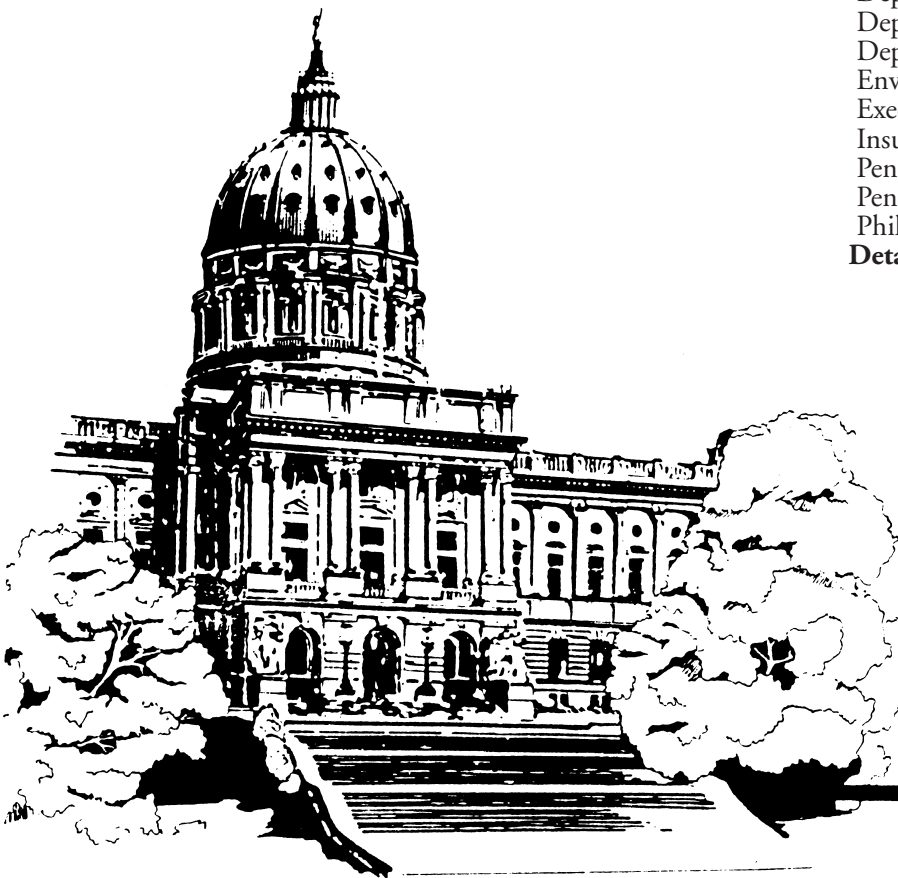


PENNSYLVANIA BULLETIN

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Agencies in this issue

The Governor
The Courts
Board of Coal Mine Safety
Department of Agriculture
Department of Banking and Securities
Department of Environmental Protection
Department of Health
Department of Labor and Industry
Department of Revenue
Department of Transportation
Environmental Quality Board
Executive Board
Insurance Department
Pennsylvania Infrastructure Investment Authority
Pennsylvania Public Utility Commission
Philadelphia Parking Authority
Detailed list of contents appears inside.



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

No. 574, September 2022

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CONTENTS

THE GOVERNOR

Executive Orders

Protecting Pennsylvanians from Conversion Therapy and Supporting LGBTQIA+ Pennsylvanians	5788
--	------

THE COURTS

LOCAL COURT RULES

Cumberland County

Local rules (1920.74); 1996-1335	5803
--	------

RULES OF CIVIL PROCEDURE

Order amending Rules 1006, 2130, 2156 and 2179 of the Pennsylvania Rules of Civil Procedure; No. 736 civil procedural rules docket.....	5792
---	------

EXECUTIVE AND INDEPENDENT AGENCIES

BOARD OF COAL MINE SAFETY

Rules and Regulations

Prohibiting electronic liquid-vaporizing devices at underground bituminous coal mines.....	5813
--	------

DEPARTMENT OF AGRICULTURE

Notices

Farm-to-School Grant Program; 2022-2023 program guidelines	5819
List of pesticides which may be used by medical marijuana growers and processors	5820

DEPARTMENT OF BANKING AND SECURITIES

Notices

Actions on applications.....	5822
------------------------------	------

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Applications, actions and special notices.....	5823
Environmental assessment approval for PENNVEST funding consideration	5898

DEPARTMENT OF HEALTH

Notices

Ambulatory surgical facilities; requests for exceptions	5871
Decisions on requests for exceptions to health care facility regulations.....	5872
Hospitals; requests for exceptions.....	5874
Infant Hearing Screening Advisory Committee meeting	5875
Pennsylvania Cancer Control, Prevention and Research Advisory Board, Pennsylvania Cancer Coalition and the Data Advisory Committee public meeting	5875

DEPARTMENT OF LABOR AND INDUSTRY

Notices

Uniform Construction Code Review and Advisory Council meeting	5876
Workers' Compensation Appeal Board 2023 hearing schedule	5876

DEPARTMENT OF REVENUE

Notices

Life estate and remainder factors; Pennsylvania realty transfer tax (revised)	5877
Pennsylvania 50X the Win instant lottery game 1602	5879
Pennsylvania The Addams Family instant lottery game 1603	5882
Pennsylvania Ghost\$ and Goblin\$ instant lottery game 1605	5888
Pennsylvania Lucky #13 instant lottery game 1604	5891

DEPARTMENT OF TRANSPORTATION

Notices

Multimodal Transportation Fund; invitation to submit applications	5896
---	------

ENVIRONMENTAL QUALITY BOARD

Rules and Regulations

Coal refuse disposal revisions.....	5804
-------------------------------------	------

Notices

Meeting cancellation	5896
----------------------------	------

EXECUTIVE BOARD

Statements of Policy

Reorganization of the Department of Revenue	5817
---	------

INSURANCE DEPARTMENT

Notices

Application for approval to acquire control of R&Q Reinsurance Company	5897
Capital Advantage Assurance Company; (CABC-133363175) individual PPO—transitional filing; rate filing	5897
Metropolitan Life Insurance Company; (SERFF # META-133381886) rate increase filing for several LTC forms; rate filing.....	5897
Joseph Brian Yeck; license denial appeal; doc. No. AG22-08-021	5897

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY

Notices

Environmental assessment approval for PENNVEST funding consideration	5898
--	------

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

Electric generation supplier license cancellations of companies with an expired financial security, insufficient financial security amount or language ..	5900
---	------

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

Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. PECO Energy
Company..... 5902
Service of notice of motor carrier applications 5914

PHILADELPHIA PARKING AUTHORITY

Notices

Service of notice of motor carrier applications in the
City of Philadelphia..... 5915

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

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

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

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

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

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Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

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List of Pa. Code Chapters Affected

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

4 Pa. Code (Administration)

Adopted Rules

1	936
7	336, 4227, 5788
601a	1454
602a	1454
603a	1454
604a	1454
605a	1454
606a	1454
607a	1454

Statements of Policy

1	4242
9	1112, 1276, 1742, 2218, 2972, 3439, 4139, 5133, 5657, 5817

7 Pa. Code (Agriculture)

Adopted Rules

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

16 Pa. Code (Community Affairs)

Proposed Rules

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

17 Pa. Code (Conservation and Natural Resources)

Proposed Rules

45	5476
----	------

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

88	5804
90	5804
121	1875
129	1875
145	2471
208	5813

Proposed Rules

92a	361
109	1245
121	689
129	689
218	5500
250	4235
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, 4396
-----	-----------

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
29	4401
37	17
39	2963
41	446
42	448
47	1608
48	1608
49	1608

Proposed Rules

1	1736, 2969
6	1978
7	2558
16	4923
18	985
31	1980
42	835

52 Pa. Code (Public Utilities)

Adopted Rules

53 5049
 63 5049
 64 5049
 65 4096
 66 4096

Proposed Rules

3 4926
 59 992
 65 4926

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, 5466, 5469, 5470
 147 3066, 5471, 5472, 5474
 623b 1491, 3224
 627b 1491
 629b 1491

Proposed Rules

51 3982
 57 3423
 61 3320, 5649
 63 1494, 3321, 3322, 3423, 3434, 3984, 5650
 65 1494, 1496
 69 3982
 71 3423
 71a 3423
 73 3423
 91 3982
 93 3982
 97 3323
 103 3435
 105 3435
 107 5651
 109 3435
 111 3324, 3435, 5652
 131 5653
 135 5653
 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, 4392, 5634
 85 2581
 87 2581
 89 2581
 91 2581
 93 2581, 4915

Proposed Rules

81 942
 83 942, 965, 4392
 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
 65 4231

Proposed Rules

1 5634
 3 4915
 5 2561
 9 5634
 11 5634
 13 4915, 5634
 15 5634
 16 1452, 5634

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules

200 440
 400 10, 682
 1000 5792
 1300 3213
 1915 826
 1930 3579
 2120 5792
 2150 5792
 2170 5792
 Part II 441, 684

Proposed Rules

240 2561
 1000 5118, 5640
 2000 5640
 Part II 2561, 3057, 5119

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, 5121, 5643

252 Pa. Code (Allegheny County Rules)
 Unclassified 13, 4919

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, 4232, 4921, 5124, 5125, 5644,
 5645, 5803

THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 7]

[EXECUTIVE ORDER 2022-02]

Protecting Pennsylvanians from Conversion Therapy and Supporting LGBTQIA+ Pennsylvanians

August 16, 2022

Whereas, lesbian, gay, bisexual, transgender, queer/questioning, intersex and asexual (“LGBTQIA+”) Pennsylvanians make valuable, unique, and diverse contributions to the culture, society, and economy of Pennsylvania, which have a beneficial impact on life in the Commonwealth; and

Whereas, the Commonwealth is committed to providing equitable opportunities for all its residents and increasing access for LGBTQIA+ persons to civic, economic, and educational opportunities in Pennsylvania; and

Whereas, the Commonwealth acknowledges the many contributions of LGBTQIA+ Pennsylvanians, while also recognizing that LGBTQIA+ Pennsylvanians still experience various challenges; and

Whereas, the Commonwealth will benefit from defining and addressing the unique needs and concerns of LGBTQIA+ persons and communities, in order to support the lives of all Pennsylvanians; and

Whereas, according to a Gallup poll conducted in 2021, an estimated 7.1 percent of people in the United States self-identify as LGBTQIA+, including one in five “Gen Z” adults; and

Whereas, there continues to be a harmful trend of attacking the rights and opportunities of LGBTQIA+ persons in the Commonwealth and across this country, with an especially disturbing and harmful focus on transgender and nonbinary persons and children; and

Whereas, LGBTQIA+ persons and communities, especially children and young adults, are at risk of serious negative physical and mental health outcomes associated with family rejection and lack of access to medically necessary, science and evidence-based gender affirming care; and

Whereas, LGBTQIA+ persons, and especially LGBTQIA+ persons of color, report higher rates of trauma, including self-harm, suicidal ideation, and substance use; and

Whereas, “conversion therapy,” which is sometimes referred to as “reparative therapy,” “sexual orientation or gender identity change efforts,” or “sexuality counseling,” means any practice or treatment that seeks or purports to change an individual’s sexual orientation or gender identity, including efforts to change behaviors or gender expressions, or eliminate or reduce sexual or romantic attractions or feelings towards individuals of the same gender. Conversion therapy does not include: any practice or treatment that provides acceptance, support, or understanding to an individual, or any practice or treatment that facilitates an individual’s coping, social support, or identity exploration and development, so long as such practices or treatments do not seek to change sexual orientation or gender identity; any practice or treatment that is neutral with regard to sexual orientation or gender identity and that seeks to prevent or address unlawful conduct or unsafe practices; or, any practice or treatment that assists an individual seeking to undergo a gender transition or who is in the process of undergoing a gender transition; and

Whereas, conversion therapy has been overwhelmingly rejected by the scientific, medical, and educational communities and numerous professional organizations have denounced conversion therapy due to its lack of scientific

validation, as well as its negative and dangerous impact on the health and well-being of LGBTQIA+ persons and communities, and the specific harm it causes to the mental health of LGBTQIA+ children; and

Whereas, conversion therapy perpetuates health and social inequities for LGBTQIA+ persons and communities, which result in significant annual economic burdens in the United States; and

Whereas, the United States Department of Health and Human Services reports that various studies show that LGBTQIA+ youth are overrepresented in the foster care system, experience increased rates of physical violence and emotional harm both prior to being involved with, and while in, the child welfare system, and many LGBTQIA+ children and youth enter foster care as a result of familial conflict, neglect, exploitation, or hostility about their sexual orientation, gender identity, or gender expression, and experience homelessness at disproportionately high rates, sometimes before entering foster care; and

Whereas, researchers report that while data continues to show high rates of mental health and suicide risk among LGBTQIA+ young people, LGBTQIA+ youth are not inherently prone to suicide risk because of their sexual orientation or gender identity but rather placed at higher risk because of how they are mistreated and stigmatized in society, with these rates varying widely based on the way LGBTQIA+ youth are treated; and

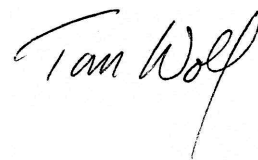
Whereas, recent national surveys have shown that LGBTQIA+ youth who felt high social support from their family reported attempting suicide at less than half the rate of those who felt low or moderate social support, and LGBTQIA+ youth who live in a community that is accepting of LGBTQIA+ people reported significantly lower rates of attempting suicide than those who do not, and LGBTQIA+ youth, who found their school to be LGBTQIA+-affirming, reported lower rates of attempting suicide; and

Whereas, LGBTQIA+ youth report that supportive actions taken by parents and caregivers were associated with lower suicide risk among LGBTQIA+ youth, and recent surveys have found that there is a need for more education for parents and caregivers of LGBTQIA+ youth, both about the positive impacts of supporting their child's LGBTQIA+ identity and about how to take supportive actions; and

Whereas, 25 states, the District of Columbia, Puerto Rico, and twelve cities and two counties in Pennsylvania, have statutes or ordinances protecting LGBTQIA+ children and youth from conversion therapy; and

Whereas, the Commonwealth seeks to be a premier employer of a diverse, talented, inclusive, and supported workforce and to provide high quality and responsive customer service to all Pennsylvanians;

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



Governor

Fiscal Note: GOV-2022-02. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 7. MISCELLANEOUS PROVISIONS

**Subchapter FFF. PROTECTING PENNSYLVANIANS FROM
CONVERSION THERAPY AND SUPPORTING LGBTQIA+
PENNSYLVANIANS**

Sec.	
7.921.	Responsibilities of Commonwealth agencies.
7.922.	Implementation.
7.923.	General provisions.
7.924.	Effective date.

§ 7.921. Responsibilities of Commonwealth agencies.

(a) Agencies under the Governor's jurisdiction are directed to pursue opportunities and coordinate with each other to protect Commonwealth residents, particularly children, youth and vulnerable adults, from conversion therapy to the fullest extent of their authority.

(b) To protect the mental health of and well-being of Commonwealth residents, especially children, the Department of Human Services, the Insurance Department, the Department of State and any other applicable agencies are directed to explore and implement all options to ensure State funds, programs, contracts and other resources are not used for the purposes of providing, authorizing, endorsing, reimbursing for or referring for conversion therapy, to the extent permitted by law.

(c) The Department of Human Services is directed to receive and investigate any reports of claims that have been paid for conversion therapy through the Medical Assistance Program and the Children's Health Insurance Program.

(d) The Department of State is directed to inform licensed health care practitioners in this Commonwealth that the Commonwealth discourages the provision of and reimbursement for conversion therapy, and the Department of State shall inform the public of the mechanisms available to report licensed professionals that cause harm to patients as a result of conversion therapy.

(e) The Insurance Department is directed to commit to discouraging commercial insurers from providing reimbursement for conversion therapy, to the extent permitted by law. The Insurance Department is also directed to receive and investigate any reports of commercial insurance claims that have been paid for conversion therapy. To prohibit unlawful discrimination, the Insurance Department shall also receive and investigate any complaints that insurers are discriminating against consumers by automatically or categorically denying or excluding coverage of gender-related care in violation of Federal law.

(f) To support LGBTQIA+ children, youth and their families, the Department of Human Services is directed to develop resource guides that outline science and evidence-based best practices on family preservation and available community and local LGBTQIA+ affirming entities and services for families to support an LGBTQIA+ child or youth, as well as resources for caring for LGBTQIA+ children and youth within the child welfare system, including caring for their physical and mental health and well-being. The Department of Human Services shall ensure that child welfare staff and contracted providers have available resources and training to provide family preservation, pre-placement, placement and adoption and permanency services to LGBTQIA+ children and youth and their families.

(g) To ensure the Commonwealth is a premier employer, the Office of Administration is directed to review and update, as necessary, employee trainings and make available to Commonwealth employees, managers and supervisors training about supporting LGBTQIA+ employees, including employees who may transition or voluntarily disclose that they are seeking

gender-affirming care during their employment, and provide information regarding the privacy and protection of personal health information.

(h) To ensure the Commonwealth provides high-quality and inclusive customer service, the Governor's Office, the Pennsylvania Commission on LGBTQ Affairs, the Department of Human Services and the Office of Advocacy and Reform are directed to convene a group of Commonwealth residents with lived experience navigating health care and government systems through a gender identity transition to help inform the Commonwealth's customer service transformation initiative regarding that process as well as any issues related to the experience of LGBTQIA+ Commonwealth residents navigating State government systems.

(i) Further, agencies under the Governor's jurisdiction shall regularly review and update, if necessary, the following:

(1) Forms to use gender-neutral language whenever practical in external documents, including but not limited to using gender-neutral terms and pronouns or drafting to eliminate the need for pronouns or gendered language.

(2) Forms and online systems that collect voluntary demographic information to allow for submission of inclusive gender identity and sexual orientation data, to the extent permitted by law.

§ 7.922. Implementation.

Commonwealth agencies under the Governor's jurisdiction are directed to take all steps necessary to implement this subchapter. Independent agencies are also strongly encouraged to implement this subchapter.

§ 7.923. General provisions.

This subchapter shall be implemented consistent with applicable law. This subchapter is not intended to, and does not create, any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth, its departments, agencies or entities, its officers, employees or agents, or any other person.

§ 7.924. Effective date.

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

[Pa.B. Doc. No. 22-1377. Filed for public inspection September 9, 2022, 9:00 a.m.]

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 1000, 2120, 2150 AND 2170]
Order Amending Rules 1006, 2130, 2156 and 2179 of the Pennsylvania Rules of Civil Procedure; No. 736 Civil Procedural Rules Docket

Order

Per Curiam

And Now, this 25th day of August, 2022, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published for public comment at 48 Pa.B. 7744 (December 22, 2018):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1006, 2130, 2156, and 2179 of the Pennsylvania Rules of Civil Procedure are amended in the attached form.

To the extent that any statutes conflict with the instant rule amendments, they are suspended. *See* Pa.Const. art. V, § 10(c) (setting forth the Court's rulemaking authority) and Pa.R.Civ.P. 133 ("All laws shall be suspended to the extent that they are inconsistent with rules prescribed under the Constitution of 1968.").

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective January 1, 2023.

Justice Brobson dissents from the portion of the Order suspending any conflicting statutes.

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

Deletions from the rule are shown in bold and brackets.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1000. ACTIONS

Subchapter A. CIVIL ACTION

VENUE AND PROCESS

(*Editor's Note:* Pa.R.Civ.P. 1006, 2130, 2156 and 2179 as printed in 231 Pa. Code read "Official Note" rather than "Note" and the Explanatory Comments are not codified.)

Rule 1006. Venue. Change of Venue.

(a) ***General Rule.*** Except as otherwise provided by subdivisions [**(a.1), (b),**] **(b)** and (c) of this rule, an action against an individual **may be brought in and only in a county [in which] where**

[**(1) the individual may be served or in which the cause of action arose or where a transaction or occurrence took place out of which the cause of action arose or in any other county authorized by law, or]**

(1) the individual may be served;

(2) the cause of action arose;

(3) a transaction or occurrence took place out of which the cause of action arose;

[*Note:* For a definition of transaction or occurrence, see *Craig v. W. J. Thiele & Sons, Inc.*, 149 A.2d 35 (Pa. 1959).]

(4) venue is authorized by law; or

[**(2)**] **(5)** the property or a part of the property, which is the subject matter of the action, is located provided that equitable relief is sought with respect to the property.

[**(a.1) Except as otherwise provided by subdivision (c), a medical professional liability action may be brought against a health care provider for a medical professional liability claim only in a county in which the cause of action arose. This provision does not apply to a cause of action that arises outside the Commonwealth.**

Note: See Section 5101.1(c) of the Judicial Code, 42 Pa.C.S. § 5101.1(c), for the definitions of "health care provider," "medical professional liability action," and "medical professional liability claim."]

(b) ***Venue Designated by Rule.*** Actions against the following defendants, except as otherwise provided in subdivision (c), may be brought in and only in the counties designated by the following rules: political subdivisions, Rule 2103; partnerships, Rule 2130; unincorporated associations, Rule 2156; corporations and similar entities, Rule 2179.

[*Note:* Partnerships, unincorporated associations, and corporations and similar entities are subject to subdivision (a.1) governing venue in medical professional liability actions. See Rules 2130, 2156 and 2179.

Subdivision (a.1) is a venue rule and does not create jurisdiction in Pennsylvania over a foreign cause of action where jurisdiction does not otherwise exist.]

(c) [**(1) Except as otherwise provided by subdivision (c)(2), an] ***Joint and Several Liability Actions.*** **An** action to enforce a joint or joint and several liability against two or more defendants, except actions in which the Commonwealth is a party defendant, may be brought against all defendants in any county in which the venue may be laid against any one of the defendants under the general rules of subdivisions (a) or (b).**

[**(2) If the action to enforce a joint or joint and several liability against two or more defendants includes one or more medical professional liability claims, the action shall be brought in any county in which the venue may be laid against any defendant under subdivision (a.1). This provision does not apply to a cause of action that arises outside the Commonwealth.]**

(d) ***Transfer of Venue.***

(1) For the convenience of parties and witnesses, the court upon petition of any party may transfer an action to the appropriate court of any other county where the action could originally have been brought.

(2) [**Where**] **If**, upon petition and hearing [**thereon**], the court finds that a fair and impartial trial cannot be held in the county for reasons stated of record, the court may order that the action be transferred. The order changing venue shall be certified [**forthwith**] to the Supreme Court, which shall designate the county to which the case is to be transferred.

[**Note: For the recusal of the judge for interest or prejudice, see Rule 2.11 of the Code of Judicial Conduct.**]

(3) It shall be the duty of the prothonotary of the court in which the action is pending to forward to the prothonotary of the county to which the action is transferred, certified copies of the docket entries, process, pleadings, depositions, and other papers filed in the action. The costs and fees of the petition for transfer and the removal of the record shall be paid by the petitioner in the first instance to be taxable as costs in the case.

(e) ***Improper Venue to be Raised by Preliminary Objection.*** Improper venue shall be raised by preliminary objection and if not so raised shall be waived. If a preliminary objection to venue is sustained, and there is a county of proper venue within the State, the action shall not be dismissed but shall be transferred to the appropriate court of that county. The costs and fees for transfer and removal of the record shall be paid by the plaintiff.

(f) [(1) **Except as provided by subdivision (f)(2), if**] ***Multiple Causes of Action.*** **If** the plaintiff states more than one cause of action against the same defendant in the complaint pursuant to Rule 1020(a), the action may be brought in any county in which any one of the individual causes of action might have been brought.

[(2) **Except as otherwise provided by subdivision (c), if one or more of the causes of action stated against the same defendant is a medical professional liability claim, the action shall be brought in a county required by subdivision (a.1).**]

(g) **The Civil Procedural Rules Committee shall reexamine the 2022 rule amendments two years after their effective date.**

Comment:

For a definition of transaction or occurrence, see *Craig v. W. J. Thiele & Sons, Inc.*, 149 A.2d 35 (Pa. 1959).

For the recusal of the judge for interest or prejudice under subdivision (d)(2), see Rule 2.11 of the Code of Judicial Conduct.

[**EXPLANATORY COMMENT—1982**

The revision of subdivision (d) of Venue Rule 1006 is made necessary by the repeal by the Judiciary Act Repealer Act (JARA) of a number of Acts of Assembly providing for a change of venue in civil actions for inability to obtain a fair and impartial trial because of interest or prejudice. The acts were repealed by JARA as of June 27, 1978, and they were not re-enacted as part of the Judicial Code. However, they remained in force under the “fail-safe provision” of Section 3(b) of JARA, 42 P.S. § 20003(b), until such time as general rules governing the subject were promulgated.

Among the acts repealed were the following:

1. The Act of March 30, 1875, as amended, 12 P.S. § 111 et seq., provided for change of venue on the general ground that a fair and impartial trial cannot be held in the county. It also contained the following specific grounds: (1) whenever the judge is personally interested in the case, (2) whenever title under which the parties claim has been derived from or through the judge, (3) whenever a relative of the judge is a party or is interested in the case, unless the judge so interested shall select another judge, not so related, to hear the case, (4) whenever the county or municipality or an official thereof is a party and it shall appear that local prejudice exists so that a fair trial cannot be had in such county, (5) whenever a large number of the inhabitants of the county have an interest in the question adverse to the applicant and it shall appear to the court that he cannot have a fair and impartial trial, (6) whenever it shall appear that any party has undue influence over the minds of the inhabitants or that they are prejudiced against the applicant so that a fair and impartial trial cannot be had, and (7) whenever any plea of land has been tried by two juries which have disagreed and have been discharged without rendering a verdict.

2. The Act of April 14, 1834, 15 P.S. § 4184, provided that in any action by or against a canal or a railroad company, the case shall be removed upon affidavit of the applicant that the removal is not made for the purpose of delay but because he firmly believes a fair and impartial trial cannot be held in a county through which the canal or railroad may pass.

3. The Act of May 22, 1878, § 117, provided that whenever an action to recover the purchase price of realty is brought in a county other than that in which the real estate is located, the defendants may obtain a change of venue upon filing an affidavit that the action involves an adjudication of the title, boundaries, location, condition or value of such real estate.

Rule 1006(d)(2) provides for a change of venue “where, upon petition and hearing thereon, the court finds that a fair and impartial trial cannot be held in the county for the reasons stated of record.” This provision follows Rule of Criminal Procedure 312(a), which provides for certification of an order changing venue to the Supreme Court, which shall designate the transferee county.

The disqualification of a judge “in a proceeding in which his impartiality might reasonably be questioned” is governed by Canon 3C of the Code of Judicial Conduct. A note which cross-refers to the Code is added to new subdivision (d)(2).

EXPLANATORY COMMENT—JAN. 27, 2003

Act No. 127 of 2002 amended the Judicial Code by adding new Section 5101.1 providing for venue in medical professional liability actions. Section 5101.1(b) provides

(b) ***General rule.***—Notwithstanding any other provision to the contrary, a medical professional liability action may be brought against a health care provider for a medical professional liability claim only in the county in which the cause of action arose.

This provision has been incorporated into Rule of Civil Procedure 1006 governing venue as new subdivision (a.1). The new subdivision uses the terminology of the legislation. “Medical professional liability action,” “health care provider” and “medical professional liability claim” are terms defined by Section 5101.1(c) of the Code.

Joint and Several Liability

Under new subdivision (c)(2) of Rule 1006, an action to enforce a joint and several liability against two or more health care providers may be brought in any county in which venue may be laid against at least one of the health care providers under subdivision (a.1). Therefore, an action to enforce a joint and several liability against Health Care Provider A that provided treatment in County 1 and against Health Care Provider B that provided treatment in County 2 may be brought in either County 1 or County 2.

However, subdivision (c)(2) does not allow an action to enforce a joint and several liability to be brought against a health care provider in a county in which venue may be laid against a defendant that is not a health care provider. Therefore, an action to enforce a joint and several liability against Health Care Provider A that provided treatment in County 1 and against a product manufacturer that does business in County 2 may be brought only in County 1.

Multiple Causes of Action

Subdivision (f) of Rule 1006 provides that where more than one cause of action is asserted against the same defendant pursuant to Rule 1020(a), venue as to one cause of action constitutes venue as to all causes of action. In an action in which there are asserted multiple causes of action but only one is a claim for medical professional liability, the application of this provision could frustrate Section 5101.1 and result in an action being brought in a county other than the county in which the cause of action for medical professional liability arose. New subdivision (f)(2) limits venue in such cases to the county required by new subdivision (a.1), e.g., the county in which the cause of action for medical professional liability arose.

The new venue provision for a medical professional liability claim is to be made applicable not only to individual defendants (Rule 1006(a.1)) but also to partnerships (Rule 2130(a)), unincorporated associations (Rule 2156(a)) and corporations and similar entities (Rule 2179(a)).

EXPLANATORY COMMENT—DEC. 16, 2003

See Explanatory Comment preceding Pa.R.C.P. No. 1501.

EXPLANATORY COMMENT—2011

Currently, a lawsuit based on medical treatment furnished in another state cannot be brought in Pennsylvania even if the defendants have substantial contacts with the state whereas Pennsylvania defendants can be sued in any state in which they have at least minimum contacts. The amendment to this rule would eliminate this discrepancy.

EXPLANATORY COMMENT—2016

On January 8, 2014, the Supreme Court rescinded the then-existing provisions of the Code of Judicial

Conduct effective July 1, 2014, and adopted new Canons 1 through 4 of the Code of Judicial Conduct of 2014, also effective July 1, 2014. See 44 Pa.B. 455 (January 25, 2014). At the direction of the Court, the Civil Procedural Rules Committee has identified and updated references to the Code of Judicial Conduct in the Rules of Civil Procedure to reflect these changes. Technical amendments to the Note to Rule 225 have also been made which do not affect practice and procedure.]

CHAPTER 2120. PARTNERSHIPS AS PARTIES

Rule 2130. Venue **in an Action Against a Partnership.**

(a) **General Rule.** Except as otherwise provided [by Rule 1006(a.1) and] by subdivision (c) of this rule, an action against a partnership may be brought in and only in a county where [**the partnership regularly conducts business, or in the county where the cause of action arose or in a county where a transaction or occurrence took place out of which the cause of action arose or in the county where the property or a part of the property which is the subject matter of the action is located provided that equitable relief is sought with respect to the property.**]

(1) the partnership regularly conducts business;

(2) the cause of action arose;

(3) a transaction or occurrence took place out of which the cause of action arose; or

(4) the property or a part of the property, which is the subject matter of the action, is located provided that equitable relief is sought with respect to the property.

[**Note:** Rule 1006(a.1) governs venue in actions for medical professional liability.]

(b) **Venue in Actions Against a Liquidator.** Except as otherwise provided by subdivision (c) of this rule, an action against a liquidator may be brought in and only in a county where [**the liquidator is liquidating the partnership business or in which the partnership last regularly conducted business, or in the county where the cause of action arose or in a county where a transaction or occurrence took place out of which the cause of action arose.**]

(1) the liquidator is liquidating the partnership business;

(2) the partnership last regularly conducted business;

(3) the cause of action arose; or

(4) a transaction or occurrence took place out of which the cause of action arose.

This rule shall not apply to an action against a liquidator deriving authority under the laws of the United States.

(c) **Exception.** Subdivisions (a) and (b) of this rule do not restrict or affect the venue of an action

(1) against a partnership commenced by or for the attachment, seizure, garnishment, sequestration, or condemnation of real or personal property; or

(2) [**an action**] for the recovery of the possession of or the determination of the title to real or personal property.

(d) The Civil Procedural Rules Committee shall reexamine the 2022 rule amendments two years after their effective date.

[EXPLANATORY COMMENT—2003

Act No. 127 of 2002 amended the Judicial Code by adding new Section 5101.1 providing for venue in medical professional liability actions. Section 5101.1(b) provides

(b) *General rule.*—Notwithstanding any other provision to the contrary, a medical professional liability action may be brought against a health care provider for a medical professional liability claim only in the county in which the cause of action arose.

This provision has been incorporated into Rule of Civil Procedure 1006 governing venue as new subdivision (a.1). The new subdivision uses the terminology of the legislation. “Medical professional liability action,” “health care provider” and “medical professional liability claim” are terms defined by Section 5101.1(c) of the Code.

Joint and Several Liability

Under new subdivision (c)(2) of Rule 1006, an action to enforce a joint and several liability against two or more health care providers may be brought in any county in which venue may be laid against at least one of the health care providers under subdivision (a.1). Therefore, an action to enforce a joint and several liability against Health Care Provider A that provided treatment in County 1 and against Health Care Provider B that provided treatment in County 2 may be brought in either County 1 or County 2.

However, subdivision (c)(2) does not allow an action to enforce a joint and several liability to be brought against a health care provider in a county in which venue may be laid against a defendant that is not a health care provider. Therefore, an action to enforce a joint and several liability against Health Care Provider A that provided treatment in County 1 and against a product manufacturer that does business in County 2 may be brought only in County 1.

Multiple Causes of Action

Subdivision (f) of Rule 1006 provides that where more than one cause of action is asserted against the same defendant pursuant to Rule 1020(a), venue as to one cause of action constitutes venue as to all causes of action. In an action in which there are asserted multiple causes of action but only one is a claim for medical professional liability, the application of this provision could frustrate Section 5101.1 and result in an action being brought in a county other than the county in which the cause of action for medical professional liability arose. New subdivision (f)(2) limits venue in such cases to the county required by new subdivision (a.1), e.g., the county in which the cause of action for medical professional liability arose.

The new venue provision for a medical professional liability claim is to be made applicable not only to individual defendants (Rule 1006(a.1)) but also to partnerships (Rule 2130(a)), unincorporated associations (Rule 2156(a)) and corporations and similar entities (Rule 2179(a)).]

CHAPTER 2150. UNINCORPORATED ASSOCIATIONS AS PARTIES

Rule 2156. Venue in an Action Against an Unincorporated Association.

(a) *General Rule.* Except as otherwise provided [by Rule 1006(a.1) and] by subdivision (b) of this rule, an action against an association may be brought in and only in a county where [the association regularly conducts business or any association activity, or in the county where the cause of action arose or in a county where a transaction or occurrence took place out of which the cause of action arose or in the county where the property or a part of the property which is the subject matter of the action is located provided that equitable relief is sought with respect to the property.]

(1) the association regularly conducts business or any association activity;

(2) the cause of action arose;

(3) a transaction or occurrence took place out of which the cause of action arose; or

(4) the property or a part of the property, which is the subject matter of the action, is located provided that equitable relief is sought with respect to the property.

[*Note:* Rule 1006(a.1) governs venue in actions for medical professional liability.]

(b) *Exception.* Subdivision (a) of this rule shall not restrict or affect the venue of an action

(1) against an association commenced by or for the attachment, seizure, garnishment, sequestration, or condemnation of real or personal property; or

(2) [an action] for the recovery of the possession of or the determination of the title to real or personal property.

(c) The Civil Procedural Rules Committee shall reexamine the 2022 rule amendments two years after their effective date.

[EXPLANATORY COMMENT—2003

Act No. 127 of 2002 amended the Judicial Code by adding new Section 5101.1 providing for venue in medical professional liability actions. Section 5101.1(b) provides

(b) *General rule.*—Notwithstanding any other provision to the contrary, a medical professional liability action may be brought against a health care provider for a medical professional liability claim only in the county in which the cause of action arose.

This provision has been incorporated into Rule of Civil Procedure 1006 governing venue as new subdivision (a.1). The new subdivision uses the terminology of the legislation. “Medical professional liability action,” “health care provider” and “medical professional liability claim” are terms defined by Section 5101.1(c) of the Code.

Joint and Several Liability

Under new subdivision (c)(2) of Rule 1006, an action to enforce a joint and several liability against two or more health care providers may be brought in any county in which venue may be laid

against at least one of the health care providers under subdivision (a.1). Therefore, an action to enforce a joint and several liability against Health Care Provider A that provided treatment in County 1 and against Health Care Provider B that provided treatment in County 2 may be brought in either County 1 or County 2.

However, subdivision (c)(2) does not allow an action to enforce a joint and several liability to be brought against a health care provider in a county in which venue may be laid against a defendant that is not a health care provider. Therefore, an action to enforce a joint and several liability against Health Care Provider A that provided treatment in County 1 and against a product manufacturer that does business in County 2 may be brought only in County 1.

Multiple Causes of Action

Subdivision (f) of Rule 1006 provides that where more than one cause of action is asserted against the same defendant pursuant to Rule 1020(a), venue as to one cause of action constitutes venue as to all causes of action. In an action in which there are asserted multiple causes of action but only one is a claim for medical professional liability, the application of this provision could frustrate Section 5101.1 and result in an action being brought in a county other than the county in which the cause of action for medical professional liability arose. New subdivision (f)(2) limits venue in such cases to the county required by new subdivision (a.1), e.g., the county in which the cause of action for medical professional liability arose.

The new venue provision for a medical professional liability claim is to be made applicable not only to individual defendants (Rule 1006(a.1)) but also to partnerships (Rule 2130(a)), unincorporated associations (Rule 2156(a)) and corporations and similar entities (Rule 2179(a)).]

CHAPTER 2170. CORPORATIONS AND SIMILAR ENTITIES AS PARTIES

Rule 2179. Venue in an Action Against a Corporation or Similar Entity.

(a) **General Rule.** Except as otherwise provided by an Act of Assembly [, by Rule 1006(a.1)] or by subdivision (b) of this rule, a personal action against a corporation or similar entity may be brought in and only in a county where

(1) [the county where its] the registered office or principal place of business of the corporation or similar entity is located;

(2) [a county where it] the corporation or similar entity regularly conducts business;

(3) [the county where] the cause of action arose;

(4) [a county where] a transaction or occurrence took place out of which the cause of action arose [,]; or

(5) [a county where] the property or a part of the property, which is the subject matter of the action, is located provided that equitable relief is sought with respect to the property.

[*Note:* Rule 1006(a.1) governs venue in actions for medical professional liability.]

(b) **Venue in Actions on an Insurance Policy.** An action upon a policy of insurance against an insurance company, association or exchange, either incorporated or organized in Pennsylvania or doing business in this Commonwealth, may be brought in a county

(1) [in a county] designated in [Subdivision] subdivision (a) of this rule; [or]

(2) [in the county] where the insured property is located; or

(3) [in the county] where the plaintiff resides, in actions upon policies of life, accident, health, disability, and [live stock] livestock insurance or fraternal benefit certificates.

(c) **The Civil Procedural Rules Committee shall reexamine the 2022 rule amendments two years after their effective date.**

[EXPLANATORY COMMENT—2000

The Supreme Court of Pennsylvania has amended the following rules of civil procedure: Rule 76 which contains a definition of the term “political subdivision”, Rules 2126, 2151 and 2176 which provide definitions governing associations as parties and Rule 2179(a)(2) which governs venue when a corporation or similar entity is a party to an action.

Political Subdivision

The rules of civil procedure have heretofore made no provision for a municipal authority as a party. The definition of the term “political subdivision” as set forth in Definition Rule 76 has now been amended to include the phrase “municipal or other local authority”. The phrase “municipal or other local authority” is derived from Section 102 of the Judicial Code and Section 101 of Title 2 of the Consolidated Statutes relating to Administrative Law and Procedure.

The primary effect of the amendment is to bring a municipal or other local authority within the chapter of rules governing the Commonwealth and Political Subdivisions as Parties and subject an authority to three rules. Under Rule 2102(b) governing the style of action, an action will be brought by or against an authority “in its name.” Rule 2103(b) will limit venue to the county in which the political subdivision is located unless the Commonwealth is the plaintiff or an Act of Assembly provides otherwise. Service upon an authority will be made pursuant to subdivision (b) of Rule 422 governing service upon a political subdivision.

It is recognized that a municipal or other local authority may perform a “sovereign or governmental” function, a “business or proprietary” function or a combination of both. It is useful, however, to have a unified practice which applies to all such entities. It is therefore appropriate that municipal or other local authorities be made subject to the rules governing political subdivisions in view of their performance of sovereign or governmental functions.

The characterization of a municipal or other local authority as a political subdivision is a procedural device only. As the note to the definition states, “the definition of the term ‘political subdivision’ in this rule has no bearing upon whether a particular entity is or is not a political subdivision for substantive matters.”

Partnerships as Parties

The amendment to Rule 2176 defining the term “partnership” continues to provide that “partnership means a general or limited partnership” and adds new language: “whether it is also a registered limited liability partnership or electing partnership”. The reference to a registered limited liability partnership and an electing partnership is derived from Section 8311(b) of the Associations Code, “Partnership defined”.

The amendment excludes from the definition “limited liability company, unincorporated association, joint stock company or similar association”. The reference to a limited liability company is new and takes into account Act No. 126 of 1994 which amended Title 15 of the *Consolidated Statutes*, the Associations Code, by adding Chapter 89 relating to limited liability companies. Although excluded here from the definition of partnership, the limited liability company is included in the revised definition of “corporation or similar entity” found in Rule 2176.

As revised, the exclusionary language of the definition no longer contains the terms “partnership association and registered partnership” which are obsolete.

Unincorporated Associations as Parties

The term “association” as used in Rule 2151 et seq. is not the broad term found in the “Associations Code”. Rather, it has the limited meaning set forth in Rule 2151. The basic definition continues unchanged: “an unincorporated association conducting any business or engaging in any activity of any nature whether for profit or otherwise under a common name...” However, the definition excludes certain types of “associations” as used in the broader sense of that term. Whereas the former rule excluded from the definition the catalog of “an incorporated association, general partnership, limited partnership, registered partnership, partnership association, joint stock company or similar association”, the amended definition simply states that “unincorporated association” does not include “a partnership as defined in Rule 2126 or a corporation or similar entity as defined in Rule 2176.”

Corporations or Similar Entities as Parties

Rule 2176 is revised in two respects. First, the term “executive officer” is put in its rightful place alphabetically in the list of definitions but it is not otherwise changed. Second, the term “corporation or similar entity” is revised to include the terms “limited liability company, professional association and business trust” and to delete as obsolete the terms “registered partnership”, “Massachusetts Trust” and “partnership association limited”.

The addition of “business trust” includes within the definition of corporation or similar entity a “trust subject to Chapter 95 (relating to business trusts).” The addition of “professional association” includes a professional association as defined in Section 9302 of the Associations Code, i.e., “a professional association organized under the Act of August 7, 1961 (P.L. 941, No. 416), known as the Professional Association Act. . . .”

The addition of a “limited liability company” to the definition is in accord with the Source Note to Section 8906 of the Associations Code which states:

Notwithstanding the policy of Chapter 89 that a limited liability company is a form of partnership entity, for purposes of the Pennsylvania Rules of Civil Procedure a limited liability company will probably be deemed a “corporation or similar entity” under Pa.R.C.P. 2176, rather than a “partnership” under Pa.R.C.P. 2126 or an “association” under Pa.R.C.P. 2151.

The amendment to Rule 2179(a)(2) governing venue when a corporation or similar entity is a party to an action simply deletes a note containing an obsolete cross-reference.

EXPLANATORY COMMENT—2003

Act No. 127 of 2002 amended the Judicial Code by adding new Section 5101.1 providing for venue in medical professional liability actions. Section 5101.1(b) provides

(b) *General rule.*—Notwithstanding any other provision to the contrary, a medical professional liability action may be brought against a health care provider for a medical professional liability claim only in the county in which the cause of action arose.

This provision has been incorporated into Rule of Civil Procedure 1006 governing venue as new subdivision (a.1). The new subdivision uses the terminology of the legislation. “Medical professional liability action,” “health care provider” and “medical professional liability claim” are terms defined by Section 5101.1(c) of the Code.

Joint and Several Liability

Under new subdivision (c)(2) of Rule 1006, an action to enforce a joint and several liability against two or more health care providers may be brought in any county in which venue may be laid against at least one of the health care providers under subdivision (a.1). Therefore, an action to enforce a joint and several liability against Health Care Provider A that provided treatment in County 1 and against Health Care Provider B that provided treatment in County 2 may be brought in either County 1 or County 2.

However, subdivision (c)(2) does not allow an action to enforce a joint and several liability to be brought against a health care provider in a county in which venue may be laid against a defendant that is not a health care provider. Therefore, an action to enforce a joint and several liability against Health Care Provider A that provided treatment in County 1 and against a product manufacturer that does business in County 2 may be brought only in County 1.

Multiple Causes of Action

Subdivision (f) of Rule 1006 provides that where more than one cause of action is asserted against the same defendant pursuant to Rule 1020(a), venue as to one cause of action constitutes venue as to all causes of action. In an action in which there are asserted multiple causes of action but only one is a claim for medical professional liability, the application of this provision could frustrate Section 5101.1 and result in an action being brought in a county other than the county in which the cause of action for medical professional liability arose. New subdivision (f)(2) limits venue in such cases to the county

required by new subdivision (a.1), e.g., the county in which the cause of action for medical professional liability arose.

The new venue provision for a medical professional liability claim is to be made applicable not only to individual defendants (Rule 1006(a.1)) but also to partnerships (Rule 2130(a)), unincorporated associations (Rule 2156(a)) and corporations and similar entities (Rule 2179(a)).]

CIVIL PROCEDURAL RULES COMMITTEE ADOPTION REPORT

Amendment of Pa.R.Civ.P. 1006, 2130, 2156, and 2179

On August 25, 2022, the Supreme Court of Pennsylvania adopted amendments to Pennsylvania Rules of Civil Procedure 1006, 2130, 2156, and 2179 governing venue in medical professional liability actions. The Civil Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, Comment. The statements contained herein are those of the Committee, not the Court.

Pursuant to a request, the Civil Procedural Rules Committee considered an amendment to the Rules of Civil Procedure that would return Pa.R.Civ.P. 1006 to its pre-2003 status when medical malpractice defendants were subject to the same venue rules as all other non-governmental defendants. Pa.R.Civ.P. 1006(a.1) was adopted in 2002 and provided that “a medical professional liability action may be brought against a health care provider for a medical professional liability claim only in a county in which the cause of action arose.”

The requester identified three arguments in support of the request. First, while there may have been a need for a change of the venue rules in the early 2000s, along with the legislation enacted pursuant to Act 13 of 2002 (MCARE Act), the Court’s own data collection efforts showed that there had been a significant decrease in medical malpractice filings in the past 15 years. Second, the combined cumulative effect had resulted in not only a significant decrease in the number of cases filed, but also a significant decrease in the amount of claim payments resulting in far fewer compensated victims of medical negligence. Third, the current venue rule should be changed because it provides special treatment for a particular class of defendants; procedural rules should provide fairness of process and be agnostic to outcome.

Upon review, the Committee agreed to study whether the rescission of Rule 1006(a.1) was warranted. Preliminarily, the Committee believed that venue was a procedural matter subject to rulemaking. See *Commonwealth v. Bethea*, 828 A.2d 1066, 1074 (Pa. 2003) (“Venue is predominately a procedural matter, generally prescribed by rules of this Court.”). While Pa.R.Civ.P. 1006(a.1) incorporated 42 Pa.C.S. § 5101.1(b), this amendment was understood to be a result of the Supreme Court’s exercise of rulemaking authority pursuant to Article V, Section 10(c) of the Pennsylvania Constitution upon the Court’s independent review of its merit.

The Committee prepared a proposal that would effectively rescind Rule 1006(a.1) for publication. The proposed amendments were intended to solicit feedback to inform the Committee on whether to recommend to the Court the proposed rescission or the discontinuation of rulemaking, i.e., maintaining the *status quo*.

Following publication, see 48 Pa.B. 7744 (December 22, 2018), there was a pronounced response to the proposal.

Those respondents who supported the proposal believed that it was a matter of fundamental fairness for all defendants to be subject to the same venue rules as defendants in other causes of action. Those respondents who opposed the proposal believed that the rescission of the venue provisions in the Rules of Civil Procedure would return medical malpractice litigation to the circumstances pre-2003 and would result in an increase in medical malpractice insurance premiums, a reduction in patient access to quality care, and physicians leaving the state.

The Committee received and reviewed a Report of the Legislative Budget and Finance Committee, issued February 4, 2020, evaluating the impact of the proposed changes to venue for medical professional liability actions on physicians, hospital services, medical professional liability insurance in Pennsylvania, and the prompt determination of, and fair compensation for, injuries and death resulting from medical negligence. The findings of the LBFC were inconclusive as to the impact of the proposed amendment for each category. This result was due to a variety of factors including the lack of comprehensive data on access to medical care that was needed as well as the difficulty of separating venue from the other 2003 reforms, such as the requirement of a certificate of merit in medical professional liability actions. See Pa.R.Civ.P. 1042.1 *et seq.*

The Committee also received an actuarial review on the proposed amendment to the venue rules that was completed for the Pennsylvania State Senate Judiciary Committee and intended to supplement the information gap left by the LBFC Report. That review was not considered in the Committee’s deliberations, and instead was forwarded directly to the Supreme Court for further evaluation.

The Committee considered the merits of the proposal in light of the comments and reports received. The Committee acknowledged the sharp divergence of opinion and rationale among the respondents. The Committee considered the following in evaluation of the proposal:

- whether there was sufficient proof to maintain the current venue rules for medical professional liability actions such that the rules should continue to treat injured parties differently based solely on the type of professional who causes their injuries;
- the downward trend in the filing of medical malpractice claims and that Pennsylvania’s health care delivery systems no longer appear to be in crisis as a result of those claims; and
- whether juries in less populous counties may be more inclined than juries in more populous counties to find in favor of defendants in medical malpractice actions.

The Committee acknowledged that the special venue rules were but one of a constellation of changes associated with the MCARE Act. The MCARE Act was intended to address a medical malpractice crisis within Pennsylvania at the time through patient safety, insurance reform, trial conduct, and procedural changes. Those procedural changes, which the Court adopted through rulemaking, included the special venue rule and requirements for a certificate of merit. See 33 Pa.B. 751 (February 8, 2003) (amending Pa.R.Civ.P. 1006, 2130, 2156, 2179 governing venue); 33 Pa.B. 748 (February 8, 2003) (adopting Pa.R.Civ.P. 1042.1—1042.8 governing professional liability actions); 34 Pa.B. 1926 (April 10, 2004) (adopting Pa.R.Civ.P. 1042.21, 1042.26—1042.32, 1042.36—1042.38, 1042.41, and 1042.51 governing pre-trial procedures in

medical professional liability actions); 34 Pa.B. 4880 (September 4, 2004) (adopting Pa.R.Civ.P. 1042.71 governing findings as to damages in medical professional liability actions); 34 Pa.B. 5351 (October 2, 2004) (adopting Rule 1042.72 governing excessive damage awards for noneconomic loss in medical professional liability actions).

Adopted almost 20 years ago, the special venue rules represented a significant change from the *status quo*. Generally, Pa.R.Civ.P. 1006 provided that venue lies in the county in which the cause of action arose or the county where a defendant could be served. When the defendant is a non-person entity, venue typically also exists in a county where the defendant conducts business. See Pa.R.Civ.P. 2130, 2156, and 2179. Accordingly, venue was not constrained by the county where the cause of action arose. The rules provided a mechanism for a defendant to seek another forum based upon convenience or when “a fair and impartial trial cannot be held.” Pa.R.Civ.P. 1006(d)(1)-(2).

Section 5101.1 of the Judicial Code, 42 Pa.C.S. § 5101.1, changed this approach by requiring that venue in medical malpractice actions be limited to the county where the injury occurred. The ostensible purpose of this provision was to save insurers money by reducing either the number of lawsuits and/or the size of awards to injured parties. In contrast, legislation enabling the Interbranch Commission on Venue, which was adopted at the same time as the MCARE Act, see 40 P.S. § 1303.514, was premised on “recent changes in the health care delivery system” that “unduly expanded the reach and scope of existing venue rules.” *Id.* § 1303.514(a). This language suggested that the special venue rules were designed to mitigate the consequences of corporate restructuring and not medical malpractice claims.

In looking at the reduction in case filings as a metric of the effectiveness of the special venue rules, a majority of the Committee concluded that the number of case filings is independent of the issue of venue because presumably an injured patient would proceed with a meritorious medical malpractice action regardless of venue. Frivolous medical malpractice actions would be eliminated through the use of certificates of merit pursuant to Pa.R.Civ.P. 1042.3.

The rationale for Section 5101.1 venue mandate appears drawn from the premise that juries in less populous counties are either more inclined to find for defendants than juries in more populous counties or award lower damages. If the venue mandate operated in such a manner that jury pools, rather than the merits of individual cases, were determinative of trial outcomes, then the rescission of the special venue rules on the basis of fundamental unfairness would be warranted. See also Pa.R.Civ.P. 1006(d)(2) (providing for a change of venue when a fair and impartial trial cannot be held).

As for the latter premise, it represents an omission in the justification for maintaining the Section 5101.1 venue mandate. Any cost savings believed to be obtained from mandating venue is a zero-sum gain resulting in less compensation to the victim. Lost in rhetoric is the perspective of the victim of medical malpractice. There appears to be a misconception that patients harmed by the negligent actions of healthcare providers somehow enjoy a windfall verdict in more populous counties. Many of these patients have endured substantial injuries seriously lessening their quality of life in perpetuity, requiring permanent medical care and assistance in activities of daily living, and causing the patient and their families to endure lifelong pain, suffering, and loss of companionship.

These are serious, complicated, and tragic cases. There is no windfall; no one gains. The stark reality is that patients and their family members would forgo all to avoid the injury cause by medical malpractice in the first place. A verdict can never make them whole.

Another misconception has pervaded discussions of the Section 5101.1 venue mandate. A long-fermented belief has been perpetuated in the current discourse that frivolous lawsuits abound and unduly target healthcare professionals for the sole purpose of compelling providers and their insurers to settle meritless claims to avoid a costly trial. Those maintaining this belief can be assured that such a practice has been sharply foreclosed by a salutary provision of the MCARE Act setting forth medical expert qualifications, which has been codified in the Pennsylvania Rules of Civil Procedure to require a certificate of merit by another licensed healthcare professional. See 40 P.S. § 1303.512; Pa.R.Civ.P. 1042.3.

It has also been postulated that eliminating the special venue mandate for medical practice actions will cause health care providers, in general, to leave Pennsylvania. Insofar as negligent providers are held accountable in a court of law for their acts and exit Pennsylvania as an uninsurable risk, that outcome is preferred to protect patients within this Commonwealth from further harm. With utmost respect, it is suggested that efforts are better focused on reducing the occurrence of negligence rather than limit liability after the negligence.

In sum, a majority of the Committee did not find justification for the continued disparate treatment of victims of medical malpractice as it pertains to venue. The impact of the restrictive venue rules was such that the savings accruing to defendants represents less-than-full compensation to plaintiffs for their injuries. Instead, a majority concluded that medical malpractice claims should be subject to the same venue rules applicable to other professional liability claims and tort claims in general. Likewise, defendants in medical malpractice actions can avail themselves of procedural mechanisms to seek a change in venue that are available to all other defendants in other types of actions.

The amendments will become effective January 1, 2023.

The following commentary has been removed from the following rules:

Pa.R.Civ.P. 1006

Subdivision (a.1) *Note*: See Section 5101.1(c) of the Judicial Code, 42 Pa.C.S. § 5101.1(c), for the definitions of “health care provider,” “medical professional liability action,” and “medical professional liability claim.”

Subdivision (b) *Note*: Partnerships, unincorporated associations, and corporations and similar entities are subject to subdivision (a.1) governing venue in medical professional liability actions. See Rules 2130, 2156 and 2179.

Subdivision (a.1) is a venue rule and does not create jurisdiction in Pennsylvania over a foreign cause of action where jurisdiction does not otherwise exist.

EXPLANATORY COMMENT—1982

The revision of subdivision (d) of Venue Rule 1006 is made necessary by the repeal by the Judiciary Act Repealer Act (JARA) of a number of Acts of Assembly providing for a change of venue in civil actions for inability to obtain a fair and impartial trial because of interest or prejudice. The acts were repealed by JARA as of June 27, 1978, and they were not re-enacted as part of

the Judicial Code. However, they remained in force under the “fail-safe provision” of Section 3(b) of JARA, 42 P.S. § 20003(b), until such time as general rules governing the subject were promulgated.

Among the acts repealed were the following:

1. The Act of March 30, 1875, as amended, 12 P.S. § 111 et seq., provided for change of venue on the general ground that a fair and impartial trial cannot be held in the county. It also contained the following specific grounds: (1) whenever the judge is personally interested in the case, (2) whenever title under which the parties claim has been derived from or through the judge, (3) whenever a relative of the judge is a party or is interested in the case, unless the judge so interested shall select another judge, not so related, to hear the case, (4) whenever the county or municipality or an official thereof is a party and it shall appear that local prejudice exists so that a fair trial cannot be had in such county, (5) whenever a large number of the inhabitants of the county have an interest in the question adverse to the applicant and it shall appear to the court that he cannot have a fair and impartial trial, (6) whenever it shall appear that any party has undue influence over the minds of the inhabitants or that they are prejudiced against the applicant so that a fair and impartial trial cannot be had, and (7) whenever any plea of land has been tried by two juries which have disagreed and have been discharged without rendering a verdict.

2. The Act of April 14, 1834, 15 P.S. § 4184, provided that in any action by or against a canal or a railroad company, the case shall be removed upon affidavit of the applicant that the removal is not made for the purpose of delay but because he firmly believes a fair and impartial trial cannot be held in a county through which the canal or railroad may pass.

3. The Act of May 22, 1878, § 117, provided that whenever an action to recover the purchase price of realty is brought in a county other than that in which the real estate is located, the defendants may obtain a change of venue upon filing an affidavit that the action involves an adjudication of the title, boundaries, location, condition or value of such real estate.

Rule 1006(d)(2) provides for a change of venue “where, upon petition and hearing thereon, the court finds that a fair and impartial trial cannot be held in the county for the reasons stated of record.” This provision follows Rule of Criminal Procedure 312(a), which provides for certification of an order changing venue to the Supreme Court, which shall designate the transferee county.

The disqualification of a judge “in a proceeding in which his impartiality might reasonably be questioned” is governed by Canon 3C of the Code of Judicial Conduct. A note which cross-refers to the Code is added to new subdivision (d)(2).

EXPLANATORY COMMENT—JAN. 27, 2003

Act No. 127 of 2002 amended the Judicial Code by adding new Section 5101.1 providing for venue in medical professional liability actions. Section 5101.1(b) provides

(b) *General rule.*—Notwithstanding any other provision to the contrary, a medical professional liability action may be brought against a health care provider for a medical professional liability claim only in the county in which the cause of action arose.

This provision has been incorporated into Rule of Civil Procedure 1006 governing venue as new subdivision (a.1). The new subdivision uses the terminology of the legisla-

tion. “Medical professional liability action,” “health care provider” and “medical professional liability claim” are terms defined by Section 5101.1(c) of the Code.

Joint and Several Liability

Under new subdivision (c)(2) of Rule 1006, an action to enforce a joint and several liability against two or more health care providers may be brought in any county in which venue may be laid against at least one of the health care providers under subdivision (a.1). Therefore, an action to enforce a joint and several liability against Health Care Provider A that provided treatment in County 1 and against Health Care Provider B that provided treatment in County 2 may be brought in either County 1 or County 2.

However, subdivision (c)(2) does not allow an action to enforce a joint and several liability to be brought against a health care provider in a county in which venue may be laid against a defendant that is not a health care provider. Therefore, an action to enforce a joint and several liability against Health Care Provider A that provided treatment in County 1 and against a product manufacturer that does business in County 2 may be brought only in County 1.

Multiple Causes of Action

Subdivision (f) of Rule 1006 provides that where more than one cause of action is asserted against the same defendant pursuant to Rule 1020(a), venue as to one cause of action constitutes venue as to all causes of action. In an action in which there are asserted multiple causes of action but only one is a claim for medical professional liability, the application of this provision could frustrate Section 5101.1 and result in an action being brought in a county other than the county in which the cause of action for medical professional liability arose. New subdivision (f)(2) limits venue in such cases to the county required by new subdivision (a.1), e.g., the county in which the cause of action for medical professional liability arose.

The new venue provision for a medical professional liability claim is to be made applicable not only to individual defendants (Rule 1006(a.1)) but also to partnerships (Rule 2130(a)), unincorporated associations (Rule 2156(a)) and corporations and similar entities (Rule 2179(a)).

EXPLANATORY COMMENT—DEC. 16, 2003

See Explanatory Comment preceding Pa.R.C.P. No. 1501.

EXPLANATORY COMMENT—2011

Currently, a lawsuit based on medical treatment furnished in another state cannot be brought in Pennsylvania even if the defendants have substantial contacts with the state whereas Pennsylvania defendants can be sued in any state in which they have at least minimum contacts. The amendment to this rule would eliminate this discrepancy.

EXPLANATORY COMMENT—2016

On January 8, 2014, the Supreme Court rescinded the then-existing provisions of the Code of Judicial Conduct effective July 1, 2014, and adopted new Canons 1 through 4 of the Code of Judicial Conduct of 2014, also effective July 1, 2014. See 44 Pa.B. 455 (January 25, 2014). At the direction of the Court, the Civil Procedural Rules Committee has identified and updated references to the Code of Judicial Conduct in the Rules of Civil Procedure to

reflect these changes. Technical amendments to the Note to Rule 225 have also been made which do not affect practice and procedure.

Pa.R.Civ.P. 2130

Subdivision (a) *Note*: Rule 1006(a.1) governs venue in actions for medical professional liability.

EXPLANATORY COMMENT—2003

Act No. 127 of 2002 amended the Judicial Code by adding new Section 5101.1 providing for venue in medical professional liability actions. Section 5101.1(b) provides

(b) *General rule*.—Notwithstanding any other provision to the contrary, a medical professional liability action may be brought against a health care provider for a medical professional liability claim only in the county in which the cause of action arose.

This provision has been incorporated into Rule of Civil Procedure 1006 governing venue as new subdivision (a.1). The new subdivision uses the terminology of the legislation. “Medical professional liability action,” “health care provider” and “medical professional liability claim” are terms defined by Section 5101.1(c) of the Code.

Joint and Several Liability

Under new subdivision (c)(2) of Rule 1006, an action to enforce a joint and several liability against two or more health care providers may be brought in any county in which venue may be laid against at least one of the health care providers under subdivision (a.1). Therefore, an action to enforce a joint and several liability against Health Care Provider A that provided treatment in County 1 and against Health Care Provider B that provided treatment in County 2 may be brought in either County 1 or County 2.

However, subdivision (c)(2) does not allow an action to enforce a joint and several liability to be brought against a health care provider in a county in which venue may be laid against a defendant that is not a health care provider. Therefore, an action to enforce a joint and several liability against Health Care Provider A that provided treatment in County 1 and against a product manufacturer that does business in County 2 may be brought only in County 1.

Multiple Causes of Action

Subdivision (f) of Rule 1006 provides that where more than one cause of action is asserted against the same defendant pursuant to Rule 1020(a), venue as to one cause of action constitutes venue as to all causes of action. In an action in which there are asserted multiple causes of action but only one is a claim for medical professional liability, the application of this provision could frustrate Section 5101.1 and result in an action being brought in a county other than the county in which the cause of action for medical professional liability arose. New subdivision (f)(2) limits venue in such cases to the county required by new subdivision (a.1), e.g., the county in which the cause of action for medical professional liability arose.

The new venue provision for a medical professional liability claim is to be made applicable not only to individual defendants (Rule 1006(a.1)) but also to partnerships (Rule 2130(a)), unincorporated associations (Rule 2156(a)) and corporations and similar entities (Rule 2179(a)).

Pa.R.Civ.P. 2156

Subdivision (a) *Note*: Rule 1006(a.1) governs venue in actions for medical professional liability.

EXPLANATORY COMMENT—2003

Act No. 127 of 2002 amended the Judicial Code by adding new Section 5101.1 providing for venue in medical professional liability actions. Section 5101.1(b) provides

(b) *General rule*.—Notwithstanding any other provision to the contrary, a medical professional liability action may be brought against a health care provider for a medical professional liability claim only in the county in which the cause of action arose.

This provision has been incorporated into Rule of Civil Procedure 1006 governing venue as new subdivision (a.1). The new subdivision uses the terminology of the legislation. “Medical professional liability action,” “health care provider” and “medical professional liability claim” are terms defined by Section 5101.1(c) of the Code.

Joint and Several Liability

Under new subdivision (c)(2) of Rule 1006, an action to enforce a joint and several liability against two or more health care providers may be brought in any county in which venue may be laid against at least one of the health care providers under subdivision (a.1). Therefore, an action to enforce a joint and several liability against Health Care Provider A that provided treatment in County 1 and against Health Care Provider B that provided treatment in County 2 may be brought in either County 1 or County 2.

However, subdivision (c)(2) does not allow an action to enforce a joint and several liability to be brought against a health care provider in a county in which venue may be laid against a defendant that is not a health care provider. Therefore, an action to enforce a joint and several liability against Health Care Provider A that provided treatment in County 1 and against a product manufacturer that does business in County 2 may be brought only in County 1.

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Subdivision (f) of Rule 1006 provides that where more than one cause of action is asserted against the same defendant pursuant to Rule 1020(a), venue as to one cause of action constitutes venue as to all causes of action. In an action in which there are asserted multiple causes of action but only one is a claim for medical professional liability, the application of this provision could frustrate Section 5101.1 and result in an action being brought in a county other than the county in which the cause of action for medical professional liability arose. New subdivision (f)(2) limits venue in such cases to the county required by new subdivision (a.1), e.g., the county in which the cause of action for medical professional liability arose.

The new venue provision for a medical professional liability claim is to be made applicable not only to individual defendants (Rule 1006(a.1)) but also to partnerships (Rule 2130(a)), unincorporated associations (Rule 2156(a)) and corporations and similar entities (Rule 2179(a)).

Pa.R.Civ.P. 2179

Subdivision (a) *Note*: Rule 1006(a.1) governs venue in actions for medical professional liability.

EXPLANATORY COMMENT—2000

The Supreme Court of Pennsylvania has amended the following rules of civil procedure: Rule 76 which contains a definition of the term “political subdivision”, Rules 2126, 2151 and 2176 which provide definitions governing associations as parties and Rule 2179(a)(2) which governs venue when a corporation or similar entity is a party to an action.

Political Subdivision

The rules of civil procedure have heretofore made no provision for a municipal authority as a party. The definition of the term “political subdivision” as set forth in Definition Rule 76 has now been amended to include the phrase “municipal or other local authority”. The phrase “municipal or other local authority” is derived from Section 102 of the Judicial Code and Section 101 of Title 2 of the Consolidated Statutes relating to Administrative Law and Procedure.

The primary effect of the amendment is to bring a municipal or other local authority within the chapter of rules governing the Commonwealth and Political Subdivisions as Parties and subject an authority to three rules. Under Rule 2102(b) governing the style of action, an action will be brought by or against an authority “in its name.” Rule 2103(b) will limit venue to the county in which the political subdivision is located unless the Commonwealth is the plaintiff or an Act of Assembly provides otherwise. Service upon an authority will be made pursuant to subdivision (b) of Rule 422 governing service upon a political subdivision.

It is recognized that a municipal or other local authority may perform a “sovereign or governmental” function, a “business or proprietary” function or a combination of both. It is useful, however, to have a unified practice which applies to all such entities. It is therefore appropriate that municipal or other local authorities be made subject to the rules governing political subdivisions in view of their performance of sovereign or governmental functions.

The characterization of a municipal or other local authority as a political subdivision is a procedural device only. As the note to the definition states, “the definition of the term ‘political subdivision’ in this rule has no bearing upon whether a particular entity is or is not a political subdivision for substantive matters.”

Partnerships as Parties

The amendment to Rule 2176 defining the term “partnership” continues to provide that “partnership means a general or limited partnership” and adds new language: “whether it is also a registered limited liability partnership or electing partnership”. The reference to a registered limited liability partnership and an electing partnership is derived from Section 8311(b) of the Associations Code, “Partnership defined”.

The amendment excludes from the definition “limited liability company, unincorporated association, joint stock company or similar association”. The reference to a limited liability company is new and takes into account Act No. 126 of 1994 which amended Title 15 of the *Consolidated Statutes*, the Associations Code, by adding Chapter 89 relating to limited liability companies. Although excluded here from the definition of partnership, the limited liability company is included in the revised definition of “corporation or similar entity” found in Rule 2176.

As revised, the exclusionary language of the definition no longer contains the terms “partnership association and registered partnership” which are obsolete.

Unincorporated Associations as Parties

The term “association” as used in Rule 2151 et seq. is not the broad term found in the “Associations Code.” Rather, it has the limited meaning set forth in Rule 2151. The basic definition continues unchanged: “an unincorporated association conducting any business or engaging in any activity of any nature whether for profit or otherwise under a common name. . . .” However, the definition excludes certain types of “associations” as used in the broader sense of that term. Whereas the former rule excluded from the definition the catalog of “an incorporated association, general partnership, limited partnership, registered partnership, partnership association, joint stock company or similar association”, the amended definition simply states that “unincorporated association” does not include “a partnership as defined in Rule 2126 or a corporation or similar entity as defined in Rule 2176.”

Corporations or Similar Entities as Parties

Rule 2176 is revised in two respects. First, the term “executive officer” is put in its rightful place alphabetically in the list of definitions but it is not otherwise changed. Second, the term “corporation or similar entity” is revised to include the terms “limited liability company, professional association and business trust” and to delete as obsolete the terms “registered partnership”, “Massachusetts Trust” and “partnership association limited”.

The addition of “business trust” includes within the definition of corporation or similar entity a “trust subject to Chapter 95 (relating to business trusts).” The addition of “professional association” includes a professional association as defined in Section 9302 of the Associations Code, i.e., “a professional association organized under the Act of August 7, 1961 (P.L. 941, No. 416), known as the Professional Association Act. . . .”

The addition of a “limited liability company to the definition is in accord with the Source Note to Section 8906 of the Associations Code which states:

Notwithstanding the policy of Chapter 89 that a limited liability company is a form of partnership entity, for purposes of the Pennsylvania Rules of Civil Procedure a limited liability company will probably be deemed a “corporation or similar entity” under Pa.R.C.P. 2176, rather than a “partnership” under Pa.R.C.P. 2126 or an “association” under Pa.R.C.P. 2151.

The amendment to Rule 2179(a)(2) governing venue when a corporation or similar entity is a party to an action simply deletes a note containing an obsolete cross-reference.

EXPLANATORY COMMENT—2003

Act No. 127 of 2002 amended the Judicial Code by adding new Section 5101.1 providing for venue in medical professional liability actions. Section 5101.1(b) provides

(b) *General rule.*—Notwithstanding any other provision to the contrary, a medical professional liability action may be brought against a health care provider for a medical professional liability claim only in the county in which the cause of action arose.

This provision has been incorporated into Rule of Civil Procedure 1006 governing venue as new subdivision (a.1). The new subdivision uses the terminology of the legislation. “Medical professional liability action,” “health care

provider” and “medical professional liability claim” are terms defined by Section 5101.1(c) of the Code.

Joint and Several Liability

Under new subdivision (c)(2) of Rule 1006, an action to enforce a joint and several liability against two or more health care providers may be brought in any county in which venue may be laid against at least one of the health care providers under subdivision (a.1). Therefore, an action to enforce a joint and several liability against Health Care Provider A that provided treatment in County 1 and against Health Care Provider B that provided treatment in County 2 may be brought in either County 1 or County 2.

However, subdivision (c)(2) does not allow an action to enforce a joint and several liability to be brought against a health care provider in a county in which venue may be laid against a defendant that is not a health care provider. Therefore, an action to enforce a joint and several liability against Health Care Provider A that provided treatment in County 1 and against a product manufacturer that does business in County 2 may be brought only in County 1.

Multiple Causes of Action

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The new venue provision for a medical professional liability claim is to be made applicable not only to individual defendants (Rule 1006(a.1)) but also to partnerships (Rule 2130(a)), unincorporated associations (Rule 2156(a)) and corporations and similar entities (Rule 2179(a)).

[Pa.B. Doc. No. 22-1378. Filed for public inspection September 9, 2022, 9:00 a.m.]

Title 25—LOCAL COURT RULES

CUMBERLAND COUNTY

Local Rules (1920.74); 1996-1335

Order of Court

And Now, this 25th day of August, 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 rule 1920.74.

Rule 1920.74. Form-Motion for Appointment of Divorce Hearing Officer. Order.

(a) The motion for appointment of the Divorce Hearing Officer shall be in form prescribed by the Court and available on the Court Website.

(b) The order appointing the Divorce Hearing Officer shall be in form prescribed by the Court and available on the Court Website.

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. 22-1379. Filed for public inspection September 9, 2022, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 88 AND 90]

Coal Refuse Disposal Revisions

The Environmental Quality Board (Board) amends Chapters 88 and 90 (relating to anthracite coal; and coal refuse disposal). The amendments are intended to implement section 6.1(i) and (j) of the Coal Refuse Disposal Control Act (52 P.S. § 30.56a(i) and (j)) as amended by the act of October 4, 2019 (P.L. 452, No. 74) (Act 74) and to address the differences between the Commonwealth's regulations and Federal regulations regarding temporary cessation at coal refuse disposal sites.

This final-form rulemaking was adopted by the Board at its meeting of May 18, 2022.

A. *Effective Date*

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and approval by the Office of Surface Mining Reclamation and Enforcement.

B. *Contact Persons*

For further information contact Gregory Greenfield, Environmental Group Manager, Bureau of Mining Programs, P.O. Box 8461, 5th Floor, 400 Market Street, Rachel Carson State Office Building, Harrisburg, PA 17105-8461, (717) 787-5015, or Richard Marcil, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, 9th Floor, 400 Market Street, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 783-8504. Persons with a disability may use the Pennsylvania Hamilton Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Environmental Quality Board" and then navigate to the Board meeting of May 18, 2022).

C. *Statutory Authority*

This final-form rulemaking is authorized under section 5 of The Clean Streams Law (35 P.S. § 691.5); section 4.2(a) of the Surface Mining Conservation and Reclamation Act (52 P.S. § 1396.4b(a)); section 3.2 of the Coal Refuse Disposal Control Act (52 P.S. § 30.53b); and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20), which authorizes the Board to adopt rules and regulations necessary for the performance of the work of the Department.

D. *Background and Purpose*

Section 1 of Act 74 amended section 6.1 of the Coal Refuse Disposal Control Act (52 P.S. § 30.56a) to conform with the regulations and standards for temporary cessation adopted by the United States Office of Surface Mining Reclamation and Enforcement under Federal law, namely the Surface Mining Control and Reclamation Act of 1977 (SMCRA) (30 U.S.C.A. §§ 1201—1328) and regulations at 30 CFR 816.131 (relating to cessation of operations: temporary). Previously, while Federal rules under SMCRA provided flexibility, the Commonwealth's Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66) had limited the temporary cessation of operations

at a coal refuse disposal site to no more than 1 year. Act 74 removed the Commonwealth's 1-year limitation and clarified that any rules or regulations promulgated must be in conformance with Federal provisions on this subject. Act 74 also gave the Department an opportunity to promulgate regulations linking the status of operations generating coal refuse or related material to the coal refuse disposal area. The status of a coal refuse disposal site is directly related to the status of the source of the refuse and the revisions will ensure that a change in status of one will result in a change in the status of the other. For example, when an underground coal mine is actively mining coal and sending the refuse material to a coal refuse disposal site, both facilities are considered active. If that underground coal mine is approved for temporary cessation, the coal refuse disposal site would also be approved for temporary cessation since no refuse material is being generated to be sent there. If mining was to begin again, both facilities would be considered active, whereas, if the mine was to permanently cease operations, the coal refuse disposal facility would be considered permanently ceased unless an alternative source of refuse material can be found.

The requirements for temporary cessation include a reference to a system to prevent precipitation from contacting the coal refuse. Act 74 also revised section 6.1 of the Coal Refuse Disposal Control Act to include an enumerated list of the circumstances under which this system must be installed. Previously, the requirement was listed in paragraph form, which was somewhat unclear.

Other changes to the regulations are a result of the Department's experiences with reviewing applications for the permitting of coal refuse disposal sites. Confusing or incorrect requirements in the regulations have resulted in applications being considered technically deficient and sent back to the permittee for corrections. The clarifications will improve the quality of the applications and reduce the amount of correction letters sent to address these items. This includes the existing performance standards for terraces and surface water runoff at coal refuse disposal sites which, as written, have led to confusion on the purpose and intent. The terrace requirements are revised to state that terraces must be constructed as they are needed to control erosion and prevent cascading failures of the final cap rather than just being an optional use. The use of the terms "off of the fill" and "adjacent to and above the fill" in this section are amended to clarify the original intent and resolve the existing conflicts with other parts of the section.

The Department worked with the Mining and Reclamation Advisory Board (MRAB) to develop these regulations. The MRAB is composed of two licensed bituminous surface mine operators, one licensed anthracite surface mine operator, four public members of the Citizens Advisory Council, one anthracite or one bituminous licensed professional engineer, one county conservation district representative, one majority party State senator, one minority party State senator, one majority party State representative and one minority party State representative. The revisions were first mentioned at the January 23, 2020, MRAB meeting as part of the review of the current regulatory agenda. At the March 16, 2020, MRAB Regulation, Legislation and Technical (RLT) committee meeting, the draft language was reviewed and the MRAB RLT committee suggested changes to the language. A second meeting of the MRAB RLT committee took place

on May 18, 2020, to review the draft revised language resulting from the March 16, 2020, committee meeting. The Department reviewed the revised draft with the MRAB again at its meeting on July 16, 2020. A third meeting of the MRAB RLT committee took place on October 15, 2020, to review the revised draft and the committee recommended a minor revision to the permanent cessation section. At the MRAB meeting of October 22, 2020, the MRAB recommended that the Department proceed with the proposed rulemaking. At the MRAB meeting of January 20, 2022, the MRAB recommended that the Department proceed with the final-form rulemaking.

E. Summary of Final-Form Rulemaking and Changes from Proposed to Final-Form Rulemaking

§ 88.310. Coal refuse disposal: general requirements

Subsection (k)(1) is amended to individually enumerate the triggers for installation of the system to prevent precipitation from encountering the coal refuse to reflect the list of triggers included in Act 74. This amendment includes the language in Act 74 which clarifies that there is not a 1-year upper limit on the length of temporary cessation.

There are no changes made to this section from the proposed rulemaking to this final-form rulemaking.

§ 88.332. Cessation of operations: temporary

Act 74 amended section 6.1 of the Coal Refuse Disposal Control Act to conform with the regulations and standards for temporary cessation under Federal law. To be consistent with the Federal regulations at 30 CFR 816.131, subsection (a) is amended, and the existing requirements for temporary cessation for anthracite coal refuse disposal sites are amended as follows.

Amendments to subsection (a), which are based on the Federal requirements, address temporary cessation status of operations lasting 30 days or more and will require a notice to be submitted to the Department. The list of items that must be included in this notice are enumerated as paragraphs (1)–(4) and include the affected acres in the permit area; a description of the extent and kind of reclamation of the area; a description of the activities that will continue during the temporary cessation status; and a description of the status of the operation or operations that is the source of the coal refuse. Paragraphs (1)–(3) are based on the Federal regulations and are in the existing subsection (a). Paragraph (4) is based on the language in Act 74 to provide for the connection of coal refuse or related material to the coal refuse disposal area. Act 74 removed the 1-year limitation on temporary cessation and that part of subsection (a) is deleted.

Amendments to subsection (b) address temporary cessation status of operations lasting 90 days or more and, in addition to the items required to be submitted in subsection (a), there are two additional items that must be included in the notice submitted to the Department. These items may be submitted at the same time as the subsection (a) notice or subsequent to that notice. These two additional items are enumerated as paragraphs (1) and (2) and include the confirmation that the current bond is adequate to complete reclamation and the timing of the installation of the phased system to prevent precipitation from contacting the refuse. The difference in requirements between subsections (a) and (b) ensures the operator does not need to address longer-term requirements if the temporary cessation will last less than 90 days. While this distinction is neither found in the Federal requirements nor Act 74, it has been addressed

here because the amendments now allow for an unlimited time for cessation. The confirmation that the bond amount is adequate to complete the reclamation of the site as it currently exists is necessary to assure that the site can be fully reclaimed if the site ends up in bond forfeiture. The requirement for a schedule for the system to prevent precipitation from coming into contact with the refuse is to assure that the potential water quality impacts of long-term cessation are mitigated. The existing statement about exemptions for a seasonal shutdown or labor strike is deleted from this subsection as a justification for a longer temporary cessation is no longer needed since the upper 1-year time limit is deleted.

Amendments to subsection (c) include the obligation to comply with the environmental protection statutes or “acts” as defined in § 86.1 (relating to definitions) and Chapters 86–90, in addition to the provisions of the permit. Previously, subsection (c) only required compliance with the provisions of the permit. The amendments clarify that operators are required to submit a permit renewal while under temporary cessation.

Subsection (d) states that temporary cessation status ends as a result of the resumption of coal refuse disposal operations and subsequent notices of temporary cessation status must include updated information that is outlined in § 88.332 (relating to cessation of operations: temporary).

Subsection (e) states that temporary cessation status for the coal refuse disposal operation ends when an operation that is a source of the coal refuse resumes its operations or ends by permanent cessation.

Subsection (f) states that temporary cessation status for the coal refuse disposal operation itself ends by permanent cessation as specified in § 88.333 (relating to cessation of operations: permanent).

There are no changes made to this section from the proposed rulemaking to this final-form rulemaking.

§ 88.333. Cessation of operations: permanent

While neither the Federal regulations nor statute address this, subsection (b) is added to this section to provide a trigger for when a temporary cessation has developed into a permanent cessation. This necessitates the lettering of the existing language as subsection (a). Subsection (b) describes the circumstances that will terminate the temporary cessation status of a coal refuse disposal facility for noncompliance, listed as paragraphs (1)–(3). The three circumstances which will terminate the temporary cessation status are failure to comply with a final adjudicated proceeding through an act or omission which violates the acts defined in § 86.1 or Chapters 86–90; failure to comply with a permit condition required by the acts or Chapters 86–90; and failure to comply with a consent order and agreement or a consent order. The intent of this new subsection is to trigger the reclamation requirement for sites where chronic noncompliance exists and allows the Department to have the ability to begin reclamation, if necessary. In these cases, it is unlikely that the permittee will be able to meet their obligations to complete the required reclamation. The termination of temporary cessation status constitutes a final action of the Department and the Department will provide notice and an opportunity to appeal to the operator when this status changes and triggers the reclamation requirements.

There are no changes made to this section from the proposed rulemaking to this final-form rulemaking.

§ 90.31. *General requirements*

The Act 74 amendments to the Coal Refuse Disposal Control Act provided for the Department to promulgate regulations to link operations generating coal refuse or related material to the coal refuse disposal area. Paragraph (6) requires the description of the operations that will be the source of the coal refuse to be disposed of in the application for a coal refuse disposal permit. As plans change, this facility information can be updated to include other related facilities.

There are no changes made to this section from the proposed rulemaking to this final-form rulemaking.

§ 90.50. *Design criteria: groundwater and surface water protection system*

In response to Act 74, amendments to subsection (b) add “as specified in the permit” as paragraph (1.1) to the list of triggers for the installation of the system for preventing precipitation from encountering coal refuse that will be installed to prevent adverse impacts to groundwater and surface water. Paragraph (2) is revised to update the reference to subsection (b) in § 90.167 (relating to cessation of operations: temporary) to reflect the amendments to that section.

Subsection (c) is amended in this final-form rulemaking to update the title of technical guidance Document Number 563-2112-656, which was revised on July 17, 2021, to “Liners and Caps for Coal Refuse Disposal Areas.”

§ 90.122. *Coal refuse disposal*

Amendments to subsection (h) parallel the language from Act 74 relating to when the system to prevent precipitation from encountering the coal refuse is to be implemented. Paragraphs (1)—(4) are deleted and reserved and paragraphs (5)—(8) are added to list the instances when an operator must install the system to prevent precipitation from contacting the coal refuse. These include when each phase of the operation reaches capacity; when specified in the permit; when an operator temporarily ceases operation for a period of 90 days or more; or when the operation permanently ceases. The construction and design requirements currently contained in paragraphs (1) and (3) of subsection (h) are moved to the introductory paragraph of subsection (h).

The Department observed confusion among applicants regarding the purpose of terraces at coal refuse disposal sites and the need for clarification in the regulations. Subsection (m) is revised to require terraces to control erosion and enhance stability and make their use as roads optional. Previously, terraces were not required if the maximum overall completed out slopes in subsection (m) are not exceeded, but terraces are required to break up lengthy out slopes of very large coal refuse embankments to control erosion and prevent cascading failures of the final cap and soil on an entire embankment out slope. An amendment changed the reference in this subsection from subsection (n) to (o) because terraces are needed to divert the drainage off of the fill and not as a diversion adjacent to or above the fill.

The Department’s experience with reviewing the applications for coal refuse disposal sites noted that part of the subsection referenced for diverting surface water runoff cannot be satisfied as written and the intent of the subsection is confusing. Subsection (n) is amended to clarify the design requirements for diverting surface water runoff away from the fill. The reference to all subsections of § 90.104 (relating to hydrologic balance: diversions) are amended by deleting the reference to

§ 90.104(b) as the design requirements of § 90.104(b) conflict with the hydraulic requirements in this section and the requirement to maintain diversion channels located above the refuse fills in perpetuity.

When reviewing coal refuse disposal site applications, the Department has observed that the applications often require technical deficiency letters due to confusion caused by incorrect or nonapplicable section references in the existing regulations. Subsection (o) is amended to require surface water runoff diverted off of the fill to be conveyed in channels in natural ground or suitable engineered fill. The reference to § 90.104 and § 90.105 (relating to stream channel diversions) has been deleted as they were confusing and conflicted with the design requirements in this section. Diverted off the fill is a different function than a diversion channel located adjacent to or above the fill and § 90.105 is not related to the management of disposal area runoff.

There are no changes made to this section from the proposed rulemaking to this final-form rulemaking.

§ 90.167. *Cessation of operations: temporary*

Act 74 amended section 6.1 of the Coal Refuse Disposal Control Act to conform with the regulations and standards for temporary cessation under Federal law. To be consistent with the Federal regulations at 30 CFR 816.131, subsection (a) is amended, and the existing requirements for temporary cessation for bituminous coal refuse disposal sites are amended as follows.

Amendments to subsection (a), which are based on the Federal requirements, address temporary cessation status of operations lasting 30 days or more and will require a notice to be submitted to the Department. The list of items that must be included in this notice are enumerated as paragraphs (1)—(4) and include the affected acres in the permit area; a description of the extent and kind of reclamation of the area; a description of the activities that will continue during the temporary cessation status; and a description of the status of the operation or operations that is the source of the coal refuse. Paragraphs (1)—(3) are based on the Federal regulations and are in the existing subsection (a). Paragraph (4) is added based on the language in Act 74 to provide for the connection of coal refuse or related material to the coal refuse disposal area.

Amendments to subsection (b) address temporary cessation status of operations lasting 90 days or more and in addition to the items required to be submitted in subsection (a), there are two additional items that must be included in the notice submitted to the Department. These items may be submitted at the same time as the subsection (a) notice or subsequent to that notice. These two additional items are enumerated as paragraphs (1) and (2) and include the confirmation that the current bond is adequate to complete reclamation and the timing of the installation of the phased system to prevent precipitation from contacting the refuse. The difference in requirements between subsections (a) and (b) ensures the operator does not need to address longer-term requirements if the temporary cessation will last less than 90 days. While this distinction is neither found in the Federal requirements nor Act 74, it has been addressed here because the amendments now allow for an unlimited time for cessation. The confirmation that the bond amount is adequate to complete the reclamation of the site as it currently exists is necessary to assure that the site can be fully reclaimed if the site ends up in bond forfeiture. The requirement for a schedule for the system

to prevent precipitation from coming into contact with the refuse is to assure that the potential water quality impacts of long-term cessation are mitigated. The existing statement about exemptions for a seasonal shutdown or labor strike is deleted from this subsection as a justification for a longer temporary cessation is no longer needed since the upper time limit is deleted.

Amendments to subsection (c) include the obligation to comply with the environmental protection statutes or “acts” as defined in § 86.1 and Chapters 86—90, in addition to the provisions of the permit. Previously, subsection (c) only required compliance with the provisions of the permit. The amendments clarify that operators are required to submit a permit renewal while under temporary cessation.

Subsection (d) is deleted and reserved since Act 74 removed the 1-year limitation on temporary cessation. The installation of the system preventing precipitation from contacting the coal refuse is included in subsection (b), which addresses the requirements for temporary cessation of 90 days or more.

Subsection (e) states that temporary cessation status ends as a result of the resumption of coal refuse disposal operations and any subsequent notices of temporary cessation status must include updated information that is outlined in § 90.167.

Subsection (f) states that temporary cessation status for the coal refuse disposal operation ends when an operation that is a source of the coal refuse resumes its operations or ends by permanent cessation.

Subsection (g) states that temporary cessation status for the coal refuse disposal operation ends when the coal refuse disposal operation itself ends by permanent cessation as specified in § 90.168 (relating to cessation of operations: permanent).

There are no changes made to this section from the proposed rulemaking to this final-form rulemaking.

§ 90.168. Cessation of operations: permanent

While neither the Federal regulations nor statute address this, subsection (b) is added to this section to provide a trigger for when a temporary cessation has developed into a permanent cessation. This necessitates the lettering of the existing language as subsection (a). Subsection (b) describes the circumstances that will terminate the temporary cessation status of a coal refuse disposal facility for noncompliance, listed as paragraphs (1)—(3). The three circumstances which will terminate the temporary cessation status are failure to comply with a final adjudicated proceeding through an act or omission which violates the acts defined in § 86.1 or Chapters 86—90; failure to comply with a permit condition required by the acts or Chapters 86—90; and failure to comply with a consent order and agreement or a consent order. The intent of this new subsection is to trigger the reclamation requirement for sites where chronic noncompliance exists and allows the Department to have the ability to begin reclamation, if necessary. In these cases, it is unlikely that the permittee will be able to meet their obligations to complete the required reclamation. The termination of temporary cessation status constitutes a final action of the Department and the Department will provide notice and an opportunity to appeal to the operator when this status changes and triggers the reclamation requirements.

There are no changes made to this section from the proposed rulemaking to this final-form rulemaking.

§ 90.202. General requirements

Amendments to subsection (b)(1) changed the reference from a “coal preparation facility” to a “coal mining activity.” This change was made because not all coal refuse is the result of coal preparation. For example, some surface mines will take their refuse to a refuse disposal site. The existing language is also inconsistent with the language in section 4.1 of the Coal Refuse Disposal Control Act (52 P.S. § 30.54a).

There are no changes made to this section from the proposed rulemaking to this final-form rulemaking.

F. Summary of Comments and Responses on the Proposed Rulemaking

Two comments were submitted to the Department during the public comment period. Aside from general support for the proposed rulemaking, neither of the comments specifically addressed any particular aspects of the rulemaking. Changes or modifications are not made to this final-form rulemaking in response to comments.

One commentator suggested a change to the proposed rulemaking to require the Department to publish a notice in the *Pennsylvania Bulletin* when the status of a coal refuse disposal site changes. The Board notes that there are hundreds of mine sites currently permitted in the Commonwealth and an individual site’s status can change frequently throughout the year. Due to the frequency of these changes and the timing of the formal publication process, notifying the public of these changes through the *Pennsylvania Bulletin* would be both inefficient and untimely. The Board suggests a more effective method for the public to access the real-time status of any permitted operation, as well as other relevant information on permitted mining activities, is through the Department’s database, Environmental Facilities Application Compliance Tracking System, known as eFACTS, available at <https://www.ahs.dep.pa.gov/eFactsWeb/default.aspx>.

G. Benefits, Costs and Compliance

Benefits

This final-form rulemaking makes the Department’s regulations consistent with Federal regulations and State law related to the operation of coal refuse disposal areas. This final-form rulemaking clarifies when an operator must install a system for preventing precipitation from encountering coal refuse, which will improve environmental protection by reducing the likelihood that precipitation will generate a pollutional discharge from the site. This final-form rulemaking establishes a relationship between the coal refuse disposal area and the source of the refuse, which will improve environmental protection by ensuring that disposal areas do not remain unreclaimed long after the source has ceased generating refuse. This final-form rulemaking is not expected to directly improve public health, although it may have an indirect public health benefit to the extent that it reduces the likelihood of pollutional discharges from coal refuse disposal areas.

Compliance costs

Existing and future permittees of coal refuse disposal sites are required to comply with this final-form rulemaking, which does not create any new compliance costs and it is not expected to prevent or avoid costs. This final-form rulemaking clarifies the existing requirements which may avoid costs associated with navigating unclear requirements that could be inconsistently interpreted or applied.

Compliance assistance plan

Compliance assistance for this final-form rulemaking will be provided through the Department's routine interaction with trade groups and individual applicants. Financial assistance will not be necessary or provided.

Paperwork requirements

This final-form rulemaking does not require additional paperwork.

H. Pollution Prevention

The Federal Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. This final-form rulemaking incorporates the following pollution prevention incentives: it clarifies when an operator must install a system for preventing precipitation from encountering coal refuse, which will improve environmental protection by reducing the likelihood that precipitation will generate a pollutional discharge from the site; and requires some relationship between the coal refuse disposal area and the source of the refuse, which will improve environmental protection by ensuring that disposal areas do not remain unreclaimed long after the source has ceased generating refuse.

I. Sunset Review

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

J. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 20, 2021, the Board submitted a copy of the notice of proposed rulemaking, published at 51 Pa.B. 6914 (November 6, 2021), and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, the Board shall submit to IRRC and the 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 July 20, 2022, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, IRRC met on July 21, 2022, and approved the final-form rulemaking.

K. Findings of the Board

The Board finds that:

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

(2) A public comment period was provided as required by law, and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 51 Pa.B. 6914.

(4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this order.

L. Order of the Board

The Board, acting under the authorizing statutes, orders that:

(a) The regulations of the Board, 25 Pa. Code Chapters 88 and 90, are amended by amending §§ 88.310, 88.332, 88.333, 90.31, 90.50, 90.122, 90.167, 90.168 and 90.202 to read as set forth in Annex A.

(b) The Chairperson of the Board shall submit this final-form regulation to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form, as required by law.

(c) The Chairperson of the Board shall submit this final-form regulation to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

(d) The Chairperson of the Board shall certify this final-form regulation and deposit it with the Legislative Reference Bureau, as required by law.

(e) This final-form regulation shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

RAMEZ ZIADEH, P.E.,
Acting Chairperson

(*Editor's Note:* See 52 Pa.B. 4479 (August 6, 2022) for IRRC's approval order.)

Fiscal Note: Fiscal Note 7-565 remains valid for the final adoption of the subject regulations.

Annex A

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

**Subpart C. PROTECTION OF NATURAL
RESOURCES**

ARTICLE I. LAND RESOURCES

CHAPTER 88. ANTHRACITE COAL

**Subchapter D. ANTHRACITE REFUSE DISPOSAL:
MINIMUM ENVIRONMENTAL PROTECTION
PERFORMANCE STANDARDS**

§ 88.310. Coal refuse disposal: general requirements.

(a) Coal refuse shall be hauled or conveyed to and placed in designated disposal areas authorized for that purpose. The refuse shall be placed in a controlled manner to ensure the following:

(1) The land mass designated as the disposal area is suitable for reclamation and revegetation compatible with the natural surroundings.

(2) Stability of the disposal area.

(3) Leachate and surface runoff from the disposal area will not degrade surface waters or groundwaters or exceed the established effluent limitations.

(b) The disposal area shall be designed using recognized professional standards and approved by the Department. The design shall be certified by a registered professional engineer.

(c) Trees, grasses, shrubs and other organic materials shall be removed for a distance of 50 feet from the current disposal area concurrent with the placement of refuse.

(d) Slope protection shall be provided to minimize surface erosion at the site. The disturbed areas, including diversion ditches that are not riprapped, shall be vegetated upon completion of construction.

(e) The coal refuse to be placed in the fill shall be hauled or conveyed and placed in horizontal lifts in a controlled manner, concurrently compacted as necessary to ensure mass stability and prevent mass movement, covered and graded to allow surface and subsurface drainage to be compatible with the natural surroundings, and ensure a long-term static safety factor of 1.5 and seismic safety factor of 1.2.

(f) The final configuration of the disposal shall be suitable for the approved postmining land uses.

(g) Terraces may be utilized to control erosion and enhance stability if approved by the Department.

(h) If the disposal area contains springs, natural or manmade water-courses or wet-weather seeps, an underdrain system consisting of durable rock shall be constructed from the wet areas in a manner that prevents infiltration of the water into the spoil material. The underdrain system shall be designed and constructed using standard geotechnical engineering methods.

(i) Coal refuse may be returned to underground mine workings, but only in accordance with a disposal program approved by the Department and the Mine Safety and Health Administration.

(j) The system to prevent adverse impacts to the surface water and groundwater shall be constructed in accordance with design schematics, test results, descriptions, plans, maps, profiles or cross-sections approved in the permit and shall function to prevent adverse impacts to surface water and groundwater.

(k) The system to prevent precipitation from coming in contact with the coal refuse shall be constructed in accordance with design schematics, test results, descriptions, plans, maps, profiles and cross-sections approved in the permit and shall function to prevent precipitation from contacting the coal refuse. The following apply:

(1) The system shall be installed:

(i) as phases reach capacity;

(ii) as specified in the permit;

(iii) when the operation temporarily ceases for a period in excess of 90 days unless the Department approves an operator's request for a longer period for installation of the system; or

(iv) when the operation permanently ceases.

(2) The system shall be designed to allow for revegetation of the site in accordance with the standard of success under § 88.330 (relating to revegetation: standards for successful revegetation) and for prevention of erosion.

§ 88.332. Cessation of operations: temporary.

(a) Before temporary cessation status of operations for a period of 30 days or more, an operator shall submit to the Department a notice of intention to temporarily cease operations. The notice shall include all of the following:

(1) A statement of the exact number of acres affected in the permit area.

(2) A description of the extent and kind of reclamation of the areas.

(3) Identification of the backfilling, regrading, revegetation, environmental monitoring and water treatment activities that will continue during the temporary cessation status.

(4) A description of the status of all operations that are a source of the coal refuse.

(b) Before temporary cessation status of operations for a period of 90 days or more, an operator shall submit to the Department a notice that may be included in, or submitted subsequent to, the notice required under subsection (a), that includes all of the following:

(1) Confirmation that the current bond under the permit is sufficient to complete the reclamation of the coal refuse area.

(2) The timing of the installation of the phased system to prevent precipitation from contacting the refuse.

(c) Temporary cessation status of operations does not relieve the operator of the obligations to comply with the acts as defined in § 86.1 (relating to definitions), this chapter or Chapters 86, 87, 89 or 90 or the approved permit, including the obligation to submit an application for permit renewal at least 180 days before the expiration of the existing permit. The Department may enforce these obligations during the temporary cessation status of operations.

(d) Temporary cessation status of a coal refuse disposal operation ends with the resumption of operations at that site. Subsequent notices of temporary cessation status following resumption of coal refuse operations must include updated information outlined in this section.

(e) Temporary cessation status of a coal refuse disposal operation ends with the resumption of operations at a source of the coal refuse or by permanent cessation at all sources of the coal refuse.

(f) Temporary cessation status of a coal refuse disposal operation ends with the permanent cessation of operations as specified in § 88.333 (relating to cessation of operations: permanent).

§ 88.333. Cessation of operations: permanent.

(a) Operations that are permanently ceased shall be backfilled or closed or otherwise permanently reclaimed in accordance with this chapter and the permit. All underground openings, equipment, structures or other facilities not required for monitoring, unless approved by the Department as suitable for the postmining land use, shall be removed and the affected land reclaimed.

(b) Unless coal refuse disposal operations resume as specified in § 88.332(d) or (e) (relating to cessation of operations: temporary), termination of temporary cessation status will place the mining operation in permanent

cessation status and subject to the provisions of subsection (a). Temporary cessation status will terminate for operations that fail to comply with any of the following:

(1) A final adjudicated proceeding as defined under § 86.355(e) (relating to criteria for approval of application) as a result of an act or omission which violates the acts as defined in § 86.1 (relating to definitions), this chapter or Chapters 86, 87, 89 or 90.

(2) A permit condition required by the acts, this chapter or Chapters 86, 87, 89 or 90.

(3) A consent order and agreement or a consent order.

CHAPTER 90. COAL REFUSE DISPOSAL

Subchapter C. MINIMUM OPERATION AND RECLAMATION PLAN INFORMATION REQUIRED IN APPLICATIONS FOR COAL REFUSE DISPOSAL

§ 90.31. General requirements.

An application shall contain a description of the coal refuse disposal activities proposed to be conducted during the life of the coal refuse disposal operations within the proposed permit area, including, at a minimum, the following:

(1) A narrative description of the type and method of coal refuse disposal procedures and proposed engineering techniques and the major equipment to be used during operations.

(2) A narrative explaining the construction, modification, use, maintenance and removal of the following facilities and structures, unless retention of the facility or structure is necessary for postdisposal land use as specified in § 90.166 (relating to postdisposal land use):

- (i) Dams, embankments and other impoundments.
- (ii) Overburden and topsoil handling and storage areas.
- (iii) Coal removal, handling, storage, cleaning, processing and transportation areas and structures.
- (iv) Spoil, coal refuse, mine development waste and noncoal waste removal, handling, storage, transportation and disposal areas and structures.
- (v) Mine facilities.
- (vi) Water and air pollution control facilities.
- (vii) Erosion and sediment control facilities.

(3) A description of the measures to be employed to ensure that all debris, potential acid-forming and potential toxic-forming materials, and materials constituting a fire hazard are disposed of in accordance with this chapter and a description of the contingency plans which have been developed to preclude combustion of the materials.

(4) A description, including appropriate cross sections and maps, of the measures to be used to seal or manage mine openings, and to plug, case, line or manage exploration holes, other boreholes, wells and other openings within the proposed permit area.

(5) A demonstration that the notification requirements of § 86.31(e) (relating to public notices of filing of permit applications) have been satisfied.

(6) A description of the operations that are proposed to be the source or sources of the coal refuse to be disposed of at the coal refuse disposal facility and the types of refuse to be disposed.

§ 90.50. Design criteria: groundwater and surface water protection system.

(a) The application shall include a description of the system that will be installed to prevent adverse impacts to groundwater and surface water. The description shall include maps, plans and other information necessary to evaluate the design of the system.

(b) The application shall include a description of the system that will be installed to prevent precipitation from coming into contact with the coal refuse. The description shall include maps, plans and other information necessary to evaluate the design of the system. The coal refuse disposal operation shall be designed in phases to minimize the amount of time the entire coal refuse area is exposed to precipitation prior to the installation of the system to prevent precipitation from contacting the coal refuse. The application shall describe the design of the system for preventing precipitation from contacting coal refuse and how the system will be installed in accordance with the following:

(1) During routine coal refuse disposal as phases of the coal refuse disposal area reach capacity.

(1.1) As specified in the permit.

(2) During periods of temporary cessation as directed under § 90.167(b) (relating to cessation of operations: temporary).

(3) When the operation permanently ceases.

(c) The Department's technical guidance Document Number 563-2112-656, titled Liners and Caps for Coal Refuse Disposal Areas, shall be used as guidance for designing coal refuse disposal sites incorporating earthen, admixed or synthetic liners or caps for preventing adverse impacts to groundwater and surface water and for preventing precipitation from contacting coal refuse.

(d) The application shall include a description of the measures to be taken to ensure the long-term functionality of the systems described in subsections (a) and (b). The description shall address the site's susceptibility to mine subsidence and the potential impacts of mine subsidence on the systems described in subsections (a) and (b). The description shall also address the potential for deterioration of components of the systems described in subsections (a) and (b) due to other physical or chemical processes including but not limited to attack from sulfate-laden or acidic groundwater and/or leachate.

Subchapter D. PERFORMANCE STANDARD FOR COAL REFUSE DISPOSAL

§ 90.122. Coal refuse disposal.

(a) Coal refuse shall be transported and placed in designated disposal areas approved by the Department for this purpose. These areas shall be within the permit area. The coal refuse disposal area shall be designed, constructed and maintained to ensure:

(1) The leachate and surface runoff from the permit area will not degrade surface water or groundwater or exceed the effluent limitations of § 90.102 (relating to hydrologic balance: water quality standards, effluent limitations and best management practices).

(2) Prevention of combustion.

(3) Prevention of public health hazards.

(4) Stability of the fill.

(5) The land mass designated as the coal refuse disposal area is suitable for reclamation and revegetation compatible with the natural surroundings.

(b) The fill shall be designed using recognized professional standards, certified by a qualified registered professional engineer, and approved by the Department.

(c) The foundation and abutment of the fill shall be stable under all conditions of construction and operation. Sufficient foundation investigations and laboratory testing of foundation materials and coal refuse shall be performed to determine the design requirements for stability of the facility. Analyses of foundation conditions shall include the effect of underground mine workings, if any, upon the stability of the structure.

(d) The coal refuse disposal fill shall be designed to attain a minimum long-term static factor of safety of 1.5 and a minimum seismic factor of safety of 1.2, based upon data obtained from subsurface exploration, geotechnical testing, foundation design, fill design and accepted engineering analyses.

(e) When the average slope of coal refuse disposal area exceeds $1v:2.8h$ —36%, or lesser slopes as may be designated by the Department based on local conditions, key way cuts, or excavation into stable bedrock or bedrock toe buttresses shall be constructed to stabilize the fill. When the toe of the fill rests on a downslope, stability analysis shall be performed in accordance with § 90.39 (relating to ponds, impoundments, banks, dams, embankments, piles and fills) to determine the size of rock toe buttresses and key way cuts.

(f) If the disposal area contains springs, natural or manmade watercourses, or wet-weather seeps, the Department may approve an underdrain/subdrainage system, consisting of durable rock or other materials, designed and placed in a manner that prevents infiltration of the water into the fill material and ensures continued free drainage from the wet areas.

(g) The disposal area shall be provided with a system to prevent adverse impacts to the surface water and groundwater. The system shall be constructed in accordance with design schematics, test results, descriptions, plans, maps, profiles or cross-sections approved in the permit and shall function to prevent adverse impacts to surface water and groundwater.

(h) The operator shall install a system to prevent precipitation from coming in contact with the coal refuse. The system shall be constructed in accordance with the design schematics, test results, descriptions, plans, maps, profiles or cross-sections approved in the permit, and designed to allow for revegetation of the site in accordance with the standard of success under § 90.159 (relating to revegetation: standards for successful revegetation) and for the prevention of erosion:

- (1) [Reserved].
- (2) [Reserved].
- (3) [Reserved].
- (4) [Reserved].
- (5) as phases reach capacity;
- (6) as specified in the permit;
- (7) if the operator temporarily ceases operation of the coal refuse disposal area for a period in excess of 90 days, unless the Department approves an operator's request for a longer period for the installation of the system; or
- (8) when the operation permanently ceases.

(i) An underdrain/subdrainage system for the fill shall be designed in accordance with the following:

(1) It shall include an underdrain system which will ensure continued free drainage of anticipated seepage from precipitation and from spring or wet-weather seeps, and meet the following:

(i) Anticipated discharges from springs and seeps due to precipitation shall be based on records or field investigation or both, to determine seasonal variation. The design of the underdrain system shall be based on maximum anticipated discharges.

(ii) Granular material used for the drainage system shall be nondegradable, nonacid-forming or nontoxic-forming rock free of clay, and consist of durable particles such as natural sands and gravels, sandstone, limestone or other durable rock which will not flake in water.

(2) The underdrain system shall be designed to be installed along the natural drainage system; extend from toe to head of fill; and contain lateral drains to each area of potential drainage or seepage.

(3) A filter system to ensure the proper functioning of the rock underdrain system shall be designed and constructed using standard geotechnical engineering methods.

(j) The final configuration of the fill shall be suitable for the post disposal land use approved under § 90.165 (relating to prime farmland: revegetation), except that no depression or impoundment may be allowed on the completed fill. New coal refuse disposal piles and area of piles active since May 17, 1973, shall blend into the local surroundings. Unless otherwise approved by the Department, the fill may not be designed to exceed the approximate elevation of the surrounding ridgeline.

(k) The maximum overall completed slope of the coal refuse disposal pile measured from toe of the fill to crest of upper terrace may not exceed 33% or 18 degrees.

(l) The top surface of the completed fill shall be graded so that the final slope after settlement will be no steeper than $1v:20h$ —5.0% toward properly designed drainage channels in natural ground along the periphery of the fill. Surface runoff from the top surface of the fill may not be allowed to flow over the outslope of the fill.

(m) Terraces must be utilized to control erosion and enhance stability, and may be utilized for roads included in postmining land use.

(1) The slope of the outslope between terraces may not exceed $1v:2h$ —50%. The vertical distance between terraces may not exceed 50 feet.

(2) To control surface runoff, each terrace bench will be a minimum of 20 feet wide, shall be graded to a slope of $1v:20h$ —5.0% toward the embankment. Runoff shall be collected by a ditch along the intersection of each terrace bank and the toe of the next higher outslope.

(3) Terrace ditches shall have a maximum 5.0% slope toward the channels specified in subsection (o) unless steeper slopes are necessary in conjunction with approved roads.

(n) Surface water runoff from areas adjacent to and above the fill shall be diverted away from the fill in stabilized channels which are designed to safely pass the peak runoff from a 100-year precipitation event. Diversion channels shall also comply with § 90.104(a) and (c)—(h) (relating to hydrologic balance: diversions).

(o) Surface water runoff from the fill shall be collected and conveyed in properly designed channels constructed in natural ground or engineered fill of inert material

along the periphery of the fill. The channels must safely pass the peak runoff from a 100-year precipitation event.

(p) Slope protection shall be provided to minimize surface erosion at the site. Disturbed areas, including diversion ditches that are not riprapped, shall be vegetated upon completion of construction.

(q) Coal refuse shall be hauled or conveyed and placed in a controlled manner and concurrently compacted as approved by the Department in lifts no greater than 2 feet, or less, as required or approved by the Department, as the design to:

- (1) Achieve the densities designed to ensure mass stability.
- (2) Prevent mass movement.
- (3) Avoid contamination of the rock underdrain.
- (4) Prevent formation of voids.

(r) Vegetative and organic materials shall be removed from the area where coal refuse is disposed of, and for a distance of 50 feet from the perimeter of the area where coal refuse is disposed, the topsoil shall be removed, segregated and stored or replaced as provided in §§ 90.96—90.100. If approved by the Department, organic material may be used a mulch or may be included in the topsoil to control erosion, promote growth of vegetation or increase the moisture retention of the soil.

§ 90.167. Cessation of operations: temporary.

(a) Before temporary cessation status of operations for a period of 30 days or more, an operator shall submit to the Department a notice of intention to temporarily cease operations. The notice shall include all of the following:

- (1) A statement of the exact number of acres affected in the permit area.
- (2) A description of the extent and kind of reclamation of the areas.
- (3) Identification of the backfilling, regrading, revegetation, environmental monitoring and water treatment activities that will continue during the temporary cessation status.
- (4) A description of the status of all operations that are a source of the coal refuse.

(b) Before temporary cessation status of operations for a period of 90 days or more, an operator shall submit to the Department a notice that may be included in, or submitted subsequent to, the notice required under subsection (a) and shall include all of the following:

- (1) Confirmation that the current bond under the permit is sufficient to complete the reclamation of the coal refuse area.
- (2) The timing of the installation of the phased system to prevent precipitation from contacting the refuse.

(c) Temporary cessation status of operations does not relieve the operator of the obligations to comply with the acts as defined in § 86.1 (relating to definitions), this chapter or Chapters 86, 87, 88 or 89 or the approved permit, including the obligation to submit an application for permit renewal at least 180 days before the expiration of the existing permit. The Department may enforce these obligations during the temporary cessation status of operations.

(d) [Reserved].

(e) Temporary cessation status of a coal refuse disposal operation ends with the resumption of operations at that

site. Subsequent notices of temporary cessation status following resumption of coal refuse operations must include updated information outlined in this section.

(f) Temporary cessation status of a coal refuse disposal operation ends with the resumption of operations at a source of the coal refuse or by permanent cessation at all sources of the coal refuse.

(g) Temporary cessation status of a coal refuse disposal operation ends with the permanent cessation of operations as specified in § 90.168 (relating to cessation of operations: permanent).

§ 90.168. Cessation of operations: permanent.

(a) Operations that are permanently ceased shall be backfilled or closed or otherwise permanently reclaimed in accordance with this chapter and the permit. All underground openings, equipment, structures or other facilities not required for monitoring, unless approved by the Department as suitable for the postmining land use, shall be removed and the affected land reclaimed.

(b) Unless coal refuse disposal operations resume as specified in § 90.167(e) or (f) (relating to cessation of operations: temporary), termination of temporary cessation status will place the mining operation in permanent cessation status and subject to the provisions of subsection (a). Temporary cessation status will terminate for operations that fail to comply with any of the following:

- (1) A final adjudicated proceeding as defined under § 86.355(e) (relating to criteria for approval of application) as a result of an act or omission which violates the acts as defined in § 86.1 (relating to definitions), this chapter or Chapters 86, 87, 88 or 89.
- (2) A permit condition required by the acts, this chapter or Chapters 86, 87, 88 or 89.
- (3) A consent order and agreement or a consent order.

Subchapter E. SITE SELECTION

§ 90.202. General requirements.

(a) A preferred site shall be used for coal refuse disposal unless the applicant demonstrates to the Department that an alternate site is more suitable based upon engineering, geology, economics, transportation systems, and social factors and is not adverse to the public interest.

(b) The applicant is required to determine whether the search area contains a preferred site.

(1) For a new coal refuse disposal area that will support an existing coal mining activity, the applicant shall examine the geographic area within a 1-mile radius of the existing coal mining activity.

(2) For a proposed coal refuse disposal area that will support a proposed coal preparation facility, the applicant shall examine a 25-square mile geographic area encompassing the proposed coal preparation facility. In defining the 25-square mile area, consideration shall be given to environmental, technical, transportation, economic and social factors where applicable.

(c) If there are no preferred sites located within the search area, the applicant shall conduct a comparative analysis of the potential coal refuse disposal sites in accordance with § 90.204(b) (relating to proposing an alternate site).

(d) The Department will not approve a site proposed by the applicant for coal refuse disposal activities when the Department finds that the adverse environmental im-

pacts of using the site for coal refuse disposal activities would clearly outweigh the public benefits.

(e) Except on preferred sites, the Department will not approve coal refuse disposal on or within any of the following areas:

- (1) Prime farmlands.
- (2) An exceptional value watershed as defined under Chapter 93 (relating to water quality standards).
- (3) Sites known to contain threatened or endangered animals listed exclusively under the Commonwealth's protection programs.
- (4) An area that is hydrologically connected to and contributes at least 5% of the drainage to wetlands designated as exceptional value under Chapter 105 (relating to dam safety and waterway management) unless a larger percentage contribution is authorized by the Department after consultation with the Fish and Boat Commission.
- (5) A watershed less than 4 square miles in area upstream of the intake of a public water supply.
- (6) A watershed less than 4 square miles in area upstream of the upstream limit of a public recreational impoundment.
- (7) Sites known to contain Federally listed threatened or endangered plants or animals. At preferred sites known to contain Federally listed threatened or endangered species, approval will be granted only when the Department concludes and the United States Fish and Wildlife Service concurs that the proposed activity is not likely to adversely affect Federally listed threatened or endangered species or result in the take of Federally listed threatened or endangered species in violation of section 9 of the Endangered Species Act of 1973 (16 U.S.C.A. § 1538).
- (f) As part of the site selection process, an applicant may request approval for more than one site. The Department will evaluate each site proposed for coal refuse disposal and, if the Department finds that a proposed site meets the requirements of this subchapter, it will designate it as an approved site. The applicant will then have the option of choosing a selected site from among the approved sites and submitting an application for coal refuse disposal for that site.

[Pa.B. Doc. No. 22-1380. Filed for public inspection September 9, 2022, 9:00 a.m.]

Title 25—ENVIRONMENTAL PROTECTION

**BOARD OF COAL MINE SAFETY
[25 PA. CODE CH. 208]**

Prohibiting Electronic Liquid-Vaporizing Devices at Underground Bituminous Coal Mines

The Board of Coal Mine Safety (Board) amends Chapter 208 (relating to underground coal mine safety) to read as set forth in Annex A.

This final-form rulemaking was adopted by the Board at its meeting on June 15, 2022.

A. Effective Date

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

B. Contact Persons

For further information, contact Richard Wagner, PE, Director, Bureau of Mine Safety, P.O. Box 133, New Stanton, PA 15672, (724) 404-3154; or Richard Marcil, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, 9th Floor, Rachel Carson State Office Building, Harrisburg, PA 17105, (717) 783-8504. Persons with a disability may use the Pennsylvania Hamilton Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Mining," then "Board of Coal Mine Safety" and then navigate to the Board meeting of June 15, 2022).

C. Statutory Authority

This final-form rulemaking is authorized under section 106.1(a) of the Bituminous Coal Mine Safety Act (BCMSA) (52 P.S. § 690-106.1(a)), which grants the Board the authority to adopt regulations that are necessary or appropriate to implement the requirements of the BCMSA and to protect the health, safety and welfare of miners and other individuals in and about mines. Section 106.1(f)(2) of the BCMSA further provides that regulations may address any hazards not addressed by existing safety standards. This final-form rulemaking imposes a civil penalty. The Department is authorized to assess civil penalties under section 105(16) of the BCMSA (52 P.S. § 690-105(16)), regarding powers and duties of the Department.

D. Background and Purpose

On July 7, 2008, the BCMSA was enacted, which was the first significant update of the Commonwealth's underground bituminous coal mine safety laws since 1961. Section 106 of the BCMSA (52 P.S. § 690-106) establishes the Board, which consists of three members representing mine workers, three members representing underground bituminous coal mine operators and the Secretary of the Department who serves as the Board's chairperson.

The purposes of the BCMSA, enumerated under section 103(b) (52 P.S. § 690-103(b)), include the establishment and promulgation of improved mandatory standards to protect the health and safety of miners and other individuals in and about mines. To protect the health and safety of miners and other individuals, this final-form rulemaking amends the smoking prohibition at underground bituminous coal mines to expressly prohibit the use or possession, or both, of electronic liquid-vaporizing devices, including electronic cigarettes, and impose a penalty for violations of the prohibition. By prohibiting the use of or possession, or both, of electronic liquid vaporizing devices at underground bituminous coal mines, this final-form rulemaking addresses both explosive and distraction hazards these devices present at underground bituminous coal mining operations.

Coal mine fires pose a constant danger to the safety of miners and to their livelihood. Underground mine fires pose an added hazard because of the confined environment with remote exits. The Federal government has enacted safety regulations for underground coal mines that have greatly improved the safety of miners. See 30 CFR Part 75 (relating to mandatory safety standards—underground coal mines). However, mine fires and fire

injuries remain serious hazards for all coal mining operations. The combination of an electronic cigarette and a lithium-ion battery is a new and unique hazard. There is no analogy among consumer products to the risk of a severe, acute injury presented by an e-cigarette. Fires or explosions caused by the batteries used in electronic cigarettes are uncommon. However, the consequences can be devastating and life-altering for the victims. This is especially a concern in the underground mining environment, where explosions in underground mines are caused by accumulations of flammable gas or combustible dust, or both, mixed with air in the presence of an ignition source. While much progress has been made in preventing explosion disasters in coal mines, explosions still occur, sometimes producing multiple fatalities. Preventing fires is essential to the health and safety of mine workers.

Miners, their families, mining companies and others will benefit from the additional safety ensured by the avoided hazards associated with the use or possession of electronic liquid-vaporizing devices at underground bituminous coal mines. Additionally, miners, mine officials, mine operators and the Department will benefit from clarity regarding how the use and possession of these devices are regulated at underground bituminous coal mines.

Section 105(1) and (2) of the BCMSA (52 P.S. § 690-105(1) and (2)), authorizes the Department to interview individuals at a mine site, investigate them and conduct inspections of their property to ensure compliance with the BCMSA. Specifically for smoking-related items, section 268(b) of the BCMSA (52 P.S. § 690-268(b)), also allows an operator to search individuals in a mine or about to enter a mine, including their clothing and material belongings, for smoking-related items. Additionally, Federal regulations require all operators to have a Mine Safety and Health Administration (MSHA) approved program to insure persons entering underground mines do not carry in smoking materials, matches or lighters. See 30 CFR 75.1702 (relating to smoking; prohibition). An operator's MSHA approved plan would dictate the frequency of searches and other procedures that would uncover smoking-related items. If an operator finds a smoking-related article at a surface work area, they are not required under the BCMSA to report it to the Department. The Department would become involved in a situation where the violation was reported by an operator, forwarded to the Department as a tip through the MSHA hotline for anonymous tips or uncovered by a Department inspector. The Department would conduct a follow-up investigation as appropriate, which may include an inspection of the operator's smoke search and violation log kept under an MSHA approved smoking safety plan, or interviews with the operator and its employees.

When a search or investigation results in evidence that an individual had smoking-related items at or around an underground mine site, the BCMSA's statutory enforcement provisions currently provide the Department limited options. For a mine operator or mine official, the Department may issue an administrative penalty under section 503 of the BCMSA (52 P.S. § 690-503). Section 503 does not apply to other employees at a mine site who are not mine operators or officials. The Department may also decertify an individual for failure to comply with provisions of, or regulations promulgated under section 510(b) of the BCMSA (52 P.S. § 690-510(b)). This is the typical sanction for individuals who engage in conduct, such as bringing combustible material into an underground mine, that puts mine workers at significant risk. However, this sanction cannot be utilized for individuals who do not yet

have a certification, such as apprentice miners. Additionally, in some circumstances, initiating a decertification action for violating a smoking, or smoking-related, provision would be unduly harsh and punitive.

To remedy the Department's currently limited options to appropriately penalize the use or possession of e-cigarettes, this final-form rulemaking, promulgated under the Department's statutory authority to assess civil penalties and the Board's authority to promulgate regulations to improve mine worker safety, gives the Department additional regulatory authority to assess a civil monetary penalty. Under this final-form rulemaking, the Department may assess a civil penalty for the regulatory maximum amount for each violation, which is currently \$342. This amount is the maximum civil penalty available under Federal law. The civil penalty provides the Department with flexibility to punish smoking safety standard violations where decertification may not be appropriate. As an action taken by the Department, the penalty would be appealable to the Environmental Hearing Board.

This final-form rulemaking also separately distinguishes the prohibition at surface work areas of underground bituminous coal mines from the prohibition inside these mines.

E. Summary of Final-Form Rulemaking and Changes from Proposed to Final-Form Rulemaking

This final-form rulemaking amends the existing smoking prohibition at § 208.375 (relating to smoking prohibition), which applies at surface work areas of underground bituminous coal mines and adds § 208.376 (relating to smoking prohibition: underground areas).

§ 208.375. Smoking prohibition: surface work areas

Subsection (a) retains the existing smoking prohibition at surface work areas of underground bituminous coal mines, which incorporates the Federal regulation at 30 CFR 77.1711 (relating to smoking prohibition). There are no changes made to this subsection from the proposed rulemaking to this final-form rulemaking.

Subsection (b) expressly prohibits electronic liquid-vaporizing devices and authorizes the imposition of a penalty for violations of this section. The penalty refers to the penalty imposed under Federal law at 30 CFR 100.5(d) (relating to determination of penalty amount; special assessment), which is adopted and incorporated herein by reference, so as not to be more stringent. Under the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. §§ 2461—2467), the maximum penalty is updated every year to reflect inflation and is currently set at \$342, as of January 14, 2021. See 86 FR 2970 (January 14, 2021). The penalty is not exclusive of any other enforcement option the Department determines is warranted under the particular circumstances of the violation. The Department will review whether to pursue other enforcement actions, in addition to levying a civil penalty, on a case by case basis as warranted by the particular facts giving rise to the violation.

Subsection (b) is changed from the proposed rulemaking. The Board has determined that violating a smoking, or smoking-related, prohibition is severe enough of an offense that no circumstances would warrant deviating from the relatively small Federal maximum civil penalty. See 30 CFR 100.5(d). Therefore, the Board has opted to promulgate this final-form rulemaking without discretion to reduce the civil penalty from the Federal maximum amount.

§ 208.376. *Smoking prohibition: underground areas*

Subsections (a)—(c) are based on the existing provisions of the smoking prohibition in underground bituminous coal mines from section 268(b) of the BCMSA and add clarification that this prohibition applies to the use and possession of electronic liquid-vaporizing devices. Subsection (a) prohibits smoking or the use of an open flame, subsection (b) prohibits the possession of smoking materials and subsection (c) authorizes operators to search any individual entering the mine. There are no changes made to these subsections from the proposed rulemaking to this final-form rulemaking.

Subsection (d) authorizes the imposition of a penalty for violations of this section. Just as in § 208.375, described previously, the penalty refers to the penalty imposed under Federal law, so as not to be more stringent. See 30 CFR 100.5(d). Under the Federal Civil Penalties Inflation Adjustment Act of 1990, the maximum penalty is updated every year to reflect inflation and is currently set at \$342 as of January 14, 2021. See 86 FR 2970 (January 14, 2021). The penalty is not exclusive of any other enforcement option the Department determines is warranted under the particular circumstances of the violation. The Department will review whether to pursue other enforcement actions, in addition to levying a civil penalty, on a case by case basis as warranted by the particular facts giving rise to the violation.

Subsection (d) is changed from the proposed rulemaking. At the suggestion of the Independent Regulatory Review Commission (IRRC), the list of prohibited items in subsection (d) was changed to a reference to “the items identified in subsection (b)” to improve clarity. Prior to the change, the lists in subsection (b) and subsection (d) were slightly different, which could have caused confusion for the regulated community. Additionally, a change was made to require the maximum allowable penalty under 30 CFR 100.5(d) for violating smoking-related mandatory safety standards, for the same reasons this change was made in § 208.375.

F. *Summary of Comments and Responses on the Proposed Rulemaking*

The proposed rulemaking was adopted by the Board at its meeting on September 1, 2020, and was published at 51 Pa.B. 1316 (March 13, 2021). Public hearings were not held. The 30-day public comment period closed on April 12, 2021.

The Board received one public comment from the American Lung Association (ALA) and comments from IRRC. The ALA comment was in support of the proposed rulemaking. IRRC had three comments. A summary of IRRC’s comments are as follows:

1. IRRC commented that the Board should explain its statutory authority to assess a civil penalty beyond the enforcement remedies listed in Chapter 5 of the BCMSA (52 P.S. §§ 690-501—690.511) regarding enforcement and remedies. IRRC also noted two additional concerns. First, the process to determine whether an individual has violated the section was not explained. Second, §§ 208.375(b)(2) and 208.376(d)(2) did not explain when the Department would or would not implement other remedies available to it.

2. IRRC noted that, for clarity, subsections (b) and (d) of § 208.376, which both state smoking-related articles that may not be carried into mines, should be revised to contain identical lists or explain why a revision should not take place.

3. IRRC commented that the number of individuals affected by the regulation should be included in the Regulatory Analysis Form (RAF) submitted with the final-form rulemaking. IRRC also asked the Board to estimate the cost to the regulated community and provide the number of individuals who have been decertified for violating existing smoking prohibitions.

In response to IRRC’s first comment, the Board has included in Section D of the preamble to this final-form rulemaking a more detailed description of its statutory authority to assess civil penalties and how the civil penalties in this final-form rulemaking would be assessed. In response to IRRC’s second comment, the list in subsection (d) of § 208.376 was modified to reference the list of items in subsection (b) to improve consistency. In response to IRRC’s third comment, the RAF was updated to include the number of individuals affected by this regulation and an accounting of individuals who have been decertified for violating existing smoking prohibitions.

G. *Benefits, Costs and Compliance*

Benefits

This final-form rulemaking will improve safety by expressly prohibiting the use or possession, or both, of electronic liquid-vaporizing devices, which present safety hazards, under the existing prohibitions against smoking and possession of smoking materials. The safety of miners in the workplace is a compelling public interest. Miners, their families, mining companies and others will benefit from the additional safety ensured by the avoided hazards associated with the use or possession of electronic liquid-vaporizing devices at underground bituminous coal mines, such as explosive hazards and distraction hazards. Additionally, miners, mine officials, mine operators and the Department benefit from clarity regarding how the use and possession of these devices are regulated at underground bituminous coal mines.

Compliance costs

This final-form rulemaking does not create any compliance costs and therefore does not minimize compliance costs. Because this final-form rulemaking prohibits the use or possession of certain items by persons at underground bituminous coal mines, the only requirement to comply is that persons not use or possess these items, which they can do at no cost.

Paperwork requirements

This final-form rulemaking does not generate additional paperwork because mining operators must comply with the existing statute and regulation.

H. *Pollution Prevention*

The Federal Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) establishes a National policy that promotes pollution prevention as the preferred means for achieving State environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. This final-form rulemaking has minimal impact on pollution prevention since it is focused on mine safety.

I. *Sunset Review*

The Board is not proposing a sunset date for these regulations, since they are needed for the Department to carry out its statutory authority. The Department will continue to review these regulations for their effectiveness and recommend updates to the Board as necessary.

J. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on February 25, 2021, the Department submitted a copy of the notice of proposed rulemaking, published at 51 Pa.B. 1316, to IRRC and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees, for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on July 20, 2022, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, IRRC met on July 21, 2022, and approved the final-form rulemaking.

K. *Findings of the Board*

The Board finds that:

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

(2) A public comment period was provided as required by law, and all comments were considered.

(3) These regulations do not enlarge the purpose of the proposal published at 51 Pa.B. 1316.

(4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this order.

L. *Order of the Board*

The Board, acting under the authorizing statutes, orders that:

(1) The regulations of the Department, 25 Pa. Code Chapter 208, are amended by amending § 208.375 and adding § 208.376 to read as set forth in Annex A.

(2) The Chairperson of the Board shall submit this final-form regulation to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form, as required by law.

(3) The Chairperson of the Board shall submit this final-form regulation to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

(4) The Chairperson of the Board shall certify this final-form regulation and deposit it with the Legislative Reference Bureau, as required by law.

(5) This final-form regulation shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

RAMEZ ZIADEH, P.E.,
Acting Chairperson

(*Editor's Note:* See 52 Pa.B. 4479 (August 6, 2022) for IRRC's approval order.)

Fiscal Note: Fiscal Note 7-558 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE IV. OCCUPATIONAL HEALTH AND SAFETY

CHAPTER 208. UNDERGROUND COAL MINE SAFETY

MISCELLANEOUS

§ 208.375. Smoking prohibition: surface work areas.

(a) The provisions of 30 CFR 77.1711 (relating to smoking prohibition) are incorporated by reference.

(b) An individual who violates the mandatory safety standards relating to smoking, including the use of electronic liquid-vaporizing devices or e-cigarettes, shall be subject to a civil penalty assessed by the Department, which penalty:

(1) Shall be the maximum civil penalty provided under 30 CFR 100.5(d) (relating to determination of penalty amount; special assessment) adopted and incorporated by reference for each occurrence of this violation.

(2) May not preclude the Department from exercising any other remedy available to it.

§ 208.376. Smoking prohibition: underground areas.

(a) An individual may not smoke or use an open flame in any underground bituminous coal mine.

(b) An individual may not at any time enter a mine with or carry into the mine any smoking or smoker related articles, matches, pipes, cigars, cigarettes, electronic liquid-vaporizing devices, including e-cigarettes, or any device for making flames or fire not approved under section 350 of the act (52 P.S. § 690-350).

(c) In all mines the operator may search or cause to be searched any individual, including the individual's clothing and material belongings, entering or about to enter the mine, or inside the mine, to prevent an individual from taking or carrying into the mine any of the articles prohibited by this section.

(d) An individual who violates the mandatory safety standards relating to smoking or the use or carrying of the items identified in subsection (b), shall be subject to a civil penalty assessed by the Department that:

(1) Shall be the maximum civil penalty provided under 30 CFR 100.5(d) (relating to determination of penalty amount; special assessment) adopted and incorporated by reference for each occurrence of this violation.

(2) May not preclude the Department from exercising any other remedy available to it.

[Pa.B. Doc. No. 22-1381. Filed for public inspection September 9, 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

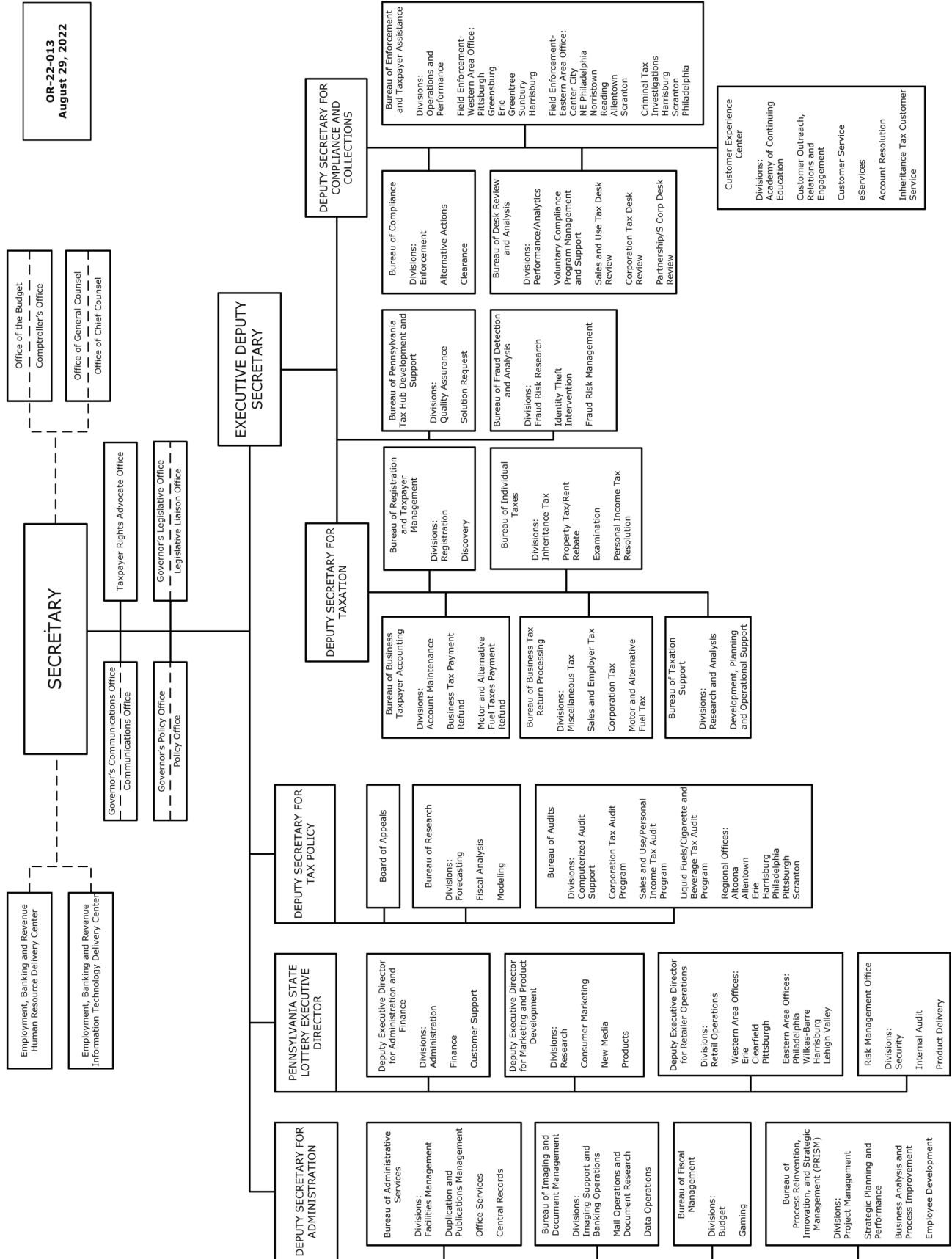
The Executive Board approved a reorganization of the Department of Revenue effective August 29, 2022.

The organization chart at 52 Pa.B. 5818 (September 10, 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. 22-1382. Filed for public inspection September 9, 2022, 9:00 a.m.]

DEPARTMENT OF REVENUE



NOTICES

DEPARTMENT OF AGRICULTURE

Farm-to-School Grant Program; 2022-2023 Program Guidelines

The Department of Agriculture (Department) announces the program requirements and application period for grants under the Farm-to-School Program (Program). The Program is a grant program authorized under the Farm-to-School Act (3 Pa.C.S. §§ 10901—10910). These Program guidelines have been developed in consultation with the Commission for Agricultural Excellence and the Department of Health.

1. *Program objective.*

The purpose of the Program is to educate prekindergartners through eighth graders and their families about the importance of choosing healthy, locally produced foods and increase awareness of agriculture in this Commonwealth. This initiative will also aid farmers in this Commonwealth in gaining access to new markets within this Commonwealth.

2. *Eligible applicants and projects.*

(a) *Eligible applicants.* A school district, school, charter school, private school or center with prekindergarten classes, kindergarten classes, elementary classes or middle school classes through the eighth grade that participates in a Federal Child Nutrition Program may submit an application to the Department for funding a program.

(b) *Eligible projects.* Grants will be awarded to develop the Program in this Commonwealth. Eligible projects are those that do all of the following:

(1) Educate prekindergartners through eighth graders and their families about the importance of choosing healthy, locally produced foods and increase awareness of agriculture in this Commonwealth.

(2) Achieve one or more of the following objectives of the Program:

(i) Nutrition education involving student participation which is integrated into regular subjects in the curriculum of primary and secondary education institutions.

(ii) Focusing on locally grown foods provided from farms in this Commonwealth.

(iii) Equipping teachers and other educators to incorporate nutrition and agriculture education into their instruction.

(iv) Providing for new direct marketing opportunities for farmers in this Commonwealth.

(v) Providing for family and community involvement, including parent, caregiver and community group participation in education activities.

(vi) Visits to nearby farms for school children so they may understand and learn more about the sources of their food.

(3) Contain one or more of the following elements:

(i) The procurement of food and food products, or food-producing plants, from a farm in this Commonwealth.

(ii) Nutrition and agriculture education, including integration into regular classroom subjects.

(iii) Training of teachers, cafeteria staff and other educational staff on nutrition and agriculture education.

(iv) The inclusion of parents, caregivers and community groups in educational activities.

(v) Field trips to farms in this Commonwealth or other direct agricultural educational experiences which teach children about sources of food and agriculture in this Commonwealth.

(vi) Provision for reimbursement of up to 75% of the costs for purchasing locally grown foods provided from farms in this Commonwealth and foods purchased directly from farmers in this Commonwealth to meet the objectives set forth in subparagraphs (2)(ii) and (iv).

(vii) An eligible applicant may use a grant to establish a school garden or pollinator habitat.

3. *Definitions.*

The following words and terms have the following meanings:

“*Department.*” The Department of Agriculture of the Commonwealth.

“*Program.*” The Farm-to-School Program.

“*Secretary.*” The Secretary of the Department.

4. *Limitations on grants.*

(a) *Total funds available.* The sum of \$500,000 is available for grants under the Program for Fiscal Year 2022-2023. Grant funds will be awarded on a funds-available basis.

(b) *Project duration.* A project must have a completion date of no later than June 30, 2024.

(c) *Reimbursement grants.* Grant funds will be awarded as reimbursement grants.

(d) *Percentage cap.* A single grant shall be limited to 75% of the cost of the project identified in the grant application.

(e) *Per-school cap.* Grant amounts shall not exceed \$15,000 annually, per school.

(f) *In-kind support.* Grant recipients may use the value of in-kind support to match the amount granted.

(g) *Additional restrictions.* The Secretary may impose additional restrictions or special conditions upon the issuance of a grant.

5. *Applications.*

(a) *Electronic applications only.* Interested applicants must submit a complete grant application using the Department of Community and Economic Development’s Electronic Single Application web site at www.esa.dced.state.pa.us.

(b) *Application content.* The application shall require the applicant to explain how the project for which grant funds are sought is an eligible project as described in section 2(b) and other information as the Department may reasonably require.

(c) *Application window.* Completed applications may be electronically submitted beginning September 12, 2022. Applications must be received by no later than 5 p.m. on October 14, 2022.

6. *Review of application.* The Secretary will review and evaluate applications and supporting documents for completeness, and will evaluate applications based on the following considerations:

- (1) The ability of the applicant to complete the Program.
- (2) The ability of the applicant to incorporate all of the Program requirements under section 10904(c).
- (3) The location of the school in an area where a high percentage of the children are eligible to receive free or reduced-price school meals.
- (4) The potential of the Program to increase knowledge about nutrition and healthy eating habits for the children, their caregivers and the community.
- (5) The potential of the Program to increase knowledge about agriculture in this Commonwealth for the children, their caregivers and the community.
- (6) The ability of the applicant to procure foods in this Commonwealth and products or plants for the applicant's Program.
- (7) The potential of the Program to increase markets for agricultural producers in this Commonwealth.
- (8) The number of people who will be served by the Program.
- (9) The ability of the applicant to sustain the Program.
- (10) The overall performance of the applicant if a grant was received in a previous year.

7. *Notice of disposition of application.*

The Department will provide an applicant written notice (by regular mail or e-mail) of the acceptance or rejection of a grant application.

8. *Grant agreement.*

After the Secretary approves a grant application, and as a precondition to the Department's release of grant

moneys to a successful applicant, the Department and the applicant will execute a written or electronic Grant Agreement which describes the terms and conditions subject to which the grant is made. The Grant Agreement shall contain and conform to the requirements of this notice and shall also contain special terms and conditions as required by the Secretary.

9. *Verification of project completion.*

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

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

(1) copies of invoices for goods or services directly related to the project, along with the written certification of the president or treasurer of the applicant that the goods or services that are the subject of the invoices have been delivered or provided to the applicant; and

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

10. *Questions and additional information.*

Questions regarding this Program, including on the online application process may be directed to Patrick Andrews, Bureau of Market Development, Department of Agriculture, 2301 North Cameron Street, Room 310, Harrisburg, PA 17110-9408, (717) 772-1429, RA-AGFARMTOSCHOOL@pa.gov.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 22-1383. Filed for public inspection September 9, 2022, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

List of Pesticides Which May be used by Medical Marijuana Growers and Processors

The following pesticide active ingredients can be used legally in the growing and processing of seeds, immature medical marijuana plants, medical marijuana plants or medical marijuana and in accordance with the Pennsylvania Pesticide Control Act of 1973 (3 P.S. §§ 111.21—112). To qualify, products containing the following active ingredients must also be registered in the Commonwealth, and labeled for use in greenhouses on unspecified food crops or unspecified herbs, or both. Commonwealth pesticide registration can be checked at <https://www.paplants.pa.gov/ProductRegFSA/BrandSearch.aspx>.

The Department of Agriculture (Department) evaluates potential pesticide active ingredients for inclusion on this list on an annual basis. Candidates for addition to this list should be submitted to the Department by June 1st of each calendar year. This list will be reviewed and updated September of each calendar year. Deletions of active ingredients will occur on an as-needed basis. Submissions can be sent to the Department of Agriculture, Attn: Pesticide Registration, 2301 North Cameron Street, Harrisburg, PA 17110.

The Department will utilize the following criteria when evaluating active ingredients for inclusion on the list:

- 1) The active ingredient is in at least one United States Environmental Protection Agency (EPA) registered pesticide or is exempt under section 25(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.A. § 136w(b)).
- 2) Pesticides containing this ingredient are labeled for unspecified food or herb crops.
- 3) The active ingredient is exempt from the requirements of a tolerance on all food crops.

The Department may also consider other factors, such as pyrolysis data or whether addition of an active ingredient may likely lead to widespread misuse.

This notice shall become effective immediately upon publication in the *Pennsylvania Bulletin*. This publication supersedes all previously published notices related to pesticide active ingredients for use by medical marijuana growers and processors.

List of Pesticide Active Ingredients approved for use by Medical Marijuana Grower/Processors

<i>EPA Status</i>	<i>Pesticide Type</i>	<i>Comments</i>	<i>Active Ingredient</i>
25(b)	Insecticide		Castor Oil
25(b)	Insecticide		Cedarwood Oil
25(b)	Insecticide		Cinnamon
25(b)	Fungicide, Insecticide		Cinnamon Oil
25(b)	Fungicide, Insecticide		Citric Acid
25(b)	Bactericide, Fungicide		Clove
25(b)	Insecticide		Clove Oil
25(b)	Fungicide		Corn Oil
25(b)	Insecticide		Cornmint Oil
25(b)	Insecticide		Cottonseed Oil
25(b)	Insecticide		Garlic
25(b)	Insect Repellent		Garlic Oil
25(b)	Fungicide		Geraniol
25(b)	Insecticide		Geranium Oil
25(b)	Fungicide, Insecticide		Lemon Grass Oil
25(b)	Insecticide		Peppermint Oil
25(b)	Fungicide		Potassium Sorbate
25(b)	Insecticide		Rosemary
25(b)	Insecticide		Rosemary Oil
25(b)	Fungicide, Insecticide, Miticide		Sesame Oil
25(b)	Fungicide, Insecticide		Sodium Lauryl Sulfate
25(b)	Insecticide		Soybean Oil
25(b)	Fungicide		Thyme
25(b)	Fungicide, Insecticide, Miticide		Thyme Oil
25(b)	Insecticide		White Pepper
Sec 3 Products	PGR		24-Epibrassinolide
Sec 3 Products	Insecticide		Azadirachtin
Sec 3 Products	Fungicide		<i>Bacillus amyloliquefaciens</i> strain D747
Sec 3 Products	Fungicide		<i>Bacillus pumilus</i> strain GHA 180
Sec 3 Products	Fungicide		<i>Bacillus subtilis</i> QST713 strain
Sec 3 Products	Insecticide		<i>Bacillus thuringiensis</i> ssp. <i>aizawai</i>
Sec 3 Products	Insecticide		<i>Bacillus thuringiensis</i> ssp. <i>israelensis</i>
Sec 3 Products	Insecticide		<i>Bacillus thuringiensis</i> ssp. <i>kurstaki</i> strain EVB-113-19
Sec 3 Products	Insecticide		<i>Beauveria bassiana</i> strain ANT-03
Sec 3 Products	Insecticide		<i>Beauveria bassiana</i> strain GHA
Sec 3 Products	Insecticide		<i>Burkholderia</i> ssp. strain A396
Sec 3 Products	Insecticide		Canola Oil
Sec 3 Products	Insect Repellent		Capsicum Oleoresin Extract
Sec 3 Products	Insecticide		<i>Chromobacterium</i> sub strain PRAA4-1 Cells
Sec 3 Products	Fungicide, Insecticide		Clarified Hydrophobic Extract of Neem Oil
Sec 3 Products	Fungicide		Copper Octanoate
Sec 3 Products	PGR		Cytokinin (Kinetin)
Sec 3 Products	Insecticide		Diatomaceous Earth
Sec 3 Products	PGR		Gibberellins (Gibberellic Acid)
Sec 3 Products	Fungicide		<i>Gliocladium catenulatum</i> strain J1446
Sec 3 Products	PGR		Harpin Alpha Beta

<i>EPA Status</i>	<i>Pesticide Type</i>	<i>Comments</i>	<i>Active Ingredient</i>
Sec 3 Products	PGR		Homobrassinolide
Sec 3 Products	Antimicrobial, Fungicide	Post-harvest application prohibited.	Hydrogen Peroxide
Sec 3 Products	PGR		IBA (Indole-3-Butyric Acid)
Sec 3 Products	Insecticide		<i>Isaria fumosorosea</i> Apopka strain 97
Sec 3 Products	Insecticide, PGR		Kaolin
Sec 3 Products	Insecticide		Mineral Oil
Sec 3 Products	Fungicide		Mono- and Dipotassium Salts of Phosphorous Acid
Sec 3 Products	Insecticide		Monopotassium Phosphate
Sec 3 Products	Nematicide		<i>Myrothecium verrucaria</i>
Sec 3 Products	Fungicide, Insecticide		Neem Oil, Cold Pressed
Sec 3 Products	Antimicrobial, Fungicide		Peroxyacetic Acid
Sec 3 Products	Fungicide		Potassium Bicarbonate
Sec 3 Products	Insecticide		Potassium Laurate
Sec 3 Products	Fungicide, Insecticide		Potassium Salts of Fatty Acids
Sec 3 Products	Fungicide		<i>Pseudomonas chlororaphis</i> strain AF5009
Sec 3 Products	Insecticide		Pyrethrins
Sec 3 Products	Fungicide		<i>Reynoutria sachalinensis</i> Extract
Sec 3 Products	Molluscicide		Sodium Ferric EDTA
Sec 3 Products	Fungicide		<i>Streptomyces lydicus</i> WYEC 108
Sec 3 Products	Insecticide, miticide		Sucrose Octanoate Esters
Sec 3 Products	Insecticide, Fungicide	Only EPA-registered products are approved for use on medical marijuana. Burning sulfur for pest control is prohibited.	Sulfur
Sec 3 Products	Fungicide		<i>Trichoderma asperellum</i> strain ICC 012
Sec 3 Products	Fungicide		<i>Trichoderma asperellum</i> strain T34
Sec 3 Products	Fungicide		<i>Trichoderma gamsii</i> strain ICC080
Sec 3 Products	Fungicide		<i>Trichoderma harzianum</i> Rifai strain T-22
Sec 3 Products	Fungicide		<i>Trichoderma virens</i> strain G-41

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 22-1384. Filed for public inspection September 9, 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 August 30, 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**Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
08-25-2022	Univest Bank and Trust Co. Souderton Montgomery County	175 West Ostend Street Baltimore Baltimore County, MD	Filed

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
08-22-2022	PS Bank Wyalusing Bradford County	<i>To:</i> 223 Northern Boulevard South Abington Township Lackawanna County <i>From:</i> 251 East Grove Street Clarks Green Lackawanna County	Effective

CREDIT UNIONS**Branch Applications****Branch Discontinuances**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
08-23-2022	TruMark Financial Credit Union Fort Washington Montgomery County	275 Swamp Road Newtown Bucks County	Closed
08-23-2022	TruMark Financial Credit Union Fort Washington Montgomery County	1100 Shiloh Road West Chester Chester County	Closed
08-23-2022	TruMark Financial Credit Union Fort Washington Montgomery County	450 Ellis Lane West Chester Chester County	Closed
08-23-2022	TruMark Financial Credit Union Fort Washington Montgomery County	400 Montgomery Avenue West Chester Chester County	Closed

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

RICHARD VAGUE,
Secretary

[Pa.B. Doc. No. 22-1385. Filed for public inspection September 9, 2022, 9:00 a.m.]

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

This notice provides information about persons who have applied to the Department of Environmental Protection (DEP) for a new, renewed, or amended NPDES or WQM permit, or a permit waiver for certain stormwater discharges, or have submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications and NOIs concern, but are not limited to, effluent discharges from sewage treatment facilities and industrial facilities to surface waters or groundwater; stormwater discharges associated with industrial activity (industrial stormwater), construction activity (construction stormwater), and municipal separate storm sewer systems (MS4s); the application of pesticides; the operation of

Concentrated Animal Feeding Operations (CAFOs); and the construction of sewage, industrial waste, and manure storage, collection and treatment facilities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376). More information on the types of NPDES and WQM permits that are available can be found on DEP's website (visit www.dep.pa.gov and select Businesses, Water, Bureau of Clean Water, Wastewater Management, and NPDES and WQM Permitting Programs).

Section Category

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

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

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

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

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

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

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

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

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

DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484-250-5910. Email: RA-EPNPDES_SERO@pa.gov for permits in Sections I & II; RA-EPWW-SERO@pa.gov for permits in Section III.

DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 570-826-5472. Email: RA-EPNPDES_NERO@pa.gov for permits in Sections I & II; RA-EPWW-NERO@pa.gov for permits in Section III.

DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717-705-4732. Email: RA-EPNPDES_SCRO@pa.gov for permits in Sections I & II; RA-EPWW-SCRO@pa.gov for permits in Section III.

DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570-327-3693. Email: RA-EPNPDES_NCRO@pa.gov for permits in Sections I & II; RA-EPWW-NCRO@pa.gov for permits in Section III.

DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412-442-4286. Email: RA-EPNPDES_SWRO@pa.gov for permits in Sections I & II; RA-EPWW-SWRO@pa.gov for permits in Section III.

DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814-332-6078. 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 DEP 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.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

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

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0814804	Joint DEP/PFBC Pesticides Permit	Amendment	Queen Esther Lot Owners Association P.O. Box 934 Sayre, PA 18840-0934	Athens Township Bradford County	NCRO
1122800	Joint DEP/PFBC Pesticides Permit	New	Windber CC 1392 Forest Hills Drive Salix, PA 15952-9201	Adams Township Cambria County	SWRO
4522804	Joint DEP/PFBC Pesticides Permit	New	Cresco Realty LLC 1 Weiler Drive Cresco, PA 18326-9804	Barrett Township Monroe County	NERO
1594418	Land Application and Reuse of Sewage Individual WQM Permit	Renewal	Kennett Township Chester County 801 Burrows Road Chadds Ford, PA 19317	Kennett Township Chester County	SERO
0608403	Major Sewage Treatment Facility Individual WQM Permit	Amendment	Sinking Spring Borough Berks County 3940 Penn Avenue Sinking Spring, PA 19608-1168	Spring Township Berks County	SCRO
2122203	Manure Storage and Wastewater Impoundments Individual WQM Permit	New	Dickinson College P.O. Box 1773 Carlisle, PA 17013-2896	South Middleton Township Cumberland County	SCRO
PA0086894	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Transfer	The York Water Co. P.O. Box 223 Spring Grove, PA 17362-0223	Washington Township York County	SCRO
0420200	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Amendment	Cleveland Cliffs Steel Holding Corp 9227 Centre Pointe Drive West Chester, OH 45069-4822	Harmony Township Beaver County	SWRO
4806407	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Transfer	WHN Management LLC 2846 Main Street P.O. Box 677 Morgantown, PA 19543-9486	Moore Township Northampton County	NERO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
4815403	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Transfer	WHN Management LLC 2846 Main Street P.O. Box 677 Morgantown, PA 19543-9486	Moore Township Northampton County	NERO
6707406	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	Wrightsville Borough Municipal Authority York County 601 Water Street Wrightsville, PA 17368-1646	Wrightsville Borough York County	SCRO
6796405	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Transfer	The York Water Co. P.O. Box 223 Spring Grove, PA 17362-0223	Washington Township York County	SCRO
NOEXSC375	No Exposure Certification	New	GXO Logistics Supply Chain Inc. 200 Capital Lane Middletown, PA 17057-5526	Lower Swatara Township Dauphin County	SCRO
PAG134816	PAG-13 NPDES General Permit for MS4s	Renewal	Riverside Borough Northumberland County P.O. Box 307 Riverside, PA 17868-0307	Riverside Borough Northumberland County	NCRO
PAG134819	PAG-13 NPDES General Permit for MS4s	Renewal	Cooper Township Montour County 59 Steltz Road Danville, PA 17821-9132	Cooper Township Montour County	NCRO
PAG136166	PAG-13 NPDES General Permit for MS4s	Transfer	West Mifflin Borough MS4 Joint Client 1020 Lebanon Road West Mifflin, PA 15122-1036	West Mifflin Borough Allegheny County	SWRO
PAG138319	PAG-13 NPDES General Permit for MS4s	Renewal	PA State University Penn State Erie 4701 College Drive Erie, PA 16563	Harborcreek Township Erie County	NWRO
6106	Pump Stations Individual WQM Permit	Amendment	Allegheny County Sanitary Authority ALCOSAN 3300 Preble Avenue Pittsburgh, PA 15233-1025	Pittsburgh City Allegheny County	SWRO
0422403	Sewer Extensions Individual WQM Permit	Amendment	Hopewell Township Beaver County 1700 Clark Boulevard Aliquippa, PA 15001-4205	Hopewell Township Beaver County	SWRO
0422402	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Hodapp Autumn S 268 Big Knob Road Rochester, PA 15074-2639	New Sewickley Township Beaver County	SWRO

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

Northcentral Regional Office

PA0208922, Sewage, SIC Code 4952, **Woodward Township Sewer & Water Authority, Clearfield County**, P.O. Box 6, Houtzdale, PA 16651-0006. Facility Name: Woodward Township S & W Authority Sanitary Sewer STP. This existing facility is located in Woodward Township, **Clearfield 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), Whiteside Run (CWF), is located in State Water Plan watershed 8-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .56 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Ammonia-Nitrogen	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .56 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.09	XXX	0.32
Ammonia-Nitrogen						
Nov 1 - Apr 30	63	93	XXX	13.5	20.2	27
May 1 - Oct 31	21	31	XXX	4.5	6.7	9

The proposed effluent limits for Outfall 001 are based on a design flow of .56 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0 Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	98	147	XXX	21.0	31.5	42
Biochemical Oxygen Demand (BOD ₅)	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	140	210	XXX	30.0	45.0	60
Total Suspended Solids	Report	Report Daily Max	XXX	Report	XXX	XXX
Raw Sewage Influent						
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Ammonia—N	Report	Report	XXX	XXX	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen	Report	10,228	XXX	XXX	XXX	XXX
Net Total Phosphorus	Report	1,364	XXX	XXX	XXX	XXX

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

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

Requirements for Total Residual Chlorine (TRC)

A. Compliance Schedule

The permittee shall achieve compliance with the final water quality based effluent limitations (WQBELs) for TRC in Part A.I.C. of this permit in accordance with the following schedule:

<i>Milestone</i>	<i>Completion Date</i>
Submit a TRC Minimization Plan	12 Months from Permit Effective Date
Begin Implementation of Actions in TRC Minimization Plan	12 Months from Permit Effective Date
Submit Water Quality Management Permit Application (if applicable)	12 Months from Permit Effective Date
Submit Progress Report	24 Months from Permit Effective Date
Complete Implementation of Actions in TRC Minimization Plan and Meet Final Effluent Limitation	36 Months from Permit Effective Date

B. TRC Minimization Plan

A TRC Minimization Plan should include the permittee's plan to minimize or eliminate TRC in the effluent. This may include, but is not limited to, dose-response optimization, de-chlorination, or alternative disinfection methods. The TRC Minimization Plan may be updated after submittal if the permittee chooses to pursue a different option, but final WQBELs must be met by the date identified previously. All updates to TRC Minimization Plan must be submitted to the Regional Office that issued the permit.

C. Permit Amendment for Alternative Disinfection

The permittee may submit an application for a major amendment to this permit with the TRC Minimization Plan to modify the final WQBELs for TRC if the permittee decides to utilize an alternative disinfection method (e.g., ultraviolet disinfection), in which the use of chlorine for routine disinfection will be discontinued.

Requirements for Ammonia Nitrogen (NH₃-N)

A. Compliance Schedule

The permittee shall achieve compliance with the final water quality based effluent limitations (WQBELs) for NH₃-N in Part A.I.D. of this permit or terminate this discharge in accordance with the following schedule:

<i>Milestone</i>	<i>Completion Date</i>
Evaluate seasonal ammonia-nitrogen treatment inhibition	12 Months from Permit Effective Date
Obtain Act 537 Planning Approval (if required) and Submit Water Quality Management Permit Application	24 Months from Permit Effective Date
Construction Update/Progress Report	36 Months from Permit Effective Date
Completion of Construction and Compliance with Final Effluent Limitation	48 Months from Permit Effective Date

B. No later than 14 calendar days following a date identified in the previously listed schedule of compliance, the permittee shall submit to DEP a written notice of compliance or non-compliance with the specific schedule requirement. Each notice of non-compliance shall include the following information:

1. A short description of the non-compliance.
2. A description of any actions taken or proposed by the permittee to comply with the elapsed schedule requirement.
3. A description of any factors which tend to explain or mitigate the non-compliance.
4. An estimate of the date that compliance with the elapsed schedule requirement will be achieved and an assessment of the probability that the next scheduled requirement will be met on time.

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

The EPA Waiver is not in effect.

Northcentral Regional Office

PA0032409, Industrial, SIC Code 8412, **PA DCNR**, 4205 Little Pine Creek Road, Waterville, PA 17776-9608. Facility Name: Hyner Run State Park. This existing facility is located in Chapman Township, **Clinton County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of swimming pool backwash water.

The receiving stream(s), Hyner Run (HQ-CWF), is located in State Water Plan watershed 9-B and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .002 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 Daily Max	XXX	XXX	XXX	XXX

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	0.05
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0

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

PA0020745, Sewage, SIC Code 4952, **Nescopeck Borough**, 501 Raber Avenue, Nescopeck, PA 18635-1101. Facility Name: Nescopeck WWTP. This existing facility is located in Nescopeck Township, **Luzerne County**.

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

The receiving stream, Nescopeck Creek (TSF, MF), is located in State Water Plan watershed 5-D and is classified for trout stocking, 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 0.25 MGD.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.25 MGD.

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	Report	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.50	XXX	1.17
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	52.0	83.4	XXX	25.0	40.0	50.0
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	62.6	94.0	XXX	30.0	45.0	60.0
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean 200	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	Report Total Annual	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	Report Total Annual	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	Report Total Annual	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.25 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>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Max</i>	
Aluminum, Total	Report	XXX	XXX	XXX	Report	XXX
Iron, Total	Report	XXX	XXX	XXX	Report	XXX
Manganese, Total	Report	XXX	XXX	XXX	Report	XXX

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

- Solids Management
- Chesapeake Bay Nutrient Definitions

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

PA0290998, Sewage, SIC Code 8800, **Mark & Sally Haeck**, 16542 Rogers Ferry Road, Meadville, PA 16335-9500. Facility Name: Mark & Sally Haeck SRSTP. This proposed facility is located in Vernon Township, **Crawford 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 Cussewago Creek, is located in State Water Plan watershed 16-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 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.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

Southcentral Regional Office

PA0082694, Sewage, SIC Code 4952, **East St Clair Township Municipal Authority, Bedford County**, P.O. Box 55, Fishertown, PA 15539-0055. Facility Name: East St Clair Township Fishertown STP. This existing facility is located in East Saint Clair Township, **Bedford 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), Adams Run, is located in State Water Plan watershed 11-C and is classified for, 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 .112 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	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
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	23.4	37.4	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	28.0	42.0	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean	200	XXX
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	XXX	XXX
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	XXX	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .112 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Avg Qrtly Report	XXX	XXX	Avg Qrtly Report	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Avg Qrtly Report	XXX	XXX	Avg Qrtly Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		

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.

Southcentral Regional Office

PA0082732, Sewage, SIC Code 4952, **East St Clair Township Municipal Authority, Bedford County**, P.O. Box 55, Fishertown, PA 15539-0055. Facility Name: East St Clair Township Stone Creek STP. This existing facility is located in East Saint Clair Township, **Bedford 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), Dunning Creek (WWF), is located in State Water Plan watershed 11-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 .112 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Lead, Total	Report Semi Avg	XXX	XXX	Report Semi Avg	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .112 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	23.4	37.4	Inst Min XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Suspended Solids	28	42	XXX	30.0	45.0	60
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	XXX	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .112 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Avg Qrtly Report	XXX	XXX	Avg Qrtly Report	XXX	XXX
Ammonia-Nitrogen	Avg Qrtly Report	XXX	XXX	Avg Qrtly Report	XXX	XXX
Total Kjeldahl Nitrogen	Avg Qrtly Report	XXX	XXX	Avg Qrtly Report	XXX	XXX
Total Phosphorus	Avg Qrtly Report	XXX	XXX	Avg Qrtly Report	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.

Southcentral Regional Office

PA0088226, Sewage, SIC Code 4952, **South Woodbury Township, Bedford County**, 125 North Road, New Enterprise, PA 16664-9121. Facility Name: South Woodbury Township STP. This existing facility is located in South Woodbury Township, **Bedford 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), Yellow Creek (HQ-CWF, MF), is located in State Water Plan watershed 11-D 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 .25 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	21	31	XXX	10.0	15.0	20
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	21	31	XXX	10.0	15.0	20
Fecal Coliform (No./100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	Report Daily Max	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	Total Mo	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	Total Mo					
Nov 1 - Apr 30	9.0	XXX	XXX	4.5	XXX	9
May 1 - Oct 31	3.0	XXX	XXX	1.5	XXX	3
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	Total Mo					
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	Total Mo					
Total Phosphorus	2.1	XXX	XXX	1.0	XXX	2
Total Phosphorus (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Copper, Total	Total Mo					
	0.24	XXX	XXX	0.11	XXX	0.4

The proposed effluent limits for Outfall 001 are based on a design flow of .25 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Lead, Total	Report	XXX	XXX	Report	XXX	XXX
	Total Qrtly			Avg Qrtly		

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.

Southcentral Regional Office

PA0261009, Sewage, SIC Code 4952, **Michael R Baker**, 6836 Old Harrisburg Pike, York Springs, PA 17372-8717. Facility Name: Michael Baker Res. This existing facility is located in Huntington Township, **Adams County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of .0005 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
	Annl Avg					
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
pH (S.U.)	XXX	XXX	5.0	XXX	9.0	XXX
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

PA0058742, Sewage, SIC Code 4952, **Warminster Municipal Authority, Bucks County**, P.O. Box 2279, Warminster, PA 18974-0147. Facility Name: Warminster NAWC WWTP. This existing facility is located in Warminster Township, **Bucks County**.

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

The receiving stream(s), Unnamed Tributary to Little Neshaminy Creek (WWF, MF), is located in State Water Plan watershed 2-F 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 1.2 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Daily Maximum</i>	<i>Weekly Average</i>	
Toxicity, Chronic - Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	1.01	XXX	XXX
Toxicity, Chronic - Ceriodaphnia Reproduction (TUc)	XXX	XXX	XXX	1.01	XXX	XXX
Toxicity, Chronic - Pimephales Survival (TUc)	XXX	XXX	XXX	1.01	XXX	XXX
Toxicity, Chronic - Pimephales Growth (TUc)	XXX	XXX	XXX	1.01	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.2 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Daily Maximum</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	Inst Min 6.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	100	150	Inst Min XXX	10	15	20
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	XXX	XXX	Avg Mo Report Avg Mo	XXX	XXX
Total Suspended Solids	100	150	XXX	10	15	20
Total Suspended Solids Raw Sewage Influent	XXX	XXX	XXX	Avg Mo Report Avg Mo	XXX	XXX
Total Dissolved Solids	XXX	XXX	1,000	XXX	XXX	2,500
Fecal Coliform (No./100 ml)	XXX	XXX	Avg Mo XXX	200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	Geo Mean XXX	XXX	Report
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N Jul 1 - Oct 31	95	XXX	XXX	9.5	XXX	19
Total Nitrogen	Report	XXX	XXX	Avg Mo Report Avg Mo	XXX	XXX
Ammonia-Nitrogen Nov 1 - Apr 30	30	XXX	XXX	3.0	XXX	6
May 1 - Oct 31	15	XXX	XXX	1.5	XXX	3
Total Phosphorus Nov 1 - Mar 31	10	XXX	XXX	1.0	XXX	2
Apr 1 - Oct 31	5.0	XXX	XXX	0.5	XXX	1
Aluminum, Total	XXX	XXX	XXX	Avg Mo Report Avg Mo	XXX	XXX
Copper, Total	XXX	XXX	Report	Report	XXX	XXX
Chloride	XXX	XXX	Avg Mo XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 002 and 003 are based on storm event.

<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>	
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	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
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX

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

- No Stormwater in Sewers
- Obtain Necessary Property Rights
- Proper Sludge Disposal
- Chlorine Minimization
- Small Stream Discharge
- Notification of Responsible Owner
- Develop O&M Manual
- Fecal Coliform Reporting
- Whole Effluent Toxicity (WET)
- Requirements Applicable to Stormwater Outfalls
- Site Specific Criteria Study

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 not in effect.

Southwest Regional Office

PA0203696, Sewage, SIC Code 8211, **South Side Area School District**, 4949 State Route 151, Hookstown, PA 15050-1439. Facility Name: South Side Area School District. This existing facility is located in Greene Township, **Beaver 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), dry swale to Little Travers Creek (WWF), is located in State Water Plan watershed 20-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.02 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	0.02	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Daily Min XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	25	XXX	50
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen				Geo Mean		
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18.0
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0

The proposed effluent limits for Outfall 001 are based on a design flow of 0.02 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	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Daily Max Report Daily Max	XXX	XXX

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

- Chlorine optimization
- Dry stream discharge
- Solids management for non-lagoon system

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

The EPA Waiver is in effect.

Southwest Regional Office

PA0253472, Sewage, SIC Code 4952, **Hanover Township Sewer Authority**, 533 Bavington Road, Burgettstown, PA 15021-2734. Facility Name: Bavington STP. This existing facility is located in Hanover Township, **Washington County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.18 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Instantaneous 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	4.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	37.0	57.0	XXX	25.0	38.0	50
May 1 - Oct 31	30.0	45.0	XXX	20.0	30.0	40
Biochemical Oxygen Demand (BOD ₅)	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	45.0	65.0	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ultraviolet light transmittance (%)	XXX	XXX	Report	Geo Mean XXX	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	31.0	XXX	XXX	20.7	XXX	41.4
May 1 - Oct 31	10.3	XXX	XXX	6.9	XXX	13.9
Copper, Total	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX
Zinc, Total	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.18 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report Daily Max	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.18 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report

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

The EPA Waiver is in effect.

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

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD140097	New	Greater Buffalo Run Valley UMC 1667 Buffalo Run Road Bellefonte, PA 16823	Benner Township Centre County	NCRO
PAD630022	Renewal	Running Brooke II Associates, LP 55 Hickory Street Washington, PA 15301	Canton Township Washington County	SWRO
PAD400001	Renewal	George C. Conyngham P.O. Box 1830 Shavertown, PA 18708	Lehman Township Luzerne County	NERO
PAD400060	New	Piast Home Builders Company Wlodzimierz Jaskiewicz 14 Jaskiewicz White Haven, PA 18661	Rice Township Luzerne County	NERO
PAD390243	New	Two Farms, Inc. 3611 Roland Ave Baltimore, MD 21211	City of Allentown Lehigh County	NERO
PAD480173	New	Frank Petkunas CRG Services Management, LLC 7800 Forsyth Blvd. 3rd Floor St. Louis, MO 63105	Plainfield Township Northampton County	NERO
PAD350032	New	County of Lackawanna Transit System (COLTS) 800 North South Road Scranton, PA 18504+1410	City of Scranton Lackawanna County	NERO
PAD390223	New	Pennsylvania Department of Transportation 5-0 1002 Hamilton Street Allentown, PA 18101	Whitehall Township Lehigh County	NERO
PAD650001	Renewal	Barrington Heights LLC 5200 Cline Hollow Road Murrysville, PA 15632	Murrysville Borough Westmoreland County	SWRO
PAC63022A-1	Major Amendment	Imperial Land Corporation 1009 Beaver Grade Road Suite 210 Moon Township, PA 15108	Moon Township Allegheny County	SWRO

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC560065	New	New Enterprise Stone & Lime Co, Inc. Will Road Manns Choice, PA 15550	Allegheny Township Somerset County	SWRO
PAC040030	Renewal	HM Land LLC 871 Monaca Road Monaca, PA 15061	Center Township Beaver County	SWRO
PAC630054	New	Justabout Development, LLC 290 Northgate Drive Warrendale, PA 15086	Peters Township Washington County	SWRO
PAD520043	New	Jacob Moskowitz 2 Parker Blvd. Monsey, NY 10952	Shohola Township Pike County	NERO

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.

Individuals 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.

Individuals in need of accommodations should contact the SCC through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

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>
Dale Frank 3167 Bossler Road Elizabethtown, PA 17022	Lancaster County	490.1	697.87	Swine/ Steers	NA	Renewal
Clair Hurst 788 Kingpen Road Kirkwood, PA 17536	Lancaster County	105.6	632.95	Swine/ Dairy	HQ	Renewal

PUBLIC WATER SUPPLY PERMITS

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

Individuals 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 Environmental Protection (DEP) 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, DEP 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.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

SAFE DRINKING WATER

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

Northeast Region: Safe Drinking Water Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Gillian Pehala, Clerical Assistant 2, 570-830-3077.

Application No. 6422501, Construction, Public Water Supply.

Applicant	Sunrise Terrace Management, LLC
Address	P.O. Box 677 Morgantown, PA 19543
Municipality	Honesdale Borough
County	Wayne County
Responsible Official	Frank Perano Sunrise Terrace Management LLC
Consulting Engineer	James A. Cieri, P.E. Professional Engineer LLC 914 N. Mountain Road Harrisburg, PA 17112
Application Received	August 18, 2022
Description	Applicant proposes to replace two (2) existing booster pumps with similar units.

Southwest Region: Safe Drinking Water Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Renee Diehl, Program Manager, ra-epsdsw@pa.gov.

Application No. WA30-1001A, Water Allocation, Public Water Supply.

Applicant	Mt. Morris Water & Sewage Authority
Address	135 Plum Alley P.O. Box 340 Mt. Morris, PA 15349
Municipality	Perry Township
County	Greene County
Responsible Official	Charles A. Lemley, Jr.
Consulting Engineer	Harshman CE Group, LLC 100 Courson Hill Road Washington, PA 15301
Application Received	July 28, 2022
Description	Purchase of 150,000 gallons per day from Southwest Pennsylvania Water Authority.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

Acknowledgment of Notice(s) 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 (DEP) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent (NOI) to Remediate. An acknowledgment of the receipt of a NOI to Remediate is used to identify a site where an individual proposes to, or has been required to, respond to a release of a regulated substance at a site. Individuals 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 DEP. A NOI to Remediate filed with DEP 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. An individual 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 DEP. Furthermore, an individual shall not be subject to citizen suits or other contribution actions brought by responsible individuals 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 individual, 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 plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

The DEP has received the following Notice(s) of Intent to Remediate.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Charline Bass, Administrative Assistant, 484-250-5787.

Gilbertsville Golf Club, Primary Facility ID # **859858**, 2944 Lutheran Road, Gilbertsville, PA 19525, New Hanover Township, **Montgomery County**. Richard Lake, Geo-Technology Associates, Inc., 2405 John Fries Highway, Quakertown, PA 18951 on behalf of Joan Hodges, Artisan Construction Group, LLC, P.O. Box 689, Devon, PA 19333, submitted a Notice of Intent to Remediate. Soil at the site has been contaminated with pesticides. The proposed future use of the property will be residential. The Notice of Intent to Remediate was published in *MediaNews Group* on July 22, 2022. Application received: July 27, 2022.

2450 Wheatsheaf Lane and 2501-2525 East Butler Street, Primary Facility ID # **859649**, 2450 Wheatsheaf Lane and 2501-2525 East Butler Street, Philadelphia, PA 19137, City of Philadelphia, **Philadelphia County**. Thomas Petrecz, Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of David Keiser, Keiser General Partnership, 2450 Wheatsheaf Lane, Philadelphia, PA 19137, submitted a Notice of Intent to Remediate. Site soil and groundwater have been impacted with VOCs, SVOCs and metals. The proposed future use of the property will be nonresidential for commercial/light industrial purposes. The Notice of Intent to Remediate was published in *Daily News Legals* on July 20, 2022. Application received: August 8, 2022.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Northeast Region: Waste Management Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Roger Bellas, Environmental Program Manager, 570-826-2201.

400696. Alpha Bio-Med Services, LLC, 9220 Kirby Drive, Suite 500, Houston, TX 77054, Nesquehoning Borough, **Carbon County**. An application for major permit modification for the addition of a third autoclave unit at this existing medical waste processing facility located at 600 Industrial Road. A local municipality involvement process meeting was held on August 24, 2022. Application received: June 23, 2022. Deemed administratively complete: August 26, 2022.

Comments or questions concerning the application should be directed to Roger Bellas, Environmental Program Manager, 570-826-2201, Northeast Region, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

Southcentral Region: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: John Oren, Waste Management Permits Section Chief, (717-705-4907).

300659. Magnesita Refractories, 425 S. Salem Church Road, York, PA 17408, West Manchester Township, **York County**. Residual Waste Landfill Permit

Renewal. Application received: August 11, 2022. Deemed administratively complete: August 25, 2022.

Comments or questions concerning the application should be directed to John Oren, Waste Management Permits Section Chief, (717-705-4907), Southcentral Region, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

HAZARDOUS WASTE TRANSPORTER LICENSE

Application(s) Received 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.

New Applications Received

Central Office: Waste Management Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-7561.

Contact: Jonathan Adams

JRP Waste Oil Services, Inc., 701 Lincoln Street, Oxford, PA 19363. **License No. PA-AH 0926**. Accepted: June 24, 2022.

Renewal Applications Received

Central Office: Waste Management Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-7561.

Contact: Jonathan Adams

Eldredge, Inc., 898 Fern Hill Road, West Chester, PA 19380. **License No. PA-AH 0056**. Accepted: August 18, 2022.

STAT, Inc. dba Sparks Transportation and Tank Cleaning, Inc., P.O. Box 1443, Lenoir, NC 28645. **License No. PA-AH 0532**. Accepted: August 8, 2022.

Bed Rock, Inc. dba TSMTCO, 8141 East 7th Street, Joplin, MO 64801. **License No. PA-AH 0697**. Accepted: August 9, 2022.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department of Environmental Protection (DEP) 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 DEP, 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 DEP received applications for Plan Approvals or Operating Permits from the following facilities. Copies of the application, DEP'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 DEP Regional Office. Appointments for scheduling a review must be made by calling the appropriate DEP Regional Office. The address

and telephone number of the Regional Office is listed before the application notices.

Individuals 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 DEP'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.

Any individual wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if DEP, 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 DEP determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate DEP 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.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

PLAN APPROVALS

Notice of Intent to Issue Plan Approval(s) and Notice of Intent to Issue or Amend Operating Permit(s) 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.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: David Balog, New Source Review Chief, (814) 332-6940.

25-1066B: Bracken Funeral Home Inc., 315 North Center Street, Corry, PA 16407, City of Corry, **Erie County.** Application received: April 12, 2022.

The Department of Environmental Protection intends to issue a plan approval to Bracken Funeral Home Inc. to provide authorization for the construction and initial operation of one human crematory at their existing funeral home facility.

No air emission sources are currently associated with this facility. The proposed source is not eligible for authorization under the GP-14 due to its' limited function door interlocks. The operator may also open the crematory's door during operation in order to reposition remains and to reduce cremation cycle times. This crematory was not eligible for authorization under General Plan Approval 14 per the Department's instruction that those facilities which open their primary chamber's door during operation, could no longer use the general permit. Special conditions will be included in this plan approval which address door opening and its' impact on emissions and operation. The crematories will be required to meet all emission and temperature requirements while the door is opened and will have additional recordkeeping and monitoring requirements.

This will be a natural minor facility upon completion of the project. Public notice is obligatory for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. The Plan Approval will contain testing, recordkeeping, emission restriction, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements. Potential emissions from the proposed source are estimated to be: less than 2.5 tons per year (tpy) of particulate matter and less than 1.0 tpy (each) of SO_x, NO_x, CO, VOC, and HAP.

In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6940.

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [25-1066B: Bracken Funeral Home Inc.] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region. Written comments or requests for a public hearing should be directed to Eric A. Gustafson, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6819.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Thomas Bianca, PE, West Permit Section Chief, 717-705-4862.

07-03071A: Champion Home Builders Inc., Claysburg Plant 7, 755 West Big Beaver Road, Suite 1000, Troy, MI 48084, Greenfield Township, **Blair County**. Application received: May 24, 2022. For an existing modular home manufacturing facility, including adhesives and coating operations. The facility-wide potential-to-emit is calculated to be: 35.75 tpy VOC, 73.88 tpy PM_{10/2.5}, 3.77 tpy HAPs, 1.75 tpy NO_x, 1.47 tpy CO and less than 1 tpy of SO₂. The Department of Environmental Protection's (DEP's) review of the information submitted by the company indicates that the air contamination sources will comply with all regulatory requirements, including monitoring, recordkeeping, and reporting requirements, and pertaining to air contamination sources and the emission of air contaminants, and the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, DEP proposes to issue a plan approval for the proposed installation. The facility is a State-Only facility. If DEP determines that the sources are constructed and operated in compliance with the plan approval, the requirements established in the plan approval may be incorporated into an Operating Permit pursuant to the provisions of 25 Pa. Code Chapter 127.

21-03034A: Penn Valley Crematory, LLC, 167 North Enola Road, Enola, PA 17025, East Pennsboro Township, **Cumberland County**. Application received: March 24, 2022. For the human crematory. The potential emissions from the facility are estimated at 3.17 tpy of PM_{10/2.5}, 1.44 tpy of SO_x, 3.63 tpy of NO_x, 3.02 tpy of CO and 0.27 tpy of VOC emissions. The plan approval 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.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

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

46-0031G: GlaxoSmithKline, LLC, 1250 S. Collegeville Road, Collegeville, PA 19426, Upper Providence Township, **Montgomery County**. Application received: April 7, 2022. For increased fuel throughput and for the installation of add-on controls to an existing emergency diesel-fired generator engine, Source 106. The add-on controls consist of a selective catalytic reduction unit (SCR), an oxidation catalyst, and a diesel particulate filter. The add-on controls and associated equipment will be used to control emissions of nitrogen oxides (NO_x), carbon monoxide (CO), non-methane hydrocarbons (NMHC), and particulate matter (PM₁₀). The engine shall demonstrate compliance with EPA Tier 4 emission standards according to 40 CFR Part 60, Subpart IIII, and shall apply Best Available Technology (BAT) to this project in accordance with 25 Pa. Code § 127.12(a)(5). Non-attainment New Source Review (NNSR) was evaluated and it was determined that the NO_x and VOC emission increases for the proposed project do not exceed the rate that is significant (25 tpy) and is considered de minimis for NNSR purposes, as defined in 25 Pa. Code § 121.1. Furthermore, the 5-year and 10-year contemporaneous emission increases also do not result in a significant net emissions increase. Therefore, the proposed project will not trigger New Source Review requirements as per 25 Pa. Code Chapter 127, Subchapter E—New Source Review. 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.

OPERATING PERMITS

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

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: 570-826-2409.

13-00001, Befesa Zinc Inc. Palmerton, 900 Delaware Ave, Palmerton, PA 18071-2008, Palmerton Borough, **Carbon County**. Application received: September 25, 2018. The Department intends to issue a renewal of the Title V Operating Permit for the manufacturing of secondary nonferrous metals facility located in Palmerton Borough, Carbon County. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code Chapter 127, Subchapter G. The sources consist of kilns and receiving bins and silos. The sources are controlled by product collectors and baghouses. The proposed Title V Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

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

25-00025, Wabtec US Rail, Inc., 2901 East Lake Road, Erie, PA 16531, Lawrence Park Township, **Erie County**. Application received: September 24, 2021. The Department intends to renew the Title V Operating Permit for Wabtec US Rail's Erie locomotive plant. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to its potential to emit NO_x, VOCs, CO, and HAPs. The facility's major emission sources include 4 natural gas fueled boilers (3 rated at 98.6 million Btu/hr each and 1 rated at 95 million Btu/hr), paint booths, varnish application systems, vacuum pressure impregnation systems, 10 engine test cells, machining and grinding operations, 5 diesel fueled emergency generators rated between 230 hp—755 hp, and 20 natural gas fueled emergency generators rated between 15 kW and 100 kW. Actual emissions for the calendar year 2021 were as follows: 30.26 tons CO, 21.23 tons NO_x, 2.55 tons PM, 0.2417 ton SO_x, 39.55 tons VOC, 1.7515 tons total HAPs. The facility is subject to the following NSPS of 40 CFR Part 60: Subpart Dc for Small ICI Steam Generating Units, Subpart IIII for Stationary CI ICE, and Subpart JJJJ for Stationary SI ICE. The facility is also subject to the following NESHAPs of 40 CFR Part 63: Subpart MMMM for Surface Coating of Miscellaneous Metal Parts and Products, Subpart ZZZZ for Stationary Reciprocating Internal Combustion Engines, and Subpart DDDDD for Major Source ICI Boilers and Process Heaters. And the facility is subject to the following Protection of Stratospheric Ozone regulation of 40 CFR Part 82: Subpart F for Recycling and Emissions Reduction. The renewal permit contains emission restrictions, reporting, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

OPERATING PERMITS

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

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

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

03-00104, M & M Lime Company, Inc./Aggregate Lime Plant, 215 Nicole Road, Worthington, PA 16262, West Franklin Township, **Armstrong County**. Application received: July 12, 2021. The Department intends to issue a renewal of the State Operating Permit for the operation of a limestone deep mine and an open pit mine to produce mainly riprap stone. The subject facility consists of various limestone processing equipment and diesel generators. The plant is limited to 5,000 hours per any consecutive 12-month period. Emissions from the facility are based on the hours of operating, manufacturer data, and AP-42 emission factors. The facility has the potential to emit 63 TPY NO_x, 8.3 TPY CO, 71.9 TPY PM₁₀, 3.1 TPY VOC, and 11.3 TPY SO_x. The facility is a synthetic minor and is subject to State and Federal Regulations (40 CFR Part 60 Subpart OOO and 40 CFR Part 63 Subpart ZZZZ). The permit includes operation requirements, monitoring requirements, and recordkeeping requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Thomas Hanlon, PE, East Permit Section Chief, 717-705-4862.

06-03032, Hamburg Manufacturing, Inc., 221 South Fourth Street, P.O. Box 147, Hamburg, PA 19526, Hamburg Borough, **Berks County**. Application received: November 5, 2021. For their Plant 1 metal castings manufacturing facility. The actual emissions from the facility in 2021 are estimated at 17 tons of particulate matter. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

36-05094, Keystone Wood Specialties, Inc., 2225 Old Philadelphia Pike, Lancaster, PA 17602, East Lampeter Township, **Lancaster County**. Application received: March 31, 2022. To issue a State Only Operating Permit for the custom wood specialties facility. The potential emissions from the facility are estimated at 0.03 tpy of PM₁₀, 38.96 tpy of VOCs and 8.42 tpy of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.52 Surface Coating Processes.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Thomas Joseph, PE, Facilities Permitting Chief, 412-442-4336.

63-00987, MarkWest Liberty Midstream and Resources LLC, 265 Old National Pike, West Alexander, PA 15376, Donegal Township, **Washington County**. Application received: August 23, 2021.

In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and is providing notice that it intends to issue an initial Synthetic Minor State-Only Operating Permit for the MarkWest Carpenter natural gas compressor station.

Sources of emissions consist of three (3) 2,370-HP Caterpillar G3608LE TA compressor engines and three (3) 3,550-HP Caterpillar G3612LE TA compressor engines all controlled by oxidation catalysts, one (1) 120.0 MMscf/day dehydration unit and associated 2.5 MMBtu/hr reboiler, one (1) 7.0 MMBtu/hr enclosed flare, four (4) 400-bbl storage tanks, one (1) 500-bbl gun barrel storage tank, one (1) 520-gallon methanol storage tank, pneumatic devices, venting/blowdowns, fugitives, condensate loadout, crankcase vents, pigging operations, and miscellaneous sources that includes rod packing and measurement analyzers. The facility is required to conduct regular surveys of the site while operating to ensure compliance with visible, fugitive, and malodor emission requirements and maintain records of those surveys. The facility-wide potential-to-emit is 90.1 TPY NO_x, 40.6 TPY CO, 48.7 TPY VOC, 6.0 TPY PM, 6.0 TPY PM₁₀/PM_{2.5}, 0.40 TPY SO_x, 105,500 TPY CO_{2e}, 12.8 TPY total HAP, and 6.6 TPY single HAP. The air quality operating permit includes VOC emission limitations on Sources 104—106, limitations on the stripping gas rate, and other emission limitations, operating requirements, monitoring requirements, work practice standards, testing, reporting, and recordkeeping requirements for the site.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Synthetic Minor State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (63-00987) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

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

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

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

PLAN APPROVALS

Receipt of Plan Approval Application(s) and Notice of Intent to Issue Plan Approval(s) and Notice of Intent to Issue or Amend Operating Permit(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B and Subchapter F. These Actions May Include the Administrative Amendments of an Associated Operating Permit.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Raymond Kempa, New Source Review Chief, 570-826-2507.

66-00001M, Procter and Gamble Paper Products Company, P. O. Box 32, State Route 87 South, Mehoopany, PA 18629, Washington Township, **Wyoming County**. Application received: March 23, 2022. Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval # 66-00001M to Procter and Gamble Paper Products Company, (P.O. Box 32, State Route 87 South, Mehoopany, PA 18629) for their facility located in Washington Township, Wyoming County. In accordance with 25 Pa. Code § 127.450, Plan Approval # 66-00001M will be incorporated into the Title V Operating Permit through an administrative amendment at a later date. Plan Approval # 66-00001M is proposed modification of existing Source ID DP18 to allow for the installation of a new diaper line (Line 49) at the Facility. In addition, P&G is proposing to modify existing Source ID DC1 which is associated with the new diaper line, to allow for the installation of three additional bag and case date coders. The new diaper line will be controlled by a drum filter with HEPA designed and operated to meet a minimum control efficiency of 99.9% and considered to meet BAT. BAT for the new bag and case date coders will be the use solvent-based inks and the operation of the ink jet printers in accordance with manufacturer specifications and best management practices. The facility currently operates under the conditions of Title V Operating Permit # 66-00001. The project total potential to emit (in tpy) is 0.05 for PM_{2.5}, 0.35 for PM₁₀, 0.91 for PM, and 2.28 for VOC. The project does not trigger the requirements of 40 CFR 52.21 related to Prevention of Significant Deterioration (PSD), or those of 25 Pa. Code Chapter 127, Subchapter E related to Nonattainment New Source Review (NSR). The diaper operations were previously subject to 40 CFR Part 64 for compliance assurance monitoring and will continue to comply with the applicable regulation. The adhesives associated with the diaper line are subject to 25 Pa. Code § 129.77—Control of emissions from the use or application of adhesives, sealants, primers and solvents and shall comply with the applicable regulation.

The plan approval contains additional monitoring, testing, recordkeeping, and reporting restrictions designed to keep the facility operating within all applicable air quality requirements. Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph.

Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 66-00001M and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Environmental Engineer Manager, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, phone number at 570-826-2511 within 30 days after publication date.

COAL & NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21).

Mining activity permits issued in response to such applications are also subject to applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (DEP). 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 DEP 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 DEP 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.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Coal Applications

Effluent Limits—The following range of effluent limits (Table 1) will apply to NPDES permits issued in conjunction with the associated coal mining activity permit. Additional effluent limits will be listed as part of the publication of the draft NPDES permit.

Table 1

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l

pH must always be greater than 6.0; less than 9.0.
Alkalinity must always be greater than acidity.

New Stanton District Mining Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.

Contact: Tracy Norbert, (724.925.5500) or RA-EPNEWSTANTON@pa.gov.

Mining Permit No. 65840119. NPDES No. PA0601047. Derry Stone & Lime Company, Inc., 117 Marcia Street, Latrobe, PA 15650-4300, Derry Township, **Westmoreland County**. Renewal application for an existing bituminous surface mine site and associated NPDES permit. Affecting 643.7 acres. Receiving stream: Unnamed tributaries to Stony Run and McGee Run to Conemaugh River, classified for the following use: CWF. Application received: August 24, 2022.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 54901302. Carline Coal Company, Inc., P.O. Box 188, Sacramento, PA 17968, Hegins Township, **Schuylkill County**. Renewal for reclamation activities only and correction to change the post-mining land use to industrial/commercial on an anthracite underground mine operation. Affecting 5.8 acres. Receiving stream: West Branch Rausch Creek, classified for the following use: CWF, MF. Application received: August 15, 2022.

Noncoal Applications

Effluent Limits—The following Table 2 effluent limits apply to NPDES permits issued in conjunction with a noncoal mining permit. Additional effluent limits will be listed as part of the publication of the draft NPDES permit.

Table 2

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l

Alkalinity must always exceed acidity.
pH must always be greater than 6.0; less than 9.0.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1800.

Contact: Melanie Ford-Wigfield, 814.472.1900, ra-epcambria@pa.gov.

Mining Permit No. 28010302. NPDES No. PA0224162. David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17201, Antrim Township, **Franklin County**. Renewal of NPDES permit. Affecting 49.0 acres. Receiving stream: unnamed tributary to Muddy Run, tributary to Conococheague Creek, tributary to Potomac River, classified for the following use: HQ-CWF. Application received: August 22, 2022.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 06880302. NPDES Permit No. PA0225754. Rolling Rock Building Stone, Inc., 40 Rolling Rock Road, Boyertown, PA 19512, Pike Township and District Township, **Berks County**. Renew NPDES Permit on a quarry operation. Affecting 411.8 acres. Receiving stream: Oysterville Creek, classified for the following use: EV—MF. Application received: August 22, 2022.

MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed National Pollutant Discharge Elimination System (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 (DEP) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

Effluent Limits for Coal Mining Activities

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l

pH must always be greater than 6.0; less than 9.0.
Alkalinity must always be greater than acidity.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Effluent Limits for Noncoal Mining Activities

The limits for noncoal mining activities as provided in 25 Pa. Code § 77.522 are pH 6 to 9 and other parameters DEP 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.

Coal NPDES Draft Permits

California District Mining Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.

Contact: Bonnie Herbert, Clerical Assistant 3, 724.769.1100.

NPDES No. PA0214884. Mining Permit No. 32743710. Helvetia Coal Company LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Center Township, **Indiana County**. Affecting 75 surface acres, receiving stream: Tributary 44072 of Blacklick Creek, classified for the following use: CWF: Kiskiminetas-Conemaugh River Watershed TMDL Application received: October 10, 2019. Accepted: October 31, 2019.

A renewal to the NPDES permit and the mining activity permit.

Unless otherwise noted, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for coal mining activities.

The proposed effluent limits for *Outfall 001* discharging to Unnamed Tributary of Blacklick Creek are:

The following effluent limitations and monitoring requirements apply to the subject outfall from Permit Effective Date to Permit Expiration Date:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	1.0	2.0	3.0
Aluminum	(mg/l)	-	0.75	0.75	-
Suspended Solids	(mg/l)	-	35	70	90
pH	(s.u.)	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Acidity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report

The EPA Waiver is not in effect.

NPDES No. PA0214248. Mining Permit No. 63743702. Eighty Four Mining Company, 46226 National Road, St. Clairsville, OH 43950, Somerset Township, **Washington County**. Affecting 601 surface acres. Receiving stream: Center Branch Pigeon Creek, classified for the following use: WWF: Monongahela River Watershed. Application received: June 29, 2020. Accepted: September 24, 2020.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1800.

Contact: Melanie Ford-Wigfield, 814.472.1900, ra-epcambria@pa.gov.

NPDES No. PA0249122. Mining Permit No. 56020101. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, Jenner Township, **Somerset County**. Renewal of an NPDES permit, affecting 57.3 acres. Receiving stream: unnamed tributary to Roaring Run, classified for the following use: CWF. Kiski-Conemaugh TMDL. Application received: August 10, 2022.

Unless otherwise noted, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for coal mining activities.

The following treated wastewater outfalls discharge to Unnamed Tributary to Roaring Spring:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate MGD</i>
004	Existing	Treatment Facility	0.19

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Iron (mg/L)	XXX	1.5	3.0	3.7
Total Manganese (mg/L)	XXX	1.0	2.0	2.5
Total Aluminum (mg/L)	XXX	0.75	0.75	0.75
Total Suspended Solids (mg/L)	XXX	35.0	70.0	90.0

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

Alkalinity must exceed acidity at all times.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

Contact: Cassie Stanton, Clerical Assistant 2, 814-342-8200.

NPDES No. PA0243221. Mining Permit No. 17020103. RES Coal LLC, 51 Airport Road, Clearfield, PA 16830, Chest Township & Ferguson Township, **Clearfield County**. Affecting 560.7 acres. Receiving stream: Wilson Run & McMasters Run, classified for the following use: CWF. This receiving stream is included in the Chest Creek Watershed Sediment TMDL Application received: August 2, 2022. Accepted: August 4, 2022.

Renewal of an NPDES permit for discharge of water resulting from a bituminous coal surface mine.

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 McMasters Run:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	Treatment Facility 1	Intermittent (pumped)
002	Existing	Treatment Facility 2	Intermittent (pumped)
003	Existing	Treatment Facility 3	Intermittent (pumped)
004	Existing	Treatment Facility 4	Intermittent (pumped)
006	Existing	Sediment Pond A	Precipitation Induced
007	Existing	Sediment Pond B	Precipitation Induced
009	Existing	Sediment Pond D	Precipitation Induced
012	Existing	Sediment Pond G	Precipitation Induced
017	Existing	Sediment Pond L	Precipitation Induced
019	Existing	Sediment Pond N	Precipitation Induced
020	Existing	Sediment Pond A Temp	Precipitation Induced

The following outfalls discharge to Wilson Run:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
005	Existing	Treatment Facility 5	Intermittent (pumped)
014	Existing	Sediment Pond I	Precipitation Induced
015	Existing	Sediment Pond J	Precipitation Induced
016	Existing	Sediment Pond K	Precipitation Induced
018	Existing	Sediment Pond M	Precipitation Induced

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Contact: RA-EPPottsvilleDMO@pa.gov.

NPDES Permit No. PA0123293. Mining Permit No. 54713002 and 54860103. Reading Anthracite Company, P.O. Box 1200, Pottsville, PA 17901, New Castle and Norwegian Townships and St. Clair Borough, **Schuylkill County**. Affecting 1,687.0 acres. Receiving stream: East Branch Norwegian Creek, classified for the following use: CWF, MF and included in the Upper Schuylkill TMDL Application received: March 19, 2022.

Unless otherwise noted, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for coal mining activities.

The following treated wastewater outfalls discharge to East Branch Norwegian Creek:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	TFO	5.6 MGD

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Iron (total)		3.0	6.0	7.0
Manganese (total)		2.0	4.0	5.0
Aluminum (total)		0.75	1.5	1.75
Suspended Solids		35.0	70.0	90.0
pH must always be greater than 6.0 less than 9.0.				
Alkalinity must always be greater than acidity.				

Noncoal NPDES Draft Permits

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Contact: RA-EPPottsvilleDMO@pa.gov.

NPDES Permit No. PA0119563. Mining Permit No. 4874SM2. Glen-Gery Corporation, 1166 Spring Street, Wyomissing, PA 19601, Dover Township, **York County**. Affecting 156.3 acres. Receiving stream: Fox Run, classified for the following use: TFS, MF. Application received: May 18, 2021.

Unless otherwise noted, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for noncoal mining activities.

The following treated wastewater outfalls discharge to Fox Run:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	SWO	0.059 MGD
003	Existing	SWO	0.047 MGD
005	Existing	SWO	0.050 MGD

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Suspended Solids (mg/l)		35.0	70.0	90.0
pH ¹ (S.U.)	6.0			9.0
Alkalinity greater than acidity ¹				

¹The parameter is applicable at all times.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (DEP). 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. Individuals 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 DEP may schedule a fact-finding hearing or an informal conference in response to comments if deemed necessary. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8:00 a.m. and 4:00 p.m. on each working day at the office noted above the application.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

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)).

Eastern District: Oil and Gas Management Program, 208 West Third Street, Williamsport, PA 17701-6448.

Contact: RA-EPEASTERNNOGPRG@pa.gov.

E5829222-011. Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840-1567, Auburn

Township, **Susquehanna County**. U.S. Army Corps of Engineers Baltimore District. Application received: August 22, 2022.

This project seeks after-the-fact authorization in accordance with the Consent Decree Chesapeake Appalachia, LLC entered into with the U.S. Environmental Protection Agency and the PA Department of Environmental Protection on May 20, 2021. As referenced previously, Water Obstruction and Encroachment (WOEP) Application

E5829222-011 Chesapeake Appalachia, LLC (Chesapeake) has applied for an Individual—Joint Permit to construct, operate and maintain 1.411 acres of permanent impacts to on-site wetlands. All impacts are associated with the White Sus Pad construction in 2009.

There are no stream and floodway impacts associated with this after-the-fact authorization. The project will result in a total of 61,463 SF (1.411 acres) of permanent wetland impacts.

Wetland Impact Table:

Resource Name	Municipality Quadrangle	Activity	Cow. Class	Listed Trout	Impact Length Temp. (LF)	Impact Area Temp. (SF)	Impact Length Perm. (LF)	Impact Area Perm. (SF)	Lat. Long.
W-RCL-002-P1	Auburn Auburn Center	Fill	PEM	None			154	13,939	41.719545° 76.063538°
W-RCL-002-P2	Auburn Auburn Center	Fill	PEM	None			320	45,651	41.719729° 76.063013°
W-RCL-003-P1	Auburn Auburn Center	Fill	PEM	None			32	1,002	41.719791° 76.062320°
W-RCL-003-P2	Auburn Auburn Center	Fill	PEM	None			32	871	41.719826° 76.062227°
TOTAL IMPACTS							538	61,463	

E0829222-032. Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840, West Burlington Township, **Bradford County**. U.S. Army Corps of Engineers Baltimore District. Application received: August 22, 2022.

To construct, operate and maintain: 1. a well pad rock lined channel permanently impacting 1,755 square feet (0.04 acre) of a Palustrine Forested Wetland (East Troy, PA Quadrangle Latitude: 41.77998°, Longitude: -76.63969°); This project is an after-the-fact permit and will result in 1,755 square feet (0.04 acre) of permanent PFO impacts, all for the purpose of installing a natural gas well pad and permanent access road for Marcellus Shale development in West Burlington Township, Bradford County.

Northcentral Region: Waterways & Wetlands Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: James Cassidy, Senior Civil Engineer, 570-855-9764.

E4104222-008. Jersey Shore Area Joint Water Authority, 1111 Bardo Avenue, Jersey Shore, PA 17740, Jersey Shore Borough, **Lycoming County**. U.S. Army Corps of Engineers Baltimore District. Application received: July 13, 2022.

The applicant proposes to relocate an existing 16-inch cast iron pipe water main that is exposed in the stream bank and bed of Larrys Creek. The proposed 16-inch HDPE water main will run parallel at the toe of slope of SR 287 cartway and adjacent to the top of bank of Larrys Creek for approximately 610 feet. It will then cross Larrys Creek perpendicular to the stream and connect to the existing water main approximately 150 feet from the bend. Latitude: 41.246888°, Longitude: -77.225319°.

Contact: Peter Geanacopoulos, Project Manager, 570.327.3701.

E0804222-033. Albany Township, 817 Dog Farm Road, New Albany, PA 18833, Albany Township, **Bradford County**. U.S. Army Corps of Engineers Baltimore District. Application received: August 22, 2022.

The Township proposes to reconstruct a segment of Heath Hill Road along UNT South Branch Towanda Creek (CWF, MF) and stabilize the roadbed and streambank in order to reopen the road. The road was damaged by a flood event in 2018. No new impervious areas are proposed as a part of this project. The proposed stabilization of the roadbed and streambank will ensure that the streambank does not continue to erode and create additional property damage and unnecessary sediment loads to the receiving stream. Permanent Stream impacts = 12,161 square feet; Temporary Stream impacts = 11,780 square feet; Permanent Wetland impacts = 0 square feet; Temporary Wetland impacts = 0 square feet; Permanent Floodway impacts = 14,700 square feet; Temporary Floodway impacts = 0 square feet. Latitude: 41° 37' 10.4"; Longitude: -76° 27' 19.4").

Northeast Region: Waterways & Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: RA-EPWW-NERO@PA.GOV.

E4502222-005. Peter Ahnert, 233 Bush Lane, Stroudsburg, PA 18360, Hamilton Township, **Monroe County**. U.S. Army Corps of Engineers Philadelphia District. Application received: April 20, 2022.

To place fill in 0.42 acre of the floodway of McMichael Creek (HQ-CWF, MF) for the regrading of a private driveway and parking area with additional clean stone

subbase. The project is located on the left of Middle Easton Belmont Pike (SR-3023) approximately 1.0 mile south after the intersection with Rimrock Road, Saylorsburg, PA in Hamilton Township, Monroe County. Latitude: 40° 56' 39", Longitude: -75° 17' 39".

E400222-009. Hazleton Logistics, LLC (A DE Entity), 3515 West 75th Street, Prairie Village, KS 66208, Hazle Township, **Luzerne County**. U.S. Army Corps of Engineers Baltimore District. Application received: August 19, 2022.

To construct and maintain the following water obstructions and encroachments associated with the Humbolt Warehouse Project: 1) A fill within 0.11 acre of PEM Wetlands (Other) for the purpose of constructing the northern portion of Building # 1 and adjoining parking lot. 2) A fill within 0.11 acre of PEM Wetlands (Other) for the purpose of constructing the northern portion of Building # 1 and adjoining parking lot 3) A stream enclosure of a UNT to Stony Creek (CWF, MF) consisting of a 728-LF, 36-in diameter SLCPP and four (4) manholes. The project is located approximately 0.3 mile northwest of the intersection of SR 923 and Chestnut Hill Drive, Conyngham, PA in Hazle Township, Luzerne County. Latitude: 40° 55' 47", Longitude: -76° 4' 24".

Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: RA-EPWW-NWRO@pa.gov.

E1006222-007. David N Cox II, 238 Crab Run Road, Evans City, PA 16033, Lancaster Township, **Butler County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: July 28, 2022.

To remove the existing temporary bridge and replace it with a permanent concrete slab bridge with a length of 21 feet, a width of 60 feet and a thickness of 8 inches. The applicant requests authorization for the existing rock stream bank stabilization downstream of the bridge, which is 68 feet long on the north bank and 99 feet long on the south bank of Crab Run. Latitude: 40.847891°, Longitude: -80.070049°.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Sage Saum, Clerical Assistant 2, 717-705-4992.

E2803221-001. Hamilton Township, 1270 Crottles-town Road, Chambersburg, PA 172201, Hamilton Township, **Franklin County**. U.S. Army Corps of Engineers Baltimore District. Application received: February 1, 2022.

The applicant proposes to 1) remove 369 linear feet of an existing 24-inch reinforced concrete pipe (RCP) carrying an Unnamed Tributary (UNT) to Conococheague Creek (WWF, MF); 2) construct and maintain a 284 long, 5-foot wide, 6-inch deep low flow stream channel, 20-foot wide vegetated benches with deciduous tree plantings on each side of the channel, and a 60-foot long R-6 rock riprap apron; 3) replace and maintain 124 linear feet of a 24-inch RCP; and 4) install and maintain a 24-inch RCP winged headwall, resulting in 369 linear feet of permanent impacts to the UNT to Conococheague Creek (WWF, MF), all for the purpose of improving the efficiency of the stream to provide water quality benefits in order to meet the Township's MS4 permit requirements. No wetlands will be impacted by this project. The project is located

between Hoke Drive and Sunset Avenue in Hamilton Township, Franklin County. Latitude: 39.941073°, Longitude: -77.674945°.

E3603222-008. West Cocalico Township Authority, 156B West Main Street, P.O. Box 95, Reinholds, PA 17569-0095, West Cocalico Township, **Lancaster County**. U.S. Army Corps of Engineers Baltimore District. Application received: July 12, 2022.

The applicant proposes to demolish and remove an existing wastewater treatment plant impacting 17,246 square feet of the 100-year FEMA mapped floodplain of the Little Cocalico Creek (TSF, MF). The proposed floodplain impacts do not include any impacts to wetlands. The project is located directly north of the intersection of Creamery Road (T989) and the tracks of the East Penn Railroad in West Cocalico Township, Lancaster County. Latitude: 40.2638°, Longitude: -76.1197°.

Southeast Region: Waterways & Wetlands Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Elaine Henderson, Clerical Assistant 3, 484-250-5157.

E5101222-010. City of Philadelphia Water Department, 1101 Market Street, 4th Floor, Philadelphia, PA 19107, City of Philadelphia and Yeadon Borough, **Philadelphia County** and **Delaware County**. U.S. Army Corps of Engineers Philadelphia District. Application received: July 11, 2022.

To restore, rehabilitate, and maintain an approximately 1,300-foot long eroded bed and banks of Cobbs Creek (WWF/MF) and infrastructure protection associated with an intercepting 60-inch diameter combined sanitary sewer line and manholes. The improvements will include Boulder Toe Revetment (with Rock Toe Protection), Engineered Riffle, Preformed Scour Hole, Riprap Slope Revetment, Soil-Filled Riprap Floodplain Bench, Slope Protection, and outfall protection, etc. The site is located along Cobbs Creek near Mount Moriah Cemetery (Philadelphia, PA-NJ, USGS Quadrangle) in the City of Philadelphia, Philadelphia County and Yeadon Borough, Delaware County. Latitude: 39.932550°, Longitude: -75.237943°.

ENVIRONMENTAL ASSESSMENTS

Central Office: Waterways & Wetlands Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-3411.

Contact: 717-772-5959.

EA3615222-001. Pamela Lyons-Neville & Mary Haverstick, 35 Highville Road and 73 Highville Road, Millersville, PA 17551, Manor Township, **Lancaster County**. U.S. Army Corps of Engineers Baltimore District. Application received: June 21, 2022.

The applicant proposes a restoration project of Indian Run Stream (Designated Use: warm water fishery/migratory fish), located at the intersection of Highville Road, continuing approximately 600 linear feet east. The project proposes to remove approximately 2,800 cubic yards of legacy sediment and other historic fills, restore approximately 750 linear feet (LF) of Indian Run, and restore approximately 0.65 acre as an integrated stream, wetland, and floodplain area. Approximately 750 LF of Indian Run will be temporarily impacted, and the temporary Limit of Disturbance for the project is approximately 2.2 acres. Additional proposed restoration activities include: realignment of watercourses; placing log sills,

woody debris, and other aquatic habitat structures; creating rock constructed entrances, temporary stream crossings, and other erosion control. Latitude: 39° 57' 37", Longitude: -76° 25' 3".

Eastern District: Oil and Gas Management Program, 208 West Third Street, Williamsport, PA 17701-6448.

Contact: RA-EPEASTERNOGPRG@pa.gov.

EA5829222-004. Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840, Auburn Township, **Susquehanna County**. U.S. Army Corps of Engineers Baltimore District. Application received: August 22, 2022.

The construction of the existing water impoundment resulted in 112,428 square feet (2.581 acres) of impacts to a Palustrine Emergent Wetland and Palustrine Scrub-Shrub Wetland. The project proposes the removal of 112,428 square feet (2.581 acres) of existing fill from within the wetland. The project will result in 6,316 square feet (0.15 acre) of temporary PEM and PSS impacts. This project is associated with the Chesapeake Audit and the impacts are the result of removing fill from within the wetland in Auburn Township, Susquehanna County. The permittee will provide 2.58 acres of PEM and

PSS on-site restoration and 2.58 acres of PEM and PSS wetland mitigation at Camp Brook Restoration, Elkland, PA, Latitude: 41.988385°, Longitude: -77.337152°, permit application number E5929221-006.

Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: RA-EPWW-NWRO@pa.gov.

EA1006222-001. Cranberry Township, 2525 Rochester Road, Suite 400, Cranberry Township, PA 16066, Cranberry Township, **Butler County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: August 19, 2022.

The applicant proposes to conduct stream restoration activities on two UNT's to Brush Creek in Cranberry Township, Butler County. The project will restore approximately 6,900 linear feet of UNT's to Brush Creek. The project includes installation of instream structures, floodplain connectivity, and Riparian buffer enhancements project will also temporarily impact 0.35 acre of wetland and 0.24 acre of permanent impacts. The wetland impacts will be mitigated by reestablishing the wetlands. Latitude: 40.7429950°, Longitude: -80.122556°.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484-250-5910. Email: RA-EPNPDES_SERO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SERO@pa.gov for Chapter 102 permits.

DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 570-826-5472. Email: RA-EPNPDES_NERO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NERO@pa.gov for Chapter 102 permits.

DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717-705-4732. Email: RA-EPNPDES_SCRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SCRO@pa.gov for Chapter 102 permits.

DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570-327-3693. Email: RA-EPNPDES_NCRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NCRO@pa.gov for Chapter 102 permits.

DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412-442-4286. Email: RA-EPNPDES_SWRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SWRO@pa.gov for Chapter 102 permits.

DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814-332-6078. 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. 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. 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. Individuals 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. 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. Important legal rights are at stake, however, so individuals should contact a lawyer at once.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

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 Action(s) on NPDES and WQM Permit Application(s) and NOIs for Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides, CAFOs and Individual Construction Stormwater.

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAD680013	Individual NPDES	Issued	PA DEP Bureau of Abandoned Mine Reclamation (BAMR) 286 Industrial Park Road Ebensburg, PA 15931	Banks Township Indiana County	PA DEP BAMR Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800
PAD020051	Chapter 102 Individual NPDES Permit	Issued	Ohara Township Allegheny County 325 Fox Chapel Road Pittsburgh, PA 15238-2301	Ohara Township Allegheny County	SWRO
PAD360008	Chapter 102 Individual NPDES Permit	Issued	Zimmerman John R 1087 Silver Hill Road Narvon, PA 17555-9364	Brecknock Township Lancaster County	SCRO
PAD380019	Chapter 102 Individual NPDES Permit	Issued	Mid Atlantic Interstate Trans 2800 Pottsville Pk Reading, PA 19065-2459	South Lebanon Township Lebanon County	SCRO
PAD450020	Chapter 102 Individual NPDES Permit	Issued	Buck Hill Water Co. P.O. Box 426 Buck Hill Falls, PA 18323-0426	Barrett Township Monroe County	NERO
PAS802217	Industrial Stormwater Individual NPDES Permit	Issued	TForce Freight Inc. 1000 Semmes Avenue Richmond, VA 23224-2246	Bethlehem City Northampton County	NERO
5413804	Joint DEP/PFBC Pesticides Permit	Issued	Lake Wynonah POA 406 Navajo Drive Auburn, PA 17922-9510	South Manheim Township Schuylkill County	NERO
6422804	Joint DEP/PFBC Pesticides Permit	Issued	Strasser Joseph 28 Shangrila Lane Hawley, PA 18428-3107	Berlin Township Wayne County	NERO

NOTICES

5853

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
1500422	Land Application and Reuse of Sewage Individual WQM Permit	Issued	West Bradford Township Chester County 1385 Campus Drive Downingtown, PA 19335-3690	West Bradford Township Chester County	SERO
PAI132268	MS4 Individual NPDES Permit	Waived	Jackson Township Monroe County 2162 Route 715 Reeders, PA 18352-9800	Jackson Township Monroe County	NERO
PA0023124	Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit	Issued	Albion Borough Erie County 53B E State Street Albion, PA 16401-1110	Conneaut Township Erie County	NWRO
PA0000361	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Westmoreland County Municipal Authority P.O. Box 730 Greensburg, PA 15601-0730	Washington Township Westmoreland County	SWRO
PA0057673	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Green Lane Borough and Marlborough Township Joint Authority Montgomery County P.O. Box 45 Green Lane, PA 18054	Marlborough Township Montgomery County	SERO
PA0020303	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Schwenksville Borough Authority Montgomery County 298 Main Street P.O. Box 458 Schwenksville, PA 19473-0458	Schwenksville Borough Montgomery County	SERO
4600407	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Green Lane Borough and Marlborough Township Joint Authority Montgomery County P.O. Box 45 Green Lane, PA 18054	Marlborough Township Montgomery County	SERO
PAR802219	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	TForce Freight Inc. 1000 Semmes Avenue Richmond, VA 23224-2246	Old Forge Borough Lackawanna County	NERO
PAG041117	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Nick Keegan 10856 Eureka Road Edinboro, PA 16412-3720	Franklin Township Erie County	NWRO
PAG045105	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Klinger Albert L 2513 Mountain Road Catawissa, PA 17820-8123	Locust Township Columbia County	NCRO
PAG132287	PAG-13 NPDES General Permit for MS4s	Waived	Williams Township Northampton County 655 Cider Press Road Easton, PA 18042	Williams Township Northampton County	NERO
PAG132324	PAG-13 NPDES General Permit for MS4s	Waived	Nuangola Borough Luzerne County 5150 Nuangola Road Mountaintop, PA 18707	Nuangola Borough Luzerne County	NERO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG132324	PAG-13 NPDES General Permit for MS4s	Waived	Nuangola Borough Luzerne County 5150 Nuangola Road Mountaintop, PA 18707	Nuangola Borough Luzerne County	NERO
3922401	Sewer Extensions WQM Individual Permit	Issued	Lower Macungie Township Lehigh County 3400 Brookside Road Macungie, PA 18062-1427	Lower Macungie Township Lehigh County	NERO
PA0222313	Single Residence STP Individual NPDES Permit	Issued	Laura and Michael Colgan 10127 Route 36 Sigel, PA 15860-5401	Barnett Township Jefferson County	NWRO
PA0245097	Single Residence STP Individual NPDES Permit	Issued	Confino Adam 2390 N Shaffer Road Pottstown, PA 19464	Lower Pottsgrove Township Montgomery County	SERO
PA0245364	Single Residence STP Individual NPDES Permit	Issued	Fritchman Kevin 4942 Skippack Pike Schwenksville, PA 19473-2049	Skippack Township Montgomery County	SERO
PA0264822	Single Residence STP Individual NPDES Permit	Issued	Melissa and Ryan Nuhfer 1124 E 5th Avenue Warren, PA 16365-8404	Glade Township Warren County	NWRO
PA0265098	Single Residence STP Individual NPDES Permit	Issued	Cory Migliaccio and Jill Fuller P.O. Box 11222 Erie, PA 16514-1222	Greenfield Township Erie County	NWRO
PA0271721	Single Residence STP Individual NPDES Permit	Issued	Mineweaser Randon 238 Island Lane Warren, PA 16365-8060	Glade Township Warren County	NWRO
1980403	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Klinger Albert L 2513 Mountain Road Catawissa, PA 17820-8123	Locust Township Columbia County	NCRO
2506410	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Nick Keegan 10856 Eureka Road Edinboro, PA 16412-3720	Franklin Township Erie County	NWRO
3397402	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Laura and Michael Colgan 10127 Route 36 Sigel, PA 15860-5401	Barnett Township Jefferson County	NWRO
4619401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Confino Adam 2390 N Shaffer Road Pottstown, PA 19464	Lower Pottsgrove Township Montgomery County	SERO
4622402	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Fritchman Kevin 4942 Skippack Pike Schwenksville, PA 19473-2049	Skippack Township Montgomery County	SERO
6216409	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Melissa and Ryan Nuhfer 1124 E 5th Avenue Warren, PA 16365-8404	Glade Township Warren County	NWRO
6218408	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Mineweaser Randon 238 Island Lane Warren, PA 16365-8060	Glade Township Warren County	NWRO
0465S25	WQG-02 WQM General Permit	Issued	California Borough Washington County 155 Poplar Drive Coal Center, PA 15423-1004	California Borough Washington County	SWRO

II. Final Actions on PAG-02 General NPDES Permit NOIs and Individual NPDES Permit Applications for Construction Stormwater.

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC140143	PAG-02 General Permit	Issued	Bellefonte (64) DPP, LLC 9010 Overlook Blvd Brentwood, TN 31027	Spring Township Centre County	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823-1400 814-355-6817
PAC460698	PAG-02 General Permit	Denied	GSI King of Prussia 1100 NASA Parkway Suite 685 Houston, TX 77058	Bridgeport Borough Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov
PAC460055	PAG-02 General Permit	Issued	Meinel Rd LLC 300 Farm Lane Doylestown, PA 18901	Abington Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x10 RA-EPNPDES_SERO@ pa.gov
PAC460634	PAG-02 General Permit	Issued	Hallmark Homes Group 865 Easton Road Suite 320 Warrington, PA 18976	Whitpain Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x10 RA-EPNPDES_SERO@ pa.gov
PAC460651	PAG-02 General Permit	Issued	Creekside at Mainland Associates LLC 404 Sumneytown Pike Suite 200 North Wales, PA 19454	Lower Salford Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x10 RA-EPNPDES_SERO@ pa.gov
PAC460657	PAG-02 General Permit	Issued	723 Dresher Road LLC 580 W Germantown Pike Suite 200 Plymouth Meeting, PA 19462-1313	Horsham Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x10 RA-EPNPDES_SERO@ pa.gov
PAC460711	PAG-02 General Permit	Issued	Lower Salford Township 379 Main Street Harleysville, PA 19438	Lower Salford Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC460110	PAG-02 General Permit	Issued	Rouse Chamberlin LTD 500 Exton Commons Exton, PA 19341	Upper Providence Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov
PAC460650	PAG-02 General Permit	Issued	DEH Holdings LLC 22 Nealy Blvd Marcus Hook, PA 19061	Lower Salford Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov
PAC250169	PAG-02 General Permit	Issued	PLP XII LLC 2906 Copperleaf Drive Erie, PA 16509	Harborcreek Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC030046	PAG-02 General Permit	Issued	Mascaro Construction Company LP 1720 Metropolitan Street Pittsburgh, PA 15233	Wayne Township Armstrong County	Armstrong County Conservation District 120 S Grant Avenue Suite 2 Kittanning, PA 16201 724-548-3425
PAC250028A1	PAG-02 General Permit	Issued	White Birch Estates LLC 5826 Clinton Street Erie, PA 16509	Fairview Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PA540001C	PAG-02 General Permit	Issued	Hock Property 12 Hock Street Cressona, PA 17929	Cressona Borough Manheim Township Schuylkill County	Schuylkill County Conservation District 1206 AG Center Drive Pottsville, PA 17901 570-622-3742 RA-EPWW-NERO@PA. GOV
PAC330036	PAG-02 General Permit	Issued	Pennsylvania American Water Company 852 Wesley Drive Mechanicsburg, PA 17055	Punxsutawney Borough Jefferson County	Jefferson County Conservation District 1514 Route 28 Brookville, PA 15825 814-849-7463
PA540002C	PAG-02 General Permit	Issued	Bay Zero 53 Pottsville Street Cressona, PA 17929	Cressona Borough Manheim Township Schuylkill County	Schuylkill Conservation District 1206 AG Center Drive Pottsville, PA 17901-9733 570-622-3742 RA-EPWW-NERO@PA. GOV
PAC540124	PAG-02 General Permit	Issued	Sunoco Pipeline LP an Energy Transfer Partnership Attn: John Greblunas 1824 Horseshoe Pike Honey Brook, PA 19244	Frailey Township Schuylkill County	Schuylkill Conservation District 1206 AG Center Drive Pottsville, PA 17901-9733 570-622-3742 RA-EPWW-NERO@PA. GOV

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC350134	PAG-02 General Permit	Issued	New Ventures Realty, Inc. 411 Deer Run Drive Archbald, PA 18403-1575	Archbald Borough Lackawanna County	Lackawanna County Conservation District 1038 Montdale Road Scott Township, PA 18447 570-382-3086 RA-EPWW-NERO@PA. GOV
PAC010016A-4	PAG-02 General Permit	Issued	JA Myers Cambrian Hills LP 160 Ram Drive Hanover, PA 17331	Berwick Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717-334-0636
PAC500049	PAG-02 General Permit	Issued	Elmer Esh 54 Meadow Lane Loysville, PA 17047	Saville Township Perry County	Perry County Conservation District 31 West Main Street P.O. Box 36 New Bloomfield, PA 17068 717-582-8988 ext. 4
PAC670091A-1	PAG-02 General Permit	Issued	BAE Systems John Tile 1100 Bairs Road York, PA 17408	West Manchester Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 7178407430
PAC670553	PAG-02 General Permit	Issued	Golf Enterprises Inc. Joel McNaughton 4400 Deer Path Road Suite 201 Harrisburg, PA 17110	Conewago Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430
PAC320044A1	PAG-02 General Permit	Issued	Highridge Water Authority 17 Maple Avenue Blairsville, PA 15717	Burrell Township Indiana County	Indiana County Conservation District 435 Hamill Road Indiana, PA 15701 724-471-4751

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. 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.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

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>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Miller's Poultry LLC 345 Church Road East Berlin, PA 17316	Adams County	5.7	463.38	Poultry	NA	Approved
Round Hill Poultry 6108 Carlisle Pike East Berlin, PA 17316	Adams County	34.2	366.67	Poultry	NA	Approved
Arlin Wadel 301 McCulloch Road Shippensburg, PA 17257	Cumberland County	336.5	345.92	Poultry	NA	Approved
Cress Run Farm 201 Bullshead Road Newville, PA 17241	Cumberland County	448.7	686.67	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. 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.

Individuals in need of accommodations should contact the Environmental Hearing Board through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

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

SAFE DRINKING WATER

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

Northcentral Region: Safe Drinking Water Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Nicole Mechtly, Clerical Supervisor II, (570-327-3490).

Construction Permit No. 4922507MA, Minor Amendment, Public Water Supply.

Applicant	Pennsylvania-American Water Company: Turbotville
Address	852 Wesley Drive Mechanicsburg, PA 17055
Municipality	Lewis Township
County	Northumberland County
Consulting Engineer	Ewold Hulstein, P.E. 852 Wesley Drive Mechanicsburg, PA 17055
Application Received	August 8, 2022
Permit Issued	August 24, 2022
Description	This permit authorizes the water system to replace eight Swan Analytical AMI Turbidimeter turbidimeters with eight Lovibond PTV 1000 Process turbidimeters.

Construction Permit No. 5922502MA, Minor Amendment, Public Water Supply.

Applicant	Mansfield Borough
Address	14 South Main Street Mansfield, PA 16933
Municipality	Mansfield Borough

County **Tioga County**
 Consulting Engineer Jimmie Joe Carl, P.E.
 9 South Maple Street
 Corning, NY 14830

Application Received June 21, 2022
 Permit Issued August 25, 2022

Description This permit approves installation of alarm and shutdown capabilities and 1.0-Log Giardia Inactivation Designation at the Mansfield Filtration Plant.

Northeast Region: Safe Drinking Water Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Gillian Pehala, Clerical Assistant 2, 570-830-3077.

Operation Permit No. 2450054, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
 Address 762 West Lancaster Avenue
 Bryn Mawr, PA 19010

Municipality Chestnuthill Township
 County **Monroe County**

Consulting Engineer David J. Hoogstad
 Aqua Pennsylvania, Inc.
 1 Aqua Way
 White Haven, PA 18661

Application Received May 19, 2022
 Permit Issued August 4, 2022

Description Issuance of an Operation Permit for the Designation of Optimal Water Quality Parameters.

Southwest Region: Safe Drinking Water Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Renee Diehl, Program Manager, ra-epswsdw@pa.gov.

Operation Permit No. 6522503, Major Amendment, Public Water Supply.

Applicant **New Kensington Municipal Authority**
 Address 920 Barnes Street
 P.O. Box 577
 New Kensington, PA 15068

Municipality City of New Kensington
 County **Westmoreland County**

Consulting Engineer Gibson-Thomas
 Engineering Company
 1004 Ligonier Street
 Latrobe, PA 15650

Application Received July 26, 2022
 Permit Issued August 17, 2022

Description Operation of 4 above ground booster pump stations.

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

Northcentral Region: Safe Drinking Water Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Nicole Mechtly, Clerical Supervisor II, 570-327-3490.

Operation Permit 0821502. PWSID No. **2080009**. **Village at Whispering Pines**, 99 Park Drive, New Columbia, PA 17856, Wells Township, **Bradford County**. Application received: August 18, 2022. Permit Issued: August 24, 2022. This permit approves the operation of dual greensand filters for manganese removal, three 120-gallon and one 80-gallon detention tanks for oxidation and chlorine contact time, flow paced chemical feed pumps (Aqua Mag and sodium hypochlorite), and a new high service pump system to increase water pressure. In addition, Permit No. MA-GWR Special Conditions are hereby amended to address the reduced maximum flow rate of 10 gpm through the three 120-gallon and one 80-gallon detention tanks.

Northeast Region: Safe Drinking Water Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Gillian Pehala, Clerical Assistant 2, 570-830-3077.

Transfer Permit 2400103. PWSID No. **2400103**. **Veolia Water Pennsylvania, Inc.**, 6310 Allentown Road, Suite 104, Harrisburg, PA 17112, Harveys Lake Borough, **Luzerne County**. Application received: May 3, 2022. Permit Issued: August 24, 2022. Transfer permit issued due to name change from SUEZ Water Pennsylvania, Inc. to Veolia Water Pennsylvania, Inc.

Transfer Permit 3540023. PWSID No. **3540023**. **Veolia Water Pennsylvania, Inc.**, 6310 Allentown Road, Suite 104, Harrisburg, PA 17112, North Union Township, **Schuylkill County**. Application received: May 3, 2022. Permit Issued: August 24, 2022. Transfer permit due to name change from SUEZ Water Pennsylvania, Inc. to Veolia Water Pennsylvania, Inc.

Transfer Permit 2660012. PWSID No. **2660012**. **Veolia Water Pennsylvania, Inc.**, 6310 Allentown Road, Suite 104, Harrisburg, PA 17112, Noxen Township, **Wyoming County**. Application received: May 3, 2022. Permit Issued: August 24, 2022. Transfer permit due to name change from SUEZ Water Pennsylvania, Inc. to Veolia Water Pennsylvania, Inc.

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 of Environmental Protection (DEP) 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, please contact the Regional Office Program Manager previously listed in the notice.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

The Department has received the following plans and reports.

Northcentral Region: Environmental Cleanup & Brownfields Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Lisa Hensel, Clerical Assistant 2, 570-327-3653.

JGM Coach LLC Project, Primary Facility ID # **858235**, US Route 15 at MM 115 Northbound exit ramp, Williamsport, PA 17701, Cogan House Township, **Lycoming County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889 on behalf of JGM Coach, LLC, 10 Cherry Street, Wellsboro, PA 16901, submitted a Final Report concerning remediation of soil contaminated with diesel fuel and used motor oil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Superior Truck Lines, Inc. Project, Primary Facility ID # **859080**, US Route 15 Southbound near Trout Run Exit, Williamsport, PA 17701, Lewis Township, **Lycoming County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889 on behalf of Superior Truck Lines, Inc., P.O. Box 538, Newark, NY 14513, submitted a Final Report concerning remediation of soil contaminated with diesel fuel and used motor oil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Kim Bontrager, Clerical Assistant 3, 814-332-6648.

Interstate Chemical Company, Inc., Primary Facility ID # **781937**, 2797 Freedland Road, Hermitage, PA 16148, City of Hermitage, **Mercer County**. Wood Environment & Infrastructure Solutions, Inc., 437 Grant Street, Suite 918, Pittsburgh, PA 15219 on behalf of Interstate Chemical Company, Inc., 2797 Freedland Road, Hermitage, PA 16148, submitted a Risk Assessment concerning remediation of soil and groundwater contaminated with 1,1,1-Trichloroethane, 1,1,2,2-Tetrachloroethane, 1,1,2-Trichloro-1,2,2-trifluoroethane, 1,1-Dichloroethane, 1,1-Dichloroethene, 1,2-Dichlorobenzene, 1,2-Dichloroethane, 2-Butanone (MEK), 2-Hexanone, 4-Methyl-2-

pentanone (MIBK), Acetone, Benzene, Carbon disulfide, Chlorobenzene, Chloroethane, Chloroform, cis-1,2-Dichloroethene, Cyclohexane, Cyclohexanone, Dichlorodifluoromethane, Ethylbenzene, Hexane, Isopropylbenzene, Methyl acetate, Methyl tert-butyl ether, Methylcyclohexane, Methylene Chloride, Styrene, Tetrachloroethene, Tetrahydrofuran, Toluene, trans-1,2-Dichloroethene, trans-1,3-Dichloropropene, Trichloroethene, Vinyl chloride, Xylenes (Total), 1-Propanol, 2-Propanol (Isopropanol), Ethyl acetate, Ethylene glycol, Furfural, Methanol, n-Butyl alcohol, Formaldehyde, Isobutyl alcohol, 1,1'-Biphenyl, 2,4-Dimethylphenol, 2-Methylnaphthalene, 2-Methylphenol, 4-Chloroaniline, Acenaphthene, Acenaphthylene, Acetophenone, Aniline, Anthracene, Benzaldehyde, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Benzo[g,h,i]perylene, Benzo[k]fluoranthene, Benzoic acid, Bis(2-ethylhexyl) phthalate, Butyl benzyl phthalate, Carbazole, Chrysene, Cresols (Total), Dibenz(a,h)anthracene, Dibenzofuran, Diethyl phthalate, Di-n-butyl phthalate, Di-n-octyl phthalate, Fluoranthene, Fluorene, Hexachlorobenzene, Indeno[1,2,3-cd]pyrene, Isophorone, Methylphenol, 3 & 4, Naphthalene, Nitrobenzene, Phenanthrene, Phenol, Pyrene, PCB-1242, Arsenic, Barium, Cadmium, Chromium, Chromium (VI), Lead, Mercury, Selenium, Silver, and Distilled Ammonia. The Risk Assessment is intended to document remediation of the site to meet the site-specific standards.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Charline Bass, Administrative Assistant, 484-250-5787.

Chapel Block—The Navy Yard, Primary Facility ID # **619603**, 1200 & 1260 Normandy Place/125 Constitution Avenue, Philadelphia, PA 19122, City of Philadelphia, **Philadelphia County**. Marc Chartier, Pennoni Associates, Inc., 1900 Market Street, Suite 300, Philadelphia, PA 19112 on behalf of Jewelle Kennedy, Ensemble Investments LLC, 444 Ocean Boulevard, Suite 650, Long Beach, CA 90802, submitted a Baseline Environmental Report concerning remediation of soil and groundwater contaminated with lead, PCBs, heavy metals, pesticides, dioxin, solvents, BTEX, PHCs and PAHs. The Baseline Environmental Report is intended to document remediation of the site to meet the special industrial area provision of act 2.

2104 East Tioga Street, Primary Facility ID # **858527**, 2104 East Tioga Street, Philadelphia, PA 19134, City of Philadelphia, **Philadelphia County**. Henry Bienkowski, PG, Crawford Environmental Services, LLC, 20 Cardinal Drive, Birdsboro, PA 19508 on behalf of Stephanie Weldon, Tioga Fuel Company Inc, 230 East Tioga Street, Philadelphia, PA 19134, submitted a Final Report concerning remediation of soil contaminated with No. 2 fuel oil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Extra Space Storage, Primary Facility ID # **750740**, 4433 Wayne Avenue, Philadelphia, PA 19144, City of Philadelphia, **Philadelphia County**. Madalyn Kulas, The Vertex Companies, LLC, 3322 Route 22 West, Suite 907, Branchburg, NJ 08876 on behalf of Gwyn Goodson McNeal, Extra Space Properties, 51 LLC, 2795 East Cottonwood Parkway # 400, Salt Lake City, UT 84121, submitted a combined Remedial Investigation Report/Cleanup Plan/Final Report concerning remediation of

groundwater contaminated with TCE. The combined Remedial Investigation Report/Cleanup Plan/Final Report is intended to document remediation of the site to meet the site-specific standards.

2029-2059 York Road, Primary Facility ID # **750470**, 2029-2059 York Road, Jamison, PA 18929, Warwick Township, **Bucks County**. Kevin Davis, Pennoni Associates, Inc, 1900 Market Street, Suite 300, Philadelphia, PA 19103 on behalf of Paul Aschkenasy and Daniel Bleznak, York Road-Bladco LP, 15 Montgomery Avenue, Suite 3, Narberth, PA 19072, submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning remediation of soil contaminated with lead, arsenic, dieldrin and petroleum hydrocarbons. The Remedial Investigation Report/Risk Assessment Report/Cleanup Plan is intended to document remediation of the site to meet the site-specific standards.

Jones Residence, Primary Facility ID # **860126**, 59 Woodchuck Way, Glen Mills, PA 19342, Concord Township, **Delaware County**. Jeremy W. Bolyn, Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Lynn Jones, 59 Woodchuck Way, Glen Mills, PA 19038, submitted a Final Report concerning remediation of soil contaminated with No. 2 fuel oil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

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

Contact: Kam Miseikyte, Clerical Assistant 2, 412-442-4091.

Speedway # 2919, Primary Facility ID # **824204**, 500 Willow Crossing Road, Pittsburgh, PA 15601, Hempfield Township, **Westmoreland County**. Atlas Technical Consultants, LLC, 270 William Pitt Way, Pittsburgh, PA 15238 on behalf of Speedway, LLC, 500 Speedway Drive, Enon, OH 45323, submitted a Final Report concerning remediation of soil and groundwater contaminated with Benzene, Ethylbenzene, Naphthalene, 1,2,4-TMB, 1,3,5-TMB, MTBE, Cumene, Toulene, Xylene, Lead, EDB and 1,2-Dichloroethane.. The Final Report is intended to document remediation of the site to meet the background standards.

Perry Shops, Primary Facility ID # **830855**, 7910 and 7920 Perry Highway, Pittsburgh, PA 15237, Ross Township, **Allegheny County**. HZW Environmental Consultants, LLC, 1234 Weathervane Lane, Akron, OH 44313 on behalf of Kossman Development Company, 11 Parkway Center, Suite 300, Pittsburgh, PA 15220, submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning remediation of soil contaminated with PCE and TCE. The Remedial Investigation Report/Risk Assessment Report/Cleanup Plan is intended to document remediation of the site to meet the Statewide health and site-specific standards.

EQT Lumber Well Pad, Primary Facility ID # **860440**, 454 Martin Hill Road, New Freeport, PA 15352, Springhill Township, **Greene County**. Moody and Associates, Inc., 1720 Washington Road, Suite 100, Washington, PA 15301 on behalf of EQT Corporation, 625 Liberty Avenue, 17th Floor, Pittsburgh, PA 15222, submitted a Final Report concerning remediation of soil contaminated with aluminum, barium, boron, iron, lithium, manganese, selenium, strontium, vanadium, and zinc. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995
PREAMBLE 3

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

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (DEP) 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 non-residential 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 DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

The DEP has received the following plans and reports.

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

Contact: nEric Supey, Environmental Program Manager, 570-826-2511.

Horn Property, Primary Facility ID # **847927**, 980 Lake Minsi Drive, Bangor, PA 18013, Upper Mount Bethel Township, **Northampton County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013 on behalf of Kerry

Horn, 980 Lake Minsi Drive, Bangor, PA 18013, submitted a Final Report concerning remediation of soil contaminated with kerosene from an aboveground storage tank. The Final Report demonstrated attainment of the Statewide health standards. Approved: August 29, 2022.

Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Kim Bontrager, Clerical Assistant 3, 814-332-6648.

Interstate Chemical Company, Inc., Primary Facility ID # **781937**, 2797 Freedland Road, Hermitage, PA 16148, City of Hermitage, **Mercer County**. Wood Environment & Infrastructure Solutions, Inc., 437 Grant Street, Suite 918, Pittsburgh, PA 15219 on behalf of Interstate Chemical Company, Inc., 2797 Freedland Road, Hermitage, PA 16148, submitted a Risk Assessment concerning remediation of soil and groundwater contaminated with 1,1,1-Trichloroethane, 1,1,2,2-Tetrachloroethane, 1,1,2-Trichloro- 1,2,2-Trifluoroethane, 1,1-Dichloroethane, 1,1-Dichloroethene, 1,2-Dichlorobenzene, 1,2-Dichloroethane, 2-Butanone (MEK), 2-Hexanone, 4-Methyl-2-pentanone (MIBK), Acetone, Benzene, Carbon disulfide, Chlorobenzene, Chloroethane, Chloroform, cis-1,2-Dichloroethene, Cyclohexane, Cyclohexanone, Dichlorodifluoromethane, Ethylbenzene, Hexane, Isopropylbenzene, Methyl acetate, Methyl tert-butyl ether, Methylcyclohexane, Methylene Chloride, Styrene, Tetrachloroethene, Tetrahydrofuran, Toluene, trans-1,2-Dichloroethene, trans-1,3-Dichloropropene, Trichloroethene, Vinyl chloride, Xylenes (Total), 1-Propanol, 2-Propanol (Isopropanol), Ethyl acetate, Ethylene glycol, Furfural, Methanol, n-Butyl alcohol, Formaldehyde, Isobutyl alcohol, 1,1'-Biphenyl, 2,4-Dimethylphenol, 2-Methylnaphthalene, 2-Methylphenol, 4-Chloroaniline, Acenaphthene, Acenaphthylene, Acetophenone, Aniline, Anthracene, Benzaldehyde, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Benzo[g,h,i]perylene, Benzo[k]fluoranthene, Benzoic acid, Bis(2-ethylhexyl) phthalate, Butyl benzyl phthalate, Carbazole, Chrysene, Cresols (Total), Dibenz(a,h)anthracene, Dibenzofuran, Diethyl phthalate, Di-n-butyl phthalate, Di-n-octyl phthalate, Fluoranthene, Fluorene, Hexachlorobenzene, Indeno[1,2,3-cd]pyrene, Isophorone, Methylphenol, 3 & 4, Naphthalene, Nitrobenzene, Phenanthrene, Phenol, Pyrene, PCB-1242, Arsenic, Barium, Cadmium, Chromium, Chromium (VI), Lead, Mercury, Selenium, Silver, and Distilled Ammonia. The Report did not demonstrate attainment of the site-specific standards. issued a an administrative deficiency letter: August 26, 2022.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Environmental Cleanup & Brownfields Program Manager, 717-705-4705.

Antique Depot and Adjacent Parcel, Primary Facility ID # **838716**, 1401 Second Avenue, Duncansville, PA 16635, Duncansville Borough, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601 on behalf of Dively Surplus, 135 Maddox Drive, Holidaysburg, PA 16648, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with SVOCs and Metals. The Report did not demonstrate attainment of the Statewide health and site-specific standards. Issued a technical deficiency letter: August 23, 2022.

Environmental Recovery Corporation, Primary Facility ID # **753729**, 1076 Manheim Pike, Lancaster, PA

17601, Manheim Township, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602 on behalf of Environmental Recovery Corporation, 1076 Old Manheim Pike, Lancaster, PA 17601, submitted a Final Report concerning remediation of soil and groundwater contaminated with No. 2 Fuel Oil. The Final Report demonstrated attainment of the Statewide health and site-specific standards. Approved: August 23, 2022.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Charline Bass, Administrative Assistant, 484-250-5787.

6200 Bristol Pike, Primary Facility ID # **857093**, 6200 Bristol Pike (Route 13 and PA Turnpike), Levittown, PA 19057, Bristol Township, **Bucks County**. Phil Gray, Atlas Technical Consultants, 920 Germantown Pike, Plymouth Meeting, PA 19462 on behalf of Bruce Goodman, Good Bristol Associates LLC, 636 Old York Road, 2nd Floor, Jenkintown, PA 19046, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of groundwater contaminated with PCE. The Report demonstrated attainment of the site-specific standards. Approved: August 17, 2022.

Philadelphia Energy Solutions Refinery, Primary Facility ID # **780190**, 3144 Passyunk Avenue, Philadelphia, PA 19380, City of Philadelphia, **Philadelphia County**. Jennifer Menges, Stantec, 1060 Andrew Drive, Suite 140, West Chester, PA 19380 on behalf of Tiffani L. Doerr, PG, Evergreen Resource Management Operations, 2 Righter Parkway, Suite 120, Wilmington, DE 19083, submitted a Remedial Investigation Report concerning remediation of soil and groundwater contaminated with petroleum hydrocarbons and lead. The Report did not demonstrate attainment of the site-specific standards. Issued a technical deficiency letter: August 18, 2022.

Brooks Instrument, Primary Facility ID # **831620**, 407 West Vine Street, Hatfield, PA 19440, Hatfield Township, **Montgomery County**. Erin Huntley, WSP USA, Inc., 11 Stanwix Street, Suite 950, Pittsburgh, PA 15222 on behalf of Stephen L. Clarke, Emerson Electric Company, 8000 West Florissant Avenue, Saint Louis, MO 63136, submitted a Remedial Investigation Report concerning remediation of soil and groundwater contaminated with chlorinated solvents. The Report demonstrated attainment of the site-specific standards. Issued a technical deficiency letter: August 12, 2022.

Tunnel Road Property, Primary Facility ID # **831620**, 1225 Tunnel Road, Perkasio, PA 18944, Perkasio Borough, **Bucks County**. Philip Schiebel, Barry Isett & Associates, 85 South Route 100, Allentown,, PA 18106 on behalf of Carmen Carosella, Jupiter Property Management, LLC, 11401 Roosevelt Boulevard, Philadelphia, PA 19154, submitted a Final Report concerning remediation of soil contaminated with mercury. The Final Report demonstrated attainment of the Statewide health standards. Approved: August 12, 2022.

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

Contact: Kam Miseikyte, Clerical Assistant 2, 412-442-4091.

EQT Drift Ridge Well Pad, Primary Facility ID # **859374**, 400 Bowlby Hill Road, Spraggs, PA 15362, Wayne Township, **Greene County**. Moody and Associ-

ates, Inc., 1720 Washington Road, Suite 100, Washington, PA 15301 on behalf of EQT Corporation, 625 Liberty Avenue, 17th Floor, Pittsburgh, PA 15222, submitted a Final Report concerning remediation of soil contaminated with aluminum, barium, boron, iron, lithium, manganese, selenium, strontium, vanadium, zinc, and chloride. The Final Report demonstrated attainment of the Statewide health standards. Approved: August 26, 2022.

CNX GH56 Well Pad, Primary Facility ID # **859571**, 1839 West Roy Furman Highway, Waynesburg, PA 15370, Center 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, submitted a Final Report concerning remediation of soil contaminated with aluminum, barium, boron, iron, lithium, manganese, selenium, strontium, vanadium, and zinc. The Final Report did not demonstrate attainment of the Statewide health and background standards. Issued a technical deficiency letter: August 26, 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.

New Transporter License Issued

Central Office: Waste Management Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-7561.

Contact: Jonathan Adams.

JRP Waste Oil Services, Inc., 701 Lincoln Street, Oxford, PA 19363. **License No. PA-AH 0926**. Application received: June 24, 2022. Effective August 9, 2022.

Transporter License Renewed

Central Office: Waste Management Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-7561.

Contact: Jonathan Adams.

Eldredge, Inc., 898 Fern Hill Road, West Chester, PA 19380. **License No. PA-AH 0056**. Application received: August 18, 2022. Effective August 24, 2022.

STAT, Inc., d/b/a Sparks Transportation and Tank Cleaning, Inc., P.O. Box 1443, Lenoir, NC 28645. **License No. PA-AH 0532**. Application received: August 8, 2022. Effective August 18, 2022.

Bed Rock, Inc. dba TSMTCO, 8141 East 7th Street, Joplin, MO 64801. **License No. PA-AH 0697**. Application received: August 9, 2022. Effective August 19, 2022.

DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

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

Northcentral Region: Waste Management Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Lisa Houser, P.E., Environmental Engineer Manager, 570-327-3752.

WMGM036NC006. Denali Water Solutions, LLC, 471 Piedmon Road, Somerset, PA 15501, East Cameron Township and Mount Carmel Township, **Northumberland County**. Determination of Applicability for Reading Anthracite Co. West Spring Mine Site for processing prior to beneficial use of sewage sludge generated by municipal sewage collection and treatment systems or stabilized using lime for use as a soil conditioner or soil amendment by land application on mine reclamation sites. Application received: June 29, 2022. Permit issued: August 25, 2022.

Persons interested in reviewing the permit may contact Lisa Houser, P.E., Environmental Engineer Manager, 570-372-3752, Northcentral Region, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

AIR QUALITY

Actions(s) Taken on General Plan Approval(s) and Operating Permit(s) 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.

Northcentral Region: Air Quality Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Muhammad Q. Zaman, Program Manager, (570) 327-3648.

GP1-19-00010A: Wise Foods, Inc., 228 Rasely Street, Berwick, PA 18603, Berwick Borough, **Columbia County**. Authorization to construct and operate Heat and Control manufactured natural gas-fired boiler with a rated heat input capacity of 11.5 MMBtu per hour pursuant to the General Plan Approval and/or General Operating Permit BAQ-GPA/GP-1: Small Gas & No. 2 Oil Fired Combustion Units. Application received: July 20, 2022. Authorized: August 25, 2022.

Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.

GP3-59-237: Cross Excavating, LLC, 19316 Route 6, Mansfield, PA 16933, Sullivan Township, **Tioga County**. To authorize operation of non-metallic mineral processing equipment to crush/screen material at the Hemlock Hill Quarry (BAQ-GPA/GP3). Application received: July 28, 2022. Issued: August 16, 2022.

GP9-59-237: Cross Excavating, LLC, 19316 Route 6, Mansfield, PA 16933, Sullivan Township, **Tioga County**. To authorize operation of diesel-fired internal combustion engines to power equipment at the Hemlock Hill Quarry (BAQ-GPA/GP9). Application received: July 28, 2022. Issued: August 16, 2022.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Raymond Kempa, Environmental Group Manager, 570.826.2511.

GP3-58-083: F.S. Lopke Contracting Inc., 3430 State Route 434, Apalachin, NY 13732, Forest Lake Township, **Susquehanna County**. Installation and operation

of a Crushing operation with water sprays. Application received: August 18, 2022. Issued: August 25, 2022.

GP9-58-083: F.S. Lopke Contracting Inc., 3430 State Route 434, Apalachin, NY 13732, Forest Lake Township, **Susquehanna County**. Installation and operation of IC engines. Application received: August 18, 2022. Issued: August 25, 2022.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Thomas Bianca, PE, West Permit Section Chief, 717-705-4862.

GP4-07-03044A: Electric Motor & Supply, Inc., 1000 50th Street, Altoona, PA 16601, City of Altoona, **Blair County**. For an existing burn-off oven, under GP4. The general permit authorization was renewed. Application received: August 5, 2022. Issued: August 24, 2022.

Contact: Thomas Hanlon, PE, East Permit Section Chief, 717-705-4862.

GP4-22-03058B: Pratt & Whitney Amercon, 181 Fulling Mill Road, Middletown, PA 17057, Lower Swatara Township, **Dauphin County**. For a burnoff oven, under GP4. Application received: August 10, 2022. Issued: August 24, 2022.

GP3-38-03067: H&K Group, Inc., P.O. Box 2052, Lucon Road, Skippack, PA 19474, Annville Township, **Lebanon County**. For portable nonmetallic mineral crushing equipment, under GP3, at the DHL Jobsite. Application received: August 8, 2022. Issued: August 26, 2022.

GP11-38-03067: H&K Group, Inc., P.O. Box 2052, Lucon Road, Skippack, PA 19474, Annville Township, **Lebanon County**. For four diesel-fired engines, under GP11, to power portable nonmetallic mineral crushing equipment at the DHL Jobsite. Application received: August 8, 2022. Issued: August 26, 2022.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Edward Orris, PE, New Source Review Chief (412-442-4168).

GP5-65-01010D/AG5-65-00008C: RW Gathering, LLC, 6000 Town Center Boulevard, Suite 345, Canonsburg, PA 15317, Derry Township, **Westmoreland County**. Issued an administrative amendment on August 25, 2022, for name change and phone number of a responsible person and change in office address at their Salem compressor station. Application received: August 1, 2022. Issued: August 25, 2022.

GP5-63-01061/AG5-63-00024A: EQM Gathering OPCO, LLC, 2200 Energy Drive, Suite 200, Canonsburg, PA 15137, Fallowfield Township, **Washington County**. Issued authorization on August 18th, 2022, for the construction and operation of one (1) 117 MMscf/day triethylene glycol (TEG) dehydration unit; one (1) 2.31 MMBtu/hr reboiler burner associated with the TEG dehydration unit; one (1) 4,200 gallon produced waters tank; one (1) 520 gallon TEG storage tank; truck load-out operations for produced water; one (1) 2.0 MMBtu/hr thermal oxidizer; one (1) pig launcher; natural gas-actuated pneumatic controllers; and fugitive emissions component sources at their Redd dehydration facility. Application received: May 16, 2022. Issued: August 18, 2022.

Actions(s) Taken on Plan Approval(s) 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.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

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

37-00377A: U.S. Rolloffs, Inc., 409 Smalls Ferry Road, New Castle, PA 16102, City of New Castle, **Lawrence County**. The Department of Environmental Protection issued Air Quality Plan Approval PA-37-00377A to U.S. Rolloffs, Inc to authorize the installation and temporary operation of a scrap metal operation at their facility. Application received: March 4, 2022. Permit issued: August 23, 2022.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.

09-0010E: PEL Pharma Inc., 650 Cathill Road, Sellersville, PA 18960, West Rockhill Township, **Bucks County**. For the reinstallation/reinstatement of 60" Tablet Coater (source # 117) and the Fluid Bed Processor (source 122)—both sources were previously removed from the Operating Permit during the 2019 renewal. Application received: March 7, 2022. Issued: August 25, 2022.

Plan Approval Revision(s) Issued Including Extension(s), Minor Modification(s) and Transfer(s) of Ownership Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Thomas Bianca, PE, West Permit Section Chief, 717-705-4862.

67-05001E: Magnesita Refractories Co., 425 South Salem Church Road, York, PA 17408-5955, West Manchester Township, **York County**. For the refractory manufacturing facility. Plan Approval No. 67-05001E authorizes the increased capacity in the facility's rotary kilns. The rotary kilns and cure oven will be fitted with additional natural gas burners to increase production by an estimated 118-ton product per hour. The rotary kilns will have additional NO_x and SO_x controls installed as part of this plan approval. The plan approval was extended. Application received: August 15, 2022. Issued: August 24, 2022.

50-03007A: Atlantic Metal Industries, LLC, 600 Susquehanna Trail, Liverpool, PA 17045, Liverpool Township, **Perry County**. For the construction of a scrap metal shredding plant. The scrap metal shredder will be a Newell 80104 and is powered using 2 Waukesha L5792U internal combustion engines previously authorized under GP9. The plan approval was extended. Application received: August 19, 2022. Issued: August 26, 2022.

Contact: Thomas Hanlon, PE, East Permit Section Chief, 717-705-4862.

06-03102B: The City of Reading, 815 Washington Street, Reading, PA 19601, City of Reading, **Berks County**. For upgrades to the Reading Waste Water Treatment Plant on Fritz Island. The plan approval was extended. Application received: August 17, 2022. Issued: August 24, 2022.

36-05158D: Perdue AgriBusiness, LLC, 1897 River Road, Marietta, PA 17547, Conoy Township, **Lancaster County**. For the modification of the vertical seed conditioner (VSC) fan discharge and the ability to combust propane in Grain Dryer No. 2 (Source ID 104) at the soybean processing facility. The plan approval was extended, with a compliance schedule. Application received: August 10, 2022. Issued: August 24, 2022.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: James Beach, New Source Review Chief, Telephone 484-250-5920.

09-0245: Penn Engineering & Manufacturing Corp., 5190 Old Easton Highway, Danboro, PA 18916-1000, Plumstead Township, **Bucks County**. For the installation and shakedown operation of an automated barrel plating system and related air pollution control technology equipment, including a packed-bed scrubber. Application received: August 22, 2022. Issued: August 25, 2022.

Title V Operating Permit(s) Issued Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Northcentral Region: Air Quality Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.

08-00002: DuPont Specialty Products USA, LLC, 192 Patterson Boulevard, Towanda, PA 18848, North Towanda Township, **Bradford County**. For the issuance (renewal) of a Title V Operating Permit for operation of the DuPont Towanda facility. All applicable Federal and state regulatory requirements, including appropriate testing, monitoring, recordkeeping, reporting, and work practice are included in the renewal Operating Permit to verify compliance. Application received: November 12, 2021. Renewal issued: August 26, 2022. Expiration date: August 25, 2027.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

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

37-00264: Ellwood Quality Steels Company, 700 Moravia Street, New Castle, PA 16101, City of New Castle, **Lawrence County**. The Department issued a renewal Title V Operating Permit for the specialty steel mill facility. EQS is a small specialty steel mill. The facility's major emission sources include an electric arc furnace (EAF), two ladle refining furnaces, a vacuum

degasser, two ingot teeming aisles, an internal scrap yard, six natural gas fired annealing furnaces, preheaters for the ladles and the EAF, miscellaneous steel cutting/grinding, four process steam boilers, miscellaneous heaters less than 2.5 MMBtu/hr each, a lime silo, three emergency generators and vehicle travel. The facility is a major facility due to its potential emissions of Carbon Monoxide (CO) greater than 100 TPY. The actual emissions of CO, Oxides of Nitrogen (NO_x), particulate matter less than 10 microns (PM₁₀), Sulfur Dioxide Compounds (SO_x), Volatile Organic Compounds (VOC) and Carbon Dioxides (CO₂) reported for 2021, 241.85 TPY, 22.03 TPY, 21.09, 8.47, 16.99 TPY, and 41,520.04 TPY, respectively. The facility is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G, the applicable requirements of 40 CFR 60 AAa and JJJJ and Part 63 Subpart ZZZZ, YYYYY, and CCCCC. Application received: May 20, 2021. Renewal issued: May 25, 2022.

Operating Permit(s) 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.

Northcentral Region: Air Quality Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.

08-00010: Global Tungsten & Powders Corp., 1 Hawes St., Towanda, PA 18848, North Towanda Township, **Bradford County**. The Operating Permit revision was issued in order to reduce the minimum freshwater makeup rate to the wet scrubber associated with their Dept 340 ammonia stripper product tanks. The revised State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions. Application received: May 3, 2022. Issued: August 16, 2022.

41-00045: RPS Machinery Sales, Inc., P.O. Box 507, Jersey Shore, PA 17740, Piatt Township, **Lycoming County**. Was issued a renewal State Only Operating Permit for the operation of their Jersey Shore Plant located in Piatt Township, Lycoming County. The facility's primary emissions sources are a Wheel Blast Machine and Surface Coating Operations. The State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions. Application received: August 10, 2021. Issued: August 19, 2022.

17-00008: Triangle Suspension System, Inc., P.O. Box 425, Dubois, PA 15801, Sandy Township, **Clearfield County**. Was issued a State Only Operating Permit to authorize continued operation of the sources at their Dubois Spring Plant facility in Sandy Township, Clearfield County. All Federal and State regulatory requirements as applicable to the sources pursuant 25 Pa. Code Chapters 121—145 as well as appropriate restrictions, testing, monitoring, recordkeeping, reporting, and work practices conditions to verify compliance are included within the previously listed permit authorization. Application received: October 4, 2021. Issued: August 17, 2022.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

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

25-00916: Ridg U Rak, Inc., 120 South Lake Street, North East, PA 16428-1232, North East Borough, **Erie County**. The Department issued the renewal State Only Natural Minor Operating Permit for the facility. 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_x, 11.98 TPY CO, 0.09 TPY SO_x, 1.08 TPY PM₁₀ and PM_{2.5}, 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 contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: November 29, 2021. Renewal issued: August 23, 2022.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Thomas Hanlon, PE, East Permit Section Chief, 717-705-4862.

50-03006: Sunoco Pipeline LP, 525 Fritztown Road, Sinking Spring, PA 19608, Toboyne Township, **Perry County**. For the natural gas liquid (ethane, propane, butane or a mixture of these) Doylesburg pumping station. The State-Only permit was renewed. Application received: February 28, 2022. Issued: August 23, 2022.

Operating Permit Revisions Issued Including Administrative Amendments, Minor Modifications or Transfer of Ownership Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Thomas Bianca, PE, West Permit Section Chief, 717-705-4862.

28-05040: Ingenco Wholesale Power, LLC, 4444 Westheimer Rd., Suite G450, Houston, TX 77027, Peters Township, **Franklin County**. For the landfill gas-to-energy facility associated with the Mountain View Landfill. The Title V permit was administratively amended to reflect a change in contact information. Application received: July 28, 2022. Issued: August 24, 2022.

67-05092: Starbucks Coffee Company, 3000 Espresso Way, York, PA 17406-6035, East Manchester Township, **York County**. For the coffee manufacturing facility. The State-Only permit was administratively amended to update contact information. Application received: July 26, 2022. Issued: August 24, 2022.

ACTIONS ON COAL AND NONCOAL APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the National Pollutant Discharge Elimination System (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). Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Coal Permits

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1800.

Contact: Melanie Ford-Wigfield, 814.472.1900, rapcambria@pa.gov.

Mining Permit No. 32090104. NPDES No. PA0262897. Beth Contracting, Inc., 815 Rock Run Road, Glen Campbell, PA 15742, Banks Township, **Indiana County**. Land use change from forestland to unmanaged natural habitat of a bituminous surface mine, affecting 23.2 acres. Receiving stream: unnamed tributaries to Cush Creek and Horton Run, classified for the following use: CWF. Application received: May 23, 2022. Permit Issued: August 22, 2022.

Mining Permit No. 32120103. NPDES No. PA0262897. Beth Contracting, Inc., 815 Rock Run Road, Glen Campbell, PA 15742, Banks Township, **Indiana County**. Land use from forestland to unmanaged natural habitat of a bituminous surface mine, affecting 36.0 acres. Receiving stream: unnamed tributary to/and Horton Run, unnamed tributary to Cush Creek, classified for the following use: CWF. Application received: May 23, 2022. Permit Issued: August 22, 2022.

Mining Permit No. 56841605. NPDES No. PA021761. Croner, Inc., 1576 Stoystown Road, P.O. Box 260, Somerset, PA 15541, Brothersvalley Township, **Somerset County**. Renewal to the NPDES Permit and activity permit for the Goodtown Preparation Plant, affecting 13.5 acres. Receiving stream: unnamed tributary to Buffalo Creek, classified for the following use: CWF. Application received: August 4, 2021. Permit Issued: August 22, 2022.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

Contact: Cassie Stanton, Clerical Assistant 2, 814-342-8200.

Mining Permit No. 17140102. NPDES No. PA0269689. RES Coal, LLC, 51 Airport Road, Clear-

field, PA 16830, Burnside Township, **Clearfield County**. An application for major revision to construct and maintain a new stream crossing for an existing bituminous surface and auger coal mine permit, affecting 247.9 acres. Receiving stream: Deer Run and unnamed tributaries to Deer Run, classified for the following use: CWF, MF. Application received: April 11, 2022. Accepted: April 15, 2022. Issued: August 25, 2022.

Mining Permit No. 17990102. RES Coal LLC, 51 Airport Road, Clearfield, PA 16830, Decatur Township, **Clearfield County**. Application for a Change of Post-Mining Land Use from forestland to unmanaged natural habitat on an existing bituminous surface coal and auger mine, affecting 344.2 acres. Receiving stream: Unnamed Tributary to Little Laurel Run and Little Laurel Run, classified for the following use: CWF. Application received: June 21, 2022. Accepted: June 22, 2022. Issued: August 25, 2022.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 54840205. GP104 No. PAM116048. Hegins Mining Company, P.O. Box 188, Sacramento, PA 17968, Reilly Township, **Schuylkill County**. Renewal for reclamation activities only and correction to update the post-mining land use to commercial/industrial of an anthracite coal refuse reprocessing and preparation plant operation, affecting 63.6 acres. Receiving stream: Swatara Creek, classified for the following use: CWF, MF. Application received: July 12, 2022. Renewal issued: August 23, 2022.

Mining Permit No. GP-12 No. GP12-40030202. Pioneer Equipment Rentals, Inc., 645 Laurel Run Road, Bear Creek Township, PA 18702, Duryea and Hughestown Boroughs, **Luzerne County**. General Operating Permit to operate a coal preparation plant on Surface Mining Permit No. 40030202, affecting. Application received: January 10, 2022. Coverage issued: August 25, 2022.

CORRECTION—previously published on August 27, 2022.

Mining Permit No. 40041601. Hazleton Shaft Division, LLC, P.O. Box 39, Hazleton, PA 18201, Hazle Township, **Luzerne County**. Renewal of an anthracite coal preparation plant and coal refuse disposal operation, affecting 133.0 acres. Receiving stream: Hazle Creek, classified for the following use: HQ—CWF, MF. Application received: October 5, 2021. Renewal issued: August 11, 2022.

CORRECTION—previously published on August 27, 2022.

Mining Permit No. 40030202. Hazleton Shaft Division, LLC, P.O. Box 39, Hazleton, PA 18201, Hazle Township, **Luzerne County**. Transfer of an anthracite coal preparation plant and coal refuse disposal operation, affecting 133.0 acres. Receiving stream: Hazle Creek, classified for the following use: HQ—CWF, MF. Application received: October 5, 2021. Transfer issued: August 11, 2022.

Noncoal Permits

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1800.

Contact: Melanie Ford-Wigfield, 814.472.1900, ra-epcambria@pa.gov.

Mining Permit No. 56970301. NPDES No. PA0234362. Garrett Limestone Company, Inc., 17592

Route 322, Strattanville, PA 16258, Summit Township, **Somerset County**. Renewal of NPDES permit, affecting 192.5 acres. Receiving stream: Casselman River, classified for the following use: HQ-WWF. Application received: May 23, 2022. Permit Issued: August 22, 2022.

Mining Permit No. 31020302. NPDES No. PA0249319. Glenn O. Hawbaker, Inc., 1952 Waddle Road, Suite 203, State College, PA 16802, Morris Township, **Huntingdon County**. Revision is for a 50 foot depth increase and change in post-mining land use from cropland and pastureland to unmanaged water impoundments and pastureland on a large industrial mineral permit, affecting 182.1 acres. Receiving stream: unnamed tributary to Shaffers Run, classified for the following use: WWF & MF. Application received: October 8, 2021. Permit Issued: August 22, 2022.

Mining Permit No. 29920301. NPDES No. PA0599549. Big Cove Quarry, LLC, 13101 Fountain Head Road, Hagerstown, MD 21742, Ayr Township, **Fulton County**. Transfer of an existing large industrial surface mine, affecting 77.6 acres. Receiving stream: unnamed tributary to/and Esther Run, classified for the following use: CWF. Application received: March 27, 2022. Permit Issued: August 22, 2022.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

Contact: Cassie Stanton, Clerical Assistant 2, 814-342-8200.

Mining Permit No. 08210301. NPDES GP-104 Permit No. PAM221011. Bishop Brothers Construction Co., Inc., 1376 Leisure Drive, Towanda, PA 18848, Sheshequin Township, **Bradford County**. Commencement, operation, and restoration of a large noncoal (industrial minerals) surface mine, affecting 64 acres. A land use change from forestland to unmanaged natural habitat was approved with this permit. Receiving stream: Horn Brook, classified for the following use: WWF, MF. Application received: May 10, 2021. Accepted: May 21, 2021. Issued: August 25, 2022.

Mining Permit No. 08220801. Duane D. Harper, 2065 Highway 98 W, Louisburg, NC 27549, Terry Township, **Bradford County**. Commencement, operation, and restoration of a small industrial mineral (bluestone) operation. This Surface Mining Permit supersedes Surface Mining Permit No. 08092810 to downgrade the annual production from 10,000 tons to 2,000 tons, affecting 5.0 acres. Receiving stream: Unnamed tributary to the North Branch Susquehanna River, classified for the following use: WWF. Application received: February 10, 2022. Accepted: February 11, 2022. Issued: August 26, 2022.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 7874SM2. NPDES Permit No. PA0612880. New Enterprise Stone & Lime Co., Inc., 3912 Brumbaugh Road, New Enterprise, PA 16664, North Whitehall Township, **Lancaster County**. Renew NPDES Permit on a quarry operation, affecting. Receiving stream: Coplay Creek, classified for the following use: CWF. Application received: January 24, 2022. Renewal issued: August 24, 2022.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Action(s) Taken on Application(s) Under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting Activity Performed as Part of a Coal or Noncoal Mining Activity will be Regulated by the Mining Permit for that Coal or Noncoal Mining Activity.

Blasting Permits

New Stanton District Mining Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.

Contact: Tracy Norbert, 724.925.5500 or RA-EP NEWSTANTON@pa.gov.

Permit No. 30224002. Demtech, 5733 Westwood Drive, Weldon Spring, MO 63304, Monongahela Township, **Greene County**. Blasting Activity Permit for the demolition of Hatfield Power Plant with an expiration date of December 21, 2023. Application received: August 10, 2022. Issued: August 24, 2022.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Contact: RA-EPPottsvilleDMO@pa.gov.

Permit No. 45224106. Schlouch, Inc., P.O. Box 69, Blandon, PA 19510, Tunkhannock Township, **Monroe County**. Construction blasting for Catalyst Application received: August 22, 2022. Permit issued: August 25, 2022. Expiration date: August 22, 2023.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (DEP) 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, DEP 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.

Individuals 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. 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.

Individuals in need of accommodations should contact the Environmental Hearing Board through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

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

Action(s) Taken on Application(s) 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.

Eastern District: Oil and Gas Management Program, 208 West Third Street, Williamsport, PA 17701-6448.

Contact: RA-EPEASTERNNOGPRG@pa.gov.

E0829221-028. Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, Overton Township, **Bradford County**. U.S. Army Corps of Engineers Baltimore District.

To construct, operate and maintain the Oilcan Bra Pad Project, which consists of the following impacts: 1. 88.0 linear feet of previously unauthorized impacts to a UNT to Chilson Run (HQ-CWF, MF), 3,570 square feet of previously unauthorized permanent floodway impacts, and 131 square feet (0.003 acre) of temporary impact to Palustrine Emergent (PEM) wetlands via the placement of fill for an access road (Overton, PA Quadrangle, Latitude: N41° 37' 01.70", Longitude: W76° 34' 09.71"); and 2. 37.0 linear feet of previously unauthorized impacts to a UNT to Chilson Run (HQ-CWF, MF) and 3,067 square feet of previously unauthorized permanent floodway impact via the placement of fill for an access road (Overton, PA Quadrangle, Latitude: N41° 37' 20.56", Longitude: W76° 34' 04.00"). This project is an after-the-fact permit that is associated with the Chesapeake Audit and will result in 125.0 linear feet of stream impacts, 131 square feet (0.003 acre) of temporary PEM wetland impacts, and 6,637 square feet (0.152 acre) of permanent floodway impacts, all for the purpose of Marcellus well development in Overton Township, Bradford County. Application received: December 23, 2021. Issued: August 26, 2022.

Southeast Region: Waterways & Wetlands Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Elaine Henderson, Clerical Assistant 3, 484-250-5157.

E2301222-005. PECO Energy Company, 2301 Market Street, N3-3, Philadelphia, PA 19103, Media Borough and Middletown Township, **Delaware County**. U.S. Army Corps of Engineers Philadelphia District.

To place fill, perform streambank stabilization, and armoring (anchored vegetated, R-8) associated with the construction and maintenance of a new 18-inch RCP outfall to facilitate stormwater discharge to Ridley Creek (HQ-TSF, MF) from a proposed stormwater facility. This activity will result in 20 linear feet (400 square feet) of permanent floodway/floodplain impact. This project is located at the Middletown Substation in Middletown Township and Media Borough, Delaware County (USGS

Media, PA Quadrangle). Latitude: 39.919120°, Longitude: -75.108474°. Application received: May 20, 2022. Issued: August 23, 2022.

ENVIRONMENTAL ASSESSMENTS

Eastern District: Oil and Gas Management Program, 208 West Third Street, Williamsport, PA 17701-6448.

Contact: RA-EPEASTERNOGPRG@pa.gov.

EA5829222-001. Williams Field Services Company, LLC, 310 State Route 29 North, Tunkhannock, PA 18657, Rush Township, **Susquehanna County**. U.S. 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. Application received: June 14, 2022. Issued: August 25, 2022.

EA0829222-005. Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, Litchfield Township, **Bradford County**. U.S. 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. Latitude: 41.947597°, Longitude: -76.45226°. Application received: July 5, 2022. Issued: August 26, 2022.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Sage Saum, Clerical Assistant 2, 717-705-4992.

EA2203222-001. Derry Township Municipal Authority, 670 Clearwater Road, Hershey, PA 17033, Derry Township, **Dauphin County**. U.S. Army Corps of Engineers Baltimore District.

To conduct a stream restoration project along Deer Run (WWF, MF) including 1.) the relocation and maintenance of 3,150 feet of stream; 2.) the regrading and maintenance of 1,060 feet of streambank; 3.) the installation and maintenance of 3,280 feet of livestock bank stabilization; 4.) the installation of 2,150 feet of brush mattress bank stabilization; 5.) the construction and maintenance of twelve stream riffles totaling 480 feet in length; 6.) the construction and maintenance of twenty-two rock cross vanes; 7.) the construction and maintenance of eleven rock vanes; 8.) the placement and maintenance of R-7 rip rap impacting 36 feet of stream; and 9.) the construction and maintenance of a random boulder cluster, all for the purpose of reducing sediment loading to the stream. No wetlands will be impacted by this project. Latitude: 40.2457350°, Longitude: -76.7148710°. Application received: April 1, 2022. Approved: August 26, 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. 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.

Individuals in need of accommodations should contact the Environmental Hearing Board through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

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

Eastern District: Oil and Gas Management Program, 208 West Third Street, Williamsport, PA 17701-6448.
Contact: RA-EPEASTERNOGPRG@pa.gov.

ESCGP # 3 **ESG290822031-00**

Applicant Name **Chesapeake Appalachia, LLC**

Contact Person Eric Haskins

Address 14 Chesapeake Lane

City, State, Zip Sayre, PA 18840

Township(s) Litchfield Township

County **Bradford County**

Receiving Stream(s) and Classification(s) UNT to Bullard Creek (CWF, MF)

Application received: July 14, 2022

Issued: August 24, 2022

Northwest Region: Oil and Gas Management Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Katelyn Hogue, Clerical Supervisor 2, (814-332-6860).

ESCGP # 3 **ESG081022004-00**

Applicant Name **Pennenergy Resources, LLC**

Contact Person Cody Salmon

Address 600 Cranberry Woods Drive, Suite 250

City, State, Zip Cranberry Township, PA 16066

Township(s) Middlesex Township

County **Butler County**

Receiving Stream(s) and Classification(s) UNT to Glade Run WWF

Application received: June 8, 2022

Issued: August 25, 2022

Southwest Region: Oil and Gas Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: D.J. Stevenson, (412) 442-4281.

ESCGP # 3 ESG076522005-00

Applicant Name **APEX WML Midstream, LLC**
 Contact Person J. D. McNally
 Address 6041 Wallace Road Ext, Suite 100, Bldg 3
 City, State, Zip Wexford, PA 15090
 Township(s) Penn Township
 County **Westmoreland County**
 Receiving Stream(s) and Classification(s) UNT to Turtle Creek (TSF)

Application received: May 25, 2022

Approved: August 22, 2022

ESCGP # 3 ESX17-125-0017

Applicant Name **Range Resources—Appalachia, LLC**
 Contact Person David J. Harry
 Address 3000 Town Center Boulevard
 City, State, Zip Canonsburg, PA 15317
 Township(s) Cecil Township
 County **Washington County**
 Receiving Stream(s) and Classification(s) UNTs to Millers Run (WWF)

Application received: August 1, 2022

Approved: August 22, 2022

**CORRECTIVE ACTION UNDER
 ACT 32, 1989**

PREAMBLE 2

The Following Plan(s) and Report(s) 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 Regional Office Program Manager previously listed in the notice.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DEP has received the following plans and reports.

Northcentral Region: Environmental Cleanup & Brownfields Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Randy Farmerie, Environmental Program Manager, 570-327-3716.

Former Sand Hill Terminal # 0050-1700, Storage Tank Facility ID # **41-31701**, 130 Terminal Road, Montoursville, PA 17754, Loyalsock Township, **Lycoming County**. Aquaterra Technologies, Inc., P.O. Box 744, West Chester, PA 19381 on behalf of Terminal Operations, Evergreen Resources Group, LLC, 2 Righter Parkway, Suite 120, Wilmington, DE 19803 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document the remedial actions for meeting nonresidential site-specific standards.

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

Contact: Eric Supey, Environmental Program Manager, 570-826-2511.

Schoch Exxon, Storage Tank Facility ID # **45-50840**, 4300 Manor Drive, Stroudsburg, PA 18360, Hamilton Township, **Monroe County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013 on behalf of Jovan Singh, 4300 Manor Drive, Stroudsburg, PA 18360 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The plan is intended to document the remedial actions for meeting Statewide health standards.

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

Contact: Kam Miseikyte, Clerical Assistant 2, 412-442-4091.

Best Deal Tire Center, Storage Tank Facility ID # **02-07379**, 89 Clever Road, McKees Rocks, PA 15136, Kennedy Township, **Allegheny County**. Flynn Environmental, Inc., 5640 Whipple Avenue Northwest, North Canton, OH 44720 on behalf of Bill Ostapchenko, 89 Clever Road, McKees Rocks, PA 15136 submitted a Remedial Action Completion Report concerning remediation of soil contaminated with unleaded gasoline. The report is intended to document the remedial actions for meeting residential Statewide health standards.

**CORRECTIVE ACTION UNDER
 ACT 32, 1989**

PREAMBLE 3

Action(s) Taken 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.

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

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DEP has received the following plans and reports.

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

Contact: Eric Supey, Environmental Program Manager, 570-826-2511.

Uni Mart # 4149 Wilkes-Barre PA, Storage Tank Facility ID # **40-32368**, 465 Hazle Street, Wilkes-Barre, PA 18702, City of Wilkes-Barre, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013 on behalf of National Retail Property Trust, 450 South Orange Avenue, Suite 900, Orlando, FL 32801 submitted a Remedial

Action Plan concerning remediation of groundwater contaminated with gasoline. The plan was acceptable to meet the site-specific standards and was approved by DEP on August 26, 2022.

Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Kim Bontrager, Clerical Assistant 3, 814-332-6648.

Sheffield Pit Stop, Storage Tank Facility ID # **62-90017**, 30 South Main Street, Sheffield, PA 16347, Sheffield Township, **Warren County**. Environmental Alliance, Inc., 5341 Limestone Road, Wilmington, DE 19808 on behalf of Paul Singh, 30 South Main Street, Sheffield, PA 16347 submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with Benzene, Isopropyl Benzene, Ethyl Benzene, Methyl Tert-Butyl Ether, Naphthalene, Toluene, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, and total Xylenes. The report residential demonstrated attainment of the Statewide health standards and was approved by DEP on August 26, 2022.

Kwik Fill MO127, Storage Tank Facility ID # **25-00738**, 3620 Peach Street, Erie, PA 16508, City of Erie, **Erie County**. Groundwater & Environmental Services, Inc., 508 Thomson Park Drive, Cranberry Township, PA 16066 on behalf of United Refining Company of PA, P.O. Box 688, Warren, PA 16365 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The plan residential and nonresidential was not acceptable to meet the site-specific standards and was disapproved by DEP on August 29, 2022.

[Pa.B. Doc. No. 22-1386. Filed for public inspection September 9, 2022, 9:00 a.m.]

DEPARTMENT OF HEALTH

Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing ASF licensure in 28 Pa. Code Chapters 29, 51 and 551—571 (relating to miscellaneous health provisions; general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation and relating to</i>
Allentown Women's Center, Inc.	28 Pa. Code § 29.33(6) (relating to requirements for abortion)
Delaware County Women's Center, Inc.	28 Pa. Code § 29.33(6) and (7)
East Freedom Surgical Associates, LLC	28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards)
Geisinger Healthplex State College Outpatient Surgery and Endoscopy	28 Pa. Code § 555.1 (relating to principle)
	28 Pa. Code § 555.2 (relating to medical staff membership)
	28 Pa. Code § 555.3(a)—(f) (relating to requirements for membership and privileges)
	28 Pa. Code § 555.4(a)—(c) (relating to clinical activities and duties of physician assistants and certified registered nurse practitioners)
	28 Pa. Code § 557.2(a)—(d) (relating to plan)
	28 Pa. Code § 557.3(a)—(f) (relating to Quality Assurance and Improvement Program)
	28 Pa. Code § 563.1 (relating to principle)

<i>Facility Name</i>	<i>Regulation and relating to</i>
	28 Pa. Code § 563.2(a) and (b) (relating to organization and staffing)
Metropolitan Nephrology Associates, PC	28 Pa. Code § 569.35(7) (relating to general safety precautions)
Orthopaedic Surgery Center at Bryn Mawr Hospital	28 Pa. Code § 551.21(d)(1) (relating to criteria for ambulatory surgery)
Planned Parenthood Keystone—York	28 Pa. Code § 29.33(6) and (7)
Wexford Surgery Center	28 Pa. Code § 567.53(1) (relating to sterilization control)

The following ASF has filed a request for exception under 28 Pa. Code § 571.1 (relating to minimum standards). Requests for exceptions under this section relate to *Guidelines for Design and Construction of Hospitals and of Outpatient Facilities*, as published by the Facility Guidelines Institute (*FGI Guidelines*). The following list includes the citation to the section of the *FGI Guidelines* for which the hospital is seeking an exception and the year of publication.

<i>Facility Name</i>	<i>Guidelines Section and relating to</i>	<i>Yr¹</i>
Geisinger Healthplex State College Outpatient Surgery and Endoscopy	A2.1-3.2.3.2 space requirements	18-O

¹2018 Year *FGI Regulations* were split into 2 books; *Hospitals*, and *Outpatient Facilities* as indicated by “-O.”

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DENISE A. JOHNSON,
Acting Secretary

[Pa.B. Doc. No. 22-1387. Filed for public inspection September 9, 2022, 9:00 a.m.]

DEPARTMENT OF HEALTH

Decisions on Requests for Exceptions to Health Care Facility Regulations

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b), for exceptions to regulations contained in 28 Pa. Code Part IV Subparts B—G.

Section 51.33(d) of 28 Pa. Code provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from August 1, 2022, through August 31, 2022. Future publications of decisions on exception requests will appear on a quarterly basis.

Requests for additional information on the exception request and the Department’s decision should be made to the relevant division of the Department. Inquiries regarding hospitals, abortion facilities and ambulatory surgical facilities shall be addressed to Garrison E. Gladfelter, Jr., Director, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980. Inquiries regarding long-term care facilities shall be addressed to Susan Williamson, Director, Division of Nursing Care Facilities, Room 528, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816. Inquiries regarding Home Health agencies should be directed to Linda Chamberlain, Director, Division of Home Health, Forum Place, Suite 701, 555 Walnut Street, Harrisburg, PA 17101, (717) 783-1379.

Ambulatory Surgical Facilities

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Pittsburgh North Surgical Center	§ 551.3 (relating to definitions)	08/07/2022	Granted w/Conditions
	§ 569.35(7) (relating to general safety precautions)	08/07/2022	Granted w/Conditions
Planned Parenthood Southeastern Pennsylvania	§ 29.33(6) (relating to requirements for abortion)	08/07/2022	Granted w/Conditions

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
PPSP Far Northeast Health Center	§ 29.33(6)	08/07/2022	Granted w/Conditions
PPSP Surgical Locust Street Health Center	§ 29.33(6)	08/07/2022	Granted w/Conditions
PPSP West Chester Health Center	§ 29.33(6)	08/07/2022	Granted w/Conditions
Susquehanna Surgery Center, Inc.	§ 571.1 (relating to minimum standards) A2.1-3.2.3.2 space requirements	08/11/2022	Granted
Zitelli & Brodland, PC (ASF Central)	§ 553.31(a) (relating to administrative responsibilities)	08/09/2022	Granted w/Conditions
Zitelli & Brodland, PC (ASF South)	§ 553.31(a)	08/09/2022	Granted w/Conditions

Hospitals

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Delaware County Memorial Hospital	§ 109.2(b) (relating to director of nursing services)	08/07/2022	Granted w/Conditions
Excelsa Health Latrobe Hospital	§ 153.1(a) (relating to minimum standards) 2.1-2.7.1.1(3)(b) clearances	08/11/2022	Granted
Geisinger-Bloomsburg Hospital	§ 107.5(b)(1)—(5) (relating to membership appointment and reappointment)	08/07/2022	Granted w/Conditions
Geisinger Medical Center	§ 153.1(a) clear floor—single family room, multi-patient room (pages 72—75)	08/11/2022	Granted
Jefferson Health—Northeast	§ 153.1(a) 2.2-3.4.2.2(2)(a) space requirements	08/15/2022	Granted
Lower Bucks Hospital	§ 153.1(a) 2.2-3.3.7.13(2) clean equipment and supply storage	08/11/2022	Granted
	§ 153.1(a) 2.2-3.4.2.5(1)(a) system component room	08/11/2022	Granted
The Milton S. Hershey Medical Center	§ 153.1(a) 2.1-2.2.6.1 general	08/11/2022	Granted w/Conditions
	§ 153.1(a) 2.1-2.4.2.2(4) and (5) all room requirements	08/11/2022	Granted w/Conditions
	§ 153.1(a) 2.2-2.2.2.6 patient toilet room	08/11/2022	Granted w/Conditions
	§ 153.1(a) 2.2-2.2.2.7(1)(a) and (b) patient bathing facilities	08/11/2022	Granted w/Conditions
	§ 153.1(a) 2.2-2.5.2.6 patient toilet room	08/11/2022	Granted w/Conditions
	§ 153.1(a) 2.2-2.5.2.7 patient bathing facilities	08/11/2022	Granted w/Conditions
Penn Highlands Connellsville	§ 153.1(a) 2.1-3.8.11.3 clean supply room	08/11/2022	Granted
	§ 153.1(a) 2.1-8.3.6 electrical receptacles	08/11/2022	Granted
Penn Highlands Dubois	§ 153.1(a) 2.1-2.3.10.2(2) door openings	08/11/2022	Granted
	§ 153.1(a) 2.1-4.2.2.1(1) dispensing facilities	08/11/2022	Granted
	§ 153.1(a) 2.2-3.1.3.6(4)(e) treatment room or area	08/11/2022	Granted
Penn Highlands Elk	§ 153.1(a) 2.1-8.4.3.2(5) hand-washing station sinks	08/11/2022	Granted
Troy Community Hospital, Inc.	§ 127.32 (relating to written orders)	08/08/2022	Granted w/Conditions
UPMC Hamot	§ 153.1(a) 2.1-3.4.1.2 location	08/15/2022	Granted
	§ 153.1(a) 2.2-3.3.3.5(2) other design requirements	08/16/2022	Granted
	§ 153.1(a) 2.2-3.3.4.1 application	08/15/2022	Granted

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
	§ 153.1(a) 2.2-3.3.6.1 general	08/15/2022	Granted
	§ 153.1(a) 2.2-3.3.6.2(1)—(3) nurse or control station(s)	08/15/2022	Granted
	§ 153.1(a) 2.2-3.3.6.14(2) environmental services room	08/15/2022	Granted
	§ 153.1(a) 2.2-3.4.2.1(3) general	08/15/2022	Granted
UPMC Williamsport	§ 103.31 (relating to the chief executive officer)	08/08/2022	Granted w/Conditions
Wellspan Gettysburg Hospital	§ 137.21(b)(9) (relating to policies and procedures)	08/11/2022	Granted
Wellspan York Hospital	§ 153.1(a) 2.1-2.4.3.9(1)(b) special design elements	08/11/2022	Granted

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact the Division of Acute and Ambulatory Care or the Division of Nursing Care Facilities at the previously referenced addresses or telephone numbers, 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. 22-1388. Filed for public inspection September 9, 2022, 9:00 a.m.]

DEPARTMENT OF HEALTH

Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals).

<i>Facility Name</i>	<i>Regulation and relating to</i>
The Children's Hospital of Philadelphia	28 Pa. Code § 149.3 (relating to facilities)
Penn Highlands Brookville	28 Pa. Code § 109.2(b) (relating to director of nursing services)
Penn Highlands Connellsville	28 Pa. Code § 109.2(b)
Penn Highlands Dubois	28 Pa. Code § 109.2(b)
Penn Highlands Elk	28 Pa. Code § 109.2(b)
Penn Highlands Mon Valley	28 Pa. Code § 107.62(a) and (b) (relating to oral orders)
	28 Pa. Code § 109.2(b)

The following hospitals have filed requests for exceptions under 28 Pa. Code § 153.1 (relating to minimum standards). Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities—2014 Edition*, or *Guidelines for Design and Construction of Hospitals—2018 Edition*, *Guidelines for Design and Construction of Outpatient Facilities—2018 Edition*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception.

<i>Facility Name</i>	<i>FGI Guidelines Section and relating to</i>	<i>Yr¹</i>
Allegheny General Hospital	2.1-3.4.4.2 Phase I post-anesthetic care unit (PACU)	18
The Children's Hospital of Philadelphia	2.1-8.4.2.6(1)(a) drainage systems	18
	2.1-8.5.2.3(3)(a) technology distribution room (TDR)	18
	2.2-2.9.1.2 newborn nursery	18
Einstein Medical Center Montgomery	2.2-3.11.1.2(1)(c) facility layout and circulation	18
Geisinger Medical Center	2.1-7.2.2.1 corridor width	18
Jefferson Health—Northeast	2.2-3.3.7.13(1) and (2) clean equipment and supply storage	18
	2.2-3.4.6.2 patient toilet room	18

<i>Facility Name</i>	<i>FGI Guidelines Section and relating to</i>	<i>Yr¹</i>
	2.2-3.4.9.2(1) staff toilet room	18
Millcreek Community Hospital	2.5-2.2.4.3 seclusion room	18
	2.5-2.2.8.16(1) and (2) consultation room(s)	18
Thomas Jefferson University Hospitals, Inc.	2.1-3.2.1.2(2)(a)(ii) single-patient examination/observation room	18
UPMC Hamot	2.1-3.4.2.2(1) and (2)(a)—(c) space requirements	18
	2.1-3.4.2.6(1) and (3) other design requirements	18
Warren General Hospital	2.2-3.4.2.2(2)(a) space requirements	18

¹ 2018 Year FGI Regulations for Outpatient Facilities are indicated by “O.”

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or for speech and/or hearing impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DENISE A. JOHNSON,
Acting Secretary

[Pa.B. Doc. No. 22-1389. Filed for public inspection September 9, 2022, 9:00 a.m.]

DEPARTMENT OF HEALTH

Infant Hearing Screening Advisory Committee Meeting

The Infant Hearing Screening Advisory Committee established under the Infant Hearing, Education, Assessment, Reporting and Referral (IHEARR) Act (11 P.S. §§ 876-1—876-9), will hold a public meeting on Thursday, September 22, 2022. The meeting will be held by means of Microsoft Teams from 1 p.m. until 3 p.m. The meeting can be accessed by logging on electronically through Microsoft Teams at the following web address. Additionally, a physical meeting space will also be provided; contact Mark Beall using the following contact information in advance of the meeting if individuals would like to attend in person. Agenda items will include reports by the Cytomegalovirus and Audiology subcommittee and a review of ongoing committee business.

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 Mark Beall, Program Administrator, Division of Newborn Screening and Genetics at (717) 783-8143. Speech and/or hearing-impaired persons use V/TT (717) 783-6514 or the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TT).

The web address for the Teams meeting is https://teams.microsoft.com/l/meetup-join/19%3ameeting_MTU0MzVkZTQtZTllYi00NmNiLTmMDYtNmNkZTZkNDY3ODIx%40thread.v2/0?context=%7b%22Tid%22%3a%22418e2841-0128-4dd5-9b6c-47fc5a9a1bde%22%2c%22Oid%22%3a%22a1f4fb12-9c8c-4b8e-8331-8d2e9559f28c%22%7d.

The call-in number for the Teams meeting is (267) 332-8737 and the PIN is 657 049 219#.

This meeting is subject to cancellation without notice.

DR. DENISE A. JOHNSON,
Acting Secretary

[Pa.B. Doc. No. 22-1390. Filed for public inspection September 9, 2022, 9:00 a.m.]

DEPARTMENT OF HEALTH

Pennsylvania Cancer Control, Prevention and Research Advisory Board, Pennsylvania Cancer Coalition and the Data Advisory Committee Public Meeting

The Pennsylvania Cancer Control, Prevention and Research Advisory Board (Board), established under section 203-B of the Pennsylvania Cancer Control, Prevention and Research Act (72 P.S. § 203-B), will hold a public meeting on Thursday, September 15, 2022, from 8:30 a.m. to 11:30 a.m. The meeting will be conducted virtually as a video conference by means of Microsoft Teams by calling (267) 332-8737. The conference ID number is 229 894 924#.

In addition, the Pennsylvania Cancer Coalition and the Data Advisory Committee will be holding their meetings at this time. The purpose of these meetings is to discuss Board updates and the Pennsylvania Cancer Plan implementation activities.

For additional information, contact the Division of Cancer Prevention and Control, Room 1011, Health and Welfare Building, Harrisburg, PA, (717) 783-1457. 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. 22-1391. Filed for public inspection September 9, 2022, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Uniform Construction Code Review and Advisory Council Meeting

The Uniform Construction Code Review and Advisory Council will hold a meeting on Thursday, October 13, 2022, at 9 a.m. Individuals can join the meeting by means of Zoom at <https://zoom.us/j/adX66zPHZL>. Indi-

viduals can dial by location at (929) 205-6099 (New York), (301) 715-8592 (Washington, DC). The meeting ID is 361 131 6502. The passcode is 259161. Individuals can find their local number at <https://zoom.us/j/adX66zPHZL>.

Individuals can download the software after clicking the previously listed link or by going to <https://zoom.us/downloads>. This allows use of the web cam on the computer, as well as additional options such as screen sharing.

The Americans with Disabilities Act contact is Kristen Gardner at (717) 346-1497.

Questions concerning this meeting may be directed to Kristen Gardner at (717) 346-1497.

JENNIFER BERRIER,
Secretary

[Pa.B. Doc. No. 22-1392. Filed for public inspection September 9, 2022, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Workers' Compensation Appeal Board 2023 Hearing Schedule

<i>Date</i>	<i>Location</i>	<i>Time</i>
Wednesday, January 4, 2023	Virtual/Teams	TBD
Wednesday, January 11, 2023	319 Eastgate Center Harrisburg, PA 17102	TBD
Wednesday, January 18, 2023	Virtual/Teams	TBD
Wednesday, February 1, 2023	Virtual/Teams	TBD
Wednesday, February 8, 2023	Room 310, 411 7th Avenue Pittsburgh, PA 15219 or Room 2015, 301 5th Avenue Pittsburgh, PA 15222	TBD
Wednesday, February 15, 2023	Virtual/Teams	TBD
Wednesday, March 1, 2023	110 North 8th Street, Floor 4 Philadelphia, PA 19107	TBD
Wednesday, March 8, 2023	Virtual/Teams	TBD
Wednesday, March 15, 2023	321 Spruce Street, 3rd Floor Scranton, PA 18503	TBD
Wednesday, March 22, 2023	Virtual/Teams	TBD
Wednesday, March 29, 2023	319 Eastgate Center Harrisburg, PA 17102	TBD
Wednesday, April 12, 2023	Virtual/Teams	TBD
Wednesday, April 19, 2023	Virtual/Teams	TBD
Wednesday, April 26, 2023	3400 Lovell Place 13th and Holland Streets Erie, PA 16503	TBD
Wednesday, May 3, 2023	Virtual/Teams	TBD
Wednesday, May 10, 2023	Room 310, 411 7th Avenue Pittsburgh, PA 15219 or Room 2015, 301 5th Avenue Pittsburgh, PA 15222	TBD
Tuesday, May 23, 2023	Virtual/Teams	TBD
Wednesday, May 24, 2023	Virtual/Teams	TBD
Thursday, *June 1, 2023	BWC Conference Hershey Lodge, 325 University Drive Hershey, PA 17033	TBD
Wednesday, June 7, 2023	Virtual/Teams	TBD

<i>Date</i>	<i>Location</i>	<i>Time</i>
Wednesday, June 14, 2023	110 North 8th Street, Floor 4 Philadelphia, PA 19107	TBD
Wednesday, June 21, 2023	Virtual/Teams	TBD
Wednesday, June 28, 2023	321 Spruce Street, 3rd Floor Scranton, PA 18503	TBD
Thursday, July 6, 2023	Virtual/Teams	TBD
Wednesday, July 19, 2023	Virtual/Teams	TBD
Tuesday, August 1, 2023	Virtual/Teams	TBD
Wednesday, August 2, 2023	Virtual/Teams	TBD
Thursday, August 3, 2023	Room 310, 411 7th Avenue Pittsburgh, PA 15219 or Room 2015, 301 5th Avenue Pittsburgh, PA 15222	TBD
Wednesday, September 6, 2023	Virtual/Teams	TBD
Wednesday September 13, 2023	110 North 8th Street, Floor 4 Philadelphia, PA 19107	TBD
Wednesday, September 20, 2023	321 Spruce Street, 3rd Floor Scranton, PA 18503	TBD
Wednesday, September 27, 2023	Virtual/Teams	TBD
Thursday, September 28, 2023	Virtual/Teams	TBD
Wednesday, October 11, 2023	319 Eastgate Center Harrisburg, PA 17102	TBD
Wednesday, October 18, 2023	Virtual/Teams	TBD
Wednesday, October 25, 2023	3400 Lovell Place 13th and Holland Streets Erie, PA 16503	TBD
Tuesday, October 31, 2023	Virtual/Teams	TBD
Wednesday, November 15, 2023	Virtual/Teams	TBD
Tuesday, November 21, 2023	Room 310, 411 7th Avenue Pittsburgh, PA 15219 or Room 2015, 301 5th Avenue Pittsburgh, PA 15222	TBD
Wednesday, November 29, 2023	Virtual/Teams	TBD
Wednesday, December 6, 2023	110 North 8th Street, Floor 4 Philadelphia, PA 19107	TBD
Wednesday, December 13, 2023	Virtual/Teams	TBD
Tuesday, December 19, 2023	321 Spruce Street, 3rd Floor Scranton, PA 18503	TBD

*Note that the Workers' Compensation Appeal Board may add hearing dates for electronic hearings (telephonic or video, or both) to the previously specified dates.

JENNIFER BERRIER,
Secretary

[Pa.B. Doc. No. 22-1393. Filed for public inspection September 9, 2022, 9:00 a.m.]

DEPARTMENT OF REVENUE

Life Estate and Remainder Factors; Pennsylvania Realty Transfer Tax (Revised)

In accordance with 61 Pa. Code § 91.165(d) (relating to reservations or conveyances of life estates), the Department of Revenue (Department) is required to periodically publish notice of the Life Estate and Remainder Factors

and their effective date to be used for the calculation of the taxable value of a Life Estate and Remainder Interest in real estate.

Section 91.165(d)(1) of 61 Pa. Code provides that the factors will be based upon tables published by the Internal Revenue Service (IRS) for calculating the present worth of a Life Estate and Remainder Interest. See <https://www.irs.gov/retirement-plans/actuarial-tables>. The IRS table of factors to be used is the table based upon an

average interest rate for the 36 months prior to publication of the factors in the *Pennsylvania Bulletin*. The average interest rate rounded to the nearest two tenths of a percent for the 36 months prior to publication of this notice (June 2019—May 2022) is 1.4%.

Effective July 1, 2022, the Department is updating the Life Estate and Remainder Factors to account for changes in mortality and interest rates as follows:

**Pennsylvania Realty Transfer Tax
Factors for Conveyances or Reservations of
Life Estate and Remainder Interests in Real Estate**

*IRS Publication 1457
Table S*

*Single Life Factors Based on Life Table 2000CM
Interest at 1.4 Percent*

<i>Age</i>	<i>Life Estate</i>	<i>Remainder</i>
0	0.64584	0.35416
1	0.64541	0.35459
2	0.64078	0.35922
3	0.63596	0.36404
4	0.63102	0.36898
5	0.62599	0.37401
6	0.62087	0.37913
7	0.61568	0.38432
8	0.61040	0.38960
9	0.60503	0.39497
10	0.59958	0.40042
11	0.59404	0.40596
12	0.58843	0.41157
13	0.58277	0.41723
14	0.57707	0.42293
15	0.57135	0.42865
16	0.56563	0.43437
17	0.55988	0.44012
18	0.55411	0.44589
19	0.54830	0.45170
20	0.54243	0.45757
21	0.53650	0.46350
22	0.53052	0.46948
23	0.52446	0.47554
24	0.51831	0.48169
25	0.51205	0.48795
26	0.50570	0.49430
27	0.49924	0.50076
28	0.49267	0.50733
29	0.48602	0.51398
30	0.47930	0.52070
31	0.47249	0.52751
32	0.46560	0.53440
33	0.45863	0.54137
34	0.45161	0.54839
35	0.44451	0.55549

<i>Age</i>	<i>Life Estate</i>	<i>Remainder</i>
36	0.43734	0.56266
37	0.43011	0.56989
38	0.42282	0.57718
39	0.41547	0.58453
40	0.40806	0.59194
41	0.40060	0.59940
42	0.39310	0.60690
43	0.38553	0.61447
44	0.37792	0.62208
45	0.37027	0.62973
46	0.36257	0.63743
47	0.35483	0.64517
48	0.34705	0.65295
49	0.33923	0.66077
50	0.33136	0.66864
51	0.32345	0.67655
52	0.31550	0.68450
53	0.30751	0.69249
54	0.29950	0.70050
55	0.29149	0.70851
56	0.28349	0.71651
57	0.27552	0.72448
58	0.26758	0.73242
59	0.25967	0.74033
60	0.25178	0.74822
61	0.24392	0.75608
62	0.23612	0.76388
63	0.22836	0.77164
64	0.22067	0.77933
65	0.21303	0.78697
66	0.20539	0.79461
67	0.19777	0.80223
68	0.19020	0.80980
69	0.18269	0.81731
70	0.17527	0.82473
71	0.16791	0.83209
72	0.16065	0.83935
73	0.15349	0.84651
74	0.14647	0.85353
75	0.13961	0.86039
76	0.13292	0.86708
77	0.12640	0.87360
78	0.12005	0.87995
79	0.11389	0.88611
80	0.10792	0.89208
81	0.10214	0.89786
82	0.09656	0.90344
83	0.09118	0.90882

Age	Life Estate	Remainder
84	0.08601	0.91399
85	0.08105	0.91895
86	0.07629	0.92371
87	0.07175	0.92825
88	0.06742	0.93258
89	0.06329	0.93671
90	0.05938	0.94062
91	0.05566	0.94434
92	0.05215	0.94785
93	0.04883	0.95117
94	0.04571	0.95429
95	0.04276	0.95724
96	0.04001	0.95999
97	0.03742	0.96258
98	0.03500	0.96500
99	0.03273	0.96727
100	0.03063	0.96937
101	0.02864	0.97136
102	0.02681	0.97319
103	0.02500	0.97500
104	0.02334	0.97666
105	0.02170	0.97830
106	0.01967	0.98033
107	0.01738	0.98262
108	0.01376	0.98624
109	0.00690	0.99310

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 22-1394. Filed for public inspection September 9, 2022, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania 50X the Win Instant Lottery Game 1602

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania 50X the Win (hereinafter “50X the Win”). The game number is PA-1602.

2. *Price:* The price of a 50X the Win instant lottery game ticket is \$10.

3. *Play Symbols:* Each 50X the Win instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions, located in the “WINNING NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV),

13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRT). The play symbols and their captions, located in the “YOUR NUMBERS” area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), Money Roll (MNYRL) symbol, 50 Burst (WIN\$50) symbol and a 50X (50TIMES) symbol.

4. *Prize symbols:* The prize symbols and their captions, located in the play area, are: \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO), \$10,000 (TEN THO) and \$500,000 (FIVHUNTHO).

5. *Prizes:* The prizes that can be won in this game, are: \$10, \$20, \$30, \$50, \$100, \$200, \$500, \$1,000, \$5,000, \$10,000 and \$500,000. 50X the Win contains a feature that can multiply certain prizes. For a complete list of prizes, and how those prizes can be won, see section 8 (relating to number and description of prizes and approximate odds). A player can win up to 15 times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 13,200,000 tickets will be printed for 50X the Win instant lottery game.

7. *Determination of prize winners:*

(a) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$500,000 (FIVHUNTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500,000.

(b) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10,000 (TEN THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which a 50X (50TIMES) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under that 50X (50TIMES) symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5,000 (FIV THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(e) Holders of tickets upon which a 50X (50TIMES) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that 50X (50TIMES) symbol, on a single ticket, shall be entitled to a prize of \$5,000.

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

(g) Holders of tickets upon which a Money Roll (MNYRL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that Money Roll (MNYRL) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which a 50X (50TIMES) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under that 50X (50TIMES) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

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

(j) Holders of tickets upon which a Money Roll (MNYRL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that Money Roll (MNYRL) symbol, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which a 50X (50TIMES) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “prize” area under that 50X (50TIMES) symbol, on a single ticket, shall be entitled to a prize of \$500.

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

(m) Holders of tickets upon which a Money Roll (MNYRL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under that Money Roll (MNYRL) symbol, on a single ticket, shall be entitled to a prize of \$200.

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

(o) Holders of tickets upon which a Money Roll (MNYRL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Money Roll (MNYRL) symbol, on a single ticket, shall be entitled to a prize of \$100.

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

(q) Holders of tickets upon which a 50 Burst (WIN\$50) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under that 50 Burst (WIN\$50) symbol, on a single ticket, shall be entitled to a prize of \$50.

(r) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(s) Holders of tickets upon which a Money Roll (MNYRL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “prize” area under that Money Roll (MNYRL) symbol, on a single ticket, shall be entitled to a prize of \$30.

(t) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(u) Holders of tickets upon which a Money Roll (MNYRL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under that Money Roll (MNYRL) symbol, on a single ticket, shall be entitled to a prize of \$20.

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

(w) Holders of tickets upon which a Money Roll (MNYRL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “prize” area under that Money Roll (MNYRL) symbol, on a single ticket, shall be entitled to a prize of \$10.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under the Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 13,200,000 Tickets:</i>
\$10 w/ MONEY ROLL	\$10	12	1,100,000
\$10	\$10	20	660,000
\$10 × 2	\$20	60	220,000
(\$10 w/ MONEY ROLL) + \$10	\$20	60	220,000
\$20 w/ MONEY ROLL	\$20	60	220,000
\$20	\$20	75	176,000
\$10 × 3	\$30	600	22,000

<i>When Any of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under the Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 13,200,000 Tickets:</i>
\$20 + \$10	\$30	600	22,000
(\$10 w/ MONEY ROLL) + \$20	\$30	300	44,000
(\$20 w/ MONEY ROLL) + \$10	\$30	300	44,000
(\$10 w/ MONEY ROLL) × 3	\$30	300	44,000
\$30 w/ MONEY ROLL	\$30	200	66,000
\$30	\$30	300	44,000
\$10 × 5	\$50	600	22,000
(\$20 × 2) + \$10	\$50	600	22,000
(((\$10 w/ MONEY ROLL) × 2) + \$20 + \$10)	\$50	600	22,000
(\$10 w/ MONEY ROLL) × 5	\$50	600	22,000
\$50 w/ 50 BURST	\$50	30	440,000
\$50	\$50	600	22,000
\$10 × 10	\$100	12,000	1,100
\$20 × 5	\$100	12,000	1,100
(((\$10 w/ MONEY ROLL) × 5) + (\$10 × 5))	\$100	2,400	5,500
(\$50 w/ 50 BURST) + (\$10 × 5)	\$100	1,500	8,800
(\$50 w/ 50 BURST) × 2	\$100	1,200	11,000
\$100 w/ MONEY ROLL	\$100	2,400	5,500
\$100	\$100	12,000	1,100
\$50 × 4	\$200	60,000	220
(((\$20 w/ MONEY ROLL) × 5) + (\$10 × 10))	\$200	24,000	550
(\$50 w/ 50 BURST) + (\$20 × 6) + (\$10 × 3)	\$200	12,000	1,100
(((\$50 w/ 50 BURST) × 2) + (\$10 × 10))	\$200	12,000	1,100
(\$50 w/ 50 BURST) × 4	\$200	6,000	2,200
\$200 w/ MONEY ROLL	\$200	24,000	550
\$200	\$200	60,000	220
\$50 × 10	\$500	40,000	330
\$100 × 5	\$500	40,000	330
(((\$30 w/ MONEY ROLL) × 10) + (\$50 × 3) + \$30 + \$20)	\$500	20,000	660
(((\$50 w/ MONEY ROLL) × 5) + (\$50 × 5))	\$500	20,000	660
(((\$50 w/ 50 BURST) × 5) + (((\$50 w/ MONEY ROLL) × 5))	\$500	20,000	660
(\$50 w/ 50 BURST) × 10	\$500	20,000	660
\$10 w/ 50X	\$500	600	22,000
\$500 w/ MONEY ROLL	\$500	12,000	1,100
\$500	\$500	40,000	330
\$100 × 10	\$1,000	120,000	110
(\$10 w/ 50X) + (((\$50 w/ 50 BURST) × 5) + (\$50 × 3) + (\$20 × 4) + (\$10 × 2))	\$1,000	120,000	110
(\$10 w/ 50X) + (((\$50 w/ 50 BURST) × 10))	\$1,000	120,000	110
(\$10 w/ 50X) × 2	\$1,000	120,000	110

<i>When Any of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under the Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 13,200,000 Tickets:</i>
\$20 w/ 50X	\$1,000	6,000	2,200
\$1,000 w/ MONEY ROLL	\$1,000	60,000	220
\$1,000	\$1,000	120,000	110
\$500 × 10	\$5,000	1,320,000	10
\$100 w/ 50X	\$5,000	1,320,000	10
\$5,000	\$5,000	1,320,000	10
\$200 w/ 50X	\$10,000	1,320,000	10
\$10,000	\$10,000	1,320,000	10
\$500,000	\$500,000	1,320,000	10

Reveal a “Money Roll” (MNYRL) symbol, win prize shown under that symbol automatically.

Reveal a “50 Burst” (WIN\$50) symbol, win \$50 instantly.

Reveal a “50X” (50TIMES) symbol, win 50 TIMES the prize shown under that symbol!

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

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell 50X the Win instant lottery game tickets.

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

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of 50X the Win instant lottery game, prize money from winning 50X the Win instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the 50X the Win instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State

Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote 50X the Win or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 22-1395. Filed for public inspection September 9, 2022, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania The Addams Family Instant Lottery Game 1603

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania The Addams Family (hereafter “The Addams Family”). The game number is PA-1603. The Addams Family is separated into five separate themed scenes: Scene 1, Scene 2, Scene 3, Scene 4 and Scene 5. The actual play symbols used are specific to each scene. All scenes are organized under the same game and the same prize structure and no one scene is determinative of the prizes available to be won on any individual game ticket, or the Second-Chance Drawing entries provided for in section 10.

2. *Price:* The price of a The Addams Family instant lottery game ticket is \$5.

3. *Play symbols:* Each The Addams Family instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area.

(a) The play symbols and their captions, located in the “WINNING NUMBERS” area for all five Scenes, are: 1

(ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYTNIN) and 30 (THIRT).

(b) The play symbols and their captions, located in the “YOUR NUMBERS” area of Scene 1, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYTNIN), 30 (THIRT), Thing (THING) symbol, Potion (WIN50) symbol and a Gomez (WINALL) symbol.

(c) The play symbols and their captions, located in the “YOUR NUMBERS” area of Scene 2, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYTNIN), 30 (THIRT), Thing (THING) symbol, Potion (WIN50) symbol and a Morticia (WINALL) symbol.

(d) The play symbols and their captions, located in the “YOUR NUMBERS” area of Scene 3, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYTNIN), 30 (THIRT), Thing (THING) symbol, Potion (WIN50) symbol and a Fester (WINALL) symbol.

(e) The play symbols and their captions, located in the “YOUR NUMBERS” area of Scene 4, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYTNIN), 30 (THIRT), Thing (THING) symbol, Potion (WIN50) symbol and a Cousin Itt (WINALL) symbol.

(f) The play symbols and their captions, located in the “YOUR NUMBERS” area of Scene 5, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYTNIN), 30 (THIRT), Thing (THING) symbol, Potion (WIN50) symbol and a Lurch (WINALL) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area on all five Scenes, are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$50⁰⁰ (FIFTY), \$100 (ONE

HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game, are: \$5, \$10, \$20, \$30, \$50, \$100, \$200, \$500, \$1,000, \$5,000 and \$100,000. A player can win up to 12 times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 6,000,000 tickets will be printed for The Addams Family instant lottery game.

7. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct a faBOulous Second-Chance Drawing for which non-winning The Addams Family instant lottery game tickets may be eligible as provided in section 10.

8. *Determination of prize winners:*

(a) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5,000 (FIV THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which a Thing (THING) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$5,000 (FIV THO) appears in the “prize” area under that Thing (THING) symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(d) Holders of tickets upon which a Gomez (WINALL) symbol, a Morticia (WINALL) symbol, a Fester (WINALL) symbol, a Cousin Itt (WINALL) symbol or a Lurch (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$1,000 (ONE THO) appears in two of the “prize” areas, a prize symbol of \$500 (FIV HUN) appears in four of the “prize” areas, a prize symbol of \$200 (TWO HUN) appears in four of the “prize” areas and a prize symbol of \$100 (ONE HUN) appears in two of the “prize” areas, on a single ticket, shall be entitled to a prize of \$5,000.

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

(f) Holders of tickets upon which a Thing (THING) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that Thing (THING) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which a Gomez (WINALL) symbol, a Morticia (WINALL) symbol, a Fester (WINALL) symbol, a Cousin Itt (WINALL) symbol or a Lurch (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$200 (TWO HUN) appears in three of the “prize” areas, a prize symbol of \$100 (ONE HUN) appears in two of the “prize” areas, a prize symbol of \$50⁰⁰ (FIFTY) appears in two of the “prize” areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which a Gomez (WINALL) symbol, a Morticia (WINALL) symbol, a Fester (WINALL) symbol, a Cousin Itt (WINALL) symbol or a Lurch (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$200 (TWO HUN) appears in two of the “prize” areas, a prize symbol of \$100 (ONE HUN) appears in five of the “prize” areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

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

(j) Holders of tickets upon which a Thing (THING) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that Thing (THING) symbol, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which a Gomez (WINALL) symbol, a Morticia (WINALL) symbol, a Fester (WINALL) symbol, a Cousin Itt (WINALL) symbol or a Lurch (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$200 (TWO HUN) appears in two of the “prize” areas and a prize symbol of \$10⁰⁰ (TEN DOL) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which a Gomez (WINALL) symbol, a Morticia (WINALL) symbol, a Fester (WINALL) symbol, a Cousin Itt (WINALL) symbol or a Lurch (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$100 (ONE HUN) appears in two of the “prize” areas, a prize symbol of \$50⁰⁰ (FIFTY) appears in four of the “prize” areas, a prize symbol of \$20⁰⁰ (TWENTY) appears in four of the “prize” areas and a prize symbol of \$10⁰⁰ (TEN DOL) appears in two of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

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

(n) Holders of tickets upon which a Thing (THING) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under that Thing (THING) symbol, on a single ticket, shall be entitled to a prize of \$200.

(o) Holders of tickets upon which a Gomez (WINALL) symbol, a Morticia (WINALL) symbol, a Fester (WINALL) symbol, a Cousin Itt (WINALL) symbol or a Lurch (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$50⁰⁰ (FIFTY) appears in two of the “prize” areas and a prize symbol of \$10⁰⁰ (TEN DOL) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(p) Holders of tickets upon which a Gomez (WINALL) symbol, a Morticia (WINALL) symbol, a Fester (WINALL) symbol, a Cousin Itt (WINALL) symbol or a Lurch (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$5⁰⁰ (FIV DOL) appears in ten of the “prize” areas, a prize symbol of \$100 (ONE HUN) appears in one of the “prize” areas and a prize

symbol of \$50⁰⁰ (FIFTY) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$200.

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

(r) Holders of tickets upon which a Thing (THING) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Thing (THING) symbol, on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets upon which a Gomez (WINALL) symbol, a Morticia (WINALL) symbol, a Fester (WINALL) symbol, a Cousin Itt (WINALL) symbol or a Lurch (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$20⁰⁰ (TWENTY) appears in two of the “prize” areas, a prize symbol of \$10⁰⁰ (TEN DOL) appears in two of the “prize” areas and a prize symbol of \$5⁰⁰ (FIV DOL) appears in eight of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(t) Holders of tickets upon which a Gomez (WINALL) symbol, a Morticia (WINALL) symbol, a Fester (WINALL) symbol, a Cousin Itt (WINALL) symbol or a Lurch (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$10⁰⁰ (TEN DOL) appears in eight of the “prize” areas and a prize symbol of \$5⁰⁰ (FIV DOL) appears in four of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

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

(v) Holders of tickets upon which a Potion (WIN50) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under that Potion (WIN50) symbol, on a single ticket, shall be entitled to a prize of \$50.

(w) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(x) Holders of tickets upon which a Thing (THING) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “prize” area under that Thing (THING) symbol, on a single ticket, shall be entitled to a prize of \$30.

(y) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(z) Holders of tickets upon which a Thing (THING) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under that Thing (THING) symbol, on a single ticket, shall be entitled to a prize of \$20.

(aa) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10^{.00} (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(bb) Holders of tickets upon which a Thing (THING) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$10^{.00} (TEN DOL) appears in the “prize” area under that Thing (THING) symbol, on a single ticket, shall be entitled to a prize of \$10.

(cc) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING

NUMBERS” play symbols and a prize symbol of \$5^{.00} (FIV DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(dd) Holders of tickets upon which a Thing (THING) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$5^{.00} (FIV DOL) appears in the “prize” area under that Thing (THING) symbol, on a single ticket, shall be entitled to a prize of \$5.

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

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets:</i>
\$5 w/ THING	\$5	15	400,000
\$5	\$5	20	300,000
\$5 × 2	\$10	150	40,000
(\$5 w/ THING) + \$5	\$10	100	60,000
(\$5 w/ THING) × 2	\$10	100	60,000
\$10 w/ THING	\$10	60	100,000
\$10	\$10	60	100,000
\$5 × 4	\$20	300	20,000
(((\$5 w/ THING) × 2) + (\$5 × 2))	\$20	200	30,000
(\$10 w/ THING) × 2	\$20	150	40,000
\$20 w/ THING	\$20	120	50,000
\$20	\$20	300	20,000
\$5 × 6	\$30	600	10,000
\$10 × 3	\$30	600	10,000
(((\$5 w/ THING) × 3) + (\$5 × 3))	\$30	600	10,000
(\$20 w/ THING) + (\$5 w/ THING) + \$5	\$30	600	10,000
(\$10 w/ THING) × 3	\$30	300	20,000
\$30 w/ THING	\$30	300	20,000
\$30	\$30	600	10,000
\$10 × 5	\$50	600	10,000
(((\$10 w/ THING) × 2) + (\$10 × 2) + (\$5 × 2))	\$50	600	10,000
(\$20 w/ THING) + (\$10 w/ THING) + (\$5 × 4)	\$50	600	10,000
(\$30 w/ THING) + (\$10 × 2)	\$50	600	10,000
\$50 w/ POTION	\$50	300	20,000
\$50	\$50	600	10,000
WINALL w/ (((\$10 × 8) + (\$5 × 4)))	\$100	1,000	6,000
WINALL w/ (((\$20 × 2) + (\$10 × 2) + (\$5 × 8)))	\$100	1,000	6,000
\$10 × 10	\$100	12,000	500
\$20 × 5	\$100	12,000	500
(((\$30 w/ THING) × 2) + (\$20 w/ THING) + (\$5 × 4))	\$100	6,000	1,000
(\$50 w/ POTION) + (((\$10 w/ THING) × 2) + (\$10 × 2) + (\$5 × 2))	\$100	6,000	1,000
(\$50 w/ POTION) + (\$30 w/ THING) + (\$5 × 4)	\$100	6,000	1,000
(\$50 w/ POTION) × 2	\$100	4,800	1,250

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets:</i>
\$100 w/ THING	\$100	6,000	1,000
\$100	\$100	12,000	500
WINALL w/ ((\$5 × 10) + \$100 + \$50)	\$200	6,000	1,000
WINALL w/ ((\$50 × 2) + (\$10 × 10))	\$200	6,000	1,000
\$50 × 4	\$200	60,000	100
(((\$50 w/ POTION) × 2) + (\$20 × 5))	\$200	12,000	500
(\$100 w/ THING) + (\$50 w/ POTION) + (\$5 × 10)	\$200	12,000	500
(\$50 w/ POTION) × 4	\$200	8,000	750
\$200 w/ THING	\$200	24,000	250
\$200	\$200	40,000	150
WINALL w/ ((\$100 × 2) + (\$50 × 4) + (\$20 × 4) + (\$10 × 2))	\$500	12,000	500
WINALL w/ ((\$200 × 2) + (\$10 × 10))	\$500	12,000	500
\$100 × 5	\$500	120,000	50
(\$50 w/ POTION) × 10	\$500	8,000	750
\$500 w/ THING	\$500	120,000	50
\$500	\$500	120,000	50
WINALL w/ ((\$200 × 2) + (\$100 × 5) + (\$20 × 5))	\$1,000	1,200,000	5
WINALL w/ ((\$200 × 3) + (\$100 × 2) + (\$50 × 2) + (\$20 × 5))	\$1,000	1,200,000	5
\$500 × 2	\$1,000	1,200,000	5
\$1,000 w/ THING	\$1,000	1,200,000	5
\$1,000	\$1,000	1,200,000	5
WINALL w/ ((\$1,000 × 2) + (\$500 × 4) + (\$200 × 4) + (\$100 × 2))	\$5,000	1,200,000	5
\$5,000 w/ THING	\$5,000	1,200,000	5
\$5,000	\$5,000	1,200,000	5
\$100,000	\$100,000	600,000	10

Reveal a “Thing” (THING) symbol, win prize shown under that symbol automatically.

Reveal a “Potion” (WIN50) symbol, win \$50 instantly!

Reveal a “WINALL” (WINALL) symbol, win all 12 prizes shown!

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

10. *Second-Chance Drawing:* The faBOOlous Second-Chance Drawing from the Pennsylvania Lottery for qualifying instant lottery game tickets (hereafter, the “Drawing”):

(a) *Qualifying Tickets:* Non-winning PA-1603 The Addams Family (\$5), PA-1604 Lucky #13 (\$2) and PA-1605 Ghost\$ and Goblin\$ (\$1) lottery game tickets are eligible for entry into the Drawing.

(b) *Participation and entry:*

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawing. To join the VIP Players Club, visit <https://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying

Ticket via the Drawing’s promotional web site, available at <https://www.palottery.com>, or the Pennsylvania Lottery’s official mobile application, during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. Entries will automatically be awarded at the time of successful submission of a Qualifying Ticket. No other method of submission will be accepted. Entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be submitted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information

from an unlimited number of Qualifying Tickets in the Drawing.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing description:*

(1) The Lottery will conduct one faBOOlous Second-Chance Drawing for qualifying instant lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. September 11, 2022, through 11:59:59 p.m. November 3, 2022, will be entered into the Drawing to be held between November 4, 2022 and November 21, 2022.

(3) The entry period for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(4) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered. The respective purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-1603 The Addams Family (\$5) = five entries, PA-1604 Lucky #13 (\$2) = two entries and PA-1605 Ghost\$ and Goblin\$ (\$1) = one entry.

(5) Players may review prizes won and their entries for the Drawing via the Drawing's promotional web site.

(d) *Prizes available to be won, determination of winners and odds of winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 10(e), or those mentioned anywhere else in these rules.

(2) Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 10(c)(2).

(i) The first and the second entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$50,000, less required income tax withholding.

(ii) The third through the seventh entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$10,000, less required income tax withholding.

(iii) The eighth through the thirty-first entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$1,000.

(iv) The thirty-second through the eighty-first entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(3) All prizes will be paid as a lump-sum cash payment or uploaded to a winning player's lottery account.

(4) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their lottery account and will receive an email notifying them that they won a prize.

(5) The number of winning entries to be selected for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(6) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(7) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Drawing restrictions:*

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile Lottery application failure or other technical issues. If a Drawing entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select another entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Pennsylvania Lottery, 9Rooftops Marketing, LLC (formerly known as MARC USA, LLC), MUSL, Scientific Games International, Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principal place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs or any other cause beyond the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Pennsylvania Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the Drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the same Drawing will be disqualified and a replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery Terms & Conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 10(d)(4). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

11. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell The Addams Family instant lottery game tickets.

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

13. *Unclaimed prize money:* For a period of 1 year from the announced close of The Addams Family, prize money from winning The Addams Family instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of The Addams Family instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

14. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

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

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 22-1396. Filed for public inspection September 9, 2022, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Ghost\$ and Goblin\$ Instant Lottery Game 1605

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Ghost\$ and Goblin\$ (hereafter "Ghost\$ and Goblin\$"). The game number is PA-1605.

2. *Price:* The price of a Ghost\$ and Goblin\$ instant lottery game ticket is \$1.

3. *Play symbols:* Each Ghost\$ and Goblin\$ instant lottery game ticket will contain one play area. The play symbols and their captions, located in the play area, are: Wings (WINGS) symbol, Witch Hat (HAT) symbol, Eyes (EYES) symbol, Black Cat (CAT) symbol, Viper (VIPER) symbol, Big Eyes (BIGEYES) symbol, Blob (BLOB) symbol, Owl (OWL) symbol, Full Moon (MOON) symbol, Bat (BAT) symbol, Spike (SPIKE) symbol, Big Mouth (BIGMOUTH) symbol, Cauldron (CAULDRON) symbol, Spots (SPOTS) symbol, Groovy (GROOVY) symbol, Spider (SPIDER) symbol, Pumpkin (PUMPKIN) symbol, Wink (WINK) symbol, Angry (ANGRY) symbol, Scared (SCARED) symbol, Bucktooth (BUCKTOOTH) symbol, Happy (HAPPY) symbol, Smile (SMILE) symbol, Toothy (TOOTHY) symbol, Ghost (GHOST) symbol and a Goblin (WIN10) symbol.

4. *Prize symbols:* The prize symbols and their captions, located in the play area, are: FREE (TICKET), \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$2,500 (TWYFIVHUN).

5. *Prizes:* The prizes that can be won in this game, are: Free \$1 Ticket, \$1, \$2, \$5, \$10, \$20, \$40, \$100, \$500 and \$2,500. A player can win up to four times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 5,400,000 tickets will be printed for the Ghost\$ and Goblin\$ instant lottery game.

7. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct a faBOOlous Second-Chance Drawing for which non-winning Ghost\$ and Goblin\$ instant lottery game tickets may be eligible as provided for in section 10.

8. *Determination of prize winners:*

(a) Holders of tickets upon which a Ghost (GHOST) symbol appears in the play area and a prize symbol of \$2,500 (TWYFIVHUN) appears in the "prize" area under that Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$2,500.

(b) Holders of tickets upon which a Ghost (GHOST) symbol appears in the play area and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under that Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets upon which a Ghost (GHOST) symbol appears in the play area and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under that Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets upon which a Ghost (GHOST) symbol appears in the play area and a prize symbol of

\$40.⁰⁰ (FORTY) appears in the “prize” area under that Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$40.

(e) Holders of tickets upon which a Ghost (GHOST) symbol appears in the play area and a prize symbol of \$20.⁰⁰ (TWENTY) appears in the “prize” area under that Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$20.

(f) Holders of tickets upon which a Ghost (GHOST) symbol appears in the play area and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in the “prize” area under that Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$10.

(g) Holders of tickets upon which a Goblin (WIN10) symbol appears in the play area and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in the “prize” area under that Goblin (WIN10) symbol, on a single ticket, shall be entitled to a prize of \$10.

(h) Holders of tickets upon which a Ghost (GHOST) symbol appears in the play area and a prize symbol of \$5.⁰⁰ (FIV DOL) appears in the “prize” area under that Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$5.

(i) Holders of tickets upon which a Ghost (GHOST) symbol appears in the play area and a prize symbol of \$2.⁰⁰ (TWO DOL) appears in the “prize” area under that Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$2.

(j) Holders of tickets upon which a Ghost (GHOST) symbol appears in the play area and a prize symbol of \$1.⁰⁰ (ONE DOL) appears in the “prize” area under that Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$1.

(k) Holders of tickets upon which a Ghost (GHOST) symbol appears in the play area and a prize symbol of FREE (TICKET) appears in the “prize” area under that Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of one Ghost\$ and Goblin\$ instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

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

<i>Reveal A “Ghost” (GHOST) Symbol, Win Prize Shown Under That Symbol. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,400,000 Tickets:</i>
FREE	FREE \$1 TICKET	9.52	567,000
\$1 × 2	\$2	33.33	162,000
\$2	\$2	33.33	162,000
(\$1 × 3) + \$2	\$5	100	54,000
(\$2 × 2) + \$1	\$5	100	54,000
\$5	\$5	90.91	59,400
\$5 × 2	\$10	1,000	5,400
(\$2 × 2) + \$5 + \$1	\$10	1,000	5,400
\$10 w/ GOBLIN	\$10	66.67	81,000
\$10	\$10	1,000	5,400
\$5 × 4	\$20	12,000	450
\$10 × 2	\$20	12,000	450
(\$10 w/ GOBLIN) + (\$5 × 2)	\$20	1,200	4,500
(\$10 w/ GOBLIN) × 2	\$20	923.08	5,850
\$20	\$20	12,000	450
\$10 × 4	\$40	24,000	225
\$20 × 2	\$40	24,000	225
(((\$10 w/ GOBLIN) × 2) + (\$10 × 2)	\$40	6,000	900
(\$10 w/ GOBLIN) × 4	\$40	6,000	900
\$40	\$40	24,000	225
(\$20 × 3) + \$40	\$100	24,000	225
(((\$10 w/ GOBLIN) × 2) + (\$40 × 2)	\$100	15,000	360
\$100	\$100	24,000	225
\$500	\$500	540,000	10
\$2,500	\$2,500	540,000	10

Reveal a “Goblin” (WIN10) symbol, win \$10 instantly!

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

10. *Second-Chance Drawing*: The faBOOlous Second-Chance Drawing from the Pennsylvania Lottery for qualifying instant lottery game tickets (hereafter, the "Drawing"):

(a) *Qualifying Tickets*: Non-winning PA-1603 The Addams Family (\$5), PA-1604 Lucky #13 (\$2) and PA-1605 Ghost\$ and Goblin\$ (\$1) lottery game tickets are eligible for entry into the Drawing.

(b) *Participation and entry*:

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawing. To join the VIP Players Club, visit <https://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional web site, available at <https://www.palottery.com>, or the Pennsylvania Lottery's official mobile application, during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. Entries will automatically be awarded at the time of successful submission of a Qualifying Ticket. No other method of submission will be accepted. Entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be submitted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing description*:

(1) The Lottery will conduct one faBOOlous Second-Chance Drawing for qualifying instant lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. September 11, 2022, through 11:59:59 p.m. November 3, 2022, will be entered into the Drawing to be held between November 4, 2022 and November 21, 2022.

(3) The entry period for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(4) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered. The respective purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-1603 The Addams Family (\$5) = five entries, PA-1604 Lucky #13 (\$2) = two entries and PA-1605 Ghost\$ and Goblin\$ (\$1) = one entry.

(5) Players may review prizes won and their entries for the Drawing via the Drawing's promotional web site.

(d) *Prizes available to be won, determination of winners and odds of winning*:

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 10(e), or those mentioned anywhere else in these rules.

(2) Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 10(c)(2).

(i) The first and the second entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$50,000, less required income tax withholding.

(ii) The third through the seventh entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$10,000, less required income tax withholding.

(iii) The eighth through the thirty-first entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$1,000.

(iv) The thirty-second through the eighty-first entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(3) All prizes will be paid as a lump-sum cash payment or uploaded to a winning player's lottery account.

(4) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their lottery account and will receive an email notifying them that they won a prize.

(5) The number of winning entries to be selected for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(6) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(7) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Drawing restrictions*:

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile Lottery application failure or other technical issues. If a Drawing entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select another entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Pennsylvania Lottery, 9Rooftops Marketing, LLC (formerly known as MARC USA, LLC), MUSL, Scientific Games International, Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principal place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs or any other cause beyond the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Pennsylvania Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the Drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the same Drawing will be disqualified and a replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery Terms & Conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 10(d)(4). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

11. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Ghost\$ and Goblin\$ instant lottery game tickets.

12. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a

winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

13. *Unclaimed prize money:* For a period of 1 year from the announced close of Ghost\$ and Goblin\$, prize money from winning Ghost\$ and Goblin\$ instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of Ghost\$ and Goblin\$ instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

14. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

15. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Ghost\$ and Goblin\$ or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 22-1397. Filed for public inspection September 9, 2022, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Lucky #13 Instant Lottery Game 1604

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Lucky #13 (hereafter "Lucky #13"). The game number is PA-1604.

2. *Price:* The price of a Lucky #13 instant lottery game ticket is \$2.

3. *Play symbols:* Each Lucky #13 instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions, located in the "WINNING NUMBERS" area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8

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

4. *Prize Symbols:* The prize symbols and their captions, located in the "YOUR NUMBERS" area, are: \$2^{.00} (TWO DOL), \$3^{.00} (THR DOL), \$5^{.00} (FIV DOL), \$10^{.00} (TEN DOL), \$13^{.00} (THIRTEEN), \$20^{.00} (TWENTY), \$50^{.00} (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$1,000 (ONE THO) and \$13,000 (THRTNTHO).

5. *Prizes:* The prizes that can be won in this game, are: \$2, \$3, \$5, \$10, \$13, \$20, \$50, \$100, \$200, \$1,000 and \$13,000. A player can win up to nine times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 5,400,000 tickets will be printed for the Lucky #13 instant lottery game.

7. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct a faBOolous Second-Chance Drawing for which non-winning Lucky #13 instant lottery game tickets may be eligible as provided for in section 10.

8. *Determination of prize winners:*

(a) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "WINNING NUMBERS" play symbols and a prize symbol of \$13,000 (THRTNTHO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$13,000.

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

(c) Holders of tickets upon which a 13 (THRTN) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under that 13 (THRTN) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which a Cat (WINALL) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$200 (TWO HUN) appears in three of the "prize" areas, a prize symbol of \$100 (ONE HUN) appears in two of the "prize" areas and a prize symbol of \$50^{.00} (FIFTY) appears in four of the "prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which a Cat (WINALL) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$200 (TWO HUN) appears in two of the "prize" areas, a prize symbol of \$100 (ONE HUN) appears in five of the "prize" areas and a prize symbol of \$50^{.00} (FIFTY) appears in two of the "prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears in the "prize" area under the

matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(g) Holders of tickets upon which a 13 (THRTN) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$200 (TWO HUN) appears in the "prize" area under that 13 (THRTN) symbol, on a single ticket, shall be entitled to a prize of \$200.

(h) Holders of tickets upon which a Cat (WINALL) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$50^{.00} (FIFTY) appears in two of the "prize" areas, a prize symbol of \$20^{.00} (TWENTY) appears in four of the "prize" areas, a prize symbol of \$5^{.00} (FIV DOL) appears in two of the "prize" areas and a prize symbol of \$10^{.00} (TEN DOL) appears in one of the "prize" areas, on a single ticket, shall be entitled to a prize of \$200.

(i) Holders of tickets upon which a Cat (WINALL) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$20^{.00} (TWENTY) appears in seven of the "prize" areas, a prize symbol of \$50^{.00} (FIFTY) appears in one of the "prize" areas and a prize symbol of \$10^{.00} (TEN DOL) appears in one of the "prize" areas, on a single ticket, shall be entitled to a prize of \$200.

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

(k) Holders of tickets upon which a 13 (THRTN) symbol appears in the "YOUR NUMBERS" area and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under that 13 (THRTN) symbol, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which a Cat (WINALL) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$20^{.00} (TWENTY) appears in three of the "prize" areas, a prize symbol of \$10^{.00} (TEN DOL) appears in three of the "prize" areas, a prize symbol of \$5^{.00} (FIV DOL) appears in one of the "prize" areas, a prize symbol of \$3^{.00} (THR DOL) appears in one of the "prize" areas and a prize symbol of \$2^{.00} (TWO DOL) appears in one of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which a Cat (WINALL) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$13^{.00} (THIRTEEN) appears in five of the "prize" areas, a prize symbol of \$10^{.00} (TEN DOL) appears in three of the "prize" areas and a prize symbol of \$5^{.00} (FIV DOL) appears in one of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which a Cat (WINALL) symbol appears in the "YOUR NUMBERS" area, and a prize symbol of \$10^{.00} (TEN DOL) appears in two of the "prize" areas, a prize symbol of \$5^{.00} (FIV DOL) appears in six of the "prize" areas and a prize symbol of \$50^{.00} (FIFTY) appears in one of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(o) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match either of the "WINNING NUMBERS" play symbols and a prize symbol of \$50^{.00} (FIFTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets upon which a 13 (THRTN) symbol appears in the "YOUR NUMBERS" area and a prize

symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under that 13 (THRTN) symbol, on a single ticket, shall be entitled to a prize of \$50.

(q) Holders of tickets upon which a Cat (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in two of the “prize” areas, a prize symbol of \$5⁰⁰ (FIV DOL) appears in five of the “prize” areas, a prize symbol of \$3⁰⁰ (THR DOL) appears in one of the “prize” areas and a prize symbol of \$2⁰⁰ (TWO DOL) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$50.

(r) Holders of tickets upon which a Cat (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in eight of the “prize” areas and a prize symbol of \$10⁰⁰ (TEN DOL) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$50.

(s) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(t) Holders of tickets upon which a 13 (THRTN) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under that 13 (THRTN) symbol, on a single ticket, shall be entitled to a prize of \$20.

(u) Holders of tickets upon which a Cat (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$3⁰⁰ (THR DOL) appears in two of the “prize” areas and a prize symbol of \$2⁰⁰ (TWO DOL) appears in seven of the “prize” areas, on a single ticket, shall be entitled to a prize of \$20.

(v) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$13⁰⁰ (THRTN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$13.

(w) Holders of tickets upon which a 13 (THRTN) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$13⁰⁰ (THIRTEEN) appears in the “prize” area under that 13 (THRTN) symbol, on a single ticket, shall be entitled to a prize of \$13.

(x) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING

NUMBERS” play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(y) Holders of tickets upon which a 13 (THRTN) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “prize” area under that 13 (THRTN) symbol, on a single ticket, shall be entitled to a prize of \$10.

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

(aa) Holders of tickets upon which a 13 (THRTN) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “prize” area under that 13 (THRTN) symbol, on a single ticket, shall be entitled to a prize of \$5.

(bb) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$3⁰⁰ (THR DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$3.

(cc) Holders of tickets upon which a 13 (THRTN) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$3⁰⁰ (THR DOL) appears in the “prize” area under that 13 (THRTN) symbol, on a single ticket, shall be entitled to a prize of \$3.

(dd) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match either of the “WINNING NUMBERS” play symbols and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2.

(ee) Holders of tickets upon which a 13 (THRTN) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the “prize” area under that 13 (THRTN) symbol, on a single ticket, shall be entitled to a prize of \$2.

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

<i>When Any Of YOUR NUMBERS Match Either WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,400,000 Tickets:</i>
\$2 w/ 13 SYMBOL	\$2	13.64	396,000
\$2	\$2	50	108,000
\$3 w/ 13 SYMBOL	\$3	25	216,000
\$3	\$3	71.43	75,600
\$3 + \$2	\$5	150	36,000
\$5 w/ 13 SYMBOL	\$5	50	108,000
\$5	\$5	125	43,200
\$2 × 5	\$10	1,500	3,600

<i>When Any Of YOUR NUMBERS Match Either WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,400,000 Tickets:</i>
\$5 × 2	\$10	1,500	3,600
(((\$2 w/ 13 SYMBOL) × 4) + \$2	\$10	750	7,200
(\$5 w/ 13 SYMBOL) × 2	\$10	500	10,800
\$10 w/ 13 SYMBOL	\$10	150	36,000
\$10	\$10	1,500	3,600
\$10 + \$3	\$13	1,500	3,600
\$13 w/ 13 SYMBOL	\$13	55.56	97,200
\$13	\$13	1,500	3,600
CAT w/ ((\$3 × 2) + (\$2 × 7))	\$20	150	36,000
(\$13 w/ 13 SYMBOL) + (\$5 w/ 13 SYMBOL) + (\$2 w/ 13 SYMBOL)	\$20	1,500	3,600
\$20 w/ 13 SYMBOL	\$20	1,500	3,600
\$20	\$20	1,500	3,600
CAT w/ ((\$5 × 8) + \$10)	\$50	774.19	6,975
CAT w/ ((\$10 × 2) + (\$5 × 5) + \$3 + \$2)	\$50	774.19	6,975
(\$5 × 4) + \$20 + \$10	\$50	12,000	450
(\$10 w/ 13 SYMBOL) × 5	\$50	2,400	2,250
\$50 w/ 13 SYMBOL	\$50	12,000	450
\$50	\$50	12,000	450
CAT w/ ((\$10 × 2) + (\$5 × 6) + \$50)	\$100	12,000	450
CAT w/ ((\$13 × 5) + (\$10 × 3) + \$5)	\$100	12,000	450
CAT w/ ((\$20 × 3) + (\$10 × 3) + \$5 + \$3 + \$2)	\$100	12,000	450
(\$20 w/ 13 SYMBOL) × 5	\$100	24,000	225
\$100 w/ 13 SYMBOL	\$100	24,000	225
\$100	\$100	60,000	90
CAT w/ ((\$20 × 7) + \$50 + \$10)	\$200	40,000	135
CAT w/ ((\$50 × 2) + (\$20 × 4) + (\$5 × 2) + \$10)	\$200	40,000	135
(\$100 w/ 13 SYMBOL) × 2	\$200	120,000	45
\$200 w/ 13 SYMBOL	\$200	120,000	45
\$200	\$200	120,000	45
CAT w/ ((\$200 × 2) + (\$100 × 5) + (\$50 × 2))	\$1,000	540,000	10
CAT w/ ((\$200 × 3) + (\$100 × 2) + (\$50 × 4))	\$1,000	540,000	10
\$1,000 w/ 13 SYMBOL	\$1,000	540,000	10
\$1,000	\$1,000	540,000	10
\$13,000	\$13,000	540,000	10

Reveal a "13" (THRTN) symbol, win prize shown under that symbol automatically.

Reveal a "CAT" (WINALL) symbol, win all 9 prizes shown!

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

10. *Second-Chance Drawing:* The faBOOlous Second-Chance Drawing from the Pennsylvania Lottery for qualifying instant lottery game tickets (hereafter, the "Drawing"):

(a) *Qualifying Tickets:* Non-winning PA-1603 The Addams Family (\$5), PA-1604 Lucky #13 (\$2) and PA-1605 Ghost\$ and Goblin\$ (\$1) lottery game tickets are eligible for entry into the Drawing.

(b) *Participation and entry:*

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawing. To join the VIP Players Club, visit <https://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional web site, available

at <https://www.palottery.com>, or the Pennsylvania Lottery's official mobile application, during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. Entries will automatically be awarded at the time of successful submission of a Qualifying Ticket. No other method of submission will be accepted. Entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be submitted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing description:*

(1) The Lottery will conduct one faBOOlous Second-Chance Drawing for qualifying instant lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. September 11, 2022, through 11:59:59 p.m. November 3, 2022, will be entered into the Drawing to be held between November 4, 2022 and November 21, 2022.

(3) The entry period for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(4) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered. The respective purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-1603 The Addams Family (\$5) = five entries, PA-1604 Lucky #13 (\$2) = two entries and PA-1605 Ghost\$ and Goblin\$ (\$1) = one entry.

(5) Players may review prizes won and their entries for the Drawing via the Drawing's promotional web site.

(d) *Prizes available to be won, determination of winners and odds of winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 10(e), or those mentioned anywhere else in these rules.

(2) Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 10(c)(2).

(i) The first and the second entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$50,000, less required income tax withholding.

(ii) The third through the seventh entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$10,000, less required income tax withholding.

(iii) The eighth through the thirty-first entries selected in the Drawing will be winning entries and the entrants who submitted those winning entries shall each be entitled to a prize of \$1,000.

(iv) The thirty-second through the eighty-first entries selected in the Drawing will be winning entries and the

entrants who submitted the winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(3) All prizes will be paid as a lump-sum cash payment or uploaded to a winning player's lottery account.

(4) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their lottery account and will receive an email notifying them that they won a prize.

(5) The number of winning entries to be selected for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(6) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(7) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Drawing restrictions:*

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile Lottery application failure or other technical issues. If a Drawing entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select another entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Pennsylvania Lottery, 9Rooftops Marketing, LLC (formerly known as MARC USA, LLC), MUSL, Scientific Games International, Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principal place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs or any other cause beyond the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Pennsylvania Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the Drawing in which the prize was won, the right of an

entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the same Drawing will be disqualified and a replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery Terms & Conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 10(d)(4). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

11. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Lucky #13 instant lottery game tickets.

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

13. *Unclaimed prize money:* For a period of 1 year from the announced close of Lucky #13, prize money from winning Lucky #13 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Lucky #13 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will

be paid into the State Lottery Fund and used for purposes provided for by statute.

14. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

15. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Lucky #13 or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 22-1398. Filed for public inspection September 9, 2022, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Multimodal Transportation Fund; Invitation to Submit Applications

The Department of Transportation (Department) is providing notice to eligible applicants that it will accept Multimodal Transportation Fund (MTF) applications starting September 12, 2022, under 74 Pa.C.S. § 2105 (relating to project selection criteria), which establishes a competitive grant program for the MTF. The deadline for application submittal is November 14, 2022.

Additional information, guidelines and frequently asked questions can be obtained on the Department's web site at www.penndot.gov (select "Projects & Programs" then "Multimodal Program").

Applications should be submitted electronically through the Electronic Single Application for assistance at <https://www.esa.dced.state.pa.us/Login.aspx>.

Questions related to the MTF Program may be directed to David Bratina, PennDOT Office of Multimodal Transportation, 400 North Street, 8th Floor, Harrisburg, PA 17120, (717) 705-1230, RA-PDMultimodalFund@pa.gov.

YASSMIN GRAMIAN,
Secretary

[Pa.B. Doc. No. 22-1399. Filed for public inspection September 9, 2022, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Meeting Cancellation

The September 13, 2022, meeting of the Environmental Quality Board (Board) is cancelled. The next regular meeting of the Board is tentatively scheduled for Wednesday, October 12, 2022. The meeting will begin at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Individuals may attend the meeting in person or remotely.

Information on how to join the meeting remotely, as well as agenda and meeting materials, will be available on the Board's webpage, found through the Public Partici-

pation tab on the Department of Environmental Protection's (Department) web site at 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 October 12, 2022, meeting can be directed to Laura Griffin at 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, P.E.,
Chairperson

[Pa.B. Doc. No. 22-1400. Filed for public inspection September 9, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Acquire Control of R&Q Reinsurance Company

Brickell PC Insurance Holdings, LLC, a Delaware domiciled limited liability company, MTCP, LLC, a Delaware domiciled limited liability company and Steven W. Pasko have filed an application to acquire control of R&Q Reinsurance Company, a Commonwealth domiciled stock casualty insurance company. The filing was received on August 22, 2022, and was made under the requirements of Article XIV of The Insurance Company Law of 1921 (40 P.S. §§ 991.1401—991.1413).

Persons wishing to comment on this acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements must be e-mailed to Lori Rumpf, lrumpf@pa.gov. Comments received will be part of the public record regarding the filing and will be forwarded to the applicant for appropriate response.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-1401. Filed for public inspection September 9, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Capital Advantage Assurance Company; (CABC-133363175) Individual PPO—Transitional Filing; Rate Filing

Capital Advantage Assurance Company submitted a rate filing to increase the premium rates for its individual PPO transitional plans. The filing proposes a rate in-

crease of 2.87% and will affect approximately 2,200 members effective on January 1, 2023.

Unless formal administrative action is taken prior to November 25, 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. To view this filing click on the "Consumers" tab, then select "Consumers" then select "Product Notices" under "Resources."

Interested parties are invited to submit written or e-mail comments, suggestions or objections to James Laverty, Insurance Department, Insurance Product Regulation, 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. 22-1402. Filed for public inspection September 9, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Metropolitan Life Insurance Company; (SERFF # META-133381886) Rate Increase Filing for Several LTC Forms; Rate Filing

Metropolitan Life Insurance Company is requesting to increase the premium an aggregate 35.38% on 138 policyholders of Metropolitan Life Insurance Company forms LTC2007-PA and LTC2007-ML-PA.

Unless formal administrative action is taken prior to November 25, 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. To view these filing notices, hover the cursor over the word "Consumers" tab, then select "Pending Long Term Care Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-1403. Filed for public inspection September 9, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Joseph Brian Yeck; License Denial Appeal; Doc. No. AG22-08-021

Under Article VI-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.1—310.99a), Joseph Brian Yeck has appealed the denial of the application for a 1033 Written Waiver to engage in the business of insurance. The proceedings in this matter will be governed by 2 Pa.C.S.

§§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure).

A prehearing telephone conference initiated by this office is scheduled for October 17, 2022, at 2 p.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before October 14, 2022. A hearing will occur on November 2, 2022, at 9:30 a.m. in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA.

Protests, petitions to intervene or notices of intervention, if any, must be electronically filed on or before October 3, 2022. The e-mail address to be used for the Administrative Hearings Office will be ra-hearings@pa.gov. Answers to protests, petitions to intervene or notices of intervention, if any shall be electronically filed on or before October 14, 2022.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodations to participate in the hearing, contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-1404. Filed for public inspection September 9, 2022, 9:00 a.m.]

**PENNSYLVANIA INFRASTRUCTURE
INVESTMENT AUTHORITY
DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

**Environmental Assessment Approval for PENNVEST
Funding Consideration**

Scope: Clean Water and Drinking Water State Revolving Fund Projects for October 19, 2022, Pennsylvania Infrastructure Investment Authority (PENNVEST) Board meeting consideration

Description: PENNVEST, which administers the Commonwealth’s Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF), is intended to be the funding source for the following projects. The Department of Environmental Protection’s (Department) review of these projects, and the information received in the Environmental Report for these projects, has not identified any significant, adverse environmental impact resulting from any of the proposed projects. The Department hereby approves the Environmental Assessment for each project. If no significant comments are received during this comment period, the Environmental Assessment will be considered approved and funding for the project will be considered by PENNVEST.

To be considered, the Department must receive comments on this approval on or by Tuesday, October 11, 2022. Comments, including comments submitted by e-mail must include the commentator’s name and address. Commentators are encouraged to submit comments

using the Department’s online eComment tool at www.ahs.dep.pa.gov/eComment. Written comments can also be submitted by e-mail to ecomment@pa.gov or by mail to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use “PENNVEST SRF-Environmental Assessment” as the subject line in written communication.

For more information about the approval of the following Environmental Assessments or the Clean Water and Drinking Water State Revolving Loan Programs contact Richard Wright, Bureau of Clean Water, Department of Environmental Protection, P.O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-4059, riwright@pa.gov, or visit the Department’s web site at www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance/Pages/default.aspx.

Comments received during the comment period, along with the Department’s comment and response document will be available on the Department’s web site at www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance/Pages/EnvironmentalReview.aspx.

Upon approval, the full list of approved projects and their costs can be found in a press release on PENNVEST’s web site at www.pennvest.pa.gov.

CWSRF Projects Being Considered:

<i>Applicant:</i>	Borough of Ellwood City
<i>County:</i>	Lawrence
<i>Applicant Address:</i>	525 Lawrence Avenue Ellwood City, PA 16117

Project Description: This project includes the elimination of a large portion of a deteriorating 18-inch interceptor by rerouting the flow from the 2nd Street siphon to a new pump station (PS). A new 18-inch force main will convey sewage to a manhole at the old wastewater treatment plant (WWTP) site. The existing primary lift station will convey the sewage from the old WWTP site to the existing WWTP. Approximately 4,585 linear feet of sewer is being abandoned and replaced.

Problem Description: The existing 2nd Street siphon includes both an 8-inch and 10-inch line that cross the Connoquenessing Creek. The sewage collected by the 2nd Street siphon discharges into an 18-inch main interceptor that runs alongside a steep hillside above the Connoquenessing Creek. This interceptor is inaccessible and in disrepair with exposed and cracked clay pipe, exposed and broken cast iron pipe, deteriorating joints and exposed aerial pipe on eroding stanchions with some sections of pipe no longer connected to the stanchions.

<i>Applicant:</i>	Jenner Area Joint Sewer Authority
<i>County:</i>	Somerset
<i>Applicant Address:</i>	102 Saylor Street Jennerstown, PA 15547

Project Description: Jenner Area Joint Sewer Authority (JAJSA) is proposing to modify the existing sewage treatment plant by converting the existing treatment mode from contact stabilization activated sludge to combined carbon oxidation-nitrification activated sludge and to upgrade existing facilities. The project includes installing a new grinder, auger screen and grit removal as well as converting existing digester tanks to aeration tanks.

Also included is the installation of new digester tanks, new emergency generator and new alkalinity feed system, chlorination and dechlorination chemical feed systems.

Problem Description: In January of 2017, the JAJSA received a notice of violation from the Department for unauthorized discharges at the WWTP. The letter noted nine violations relating to fecal coliform and ammonia nitrogen being in excess of the WWTP's National Pollution Discharge Elimination System effluent discharge limits between 2015 and 2016. The JAJSA was charged a penalty for the noted violations and in response has decided to explore options to upgrade or modify the WWTP, or both, to prevent reoccurring permit violations.

<i>Applicant:</i>	South Centre Township
<i>County:</i>	Columbia
<i>Applicant Address:</i>	6260 4th Street Bloomsburg, PA 17815

Project Description: This is phase 1 of a two-phase project. phase 1 consists of a new 384,000 gallon per day sewage treatment plant operating the Hybrid Bardenpho Process and utilizing ultraviolet disinfection along with associated appurtenances as well as an all gravity collection system servicing a portion of the township centered around the Village of Lime Ridge. The approximate quantities of collection system are 3,450 linear feet of 15-inch, 5,650 linear feet of 12-inch, 15,750 linear feet of 8-inch and 5,550 linear feet of 6-inch polyvinyl chloride gravity sewer and laterals along with 75 concrete manholes of varying depths. Approximately 234 residential units will be served by this phase 1 project.

Problem Description: South Centre Township (Township) is located along a major transportation corridor at the intersection of Interstate 80 and US Route 11. Public sewer service does not exist in the Township. A needs survey of on-lot systems conducted throughout the Township identified a confirmed malfunction rate of 13% and a suspected malfunction rate of 37%. Additionally, some of the six private WWTP located in the Township are nearing the end of their useful life.

DWSRF Projects Being Considered:

<i>Applicant:</i>	Haines-Aaronsburg Municipal Authority
<i>County:</i>	Centre
<i>Applicant Address:</i>	P.O. Box 254 Aaronsburg, PA 16820

Project Description: Haines-Aaronsburg Municipal Authority's (HAMA) proposed project will be located primarily at the existing water treatment plant (WTP) in the Village of Aaronsburg, Haines Township, Centre County. The existing WTP is located on Water Gap Road. Other areas of the project include distribution main replacements throughout the distribution system in the Village of Aaronsburg; Well No. 8 miscellaneous construction near Duncan Street in the Village of Aaronsburg; and transmission main installation throughout the Village of Aaronsburg and up to the WTP. The WTP portion of the project will involve installing new microfiltration membranes to replace the existing diatomaceous earth filters.

Problem Description: In September 2020, the Department-issued HAMA a consent order and agreement to resolve deficiencies at the WTP and to continue with the full project as described in the Department-approved feasibility study. This project will resolve the identified issues at the existing WTP. The project will also allow HAMA to have more reliable sources of water with Well No. 8 coming online. The membrane microfiltration plant will allow HAMA to operate the WTP more effectively and reliably.

<i>Applicant:</i>	Hazleton City Authority
<i>County:</i>	Luzerne
<i>Applicant Address:</i>	400 East Arthur Gardner Parkway Hazleton, PA 18201

Project Description: The Hazleton City Authority (HCA) proposes the construction of a finished water booster pumping station. It will be a packaged modular steel unit comprised of: an insulated building with four 100 horse power, horizontal split case type pumps, three duty and one standby, with variable frequency drives and automatic control system with a supervisory control and data acquisition (SCADA) system integration. Pump capacity is specified at 1,500 gallons per minute at 173 feet total dynamic head. Additional equipment to be provided in the booster station include a magnetic flow meter, valves, lighting, ventilation and wall mounted heating, ventilation and air conditioning units. The pumping station will comply with requirements specified in the Department's Public Water Supply Manual Part II Community System Design Standards (DEP ID: 383-2125-108). An emergency standby generator is proposed for providing electrical power in the event of the loss of utility power to the station. A bypass line for the booster station is also proposed. This bypass will include a normally closed gate valve. In case of a catastrophic or other failure of the booster station, this gate valve can be opened to bypass the booster station to maintain positive system pressure until such time that the booster station (or alternate means) is placed back online. The installation of approximately 100 feet of 16—20-inch pipe is proposed for the suction and discharge lines to connect the proposed station to HCA's existing distribution system.

Problem Description: The HCA owns and operates a public water supply system, which serves the residents and commercial establishments in and around Hazle Township, Luzerne County. Based on a recent feasibility study conducted by HCA, to provide adequate supply and pressure to existing and proposed customers on the western side of HCA's distribution system, a finished water booster pumping station with all necessary appurtenances is proposed. It is to be located near the intersection of State Route 424 and State Route 309 in Hazle Township, Luzerne County. The new booster station will enable HCA to adequately operate and maintain the public water supply system and provide adequate system pressure and supply to its existing and proposed customers.

<i>Applicant:</i>	Linesville Borough
<i>County:</i>	Crawford
<i>Applicant Address:</i>	103 West Erie Street Linesville, PA 16424

Project Description: Linesville Borough (Borough) proposes various updates to the existing sources of water

supply, pumping systems, storage reservoirs and disinfection systems at the Penn Street and Bunday Street sites. The Penn Street project includes a new PS, disinfection unit, distribution pumps, electrical and plumbing work, emergency backup generator and new SCADA system. A new tank mixer will be installed in the airport tank. The improvements to the Borough garage site include the relocation of the main reservoir and PS out of the flood-zone area. The Homestead Avenue water line extension will provide a loop into the distribution system.

Problem Description: The Penn Street pumps are in a pit below ground-level and exposed to damage by flooding. A SCADA system has to be located in this PS to monitor Penn Street water system components. The airport tank has no mixer to prevent ice build-up that could potentially interfere with level sensors, damage the tank coating or prevent water stagnation that might lead to the formation of disinfection by-products. There is no flow meter on each source that feeds the PS and there is no backup generator. The Borough garage which contains a storage tank, built in 1908, and PS, built in 1926, is located in a flood zone exposing it to water damage including contamination and pipe, pump and electrical control damage. In addition, the structural integrity of the building could be damaged due to flooding. Finally, the distribution system is not looped.

<i>Applicant:</i>	Walker Township Water Association
<i>County:</i>	Centre
<i>Applicant Address:</i>	250 Nittany Valley Drive Bellefonte, PA 16823

Project Description: Walker Township Water Association’s (WTWA) proposed project will be located within Walker Township, Centre County. This project involves the construction of an above-ground booster station to convey potable water from the Snyderstown pressure zone to the Hecla/Zion pressure zone, relocation of the Dietrich Road pressure reducing valve, installation of booster chlorination treatment and replacement of approximately 26,000 linear feet of water line. A flowmeter shall be installed along with two booster pumps which will have variable frequency drives. The booster chlorination treatment system shall consist of a chemical feed pump, chlorine analyzer and 55-gallon solution storage tank. Appurtenances include check valves, gate valves, piping, control panel with a SCADA system, pressure transmitter and pressure gauges.

Problem Description: The Hecla well experiences seasonal low groundwater levels that approach the upper water bearing zone, causing peaks in turbidity and unreliable capacity. The WTWA has already taken serious measures over the past 5 years to address the issue, including the implementation of a system wide SCADA project to provide constant water level and pump flow rate monitoring, installation of a low-level automatic shut-off switch and overall system operation modifications. However, the WTWA recognizes that the Hecla well remains an unreliable source to meet the future demands of the system. The Susquehanna River Basin Commission (SRBC) is imposing a combined sub-system limit on these two wells, which was based on the reevaluated sustainable rate from the Hecla well during drought periods. The current and projected system demand within areas served by these two wells will significantly exceed the final combined sub-system withdrawal limit. The SRBC has

provided a 5-year interim limit to allow the WTWA to make necessary changes.

RAMEZ ZIADEH, P.E.,
Acting Secretary
Department of Environmental Protection

BRION JOHNSON,
Executive Director
Pennsylvania Infrastructure Investment Authority

[Pa.B. Doc. No. 22-1405. Filed for public inspection September 9, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security, Insufficient Financial Security Amount or Language

Public Meeting held
August 25, 2022

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

*Electric Generation Supplier License Cancellations of
Companies with an Expired Financial Security,
Insufficient Financial Security Amount or Language;
M-2022-3030286*

Tentative Order

By the Commission:

The Commission’s regulations at 52 Pa. Code § 54.40(a) state that an Electric Generation Supplier (EGS) license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. In addition, 52 Pa. Code § 54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a bond or other approved security in the amount directed by the Commission has been obtained.

Each EGS must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120, prior to the EGS’s current security expiration date. Each financial instrument must be an original document that displays a “wet” signature or digital signature, preferably in blue ink, and displays a “raised seal” or original notary stamp. The name of the principal on the original financial instrument must match exactly with the name that appears on the EGS’s license issued by the Commission.

Failure to file before the financial security’s expiration date may cause Commission staff to initiate a formal proceeding that may lead to the following: cancellation of each company’s electric supplier license, removal of each company’s information from the Commission’s website, and notification to all electric distribution companies, in which each company is licensed to do business, of the cancellation of the license.

As of August 16, 2022, each EGS listed in the Supplier Table below has not provided proof to the Commission that it has a bond or other approved security in the amount or language directed by the Commission, to replace a bond which is expired, or which is non-compliant with Commission regulations.

Supplier Table—List of Electric Generation Suppliers

<i>Docket Number</i>	<i>Company Name</i>	<i>Financial Security Expiration Date</i>	<i>Commission Approved Amount or Language</i>
A-2018-3004325	BIG BANG ENERGY GROUP, LLC	8/14/2022	Yes
A-2014-2438483*	EDF ENERGY SERVICES, LLC	7/25/2022	No
A-2010-2197893	ENERGY CONSULTANTS, LLC	7/28/2022	Yes
A-2018-3004886*	PILOT POWER GROUP, LLC	7/6/2022	No
A-2014-2452791*	STAR ENERGY PARTNERS, LLC	7/31/2022	Yes

*Taking title to electricity

As part of its EGS license validation procedures, the Commission's Bureau of Technical Utility Services sent a 90-day Security Renewal Notice email to each entity in the Supplier Table above stating that original documentation of a bond, or other approved security in the amount or language directed by the Commission, must be filed within 30-days prior to each entity's security expiration date. None of the companies listed in the Supplier Table provided the required documentation.

Based on the above facts, we tentatively conclude that the EGSs listed in the Supplier Table are not in compliance with 52 Pa. Code § 54.40(a) and (d) and therefore it is appropriate to initiate the cancellation process for the EGS license of each company listed in the Supplier Table, without the necessity of a formal complaint, as being in the public interest; *Therefore,*

It Is Ordered That:

1. Cancellation of the Electric Generation Supplier License of each company listed in the Supplier Table is hereby tentatively approved as being in the public interest.

2. The Secretary (i) serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation & Enforcement, all electric generation distribution companies, and all of the Electric Generation Suppliers listed in the Supplier Table; (ii) publish a copy of this Tentative Order in the *Pennsylvania Bulletin* with a 30-day comment period; and (iii) file a copy of this Tentative Order at each Electric Generation Supplier's assigned docket number.

3. To the extent any of the Electric Generation Suppliers listed in the Supplier Table challenge the cancellation of their license, they must file comments within thirty (30) days after publication of this Tentative Order in the *Pennsylvania Bulletin*. Written comments referencing Docket No. M-2022-3030286 must be eFiled to the Pennsylvania Public Utility Commission through the Commission's eFiling System. You may set up a free eFiling account with the Commission at <https://efiling.puc.pa.gov/> if you do not have one. Filing instructions may be found on the Commission's website at http://www.puc.pa.gov/filing_resources.aspx. Comments containing confidential information should be emailed to Commission Secretary Rosemary Chiavetta at rchiavetta@pa.gov rather than eFiled.

4. Alternatively, Electric Generation Suppliers listed in the Supplier Table may provide the Commission an approved security up to and within thirty (30) days after publication in the *Pennsylvania Bulletin*. The Electric Generation Supplier must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument displaying a "wet" signature or digital signature, preferably in blue ink, and displaying a "raised seal" or original notary stamp with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120.

5. Absent the timely (i) filing of comments challenging the cancellation of the Electric Generation Supplier's license, or (ii) the filing of an approved security within 30-days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services, shall prepare a Final Order for entry by the Secretary revoking the license of each Electric Generation Supplier that fails to respond.

6. Upon entry of the Final Order, Electric Generation Suppliers that remain listed as not in compliance with 52 Pa. Code § 54.40(a) and (d) will be stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration, removed from the Commission's website, and notifications be sent to all electric distribution companies in which the Electric Generation Suppliers are licensed to do business.

7. Upon entry of the Final Order, Electric Generation Suppliers that fail to respond will be prohibited from providing electric generation supply services to retail electric customers. That upon entry of the Final Order described in Ordering Paragraph No. 5, each electric distribution company in which the Electric Generation Suppliers are licensed to do business, shall return the customers of the Electric Generation Suppliers to default service.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: August 25, 2022

ORDER ENTERED: August 25, 2022

[Pa.B. Doc. No. 22-1406. Filed for public inspection September 9, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. PECO Energy Company

Public Meeting held
August 25, 2022

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

*Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement v.
PECO Energy Company; M-2021-3014286*

Opinion and Order

By the Commission:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is a Joint Petition for Approval of Settlement (Joint Petition, Settlement or Settlement Agreement) filed on January 7, 2022, by the Commission's Bureau of Investigation and Enforcement (I&E) and PECO Energy Company (PECO or Company) (collectively, the Parties), with respect to an informal investigation conducted by I&E concerning improper electric service terminations for approximately 48,728 impacted premises associated with 48,536 distinct customers. Both Parties submitted Statements in Support of the Settlement.¹ The Parties submit that the proposed Settlement, which replaces their prior Joint Petition for Approval of Settlement that was filed on February 12, 2021 (First Joint Settlement), and which the Commission permitted to be withdrawn by Order entered August 5, 2021, at the above docket, is in the public interest and consistent with the Commission's Policy Statement at 52 Pa. Code § 69.1201, Factors and standards for evaluating litigated and settled proceedings involving violations of the Public Utility Code and Commission regulations—statement of policy. Settlement ¶ 39 at 13. Before making a final determination on this filing, we shall publish the Settlement in the *Pennsylvania Bulletin* and seek comments from interested parties to be filed within twenty-five days after the date of its publication. We shall also direct that the Settlement be posted to PECO's website.

History of the Proceeding

On February 12, 2021, the Parties initially filed a Joint Petition for Approval of Settlement at Docket No. M-2021-3014286 related to the improper electric service terminations for approximately 49,500 customers.

On May 6, 2021, the Commission issued an Opinion and Order (May 2021 Order) which directed that notice of the May 2021 Order and the First Joint Settlement be published in the *Pennsylvania Bulletin* to provide an opportunity for interested parties to file comments with the Commission on the proposed First Joint Settlement within twenty-five days of publication.

On May 20, 2021, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) filed a Petition to Intervene in the First Joint Settlement.

On May 22, 2021, the Commission's May 2021 Order, along with the First Joint Settlement and Statements in

Support, were published in the *Pennsylvania Bulletin*, 51 Pa.B. 2902 (May 22, 2021). In accordance with the May 2021 Order, comments on the proposed First Joint Settlement were due on or before June 16, 2021.

On June 8, 2021, I&E filed its Answer opposing CAUSE-PA's Petition to Intervene. On the same date, I&E and PECO filed their Joint Petition to Withdraw the First Joint Settlement (Joint Petition to Withdraw), after PECO discovered and self-reported that it had erroneously charged reconnection fees to some of its customers.

On June 9, 2021, PECO filed its Answer opposing CAUSE-PA's Petition to Intervene.

On June 14, 2021, CAUSE-PA filed its Answer to the Joint Petition to Withdraw in which it indicated that it did not oppose I&E's and PECO's request to withdraw the First Joint Settlement Petition. No other objections were filed.

On June 16, 2021, Comments in response to the May 2021 Order were filed by CAUSE-PA and the Tenant Union Representative Network (TURN).

On June 21, 2021, PECO filed a Motion to Strike CAUSE-PA's Answer to the Joint Petition to Withdraw. No objections were filed.

By Opinion and Order entered on August 5, 2021 (August 2021 Order), the Commission granted the Joint Petition to Withdraw. The August 2021 Order also granted PECO's Motion to Strike CAUSE-PA's Answer to Joint Petition to Withdraw; deemed moot the Petition to Intervene filed by CAUSE-PA; and marked the proceeding at Docket No. M-2021-3014286 closed.

On January 7, 2022, the Commission reopened Docket No. M-2021-3014286 when I&E and PECO filed the instant Joint Petition for Approval of Settlement in place of the First Joint Settlement Petition that had been withdrawn.

Background

On June 25, 2018, PECO's call center third-party vendor made a dialer platform change that resulted in two separate computer errors that ultimately caused improper service termination for approximately 48,728 premises.

The first computer error (Issue A) was discovered on August 9, 2018, at which time PECO suspended all service terminations. On August 16, 2018, PECO informed the Commission's Bureau of Consumer Services (BCS) about its discovery. PECO internally resolved this matter by August 20, 2019. According to PECO, the first computer error occurred because the dialer platform incorrectly recorded the second three-day notice telephone attempt as successful when it was not. Therefore, PECO did not complete the second three-day telephone attempt to contact the customer. This resulted in service terminations for 1,552 premises.

The second computer error (Issue B) was not detected until September 10, 2019, when the Company was investigating an informal complaint filed by a customer on September 5, 2019. PECO suspended all service terminations on September 10, 2019, immediately upon learning of the second error. PECO internally resolved this issue by September 12, 2019. According to PECO, the second error occurred because the dialer platform change caused the 72-hour call to incorrectly list the customer's current bill due date as the termination date. Therefore, PECO did not provide the correct termination date during the 72-hour call. This resulted in service termination for

¹ I&E's and PECO's Statements in Support are included as Appendix B and Appendix C, respectively, to the Joint Petition.

47,176 premises. The total 48,728 impacted premises due to the first and second dialer platform change errors are associated with 48,536 distinct customers.

As noted, on February 12, 2021, I&E and PECO initially filed a Joint Petition for Approval of Settlement at Docket No. M-2021-3014286 related solely to the improper electric service terminations for approximately 49,500 customers. However, in late May 2021, after the initial Settlement had been published in the *Pennsylvania Bulletin* and issued for comments, PECO discovered and self-reported to the Commission that it also had erroneously charged reconnection fees to some of its customers. Accordingly, on June 8, 2021, the Parties filed the Joint Petition to Withdraw in order to also address the erroneous reconnection fees that were charged to customers along with Issues A and B, stated above, in a new Settlement Agreement. As noted, the Commission granted the Joint Petition to Withdraw in the August 2021 Order.

With regard to the reconnection fees in the instant Settlement, the Parties explain that in late May 2021, PECO determined that it had refunded the \$20 reconnection fee to those customers who were impacted by Issue A, as well as the customer whose informal complaint was the catalyst for discovering Issue B. At that time, PECO had not yet refunded \$982,900 of reconnection fees to the other 49,145 bill records/accounts associated with the 47,175 premises. However, by August 4, 2021, the Parties note that PECO had refunded the \$20 reconnection fee, plus \$5 interest (\$25 per reconnection fee charged, totaling \$1,228,625) to the remaining impacted customers, regardless of when they were restored. Of the \$1,228,625 to be refunded, \$908,033.12 was applied to customer accounts. The instant Settlement provides that the amounts that could not be refunded to customers because they are no longer receiving PECO service (totaling \$320,591.88) will be transferred to PECO's Matching Energy Assistance Fund ("MEAF") and will be used to fund grants to eligible customers. The Parties point out that the \$320,591.88 will not be subject to "matching" by the Company when transferred to MEAF.

Upon completion of its informal investigation, I&E was prepared to file a Formal Complaint against the Company alleging that PECO, through its third-party vendor acting on behalf of PECO, violated Section 1503(b) of the Pennsylvania Public Utility Code (Code), 66 Pa.C.S. § 1503(b), regarding personal contact before service is discontinued,² and Section 56.333(a)—(c) of the Commission's Regulations, 52 Pa. Code § 56.333, regarding termination of service.³ However, I&E and PECO engaged in voluntary negotiations and achieved an agreement to resolve the matter through the First Joint Settlement which was filed on February 12, 2021, for the Commission's consideration.

Terms of the Settlement

Pursuant to the Settlement, the Parties agree to stipulate to the following terms:

A. PECO will pay a civil penalty amount of One Hundred and Fifty Thousand Dollars (\$150,000.00) to resolve all allegations of illegal termination of electric

² Section 1503(b) of the Code requires that, in addition to any written notice of discontinuance of a customer's service, the utility must personally contact the customer at least three days, or seventy-two hours, prior to discontinuing service.

³ Section 56.333 of the Commission's Regulations prohibits electric distribution utilities from terminating electric service for customers without first attempting to contact the customer or responsible adult occupant, either in person or by telephone, at least three days prior to the scheduled termination. If contact is attempted by telephone, the utility must attempt to call the residence on at least two (2) separate days. With respect to the content of the seventy-two-hour calls, Section 56.333 also provides that the three-day personal contact must include the earliest date at which the termination may occur. Settlement ¶¶ 20, 21 at 5-6.

cal service to fully and finally settle all possible liability and claims of alleged violations of the Commission's regulations arising from, or related to, the termination of the accounts at issue. No portion of this civil penalty payment shall be recovered from Pennsylvania consumers by any future proceeding, device, or manner whatsoever. Said payment shall be made within thirty (30) days of the date of the Commission's final order approving the Settlement Agreement and shall be made by certified check or money order made payable to the "Commonwealth of Pennsylvania" and sent to:

Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

B. PECO will also make a contribution of Seventy-Five Thousand Dollars (\$75,000.00) to its Matching Energy Assistance Fund ("MEAF") within thirty (30) days of the date of the Commission's final order. Specifically, PECO will donate Fifteen Thousand Dollars (\$15,000.00) to each of its five major MEAF agencies to fund additional MEAF grants: Bucks County—Bucks County Opportunity Council, Inc.; Chester County—Human Services, Inc.; Delaware County—Community Action Agency of Delaware County, Inc.; Montgomery County—Community Action Development Commission; and Philadelphia County—Utility Emergency Services Fund. PECO's MEAF assists approximately 750 customers annually who have been terminated or are in danger of termination. While not precedent setting, due to the unique and continuing challenges surrounding the pandemic, the contribution to PECO's MEAF will provide much needed assistance to the Company's most vulnerable customers.

C. PECO will also transfer Three Hundred and Twenty Thousand Five Hundred and Ninety-One Dollars and Eighty-Eight Cents (\$320,591.88) to its MEAF within thirty (30) days of the date of the Commission's final order. This is the amount of erroneously charged customer reconnection fees that PECO was unable to apply to customer accounts.

D. PECO will or has taken corrective action and implemented revisions to its operating procedures which will act as safeguards against future termination issues as outlined above. The pertinent portions of PECO's corrective actions are briefly described as follows:

PECO implemented a change to fix the dialer system glitch, which has been validated through testing and confirmation in the results file. The primary change implemented was to add a new dialer code ("unsuccessful") for calls not made. PECO also corrected the error resulting in an incorrect termination date being listed in the 72-hour calls.

E. For the next two years (from January 1, 2022 through December 31, 2023), PECO will summarize and report the results of its regulatory noticing audits as part of its quarterly meeting with BCS:⁴

- The noticing audits track transactions between CIMS, vendors, and customers to ensure notices are being processed and delivered correctly;

⁴ PECO will begin this reporting at the BCS quarterly meeting following the filing of this Settlement Petition.

- The notices that will be audited are: Disconnect Notice; 72-hour (first call); 72-hour (second call)/48 Hour (field notice); and Cut Out for Non-Pay (post termination notice);
- The data points reviewed for accuracy will be as follows: account balances; termination dates; and dates and times of each contact;
- With respect to frequency of audits: detailed transactions will be audited on a monthly basis at the notice level and daily monitoring will include recording transactions through each hand off to ensure the process is working as designed; and
- PECO will confirm with both I&E and BCS when the change to its new third-party vendor (Agent511) has been completed.⁵

Conclusion

Pursuant to our Regulations at 52 Pa. Code § 5.231, it is the Commission’s policy to promote settlements. The Commission must, however, review proposed settlements to determine whether the terms are in the public interest. *Pa. PUC v. Philadelphia Gas Works*, Docket No. M-00031768 (Order entered January 7, 2004).

Before issuing a decision on the merits of the proposed Settlement, and consistent with the requirement of 52 Pa. Code § 3.113(b)(3), we shall: (1) publish this Opinion and Order and a copy of the proposed Settlement and Statements in Support, attached hereto, in the *Pennsylvania Bulletin*; (2) direct PECO to post this Opinion and Order and a copy of the proposed Settlement and Statements in Support on its website; and (3) provide an opportunity for interested parties to file comments regarding the proposed Settlement within twenty-five days after the date of publication in the *Pennsylvania Bulletin*; *Therefore,*

It Is Ordered That:

1. The Secretary’s Bureau shall duly certify this Opinion and Order along with the attached Settlement Agreement and Statements in Support, and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

2. Within twenty-five (25) days after the date that this Opinion and Order and the attached Settlement Agreement and Statements in Support are published in the *Pennsylvania Bulletin*, interested parties may file comments as a paper document with the Pennsylvania Public Utility Commission concerning the proposed Settlement Agreement at the following address:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Comments may also be submitted electronically through efiling. Interested Parties who desire to file comments through efiling must open an efiling account, free of charge, through our website at <https://www.puc.pa.gov/efiling/default.aspx> and accept eservice.

3. Within five (5) days after the date that this Opinion and Order and the attached Settlement and Statements in Support are published in the *Pennsylvania Bulletin*, PECO Energy Company shall post the documents on its website along with a statement that includes the specific deadline (i.e., the month and day associated with the twenty-fifth day after the documents are published in the *Pennsylvania Bulletin*) for interested parties to file comments with the Commission.

4. A copy of this Opinion and Order, together with the attached Settlement Agreement and the Statements in Support thereof, shall be served on the Office of Consumer Advocate and the Office of Small Business Advocate.

5. Subsequent to the Commission’s review of comments filed in this proceeding at Docket No. M-2021-3014286, an Opinion and Order will be issued by the Commission.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: August 25, 2022

ORDER ENTERED: August 25, 2022

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission,	:
Bureau of Investigation and Enforcement,	:
Complainant	:
v.	:
PECO Energy Company,	:
Respondent	:

Docket No. M-2021-3014286

JOINT PETITION FOR APPROVAL OF SETTLEMENT

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code §§ 5.41, 5.232 and 3.113(b)(3), the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”) and PECO Energy Company (“PECO” or “Company”) hereby submit this Joint Petition for Approval of Settlement (“Settlement” or “Settlement Agreement”) to resolve all issues related to an informal investigation initiated by I&E. I&E’s investigation was initiated based on information provided by the Commission’s Bureau of Consumer Services (“BCS”).

As part of this Settlement Agreement, I&E and PECO (hereinafter referred to collectively as the “Parties”) respectfully request that the Commission enter a Final Opinion and Order approving the Settlement, without modification. Proposed Ordering Paragraphs are attached as Appendix A. Statements in Support of the Settlement expressing the individual views of I&E and PECO are

⁵ The changeover to Agent511 was completed on December 10, 2020.

attached hereto as Appendix B and Appendix C, respectively.

I. Introduction

1. The Parties to this Settlement Agreement (“Settlement” or “Settlement Agreement”) are the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”), by its prosecuting attorneys, 400 North Street, Harrisburg, PA 17120, and PECO Energy Company (“PECO” or “Company”), with a principal place of business at 2301 Market Street, Philadelphia, PA 19103.

2. The Commission is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within this Commonwealth, as well as other entities subject to its jurisdiction, pursuant to the Public Utility Code (the “Code”), 66 Pa.C.S. §§ 101, et seq.

3. Section 501(a) of the Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Code.

4. The Commission has delegated its authority to initiate proceedings that are prosecutory in nature to I&E and other bureaus with enforcement responsibilities. Delegation of Prosecutory Authority to Bureaus with Enforcement Responsibilities, Docket No. M-00940593 (Order entered September 2, 1994), as amended by Act 129 of 2008, 66 Pa.C.S. § 308.2(a)(11). See also Implementation of Act 129 of 2008; Organization of Bureaus and Offices, Docket No. M-2008-2071852 (Order entered August 11, 2011) at 5 (transferring authority to prosecute assessment cases to I&E).

5. PECO is a certificated electric distribution company as defined by 66 Pa.C.S. § 2803. PECO is engaged in the transmission and distribution of electricity in territories as authorized by its authority within the Commonwealth of Pennsylvania.⁶

6. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over PECO’s actions as an electric distribution company that serves customers in Pennsylvania.

7. Section 3301 of the Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility or on any other person or corporation subject to the Commission’s authority for violations of the Code, the Commission’s regulations, or both. Section 3301 allows for the imposition of a fine for each violation and each day’s continuance of such violation(s).

8. Pursuant to Sections 331(a) and 506 of the Code, 66 Pa.C.S. §§ 331(a) and 506, and Section 3.113 of the Commission’s regulations, 52 Pa. Code § 3.113, Commission staff has the authority to conduct informal investigations or informal proceedings in order to gather data and/or to substantiate allegations of potential violations of the Commission’s regulations.

9. I&E instituted an informal investigation of PECO based on information referred to I&E by the Commission’s Bureau of Consumer Services (“BCS”). BCS notified I&E that due to a change to the dialer platform used by PECO’s third-party vendor, the Company terminated service for a large number of customers 1) without completing the second 72-hour phone call to the customer or adult occupant at least three days prior to the scheduled termination, or 2) on a day different from the one listed

in the 72-hour call, which are violations of the Pennsylvania Public Utility Code pursuant to 66 Pa.C.S.A. § 1503(b) and 52 Pa. Code § 56.333(a) and (b). I&E determined that these allegations warranted that a further investigation be conducted to examine whether the actions of PECO violated Commission regulations.

10. As a result of negotiations between I&E and PECO, the Parties have agreed to resolve their differences as encouraged by the Commission’s policy to promote settlements. See 52 Pa. Code § 5.231. The duly authorized Parties executing this Settlement Agreement agree to the settlement terms set forth herein and urge the Commission to approve the Settlement Agreement as submitted as being in the public interest. Proposed Ordering Paragraphs are attached as Appendix A. Statements in Support of the Settlement expressing the individual views of I&E and PECO are attached hereto as Appendix B and Appendix C, respectively.

II. Background

11. On August 16, 2018, PECO’s Manager of Regulatory Performance contacted the Commission’s Bureau of Consumer Services (“BCS”) about an issue PECO discovered with its call center third-party vendor.

12. On June 25, 2018, PECO’s call center third-party vendor made a dialer platform change. This dialer platform change resulted in two separate errors.

13. First, according to PECO, the change incorrectly recorded the second three-day notice telephone attempt as successful when it was not. Therefore, PECO did not complete the second three-day telephone attempt to contact the customer.

14. The first issue (“Issue A”) was discovered on August 9, 2018, at which time PECO suspended terminations. PECO internally resolved Issue A by August 20, 2018.

15. PECO alleges that its third-party vendor completed extensive testing on the new dialer software in May 2018. However, there was an unidentified coding requirement that was missed during testing specific to calls categorized as “not made.” A subsequent change in the call-pacing was made in an attempt to address service level concerns. As a result, the second call attempts were “not made” within the calling window. Since there was no code assigned in the new dialer platform for calls that were “not made,” the calls were deemed “successful” by default. Consequently, certain residential customer accounts were passed over, yet still reported as “successful” calls. In sum, these changes caused PECO to incorrectly record the 72-hour calls as “successful” when PECO did not complete the second three-day telephone attempt.

16. Second, according to PECO, the dialer platform change also caused the 72-hour call to incorrectly list the customer’s current bill due date as the termination date (“Issue B”). Therefore, PECO did not provide the correct termination date during the 72-hour call.

17. Issue B was not detected until September 10, 2019, when the Company was investigating an informal complaint filed by a customer on September 5, 2019. On September 10, 2019, PECO suspended service terminations. PECO internally resolved Issue B by September 12, 2019.

18. PECO’s Customer Information Management System (“CIMS”) is a premise-based platform and connects, disconnects, terminations and restorations are processed at the premises level. The total number of distinct electric customer premises where service was improperly terminated during the time periods at issue was 48,728. Issue

⁶ PECO was certificated by the Commission as an electric distribution company on May 28, 1937.

A impacted 1,552 premises and Issue B impacted 47,176 premises. The 48,728 impacted premises are associated with 48,536 distinct customers.

19. As a result of the actions above, PECO may have violated provisions of Chapter 56 of Title 52 of the Commission's regulations regarding termination of service.

20. Pursuant to 52 Pa. Code § 56.333, electric distribution utilities are prohibited from terminating electric service for customers without first attempting to contact the customer or responsible adult occupant, either in person or by telephone, at least three days prior to the scheduled termination. If contact is attempted by telephone, the utility must attempt to call the residence on at least two (2) separate days. See 52 Pa. Code § 56.333.

21. With respect to the content of the 72-hour calls, 52 Pa. Code § 56.333 also provides that the three-day personal contact must include the earliest date at which the termination may occur.

22. Due to a software/platform error, the customers in question had their service terminated 1) without receiving all required 72-hour phone calls or 2) on a day different from the one listed in the 72-hour call, both in violation of 52 Pa. Code § 56.333.

23. PECO reported that a vast majority of the impacted customers have since been reconnected.

	<i>Issue A</i>	<i>Issue B</i>
<i>Restoration Times Bin</i>	<i>Number of Premises</i>	<i>Number of Premises</i>
Within 24 hrs	919	28,689
Within 25—45 hrs	107	3,632
Within 49—72 hrs	50	1,345
Within 73—96 hrs	23	697
> 96 hrs	313	10,309
Not Restored	140	2,504
Total	1,552	47,176

However, over 2,600 of these distinct customer premises remained without service and have an "Off" meter status.

24. PECO advised that the approximately 2,600 remaining customer premises were surveyed at least 3 times as part of the Winter Survey process.

25. I&E acknowledges that PECO took corrective actions after the 72-hour issues were discovered and that both issues were self-reported by PECO. Specifically, PECO took the following additional steps to reach impacted customers:

- Manual calls were made to the phone number listed for the premises;
- A restoration hotline was established to respond to inbound requests for restoration;
- Two field visits were made to each premises;
- Outbound Dialer calls: two telephone calls were made on two different days (one in the AM and one in the PM);
- A one-time letter was mailed offering an additional Deferred Payment Agreement ("DPA"), if needed;
- Field visits for visual inspection of the premises during which a customer financial assistance packet (that included information about Universal Services Programs) was left;

- An additional DPA was offered to customers whose service was terminated on or before September 10, 2019, the last day the incorrect information was provided, and whose past due balance was between \$350.00 and \$3,000.00; and

- Additionally, PECO extensively promoted its "no payment required" COVID reconnect. All premises with an "off" meter status thus received an additional, well-publicized opportunity to reconnect service without payment.

26. Additionally, PECO terminated its relationship with the third-party vendor in question that handled the 72-hour notification platform/calls. PECO notified I&E that it transitioned its 72-hour notification platform/calls from its third-party vendor to Agent511 on December 10, 2020. PECO notes that it has worked with Agent511 since 2016 to support a large portion of customer outreach programs, such as paperless billing, severe weather alerts, payment reminders, commercial energy usage, outage notifications/updates, TCPA compliance, and customer appointment reminder/updates. PECO adds that Agent511's 72-hour notification call work will have oversight from several departments within PECO, including Revenue Management and eChannels.

27. In late May 2021, PECO determined that while it had refunded the twenty-dollar reconnection fee to customers who were impacted by Issue A, as well as to the customer whose informal complaint was the catalyst for discovering Issue B, it had not yet refunded the reconnection fees to the other 49,145 bill records/accounts⁷. The 49,145 bill records/accounts are associated with \$982,900 in distinct reconnection fees.

28. By August 4, 2021, PECO refunded the \$20 reconnection fee, plus \$5 interest (\$25 per reconnection fee charged, totaling \$1,228,625) to the remaining impacted customers, regardless of when they were restored. Of the \$1,228,625 to be refunded, \$908,033.12 was applied to customer accounts. Amounts that could not be refunded to customers because they are no longer receiving PECO service (totaling \$320,591.88) will be transferred to PECO's Matching Energy Assistance Fund ("MEAF") and will be used to fund grants to eligible customers.⁸

III. Procedural History

29. The Parties initially filed a Joint Petition for Approval of Settlement on February 12, 2021, under Docket Number M-2021-3014286.

30. On May 6, 2021, the Commission entered an Order ("May 2021 Order") directing that notice of that Order and the proposed Settlement be published in the *Pennsylvania Bulletin* to provide an opportunity for interested parties to file comments with the Commission on the proposed Settlement within twenty-five days after the date of publication.

31. On May 20, 2021, CAUSE-PA filed its Petition to Intervene in the Settlement.

32. On May 22, 2021, the Commission's May 2021 Order, along with the Settlement and Statements in Support, were published in the *Pennsylvania Bulletin*, 51 Pa.B. 2902 (May 22, 2021). In accordance with the May 2021 Order, comments on the proposed Joint Settlement were due on or before June 16, 2021.

33. On June 8, 2021, I&E filed its Answer opposing CAUSE-PA's Petition to Intervene.

⁷ The 49,145 bill records/accounts in Issue B are associated with 47,175 premises.

⁸ The \$320,591.88 will not be subject to "matching" by the Company when transferred to MEAF.

34. On June 8, 2021, I&E and PECO filed a Joint Petition to Withdraw the Settlement, after PECO discovered and self-reported the erroneously charged customer reconnection fees.

35. On June 9, 2021, PECO filed its Answer opposing CAUSA-PA's Petition to Intervene.

36. On June 14, 2021, CAUSE-PA filed an Answer to the Joint Petition to Withdraw ("CAUSE-PA Answer to Joint Petition to Withdraw") but did not oppose I&E's and PECO's request to withdraw the Joint Settlement Petition.

37. On June 16, 2021, Comments in response to the May 2021 Order were filed by CAUSE-PA and TURN.

38. On June 21, 2021, PECO Energy filed a Motion to Strike CAUSE-PA's Answer to Joint Petition to Withdraw.

39. No objections were filed in response to I&E's and PECO's Petition to Withdraw the Settlement; no objections were filed in response to PECO's Motion to Strike.

40. In its Order entered August 5, 2021, the Commission granted the Joint Petition to Withdraw the Settlement and Docket Number M-2021-3014286 was marked closed.

41. Following the Commission's granting of the Joint Petition to Withdraw the Settlement and closure of Docket Number M-2021-3014286, the parties reconvened and continued to negotiate. As a result of negotiations between I&E and PECO, the Parties have agreed to resolve their differences as encouraged by the Commission's policy to promote settlements. See 52 Pa. Code § 5.231. Specifically, the parties have agreed to the new settlement terms set forth herein, which include settlement terms regarding the self-reported erroneously charged customer reconnection fees.

IV. Alleged Violations

42. I&E concluded from its investigation that PECO through its third-party vendor acting on behalf of PECO, violated provisions of the Pennsylvania Public Utility Code concerning the termination of service to customers by an electric distribution company, pursuant to 66 Pa.C.S.A. § 1503(b) and 52 Pa. Code § 56.333(a)–(c), with regard to terminating service without first attempting personal contact with the customer or adult occupant at least three days prior to the scheduled termination date or on a day different from the one listed in the 72-hour call.

43. The term "personal contact" means, "Contacting the customer or responsible adult occupant in person or by telephone. Phone contact shall be deemed complete upon attempted calls on 2 separate days to the residence between 8 a.m. and 9 p.m. if the calls were made at various times each day, with the various times of the day being daytime before 5 p.m. and evening after 5 p.m. and at least 2 hours apart. Calls made to contact telephone numbers provided by the customer shall be deemed to be calls to the residence." See, 52 Pa. Code § 56.333(b)(1).

44. Based on information obtained through its investigation, as described above, and a review of the Commission's regulations and relevant statutes, I&E was prepared to contend by the filing of a formal complaint that PECO violated certain provisions of the Pennsylvania Public Utility Code in that:

A. PECO through its third-party vendor failed to comply with 66 Pa.C.S.A. § 1503(b) and 52 Pa. Code § 56.333(a)–(c), in that PECO through its third-

party vendor illegally terminated service to the accounts due to the vendor's dialer platform error. Specifically:

- i. The 72-hour call attempts were incorrectly recorded as "successful" when PECO did not complete the second three-day telephone attempt. Consequently, these accounts were terminated without the company complying with provision that it must attempt personal contact with the customer or adult occupant at least three days prior to the scheduled termination date. 52 Pa. Code § 56.333(a)-(b); and
- ii. The 72-hour call attempts incorrectly listed the customer's current bill due date as the termination date. Therefore, PECO did not provide the correct termination date during the 72-hour call. 52 Pa. Code § 56.333(c).

B. If proven, these would be violations of 66 Pa.C.S.A. § 1503(b) and 52 Pa. Code § 56.333(a)–(c).

45. PECO understands the nature of the allegations that I&E would have asserted in a formal complaint, acknowledges its errors accordingly, and has put into effect appropriate measures that have been approved by I&E to ensure that such oversight is not likely to reoccur.

46. As a mitigating factor to the above allegations, I&E acknowledges that PECO fully cooperated with I&E's investigation. During the investigatory process, PECO complied with I&E's requests for information and documentation and provided I&E with records, correspondence, and other documents as requested by I&E. I&E also acknowledges that PECO self-reported to I&E the reconnection fees erroneously charged to the customers whose service was terminated.

47. Throughout the entire investigatory process, I&E and PECO remained active in communications and informal discovery and continued to explore the possibility of resolving this investigation, which ultimately culminated in this Settlement Agreement.

V. Settlement Terms

48. The purpose of this Settlement Agreement is to terminate I&E's informal investigation and settle this matter completely without litigation. There has been no Formal Complaint filed, no evidentiary hearing before any tribunal, and no sworn testimony taken in any proceeding related to this incident.

49. PECO does not dispute I&E's allegations above and fully acknowledges the seriousness of those allegations.

50. The Parties do not believe that there are any other potentially affected parties with respect to the subject of this Settlement Agreement who should directly receive notice hereof.

51. I&E and PECO, intending to be legally bound and for consideration given, desire to fully and finally conclude this informal investigation and agree to stipulate as to the following terms solely for the purposes of this Settlement Agreement:

A. PECO will pay a civil penalty amount of One Hundred and Fifty Thousand Dollars (\$150,000.00) to resolve all allegations of illegal termination of electrical service to fully and finally settle all possible liability and claims of alleged violations of the Commission's regulations arising from, or related to, the termination of the accounts at issue. No portion of this civil penalty payment shall be recovered from Pennsylvania consumers by any future proceeding, device, or manner whatsoever. Said payment shall be

made within thirty (30) days of the date of the Commission's final order approving the Settlement Agreement and shall be made by certified check or money order made payable to the "Commonwealth of Pennsylvania" and sent to:

Secretary
 Pennsylvania Public Utility Commission
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, PA 17120

B. PECO will also make a contribution of Seventy-Five Thousand Dollars (\$75,000.00) to its Matching Energy Assistance Fund ("MEAF") within thirty (30) days of the date of the Commission's final order. Specifically, PECO will donate Fifteen Thousand Dollars (\$15,000.00) to each of its five major MEAF agencies to fund additional MEAF grants: Bucks County—Bucks County Opportunity Council, Inc.; Chester County—Human Services, Inc.; Delaware County—Community Action Agency of Delaware County, Inc.; Montgomery County—Community Action Development Commission; and Philadelphia County—Utility Emergency Services Fund. PECO's MEAF assists approximately 750 customers annually who have been terminated or are in danger of termination. While not precedent setting, due to the unique and continuing challenges surrounding the pandemic, the contribution to PECO's MEAF will provide much needed assistance to the Company's most vulnerable customers.

C. PECO will also transfer Three Hundred and Twenty Thousand Five Hundred and Ninety-One Dollars and Eighty-Eight Cents (\$320,591.88) to its MEAF within thirty (30) days of the date of the Commission's final order. This is the amount of erroneously charged customer reconnection fees that PECO was unable to apply to customer accounts.

D. PECO will or has taken corrective action and implemented revisions to its operating procedures which will act as safeguards against future termination issues as outlined above. The pertinent portions of PECO's corrective actions are briefly described as follows:

PECO implemented a change to fix the dialer system glitch, which has been validated through testing and confirmation in the results file. The primary change implemented was to add a new dialer code ("unsuccessful") for calls not made. PECO also corrected the error resulting in an incorrect termination date being listed in the 72-hour calls.

E. For the next two years (from January 1, 2022 through December 31, 2023), PECO will summarize and report the results of its regulatory noticing audits as part of its quarterly meeting with BCS:⁹

- The noticing audits track transactions between CIMS, vendors, and customers to ensure notices are being processed and delivered correctly;
- The notices that will be audited are: Disconnect Notice; 72-hour (first call); 72-hour (second call)/48 Hour (field notice); and Cut Out for Non-Pay (post termination notice);
- The data points reviewed for accuracy will be as follows: account balances; termination dates; and dates and times of each contact;

⁹ PECO will begin this reporting at the BCS quarterly meeting following the filing of this Settlement Petition.

- With respect to frequency of audits: detailed transactions will be audited on a monthly basis at the notice level and daily monitoring will include recording transactions through each hand off to ensure the process is working as designed; and

- PECO will confirm with both I&E and BCS when the change to its new third-party vendor (Agent511) has been completed.¹⁰

52. In exchange for the actions taken by PECO, as described above, I&E agrees not to institute any formal complaint relating to the illegal electric service terminations that are the subject of this Settlement Agreement.

53. In consideration of the Company's payment of a monetary civil penalty, its contribution to MEAF agencies, and its compliance with the non-monetary terms of this settlement, as specified herein, I&E agrees to forgo the institution of any formal complaint that relates to the Company's conduct as described in the Settlement Agreement. Nothing contained in this Settlement Agreement shall adversely affect the Commission's authority to receive and resolve any informal or formal complaints filed by any affected party with respect to the incident, except that no penalties beyond the civil penalty amount agreed to herein may be imposed by the Commission for any actions identified herein.

54. I&E and PECO jointly acknowledge that approval of this Settlement Agreement is in the public interest and fully consistent with the Commission's Policy Statement for Litigated and Settled Proceedings Involving Violations of the Code and Commission Regulations, 52 Pa. Code § 69.1201. The Parties submit that the Settlement Agreement is in the public interest because it effectively addresses I&E's allegations of the termination procedure violations that are the subject of the I&E's informal investigation and avoids the time and expense of litigation, which entails hearings and the preparation and filing of briefs, exceptions, reply exceptions, as well as possible appeals. Attached as Appendices B and C are Statements in Support submitted by I&E and PECO, respectively, setting forth the bases upon which the Parties believe the Settlement Agreement is in the public interest.

VI. *Conditions of Settlement*

55. This document represents the Settlement Agreement in its entirety. No changes to obligations set forth herein may be made unless they are in writing and are expressly accepted by the parties involved. This Settlement Agreement shall be construed and interpreted under Pennsylvania law, without regard to its conflicts of laws provisions.

56. The Settlement is conditioned upon the Commission's approval of the terms and conditions contained in this Joint Settlement Petition without modification. If the Commission modifies this Settlement Agreement, any party may elect to withdraw from this Settlement Agreement and may proceed with litigation and, in such event, this Settlement Agreement shall be void and of no effect. Such election to withdraw must be made in writing, filed with the Secretary of the Commission and served upon all parties within twenty (20) business days after entry of an Order modifying the Settlement.

57. The Parties agree that the underlying allegations were not the subject of any hearing or formal procedure and that there has been no order, findings of fact or conclusions of law rendered in this complaint proceeding.

¹⁰ The changeover to Agent511 was completed on December 10, 2020.

It is further understood that, by entering into this Settlement Agreement, PECO has made no concession or admission of fact or law and may dispute all issues of fact and law for all purposes in all proceedings that may arise as a result of the circumstances described in this Settlement Agreement.

58. The Parties acknowledge that this Settlement Agreement reflects a compromise of competing positions and does not necessarily reflect any party's position with respect to any issues raised in this proceeding.

59. This Settlement Agreement is being presented only in the context of this proceeding in an effort to resolve the proceeding in a manner that is fair and reasonable. This Settlement Agreement is presented without prejudice to any position that any of the Parties may have advanced and without prejudice to the position any of the Parties may advance in the future on the merits of the issues in future proceedings, except to the extent necessary to effectuate the terms and conditions of this Settlement Agreement. This Settlement Agreement does not preclude the Parties from taking other positions in any other proceeding.

60. The terms and conditions of this Settlement Agreement constitute a carefully crafted package representing reasonably negotiated compromises on the issues addressed herein. Thus, the Settlement Agreement is consistent with the Commission's rules and practices encouraging negotiated settlements set forth in 52 Pa. Code §§ 5.231 and 69.1201.

Wherefore, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement and PECO Energy Company respectfully request that the Commission issue an Order approving the terms of this Settlement Agreement in their entirety as being in the public interest.

Respectfully Submitted,
Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement
by
Christopher M. Andreoli
Prosecutor
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
chandreoli@pa.gov
Date: January 7, 2022
PECO Energy Company
by
Anthony E. Gay
Vice President and General Counsel
PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19103
Phone: 215.841.4635
Fax: 215.568.3389
anthony.gay@exeloncorp.com
Date: January 7, 2022

**Appendix A
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, :
Bureau of Investigation and Enforcement, :
Complainant :
: v. :
: PECO Energy Company, :
Respondent :

Docket No. M-2021-3014286

PROPOSED ORDERING PARAGRAPHS

1. That the Settlement Agreement filed on January 7, 2022, between the Commission's Bureau of Investigation and Enforcement and PECO Energy Company ("PECO") is approved in its entirety without modification.

2. That, in accordance with Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, within thirty (30) days of the date this Order becomes final, PECO shall pay one hundred and fifty thousand dollars (\$150,000.00), which consists of the entirety of the civil penalty settlement amount. Said payment shall be made by certified check or money order payable to "Commonwealth of Pennsylvania" and shall be sent to:

Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

3. Additionally, PECO will make a contribution of seventy-five thousand dollars (\$75,000.00) to its Matching Energy Assistance Fund ("MEAF") within thirty (30) days of the date this Order becomes final. Specifically, PECO will donate Fifteen Thousand (\$15,000.00) to each of its five major MEAF agencies to fund additional MEAF grants: Bucks County—Bucks County Opportunity Council, Inc.; Chester County—Human Services, Inc.; Delaware County—Community Action Agency of Delaware County, Inc.; Montgomery County—Community Action Development Commission; and Philadelphia County—Utility Emergency Services Fund. PECO will provide I&E with proof of payment of this contribution to its MEAF within thirty (30) days of the date of the Commission's final order approving the Settlement Agreement.

4. PECO will also transfer Three Hundred and Twenty Thousand Five Hundred and Ninety-One Dollars and

Eighty-Eight Cents (\$320,591.88) to its MEAF withinthirty (30) days of the date this Order becomes final. This is the amount of erroneously charged customer reconnection fees that PECO was unable to apply to customer accounts and is not subject to "matching" by the Company.

5. A copy of this Opinion and Order shall be served upon the Financial and Assessment Chief, Office of Administrative Services.

6. Following compliance with above Ordering Paragraphs 2 through 4, this matter shall be marked closed.

**Appendix B
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, :
Bureau of Investigation and Enforcement, :
Complainant :
v. :
PECO Energy Company, :
Respondent :

Docket No. M-2021-3014286

**STATEMENT IN SUPPORT OF
BUREAU OF INVESTIGATION AND
ENFORCEMENT**

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

I. Introduction

The Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission") hereby files this Statement in Support of the Settlement Agreement ("Settlement") entered into by I&E and PECO Energy Company ("PECO" or "Company") (collectively, the "Parties") in the above-captioned proceeding. The Settlement, if approved, fully resolves all issues related to I&E's informal investigation into PECO's issue pertaining to service terminations.

I&E submits that the Settlement, which was amicably reached by the Parties after extensive negotiations and careful consideration, balances the duty of the Commission to protect the public interest, including the Company's customers and all electric consumers in Pennsylvania, with the interests of the Company. Accordingly, I&E respectfully requests that the Commission approve the Settlement, including the terms and conditions thereof, without modification.

II. Background

This matter involves PECO, an electric distribution company licensed by the Commission. PECO is engaged in the transmission and distribution of electricity in territories within the Commonwealth of Pennsylvania, as authorized by its license. I&E instituted an informal investigation of PECO based on information referred to I&E by the Commission's Bureau of Consumer Services ("BCS"). BCS notified I&E that PECO terminated service for a large number of customers without first attempting to contact the customer or adult occupant at least three days prior to the scheduled termination, which is a violation of the Pennsylvania Public Utility Code pursuant to 66 Pa.C.S.A. § 1503(b) and 52 Pa. Code § 56.333(a) and (b). I&E determined that these allegations warranted that a further investigation be conducted to examine whether the actions of PECO violated Commission regulations.

Upon investigation, I&E determined that PECO's failure to follow proper protocol under the Pennsylvania

Public Utility Code prior to terminating service for nearly 50,000 customers constitutes conduct of a serious nature and the consequences of this conduct is of a fairly serious nature. These service terminations can prove both traumatic and problematic for the affected customers. It should be noted that there is no evidence or documentation indicating that these violations were intentional; rather, these violations were caused by software issues, as PECO's call center third-party vendor made a dialer platform change.

In making the determination that the instant Settlement was appropriate, I&E weighed this violation against various mitigating circumstances that are present here. Importantly, I&E acknowledges that PECO fully cooperated with I&E's investigation. PECO timely responded to I&E's requests for information. Moreover, throughout the entire investigatory process, I&E and PECO remained active in communications and informal discovery and continued to explore the possibility of resolving this investigation, which ultimately culminated in the Settlement Agreement reached here.

III. The Public Interest

The Commission has consistently determined that a civil penalty is warranted where the public utility company failed to provide reasonable and adequate customer service.

Pursuant to the Commission's policy of encouraging settlements that are reasonable and in the public interest, the Parties held a series of settlement discussions. These discussions culminated in this Settlement Agreement, which, once approved, will resolve all issues related to I&E's investigation into PECO's violation, the civil penalty component of the Settlement serves to address I&E's allegations of billing violations.

I&E intended to prove the factual allegations set forth in its investigation at hearing. This Settlement Agreement results from the compromises of the Parties. PECO recognizes the concerns related to this violation and commits to fully complying with the Commission's regulations in the future.

Further, I&E recognizes that, given the inherent unpredictability of the outcome of a contested proceeding, the benefits to amicably resolving the disputed issues through settlement outweigh the risks and expenditures

of continued litigation. I&E submits that the Settlement constitutes a reasonable compromise of the issues presented and is in the public interest. As such, I&E respectfully requests that the Commission approve the Settlement without modification.

IV. Terms of Settlement

I&E alleges that in connection with this incident, PECO committed a violation of the Commission's regulations. While the alleged violation was not intentional, I&E submits that PECO remains legally responsible for the alleged violation in this matter.

Based on I&E's allegations, I&E requests that the Commission approve the terms of the Settlement, which include directing PECO to pay a civil penalty in the amount of one hundred and fifty thousand dollars (\$150,000.00) and make a contribution of seventy-five thousand dollars (\$75,000.00) to its Matching Energy Assistance Fund ("MEAF").

Under the specific terms of the Settlement, I&E and PECO have agreed as follows:

(a) PECO will pay a civil penalty amount of one hundred and fifty thousand dollars (\$150,000.00) to resolve all allegations regarding the illegal service terminations and to fully and finally settle all possible liability and claims of alleged violations of the Commission's regulations arising from, or related to, the alleged violations investigated herein. Said payment shall be made within thirty (30) days of the date of the Commission's final order approving the Settlement Agreement and shall be made by certified check or money order made payable to the "Commonwealth of Pennsylvania" and sent to:

Secretary
 Pennsylvania Public Utility Commission
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, PA 17120

(b) PECO will make a contribution of seventy-five thousand dollars (\$75,000.00) to its Matching Energy Assistance Fund ("MEAF"). PECO will provide I&E will proof of payment of this contribution to its MEAF within thirty (30) days of the date of the Commission's final order approving the Settlement Agreement. Specifically, PECO will donate \$15,000 to each of its five major MEAF agencies: Bucks County—Bucks County Opportunity Council, Inc.; Chester County—Human Services, Inc.; Delaware County—Community Action Agency of Delaware County, Inc.; Montgomery County—Community Action Development Commission; and Philadelphia County—Utility Emergency Services Fund. PECO's MEAF assists approximately 750 annually who have been terminated or are in danger of termination. While not precedent setting, due to the unique circumstances presented in 2020, the contribution to PECO's MEAF will provide much needed assistance given the impact of 2020 on its customers.

(c) PECO will also transfer \$320,591.88 to its MEAF within thirty (30) days of the date this Order becomes final. This is the amount of erroneously charged customer reconnection fees that PECO was unable to apply to customer accounts and is not subject to "matching" by the Company.

(d) PECO has taken corrective action and implemented revisions to its operating procedures which will act as safeguards against future issues involving service terminations. Specifically, PECO took the

following additional steps to reach impacted customers after the issue was discovered:

- Manual calls were made to the phone number listed for the premises;
- A restoration hotline was established to respond to inbound requests for restoration;
- Two field visits were made to each premises;
- Outbound Dialer calls: two telephone calls were made on two different days (one in the AM and one in the PM);
- A one-time letter was mailed offering an additional Deferred Payment Agreement ("DPA"), if needed; and
- Field visits for visual inspection of the premises during which a customer financial assistance packet (that included information about Universal Services Programs) was left.
- An additional DPA was offered to customers whose service was terminated on or before September 10, 2019, the last day the incorrect information was provided, and whose past due balance was between \$350.00 and \$3,000.00.
- PECO extensively promoted its "no payment required" COVID reconnect. All premises with an "off" meter status thus received an additional, well-publicized opportunity to reconnect service without payment.
- PECO terminated its relationship with the third-party vendor in question that handled the 72-hour notification platform/calls. PECO is transitioning its 72-Hour notification platform/calls from Alorica to Agent511.

In consideration of PECO's payment of a civil penalty and contributions to its MEAF, in combination with the corrective actions undertaken by the Company, I&E agrees that its informal investigation relating to PECO's conduct as described in the Settlement Agreement shall be terminated and marked closed upon approval by the Commission of the Settlement Agreement in its entirety.

Upon Commission approval of the Settlement in its entirety without modification, I&E will not file any further complaints or initiate other action against PECO at the Commission with respect to the billing issues in question during the time period examined by I&E's investigation.

V. Legal Standard for Settlement Agreements

Commission policy promotes settlements. See 52 Pa. Code § 5.231. Settlements lessen the time and expense that the parties must expend litigating a case and, at the same time, conserve precious administrative resources. Settlement results are often preferable to those achieved at the conclusion of a fully litigated proceeding. "The focus of inquiry for determining whether a proposed settlement should be recommended for approval is not a 'burden of proof' standard, as is utilized for contested matters." *Pa. Pub. Util. Comm'n, et al. v. City of Lancaster—Bureau of Water*, Docket Nos. R-2010-2179103, et al. (Order entered July 14, 2011) at p. 11. Instead, the benchmark for determining the acceptability of a settlement is whether the proposed terms and conditions are in the public interest. *Pa. Pub. Util. Comm'n v. Philadelphia Gas Works*, Docket No. M-00031768 (Order entered January 7, 2004).

I&E submits that approval of the Settlement Agreement in the above-captioned matter is consistent with the Commission's Policy Statement regarding Factors and

Standards for Evaluating Litigated and Settled Proceedings Involving Violations of the Public Utility Code and Commission Regulations (“Policy Statement”), 52 Pa. Code § 69.1201; See also *Joseph A. Rosi v. Bell-Atlantic-Pennsylvania, Inc.*, Docket No. C-00992409 (Order entered March 16, 2000). The Commission will not apply the standards as strictly in settled cases as in litigated cases. 52 Pa. Code § 69.1201(b). While many of the same factors may still be considered, in settled cases, the parties “will be afforded flexibility in reaching amicable resolutions to complaints and other matters so long as the settlement is in the public interest.” 52 Pa. Code § 69.1201(b).

In conclusion, I&E fully supports the terms and conditions of the Settlement Agreement. The terms of the Settlement Agreement reflect a carefully balanced compromise of the interests of the Parties in this proceeding. The Parties believe that approval of this Settlement Agreement is in the public interest. Acceptance of this

Settlement Agreement avoids the necessity of further administrative and potential appellate proceedings at what would have been a substantial cost to the Parties.

Wherefore, I&E supports the Settlement Agreement as being in the public interest and respectfully requests that the Commission approve the Settlement in its entirety without modification.

Respectfully submitted,
 Christopher M. Andreoli
 Prosecutor
 PA Attorney ID No. 85676

Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, PA 17120
 chandreoli@pa.gov
 Dated: January 7, 2022

Appendix C
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission,
 Bureau of Investigation and Enforcement,
 Complainant
 v.
 PECO Energy Company,
 Respondent

Docket No. M-2021-3014286

STATEMENT IN SUPPORT OF PECO ENERGY COMPANY

PECO Energy Company (“PECO”) hereby submits this Statement in Support of the Settlement Agreement (“Settlement”) that was entered into by the Commission’s Bureau of Investigation & Enforcement (“I&E”) and PECO Energy Company (“PECO”) in the above-captioned matter. The Settlement fully resolves all issues related to I&E’s investigation into the alleged unlawful termination of various customers resulting from a change to the dialer platform used by PECO’s third-party vendor. PECO respectfully submits that the Settlement is in the public interest and requests that the Commission approve the Settlement, including the terms and conditions thereof, without modification.

I. Background

PECO adopts the Background discussion set forth in I&E’s Statement in Support.

II. Terms of Settlement

PECO has reviewed the Terms of Settlement as set forth in the Settlement Agreement and agrees that it accurately sets forth the Terms of Settlement.

III. Factors under the Commission’s Policy Statement

Commission policy promotes settlements. See 52 Pa. Code § 5.231. Settlements decrease the time and expense that the parties must expend litigating a case and, at the same time, conserve precious administrative resources. Settlement results are often preferable to those achieved at the conclusion of a fully litigated proceeding. “The focus of inquiry for determining whether a proposed settlement should be recommended for approval is not a ‘burden of proof’ standard, as is utilized for contested

matters.” *Pa. Public Utility Commission, et al. v. City of Lancaster—Bureau of Water*, Docket Nos. R-2010-2179103, et al. (Order entered July 14, 2011) at p. 11. Instead, the benchmark for determining the acceptability of a settlement is whether the proposed terms and conditions are in the public interest. See *Pa. Public Utility Commission v. Philadelphia Gas Works*, Docket No. M-00031768 (Order entered January 7, 2004).

PECO submits that approval of the Settlement in this matter is consistent with the Commission’s Policy for Litigated and Settled Proceedings Involving Violations of the Code and Commission Regulations (“Policy Statement”), 52 Pa. Code § 69.1201; See also *Joseph A. Rosi v. Bell-Atlantic Pa., Inc.*, Docket No. C-00992409 (Order entered March 16, 2000).

The Commission’s Policy Statement sets forth ten factors that the Commission may consider in evaluating whether a civil penalty for violating a Commission order, regulation, or statute is appropriate, as well as whether a proposed settlement for a violation is reasonable and in the public interest. 52 Pa. Code § 69.1201.

These factors are: (i) Whether the conduct at issue was of a serious nature; (ii) Whether the resulting consequences of the conduct at issue were of a serious nature; (iii) Whether the conduct at issue was deemed intentional or negligent; (iv) Whether the regulated entity made efforts to modify internal policies and procedures to address the conduct at issue and prevent similar conduct in the future; (v) The number of customers affected and the duration of the violation; (vi) The compliance history of the regulated entity that committed the violation; (vii) Whether the regulated entity cooperated with the Commission’s investigation; (viii) The amount of the civil

penalty or fine necessary to deter future violations; (ix) Past Commission decisions in similar situations; and (x) Other relevant factors. 52 Pa. Code § 69.1201(c).

The Commission will not apply the standards as strictly in settled cases as in litigated cases. 52 Pa. Code § 69.1201(b). While many of the same factors may still be considered, in settled cases, the parties “will be afforded flexibility in reaching amicable resolutions to complaints and other matters so long as the settlement is in the public interest.” 52 Pa. Code § 69.1201(b).

The first factor considers whether the conduct at issue was of a serious nature and, if so, whether the conduct may warrant a higher penalty. PECO alleges that the conduct in this case was as follows: due a change to dialer platform used by PECO’s third-party vendor, the Company terminated service to a number of customers 1) without completing the second 72-hour phone call to the customer or adult occupant at least three days prior to the scheduled termination, or 2) on a day different from the one listed in the 72-hour call. Also, PECO was delayed in refunding the reconnection fees it assessed to bill records/accounts associated with the second issue. PECO recognizes that the alleged improper terminations were serious.

The second factor considered is whether the resulting consequences of the conduct in question were of a serious nature. PECO took immediate steps to correct the issues, contact affected customers through a variety of methodologies, and restored service where possible.

Specifically, PECO took the following steps to reach impacted customers:

- Manual calls were made to the phone number listed for the premises;
- A restoration hotline was established to respond to inbound requests for restoration;
- Two field visits were made to each premises;
- Outbound Dialer calls: two telephone calls were made on two different days (one in the AM and one in the PM);
- A one-time letter was mailed offering an additional Deferred Payment Agreement (“DPA”), if needed;
- Field visits for visual inspection of the premises during which a customer financial assistance packet (that included information about Universal Services Programs) was left;
- An additional DPA was offered to customers whose service was terminated on or before September 10, 2019, the last day the incorrect information was provided, and whose past due balance was between \$350.00 and \$3,000.00; and
- Additionally, PECO extensively promoted its “no payment required” COVID reconnect. All premises with an “off” meter status thus received an additional, well-publicized opportunity to reconnect service without payment.

PECO also terminated its contract with the third-party vendor and put into place additional checks and auditing to prevent similar issues in the future. PECO self-reported these issues to the BCS and provided updates on its outreach to impacted customers during the subsequent BCS quarterly meetings. PECO also self-reported to I&E the reconnection fees erroneously charged to the customers whose service was terminated, and refunded such amounts with interest, regardless of when the impacted customers were restored.

The third factor considers whether the conduct at issue was deemed intentional or negligent. This factor is only to be considered when evaluating litigated cases. 52 Pa. Code § 69.1201(c)(3). Therefore, this factor does not apply to the present case because this proceeding is a settled matter.

The fourth factor to be considered is whether PECO made efforts to modify internal policies and procedures to address the alleged conduct at issue and to prevent similar conduct in the future. As a result of the issues caused by its third-party vendor, PECO promptly terminated its contract with them. Although it already had some auditing and change management procedures, the Company put into place additional checks and auditing to prevent similar issues in the future. PECO also has agreed to summarize and report the results of its regulatory noticing audits to BCS for the next two years. The details of such are as follows:

- The noticing audits track transactions between PECO’s Customer Information Management System (“CIMS”), vendors, and customers to ensure notices are being processed and delivered correctly;
- The notices that will be audited are: Disconnect Notice; 72-hour (first call); 72-hour (second call)/48 Hour (field notice); and Cut Out for Non-Pay (post termination notice);
- The data points reviewed for accuracy will be as follows: account balances; termination dates; and dates and times of each contact; and
- With respect to frequency of audits: detailed transactions will be audited on a monthly basis at the notice level and daily monitoring will include recording transactions through each hand off to ensure the process is working as designed.

The fifth factor considers the number of customers affected and the duration of the violation. As a result of the two errors caused by the dialer platform change, between June 25, 2018 and September 10, 2019, approximately 48,500 customers had service improperly terminated. Upon discovery of the two issues, PECO immediately restored service to all customers, where possible, and took a number of additional steps (described above) to contact and restore the remaining customers.

The sixth factor considers the compliance history of the company. 52 Pa. Code § 69.1201(c)(6). “An isolated incident from an otherwise compliant utility may result in a lower penalty, whereas frequent, recurrent violations by a utility may result in a higher penalty.” *Id.* As a general proposition, neither the Public Utility Code nor the Commission’s regulations require public utilities to require constantly flawless service. The Public Utility Code requires public utilities to provide reasonable and adequate, not perfect, service. 66 Pa.C.S. § 1501. PECO submits that it has a strong compliance history with regard to customer service terminations.

The seventh factor to be considered is whether the regulated entity cooperated with the Commission’s investigation. PECO has cooperated with I&E throughout all phases of this investigation and settlement process.

The eighth factor is the amount of the civil penalty or fine necessary to deter future violations. PECO submits that no civil penalty would have been necessary to deter it from committing future violations, but nonetheless has agreed to payment of a \$150,000 civil penalty. Further, in addition to paying the civil penalty, PECO has agreed to increase the amount of funds available for its Matching Energy Assistance Fund (“MEAF”) by \$75,000 within

thirty days of the date a Commission Order approving the settlement becomes final, with \$15,000 being assigned to each of its five major MEAF agencies to provide additional hardship grants. PECO notes that it will match the \$75,000 in grant money, as per the terms of its MEAF program, bringing the total potential financial commitment to \$300,000.¹¹

The ninth factor examines past Commission decisions in similar situations. The agreement between I&E and PECO provides a civil penalty of \$150,000 for multiple alleged violations for the customer accounts that were impermissibly terminated. PECO submits that this penalty, coupled with its commitments to increase the amount of MEAF funding by \$75,000, as well as its additional more comprehensive and robust regulatory notice auditing, is an appropriate resolution.

Finally, the tenth factor considers any other relevant factor. PECO agrees with I&E that an additional relevant factor—whether the case was settled or litigated—is of pivotal importance to this Settlement Agreement. A settlement avoids the necessity for the governmental agency to prove elements of each allegation. In return, the opposing party in a settlement agrees to a lesser fine or penalty, or other remedial action. Both parties negotiate from their initial litigation positions. The fines and penalties, and other remedial actions resulting from a fully litigated proceeding are difficult to predict and can differ from those that result from a settlement. Reasonable settlement terms can represent economic and programmatic compromise but allow the parties to move forward and to focus on implementing the agreed upon remedial actions. I&E and PECO fully support the terms and conditions of this Settlement Agreement. The foregoing terms of this Agreement reflect a carefully balanced compromise of the interests of the parties in this proceeding. The parties believe that approval of this Settlement Agreement is in the public interest. Acceptance of this Settlement Agreement avoids the necessity of further administrative and potential appellate proceedings at what would have been a substantial cost to the parties. For all of these reasons, PECO submits that this Settlement is consistent with past Commission actions and presents a fair and reasonable outcome.

Wherefore, PECO Energy Company fully supports the Settlement Agreement and respectfully requests that the Commission adopt an order approving the terms and conditions of this Settlement Agreement in its entirety.

Respectfully submitted,

Anthony E. Gay (Pa. No. 74624)
 Jack R. Garfinkle (Pa. No. 81892)
 Jennedy S. Johnson (Pa. No. 203098)
 PECO Energy Company
 2301 Market Street, S23-1
 Philadelphia, PA 19103
 Phone: 215.841.4353
 Fax: 215.568.3389
 anthony.gay@exeloncorp.com
 jack.garfinkle@exeloncorp.com
 jennedy.johnson@exeloncorp.com

Dated: January 7, 2022

[Pa.B. Doc. No. 22-1407. Filed for public inspection September 9, 2022, 9:00 a.m.]

¹¹ PECO will also transfer \$320,591.88 to its MEAF within thirty (30) days of the date of the Commission's final order. This is the amount of erroneously charged customer reconnection fees that PECO was unable to apply to customer accounts. This amount is not subject to matching.

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 September 26, 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 September 26, 2022. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Commission's eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. The documents filed in support of the application are only available for inspection through the Commission's web site at www.puc.pa.gov by searching under the previously listed docket number or by searching the applicant's web site.

Applications of the following for approval to *begin operating as common carriers for transportation of persons* as described under each application.

A-2022-3034267. U.S. Medical Transportation, LLC (242 Walnut Bottom Road, Carlisle, Cumberland County, PA 17013) to transport, by motor vehicles, in paratransit service, persons from points in the Counties of Cumberland, Dauphin and York, to points in Pennsylvania, and return.

A-2022-3034706. Home Concept Services, LLC (8722 Cottage Street, 2nd Floor, Philadelphia, Philadelphia County, PA 19136) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, between points in the Counties of Bucks, Delaware and Montgomery, and the City and County of Philadelphia.

Application 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 the application.

A-2021-3029208. Exceptional Movers, LLC (606 Fillmore Street, Harrisburg, Dauphin County, PA 17104) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania.

Application of the following for the approval of the *transfer of stock* as described under the application.

A-2022-3034289. Lockheart Limousine, Inc., t/a Shamrock Limousine (3990 Patterson Road, Aliquippa, Beaver County, PA 15001) for the approval of the transfer of all shares of issued stock from Douglas Kaleugher to Derek R. Suehr. *Attorney:* Kulik Law Office, 127 Lorish Road, McKees Rock, PA 15136.

Application of the following for the approval of the right and privilege to *discontinue/abandon* operating as *common carriers* by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-2022-3034635. Professional Care Transport, LLC (3217 Rhett Road, Philadelphia, Philadelphia County, PA 19154) discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, at A-6417730, persons in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 22-1408. Filed for public inspection September 9, 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 September 26, 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. Nos. A-22-08-09 and A-22-08-10. Naim Taxi, LLC (117 Hillside Circle, Villanova, PA 19085): 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-22-08-11. Nighbro Enterprise, LLC (1732 Danforth Street, Philadelphia, PA 19152): 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. 22-1409. Filed for public inspection September 9, 2022, 9:00 a.m.]
