

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Referendum on Continuation of the Pennsylvania Vegetable Marketing and Research Program

I. The Pennsylvania Vegetable Marketing and Research Program was established under the provisions of the Agricultural Commodities Marketing Act. The Act requires that the Secretary of Agriculture call a referendum of affected producers every five years to determine whether or not a majority of those voting still desire the program. The program was last subjected to a review referendum conducted in 2018. It is now time for another review referendum to determine whether a majority of the vegetable producers desire the program to continue.

II. *Referendum Period:* The referendum period shall be from April 3, 2023, until 4 p.m. on May 3, 2023. Completed ballots shall be mailed or hand-delivered to the Pennsylvania Department of Agriculture, Bureau of Market Development, Room 310, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408. Hand-delivered ballots must be received by 4 p.m. on May 3, 2023. Ballots that are mailed must be postmarked no later than May 3, 2023, and received no later than May 15, 2023.

III. *Notice of Referendum:* This referendum order and an official ballot shall be mailed no later than March 27, 2023, to all affected producers whose names appear on the list of Pennsylvania vegetable producers maintained in the Office of the Secretary of Agriculture. Additional copies of the same materials shall be made available at the Office of the Secretary of Agriculture.

IV. *Eligible Voters:* In order for a vegetable producer to be eligible to vote, the vegetable producer must have done one or more of the following in the growing season running from January 1, 2022 through December 31,

2022: (a) The vegetable producer grew one (1) or more acres of vegetables within Pennsylvania for the purpose of selling said vegetables; or (b) The vegetable producer grew vegetables in one or more greenhouses located within Pennsylvania from total greenhouse space of 1,000 square feet or more, grew those vegetables for sale, and did not grow those vegetables to be transplanted outdoors; or (c) The vegetable producer grew vegetables within Pennsylvania and sold them for a total of \$2,000 or more.

V. *Counting of Ballots:* The ballots will be canvassed and counted by a Teller Committee appointed by the Secretary of Agriculture. The counting of the ballots will begin at 2 p.m., Wednesday, May 17, 2023, at the Pennsylvania Department of Agriculture, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110. The Secretary will announce the results of the referendum within 30 days following the completion of the referendum period. The results will be published in the *Pennsylvania Bulletin* and the Harrisburg Patriot-News and disseminated to the news media.

VI. *Reporting Irregularities:* Any irregularities or disputes concerning the referendum procedures must be reported in written form to the Secretary of Agriculture not later than seven (7) calendar days from the end of the referendum period.

VII. *Publication:* This referendum order shall be published in the *Pennsylvania Bulletin* and the Harrisburg Patriot-News.

VIII. *Effective Date:* The foregoing order shall be effective immediately.

RUSSELL REDDING,  
Secretary

[Pa.B. Doc. No. 23-348. Filed for public inspection March 17, 2023, 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 March 7, 2023.

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

Date	Name and Location of Applicant	Location of Branch	Action
03-02-2023	Bank of Bird-in-Hand Bird-in-Hand Lancaster County	7180 Bernville Road Bernville Berks County (Mobile)	Approved

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
03-06-2023	Univest Bank and Trust Co. Souderton Montgomery County	10801 Tony Drive Lutherville-Timonium Baltimore County, MD	Opened

**CREDIT UNIONS**

No activity.

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

SARAH HAMMER,  
*Acting Secretary*

[Pa.B. Doc. No. 23-349. Filed for public inspection March 17, 2023, 9:00 a.m.]

**DEPARTMENT OF BANKING AND SECURITIES**

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of April 2023**

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of April 2023, is 6 1/4%.

The interest rate limitations under the Commonwealth’s usury statute were pre-empted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub.L. No. 96-221). Further pre-emption was instituted with the signing of Pub.L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board or the United States Treasury, or both. The latest yield rate on long-term government securities is 3.83 to which was added 2.50 percentage points for a total of 6.33 that by law is rounded off to the nearest quarter at 6 1/4%.

SARAH HAMMER,  
*Acting Secretary*

[Pa.B. Doc. No. 23-350. Filed for public inspection March 17, 2023, 9:00 a.m.]

**DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES**

**Conservation and Natural Resources Advisory Council Public Meeting**

The Conservation and Natural Resources Advisory Council (Council) to the Department of Conservation and Natural Resources (Department) will hold a public meeting on March 22, 2023, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harris-

burg, PA. The public meeting may be attended by means of Microsoft Teams through a link found on the Council’s web site prior to the public meeting at [www.dcnr.pa.gov/cnrc](http://www.dcnr.pa.gov/cnrc).

Questions concerning this public meeting or agenda items can be directed to Gretchen Leslie at (717) 772-9084. For public comment to be considered at the public meeting, follow the instructions on the Council’s web site.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Aara Vinsh directly at (717) 787-9306 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

CINDY ADAMS DUNN,  
*Secretary*

[Pa.B. Doc. No. 23-351. Filed for public inspection March 17, 2023, 9:00 a.m.]

**DEPARTMENT OF EDUCATION**

**Proposed Grant Application by the Department of Education under Part B of the Individuals with Disabilities Education Act for Federal Fiscal Year 2023**

Public comment is invited regarding the Department of Education’s (Department) proposed grant application under Part B of the Individuals with Disabilities Education Act (IDEA-B) for Federal Fiscal Year 2023. The annual grant application provides, in part, assurances that the Commonwealth’s policies and procedures in effect are consistent with the Federal requirements to ensure that a free appropriate public education is made available to all children with a disability from 3 years of age to 21 years of age, including children who have been suspended or expelled from school.

The Department is also seeking public comment on its revisions to the prior written notice for a reevaluation and request for consent form and corresponding Cyclical Monitoring for Continuous Improvement (CMCI) file review documents. The form is being separated into two forms, the prior written notice for a reevaluation form and the request for consent for a reevaluation form, to ensure local educational agencies (LEA) provide parents with prior written notice and obtain parent consent at proper times during the reevaluation process. The Department changed the corresponding CMCI file review documents to incorporate both forms so that during its monitoring, the Department can ensure LEAs are properly using both forms.

The public participation requirements relevant to Part B are in 34 CFR 300.165 (relating to public participation) and in section 441(b)(7) of the General Education Provisions Act (20 U.S.C.A. § 1232d(b)(7)). In accordance with these requirements, and prior to submitting a State plan or adopting any policies and procedures needed to comply with Part B, or both, the Commonwealth must ensure reasonable opportunities for participation by local agencies, representatives of the class of individuals affected by this program and other interested institutions, organizations and individuals in the planning for and operation of the IDEA-B program. Section 76.102 of 34 CFR (relating to definition of "State plan" for part 76) indicates that the IDEA-B grant application is considered a State plan.

Copies of the proposed 2023 IDEA-B grant application, prior written notice for a reevaluation and request for consent for a reevaluation forms and the corresponding CMCI file review documents are available by viewing the documents at <https://www.education.pa.gov/K-12/Special%20Education/IDEA/Pages/default.aspx>. The current IDEA-B policies and procedures are available for viewing at the previously listed web site. Alternative formats of the documents (for example, Braille, large print, CD) can be made available to members of the public upon request.

The Department will accept written public comment beginning March 18, 2023, until May 17, 2023. The written comments should be directed to Jeanette Alexander, Special Education Adviser, Bureau of Special Education, Department of Education, 333 Market Street, 7th Floor, Harrisburg, PA 17126-0333, [jeaalexand@pa.gov](mailto:jeaalexand@pa.gov).

Public comment is also welcomed in alternative formats such as Braille, recorded comments and telephone com-

ments for individuals with disabilities. Individuals who are disabled and wish to submit comments by telephone should contact Aaron Ios at (717) 772-3500.

Additionally, the Department will provide individuals wishing to present verbal testimony an opportunity to do so. One written copy of verbal testimony prior to the time of presentation would be appreciated. Presentations should be limited to 15 minutes.

Verbal testimony must be provided virtually on March 29, 2023, from 3 p.m. to 6 p.m.

To schedule an opportunity to present verbal testimony, or for persons with a disability who require an accommodation to participate in the proceedings, call Aaron Ios at (717) 772-3500, [aioos@pa.gov](mailto:aioos@pa.gov) no later than March 23, 2023. Individuals will be provided with a link to participate.

Following receipt of all written and verbal comments, the Department will consider all comments. The Department will make any necessary modifications to the proposed 2023 IDEA-B grant application and the revised forms and corresponding CMCI file review documents before submission of the Federal Fiscal Year 2023 IDEA-B grant application to the Secretary of the United States Department of Education and implementation of the revised forms and corresponding CMCI file review documents.

DR. KHALID N. MUMIN,  
*Acting Secretary*

[Pa.B. Doc. No. 23-352. Filed for public inspection March 17, 2023, 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](http://www.dep.pa.gov) and select Businesses, Water, Bureau of Clean Water, Wastewater Management, and NPDES and WQM Permitting Programs).

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

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

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

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

Section II identifies individual NPDES permit applications received and draft permits indicating DEP’s tentative determination relating to sewage, industrial waste, industrial stormwater, MS4s, pesticides and CAFOs. A 30-day public comment period applies to these applications and draft permits, except when a site-specific water quality criterion is used to establish effluent limitations, in which case a 45-day public comment period applies. The period for comment may be extended at the discretion of 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](http://www.dep.pa.gov/CWPublicNotice). Notification of 15-day extensions for comment will be provided in the “Applications Received with Comment Periods Report” (Comments column).

Section III identifies individual NPDES permit applications received and draft permits indicating DEP’s tentative determination relating to stormwater discharges associated with construction activities. A 30-day public comment period applies to these applications and draft permits. The period for comment may be extended at the discretion of the Department for one additional 15-day period. Additional information may be reviewed by generating the “Applications Received with Comment Periods Report” on DEP’s website at [www.dep.pa.gov/CWPublicNotice](http://www.dep.pa.gov/CWPublicNotice).

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

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

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

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

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

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

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

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

*DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814-332-6340. Email: RA-EPNPDES\_NWRO@pa.gov for permits in Sections I & II; RA-EPWW-NWRO@pa.gov for permits in Section III.*

*DEP Bureau of Clean Water (BCW)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717-787-5017. Email: RA-EPNPDES\_Permits@pa.gov.*

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

DEP will also accept requests or petitions for public hearings on applications. The request or petition must indicate the interest of the party filing and the reasons why a hearing is warranted. A hearing will be held if 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 &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAD150208	Chapter 102 Individual NPDES Permit	Transfer	Aksu Kenan 1005 Neils Drive Exton, PA 19341-1960	Charlestown Township Chester County	SERO
0918802	Joint DEP/PFBC Pesticides Permit	Renewal	Rumetsch Gret 1438 Bethlehem Pike Sellersville, PA 18960-1451	West Rockhill Township Bucks County	SERO
1017807	Joint DEP/PFBC Pesticides Permit	Renewal	Randy E Davis 282 Crisswell Road Butler, PA 16002-8645	Penn Township Butler County	NWRO
1023802	Joint DEP/PFBC Pesticides Permit	New	Eugene Ratay 278 Rader School Road Renfrew, PA 16053-8310	Forward Township Butler County	NWRO
1518810	Joint DEP/PFBC Pesticides Permit	Renewal	Distefano Landscape Service Inc. 181 Robbins Road Downingtown, PA 19335	Uwchlan Township Chester County	SERO
1518812	Joint DEP/PFBC Pesticides Permit	Renewal	Paul Thomas 17 Marlborough Road Newtown Square, PA 19073	Willistown Township Chester County	SERO
2223802	Joint DEP/PFBC Pesticides Permit	New	Vineyards at Hershey 193 Cedar Street Middletown, PA 17057-4604	Londonderry Township Dauphin County	SCRO
2223803	Joint DEP/PFBC Pesticides Permit	New	Milton Hershey School 1201 Homestead Lane Hershey, PA 17033-8818	Derry Township Dauphin County	SCRO
3613861	Joint DEP/PFBC Pesticides Permit	Renewal	Obrochta James 3752 Purple Lake Drive Columbia, PA 17512-9769	West Hempfield Township Lancaster County	SCRO
5470403	Major Sewage Treatment Facility Individual WQM Permit	Amendment	Minersville Borough Sewer Authority Schuylkill County 2 E Sunbury Street Minersville, PA 17954-1719	Minersville Borough Schuylkill County	NERO
2008201	Manure Storage and Wastewater Impoundments Individual WQM Permit	Amendment	Bortnick Dairy LLC 21820 Palmer Road Conneautville, PA 16406-4746	Beaver Township Crawford County	NWRO
0871401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	Wyalusing Borough Municipal Authority Bradford County P.O. Box 61 Wyalusing, PA 18853-0061	Wyalusing Borough Bradford County	NCRO
1497403	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	PA DCNR Bald Eagle State Park 149 Main Park Road Howard, PA 16841-3508	Liberty Township Centre County	NCRO
1793407	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	Kratzer Run Sewer Authority P.O. Box 253 Grampian, PA 16838-0253	Penn Township Clearfield County	NCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
4503401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	Barley Creek Brewing Co. Sullivan Trail Road & Camelback Road Tannersville, PA 18372	Pocono Township Monroe County	NERO
0465S26	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Transfer	Point Marion Borough Fayette County P.O. Box 236 Point Marion, PA 15474-0236	Point Marion Borough Fayette County	SWRO
NOEXSC161	No Exposure Certification	Renewal	The Ames Co. Inc. 465 Railroad Avenue Camp Hill, PA 17011-5611	South Middleton Township Cumberland County	SCRO
NOEXSC176	No Exposure Certification	Renewal	Crown Cork & Seal Co. USA Inc. 1650 Broadway Hanover, PA 17331-8118	Penn Township York County	SCRO
NOEXSE178	No Exposure Certification	Transfer	Caes System LLC 305 Richardson Road Lansdale, PA 19446-1495	Montgomery Township Montgomery County	SERO
PAG030041	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Waste Management of PA 100 Brandywine Boulevard Suite 300 Newtown, PA 18940-4002	East Caln Township Chester County	SERO
PAG030138	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Liberty Coating Co. LLC 21 Steel Road S Morrisville, PA 19067-3614	Falls Township Bucks County	SERO
PAG032218	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Alpha Bio Medical Service LLC 9220 Kirby Drive Suite 500 Houston, TX 77054	Nesquehoning Borough Carbon County	NERO
PAG032246	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Ball Metal Beverage Container Corporation 140 Industrial Drive Pittston, PA 18640-6145	Jenkins Township Luzerne County	NERO
PAG032260	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	CSC PA LLC 151 Commerce Drive Hazleton, PA 18202-4817	Hazle Township Luzerne County	NERO
PAG032284	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Pitt Ohio Express LLC 15 27th Street Pittsburgh, PA 15222-4729	Hazle Township Luzerne County	NERO
PAG032285	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Aerc Com Inc. 2330 26th Street SW Allentown, PA 18103-6604	Allentown City Lehigh County	NERO
PAG032286	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	B & D Stone Co. 474 Bell Mt Road Greenfield Township, PA 18407	Harford Township Susquehanna County	NERO
PAG032287	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Luzerne County Luzerne County Courthouse 200 North River Street Wilkes-Barre, PA 18711	Forty Fort Borough Luzerne County	NERO
PAG032293	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Buckman Iron & Metal Inc. 3980 Portland Street Coplay, PA 18037-2224	North Whitehall Township Lehigh County	NERO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG032294	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Hershey Co. 6 Scotch Pine Drive Hazle Township, PA 18202-9760	Hazle Township Luzerne County	NERO
PAG032295	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Ward Trucking LLC P.O. Box 1553 Altoona, PA 16603-1553	Glendon Borough Northampton County	NERO
PAG033546	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	World Energy Harrisburg LLC 2850 Appleton Street Suite E Camp Hill, PA 17011-8036	Lower Allen Township Cumberland County	SCRO
PAG033618	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Lancaster Direct LLC P.O. Box 429 Manheim, PA 17545-0429	Penn Township Lancaster County	SCRO
PAG033683	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Acco Brands USA 949 Main Street Alexandria, PA 16611-2821	Porter Township Huntingdon County	SCRO
PAG033691	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Lane Enterprises LLC 682 Quaker Valley Road New Paris, PA 15554-9250	East Saint Clair Township Bedford County	SCRO
PAG033693	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Meyer Oil Co. P.O. Box 2004 Cleona, PA 17042-2004	Cleona Borough Lebanon County	SCRO
PAG033695	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Aquatic Co. 40 Industrial Road Elizabethtown, PA 17022-9425	West Donegal Township Lancaster County	SCRO
PAG033703	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Akzo Nobel Coatings Inc. 150 Columbia Avenue Reading, PA 19601-1748	Reading City Berks County	SCRO
PAG033704	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Steel Fab Enterprises Inc. 625 Baumgardner Road Lancaster, PA 17603-9649	Pequea Township Lancaster County	SCRO
PAG033705	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Buckeye Energy Service LLC 5002 Buckeye Road P.O. Box 368 Emmaus, PA 18049-5347	Muhlenberg Township Berks County	SCRO
PAG034838	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Suttys Inc. 5224 Mile Lane Road Sayre, PA 18840-9459	Athens Township Bradford County	NCRO
PAG034868	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Ward Trucking LLC P.O. Box 1553 Altoona, PA 16603	Milton Borough Northumberland County	NCRO
PAG034873	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Energy Transfer Market & Terminal LP 1314 Point Township Drive Northumberland, PA 17857-8854	Point Township Northumberland County	NCRO
PAG034894	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Autoneum North American Inc. 480 W 5th Street Bloomsburg, PA 17815-1563	Bloomsburg Township Columbia County	NCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG034896	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Dupont Specialty Products USA LLC 192 Patterson Boulevard Towanda, PA 18848-8208	North Towanda Township Bradford County	NCRO
PAG034897	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	CK Capital LLC 4565 William Penn Highway Murrysville, PA 15668-2003	Boggs Township Centre County	NCRO
PAG034898	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	River Run Foods DE LLC 50 Blue HI Northumberland, PA 17857-8666	Northumberland Borough Northumberland County	NCRO
PAG036223	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Environmental Energy Solutions LLC P.O. Box 75 Sassamansville, PA 19472-0075	Franklin Township Greene County	SWRO
PAG036301	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	SPM Oil & Gas PC LLC 601 Weir Way Fort Worth, TX 76108-2508	Hanover Township Washington County	SWRO
PAG036335	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Route 51 Auto & Truck Parts LLC 907 Old Route 51 Road Smock, PA 15480-2015	Menallen Township Fayette County	SWRO
PAG036337	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Waste Management of PA Inc. 310 Leger Road North Huntingdon, PA 15642-1148	North Huntingdon Township Westmoreland County	SWRO
PAG036338	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Amcel Center 1558 Mt Pleasant Connellsville Road Mt Pleasant, PA 15666	East Huntingdon Township Westmoreland County	SWRO
PAG036339	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	USA Valley Facility Inc. 6015 Pleasant Valley Road Irwin, PA 15642	Penn Township Westmoreland County	SWRO
PAG036340	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Bottling Group LLC 429 Industrial Park Road Johnstown, PA 15904-1943	Johnstown City Cambria County	SWRO
PAG036341	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Kelly Run Sanitary Inc. 1500 Hayden Boulevard Elizabeth, PA 15037-1666	Forward Township Allegheny County	SWRO
PAG036342	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Riverside Concrete & Supply Inc. 889 Pennsylvania Avenue Coraopolis, PA 15108	Coraopolis Borough Allegheny County	SWRO
PAG036343	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Armada Waste of PA LLC 3490 Piedmont Road NE Atlanta, GA 30305-1743	Crescent Township Allegheny County	SWRO
PAG036344	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Hansen Engineering Inc. 167 Laidleys Run Road West Alexander, PA 15376-2246	West Finley Township Washington County	SWRO
PAG038390	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Heidelberg Materials US Cement LLC 2200 Springfield Pike Connellsville, PA 15425-6412	Bessemer Borough Lawrence County	NWRO



## NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG038394	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Dawson Auto Wrecking LLC 113 Protzman Road Butler, PA 16002-9145	Summit Township Butler County	NWRO
PAG038398	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Integral Scrap & Recycling Inc. 155 Airport Road Suite A Indiana, PA 15701-8904	White Township Indiana County	NWRO
PAG038414	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Rupp Larry D 247 Clearfield Pike Kittanning, PA 16201-8447	Rayburn Township Armstrong County	NWRO
PAG038415	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Glacial Sand & Gravel Co. P.O. Box 1022 Kittanning, PA 16201-5022	East Franklin Township Armstrong County	NWRO
PAG038416	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Lindy Paving Products Inc. P.O. Box 282 Hillsville, PA 16132-0282	Mahoning Township Lawrence County	NWRO
PAR602244	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Buckman Iron & Metal Inc. 3980 Portland Street Coplay, PA 18037-2224	North Whitehall Township Lehigh County	NERO
PAR802260	PAG-03 NPDES General Permit for Industrial Stormwater	Renewal	Ward Trucking LLC P.O. Box 1553 Altoona, PA 16603-1553	Glendon Borough Northampton County	NERO
PAG134824	PAG-13 NPDES General Permit for MS4s	Renewal	Catawissa Township Columbia County 153 Old Reading Road Catawissa, PA 17820-7937	Catawissa Township Columbia County	NCRO
PAG136168	PAG-13 NPDES General Permit for MS4s	Renewal	Haysville Borough Allegheny County 36 South Avenue Sewickley, PA 15143-2108	Haysville Borough Allegheny County	SWRO
5473419	Pump Stations Individual WQM Permit	Amendment	Aqua PA Wastewater Inc. 1 Aqua Way White Haven, PA 18661-1115	North Union Township Schuylkill County	NERO
6722404	Pump Stations Individual WQM Permit	Amendment	PA American Water Co. 100 E Market Street York, PA 17401-1219	York City York County	SCRO
PA0244198	Single Residence STP Individual NPDES Permit	Transfer	Campbell David J & Fang Z 2565 Wayland Road Berwyn, PA 19312-2146	Easttown Township Chester County	SERO
PA0288497	Single Residence STP Individual NPDES Permit	Transfer	G Martin & Mary Patricia Woodard 33 W Methodist Road Greenville, PA 16125-9712	Hempfield Township Mercer County	NWRO
4320409	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	G Martin & Mary Patricia Woodard 33 W Methodist Road Greenville, PA 16125-9712	Hempfield Township Mercer County	NWRO
4923401	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Litwin Anthony 4151 State Route 225 Dornsife, PA 17823-7258	Jackson Township Northumberland County	NCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
5786401	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Sound Bite Shores LLC 809 Deer Woods Road Kissimmee, FL 34747-4261	Laporte Township Sullivan County	NCRO
6323400	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Daniels Diane 226 Rankin Road Washington, PA 15301-3182	South Franklin Township Washington County	SWRO
2523406	Small Flow Treatment Facility Individual WQM Permit	New	Blane & Nancy Chase 12455 Route 6N Albion, PA 16401-9781	Conneaut Township Erie County	NWRO
4323405	Small Flow Treatment Facility Individual WQM Permit	New	Johnston Debra 3499 Perry Highway Hadley, PA 16130-2321	Sandy Creek Township Mercer County	NWRO
WQG010013	WQG-01 WQM General Permit	Transfer	Campbell David J & Fang Z 2565 Wayland Road Berwyn, PA 19312-2146	Easttown Township Chester County	SERO
WQG012231	WQG-01 WQM General Permit	New	Weninger Janice 160 E Moorestown Road Wind Gap, PA 18091-9726	Bushkill Township Northampton County	NERO
WQG02072301	WQG-02 WQM General Permit	New	Hollidaysburg Borough Sewer Authority Blair County 401 Blair Street Hollidaysburg, PA 16648-1805	Frankstown Township Blair County	SCRO
WQG02402301	WQG-02 WQM General Permit	New	Greater Hazleton City Joint Sewer Authority Luzerne County P.O. Box 651 Hazleton, PA 18201-0651	Hazleton City Luzerne County	NERO

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

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*Northwest Regional Office*

**PA0033448**, Sewage, SIC Code 4952, 6515, **Pennwood Estates MHC LLC**, 4510 Bath Pike, Bethlehem, PA 18017. Facility Name: Pennwood Estates MHP. This existing facility is located at 6810 Frogtown Road, Hermitage, PA 16148 in Lackawannock Township, **Mercer County**.

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

The receiving stream is the West Branch Little Neshannock Creek, located in State Water Plan watershed 20-A and classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .009 MGD.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Fecal Coliform (#100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	13.0	XXX	26.0
May 1 - Oct 31	XXX	XXX	XXX	4.5	XXX	9.0
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report Annl XXX
Total Nitrogen	XXX	XXX	XXX	Report Avg Qrtly	Report Daily Max	XXX
Total Phosphorus	XXX	XXX	XXX	Report Avg Qrtly	Report Daily Max	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.

Northwest Regional Office

**PA0037893**, Sewage, SIC Code 4952, **East Brady Borough**, 502 Ferry Street, Suite 15, East Brady, PA 16028-1238. Facility Name: East Brady STP. This existing facility is located in East Brady Borough, **Clarion County**.

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

The receiving stream, the Allegheny River (WWF), is located in State Water Plan watershed 17-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.185 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min 4.0	XXX	Daily Max XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	38.0	61.0	Daily Min XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD <sub>5</sub> ) Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	46.0	69.0	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 intensity (µw/cm <sup>2</sup> )	XXX	XXX	XXX	Geo Mean Report	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Chloride	Report	XXX	XXX	Report	XXX	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	Report Avg Qrtly	XXX
Nickel, Total	Report Avg Qrtly	XXX	XXX	Report Avg Qrtly	XXX	XXX
Zinc, Total	Report Avg Qrtly	XXX	XXX	Report Avg Qrtly	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Annl Avg Report	XXX	XXX
				Annl Avg		

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

- Solids Management

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

The EPA Waiver is in effect

*Northwest Regional Office*

**PA0221961**, Sewage, SIC Code 4952, **Timberlee Valley Sanitary Company, Inc.**, 800 South Washington Street, Evans City, PA 16033-9208. Facility Name: Timberlee Valley STP. This existing facility is located in Connoquenessing Township, **Butler County**.

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

The receiving stream, the Crab Run (CWF), is located in State Water Plan watershed 20-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.030 MGD.—Interim 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	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min	XXX	Daily Max	XXX
			4.0		XXX	
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	Daily Min	25.0	XXX	50
			XXX			
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ultraviolet light intensity ( $\mu\text{w}/\text{cm}^2$ )	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	25.0	XXX	50
May 1 - Oct 31	XXX	XXX	XXX	17.5	XXX	35
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4

The proposed effluent limits for Outfall 001 are based on a design flow of 0.068 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	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min	XXX	Daily Max	XXX
			4.0		XXX	
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	Daily Min	25.0	XXX	50
			XXX			
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ultraviolet light intensity ( $\mu\text{w}/\text{cm}^2$ )	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	24.9	XXX	49.8
May 1 - Oct 31	XXX	XXX	XXX	8.3	XXX	16.6
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4

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

- Solids Management

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

The EPA Waiver is in effect.

*Northwest Regional Office*

**PA0264237**, Sewage, SIC Code 8800, **Andre & Julie Turbide**, 2721 Route 957, Russell, PA 16345-2613. Facility Name: Andre & Julie Turbide SRSTP. This existing facility is located in Farmington Township, **Warren 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, the Johnny Run (CWF), is located in State Water Plan watershed 16-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

- Ultraviolet (UV) Disinfection

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.

*Northwest Regional Office*

**PA0292826**, Sewage, SIC Code 8800, **Denise Weigert**, 2591 Strong Road, Waterford, PA 16441-2145. Facility Name: Denise Weigert SRSTP. This proposed facility is located in Waterford Township, **Erie County**.

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

The receiving stream(s), Unnamed Tributary to Benson Run (HQ-CWF), is located in State Water Plan watershed 16-A and is classified for High Quality—Cold Water Fishery, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

The EPA Waiver is in effect.

*Northwest Regional Office*

**PA0292877**, Sewage, SIC Code 8800, **George A Hayden**, 1447 Wyman Road, Sligo, PA 16255. Facility Name: George Hayden SRSTP. This proposed facility is located in Piney Township, **Clarion 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), Anderson Run (CWF), is located in State Water Plan watershed 17-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg	XXX	6 Inst Min	XXX	XXX	9
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10	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.

*Northwest Regional Office*

**PA0292907**, Sewage, SIC Code 8800, **Richard Hunter**, 7269 Sterrettania Road, Fairview, PA 16415-2812. Facility Name: Richard Hunter SRSTP. This proposed facility is located in Fairview Township, **Erie County**.

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

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

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg	XXX	6 Inst Min	XXX	XXX	9
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10	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.

*Northwest Regional Office*

**PA0292915**, Sewage, SIC Code 8800, **Joseph & Mildred Farrell**, 10255 Silverthorn Road, Edinboro, PA 16412-9713. Facility Name: Joseph & Mildred Farrell SRSTP. This proposed facility is located in Franklin Township, **Erie County**.

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

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

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg	XXX	6 Inst Min	XXX	XXX	9
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10	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*

**PA0087564**, Sewage, SIC Code 6514, **Roundtop Self Storage & Rentals LLC**, 3574 Taneytown Road, Gettysburg, PA 17325-8635. Facility Name: Roundtop Self STP. This existing facility is located in Cumberland Township, **Adams County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of .0019 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
p.H. (S.U)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Geo Mean						

The proposed effluent limits for Outfall 001 are based on a design flow of .0019 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	9.0	XXX	XXX	18.0
			Inst Min			
May 1 - Oct 31	XXX	XXX	3.0	XXX	XXX	6.0
			Inst Min			

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*

**Application No. PA0088064**, Concentrated Animal Feeding Operation (CAFO), **Country View Family Farms LLC** (Perry Meadows Farm CAFO), 1301 Fulling Mill Road, Middletown, PA 17057-5975.

Country View Family Farms LLC has submitted an application for an Individual NPDES permit for a renewal of an CAFO known as Perry Meadows Farm CAFO, located in Jackson Township, **Perry County**.

The CAFO is situated near Shultz Creek (HQ-CWF, MF) and Unnamed Tributary to Sherman Creek (HQ-CWF, MF) in Watershed 7-A, which is classified for High Quality—Cold Water and Migratory Fish. The CAFO is designed to maintain an animal population of approximately 1,490.65 animal equivalent units (AEUs) consisting of 2,620 Gestating Sow, 350 Sow and litter, 870 Swine grow finish, and 8 Boar. Liquid swine manure is collected in 3 shallow underbarn reception pits before flowing into two stages of HDPE lined lagoons. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

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

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

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

*Southeast Regional Office*

**PA0056472**, Storm Water, SIC Code 2011, **Beyond Meat Inc.**, 312 Devault Lane, Devault, PA 19432. Facility Name: Beyond Meat Inc. This proposed facility is located in Charlestown Township, **Chester County**.

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

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

The proposed effluent limits for Outfalls 001—005 are based on a storm event.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX

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

Preparedness, Prevention and Contingency (PPC) Plan; Annual inspection; Stormwater sampling; Property rights; Collected screenings; Instream pH.

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

The EPA Waiver is in effect.

Southwest Regional Office

**PA0216216**, Sewage, SIC Code 4952, **Burgettstown-Smith Township Joint Sewer Authority**, P.O. Box 389, Burgettstown, PA 15021-0389. Facility Name: Raccoon Creek WWTP. This existing facility is located in Smith 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 0.8 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Daily 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 0.8 MGD.—Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.8 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	0.8	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	53.0	79.6	Inst Min	7.95	11.93	15.9



<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>	
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Total Suspended Solids	200.3	300.4	XXX	30.0	45.0	60
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ammonia-Nitrogen						
Nov 1 - May 31	46.7	XXX	XXX	7.0	XXX	14
Jun 1 - Oct 31	15.88	XXX	XXX	2.38	XXX	4.76
Ultraviolet light dosage (mjoules/cm <sup>2</sup> )	XXX	XXX	Report	XXX	XXX	XXX

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

- SBR discharge restriction
- Hauled-in waste restriction
- Notification of designation of responsible operator
- 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.

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

<i>Application Number</i>	<i>Application Type</i>	<i>Receiving Stream</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD390054	Renewal	Schaeffer Run (HQ-CWF, MF) and Spring Creek (HQ-CWF-MF)	Forestar Group 181 Harry S Truman Parkway Annapolis, MD 21401	Upper Macungie Township Lower Macungie Township Lehigh County	NERO
PAD360100	New	Susquehanna River, Conestoga River, "Grubb Hollow," Oeque Creek and Silver Mine Run/WWF, MF and WWF, MF and HQ-WWF, MF and WWF, MF and TSF, MF	PPL Electric Utilities Corporation 553 Sand Hill Road Conestoga, PA 17516	Manor Township Conestoga Township Pequea Township Lancaster County	SCRO
PAD230070	New	Delaware River	Keystone Sports and Entertainment LLC 1 Stadium Drive Chester, PA 19013	City of Chester Delaware County	SERO
PAD450178	New	Tank Creek (EV, MF)	WGH Trucking, LLC 239 East 3rd Street Roselle, NJ 07023	Coolbaugh Township Monroe County	NERO
PAD390266	New	Lehigh River via Storm Sewer (WWF, TSP, MF), Little Lehigh Creek via Storm Sewer (HQ-CWF, MF)	401 N. Front Street, LLC 300 Coles St. Suite 2 Jersey City, NJ 07310	City of Allentown Lehigh County	NERO
PAD390028	Renewal	Cedar Creek/Little Lehigh Creek—HQ-CWF, MF	TimTay Hamilton, LLC 25 North Main St. Doylestown, PA 18901	Lower Macungie Township Lehigh County	NERO

<i>Application Number</i>	<i>Application Type</i>	<i>Receiving Stream</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD130042	New	Mill Creek, HQ/CWF	Beltzville Enterprises, LLC c/o Tyler Haydt 7355 Interchange Road Lehighton, PA 18235	Lower Towamensing Township Carbon County	NERO
PAD130041	New	Beaver Creek (CWF/MF), Quakake Creek (HQ/CWF/MF)	Little Leaf Farms, LLC c/o Paul Sellow P.O. Box 2069 Devens, MA 01434	Banks Township Carbon County	NERO
PAD390264	New	Unnamed Tributary to Cedar Creek	KRE Spring View Commercial, LP 520 US Highway 22 P.O. Box 6872 Bridgewater, NJ 08807	South Whitehall Township Upper Macungie Township Lehigh County	NERO
PAD360101	New	Conestoga River WWF,MF	1147 Holdings LLC 1147 Lititz Pike Lancaster, PA 17601-4337	City of Lancaster Lancaster County	SCRO
PAD360028A-1	Renewal	Fishing Creek & Conowingo Creek/HQ-CWF	Drumore Crossings, L.P. 120 West Germantown Pike Suite 120 Plymouth Meeting, PA 19462	Drumore Township Lancaster County	SCRO
PAD640013	Renewal	UNT to South Branch Calkins Creek (HQ-CWF, MF)	Francis J. Sr. and Megan A. Dzwieleski 199 Woodland View Beach Lake, PA 18405	Berlin Township Wayne County	NERO
PAD140100	New	Slab Cabin Run	Craig & Kerri LeCrone 912 Blair Street Hollidaysburg, PA 16648	Ferguson Township Centre County	NCRO
PAD480017 A-1	Renewal	Unnamed Tributary to Little Bushkill Creek (HQ-CWF/MF)	Green Knight Economic Development Corporation Peter Albanese 2147 Pen Argyl Rd. Pen Argyl, PA 18072	Bushkill Township Plainfield Township Northampton County	NERO
PA540001D	New	Little Mahanoy Creek (CWF, MF)	PPL Elec Utilities Corp. 827 Hausman Rd. Genn 4 Allentown, PA 18104-9392	Butler Township Schuylkill County	NERO
PAD180011 A-1	Renewal	Fishing Creek	Nicholas Meats, LLC 508 East Valley Road Loganton, PA 17747	Green Township Clinton County	NCRO

*Southwest Region: Oil and Gas Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.*

*Contact Name: D. J. Stevenson, (412) 442-4281.*

Individual Erosion and Sediment Control Permit Number: ESP076522004-00

Applicant Name: Hyperion Midstream, LLC

Contact Person: Brian Dillemath

Address: 501 Technology Drive

City, State, Zip: Canonsburg, PA 15317

Township(s): Upper Burrell Township and Washington Township

County: Westmoreland County

Receiving Streams(s) and Classification(s)—Trib 42917 of Pine Run and Unnamed Tributaries (WWF), Pine Run and Unnamed Tributaries (WWF), Trib 42921 to Pine Run and Unnamed Tributaries (WWF), UNTs to Trib 42938 to Beaver Run (TSF), Poke Run and Unnamed Tributaries (HQ-CWF), Unnamed Tributaries to Trib 42964 to Poke Run (HQ-CWF), Trib 42968 to Poke Run and Unnamed Tributaries (HQ-CWF), Trib 42961 to Poke Run and Unnamed Tributaries (HQ-CWF), Trib 42969 to Poke Run and Unnamed Tributaries (HQ-CWF), Trib 42970 to Poke Run (HQ-CWF), Trib 42982 to Thorn Run and Unnamed Tributaries (HQ-CWF), and Trib 42979 to Thorn Run and Unnamed Tributaries (HQ-CWF).

Project Description—Construction approximately 8.5 miles of one 30 inch diameter gas pipeline and one 16 inch diameter waterline.

## 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).

*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.*

**Application No. 4923502**, Construction, Public Water Supply.

Applicant	Aqua Pennsylvania, Inc. Roaring Creek
Address	204 East Sunbury Street Shamokin, PA 17872
Municipality	Butler Township
County	Northumberland County
Responsible Official	Todd Duerr Vice President Bryn Mawr, PA 19010
Consulting Engineer	Charles W. Amer 762 West Lancaster Avenue Bloomsburg, PA 17815
Application Received	March 3, 2023
Description	Preston Hill Booster Pump Station: application to make necessary upgrades to convert the emergency booster pump station to a more permanent booster pump station.

*Northwest Region: Safe Drinking Water Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.*

*Contact: Pam Yoder, Clerical Assistant 2, 814-332-6899.*

**Application No. 6123502**, Construction, Public Water Supply.

Applicant	<b>Rocky Ridge Village, LLC</b>
Address	156 Maple Grove Circle Franklin, PA 16323
Municipality	Sandy Creek Township
County	<b>Venango County</b>
Responsible Official	Ryan Williams 156 Maple Grove Circle Franklin, PA 16323
Consulting Engineer	Steven R. Halmi, P.E. Deiss & Halmi Engineering, Inc. 105 Meadville Street Edinboro, PA 16412
Application Received	March 1, 2023
Description	Addition of Polyphosphate Sequestering System, 4-log Demonstration Update and Discontinue Caustic Soda Feed.

## 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.

*Northcentral Region: Environmental Cleanup & Brownfields Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.*

*Contact: Randy Farmerie, P.G., Environmental Program Manager, 570-327-3716.*

**Chesapeake Appalachia LLC Hopson BRA 1HC Pad**, Primary Facility ID # **864722**, 6519 Liberty Corners Road, Towanda, PA 18848, Asylum Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001 on behalf of Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, submitted a Notice of Intent to Remediate. The site was impacted by a release of production fluid. The applicant proposes to remediate the site to meet the Background and Statewide health standards. The Notice of Intent to Remediate was published in *The Daily Review* on March 7, 2023. Application received: February 28, 2023.

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

*Contact: Eric Supey, Environmental Program Manager.*

**337 Summit Drive**, Primary Facility ID # **853427**, 337 Summit Drive, Buck Hill Falls, PA 18323, Barrett Township, **Monroe County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013 on behalf of Polylimnio, LLC, 261 South 4th Street, Philadelphia, PA 19106, submitted a Notice of Intent to Remediate. Soil was contaminated by a release of heating oil from an underground storage tank. The Notice of Intent to Remediate was published in *Pocono Record* on February 19, 2023. Application received: March 2, 2023.

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

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

**Laurel Manor Apartments**, Primary Facility ID # **862777**, 333 North Avenue, 1250 Providence Road and

625 South Avenue, Secane, PA 19018, Upper Dublin Township, **Delaware County**. Stephanie Clorety, EBI Consulting, 21 B Street, Burlington, MA 01803 on behalf of Ed Hoffman, Laurel Manor Realty LLC, Montium, 1500 Avenue of the States, Suite 400, Lakewood, NJ 08701, submitted a Notice of Intent to Remediate. The site soil and groundwater has been found to be contaminated with PCE, TCE and cis-1,2-dichloroethene. The proposed future use of the property will be residential. The proposed cleanup standard for the site is the site-specific standard. The Notice of Intent to Remediate was published in *Delaware County Daily Times* on December 21, 2022. Application received: February 2, 2023.

#### DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

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**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 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.**

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*Southeast Region: Waste Management Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.*

*Contact: Mohamad Mazid, Chief, Technical Services, E-Mail Address: RA-EPWM-SERO-PERMITS@pa.gov.*

**WMGM055SE001. Waste Management Renewable Energy, LLC**, 800 Capitol Street, Houston, TX 77002, Falls Township, **Bucks County**. This application is for the design and installation of the Waste Management Renewable Energy (WMRE)—Fairless Renewal Natural Gas (RNG) Plant under the Determination of Applicability (DOA) of General Permit WMGM055. The proposed RNG plant will process landfill gas (LFG) collected from the WM Fairless Landfill and the WM GROWS North Landfill for conversion to pipeline quality RNG. Clean renewable energy gas will be generated for sale and distribution via existing natural gas pipelines. The Fairless RNG Plant will be located in Falls Township, Bucks County. Application received: February 14, 2023. Deemed administratively complete: February 28, 2023.

Comments or questions concerning the application should be directed to Waste Management Program Manager, Phone Number 484.250.5960, or by e-mail at RA-EPWM-SERO-PERMITS@pa.gov, Southeast Region, 2 East Main Street, Norristown, PA 19401, 484-250-5900. 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.

*Southwest Region: Waste Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.*

*Contact: Waste Management Program Manager.*

**WMGM019SW007. J.A. Rutter Co.**, 4917 Old William Penn Highway, Monroeville, PA 15146, Monroeville Borough, **Allegheny County**. The Department of Environmental Protection (Department) has received an application for renewed coverage under WMGM019SW007 for

the processing and beneficial use of concrete and asphalt, wood waste, soil, and leaf and yard waste for use as construction material, topsoil and mulch, and compost at the J.A. Rutter Old William Penn Highway Facility located at 4917 Old William Penn Highway, Monroeville, PA 15146. Application received: January 27, 2023. Deemed administratively complete: February 28, 2023.

Comments or questions concerning the application should be directed to RA-EP-EXTUPLSWRO@pa.gov, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. 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.

**WMGM019SW008. Diamond Mulch, Inc.**, P.O. Box 693, Indianola, PA 15051, Indiana Township, **Allegheny County**. The Department of Environmental Protection (Department) has received an application for renewed coverage under WMGM019SW008 for the processing and beneficial use of concrete and asphalt as construction material; and hardwood timber and uncontaminated soil to create topsoil and mulch at the Diamond Mulch Facility located at 1 Hershey Road, Indianola, PA 15051. Application received: February 14, 2023. Deemed administratively complete: February 28, 2023.

Comments or questions concerning the application should be directed to RA-EP-EXTUPLSWRO@pa.gov, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. 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.**

##### *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.*

**Buffalo Fuel Corp.**, 4870 Packard Road, Niagara Falls, NY 14304. **License No. PA-AH 0147.** Accepted: March 2, 2023.

**Ecoflo, Inc.**, 2750 Patterson St., Greensboro, NC 27407. **License No. PA-AH 0225.** Accepted: February 21, 2023.

**Bethlehem Apparatus Company, Inc.**, P.O. Box Y, Hellertown, PA 18055. **License No. PA-AH 0681.** Accepted: March 2, 2023.

#### REGULATED MEDICAL AND CHEMOTHERAPEUTIC 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 Act 93 of June 28, 1988 (P.L. 525, No. 93) and Regulations to Transport Regulated Medical and Chemotherapeutic Waste License.**

##### *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.*

**AdvoWaste Medical Services LLC**, P.O. Box 356, Lakewood, NJ 08701. **License No. PA-HC 0264.** Accepted: March 2, 2023.

## 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 Operat-

ing 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).

### 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.**

*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.*

**53-00001, Tennessee Gas Pipeline Company, LLC**, 1001 Louisiana Street, Suite 1000, Houston, TX 77002-5089, Hebron Township, **Potter County**. Application received: September 1, 2021. For a significant permit modification to the Title V operating permit for their facility in Hebron Township, Potter County. The Title V permit for this facility was last revised on March 29, 2021, and it will expire on February 2, 2026. The facility's main sources include compressor engines. Most of the air cleaning devices in operation at this facility are catalytic/engine exhaust emissions reduction technology, which are subject to the Best Available Technology requirements or Reasonably Achievable Control Technology. The type and quantity of pollutants emitted on a facility-wide potential emission basis are, as follows: NO<sub>x</sub>—414 tons per year (tpy), CO—1,744 tpy, SO<sub>x</sub>—0.6 tpy, PM<sub>10</sub> and PM<sub>2.5</sub>—17.1 tpy, VOCs—177 tpy, HAPs—30 tpy, and GHGs—113,444 (as CO<sub>2</sub>e). This permit modification affects current permit conditions in relation to Compliance Assurance Monitoring (CAM) requirements as applicable to each of the compressor engines to Source IDs P101—P109, along with other monitoring and testing within current permit. Accordingly, no increase in emissions is expected based on the application including supplemental info submitted to Department. The requested permit modification in relation to CAM will permit that the specific excursion or CAM indicator values, in effect, to reasonably assure continuous compliance, shall be established within the required plan, as well as includes the required compliance demonstration and other procedures used by facility to re-establish excursions, on periodic basis, approximately every 5 years, pursuant to CAM regulation at 40 CFR Part 64, section 64.6, relating to approval of monitoring. Additionally, the requested permit modification will remove or waive subsequent performance testing for formaldehyde on each newer engine installation to Source IDs P113 and P114. Of note, each of the Source ID P101—P109 engines will continue to be subject to formaldehyde testing pursuant to the applicable RICE MACT requirements as codified in 40 CFR Part 63 Subpart ZZZZ, based on Addendum 1 information and other compliance demonstration information submitted by this facility. Lastly, the Department will incorporate the reduced total combined allowable emissions or PTE to less than 2.7 TPY VOC, regarding fugitives/leaks (Source ID P204), in accordance with the supporting

documentation and other recordkeeping that will continue to be required, along with other revisions for Source ID P204 as applicable to leak detection and repair (LDAR). In response to the application request, the requirement to submit extension requests to allow for repairs beyond 30 days is no longer necessary or applicable, unless the leak is subject to the reporting as required in section C/site level reporting requirements. The other revisions relating to LDAR would update and change the repair deadline requirements in accordance with good air pollution control practices for natural gas transmission/compressor stations. The applicable requirements used in the Department's evaluation of the application requests by facility were derived from 25 Pa. Code Chapters 121 and 145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

### 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.**

*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.*

**41-00079, Eureka Resources, LLC**, 454 Pine Street, Williamsport, PA 17701, City of Williamsport, **Lycoming County**. Application received: August 9, 2022. The Department proposes a renewal of a State Only Operating Permit for their facility located in Williamsport. The facility is currently operating under State Only Operating Permit 41-00079. The facility is a gas well wastewater treatment operation. The facility has the potential to emit 9.58 tons of nitrogen oxides (NO<sub>x</sub>) per year, 11.09 tons of carbon monoxide (CO) per year, 10.11 tons of volatile organic compounds (VOCs) per year, 0.04 ton of sulfur oxides (SO<sub>x</sub>), 0.83 ton of particulate matter (PM, including PM<sub>10</sub>) per year and 5.0 tons of hazardous air pollutants. No emission or equipment changes are being proposed by this action. The emission limits, throughput limitations and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of Subpart ZZZZ of 40 CFR Part 63 and 25 Pa. Code Article III, Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

**14-00035, EBY Paving & Construction, Inc.**, 1001 East College Avenue, Bellefonte, PA 16823, Spring Township, **Centre County**. Application received: October 11, 2022. The Department intends to issue a renewal State Only Operating Permit for the company's hot mix asphalt manufacturing facility. The facility's main sources include a 28.1 MMBtu per hour No. 2 fuel oil fired batch mix asphalt plant. The other insignificant sources include a 0.77 MMBtu per hour No. 2 fuel oil fired asphalt heater, a

0.175 MMBtu per hour waste oil fired furnace, a parts washer, two asphalt storage tanks, one 2 fuel oil storage tank, one waste oil tank, and one recycled motor oil tank. The facility has potential to emit under 13.47 tons per year (tpy) of particulate matter/particulate matter with an effective aerodynamic diameter of less than or equal to 10 micrometer, 18.17 tpy of nitrogen oxides, 4.53 tpy of carbon monoxide, 1.40 tpy of volatile organic compounds, 0.06 tpy of hazardous air pollutants and 51.61 tpy of sulfur oxides. The potential emissions for all criteria pollutants remained same at the facility. The batch mix asphalt plant is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities. The 25L bin and the belt conveyor associated with the batch mix plant is subject to 40 CFR Part 60, Subpart OOOO—Standard of Performance for Nonmetallic Processing Plants. The waste oil fired furnace is subject to 40 CFR Part 63, Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources. The emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145, as well as 40 CFR Parts 60, 63 and 98. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.*

**55-00018, Cherry Hill Hardwoods, Inc.**, 3150 Middle Road, Richfield, PA 17086, West Perry Township, **Snyder County**. Application received: October 17, 2022. To issue a renewal State Only Operating Permit for the Richfield Lumber Mill. The facility is currently operating under State Only Operating Permit 55-00018. The facility's main sources include one (1) wood waste-fired boiler, one (1) No. 2 fuel oil-fired boiler, various woodworking equipment (planers, molders and saws), seven (7) lumber drying kilns and two (2) lumber pre-dry ovens. The facility has potential emissions of 26.53 TPY of CO; 25.81 TPY of NO<sub>x</sub>; 1.11 TPY of SO<sub>x</sub>; 16.29 TPY of PM/PM<sub>10</sub>; 4.30 TPY of VOCs; 1.04 TPY of HAPs and 14,193 TPY of CO<sub>2</sub>e. Both boilers are subject to 40 CFR Part 63, Subpart JJJJJJ—NESHAPS for Industrial, Commercial, and Institutional Boilers Area Sources. The emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145, as well as 40 CFR Part 63. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

*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.*

**07-03071, Champion Home Builders, Inc. Claysburg Plant 7**, 755 West Big Beaver Road, Suite 1000, Troy, MI 48084, Greenfield Township, **Blair County**. Application received: February 10, 2023. To issue an initial State Only Operating Permit for an existing modular home manufacturing facility, including adhesives and coating operations. This facility-wide PTE is calculated to be: 35.75 tpy VOC, 73.88 tpy PM<sub>10/2.5</sub>, 3.77 tpy HAPs, 1.75 tpy NO<sub>x</sub>, 1.47 tpy CO and less than 1 tpy of SO<sub>2</sub>. 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 § 129.63 Degreasing Operations, 25 Pa. Code § 129.52 Surface Coating Processes, 25 Pa. Code § 129.52d Control of VOC Emissions from Miscellaneous Metal Parts Surface Coating Processes, Miscellaneous Plastic Parts Surface Coating Processes and Pleasure Craft Surface Coatings, and 25 Pa. Code § 129.77 Control of Emissions From The Use Or Application of Adhesives, Sealants, Primers and Solvents.

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

**36-03291, Champion Home Builders, Inc.**, 101 Garden Spot Road, Ephrata, PA 17522, East Cocalico Township, **Lancaster County**. Application received: January 11, 2023. To issue an initial State-Only Operating Permit for the operation of an existing modular home production facility. The potential emissions for the facility are approximately 20.1 tpy of VOCs, 12.4 tpy of NO<sub>x</sub>, 10.4 tpy of CO, and 0.98 tpy of PM<sub>10</sub>. 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. 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, 25 Pa. Code § 129.52d Control of VOC Emissions from Miscellaneous Metal Parts Surface Coating Processes, Miscellaneous Plastic Parts Surface Coating Processes and Pleasure Craft Surface Coatings, and 25 Pa. Code § 129.77 Control of Emissions from the Use or Application of Adhesives, Sealants, Primers and Solvents.

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

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**46-00261, H&K Inc. (Sanatoga Asphalt)**, 394 S Sanatoga Rd., Pottstown, PA 19464, Lower Pottsgrove Township, **Montgomery County**. Application received: December 12, 2022. This action is for the renewal of a State Only, Synthetic Minor Operating Permit. H&K operates a Batch Asphalt Plant at this site. There have been no modifications to the facility since the last renewal. The facility maintains a synthetic minor operating status by maintaining total NO<sub>x</sub> emissions to less than 9.28 tons per year and total VOC emissions to less than 4.74 tons

per year. The renewed permit includes testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable local, state, and Federal air quality requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

**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

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

California District Mining Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.

Contact: Bonnie Herbert, Clerical Assistant 3.

**Mining Permit No. 30841316. NPDES No. PA0213535. Consol Pennsylvania Coal Company, LLC**, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Center Township, **Greene County**. To revise the permit and related NPDES permit for construction of a bleeder facility and six (6) boreholes and one (1) NPDES discharge point will be added, affecting 41.0 proposed surface acres. Receiving stream(s): Claylick Run, classified for the following use: HQ-WWF. Application received: January 6, 2023. Accepted: March 23, 2023.

**Mining Permit No. 30831303. NPDES PA0013511. Cumberland Contura, LLC**, 855 Kirby Road, P.O. Box 1020, Waynesburg, PA 15370, Center, Jackson and Whiteley Townships, **Greene County**. To revise the permit and related NPDES permit for installation of twenty-one (21) GOB ventilation boreholes, affecting 14.17 proposed surface acres. Application received: January 11, 2023. Accepted: February 24, 2023.

**Mining Permit No. 30841307. NPDES No. PA0213438. Emerald Contura, LLC**, 855 Kirby Road, Waynesburg, PA 15370, Franklin Township, **Greene County**. To revise the permit and related NPDES permit for post-mining land use change to commercial/industrial. Application received: January 13, 2023. Accepted: February 27, 2023.



*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. 56170104. NPDES No. PA0279579. Wilson Creek Energy, LLC**, P.O. Box 260, Friedens, PA 15541, Somerset and Stonycreek Townships, **Somerset County**. Permit revision for a permit boundary correction to add 14.1 acres on a bituminous surface mine. Total permit acres goes from 569.9 to 584 acres. Receiving streams: unnamed tributary to Kimberly Run to Casselman River, Schrock Run to Stonycreek River to Conemaugh River, classified for the following uses: CWF and WWF. Application received: February 27, 2023.

**Mining Permit No. 32120103. Beth Contracting, Inc.**, 815 Rock Run Road, Glen Campbell, PA 15742, Banks Township, **Indiana County**. Permit renewal for reclamation only on a bituminous surface mine affecting 36 acres. Receiving streams: unnamed tributary to/and Horton Run, unnamed tributary to Cush Creek, classified for the following use: CWF. Application received: February 27, 2023.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

*Contact: Cassie Stanton, Clerical Assistant 2.*

**Mining Permit No. 17930103. NPDES No. PA0207241. Junior Coal Contracting, Inc.**, 2330 Six Mile Road, Philipsburg, PA 16866, Decatur Township and Woodward Township, **Clearfield County**. Permit renewal application for a bituminous surface coal mine and associated NPDES permit affecting 256.5 acres. Receiving stream(s): Beaver Run, Little Beaver Run & unnamed tributaries to Beaver Run & Little Beaver Run classified for the following use(s): CWF. Application received: March 2, 2023. Accepted: March 2, 2023.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

*Contact: RA-EPPottsvilleDMO@pa.gov.*

**Mining Permit No. 54950201. Gilberton Coal Company**, 10 Gilberton Road, Gilberton, PA 17934, Butler Township, **Schuylkill County**. Correction to add 12.0 acres to an existing anthracite coal refuse reprocessing operation for a total of 27.0 acres. Receiving streams: Big Mine Run, tributary to Mahanoy Creek, classified for the following uses: WWF, CWF, MF. Application received: February 13, 2023.

**Mining Permit No. 40663025. Hamra Carbon, LLC**, P.O. Box 8, Millville, PA 17846, Hazle Township, **Luzerne County**. Transfer of an anthracite surface mine, coal refuse reprocessing, coal refuse disposal and preparation plant operation from Pagnotti Enterprises, Inc. and decreasing the permitted acres from 325.0 to 292.0 acres. Receiving stream: Black Creek, classified for the following uses: CWF, MF. Application received: December 8, 2022. Withdrawn: March 6, 2023.

**Mining Permit No. 40663026. Hamra Carbon, LLC**, P.O. Box 8, Millville, PA 17846, Hazle Township, **Luzerne County**. Transfer of an anthracite surface mine, coal refuse reprocessing and preparation plant operation from Pagnotti Enterprises, Inc. and decrease the permitted acres from 285.0 to 88.0 acres. Receiving stream: Black Creek, classified for the following uses: CWF, MF. Application received: December 8, 2022. Withdrawn: March 6, 2023.

**Mining Permit No. 40663034. NPDES Permit No. PA0225215. Hamra Carbon, LLC**, P.O. Box 8, Millville, PA 17846, Foster Township, **Luzerne County**. Transfer of an anthracite surface mine and coal refuse reprocessing operation from Pagnotti Enterprises, Inc. affecting 347.3 acres. Receiving streams: Oley Creek, classified for the following uses: HQ—CWF, MF and Pond Creek, classified for the following use: HQ-CWF. Application received: December 8, 2022. Withdrawn: March 6, 2023.

#### *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. 29940301. NPDES No. PA0607908. Bluegrass Materials Company, LLC**, 10000 Beaver Dam Road, Cockeysville, MD 21030, Bethel and Thompson Townships, **Fulton County**. Renewal of NPDES permit. Receiving stream: Little Tonoloway Creek classified for the following use: TSF. Application received: February 27, 2023.

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.*

*Contact: Cayleigh Boniger, Clerical Supervisor 2, 814-797-0824.*

**Mining Permit No. 24070301. NPDES No. PA0258318. Greentree Landfill, LLC**, 635 Toby Road, Kersey, PA 15846, Fox Township, **Elk County**. Renewal of an NPDES permit for a noncoal surface mine. Receiving streams: Unnamed tributaries to Bear Run, classified for the following uses: CWF. Application received: March 2, 2023.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

*Contact: Cassie Stanton, Clerical Assistant 2.*

**Mining Permit No. 59232801. Clarence K. Zimmerman**, 634 Kennedyville Rd., Wellsboro, PA 16901, Delmar Township, **Tioga County**. New permit application for a small noncoal (industrial minerals) operation affecting 5 acres. Receiving stream(s): West Branch Stony Fork classified for the following use(s): EV. Application received: February 28, 2023. Accepted: March 1, 2023.

### 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*

*New Stanton District Mining Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.*

*Contact: Tracy Norbert RA-EPNEWSTANTON@pa.gov.*

**NPDES No. PA0278122. Mining Permit No. 65140101. Ligonier Stone & Lime Company, Inc.**, 117 Marcia Street, Latrobe, PA 15650, Derry Township, **Westmoreland County**. NPDES permit renewal at an existing bituminous surface mine, affecting 92.4 acres. Receiving streams: UNTs to Stony Run/Conemaugh River, classified for the following uses: CWF/WWF respectively. The receiving streams are subject to the Kiskiminetas-Conemaugh River Watershed Total Maximum Daily Load (1/29/2010). The first downstream potable water supply intake from the point of discharge is Buffalo Township Municipal Authority, Freeport (PWS ID 5030019), on the Allegheny River. Application received: March 12, 2021.

The following treatment facility outfall discharges to UNT 1 to Stony Run.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
002	N	Treatment Facility Outfall

The proposed effluent limits for the previously listed outfall for all weather conditions are as follows.

<i>(All Weather Conditions) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Iron (mg/L)	1.5	3.0	3.75

<i>(All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Total Manganese (mg/L)	1.0	2.0	2.5
Total Aluminum (mg/L)	0.75	0.75	0.75
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Monitor and Report	
Specific Conductivity (µmhos/cm)		Monitor and Report	
Temperature (°C)		Monitor and Report	
Flow (gpm)		Monitor and Report	

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

The following stormwater outfall discharges to UNT 1 to Stony Run.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	N	Stormwater Outfall

The proposed effluent limits for the previously listed outfall for all weather conditions are as follows:

<i>(All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Total Iron (mg/L)	1.5	3.0	3.75
Total Manganese (mg/L)	1.0	2.0	2.5
Total Aluminum (mg/L)	0.75	0.75	0.75
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Monitor and Report	
Specific Conductivity (µmhos/cm)		Monitor and Report	
Temperature (°C)		Monitor and Report	
Flow (gpm)		Monitor and Report	

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

*Noncoal NPDES Draft Permits*

*New Stanton District Mining Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.*

*Contact: Tracy Norbert RA-EPNEWSTANTON@pa.gov.*

**NPDES No. PA0278491. Mining Permit No. 65210301. Ligonier Stone & Lime Company, Inc.,** 117 Marcia Street, Latrobe, PA 15650, Derry Township, **Westmoreland County.** New NPDES permit for a surface noncoal mine, affecting 224.2 acres. Two stream variances are requested. Variance (1) is for UNT 4A to the Conemaugh River extending approximately 400 feet downstream from the headwater on the south side of UNT 4A, with work within 30 feet to upgrade an existing road, and within 50 feet for construction of E & S Controls. Variance (2) is for UNT 6 to the Conemaugh River and extends approximately 600 feet on the north side of UNT 6, with work within 20 feet to upgrade an existing road, and within 50 feet for construction of E & S Controls. Receiving stream(s): UNTs to Conemaugh River and UNT to Stony Run to Conemaugh River, classified for the following use: CWF. Conemaugh River is classified as WWF. All receiving streams are subject to the TMDLs for Streams Impaired by Acid Mine Drainage in the Kiskiminetas-Conemaugh River Watershed, Pennsylvania Total Maximum Daily Load (1/29/2010). The outfall to the UNT to Stony Run is also subject to the Stony Run Sediment TMDL (Nov. 2017). The first downstream potable water supply intake from the point of discharge is Buffalo Township Municipal Authority, Freeport (PWS ID 5030019), on the Allegheny River. The Department has made a tentative determination to impose effluent limitations, within the ranges specified. Application received: January 27, 2021.

The following proposed outfalls, type of outfall, and receiving streams are listed:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Outfall Type</i>	<i>Receiving Stream</i>
001	Y	Stormwater Outfall (SWO)	UNT to Conemaugh River
002	Y	SWO	UNT to Stony Creek
003	Y	Treatment Facility Outfall (TFO)	UNT to Conemaugh River
004	Y	SWO	UNT to Conemaugh River

The proposed effluent limits for Treatment Facility Outfall 003 are as follows:

<i>(All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Total Iron (mg/l)	1.5	3.0	3.7
Total Manganese (mg/l)	1.0	2.0	2.5
Total Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Specific Conductance (umhos/cm)		Monitor and Report	
Sulfate (mg/l)		Monitor and Report	

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

The proposed effluent limits for Stormwater Outfalls 001, 002, and 004 for all weather conditions are as follows:

<i>(All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Total Iron (mg/l)	1.5	3.0	3.7
Total Manganese (mg/l)	1.0	2.0	2.5
Total Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Specific Conductance (umhos/cm)		Monitor and Report	
Sulfate (mg/l)		Monitor and Report	
pH (S.U.): Must be between 6.0 and 9.0 at all times.			
Alkalinity must exceed acidity at all times			

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

*Contact: RA-EPPottsvilleDMO@pa.gov.*

**PA012398. Mining Permit No. 54000102. Shustack Mining**, 6 Coal St, Shenandoah, PA 17972, Mahanoy Township, **Schuylkill County**. Renew NPDES Permit affecting 9.6 acres. Receiving stream Mahanoy Creek classified for the following use: CWF. Application received: December 9, 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 outfall discharge to: Mahanoy Creek:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate:</i>
009	Existing	Stormwater	60 MGD

The proposed effluent limits for the previously listed outfall area as follows:

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant</i> <i>Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Total Alkalinity (as CaCO <sub>3</sub> )(mg/l)			Monitor and Report	
Total Acidity (as CaCO <sub>3</sub> )(mg/l)			Monitor and Report	
Net Alkalinity (mg/l)	0.0			
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Total Dissolved Solids (mg/l)			Monitor and Report	

**PA0333333. Mining Permit No. 54000103. Hornerberger Quarry LLC**, 4 Dock St, Schuylkill Haven, PA 17972, West Brunswick Township, **Schuylkill County**. New NPDES permit affecting 44 acres. Receiving stream: Schuylkill River, classified for the following uses: CWF, MF. Application received: March 17, 2021.

**NPDES Permit No. PA0611883. Mining Permit No. 7776SM1. Martin Stone Quarries, Inc.**, 1355 North Reading Avenue, Bechtelsville, PA 19505, Colebrookdale Township, **Berks County**. Renewal and revision of NPDES Permit affecting 349.35 acres. Receiving streams: Swamp Creek and unnamed tributary to Swamp Creek, classified for the following uses: TSF, CWF. Application received: June 2, 2022.

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: Swamp Creek and unnamed tributary to Swamp Creek

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
002	Existing	Pit Water	0.050 MGD
004	Existing	Pit Water	2.47 MGD
004R	Replaces 004	Pit Water	2.47 MGD
006	Existing	Pit Water	0.10 MGD
007	Existing	Pit Water	0.14 MGD
008	To be constructed	Stormwater	0.14 MGD

The proposed effluent limits for outfalls 002, 004 or 004R, 006 and 007 are as follows:

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant</i> <i>Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Total Alkalinity (as CaCO <sub>3</sub> ) (mg/L)			Monitor And Report	
Total Acidity (as CaCO <sub>3</sub> ) (mg/L)			Monitor And Report	
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Oil and Grease (mg/L)			Monitor And Report	

<sup>1</sup>This Parameter is applicable at all times.

The proposed additional monitoring for outfalls 004 or 004R whichever is active are as follows: Monitoring shall continue until a minimum of eight data points are collected for each constituent.

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Iron (mg/L)			Monitor And Report	
Total Cyanide (mg/L)			Monitor And Report	
Total Aluminum (mg/L)			Monitor And Report	
Dissolved Iron (mg/L)			Monitor And Report	
Free Cyanide (mg/L)			Monitor And Report	

The proposed effluent limits for Outfall 008 are as follows:

The following limits apply to dry weather discharges from the following stormwater outfalls: 008

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH <sup>i</sup> (S.U.)	6.0			9.0
Total Alkalinity (as CaCO <sub>3</sub> ) (mg/L)			Monitor And Report	
Total Acidity (as CaCO <sub>3</sub> ) (mg/L)			Monitor And Report	
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L)		35.0	70.0	90.0

The following alternate discharge limitations apply to discharges from the following stormwater outfalls resulting from precipitation events less than or equal to the 10-year/24-hour precipitation event:

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH <sup>i</sup> (S.U.)	6.0			9.0
Total Alkalinity (as CaCO <sub>3</sub> ) (mg/L)			Monitor And Report	
Total Acidity (as CaCO <sub>3</sub> ) (mg/L)			Monitor And Report	
Net Alkalinity (mg/L)	0.0			
Total Settleable Solids (ml/L)				0.5

<sup>i</sup>This Parameter is applicable at all times.

**NPDES Permit No. PA0225266. Mining Permit No. 36120301. Allan Myers Materials PA, Inc.,** 638 Lancaster Avenue, Malvern, PA 19355, Upper Leacock and Manheim Townships, **Lancaster County**. Renew NPDES Permit affecting 106.3 acres. Receiving stream: Conestoga River, classified for the following uses: WWF, CWF. Application received: October 27, 2022.

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 Conestoga River:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	existing	TFO	0.400 MGD
002	existing	TFO	0.150 MGD
003	existing	TFO	<0.001 MGD
004	existing	TFO	0.100 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>
pH	6.0			9.0
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Acidity, Total (mg/L)				Report
Alkalinity, Total (mg/L)				Report
Net Alkalinity (mg/L)	0.0			

**NPDES Permit No. PA0613151. Mining Permit No. 7975SM2. H & K Group, Inc.,** P.O. Box 196, Skippack, PA 19474, Plumstead Township, **Bucks County**. Renew NPDES Permit affecting 13.5 acres. Receiving stream: Geddes Run to Tohickon Creek, classified for the following use: CWF. Application received: January 3, 2023.

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 Geddes Run to Tohickon Creek:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	Pit Water	0.01 MGD
002	Existing	Pit Water	0.01 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>
pH <sup>1</sup> (S.U.)	6.0			9.0
Total Alkalinity (as CaCO <sub>3</sub> ) (mg/L)			Monitor And Report	
Total Acidity (as CaCO <sub>3</sub> ) (mg/L)			Monitor And Report	
Net Alkalinity (mg/L)	0.0			
Total Suspended Solids (mg/L)		35.0	70.0	90.0

<sup>1</sup>This Parameter is applicable at all times.

**NPDES Permit No. PA0594211. Mining Permit No. 22880302. Pennsy Supply, Inc.**, 2400 Thea Drive, Suite 3A, Harrisburg, PA 17110, Lower Swatara Township, **Dauphin County**. Renew NPDES Permit affecting 136.02 acres. Receiving stream: Swatara Creek, classified for the following use: WWF. Application received: September 14, 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 Swatara Creek:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	TFO	1.7 MGD
002	Existing	TFO	1.7 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>
001 Flow (MGD)		1.7		
002 Flow (MGD)		1.7		
pH (S.U.)	6.0			9.0
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Total Alkalinity (as CaCO <sub>3</sub> ) (mg/L)			Monitor And Report	
Total Acidity (as CaCO <sub>3</sub> ) (mg/L)			Monitor And Report	
Net Alkalinity (mg/L)	0.0			
Oil and Grease (mg/L)			Monitor And Report	

**NPDES Permit No. PA0223948. Mining Permit No. 22880301. Rocky Licensing Corp.**, 201 Iron Valley Drive, Lebanon, PA 17042, Lower Swatara Township, **Dauphin County**. Renew NPDES Permit affecting 60.1 acres. Receiving stream: Swatara Creek, classified for the following use: WWF. Application received: February 8, 2023.

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 outfall discharge to Swatara Creek:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	TFO	8.64 MGD

The proposed effluent limits for the previously listed outfall area as follows:

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Flow		8.64	17.28	
pH (S.U.)	6.0			9.0
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Total Alkalinity (as CaCO <sub>3</sub> )(mg/l)			Monitor and Report	
Total Acidity (as CaCO <sub>3</sub> )(mg/l)			Monitor and Report	
Net Alkalinity (mg/l)	0.0			

**NPDES Permit No. PA0226122. Mining Permit No. 6473SM3. Wilkes-Barre Materials, LLC**, 500 Chase Road, Shavertown, PA 18708, Laflin Borough and Plains Township, **Luzerne County**. New NPDES permit affecting approximately 146.5 acres. Receiving stream: Gardner Creek, classified for the following use: CWF. Non-Discharging Best Management Practices will be in effect. Application received: September 23, 2020.

## 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)).

*Northcentral Region: Waste Management Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.*

*Contact: James Cassidy, Senior Civil Engineer, 570-855-9764.*

**E6004223-001. Lewisburg Borough**, 55 South Fifth Street, Lewisburg, PA 17837, Lewisburg Borough, **Union County**. U.S. Army Corps of Engineers Baltimore District. Application received: February 28, 2023.

Lewisburg Borough has proposed construction of the Hufnagle Park Event Venue Project. The proposed project involves earthwork within the 100-year floodplain & effective floodway of Limestone (Bull) Run. The proposed project is located in the Limestone (Bull) Run watershed. The Chapter 93 stream designation for this water is Warm Water Fishes (CWF), Migratory Fishes (MF). There are no special protection designations for this stream. Existing Condition—The section of stream that borders this project is located between Market Street and St Louis Street. This portion of the stream is located directly adjacent to the current Hufnagle Park. The stream banks are currently protected with rip-rap bank stabilization and stone/concrete wall segments. The existing floodway/floodplain is utilized as community park and event location with an existing pavilion, seating, sidewalks, ramps, stairs, and parking. Proposed Conditions—The proposed use of the site will match the previous use. The majority of existing features located on the site will be demolished and replaced with new features. The proposed earthwork will involve approximately 400-CY of exported material. This will result in an overall increase in floodway and floodplain capacity. Although there is fill proposed to be placed within the regulatory floodway, it is proposed to be placed within the ineffective zone associated with the expansion of flow passing through the Market Street Bridge. Latitude: 40.96°, Longitude: -76.89°.

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

*Contact: Michele Lauer, Clerical Assistant 2, 570-830-3077.*

**E6402222-004. Association of Property Owners of The Hideout, Inc.**, 640 The Hideout, Lake Ariel, PA 18436-9786, Salem Township, **Wayne County**. U.S. Army Corps of Engineers Philadelphia District. Application received: December 19, 2022.

To construct and maintain the following water obstructions and encroachments associated with the Hideout Stream Relocation & Rehabilitation Project: 1. To relocate approximately 53 linear feet of a UNT to Ariel Creek (HQ-CWF, MF). The work consists of approximately 63 linear feet of a new watercourse channel lined with R-5 rip rap and cobblestone. R-7 riprap will be utilized to stabilize the new streambank slopes. 2. To construct a culvert extension to an existing crossing of a UNT to Ariel Creek (HQ-CWF, MF). The culvert extension will add 1 linear foot of 36" corrugated plastic pipe and a new outlet flared end wall to the existing 44 linear foot crossing. 3. To restabilize 30 linear feet of streambanks on a UNT to Ariel Creek (HQ-CWF, MF) by removing trees and backfilling the banks with R-7 riprap. The project is located on the north side of Lakeview Drive West across from the intersection with Maplewood Court (Lakeville, PA Quadrangle Latitude: 41° 25' 19", Longitude: -75° 21' 4") in Salem Township, Wayne County.

**E3902223-001. City of Allentown**, 435 W. Hamilton Street, Allentown, PA 18103, City of Allentown, **Lehigh County**. U.S. Army Corps of Engineers Philadelphia District. Application received: February 21, 2023.

To construct and maintain a 55-foot long, 25-foot wide, 14.5-foot high pole building having no side walls and consisting of twenty (20) 6-inch diameter support poles constituting 17 ft<sup>3</sup> of net fill within the floodway of the Little Lehigh Creek (HQ-CWF, MF). The project at the Allentown Recycling Center, which is located at the intersection of South Franklin Street and Martin Luther King Jr. Drive (Allentown East, PA Quadrangle Latitude: 40° 35' 29.72"; Longitude: -75° 28' 57.42") in City of Allentown, Lehigh County.

**E4002223-002. Timothy Connolly**, 1999 Lakeside Drive, Harveys Lake, PA 18618, Harveys Lake Borough, **Luzerne County**. U.S. Army Corps of Engineers Baltimore District. Application received: February 21, 2023.

To remove an existing dock and boathouse and to construct and maintain a 1,371 ft<sup>2</sup> dock/boathouse structure at Pole # 180 within the normal pool elevation of Harveys Lake (HQ-CWF, MF). The project is located at 1999 Lakeside Drive (SR 415) (Harveys Lake, PA Quadrangle, Latitude: 41° 21' 59.05"; Longitude: -76° 3' 24.24") in Harveys Lake Borough, Luzerne County.

**E4002223-003. Crossroads XOX, LLC**, 1265 Miller Road, Wind Gap, PA 18091-9765, Sugarloaf Township, **Luzerne County**. U.S. Army Corps of Engineers Baltimore District. Application received: February 27, 2023.

To construct and maintain the following water obstructions and encroachments associated with the Crossroads XOX Distribution Center: 1) A fill within 0.08-acre of PEM wetlands. 2) A fill within 0.05-acre of PEM wetlands. 3) A fill within 0.08-acre of PEM wetlands. 4) A fill within 0.02-acre of PSS wetlands. 5) A fill within 0.13-acre of PEM wetlands. 6) A fill within 0.21-acre of PFO wetlands. 7) A fill within 0.18-acre of PFO wetlands.

8) A fill within 0.01-acre of PFO wetlands. 9) A fill within 0.03-acre of PEM wetlands. 10) A fill within 0.03-acre of PSS wetlands. 11) A fill within 0.16-acre of PFO wetlands. 12) A fill within 0.02-acre of PSS wetlands. 13) A fill within 2.66-acres of PSS wetlands. 14) A fill within 0.01-acre of PFO wetlands. 15) A fill within 0.02-acre of PFO wetlands. 16) A fill within 0.06-acre of PEM wetlands. 17) A fill within 0.04-acre of PEM wetlands. 18) A fill within 0.01-acre of PEM wetlands. 19) A fill within 0.05-acre of PSS wetlands. 20) A fill within the normal pool elevation of a 0.14-acre open body of water within the Black Creek Watershed (CWF, MF). 21) A fill within the normal pool elevation of a 0.03-acre open body of water within the Black Creek Watershed (CWF, MF). 22) A fill within the normal pool elevation of a 1.01-acre open body of water within the Black Creek Watershed (CWF, MF). 23) A fill within the normal pool elevation of a 0.47-acre open body of water within the Black Creek Watershed (CWF, MF). 24) A fill within the normal pool elevation of a 0.23-acre open body of water within the Black Creek Watershed (CWF, MF). 25) A fill within the normal pool elevation of a 0.18-acre open body of water within the Black Creek Watershed (CWF, MF). 26) A fill within the normal pool elevation of a 0.15-acre open body of water within the Black Creek Watershed (CWF, MF). The project is located approximately 0.3 mile southeast of the intersection of Tomhicken Road and Slusser Lane (Conyngham, PA Quadrangle Latitude: 40° 58' 23", Longitude: -76° 3' 17") in Sugarloaf Township, Luzerne County.

**E3502223-002. Throop Borough**, 436 Sanderson Street, Throop, PA 18512, Throop Borough, **Lackawanna County**. U.S. Army Corps of Engineers Baltimore District. Application received: February 21, 2023.

To construct and maintain the following water obstructions and encroachments associated with the Throop Borough Collins Court Pipe Replacement project: 1. A stream enclosure replacement conveying flow from a UNT to Eddy Creek (WWF, MF) consisting of a new single 60-inch, 675-foot long smooth-lined corrugated plastic pipe with a headwall, downstream end wall and a downstream riprap apron choked with natural streambed material. 2. To place fill in a second UNT to Eddy Creek (WWF, MF) consisting of filling approximately 117 linear feet of stream and connecting the watercourse to the new stream enclosure with the installation of a 48-inch smooth-lined corrugated plastic pipe and headwall. 3. An outfall structure in the floodway of a UNT to Eddy Creek (WWF, MF) consisting of an 18-inch smooth-lined corrugated plastic pipe with a concrete end wall and rip rap apron. The project is located at the southeast end of Line Street approximately 0.35 mile from the intersection with Cypress Street (PA-347) (Olyphant, PA Quadrangle Latitude: 41° 26' 17", Longitude: -75° 36' 40") in Throop Borough, Lackawanna County.

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.*

*Contact: 717-705-4802.*

**E0603123-002. PennDOT Engineering District 5-0**, 1002 Hamilton Street, Allentown, PA 18101, Washington Township, **Berks County**. U.S. Army Corps of Engineers Philadelphia District. Application received: February 14, 2023.

To (1) abandon two (2) culverts in UNT Swamp Creek (CWF, TSF, MF) and one (1) in the floodway of Swamp Creek (CWF, TSF, MF), (2) to maintain an existing 36-inch diameter culvert conveying UNT Swamp Creek

(CWF, TSF, MF), and (3) install and maintain a 60-inch diameter outfall to Swamp Creek (VWF, TSF, MF) all for the purpose upgrading the roadway drainage to maintain transportation safety and roadway standards. The project is located along SR 0100 and SR 2044 in Washington Township, Berks County (Latitude: 40.3679, Longitude: -75.6252).

**E4403223-001. Jonathan Hostetler**, Woodland Road, Milroy, PA 17063, Brown Township, **Mifflin County**. U.S. Army Corps of Engineers Baltimore District. Application received: January 9, 2023.

The applicant proposes to install a 184.00-inches by 77.00-inches of aluminum box culvert and approximately 10.00 feet wide by 429.00 feet long gravel driveway over the Tea Creek (HQ-CWF). Impact to the river and its floodway, associated with the project, will be 1594.00 square feet of permanent impact. The project is located at Woodland Road, Milroy, PA 17063 in Brown Township, Mifflin County. There will be no impact to wetlands associated with the project. Latitude: 40.6863888888880°, Longitude: -77.6144444444440°.

*Southeast Region: Waterways & Wetlands Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.*

*Contact: Elaine Henderson, Clerical Assistant 3, 484-250-5157.*

**E1501223-001. Pennsylvania American Water Company**, 852 Wesley Drive, Mechanicsburg, PA 17055, East Vincent Township, **Chester County**. U.S. Army Corps of Engineers Philadelphia District. Application received: January 11, 2023.

To construct and maintain a new Lock 57 Water Treatment Plant (WTP) of capacity 6.6 MGD to 11 MGD near the existing Shady Lane WTP along the floodway/floodplain of the Schuylkill River, associated with the rapid customer growth in the service area. The project will include two lagoons for wastewater handling, intake/raw water pump station, piping, outfall structure, rock apron, etc. The existing water treatment plant will be de-commissioned after the new WTP is brought online. The site is located at 130 Shady Lane (Phoenixville, PA USGS Quadrangles) in East Vincent Township, Chester County. Latitude: 40.193880°, Longitude: -75.571871°.

**E1501223-004. West Vincent Township**, 729 St. Matthews Road, Chester Springs, PA 19425, West Vincent Township, **Chester County**. U.S. Army Corps of Engineers Philadelphia District. Application received: February 15, 2022.

To construct and maintain an approximately 1,850-foot long and 8-foot wide Multimodal asphalt trail between the Township Municipal Complex and Ludwig's Corner within the floodway/floodplain of UNT to Birch Run (EV-MF) and wetlands (EV), associated with the remaining trail connections. The project will include one wetland crossing and three stream crossings. Total wetland impact will be 0.013 acre. Helical piles will be utilized for the boardwalk crossings. The site is located about 400-feet northeast of Route 401 and Fellowship Road (Downingtown, PA USGS Quadrangles) in West Vincent and Upper Uwchlan Townships, Chester County. Latitude: 40.108588°, Longitude: -75.672995°.

**E4601223-004. Upper Providence Township**, 1286 Black Rock Road, Phoenixville, PA 19460, Upper Providence Township, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District. Application received: February 14, 2023.



To demolish and remove the existing houses, accessory structure, foundations, pads, and other site improvements and maintain as an open lawn ground with native trees and vegetation along the floodplain of the Schuylkill River (WWF-MF) and the Perkiomen Creek (WWF-MF) associated with the Floodplain Management Site Restoration. The site is located at 307 Hollow Road and 453 Lower Indian Head Road (Collegeville, PA, USGS Quadrangle) in Upper Providence Township, Montgomery County. Latitude: 40.129075 and 40.147803°, Longitude: -75.492719 and -75.446496°.

**E4601223-006. Upper Providence Township**, 1286 Black Rock Road, Phoenixville, PA 19460, Upper Providence Township, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District. Application received: February 22, 2023.

To demolish and remove the existing houses, accessory structure, foundations, pads, and other site improvements and maintain as an open lawn ground with native trees and vegetation along the floodplain of the Schuylkill River (WWF-MF) associated with the Floodplain Management Site Restoration. The site is located at 112, 114, 116 Walnut Street, Mont Clare, and 425 Port Providence Road, Phoenixville (Phoenixville, PA, USGS Quadrangle and Collegeville, PA, USGS Quadrangle) in Upper Providence Township, Montgomery County. Latitude: 40.135647 and 40.130634°, Longitude: -75.506312 and -75.497002°.

**E4601223-007. Collegeville Borough**, 491 East Main Street, Collegeville, PA 19426, Collegeville Borough, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District. Application received: February 22, 2023.

Collegeville Borough is proposing to perform Chapter 106 Floodplain Site Restoration at seven (7) properties located along West First Avenue and also Chestnut Street within the 100-year Floodplain and Floodway of Perkiomen Creek (TSF-MF). These properties include: 1) 6 W. First Avenue includes 0.097 acre of earth disturbance (USGS PA Collegeville Quadrangle—Latitude 40.182897 N, Longitude 75.448499 W); 2) 86 W. First Avenue includes 0.086 acre of earth disturbance (USGS PA Collegeville Quadrangle—Latitude 40.182486 N, Longitude 75.448441 W); 3) 90 W. First Avenue includes 0.188 acre of earth disturbance (USGS PA Collegeville Quadrangle—Latitude 40.182283 N, Longitude 75.447962 W); 4) 122 Chestnut Street includes 0.091 acre of earth disturbance (USGS PA Collegeville Quadrangle—Latitude

40.182369 N, Longitude 75.449610 W); 5) 130 Chestnut Street includes 0.089 acre of earth disturbance (USGS PA Collegeville Quadrangle—Latitude 40.182454 N, Longitude 75.449129 W); 6) 3 W. First Avenue includes 0.084 acre of earth disturbance (USGS PA Collegeville Quadrangle—Latitude 40.183385 N, Longitude 75.449180 W); 7) 56 W. First Avenue includes 0.148 acre of earth disturbance (USGS PA Collegeville Quadrangle—Latitude 40.183123 N, Longitude 75.449209 W). The seven (7) individual properties were damaged by Hurricane Ida and will be purchased and restored by Collegeville Borough. The project entails demolition and removal of structures, excavation and removal of debris, and the site restoration and stabilization of all disturbed areas. Latitude: 40.183123°, Longitude: -75.449209°.

**E4601222-009. Collegeville Borough**, 491 East Main Street, Collegeville, PA 19426, Collegeville Borough, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District. Application received: February 23, 2023.

Collegeville Borough is proposing to perform Chapter 106 Floodplain Site Restoration at six (6) properties located along East First Avenue, West First Avenue, Chestnut Street and Sixth Avenue within the 100-year Floodplain and Floodway of Perkiomen Creek (TSF-MF). These properties include: 1) 30 E. First Avenue includes 0.105 acre of earth disturbance (USGS PA Collegeville Quadrangle—Latitude 40.185962 N, Longitude 75.449119 W); 2) 740 E. First Avenue includes 0.056 acre of earth disturbance (USGS PA Collegeville Quadrangle—Latitude 40.196178 N, Longitude 75.451074 W); 3) 750 E. First Avenue includes 0.076 acre of earth disturbance (USGS PA Collegeville Quadrangle—Latitude 40.196040 N, Longitude 75.451050 W); 4) 38 W. First Avenue includes 0.102 acre of earth disturbance (USGS PA Collegeville Quadrangle—Latitude 40.186495 N, Longitude 75.449115 W); 5) 137 Chestnut Street includes 0.150 acre of earth disturbance (USGS PA Collegeville Quadrangle—Latitude 40.182871 N, Longitude 75.449551 W); 6) 130 Sixth Avenue includes 0.144 acre of earth disturbance (USGS PA Collegeville Quadrangle—Latitude 40.187418 N, Longitude 75.460548 W). The six (6) individual properties were damaged by Hurricane Ida and will be purchased and restored by Collegeville Borough. The project entails demolition and removal of structures, excavation and removal of debris, and the site restoration and stabilization of all disturbed areas. Latitude: 40.187418°, Longitude: -75.460548°.

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## ACTIONS

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

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

The Department 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](http://www.dep.pa.gov/CWPUBLICNOTICE).

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

*DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484-250-5910. Email: RA-EPNPDES\_SERO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SERO@pa.gov for Chapter 102 permits.*

*DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 570-826-5472. Email: RA-EPNPDES\_NERO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NERO@pa.gov for Chapter 102 permits.*

*DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717-705-4732. Email: RA-EPNPDES\_SCRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SCRO@pa.gov for Chapter 102 permits.*

*DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570-327-3693. Email: RA-EPNPDES\_NCRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NCRO@pa.gov for Chapter 102 permits.*

*DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 814-442-4286. 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, Dept of Env'tl. Prot.*, 833 F.3d 360 (3d Cir. 2016); *Delaware Riverkeeper Network v. Sec'y, Dept 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. Dept. 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. Dept 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>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA300004D	Chapter 102 Individual NPDES Permit	Issued	Peoples Natural Gas Co. LLC 375 North Shore Drive Suite 600 Pittsburgh, PA 15212-5866	Morgan Township Greene County	SWRO
PA400003D	Chapter 102 Individual NPDES Permit	Issued	PPL Electric Utilities Corp 827 Hausman Road Genn4 Allentown, PA 18104-9392	Hazle Township Luzerne County	NERO

## NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAD070009	Chapter 102 Individual NPDES Permit	Issued	Sandy Rdg Wind II LLC 354 Davis Road Suite 100 Oakville, ON L6J 2X1	Snyder Township Blair County	SCRO
PAD150275	Chapter 102 Individual NPDES Permit	Issued	Mr. Robert Miller Ms. Shirley Miller 100 Moran Lane Honey Brook, PA 19344-9082	West Caln Township Chester County	SERO
PAD230067	Chapter 102 Individual NPDES Permit	Issued	The Woods At Rose Tree LLC P.O. Box 1798 Media, PA 19063	Upper Providence Township Delaware County	SERO
PAD300001	Chapter 102 Individual NPDES Permit	Issued	Southwestern PA Water Authority P.O. Box 187 Jefferson, PA 15344-0187	Center Township Greene County	SWRO
PAD350031	Chapter 102 Individual NPDES Permit	Issued	Geisinger 100 N Academy Avenue Danville, PA 17822-9800	Dickson City Borough Lackawanna County	NERO
PAD480047	Chapter 102 Individual NPDES Permit	Issued	Primrose Glen LLC 7171 Airport Road Bath, PA 18014-8802	Williams Township Northampton County	NERO
PAD510012	Chapter 102 Individual NPDES Permit	Issued	Philadelphia Authority For Ind Development 4747 South Broad Street Building 101 Suite 120 Philadelphia, PA 19112	Philadelphia City Philadelphia County	SERO
PAD610006	Chapter 102 Individual NPDES Permit	Issued	Franklin Area School District 40 Knights Way Frankin, PA 16323	Sandycreek Township Venango County	NWRO
PAD630022	Chapter 102 Individual NPDES Permit	Issued	Running Brooke II Assocs LP 3555 Washington Road McMurray, PA 15317	Canton Township Washington County	SWRO
PAD630071	Chapter 102 Individual NPDES Permit	Issued	Legacy Park Land Partners LLC 3625 Washington Pike Bridgeville, PA 15017-1051	North Strabane Township Washington County	SWRO
PA0265896	Industrial Stormwater Individual NPDES Permit	Issued	Fayetteville Contr Inc. P.O. Box 610 3185 Lincoln Way East Fayetteville, PA 17222-0610	Antrim Township Franklin County	SCRO
0122810	Joint DEP/PFBC Pesticides Permit	Issued	Carroll Valley Golf At Liberty Mountain 78 Country Club Trail Fairfield, PA 17320-8550	Carroll Valley Borough Adams County	SCRO
0918802	Joint DEP/PFBC Pesticides Permit	Issued	Rumetsch Gret 1438 Bethlehem Pike Sellersville, PA 18960-1451	West Rockhill Township Bucks County	SERO
1017807	Joint DEP/PFBC Pesticides Permit	Issued	Randy E Davis 282 Crisswell Road Butler, PA 16002-8645	Penn Township Butler County	NWRO
1518812	Joint DEP/PFBC Pesticides Permit	Issued	Paul Thomas 17 Marlborough Road Newtown Square, PA 19073	Willistown Township Chester County	SERO
2822804	Joint DEP/PFBC Pesticides Permit	Issued	Penn National Golf & CC 3720 Club House Drive Fayetteville, PA 17222-9683	Guilford Township Franklin County	SCRO

## NOTICES

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
6013803	Joint DEP/PFBC Pesticides Permit	Issued	Diversified Treatment Alternatives Inc. 148 Fairfield Road Lewisburg, PA 17837-9214	Buffalo Township Union County	NCRO
6717801	Joint DEP/PFBC Pesticides Permit	Issued	Ortenzio Robert 250 Myers Lane New Cumberland, PA 17070	Fairview Township York County	SCRO
PA0005011	Major Industrial Waste Facility < 250 MGD Individual NPDES Permit	Issued	Keystone Conemaugh Project LLC 175 Cornell Road Suite 1 Blairsville, PA 15717	West Wheatfield Township Indiana County	NWRO
PA0027481	Major Industrial Waste Facility < 250 MGD Individual NPDES Permit	Issued	LBR Acquisitions Company LLC P.O. Box 128 Shippingport, PA 15077-0128	Shippingport Borough Beaver County	SWRO
0474204	Major Industrial Waste Treatment Facility Individual WQM Permit	Issued	LBR Acquisitions Company LLC P.O. Box 128 Shippingport, PA 15077-0128	Shippingport Borough Beaver County	SWRO
0468401	Major Sewage Treatment Facility Individual WQM Permit	Issued	Center Township Sanitary Authority 224 Center Grange Road Aliquippa, PA 15001-1421	Center Township Beaver County	SWRO
0998405	Major Sewage Treatment Facility Individual WQM Permit	Issued	Quakertown Borough Bucks County 35 North Third Street Quakertown, PA 18951-1376	Quakertown Borough Bucks County	SERO
1197403	Major Sewage Treatment Facility Individual WQM Permit	Issued	Forest Hills Municipal Authority Cambria County P.O. Box 337 Saint Michael, PA 15951-0337	Conemaugh Township Cambria County	SWRO
PA0285013	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Shippingport Ind Park LLC 500 Seneca Street Buffalo, NY 14204-1963	Shippingport Borough Beaver County	SWRO
PA0026425	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Penn Hills Municipal Allegheny County 102 Duff Road Pittsburgh, PA 15235-3219	Penn Hills Township Allegheny County	SWRO
PA0032085	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	PA DCNR Prince Gallitzin State Park 966 Marina Road Patton, PA 16668-6317	White Township Cambria County	SWRO
PA0218693	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Luzerne Township Sewer Authority Fayette County P.O. Box 241 La Belle, PA 15450-0241	Luzerne Township Fayette County	SWRO
1601405	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Rimersburg Borough Municipal Authority Clarion County 27 Main Street Rimersburg, PA 16248-4333	Rimersburg Borough Clarion County	NWRO

## NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
NOEXSE348	No Exposure Certification	Issued	Shannon Chemicals Corp 311 Commerce Drive Exton, PA 19341-2608	West Whiteland Township Chester County	SERO
NOEXSW129	No Exposure Certification	Issued	Gardner Denver Nash LLC 200 Simko Boulevard Charleroi, PA 15022-3493	Charleroi Borough Washington County	SWRO
PAG030063	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Pottstown Ind Investments LLC 1751 Easton Road Willow Grove, PA 19090-4508	West Pottsgrove Township Montgomery County	SERO
PAG030122	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	BFI Waste Service of PA LLC 731 E Reliance Road Telford, PA 18969-1165	Telford Borough Bucks County	SERO
PAG034855	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Polsinello Fuels Inc. 241 Riverside Avenue Rensselaer, NY 12144-2946	Athens Township Bradford County	NCRO
PAG036190	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Golden Triangle Const Co. Inc. 8555 Old Steubenville Pike Imperial, PA 15126	Findlay Township Allegheny County	SWRO
PAG036286	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Michael Bros Adamsburg LLC P.O. Box 157 Bethel Park, PA 15102-0157	Hempfield Township Westmoreland County	SWRO
PAG123808	PAG-12 NPDES General Permit for CAFOs	Issued	Walton Farms LLC 42 Walton Drive Cochranville, PA 19330-9787	West Fallowfield Township Chester County	SCRO
2792401	Pump Stations Individual WQM Permit	Issued	Jenks Township Forest County P.O. Box 436 135 Pine Street Marienville, PA 16239-0436	Jenks Township Forest County	NWRO
PA0238635	Single Residence STP Individual NPDES Permit	Issued	Frank A Jr and Melissa A Blaine 304 Eagle Mill Road Butler, PA 16001-8786	Connoquenessing Township Butler County	NWRO
PA0261653	Single Residence STP Individual NPDES Permit	Issued	Jackson Carolyn and Jackson James 151 Shatto Drive Carlisle, PA 17013-2120	North Middleton Township Cumberland County	SCRO
PA0292711	Single Residence STP Individual NPDES Permit	Issued	Burrows Michael 2929 Hershey Road Erie, PA 16506-5003	Summit Township Erie County	NWRO
PA0292737	Single Residence STP Individual NPDES Permit	Issued	Larsen Paula 558 Clay Furnace Road Sharpsville, PA 16150-3402	Clark Borough Mercer County	NWRO
2522441	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Burrows Michael 2929 Hershey Road Erie, PA 16506-5003	Summit Township Erie County	NWRO
4322410	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Larsen Paula 558 Clay Furnace Road Sharpsville, PA 16150-3402	Clark Borough Mercer County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
WQG02202301	WQG-02 WQM General Permit	Issued	North and South Shenango Township Joint Municipal Authority Crawford County 3104 Water Trail Drive Jamestown, PA 16134-4410	South Shenango Township Crawford County	NWRO

## II. Final Action(s) on PAG-01 and PAG-02 General NPDES Permit NOIs.

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC510291	PAG-02 General Permit	Issued	2000 Arch Associates, L.P. 150 North Broad Street Philadelphia, PA 19102-1424	City of Philadelphia Philadelphia County	SERO
PAC510294	PAG-02 General Permit	Issued	Brixmor Roosevelt Mall Owner, LLC One Fayette Street Suite 150 Conshohocken, PA 19428-2064	City of Philadelphia Philadelphia County	SERO
PAC510241 A-1	PAG-02 General Permit	Issued	L-A Battery QOZ, LLC 2400 Market Street Suite 301 Philadelphia, PA 19103-3033	City of Philadelphia Philadelphia County	SERO
PAC510232 A-1	PAG-02 General Permit	Issued	The School District of Philadelphia 440 North Broad Street Philadelphia, PA 19130	City of Philadelphia Philadelphia County	SERO
PAC510295	PAG-02 General Permit	Issued	PECO Energy Company (PECO) 2301 Market Street, N3-3 Philadelphia, PA 19103	City of Philadelphia Philadelphia County	SERO
PAC510252	PAG-02 General Permit	Issued	Children's Hospital of Philadelphia 3501 Civic Center Boulevard Philadelphia, PA 19104-3820	City of Philadelphia Philadelphia County	SERO
PAC130023	PAG-02 General Permit	Issued	Jonathan and Shelby Ammary 1828 West Lizard Creek Road Lehighton, PA 18235	East Penn Township Carbon County	Carbon County Conservation District 5664 Interchange Road Lehighton, PA 18235 610-377-4894 RA-EPWW-NERO@pa.gov
PAC130024	PAG-02 General Permit	Issued	JLM Real Estate Investment, LLC P.O. Box 472 950 East Main Street Schuylkill Haven, PA 17972	Banks Township Carbon County	Carbon County Conservation District 5664 Interchange Road Lehighton, PA 18235 610-377-4894 RA-EPWW-NERO@pa.gov
PAC130025	PAG-02 General Permit	Issued	St. Luke's Hospital of Bethlehem 801 Ostrum Street Bethlehem, PA 18015	Palmerton Borough Carbon County	Carbon County Conservation District 5664 Interchange Road Lehighton, PA 18235 610-377-4894 RA-EPWW-NERO@pa.gov
PAC090602	PAG-02 General Permit	Issued	Pennsbury School District 134 Yardley Avenue Fallington, PA 19054-1119	Falls Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 x110 RA-EPNPDES_SERO@pa.gov

## NOTICES

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC090554 A-1	PAG-02 General Permit	Issued	D.R. Horton, Inc. 2060 Detwiler Road Suite 103 Harleysville, PA 19438-2934	Bristol Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 x110 RA-EPNPDES_SERO@ pa.gov
PAC090582	PAG-02 General Permit	Issued	CFT NV Developments, LLC 1120 N. Town Center Drive Suite 150 Las Vegas, NV 89144-6303	Middletown Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 x110 RA-EPNPDES_SERO@ pa.gov
PAC480150	PAG-02 General Permit	Issued	RPL East, LLC John Kelly 559 Main St. Suite 300 Bethlehem, PA 18018	Upper Mount Bethel Township Northampton County	Northampton County Conservation District 14 Gracedale Ave. Greystone Building Nazareth, PA 18064-9211 610-829-6276 RA-EPWW-NERO@ pa.gov
PAC150030	PAG-02 General Permit	Issued	113 Corporation 940 Haverford Rd Suite 102 Haverford, PA 19010	Phoenixville Borough Chester County	Chester County Conservation District 674 Unionville Road Suite 105 Kennett Square, PA 19348 610-455-1360 RA-EPNPDES_SERO@ pa.gov
PAC150072	PAG-02 General Permit	Issued	KB Boot Road Partners, LLC 1273 Butler Pike Blue Bell, PA 19422	East Caln Township Chester County	Chester County Conservation District 674 Unionville Road Suite 105 Kennett Square, PA 19348 610-455-1360 RA-EPNPDES_SERO@ pa.gov
PAC630270	PAG-02 General Permit	Issued	Columbia Gas of PA 4000 Energy Drive Bridgeville, PA 15017	Peters Township Washington County	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098
PAC140151	PAG-02 General Permit	Issued	Earl N. Yearick dba Iron Horse Ranch 107 Yearicks Boulevard Centre Hall, PA 16828	Potter Township Centre County	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823-1400 814-355-6817
PAC360809	PAG-02 General Permit	Issued	David Petersheim 476 Spring Valley Road Quarryville, PA 17566	East Drumore Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361 ext. 5 Receiving Stream— UNT to Goff Run/TSF

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC360796A-1	PAG-02 General Permit	Issued	PPL Electric Utilities Corporation 1639 Church Road Allentown, PA 18104	Penn Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361 ext. 5 Receiving Stream— Little Conestoga Creek via Overland Flow/TSF, MF and Lititz Run via Overland Flow/WWF, MF
PAC360329A-1	PAG-02 General Permit	Issued	Brookfield Development Corporation 227 Granite Run Drive Suite 100 Lancaster, PA 17601	East Lampeter Township Lancaster County	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361 ext. 5 Receiving Stream— UNT to Conestoga River/WWF, MF
PAC030048	PAG-02 General Permit	Issued	Peoples Natural Gas LLC 432 Hyde Park Road Leechburg, PA 15656	East Franklin Township Armstrong County	Armstrong County Conservation District 120 South Grant Avenue Suite 2 Kittanning, PA 16201 724-548-3425
PAC610004	PAG-02 General Permit	Issued	Barkeyville Municipal Authority 1610 Barkeyville Road Grove City, PA 16127	Barkeyville Borough Venango County	NWRO
PAC250179	PAG-02 General Permit	Issued	PADOT District 1 255 Elm Street Oil City, PA 16301	Harborcreek Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC440026	PAG-02 General Permit	Issued	Juniata Valley Group c/o Michael Buffington 126 Electric Avenue Lewistown, PA 17044	Derry Township Mifflin County	Mifflin County Conservation District 20 Windmill Hill Suite 4 Burnham, PA 17009-1837 717-248-4695
PAC670554	PAG-02 General Permit	Issued	D.R. Horton Inc 181 Harry S Truman Parkway Suite 250 Annapolis, MD 21401	North Codorus Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430 Receiving Stream— UNT to Stoverstown Branch Codorus Creek/WWF
PAC670586	PAG-02 General Permit	Issued	Ferber Construction Management North LLC 194 Mount Airy Road Basking Ridge, NJ 07920	West Manchester Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430 Receiving Stream— UNT to Codorus Creek/WWF, MF



## NOTICES

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC670111	PAG-02 General Permit	Issued	Dale Torbert 405 Throne Road Fawn Grove, PA 17321	Fawn Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430 Receiving Stream— Muddy Creek/TSF
PAC220218A-4	PAG-02 General Permit	Issued	DHK Lot 2 LLC 6259 Reynolds Road Seven Valleys, PA 17360	Lower Swatara Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100 Receiving Stream— UNT West—WWF
PAC220378	PAG-02 General Permit	Issued	Leslie Lenzo 4901 Cornell Avenue Downers Grove, IL 60515	Derry Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100 Receiving Stream— UNT to Spring Creek—WWF, MF
PAC220107	PAG-02 General Permit	Issued	Brookwood Commons, LP 3405 North 6th Street Harrisburg, PA 17110	City of Harrisburg Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100 Receiving Stream— Paxton Creek—WWF
PAC220073	PAG-02 General Permit	Issued	Deavon Woods, LLC 6510 Plowman Ridge Road Harrisburg, PA 17112	Lower Paxton Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100 Receiving Stream— Beaver Creek—WWF, MF
PAC220091	PAG-02 General Permit	Issued	The McNaughton Company 4400 Deer Path Road Ste 1 Harrisburg, PA 17110	West Hanover Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100 Receiving Stream— UNT to Manada Creek—WWF
PAC220335A-1	PAG-02 General Permit	Issued	The Hershey Company 19 East Chocolate Avenue Hershey, PA 17033	Derry Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100 Receiving Stream— Spring Creek—WWF, MF; UNT to Swatara Creek—WWF, MF

**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>
The Barley Farms Jeffrey Barley 862 Donerville Road Millersville, PA 17551	Lancaster County	405	355.57	Pullets/ Steers	NA	Approved
Sweigart Farms 620 Greider Road Mount Joy, PA 17552	Lancaster County	575.4	1,648.96	Dairy/ Swine/ Pullets	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. 5922503, Major Amendment, Public Water Supply.**

Applicant	<b>Blossburg Municipal Authority</b>
Address	241 Main Street Blossburg, PA 16912

Municipality Hamilton Township  
 County **Tioga County**  
 Consulting Engineer Williams S. Bray, P.E.  
 373 West Branch Road  
 Wellsboro, PA 16901

Application Received July 19, 2022  
 Permit Issued February 27, 2023  
 Description This permit authorizes construction of two new public water supply wells (Wells 1 and 3) with buildings, disinfection equipment, controls, standby power supply, conveyance lines from the wells to the new storage tank and associated items.

**Construction/Operation Permit No. 4122504MA**, Minor Amendment, Public Water Supply.

Applicant **Foxcroft Manor Mobile Home Park**  
 Address 400 Market Street  
 Williamsport, PA 17701

Municipality Muncy Creek Township  
 County **Lycoming County**  
 Consulting Engineer Shelby M. McVey, P.E.  
 Herbert, Rowland & Gubric, Inc.  
 369 E. Park Drive  
 Harrisburg, PA 17105

Application Received October 24, 2022  
 Permit Issued February 23, 2023  
 Description This permit authorizes the water system to rehabilitate PW-1 Well, install new Sta-Rite 4", S20P4HS 10221 submersible well pump, which is NSF 61 certified, install a Well Pro, WP-3 pellet chlorinator on the wellhead and change the safe yield pumping rate to 5.5 gpm.

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

*Contact: Michele Lauer, Clerical Assistant 2, 570-830-3077.*

**Construction Permit No. 3522503**, Major Amendment, Public Water Supply.

Applicant **Covington Owner, LLC, Covington Owner Warehouse**  
 Address 303 Peachtree Avenue  
 North East  
 Suite 575  
 Atlanta, GA 30303

Municipality Covington Township  
 County **Lackawanna County**  
 Consulting Engineer Mr. Timothy K. Steed, P.E.  
 Hunt Engineers, Architects,  
 Land Surveyors & Landscape  
 Architects, DPC  
 100 Hunt Center  
 Horseheads, NY 14845

Application Received December 28, 2022  
 Permit Issued February 21, 2023  
 Description Applicant proposes to construct a new non-community PWS system inclusive of a new source of supply, necessary treatment, storage and all necessary piping and appurtenances primarily to remove elevated levels of TDS from the water supply.

*Southcentral Region: Safe Drinking Water Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.*

*Contact: Wade Cope, P.E., Environmental Engineer, 717-705-4708.*

**NCWSA Construction Permit 7670347**. PWSID No. **7670347**. **BriteLife Recovery at Hanover, LLC**, 536 Iron Ridge Road, Suite 10, Hanover, PA 17331, Heidelberg Township, **York County**. Application received: December 16, 2022. Permit Issued: February 28, 2023. The approval to construct is for proposed treatment system changes: new softener, new cartridge filtration, and new UV disinfection unit.

**Construction Permit 0622527**. PWSID No. **3061249**. **Giorgi Mushroom Farm 1**, 1161 Park Road, Temple, PA 19510, Ontelaunee Township, **Berks County**. Application received: September 15, 2022. Permit Issued: February 28, 2023. Construction permit for proposed installation of 4-log treatment of viruses for Plants 18, 19, and 22.

**Construction Permit 0622528**. PWSID No. **3061249**. **Giorgi Mushroom Farm 1**, 1161 Park Road, Temple, PA 19510, Ontelaunee Township, **Berks County**. Application received: September 15, 2022. Permit Issued: February 28, 2023. Construction permit for proposed installation of 4-log treatment of viruses for Plant 25.

**NCWSA Operation Permit 3060414**. PWSID No. **3060414**. **Camp Swatara**, 2905 Camp Swatara Road, Bethel, PA 19507, Bethel Township, **Berks County**. Application received: February 22, 2023. Permit Issued: March 1, 2023. Approval to operate for new chlorine contact tanks for treatment at Well No. 003.

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

*Contact: RA-EPSWSDW@pa.gov.*

**Operation Permit 1122503**. PWSID No. **4110017**. **Highland Sewer and Water Authority**, 120 Tank Drive, Johnstown, PA 15904, Summerhill Township, **Cambria County**. Application received: January 30, 2023. Permit Issued: February 24, 2023. Issuance of Operation Permit No. 1122503 for the use of a SeaQuest Sequestering Agent corrosion control chemical injection system for the purposes of general corrosion control.

**Operation Permit 2621508MA**. PWSID No. **5260019**. **North Fayette County Municipal Authority**, 1634 University Drive, P.O. Box 368, Dunbar, PA 15431, Dunbar Township, **Fayette County**. Application received: February 14, 2023. Permit Issued: February 24, 2023. Issuance of Operation Permit 2621508MA for the operation of the rehabilitated North Fayette County Municipal Authority Water Treatment Plant Filter No. 4.

**Operation Permit 2623501MA**. PWSID No. **5260019**. **North Fayette County Municipal Authority**, 1634 University Drive, P.O. Box 368, Dunbar, PA 15431,

Dunbar Township, **Fayette County**. Application received: February 3, 2023. Permit Issued: February 6, 2023. Issuance of Operation Permit 2623501MA for operation of the relocated plant Combined Filter Effluent (CFE) Turbidimeter and caustic injection point.

**Operation Permit 1121506MA**. PWSID No. **4110003**. **Northern Cambria Municipal Authority**, 1202 Philadelphia Avenue, Northern Cambria, PA 15714, Susquehanna Township, **Cambria County**. Application received: January 23, 2023. Permit Issued: February 17, 2023. Issuance of Operation Permit 1121506 for the operation of the Miller Hollow Intake Structure.

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

**Operation Permit 5621505**. PWSID No. **4560402**. **Deer Valley YMCA Camp**, 254 Deer Valley Road, Fort Hill, PA 15540, Elk Lick Township, **Somerset County**. Application received: February 28, 2023. Permit Issued: March 6, 2023. Caustic soda chemical feed system for pH adjustment at the Deer Valley YMCA Camp.

## 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: Randy Farmerie, P.G., Environmental Program Manager, 570-327-3716.

**Chesapeake Appalachia LLC Hopson BRA 1HC Pad**, Primary Facility ID # **864722**, 6519 Liberty Corners Road, Towanda, PA 18848, Asylum Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, submitted a Final Report concerning remediation of soil contaminated with production fluid. The Final Report is intended to document remediation of the site to meet the Statewide health and background standards.

**Repsol Oil & Gas USA LLC, OMR (02-188) Well Pad**, Primary Facility ID # **864701**, 470 Green Leaf Lane, Blossburg, PA 16912, Hamilton Township, **Tioga County**. WSP USA, Inc., 2000 Lenox Drive, 3rd Fl, Lawrenceville, NJ 08648, on behalf of Repsol Oil & Gas USA, LLC, 337 Daniel Zenker Drive, Horseheads, NY 14845, submitted a Final Report concerning remediation of soil contaminated with production fluid. The Final Report is intended to document remediation of the site to meet the Statewide health and background standards.

**Beech Resources ISA Well Site**, Primary Facility ID # **848043**, 223 Mitchell Hill Road, Cogan Station, PA 17728, Lycoming Township, **Lycoming County**. Penn Environmental & Remediation, 13180 Route 6, Mansfield, PA 16933, on behalf of Beech Resources LLC, 343 Pine Street, Suite 1, Williamsport, PA 17701, submitted a Final Report concerning remediation of soil contaminated with production fluid. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

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

Contact: Eric Supey, Environmental Program Manager.

**337 Summit Drive**, Primary Facility ID # **853427**, 337 Summit Drive, Buck Hill Falls, PA 18323, Barrett Township, **Monroe County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Polyilmnio, LLC, 261 South 4th Street, Philadelphia, PA 19106, submitted a Final Report concerning remediation of soil contaminated with heating oil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

**1190 Middletown Road**, Primary Facility ID # **862956**, 1190 Middletown Road, Pen Argyl, PA 18072, Plainfield Township, **Northampton County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Troy Smith, 1190 Middletown Road, Pen Argyl, PA 18072, submitted a Final Report concerning remediation of soil contaminated with heating oil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

**Griffin Industrial Realty-Former Lehigh Valley Tropicana**, Primary Facility ID # **682958**, 1115 American Parkway, Allentown, PA 18109, City of Allentown, **Lehigh County**. Barry Isett & Associates, 5420 Crackersport Road, Allentown, PA 18104, on behalf of Indus Realty Trust, 204 West Newberry Road, Bloomfield, CT 06002, submitted a Final Report concerning remediation of soil

and groundwater contaminated with arsenic and chlorinated solvents. The Final Report is intended to document remediation of the site to meet the Statewide health and site-specific standards.

*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.*

**Yocum Property**, Primary Facility ID # **850936**, 7307 Emily Lane, Alexandria, PA 16611, Porter Township, **Huntingdon County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Mr. & Mrs. Timothy Yocum, 7307 Emily Lane, Alexandria, PA 16611, submitted a Final Report concerning remediation of soil contaminated with heating fuel spill. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

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

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

**Phoenixville Crossing, LP**, Primary Facility ID # **833749**, 622 Hares Hill Road, Phoenixville, PA 19460, East Pikeland Township, **Chester County**. Stephen D. Brower, Environmental Standards, Inc, P.O. Box 810, Valley Forge Road, Valley Forge, PA 19482, on behalf of Kenneth Gibson, Phoenixville Area School District, 386 City Line Avenue, Phoenixville, PA 19460, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with arsenic. The Remedial Investigation Report/Cleanup Plan is intended to document remediation of the site to meet the site-specific standards.

**Raleigh Mill Roeper Facility**, Primary Facility ID # **840813**, 1617-35 North 5th Street, Philadelphia, PA 19122, City of Philadelphia, **Philadelphia County**. Kevin J. Davis, PE, Pennoni Associates, Inc, 1900 Market Street, Suite 300, Philadelphia, PA 19103, on behalf of Lawrence McKnight, PE, The Riverwards Group, 320 Richmond Street, Philadelphia, PA 19134, submitted a Final Report concerning remediation of soil and groundwater contaminated with VOCs, SVOCs and metals. The Final Report is intended to document remediation of the site to meet the site-specific standards.

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

**2121 Wheatsheaf Lane**, Primary Facility ID # **833749**, 2121 Wheatsheaf Lane, Philadelphia, PA 19137, PA 19137, City of Philadelphia, **Philadelphia County**. Marc Chartier, Pennoni Associates Inc, 1900 Market Street, Suite 300, Philadelphia, PA 19103, on behalf of David Greek, HG Wheatsheaf Vertical, LLC, 1 Kimberly Road, East Brunswick, NJ 08816, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with perfluoroalkyl and polyfluoroalkyl substances (PFAS), VOCs and metals. The Remedial Investigation Report/Cleanup Plan is intended to document remediation of the site to meet the site-specific standards.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995  
PREAMBLE 3

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**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).**

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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.

*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.*

**15 Railroad Avenue Property**, Primary Facility ID # **860238**, 15 Railroad Avenue, Newville, PA 17241-1514, Newville Borough, **Cumberland County**. ECS Mid-Atlantic, LLC, 52-6 Grumbacher Road, York, PA 17055, on

behalf of 15 Railroad Avenue LLC, 15 Railroad Avenue, Newville, PA 17241-1514, submitted a Final Report concerning remediation of soil contaminated with arsenic and lead. The Final Report demonstrated attainment of the site-specific standards. Approved: March 6, 2023.

**MTS Bethel Prop./Berman Truck Group**, Primary Facility ID # **848790**, 175 Legion Drive, Bethel, PA 19507, Bethel Township, **Berks County**. Compliance Plus Services, Inc., 240 Gibraltar Road, Suite 100, Horsham, PA 19044, on behalf of Berman Truck Group, 83 Ashley Way, Leesport, PA 19533, 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 standards. Approved: March 6, 2023.

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

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

**300 North Columbus Boulevard**, Primary Facility ID # **844494**, 300 North Columbus Boulevard, Philadelphia, PA 19106, City of Philadelphia, **Philadelphia County**. Michael Potts, Terraphase Engineering, Inc, 100 Canal Pointe Boulevard, Suite 108, Princeton, NJ 08540, on behalf of Julia Limongello, 300 Columbus LLC, One Bryant Park, New York, NY 10036, submitted a Final Report concerning remediation of soil and groundwater contaminated with soil contaminated with benzene, toluene, ethylbenzene, total xylenes, cumene, naphthalene, 1,2,4-TMB, 1,3,5-TMB, acenaphthylene, anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, benzo(k)fluoranthene, chrysene, dibenz(a,h)anthracene, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, phenanthrene, pyrene, total PCBs, arsenic, beryllium, total chromium, copper, nickel, silver, and zinc. Benzene, toluene, naphthalene, and dissolved lead in groundwater. The Final Report demonstrated attainment of the Statewide health standards. Approved: February 28, 2023.

**2911 Edgemont Avenue**, Primary Facility ID # **693866**, 2911 Edgemont Avenue, Parkside, PA 19015, Parkside Borough, **Delaware County**. Brian Donoghue, Comstock Environmental, 806 Fayette Street, Conshohocken, PA 19428, on behalf of Keith Shooster, Shooster Brothers, 257 North State Road, Springfield, PA 19064, submitted a combined Remedial Investigation Report/Cleanup Plan/Final Report concerning remediation of groundwater contaminated with BTEX, cumene, naphthalene, MTBE, 1,2,4-TMB, 1,3,5-TMB, 1,2-dichloroethane, 1,2-dibromoethane, and lead. The Final Report did not demonstrate attainment of the site-specific standards. Issued a technical deficiency letter: February 16, 2023.

**International Paper Company**, Primary Facility ID # **863394**, 4581 Lower Valley Road, Atglen, PA 19310, West Sadsbury Township, **Chester County**. Kimberly Hunsberger, GHD, 410 Eagleview Boulevard, Suite 110, Exton, PA 19341, on behalf of Natalie Hahlen, Quad/Graphics Inc, N61 W23044 Harry's Way, Sussex, WI 53089, submitted a Final Report concerning remediation of soil and groundwater contaminated with VOCs, SVOCs. The Final Report did not demonstrate attainment of the site-specific standards. Issued a technical deficiency letter: February 16, 2023.

**MaxPower**, Primary Facility ID # **859499**, 141 Christopher Lane, Harleysville, PA 19438, Lower Salford Township, **Montgomery County**. Edward Layton, BAI Group, LLC, 341 Tenth Avenue, Suite 103, Royersford, PA 19468, on behalf of Mr. David L. Chua, MaxPower, Inc, 141 Christopher Lane, Harleysville, PA 19438, submitted a Final Report concerning remediation of soil contaminated with vanadium. The Final Report demonstrated attainment of the Statewide health standards. Approved: February 16, 2023.

**Philadelphia Union Sports Complex**, Primary Facility ID # **861634**, 2501 Seaport Drive (Between Highland Avenue and Commodore Barry Bridge), Chester, PA 19013, City of Chester, **Delaware County**. Nevin Diehl, Weston Solutions, 205 Campus Drive, Edison, NJ 08837, on behalf of Dave Debusschere, Keystone Sports and Entertainment, LLC, 2501 Seaport Drive, BH Suite 100, Chester, PA 19013, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with VOCs, naphthalene, benzene, toluene, ethylbenzene, xylenes and benzo(a)pyrene. The Report did not demonstrate attainment of the site-specific standards. Issued an administrative deficiency letter: February 21, 2023.

**East Tioga Lofts**, Primary Facility ID # **843793**, 2215 East Tioga Street, Philadelphia, PA 19134, City of Philadelphia, **Philadelphia County**. Angelo Waters, Urban Engineers, Inc, 530 Walnut Street, Philadelphia, PA 19106, on behalf of Justin Kaplan, East Tioga Lofts, LLC, 1500 Market Street, Suite 3310E, Philadelphia, PA 19102, submitted a Final Report concerning remediation of soil contaminated with lead, arsenic, benzo(a)pyrene, benzo(b)fluoranthene and indeno(1,2,3-cd)pyrene. The Final Report demonstrated attainment of the site-specific standards. Approved: February 21, 2023.

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

**Coventry House Apartments**, Primary Facility ID # **700807**, 7301 Coventry Avenue, Elkins Park, PA 19027, Cheltenham Township, **Montgomery County**. Timothy Pilcher, B&B Diversified Enterprises, Inc, 302 Norton Road, Stroudsburg, PA 18360, on behalf of Elkins Park, PA 19027, 7301 Coventry Avenue, Apt. 408, Philadelphia, PA 19027, submitted a Final Report concerning remediation of soil and groundwater contaminated with No. 2 fuel oil. The Final Report did not demonstrate attainment of the Statewide health standards. Issued a technical deficiency letter: February 23, 2023.

**200 West State Street**, Primary Facility ID # **853178**, 200 West State Street, Doylestown, PA 18901, Doylestown Borough, **Bucks County**. John Filoon, REPSG, Inc, 6901 Kingsessing Avenue, Philadelphia, PA 19142, on behalf of Larry Thomson, Kola, LLC, 16 North Franklin Street, Suite 111, Doylestown, PA 18901, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil contaminated with gasoline and No. 2 fuel oil parameters. The Report demonstrated attainment of the site-specific standards. Approved: February 24, 2023.

**Vacant Lands TMP # 3-028-075-001**, Primary Facility ID # **859970**, 4 East M-Y Lane, Morrisville, PA 19067, Falls Township, **Bucks County**. Jason Pero, Resource Control Consultants, 10 Lippincott Lane, Unit 1, Mt. Holly, NJ 08060, on behalf of Dan Carr, Britton Industries, Inc., 1 East M-Y Lane, Morrisville, PA 19067, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contami-

nated with inorganic compounds. The Report demonstrated attainment of the site-specific standards. Approved: February 21, 2023.

**Cook Technologies Facility**, Primary Facility ID # **854212**, 1 North 2nd Street, Green Lane, PA 18054, Borough of Green Lane/Marlborough Township, **Montgomery County**. Peter R. Lamont, PG, Penn E&R, Inc., 400 Old Dublin Pike, Doylestown, PA 18901, on behalf of Jonathan S. Goldstein, Cook Green Lane, LLC, 11 Church Road, Hatfield, PA 19440, submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with VOCs and arsenic. The Report demonstrated attainment of the site-specific standards. Approved: February 22, 2023.

*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 Trax Farm Well Pad**, Primary Facility ID # **861781**, 6390 State Route 88, Finleyville, PA 15332, Union Township, **Washington 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, zinc, and chloride. The Final Report demonstrated attainment of the Statewide health standards. Approved: March 1, 2023.

#### 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.**

*Transporter License Reissued*

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

*Contact: Jonathan Adams.*

**Buffalo Fuel Corp.**, 4870 Packard Road, Niagara Falls, NY 14304. **License No. PA-AH 0147**. Application received: March 2, 2023. Effective March 2, 2023.

**Ecoflo, Inc.**, 2750 Patterson St., Greensboro, NC 27407. **License No. PA-AH 0225**. Application received: February 21, 2023. Effective March 3, 2023.

**Bethlehem Apparatus Company, Inc.**, P.O. Box Y, Hellertown, PA 18055. **License No. PA-AH 0681**. Application received: March 2, 2023. Effective March 3, 2023.

#### REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

**Action(s) Taken on Regulated and Chemotherapeutic 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); Act 93 of June 28, 1988 (P.L. 525, No. 93); and Regulated Medical and Chemotherapeutic Regulations to Transport Regulated Medical and Chemotherapeutic Waste.**

*Transporter License Reissued*

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

*Contact: Jonathan Adams.*

**AdvoWaste Medical Services, LLC**, P.O. Box 356, Lakewood, NJ 08701. **License No. PA-HC 0264**. Received on March 2, 2023. Effective March 3, 2023.

#### REGISTRATION FOR RESIDUAL WASTE GENERAL PERMITS

**Actions(s) Taken on Registration(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 Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other than Coal Ash.**

*Southwest Region: Waste Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.*

*Contact: Waste Management Program Manager.*

**WMGR163SW001. Range Resources-Appalachia, LLC**, 3000 Town Center Boulevard, Canonsburg, PA 15317, Mount Pleasant Township, **Washington County**. A registration under residual waste General Permit WMGR163 for processing and transfer of oil and gas liquid waste at temporary facilities that operate for no more than 180 consecutive days at any one time, and subsequent beneficial use of oil and gas liquid waste to develop or hydraulically fracture an oil or gas well at the Yonker George Well Site Reuse Water Storage Facility located at 94 Baker Road, McDonald, PA 15057. Application received: November 16, 2022. Permit issued: February 23, 2023.

Persons interested in reviewing the permit may contact Regional Files (412-442-4100), Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL 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 Residual Waste Regulations for Determination of Applicability for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other than Coal Ash.**

*Southeast Region: Waste Management Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.*

*Contact: Mohamad Mazid, Chief, Technical Services, E-Mail Address: RA-EPWM-SERO-PERMITS@pa.gov.*

**WMGR081D033. Universal Waste Solutions, LLC**, 16 East Fox Chase Road, Chester, NJ 07930, City of Philadelphia, **Philadelphia County**. DEP is accepting the request by Universal Waste Solutions, LLC for approving the final closure and revocation of General Per-

mit WMGR081D033, including Form 19R—Certification of Facility Construction Activity and supporting documentation for the final closure at Universal Waste Solutions, LLC facility, located at 3000 Orthodox Street in the City of Philadelphia. Application received: January 11, 2023. Revoked: February 28, 2023.

Persons interested in reviewing the permit may contact Waste Management Program Manager, Phone Number 484.250.5960, or by e-mail at RA-EPWM-SERO-PERMIT@pa.gov, Southeast Region, 2 East Main Street, Norristown, PA 19401, 484-250-5900. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

*Southwest Region: Waste Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.*

*Contact: Waste Management Program Manager.*

**WMGR123SW061. Range Resources-Appalachia, LLC**, 3000 Town Center Boulevard, Canonsburg, PA 15317, Morris Township, **Washington County**. A Determination of Applicability for operation under General Permit WMGR123 for the processing and beneficial use of oil and gas liquid waste at the Castro Tank Pad facility was issued by the Southwest Regional Office. Application received: May 19, 2022. Permit issued: February 23, 2023.

Persons interested in reviewing the permit may contact Regional Files (412-442-4100), Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. 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.*

**AG5-41-00013C: EQT ARO, LLC**, 625 Liberty Ave, Suite 1700, Pittsburgh, PA 15222, McHenry Township, **Lycoming County**. The company received authorization for the construction and operation of new sources and continued operation of existing sources pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compression Stations, Processing Plants, and Transmission Stations (BAQ-GPA/GP-5) at the COP Tract 289 Compressor Station. The authorized sources include three (3) 1380 bhp Caterpillar model G3516B four-stroke lean-burn natural gas-fired compressor engines equipped with oxidation catalysts, one (1) 40 MMscf/day Valerus model GLY-DEHY-750 dehydration unit equipped with a 0.75 MMBtu/hr natural-gas fired reboiler and flash tank, one (1) J.W. Williams 15 MMscf/day dehydration unit equipped with a 0.35 MMBtu/hr natural gas-fired reboiler and flash tank, two (2) COMM Combustor model 2 enclosed flares for still vent and flash tank control, two (2) 87 bhp Capstone model C65 Microturbine generators, two (2) 16,800-gallon produced water tanks, two (2) 2,100-gallon still vent condensate tanks, two (2) 500-gallon lube oil tanks, one (1) 500-gallon engine coolant tank, one (1) 500-gallon triethylene glycol

tank, one (1) 1,000-gallon waste oil tank along with miscellaneous fugitive emissions. Application received: February 15, 2023. Renewal issued: March 6, 2023. New expiration date: March 5, 2028.

**AG5-41-00023A: Pennsylvania General Energy, LLC**, 120 Market Street, Warren, PA 16365, McHenry Township, **Lycoming County**. The company received authorization to continue operation of existing sources at the Tract 293 Compressor Station pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compression Stations, Processing Plants and Transmission Stations (BAQ-GPA/GP-5). The existing sources include six (6) 1,775 bhp Cat model G3606 LE four 4-stroke, lean-burn, natural gas-fired compressor engines each equipped with an oxidation catalyst, five (5) 200 kW natural gas-fired microturbine generator sets, two (2) 60 MMscfd triethylene glycol dehydration units, each equipped with a flash tank, a 2.31 MMBtu/hr, natural gas-fired reboiler and enclosed flare (controls both dehy still vents), two (2) 500-gallon triethylene glycol storage tanks, two (2) 1,000-gallon compressor oil storage tanks, one (1) 1,000-gallon engine oil storage tank, three (3) 16,800-gallon produced fluids storage tanks, one (1) 5,250-gallon used oil and produced fluids storage tank, one (1) 2,100-gallon waste oil & glycol storage tank, one (1) 1,000-gallon anti-freeze storage tank, one (1) 240-gallon methanol storage tank, one (1) 0.75 MMBtu/hr gun barrel heater, miscellaneous fugitive emissions and the aggregated emissions from Tract 293 Well Pads E & G. Application received: February 15, 2023. Renewed: March 2, 2023. New expiration date: March 1, 2028.

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

*Contact: Raymond Kempa, Environmental Group Manager.*

**AG5-58-00027B: Bluestone Pipeline Company of Pennsylvania, LLC**, 1000 Noble Energy Drive, Canonsburg, PA 15317, New Milford Township, **Susquehanna County**. For the installation and operation of a new Enclosed Flare along with the existing permitted equipment located at the CDP-1A Compressor Station Application received: February 9, 2023. Issued: March 3, 2023.

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

**GP14-54-002: E. Franklin Griffiths III d/b/a Griffiths Family Funeral Services**, 655 East Broad Street, Tamaqua, PA 18252, Tamaqua Borough, **Schuylkill County**. For the renewal of a human remains crematory at the site located in Tamaqua Borough, Schuylkill County. Application received: February 14, 2023. Issued: February 28, 2023.

*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.*

**GP1-62-018D: Warren State Hospital**, 33 Main Drive, Warren, PA 16365, Conewango Township, **Warren County**. The Department has issued this GP1 to allow for installation and temporary operation of a new 13.39 MMBtu/hr Cleaver Brooks Natural Gas Fired Boiler and a new 4.18 MMBtu/hr Cleaver Brooks Natural Gas Fired Boiler (both boilers will use No. 2 fuel oil as backup) at the facility. Application received: September 22, 2022. Issued: December 2, 2022.

**GP2-20-00288D: Suburban Heating Oil Partners**, 16717 State Highway 198, Saegertown, PA 16433,



Hayfield Township, **Crawford County**. The Department issued the renewal of GP-2 to continue operating a 20,000 gallon gasoline storage tank. Application received: December 13, 2022. Renewal issued: February 13, 2023.

**GP1-25-00058D: Erie Veterans Administration Medical Center**, 135 East 38th Street, Erie, PA 16504, City of Erie, **Erie County**. The Department authorized the permit renewal to allow the continued operation of two (2) 16.8 MMBtu/hr natural gas fired boilers with No. 2 fuel oil as backup at the facility. Application received: December 15, 2022. Renewal issued: February 10, 2023.

**GP1-33-00171D: Punxsutawney Area School District/High School**, 450 North Findley Street, Punxsutawney, PA 15767, Punxsutawney Borough, **Jefferson County**. The Department has issued the renewal of this GP-1 to continue operating an existing 10.5 MMBtu/hr natural gas fired boiler. Application received: January 3, 2023. Renewal issued: February 10, 2023.

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

*Contact: Sheri Guerrieri, P.E., New Source Review Chief, 412-442-4174.*

**GP5-65-01005G/AG5-65-00007B: RW Gathering, LLC**, 6000 Town Center, Suite 210, Canonsburg, PA 15317, Derry Township, **Westmoreland County**. Authorized to continue the operation of previously authorized sources without modification. Sources include one (1) Caterpillar G3516LE, rated at 1,340 bhp, two (2) Reboilers each rated at 0.75 MMBtu/hr, two (2) 300-bbl produced water storage tanks, liquid loadouts, one (1) triethylene glycol dehy rated at 15 MMscfd equipped with a reboiler and a flash tank, one (1) tri-ethylene glycol dehydrator rated at 35 MMscfd equipped with a reboiler and a flash tank, fugitive components, and miscellaneous gas venting equipment at Ecker Compressor Station located in Derry Township, Westmoreland County. Application received: January 12, 2023. Accepted: February 4, 2023.

**GP5-63-01010C/AG5-63-00025A: EQM Gathering OpcO, LLC**, 2200 Energy Drive, Suite 200, Canonsburg, PA 15137, Marianna Borough, **Washington County**. For the continued operation of Five (5) Caterpillar G3616 natural gas-fired spark ignition compressor engines, each rated at 5,350-bhp and fitted with integrated Caterpillar ADEM4 engine control with automatic air-fuel ratio control and EMIT (or equivalent) oxidation catalyst housing with five (5) EMIT RT-4815-Z (or equivalent) catalyst elements; Six (6) Capstone C200 200-kW natural gas-fired microturbine gensets; Two (2) PSI 32 L natural gas-fired engine rated at 738-bhp, each equipped with a 3-way catalyst, and connected to a HiPower 550KW three-phase generator; Three (3) reboilers rated at 3.1 MMBtu/hr, each associated with the three TEG dehydrators; One (1) 1.15 MMBtu/hr natural gas-fired fuel gas heater; One (1) 8,820-gallon produced fluids storage tank, one (1) 4,200-gallon waste oil storage tank, two (2) 2,100-gallon product TEG storage tanks, two (2) 2,100-gallon waste TEG storage tanks, two (2) 2,100-gallon monoethylene glycol (MEG) storage tanks, one (1) 2,100-gallon compressor lube oil storage tank, and one (1) 2,100-gallon product compressor oil storage tank; Three (3) 140 MMscfd triethylene glycol (TEG) dehydrators; Three (3) enclosed combustors, rated at 7.0 MMBtu/hr, each associated with a TEG dehydrator; Venting and blowdowns, including pigging; and facility fugitive emissions, including pneu-

atics, component leaks and liquids loading operations at their Steelhead Compressor Station in Marianna Township, Washington County. Application received: December 21, 2022. Accepted: March 1, 2023.

**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.**

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

*Contact: Raymond Kempa, Environmental Group Manager.*

**40-00150A: Freedom Corrugated, LLC**, 595 Oak Ridge Road, Hazle Twp, PA 18202, Hazle Township, **Luzerne County**. For the operation of a corrugated box manufacturing facility. Application received: August 19, 2022. Issued: February 23, 2023.

**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 Elmer-ton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.*

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

**50-03007B: Atlantic Metal Industries, LLC**, 600 Susquehanna Trail, Liverpool, PA 17045, Liverpool Township, **Perry County**. For the construction of an aluminum sweat/copper wire burning furnace at the metal scrap recycling facility. The plan approval was extended. Application received: February 20, 2023. Issued: February 28, 2023.

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

**36-03042D: H & K Group Inc. PA-MD Materials**, 303 Quarry Road, Peach Bottom, PA 17563, Fulton Township, **Lancaster County**. For the construction of a stone crushing plant at the PA-MD Materials Division. The current crushing plant on-site will be removed. The plan approval was extended. Application received: February 23, 2023. Issued: February 28, 2023.

**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: February 14, 2023. Issued: March 1, 2023.

*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.*

**23-0038F: DELCORA**, P.O. Box 999, 100 E. 5th Street, Chester, PA 19016-0999, City of Chester, **Delaware County**. This action is for an extension for construction and operation of a new air pollution control system for each of the two multiple hearth incinerators, comprising quench, multi-venturi scrubber, wet electrostatic precipitator and regenerative thermal oxidizer. Each of the incinerators were modified to remove the afterburner

function from the incinerators' upper hearths and replace that with the RTO downstream. Application received: February 28, 2023. Issued: March 3, 2023.

**09-0251: Metals USA Holding Corporation**, 50 Cabot Boulevard E, Langhorne, PA 19047-1802, Falls Township, **Bucks County**. This action is for an extension for the operation of two Peddinghaus Plate Processors to perform cutting (oxyfuel and plasma) activities on carbon steel workpieces at this facility. The plate processors are a source of PM and NO<sub>x</sub> emissions, and each plate processor is controlled by a dust collector. Application received: February 17, 2023. Issued: March 3, 2023.

**46-0005AU: Merck, Sharp & Dohme Corp.**, 770 Sumneytown Pike, West Point, PA 19486, Upper Gwynedd Township, **Montgomery County**. This action is for an extension to build a new building that will house Good Manufacturing Practices which will use cleaners and disinfectants containing VOCs, install a new de minimis process operation and construct and install a 755 BHP, 4-stroke lean-burn natural gas-fired, caterpillar engine powering a 500 kW generator set to provide emergency back-up electrical power to building 63 at their facility. Application received: January 20, 2023. Issued: March 2, 2023.

**15-0010F: Cleveland Cliffs Plate, LLC**, 139 Modena Road, Coatesville, PA 19320, City of Coatesville, **Chester County**. This action is for an extension for the replacement of an existing 145' NAB furnace with a new furnace and the installation of a new NAB Shot Blast process at their facility. Application received: January 3, 2023. Issued: March 3, 2023.

**09-0196H: Abington Reldan Metals, LLC**, 550 Old Bordentown Road, Fairless Hills, PA 19030-4510, Falls Township, **Bucks County**. This action is for a modification to: 1. change from using pyrite or Iron Sulfide, FeS, in the extraction process of matte material to Ferrosilicon, FeSi, in the No. 300 Melt Furnace, Source 008, and 2. remove the lime injection system, Source C08, as well as extend the shakedown period for the source. Application received: February 23, 2023. Issued: March 3, 2023.

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

*Contact: Sheri Guerrieri, P.E., New Source Review Chief, 412-442-4174.*

**PA-26-00616A: Laurel Macadam, LLC**, 2488 Springhill Furnace Road, Lake Lynn, PA 15451, Springhill Township, **Fayette County**. Effective March 28, 2023, to extend the period of temporary operation and for the continued construction of the Springhill Asphalt Plant. Application received: February 22, 2023. Issued: March 3, 2023. New Expiration Date: September 28, 2023.

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**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.**

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

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**46-00175: Hatfield Township Municipal Authority**, 3200 Advanced Lane, Colmar, PA 18915, Hatfield Town-

ship, **Montgomery County**. This action is for the renewal of a Title V Operating Permit for a sewer sludge incinerator and other sources associated with municipal sewer authority operations. Application received: November 8, 2021. Issued: March 3, 2023.

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**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.**

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*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.*

**17-00062: DuBois Regional Medical Center**, 100 Hospital Avenue, Dubois, PA 15801-1440, City of DuBois, **Clearfield County**. Was issued a State Only operating permit renewal for continued operation of their hospitals and other facilities, including multiple natural gas fired boilers and other combustion sources, as well as diesel fired emergency generators. All applicable Federal and State regulatory requirements are incorporated into the operating permit, including testing, monitoring, record-keeping, reporting, and work practice conditions to verify compliance. Application received: October 31, 2022. Issued: February 23, 2023.

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

*Contact: Norm Frederick 570-826-2409.*

**39-00049: Acme Cryogenics/Allentown Plt**, 2801 Mitchell Avenue, Allentown, PA 18103-7111, City of Allentown, **Lehigh County**. The Department issued a renewal State-Only (Natural) Minor Permit for the manufacturing of Fabricated Pipe and Fittings facility located in Allentown City, Lehigh County. The sources at this facility consists of copper & brass dipping operations, and brazing operation. The control device is a fume scrubber. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The 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. Application received: March 15, 2022. Renewal issued: February 17, 2023.

**39-00077: Puritan Products Inc., Bethlehem**, 2290 Avenue A, Bethlehem, PA 18017-2108, City of Bethlehem, **Lehigh County**. The Department issued a renewal State-Only Natural Minor Permit for the manufacturing of industrial inorganic chemicals facility located in Bethlehem City, Lehigh County. The main sources at this facility consist of corrosives blending and amine and VOC packaging. The control devices consist of an acid scrubber, ammonia & amine scrubber, and carbon adsorption unit. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP), and VOC's. The 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. Application received: June 9, 2022. Renewal issued: February 23, 2023.

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

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

**33-00168: Miller Welding & Machine Company Maplevale Plant**, 225 Miller Drive, Brookville, PA 15825, Rose Township, **Jefferson County**. The Department issued the renewal of the State Only Operating Permit for Miller Welding's metal fabrication and surface coating facility. The facility is a Natural Minor. Potential emissions for VOCs are 49.7 tpy. Actual VOC emissions were 0.6746 ton in the year 2020 and 0.8672 ton in the year 2021. The permit includes requirements from the previously issued plan approvals and operating permits and contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: February 8, 2022. Renewal issued: February 28, 2023.

*Philadelphia: Air Management Services: Air Quality Program, 321 University Avenue, Philadelphia, PA 19104-4543.*

*Contact: Edward Wiener, Chief, Source Registration 215-685-9426.*

**OP20-000042: Purolite**, 3620 G Street, Philadelphia, PA 19134, City of Philadelphia, **Philadelphia County**. The City of Philadelphia, Air Management Services (AMS) issued a renewal of the Synthetic Minor Operating Permit (SMOP) for the operation of an ion exchange resin manufacturing facility in the City of Philadelphia, Philadelphia County. The facility's air emission sources include the following: • Two (2) boilers firing natural gas and No. 2 oil rated 12.247 MMBtu/hr and 8.369 MMBtu/hr. • One (1) emergency generator firing natural gas or propane rated 176 HP. • Twenty-two (22) sources under Polymerization Process and Resin Drying Group, including two (2) monomer premix tanks, two (2) copolymer reactors with capacity of 2,000 gallons each, one (1) fugitive emission system condenser, two (2) wash tanks, two (2) hold tanks, one (1) centrifuge, three (3) IBA recovery tanks, one (1) IBA Condenser, two (2) batch dryers with capacity of 5,800 lbs/batch each, two (2) Aeromatic Dryers with capacity of 25 cubic feet and 20 cubic feet, one (1) charcoal adsorption system, one (1) cyclor, and two (2) anion process vessels. • Twenty-six (26) sources under Cation/Sulfonation Process Group, including one (1) copolymer feed hopper, two (2) sulfonators, two (2) diluters, one (1) caustic scrubber, one (1) acid scrubber, seven (7) cyclers, eight (8) dilution vessels, one (1) spent acid storage tank, two (2) makeup tanks, and one (1) acid filtration vessel. • Thirteen (13) tanks, including six (6) storage tanks, two (2) acid tanks, and five (5) wastewater tanks. • Copolymer fugitives from main building vents. • Various insignificant sources including maintenance activities, space heaters, water heater, and resin grinder with dust collector. Application received: August 26, 2020. Issued: March 2, 2023.

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

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**09-00243: Gelest, Inc.**, 1 Progress Dr, Morrisville, PA 19067, Falls Township, **Bucks County**. This action is for an initial operating permit for the operation of blenders and mills at their powder processing plant. Application received: September 2, 2022. Issued: March 6, 2023.

**23-00066: PyroPure, d/b/a Pyromet**, 5 Commerce Drive, Aston, PA 19014, Chester Township, **Delaware County**. This action is for the renewal of an operating permit for a silver recovery and refining facility. Silver metal is recovered from raw materials such as photographic and x-ray films, electronics scrap, and other silver-plating industries. With this renewal permit, the permit type has changed from natural minor to synthetic minor. Application received: April 25, 2022. Issued: March 3, 2023.

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**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.**

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

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

**03-00209: Buffalo Limestone Kittanning Stitt Mine**, 17592 Rt 322, Strattanville, PA 16258, Kittanning Township, **Armstrong County**. The Department issued an administrative amendment to the Title V Operating Permit to incorporate the change in responsible official for the facility. Application received: December 19, 2022. Revised: February 28, 2023.

**32-00040: Seward Generating Station**, 595 Plant Road, New Florence, PA 15944-8927, East Wheatfield Township, **Indiana County**. The Department issued an administrative amendment to the Title V Operating Permit to incorporate the requirements of plan approval 32-040D for the facility. Application received: September 28, 2022. Revised: February 23, 2023.

**20-00194: Lord Corp Saegertown**, 601 South Street, Saegertown, PA 16433-5050, Saegertown Borough, **Crawford County**. The Department issued an administrative amendment to the Title V Operating Permit to incorporate the requirements of plan approval 20-00194F and update the compliance certification date in Section C subparagraph VIII for the facility. Application received: December 13, 2022. Revised: February 13, 2023.

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

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**09-00152: Gelest Inc.**, 11 Steel Road East, Morrisville, PA 19067, Falls Township, **Bucks County**. This amendment incorporates plan approval 09-0152E into the State-Only Operating Permit. The plan approval authorized the operation of an alternative VOC control method (dewar cold traps) to control VOC emissions from steel alloy and glass-lined reactors used to produce metal organics, silane and silicone specialty chemicals. These dewar traps are considered BAT for VOC emissions control for these sources. VOC emissions are estimated to be 1.65 tpy. The permit includes monitoring, recordkeeping, and reporting requirements designed to keep the facility within all applicable air quality requirements. Application received: January 10, 2023. Issued: March 2, 2023.

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**Operating Permit(s) Denied, Terminated, Suspended or Revoked Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.**

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*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.*

**AG5A-08-00016A: Chesapeake Appalachia, LLC**, P.O. Box 18496, Oklahoma City, OK 73154, Overton Township, **Bradford County**. For termination of the Air Quality General Permit 5A for their Lightcap BRA Pad in Overton Township, Bradford County. General Permit AG5A-08-00016A is terminated. Application received: January 3, 2023. Revoked: February 21, 2023.

## 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*

*California District Mining Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.*

*Contact: Bonnie Herbert, Clerical Assistant 3, 724-769-1100.*

**Mining Permit No. 63743702. NPDES No. PA0214248. Washington County Land Resources, Inc.**, 46226 National Road, St. Clairsville, OH 43950, Somerset Township, **Washington County**. To transfer the permit and related NPDES permit from Eighty-Four Mining Company. Application received: November 30, 2020. Accepted: March 24, 2021. Permit issued: December 8, 2022.

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.*

*Contact: Cayleigh Boniger, Clerical Supervisor 2, 814-797-0824.*

**Mining Permit No. 16190101. Ben Hal Mining, Inc.**, 389 Irishtown Road, Grove City, PA 16127, Highland

Township, **Clarion County**. Revision to an existing bituminous surface mine to change the post-mining land use from Forestland to Unamanged Natural Habitat on the property of William T. Craddock. Application received: November 2, 2022. Issued: March 2, 2023.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

*Contact: RA-EPPottsvilleDMO@pa.gov.*

**Mining Permit No. 54060101. Blaschak Anthracite Corp.**, P.O. Box 12, Mahanoy City, PA 17948, Mahanoy Township, **Schuylkill County**. Correction to an anthracite surface mine, coal refuse reprocessing and coal refuse disposal operation to increase the permit acres from 1,043.25 to 1,052.15 acres. Receiving stream: Mahanoy Creek. Application received: March 17, 2022. Correction issued: March 7, 2023.

### *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-ep cambria@pa.gov.*

**Mining Permit No. 31020302. NPDES No. PA0249319. Glenn O. Hawbaker, Inc.**, 1952 Waddle Road, Suite 203, State College, PA 16802, Morris Township, **Huntingdon County**. NPDES renewal of an existing large industrial mineral permit affecting 182.1 acres. Receiving stream: unnamed tributary to Shaffers Run classified for the following uses: WWF & MF. Application received: December 7, 2022. Issued: March 6, 2023.

**Mining Permit No. 4074SM12. NPDES No. PA0599352. New Enterprise Stone & Lime Co., Inc.**, P.O. Box 77, New Enterprise, PA 16664, Jefferson Township, **Somerset County**. NPDES renewal of an existing large industrial mineral permit affecting 317.0 acres. Receiving streams: unnamed tributary to Kooser Run classified for the following use: HQ-CWF. Application received: December 27, 2022. Issued: March 6, 2023.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

*Contact: RA-EPPottsvilleDMO@pa.gov.*

**Mining Permit No. 58040837. GP104 Permit No. PAM122037. James E. Marcy, Jr.**, 1265 Peck Hill Road, New Milford, PA 18834, Lenox Township, **Susquehanna County**. Coverage under the General NPDES Stormwater Permit for stormwater discharges associated with mining activities (BMP-GP-104). Receiving stream: Tunkhannock Creek. Application received: June 17, 2022. Coverage issued: March 7, 2023.

## 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*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

*Contact: RA-EPPottsvilleDMO@pa.gov.*

**Permit No. 36234105. Keystone Blasting Service**, 15 Hopeland Road, Lititz, PA 17543, East Donegal Town-

ship, **Lancaster County**. Construction blasting for Kenton Sweigert to level ridge in field. Application received: February 16, 2023. Permit issued: February 28, 2023. Expiration date: March 30, 2023.

**Permit No. 15234001. Abel Construction Co., Inc.**, 3923 Columbia Avenue, P.O. Box 476, Mountville, PA 17554, Wallace Township, **Chester County**. Construction blasting for Trails at Marsh Creek. Application received: January 18, 2023. Permit issued: March 1, 2023. Expiration date: January 18, 2024.

**Permit No. 51234001. Demtech, Inc.**, 5733 Westwood Drive, Weldon Spring, MO 63304, City of Philadelphia, **Philadelphia County**. Demolition blasting for Manayunk Renaissance Paper Mill. Application received: January 10, 2023. Permit issued: March 1, 2023. Expiration date: December 1, 2023.

**Permit No. 06234102. J. Roy's, Inc.**, P.O. Box 125, Bowmansville, PA 17507, Sinking Spring Borough, **Berks County**. Construction blasting for Village Greens. Application received: February 23, 2023. Permit issued: March 4, 2023. Expiration date: February 27, 2024.

**Permit No. 64234103. Holbert Explosives, Inc.**, 237 Mast Hope Plank Road, Suite A, Lackawaxen, PA 18435, Buckingham Township, **Wayne County**. Construction blasting for Camp Morasha Staff Housing. Application received: February 21, 2023. Permit issued: March 4, 2023. Expiration date: February 21, 2024.

## 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.**

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

*Contact: Michele Lauer, Clerical Assistant 2, 570-830-3077.*

**E4502122-011. PA Department of Transportation, Eng District 5-0**, 1002 Hamilton Street, Allentown, PA 18101, Stroud Township, **Monroe County**. U.S. Army Corps of Engineers Philadelphia District.

To construct and maintain a 35' wide box beam bridge with a normal clear span of 75' and a minimum underclearance of 12.6' carrying SR 2004 Section IPR over McMicheal Creek (HQ-CWF, MF) and construct and maintain appurtenant structure features. The project is located along SR 2004 Section IPR, Segment 0150 Offset 2029, approximately 1.4 miles south of the SR 2004/SR 0209 intersection (Stroudsburg, PA Quadrangle; Latitude: 40.967741° N, Longitude: -75.218503° W). Application received: October 27, 2022.

**E3902222-007. Fields at Indian Creek**, 5930 Hamilton Boulevard, Wescosville, PA 18106, Upper Milford Township, Lower Macungie Township, Emmaus Borough, **Lehigh County**. U.S. Army Corps of Engineers Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the Fields at Indian Creek project: 1) To maintain an 8-foot wide, single-span steel beam bridge with concrete abutments across a de minimus area of wetlands (EV) equal to 0.01 acre within the Leibert Creek (HQ-CWF, MF) floodplain having a 40-foot span and approximately 2.5-foot underclearance. Fill will be placed within the floodway for the walkway approaches. 2) To maintain an 8-foot wide, single-span, steel beam bridge with concrete abutments across Leibert Creek (HQ-CWF, MF) having a 40-foot span and approximately 4-foot underclearance. Fill will be placed within the floodway for the walkway approaches. 3) To maintain an 8-foot wide, single-span, steel beam bridge with concrete abutments across a UNT to Leibert Creek (HQ-CWF, MF) having a 16-foot span and approximately 4-foot underclearance. Fill will be placed within the floodway for the walkway approaches. 4) To

remove the existing structure and construct and maintain an 8-foot wide, single-span, steel beam bridge with concrete abutments across Leibert Creek (HQ-CWF, MF) having a 30-foot span and approximately 4-foot underclearance. Fill will be placed within the floodway for the walkway approaches. 5) To construct and maintain a 12-inch diameter DIP water line having a 24-inch steel encasement crossing of Leibert Creek (HQ-CWF, MF) and maintenance vault within its floodway. 6) To construct and maintain a 5-foot wide, at-grade walkway within the floodway of Leibert Creek (HQ-CWF, MF) and a UNT to Leibert Creek (HQ-CWF, MF). The project is located within the former Indian Creek Golf Course approximately 0.25 mile southwest of the intersection of Indian Creek Road and State Route 29 (Allentown West, PA Quadrangle Latitude: 41° 31' 46"; Longitude: -75° 30' 58") in Upper Milford Township, Lower Macungie Township, and Emmaus Borough, Lehigh County. Latitude: 41° 31' 46", Longitude: -75° 30' 58". Application received: September 20, 2022.

*Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.*

*Contact: RA-EPWW-NWRO@pa.gov.*

**E1006122-012. PA DOT Engineering District 10,** 2550 Oakland Avenue, Indiana, PA 15701, Callery Borough, **Butler County.** U.S. Army Corps of Engineers Pittsburgh District.

To remove the existing structure and to construct and maintain a single-span composite steel beam bridge having a normal span of 55'-8", an underclearance of 7'-0" and an out-to-out width of 29'-7 1/2" over Breakneck Creek and to regrade and stabilize 1,238 linear feet of streambank along with an additional 254 linear feet of riparian plantings along Breakneck Creek and UNT Breakneck Creek for the purpose of pollution reduction along SR 3014, Section 251 (Kline Ave.) (Mars, PA Quadrangle N: 40.7414°; W: 80.0344°) in Callery Borough, Butler County. Project results a total of 1,509 linear feet of permanent stream impacts and 1,463 linear feet of temporary stream impacts with no wetland impacts. Latitude: 40.7414°, Longitude: -80.0344°. Application received: December 5, 2022. Issued: March 3, 2023.

**E4306122-006. PA DOT Engineering District 1,** 255 Elm Street, Oil City, PA 16301, Jefferson Township, **Mercer County.** U.S. Army Corps of Engineers Pittsburgh District.

To remove the existing structure and to construct and maintain a prestressed concrete spread box beam bridge with a span of 55.0-ft, an underclearance of 6.75-ft and an out-to-out width of 31.4-ft along SR 3039, Section B00 (Valley Road) over Lackawannock Creek in Jefferson Township, Mercer County (Fredonia, PA Quadrangle N: 41.268895°, W: 80.307897°) and to realign a portion of UNT Lackawannock Creek to accommodate roadway widening to meet current design criteria resulting in a total of 259 linear feet of permanent stream impacts, 318 linear feet of temporary stream impacts, 0.16-ac of permanent wetland impacts and 0.12-ac of temporary wetland impacts. Onsite stream stabilization and live stake plantings will provide stream mitigation and 0.16-ac of credits will be debited from the applicant's

existing Polk wetland bank as compensatory wetland mitigation. Latitude: 41.268895°, Longitude: -80.307897°. Application received: November 30, 2022. Issued: March 3, 2023.

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.*

*Contact: 717-705-4802.*

**E2103221-002 E2203221-010. PPL Electric Utilities Corporation,** 2 North 9th Street, Allentown, PA 18101-1139, New Cumberland Borough and Steelton Borough and Swatara Township, **Cumberland County and Dauphin County.** U.S. Army Corps of Engineers Baltimore District.

To 1.) construct and maintain an electric transmission line with steel monopoles across the Susquehanna River (WWF, MF), its floodway, and palustrine emergent wetlands, permanently impacting 3,451 linear feet of the River, and temporarily impacting 0.15 acre wetlands and 0.43 acre of floodway; and 2.) construct and maintain a temporary access road and causeway in and across the Susquehanna River (WWF, MF), all for the purpose of upgrading outdated electrical equipment and providing increased reliability to customers in the service areas. The project is located near Hess Island (Latitude: 40.230191° N, Longitude 76.856202° W) in Swatara Township and Steelton Borough, Dauphin County. Wetland loss is not proposed, and replacement is not required. The project also proposes impacts in Cumberland County and those impacts are to 1.) construct and maintain an electric transmission line with steel monopoles across the Susquehanna River (WWF, MF) and the floodways of the Susquehanna River and Yellow Breeches Creek (CWF, MF) impacting 227 linear feet of the River and 2.3 acres of floodway; and 2.) construct and maintain a temporary access road and causeway in and across the Susquehanna River (WWF, MF), all for the purpose of upgrading outdated electrical equipment and providing increased reliability to customers in the service areas. The project is located near the intersection of Ross Alley and Walnut Alley (Latitude: 40° 13' 34.48" N, Longitude: 76° 51' 36.46" W) in New Cumberland Borough, Cumberland County Latitude: 40.230191° N, 40° 13' 34.48" N, Longitude: -76.856202° W, 76° 51' 36.46" W. Application received: October 4, 2021. Issued: March 2, 2023.

**E6703221-006. FF2 Investors LLC,** 555 Ryan Run Road, York, PA 17404, Fairview Township, **York County.** U.S. Army Corps of Engineers Baltimore District.

To construct and maintain 1) a 64.5-foot long 25.0-foot wide by 4.75-foot high box culvert with fish baffles and associated endwalls in a UNT to Fishing Creek (TSF, MF), permanently impacting 0.01 acre of wetland and temporarily impacting 0.01 acre of wetland, 2) a 4.0-inch PVC gas line conduit, a 6.0-inch PVC sanitary sewer line, a 3.0-inch ductile iron water line, and an 8.0-inch ductile water line crossing of a UNT to Fishing Creek (TSF, MF) all co-located under the proposed box culvert, 3) an 18.0-inch stormwater outfall into the floodway of a UNT to Fishing Creek (TSF, MF), permanently impacting 0.01 acre of floodway, and 4) the relocation of 865 linear feet of a UNT to Fishing Creek (TSF, MF) by way of enclosure of 714-linear feet in a 42.0-inch culvert, and the reconstruction of 611 linear feet of open channel. The purpose of the project is to construct a 243,000 square foot warehouse/office building with associated facilities at 575 Old York

Road in Fairview Township, York County (Latitude: 40.1744; Longitude: -76.8322). The applicant proposes the 611 linear feet of stream mitigation through in-place enhancements as well as the removal of an existing bridge structure over a UNT to Fishing Creek (TSF, MF) and 0.11 acre of wetland compensation through on-site wetland restoration. Latitude: 40.1744°, Longitude: -76.8322°. Application received: December 14, 2021. Issued: March 2, 2023.

**E2103222-001. Middlesex Township**, 350 North Middlesex Road, Carlisle, PA 17013, Middlesex Township, **Cumberland County**. U.S. Army Corps of Engineers Baltimore District.

To enhance 1,072 linear feet of an Unnamed Tributary to Wertz Run (WWF, MF) by use of channel realignment both vertically and horizontally, bank grading, floodplain grading, 3 log-step structures, and 33 rock-step structures. The project is located along Wolfs Bridge Road and West Middlesex Drive in Middlesex Township, Cumberland County (Latitude: 40.2525; Longitude: -77.1675). Application received: February 10, 2022. Issued: March 3, 2023.

**E3603221-007. 149 LB Development, LLC**, 1001 E Oregon Road, Lititz, PA 17543, Penn Township, **Lancaster County**. U.S. Army Corps of Engineers Philadelphia District.

To 1.) place and maintain fill in an unnamed tributary to Chiques Creek (WWF, MF) and palustrine emergent wetlands, impacting 738 feet of stream and 0.03 acre of wetlands; and 2.) regrade and maintain 110 feet of an unnamed tributary to Chiques Creek (WWF, MF) impacting 0.002 acre of palustrine emergent wetlands, all for the purpose of accommodating a proposed residential subdivision. The project is located immediately southeast of the intersection of Meadowlark Lane and Stiegel Valley Road (Latitude: 40° 10' 23.65" N; Longitude: 76° 22' 56.81" W) in Penn Township, Lancaster County. Wetland impacts are de minimus and replacement is not required. Latitude: 40° 10' 23.65" N, Longitude: -76° 22' 56.81" W. Application received: December 1, 2021. Issued: March 3, 2023.

**E3803222-001. North Londonderry Township**, 655 East Ridge Road, Palmyra, PA 17078-9312, North Londonderry Township and South Annville Township, **Lebanon County**. U.S. Army Corps of Engineers Baltimore District.

To regrade and maintain the streambanks along 1,050 linear feet of Killinger Creek (TSF, MF), impacting 0.02 acre of palustrine emergent wetlands, all for the purposes of protecting a sanitary sewer collection main from lateral migration of Killinger Creek, to enhance the stream's ability to manage flood flows, and to reduce sediment loading to the stream. The project is located immediately south of the Benjamin Franklin Highway (Latitude: 40.319826° N; Longitude: 76.55470° W) in North Londonderry and South Annville Townships, Lebanon County. Wetland impacts are de minimus and replacement is not required. Latitude: 40.319826° N, Longitude: -76.55470° W. Application received: January 27, 2022. Issued: March 6, 2023.

**E3803222-002. City of Lebanon Authority**, 2311 Ridgeview Road, Lebanon, PA 17042, City of Lebanon, **Lebanon County**. U.S. Army Corps of Engineers Baltimore District.

To 1) construct a methanol tank containment area structure expansion temporarily impacting 2,810 square feet of the floodway and 1,424 square feet of the flood

plain of Snitz Creek (TSF, MF) and permanently impacting 28 square feet of the floodway and 181 square feet of the floodplain of Snitz Creek (TSF, MF). 2) install a new chemical feed line temporarily impacting 2,300 square feet of the floodway of Quittapahila Creek (TSF, MF) and permanently impacting 113 square feet of the floodway of Quittapahila Creek (TSF, MF). All impacts are for the purpose of improving operations and efficiency of the plant. There are no direct stream or wetland impacts associated with the project. Latitude: 40.3366666666666666°, Longitude: -76.4613888888888888°. Application received: March 25, 2022. Issued: March 6, 2023.

**E3603222-006. West Cocalico Township**, P.O. Box 244, Reinholds, PA 17569-0244, West Cocalico Township, **Lancaster County**. U.S. Army Corps of Engineers Philadelphia District.

To 1.) install and maintain a 75.0-foot long 38.0-inch by 24.0-inch concrete elliptical pipe with flared end sections in an unnamed tributary to Little Cocalico Creek (WWF, MF); 2.) relocate and maintain an 8.0-inch diameter PVC sanitary sewer pipe in unnamed tributary to Little Cocalico Creek (WWF, MF) and palustrine emergent wetlands impacting 0.002 acre of wetland; 3.) construct and maintain two cross rock vanes in an unnamed tributary to Little Cocalico Creek (WWF, MF) and 4.) install and maintain a 6.0 inch TRNC water line under and across an unnamed tributary to Little Cocalico Creek (WWF, MF), all for the purposes of replacing a deteriorated structure and protecting an exposed sewer line. The project is located near the intersection of SR 897 and Meadow Road (Latitude: 40° 16' 16.58" N; Longitude: 76° 7' 47.79" W) in West Cocalico Township, Lancaster County. Wetland impacts are de minimus and replacement is not required. The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). Latitude: 40° 16' 16.58" N, Longitude: -76° 7' 47.79" W. Application received: July 10, 2022. Issued: March 6, 2023.

*Southwest Region: Oil and Gas Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.*

*Contact: D. J. Stevenson, (412) 442-4281.*

**E3007222-003. CNX Midstream Operating Company, LLC**, 1000 Consol Energy Drive, Canonsburg, PA 15317, Morris Township, **Greene County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: August 31, 2022. Issued: March 2, 2023. Latitude: 39.963355°, Longitude: -80.287465°.

CNX Midstream Operating Company, LLC will construct, operate and maintain fill within wetlands and temporary stream impacts for the purpose of stabilizing a slope failure along the existing Deerlick to Iams natural gas pipeline right-of-way. (39.963355, -80.287465). CNXM will remove the slope failure mass along the eastern bank of Trib. 40564 to Browns Creek and stabilize the existing slope through typical earthwork construction practices and subsurface drainage installation. The subsurface drainage installation will require permanent impacts to a wetland and an ephemeral stream channel on site. The slope will be reconstructed to approximate preexisting grades. Wetland mitigation is being purchased from First Pennsylvania Resource, LLC, Laurel Hill Creek Mitigation Bank (MB990556-0001).

The project is located within the Rogersville USGS 7 1/2 Minute Quadrangle Map in Morris Township, Greene County, ACOE Pittsburgh District.

Authorized impacts are:

<i>Resource</i>	<i>Resource Type</i>	<i>Activity Type</i>	<i>Permanent Direct (acres)</i>	<i>Temporary Direct (acres)</i>
Wetland 1	PEM/PFO (Other)	Excavation and drain installation	0.072	0.052
UNT 2 to Trib 40564 to Browns Creek	HQ-WWF	Conversion to vegetated drainage channel	0.006 (125 LF)	-----
UNT 2 to Trib 40564 to Browns Creek Floodway		Loss of floodway due to channel conversion	0.146	-----
Trib 40564 to Browns Creek	HQ-WWF	Temporary diversion (stream bypass)	-----	0.034
Trib 40564 to Browns Creek Floodway		Temporary regrading	-----	0.470

**E6307222-008. EQT Production Company**, 400 Woodcliff Drive, Canonsburg, PA 15317, North Bethlehem Township, **Washington County**. U.S. Army Corps of Engineers Pittsburgh District.

Latitude: First: 40.110214 Second: 40.109077°, Longitude: First: -80.095037 Second: -80.095531°. Application received: June 10, 2022. Issued: March 2, 2022.

EQT Production Company will construct and maintain a water collection system, including two intakes, two sumps, and a temporary 4-inch aerial waterline, in order to capture and manage water impacted by a brine release on the Brova Well Pad. Sumps and intakes were installed within Stream UT3-39753B1 (SW3) and at the pond outflow pipe to Stream UT3-39753B.

<i>Activity Type</i>	<i>Details</i>	<i>Coordinates (Latitude, Longitude)</i>	<i>Resource(s)</i>
Stream Impact: Intake and Sump	The intake and sump on Stream UT3-39753B1 will temporarily impact 77 LF (231 sq.ft) and permanently impact 30 LF (90 sq.ft.) of stream channel.	40.110214 -80.095037	UNT's to South Branch Pigeon Creek (WWF)
	The intake and sump on the outfall to the existing Stream UT3-39753B will temporarily and permanently impact 66 LF (330 sq.ft.) of stream channel.	40.109077 -80.095531	
Floodway Impact: Intake and Sump	The water collection system will temporarily impact 14,224 sq.ft (0.33 acre) and permanently fill 5,400 sq.ft (0.12 acre) of floodway.		
Permanent Flow Loss	The collection system will result in 162 LF (716 sq.ft.) of permanent direct flow loss and 126 LF (441 sq. ft) of permanent indirect flow loss impacts to South Branch Pigeon Creek.		

Contact: Dana Drake, Program Manager, 412-442-4000.

**E0205221-020. Traditions of America**, 1235 Westlakes Drive, Suite 300, Berwyn, PA 19312, West Deer Township, **Allegheny County**. U.S. Army Corps of Engineers Pittsburgh District.

The applicant has been given consent to: 1. Place and maintain fill in within a 0.01-acre wetland, Wetland W001 (PEM); 2. Place and maintain fill in within a 0.04-acre wetland, Wetland W003 (PEM); 3. Place and maintain fill in within 0.12 acre of Wetland W008 (PEM); 4. Place and maintain fill in within 0.14 acre of Wetland W009 (PEM); 5. Place and maintain fill in within 0.01 acre of Wetland W010 (PEM); 6. Place and maintain fill in within a 0.01-acre wetland, Wetland W011 (PEM); 7. Place and maintain fill in within a 0.008-acre wetland,

Wetland W012 (PEM); 8. Place and maintain fill in within a 0.006-acre wetland, Wetland W013 (PEM); 9. Place and maintain fill in within a 0.01-acre wetland, Wetland W014 (PEM); 10. Place and maintain fill in within a 0.04-acre wetland, Wetland W015 (PEM); 11. Place and maintain fill in within a 0.09-acre manmade pond, Pond L001; 12. Excavate a 0.03-acre portion of a manmade pond, Pond L003; 13. Excavate a 0.26-acre manmade pond, Pond L004; 14. Place and maintain fill in multiple unnamed tributaries (UNTs) of Deer Creek (CWF) which have drainage areas less than 100 acres: a. UNT R004A/4B (CWF) which will result in 0.2 acre of permanent floodway impact and 96 LF of permanent watercourse impact; b. UNT R005 (CWF) which will result in 0.04 acre of permanent floodway impact and 139 LF of permanent watercourse impact; c. UNT R007 (CWF)



which will result in 0.2 acre of permanent floodway impact and 177 LF of permanent watercourse impact; d. UNT R007A (CWF) which will result in 0.54 acre of permanent floodway impact and 431 LF of permanent watercourse impact; e. UNT R008 (CWF) which will result in 0.13 acre of permanent floodway impact and 101 LF of permanent watercourse impacts. f. UNT R010 (CWF) which will result in 0.001 acre of permanent floodway impacts and 60 LF of permanent watercourse impacts; 15. Place and maintain fill along Deer Creek (CWF; R001) for a permanent floodway impact of 0.01 acre and permanent watercourse impact of 25 LF; 16. Construct, operate, and maintain an irrigation crossing of Deer Creek (CWF; R001) which will result in 0.03 acre of permanent floodway impacts and 25 LF of permanent watercourse impacts; 17. Construct, operate, and maintain utility crossings of UNT R005 consisting of an 8-inch DIP waterline, a 42-inch SLCPP storm sewer line, an 8-inch PVC sanitary sewer line, a 6-inch HDPE gas line, and a 4-inch PVC electric line; 18. Construct, operate, and maintain utility crossings of UNT R007 consisting of an 8-inch DIP waterline, a 6-inch HDPE gas line, and a 4-inch PVC electric line; 19. Construct, operate, and maintain utility crossings of UNT R008 consisting of an 8-inch DIP waterline, a 6-inch HDPE gas line, and a 4-inch PVC electric line; For the purpose of developing an 89-acre golf course into a 248-unit residential subdivision. The project will permanently impact 0.39 acre of wetland, 1,191 linear feet of watercourse, 0.38 acre of ponds, and 1.18 acres of floodways. Permanent impacts to streams will be mitigated on-site through riparian buffer plantings (948 feet along the left descending bank of the UNT to Deer Creek, 1,126 feet along the right descending bank of the UNT to Deer Creek) as well as in-stream structures installed off-site (379 feet of root wads along the left descending bank of Pine Creek, 335 feet of root wads along the right descending bank of Pine Creek, and 822 feet of half-log structures along the left descending bank of Pine Creek). Permanent impacts to wetlands will be mitigated through 1.36 acres of onsite wetland mitigation. The project site is located at 4769 Gibsonia Road, Allison Park, PA 15101. Latitude: 40° 36' 6", Longitude: -79° 53' 13". Application received: August 30, 2021. Issued: March 2, 2023.

**E6505220-027. Greenridge Reclamation, LLC**, 234 Landfill Road, Scottdale, PA 15683, East Huntingdon Township, **Westmoreland County**. U.S. Army Corps of Engineers Pittsburgh District.

The applicant has been given consent to: Place and maintain fill within 0.495 acre of eight (8) PEM wetlands; For the purpose of expanding the waste disposal area of the existing Greenridge Reclamation Landfill (Eastern Expansion), which will consist of 81.9 acres of lined waste disposal area, a 44-acre soil stockpile area, stormwater management facilities and the relocation of a maintenance building. The project will result in 0.495 acre of permanent impacts and 0.011 acre of temporary impacts to PEM wetlands. To provide compensatory mitigation for the projects impacts, the permanent impacts to wetlands will be mitigated through the purchase of credits from Land Reclamation Group, LLC at the Shrader Hollow Road Mitigation Bank. The project site is located at 234 Landfill Road, Scottdale. Latitude: 40° 7' 53", Longitude: -79° 34' 50". Application received: June 23, 2020. Issued: March 2, 2023.

**ENVIRONMENTAL ASSESSMENTS**

*Eastern District: Oil and Gas Management Program, 208 West Third Street, Williamsport, PA 17701-6448.*

*Contact: RA-EPEASTERNOGPRG@pa.gov.*

**EA5329222-001. Chesapeake Appalachia LLC**, 14 Chesapeake Lane, Sayre, PA 18840-1567, Sweden Township, **Potter County**. U.S. Army Corps of Engineers Baltimore District. Application received: October 12, 2022. Issued: March 2, 2023.

The Arch Floodplain Restoration Project is located at coordinates 41.755337, -77.938579 in Sweden Township—Potter County. Restoration within the regulatory floodway of three delineated unnamed tributaries (UNTs) to Trout Run will be performed as part of the overall reclamation of the Arch Well Pad.

The project will result in a total of 33 LF (87 SF) of temporary stream impacts and 20,910 SF (0.480 acre) of temporary floodway impacts all for the purpose of constructing a natural gas pipeline for Marcellus Shale well development.

**STREAM IMPACT TABLE:**

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Chapter 93</i>	<i>Listed Trout</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Lat. Long.</i>
UNT to Trout Run	Sweden Sweden Valley	Restoration	HQ	Wild	33	87			41.75620° 77.93720°
TOTAL IMPACTS					1,935	22,694			

**FLOODWAY IMPACT TABLE:**

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Temp. (SF)c</i>	<i>Impact Length Perm. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Lat. Long.</i>
UNT to Trout Run	Sweden Sweden Valley	Restoration	1,136	20,910			41.755337° 77.938579°
TOTAL IMPACTS			1,136	20,910			

*Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.*

*Contact: RA-EPWW-NWRO@pa.gov.*

**EA1006222-002. BioMost, Inc.**, 434 Spring Street Ext, Mars, PA 16046, Washington Township, **Butler County**. U.S. Army Corps of Engineers Pittsburgh District.

The SR 81 Passive Treatment System Rehabilitation project involves the rehabilitation and expansion of a treatment system for the abatement of abandoned mine drainage. Construction will include installing a sludge pond upgradient of the existing treatment system, removing iron sludge from existing settling ponds and wetlands, adding a second Anoxic Limestone Drain within the footprint of the settling pond, and enhancing the "natural wetland by installing z-pile moat and a distribution berm to prevent short circuiting from flooding by Slippery Rock Creek (Trout Approved Waters, CWF). Rock lined spillways and channels will be constructed to convey flows between the components of the passive treatment system. Wetland plantings will be conducted following construction to provide rapid establishment of dense and diverse vegetation. This treatment system has been operation for 20 years and is in need of repair. A Growing Greener Grant has been received for this project. Latitude: 41.08889°, Longitude: -79.859167°. Application received: November 21, 2022. Issued: March 7, 2023.

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.*

*Contact: 717-705-4802.*

**EA3603222-008. HACC-UNT to Conestoga River**, 2250 Old Philadelphia Pike, Lancaster, PA 17602, East Lampeter Township, **Lancaster County**. U.S. Army Corps of Engineers Philadelphia District.

To conduct a stream restoration project along 2,163 feet of an unnamed tributary to the Conestoga River (WWF, MF) including 1.) the re-grading and maintenance of 2,163 feet of stream bank; and 2.) the realignment and maintenance of 1,045 feet of stream, all for the purpose of reducing sediment loading to the stream. The project is located approximately 800 feet southeast of the intersection of Millennium Drive and Pitney Road (Latitude: 40° 2' 32.23"N; Longitude: 76° 16' 5.27"W) in East Lampeter Township, Lancaster County. No wetlands will be impacted by this project. Latitude: 40° 2' 32.23" N, Longitude: -76° 16' 5.27" W. Application received: December 20, 2022. Issued: March 6, 2023.

#### **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-EPEASTERNNOGPRG@pa.gov.*

ESCGP # 3 **ESG295822031-00**

Applicant Name **Williams Field Services Co, LLC**

Contact Person Barry Mahar

Address 30351 Route 6

City, State, Zip Wysox, PA 18854

Township(s) Jessup Township and Rush Township

County **Susquehanna County**

Receiving Stream(s) and Classification(s) UNT to Middle Branch Wyalusing Creek # 6367, 90634, 59045 (CWF, MF), Middle Branch Wyalusing Creek # 8877 (CWF, MF), UNT to East Branch Wyalusing Creek # 59047, 71058, 44320 (CWF, MF), Deuel Creek # 44319 (CWF, MF), Snell Creek # 75677 (CWF, MF), Roe Creek # 43966 (CWF, MF)

Application received: November 10, 2022

Issued: February 28, 2023

ESCGP # 3 **ESG294123004-00**

Applicant Name **EQT ARO, LLC**

Contact Person Todd Klaner

Address 2462 Lycoming Creek Road

City, State, Zip Williamsport, PA 17701

Township(s) Cummings Township and Watson Township

County **Lycoming County**

Receiving Stream(s) and Classification(s) Gamble Run (HQ), UNT Gamble Run (HQ), Gamble Run and UNT Gamble Run (HQ-CWF)

Application received: January 30, 2023

Issued: March 2, 2023

*Northwest Region: Oil and Gas Management Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.*

*Contact: Kate Hogue, Clerical Supervisor, 814-332-6860.*

ESCGP # 3 **ESG080322003-00**

Applicant Name **Snyder Brothers**

Contact Person Carl Rose

Address P.O. Box 1022, One Glade Park East

City, State, Zip Kittanning, PA 16201

Township(s) Manor Township

County **Armstrong County**

Receiving Stream(s) and Classification(s) UNT to Cowanshannock Creek (WWF); Trib 46942 to Garretts Run (WWF); Trib 46974 to Cowanshannock Creek (WWF); Trib 46972 to Cowanshannock Creek (WWF)

Application received: August 30, 2022

Issued: March 6, 2023

**ESCGP # 3 ESG080322007-00/W46 to W47 Well Connect**

Applicant Name **Pine Run Midstream, LLC**  
 Contact Person Heather Wilkinson  
 Address 11400 Westmoor Circle  
 City, State, Zip Broomfield, CO 80021  
 Township(s) Armstrong/Butler  
 County **North Buffalo Township/Winfield Township**  
 Receiving Stream(s) and Classification(s) Buffalo Creek  
 (HQ-TSF)

Application received: December 8, 2022  
 Issued: March 7, 2023

*Southwest Region: Oil and Gas Management Program,  
 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.*

*Contact: D. J. Stevenson, 412-442-4281.*

**ESCP # ESX17-125-0039**

Applicant Name **MarkWest Liberty Midstream & Resources, LLC**

Contact Person Brian Elliot  
 Address 4600 J Barry Court, Suite 500  
 City, State, Zip Canonsburg, PA 15317  
 Township(s) Cecill Township, Mount Pleasant Township  
 County **Washington County**  
 Receiving Stream(s) and Classification(s) UNT to Millers Run (WWF)

Application received: December 28, 2022  
 Issued: March 7, 2023

*Contact: RA-EPSW-OGSUBMISSION@pa.gov.*

**ESCGP # 3 ESG073022014-00**

Applicant Name **CNX Midstream Opr. Co., LLC**  
 Contact Person Carol Phillips, carolphillips@cnx.com  
 Address Iams Station Road/SR-4025  
 City, State, Zip Morris Township, PA 15364  
 Township(s) Morris Township  
 County **Greene County**  
 Receiving Stream(s) and Classification(s) Discharges to Tributary 40564 to Browns Creek, Ch 93 classification: HQ-WWF

Application received: August 1, 2022  
 Issued: March 2, 2023

## 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.

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

*Contact: Eric Supey, Environmental Program Manager.*

**Speedway # 6756**, Storage Tank Facility ID # **54-14427**, 6 Tremont Road, Pine Grove, PA 17963, Pine Grove Township, **Schuylkill County**. AECOM, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19428, on behalf of Speedway, LLC, P.O. Box 1500, Springfield, OH 44501 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document the remedial actions for meeting Statewide health standards.

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

*Contact: Richard M. Staron, Professional Geologist Manager, 484-250-5717.*

**Oak Ave Fuels 67381**, Storage Tank Facility ID # **23-23939**, 601 S Oak Avenue, Aldan, PA 19018, Upper Darby Township, **Delaware County**. Petrodi LLC, 5 Elmwood Drive, Tabernacle, NJ 08088, on behalf of Ramoco Marketing Group, P.O. Box 2218, Princeton, NJ 08540 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting nonresidential 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.*

**Lakewood Bulk Plant**, Storage Tank Facility ID # **64-13651**, 1421 Crosstown Highway, Lakewood, PA 18439, Preston Township, **Wayne County**. LaBella Associates, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of Firmstone Lakewood Fuels, P.O. Box 507, Honesdale, PA 18431 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The report demonstrated attainment of the Statewide health and site-specific standards and was approved by DEP on March 6, 2023.

*Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.*

*Contact: Ellen Roberts, 814-332-6648.*

**Country Fair Store 65**, Storage Tank Facility ID # **25-91609**, 8080 Peach St, Erie, PA 16509, Summit Township, Allison Park, **Erie County**. GES, 508, Cranberry Township, PA 16066, on behalf of Country Fair Inc, 2251 E 30th St, Erie, PA 16510 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The report nonresidential demonstrated attainment of the Statewide health standards and was approved by DEP on March 2, 2023.

*Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.*

*Contact: Michael Stefanic.*

**Former Uni Mart 44246**, Storage Tank Facility ID # **22-60040**, 200 Market St, Halifax, PA 17032, Halifax Borough, **Dauphin County**. Environmental Alliance, Inc., 5341 Limestone Rd., Wilmington, DE 19808, on behalf of Jay Halifax, Inc., 200 Market St., Halifax, PA 17032 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The report nonresidential demonstrated attainment of the Statewide health standards and was approved by DEP on March 3, 2023.

*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.*

**Sunoco # 0002-1725**, Storage Tank Facility ID # **63-32309**, 1550 West Chestnut Street, Washington, PA 15301, City of Washington, **Washington County**. Groundwater & Environmental Services, Inc., 508 Thomson Park Drive, Cranberry, PA 16066, on behalf of Sunoco Retail, LLC, 2 Righter Parkway, Suite 120, Wilmington, DE 19803 submitted a Combined Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The combined plan and report residential demonstrated attainment of the site-specific standards and was approved by DEP on March 1, 2023.

**CoGo's # 798**, Storage Tank Facility ID # **02-32336**, 2401 East Carson Street, Pittsburgh, PA 15203, City of Pittsburgh, **Allegheny County**. Letterle & Associates, Inc., 2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of Coen Markets, Inc., 1000 Philadelphia Street, Canonsburg, PA 15317 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan nonresidential was acceptable to meet the Statewide health standards and was approved by DEP on March 3, 2023.

**Robinson Township Municipal Garage**, Storage Tank Facility ID # **02-00797**, 5001 Leona Lane, Coraopolis, PA 15108, Robinson Township, **Allegheny County**. CORE Environmental Services, Inc., 3960 William Flinn Highway, Suite 100, Allison Park, PA 15101, on behalf of Robinson Township, 5001 Leona Lane, Coraopolis, PA 15108 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with waste oil. The plan residential was not acceptable to meet the Statewide health standards and was disapproved by DEP on March 3, 2023.

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## SPECIAL NOTICES

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### WATER PROGRAMS

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**NPDES Permit application for the I80-115 C-1, Site, LLC Project, Blakeslee, PA, Tunkhannock Township, Monroe County.**

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

*Contact: Michele Lauer, Clerical Assistant 2, 570-830-3077.*

On August 31, 2022, the Department of Environmental Protection (PA DEP/Department) received an NPDES Permit application for the I80-115 C-1 Site, LLC Project, Blakeslee, PA 18610, in Tunkhannock Township, Monroe County. The application was deemed administratively complete on December 16, 2022. Written public comments were received during the public comment period.

The Department will hold a public hearing to accept additional comments on the documentation and plans associated with the Individual NPDES Permit Application No. PAD450168 for the discharge of stormwater from construction activities to the following receiving watercourses:

EV Wetlands to Mud Pond Run (EV)

EV Wetlands to Tunkhannock Creek (EV)

The applicant is as follows:

- I80-115, C-1 Site, LLC, 186 Murphy Run Road, Stroudsburg, PA 18380. Contact: David W. Moyer, I80-115, C-1 Site, LLC

The public hearing will be conducted on Monday, April 24, 2023 from 6:00 p.m.—7:30 p.m. at the Tunkhannock Township Fire Hall located at 1539 Long Pond Road, Long Pond, PA 18334. Representatives from the Department's Waterways & Wetlands Program, the Monroe County Conservation District and I-80-115 C-1 Site, LLC will be in attendance.

The Department requests that individuals wishing to testify at the hearing submit a written notice of intent to Colleen Connolly, Community Relations Coordinator at: cconnolly@pa.gov. The Department will accept requests up to the day of the hearing. The Department requests that individuals limit their testimony to 5 minutes so that all individuals have the opportunity to testify. The Department can only review comments made with regard to the NPDES Permit Application No. PAD450168 documentation and plans. Written copies of oral testimony are requested. All comments, whether delivered orally during the hearing or submitted in writing will carry equal weight and consideration with DEP. Individuals attending the hearing will have the opportunity to testify if they so desire; however, individuals who preregister to testify will be given priority on the agenda.

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact Colleen Connolly at: cconnolly@pa.gov or the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

The NPDES permit application documentation and conceptual plans are available for review at the Monroe County Conservation District Office, 8050 Running Valley Road, Stroudsburg, PA 18301 at (570) 629-3060 and/or the DEP Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA (570) 826-2511. For further information, contact Colleen Connolly, Community Relations Coordinator of the Department's Northeast Regional Office at (570) 826-2035.

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**NPDES Permit application for the Pocono Mountains Corporate Center North Warehouse, Tobyhanna, PA, Coolbaugh Township, Monroe County.**

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*Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA, 570-826-2511.*

On January 13, 2022, the Department of Environmental Protection (PA DEP/Department) received an NPDES Permit application for the Pocono Mountains Corporate Center North Warehouse, Tobyhanna, PA, in Coolbaugh Township, Monroe County. The application was deemed administratively complete on March 10, 2022. Written public comments were received during the public comment period.

The Department will hold a public hearing to accept additional comments on the documentation and plans associated with the Individual NPDES Permit Application No. PAD450158 for the discharge of stormwater from construction activities to the following receiving watercourses:

EV Wetlands to Duckpuddle Run (EV)

The applicant is as follows:

- Orchard BJK Company, LLC, 925 Berkshire Boulevard, Wyomissing, PA 19610. Contact: John Herman, Orchard BJK Company, LLC

The public hearing will be conducted on Monday, April 24, 2023 from 7:40 p.m.—9:10 p.m. at the Tunkhannock Township Fire Hall located at 1539 Long Pond Road, Long Pond, PA 18334. Representatives from the Department's Waterways & Wetlands Program, the Monroe County Conservation District and Orchard BJK Company, LLC will be in attendance.

The Department requests that individuals wishing to testify at the hearing submit a written notice of intent to Colleen Connolly, Community Relations Coordinator at: cconnolly@pa.gov. The Department will accept requests up to the day of the hearing. The Department requests that individuals limit their testimony to 5 minutes so that all individuals have the opportunity to testify. The Department can only review comments made with regard to the NPDES Permit Application No. PAD450158 documentation and plans. Written copies of oral testimony are requested. All comments, whether delivered orally during the hearing or submitted in writing will carry equal weight and consideration with DEP. Individuals attending the hearing will have the opportunity to testify if they so desire; however, individuals who preregister to testify will be given priority on the agenda.

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact Colleen Connolly at: cconnolly@pa.gov or the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

The NPDES permit application documentation and conceptual plans are available for review at the Monroe County Conservation District Office, 8050 Running Valley Road, Stroudsburg, PA at (570) 629-3060 and/or the DEP Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA (570) 826-2511. For further information, contact Colleen Connolly, Community Relations Coordinator of the Department's Northeast Regional Office at (570) 826-2035.

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**ACTIVE AND ABANDONED MINE OPERATIONS**

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**Notice of Public Conference, Rosebud Mining Company, Permit Application No. 32221302, Pine Township, Indiana County and Blacklick Township, Cambria County.**

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*California District Mining Office: California District Mining Office, 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.*

*Contact: Bonnie Herbert, Clerical Assistant 3.*

Notice is hereby given that the Pennsylvania Department of Environmental Protection (DEP) District Mining Operations, has received an application from **Rosebud Mining Company** for a new underground mine permit to be known as Strongtown Mine, Permit Application No. **32221302**. The proposed underground mine surface facilities are located within Pine Township, **Indiana County** and the underground mine activity are located in Pine Township, Indiana County and Blacklick Township, **Cambria County**.

The Department will hold an Informal Public Conference at the Blacklick Township Municipal Building, Civic Hall on Wednesday, March 29, 2023, from 1:00 p.m. until 3:00 p.m.

A Department representative will be available to receive both written and oral testimony regarding the application. Testimony will be placed into public record for the application and considered by Department staff in the application review process. DEP staff will be available to answer general questions on the permit application.

The California District Mining Office will accept additional written comments from participants of the informal public conference two (2) weeks after the date of the proceeding until April 12, 2023.

If you are a person with a disability wishing to attend this IPC and require an auxiliary aid, service or other accommodation to participate in the proceedings, please contact Bonnie Herbert at bherbert@pa.gov to discuss

how we may accommodate your needs. If necessary, you may use the Hamilton Relay Service by calling 1.800.654.5984 (TDD Users) or 1.800.654.5988 (Voice users) and request that your call be relayed to Bonnie Herbert at 724.769.1100.

Copies of the application are on file for public review at the Department of Environmental Protection, District Mining Operations, California District Office, 25 Technology Drive, California Technology Park, Coal Center, PA 15423 and Indiana County Recorder of Deeds Office, Indiana Court House, 825 Philadelphia Street, Indiana, PA 15701-3979.

Please call or email Bonnie Herbert to inquire about electronic application review options.

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### WASTE, AIR, RADIATION AND REMEDIATION

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#### Notice of Certification to Perform Radon-Related Activities in Pennsylvania.

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*Central Office: Radiation Protection Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.*

*Contact: Austyn Shank 717-783-3594.*

In the month of February 2023, Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P.L. 238, No. 43 (63 P.S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed as follows to perform radon related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P.O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Certification</i>
Andrew Nyveldt	27 Mount Carmel St Roseto, PA 18013-1020	Testing Individual
Nyveldt Enterprises, LLC	27 Mount Carmel St Roseto, PA 18013-1020	Testing Firm
Curtis Niles	1451 N Hanover St Pottstown, PA 19464-1910	Testing Individual
Armored Home Inspections, LLC	1451 N Hanover St Pottstown, PA 19464-1910	Testing Firm
Robert Steinmetz	1514 Hickory Court Saylorsburg, PA 18353	Testing Individual
Ludwig Kubli	1090 Aerie Dr North Huntingdon, PA 15642-3018	Testing Individual
Paul Muller	156 Ridge Ave Freedom, PA 15042-9503	Mitigation Individual
Elliot Hoffman	P.O. Box 91 Akron, PA 17501-0091	Mitigation Individual
William Staniland	706 Russett Meadow Ct Cranberry Township, PA 16066-4814	Testing Individual
Chris Willig	4 Theresa Dr Conestoga, PA 17516-9792	Testing Individual
Bernard Catanzareti	177 Dewalt Dr Easton, PA 18040-8216	Testing Individual
Randall Burgess	P.O. Box 75 Perkiomenville, PA 18074-0075	Testing Individual
Spotlight Inspections, LLC	P.O. Box 75 Perkiomenville, PA 18074-0075	Testing Firm
Thomas Laurito	6006 Forest Dr Monaca, PA 15061-2246	Testing Individual

<i>Name</i>	<i>Address</i>	<i>Certification</i>
Marc Marino	693 Egypt Rd Phoenixville, PA 19460-1119	Testing Individual
Marc Marino	693 Egypt Rd Phoenixville, PA 19460-1119	Mitigation Individual
Radon-Rid, LLC	693 Egypt Rd Phoenixville, PA 19460-1119	Mitigation Firm
Gary Olinchak	512 Smiley St Crum Lynne, PA 19022-1220	Mitigation Individual
Jason Young	13290 Scott Rd Waynesboro, PA 17268-9024	Testing Individual
Heath Papinchak	3751 Merle St Pittsburgh, PA 15204-1122	Testing Individual
Welcome Home, Home Inspections, LLC	3751 Merle St Pittsburgh, PA 15204-1122	Testing Firm
Troy Rudy	P.O. box 4214 Lancaster, PA 17604-4214	Mitigation Individual
Richard Onega	100 Rylie Dr Harmony, PA 16037-7764	Testing Individual
Onega, LLC	100 Rylie Dr Harmony, PA 16037-7764	Testing Firm
John O'Connor	1270 Keysville Rd South Keymar, MD 21757	Testing Individual
Cody Fisher	7840 Blue Ridge Trl Mountain Top, PA 18707-3113	Testing Individual

[Pa.B. Doc. No. 23-353. Filed for public inspection March 17, 2023, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Extension of National Pollutant Discharge Elimination System General Permit for Discharges from Small Flow Treatment Facilities (PAG-04)

Under the authority of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department) is, by this notice, extending for 6 months the availability of the current National Pollutant Discharge Elimination System General Permit for Discharges from Small Flow Treatment Facilities (PAG-04).

The existing PAG-04 General Permit in effect at this time will expire May 11, 2023. Individuals who are operating under the PAG-04 General Permit may continue to operate until November 11, 2023. The Department is extending the availability of this permit to adequately complete preparation of the renewal of the PAG-04 General Permit. During the period of administrative extension, no new coverage under the PAG-04 General Permit may be authorized by the Department.

To access the General Permit and related documents online, visit the Department's eLibrary web site at [www.depgreenport.state.pa.us/elibrary/](http://www.depgreenport.state.pa.us/elibrary/) (select "Permit and Authorization Packages," then "Clean Water," then "PAG-04 Discharges from Small Flow Treatment Facilities 3800-PM-BCW0093 (MAY NOT BE USED FOR NEW COVERAGE)").

Questions regarding the PAG-04 General Permit can be directed to Maria Schumack, at [maschumack@pa.gov](mailto:maschumack@pa.gov) or (717) 705-0486.

RICHARD NEGRIN,  
*Acting Secretary*

[Pa.B. Doc. No. 23-354. Filed for public inspection March 17, 2023, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Federal Consistency under the Coastal Zone Management Act; Personal Watercraft Lift—Presque Isle Bay, Erie County

This notice is published under section 306(d)(14) of the Federal Coastal Zone Management Act of 1972 (CZMA) (16 U.S.C.A. § 1455(d)(14)), relating to public participation in consistency determinations. The Department of Environmental Protection (Department), Coastal Resources Management Program has received notice that Brandon P. Mueller (applicant) is proposing to construct a personal watercraft lift in Presque Isle Bay, Erie County (Project).

The applicant is proposing to construct: a 16-foot by 34-foot watercraft lift with six steel pilings; an 18-foot by 50-foot watercraft lift with ten steel pilings; an 11-foot by 29-foot permanent dock; and an 8-foot by 34-foot seasonal floating dock. The site is located adjacent to 21 Niagara Pier in the City of Erie, Erie County. The structures

would be sited along the eastern side of the pier on water lots owned by Niagara Dockominiums, LLC and leased to the applicant. The applicant is seeking authorization for this proposed activity through a Department-issued Water Obstruction and Encroachment permit (E25-06222-015) under 25 Pa. Code Chapter 105 (relating to dam safety and waterway management) and a United States Army Corps of Engineers permit (LRP 2022-515) under section 10 of the Federal Rivers and Harbors Act of 1899 (33 U.S.C.A. § 403).

This Project is subject to Department review for Federal consistency because it is an activity requiring a Federal license or permit and will have reasonably foreseeable effects on this Commonwealth's coastal resources or uses.

In accordance with section 307 of the CZMA (16 U.S.C.A. § 1456) and the National Oceanic and Atmospheric Administration (NOAA) regulations at 15 CFR Part 930, Subpart D (relating to consistency for activities requiring a Federal license or permit), the applicant has certified that the proposed activity will be conducted in a manner consistent with the applicable enforceable policies of the Commonwealth's NOAA-approved Coastal Re-

sources Management Program. Interested parties may request a copy of the Federal Consistency Certification from the Department contact listed as follows.

Questions regarding this review can be directed to Matthew Walderon, Federal Consistency Coordinator, at RA-Fed\_Consistency@pa.gov or (717) 772-2196.

The Department will consider all comments received on or before Monday, April 3, 2023, before issuing a final Federal consistency concurrence or objection. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the commentator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment). Written comments can be submitted by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov) or by mail to the Department of Environmental Protection, Policy Office, 400 Market Street, P.O. Box 2063, Harrisburg, PA 17105-2063.

RICHARD NEGRIN,  
*Acting Secretary*

[Pa.B. Doc. No. 23-355. Filed for public inspection March 17, 2023, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Planning Grant Awards under Section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988

The Department of Environmental Protection announces the following grants to Berks County and Wayne County under section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P.S. § 4000.901) and section 208 of the Small Business and Household Pollution Prevention Program Act (35 P.S. § 6029.208).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans, as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. The grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101 (53 P.S. §§ 4000.701 and 4000.702) and the availability of funds in the Recycling Fund.

Inquiries regarding the grant offering can be directed to Mark Vottero, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P.O. Box 8472, Harrisburg, PA 17105-8472, at [mvottero@pa.gov](mailto:mvottero@pa.gov) or (717) 772-5719.

#### Act 101, Section 901 Planning Grant

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project</i>	<i>Grant</i>
Southcentral	Berks	Berks County	Plan Revision	\$24,575
Northeast	Wayne	Wayne County	Plan Revision	\$37,246

RICHARD NEGRIN,  
*Acting Secretary*

[Pa.B. Doc. No. 23-356. Filed for public inspection March 17, 2023, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Small Business Compliance Advisory Committee Meeting Cancellation

The April 12, 2023, meeting of the Small Business Compliance Advisory Committee (Committee) is cancelled. The next Committee meeting is scheduled for Wednesday, August 23, 2023, at 10 a.m. in Room 105, Rachel Carson

State Office Building, 400 Market Street, Harrisburg, PA. Individuals may attend the meeting in person or remotely. Individuals interested in providing public comments during the meeting are encouraged to sign up in advance by contacting Lucas Hershey at [luchershey@pa.gov](mailto:luchershey@pa.gov) or (717) 787-7019.

Information on how to join the meeting remotely, as well as agenda and meeting materials, will be available on the Committee's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov)



(select “Public Participation,” then “Advisory Committees,” then “Air,” then “Small Business Compliance Advisory Committee”).

Individuals are encouraged to visit the Committee’s webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the August 23, 2023, meeting can be directed to Lucas Hershey at luchersh@pa.gov or (717) 787-7019.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 787-9702 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.

RICHARD NEGRIN,  
*Acting Secretary*

[Pa.B. Doc. No. 23-357. Filed for public inspection March 17, 2023, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Home Health Agencies; Requests for Exception

The following home health agencies are seeking exceptions to 28 Pa. Code § 601.6 (relating to definitions), specifically the definition of home health aide:

AndVenture, LLC  
825 Fifth Avenue  
Suite 201  
Chambersburg, PA 17201-4213  
FAC ID # 03810501

AndVenture, LLC  
1862 Charter Lane  
Suite 102  
Lancaster, PA 17601-5858  
FAC ID # 745605

AndVenture, LLC  
1631 South Atherton Street  
Suite 201  
State College, PA 16801-6229  
FAC ID # 77560501

Care Unlimited, Inc.  
482 Jeffers Street  
DuBois, PA 15801-2438  
FAC ID # 4650501

Care Unlimited, Inc.  
153 East 13th Street  
Suite 4000  
Erie, PA 16503-1035  
FAC ID # 73100501

Care Unlimited, Inc.  
9000 Brooktree Road  
Suite 105  
Wexford, PA 15090-9288  
FAC ID # 727805

Epic Health Services (PA), LLC  
One Belmont Avenue  
Suite 200  
Bala Cynwyd, PA 19004-1610  
FAC ID # 2410501

Epic Health Services (PA), LLC  
Four Sentry Parkway  
Suite 105  
Blue Bell, PA 19422-2311  
FAC ID # 719705

Epic Health Services (PA), LLC  
102 Pickering Way  
Suite 402  
Exton, PA 19341-1310  
FAC ID # 5730501

Epic Health Services, Inc.  
300 Penn Center Boulevard  
Suite 232  
Pittsburgh, PA 15235-5502  
FAC ID # 3970501

Loving Care Agency, Inc.  
1605 North Cedar Crest Boulevard  
Suite 109  
Allentown, PA 18104-2351  
FAC ID # 2910501

Loving Care Agency, Inc.  
507 Seven Bridge Road  
Suite 202  
East Stroudsburg, PA 18301-8194  
FAC ID # 2920501

Loving Care Agency, Inc.  
4 Neshaminy Interplex  
Suite 204  
Trevose, PA 19053-6940  
FAC ID # 77780501

Pediatrics Healthcare, LLC  
1167 North Washington Street  
Suite E  
Wilkes-Barre, PA 18705-1856  
FAC ID # 4250501

Pediatric Services of America, LLC  
3178 Route 219  
Kane, PA 16735  
FAC ID # 766305

Pediatric Services of America, LLC  
2805 Old Post Road  
Suite 210  
Harrisburg, PA 17110  
FAC ID # 760505

Pediatric Services of America, LLC  
1400 North Providence Road  
Suite 300  
Media, PA 19063  
FAC ID # 758305

Pediatric Services of America, LLC  
1456 East Lackawanna Avenue  
Olyphant, PA 18447  
FAC ID # 05040501

Pediatric Services of America, LLC  
1501 Reedsdale Street  
Suite 4002  
Pittsburgh, PA 15233  
FAC ID # 767705

Pediatric Services of America, LLC  
1544 East 3rd Street  
Williamsport, PA 17701  
FAC ID # 05530501

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from

the Department of Health, Division of Home Health, Forum Place, Suite 701, 555 Walnut Street, Harrisburg, PA 17101, (717) 783-1379, fax (717) 787-3188, ra-communityprogramlicensure@pa.gov.

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

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

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

DR. DEBRA L. BOGEN,  
*Acting Secretary*

[Pa.B. Doc. No. 23-358. Filed for public inspection March 17, 2023, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 201.22(e) and (k) (relating to prevention, control and surveillance of tuberculosis (TB)):

Fairview Manor  
900 Manchester Road  
Fairview, PA 16415  
FAC ID # 320802

Warren Manor  
682 Pleasant Drive  
Warren, PA 16365  
FAC ID # 233202

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

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

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

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department

and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DEBRA L. BOGEN,  
*Acting Secretary*

[Pa.B. Doc. No. 23-359. Filed for public inspection March 17, 2023, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Medical Marijuana Advisory Board March 22, 2022, Report and the Acting Secretary of Health's Decision to Effectuate the Recommendation

Under section 1202 of the Medical Marijuana Act (act) (35 P.S. § 10231.1202) of the decision by the Acting Secretary of Health (Secretary) to effectuate the recommendation of the Medical Marijuana Advisory Board (Board) in the Board's Report, adopted at a public meeting on March 22, 2022, under section 1201(j)(6) of the act (35 P.S. § 10231.1201(j)(6)).

Section 1202 of the act authorizes the Secretary to effectuate recommendations of the Board by transmitting a notice to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. The following is the recommendation of the Board, along with the Secretary's rationale, as to whether to effectuate the recommendation.

*Recommendation:* The Medical Review Subcommittee recommended adding Chronic Hepatitis C as a qualifying serious medical condition for medical marijuana usage in this Commonwealth. The Board adopted the recommendation at a public meeting on March 22, 2022.

*Secretary's Rationale:* The Secretary agrees and will effectuate this recommendation from the Board to add Chronic Hepatitis C as a qualifying serious medical condition for medical marijuana usage in this Commonwealth by publication of this notice in the *Pennsylvania Bulletin*. The Secretary agrees that adding Chronic Hepatitis C to the list of serious medical conditions for medical marijuana usage may provide relief to patients and help alleviate complications of the disease and its symptoms. While medical marijuana alone cannot treat Chronic Hepatitis C, it can be used in a complementary way along with physician-prescribed medications to provide a higher likelihood of treatment success for Chronic Hepatitis C patients.

Appendix A of 28 Pa. Code Ch. 1141a (relating to serious medical conditions) will be updated to add Chronic Hepatitis C to the list of serious medical conditions.

For additional information, including an alternative format of this notice (for example, large print, audiotape, Braille) contact the Office of Medical Marijuana, 625 Forster Street, Room 628, Health and Welfare Building, Harrisburg, PA 17120, (717) 547-3047, 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. DEBRA L. BOGEN,  
*Acting Secretary*

[Pa.B. Doc. No. 23-360. Filed for public inspection March 17, 2023, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania \$3 Million Mega Stacks Instant Lottery Game 1629

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 \$3 Million Mega Stacks (hereinafter “\$3 Million Mega Stacks”). The game number is PA-1629.

2. *Price:* The price of a \$3 Million Mega Stacks instant lottery game ticket is \$30.

3. *Play symbols:* Each \$3 Million Mega Stacks instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area, a “YOUR NUMBERS” area and an “ADD \$100 BONUS” area. The “ADD \$100 BONUS” is played separately. The “YOUR NUMBERS” area will feature a “MEGAPLIER” area under each “prize” area, containing one multiplier symbol. 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), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORT). 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), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORT), Stack (STACK) symbol and a Vault (WINALL) symbol. The play symbols and their captions, located in the “ADD \$100 BONUS” area, are: NOBONUS (TRYAGAIN) symbol, TRYAGAIN (NOBONUS) symbol, NOBONUS (TRYAGAIN) symbol, TRYAGAIN (NOBONUS) symbol and a MEGA (ADD100) symbol. The multiplier symbols and their captions, located in the “MEGAPLIER” area of the “YOUR NUMBERS” area, are: 1X (NOMULT) symbol, 2X (2TIMES) symbol, 5X (5TIMES) symbol, 10X (10TIMES) symbol, 20X (20TIMES) symbol and a 50X (50TIMES) symbol.

4. *Prize symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$30<sup>00</sup> (THIRTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$300 (THR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$3,000 (THR THO), \$30,000 (THRTYTHO), \$300,000 (THRHUNTHO) and \$3 MILL (THR MIL). The prize symbols and their captions, located in the “ADD \$100 BONUS” area, are: \$30<sup>00</sup> (THIRTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$300 (THR HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$3,000 (THR THO).

5. *Prizes:* The prizes that can be won in this game, are: \$30, \$40, \$50, \$100, \$200, \$300, \$500, \$1,000, \$3,000,

\$30,000, \$300,000 and \$3,000,000. The prizes that can be won in the “ADD \$100 BONUS” area, are: \$30, \$40, \$50, \$100, \$200, \$300, \$500, \$1,000 and \$3,000. \$3 Million Mega Stacks 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 30 times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 7,200,000 tickets will be printed for the \$3 Million Mega Stacks 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 \$3 MILL (THR MIL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a 1X (NOMULT) symbol appears in the “MEGAPLIER” area under that prize symbol, on a single ticket, shall be entitled to a prize of \$3,000,000. The prize shall be paid as a one-time, lump-sum cash payment.

(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 \$300,000 (THRHUNTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a 1X (NOMULT) symbol appears in the “MEGAPLIER” area under that prize symbol, on a single ticket, shall be entitled to a prize of \$300,000.

(c) Holders of tickets upon which a Vault (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$30,000 (THRTYTHO) appears in eight of the “prize” areas and a prize symbol of \$3,000 (THR THO) appears in 17 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$291,000.

(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 \$3,000 (THR THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a 50X (50TIMES) symbol appears in the “MEGAPLIER” area under that prize symbol, on a single ticket, shall be entitled to a prize of \$150,000.

(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 \$30,000 (THRTYTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a 1X (NOMULT) symbol appears in the “MEGAPLIER” area under that prize symbol, on a single ticket, shall be entitled to a prize of \$30,000.

(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 \$500 (FIV HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a 50X (50TIMES) symbol appears in the “MEGAPLIER” area under that prize symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(g) Holders of tickets upon which a Vault (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$1,000 (ONE THO) appears in 24 of the “prize” areas and a prize symbol of \$500 (FIV HUN) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$24,500.

(h) Holders of tickets upon which a MEGA (ADD100) symbol appears in the “ADD \$100 BONUS” area and a prize symbol of \$3,000 (THR THO) appears in the “prize” area under that MEGA (ADD100) symbol, on a single ticket, shall be entitled to a prize of \$3,100.

(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 \$3,000 (THR THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a 1X (NOMULT) symbol appears in the “MEGAPLIER” area under that prize symbol, on a single ticket, shall be entitled to a prize of \$3,000.

(j) Holders of tickets upon which a Stack (STACK) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$3,000 (THR THO) appears in the “prize” area under that Stack (STACK) symbol, on a single ticket, shall be entitled to a prize of \$3,000.

(k) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$300 (THR HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a 10X (10TIMES) symbol appears in the “MEGAPLIER” area under that prize symbol, on a single ticket, shall be entitled to a prize of \$3,000.

(l) Holders of tickets upon which a Vault (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$100 (ONE HUN) appears in 20 of the “prize” areas, a prize symbol of \$50<sup>00</sup> (FIFTY) appears in four of the “prize” areas and a prize symbol of \$500 (FIV HUN) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$2,700.

(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 \$50<sup>00</sup> (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a 50X (50TIMES) symbol appears in the “MEGAPLIER” area under that prize symbol, on a single ticket, shall be entitled to a prize of \$2,500.

(n) Holders of tickets upon which a Vault (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$100 (ONE HUN) appears in 15 of the “prize” areas and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$2,000.

(o) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a 50X (50TIMES) symbol appears in the “MEGAPLIER” area under that prize symbol, on a single ticket, shall be entitled to a prize of \$1,500.

(p) Holders of tickets upon which a MEGA (ADD100) symbol appears in the “ADD \$100 BONUS” area and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area below that MEGA (ADD100) symbol, on a single ticket, shall be entitled to a prize of \$1,100.

(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 \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a

1X (NOMULT) symbol appears in the “MEGAPLIER” area under that prize symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(r) Holders of tickets upon which a Stack (STACK) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that Stack (STACK) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(s) 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, and upon which a 2X (2TIMES) symbol appears in the “MEGAPLIER” area under that prize symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(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 \$200 (TWO HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a 5X (5TIMES) symbol appears in the “MEGAPLIER” area under that prize symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(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 \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a 10X (10TIMES) symbol appears in the “MEGAPLIER” area under that prize symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(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 \$50<sup>00</sup> (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a 20X (20TIMES) symbol appears in the “MEGAPLIER” area under that prize symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(w) Holders of tickets upon which a Vault (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in four of the “prize” areas, a prize symbol of \$30<sup>00</sup> (THIRTY) appears in 20 of the “prize” areas and a prize symbol of \$200 (TWO HUN) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(x) Holders of tickets upon which a Vault (WINALL) symbol appears in the “YOUR NUMBERS” area, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in all 25 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(y) Holders of tickets upon which a MEGA (ADD100) symbol appears in the “ADD \$100 BONUS” area and a prize symbol of \$500 (FIV HUN) appears in the “prize” area below that MEGA (ADD100) symbol, on a single ticket, shall be entitled to a prize of \$600.

(z) 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 \$30<sup>00</sup> (THIRTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a 20X (20TIMES) symbol appears in the “MEGAPLIER” area under that prize symbol, on a single ticket, shall be entitled to a prize of \$600.



(uu) 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 \$50.00 (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a 2X (2TIMES) symbol appears in the “MEGAPLIER” area under that prize symbol, on a single ticket, shall be entitled to a prize of \$100.

(vv) 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 \$40.00 (FORTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a 2X (2TIMES) symbol appears in the “MEGAPLIER” area under that prize symbol, on a single ticket, shall be entitled to a prize of \$80.

(ww) 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 \$30.00 (THIRTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a 2X (2TIMES) symbol appears in the “MEGAPLIER” area under that prize symbol, on a single ticket, shall be entitled to a prize of \$60.

(xx) 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 \$50.00 (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a 1X (NOMULT) symbol appears in the “MEGAPLIER” area under that prize symbol, on a single ticket, shall be entitled to a prize of \$50.

(yy) Holders of tickets upon which a Stack (STACK) symbol appears in the “YOUR NUMBERS” area and a

prize symbol of \$50.00 (FIFTY) appears in the “prize” area under that Stack (STACK) symbol, on a single ticket, shall be entitled to a prize of \$50.

(zz) 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 \$40.00 (FORTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a 1X (NOMULT) symbol appears in the “MEGAPLIER” area under that prize symbol, on a single ticket, shall be entitled to a prize of \$40.

(aaa) Holders of tickets upon which a Stack (STACK) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$40.00 (FORTY) appears in the “prize” area under that Stack (STACK) symbol, on a single ticket, shall be entitled to a prize of \$40.

(bbb) 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 \$30.00 (THIRTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a 1X (NOMULT) symbol appears in the “MEGAPLIER” area under that prize symbol, on a single ticket, shall be entitled to a prize of \$30.

(ccc) Holders of tickets upon which a Stack (STACK) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$30.00 (THIRTY) appears in the “prize” area under that Stack (STACK) symbol, on a single ticket, shall be entitled to a prize of \$30.

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>“ADD \$100 BONUS”:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets:</i>
\$30 w/ STACK		\$30	11.54	624,000
\$30		\$30	30	240,000
\$40 w/ STACK		\$40	37.5	192,000
\$40		\$40	60	120,000
\$50 w/ STACK		\$50	15	480,000
\$50		\$50	25	288,000
\$50 × 2		\$100	300	24,000
(\$30 w/ 2X MEGAPLIER) + \$40		\$100	150	48,000
(\$50 w/ STACK) + \$50		\$100	150	48,000
\$50 w/ 2X MEGAPLIER		\$100	50	144,000
\$100 w/ STACK		\$100	100	72,000
\$100		\$100	150	48,000
\$40 × 5		\$200	6,000	1,200
(((\$30 w/ 2X MEGAPLIER) × 2) + (\$40 × 2))		\$200	3,000	2,400
(\$30 w/ 5X MEGAPLIER) + \$50		\$200	3,000	2,400
(((\$30 w/ STACK) × 5) + \$50)		\$200	4,000	1,800
(\$30 w/ STACK) + \$30	\$40 w/ MEGA	\$200	4,000	1,800
(\$40 w/ STACK) + \$30	\$30 w/ MEGA	\$200	4,000	1,800

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>"ADD \$100 BONUS":</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets:</i>
\$50 w/ STACK	\$50 w/ MEGA	\$200	4,000	1,800
	\$100 w/ MEGA	\$200	1,200	6,000
\$40 w/ 5X MEGAPLIER		\$200	600	12,000
\$100 w/ 2X MEGAPLIER		\$200	1,200	6,000
\$200 w/ STACK		\$200	3,000	2,400
\$200		\$200	3,000	2,400
\$100 × 3		\$300	12,000	600
(\$30 w/ 5X MEGAPLIER) × 2		\$300	3,000	2,400
(\$30 w/ 2X MEGAPLIER) × 5		\$300	3,000	2,400
(\$40 w/ 2X MEGAPLIER) + (\$30 w/ 2X MEGAPLIER) + \$30	\$30 w/ MEGA	\$300	6,000	1,200
	(\$50 w/ MEGA) × 2	\$300	6,000	1,200
	\$200 w/ MEGA	\$300	6,000	1,200
\$30 w/ 10X MEGAPLIER		\$300	571.43	12,600
\$300 w/ STACK		\$300	4,000	1,800
\$300		\$300	12,000	600
\$100 × 5		\$500	24,000	300
(((\$30 w/ 2X MEGAPLIER) × 5) + (\$30 × 2))	\$40 w/ MEGA	\$500	6,000	1,200
(((\$30 w/ 5X MEGAPLIER) × 2) + (\$30 w/ 2X MEGAPLIER))	\$40 w/ MEGA	\$500	6,000	1,200
(\$40 w/ 5X MEGAPLIER) + (\$40 w/ 2X MEGAPLIER) + \$40 + \$30	\$50 w/ MEGA	\$500	12,000	600
(((\$50 w/ 2X MEGAPLIER) × 3) + (\$40 w/ 5X MEGAPLIER))		\$500	6,000	1,200
	(\$200 w/ MEGA) + (\$100 w/ MEGA)	\$500	12,000	600
\$50 w/ 10X MEGAPLIER		\$500	3,000	2,400
\$100 w/ 5X MEGAPLIER		\$500	3,429	2,100
\$500 w/ STACK		\$500	12,000	600
\$500		\$500	24,000	300
VAULT w/ (\$40 × 25)		\$1,000	4,000	1,800
VAULT w/ ((\$50 × 4) + (\$30 × 20) + \$200)		\$1,000	4,000	1,800
\$100 × 10		\$1,000	24,000	300
\$30 w/ 20X MEGAPLIER	\$300 w/ MEGA	\$1,000	12,000	600
(\$40 w/ 5X MEGAPLIER) × 2	\$500 w/ MEGA	\$1,000	12,000	600
	(\$500 w/ MEGA) + (\$300 w/ MEGA)	\$1,000	12,000	600
\$50 w/ 20X MEGAPLIER		\$1,000	12,000	600
\$100 w/ 10X MEGAPLIER		\$1,000	12,000	600
\$200 w/ 5X MEGAPLIER		\$1,000	8,000	900
\$500 w/ 2X MEGAPLIER		\$1,000	8,000	900
\$1,000 w/ STACK		\$1,000	12,000	600
\$1,000		\$1,000	24,000	300
VAULT w/ ((\$100 × 15) + (\$50 × 10))	(\$100 w/ MEGA) × 5	\$3,000	720,000	10
VAULT w/ ((\$100 × 20) + (\$50 × 4) + \$500)	\$200 w/ MEGA	\$3,000	720,000	10

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>“ADD \$100 BONUS”:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets:</i>
(\$30 w/ 50X MEGAPLIER) × 2		\$3,000	720,000	10
(\$40 w/ 5X MEGAPLIER) × 10	(\$100 w/ MEGA) × 5	\$3,000	1,440,000	5
\$50 w/ 50X MEGAPLIER	(\$200 w/ MEGA) + (\$100 w/ MEGA)	\$3,000	720,000	10
\$300 w/ 10X MEGAPLIER		\$3,000	1,440,000	5
\$3,000 w/ STACK		\$3,000	1,440,000	5
\$3,000		\$3,000	1,440,000	5
VAULT w/ ((\$1,000 × 24) + \$500)	(\$1,000 w/ MEGA) × 5	\$30,000	1,440,000	5
(\$500 w/ 50X MEGAPLIER) + (\$50 w/ 50X MEGAPLIER) + (\$30 w/ 50X MEGAPLIER)	(\$100 w/ MEGA) × 5	\$30,000	720,000	10
\$30,000		\$30,000	1,440,000	5
VAULT w/ ((\$30,000 × 8) + (\$3,000 × 17))	(((\$3,000 w/ MEGA) × 2) + ((\$1,000 w/ MEGA) × 2) + (\$500 w/ MEGA)	\$300,000	1,440,000	5
(\$3,000 w/ 50X MEGAPLIER) × 2		\$300,000	720,000	10
\$300,000		\$300,000	1,440,000	5
\$3,000,000		\$3,000,000	1,440,000	5

Multiply any prize won by the MEGAPLIER shown under that prize.

Reveal a “Stack” (STACK) symbol, win prize shown under that symbol automatically.

Reveal a “VAULT” (WINALL) symbol, win all 25 prizes shown!

ADD \$100 BONUS: Reveal a “MEGA” (ADD100) symbol, add \$100 to the prize shown under that symbol and win that amount! ADD \$100 BONUS is played separately.

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 \$3 Million Mega Stacks 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 \$3 Million Mega Stacks, prize money from winning \$3 Million Mega Stacks 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 \$3 Million Mega Stacks 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 \$3 Million Mega Stacks or through normal communications methods.

PATRICK BROWNE,  
*Acting Secretary*

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## DEPARTMENT OF REVENUE

### Pennsylvania Doggy Dough and Kitty Cash Instant Lottery Game 1632

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 Doggy Dough and Kitty Cash (hereafter “Doggy Dough and Kitty Cash”). The game number is PA-1632. Doggy Dough and Kitty Cash is separated into two themed scenes: Doggy Dough (hereafter referred to as “Scene 1”) and Kitty Cash (hereafter referred to as “Scene 2”). Some of the play symbols used are specific to each scene. Both 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 Doggy Dough and Kitty Cash instant lottery game ticket is \$5.

3. *Play symbols:* Each Doggy Dough and Kitty Cash instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. Scene 1 will contain a “DOGS RULE” area and a “DOG FOOD” bowl area. Scene 2 will contain a “CATS RULE” area and a “CAT FOOD” bowl area. The play symbols and their captions, located in the “WINNING NUMBERS” area of Scene 1 and 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 (TWYNIN) and 30 (THIRT). The play symbols and their captions, located in the “YOUR NUMBERS” area of Scene 1 and 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 (TWYNIN), 30 (THIRT) and a Bone (BONE) symbol. The play symbols and their captions, located in the “DOGS RULE” area and the “DOG FOOD” bowl area, are: Buster (BUSTER) symbol, Lola (LOLA) symbol, Cooper (COOPER) symbol, Oskar (OSKAR) symbol, Winston (WINSTON) symbol, Rogue (ROGUE) symbol, Quinn (QUINN) symbol, Lumina (LUMINA) symbol, Piper (PIPER) symbol, Luna (LUNA) symbol, Nola (NOLA) symbol, Meat (MEAT) symbol, Poppy (POPPY) symbol and a Bella (BELLA) symbol. The play symbols and their captions, located in the “CATS RULE” area and the “CAT FOOD” bowl area, are: Nala (NALA) symbol, Miso (MISO) symbol, Seiji (SEIJI) symbol, Jasper (JASPER) symbol, Charles (CHARLES) symbol, Pretty (PRETTY) symbol, Mr. Wiggles (MR. WIGGLES) symbol, Mittens (MITTENS) symbol, Smokey (SMOKEY) symbol, Boomer (BOOMER) symbol, Jammy (JAMMY) symbol, Savanna (SAVANNA) symbol, Peaches (PEACHES) symbol and a Snuffy (SNUFFY) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area of Scene 1 and Scene 2, are: \$5.<sup>00</sup> (FIV DOL), \$10.<sup>00</sup> (TEN DOL), \$20.<sup>00</sup> (TWENTY), \$30.<sup>00</sup> (THIRTY), \$50.<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$200,000 (TWOHUNTHO).

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 \$200,000. A player can win up to 12 times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 10,800,000 tickets will be printed for the Doggy Dough and Kitty Cash instant lottery game.

7. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct a Paw-some Second-Chance Drawing from the Pennsylvania Lottery for which non-winning Doggy Dough and Kitty Cash 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 \$200,000 (TWOHUNTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200,000.

(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 the same “DOGS RULE” play symbol or “CATS RULE” play symbol appears in the “DOG FOOD” bowl area or the “CAT FOOD” bowl 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.

(d) Holders of tickets upon which the same “DOGS RULE” play symbol or “CATS RULE” play symbol appears in the “DOG FOOD” bowl area or the “CAT FOOD” bowl area and a prize symbol of \$500 (FIV HUN) appears in nine of the “prize” areas, a prize symbol of \$200 (TWO HUN) appears in two of the “prize” areas and a prize symbol of \$100 (ONE HUN) appears in one 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 the same “DOGS RULE” play symbol or “CATS RULE” play symbol appears in the “DOG FOOD” bowl area or the “CAT FOOD” bowl 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 \$50.<sup>00</sup> (FIFTY) appears in two of the

“prize” areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which the same “DOGS RULE” play symbol or “CATS RULE” play symbol appears in the “DOG FOOD” bowl area or the “CAT FOOD” bowl 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 \$20<sup>00</sup> (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 the same “DOGS RULE” play symbol or “CATS RULE” play symbol appears in the “DOG FOOD” bowl area or the “CAT FOOD” bowl area and a prize symbol of \$100 (ONE HUN) appears in eight of the “prize” areas and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in four 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 Bone (BONE) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that Bone (BONE) symbol, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which the same “DOGS RULE” play symbol or “CATS RULE” play symbol appears in the “DOG FOOD” bowl area or the “CAT FOOD” bowl area and a prize symbol of \$200 (TWO HUN) appears in two of the “prize” areas and a prize symbol of \$10<sup>00</sup> (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 the same “DOGS RULE” play symbol or “CATS RULE” play symbol appears in the “DOG FOOD” bowl area or the “CAT FOOD” bowl area and a prize symbol of \$100 (ONE HUN) appears in two of the “prize” areas, a prize symbol of \$50<sup>00</sup> (FIFTY) appears in four of the “prize” areas, a prize symbol of \$20<sup>00</sup> (TWENTY) appears in four of the “prize” areas and a prize symbol of \$10<sup>00</sup> (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 the same “DOGS RULE” play symbol or “CATS RULE” play symbol appears in the “DOG FOOD” bowl area or the “CAT FOOD” bowl area and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in eight of the “prize” areas, a prize symbol of \$30<sup>00</sup> (THIRTY) appears in two of the “prize” areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in two of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(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 \$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.

(o) Holders of tickets upon which a Bone (BONE) symbol appears in the “YOUR NUMBERS” area and a

prize symbol of \$200 (TWO HUN) appears in the “prize” area under that Bone (BONE) symbol, on a single ticket, shall be entitled to a prize of \$200.

(p) Holders of tickets upon which the same “DOGS RULE” play symbol or “CATS RULE” play symbol appears in the “DOG FOOD” bowl area or the “CAT FOOD” bowl area and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in two of the “prize” areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(q) Holders of tickets upon which the same “DOGS RULE” play symbol or “CATS RULE” play symbol appears in the “DOG FOOD” bowl area or the “CAT FOOD” bowl area and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in eight of the “prize” areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in four of the “prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(r) Holders of tickets upon which the same “DOGS RULE” play symbol or “CATS RULE” play symbol appears in the “DOG FOOD” bowl area or the “CAT FOOD” bowl area and a prize symbol of \$5<sup>00</sup> (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 \$50<sup>00</sup> (FIFTY) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(s) 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.

(t) Holders of tickets upon which a Bone (BONE) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Bone (BONE) symbol, on a single ticket, shall be entitled to a prize of \$100.

(u) Holders of tickets upon which the same “DOGS RULE” play symbol or “CATS RULE” play symbol appears in the “DOG FOOD” bowl area or the “CAT FOOD” bowl area and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in two of the “prize” areas, a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in two of the “prize” areas and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in eight of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(v) Holders of tickets upon which the same “DOGS RULE” play symbol or “CATS RULE” play symbol appears in the “DOG FOOD” bowl area or the “CAT FOOD” bowl area and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in eight of the “prize” areas and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in four of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(w) Holders of tickets upon which the same “DOGS RULE” play symbol or “CATS RULE” play symbol appears in the “DOG FOOD” bowl area or the “CAT FOOD” bowl area and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in ten of the “prize” areas, a prize symbol of \$30<sup>00</sup> (THIRTY) appears in one of the “prize” areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(x) 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 \$50.<sup>00</sup> (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.

(y) Holders of tickets upon which a Bone (BONE) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears in the “prize” area under that Bone (BONE) symbol, on a single ticket, shall be entitled to a prize of \$50.

(z) 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 \$30.<sup>00</sup> (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.

(aa) Holders of tickets upon which a Bone (BONE) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$30.<sup>00</sup> (THIRTY) appears in the “prize” area under that Bone (BONE) symbol, on a single ticket, shall be entitled to a prize of \$30.

(bb) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20.<sup>00</sup> (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.

(cc) Holders of tickets upon which a Bone (BONE) symbol appears in the “YOUR NUMBERS” area and a

prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the “prize” area under that Bone (BONE) symbol, on a single ticket, shall be entitled to a prize of \$20.

(dd) 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.<sup>00</sup> (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.

(ee) Holders of tickets upon which a Bone (BONE) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the “prize” area under that Bone (BONE) symbol, on a single ticket, shall be entitled to a prize of \$10.

(ff) 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.<sup>00</sup> (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.

(gg) Holders of tickets upon which a Bone (BONE) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the “prize” area under that Bone (BONE) 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 10,800,000 Tickets:</i>
\$5 w/ BONE	\$5	16.67	648,000
\$5	\$5	20	540,000
\$5 × 2	\$10	150	72,000
(\$5 w/ BONE) + \$5	\$10	100	108,000
(\$5 w/ BONE) × 2	\$10	100	108,000
\$10 w/ BONE	\$10	60	180,000
\$10	\$10	60	180,000
\$5 × 4	\$20	600	18,000
(((\$5 w/ BONE) × 2) + (\$5 × 2))	\$20	150	72,000
(\$10 w/ BONE) × 2	\$20	120	90,000
\$20 w/ BONE	\$20	120	90,000
\$20	\$20	300	36,000
\$5 × 6	\$30	600	18,000
\$10 × 3	\$30	600	18,000
(((\$5 w/ BONE) × 3) + (\$5 × 3))	\$30	600	18,000
(\$20 w/ BONE) + (\$5 w/ BONE) + \$5	\$30	600	18,000
(\$10 w/ BONE) × 3	\$30	300	36,000
\$30 w/ BONE	\$30	300	36,000
\$30	\$30	600	18,000
\$10 × 5	\$50	600	18,000
(((\$10 w/ BONE) × 2) + (\$10 × 2) + (\$5 × 2))	\$50	600	18,000
(\$20 w/ BONE) + (\$10 w/ BONE) + (\$5 × 4)	\$50	600	18,000

<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 10,800,000 Tickets:</i>
(\$30 w/ BONE) + (\$10 × 2)	\$50	600	18,000
\$50 w/ BONE	\$50	300	36,000
\$50	\$50	600	18,000
FOOD BOWL MATCH w/ ((\$5 × 10) + \$30 + \$20)	\$100	923.08	11,700
FOOD BOWL MATCH w/ ((\$10 × 8) + (\$5 × 4))	\$100	923.08	11,700
FOOD BOWL MATCH w/ ((\$20 × 2) + (\$10 × 2) + (\$5 × 8))	\$100	923.08	11,700
\$20 × 5	\$100	12,000	900
(((\$30 w/ BONE) × 2) + (\$20 w/ BONE) + (\$5 × 4))	\$100	4,000	2,700
(\$50 w/ BONE) + (\$10 × 5)	\$100	4,800	2,250
(\$50 w/ BONE) × 2	\$100	6,000	1,800
\$100 w/ BONE	\$100	6,000	1,800
\$100	\$100	24,000	450
FOOD BOWL MATCH w/ ((\$5 × 10) + \$100 + \$50)	\$200	8,000	1,350
FOOD BOWL MATCH w/ ((\$20 × 8) + (\$10 × 4))	\$200	8,000	1,350
FOOD BOWL MATCH w/ ((\$50 × 2) + (\$10 × 10))	\$200	8,000	1,350
\$50 × 4	\$200	60,000	180
(\$20 w/ BONE) × 10	\$200	12,000	900
(\$100 w/ BONE) × 2	\$200	12,000	900
\$200 w/ BONE	\$200	12,000	900
\$200	\$200	40,000	270
FOOD BOWL MATCH w/ ((\$50 × 8) + (\$30 × 2) + (\$20 × 2))	\$500	24,000	450
FOOD BOWL MATCH w/ ((\$100 × 2) + (\$50 × 4) + (\$20 × 4) + (\$10 × 2))	\$500	24,000	450
FOOD BOWL MATCH w/ ((\$200 × 2) + (\$10 × 10))	\$500	24,000	450
\$100 × 5	\$500	120,000	90
\$500 w/ BONE	\$500	120,000	90
\$500	\$500	120,000	90
FOOD BOWL MATCH w/ ((\$100 × 8) + (\$50 × 4))	\$1,000	2,160,000	5
FOOD BOWL MATCH w/ ((\$200 × 2) + (\$100 × 5) + (\$20 × 5))	\$1,000	2,160,000	5
FOOD BOWL MATCH w/ ((\$200 × 3) + (\$100 × 2) + (\$50 × 2) + (\$20 × 5))	\$1,000	2,160,000	5
\$500 × 2	\$1,000	2,160,000	5
\$1,000	\$1,000	2,160,000	5
FOOD BOWL MATCH w/ ((\$500 × 9) + (\$200 × 2) + \$100)	\$5,000	2,160,000	5
FOOD BOWL MATCH w/ ((\$1,000 × 2) + (\$500 × 4) + (\$200 × 4) + (\$100 × 2))	\$5,000	2,160,000	5
\$5,000	\$5,000	2,160,000	5
\$200,000	\$200,000	1,080,000	10

Doggy Dough (Scene 1): Reveal a “Dog Bone” (BONE) symbol, win prize shown under that symbol automatically.

Reveal the DOGS RULE symbol in the DOG FOOD BOWL, win all 12 prizes shown!

Kitty Cash (Scene 2): Reveal a “Fish Bone” (BONE) symbol, win prize shown under that symbol automatically.

Reveal the CATS RULE symbol in the CAT FOOD BOWL, win all 12 prizes shown!

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

10. *Second-Chance Drawing*: The Pennsylvania Lottery's (hereafter, the "Lottery") Paw-some Second-Chance Drawing for qualifying instant lottery game tickets (hereafter, the "Drawing"):

(a) *Qualifying Tickets*: Non-winning PA-1632 Doggy Dough and Kitty Cash (\$5) lottery game tickets are eligible for entry into the Drawing.

(b) *Participation and entry*:

(1) Entrants must have a registered lottery account in order to participate in the Drawing. To create a lottery account, visit <https://www.palottery.com>. Creating a lottery account is free.

(2) A registered lottery account holder is subject to the iLottery regulations and specifically agrees to be bound by the iLottery terms and conditions located at <https://www.palottery.com/signup/terms-and-conditions/>, as well as any related policies.

(3) To establish a lottery account, players must provide the following information:

(i) The player's name as it appears on a valid government-issued identification or tax documents;

(ii) The player's date of birth;

(iii) The entire or last four digits of the player's Social Security Number, or comparable equivalent;

(iv) The player's address;

(v) The player's telephone number;

(vi) The player's email address;

(vii) Any other information established by the Lottery to be necessary to verify the age and identity of the player.

(4) An individual may be required to provide additional information or documentation, as set forth in the iLottery terms and conditions, to establish a lottery account or register for iLottery. The information may be used for iLottery registration or to confirm information provided by that individual during the registration process.

(5) 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 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, and entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(6) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be accepted.

(7) Only one claimant per entry is allowed.

(8) Entrants must be 18 years of age or older.

(9) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(10) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing description*:

(1) The Lottery will conduct one Paw-some 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. March 19, 2023, through 11:59:59 p.m. May 4, 2023, will be entered into the Drawing tentatively scheduled to be held between May 8, 2023 and May 19, 2023.

(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-1632 Doggy Dough and Kitty Cash (\$5) = five entries.

(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 \$10,000, 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 \$5,000.

(iii) The eighth through the seventeenth 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 \$2,500.

(iv) The eighteenth through the sixty-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 \$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. The Lottery is not responsible for entries not entered due to delays in creating a lottery account or the inability to create a lottery account. If a Drawing entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select one 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 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 one 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 Doggy Dough and Kitty Cash 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 Doggy Dough and Kitty Cash, prize money from winning Doggy Dough and Kitty Cash 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 Doggy Dough and Kitty Cash 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 Doggy Dough and Kitty Cash or through normal communications methods.

PATRICK BROWNE,  
Acting Secretary

[Pa.B. Doc. No. 23-362. Filed for public inspection March 17, 2023, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Gimme 5 Instant Lottery Game 1633

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 Gimme 5 (hereafter “Gimme 5”). The game number is PA-1633.

2. *Price:* The price of a Gimme 5 instant lottery game ticket is \$1.

3. *Play symbols:* Each Gimme 5 instant lottery game ticket will contain one play area. The play symbols and their captions, located in the play area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 5 (FIVE) symbol and a Fistful of Cash (5TIMES) symbol.

4. *Prize symbols:* The prize symbols and their captions, located in the play area, are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$25<sup>00</sup> (TWY FIV), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$5,000 (FIV THO).

5. *Prizes:* The prizes that can be won in this game, are: Free \$1 Ticket, \$1, \$2, \$5, \$10, \$25, \$50, \$100, \$500, \$1,000 and \$5,000. Gimme 5 contains a feature that can multiply certain prizes. For a complete list of prizes that can be won in this game, including multiplied prizes, see section 8 (relating to number and description of prizes and approximate odds). A player can win up to six times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 8,400,000 tickets will be printed for the Gimme 5 instant lottery game.

#### 7. *Determination of prize winners:*

(a) Holders of tickets upon which a 5 (FIVE) symbol appears in the play area and a prize symbol of \$5,000 (FIV THO) appears in the “prize” area under that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(b) Holders of tickets upon which a 5 (FIVE) symbol appears in the play area and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which a 5 (FIVE) symbol appears in the play area and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which a Fistful of Cash (5TIMES) symbol appears in the play area and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Fistful of Cash (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which a Fistful of Cash (5TIMES) symbol appears in the play area and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under that Fistful of Cash (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$250.

(f) Holders of tickets upon which a Fistful of Cash (5TIMES) symbol appears in the play area and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the “prize” area under that Fistful of Cash (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$125.

(g) Holders of tickets upon which a 5 (FIVE) symbol appears in the play area and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which a 5 (FIVE) symbol appears in the play area and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets upon which a Fistful of Cash (5TIMES) symbol appears in the play area and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under that Fistful of Cash (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets upon which a 5 (FIVE) symbol appears in the play area and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the “prize” area under that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$25.

(k) Holders of tickets upon which a Fistful of Cash (5TIMES) symbol appears in the play area and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “prize” area under that Fistful of Cash (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$25.

(l) Holders of tickets upon which a 5 (FIVE) symbol appears in the play area and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$10.

(m) Holders of tickets upon which a Fistful of Cash (5TIMES) symbol appears in the play area and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the “prize” area under that Fistful of Cash (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets upon which a 5 (FIVE) symbol appears in the play area and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “prize” area under that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$5.

(o) Holders of tickets upon which a Fistful of Cash (5TIMES) symbol appears in the play area and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in the “prize” area under that Fistful of Cash (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$5.

(p) Holders of tickets upon which a 5 (FIVE) symbol appears in the play area and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the “prize” area under that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$2.

(q) Holders of tickets upon which a 5 (FIVE) symbol appears in the play area and a prize symbol of \$1<sup>00</sup> (ONE

DOL) appears in the “prize” area under that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$1.

(r) Holders of tickets upon which a 5 (FIVE) symbol appears in the play area and a prize symbol of FREE (TICKET) appears in the “prize” area under that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of

one Gimme 5 instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

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>Reveal a “5” (FIVE) 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 8,400,000 Tickets:</i>
FREE	FREE \$1 TICKET	9.52	882,000
\$1 × 2	\$2	33.33	252,000
\$2	\$2	33.33	252,000
\$1 × 5	\$5	1,000	8,400
\$1 w/ FISTFUL OF CASH	\$5	30.3	277,200
\$5	\$5	333.33	25,200
\$5 × 2	\$10	1,000	8,400
(\$1 × 5) + \$5	\$10	1,000	8,400
(\$1 w/ FISTFUL OF CASH) × 2	\$10	500	16,800
\$2 w/ FISTFUL OF CASH	\$10	200	42,000
\$10	\$10	1,000	8,400
\$5 × 5	\$25	6,000	1,400
(\$5 × 2) + (\$2 × 2) + \$10 + \$1	\$25	6,000	1,400
(\$1 w/ FISTFUL OF CASH) × 5	\$25	3,000	2,800
(((\$2 w/ FISTFUL OF CASH) × 2) + (\$1 w/ FISTFUL OF CASH))	\$25	3,000	2,800
\$5 w/ FISTFUL OF CASH	\$25	685.71	12,250
\$25	\$25	24,000	350
\$10 × 5	\$50	24,000	350
(\$2 w/ FISTFUL OF CASH) × 5	\$50	6,000	1,400
(\$5 w/ FISTFUL OF CASH) × 2	\$50	6,000	1,400
\$10 w/ FISTFUL OF CASH	\$50	4,000	2,100
\$50	\$50	24,000	350
\$50 × 2	\$100	60,000	140
(\$25 × 3) + (\$10 × 2) + \$5	\$100	120,000	70
(((\$5 w/ FISTFUL OF CASH) × 2) + (\$25 × 2))	\$100	24,000	350
(\$5 w/ FISTFUL OF CASH) × 4	\$100	24,000	350
(\$10 w/ FISTFUL OF CASH) + (((\$2 w/ FISTFUL OF CASH) × 5))	\$100	24,000	350
(\$10 w/ FISTFUL OF CASH) × 2	\$100	10,909	770
\$100	\$100	120,000	70
\$100 × 5	\$500	120,000	70
\$100 w/ FISTFUL OF CASH	\$500	120,000	70
\$500	\$500	120,000	70
\$500 × 2	\$1,000	840,000	10
(((\$50 w/ FISTFUL OF CASH) × 2) + (((\$25 w/ FISTFUL OF CASH) × 4))	\$1,000	840,000	10
\$1,000	\$1,000	840,000	10
\$5,000	\$5,000	840,000	10

Reveal a “Fistful of Cash” (5TIMES) symbol, win 5 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 Gimme 5 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 Gimme 5, prize money from winning Gimme 5 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 Gimme 5 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 Gimme 5 or through normal communications methods.

PATRICK BROWNE,  
Acting Secretary

[Pa.B. Doc. No. 23-363. Filed for public inspection March 17, 2023, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Queen of Moms Instant Lottery Game 1631

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 Queen of Moms (hereafter “Queen of Moms”). The game number is PA-1631.

2. *Price:* The price of a Queen of Moms instant lottery game ticket is \$5.

3. *Play symbols:* Each Queen of Moms 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 (TWY TWO), 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 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), MOM (MOM) symbol and a QUEEN (WINALL) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR 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, \$400, \$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 5,400,000 tickets will be printed for Queen of Moms 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 \$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 MOM (MOM) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$5,000 (FIV THO) appears in the “prize” area under that MOM (MOM) symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(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 \$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.

(e) Holders of tickets upon which a MOM (MOM) symbol appears in the “YOUR NUMBERS” area and a

prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that MOM (MOM) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which a QUEEN (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$200 (TWO HUN) appears in four of the “prize” areas, a prize symbol of \$50<sup>00</sup> (FIFTY) appears in two of the “prize” areas, a prize symbol of \$20<sup>00</sup> (TWENTY) appears in four of the “prize” areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in two of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which a QUEEN (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$100 (ONE HUN) appears in eight of the “prize” areas and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in four of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$400.

(i) Holders of tickets upon which a MOM (MOM) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under that MOM (MOM) symbol, on a single ticket, shall be entitled to a prize of \$400.

(j) Holders of tickets upon which a QUEEN (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$100 (ONE HUN) appears in two of the “prize” areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$400.

(k) Holders of tickets upon which a QUEEN (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in two of the “prize” areas and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$400.

(l) Holders of tickets upon which a QUEEN (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in ten of the “prize” areas, a prize symbol of \$200 (TWO HUN) appears in one of the “prize” areas and a prize symbol of \$100 (ONE HUN) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$400.

(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 MOM (MOM) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under that MOM (MOM) symbol, on a single ticket, shall be entitled to a prize of \$200.

(o) Holders of tickets upon which a QUEEN (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in three of the “prize” areas, a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in eight of the “prize” areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(p) Holders of tickets upon which a QUEEN (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in four of the “prize” areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in eight of the “prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(q) Holders of tickets upon which a QUEEN (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in five of the “prize” areas, a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in four of the “prize” areas, a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in two of the “prize” areas and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(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 \$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.

(s) Holders of tickets upon which a MOM (MOM) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that MOM (MOM) symbol, on a single ticket, shall be entitled to a prize of \$100.

(t) Holders of tickets upon which a QUEEN (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in two of the “prize” areas, a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in two of the “prize” areas and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in eight of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(u) Holders of tickets upon which a QUEEN (WINALL) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in eight of the “prize” areas and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in four of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(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 \$50<sup>00</sup> (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.

(w) Holders of tickets upon which a MOM (MOM) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under that MOM (MOM) symbol, on a single ticket, shall be entitled to a prize of \$50.

(x) 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 \$30<sup>00</sup> (THIRTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, shall be entitled to a prize of \$30.

(y) Holders of tickets upon which a MOM (MOM) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “prize” area under that MOM (MOM) symbol, on a single ticket, shall be entitled to a prize of \$30.

(z) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, shall be entitled to a prize of \$20.

(aa) Holders of tickets upon which a MOM (MOM) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under that MOM (MOM) symbol, on a single ticket, shall be entitled to a prize of \$20.

(bb) 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<sup>00</sup> (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.

(cc) Holders of tickets upon which a MOM (MOM) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under that MOM (MOM) symbol, on a single ticket, shall be entitled to a prize of \$10.

(dd) 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<sup>00</sup> (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.

(ee) Holders of tickets upon which a MOM (MOM) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “prize” area under that MOM (MOM) symbol, on a single ticket, shall be entitled to a prize of \$5.

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

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,400,000 Tickets:</i>
\$5 w/ MOM	\$5	13.04	414,000
\$5	\$5	30	180,000
\$5 × 2	\$10	150	36,000
(\$5 w/ MOM) + \$5	\$10	60	90,000
(\$5 w/ MOM) × 2	\$10	60	90,000
\$10 w/ MOM	\$10	60	90,000
\$10	\$10	150	36,000
\$5 × 4	\$20	600	9,000
(((\$5 w/ MOM) × 2) + \$10	\$20	150	36,000
(\$5 w/ MOM) × 4	\$20	150	36,000
\$20 w/ MOM	\$20	150	36,000
\$20	\$20	200	27,000
\$10 × 3	\$30	600	9,000
(((\$5 w/ MOM) × 4) + \$10	\$30	300	18,000
(((\$10 w/ MOM) × 2) + (\$5 × 2)	\$30	300	18,000
(\$20 w/ MOM) + (\$10 w/ MOM)	\$30	300	18,000
\$30 w/ MOM	\$30	600	9,000
\$30	\$30	600	9,000
\$5 × 10	\$50	600	9,000
(((\$5 w/ MOM) × 5) + (\$5 × 3) + \$10	\$50	300	18,000
(\$10 w/ MOM) × 5	\$50	300	18,000
\$50 w/ MOM	\$50	300	18,000
\$50	\$50	600	9,000
QUEEN w/ ((\$10 × 8) + (\$5 × 4))	\$100	750	7,200
QUEEN w/ ((\$20 × 2) + (\$10 × 2) + (\$5 × 8))	\$100	750	7,200
\$10 × 10	\$100	24,000	225
(((\$10 w/ MOM) × 8) + (\$10 × 2)	\$100	6,000	900
(\$50 w/ MOM) + (\$10 × 5)	\$100	6,000	900
\$100 w/ MOM	\$100	6,000	900
\$100	\$100	24,000	225
QUEEN w/ ((\$20 × 5) + (\$10 × 4) + (\$5 × 2) + \$50)	\$200	4,000	1,350

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,400,000 Tickets:</i>
QUEEN w/ (( $\$30 \times 4$ ) + ( $\$10 \times 8$ ))	\$200	4,000	1,350
QUEEN w/ (( $\$50 \times 3$ ) + ( $\$5 \times 8$ ) + $\$10$ )	\$200	4,000	1,350
$\$50 \times 4$	\$200	24,000	225
(( $\$50$ w/ MOM) $\times 2$ ) + (( $\$10$ w/ MOM) $\times 10$ )	\$200	24,000	225
( $\$100$ w/ MOM) $\times 2$	\$200	24,000	225
$\$200$ w/ MOM	\$200	120,000	45
$\$200$	\$200	120,000	45
QUEEN w/ (( $\$10 \times 10$ ) + $\$200$ + $\$100$ )	\$400	60,000	90
QUEEN w/ (( $\$50 \times 2$ ) + ( $\$30 \times 10$ ))	\$400	60,000	90
QUEEN w/ (( $\$100 \times 2$ ) + ( $\$20 \times 10$ ))	\$400	120,000	45
$\$100 \times 4$	\$400	120,000	45
$\$400$ w/ MOM	\$400	120,000	45
$\$400$	\$400	120,000	45
QUEEN w/ (( $\$100 \times 8$ ) + ( $\$50 \times 4$ ))	\$1,000	540,000	10
QUEEN w/ (( $\$200 \times 4$ ) + ( $\$50 \times 2$ ) + ( $\$20 \times 4$ ) + ( $\$10 \times 2$ ))	\$1,000	540,000	10
$\$1,000$ w/ MOM	\$1,000	540,000	10
$\$1,000$	\$1,000	540,000	10
$\$5,000$ w/ MOM	\$5,000	540,000	10
$\$5,000$	\$5,000	540,000	10
$\$100,000$	\$100,000	540,000	10

Reveal a "MOM" (MOM) symbol, win prize shown under that symbol automatically.

Reveal a "QUEEN" (WINALL) symbol, win all 12 prizes shown!

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 Queen of Moms 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 Queen of Moms, prize money from winning Queen of Moms 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 Queen of Moms 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 Queen of Moms or through normal communications methods.

PATRICK BROWNE,  
*Acting Secretary*

[Pa.B. Doc. No. 23-364. Filed for public inspection March 17, 2023, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Scratch and Win Instant Lottery Game 1630

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 Scratch and Win (hereinafter “Scratch and Win”). The game number is PA-1630.

2. *Price:* The price of a Scratch and Win instant lottery game ticket is \$10.

3. *Play symbols:* Each Scratch and Win instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area, a “YOUR NUMBERS” area and a “SCRATCH N’ MATCH” 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), 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), 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), SCRATCH (SCRATCH) symbol and a 10X (10TIMES) symbol. The play symbols and their captions, located in the “SCRATCH N’ MATCH” area, are: Check (CHECK) symbol, Gold Bar (GOLD) symbol, Bowtie (BOWTIE) symbol, Briefcase (CASE) symbol, Purse (PURSE) symbol, Top Hat (TOPHAT) symbol, Safe (SAFE) symbol, Moneybag (MNYBAG) symbol, Diamond (DIAMND) symbol, Ruby (RUBY) symbol, Crown (CROWN) symbol, Gold Nugget (NUGGET) symbol, Music Notes (MUSIC) symbol and a Treasure Chest (CHEST) symbol.

4. *Prize symbols:* The prize symbols and their captions, located in the “YOUR NUMBERS” area, are: \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTEEN), \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$500,000 (FIVHUNTHO).

5. *Prizes:* The prizes that can be won in this game, are: \$10, \$15, \$20, \$30, \$50, \$100, \$200, \$400, \$500, \$1,000, \$10,000 and \$500,000. Scratch and 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 17 times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 11,400,000 tickets will be printed for the Scratch and 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 10X (10TIMES) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which six matching play symbols appear in the “SCRATCH N’ MATCH” area and a prize symbol of \$1,000 (ONE THO) appears in eight of the “prize” areas, a prize symbol of \$400 (FOR HUN) appears in two of the “prize” areas and a prize symbol of \$200 (TWO HUN) appears in six of the “prize” areas, on a single ticket, shall be entitled to a prize of \$10,000.

(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 SCRATCH (SCRATCH) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that SCRATCH (SCRATCH) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which a 10X (10TIMES) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which six matching play symbols appear in the “SCRATCH N’ MATCH” area and a prize symbol of \$400 (FOR HUN) appears in two of the “prize” areas, a prize symbol of \$30<sup>00</sup> (THIRTY) appears in two of the “prize” areas, a prize symbol of \$20<sup>00</sup> (TWENTY) appears in two of the “prize” areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which six matching play symbols appear in the “SCRATCH N’ MATCH” area and a prize symbol of \$100 (ONE HUN) appears in five of the “prize” areas, a prize symbol of \$50<sup>00</sup> (FIFTY) appears in nine of the “prize” areas, a prize symbol of \$30<sup>00</sup> (THIRTY) appears in one of the “prize” areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(j) Holders of tickets upon which six matching play symbols appear in the “SCRATCH N’ MATCH” area and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in ten of the “prize” areas, a prize symbol of \$20<sup>00</sup> (TWENTY) appears in five of the “prize” areas and a prize symbol of \$400 (FOR HUN) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(k) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$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.

(l) Holders of tickets upon which a SCRATCH (SCRATCH) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that SCRATCH (SCRATCH) symbol, on a single ticket, shall be entitled to a prize of \$500.

(m) Holders of tickets upon which a 10X (10TIMES) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$500.

(n) Holders of tickets upon which six matching play symbols appear in the “SCRATCH N’ MATCH” area and a prize symbol of \$100 (ONE HUN) appears in two of the “prize” areas, a prize symbol of \$50<sup>00</sup> (FIFTY) appears in two of the “prize” areas, a prize symbol of \$20<sup>00</sup> (TWENTY) appears in eight of the “prize” areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in four of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(o) Holders of tickets upon which six matching play symbols appear in the “SCRATCH N’ MATCH” area and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in 15 of the “prize” areas and a prize symbol of \$200 (TWO HUN) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(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 \$400 (FOR HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$400.

(q) Holders of tickets upon which a SCRATCH (SCRATCH) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under that SCRATCH (SCRATCH) symbol, on a single ticket, shall be entitled to a prize of \$400.

(r) Holders of tickets upon which six matching play symbols appear in the “SCRATCH N’ MATCH” area and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in two of the “prize” areas, a prize symbol of \$30<sup>00</sup> (THIRTY) appears in three of the “prize” areas, a prize symbol of \$20<sup>00</sup> (TWENTY) appears in ten of the “prize” areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$400.

(s) Holders of tickets upon which six matching play symbols appear in the “SCRATCH N’ MATCH” area and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in eight of the “prize” areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in eight of the “prize” areas, on a single ticket, shall be entitled to a prize of \$400.

(t) Holders of tickets upon which six matching play symbols appear in the “SCRATCH N’ MATCH” area and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in 15 of the “prize” areas and a prize symbol of \$100 (ONE HUN) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$400.

(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 \$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.

(v) Holders of tickets upon which a SCRATCH (SCRATCH) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under that SCRATCH (SCRATCH) symbol, on a single ticket, shall be entitled to a prize of \$200.

(w) Holders of tickets upon which a 10X (10TIMES) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$200.

(x) Holders of tickets upon which six matching play symbols appear in the “SCRATCH N’ MATCH” area, and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in two of the “prize” areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in 14 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(y) Holders of tickets upon which six matching play symbols appear in the “SCRATCH N’ MATCH” area, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in four of the “prize” areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in 12 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(z) 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.

(aa) Holders of tickets upon which a SCRATCH (SCRATCH) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that SCRATCH (SCRATCH) symbol, on a single ticket, shall be entitled to a prize of \$100.

(bb) Holders of tickets upon which a 10X (10TIMES) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$100.

(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 \$50<sup>00</sup> (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.

(dd) Holders of tickets upon which a SCRATCH (SCRATCH) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under that SCRATCH (SCRATCH) symbol, on a single ticket, shall be entitled to a prize of \$50.

(ee) Holders of tickets upon which two matching play symbols appear in the “SCRATCH N’ MATCH” area, on a single ticket, shall be entitled to a prize of \$50.

(ff) 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 \$30<sup>00</sup> (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.

(gg) Holders of tickets upon which a SCRATCH (SCRATCH) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “prize” area under that SCRATCH (SCRATCH) symbol, on a single ticket, shall be entitled to a prize of \$30.

(hh) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING

NUMBERS” play symbols and a prize symbol of \$20<sup>.00</sup> (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.

(ii) Holders of tickets upon which a SCRATCH (SCRATCH) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$20<sup>.00</sup> (TWENTY) appears in the “prize” area under that SCRATCH (SCRATCH) symbol, on a single ticket, shall be entitled to a prize of \$20.

(jj) 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 \$15<sup>.00</sup> (FIFTEEN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(kk) Holders of tickets upon which a SCRATCH (SCRATCH) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$15<sup>.00</sup> (FIFTEEN) appears in

the “prize” area under that SCRATCH (SCRATCH) symbol, on a single ticket, shall be entitled to a prize of \$15.

(ll) 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<sup>.00</sup> (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.

(mm) Holders of tickets upon which a SCRATCH (SCRATCH) symbol appears in the “YOUR NUMBERS” area and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears in the “prize” area under that SCRATCH (SCRATCH) 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>“SCRATCH N’ MATCH”:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 11,400,000 Tickets:</i>
\$10 w/ SCRATCH		\$10	33.33	342,000
\$10		\$10	15	760,000
\$15 w/ SCRATCH		\$15	30	380,000
\$15		\$15	30	380,000
\$10 × 2		\$20	300	38,000
(\$10 w/ SCRATCH) × 2		\$20	50	228,000
\$20 w/ SCRATCH		\$20	50	228,000
\$20		\$20	600	19,000
\$10 × 3		\$30	300	38,000
(((\$10 w/ SCRATCH) × 2) + \$10		\$30	300	38,000
(\$15 w/ SCRATCH) × 2		\$30	200	57,000
\$30 w/ SCRATCH		\$30	300	38,000
\$30		\$30	300	38,000
\$10 × 5		\$50	600	19,000
(\$20 w/ SCRATCH) + (\$10 w/ SCRATCH) + (\$10 × 2)		\$50	600	19,000
	\$50	\$50	60	190,000
\$50 w/ SCRATCH		\$50	300	38,000
\$50		\$50	600	19,000
\$20 × 5		\$100	600	19,000
\$10 × 5	\$50	\$100	600	19,000
(\$30 w/ SCRATCH) + (\$20 w/ SCRATCH)	\$50	\$100	600	19,000
\$50 w/ SCRATCH	\$50	\$100	600	19,000
\$10 w/ 10X		\$100	300	38,000
\$100 w/ SCRATCH		\$100	600	19,000
\$100		\$100	600	19,000
	SCRATCH N’ MATCH WINALL w/ ((\$20 × 4) + (\$10 × 12))	\$200	1,500	7,600

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>"SCRATCH N' MATCH":</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 11,400,000 Tickets:</i>
	SCRATCH N' MATCH WINALL w/ (( $\$30 \times 2$ ) + ( $\$10 \times 14$ ))	\$200	1,500	7,600
$\$50 \times 4$		\$200	24,000	475
(( $\$10$ w/ SCRATCH) $\times 10$ ) + ( $\$10 \times 5$ )	\$50	\$200	12,000	950
( $\$20$ w/ SCRATCH) $\times 5$	$\$50 \times 2$	\$200	6,000	1,900
$\$20$ w/ 10X		\$200	6,000	1,900
$\$200$ w/ SCRATCH		\$200	24,000	475
$\$200$		\$200	12,000	950
	SCRATCH N' MATCH WINALL w/ (( $\$20 \times 15$ ) + $\$100$ )	\$400	6,000	1,900
	SCRATCH N' MATCH WINALL w/ (( $\$30 \times 8$ ) + ( $\$20 \times 8$ ))	\$400	6,000	1,900
	SCRATCH N' MATCH WINALL w/ (( $\$50 \times 2$ ) + ( $\$30 \times 3$ ) + ( $\$20 \times 10$ ) + $\$10$ )	\$400	6,000	1,900
$\$100 \times 4$		\$400	40,000	285
(( $\$20$ w/ SCRATCH) $\times 10$ ) + ( $\$10$ w/ 10X)	$\$50 \times 2$	\$400	24,000	475
( $\$20$ w/ 10X) $\times 2$		\$400	24,000	475
$\$400$ w/ SCRATCH		\$400	60,000	190
$\$400$		\$400	24,000	475
	SCRATCH N' MATCH WINALL w/ (( $\$20 \times 15$ ) + $\$200$ )	\$500	12,000	950
	SCRATCH N' MATCH WINALL w/ (( $\$100 \times 2$ ) + ( $\$50 \times 2$ ) + ( $\$20 \times 8$ ) + ( $\$10 \times 4$ ))	\$500	12,000	950
$\$50 \times 10$		\$500	120,000	95
(( $\$20$ w/ SCRATCH) $\times 10$ ) + ( $\$20$ w/ 10X) + ( $\$10 \times 5$ )	\$50	\$500	120,000	95
$\$50$ w/ 10X		\$500	120,000	95
$\$500$ w/ SCRATCH		\$500	120,000	95
$\$500$		\$500	120,000	95
	SCRATCH N' MATCH WINALL w/ (( $\$50 \times 10$ ) + ( $\$20 \times 5$ ) + $\$400$ )	\$1,000	24,000	475
	SCRATCH N' MATCH WINALL w/ (( $\$100 \times 5$ ) + ( $\$50 \times 9$ ) + $\$30$ + $\$20$ )	\$1,000	24,000	475
	SCRATCH N' MATCH WINALL w/ (( $\$400 \times 2$ ) + ( $\$30 \times 2$ ) + ( $\$20 \times 2$ ) + ( $\$10 \times 10$ ))	\$1,000	120,000	95
$\$100 \times 10$		\$1,000	120,000	95



<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>“SCRATCH N’ MATCH”:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 11,400,000 Tickets:</i>
$((\$50 \text{ w/ SCRATCH}) \times 5) + (\$50 \text{ w/ 10X}) + (\$50 \times 3)$	\$50 × 2	\$1,000	120,000	95
\$100 w/ 10X		\$1,000	120,000	95
\$1,000 w/ SCRATCH		\$1,000	120,000	95
\$1,000		\$1,000	120,000	95
	SCRATCH N’ MATCH WINALL w/ $(\$1,000 \times 8) + (\$400 \times 2) + (\$200 \times 6)$	\$10,000	1,140,000	10
\$1,000 w/ 10X		\$10,000	1,140,000	10
\$10,000		\$10,000	1,140,000	10
\$500,000		\$500,000	1,140,000	10

Reveal a “SCRATCH” (SCRATCH) symbol, win prize shown under that symbol automatically.

Reveal a “10X” (10TIMES) symbol, win 10 TIMES the prize shown under that symbol.

SCRATCH N’ MATCH: Reveal two matching symbols, win \$50 instantly. Reveal six matching symbols, win all 16 prizes shown! Winall is played separately and not eligible for additional \$50 instant win prizes.

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 Scratch and 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 Scratch and Win, prize money from winning Scratch and 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 Scratch and 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 Scratch and Win or through normal communications methods.

PATRICK BROWNE,  
*Acting Secretary*

[Pa.B. Doc. No. 23-365. Filed for public inspection March 17, 2023, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding

Under section 2002 of The Administrative Code of 1929 (71 P.S. § 512) establishing the Department of Transportation (Department), the Director of the Bureau of Design and Delivery, as delegated by the Secretary of Transportation, makes the following written finding:

The build alternative is the preferred alternative for the SR 0083, Section 079 widening and reconstruction project in Dauphin County. The project limits include portions of Paxtang Borough, Swatara Township and the City of Harrisburg in Dauphin County. The project begins on SR 0083, Section 079, from just west of Cameron Street (SR 0230) to just east of 29th Street (SR 3013).

Improvements include widening and full reconstruction of the SR 0083, Section 079, from just west of Cameron

Street (SR 0230) to just east of 29th Street (SR 3013). The Interstate facility will consist of 6 mainline through lanes (3 in each direction) and a 2-lane collector-distributor (CD) road with ramp lanes providing access for local traffic at the interchanges. The CD road will extend from immediately east of the 19th Street interchange to Cameron Street. Access to SR 0083, Section 079 will be provided by means of the Cameron Street, 17th Street and 19th Street interchanges. Improvements to these interchanges include: a new full interchange construction at Cameron Street (SR 0230) and removal of the existing 13th Street interchange; reconstruction of the existing partial interchange at 17th Street serving southbound traffic; and reconstruction of the existing partial interchange at 19th Street serving northbound traffic.

The Environmental Assessment (EA) and EA Comment Responses have been evaluated by the Federal Highway Administration (FHWA) and were determined to discuss adequately and accurately the needs, environmental issues and impacts of the proposed project and mitigation measures that will be taken to minimize harm as stipulated in the EA. Based on the EA, the FHWA has issued a Finding of No Significant Impact for the project. Furthermore, the Bureau of Design and Delivery has concluded that all State environmental evaluation requirements, as published in section 2002 of The Administrative Code of 1929, have been satisfied.

Mitigation measures will be taken to minimize harm as stipulated in the EA. No significant environmental impact is likely to result from the proposed action.

CHRISTINE A. SPANGLER, PE,  
*Director*  
*Bureau of Design and Delivery*

[Pa.B. Doc. No. 23-366. Filed for public inspection March 17, 2023, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Watercraft Trailer Forfeiture; Maximum Amount

Chapter 73, Subchapter B of 75 Pa.C.S. (relating to watercraft trailer forfeiture) applies only to a watercraft trailer with a resale value based upon established industry standards equal to or less than the maximum amount set forth in 75 Pa.C.S. § 7321(c) (relating to scope of subchapter and legislative intent). Section 7321(c) of 75 Pa.C.S. provides that for the year 2006, the maximum amount will be \$1,000 and for each year thereafter, the maximum amount will be fixed annually by the Department of Transportation (Department) based upon the maximum amount in the prior year as adjusted to reflect the change in the Consumer Price Index for All Urban Consumers for the United States for all items as published by the United States Department of Labor, Bureau of Labor Statistics, for the previous 12-month period. Section 7321(c) of 75 Pa.C.S. further provides that the maximum amount as adjusted will be rounded to the nearest multiple of \$5 and the Department will give notice of the new maximum amount by publication in the *Pennsylvania Bulletin*.

Under 75 Pa.C.S. § 7321(c)(3), the Department has fixed the maximum amount for 2023 as \$1,480.

MICHAEL CARROLL,  
*Acting Secretary*

[Pa.B. Doc. No. 23-367. Filed for public inspection March 17, 2023, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Boat and Marine Forfeiture; Maximum Amount

Chapter 53, Subchapter C of 30 Pa.C.S. (relating to boat and marine forfeiture) applies only to boats and related equipment with a resale value based upon established industry standards equal to or less than the maximum amount set forth in 30 Pa.C.S. § 5331(c) (relating to scope of subchapter). This subsection provides that for the year 2006, the maximum amount will be \$5,000 and for each year thereafter, the maximum amount will be fixed annually by the Fish and Boat Commission (Commission) based upon the maximum amount in the prior year as adjusted to reflect the change in the Consumer Price Index for All Urban Consumers for the United States for all items as published by the United States Department of Labor, Bureau of Labor Statistics, for the previous 12-month period. The subsection further provides that the maximum amount as adjusted will be rounded to the nearest multiple of \$5 and that the Commission will give notice of the new maximum amount by publication in the *Pennsylvania Bulletin*. The Commission previously fixed the maximum amount for 2022 at \$6,885.

Under 30 Pa.C.S. § 5331(c), the Commission has fixed the maximum amount for 2023 as \$7,435.

TIMOTHY D. SCHAEFFER,  
*Executive Director*

[Pa.B. Doc. No. 23-368. Filed for public inspection March 17, 2023, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Special Reports and Requests for Data

The Health Care Cost Containment Council (Council), according to the act of July 8, 1996 (P.L. 408, No. 89), as re-enacted and amended by the act of July 17, 2003 (P.L. 31, No. 14) and the act of June 10, 2009 (P.L. 10, No. 3), is required to publish a list of all special reports and data that have been prepared during the previous calendar year. The following represents a summary of the reports and requests for data generated by the Council in calendar year 2022. The list of data fields that are included in the standard public use files are located in PDF files posted on the Council's web site at [www.phc4.org](http://www.phc4.org) (select "Services," then "Data Requests"). Questions about procedures for obtaining access to Council data should be addressed to JoAnne Z. Nelson, Supervisor of Special Requests, Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA 17101, (717) 232-6787, [jnelson@phc4.org](mailto:jnelson@phc4.org).

*Applicant and Project Description***Agency for Healthcare Research & Quality—Jenny Schnaier, MA**

Statewide 2021 inpatient discharge and inpatient revenue detail datasets and 2020 through 2021 ambulatory/outpatient procedure and outpatient revenue code detail datasets with derived data (number of days to admission, days to procedure and age). The data will be used in the Healthcare Cost and Utilization Project (HCUP), which uses the data for multiple databases (State Inpatient Databases, State Ambulatory Surgery and Services Databases, National Inpatient Sample\*, Kids' Inpatient Database, Nationwide Readmissions Database and Nationwide Ambulatory Surgery Sample\*), reports, and tools and products. The HCUP databases enable research on a broad range of health policy issues, including cost and quality of health services, medical practice patterns, access to health care programs and outcomes of treatments at the National, regional, state and local levels.

**Allegheny County Health Department—LuAnn Brink, PhD, MPH**

Standard regional 2021 inpatient discharge dataset for Region 1 to be used for public health surveillance, identify high risk groups within Allegheny County and study preventable hospitalizations, nonfatal injuries, including falls and motor vehicle crashes, and acute outcomes that may be associated with environmental quality, including asthma and cardiovascular events.

**Cancer Study Group—Alexa Slotkoff**

Standard regional and facility 2020 and 2021 inpatient discharge and ambulatory/outpatient procedure datasets for Region 9 and Geisinger Medical Center/Danville, Penn State Milton Hershey Medical Center and UPMC Presbyterian to be linked with public and ICD-10-PCS and ICD-10-CM datasets as well as American Hospital Association database for hospital information to use for consulting. Specifically, to research the volume of different cancer-related surgeries at different facilities to determine which academic centers in this Commonwealth perform the highest volume of complex cancer surgeries, to help patients who are newly diagnosed with cancer find a center for care.

**Capital Health—Jeremy Cohen**

Standard regional third quarter 2020 through 2021 inpatient discharge and ambulatory/outpatient procedure datasets for Regions 8 and 9 to be developed into reports by Capital Health's consultants, The Advisory Board Company and NERA Economic Consulting, to use for planning purposes and to assist the health system in determining public demand.

**Cayuga Health System—Jennifer Turck**

Standard Statewide 2017 through 2021 ambulatory/outpatient procedure and outpatient revenue code detail datasets to be developed into reports by Cayuga Health System's consultant, Sg2, to use to understand the health care market in this Commonwealth and inform their health resource planning and improve access for the communities they serve.

**Doylestown Hospital—Allyson Gilmore**

Standard regional 2014 through 2021 ambulatory/outpatient procedure datasets for Regions 8 and 9 to be developed into reports by Doylestown Hospital's consultant, Sg2, to analyze market share for outpatient and ambulatory services in order to identify healthcare needs, gaps in care and growth in preparation to adjust medical services offered.

**Drexel University Dornsifes School of Public Health—Irene Headen, PhD, MS**

A custom 2003 through second quarter 2020 inpatient discharge dataset of delivery related procedures during 2003 through 2018 within the Philadelphia Metropolitan Area linked with the Department of Health birth certificate data and 1 year readmission records with derived data (number of days to readmission, number of readmissions, match type and flag indicator). The data will be linked with neighborhood indicators data from Drexel University Urban Health Collaborative to be used for a research study entitled, Neighborhood Opportunity and Racial/Ethnic Disparities in Maternal Morbidity. The study will investigate the association between neighborhood opportunity access—a multidomain measure of women's social, physical and service environment—as an understudied multilevel factor in relation to racial/ethnic disparities in maternal morbidity.

**Evangelical Community Hospital—Nicole Lohr**

A 2021 custom inpatient discharge dataset of Region 4 and 5 cases with derived data (number of days from prior discharge) and standard regional ambulatory/outpatient procedure dataset for Regions 4 and 5 to be used to conduct an internal study of Evangelical Community Hospital's market share and to gain a better understanding of the population it serves.

**Excelsa Health—Allison Lutz**

Standard Statewide second quarter 2021 through fourth quarter 2021 inpatient discharge, ambulatory/outpatient procedure, and inpatient and outpatient revenue code detail datasets to be developed into reports by Excelsa Health's consultant, Sg2, to examine state, county and hospitals inpatient and outpatient market share.

**Fulton County Medical Center—Misty Hershey**

Standard regional 2018 through second quarter 2021 inpatient discharge and ambulatory/outpatient procedure dataset for Regions 3 and 5 to analyze service demand in the community Fulton County Medical Center serves.

**Geisinger Health System—Rachel Manotti**

Standard Statewide second quarter 2021 through fourth quarter 2021 inpatient discharge and ambulatory/outpatient procedure datasets to use for market demand, market share, patient origin, payer mix and distribution, patient demographics, diagnosis/procedure distribution, facility and physician profile or distribution and trend analysis.

**Good Shepherd Rehab Network—Cindy Buchman**

Standard Statewide first quarter 2020 through second quarter 2021 inpatient discharge dataset to use for internal analysis for Good Shepherd Rehab Network's services.

**Guthrie Clinic Ltd—Joshua Stout**

A 2019 through 2021 inpatient discharge and ambulatory/outpatient procedure standard regional dataset for Regions 4 and 6 and custom dataset of patients who reside in Bradford, Sullivan, Susquehanna, Tioga or Wyoming Pennsylvania Counties or Broome, Chemung, Cortland, Schuyler, Steuben, Tioga or Tompkins New York Counties to conduct annual and ad-hoc market assessments to understand facility market share by service line, areas of opportunity for expanded services, and as an indicator to effectiveness of new service offerings or physician recruitment.

**Health Economics Resource Center—Todd Wagner**

A 2007 through 2019 custom inpatient discharge and ambulatory/outpatient procedure dataset linked with a cohort of Veterans' Affairs (VA) enrollee's data with derived data (match type and flag indicator), and standard Statewide inpatient and outpatient revenue code detail datasets and financial data. The data is for a research study entitled, Utilization and Health Outcomes for Veterans with Expanded Health Care Access, which is to understand the causal effect Veteran's access to care outside the VA. The overall objective of the study is to expand on existing measures of health care access and show the effect of improved access on Veteran's health.

**Highmark Health—Andrew P. Charland**

Standard Statewide 2021 inpatient discharge, ambulatory/outpatient procedure and inpatient and outpatient revenue code detail datasets to be used for ongoing operational analysis and business planning purposes. Highmark Health will perform analysis of hospitals and ambulatory surgery centers with respect to issues including service offerings, payer mix, patient travel patterns, service areas, provider market shares, in addition to analysis of factors including hospital capacity and utilization, service line offerings and bed counts, revenues and costs, including trends and changes over time. Further analysis will be performed related to regulatory compliance and Integrated Healthcare Delivery Network/Integrated Delivery and Financing System efforts related to evaluate hospital competition, further develop AHN services, and offer high-value insurance products.

**Hospital & Healthsystem Association of Pennsylvania—Sushma Sharma**

Standard Statewide 2020 financial data report and 2019 restated financial data report to use to conduct ongoing monitoring of Statewide, regional and hospital-specific financial information and outcomes. Hospital and Healthsystem Association of Pennsylvania (HAP) may, from time to time, release aggregate results of its monitoring research and they intend to use analysis of the information for member research.

**Hospital & Healthsystem Association of Pennsylvania—Graycen Hunt**

A 2021 custom inpatient discharge readmission analysis data report of hospitals' 7-day and 30-day rates for different conditions and demographic information, a custom Statewide inpatient discharge dataset with derived data (number of days from prior discharge) and standard Statewide inpatient revenue detail dataset and financial data. The HAP will use the data to conduct ongoing monitoring of Statewide, regional and hospital-specific financial information and outcomes. HAP may, from time to time, release aggregate results of its quality monitoring research, and they intend to use analysis of the information for member research.

**IBM—Rolando Rodriguez**

Standard Statewide fourth quarter 2020 inpatient discharge and ambulatory/outpatient procedure datasets for IBM to process, standardize and distribute different types of data and statistical analyses to its clients (hospitals, health networks, government agencies, healthcare providers, payers, consultants, vendors, researchers and the like) through proprietary decision tools, benchmark databases, research, custom studies and other associated products by Internet or PC/CD based, which provide utilization market share, service demand, outcome indicators, assistance in resource allocation and in evaluating benefit plans.

**Inspira Health Network—Eric Brenner**

A standard regional 2021 inpatient discharge dataset for Regions 8 and 9 to be merged with New Jersey state data and developed into reports by Inspira Health Network's consultant, Advisory Board, to complete market share analysis and analyze it by service lines from patients that reside in their market area.

**Intellimed—Chad Smith**

Standard Statewide 2020 through 2021 inpatient discharge, ambulatory/outpatient procedure and inpatient and outpatient revenue code detail datasets to be linked with ESource Readiness Assessment Tool demographic data to use for hospital performance, resource utilization, patient access to care, operations and delivery analysis as part of Intellimed's Healthcare Provider Strategic Decision Support and Data Access System project. The application they use provides the ability to analyze the data and improve quality of care, competitive market assessment and performance, identify service line adjustments and optimization, payor-mix shifts, patient demographic shifts, resource utilization assessments and review similar dynamics of other providers identified in the dataset.

**Jian Strategic Marketing—Heidi Orié**

Standard second quarter 2021 through fourth quarter 2021 Statewide inpatient discharge dataset and regional ambulatory/outpatient procedure datasets for Regions 1—7 to analyze trends in the market for nonprofit health care providers for consulting purposes to help guide marketing and communication tactic to providers and consumers.

**Kutztown University of Pennsylvania—Robert C. Ziegenfus**

Custom 2014 through 2020 inpatient discharge and ambulatory/outpatient procedure datasets for cases for children 0 years of age to 17 years of age who reside in any one of these counties: Berks, Dauphin, Lancaster, Lebanon, Lehigh, Northampton or Philadelphia to examine asthma severity in children for a study entitled, Asthma Severity in Selected Pennsylvania Counties with Elevated Prevalence Rates. The data will support the designation of targeted areas for the development of policies and programs to address elevated prevalence rates.

**Lehigh Valley Health Network—Vanessa J. Villaverde**

Standard Statewide second quarter 2021 through fourth quarter 2021 inpatient discharge and ambulatory/outpatient procedure datasets to use for service area analyses, competitive analyses, product line trends and analyses, and incidence rate comparisons and trends for program development. The data will also be used for research population based health issues, to promote health and well-being of targeted vulnerable populations; internal quality control research; internal resource utilization research; support development of continuum of care research; and community based health needs that target chronic illnesses.

**LifePoint Health—Jeff Duncan**

Standard Statewide fourth quarter 2020 through 2021 inpatient discharge datasets to be developed into reports by LifePoint Health's consultant, Trilliant Health, to help assess the opportunities and needs in areas that their hospitals operate in and will conduct analysis to help leaders in the company make decisions for the operations of the hospitals.

**Main Line Health—Praveen Shanbhag**

Standard 2021 Statewide inpatient discharge dataset and regional ambulatory/outpatient procedure dataset for Regions 8 and 9 to use for market assessments, internal facility and service line planning purposes to evaluate consumer need and identify underserved geographic and clinical areas in Main Line Health's market.

**Mount Nittany Health—Alicia Grube/Jennifer Scanlon**

A custom 2021 inpatient discharge and second quarter 2021 through fourth quarter 2021 ambulatory/outpatient procedure dataset of patients who reside in Blair, Centre, Clearfield, Clinton, Huntingdon or Mifflin Counties for internal market share analysis.

**Nemours/Alfred I. duPont Hospital for Children—Stacey Milunsky**

A custom 2021 inpatient discharge dataset for obstetric delivery cases and an inpatient discharge and ambulatory/outpatient procedure dataset for pediatric cases with an age flag indicator to be used for understanding the current market place and impact of service offerings at other institutions throughout the Delaware Valley and Commonwealth to understand market share to make decisions about services offered at the hospital and outpatient locations throughout Delaware, New Jersey and Pennsylvania.

**Penn Highlands Healthcare DuBois—Gregory P. Bauer**

Standard Statewide 2021 inpatient discharge, ambulatory/outpatient procedure and inpatient and outpatient revenue code detail datasets developed into market share reports by Penn Highlands Healthcare's consultant, Sg2, to use in preparation of strategic plans as well as in the development of physician recruitment plans for Penn Highlands Healthcare.

**Penn Highlands Mon Valley—Lynn Matusik**

Standard 2021 regional inpatient discharge and ambulatory/outpatient procedure datasets for Region 1 and Statewide inpatient and ambulatory/outpatient revenue code detail datasets to be used to analyze clinical data to identify gaps in services in order to offer new services to Penn Highlands Mon Valley community.

**Penn State College of Medicine—Chan Shen**

A modification to a previous request (RQ # 21-081—21-084) for additional data; a custom 2010 through 2021 Statewide inpatient discharge dataset. The data will be used for a research study, Determinants of Readmissions Among Patients with and without Co-occurring Conditions, which will study trends over time and determinants of hospital quality of care and patient outcomes across a host of conditions. Data analysis results will be used in some form of publication.

**Penn State Hershey Health System—Joshua Campos**

Standard Statewide 2021 inpatient discharge and ambulatory/outpatient procedure datasets. The client will use the data to understand the health care market by examining utilization patterns, which will inform their health resource planning and improve access for the communities they serve.

**Pennsylvania Commission on Crime and Delinquency—Kirsten Kenyon**

Standard Statewide third quarter 2019 through second quarter 2021 inpatient discharge, ambulatory/outpatient

procedure, and inpatient and outpatient revenue code detail datasets and 2019 through 2020 financial data. In partnership with Indiana University of Pennsylvania researchers, the data will be merged with multiple other datasets and used for a project, Establishing a Baseline for Costs of Pennsylvania Firearm-Related Injuries, to understand the current scope and dynamics of gun violence in this Commonwealth. The research will be used to prepare written briefings, presentations and analysis by the Office of Gun Violence Prevention within the Pennsylvania Commission on Crime and Delinquency to establish a baseline of firearm-related fatalities to support the work of State policymakers in developing public health and public safety strategies to address gun violence in its many forms.

**Pennsylvania Department of Health—Brian Wright**

Standard Statewide 2021 inpatient discharge dataset for The Pennsylvania Department of Health (PA DOH) to use for the Bureau of Health Promotion and Risk Reduction (BHPRR) Division of Violence Prevention Program and Division of Nutrition and Physical Activity programs and the Department of Drug and Alcohol Program (DDAP). BHPRR will use the data to help identify groups at high risk for injury, specific injury topics and identifying risk factors, and effective injury prevention, planning and evaluation strategies; produce various injury reports, asthma related reports and burden of chronic disease reports; respond to requests for aggregate data pertaining to injury, chronic diseases, drug overdoses and the like; and disseminate in aggregate on PA DOH's Enterprise Data Dissemination Informatics Exchange system and dashboard. DDAP will use the data to report the impacts of the novel coronavirus (COVID-19) pandemic had on overdose-related hospital admissions as part of the State Epidemiological Outcome Workgroup objectives to assist communities with making data driven decisions. The data may be used to fulfill custom aggregate data requests in support of the DDAP and to produce ad-hoc aggregate drug-related reports such as, fact sheets or profiles of geographical areas to present to legislative members or the public, time series analysis to track health outcomes and measure program successes, data maps, dashboards and data requests.

**Pennsylvania Department of Health—Nathaniel Wardle**

Standard Statewide 2020 through first quarter 2021 inpatient discharge and ambulatory/outpatient procedure and inpatient and outpatient revenue code detail datasets. The PA DOH, with the University of Pittsburgh Graduate School of Public Health as their contractor, will use the data to expand and enhance the Opioid Data Dashboard on the PA Open Data Portal. The data will be combined with administrative hospital, provider and pharmacy data from Medicaid, child welfare system data from the Pennsylvania Department of Human Services (PA DHS), Pennsylvania worker's compensation claims, employment data from the United States Census Bureau's Current Population Survey, motor vehicle injury and fatality data from the Pennsylvania Department of Transportation, and hospital discharge data from the Centers for Disease Control and Prevention (CDC). The enhanced dashboard will assist agencies and citizens of this Commonwealth in gaining a richer and nuanced perspective of the epidemic and the downstream impacts of the epidemic across various societal and governmental interfaces and provide stakeholders, policymakers, academics and the general public with tools and knowledge to respond to the epidemic with novel prevention, inter-

vention and treatment activities and services, predict trends, inform the government and educate the public.

**Pennsylvania Department of Health—Zhen-qiang Ma**

A 2020 through 2021 standard Statewide ambulatory/outpatient procedure dataset and custom Statewide inpatient discharge dataset with a derived field (admission) to use for a study entitled, Health Effects Associated with Environmental Factors in Pennsylvania. The objective is to assess the health impacts associated with various environmental factors in the Commonwealth. Additionally, the data will be used to provide summary information to the CDC's Environmental Public Health Tracking Network for five conditions (acute myocardial infarction, asthma, carbon monoxide poisoning, chronic obstructive pulmonary disease and heat stress).

A custom 2015 through 2021 inpatient discharge dataset for patients 6 years of age or under with a lead poisoning diagnosis during 2015 through 2021 linked with the PA DOH National Electronic Disease Surveillance System lead testing data with derived data (number of days from previous discharge, match type and index flag) to analyze lead testing patterns for lead poisoning in hospitalized patients for implementing appropriate health education.

**Pennsylvania Department of Human Services—Mara Perez**

Custom third quarter 2019 through second quarter 2020 inpatient discharge dataset from the corrected self-pay database and 2018 through 2020 financial data of the 3-year average percent of uncompensated care to use in part to compute payments to hospitals for the Hospital Uncompensated Care and Extraordinary Expense programs established under the Tobacco Settlement Act of 2001.

**Pennsylvania Department of Human Services—Michele Minter**

A custom 2020 financial data report of hospital's net patient revenue, days, discharges and visits distribution by payer to be used for the Statewide and Philadelphia Hospital Assessment programs.

**Pennsylvania Department of the Auditor General—Jo Anne Walchak**

Standard Statewide third quarter 2020 through second quarter 2021 inpatient discharge dataset to be used to review data that will be used to calculate Tobacco Settlement entitlements to hospitals in this Commonwealth prior to the PA DHS's calculation of the payment amounts. Pennsylvania Department of the Auditor General will review data that will be provided to PA DHS for use in making Uncompensated Care Tobacco Fund payments in 2023.

**Pennsylvania Insurance Department—Kathryn McDermott Speaks**

A 2017 through 2021 custom inpatient discharge and ambulatory/outpatient procedure dataset for patients who reside in specified counties and standard Statewide inpatient and ambulatory/outpatient revenue code detail datasets and 2017 through 2020 standard financial data to be used to update a Competitive Assessment, which will be performed by Pennsylvania Insurance Department's contractor, Compass Lexecon/FTI. They will analyze health insurance and health service market conditions in western Pennsylvania.

**Pennsylvania Legislative Budget and Finance Committee—Stephen Fickes**

A custom 2018 through 2021 inpatient discharge and ambulatory/outpatient procedure data report of the number of dental related disease cases by county to be used for a study and results were to be reported to the General Assembly. Under House Resolution 68 that was adopted by the General Assembly on March 23, 2021, the data will be used to conduct a study related to access to rural dental health services, which may provide additional context to the problem.

**Pennsylvania Office of Attorney General—Tracy W. Wertz**

Standard Statewide 2021 through first quarter 2022 inpatient discharge, ambulatory/outpatient procedure, inpatient revenue and ambulatory/outpatient revenue code detail datasets and 2020 financial data report to use for review of hospital mergers to ensure that the mergers are in compliance with antitrust laws; and the information may be disclosed for official law enforcement purposes or disclosed in litigation related to Federal antitrust laws or other state and Federal laws. These data may also be shared with the Federal Trade Commission or the United States Department of Justice to be used for investigations that are conducted jointly with the Pennsylvania Office of Attorney General.

**Pennsylvania Patient Safety Authority—Shawn Kepner**

Custom 2021 and first quarter 2022 inpatient discharge quarterly data reports on the number of cases by hospital to serve as normalization denominator figures relative to facility numerator statistics from the Authority's data in the Pennsylvania Patient Safety Reporting System (PA-PSRS), which assist Pennsylvania Safety Authority's (PSA) analytic capabilities and supporting PSA's overall mission.

Custom 2021 and first quarter 2022 ambulatory/outpatient procedure quarterly data reports on the number of cases by ambulatory surgery center to be used to isolate the total number of surgical encounters by center to calculate rates that will be used for internal reporting for peer comparisons.

Custom 2019 inpatient discharge dataset of cases who experienced an in-hospital death to use for a planned study on patient safety reporting. The PSA will evaluate various options for validating mandatory reporting of serious events under the MCARE Act. To evaluate the feasibility and methodology for such a study, they requested the data to determine the number of inpatient deaths in each hospital in this Commonwealth in 2019, as well as various codes to consider if they need to narrow the scope.

**Philadelphia Department of Public Health—Claire Newbern/Frank Franklin**

Standard regional second quarter 2021 through fourth quarter 2021 inpatient discharge and ambulatory/outpatient procedure datasets for Regions 8 and 9 to use for a variety of analyses that allow tracking of diseases. Data are used for the evaluation of trends in services, estimated cost and outcomes for several conditions (HIV, diabetes, asthma, hypertension, cancer screening, violence-related injuries, influenza-like illness, pelvic inflammatory disease, drug-related and, if any, emerging infectious diseases, and the like) as well as patient demographics for research and policy planning and the Philadelphia Community Health Needs Assessment. The

data will be used to examine obstetrical services, high-risk pregnancies and ongoing research of birth outcomes and in needs assessment activities for both Healthy Start and Title V. Rates of adverse events in individuals receiving vaccinations and individuals not vaccinated will be examined. The data is also used to evaluate the HIV/AIDS surveillance system and as part of Ryan White Part A. Data will be used for descriptive analyses of visits for lead, vector or other environmental exposures. On occasion the results of the analyses may be shared with other city agencies and health advisory groups.

**Renzi Podiatry/Save Your Soles Campaign—Ronald M. Renzi, DPM**

Custom 2014 and 2018 through 2021 inpatient discharge and ambulatory/outpatient procedure datasets for patients with an amputation who reside in Regions 6–9 with derived data (flag indicators) to be used for the Save Your Soles program, which is to reduce amputations in the Philadelphia area. The number and rate of amputations by zip code in each region will be developed and documentation of prior treatment to prevent amputation.

**RWJBarnabas Health System—Elizabeth McNutt**

Standard regional and facility 2020 through 2021 inpatient discharge dataset for Regions 7–9 and Lehigh Valley Health/Pocono and Saint Luke's Monroe Campus will be combined with New Jersey and New York databases to use for market analysis. The information will be used for Health Reform Act of 1992 Data Reporting and Utilizations Requirements, to fulfill certificate of need requirements, internal market analysis and/or to comply with Community Health Needs Assessment and Population Health Needs Assessment and Population Health Improvement Mandates of PPACA, which is to enhance data reporting, quality improvement and marketing activities.

**Safety-Net Association of Pennsylvania—James A. Tomkins**

Standard Statewide 2018 through 2021 inpatient discharge datasets to determine inpatient hospital utilization by government payers in Pennsylvania specifically in distressed zip codes that Safety-Net Association of Pennsylvania (SNAP) identified. The information will be used to improve modeling of various proposed payment methodologies and aggregate results may be shared with SNAP members and if requested, to the PA DHS.

**St. Clair Hospital—Reva Hunt**

Standard Statewide 2021 inpatient discharge, ambulatory/outpatient procedure and outpatient revenue code detail datasets to determine the hospitals market share across service lines.

**Stratason, LLC—Jason Moore**

Standard Statewide 2021 inpatient discharge, ambulatory outpatient procedure and inpatient revenue code detail datasets to use for market share analysis, product line performance and patient migration patterns. Stratason will provide analytic services to their hospitals and healthcare system clients through the aggregation of the data within their multiple analytic software platforms and visualization tools.

**Syntellis Performance Solutions, LLC—Erin Thompson**

Standard Statewide 2020 inpatient discharge and inpatient revenue code detail datasets to use the data with

other states' data to help health care providers increase the quality of care they provide to their patients by effectively benchmarking their quality, safety, satisfaction, cost and utilization of their peers. The data will be used for creating benchmarks at the APR-DRG and MS-DRG level accessible through files in conjunction with hospital client decision support systems and a web-based tool, (Axiom Clinical Analytics for Healthcare). The data is also used internally to benchmark Syntellis Performance Solutions' clients service line utilization and costs compared to the states to help inform service line planning.

**Temple University Health System—Nicholas Barcelona**

Standard Statewide 2021 inpatient discharge datasets developed into reports prepared by Temple University Health System's consultant, Sg2, for ongoing analysis of market demand for various healthcare services and healthcare resource management.

**University Hospitals Health System, Inc.—Mike Goodelle**

Custom 2019 through first quarter 2021 inpatient discharge dataset of patients who reside in Ohio to be combined with Ohio Hospital Association data to provide a complete representation of the service provision in the University Hospitals Health System's market. The health care market in the Commonwealth will be analyzed in order to drive the University Hospital's value proposition: organize care around patient's needs across their life's journey and continuum of care, ensuring access to needed care, delivering care in multiple ways and locations, innovate and use technology to improve value and productivity, and seamlessly connect parts of the health system and reduce annual total cost of care.

**University of Pennsylvania—Rachel Kohn, MD, MSCE**

A fourth quarter 2018 through third quarter 2020 custom inpatient discharge and standard Statewide inpatient revenue code detail dataset linked to 2018 through 2020 PA DOH mortality data with derived data (number of days to admission, number of days in ICU, number of days to death and flag indicator) for a research study entitled, Effect of Heart Failure and Palliative Home-Based Care: The Advanced Heart Care at Home (AHCAH) Randomized Clinical Trial. The study is a pragmatic, prospective randomized clinical trial of an innovative, integrated, home-based heart failure and palliative care program among seriously ill hospitalized patients to evaluate acute care utilization and costs among seriously ill HF patients at the end of life and promote physician uptake of best practices. The study objectives are to evaluate the impact of AHCAH on patient-centered and health system outcomes; and evaluate AHCAH enrollment in the setting of clinician nudges (opt-out approach) compared to usual care (opt-in approach).

**University of Pittsburgh Graduate School of Public Health—Lindsay Sabik, PhD**

A custom 2010 through 2020 inpatient discharge and ambulatory/outpatient procedure dataset for individuals identified in the Pennsylvania Cancer Registry linked to 2010 through 2018 PCR records with derived data (number of days to admission and number of days to death) for a research study entitled, Impacts of Recent Payment, Coverage, and Systems Changes on Access to and Quality of Cancer Care. This project will examine the impact of the Affordable Care Act and the Pennsylvania Rural

Health Model policies on patterns of cancer care delivery and disparities in cancer care, including measures of insurance coverage, access to care, quality of care and outcomes.

Standard Statewide second quarter 2021 through fourth quarter 2021 inpatient discharge and ambulatory/outpatient procedure dataset for a study entitled, Impacts of Recent Payment, Coverage, and Systems Changes on Patterns of Care Delivery and Disparities in Care, which will assess the impacts of recent health care provider payment, patient insurance coverage and health care systems changes on access to and quality of care in this Commonwealth, as well as how these changes have impacted disparities in care by race/ethnicity, geography and socioeconomic status. Further, they seek to understand how the unanticipated and unprecedented changes to care under the COVID-19 impacted providers and patients and whether recent policy changes or hospital organizational characteristics mitigated the impact of COVID on facilities and their patients.

**University of Pittsburgh Medical Center—Matthew W. Michaels**

Standard Statewide second quarter 2021 through first quarter 2022 inpatient discharge and ambulatory/outpatient procedure datasets to produce various research reports including: patient origin for UPMC hospitals, UPMC market share in various geographies and for various service lines, utilization trends in volume and market share over different time periods, and physician volumes at UPMC and other hospitals.

**University of Rochester Medical Center—William Csont**

Standard Statewide 2018 through 2021 inpatient discharge and ambulatory/outpatient procedure datasets,

developed into reports prepared by University of Rochester Medical Center’s consultant, Sg2, for planning and marketing in conjunction with their current and future goals and objectives.

**Vizient, Inc.—Tanya Chin-Fatt**

Standard Statewide 2021 inpatient discharge, ambulatory/outpatient procedure, and inpatient and outpatient revenue code detail datasets to use in aggregate online platform applications, desktop tools and summary reports. The data will provide market share by service lines and service areas to support Vizient’s clients operational and strategic planning efforts to improve both the quality and availability of health care in the communities they serve.

**WellSpan Health—David Kimpel**

Standard Statewide second quarter 2021 through fourth quarter 2021 inpatient discharge and ambulatory/outpatient procedure datasets to be used for an internal assessment of the delivery of healthcare services within the region WellSpan Health serve and beyond for comparative purposes to use for service area utilization of services and analysis are the primary purpose for them to obtain the data.

**West Virginia University Medicine—Nancy West**

Standard Statewide 2021 inpatient discharge dataset to assess and analyze market conditions for West Virginia University Medicine facilities located in this Commonwealth and bordering counties in this Commonwealth.

BARRY BUCKINGHAM,  
*Executive Director*

[Pa.B. Doc. No. 23-369. Filed for public inspection March 17, 2023, 9:00 a.m.]

**INDEPENDENT REGULATORY REVIEW COMMISSION**

**Notice of Comments Issued**

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
57-334	Pennsylvania Public Utility Commission Use of Fully Projected Future Test Year, 52 Pa. Code Chapter 53.51—53.56a 52 Pa.B. 6160 (October 1, 2022)	01/31/23	03/02/23

**Pennsylvania Public Utility Commission  
Regulation # 57-334 (IRRC # 3355)**

**Use of Fully Projected Future Test Year,  
52 Pa. Code Chapter 53.51—53.56a**

**March 2, 2023**

We submit for your consideration the following comments on the proposed rulemaking published in the October 1, 2022 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the RRA

(71 P.S. § 745.5a(a)) directs the Pennsylvania Public Utility Commission (PUC) to respond to all comments received from us or any other source.

**1. Compliance with the provisions of the RRA or the regulations of this Commission in promulgating the regulation.**

The PUC explained this proposed regulation is intended to implement the requirement in the act of February 14, 2012 (P.L. 72, No. 11) to adopt rules and regulations requiring the information and data to be submitted when a public utility utilizes a future test year (FTY) or a fully



projected future test year (FPPTY) in a rate proceeding. This proposed regulation is also intended to standardize and streamline the filing requirements in these proceedings.

Section 5.2 of the RRA directs this Commission to determine whether a regulation is in the public interest. When making this determination, the Commission considers criteria such as economic or fiscal impact and reasonableness. To make that determination, the Commission analyzes the text of the proposed rulemaking and the reasons for new or amended language. The Commission also considers the information a promulgating agency is required to provide in the Regulatory Analysis Form (RAF) under Section 5(a) of the RRA, 71 P.S. § 745.5(a). Under 1 Pa. Code § 305.1(b)(1) (relating to delivery of a proposed regulation), an agency is required to submit a complete RAF when it delivers a proposed rulemaking.

Although all questions were answered in the RAF submitted with this proposed regulation, some responses did not provide enough information to determine if the regulation is in the public interest. We ask the PUC to include additional information in the following sections of the RAF when it submits the final-form regulation:

- Questions 14 and 15 relate to the number and types of persons, businesses, small businesses and organizations that provided input and will be affected by the regulation. In the response to Question 14, the PUC states it “does not classify public utilities or municipal entities subject to PUC jurisdiction as small or large according to the number of employees or their annual revenues as specified in 13 CFR § 121.201 under 71 P.S. § 745.3.” The RRA requires classification under 13 CFR 121.201, which should be included in the RAF submitted with the final-form regulation.

- Questions 19, 20, 21 and 23 relate to specific estimates of costs and/or savings for the regulated community, local government and state government, and how the dollar amounts were derived. The PUC states that it “does not have specific estimates of the costs and/or savings” but expects minimal savings could potentially arise. As addressed in Comment # 4, the regulated community explained that the filing requirements will significantly increase costs. The evaluation of costs in the RAF submitted with the final-form regulation should take into consideration the comments received from the regulated community.

- Question 29 asks for the schedule of review of the regulation, including the expected date of delivery of the final-form regulation, the effective date and the expected date by which compliance will be required. In response to these prompts, the PUC replied “[s]pecific dates going forward have not yet been set.” The PUC should include estimates of the requested timelines in the RAF submitted with the final-form regulation, as further addressed in Comment # 2.

## **2. Implementation procedures and timetables for compliance by the public and private sectors.**

As addressed in Comment # 1, the PUC did not provide specific effective and compliance dates in RAF Question 29, thereby not providing an anticipated timetable for compliance. Commentators stressed the need for ample notice of the effective and compliance dates of the final-form regulation. They explained it takes a significant

amount of time to prepare rate cases, and compiling data and information may begin more than one year before the rate case is filed. Further, a commentator requested that the compliance date should be set for a period far enough in advance so that public utilities may file rate cases under the current regulation, while also updating their preparation processes and practices to conform to the additional requirements in Section 53.53 (relating to information to be furnished with proposed general rate increase filings in excess of \$1 million).

We concur with the concerns expressed by public utilities regarding the timetables for compliance with the final-form regulation. To this end, commentators suggested a compliance date ranging from six months to one year after the adoption of the final-form regulation. The PUC should work with the regulated community to establish a reasonable timetable for compliance.

## **3. RRA Section 2—Reaching of consensus.**

We acknowledge the efforts of the PUC in developing this proposed regulation, including an Advance Notice of Proposed Rulemaking Order in 2017. At the request of stakeholders, including advocacy groups and public utilities, the PUC suspended the comment period and instead held meetings in 2018 and 2019. As explained by the PUC, the process included exchanges of written positions and extensive in-person discussions of procedural and substantive issues regarding filing requirements.

Stakeholders have submitted a significant number of comments on Section 53.53, Exhibit E. They raised concerns regarding unnecessary and redundant data requests, unreasonable, unnecessary and burdensome requirements, the inclusion of data formerly requested through discovery, duplicative requests, inconsistent timeframes and lack of thresholds. These concerns are addressed in Comment # 8.

In light of these comments, we draw attention to a key component of the regulatory review process as stated in Section 2(a) of the RRA: “To the greatest extent possible, this act is intended to encourage the resolution of objections to a regulation and the reaching of a consensus among the commission, the standing committees, interested parties and the agency.” 71 P.S. § 745.2(a).

We urge the PUC to continue seeking input from all interested parties to build consensus on streamlining filing requirements. As the PUC develops the final-form regulation, we encourage further discussions with the stakeholders who have provided input on this rulemaking, and we request the PUC provide a description in the RAF and Preamble to the final-form regulation of the efforts made in this regard.

## **4. Economic or fiscal impacts of the regulation.**

The PUC stated the new standardized and streamlined filing requirements in this regulation are “expected to reduce the regulatory burden and costs associated with preparing and litigating general rate increase cases.” However, the PUC also stated there is an “additional burden to regulated public utilities in providing the required information and data in a standardized format at the time of filing the rate case.”

Commentators calculated that there is up to a 160% increase in data requests in Section 53.53, which is in

opposition to streamlining filing requirements. They explained that every data and information request in Section 53.53, Exhibit E imposes costs on public utilities, and they advocate for a reduction in these requests in order to reduce regulatory burdens and costs. The Office of Small Business Advocate opined that the discovery process is better suited to addressing issues that may arise in specific proceedings and recommended that filing requirements should be limited to issues that are common to rate cases.

We ask the PUC to analyze the fiscal impact of unnecessary, duplicative and burdensome requirements highlighted by commentators as detailed in Comment # 8. Further, as addressed in Comment # 1, the PUC should revise responses to RAF Questions 19 and 23 to account for increased costs to public utilities to compile rate cases under Section 53.53, Exhibit E.

**5. Section 53.51. General.—Implementation procedures; Clarity; Need; Protection of the public health, safety and welfare.**

Subsection (d) requires a public utility to file a proposed rate change with the Office of Consumer Advocate, the Office of Small Business Advocate, the PUC's Bureau of Investigation and Enforcement and Bureau of Technical Utility Services, and low-income advocates for the service territory.

Public utility commentators raised concerns with the addition of low-income advocates for the service territory. They explained that this broad reference to advocates includes a significant number of governmental, non-profit and charitable organizations who work on behalf of low-income populations. This leads to implementation issues, as public utilities are neither provided with direction on selecting advocacy groups to receive service of a proposed rate change, nor is the number of advocates specified. A commentator explained that an advocacy group may contend its due process rights were violated because it was not properly served with the proposed rate filing. This was of particular concern to commentators who have large service areas.

Advocacy commentators supported this subsection and the inclusion of serving low-income advocates with proposed rate changes. In reply comments, an advocacy organization suggested narrowing the scope of service to organizations likely to intervene, including statewide organizations and those who have previously intervened.

We ask the PUC to explain why this provision is needed, how public utilities are expected to implement this requirement, and the standard the PUC will use to determine that the intent of this subsection has been accomplished. The PUC should consider defining the term "low-income advocates" or otherwise providing direction on appropriate advocates. Further, we ask the PUC to clarify this subsection to provide an implementation procedure that protects the public health, safety and welfare of low-income populations.

**6. Section 53.51a. Definitions.—Statutory authority; Consistency with statute; Clarity; Need; Reasonableness.**

*FPFTY—Fully projected future test year*

A FPFTY is defined as the "12-consecutive-month period beginning with the first *full* month that the new

rates will be in effect. . . ." (Emphasis added.) The PUC explained this definition tracks 66 Pa.C.S. § 315(e) (relating to burden of proof) while clarifying that a FPFTY would reflect a public utility's estimated results of operations. It also stated the proposed definition does not expand or contract the meaning of a FPFTY as established by 66 Pa.C.S. § 315(e). Commentators opposed the addition of "full" in this definition, stating it is not consistent with 66 Pa.C.S. § 315(e). They explained the effective date of a new FPFTY rate may be a time period other than on a full month basis. A commentator provided that the PUC has approved the interpretation of "first month" as the first calendar month during which new rates would be in effect for an entire month. Another commentator asked the PUC to maintain flexibility by allowing public utilities to file data based on a FPFTY that concludes earlier than the first full month. We ask the PUC to explain its statutory authority to expand the time period of a FPFTY and how this definition is consistent with 66 Pa.C.S. § 315(e). We also ask the PUC why it is necessary and reasonable to specify that the FPFTY begins on the first full month of the new rate. Finally, the PUC should consider clarifying this definition or explain why it is not necessary to do so.

**7. Section 53.53. Information to be furnished with proposed general rate increase filings in excess of \$1 million.—Reasonableness; Need; Clarity.**

Under subsection (a.1), a public utility is directed to select either a FTY or a FPFTY in discharging its burden of proof and responding to data requests in Exhibit E. The public utility is required to provide data and information for specified years preceding or following the chosen test year. The PUC explained it expects data and information for the historic test year (HTY) and FTY "would be provided in proximity and association with the data and support provided for the FPFTY." Commentators opposed the request to submit data and information for years following a FPFTY, as the details for the HTY, FTY and FPFTY "should be deemed adequate to determine the reasonableness of the proposed increase without further need to provide data which falls beyond the FPFTY." They contend this requirement should be deleted, as it requests unnecessary data. We ask the PUC to explain the need for and reasonableness of data and information beyond the FPFTY. The PUC should consider eliminating this requirement if responses to the data requests for FPFTY will provide sufficient data to discharge the burden of proof.

**8. Section 53.53, Exhibit E.—Fiscal impact; Implementation procedures; Clarity; Reasonableness; Need; Timetables for compliance; Statutory authority.**

Under Section 53.53(a), when a public utility files a proposed general rate increase in excess of \$1 million, it shall respond to data requests in Exhibit E, which replaces current industry-specific Exhibits A, C and D. The PUC explained that Exhibit E is an "overall improvement upon the existing data requirements" that standardizes, updates, streamlines and supplements the filing requirements in Exhibits A, C and D, and eliminates the filing of unnecessary information. In addition, the PUC included in Exhibit E information commonly sought through discovery.

Detailed responses were received from commentators addressing data and information requests. We ask the

PUC to consider revising Exhibit E to ensure reasonable and necessary requests, less burdensome implementation and fiscal impact, improved clarity, and clear and reasonable timetables for compliance. Following is a synopsis of their concerns. We will review the PUC's responses to the commentators' concerns when determining if the regulation is in the public interest.

#### *Unnecessary, redundant and burdensome data requests*

Commentators cited sections throughout Exhibit E that include unnecessary, redundant and burdensome data requests. They stated the submission of unnecessary and duplicative data will increase the time and cost of rate filings, along with producing an overwhelming volume of information. To meet the intent of streamlining the regulation, they asked for elimination of certain filing requirements and contended that the discovery process can be utilized when more information is needed. The comments included the following:

- The requests for distribution system improvement charge (DSIC) data in Sections III.D.2.d, III.K.1 and III.K.7 are unnecessary given that these issues are separate cases, and if a project will be included in a DSIC is not always known during a rate proceeding;

- Section III.D.11 requires a schedule showing additions and retirements by plant account, which does not provide value in determining rates or meeting the burden of proof;

- Section III.H.5 requests explanations for variances in miscellaneous revenues, which duplicates information requested in Section III.G.4;

- Sections III.I.4 and III.I.6 require actual billings or invoices and copies of contracts, which is burdensome and unnecessary;

- Sections IV.A.1(b) and IV.A.2 require detailed information regarding sprinkler systems and public fire hydrants, which is not germane to rate cases; and

- Sections IV.B.1—IV.B.7 require information a natural gas distribution is already including in annual Section 1307(f) Purchased Gas Cost proceedings.

#### *Clarity*

Commentators asked for clarification of data requests, citing language that was vague, confusing and broad. They requested revisions to improve clarity and accurately describe the information sought. The comments included the following:

- The definitions of “billing determinant,” “customer class,” “rate schedule,” “tariff” and “USoA—Uniform System of Accounts” in Section II are incomplete, inaccurate or unclear;

- Section III.A.8, requiring a working electronic copy of filing schedules in electronic spreadsheets, should be clarified to provide context regarding types of schedules;

- The request for identification of a “major” addition to a plant or facility in Section III.B.10 does not establish criteria used to determine a major addition and lacks a specific timeframe;

- Sections III.D.4, III.D.5, III.H.5 and III.H.6 should be clarified by establishing monetary thresholds;

- Sections III.D.14, III.E.8, III.E.27 and III.E.30 should be clarified by specifying the data being requested; and

- Section III.M.1 should be revised to improve clarity regarding tariff supplements, revenue and taxes.

#### *Timetables for compliance*

Commentators drew attention to varied reporting periods—monthly, annual, multiple years and multiple rate cases—throughout Exhibit E. In some cases, timeframes are not specified. They explained that inconsistent time periods and timeframes outside the scope of a rate case will increase the difficulty of compliance. The reporting periods may be particularly burdensome depending on a public utility's most recent rate case, which may require data for several years. Another commentator questioned the need for and relevancy of data, such as three years prior to a HTY, given that this information is obsolete, and the usefulness of projections as far as five years after the FPFTY, which can be unreliable and lack relevancy. They suggested a more uniform approach for data requests before the HTY and after the FTY and FPFTY. Their concerns included the following:

- Sections III.E.1 and III.E.8 require five years of historic data while other sections, including Section III.H, require two years of historic data, which is an adequate timeframe;

- Section III.E.17 does not state a timeframe for information on reacquired debt;

- Section III.H.6(a) and (b) requests monthly customer counts and usage, which cannot be projected; and

- Section III.I.4(d) and (e) requires data for the immediately preceding three base rate cases which could be difficult to obtain and may not be relevant.

#### *Statutory authority*

Section III.N includes data requests relating to a public utility's Long-Term Infrastructure Improvement Plan (LTIP) and Annual Asset Optimization Plan (AAOP). A commentator expressed concern that to the extent the PUC intends to require information that is not included in existing LTIP or AAOP filings the PUC is creating a new reporting requirement not authorized by statute or regulation. Commentators suggest Section III.N should be deleted. We ask the PUC to explain how the requested information regarding an LTIP and an AAOP does not exceed its statutory authority.

#### **9. Section 53.56. Supporting data required if using a FTY.—Consistency with statute; Clarity; Implementation procedures.**

Following the rate proceeding, subsection (c) requires a public utility to file the actual results experienced in the FTY within 30 days of the end of the last quarter of the FTY, or as soon thereafter as available. The PUC explained this filing requirement is consistent with 66 Pa.C.S. § 315(e), which requires a public utility to provide, “as specified by the [PUC] in its final order, appropriate data evidencing the accuracy of the estimates” in the FTY. Commentators opposed this provision, stating it is inconsistent with the statute and classifies these requirements as retroactive. Regarding the 30-day filing requirement, commentators requested extending this time period to 90 days. We ask the PUC to explain how this subsection is consistent with 66 Pa.C.S. § 315(e). In addition, we ask the PUC to consider extending the timeframe as requested by commentators.

This comment also applies to Section 53.56a(c) (relating to supporting data required if using a FPFTY).

#### **10. Miscellaneous clarity.**

- In Section 53.53(c)(2), the term “reasonably informed party” is vague. We ask the PUC to clarify this term to establish a clear standard for implementation.

• The last sentence of Section 53.56a(c) should be revised for consistency with the provisions in Section 53.56(c) regarding service on parties of record.

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 23-370. Filed for public inspection March 17, 2023, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Agency Contract Termination of Wagner-Huffnagle & Associates, Inc. under Act 143; The Philadelphia Contributionship; Doc. No. AT23-02-002

Wagner-Huffnagle & Associates, Inc. has requested review of an agency contract termination by The Philadelphia Contributionship under sections 1—6 of The Insurance Department Act of 1921 (40 P.S. §§ 241—246).

A pre-review telephone conference initiated by this office is scheduled for April 10, 2023, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before April 6, 2023. A date for a review shall be determined, if necessary, at the pre-review conference.

Protests, petitions to intervene or notices of intervention, if any, must be electronically filed on or before March 27, 2023. The e-mail address to be used for the Administrative Hearings Office is ra-hearings@pa.gov. Answers to protests, petitions to intervene or notices of intervention, if any, shall be electronically filed on or before April 6, 2023.

Persons with a disability who wish to attend the previously-referenced administrative proceeding and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 23-371. Filed for public inspection March 17, 2023, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Appeal of Liberty Oil Company, Inc. under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2008-0122; Doc. No. UT23-03-002

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 any other relevant provisions of law.

A prehearing telephone conference initiated by this office is scheduled for April 17, 2023, at 10 a.m. The party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before April 13, 2023. A date for a hearing will be determined, if necessary, at the prehearing/settlement conference.

Protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be electronically

filed with the Hearings Administrator on or before April 3, 2023. The e-mail address to be used for the Administrative Hearings Office is ra-hearings@pa.gov. Answers to protests, petitions to intervene or notices of intervention, if any, shall be electronically filed on or before April 13, 2023.

Persons with a disability who wish to attend the previously-referenced administrative proceedings, and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 23-372. Filed for public inspection March 17, 2023, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Continental General Insurance Company (SERFF # GLTC-133583739); Rate Increase Filing for Several LTC Forms; Rate Filing

Continental General Insurance Company is requesting approval to increase the premium an aggregate 259% on 79 policyholders with individual LTC forms 82000 1/01 PA and 82120 9/01 PA.

Unless formal administrative action is taken prior to June 2, 2023, 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," then select "Pending Long Term Care Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Michael Hibbert, Actuarial Associate, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, mhibbert@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 23-373. Filed for public inspection March 17, 2023, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Continental General Insurance Company; Rate Increase Filing for Individual LTC Forms 80650 1/97 PA and 80880 NTQ 1/98 PA (SERFF # GLTC-133581871); Rate Filing

Continental General Insurance Company is requesting approval to increase the premium 292% on 281 policyholders with individual LTC forms 80650 1/97 PA and 80880 NTQ 1/98 PA.

Unless formal administrative action is taken prior to June 2, 2023, 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,” then select “Pending Long Term Care Rate Filings.”

Interested parties are invited to submit written comments, suggestions or objections to Valerie Romig, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, vromig@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 23-374. Filed for public inspection March 17, 2023, 9:00 a.m.]

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## INSURANCE DEPARTMENT

### Justin Haskell; Public Adjuster License Denial Appeal; Doc. No. AG23-03-003

Under the act of December 20, 1983 (P.L. No. 260) (63 P.S. §§ 1601—1608), referred to as the Public Adjuster Licensing Law, Justin Haskell has appealed the denial of an application for an insurance public adjuster license. 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 April 18, 2023, at 1 p.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before April 14, 2023. A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference.

Protests, petitions to intervene or notices of intervention, if any, must be electronically filed on or before April 4, 2023. The e-mail address to be used for the Administrative Hearings Office is ra-hearings@pa.gov. Answers to protests, petitions to intervene or notices of intervention, if any, shall be electronically filed on or before April 14, 2023.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 23-375. Filed for public inspection March 17, 2023, 9:00 a.m.]

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## INSURANCE DEPARTMENT

### Trenton Alan Hogue; License Denial Appeal; Doc. No. AG23-03-004

Under Article VI-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.1—310.99a), Trenton Alan Hogue has appealed the denial of an application for an insurance producer’s license. 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 April 25, 2023, at 1 p.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before April 21, 2023. A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference.

Protests, petitions to intervene or notices of intervention, if any, must be electronically filed on or before April 11, 2023. The e-mail address to be used for the Administrative Hearings Office is ra-hearings@pa.gov. Answers to protests, petitions to intervene or notices of intervention, if any, shall be electronically filed on or before April 21, 2023.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 23-376. Filed for public inspection March 17, 2023, 9:00 a.m.]

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## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

*Governor’s Office*

Administrative Circular No. 23-06—Distribution of the 2023-24 Commonwealth Budget, Dated February 3, 2023.

Administrative Circular No. 23-07—Photographs of the Governor, Lieutenant Governor and Cabinet Members in Commonwealth Office Buildings, Dated February 13, 2023.

Administrative Circular No. 23-08—2023-24 Budget Hearing Materials, Dated February 14, 2023.

AMY J. MENDELSON,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 23-377. Filed for public inspection March 17, 2023, 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 the April 19, 2023, 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 Monday, April 17, 2023. Comments, including comments submitted by e-mail, must include the commentator’s name and address. Commentators are encouraged to submit comments using the Department’s online eComment tool at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment). Written comments can also be submitted by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov) or by mail to 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](mailto:riwright@pa.gov), or visit the Department’s web site at [www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance/Pages/default.aspx](http://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](http://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](http://www.pennvest.pa.gov).

*CWSRF Projects Being Considered:*

<i>Applicant:</i>	Forest Hills Municipal Authority
<i>County:</i>	Cambria
<i>Applicant Address:</i>	900 Locust Street Saint Michael, PA 15951

*Project Description:* This project consists of constructing a new autothermal thermophilic aerobic digestion (ATAD) system to improve sludge dewatering efficiency, as well as produce Class A biosolids which can be reused as fertilizer. This will decrease the total amount of solids leaving the plant and eliminate the need for sludge disposal at a landfill. The ATAD system includes an ATAD basin, a storage nitrification denitrification reactor basin, a biofilter, pumps, blowers, a thickener and an equipment building. Additionally, a new ultraviolet (UV) channel will be constructed next to the existing one. The new UV channel will utilize modern equipment and add redundancy to the disinfection process.

*Problem Description:* The existing belt filter press at the Forest Hills Municipal Authority South Fork Wastewater Treatment Plant is outdated and inefficient causing poor sludge dewatering results (10–14% solids). This, combined with increasing landfill disposal fees, has resulted in high annual sludge disposal costs.

<i>Applicant:</i>	Perry Township
<i>County:</i>	Mercer
<i>Applicant Address:</i>	1096 Fredonia Road P.O. Box 69 Hadley, PA 16130

*Project Description:* Perry Township currently owns and operates a publicly owned treatment works in Perry Township, Mercer County, that includes a wastewater collection and conveyance system to a treatment plant. The collection system will be expanded to the Commodore Perry School property located at 3002 Perry Highway (US Route 19) and will extend south to the existing planned sewer north of the intersection of Fredonia Road and US Route 19. The project consists of 5,800 linear feet (LF) of 3-inch pressure main, one quadplex grinder pump unit, six simplex grinder pump units, two duplex grinder pump stations, service lateral kits, one equalization tank and one emergency generator.

*Problem Description:* The Commodore Perry School District has an aging wastewater treatment facility that has reached the end of its useful life. The buried carbon steel treatment tanks are showing signs that structural integrity will soon become a concern. The structure housing the blowers and chemical feed system has fallen into disrepair and needs to be replaced or eliminated. The electrical control system needs repair or replacement as well. Connecting to the Perry Township public wastewater system will eliminate the need for the aging treatment facility and will eliminate the discharge to the receiving stream. The existing sewage treatment plant, authorized to discharge under National Pollutant Discharge Elimination System (NPDES) permit number PA0030295, will be removed from use and demolished once the connection to public sewer has been made. In addition to the school, eight homes along the proposed sewer extension line will be connected.

*DWSRF Projects Being Considered:*

<i>Applicant:</i>	Cowanshannock Township Municipal Authority
<i>County:</i>	Armstrong
<i>Applicant Address:</i>	P.O. Box 127 NuMine, PA 16244-0127

*Project Description:* Cowanshannock Township Municipal Authority currently owns and operates a public water system in Cowanshannock Township, Armstrong County. This public water system includes a groundwater treatment plant known as the Yatesboro Water Treatment Plant (WTP). The existing industrial wastewater treatment system for backwash associated with the WTP will be replaced with a wastewater discharge line connected to a sanitary sewer system. Construction associated with the WTP's wastewater discharge line conveying backwash will include the installation of 6,745 LF of 2-inch diameter drain line, 6-inch gravity sewer, six plug valves, two air release vaults, 1 meter vault, 30 LF of 6-inch diameter steel casing pipe, three dosing pumps, three 6,000-gallon concrete tanks, draining and backfilling the pond, erosion and sedimentation controls and seeding, electrical upgrades including new service and manual emergency generator connection, and telemetry. In addition to the wastewater discharge line, the WTP filtration system will undergo replacement. Construction associated with the WTP will include the replacement of the two existing 78-inch diameter pressure filters, tank internal and external piping, filter media, automatic valves, magnetic flowmeters, pressure gauges, air blower, potassium permanganate color monitor, control panel with a 10-inch color operator interface terminal and electrical upgrades.

*Problem Description:* A Notice of Violation from the Department was issued for the Cowanshannock Township Municipal Authority's discharge of treated industrial wastewater in violation of the WTP's NPDES permit between January 2018 and March 2019. On November 4, 2021, the Cowanshannock Township Municipal Authority entered into a consent order and agreement with the Department that required the Cowanshannock Township Municipal Authority to cease the operation and discharge from the WTP and install a new industrial wastewater discharge line to the Shannock Valley General Services Authority sewerage system. The Cowanshannock Township Municipal Authority also agreed to dewater the WTP lagoons, remove and properly dispose of all sludge, eliminate the outfall from the WTP and request termination of the NPDES permit and water quality management permit related to the WTP. In addition to the work associated with the industrial wastewater discharge line, the WTP has several components that have are no longer functioning and will require replacement since the equipment is over 30 years old and has reached the end of its useful life.

These problems are to be addressed by constructing approximately 18,500 LF of 8-inch diameter main from the Cresson Township Municipal Authority's system to provide water service to serve 51 new customers and add 26 new fire hydrants and 1,000 gallons per minute of fire flow. This water main diameter will allow all anticipated routine water draws to occur without materially affecting system pressure.

*Problem Description:* The properties in the proposed project area are served by individual wells. There are 15 wells that are contaminated with coliforms (two containing *E. coli*). The project will also replace the Keystone Restaurant/Truck Stop water system (public water system identification No. 4110837) and serve other commercial establishments. Nearly all wells are negatively impacted by malfunctioning on-lot disposal systems. These problems are caused by poor soil conditions, the age of the systems, existing lot sizes and steep slopes. Project will eliminate individual wells and supply potable water to the service area.

RICHARD NEGRIN,  
Acting Secretary  
Department of Environmental Protection  
BRION JOHNSON,  
Executive Director  
Pennsylvania Infrastructure Investment Authority

[Pa.B. Doc. No. 23-378. Filed for public inspection March 17, 2023, 9:00 a.m.]

**PENNSYLVANIA PUBLIC  
UTILITY COMMISSION**

**Agreements and Plans of Mergers; Telephonic  
Prehearing Conference**

**A-2023-3038771, A-2023-3038792, A-2023-3038793, A-2023-3038794, A-2023-3038795, A-2023-3038807, A-2023-3038808, G-2023-3038818, G-2023-3038819, G-2023-3038820, G-2023-3038821 and G-00020956. Metropolitan Edison Company (Med-Ed), Pennsylvania Electric Company (Penelec), Pennsylvania Power Company (Penn Power), West Penn Power Company (West Penn), Keystone Appalachian Transmission Company (KATCo), Mid-Atlantic Interstate Transmission, LLC (MAIT) and FirstEnergy Pennsylvania Electric Company (FE PA) (collectively joint applicants).** Joint application of Metropolitan Edison Company (Med-Ed), Pennsylvania Electric Company (Penelec), Pennsylvania Power Company (Penn Power), West Penn Power Company (West Penn), Keystone Appalachian Transmission Company (KATCo), Mid-Atlantic Interstate Transmission, LLC (MAIT) and FirstEnergy Pennsylvania Electric Company (FE PA) (collectively joint applicants).

Through the joint application, the joint applicants request all of the necessary authority, approvals and certificates of public convenience for: 1. Agreements and plans of merger; 2. The establishment of FirstEnergy Pennsylvania Holding Company, LLC as an intermediate holding company in the chain of ownership of FE PA; 3. The merger of Met-Ed, Penelec, Penn Power and West Penn with and into FE PA; 4. The initiation by FE PA of electric service in all territories in this Commonwealth where Met-Ed, Penelec, Penn Power and West Penn do or may provide electric service; 5. The abandonment by

<i>Applicant:</i>	Cresson Township Municipal Authority
<i>County:</i>	Cambria
<i>Applicant Address:</i>	730 Portage Road Cresson, PA 16630

*Project Description:* Cresson Township Municipal Authority currently owns and operates a public water system in Cresson Township, Cambria County, serving approximately 657 residential, 26 commercial and 12 institutional customers. The Cresson Township Municipal Authority intends to use PENNVEST funds to construct a water system extension project to serve certain existing residences and businesses along Admiral Peary Highway in Munster Township and Cresson Township. The lack of a water distribution system provides inadequate fire protection due to distance from water mains and limited capacity of existing water storage. Furthermore, existing individual wells have quantity and quality limitations.

Met-Ed, Penelec, Penn Power and West Penn of all electric service in this Commonwealth; 6. The adoption by FE PA of Met-Ed, Penelec, Penn Power and West Penn's existing tariffs and their application within new service and rate districts of FE PA corresponding to their existing service territories as the Met-Ed Rate District, Penelec Rate District, Penn Power Rate District, West Penn Rate District and The Pennsylvania State University Rate District, respectively; 7. The sale of Class B membership interests in MAIT held by Met-Ed and Penelec to FirstEnergy Corp.; 8. The transfer of West Penn's transmission assets to KATCo; 9. A certificate of public convenience conferring upon KATCo the status of a Pennsylvania public utility under 66 Pa.C.S. § 102 (relating to definitions); and 10. Where necessary, associated affiliated interest agreements.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before April 17, 2023. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the joint application are available only online for inspection and copying on the Pennsylvania Public Utility Commission's (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov), and at the applicant's business address. Parties to proceedings pending before the Commission must open and use an e-filing account through the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) or individuals may submit the filing by overnight delivery to the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery. Large filings containing confidential or proprietary material may be submitted through the Commission's Share Point File system with advanced notice to the Commission prior to submittal.

*Joint Applicant:* FirstEnergy Service Company, 2800 Pottsville Pike, P.O. Box 16001, Reading, PA 19612-6001

*Through and By Counsel for:* Tori L. Giesler, Esquire, Darshana Singh, Esquire, FirstEnergy Service Company, Phone: (610) 921-6658, [tgiesler@firstenergycorp.com](mailto:tgiesler@firstenergycorp.com), [singhd@firstenergycorp.com](mailto:singhd@firstenergycorp.com); David B. MacGregor, Esquire, Devin T. Ryan, Esquire, Garrett P. Lent, Esquire, Megan E. Rulli, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601, Phone: (717) 731-1970, Fax: (717) 731-1985, [dmacgregor@postschell.com](mailto:dmacgregor@postschell.com), [dryan@postschell.com](mailto:dryan@postschell.com), [grull@postschell.com](mailto:grull@postschell.com), [mrulli@postschell.com](mailto:mrulli@postschell.com)

#### Telephonic Prehearing Conference

An initial telephonic prehearing conference on the captioned case will be held as follows:

<i>Date:</i>	Tuesday, April 25, 2023
<i>Time:</i>	1:30 p.m.
<i>Presiding Officers:</i>	Administrative Law Judges Conrad A. Johnson and Emily I. DeVoe Phone: (412) 565-3550 Fax: (412) 565-5692

At the previously listed date and time, individuals must call into the telephonic prehearing conference. Individuals will not be called by the Presiding Officers.

To participate in the telephonic prehearing conference, individuals must:

- Dial the following toll-free number.

- Enter the PIN number when instructed to do so, listed as follows.

- Speak the individual's name when prompted.

The telephone system will connect individuals to the telephonic prehearing conference.

Toll-free Conference Number: (866) 566-0826

PIN Number: 76982683

Individuals who require an interpreter to participate in the telephonic prehearing conference, the Commission will make every reasonable effort to have an interpreter present. Call the Scheduling Office at the Commission at least 10 business days prior to the prehearing conference to submit a request.

- Scheduling Office: (717) 787-1399
- Pennsylvania Hamilton Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

The Commission offers a free eFiling subscription service, which allows users to automatically receive an e-mail notification whenever a document is added, removed or changed on the Commission web site regarding a specific case. Instructions for subscribing to this service are on the Commission's web site at [http://www.puc.pa.gov/Documentation/eFiling\\_Subscriptions.pdf](http://www.puc.pa.gov/Documentation/eFiling_Subscriptions.pdf).

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 23-379. Filed for public inspection March 17, 2023, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Eligible Telecommunications Carriers; Federal Universal Service Low Income Support

The Pennsylvania Public Utility Commission (Commission) invites comment on the following petition for designation as an eligible telecommunications carrier (ETC) for purposes of Federal universal service low income support:

IM Telecom, LLC, d/b/a Infiniti Mobile, Amended Filing Application; Doc. No. P-2016-2531610

On August 2, 2010, the Commission entered an Order adopting a final policy statement on ETC designation and ETC annual recertification and reporting requirements for all telecommunications carriers at Docket No. M-2010-2164741. See 52 Pa. Code § 69.2501 (relating to standards applicable for designation and annual certification as an eligible telecommunications carrier, for purposes of obtaining Federal universal service support) for the final policy statement. The final policy statement became effective on October 2, 2010.

This notice is to inform telecommunications providers and interested parties that the Commission intends to act on the previously-referenced ETC petition pending before the Commission. By this notice, the Commission extends the time for filing an answer to the petition under 52



Pa. Code § 5.61 (relating to answers to complaints, petitions, motions and preliminary objections). Interested persons may file an answer on or before 20 days after this notice is published in the *Pennsylvania Bulletin*. Thereafter, the petitioner has 10 days to file and serve its response. Filings must reference Docket No. P-2016-2531610.

In accordance with the Commission's Emergency Order at Docket No. M-2020-3019262 (issued on March 20, 2020; ratified on March 26, 2020; modified by Secretarial Letter issued July 27, 2020), all parties participating in matters pending before the Commission are required to eFile their submissions by opening an eFiling account and accepting eService. 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>. Documents filed relative to this docket are available for inspection by searching under the petitioner's docket number on the Commission's web site at <https://www.puc.pa.gov/search/document-search/>.

Confidential filings should be clearly marked as such and e-mailed directly to Commission Secretary Rosemary Chiavetta at [rchiavetta@pa.gov](mailto:rchiavetta@pa.gov).

The contact for questions regarding this notice is Rhonda L. Daviston, Assistant Counsel, Law Bureau, at (717) 787-6166.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 23-380. Filed for public inspection March 17, 2023, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Natural Gas Service

**A-2023-3038696. Columbia Gas of Pennsylvania, Inc.** Application for approval of abandonment of natural gas service by Columbia Gas of Pennsylvania, Inc. to one active residential premises in Washington County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, April 3, 2023. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, or on the Pennsylvania Public Utility Commission's (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov) with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery.

*Applicant:* Columbia Gas of Pennsylvania, Inc.

*Through and By Counsel:* Candis A. Tunilo, Esquire (ID # 89891), 800 North Third Street, Suite 204, Harris-

burg, PA 17102, [ctunilo@nisource.com](mailto:ctunilo@nisource.com); Theodore J. Gallagher, Esquire (ID # 90842), 121 Champion Way, Suite 100, Canonsburg, PA 15317, [tjgallagher@nisource.com](mailto:tjgallagher@nisource.com)  
ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 23-381. Filed for public inspection March 17, 2023, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

**Pennsylvania Public Utility Commission, Bureau of  
Investigation and Enforcement v. Aqua Pennsylvania, Inc.**

Public Meeting held  
March 2, 2023

*Commissioners Present:* Gladys Brown Dutrieuille, Chairperson; Stephen M. DeFrank, Vice Chairperson; Ralph V. Yanora; Kathryn L. Zerfuss; John F. Coleman, Jr.

*Pennsylvania Public Utility Commission, Bureau of  
Investigation and Enforcement v. Aqua Pennsylvania, Inc.;*  
M-2023-3031237

### Opinion and Order

*By the Commission:*

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is a proposed Joint Petition for Approval of Settlement (Settlement Agreement, Settlement or Joint Petition), filed on January 27, 2023, by the Commission's Bureau of Investigation and Enforcement (I&E) and Aqua Pennsylvania, Inc. (Aqua or the Company) (collectively the Parties), with respect to an informal investigation conducted by I&E. The Joint Petition contains terms and conditions representing a comprehensive settlement, along with Statements in Support of the Settlement Agreement (Statements in Support), regarding I&E's informal investigation. Both Parties submit that the proposed Settlement Agreement is in the public interest and is consistent with our 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 (Policy Statement). Settlement Agreement at ¶ 10. Before issuing a final decision on the merits of the proposed Settlement, and consistent with the requirement of 52 Pa. Code § 3.113(b)(3), we shall publish the Settlement in the *Pennsylvania Bulletin* and provide an opportunity for interested parties to file comments regarding the proposed Settlement.<sup>1</sup>

#### I. *History of the Proceeding*

This matter concerns an informal investigation initiated by I&E based on a referral from the Commission's Bureau of Consumer Services (BCS) regarding several informal complaints from Aqua customers who had their water service terminated for non-payment. Upon BCS review of these complaints, it was revealed that these customers had their water service terminated after expiration of their 10-day shut off notices.

<sup>1</sup> As discussed, *infra*, due to the nature of the alleged violations in this matter, it is appropriate to publish the Settlement in the *Pennsylvania Bulletin*.

Based on these allegations, I&E determined that an informal investigation was warranted to determine whether the actions of Aqua violated 52 Pa. Code § 56.91(a), or another regulation, law, or order that the Commission has jurisdiction to administer.

The Parties entered into negotiations and agreed to resolve these matters in accordance with the Commission's policy to promote settlements at 52 Pa. Code § 5.231. Settlement Agreement at 4. The Parties filed the instant Settlement Agreement on January 27, 2023.

As a result of successful negotiations between I&E and Aqua, the Parties have reached an agreement on an appropriate outcome to the investigation as encouraged by the Commissioner's policy to promote settlements. See 52 Pa. Code § 5.231. The Settlement also is consistent with the Commission's Policy Statement for evaluating litigated and settled proceedings involving violations of the Code and Commission Regulations, 52 Pa. Code § 69.1202. The Parties agree to the settlement terms set forth and urge the Commission to approve the Settlement as submitted as being in the public interest.

## II. Background

In January 2022, BCS received informal consumer complaints wherein the consumers alleged that their Aqua water service was terminated for non-payment. The consumers sought Commission assistance in having their water service restored. BCS' review of the January 2022 informal complaints revealed that each consumer had their water service terminated following expiration of the 10-day shut off notices issued to them by Aqua. On February 10, 2022, BCS spoke with representatives from Aqua concerning the expired 10-day shut off notices and on February 28, 2022, BCS referred its concerns to I&E. Settlement Agreement at ¶¶ 11–13.

On March 30, 2022, I&E issued a Data Request Letter (I&E Data Requests—Set I) informing Aqua that it has initiated an informal investigation regarding potential violations of the Commission's Regulations by Aqua. Aqua was additionally informed of the scope of I&E's investigation and was asked to provide a response to eight (8) data requests. On April 19, 2022, Aqua timely provided its responses to I&E Data Requests—Set I. On May 5, 2022, I&E submitted a second set of data requests (I&E Data Requests—Set II), to which Aqua timely provided its responses on June 2, 2022. Settlement Agreement at ¶¶ 14-15.

Aqua's responses to I&E's Data Requests reveal that sixty-seven (67) Aqua customers had their water service terminated following expiration of the 10-day shut off notices issued to those customers. That is, sixty-seven (67) customers had their water service terminated more than 60 days following issuance of their 10-day shut off notices. Settlement Agreement at ¶¶ 16.

In terminating water service to customers following the expiration of their 10-day shut off notices, Aqua may have violated Section 56.91(a) of the Commission's Regulations. Specifically, pursuant to 52 Pa. Code § 56.91(a), public utilities are required to issue 10-day shut off notices to customers prior to terminating their water service. The regulation states that these shut off notices shall remain in effect for 60 days. 52 Pa. Code § 56.91(a).<sup>2, 3</sup> Settlement Agreement at ¶¶ 17-18.

Through its responses to I&E's data requests, Aqua revealed the following relevant information concerning its procedures for terminating residential water service:

- Aqua's customer information system (Banner) automatically creates a 10-day shut off notice when a residential customer's past due balance rises past \$110.
- Seven days past due, the delinquent customer is mailed a 10-day shut off notice.
- Eight days after the 10-day shut off notice is issued, the customer will receive a 72-hour call from Aqua.<sup>4</sup>
- Fifteen days after the 10-day shut off notice is issued, Banner will create a shut-off service order.
- Every Monday, a report of all open shut-off service orders is generated. As a quality control measure, Aqua's Collections Department reviews all open shut-off service orders to ensure compliance with the 60-day requirement. All expired orders are to be cancelled. The delinquency process may restart with a new 10 day shut off notice.
- On the day that a customer's water service is to be terminated, Aqua Field Service Representatives (FSR) receive the shut-off order from the Collections Department. As a quality control measure, FSRs are to review the service order to ensure that it complies with the 60-day requirement.

Settlement Agreement at ¶ 19.

Aqua identified two reasons as to why water service was terminated to customers following expiration of their 10-day shut off notices: (1) the Monday morning report was not using date that the 10-day shut off notice was issued to define the 60-day limit, and (2) gaps in employee training with respect to identifying service orders outside the 60-day limit. Settlement Agreement at ¶ 20.

As a result of the improper terminations identified through I&E's investigation, Aqua made the following changes to its internal procedures:

- Corrected the Monday report of all open terminations service orders to utilize the date of the 10-day shut-off notice. Any order reaching the 60-day limit will be cancelled in Banner.
- Updated Aqua's service order management system to more easily identify when an account is approaching the 60-day limit.
- Updated training for all PA field employees and held meetings to review with the state divisions and the Company's contractor.
- Updated its PA Collection Activity Manual to instruct the Collections Department to verify the status of shut-off orders by looking at the date the 10-day shut-off notice was issued, and to restart with a 10-day shut off notice posting if the order has expired. Concerning the sixty-seven (67) customers who had their water service improperly terminated, Aqua made the following efforts to restore their water service:
  - Forty (40) customers had their water service restored and restoration fee waived, with most of the restorations taking place within one to two days. Seventeen (17) customers were informed, by voicemail or by notice posted at their place of residence to contact Aqua to have their water service restored due to these customers not responding to Aqua's attempts to contact them for water service restoration.

<sup>2</sup> See also 66 Pa.C.S.A. § 1406(b)(1)(i).

<sup>3</sup> Additionally, 10-day shut off notices must include a statement that specifies that the notice is valid for 60 days. See 52 Pa. Code § 56.91(b)(5). The notices issued to the January 2022 consumer complainants contained this statement.

<sup>4</sup> See 52 Pa. Code § 56.93.

- Ten (10) customers were no longer customers of Aqua following termination of their water service.

Settlement Agreement at ¶ 22.

The results of I&E's investigation, which included review of the consumer complaints, and Aqua responses to data requests, formed the basis for the instant Settlement Agreement.

#### B. *Alleged Violations*

Based on its informal investigation, if this matter had been litigated, I&E would have proffered evidence and legal arguments to demonstrate that Aqua violated Section 56.91(a) of the Commission's Regulations when it terminated water service to sixty-seven (67) of its customers following the 60-day expiration of the 10-day shut off notices issued to those customers. Settlement Agreement at ¶ 24.

On the other hand, if this matter had been litigated, Aqua would have denied that it violated Section 56.91(a) of the Commission's Regulations, raised defenses and/or mitigating factors in support of its defense, and defended against the same at hearing. Settlement Agreement at ¶ 25.

As a result of negotiations, the Parties entered into the proposed Settlement Agreement, which is attached to this Opinion and Order, to resolve their differences. The Parties assert that the proposed Settlement Agreement is in the public interest and should, therefore, be approved by the Commission. Settlement Agreement at 28. I&E submits: (1) that Aqua fully cooperated with its investigation by fully complying with I&E's requests for information and documentation; (2) that the internal issues that led to the unlawful termination have been corrected; (3) that there has been no further unlawful terminations as a result of the now corrected internal issues; (4) that Aqua moved quickly to restore service to the customers whose service was unlawfully terminated; and (5) Aqua waived all reconnection fees for those customers whose service it restored. Settlement Agreement Appendix A, I&E Statement in Support, at 3.

#### II. *Terms of the Settlement*

The Parties state that the purpose of the Settlement is to terminate I&E's informal investigation and settle this matter completely without litigation. Both Parties jointly acknowledge that approval of the Settlement Agreement is in the public interest and is fully consistent with the Commission's Policy Statement at 52 Pa. Code § 69.1201. Moreover, the Parties agree that the Settlement Agreement is in the public interest because it effectively addresses I&E's allegations that are the subject of I&E's informal investigation and avoids the time and expense of litigation, which entails hearings, travel.

Pages 8 through 10 of the Settlement Agreement set forth the full Settlement Terms and Conditions.

The essential terms of the Joint Settlement are set forth in Paragraph No. 26 of the Joint Petition, which is recited in full, below, as it appears in the Joint Petition:

26. Pursuant to the Commission's policy of encouraging settlements that are reasonable and in the public interest, the Parties held discussions that culminated in this Settlement. I&E and Aqua desire to (1) terminate I&E's informal investigation; and (2) settle this matter completely without litigation. The Parties recognize that this is a disputed matter and given the inherent unpredictability of the outcome of a contested proceeding, the Parties further recognize the

benefits of amicably resolving the disputed issues. The terms of the Settlement, for which the Parties seek Commission approval, are set forth below:

a) Aqua shall pay a civil penalty of Thirty-Three Thousand Five-Hundred dollars (\$33,500.00) to fully and finally resolve all possible claims of alleged violations of the Public Utility Code and the Commission's regulations in connection with the Company's termination of service after the expiration of the 10-day shut off notice related to the accounts at issue. Said payment shall be made within thirty (30) days of the date of the Commission's Final Order approving the Settlement Agreement and shall be made by certified check or money order payable to the "Commonwealth of Pennsylvania" and sent to:

Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

The civil penalty shall not be tax deductible pursuant to Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f) or passed through as an additional charge to Aqua's customers in Pennsylvania.

Settlement Agreement at ¶ 26.

The Parties state that the Joint Petition represents the Settlement Agreement in its entirety. In consideration of Aqua's agreement to pay a civil penalty, I&E agrees that its informal investigation relating to Aqua's conduct will be terminated and marked closed upon approval by the Commission of the Settlement Agreement, without modification, and receipt of the civil penalty. Settlement Agreement at ¶¶ 27, 28.

The proposed Settlement Agreement is conditioned on the Commission's approval without modification of any of its terms or conditions. If the Commission rejects the proposed Settlement Agreement, or makes any change or modification thereto, either Party may elect to withdraw from the Settlement Agreement. Moreover, the Settlement Agreement represents a compromise of positions and does not necessarily reflect any party's position with respect to any issues raised in this proceeding. Finally, the Parties present the Settlement Agreement only in the context of this proceeding in an effort to resolve the proceeding in a manner that is fair and reasonable. The Settlement Agreement is presented without prejudice to any position that any of the Parties may have advanced and without prejudice to any position that 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. Settlement Agreement at ¶¶ 30—35.

#### III. *Discussion*

Pursuant to our Regulations at 52 Pa. Code § 5.231, it is the Commission's policy to promote settlements. However, the Commission must review proposed settlements to determine whether the terms are in the public interest. *Pa. PUC v. Philadelphia Gas Works*, Docket No. M-00031768 (Order entered January 7, 2004).

In reviewing settlements that resolve informal investigations, the Commission will provide other potentially affected parties with the opportunity to file comments regarding a proposed settlement prior to issuing a decision. The Commission's Regulations at 52 Pa. Code § 3.113(b) provide as follows:

§ 3.113. Resolution of informal investigations.

\* \* \*

(b) Under 65 Pa.C.S. Chapter 7 (relating to Sunshine Act), the Commission’s official actions resolving informal investigations will be as follows:

\* \* \*

(3) When the utility, or other person subject to the Commission’s jurisdiction, has committed to undertake action to address or remedy a violation or potential violation of the act or to resolve another perceived deficiency at the utility, in the form of a settlement with the Commission staff or other resolution of the matter, the Commission’s consideration of the settlement or approval of the utility’s action will occur at public meeting. Except for staff reports and other documents covered by a specific legal privilege, documents relied upon by the Commission in reaching its determination shall be made part of the public record. Before the Commission makes a final decision to adopt the settlement or to approve the utility’s action, the Commission will provide other potentially affected persons with the opportunity to submit exceptions thereon or to take other action provided for under law.

52 Pa. Code § 3.113(b) (emphasis added). See also Pa. PUC, Bureau of Investigation and Enforcement v. PPL Electric Utilities Corporation, Docket No. M-2012-2264635 (Order entered September 13, 2012); Pa. PUC, Bureau of Investigation and Enforcement v. Liberty Power Holdings, LLC, Docket No. M-2019-2568471 (Order entered August 8, 2019).

IV. Conclusion

Before issuing a decision on the merits of the proposed Settlement, and consistent with the requirement of 52 Pa. Code § 3.113(b)(3), and for the reason(s) stated above,

we believe it is appropriate to publish the Settlement in the Pennsylvania Bulletin. Therefore, we will: (1) publish this Opinion and Order and a copy of the proposed Settlement and Statements in Support, attached hereto, in the Pennsylvania Bulletin; and (2) provide an opportunity for interested parties to file comments regarding the proposed Settlement within twenty-five days 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 Joint Petition for Approval of Settlement and the Statements in Support thereof, at Docket No. M-2023-3031237, 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 Joint Petition for Approval of Settlement and the Statements in Support thereof are published in the Pennsylvania Bulletin, interested parties may file comments concerning the proposed Settlement.

3. A copy of this Opinion and Order, together with the attached Joint Petition for Approval of Settlement and the Statements in Support thereof, at Docket No. M-2023-3031237, shall be served on the Office of Consumer Advocate and the Office of Small Business Advocate.

4. Subsequent to the Commission’s review of any comments filed in this proceeding, at Docket No. M-2023-3031237, a final Opinion and Order will be issued by the Commission.

ROSEMARY CHIAVETTA, Secretary

ORDER ADOPTED: March 2, 2023

ORDER ENTERED: March 2, 2023

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement

v.

Aqua Pennsylvania, Inc.

Docket No. M-2023-3031237

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 Aqua Pennsylvania, Inc. (“Aqua” 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 upon information provided by the Commission’s Bureau of Consumer Services (“BCS”).

As part of this Settlement Agreement, I&E and Aqua (hereinafter referred to collectively as the “Parties”) respectfully request that the Commission enter a Final Opinion and Order approving the Settlement, without

modification. Statements in Support of the Settlement expressing the individual views of I&E and Aqua PA are attached hereto as Appendix A and Appendix B, respectively.

I. Introduction

1. The Parties to this Settlement Agreement are the Pennsylvania Public Utility Commission’s Bureau of Investigation and Enforcement, by it prosecuting attorneys, 400 North Street, Commonwealth Keystone Building, Harrisburg, PA, 17120, and Aqua Pennsylvania, Inc. with a business address of 762 West Lancaster Avenue, Bryn Mawr, Pennsylvania 19010.

2. The Pennsylvania Public Utility Commission is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within this

Commonwealth, as well as other entities subject to its jurisdiction, pursuant to the Public Utility Code (“Code”), 66 Pa.C.S. §§ 101, et seq.

3. I&E is the entity established to prosecute complaints against public utilities and other entities subject to the Commission’s jurisdiction pursuant to 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) (delegating authority to initiate proceedings that are prosecutory in nature to I&E).

4. 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.

5. Aqua (Utility Code 210104) is a “public utility” as that is defined at 66 Pa.C.S. § 102,<sup>5</sup> as it is engaged in providing wastewater and water utility services (“water service”) to the public for compensation. Aqua America (Aqua’s parent company) currently provides water service to more than 3 million people in eight states within the United States, including the Commonwealth of Pennsylvania.<sup>6</sup>

6. Aqua, as a public utility, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations and orders.

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, and/or orders. 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 Code, Commission’s regulations, and/or orders.

9. I&E instituted an informal investigation of Aqua based on information referred to I&E by BCS. BCS received several informal complaints from Aqua customers who had their water service terminated for non-payment. Upon BCS review of these complaints, it was revealed that these customers had their water service terminated after expiration of their 10-day shut off notices. These allegations, if found to be true, constitute a violation of Section 56.91(a) of the Commission’s regulations, 52 Pa. Code § 56.91(a). Based on these allegations, I&E determined that an informal investigation was warranted to determine whether the actions of Aqua violated 52 Pa. Code § 56.91(a), or another regulation, law, or order that the Commission has jurisdiction to administer.

10. As a result of successful negotiations between I&E and Aqua, the Parties have reached an agreement on an appropriate outcome to the investigation as encouraged by the Commission’s policy to promote settlements. See 52 Pa. Code § 5.231. The Settlement also is consistent with the Commission’s Policy Statement for evaluating

litigated and settled proceedings involving violations of the Code and Commission regulations, 52 Pa. Code § 69.1201. The Parties agree to the settlement terms set forth herein and urge the Commission to approve the Settlement as submitted as being in the public interest.

## II. Background

11. In January 2022, BCS received informal consumer complaints wherein the consumers alleged that their Aqua water service was terminated for non-payment. The consumers sought Commission assistance in having their water service restored.

12. BCS review of the January 2022 informal complaints revealed that each consumer had their water service terminated following expiration of the 10-day shut off notices issued to them by Aqua.

13. On February 10, 2022, BCS spoke with representatives from Aqua concerning the expired 10-day shut off notices and on February 28, 2022, BCS referred its concerns to I&E.

14. On March 30, 2022, I&E issued a Data Request Letter (“I&E Data Requests—Set I”) informing Aqua that it has initiated an informal investigation regarding potential violations of the Commission’s regulations by Aqua. Aqua was additionally informed of the scope of I&E’s investigation and was asked to provide a response to eight (8) data requests. On April 19, 2022, Aqua timely provided its responses to I&E Data Requests—Set I.

15. On May 5, 2022, I&E submitted a second set of data requests (“I&E Data Requests—Set II”), to which Aqua timely provided its responses on June 2, 2022.

16. Aqua’s responses to I&E’s Data Requests reveal that sixty-seven (67) Aqua customers had their water service terminated following expiration of the 10-day shut off notices issued to those customers. That is, 67 customers had their water service terminated more than 60 days following issuance of their 10-day shut off notices.

17. In terminating water service to customers following the expiration of their 10-day shut off notices, Aqua may have violated Section 56.91(a) of the Commission’s regulations.

18. Specifically, pursuant to 52 Pa. Code § 56.91(a), public utilities are required to issue 10-day shut off notices to customers prior to terminating their water service. The regulation states that these shut off notices shall remain in effect for 60 days. 52 Pa. Code § 56.91(a).<sup>7, 8</sup>

19. Through its responses to I&E’s data requests, Aqua revealed the following relevant information concerning its procedures for terminating residential water service:

- Aqua’s customer information system (Banner) automatically creates a 10-day shut off notice when a residential customer’s past due balance rises past \$110.
- Seven days past due, the delinquent customer is mailed a 10-day shut off notice.
- Eight days after the 10-day shut off notice is issued, the customer will receive a 72-hour call from Aqua.<sup>9</sup>
- Fifteen days after the 10-day shut off notice is issued, Banner will create a shut-off service order.

<sup>5</sup> 66 Pa.C.S. § 102 “Public Utility”

(1) Any person or corporations now or hereafter owning or operating in this Commonwealth equipment or facilities for:

(ii) Diverting, developing, pumping, impounding, distributing, or furnishing water to or for the public for compensation.

(vii) Wastewater collection, treatment, or disposal for the public for compensation.

<sup>6</sup> <https://www.aquawater.com>

<sup>7</sup> See also 66 Pa.C.S.A. § 1406(b)(1)(i).

<sup>8</sup> Additionally, 10-day shut off notices must include a statement that specifies that the notice is valid for 60 days. See 52 Pa. Code § 56.91(b)(5). The notices issued to the January 2022 consumer complainants contained this statement.

<sup>9</sup> See 52 Pa. Code § 56.93.

- Every Monday, a report of all open shut-off service orders is generated. As a quality control measure, Aqua's Collections Department reviews all open shut-off service orders to ensure compliance with the 60-day requirement. All expired orders are to be cancelled. The delinquency process may restart with a new 10 day shut off notice.

- On the day that a customer's water service is to be terminated, Aqua Field Service Representatives (FSR) receive the shut-off order from the Collections Department. As a quality control measure, FSRs are to review the service order to ensure that it complies with the 60-day requirement.

20. Aqua identified two reasons as to why water service was terminated to customers following expiration of their 10-day shut off notices: (1) The Monday morning report was not using date that the 10-day shut off notice was issued to define the 60-day limit, and (2) Gaps in employee training with respect to identifying service orders outside the 60-day limit.

21. As a result of the improper terminations identified through I&E's investigation, Aqua made the following changes to its internal procedures:

- Corrected the Monday report of all open terminations service orders to utilize the date of the 10-day shut-off notice. Any order reaching the 60-day limit will be cancelled in Banner.

- Updated Aqua's service order management system to more easily identify when an account is approaching the 60-day limit.

- Updated training for all PA field employees and held meetings to review with the state divisions and the Company's contractor.

- Updated its PA Collection Activity Manual to instruct the Collections Department to verify the status of shut-off orders by looking at the date the 10-day shut-off notice was issued, and to restart with a 10-day shut off notice posting if the order has expired.

22. Concerning the 67 customers who had their water service improperly terminated, Aqua made the following efforts to restore their water service:

- 40 customers had their water service restored and restoration fee waived, with most of the restorations taking place within one to two days.

- 17 customers were informed, by voicemail or by notice posted at their place of residence to contact Aqua to have their water service restored due to these customers not responding to Aqua's attempts to contact them for water service restoration.

- 10 customers were no longer customers of Aqua following termination of their water service.

23. The results of I&E's investigation, which included review of the consumer complaints, and Aqua responses to data requests, formed the basis for the instant Settlement Agreement.

### III. *Alleged Violation*

24. Had this matter been fully litigated, I&E would have proffered evidence and legal arguments to demonstrate that Aqua violated Section 56.91(a) of the Commission's regulations when it terminated water service to 67 of its customers following the 60-day expiration of the 10-day shut off notices issued to those customers.

25. Had this matter been fully litigated, Aqua would have denied that it violated Section 56.91(a) of the Commission's regulations, raised defenses and/or mitigating factors in support of its defense, and defended against the same at hearing as set forth in Aqua's Statement in Support of Settlement.

### IV. *Settlement Terms*

26. Pursuant to the Commission's policy of encouraging settlements that are reasonable and in the public interest, the Parties held discussions that culminated in this Settlement. I&E and Aqua desire to (1) terminate I&E's informal investigation; and (2) settle this matter completely without litigation. The Parties recognize that this is a disputed matter and given the inherent unpredictability of the outcome of a contested proceeding, the Parties further recognize the benefits of amicably resolving the disputed issues. The terms of the Settlement, for which the Parties seek Commission approval, are set forth below:

a) Aqua shall pay a civil penalty of Thirty-Three Thousand Five-Hundred dollars (\$33,500.00) to fully and finally resolve all possible claims of alleged violations of the Public Utility Code and the Commission's regulations in connection with the Company's termination of service after the expiration of the 10-day shut off notice related to the accounts at issue. Said payment shall be made within thirty (30) days of the date of the Commission's Final Order approving the Settlement Agreement and shall be made by certified check or money order payable to the "Commonwealth of Pennsylvania" and sent to:

Secretary  
 Pennsylvania Public Utility Commission  
 Commonwealth Keystone Building  
 400 North Street  
 Harrisburg, PA 17120

The civil penalty shall not be tax deductible pursuant to Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f) or passed through as an additional charge to Aqua's customers in Pennsylvania.

27. In consideration of the Company's payment of a monetary civil penalty of \$33,500.00, 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.

28. I&E and Aqua jointly acknowledge that approval of this Settlement Agreement is in the public interest and is 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 Aqua,

respectively, setting forth the bases upon which the Parties believe the Settlement Agreement is in the public interest.

V. Conditions of Settlement

29. 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.

30. 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.

31. The benefits and obligations of this Settlement Agreement shall be binding upon the successors and assigns of the Parties to this Agreement.

32. 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 proceeding. It is further understood that, by entering into this Settlement Agreement, Aqua 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.

33. 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.

34. If either party should file any pleading, including comments, in response to an order of the Commission, the other party shall have the right to file a reply.

35. 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.

36. 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 Aqua Pennsylvania, Inc. respectfully request that the Commission enter an Order approving the terms of the Joint Petition for Approval of Settlement in their entirety as being in the public interest.

Respectfully submitted,

Date: January 27, 2023  
Mary McFall Hopper  
Regulatory Counsel for  
Aqua Pennsylvania, Inc.

Date: January 27, 2023  
Alphonso Arnold III  
Prosecutor for the Commission's  
Bureau of Investigation and Enforcement

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission,  
Bureau of Investigation and Enforcement

v.

Aqua Pennsylvania, Inc.

Docket No. M-2023-3031237

Proposed Ordering Paragraphs

1. That the Joint Petition for Approval of Settlement filed on January 27, 2023 between the Commission's Bureau of Investigation and Enforcement and Aqua Pennsylvania, Inc. is approved in its entirety without modifications.

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, Aqua Pennsylvania, Inc. shall pay Thirty-Three Thousand Five-Hundred dollars (\$33,500.00), which consists of the entirety of the civil penalty 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. That the civil penalty shall not be tax deductible or passed through as an additional charge to Aqua PA's customers in Pennsylvania.

4. A copy of this Opinion and Order shall be served upon the Financial and Assessment Chief, Office of Administrative Services.

5. That the above-captioned matter shall be marked closed upon receipt of Aqua Pennsylvania, Inc. payment of the civil penalty.

Appendix A
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement

v.

Aqua Pennsylvania, Inc.

Docket No. M-2023-3031237

THE BUREAU OF INVESTIGATION AND ENFORCEMENT'S STATEMENT IN SUPPORT OF THE JOINT
PETITION FOR APPROVAL OF SETTLEMENT

TO THE HONORABLE PENNSYLVANIA PUBLIC UTIL-
ITY COMMISSION:

Pursuant to 52 Pa. Code §§ 5.231, 5.232 and 69.1201,
the Pennsylvania Public Utility Commission's ("Commis-
sion" or "PUC") Bureau of Investigation and Enforcement
("I&E"), a signatory party to the Joint Petition for
Approval of Settlement ("Settlement" or "Settlement Agree-
ment") filed in the matter docketed above, submits this
Statement in Support of the Settlement Agreement be-
tween I&E and Aqua Pennsylvania, Inc. ("Aqua" or
"Company").<sup>10</sup> I&E avers that the terms and conditions of
the Settlement are just and reasonable and in the public
interest for the reasons set forth herein.

I. Background

In January 2022, the Commission's Bureau of Con-
sumer Services ("BCS") received several informal con-
sumer complaints from consumers who had their water
and wastewater service ("water service") terminated by
Aqua and sought service restoration. BCS review of these
informal complaints revealed that the consumers had
their water service terminated following expiration of the
10-day shut off notices issued to them by Aqua. On
February 28, 2022, BCS submitted a memo to I&E
expressing concern that these consumers had their ser-
vice terminated in violation of the Commission's regula-
tions.

On March 30, 2022, I&E issued a Data Request Letter
("I&E Data Requests—Set I") informing Aqua that it has
initiated an informal investigation regarding potential
violations of the Commission's regulations by Aqua. Aqua
was additionally informed of the scope of I&E's investiga-
tion and was asked to provide a response to eight (8) data
requests. On April 19, 2022, Aqua timely provided its
responses to I&E Data Requests—Set I.

On May 5, 2022, I&E submitted a second set of data
requests ("I&E Data Requests—Set II"), to which Aqua
timely provided its responses on June 2, 2022.

In light of the facts uncovered in the informal investi-
gation, the Parties began discussing settlement to amica-
bly resolve the instant matter.

On November 31, 2022, the Parties filed a Joint
Petition for Approval of Settlement resolving all issues
between the Parties in the instant matter. This State-
ment in Support is submitted in conjunction with the
Settlement Agreement.

II. The Public Interest

Pursuant to the Commission's policy of encouraging
settlements that are reasonable and in the public inter-
est, the Parties held a series of settlement discussions.

These discussions culminated in this Settlement Agree-
ment, which, once approved, will resolve all issues related
to I&E's informal investigation involving allegations that
Aqua unlawfully terminated water service to customers
past the expiration of the 10-day shut off notices issued to
the customers, in violation of Section 56.91(a) of the
Commission's regulations. Aqua's responses to I&E's data
requests revealed that sixty-seven (67) customers had
their service terminated following expiration of the 10-
day shut off notices issued to them from January 1, 2022,
to June 2, 2022. Importantly, Aqua asserted that the
internal issues that led to the unlawful terminations have
been corrected and that there has been no further
unlawful terminations as a result of the now corrected
internal issues. Aqua has further asserted, to which I&E
acknowledges, that it moved quickly to restore service to
the customers whose service was unlawfully terminated.
Moreover, Aqua waived all reconnection fees for these
customers whose service it restored.

I&E intended to prove the factual allegations set forth
in its investigation at hearing to which Aqua would have
disputed. This Settlement Agreement results from the
compromises of the Parties. I&E recognizes that, given
the inherent unpredictability of the outcome of a con-
tested proceeding, the benefits to amicably resolving the
disputed issues through settlement outweigh the risks
and expenditures of litigation. Here, Aqua has already
implemented the appropriate remedies that, to date, have
proven to effectively resolved the violations that were the
subject of I&E's investigation. In addition, the informa-
tion gleaned from I&E's informal discovery indicates that
Aqua acted quickly and efficiently to correct the termina-
tions and restore service to the affected customers. 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.

III. Terms of Settlement

Under the terms of the Settlement Agreement, and
noting that Aqua has already completed implementation
of all appropriate non-monetary remedial measures, I&E
and Aqua have agreed to the following:

- a) Aqua shall pay a civil penalty of Thirty-Three
Thousand Five-Hundred dollars (\$33,500.00) to fully
and finally resolve all possible claims of alleged
violations of the Public Utility Code and the Commis-
sion's regulations in connection with the Company's
termination of service after the expiration of the
10-day shut off notice related to the accounts at
issue. Said payment shall be made within thirty (30)

<sup>10</sup> I&E and Aqua are collectively referred to herein as the "Parties."



days of the date of the Commission's Final Order approving the Settlement Agreement and shall be made by certified check or money order payable to the "Commonwealth of Pennsylvania" and sent to:

Secretary  
 Pennsylvania Public Utility Commission  
 Commonwealth Keystone Building  
 400 North Street  
 Harrisburg, PA 17120

The civil penalty shall not be tax deductible pursuant to Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f) or passed through as an additional charge to Aqua's customers in Pennsylvania.

In consideration of the Company's payment of a monetary civil penalty of \$33,500.00, I&E agrees that its informal investigation relating to Aqua's conduct as described in the Settlement Agreement referenced herein shall be terminated and marked closed upon approval by the Commission of the Settlement Agreement without modification and completion of the settlement terms.

Upon Commission approval of the Settlement in its entirety without modification, I&E will not file any complaints or initiate other action against Aqua at the Commission with respect to the unlawful terminations which were the subject of I&E's instant informal investigation.

#### IV. *Legal Standard for Settlement Agreements*

Commission policy promotes settlements. See 52 Pa. Code § 5.231. Settlements lessen the time and expense that the parties must expend litigating a case and, at the same time, conserve precious administrative resources. Settlement results are often preferable to those achieved at the conclusion of a fully litigated proceeding. "The focus of inquiry for determining whether a proposed settlement should be recommended for approval is not a 'burden of proof' standard, as is utilized for contested matters." *Pa. Pub. Util. Comm'n, et al. v. City of Lancaster—Bureau of Water*, Docket Nos. R-2010-2179103, et al. (Order entered July 14, 2011) at p. 11. Instead, the benchmark for determining the acceptability of a settlement is whether the proposed terms and conditions are in the public interest. *Pa. Pub. Util. Comm'n v. Philadelphia Gas Works*, Docket No. M-00031768 (Order entered January 7, 2004).

I&E submits that approval of the Settlement Agreement in the above-captioned matter is consistent with the Commission's Policy Statement regarding Factors and Standards for Evaluating Litigated and Settled Proceedings Involving Violations of the Public Utility Code and Commission Regulations ("Policy Statement"), 52 Pa. Code § 69.1201; see also *Joseph A. Rosi v. Bell-Atlantic-Pennsylvania, Inc.*, Docket No. C-00992409 (Order entered March 16, 2000). The Commission's Policy Statement sets forth ten (10) factors that the Commission may consider in evaluating whether a civil penalty for violating a Commission order, regulation, or statute is appropriate, as well as whether a proposed settlement for a violation is reasonable and in the public interest. 52 Pa. Code § 69.1201.

The Commission will not apply the factors as strictly in settled cases as in litigated cases. 52 Pa. Code

§ 69.1201(b). While many of the same factors may still be considered, in settled cases, the parties "*will be afforded flexibility in reaching amicable resolutions* to complaints and other matters as long as the settlement is in the public interest." *Id.* (emphasis added).

The first factor considers whether the conduct at issue was of a serious nature. When conduct of a serious nature is involved, such as willful fraud or misrepresentation, the conduct may warrant a higher penalty. When the conduct is less egregious, such as administrative filing or technical errors, it may warrant a lower penalty. 52 Pa. Code § 69.1201(c)(1). I&E acknowledges that the unlawful terminations at issue in this matter were not caused by willful fraud or misrepresentation. Rather, Aqua represented that the unlawful terminations at issue were caused by (1) the Monday Report generated by Aqua's customer information system was not using the date of the 10-day shut off notice to define the 60-day limit, and (2) gaps in employee training leading to employees failing to identify shut-off service orders that were outside the 60-day limit. Fortunately, the terminations were short-lived, and the remediation was swift. Therefore, review of this factor weighs in favor of a lower penalty.

The second factor considers whether the resulting consequences of the conduct at issue were of a serious nature. When consequences of a serious nature are involved, such as personal injury or property damage, the consequences may warrant a higher penalty. 52 Pa. Code § 69.1201(c)(2). I&E's investigation did not result in any finding that Aqua's alleged conduct resulted in personal injury or property damage. Nonetheless, the consequences of Aqua's conduct resulted sixty-seven (67) customers being without water service during the winter months of 2022. I&E asserts that 67 customers failing to have water service during the colder months are consequences of a serious nature. Therefore, review of this factor weighs in favor of a higher penalty.

The third factor considers whether the conduct at issue was deemed intentional or negligent. This factor may only be considered in evaluating litigated cases. When conduct has been deemed intentional, the conduct may result in a higher penalty. 52 Pa. Code § 69.1201(c)(3). This factor does not apply in this matter because this matter has been resolved through settlement, not litigation.

The fourth factor considers whether the regulated entity made efforts to modify internal practices and procedures to address the conduct at issue and prevent similar conduct in the future. These modifications may include activities such as training and improving company techniques and supervision. The amount of time it took the utility to correct the conduct once it was discovered and the involvement of top-level management in correcting the conduct may be considered. 52 Pa. Code § 69.1201(c)(4). I&E acknowledges that in this matter Aqua has already implemented modifications to its internal practices and procedures to address the conduct at issue, including (1) correcting the Monday report of all open terminations service orders to utilize the date of the 10-day shut-off notice, (2) updating Aqua's service order management system to more easily identify when an account is approaching the 60-day limit, (3) updating the training for all PA field employees and held meetings to

review with the state divisions and the Company's contractor, and (4) updating its PA Collection Activity Manual to instruct the Collections Department to verify the status of shut-off orders by looking at the date the 10-day shut-off notice was issued, and to restart with a 10-day shut off notice posting if the order has expired. I&E additionally acknowledges that Aqua worked quickly to correct the unlawful terminations at issue. As of May 27, 2022, Aqua had restored water service to forty (40) of the 67 customers whose water service was unlawfully terminated as a result of the conduct at issue. According to Aqua's responses to I&E's Data Requests, thirty-seven (37) of the 40 customers had their service restored prior to the initiation of the informal investigation in this matter on March 30, 2022. A majority of the 40 customers had their service restored within one to two days of having their service unlawfully terminated. Notably, the 40 customers were not charged a reconnection fee upon service restoration. Aqua was unable to restore service to the remaining twenty-seven (27) customers either because (1) the customer did not respond to Aqua's attempts to contact them, or (2) the customer was no longer a customer of Aqua. Aqua asserted that it left notices at the dwellings of the customers who did not respond to Aqua's attempts to contact them informing them to contact Aqua for service reconnection. In summary, review of this factor weighs in favor of a lower penalty.

The fifth factor considers the number of customers affected and the duration of the violation. 52 Pa. Code § 69.1201(c)(5). As noted above, Aqua unlawfully terminated water service to 67 customers, 40 of which had their service restored by May 27, 2022. The time period by which Aqua restored service to the 40 customers ranged from within one day to four months, with the majority of the restorations taking place within one to two days. As such, I&E acknowledges that only a small number of customers lost their service as a result of Aqua's violation and only for a short duration. Therefore, review of this factor weighs in favor of a lower penalty.

The sixth factor considers the compliance history of the regulated entity which committed the violation. 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. 52 Pa. Code § 69.1201(c)(6). I&E is not aware of any Formal Complaints filed with the Commission relating to the conduct at issue. Review of Aqua's compliance history with the Commission reveals that Aqua has a strong compliance history regarding customer service terminations, especially given the size of the Company. In addition, neither the Code nor the Commission's Regulations require utilities to provide constantly flawless service to its customers. Therefore, review of this factor weighs in favor of a lower penalty.

The seventh factor considers whether the regulated entity cooperated with the Commission's investigation. Facts establishing bad faith, active concealment of violations, or attempts to interfere with Commission investigations may result in a higher penalty. 52 Pa. Code § 69.1201(c)(7). I&E submits that Aqua fully cooperated in the investigation in this matter, including timely responding to I&E's Data Requests as well as participating in settlement discussions. Therefore, review of this factor weighs in favor of a lower penalty.

The eighth factor considers the amount of the civil penalty or fine necessary to deter future violations. The

size of the utility may be considered to determine an appropriate penalty amount. 52 Pa. Code § 69.1201(c)(8). Even though many of the *Rosi* factors addressed above weigh in favor of a lower penalty, I&E submits that the amount of the civil penalty amicably agreed to herein is substantial and sufficient to deter Aqua from committing future violations involving the conduct at issue.

The ninth factor considers past Commission decisions in similar situations. 52 Pa. Code § 69.1201(c)(9). While recognizing that each settlement should be based on the individual facts and circumstance of that case and that the parties have flexibility in crafting agreements that will be palatable to the settling parties, I&E nevertheless considered a number of prior Commission decisions in arriving at the civil penalty in this matter, including the following: *Pa. Pub. Util' Comm Bureau of Investigation and Enforcement v. PECO Energy Co.*, M-2018-2531404 (Order entered February 7, 2019) (38 customers suffered unlawful terminations in the winter in violation of the Commission's winter moratorium. The Commission approved a Settlement with modifications, ordering that PECO pay a \$10,000 civil penalty in addition to increasing the amount available for matching contributions in PECO's Matching Energy Assistance Fund by \$20,000); *Pa. Pub. Util' Comm Prosecutory Staff v. Metropolitan Edison Co., Pennsylvania Electric Co. and Pennsylvania Power Co. d/b/a FirstEnergy, and Pennsylvania Power Co. d/b/a FirstEnergy*, M-2009-2112849 (Opinion and Order entered December 7, 2009) (492 customers had their service terminated without receiving the required 10-day shut off notice. The Commission approved a Settlement with modifications, ordering First Energy to make contributions in the amount of \$200,000 to hardship programs, in addition to the credits First Energy agreed to make towards its customers); *Pa. Pub. Util' Comm Bureau of Investigation and Enforcement v. PECO Energy Co.*, M-2021-3014286 (Opinion and Order entered December 8, 2022) (48,536 distinct customers had their service terminated without being personally contacted by PECO prior to termination as required by the Public Utility Code and Commission's regulations. The Commission approved a Settlement with modifications, ordering PECO to pay a \$200,000 civil penalty in addition to providing a \$100,000 contribution to its Matching Energy Assistance Fund. The civil penalty and contribution were increased from the amounts proposed in the Settlement to account for the Settlement's failure to address penalties associated with PECO's unlawful collection of reconnection fees from the customers in violation of the Public Utility Code and Commission's regulations).

The tenth factor considers "other relevant factors." 52 Pa. Code § 69.1201(c)(10). I&E submits that an additional relevant factor—whether the case was settled or litigated—is of pivotal importance to this Settlement Agreement. A settlement avoids the necessity for the governmental agency to prove elements of each allegation. In return, the opposing party in a settlement agrees to a lesser fine or penalty, or other remedial action. 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 while allowing the parties to move forward and to focus on implementing the agreed upon remedial actions.

In conclusion, I&E fully supports the terms and conditions of the Settlement Agreement. The terms of the Settlement Agreement reflect a carefully balanced compromise of the interests of the Parties in this proceeding. The Parties believe that approval of this Settlement Agreement is in the public interest. Acceptance of this Settlement Agreement avoids the necessity of further proceedings at what would have been a substantial cost in time and resources to the Parties and this Commission.

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,

Alphonso Arnold III  
Prosecutor  
PA Attorney ID No. 318487

Pennsylvania Public Utility Commission  
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Dated: January 27, 2023

**Appendix B  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,  
Bureau of Investigation and Enforcement

v.

Aqua Pennsylvania, Inc.

Docket No. M-2023-3031237

**STATEMENT IN SUPPORT OF AQUA  
PENNSYLVANIA, INC.**

Aqua Pennsylvania, Inc. (“Aqua” or “Company”) hereby submits this Statement in Support of the Settlement Agreement (“Settlement”) that was entered into by the Pennsylvania Public Utility Commission’s Bureau of Investigation & Enforcement (“I&E”) and Aqua in the above-captioned matter. This settlement fully resolves all issued related to an informal investigation initiated by I&E. Aqua respectfully requests that the Pennsylvania Public Utility Commission (“Commission”) approve the Settlement, including the terms and conditions thereof, without modification.

*I. Background*

Aqua adopts the Background discussion set forth in I&E’s Statement in Support.

*II. Terms Of Settlement*

Aqua has reviewed the Settlement Terms and Conditions of Settlement as set forth in the Joint Petition for Approval of Settlement 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 lessen the time and expense of the parties to litigate the case. Settlements also conserve administrative resources. Settlement terms are often preferable to those achieved the conclusion of a fully litigated proceeding. In order to accept a settlement, the Commission must determine that the proposed terms and conditions are in the public interest. *Pennsylvania Public Utility Commission v. Columbia Gas of Pennsylvania, Inc.*, Docket No. C-2010-2071433, 2012 Pa. PUC LEXIS 1377 at \*6 (August 31, 2012).

The Commission has set forth ten factors that it 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 as 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(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 addresses whether the conduct at issue was of a serious nature. The Company submits that the issues that resulted in the terminations which were the subject of the I&E investigation were not intentionally caused. The terminations at issues were caused by (1) an error in a report used by the Company that was not using the date the 10-day shut off notice was issued to define the 60-day limit, and (2) gaps in employee training and how to identify service orders outside the 60-day limit. The Company, upon notice of the issue, immediately took action to correct the two issues, review all accounts that were affected and restore service as quickly as possible.

The second factor considers the seriousness of the consequences of the incident at issue. The Company recognizes that a loss of utility service is a serious matter, and it submits that there was no personal injury or property damage resulting from the terminations. The Company identified the customers who were impacted by the terminations outside the 60-day limit, contacted each customer to arrange to have the service restored, if service had not already been restored, waived any reconnection fee and to offered appropriate payment arrange-

ments as needed by the customer. For customers who service was off and the customer contact information was no longer active, the Company posted notices at the property to contact the Company to arrange for service to be 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). This factor does not apply to the present case because this proceeding has been resolved through settlement.

The fourth factor considers whether Aqua made efforts to modify internal policies and procedures to address the alleged conduct at issue and to prevent similar conduct in the future. The Company has already implemented modifications to its practices and procedures. The Company has corrected the referenced report to utilize the date of the 10-day termination notice and any order reaching the 60-day limit on the weekly report will be canceled. The Company updated its PA Collections Manual to instruct the Collections Department to verify the status of shut-off orders by looking at the date the 10-day notice was issued and to restart with a 10-day notice posting if the order has expired. The Company also updated its service order management system to more easily identify when an account is approaching the 60-day limit and the Company updated training for all PA field employees and met with the state division and the Company’s contractors to review the updates.

The fifth factor considers the number of customers affected and the duration of the violation. The number of customers affected in this proceeding were 67 customers, 40 of which had their service restored by May 27, 2022. The Company was able to restore a majority of customers within one to two days.

The sixth factor considers the compliance history of the Company. The Public Utility Code and the Commission’s regulations do not require flawless service by utilities. The Public Utility Code requires public utilities to provide reasonable and adequate, not perfect service. 66 Pa.C.S. § 1501. The Company submits that it has a strong positive compliance history regarding customer terminations and is committed to providing safe and reliable service to its customers.

The seventh factor considers whether the Company cooperated with the Commission’s investigation. The Company cooperated fully with I&E through all phases of this investigation and settlement process.

The eighth factor consider whether the amount of the civil penalty or fine will deter further violations. The Company submits that no civil penalty would have been necessary to deter it from committing future violations, however, the civil penalty of \$33,500 is substantial and a sufficient deterrent.

The ninth factor considered past Commission decision in similar situations. The Company submits that when all relevant factors are considered, the Settlement is consistent with past Commission actions.

The tenth, and final factor, considers any relevant factors. The Company submits that a mutually agreed upon Settlement is a factor that is important in this case and represents a balanced compromise of the interest of the parties in this proceeding and is in the public interest.

IV. Conclusion

Through cooperative efforts and the open exchange of information, the I&E and the Company have arrived at a settlement that resolves all issues in the proceeding in a fair, equitable and reasonable manner. This Settlement resolves all issues related to the Company’s termination of customers outside the 60-day window. Finally, the terms and conditions of the Settlement should be viewed as satisfying the ten factors set forth in the Commission’s Policy Statement, 50 Pa. Code § 69.120(c). A fair, equitable and reasonable compromise has been achieved in this case. Aqua fully supports the Settlement and respectfully requests that the Commission approve the Settlement in its entirety, without modification.

Respectfully submitted,  
Mary McFall Hopper  
Regulatory Counsel  
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762 W. Lancaster Avenue  
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mmhopper@aquamerica.com.

Dated: January 25, 2023

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,  
Bureau of Investigation and Enforcement

v.

Aqua Pennsylvania, Inc.

Docket No. M-2023-3031237

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing Joint Petition for Approval of Settlement and Statements in Support dated January 27, 2023, upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

*Via Electronic Mail*

Mary McFall Hopper, Esquire  
Regulatory Counsel  
Aqua Pennsylvania Inc.  
762 W. Lancaster Avenue  
Bryn Mawr, PA 19010  
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Alphonso Arnold III  
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[Pa.B. Doc. No. 23-382. Filed for public inspection March 17, 2023, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

**Pennsylvania Public Utility Commission, Bureau of  
 Investigation and Enforcement v. Great American  
 Power, LLC**

Public Meeting held  
 March 2, 2023

*Commissioners Present:* Gladys Brown Dutrieuille, Chair-  
 person; Stephen M. DeFrank, Vice Chairperson; Ralph  
 V. Yanora; Kathryn L. Zerfuss; John F. Coleman, Jr.

*Pennsylvania Public Utility Commission, Bureau of  
 Investigation and Enforcement v. Great American Power,  
 LLC; M-2023-3020643*

### Opinion and Order

*By the Commission:*

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is a proposed Joint Petition for Approval of Settlement (Settlement), filed on January 13, 2023, by the Commission's Bureau of Investigation and Enforcement (I&E) and Great American Power, LLC (GAP or the Company) (collectively, the Parties), with respect to an informal investigation conducted by I&E concerning possible violations of the Public Utility Code (Code) and specific consumer protection regulations. Both Parties filed a Statement in Support of the Settlement (Statement in Support). Further, both Parties submit that the proposed Settlement is in the public interest and is consistent with the Commission's Policy Statement at 52 Pa. Code § 69.1201, Factors and standards for evaluating litigated and settled proceedings involving violations of the Public Utility Code and Commission regulations—statement of policy (Policy Statement). See Settlement at ¶ 47 *infra*.

Before issuing a final decision on the merits of the proposed Settlement, and consistent with the requirement of 52 Pa. Code § 3.113(b)(3), we shall publish the Settlement in the *Pennsylvania Bulletin* and provide an opportunity for interested parties to file comments regarding the proposed Settlement.<sup>1</sup>

#### I. History of the Proceeding

This matter concerns allegations regarding GAP, a jurisdictional electric generation supplier (EGS).<sup>2</sup> The allegations against GAP are as follows: (1) misleading and

<sup>1</sup> As discussed, *infra*, because the basis of the Settlement involves an automated/robocall recording that may have been issued to a significant number of customers, including the customers who filed a complaint in this matter, we believe that it is appropriate to publish the Settlement in the *Pennsylvania Bulletin*.

<sup>2</sup> GAP is licensed by the Commission, at Docket No. A-2010-2205475, to operate in the following electric distribution company (EDC) service territories of Pennsylvania: (1) PECO Energy Company (PECO); (2) Duquesne Light Company (Duquesne); (3) Metropolitan Edison Company (Met-Ed); (4) Pennsylvania Electric Company (Penelec); (5) Pennsylvania Power Company (Penn Power); (6) Allegheny Power (West Penn); (7) PPL Electric Utilities Corporation (PPL); and (8) UGI Utilities, Inc. (UGI). The Parties note that, although GAP is authorized to operate in all of the service territories listed, GAP is currently not operating in the service territories of Penn Power, West Penn, and UGI. Settlement at ¶ 7.

deceptive sales tactics; (2) unauthorized customer enrollments, known as slamming; and (3) billing violations. I&E and GAP entered into negotiations and agreed to resolve the matter in accordance with the Commission's policy to promote settlements at 52 Pa. Code § 5.231. Settlement at ¶¶ 7, 12-13.

By letter dated January 28, 2021, I&E sent a data request to GAP (January 2021 Letter), notifying GAP that, based on information referred to I&E by the Office of Competitive Market Oversight (OCMO), I&E had instituted an informal investigation of GAP and a response to I&E's set of twenty-eight (28) data requests was required by March 1, 2021. On March 1, 2021, GAP provided a timely response to I&E's data requests. On April 26, 2021, GAP provided a timely supplemental response to I&E's data requests.<sup>3</sup> On May 5, 2021, I&E requested a response to a second set of nine (9) data requests no later than May 26, 2021. On May 26, 2021, GAP provided a timely response to I&E's second set of data requests. On September 13, 2022, I&E requested a response to a third set of five (5) data requests. On October 12, 2022, GAP provided a timely response to I&E's third set of data requests.<sup>4</sup> Settlement at ¶¶ 17—25.

As previously noted, on January 13, 2023, I&E and GAP filed the instant Settlement. Also, as noted earlier, the Parties to the Settlement in this instance have each filed a Statement in Support. See Appendix B and C to the Settlement, which are Statements of Support filed by I&E and GAP, respectively.<sup>5</sup>

#### II. Background

The basis for the instant Settlement resulted from I&E's investigation, which included: (1) a review of a referral memo completed by OCMO; (2) several informal customer complaints; and (3) GAP's responses to I&E's data requests.

On or about July 2, 2020, OCMO sent a referral memo to I&E alleging that, on May 19, 2020, the Director of OCMO (the Director) had personally received a telemarketing call with a caller identification (caller ID) of Chambersburg, Pennsylvania. Specifically, the referral stated that the Director received an automated/robocall advertising a qualifying electric service discount and a \$50 reward. Settlement at ¶¶ 16, 26-27. The Director stated that upon pressing one, a representative who came on the call, but did not initially identify who he was calling on behalf of, promptly requested that the Director retrieve his PPL electric bill and provide his address and account number. The Director noted that although the representative did not state their name or the nature of

<sup>3</sup> On February 25, 2021, I&E held a conference call with counsel for GAP to discuss GAP's responses to I&E's data requests. GAP advised that it needed additional time to respond to some of I&E's data requests due to power outages and storms where GAP's employees responsible for searching for the information were located. Accordingly, GAP was granted an extension to April 26, 2021. Settlement at ¶ 18.

<sup>4</sup> On or about September 16, 2022, I&E agreed to GAP's request for additional time to respond to I&E's third set of data requests, resulting in a due date of October 12, 2022. Settlement at ¶ 24.

<sup>5</sup> We note that the Settlement also includes supplemental Proposed Ordering Paragraphs. See Appendix A to Settlement.

the call, he informed the Director that he was “ensuring that the benefits were going to the right person.” Settlement at ¶ 28. The Director stated that he was advised by the representative that his current electric rate was 12.9 cents, which was incorrect, and he could provide “a better green rate fixed for 24 months of 8.59 cents.” Settlement at ¶ 29. The representative, who eventually stated that he was representing GAP, informed the Director that “he would receive everything in writing and that he could reject or accept within 3 days and could cancel at any time.” Settlement at ¶¶ 30-31.

The Director noted that he was coached to say yes through the verification process and was told to not ask any questions. The Director stated that after being placed on a brief hold, the verifier answered the call and promptly requested the Director’s date of birth. The verifier provided a four-digit code and repeated the information about the 8.59 cents rate plus \$50 reward. The Director noted that, upon being provided with “a phone number to cancel and [sic] verification code,” the phone call ended. Settlement at ¶ 32. Finally, the Director noted that, on or about May 29, 2020, he was successfully enrolled with GAP, his account was switched to GAP, and, subsequently, he received a welcome letter and disclosure statement from GAP. Settlement at ¶ 33.

In addition to the allegations contained in the OCMO referral memo, I&E identified informal complaints from the Commission’s Bureau of Consumer Services (BCS) which raised concerns of unauthorized enrollment and billing errors. Settlement at ¶ 34. Each customer complaint from BCS, as summarized in the Settlement, is reprinted verbatim below:

a) Customer A<sup>6</sup>

i) Customer was switched to GAP without consent. Customer is 90 years old and son has power of attorney over her affairs, thus customer did not have authority/ability to authorize enrollment.

ii) Third-party verification [(TPV)] recording raised concerns of customer’s competency/ability to authorize enrollment.

b) Customer B—Billing Error

i) GAP’s investigation revealed that the customer’s rate change was not applied appropriately, and a refund was provided to the customer for the difference.

c) Customer C—Billing Error

i) Customer was provided a refund for the difference between the rate charged and the rate she should have been charged.

d) Customer D—Billing Error

i) Customer contacted GAP and requested to cancel her account. GAP did not enter the correct code to cancel the account and the account continued to flow with GAP. GAP provided a re-rate to the customer and retrained the customer care agent.

e) Customer E—Billing Error

i) Customer requested cancellation prior to enrollment being effective. GAP did not cancel enrollment and cancellation was delayed. GAP provided a refund to the customer.

Settlement at ¶ 35.

<sup>6</sup> The Parties have agreed to not include the name of the customer(s) or other identifiable information for confidential[ity] purposes.

I&E also identified several documents from GAP which raised concerns of unauthorized enrollment, misrepresentation, and failure to cancel an account upon request. Settlement at ¶ 36. Each customer complaint provided by GAP, as summarized in the Settlement, is reprinted verbatim below:

f) Complaint 2<sup>7</sup>

i) Customer alleged that he was advised that he would have to sign and return the contract to enroll with GAP, which he never received nor signed and returned. Customer also stated that he called GAP within 36 hours of the initial call to confirm that he did not want to enroll with GAP. Customer was ultimately enrolled with GAP.

ii) GAP contends that the customer’s wife completed the TPV, which the customer denies, stating that it was not his spouse on the recording. GAP provided a refund.

iii) Total alleged violations: 2 (unauthorized enrollment and failure to cancel upon request)

g) Complaint 3

i) Customer alleged that he was [enrolled] with GAP without his consent.

ii) GAP provided a copy of the TPV, asserting that it was the customer’s girlfriend who completed the enrollment. The customer challenged the recording, noting [various] inconsistencies with the recording and that the girlfriend did not have the authority to complete the enrollment. GAP provided a re-rate for the time of enrollment.

iii) Total alleged violations: 1 (unauthorized enrollment)

h) Complaint 6

i) Customer received a phone call from a GAP representative stating that he would not be enrolled with GAP until he received a document with the contract terms from GAP and agreed to sign such document. He was assured by the representative that nothing was finalized until the document was received and signed. Customer was also advised that he could cancel at any time without penalty. Customer ultimately received an enrollment letter.

ii) GAP informed customer that he completed the TPV on the phone and that the completion of the TPV confirmed his enrollment with GAP. The customer’s account was canceled and the agent was retrained. GAP noted that the agent misunderstood the purpose of the welcome letter and confused the Pennsylvania requirements with Maryland requirements.

iii) Total alleged violations: 2 (misrepresentation of enrollment process and unauthorized enrollment)

i) Complaint 9

i) Customer alleged that the GAP representative provided false information on the rate calculation/PECO’s rate and enrolled with GAP based upon this incorrect rate information. Customer also alleged being advised that she will receive a refund of \$120.00 since she was being charged a commercial rate rather than a residential rate, but she never received a refund.

<sup>7</sup> Please note that the [documentation provided by GAP related to customer] complaints are not listed/labeled in numerical order on purpose. The complaints are identified as provided by GAP through its responses to I&E’s Data Requests.

ii) GAP provided customer with information on its role as a supplier and canceled the account. GAP re-trained the agent.

iii) Total alleged violations: 3 (misrepresentation of rate(s), misrepresentation of refund/rebate, and unauthorized enrollment)

j) Complaint 10

i) Customer alleged various violations related to a June 8, 2020, telemarketing call with a GAP representative. Specifically, the customer alleged that he was advised that his EDC had overcharged him, that he was entitled to a \$50.00 per month refund/rebate for the next 3 months due to the overcharge, that the new monthly customer charge would be \$8.09 instead of the current rate of \$10.62, and that the new lower rate would remain for 24 months. The customer also noted that the GAP representative was very hard to understand and spoke rapidly. After completing what appeared to be a TPV, the customer immediately informed the agent that he wanted to cancel the enrollment and requested an email confirmation of the cancellation. The customer contacted GAP multiple times following the call to ensure that his account was canceled as requested, but did not receive the confirmation. He also received another similar call a few days later, to which he promptly said he was not interested and hung up.

ii) GAP canceled the account and provided a full refund for the charges the customer incurred while services were flowing. GAP re-trained the agent.

iii) Total alleged violations: 5 (misrepresentation of EDC overcharge, misrepresentation of rebate/refund, misrepresentation of monthly customer charge, inability to understand agent, and failure to cancel upon request)

k) Complaint 11

i) Customer alleged that the GAP representative misrepresented himself as PECO and coached her through the verification process. The customer also alleged that the agent provided a false/incorrect phone number which was not operational. She called GAP to cancel and request a credit on her account.

ii) GAP canceled the account and issued a refund for the difference in rate for the time service flowed. GAP re-trained the agent.

iii) Total alleged violations: 4 (misrepresented as the EDC, failure to identify as GAP upon initial contact, coached through verification process, and provided false call-back information)

l) Complaint 12

i) Customer described a telemarketing call where the GAP representative stated that he was a PECO employee and immediately requested the customer's account information. The customer did not want to switch to GAP and did not complete the verification process.

ii) The customer did not complete the TPV, so GAP did not submit an enrollment. GAP explained that an enrollment is only valid if a TPV is completed, so the account was not switched. GAP's investigation revealed that the name submitted by the agent did not match the customer's name. The team was terminated.

iii) Total alleged violations: 2 (misrepresentation as the EDC and failure to identify as GAP upon initial contact)

m) Complaint 16

i) Customer alleged a phone call from a GAP representative, noting that the representative stated she was not switching suppliers and that there was no contract. Customer received a contract in the mail.

ii) GAP canceled the account and advised the agent to be more careful with word choice.

iii) Total alleged violations: 3 (suggesting that a customer must switch, misrepresentation of the enrollment process, and unauthorized enrollment)

n) Complaints 21—177 (recorded customer care calls)

i) Of the 156 recorded complaints received by GAP's customer care call center,<sup>8</sup> 153 alleged at least one violation of the [Code] and/or Commission [R]egulations while a majority alleged more than one (1) violation. The alleged violations found included but are not limited to:

- 1) Slamming;
- 2) Enrollment of customer under false pretenses;
- 3) Enrollment of customers with dementia, Alzheimer's, or an active Power of Attorney;
- 4) Misrepresentation of the customer's current rate;
- 5) Misrepresentation of savings;
- 6) Misrepresentation of the rewards program;
- 7) Misrepresentation or failure to explain 50-cent daily charge;
- 8) Misrepresentation of customer's ability to choose an EGS;
- 9) Misrepresentation of the status of other EGS companies, i.e., stating that company no longer was in business, that company was taken over by GAP, that contract with current supplier ended/was ending, etc.;
- 10) Misrepresentation of the enrollment process, i.e., advising potential customer that enrollment would not be confirmed until written materials were sent and signed by potential customer;
- 11) Promised gift card or check, monetary amount ranging from \$50 to \$200;
- 12) Promised rebate or refund after informing potential customer that he/she was overcharged by prior supplier and/or EDC;
- 13) Providing incorrect information regarding billing, i.e., telling customer that distribution charge will disappear if customer switched or that all rates would be combined into GAP's offered rate;
- 14) Agent stating that he/she was acting on the behalf of or working for local EDC;
- 15) Agent stating that he/she was acting on the behalf of or working for other EGS company;
- 16) Spoofing of EDC's phone number; and
- 17) Harassment of potential customers by initiating/completing voluminous phone calls.

Settlement at ¶ 36. Additionally, I&E identified thirty-five (35) calls with GAP's customer care call center where the

<sup>8</sup> The Parties note that one of the customer care call complaints involved a Maryland customer and was not included in the final calculations.

customer care representative explained or advised the customer that the EDC's rate fluctuates or is a variable rate which changes monthly. Id.

If this matter had been fully litigated, I&E was prepared to present evidence and legal arguments to demonstrate that GAP and/or its agents committed the following alleged violations: (1) the following conduct of the GAP representative directed to the Director constitutes a violation of 52 Pa. Code §§ 54.43(g), 54.122(3), 111.8(b), 111.8(f), 111.10(a) and (b), and 111.12(d): (a) calling an individual on the Do Not Call list; (b) spoofing a Chambersburg, Pennsylvania telephone number; (c) advising the recipient, via an automated recording, that he/she is qualified for a discount on their electric bill and a \$50 reward; (d) upon first contact, not identifying who they were working on the behalf of, or stating that they worked for the local EDC; (e) not advising the Director that he is not required to choose a supplier and/or switch to GAP (i.e., upon first contact, failed to state the nature of the phone call); (f) agent misrepresentation that the Director's current rate was 12.9 cents; and (g) agent misrepresentation that the Director will be receiving everything in writing and can accept or reject the terms within three days; (2) the customer complaints received by BCS alleged violations of 52 Pa. Code §§ 54.10, 54.42(a)(9), 111.7, 111.11, and 111.12; and (3) the customer complaints provided by GAP alleged violations of 52 Pa. Code §§ 54.43(g), 54.122(3), 111.7, 111.8, 111.10, and 111.12. Settlement at ¶ 37.

If this matter had been fully litigated, GAP intended to "vigorously" defend each claim. Settlement at ¶ 38.

### III. Terms of the Settlement

The Parties state that the purpose of the Settlement is to terminate I&E's informal investigation and settle this matter completely without litigation. Further, the Parties note that they recognize that this is a disputed matter and, given the inherent unpredictability of the outcome of a contested proceeding, resolving the disputed issues through settlement and avoiding the additional time and expense of litigation and possible appeals can be beneficial. Moreover, the Parties acknowledge that approval of this Settlement is in the public interest and consistent with the Commission's Policy Statement for evaluating litigated and settled proceedings involving violations of the Code and Commission Regulations, pursuant to 52 Pa. Code § 69.1201. Settlement at ¶¶ 39, 47-48.

The conditions of the Settlement are reprinted verbatim below:

40. GAP shall pay a cumulative civil penalty of Ninety-Two Thousand Five Hundred Dollars (\$92,500.00).<sup>9</sup> The cumulative civil penalty is calculated as follows:

- a) A \$500.00 civil penalty for each of the seven (7) alleged violations found during the telemarketing call made to [the Director], resulting in a total civil penalty amount of \$3,500.00.
- b) A \$1,000.00 civil penalty for the violation(s) alleged in Complaint A and a \$500.00 civil penalty for Complaints B—E, resulting in a total civil penalty amount of \$3,000.00.
- c) A \$500.00 civil penalty for the twenty-two (22) violations alleged in Complaints 2—16, resulting in a total civil penalty amount of \$11,000.00.

<sup>9</sup> [GAP] shall make such payment in two (2) installments, the first payment in the amount of Forty-Six Thousand Two Hundred Fifty Dollars (\$46,250.00) to be paid within thirty (30) days an Order becomes final, and the second and final payment of Forty-Six Thousand Two Hundred fifty Dollars (\$46,250.00) to be paid ninety (90) days thereafter.

d) A cumulative civil penalty amount of \$75,000.00 for the violations alleged in the 153 customer care call complaints.

41. The civil penalty shall not be tax deductible or passed-through as an additional charge to GAP's customers in Pennsylvania.

42. In addition to the civil penalty, GAP agrees to complete the following remedial measures:

a) [GAP] shall cease and desist from advising customers than an [EDC's] rate fluctuates or is a variable rate.

b) [GAP] shall comply with all Pennsylvania laws, including the [Code], 66 Pa.C.S. § 101 et seq., the Unfair Trade Practices and Consumer Protection Law, 73 P.S. § 201-1, et seq., the Telemarketer Registration Act, 73 P.S. § 2241, et seq., and other applicable laws, as well as Commission [R]egulations, Orders, and policies.

c) [GAP] shall implement an internal call system to ensure that all customer service calls, solicitations, and telemarketing are transmitted through a telephone number bearing GAP's name on the caller-ID. GAP will ensure that all business transactions and calls to potential or existing customers will be through its internal call system.

d) [GAP] will continue to refrain from telemarketing through third-party vendors for a period of one (1) year after the effective date of the [S]ettlement.

e) [GAP] agrees to provide notice to [BCS] and [I&E] at least thirty (30) days prior to resuming telemarketing after the 1-year moratorium.

f) [GAP] agrees to provide to [I&E], at least five (5) days prior to resuming telemarketing, a signed certification attesting that all agents, whether internal or through a third-party vendor, have successfully completed any and all training related to telemarketing rules and regulations. The training shall include, but is not limited to:

i) The applicable requirements of the [Code] the Commission's [R]egulations, Order, and policies regarding marketing and billing practices for EGSs;

ii) Training to all marketing persons to identify themselves, identify his/her representative of GAP, and provide the reasoning for the phone call or in-person meeting upon first contact;

iii) Training to all marketing persons on the different charges on the electric bill and which charge relates to the generation of electricity;

iv) Training to all marketing persons on GAP's enrollment process with an emphasis on explaining that all customer[s] will be enrolling with GAP after completion of the [TPV], i.e., that the enrollment can be made telephonically and not through the signature of a physical contract; and

v) Training to all marketing persons on exercising good judgment when speaking with and enrolling potential customers who voice a misunderstanding of the relationship between an EGS and EDC, a misunderstanding or display of confusion related to shopping for an electric supplier, or who display signs of confusion related to the telephonic enrollment process.

g) [GAP] agrees to immediately end the phone call and stop calling the potential customer as soon as the



potential customer indicates that he/she is not interested, does not want to switch, or specifically requests that the telemarketing agent quit calling him/her. If the potential customer specifically requests that the telemarketing agent quit calling him/her, GAP agrees to immediately place the customer's telephone number on its internal do not call list.

See Settlement at ¶¶ 40—42.

The Parties jointly request that the Commission issue an Order approving the Settlement without modification but note that if the terms of the Settlement are “substantively” modified by the Commission, the Parties agree that any party may withdraw from the Settlement. Settlement at ¶¶ 45-46. The Parties indicate that the consequence of any Party withdrawing from the Settlement is that all issues associated with the requested relief presented in the proceeding will be fully litigated unless otherwise stipulated by the Parties, and all obligations of the Parties to each other will cease. Further, if a Party withdraws from the Settlement, the Parties jointly agree that nothing in the Settlement shall be construed as an admission against, or as prejudice to, any position which any Party might adopt during subsequent litigation of this case. Settlement at ¶ 46.

The Parties state that approval of the Settlement avoids the time and expense of litigation in this matter, which likely would include: (1) preparation for and attendance at hearings; and (2) preparation and filing of briefs, reply briefs, exceptions, and reply exceptions. Settlement at ¶ 48. Further, the Parties state that adopting the Settlement “will eliminate the possibility of any appeal from the Commission Secretarial Letter or Order, thus avoiding the additional time and expense that they might incur in such an appeal.” Settlement at ¶ 49.

The Parties acknowledge that the Settlement represents a complete settlement of I&E's investigation of GAP's alleged violations related to telemarketing and billing for the period January 28, 2020 through January 28, 2021. Settlement at ¶ 50. Moreover, the Parties jointly acknowledge that the Settlement is presented without prejudice to: (1) any position that may have been advanced by either Party; and (2) the position that any Party may advance on the merits of issues in future proceedings, except to the extent necessary to effectuate the terms and conditions of the instant Settlement. Settlement at ¶ 51.

IV. Discussion

Pursuant to the Commission's Regulations at 52 Pa. Code § 5.231, it is the Commission's policy to promote settlements. The Commission must, however, review proposed settlements to determine whether the terms are in the public interest. *Pa. PUC v. Philadelphia Gas Works*, Docket No. M-00031768 (Order entered January 7, 2004).

In reviewing settlements that resolve informal investigations, the Commission will provide other potentially affected parties with the opportunity to file comments regarding a proposed settlement prior to issuing a decision. The Commission's Regulations at 52 Pa. Code § 3.113(b) provide as follows:

§ 3.113. Resolution of informal investigations.

\* \* \*

(b) Under 65 Pa.C.S. Chapter 7 (relating to Sunshine Act), the Commission's official actions resolving informal investigations will be as follows:

\* \* \*

(3) When the utility, or other person subject to the Commission's jurisdiction, has committed to undertake action to address or remedy a violation or potential violation of the act or to resolve another perceived deficiency at the utility, in the form of a settlement with the Commission staff or other resolution of the matter, the Commission's consideration of the settlement or approval of the utility's action will occur at public meeting. Except for staff reports and other documents covered by a specific legal privilege, documents relied upon by the Commission in reaching its determination shall be made part of the public record. *Before the Commission makes a final decision to adopt the settlement or to approve the utility's action, the Commission will provide other potentially affected persons with the opportunity to submit exceptions thereon or to take other action provided for under law.*

52 Pa. Code § 3.113(b) (emphasis added). See also *Pa. PUC, Bureau of Investigation and Enforcement v. PPL Electric Utilities Corporation*, Docket No. M-2012-2264635 (Order entered September 13, 2012); *Pa. PUC, Bureau of Investigation and Enforcement v. Liberty Power Holdings, LLC*, Docket No. M-2019-2568471 (Order entered August 8, 2019).

Additionally, given that the record reflects that GAP operates in the service territories of several EDCs, including PECO, Duquesne, Met-Ed, Penelec, and PPL, there is potential for impact to customers served in those territories which may have received telemarketing calls. Therefore, in light of the large service territory involved, and the customers who filed a complaint in this matter, we find that it is advisable to provide notice to impacted customers by publication of this proposed Settlement in the *Pennsylvania Bulletin* and to provide an opportunity for interested parties to file comments regarding the proposed Settlement.

V. Conclusion

Before issuing a decision on the merits of the proposed Settlement, consistent with the requirement of 52 Pa. Code § 3.113(b)(3), and for the reason(s) stated above, we are providing an opportunity for interested parties to file comments regarding the proposed Settlement; *Therefore,*

*It Is Ordered That:*

1. The Secretary's Bureau shall duly certify this Opinion and Order along with the attached Joint Petition for Approval of Settlement (including Appendices) and the Statements in Support thereof, at Docket No. M-2023-3020643, and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

2. Within twenty-five (25) days of the date that this Opinion and Order and the attached Joint Petition for Approval of Settlement (including Appendices) and the Statements in Support thereof are published in the *Pennsylvania Bulletin*, interested parties may file comments concerning the proposed Settlement. Filing and service requirements are governed by the Commissions Regulations. 52 Pa. Code Chapters 1, 3, and 5. It is strongly encouraged that any comments be filed with the Commission through eFiling by opening an eFiling account free of charge through our website. An eFiling account

may be opened at our website, <https://www.puc.pa.gov/efiling/default.aspx>. Paper copies shall be filed with the Secretary's Bureau at the following address:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

3. A copy of this Opinion and Order, together with the attached Joint Petition for Approval of Settlement and the Statements in Support thereof, at Docket No. M-2023-3020643 shall be served on the Office of Consumer Advocate and the Office of Small Business Advocate.

4. This Opinion and Order, together with the attached Joint Petition for Approval of Settlement and the Statements in Support thereof, at Docket No. M-2023-3020643, shall be issued for comments by any interested party.

5. Subsequent to the Commission's review of comments filed in this proceeding, at Docket No. M-2023-3020643, a final Opinion and Order will be issued by the Commission.

ROSEMARY CHIAVETTA,  
*Secretary*

ORDER ADOPTED: March 2, 2023

ORDER ENTERED: March 2, 2023

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,  
Bureau of Investigation and Enforcement,

v.

Great American Power, LLC

Docket No. M-2023-3020643

**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 Great American Power, LLC ("GAP" 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 upon information provided by the Commission's Office of Competitive Market Oversight ("OCMO") regarding misleading and deceptive telemarketing calls.

As part of this Settlement Agreement, I&E and Great American Power, LLC (hereinafter referred to collectively as the "Parties") respectfully request that the Commission enter a Final Opinion and Order approving the Settlement Agreement, without modification. Proposed Ordering Paragraphs are attached hereto as Appendix A. Statements in Support of the Settlement expressing the individual views of I&E and GAP are attached hereto as Appendix B and Appendix C, respectively.

*I. Introduction*

1. The Parties to this Settlement Agreement are the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement, by it prosecuting attorneys, 400 North Street, Commonwealth Keystone Building, Harrisburg, PA 17120, and GAP, with headquarters at 2633 McKinney Avenue, Suite 130, Dallas, Texas 75204.

2. The Pennsylvania Public Utility Commission is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within this Commonwealth, as well as other entities subject to its jurisdiction, pursuant to the Public Utility Code ("Code"), 66 Pa.C.S. §§ 101, et seq.

3. I&E is the entity established to prosecute complaints against public utilities and other entities subject to the

Commission's jurisdiction pursuant to 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) (delegating authority to I&E to initiate proceedings that are prosecutorial in nature).

4. 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.

5. Section 701 of the Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints alleging a violation of any law, regulation, or order that the Commission has jurisdiction to administer.

6. 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 and orders. Section 3301 allows for the imposition of a fine for each violation and each day's continuance of such violation(s).

7. GAP is a jurisdictional electric generation supplier ("EGS")<sup>10</sup> licensed by the Commission at Docket No. A-2010-2205475 to operate in the Pennsylvania electric distribution company ("EDC") service territories of Allegheny Power ("West Penn Power Company"), Duquesne Light Company ("Duquesne Light"), Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, PECO Energy Company ("PECO"), PPL Electric Utilities, Inc. ("PPL"), and UGI Utilities, Inc.<sup>11</sup>

8. GAP, as an EGS in Pennsylvania, is a public utility as defined by Section 102 of the Public Utility Code, 66

<sup>10</sup> "Electric generation supplier" is defined in Section 2803 of the Electricity Generation Customer Choice and Competition Act, 66 Pa.C.S. §§ 2801—2812 ("Competition Act"); see also, 52 Pa. Code § 57.171.

<sup>11</sup> While authorized to operate in all the service territories listed, GAP is currently not operating in the service territories of West Penn Power, Pennsylvania Power Company, and UGI Utilities, Inc.

Pa.C.S. § 102, only for the limited purposes as described in Sections 2809 and 2810 of the Competition Act, 66 Pa.C.S. §§ 2809-2810.

9. GAP, as a provider of electric generation service for compensation, is subject to the power and authority of the Commission and must observe, obey, and comply with the Commission's regulations and orders pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c).

10. Section 111.3 of the Commission's regulations, 52 Pa. Code § 111.3, provides that an EGS is responsible for fraudulent, deceptive, or other unlawful marketing acts performed by its agent.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter and the actions of GAP in its capacity as an EGS serving consumers in Pennsylvania.

12. This matter involves allegations related to deceptive and misleading sales tactics, enrolling customers without authorization (i.e., slamming), and alleged violations related to billing.

13. As a result of successful negotiations between I&E and GAP, the Parties have reached an agreement on an appropriate outcome 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.

## II. *Stipulated Facts*

14. The Commission has jurisdiction over the subject matter of and the parties to this proceeding. 66 Pa.C.S. §§ 102, 501.

15. "It is the policy of the Commission to encourage settlements." 52 Pa. Code § 5.231(a).

16. On or about July 2, 2020, Daniel Mumford, Director of OCMO, submitted a memo to I&E outlining his concerns with GAP's telemarketing practices. Specifically, Mr. Mumford personally received a telemarketing phone call from a GAP representative on May 19, 2020 and described the corresponding phone conversation in detail.

17. Based upon the information provided by Mr. Mumford, by letter dated January 28, 2021, I&E issued a Data Request Letter ("I&E Data Requests—Set I") informing GAP of the scope of its investigation and requesting a response to I&E's twenty-eight (28) data requests. GAP's responses were due on March 1, 2021.

18. On February 25, 2021, I&E held a conference call with counsel for GAP to discuss GAP's responses. GAP advised I&E that it can provide responses for the time-frame of July 2020 to present, but needed additional time to provide responses for July 2019 through July 2020. GAP agreed to initially provide the responses for July 2019 through July 2020 on April 12, 2021, but was granted an extension to April 26, 2021, in light of the power outages and storms in Texas where some of the employees responsible for searching for the information were located.

19. On March 1, 2021, GAP provided its response to the I&E Data Requests—Set I.

20. On April 26, 2021, GAP provided its supplemental responses to I&E Data Requests—Set I.

21. On May 5, 2021, I&E issued a second Data Request Letter ("I&E Data Requests—Set II") requesting a response to nine (9) data requests. GAP's response was due on May 26, 2021.

22. On May 26, 2021, GAP timely provided its responses to I&E Data Requests—Set II.

23. On September 13, 2022, issued a third Data Request Letter ("I&E Data Requests—Set III") requesting a response to five (5) data requests.

24. On or about September 16, 2022, counsel for GAP requested an extension to respond to I&E Data Requests—Set III. I&E agreed to an extension, resulting in a new due date of October 12, 2022.

25. On October 12, 2022, GAP timely provided its responses to I&E Data Requests—Set III.

### *A. Misleading and Deceptive Telemarketing to Mr. Mumford*

26. Mr. Mumford's memo detailing the telemarketing call received on May 19, 2020, raised serious allegations of agent misidentification and misrepresentation, violations related to the "Do Not Call" list, and other telemarketing/code of conduct violations.

27. On May 19, 2020, Mr. Mumford received a telemarketing call with a caller ID showing Chambersburg, PA and which started as an automated/robocall advising Mr. Mumford that he "qualified" for a discount on his electric service and a \$50 "reward."

28. Mr. Mumford stated that after pressing "one," a representative came on the call and immediately requested that Mr. Mumford retrieve his PPL electric bill and provide his address and account number. The representative did not identify himself by name, disclose who he was calling on behalf of, nor state the nature of his business/the call. The representative merely informed Mr. Mumford that he was ensuring that the benefits were going to the right person.

29. The representative advised Mr. Mumford that his current electric rate was 12.9 cents (which was incorrect) and that he could provide a better green rate fixed for 24 months of 8.59 cents.

30. Several minutes into this conversation, the representative finally stated that he was representing Great American Power, LLC.

31. Mr. Mumford was then informed that he would receive everything in writing and that he could reject or accept within 3 days and could cancel at any time.

32. Mr. Mumford was then coached through the verification process (told to say yes to everything and not ask any questions) and was placed on a brief hold. The verifier answered the "call" and immediately asked for his birthdate. The verifier then provided a 4-digit code and repeated the information about the 8.59 cents rate and \$50 reward. After providing Mr. Mumford with a phone number to cancel and verification code, the call ended.

33. Mr. Mumford was successfully enrolled with GAP and his account was switched to GAP on or about May 29, 2020. Mr. Mumford subsequently received a welcome letter and disclosure statement from GAP.

### *B. Bureau of Consumer Services Complaints*

34. In addition to the complaint made by Mr. Mumford, I&E received customer complaints from the Commission's Bureau of Consumer Services ("BCS") alleging unauthorized enrollment and billing errors.

35. The complaints are as follows:

a) Customer A<sup>12</sup>

<sup>12</sup>The Parties have agreed to not include the name of the customer(s) or other identifiable information for confidential purposes.

i) Customer was switched to GAP without consent. Customer is 90 years old and son has power of attorney over her affairs, thus customer did not have authority/ability to authorize enrollment.

ii) Third-party verification recording raised concerns of customer's competency/ability to authorize enrollment.

b) Customer B—Billing Error

i) GAP's investigation revealed that the customer's rate change was not applied appropriately, and a refund was provided to the customer for the difference.

c) Customer C—Billing Error

i) Customer was provided a refund for the difference between the rate charged and the rate she should have been charged.

d) Customer D—Billing Error

i) Customer contacted GAP and requested to cancel her account. GAP did not enter the correct code to cancel the account and the account continued to flow with GAP. GAP provided a re-rate to the customer and retrained the customer care agent.

e) Customer E—Billing Error

i) Customer requested cancellation prior to enrollment being effective. GAP did not cancel enrollment and cancellation was delayed. GAP provided a refund to the customer.

*C. Misleading and Deceptive Telemarketing Conduct*

36. I&E reviewed voluminous documentation from GAP related to customer complaints. Through its review, I&E identified allegations of unauthorized enrollment, misrepresentation, and failure to cancel an account upon request.

f) Complaint 2<sup>13</sup>

i) Customer alleged that he was advised that he would have to sign and return the contract to enroll with GAP, which he never received nor signed and returned. Customer also stated that he called GAP within 36 hours of the initial call to confirm that he did not want to enroll with GAP. Customer was ultimately enrolled with GAP.

ii) GAP contends that the customer's wife completed the TPV, which the customer denies, stating that it was not his spouse on the recording. GAP provided a refund.

iii) Total alleged violations: 2 (unauthorized enrollment and failure to cancel upon request)

g) Complaint 3

i) Customer alleged that he was enrollment with GAP without his consent.

ii) GAP provided a copy of the TPV, asserting that it was the customer's girlfriend who completed the enrollment. The customer challenged the recording, noting various inconsistencies with the recording and that the girlfriend did not have the authority to complete the enrollment. GAP provided a re-rate for the time of enrollment.

iii) Total alleged violations: 1 (unauthorized enrollment)

h) Complaint 6

i) Customer received a phone call from a GAP representative stating that he would not be enrolled with GAP

until he received a document with the contract terms from GAP and agreed to sign such document. He was assured by the representative that nothing was finalized until the document was received and signed. Customer was also advised that he could cancel at any time without penalty. Customer ultimately received an enrollment letter.

ii) GAP informed customer that he completed the TPV on the phone and that the completion of the TPV confirmed his enrollment with GAP. The customer's account was canceled and the agent was retrained. GAP noted that the agent misunderstood the purpose of the welcome letter and confused the Pennsylvania requirements with Maryland requirements.

iii) Total alleged violations: 2 (misrepresentation of enrollment process and unauthorized enrollment)

i) Complaint 9

i) Customer alleged that the GAP representative provided false information on the rate calculation/PECO's rate and enrolled with GAP based upon this incorrect rate information. Customer also alleged being advised that she will receive a refund of \$120.00 since she was being charged a commercial rate rather than a residential rate, but she never received a refund.

ii) GAP provided customer with information on its role as a supplier and canceled the account. GAP re-trained the agent.

iii) Total alleged violations: 3 (misrepresentation of rate(s), misrepresentation of refund/rebate, and unauthorized enrollment)

j) Complaint 10

i) Customer alleged various violations related to a June 8, 2020, telemarketing call with a GAP representative. Specifically, the customer alleged that he was advised that his EDC had overcharged him, that he was entitled to a \$50.00 per month refund/rebate for the next 3 months due to the overcharge, that the new monthly customer charge would be \$8.09 instead of the current rate of \$10.62, and that the new lower rate would remain for 24 mos. The customer also noted that the GAP representative was very hard to understand and spoke rapidly. After completing what appeared to be a TPV, the customer immediately informed the agent that he wanted to cancel the enrollment and requested an email confirmation of the cancellation. The customer contacted GAP multiple times following the call to ensure that his account was canceled as requested, but did not receive the confirmation. He also received another similar call a few days later, to which he promptly said he was not interested and hung up.

ii) GAP canceled the account and provided a full refund for the charges the customer incurred while services were flowing. GAP re-trained the agent.

iii) Total alleged violations: 5 (misrepresentation of EDC overcharge, misrepresentation of rebate/refund, misrepresentation of monthly customer charge, inability to understand agent, and failure to cancel upon request)

k) Complaint 11

i) Customer alleged that the GAP representative misrepresented himself as PECO and coached her through the verification process. The customer also alleged that the agent provided a false/incorrect phone number which was not operational. She called GAP to cancel and request a credit on her account.

<sup>13</sup> Please note that the complaints are not listed/labeled in numerical order on purpose. The complaints are identified as provided by GAP through its responses to I&E's Data Requests.

ii) GAP canceled the customer account and issued a refund for the difference in rate for the time service flowed. GAP re-trained the agent.

iii) Total alleged violations: 4 (misrepresented as the EDC, failure to identify as GAP upon initial contact, coached through verification process, and provided false call-back information)

l) Complaint 12

i) Customer described a telemarketing call where the GAP representative stated that he was a PECO employee and immediately requested the customer's account information. The customer did not want to switch to GAP and did not complete the verification process.

ii) The customer did not complete the TPV, so GAP did not submit an enrollment. GAP explained that an enrollment is only valid if a TPV is completed, so the account was not switched. GAP's investigation revealed that the name submitted by the agent did not match the customer's name. The team was terminated.

iii) Total alleged violations: 2 (misrepresentation as the EDC and failure to identify as GAP upon initial contact)

m) Complaint 16

i) Customer alleged a phone call from a GAP representative, noting that the representative stated she was not switching suppliers and that there was no contract. Customer received a contract in the mail.

ii) GAP canceled the account and advised the agent to be more careful with word choice.

iii) Total alleged violations: 3 (suggesting that a customer must switch, misrepresentation on the enrollment process, and unauthorized enrollment)

n) Complaints 21—177 (recorded customer care calls)

i) Of the 156 recorded complaints received by GAP's customer care call center,<sup>14</sup> 153 alleged at least one violation of the Public Utility Code and/or Commission regulations while a majority alleged more than one (1) violation. The alleged violations found included but are not limited to:

- 1) Slamming;
- 2) Enrollment of customer under false pretenses;
- 3) Enrollment of customers with dementia, Alzheimer's, or an active Power of Attorney;
- 4) Misrepresentation of the customer's current rate;
- 5) Misrepresentation of savings;
- 6) Misrepresentation of the rewards program;
- 7) Misrepresentation or failure to explain 50-cent daily charge;
- 8) Misrepresentation of customer's ability to choose an EGS;
- 9) Misrepresentation of the status of other EGS companies, i.e., stating that company no longer was in business, that company was taken over by GAP, that contract with current supplier ended/was ending, etc.;
- 10) Misrepresentation of the enrollment process, i.e., advising potential customer that enrollment would not be confirmed until written materials were sent and signed by potential customer;

<sup>14</sup> The Parties note that one of the customer care call complaints involved a Maryland customer and was not included in the final calculations.

11) Promised gift card or check, monetary amount ranging from \$50 to \$200;

12) Promised rebate or refund after informing potential customer that he/she was overcharged by prior supplier and/or EDC;

13) Providing incorrect information regarding billing, i.e., telling customer that distribution charge will disappear if customer switched or that all rates would be combined into GAP's offered rate;

14) Agent stating that he/she was acting on the behalf of or working for local EDC;

15) Agent stating that he/she was acting on behalf of or working for other EGS company;

16) Spoofing of EDC's phone number; and

17) Harassment of potential customers by initiating/completing voluminous phone calls.

ii) In addition to the alleged violations found with the telemarketing calls, I&E identified 35 calls with GAP's customer care call center where the customer care representative explained or advised the customer that the EDC's rate fluctuates or is a variable rate which changes every month.

### III. Alleged Violations

37. Had this matter been fully litigated, I&E would have proffered evidence and legal arguments to demonstrate that GAP committed the following violations:

a) In reference to the telemarketing directed to Mr. Mumford, the following conduct of the GAP representative constitutes a violation of 52 Pa. Code § 54.43(g); 52 Pa. Code § 54.122(3); 52 Pa. Code § 111.8(b); 52 Pa. Code § 111.8(f); 52 Pa. Code § 111.10(a) and (b); and 52 Pa. Code § 111.12(d):

i) Calling an individual on the "Do Not Call" list;

ii) Spoofing a Chambersburg, PA telephone number;

iii) Automated recording advising the recipient that he/she qualified for a discount on their electric bill and a \$50 reward;

iv) Live agent not identifying who he/she was working on the behalf of upon first contact and not stating that he/she was not working for the local EDC upon first contact;

v) Live agent not advising Mr. Mumford that he is not required to choose a supplier and/or switch to GAP (failed to state nature of business/phone call upon first contact);

vi) Agent misrepresentation that Mr. Mumford's current rate was 12.9 cents; and

vii) Agent misrepresentation that Mr. Mumford will be receiving everything in writing and can reject or accept the terms within 3 days.

b) The customer complaints received by BCS alleged violations of 52 Pa. Code § 54.10, 54 Pa. Code § 54.42(a)(9), 52 Pa. Code § 111.7, 52 Pa. Code § 111.11, and 52 Pa. Code § 111.12.

c) The customer complaints provided by GAP alleged violations of 52 Pa. Code § 54.43(g), 52 Pa. Code § 54.122(3), 52 Pa. Code § 111.7, 52 Pa. Code § 111.8, 52 Pa. Code § 111.10, and 52 Pa. Code § 111.12.

38. Had this matter been fully litigated, GAP would have defended each and every one of these claims vigorously.

#### IV. Settlement Terms

39. Pursuant to the Commission's policy of encouraging settlements that are reasonable and in the public interest, the Parties held a series of discussions that culminated in this Settlement. I&E and GAP desire to (1) terminate I&E's informal investigation; and (2) settle this matter completely without litigation. The Parties recognize that this is a disputed matter. Given the inherent unpredictability of the outcome of a contested proceeding, the Parties further recognize the benefits of amicably resolving the disputed issues. The terms and conditions of the Settlement Agreement, for which the Parties seek Commission approval, are set forth below.

40. GAP shall pay a cumulative civil penalty of Ninety-Two Thousand Five Hundred Dollars (\$92,500.00).<sup>15</sup> The cumulative civil penalty is calculated as follows:

a) A \$500.00 civil penalty for each of the seven (7) alleged violations found during the telemarketing call made to Mr. Mumford, resulting in a total civil penalty amount of \$3,500.00.

b) A \$1,000.00 civil penalty for the violation(s) alleged in Complaint A and a \$500.00 civil penalty for Complaints B—E, resulting in a total civil penalty amount of \$3,000.00.

c) A \$500.00 civil penalty for the twenty-two (22) violations alleged in Complaints 2—16, resulting in a total civil penalty amount of \$11,000.00.

d) A cumulative civil penalty amount of \$75,000.00 for the violations alleged in the 153 customer care call complaints.

41. The civil penalty shall not be tax deductible or passed-through as an additional charge to GAP's customers in Pennsylvania.

42. In addition to the civil penalty, GAP agrees to complete the following remedial measures:

a) Great American Power, LLC shall cease and desist from advising customers that an electric distribution company's rate fluctuates or is a variable rate.

b) Great American Power, LLC shall comply with all Pennsylvania laws, including the Public Utility Code, 66 Pa.C.S. § 101 et seq., the Unfair Trade Practices and Consumer Protection Law, 73 P.S. § 201-1, et seq., the Telemarketer Registration Act, 73 P.S. § 2241, et seq., and other applicable laws, as well as Commission regulations, Orders and policies.

c) Great American Power, LLC shall implement an internal call system to ensure that all customer service calls, solicitations, and telemarketing are transmitted through a telephone number bearing GAP's name on the caller-ID. GAP will ensure that all business transactions and calls to potential or existing customers will be through its internal call system.

d) Great American Power, LLC will continue to refrain from telemarketing through third-party vendors for a period of one (1) year after the effective date of the settlement.

<sup>15</sup> Great American Power, LLC shall make such payment in two (2) installments, the first payment in the amount of Forty-Six Thousand Two Hundred Fifty Dollars (\$46,250.00) to be paid within thirty (30) days an Order becomes final, and the second and final payment of Forty-Six Thousand Two Hundred Fifty Dollars (\$46,250.00) to be paid ninety (90) days thereafter.

e) Great American Power, LLC agrees to provide notice to the Commission's Bureau of Consumer Services and the Bureau of Investigation and Enforcement at least thirty (30) days prior to resuming telemarketing after the 1-year moratorium.

f) Great American Power, LLC agrees to provide to the Commission's Bureau of Investigation and Enforcement, at least five (5) days prior to resuming telemarketing, a signed certification attesting that all agents, whether internal or through a third-party vendor, have successfully completed any and all training related to telemarketing rules and regulations. The training shall include, but is not limited to:

i) The applicable requirements of the Public Utility Code, the Commission's regulations, Orders, and policies regarding marketing and billing practices for EGSs;

ii) Training to all marketing persons to identify themselves, identify his/her representation of GAP, and provide the reasoning for the phone call or in-person meeting upon first contact;

iii) Training to all marketing persons on the different charges on the electric bill and which charge relates to the generation of electricity;

iv) Training to all marketing persons on GAP's enrollment process with an emphasis on explaining that the customer will be enrolling with GAP after completion of the third-party verification, i.e., that the enrollment can be made telephonically and not through the signature of a physical contract; and

v) Training to all marketing persons on exercising good judgment when speaking with and enrolling potential customers who voice a misunderstanding of the relationship between an EGS and EDC, a misunderstanding or display of confusion related to shopping for an electric supplier, or who display signs of confusion related to the telephonic enrollment process.

g) Great American Power, LLC agrees to immediately end the phone call and stop calling the potential customer as soon as the potential customer indicates that he/she is not interested, does not want to switch, or specifically requests that the telemarketing agent quit calling him/her. If the potential customer specifically requests that the telemarketing agent quit calling him/her, GAP agrees to immediately place the customer's telephone number on its internal do not call list.

#### V. Conditions of Settlement

43. The benefits and obligations of this Joint Petition for Approval of Settlement shall be binding upon the successors and assigns of the Parties to this Settlement Agreement.

44. This Settlement Agreement may be signed in counterparts and all signatures attached hereto will be considered as originals.

45. In order to effectuate the Parties' Joint Petition for Approval of Settlement, the undersigned parties request that the Commission issue a Secretarial Letter or Order approving the Settlement Agreement without modification.

46. The Parties agree that any party may petition the Commission for rehearing or take other recourse allowed

under the Commission’s rules if the Commission Secretarial Letter or Order substantively modifies the terms of this Joint Petition for Approval of Settlement. In that event, any party may give notice to the other parties that it is withdrawing from this Joint Petition for Approval of Settlement. Such notice must be in writing and must be given within twenty (20) business days of the issuance of any Initial or Recommended Decision or any Commission Order or Secretarial Letter which adopts this Joint Petition for Approval of Settlement with substantive modifications of its terms. The consequence of any party withdrawing from this Joint Petition for Approval of Settlement as set forth above is that all issues associated with the requested relief presented in the proceeding will be fully litigated unless otherwise stipulated between the parties and all obligations of the parties to each other are terminated and of no force and effect. In the event that a Party withdraws from this Joint Petition for Approval of Settlement as set forth in this paragraph, I&E and GAP jointly agree that nothing in this Settlement Agreement shall be construed as an admission against or as prejudice to any position which any party might adopt during litigation of this case.

47. I&E and GAP jointly acknowledge that approval of this Settlement Agreement is in the public interest and is fully consistent with the Commission’s Policy Statement for evaluating litigated and settled proceedings involving violations of the Code and Commission regulations, 52 Pa. Code § 69.1201. The Commission will serve the public interest by adopting this Joint Petition for Approval of Settlement.

48. The Joint Petition for Approval of Settlement avoids the time and expense of litigation in this matter before the Commission, which likely would entail preparation for and attendance at hearings and the preparation and filing of briefs, reply briefs, exceptions, reply exceptions. The Parties further recognize that their positions and claims are disputed and, given the inherent unpredictability of the outcome of a contested proceeding, the Parties recognize the benefits of amicably resolving the disputed issues through settlement. Attached as Appendices B and C are Statements in Support submitted by I&E and GAP, respectively, setting forth the bases upon which they believe the Settlement Agreement is in the public interest.

49. Since the Parties agree to the terms of the Joint Petition for Approval of Settlement, adopting it will eliminate the possibility of any appeal from the Commission Secretarial Letter or Order, thus avoiding the additional time and expense that they might incur in such an appeal.

50. This Settlement Agreement consists of the entire agreement between I&E and GAP regarding the matters addressed herein. Moreover, this Settlement Agreement represents a complete settlement of I&E’s investigation of GAP’s alleged violations related to telemarketing and billing for the time period of January 28, 2020 through January 28, 2021, and fully satisfies I&E’s investigation of the matters discussed herein.

51. The Settlement Agreement contains a summary of alleged violations of the Public Utility Code and the Commission’s regulations. See Section III, Alleged Violations. In addition, the Settlement Agreement contains Proposed Settlement Terms. See Section IV, Settlement Terms. This Settlement Agreement is presented without prejudice to any position that either Party may have advanced, and without prejudice to the position any party 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.

Wherefore, the Pennsylvania Public Utility Commission’s Bureau of Investigation and Enforcement and Great American Power, LLC respectfully request that the Commission enter an Order approving the terms of the Joint Petition for Approval of Settlement in their entirety as being in the public interest.

In Witness Whereof, we have unto set our hands and seals on this 13th day of January 2023.

Date: 1/13/2023 Todd S. Stewart, Esq.  
Hawke McKeon & Sniscak, LLP

Date: 1/13/2023 Kari Binns, Esq.  
General Counsel and Secretary for  
Great American Power, LLP

Date: 1/13/2023 Kayla L. Rost  
Prosecutor for the Commission’s  
Bureau of Investigation and  
Enforcement

**Appendix A  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,  
Bureau of Investigation and Enforcement,

v.

Great American Power, LLC

Docket No. M-2023-3020643

**PROPOSED ORDERING PARAGRAPHS**

1. That the Joint Petition for Approval of Settlement filed on January 13, 2023, between the Commission’s Bureau of Investigation and Enforcement and Great American Power, LLC (“GAP”) is approved in its entirety without modifications.

2. That, in accordance with Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, Great American Power,

LLC shall pay Ninety-Two Thousand Five Hundred Dollars (\$92,500.00), which consists of the entirety of the civil penalty amount. Great American Power, LLC shall make such payment in two (2) installments, the first payment in the amount of Forty-Six Thousand Two Hundred Fifty Dollars (\$46,250.00) to be paid within thirty (30) days of the date this Order becomes final, and the second and final payment of Forty-Six Thousand Two





### I. Background

On July 2, 2020, Daniel Mumford, Director of the Office of Competitive Market Oversight (“OCMO”), submitted a memo to I&E outlining his concerns with GAP’s telemarketing practices. Specifically, Mr. Mumford, whose phone number is on the Do Not Call List, personally received a telemarketing phone call on May 19, 2020 from a GAP representative and kept detailed notes of the interaction.

By letter dated January 28, 2021, I&E issued a Data Request Letter (“I&E Data Requests-Set I”) informing GAP of the scope of its investigation and requesting a response to I&E’s twenty-eight (28) data requests. GAP’s responses were due on March 1, 2021. On February 25, 2021, I&E held a conference call with counsel for GAP to discuss GAP’s responses and subsequently granted GAP an extension to provide its responses.

On March 1, 2021, GAP provided its response to the I&E Data Requests—Set I.

On April 26, 2021, GAP provided its supplemental responses to I&E Data Requests—Set I.

On May 5, 2021, I&E issued a second Data Request Letter (“I&E Data Requests—Set II”) requesting a response to nine (9) data requests. GAP’s response was due on May 26, 2021.

On May 26, 2021, GAP timely provided its responses to I&E Data Requests—Set II. On September 13, 2022, issued a third Data Request Letter (“I&E Data Requests—Set III”) requesting a response to five (5) data requests.

On or about September 16, 2022, counsel for GAP requested an extension to respond to I&E Data Requests—Set III. I&E agreed to an extension, resulting in a new due date of October 12, 2022.

On October 12, 2022, GAP timely provided its responses to I&E Data Requests—Set III.

Accordingly, I&E and GAP began discussing settlement to amicably resolve the instant matter. This Statement in Support is submitted in conjunction with the Settlement Agreement.

### II. The Public Interest

Pursuant to the Commission’s policy of encouraging settlements that are reasonable and in the public interest, the Parties held a series of settlement discussions. These discussions culminated in this Settlement Agreement, which, once approved, will resolve all issues related to I&E informal investigation involving allegations of billing errors and deceptive and misleading telemarketing by GAP and/or its representative(s).

I&E intended to prove the factual allegations set forth in its investigation at hearing to which GAP would have disputed. This Settlement Agreement results from the compromises of the Parties. 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 litigation. I&E submits that the Settlement Agreement 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 Agreement without modification.

### III. Terms of Settlement

Under the terms of the Settlement Agreement, I&E and GAP have agreed to the following:

1. GAP shall pay a cumulative civil penalty of Ninety-Two Thousand Five Hundred Dollars (\$92,500.00).<sup>17</sup> The cumulative civil penalty is calculated as follows:

a. A \$500.00 civil penalty for each of the seven (7) violations found during the telemarketing call made to Mr. Mumford, resulting in a total civil penalty amount of \$3,500.00.

b. A \$1,000.00 civil penalty for the violation(s) alleged in Complaint A and a \$500.00 civil penalty for Complaints B—E, resulting in a total civil penalty amount of \$3,000.00.

c. A \$500.00 civil penalty for the twenty-two (22) violations alleged in Complaints 2—16, resulting in a total civil penalty amount of \$11,000.00.

d. A cumulative civil penalty amount of \$75,000.00 for the violations alleged in the 153 customer care call complaints.

2. In addition to the civil penalty, GAP agrees to complete the following remedial measures:

a. Great American Power, LLC shall cease and desist from advising customers that an electric distribution company’s rate fluctuates or is a variable rate.

b. Great American Power, LLC shall comply with all Pennsylvania laws, including the Public Utility Code, 66 Pa.C.S. § 101 et seq., the Unfair Trade Practices and Consumer Protection Law, 73 P.S. § 201-1, et seq., the Telemarketer Registration Act, 73 P.S. § 2241, et seq., and other applicable laws, as well as Commission regulations, Orders, and policies.

c. Great American Power, LLC shall implement an internal call system to ensure that all customer service calls, solicitations, and telemarketing are transmitted through a telephone number bearing GAP’s name on the caller-ID. GAP will ensure that all business transactions and calls to potential or existing customers will be through its internal call system.

d. Great American Power, LLC will continue to refrain from telemarketing through third-party vendors for a period of one (1) year after the effective date of the settlement.

e. Great American Power, LLC agrees to provide notice to the Commission’s Bureau of Consumer Services and the Bureau of Investigation and Enforcement at least thirty (30) days prior to resuming telemarketing after the 1-year moratorium.

f. Great American Power, LLC agrees to provide to the Commission’s Bureau of Investigation and Enforcement, at least five (5) days prior to resuming telemarketing, a signed certification attesting that all agents, whether internal or through a third-party vendor, have successfully completed any and all training related to telemarketing rules and regulations. The training shall include, but is not limited to:

i. The applicable requirements of the Public Utility Code, the Commission’s regulations, Orders, and policies regarding marketing and billing practices for EGSS;

ii. Training to all marketing persons to identify themselves, identify his/her representation of GAP, and provide the reasoning for the phone call or in-person meeting upon first contact;

<sup>17</sup> Great American Power, LLC shall make such payment in two (2) installments, the first payment in the amount of Forty-Six Thousand Two Hundred Fifty Dollars (\$46,250.00) to be paid within thirty (30) days an Order becomes final, and the second and final payment of Forty-Six Thousand Two Hundred Fifty Dollars (\$46,250.00) to be paid ninety (90) days thereafter.

iii. Training to all marketing persons on the different charges on the electric bill and which charge relates to the generation of electricity;

iv. Training to all marketing persons on GAP's enrollment process with an emphasis on explaining that the customer will be enrolling with GAP after completion of the third-party verification, i.e., that the enrollment can be made telephonically and not through the signature of a physical contract; and

v. Training to all marketing persons on exercising good judgment when speaking with and enrolling potential customers who voice a misunderstanding of the relationship between an EGS and EDC, a misunderstanding or display of confusion related to shopping for an electric supplier, or who display signs of confusion related to the telephonic enrollment process.

g. Great American Power, LLC agrees to immediately end the phone call and stop calling the potential customer as soon as the potential customer indicates that he/she is not interested, does not want to switch, or specifically requests that the telemarketing agent quit calling him/her. If the potential customer specifically requests that the telemarketing agent quit calling him/her, GAP agrees to immediately place the customer's telephone number on its internal do not call list.

The civil penalty shall not be tax deductible pursuant to Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f). Furthermore, the civil penalty shall not be passed through as an additional charge to GAP's customers in Pennsylvania.

In consideration of GAP's payment of a monetary civil penalty and the remedial measure outlined above, I&E agrees that its informal investigation relating to GAP's conduct as described in the Settlement Agreement referenced herein shall be terminated and marked closed upon approval by the Commission of the Settlement Agreement without modification, payment of the civil penalty, and completion of the remedial measures.

Upon Commission approval of the Settlement Agreement in its entirety without modification, I&E will not file any complaints or initiate other action against GAP at the Commission with respect to the violations that were the subject of I&E's instant investigation and described in more detail in the Joint Petition for Approval of Settlement.

#### IV. *Legal Standard for Settlement Agreements*

Commission policy promotes settlements. See 52 Pa. Code § 5.231. Settlements lessen the time and expense that the parties must expend litigating a case and, at the same time, conserve precious administrative resources. Settlement results are often preferable to those achieved at the conclusion of a fully litigated proceeding. "The focus of inquiry for determining whether a proposed settlement should be recommended for approval is not a 'burden of proof' standard, as is utilized for contested matters." *Pa. Pub. Util. Comm'n, et al. v. City of Lancaster—Bureau of Water*, Docket Nos. R-2010-2179103, et al. (Order entered July 14, 2011) at p. 11. Instead, the benchmark for determining the acceptability of a settlement is whether the proposed terms and conditions are in the public interest. *Pa. Pub. Util. Comm'n v. Philadelphia Gas Works*, Docket No. M-00031768 (Order entered January 7, 2004).

I&E submits that approval of the Settlement Agreement in the above-captioned matter is consistent with the Commission's Policy Statement regarding Factors and Stan-

dards for Evaluating Litigated and Settled Proceedings Involving Violations of the Public Utility Code and Commission Regulations ("Policy Statement"), 52 Pa. Code § 69.1201; see also *Joseph A. Rosi v. Bell-Atlantic-Pennsylvania, Inc.*, Docket No. C-00992409 (Order entered March 16, 2000). The Commission's Policy Statement sets forth ten (10) factors that the Commission may consider in evaluating whether a civil penalty for violating a Commission order, regulation, or statute is appropriate, as well as whether a proposed settlement for a violation is reasonable and in the public interest. 52 Pa. Code § 69.1201.

The Commission will not apply the factors as strictly in settled cases as in litigated cases. 52 Pa. Code § 69.1201(b). While many of the same factors may still be considered, in settled cases, the parties "will be afforded flexibility in reaching amicable resolutions to complaints and other matters as long as the settlement is in the public interest." *Id.*

The first factor considers whether the conduct at issue was of a serious nature, such as willful fraud or misrepresentation, or if the conduct was less egregious, such as an administrative or technical error. Conduct of a more serious nature may warrant a higher civil penalty while conduct that is less egregious warrants a lower amount. 52 Pa. Code § 69.1201(c)(1). I&E alleges that the conduct in this matter was of a serious nature in the form of misrepresentation and deceptive conduct. The extent of the fraudulent and misrepresentation included, but was not limited to: slamming; enrollment of customer under false pretenses; failure to identify; misrepresenting as an EDC or another generation supplier; providing false information as to the customer's current status with his/her supplier; providing false information as to the status of other generation suppliers, such as suggesting that the supplier was going out of business; providing false or incorrect rate information; providing incorrect information on the distribution charge or customer charge; spoofing, using other companys' or businesses' phone number on the caller ID to entice customers to answer the call; suggesting or explicitly stating that the customer must switch suppliers; misrepresentation of the enrollment process; making false monetary promises such as a gift card or refund/rebate check; and harassing potential customers with voluminous phone calls and refusing to stop calling the potential customers when asked. Accordingly, the egregious nature of the conduct warrants a higher civil penalty.

The second factor considers whether the resulting consequences of GAP's alleged conduct were of a serious nature. When consequences of a serious nature are involved, such as personal injury or property damage, the consequences may warrant a higher penalty. 52 Pa. Code § 69.1201(c)(2). I&E submits that no personal injury or property damage occurred as a result of the alleged violations. Nonetheless, the deceptive conduct alleged in Mr. Mumford's memo, the BCS complaints, and the customer care call center complaints creates public distrust and self-loathing towards the electric generation supplier shopping process.

The third factor to be considered under the Policy Statement is whether the alleged conduct was intentional or negligent. 52 Pa. Code § 69.1201(c)(3). "This factor may only be considered in evaluating litigated cases." *Id.* Whether GAP's alleged conduct was intentional or negligent does not apply since this matter is being resolved by settlement of the Parties.

The fourth factor to be considered is whether GAP has made efforts to change its practices and procedures to

prevent similar conduct in the future. 52 Pa. Code § 69.1201(c)(4). GAP voluntarily ceased all telemarketing on May 6, 2021 and has agreed to a one (1) year moratorium following the approval of the Settlement Agreement. Additionally, in accordance with the settlement terms, GAP will make great efforts to change its practices and procedures to prevent similar conduct from occurring in the future.

The fifth factor to be considered relates to the number of customers affected by the GAP's actions and the duration of the violations. 52 Pa. Code § 69.1201(c)(5). I&E identified Mr. Mumford, five (5) customer complaints provided by BCS, and one hundred sixty-one (161) customer complaints provided by GAP, resulting in a total of 167 customers affected. These facts were considered when calculating the civil penalty.

The sixth factor to be considered relates to the compliance history of GAP. 52 Pa. Code § 69.1201(c)(6). An isolated incident from an otherwise compliant company may result in a lower penalty, whereas frequent, recurrent violations by a company may result in a higher penalty. Id. To date, I&E is aware of two (2) settlements between I&E and GAP based upon prior informal investigations related to marketing practices. See *Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Great American Power, LLC*, Docket No. M-2016-2536806 (Opinion and Order entered April 20, 2017) (investigation based upon "aggressive marketing tactics" in follow-up to the Commission's Order in *William Towne v. Great American Power, LLC*, Docket No. C-20122307991 (Order entered October 18, 2013)); *Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Great American Power, LLC*, Docket No. M2018-2617335 (Opinion and Order entered July 11, 2019) (investigation based upon door-to-door marketing without the proper solicitation permits and notification to BCS).

The seventh factor to be considered relates to whether the Company cooperated with the Commission's investigation. 52 Pa. Code § 69.1201(c)(7). I&E submits that GAP fully cooperated in the investigation of this matter, including cooperating in both informal discovery as well as settlement discussions.

The eighth factor to be considered is the appropriate settlement amount necessary to deter future violations. 52 Pa. Code § 69.1201(c)(8). I&E submits that a civil penalty amount of \$92,500.00, which is not tax deductible, is substantial and sufficient to deter GAP from committing future violations.

The ninth factor to be considered relates to past Commission decisions in similar situations. 52 Pa. Code § 69.1201(c)(9). I&E submits that the instant Settlement Agreement should be viewed on its merits as there are no past Commission decisions that are identical to this matter. However, I&E notes that some prior Commission decisions do provide guidance on how the Commission viewed past settlement agreements proposing a civil penalty which involved deceptive and misleading conduct. See generally *Pa. PUC, Bureau of Investigation and Enforcement v. Discount Power, Inc.*, Docket No. M-2021-3022658 (Order entered February 24, 2022) (Commission approval of settlement imposing a civil penalty of \$42,250 to resolve allegations from 37 customer complaints related to misleading and deceptive telemarketing, billing of incorrect rates, failure to issue renewal letters, unauthorized enrollments, and a lack of record keeping.); *Pa. PUC, Bureau of Investigation and Enforcement v. Greenlight Energy Inc.*, Docket No. M-2021-3023026 (Order entered

February 24, 2022) (Commission approval of settlement imposing a civil penalty of \$8,250 to resolve allegations of misleading and deceptive telemarketing practices and unauthorized enrollments.); *Pa. PUC v. ResCom Energy LLC*, Docket No. M-2013-2320112 (Order entered November 13, 2014) (Commission approval of settlement imposing a civil penalty of \$59,000 to resolve allegations of slamming, unauthorized marketing practices, and "Do Not Call" violations resulting from 13 customer complaints comprising of 49 potential violations and no practical means to accurately determine the number of Do Not Call violations); *Pa. PUC v. AP Gas & Electric (PA), LLC, d/b/a APG&E*, Docket No. M-2013-2311811 (Order entered October 17, 2013) (Commission approval of settlement with a \$43,200 civil penalty to resolve allegations of slamming, unauthorized marketing practices, and "Do Not Call" violations resulting from 37 complaints comprising of 54 potential violations); and *Pa. PUC v. IDT Energy, Inc.*, Docket No. M-2013-2314312 (Order entered October 17, 2013) (Commission approval of settlement with a \$39,000 civil penalty to resolve allegations of slamming and fraudulent, deceptive or unlawful sales, and marketing practices and "Do Not Call" violations resulting from 21 complaints comprising of 39 potential violations).

The tenth factor considers "other relevant factors." 52 Pa. Code § 69.1201(c)(10). I&E submits that an additional relevant factor—whether the case was settled or litigated—is of pivotal importance to this Settlement Agreement. A settlement avoids the necessity for the governmental agency to prove elements of each allegation. In return, the opposing party in a settlement agrees to a lesser penalty or other remedial action. Both parties negotiate from their initial litigation positions. The penalties and other remedial actions resulting from a fully litigated proceeding are difficult to predict and can differ from those that result from a settlement. Reasonable settlement terms can represent economic and programmatic compromise while allowing the parties to move forward and to focus on implementing the agreed upon remedial actions.

In conclusion, I&E fully supports the terms and conditions of the Settlement Agreement. The terms of the Settlement Agreement reflect a carefully balanced compromise of the interests of the Parties in this proceeding. The Parties believe that approval of this Settlement Agreement is in the public interest. Acceptance of this Settlement Agreement avoids the necessity of 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 Agreement in its entirety without modification.

Respectfully submitted,

Kayla L. Rost  
Prosecutor  
PA Attorney ID No. 322768

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
(717) 787-1888  
karost@pa.gov  
Dated: January 13, 2023

Appendix C
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement,

v.

Great American Power, LLC

Docket No. M-2023-3020643

STATEMENT IN SUPPORT OF JOINT PETITION FOR APPROVAL OF SETTLEMENT

TO THE HONORABLE PENNSYLVANIA PUBLIC UTIL-
ITY COMMISSION:

Now Comes, Great American Power, LLC ("GAP") and
submits this statement in support of the Joint Petition for
Approval of Settlement ("Settlement") filed simultane-
ously herewith in the above-captioned informal investiga-
tion. GAP believes that the Settlement is a reasonable
and fair resolution of the issues raised in the investiga-
tion and recognizes that the many of the concerns raised
were not recent, which reflects what GAP hopes the
Commission will recognize as its recent progress in
providing service to its customers at the highest level of
cooperation, compliance and accountability. While GAP
denies that it has violated any applicable statute, Com-
mission Regulation or order, it nonetheless recognizes
that the conduct identified is serious and it has ap-
proached it as such.

GAP submits that the proposed Settlement, with a
cumulative civil penalty of \$92,500.00, to be paid in two
installments of \$46,250.00 each, one within 30 days of the
date of a Commission Order approving the Settlement
and one 90 days thereafter, coupled with the additional
remedial measures proposed, is in the public interest and
is consistent with the Commission's Policy Statement at
52 Pa. Code § 69.1201, Factors and standards for evalu-
ating litigated and settled proceedings involving viola-
tions of the Public Utility Code and Commission regula-
tions—statement of policy. Of these factors, the following
support a lower penalty:

Factor (2) the consequences of the conduct at issue do
not include personal injury or property damage, and so do
not warrant a higher penalty.

Factor (3) the conduct at issue being deemed negligent
or intentional does not apply to settled cases;

Factor (4) GAP made significant efforts to modify
internal practices and procedures to address the conduct
at issue and prevent similar conduct in the future;

Factor (5) the number of customers effected by the
conduct is limited. There were only 15 customers in which
BIE alleges specific violations (4 of which involve billing
errors not related to the marketing conduct at issue),
while the remaining number reflect an unknown number
of unsubstantiated allegations. Additionally, GAP volun-
tarily ceased telemarketing through vendors, further lim-
iting the number of customers impacted;

Factor (6) while GAP has been a party to a prior
settlement, Docket Number M-2016-2536806, GAP would
also like to point out that the conduct at issue in the
previous matter was from 2012—2014, and that there
have been no other matters between now and then.
Furthermore, the nature of the telemarketing at issue

now was different than the telemarketing GAP was
engaged in at the time of the last settlement. The new
approaches and methods of reaching customers have
raised new challenges GAP had not previously encoun-
tered. GAP has since supplemented its policies and
procedures to account for these new challenges;

Factor (7) GAP cooperated fully with I&E's investiga-
tion;

Factor (8) the amount of the civil penalty is sufficient to
deter future violations, particularly given the financial
strains already imposed on GAP by current market
conditions and the fact that GAP is a small EGS;

Factor (9) past decisions in similar situations support
the dollar amounts proposed for each enumerated allega-
tion, as well as a lesser amount for unenumerated
allegations; and,

Factor (10) the other relevant factors including but not
limited to the financial strains GAP is already suffering,
the promise not to engage in any telemarketing with a
third-party for at least another year, on top of the amount
of time GAP has already ceased telemarketing, and the
fact that many customers are benefiting in a meaningful
way from being enrolled with GAP and would necessarily
be harmed if GAP was forced to exit the market.

GAP believes and therefore submits that the Settle-
ment is in the public interest in that it will accomplish
the Commission's goals of ensuring that service is pro-
vided in accordance with its regulations and standards
while at the same time avoiding the cost, time and effort
that litigation entails. The civil penalty amounts are in
line with recent Commission settlements in matters with
similar allegations. GAP has been investing substantial
effort toward ensuring that its service is fully compliant
so that it can continue to provide value to its customers.
Accordingly, GAP respectfully requests that the Commis-
sion approve the settlement without modification.

Respectfully submitted,
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Dated: January 13, 2023

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, :  
 Bureau of Investigation and Enforcement, :  
 :  
 v. : Docket No. M-2023-3020643  
 :  
 Great American Power, LLC :

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing Joint Petition for Approval of Settlement and Statements in Support dated January 13, 2023, upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

*Served by Electronic Mail*

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[Pa.B. Doc. No. 23-383. Filed for public inspection March 17, 2023, 9:00 a.m.]

**PENNSYLVANIA PUBLIC  
UTILITY COMMISSION**

**Revocation of Natural Gas Supplier Licenses of  
Companies that did not File a Natural Gas  
Supplier Annual Report or Pay Past Due Annual  
or Supplemental Fees**

Public Meeting held  
 March 2, 2023

*Commissioners Present:* Gladys Brown Dutrieuille, Chairperson; Stephen M. DeFrank, Vice Chairperson; Ralph V. Yanora; Kathryn L. Zerfuss; John F. Coleman, Jr.

*Revocation of Natural Gas Supplier Licenses of  
Companies that did not File a Natural Gas Supplier  
Annual Report or Pay Past Due Annual or  
Supplemental Fees; M-2023-3037457*

**Tentative Order**

*By the Commission:*

The Public Utility Code authorizes the Pennsylvania Public Utility Commission (Commission) to establish, by order or rule, on a reasonable cost basis, fees to be charged for annual activities related to the oversight of natural gas suppliers (NGS). 66 Pa.C.S. § 2208(h). NGSs are required to pay these fees. In addition, NGSs are required to file annual reports with the Commission by April 30 of each year identifying their gross Pennsylvania intrastate operating revenues from the prior calendar year. 52 Pa. Code § 62.110(a)(1).

Both the Code, 66 Pa.C.S. § 2208(c)(2), and Commission regulations, 52 Pa. Code § 62.113(a)(5), state that

the failure of an NGS to comply with applicable provisions of the Code or the rules, regulations, orders, or directives of the Commission shall be cause for the Commission to revoke the license of the NGS. Through this Order, the Commission tentatively finds that the NGSs identified in Table 1 (failure to pay fees) and Table 2 (failure to report revenue) are not in compliance with their obligations under the Code and Commission regulations and initiates this proceeding to revoke their NGS licenses.

*Annual and Supplemental Fees*

Act 155 of 2014 authorized the Commission to establish annual fees to fund the Commission’s oversight of NGSs. 66 Pa.C.S. § 2208(h). These fees were established by order of the Commission<sup>1</sup> as (1) a flat annual fee of \$350 to be paid by all licensed suppliers and brokers regardless of reported gross intrastate operating revenues and (2) a supplemental fee—to be paid only by suppliers—based on each NGS’s gross intrastate operating revenues.

NGSs are required to pay the \$350 flat annual fee to the Commission’s Bureau of Administration by July 1 of each year. Suppliers with reported gross intrastate operating revenues are also required to pay the supplemental fee to the Commission within thirty days of receiving the Commission issued supplemental fee invoice.

Although an NGS is not a “public utility,” see 66 Pa.C.S. §§ 102, 2202 and 52 Pa. Code § 62.141 (relating to the definitions of “public utility” and “natural gas supplier”), it is a licensed entity subject to the power and authority of the Commission, and it must comply with

<sup>1</sup> Final Implementation Order on Implementation of Act 155 of 2014, at pgs. 3–8, Docket No. M-2014-2448825 (Order entered April 24, 2015) (Final Implementation Order).

applicable provisions of the Code, Commission regulations, and Commission orders. 66 Pa.C.S. §§ 501 and 2208(e). The Commission has the authority, consistent with due process, to suspend or revoke an NGS's license for the NGS's failure to comply with applicable provisions of the Code, Commission regulations, and Commission orders. 66 Pa.C.S. § 2208(c)(2) and 52 Pa. Code § 62.113(a)(5). An NGS that fails to pay either or both of its annual or supplemental fee violates both the Code, 66 Pa.C.S. § 2208(h), and the Commission's directives contained in the Final Implementation Order. Therefore, such an NGS is subject to fines and having its license revoked by the Commission.

On May 4, 2022, the Commission sent all NGS brokers and suppliers an Annual Fee Invoice with payment due

by July 1, 2022. On July 27, 2022, a past due balance letter was sent to delinquent NGS brokers and suppliers requesting that the past due annual fee be paid within 20 days of the date of the letter.

On September 8, 2022, the Commission sent NGS suppliers a Supplemental Fee invoice and an explanation of the Supplemental Fee with payment due within 30 days of receipt of the invoice. On December 13, 2022, the Commission sent past due balance letters to delinquent NGS suppliers stating that the past due supplemental fee must be paid within 20 days of the date of the letter.

As of February 21, 2023, the NGS brokers and suppliers listed in Table 1 below have not paid either or both of their annual or supplemental fees through 2022.

*Table 1—Failure to Pay Annual and/or Supplemental Fees*

<i>Docket Number</i>	<i>Company Name</i>	<i>Annual or Supplemental</i>
A-2009-2150184*	ENERGYMARK, LLC	Supplemental
A-2010-2184373*	TOTAL ENERGY RESOURCES, LLC	Supplemental
A-2010-2201777	ALPHABUYER, LLC	Annual
A-2013-2346185*	SFE ENERGY PENNSYLVANIA, INC.	Supplemental
A-2013-2398234	CHOOSE ENERGY, INC.	Annual
A-2014-2427220	ENERGYWIZE, LLC	Annual
A-2014-2446698	UNIFIED ENERGY SERVICES, LLC	Annual
A-2015-2465722	TRANE ENERGY CHOICE, LLC	Annual
A-2015-2494393	EVOLUTION ENERGY PARTNERS, LLC	Annual
A-2015-2516042	LEGEND ENERGY ADVISORS, LLC	Annual
A-2016-2579070	TRIANGLEENERGY, LLC d/b/a BID ENERGY GROUP	Annual
A-2019-3012217	FINANCE GURU, LLC	Annual
A-2019-3013494	CA GROUP USA, INC.	Annual
A-2021-3024607	ALL CHOICE ENERGY MIDAMERICA, LLC	Annual
A-2021-3025463	EXCELSIOR GAS AND ELECTRIC, LLC	Annual
A-125002*	DOMINION ENERGY SOLUTIONS, LLC	Supplemental
A-125072	STRATEGIC ENERGY, LLC a/k/a DIRECT ENERGY BUSINESS	Annual

\*Taking title to natural gas.

#### *Annual Report*

All NGS suppliers must also file an Annual Report with the Commission by April 30 each year. 52 Pa. Code § 62.110(a). The Annual Report must include, among other things, the NGS's total gross receipts from the sale of natural gas supply services in the preceding calendar year. 52 Pa. Code § 62.110(a)(1). This information is used by the Commission to calculate the supplemental fee in accordance with the terms of the Final Implementation Order.

As previously noted, the Commission has the authority, consistent with due process, to suspend or revoke an NGS's license for the NGS's failure to comply with applicable provisions of the Code, Commission regulations, and Commission orders. 66 Pa.C.S. § 2208(c)(2) and 52 Pa. Code § 62.113(a)(5). An NGS that fails to file

an annual report violates the Commission's regulations at 52 Pa. Code § 62.110(a). Therefore, such an NGS is subject to fines and having its license revoked by the Commission.

The Commission sent an NGS Requirements Letter to all NGS suppliers in February 2022 advising them of their annual filing requirements and the due dates. In December 2022, the Commission sent a Failure to Submit Annual Report Notice (Notice) to NGS suppliers that failed to file a 2022 Annual Report with the Commission. The Notice stated that the past due Annual Report must be filed within 30 days of the Notice.

As of February 21, 2023, the NGS suppliers listed in Table 2 below have not filed a 2022 Annual Report, reporting their 2021 gross receipts, with the Commission.

Table 2—Failure to File a Natural Gas Supplier Annual Report

Docket Number	Company Name
A-2013-2353838*	NORTH AMERICAN POWER AND GAS, LLC

\*Taking title to natural gas.

#### Disposition

Based on the above facts, we tentatively find that the NGSs listed in Table 1 are not in compliance with the Public Utility Code, 66 Pa.C.S. § 2208(c)(2), (h) and the Final Implementation Order, and the NGSs listed in Table 2 are not in compliance with the Public Utility Code, 66 Pa.C.S. § 2208(c)(2), and the Commission's regulations at 52 Pa. Code § 62.110(a). Therefore, it is appropriate to initiate the NGS license revocation process for each company listed in Table 1 and Table 2 as being in the public interest; *Therefore,*

#### It Is Ordered That:

1. Revocation of the Natural Gas Supplier License of each company listed in Table 1 and Table 2 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 natural gas distribution companies, and all of the Natural Gas Suppliers listed in Table 1 and Table 2; (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 Natural Gas Supplier's assigned docket number.

3. To the extent any of the Natural Gas Suppliers listed in Table 1 and Table 2 challenge the revocation 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-2023-3037457 should 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. Comments containing confidential information should be sent to the Commission via overnight service rather than eFiled.

4. Alternatively, Natural Gas Suppliers listed in Table 1 may pay their outstanding fee balance up to and within thirty (30) days after publication in the *Pennsylvania Bulletin*. Payment shall be sent to the Pennsylvania Public Utility Commission, Attn: Fiscal Office, Commonwealth Keystone Building, 400 North Street, 3rd Floor, Harrisburg, PA 17120. Checks shall be made payable to "Commonwealth of Pennsylvania."

5. Alternatively, Natural Gas Suppliers listed in Table 2 may file their outstanding 2022 annual revenue report within thirty (30) days after publication in the *Pennsylvania Bulletin*. Any completed 2022 annual revenue reports shall be sent to the Pennsylvania Public Utility Commission, Attn: Secretary's Bureau, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120.

6. Absent the timely (i) filing of comments challenging the revocation of the Natural Gas Supplier's license; (ii) payment of the Natural Gas Supplier's outstanding fee balance; or (iii) filing of the Natural Gas Supplier's 2022 annual revenue report within 30-days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services, in conjunction with the Bureau of Administration, shall prepare a Final Order for entry by the Secretary revoking the license of each Natural Gas Supplier that fails to respond.

7. Upon entry of the Final Order, Natural Gas Suppliers that fail to respond will be prohibited from providing natural gas supply services to retail gas customers. Any customers served by the Natural Gas Supplier will be returned to the appropriate Natural Gas Distribution Company's provider of last resort service as set forth in the Final Order.

8. Upon entry of the Final Order, Natural Gas Suppliers that fail to respond 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 will be sent to all natural gas distribution companies in which the Natural Gas Suppliers were licensed to do business.

ROSEMARY CHIAVETTA,  
Secretary

ORDER ADOPTED: March 2, 2023

ORDER ENTERED: March 2, 2023

[Pa.B. Doc. No. 23-384. Filed for public inspection March 17, 2023, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Formal protests, petitions to intervene and answers must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before April 3, 2023. 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 April 3, 2023. 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-2023-3036919. M & M Limousine & Transportation Service, Inc.** (2179 Clover Drive, Broomall, Delaware County, PA 19009) persons in limousine service, from points in Chester and Delaware Counties, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

**A-2023-3038371. Sherri Hackenberg, t/a Hackenberg Express** (16 Keister Road, Middleburg, Snyder County, PA 17842) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Centre, Clinton, Columbia, Cumberland, Dauphin, Juniata, Lancaster, Lebanon, Lycoming, Montour, Northumberland, Perry, Snyder and Union, to points in Pennsylvania, and return.

**A-2023-3038631. Marlin R. Weaver** (1435 Swamp Bridge Road, Stevens, Lancaster County, PA 17578) to transport, as a common carrier, by motor vehicle, persons in paratransit service, whose personal convictions prevent them from owning or operating a motor vehicle, from points in the Counties of Berks, Lancaster and Lebanon, to points in Pennsylvania, and return.

**A-2023-3038692. B2B International, LLC** (2010 Heather Road, Folcroft, Delaware County, PA 19032) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in Pennsylvania, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**Applications of the following for the approval of the right and privilege to *discontinue/abandon* operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.**

**A-2023-3038724. Wilkinson Bus Lines, Inc.** (7698 Admiral Peary Highway, P.O. Box 95, Cresson, Cambria County, PA 16630) for the discontinuance and cancellation of its right, to transport, as a common carrier, by motor vehicle, persons in scheduled route service, as more thoroughly described in the original ordering paragraphs at Docket A-00107066, F.2.

**A-2023-3038748. PA Joy Rides, Inc.** (P.O. Box 296, Lincoln University, Chester County, PA 19352) for the discontinuance and cancellation of its right, to transport, as a common carrier, persons in group and party service, from the Philadelphia-West Chester KOA Campground in the Township of Newlin, Chester County, to points in Pennsylvania, and return; as more thoroughly described in the original ordering paragraphs at Docket A-00112614.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 23-385. Filed for public inspection March 17, 2023, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

**Settlement Agreement in the Pennsylvania Commonwealth Court Matter of Pennsylvania Public Utility Commission v. the Delaware Valley Regional Economic Development Fund, No. 491 MD 2018**

Public Meeting held  
March 2, 2023

*Commissioners Present:* Gladys Brown Dutrieuille, Chairperson; Stephen M. DeFrank, Vice Chairperson; Ralph V. Yanora; Kathryn L. Zerfuss; John F. Coleman, Jr.

*Settlement Agreement in the Pennsylvania Commonwealth Court Matter of Pennsylvania Public Utility Commission v. the Delaware Valley Regional Economic Development Fund, No. 491 MD 2018; Docket Nos. M-2022-3033879, M-2010-2176183, R-00973953, P-00971265*

### Final Order

*By the Commission:*

On December 8, 2022, the Pennsylvania Public Utility Commission (Commission) entered a Tentative Order in the above-captioned matter which approved a Settlement Agreement between the Commission and the Delaware Valley Regional Economic Development Fund (DVREDF) in the case of *Pa. Pub. Util. Comm'n v. Delaware Valley Reg. Econ. Dev. Fund*, 491 MD 2018. (Settlement Agreement). See Settlement Agreement in the Pennsylvania Commonwealth Court matter of *Pennsylvania Public Utility Commission v. The Delaware Valley Regional Economic Development Fund*, No. 491 MD 2018, 52 Pa.B. 8031 (December 24, 2022) (Tentative Order). The Settlement Agreement obligates DVREDF to distribute \$6 million of its PECO ratepayer funds (Settlement Proceeds or Settlement Amount), which it received from the PECO market restructuring as a result of the Electricity Generation Customer Choice and Competition Act (Electric Choice Act), 66 Pa.C.S. §§ 2801–2815, among the following remedies provided in the Commission's complaint in this matter: PECO's hardship fund, Universal Service Programs, PECO customer rate relief, and/or the Sustainable Development Fund (SDF).

### Background

The Commission filed a civil complaint against DVREDF in the Commonwealth Court's original jurisdiction pursuant to Sections 501(a), 501(c), 502 and 503 of the Public Utility Code, 66 Pa.C.S. §§ 501(a), (c), 502, 503, on July 16, 2018, alleging, inter alia, that DVREDF had breached the terms of the 1998 PECO Restructuring Settlement Order<sup>1</sup> and the 2010 Settlement Agreement on the basis that DVREDF was not maximizing its use of PECO ratepayer funds for economic development with job impact. In the Commission's civil complaint in Commonwealth Court, remedy language was included wherein the Commission sought return of the PECO ratepayer funds to be distributed to one or more of the following remedies:

1. PECO's hardship fund,
2. Universal Service Programs,
3. PECO customer rate relief,

<sup>1</sup> Application of PECO Energy Company for Approval of its Restructuring Plan Under Section 2806 of the Public Utility Code, et al., Docket Nos. R-00973953 and P-00971265, 1998 Pa. PUC LEXIS 116 (Order entered May 14, 1998). (1998 PECO Restructuring Settlement Order).



4. Transfer the funds to the Sustainable Development Fund.

Litigation of the matter continued from the filing of the Complaint on July 16, 2018, until December 8, 2021, when the parties agreed to submit a Joint Petition with the Commonwealth Court seeking entrance into Mediation with the Court on December 8, 2021. On the same day, the Commonwealth Court granted the parties' Joint Petition, and subsequently, the parties entered Mediation with the Court, while continuing settlement negotiations outside of Court.

On June 22, 2022, the Commission and DVREDF met with the Commonwealth Court for Mediation, and the parties agreed to a "Settlement in Principle" in which DVREDF Agreed to pay a total Settlement Amount of \$6 million, to be distributed to one or more of the following:

1. PECO's hardship fund,
2. Universal Service Programs,
3. PECO customer rate relief,
4. Transfer the funds to the Sustainable Development Fund.

These were the same remedies reflected in the Commission's original Complaint filed in Commonwealth Court. The terms from the "Settlement in Principle" were reduced to the Settlement Agreement which was attached to the Tentative Order as Appendix A, and which the Commission authorized its Chief Counsel to execute on the Commission's behalf. Tentative Order page 6, and page 9 at Ordering Paragraph 1.

The Tentative Order opened a comment period for the public to submit recommendations as to how the Settlement Proceeds should be distributed among the four enumerated remedies. Tentative Order, 52 Pa.B. at 8033-34 and Ordering Paragraphs 2 and 3. The comment period following the Tentative Order closed on January 13, 2023, and the Commission received comments from the following: the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA); Roger E. Clark; the Clean Air Council; the Office of Consumer Advocate (OCA); the Environmental and Clean Energy Organizations (PennFuture); the Philadelphia Solar Energy Association (PSEA); and the Reinvestment Fund. In this Final Order, the Commission addresses these comments and arrives at a final disposition for the Settlement Amount.<sup>2</sup>

#### A. Comments

##### 1. Distributing Settlement to the Sustainable Development Fund

Out of the seven entities that submitted comments, five commenters recommended that all of the Settlement Proceeds go to the SDF: Mr. Clark, the Clean Air Council, PennFuture, PSEA, and the Reinvestment Fund. In support of their position, these commenters generally contend that: it is consistent with the 1998 PECO Restructuring Settlement Order, SDF has successfully managed ratepayer money, and that funding SDF has long-term benefits of funding clean energy. Conversely, CAUSE-PA expressly recommended against distribution to SDF.

<sup>2</sup> The Commission notes that some comments addressed the Settlement Agreement itself. As the Commission directed in the Tentative Order that comments should address the distribution of the settlement among the four enumerated remedies and given that the Commission approved and entered into the Settlement Agreement as of this same Tentative Order, the Commission will only address the comments pertaining to distribution of the Settlement Agreement. That the Commission is not required to consider expressly or at length each and every contention or argument by the parties is well settled. See *Consolidated Rail Corp. v. Pa. Pub. Util. Comm'n*, 625 A.2d (Pa. Cmwh. 1993). See also generally, *University of Pennsylvania v. Pa. Pub. Util. Comm'n*, 485 A.2d 1217 (Pa. Cmwh. 1984).

##### a. Transferring the Settlement Proceeds to SDF Is Consistent with the 1998 PECO Restructuring Settlement Order

Mr. Clark, the Clean Air Council, PennFuture, PSEA, and the Reinvestment Fund all contend that directing the money to SDF is the proper remedy because it is consistent with the legal requirements that were set forth in the 1998 PECO Restructuring Settlement Order. PennFuture argues that since four of the five restructuring plans approved by the Commission following the passage of the Electric Choice Act resulted in funding sustainable energy funds at a level of 0.01 cents per kilowatt hour, this strongly supports directing the Settlement Proceeds to SDF since it would be consistent with the legislature's intent in passing the Electric Choice Act. PennFuture Comments at 2-3. PennFuture points to the lack of any rationale why the SDF did not receive the full 0.01 cents per kilowatt hour and why DVREDF received half of the funding as further support for why the SDF should receive all of the Settlement Proceeds now. *Id.* at 3.

Mr. Clark and the Clean Air Council submit that in addition to SDF being the original intended recipient in the 1998 PECO Restructuring Settlement Order that the other three alternatives had already received their funding in full and that only the SDF was short-changed as a result of the PECO rate structuring proceeding. Clark Comments at 4; Clean Air Council Comments at 3.

##### b. SDF Management of Funds

The Clean Air Council, PennFuture, PSEA, and the Reinvestment Fund submit that the SDF has a successful record in using its funds for clean-energy development in the PECO service territory. PSEA Comments at 2; Clean Air Council Comments at 2. PSEA submits that the SDF has made sound decisions and investments in clean-energy industries such as developing solar, wind and energy efficiency industries in the Commonwealth. PSEA Comments at 2. PennFuture and the Clean Air Council note that SDF initially received approximately \$13.3 million from distribution charges and accelerated payments. With additional funding from the PECO/Unicom merger, the SDF received a total of \$31.8 million. PennFuture Comments at 2; Clean Air Council Comments at 2. As of 2019, the SDF reports that it has deployed all of the ratepayer money it received as intended and has a revolving loan amount of over \$49 million deployed and \$10 million of net assets remaining. PennFuture Comments at 2; Clean Air Council Comments at 2.

The Reinvestment Fund, which administers the SDF, provides data to support its contention that it has successfully handled PECO ratepayer proceeds from the Electric Choice Act. The Reinvestment Fund submits that during the SDF's 23-year history, it has made \$55.8 million of investments in clean energy, including 377 grants totaling \$21.3 million, 50 loans totaling \$28.8 million and six equity investments totaling \$3.8 million. Reinvestment Fund Comments at 1. This exceeds the total PECO investment of \$31.8 million since SDF's loan funds revolve and allow for ongoing deployment into new projects. Reinvestment Fund contends that the SDF has not had any loan losses since its inception and currently manages \$3.5 million in loans. *Id.* at 1. Further, Reinvestment Fund asserts that SDF could absorb the full \$6 million as it is a full-service Community Development Financial Institution, is regularly engaged in lending and grant making activities in underserved communities and is sufficiently staffed to deploy additional SDF capital. *Id.* at 1. Reinvestment Fund also could target its deployment strategy if the Commission would want to prioritize specific types of projects. *Id.* at 1.

*c. Long-Term Benefits for Transferring to SDF*

Mr. Clark, the Clean Air Council, and PennFuture placed a heavy emphasis on the long-term environmental benefits derived from transferring the Settlement Proceeds to the SDF. Mr. Clark and PennFuture argue that the Pennsylvania Constitution recognizes that clean air, among other environmental attributes, is “the common property of all the people” and that the Commonwealth has a trust responsibility to protect it. Clark Comments at 4; Clean Air Council Comments at 3; and PennFuture Comments at 3. They contend that the Pennsylvania Supreme Court holding in *Robinson Twp v. Pa. Pub. Util. Comm’n*, 83 A.3d 901 (Pa. 2013), requires any government action to reasonably account for environmental features of the affected locale if it is to pass constitutional muster. Clark Comments at 4; Clean Air Council at 3; and PennFuture Comments at 3. PennFuture and the Clean Air Council argue that the Commission has not considered the environmental impact of diverting this funding in the PECO territory and that the Commission needs to ensure that in every action it takes it is conserving and maintaining its trust duties. Clean Air Council Comments at 3; PennFuture Comments at 3.

*d. Recommendation Against Distribution to the SDF*

CAUSE-PA expressly recommends against distributing funds to the SDF. CAUSE-PA Comments at 4. It contends that as of December 31, 2021, the SDF held \$3.4 million in its cash account available for lending and the year-end fund balance (net assets) was \$11.3 million. Id. As such, CAUSE-PA does not recommend distributing additional funds to the SDF. PSEA noted in its comments that if the Commission is inclined to distribute the Settlement Proceeds to directly benefit lower income households, it recommends requiring the SDF to use the Settlement Proceeds to directly benefit low-income households and communities to permanently reduce the energy burden on low-income households. PSEA Comments at 2. PSEA notes the existence of several low-income solar programs in Pennsylvania that are very small and need funding to gain scale. Id.

*2. Transfer to Universal Service Programming and PECO Hardship Fund*

CAUSE-PA recommends that 70% of the Settlement Proceeds (\$4.2 million) should go to Universal Service Programming and the other 30% (\$1.8 million) should be distributed to the PECO Hardship Fund. However, PennFuture and PSEA recommended against any of the other enumerated remedies receiving the Settlement Proceeds. PennFuture Comments at 4; PSEA Comments at 1-2.

*a. Comments in Favor of Universal Service Programming and PECO Hardship Fund*

CAUSE-PA recommends directing most of the funding to expanding PECO’s low-income energy reduction programs, and, more specifically, recommends directing funding to programs that are not supported by general Low Income Usage Reduction Program measures. It supports additional funding directed to remediating health and safety repairs in a home necessary to prevent the home from being deferred for weatherization and usage reduction programming. CAUSE-PA Comments at 2. Further, CAUSE-PA recommends using the funds to support PECO’s pilot de facto heating program and, in appropriate cases, permit PECO to replace inefficient or broken fossil fuel furnaces with high-efficiency heat pumps. Id. In accomplishing these goals, CAUSE-PA recommends that PECO work with members of its Universal Service Advi-

sory Committee to develop parameters for expanding its health and safety and de facto heating remediation programs.

CAUSE-PA contends that funding for these purposes would help address and alleviate energy insecurity for families with poor quality housing and inoperable heating systems. Additional funding to health and safety and de facto heating remediation would help reduce excessive energy use and consequently high energy bills, benefiting the public. Id. at 3. Further, remediation of the de facto heating coupled with home electrification in appropriate cases could provide more efficient and affordable heat and energy-efficient cooling. Id. at 3.

With respect to the PECO Hardship Fund (Matching Energy Assistance Fund or MEAF), CAUSE-PA recommends that this distribution should go to support energy-and-usage reduction programs. Id. at 3. CAUSE-PA notes that in the Commission’s Final Order for PECO’s 2019–2024 USECP, PECO was directed to make permanent the expansion of eligibility criteria for PECO’s MEAF program. Id. CAUSE-PA notes that there are more PECO customers in need of MEAF grants due to the expansion from raising the annual income limit from 145% to 200% of the Federal Poverty Income Guidelines. Id. CAUSE-PA asserts that as of December 31, 2021, PECO had over 6,000 payment troubled customers.

Finally, CAUSE-PA notes that the total settlement would not provide consequential rate relief to the entire PECO residential customer base. It notes that PECO has nearly 2 million residential customers and that if the entire settlement were divided among all residential customers, each customer would receive a \$0.33 discount on one bill. As such, CAUSE-PA submits that directing the settlement funds in the manner it recommends, supra, could provide significant relief to low-income customers and would result in more energy savings. Id.

*b. Comments Against Distributing Settlement to the Universal Service Fund and PECO Hardship Fund*

PennFuture argues against distributing to any proposed remedies other than SDF and cites to PECO’s annual report on its Act 129 energy-efficiency program which shows only \$1.05 in benefits being returned over 13 years for each dollar invested. PennFuture Comments at 4. PennFuture also notes that Act 129 has an investment cap and PECO has not been required to implement all the technically and economically available energy efficiency investments.

While arguing against distributing the Settlement Proceeds to any other remedy, PSEA suggests that the Commission could recommend or even require that the SDF use the Settlement Proceeds to directly benefit low-income households and communities to permanently reduce the energy burden on low-income households. PSEA Comments at 2.

*3. Distribution to Customer Rate Relief*

The Commission also received one recommendation to distribute the Settlement Proceeds to customer rate relief. The OCA submitted a letter in lieu of comments recommending that the Settlement Proceeds be returned to ratepayers as PECO customer rate relief. The OCA contends that since the original use of the PECO ratepayer funds that DVREDF collected will not be fulfilled, it recommends that the appropriate course of action is to return the Settlement Proceeds to all PECO ratepayers. OCA Letter Dated January 13, 2023.

*B. Disposition*

After careful consideration of the comments received, the Commission will direct DVREDF to submit the entire \$6 million Settlement Amount to the SDF. The Commission agrees with the commenters that, since SDF was originally intended to have all of the 0.01 cents per kilowatt hour in the PECO service territory, it is proper to distribute the Settlement Amount to the SDF now. The Commission notes that transferring the Settlement Amount to the SDF will also be in keeping with the directive of the 1998 PECO Restructuring Settlement Order, and which will not require the Commission to reconsider its order to accommodate a different purpose for the Settlement Amount.

The Commission considered the remedies of PECO's hardship fund, Universal Service Programs, and PECO customer rate relief. While these are all worthwhile causes, the Commission did not choose these remedies because they lack long-term benefits to the PECO service territory that the SDF has long demonstrated it can provide to this region. Providing the Settlement Amount to PECO's hardship fund, Universal Hardship Fund, Universal Service Programs, PECO customer rate relief could have assisted PECO ratepayers in a single year, the transfer to the SDF will see years of benefit to the PECO service territory, which has always been the Commission's intent with the ratepayer money that was collected as a result of the 1998 PECO Restructuring Settlement Order. As such, the Commission directs DVREDF to transfer the entire \$6 million Settlement to the SDF within twenty-one (21) days of this order. *Therefore,*

*It Is Ordered:*

1. The Delaware Valley Regional Economic Development Fund shall distribute the total \$6 million Settlement Amount that the parties agreed to in their Settlement Agreement to the Sustainable Development Fund within twenty-one (21) days of entry of this order.

2. The Delaware Valley Regional Economic Development Fund shall submit proof of remittance of the Settlement Amount paid to the Sustainable Development Fund to the Commission within seven (7) days of the transfer of the Settlement Amount to the Sustainable Development Fund.

3. That the Secretary serve a copy of this Final Order upon all parties of record at docket numbers R-00973953, P-00971265, and M-2010-2176183, the OCA, PECO, SDF, Bureau of Investigation & Enforcement (BI&E), the Bureau of Technical Utility Services (TUS), the Bureau of Administration (BAS) and the Department of Revenue—Bureau of Corporation Taxes, and all parties that filed comments to the Tentative Order at M-2022-3033879.

4. That the Law Bureau shall publish a copy of this Final Order in the *Pennsylvania Bulletin*.

5. That upon the confirmation of DVREDF's distribution of the Settlement Amount to the Sustainable Development Fund, and receipt of the filing of DVREDF's proof of remittance required in Ordering Paragraphs 1 and 2, the proceeding at Docket No. M-2022-3033879 shall be marked closed.

ROSEMARY CHIAVETTA,  
*Secretary*

ORDER ADOPTED: March 2, 2023

ORDER ENTERED: March 2, 2023

[Pa.B. Doc. No. 23-386. Filed for public inspection March 17, 2023, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Wastewater Service

**A-2023-3038862 and A-2023-3038864. The York Water Company.** Joint application of The York Water Company, under 66 Pa.C.S. § 1102(a)(1)—(3) (relating to enumeration of acts requiring certificate) for: (1) approval of the right to transfer certain public wastewater facilities and rights from Conewago Industrial Park Water and Sewer Company to The York Water Company; (2) the abandonment by Conewago Industrial Park Water and Sewer Company of wastewater service to the public in its service territory in West Donegal Township, Lancaster County; and (3) approval for The York Water Company to begin to offer, render, furnish or supply wastewater service to the public in a portion of West Donegal Township, Lancaster County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, April 3, 2023. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, or on the Pennsylvania Public Utility Commission's (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov), with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

*Joint Applicants:* The York Water Company, Conewago Industrial Park Water and Sewer Company

*Through and By Counsel:* Michael W. Hassell, Esq., Devin T. Ryan, Esq., Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601, [mhassell@postschell.com](mailto:mhassell@postschell.com), [dryan@postschell.com](mailto:dryan@postschell.com); Charis Mincavage, Esq., Meagan Truong, Esq., McNeese, Wallace & Nurick, LLC, 100 Pine Street, Harrisburg, PA 17101, [cmincavage@mcneeslaw.com](mailto:cmincavage@mcneeslaw.com), [mtruong@mcneeslaw.com](mailto:mtruong@mcneeslaw.com)

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 23-387. Filed for public inspection March 17, 2023, 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 April 3, 2023. 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 Peter Carnival 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-23-02-01 and A-23-02-02. Abdullah Asad Trans, LLC** (3463 Fidler Street, Philadelphia, PA 19114): 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-23-02-03. MZ Taxi, LLC** (3540 North 19th Street, Philadelphia, PA 19140): 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.

RICH LAZER,  
*Executive Director*

[Pa.B. Doc. No. 23-388. Filed for public inspection March 17, 2023, 9:00 a.m.]

## STATE ETHICS COMMISSION

### Public Meeting; Harrisburg

Under 65 Pa.C.S. § 1101—1113 (relating to Public Official and Employee Ethics Act) (act) the State Ethics Commission (Commission) is required to hold at least two public hearings each year to seek input from persons and organizations who represent any individual subject to the provisions of the act and from other interested parties.

The Commission will conduct a public meeting in Room 307, Finance Building, Harrisburg, PA on April 12, 2023, beginning at 9 a.m. for purposes of receiving the input and for the conduct of other agency business. Public officials, public employees, organizations and members of the general public may attend.

Persons seeking to testify or present any statement, information or other comments in relation to the act, the regulations of the Commission or agency operations should contact Julie Gibson at (717) 783-1610 or (800) 932-0936. Written copies of any statement should be provided at the time of the meeting.

MARY W. FOX,  
*Executive Director*

[Pa.B. Doc. No. 23-389. Filed for public inspection March 17, 2023, 9:00 a.m.]



