslie at (717) 772-9084. For public comment to be considered at the public meeting, follow the instructions on the Council's web site.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Aara Vinsh directly at (717) 787-9306 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

CINDY ADAMS DUNN,  
*Secretary*

[Pa.B. Doc. No. 22-1096. Filed for public inspection July 22, 2022, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Grant Funding for ATV or Snowmobile Projects and Programs

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation (Bureau) announces the fall grant round of the All-Terrain Vehicle (ATV) and Snowmobile Program (Program). The Program awards grants from the ATV and Snowmobile Management Restricted Accounts for projects proposing land acquisition, planning, development, rehabilitation, maintenance, equipment purchase or educational programs for ATV or snowmobile trails and facilities. Eligible applicants include for-profit organizations, nonprofit organizations and municipalities in this Commonwealth.

Grant funding will be awarded through a competitive grant application process. Applicants can apply for this funding starting Monday, August 1, 2022, and ending at 4 p.m. on Friday, September 30, 2022, by means of the Department's online grant application portal.

More information about these grant opportunities and the application process is available at <https://brcgrants.dcnr.pa.gov>. For assistance with the portal, contact the Department's Grants Customer Service Center, (800) 326-7734, [DCNR-Grants@pa.gov](mailto:DCNR-Grants@pa.gov).

Bureau staff are available to assist applicants with developing a competitive application. Staff contact

information can be found on the Bureau's web site at [http://elibrary.dcnr.pa.gov/GetDocument?docId=1753442&DocName=d\\_001184.pdf](http://elibrary.dcnr.pa.gov/GetDocument?docId=1753442&DocName=d_001184.pdf).

CINDY ADAMS DUNN,  
*Secretary*

[Pa.B. Doc. No. 22-1097. Filed for public inspection July 22, 2022, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Wild Resource Conservation Program; Public Hearing

The Department of Conservation and Natural Resources (Department) will hold a public hearing on Friday, September 30, 2022, to comment on the applications submitted to the Wild Resource Conservation Program for

grant funding in Fiscal Years 2022-2023. The hearing will be held at 10 a.m. in the 6th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this hearing can be directed to Jennifer Girton, (717) 787-3212, [jgirton@pa.gov](mailto:jgirton@pa.gov) or Rebecca Bowen, (717) 772-0258, [rebbowen@pa.gov](mailto:rebbowen@pa.gov). Individuals who plan to make comments should contact either Jennifer Girton or Rebecca Bowen.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Rebecca Bowman directly at (717) 772-0258 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

CINDY ADAMS DUNN,  
*Secretary*

[Pa.B. Doc. No. 22-1098. Filed for public inspection July 22, 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).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAD150071	Chapter 102 Individual NPDES Permit	Transfer	Reserve at Cross Creek, LP 409 Stenton Avenue Flourtown, PA 19031-1327	West Brandywine Township Chester County	SERO
1513877	Joint DEP/PFBC Pesticides Permit	Renewal	Traditions at Longwood 100 Primrose Drive Kennettsquare, PA 19348	Kennett Square Borough Chester County	SERO
2813801	Joint DEP/PFBC Pesticides Permit	Renewal	Rine Curt 18 Darrin Avenue Newburg, PA 17240-9222	Metal Township Franklin County	SCRO
3616806	Joint DEP/PFBC Pesticides Permit	Renewal	BIF III Holtwood, LLC 482 Old Holtwood Road Holtwood, PA 17532-9720	Conestoga Township Lancaster County	SCRO
6722806	Joint DEP/PFBC Pesticides Permit	New	Zeigler Robert 70 S Franklin Street Dallastown, PA 17313-9569	York Township York County	SCRO
PA0263834	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Transfer	Lake Lucy Sewer Authority 1560 Lake Lucy Road Tionesta, PA 16353-2412	Washington Township Clarion County	NWRO
0102404	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	Aqua PA Wastewater Inc. 762 W Lancaster Avenue Bryn Mawr, PA 19010	Mount Joy Township Adams County	SCRO
1076409	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	Slippery Rock Campground Association 1150 W Park Road Slippery Rock, PA 16057-4118	Worth Township Butler County	NWRO
1171403	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	Cambria Township Sewer Authority Cambria County P.O. Box 247 Revloc, PA 15948-0247	Cambria Township Cambria County	SWRO
1679401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Transfer	Lake Lucy Sewer Authority 1560 Lake Lucy Road Tionesta, PA 16353-2412	Washington Township Clarion County	NWRO
6703405	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	Stewartstown Borough Authority York County 6 North Main Street Stewartstown, PA 17363-4132	Stewartstown Borough York County	SCRO
NOEXNW057	No Exposure Certification	Renewal	Whirley Ind., Inc. 618 4th Avenue Warren, PA 16365-4923	Warren City Warren County	NWRO
NOEXNW058	No Exposure Certification	Renewal	Whirley Ind., Inc. 618 4th Avenue Warren, PA 16365-4923	Warren City Warren County	NWRO
PAG032246	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Ball Metal Beverage Container Corporation 4 Radnor Corporate Center Suite 105 Radnor, PA 19087	Jenkins Township Luzerne County	NERO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAR808362	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	TForce Freight, Inc. 1000 Semmes Avenue Richmond, VA 23224-2246	Millcreek Township Erie County	NWRO
PAG045105	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Transfer	Klinger Albert L 2513 Mountain Road Catawissa, PA 17820-8123	Locust Township Columbia County	NCRO
PAG134827	PAG-13 NPDES General Permit for MS4s	Renewal	Briar Creek Borough Columbia County 6029 Park Road Berwick, PA 18603-5710	Briar Creek Borough Columbia County	NCRO
4622404	Pump Stations Individual WQM Permit	New	Upper Merion Sanitary and Stormwater Authority 175 W Valley Forge Road King of Prussia, PA 19406-1851	Upper Merion Township Montgomery County	SERO
0422401	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Woroszylo Trisha 221 Silver Spring Lane New Brighton, PA 15066-3585	Daugherty Township Beaver County	SWRO
1980403	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Klinger Albert L 2513 Mountain Road Catawissa, PA 17820-8123	Locust Township Columbia County	NCRO
3622406	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Monyer Nathan 406 Greenville Road Denver, PA 17517-9591	Drumore Township Lancaster County	SCRO
4122402	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Di Eugenio Michael 458 Indian Run Road Glenmoore, PA 19343-1338	Lewis Township Lycoming County	NCRO
PA0034011	Small Flow Treatment Facility Individual NPDES Permit	Transfer	Bedford Tech Products, LLC 7676 Allegheny Road Manns Choice, PA 15550-8967	Napier Township Bedford County	SCRO

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

### Northcentral Regional Office

**PA0232718**, Sewage, SIC Code 4952, **Hall David A**, 1190 Pleasant Hills Road, Williamsport, PA 17701-8439. Facility Name: David A Hall SRSTP. This existing facility is located in Eldred Township, **Lycoming County**.

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

The receiving stream(s), Unnamed Tributary of Millers Run (WWF, MF), is located in State Water Plan watershed 10-B and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<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>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

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

- Tank Pumping Requirement

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

The EPA Waiver is in effect.

*Northeast Regional Office*

**PA0029149**, Sewage, SIC Code 7011, **Pocono Manor Investors, PT1 LP**, P.O. Box 38, Pocono Manor, PA 18349-0038. Facility Name: The Inn At Pocono Manor. This existing facility is located in Pocono Township, **Monroe 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, Swiftwater Creek (EV, MF), is located in State Water Plan watershed 1-E and is classified for Exceptional Value 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 0.14 MGD.

(From Permit Effective Date to 4 Years After Permit Effective Date)

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Copper, Total	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.14 MGD.

(From 4 Years After Permit Effective Date to Permit Expiration Date)

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Copper, Total	XXX	XXX	XXX	0.057	0.089 Daily Max	0.143

The proposed effluent limits for Outfall 001 are based on a design flow of 0.14 MGD.

(From Permit Effective Date to Permit Expiration Date)

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Lead, Total	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Zinc, Total	XXX	XXX	XXX	Report Annl Avg	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.14 MGD.

(From Permit Effective Date to Permit Expiration Date)

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	29	47	XXX	25.0	40.0	50.0
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> ) Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
CBOD <sub>5</sub> Minimum % Removal (%)	XXX	XXX	XXX	85.0 Min Mo Avg	XXX	XXX
Total Suspended Solids	35	53	XXX	30.0	45.0	60.0
Fecal Coliform (No./100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	17.5	XXX	XXX	15.0	XXX	30.0
May 1 - Oct 31	5.8	XXX	XXX	5.0	XXX	10.0
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.14 MGD.

(From Permit Effective Date to Permit Expiration Date)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Dissolved Solids	XXX	XXX	XXX	1,000	XXX	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	Avg Qrtly XXX	XXX	Report

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

- Solids Management
- Water Quality-Based Effluent Limitations for Toxic Pollutants

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.

**PA0060089**, Sewage, SIC Code 4952, **Middle Smithfield Township**, 147 Municipal Drive, East Stroudsburg, PA 18302. Facility Name: Fernwood WWTP. This existing facility is located in Middle Smithfield Township, **Monroe 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, Bush Kill (HQ-TSF/MF), is located in State Water Plan watershed 1-D and is classified for High Quality Waters—Trout Stocking 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 1 MGD.

(From Permit Effective Date to Permit Expiration Date)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	205	330	XXX	25.0	40.0	50.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Total Suspended Solids	250	375	XXX	30.0	45.0	60.0
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Total Residual Chlorine	XXX	XXX	XXX	XXX	XXX	1.4
E. Coli (No./100 mL)	XXX	XXX	XXX	XXX	XXX	Report
Fecal Coliform (No./100 mL)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ultraviolet light transmittance (%)	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	75	XXX	XXX	9.0	XXX	18.0
Ammonia-Nitrogen						
May 1 - Oct 31	25	XXX	XXX	3.0	XXX	6.0



<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Copper, Total	XXX	XXX	XXX	0.023	0.037	0.059
					Daily Max	

The proposed effluent limits for Outfall 001 are based on a design flow of 1 MGD.

(From Permit Effective Date to Permit Expiration Date)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Dissolved Solids	XXX	XXX	XXX	1,000	XXX	XXX
Zinc, Total	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Free Cyanide	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
				Avg Qrtly		

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

- Solids Management
- Whole Effluent Toxicity (WET)

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

The EPA Waiver is not in effect.

**PA0276545**, Storm Water, SIC Code 2087, **Ungerer & Company**, 110 North Commerce Way, Bethlehem, PA 18017-8932. Facility Name: Ungerer & Company. This proposed facility is located in Hanover Township, **Northampton County**.

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

The receiving stream(s), Unnamed Tributary to Monocacy Creek (HQ-CWF, MF), is located in State Water Plan watershed 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 (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	XXX	XXX	Report	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 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	XXX	XXX	Report	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	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	XXX	XXX	Report	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 004 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	XXX	XXX	Report	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	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	XXX	XXX	Report	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	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	XXX	XXX	Report	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 007 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	XXX	XXX	Report	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	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.

*Northwest Regional Office*

**PA0264512**, Sewage, SIC Code 4952, 8800, **Linda Marino**, 354 Stilson Hill Road, Pittsfield, PA 16340-7210. Facility Name: Linda Marino SRSTP. This existing facility is located in Sugar Grove Township, **Warren County**.

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

The receiving stream is Mead Run, located in State Water Plan watershed 16-B and classified for Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

The EPA Waiver is in effect.

**PA0264873**, Sewage, SIC Code 4952, 8800, **Kimberly Cook**, 1518 Old State Road, Waterford, PA 16441-3906. Facility Name: Kimberly Cook SRSTP. This existing facility is located in Waterford Township, **Erie County**.

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

The receiving stream is an Unnamed Tributary to French Creek, located in State Water Plan watershed 16-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 .0005 MGD.

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

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

The EPA Waiver is in effect.

**PA0272639**, Sewage, SIC Code 4952, 8811, **Gayle Marco & Lawrence Scanlon & Madeline Scanlon**, 110 Shadow Lane, Coraopolis, PA 15108-1140. Facility Name: Gayle Marco & Lawrence Scanlon & Madeline Scanlon SRSTP. This existing facility is located in Springfield Township, **Erie County**.

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

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

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

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

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

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

The EPA Waiver is in effect.

**PA0290718**, Sewage, SIC Code 8800, **Paul Becker**, 237 Callodine Avenue, Buffalo, NY 14226-3129. Facility Name: Paul Becker SRSTP. This proposed facility is located in Farmington Township, **Warren County**.

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

The receiving stream(s), Unnamed Tributary to Kiantone Creek, is located in State Water Plan watershed 16-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0007 MGD.—Limits.

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

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

The EPA Waiver is in effect.

**PA0290742**, Sewage, SIC Code 8800, **Walter R. Bender, Jr.**, P.O. Box 9098, Erie, PA 16505. Facility Name: Walter Bender SRSTP. This proposed facility is located in McKean Township, **Erie County**.

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

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

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

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

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

The EPA Waiver is in effect.

**PA0290769**, Sewage, SIC Code 8800, **George W. Boyd**, 5335 McCandless Road, Butler, PA 16001-9638. Facility Name: George Boyd SRSTP. This proposed facility is located in Portersville Borough, **Butler County**.

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

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

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

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

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

The EPA Waiver is in effect.

**PA0290793**, Sewage, SIC Code 8800, **Gregory Petruska**, 269 State Road, Valencia, PA 16059-2221. Facility Name: Gregory Petruska SRSTP. This proposed facility is located in Middlesex Township, **Butler County**.

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

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

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

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

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

The EPA Waiver is in effect.

**PA0290858**, Sewage, SIC Code 4952, 8800, **Matthew Vargason**, 138 Turkey Farm Road, Titusville, PA 16354. Facility Name: Matthew Vargason SRSTP. This proposed facility is located in Cherrytree Township, **Venango County**.

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

The receiving stream is an Unnamed Tributary to Cherrytree Run, located in State Water Plan watershed 16-E and classified for Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

The EPA Waiver is in effect.

*Southcentral Regional Office*

**PA0291641**, Sewage, SIC Code 6514, **Nathan Monyer**, 406 Greenville Road, Denver, PA 17517-9591. Facility Name: Monyer Res. This proposed facility is located in Drumore Township, **Lancaster 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), Cocalico Creek (WWF, MF), is located in State Water Plan watershed 7-J and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .00045 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg XXX	XXX	Inst Min 5.0	XXX	XXX	9.0
Carbonaceous Biochemical Oxygen Demand (CBOD <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*

**PA0020303**, Sewage, SIC Code 4952, **Schwenksville Borough Authority**, 298 Main Street, Schwenksville, PA 19473-0458. Facility Name: Schwenksville Borough WWTP. This existing facility is located in Schwenksville Borough, **Montgomery 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), Perkiomen Creek (WWF, MF), is located in State Water Plan watershed 3-E and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.3 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Total Dissolved Solids	2,502	XXX	XXX	1,000.0	2,000.0	2,500
Copper, Total	Avg Qrtly XXX	XXX	XXX	Avg Qrtly Report	Daily Max XXX	Report
Sulfate, Total	XXX	XXX	XXX	Report	XXX	Report
Chloride	XXX	XXX	XXX	Report	XXX	Report
Bromide	XXX	XXX	XXX	Report	XXX	Report
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	63	100	XXX	25	40	50
May 1 - Oct 31	50	75	XXX	20	30	40
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report	XXX	Report	XXX	Report
Raw Sewage Influent		IMAX				
Total Suspended Solids	Report	Report	XXX	Report	XXX	Report
Raw Sewage Influent		IMAX				
Total Suspended Solids	50	75	XXX	20	30	40

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
E.coli (No./100 ml)	XXX	XXX	XXX	Geo Mean XXX	Report Daily Max	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	Report
Ammonia-Nitrogen						
Nov 1 - Apr 30	23	XXX	XXX	9.0	XXX	18
May 1 - Oct 31	7.5	XXX	XXX	3.0	XXX	6
Total Phosphorus						
Apr 1 - Oct 31	3.7	XXX	XXX	1.5	XXX	3

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

I. Other Requirements

A. No Stormwater

B. Property Rights

C. Operator Notification

D. Sludge Removal

E. TRC Minimization

F. Public Nuisance

G. TMDL/WLA Analysis

H. O&M Plan

I. Fecal Coliform 10 % Rule

J. Outfall 001 discharge point

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.

**PA0050920**, Sewage, SIC Code 4952, 6513, **Home Properties William Henry, LLC**, 1086 West King Road, Malvern, PA 19355-1756. Facility Name: William Henry Apt STP. This existing facility is located in East Whiteland Township, **Chester County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of .069 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Dissolved Solids	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .069 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX Daily Max	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0 Min Mo Avg	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.06	XXX	0.2
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	8.6	XXX	XXX	15	XXX	30
May 1 - Oct 31	5.8	XXX	XXX	10	XXX	20

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Suspended Solids	5.8	XXX	XXX	10	XXX	20
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	3.1	XXX	XXX	5.4	XXX	10.8
May 1 - Oct 31	1.0	XXX	XXX	1.8	XXX	3.6
Total Phosphorus	0.3	XXX	XXX	0.5	XXX	1

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

Proposed Part C Conditions:

Other Requirements

- A. No Stormwater
- B. Acquire Necessary Property Rights
- C. Proper Sludge Disposal
- D. Abandon STP When Municipal Sewers Available
- E. Chlorine Minimization
- F. Chlorine for Backup Disinfection
- G. Operator Notification
- H. Remedial Measures if Unsatisfactory Effluent
- I. I-Max Limits
- J. 2/Month Sampling
- K. Maybe Subject to DRBC Limits
- L. Comply with DRCB Docket

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.

**PA0244929**, Storm Water, SIC Code 4953, **Waste Management Disposal Services of PA, Inc.**, 1000 New Ford Mill Road, Morrisville, PA 19067. Facility Name: Waste Management of PA—GROWS North Landfill. This existing facility is located in Falls Township, **Bucks County**.

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

The receiving stream(s), Unnamed Tributary to Delaware River (WWF, MF) and Van Sciver Lake, is located in State Water Plan watershed 2-E and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Quarterly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	Report	Report	XXX
Color (Pt-Co Units)	XXX	XXX	XXX	Report	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	Report	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	Report	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	Report	XXX
Ammonia-Nitrogen	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, Total	XXX	XXX	XXX	Report	Report	XXX
Cyanide, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX



<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Quarterly</i>	<i>Daily Maximum</i>	
Lead, Total	XXX	XXX	XXX	Report	Report	XXX
Magnesium, Dissolved	XXX	XXX	XXX	Report	Report	XXX
Magnesium, Total	XXX	XXX	XXX	Report	Report	XXX
Mercury, Total	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total	XXX	XXX	XXX	Report	Report	XXX
Silver, Total	XXX	XXX	XXX	Report	Report	XXX
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
Tritium, Total (pCi/L)	XXX	XXX	XXX	Report	Report	XXX
1,4-Dioxane	XXX	XXX	XXX	Report	Report	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX
Total Organic Carbon	XXX	XXX	XXX	Report	Report	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>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>	
pH (S.U.)	XXX	XXX	XXX	Report	Report	XXX
Color (Pt-Co Units)	XXX	XXX	XXX	Report	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	Report	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	Report	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	Report	XXX
Ammonia-Nitrogen	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, Total	XXX	XXX	XXX	Report	Report	XXX
Cyanide, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Lead, Total	XXX	XXX	XXX	Report	Report	XXX
Magnesium, Dissolved	XXX	XXX	XXX	Report	Report	XXX
Magnesium, Total	XXX	XXX	XXX	Report	Report	XXX
Mercury, Total	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total	XXX	XXX	XXX	Report	Report	XXX
Silver, Total	XXX	XXX	XXX	Report	Report	XXX
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
Tritium, Total (pCi/L)	XXX	XXX	XXX	Report	Report	XXX
1,4-Dioxane	XXX	XXX	XXX	Report	Report	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX
Total Organic Carbon	XXX	XXX	XXX	Report	Report	XXX

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

- Stormwater outfalls and authorized non-stormwater discharges
- Implementation of BMPs to comply with permit
- Routine inspection of the facility and BMPs
- Development and Implementation of PPC Plan
- Stormwater monitoring and benchmark values
- Control and sampling requirements for leachate impacted stormwater basins

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

The EPA Waiver is in effect.

*Southwest Regional Office*

**PA0218448**, Sewage, SIC Code 4952, **Whitethorn Homeowners Assoc**, 213 Shaw Court, New Alexandria, PA 15670-2614. Facility Name: Whitethorn Subdivision Phase II. This existing facility is located in Salem Township, **Westmoreland County**.

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

The receiving stream(s), Trib 43304 of Whitethorn Creek (WWF), is located in State Water Plan watershed 18-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .011 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	22.5	XXX	45.0
May 1 - Oct 31	XXX	XXX	XXX	7.5	XXX	15.0

The proposed effluent limits for Outfall 001 are based on a design flow of .011 MGD.—Final Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	4.5	XXX	9.0
May 1 - Oct 31	XXX	XXX	XXX	13.5	XXX	27.0

The proposed effluent limits for Outfall 001 are based on a design flow of .011 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Flow (MGD)	0.011	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.2	XXX	0.7
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000

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

The EPA Waiver is in effect.

**PAI130035, MS4, Telford Borough Bucks & Montgomery County**, 50 Penn Avenue, Telford, PA 18969. The existing facility is located in Telford Borough, **Montgomery County**.

Description of Proposed Activity: 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.

The receiving stream(s), Unnamed Tributary to Mill Creek (TSF, MF), Unnamed Tributary to Indian Creek (TSF, MF), and Unnamed Tributary of East Branch Perkiomen Creek (TSF, MF), is located in State Water Plan watershed 3-E and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)
- A Total Maximum Daily Load (TMDL) Plan

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

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

### 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>
PAD090032 A-1	Amendment	Pennsylvania Turnpike Commission 700 S. Eisenhower Blvd Middletown, PA 17057-5529	Salford Township Montgomery County West Rockhill Township Milford Township Bucks County	SERO
PAD640033	New	John and Lauren Terwilliger 1979 Scranton Carbondale Highway Blakely, PA 18447	Paupack Township Wayne County	NERO
PAD400055	New	Northeastern Storage, LLC Stephen J. Walko 59 Brown Street Mountain Top, PA 18707	Fairview Township Luzerne County	NERO
PAD450096	Renewal	CMBK Resort Holdings, LLC 193 Resort Drive Tannersville, PA 18372	Pocono Township Monroe County	NERO
PAD390062 A-1	Major Amendment	Paarth Corporation 5650 W. Tilghman Street Allentown, PA 18104	Upper Macungie Township Lehigh County	NERO
PAD390218 A-1	Major Amendment	Good Shepherd Rehabilitation Network 850 S. Fifth Street Allentown, PA 18103	Upper Saucon Township Lehigh County	NERO
PAD440001	Renewal	Glenn O Hawbaker Inc. 1952 Waddle Rd Suite 203 State College, PA 16803	Armagh Township Mifflin County	SCRO
PAD010014	New	293 Blettner Ave, LLC P.O. Box 615 Hanover PA 17331	Conewago Township Adams County	SCRO
PAD010001	Transfer	CCD Rock Creek LLC 1751 A West Diehl Rd Naperville, IL 60563	Straban Township Adams County	SCRO
PAD630068	Renewal	North Franklin Township 620 Franklin Farms Road Washington, PA 15301	North Franklin Township Washington County	SWRO
PAD090042 A-1	Major Amendment	PA Turnpike Commission 700 S. Eisenhower Blvd Middletown, PA 17057	Bristol Township Bensalem Township Bucks County	RPCO

## STATE CONSERVATION COMMISSION

### PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed (National Pollutant Discharge Elimination System) NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at

the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30-days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

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

**ACT 38**  
**NUTRIENT MANAGEMENT PLANS**  
**CAFO PUBLIC NOTICE SPREADSHEET—APPLICATIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Douglass Groff 190 Berkeley Lane New Columbia, PA 17856	Union	56	1,504.12	Swine, Beef, Sheep	NA	Renewal
Steve Wenger Wen-Crest Farms LLC	Lebanon	1,331	1,177.35	Broilers, Steers, Goats	NA	Renewal
Aspen Perry 1027 Oak Hall Road Newport, PA 17074	Perry	95.9	1,764.3	Swine	HQ	Renewal
Barry Good 1695 Rake Road Mohrsville, PA 19541	Berks	269.67	314	Poultry	NA	Renewal
Hillandale Gettysburg LP— Bailey Farms 2820 Daron Drive Spring Grove, PA 17362	York	282.1	4050.32	Poultry Layers	NA	Renewal
Spring Pond Farm 93 Deck Road Womelsdorf, PA 19567	Berks	112.9	407.11	Poultry, Beef	NA	Renewal
Keith Musser 300 Evergreen Road New Bloomfield, PA 17068	Perry	23	409.97	Poultry	NA	Renewal
Scott Wagner 385 King Pen Road Quarryville, PA 17566	Lancaster	167.6	406.79	Turkeys	HQ	Renewal
Penn England Farm 10341 Fox Run Road Williamsburg, PA 16693	Blair Huntingdon	3,552.9	4,410.72	Dairy	Clover Creek, Fox Run, New Creek, Piney Creek— All HQ	Renewal
Casey Carowick 16946 Beavertown Road Todd, PA 16685	Huntingdon	408.7	766.08	Swine, Beef	NA	Renewal
Spring Pond Farm 93 Deck Road Womelsdorf, PA 19567	Berks	112.9	407.11	Poultry, Beef	NA	Renewal

## PUBLIC WATER SUPPLY PERMITS

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

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the

name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

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

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

### SAFE DRINKING WATER

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

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

**Permit No. 0922512**, Public Water Supply.

Applicant	<b>Delaware Valley University</b> 700 East Butler Avenue Doylestown, PA 18901-2607
Municipality	New Britain
County	<b>Bucks</b>
Type of Facility	PWS
Consulting Engineer	Van Cleef Engineering Associates 1685 Valley Center Parkway Suite 100 Bethlehem, PA 18017
Application Received Date	June 29, 2022
Description of Action	Operational conversion of existing emergency interconnection with Doylestown Township Municipality Authority.

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

**Permit No. 0622512**, Public Water Supply.

Applicant	<b>Will-O-Hill Apartments</b> 1904 Van Reed Road Wyomissing, PA 19610
Municipality	Spring Township
County	<b>Berks</b>
Responsible Official	Jay W. Barnett Vice President 615 Chestnut Street Suite 120 Philadelphia, PA 19106

Consulting Engineer	Charles A. Kehew II, P.E. James R. Holley & Associates, Inc. 18 South George Street York, PA 17401
Application Received Date	April 27, 2022
Description	Replacement of the existing 3,000-gallon 4-log virus inactivation contact segment with 24" diameter contact piping.

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

**Permit No. 5322501**, Major, Public Water Supply.

Applicant and Address	<b>Ulysses Municipal Authority</b> 518 Main Street Ulysses, PA 16948
Municipality	Ulysses Township
County	<b>Potter</b>
Responsible Official	Timothy C. Scott
Type of Facility	Public Water Supply
Consulting Engineer	Kerry D. Tyson, P.E. Century Engineering, LLC 2836 Earlstown Road Suite 1 Centre Hall, PA 16828

Application Received Date	July 8, 2020
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Description of Action	Implementation of Corrosion Control Plan: Installation of corrosion control treatment to allow the water system to meet the MCL requirements of the 1st draw lead and copper sampling.
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*Southwest Region: Safe Drinking Water Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. 3033509**, Public Water Supply.

Applicant	<b>Southwestern Pennsylvania Water Authority</b> 1442 Jefferson Street P.O. Box 187 Jefferson, PA 17055
Municipality	Jefferson Township
County	<b>Greene</b>
Responsible Official	Tim Faddis Manager
Type of Facility	Storage Tank
Consulting Engineer	Bankson Engineers, Inc. 267 Blue Run Road Cheswick, PA 15042

Application Received Date	June 5, 2022
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Description of Action	Rehabilitation and installation of a mixer at the Jefferson Tank.
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**Permit No. 5622507**, Public Water Supply.

Applicant	<b>Hooversville Borough</b> 50 Main Street P.O. Box 176 Hooversville, PA 15936
Municipality	Hooversville Borough

County	<b>Somerset</b>
Responsible Official	Kenneth Karashowsky Council President
Type of Facility	Water System
Consulting Engineer	The EADS Group, Inc. 450 Aberdeen Drive Somerset, PA 15501
Application Received Date	July 11, 2022
Description of Action	Construction of a pump station and interconnection between Hooversville Borough and the Conemaugh Township Municipal Authority.

*Northwest Region: Safe Drinking Water Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Permit No. 3722501**, Public Water Supply.

Applicant and Address	<b>Pennsylvania American Water Co.</b> 852 Wesley Drive Mechanicsburg, PA 17055
Municipality	Neshannock Township
County	<b>Lawrence</b>
Responsible Official	Bruce Aiton V.P. Engineering 852 Wesley Drive Mechanicsburg, PA 17055
Consulting Engineer	Jed A. Ficus P.E. 852 Wesley Drive Mechanicsburg, PA 17055
Application Received Date	July 8, 2022
Description	Pennsylvania-American Water Co. will replace the Neshannock Pump Station due to age and capacity limitations. The booster station is used to fill the Pearson Park Tank, located in the northern portion of the New Castle Service area.

#### WATER ALLOCATIONS

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

*Northeast Region: Safe Drinking Water Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, 570-826-2511.*

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

**WA39-702B**, Water Allocation, **Hanover Township**, 2202 Grove Street, Allentown, PA 18109, Hanover Township, **Lehigh County**. The applicant is requesting the right to purchase up to 250,000 gallons per day from the City of Allentown on an annual basis.

*Northwest Region: Safe Drinking Water Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

**WA 25-803B**, Water Allocations, **Summit Township Authority**, 1230 Townhall Road, Suite 200, Erie, PA 16509, Summit Township, **Erie County**. Water Allocation Permit application requesting the right to purchase

1,000,000 gallons per day as a 30-day average flow rate from the Erie City Water Authority via the Erie Water Works Route 19 Take Point and the right to purchase 500,000 gallons per day as a 30-day average flow rate from the Erie City Water Authority via the Erie Water Works Route 97 Take Point.

### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

#### UNDER ACT 2, 1995 PREAMBLE 1

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

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

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

For further information concerning the content of a NOI to Remediate, please contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate

Regional Office listed. TDD users may telephone the Department through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

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

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

*Contact: Charline Bass.*

**Optimum RV Philadelphia**, 1809 West High Street, Pottstown, PA 19464, West Pottstown Township, **Montgomery County**. Craig Herr, Liberty Environmental Inc., 315 West James Street, Lancaster, PA 17603 on behalf of Elizabeth Ivester, 1809 West High Street, LLC, 7400 S US Hwy 441, Ocala, FL 34480 submitted a Notice of Intent to Remediate. The site has been found to be contaminated with unleaded gasoline constituents which have contaminated soil and groundwater. The proposed future use of the property will be nonresidential for an RV dealership. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in *The Pottstown Mercury Newspaper* on June 9, 2022.

**2043-2051 North Front Street**, 2043-2051 North Front Street, Philadelphia, PA 19122, City of Philadelphia, **Philadelphia County**. Natalie Griffith, REPSG, Inc., 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Max Frankel, 2043-51 North Front Street Property Owner, LLC, 1845 Walnut Street, Suite 2345, Philadelphia, PA 19103 submitted a Notice of Intent to Remediate. Soil and groundwater have been contaminated with leaded gasoline and unleaded gasoline. The site is currently undeveloped, vacant land which is proposed to undergo comprehensive redevelopment for residential use. The proposed cleanup standard for the site is the Statewide health standard/site-specific standard. The Notice of Intent to Remediate was published in *The Daily News Legals* on May 23, 2022.

#### DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

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

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**WMGM044SC003. Mifflin County Solid Waste Authority**, 87 Landfill Road, P.O. Box 390, Lewistown, PA 17044, Derry Township, **Mifflin County**. This application is for the renewal of MCSWA's coverage under WMGM044, which authorizes processing by sorting, screening, crushing, grinding, and shredding unpainted and untreated tree stumps, limbs, pallets, skids, saw dust, wooden boxes or containers, wood shavings or slab wood from saw mills, packing crates, dimensional wood scraps, and construction wood scraps from new residential home construction activities, hereinafter referred to as "wood waste," to produce wood chips for wholesale purposes to be utilized off-site as mulch material or for further processing in the production of mulch material.

The determination of applicability was found to be Administratively Complete on July 6, 2022.

Persons interested in obtaining more information about the general permit application may contact John L. Oren, P.E., Permits Chief, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110, 717.705.4907. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Hazardous Waste Transporter License, Applications Received Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003) and Regulations to Transport Hazardous Waste.**

*Central Office: Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.*

##### *New Applications Received*

**Covanta Environmental Solutions Ontario, Inc.**, 260 Shoemaker St., Kitchener, ON N2E 3E1. License No. **PA-AH 0923**. Effective March 21, 2022.

##### *Renewal Applications Received*

**ACV Environmental Services, Inc.**, 1500 Rahway Ave, Avenel, NJ 07001. License No. **PA-AH 0339**. Effective July 11, 2022.

**Maumee Express, Inc.**, P.O. Box 278, Somerville, NJ 08876. License No. **PA-AH 0420**. Effective July 6, 2022.

**Terra First, LLC**, P.O. Box 1617, Vernon, AL 35592. License No. **PA-AH 0803**. Effective July 11, 2022.

**Basin Transportation LLC**, 130 Express Lane, McAlester, OK 74501. License No. **PA-AH 0848**. Effective July 11, 2022.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department's Regional Office. A 30-day comment period from the date of this

publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

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

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

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

### 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 18701-1915.*

*Contact: Raymond Kempa, New Source Review Chief, (570) 826-2531.*

**13-00001C: BEFESA Zinc US Inc.**, 900 Delaware Avenue, Palmerton, PA 18071-2008, is proposing to bring a Rockster R700S Track Mounted Impact Crusher with engine and water sprays to crush Iron Rich Material (IRM) from the Walzing Kilns at the facility located in Palmerton Borough, **Carbon 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.**

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

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

**09-0010E: PEL Pharma Inc.**, 650 Cathill Road, Sellersville, PA 18960, for two sources removed from 2019 renewal of Synthetic Operating Permit located in West Rockhill Township, **Bucks County**. The equipment includes a 60" Tablet Coater (source # 117) and the Fluid Bed Processor (source # 122). Both sources emit particulate matter and are controlled with dust collectors and HEPA filters in series. The Plan Approval contains all applicable requirements including monitoring, record-keeping and reporting.

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

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

*Contact: Edward Orris, P.E., New Source Review Chief, (412) 442-4168.*

**65-00767C: Westmoreland Sanitary Landfill, LLC**, 111 Conner Lane, Bell Vernon, PA 15012. Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Department of Environmental Protection (Department) intends to issue Air Quality Plan Approval 65-00767C to allow the construction and initial temporary operation of a Leachate Evaporation System consisting of one (1) Pentair Hydrocarbon Recovery Unit; one (1) Cleaver Brooks, ProFire MYHG 25.2, 25.2 MMBtu/hr natural gas-fired burner; and one (1) 45,000 gallons per day (gpd) Heartland Water Technology, LM-HT Concentrator, Evaporator and Entrainment Separator at the Westmoreland Sanitary Landfill located in Rostraver Township, **Westmoreland County**. The Westmoreland Sanitary Landfill currently operates under Title V permit 65-00767.

Potential to emit from the project is estimated to be 2.0 tons of nitrogen oxides (NO<sub>x</sub>), 1.5 tons of carbon monoxide (CO), 8.0 tons of particulate matter less than 10 microns in diameter (PM<sub>10</sub>), 8.0 tons of particulate matter less than 2.5 microns in diameter (PM<sub>2.5</sub>), 0.2 ton of sulfur dioxide (SO<sub>2</sub>), 1.0 ton of volatile organic compounds (VOC), and 0.5 ton of total hazardous air pollutants (HAPs).

The authorization is subject to State regulations including 25 Pa. Code §§ 123.1, 123.2, 123.13, 123.21, and 123.31. This Plan Approval has been conditioned to ensure compliance with all applicable rules. This includes emissions restrictions, operational restrictions, testing, monitoring, recordkeeping, reporting, and work practice requirements. Notice of Intent to issue the plan approval (NOI) was previously published in the *Pennsylvania Bulletin* on May 9, 2020. A substantial amount of comments were received from the public. The Department has considered those comments and produced an addendum to the previous review memo. The addendum to the memo summarizes the Department's review after May 9, 2020, and any subsequent updates to the draft plan approval. The updated Plan Approval conditions include emission limitations for Radium-226 and Radium-228 from the leachate evaporation system to not equal or exceed the Nuclear Regulatory Commission's (NRC) air discharge limits of 10 CFR Part 20, Appendix B, Table 2.



The updated plan approval also includes conditions requiring leachate sampling and conditions for testing, monitoring, recordkeeping, reporting, and work practice requirements for radionuclide emissions. The Department has determined that the proposed facility satisfies the Department's Best Available Technology (BAT) requirements. Once compliance with the Plan Approval is demonstrated, the applicant will be required to revise or submit a Title V Operating Permit in accordance with 25 Pa. Code Subchapter G.

The Plan Approval application, the Department's Air Quality Review Memorandum, Review Memorandum Addendum, and the proposed Air Quality Plan Approval for this project are available for review by any interested party at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Documents are available for review at the Department's Southwest Regional webpage at [www.dep.pa.gov/southwest](http://www.dep.pa.gov/southwest) and navigating to the Westmoreland Sanitary Landfill LLC project tab. Additionally, to request a review of the Plan Approval Application, to receive an electronic copy of the Department's Air Quality Review Memorandum and Air Quality Review Memorandum Addendum, or to receive an electronic copy of the Department's proposed Air Quality Plan Approval for this project, a person may contact the Southwest Regional Office File Review Coordinator at 412-442-4000.

A person may oppose the proposed plan approval by filing a written protest with the Department through Melissa Jativa via the U.S. Postal Service to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; or email to [RA-EPSWROAIRPERMNOTE@pa.gov](mailto:RA-EPSWROAIRPERMNOTE@pa.gov). Each protest or set of written comments must contain the name, address, email, and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-65-00767C) and a concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based.

*Public hearing.* DEP will hold one in-person hearing and one virtual hearing to collect testimony from the public on the draft air quality plan approval. Each hearing will begin at 6:00 PM. The dates and locations are as follows:

- Wednesday, August 31, 2022—Rostraver Central Fire Department, 1100 Fells Church Road, Rostraver Township, PA 15012
- Thursday, September 1, 2022—virtual hearing via Webex.

Testimony will be limited to 3 minutes in order for DEP to receive as many comments as possible. Time may not be relinquished or shared, and organizations are asked to designate one speaker on its behalf. Video demonstrations and screen sharing by testifiers will not be permitted during the virtual hearing. All comments, whether provided orally at a hearing or in writing, carry equal weight and consideration before DEP. In order to accommodate all interested parties, the virtual hearing will be accessible both by internet and phone. Individuals who wish to observe or present testimony at either hearing are asked to register in advance by contacting Lauren Fraley at [lfraley@pa.gov](mailto:lfraley@pa.gov) or 412-442-4203. Those wishing to participate in the virtual hearing will receive the link and instructions for how to join via e-mail. Registration for the hearing will be taken through 4:00 p.m. the day before each hearing.

All presenters should provide at least one copy of their written comments and exhibits for submission to the

DEP either at the in-person hearing or via email to the email account following the virtual hearing. DEP will accept written comments on the draft air quality plan approval through close of business on September 12, 2022. Comments on the applications can be e-mailed or sent via postal mail to the Department of Environmental Protection, Southwest Regional Office, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222, [RA-EPSWROAIRPERMNOTE@pa.gov](mailto:RA-EPSWROAIRPERMNOTE@pa.gov).

The draft air quality plan approval and more information on this site is available on the designated DEP Community Information webpage for Westmoreland Sanitary Landfill, LLC, found at [www.dep.pa.gov/southwest](http://www.dep.pa.gov/southwest).

If you are a person with a disability wishing to attend either hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, please contact Lauren Fraley to discuss how DEP may accommodate your needs. If necessary, you may use the Pennsylvania Hamilton Relay Service by calling (800) 654-5984 (TDD Users) or (800) 654-5988 (Voice users) and request that your call be relayed to Lauren Fraley at 412-442-4203.

## PLAN APPROVAL

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### PUBLIC HEARINGS

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

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

**65-00767C: Westmoreland Sanitary Landfill, LLC (WSL)**, 111 Conner Lane, Belle Vernon, PA 15012, Proposed Plan Approval Authorization, Rostraver Township, Westmoreland County.

In accordance with 25 Pa. Code § 127.48, notice is hereby given that the Pennsylvania Department of Environmental Protection (Department) will hold one in-person hearing and one virtual hearing to collect testimony from the public on the draft air quality plan approval. Each hearing will begin at 6:00 p.m. The dates and locations are as follows:

- Wednesday, August 31, 2022—Rostraver Central Fire Department, 1100 Fells Church Rd, Rostraver Township, PA 15012.
- Thursday, September 1, 2022—virtual hearing via Webex.

Testimony will be limited to 3 minutes in order for DEP to receive as many comments as possible. Time may not be relinquished or shared, and organizations are asked to designate one speaker on its behalf. Video demonstrations and screen sharing by testifiers will not be permitted during the virtual hearing. All comments, whether provided orally at a hearing or in writing, carry equal weight and consideration before DEP. In order to accommodate all interested parties, the virtual hearing will be accessible both by internet and phone. Individuals who wish to observe or present testimony at either hearing are asked to register in advance by contacting Lauren Fraley at [lfraley@pa.gov](mailto:lfraley@pa.gov) or 412-442-4203. Those wishing to participate in the virtual hearing will receive the link and instructions for how to join via e-mail. Registration for the hearing will be taken through 4:00 p.m. the day before each hearing.

All presenters should provide at least one copy of their written comments and exhibits for submission to the DEP either at the in-person hearing or via email to the

email account following the virtual hearing. DEP will accept written comments on the draft air quality plan approval through close of business on September 12, 2022. Comments on the applications can be e-mailed or sent via postal mail to the Department of Environmental Protection, Southwest Regional Office, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222, RA-EPSWROAIRPERMNOTE@pa.gov.

Each protest or set of written comments must contain the name, address, email, and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-65-00767C) and a concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based.

The draft air quality plan approval and more information on this site is available on the designated DEP Community Information webpage for Westmoreland Sanitary Landfill, LLC, found at [www.dep.pa.gov/southwest](http://www.dep.pa.gov/southwest).

If you are a person with a disability wishing to attend either hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, please contact Lauren Fraley to discuss how DEP may accommodate your needs. If necessary, you may use the Pennsylvania Hamilton Relay Service by calling (800) 654-5984 (TDD Users) or (800) 654-5988 (Voice users) and request that your call be relayed to Lauren Fraley at 412-442-4203.

### OPERATING PERMITS

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

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

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

**63-00096: Union Electric Steel Corporation USA**, P.O. Box 465, Carnegie, PA 15106-0465. In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing notice that it intends to issue a renewal Title V Operating Permit (TVOP-63-00096) to Union Electric Steel Corporation USA (UES) to authorize the continued operation of steel manufacturing at their Harmon Creek Plant located in Burgettstown in Smith Township, **Washington County**.

The sources include one (1) electric arc furnace rated at 14.5 tph, one (1) scrap burning furnace rated at 6.0 tph, seventeen (17) annealing furnaces each rated at 10.0 tph, nine (9) forging furnaces each rated at 17 MMBtu/hr, two (2) ladle pre-heat furnaces, one (1) mold furnace, natural gas space heaters, teeming, cooling tower, lime silo, heat pump, emergency generators and several control devices. Potential emissions from the project are based on the combustion limit of natural gas. Fugitive emissions are controlled by bag houses and NO<sub>x</sub> emissions from annealing furnaces, forging furnaces, and pre-heat furnace are controlled by low NO<sub>x</sub> burners. Potential emissions from the facility are estimated to be 22.0 PM<sub>10</sub>, 6.0 tons VOC, 1.5-tons HAP, and 9.0 tons SO<sub>x</sub>. The facility is limited to 91.6 tons CO and 38.0 tons NO<sub>x</sub> facility wide emission limits.

This facility is subject to applicable requirements of 40 CFR Part 60 Subpart AAa, New Emission Standards for Hazardous Air Pollutant area source (NESHAP) re-

quirements of 40 CFR Part 63 Subpart XXXXXX and Subpart YYYYYY, the best available technology (BAT), and 25 Pa. Code Chapters 121—145. The facility has limitation on potential emissions, hours of operation, natural gas usage, as well as LDAR, monitoring, recordkeeping, reporting, and work practice, and performance testing requirements. The emergency generators are subject to the applicable requirements of 40 CFR Part 60 Subpart IIII, 40 CFR Part 63 Subpart ZZZZ and 25 Pa. Code Article III, Chapters 121—145.

A person may oppose the proposed Title V Operating Permit by filing a written protest with the Department through Noor Nahar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; email to [nnaharr@pa.gov](mailto:nnaharr@pa.gov); or fax to 412.442.4194. Additional written comments may also be submitted. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Title V Operating Permit (TV-63-00096) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

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

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

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

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

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

**09-00147: Northtec LLC—Bristol**, 411 Sinclair Road, Bristol, PA 19007, located in Bristol Township, **Bucks County**. This action is a renewal of a State Only Natural Minor Operating Permit. Solvents used in the cleanup operation (Source ID No. 101) has the potential to emit VOC. The facility also has various miscellaneous sources consuming natural gas and one (1) diesel-fired 2,220 HP emergency generator. Potential emissions at the facility are as follows: 15.88 tons per year of NO<sub>x</sub>, 3.02 tons per year of VOC, 8.33 tons per year of CO, and less than 1 ton per year each of SO<sub>x</sub>, PM and HAPs. In addition to applicable State requirements the facility is subject to the 40 CFR Part 60 Subpart IIII and 40 CFR Part 63 Subpart ZZZZ. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility within all applicable air quality requirements.

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

**09-00220 Donaldson Company, Inc./Feasterville**, 1731 Loretta Ave., Feasterville, PA 19053, located in Lower Southampton Township, **Bucks County**. This ac-

tion is for the renewal Natural Minor Operating Permit. The facility has emissions limits of 1.75 tpy VOC, 0.88 tpy NO<sub>x</sub> and 0.44 tpy CO after controls. The facility manufactures PTFE filter membranes for various industries using an extrusion press. The permit contains all applicable requirements including monitoring, record-keeping and reporting.

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

**46-00107: ITW Performance Polymers formerly known as ITW Engineered Polymers**, 130 Commerce Drive, Montgomeryville, PA 18936, for a non-Title V, State Only, Natural Minor Operating Permit in Montgomery Township, **Montgomery County**. The Department intends to renew a permit to allow nine (9) mixers and two (2) filling stations mixing volatile organic compound (VOC) and non-VOC-containing materials for the manufacture of industrial adhesives, grouts and encapsulating epoxies at their facility. Based on the potential emissions of VOC, which are less than major source threshold (i.e., 25.0 tons per year), the facility is a Natural Minor.

This action is a fourth renewal of the State-Only Operating Permit. The permit was initially issued on June 13, 2002 and was subsequently renewed on August 24, 2007, on August 15, 2012, and on August 24, 2017.

The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

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

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

**06-03107: Morgan Corporation Grace Mine Plant**, One Morgan Way, P.O. Box 588, Morgantown, PA 19543, for the flatbed truck bodies, frames and parts plant in New Morgan Borough, **Berks County**. The actual emissions from the facility in 2019 year are estimated at 15.5 tons of VOC, 1.1 tons of NO<sub>x</sub> and 1.97 tons of HAP. The Operating Permit will include emission limits and work practice standards along with monitoring, record-keeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

**50-03006: Sunoco Pipeline, LP**, PA 274W, Toboyne, PA 17006, to issue a State Only Operating Permit for the natural gas liquid (ethane, propane, butane or a mixture of these) Doylesburg pumping station located in Toboyne Township, **Perry County**. The potential emissions from the facility are estimated to be less than 1 ton for each of the following pollutants: NO<sub>x</sub>, CO, SO<sub>x</sub>, PM, VOCs and HAPs and 108 tons of GHGs. 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.

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

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

**56-00304: Somerset Welding & Steel, Inc.**, 10558 Somerset Pike, Somerset, PA 15501. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) gives notice that they intend to issue a State Only Operating Permit (SOOP) renewal to Somerset Welding & Steel's J & J Truck Bodies & Trailers (J & J) facility to authorize the continued operation of their Steel and aluminum dump truck bodies and trailers manufacturing facility located in Lincoln Township, **Somerset County**.

J & J manufactures Steel and aluminum dump truck bodies and trailers for the light duty chassis or heavy-duty trailers for rock hauling or demolition and excavation work.

The activities include metal surface preparation, cleaning via shot blast, welding, surface coating and parts cleaning activities. Emissions from this facility are less than 2.19 tons per year of PM, 14.4 tons per year of NO<sub>x</sub>, 12.34 tons per year of VOCs and 2.04 tons per year of HAPs. The proposed SOOP contains emission restriction, testing, monitoring, recordkeeping, reporting and work practice standards derived from the applicable requirements of 25 Pa. Code Article III, Chapters 121—145.

A person may oppose the proposed State Only Operating Permit by filing a written protest with the Department through Noor Nahar via mail nnahar@pa.gov to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed State Only Operating Permit (56-00304) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

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

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

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

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

**25-00916: Ridg U Rak, Inc.**, 120 South Lake Street, North East, PA 16428-1232. The Department intends to renew a State Only Natural Minor Operating Permit for the facility located in North East borough, **Erie County**. The primary sources at the facility include natural gas-fueled space heaters, a 3-stage washer, two ovens, and two natural gas-fueled emergency generators. Potential emissions of the primary pollutants are as follows: 19.35 TPY NO<sub>x</sub>, 11.98 TPY CO, 0.09 TPY SO<sub>x</sub>, 1.08 TPY PM<sub>10</sub> and PM<sub>2.5</sub>, 0.49 TPY VOC, and 0.27 TPY total HAP; thus, the facility is a natural minor. The main plant emergency generator is subject to 40 CFR Part 63 Subpart ZZZZ, the National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating

Internal Combustion Engines, and the office building emergency generator is subject to 40 CFR Part 60 Subpart JJJJ, the Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. The renewal permit will contain emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

## COAL & NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21).

Mining activity permits issued in response to such applications are also subject to applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection. A copy of the application is available for inspection at the District Mining Office indicated above each application. Requests for 401 Water Quality Certifications are included in individual application only if noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on

a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the District Mining Office indicated above each application within 30-days of this publication, or within 30-days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences). Such comments or objections should contain the name, address and phone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

In addition, requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 (relating to public hearing-informal conferences) or § 86.34 (relating to informal conferences), must also contain a brief summary of the issues to be raised by the requestor at the conference and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application is associated with an application for an NPDES permit. A separate notice will be provided for the draft NPDES permit.

### Coal Applications

*Effluent Limits*—The following range of effluent limits (Table 1) will apply to NPDES permits issued in conjunction with the associated coal mining activity permit. Additional effluent limits will be listed as part of the publication of the draft NPDES permit.

Table 1

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

*California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100, (Contact: Bonnie Herbert).*

**Mining Permit No. 02733702. NPDES No. PA0023370. Consol Mining Company, LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, to revise the permit and related NPDES Permit for installation of pipeline and one (1) new NPDES outfall in Plum Borough, Allegheny County, affecting 37.0 proposed coal refuse disposal support acres. Receiving stream: Allegheny River, classified for the following use: WWF. Application received: June 30, 2022.**

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

**Mining Permit No. 03900112. Keystone Land Resources, Inc., 46226 National Road, Street, Clairsville, OH 43950, renewal of an existing bituminous surface mine in Kiskiminetas Township, Armstrong County, affecting 81.2 acres. This renewal is issued for reclamation only. Receiving streams: unnamed tributary to Long Run, classified for the following use: WWF. Application received: June 28, 2022.**

### Noncoal Applications

*Effluent Limits*—The following Table 2 effluent limits apply to NPDES permits issued in conjunction with a noncoal mining permit. Additional effluent limits will be listed as part of the publication of the draft NPDES permit.

Table 2

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

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191, RA-EPKNOX@pa.gov (Contact: Cayleigh Boniger).*

**Mining Permit No. 3076SM8. NPDES No. PA0259748. Conneaut Lake Sand & Gravel, Inc.,** P.O. Box 233, West Middlesex, PA 16159, renewal of an NPDES permit associated with a large noncoal permit in Sadsbury Township, **Crawford County**, affecting 32.3 acres. Receiving streams: Two unnamed tributaries to Mud Run, one unnamed tributary to Watson Run, and one unnamed tributary to Conneaut Lake, classified for the following use: WWF, HQ-WWF. No changes proposed. Application received: June 14, 2022.

**Mining Permit No. 61110304. NPDES No. PA0259217. Glenn O. Hawbaker, Inc.,** 1952 Waddle Road, Suite 203, State College, PA 16803, renewal of an NPDES permit associated with a large noncoal permit in Barkeyville Borough, **Venango County**, affecting 104.5 acres. Receiving stream: North Branch Slippery Rock Creek, East Branch Wolf Creek, classified for the following use: CWF. No changes proposed. Application received: June 24, 2022.

**Mining Permit No. 37160303. NPDES No. PA0259713. Amerikohl Aggregates, Inc.,** 202 Sunset Drive, Butler, PA 16001, renewal of an NPDES permit associated with a large noncoal permit in Wayne Township, **Lawrence County**, affecting 229.0 acres. Receiving stream: Connoquenessing Creek, Unnamed tributaries to Beaver River, classified for the following use: WWF. No changes proposed. Application received: June 30, 2022.

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

**Mining Permit No. 59220801. GP104 PAM219003. Heysham Paving Co., Inc.,** 1815 Barney Hill Rd., Elkland, PA 16920, new permit application for a small noncoal (industrial minerals) operation located in Nelson Township, **Tioga County**, affecting 3.6 acres. Receiving stream(s): Cowanesque River tributary to Tioga River classified for the following use(s): CWF-MF. Application received: February 18, 2022.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, RA-EPPottsvilleDMO@pa.gov (Contact: Theresa Reilly-Flannery).*

**Mining Permit No. 66222501. NPDES Permit No. PA0226301. Gary D. & Gary R. Goble,** 133 Patton Road, Monroe Township, PA 18636, new NPDES Permit on a GP-105 quarry operation in Monroe Township, **Wyoming County**, affecting 10.8 acres. Receiving stream: South Run, classified for the following uses: HQ-CWF, MF. Application received: June 6, 2022.

**Mining Permit No. 58040847. Theodore R. Walworth,** P.O. Box 14, Hallstead, PA 18822, Stage I & II bond release of a quarry operation in Jackson Township, **Susquehanna County**, affecting 2.0 acres on quarry owned by Theodore R. Walworth. Application received: June 30, 2022.

**Mining Permit No. 39880302. NPDES Permit No. PA0225665. Coplay Aggregates, Inc.,** 21 East 10th Street, Northampton, PA 18067, renew NPDES Permit on a quarry operation in Whitehall Township, **Lehigh County**, affecting 21.49 acres. Receiving stream: unnamed tributary to Coplay Creek, classified for the following uses: CWF, MF. Application received: July 1, 2022.

**Mining Permit No. 58150301. NPDES Permit No. PA0225584. Pennsy Supply, Inc.,** 2400 Thea Drive, Suite 3A, Harrisburg, PA 17110, renew NPDES Permit on a quarry operation in Middletown Township, **Susquehanna County**, affecting 254.5 acres. Receiving stream: unnamed tributary to Middle Branch Wyalusing Creek. Application received: July 8, 2022.

### MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

#### *Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
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

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

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

#### *Effluent Limits for Noncoal Mining Activities*

The limits for noncoal mining activities as provided in 25 Pa. Code § 77.522 are pH 6 to 9 and other parameters the Department may require.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

#### *Additional criteria*

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan, and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters of this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

#### *Submittal of comments*

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit notice within 30-days of this notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and phone number of the writer and a concise statement to inform the Department of the basis of a comment and the relevant facts upon which it is based.

Requests or petitions for a public hearing on any NPDES permit applications will be accepted as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30-days of this public notice and contain the name, address, phone number and the interest of the party filing the request and state the reasons why a hearing is warranted. The Department may hold a public hearing if the public interest is significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will consider comments from the public hearing in the final determination on the NPDES permit application.

#### *Coal NPDES Draft Permits*

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

**NPDES No. PA0237922. Mining Permit No. 17980104. Swisher Contracting, Inc.,** P.O. Box 1223, Clearfield, PA 16830, modification for increase in the pH limit for outfall 011 on an NPDES permit for discharge of water resulting from post-mining treatment of mine drainage treatment facility in Lawrence Township, **Clearfield County**, affecting 69.2 acres. Receiving stream(s): Moose Creek, classified for the following use(s): CWF, MF. This receiving stream is included in the Moose Creek TMDL. Application received: June 21, 2022.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for coal mining activities.

The following outfalls discharge to Moose Creek:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
010	Existing	023031T	Continuous (0.0147 MGD)
011	Existing	075T	Continuous (0.0177 MGD)

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

<i>Outfalls: 010 (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	2.0	4.0	5.0
Aluminum (mg/L)	2.0	2.0	2.0
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kilogram)	N/A	N/A	50.0
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

<i>Outfalls: 011 (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	2.0	4.0	5.0
Aluminum (mg/L)	2.0	2.0	2.0
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kilogram)	N/A	N/A	50.0
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	
pH (S.U.): Must be between 6.0 and 10.0 standard units at all times.			
Alkalinity must exceed acidity 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 Permit No. PA0608858. Mining Permit No. 4976SM4. DeCristo, Inc.,** 9070 Route 414, Canton, PA 17724, renewal of an NPDES permit for discharge of water resulting from surface mining of industrial minerals in Middlebury Township, **Tioga County**, affecting 38.1 acres. Receiving stream(s): Norris Brook, classified for the following use(s): TSF, MF (Existing Use: EV). Application received: May 31, 2022.

The following outfall discharges to Norris Brook:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	Sedimentation Pond 1	Precipitation Induced

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

<i>Outfalls: 001 (Dry Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</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>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</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.			

*Outfalls: 001 (>10-yr/24-hr Precip. Event)*  
pH (S.U.): Must be between 6.0 and 9.0 standard units 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 Environmental Assessment must submit any comments, suggestions or objections within 30-days of the date of this notice, as well as any questions to the office noted above the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the

comments or objections are addressed, and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8:00 AM and 4:00 PM on each working day at the office noted above the application.

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

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

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

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

*Contact: Gillian Pehala, Clerical Assistant 2, 570-830-3077.*

**E3502222-007. Pennsylvania American Water**, 852 Wesley Drive, Mechanicsburg, PA 17055, in Scranton City, **Lackawanna County**, U.S. Army Corps of Engineers, Baltimore District.

To replace and re-align three outfall pipes from three existing combined sewer overflow regulators and combining them into one 48-inch PVC outfall pipe along the Lackawanna River (CWF, MF). (Scranton, PA Quadrangle, Latitude: 41° 26' 4"; Longitude: -75° 38' 44"). Application received date: June 14, 2022.

**E4502222-007. Dale Smucker**, 2346 Hobson Road, Lancaster, PA 17602, in Tobyhanna Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a floating wooden recreational dock with 1.5" spud poles encroaching into 120 square feet of Arrowhead Lake (EV, MF). The dock construction is also proposing a 2-foot wide stone access walkway which will permanently impact 70 square feet of wetlands (EV). The project is located at 1039 Arrowhead Drive (Thornhurst, PA Quadrangle Latitude: 41° 9' 4"; Longitude: -75° 34' 20") in Tobyhanna Township, Monroe County. Application received date: June 9, 2022.

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

*Contact: Dana Drake.*

**E0205222-006, Bateman NFIA and Associates, LLC**, 285 Kappa Drive, Pittsburgh, PA 15238, North Fayette Township, **Allegheny County**; Army Corps of Engineers Pittsburgh District.

The applicant proposes to:

1. Construct, operate, and maintain 110 LF of a 54-inch HPDE pipe, with associated endwalls, which will extend the total impact to 149 LF, within an Unnamed Tributary (UNT) to the North Branch Robinson Run (WWF) (R001),

2. Place and maintain fill in 18,232 square feet of the floodway of R001,

3. Place and maintain fill in 92 LF of a UNT to North Branch Robinson Run (WWF) (R004) and in 9,200 square feet of its floodway,

4. Place and maintain fill in 101 LF of a UNT to North Branch Robinson Run (WWF) (R005) and in 10,100 square feet of its floodway,

5. Place and maintain 13,610 square feet of fill in PEM Wetland W002,

6. Place and maintain 454 square feet of fill in PEM Wetland W003,

7. Construct, operate, and maintain a sanitary utility line, a storm sewer utility line, a water utility line, a gas utility line, a cable and electric utility lines crossings of the aforementioned UNTs and wetlands,

8. Mitigate for project impacts by restoring, operating, and maintaining 360 LF of a downstream portion of UNT R001 and constructing, operating, and maintaining 15,550 square feet of PEM/PSS wetland along the left descending bank of the same area of R001. Additional mitigation is proposed via the purchase of mitigation banking credits with First Pennsylvania Resources LLC.

For the purposes of developing the second Phase of a business park, known as the North Fayette Business Park, which includes the development of five (5) buildings, the extension of utilities, and the extension of an existing road from its terminus in the first Phase area, known as The Imperial Business Park, through the second Phase area and to Bateman Road, in order to create a second access to a public street through the Phase 2 area access. The project will permanently impact 0.32 acre of wetlands, 342 LF of streams, and 0.86 acre of floodways. The project will temporarily impact 360 LF of UNTs to North Branch Robinson Run, and 0.09 acre of PEM wetland

The project site is located on Bateman Road (SR 978) and International Drive (PA USGS topographic quadrangle: N: 40°, 25', 47.64"; W: -80°, 13', 49.08"; Sub-basin 20F; USACE Pittsburgh District), in North Fayette Township, Allegheny County.

**E0205222-011, Moon Township**, 1000 Beaver Grade Road, Moon Township, PA 15108, Moon Township, **Allegheny County**; Army Corps of Engineers Pittsburgh District.

The applicant proposes to:

1. Re-grade and maintain the streambanks along approximately 514 linear feet of an unnamed tributary (UNT) to Flougherty Run (Stream R001; WWF), and 1,620 linear feet of a second UNT to Flougherty Run (Stream R002; WWF), to reconnect the streams with their floodplains;

2. Construct and maintain 64 rock cross vanes with step pools, and establishing a 35-foot riparian buffer in and along the aforementioned reaches of Stream R001 and R002;

3. Excavate and maintain an extended dry detention basin at the confluence of two UNTs to Flougherty Run (Streams R001A and R001; WWF), behind a non-jurisdictional dam, which will include an 88-foot long, 30-inch diameter reinforced concrete pipe (RCP) outlet structure, and 37 linear feet of R-6 riprap outlet protection. The basin will have an area of 0.15 acre and storage capacity of 39,895 cubic feet;



4. Construct and maintain a 45-foot long, 24-inch RCP within Stream R001, which is an extension of an existing 15" RCP which conveys Stream R001, with 7 linear feet of R-4 riprap outlet protection, in association with the extended dry detention basin;

5. Construct and maintain 18 linear feet of outlet erosion control, consisting of R-5 riprap, within Stream R001, which has a drainage area less than 100 acres;

6. Construct and maintain 20 linear feet of outlet erosion control, consisting of R-7 riprap, within Stream R001A, which has a drainage area less than 100 acres;

7. Operate and maintain temporary sandbag dams with bypass pumps within Streams R001, R001A, and R002;

8. Temporarily impact 15 feet of Stream R001 and 15 feet of Stream R002 for two temporary stream crossings.

For the purpose of providing sediment load reduction toward Moon Township's MS4 requirements of their NPDES permit (Permit No. PAG136274). Cumulatively, the project will permanently impact 3,014 feet of stream and 4.3 acres of floodway and will temporarily impact 260 feet of stream and 2.4 acres of floodway. The project site is located within Olson Park, approximately 0.4 mile northwest of the park entrance off of Flaugherty Run Road (Ambridge, PA USGS topographic quadrangle; N: 40°, 31', 55.88"; W: -80°, 15', 2.0"; Sub-basin 20G; USACE Pittsburgh District), in Moon Township, Allegheny County.

**E0205222-012, Baldwin Borough**, 3344 Churchview Avenue, Pittsburgh, PA 15227, Baldwin Borough, **Allegheny County**; Army Corps of Engineers Pittsburgh District.

The applicant proposes to:

Regrade and maintain 924 total linear feet of stream-bank along Glass Run (WWF) and a UNT to Glass Run (WWF), of which 699 linear feet of work is proposed along Glass Run and 225 linear feet of work is proposed along the UNT to Glass Run, and to establish and maintain a riparian buffer through native plantings to an extent of 35 feet perpendicular to the streams' edge on both sides for the purpose of decreasing pollutant and sediment loading to meet municipal MS4 requirements.

The project will cumulatively and permanently impact 924 linear feet of streambanks; temporarily impact 924 linear feet of streambanks; permanently impact 1.48 acres of the floodway; and temporarily impact 0.78 acre of the floodway. No wetland or streambed impacts are proposed.

The project center is located approximately 420 feet west-south-west of the intersection of Joseph Street and the entrance drive to St. Josaphat Catholic Cemetery. (Pittsburgh East, PA USGS topographic quadrangle; N: 40°, 23', 21"; W: -79°, 58', 2"; Sub-basin 19A; USACE Pittsburgh District) in the Borough of Baldwin, Allegheny County.

**E0305221-003, PPG Industries, Inc.**, 4829 Fairland Road, Barberton, OH 44203 in North Buffalo Township, **Armstrong County**; Army Corps of Engineers Pittsburgh District.

The applicant proposes to:

1. Abandon in place an existing 200 LF 30-inch diameter cement enclosure of a UNT to the Allegheny River

and construct a replacement 173 LF 30-inch HDPE culvert adjacent to the existing enclosure to be abandoned;

2. Construct, operate, and maintain a new 23 LF stone-lined channel and inlet conveying the UNT to the aforementioned replacement 30-inch stream enclosure;

3. Construct, operate, and maintain a new 165.3 LF watercourse to connect the outlet of the new enclosure to unaffected portions of the unnamed tributary;

4. Construct, operate and maintain 149 LF of bank stabilization on an existing water course, below the aforementioned-existing enclosure to be abandoned in place, consisting of gabion baskets and reno mattresses; and

5. Repair a sink hole that formed under the existing aforementioned stream enclosure with 25 cubic yards of fill.

For the purpose of constructing and maintaining an environmental remediation project which will result in 173 LF of permanent stream impacts and 0.08 acre of associated floodway impacts, and 0.01 acre of temporary floodway impacts.

The project site is located west of the Ford City Veterans Bridge and south of SR-128 (Kittanning, PA USGS topographic quadrangle; N: 40°, 45', 29"; W: -79°, 33', 14"; Sub-basin 17E; USACE Pittsburgh District), in North Buffalo Twp., Armstrong County.

**E2605122-006, PennDOT District 12-0**, 825 North Gallatin Ave Ext, Uniontown, PA 15401, Luzerne Township, **Fayette County**; Army Corps of Engineers Pittsburgh District.

The applicant proposes to:

1. Remove the existing, 9.9' wide, 7.26' high, 37.8' long, concrete slab bridge, and to construct and maintain a replacement, 12' wide, 8' high, 67.08' long Precast Concrete Box Culvert, with alternating baffles and aprons, in Rush Run (WWF),

2. Construct and maintain 33 LF of streambank protection, consisting of R-7 stone choked with R-4 stone, upstream of the proposed culvert,

3. Construct and maintain 41 LF of streambank protection, consisting of R-7 stone choked with R-4 stone, downstream of the proposed culvert,

4. Construct and maintain a temporary stream diversion, consisting of a pump by-pass, during the removal of the existing structure and the proposed culvert installation.

For the purpose of replacing the deteriorating structure carrying SR 4001 over Rush Run (WWF).

Cumulatively, the project will have a permanent impact of 195 LF and a temporary impact of 210 LF on Rush Run.

The project site is located near the intersection of Labelle Road and Rush Run Road (Carmichaels, PA USGS topographic quadrangle; N: 39°, 59', 27.76"; W: -79°, 56', 11.37"; Sub-basin 19C; ACOE Pittsburgh District), in Luzerne Township, Fayette County.

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

**E2406222-002, West Penn Power**, 800 Cabin Hill Drive, Greensburg, PA 15601, Helen Mills Reliability

Project, in Horton Township, **Elk County**, Army Corps of Engineers Pittsburgh District (Brandy Camp, PA Quadrangle N: 41.253629°; W: -78.739207°).

To conduct the following activities within the floodways of County Line Run (CWF) and UNT-2 to County Line Run (CWF), as well as within the 100-year floodplain of Little Toby Creek (CWF):

1. To install a 9-foot by 11-foot concrete pad 4 feet deep for installation of a distribution transformer.
2. To construct and maintain two utility lines, 208 feet long and 74 feet long, within 5-inch conduit pipe from an existing utility line to the transformer.
3. To extend and maintain the existing gravel access from Keystone Road by approximately 420 square feet.

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

*Contact: Robert Marquez, Senior Project Manager, Telephone Number: 570-327-3636.*

**EA5829222-001, Williams Field Services Company, LLC**, 310 State Route 29 North, Tunkhannock, PA 18657, Rush Township, **Susquehanna County**; Army Corps of Engineers Baltimore District.

To construct, operate, and maintain:

1. a stream restoration/stabilization project impacting 235 lineal feet of an unnamed tributary of Elk Lake Stream (CWF, MF) with a drainage area of less than 100 acres (Montrose West, PA Quadrangle; Lat. 41° 46' 04", Long. -75° 58' 38").

The PA-10-011 stream stabilization project is located in Rush Township, Susquehanna County. The project will result in 235 lineal feet of stream impacts within an active cattle pasture for the purpose of preventing further stream degradation and as part of operation and maintenance of an existing natural gas gathering line for conveyance to market.

**EA0829222-005: Chesapeake Appalachia, LLC**, 14 Chesapeake Lane, Sayre, PA 18840, Litchfield Township, **Bradford County**; Army Corps of Engineers Baltimore District.

The construction of the existing well pad resulted in 9,394 square feet (0.22 acre) of impacts to a Palustrine Emergent Wetland. The project proposes 9,394 square feet (0.22 acre) of restoration activities such as soil decompaction and the replanting of native hydrophytic vegetation within the impacted wetland. The project will result in 9,394 square feet (0.22 acre) of temporary Palustrine Emergent Wetland impacts (Litchfield, PA Quadrangle, Latitude: 41.947597°, Longitude: -76.45226°).

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, 400 Market Street, 2nd Floor, Harrisburg, PA 17101, (717) 787-3411.*

**D30-020EA. Department of Conservation and Natural Resources**, 400 Market Street, Harrisburg, PA 17105, Richhill Township, **Greene County**, U.S. Army Corps of Engineers Pittsburgh District.

The applicant proposes to restore the North Fork Dunkard Fork, Polly Hollow, and Panther Lick Run (TSF) by removing the Ryerson Station State Park Dam and legacy sediment from within the former reservoir. Portions of the legacy sediment excavated from the former

reservoir will be redistributed within the floodplains of upstream restoration reaches where channel incisions and downcutting have occurred. The length of channel areas being temporarily impacted during construction is approximately 12,200 linear feet and the total area being temporarily impacted during construction is approximately 123 acres. The project proposes to restore integrated natural aquatic resources, including restoration of approximately 34 acres of integrated wetland, stream and floodplain areas. The restoration plan includes constructing an approximately 3 acres open water resource that will include a gravel and pipe water interception structure along Panther Lick Hollow. Additional restoration activities include to realign watercourses during the course of restoration; to place stream and valley grade control structures; to place log sills, woody debris, and other aquatic habitat structures within the restoration areas; to construct rock construction entrances, temporary stream crossings, and other erosion controls during restoration activities. Within the limits of disturbance for the dam removal and restoration plan additional water obstructions and encroachments as part of an overall park improvement plan include a bridge and causeway crossing of the former reservoir areas that will serve as the park day use area main entrance, a culvert and causeway crossing of Panther Lick Hollow, stormwater outfall structures, gravel and boardwalk trails, wildlife observation platforms, concrete and stone paddle-craft boat launch areas and associated streambank stabilization. The restoration project is located within Ryerson Station State Park, PA USGS Quadrangle: Wind Ridge and New Freeport, Latitude 39.882899; Longitude -80.449554.

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

*Contact: Robert Marquez, Senior Project Manager, Telephone Number: 570-327-3636.*

**EA5829222-001. Williams Field Services Company, LLC**, 310 State Route 29 North, Tunkhannock, PA 18657, Rush Township, **Susquehanna County**; Army Corps of Engineers Baltimore District.

To construct, operate, and maintain:

1. A stream restoration/stabilization project impacting 235 lineal feet of an unnamed tributary of Elk Lake Stream (CWF, MF) with a drainage area of less than 100 acres (Montrose West, PA Quadrangle; Lat. 41° 46' 04", Long. -75° 58' 38").

The PA-10-011 stream stabilization project is located in Rush Township, Susquehanna County. The project will result in 235 lineal feet of stream impacts within an active cattle pasture for the purpose of preventing further stream degradation and as part of operation and maintenance of an existing natural gas gathering line for conveyance to market.

**EA0829222-005. Chesapeake Appalachia, LLC**, 14 Chesapeake Lane, Sayre, PA 18840, Litchfield Township, **Bradford County**; Army Corps of Engineers Baltimore District.

The construction of the existing well pad resulted in 9,394 square feet (0.22 acre) of impacts to a Palustrine Emergent Wetland. The project proposes 9,394 square feet (0.22 acre) of restoration activities such as soil decompaction and the replanting of native hydrophytic vegetation within the impacted wetland. The project will result in 9,394 square feet (0.22 acre) of temporary Palustrine Emergent Wetland impacts (Litchfield, PA Quadrangle, Latitude: 41.947597°; Longitude: -76.45226°).

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**ACTIONS**

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**THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT****FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Any person aggrieved by this action may challenge it in an appropriate legal forum. The State and Federal courts are currently split on whether the proper forum to challenge a Department permit, authorization or approval for a facility or activity subject to the Federal Natural Gas Act, 15 U.S.C.A. §§ 717 et seq., is the United States Court of Appeals for the Third Circuit or the Pennsylvania Environmental Hearing Board. See *Delaware Riverkeeper Network v. Sec’y, Dep’t of Env’tl. Prot.*, 833 F.3d 360 (3d Cir. 2016); *Delaware Riverkeeper Network v. Sec’y, Dep’t of Env’tl. Prot.*, 903 F.3d 65 (3d Cir.

2018), cert. denied, 139 S. Ct. 1648, 203 L. Ed. 899 (2019) and *Cole v. Dep't. of Env'tl. Prot.*, 1577 C.D. 2019 WL 2420667 (Pa. Cmwlth Ct. June 15, 2021) (Pet. for Allowance of Appeal pending); *West Rockhill Twp. v. Dep't of Env'tl. Prot.*, No. 1595 C.D. 2019 WL 2426014 (Pa. Cmwlth. June 15, 2021) (Pet. for Allowance of Appeal pending).

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

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAD130038	Chapter 102 Individual NPDES Permit	Issued	Jack Frost Mountain Co. P.O. Box 1539 Blakeslee, PA 18610-1539	Kidder Township Carbon County	NERO
PAD130039	Chapter 102 Individual NPDES Permit	Issued	Big Boulder Corp P.O. Box 1539 Blakeslee, PA 18610-1539	Kidder Township Carbon County	NERO
PAD140088	Chapter 102 Individual NPDES Permit	Issued	Patton Township Centre County 100 Patton Plaza State College, PA 16803-2304	Patton Township Centre County	NCRO
PAD150041	Chapter 102 Individual NPDES Permit	Issued	Gateway Realty Holdings Ltd 2329 Nostrand Avenue Suite 500 Brooklyn, NY 11210-3936	West Vincent Township Chester County	SERO
PAD150224	Chapter 102 Individual NPDES Permit	Issued	Pleasant View Ind, LLC 102 Reservoir Road Honey Brook, PA 19344-1341	Honey Brook Township Chester County	SERO
PAD150242	Chapter 102 Individual NPDES Permit	Issued	Myers Brock 397 N Limerick Road Schwenksville, PA 19473-1643	Philadelphia City Philadelphia County	SERO
PAD390219	Chapter 102 Individual NPDES Permit	Issued	Ricky Kulik Real Estate, LLC 225 Elm Street Emmaus, PA 18049-2623	Lower Macungie Township Lehigh County	NERO
PAD450082	Chapter 102 Individual NPDES Permit	Issued	Trap Enterprises, LLC 3329 Mountain View Drive Tannersville, PA 18372-7866	Pocono Township Monroe County	NERO
PAD530010	Chapter 102 Individual NPDES Permit	Issued	Primax Properties, LLC 1100 E Morehead Street Charlotte, NC 28204-2815	Coudersport Borough Potter County	NCRO
2622800	Joint DEP/PFBC Pesticides Permit	Issued	Reskovac Michael M 162 Ruane Road Uniontown, PA 15401-9708	North Union Township Fayette County	SWRO
2622801	Joint DEP/PFBC Pesticides Permit	Issued	Pressman Stacey 533 Elliotsville Road Farmington, PA 15437-1182	Wharton Township Fayette County	SWRO
PAI132203	MS4 Individual NPDES Permit	Issued	Scranton City Lackawanna County 340 N Washington Avenue Scranton, PA 18503-1546	Scranton City Lackawanna County	NERO
PA0042269	Major Sewage Facility >= 5 MGD Individual NPDES Permit	Issued	Lancaster Area Sewer Authority Lancaster County 130 Centerville Road Lancaster, PA 17603-4007	Manor Township Lancaster County	SCRO
3186401	Major Sewage Treatment Facility Individual WQM Permit	Issued	Huntingdon Borough Huntingdon County P.O. Box 592 530 Washington Street Huntingdon, PA 16652-0592	Smithfield Township Huntingdon County	SCRO
3279406	Major Sewage Treatment Facility Individual WQM Permit	Issued	Indiana Borough Indiana County 80 N. 8th Street Indiana, PA 15701	Indiana Borough Indiana County	NWRO

## NOTICES

4179

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
4010401	Major Sewage Treatment Facility Individual WQM Permit	Issued	Freeland Borough Municipal Authority Luzerne County 711 Birkbeck Street Freeland, PA 18224-1501	Foster Township Luzerne County	NERO
PA0104396	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Kullagruppen USA Holding Co. 568 Tomato Drive Punxsutawney, PA 15767-5627	Ringgold Township Jefferson County	NWRO
PA0217867	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Resources for Human Development Inc. 6383 Tuscarawas Road Midland, PA 15059-2041	Ohioville Borough Beaver County	SWRO
1422201	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Issued	Haines Aaronsburg Municipal Authority P.O. Box 254 Aaronsburg, PA 16820-0254	Haines Township Centre County	NCRO
NOEXSE166	No Exposure Certification	Issued	Global Pkg Inc. 209 Brower Avenue Oaks, PA 19456	Upper Providence Township Montgomery County	SERO
PAG041078	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Tauber Jason II 11511 Phillipsville Road Wattsburg, PA 16442	Venango Township Erie County	NWRO
PA0270822	Pesticides Individual NPDES Permit	Issued	PPL Electric Utilities Corp 1639 Church Road Allentown, PA 18104-9342	Statewide Statewide	CO
2122402	Sewer Extensions Individual WQM Permit	Issued	East Pennsboro Township Cumberland County 98 S Enola Drive Enola, PA 17025-2704	East Pennsboro Township Cumberland County	SCRO
PA0238929	Single Residence STP Individual NPDES Permit	Issued	Douglas E and Michele Gnora Roesch 925 Saint James Street Pittsburgh, PA 15232-2114	North East Township Erie County	NWRO
PA0255246	Single Residence STP Individual NPDES Permit	Issued	Culotta Charles R 6 E Clarke Avenue Milford, DE 19963	Wharton Township Fayette County	SWRO
PA0264903	Single Residence STP Individual NPDES Permit	Issued	Schmelzer Deborah 151 Etna Road Slippery Rock, PA 16057	Slippery Rock Township Butler County	NWRO
PA0265080	Single Residence STP Individual NPDES Permit	Issued	Charlotte and Robert Russo 6480 Lakeside Drive Sharpsville, PA 16150-9670	South Pymatuning Township Mercer County	NWRO
PA0265471	Single Residence STP Individual NPDES Permit	Issued	Kerle Daniel 3238 Waterson Road Strattanville, PA 16258	Clarion Township Clarion County	NWRO
PA0290599	Single Residence STP Individual NPDES Permit	Issued	Margarita and Vlacheslav Yunikov 4512 Shannon Road Erie, PA 16510-4234	Harborcreek Township Erie County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0290611	Single Residence STP Individual NPDES Permit	Issued	Danielle and Mark Rubeo 6750 Millfair Road Fairview, PA 16415-2710	Fairview Township Erie County	NWRO
PA0290688	Single Residence STP Individual NPDES Permit	Issued	Hinkle Melissa 3207 Reichert Road Erie, PA 16509-4337	McKean Township Erie County	NWRO
PA0290696	Single Residence STP Individual NPDES Permit	Issued	Lama Ciro 89 Charleston Road Mercer, PA 16137-2415	Jefferson Township Mercer County	NWRO
1617406	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Kerle Daniel 3238 Waterson Road Strattanville, PA 16258	Clarion Township Clarion County	NWRO
2522409	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Margarita and Vlacheslav Yunikov 4512 Shannon Road Erie, PA 16510-4234	Harborcreek Township Erie County	NWRO
2522410	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Danielle and Mark Rubeo 6750 Millfair Road Fairview, PA 16415-2710	Fairview Township Erie County	NWRO
2522414	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Hinkle Melissa 3207 Reichert Road Erie, PA 16509-4337	McKean Township Erie County	NWRO
4322403	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Lama Ciro 89 Charleston Road Mercer, PA 16137-2415	Jefferson Township Mercer County	NWRO
WQG018845	WQG-01 WQM General Permit	Issued	Tauber Jason II 11511 Phillipsville Road Wattsburg, PA 16442	Venango Township Erie County	NWRO

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


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<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>
PAC090074	PAG-02 General Permit	Issued	2731 Two Bartram LLC 2731 Bartram Road Bristol, PA 19007-6893	Bristol Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550
PAC230213	PAG-02 General Permit	Issued	Swarthmore College 500 College Avenue Swarthmore, PA 19081	Swarthmore Borough Delaware County	Delaware County Conservation District Rose Tree Park Hunt Club 1521 N. Providence Road Media, PA 19063 610-892-9484

## NOTICES

4181

<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>
PAC230203	PAG-02 General Permit	Issued	Rockwell Bethel, LLC 124 E. State Street Media, PA 19063	Bethel Township Delaware County	Delaware County Conservation District Rose Tree Park Hunt Club 1521 N. Providence Road Media, PA 19063 610-892-9484
PAC150036 Renewal	PAG-02 General Permit	Issued	Wilkinson Advantage, LP 1020 Broad Run Road Landenberg, PA 19350	Avondale Borough Chester County	Chester County Conservation District 688 Unionville Road Kennett Square, PA 19348 610-455-1360
PAC150305	PAG-02 General Permit	Issued	Francis X Taraschi 300 N Buck Road Downingtown, PA 19335	Downingtown Borough Chester County	Chester County Conservation District 688 Unionville Road Kennett Square, PA 19348 610-455-1360
PAC390175	PAG-02 General Permit	Issued	Southern Lehigh School District 5775 Main Street Center Valley, PA 18034	Upper Saucon Township Lehigh County	Lehigh County Conservation District 4184 Dorney Park Road Suite 105 Allentown, PA 18104 610-391-9583
PAC400234	PAG-02 General Permit	Issued	Earth Conservancy Terance Ostrowski 101 South Main Street Ashley, PA 18706	Hanover Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAC400209	PAG-02 General Permit	Issued	DAMA Thomas Keiper 101 Memorial Highway Shavertown, PA 18708-9603	Lehman Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAC400241	PAG-02 General Permit	Issued	SAI Sugarloaf Realty, LLC Ashok Patel 1 Buckhorn Road Bloomsburg, PA 17815	Sugarloaf Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAC400240	PAG-02 General Permit	Issued	CITI MG, LLC and CITI SL, LLC Mendy Gansburg 411 Kingston Avenue Suite 201 Brooklyn, NY 11225	Wilkes-Barre City Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAC350124	PAG-02 General Permit	Issued	Three Up Realty, LLC 7 Oakwood Drive Scranton, PA 18504-9503	Archbald Borough Lackawanna County	Lackawanna County Conservation District 1038 Montdale Road Scott Township, PA 18447 570-382-3086

<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>
PAC350127	PAG-02 General Permit	Issued	Scranton Lackawanna Industrial Building Company 222 Mulberry Street Scranton, Pa. 18501-0431	Archbald Borough Lackawanna County	Lackawanna County Conservation District 1038 Montdale Road Scott Township, PA 18447 570-382-3086
PAC010206	PAG-02 General Permit	Issued	Conewago Township 541 Oxford Ave. Hanover, PA 17331	Conewago Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
PAC220047	PAG-02 General Permit	Issued	Vanguard Realty Group Inc. 4090 Continental Drive Harrisburg PA 17112	Lower Paxton Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC220316	PAG-02 General Permit	Issued	CPW West Corporation 222 E. 5th Street Tucson, AZ 85705	Lower Paxton Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC220191 A-3	PAG-02 General Permit	Issued	Neil and Renee Nasta 6107 Schoolhouse Road Elizabethtown, PA 17022	Londonderry Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC220335	PAG-02 General Permit	Issued	The Hershey Company 19 East Chocolate Avenue P.O. Box 805 Hershey, PA 17033	Derry Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC220338	PAG-02 General Permit	Issued	M&J Geppart Properties, Inc. 7727 Valley View Avenue Harrisburg, PA 17112	West Hanover Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC080066	PAG-02 General Permit	Issued	Daniel J. Rossiter 573 Campbell Road Athens, PA 18810	Litchfield Township Bradford County	Bradford County Conservation District 200 Lake Road Suite E Towanda, PA 18848
PAC080068	PAG-02 General Permit	Issued	Mid-Atlantic Interstate Transmission, LLC 2800 Pottsville Pike Reading, PA 19605	Wysox Township Standing Stone Township Tuscarara Township Wyalusing Township Auburn Township Bradford County	Bradford County Conservation District 200 Lake Road Suite E Towanda, PA 18848
PAC600092	PAG-02 General Permit	Issued	Country View Family Farms, LLC Old Rte 15 and I-80 New Columbia, PA 17856	White Deer Township Union County	Union County Conservation District 155 N 15th Street Lewisburg, PA 17837-8822



## NOTICES

4183

<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>
PAC600091	PAG-02 General Permit	Issued	Family Trust of Stylianios Nikolaos and Georgeanne Xagorarakis 157 Buffalo Creek Rd Mifflinburg, PA 17844	Buffalo Township Union County	Union County Conservation District 155 N 15th Street Lewisburg, PA 17837-8822
PAC600088	PAG-02 General Permit	Issued	PNK P2, LLC (Alex Rozengaus) Enterprise Blvd Allenwood, PA 17810	Gregg Township Union County	Union County Conservation District 155 N 15th Street Lewisburg, PA 17837-8822
PAD140085	Individual Permit	Issued	Salvation Baptist Church 3645 W College Ave State College, PA 16803	Ferguson Township Centre County	DEP, NCRO 208 W 3rd Street Suite 101 Williamsport, PA 17701
PAC040111	PAG-02 General Permit	Issued	Lakeside Village Partners, LP 361 Mars Valencia Road Mars, PA 16046	Economy Borough Beaver County	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
PAC040122	PAG-02 General Permit	Issued	Ambridge Senior Housing, LP 2450 Shenango Valley Freeway Hermitage, PA 16148	Ambridge Borough Beaver County	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
PAC110019A-1	PAG-02 General Permit	Issued	Greater Johnstown Water Authority 640 Franklin Street Johnstown, PA 15907	City of Johnstown Cambria County	Cambria County Conservation District 401 Candlelight Drive Suite 221 Ebensburg, PA 15931 (814) 472-2120
PAC110092	PAG-02 General Permit	Issued	M&G Realty, Inc. 2295 Susquehanna Trail Suite C York, PA 17404	Richland Township Cambria County	Cambria County Conservation District 401 Candlelight Drive Suite 221 Ebensburg, PA 15931 (814) 472-2120
PAC630122A-3	PAG-02 General Permit	Issued	Redevelopment Authority of the County of Washington 100 W. Beau Street Suite 603 Washington, PA 15301	South Franklin Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 (724) 705-7098
PAC630247	PAG-02 General Permit	Issued	Trinity Area School District 231 Park Avenue Washington, PA 15301	North Franklin Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 (724) 705-7098
PAC200086	PAG-02 General Permit	Issued	Bethesda Foundation for Children, Inc 15487 State Highway 86 Meadville, PA 16335	Woodcock Township Crawford County	Crawford County Conservation District 21742 German Road Meadville, PA 16335 814-763-5269

## NOTICES

<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>
PAC100270	PAG-02 General Permit	Issued	PTV 1251, LLC 400 Penn Center Boulevard Building 4 Suite 1000 Pittsburgh, PA 15235	Worth Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PA420001C	PAG-02 General Permit	Issued	Eldred Borough 3 Bennett Street Eldred, PA 16731	Eldred Borough McKean County	McKean County Conservation District 17137 Route 6 Smethport, PA 16749 814-887-4001
PAC250162	PAG-02 General Permit	Issued	Department of General Services 1800 Herr Street Harrisburg, PA 17103	Springfield Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC250161	PAG-02 General Permit	Issued	Department of General Services 1800 Herr Street Harrisburg, PA 17103	Summit Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC100271	PAG-02 General Permit	Issued	Butler Memorial Hospital One Hospital Way Butler, PA 16001	Butler Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC430070	PAG-02 General Permit	Issued	UPMC Corporate Construction 1211 Wilmington Avenue New Castle, PA 16105	Farrell City Mercer County	Mercer County Conservation District 24 Avalon Court Suite 300 Mercer, PA 16137 724-662-2242
PAC240025	PAG-02 General Permit	Issued	Mersen USA 1032 Trout Run Road Saint Marys, PA 15857	Saint Marys City Elk County	Elk County Conservation District 850 Washington Street Saint Marys, PA 15857 814-776-5373
PAC160041	PAG-02 General Permit	Issued	Rimersburg Borough Municipal Authority 27 Main Street Rimersburg, PA 16248	Toby Township Madison Township Clarion County	Clarion County Conservation District 217 S 7th Avenue Room 106A Clarion, PA 16214 814-297-7813
PAC160043	PAG-02 General Permit	Issued	PA American Water Company 203 Sycamore Street Punxsutawney, PA 15767	Clarion Borough Clarion Township Clarion County	Clarion County Conservation District 217 S 7th Avenue Room 106A Clarion, PA 16214 814-297-7813
PAC430071	PAG-02 General Permit	Issued	Farrell Area School District 1600 Roemer Boulevard Farrell, PA 16121	Farrell City Mercer County	Mercer County Conservation District 24 Avalon Court Suite 300 Mercer, PA 16137 724-662-2242

<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>
PAC680046	PAG-02 General Permit	Issued	PA DEP Bureau of Abandoned Mine Reclamation Maple Street Houtzdale, PA 16651	Gulich Township Ramey Borough Clearfield County	DEP, Bureau of Abandoned Mine Reclamation Waterways and Wetlands Program 286 Industrial Park Road Ebensburg, PA 15931 814-472-1800

## 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>
Daryl Martin-Layer Farm 204 Farmers Lane Myerstown, PA 17067	Lebanon	18	292.76	Layers	N/A	Approved
Richard W. Rutt 375 Nissley Road Mount Joy, PA 17552	Lancaster	84.1	465.44	Swine	HQ	Approved
Hershey Springs Farm LLC 2024 Donegal Springs Road Mount Joy, PA 17552	Lancaster	390.2	592.57	Pullets Steers Swine	HQ	Approved
Rohrer Dairy Farm LLC 124 Charlestown Road Washington Boro, PA 17582	Lancaster	1,165.3	2,972.5	Dairy	NA	Approved
Meadow Lane Dairy, LLC Geoffrey Rohrer 3392 Blue Rock Road Lancaster, PA 17603	Lancaster	864.2	1,287.71	Dairy Broilers	NA	Approved
Eugene Z Nolt 143 Kurtz Road New Holland, PA 17557	Lancaster	64	661.1	Swine Beef	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.

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### SAFE DRINKING WATER

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

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

**Permit No., 5122501**, Public Water Supply.  
 Applicant **NG 1500 Market Street, LLC**  
 1500 Market Street  
 Suite LM525  
 Philadelphia, PA 19102  
 Township City of Philadelphia  
 County **Philadelphia**  
 Type of Facility PWS  
 Consulting Engineer Jacobs Engineering Associates  
 1914 Mt Royal Boulevard  
 Glenshaw, PA 15116  
 Permit to Construct June 2, 2022  
 Issued

*Northeast Region: Safe Drinking Water Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, 570-826-2511.*

*Contact: Gillian Pehala, Clerical Assistant 2, 570-830-3077.*

**Permit No. 2660603**, Operation Permit, Public Water Supply.

Applicant **Scranton Hospital Company, LLC**  
 Regional Hospital of Scranton  
 746 Jefferson Avenue  
 Scranton, PA 18510  
 Municipality Tunkhannock Township  
 County **Wyoming**  
 Type of Facility Public Water Supply  
 Consultant Mr. Brent Berger, P.E.  
 President/CEO  
 Quad Three Group, Inc.  
 37 N. Washington Street  
 Wilkes-Barre, PA 18701  
 Permit Issued June 7, 2022  
 Description of Action Operations permit for CCT treatment per the Lead and Copper Rule.  
 Application Received February 9, 2021  
 Date

**Permit No. 3130990**, Operation Permit, Public Water Supply.

Applicant **Wen-Lehighon, LLC**  
 6254 Route 209  
 Stroudsburg, PA 18360  
 Municipality Mahoning Township  
 County **Carbon**  
 Type of Facility Public Water Supply  
 Consultant Mr. Thomas G. Pullar, P.E.  
 Senior Project Manager  
 Earthres Group, Inc.  
 P.O. Box 468  
 Pipersville, PA 18947  
 Permit Issued June 2, 2022  
 Description of Action Operations Permit for softener installation at Wen-Lehighon, LLC's Wendy's Lehighon Restaurant Water System.  
 Application Received April 27 and June 2, 2022  
 Date (corrected version)

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

**Construction Permit No. 2822501**, Public Water Supply.

Applicant **Beck Manufacturing**  
 9170 Molly Pitcher Highway  
 Greencastle, PA 17225  
 Municipality Antrim Township  
 County **Franklin**  
 Consulting Engineer Robert H. Schemmerling, P.E.  
 RHS Engineering, Inc.  
 2909 Conococheague Lane  
 Greencastle, PA 17225  
 Permit Issued July 1, 2022  
 Description Demonstration of 4-log treatment of viruses and installation of reverse osmosis for TDS removal.

**Construction Permit No. 0122506**, Public Water Supply.

Applicant **Panorama MHP LLC**  
P.O. Box 35  
Bowmansville, PA 17507

Municipality Oxford Township

County **Adams**

Consulting Engineer Charles A. Kehew II, P.E.  
James R. Holley &  
Associates, Inc.  
18 South George Street  
York, PA 17401

Permit Issued June 8, 2022

Description GWR 4-log, modification to the  
existing treatment system  
including the installation of  
contact tanks and a continuous  
analyzer.

**Construction Permit No. 3821510 MA, Minor Amendment**, Public Water Supply.

Applicant **Crestwood Equity  
Partners LP**  
P.O. Box 486  
Scheafferstown, PA 17088

Municipality Heidelberg Township

County **Lebanon**

Consulting Engineer Charles A. Kehew II, P.E.  
James R. Holley &  
Associates, Inc.  
18 South George Street  
York, PA 17401

Permit Issued May 19, 2022

Description Installation of a cartridge filter  
and UV light.

**Construction Permit No. 2222505 MA, Minor Amendment**, Public Water Supply.

Applicant **Pennsylvania American  
Water**  
852 Wesley Dr  
Mechanicsburg, PA 17055

Municipality South Hanover Township

County **Dauphin**

Consulting Engineer Scott L. Armbrust, P.E.  
Pennsylvania American Water  
852 Wesley Drive  
Mechanicsburg, PA 17055

Permit Issued June 10, 2022

Description Replacement of a diaphragm  
CCT chemical feed pump with a  
peristaltic pump.

**Construction Permit No. 0122506 MA, Minor Amendment**, Public Water Supply.

Applicant **Red Hill Enterprises**  
P.O. Box 35  
Bowmansville, PA 17507

Municipality Oxford Township

County **Adams**

Consulting Engineer Charles A. Kehew II, P.E.  
James R. Holley &  
Associates, Inc.  
18 South George Street  
York, PA 17401

Permit Issued June 8, 2022

Description New GWR 4-log system with  
contact tanks and chlorine  
analyzer.

**Construction Permit No. 2821524**, Public Water Supply.

Applicant **Antrim Township**  
10655 Antrim Church Road  
P.O. Box 130  
Greencastle, PA 17225

Municipality Antrim Township

County **Franklin**

Consulting Engineer N Peter Fleszar, P.E.  
Glace Associates, Inc.  
3705 Trindle Road  
Camp Hill, PA 17011

Permit Issued June 7, 2022

Description Installation of a sediment filter,  
GAC filter, additional sodium  
hypochlorite feed, chlorine  
contact piping, storage tanks,  
and other modifications.

**Construction Permit No. 2222505 MA, Minor Amendment**, Public Water Supply.

Applicant **Borough of Middletown**  
60 West Emaus Street  
Middletown, PA 17057

Municipality Middletown Borough

County **Dauphin**

Consulting Engineer Brendan J. West, P.E.  
Suez Water Pennsylvania Inc  
6310 Allentown Blvd  
Harrisburg, PA 17112

Permit Issued June 10, 2022

Description Upgrades and repainting of the  
Union Street Tank.

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

**Construction Permit No. 1421511**, Public Water Supply.

Applicant and Address **Walker Township  
Water Association**  
250 Nittany Valley Drive  
Bellefonte, PA 16823

Municipality Walker Township

County **Centre**

Consulting Engineer Jeff Garrigan, P.E.  
Herbert, Rowland & Grubic, Inc.  
2568 Park Center Boulevard  
State College, PA 16801

Permit Issued July 6, 2022

Description This permit authorizes the permittee to construct an above ground booster station to convey potable water from the Snydertown Pressure Zone to the Hecla/Zion Pressure Zone, relocate the Dietrich Road PRV, install booster chlorination treatment and replace approximately 26,000 linear feet of water line. All proposed equipment and facilities shall be NSF 61 certified. Chemicals used for disinfection shall be NSF 60 certified. The flow meter shall be 8" SITRANS FM electromagnetic flow meter MAG 5100 W. The 2 booster pumps shall be Grundfos Model CR 64-2-A-G-A-E-HQQE Vertical, multistage inline centrifugal booster pumps, 24.8 HP, 60 Hz, 300 gpm. Each pump will have a variable frequency drive. The chemical feed pump shall be a Pro Series-M Chem-Pro MC-2 Diaphragm Metering Pump. The chlorine analyzer shall be a HACH CL17 chlorine analyzer. A 55-gallon solution storage tank will be provided to mix a NaOCl solution. Appurtenances include check valves, gate valves, piping, control panel with SCADA communications system, pressure transmitter and pressure gauges.

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

**Permit No. 1122501**, Public Water Supply.

Applicant and Address **Summerhill DPP, LLC**  
9010 Overlook Boulevard  
Brentwood, TN 37027

Municipality Croyle Township

County **Cambria**

Type of Facility Water System

Consulting Engineer Moody and Associates, Inc.  
11548 Cotton Road  
Suite 101  
Meadville, PA 16336

Permit Issued June 2, 2022

**Permit No. 6522506MA, Minor Amendment.** Public Water Supply.

Applicant and Address **Municipal Authority of Westmorland County**  
124 Park and Pool Road  
New Stanton, PA 15672

Municipality Bell Township

County **Westmoreland**

Type of Facility Filtration

Permit Issued July 5, 2022

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

**Construction Permit No. 4922502MA**, Public Water Supply.

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

Municipality Turbotville Borough

County **Northumberland**

Consulting Engineer Scott M. Thomas, P.E.  
PA American Water Company  
852 Wesley Drive  
Mechanicsburg, PA 17055

Permit Issued July 6, 2022

Description This permit authorizes the water system to rehabilitate the 298,000-gallon Turbotville Tank 2 (North) Aquastore Tank. Please comply with the Special Conditions attached to the permit.

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

**Operation Permit No. 5014502** issued to: **Penn Township Municipal Authority**, 102 Municipal Building Road, Duncannon, PA 17020, **PWS ID No. 7500015**, Penn Township, **Perry County**, on June 30, 2022 for facilities approved under Construction Permit No. 5014502. Upgrades for the Sunshine Hill Water Treatment Plant including a new iron and manganese treatment system, a new 110,000 gallon storage tank, a booster pump station and distribution pipe replacements.

**Operation Permit No. 2814505** issued to: **Bear Valley Franklin County Pennsylvania Joint Authority**, 218 School House Road, St. Thomas, PA 17252, **PWS ID No. 7280043**, Peters Township, **Franklin County**, on June 22, 2022 for facilities approved under Construction Permit No. 2814505. Operation of five new water supply wells and 1.0 million gallon per day filter plant which will include, chemical oxidation, chemical coagulation, static mixing, flocculation, sedimentation, membrane filtration, UV light disinfection, sodium hypochlorite disinfection, clearwell, bulk loading station, and distribution infrastructure.

**Comprehensive Operation Permit No. 7010019** issued to: **Gettysburg Municipal Authority**, 601 East Middle Street, Gettysburg, PA 17325, **PWS ID No. 7010019**, Straban Township, **Adams County**, on June 9, 2022 for the operation of facilities approved under Construction Permit No. 0120506 MA. Replacement of the existing Heritage Land 1.0 MG storage tank with a 1.5 MG Elevated Tank.

**Operation Permit No. 2920502 MA** issued to: **Belfast Township Municipal Authority**, P.O. Box 330, Needmore, PA 17238, **PWS ID No. 4290004**, Belfast Township, **Fulton County**, on June 22, 2022 for facilities approved under Construction Permit No. 2920502 MA. Installation of a measuring control weir on the Gordon's Spring overflow.

**Comprehensive Operation Permit No. 4290306** issued to: **Pleasant Ridge Holdings, LLC**, 13408 Pleasant Ridge Road, Harrisonville, PA 17228, **PWS ID No. 4290306**, Todd Township, **Fulton County**, on June

7, 2022 for the operation of facilities at Tower Ridge Inn approved under Construction Permit No. 2921501. Addition of Well No. 2 as a new source of supply and the installation of chlorine oxidation for Fe & Mn removal.

**Operation Permit No. 3821502** issued to: **Yellow Breeches Education Center**, 1920 Horseshow Pike, Annville, PA 17003, **PWS ID No. 7380448**, Annville Township, **Lebanon County**, on June 3, 2022 for facilities approved under Construction Permit No. 3821502. Installation of a new treatment system including disinfection, Fe/Mn removal and nitrate removal.

**Comprehensive Operation Permit No. 7010066** issued to: **The York Water Company**, 130 East Market Street, York, PA 17401, **PWS ID No. 7010066**, Straban Township, **Adams County**, on May 11, 2022 for the operation of facilities at Amblebrook Water System submitted under Application No. 0122505 MA. Installation of a storage tank mixing system.

**Comprehensive Operation Permit No. 7220002** issued to: **GSP Management Co.**, P.O. Box 677, Morgantown, PA 19543, **PWS ID No. 7220002**, Londonderry Township, **Dauphin County**, on June 29, 2022 for the operation of facilities at Cedar Manor MHP submitted under Application No. 2222508 MA. Replacement of the Well No. 3 submersible pump.

**Transferred Comprehensive Operation Permit No. 7010316** issued to: **Vjas Hospitality LLC**, 2585 Biglerville Road, Gettysburg, PA 17325, **PWS ID No. 7010316**, Butler Township, **Adams County**, on May 9, 2022. Action is for a for Blue Sky Motel, Adams County for the operation of facilities previously issued to Vijay Vyas.

**Comprehensive Operation Permit No. 7220377** issued to: **Lower Dauphin School District**, 291 East Main Street, Hummelstown, PA 17036, Conewago Township, **Dauphin County**, on May 5, 2022 for the operation of facilities at Conewago Elementary School submitted under Application No. 7220377. Lead and Copper Rule—Water Quality Parameters.

**Transferred Comprehensive Operation Permit No. 7220930** issued to: **Tolani Enterprises, Inc.**, 514 Wisteria Drive, Moosic, PA 18507, **PWS ID No. 7220930**, Londonderry Township, **Dauphin County**, on May 25, 2022. Action is for a Change in Ownership for Ary's Mart, Dauphin County for the operation of facilities previously issued to Top-Star, Inc. Transfer of Ownership

**Transferred Comprehensive Operation Permit No. 7380428** issued to: **Crestwood Equity Partners LP**, 811 Main Street, Houston, TX 77002, **PWS ID No. 7380428**, Heidelberg Township, **Lebanon County**, on May 19, 2022. Action is for a Change in Ownership for Schaefferstown Terminal, Lebanon County for the operation of facilities previously issued to Plains LPG Services LP. Transfer of Ownership

**Transferred Comprehensive Operation Permit No. 7220015** issued to: **Veolia Water Pennsylvania, Inc.**, 6310 Allentown Blvd, Suite 104, Harrisburg, PA 17112, **PWS ID No. 7220015**, Susquehanna Township, **Dauphin County**, on June 22, 2022. Action is for a Change in Ownership for Harrisburg, Hummelstown and Penn State water systems, Dauphin County for the operation of facilities previously issued to SUEZ Water Pennsylvania. Transfer of Ownership.

**Operation Permit No. 0620507 MA** issued to: **East Penn Manufacturing Company**, P.O. Box 147, Deka Road, Lyon Station, PA 19536, **PWS ID No. 3060681**,

Richmond Township, **Berks County**, on July 1, 2022 for facilities submitted under Application No. 0620507 MA. Operation of cartridge filters and ultraviolet disinfection units.

**Transferred Comprehensive Operation Permit No. 4050004** issued to: **ETS Properties, LLC**, 2114 14th Avenue, Altoona, PA 16601, **PWS ID No. 4050004**, Bedford Township, **Bedford County**, on June 30, 2022. Action is for a Change in Ownership for Brookwood Countryside Mobile Home Park, Bedford County for the operation of facilities previously issued to ETS Properties, LLC. Transfer of PWS permits for PWS ID No. 4050004 to ETS Properties, LLC.

**Transferred Comprehensive Operation Permit No. 7280064** issued to: **Veolia Water Pennsylvania, Inc.**, 6310 Allentown Boulevard, Suite 104, Harrisburg, PA 17112, **PWS ID No. 7280064**, Hamilton Township, **Franklin County**, on June 22, 2022. Action is for a for Kensington System, for the operation of facilities previously issued to.

**Transferred Comprehensive Operation Permit No. 7360083** issued to: **Columbia Water Company**, 220 Locust Street, P.O. Box 350, Columbia, PA 17512, **PWS ID No. 7360083**, East Donegal Township, **Lancaster County**, on June 22, 2022. Action is for a Change in Ownership for East Donegal System, Lancaster County for the operation of facilities previously issued to Columbia Water Company. Transfer of permits for PWS ID No. 7360083 from East Donegal Township Municipal Authority to Columbia Water Company.

**Operation Permit No. 0622515 MA** issued to: **Western Berks Water Authority**, 91 Water Road, Sinking Spring, PA 19608, **PWS ID No. 3060066**, Lower Heidelberg Township, **Berks County**, on June 22, 2022 for facilities approved under Construction Permit No. 0622515 MA. Chlorine analyzer replacement.

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

**Operation Permit No. 4189506-T1** issued to: **Lycoming County Water & Sewer Authority**, 380 Old Cement Road, Montoursville, PA 17754, **PWSID No. 4189506-T1 & MA-GWR-T1**, Fairfield Township, **Lycoming County**, on July 11, 2022 for the operation of facilities approved under construction permit # 4189506 & GWR. Permit No. 4189506-T1—This permit originally approved operation of Twin Hills Well Nos. 1 and 2, transmission mains, four hydropneumatic tanks, a sodium hypochlorite disinfection system, and the distribution system. Only the sources are being transferred to Lycoming County Water & Sewer Authority—Village Water System (LCWSA). The remaining items, including transmission mains, four hydropneumatic tanks, a sodium hypochlorite disinfection system, and the distribution system, are specifically excluded from the transferred permit. Permit No. MA-GWR—This permit approved operation of treatment for 4-log inactivation of viruses, including eight 220-gallon detention tanks connected in series. This permit is not being transferred because the treatment facilities are no longer in operation.

**Operation Permit No. 4189506-T1** issued to: **Lycoming County Water & Sewer Authority**, 380 Old Cement Road, Montoursville, PA 17754, **PWSID No. 4410174**, Fairfield Township, **Lycoming County**, on July 11, 2022, for the operation of facilities approved under construction permit # 4189506. This permit designates Lycoming County Water & Sewer Authority's Twin Hills Well Nos. 1 and 2 as reserve sources.

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

**Operations Permit 0222523MA** issued to: **Wilkesburg Penn Joint Water Authority**, 2200 Robinson Boulevard, Pittsburgh, PA 15221, PWSID No. **2020056**, Penn Hills Borough, **Allegheny County**, on July 8, 2022 for the operation of facilities approved under construction permit 0222511MA for the rehabilitation of Filter No. 22.

**Operations Permit 0222524MA** issued to: **Wilkesburg Penn Joint Water Authority**, 2200 Robinson Boulevard, Pittsburgh, PA 15221, PWSID No. **2020056**, Penn Hills Borough, **Allegheny County**, on July 8, 2022 for the operation of facilities approved under construction permit 0222511MA for the rehabilitation of Filter No. 21.

**Operations Permit** issued to: **Greater Johnstown Water Authority**, 640 Franklin Street, Johnstown, PA 15901, PWSID No. **4110034**, Stoneycreek Township, **Cambria County**, on July 8, 2022 for the operation of facilities approved under permit # 1116504MA for the approximately 2,900 linear feet of 8-inch diameter waterline and appurtenances (Oakland Tank Waterline Project).

**Operations Permit** issued to: **Beaver Falls Municipal Authority**, 1425 8th Avenue, Beaver Falls, PA 15010, PWSID No. **5040012**, Borough of New Brighton and Big Beaver Borough, **Beaver County**, on July 11, 2011 for the operation of facilities approved under permit # 0422509WMP1 for two bulk water loading stations at the following locations: Sahli Water Treatment Plant (New Brighton Bulk Water Loading Station) and Pendale Road (Pendale Road Bulk Water Loading Station).

**Operations Permit** issued to: **Latrobe Municipal Authority**, 104 Guerrier Road, P.O. Box 88, Latrobe, PA 15650, PWSID No. **5650060**, Derry Township, **Westmoreland County**, on July 5, 2022 for the approval of the Latrobe Municipal Authority Kingston Filtration Plat 1-log Giardia Inactivation Calculations.

#### WATER ALLOCATIONS

**Actions taken on applications received under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth. Actions Taken on Water Allocation Permits or Orders of Confirmation Issued Under the Act of June 24, 1939 (P.L. 842, No. 365) (32 P.S. §§ 631—641) Relating to the Acquisition of Rights to Divert Waters of the Commonwealth.**

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

**WA-23-648A**, Succession to Water Rights. The Department has acknowledged that **Veolia Water Bethel, Inc.**, 2000 First State Blvd, Wilmington, DE 19804, Bethel Township, **Delaware County**, has given notice that it succeeded to all rights and obligations under the permit, issued to the former Suez Water Bethel Inc., Bethel Township, Delaware County, on October 4, 2021.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).**

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

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

The Department has received the following plans and reports:

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

**Former Defense Supply Center Philadelphia (DSCP) and Former Passyunk Homes**, 2990 B South 20th Street, Philadelphia, PA 19145, City of Philadelphia, **Philadelphia County**. Meredith Braverman, ARCADIS U.S., Inc., 1700 North Orange Street, Suite 411 and 412, Wilmington, DE 19801 on behalf of Bradley Clawson, DLA Installation Management, 8725 John J. Kingman Road, Suite 2639, Fort Belvoir, VA 22060 submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of site groundwater contaminated with petroleum products (leaded gasoline, aviation gasoline and jet fuel). The report is intended to document remediation of the site to meet the site-specific standard.

**Philadelphia Coke Plant**, 4501 Richmond Street, Philadelphia, PA 19137, City of Philadelphia, **Philadelphia County**. Daniel P. Sheehan, PE, Arcadis U.S., Inc., 824 North Market Street, Suite 820, Wilmington, DE 19801 on behalf of Brian M. Stearns, National Grid, 300 Erie Boulevard West, Syracuse, NY 13202 submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning the remediation of site soil and groundwater contaminated with PAHs, metals and VOCs. The report is intended to document remediation of the site to meet the site-specific standard.



**Cornerstone Automotive**, 1301 Chester Pike, Crum Lynne, PA 19022, Ridley Township, **Delaware County**. Paul White, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Brian Hoffman, Cornerstone Automotive, 1301 Chester Pike, Crum Lynne, PA 19022 submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide health standard.

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

**MCC Partners (West) Pad—Unit 18H**, Primary Facility ID # **859314**, 324 Strobe Road, Burgettstown, PA 15021, Jefferson Township, **Washington County**. EnviroTrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Range Resources—Appalachia, LLC, 3000 Town Center Boulevard, Canonsburg, PA 15317, has submitted a Final Report concerning remediation of site soils contaminated with Fluorene, Indeno(1,2,3-cd)pyrene, 2-Methylnaphthalene, Phenanthrene, Pyrene, Benzene, sec-Butylbenzene, tert-Butylbenzene, Cyclohexane, Ethylbenzene, Isopropylbenzene (Cumene), Naphthalene, Phenol, Toluene, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Xylenes, Acenaphthene, Anthracene, Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(g,h,i)perylene, 1,1-Biphenyl (Diphenyl), Chrysene, Fluoranthene. The report is intended to document remediation of the site to meet the residential 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:

*Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 194010.*

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

**8362-8380 State Road**, 8362-8380 State Road, Philadelphia, PA 19136, City of Philadelphia, **Philadelphia County**. David Berry, The Vertex Companies, Inc., 2501 Seaport Drive, Suite BH 110, Chester, PA 19013 on behalf of Lucie McDonald, JRM Developers, 9525 Frankford Avenue, Philadelphia, PA 19114 submitted a Final Report concerning the remediation of site soil contaminated with naphthalene. The Report was reviewed by the Department which issued a technical deficiency letter on June 24, 2022.

**2201 Hunter Road (Proposed Lot A and Proposed Lot C)**, 2201 Hunter Road, Bristol, PA 19007, Bristol Borough, **Bucks County**. Richard S. Werner, PG, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Seppi Colloredo-Mansfeld, Cabot Properties, Inc., One Beacon Street, Suite 2800, Boston, MA 02108 submitted a Final Report concerning the remediation of site soil contaminated with benzo(b)fluoranthene. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on June 24, 2022.

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

**Former T-Mobile Store**, 5411 Carlisle Pike, Mechanicsburg, PA 17050, Hampden Township, **Cumberland County**. BL Companies, 2601 Market Place, Suite 350, Harrisburg, PA 17110, on behalf of Carlisle Retail, LLC, 1775 Hancock Street, Suite 200, San Diego, CA 92110, submitted a Remedial Investigation Report and Cleanup Plan concerning the remediation of site soil contaminated with leaded/unleaded gasoline. The Remedial Investigation Report and Cleanup Plan was approved by the Department on July 5, 2022.

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

**Hattie N 2H on the Hattie BRA Pad**, 211 Dietz Road, Sugar Run, PA 18846, Wilmot Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1373,

Camp Hill, PA 17001, on behalf of Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, has submitted a Final Report concerning remediation of site soil contaminated with produced water. The Final report demonstrated attainment of the residential Statewide health standard and was approved by the Department on July 5, 2022.

**Linski BRA Pad**, 214 Edinger Hill Road, Laceyville, PA 18623, Tuscarora Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill PA 17001, on behalf of Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, has submitted a Final Report concerning remediation of site soil contaminated with produced water. The Final report demonstrated attainment of the residential Statewide health standard and was approved by the Department on July 11, 2022.

**Northern Central Bank # 9 Well Pad**, North Camp Road, La Jose, PA 15753, Chest Township, **Clearfield County**. Moody and Associates, Inc., 1720 Washington Road, Suite 100, Washington, PA 15301, on behalf of Greylock Conventional, LLC, 500 Corporate Landing, Charleston, WV 25311, has submitted a Final Report concerning remediation of site soil contaminated with production fluid. The Final Report demonstrated attainment of the Background and Statewide health standards and was approved by the Department on July 8, 2022.

**Dynamic Frac Services Release**, 5413 Route 154, Forksville, PA 18616, Elkland Township, **Sullivan County**. Penn Environmental & Remediation, Inc., 13180 Route 6, Mansfield, PA 16933, on behalf of Dynamic Frac Services, LLC, 301 Kaliste Saloom Road, Suite 401, Lafayette, LA 70508, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel, motor oil, hydraulic fluid and production mud. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on July 11, 2022.

**Cowan Systems Diesel Spill Site**, I80 Westbound Mile Run Exit Ramp (Exit 199), Lewisburg, PA 17837, West Buffalo Township, **Union County**. Letterle & Associates, Inc., 2022 Axemann Road, Suite 201, Bellefonte, PA 16823 on behalf of Cowan Systems, LLC, 4555 Hollins Ferry Road, Baltimore, MD 21227, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the residential Statewide health standard and was approved by the Department on July 8, 2022.

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

**CNX GH 84 Well Pad**, Primary Facility ID # **858996**, Pettit Road, Sycamore, PA 15364, Washington Township, **Greene County**. Penn Environmental & Remediation, 111 Ryan Court, Pittsburgh, PA 15205, on behalf of CNX Gas Company, LLC, 1000 Consol Energy Drive, Canonsburg, PA 15317, has submitted a Final Report concerning remediation of site soil contaminated with brine. The Final Report demonstrated attainment of the Background Standard and was approved by the Department on July 8, 2022.

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

**Parker Hannifin Corporation (201 Titusville Road)**, 201 Titusville Road, Union City, PA 16438, Borough of Union City, **Erie County**. AECOM Technical

Services, Inc., 5438 Wade Park Boulevard, Suite 200, Raleigh, NC 27607, on behalf of Parker-Hannifin Corporation, 5035 Parkland Boulevard, Cleveland, OH 44124, submitted a Cleanup Plan concerning the remediation of site groundwater contaminated with 1,1-DCE, cis-1,2-DCE, methylene chloride, TCE and VC. The Cleanup Plan was approved by the Department on July 7, 2022.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Action(s) Taken on Hazardous Waste Transporter License Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); and Hazardous Waste Regulations to Transport Hazardous Waste.**

*Central Office: Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.*

#### *New Transporter Licenses Issued*

**Covanta Environmental Solutions Ontario, Inc.**, 260 Shoemaker St., Kitchener, ON N2E 3E1. License No. **PA-AH 0923**. Effective July 06, 2022.

#### *Transporter Licenses Reissued*

**ACV Environmental Services, Inc.**, 1500 Rahway Ave, Avenel, NJ 07001. License No. **PA-AH 0339**. Effective July 12, 2022.

**Maumee Express, Inc.**, P.O. Box 278, Somerville, NJ 08876. License No. **PA-AH 0420**. Effective July 6, 2022.

**Terra First, LLC**, P.O. Box 1617, Vernon, AL 35592. License No. **PA-AH 0803**. Effective July 11, 2022.

**Basin Transportation, LLC**, 130 Express Lane, McAlester, OK 74501. License No. **PA-AH 0848**. Effective July 11, 2022.

## AIR QUALITY

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

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

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

**GP1-45-001: Tobyhanna Army Depot**, 11 Hap Arnold Boulevard, Tobyhanna, PA 18466-5002, was issued on July 5, 2022, for the operation of two (2) 15.12 MMBtu/hr natural gas-fired boilers at their facility located in Coolbaugh Township, **Monroe County**.

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

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

**GP3-05-05023A: New Enterprise Stone & Lime Co., Inc.**, P.O. Box 77, 3912 Brumbaugh Road, New Enterprise, PA 16664, on July 7, 2022, for portable nonmetallic mineral crushing equipment, under GP3, at the Ashcom quarry located in Snake Spring Township, **Bedford County**.

**GP3-06-03191: The H & K Group, Inc.**, 2052 Lucon Road, P.O. Box 196, Skippack, PA 19474, on July 8, 2022,

for portable nonmetallic mineral crushing equipment, under GP3, at the Alston construction site located in Ontelaunee Township, **Berks County**.

**GP9-06-03191: The H&K Group, Inc.**, 2052 Lucon Road, P.O. Box 2052, Skippack, PA 19747, on July 8, 2022, for one diesel-fired engine, under GP9, to power portable nonmetallic mineral crushing equipment, at the Alston construction site located in Ontelaunee Township, **Berks County**.

**GP11-36-03215C2: Mellott Company**, 100 Mellott Drive, Warfordsburg, PA 17267, on July 12, 2022, for the installation and operation of five nonroad engines, including 4 existing engines and 1 replacement engine, under GP11, to power portable nonmetallic mineral processing equipment, at the Cedar Hill Quarry located in Fulton Township, **Lancaster County**.

**GP14-22-03106: Minnich Family Funeral Homes, Inc.**, 311 Deaven Road, Harrisburg, PA 17111, on July 7, 2022, for a human crematory, under GP14, at the funeral home located in Williams Township, **Dauphin County**.

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

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

*Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.*

**23-0003AF: Monroe Energy, LLC**, 4104 Post Road, Trainer, PA 19061, on July 11, 2022, a plan approval was issued to replace the reactor of the existing Fluid Catalytic Cracking Unit. The proposed replacement of the reactor is a minor source modification located in Trainer Borough, **Delaware County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

*Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.*

**23-0223: LCP Generation Partners, LP**, 1701 N Radnor Chester Road, Ste 101, Radnor, PA 19087-5281. On July 6, 2022, an extension for the installation and temporary operation of a 2 MW combined heat and power (CHP) system in Radnor Township, **Delaware County**.

**15-0110B: Pepperidge Farm, Inc.**, 421 Boot Road, Downingtown, PA 19335. On July 6, 2022, for the installation and operation of two (2) 25-ton capacity use bins for deliveries of flour to Pepperidge Farm, Inc. Each use bin has bin-vent filters to prevent loss of flour to the atmosphere at their facility located in Downingtown Borough, **Chester County**.

**09-0196K: Abington Reldan Metals, LLC**, 550 Old Bordertown Road, Fairless Hills, PA 19030-4510. On July 8, 2022, for the replacement of existing Acid Room NO<sub>x</sub> Scrubber (Source ID C10) with a new NO<sub>x</sub> Scrubber (Source ID C21) in Falls Township, **Bucks County**.

**09-0196N: Abington Reldan Metals, LLC**, 550 Old Bordertown Road, Fairless Hills, PA 19030. On July 8, 2022, for the installation and operation of a new thermal destructor, located 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 July 5, 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.

**34-05002A: Texas Eastern Transmission, LP**, 5400 Westheimer Court, Houston, TX 77056, on July 8, 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.

**36-05015H: Dart Container Corporation of PA**, 60 East Main Street, Leola, PA 17540, on July 12, 2022, for the construction of new extrusion and thermoforming lines and construction of new equipment for the recycling of consumer EPS scrap at the facility located in Upper Leacock Township, **Lancaster County**. The plan approval was extended.

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

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

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

**65-00693: USA Valley Landfill, Inc.**, 6015 Pleasant Valley Road, Irwin, PA 15642, on July 8, 2022 a Title V Operating Permit renewal to USA Valley Landfill, Inc. for their facility located in Penn Township, **Westmoreland County**.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

*Southcentral Region: Air Quality Program, 909 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.*

**36-05093: New Enterprise Stone & Lime Co., Inc.**, 3580 Division Highway, East Earl, PA 17519-9217, on July 5, 2022, for the stone crushing, asphalt and concrete

plants at the Kurtz Quarry located in East Cocalico Township, **Lancaster County**. The State-Only permit was renewed.

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

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

**04-00751: Valmont Pittsburgh Galvanizing/Valmont Coatings, Inc.**, 9 South 12th St., Midland, PA 15059. On July 11, 2022, the Department issued an initial natural minor State Only Operating Permit for a facility that cleanses iron and steel, then galvanizes a zinc coating onto iron and steel via immersion into a liquid zinc bath. The Operating Permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements at the facility located in Midland Borough, **Beaver County**.

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

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

**03-00125: Peoples Gas Company LLC Valley Station**, 375 North Shore Drive, Suite 600, PA 15212. On July 7, 2022 the Department issued a State Only Operating Permit for compression and transfer of natural gas located in Cowanshannock Township, **Armstrong County**. The subject facility consists of two natural gas compressor engines (1—660 hp and 1,1775 hp), 1 emergency generator rated at 276 hp, 1—1.0 MMBtu dehydrator, and fugitive emissions. The 2021 Annual Emission Summary (TPY) for the Valley Station is: 9.31 CO, 19.19 NO<sub>x</sub>, 28.57 VOC, 3.95 HAPs, 0.94 PM, 0.041 SO<sub>x</sub>, 424.45 Methane, and 10,655.7 Carbon Dioxide. The facility is a synthetic minor and is subject to State Regulations and Federal Regulations (40 CFR Part 60 JJJJ, OOOOa and Part 63 ZZZZ). The permit includes additional operation requirements, monitoring requirements, and recordkeeping requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**25-00891: Corry Fabrication, LLC**, 21 Maple Avenue, Corry, PA 16407-1630. On June 14, 2022, the Department issued a renewal of the synthetic minor Operating Permit for the facility located in the City of Corry, **Erie County**. The emitting sources include liquid and powder coating paint booths, ovens, laser cutters, a boiler, and a degreaser unit. With the removal of Source 107 (liquid paint Booths # 1, # 2, and # 4) which were replaced by powder coating booths, the facility has reduced VOC emissions and is no longer a synthetic minor. The application indicates the Potential emissions are: 8.0 TPY PM<sub>10</sub>; 0.6 TPY PM<sub>2.5</sub>; 0.05 TPY SO<sub>x</sub>; 8.4 TPY NO<sub>x</sub>; 46.4 TPY VOC; 7.1 TPY CO; and 0.9 TPY HAPs. The actual 2021 emissions were: 0.78 TPY PM<sub>10</sub>; 0.07 TPY PM<sub>2.5</sub>; 0.38 TPY VOC; 0.01 TPY SO<sub>x</sub>; 0.98 TPY NO<sub>x</sub>; 0.82 TPY CO; and 0.01 TPY HAPs. The facility is subject to applicable VOC content limits, recordkeeping, and work practices of 25 Pa. Code §§ 129.52a and 129.52d for surface coating.

*Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA. 19104-4543.*

*Contact: Edward Wiener, Chief, Source Registration at 215-685-9426.*

The City of Philadelphia, Air Management Services (AMS) issued on July 7, 2022 an initial Synthetic Minor (State Only) Operating Permit for the following facility:

**OP20-000059: S.D. Richman Sons, Inc.**, 2435 Wheat-sheaf Lane, Philadelphia, PA 19137, on July 7, 2022, was issued an initial Synthetic Minor (State Only) Operating Permit, for the operation of scrap materials shredding facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources are the shredder and the associated units, including an infeed conveyor, an under-mill oscillator, a magnet feed conveyor, two vibratory feeders, a non-ferrous stockpile conveyor, a ferrous conveyor, a sorting conveyor, and a radial conveyor. The shredder and the associated units are operated using electricity. The plant can process up to 70 tons per hour of scrap materials, including ferrous and non-ferrous materials.

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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.**

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

*Contact: Janine Tulloch-Reid, New Source Review Chief—Telephone: 484-250-5920.*

**46-00101: Sonoco Metal Packaging, LLC**, 431 Privet Road, Horsham, PA 19044-1220. On July 5, 2022, the Operating Permit was amended in accordance with 25 Pa. Code Sections 127.450(a)(4) and 127.464 to change ownership of the permit from Ball Metalpack Aerosol Container LLC to Sonoco Metal Packaging LLC for an aerosol container and metal can manufacturing facility in Horsham Township, **Montgomery County**.

**15-00128: Brandywine Green DBA Pet Memorial Services**, 126 Turner Lane, West Chester, PA 19380. On July 7, 2022, an amendment was issued to incorporate the requirements of Plan Approval No. 15-0128A, which was issued for the installation of three (3) B&L Crematories in West Goshen Township, **Chester County**.

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

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

**10-00368: Markwest Liberty Bluestone LLC Bluestone Gas Processing Plant**, 440 Hartmann Road, Evans City, PA 16033-3212. On June 29, 2022, the Department issued an administrative amendment to the Title V Operating Permit to incorporate the conditions from plan approval 10-368G into the permit for the facility located in Jackson Township, **Butler County**.

**16-00035: Commodore Homes of PA Colony Crafted Homes**, 3636 North Central Avenue, Suite 1200, Phoenix, AZ 85012-1927. The Department on June 22, 2022 issued an administrative amendment of the State Only Operating Permit for the facility located in Paint Township, **Clarion County**. The amendment incorporates the change of ownership to Cavco Industries and updates the responsible official and permit contact.

**25-01038: Lord Corporation Erie Plant**, 2455 Robison Road West, Erie, PA 16509-4675. The Department on May 4, 2022 issued an administrative amendment of the State Only Operating Permit for the facility located in Summit Township, **Erie County**. The amendment incorporates the change of responsible official.

**32-00394: Beyond the Sunset Pet Crematory**, 498 Ben Franklin Road South, Indiana, PA 15701-2342. The

Department on April 7, 2022 issued an administrative amendment of the State Operating Permit for the facility located in Erie City, **Erie County**. The amendment incorporates the change of ownership.

**33-00185: Columbia Gas Transmission, LLC Iowa Compressor Station**, 455 Racetrack Road, Washington, PA 15301. The Department on May 5, 2022 issued an administrative amendment of the State Only Operating Permit for the facility located in Pine Creek Township, **Jefferson County**. The amendment incorporates the change of responsible official and permit contact.

**42-00028: Ardagh Glass**, 1 Glass Place, Port Allegany, PA 16743-1154. The Department on April 11, 2022, issued an administrative amendment of the Title V Operating Permit for the facility located in Port Allegany Borough, **McKean County**. The amendment incorporates the change of responsible official and permit contact.

**43-00310: NLMK Pennsylvania, LLC Farrell Plant**, 15 Roemer Boulevard, Farrell, PA 16121-2201. The Department on June 27, 2022 issued an administrative amendment of the Title V Operating Permit for the facility located in Farrell City, **Mercer County**. The amendment incorporates the change of responsible official.

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### De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

*Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.*

**23-00009: The Boeing Company—Boeing Co Phila/Ridley Park Pa Fac**, Intersection of Stewart Ave and Route 291, Ridley Township, PA 19078. Pursuant to 25 Pa. Code § 127.449(i), this *Pennsylvania Bulletin* Notice is for the De Minimis emissions increase resulting from fugitive emissions from a coating operation not performed in the paint booths at their facility in **Delaware County**. This is first De Minimis emissions increase at the facility during the term of the current Title V Operating Permit issued March 2, 2021. The Department hereby approves the De Minimis emission increase.

The following table is a list of the De Minimis emission increases as required by 25 Pa. Code § 127.449(i). This list includes the De Minimis emission increases since the State Only Operating Permit issuance on March 2, 2021

Date	Source	PM <sub>10</sub> (tons)	SO <sub>x</sub> (tons)	NO <sub>x</sub> (tons)	VOC (tons)	CO (tons)
June 13, 2022	Painting outside Paint Booth	0.006	0	0	0.001	0
Total Reported Increases		0.006	0	0	0.001	0
Allowable		0.6 ton/ source 3 tons/ facility	1.6 ton/ source 8 tons/ facility	1 ton/ source 5 tons/ facility	1 ton/ source 5 tons/ facility	4 tons/ source 20 tons/ facility

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## ACTIONS ON COAL AND NONCOAL APPLICATIONS

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**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

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

**Mining Permit No. 32160101. NPDES No. PA0279498. P&N Coal Co., Inc.**, P.O. Box 332, Punxsutawney, PA 15767, renewal for reclamation only of a bituminous surface mine in Banks and Burnside Townships, **Indiana County and Clearfield County**, affecting 82.3 acres. Receiving streams: unnamed tributaries to Cush Creek, classified for the following use: CWF. Application received: April 14, 2022. Permit issued: July 6, 2022.

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191, RA-EP KNOX@pa.gov, (Contact: Cayleigh Boniger).*

**Mining Permit No. 33010107. NPDES Permit No. PA0242012. Waroquier Coal Company**, P.O. Box 128, Clearfield, PA 16830. Revision to an existing bituminous surface mine to change the post-mining land use from Non-Commercial Forestland to Unmanaged Natural Habitat on the David Starr (formally Ivan D. Starr and Ivan D. and Beverly Starr) properties in Snyder Township, **Jefferson County**, affecting 348.0 acres. Receiving streams: Unnamed tributaries to Rattlesnake Creek and Rattlesnake Creek, classified for the following uses: CWF. Application received: March 31, 2022. Permit issued: June 6, 2022.

**Mining Permit No. 61120107. NPDES Permit No. PA0259331. Hillside Stone, LLC**, 4080 Sandy Lake Road, Sandy Lake, PA 16145. Transfer of an existing bituminous surface mine in Irwin Township, **Venango County**, affecting 62.7 acres. Receiving streams: Un-

named tributary to Scrubgrass Creek, classified for the following uses: CWF. Application received: November 2, 2021. Permit issued: June 29, 2022.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, RA-EP PottsvilleDMO@pa.gov, (Contact: Theresa Reilly-Flannery).*

**Mining Permit No. 54100201. Kuperavage Enterprises, Inc.**, P.O. Box 99, Middleport, PA 17953, renewal of an anthracite coal refuse reprocessing, coal refuse disposal and preparation plant operation in Blythe Township, **Schuylkill County**, affecting 86.5 acres. Receiving stream: Schuylkill River. Application received: January 10, 2019. Renewal issued: July 11, 2022.

**Mining Permit No. PAM117040. Kuperavage Enterprises, Inc.**, P.O. Box 99, Middleport, PA 17953, coverage under the General NPDES Stormwater Permit for stormwater discharges associated with mining activities (BMP-GP-104) on Surface Mining Permit No. 54100201 in Blythe Township, **Schuylkill County**, receiving stream: Schuylkill River. Application received: January 10, 2019. Coverage issued: July 11, 2022.

#### *Noncoal Permits*

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

**Mining Permit No. 21950301. NPDES No. PA0279536. Maurer & Scott Sales, Inc.**, 122 E Thomas St., Coopersburg, PA 18036-2100, renewal of an NPDES permit associated with a large noncoal mine in Southampton Township, **Cumberland County**, affecting 106 acres. Receiving streams: Yellow Breeches Creek, classified for the following use: HQ-CWF. Application received: March 30, 2022. Permit issued: July 6, 2022.

**Mining Permit No. 4975SM5. NPDES No. PA0612430. Glen-Gery Corp.**, 1166 Spring Street, Wyomissing, PA 19610, renewal of NPDES permit, Oxford Township, **Adams County**. Receiving stream: unnamed tributary to South Branch Conewago Creek classified for the following use: WWF. Application received: April 27, 2022. Permit issued: July 7, 2022.

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191, RA-EP KNOX@pa.gov, (Contact: Cayleigh Boniger).*

**Mining Permit No. 37940305. Slippery Rock Materials, Inc.**, 704 Golf Course Road, Volant, PA 16156, Revision to an existing large industrial mineral surface mine to merge with Surface Mining Permit No. 37060303 and transfer from Troy Sand and Gravel, Inc. in Plain Grove Township, **Lawrence County**, affecting 46.5 acres. Receiving stream: Unnamed tributary to Taylor Run, classified for the following use: CWF. Application received: October 25, 2021. Permit issued: June 15, 2022.

**GP-104 No. PAM621008. Slippery Rock Materials, Inc.**, 704 Golf Course Road, Volant, PA 16156, Coverage under General NPDES Permit for stormwater discharges (MBP GP-104) associated with mining activities on Surface Mining Permit No. 37940305 in Plain Grove Township, **Lawrence County**. Receiving stream: Unnamed tributary to Taylor Run, classified for the following use: CWF. Application received: October 25, 2021. Permit issued: June 15, 2022.

**Mining Permit No. 10000305. NPDES No. PA0241792. Three Rivers Aggregates, LLC**, 321 Currie Road, Slippery Rock, PA 16057, Renewal of an NPDES permit associated with a large noncoal surface mining permit in Worth Township, **Butler County**, affecting

125.0 acres. Receiving stream: Black Run and an unnamed tributary to Black Run, classified for the following use: CWF. Application received: February 25, 2022. Permit issued: July 5, 2022.

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

**Mining Permit No. 08212503. GP-104 No. PAM221026. Johnson Quarries, Inc.**, P.O. Box 136, LeRaysville, PA 18829. Commencement, operation, and restoration of a GP-105 (industrial minerals) operation located in Tuscarora Township, **Bradford County**, affecting 5.0 acres. Receiving stream(s): Unnamed tributary to Mill Creek classified for the following use(s): CWF, MF. Application received: October 28, 2021. Permit Issued: July 07, 2022.

**Mining Permit No. 17062802. NPDES No. PA0269956. Cynthia E. Russell**, 2640 Greenville Pike, Grampian, PA 16838. NPDES Permit to provide for storm water discharges from a small noncoal operation in Pike Township, **Clearfield County**, affecting 5.0 acres. Receiving stream(s): Roaring Run, tributary to West Branch Susquehanna classified for the following use(s): HQ-CWF. Application received: October 28, 2021. Permit Issued: July 7, 2022.

**Mining Permit No. 4775SM14. NPDES No. PA0115525. Hanson Aggregates Pennsylvania, LLC**, 7660 Imperial Way, Allentown, PA 18195, renewal of an NPDES permit for a large noncoal mining site located in Lamar Township, **Clinton County**, affecting 163.2 acres. Receiving stream(s): Long Run and Fishing Creek classified for the following use(s): HQ-CWF, MF and CWF. Application received: August 23, 2021. Permit Issued: June 27, 2022.

### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

#### *Blasting Permits*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118, RA-EP PottsvilleDMO@pa.gov, (Contact: Theresa Reilly-Flannery).*

**Permit No. 52224001. Northeast Blasting**, 403 Middle Creek Road, Honesdale, PA 18431, construction blasting for Red Cap Holdings House Foundation & Electric Line in Palmyra Township, **Pike County**. Permit issued: July 6, 2022. Permit Expires: June 27, 2023.

### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of Sections 301–303, 306 and 307 of

the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), and that the construction will not violate applicable Federal and State Water Quality Standards.

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

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

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

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

*Contact: Gillian Pehala, Clerical Assistant 2, 570-830-3077.*

**E5402221-007. Rangers Hose Company**, 6 East Ogden Street, P.O. Box 1, Girardville, PA 17935, Girardville Borough, **Schuylkill County**, Army Corps of Engineers Baltimore District.

To maintain a fill area that is approximately 60-feet-long by 67-feet-wide in the floodway of Mahanoy Creek (CWF, MF) for the purpose of public safety. Latitude: 40° 47' 35", Longitude: -76° 17' 43". Application received date: December 22, 2021. Issued date: June 30, 2022.

**E3502222-004. Department of Conservation and Natural Resources**, Rachel Carson State Office Building, P.O. Box 8451, Harrisburg, PA 17105-8451, Thornhurst Township, **Lackawanna County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a 12-foot wide, single-span, modular steel truss, steel deck with asphalt overlay, bridge across Sand Spring Run (EV, MF) having approximately a 68-foot span and a 2.5-foot underclearance. Concrete abutments, concrete wingwalls, and abutment rip rap protection will be utilized and fill will be placed within the floodway for the roadway approaches. Approximately 0.043 acre of PFO wetland will be permanently

impact with the project. The project is located in a State Forest on DCNR property along an existing trail (Thornhurst, PA Quadrangle Latitude: 41° 11' 3.2"; Longitude: -75° 36' 44.2") in Thornhurst Township, Lackawanna County. Application received date: February 10, 2022. Issued date: July 11, 2022.

**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 normal clear 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 Phippen 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 SR 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).

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

*Contact: Dana Drake.*

**E0205220-035, Oakmont Borough**, 767 Fifth Street, Oakmont PA 15139, Oakmont Borough, **Allegheny County**; Army Corps of Engineers Pittsburgh District.

The applicant has been given consent to:

Construct, operate and maintain two types of river access: an able-bodied access ramp (90 LF) and ADA compliant switchback access ramp (415 LF) and boat platform (230 SQ FT) along the left descending bank of the Allegheny River (WWF). Permanent impacts will include 5,150 SQ FT within the floodway and along 25 LF of this same water course. For the purpose of facilitating recreational, non-motorized boating access to the Allegheny River. The project site is located 1045 Allegheny Avenue, Oakmont, PA 15139 (New Kensington West, PA USGS topographic quadrangle; N: 40°, 31', 44"; W: -79°, 50', 28"; Sub-basin 18A; USACE Pittsburgh District), in Oakmont Borough, Allegheny County.

**E6505222-002, PA Game Commission**, 2001 Elmerston Avenue, Harrisburg, PA 17110, Saint Clair Township, **Westmoreland County**; Army Corps of Engineers Pittsburgh District.

The applicant has been given consent to:

1. Construct and maintain a 50-foot long by 14-foot wide steel superstructure bridge over Sugar Run (CWF) with an under clearance of 4.5 feet; and

2. Temporarily impact 35 linear feet of watercourse for a temporary bridge stream crossing.

For the purpose of replacing an existing ford crossing along an existing access road for vehicular access. The project will permanently impact 50 linear feet of watercourse and temporarily impact 35 linear feet of watercourse. The project site is located within State Game Lands # 042. (New Florence, PA USGS topographic quadrangle; N: 40°, 23', 9.528"; W: -79°, 00', 59"; Sub-basin 18D; USACE Pittsburgh District), in Saint Clair Township, Westmoreland County.

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

**E3706222-001, New Castle Area Transit Authority**, 311 Mahoning Avenue, New Castle, PA 16102, NCATA Bus Storage Building, in New Castle City, **Lawrence County**, Army Corps of Engineers Pittsburgh District (New Castle South, PA Quadrangle N: 40°, 58', 58"; W: -80°, 21', 18").

Construct and maintain an approximately 18,000 square feet bus storage facility including utilities, parking, access drives, and all necessary stormwater controls within the 100-year flood plain of the Shenango River just east of the existing NCATA facility along Mahoning Avenue (New Castle South, PA Quadrangle N: 40.982777°; W: -80.355000°) in New Castle City, Lawrence County.

**E2706220-021, David Pollock**, 8800 Clark Road Extension, Erie, PA 16510, Pollock Floodwall, in Hickory Township, **Forest County**, Army Corps of Engineers Pittsburgh District (Kellestville & Cobham, PA Quadrangle N: 41°, 37', 31"; W: -79°, 21', 44").

Operate and maintain a concrete floodwall/stream bank retaining wall measuring approximately 74 feet long along the right bank of East Hickory Creek (HQCWF) extending downstream of the Queen Pumping Station Road bridge (Kellestville and Cobham, PA Quadrangles N: 41°, 37', 31"; W: -79°, 21' 44") in Hickory Township, Forest County.

**E4306222-001, Hermitage City**, 800 N Hermitage Road, Hermitage, PA 16148, Hermitage Elementary School Culvert Extension, in City of Hermitage, **Mercer County**, Army Corps of Engineers Pittsburgh District (Sharon East, PA Quadrangle N: 41°, 14', 20"; W: -80°, 27', 03").

Remove and replace an existing 30-foot long, 36-inch diameter culvert with a 38-foot long 36-inch diameter CMP culvert and maintain an existing 91-foot long, 48-inch diameter RCP culvert as part of the rehabilitation and widening of the existing Artman Elementary/Delahunty Middle School driveway extending west of SR 18 over Pine Hollow Run resulting in permanent impact

to approximately 480 square feet (0.1 acre) of watercourse and 4,700 square feet (0.11 acre) of floodway (Sharon East, PA Quadrangle N: 41.23888°; W: -80.45063°) in Hermitage City, Mercer County.

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, 400 Market Street, 2nd Floor, Harrisburg, PA 17101, 717-787-3411.*

**EA0115221-001. Gettysburg Borough Stormwater Authority**, 59 East High Street, Gettysburg, PA 17325, Gettysburg Borough, **Adams County**, U.S. Army Corps of Engineers Baltimore District.

Approval of restoration plans to remove approximately 3,900 cubic yards of legacy sediment and redistribute the excavated material within floodplain areas along unnamed tributaries to Rock Creek, also known as Culps Run (WWF, MF), for the purpose of restoring approximately 3.62 acres of natural aquatic resources; to realign approximately 2,900 linear feet of stream channels for the purpose of restoring watercourses; to place rock stream and valley grade control structures; to place log sills, woody debris, and other habitat structures within the restoration areas; to construct rock construction entrances, temporary stream crossings, cofferdams, and other erosion controls during restoration activities. The restoration project is located within the floodplain of Culps Run tributaries beginning downstream of the East Confederate Avenue in the Gettysburg National Military Park (USGS Quadrangle: Gettysburg, PA: Latitude: 39.828271°; Longitude: -77.223888°). Approved on June 25, 2022.

#### 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.



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

ESCGP-3 # ESX170650001-01/Winslow Impoundment to  
Winslow TWL

Applicant Name XTO Energy  
Contact Person Melissa Breitenbach  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
Municipality Oliver Township and McCalmont Township  
County Jefferson  
Receiving Stream(s) and Classification(s) Little Sandy  
Creek CWF Middle Branch Little Sandy Creek CWF

ESCGP-3 # ESG080322002-00/Callen to Limestone Run  
Pipeline

Applicant Name Snyder Bros, Inc.  
Contact Person Dave Ohara  
Address P.O. Box 1022; One Glad Park East  
City, State, Zip Kittanning, PA 16201  
Municipality East Franklin Township  
County Armstrong  
Receiving Stream(s) and Classification(s) Tributary 47124  
to Allegheny River WWF Tributary 47107 to Limestone  
Run WWF

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

ESCGP-3 # ESG290822017-00  
Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins  
Address 14 Chesapeake Lane  
City, State, Zip Sayre, PA 18840  
Municipality Litchfield Township  
County Bradford  
Receiving Stream(s) and Classification(s) UNT to Bullard  
Creek (CWF, MF)

ESCGP-3 # ESG295920007-01  
Applicant Name Clean Energy Exploration & Production,  
LLC

Contact Person Robert VanBlargan  
Address 2620 Egypt Road  
City, State, Zip Norristown, PA 19403  
Municipality Delmar Township  
County Tioga  
Receiving Stream(s) and Classification(s) Campbells Run  
(HQ-CWF, MF)  
Secondary: Pine Creek (EV)

ESCGP-3 # ESG290822019-00  
Applicant Name Blackhill Energy, LLC

Contact Person Matthew Pitts  
Address 4600 J. Barry Ct., Suite 220  
City, State, Zip Canonsburg, PA 15317  
Municipality Smithfield Township  
County Bradford  
Receiving Stream(s) and Classification(s) West Branch  
Tomjack Creek (TSF, MF), UNT to West Branch  
Tomjack Creek (TSF, MF)

ESCGP-3 # ESG290822015-00  
Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins  
Address 14 Chesapeake Lane  
City, State, Zip Sayre, PA 18840  
Municipality Tuscarora Township  
County Bradford  
Receiving Stream(s) and Classification(s) Little Tuscarora  
Creek (CWF, MF)

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 2

**The following plans and reports were submitted  
under the Storage Tank and Spill Prevention Act  
(35 P.S. §§ 6021.101—6021.2104).**

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

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

**Iannello Bros**, 51-43010, 2700 S. 15th St., Philadelphia, PA 19145, **City of Philadelphia**. Petrodi LLC, 5 Elmwood Drive, Tabernacle, NJ 08088, on behalf of Iannello Brothers, 2700 S. 15th Street, Philadelphia, PA 19145 submitted a Remedial Action Plan 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.

**Amar Energy**, 09-20649, 188 State Rd., Bensalem, PA 19020, Bensalem Township, **Bucks County**. August Mack Environmental, 806 Fayette Street, Conshohocken, PA 19428, on behalf of Tioga Fuels, 188 State Rd., Bensalem, PA 19020 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet site-specific standards.

**Park Towne Place Apt**, 51-24532, 2200 Benjamin Franklin Pkwy, **City of Philadelphia**. TRC Environmental Corporation, 1801 Market St, Suite 1380, Philadelphia, PA 19130, on behalf of Apartment Income REIT Corp., 4582 South Ulster Parkway, Suite 1700, Denver, CO 80237, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet site-specific standards.

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

*Contact: Kim Bontrager, Clerical Assistant 3.*

**Sunoco 0363 9200**, Storage Tank Facility ID # **32-24181**, 1165 Wayne Avenue, Indiana, PA 15701, Indiana Borough, **Indiana County**. Groundwater & Environmental, Inc., 508 Thomson Park Drive, Cranberry Township, PA 16066, on behalf of Evergreen Resources Group, LLC, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, submitted a combined Remedial Action Plan and Remedial Action Completion Report concerning remediation of groundwater and soil contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the site-specific standard.

**Wayne Pumps**, Storage Tank Facility ID # **32-81999**, 1194 Wayne Avenue, Indiana, PA 15701, White Township, **Indiana County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Robert Benkowski, 119 Crane Road, Clearwater, FL 33764, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with leaded and 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.*

**Phila G Street Term**, 51-33516, 4210 G St., Philadelphia, PA 19124, **City of Philadelphia**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of MIPC, LLC, a subsidiary of Monroe Energy, 920 Cherry Tree Road, Aston, PA 19014, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with ethanol. The report demonstrated attainment of nonresidential site-specific standards and was approved by DEP on June 27, 2022.

**Exxon RS 2 5092**, 09-06930, 300 S. West End Blvd, Quakertown, PA 18951, Quakertown Borough, **Bucks County**. Arcadis U.S., Inc., 6041 Wallace Road Ext., Suite 300, Wexford, PA 15090, on behalf of ExxonMobil Environmental and Property Solutions Company, 875 West Poplar Avenue, Suite 23, # 353, Collierville, TN 38017, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report did not meet nonresidential Statewide health and site-specific standards and was disapproved by DEP on June 24, 2022.

**LK Burket & Bros**, 23-29858, 147 Pennsylvania Avenue, Wayne, PA 19087, Radnor Township, **Delaware County**. REPSG, Inc., 6901 Kingsessing Avenue, Wayne, PA 19087, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with leaded/unleaded gasoline and diesel fuel. The report did not demonstrate nonresidential site-specific standards and was disapproved by DEP on June 23, 2022.

**USA Gas**, 15-43350, 999 E. Lincoln Hwy., Coatesville, PA 19320, City of Coatesville, **Chester County**. Marshall Geoscience, Inc., 170 E. First Avenue, Collegeville, PA 19426, on behalf of Gordon Mano Gulf, 999 E. Lincoln Hwy., Coatesville, PA 19320, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The report is acceptable to document remediation of the site to meet nonresidential Statewide health and site-specific standards and was approved by DEP on June 29, 2022.

**Dileos Auto SVC**, 46-22320, 2233 W. Main St, Norristown, PA 19403, West Norriton Township, **Montgomery County**. August Mack Environmental, 806 Fayette Street, Conshohocken, PA 19428, on behalf of HTAS, Inc., 2233 W. Main St., Norristown, PA 19403, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is acceptable to

document remediation of the site to meet nonresidential Statewide health standards and was approved by DEP on July 8, 2022.

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

*Contact: Eric Supey, Environmental Program Manager.*

**Former Speedway # 6711**, Storage Tank ID # **39-23152**, 1518 South Fourth Street, Allentown, PA 18103, Allentown City, **Lehigh County**. EMS Environmental, 4550 Bath Pike, Bethlehem, PA 18017, on behalf of Speedway LLC, 500 Speedway Drive, Enon, OH 45323, submitted a revised Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The Remedial Action Completion Report demonstrated attainment of a combination of site specific and Statewide health standards and was approved by DEP on July 12, 2022.

*Northcentral Region: Environmental Cleanup & Brownfields Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3636.*

*Contact: Randy Farmerie, Environmental Program Manager.*

**Former Sand Hill Terminal # 0050-1700**, Storage Tank Facility ID # **41-31701**, 140 Terminal Road, Montoursville, PA 17754, Loyalsock Township, **Lycoming County**. Aquaterra Technologies, Inc., 901 South Bolmar Street, Suite A, West Chester, PA 19382, on behalf of Evergreen Resources Group, LLC, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Remedial Action Plan was acceptable to meet the site-specific standard and was approved by DEP on July 7, 2022.

**Former Sheetz Store 165**, Storage Tank Facility ID # **53-06321**, 208 South Main Street, Coudersport, PA 16915, Coudersport Borough, **Potter County**. EnviroTrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 16365, on behalf of Sheetz Incorporated, 351 Sheetz Way, Claysburg, PA 16625, submitted a Remedial Action Plan concerning remediation of groundwater contaminated with unleaded gasoline. The Remedial Action Plan was acceptable to meet the Statewide health standard and was approved by DEP on June 9, 2022.

**Rich Oil Company**, Storage Tank Facility ID # **49-25326**, 1072 Point Township Drive, Northumberland, PA 17857, Northumberland Borough, **Northumberland County**. Quad Three Group, Inc., 37 North Washington Street, Wilkes-Barre, PA 16701, on behalf of Rich Oil Company/Rich Tank Lines, 1072 Point Township Drive, Northumberland, PA 17857, submitted a Revised Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline and diesel fuel. The Remedial Action Completion Report demonstrated attainment of the Statewide health standard and was approved by DEP on July 11, 2022.

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

*Contact: Kim Bontrager, Clerical Assistant 3.*

**Ashland Branded Market 962044**, Storage Tank Facility ID # **10-00829**, 264 Ekastown Road, Sarver, PA 16055, Buffalo Township, **Butler County**. Antea USA, Inc., 535 Route 38, Suite 203, Cherry Hill, NJ 08002, on behalf of Ashland, LLC, 500 Hercules Road, Wilmington,

DE 19808, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Remedial Action Completion Report demonstrated attainment of the site-specific standard and was approved by DEP on July 12, 2022.

**Leomart**, Storage Tank Facility ID # **43-91566**, 854 Perry Highway, Mercer, PA 16137, East Lackawanna Township, **Mercer County**. Letterle & Associates, 191 Howard Street, Suite 108, Franklin, PA 16323 on behalf of Leomart, LLC, 854 Perry Highway, Mercer, PA 16137, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline constituents. The Remedial Action Plan was acceptable to meet the Statewide health standard and was approved by DEP on July 12, 2022.

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## SPECIAL NOTICES

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### WASTE, AIR, RADIATION AND REMEDIATION

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#### Title V Operating Permit Renewal.

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

**Permit No. 46-00010: Covanta Plymouth Renewable Energy, LLC (CPRE)**, 1155 Conshohocken Road, Conshohocken, PA 19428, in Plymouth Township, **Montgomery County**. This is a notice of receipt of a Title V Operating Permit renewal application from CPRE. The Pennsylvania Department of Environmental Protection received the application on May 23, 2022.

CPRE operates a waste to energy facility consisting of two municipal waste combustors (MWC) designed to combust 600 tons per day of municipal solid waste. Each MWC is equipped with air pollution control equipment to reduce emissions of hydrogen chloride, mercury, nitrogen oxides, particulate matter, sulfur oxides and volatile organic compounds. The facility has a diesel-fired internal combustion engine for emergency power. CPRE has installed new auxiliary burners on the MWCs and a boiler fire suppression system within the past five years.

The facility reported in 2021 57.43 tpy CO, 0.0034 ton/yr Pb, 80.16 tpy HCl, 591.13 tpy NO<sub>x</sub>, 0.0022 tpy Hg, 1.02 tpy PM<sub>10</sub>, 0.54 tpy PM<sub>2.5</sub>, 82.33 tpy SO<sub>x</sub>, and 2.52 tpy VOC.

The MWCs are subject to Federal requirements under 40 CFR Part 60 Subparts Cb and Eb, and the internal combustion engine is subject to 40 CFR Part 63 Subpart ZZZZ.

The renewal operating permit will contain monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. The facility is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

Copies of the application, supplemental review material, and announcements on opportunities for public participation will be posted to the project web page at [www.dep.pa.gov/southeast>communityinformation>Covanta](http://www.dep.pa.gov/southeast>communityinformation>Covanta).

**WATER PROGRAMS**  
**REQUEST FOR COMMENT**

**Proposed Total Maximum Daily Loads (TMDLs) for  
the Shippens Run Watershed in Dauphin County.**

*Central Office: Bureau of Clean Water, P.O. Box 8774,  
Harrisburg, PA 17105-8774.*

The Department of Environmental Protection will accept comments on the proposed "TMDLs" developed for the Shippens Run Watershed under Section 303(d) of the Clean Water Act. The Pennsylvania Integrated Water Quality Monitoring and Assessment Report included stream segments listed as impaired for aquatic life in the watershed. The impairments addressed by this document were caused by excessive siltation due to agriculture.

There currently are no state or Federal in-stream numerical water quality criteria for sediment. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. The proposed TMDL document sets allowable loading of sediment in the Shippens Run Watershed. The "TMDLs" included allocations for nonpoint sources, reserves for point sources, as well as margin of safety factors. Nonpoint source load allocations were made for cropland, hay/pasture land and streambank source sectors present in the watershed. Data used in establishing the TMDL were primarily generated using a water quality analysis model (Model My Watershed) made available through the Stroud Water Research Center.

The following table shows the estimated current sediment loadings within the watershed, the prescribed "TMDL" values, and % reductions needed under annual average conditions.

<i>Summary of "TMDL" -Based Load Reductions (expressed as annual averages) in the Shippens Run Watershed</i>				
<i>Watershed</i>	<i>Pollutant</i>	<i>Existing Load (lbs/yr)</i>	<i>"TMDL" (lbs/yr)</i>	<i>% Reduction</i>
Shippens Run	Sediment	1,026,054	398,533	61

The following table shows the estimated current sediment loading within the watershed, the prescribed "TMDL" values, and % reductions needed under 99th percentile daily loading conditions.

<i>Summary of "TMDL" -Based Load Reductions (expressed as 99th percentile daily loading) in the Shippens Run Watershed</i>				
<i>Watershed</i>	<i>Pollutant</i>	<i>Existing Load (lbs/d)</i>	<i>"TMDL" (lbs/d)</i>	<i>% Reduction</i>
Shippens Run	Sediment	41,884	16,081	62

The proposed TMDL document can be viewed at: <http://www.dep.state.pa.us/dep/deputate/watermgt/wqp/wqstandards/tmdl/ShippensRunSedimentTMDL.pdf>.

Otherwise, copies of the proposed TMDL document or supporting information may be requested by emailing Michael Morris at [michamorri@pa.gov](mailto:michamorri@pa.gov) or calling him at 717-772-5670.

Written/typed comments will be accepted at the previously listed email address. While emailed comments are preferable, written comments may also be sent by mail to:

Michael Morris, Water Program Specialist  
Bureau of Clean Water  
Pennsylvania Department of Environmental Protection  
Rachel Carson State Office Building  
400 Market Street  
Harrisburg, PA 17105

Comments must be submitted within 30-days after publication of this notice in the July 23, 2022 issue of the *Pennsylvania Bulletin*. The Department will consider all written/typed comments submitted within the deadline prior to submitting the final TMDL document to EPA for approval.

**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).

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

**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.**

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

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

**E4183222-001. Transcontinental Gas Pipe Line Company, LLC**, Park Place Corporate Center Two, 2000 Commerce Drive, Pittsburgh, PA 15275. Loyalsock Township, **Lycoming County**, U.S. Army Corps of Engineers Baltimore District.

To restore, stabilize and maintain a 455-foot reach of Mill Creek (TSF, MF) with work involving installing two articulated concrete mats, installing grade control structures, installing rip-rap armoring, removing instream accumulated gravels, and bank and floodway grading for the purpose of protecting two 24-inch diameter natural gas transmission pipelines (Leidy Line A and B).

The proposed project impacts include a total of 0.001 acre (23 linear feet) of temporary impacts and 0.24 acre (455 linear feet) of permanent impacts to Mill Creek and its UNT (TSF, MF); 0.51 acre temporary impacts and 0.68 acre of permanent impacts to floodways; and 0.04 acre of temporary impacts to EV PEM wetlands.

The project is located 0.26 mile southwest of the intersection of Walters Rd and Warrensville Road (Montoursville North USGS Quadrangle Map, Latitude: 41.279118°; Longitude: -76.935060°) Loyalsock Township, Lycoming County.

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**Citizens for Pennsylvania's Future v. Commonwealth of Pennsylvania, Department Of Environmental Protection and Department of Transportation; EHB Docket No. 2021-114-B.**

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**Notice of Settlement of NPDES Permit Appeal Under 25 Pa. Code § 92A.88.**

*Central Office: Bureau of Clean Water, P.O. Box 8774, Harrisburg, PA 17105-8774.*

The previously listed matter involved the appeal of a National Pollutant Discharge Elimination System (NPDES) permit to discharge stormwater from a Small Municipal Separate Storm Sewer System (MS4), Permit No. PAI139601 (MS4 Permit), which was issued to the Pennsylvania Department of Transportation (PennDOT) on October 29, 2021.

The Department of Environmental Protection's (Department's) final action to resolve this appeal was a settlement as reflected by a Stipulation of Settlement filed with the Environmental Hearing Board at Docket No. 2021-114-B. In the MS4 Permit, the Department, *inter alia*, required PennDOT to submit Pollutant Reduction Plans (PRPs) that would reduce discharges of pollutants from PennDOT's MS4 to the Ohio, Delaware and Lake Erie watersheds by a uniform percentage for each watershed. The MS4 Permit further provided PennDOT with the option of combining those watersheds in one PRP and reducing or increasing reductions in each watershed so long as the total overall reduction was equal to the sum of the original uniform percentage reductions (the "Option"). Citizens for Pennsylvania's Future challenged, *inter alia*, the Option provided to PennDOT in the MS4 Permit.

The Stipulation of Settlement entered into by the parties provided that PennDOT will not utilize the Option when developing and submitting its PRPs to the Department for approval; instead it will make the same percentage of reductions in each watershed. The Stipulation of Settlement further provides that when the Department acts to modify the MS4 Permit to incorporate the final,

approved PRP(s), the Department will acknowledge that the challenged Option was unavailable to PennDOT pursuant to the Stipulation of Settlement. The MS4 Permit remains unchanged.

A full copy of the Stipulation of Settlement may be reviewed by accessing the Environmental Hearing Board docket, Docket No. 2021-114-B, at <https://ehb.courtapps.com>. Copies of the Stipulation of Settlement are also in the possession of Christopher L. Ryder, Assistant Counsel, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4270. Copies of the full Stipulation of Settlement may be reviewed by an interested person on request during normal business hours.

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**Citizens for Pennsylvania's Future v. Commonwealth of Pennsylvania, Department of Environmental Protection and Pennsylvania Turnpike Commission; EHB Docket No. 2021-115-B.**

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**Notice of Settlement of NPDES Permit Appeal Under 25 Pa. Code § 92A.88.**

*Central Office: Bureau of Clean Water, P.O. Box 8774, Harrisburg, PA 17105-8774.*

The previously listed matter involved the appeal of a National Pollutant Discharge Elimination System (NPDES) permit to discharge stormwater from a Small Municipal Separate Storm Sewer System (MS4), Permit No. PAI139602 (MS4 Permit), which was issued to the Pennsylvania Turnpike Commission (Commission) on October 29, 2021.

The Department of Environmental Protection's (Department's) final action to resolve this appeal was a settlement as reflected by a Stipulation of Settlement filed with the Environmental Hearing Board at Docket No. 2021-115-B. In the MS4 Permit, the Department, *inter alia*, required the Commission to submit Pollutant Reduction Plans (PRPs) that would reduce discharges of pollutants from the Commission's MS4 to the Ohio and Delaware watersheds by a uniform percentage for each watershed. The MS4 Permit further provided the Commission with the option of combining those watersheds in one PRP and reducing or increasing reductions in each watershed so long as the total overall reduction was equal to the sum of the original uniform percentage reductions (the "Option"). Citizens for Pennsylvania's Future challenged, *inter alia*, the Option provided to the Commission in the MS4 Permit.

The Stipulation of Settlement entered into by the parties provided that the Commission will not utilize the Option when developing and submitting its PRPs to the Department for approval; instead it will make the same percentage of reductions in each watershed. The Stipulation of Settlement further provides that when the Department acts to modify the MS4 Permit to incorporate the final, approved PRP(s), the Department will acknowledge that the challenged Option was unavailable to the Commission pursuant to the Stipulation of Settlement. The MS4 Permit remains unchanged.

A full copy of the Stipulation of Settlement may be reviewed by accessing the Environmental Hearing Board docket, Docket No. 2021-115-B, at <https://ehb.courtapps.com>. Copies of the Stipulation of Settlement are also in the possession of Christopher L. Ryder, Assistant Counsel, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4270. Copies

of the full Stipulation of Settlement may be reviewed by an interested person on request during normal business hours.

[Pa.B. Doc. No. 22-1099. Filed for public inspection July 22, 2022, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Cleanup Standards Scientific Advisory Board Meeting Rescheduled

The August 17, 2022, meeting of the Cleanup Standards Scientific Advisory Board (Board) has been rescheduled to Thursday, August 11, 2022. The meeting will begin at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Individuals may attend the meeting in person or remotely. Individuals interested in providing public comments during the meeting are encouraged to sign up prior to the start of the meeting by contacting Michael Maddigan at mmaddigan@pa.gov or (717) 772-3609.

Information on how to join the meeting remotely, as well as agenda and meeting materials, will be available on the Board's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Cleanup and Brownfields," then "Cleanup Standards Scientific Advisory Board," then "Agendas and Handouts").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the August 11, 2022, meeting can be directed to Michael Maddigan at mmaddigan@pa.gov or (717) 772-3609.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-1566 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.

RAMEZ ZIADEH,  
*Acting Secretary*

[Pa.B. Doc. No. 22-1100. Filed for public inspection July 22, 2022, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Health Policy Board Meeting

The Health Policy Board (Board) of the Department of Health (Department), established by section 401.1 of the Health Care Facilities Act (act) (35 P.S. § 448.401a), will meet on Wednesday, August 10, 2022, at 2 p.m. in Room 812, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120. Individuals may also join the meeting by means of Microsoft Teams by calling (267) 332-8737, conference ID 747 389 117# or by using the following link: [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_NzI4NjU5NjUtOTU4Yi00ZTg2LTk3M2EtZjdmNzY4ZTBiYTVM%40thread.v2/0?context=%7b%22Tid](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NzI4NjU5NjUtOTU4Yi00ZTg2LTk3M2EtZjdmNzY4ZTBiYTVM%40thread.v2/0?context=%7b%22Tid)

%22%3a%22418e2841-0128-4dd5-9b6c-47fc5a9a1bde%22%2c%220id%22%3a%2245d9a1e5-e0fe-4592-8346-a2fead3ef6af%22%7d.

The purpose of this meeting is to consult with the Board on the Department's draft final-form long-term care nursing regulations, as required under section 803 of the act (35 P.S. § 448.803) and to discuss other programmatic and Departmental activities.

For further information regarding the meeting, interested persons should contact Faith Haeussler, Director of Intergovernmental Affairs, at (717) 736-9402.

For additional information or for persons with a disability who wish to attend the meeting and require auxiliary aid, service or other accommodation to do so, contact Faith Haeussler, Director of Intergovernmental Affairs at the previously listed number. For speech and/or hearing-impaired persons, call V/TT (717) 783-6514 or the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

DR. DENISE A. JOHNSON,  
*Acting Secretary*

[Pa.B. Doc. No. 22-1101. Filed for public inspection July 22, 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 § 201.22(e), (h) and (j) (relating to prevention, control and surveillance of tuberculosis (TB)):

Meadows Nursing and Rehabilitation Center  
4 East Center Hill Road  
Dallas, PA 18612  
FAC ID # 137302

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(j):

Patriot, A Choice Community  
495 West Patriot Street  
Somerset, PA 15501  
FAC ID # 167902

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

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

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

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously

listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DENISE A. JOHNSON,  
*Acting Secretary*

[Pa.B. Doc. No. 22-1102. Filed for public inspection July 22, 2022, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee established under 20 Pa.C.S. § 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund), will hold a public meeting on Thursday, August 4, 2022, from 10 a.m. to 1:30 p.m. The purpose of the meeting is to review progress in the area of organ and tissue donation in this Commonwealth, recommend education and awareness activities, recommend priorities in expenditures from the Organ and Tissue Donation Awareness Fund (Fund) and advise the Acting Secretary of Health on matters relating to the administration of the Fund. The meeting will be conducted virtually using Microsoft Teams. Participants may join the meeting by dialing (267) 332-8737 and entering conference ID #: 552930708. Contact the Organ Donation Program at (717) 787-5876 or ra-dhorgandonation@pa.gov with any questions regarding connecting to the meeting.

For additional information or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Amy Flaherty, Director, Division of Nutrition and Physical Activity, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA, (717) 787-5876, 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).

This meeting is subject to cancellation without notice.

DR. DENISE A. JOHNSON,  
*Acting Secretary*

[Pa.B. Doc. No. 22-1103. Filed for public inspection July 22, 2022, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); WIC Advisory

The WIC Advisory will meet on August 4, 2022, from 2 p.m. to 3 p.m. The purpose of this meeting is to establish the WIC Advisory and set priorities for working with the Commonwealth WIC Program. Connection information is listed as follows.

Individuals can join at [https://teams.microsoft.com/l/meet-up-join/19%3ameeting\\_NTVmNTI0YTQtM2NhNi00YzlmLTJhZTgtNzI2YmIyZmY4N2Ri%40thread.v2/0?context=%7b%22Tid%22%3a%22418e2841-0128-4dd5-9b6c-47fc5a9a1bde%22%2c%22Oid%22%3a%2245d9a1e5-e0fe-4592-](https://teams.microsoft.com/l/meet-up-join/19%3ameeting_NTVmNTI0YTQtM2NhNi00YzlmLTJhZTgtNzI2YmIyZmY4N2Ri%40thread.v2/0?context=%7b%22Tid%22%3a%22418e2841-0128-4dd5-9b6c-47fc5a9a1bde%22%2c%22Oid%22%3a%2245d9a1e5-e0fe-4592-8346-a2fead3ef6af%22%7d)

8346-a2fead3ef6af%22%7d, or call (267) 332-8737, United States, Philadelphia, PA. The phone conference ID is 707 359 632#.

The meeting will be recorded so if individuals choose to attend, they are consenting to being recorded. Individuals should not attend the meeting if they do not wish to be recorded.

Questions about the WIC Advisory may be submitted by e-mail to the Department of Health at ra-dhwicadvisory@pa.gov.

Persons with a disability who require an alternative format of this listing (for example, large print, audiotape, Braille) should contact the Department of Health, Bureau of WIC, 625 Forster Street, 7th Floor West, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

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

#### USDA Nondiscrimination Statement:

In accordance with Federal civil rights law and the USDA civil rights regulations and policies, the USDA, its agencies, offices and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by the USDA.

Persons with disabilities who require alternative means of communication for program information (for example, Braille, large print, audiotape, American Sign Language), should contact the agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact the USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint>, and at any USDA office, or write a letter addressed to the USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to the USDA by mail to the United States Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410, fax (202) 690-7442, program.intake@usda.gov.

This institution is an equal opportunity provider.

DR. DENISE A. JOHNSON,  
*Acting Secretary*

[Pa.B. Doc. No. 22-1104. Filed for public inspection July 22, 2022, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board (Board), established under section 1252 of the Federal Traumatic

Brain Injury Act of 1996 (42 U.S.C.A. § 300d-52), will hold a public meeting on Friday, August 5, 2022, from 10 a.m. to 3 p.m. The meeting will be held in person in the Dauphin Conference Room, Pennsylvania Training and Technical Assistance Network, 6340 Flank Drive, Harrisburg, PA 17112.

Meeting materials will be sent out before the meeting and will also be available on the Board's web site at <https://www.health.pa.gov/topics/disease/Pages/Traumatic-Brain-Injury.aspx>, and at the meeting location. Contact Nicole Johnson at [njohnson@pa.gov](mailto:njohnson@pa.gov) with any questions.

The Department of Health's (Department) Head Injury Program (HIP) strives to ensure that eligible individuals who have a traumatic brain injury receive high quality rehabilitative services aimed at reducing functional limitations and improving quality of life. The Board assists the Department in understanding and meeting the needs of persons living with traumatic brain injury and their families. This quarterly meeting will provide updates on a variety of topics including the number of people served by HIP. In addition, meeting participants will discuss budgetary and programmatic issues, community programs relating to traumatic brain injury and available advocacy opportunities.

For additional information or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Nicole Johnson, Division of Community Systems Development and Outreach, (717) 772-2763, or for speech and/or hearing-impaired persons, contact V/TT (717) 783-6514 or the Pennsylvania Hamilton Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

DR. DENISE A. JOHNSON,  
*Acting Secretary*

[Pa.B. Doc. No. 22-1105. Filed for public inspection July 22, 2022, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Application for Disposing of Excess Land

Under 67 Pa. Code § 495.4(d) (relating to application procedure), the Department of Transportation is disposing of excess land located at 830 Bridge Street, Philadelphia, PA 19124, Philadelphia County, approximately 1,227 ± square feet/hectares, adjacent to LR 1080 Sections 1RW.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions or objections regarding the approval of this application to Louis Belmonte, PE, District Executive, Engineering District 6.0, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525.

Questions regarding this application or the proposed use may be directed to Barbara DiCianno, Right of Way Administrator, 7000 Geerdes Boulevard, King of Prussia, PA 19406, (610) 205-6504.

YASSMIN GRAMIAN,  
*Secretary*

[Pa.B. Doc. No. 22-1106. Filed for public inspection July 22, 2022, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Application for Disposing of Excess Land

Under 67 Pa. Code § 495.4(d) (relating to application procedure), the Department of Transportation is disposing of excess land located at 835 Granite Street, Philadelphia, PA 19124, Philadelphia County, approximately 1.172 ± square feet/hectares, adjacent to LR 1080 Section 1RW.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions or objections regarding the approval of this application to Louis Belmonte, PE, District Executive, Engineering District 6.0, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525.

Questions regarding this application or the proposed use may be directed to Barbara DiCianno, Right of Way Administrator, 7000 Geerdes Boulevard, King of Prussia, PA 19406, (610) 205-6504.

YASSMIN GRAMIAN,  
*Secretary*

[Pa.B. Doc. No. 22-1107. Filed for public inspection July 22, 2022, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Application for Disposing of Excess Land

Under 67 Pa. Code § 495.4(d) (relating to application procedure), the Department of Transportation is disposing of excess land located at 837 Granite Street, Philadelphia, PA 19124, Philadelphia County, approximately 1,037 ± square feet/hectares, adjacent to LR 1080 Section 1RW.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions or objections regarding the approval of this application to Louis Belmonte, PE, District Executive, Engineering District 6.0, 7000 Geerdes Boulevard, King of Prussia, PA, 19406-1525.

Questions regarding this application or the proposed use may be directed to Barbara DiCianno, Right of Way Administrator, 7000 Geerdes Boulevard, King of Prussia, PA 19406, (610) 205-6504.

YASSMIN GRAMIAN,  
*Secretary*

[Pa.B. Doc. No. 22-1108. Filed for public inspection July 22, 2022, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### State Transportation Innovation Council Business Meeting

The State Transportation Innovation Council will hold its business meeting on Wednesday, July 27, 2022, from



9 a.m. to 12 p.m. at the Pennsylvania Emergency Management Agency Building, 1310 Elmerton Avenue, Harrisburg, PA 17110. For more information, including an agenda and registration, contact Anja Walker, (717) 425-6288, anjwalker@pa.gov.

YASSMIN GRAMIAN,  
*Secretary*

[Pa.B. Doc. No. 22-1109. Filed for public inspection July 22, 2022, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### August Meeting Rescheduled

The August 16, 2022, meeting of the Environmental Quality Board (Board) has been rescheduled to Tuesday, August 9, 2022. The meeting will begin at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Individuals may attend the meeting in person or remotely.

Information on how to join the meeting remotely, as well as agenda and meeting materials, will be available on the Board's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Environmental Quality Board," then "2022 Meetings").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the August 9, 2022, meeting can be directed to Laura Griffin at [laurgriffi@pa.gov](mailto:laurgriffi@pa.gov) or (717) 772.3277.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-3277 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

RAMEZ ZIADEH,  
*Chairperson*

[Pa.B. Doc. No. 22-1110. Filed for public inspection July 22, 2022, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or it can be viewed at the Commission's web site at [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
10-219	Department of Health Medical Marijuana	6/13/22	7/21/22
7-565	Environmental Quality Board Coal Refuse Disposal Revisions	6/16/22	7/21/22
7-558	Board of Coal Mine Safety Prohibiting Electronic Liquid-Vaporizing Devices at Underground Bituminous Coal Mines	6/16/22	7/21/22
7-544	Environmental Quality Board Control of VOC Emissions from Unconventional Oil and Natural Gas Sources	6/16/22	7/21/22
16A-4634	State Board of Dentistry Fees	7/7/22	8/18/22
57-332	Pennsylvania Public Utility Commission Diversity Reporting for Major Jurisdictional Utilities; Notice of Proposed Rulemaking	6/16/22	7/21/22

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 22-1111. Filed for public inspection July 22, 2022, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Alleged Violation of Insurance Laws; Jennifer Kern; Doc. No. SC22-07-007

Notice is hereby given of the Order to Show Cause issued on July 12, 2022, by the Deputy Insurance Commissioner in the previously-referenced matter. Violations of the following are alleged: sections 611-A(2), (6), (17)

and (20) and 678-A(b) of The Insurance Department Act of 1921 (40 P.S. §§ 310.11(2), (6), (17) and (20) and 310.78(b)).

The respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If the respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—588 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Adminis-

trative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102, ra-hearings@pa.gov.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joseph Korman, Agency ADA Coordinator, at jkorman@pa.gov, or at (717) 787-4429.

MICHAEL HUMPHREYS,  
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-1112. Filed for public inspection July 22, 2022, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Geisinger Heath Plan (GSHP-133310013); Small Group HMO—Transitional Filing; Rate Filing

Geisinger Health Plan submitted a rate filing to adjust the premium rates for its Small Group HMO Non-Grandfathered Plans. The filing proposes a rate increase of 0% and will affect approximately 1,254 members with policies renewing in November 2022 and December 2022.

Unless formal administrative action is taken prior to September 12, 2022, the subject filing may be deemed approved by operation of law.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Lorraine Badarzynski, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, lbadarzyns@pa.gov within 5 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,  
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-1113. Filed for public inspection July 22, 2022, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Geisinger Quality Options (GSHP-133310023); Small Group PPO—Transitional Filing; Rate Filing

Geisinger Quality Options submitted a rate filing to adjust the premium rates for its Small Group PPO Non-Grandfathered Plans. The filing proposes a rate increase of 0% and will affect approximately 4,616 members with policies renewing in November 2022 and December 2022.

Unless formal administrative action is taken prior to September 12, 2022, the subject filing may be deemed approved by operation of law.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Michael Hibbert, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, mhhibbert@pa.gov within 5 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,  
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-1114. Filed for public inspection July 22, 2022, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Metropolitan Life Insurance Company; Rate Increase Filing for Several Group LTC Forms (META-133317758); Rate Filing

Metropolitan Life Insurance Company is requesting approval to increase the premium an aggregate 15.52% on 2,091 certificate holders with the following group LTC policy certificate numbers: G.LTC5897R100 and G.LTC5797R100. The certificates were issued under the group master policy G.LTC1697 which is issued in Washington, DC.

Unless formal administrative action is taken prior to October 7, 2022, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To view these filing notices (hover the cursor over the word the "Consumers" tab, then select "Pending Long Term Care Rate Filings").

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,  
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-1115. Filed for public inspection July 22, 2022, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Metropolitan Life Insurance Company; Rate Increase Filing for Several Group LTC Forms (META-133317762); Rate Filing

Metropolitan Life Insurance Company is requesting approval to increase the premium an aggregate 15.52% on 120 certificate holders with the following group LTC policy certificate number GCLTCAARP-04-OP. The certificates were issued under the group master policy G.LTC1697 which is issued in Washington, DC.

Unless formal administrative action is taken prior to October 7, 2022, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To view

these filing notices (hover the cursor over the “Consumers” tab, then select “Pending Long Term Care Rate Filings”).

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,  
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-1116. Filed for public inspection July 22, 2022, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Metropolitan Life Insurance Company; Rate Increase Filing for Several Group LTC Forms (META-133317789); Rate Filing

Metropolitan Life Insurance Company is requesting approval to increase the premium an aggregate 15.52% on 93 certificate holders with the following group LTC policy certificate number GCLTCAARP-06-FC. The certificates were issued under the group master policy G.LTC1697 which is issued in Washington, DC.

Unless formal administrative action is taken prior to October 7, 2022, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department’s web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To view these filing notices (hover the cursor over the “Consumers” tab, then select “Pending Long Term Care Rate Filings”).

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,  
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-1117. Filed for public inspection July 22, 2022, 9:00 a.m.]

## INSURANCE DEPARTMENT

### The Prudential Insurance Company of America; Rate Increase Filing for Several LTC Forms (PRUD-133315768); Rate Filing

The Prudential Insurance Company of America is requesting approval to increase the premium an aggregate 26.3% on 797 policy holders of LTC policy forms GRP 98720, GRP 98721 and GRP 98722. These forms are known as the ILTC-1 series and were all issued after September 15, 2002.

Unless formal administrative action is taken prior to October 7, 2022, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department’s web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To view

these filing notices (hover the cursor over the “Consumers” tab, then select “Pending Long Term Care Rate Filings”).

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,  
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-1118. Filed for public inspection July 22, 2022, 9:00 a.m.]

## INSURANCE DEPARTMENT

### The Prudential Insurance Company of America; Rate Increase Filing for Several LTC Forms (PRUD-133315769); Rate Filing

The Prudential Insurance Company of America is requesting approval to increase the premium an aggregate 15% on 298 policy holders of LTC policy forms GRP 112687 and GRP 112685. These forms are known as the ILTC-2 series and were all issued after September 15, 2002.

Unless formal administrative action is taken prior to October 7, 2022, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department’s web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To view these filing notices (hover the cursor over the “Consumers” tab, then select “Pending Long Term Care Rate Filings”).

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,  
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-1119. Filed for public inspection July 22, 2022, 9:00 a.m.]

## INSURANCE DEPARTMENT

### The Prudential Insurance Company of America; Rate Increase Filing for Several LTC Forms (PRUD-133315785); Rate Filing

The Prudential Insurance Company of America is requesting approval to increase the premium an aggregate 12.5% on 1,180 policy holders of LTC policy forms GRP 113172 (ED 05/2009), GRP 113172, GRP 113570 and GRP 113570 (ED 2009). These forms are known as the ILTC-3 series and were all issued after September 15, 2002.

Unless formal administrative action is taken prior to October 7, 2022, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department’s web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To view

these filing notices (hover the cursor over the “Consumers” tab, then select “Pending Long Term Care Rate Filings”).

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,  
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-1120. Filed for public inspection July 22, 2022, 9:00 a.m.]

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## INSURANCE DEPARTMENT

### The Prudential Insurance Company of America; Rate Increase Filing for Several LTC Forms (PRUD-133315786); Rate Filing

The Prudential Insurance Company of America is requesting approval to increase the premium an aggregate 10.8% on 210 policy holders of LTC policy forms GRP 113570 (ED 05/2009) and GRP 113172 (ED 05/2009). These forms are known as the ILTC-3R series and were all issued after September 15, 2002.

Unless formal administrative action is taken prior to October 7, 2022, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department’s web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To view these filing notices (hover the cursor over the “Consumers” tab, then select “Pending Long Term Care Rate Filings”).

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,  
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-1121. Filed for public inspection July 22, 2022, 9:00 a.m.]

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## INSURANCE DEPARTMENT

### Union Security Insurance Company; Rate Increase Filing for Several Individual LTC Forms (MULF- 133297681); Rate Filing

Union Security Insurance Company is requesting approval to increase the premium an aggregate 130.5% on 2,967 policyholders with the following individual LTC policy form numbers: 6034-PA, 6035-PA, 6036-PA, 6060-PA, 6062-PA, 6063-PA, 6072-PA, 6073-PA, 7060-PA and 7062-PA. The increase will average 130.0% but individual policyholders can receive increases ranging from 18% to 251%.

Unless formal administrative action is taken prior to October 7, 2022, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department’s web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To view these filing notices (hover the cursor over the “Consumers” tab, then select “Pending Long Term Care Rate Filings”).

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,  
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-1122. Filed for public inspection July 22, 2022, 9:00 a.m.]

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## INSURANCE DEPARTMENT

### Union Security Insurance Company; Rate Increase Filing for Several Individual LTC Forms (MULF- 133298594); Rate Filing

Union Security Insurance Company is requesting approval to increase the premium an aggregate 82.7% on 85 policyholders with the following individual LTC policy form numbers: 7060-PA and 7062-PA. The increase will average 82.7% but individual policyholders can receive increases ranging from 12.9% to 155.5%.

Unless formal administrative action is taken prior to October 7, 2022, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department’s web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To view these filing notices (hover the cursor over the “Consumers” tab, then select “Pending Long Term Care Rate Filings”).

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,  
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-1123. Filed for public inspection July 22, 2022, 9:00 a.m.]

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## MILK MARKETING BOARD

### Hearing and Presubmission Schedule for All Milk Marketing Areas; Over-Order Premium

Under the provisions of the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on August 30, 2022, at 9 a.m. at a location to be determined. If necessary, the hearing will continue on August 31, 2022, and September 1, 2022, at a location to be determined.

The purpose of the hearing is to receive testimony and exhibits concerning the existence, level and duration of the Class I over-order premium.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 12 p.m. on July 26, 2022, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 12 p.m. on July 26, 2022, notification of their desire to be included as a party. Parties shall indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance should be filed electronically and be directed to [deberly@pa.gov](mailto:deberly@pa.gov).

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. Copies of the filings will be available on the Board web site at <http://www.mmb.pa.gov/Public%20Hearings/>. Filing may be done by mail to the Board office or electronically to [deberly@pa.gov](mailto:deberly@pa.gov).

1. By 2 p.m. on July 29, 2022, the petitioner shall file with the Board one original and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the petitioner, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a written report or written testimony explaining the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 2 p.m. on August 12, 2022, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 2 p.m. on August 22, 2022, parties shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, five copies shall be provided for Board use and one copy shall be provided to each interested party.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing addressed to [chardbarge@pa.gov](mailto:chardbarge@pa.gov) and received in the Board office by 3 p.m. on August 15, 2022.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

CAROL HARDBARGER,  
Secretary

[Pa.B. Doc. No. 22-1124. Filed for public inspection July 22, 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 August 8, 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 August 8, 2022. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Commission's eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. The documents filed in support of the application are only available for inspection through the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) by searching under the previously listed docket number or by searching the applicant's web site.

#### **Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.***

**A-2022-3033518. Transit-PA, LLC** (314 South Henderson Road, Suite G-195, King of Prussia, Montgomery County, PA 19406) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, for nonemergency medical transportation services, to medical service providers and medical appointments, from points within the City of Philadelphia, and return.

**A-2022-3033558. Hano, LLC** (618 North Terrace Drive, Altoona, Blair County, PA 16602-2966) to transport persons, in motor vehicles, in paratransit service, from points in Adams, Allegheny, Armstrong, Beaver, Berks, Butler, Centre, Clarion, Clearfield, Columbia, Cumberland, Dauphin, Elk, Fayette, Franklin, Fulton, Greene, Indiana, Jefferson, Juniata, Lancaster, Lawrence, Lebanon, Luzerne, Mifflin, Montour, Northumberland, Perry, Schuylkill, Somerset, Snyder, Union, Washington, Westmoreland and York Counties, to points in Pennsylvania, and return.

**A-2022-3033560. Class A Limousine, LLC** (5724 Rising Sun Avenue, Philadelphia, PA 19120) persons in limousine service, between points in Pennsylvania; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

#### **Applications of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under each application.***

**A-2022-3033557. Lausch's Moving Company** (360 East Wyomissing Avenue, Unit J, Mohnnton, Berks County, PA 19526) household goods in use, between points in Pennsylvania. *Attorney:* Russell E. Farbiarz, 64 North 4th Street, Hamburg, PA 19526.

**A-2022-3033588. U-Relax Moving, Co.** (145 Weldon Drive, York, York County, PA 17404) persons in household goods in use service, between points in Pennsylvania. *Attorney:* Andrew J. Horowitz, Esq., 525 William Penn Place, Suite 1710, Pittsburgh, PA 15219.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 22-1125. Filed for public inspection July 22, 2022, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Transfer of Customers

**A-2022-3033607 and A-2022-3033608. X2Comm, Inc., d/b/a DC Communications and Legent Comm, LLC, d/b/a Long Distance Services, d/b/a Long Distance America.** Joint application of X2Comm, Inc., d/b/a DC Communications and Legent Comm, LLC, d/b/a Long Distance Services, d/b/a Long Distance America for approval of a transfer of customers and cancellation of X2Comm, Inc., d/b/a DC Communications certificate of public convenience upon completion of transfer of customer transaction.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before August 8, 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:* X2Comm, Inc., d/b/a DC Communications, Legent Comm, LLC, d/b/a Long Distance Services, d/b/a Long Distance America

*Through and By:* Sharon Thomas, Consultant, Inteserra, Inc., 151 Southhall Lane, Suite 450, Maitland, FL 32751, (407) 740-3031, fax (407) 740-0613, [stomas@inteserra.com](mailto:stomas@inteserra.com)

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 22-1126. Filed for public inspection July 22, 2022, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Transfer by Sale

**A-2022-3033702 and U-2022-3033709. PECO Energy Company.** Application of PECO Energy Company for approval of transfer by sale to Lower Salford Township of street lighting facilities located in Montgomery County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before August 8, 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 individuals 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:* PECO Energy Company, 2301 Market Street, S23-1, P.O. Box 8699, Philadelphia, PA 19101-8699

*Through and By Counsel for:* Caroline S. Choi, Assistant General Counsel, PECO Energy Company, 2301 Market Street, S23-1, P.O. Box 8699, Philadelphia, PA 19101-8699, (770) 910-3006, [Caroline.Choi@exeloncorp.com](mailto:Caroline.Choi@exeloncorp.com)

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 22-1127. Filed for public inspection July 22, 2022, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority applications to render service as common carriers in the City of Philadelphia have been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than August 8, 2022. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The applications are available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business addresses of the respective applicants or attorneys, or both.

**Doc. No. A-22-07-01. Tareq Taxi, LLC** (85 North 46th Street, Philadelphia, PA 19139): An application for a medallion taxicab certificate of public convenience (CPC) to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* David R. Alperstein, Esq., 314 Cherry Avenue, Voorhees, NJ 08043.

**Doc. No. A-22-07-02. Regla Taxi, LLC** (711 West Dauphin Street, Philadelphia, PA 19133): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of

Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* David R. Alperstein, Esq., 314 Cherry Avenue, Voorhees, NJ 08043.

**Doc. No. A-22-07-03. Shamim & Jony, LLC** (246 South Carol Boulevard, Upper Darby, PA 19082): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* David R. Alperstein, Esq., 314 Cherry Avenue, Voorhees, NJ 08043.

**Doc. No. A-22-07-04. N&V Taxi, LLC** (319 Willow Lane, New Holland, PA 17557): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* David R. Alperstein, Esq., 314 Cherry Avenue, Voorhees, NJ 08043.

DENNIS WELDON,  
*Temporary Executive Director*

[Pa.B. Doc. No. 22-1128. Filed for public inspection July 22, 2022, 9:00 a.m.]

**PHILADELPHIA  
PARKING AUTHORITY**

**Taxicab and Limousine Division Fee Schedule for  
the 2023 Fiscal Year Beginning July 1, 2022**

**All Fees are Non-Refundable**

<i>Fee Description</i>	<i>Fee</i>
Limousine Replacement Registration Sticker	\$50
Dispatcher Change in Name or Markings Scheme Application Fee	\$350
Duplicate Driver Certificate Replacement Fee	\$25
New or Renewal of Driver Certificate Fee (per designation: Taxicab or Limousine)**	\$27.25
Driver Training	\$100
Driver Applicant Testing/Training FTA Fee	\$20
Individual Medallion or CPC Ownership/Securities Transfer Fee	\$2,000
New and Annual Renewal Broker Registration Fee	\$1,200
New Dispatcher Certificate of Public Convenience Application Fee	\$7,500
New Limousine Certificate of Public Convenience Application Fee for One Class of Service	\$7,500
Application Fee for Each Additional Classification for Limousine Service for New Applicants for Any Limousine Service	\$1,500
Application Fee for Each Additional Limousine Certificate of Public Convenience for One Class of Service by a Current Limousine Certificate Holder	\$3,000
Transportation Network Company License Application Fee	\$50,000

<i>Fee Description</i>	<i>Fee</i>
Protest Fee	\$5,000
Petition Filing Fee	\$250
New Car and Replacement Vehicle Transfer	\$100
Age or Mileage Compliance Inspection Fee	\$100
PPA Compliance Inspection Fee (Taxicab, Limousine or TNC)	\$25
PA State Inspection Fee (Taxicab, Limousine or TNC)	\$50
Emission Inspection Waiver Fee	\$100
Inspection Rescheduling Fee	\$100
Administrative Hearing Fee (upon determination of liability)	\$75
Check Declined for Payment	\$100
Voluntary Suspension Application (CPC-1) Fee	\$75
Stand-By Vehicle Fleet Owner Application	\$250

\*\*Subject to increase on January 1, 2023, under the percentage annual increase in the gross domestic product price index.

DENNIS WELDON,  
*Temporary Executive Director*

[Pa.B. Doc. No. 22-1129. Filed for public inspection July 22, 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:

October 11, 2022	Account of Maria L. Gatti (Change Terms of Retirement)	10 a.m.
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Persons with a disability who wish to attend the previously listed hearing and require an auxiliary aid, service or other accommodation to attend the proceeding should contact the Appeal Docket Clerk at (717) 720-4888 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

TERRILL J. SANCHEZ,  
*Executive Director*

[Pa.B. Doc. No. 22-1130. Filed for public inspection July 22, 2022, 9:00 a.m.]

## STATE CHARTER SCHOOL APPEAL BOARD

### Schedule of Meetings

The State Charter School Appeal Board will meet as follows:

<i>Date</i>	<i>Time</i>	<i>Location*</i>
Tuesday, September 13, 2022	1 p.m.	Heritage A*
Tuesday, October 18, 2022	1 p.m.	Honors Suite*
Tuesday, December 6, 2022	1 p.m.	Heritage A, B*
Tuesday, January 10, 2023	1 p.m.	Heritage A*
Tuesday, February 21, 2023	1 p.m.	Honors Suite*
Tuesday, April 11, 2023	1 p.m.	Honors Suite*
Tuesday, May 9, 2023	1 p.m.	Honors Suite*
Tuesday, June 13, 2023	1 p.m.	Honors Suite*

\*The location of meetings is subject to change due to the novel coronavirus (COVID-19) pandemic restrictions. Specific Zoom information will be provided for each meeting. Individuals should visit <https://www.education.pa.gov/K-12/Charter%20Schools/Appeals/Pages/CAB-Meeting-Dates.aspx>.

Unless due and timely notice to the contrary is given, these meetings will be held as previously stated. The Department of Education is located at 333 Market Street, Harrisburg, PA. Heritage Suite A, B is located off the lobby immediately past the security gates, and the Honors Suite is located on the 1st Floor (take second bank of elevators to 1st Floor).

Persons with disabilities needing special accommodations to attend the meeting may contact Sara Hockenberry, Counsel to the Board, 9th Floor, 333 Market Street, Harrisburg, PA 17126, (717) 787-5500, or the Pennsylvania Hamilton Relay Service, (800) 654-5984 at least 24 hours in advance so that arrangements can be made.

SARA M. HOCKENBERRY,  
*Board Counsel*

[Pa.B. Doc. No. 22-1131. Filed for public inspection July 22, 2022, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Grandfathering Registration Notice

The Susquehanna River Basin Commission lists the following Grandfathering (GF) Registration for projects under 18 CFR 806, Subpart E (relating to registration of grandfathered projects) from June 1, 2022, through June 30, 2022.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, [joyler@srbc.net](mailto:joyler@srbc.net). Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

### Supplementary Information

This notice lists GF Registration for projects, described as follows, under 18 CFR 806, Subpart E for the time period previously specified:

1. Lebanon Valley College, GF Certificate No. GF-202206217, Annville and North Annville Townships, Lebanon County, PA; Football Well, Baseball Well and West (Soccer) Well; Issue Date: June 16, 2022.

2. Beavertown Municipal Authority—Public Water Supply System, GF Certificate No. GF-202206218, Beaver Township, Snyder County, PA; Well 3; Issue Date: June 30, 2022.

3. Cooper Township Municipal Authority—Public Water Supply System, GF Certificate No. GF-202206219, Rush Township, Centre County, PA; Black Bear Run; Issue Date: June 30, 2022.

4. Municipal Authority of the Borough of Shenandoah—Public Water Supply System, GF Certificate No. GF-202206220, Union and West Mahanoy Townships, Schuylkill County, PA; Raven Run Reservoir No. 2; Issue Date: June 30, 2022.

5. Standard Steel, LLC—Standard Steel, GF Certificate No. GF-202206221, Burnham Borough, Mifflin County, PA; Creighton Run, Kishacoquillas Creek, and consumptive use; Issue Date: June 30, 2022.

*Authority:* Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806 and 808

*Dated:* July 7, 2022

ANDREW D. DEHOFF,  
*Executive Director*

[Pa.B. Doc. No. 22-1132. Filed for public inspection July 22, 2022, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has approved by rule by the following list of projects from June 1, 2022, through June 30, 2022.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, [joyler@srbc.net](mailto:joyler@srbc.net). Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

### Supplementary Information

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(e) and (f) (relating to standards for consumptive uses of water) for the time period previously specified:

*Water Source Approval—Issued Under 18 CFR 806.22(f):*

1. Chesapeake Appalachia, LLC; Pad ID: Dunham; ABR-20100418.R2; Albany Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 6, 2022.



2. Chesapeake Appalachia, LLC; Pad ID: Hayward New; ABR-20100535.R2; Rome Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 6, 2022.

3. Chesapeake Appalachia, LLC; Pad ID: Matt Will Farms; ABR-20100544.R2; Troy Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 6, 2022.

4. Seneca Resources Company, LLC; Pad ID: Breon 492; ABR-20100553.R2; Sullivan Township, Tioga County, PA; Consumptive Use of Up to 4.00000 mgd; Approval Date: June 20, 2022.

5. SWN Production Company, LLC; Pad ID: Marcucci Jones Pad; ABR-201205017.R2; Stevens Township, Bradford County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: June 20, 2022.

6. SWN Production Company, LLC; Pad ID: Humbert III Pad (RU-9); ABR-201205018.R2; New Milford Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: June 20, 2022.

7. SWN Production Company, LLC; Pad ID: Scarlet Oaks Pad (RU-38); ABR-201205020.R2; New Milford Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: June 20, 2022.

8. SWN Production Company, LLC; Pad ID: Moore Well Pad; ABR-201205021.R2; New Milford Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: June 20, 2022.

9. SWN Production Company, LLC; Pad ID: Wheeler Well Pad; ABR-201205022.R2; Silver Lake Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: June 20, 2022.

10. SWN Production Company, LLC; Pad ID: O'Reilly Well Pad; ABR-201205023.R2; Forest Lake Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: June 20, 2022.

11. Repsol Oil & Gas USA, LLC; Pad ID: FERGUSON (01 023) R; ABR-20100453.R2; Granville Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: June 20, 2022.

12. Coterra Energy, Inc.; Pad ID: WarrinerS P1; ABR-201505003.R1; Bridgewater Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 20, 2022.

13. Coterra Energy, Inc.; Pad ID: Petty P1; ABR-20100550.R2; Dimock Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 20, 2022.

14. EXCO Resources (PA), LLC; Pad ID: Taylor (Pad 33); ABR-20100611.R2; Burnside Township, Centre County, PA; Consumptive Use of Up to 8.0000 mgd; Approval Date: June 20, 2022.

15. Coterra Energy, Inc.; Pad ID: Lauffer P1; ABR-20100608.R2; Springville Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 20, 2022.

16. Coterra Energy, Inc.; Pad ID: OakleyJ P1; ABR-20100603.R2; Springville Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 20, 2022.

17. Coterra Energy, Inc.; Pad ID: Post P1; ABR-20100605.R2; Brooklyn Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 20, 2022.

18. Coterra Energy, Inc.; Pad ID: StockholmK P3; ABR-20100609.R2; Rush Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 20, 2022.

19. Seneca Resources Company, LLC; Pad ID: Clark 486; ABR-20100429.R2; Sullivan Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 20, 2022.

20. Seneca Resources Company, LLC; Pad ID: Young 431; ABR-20100561.R2; Shippen Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 20, 2022.

21. Chesapeake Appalachia, LLC; Pad ID: Duane; ABR-20100601.R2; Leroy Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 20, 2022.

22. Seneca Resources Company, LLC; Pad ID: Mitchell 456; ABR-20100615.R2; Jackson Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 28, 2022.

23. Seneca Resources Company, LLC; Pad ID: Hege 436; ABR-20100622.R2; Delmar Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 28, 2022.

24. Range Resources—Appalachia, LLC; Pad ID: Mohawk Lodge Unit; ABR-20100619.R2; Gallagher Township, Clinton County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 28, 2022.

25. Chesapeake Appalachia, LLC; Pad ID: Cannella; ABR-20100637.R2; Auburn Township, Susquehanna County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 28, 2022.

26. Seneca Resources Company, LLC; Pad ID: Valldes Pad C; ABR-20100620.R2; Covington Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 28, 2022.

27. Seneca Resources Company, LLC; Pad ID: Wivell Pad I; ABR-20100607.R2; Covington Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 28, 2022.

28. Seneca Resources Company, LLC.; Pad ID: COP Pad B; ABR-20100645.R2; Lawrence Township, Clearfield County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 28, 2022.

29. Repsol Oil & Gas USA, LLC; Pad ID: HARNISH (01 032) G; ABR-20100647.R2; Canton Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: June 28, 2022.

30. Coterra Energy, Inc.; Pad ID: FergusonA P1; ABR-201506003.R1; Harford Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 28, 2022.

31. Seneca Resources Company, LLC; Pad ID: Erickson 423; ABR-20100618.R2; Delmar Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 29, 2022.

32. Chesapeake Appalachia, LLC; Pad ID: Them; ABR-20100642.R2; Wysox Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 29, 2022.

33. Chesapeake Appalachia, LLC; Pad ID: Linski; ABR-20100662.R2; Tuscarora Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2022.

34. Seneca Resources Company, LLC; Pad ID: Shelman 291; ABR-20100659.R2; Charleston Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 29, 2022.

35. Inflection Energy (PA), LLC; Pad ID: Eichenlaub B Pad; ABR-201206013.R2; Upper Fairfield Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 30, 2022.

36. Campbell Oil & Gas, Inc.; Pad ID: Mid Penn Unit B Well Pad; ABR-201206017.R2; Bigler Township, Clearfield County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: June 30, 2022.

37. Range Resources—Appalachia, LLC; Pad ID: Ogontz Fishing Club Unit Nos. 12H—17H; ABR-20100648.R2; Cummings Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 30, 2022.

*Authority:* Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806 and 808

*Dated:* July 7, 2022

ANDREW D. DEHOFF,  
*Executive Director*

[Pa.B. Doc. No. 22-1133. Filed for public inspection July 22, 2022, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Projects Approved for Minor Modifications

The Susquehanna River Basin Commission (Commission) lists the minor modifications approved for a previously approved project from June 1, 2022, through June 30, 2022.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

#### *Supplementary Information*

This notice lists previously approved projects, receiving approval of minor modifications, described as follows, under 18 CFR 806.18 (relating to approval modifications) or to Commission Resolution Nos. 2013-11 and 2015-06 for the time period previously specified:

1. Helix Ironwood, LLC, Docket No. 19980502-2, South Lebanon Township, Lebanon County, PA; modification approval to change the consumptive use mitigation method; Approval Date: June 29, 2022.

2. Ri-Corp. Development, Inc.—Gilberton Power Company, Docket Nos. 20161220 and 20220622, Gilberton Borough and West Mahanoy Township, Schuylkill County, PA; modification approval to change the consumptive use mitigation method and correction to include registered legal company name; Approval Date: June 30, 2022.

*Authority:* Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806 and 808

*Dated:* July 7, 2022

ANDREW D. DEHOFF,  
*Executive Director*

[Pa.B. Doc. No. 22-1134. Filed for public inspection July 22, 2022, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Public Hearing

The Susquehanna River Basin Commission (Commission) will hold a public hearing on August 11, 2022, at 6:30 p.m. The Commission will hold this public hearing in-person and telephonically. Individuals may attend in person at the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA or join by conference call at (888) 387-8686, conference room number (917) 968-6050. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. The Commission will also hear testimony on two proposed policies, SRBC Civil Penalty Matrix and Policy and Guidance Statement for the Settlement of Civil Penalties/Enforcement Actions. The projects and proposals are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for September 15, 2022, which will be noticed separately. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects and proposals. The deadline for the submission of written comments is August 22, 2022.

For further information contact Jason Oyler, General Counsel and Secretary, (717) 238-0423, joyler@srbc.net.

Information concerning the applications for the projects is available at the Commission's Water Application and Approval Viewer at <https://www.srbc.net/waav>. Information concerning the proposals can be found at <https://www.srbc.net/about/meetings-events/>. Additional supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at [www.srbc.net/regulatory/policies-guidance/docs/access-to-records-policy-2009-02.pdf](http://www.srbc.net/regulatory/policies-guidance/docs/access-to-records-policy-2009-02.pdf).

#### *Supplementary Information*

The Commission is proposing a revised SRBC Civil Penalty Matrix. This would replace the current Policy No. 96-01. The Commission is also proposing a revised Policy and Guidance Statement for the Settlement of Civil Penalties/Enforcement Actions. This would replace Policy No. 2000-01. In addition, the public hearing will cover the following projects:

#### *Projects Scheduled for Action:*

1. Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Monroe Manor System, Monroe Township, Snyder County, PA. Application for groundwater withdrawal of up to 0.482 mgd (30-day average) from Well 8.

2. Project Sponsor: Brunner Island, LLC. Project Facility: Brunner Island Steam Electric Station (Susquehanna River), East Manchester Township, York County, PA. Applications for renewal of surface water withdrawal of up to 835.000 mgd (peak day) and consumptive use of up to 23.100 mgd (peak day) (Docket No. 20070908).

3. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Chemung River), Athens Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20170902).

4. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Sugar Creek), Burlington Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 0.499 mgd (peak day) (Docket No. 20170903).

5. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Towanda Creek), Leroy Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20170905).

6. Project Sponsor and Facility: Coterra Energy, Inc. (Meshoppen Creek), Springville Township, Susquehanna County, PA. Application for renewal of surface water withdrawal of up to 0.750 mgd (peak day) (Docket No. 20170901).

7. Project Sponsor and Facility: Dover Township, York County, PA. Applications for groundwater withdrawals (30-day averages) of up to 0.360 mgd from Well 8 and up to 0.088 mgd from Well 10 (Docket No. 19911104).

8. Project Sponsor and Facility: Edgewood by Sand Springs, LLC, Butler Township, Luzerne County, PA. Modification to extend the approval term of the surface water withdrawal and consumptive use approval (Docket No. 19980102) by 2 years to allow the project to complete planning and permitting to redevelop the property and cease golf course operations.

9. Project Sponsor: Lancaster County Solid Waste Management Authority. Project Facility: Frey Farm and Creswell Landfills, Manor Township, Lancaster County, PA. Modification to increase consumptive use (peak day) by an additional 0.030 mgd, for a total consumptive use of up to 0.095 mgd, addition of approved sources of water for consumptive use, and General Permit GP-01 Notice of Intent for groundwater remediation (Docket No. 20061208).

10. Project Sponsor: Maplemoor, Inc. Project Facility: Huntsville Golf Club, Lehman Township, Luzerne County, PA. Application for renewal of consumptive use of up to 0.499 mgd (30-day average) (Docket No. 19920909).

11. Project Sponsor and Facility: Pennsylvania Grain Processing, LLC (West Branch Susquehanna River), Clearfield Borough, Clearfield County, PA. Applications for renewal of surface water withdrawal of up to 2.505 mgd (peak day) and for consumptive use of up to 2.000 mgd (peak day) (Docket No. 20070904).

12. Project Sponsor: Pine Grove Borough. Project Facility: Pine Grove Borough Water System, Tremont Township, Schuylkill County, PA. Applications for groundwater withdrawals (30-day averages) of up to 0.499 mgd from Well 16 and up to 0.097 mgd from Well 17.

13. Project Sponsor and Facility: Seneca Resources Company, LLC (Elk Run), Sullivan Township, Tioga County, PA. Application for renewal of surface water withdrawal of up to 0.646 mgd (peak day) (Docket No. 20170909).

14. Project Sponsor and Facility: Shrewsbury Borough, Shrewsbury Township and Shrewsbury Borough, York County, PA. Applications for renewal of groundwater withdrawals (30-day averages) of up to 0.099 mgd from the Meadow Well and 0.180 mgd from the Village Well (Docket Nos. 19890501 and 19900105).

15. Project Sponsor and Facility: South Middleton Township Municipal Authority, Monroe Township, Cumberland County, PA. Application for renewal of groundwater withdrawal with increase from 0.624 mgd to up to 0.936 mgd (30-day averages) from Well 3 (Docket No. 19880404).

16. Project Sponsor and Facility: Susquehanna Gas Field Services, LLC (Meshoppen Creek), Meshoppen Borough, Wyoming County, PA. Application for renewal of surface water withdrawal of up to 0.145 mgd (peak day) (Docket No. 20170908).

17. Project Sponsor and Facility: SWN Production Company, LLC (Wyalusing Creek), Wyalusing Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20170910).

18. Project Sponsor and Facility: Town of Conklin, Broome County, NY. Applications for renewal of groundwater withdrawals (30-day averages) of up to 0.350 mgd from Well 5 and up to 0.350 mgd from Well 6 (Docket Nos. 20070601 and 20031001, respectively).

19. Project Sponsor: Town of Oneonta. Project Facility: Southside Water System, Town of Oneonta, Otsego County, NY. Applications for groundwater withdrawals (30-day averages) of up to 0.720 mgd from Well PW-1 and up to 0.720 mgd from Well PW-2.

20. Project Sponsor and Facility: Village of Horseheads, Town of Horseheads, Chemung County, NY. Application for renewal of groundwater withdrawal of up to 1.440 mgd (30-day average) from Well 5 (Docket No. 19870302).

*Opportunity to Appear and Comment:*

Interested parties may call into the hearing to offer comments to the Commission on any business previously listed required to be the subject of a public hearing. Given the nature of the meeting, the Commission strongly encourages those members of the public wishing to provide oral comments to pre-register with the Commission by e-mailing Jason Oyler at [joyler@srbc.net](mailto:joyler@srbc.net) prior to the hearing date. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Access to the hearing by telephone will begin at 6:15 p.m. Guidelines for the public hearing are posted on the Commission's web site, [www.srbc.net](http://www.srbc.net), prior to the hearing for review. The presiding officer reserves the right to modify or supplement the guidelines at the hearing. Written comments on any business previously listed required to be the subject of a public hearing may also be mailed to Jason Oyler, Secretary, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788, or submitted electronically through <https://www.srbc.net/regulatory/public-comment/>. Comments mailed or electronically submitted must be received by the Commission on or before August 22, 2022, to be considered.

*Authority:* Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

*Dated:* July 7, 2022

ANDREW D. DEHOFF,  
*Executive Director*

[Pa.B. Doc. No. 22-1135. Filed for public inspection July 22, 2022, 9:00 a.m.]

**THADDEUS STEVENS  
COLLEGE OF TECHNOLOGY**

**Request for Proposals**

Thaddeus Stevens College of Technology is requesting proposals for groundskeeping services as well as snow removal services. Request for Proposal documents can be

obtained from Carrie Harmon, Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602, harmon@stevenscollege.edu.

PEDRO A. RIVERA,  
*President*

[Pa.B. Doc. No. 22-1136. Filed for public inspection July 22, 2022, 9:00 a.m.]

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