

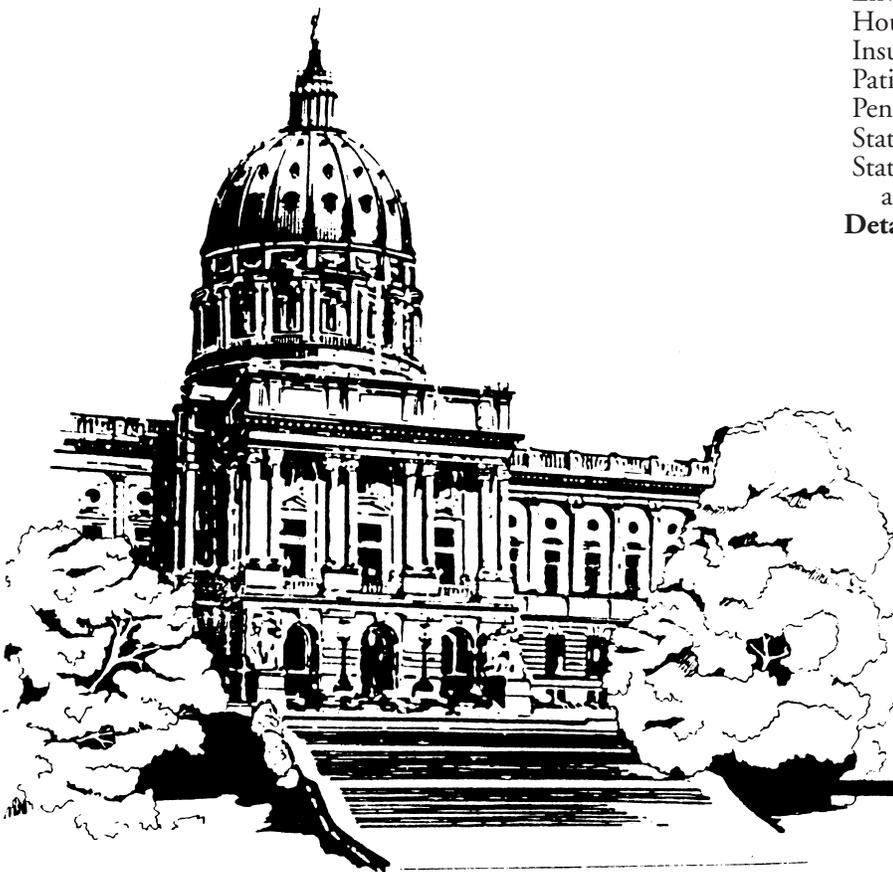
# PENNSYLVANIA BULLETIN

Volume 53  
Saturday, January 14, 2023 • Harrisburg, PA  
Number 2  
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**Agencies in this issue**

The General Assembly  
The Courts  
Department of Banking and Securities  
Department of Environmental Protection  
Department of Health  
Department of Human Services  
Environmental Hearing Board  
Environmental Quality Board  
Housing Finance Agency  
Insurance Department  
Patient Safety Authority  
Pennsylvania Public Utility Commission  
State Board of Nursing  
State Board of Vehicle Manufacturers, Dealers  
and Salespersons

**Detailed list of contents appears inside.**



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

**No. 578, January 2023**

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

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

## *Citation to the Pennsylvania Bulletin*

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

## *Pennsylvania Code*

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

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

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

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

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

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

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

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

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

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### Printing Format

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

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

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

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

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

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

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

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

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

### Fiscal Notes

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

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

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

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2023.

### 4 Pa. Code (Administration)

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

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# THE GENERAL ASSEMBLY

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### COMMISSION ON SENTENCING PART VIII. CRIMINAL SENTENCING [ 204 PA. CODE CH. 311 ]

#### Proposed State Parole Recommitment Ranges; Correction

An error occurred in the notice published at 53 Pa.B. 260 (January 7, 2023). The document number line was

incorrectly published. The correct document line is as follows. The remainder of the notice is accurate as published.

[Pa.B. 23-32. Filed for public inspection January 6, 2023, 9:00 a.m.]

MARK H. BERGSTROM,  
*Executive Director*

[Pa.B. Doc. No. 23-33. Filed for public inspection January 13, 2023, 9:00 a.m.]

## COMMISSION ON SENTENCING

### 2023 Public Meeting Schedule

The Commission on Sentencing (Commission) announces that the following dates are selected for public meetings in the year 2023:

#### *Harrisburg, PA and Zoom Webinar*

Wednesday, March 8, 2023	Policy Committee Meeting (1 p.m.)
	Dinner Meeting (6 p.m.)
Thursday, March 9, 2023	Policy Committee Meeting (9 a.m.)
	Quarterly Commission Meeting (11 a.m.)

#### *Harrisburg, PA and Zoom Webinar*

Wednesday, June 7, 2023	Dinner Meeting (6 p.m.)
Thursday, June 8, 2023	Policy Committee Meeting (9 a.m.)
	Quarterly Commission Meeting (11 a.m.)

#### *State College, PA and Zoom Webinar*

Wednesday, September 13, 2023	Annual Planning Session (1 p.m.)
	Dinner Meeting (6 p.m.)
Thursday, September 14, 2023	Policy Committee Meeting (9 a.m.)
	Quarterly Commission Meeting (11 a.m.)

#### *Harrisburg, PA and Zoom Webinar*

Wednesday, December 6, 2023	Dinner Meeting (6 p.m.)
Thursday, December 7, 2023	Policy Committee Meeting (9 a.m.)
	Quarterly Commission Meeting (11 a.m.)

The meetings are open to the public for in person or remote attendance. Questions regarding Commission meetings can be directed to Mark H. Bergstrom, Executive Director, (814) 863-4368, mhb105@psu.edu.

MARK H. BERGSTROM,  
*Executive Director*

[Pa.B. Doc. No. 23-34. Filed for public inspection January 13, 2023, 9:00 a.m.]

# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[ 231 PA. CODE CH. 200 ]

#### Damages for Delay

##### Annex A

#### TITLE 231. RULES OF CIVIL PROCEDURE

##### PART I. GENERAL

#### CHAPTER 200. BUSINESS OF COURTS

#### Rule 238. Damages for Delay in an Action for Bodily Injury, Death or Property Damage.

\* \* \* \* \*

#### Addendum to Explanatory Comment (2023)

The prime rate as set forth in the first edition of the *Wall Street Journal* for a particular year is the basis for calculating damages for delay under Pa.R.Civ.P. 238 as revised November 7, 1988. The prime rate published in the first edition of the *Wall Street Journal* for each of the years specified is as follows:

<i>Date of Publication</i>	<i>Prime Rate Percentage</i>
<b>January 3, 2023</b>	<b>7 1/2</b>
January 3, 2022	3 1/4
January 4, 2021	3 1/4
January 2, 2020	4 3/4
January 2, 2019	5 1/2
January 2, 2018	4 1/2
January 3, 2017	3 3/4
January 4, 2016	3 1/2
January 2, 2015	3 1/4
January 2, 2014	3 1/4
January 2, 2013	3 1/4
January 3, 2012	3 1/4
January 3, 2011	3 1/4
January 4, 2010	3 1/4
January 2, 2009	3 1/4
January 2, 2008	7 1/4
January 2, 2007	8 1/4
January 3, 2006	7 1/4
January 3, 2005	5 1/4
January 2, 2004	4
January 2, 2003	4 1/4
January 2, 2002	4 3/4
January 2, 2001	9 1/2
January 3, 2000	8 1/2
January 4, 1999	7 3/4
January 2, 1998	8 1/2

**Comment:** The prime rate for the years 1980 through 1997 may be found in the Addendum to the Explanatory

Comment published in the *Pennsylvania Bulletin*, 33 Pa.B. 634 (February 1, 2003), and on the web site of the Civil Procedural Rules Committee at <http://www.pacourts.us>.

[Pa.B. Doc. No. 23-35. Filed for public inspection January 13, 2023, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### ADAMS COUNTY

#### Rule of Judicial Administration 4008; Administrative Order Number 19 of 2022

#### Order of Court

*And Now*, this 27th day of December, 2022, in recognition of the County changing its website address, the Court hereby modifies Rule 4008(d)(1) of the Adams County Rules of Judicial Administration as follows:

#### 4008. Transcript Costs.

##### (d) *Economic hardship.*

(1) A party seeking consideration of an economic hardship related to obtaining a transcript may petition the Court in utilizing the in forma pauperis self-help packet available at the Adams County Law Library or online at [ [www.adamscounty.us](http://www.adamscounty.us) ] <https://www.adamscounty.pa.gov>. In order for a party to be considered for economic hardship, the in forma pauperis self-help packet must be fully completed and verified.

The modification to this rule shall become effective after all the provisions of the Pennsylvania Rules of Judicial Administration 103 are met, to include the following:

a. Two (2) certified copies of this Order together with a computer diskette that complies with the requirement of 1 Pa. Code § 13.11(b), or other compliant format, containing the text of the local rule(s) adopted hereby shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

b. One copy of this Order shall be forwarded to the Administrative Office of the Pennsylvania Courts via e-mail to [adminrules@pacourts.us](mailto:adminrules@pacourts.us);

c. A copy of the proposed local rule(s) shall be published on the 51st Judicial District website;

d. This Order shall be filed in the Office of the Prothonotary of Adams County and a copy thereof shall be filed with the Adams County Clerk of Courts and the Adams County Law Library for inspection and copying;

e. The effective date of the local rule(s) shall be 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

MICHAEL A. GEORGE,  
*President Judge*

[Pa.B. Doc. No. 23-36. Filed for public inspection January 13, 2023, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### NORTHAMPTON COUNTY

#### Administrative Order 2022-20; Adoption of Local Rule N209. Miscellaneous Hearing and Non-Jury Trial Lists; No. C-48-CV-2022-9365

##### Administrative Order

*And Now*, this 29th day of December, 2022, it is *Ordered* that Northampton County Local Rule N209 is *Adopted*, effective 30 days after publication in the *Pennsylvania Bulletin*.

It is further *Ordered* that the Court Administrator of Northampton County shall file: one (1) certified copy of the Order and Northampton County Rule N209 with the Administrative Office of Pennsylvania Courts; and two (2) certified copies with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. This Local Rule shall also be published on the Court's website and incorporated into the complete set of Northampton County Local Rules.

*By the Court*

MICHAEL J. KOURY, Jr.,  
*President Judge*

#### Rule N209. Miscellaneous Hearing and Non-Jury Trial Lists.

##### (a) *Time Limits.*

1. Matters reasonably anticipated to require less than thirty (30) minutes may be placed onto a miscellaneous hearing list.

2. Matters anticipated to require more than thirty (30) minutes shall be placed onto a non-jury trial list.

##### (b) *Procedure—Miscellaneous Hearings.*

1. Proceedings may be listed for a miscellaneous hearing either by filing an original and one copy of a praecipe with the clerk of court or by order of court.

2. When proceedings are placed onto a miscellaneous hearing list by praecipe, notice thereof shall be given to opposing counsel and/or unrepresented parties at least seven (7) days prior to the date of the hearing.

3. In lieu of a call of each miscellaneous hearing list, the President Judge will pre-assign the cases on each list to judges, and the attorneys and parties shall report directly to the assigned judge's courtroom at the scheduled date and time of the hearing.

##### (c) *Procedure—Non-Jury Trials.*

1. Proceedings may be listed for a non-jury trial list either by filing an original and one copy of a praecipe with the clerk of court or by order of court. The Court Administrator shall prepare a non-jury trial list of such cases. See N.C.R.Civ.P. No. N212A.

2. When proceedings are placed onto a non-jury trial list by praecipe of counsel, notice thereof shall be given to opposing counsel and/or unrepresented parties at least thirty (30) days prior to the date of trial.

3. In lieu of a call of each non-jury trial list, every attorney of record and unrepresented party shall send an email to Court Administration no later than the second Friday prior to the non-jury trial week, to the email address identified on the non-jury trial list, stating whether the matter is ready for trial and the approximate length of such trial. Failure to send the aforementioned

email may result in the case being stricken and removed from the non-jury trial list. Thereafter, the President Judge will pre-assign the cases on each list to judges, and the attorneys and parties shall report directly to the assigned judge's courtroom at the scheduled date and time of the trial.

[Pa.B. Doc. No. 23-37. Filed for public inspection January 13, 2023, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### NORTHAMPTON COUNTY

#### Administrative Order 2022-21; Adoption of Local Rule N212A. Case Management/Trial Lists; No. C-48-CV-2022-9366

##### Administrative Order

*And Now*, this 29th day of December, 2022, it is *Ordered* that Northampton County Local Rule N212A is *Adopted*, effective 30 days after publication in the *Pennsylvania Bulletin*.

It is further *Ordered* that the Court Administrator of Northampton County shall file: one (1) certified copy of the Order and Northampton County Rule N212A with the Administrative Office of Pennsylvania Courts; and two (2) certified copies with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. This Local Rule shall also be published on the Court's website and incorporated into the complete set of Northampton County Local Rules.

*By the Court*

MICHAEL J. KOURY, Jr.,  
*President Judge*

#### Rule N212A. Case Management/Trial Lists.

(a) *Case Management—Jury Cases.* Upon the filing of an answer to a complaint in a civil action that requires a jury trial, the court shall issue a case management order that establishes deadlines for completing discovery, serving expert reports, filing pre-trial motions, and a date for a pre-trial conference.

(b) *Case Management—Non-Jury Cases.* In civil actions not requiring a jury trial, after discovery has been completed, any party may file a praecipe for arbitration, or a praecipe placing the case onto a non-jury trial list, pursuant to Northampton County Rule N209(c).

(1) *Status Conferences.* In civil actions not requiring a jury trial, any party may contact Court Administration to request a status conference for the purpose of obtaining a case management order that establishes deadlines for completing discovery, serving expert reports, filing pre-trial motions, and a date for a pre-trial conference.

(c) *Extension of Deadlines and Dates in Case Management Orders.* The parties may agree to alter the deadlines and dates established by a case management order by delivering a stipulation and proposed order to Court Administration for transmittal to a judge for approval by the court. If the parties determine that the complexity of a case requires a specialized case management order, and they cannot agree to a stipulated order, any party may request a status conference by contacting Court Administration.

(d) *Trial Lists.* The Court Administrator shall prepare jury and non-jury trial lists in accordance with case management orders, pre-trial conference orders, and praecipes filed by counsel and/or the unrepresented parties, and shall forward such lists to each attorney of record and each unrepresented party at least thirty (30) days prior to the trial date. The lists shall be prepared in the order in which the actions were commenced or as directed by the court. See Pa.R.Civ.P. 214.

(e) *Call of Jury Trial Lists.* A preliminary call of each jury trial list shall be held at 1:00 p.m. in Courtroom Number One (1) on the second Wednesday prior to the trial week. At the call of the list, the court will consider all applications for continuances, and no continuance will thereafter be granted except for cause arising between the time of the preliminary call and the beginning of the assigned trial week.

(f) *Non-jury Trial Assignments.* In lieu of a call of each non-jury trial list, every attorney of record and unrepresented party shall send an email to Court Administration no later than the second Friday prior to the non-jury trial week, to the email address identified on the non-jury trial list, stating whether the matter is ready for trial and the approximate length of such trial. Failure to send the aforementioned email may result in the case being stricken and removed from the non-jury trial list. Thereafter, the President Judge will pre-assign the cases on each list to judges, and the attorneys and parties shall report directly to the assigned judge's courtroom at the scheduled date and time of the trial.

(g) *Disposition of Listed Cases.* Any case once certified for trial by a pre-trial judge shall, unless otherwise directed by the court, be automatically relisted on subsequent trial lists until the case is finally disposed of by trial or otherwise.

[Pa.B. Doc. No. 23-38. Filed for public inspection January 13, 2023, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### SOMERSET COUNTY

#### Civil Division; Administrative Order 4 of 2022

##### Administrative Order

*And Now*, this 29th day of December 2022, pursuant to Rule 103 of the Pennsylvania Rules of Judicial Administration, it is hereby ordered that this Administrative Order is hereby adopted to read as follows hereto.

The Court Administrator's office is directed as follows:

(1) Distribute two (2) copies and CD-ROM of the Local Rule shall be distributed to the Legislative Reference bureau for publication in the *Pennsylvania Bulletin*.

(2) Email copy to the Administrative Office of Pennsylvania Courts: adminrules@pacourts.us.

(3) One certified copy shall be sent to the Somerset County Law Library and the Editor of the *Somerset Legal Journal*.

(4) Publish a copy of the local Rule on the County Website.

(5) Adoption of these rules shall go into effect 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

D. GREGORY GEARY,  
*President Judge*

##### Rule 1023. Civil Trial Schedule.

A. Not later than the second day after the call of the list, the Court Administrator shall issue a civil trial schedule for the term.

B. Jury selection shall take place on the date the jury trial is scheduled to commence.

(Adopted June, 1990, effective August 13, 1990. Amended December 29, 2022, effective 30 days after publication in the *Pennsylvania Bulletin*.)

[Pa.B. Doc. No. 23-39. Filed for public inspection January 13, 2023, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### SOMERSET COUNTY

#### Criminal Division; Administrative Order 3 of 2022

##### Administrative Order

*And Now*, this 29th day of December 2022, pursuant to Rule 103 of the Pennsylvania Rules of Judicial Administration, it is hereby ordered that this Administrative Order is hereby adopted to read as follows hereto.

The Court Administrator's office is directed as follows:

(1) Distribute two (2) copies and CD-ROM of the Local Rule shall be distributed to the Legislative Reference bureau for publication in the *Pennsylvania Bulletin*.

(2) Email copy to the Administrative Office of Pennsylvania Courts: adminrules@pacourts.us.

(3) One certified copy shall be sent to the Somerset County Law Library and the Editor of the *Somerset Legal Journal*.

(4) Publish a copy of the local Rule on the County Website.

(5) Adoption of these rules shall go into effect 30 days after publication in the *Pennsylvania Bulletin*, with the court putting them into practice with April 2023 Call of the Criminal List.

*By the Court*

D. GREGORY GEARY,  
*President Judge*



December, 2023

December 4, 2023	9:00	(DGG)	Call of List	Public Defender Clients A—L
	1:00	(SPB)	Call of List	Public Defender Clients M—Z
December 6, 2023	9:00	(DGG)	Call of List	Incarcerated Clients A—L
	1:00	(SPB)	Call of List	Incarcerated Clients M—Z
December 7, 2023	9:00	(DGG)	Call of List	Private Counsel Clients A—L
	1:00	(SPB)	Call of List	Private Counsel Clients M—Z

By the Court

D. GREGORY GEARY,  
President Judge

[Pa.B. Doc. No. 23-40. Filed for public inspection January 13, 2023, 9:00 a.m.]

**Title 255—LOCAL COURT RULES****SOMERSET COUNTY****Criminal Division; Administrative Order 14 of 2022****Administrative Order**

And Now, this 29th day of December 2022, pursuant to Rule 103 of the Pennsylvania Rules of Judicial Administration, it is hereby ordered that this Administrative Order is hereby adopted to read as follows hereto.

The Court Administrator's office is directed as follows:

(1) Distribute two (2) copies and CD-ROM of the Local Rule shall be distributed to the Legislative Reference bureau for publication in the *Pennsylvania Bulletin*.

(2) Email copy to the Administrative Office of Pennsylvania Courts: adminrules@pacourts.us.

(3) One certified copy shall be sent to the Somerset County Law Library and the Editor of the *Somerset Legal Journal*.

(4) Publish a copy of the local Rule on the County Website.

(5) Adoption of these rules shall go into effect 30 days after publication in the *Pennsylvania Bulletin*, with the court putting them into practice with April 2023 Call of the Criminal List.

By the Court

D. GREGORY GEARY,  
President Judge**Rule 1030. Criminal Case Scheduling. Arraignment.**

Arraignment shall be held on the arraignment dates specified on the court calendar, or any other day by special arrangement with the court through the Court Administrator or Motions Judge.

(Adopted December 29, 2022, effective 30 days after publication in the *Pennsylvania Bulletin*.)

**Rule 1031. Criminal Trial Scheduling. Trial List. Notice.**

A. The District Attorney shall prepare and disseminate to court personnel and trial counsel at least fourteen (14) days before the scheduled call of the list, a criminal trial list in court approved form of all cases available for trial at the current term.

B. At least ten (10) days before the scheduled call of the list, the Court Administrator shall prepare a Notice to

Appear and serve it by U.S. mail or courthouse mailbox on all defendants and counsel of record named on the District Attorney's list.

(Adopted December 29, 2022, effective 30 days after publication in the *Pennsylvania Bulletin*.)

**Rule 1032. Call of the Criminal Trial List. Pleas and Continuances.**

A. The call of the criminal list shall be held on the dates specified on the court calendar.

B. At the call of the list, defendants may enter either a plea of not guilty or guilty, or the court may continue the case upon written request of either party, preferably submitted in advance of the date of call of the list.

C. The District Attorney shall prepare and disseminate to court personnel and trial counsel no more than two (2) days after call of the list has been completed, a list of all defendants who have entered pleas of not guilty during the current term.

(Adopted December 29, 2022, effective 30 days after publication in the *Pennsylvania Bulletin*.)

**Rule 1033. Criminal Trials. Scheduling Conference.**

A. A scheduling conference shall be held on the Tuesday preceding the beginning of the trial session. All trial counsel must, unless excused by the court for cause, be present to report on scheduling and trial readiness.

B. For each case on the list, trial counsel shall report the case as "trial unlikely", "not ready for trial" or "ready for trial", and if ready, the number of days necessary to complete the trial. A report of "trial unlikely" means that the defendant has accepted a Commonwealth plea offer and the case is ready to be scheduled for a guilty plea. A report of "ready for trial" is a certification that all crucial witnesses are available during the trial term and there are no known impediments to trial. A report of "not ready for trial" shall be accompanied by the reporting party's written request for continuance.

C. Trial counsel may submit to the Court Administrator dates of unavailability for themselves and their witnesses. The Court Administrator shall attempt to accommodate such requests when reasonably possible.

D. The District Attorney may submit to the Court Administrator a list of cases for which he/she seeks high priority in scheduling. The Court Administrator shall accommodate high priority requests when reasonably possible.

(Adopted December 29, 2022, effective 30 days after publication in the *Pennsylvania Bulletin*.)

**Rule 1034. Criminal Trial Schedule. Jury Selection.**

Not later than Thursday of the week preceding the beginning of the trial term, the Court Administrator shall issue a criminal trial schedule for the trial term. Jury selection shall take place on the first day of each week of the trial term on the dates specified on the court calendar.

(Adopted December 29, 2022, effective 30 days after publication in the *Pennsylvania Bulletin*.)

[Pa.B. Doc. No. 23-41. Filed for public inspection January 13, 2023, 9:00 a.m.]

**SUPREME COURT**

**Reestablishment of the Magisterial Districts within the 5th Judicial District of the Commonwealth of Pennsylvania; No. 526 Magisterial Rules Docket**

**Order**

*Per Curiam*

And Now, this 27th day of December 2022, upon consideration of the Petition to Reestablish the Magisterial Districts of the 5th Judicial District (Allegheny County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the elimination of Magisterial Districts 05-3-05, within Allegheny County, to be effective January 3, 2028, is granted; realignment of Magisterial Districts 05-3-09, 05-2-13, and 05-2-26, within Allegheny County, to be effective January 3, 2028, is granted; and that the Petition, which also provides for the reestablishment of Magisterial Districts 05-2-01, 05-2-02, 05-2-03, 05-2-04, 05-2-05, 05-2-06, 05-2-07, 05-2-08, 05-2-10, 05-2-11, 05-2-12, 05-2-14, 05-2-15, 05-2-16, 05-2-17, 05-2-18, 05-2-19, 05-2-20, 05-2-21, 05-2-22, 05-2-23, 05-2-25, 05-2-27, 05-2-28, 05-2-31, 05-2-32, 05-2-35, 05-2-36, 05-2-38, 05-2-40, 05-2-42, 05-2-43, 05-2-47, 05-3-02, 05-3-03, 05-3-04, 05-3-06, 05-3-10, 05-3-12, 05-3-13, 05-3-14, 05-3-17, 05-0-03, and 05-0-04, within Allegheny County, to be effective immediately, is granted.

Said Magisterial Districts shall be as follows:

Magisterial District 05-2-01 Magisterial District Judge Tara L. Smith	Avalon Borough Bellevue Borough Ben Avon Borough Ben Avon Heights Borough Emsworth Borough Kilbuck Township Ohio Township
Magisterial District 05-2-02 Magisterial District Judge Richard G. Opiela	West View Borough Ross Township
Magisterial District 05-2-03 Magisterial District Judge Daniel J. Konieczka, Jr.	Etna Borough Millvale Borough Reserve Township Shaler Township
Magisterial District 05-2-04 Magisterial District Judge Matthew V. Rudzki	Aspinwall Borough Blawnox Borough Fox Chapel Borough Sharpsburg Borough Indiana Township O'Hara Township

Magisterial District 05-2-05 Magisterial District Judge Carolyn S. Bengel	Brackenridge Borough Tarentum Borough East Deer Township Fawn Township Harrison Township
Magisterial District 05-2-06 Magisterial District Judge Anthony L. DeLuca	Verona Borough Penn Hills Township Wilkins Township
Magisterial District 05-2-07 Magisterial District Judge Jeffrey L. Herbst	Monroeville Borough Pitcairn Borough
Magisterial District 05-2-08 Vacant	Braddock Hills Borough Chalfant Borough Churchill Borough Forest Hills Borough Swissvale Borough
Magisterial District 05-2-10 Magisterial District Judge Kim M. Hoots	Edgewood Borough Wilksburg Borough
Magisterial District 05-2-11 Magisterial District Judge Roxanne S. Eichler	East McKeesport Borough Trafford Borough Wall Borough Wilmerding Borough North Versailles Township
Magisterial District 05-2-12 Magisterial District Judge William K. Wagner	Bradford Woods Borough Marshall Township McCandless Township Pine Township
Magisterial District 05-2-13 Magisterial District Judge Eugene F. Riazzi	City of McKeesport Versailles Borough
Magisterial District 05-2-14 Magisterial District Judge Richard D. Olasz, Jr.	Dravosburg Borough Rankin Borough West Mifflin Borough Whitaker Borough
Magisterial District 05-2-15 Magisterial District Judge Patrick D. Campbell	Homestead Borough Munhall Borough West Homestead Borough
Magisterial District 05-2-16 Magisterial District Judge Michael W. Thatcher	Jefferson Hills Borough Pleasant Hills Borough South Park Township
Magisterial District 05-2-17 Magisterial District Judge David J. Barton	Castle Shannon Borough Whitehall Borough Baldwin Township
Magisterial District 05-2-18 Magisterial District Judge Ralph E. Kaiser	Baldwin Borough Brentwood Borough
Magisterial District 05-2-19 Magisterial District Judge Hilary K. Wheatley	Dormont Borough Mount Lebanon Township
Magisterial District 05-2-20 Magisterial District Judge Ronald A. Arnoni	Bethel Park Borough Upper Saint Clair Township
Magisterial District 05-2-21 Magisterial District Judge Maureen McGraw-Desmet	Bridgeville Borough Collier Township South Fayette Township
Magisterial District 05-2-22 Magisterial District Judge Craig C. Stephens	Green Tree Borough Heidelberg Borough Scott Township

Magisterial District 05-2-23 Magisterial District Judge John P. Kobistek	Carnegie Borough Crafton Borough Ingram Borough Pennsbury Village Borough Rosslyn Farms Borough Thornburg Borough
Magisterial District 05-2-25 Magisterial District Judge Michele K. Santicola	Coraopolis Borough Crescent Township Moon Township Neville Township
Magisterial District 05-2-26 Magisterial District Judge Beth Scagline-Mills	Elizabeth Borough West Elizabeth Borough White Oak Borough Elizabeth Township Forward Township South Versailles Township
Magisterial District 05-2-27 Magisterial District Judge Eugene N. Ricciardi	City of Pittsburgh, Wards 4, 6, 17
Magisterial District 05-2-28 Magisterial District Judge Oscar J. Petite, Jr.	City of Pittsburgh, Wards 1, 2, 3, 5
Magisterial District 05-2-31 Magisterial District Judge Mikhail N. Pappas	City of Pittsburgh, Wards 8, 10, 11
Magisterial District 05-2-32 Vacant	Oakmont Borough Plum Borough
Magisterial District 05-2-35 Magisterial District Judge Daniel E. Butler	City of Pittsburgh, Wards 7, 14
Magisterial District 05-2-36 Magisterial District Judge James J. Hanley, Jr.	City of Pittsburgh, Wards 15, 31
Magisterial District 05-2-38 Magisterial District Judge James A. Motznik	City of Pittsburgh, Ward 19
Magisterial District 05-2-40 Magisterial District Judge Jehosha A. Wright	City of Pittsburgh, Wards 21—25
Magisterial District 05-2-42 Magisterial District Judge Leah Williams Duncan	City of Pittsburgh, Wards 26, 27
Magisterial District 05-2-43 Magisterial District Judge Carla M. Swearingen	Kennedy Township Robinson Township
Magisterial District 05-2-47 Magisterial District Judge Scott H. Schricker	Braddock Borough East Pittsburgh Borough North Braddock Borough Turtle Creek Borough Duquesne City
Magisterial District 05-3-02 Magisterial District Judge Robert L. Ford	Bell Acres Borough Edgeworth Borough Franklin Park Borough Glenfield Borough Haysville Borough Leetsdale Borough Osborne Borough Sewickley Borough Sewickley Heights Borough Sewickley Hills Borough Aleppo Township Leet Township

Magisterial District 05-3-03 Magisterial District Judge David J. Sosovicka	Cheswick Borough Springdale Borough Frazer Township Harmar Township Springdale Township
Magisterial District 05-3-04 Magisterial District Judge Thomas T. Swan	Hampton Township Richland Township West Deer Township
Magisterial District 05-3-06 Magisterial District Judge Bruce J. Boni	McKees Rocks Borough Stowe Township
Magisterial District 05-3-09 Magisterial District Judge Armand A. Martin	Glassport Borough Liberty Borough Port Vue Borough Lincoln Borough City of Clairton
Magisterial District 05-3-10 Magisterial District Judge Alexander Orenstein	City of Pittsburgh, Wards 6, 9
Magisterial District 05-3-12 Magisterial District Judge Kevin E. Cooper, Jr.	City of Pittsburgh, Wards 12, 13
Magisterial District 05-3-13 Magisterial District Judge Nicholas C. Martini	City of Pittsburgh, Wards 20, 28
Magisterial District 05-3-14 Magisterial District Judge Richard G. King	Mt. Oliver Borough City of Pittsburgh, Wards 18, 29, 30, 32
Magisterial District 05-3-17 Magisterial District Judge Anthony W. Saveikis	McDonald Borough Oakdale Borough Findlay Township North Fayette Township

[Pa.B. Doc. No. 23-42. Filed for public inspection January 13, 2023, 9:00 a.m.]

## SUPREME COURT

### Reestablishment of the Magisterial Districts within the 7th Judicial District of the Commonwealth of Pennsylvania; No. 524 Magisterial Rules Docket

#### Order

*Per Curiam*

And Now, this 27th day of December 2022, upon consideration of the Petition to Reestablish the Magisterial Districts of the 7th Judicial District (Bucks County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the realignment of Magisterial Districts 07-2-05 and 07-3-03, within Bucks County, to be effective January 1, 2023, is granted; and that the Petition, which provides for the reestablishment of all remaining Magisterial Districts as they currently exist, to be effective immediately, is granted;

Said Magisterial Districts shall be as follows:

Magisterial District 07-1-01 Magisterial District Judge Michael W. Gallagher	Bensalem Township— Lower East 1—4, 6—8 Bensalem Township— Lower Middle 1—4 Bensalem Township— Lower West 1, 2 Bensalem Township— Upper West
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Magisterial District 07-1-02 Magisterial District Judge Frank W. Peranteau, Sr.	Bristol Borough Bristol Township (Wards 1, 4)
Magisterial District 07-1-03 Magisterial District Judge Kevin P. Wagner, Sr.	Bristol Township (Wards 2, 3, 5, 6, 10)
Magisterial District 07-1-04 Magisterial District Judge Terrence P. Hughes, Sr.	Bristol Township (Wards 7, 8, 9, 11) Tullytown Borough
Magisterial District 07-1-07 Magisterial District Judge Daniel E. Baranoski	Hulmeville Borough Langhorne Borough Langhorne Manor Borough Lower Southampton Township Middletown Township— Lower 1, 2, 13 Middletown Township— Upper 2, 4 Pennel Borough
Magisterial District 07-1-08 VACANT	Middletown Township— Lower 3—12 Middletown Township— Upper 1, 3, 5—8
Magisterial District 07-1-09 Magisterial District Judge Daniel J. Finello, Jr.	Ivyland Borough Warminster Township
Magisterial District 07-1-10 Magisterial District Judge Jan Vislosky	Falls Township
Magisterial District 07-1-11 Magisterial District Judge Corryn L. Kronnagel	Lower Makefield Township Morrisville Borough Yardley Borough
Magisterial District 07-1-12 Magisterial District Judge Joseph P. Falcone	Bensalem Township— Lower East 5 Bensalem Township— Lower Middle 5 Bensalem Township— Upper 1—12
Magisterial District 07-2-01 Magisterial District Judge Brian M. Marriott	Northampton Township Upper Southampton Township
Magisterial District 07-2-02 Magisterial District Judge Mark D. Douple	Doylestown Borough Doylestown Township
Magisterial District 07-2-05 Magisterial District Judge Lisa J. Gaier	Milford Township Quakertown Borough Richland Township Richlandtown Borough Trumbauersville Borough
Magisterial District 07-2-07 Magisterial District Judge Michael W. Petrucci	Newtown Borough Newtown Township Upper Makefield Township Wrightstown Township
Magisterial District 07-2-08 Magisterial District Judge Regina M. Armitage	Chalfont Borough Hilltown Township New Britain Borough New Britain Township Perkasie Borough Sellersville Borough Silverdale Borough Telford Borough

Magisterial District 07-3-01 Magisterial District Judge Maggie Snow	Buckingham Township New Hope Borough Solebury Township
Magisterial District 07-3-02 Magisterial District Judge Stacy Wertman	Warrington Township Warwick Township
Magisterial District 07-3-03 Magisterial District Judge Thomas G. Gambardella	Bedminster Township Bridgeton Township Dublin Borough Durham Township East Rockhill Township Haycock Township Nockamixon Township Plumstead Township Riegelsville Borough Springfield Township Tinicum Township West Rockhill Township

[Pa.B. Doc. No. 23-43. Filed for public inspection January 13, 2023, 9:00 a.m.]

## SUPREME COURT

### Reestablishment of the Magisterial Districts within the 19th Judicial District of the Commonwealth of Pennsylvania; No. 523 Magisterial Rules Docket

#### Order

*Per Curiam*

And Now, this 27th day of December 2022, upon consideration of the Petition to Reestablish the Magisterial Districts of the 19th Judicial District (York County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the realignment of Magisterial Districts 19-1-01, 19-1-04, 19-2-05, 19-3-05, and 19-3-06 within York County, to be effective January 2, 2023, is granted; and that the Petition, which provides for the reestablishment of all remaining Magisterial Districts as they currently exist, to be effective immediately, is granted;

Said Magisterial Districts shall be as follows:

Magisterial District 19-1-01 Magisterial District Judge Thomas L. Harteis	City of York (Wards 7, 12-1, 12-2, 12-4)
Magisterial District 19-1-02 Magisterial District Judge James H. Morgan	City of York (Wards 11, 13, 14-1, 14-2, 14-3)
Magisterial District 19-1-03 VACANT	Hanover Borough
Magisterial District 19-1-04 Magisterial District Judge Adrian Boxley	City of York (Wards 1, 6, 8, 15)
Magisterial District 19-1-05 Magisterial District Judge Joel N. Toluba	City of York (Wards 5, 9-1, 9-2)
Magisterial District 19-2-01 Magisterial District Judge Barry L. Bloss, Jr.	Springettsbury Township

Magisterial District 19-2-02 Magisterial District Judge Scott E. Laird	Dallastown Borough Yoe Borough York Township
Magisterial District 19-2-03 VACANT	West Manchester Township
Magisterial District 19-2-04 Magisterial District Judge Jeffrey L. Oberdorf	Manchester Township
Magisterial District 19-2-05 Magisterial District Judge Jennifer J.P. Clancy	North York Borough Spring Garden Township City of York (Ward 12-3)
Magisterial District 19-3-01 Magisterial District Judge John H. Fishel	Chanceford Township East Prospect Borough Felton Borough Lower Windsor Township Red Lion Borough Windsor Borough Windsor Township Yorkana Borough
Magisterial District 19-3-03 Magisterial District Judge Laura S. Maniford	Cross Roads Borough Delta Borough East Hopewell Township Fawn Grove Borough Fawn Township Hopewell Township Lower Chanceford Township North Hopewell Township Peach Bottom Township Stewartstown Borough Winterstown Borough
Magisterial District 19-3-04 Magisterial District Judge Linda L. Sweeney	Glen Rock Borough Jacobus Borough Loganville Borough New Freedom Borough Railroad Borough Shrewsbury Borough Shrewsbury Township Springfield Township
Magisterial District 19-3-05 Magisterial District Judge Jeffrey A. Sneeringer	Heidelberg Township Manheim Township Penn Township West Manheim Township
Magisterial District 19-3-06 Magisterial District Judge Thomas J. Reilly	Codorus Township Jackson Township Jefferson Borough New Salem Borough North Codorus Township Paradise Township Seven Valleys Borough Spring Grove Borough West York Borough
Magisterial District 19-3-07 Magisterial District Judge David C. Eshbach	Conewago Township Dover Borough Dover Township
Magisterial District 19-3-09 Magisterial District Judge Scott J. Gross	Fairview Township Goldsboro Borough Lewisberry Borough Newberry Township York Haven Borough

Magisterial District 19-3-10 Magisterial District Judge Richard T. Thomas	Carroll Township Dillsburg Borough Franklin Township Franklintown Borough Monaghan Township Warrington Township Washington Township Wellsville Borough
Magisterial District 19-3-11 Magisterial District Judge Robert A. Eckenrode	East Manchester Township Hallam Borough Hellam Township Manchester Borough Mount Wolf Borough Wrightsville Borough

[Pa.B. Doc. No. 23-44. Filed for public inspection January 13, 2023, 9:00 a.m.]

## SUPREME COURT

### Reestablishment of the Magisterial Districts within the 38th Judicial District of the Commonwealth of Pennsylvania; No. 525 Magisterial Rules Docket

#### Order

*Per Curiam*

*And Now*, this 27th day of December 2022, upon consideration of the Petition to Reestablish the Magisterial Districts of the 38th Judicial District (Montgomery County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the elimination of Magisterial District 38-1-14, within Montgomery County, to be effective January 2, 2024, is granted; and that the Petition, which provides for the realignment of Magisterial Districts 38-1-02, 38-1-03, 38-1-06, 38-1-07, 38-1-09, 38-1-13, 38-1-19, 38-1-20, 38-1-22, 38-1-23, 38-2-04, and 38-2-08, within Montgomery County, to be effective January 2, 2024, is granted; and that the Petition, which also provides for the reestablishment of Magisterial Districts 38-1-01, 38-1-04, 38-1-05, 38-1-08, 38-1-10, 38-1-11, 38-1-12, 38-1-15, 38-1-16, 38-1-18, 38-1-21, 38-1-24, 38-1-25, 38-1-28, 38-2-02, 38-2-03, and 38-2-09, within Montgomery County, to be effective immediately, is granted.

Said Magisterial Districts shall be as follows:

Magisterial District 38-1-01 Magisterial District Judge Marc A. Alfarano	East Norriton Township West Norriton Township
Magisterial District 38-1-02 Magisterial District Judge Elizabeth A. McHugh Casey	Jenkintown Borough Cheltenham Township, Voting Districts 3-2, 3-3, 5-1, 5-2, 5-3, 5-4, 6-1, 6-2, 6-3, 7-1, 7-2, 7-3
Magisterial District 38-1-03 Magisterial District Judge Christopher J. Cerski	Cheltenham Township, Voting Districts 1-1, 1-2, 1-3, 1-4, 2-1, 2-2, 2-3, 2-4, 3-1, 3-4, 4-1, 4-2, 4-3, 4-4

Magisterial District 38-1-04 Magisterial District Judge John D. Kessler	Rockledge Borough Abington Township, Voting Districts 1-1, 1-2, 1-3, 2-1, 2-2, 5-1, 5-2, 8-1, 8-2, 10-1, 10-2, 10-3, 11-2, 14-1, 14-2, 15-1, 15-2
Magisterial District 38-1-05 Magisterial District Judge Juanita A. Price	Abington Township, Voting Districts 2-3, 3-1, 3-2, 3-3, 4-1, 4-2, 6-1, 6-2, 7-1, 7-2, 7-3, 9-1, 9-2, 11-1, 11-3, 12-1, 12-2, 12-3, 13-1, 13-2, 13-3
Magisterial District 38-1-06 Magisterial District Judge Henry J. Schireson	West Conshohocken Borough Lower Merion Township, Voting Districts 1-1, 1-2, 1-3, 2-1, 2-2, 2-3, 6-1, 6-2, 6-3, 11-3
Magisterial District 38-1-07 Magisterial District Judge Michael P. Quinn	Narberth Borough Lower Merion Township, Voting Districts 4-1, 4-2, 4-3, 5-1, 5-2, 5-3, 8-2, 8-4, 10-1, 10-2, 10-3, 11-1, 11-2
Magisterial District 38-1-08 Magisterial District Judge Katherine E. McGill Magid	Springfield Township
Magisterial District 38-1-09 Magisterial District Judge Patrick O. Krouse	Upper Merion Township, Voting Districts Gulph 1, Gulph 2, King 1, King 2, Roberts, Swedeland, Swedesburg
Magisterial District 38-1-10 Magisterial District Judge Patricia A. Zaffarano	Ambler Borough Upper Dublin Township
Magisterial District 38-1-11 Magisterial District Judge Scott T. Palladino	Pottstown Borough, Voting Districts 2-1, 2-2, 3, 4, 5 West Pottsgrove Township
Magisterial District 38-1-12 Magisterial District Judge Edward C. Kropp, Sr.	Pottstown Borough, Voting Districts 1-1, 1-2, 6, 7-1, 7-2 Lower Pottsgrove Township
Magisterial District 38-1-13 Magisterial District Judge Jodi L. Griffis	Plymouth Township
Magisterial District 38-1-15 Magisterial District Judge Denise R. Ashe	Norristown Borough, Voting Districts 1-1, 1-2, 1-3, 2-1
Magisterial District 38-1-16 Magisterial District Judge Margaret A. Hunsicker-Fleischer	Norristown Borough, Voting Districts 2-3, 4-1, 4-2, 4-3
Magisterial District 38-1-18 Magisterial District Judge Andrea D. Duffy	Hatfield Township, Voting Districts 1-1, 1-2, 5-1, 5-2 Montgomery Township
Magisterial District 38-1-19 Magisterial District Judge Richard H. Welsh	Royersford Borough Limerick Township Upper Providence Township, Voting Districts Mingo 1, Mingo 2, Trappe

Magisterial District 38-1-20 Magisterial District Judge Cathleen Kelly Rebar	Collegeville Borough Trappe Borough Lower Providence Township Upper Providence Township, Voting Districts Oaks, Mont Clare
Magisterial District 38-1-21 Magisterial District Judge Suzan Leonard	North Wales Borough Lower Gwynedd Township Upper Gwynedd Township Whitpain Township
Magisterial District 38-1-22 Magisterial District Judge Harry J. Nesbitt, III	Hatboro Borough Horsham Township, Voting Districts 1-1, 1-2, 1-3, 1-4, 2-1, 2-2, 2-3, 2-4, 2-5, 3-1, 3-2, 3-3, 3-4, 3-5
Magisterial District 38-1-23 Magisterial District Judge Deborah A. Lukens	Conshohocken Borough, Voting Districts 1, 2, 3, 4, 5, 6, 7 Whitemarsh Township
Magisterial District 38-1-24 Magisterial District Judge Albert J. Augustine	Schwenksville Borough Souderton Borough Telford Borough Franconia Township Lower Salford Township Perkiomen Township Skipack Township Worchester Township
Magisterial District 38-1-25 Magisterial District Judge James P. Gallagher	Bridgeport Borough Upper Merion Township, Voting Districts Belmont 1, 2, 3, 4, 5; Candlebrook 1, 2
Magisterial District 38-1-28 Magisterial District Judge Edward J. Levine	Hatfield Borough Lansdale Borough Hatfield Township, Voting Districts 2-1, 2-2, 3-1, 3-2, 4-1, 4-2 Towamencin Township
Magisterial District 38-2-02 Magisterial District Judge Maureen C. Coggins	East Greenville Borough Green Lane Borough Pennsburg Borough Red Hill Borough Marlborough Township Salford Township Upper Hanover Township Upper Salford Township
Magisterial District 38-2-03 Magisterial District Judge Maurice H. Saylor	Douglass Township Lower Frederick Township New Hanover Township Upper Frederick Township Upper Pottsgrove Township
Magisterial District 38-2-04 Magisterial District Judge Karen Eisner Zucker	Lower Merion Township, Voting Districts 3-1, 3-2, 3-3, 7-1, 7-2, 7-3, 8-1, 8-3, 9-1, 9-2, 9-3, 12-1, 12-2, 12-3, 13-1, 13-2, 13-3, 14-1, 14-2, 14-3

Magisterial District 38-2-08 Magisterial District Judge Jay S. Friedenber	Bryn Athyn Borough Lower Moreland Township Upper Moreland Township, Voting Districts 1-1, 1-2, 2-1, 2-2, 3-1, 3-2, 4-1, 4-2, 5-1, 5-2, 6-1, 6-2, 7-1, 7-2
Magisterial District 38-2-09 Vacant	Norristown Borough, Voting Districts 2-2, 3-1, 3-2, 3-3

[Pa.B. Doc. No. 23-45. Filed for public inspection January 13, 2023, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CH. 109 ]

#### Safe Drinking Water PFAS MCL Rule

The Environmental Quality Board (Board) amends Chapter 109 (relating to safe drinking water) to read as set forth in Annex A. This final-form rulemaking will improve public health protection by setting maximum contaminant level goals (MCLG) and maximum contaminant levels (MCL) for two per- and polyfluoroalkyl substances (PFAS)—perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS).

PFAS are considered emerging contaminants because research is ongoing to better understand the potential impacts PFAS pose to human and animal health and the environment. PFAS are potentially linked to a number of adverse health effects, including high cholesterol, developmental effects including low birth weight, liver toxicity, decreased immune response, thyroid disease, kidney disease, ulcerative colitis and certain cancers, including testicular cancer and kidney cancer.

This final-form rulemaking will protect public health by setting State MCLs for contaminants in drinking water that are currently unregulated at the Federal level. With this final-form rulemaking, the Commonwealth has moved ahead of the United States Environmental Protection Agency (EPA) in addressing PFOA and PFOS in drinking water and joins a small group of states that have set regulatory limits for select PFAS in drinking water. Currently, seven states have set MCLs or other regulatory limits for one or more PFAS—Massachusetts, Michigan, New Hampshire, New Jersey, New York, Vermont and Washington.

Safe drinking water is vital to maintaining healthy and sustainable communities. Proactively addressing PFOA and PFOS contamination in drinking water can reduce the incidence of illness and reduce health care costs. Although the EPA has started the process of setting more stringent standards for PFOA and PFOS in drinking water, that process is expected to take years to complete. For that reason, these more protective standards for this Commonwealth will better protect the health of residents in this Commonwealth. Proper investment in public water system infrastructure and operations helps ensure a continuous supply of safe drinking water, enables communities to plan and build future capacity for economic growth, and ensures their long-term sustainability for years to come.

The PFOA and PFOS MCLs will apply to all 3,117 community, nontransient noncommunity, bottled, vended, retail and bulk water systems in this Commonwealth. Of these, 1,905 are community water systems, serving a combined population of approximately 11.4 million residents in this Commonwealth; another 1,096 are nontransient noncommunity water systems serving approximately 507,000 persons.

This final-form rulemaking also includes minor amendments to address incorrect cross-references and citations, delete duplicated text and update language to be consistent with revisions made in the 2018 General Update of the Chapter 109 regulations. These minor amendments are a codification of existing practices and will have no change from current practice.

This final-form rulemaking was adopted by the Board at its meeting of October 12, 2022.

#### A. *Effective Date*

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*. Initial compliance monitoring for community and nontransient noncommunity water systems serving a population of greater than 350 persons and all bottled, vended, retail and bulk hauling water systems begins January 1, 2024; initial monitoring for community and nontransient noncommunity water systems serving a population of less than or equal to 350 persons begins January 1, 2025.

#### B. *Contact Persons*

For further information, contact David Mittner, Acting Director, Bureau of Safe Drinking Water, P.O. Box 8467, Rachel Carson State Office Building, Harrisburg, PA 17105-8467, (717) 783-6865; or Leda J. Lacomba, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Environmental Quality Board" and then navigate to the Board meeting of October 12, 2022).

#### C. *Statutory Authority*

This final-form rulemaking is being made under the authority of section 4 of the Pennsylvania Safe Drinking Water Act (act) (35 P.S. § 721.4), which grants the Board the authority to adopt rules and regulations governing the provision of drinking water to the public, and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20), which authorizes the Board to promulgate rules and regulations necessary for the performance of the work of the Department.

#### D. *Background and Purpose*

PFAS are a large class of man-made synthetic chemicals that were created in the 1930s and 1940s for use in many industrial and manufacturing applications. It is estimated that the PFAS family includes more than 6,000 chemical compounds. PFAS have been widely used for their unique properties that make products repel water, grease and stains, reduce friction and resist heat. PFAS are found in industrial and consumer products such as clothing, carpeting, upholstery, food packaging, non-stick cookware, fire-fighting foams, personal care products, paints, adhesives, metal plating, wire manufacturing and many other uses. Because of their unique chemical structure, PFAS readily dissolve in water and are mobile, are highly persistent in the environment and bioaccumulate in living organisms over time.

Decades of widespread use of products containing PFAS has resulted in elevated levels of environmental pollution and exposure in some areas of the State. PFAS remain in the environment and cycle through various media (air, water, soil) depending on how and where the substances were released. The primary means of distribution of PFAS throughout the environment has been through the air, water, biosolids, food, landfill leachate and fire-fighting activities. For a diagram showing the PFAS cycle and its exposure pathways, refer to the Department's PFAS webpage at [www.dep.pa.gov/Citizens/My-Water/drinking\\_water/PFAS/Pages/DÉP-Involvement.aspx](http://www.dep.pa.gov/Citizens/My-Water/drinking_water/PFAS/Pages/DÉP-Involvement.aspx). As noted previously, PFAS are potentially linked to a number of adverse health effects, including high cholesterol, developmental effects including low birth weight, liver toxicity, decreased immune response, thyroid disease, kidney disease, ulcerative colitis and certain cancers, including testicular cancer and kidney cancer.

The Department's Safe Drinking Water Program first became aware of PFAS as emerging contaminants in 2013 when the EPA included six PFAS in its Third Unregulated Contaminant Monitoring Rule (UCMR 3). The six PFAS included in UCMR 3 monitoring are PFOA, PFOS, perfluorononanoic acid (PFNA), perfluorohexanesulfonic acid (PFHxS), perfluoroheptanoic acid (PFHpA) and perfluorobutanesulfonic acid (PFBS). The UCMR rules are Federal direct-implementation rules that are updated every 5 years to require monitoring for up to 30 unregulated contaminants to generate National occurrence data and inform the Federal regulatory determination process. Public water systems (PWS) serving more than 10,000 people and a select number of smaller PWSs were required to monitor for PFAS and other contaminants during 2013–2015 for UCMR 3. In this Commonwealth, a total of 175 systems conducted monitoring; of these systems, PFAS was detected at six systems above the 2009 Provisional Health Advisory Levels (HAL) for PFOA and PFOS of 400 nanograms per liter (ng/L) or parts per trillion (ppt) and 200 ng/L, respectively. The Department worked closely with the EPA and the PWSs to address the elevated levels of PFAS found during the UCMR 3 monitoring.

In 2016, the Department began implementing the EPA's 2016 Final Combined Lifetime HAL of 70 ng/L for PFOA and PFOS using existing authority under the act and Chapter 109 regulations. PWSs that exceed the 2016 EPA HAL are required to conduct follow-up and corrective actions to protect public health, including the following actions:

- One-hour reporting of sample results to the Department to ensure timely consultation and oversight regarding investigative and corrective actions (§ 109.701(a)(3)(iii) (relating to reporting and recordkeeping)),
- Collection of confirmation samples (§ 109.302 (relating to special monitoring requirements)),
- Issuance of Tier 2 Public Notice to consumers (§ 109.409 (relating to Tier 2 public notice—categories, timing and delivery of notice)),
- Quarterly monitoring at the entry point (EP) to track levels of contamination (§ 109.302), and
- If levels continue to exceed the HAL, taking additional actions as needed to protect public health such as taking contaminated sources off-line or installing treatment (§ 109.4 (relating to general requirements)).

#### *PFAS Action Team*

In the absence of Federal action to address PFAS, Governor Tom Wolf signed Executive Order 2018-08 (EO)

on September 19, 2018, published at 48 Pa.B. 6382 (October 6, 2018). The EO created the PFAS Action Team, a multi-agency group tasked with, among other things, developing a comprehensive response to identify and eliminate sources of contamination, ensure drinking water is safe, manage environmental contamination, review gaps in data and oversight authority and recommend actions to address those gaps. The PFAS Action Team released its Initial Report in December of 2019 to the Department's PFAS webpage at [www.dep.pa.gov/pfas](http://www.dep.pa.gov/pfas). The report includes information about PFAS, challenges associated with managing contamination, actions taken to date and recommendations for future actions. Recommendations include additional funding for communities dealing with PFAS contamination and strengthened statutory authorities to adequately address PFAS.

In 2019, the Department's Safe Drinking Water Program moved forward with two key projects to advance its knowledge of PFAS—the PFAS Sampling Plan and PFAS Toxicology Services Contract.

#### *PFAS Sampling Plan*

The PFAS Sampling Plan was developed and posted to the Department's PFAS webpage in April of 2019. The plan prioritized PWS sites for PFAS sampling to generate Statewide occurrence data. Several factors were considered in developing the targeted plan, including:

- Identification of “potential sources of PFAS contamination” (PSOC) based on a literature review,
- Identification of PWS sources located within 0.5 to 0.75 miles from PSOCs, and
- Selection of PWS sources to serve as a control or baseline group.

The selection process involved a combination of spatial analysis and programmatic review. The spatial analysis included the creation of a Geographic Information System (GIS) project using ArcMap 10.4.1 that focused on PWS source locations and information about PSOCs. The sampling pool was prioritized based on relative risk and included community water systems and nontransient noncommunity water systems. To prioritize sampling, the selection process included an assessment of the potential risk from nearby PSOCs. Several layers containing locational and other information specific to PSOCs were created or otherwise included in the GIS. These layers include the following industries and land uses:

- Military bases
- Fire training schools/sites
- Airports
- Landfills
- Manufacturing facilities (apparel, chemicals, electronics, fabricated metal, paper products, textiles and leather, upholstered furniture)
- State Hazardous Sites Cleanup Act sites, the EPA Superfund sites and other known PFAS-contamination sites

The Sampling Plan includes details about the sources of GIS data and multiple maps that indicate the locations and prevalence of the PSOCs and the locations of the targeted and baseline sampling sites.

Based on the compilation of PSOCs, PWS sources were selected that are located within 0.5 to 0.75 miles of a

PSOC. The initial sampling pool included 493 PWS sources. The sampling pool contained a mix of PWS types and sizes and provided a good spatial distribution across the State. Based on available funding of \$500,000, the Department proposed sampling at 360 targeted and 40 baseline EP sites. Baseline sources are located in a HUC-12 watershed (a watershed assigned a 12-digit hydrologic unit code, or HUC, by the United States Geological Survey) with at least 75% forested land and at least 5 miles from a PSOC. Ultimately, samples

were collected from 412 EPs including 372 targeted sites and 40 baseline sites. Note that an EP to the distribution system may include water from more than one source of supply.

Sampling and analysis by EPA Method 537.1 was completed at the end of March 2021, and the final sample results were posted to the Department's PFAS webpage in June 2021. Table 1 includes a summary of the results from the PFAS Sampling Plan for the same six PFAS that were sampled under UCMR 3.

Table 1. Summary of PFAS Sampling Plan results. Full results available at [www.dep.pa.gov/pfas](http://www.dep.pa.gov/pfas).

Summary of PFAS Sampling Plan Results							
	PFOA	PFOS	PFNA	PFHxS	PFHpA	PFBS	Units
Total No. Samples	412	412	412	412	412	412	—
Average	2.0	2.5	0.4	1.4	0.7	1.1	ng/L
Median	0 (ND)	0 (ND)	0 (ND)	0 (ND)	0 (ND)	0 (ND)	ng/L
Minimum	0 (ND)	0 (ND)	0 (ND)	0 (ND)	0 (ND)	0 (ND)	ng/L
Maximum	59.6	187.1	18.1	140.0	32.6	64.0	ng/L
No. and % of Detects	112 (27%)	103 (25%)	23 (6%)	52 (13%)	49 (12%)	66 (16%)	—
Avg Detect Value	7.5	9.9	7.2	10.9	6.1	7.0	ng/L
Med Detect Value	5.3	6.5	5.6	4.5	4.5	4.2	ng/L
Min Detect Value	1.7	1.8	1.8	1.9	1.8	1.7	ng/L
Max Detect Value	59.6	187.1	18.1	140.0	32.6	64.0	ng/L

For example, of the 412 samples analyzed for PFOA, 112 (27%) resulted in detectable concentrations of PFOA. The remaining 300 samples resulted in no detectable concentrations of PFOA. For the 112 samples in which PFOA was detected, the average detected value was 7.5 ng/L, the median detected value was 5.3 ng/L, the minimum detected value was 1.7 ng/L, and the maximum detected value was 59.6 ng/L.

At the sampling sites with detections, eight of the 18 PFAS included in EPA Method 537.1 were detected. The eight PFAS that were detected are: PFOA, PFOS, PFNA, PFHxS, PFHpA, PFBS, perfluorohexanoic acid and perfluoroundecanoic acid. Of the PFAS detected, PFOA and PFOS were most common, detected at 112 (or 27%) and 103 (or 25%) sites, respectively. Of the 412 total samples, two of the results were above the 2016 EPA HAL of 70 ng/L for the combined concentrations of PFOA and PFOS. Results were non-detect (ND) at all 412 sites for the other ten PFAS that were tested.

Additionally, there are 23 results with detections from UCMR 3 monitoring that were also included in the occurrence data evaluation. Because the reporting limits used for UCMR 3 monitoring (40 ng/L for PFOA and 20 ng/L for PFOS) were much higher than current reporting limits (which are generally below 5 ng/L), the Department did not include UCMR 3 data that was below the UCMR 3 reporting limits.

Therefore, the Department used results from a total of 435 sampling sites in the evaluation of occurrence data.

*PFAS toxicology services contract*

In December 2019, the Department's Safe Drinking Water Program executed a toxicology services contract with Drexel University to review other Federal and State

agency work on MCLs; independently review the data, science and studies; and develop recommended MCLGs for select PFAS. MCLGs are nonenforceable, developed solely based on health effects, and do not take into consideration other factors, such as technical limitations and cost. MCLGs are the starting point for determining MCLs.

Deliverables were developed by the Drexel PFAS Advisory Group (DPAG)—a multidisciplinary team of experts in toxicology, epidemiology, and drinking water standards and risk assessment—and were completed in January 2021. These deliverables are the “Drexel PFAS Workbook” and “MCLG Drinking Water Recommendations for PFAS in the Commonwealth of PA” (MCLG Report), available at the following links: Workbook, [https://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2021/June%2015/03\\_PFAS%20Petition/01b\\_App%20202%20Drexel%20PFAS%20Workbook%20January%202021.pdf](https://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2021/June%2015/03_PFAS%20Petition/01b_App%20202%20Drexel%20PFAS%20Workbook%20January%202021.pdf) and Report, [https://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2021/June%2015/03\\_PFAS%20Petition/01a\\_App%201%20Drexel%20PFAS%20Report%20January%202021.pdf](https://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2021/June%2015/03_PFAS%20Petition/01a_App%201%20Drexel%20PFAS%20Report%20January%202021.pdf).

The DPAG reviewed pertinent literature and work across the country and independently developed recommended MCLGs based on non-cancer endpoints. In the “Drexel PFAS Workbook,” the DPAG explains how threshold levels (such as advisory levels, MCLGs, MCLs) are generally determined, although each state's process can vary. The MCLG Report discusses relevant inputs and includes a summary table for each PFAS that documents the development of the recommended MCLG. Table 2 includes the Reference Dose and recommended Chronic Non-Cancer MCLG for each PFAS that was reviewed.

Table 2. DPAG Reference Dose and Recommended Chronic Non-Cancer MCLGs.

<i>DPAG Reference Dose and Recommended Chronic Non-Cancer MCLGs</i>		
<i>PFAS</i>	<i>Reference Dose (ng/kg/day)</i>	<i>MCLG (ng/L or ppt)</i>
PFOA	3.9	8
PFOS	3.1	14
PFNA	2.2	6
PFHxS	4.0	20
PFHpA	None derived*	8
PFBS	39	55
GenX (HFPO-DA)	75	108

\*Reference dose was not derived due to a lack of evidence on its toxicity. Recommended MCLG is based on its chemical structure.

As the DPAG explains in its MCLG Report, it “reviewed a number of recommendations made by EPA and State agencies that chose to create a summative approach to PFAS, combining multiple minimal risk levels or advisory levels into one cumulative drinking water value. No clear consensus exists on this approach and the use of the summative approach was clearly designed to be a shortcut based on a presumption that the agents all have similar health effects and end points. While this approach may work for other toxins such as dioxins, furans, and coplanar polychlorinated biphenols, it does not appear to be based on evidence available for PFAS. The DPAG therefore committed early in the process to developing an individual MCLG for each of the requested PFAS.” (DPAG, January 2021)

The DPAG further describes in the MCLG Report that “For each of the PFAS studied, the DPAG identified points of departure (POD) and rationale for selection from risk assessments published by other States, the EPA and the Agency for Toxic Substances and Disease Registry (ATSDR). The DPAG then assessed the underlying critical studies driving the selection of the POD. Every effort was made to use the experience and published findings from other agencies and build and refine on these as much as possible into a best practice approach.” (DPAG, January 2021)

The PFAS Toxicology Services Contract was renewed in 2021 so that the DPAG could provide additional detail on the health benefits and cost savings achieved by these MCLs. Section G of this preamble presents information on the costs and benefits of this final-form rulemaking.

#### *MCL rulemaking process*

The Department followed a rigorous process when setting the MCLs in this final-form rulemaking. An MCL rulemaking must be based on available data, studies and science, and must consider all factors as required by the Federal Safe Drinking Water Act (Federal Act) (42 U.S.C.A. §§ 300f–300j-27) and the Commonwealth’s Regulatory Review Act (RRA), (71 P.S. §§ 745.1–745.14). Among other things, the Department must consider the following:

- Health effects,
- Occurrence data,
- Technical limitations such as available analytical methods and detection and reporting limits,

- Treatability of the contaminant and available treatment technologies, and

- Costs and benefits (71 P.S. § 745.5b).

In addition to State requirements, the Department needs to consult the Federal Act and its implementing regulations. See 42 U.S.C.A. §§ 300f–300j-9; see also 40 CFR Parts 141, 142 and 143 (relating to National primary drinking water regulations; National primary drinking water regulations implementation; and other safe drinking water act regulations). The EPA explains how the agency sets standards at [www.epa.gov/sdwa/how-epa-regulates-drinking-water-contaminants](http://www.epa.gov/sdwa/how-epa-regulates-drinking-water-contaminants). In establishing the MCLs in this final-form rulemaking, the Department was informed by the EPA’s procedure to establish an MCL. It is important to understand the process of setting an MCL because similar criteria are required of the Department under the RRA. In addition, to retain primacy for implementing the Federal Act in this Commonwealth, the Department’s standard setting process must be at least as stringent as the Federal process.

After reviewing health effects data, the EPA sets an MCLG. MCLGs are nonenforceable public health goals. MCLGs consider only public health and not the limits of detection and treatment technology effectiveness. Therefore, MCLGs sometimes are set at levels which water systems cannot meet because of technical limitations.

Once the MCLG is determined, the EPA sets an enforceable standard. In most cases, the standard is an MCL. The MCL is set as close to the MCLG as feasible. Taking cost into consideration, the EPA must determine the feasible MCL.

As a part of the rule analysis, the Federal Act requires the EPA to prepare a health risk reduction and cost analysis in support of any standard. The EPA must analyze the quantifiable and nonquantifiable benefits that are likely to occur as the result of compliance with the proposed standard. The EPA must also analyze increased costs that will result from the proposed drinking water standard. In addition, the EPA must consider incremental costs and benefits associated with the proposed alternative MCL values. Where the benefits of a new MCL do not justify the costs, the EPA may adjust the MCL to a level that maximizes health risk reduction benefits at a cost that is justified by the benefits.

This final-form rulemaking sets new MCLGs and MCLs for PFOA and PFOS. The rulemaking also establishes the provisions necessary to comply with the MCLs, including requirements for monitoring and reporting, public notification, consumer confidence reports, best available treatment technologies and analytical requirements.

#### *PFOA—DPAG development of MCLG*

After a literature search and a review of the available evidence and recommendations from various agencies, the DPAG developed an MCLG recommendation for PFOA of 8 ng/L or ppt based on non-cancer endpoints. The DPAG determined that the most relevant inputs were from the EPA, ATSDR, Minnesota Department of Health (MDH), New Jersey Department of Environmental Protection and Michigan Department of Health and Human Services (MDHHS).

The DPAG selected Koskela, et al. (2016) and Onishchenko, et al. (2011) as the critical studies, which identified developmental effects (for example, neuro-behavioral and skeletal) as critical. The DPAG adopted

the ATSDR's estimated Point of Departure (POD) of 8.29 mg/L. The DPAG followed the approaches used by MDHHS, MDH and ATSDR to select and determine the Human Equivalent Dose (HED), Uncertainty Factors

(UF), Reference Dose (RfD), Relative Source Contribution (RSC), and recommended MCLG. Table 3 provides a summary of the DPAG's derivation of the MCLG for PFOA.

Table 3. DPAG Derivation of PFOA MCLG (DPAG, January 2021)

PFOA	
Drexel PFAS Advisory Group (DPAG) 2021	
Dose Response Modeling Method	LOAEL
POD	The average serum concentration was estimated in the mice (8.29 mg/L) using a three-compartment pharmacokinetic model (Wambaugh et al. 2013) using animal species, strain, sex-specific parameters. (ATSDR 2018)
HED = POD × DAF (mg/kg/d)	DAF = Ke × Vd Ke = 0.000825175 (8.2 × 10 <sup>-4</sup> ) based on a human serum half-life of 840 days (Bartell et al. 2010) Vd = 0.17 L/kg (Thompson et al. 2010) HED <sub>LOAEL</sub> = POD <sub>LOAEL</sub> × DAF HED <sub>LOAEL</sub> = POD <sub>LOAEL</sub> × Ke × Vd HED <sub>LOAEL</sub> = 8.29 mg/L × 0.0000825175 × 0.17 L/kg HED <sub>LOAEL</sub> = 0.001163 mg/kg/d or 1.163 × 10 <sup>-3</sup> mg/kg/d
Uncertainty Extrapolation	
Human Variability (UFH)	10 (standard)
Animal to Human (UFA)	3 (DAF applied)
Subchronic to Chronic (UFS)	1 (Chronic effect studied)
LOAEL to NOAEL (UFL)	10 (standard)
Database (UFD)	1
Total Composite (UFT)	300
RfD = HED/UFT (mg/kg/d)	RfD = 0.001163 mg/kg/d/300 RfD = 3.9 ng/kg/day (3.9 × 10 <sup>-6</sup> mg/kg/d)
THSV = POD / UFT	THSV= 8.29 mg/L/ 300 THSV= 0.028 mg/L
Receptor	Infant exposure via breastmilk for 1 year, from mother chronically exposed via water, followed by lifetime of exposure via drinking water. Protective for short-term, subchronic and chronic. (also protective of formula fed infant). Goeden Model Parameters: Placental transfer of 87% and breastmilk transfer of 5.2% (MDH (2020 PFOA)). The Human Serum half-life is set at 840 days (Bartell et al. 2010). The Volume of distribution of 0.17 L/kg (Thompson et al. [2010]) Other factors include, 95th percentile drinking water intake, consumers only, from birth to more than 21 years old. Upper percentile (mean plus two standard deviations) breast milk intake rate. Time-weighted average water ingestion rate from birth to 30-35 years of age is used to calculate maternal serum concentration at delivery. (Goeden et al. [2019]) A Relative Source Contribution of 50% (0.5) is applied and based on studies which showed that infants RSC is similar to NHANES 95th percentiles for 3—11 (2013-2014) and over 12 years old (2015-2016) participants. (CDC 2019)
Chronic Non-Cancer MCLG	The model produces a Chronic Non-Cancer MCLG of 8 ng/L (ppt). This protects health during the growth and development of a breast fed infant.

In summary, the DPAG recommended a chronic non-cancer MCLG for PFOA of 8 ng/L to protect breast-fed infants and throughout life.

The Board is setting the MCLG for PFOA at the DPAG recommended level of 8 ng/L.

*PFOA—occurrence data*

Table 4 is a summary of occurrence data for PFOA. The data includes 412 results from the PFAS Sampling Plan and detect data from 23 sites under UCMR 3 for a total of 435 sample results.

Table 4. PFOA Occurrence Data > MCLG of 8 ng/L

PFOA Occurrence Data > MCLG of 8 ng/L	
# of sites (of 435) > MCLG	46
% of sites > MCLG	10.6%
Estimated # of EPs (of 3,785) > MCLG	400

A review of occurrence data indicates that 46 EPs out of a total number of 435 EPs sampled exceeded the MCLG for PFOA of 8 ng/L. This represents 10.6% of all EPs

sampled. This exceedance rate may overestimate the exceedance rate for other PWSs in this Commonwealth that were not sampled because the occurrence data sampling predominately targeted sites near potential sources of PFAS contamination. However, the occurrence data provides the most relevant information currently available on the prevalence and levels of PFAS in PWSs in this Commonwealth. Applying the occurrence data PFOA MCLG exceedance rate (10.6%) to the total number of EPs for all applicable PWSs (3,785 EPs), it is estimated that 400 EPs will exceed the MCLG of 8 ng/L.

*PFOA—MCL of 14 ng/L*

The Board is setting an MCL of 14 ng/L for PFOA. The MCL is based on the health effects and MCLG, occurrence data, technical feasibility and costs and benefits.

Table 5 is a summary of occurrence data for PFOA when compared to the MCL of 14 ng/L.

*Table 5. PFOA Occurrence Data > MCL of 14 ng/L*

<i>PFOA Occurrence Data &gt; MCL of 14 ng/L</i>	
# of sites (of 435) > MCL	25
% of sites > MCL	5.7%
Estimated # of EPs (of 3,785) > MCL	218

A review of occurrence data indicates that 25 EPs out of a total number of 435 EPs sampled exceeded the MCL for PFOA of 14 ng/L. This represents 5.7% of all EPs

sampled. This exceedance rate may overestimate the exceedance rate for other PWSs in this Commonwealth that were not sampled because the occurrence data sampling predominately targeted sites near potential sources of PFAS contamination. However, the occurrence data provides the most relevant information currently available on the prevalence and levels of PFAS in PWSs in this Commonwealth. Applying the occurrence data PFOA MCL exceedance rate (5.7%) to the total number of EPs for all applicable PWSs (3,785 EPs), it is estimated that 218 EPs will exceed the MCL of 14 ng/L.

*PFOS—DPAG development of MCLG*

After a literature search and a review of the available evidence and recommendations from various agencies, the DPAG developed an MCLG recommendation for PFOS of 14 ng/L or ppt based on non-cancer endpoints. The DPAG referenced inputs from the EPA, ATSDR, MDH and MDHHS.

The DPAG selected Dong, et al. (2011) as the critical study, which identified immunotoxicity effects (such as immune suppression) as critical. The DPAG determined that a POD of 2.36 mg/L is appropriate. The DPAG followed the approaches used by MDHHS, MDH and the EPA to select and determine the Human Equivalent Dose (HED), Uncertainty Factors (UF), Reference Dose (RfD), Relative Source Contribution (RSC) and recommended MCLG. Table 6 provides a summary of the DPAG's derivation of the MCLG for PFOS.

*Table 6. DPAG Derivation of PFOS MCLG (DPAG, January 2021)*

<i>PFOS</i>	
<i>Drexel PFAS Advisory Group (DPAG) 2021</i>	
Dose Response Modeling Method	NOAEL
POD	2.36 µg/mL (or 2.36 mg/L)
HED = POD × DAF (mg/kg/d)	Toxicokinetic Adjustment based on Chemical—Specific Clearance Rate (Li et al 2018, MDH 2020 PFOS) DAF = Vd (L/kg) × (Ln2/Half-life, days) DAF = 0.23 L/kg × (0.693/1241 days) = DAF = 0.00013 L/kg/d HED = POD × DAF (mg/kg/d) HED = 2.36 mg/L × 0.00013 L/kg/d HED = 0.000307 mg/kg/d
Uncertainty Extrapolation	
Human Variability (UFH)	10
Animal to Human (UFA)	3 (DAF applied)
Subchronic to Chronic (UFS)	1
LOAEL to NOAEL (UFL)	1
Database (UFD)	3
Total Composite (UFT)	100
RfD = HED/UFT (mg/kg/d)	RfD = HED/UFT (mg/kg/d) RfD = 0.000307 mg/kg-d/100 RfD = 3.1 ng/kg/d or 3.1 × 10 <sup>-6</sup> mg/kg-d
THSV = POD/UFT	ITSHV = 2.36 mg/L/100 ITSHV = 0.024 mg/mL
Receptor	Infant exposure via breastmilk for 1 year, from mother chronically exposed via water, followed by lifetime of exposure via drinking water. Protective for short-term, subchronic and chronic. The 95th percentile water intake rates (Table 3-1 and 3-3, USEPA 2019) or upper percentile breastmilk intake rates (Table 15-1, USEPA 2019) were used. Breast-fed infant, which is also protective of a formula-fed infant using Minnesota Department of Health Model based on Goeden (2019). Placental transfer of 40% (MDH 2020 PFOS). Breastmilk transfer of 1.7% (MDH 2020 PFOS). Human Serum half-life of 1241 days (Li et

<i>PFOS</i>	
<i>Drexel PFAS Advisory Group (DPAG) 2021</i>	
	al. 2018) Volume of distribution of 0.23 L/kg (USA EPA 2016c) 95th percentile drinking water intake, consumers only, from birth to more than 21 years old (Goeden [2019]) Upper percentile (mean plus two standard deviations) breast milk intake rate (Goeden [2019]) Time-weighted average water ingestion rate from birth to 30–35 years of age (to calculate maternal serum concentration at delivery) (Goeden [2019])
Chronic Non-Cancer MCLG	The model produces a Chronic Non-Cancer MCLG of 14 ng/L (ppt). This protects health during the growth and development of a breast fed infant.

In summary, the DPAG recommended a chronic non-cancer MCLG for PFOS of 14 ng/L to protect breast-fed infants and throughout life.

The Board is setting the MCLG for PFOS at the DPAG recommended level of 14 ng/L.

*PFOS—occurrence data*

Table 7 is a summary of occurrence data for PFOS. The data includes 412 results from the PFAS Sampling Plan and detect data from 23 sites under UCMR 3 for a total of 435 sample results.

*Table 7. PFOS Occurrence Data > MCLG of 14 ng/L*

<i>PFOS Occurrence Data &gt; MCLG of 14 ng/L</i>	
# of sites (of 435) > MCLG	23
% of sites > MCLG	5.3%
Estimated # of EPs (of 3,785) > MCLG	200

A review of occurrence data indicates that 23 EPs out of a total number of 435 EPs sampled exceeded the MCLG for PFOS of 14 ng/L. This represents 5.3% of all EPs sampled. This exceedance rate may overestimate the exceedance rate for other PWSs in this Commonwealth that were not sampled because the occurrence data sampling predominately targeted sites near potential sources of PFAS contamination. However, the occurrence data provides the most relevant information currently available on the prevalence and levels of PFAS in PWSs in this Commonwealth. Applying the occurrence data PFOS MCLG exceedance rate (5.3%) to the total number of EPs for all applicable PWSs (3,785 EPs), it is estimated that 200 EPs will exceed the MCLG of 14 ng/L.

*PFOS—MCL of 18 ng/L*

The Board is setting an MCL of 18 ng/L for PFOS. The MCL is based on the health effects and MCLG, occurrence data, technical feasibility and costs and benefits.

Table 8 is a summary of occurrence data for PFOS when compared to the MCL of 18 ng/L.

*Table 8. PFOS Occurrence Data > MCL of 18 ng/L*

<i>PFOS Occurrence Data &gt; MCL of 18 ng/L</i>	
# of sites (of 435) > MCL	22
% of sites > MCL	5.1%
Estimated # of EPs (of 3,785) > MCL	191

A review of occurrence data indicates that 22 EPs out of a total number of 435 EPs sampled exceeded the MCL for PFOS of 18 ng/L. This represents 5.1% of all EPs sampled. This exceedance rate may overestimate the exceedance rate for other PWSs in this Commonwealth that were not sampled because the occurrence data sampling predominately targeted sites near potential sources of PFAS contamination. However, the occurrence data provides the most relevant information currently available on the prevalence and levels of PFAS in PWSs in this Commonwealth. Applying the occurrence data PFOS MCL exceedance rate (5.1%) to the total number of EPs for all applicable PWSs (3,785 EPs), it is estimated that 191 EPs will exceed the MCL of 18 ng/L.

*State Data*

Currently, seven other states have set regulatory limits for select PFAS, including PFOA and PFOS, as summarized in Table 9. The MCLs for the Commonwealth are of comparable magnitude as the other state standards.

*Table 9. PFOA and PFOS MCLs from Seven Other States*

	<i>NY</i>	<i>MI</i>	<i>NJ</i>	<i>NH</i>	<i>PA</i>	<i>MA</i>	<i>VT</i>	<i>WA</i>
PFOA	10	8	14	12	14	20*	20*	10
PFOS	10	16	13	15	18	20*	20*	15

\*The MCL for MA & VT is for a group of five (VT) or six (MA) PFAS, including PFOA and PFOS (not individual contaminants).

*Advisory Board review*

The Public Water System Technical Assistance Center (TAC) Board—the primary advisory board for the Department’s Safe Drinking Water Program—reviewed the draft proposed rulemaking on July 29, 2021, and unanimously supported the draft proposed rulemaking as it was presented. The TAC Board also expressed support for the draft proposed rulemaking in a letter dated July 30, 2021.

The TAC Board reviewed the draft final-form rulemaking on July 14, 2022, and unanimously supported the draft final-form rulemaking as it was presented. The TAC Board also expressed support for the draft final-form rulemaking in a letter dated July 18, 2022.

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

*§ 109.1. Definitions*

A definition for the acronym “CASRN—Chemical Abstracts Service Registry Number” is added because the CASRN numbers are included for each of the individual PFAS compounds included in the regulation.

A definition for “GAC—Granular Activated Carbon” is added because GAC is one of the treatment technologies considered acceptable for PFAS removal.

A definition for “MCLG—Maximum Contaminant Level Goal” is added. The definition is from 40 CFR 141.2 (relating to definitions) with added text referencing MCLGs established under both the Federal and State acts.

The acronym “MDL” is added to the existing definition “Method Detection Limit” with the amended definition alphabetically reordered. The definition for “Method Detection Limit” is also amended to be consistent with the current definition in the Federal regulations at 40 CFR

Part 136 Appendix B (relating to definition and procedure for the determination of the method detection limit—revision 2).

A definition for “MRL—Minimum Reporting Level” is added.

Definitions for the following acronyms are added: “PFAS,” “PFOA” and “PFOS.” Definitions for individual compounds include the CASRN number to eliminate confusion as to the specific chemical form that is included in the regulation.

A definition for “Performance evaluation sample” is added to be consistent with Federal language.

The existing definition for “Reliably and consistently below the MCL” is amended to add “PFAS” defined as less than 80% of the MCL.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

*§ 109.202. State MCLs, MRDLs and treatment technique requirements*

Subsection (a)(4) for “Other MCLs” adds MCLs and MCLGs for PFOA and PFOS, with an effective date of the

publication of this final-form rulemaking. The MCLs and MCLGs are listed in both milligrams per liter (mg/L), which are the traditional units for MCLs, as well as in nanograms per liter (ng/L) for clarity, because the numbers are so low.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 109.301. *General monitoring requirements*

The duplicated text in paragraph (2)(iv) through (iii) regarding performance monitoring for unfiltered surface water and groundwater under the direct influence of surface water (GUDI), which was inadvertently added following the last regulatory update at 48 Pa.B. 4974 (August 18, 2018), is deleted.

Paragraph (6)(vii)(A)(I) and (II) are amended for consistency with existing definitions that were amended in 2018 and to clarify that the Zone I and Zone II wellhead protection areas and the Zone A and Zone B surface water intake protection areas are defined in § 109.1 (relating to definitions). The amendments will apply to waivers issued for synthetic organic chemicals (SOCs).

Paragraph (8)(iii) is amended to clarify that consecutive water systems may be exempt from PFAS monitoring, in addition to volatile synthetic organic chemicals (VOCs), SOCs, inorganic chemicals (IOCs) and radionuclides.

Paragraph (9) is amended to clarify monitoring requirements for point-of-entry (POE) devices. A POE device is installed on the service line to a house, building or other facility for the purpose of reducing contaminants in the water distributed to that property and is used as an alternative to centralized water treatment. POE devices must meet design and construction standards and may only be used as a treatment option by very small PWSs that serve 100 or fewer people for treating sources that were permitted prior to 1992; the POE device must be installed on every connection unless the PWS can demonstrate that water provided to a service connection meets water quality standards. See § 109.612 (relating to POE devices). As a result, POE devices are often not cost effective and currently there are no PWSs in this Commonwealth that have a permit for POE devices. However, the Commonwealth is required to maintain requirements for POE devices to comply with Federal safe drinking water requirements. Consequently, monitoring requirements for POE devices are added for PFAS, as well as additional contaminants, as applicable, to correct the omission of paragraphs (10)–(15) and Subchapter K (relating to lead and copper). These requirements should have been added in previous rulemakings but were mistakenly overlooked due to no PWSs in this Commonwealth having a permit for POE devices.

Paragraph (11) is amended to clarify that for EPs that do not provide water continuously, monitoring for PFAS is not required during quarters when water is not provided to the public.

Paragraph (15)(i) and (ii) are amended to clarify monitoring for PFAS for reserve EPs and EPs that receive water from a reserve source.

There are no changes made to paragraphs (2)–(15) from the proposed rulemaking to this final-form rulemaking.

Paragraph (16) describes new monitoring requirements for PFAS for community water systems and nontransient noncommunity water systems. Throughout paragraph (16), the provisions utilize terms of art and phrasing that mirror Federal safe drinking water regulations and are

consistent with language used throughout the Department's safe drinking water regulations in Chapter 109.

Paragraph (16)(i)(A) and (B) specify the initial monitoring requirements for PFAS and, for this final-form rulemaking, are amended to improve readability by removing the phrase “for the PFAS listed in § 109.202(a)(4)(ii)(A) and (B)” because this cross reference is already stated in paragraph 16.

For this final-form rulemaking, proposed paragraph (16)(i)(C) is renumbered as (16)(i)(D) and new paragraph (16)(i)(C) is added in response to public comments to allow PWSs to request to modify the initial monitoring period required under paragraph (A) or (B) to coincide with monitoring required under the Fifth Unregulated Contaminant Monitoring Rule (UCMR 5). Water systems may adjust their UCMR 5 schedule to coincide with their initial monitoring begin date or submit a request to the Department to adjust their initial monitoring begin date to coincide with their UCMR 5 schedule.

Paragraph (16)(i)(D) specifies initial monitoring for new EPs permitted after the dates specified in clauses (A) and (B).

Paragraph (16)(ii) specifies the repeat monitoring frequency for PFAS that are detected during initial monitoring and, for this final-form rulemaking, is amended to improve readability and to remove the cross-reference to § 109.202(a) (relating to State MCLs, MRDLs and treatment technique requirements) because that cross reference is already stated in paragraph (16).

Paragraph (16)(ii)(A)–(C) are amended in this final-form rulemaking to be consistent with the definition for “reliably and consistently below the MCL” in response to public comments, to improve readability, to remove the cross-reference to § 109.202(a) because that cross reference is already stated in paragraph (16), and to clarify that repeat monitoring is for the detected PFAS, not for both PFOA and PFOS, signifying that monitoring requirements for PFOA and PFOS are independently determined, consistent with existing requirements for SOCs.

Paragraph (16)(iii) specifies the repeat monitoring frequency for PFAS that are not detected during initial monitoring and, for this final-form rulemaking, is amended to improve readability, to remove the cross-reference to § 109.202(a) because that cross reference is already stated in paragraph (16), and to clarify that reduced repeat monitoring applies to the PFAS that is not detected.

Paragraph (16)(iv) specifies the repeat monitoring frequency for PFAS that are detected above the MCL value and, for this final-form rulemaking, is amended to be consistent with the definition for reliably and consistently below the MCL in response to public comments, to improve readability, to remove the cross-reference to § 109.202(a) because that cross reference is already stated in paragraph (16), and to clarify that repeat quarterly monitoring is required for the PFAS exceeding its respective MCL.

Paragraph (16)(v) requires collection of confirmation samples for each PFAS detected in exceedance of its MCL and the timing for collection of confirmation samples.

Paragraph (16)(vi) specifies the repeat and performance monitoring requirements for EPs with PFAS removal treatment and, for this final-form rulemaking, is amended in response to public comments to clarify that performance monitoring may be required more frequently than quarterly, to improve readability, to remove the cross-reference to § 109.202(a) because that cross reference is

already stated in paragraph (16), and to clarify that where treatment is installed for removal of a PFAS, performance monitoring (and annual compliance monitoring) is required for the PFAS for which treatment has been installed.

Paragraph (16)(vii) describes the process by which systems may be able to obtain a monitoring waiver for PFAS and, for this final-form rulemaking, is amended to improve readability, to remove the cross-references to § 109.202(a) because that cross reference is already stated in paragraph (16), and to clarify that the waiver application is specifically for the PFAS monitored under paragraph (16)(ii) or the previously detected PFAS.

Paragraph (16)(viii) specifies when PFAS samples may be invalidated and utilizes the term “obvious sampling errors” consistent with 40 CFR 141.24(f)(13) and (h)(9) (relating to organic chemicals, sampling and analytical requirements).

Paragraph (16)(ix) specifies how compliance with the PFAS MCLs is determined.

§ 109.303. *Sampling requirements*

Subsection (a)(4) is amended to delete an incorrect cross reference to § 109.302(f) (relating to special monitoring requirements). The special monitoring requirements under § 109.302(f) relate to groundwater under the direct influence of surface water and are taken from the collection facilities (raw source water) and not the EP to the distribution system.

Subsection (a)(6)(i) specifies where samples are to be collected. For this final-form rulemaking, it is deleted and the language is moved to subsection (a)(6) because subsection (a)(6)(ii) is deleted.

Subsection (a)(6)(ii) is deleted in this final-form rulemaking in response to public comments requesting clarification on proper training for persons collecting PFAS samples. The Department did not intend to require extensive training or certification for sample collectors; the training conducted by accredited laboratory staff was intended to educate sample collectors on the preparation needed to minimize cross contamination of samples. The Department has determined that this information can be made available to sample collectors through guidance, so this requirement is deleted.

§ 109.304. *Analytical requirements*

Subsection (f) specifies the analytical requirements for the PFAS with an MCL.

Subsection (f)(1) specifies acceptable analytical methods and MRLs. The MRLs for PFOA and PFOS are set at 5 ng/L. This level was determined through the survey conducted by the Department of laboratories accredited by this Commonwealth for PFAS analysis. It was determined using the Department’s experience with laboratories finding a balance between reporting to a low level and still meeting all method required quality control.

Subsection (f)(2) specifies the requirement that analysis must be conducted by a laboratory accredited by the Department.

Subsection (f)(3) specifies the requirement for laboratories to determine MDLs for each analyte.

Subsection (f)(4) specifies the requirements for laboratories to analyze performance evaluation samples at least annually.

Subsection (f)(5) requires that the MRL must be contained within the range of calibration.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 109.411. *Content of a public notice*

Subsection (e)(1) is amended for formatting purposes to place the existing requirement to use the health effects language for fluoride in each Tier 2 public notice into a separate subparagraph.

Subsection (e)(1)(i) includes the relocated requirement to use the health effects language for fluoride, which was previously included in § 109.411(e)(1) (relating to content of a public notice).

Subsection (e)(1)(ii) and (iii) adds the requirement to include the health effects language for PFOA or PFOS in each Tier 2 public notice for violation of the respective primary MCL, and includes the health effects language that must be used.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 109.416. *CCR requirements*

Paragraph (3) is amended to update the cross-reference to § 109.411(e)(1)(i), which contains the specific health effects language for fluoride required in a Tier 2 public notice.

Paragraph (3.1) adds consumer confidence report (CCR) reporting requirements for PFAS with an MCL.

Paragraph (3.1)(i)(A)—(G) specifies the information on detected results that must be reported.

Paragraph (3.1)(ii) requires that the respective health effects language in § 109.411(e)(1)(ii) and (iii) must be included for violation of a primary MCL for PFOA or PFOS.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 109.503. *Public water systems construction permits*

Subsection (a)(1)(iii)(D)(XIV.1) adds new source sampling requirements for PFAS.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 109.602. *Acceptable design*

Subsection (j) identifies treatment technologies considered acceptable by the Department for compliance with the PFAS MCLs.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 109.701. *Reporting and recordkeeping*

Subsection (a)(3)(ii) is amended to clarify that 1-hour reporting is required when a sample result requires collection of a confirmation or check sample. The word “confirmation” is added because the terms “check” and “confirmation sample” are often used interchangeably but each are used in different locations in § 109.301 (relating to general monitoring requirements). Under § 109.301(16)(v), a confirmation sample shall be collected when PFAS is detected in exceedance of its respective MCL.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

§ 109.1003. *Monitoring requirements*

The provisions for this section utilize terms of art and phrasing that mirror Federal safe drinking water regulations and are consistent with language used throughout the Department’s safe drinking water regulations in Chapter 109.

Subsection (a)(1)(xv) identifies the PFAS monitoring requirements for bottled, vended, retail and bulk (BVRB) water systems. Compliance monitoring for all BVRB systems begins January 1, 2024.

Subsection (a)(1)(xv)(A) identifies the PFAS monitoring exemption for BVRB systems that obtain finished water from another permitted public water system.

Subsection (a)(1)(xv)(B) identifies the initial PFAS monitoring requirements for BVRB systems. Initial monitoring consists of 4 consecutive quarters at each EP.

Subsection (a)(1)(xv)(C)(I) and (II) identify the repeat PFAS monitoring requirements for BVRB system and, in this final-form rulemaking, are amended to be consistent with the definition for “reliably and consistently below the MCL” in response to public comments, to improve readability, to remove the cross-reference to § 109.202(a) because that cross reference is already stated in paragraph (1)(xv), and to clarify that the repeat monitoring frequency is determined independently for each individual PFAS.

Subsection (a)(1)(xv)(D) identifies the confirmation sampling requirements for PFAS monitoring for BVRB systems that detect a PFAS in exceedance of its MCL during annual monitoring.

Subsection (a)(1)(xv)(E) identifies the repeat and performance PFAS monitoring requirements for BVRB systems with PFAS removal treatment. In this final-form rulemaking, this clause is amended in response to public comments to clarify that performance monitoring may be required more frequently than quarterly in a permit special condition.

Subsection (a)(1)(xv)(F)(I) and (II) specify when PFAS samples may be invalidated for BVRB systems and utilize the term “obvious sampling errors” consistent with 40 CFR 141.24(f)(13) and (h)(9).

Subsection (a)(1)(xv)(G) identifies how compliance with the PFAS MCLs is determined for BVRB systems.

Subsection (b)(3) is amended to clarify that sampling and analysis for PFAS must be in accordance with the requirements in § 109.304 (relating to analytical requirements).

There is no change made to subsection (b)(3) from the proposed rulemaking to this final-form rulemaking.

Subsection (b)(6) was proposed to be amended to delete language that is also in subsection (b)(3) and to add the requirement that compliance monitoring samples for PFAS for BVRB systems must be collected by a properly trained sample collector. However, in this final-form rulemaking this requirement is deleted in response to public comments requesting clarification on proper training for persons collecting PFAS samples. The Department did not intend to require extensive training or certification for sample collectors; the training conducted by accredited laboratory staff was intended to educate sample collectors on the preparation needed to minimize cross contamination of samples. The Department has determined that this information can be made available to sample collectors through guidance, so this requirement has been deleted and subsection (b)(6) is reserved.

#### § 109.1403. Monitoring waiver fees

Subsection (a) is amended to add a PFAS use waiver fee of \$100.

There is no change made to this section from the proposed rulemaking to this final-form rulemaking.

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

The Board adopted the proposed rulemaking at its November 16, 2021, meeting. The proposed rulemaking was published at 52 Pa.B. 1245 (February 26, 2022). Five virtual public hearings were held the week of March 21—25, 2022. The 60-day public comment period on the proposed rulemaking closed April 27, 2022. The Board received more than 3,500 comments on the proposed rulemaking, including comments from members of the General Assembly, the House Environmental Resources and Energy Committee, the Independent Regulatory Review Commission (IRRC), public advocacy groups, and a variety of industries.

The comments received on the proposed rulemaking are summarized as follows and are addressed in more detail in a comment and response document that accompanies this final-form rulemaking.

##### *Regulating PFAS as a class*

IRRC and several commentators commented regarding the reasonableness of regulating PFOA and PFOS as individual compounds rather than as a class. Through a toxicology services contract with the Department, the DPAG determined that currently available scientific evidence does not appear to support a decision to use a cumulative or summative approach for regulating PFAS because using a combined approach for a drinking water standard for PFAS appears to be a “shortcut based on a presumption that the agents all have similar health effects and endpoints” (DPAG, 2021). The DPAG determined that it could not be assumed that all PFAS have shared hazard traits and target the same health endpoints, and that the best approach, which is most protective of public health, was to develop individual MCLGs for each PFAS requested by the Department, and the DPAG recommended that each PFAS compound be reviewed and MCLs determined individually. Additionally, the occurrence data used by the Department in development of this final-form rulemaking did not suggest a meaningful opportunity to regulate other PFAS compounds besides PFOA and PFOS. Based on the determination and recommendation from the DPAG, the Department moved forward with evaluating each PFAS individually to determine which ones to regulate and at what levels.

##### *Forthcoming Federal regulations*

IRRC, the House Environmental Resources and Energy Committee and several commentators expressed concerns regarding the promulgation of potentially overlapping and differing Federal and State regulations related to PFOA and PFOS in drinking water. The EPA has publicly stated its intent to publish a proposed PFAS National Primary Drinking Water Regulation in December 2022, and a final regulation in December 2023. While there are no guarantees that the Federal government will publish a proposed rule as stated in December 2022, when the EPA’s proposed rule is published, the Department will review the proposal and provide comments during the public comment period. As a basis for providing comments on a proposed Federal rule, the Department will rely on the rigorous rulemaking process by which this final-form rulemaking was developed, a process which identified where PFAS was present and provides justification for the Board’s MCLs. Sometime after the closing of the comment period on the EPA’s proposed rulemaking, the EPA will publish a final rule.

Since a proposed Federal rule has not yet been published, it is impossible to predict whether the EPA will

adhere to its intended schedule and publish a final rule in December 2023. However, when a final Federal rule is published, the regulations will go into effect 3 years after they are finalized. During this 3-year period, the Department will review the Federal rule and evaluate the supporting documentation to determine how the Federal rule compares to the Department's regulations. If the Federal rule is more stringent, the Department will follow the Commonwealth's rulemaking process to revise its regulation to address any discrepancies and to ensure the Department's regulations meet at least the minimum Federal requirements. If the final Federal rule is less stringent than the Department's regulations, the Department will evaluate the Federal rule and its supporting documentation to determine if any revisions are needed to the Department's regulations.

Setting MCLs ahead of EPA is expected to provide more timely protection of public health while imposing minimal additional regulatory requirements on the regulated community. Under this final-form rulemaking, PWSs will be required to conduct monitoring for PFOA and PFOS earlier than may be required under Federal regulations, and if levels are in violation of one or both MCLs, PWSs will be required to complete corrective actions sooner. If the EPA ultimately sets MCLs that are less stringent, there may be some PWSs required to install treatment under this rule that would not have been required to under the EPA's levels; however, through the rulemaking process, the Department has demonstrated that the MCLs in this final-form rulemaking are in the interest of improved public health protection and reasonably balance costs and benefits. If the EPA's MCLs are more stringent, there will likely be additional PWSs that will need to install treatment beyond those that exceed the MCLs in this final-form rulemaking. For the PWSs that install treatment as a result of a violation of the MCLs in this final-form rulemaking, that treatment will put those PWSs in a better position to comply with the EPA's MCLs regardless of whether they are more or less stringent. The approved treatment technologies in this final-form rulemaking are capable of treating PFOA, PFOS and other PFAS to non-detectable levels. If the EPA's MCLs are more stringent, those PWSs that have installed treatment as required by this final-form rulemaking may need to make relatively minor operational adjustments, such as changing out the media more frequently, but large-scale design changes are not expected.

It is the Board's position that in the interest of improved public health protection, it is imperative to move forward with this final-form rulemaking at this time and not delay implementation. The Department has a responsibility to protect this Commonwealth's drinking water. Recent research suggests that the EPA's 2016 Combined Lifetime HAL for PFOA and PFOS of 70 ng/L is not sufficiently protective against adverse health effects. Although the EPA has started the process of setting more stringent standards for PFOA and PFOS in drinking water, that process is expected to take years to complete. Even if the EPA meets its stated goal of publishing a final rulemaking by the end of 2023, there will be delayed implementation of the Federal rule to allow states to incorporate the final regulation. Therefore, the Federal standards would not be in place until late 2026 at the earliest. For that reason, it is important that the Board act now to set more protective standards for this Commonwealth, to protect the health of residents in this Commonwealth.

#### *Use of UCMR 5 data for compliance*

IRRC and several commentators recommended that the regulation allow UCMR 5 monitoring data to be used for compliance with the initial monitoring period of the proposed rulemaking. The Board agrees and has amended this final-form rulemaking to include a clause in the initial monitoring requirements in § 109.301(16)(i) that allows for a modification of the timing of the initial monitoring period to coincide with UCMR 5 monitoring. This may allow some systems to realize cost savings by preventing duplicate analyses if they meet all requirements. To modify the initial monitoring period, a PWS must request this change and the Department must approve it in writing. The Department will provide details on how to modify the initial monitoring schedule in guidance.

It is the responsibility of the PWS to ensure, if so desired by the PWS, that the schedules for initial compliance monitoring for this final-form rulemaking and for UCMR 5 monitoring coincide, and to request a schedule change, if necessary, for either UCMR 5 monitoring or for initial compliance monitoring for this final-form rulemaking. Details about how PWS can request schedule changes for UCMR 5 monitoring are provided in the comment and response document that accompanies this final-form rulemaking.

For the same set of data to count toward both UCMR 5 monitoring and initial compliance monitoring for this final-form rulemaking, the data must meet requirements of both rules. For initial compliance monitoring for this final-form rulemaking, monitoring must be conducted according to all requirements in this final-form rulemaking, such as analyses being conducted by a Commonwealth-accredited laboratory using an approved method, and data being reported appropriately and on time, and other requirements in this final-form rulemaking. For UCMR 5 monitoring, analyses must be conducted by an EPA-approved laboratory for UCMR 5 using the UCMR 5-specified method and the monitoring must meet all requirements of the published UCMR 5. Therefore, if a PWS wishes to have the same data reported for both UCMR 5 monitoring and for initial compliance monitoring for this final-form rulemaking, it is the responsibility of the PWS to ensure that the monitoring schedules align, and that the lab conducting the analysis is both Commonwealth-accredited and UCMR 5-approved, using an appropriate method, and is amenable to reporting the same data twice, including meeting Commonwealth and UCMR 5 reporting requirements.

#### *Laboratory capacity*

IRRC and several commentators raised concerns regarding laboratory capacity, and requested the Board provide information on the number and capacity of laboratories certified to perform required testing for implementation of this final-form rulemaking. The Department conducted a survey of laboratories accredited by the Commonwealth for analysis of PFAS by one or more of the three approved methods in this final-form rulemaking. The purpose of the survey was to collect data on laboratory capacity, services provided, analytical costs and minimum reporting levels to assess the technical feasibility and analytical cost estimates of the proposed rulemaking. The results indicate more than sufficient capacity for compliance monitoring requirements of this final-form rulemaking. Details about the survey responses are provided in the comment and response document that accompanies this final-form rulemaking.

*Cost estimates and sources of funding*

IRRC and several commentators submitted comments regarding cost estimates and funding sources.

There are currently several funding sources available to PWSs for PFAS treatment costs. The Pennsylvania Infrastructure Investment Authority's Per- and Polyfluoroalkyl Substances Remediation Program is currently available to remediate PFAS contamination or presence in the water supply of public drinking water supply systems not related to the presence of a qualified former military installation. The Federal Infrastructure Investment and Jobs Act (IIJA) also provides relevant funding, including \$4 billion Nationally in Drinking Water State Revolving Fund (DWSRF) moneys for projects to address emerging drinking water contaminants like PFAS and \$5 billion Nationally in grants to small and disadvantaged communities for projects addressing emerging drinking water contaminants like PFAS. Over 5 years, the Commonwealth's allocation of these IIJA funds is expected to be \$116 million in DWSRF emerging contaminants funds and an additional \$140.5 million in funding for projects addressing emerging drinking water contaminants in small and disadvantaged communities, for a total of \$256.5 million.

Cost estimates are based on a survey of costs from vendors and systems that have installed PFAS treatment. The sizes of the treatment systems of respondents varied from 0.005 million gallons per day (MGD) to 2.88 MGD and costs for these systems ranged from approximately \$47,000 to \$3,250,000, respectively. The survey showed generally lower capital and operational costs for smaller systems and increased costs as the volume of water treated increases; however, capital costs can vary greatly based on site-specific needs. Some systems may need infrastructure upgrades above and beyond the cost of the PFAS treatment, such as new well pumps, booster pumps and buildings to house the treatment, whereas other systems may only need to purchase and install the PFAS treatment equipment and media.

The Board requested comments on the proposed rule-making regarding anticipated costs to comply with the proposed MCLs, including costs to design, install and operate treatment and other remedies. Although some comments were submitted expressing concerns about potentially high costs of treatment for PFAS removal, no comments were submitted with specific details regarding anticipated costs to comply with the MCLs.

*Byproducts of treatment technologies*

IRRC and several commentators submitted comments suggesting the Board should address implementation concerns related to byproducts of treatment technologies for PFAS removal. The Department requires a person to obtain a permit prior to constructing or modifying a PWS. As per this permitting process, the water system must demonstrate it will properly dispose of any untreated PFAS contaminated waters and spent media. Industrial discharges, such as wastewater from drinking water treatment that contain PFAS wastes, would not be acceptable to discharge to an on-lot or municipal wastewater system. Spent media will need to be disposed to an appropriate landfill or an incinerator.

Regarding the costs associated with disposing of byproducts of treatment technologies (such as spent treatment media), the Department conducted a survey of PWSs currently treating for PFAS, other state agencies and water treatment manufacturers to evaluate treatment technologies and treatment costs. Information re-

garding disposal costs were included in this survey. For example, it is the Board's understanding that GAC manufacturers are accepting used media from PWSs to either regenerate the media or incinerate or dispose of the media properly.

*Cost-benefit analysis*

IRRC and several commentators submitted comments indicating that the Board should address concerns regarding the cost/benefit analysis, including comments that the benefits were not quantified or estimated, clarification on the basis for 90% improvement compared with the EPA's 2016 Combined Lifetime HAL for PFOA and PFOS as a goal for benefits, and how increasingly stringent drinking water values affect health outcomes. The Department conducted several surveys to gather information to estimate monitoring and treatment costs of the rule. The information from the surveys was used along with the occurrence data to conduct the cost and benefit analysis. The Department estimated treatment costs at the MCLGs, the 2016 EPA HAL of 70 ppt, and several values in between, including the MCLs. Actual costs are likely to vary greatly based on site-specific needs. The selection of a 90% reduction in adverse health effects as a goal for improved public health protection was selected to be consistent with other existing drinking water standards, including the requirement to achieve at least a 90% inactivation of *Giardia* cysts using disinfection processes within a filtration plant.

To provide additional information to support the cost to benefits analysis, the Department extended the contract with Drexel University and charged the DPAG with estimating monetized benefits expected to be realized from implementation of the MCLs. Details about the DPAG's analysis of benefits/cost savings can be found in section G of this preamble. In summary, the DPAG determined the PFOA MCL of 14 ng/L is estimated to result in health care cost savings of \$583 million over an 11-year period, or \$53 million per year. Additionally, using a value transfer methodology, the DPAG estimated an annual monetized impact of elevated mortality due to PFAS exposure of \$2 billion to \$3.3 billion for the 11.9 million residents of this Commonwealth served by public water. This suggests that PFAS contamination in drinking water may account for 2% to 3% of the annual health care costs in this Commonwealth, which are estimated by the Kaiser Family Foundation (KFF 2022) at \$120 billion annually. The DPAG also used a blood serum PFAS calculator to: (1) confirm that the MCL of 14 ppt for PFOA would provide a 90% improvement in blood serum levels compared to the serum level predicted at the 2016 EPA HAL of 70 ppt; and (2) demonstrate that increasingly stringent drinking water values (that is, lower concentrations of PFAS in drinking water) are expected to result in improved health outcomes.

Additional information on costs and benefits are detailed in section G of this preamble, as well as the comment and response document that accompanies this final-form rulemaking.

*Scientific foundation and implications of future advances in scientific understanding about PFAS*

IRRC and several commentators urged the Board to address concerns related to acceptable data and explain how the data supporting this final-form rulemaking protects public health. These commentators also recommended the Board explain how the standards in this final-form rulemaking may be revised in the future based on improved scientific understanding about exposure, dose and toxicology.

In determining recommended MCLGs, the DPAG used an evidence-based approach to independently review the available studies and to select critical health effects and critical studies for the PFAS evaluated. The scientific studies reviewed by the DPAG, including their strengths and weaknesses, are discussed fully and cited in the PFAS Workbook and MCLG Report. References reviewed by the Department, including the DPAG deliverables, are cited in this final-form rulemaking. The DPAG provided substantial justification in the MCLG Report for the selection of critical health effects and critical studies, based on the extensive expertise of the group. The Department used the MCLG recommendations from the DPAG's MCLG Report as the basis for development of MCLs.

In addition to the toxicology services contract, the Department's Safe Drinking Water Program developed and implemented the PFAS Sampling Plan to prioritize PWS sites for PFAS sampling and generate Statewide occurrence data. That occurrence data was extrapolated across all applicable PWSs and EPs and was ultimately used to inform the decision on which PFAS to regulate and to estimate the number of PWSs that may potentially have levels of PFAS exceeding various MCL levels.

As detailed in section G of this preamble, the Department also conducted several surveys to gather information to support development of this final-form rulemaking. The Department used the information gathered from these surveys to: consider available analytical methods, minimum reporting levels, laboratory capacity and analytical costs; evaluate treatment technologies and costs of installation and maintenance of treatment options; and, along with the occurrence data, to conduct the cost and benefit analysis.

This final-form rulemaking is designed to improve public health protections for residents of this Commonwealth based on scientific studies and data available at the time this final-form rulemaking was developed. Current research indicates that the EPA 2016 Combined Lifetime HAL of 70 ng/L for PFOA and PFOS is not sufficiently protective of public health. Implementing the MCLs in this final-form rulemaking will provide an increased measure of public health protection by resulting in lower levels of PFOA and PFOS in drinking water provided to PWS customers in this Commonwealth. Therefore, it is the Board's position that it is imperative to move forward at this time with this final-form rulemaking in the interest of improved public health protection. The Department will continue to review and evaluate emerging science and recommendations from experts in the field of toxicology, including recommendations from the EPA's Science Advisory Board, and the Department will consider future revisions to this rule as deemed necessary. If the Department determines that revisions to this rule are needed in the future, the Department will initiate and follow the Commonwealth's rulemaking process.

#### *Lower MCLs*

IRRC and numerous commentators submitted comments indicating that the proposed MCLs should be lower and requesting that the Board explain how it determined that the MCLs for PFOA and PFOS in this final-form rulemaking protect the health, safety and welfare of children, particularly young children. As detailed in section D of this preamble, the Department is required to follow a rigorous process when setting an MCL, a process which includes estimation of health risk reduction benefits.

As noted in section D of this preamble and in the MCLG Report, the DPAG was charged with developing recommended MCLGs at concentrations that were focused solely on protection of human health. The DPAG identified the target population for PFOA and PFOS as infant exposure by breastmilk for 1 year, from mother chronically exposed by means of water, followed by lifetime of exposure by means of drinking water. The DPAG noted in the MCLG Report that the recommended MCLGs for PFOA and PFOS are at levels intended to "protect breastfed infants and throughout life" (DPAG, 2021).

The MCLs of 14 ng/L for PFOA and 18 ng/L for PFOS are based on the health effects and MCLGs, occurrence data, technical feasibility and costs and benefits.

As detailed in section G of this preamble, in evaluating the costs and benefits, the Board compared costs for several possible values for the proposed MCLs, including the 2016 EPA HAL of 70 ppt, the MCLG, and several levels in between. The Board's goal was to provide at least a 90% reduction in adverse health effects (a 90% improvement in health protection) when compared to the 2016 EPA HAL of 70 ng/L. This goal is consistent with several existing drinking water standards. The Board believes that the MCLs for PFOA and PFOS strike an appropriate balance between the benefits (90% and 93% improvement in public health, respectively) and costs (253% and 94% increase in costs, respectively) when compared to the benefits and costs associated with meeting the 2016 EPA HAL. Additionally, the total estimated treatment and monitoring costs are offset by the total estimated health care cost savings of at least \$53 million annually.

#### *Effective dates*

IRRC and numerous commentators requested that the Board explain how it determined that the effective dates in this final-form rulemaking balance protection of the public, health, safety and welfare with the economic impacts of implementation. According to this final-form rulemaking, initial compliance monitoring for systems serving a population of greater than 350 persons begins January 1, 2024, and initial monitoring for systems serving a population of less than or equal to 350 persons begins January 1, 2025. However, the MCLs will be effective upon publication of this final-form rulemaking, expected in early 2023. Water systems may begin to sample for PFAS voluntarily at any point. Additionally, water systems may be required to sample for contaminants identified in UCMR5 (including 29 PFAS compounds) as soon as January 2023.

The 2024 and 2025 initial compliance monitoring dates were selected to provide adequate time for water systems to plan for additional sampling that will be required at each EP and to incorporate the cost of additional sampling and analysis into their 2024 or 2025 budgets. Requiring all systems to begin monitoring immediately in 2023 would overwhelm sample capacity at accredited laboratories. The phased sampling approach focuses on analyzing the drinking water of as many consumers as possible earlier in implementation of this final-form rulemaking. In addition, a delay in initial monitoring until January 2024 will provide adequate time for water system personnel to learn the regulatory requirements and to train personnel. PFAS sample collection requires strict adherence to the method and trained samplers. The Department intends to conduct training in 2023 on implementation of this final-form rulemaking and on sample collection techniques.

*Monitoring frequency*

IRRC and several commentators submitted comments indicating that the Board should explain how the frequency of monitoring required in this final-form rule-making is reasonable and protects public health, safety and welfare and whether a shorter monitoring timeframe following a detection was considered. In the existing 40 CFR Part 141 National Primary Drinking Water Regulations and Chapter 109 Safe Drinking Water regulations, there is a cohesive strategy for setting monitoring frequencies. For a specific contaminant, the monitoring frequency is set according to whether the contaminant is expected to cause potential adverse health effects from short-term acute exposure or long-term chronic exposure at concentrations likely to be detected in drinking water. Contaminants in the chronic group, including VOCs and SOCs, are monitored for compliance according to a schedule based on the EPA's Standardized Monitoring Framework (SMF), with monitoring occurring quarterly or less frequently, based on previous results and whether treatment is installed for a particular contaminant. The PFAS monitoring framework in this final-form rulemaking originated in existing monitoring requirements for the organic contaminants that already have MCLs, namely, the VOCs and SOCs. PFAS are a class of SOCs, and this final-form rulemaking adds two PFAS, PFOA and PFOS, to the chronic contaminant group. To be consistent with the EPA's SMF, this final-form rulemaking does not require monthly compliance monitoring of PFOA and PFOS.

Initial monitoring for VOCs, SOCs and PFAS is based on the EPA's SMF and consists of four consecutive quarterly samples. This will produce results that are representative of each calendar quarter, thereby representing any seasonal variations that could potentially occur. If PFOA or PFOS or both are detected at a level greater than their respective MCL during initial monitoring, compliance monitoring is required quarterly. When sample results indicate a violation of one or both MCLs, follow-up actions are required, including 1-hour notification to the Department, consultation with the Department on appropriate corrective actions, and Tier 2 public notification (PN). Once an MCL violation occurs and a PWS issues Tier 2 PN and begins taking corrective actions to comply with one or both MCLs, there is no significant health or information benefit obtained from conducting compliance monitoring for these chronic contaminants at the EP more frequently than quarterly.

*Waivers*

IRRC and numerous commentators requested the Board explain how it determined that the granting of waivers will not negate the protection of the public health, safety and welfare afforded by consistent testing. The PFAS waiver framework follows the existing waiver framework for VOCs, which is significantly more limited than the waiver framework for SOCs. Under this final-form rulemaking, a PWS can only apply for a waiver after the PWS completes 3 consecutive years of quarterly or annual samples with no detection of PFOA or PFOS. Waivers are only available at EPs supplied by groundwater or GUDI. Waivers are available after evaluating land use and the use of PFAS in wellhead protection area Zone II. The granting of waivers is at the Department's discretion.

The waiver process is a balance between requiring monitoring protective of public health and allowing a reduction in monitoring when a PFAS has an isolated appearance, has exited the system, decreases below the minimum reporting level and there is no known use of it

near the groundwater source. Therefore, monitoring is only reduced when there is no expectation a PFAS detection will recur. There are a number of conditions that must be met for a waiver to be granted and the granting of waivers will not negate the protection of public health.

*Achieving compliance*

IRRC and several commentators requested the Board explain how it will ensure that compliance is achieved by water systems and that, following an MCL exceedance, a water system would not remain in the state of repeat monitoring and never reach compliance. Under existing authorities in § 109.701(a)(3)(i) (relating to reporting and recordkeeping), PWSs are required to notify the Department within 1 hour if any single sample result exceeds an MCL value or if the system is determined to be in violation of an MCL, according to § 109.301(16)(ix) for PFOA and PFOS. An initial consultation with the Department typically occurs during this notification regarding any immediate actions. When a PWS is in violation of an MCL, the Department issues a Notice of Violation (NOV) which contains requested actions and associated timeframes, including a request for the PWS to consult with the Department to determine appropriate corrective actions. In addition to issuing PN, corrective actions may include additional monitoring, installation of treatment, using alternative sources, blending sources or taking a source offline. PWSs are responsible for taking any and all corrective actions necessary to protect public health.

When systems fail to take corrective action and continue to be in violation of an MCL, the Department identifies the ongoing MCL violation as a significant deficiency which is defined in § 109.1. The Department notifies the PWS of the ongoing MCL violation and the identification of the ongoing violation as a significant deficiency through an NOV. This NOV outlines the regulatory responsibilities of systems as stipulated in § 109.717 (relating to significant deficiencies) for responding to significant deficiencies.

The exact corrective actions in response to an MCL violation are not codified in regulation because they are case specific and may vary based on each individual situation and system specific considerations, including the level detected, any known or suspected source of contamination, other water sources available and treatment processes already in place. Sufficient quarterly monitoring data may be necessary to evaluate whether there are seasonal variations in contaminant levels to identify the most appropriate corrective actions.

*Invalidation of sample results*

IRRC and a commentator recommended that the Board clarify implementation related to the invalidation of PFAS samples as provided in § 109.301(16)(viii)(A) of the proposed rulemaking. The language used in § 109.301(16)(viii) matches that already in use for the other groups of regulated organic chemicals, the VOCs and SOCs. As specified in § 109.304(f)(1), "Sampling and analysis shall be according to the following approved methods" which include EPA Method 533, EPA Method 537.1 or EPA Method 537 Version 1.1. Failure to follow the "Sample Collection, Preservation, and Storage" steps in the chosen method could result in sample invalidation. Decisions about sample invalidations will be based on available documentation. For example, if a sample is taken at a tap other than the EP, that error would have to be determinable from documentation. If PFOA or PFOS

is detected in a field reagent blank sample, it could be considered an obvious sampling error, if there is evidence that indicates PFOA or PFOS was introduced by the sampler. Obvious sampling errors will be further addressed in guidance materials and in training, which will be provided by the Department after this final-form rulemaking is promulgated.

#### *Compliance determinations*

IRRC and some commentators advised the Board to clarify how compliance determination will be implemented for systems that choose to monitor more frequently than required. Compliance will be determined according to § 109.301(16)(ix)(A) and (B). According to § 109.301(16)(ix)(A), “For systems monitoring more than once per year, compliance with the MCL is determined by a running annual average of all samples taken at each entry point.” The running annual average (RAA), as defined in § 109.1, is the “average, computed quarterly, of quarterly arithmetic averages of all analytical results for samples taken during the most recent 4 calendar quarters.” Therefore, individual monthly results will not be used directly for compliance; instead, the monthly results will be averaged within each calendar quarter to calculate a quarterly average, and then compliance is determined using that quarterly average. According to § 109.301(16)(ix)(B), “If monitoring is conducted annually or less frequently, the system is out of compliance if the level of a contaminant at any entry point is greater than the MCL. If a confirmation sample is collected as specified in subparagraph (v), compliance is determined using the average of the two sample results.”

Compliance is determined based on the monitoring frequency in use and not on the monitoring frequency required. For example, if a system required to monitor annually is monitoring quarterly, compliance will be determined according to § 109.301(16)(ix)(A). As another example, if a system required to monitor quarterly is monitoring monthly, a quarterly average will be calculated with the monthly results each quarter and those quarterly averages will be used to calculate compliance according to § 109.301(16)(ix)(A).

IRRC and some commentators also advised the Board to clarify whether a determination of “out of compliance” will begin with the first sampling following the effective date of the regulation, and whether a system will be out of compliance if the first sample exceeds the MCL. During the initial year of quarterly compliance monitoring, compliance with each MCL will be determined by an RAA of all sample results for each of the regulated PFAS. During the first year of monitoring, results will not exist for all four of the most recent calendar quarters until the result from the fourth quarter is available. Until that point, results that do not yet exist are assumed to be less than the MRL and, thus, are entered as zero in the RAA calculation. If a system fails to collect a sample in all quarters of the initial year of compliance monitoring, then, in accordance with § 109.301(16)(ix)(D), compliance with the MCL will be based on the total number of quarters in which results were reported. According to § 109.301(16)(ix)(C), “If any sample result will cause the running annual average to exceed the MCL at any entry point, the system is out of compliance with the MCL immediately.” For example, if the first quarterly result of initial compliance monitoring is more than four times the MCL, the system is out of compliance based on the compliance calculation for the first quarter of initial quarterly monitoring. However, if the first quarterly

result is at a level that is over the MCL but not over four times the MCL, the system would not be out of compliance.

#### *Analytical requirements*

IRRC and a commentator advised the Board to explain the need for and reasonableness of retaining analytical requirements in this final-form rulemaking instead of including those requirements in guidance or codifying those requirements in the Department’s Environmental Laboratory Accreditation regulations in Chapter 252 (relating to environmental laboratory accreditation). The existing analytical requirements have been established through § 109.304(a), which states “Sampling and analysis shall be performed in accordance with analytical techniques adopted by the EPA under the Federal Act or methods approved by the Department.” The analytical techniques adopted by the EPA under the Federal Act are specified explicitly in the National Primary Drinking Water Regulations in 40 CFR Part 141 Subpart C (relating to monitoring and analytical requirements). However, the EPA has not yet adopted analytical techniques for PFAS in 40 CFR Part 141 Subpart C. Therefore, in accordance with § 109.304(a), the Department is responsible for approving methods for PFAS analysis. Updating Chapter 252 would require a procedure equivalent to updating Chapter 109, so there would be no flexibility gained from listing the methods in Chapter 252 instead. By explicitly specifying these methods in § 109.304(f), the Department is following the EPA’s convention.

#### *Treatment technology piloting*

IRRC and a commentator advised the Board to clarify whether piloting will be required for the approved treatment technologies listed in the proposed rulemaking, and, if so, to amend this final-form rulemaking and associated documents to take the additional costs and economic impacts into consideration. The Department currently is not requiring PWS to pilot all PFAS treatment projects. However, the Department retains the right to require piloting even if the technology is listed as approved in regulation, as the Department can for all types of treatment processes. The Department encourages piloting for the technology listed as approved for PFAS treatment to develop site-specific design requirements. For systems that have provided successful demonstration of a technology on similar water quality, the Department has not required a pilot study. The PWS is responsible for demonstrating similarity in water quality to the Department.

#### *Other treatment technologies*

Commenting on proposed § 109.602(j)(2) (relating to acceptable design), IRRC asked the Board to explain what standards would determine if an alternate treatment technology has demonstrated the capability to provide an adequate and reliable quantity and quality of water to the public, and clarify how this provision will be implemented. This provision will be implemented in the same manner in which it would be for any other contaminant or any innovative treatment technology; it is addressed in Section I.C. of the Department’s Public Water Supply Manual Part II, Community System Design Standards (383-2125-108).

#### *Regulatory initiatives for PFAS source control requirements*

IRRC and a commentator advised the Board to address the impact of other regulatory initiatives related to PFAS source control requirements on the economic impacts of this final-form rulemaking. Although these issues are outside the scope of this final-form rulemaking, the Board

notes that, as part of the multi-agency PFAS Action Team established by Governor Tom Wolf, the Department is actively exercising its statutory authorities to implement regulatory and permitting initiatives to address PFAS contamination.

In November 2021, the Board promulgated regulatory provisions in Chapter 250 (relating to administration of the land recycling program) to address PFAS contamination in soil and groundwater. The regulatory provisions established soil and groundwater Medium Specific Concentrations (MSC) for PFOS, PFOA and PFBS under the Statewide Health Standard. Through this update, remediators must demonstrate attainment of a standard provided by the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908) (Act 2) and obtain Act 2 liability relief for PFOA, PFOS and PFBS. By law, the Department is required to review these standards every 36 months to ensure the MSCs reflect the most current science available to protect human health and the environment. When a Federal or State MCL is published, it will become the updated MSC as required by Act 2.

The Department also recently established a multi-pronged strategy to better characterize and control PFAS in permitted discharges to surface waters by implementing monitoring and other requirements in National Pollutant Discharge Elimination System (NPDES) permits. The Department's PFAS strategy for NPDES discharges includes: identifying industries likely to discharge PFAS; revising NPDES permit applications for these industries and for major sewage facilities receiving discharges from these industries to include PFOA and PFOS sampling requirements and, where relevant, source evaluations; and adding monitoring requirements for PFOA and PFOS to NPDES permits from facilities with identified elevated concentrations in their effluent and, where necessary, evaluating the need for effluent limits for those facilities.

#### *Private water wells*

Most commentators noted that many residents of this Commonwealth receive their water from private water sources, including private wells, and requested that the Board include private water sources in the requirements of the proposed rulemaking.

However, the Board does not have the authority to regulate private water sources. Section 4 of the act states that rules and regulations established by the Board "shall apply to each public water system in the Commonwealth. . ." Section 3 of the act (35 P.S. § 721.3), defines a public water system as "a system for the provision to the public of water for human consumption which has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year."

The act grants authority for the Board to establish rules and regulations that govern only public water

systems, not private water systems (which include privately owned water wells). The act additionally grants authority to the Department to enforce only Federal and State regulations regarding well design and construction standards and drinking water standards. As Federal standards and State standards established by the Board govern only public water systems, the Department cannot enforce standards for public water systems on privately owned wells, seeps and springs that do not meet the definition of a public water system; therefore, this comment is outside the scope of this final-form rulemaking.

Although the Department may not enforce public water system regulations on privately owned water systems, the Department often receives questions regarding privately owned wells. Information regarding well construction, drinking water testing and treatment, and other information are available on the Department's web site at <https://www.dep.pa.gov/Citizens/My-Water/PrivateWells/pages/default.aspx>.

#### *Other comments beyond statutory and regulatory authority*

Several comments submitted on the proposed rulemaking were outside the scope and authority of the act and Chapter 109 regulations and, therefore, cannot be addressed in this final-form rulemaking, including comments on requiring blood testing or health monitoring, reducing sources of PFAS and holding polluters responsible for cleaning up contamination.

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

##### *Benefits*

The PFOA and PFOS MCLs will apply to all 3,117 community, nontransient noncommunity and BVRB water systems in this Commonwealth. Of these, 1,905 are community water systems, serving a combined population of approximately 11.4 million residents of this Commonwealth; another 1,096 are nontransient noncommunity water systems serving approximately 507,000 persons.

The benefits associated with reductions of PFOA and PFOS in drinking water arise from a reduction in adverse human health effects. Exposure to PFOA is associated with adverse developmental effects (including neuro-behavioral and skeletal effects) and exposure to PFOS is associated with adverse immune system impacts (including immune suppression). Benefits may also be derived through effects on customer actions to avoid exposure, such as a customer's purchase of bottled water or the installation and operation of home water treatment systems.

The benefits of MCLs can be presented as a percent improvement in public health protection as compared to the 2016 EPA HAL of 70 ng/L. Table 10 includes a summary of the percent improvement in public health protection for PFOA and PFOS at several levels.

Table 10. Percent Improvement in Health Protection as Compared to EPA's HAL

PFOA		PFOS	
Various Levels (ng/L)	Percent Improvement in Health Protection as Compared to EPA HAL of 70 ng/L	Various Levels (ng/L)	Percent Improvement in Health Protection as Compared to EPA HAL of 70 ng/L
35	56%	35	63%
20	80%	20	89%
14 (MCL)	90%	18 (MCL)	93%
12	93%	16	96%
10	96%	15	98%
8 (MCLG)	100%	14 (MCLG)	100%

The percentage improvement in health protection values for PFOA and PFOS are based on an assumption that there is a linear improvement in health protection between the 2016 EPA HAL and the DPAG MCLG. The amount of improvement is set such that it totals 100% between the 2016 EPA HAL and the DPAG MCLG. The equation for calculating percent improvement in health protection is established as follows:

$$\text{Percent Improvement} = ((\text{EPA HAL} - \text{MCLG})^{-1} \times 100) \times (\text{EPA HAL} - \text{Level "X"})$$

As per the DPAG MCLG Report, PFOA has the potential to disrupt human development. The most sensitive developmental effects observed include neurobehavioral and skeletal effects. It is anticipated that these developmental effects have a measurable effect on the health of infants. The MCL for PFOA of 14 ng/L would be expected to improve health protection and lower the incidence of developmental effects by 90% compared with the 2016 EPA HAL of 70 ng/L.

The DPAG MCLG Report also found that PFOS has the potential to disrupt the immune system. The effects of immune suppression are anticipated to reduce the ability to resist infections, potentially increasing the risk, duration and severity of diseases. These immune effects from PFOS have a substantial effect on the health and economy of this Commonwealth. The MCL for PFOS of 18 ng/L would be expected to improve health protection and lower the incidence of immune suppression effects by 93% compared with the 2016 EPA HAL of 70 ng/L.

In 2022, the DPAG provided additional information on the health benefits achieved by these MCLs. In a report titled "Review of Proposed Maximum Contaminant Levels for PFOA and PFOS in Drinking Water for the Commonwealth of Pennsylvania," the DPAG concluded that the proposed MCLs are predicted to have a significant economic benefit to this Commonwealth because the MCLs will reduce health care problems associated with PFAS (DPAG, 2022).

To predict the value of health care benefits, the DPAG used two approaches—the value transfer method and the counterfactual method. The value transfer method applies and scales quantitative estimates of health care impact costs from one study site to another. The counterfactual

method assumes that reduction in exposure to PFOA and PFOS from drinking water will result in a health care cost benefit equal to estimated health care costs attributable to the base exposures to PFOA and PFOS. Although each of these methods has their limitations, it is possible to estimate projected savings from reducing exposure to PFOA and PFOS.

The DPAG's health care analysis was broken down into three steps: (1) testing whether the selected MCL will result in hypothetical serum levels known to be associated with disease specific critical effects identified by the DPAG working group; (2) applying the counterfactual method to data derived from a study of a subpopulation of residents of this Commonwealth near a PFAS-contaminated site to estimate health care benefits for that group; and (3) deriving a value transfer estimate from other health care impact studies.

The DPAG reviewed several studies that examined the exposure response relationship between PFOA levels and low birth weight. The authors of the Malits study selected a maternal serum level of 3.1 ng/mL as a reference level (Malits 2018); below this level, the adverse health effects on low-birthweight infants would be reduced. The 3.1 ng/mL level also represents the upper limit of the lowest tertile in the study by Maisonet and colleagues (Maisonet 2012) and represents the point above which statistically significant associations have been demonstrated when median serum or plasma levels during pregnancy were above approximately 3.1 ng/mL (Maisonet 2012; Fei 2011; Wu 2012).

The DPAG utilized a serum PFAS calculator developed by Bartell to estimate blood serum concentrations of PFOA, based on an initial serum concentration and proposed levels of PFOA (Bartell 2017). The DPAG found that the model predicts that a woman of childbearing age would reach a steady-state PFOA serum level of 3.1 ng/mL if the consumed water was at the proposed MCL of 14 ng/L. See Figure 1. Furthermore, the Bartell calculator confirms that the proposed MCL of 14 ng/L for PFOA is protective and is consistent with the Department's analysis that the MCL represents a 90% improvement in blood serum levels compared to the serum level predicted at the EPA HAL of 70 ng/L (DPAG, 2022).

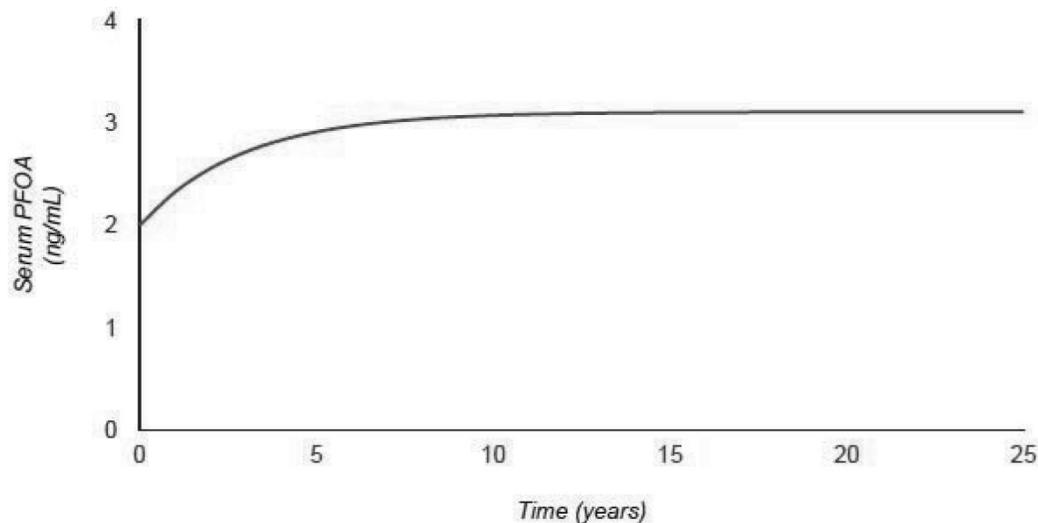
The DPAG conducted a similar analysis for PFOS using data from the Grandjean (2012) study. The method developed by Bartell predicts that in women of childbearing age, the PFOS MCL of 18 ng/L would result in a steady-state serum level of 7.2 ng/L, which is below the lower bound of interquartile range and the geometric mean in mothers in the Grandjean study. See Figure 2.

*Figure 1: Steady-state PFOA level predicted in females childbearing age consuming water with PFOA of 14 ppt (from DPAG, 2022)*

Serum PFAS Calculator for Adults:

Enter the following values, then click on the “submit” button:

1. Select the chemical you want to model: PFOA
2. Starting serum PFOA concentration ( $\mu\text{g/L}$ ,  $\text{ng/mL}$  or  $\text{ppb}$ )
3. Two (2) is a typical value for an adult with no PFOA in his or her water.
4. PFOA concentration in drinking water ( $\text{ng/L}$  or  $\text{ppt}$ )
5. Enter zero (0) if drinking only bottled water, carbon-filtered water, or water treated by reverse osmosis. 14
6. Biological sex and menstrual status (optional): Female, premenopause or perimenopause (still having periods)



Starting serum PFOA concentration: 2 ng/mL  
 Water PFOA concentration: 14 ppt  
 Serum PFOA contribution from other ongoing exposures: 1.67 ng/mL  
 Water ingestion rate: 16.6 ml/kg/d  
 Volume of distribution: 0.17 L/kg  
 Half-life of PFOA in serum: 2 years  
 Steady-state ratio for serum:water concentrations: 102.91  
 Predicted steady-state serum PFOA concentration: 3.11 ng/mL

Calculator Version 1.2 by Sherman Lu and Scott Bartell.

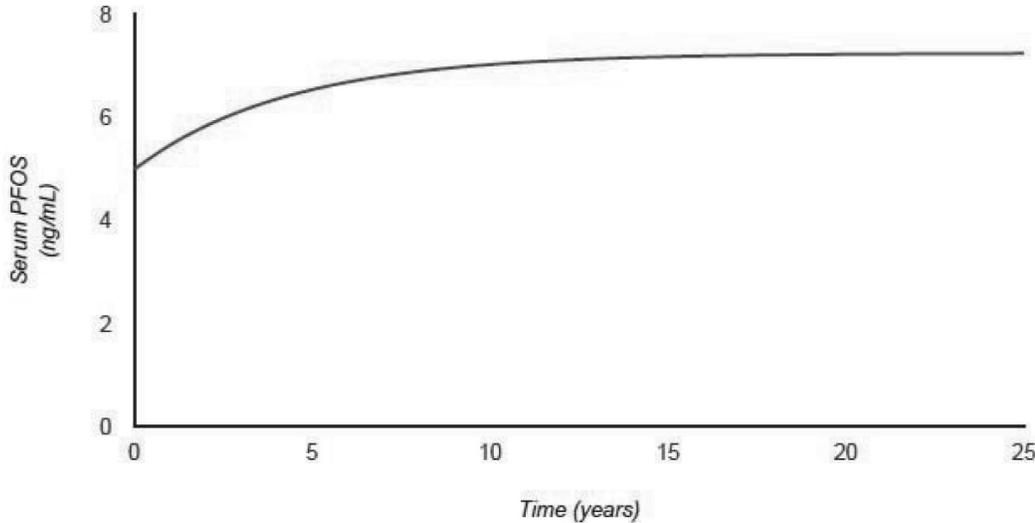
Citation: Lu S, Bartell SM. Serum PFAS Calculator for Adults, Version 1.2, 2020, [www.ics.uci.edu/~sbartell/pfascal.html](http://www.ics.uci.edu/~sbartell/pfascal.html).

Figure 2: Steady-state PFOA level predicted in females childbearing age consuming water with PFOA of 14 ppt (from DPAG, 2022)

Serum PFAS Calculator for Adults:

Enter the following values, then click on the “submit” button:

1. Select the chemical you want to model: PFOS
2. Starting serum PFOS concentration (µg/L, ng/mL or ppb)
3. Five (5) is a typical value for an adult with no PFOS in his or her water.
4. PFOS concentration in drinking water (ng/L or ppt)
5. Enter zero (0) if drinking only bottled water, carbon-filtered water, or water treated by reverse osmosis.
6. Biological sex and menstrual status (optional): Female, premenopause or perimenopause (still having periods)



Starting serum PFOS concentration: 5 ng/mL  
 Water PFOS concentration: 18 ppt  
 Serum PFOS contribution from other ongoing exposures: 5.2 ng/mL  
 Water ingestion rate: 16.6 ml/kg/d  
 Volume of distribution: 0.23 L/kg  
 Half-life of PFOS in serum: 3 years  
 Steady-state ratio for serum:water concentrations: 114.09  
 Predicted steady-state serum PFOS concentration: 7.25 ng/mL

Calculator Version 1.2 by Sherman Lu and Scott Bartell.

Citation: Lu S, Bartell SM. Serum PFAS Calculator for Adults, Version 1.2, 2020, [www.ics.uci.edu/~sbartell/pfascal.html](http://www.ics.uci.edu/~sbartell/pfascal.html).

To summarize, the DPAG’s review of PFAS blood serum levels at various PFAS concentrations in drinking water correlate well with the Department’s assessment of at least 90% improvement of public health at the proposed MCLs.

In estimating the health care benefits for the MCLs, the DPAG noted that Malits (2018) estimated the total socioeconomic cost of PFOA-attributable low-birthweight births in the United States from 2003 through 2014 (over 11 years) was \$13.7 billion. These costs included the direct hospital costs at the time of birth and lost economic productivity due to low-birthweight births being associated with longer-term outcomes such as lower lifetime earning potential. To determine what this would mean in this Commonwealth, the DPAG applied a value transfer method that assumes a scalable relationship between impacts of PFOA-attributable low-birthweight births quantified by Malits in the total United States population. Since 4.0% of the United States population lives in this Commonwealth, the total costs for the entire State-

wide population due to low birthweight from PFOA exposure for the same period (2003—2014) are calculated to \$548 million (approximately \$637.58 million in 2022 dollars). To compare the costs and benefits to the Commonwealth’s PWSs and the 11.9 million customers they serve, the DPAG estimated the total socioeconomic costs equate to \$583 million in 2022 dollars. In other words, the PFOA MCL of 14 ng/L is estimated to result in health care cost savings of \$583 million over a similar time period, or an average of \$53 million annually.

The DPAG analyzed two additional studies to inform the estimated annual health care costs. In 2018, Nair studied communities near two former military bases in this Commonwealth that were exposed for several decades to PFAS through contaminated drinking water (Nair 2021). The population in that community was estimated to be 84,000. Serum PFAS levels were compared with the National averages for 2013-2014 and their relationships with demographic and exposure characteristics were analyzed. The average levels of PFOA and

PFOS among the study participants were 3.13 and 10.24 ng/mL, respectively. Overall, 75% and 81% of the study participants had levels exceeding the National average for PFOA (1.94 µg/L or ng/mL) and PFOS (4.99 µg/L or ng/mL), respectively. This study places these 2018 Commonwealth communities in the same broad category as the 2003 National Health and Nutrition Examination Survey data for the United States population. A similar value transfer analysis suggests that the total health care costs associated with PFOA exposure in these Commonwealth communities alone over a similar time period (11 years) would be \$4.3 million in 2022 dollars. Assuming that PFAS levels fell in these Commonwealth communities in the same manner that they fell Nationally, the costs would average to \$390,000 per year.

Finally, the DPAG reviewed a study by the Nordic Council of Ministers (2019) that estimated the annual monetized impact of elevated mortality due to PFAS exposure ranged from \$3.5 billion to \$5.7 billion for a total population of 20.7 million people. Adjusted for the 11.9 million residents of this Commonwealth served by public water, this produces a value transfer estimate of \$2 billion to \$3.3 billion. This suggests that PFAS contamination in drinking water may account for 2% to 3% of the total annual health care costs in this Commonwealth, which are estimated by the Kaiser Family Foundation at \$120 billion annually (KFF 2022).

#### *Compliance monitoring costs*

Compliance monitoring cost estimates for this final-form rulemaking were determined based on a survey conducted of laboratories accredited in this Commonwealth for PFAS analysis by one or more of the analytical methods in this final-form rulemaking, as well as assumptions made based on an analysis of the occurrence data. According to lab survey results, the analytical cost for PFAS by either EPA Method 533, EPA Method 537 version 1.1 or EPA Method 537.1 varied greatly among the labs that responded, with a range of \$325 to \$750, and an average of \$516, including the cost of analysis of the associated field reagent blank required by the methods for each sample site. This does not include an additional fee for sample collection, which also varied greatly among the labs offering that service; sample collection is approximately an additional \$200 based on the survey.

Approximately half of the responding laboratories noted that they offer a cost reduction for reporting of fewer analytes than included in the method, which would provide a cost savings for systems since monitoring is required for only two analytes—PFOA and PFOS. Also, a few labs noted potential savings if there are no detections in the sample; the associated field blank would be extracted, but would not need to be analyzed, which would reduce the overall cost. A few labs also noted potential additional fees for PFAS-free blank water, overnight shipping costs for samples and Level 4 data reports if requested.

For compliance monitoring cost estimates, it was assumed that approximately half of all water systems will collect their own samples and half will utilize sample collection services provided by the laboratory. Therefore, an average cost of \$616 per sample was used in the following compliance monitoring cost estimate calculations.

In this final-form rulemaking, initial quarterly monitoring for community and nontransient noncommunity systems serving a population of more than 350 persons

begins January 1, 2024, and initial quarterly monitoring for community and nontransient noncommunity systems serving 350 or fewer persons begins January 1, 2025. This population breakdown was selected to evenly split initial monitoring across 2 years to ease laboratory capacity issues and allow small systems more time to prepare for compliance monitoring. Initial monitoring for BVRB systems begins January 1, 2024. Based on the number of PWSs and EPs in the Pennsylvania Drinking Water Information System (PADWIS) at the time of this final-form rulemaking, there are 1,885 EPs that will begin monitoring in year 1 (2024) and 1,900 that will conduct initial monitoring in year 2 (2025).

This final-form rulemaking requires repeat compliance monitoring on a quarterly basis for any EPs at which either PFOA or PFOS is detected at a level above its respective minimum reporting limit (MRL), including those EPs at which one or both MCLs are exceeded. If the quarterly repeat monitoring results are reliably and consistently below the MCLs, the frequency of repeat monitoring may be reduced from quarterly monitoring to annual monitoring. Based on the occurrence data, it is assumed that up to 34.9% of all EPs will have a detection of PFOA or PFOS, or both, at or above the relevant MRL; this equates to 658 EPs of the year 1 initial systems that will need to continue quarterly repeat monitoring in year 2, and 663 EPs of the year 2 initial systems that will need to continue quarterly repeat monitoring in year 3. The remaining systems (1,227 EPs in year 1 and 1,237 EPs in year 2) were assumed to conduct annual repeat monitoring in each year following the initial monitoring, but this overestimates the repeat monitoring requirements and costs after the initial monitoring because, for EPs where initial monitoring results do not detect PFOA or PFOS, the frequency of repeat monitoring is reduced from annual to once every 3 years.

In addition to and separate from the performance monitoring required by permit special condition, systems with EPs that exceed one or both MCLs may require treatment, which would require the system to conduct ongoing repeat compliance monitoring at least annually. Using the noncompliance rate of 7.4% from the occurrence data (as described in section D of this preamble), a total of 280 EPs are estimated to require ongoing repeat compliance monitoring: 139 EPs from initial year 1 and 141 EPs from initial year 2. However, this is likely an overestimate because: (1) systems may have options other than installing treatment to address concentrations of PFOA or PFOS, or both, above the relevant MCL; and (2) the occurrence data sampling predominately targeted sites near potential sources of PFAS contamination, so the exceedance rate in the occurrence data may overestimate the exceedance rate for other PWSs in this Commonwealth that were not included in the occurrence data. For total compliance monitoring cost estimates, the ongoing annual compliance monitoring for EPs where treatment is installed was assumed to begin in the third year of monitoring (year 3 or year 4 overall).

Using these assumptions (which likely overestimate the compliance monitoring requirements and costs for the reasons described previously) and an estimated average cost of \$616 per sample, Table 11 summarizes the overall cost estimates for compliance monitoring costs in each of the first 4 years of rule implementation. Note that this estimate does not include performance monitoring costs.

Table 11. Compliance Monitoring Costs

	Total # EPs	Quarterly Initial EPs	Annual Repeat EPs	Quarterly repeat EPs	Quarterly compliance monitoring cost	Annual compliance monitoring cost	Total yearly compliance monitoring cost
Year 1	1885	1885	0	0	\$4,644,640	\$0	\$4,644,640
Year 2	1900	1900	1227	658	\$6,302,579	\$755,915	\$7,058,495
Year 3		0	3122	663	\$1,633,878	\$1,923,090	\$3,556,969
Year 4		0	3785	0	\$0	\$2,331,560	\$2,331,560

Based on these estimates, the average annual monitoring costs over the first 4 years are \$4,397,916. Note that this average annual compliance monitoring cost estimate of approximately \$4.4 million is less than the sum of the average annual compliance monitoring cost estimates presented in the cost-benefit analysis section of this preamble for PFOA (\$2.9 million) and PFOS (\$2.7 million). The reason for this difference in the average annual compliance monitoring cost estimates when considered for each individual contaminant (that is, PFOA and PFOS separately) compared with both contaminants together is that exceedances of the PFOA and PFOS MCLs are expected to co-occur at some sites. For instance, the occurrence data showed exceedance rates of the individual MCLs for PFOA and PFOS of 5.7% and 5.1%, respectively; however, the exceedance rate for the MCLs accounting for co-occurring exceedances was only 7.4% (not 10.8%, the sum of the exceedance rates for the MCLs considered individually). Since the laboratory analytical methods include both PFOA and PFOS, systems with exceedances of both MCLs will not have to collect separate samples for PFOA and PFOS, which results in some reduction in compliance monitoring costs for these systems compared with if each contaminant is considered separately. However, because PFOA and PFOS are each associated with different health effects and have different recommended MCLGs, the compliance monitoring cost estimates are presented separately for each contaminant

in the cost-benefit analysis section of this preamble to inform the cost-benefit analysis for each MCL.

*Treatment costs*

Treatment cost estimates were determined based on a survey conducted of systems in this Commonwealth with existing PFAS treatment and of PFAS treatment manufacturers, a PFAS Case Study published by the American Water Works Association (AWWA, 2020) and from information provided by members of the Association of State Drinking Water Administrators. Costs were provided for GAC, anion exchange (IX) and reverse osmosis (RO). The RO costs were not included in the final cost estimates because, due to wastewater disposal requirements, the technology is currently impractical. Additionally, the costs for GAC, IX and RO provided from the vendors were excluded from the final cost estimates because they were limited to media costs and did not include the infrastructure requirements.

GAC and IX construction costs were based on a lead lag configuration where the first vessel (lead vessel) is capable of treating the entire flow and second vessel (lag vessel) is provided for polishing. Treatment costs were normalized to construction costs for treating 1 MGD.

As shown in Table 12, the average capital cost for the GAC treatment was \$3,457,110 per MGD per EP with an average annual O&M cost of \$171,970 per MGD per EP.

Table 12. GAC Treatment Costs

Treatment	System	Capital Cost per MGD per EP	Annual O&M Cost per MGD per EP
GAC	Vendor A	\$343,000 *	\$32,018
GAC	Vendor B	\$535,000 *	\$356,000
GAC	System A (2 GAC and 1 IX)	\$3,125,000	\$107,007
GAC	System B, Site 1	\$1,675,347	\$121,528
GAC	System B, Site 2	\$2,454,259	\$220,820
GAC	System B, Site 3	\$2,433,333	\$194,444
GAC	System C	\$9,250,000	unknown
GAC	System D	\$3,139,000	unknown
GAC	System E	\$1,135,497	unknown
GAC	System F	\$4,444,444	unknown
Average cost of GAC per MGD per EP		\$3,457,110	\$171,970

\* Not included in calculations

As shown in Table 13, the average capital cost for the IX treatment was \$3,284,360 per MGD per EP with an average annual O&M cost of \$155,666 per MGD per EP.

Table 13. IX Treatment Costs

Treatment	System	Capital Cost per MGD per EP	Annual O&M Cost per MGD per EP
IX	Vendor A	\$357,000 *	\$59,361 *
IX	Vendor B	\$500,000 *	\$175,000
IX	Vendor D	No information	\$159,722
IX	System G	\$10,400,000	unknown
IX	System H	\$3,333,000	unknown
IX	System I	\$634,900	unknown
IX	System J	\$1,128,000	unknown
IX	System K	\$925,900	\$132,275
Average cost of IX per MGD per EP		\$3,284,360	\$155,666

\* Not included in calculations

The average capital costs of the GAC and IX treatment is \$3,370,735 per MGD per EP with an average annual O&M costs \$163,818 per MGD per EP.

To estimate annual treatment costs, the average capital cost of treatment installation of \$3,370,735 per MGD per EP was annualized over 20 years at a 4% interest rate. This yields an estimated annualized capital cost of \$248,025 per MGD per EP.

In addition, water systems that install treatment will need to conduct performance monitoring, to verify treatment efficacy. Using the average cost per sample of \$616 and assuming a total of 36 performance monitoring samples per year—monthly samples at each of three locations (raw water, mid-point of treatment and finished water)—that is an additional annual cost of \$22,176 per EP.

In the occurrence data, the percentage of EPs exceeding the MCLs for PFOA and PFOS was 5.7% and 5.1%, respectively; however, due to co-occurrence of PFOA and PFOS, some EPs that exceeded the MCL for PFOA also exceeded the MCL for PFOS. In the occurrence data, the percentage of EPs exceeding the MCL for PFOA or the MCL for PFOS, or both, was 7.4%. However, this exceedance rate may overestimate the exceedance rate for the other PWSs in this Commonwealth that were not sampled, because the occurrence data sampling predominately targeted sites near potential sources of PFAS contamination. Also, as treatment for PFOA and PFOS is the same, EPs exceeding both MCLs would not be required to install two different treatment systems; therefore, the estimated percentage of EPs requiring treatment is less than the combined percentage of systems exceeding either MCL in the occurrence data. Additionally, systems with MCL exceedances may have several options to address the contamination aside from installing treatment, including taking contaminated sources offline, making operational changes such as blending sources, or using alternate sources of supply (developing new sources or using purchased sources from a new interconnect). Recognizing that the MCL exceedance rates from the occurrence data may overestimate the proportion of systems that will need to install treatment to address MCL exceedances for the aforementioned reasons, the occurrence data provides the most relevant information currently available on the prevalence and levels of PFAS in PWSs in this Commonwealth. Using the 7.4% exceedance rate from the occurrence data to estimate how many of the larger universe of 3,785 EPs may require treatment to meet one or both MCLs produces an estimate of 280

EPs. At an average annualized treatment capital cost of \$248,025 per MGD per EP, and assuming 280 EPs require treatment installed, the total estimated annual treatment costs are shown in Table 14.

Table 14. Total Estimated Annual Treatment Costs

Estimated average annualized treatment capital costs (per MGD per EP)	\$248,025
Estimated average annual treatment O&M costs (per MGD per EP)	\$163,818
Estimated average annual treatment capital + O&M costs (per MGD per EP)	\$411,843
Estimated annual performance monitoring costs (per EP)	\$22,167
Estimated # of EPs (of 3,785) that require treatment for one or both MCLs	280
Total estimated average annual treatment capital + O&M costs (per MGD)	\$115,316,040
Total estimated annual performance monitoring costs	\$6,206,760

Cost-benefit analysis

Following is a summary of the estimated costs and benefits associated with the MCL for PFOA of 14 ng/L. Treatment cost estimates are based on the costs to install and maintain treatment for a 1-MGD treatment plant. Cost estimates are based on the Department’s survey of costs from vendors and systems that have installed PFAS treatment. This survey provided information that showed generally lower capital and operational costs for smaller systems and increased costs as the volume of water treated increases; however, capital costs can vary greatly based on site-specific needs. Because of this variability and the limited cost information from available systems, a linear model for cost determination may not be accurate. Smaller systems may be more expensive to treat on a per gallon basis. Some systems may need infrastructure upgrades above and beyond the cost of the PFAS treatment, such as new well pumps, booster pumps and buildings to house the treatment, whereas other systems may only need to purchase and install the PFAS treatment equipment and media.

- Estimated costs:
  - Estimated average annual compliance monitoring costs (@ \$616/EP/Quarter) = \$2.9 million

- Estimated average annual treatment costs (average of GAC and IX) = \$89.8 million per MGD + estimated annual performance monitoring costs = \$4.8 million
- Estimated annual treatment capital costs, annualized over 20 years at 4% interest = \$248,025 per MGD per EP × 218 EPs = \$54.1 million per MGD
- Estimated annual treatment O&M costs = \$35.7 million per MGD + estimated annual performance monitoring costs = \$4.8 million
- Estimated annual treatment O&M costs = \$163,818 per MGD per EP × 218 EPs = \$35.7 million per MGD
- Estimated annual performance monitoring costs = \$616 per sample per EP × 36 samples = \$22,176 per EP × 218 EPs = \$4.8 million

- Estimated total annual costs = \$89.8 million per MGD in treatment costs + \$7.7 million in compliance monitoring and performance monitoring costs
- Estimated benefits:
  - 90% improvement in health protection as compared to 2016 EPA HAL of 70 ppt
  - Estimated health care cost savings of \$53 million annually, including direct hospital costs at the time of birth and lost economic productivity due to low-birthweight births being associated with longer-term outcomes such as lower lifetime earning potential

Table 15 provides a comparison of costs and benefits for the MCL for PFOA of 14 ng/L, EPA’s 2016 HAL of 70 ng/L and other values considered for the MCL.

Table 15. PFOA Comparison of Costs and Benefits

PFOA Annual Costs and Benefits Analysis								
Value (ng/L)	Estimated # of EPs (of 3,785) > Value	Compliance Monitoring Costs (Millions)	Treatment O&M Costs		Treatment Capital Costs (Millions) per MGD* annualized over 20 years	Total Costs (Millions)	% Increase in Cost Compared to HAL	% Improvement in Health Protection Compared to HAL
			Treatment O&M Costs (Millions) per MGD*	Performance Monitoring Costs (Millions)				
HAL = 70	58	\$2.46	\$9.50	\$1.29	\$14.39	\$27.63	0%	0%
35	78	\$2.56	\$12.78	\$1.73	\$19.35	\$36.41	32%	56%
20	200	\$2.73	\$32.76	\$4.44	\$49.60	\$89.53	224%	80%
MCL = 14	218	\$2.89	\$35.71	\$4.83	\$54.07	\$97.51	253%	90%
12	270	\$2.97	\$44.23	\$5.99	\$66.97	\$120.15	335%	93%
10	313	\$3.07	\$51.28	\$6.94	\$77.63	\$138.92	403%	96%
MCLG = 8	400	\$3.39	\$65.53	\$8.87	\$99.21	\$177.00	541%	100%

\* For purposes of totaling annual costs, the costs that vary with design capacity (treatment O&M and treatment capital costs) were multiplied by a benchmark design capacity of 1 MGD.

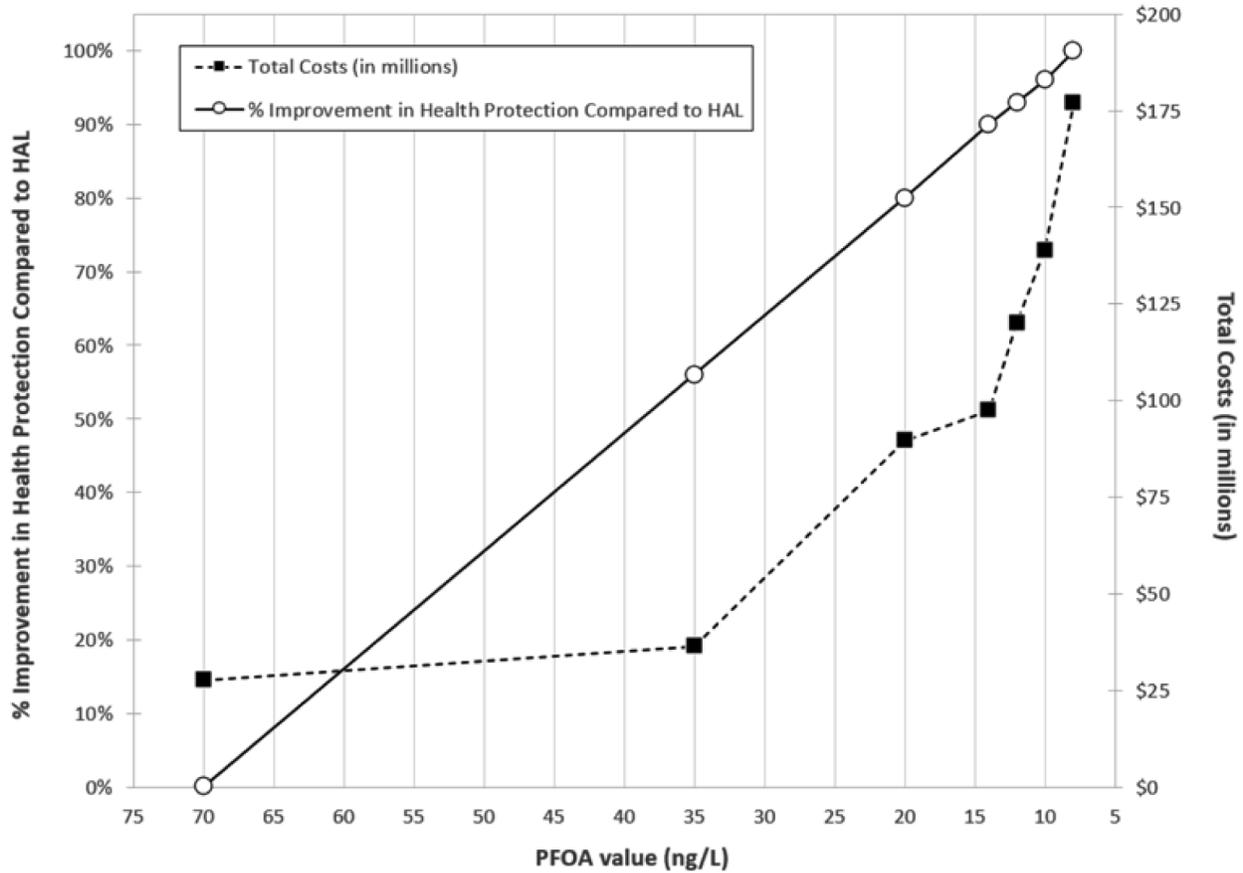
In evaluating the costs and benefits, the Department’s goal was to provide at least a 90% reduction in adverse health effects (a 90% improvement in health protection) when compared to the 2016 EPA HAL of 70 ng/L. This goal is consistent with several existing drinking water standards including the following standards:

- the requirement to achieve at least a 90% inactivation of *Giardia* cysts using disinfection processes within a filtration plant (§ 109.202(c)(1)(ii) regarding treatment technique requirements for pathogenic bacteria, viruses and protozoan cysts);
- the use of the 90th percentile lead and copper levels when determining compliance with the lead and copper action levels of 0.015 mg/L and 1.3 mg/L, respectively (§ 109.1102(a) (relating to action levels and treatment technique requirements) regarding action levels for lead and copper), and

- the requirement to meet the filtered water turbidity standards in 95% of measurements taken each month (§ 109.202(c)(1)(i)).

As shown in Table 15 and Figure 3, additional improvement in public health benefits at PFOA values lower than the MCL of 14 ng/L would require increasingly steep costs. For example, compared with the MCL of 14 ng/L, an MCL value of 10 ng/L is estimated to achieve an additional 6% increase at an additional annual cost of approximately \$41.4 million (Table 15, Figure 3), which is a rate of approximately \$7 million in additional annual costs for every additional 1% of benefits. Compared with the 2016 EPA HAL, the MCL of 14 ng/L is estimated to achieve a 90% improvement in public health benefits at an additional annual cost of roughly \$70 million, which is a rate of approximately \$0.8 million in additional annual costs for every additional 1% of benefits.

Figure 3. Annual Total Costs and Benefits (% Health Protection Improvement) at Various PFOA levels



For the aforementioned reasons, the Board is setting an MCL for PFOA of 14 ng/L, which strikes an appropriate balance between the benefits (90% improvement in public health) and costs (253% increase in costs) when compared to the benefits and costs associated with meeting the 2016 EPA HAL of 70 ng/L. Additionally, the total estimated treatment and monitoring costs are offset by the total estimated health care cost savings of at least \$53 million annually.

Following is a summary of the estimated costs and benefits associated with the MCL for PFOS of 18 ng/L. Treatment cost estimates are based on the costs to install and maintain treatment for a 1-MGD treatment plant. The actual costs would be expected to be less for a treatment plant with a smaller design capacity. Cost estimates are based on the Department’s survey of costs from vendors and systems that have installed PFAS treatment. This survey provided information that showed generally lower capital and operational costs for smaller systems and increased costs as the volume of water treated increases; however, capital costs can vary greatly based on site-specific needs. Because of this variability and the limited cost information from available systems, a linear model for cost determination may not be accu-

rate. Smaller systems may be more expensive to treat on a per gallon basis. Some systems may need infrastructure upgrades above and beyond the cost of the PFAS treatment, such as new well pumps, booster pumps and buildings to house the treatment, whereas other systems may only need to purchase and install the PFAS treatment equipment and media.

- Estimated costs:
  - Estimated average annual compliance monitoring costs (@ \$616/EP/Quarter) = \$2.7 million
  - Estimated average annual treatment costs (average of GAC and IX) = \$78.7 million per MGD + estimated annual performance monitoring costs = \$4.2 million
  - Estimated annual treatment capital costs, annualized over 20 years at 4% interest = \$\$248,025 per MGD per EP × 191 EPs = \$47.4 million per MGD
  - Estimated annual treatment O&M costs = \$31.3 million per MGD + estimated annual performance monitoring costs = \$4.2 million
  - Estimated annual treatment O&M costs = \$163,818 per MGD per EP × 191 EPs = \$31.3 million per MGD

- Estimated annual performance monitoring costs = \$616 per sample per EP × 36 samples = \$22,176 per EP × 191 EPs = \$4.2 million
- Estimated total annual costs = \$78.7 million per MGD in treatment costs + \$6.9 million in compliance monitoring and performance monitoring costs

- Estimated benefits:
  - 93% improvement in health protection as compared to 2016 EPA HAL of 70 ppt

Table 16 provides a comparison of costs and benefits for the MCL for PFOS of 18 ng/L, EPA’s 2016 HAL of 70 ng/L and other values considered for the MCL.

Table 16. PFOS Comparison of Costs and Benefits

PFOS Annual Costs and Benefits Analysis								
Value (ng/L)	Estimated # of EPs (of 3785) > Value	Compliance Monitoring Costs (Millions)	Treatment O&M Costs		Treatment Capital Costs (Millions) per MGD* annualized over 20 years	Total Costs (Millions)	% Increase in Cost Compared to HAL	% Improvement in Health Protection Compared to HAL
			Treatment O&M Costs (Millions) per MGD*	Performance Monitoring Costs (Millions)				
HAL = 70	96	\$2.57	\$15.73	\$2.13	\$23.81	\$44.24	—	—
35	148	\$2.64	\$24.25	\$3.28	\$36.71	\$66.87	51%	63%
20	183	\$2.70	\$29.98	\$4.06	\$45.39	\$82.13	86%	89%
MCL = 18	191	\$2.70	\$31.29	\$4.24	\$47.37	\$85.60	94%	93%
16	200	\$2.73	\$32.76	\$4.44	\$49.60	\$89.53	102%	96%
15	200	\$2.81	\$32.76	\$4.44	\$49.60	\$89.61	103%	98%
MCLG = 14	200	\$2.88	\$32.76	\$4.44	\$49.60	\$89.68	103%	100%

\* For purposes of totaling annual costs, the costs that vary with design capacity (treatment O&M and treatment capital costs) were multiplied by a benchmark design capacity of 1 MGD.

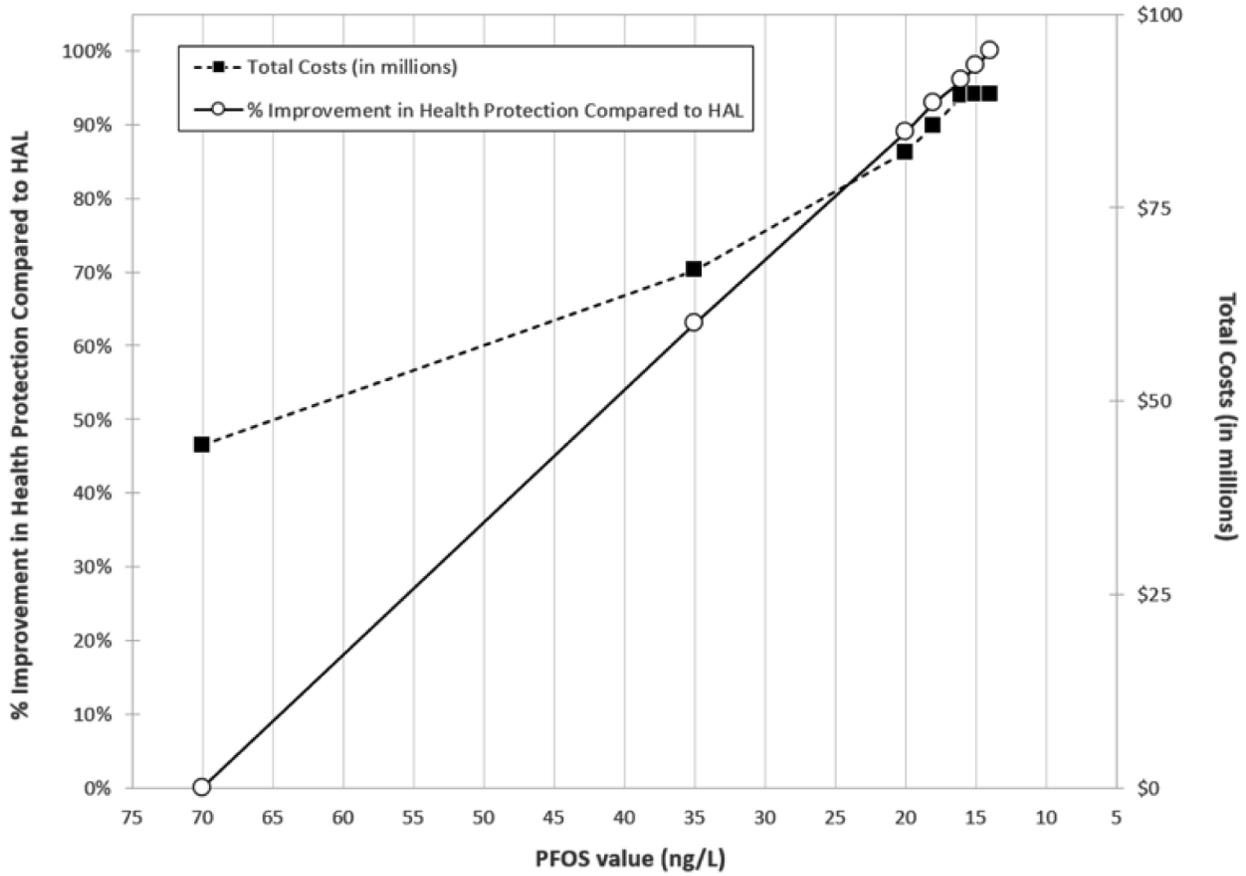
In evaluating the costs and benefits, the Department’s goal was to provide at least a 90% reduction in adverse health effects (a 90% improvement in health protection) when compared to the 2016 EPA HAL of 70 ng/L. This goal is consistent with several existing drinking water standards including the following standards:

- the requirement to achieve at least a 90% inactivation of Giardia cysts using disinfection processes within a filtration plant (§ 109.202(c)(1)(ii)) regarding treatment technique requirements for pathogenic bacteria, viruses and protozoan cysts;
- the use of the 90th percentile lead and copper levels when determining compliance with the lead and copper action levels of 0.015 mg/L and 1.3 mg/L, respectively (§ 109.1102(a)), and

- the requirement to meet the filtered water turbidity standards in 95% of measurements taken each month (§ 109.202(c)(1)(i)).

As shown in Table 16 and Figure 4, additional improvement in public health benefits at PFOS values lower than the MCL of 18 ng/L would require increasingly steep costs. For example, compared with the MCL of 18 ng/L, an MCL value of 16 ng/L is estimated to achieve an additional 3% increase at an additional annual cost of approximately \$3.9 million (Table 16, Figure 4), which is a rate of approximately \$1.3 million in additional annual costs for every additional 1% of benefits. Compared with the 2016 EPA HAL, the MCL of 18 ng/L is estimated to achieve a 93% improvement in public health benefits at an additional annual cost of roughly \$41.4 million, which is a rate of approximately \$0.4 million in additional annual costs for every additional 1% of benefits.

Figure 4. Annual Total Costs and Benefits (% Health Protection Improvement) at Various PFOS levels



For the aforementioned reasons, the Board is setting an MCL for PFOS of 18 ng/L, which strikes a balance between the benefits (93% improvement in public health) and costs (94% increase in costs) when compared to the benefits and costs associated with meeting the 2016 EPA HAL of 70 ng/L. Additionally, the total estimated treatment and monitoring costs are offset by the total estimated health care cost savings of at least \$53 million annually.

*Compliance assistance plan*

The Department’s Safe Drinking Water Program utilizes Pennsylvania Infrastructure Investment Authority (PENNVEST) programs to offer financial assistance to eligible PWSs. This assistance is in the form of a low-interest loan, with some augmenting grant funds for hardship cases. Eligibility is based upon factors such as public health impact, compliance necessity and project/operational affordability.

In addition to the standard funding mentioned previously, PENNVEST approved an additional funding program in 2021 under authority of the act of November 27, 2019 (P.L. 695, No. 101). The PENNVEST PFAS Remediation Program is designed as an annual funding opportunity to aid in the remediation and elimination of PFAS in PWSs. In 2021, approximately \$25 million was made available for this grant program.

On November 15, 2021, the IJJA was signed into Federal law. One component of the legislation is \$4 billion Nationally in DWSRF moneys for projects to address emerging drinking water contaminants like PFAS and \$5 billion Nationally in grants to small and disadvantaged communities for projects addressing emerging drinking water contaminants like PFAS. Over 5 years, the Commonwealth’s allocation of these IJJA funds is expected to be \$116 million in DWSRF emerging contaminants funds and an additional \$140.5 million in funding for projects addressing emerging drinking water contaminants in small and disadvantaged communities, for a total of \$256.5 million.

The Department’s Safe Drinking Water Program has established a network of regional and Central Office training staff that is responsive to identifiable training needs. The target audience in need of training may be either program staff or the regulated community.

In addition to this network of training staff, the Department’s Bureau of Safe Drinking Water has staff dedicated to providing both training and technical outreach support services to PWS owners and operators. The Department’s web site also provides timely and useful information for treatment plant operators.

*Paperwork requirements*

New forms are not required for implementation of these amendments.

H. *Sunset Review*

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

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on February 15, 2022, the Department submitted a copy of the notice of proposed rulemaking, published at 52 Pa.B. 1245, and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on November 16, 2022, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 17, 2022, and approved this final-form rulemaking.

J. *Findings of the Board*

The Board finds that:

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

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

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 52 Pa.B. 1245.

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

K. *Order of the Board*

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

(a) The regulations of the Department, 25 Pa. Code Chapter 109, are amended by amending §§ 109.1, 109.202, 109.301, 109.303, 109.304, 109.411, 109.416, 109.503, 109.602, 109.701, 109.1003 and 109.1403 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) The Chairperson of the Board shall submit this final-form rulemaking to IRRC and the Senate and House

Environmental Resources and Energy Committees as required by the Regulatory Review Act (71 P.S. §§ 745.1—745.14).

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

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

RAMEZ ZIADEH, P.E.,  
Acting Chairperson

(Editor's Note: See 52 Pa.B. 7487 (December 3, 2022) for IRRC's approval order.)

**Fiscal Note:** Fiscal Note 7-569 remains valid for the final adoption of the subject regulations.

**Annex A**

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

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE II. WATER RESOURCES**

**CHAPTER 109. SAFE DRINKING WATER**

**Subchapter A. GENERAL PROVISIONS**

**§ 109.1. Definitions.**

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

\* \* \* \* \*

*Bulk water hauling system*—A public water system which provides water piped into a carrier vehicle and withdrawn by a similar means into the user's storage facility or vessel. The term includes, but is not limited to, the sources of water, treatment, storage or distribution facilities. The term does not include a public water system which provides only a source of water supply for a bulk water hauling system.

*CASRN*—Chemical Abstracts Service Registry Number.

*CCR*—*Consumer Confidence Report*—An annual water quality report that community water systems deliver to their customers, as described in § 109.416 (relating to CCR requirements).

\* \* \* \* \*

*Flowing stream*—A course of running water flowing in a definite channel.

*GAC*—*Granular Activated Carbon*—A highly porous adsorbent carbon material produced by heating organic matter that can absorb various dissolved chemicals in the water.

*GAC10*—A granular activated carbon filter bed with an empty bed contact time of 10 minutes based on average daily flow and a carbon reactivation frequency of every 180 days, except that the reactivation frequency for GAC10 used as a BAT shall be 120 days.

\* \* \* \* \*

*MCL*—*Maximum Contaminant Level*—The maximum permissible level of a contaminant in water which is delivered to a user of a public water system, and includes the primary and secondary MCLs established under the Federal act, and MCLs adopted under the act.

*MCLG—Maximum Contaminant Level Goal—*

(i) The maximum level of a contaminant in drinking water at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety.

(ii) The term includes the MCLGs established under the Federal act and MCLGs adopted under the act.

(iii) Maximum contaminant level goals are nonenforceable health goals.

*MDL—Method Detection Limit—*The minimum measured concentration of a substance that can be reported with 99% confidence that the measured concentration is distinguishable from method blank results.

*MRDL—Maximum Residual Disinfectant Level—*The maximum permissible level of a disinfectant added for water treatment that may not be exceeded at the consumer's tap without an unacceptable possibility of adverse health effects. The consumer's tap means the entry point for bottled water and vended water systems, retail water facilities and bulk water hauling systems.

*MRL—Minimum Reporting Level—*The minimum quantitation limit that can practically and consistently be achieved, with 95% confidence, by capable analysts at 75% or more of laboratories using a specified analytical method.

*Membrane filtration—*

(i) A pressure or vacuum driven separation process in which particulate matter larger than 1 micrometer is rejected by an engineered barrier, primarily through a size-exclusion mechanism, and which has a measurable removal efficiency of a target organism that can be verified through the application of a direct integrity test.

(ii) The term includes the common membrane technologies of microfiltration, ultrafiltration, nanofiltration and reverse osmosis.

*Microorganism—*Any of a number of unicellular, multicellular or colonial bacteria, fungi, protozoa, archaea or viruses whose individuals are too small to be seen by the human eye without magnification.

\* \* \* \* \*

*PDWEP—*Guidelines for Public Drinking Water Equipment Performance issued by NSF.

*PFAS—*Perfluoroalkyl and polyfluoroalkyl substances.

*PFOA—*Perfluorooctanoic acid—CASRN 335-67-1.

*PFOS—*Perfluorooctanesulfonic acid—CASRN 1763-23-1.

*Performance evaluation sample—*A reference sample provided to a laboratory for the purpose of demonstrating that the laboratory can successfully analyze the sample

within the limits of performance specified by the Department. The true value of the concentration of the reference material is unknown to the laboratory at the time of the analysis.

*Person—*An individual, partnership, association, company, corporation, municipality, municipal authority, political subdivision, or an agency of Federal or State government. The term includes the officers, employees and agents of a partnership, association, company, corporation, municipality, municipal authority, political subdivision, or an agency of Federal or State government.

\* \* \* \* \*

*Recycle flows—*Any water, solid or semi-solid generated by a conventional or direct filtration plant's treatment process and residual treatment processes that is returned to the plant's treatment process.

*Reliably and consistently below the MCL—*

(i) For VOCs, SOCs, IOCs (with the exception of nitrate and nitrite) and PFAS, this means that each sample result is less than 80% of the MCL.

(ii) For nitrate and nitrite, this means that each sample result is less than 50% of the MCL.

\* \* \* \* \*

**Subchapter B. MCLs, MRDLs OR TREATMENT TECHNIQUE REQUIREMENTS**

**§ 109.202. State MCLs, MRDLs and treatment technique requirements.**

(a) *Primary MCLs, MRDLs and treatment technique requirements.*

\* \* \* \* \*

(3) A public water system that is installing granular activated carbon or membrane technology to comply with the MCL for TTHMs, HAA5, chlorite (where applicable) or bromate (where applicable) may apply to the Department for an extension of up to 24 months past the applicable compliance date specified in the Federal regulations, but not beyond December 31, 2003. In granting the extension, the Department will set a schedule for compliance and may specify any interim measures that the Department deems necessary. Failure to meet the schedule or interim treatment requirements constitutes a violation of National Primary Drinking Water Regulations.

(4) Other MCLs.

(i) *Effective dates.* The MCLGs and MCLs in subparagraph (ii)(A)—(B) are effective on January 14, 2023.

(ii) The MCLGs and MCLs for PFAS are:

CASRN	Contaminant	MCLG (mg/L)	MCL (mg/L)	MCLG (ng/L)	MCL (ng/L)
(A) 335-67-1	PFOA	0.000008	0.000014	8	14
(B) 1763-23-1	PFOS	0.000014	0.000018	14	18

(b) *Secondary MCLs.*

\* \* \* \* \*

**Subchapter C. MONITORING REQUIREMENTS**

**§ 109.301. General monitoring requirements.**

Public water suppliers shall monitor for compliance with MCLs, MRDLs and treatment technique requirements in accordance with the requirements established by the EPA under the National Primary Drinking Water Regulations, 40 CFR Part 141 (relating to National Primary Drinking Water Regulations), except as otherwise established by this chapter unless increased monitoring is required by the Department under § 109.302 (relating to special monitoring requirements). Alternative monitoring requirements may be established by the Department and may be implemented in lieu of monitoring requirements for a particular National Primary Drinking Water Regulation if the alternative monitoring requirements are in conformance with the Federal act and regulations. The monitoring requirements shall be applied as follows:

\* \* \* \* \*

(2) *Performance monitoring for unfiltered surface water and GUDI.* A public water supplier using unfiltered surface water or GUDI sources shall conduct the following source water and performance monitoring requirements on an interim basis until filtration is provided, unless increased monitoring is required by the Department under § 109.302:

(i) Except as provided under subparagraphs (ii) and (iii), a public water supplier:

(A) Shall perform *E. coli* or total coliform density determinations on samples of the source water immediately prior to disinfection. Regardless of source water turbidity, the minimum frequency of sampling for total coliform or *E. coli* determinations may be no less than the following:

<i>System Size (People)</i>	<i>Samples / Week</i>
<500	1
500—3,299	2
3,300—10,000	3
10,001—25,000	4
25,001 or more	5

(B) Shall measure the turbidity of a representative grab sample of the source water immediately prior to disinfection as follows until August 19, 2019:

(I) For systems that operate continuously, at least once every 4 hours that the system is in operation, except as provided in clause (C).

(II) For systems that do not operate continuously, at start-up, at least once every 4 hours that the system is in operation, and also prior to shutting down the plant, except as provided in clause (C).

(C) May substitute continuous turbidity monitoring for grab sample monitoring until August 19, 2019, if it validates the continuous measurement for accuracy on a regular basis using a procedure specified by the manufacturer. At a minimum, calibration with an EPA-approved primary standard shall be conducted at least quarterly.

(D) Shall continuously monitor and record the turbidity of the source water immediately prior to disinfection

beginning August 20, 2019, using an analytical method specified in 40 CFR 141.74(a) and record the results at least every 15 minutes while the source is operating. If there is a failure in the continuous turbidity monitoring or recording equipment, or both, the supplier shall conduct grab sampling or manual recording, or both, every 4 hours in lieu of continuous monitoring or recording. The public water supplier shall notify the Department within 24 hours of the equipment failure. Grab sampling or manual recording may not be substituted for continuous monitoring for longer than 5 working days after the equipment fails. The Department will consider case-by-case extensions of the time frame to comply if the water supplier provides written documentation that it was unable to repair or replace the malfunctioning equipment within 5 working days due to circumstances beyond its control.

(E) Shall continuously monitor and record the residual disinfectant concentration required under § 109.202(c)(1)(iii) of the water being supplied to the distribution system and record the lowest value for each day. If a public water system's continuous monitoring or recording equipment fails, the public water supplier may, upon notification of the Department under § 109.701(a)(3), substitute grab sampling or manual recording, or both, every 4 hours in lieu of continuous monitoring. Grab sampling or manual recording may not be substituted for continuous monitoring for longer than 5 days after the equipment fails.

(F) Until April 28, 2019, shall measure the residual disinfectant concentration at representative points in the distribution system no less frequently than the frequency required for total coliform sampling for compliance with the MCL for microbiological contaminants.

(G) Beginning April 29, 2019, shall measure and record the residual disinfectant concentration at representative points in the distribution system in accordance with a sample siting plan as specified in § 109.701(a)(8) and as follows:

(I) A public water supplier shall monitor the residual disinfectant concentration at the same time and from the same location that a total coliform sample is collected as specified in paragraph (3)(i) and (ii). Measurements taken under this subclause may be used to meet the requirements under subclause (II).

(II) A public water supplier shall monitor the residual disinfectant concentration at representative locations in the distribution system at least once per week.

(III) A public water supplier that does not maintain the minimum residual disinfectant concentration specified in § 109.710 at one or more sample sites shall include those sample sites in the monitoring conducted the following month.

(IV) Compliance with the minimum residual disinfectant concentration shall be determined in accordance with § 109.710.

(V) A public water system may substitute online residual disinfectant concentration monitoring and recording for grab sample monitoring and manual recording if it validates the online measurement for accuracy in accordance with § 109.304.

(ii) Until August 19, 2019, for a public water supplier serving 3,300 or fewer people, the Department may reduce the residual disinfectant concentration monitoring for the water being supplied to the distribution system to a minimum of 2 hours between samples at the grab

sampling frequencies prescribed as follows if the historical performance and operation of the system indicate the system can meet the residual disinfectant concentration at all times:

<i>System Size (People)</i>	<i>Samples/Week</i>
<500	1
500—1,000	2
1,001—2,500	3
2,501—3,300	4

If the Department reduces the monitoring, the supplier shall nevertheless collect and analyze another residual disinfectant measurement as soon as possible, but no longer than 4 hours from any measurement which is less than the residual disinfectant concentration approved under § 109.202(c)(1)(iii).

(iii) Until August 19, 2019, for a public water supplier serving fewer than 500 people, the Department may reduce the source water turbidity monitoring to one grab sample per day, if the historical performance and operation of the system indicate effective disinfection is maintained under the range of conditions expected to occur in the system's source water.

*(Editor's Note: Section 109.301(2)(iv)—(iii) text as published at 52 Pa.B. 1245 (February 26, 2022) is deleted since it is duplicated in the Pennsylvania Code due to a previous printing error. The text of these serial pages can be found at (393259) and (391315) to (391317).*

(3) *Monitoring requirements for coliforms.* Public water systems shall determine the presence or absence of total coliforms for each routine or check sample; and, the presence or absence of *E. coli* for a total coliform positive sample in accordance with analytical techniques approved by the Department under § 109.304 (relating to analytical requirements). A system may forego *E. coli* testing on a total coliform-positive sample if the system assumes that any total coliform-positive sample is also *E. coli*-positive. A system which chooses to forego *E. coli* testing shall, under § 109.701(a)(3), notify the Department within 1 hour after the water system learns of the violation or the situation, and shall provide public notice in accordance with § 109.408 (relating to Tier 1 public notice—categories, timing and delivery of notice) if there is a violation of the *E. coli* MCL as set forth in subparagraph (iv).

\* \* \* \* \*

(6) *Monitoring requirements for SOCs (pesticides and PCBs).* Community water systems and nontransient noncommunity water systems shall monitor for compliance with the MCLs for SOCs established by the EPA under 40 CFR 141.61(c). The monitoring shall be conducted according to the requirements established by the EPA under 40 CFR 141.24(h), incorporated herein by reference except as modified by this chapter.

\* \* \* \* \*

(vii) *Waivers.* A waiver will be granted to a public water supplier from conducting the initial compliance monitoring or repeat monitoring, or both, for an SOC based on documentation provided by the public water supplier and a determination by the Department that the criteria in clause (B), (C) or (D) has been met. A waiver is effective for one compliance period and may be renewed in each subsequent compliance period. If the Department has not granted a use waiver in accordance with clause (B), the public water supplier is responsible for submit-

ting a waiver application and renewal application to the Department for review in accordance with clause (B), (C) or (D) for specific entry points. Waiver applications will be evaluated relative to the vulnerability assessment area described in clause (A) and the criteria in clause (B), (C) or (D). Entry points at which treatment has been installed to remove an SOC are not eligible for a monitoring waiver for the SOCs for which treatment has been installed.

(A) *Vulnerability assessment area for SOCs including dioxin and PCBs.*

(I) For groundwater or GUDI entry points, the vulnerability assessment area shall consist of wellhead protection area Zones I and II as defined under § 109.1.

(II) For surface water entry points, the vulnerability assessment area shall consist of surface water intake protection area Zones A and B as defined under § 109.1.

(B) *Use waivers.* A use waiver will be granted by the Department for contaminants which the Department has determined have not been used, stored, manufactured, transported or disposed of in this Commonwealth, or portions of this Commonwealth. A use waiver specific to a particular entry point requires that an SOC was not used, stored, manufactured, transported or disposed of in the vulnerability assessment area. If use waiver criteria cannot be met, a public water supplier may apply for a susceptibility waiver.

\* \* \* \* \*

(8) *Monitoring requirements for public water systems that obtain finished water from another public water system.*

\* \* \* \* \*

(iii) Consecutive water suppliers may be exempt from conducting monitoring for the MCLs for VOCs, SOCs, IOCs, radionuclides and PFAS if the public water system from which the finished water is obtained complies with paragraphs (5)—(7), (14) and (16) and is in compliance with the MCLs, except that asbestos monitoring is required in accordance with subparagraph (ii).

\* \* \* \* \*

(9) *Monitoring requirements for POE devices.* A public water supplier using a POE device shall, in addition to the monitoring requirements specified in paragraphs (1)—(8), (10)—(16) and Subchapter K (relating to lead and copper), conduct monitoring on the devices installed. As a minimum, the monitoring shall include the MCLs for which the POE device is intended to treat and monthly microbiological monitoring. The Department may allow the water supplier to reduce the frequency of microbiological monitoring based upon historical performance. Except for microbiological contaminants, monitoring shall be performed quarterly on 25% of the installed POE devices with the locations rotated so that each device is monitored at least once annually, unless increased monitoring is required by the Department under § 109.302.

\* \* \* \* \*

(11) *Monitoring requirements for entry points that do not provide water continuously.* Entry points from which water is not provided during every quarter of the year shall monitor in accordance with paragraphs (5)—(7), (14) and (16), except that monitoring is not required during a quarter when water is not provided to the public, unless special monitoring is required by the Department under § 109.302.

\* \* \* \* \*

(15) *Monitoring requirements for reserve entry points and entry points supplied by one or more reserve sources.* Beginning August 20, 2019, a water supplier using reserve sources or reserve entry points as defined and identified in the comprehensive monitoring plan in § 109.718(a) (relating to comprehensive monitoring plan) shall:

(i) Monitor reserve entry points at the initial frequencies specified in paragraphs (5)—(7), (14) and (16).

(ii) Monitor permanent entry points at the initial frequencies specified in paragraphs (5)—(7), (14) and (16) while the entry point is receiving water from a reserve source.

(iii) Conduct special monitoring as required by the Department under § 109.302.

(16) *Monitoring requirements for PFAS.* Community water systems and nontransient noncommunity water systems shall monitor for compliance with the MCLs for PFAS established under § 109.202(a).

(i) *Initial monitoring.* Initial monitoring shall consist of 4 consecutive quarterly samples at each entry point in accordance with the following monitoring schedule:

(A) Systems serving more than 350 persons shall begin monitoring during the quarter beginning January 1, 2024.

(B) Systems serving 350 or fewer persons shall begin monitoring during the quarter beginning January 1, 2025.

(C) Upon request, a system required to conduct monitoring under the Fifth Unregulated Contaminant Monitoring Rule (UCMR 5), specified in 40 CFR Part 141, may upon written approval from the Department modify the initial monitoring period required under clause (A) or (B) to coincide with UCMR 5.

(D) Systems that add new sources to new or existing entry points on or after the applicable dates in clauses (A) and (B), shall conduct initial monitoring according to this clause. An entry point with one or more new sources shall be monitored for 4 consecutive quarters, beginning the first full quarter the entry point begins serving the public.

(ii) *Repeat monitoring for PFAS that are detected.* For entry points at which a PFAS is detected at a level equal to or greater than its corresponding MRL as defined in § 109.304(f), then:

(A) Monitoring for the detected PFAS shall be conducted quarterly, beginning the quarter following the detection, until reduced monitoring is granted in accordance with this subparagraph.

(B) The Department may decrease the quarterly monitoring requirement specified in clause (A) if it has determined that monitoring results are reliably and consistently below the MCL. The Department will not make this determination until the water system obtains results from a minimum of four consecutive quarterly samples that are reliably and consistently below the MCL.

(C) If the Department determines that the monitoring results are reliably and consistently below the MCL, the Department may allow the system to monitor annually. Systems which monitor annually shall monitor during the quarter that previously yielded the highest analytical result, or as specified by the Department.

(iii) *Repeat monitoring for PFAS that are not detected.* For entry points at which a PFAS is not detected during initial monitoring in accordance with subparagraph (i), required monitoring for the PFAS not detected is reduced to one sample per entry point during each subsequent compliance period. This reduced monitoring shall be

conducted in the same year as reduced monitoring granted for VOCs under paragraph (5)(iv)(B) and SOCs under paragraph (6)(iii) as specified by the Department.

(iv) *Repeat monitoring for PFAS with MCL exceedances.* For entry points at which a PFAS MCL is exceeded, monitoring for the exceeding PFAS shall be conducted quarterly, beginning the quarter following the exceedance. Quarterly monitoring shall continue until a minimum of four consecutive quarterly samples shows the system is in compliance as specified in subparagraph (ix) and the Department determines the system is reliably and consistently below the MCL. If the Department determines that the system is in compliance and is reliably and consistently below the MCL, the Department may allow the system to monitor in accordance with subparagraph (ii)(C).

(v) *Confirmation samples.* A confirmation sample shall be collected and analyzed for each of the PFAS detected in exceedance of its MCL during annual or less frequent compliance monitoring. The confirmation sample shall be collected within 2 weeks of notification from the accredited laboratory performing the analysis that an MCL has been exceeded.

(vi) *Monitoring for entry points with PFAS removal treatment.* The reduced monitoring option in subparagraph (iii) does not apply to entry points at which treatment has been installed for PFAS removal. Compliance monitoring for the specific PFAS for which treatment has been installed shall be conducted at least annually. Performance monitoring shall be conducted at least quarterly for the specific PFAS for which treatment has been installed.

(vii) *Waivers.* Systems conducting monitoring under subparagraph (ii) at groundwater or GUDI entry points may apply for a use waiver for those entry points which have 3 consecutive years of quarterly or annual samples with no detection of the PFAS monitored under subparagraph (ii). A use waiver from conducting monitoring under subparagraph (ii)(C) may be granted to a public water supplier with groundwater or GUDI entry points based on documentation provided by the public water supplier and a determination by the Department that the requirements in clauses (A) and (B) have been met. Entry points at which treatment has been installed to remove one or more of the PFAS are not eligible for a waiver.

(A) A use waiver may be granted for a specific entry point after evaluating knowledge of previous use, including storage, manufacturing, transport or disposal of one or more PFAS within the wellhead protection area Zones I and II as defined under § 109.1. If a determination by the Department reveals no previous use, a waiver may be granted for the entry point.

(B) Waiver requests and renewals shall be submitted to the Department, on forms provided by the Department, for review and approval prior to the end of the applicable monitoring period. Until the waiver request or renewal is approved, the public water system is responsible for conducting all required monitoring.

(C) If a use waiver is granted by the Department, required monitoring at that entry point is reduced to one sample during the subsequent compliance period. This monitoring shall be conducted during the quarter that previously yielded the highest analytical result, or as specified by the Department, and in the same years as any reduced monitoring granted for VOCs under paragraph (5)(iv)(B) and SOCs under paragraph (6)(iii) as specified by the Department.

(D) A waiver is effective for one compliance period and may be renewed in each subsequent compliance period.

(viii) *Invalidation of PFAS samples.*

(A) The Department may invalidate results of obvious sampling errors.

(B) A sample invalidated under this subparagraph does not count towards meeting the minimum monitoring requirements of this paragraph.

(ix) *Compliance determinations.* Compliance with the PFAS MCLs shall be determined based on the analytical results obtained at each entry point. If one entry point is in violation of an MCL, the system is in violation of the MCL.

(A) For systems monitoring more than once per year, compliance with the MCL is determined by a running annual average of all samples taken at each entry point.

(B) If monitoring is conducted annually or less frequently, the system is out of compliance if the level of a contaminant at any entry point is greater than the MCL. If a confirmation sample is collected as specified in subparagraph (v), compliance is determined using the average of the two sample results.

(C) If any sample result will cause the running annual average to exceed the MCL at any entry point, the system is out of compliance with the MCL immediately.

(D) If a system fails to collect the required number of samples, compliance with the MCL will be based on the total number of samples collected.

(E) If a sample result is less than the MRL, zero will be used to calculate compliance.

**§ 109.303. Sampling requirements.**

(a) The samples taken to determine a public water system's compliance with MCLs, MRDLs or treatment technique requirements or to determine compliance with monitoring requirements shall be taken at the locations identified in §§ 109.301, 109.302, 109.1003, 109.1103, 109.1202 and 109.1303 and as follows:

\* \* \* \* \*

(4) Samples for determining compliance with MCLs for organic contaminants listed by the EPA under 40 CFR 141.61 (relating to maximum contaminant levels for organic contaminants), inorganic contaminants listed by the EPA under 40 CFR 141.62 (relating to maximum contaminant levels for inorganic contaminants), and radionuclide contaminants listed by the EPA under 40 CFR 141.66 (relating to maximum contaminant levels for radionuclides) shall be taken at each entry point to the distribution system which is representative of each source after an application of treatment during periods of normal operating conditions. If a system draws water from more than one source and the sources are combined prior to distribution, the system shall sample at the entry point during periods of normal operating conditions when water is representative of all sources being used.

(5) Asbestos sampling points shall be at the distribution tap where asbestos contamination is expected to be the greatest based on the presence of asbestos cement pipe and lack of optimum corrosion control treatment, and at the entry point for each source which the Department has reason to believe may contain asbestos, except

that a collected distribution sample which is representative of a source may be substituted for a required entry point sample.

(6) Samples for determining compliance with MCLs for PFAS contaminants listed in § 109.202(a)(4) shall be collected at each entry point to the distribution system which is representative of each source after an application of treatment during periods of normal operating conditions. If a system draws water from more than one source and the sources are combined prior to distribution, the system shall sample at the entry point during periods of normal operating conditions when water is representative of all sources being used.

(b) The samples taken to determine a public water system's compliance with treatment technique and performance monitoring requirements shall be taken at a point that is as close as practicable to each treatment technique process and that is not influenced by subsequent treatment processes or appurtenances.

\* \* \* \* \*

**§ 109.304. Analytical requirements.**

(a) Sampling and analysis shall be performed in accordance with analytical techniques adopted by the EPA under the Federal act or methods approved by the Department.

\* \* \* \* \*

(e) A water supplier shall calibrate all turbidimeters used for compliance monitoring using the procedure specified by the manufacturer. At a minimum, calibration with an EPA-approved primary standard shall be conducted at least every 90 days. The Department may extend this 90-day calibration frequency if the calibration due date coincides with a holiday or weekend, or during a water system emergency which prevents timely calibration.

(f) For the purpose of determining compliance with the PFAS MCLs established in § 109.202(a)(4) (relating to State MCLs, MRDLs and treatment technique requirements), sampling and analysis for PFAS shall be conducted as follows:

(1) Sampling and analysis shall be according to the following approved methods and MRLs:

<i>Contaminant</i>	<i>Methods</i>	<i>MRL (ng/L)</i>
(i) PFOA	EPA 533, EPA 537.1, EPA 537 Version 1.1	5
(ii) PFOS	EPA 533, EPA 537.1, EPA 537 Version 1.1	5

(2) Analysis shall be conducted by a laboratory accredited by the Department.

(3) Accredited laboratories must determine the MDL for each analyte, according to the procedure in Appendix B, Revision 2 to 40 CFR Part 136 (relating to definition and procedure for the determination of the method detection limit) or as specified in the method.

(4) Accredited laboratories must analyze Performance Evaluation Samples provided by a third party at least once per year by each method for which the laboratory maintains certification. Results of Performance Evaluation Samples must be within ±30% of the true value.

(5) The MRL must be contained within the range of calibration.

**Subchapter D. PUBLIC NOTIFICATION**

**§ 109.411. Content of a public notice.**

(a) *Elements of a public notice.* When a public water system is required to give public notice under this subchapter, each public notice must include the following elements:

\* \* \* \* \*

(e) *Standard language for a public notice.* Public water systems shall include the following standard language in their public notice:

(1) *Standard health effects language for primary MCL or MRDL violations, treatment technique violations and violations of the condition of a variance or exemption.* Public water systems shall include in each public notice appropriate health effects language. This subchapter incorporates by reference the health effects language specified in 40 CFR Part 141, Subpart Q, Appendix B (relating to standard health effects language for public notification), corresponding to each primary MCL, MRDL and treatment technique violation listed in 40 CFR Part 141, Subpart Q, Appendix A (relating to NPDWR violations and other situations requiring public notice), and for each violation of a condition of a variance or exemption, unless other health effects language is established by regulations or order of the Department.

(i) The health effects language for fluoride is not incorporated by reference. Public water systems shall include the following health effects language in each Tier 2 public notice for violation of the primary MCL of 2 mg/L for fluoride:

“This is an alert about your drinking water and a cosmetic dental problem that might affect children under nine years of age. At low levels, fluoride can help prevent cavities, but children drinking water containing more than 2 milligrams per liter (mg/L) of fluoride may develop cosmetic discoloration of their permanent teeth (dental fluorosis). Dental fluorosis, in its moderate or severe forms, may result in a brown staining and or pitting of the permanent teeth. This problem occurs only in developing teeth, before they erupt from the gums. Drinking water containing more than 4 mg/L of fluoride (the U.S. Environmental Protection Agency’s drinking water standard) can increase your risk of developing bone disease.”

(ii) Public water systems shall include the following health effects language in each Tier 2 public notice for violation of the primary MCL for PFOA:

“Drinking water containing PFOA in excess of the MCL of 14 ng/L may cause adverse health effects, including developmental effects (neurobehavioral and skeletal effects).”

(iii) Public water systems shall include the following health effects language in each Tier 2 public notice for violation of the primary MCL for PFOS:

“Drinking water containing PFOS in excess of the MCL of 18 ng/L may cause adverse health effects, including decreased immune response.”

(2) *Standard language for violations of monitoring requirements.* Public water systems shall include the following language in their notice, including the language necessary to fill in the blanks, for all violations of monitoring requirements listed in 40 CFR Part 141, Subpart Q, Appendix A:

\* \* \* \* \*

**§ 109.416. CCR requirements.**

This section applies only to community water systems and establishes the minimum requirements for the content of the annual CCR that each system shall deliver to its customers. This report must contain information on the quality of the water delivered by the system and characterize the risks, if any, from exposure to contaminants detected in the drinking water in an accurate and understandable manner.

\* \* \* \* \*

(3) Except as noted in subparagraphs (i)–(v), the annual report that a community water system provides to its customers shall contain all of the information, mandatory language and optional text specified by the EPA under 40 CFR 141.153 and 141.154 (relating to content of the reports; and required additional health information), which are incorporated by reference, and under 40 CFR 141, Subpart O, Appendix A (relating to regulated contaminants), which is incorporated by reference, unless other information, mandatory language or optional text is established by regulations or order of the Department. The health effects language for fluoride is not incorporated by reference. Public water systems shall include the health effects language specified in § 109.411(e)(1)(i) (relating to content of a public notice) for violation of the primary MCL of 2 mg/L fluoride.

(i) If a water system wants to use wording of its own choice in place of optional text, the water supplier shall submit the proposed wording to the Department for review and written approval prior to including it in its annual CCR. Once approved, the water supplier’s wording may be used in future CCRs without further approval from the Department as long as it is not changed and is still applicable.

(ii) The CCR shall contain information in Spanish regarding the importance of the report or contain a telephone number or address where persons served may contact the water system to obtain a translated copy of the report or to request assistance.

(iii) For each non-English-speaking group other than Spanish-speaking that exceeds 10% of the residents for systems serving at least 1,000 people or 100 residents for systems serving less than 1,000 people, and speaks the same language other than English, the report shall contain information in the appropriate languages regarding the importance of the report or contain a telephone number or address where persons served may contact the water system to obtain a translated copy of the report or to request assistance in the appropriate language. The Department will make the final determination of which systems need to include this information.

(iv) For the purpose of defining how certain portions of a CCR shall appear, the term “prominently display” as used in 40 CFR 141.154(a) means that the information shall be printed either in a larger size typeface or bolded or enclosed within a border or all these so as to make the information conspicuous in comparison to the rest of the text appearing before and after the prominently displayed text. Prominently displayed text placed away from other text (such as, in a highlighted or boxed area) shall be printed no smaller than the text used elsewhere in the body of the report, excluding main or section titles.

(v) Information contained in a CCR shall appear in an easy-to-read format. Font sizes below 10 points or color combinations, or both, that make it difficult for persons to read and understand the information contained in the CCR may not be used.

(3.1) Public water suppliers required to conduct monitoring for PFAS under § 109.301(16) (relating to monitoring requirements) shall also include at a minimum the following information:

- (i) Information on results detected.
- (A) MCL in ng/L.
- (B) MCLG in ng/L.
- (C) Highest level detected in ng/L.
- (D) Range of detections in ng/L.
- (E) Sample dates.
- (F) Whether a violation occurred.

(G) *Sources of contamination.* The likely sources of detected contaminants to the best of the public water supplier’s knowledge. Specific information regarding contaminants may be available in sanitary surveys or source water assessments and should be used when available. If the public water supplier lacks specific information on the likely source or sources of the contaminant or contaminants, the following statement shall be used:

“Discharge from manufacturing facilities and runoff from land use activities.”

(ii) *Health effects language.* Public water systems shall include the health effects language specified in § 109.411(e)(1)(ii) and (iii) for violation of a primary MCL for PFAS specified in § 109.202(a) (relating to State MCLs, MRDLs and treatment technique requirements).

(4) Each community water system shall do the following:

(i) Mail or otherwise directly deliver to each customer one copy of the annual CCR no later than the date specified in paragraph (2).

(ii) Mail a paper copy of the annual CCR to the Department no later than the date the water system is required to distribute the CCR to its customers.

\* \* \* \* \*

**Subchapter E. PERMIT REQUIREMENTS**

**§ 109.503. Public water system construction permits.**

(a) *Permit application requirements.* An application for a public water system construction permit shall be submitted in writing on forms provided by the Department and shall be accompanied by plans, specifications, engineer’s report, water quality analyses and other data, information or documentation reasonably necessary to enable the Department to determine compliance with the act and this chapter. The Department will make available to the applicant the Public Water Supply Manual, available from the Bureau of Safe Drinking Water, Post Office Box 8467, Harrisburg, Pennsylvania 17105 which contains acceptable design standards and technical guidance. Water quality analyses shall be conducted by a laboratory accredited under this chapter.

(1) *General requirements.* An application must include:

\* \* \* \* \*

(iii) *Information describing new sources.* Information describing new sources must include the items specified in clauses (A)—(F). The information specified in clauses (C) and (D) may not be more than 2 years old from the date the permit application is submitted unless the Department approves the use of data more than 2 years old. The Department may accept approval of an out-of-State source by the agency having jurisdiction over

drinking water in that state if the supplier submits adequate proof of the approval and the agency’s standards are at least as stringent as this chapter:

\* \* \* \* \*

(D) An evaluation of the quality of the raw water from each new source. For groundwater sources, the evaluation shall be conducted at the conclusion of the constant rate aquifer test. This clause does not apply when the new source is finished water obtained from an existing permitted community water system unless the Department provides written notice that an evaluation is required. The evaluation must include analysis of all of the following:

\* \* \* \* \*

(XIV) For groundwater sources, the monitoring specified in § 109.302(f) (relating to special monitoring requirements) if the Department determines that the source is susceptible to surface water influence.

(XIV.1) PFAS for which MCLs have been established under § 109.202(a) (relating to State MCLs, MRDLs and treatment technique requirements).

(XV) Other contaminants that the Department determines necessary to evaluate the potability of the source.

\* \* \* \* \*

**Subchapter F. DESIGN AND CONSTRUCTION STANDARDS**

**§ 109.602. Acceptable design.**

(a) A public water system shall be designed to provide an adequate and reliable quantity and quality of water to the public. The design must ensure that the system will, upon completion, be capable of providing water that complies with the primary and secondary MCLs, MRDLs and treatment techniques established in Subchapters B, K, L and M except as further provided in this section.

\* \* \* \* \*

(i) Alarm and shutdown capabilities must conform to all of the following:

\* \* \* \* \*

(3) Be capable of notifying the available operator on duty of events triggering an alarm or plant shutdown.

(j) *PFAS.*

(1) The Department identifies the following treatment technologies as acceptable for achieving compliance with the MCLs for PFAS, established under § 109.202(a) (relating to State MCLs, MRDLs and treatment technique requirements):

- (i) GAC.
- (ii) Ion exchange.
- (iii) Reverse Osmosis.

(2) Other treatment technologies may be approved by the Department if the applicant demonstrates the alternate technology is capable of providing an adequate and reliable quantity and quality of water to the public.

**Subchapter G. SYSTEM MANAGEMENT RESPONSIBILITIES**

**§ 109.701. Reporting and recordkeeping.**

(a) *Reporting requirements for public water systems.* Public water systems shall comply with the following requirements:

\* \* \* \* \*

(3) *One-hour reporting requirements.* A public water supplier shall report the circumstances to the Department within 1 hour of discovery for the following violations or situations:

(i) A primary MCL or an MRDL has been exceeded or a treatment technique requirement has been violated under Subchapter B, K, L or M.

(ii) A sample result requires the collection of check or confirmation samples under § 109.301.

(iii) Circumstances exist which may adversely affect the quality or quantity of drinking water including, but not limited to:

\* \* \* \* \*

**Subchapter J. BOTTLED WATER AND VENDED WATER SYSTEMS, RETAIL WATER FACILITIES AND BULK WATER HAULING SYSTEMS**

**§ 109.1003. Monitoring requirements.**

(a) *General monitoring requirements.* Bottled water and vended water systems, retail water facilities and bulk water hauling systems shall monitor for compliance with the MCLs, MRDLs and treatment techniques as follows, except that systems which have installed treatment to comply with a primary MCL shall conduct quarterly operational monitoring for the contaminant which the treatment is designed to remove:

(1) Bottled water systems, retail water facilities and bulk water hauling systems, for each entry point shall:

\* \* \* \* \*

(xiv) Beginning April 28, 2018, a system that uses or obtains finished water from another permitted public water system using surface water or GUDI sources shall comply with the following requirements:

\* \* \* \* \*

(C) When the requirements of clause (A) or (B) cannot be achieved, the supplier shall initiate an investigation under the Department's direction to determine the cause, potential health risks and appropriate remedial measures.

(xv) Beginning January 1, 2024, monitor for compliance with the MCLs for PFAS established under § 109.202(a).

(A) *Monitoring exemption.* Systems that obtain finished water from another permitted public water system are exempt from conducting monitoring for PFAS if the public water system supplying the finished water performs the required monitoring at least annually and a copy of the analytical reports are received by the Department.

(B) *Initial monitoring.* Initial monitoring shall consist of 4 consecutive quarterly samples at each entry point. Systems that add new sources to new or existing entry points on or after January 1, 2024, shall conduct initial monitoring according to this clause. An entry point with one or more new sources shall be monitored for 4 consecutive quarters, beginning the first full quarter the entry point begins serving the public.

(C) *Repeat monitoring.* Repeat monitoring for entry points shall be conducted as follows:

(I) For an entry point at which a PFAS is detected during initial monitoring or where a PFAS is detected anytime at a level in excess of its MCL, compliance monitoring for the detected PFAS shall be conducted quarterly. After analyses of four consecutive quarterly samples at an entry point, including initial quarterly monitoring samples, demonstrate that the PFAS level in each quarterly sample is reliably and consistently below

the MCL, the required compliance monitoring is reduced to one sample per year at that entry point for the detected PFAS.

(II) For an entry point at which a PFAS is not detected during the initial and subsequent repeat monitoring, repeat monitoring shall be one sample per year from that entry point.

(D) *Confirmation samples.* A confirmation sample shall be collected and analyzed for each of the PFAS detected in exceedance of its MCL during annual monitoring. The confirmation sample shall be collected within 2 weeks of notification from the accredited laboratory performing the analysis of the MCL exceedance.

(E) *Repeat and performance monitoring for entry points with PFAS removal treatment.* Compliance monitoring shall be conducted annually at entry points with PFAS treatment. Performance monitoring shall be conducted at least quarterly for the specific PFAS for which treatment is provided.

(F) *Invalidation of PFAS samples.*

(I) The Department may invalidate results of obvious sampling errors.

(II) A sample invalidated under this clause does not count towards meeting the minimum monitoring requirements of this subparagraph.

(G) *Compliance determinations.* Compliance with the PFAS MCLs shall be determined based on the analytical results obtained at each entry point. If one entry point is in violation of an MCL, the system is in violation of the MCL.

(I) For systems monitoring more than once per year, compliance with the MCL is determined by a running annual average of all samples taken at each entry point.

(II) If monitoring is conducted annually, the system is out of compliance if the level of a contaminant at any entry point is greater than the MCL. If a confirmation sample is collected as specified in clause (D), compliance is determined using the average of the two sample results.

(III) If any sample result will cause the running annual average to exceed the MCL at any entry point, the system is out of compliance with the MCL immediately.

(IV) If a system fails to collect the required number of samples, compliance with the MCL will be based on the total number of samples collected.

(V) If a sample result is less than the MRL, zero will be used to calculate compliance.

(2) Vended water systems shall monitor in accordance with paragraph (1) except that vended water systems qualifying for permit by rule under § 109.1005(b), for each entry point shall:

\* \* \* \* \*

(b) *Sampling requirements.*

\* \* \* \* \*

(3) Sampling and analysis shall be performed in accordance with analytical techniques adopted by the EPA under the Federal act or methods approved by the Department in accordance with § 109.304.

(4) Compliance monitoring samples for VOCs, as required under subsection (a)(1)(iii), shall be collected by a person properly trained by a laboratory certified by the Department to conduct VOC or vinyl chloride analysis.

- (6) [Reserved].
- (c) *Repeat monitoring for microbiological contaminants.*  
\* \* \* \* \*

**Subchapter N. DRINKING WATER FEES**

**§ 109.1403. Monitoring waiver fees.**

(a) *New waivers.* An application for a new waiver from the monitoring requirements in §§ 109.301 and 109.302 (relating to general monitoring requirements; and special monitoring requirements) for a single source must be accompanied by a fee as follows:

Waiver Type	New Waiver Fee
VOC use waiver	\$100
SOC use waiver	\$100
SOC susceptibility waiver	\$300
IOC waiver	\$100
PFAS use waiver	\$100

(b) *Waiver renewals.* An application for a waiver renewal from the monitoring requirements in §§ 109.301 and 109.302 for a single source must be accompanied by the appropriate fee as follows:

\* \* \* \* \*

[Pa.B. Doc. No. 23-46. Filed for public inspection January 13, 2023, 9:00 a.m.]

**Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS**

**STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS**

**[ 49 PA. CODE CH. 19 ]**

**Fee Increase**

The State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) and the Commissioner of the Bureau of Professional and Occupational Affairs (Commissioner) amend § 19.4 (relating to fees) to read as set forth in Annex A.

*Effective Date*

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*. The increased biennial renewal fees will be implemented beginning with the June 1, 2023—May 31, 2025, biennial renewal period. Thereafter, the subsequent graduated increase will be implemented with the biennial renewal for June 1, 2025—May 31, 2027. The graduated increase in initial licensure application fees will be implemented on July 1, 2023, and again on July 1, 2025.

*Statutory Authority*

Under section 302(a)(9) of the Board of Vehicles Act (act) (63 P.S. § 818.302(a)(9)), the Board is authorized to adopt, promulgate and enforce these rules and regulations consistent with the act as are deemed necessary and proper to effectuate the provisions of the act. Section 304 of the act (63 P.S. § 818.304) requires license holders to pay a biennial renewal fee. Section 321(c) of the act (63 P.S. § 818.321(c)) requires applications for licensure

to be accompanied by the required fee. Under section 330(a) of the act (63 P.S. § 818.330(a)), all fees shall be fixed by the Board by regulation and shall be subject to review in accordance with the Regulatory Review Act (71 P.S. § 745.1—745.14). Section 330(a) further requires the Board to increase fees when revenues generated by fees, fines and civil penalties are insufficient to match expenditures over a 2-year period.

*Background and Need for the Amendments*

This final-form rulemaking increases application fees to reflect updated costs of processing applications and increases all of the Board’s biennial renewal fees to ensure its revenue meets or exceeds the Board’s current and projected expenses. Section 330(a) of the act requires the Board to increase fees if the revenues generated by fees, fines and civil penalties imposed are not sufficient to meet the expenditures over a 2-year period. The Board raises approximately 93% of its revenue through initial application and renewal fees. The remaining 7% of its revenue comes from other fees, fines and civil penalties. The Board last increased its initial application fees in 2000 and license renewal fees in 2007.

When the Board decided that a fee increase was necessary, the Department of State’s Bureau of Finance and Operations (BFO) reported the Board’s income and expenses since fiscal year (FY) 2017-2018. In FY 2017-2018, the Board incurred \$2,963,270.71 in expenditures and generated only \$947,667.84 in revenue, with a remaining balance of \$1,130,724.10. In FY 2018-2019, the Board incurred \$3,079,102.63 in expenditures and generated \$4,584,031.19 in revenue, with a remaining balance of \$2,635,652.66. In FY 2019-2020, the Board anticipated expenditures of \$3,031,000 and generated \$932,000 in revenue, with a remaining balance of \$536,652.66. In FY 2020-2021, the Board anticipated expenditures of \$3,171,000 and generated \$4,007,000 in revenue, with a remaining balance of \$1,372,652.66. In FY 2021-2022, the Board was projected to incur \$3,122,000 in expenditures and generate \$932,000 in revenue, with a deficit balance of (\$817,347.34) at the end of FY 2021-2022. In FY 2022-2023, without a fee increase, the Board was projected to incur \$3,266,000 in expenditures and generate \$4,007,000 in revenue, resulting in a remaining balance of (\$76,347.34). Finally, in FY 2023-2024, the Board is projected to incur \$3,216,000 in expenditures and generate \$932,000 in revenue, with a deficit balance of (\$2,360,347.34) at the end of FY 2023-2024. Thus, the BFO’s data demonstrated that the Board’s revenue is not sufficient to meet or exceed its expenditures over a 2-year period. The BFO recommended, and the Board agreed, to amend a total of 16 fees, consisting of eight initial application fees and eight biennial renewal fees on a graduated basis.

The Board released an exposure draft of a proposed annex reflecting fee increases for public comment from stakeholders, interested parties and representatives of the licensed professions on August 6, 2020. Thereafter, notice of the proposed rulemaking was published at 51 Pa.B. 3230 (June 12, 2021) for review and comment. Publication was followed by a 30-day public comment period during which the Board received no public comments. In addition, the House Professional Licensure Committee (HPLC) and Senate Consumer Protection/Professional Licensure Committee (SCP/PLC) did not submit comments. The Independent Regulatory Review Commission (IRRC) submitted comments as detailed as follows.

*Summary of Comments and the Board and Commissioner's Response*

*Reasonableness of fee increases*

First, IIRC asked the Board to explain why increasing the initial application and renewal fees are reasonable. Regarding application fees, initial application fees for salespersons, manufacturer representatives or distributor representatives, manufacturers, manufacturer or distributor branches, distributors, dealers, auctions, and dealer branch lots were last increased in 2000. The Board, with the encouragement and support of the Bureau of Professional and Occupational Affairs (Bureau), determined that a re-evaluation of all application fees for all boards and commissions was appropriate. The Board evaluated all of its application fees and found that fees currently charged did not cover the costs to process applications. Boards and commissions under the Bureau determine initial application fees by calculating the cost to process applications. This approach is fair and reasonable because existing licensees, who pay biennial renewal fees, should not be burdened with financing the cost to process individual applications. As a part of the fee increase recommendations, the BFO recommended graduated application and biennial renewal fee increases so that the application fee increases are more reflective of actual costs to process applications and coincide more closely with the projected expenses for each biennium. The Board adopts the graduated fee schedule in an effort to minimize the impact of fee increases to licensees and to ensure that fee increases only occur when it is fiscally necessary to do so.

When calculating application fees, boards rely on time study reports created within the Bureau that lay out each step in processing an application and the amount of time it takes to complete each step. That amount of time per application is multiplied by the total number of anticipated application requests for 1 year to get the total number of minutes per year necessary to process applications. (The number of minutes per year is multiplied by two since the increases are biennial.) Application fees are based on a formula that multiplies the number of minutes to perform the processing function by the pay rate for the classification of the personnel performing the function and adding a proportionate share of administrative overhead. As reflected in the fee report forms, Board counsel has a significant role in the initial application process. Applications that contain a criminal conviction history must be reviewed and approved by Board counsel. Depending on the applicant's criminal conviction, Board counsel may have to perform additional functions as part of the application process.

The Board and the Commissioner submit that the graduated application fee increases are appropriate and reasonable because the increased fees are projected to cover the cost to process the applications for that biennial period. The Board carefully considered the best way to implement an increase in application fees and determined that a graduated fee schedule is favorable because it aligns the actual cost to process applications in each biennial period with the fee for that period. While the Board is reluctant to put additional fiscal burdens on its licensees and applicants, the increased fees are not significant when looking at the total increase in dollars. Moreover, even with the implementation of the graduated fee increase, the Board's fees are still comparable with other states. The Board and the Commissioner do not believe the increases will deter applicants from applying for licensure in this Commonwealth or put this Commonwealth at a competitive disadvantage. Biennial renewal

fees were last increased in 2007. Biennial renewal fees go towards the costs of operating the board, which includes the Bureau, Commissioner and Revenue office costs, departmental services, board member expenses, legal office costs, hearing expenses and costs relating to enforcement and investigations. While the Board is cognizant of the desire of licensees to keep licensure fees low, the Board must balance that desire with the need to generate sufficient revenue to ensure the fiscal integrity of the Board and to assure that the Board is fiscally able to carry out its duties under the act.

*Comparison to other States shows that fee increases are reasonable*

In comparing the Board's fees to other states, of the states in the Northeastern Region (Connecticut, Delaware, Maine, New Hampshire, New Jersey, New York, Rhode Island, Ohio, Massachusetts, Pennsylvania, Maryland and West Virginia), only Ohio, Maryland and West Virginia require licensure for salespersons, with applications fees of \$10, \$67.50 and \$32—\$60 (\$25 examination fee plus \$7 fee for every year to be licensed, up to 5 years), respectively. Maryland requires renewal every 3 years at \$202.50, Ohio requires annual renewal at a cost of \$10 and West Virginia licenses renew every 5 years at a cost of \$10. The states that require initial licensure applications for salespersons charge fees ranging from \$10 to \$67.50. Pennsylvania currently charges a fee of \$25 for a new salesperson application, with the proposed increase raising that fee to \$65 effective July 1, 2023, and to \$70 effective July 1, 2025. Only Ohio (\$10) will have an initial salesperson license application fee lower than Pennsylvania. The states that charge salesperson license renewal fees range from \$10 to \$202.50. In addition, Pennsylvania currently charges a fee of \$90 for a salesperson license renewal application, with the proposed increase raising that fee to \$113 effective June 1, 2023, and to \$141 effective June 1, 2025. Only Ohio (\$10 annually) and West Virginia (\$10) will have license renewal fees lower than Pennsylvania. However, based upon the Board's experience in the vehicle profession, it does not believe that the \$10 to \$60 difference in initial salesperson application fees and the \$61.50 difference in salesperson renewal application fees will deter salesperson applicants or licensees from obtaining and renewing licenses.

When considering this proposed fee increase, the Board conducted a comparison of application fees and renewal fees charged by surrounding states. The Board found that even by comparing the highest fee increases, the Commonwealth's application fees and renewal fees are still in line with fees charged in surrounding states. The application and renewal fees for dealers vary widely. The license application fees for dealers are: Connecticut \$140, Delaware \$100, Maine \$150, Maryland \$225, New Hampshire \$250, New Jersey \$257.50, New York \$487.50, Massachusetts is set by each municipality, Ohio \$254.75, Rhode Island \$302.50, West Virginia \$250 and Vermont \$503. Not all of the states requiring licensure require renewal. The following states renew biennially: Connecticut (new car dealer \$700; used car dealer \$560), Maryland (\$225), New York (\$487.50) and Ohio (\$254.75). The following states renew annually: New Hampshire (\$400 + based upon number of dealer plates), New Jersey (\$100), West Virginia (\$250) and Vermont (\$503). Connecticut, Maine and Pennsylvania are the only states that license dealer branch lots, with Connecticut and Maine charging \$100. Pennsylvania currently charges a fee of \$65 for new dealer and dealer branch lot applications, with the proposed increase raising those fees to \$175 effective July 1,

2023, and to \$190 effective July 1, 2025. Additionally, Pennsylvania currently charges a fee of \$175 for a biennial renewal for dealers and dealer branch lots, with the proposed increase raising those fees to \$219 effective June 1, 2023, and to \$274 effective June 1, 2025. The states that require initial licensure applications for dealers charge fees ranging from \$100 to \$503. Connecticut (\$140), Delaware (\$100) and Maine (\$150) will have initial license application fees lower than Pennsylvania. The states that charge license renewal fees range from \$100 to \$700. Connecticut (\$100) and Maine (\$150) will have license renewal fees lower than Pennsylvania. However, based upon the Board's experience in the vehicle profession, it does not believe that the \$40 to \$90 difference in dealer initial application fees and \$124 difference in renewal application fees will deter dealer applicants or licensees from obtaining and renewing licenses.

Connecticut, Delaware, Maine, Maryland, Ohio, New Jersey, Rhode Island and West Virginia require licensure of manufacturers. Manufacturers in those states charge initial licensure fees of \$2,300; \$75; \$1,500; \$180—\$1,800 (depending on the number of cars made); \$100; \$257.50; \$302.50 and \$250, respectively. Of the previous states, only Connecticut, Delaware, Maryland and Rhode Island charge a biennial renewal of \$2,300; \$100; \$180—\$1,800 (depending on the number of cars made); and \$302.50; respectively. Pennsylvania currently charges a fee of \$30 for a manufacturer application, with the proposed increase raising those fees to \$90 effective July 1, 2023, and to \$100 effective July 1, 2025. Pennsylvania currently charges a fee of \$250 for a biennial renewal for a manufacturer, with the proposed increase raising those fees to \$313 effective June 1, 2023, and to \$391 effective June 1, 2025. Additionally, of the states that license manufacturers, only Maryland and Pennsylvania charge a fee to license manufacturer branches; Maryland's manufacturer branch application fee is \$1,800. Pennsylvania currently charges a fee of \$30 for a manufacturer branch application, with the proposed increase raising those fees to \$90 effective July 1, 2023, and to \$100 effective July 1, 2025. For biennial renewal, Pennsylvania currently charges a fee of \$175 for a manufacturer branch, with the proposed increase raising those fees to \$219 effective June 1, 2023, and to \$274 effective June 1, 2025. The states that require initial licensure applications for manufacturers charge fees ranging from \$75 to \$2,300. Only Delaware (\$75) will have an initial license application fee lower than Pennsylvania. Delaware (\$100) and Rhode Island (\$302.50) are the only states that charge a manufacturer renewal fees that will be lower than Pennsylvania. Based upon the Board's experience in the vehicle profession, it does not believe that a \$25 difference in initial fees and \$88.50 to \$291 in manufacturer renewal fees will deter manufacturer applicants or licensees from obtaining and renewing licenses.

Ohio, Connecticut, Delaware, Massachusetts and Rhode Island require licensure of manufacturer representatives; in Massachusetts, manufacturer representatives are licensed at the municipal level. The application fee in Ohio is \$154.75; in Connecticut and Delaware, manufacturer representatives are licensed by the Department of Revenue annually at \$100 and \$75, respectively; and in Rhode Island, the application fee is \$102.50 and annually renews at a fee of \$102.50. Pennsylvania currently charges a fee of \$25 for a new manufacturer representative application, with the proposed increase raising that fee to \$65 effective July 1, 2023, and to \$70 effective July 1, 2025. Additionally, Pennsylvania currently charges a

fee of \$90 for a biennial renewal for a manufacturer representative, with the proposed increase raising that fee to \$113 effective June 1, 2023, and to \$141 effective June 1, 2025. The states that require initial licensure applications for manufacturer representatives charge fees ranging from \$75 to \$154.75, all of which remain higher than the proposed fee for Pennsylvania. The only state that charges a manufacturer representative license renewal fee is Rhode Island (\$102.50). Based upon the Board's experience in the vehicle profession, it does not believe that an increase in manufacturer representative initial application fees and the \$38.50 difference in vehicle manufacturer representative renewal application fees will deter manufacturer representative applicants or licensees from obtaining and renewing licenses.

Maine, Ohio, New York and West Virginia are the only states licensing or requiring a permit for auctions. The fee in Maine is \$150 annually. Ohio auction fees range from \$100 for auctions to \$7,500 for construction equipment auctions. New York auction fees range from \$100—\$500. The West Virginia auction fee is \$250. Pennsylvania currently charges a fee of \$65 for a new auction application, with the proposed increase raising that fee to \$175 effective July 1, 2023, and to \$190 effective July 1, 2025. Of the previously listed states that license auctions, Ohio and West Virginia charge a biennial renewal fee of \$10. Pennsylvania currently charges an initial application fee of \$65, with the proposed increase raising that fee to \$175 effective July 1, 2023, and to \$190 effective July 1, 2025. Additionally, Pennsylvania currently charges a renewal fee of \$175 for an auction, with the proposed increase raising that fee to \$219 effective June 1, 2023, and to \$274 effective June 1, 2025. The states that require initial licensure applications for auctions charge fees ranging from \$100 to \$7,500. Only Ohio (\$100 for auctions) will have an initial auction license application fee lower than Pennsylvania. Ohio (\$10) and West Virginia (\$10) are the only states that charge auction renewal fees that will be lower than Pennsylvania. Based upon the Board's experience in the vehicle profession, it does not believe that the \$90 difference in auction initial application fees and \$274 in auction renewal application fees will deter auction applicants or licensees from obtaining and renewing licenses.

Delaware, Maine, Maryland and Ohio currently license distributors, with an initial licensure fee for Delaware of \$100 per year (with an additional \$75 for a wholesale license); Maine charging \$1,500; Maryland fees ranging from \$180—\$1,800 (depending on the number of cars sold); and Ohio charging \$154.75. Of the previous, only Delaware and Maryland charge a biennial renewal fee of \$100 and \$450, respectively. Pennsylvania currently charges a fee of \$30 for a new distributor or distributor branch application, with the proposed increase raising those initial application fees to \$90 effective July 1, 2023, and to \$100 effective July 1, 2025. Additionally, Pennsylvania currently charges a fee of \$175 for a biennial renewal for a distributor, with the proposed increase raising that fee to \$219 effective June 1, 2023, and to \$274 effective June 1, 2025. The states that require initial licensure applications for distributors charge fees ranging from \$100 to \$1,800. A state that charges a fee will not have initial distributor license application fees lower than Pennsylvania. Delaware (\$100) is the only state that charges a distributor renewal fee that will be lower than Pennsylvania. Based upon the Board's experience in the vehicle profession, it does not believe that a distributor initial application fee increase and the \$174

difference in distributor renewal fees will deter distributor applicants or licensees from obtaining and renewing licenses.

#### *Controlling expenses*

IRRC asked the Board what steps have been taken to control expenses. The BFO meets with the Board annually to review its budget for the prior fiscal year and to suggest any measures they see that may assist the Board with minimizing costs. One area in which the Board has lowered its costs from previous years has been to limit the amount of travel that Board members take to various association meetings, both in-State and out-of-State, instead encouraging attendance virtually. The Board has also converted its meetings to a hybrid format, wherein Board members are permitted to attend either in-person or virtually. This has allowed the Board to decrease expenses related to hotel and mileage reimbursement for those Board members that choose to attend virtually.

The majority of the Board's operational costs are personnel-related, and much of those costs are not within the Board's control. Staff are generally employees of the Commonwealth, most of whom are civil service personnel; many are in union positions. For these employees, the Board is bound by the negotiated contract. Personnel costs associated with investigation and enforcement depend largely on the number of complaints received that need to be investigated, and the number of those matters that result in disciplinary action. The Board has no control over the number of complaints that are filed against licensees and unlicensed individuals, nor may they control which matters are, or are not, prosecuted. Application fees are calculated to cover the cost of processing applications while the biennial fees are calculated to ensure that the Board can meet or exceed its operational costs.

#### *The Board's fee increase represents the least burdensome alternative.*

Next, IRRC asked the Board to explain how the Board's fee increase represents the least burdensome alternative for applicants and existing licensees. As a part of the BFO's fee increase recommendations, the BFO recommended graduated application and biennial renewal fee increases so that the application fee increases are reflective of actual costs to process applications and so that biennial renewal fees coincide more closely with the projected expenses for each biennium. The Board adopts the graduated fee schedule in an effort to minimize the impact of fee increases to licensees and to ensure that fee increases only occur when it is fiscally necessary to do so.

The Board considers this regulation to be the least burdensome and acceptable alternative, consistent with public health, safety and welfare. This increase is necessary to ensure the fiscal integrity of the Board and to assure that the Board's mandate to protect the health, safety and welfare of the public is carried out. The last time that the Board approved an increase in initial application fees was 2000 and biennial renewal fee increase was in 2007.

When the BFO first alerted the Board that fee increases were necessary, the Board was looking at substantial increases in biennial renewal fees only. The Board later decided to incorporate increased fees for application fees to reflect the current costs to process those applications. The Board considered a one-time 20% increase in application and renewal fees and determined that a graduated increase offered the best protection of the Board against the loss of licensees resulting from the

natural fluctuations in the industry and provision of resources to the Board for compliance with statutory requirements. However, the Board incorporated graduated fee increases for applications and biennial fees over the course of 2 biennial periods so that the fees for each biennium more accurately reflected the actual costs for each biennial period. The Board adopted what it believed to be the least burdensome acceptable fee structure as this method minimizes the impact of fee increases to licensees and ensures that fee increases only occur when it is fiscally necessary to do so.

#### *Factors that have contributed to the rise in the number of investigations, open cases and disciplinary matters.*

Based, in part, on costs for this Board for investigations, legal services and hearings, the Board anticipates that its expenditures will continue to increase because the cost to operate the Board continues to grow due factors outside of the Department's control. Since FY 2011-2012, the Board's revenue has held stagnant, but the expenditures are now outpacing the revenues.

Over the last few fiscal years, the Board has had some sizable increases to expenses for a variety of reasons. One of the largest financial impacts for the Board was the incorporation of The Pennsylvania Justice Network (JNET), due in part to the enactment of the act of February 15, 2018 (P.L. 14, No. 6) (Act 6 of 2018), which requires mandatory self-reporting of criminal convictions. The Board uses JNET to identify criminal convictions of licensees and to verify compliance with Act 6 of 2018's mandatory reporting requirement. Initially, the Board was one of three boards under the Bureau that incorporated JNET criminal notifications into their business processes. Across the three boards, there was a sizable 27.5% average increase in the number of complaints being processed and opened for prosecution. With the additional complaints, increased expenses due to higher prosecutions, investigations, expert witness usage and hearings resulted. Since incorporation of JNET, expenses have been relatively steady in all of these cost categories. More than likely, this new level of legal workload is one that will be part of the financial picture for the Board going forward, as the JNET reports that are submitted to the Board show no signs of slowing. The public is also permitted to submit complaints electronically by means of the Pennsylvania Licensing System (PALS) web site, which is a function that was not available in the past.

IRRC also asked the Board if the open investigations, open cases and sanctions resulted in a substantial increase in fines and civil penalties. While the Board has the ability to assess fines, civil penalties, and attempts to recoup the cost of investigations, it does not have the ability to enforce that those fees be paid back to the Board, as that is a function limited to the Department of State's prosecution division. If the civil penalty has not been paid after 30 days, the Board may also forward the matter to the Attorney General's office for collection. Investigative costs have remained relatively level over the course of the past few fiscal years, while legal and hearing expenses have certainly increased over time. The fines, civil penalties and investigation recoupment were never designed to fully cover the cost of the work completed, therefore, the funds to complete these activities must be covered by the licensees.

With the incorporation of JNET, the Board is now alerted to any licensee that may be arrested and convicted, whether that license is active or not. In the past, the Board would not be notified of these arrests and convictions until a licensee filed a renewal application or

if a licensee self-reported. As a result, many new files are opened that were not opened prior to JNET. Of those new files, a large portion are closed when the arrest does not result in a conviction. Even when the Board imposes significant fines or civil penalties, the Board is not very successful in collecting those fines or civil penalties. For example, a salesperson is more likely to abandon their license and leave the profession than pay a large fine. Additionally, when the Board turns over a collection to the Office of Attorney General, the Board pays a 25% collection fee. Generally, the boards do not budget in a manner that depends on fines and civil penalties because as a revenue stream they are undependable.

*Which newly enacted amendments require increased revenue necessary for the Board to carry out its obligations?*

IRRC asked the Board which newly enacted amendments to the act require increased revenue for the Board to carry out its obligations. The act was amended in 2018 to allow the Board to issue temporary permits for new dealers. The Board anticipated an increase in costs due to investigations that may arise for temporary permit holders. Additionally, the act was amended in 2018 to renumber each section as well as separate all sections related to recreational vehicles. The amendments created additional statutory conditions for out-of-State dealers participating in recreational vehicle (RV) shows, including posting of a bond and payment of a participation fee. These new requirements may impact investigative and legal costs due to responding to complaints regarding out-of-State RV dealers' participation and compliance with the act.

*Information technology upgrade*

In addition to the legal increases, all 29 boards and commissions under the Bureau have undergone an information technology transformation upgrade with the incorporation of PALS. Expenses associated with PALS, including the initial build as well as ongoing maintenance, are proportionately spread across all entities based on licensee population to effectively share costs per licensee. While the initial build is in the past, it has contributed to higher administrative expenses for all boards and commissions during the last few fiscal years. Due to PALS' high functioning database with enhanced features over the Department's previous License 2000 platform, maintenance for this system requires a larger financial commitment from all boards and commissions than the previous system. The Board anticipates that the maintenance costs for the PALS system will decrease from its prior levels as the system becomes more consistent in its functionality.

*Other Comments on the Regulatory Analysis Form*

IRRC commented that the Board did not attach to the Regulatory Analysis Form (RAF) the fee report forms for the biennial renewal fees. Renewal fees are not calculated on a per cost basis the way initial application fees are calculated. Thus, the Board does not create fee report forms to accompany renewal fee recommendations. Initial application fees are developed at cost fee whereas renewal fees are developed to generate revenue to meet or exceed the Board's expenditures.

IRRC commented that the Board included inconsistent figures for the number of license renewals in questions 16 and 17 of the RAF. This error was caused by one section indicating annual figures and the other biennial figures. The revisions are made to each document. IRRC also asked the Board to update the dates of Board meetings in questions 14 and 30 of the RAF. The Board makes the suggested updates in the RAF.

IRRC asked the Board to include in this final-form rulemaking the actual expenditure figure for FY 2019-2020. The actual expenses for FY 2019-2020 are \$2,891,103.52. An updated Annual Board Budget Report is added to the RAF.

*Titles of fees*

IRRC asked the Board to make certain that titles of fees are consistently used in the preamble, RAF and this final-form rulemaking. To make terms consistent among documents, the Board in the proposed rulemaking chose to revise the term "factory" to "manufacturer" in § 19.4 of the regulation. The Board would note that "factory" is an outdated term that was used interchangeably in the past with the term "manufacturer." The term "factory" is no longer used within the industry and deleting it will allow the Board to update its terminology and provide consistency between the initial application fee section and the renewal fee section of § 19.4 of the regulations. The Board adds the word "lot" to the term "dealer branch license" in the license renewal fees and the word "distributor" to the term "manufacturer branch license" in the annex; the Board drafted this final-form rulemaking consistent with these amendments.

*Fiscal Impact*

The final amendments will increase the application and biennial renewal fees for all licensees of the Board. Based upon current licensee counts, there are approximately 12 manufacturer or distributor branches; 57 auctions; 373 dealer branch lots; 6,252 dealers; 63 distributors; 296 manufacturers; 1,108 manufacturer or distributor representatives and 28,746 salespersons for a total of approximately 36,907 licensees who will be required to pay more to renew their licenses. Based upon these fee increases, the total economic impact per fiscal year is as follows:

FY 2022-2023:	\$1,292,908
FY 2023-2024:	\$290,310
FY 2024-2025:	\$1,267,670
FY 2025-2026:	\$37,035
<b>TOTAL</b>	<b>\$2,887,923</b>

These fees may be paid by applicants and licensees, or an employer may elect to pay the application fee of an employee. This final-form rulemaking should have no other fiscal impact on the private sector, the general public or political subdivisions of the Commonwealth.

This final-form rulemaking requires the Board to alter its online initial licensure applications and biennial renewal forms to reflect the new fees; however, the amendments will not create additional paperwork for the regulatory community or for the private sector.

*Sunset Date*

The Board continuously monitors the effectiveness of its regulations. Therefore, no sunset date has been assigned. Additionally, the BFO provides the Board with an annual report detailing the Board's financial condition. In this way, the Board continuously monitors the adequacy of its fee schedule.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 26, 2021, the Board submitted a copy of the notice of proposed rulemaking, published at 51 Pa.B. 3230, to IRRC, the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, the Board shall submit to IRRC, the HPLC and the SCP/PLC

copies of comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IRRC, the HPLC, the SCP/PLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on November 30, 2022, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 8, 2022, and approved the final-form rulemaking.

*Additional information*

Additional information may be obtained by writing to Janice Cline, Board Administrator, State Board of Vehicle Manufacturers, Dealers and Salespersons, P.O. Box 2649, Harrisburg, PA 17105-2649, RA-ST-VEHICLE@pa.gov.

*Findings*

The Board finds that:

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

(2) A public comment period was provided as required by law and any comments were considered in drafting this final-form rulemaking.

(3) The amendments to this final-form rulemaking do not enlarge the original purpose for the proposed rulemaking published at 51 Pa.B. 3230.

(4) These amendments to the regulations of the Board are necessary and appropriate for the regulation of the vehicle profession in the Commonwealth.

*Order*

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

(A) The regulations of the Board at 49 Pa. Code Chapter 19, are amended by amending § 19.4 to read as set forth in Annex A, with ellipses referring to the existing text of the regulation.

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

(C) The Board shall submit this final-form rulemaking to IRRC, the HPLC and the SCP/PLC as required by law.

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

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

KIRK A. DAVIS,  
*Chairperson*

*State Board of Vehicle Manufacturers,  
Dealers and Salespersons*

ARION R. CLAGGETT,  
*Acting Commissioner  
Bureau of Professional and  
Occupational Affairs*

*(Editor's Note: See 52 Pa.B. 8009 (December 24, 2022) for IRRC's approval order.)*

**Fiscal Note:** Fiscal Note 16A-6015 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 19. STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS**

**GENERAL PROVISIONS**

**§ 19.4. Fees.**

The following is the schedule of fees charged by the Board:

		<i>Effective July 1, 2023</i>	<i>Effective July 1, 2025</i>
Salesperson license application	\$25	\$65	\$70
Manufacturer representative or distributor representative license application	\$25	\$65	\$70
Manufacturer license application	\$30	\$90	\$100
Manufacturer or distributor branch license application	\$30	\$90	\$100
Distributor license application	\$30	\$90	\$100
Dealer license application	\$65	\$175	\$190
Auction license application	\$65	\$175	\$190
Dealer branch lot license application	\$65	\$175	\$190

\* \* \* \* \*

		<i>June 1, 2023— May 31, 2025 Biennial Renewal Fee</i>	<i>June 1, 2025— May 31, 2027 Biennial Renewal Fee and thereafter</i>
Biennial renewal—salesperson license	\$90	\$113	\$141
Biennial renewal—manufacturer representative or distributor representative license	\$90	\$113	\$141
Biennial renewal—manufacturer license	\$250	\$313	\$391
Biennial renewal—manufacturer or distributor branch license	\$175	\$219	\$274
Biennial renewal—distributor license	\$175	\$219	\$274
Biennial renewal—dealer license	\$175	\$219	\$274
Biennial renewal—auction license	\$175	\$219	\$274
Biennial renewal—dealer branch lot license	\$175	\$219	\$274

[Pa.B. Doc. No. 23-47. Filed for public inspection January 13, 2023, 9:00 a.m.]

## Title 55—HUMAN SERVICES

### DEPARTMENT OF HUMAN SERVICES

#### [ 55 PA. CODE CH. 1101 ]

#### Interrelationship of Providers

The Department of Human Services (Department), under the authority of section 403.1(a)(6) of the Human Services Code (code) (62 P.S. § 403.1(a)(6)), amends § 1101.51 (relating to ongoing responsibilities of providers) to read as set forth in Annex A. Notice of the proposed rulemaking was published at 51 Pa.B. 3468 (June 26, 2021).

#### *Purpose of this Final-Form Rulemaking*

The purpose of this final-form rulemaking is to delete § 1101.51(c)(3), which prohibits providers from leasing or renting space, shelves or equipment within a provider's office to another provider or from allowing the paid or unpaid staff of a provider to be placed in another provider's office.

Developments in the health care industry have emphasized the need for integrated health care. The Department recognizes the benefits of integrated care and deletes this subsection to support the enrollment in the Medical Assistance (MA) Program of providers that share space (co-locating providers). By expanding provider qualifications to include co-locating providers, the Department seeks to support more coordinated and integrated care within the MA Program.

#### *Background*

Section 1407(a)(2) of the code (62 P.S. § 1407(a)(2)) provides that it is unlawful to solicit or receive or to offer or pay any remuneration, including any kickback, bribe or rebate, directly or indirectly, in cash or in kind from or to any person in connection with the furnishing of services or merchandise for which payment may be in whole or in part under the MA Program or in connection with referring an individual to a person for the furnishing or arranging for the furnishing of any services or merchandise for which payment may be made in whole or in part under the MA Program. The Department promulgated the regulation in § 1101.51(c)(3) to provide specific examples of the types of arrangements that section 1407(a)(2) of the code prohibits. Among the examples is that providers may not “lease or rent space, shelves or

equipment within a provider's office to another provider or allowing the placement of paid or unpaid staff of another provider in a provider's office.”

This regulation prevented co-locating providers from enrolling in the MA Program. Since promulgation of this regulation, the health care industry has moved to a more integrated approach to diagnosis and treatment of conditions or injuries. To support that trend, retail clinics, some of which are placed within the same building as a pharmacy, have emerged, and multidisciplinary providers, including physical and behavioral health providers, have entered into co-location arrangements between distinct providers.

According to an informational bulletin issued by the Centers for Medicare & Medicaid Services on January 16, 2014, titled “Reducing Non-Urgent Use of Emergency Departments and Improving Appropriate Care in Appropriate Settings,” increasing access to primary care services, including through urgent care and retail clinics, has been estimated to result in a potential savings of \$4.4 billion Nationwide. Mann, C. (January 16, 2014). Reducing Nonurgent Use of Emergency Departments and Improving Appropriate Care in Appropriate Settings. Retrieved from <https://www.hhs.gov/guidance/document/reducing-nonurgent-use-emergency-departments-and-improving-appropriate-care-appropriate>. These arrangements increase consumer access to services, including behavioral health and substance use disorder services. Co-location can decrease out-of-pocket costs to beneficiaries related to transportation and childcare and encourage follow-up with referred providers. Co-location can encourage contact between providers and foster communication about shared patients. Medicaid and CHIP Payment and Access Commission (March 2016). Report to Congress on Medicaid and CHIP. Retrieved from <https://www.macpac.gov/publication/march-2016-report-to-congress-on-medicaid-and-chip/>. The Department, by establishing provider qualifications that incorporate co-locating providers, supports these advancements in the health care industry when services are provided in a manner that allows the beneficiary to retain freedom to choose the service provider and is not automatically directed to or referred to a co-located provider.

After reviewing the trend in the health care delivery system toward integrated care, the Department determined that a narrow interpretation of § 1101.51(c)(3) is more restrictive than required to comply with the code and prevents co-locating providers who are otherwise

eligible from enrolling in the MA Program. On May 28, 2016, the Department issued Statement of Policy (SOP) 1101-16-03, codified in § 1101.51a (relating to clarification of the term “within a provider’s office”—statement of policy), to clarify the meaning of “within a provider’s office” and the guidelines for providers that enter into co-location arrangements with other participating providers. See 46 Pa.B. 2683 (May 28, 2016); 55 Pa. Code § 1101.51a. The Department also developed an attestation form to be utilized by providers seeking to co-locate, in which each provider attests to its compliance with Federal and State antikickback laws, the Health Insurance Portability and Accountability Act of 1996 (Pub.L. No. 104-191) (HIPAA), and MA beneficiary freedom of choice. The Department will rescind the SOP upon the effective date of this final-form rulemaking.

In an effort to establish provider qualifications that allow co-locating providers to enroll in the MA Program, the Department deletes the regulation in § 1101.51(c)(3), which prohibits providers from leasing space within a provider’s office to another provider. Allowing different types of providers to be located in the same space benefits MA beneficiaries by providing the opportunity for a more integrated approach to healthcare. Providers must continue to comply with any other applicable law, including HIPAA, Federal and State antikickback and self-referral laws, and the requirement to provide MA beneficiaries with freedom of choice.

The deletion of the regulation in § 1101.51(c)(3) does not invalidate other laws or requirements affecting co-locating providers if, for example, they are prohibited by law, including licensing laws, or certification requirements, from leasing or renting space, shelves or equipment or otherwise sharing space.

*Requirements*

The following is a summary of the specific provision in this final-form rulemaking:

§ 1101.51(c)(3) (relating to ongoing responsibilities of providers)

The Department deletes subsection (c)(3) to allow co-locating providers to enroll in the MA Program and to support integrated health care in the MA Program. Deletion of subsection (c)(3) allows MA beneficiaries to receive services in a more integrated manner, consistent with developments in the health care industry.

*Affected Individuals and Organizations*

Nine co-located providers operating at 82 separate locations have requested and received a waiver of the regulation in § 1101.51(c)(3) from the Department Secretary. Under § 1101.51a, beginning May 28, 2016, any provider who enrolled and was co-located with another provider had to complete an attestation. Current waivers and attestations will remain in effect until publication of this final-form rulemaking which eliminates the co-location provision in § 1101.51(c)(3).

The deletion of § 1101.51(c)(3) provides the regulatory framework to promote integrated health care services by establishing provider qualifications that allow providers that co-locate to enroll in the MA Program. Providers that want to co-locate in the future will be able to do so without obtaining a waiver or submitting an attestation.

*Accomplishments and Benefits*

This final-form rulemaking deletes the regulatory provision that has prevented or delayed enrollment of providers who are co-located. Allowing different types of provid-

ers to be located in the same space will benefit MA beneficiaries by providing the opportunity for a more integrated approach to health care.

*Fiscal Impact*

There is no fiscal impact.

*Contact Persons*

Interested persons are invited to submit written comments, suggestions or objections regarding this final-form rulemaking to Lacey Gates, Department of Human Services, Office of Medical Assistance Programs, Bureau of Policy, Analysis and Planning, P.O. Box 2675, Harrisburg, PA 17120, RA-PWMAProgComments@pa.gov. Reference regulation # 14-549 in the subject line.

Persons with a disability who require an auxiliary aid or service may use the Pennsylvania Hamilton Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

*Paperwork Requirements*

This final-form rulemaking does not require additional reports or paperwork or any new forms. Less paperwork is required because an attestation form is not required for enrollment of providers that are co-located.

*Effective Date*

This final-form rulemaking will take effect upon publication in the *Pennsylvania Bulletin*.

*Public Comment*

Written comments, suggestions and objections regarding the proposed rulemaking were requested within a 30-day period following its publication at 51 Pa.B. 3468. The Department received written responses from five commentators. The comments represented feedback from a provider and from associations, including provider associations and advocates. The Independent Regulatory Review Commission (IRRC) advised the Department that it had no objections, comments or recommendations.

The following is a summary of the comments received within the public comment period and the Department’s responses to those comments.

*Comment:* Four commentators offered support of the proposed rulemaking.

*Response:* The Department acknowledges these comments and thanks the commentators for the support.

*Comment:* One commentator requested clarification from the Department that none of the proposed changes shall be construed to override the consumer protections contained in Act 122 of 2013, which include prohibiting the placement of laboratory personnel in a provider’s office.

*Response:* The Department acknowledges the concerns with respect to section 3 of the act of December 18, 2013 (P.L. 1232, No. 122), amending The Clinical Laboratory Act (35 P.S. §§ 2151—2165). None of the proposed changes invalidate other laws or requirements affecting providers. If providers are prohibited from co-locating or from leasing or renting space, shelves or equipment by a law, licensing, certification or other requirement, those requirements remain in effect.

*Regulatory Review Act*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 10, 2021, the Department submitted a copy of the notice of proposed rulemaking, published at 51 Pa.B. 3468, to IRRC and the Chairper-

sons of the House Health Committee and the Senate Health and Human Services Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on November 30, 2022, the final-form rulemaking was approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 8, 2022, and approved this final-form rulemaking.

#### *Findings*

The Department finds that:

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

(2) A public comment period was provided as required by law and all comments were considered in drafting this final-form rulemaking.

(3) The amendment to the regulation in the manner provided by this Order is necessary and appropriate for the administration of the code.

#### *Order*

The Department, acting under the code, orders that:

(a) The regulations of the Department at 55 Pa. Code Chapter 1101 are amended by amending § 1101.51 to read as set forth in Annex A of this order, with ellipses referring to the existing text of the regulation.

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

(c) The Department shall submit this final-form rulemaking to IRRC and the Legislative Standing Committees as required by law.

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

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

MEG SNEAD,  
*Acting Secretary*

(*Editor's Note:* See 52 Pa.B. 8009 (December 24, 2022) for IRRC's approval order.)

**Fiscal Note:** Fiscal Note 14-549 remains valid for the final adoption of the subject regulation.

### **Annex A**

#### **TITLE 55. HUMAN SERVICES**

#### **PART III. MEDICAL ASSISTANCE MANUAL**

#### **CHAPTER 1101. GENERAL PROVISIONS**

#### **RESPONSIBILITIES**

#### **§ 1101.51. Ongoing responsibilities of providers.**

\* \* \* \* \*

(c) *Interrelationship of providers.* Providers are prohibited from making the following arrangements with other providers:

(1) The referral of MA recipients directly or indirectly to other practitioners or providers for financial consideration or the solicitation of MA recipients from other providers.

(2) The offering of, or paying, or the acceptance of remuneration to or from other providers for the referral of MA recipients for services or supplies under the MA Program.

(3) [Reserved].

(4) The solicitation or receipt or offer of a kickback, payment, gift, bribe or rebate for purchasing, leasing, ordering or arranging for or recommending purchasing, leasing, ordering or arranging for or recommending purchasing, leasing or ordering a good, facility, service or item for which payment is made under MA. This does not preclude discounts or other reductions in charges by a provider to a practitioner for services, that is, laboratory and x-ray, so long as the price is properly disclosed and appropriately reflected in the costs claimed or charges made by a practitioner.

(5) A participating practitioner or professional corporation may not refer a MA recipient to an independent laboratory, pharmacy, radiology or other ancillary medical service in which the practitioner or professional corporation has an ownership interest.

\* \* \* \* \*

[Pa.B. Doc. No. 23-48. Filed for public inspection January 13, 2023, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 52—PUBLIC UTILITIES

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

[ 52 PA. CODE CH. 69 ]

[ M-2022-3033054 ]

#### Policy Statement on Public and Private Fire Protection

Public Meeting held  
November 10, 2022  
Order entered  
November 10, 2022

*Commissioners Present:* Gladys Brown Dutrieuille, Chairperson; Stephen M. DeFrank, Vice Chairperson; Ralph V. Yanora; Kathryn L. Zerfuss; John F. Coleman, Jr.

*Policy Statement on Public and Private Fire Protection;*  
*M-2022-3033054*

#### Proposed Policy Statement Order

*By the Commission:*

On June 16, 2022, the Pennsylvania Public Utility Commission (PUC) by Motion of Commissioner Ralph V. Yanora, directed the Bureau of Technical Utility Services, in conjunction with the Law Bureau, to prepare a Proposed Policy Statement addressing public and private fire protection for consideration at a Public Meeting.

#### *Background*

The fire protection role of the Commonwealth's regulated water public utilities is a matter of utmost public importance. Ensuring that regulated fire protection service offerings are safe, reasonable, and adequate is likewise a matter of utmost concern to the PUC. Public and private fire protection services, whether serving the ubiquitous roadside fire hydrant or sophisticated private commercial sprinkler system, are expected to supply adequate water safely, reliably, and immediately upon demand.

Amendments to the Commonwealth of Pennsylvania's (Commonwealth) Uniform Construction Code<sup>1</sup> over the past several decades have expanded the topic of fire protection to aspects of regulated water public utility service well beyond the provision of adequate numbers of functional fire hydrants. Internal fire protection services in the form of sprinkler systems have long been a requirement for commercial and industrial buildings. Municipal building codes and insurance requirements also increasingly mandate the installation of sprinkler systems in various types of residential construction as well. Lives and property depend on these emergency systems to work at a moment's notice. In turn, sophisticated water distribution system design, construction, management, and operations are required to accommodate and serve this type of high-volume instantaneous demand.

On June 29, 2022, the PUC issued a Secretarial Letter seeking comment from Class A water companies on the

<sup>1</sup> The Act of Nov. 10, 1999 (P.L. 491, No. 45) (35 P.S. §§ 7210.101—7210.1103), known as the Pennsylvania Construction Code Act (PCCA). The PCCA directed the Pennsylvania Department of Labor and Industry to oversee statewide application and periodic review of certain international building and mechanical codes (i.e., regulations) known collectively as the Uniform Construction Code, 34 Pa. Code §§ 401—405, (PaUCC), last amended effective February 2022. 52 Pa.B. 971. See also National Fire Protection Association (NFPA) 13, Section 8.2.6.6.4 (2022).

proposed policy statement. The PUC sought input on two areas specifically: (1) the use of hydraulic distribution system modeling required for fire protection; and (2) fire protection service afforded by current system design requirements.

Comments were filed by Columbia Water Company (Columbia), the National Association of Water Companies—Pennsylvania Chapter (NAWC), and Aqua Pennsylvania (Aqua).

#### *Comments of Columbia Water Company*

Columbia requests that if the PUC moves forward with a policy statement that it allow Class A water utilities the opportunity for comment on a draft policy statement prior to promulgation. Columbia asserts that the PUC should recognize that customers of smaller Class A utilities will bear greater costs to come into compliance with such policy statement and that smaller distribution systems will likely face more significant impacts. Further, Columbia believes it is imperative for the PUC to be transparent to ratepayers that the costs for upgrades to utility infrastructure will fall on ratepayers. Columbia asserts that the PUC should not be developing quantitative standards but, rather, should recognize there is not a one-size fits all standard for these issues. Finally, Columbia requests that the PUC ensure that the policy does not conflict with PUC-approved utility tariffs and does not create conflicting standards. P. 2-3.

Columbia is in the initial stages of updating its hydraulic model using Bentley's WaterGEMS software and will use an engineering consulting firm to update its model which update is expected to take more than 18 weeks. The initial update to the model will cost \$68,000 and Columbia estimates that use of the model for ongoing fire protection purposes would require the model to be updated on a quarterly basis at an estimated cost of \$15,000—\$20,000 annually. P. 5-6.

Columbia requests that the PUC not issue "standards" for flow, pressure, or duration of flow and pressure as providing any quantified standard will lead to confusion and appear more like a binding norm than a true statement of policy. Additionally, Columbia cautions that a PUC "standard" would likely conflict with other existing guidance such as PWS, municipal ordinances, or other existing guidance. Further, Columbia asserts that there is not one flow/pressure/duration that is universally acceptable and there could be unintended consequences of specifying minimum flows such as negative impacts on the quality of water. P. 8.

Columbia explains that the International Organization for Standardization (ISO) already evaluates each community and gives it a rating as to fire protection connections. As such, Columbia asserts that the PUC does not need to issue any guidance on this topic. Columbia further explains that new water systems expansions and extensions could be designed and built to a given fire protection standard but that such changes would need to occur over time and be phased. For existing water utility customers, it would be costly and disruptive to go back and redesign/resize entire systems. Further, enacting new standards may prevent some troubled municipal systems from being acquired due to cost barriers. P. 9-10.

Finally, Columbia states that implementing and coming into compliance with new "standards" for fire protection will significantly impact revenue requirements for years to come. Specifically, compliance with policy statement

standards will significantly increase the costs of service for public fire protection, but the municipality that pays for such protection can only be charged 25% of the cost to serve, leaving the rest of the revenue requirement for other ratepayers to bear, including residential ratepayers. P. 10—12.

#### *Comments of NAWC*

NAWC explains that several computerized hydraulic models are widely used in the water industry, including Bentley WaterGEMS and EPANET. NAWC asserts that several of these software packages are comparable, accurate and use similar calculation engines so a water utility should be permitted to choose the one that best suits its needs. NAWC further asserts that water utilities should use hydraulic models in conjunction with other tools, such as asset management tools and criticality studies. P. 3.

NAWC states that the timeframes for developing a computerized hydraulic model vary considerably and could range from two months or less for a small system to over a year for a large system. NAWC asserts that the cost to calibrate a hydraulic model ranges from approximately \$46,000 for a system with about 1,500 service connections to almost \$81,000 for a system with over 10,000 service connections. For many small systems, NAWC questions whether the benefits of a computerized hydraulic model justify the resources required to build, calibrate and maintain the model. Although much of the cost of a hydraulic model is for the development of the original model, NAWC asserts that periodic reviews and updates are required. P. 4-5.

NAWC also questions whether the PUC can establish any “standards” for the provision of regulated public fire protection service through a statement of policy which does not have the force and effect of law. NAWC requests that, if the PUC proposes changes in service conditions and management performance, water utilities will have greater revenue requirements, there will be cost implications for main replacement, storage requirements, and pumping requirements. P. 6—8.

#### *Comments of Aqua Pennsylvania*

Aqua asserts that hydraulic models should not be the only tool utilized and that they should be used in conjunction with field flow tests and pressure monitoring. Aqua currently maintains 20 hydraulic models out of 114 systems. In order to collect data and build and calibrate the remaining models Aqua would need five years. Additional resources would be needed to shorten this time frame. In addition, the utility would need an additional full-time employee to maintain the hydraulic models going forward to ensure that they remain a useful tool. Aqua explains that the models require routine maintenance and calibration. P. 2-3.

Aqua submits that public water utilities should adhere to the following standards: (1) the removal, replacement or making of those hydrants not providing 500 gallons per minute at 20 pounds per square inch for 20 minutes; (2) the application of applied design standards of the Pennsylvania Department of Environmental Protection or the State Insurance Services Office as required by the Commission; (3) utilization of the AWWA National Fire Association and International Fire Code by the International Code Council for design points and data references; and (4) collaborative fire protection accountability between water utility, municipality and municipal fire official. Aqua is opposed to mandated fire hydrant markings and believes water utilities should adhere to the standard of 500 gpm at 20 psi for 20 minutes for every hydrant in service. P. 3-4.

Aqua submits that implementation of any new policies concerning minimum expectations for fire protection facilities reside with developers and municipalities. Aqua further explains that if significant changes related to fire protection were to be implemented, then all customers would bear a portion of those costs as, in the case of public hydrants, Section 1328 of the Public Utility Code limits the amount charged to a municipality for hydrants to 25% of the cost of service, while, in the case of private hydrants, the specific customers where those private hydrants serve would bear those costs. P. 5-6.

#### *Discussion*

The PUC is of the opinion that it should take an affirmative role in the coordination of the fire protection aspect of regulated water public utility service for the accommodation, convenience, and safety of the public. Outlining the guidelines under which regulated fire protection services are offered to the public represents a worthwhile investment of effort and resources on the part of regulated utilities and the PUC. However, the resources invested should focus on a cooperative stakeholder effort to develop uniform guidelines for the provision of safe, reasonable, and adequate fire protection service rather than merely requiring reports on the status of how the individual water public utilities offer fire protection services to the public.

To foster the development of transparent and readily available fire protection guidelines, the PUC is proposing the Policy Statement appended to this Order as Annex A. Overall, the Proposed Policy Statement is designed to reflect a best practices approach to those aspects of fire protection services subject to PUC oversight. While fire protection services are often provided by Class A public water utilities, all regulated water public utilities will benefit from a clear understanding of up-to-date guidelines regarding fire protection service. Further, the coordination and consistent application of safe, adequate, and reliable fire protection service offers a tremendous benefit to public safety, emergency fire protection organizations, and associated personnel.

#### *Hydraulic Distribution System Modeling Required for Fire Protection*

The PUC expects Class A water public utilities to operate with a sophisticated level of technical expertise, which includes using modern water industry tools such as computerized hydraulic modeling software. A computerized hydraulic model of a distribution system empowers public utility management to understand system operating parameters and components with both accuracy and precision. This includes forecasting system behavior under the operating conditions imposed by the instantaneous demand requirements of fire protection. Further, a computerized hydraulic model can and should be a key component, along with maintenance and other system data, in decision making for capital expenditures to maximize system reliability for fire protection services offered to the public. Regarding the computerized hydraulic modeling useful for that purpose, the PUC seeks input from stakeholders on the following:

What are the most effective methodologies/computerized hydraulic models that are currently used by water public utilities to implement a computerized hydraulic model of water distributions systems? Which are most effective for the modeling of system requirements related to fire protection service?

Based upon a concerted effort, what is a reasonable timeframe and the estimated incremental one-time and

ongoing expenditures for a public water utility to identify all the system facilities and water main data required to develop such a computerized hydraulic model?

What are the expected ongoing maintenance requirements for existing models? Are these models a one-and-done investment, or are they subject to ongoing incremental costs owing to updates?

*Fire Protection Service Afforded by Current System Design Requirements*

While the PUC does not currently have a policy statement specific to the provision of regulated fire protection service, the Pennsylvania Department of Environmental Protection (DEP) has established some system design requirements to serve fire protection service in its Public Water Supply Manual—Part II, Community System Design Standards, effective May 6, 2006 (PWS Manual)<sup>2</sup>. The PWS Manual's Section VIII, Distribution Systems, B.3. Fire Protection, indicates that “[w]hen fire protection is to be provided, system design should be such that fire flows and facilities are in accordance with the requirements of the State Insurance Services Office.” The PWS Manual's Section VIII, D. Hydrants, outlines specific guidelines for hydrants including location and spacing, hydrant valves and nozzles, hydrant leads, and hydrant drainage.

While the PUC will not replicate the design standards of DEP or the State Insurance Services Office, it will consider whether and how Class A water providers have interpreted and applied these design standards in terms of the actual fire protection services provided to the public. That is, the aspect of fire protection service within the exclusive sphere of PUC jurisdiction rather than that of DEP or the State Insurance Services office. The PUC requests that stakeholders provide input regarding the uniformity of these interpretations and how public utility application of these standards has shaped public expectations regarding fire protection service including:

What guidelines should water public utilities attain for the provision of regulated public fire protection service including flow, pressure, and duration of flow and pressure?

What costs and timeframes might the public expect to improve or upgrade facilities not now providing public fire protection service in accordance with DEP or State Insurance Services Office requirements?

What procedures should a public fire service provider employ should a fire protection connection not meet minimum requirements? For example, what customer notifications or public/private fire hydrant markings would be effective to denote expected levels of service from any fire protection facility?

Whether new policies concerning minimum expectations should be implemented differently for new as compared to existing fire protection facilities, public and/or private fire hydrants, private fire protection connections other than private fire hydrants (for example, sprinkler systems), etc.

What potential adjustments to revenue requirement, cost allocation, and rate design would fire service providers require to accurately and reasonably reflect proposed changes in service conditions and management performance?

*Proposed Policy Statement*

In accordance with the discussion above and for the reasons expressed, the PUC is proposing the Policy Statement as set forth in Annex A to this Order. Initially, the PUC proposes a section setting forth the scope and purpose of the proposed Policy Statement. This proposed section is intended to convey the scope of the expected actions and level of public fire protection service and system hydraulic monitoring that the PUC considers reasonable. Specifically, we propose the following statement of scope and purpose:

**§ 69.xx1. General scope and purpose.**

(a) *Water public utilities.*

The coordination and consistent application of safe, adequate and reliable fire protection service offers a tremendous benefit to public safety, emergency fire protection organizations and associated personnel. Safe, reasonable and adequate regulated fire protection service offerings are a matter of utmost concern to the Commission. The policies and recommendations in this policy statement are intended to provide water public utilities with a guideline of the recommended actions and level of public fire protection service and system hydraulic monitoring that the Commission considers reasonable. The Commission will consider a water public utility's effort to meet the recommendations in this policy statement when determining just and reasonable rates for the water public utility.

(b) *Class A water public utilities.*

Fire protection services are often provided by Class A public water utilities. Class A water public utilities should operate with a sophisticated level of technical expertise including the use of modern water industry tools such as computerized hydraulic modeling software.

The PUC proposes the following definitions to provide clarity and understanding to the proposed policy statement:

**§ 69.xx2. Definitions.**

The following words and terms, when used in § 69.xx1 and §§ 69.xx3 and 69.xx4, have the following meanings, unless the context clearly indicates otherwise:

*Class A water public utility*—As defined in § 56.2 (relating to definitions) of the Commission's regulations at 52 Pa. Code § 56.2.

*Computerized hydraulic model*—A computer-based mathematical simulation used to predict the performance of a water system.

*Discrete system*—A stand-alone pipe network with boundaries that encompass all sources of water and endpoints.

The PUC proposes the following guidance regarding operating procedures:

**§ 69.xx3. Fire protection service afforded by current system design.**

(a) A water public utility's operating procedures and best practices related to fire protection services, including fire protection connections and public and private fire hydrant service, should be maintained within this Commonwealth at an office or offices of the public utility located in the territory served by it and should be open for examination by the Commission.

(b) A water public utility's operating procedures and best practices related to fire protection service should include all of the following:

<sup>2</sup> [www.depgreenport.state.pa.us/elibrary/GetDocument?docId=1419665&DocName=PUBLIC\\_WATER\\_SUPPLY\\_MANUAL-PART\\_II\\_COMMUNITY\\_SYSTEM\\_DESIGN\\_STANDARDS.PDF](http://www.depgreenport.state.pa.us/elibrary/GetDocument?docId=1419665&DocName=PUBLIC_WATER_SUPPLY_MANUAL-PART_II_COMMUNITY_SYSTEM_DESIGN_STANDARDS.PDF) <span style="color: green">AS OF APRIL 12%2C 2014%2C THE AQUIFER TESTING GUIDELINES WITHIN THIS MANUAL ARE REPLACED BY</span> <span style="color: blue"></span>

(1) A determination, based on a definable basis or standard or both, of operating characteristics such as minimum flow, pressure and duration of flow and pressure that the water public utility will consider as its minimum parameters for fire protection connections and public and private fire hydrant service. These predetermined minimum operating characteristics should be applied to all fire protection connections and fire hydrants of a water public utility.

(2) A fire hydrant testing and maintenance program to ensure that all public and private fire hydrants within a discrete system are tested and exercised on a specified schedule as determined operationally and economically feasible by the water public utility.

(3) A method to clearly mark and identify each fire hydrant and each fire protection connection found to be incapable of providing service at the water public utility's minimum operating characteristics for fire protection connections and fire hydrant service.

(4) An estimated schedule to remove, remediate or replace a fire hydrant or fire service connection found to be incapable of providing service at the water public utility's minimum parameters for fire protection connections and fire hydrant service.

(5) An analysis of the level of capital expenditures and associated timeframes for a water public utility to remediate, repair, or both, a water system, as part of an acquisition due diligence process, required to bring the fire protection service up to at least the water public utility's acceptable operating characteristics.

(6) A written notification process to affected customers and local jurisdictions that may include property owners, the municipality and the local fire department of the location of any fire protection connection or fire hydrant that cannot meet the water public utility's acceptable operating characteristics.

(c) In conjunction with its obligations under § 65.4 (relating to records), a water public utility that provides fire protection connections and fire hydrant service should update its maps, plans, and records to include the location of and, if feasible, the last known operating characteristics of all public and private fire hydrants.

The PUC proposes the following guidance as to the use of computerized hydraulic modeling:

**§ 69.xx4. Hydraulic distribution system modeling required for fire protection.**

(a) Hydraulic distribution system modeling is a valuable aide in forecasting system capabilities under varying operational conditions.

(b) Class A water public utilities should develop and implement a plan to use and maintain computerized hydraulic models for each discrete water system.

(c) The plan should address all of the following:

(1) A determination of the minimum water system size, based upon the complexity of the distribution pipe network and water service requirements, that should have a model.

(2) An identification of the commercially available hydraulic modeling software to be used.

(3) A description of how data from the public utility's other informational databases and systems, can be integrated into the computerized hydraulic model, including geographic information, supervisory control and data acquisition, and customer information systems.

(4) A schedule by which the computerized hydraulic model will be calibrated, updated and maintained to ensure the accuracy is sufficient to reasonably predict a system's operational behavior to a determined level of accuracy set by the water public utility.

*Conclusion*

With this Order, the PUC is proposing guidance for ensuring that regulated fire protection service offerings by Class A water public utilities are safe, reasonable, and adequate. The PUC welcomes written comments and written reply comments on all aspects of this Proposed Policy Statement; *Therefore*,

*It Is Ordered That:*

1. The proposed Policy Statement set forth in Annex A is issued for comment.

2. A copy of this Order and Annex A be served on all jurisdictional water public utilities, the Office of the Consumer Advocate, the Office of Small Business Advocate, and the PUC's Bureau of Investigation and Enforcement.

3. The Law Bureau shall submit this Order and Annex A to the Governor's Budget Office for review of fiscal impact.

4. The Law Bureau shall deposit this Order and Annex A with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

5. Written comments may be filed during the 45 days following the date of publication of this proposed Policy Statement in the *Pennsylvania Bulletin* and must reference Docket No. M-2022-3033054.

6. Written reply comments may be filed during the 15 days following the close of the comment period and must reference Docket No. M-2022-3033054.

7. The written comments and written reply comments may be filed using the eFiling system of the Pennsylvania Public Utility Commission. See <https://www.puc.pa.gov/filing-resources/efiling/> for eFiling instructions. Alternatively, the written comments and written reply comments may be filed in hard copy by transmitting them to:

Pennsylvania Public Utility Commission,  
Attn: Secretary Rosemary Chiavetta,  
Commonwealth Keystone Building,  
400 North Street, Second Floor  
Harrisburg, Pennsylvania 17120.

8. The contact persons for this matter are Stephanie A. Wilson, Assistant Counsel, Law Bureau, (717) 787-1859, [stepwilson@pa.gov](mailto:stepwilson@pa.gov); James A. Mullins, Assistant Counsel, Law Bureau, (717) 787-5978, [jamullins@pa.gov](mailto:jamullins@pa.gov); and Karen Thorne, Regulatory Review Assistant, Law Bureau, [kathorne@pa.gov](mailto:kathorne@pa.gov). Parties shall email electronic copies in Microsoft Word®-compatible format of their filings at this docket to these contact persons.

9. Public documents related to this proposed Policy Statement may be viewed and downloaded from the Pennsylvania Public Utility Commission's website at <https://www.puc.pa.gov/search/document-search/?DocketNumber=3033054&ufprt=0171640C719E114B425F16473C19B3BABF414C73A13B7C1E532355E44AD1157EF4467E6D41BF913FE09285B541000A104F5355793318FC14D2EBEAE29F37AE5E04399809A668E035E73E93C948B1269FDAC00979BDCBA5AA000744DE7899C4F6D2E3FF1CCC7289B40085484005500C7F8FCF80B4AD2BFBF7D2C3099EFEA8381EAECF2A025417D2ECB1919C718E7FC6411381>

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ROSEMARY CHIAVETTA,  
Secretary

ORDER ADOPTED: November 10, 2022

ORDER ENTERED: November 10, 2022

**Fiscal Note:** 57-339. No fiscal impact; (8) recommends adoption.

### Annex A

## TITLE 52. PUBLIC UTILITIES

### PART I. PUBLIC UTILITY COMMISSION

#### Subpart C. FIXED SERVICE UTILITIES

### CHAPTER 69. GENERAL ORDERS, POLICY STATEMENTS AND GUIDELINES ON FIXED UTILITIES

#### COMMISSION POLICY STATEMENT ON PUBLIC AND PRIVATE FIRE PROTECTION SERVICE AND SYSTEM HYDRAULIC MONITORING

*(Editor's Note:* The following sections are proposed to be added and are printed in regular type to enhance readability. The numbering will be assigned prior to publication as a final-form statement of policy.)

Sec.

- 69.xx1. General scope and purpose.  
69.xx2. Definitions.  
69.xx3. Fire protection service afforded by current system design.  
69.xx4. Hydraulic distribution system modeling required for fire protection.

#### § 69.xx1. General scope and purpose.

(a) *Water public utilities.*

The coordination and consistent application of safe, adequate and reliable fire protection service offers a tremendous benefit to public safety, emergency fire protection organizations and associated personnel. Safe, reasonable and adequate regulated fire protection service offerings are a matter of utmost concern to the Commission. The policies and recommendations in this policy statement are intended to provide water public utilities with a guideline of the recommended actions and level of public fire protection service and system hydraulic monitoring that the Commission considers reasonable. The Commission will consider a water public utility's effort to meet the recommendations in this policy statement when determining just and reasonable rates for the water public utility.

(b) *Class A water public utilities.*

Fire protection services are often provided by Class A public water utilities. Class A water public utilities should operate with a sophisticated level of technical expertise including the use of modern water industry tools such as computerized hydraulic modeling software.

#### § 69.xx2. Definitions.

The following words and terms, when used in § 69.xx1 and §§ 69.xx2 and 69.xx4, have the following meanings, unless the context clearly indicates otherwise:

*Class A water public utility*—As defined in § 56.2 (relating to definitions).

*Computerized hydraulic model*—A computer-based mathematical simulation used to predict the performance of a water system.

*Discrete system*—A stand-alone pipe network with boundaries that encompass all sources of water and endpoints.

#### § 69.xx3. Fire protection service afforded by current system design.

(a) A water public utility's operating procedures and best practices related to fire protection services, including fire protection connections and public and private fire hydrant service, should be maintained within this Commonwealth at an office or offices of the public utility located in the territory served by it and should be open for examination by the Commission.

(b) A water public utility's operating procedures and best practices related to fire protection service should include all of the following:

(1) A determination, based on a definable basis or standard or both, of operating characteristics such as minimum flow, pressure and duration of flow and pressure that the water public utility will consider as its minimum parameters for fire protection connections and public and private fire hydrant service. These predetermined minimum operating characteristics should be applied to all fire protection connections and fire hydrants of a water public utility.

(2) A fire hydrant testing and maintenance program to ensure that all public and private fire hydrants within a discrete system are tested and exercised on a specified schedule as determined operationally and economically feasible by the water public utility.

(3) A method to clearly mark and identify each fire hydrant and each fire protection connection found to be incapable of providing service at the water public utility's minimum operating characteristics for fire protection connections and fire hydrant service.

(4) An estimated schedule to remove, remediate, or replace a fire hydrant or fire service connection found to be incapable of providing service at the water public utility's minimum parameters for fire protection connections and fire hydrant service.

(5) An analysis of the level of capital expenditures and associated timeframes for a water public utility to remediate, repair, or both, a water system, as part of an acquisition due diligence process, required to bring the fire protection service up to at least the water public utility's acceptable operating characteristics.

(6) A written notification process to affected customers and local jurisdictions that may include property owners, the municipality and the local fire department of the location of any fire protection connection or fire hydrant that cannot meet the water public utility's acceptable operating characteristics.

(c) In conjunction with its obligations under § 65.4 (relating to records), a water public utility that provides fire protection connections and fire hydrant service should update its maps, plans and records to include the location of and, if feasible, the last known operating characteristics of all public and private fire hydrants.

#### § 69.xx4. Hydraulic distribution system modeling required for fire protection.

(a) Hydraulic distribution system modeling is a valuable aide in forecasting system capabilities under varying operational conditions.

(b) Class A water public utilities should develop and implement a plan to use and maintain computerized hydraulic models for each discrete water system.

(c) The plan should address all of the following:

(1) A determination of the minimum water system size, based upon the complexity of the distribution pipe network and water service requirements, that should have a model.

(2) An identification of the commercially available hydraulic modeling software to be used.

(3) A description of how data from the public utility's other informational databases and systems, can be inte-

grated into the computerized hydraulic model, including geographic information, supervisory control and data acquisition, and customer information systems.

(4) A schedule by which the computerized hydraulic model will be calibrated, updated and maintained to ensure the accuracy is sufficient to reasonably predict a system's operational behavior to a determined level of accuracy set by the water public utility.

[Pa.B. Doc. No. 23-49. Filed for public inspection January 13, 2023, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending January 3, 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

#### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
01-01-2023	Somerset Trust Company Somerset Somerset County	232 North Pittsburgh Street Connellsville Fayette County	Action

#### Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
01-03-2023	Northwest Bank Warren Warren County  Amendment to Article 7 of the institution's Articles of Incorporation provides to expand the states that satisfy the residency requirement for a majority of the Board of Directors to Pennsylvania, New York, Ohio and Indiana. Articles of Amendment provide for the institution's Articles of Incorporation to be amended and restated in their entirety.	Approved

### 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.

RICHARD VAGUE,  
*Secretary*

[Pa.B. Doc. No. 23-50. Filed for public inspection January 13, 2023, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of February 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 February 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 3.72 to which was added 2.50 percentage points for a total of 6.22 that by law is rounded off to the nearest quarter at 6 1/4%.

RICHARD VAGUE,  
*Secretary*

[Pa.B. Doc. No. 23-51. Filed for public inspection January 13, 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).

*Section*      *Category*

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

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

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

Additional information on these applications and NOIs may be reviewed by generating the “Applications and NOIs without Comment Periods Report” or, for Individual WQM Permit Applications, the “Applications Received with Comment Periods Report” on DEP's website at [www.dep.pa.gov/CWPublicNotice](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 provides notice of applications and draft individual permits for stormwater discharges associated with construction activities. Where indicated, DEP has made tentative determinations, based on preliminary review, to issue permits subject to proposed effluent limitations consisting of best management practices identified in the erosion and sediment control (E&S) plans and post-construction stormwater management (PCSM) plans submitted with the applications, as well as other terms and conditions based on the permit applications. A 30-day public comment period applies to these applications.

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

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

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

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

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

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

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

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

*DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814-332-6078. Email: RA-EPNPDES\_NWRO@pa.gov for permits in Sections I & II; RA-EPWW-NWRO@pa.gov for permits in Section III.*

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

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

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

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

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

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0213801	Joint DEP/PFBC Pesticides Permit	Renewal	Lake Macleod POA 543 Macleod Drive Gibsonia, PA 15044-8962	Pine Township Allegheny County	SWRO
1013806	Joint DEP/PFBC Pesticides Permit	Amendment	Cranberry Township Butler County 2525 Rochester Road Cranberry Township, PA 16066	Cranberry Township Butler County	NWRO
1022804	Joint DEP/PFBC Pesticides Permit	New	Kimberly Ann Frederick 437 Three Degree Road Renfrew, PA 16053-1223	Penn Township Butler County	NWRO
2619800	Joint DEP/PFBC Pesticides Permit	Renewal	Deer Lake Improvement Association P.O. Box 112 Chalk Hill, PA 15421	Wharton Township Fayette County	SWRO
3622805	Joint DEP/PFBC Pesticides Permit	New	Lancaster County Hawk Valley Estates 165 East Valley Road Denver, PA 17517-9128	Brecknock Township Lancaster County	SCRO
PA0022209	Major Sewage Facility with CSOs Individual NPDES Permit	Amendment Minor	Bedford Borough Municipal Authority 244 W Penn Street Bedford, PA 15522-1226	Bedford Borough Bedford 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>
0273422	Major Sewage Treatment Facility Individual WQM Permit	Amendment	Moon Township Municipal Authority Allegheny County 1700 Beaver Grade Road Suite 200 Moon Township, PA 15108-3193	Moon Township Allegheny County	SWRO
5984401	Major Sewage Treatment Facility Individual WQM Permit	Amendment	Wellsboro Borough Municipal Authority Tioga County 14 Crafton Street Wellsboro, PA 16901-1508	Wellsboro Borough Tioga County	NCRO
PA0080586	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	DEP-Initiated Minor Amendment	Morton Building, Inc. 3370 York Road Gettysburg, PA 17325-8258	Straban Township Adams County	SCRO
5670401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Transfer	Roof Garden MHC, LLC 1199 Lancaster Avenue Berwyn, PA 19312-1341	Somerset Township Somerset County	SWRO
NOEXNC177	No Exposure Certification	New	Stellant System 1035 Westminster Drive Williamsport, PA 17701-3911	Loyalsock Township Lycoming County	NCRO
NOEXNE044	No Exposure Certification	New	Metkote Laminated Products, Inc. 1151 Union Street Taylor, PA 18517-1614	Taylor Borough Lackawanna County	NERO
NOEXSC177	No Exposure Certification	Renewal	Dairiconcepts 8190 Presidents Drive Hummelstown, PA 17036-8619	Swatara Township Dauphin County	SCRO
NOEXSC295	No Exposure Certification	Transfer	Johnson & Johnson Consumer, Inc. 1838 Colonial Village Lane Lancaster, PA 17601-6700	East Lampeter Township Lancaster County	SCRO
NOEXSC391	No Exposure Certification	New	Myerstown Real Estate, LLC 33 Glenola Drive Leola, PA 17540-1902	Jackson Township Lebanon County	SCRO
NOEXSC392	No Exposure Certification	New	Amazon Com Service, LLC P.O. Box 80842 Seattle, WA 98108-0842	Altoona City Blair County	SCRO
PAR233524	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Johnson & Johnson Consumer, Inc. 400 W Lincoln Avenue Lititz, PA 17543-8701	Lititz Borough Lancaster County	NCRO
PAR208312	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Kawneer Co., Inc. 71 Progress Avenue Cranberry Township, PA 16066-3596	Cranberry Township Butler County	NWRO
PAG123938	PAG-12 NPDES General Permit for CAFOs	New	Ziegler Nelson L 1660 N State Route 934 Annville, PA 17003-8535	North Annville Township Lebanon County	SCRO
PAG123939	PAG-12 NPDES General Permit for CAFOs	New	Joe Jurgielewicz & Son Ltd 189 Cheese Lane Hamburg, PA 19526-8057	Napier Township Bedford County	SCRO
PAG123940	PAG-12 NPDES General Permit for CAFOs	New	Burkholder Ryan 200 Farm Lane Millerstown, PA 17062-9330	Greenwood Township Perry County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG132294	PAG-13 NPDES General Permit for MS4s	Renewal	East Bangor Borough Northampton County 204 Bray Street East Bangor, PA 18013-2204	East Bangor Borough Northampton County	NERO
PAG133608	PAG-13 NPDES General Permit for MS4s	Renewal	PA State University 3000 Ivyside Park Altoona, PA 16601	Altoona City Blair County	SCRO
PAG134817	PAG-13 NPDES General Permit for MS4s	Renewal	Briar Creek Township Columbia County 150 Municipal Road Berwick, PA 18603-5221	Briar Creek Township Columbia County	NCRO
0698401	Pump Stations Individual WQM Permit	Amendment	Spring Township 2850 Windmill Road Sinking Spring, PA 19608-1668	Spring Township Berks County	SCRO
3822402	Pump Stations Individual WQM Permit	New	North Cornwall Township Lebanon County 320 South 18th Street Lebanon, PA 17402	North Cornwall Township Lebanon County	SCRO
4036073	Sewer Extensions Individual WQM Permit	Transfer	Wyoming Valley Sanitary Authority 1000 Wilkes-Barre Street Hanover Township, PA 18706-5244	Larksville Borough Luzerne County	NERO
PA0255807	Single Residence STP Individual NPDES Permit	Transfer	Aguglia Gayle 811 Blackburn Road Sewickley, PA 15143	Sewickley Heights Borough Allegheny County	SWRO
0220403	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Aguglia Gayle 811 Blackburn Road Sewickley, PA 15143	Sewickley Heights Borough Allegheny County	SWRO

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

*Northcentral Regional Office*

**PA0113484**, Sewage, SIC Code 2451, **Robinson William E, Jr**, 16064 Route 6, Mansfield, PA 16933-9199. Facility Name: Robinson Home Park Development. This existing facility is located in Richmond Township, **Tioga County**.

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

The receiving stream(s), Unnamed Tributary to North Elk Run (CWF), is located in State Water Plan watershed 4-A 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 .016 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen				Geo Mean		
Nov 1 - Apr 30	XXX	XXX	XXX	15	XXX	30
May 1 - Oct 31	XXX	XXX	XXX	5	XXX	10

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

The EPA Waiver is in effect.

*Northcentral Regional Office*

**PA0232939**, Sewage, SIC Code 4952, **Hunter A & Rachel Guenot**, 122 Bucktail Lane, Moshannon, PA 16859-9305. Facility Name: Hunter A & Rachel Guenot. This existing facility is located in Burnside Township, **Centre 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 Sevenmile Run (CWF, MF), is located in State Water Plan watershed 8-D 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 .0006 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
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
				Geo Mean		

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

The EPA Waiver is in effect.

*Northcentral Regional Office*

**PA0009024**, Industrial, SIC Code 3339, **Global Tungsten & Powders Corp.**, 1 Hawes Street, Towanda, PA 18848-2134. Facility Name: Global Tungsten & Powders Corp. This existing facility is located in North Towanda Township, **Bradford County**.

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

The receiving stream(s), Susquehanna River, is located in State Water Plan watershed 4-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 0.5424 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Total Suspended Solids	258.7	540.6	XXX	Report	Report	142.85
Total Dissolved Solids	Report	135,790	XXX	Report	Report	XXX
Total Dissolved Solids	119,157	XXX	XXX	XXX	XXX	XXX
	Annl Avg					
Ammonia-Nitrogen	1,407.3	3,199.7	XXX	Report	Report	777
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Cobalt, Total	Report	Report	XXX	Report	Report	XXX
Copper, Total	5.28	13.80	XXX	Report	Report	3.8
Fluoride, Total	214.7	377.8	XXX	Report	Report	118.5
Lead, Total	1.18	2.55	XXX	Report	Report	0.65
Molybdenum, Total	323	646.1	XXX	Report	Report	178.3
Nickel, Total	18.09	40.81	XXX	Report	Report	9.97
Sulfate, Total	Report	Report	XXX	Report	Report	XXX
Zinc, Total	3.83	9.31	XXX	Report	Report	2.1
Acrylamide (ug/L)	0.6	0.93	XXX	132.0	206.0	330
Chloride	Report	Report	XXX	Report	Report	XXX
Bromide	Report	Report	XXX	Report	Report	XXX

The proposed reporting requirements for Outfalls 002—004 are as follows:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
		Daily Max				

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Molybdenum, Total	XXX	XXX	XXX	XXX	Report	XXX
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

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

Parameters	Mass Units (lbs/day)		Monthly	Concentrations (mg/L)		Instant. Maximum
	Monthly	Annual		Monthly Average	Maximum	
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen	XXX	600,515	XXX	XXX	XXX	XXX
Net Total Phosphorus	XXX	1,577	XXX	XXX	XXX	XXX

The proposed monitoring requirements for implementation of Pennsylvania's Chesapeake Bay Watershed Implementation Plan are as follows for Outfalls 002—004.

Parameters	Mass Units (lbs/day)		Monthly	Concentrations (mg/L)		Instant. Maximum
	Monthly	Annual		Monthly Average	Maximum	
Total Nitrogen (lbs/year)	Report Annl Avg	XXX	XXX	Report Annl Avg	XXX	XXX
Total Phosphorus (lbs/year)	Report Annl Avg	XXX	XXX	Report Annl Avg	XXX	XXX

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

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

The EPA Waiver is not in effect.

Northcentral Regional Office

**PA0232840**, Industrial, NAICS Code 221112, **Renovo Energy Center, LLC**, 12011 Sunset Hills Road, Suite 110, Reston, VA 20190-5919. Facility Name: Renovo Energy Center. This existing facility is located in Renovo Borough, **Clinton County**.

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

The receiving stream(s), West Branch Susquehanna River, is located in State Water Plan watershed 9-B and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.395 MGD.—Limits.

Parameters	Mass Units (lbs/day)		IMIN	Concentrations (mg/L)		IMAX
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.2	XXX	0.5
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	110	XXX
Total Suspended Solids	95	325	XXX	30.0	100.0	125
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	580.0	905.0	1,451

Parameters	Mass Units (lbs/day)		IMIN	Concentrations (mg/L)		IMAX
	Average	Daily		Average	Daily	
	Monthly	Maximum		Monthly	Maximum	
Oil and Grease	XXX	XXX	XXX	15.0	20.0	30
Aluminum, Total (ug/L)	3.7	5.77	XXX	1,123.0	1,751.0	2,806
Copper, Total	Report	Report	XXX	Report	Report	XXX
PCBs, Total (ug/L)	XXX	XXX	XXX	XXX	XXX	1.75

The proposed reporting limits for Outfalls 002 and 003 are as follows:

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

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

The EPA Waiver is not in effect.

Northwest Regional Office

**PA0092185**, Sewage, SIC Code 6515, **Brady Hills MHC, LLC**, 316 West 2nd Street, Suite 1104, Los Angeles, CA 90012. Facility Name: Brady Hills MHP. This existing facility is located in Brady 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 Big 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 0.04 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average	Average		Average	Maximum	
	Monthly	Weekly		Monthly	Maximum	
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 4.0	XXX	Daily Max XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.2	XXX	0.65
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	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
E. Coli (No./100 ml)	XXX	XXX	XXX	Geo Mean XXX	XXX	Report
Total Nitrogen	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	11.7	XXX	23.4
May 1 - Oct 31	XXX	XXX	XXX	3.9	XXX	7.8
Total Phosphorus	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Aluminum, Total	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Manganese, Total	XXX	XXX	XXX	Report Annl Avg	XXX	XXX

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

- Solids Management

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

The EPA Waiver is in effect.

*Northwest Regional Office*

**PA0263885**, Sewage, SIC Code 8800, **Cherrie & Thomas Peffer**, 4162 State Route 488, Portersville, PA 16051-3728. Facility Name: Cherrie & Thomas Peffer SRSTP. This existing facility is located in Perry Township, **Lawrence County**.

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

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

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

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

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

The EPA Waiver is in effect.

*Northwest Regional Office*

**PA0292737**, Sewage, SIC Code 8800, **Paula Larsen**, 558 Clay Furnace Road, Sharpsville, PA 16150-3402. Facility Name: Paula Larsen SRSTP. This proposed facility is located in Clark Borough, **Mercer 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), Magargee Run, is located in State Water Plan watershed 20-A 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 .0004 MGD.—Limits.

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

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

The EPA Waiver is in effect.

*Southcentral Regional Office*

**PA0266531**, Sewage, SIC Code 8811, **Fred Curtis**, 1561 Weisstown Road, Boyertown, PA 19512. Facility Name: Fred Curtis Res. This existing facility is located in Colebrookdale Township, **Berks County**.

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

The receiving stream(s), Unnamed Tributary to Swamp Creek (TSF, MF), is located in State Water Plan watershed 3-E and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
pH (S.U.)	XXX	XXX	5.0 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 717-705-4732.

The EPA Waiver is in effect.

*Southcentral Regional Office*

**PA0291749**, Storm Water, SIC Code 4953, **Divert, Inc.**, 23 Bradford Street, Concord, MA 01742-2971. Facility Name: Divert, Inc. This proposed facility is located in Mechanicsburg Borough, **Cumberland County**.

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

The receiving stream(s), Trindle Spring Run (CWF, MF), is located in State Water Plan watershed 7-B 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 Outfalls 001—003:

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
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
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

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

- Stormwater Outfalls and Authorized Non-Stormwater Discharges
- Best Management Practices (BMPs), Including Applicable BMPs from Appendix C from the PAG-03 (Effective 9/24/16 and Currently Administratively Extended)
- Routine Inspections
- Preparedness, Prevention, and Contingency (PPC) Plan
- Stormwater Monitoring Requirements (Including Benchmarks for pH, TSS, and Oil and Grease)
- Other Requirements

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

The EPA Waiver is in effect.

*Southeast Regional Office*

**PA0020460**, Sewage, SIC Code 4952, **Pennridge Wastewater Treatment Authority**, 180 Maple Avenue, Sellersville, PA 18960-0031. Facility Name: Pennridge WWTP. This existing facility is located in West Rockhill Township, **Bucks County**.

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

The receiving stream(s), East Branch Perkiomen Creek (TSF, MF), is located in State Water Plan watershed 3-E and is classified for Trout Stocking 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 4.325 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	900	1,440	XXX	25	40 Wkly Avg	50
May 1 - Oct 31	541	830	XXX	15	23 Wkly Avg	30
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> ) Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
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	721	1082	XXX	20	30 Wkly Avg	40
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	200.0 Geo Mean	XXX	1,000
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	325	XXX	XXX	9.0	XXX	18
May 1 - Oct 31	108	XXX	XXX	3.0	XXX	6
Total Phosphorus						
Nov 1 - Apr 30	72	XXX	XXX	2.0	XXX	4
May 1 - Oct 31	54	XXX	XXX	1.5	XXX	3

The proposed effluent limits for Outfall 001 are based on a design flow of 4.325 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Dissolved Solids	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Copper, Total	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Cyanide, Free	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Zinc, Total	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Toxicity, Chronic - Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	XXX	2.56	XXX
Toxicity, Chronic - Ceriodaphnia Reproduction (TUc)	XXX	XXX	XXX	XXX	2.56	XXX
Toxicity, Chronic - Pimephales Survival (TUc)	XXX	XXX	XXX	XXX	2.56	XXX
Toxicity, Chronic - Pimephales Growth (TUc)	XXX	XXX	XXX	XXX	2.56	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Daily Maximum</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX

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

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

- Optimization of chlorine dosage
- Notification of designation of responsible operator
- Maintain facility O&M plan
- Hauled in waste restriction
- Dry stream discharge
- POTW pretreatment program implementation
- Solids management for non-lagoon system
- Copper BLM study requirement
- WETT
- Requirements applicable to stormwater outfalls
- DRBC Fecal coliform 10% rule
- Prohibition on receipt of unconventional oil and gas wastewater
- TQLs for toxic pollutants

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

The EPA Waiver is not in effect.

*Southeast Regional Office*

**PA0026468**, Sewage, SIC Code 4952, **Lower Bucks County Joint Municipal Authority**, 7811 New Falls Road, Levittown, PA 19055-1014. Facility Name: Lower Bucks WWTP. This existing facility is located in Bristol Township, **Bucks County**.

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

The receiving stream(s), Delaware River (WWF, MF), is located in State Water Plan watershed 2-E and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 10 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	2.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	1,607	2,410	XXX	20.0	30.0 Wkly Avg	40
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> ) Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> ) Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
CBOD <sub>5</sub> Minimum % Removal (%) Percent Removal	XXX	XXX	XXX	88.50 Min Mo Avg	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	2,500	3,700	XXX	30.0	45.0 Wkly Avg	60

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ultraviolet light intensity (mW/cm <sup>2</sup> )	XXX	XXX	Report	XXX	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	1,668	XXX	XXX	20.0	XXX	40
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 10 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Dissolved Solids	XXX	XXX	XXX	1,000.0	2,000.0	2,500
Copper, Total	Report Avg Qrtly	Report Daily Max	XXX	Avg Qrtly Report Avg Qrtly	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 10 MGD.—Limits.

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

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <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
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <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
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX

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

- No stormwater shall be admitted to sanitary sewers
- Proper disposal of screenings, slurries, sludges and other solids
- Optimize chlorine dosages used for disinfection to minimize TRC in effluent
- Notification of designation of responsible operator must be submitted to DEP
- Permittee shall develop and maintain operations & maintenance (O & M) plan
- Permittee shall report operation of UV disinfection system daily
- Pretreatment program implementation
- Whole Effluent Toxicity (WET) requirements
- Requirements applicable to Stormwater Outfalls
- PCB PMP Plan and monitoring requirements

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

The EPA Waiver is not in effect.

*Southeast Regional Office*

**PA0244589**, Sewage, SIC Code 4952, **Linh Quang Buddhist Temple**, 821 Ridge Road, Telford, PA 18969-1528. Facility Name: Linh Quang Buddhist Temple. This existing facility is located in Salford Township, **Montgomery 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 Ridge Valley Creek (HQ-TSF), is located in State Water Plan watershed 3-E and is classified for High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .000705 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (GPD)	705	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min Report	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	Inst Min	10.0	15.0	20
Total Suspended Solids	XXX	XXX	XXX	10.0	15.0	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Geo Mean Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	30.0	XXX	60
Ammonia-Nitrogen	XXX	XXX	XXX	5.0	XXX	10
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

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*

**PA0003824**, Industrial, SIC Code 2899, **Nalco Production, LLC**, 125 Nalco Way, Ellwood City, PA 16117-4129. Facility Name: Nalco Ellwood City Plant (North & South Plant). This existing facility is located in Franklin Township, **Beaver County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of non-contact cooling water and stormwater.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0 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>Daily Maximum</i>	
pH (S.U.)	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
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for IMP 101 are based on a design flow of 0.34 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	XXX
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	XXX	110

The proposed effluent limits for Outfall 005, 006, 013, 014 and 016—018 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	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
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

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

The EPA Waiver is in effect.

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

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD230068	New	B9 Ridge Owner LLC 4401 Ridge Road Trainer, PA 19061-5000	Trainer Borough Lower Chichester Township Delaware County	SERO
PAD060074	New	Aaron Roche 8620 Hensingersville Road Macungie, PA 18062	Longswamp Township Berks County	SCRO
PAD050011 A-1	Major Amendment	IEA 8177 US-220 Bedford, PA 15522	Cumberland Valley Township Bedford Township Bedford County	SCRO
PAD390052	Renewal	Nestle Purina PetCare Company 2050 Pope Road Allentown, PA 18104	South Whitehall Township Lehigh County	NERO
PAD640035	New	Stark Bartron III P.O. Box 150 Tunkhannock, PA 18657	Waymart Borough Wayne County	NERO
PAD480185	New	Ronca Development, LLC 541 Apollo Drive Bethlehem, PA 18017	City of Bethlehem Northampton County	NERO

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD460077	New	Toll Mid-Atlantic L.P. Company, Inc. Skippack Pike SR 0073 Bethel Road SR 3006, and PA Northeast Extension I476 Lansdale, PA 19446-5923	Worcester Township Montgomery County	SERO

**STATE CONSERVATION COMMISSION  
PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS  
FOR NPDES PERMITS FOR CAFOs**

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed (National Pollutant Discharge Elimination System) NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling 717-787-8821.

Individuals wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30-days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

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

**ACT 38  
NUTRIENT MANAGEMENT PLANS  
CAFO PUBLIC NOTICE SPREADSHEET—APPLICATIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal / New</i>
The Barley Farms Jeffrey Barley 862 Donerville Road Millersville, PA 17551	Lancaster County	405	355.57	Pullets/ Steers	NA	Renewal
Jason Wenger 5376 Elizabethtown Road Manheim, PA 17545	Lancaster County	144	529.39	Dairy/ Swine	NA	Renewal
Rushtown Poultry LLC 970 Rushtown Road Danville, PA 17821	Northumberland County	34.9	1,757.96	Layer	NA	Renewal
Buffalo Valley Farmstead Inc. 269 Meeting House Lane Lewisburg, PA 17837	Union County	1,058.3	759.78	Swine/ Poultry	NA	Renewal

**PUBLIC WATER SUPPLY PERMITS**

Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17), the following parties have applied for 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).**

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

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

**Application No. 0322502**, Construction, Public Water Supply.

Applicant	<b>Cowanshannock Township Municipal Authority</b>
Address	P.O. Box 27 NuMine, PA 16244
Municipality	Cowanshannock Township
County	<b>Armstrong County</b>
Responsible Official	Peter Catanese Chairman Cowanshannock Township Municipal Authority P.O. Box 27 NuMine, PA 16244
Consulting Engineer	George R. Hart P.E. Bankson Engineers, Inc. 267 Blue Run Road Suite 200 Cheswick, PA 15024
Application Received	December 22, 2022
Description	Sagamore Well No. 3 (new source), disinfection and iron/manganese treatment.

**Application No. 1623501**, Construction, Public Water Supply.

Applicant	<b>West Freedom Water Association</b>
Address	2891 Rt. 368 Parker, PA 16049
Municipality	Perry Township
County	<b>Clarion County</b>
Responsible Official	Tammy Barlett Secretary West Freedom Water Association 2891 Rt. 368 Parker, PA 16049
Consulting Engineer	Gregg Del Principe, P.E. 650 Shenango Stop Road New Castle, PA 16101
Application Received	January 3, 2023

Description	WTP Upgrades—iron filters, water softeners and reverse osmosis treatment, chemical feed upgrades and back-up power installation.
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**WATER ALLOCATIONS**

**Application(s) Received Under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) Relating to the Acquisition of Rights to Divert Waters of the Commonwealth.**

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

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

**WA 25-63E**, Water Allocations. **Erie City Water Authority**, 240 West 12th Street, Erie, PA 16501, City of Erie, **Erie County**. To service all or portions of the City of Erie, Greene Township, Harborcreek Township, Lawrence Park Township, McKean Borough, McKean Township, Summit Township, Wesleyville Borough and Bulk Water Sales for Resale to Summit Township Water Authority and Fairview Township Water Authority (District 1), all within Erie County. Water Allocation renewal to continue to withdraw a total daily maximum of 62 MGD from Lake Erie through the Richard S. Wasielewski WTP 56 MGD and Chestnut WTP (Lake Intake 1) 32 MGD. Application received: January 3, 2023.

**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 site(s) identified below, 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 date specified below. During this comment period the municipality may request that the individual identified below, 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 listed above 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.

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

*Contact: Eric Supey, Environmental Program Manager.*

**Prem Ventures (Shavertown Shell)**, Primary Facility ID # **780259**, 125 North Memorial Highway, Shavertown, PA 18708, Kingston Township, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013 on behalf of Prem Ventures LLC, 799 Coon Road, Wyoming, PA 18644, submitted a Notice of Intent to Remediate. Soil and groundwater were contaminated by a release of gasoline. The Notice of Intent to Remediate was published in *The Citizens Voice* on December 23, 2022. Application received: December 28, 2022.

#### MUNICIPAL WASTE GENERAL PERMITS

**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 a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.**

*Central Office: Waste Management Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-7381.*

*Contact: Jason Dunham, Environmental Group Manager.*

**WMGM066NE002. Re-Match USA, Inc.**, 92 Progress Avenue, Tamaqua, PA 16335, Rush Township, **Schuylkill County**. This application is for a Determination of Applicability (DOA) for municipal waste general permit, WMGM066, to authorize the processing of artificial turf fields to separate the constituents (sand, crumb rubber and artificial grass) for beneficial use. Application received: October 25, 2022.

Comments or questions concerning the application should be directed to 717-787-7381, Central Office, Rachel Carson State Office Building, 400 Market Street, Harris-

burg, PA 17101, 717-787-7381. 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.

#### RESIDUAL WASTE GENERAL PERMITS

**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 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.**

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

*Contact: Christina S. Wilhelm, Regional Solid Waste Program Manager; 814-332-6848.*

**WMGR163NW001. Shawmut Grade PW Facility**, Shawmut Grade Road, Wilcox, PA 15870, Sergeant Township, **McKean County**. General Permit Application Registration (WMGR163) for loading/unloading areas, aboveground produced water storage tanks, associated piping and appurtenances within secondary containment for the storage and transfer of liquid waste. Application received: December 22, 2022. Deemed administratively complete: December 27, 2022.

Comments or questions concerning the application should be directed to Christina S. Wilhelm, Regional Solid Waste Program Manager, 814-332-6848, Northwest Region, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945. 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.

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

**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 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.**

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

*Contact: Waste Management Program Manager.*

**WMGR101SW005, DRB Construction, Inc.**, 4179 William Flynn Highway, Allison Park, PA 15101, Shaler Township, **Allegheny County**. This application is for a determination of applicability under general permit WMGR101 for the processing and beneficial use of steel slag, iron slag, and refractory bricks that were co-disposed with slag, reclaimed asphalt pavement materials (RAP) in quantities greater than 10 cubic yards and uncontaminated brick, block and concrete from sidewalk and highway projects as a construction material at the

DRB Concrete Recycling Center, located at 1114 William Flynn Highway, Glenshaw, PA 15116. Application received: December 13, 2022. Deemed administratively complete: December 28, 2022.

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.

## 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 sub-

mitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

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

### PLAN APPROVALS

#### **Application(s) Received for Plan Approval(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B That May Have Special Public Interest. These Plan Approval Applications are in Review and No Decision on Disposition Has Been Reached.**

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

*Contact: Dave Balog, New Source Review Chief, 814-332-6328.*

**25-00383B: Erie Hard Chrome, Inc.**, 1570 East 12th Street, Erie, PA 16511, City of Erie, **Erie County**. Application received: November 14, 2022.

The Department has received the following plan approval application for the construction and initial operation of replacement plating processes and control devices at their facility.

#### **Notice of Intent to Issue Plan Approval(s) and Notice of Intent to Issue or Amend Operating Permit(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These Actions May Include the Administrative Amendments of an Associated Operating Permit.**

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

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

**36-03221A: CK Manufacturing LLC**, 330 Millwood Road, Lancaster, PA 17603, Pequea Township, **Lancaster County**. Application received: September 21, 2022. For their light-duty truck body and barn stall railings coating booth. Actual VOC emissions are approximately 5.0 tons per year and potential VOC emissions are about 33.7 tons per year. The facility is a State Only facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the

plan approval may be incorporated into an Operating Permit pursuant to the provisions of 25 Pa. Code Chapter 127.

### 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.*

**17-00062, DuBois Regional Medical Center**, 100 Hospital Avenue, Dubois, PA 15801, City of DuBois, **Clearfield County**. Application received: October 31, 2022. For the State Only Operating Permit renewal authorization regarding their sources in City of DuBois, Clearfield County. The sources associated with this facility are comprised of three (3) gas-fired boilers, each rated at approximately 20 MMBtu/hr and with No. 2 fuel oil firing capability that are associated with Source ID 031, multiple smaller gas-fired boilers and other natural gas-fired combustion sources associated with Source IDs 032, 033A, 035 and 036, and multiple new and existing diesel fired emergency generator engines associated with Source IDs P102 and P103, along with trivial sources including the above ground fuel storage tanks in service for some of the above sources. The type and quantity of pollutants estimated on a facility-wide potential emissions basis are, as follows: 3.1 tpy of PM/PM<sub>10</sub>; <1 tpy of SO<sub>2</sub>; 24.8 tpy of NO<sub>x</sub>; 16.2 tpy of CO; 7.7 tpy of VOC; and 1.3 TPY of HAP. There were minor changes including new sources constructed at this facility during permit term. The renewal permit incorporates the changes from application, along with the applicable regulatory requirements. The emergency engines associated with Source ID P102 are subject to the Federal National Standards of Performance as codified in 40 CFR Part 60 Subpart IIII, and the other ones associated with Source ID P103 are subject to the National Emission Standards for Hazardous Air Pollutants as codified in 40 CFR Part 63 Subpart ZZZZ. Moreover, the Source ID 031 boilers are subject to fuel usage monitoring and recordkeeping provisions within the Federal National Standards of Performance as codified in 40 CFR Part 60 Subpart Dc, as well as operational limits on firing No. 2 fuel oil in order to continue to maintain gas-fired unit exemption status pursuant to 40 CFR Part 63 Subpart JJJJJ(6J). The renewal permit incorporates all applicable Federal and state regulatory requirements, including the appropriate testing, monitoring, recordkeeping, reporting, work practice and any other conditions necessary to verify compliance. The conditions are established pursuant to the applicable air quality regulatory provisions under Article III of 25 Pa. Code Chapters 121 and 145, relating to Air Resources. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP'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.

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

*Contact: Norman Frederick, Facility Permitting Chief, 570-826-2409.*

**54-00031, Lehigh Valley Hospital/Schuylkill**, 700 E Norwegian St., Pottsville, PA 17901, City of Pottsville, **Schuylkill County**. Application received: November 8,

2022. The Department intends to issue a renewal Operating Permit for this hospital. The operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

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

**33-00016, NAC Carbon Products, Inc.**, Elk Run Avenue, Punxsutawney, PA 15767, Punxsutawney Borough, **Jefferson County**. Application received: April 1, 2022. The Department is providing notice that they intend to renew a State Only Natural Minor Operating Permit for the small diameter carbon product facility. The primary sources at the facility include a main and an auxiliary boiler for space heating, the grinding, screening, mixing, molding, baking, and graphitizing processes, and a solvent degreaser. Potential emissions are as follows: 13.35 TPY total suspended particulate, 0.91 TPY PM<sub>10</sub> and PM<sub>2.5</sub>, 21.86 TPY NO<sub>x</sub>, 14.62 TPY CO, 4.18 TPY VOC, 0.07 TPY SO<sub>x</sub>; thus, the facility is a natural minor. The renewal permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**25-00279, Associated Spring Barnes Group**, 226 South Center Street, Corry, PA 16407, City of Corry, **Erie County**. Application received: January 26, 2022. The Department intends to renew the State Operating Permit for Barnes Group, Inc., Associated Spring plant. The facility manufactures wire springs and other small metal parts, primarily for the automotive industry. The sources at the facility include 2 natural gas fueled space heating boilers, 2 natural gas fueled process boilers, 2 air handlers, an oiling process, dip coating, spray coating, grinding, natural gas fueled bluing and drawing ovens, natural gas fueled miscellaneous ovens, parts washers, and a natural gas fueled emergency generator. The facility is a Natural Minor. The potential emissions from the facility are as follows, 6.1235 tpy PM; 1.02413 tpy PM<sub>10</sub>; 1.02413 tpy PM<sub>2.5</sub>; 0.08077 tpy SO<sub>x</sub>; 13.4746 tpy NO<sub>x</sub>; 28.31643 tpy VOC; 11.31869 tpy CO; and 2.4467 tpy all HAPs combined. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

*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.*

**50-03004, Tuscarora Hardwoods, Inc.**, 2240 Shermans Valley Road, Elliptsburg, PA 17024, Spring Township, **Perry County**. Application received: November 11, 2022. To issue a State Only Operating Permit for a biomass boiler at its facility. Potential air emissions from the facility are estimated at 26.4 tpy NO<sub>x</sub>, 72.0 tpy CO, 26.4 tpy PM<sub>10</sub>, 3.0 tpy SO<sub>x</sub>, and 2.61 tpy VOCs. 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 for Federal 40 CFR 60 Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units and 40 CFR 63 Subpart JJJJJ—NESHAPS for Industrial, Commercial, and Institutional Boilers Area Sources.

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

**36-05008, Tyson Poultry, Inc.**, 403 South Custer Avenue, New Holland, PA 17557, Earl Township and New Holland Borough, **Lancaster County**. Application received: May 25, 2022. To issue a State Only Operating Permit renewal for the poultry slaughtering and processing plant. The facility's reported 2021 emissions include 13.92 tpy of NO<sub>x</sub>, 9.72 tpy of CO, 7.83 tpy of PM<sub>10</sub>, 0.4 tpy of SO<sub>x</sub>, 10.04 tpy of VOCs and 3.55 tpy of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, record-keeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.63a, 40 CFR Part 60—Subpart Dc, 40 CFR Part 60—Subpart IIII, and 40 CFR Part 63—Subpart ZZZZ.

**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	.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.			

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. 32120106. P&N Coal Co., Inc.**, 680 Old Route 119 Highway North, Indiana, PA 15701, Banks Township, **Indiana County**. Permit renewal for reclamation only of a bituminous surface mine affecting 196.0 acres. Receiving stream: unnamed tributaries to South Branch Bear Run and unnamed tributary to Brady Run classified for the following use: CWF. Application received: December 27, 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. 33180101. P. & N. Coal Company, Inc.**, 680 Old Route 119 Highway North, Indiana, PA 15701, Rose Township and Clover Township, **Jefferson County**. Renewal of an existing bituminous surface mine. Application received: December 27, 2022.

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

*Contact: Cassie Stanton, Clerical Assistant 2.*

**Mining Permit No. 17980104. NPDES No. PA0237922. Swisher Contracting, Inc.**, P.O. Box 1223, Clearfield, PA 16830, Lawrence Township, **Clearfield County**. Permit renewal application for a bituminous surface coal mine and associated NPDES permit affecting 84.0 acres. This renewal application is for reclamation only with the continued operation and maintenance of mine drainage water treatment systems. The renewal does not contain revisions to the existing operation. Receiving stream(s): Moose Creek classified for the following use(s): CWF, MF. Application received: December 13, 2022. Accepted: December 28, 2022.

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

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

**Mining Permit No. 40663027. Jeddo-Highland Coal Company**, 144 Brown Street, Yatesville, PA 18640, Hazle Township, **Luzerne County**. Correction to add ash placement areas, an ash source and decrease the permit acres from 470.0 to 187.4 acres of an anthracite surface mine and coal refuse disposal operation. Receiving stream: Black Creek, classified for the following uses: CWF, MF. Application received: December 22, 2022.

#### *Noncoal Applications*

*Effluent Limits*—The following Table 2 effluent limits apply to NPDES permits issued in conjunction with a noncoal mining permit. Additional effluent limits will be listed as part of the publication of the draft NPDES permit.

Table 2

<i>Parameter</i>	<i>Average</i>	<i>30-day Maximum</i>	<i>Daily Maximum</i>	<i>Instantaneous</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. 01930301. NPDES No. PA0595591. New Enterprise Stone & Lime Co., Inc.**, P.O. Box 77, New Enterprise, PA 16664, Hamiltonban Township, **Adams County**. Renewal of NPDES permit affecting 141.0 acres. Receiving streams: Middle Creek classified for the following uses: CWF-MF. Application received: December 21, 2022.

**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**. Renewal of NPDES permit affecting 317.0 acres. Receiving streams: unnamed tributary to Kooser Run classified for the following use: HQ-CWF. Application received: December 27, 2022.

### MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed National Pollutant Discharge Elimination System (NPDES) permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (DEP) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

#### *Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH must always be greater than 6.0; less than 9.0.			
Alkalinity must always be greater than acidity.			

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

*Effluent Limits for Noncoal Mining Activities*

The limits for noncoal mining activities as provided in 25 Pa. Code § 77.522 are pH 6 to 9 and other parameters DEP may require.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

*Coal NPDES Draft Permits*

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

*Contact: Cassie Stanton, Clerical Assistant 2, 814-342-8101.*

**NPDES No. PA0257630. Mining Permit No. 17110105. RES Coal, LLC**, 51 Airport Road, Clearfield, PA 16830. Renewal of an NPDES permit for discharge of water resulting from a bituminous surface coal mine in Girard Township, **Clearfield County**, affecting 233.9 acres. Receiving stream: Bald Hill Run, classified for the following use: CWF. Application received: November 29, 2022.

The following outfalls discharge to Bald Hill Run:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	Treatment Basin 1	Intermittent
002	Existing	Treatment Basin 2	Intermittent
003	Existing	Treatment Basin 3	Intermittent
004	Existing	Treatment Basin 4	Intermittent
005	Existing	Sediment Pond A	Precipitation Induced
006	Existing	Sediment Pond B	Precipitation Induced
007	Existing	Sediment Pond C	Precipitation Induced
008	Existing	Sediment Pond D	Precipitation Induced
009	Existing	Sediment Pond E	Precipitation Induced
010	Existing	Sediment Pond F	Precipitation Induced

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Outfalls: 001—004 (All Discharges)</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
<i>Parameter</i>			
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	2.0	4.0	5.0
Aluminum (mg/L)		Report	
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	

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

<i>Outfalls: 005—010 (Dry Weather Discharges)</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
<i>Parameter</i>			
Iron (mg/L)	3.0	6.0	7.0
Manganese (mg/L)	2.0	4.0	5.0
Aluminum (mg/L)		Report	
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	

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

*Outfalls: 005—010 (Discharges after ≤10-yr/24-hr Precip. Event)*

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/L)	N/A	N/A	7.0
Total Settleable Solids (mL/L)	N/A	N/A	0.5
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.

Alkalinity must exceed acidity at all times.

*Outfalls: 005—010 (Discharges after >10-yr/24-hr Precip. Event)*

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.

Alkalinity must exceed acidity at all times.

*Noncoal NPDES Draft Permits*

*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.*

**NPDES No. PA0227609. Mining Permit No. 16970307. Terra Works, Inc.,** 49 South Sheridan Road, Clarion, PA 16214, Beaver Township, Licking Township and Richland Township, **Clarion County**. Renewal of an NPDES permit. Application received: November 9, 2022.

Unless otherwise noted, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.

The following treated wastewater outfalls discharge to unnamed tributaries to Turkey Run:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate: MGD</i>
001	Existing	SWO	0.492
002	Existing	SWO	0.214
003	Existing	TFO	0.072

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
Iron (mg/l)		2.7	5.4	6.7
Manganese (mg/l)		1.8	3.6	4.5
Aluminum (mg/l)		0.75	0.75	0.75
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)				50.0
Alkalinity greater than acidity <sup>1</sup>				

<sup>1</sup>The parameter is applicable at all times.

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

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

**NPDES Permit No. PA0225665. Mining Permit No. 39880302. Coplay Aggregates, Inc.,** 5101 Beekmanstown Road, Whitehall, PA 18052, Whitehall Township, **Lehigh County**. Application received: July 1, 2022.

Renew an NPDES permit affecting 21.49 acres. Receiving stream: Abandoned water-filled pit to Coplay Creek, classified for the following use: CWF.

Unless otherwise noted, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.

The following treated wastewater outfalls discharge to abandoned water-filled pit:

<i>Outfall Number</i>	<i>New or existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001DIS	Existing	TFO	0.25 MDG

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH	6.0			9.0
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Flow (MGD)			1.296	
Acidity, Total (mg/L)				Report
Alkalinity, Total (mg/L)				Report
Net Alkalinity (mg/L)	0.0			

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (DEP). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341), requires the State to certify that the involved projects will not violate the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), as well as relevant State requirements. Individuals objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30-days of the date of this notice, as well as any questions to the office noted above the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed, and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The DEP may schedule a fact-finding hearing or an informal conference in response to comments if deemed necessary. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8:00 a.m. and 4:00 p.m. on each working day at the office noted above the application.

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

#### Applications Received Under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification Under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

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

**E5929222-010. Delmar Midstream LLC**, 2620 Egypt Road, Norristown, PA 19403, Delmar Township and Shippen Township, **Tioga County**. U.S. Army Corps of Engineers Baltimore District. Application received: October 19, 2022.

To construct, operate, and maintain:

1) A temporary road crossing using timber mats and an 8-inch diameter waterline impacting 861 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Tiadaghton, PA Quadrangle 41.689267°, -77.421011°);

2) A temporary road crossing using timber mats and an 8-inch diameter waterline impacting 105 linear feet of an unnamed tributary to West Branch Stony Fork (EV) (Tiadaghton, PA Quadrangle 41.689242°, -77.418436°);

3) A temporary road crossing using timber mats and an 8-inch diameter waterline impacting 50 linear feet of an unnamed tributary to West Branch Stony Fork (EV) (Tiadaghton, PA Quadrangle 41.689242°, -77.413078°);

4) A temporary road crossing using timber mats and an 8-inch diameter waterline impacting 7,438 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 50 linear feet of West Branch Stony Fork (EV) (Tiadaghton, PA Quadrangle 41.688639°, -77.410156°).

The project will result in 155 linear feet of temporary stream impacts and 8,299 square feet (0.191 acre) of temporary wetland impacts all for the purpose of installing a natural gas pipeline in Delmar and Shippen Township, Tioga County.

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

*Contact: Jake Carson, Project Manager, 570-327-3565.*

**E4104122-016. Pennsylvania Department of Transportation Engineering District 3-0**, P.O. Box 218, Montoursville, PA 17754-0218, McIntyre Township, **Lycoming County**. U.S. Army Corps of Engineers Baltimore District. Application received: December 28, 2022.

PA DOT Engineering District 3-0 proposes a stream restoration project on Lycoming Creek along SR 0014, north of Ralston. The project was authorized under Emergency Permit EP4104122-001 PA DOT, therefore the project has already been completed. Lycoming Creek has been severely eroded along the right streambank and created a gravel bar along the left streambank. The project will utilize a temporary diversion and temporary channel to convey the stream during construction. The project will not require a temporary conveyance of traffic. The project will remove approximately 550 LF of gravel bar and utilize the material to rebuild the right bank out approximately 10 Ft. The project will utilize 17 multi-log deflectors and approximately 600 LF of Grouted R-8 Rip Rap to permanently stabilize the right bank of Lycoming Creek. The project will restore the channel bank to pre-eroded conditions. The project does not propose any jurisdictional wetlands impacts. Lycoming Creek is classified as an Exceptional Value Stream by 25 Pa. Code Chapter 93 Water Quality Standards and listed as a Stocked and Wild Trout Stream by PA Fish and Boat Commission. Latitude: 41° 32' 47", Longitude: -76° 57' 43".

*Contact: Pete Geanacopoulos, Project Manager, 570-327-3701.*

**E1904222-005. Town of Bloomsburg**, 301 East Second Street, Bloomsburg, PA 17815, City of Bloomsburg, **Columbia County**. U.S. Army Corps of Engineers Baltimore District. Application received: December 13, 2022.

The Town of Bloomsburg is proposing to reconstruct and maintain a section of UNT to Fishing Creek (WWF-MF), installing natural grade control structures, permanent plunge pools and erosion control aprons to prevent future streambed erosion. Latitude: 41° 00' 33.9", Longitude: -76° 26' 59.4".

*Contact: Stephen Kardohely, Project Manager, 814-342-8216.*

**E1804222-004. Aaron and Nicole Yohm**, 404 Sunnyside Rd., Newmanstown, PA 17073, Green Township, **Clinton County**. U.S. Army Corps of Engineers Baltimore District. Application received: December 20, 2022.

Aaron and Nicole Yohn are proposing to install and maintain a permanent bank-to-bank bridge over Pepper Run for permanent private access to their property on the west side of the stream. This project was initially authorized and installed under a GP-8 in September 2022. At that time, approximately 2,300 sq. ft. of earth disturbance occurred along the stream and within the floodway. An additional 10,000 sq. ft. of earth disturbance occurred to construct the access roadway into the crossing site and on the far side of the stream. No new disturbance will occur as part of this permit action. The bridge is a single span 30-foot-long x 12-foot-wide steel beam with a timber deck on precast foundations. There are no anticipated adverse impacts to waters of the U.S. or aquatic resources from this crossing project. No wetlands will be impacted. The drainage area at the crossing site is 1.93 square miles. Pepper Run is listed in 25 Pa. Code Chapter 93 designation as a High Quality, Cold Water Fishery (HQ-CWF) with Migratory Fish (MF). Latitude: 41° 2' 46.90", Longitude: -76° 19' 41.59".

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

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

**E3502122-013. Pa Department of Transportation, Eng District 4-0**, 55 Keystone Industrial Park, Dunmore, PA 18512, Moscow Borough, **Lackawanna County**. U.S. Army Corps of Engineers Baltimore District. Application received: December 11, 2022.

To authorize the following water obstructions and encroachments associated with the SR 0690 Section D50 Project: 1. To remove the existing structure and to construct and maintain a 60' wide single span box culvert carrying SR 0690 across Van Brunt Creek (HQ-CWF, MF) having an 20' normal clear span and a 7.5' minimum underclearance and to construct and maintain appurtenant structure features. 2. To permanently impact 0.03 acre of EV wetlands for roadway embankment grading associated with the structure replacement. 3. To construct and maintain an outfall in the floodway of Van Brunt Creek (HQ-CWF) consisting of an 18" pipe and riprap protection. The project is located along SR 0690 Section D50 Segment 0100, Offset 1236, approximately 0.90 mile east of the SR 0690/SR 0380 intersection, Moscow, PA Quadrangle Latitude: 41.338398; Longitude: -75.541150.

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

*Contact: Sage Saum, Clerical Assistant 2, 717-705-4992.*

**E0603222-005. Duke Realty Limited Partnership**, 161 Washington Street, Suite 1020, Conshohocken, PA 19428, Maxatawny Township, **Berks County**. U.S. Army Corps of Engineers Baltimore District. Application received: June 21, 2022.

To remove 1). An existing culvert at the existing Hottenstein Road crossing of the UNT to Mill Creek (TSF/MF). The existing portion of Hottenstein Road that crosses the culvert is to be permanently removed. The impact proposes 35 LF of disturbance to the watercourse

of the UNT to Mill Creek and 0.003 acre to a palustrine emergent exceptional value wetlands (Wetland V). 2). The proposed re-alignment of Hottenstein Road crosses the UNT to Mill Creek (TSF/MF) and impacts to a palustrine emergent exceptional value wetlands (Wetland Q). The crossing of Wetland Q will be made with an 83-foot long, 36" diameter, reinforced concrete pipe, embedded 6' below existing grade at the inverts. This impact proposes 0.208 acre of disturbance to a palustrine emergent exceptional value wetlands (Wetland Q). 3). A culvert is proposed at the location of the proposed re-aligned Hottenstein Road crossing of the UNT to Mill Creek (TSF/MF). The crossing of the UNT to Mill Creek will be made with a 76-foot long, 4.7' high by 18.0' wide open bottom culvert. This impact proposes 122 LF of disturbance to the watercourse of the UNT to Mill Creek. 4). A 6" diameter sanitary sewer force main is proposed from the proposed on-site sanitary sewer pump station to an existing intermediate pump station owned by the Maxatawny Township Municipal Authority. The majority of this run will be along Route 222 and at a point this force main will cross approximately 1 foot below an existing storm culvert, which conveys flow of a UNT to Sacony Creek (CWF/MF). This impact proposes 9 LF of disturbance to the watercourse of the UNT of Sacony Creek. The project is located in Maxatawny Township, Berks County. Latitude: 40.359799°N, Longitude: -75.750572°W.

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

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

**E4601222-024. KRE Acquisition Corp**, 520 US Highway 22, P.O. Box 6872, Bridgewater, NJ 08807, Conshohocken Borough and Whitmarsh Township, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District. Application received: December 7, 2022.

KRE Acquisition Corp is proposing the following water obstruction and encroachment activities associated with 401/433 Washington Street Apartments along the Schuylkill River (WWF, MF): 1) Construction of a 598-unit residential apartment complex including excavation of fill for Act 2 requirements and a walking trail. There is no fill proposed in the floodway. 2) Construction of a stormwater outfall. Proposed work includes 5 acres of permanent floodway impact and no wetland impacts. The site is located near the intersection of Elm and Washington Streets (Norristown, PA USGS Map) in the Borough of Conshohocken and Whitmarsh Township. Latitude: 40.071293°, Longitude: -75.297286°.

**E5101222-016. Woods Grove Capital, LLC**, 15 Woods Grove Road, Westport, CT 06880, City of Philadelphia, **Philadelphia County**. U.S. Army Corps of Engineers Philadelphia District. Application received: October 5, 2022.

Woods Grove Capital, LLC, is proposing to perform the following water obstruction and encroachment activities associated with the construction of a 40,165 sq ft warehouse. Activities associated with the warehouse site development: 1) To fill wetland area (Wetland A PEM) for site development resulting in 197 linear feet (13,456 sq ft, 0.309 acre) of permanent wetland impact. 2) To fill

wetland area (Wetland B PEM) for site development resulting in 95 linear feet (4,818 sq ft, 0.11 acre) of permanent wetland impact. This project is located at 13000 McNulty Road, Philadelphia (USGS PA Beverly Quadrangle) in the City of Philadelphia, Philadelphia County. Latitude: 40.110240°, Longitude: -74.981106°.

#### ENVIRONMENTAL ASSESSMENTS

*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. Application received: November 21, 2022.

The SR 81 Passive Treatment System Rehabilitation project involves the rehabilitation and expansion of an existing 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. This project will result in the permanent impact of .22 acre to palustrine emergent wetland. Latitude: 41.098889°, Longitude: -79.859167°.

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

*Contact: Sage Saum, Clerical Assistant 2, 717-705-4992.*

**EA3803222-005. Doc Fritchey Chapter Trout Unlimited**, P.O. Box 227, Palmyra, PA 17078, Cornwall Borough, **Lebanon County**. U.S. Army Corps of Engineers Baltimore District. Application received: December 17, 2023.

To conduct a stream restoration along 1,105 feet of an unnamed tributary to Snitz Creek (TSF, MF) including 1.) the relocation and maintenance of 384 feet of stream; 2.) the grading and maintenance of 1,164 feet of streambank (left and right banks); 3.) the construction and maintenance of 1,462 linear feet of bankfull benches; 4.) the construction and maintenance of twelve riffles totaling 311 feet in length; 5.) the construction and maintenance of twelve boulder runs; 6.) the construction and maintenance of a 20.0-foot by 10.0-foot temporary timber bridge; 7.) the installation and maintenance of nine rock outcrops; 8.) the placement and maintenance of fill in 120 linear feet of an unnamed tributary to an unnamed tributary to Snitz Creek (TSF, MF); and 9.) the excavation and maintenance of 2.22 acres of floodway along an unnamed tributary to Snitz Creek (TSF, MF), all for the purposes of improving instream habitat and water quality. The project is located immediately downstream of

Culvert Street (Latitude: 40° 17' 11.45" N; Longitude: 76° 24' 41.50" W) in Cornwall Borough, Lebanon County. No wetlands will be impacted by this project.

#### EROSION AND SEDIMENT CONTROL

The following parties have applied for an Erosion and Sediment Control Permit (ESCP) for an earth disturbance activity associated with either a road maintenance or timber harvesting operation.

Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (DEP) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices (BMPs) which restrict the rate and quantity of sediment discharged.

Individuals wishing to comment on the proposed permit are invited to submit a statement to the appropriate DEP Regional Office listed above the application within 30-days of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses 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 relevant facts upon which it is based. A public hearing may be held after consideration of comments received by the appropriate DEP Regional Office during the 30-day public comment period.

Following the 30-day comment period, the appropriate Regional Office Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity are on file and may be inspected at the office identified in this 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).

#### Applications Received Under Sections 5 and 402 of the Clean Streams Law (35 P.S. §§ 691.5 and 691.402).

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

*Contact: Kate Hogue, Clerical Supervisor 2, 814-332-6860.*

ESCGP-3 # ESCGP#3

Applicant Name Olympus Energy LLC

Contact Person Brian Dillemath

Address 501 Technology Drive, Suite 1200

City, State, Zip Canonsburg, PA 15317

Township(s) Forward Township and Elizabeth Township  
County Allegheny County

Receiving Stream(s) and Classification(s) Monongahela  
River WWF; Perry Mill Run WWF; Fallen Timber Run  
WWF

Application received: August 10, 2022

## ACTIONS

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


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**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: 412-442-4286. Email: RA-EPNPDES\_SWRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SWRO@pa.gov for Chapter 102 permits.*

*DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814-332-6078. Email: RA-EPNPDES\_NWRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NWRO@pa.gov for Chapter 102 permits.*

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

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law).

The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law. For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board. Individuals who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at 717-787-3483 for more information. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. Important legal rights are at stake, however, so individuals should contact a lawyer at once.

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

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

Any person aggrieved by this action may challenge it in an appropriate legal forum. The State and Federal courts are currently split on whether the proper forum to challenge a Department permit, authorization or approval for a facility or activity subject to the Federal Natural Gas Act, 15 U.S.C.A. §§ 717 et seq., is the United States Court of Appeals for the Third Circuit or the Pennsylvania Environmental Hearing Board. See *Delaware Riverkeeper Network v. Sec’y, Dep’t of Env’tl. Prot.*, 833 F.3d 360 (3d Cir. 2016); *Delaware Riverkeeper Network v. Sec’y, Dep’t of Env’tl. Prot.*, 903 F.3d 65 (3d Cir.

2018), cert. denied, 139 S. Ct. 1648, 203 L. Ed. 899 (2019) and *Cole v. Dep't. of Env'tl. Prot.*, 1577 C.D. 2019 WL 2420667 (Pa. Cmwlth Ct. June 15, 2021) (Pet. for Allowance of Appeal pending); *West Rockhill Twp. v. Dep't of Env'tl. Prot.*, No. 1595 C.D. 2019 WL 2426014 (Pa. Cmwlth. June 15, 2021) (Pet. for Allowance of Appeal pending).

**I. Final Action(s) on NPDES and WQM Permit Application(s) and NOIs for Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides, CAFOs and Individual Construction Stormwater.**

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAD400055	Chapter 102 Individual NPDES Permit	Issued	Northeastern Storage, LLC 59 Brown Street Mountain Top, PA 18707-1124	Fairview Township Luzerne County	NERO
PAD480023	Chapter 102 Individual NPDES Permit	Issued	Tatamy Farms LP 4511 Falmer Drive Bethlehem, PA 18020-9796	Tatamy Borough Northampton County	NERO
PAD510210	Chapter 102 Individual NPDES Permit	Issued	5000 Richmond Holdings, LLC 2 Park Avenue New York, NY 10016-5675	Philadelphia City Philadelphia County	SERO
PA0284793	Industrial Stormwater Individual NPDES Permit	Issued	Glassport Scrap, LLC 40 Allegheny Square Glassport, PA 15045-1649	Glassport Borough Allegheny County	SWRO
0113820	Joint DEP/PFBC Pesticides Permit	Issued	Saltzman Charles 622 Chestnut Hill Road Aspers, PA 17304-9425	Tyrone Township Adams County	SCRO
0213801	Joint DEP/PFBC Pesticides Permit	Issued	Lake Macleod POA 543 Macleod Drive Gibsonia, PA 15044-8962	Pine Township Allegheny County	SWRO
0922817	Joint DEP/PFBC Pesticides Permit	Issued	Luciano Inna 4280 Erica Drive Doylestown, PA 18902-1793	Doylestown Borough Bucks County	SERO
1521815	Joint DEP/PFBC Pesticides Permit	Issued	Chester County Parks 382 County Park Road Pottstown, PA 19465	West Fallowfield Township Chester County	SERO
2113803	Joint DEP/PFBC Pesticides Permit	Issued	Davenport Stephen 2900 Arcona Road Mechanicsburg, PA 17055-5907	Upper Allen Township Cumberland County	SCRO
2619800	Joint DEP/PFBC Pesticides Permit	Issued	Deer Lake Improvement Association P.O. Box 112 Chalk Hill, PA 15421	Wharton Township Fayette County	SWRO
2822803	Joint DEP/PFBC Pesticides Permit	Issued	Treat Jo 14660 Lower Horse Valley Road Orrstown, PA 17244-9427	Letterkenny Township Franklin County	SCRO
3618802	Joint DEP/PFBC Pesticides Permit	Issued	Hufford Larry P.O. Box 4174 Harrisburg, PA 17111	East Cocalico Township Lancaster County	SCRO
3813817	Joint DEP/PFBC Pesticides Permit	Issued	Simpson William 2570 Emma Road Lebanon, PA 17046-1407	North Lebanon Township Lebanon County	SCRO
3822801	Joint DEP/PFBC Pesticides Permit	Issued	Alden Place 100 Freeman Drive Lebanon, PA 17042-9005	Cornwall Borough Lebanon County	SCRO
4613826	Joint DEP/PFBC Pesticides Permit	Issued	Bryemere Holdings, LLC P.O. Box 2021 Warren, MI 48090	Upper Merion Township Montgomery County	SERO
6722807	Joint DEP/PFBC Pesticides Permit	Issued	Bob and Patricia Alexander 1100 Pleasant Grove Road York Haven, PA 17370-8700	Newberry Township York 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>
PA0026875	Major Sewage Facility >= 5 MGD Individual NPDES Permit	Issued	Hanover Borough York County 44 Frederick Street Hanover, PA 17331-3501	Hanover Borough York County	SCRO
PA0026557	Major Sewage Facility with CSOs Individual NPDES Permit	Issued	Sunbury City Municipal Authority Northumberland County 462 S 4th Street Sunbury, PA 17801-3134	Sunbury City Northumberland County	NCRO
PA0034886	Minor Industrial Waste Facility with ELG Individual NPDES Permit	Issued	ST Products, LLC d/b/a Small Tube Products P.O. Box 1017 200 Oliphant Drive Duncansville, PA 16635-1017	Allegheny Township Blair County	SCRO
PA0027634	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055	Lower Makefield Township Bucks County	SERO
PA0239046	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	JMS Manufacturing, LLC 417 Thorn Street Suite 300 Sewickley, PA 15143-1509	Ridgway Township Elk County	NWRO
PA0262072	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Knouse Foods Cooperative, Inc. 53 East Hanover Street P.O. Box 807 Biglerville, PA 17307	Huntington Township Adams County	SCRO
PA0032352	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Williamsport Area School District 1400 W 3rd Street Williamsport, PA 17701-7898	Hepburn Township Lycoming County	NCRO
PA0033057	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Nolt Henry W 455b Middle Creek Road Lititz, PA 17543-7303	Londonderry Township Dauphin County	SCRO
PA0080586	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Morton Bldg, Inc. 3370 York Road Gettysburg, PA 17325-8258	Straban Township Adams County	SCRO
PA0083488	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Stonebridge Health & Rehab Center 102 Chandra Drive Duncannon, PA 17020-9745	Penn Township Perry County	SCRO
PA0094099	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Camp Peniel of Meyersdale, Inc. 620 Main Street Berlin, PA 15530-1346	Greenville Township Somerset County	SWRO
PA0094536	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Allegiance Rehab Center, Inc. 1427 Frankstown Road Sidman, PA 15955-4611	Croyle Township Cambria County	SWRO

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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>
PA0203777	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Ductmate Ind. 1502 Industrial Drive Monongahela, PA 15063-9753	Forward Township Allegheny County	SWRO
4305402	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Reorganized Church of Jesus Christ of Latter Day St. 9017 Chillicothe Road Temple Grove Business Office Kirtland, OH 44094-9261	Delaware Township Mercer County	NWRO
09324-S	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Allegiance Rehab Center, Inc. 1427 Frankstown Road Sidman, PA 15955-4611	Croyle Township Cambria County	SWRO
NOEXNW066	No Exposure Certification	Issued	Handsome Lake Energy, LLC 173 Cornplanter Lane Kennerdell, PA 16374-4935	Rockland Township Venango County	NWRO
NOEXNW175	No Exposure Certification	Issued	Flexcut Tool Co., Inc. 8105 Hawthorne Drive Erie, PA 16509-4653	Summit Township Erie County	NWRO
NOEXNW220	No Exposure Certification	Issued	Deist Ind, LLC 3547 Perry Highway Hadley, PA 16130-2325	Sandy Creek Township Mercer County	NWRO
NOEXSE116	No Exposure Certification	Issued	Air Liquide Healthcare America Corp 6141 Easton Road Plumsteadville, PA 18949	Plumstead Township Bucks County	SERO
PAR608311	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	AIM Recycling Erie, LLC 1431 East Avenue Erie, PA 16503-1570	Erie City Erie County	NWRO
PAG136233	PAG-13 NPDES General Permit for MS4s	Waived	Scalp Level Borough Cambria County 422 Main Street Windber, PA 15963-1017	Scalp Level Borough Cambria County	SWRO
PAG136286	PAG-13 NPDES General Permit for MS4s	Waived	Ferndale Borough Cambria County 109 Stanton Street Johnstown, PA 15905	Ferndale Borough Cambria County	SWRO
PAG136409	PAG-13 NPDES General Permit for MS4s	Waived	Coal Center Borough Washington County P.O. Box 292 Coal Center, PA 15423-0292	Coal Center Borough Washington County	SWRO
5609402	Sewage Treatment Facilities Individual WQM Permit	Issued	Camp Peniel of Meyersdale, Inc. 620 Main Street Berlin, PA 15530-1346	Greenville Township Somerset County	SWRO
1322401	Sewer Extensions Individual WQM Permit	Issued	Lower Towamensing Township Carbon County 595 Hahns Dairy Road Palmerton, PA 18071-5419	Lower Towamensing Township Carbon County	NERO
1422401	Sewer Extensions Individual WQM Permit	Issued	ORD Sewer Authority 235 Skips Lane Osceola Mills, PA 16666-1753	Decatur Township Clearfield County	NCRO
PA0245445	Single Residence STP Individual NPDES Permit	Issued	Formica Michael 24 Meng Road Schwenksville, PA 19473-1729	Lower Frederick Township Montgomery County	SERO

## 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>
PA0261475	Single Residence STP Individual NPDES Permit	Issued	Broad Top Township Bedford County 124 Hitchens Road Defiance, PA 16633-9002	Broad Top Township Bedford County	SCRO
PA0266361	Single Residence STP Individual NPDES Permit	Issued	Stephens Jennifer D 53 Sassafras Lane Delta, PA 17314-7000	Peach Bottom Township York County	SCRO
PA0291293	Single Residence STP Individual NPDES Permit	Issued	Staley Matthew 946 McEwen Road Sligo, PA 16255-2120	Monroe Township Clarion County	NWRO
PA0291340	Single Residence STP Individual NPDES Permit	Issued	McDeavitt David 418 Deer Run Road Slippery Rock, PA 16057-2940	Slippery Rock Township Butler County	NWRO
PA0291358	Single Residence STP Individual NPDES Permit	Issued	McDeavitt David 418 Deer Run Road Slippery Rock, PA 16057-2940	Slippery Rock Township Butler County	NWRO
PA0291374	Single Residence STP Individual NPDES Permit	Issued	Belinda and Scott Dentler 5831 Harborgreene Road Erie, PA 16510-5268	Greene Township Erie County	NWRO
1022417	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	McDeavitt David 418 Deer Run Road Slippery Rock, PA 16057-2940	Slippery Rock Township Butler County	NWRO
1022418	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	McDeavitt David 418 Deer Run Road Slippery Rock, PA 16057-2940	Slippery Rock Township Butler County	NWRO
1622404	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Staley Matthew 946 McEwen Road Sligo, PA 16255-2120	Monroe Township Clarion County	NWRO
2522435	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Belinda and Scott Dentler 5831 Harborgreene Road Erie, PA 16510-5268	Greene Township Erie County	NWRO
4622407	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Formica Michael 24 Meng Road Schwenksville, PA 19473-1729	Lower Frederick Township Montgomery County	SERO
6716402	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Stephens Jennifer D 53 Sassafras Lane Delta, PA 17314-7000	Peach Bottom Township York County	SCRO
WQG02252203	WQG-02 WQM General Permit	Issued	Summit Township Sewer Authority Erie County 68 Port Access Road Erie, PA 16507-2204	Erie City Erie 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>
PAC090531 A-1	PAG-02 General Permit	Issued	The Dow Chemical Company 200 Route 413 Bristol, PA 19007	Bristol Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 x110 RA-EPNPDES_SERO@ pa.gov
PAC140042 A-3	PAG-02 General Permit	Issued	SunCap Property Group, LLC 6101 Carnegie Blvd Suite 180 Charlotte, NC 28209	Benner Township Centre County	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823-1400 814 355-6817
PAC170015-01	PAG-02 General Permit	Issued	Atlas Pressed Metals 125 Tom Mix Drive DuBois, PA 15801	City of DuBois Clearfield County	Clearfield County Conservation District 6395 Clearfield- Woodland Highway Suite 2 Clearfield, PA 16830-1923 814-765-2629
PAC600096	PAG-02 General Permit	Issued	Philip Kurtz 1560 Church Road Mifflinburg, PA 17844	West Buffalo Township Union County	Union County Conservation District 155 N 15th Street Lewisburg, PA 17837 570 524-3860
PAC090546	PAG-02 General Permit	Issued	Warrington Easton, LLC 4 Caufield Place Suite 102 Newtown, PA 18940	Warrington Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 x110 RA-EPNPDES_SERO@ pa.gov
PAC2100094A-1	PAG-02 General Permit	Issued	Hertzler Road Associates, LP 4400 Deer Path Road Suite 1 Harrisburg, PA 17110	Upper Allen Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812
PAC210284	PAG-02 General Permit	Issued	Mihail Malinov 2509 Mill Road Mechanicsburg, PA 17055	Upper Allen Township Cumberland County	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812
PAC200091	PAG-02 General Permit	Issued	Giant Eagle Inc. 101 Kappa Drive Pittsburgh, PA 15238	Vernon Township Crawford County	Crawford County Conservation District 21742 German Road Meadville, PA 16335 814-763-5269
PAC100280	PAG-02 General Permit	Issued	Woodland Reserve LP 361 Mars Valencia Road Mars, PA 16046	Jackson Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270

<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>
PAC200065A2	PAG-02 General Permit	Issued	Hillandale Gettysburg LP 3910 Oxford Road Gettysburg, PA 17325	East Fallowfield Township Crawford County	Crawford County Conservation District 21742 German Road Meadville, PA 16335 814-763-5269
PAC010215	PAG-02 General Permit	Issued	Interchange Storage 4652 US 6 West Ulysses, PA 16948	Cumberland Township Cumberland County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717-334-0636

**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>
Reu-Hel Farms 638 Railroad Road Mohrsville, PA 19541	Berks County	531.8	572.07	Dairy/ Ducks	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 Pennsyl-

vania 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).

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

*Contact: Terri Yench, Clerical Assistant 2, 570-830-3048.*

#### Operation Permit No. 3480072, Public Water Supply.

Applicant	<b>Gap View MHC, LLC</b>
Address	1199 Lancaster Avenue Suite 100 Berwyn, PA 19312
Municipality	Lehigh Township
County	<b>Northampton County</b>
Consulting Engineer	Nathan Jameson Gap View MHC, LLC 1199 Lancaster Avenue Suite 100 Berwyn, PA 19312
Application Received	October 14, 2022
Permit Issued	December 27, 2022
Description	Permit Transfer

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

*Contact: Joseph M. Mattucci, Program Manager, 717.705.4708.*

#### Operation Permit No. 0722507 MA, Minor Amendment, Public Water Supply.

Applicant	<b>Altoona Water Authority</b>
Address	900 Chestnut Avenue Altoona, PA 16601
Municipality	Logan Township
County	<b>Blair County</b>
Consulting Engineer	Michael Sinisi, P.E. Altoona Water Authority 900 Chestnut Avenue Altoona, PA 16601
Application Received	October 17, 2022
Permit Issued	December 23, 2022
Description	The rehabilitation of the existing 0.35 MG "Super High" Water Storage Tank.

#### Operation Permit No. 0722508 MA, Minor Amendment, Public Water Supply.

Applicant	<b>Altoona Water Authority</b>
Address	900 Chestnut Avenue Altoona, PA 16601

Municipality	Blair Township
County	<b>Blair County</b>
Consulting Engineer	Michael Sinisi, P.E. Altoona Water Authority 900 Chestnut Avenue Altoona, PA 16601
Application Received	December 17, 2022
Permit Issued	December 24, 2022
Description	The rehabilitation of the existing 3.0 MG Duncansville Water Storage Tank.

*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 7210356.** PWSID No. **7210356. American Islamic Cultural Center**, 18 Blue Marlin Way, Mechanicsburg, PA 17050, Silver Spring Township, **Cumberland County**. Application received: October 27, 2022. Permit Issued: December 23, 2022. New system and treatment, including a well, pressure tank, flow meter, cartridge filtration, UV unit, and flow control.

**Construction/Operation Permit 2122511 MA.** PWSID No. **7210322. Cumberland Valley School District**, 6746 Carlisle Pike, Mechanicsburg, PA 17050, Monroe Township, **Cumberland County**. Application received: November 16, 2022. Permit Issued: December 23, 2022. Replace the existing Well No. 1 submersible well pump at Monroe Elementary School.

**Operation Permit 3061106.** PWSID No. **3061106. Wagner Farms Partnership**, 490 Hunter Road, Oley, PA 19547, Oley Township, **Berks County**. Application received: December 16, 2022. Permit Issued: January 3, 2023. Comprehensive operation permit for operation of equipment installed under Construction Permit No. 0621523, as well as transfer in ownership from Oley Turnpike Dairy, Inc. to Wagner Farms Partnership.

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

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

**Operation Permit 5026048-T4-A1.** PWSID No. **5026048. DS Services of America, Inc.**, 45 West Noblestown Road, Carnegie, PA 15106, Collier Township, **Allegheny County**. Application received: August 15, 2022. Permit Issued: September 8, 2022. The removal of Entry Point No. 105 (Distilled with Minerals and Fluoride).

**Operation Permit 5026467-153.** PWSID No. **5046467. GW Services, Inc.**, 2615 Temple Heights Drive, Oceanside, CA 92056. Application received: March 31, 2022. Permit Issued: October 31, 2022. Deactivating Entry Point No. 153, (vending machine located at the Giant Eagle at 1600 W State Route 65).

**Operation Permit 5026467-182.** PWSID No. **4116467. GW Services, Inc.**, 2615 Temple Heights Drive, Oceanside, CA 92056. Application received: October 17,

2022. Permit Issued: October 31, 2022. Deactivating Entry Point No. 182, (vending machine located at the Save A Lot at 346 Sheridan Street).

**Operation Permit 5026566-101.** PWSID No. **5026566.** **National Water Services, LLC**, 1217 Parkway Drive, Santa Fe, NM 87507, City of Pittsburgh, **Allegheny County**. Application received: October 3, 2022. Permit Issued: November 15, 2022. Deactivating Entry Point No. 101 (RO) (vending machine located at Whole Foods Market # 152 at 5880 Centre Avenue.

**Operation Permit 5026566-102.** PWSID No. **5026566.** **National Water Services, LLC**, 1217 Parkway Drive, Santa Fe, NM 87507, City of Pittsburgh, **Allegheny County**. Application received: October 3, 2022. Permit Issued: November 15, 2022. Deactivating Entry Point No. 102 (Distilled) (vending machine located at Whole Foods Market # 152 at 5880 Centre Avenue.

**Operation Permit 5026566-105.** PWSID No. **5026566.** **National Water Services, LLC**, 1217 Parkway Drive, Santa Fe, NM 87507, City of Pittsburgh, **Allegheny County**. Application received: October 3, 2022. Permit Issued: November 15, 2022. Deactivating Entry Point No. 105 (RO-pH) (vending machine located at Whole Foods Market # 152 at 5880 Centre Avenue.

#### SEWAGE FACILITIES ACT PLAN DISAPPROVAL

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

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

*Contact: Brenden Valko, Sewage Planning Specialist, 412-442-4116.*

##### Plan Location:

Municipality	Address	County
New Sewickley Township	233 Miller Road Rochester, PA 15074	Beaver County

##### Plan Description:

**The Meadow Crest Development**, 04943-22-025. The proposed development consists of a 250 EDU residential development with a Private Wastewater Treatment Facility.

### HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

#### Proposed Settlement Under the Comprehensive Environmental Response, Compensation, and Liability Act and the Hazardous Sites Cleanup Act

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

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

Naval Air Station Joint Reserve Base (NASJRB) Willow Grove and Biddle Air National Guard Base (Biddle ANGB), Route 611 and County Line Road, Horsham, PA 19040, Horsham Township, **Montgomery County**.

Under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C.A. §§ 9601—9675) (CERCLA) and/or the Hazardous Sites Cleanup Act, as amended (35 P.S. §§ 6020.101—6020.1305) (HSCA), the United States Environmental Protection Agency Region

III (EPA), the Pennsylvania Department of Environmental Protection (Department), the United States Department of the Navy (Navy), and the United States Air Force (Air Force) (collectively “the Parties”) are proposing to enter into a settlement to amend a Federal Facility Agreement (FFA), CERCLA Docket Number: CERC-03-2005-0038FF, that the Parties entered into on June 27, 2005.

The 2005 Defense Base Closure and Realignment Commission’s (BRAC) final and Congressionally-approved recommendations closed NASJRB Willow Grove. The Navy continues to hold real property accountability for NASJRB Willow Grove pending BRAC property disposal. In 2009 and 2011, 45 acres of excess NASJRB Willow Grove property was transferred to the Air Force for use by the Horsham Air Guard Station (HAGS), which was renamed Biddle Air National Guard Base (Biddle ANGB) on January 13, 2021. The Air Force continues to hold real property accountability for Biddle ANGB, which includes the 162-acres former Willow Grove Air Reserve Station (WGARS) in addition to the 45 acres of excess NASJRB Willow Grove property transferred to the Air Force in 2009 and 2011. The United States Air National Guard (ANG), a component of the Air Force, is responsible for the day-to-day operations of Biddle ANGB.

The proposed amendment to the FFA would enable the Air Force and ANG to comply with applicable provisions of CERCLA and the Resource Conservation and Recovery Act (RCRA) and bring all restoration activities, including but not limited to those related to per- and poly-fluorinated alkyl substances (PFAS), including, but not limited to, perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS), on and/or attributable to Biddle ANGB under the FFA.

Under section 1113 of HSCA (35 P.S. § 6020.1113), the Department is publishing notice of this proposed amendment to the FFA and is providing a 60-day period for public comment commencing with the date of this publication. Copies of the FFA and the proposed amendment are available for public review at: <https://www.111attackwing.ang.af.mil/click> on the “COMMUNITY/ENVIRO” dropdown menu located towards the bottom of the page). Written comments may be submitted by mail or email to: Colin Wade, Environmental Protection Specialist, Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401/cowade@pa.gov and/or Sarah Kloss, Remedial Project Manager, U.S. EPA, Region III, 1600 JFK Blvd., Philadelphia, PA 19103/kloss.sarah@epa.gov. Further information or a copy of the FFA and/or the proposed amendment to the FFA can be obtained by contacting Mr. Wade at cowade@pa.gov or (484) 250-5722 or Brian Glass, Assistant Counsel, Office of Chief Counsel, at briaglass@pa.gov or (484) 250-5870.

### 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.

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

*Contact: Eric Supey, Environmental Program Manager.*

**D. Lauer Pad 1**, Primary Facility ID # **862138**, 3057 Garrison Road, Springville, PA 18844, Springville Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of Coterra Energy, Inc., 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Final Report concerning remediation of soil contaminated with diesel. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

**DPH Well Pad**, Primary Facility ID # **861090**, 258 Deer Park Lane, Mehoopany, PA 18629, Windham Township, **Wyoming County**. Creston Environmental, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia LLC, 14 Cheasapeake Lane, Sayre, PA 18840, submitted a Final Report concerning remediation of soil contaminated with ethylene glycol. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

**Prem Ventures (Shavertown Shell)**, Primary Facility ID # **780259**, 125 North Memorial Highway, Shavertown, PA 18708, Kingston Township, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Prem Ventures LLC, 799 Coon Road, Wyoming, PA 18644, submitted a Final Report concerning remediation of soil and groundwater contaminated with gasoline. The Final Report is intended to document remediation of the site to meet the Statewide health 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.*

**Former Village Greens Golf Course**, Primary Facility ID # **705749**, 3901 Penn Avenue, Sinking Spring, PA 19608, Sinking Spring Borough, **Berks County**. Liberty Environmental, Inc., 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of Sinking Spring Associates, LLC, 300 Water Street, Suite 300, Wilmington, DE 19801-5037, submitted a Cleanup Plan concerning remediation of soil and groundwater contaminated with Arsenic and Various Pesticides. The Cleanup Plan is intended to document remediation of the site to meet the site-specific standards.

**1501 North George Street**, Primary Facility ID # **830589**, 1501 North George Street, York, PA 17404, Manchester Township, **York County**. Liberty Environmental, Inc., 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of George Street Investors, LLC, P.O. Box 429, Conshohocken, PA 19428, submitted a Final Report concerning remediation of soil and groundwater contaminated with Leaded and Unleaded Gasoline Compounds. The Final Report is intended to document remediation of the site to meet the site-specific standards.

**15 Railroad Avenue, LLC**, 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 17406, on behalf of Pyramid Reality Group, LP, 3250 Fox Run Drive, Allentown, PA 18103, submitted a Final Report concerning remediation of soil contaminated with Lead and Arsenic. The Final Report is intended to document remediation of the site to meet the site-specific standards.

**MTS Bethel Properties/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 Heating Oil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

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

*Contact: Kam Miseikyte, Clerical Assistant 2, 412-442-4091.*

**Hussey Copper**, Primary Facility ID # **854095**, 100 Washington Street, Leetsdale, PA 15056, Leetsdale Borough, **Allegheny County**. Wood Environment & Infrastructure, 437 Grant Street, Suite 918, Pittsburgh, PA 15219, on behalf of Libertas Copper, 100 Washington Street, Leetsdale, PA 15056, submitted a Final Report concerning remediation of soil and groundwater contaminated with aluminum, arsenic, barium, cadmium, chromium III, copper, lead, mercury, nickel, selenium, silver, zinc, volatile organics, semi-volatile organics and polychlorinated biphenyls. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

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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.

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

*Contact: Lisa Hensel, Clerical Assistant 2, 570-327-3653.*

**Schmidt Baking Company Project**, Primary Facility ID # **859250**, US Route 15 at MM 148N, Trout Run, PA 17771, Lewis Township, **Lycoming County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of

Schmidt Baking Company, Inc., 7801 Fitch Lane, Baltimore, MD 21231, submitted a Final Report concerning remediation of soil contaminated with diesel fuel and transmission fluid. The Final Report demonstrated attainment of the Statewide health standards. Approved: November 30, 2022.

**Jads 25HC on the Jads Pad**, Primary Facility ID # **862407**, 1800 Grandpop Trail, Monroeton, PA 18832, Monroe 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 diesel fuel. The Final Report demonstrated attainment of the Statewide health standards. Approved: December 15, 2022.

**Thomas Kitchen Property**, Primary Facility ID # **850480**, 6850 Hidlay Church Road, Bloomsburg, PA 17815, South Centre Township, **Columbia County**. DMS Environmental Services, LLC, 103 South Spring Street, Bellefonte, PA 16823, on behalf of Thomas Kitchen, P.O. Box 183, Laporte, PA 18626, submitted a combined Remedial Investigation Report/Cleanup Plan/Final Report concerning remediation of soil contaminated with No. 2 fuel oil. The Report demonstrated attainment of the site-specific standards. Approved: December 27, 2022.

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

*Contact: Eric Supey, Environmental Program Manager.*

**23 Church Lane**, Primary Facility ID # **860423**, 23 Church Lane, Orwigsburg, PA 17961, West Brunswick Township, **Schuylkill County**. EFI Global, 11 Commerce Way, Suite A, Totowa, NJ 07512, on behalf of Ross Hermany, 23 Church Lane, Orwigsburg, PA 17961, submitted a Final Report concerning remediation of soil contaminated with diesel. The Final Report demonstrated attainment of the Statewide health standards. Approved: December 27, 2022.

**530 Milford Street**, Primary Facility ID # **858081**, 530 Milford Street, Easton, PA 18045, Palmer Township, **Northampton County**. Barry Isett & Associates, 85 South Route 100, Allentown, PA 18106, on behalf of Brookside Commercial Construction, 823 Third Street, Whitehall, PA 18052, submitted a Risk Assessment/Remedial Investigation/Final Report concerning remediation of soil contaminated with arsenic from historic site operations. The Report demonstrated attainment of the site-specific standards. Approved: December 28, 2022.

**Bethlehem Commerce Center Site—Majestic Parcel Lot S**, Primary Facility ID # **682648**, 3551 Commerce Center Boulevard, Bethlehem, PA 18015, City of Bethlehem, **Northampton County**. Ramboll Americas Engineering Solutions, Inc., 751 Arbor Way, Suite 200, Blue Bell, PA 19422, on behalf of Commerce Construction Co. LP, 13191 Crossroads Parkway North, 6th Floor, Industry, CA 91746, submitted a Final Report concerning remediation of soil contaminated with Boron, Thallium, Lead, Iron, Benzo(a)pyrene, Benzo(a)anthracene, Benzene, Naphthalene, Dibenz(a,h)anthracene, and Tetrachloroethene from historic industrial operations. The Final Report demonstrated attainment of the site-specific standards. Approved: January 3, 2023.

*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.*

**Homes at Thackston Park Phase 2**, Primary Facility ID # **854009**, 300-342 West College Avenue, York, PA 17401, City of York, **York County**. Element Environmental Solutions, Inc., 61 Willow Street, P.O. Box 921, Adamstown, PA 19501, on behalf of Cone, Inc., 31 South Broad Street, York, PA 17403, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil contaminated with Fill containing certain Metals. The Report demonstrated attainment of the Statewide health and site-specific standards. Approved: December 19, 2022.

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

*Contact: Kam Miseikyte, Clerical Assistant 2, 412-442-4091.*

**Nine Mile Run Phase III**, Primary Facility ID # **624451**, Commercial and Goodman Streets, Pittsburgh, PA 15218, City of Pittsburgh, **Allegheny County**. Civil & Environmental Consultants, Inc., 700 Cherrington Parkway, Moon Township, PA 15108, on behalf of Urban Development Authority of Pittsburgh, 412 Boulevard of the Allies, Suite 901, Pittsburgh, PA 15219, submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with arsenic, iron, manganese, thallium, and vanadium. The Report did not demonstrate attainment of the site-specific standards. Issued a technical deficiency letter: December 23, 2022.

**Mojo Compressor Station**, Primary Facility ID # **862141**, 1415 Amity Ridge Road, Washington, PA 15311, Amwell Township, **Washington County**. SE Technologies, LLC, 500 Mosites Way, Pittsburgh, PA 15205, on behalf of Equitrans Midstream, 2200 Energy Drive, Canonsburg, PA 15317, submitted a Final Report concerning remediation of soil contaminated with ethylene glycol. The Final Report demonstrated attainment of the Statewide health standards. Approved: December 29, 2022.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**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 Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

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

*Contact: Waste Management Program Manager.*

**100281. Greenridge Reclamation, LLC**, 234 Landfill Road, Scottdale, PA 15683, East Huntingdon Township, **Westmoreland County**. Permit renewal for continued operation of the Greenridge Reclamation Landfill until October 5, 2024. Application received: March 8, 2022. Permit issued: December 30, 2022.

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.**

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

*Contact: Shailesh Patel, Air Quality Engineer, 570-826-2341.*

**GP14-003: Heller Funeral Home, LLC**, 633 East Third Street, Nescopeck, PA 18635, Nescopeck Borough, **Luzerne County**. For the construction and operation of a crematory controlled by an after burner at the facility. Application received: December 16, 2022. Issued: December 28, 2022.

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

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

**GP13-67-05123: York Materials Group, LLC**, 950 Smile Way, York, PA 17404, Jackson Township, **York County**. For the Thomasville Batch Asphalt Plant, under GP13, at the facility. The general permit authorization was renewed. Application received: November 30, 2022. Issued: December 27, 2022.

**GP3-28-03075: Scott's Hauling & Excavating, Inc.**, 1462 North Franklin Street, Chambersburg, PA 17202, Saint Thomas Township, **Franklin County**. For portable nonmetallic mineral crushing equipment, under GP3, at the Saint Thomas Development Quarry. Application received: December 6, 2022. Issued: December 30, 2022.

**GP9-28-03075: Scott's Hauling & Excavating, Inc.**, 1462 North Franklin Street, Chambersburg, PA 17202, Saint Thomas Township, **Franklin County**. For two diesel engines to power portable nonmetallic mineral crushing equipment, under GP9, at the Saint Thomas Development Quarry. Application received: December 6, 2022. Issued: December 30, 2022.

*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.*

**GP3-09-0168: Eureka Stone Quarry, Inc.**, 800 Lower State Rd, Chalfont, PA 18914, Warrington Township, **Bucks County**. A general permit for a Portable Nonmetallic Mineral Processing Plant. Application received: November 14, 2022. Issued: December 27, 2022.

**GP9-09-0127: Eureka Stone Quarry, Inc.**, 800 Lower State Rd, Chalfont, PA 18914, Warrington Township, **Bucks County**. A general permit for three diesel-fired internal combustion engines. Application received: November 14, 2022. Issued: December 27, 2022.

**GP3-09-0167: Eureka Stone Quarry Inc.**, 800 Lower State Rd., Chalfont, PA 18914, Wrightstown Township, **Bucks County**. A general permit for a portable nonmetallic mineral processing plant. Application received: November 8, 2022. Issued: December 29, 2022.

**GP9-09-0126: Eureka Stone Quarry Inc.**, 800 Lower State Rd., Chalfont, PA 18914, Wrightstown Township, **Bucks County**. A general permit for a Diesel or No. 2 Fuel-fired Internal Combustion Engine. Application received: November 8, 2022. Issued: January 29, 2023.

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

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

**GP3-65-01134: R.S. Services**, 119 Falls Road, Beech Creek, PA 16822, Donegal Township, **Westmoreland County**. For authorization to use GP-3 to construct and operate portable nonmetallic mineral processing equipment at the New Enterprise Stone & Lime Company, Inc., Bakersville IV Quarry. Application received: October 3, 2022. Authorized: December 29, 2022.

**GP5A-30-00813 (AG5A-30-00012A): CNX Gas Company, LLC**, 1000 Consol Energy Drive, Canonsburg, PA 15317, Richhill Township, **Greene County**. For authorization under GP-5A to construct and/or operate sources and controls associated with natural gas production operations at its Majorsville 18 Well Pad. Application received: September 14, 2022. Authorized: December 28, 2022.

**GP11-65-01134: R.S. Services**, 119 Falls Road, Beech Creek, PA 16822, Donegal Township, **Westmoreland County**. For authorization to use GP-11 to construct and operate nonroad diesel engines associated with portable nonmetallic mineral processing equipment at the New Enterprise Stone & Lime Company, Inc., Bakersville IV Quarry. Application received: October 3, 2022. Authorized: December 29, 2022.

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**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.**

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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.*

**08-00010R: Global Tungsten & Powders Corp.**, 1 Hawes Street, Towanda, PA 18848, Towanda Borough, **Bradford County**. For the installation of a new dust collector and HEPA filter to replace the previously installed dust collector and HEPA filter on the existing Calciner # 4 (Source ID P218) at the Towanda Facility. Application received: July 19, 2022. Issued: December 8, 2022.

**08-00010S: Global Tungsten & Powders Corp.**, 1 Hawes Street, Towanda, PA 18848, Towanda Borough, **Bradford County**. For the installation of a new dust collector and HEPA filter to replace the previously installed cyclone collector and wet scrubber on the existing Calciner # 5 (Source ID P219) at the Towanda Facility. Application received: July 19, 2022. Issued: December 8, 2022.

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

*Contact: Shailesh Patel, Air Quality Engineer, 570-826-2341.*

**48-00022C: Ardent Mill, LLC**, 4888 S Delaware Drive, Martins Creek, PA 18063, Lower Mount Bethel Township, **Northampton County**. For the installation and operation of additional particulate emission control devices and a new organic feed bin with particulate emission control device at the existing grain processing facility operating at Lower Mount Bethel Twp., Northampton County. Application received: September 12, 2022. Issued: December 29, 2022.

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**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.**

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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.*

**08-00017A: Northern Tier Solid Waste Authority**, 86 PPL Road, Danville, PA 17821, West Burlington Township, **Bradford County**. The facility was issued a plan approval extension to allow additional time to incorporate the plan approval into Operating Permit and to permit continued operation of the western expansion waste cells (Source ID P200) for their municipal waste landfill. The plan approval has been extended for an additional 180 days. Application received: December 11, 2022. Revised: December 21, 2022.

**18-00030C: First Quality Tissue, LLC**, 904 Woods Avenue, Lock Haven, PA 17745, Castanea Township, **Clinton County**. The facility was issued a plan approval extension to June 28, 2023, for the temporary operation of the paper towel and tissue manufacturing operation authorized under the plan approval while the source awaits confirmation of compliance demonstration. Application received: December 16, 2022. Extension: December 28, 2022.

**18-00030D: First Quality Tissue, LLC**, 904 Woods Avenue, Lock Haven, PA 17745, Castanea Township, **Clinton County**. The facility was issued a plan approval extension to June 28, 2023, for the temporary operation of the paper towel and tissue manufacturing operation authorized under the plan approval while the source awaits confirmation of compliance demonstration. Application received: December 16, 2022. Extension: December 28, 2022.

*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.*

**03-00975D: Armstrong Power, LLC, South Bend Facility**, 2313 State Route 156, Shelocta, PA 15774, South Bend Township, **Armstrong County**. The Department has issued a plan approval extension to allow DEP's Source Testing section more time to review pending stack test reports prior to plan approval roll-in. This is a Title V facility. Application received: November 30, 2022. Issued: December 23, 2022. Expiration date: June 30, 2023.

**37-00008C: Ellwood City Forge**, 600 Commercial Avenue, Ellwood City, PA 16117, Ellwood City Borough, **Lawrence County**. The Department has issued a plan approval extension to allow the facility more time to conduct stack testing. This is a State Only facility. Application received: October 5, 2022. Issued: December 23, 2022. Expiration date: June 30, 2023.

**42-00011C: International Waxes, Inc.**, 45 Route 446, Smethport, PA 16749, Keating Township, **McKean County**. The Department has issued a plan approval extension to allow for additional time for project shakedown activities. This is a Title V facility. Application received: November 7, 2022. Issued: December 23, 2022. Expiration date: June 30, 2023.

**43-00310H: Top Gun Investment Corp II, NLMK Pennsylvania, LLC**, 15 Roemer Boulevard, Farrell, PA 16121, City of Farrell, **Mercer County**. The Department has issued a plan approval extension to allow more time for walking beam furnace project shakedown activities. This is a Title V facility. Application received: December 14, 2022. Issued: December 20, 2022. Expiration date: June 30, 2023.

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

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

**28-05002Q: Letterkenny Army Depot**, One Overcash Avenue, Chambersburg, PA 17201, Greene Township and Letterkenny Township, **Franklin County**. For the construction of two replacement paint stripping tanks in Building 377 at the Letterkenny Army Depot. The two paint stripping tanks to be constructed in Building 377 will replace two existing paint stripping tanks in Building 370. The plan approval was extended. Application received: December 13, 2022. Issued: December 28, 2022.

**28-05002S: Letterkenny Army Depot**, One Overcash Avenue, Chambersburg, PA 17201, Letterkenny Township, **Franklin County**. For the permanent shutdown and removal of the Regenerative Thermal Oxidizer (RTO), which has functioned as a VOC control device for four coating booths operating inside Building 350, and for the rework of the ventilation system for the coating booths at the Letterkenny Army Depot. The plan approval also revised the facility's existing PAL provisions. The plan approval was extended. Application received: December 13, 2022. Issued: December 28, 2022.

**05-03022A: Cronimet Specialty Metals USA, Inc.**, 172 Friendship Village Road, Bedford, PA 15522, Bedford Township, **Bedford County**. For the construction of four burnoff ovens and two tungsten carbide cleaning lines at the metals recovery and recycling facility. The plan approval was extended. Application received: December 8, 2022. Issued: December 30, 2022.

**67-05092I: Starbucks Coffee Company**, 3000 Espresso Way, York, PA 17406, East Manchester Township, **York County**. For the installation of a new roasting train to replace the existing Roasting Train No. 3 and new chaff press cartridge collector to supplement the existing fabric collector at the facility located in East Manchester Township, York County. The new roasting train will include the following equipment: two preheaters, two roasters, two cooling trays, two destoners, two regenerative thermal oxidizers (RTO), and four cyclones. The following existing equipment will be removed: two roasters, two cooling trays, two catalytic oxidizers, and

two cyclones. The plan approval was extended. Application received: December 23, 2022. Issued: December 30, 2022.

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

**06-05081C: Delaware County Solid Waste Authority**, 583 Longview Road, Boyertown, PA 17604, Earl Township, **Berks County**. For the construction of a lateral expansion to the Rolling Hills Landfill. The plan approval was extended. Application received: November 28, 2022. Issued: December 23, 2022.

*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.*

**23-0003Z: Monroe Energy, LLC**, 4101 Post Road, Trainer, PA 19061, Trainer Borough, **Delaware County**. An extension for the construction of 3 new cooling towers at the Trainer Refinery. Application received: December 6, 2022. Issued: December 27, 2022.

**23-0003AC: Monroe Energy, LLC**, 4101 Post Road, Trainer, PA 19061, Trainer Borough, **Delaware County**. An extension for the operation of an Ultra-Low Sulfur Gasoline Production facility. Application received: December 6, 2022. Issued: December 27, 2022.

**46-0296A: Amazon Services, LLC**, 2455 Boulevard of the Generals, Norristown, PA 19403-3661, West Norriton Township, **Montgomery County**. An extension for a modification to allow the decommissioning of the RTO and to allow the temporary operation (shakedown) of six of the ten Sublimation printers. Application received: November 7, 2022. Issued: December 29, 2022.

**46-0026K: Global Pkg Inc.**, 209 Brower Avenue, Oaks, PA 19456, Upper Providence Township, **Montgomery County**. An extension of a plan approval to install and operate a solvent based 8-station flexographic printing press and having natural gas dryers. The air emissions will be captured by a permanent total enclosure around the press and will be routed to two existing RTOs for destruction. Application received: November 8, 2022. Issued: December 29, 2022.

**23-0223: LCP Generation Partners, LP**, 1701 N Radnor Chester Road, Ste 101, Radnor, PA 19087-5281, Radnor Township, **Delaware County**. An extension for the installation and temporary operation of a 2 MW combined heat and power (CHP) system. Application received: December 19, 2022. Issued: December 29, 2022.

**09-0240: Mazza Iron & Steel, LLC**, 60 Solar Drive, Fairless Hills, PA 19030, Falls Township, **Bucks County**. An extension for an addition of a portable electric low speed pre-shredder (Stallion 2500) to the equipment and configuration of the non-ferrous metals processing line at this location. Application received: November 18, 2022. Issued: December 29, 2022.

**46-0045: PECO Energy Co.**, 300 Front St., Bldg. 3, West Conshohocken, PA 19428, West Conshohocken Borough, **Montgomery County**. An extension for the installation of four new Uniflux/Exotherm heaters to replace the five existing Vaporizers at their gas plant. Application received: November 15, 2022. Issued: December 29, 2022.

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

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

**PA-30-00072N: Consol Pennsylvania Coal Company, LLC**, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Richhill Township, **Greene County**. For plan approval extension to authorize continued temporary operation of sources and controls associated with the Omnis Material Handling project. Application received: December 6, 2022. Effective: December 28, 2022.

**PA-30-00072N: Consol Pennsylvania Coal Company, LLC**, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Richhill Township, **Greene County**. For plan approval minor modification to update the EPA mailing address, update the facility contact person, and to reflect that temporary operation of sources and controls associated with the Omnis Material Handling project commenced on July 19, 2022. Application received: December 1, 2022. Effective: December 20, 2022.

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

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

**65-00173: Alleima Precision Tube, LLC**, 220 Franklin Street, Scottdale, PA 15683, Scottdale Borough, **Westmoreland County**. A Title V Operating Permit renewal was issued to Alleima Precision Tube for their facility. Application received: March 7, 2022. Issued: December 27, 2022.

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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.*

**14-00036: Gensimore Trucking, Inc.**, P.O. Box 5210, Pleasant Gap, PA 16823-5210, Spring Township, **Centre County**. Issued a State Only Operating Permit renewal for operation of their cement and other materials blending plant and sources within this facility, located in Spring Township, Centre County. All applicable Federal and State regulatory requirements, including appropriate testing, monitoring, recordkeeping, reporting, and work practice are included in the Operating Permit to verify compliance. Application received: August 31, 2022. Issued: December 19, 2022.

**41-00043: HRI, Inc.**, 1750 West College Avenue, State College, PA 16801, City of Williamsport, **Lycoming County**. Was issued a State Only Operating Permit renewal for operation of their Williamsport hot mix asphalt plant located in the City of Williamsport, Lycoming County. All applicable Federal and State regulatory requirements, including appropriate testing, monitoring, recordkeeping, reporting, and work practice are included in the Operating Permit to verify compliance. Application received: June 17, 2022. Issued: December 22, 2022.

**14-00027: HRI, Inc.**, 1750 West College Avenue, State College, PA 16801, Marion Township, **Centre County**. Was issued a State Only Operating Permit renewal for operation of their Curtin Gap hot mix asphalt plant located in the Marion Township, Centre County. All applicable Federal and State regulatory requirements, including appropriate testing, monitoring, recordkeeping, reporting, and work practice are included in the Operating Permit to verify compliance. Application received: June 17, 2022. Issued: December 22, 2022.

**59-00035: Empire Pipeline, Inc.**, 6363 Main Street, Williamsville, NY 14221, Jackson Township, **Tioga County**. The facility was issued an initial State Only (Natural Minor) Operating Permit. The Operating Permit contains all necessary requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations. Application received: September 12, 2022. Permit issued: December 29, 2022.

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

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

**07-05046: Norfolk Southern Railway Co.**, 200 N 4th Avenue, Altoona, PA 16601, Logan Township, **Blair County**. For the Juniata Locomotive Shops facility. Application received: May 4, 2022. Issued: December 23, 2022.

**67-05080: York Building Products Co., Inc.**, P.O. Box 1708, York, PA 17405-1708, Jackson Township, **York County**. For the stone crushing operations at the Thomasville Quarry. The State-Only permit was renewed. Application received: January 24, 2022. Issued: December 28, 2022.

**05-03003: Chestnut Ridge School District**, 3281 Valley Road, Fishertown, PA 15539-9643, East Saint Clair Township, **Bedford County**. For the boilers at the middle school facility. The State-Only permit was renewed. Application received: February 17, 2022. Issued: December 27, 2022.

**05-03004: Chestnut Ridge School District**, 3281 Valley Road, Fishertown, PA 15539-9643, East Saint Clair Township, **Bedford County**. For the boilers at the high school and elementary school facilities. The State-Only permit was renewed. Application received: February 17, 2022. Issued: December 27, 2022.

**21-05040: New Enterprise Stone & Lime Co., Inc.**, P.O. Box 2009, Chambersburg, PA 17201, Southampton Township, **Cumberland County**. For the stone crushing and road asphalt manufacturing operations at the Shipensburg Quarry. The State-Only permit was renewed. Application received: December 8, 2021. Issued: December 20, 2022.

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

**06-03114: WER Corp. dba Aluminum Alloys**, 4601 Penn Avenue, Reading, PA 19608-9707, Lower Heidelberg Township, **Berks County**. For the non-ferrous foundry. The State-Only permit was renewed. Application received: March 30, 2022. Issued: December 21, 2022.

**36-05087: Morgan Truck Body LLC dba Morgan Corp.**, 111 Morgan Way, P.O. Box 588, Morgantown, PA 19543, Ephrata Borough, **Lancaster County**. For the truck body manufacturing facility. The State-Only permit was renewed. Application received: July 19, 2022. Issued: December 19, 2022.

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

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

**46-00014: Knoll, Inc.**, 1235 Water Street, East Greenville, PA 18041, Upper Hanover Township, **Montgomery County**. This action is for the renewal of a synthetic minor Operating Permit. Knoll, Inc. is an office furniture manufacturing plant. Application received: February 22, 2022. Issued: December 29, 2022.

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

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

**11-00258: Texas Eastern Transmission, LP**, 224 Texas Road, Lilly, PA 15938, Cresson Township, **Cambria County**. The Department issued a natural minor State Only Operating Permit for a natural gas compressor station. The Operating Permit includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements at their facility located in Cresson Township, Cambria County. Application received: March 7, 2022. Issued: December 27, 2022.

**Operating Permit Revisions Issued Including Administrative Amendments, Minor Modifications or Transfer of Ownership Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

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

**07-03048: Chimney Rocks Animal Rest & Crematory, LLC**, 524 Chimney Rocks Road, Hollidaysburg, PA 16648-3530, Blair Township, **Blair County**. For the animal crematory. The State-Only permit was administratively amended to reflect a change of ownership. Application received: December 5, 2022. Issued: December 21, 2022.

**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.**

*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.*

**17-00030: Clearfield Machine Company**, P.O. Box 992A, Clearfield, PA 16830, Clearfield Borough, **Clearfield County**. For termination of the Air Quality Operating Permit for their plant in Clearfield Borough, Clearfield County. State Only Permit 17-00030 is terminated. Application received: December 9, 2022. Revoked: December 27, 2022.

**60-00003: Pilling's FRP**, 2525 Old Route 15, New Columbia, PA 17856, White Deer Township, **Union County**. The facility has received a determination of exemption from plan approval and Operating Permit. Consequently, the Department has determined that the

facility qualifies for exemption from a facility-wide Operating Permit and therefore State Only Operating Permit 60-00003 is hereby terminated. The facility must still comply with all applicable requirements of 25 Pa. Code Chapters 121—145 including recordkeeping to demonstrate compliance with exemption conditions. Application received: October 13, 2022. Revoked: December 29, 2022.

## ACTIONS ON COAL AND NONCOAL APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the National Pollutant Discharge Elimination System (NPDES) permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1103). Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).**

### Noncoal Permits

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1800.*

*Contact: Melanie Ford-Wigfield, 814.472.1900, rae@pcambria@pa.gov.*

**Mining Permit No. 7573SM1. NPDES No. PA0592722. New Enterprise Stone & Lime Co., Inc.**, P.O. Box 77, New Enterprise, PA 16664, Dickinson Township, **Cumberland County**. Renewal of NPDES permit affecting 256.1 acres. Receiving streams: Mountain Creek classified for the following uses: CWF-MF. Application received: August 3, 2022.

**Mining Permit No. 01870301. NPDES No. PA0593931. Vulcan Construction Materials, LLC**, 875 Oxford Avenue, Hanover, PA 17331, Oxford, Berwick & Conewago Townships, **Adams County**. Renewal of NPDES permit. Receiving streams: unnamed tributaries to South Branch Conewago Creek (locally known as Slagle Run and North Stream) classified for the following use: WWF and MF. Application received: June 6, 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. 62990303. Allegheny Aggregate, Inc.**, P.O. Box 38, Pittsfield, PA 16340, Pittsfield Township, **Warren County**. Revision to an existing large industrial minerals surface mine to add 19.5 acres to the permit boundary, for a total of 128.1 acres. Application received: February 17, 2022. Issued: December 29, 2022.

**ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Action(s) Taken on Application(s) Under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting Activity Performed as Part of a Coal or Noncoal Mining Activity will be Regulated by the Mining Permit for that Coal or Noncoal Mining Activity.**

*Blasting Permits*

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

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

**Permit No. 35224110. Wampum Hardware Co.,** 636 Paden Road, New Galilee, PA 16141, Olyphant Borough, **Lackawanna County.** Blasting for Earth Mover Dolph Mine Fire. Application received: November 14, 2022. Permit issued: December 29, 2022. Expiration date: December 31, 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 one. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board 717-787-3483 for more information.

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

**Action(s) Taken on Application(s) for the Following Activities Filed Under The Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and the Clean Streams Law and Notice of Final Action for Certification Under Section 401 of the FWPCA.**

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

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

**E5829222-011. Chesapeake Appalachia LLC,** 14 Chesapeake Lane, Sayre, PA 18840-1567, Auburn Township, **Susquehanna County.** U.S. Army Corps of Engineers Baltimore District. Application received: August 22, 2022. Issued: December 30, 2022.

This project seeks after-the-fact authorization in accordance with the Consent Decree Chesapeake Appalachia, LLC entered into with the U.S. Environmental Protection Agency and the PA Department of Environmental Protection on May 20, 2021. As previously referenced, Water Obstruction and Encroachment (WOEP) Application E5829222-011 Chesapeake Appalachia, LLC (Chesapeake) has applied for an Individual—Joint Permit to construct, operate and maintain 1.411 acres of permanent impacts to on-site wetlands. All impacts are associated with the White Sus Pad construction in 2009.

There are no stream and floodway impacts associated with this after-the-fact authorization. The project will result in a total of 61,463 SF (1.411 acres) of permanent wetland impacts.

**WETLAND IMPACT TABLE:**

<i>Resource Name</i>	<i>Municipality Quadrangle</i>	<i>Activity</i>	<i>Cow. Class</i>	<i>Listed Trout</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Lat. Long.</i>
W-RCL-002-P1	Auburn Auburn Center	Fill	PEM	None			154	13,939	41.719545° 76.063538°
W-RCL-002-P2	Auburn Auburn Center	Fill	PEM	None			320	45,651	41.719729° 76.063013°

Resource Name	Municipality Quadrangle	Activity	Cow. Class	Listed Trout	Impact Length Temp. (LF)	Impact Area Temp. (SF)	Impact Length Perm. (LF)	Impact Area Perm. (SF)	Lat. Long.
W-RCL-003-P1	Auburn Auburn Center	Fill	PEM	None			32	1,002	41.719791° 76.062320°
W-RCL-003-P2	Auburn Auburn Center	Fill	PEM	None			32	871	41.719826° 76.062227°
TOTAL IMPACTS							538	61,463	

Northcentral Region: Waterways & Wetlands Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Jay Maneval, Water Pollution Biologist 2, 570-327-3765.

**E18-501. Renovo Energy Center LLC**, 12011 Sunset Hills Road, Suite 110, Reston, VA 20190, Noyes Township, Chapman Township, and Leidy Township, **Clinton County**. U.S. Army Corps of Engineers Baltimore District.

To extend the previously issued Water Obstruction and Encroachment Permit expiring December 31, 2022. The previous permit authorized 17,070 square feet (0.39 acre) of temporary stream impacts, 16,393 square feet (0.38 acre) of permanent stream impacts, 4,252 square feet (0.10 acre) of temporary wetland impacts, and 4,016 square feet (0.09 acre) of permanent conversion wetland impacts all for the purpose of installing natural gas gathering lines, associated access roadways, meter and pressure reducing valve pads, aerial transmission lines, switchyards, intake/discharge line, and power plant facility. Perennial streams (with Aquatic Life Use Designation) found within the study area include: Dry Run (High-Quality Cold Water Fishery), Shintown Run (High-Quality Cold Water Fishery), Drury Run (Cold Water Fishery), Brewery Run (High-Quality Cold Water Fishery), Twomile Run (Trout Stock Fishery), and West Branch Susquehanna River (Warm Water Fishery). This permit also authorized 401 Water Quality Certification. Application received: October 24, 2022. Extension: December 22, 2022.

#### ENVIRONMENTAL ASSESSMENTS

Central Office: Waterways & Wetlands Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-3411.

Contact: 717-772-5988.

**D15-377EA. Bilal Baqai, DCNR**, 2808 Three Mile Run Road, Perkasie, PA 18944, London Britain Township, **Chester County**. U.S. Army Corps of Engineers Philadelphia District.

The Department of Environmental Protection, Division of Dam Safety (Department) has reviewed and approved the restoration plan to remove the White Clay Creek Preserve Dam to eliminate a threat to public safety and to restore approximately 500 feet of stream channel to a free-flowing condition. The project is located in the West Grove, PA USGIS Quadrangle across White Clay Creek (TSF, MF) Latitude: 39.7514°, Longitude: -75.7777°. Application received: August 31, 2022. Approved: December 27, 2022.

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

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

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

Contact: RA-EPEASTERNOPRG@pa.gov.

ESCGP # 3 ESG295922001-01

Applicant Name Seneca Resources Co, LLC

Contact Person Benjamin Williams

Address 51 Zents Blvd

City, State, Zip Brookville, PA 15825

Township(s) Covington Township

County Tioga County

Receiving Stream(s) and Classification(s) UNT to Tan Creek (CWF), Marvin Creek (CWF)

Secondary: Tan Creek (CWF), Tioga River (CWF)

Application received: November 22, 2022

Issued: December 29, 2022

*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 ESG073022018-00  
 Applicant Name EQM Gathering Opco, LLC  
 Contact Person Kirsten Kiesel  
 Address 2200 Energy Drive  
 City, State, Zip Canonsburg, PA 15317  
 Township(s) Gilmore Township, Jackson Township, Wayne Township  
 County Greene County  
 Receiving Stream(s) and Classification(s) UNT to Toms Run (WWF); UNT to Hoovers Run (WWF)  
 Application received: September 9, 2022  
 Issued: December 27, 2022

ESCGP # 3 ESG070222003-00 Heracles Waterline  
 Applicant Name Olympus Energy, LLC  
 Contact Person Brian Dillemoth  
 Address 501 Technology Drive, Suite 1200  
 City, State, Zip Canonsburg, PA 15317  
 Township(s) Forward Township and Elizabeth Township  
 County Allegheny County  
 Receiving Stream(s) and Classification(s) Monongahela River (WWF); Perry Mill Run (WWF); Fallen Timber Run (WWF)  
 Application received: August 10, 2022  
 Issued: December 22, 2022

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

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

ESCGP # 3 ESG073022020-00  
 Applicant Name EQM Gathering Opco, LLC  
 Contact Person Kirsten Kiesel  
 Address 2200 Energy Drive  
 City, State, Zip Canonsburg, PA 15317  
 Township(s) Franklin Township  
 County Greene County  
 Receiving Stream(s) and Classification(s) UNT to Smith Creek (WWF)  
 Application received: October 7, 2022  
 Issued: December 28, 2022

ESCGP # 3 ESG073019029-02  
 Applicant Name DTM Appalachia Gathering, LLC  
 Contact Person Paul Corrigan  
 Address 1000 Noble Energy Drive, Fifth Floor  
 City, State, Zip Canonsburg, PA 15317  
 Township(s) Franklin Township, Jefferson Township, Perry Township, Wayne Township, Whiteley Township  
 County Greene County  
 Receiving Stream(s) and Classification(s) Dunkard Creek (WWF); Rudolph Run (WWF); Sharp Run (WWF); Haynes Run (WWF); Whiteley Creek (TSF); Patterson Run (TSF); Dyers Fork (TSF); Mount Phoebe Run (TSF); Coal Lick Run (WWF); Muddy Creek (WWF); South Fork Tenmile Creek (WWF)  
 Application received: October 28, 2022  
 Issued: December 28, 2022

ESCGP # 3 ESG073022021-00  
 Applicant Name EQM Gathering OPCO, LLC  
 Contact Person Kirsten Kiesel  
 Address 2200 Energy Drive  
 City, State, Zip Canonsburg, PA 15317  
 Township(s) Franklin Township  
 County Greene County

Receiving Stream(s) and Classification(s) UNT to Smith Creek (WWF); UNT to Laurel Run (WWF); Sugar Run (WWF)

Application received: October 7, 2022  
 Issued: December 28, 2022

ESCGP # 3 ESG073020005-02  
 Applicant Name EQM Gathering OPCO  
 Contact Person Kirsten Kiesel  
 Address 2200 Energy Drive  
 City, State, Zip Canonsburg, PA 15317  
 Township(s) Wayne Township  
 County Greene County  
 Receiving Stream(s) and Classification(s) Calico Run (WWF); Roberts Run (WWF); Sheppards Run (WWF); UNT to Calico Run (WWF) UNT to Roberts Run (WWF)  
 Application received: March 16, 2022  
 Issued: December 30, 2022

## **CORRECTIVE ACTION UNDER ACT 32, 1989**

### **PREAMBLE 2**

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**The Following Plan(s) and Report(s) Were Submitted Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

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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.*

**Getty 69261**, Storage Tank Facility ID # **39-41527**, 741 North Cedar Crest Boulevard, Allentown, PA 18104, South Whitehall Township, **Lehigh County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Sheha, LLC, 102 West Tilghman Street, Allentown, PA

18102 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The plan is intended to document the remedial actions for meeting site-specific standards.

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

*Contact: Ellen Roberts.*

**Kwik Fill M 3**, Storage Tank Facility ID # **20-14804**, 270 Main Street, Saegertown, PA 16433, Saegertown Borough, **Crawford County**. GES, 508 Thomson Park Drive, Cranberry Twp, PA 16066, on behalf of United Refining Company, 814 Lexington Ave, Warren, PA 16365 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document the remedial actions for meeting residential and nonresidential Statewide health standards.

**Country Fair 27**, Storage Tank Facility ID # **25-91194**, 2301 Peninsula Drive, Erie, PA 16506, Millcreek Township, **Erie County**. GES, 508 Thomson Park Drive, Cranberry Twp, PA 16066, on behalf of Country Fair, Inc., 2251 E 30th St, Erie, PA 16510 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.

**Wayne Pumps**, Storage Tank Facility ID # **32-81999**, 1194 Wayne Avenue, Indiana, PA 15701, White Township, **Indiana County**. Mountain Research LLC, 825 25th St, Altoona, PA 16601, on behalf of Wayne Pumps, 4303 West Lake Drive, Cambridge, NE 69022 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 nonresidential site-specific standards.

**Lukes Exxon**, Storage Tank Facility ID # **33-22893**, Rt 219 Crenshaw, Brockway, PA 15824, Snyder Township and Delmont, **Jefferson County**. Cribbs & Associates, Inc., P.O. Box 1128, Delmont, PA 15626, on behalf of Lukes Exxon, 3312 Rt 219 Crenshaw, Brockway, PA 15824 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document the remedial actions for meeting residential Statewide health standards.

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 3

**Action(s) Taken on the Following Plans and Reports Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the

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

DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

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

DEP has received the following plans and reports.

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

*Contact: Ellen Roberts.*

**7 Eleven 36133**, Storage Tank Facility ID # **37-90076**, 201 North Street, Ellwood City, PA 16117, Ellwood City Borough, **Lawrence County**. Aecom Technical Services, Inc., 625 West Ridge Pike, Suite E100, Conshohocken, PA 19428, on behalf of 7-Eleven Inc., P.O. Box 711, Loc 0148, Dallas, TX 75221 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The report residential demonstrated attainment of the Statewide health standards and was approved by DEP on December 27, 2022.

**Country Fair 43**, Storage Tank Facility ID # **25-09234**, 3826 Peach Street, Erie, PA 16509, City of Erie, **Erie County**. Arcadis U.S. Inc., 6041 Wallace Road Ext., Suite 300, Wexford, PA 15090, on behalf of Chevron Environmental Management Company, 140 Smith St, Houston, TX 77002 submitted a Combined Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The combined plan and report nonresidential demonstrated attainment of the Statewide health and site-specific standards and was approved by DEP on December 29, 2022.

**Former Elg Metals Scrapyard**, Storage Tank Facility ID # **43-55436**, Intersection of Crestview Dr & 4th Street, Greenville, PA 16125, Pymatuning Township, **Mercer County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of Greenville Reynolds Development Corporation, 301 Arlington Drive, Greenville, PA 16125 submitted a Combined Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with kerosene. The combined plan and report nonresidential demonstrated attainment of the Statewide health and site-specific standards and was approved by DEP on December 29, 2022.

**Uni Mart 04077**, Storage Tank Facility ID # **33-15325**, 512 E Mahoning Street, Punxsutawney, PA 15767, Pymatuning Township, **Jefferson County**. Professional

Service Industries, Inc. (PSI), 1748 33rd Street, Orlando, FL 32839, on behalf of National Retail Property Trust, 450 S. Orange Avenue, Suite 900, Orlando, FL 32801 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 December 29, 2022.

[Pa.B. Doc. No. 23-52. Filed for public inspection January 13, 2023, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Availability of Technical Guidance

Technical guidance documents (TGD) are available on the Department of Environmental Protection's (Department) web site at [www.depgreenport.state.pa.us/elibrary/](http://www.depgreenport.state.pa.us/elibrary/). The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final TGDs are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft TGDs.

#### Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download TGDs. When this option is not available, persons can order a paper copy of any of the Department's draft or final TGDs by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### Changes to TGDs

Following is the current list of recent changes. Persons who have questions or comments about a particular document should contact the person whose name and phone number are listed with each document.

#### Final TGD: Minor Revision

**DEP ID:** 250-4110-001. **Title:** Notices of Violation. **Description:** This TGD establishes a formal methodology to ensure all Department Bureau of Waste Management inspectors across this Commonwealth cite similar violations consistently. This document also ensures that all regulated facilities subject to inspection are notified of violations as soon as possible. Minor changes to this TGD include removal of outdated references and minor grammatical corrections.

**Contact:** Questions regarding this TGD can be directed to Derek Bartram at [dbartram@pa.gov](mailto:dbartram@pa.gov) or (717) 787-2693.

**Effective Date:** January 14, 2023

#### Final TGD: Minor Revision

**DEP ID:** 250-4180-302. **Title:** Calculation of Civil Penalties. **Description:** This TGD provides policy and procedure for the calculation of civil penalties so that civil penalties are calculated uniformly within the Department's Bureau of Waste Management. Revisions include removal of outdated references, update to minimum penalty amounts to coincide with regulatory requirements and grammatical corrections.

**Contact:** Questions regarding this TGD can be directed to Derek Bartram at [dbartram@pa.gov](mailto:dbartram@pa.gov) or (717) 787-2693.

**Effective Date:** January 14, 2023

#### Final TGD: Minor Revision

**DEP ID:** 250-4000-003. **Title:** Violations Requiring an Extended Time Period to Correct. **Description:** This TGD ensures violations are corrected within 180 days from date of occurrence and that uncorrected violations become the subject of an enforceable document consistently across all Department regions. Minor changes to this TGD include removal of outdated references and minor grammatical corrections.

**Contact:** Questions regarding this TGD can be directed to Derek Bartram at [dbartram@pa.gov](mailto:dbartram@pa.gov) or (717) 787-2693.

**Effective Date:** January 14, 2023

#### Final TGD: Minor Revision

**DEP ID:** 250-4000-001. **Title:** Citing Inspection Violations. **Description:** This TGD establishes a uniform methodology and consistency across all Department regions for citing violations within municipal, residual and hazardous waste programs. Minor changes to this TGD include removal of outdated references and minor grammatical corrections.

**Contact:** Questions regarding this TGD can be directed to Derek Bartram at [dbartram@pa.gov](mailto:dbartram@pa.gov) or (717) 787-2693.

**Effective Date:** January 14, 2023

#### Final TGD: Minor Revision

**DEP ID:** 250-3120-320. **Title:** Execution of Release Forms by Waste Management Field Inspectors. **Description:** This TGD establishes procedure for Department Bureau of Waste Management employees when asked to sign a waiver of liability or release from liability as a condition to enter the premises for the purpose of conducting an inspection. Minor revisions include formatting and grammatical corrections, and removal of outdated information.

**Contact:** Questions regarding this TGD can be directed to Derek Bartram at [dbartram@pa.gov](mailto:dbartram@pa.gov) or (717) 787-2693.

**Effective Date:** January 14, 2023

RAMEZ ZIADEH, P.E.,  
Acting Secretary

[Pa.B. Doc. No. 23-53. Filed for public inspection January 13, 2023, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing ASF licensure in 28 Pa. Code Chapters 29, 51 and 551—571 (relating to miscellaneous health provisions; general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation and relating to</i>
Log Surgery Center	28 Pa. Code § 569.35(7) (relating to general safety precautions)
Mountain Laurel Surgery Center, LLC	28 Pa. Code § 555.2 (relating to medical staff membership)
	28 Pa. Code § 555.3(a)—(f) (relating to requirements for membership and privileges)
Muve—West Chester Ambulatory Surgical Center, LLC	28 Pa. Code § 551.21(d)(1) (relating to criteria for ambulatory surgery)
Saint Luke's Anderson Ambulatory Surgery Center	28 Pa. Code § 551.21(d)(1)

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DENISE A. JOHNSON,  
*Acting Secretary*

[Pa.B. Doc. No. 23-54. Filed for public inspection January 13, 2023, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Decisions on Requests for Exceptions to Health Care Facility Regulations

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b), for exceptions to regulations contained in 28 Pa. Code Part IV Subparts B—G.

Section 51.33(d) of 28 Pa. Code provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from December 1, 2022, through December 31, 2022. Future publications of decisions on exception requests will appear on a quarterly basis.

Requests for additional information on the exception request and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals, abortion facilities and ambulatory surgical facilities shall be addressed to Garrison E. Gladfelter, Jr., Director, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980. Inquiries regarding long-term care facilities shall be addressed to Susan Williamson, Director, Division of Nursing Care Facilities, Room 528, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816. Inquiries regarding Home Health agencies should be directed to Linda Chamberlain, Director, Division of Home Health, Forum Place, Suite 701, 555 Walnut Street, Harrisburg, PA 17101, (717) 783-1379.

#### Ambulatory Surgical Facilities

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
East Freedom Surgical Associates, LLC	§ 569.35(7) (relating to general safety precautions)	12/05/2022	Granted w/Conditions
Planned Parenthood Keystone—Lancaster	§ 29.33(6) (relating to requirements for abortion)	12/05/2022	Granted w/Conditions
Saint Vincent Endoscopy Center	§ 553.1 (relating to principle)	12/05/2022	Granted w/Conditions
Saint Vincent Surgery Center of Erie	§ 553.1	12/05/2022	Granted w/Conditions
Surgery Center at Penn Medicine University City	§ 553.31(a) and (b) (relating to administrative responsibilities)	12/13/2022	Granted w/Conditions
UPMC Leader Surgery Center, LLC	§ 553.1	12/05/2022	Granted w/Conditions
	§ 555.1 (relating to principle)	12/05/2022	Granted w/Conditions

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
	§ 555.3(a)—(f) (relating to requirements for membership and privileges)	12/05/2022	Granted w/Conditions
	§ 555.4(a)—(c) (relating to clinical activities and duties of physician assistants and certified registered nurse practitioners)	12/05/2022	Granted w/Conditions
	§ 557.2(a) (relating to plan)	12/05/2022	Granted w/Conditions
	§ 557.3(a) (relating to Quality Assurance and Improvement Program)	12/05/2022	Granted w/Conditions
	§ 563.1 (relating to principle)	12/05/2022	Granted w/Conditions
	§ 563.2(a) and (b) (relating to organization and staffing)	12/05/2022	Granted w/Conditions
Western PA Surgery Center— Beaver County Branch	§ 571.1 (relating to minimum standards) A2.1-3.2.3.2 space requirements	12/13/2022	Granted

### Hospitals

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Conemaugh Meyersdale Medical Center	§ 153.1(a) (relating to minimum standards) 2.2-2.2.2.1(2) capacity	12/08/2022	Granted
Meadville Medical Center	§ 153.1(a) 2.9-1.4.1.2 endoscope processing room(s)	12/13/2022	Granted
	§ 153.1(a) 2.9-3.2.2.1 space requirements	12/13/2022	Granted
	§ 153.1(a) 2.9-3.2.2.2(1) space requirements	12/13/2022	Granted
Penn Highlands Dubois	§ 153.1(a) 2.1-3.4.3 pre-procedure patient care room or area	12/08/2022	Granted
	§ 153.1(a) 2.1-3.4.5 phase II recovery room(s) or area	12/08/2022	Granted
Penn Highlands Huntingdon	§ 153.1(a) 2.1-7.2.2.3(3)(a) doors and door hardware	12/08/2022	Granted
Penn State Health Saint Joseph	§ 107.64 (relating to administration of drugs)	12/05/2022	Granted w/Conditions
Saint Luke's Hospital— Upper Bucks Campus	§ 153.1(a) 2.1-8.5.1.4 staff assistance stations	12/13/2022	Granted
	§ 153.1(a) 2.5-8.5.1 call systems	12/13/2022	Granted
Wellspring York Hospital	§ 153.1(a) 2.1-2.2.5.1 location	12/05/2022	Granted
	§ 153.1(a) 2.1-2.2.5.3 renovation	12/05/2022	Granted
	§ 153.1(a) 2.1-8.3.6.2 receptacles in patient care areas	12/05/2022	Granted
	§ 153.1(a) 2.1-8.4.4 medical gas and vacuum systems	12/05/2022	Granted
	§ 153.1(a) 2.2-2.5.2.2(2)(a) and (b) and (3) space requirements	12/05/2022	Granted
	§ 153.1(a) 2.2-2.5.4.2(1) and (2) airborne infection isolation (AII) room	12/05/2022	Granted

### Nursing Care Facilities

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Mon Valley Care Center	§ 201.22(e) (relating to prevention, control and surveillance of tuberculosis (TB))	12/05/2022	Granted
Southmont of Presbyterian Seniorcare	§ 205.6(a) (relating to function of building)	12/12/2022	Granted

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact the Division of Acute and Ambulatory Care or the Division of Nursing Care Facilities at the previously referenced address or telephone number, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DENISE A. JOHNSON,  
*Acting Secretary*

[Pa.B. Doc. No. 23-55. Filed for public inspection January 13, 2023, 9:00 a.m.]

**DEPARTMENT OF HEALTH****Hospitals; Requests for Exceptions**

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals).

<i>Facility Name</i>	<i>Regulation and relating to</i>
The Children's Hospital of Philadelphia	28 Pa. Code § 127.31(b) (relating to policies and procedures)
Geisinger Wyoming Valley Medical Center	28 Pa. Code § 103.31 (relating to the chief executive officer)
Heritage Valley Kennedy	28 Pa. Code § 51.23 (relating to positron emission tomography)
Hospital of the Fox Chase Cancer Center	28 Pa. Code § 149.3 (relating to facilities)
Penn Highlands Brookville	28 Pa. Code § 135.5 (relating to surgical emergency care)
Phoenixville Hospital	28 Pa. Code § 109.2(b) (relating to director of nursing services)
UPMC Altoona	28 Pa. Code § 107.26(b)(5) (relating to additional committees)
	28 Pa. Code § 113.5(a) (relating to pharmacy and therapeutics committee)
UPMC Bedford	28 Pa. Code § 107.26(b)(5)
	28 Pa. Code § 113.5(a)
UPMC Carlisle	28 Pa. Code § 107.26(b)(5)
	28 Pa. Code § 113.5(a)
UPMC Children's Hospital of Pittsburgh	28 Pa. Code § 107.26(b)(5)
	28 Pa. Code § 113.5(a)
UPMC Cole	28 Pa. Code § 107.26(b)(5)
	28 Pa. Code § 113.5(a)
UPMC East	28 Pa. Code § 107.26(b)(5)
	28 Pa. Code § 113.5(a)
UPMC Hamot	28 Pa. Code § 107.26(b)(5)
	28 Pa. Code § 113.5(a)
UPMC Hanover	28 Pa. Code § 107.26(b)(5)
	28 Pa. Code § 113.5(a)
UPMC Horizon	28 Pa. Code § 107.26(b)(5)
	28 Pa. Code § 113.5(a)
UPMC Jameson	28 Pa. Code § 107.26(b)(5)
	28 Pa. Code § 113.5(a)
UPMC Kane	28 Pa. Code § 107.26(b)(5)
	28 Pa. Code § 113.5(a)
UPMC Lititz	28 Pa. Code § 107.26(b)(5)
	28 Pa. Code § 113.5(a)
UPMC Lock Haven	28 Pa. Code § 107.26(b)(5)
	28 Pa. Code § 113.5(a)
UPMC Magee-Womens Hospital	28 Pa. Code § 107.26(b)(5)
	28 Pa. Code § 113.5(a)
UPMC McKeesport	28 Pa. Code § 107.26(b)(5)
	28 Pa. Code § 113.5(a)
UPMC Memorial	28 Pa. Code § 107.26(b)(5)
	28 Pa. Code § 113.5(a)
UPMC Mercy	28 Pa. Code § 107.26(b)(5)
	28 Pa. Code § 113.5(a)

<i>Facility Name</i>	<i>Regulation and relating to</i>
UPMC Muncy	28 Pa. Code § 107.26(b)(5)
	28 Pa. Code § 113.5(a)
UPMC Northwest	28 Pa. Code § 107.26(b)(5)
	28 Pa. Code § 113.5(a)
UPMC Passavant	28 Pa. Code § 107.26(b)(5)
	28 Pa. Code § 113.5(a)
UPMC Pinnacle Hospitals	28 Pa. Code § 107.26(b)(5)
	28 Pa. Code § 113.3(a) (relating to pharmacist)
UPMC Presbyterian Shadyside	28 Pa. Code § 107.26(b)(5)
	28 Pa. Code § 113.5(a)
UPMC Somerset	28 Pa. Code § 107.26(b)(5)
	28 Pa. Code § 113.5(a)
UPMC Saint Margaret	28 Pa. Code § 107.26(b)(5)
	28 Pa. Code § 113.5(a)
UPMC Wellsboro	28 Pa. Code § 107.26(b)(5)
	28 Pa. Code § 113.5(a)
UPMC Williamsport	28 Pa. Code § 107.26(b)(5)
	28 Pa. Code § 113.5(a)

The following hospitals have filed requests for exceptions under 28 Pa. Code § 153.1 (relating to minimum standards). Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals—2018 Edition*, *Guidelines for Design and Construction of Outpatient Facilities—2018 Edition* or the *Guidelines for Design and Construction of Hospitals—2022 Edition*, *Guidelines for Design and Construction of Outpatient Facilities—2022 Edition*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception.

<i>Facility Name</i>	<i>FGI Guidelines Section and relating to</i>	<i>Yr<sup>1</sup></i>
Allegheny General Hospital	2.1-3.2.1.2(2)(b)(ii) single-patient examination/observation room	18-O
The Children's Hospital of Philadelphia	2.2-2.2.4.6(2)(c)(i)—(iv) medical psychiatric room(s)	18
Geisinger Community Medical Center	2.2-3.4.6.2 patient toilet room	18
Penn Highlands Huntingdon	2.1-3.8.7.1 location	18-O
	2.1-8.4.3.2 hand-washing station sinks	18
	2.2-3.1.3.7 patient toilet room	18
Penn Presbyterian Medical Center	2.2-3.5.2.5(1)(c) system component room	22
Saint Luke's Hospital—Anderson Campus	2.2-2.9.8.15(2)(b) examination/treatment room and/or multipurpose diagnostic testing room	18
Saint Luke's Hospital of Bethlehem, Pennsylvania	2.2-3.3.2.2(2)(a)(i) and (b) space requirements	18
Saint Luke's Hospital—Easton Campus	2.2-3.5.2.5(1)(b) system component room	22
Uniontown Hospital	2.1-3.8.12.2(1)(b) soiled workroom	18-O
UPMC Presbyterian Shadyside	2.1-3.2.2.2(2)(a)(i) single-patient exam/observation room	22-O
	2.2-3.8.11 clean workroom/clean work area or clean supply room/clean supply area	22-O
	2.2-3.8.12 soiled holding room	22-O
Warren General Hospital	2.1-3.2.1.2(2)(a)(i) single-patient examination/observation room	18-O

<i>Facility Name</i>	<i>FGI Guidelines Section and relating to</i>	<i>Yr<sup>1</sup></i>
	2.1-5.3.1 environmental services room	18-O
	2.1-6.2.4.1 public toilet room	18-O
	2.1-7.2.2.1(1) corridor width	18-O
	2.2-3.2.1 examination room	18-O
Wellspring Gettysburg Hospital	2.2-3.1.3.6 treatment rooms and areas	22

<sup>1</sup> 2018 Year FGI Regulations for Outpatient Facilities are indicated by “-O.”

<sup>2</sup> 2022 Year FGI Regulations for Outpatient Facilities are indicated by “-O.”

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or for speech and/or hearing impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DENISE A. JOHNSON,  
*Acting Secretary*

[Pa.B. Doc. No. 23-56. Filed for public inspection January 13, 2023, 9:00 a.m.]

## DEPARTMENT OF HEALTH

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

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

Promedica Skilled Nursing and Rehabilitation  
(Huntingdon Valley)  
3430 Huntingdon Pike  
Huntingdon Valley, PA 19006  
FAC ID # 053802

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

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

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

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or

hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DENISE A. JOHNSON,  
*Acting Secretary*

[Pa.B. Doc. No. 23-57. Filed for public inspection January 13, 2023, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Concerned Citizens of Upper Mount Bethel Township v. Department of Environmental Protection and New Demi Road, LLC, Permittee; EHB Doc. No. 2023-001-CS

Concerned Citizens of Upper Mount Bethel Township has appealed the issuance by the Department of Environmental Protection of NPDES Permit No. PAD480132 A-1 authorizing the discharge of stormwater associated with construction activities in Upper Mount Bethel Township and Portland Borough in Northampton County.

The appeal is filed with the Environmental Hearing Board (Board). The notice of appeal, and other filings related to the appeal, may be reviewed by any interested person through the Board's web site at <http://ehb.courtapps.com>. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania Hamilton Relay Service at (800) 654-5984. A date for the hearing on the appeal has not yet been scheduled.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code

§ 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available online and upon request from the Board.

THOMAS W. RENWAND,  
*Chairperson*

[Pa.B. Doc. No. 23-58. Filed for public inspection January 13, 2023, 9:00 a.m.]

## HOUSING FINANCE AGENCY

### Homeowner's Emergency Mortgage Assistance Program; 2023 Rates and Updates

#### *Interest Rate for HEMAP Loans Closed in 2023*

Under Section 406-C of the Housing Finance Agency Law (35 P.S. § 1680.406c), the Housing Finance Agency (Agency) is to determine prior to the end of each calendar year the rate of interest for Homeowner's Emergency Mortgage Assistance Program (HEMAP) loans closed in the next calendar year, which rate is not to exceed the rate of interest established by the Department of Banking and Securities under section 301 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 301), referred to as the Loan Interest and Protection Law, and referred to commonly as the Usury Law.

The Agency has determined that the rate of interest for HEMAP loans closed during calendar year 2023 shall be 4.25%.

#### *Attorneys' Fees and Costs Reimbursement Rate for HEMAP Loans Closed in 2023*

Under 12 Pa. Code §§ 31.201—31.211 (relating to policy statement on Homeowner's Emergency Mortgage Assistance Program), the Agency shall reimburse lenders for reasonable attorneys' fees and reasonable and necessary costs, which are actually incurred by a mortgagee, in beginning or pursuing an action of mortgage foreclosure and which meet the requirements or limitations on the Agency's web site at [www.phfa.org](http://www.phfa.org). The Agency will reimburse lenders based upon a reasonable hourly rate as may be established by the Agency annually and published by the Agency in the *Pennsylvania Bulletin*.

The Agency has determined the rate of reimbursement of attorneys' fees and costs incurred during the calendar year 2023 shall be \$150 per hour.

#### *Schedule of Updates to the List of Consumer Credit Counseling Agencies for the Year 2023*

Under 12 Pa. Code §§ 31.201—31.211, the Agency will annually publish a schedule for updates to the list of

consumer credit counseling agencies required to be attached to the uniform Appendix A notice.

Updates to the list of consumer credit counseling agencies shall occur on the following dates: March 31, 2023; June 30, 2023; September 30, 2023; and December 31, 2023.

This notice shall take effect immediately.

ROBIN L. WIESSMANN,  
*Executive Director*

[Pa.B. Doc. No. 23-59. Filed for public inspection January 13, 2023, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Alleged Violation of Insurance Laws; Brandon Beckham Aylor; Doc. No. SC23-01-001

Notice is hereby given of the Order to Show Cause issued on January 3, 2023, by the Deputy Insurance Commissioner in the previously-referenced matter. Violations of the following are alleged: section 611-A(1) and (20) of The Insurance Department Act of 1921 (40 P.S. § 310.11(1) and (20)).

The respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If the respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—588 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102, [ra-hearings@pa.gov](mailto:ra-hearings@pa.gov).

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joseph Korman, Agency ADA Coordinator, [jkorman@pa.gov](mailto:jkorman@pa.gov), (717) 787-4429.

MICHAEL HUMPHREYS,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 23-60. Filed for public inspection January 13, 2023, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Eligible Surplus Lines Insurer List

In accordance with section 1605(b) of The Insurance Company Law of 1921 (40 P.S. § 991.1605(b)), the Insurance Department publishes the most recent Eligible Surplus Lines Insurer List. This list replaces in its entirety the Eligible Surplus Lines Insurer List published at 52 Pa.B. 534 (January 22, 2022).

Written statements must be e-mailed to Lori Rumpf, [lrumpf@pa.gov](mailto:lrumpf@pa.gov).

Key#	Company Name	Statutory Home Address
133877	ACCELERANT SPECIALTY INSURANCE COMPANY	400 NORTHRIDGE ROAD SUITE 800 SANDY SPRINGS, GA 30350

<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
133965	ACCREDITED SPECIALTY INSURANCE COMPANY	300 W. CLARENDON AVENUE SUITE 240 PHOENIX, AZ 85013
10512	ADMIRAL INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10513	ADRIATIC INSURANCE COMPANY	314 EAST THAYER AVENUE BISMARCK, ND 58501
39135	AGENT ALLIANCE INSURANCE COMPANY	3800 SOLLIE ROAD MOBILE, AL 36619
10521	AIG SPECIALTY INSURANCE COMPANY	500 WEST MADISON STREET SUITE 3000 CHICAGO, IL 60661
67489	AIX SPECIALTY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801-1120
48099	ALLIANZ GLOBAL CORPORATE & SPECIALTY SE	KONIGINASTRASSE 28 MUNICH, Germany D80802
10516	ALLIANZ UNDERWRITERS INSURANCE COMPANY	225 W. WASHINGTON STREET SUITE 1800 CHICAGO, IL 60606
10535	ALLIED WORLD ASSURANCE COMPANY (U.S.) INC.	251 LITTLE FALLS DRIVE SUITE 400 WILMINGTON, DE 19808
10600	ALLIED WORLD SURPLUS LINES INSURANCE COMPANY	425 WEST CAPITOL AVENUE SUITE 1800 LITTLE ROCK, AR 72201-3525
106563	ALLY INTERNATIONAL INSURANCE COMPANY LTD	VICTORIA HALL 11 VICTORIA STREET HAMILTON, Bermuda HM11
10519	AMERICAN EMPIRE SURPLUS LINES INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10520	AMERICAN EQUITY INSURANCE COMPANY	20860 N TATUM BOULEVARD SUITE 400 PHOENIX, AZ 85050
131598	AMERICAN FEDERATION INSURANCE COMPANY	19111 DALLAS PARKWAY SUITE 300 DALLAS, TX 75287
127915	AMERICAN INTERNATIONAL GROUP UK LIMITED	THE AIG BUILDING 58 FENCHURCH STREET EC3M4AB LONDON, United Kingdom
107529	AMERICAN NATIONAL LLOYDS INSURANCE COMPANY	ONE MOODY PLAZA GALVESTON, TX 77550
104146	AMERICAN SAFETY INSURANCE COMPANY	3715 NORTHSIDE PARKWAY ATLANTA, GA 30327-2806
10522	AMERICAN WESTERN HOME INSURANCE COMPANY	600 BANK OF OKLAHOMA PLAZA OKLAHOMA CITY, OK 73102
83774	AMTRUST INTERNATIONAL UNDERWRITERS DAC	40 WESTLAND ROW DUBLIN, Ireland 2
10524	APPALACHIAN INSURANCE COMPANY	270 CENTRAL AVENUE JOHNSTON, RI 02919-4949
97477	ARCH INSURANCE (UK) LIMITED	5TH FLOOR PLANTATION PLACE SOUTH 60 GREAT TOWER STREET LONDON, United Kingdom EC3R 5AZ
10587	ARCH SPECIALTY INSURANCE COMPANY	2345 GRAND BOULEVARD SUITE 900 KANSAS CITY, MO 64108

<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
138850	ARDELLIS INSURANCE, LTD.	2801 EAST BELTLINE NE GRAND RAPIDS, MI 49525
128566	ASCOT SPECIALTY INSURANCE COMPANY	10 JEFFERSON BLVD. WARWICK, RI 02888
51442	ASPEN INSURANCE UK LIMITED	30 FENCHURCH STREET LONDON, United Kingdom EC3M 3BD
35611	ASPEN SPECIALTY INSURANCE COMPANY	1709 NORTH 19TH ST. SUITE 3 BISMARCK, ND 58501
22348	ASSICURAZIONI GENERALI S.P.A.	PIAZZA DUCA DEGLI ABRUZZI 2 CASELLA POSTALE N. 538 TRIESTE, Italy 34132
22349	ASSOCIATED ELECTRIC & GAS INSURANCE SERVICES LIMITED	6TH FLOOR, 141 FRONT STREET HAMILTON, Bermuda HM 19
94396	ASSOCIATED INDUSTRIES INSURANCE COMPANY	903 N W 65TH STREET SUITE 300 BOCA RATON, FL 33487-2864
52712	ATAIN INSURANCE COMPANY	2301 E. LAMAR BOULEVARD 5TH FLOOR ARLINGTON, TX 76006
127831	ATEGRITY SPECIALTY INSURANCE COMPANY	CORPORATION CENTER 1209 ORANGE STREET WILMINGTON, DE 19801
41586	ATLANTIC CASUALTY INSURANCE COMPANY	400 COMMERCE COURT GOLDSBORO, NC 27534
127473	AVIVA INSURANCE LIMITED	PITHEAVLIS PERTH, United Kingdom PH2 ONH
134328	AWBURY INSURANCE COMPANY	116 WEST WATER STREET DOVER, DE 19904
64641	AXA XL INSURANCE COMPANY UK LIMITED	20 GRACECHURCH STREET LONDON, United Kingdom 3C3V OBG
59554	AXIS SPECIALTY EUROPE SE	MOUNT HERBERT COURT 34 UPPER MOUNT STREET DUBLIN, Ireland 2
10592	AXIS SURPLUS INSURANCE COMPANY	111 SOUTH WACKER DRIVE SUITE 3500 CHICAGO, IL 60606
133613	AZGUARD INSURANCE COMPANY	39 PUBLIC SQUARE WILKES-BARRE, PA 18703
139623	BENCHMARK SPECIALTY INSURANCE COMPANY	425 WEST CAPITOL AVENUE SUITE 1800 LITTLE ROCK, AR 77201
10584	BERKLEY ASSURANCE COMPANY	11201 DOUGLAS AVENUE URBANDALE, IA 50322
75458	BERKLEY SPECIALTY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801-1120
63055	BERKSHIRE HATHAWAY INTERNATIONAL INSURANCE LIMITED	8 FENCHURCH PLACE 4TH FLOOR LONDON, United Kingdom ECEM 4AJ
79945	BLACKBOARD SPECIALTY INSURANCE COMPANY	251 LITTLE FALLS DRIVE WILMINGTON, DE 19808
138851	BLITZ INSURANCE, I.I.	270 MUNOZ RIVERIA AVENUE 9TH FLOOR SAN JUAN, PR 00918

<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
116246	BLUE HILL SPECIALTY INSURANCE COMPANY INC.	C/O CT CORPORATION SYSTEM 208 SOUTH LASALLE STREET SUITE 814 CHICAGO, IL 60604
140094	BRICKTOWN SPECIALTY INSURANCE COMPANY	210 PARK AVENUE SUITE 1300 OKLAHOMA CITY, OK 73102
63828	BRIDGEWAY INSURANCE COMPANY	251 LITTLE FALLS DRIVE WILMINGTON, DE 19808
8689	BURLINGTON INSURANCE COMPANY	222 WEST ADAMS STREET CHICAGO, IL 60606
10528	CANAL INDEMNITY COMPANY	400 EAST STONE AVENUE GREENVILLE, SC 29601
75544	CANOPIUS US INSURANCE, INC	C/O THE CORPORATION TRUST COMPANY 1209 ORANGE STREET WILMINGTON, DE 19801
48319	CAPITOL SPECIALTY INSURANCE CORPORATION	1600 ASPEN COMMONS MIDDLETON, WI 53562
63239	CATLIN SPECIALTY INSURANCE COMPANY	C/O THE CORPORATION TRUST COMPANY 1209 ORANGE STREET WILMINGTON, DE 19801
10529	CENTENNIAL CASUALTY COMPANY	2200 WOODCREST PLACE SUITE 200 BIRMINGHAM, AL 35209
135375	CENTERLINE PROPERTY AND CASUALTY INSURANCE COMPANY	6420 BAUM DRIVE KNOXVILLE, TN 37919
10531	CENTURY SURETY COMPANY	550 POLARIS PARKWAY WESTERVILLE, OH 43082
138145	CHAMPLAIN SPECIALTY INSURANCE COMPANY	199 MAIN STREET BURLINGTON, VT 05401
138164	CHAUCER INSURANCE COMPANY DAC	38-39 BAGGOT STREET LOWER DUBLIN, Ireland D02 T938
10532	CHUBB CUSTOM INSURANCE COMPANY	202B HALL'S MILL ROAD WHITEHOUSE STATION, NJ 08889
48123	CHUBB EUROPEAN GROUP SE	LA TOUR CARPE DIEM 31 PLACE DES COROLLES, ESPLENADE NORD COURBEVOIE, France 92400
72782	CINCINNATI SPECIALTY UNDERWRITERS INSURANCE COMPANY (THE)	BRANDYWINE VILLAGE 1807 NORTH MARKET STREET WILMINGTON, DE 19802-4810
45736	CLEAR BLUE SPECIALTY INSURANCE COMPANY	200 SOUTH COLLEGE STREET SUITE 1910 CHARLOTTE, NC 28202
118669	CM VANTAGE SPECIALTY INSURANCE COMPANY	3000 SCHUSTER LANE MERRILL, WI 54452
10533	COLONY INSURANCE COMPANY	8720 STONY POINT PARKWAY SUITE 300 RICHMOND, VA 23235
10534	COLUMBIA CASUALTY COMPANY	151 N. FRANKLIN STREET CHICAGO, IL 60606
138228	CONCERT SPECIALTY INSURANCE COMPANY	2115 8TH AVENUE HELENA, MT 59601
141932	CONCORD SPECIALTY INSURANCE COMPANY	415 S. PIERRE STREET PIERRE, SD 57501

<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
86914	CONIFER INSURANCE COMPANY	550 W. MERRILL STREET, SUITE 200 BIRMINGHAM, MI 48009
131888	CONVEX INSURANCE UK LIMITED	52 LIME STREET LONDON, United Kingdom EC3M 7AF
115462	COVERYS SPECIALTY INSURANCE COMPANY	67 EAST PARK PLACE, SUITE 703 MORRISTOWN, NJ 07960
96047	COVINGTON SPECIALTY INSURANCE COMPANY	c/o NIXON PEABODY LLP 900 ELM STREET MANCHESTER, NH 03101
37372	CRUM & FORSTER SPECIALTY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
66658	CUMIS SPECIALTY INSURANCE COMPANY, INC.	2000 HERITAGE WAY WAVERLY, IA 50677
125558	DORCHESTER INSURANCE COMPANY, LTD.	6-7 DRONNINGENS GABE SUITE 202 ST. THOMAS, VI 00802-1520
10541	EMPIRE INDEMNITY INSURANCE COMPANY	BROADWAY EXECUTIVE PARK 9 200 NW 66TH STREET, SUITE 965 OKLAHOMA CITY, OK 73116
63338	ENDURANCE AMERICAN SPECIALTY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
94256	ENDURANCE SPECIALTY INSURANCE LTD	WATERLOO HOUSE 90 PITTS BAY ROAD PEMBROKE, Bermuda HM 08
111852	ENDURANCE WORLDWIDE INSURANCE LIMITED	1ST FLOOR, 2 MINSTER COURT MINCING LANE LONDON, United Kingdom EC3R 7BB
127083	ENERGY INSURANCE MUTUAL LIMITED	CHANCERY HOUSE HIGH STREET BRIDGETOWN, Barbados
10543	EVANSTON INSURANCE COMPANY	10275 W. HIGGINS ROAD SUITE 750 ROSEMONT, IL 60018
10544	EVEREST INDEMNITY INSURANCE COMPANY	251 LITTLE FALLS DRIVE WILMINGTON, DE 19808
130365	EVEREST INSURANCE (IRELAND), DAC	HUGUENOT HOUSE, 3RD FL 35-38 ST. STEPHEN'S GREEN DUBLIN, Ireland
130366	EVEREST INTERNATIONAL ASSURANCE, LTD.	SEON PLACE, 4TH FLOOR 141 FRONT STREET P.O. BOX HN845 HAMILTON, Bermuda HM19
134691	EVERSPAN INDEMNITY INSURANCE COMPANY	ONE WORLD TRADE CENTER 41ST FLOOR NEW YORK, NY 10007
10545	EXECUTIVE RISK SPECIALTY INSURANCE COMPANY	202B HALL'S MILL ROAD WHITEHOUSE STATION, NJ 08889
105001	FAIR AMERICAN SELECT INSURANCE COMPANY	ONE LIBERTY PLAZA 165 BROADWAY NEW YORK, NY 10006
126696	FALLS LAKE FIRE AND CASUALTY COMPANY	6131 FALLS OF NEUSE ROAD SUITE 306 RALEIGH, NC 27609
136772	FIDELIS INSURANCE BERMUDA LIMITED	WATERLOO HOUSE 100 PITTS BAY ROAD PEMBROKE, Bermuda HM08
129780	FIDELIS UNDERWRITING LIMITED	LEVEL 42, 22 BISHOPSGATE LONDON, United Kingdom EC2N 4BQ

<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
140458	FIREMAN'S FUND INDEMNITY CORPORATION	247 EAST FRONT STREET TRENTON, NJ 08611
10549	FIRST MERCURY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
127476	FITCHBURG MUTUAL INSURANCE COMPANY	222 AMES STREET DEDHAM, MA 02026-1850
133350	FORTEGRA SPECIALTY INSURANCE COMPANY	10151 DEERWOOD PARK BLVD. BLDG. 100, STE. 300 JACKSONVILLE, FL 32256
18477	GEMINI INSURANCE COMPANY	CORPORATION TRUST CENTER 1209 ORANGE STREET WILMINGTON, DE 19801
10552	GENERAL SECURITY INDEMNITY COMPANY OF ARIZONA	2338 W. ROYAL PALM ROAD SUITE J PHOENIX, AZ 85021
10554	GENERAL STAR INDEMNITY COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
58119	GEOVERA SPECIALTY INSURANCE COMPANY	251 LITTLE FALLS DRIVE WILMINGTON, DE 19808
73754	GNY CUSTOM INSURANCE COMPANY	200 MADISON AVENUE NEW YORK, NY 10016-3904
123319	GOLDEN BEAR INSURANCE COMPANY	1550 WEST FREMONT STREET 2ND FLOOR STOCKTON, CA 95203
10556	GOTHAM INSURANCE COMPANY	59 MAIDEN LANE, 27TH FLOOR NEW YORK, NY 10038
134317	GRAY SURPLUS LINES INSURANCE COMPANY	3601 N. 10 SERVICE ROAD WEST METAIRIE, LA 70002
10514	GREAT AMERICAN E & S INSURANCE COMPANY	THE CORPORATION TRUST COMPANY 1209 ORANGE STREET WILMINGTON, DE 19801
10518	GREAT AMERICAN FIDELITY INSURANCE COMPANY	THE CORPORATION TRUST COMPANY 1209 ORANGE STREET WILMINGTON, DE 19801
10540	GREAT AMERICAN PROTECTION INSURANCE COMPANY	301 EAST FOURTH STREET CINCINNATI, OH 45202
22412	GREAT LAKES INSURANCE SE	KONIGINSTRASSE 107 MUNICH, Germany D80802
100854	GUIDEONE NATIONAL INSURANCE COMPANY	1111 ASHWORTH ROAD WEST DES MOINES, IA 50265-3538
36489	GUILFORD INSURANCE COMPANY	222 WEST ADAMS STREET CHICAGO, IL 60606
10557	GULF UNDERWRITERS INSURANCE COMPANY	ONE TOWER SQUARE HARTFORD, CT 06183
103324	HALLMARK SPECIALTY INSURANCE COMPANY	201 ROBERT S. KERR AVENUE SUITE 600 OKLAHOMA CITY, OK 73102
103749	HAMILTON INSURANCE DAC	4 CRAMPTON AVENUE, BALLSBRIDGE DUBLIN, Ireland 4
139043	HAMILTON SELECT INSURANCE, INC.	251 LITTLE FALLS DRIVE WILMINGTON, DE 19808
126737	HANOVER ATLANTIC INSURANCE COMPANY, LTD. (THE)	11 VICTORIA ST. P.O. BOX HM 1826 HAMILTON, Bermuda HM 11

<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
8157	HARLEYSVILLE INSURANCE COMPANY OF NEW YORK	ONE WEST NATIONWIDE BLVD. COLUMBUS, OH 43215-2220
28076	HDI GLOBAL SPECIALTY SE	PODBIESKISTRASSE 396 HANNOVER, Germany D30659
123955	HDI SPECIALTY INSURANCE COMPANY	161 N. CLARK STREET 48TH FLOOR CHICAGO, IL 60601
121546	HELVETIA GLOBAL SOLUTIONS LTD	AEULESTRASSE 60 9490 VADUZ LIECHTENSTEIN, Lichtenstein
135054	HIGHLANDER SPECIALTY INSURANCE COMPANY	225 WEST WASHINGTON STREET SUITE 2550 CHICAGO, IL 60606
37373	HILLTOP SPECIALTY INSURANCE COMPANY	100 WILLIAM STREET, 5TH FLR. NEW YORK, NY 10038
100960	HOMELAND INSURANCE COMPANY OF DELAWARE	1209 ORANGE STREET WILMINGTON, DE 19801
44169	HOMELAND INSURANCE COMPANY OF NEW YORK	1000 WOODBURY ROAD SUITE 403 WOODBURY, NY 11797
128448	HOMESITE INSURANCE COMPANY OF FLORIDA	1 N. OLD STATE CAPITOL PLAZA SUITE 501 SPRINGFIELD, IL 62701-1323
124435	HOUSING SPECIALTY INSURANCE COMPANY, INC.	148 COLLEGE STREET BURLINGTON, VT 05401
10559	HOUSTON CASUALTY COMPANY	13403 NORTHWEST FREEWAY HOUSTON, TX 77040
75182	HOUSTON SPECIALTY INSURANCE COMPANY	800 GESSNER, SUITE 600 HOUSTON, TX 77024
102374	HSB SPECIALTY INSURANCE COMPANY	ONE STATE STREET HARTFORD, CT 06102-5024
106322	HUDSON EXCESS INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10561	ILLINOIS UNION INSURANCE COMPANY	525 WEST MONROE STREET SUITE 700 CHICAGO, IL 60661
10547	INDEPENDENT SPECIALTY INSURANCE COMPANY	160 GREENTREE DRIVE SUITE 101 DOVER, DE 19904
10562	INDIAN HARBOR INSURANCE COMPANY	c/o THE CORPORATION TRUST CO. 1209 ORANGE STREET WILMINGTON, DE 19801
142104	INTERNATIONAL GENERAL INSURANCE COMPANY (UK) LIMITED	FORUM HOUSE 15-18 LIME STREET EC3M 7AN LONDON, United Kingdom
132121	INTERNATIONAL GENERAL INSURANCE COMPANY, LTD.	2 CHURCH STREET HAMILTON, Bermuda HM11
10564	INTERSTATE FIRE & CASUALTY COMPANY	225 WEST WASHINGTON STREET SUITE 1800 CHICAGO, IL 60606
138742	INTREPID SPECIALTY INSURANCE COMPANY	11201 DOUGLAS AVENUE URBANDALE, IA 50322
10596	IRONSHORE SPECIALTY INSURANCE COMPANY	8601 NORTH SCOTTSDALE ROAD SUITE 300 SCOTTSDALE, AZ 85253

<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
119790	ISMIE INDEMNITY COMPANY	20 NORTH MICHIGAN AVENUE SUITE 700 CHICAGO, IL 60602-4811
10546	JAMES RIVER INSURANCE COMPANY	52 EAST GAY STREET COLUMBUS, OH 43215
36855	KINSALE INSURANCE COMPANY	425 W. CAPITOL AVENUE SUITE 1800 LITTLE ROCK, AR 72201
108670	KNIGHT SPECIALTY INSURANCE COMPANY	BRANDYWINE VILLAGE 1807 NORTH MARKET STREET WILMINGTON, DE 19802-4810
130547	KW SPECIALTY INSURANCE COMPANY	501 SILVERSIDE ROAD SUITE 57 WILMINGTON, DE 19809
138045	LAFAYETTE INSURANCE COMPANY	3867 PLAZA TOWER DRIVE BATON ROUGE, LA 70816
80046	LANCASHIRE INSURANCE COMPANY (UK) LIMITED	20 FENCHURCH STREET 29TH FLR. LONDON, United Kingdom EC3M 3BY
75297	LANCASHIRE INSURANCE COMPANY LIMITED	POWERHOUSE 7 PAR-LA-VILLE ROAD HAMILTON, Bermuda HM 11
8967	LANDMARK AMERICAN INSURANCE COMPANY	201 ROBERT KERR AVENUE SUITE 600 OKLAHOMA CITY, OK 73102-4267
10569	LEXINGTON INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
22415	LIBERTY MUTUAL INSURANCE EUROPE SE	5-7, RUE LEON LAVAL L-3372 LEUDELANGE, Luxembourg B 232280
70118	LIBERTY SPECIALTY MARKETS BERMUDA LIMITED	141 FRONT STREET HAMILTON, Bermuda HM19
18457	LIBERTY SURPLUS INSURANCE CORPORATION	175 BERKELEY STREET BOSTON, MA 02117
22416	LLOYD'S, LONDON (UNDERWRITERS AT)	ONE LIME STREET LONDON, United Kingdom EC3M7HA
129637	MAPFRE ESPANA, COMPANIA DE SEGUROS Y REASEGUROS, S.A.	CARRETERA DE POZUELO, MAJADAHONDA 52 EDIFICIO M-II MADRID, Spain 28222
22418	MARINE INSURANCE COMPANY LIMITED	ST MARKS COURT. CHART WAY HORSHAM WEST SUSSEX, United Kingdom RH 12 1XL
22455	MARKEL INTERNATIONAL INSURANCE COMPANY LIMITED	20 FENCHURCH ST. LONDON, United Kingdom EC3M 3AZ
10527	MAXUM INDEMNITY COMPANY	ONE HARTFORD PLAZA HARTFORD, CT 06155
69016	MEDICAL MUTUAL LIABILITY INSURANCE SOCIETY OF MARYLAND	225 INTERNATIONAL CIRCLE HUNT VALLEY, MD 21030
104147	MEDICAL SECURITY INSURANCE COMPANY	700 SPRING FOREST ROAD SUITE 400 RALEIGH, NC 27609
75542	MERCHANTS NATIONAL INSURANCE COMPANY	5 BEDFORD FARMS SUITE 101 BEDFORD, NH 03110
10553	MESA UNDERWRITERS SPECIALTY INSURANCE COMPANY	40 WANTAGE AVENUE BRANCHVILLE, NJ 07890

<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
96043	MID-CONTINENT EXCESS AND SURPLUS INSURANCE COMPANY	301 E. FOURTH STREET CINCINNATI, OH 45202
75518	mitsui sumitomo insurance company (EUROPE) LIMITED	71 FENCHURCH STREET LONDON, United Kingdom EC3M 4BS
129024	MOBILITAS INSURANCE COMPANY	5353 WEST BELL ROAD GLENDALE, AZ 85308
93838	MSIG SPECIALTY INSURANCE USA INC.	560 LEXINGTON AVENUE 20TH FLOOR NEW YORK, NY 10022
10571	MT. HAWLEY INSURANCE COMPANY	9025 N. LINDBERGH DRIVE PEORIA, IL 61615
10572	NAMIC INSURANCE COMPANY, INC.	3601 VINCENNES ROAD INDIANAPOLIS, IN 46268
10573	NATIONAL FIRE & MARINE INSURANCE COMPANY	1314 DOUGLAS STREET SUITE 1400 OMAHA, NE 68102-1944
10574	NAUTILUS INSURANCE COMPANY	7233 E. BUTHERUS DRIVE SCOTTSDALE, AZ 85260
10575	NAVIGATORS SPECIALTY INSURANCE COMPANY	ONE PENN PLAZA 50TH FLOOR NEW YORK, NY 10119-0014
9009	NORCAL SPECIALTY INSURANCE COMPANY	7600 NORTH CAPITAL OF TEXAS HIGHW BUILDING B, SUITE 300 AUSTIN, TX 78731
10576	NORTH AMERICAN CAPACITY INSURANCE COMPANY	650 ELM STREET MANCHESTER, NH 03101-2524
79123	NORTH LIGHT SPECIALTY INSURANCE COMPANY	2775 SANDERS ROAD NORTHBROOK, IL 60062-7127
10577	NORTHFIELD INSURANCE COMPANY	505 5TH AVENUE SUITE 729 DES MOINES, IA 50309
134692	OBSIDIAN SPECIALTY INSURANCE COMPANY	1330 AVENUE OF THE AMERICAS SUITE 23A NEW YORK, NY 10019
22421	OCEAN MARINE INSURANCE COMPANY LIMITED	ST. HELEN'S 1 UNDERSHAFT LONDON, United Kingdom EC3P 3DQ
127475	OKLAHOMA SPECIALTY INSURANCE COMPANY	201 ROBERT S. KERR SUITE 600 OKLAHOMA CITY, OK 73102
10579	OLD REPUBLIC UNION INSURANCE COMPANY	307 NORTH MICHIGAN AVENUE CHICAGO, IL 60601
10566	PACIFIC INSURANCE COMPANY, LIMITED	ONE HARTFORD PLAZA HARTFORD, CT 06155
135242	PALMS INSURANCE COMPANY, LIMITED	42 EDWARD STREET, 2ND FLOOR APO BOX 10193 GEORGETOWN, Cayman Islands
142220	PALMS SPECIALTY INSURANCE COMPANY	251 LITTLE FALLS DRIVE WILMINGTON, DE 19808
132732	PALOMAR EXCESS AND SURPLUS INSURANCE COMPANY	C/O C T CORPORATION SYSTEM 3800 NORTH CENTRAL AVENUE SUITE 460 PHOENIX, AZ 85012
99478	PARTNERRE IRELAND INSURANCE DAC	3RD FLOOR, THE EXCHANGE, GEORGE'S DOCK DUBLIN, Ireland 1

<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10582	PELEUS INSURANCE COMPANY	8720 STONY POINT PARKWAY SUITE 300 RICHMOND, VA 23235
58179	PENN-PATRIOT INSURANCE COMPANY	526 KING STREET ALEXANDRIA, VA 22314
74667	PRIME INSURANCE COMPANY	ONE SOUTH DEARBORN STREET SUITE 800 CHICAGO, IL 60603
23150	PRINCETON EXCESS AND SURPLUS LINES INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
10537	PROASSURANCE SPECIALTY INSURANCE COMPANY	ONE CHURCH STREET BURLINGTON, VT 05402-1307
117812	PROFESSIONAL SECURITY INSURANCE COMPANY	C/O S. DAVID CHILDERS KUTAK ROCK, LLP 8601 N. SCOTTSDALE ROAD SUITE 300 SCOTTSDALE, AZ 85253-2742
75543	PROTECTIVE SPECIALTY INSURANCE COMPANY	111 CONGRESSIONAL BLVD SUITE 500 CARMEL, IN 46032
138203	QBE EUROPE SA/NV	BOULEVARD DU REGENT 37 BRUSSELS, Belgium 1000
47448	QBE SPECIALTY INSURANCE COMPANY	314 EAST THAYER AVENUE BISMARCK, ND 58501
22449	QBE UK LIMITED	PLANTATION PLACE 30 FENCHURCH STREET LONDON, United Kingdom EC3M 3BD
117810	RADNOR SPECIALTY INSURANCE COMPANY	10330 REGENCY PARKWAY DRIVE SUITE 100 OMAHA, NE 68114
136159	RENAISSANCERE SPECIALTY U.S. LTD.	12 CROW LANE PEMBROKE, Bermuda HM19
70898	REPUBLIC-VANGUARD INSURANCE COMPANY	2390 E. CAMELBACK ROAD PHOENIX, AZ 85016
138061	RICHMOND NATIONAL INSURANCE COMPANY	2 1/2 BEACON STREET CONCORD, NH 03301
10603	ROCKHILL INSURANCE COMPANY	8601 N. SCOTTSDALE ROAD SUITE 300 SCOTTSDALE, AZ 85253
122122	ROCKINGHAM INSURANCE COMPANY	633 EAST MARKET STREET HARRISONBURG, VA 22801
131927	ROCKINGHAM SPECIALTY, INC.	633 EAST MARKET STREET HARRISONBURG, VA 22801
10589	SAFECO SURPLUS LINES INSURANCE COMPANY	62 MAPLE AVENUE KEENE, NH 03431
86970	SAFETY SPECIALTY INSURANCE COMPANY	1832 SCHUETZ ROAD ST. LOUIS, MO 63146
94496	SCOR UK COMPANY LIMITED	10 LIME STREET LONDON, United Kingdom EC3M 7AA
10591	SCOTTSDALE INSURANCE COMPANY	ONE NATIONWIDE PLAZA COLUMBUS, OH 43215
107528	SCOTTSDALE SURPLUS LINES INSURANCE COMPANY	8877 N GAINES CENTER DRIVE SCOTTSDALE, AZ 85258-2108
44276	SENECA SPECIALTY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
33514	SIRIUSPOINT INTERNATIONAL INSURANCE CORPORATION	BIRGER JARISGATAN 57B STOCKHOLM, Sweden SE 113 96

<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
139390	SIRIUSPOINT SPECIALTY INSURANCE CORPORATION	ONE WORLD TRADE CENTER 285 FULTON ST., SUITE 47J NEW YORK, NY 10007
137617	SOUTHLAKE SPECIAL INSURANCE COMPANY	1301 SOLANA BLVD. SUITE 2335 WESTLAKE, TX 76262
135796	SPECIALTY BUILDERS INSURANCE COMPANY	2410 PACES FERRY ROAD SUITE 300 ATLANTA, GA 30339
136486	SPINNAKER SPECIALTY INSURANCE COMPANY	555 CONGRESS AVENUE SUITE 500 AUSTIN, TX 78701
10593	ST. PAUL SURPLUS LINES INSURANCE COMPANY	251 LITTLE FALLS DRIVE WILMINGTON, DE 19808
79898	STARR SURPLUS LINES INSURANCE COMPANY	8401 NORTH CENTRAL EXPRESSWAYS, #890 DALLAS, TX 75225
98475	STARSTONE INSURANCE SE	ZOLLSTRASSE 82 9494 SCHAAN LIECHTENSTEIN, Lichtenstein
40659	STARSTONE SPECIALTY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801-1120
10594	STEADFAST INSURANCE COMPANY	1299 ZURICH WAY SCHAUMBURG, IL 60196
131957	STONEGATE INSURANCE COMPANY	7400 N. CALDWELL AVENUE NILES, IL 60714
134329	SUMMIT SPECIALTY INSURANCE COMPANY	325 N. SAINT PAUL SUITE 900 DALLAS, TX 75201
10590	SUPERIOR SPECIALTY INSURANCE COMPANY	160 GREEN TREE DRIVE SUITE 101 DOVER, DE 19904
133848	SUTTON SPECIALTY INSURANCE COMPANY	201 ROBERT S. KERR AVE. SUITE 600 OKLAHOMA CITY, OK 73102
10550	SWISS RE CORPORATE SOLUTIONS CAPACITY INSURANCE CORPORATION	237 EAST HIGH STREET JEFFERSON CITY, MO 65101-3206
22453	SWISS RE INTERNATIONAL SE	2, RUE EDWARD STEICHEN LUXEMBOURG, Luxembourg L2540
10583	TDC SPECIALTY INSURANCE COMPANY	1500 K STREET, N.W. SUITE 1100 WASHINGTON, DC 20005
134695	TEXAS INSURANCE COMPANY	700 NORTH PEARL, 25TH FLOOR DALLAS, TX 75201
123370	THIRD COAST INSURANCE COMPANY	15200 WEST SMALL ROAD NEW BERLIN, WI 53151
22456	THROUGH TRANSPORT MUTUAL INSURANCE ASSOCIATION LIMITED	VICTORIA PLACE, 5TH FLOOR 31 VICTORIA STREET HAMILTON, Bermuda HM 10
8705	TOKIO MARINE SPECIALTY INSURANCE COMPANY	1807 NORTH MARKET STREET WILMINGTON, DE 19802
10588	TRANSVERSE SPECIALTY INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
10597	TRAVELERS EXCESS AND SURPLUS LINES COMPANY	ONE TOWER SQUARE HARTFORD, CT 06183
37001	TRAVELERS SPECIALTY INSURANCE COMPANY	ONE TOWER SQUARE HARTFORD, CT 06183

<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
126596	TRISURA SPECIALTY INSURANCE COMPANY	210 PARK AVENUE SUITE 1300 OKLAHOMA CITY, OK 73102
54486	TT CLUB MUTUAL INSURANCE LIMITED	90 FENCHURCH STREET LONDON, United Kingdom EC3M 4ST
10598	TUDOR INSURANCE COMPANY	300 KIMBALL DRIVE SUITE 500 PARSIPPANY, NJ 07054
10599	U. S. UNDERWRITERS INSURANCE COMPANY	316 NORTH FIFTH STREET SIXTH FLOOR BISMARCK, ND 58501
64798	UNITED SPECIALTY INSURANCE COMPANY	160 GREENTREE DRIVE SUITE 101 DOVER, DE 19904
135486	UPLAND SPECIALTY INSURANCE COMPANY	5050 QUORUM DRIVE SUITE 700 #473 DALLAS, TX 75254
82097	UTICA SPECIALTY RISK INSURANCE COMPANY	2435 N CENTRAL EXPRESSWAY SUITE 400 RICHARDSON, TX 75080
126299	VANTAGE RISK SPECIALTY INSURANCE COMPANY	104 SOUTH MICHIGAN AVENUE SUITE 600 CHICAGO, IL 60603
125260	VAULT E&S INSURANCE COMPANY	C/O MITCHELL, WILLIAMS, SELIG, GATES & WOODYARD 425 WEST CAPITOL AVENUE SUITE 1800 LITTLE ROCK, AR 72201-3525
10605	VOYAGER INDEMNITY INSURANCE COMPANY	260 INTERSTATE NORTH CIRCLE SE ATLANTA, GA 30339
117811	WATFORD SPECIALTY INSURANCE COMPANY	445 SOUTH STREET, SUITE 15824 P.O. BOX 1988 MORRISTOWN, NJ 07962-1988
10607	WESTCHESTER SURPLUS LINES INSURANCE COMPANY	11575 GREAT OAKS WAY SUITE 200 ALPHARETTA, GA 30022
10610	WESTERN WORLD INSURANCE COMPANY	300 KIMBALL DRIVE SUITE 500 PARSIPPANY, NJ 07054
136213	WESTFIELD SPECIALTY INSURANCE COMPANY	ONE PARK CIRLCE WESTFIELD CENTER, OH 44251
49219	WILSHIRE INSURANCE COMPANY	4200 SIX FORKS ROAD SUITE 1400 RALEIGH, NC 27609
10604	XL SELECT INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
132647	ZURICH INSURANCE PLC	ZURICH HOUSE BALLSBRIDGE PARK DUBLIN, Ireland D04 E5N4

MICHAEL HUMPHREYS,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 23-61. Filed for public inspection January 13, 2023, 9:00 a.m.]

## INSURANCE DEPARTMENT

### The Prudential Insurance Company of America; Rate Increase Filing for Several LTC Forms (PRUD-133505176); Rate Filing

The Prudential Insurance Company of America is requesting approval to increase the premium an aggregate 27.8% on 796 policy holders of LTC policy forms GRP 98720, GRP 98721 and GRP 98722. These forms are known as the ILTC-1 series. The requested increase only applies to policies issued prior to September 16, 2002.

Unless formal administrative action is taken prior to March 31, 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](http://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](mailto:mhibbert@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 23-62. Filed for public inspection January 13, 2023, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Qualified Unlicensed Reinsurers List

Under section 319.1 of The Insurance Company Law of 1921 (40 P.S. § 442.1), the Insurance Commissioner hereby lists reinsurers not licensed by the Insurance Department (Department) which shall be considered qualified to accept reinsurance from insurers licensed by the Department.

#### Qualified Unlicensed Reinsurers List

1. 16835 Accredited Specialty Insurance Company, Phoenix, Arizona
2. 26883 AIG Specialty Insurance Company, Chicago, Illinois
3. 21911 Allianz Reinsurance America, Inc., Petaluma, California
4. 10852 Allstate New Jersey Insurance Company, Northbrook, Illinois
5. 37990 American Empire Insurance Company, Cincinnati, Ohio
6. 14673 Aspen Bermuda, Limited, Hamilton, Bermuda
7. 10717 Aspen Specialty Insurance Company, Bismarck, North Dakota
8. 11680 Aspen Insurance UK Limited, London, England
9. 14927 AXIS Specialty Limited, Pembroke, Bermuda
10. 15708 Awbury Insurance Company, Dover, Delaware
11. 98167 Blue Cross Blue Shield of Florida, Jacksonville, Florida
12. 77780 Blue Cross and Blue Shield of Nebraska, Inc., Omaha, Nebraska
13. 27081 Bond Safeguard Insurance Company, Sioux Falls, South Dakota
14. 30511 Castle Key Insurance Company, Northbrook, Illinois
15. 36951 Century Surety Company, Westerville, Ohio
16. 39993 Colony Insurance Company, Richmond, Virginia
17. 27812 Columbia Insurance Company, Omaha, Nebraska
18. 14034 DaVinci Reinsurance Limited, Pembroke, Bermuda
19. 40509 EMC Reinsurance Company, Des Moines, Iowa
20. 35378 Evanston Insurance Company, Rosemont, Illinois
21. 21555 Farm Bureau Mutual Insurance Company of Michigan, Lansing, Michigan
22. 10873 Farmers Reinsurance Company, Woodland Hills, California
23. 37532 Great American E & S Insurance Company, Wilmington, Delaware
24. 41858 Great American Fidelity Insurance Company, Wilmington, Delaware
25. 88340 Hannover Life Reassurance Company of America, Orlando, Florida
26. 10241 Hannover Ruck SE, Hannover, Germany
27. 54828 Highmark West Virginia, Parkersburg, West Virginia
28. 42374 Houston Casualty Company, Houston, Texas
29. 12936 Houston Specialty Insurance Company, Houston, Texas
30. 27960 Illinois Union Insurance Company, Chicago, Illinois
31. 22829 Interstate Fire & Casualty Company, Chicago, Illinois

32. 25445 Ironshore Specialty Insurance Company, Scottsdale, Arizona
33. 22993 Kentucky Farm Bureau Mutual Insurance Company, Louisville, Kentucky
34. 14925 Lancashire Insurance Company, Limited, Hamilton, Bermuda
35. 19437 Lexington Insurance Company, Wilmington, Delaware
36. Lloyd's Underwriters, London, England
37. 10329 Loudoun Mutual Insurance Company, Waterford, Virginia
38. 12324 Mapfre Re, Compania de Reaseguros, S.A., Madrid, Spain
39. 15852 Markel Bermuda Limited, Hamilton, Bermuda
40. 10744 Markel International Insurance Company Limited, London, England
41. 20079 National Fire & Marine Insurance Company, Omaha, Nebraska
42. 41629 New England Reinsurance Corporation, Hartford, Connecticut
43. 31143 Old Republic Union Insurance Company, Chicago, Illinois
44. 88099 Optimum Re Insurance Company, Dallas, Texas
45. 16754 Palomar Excess and Surplus Insurance Company, Phoenix, Arizona
46. 13787 Partner Reinsurance Company Limited, Pembroke, Bermuda
47. 13588 Penn Insurance and Annuity of New York, Brewster, New York
48. 17400 Proassurance Specialty Insurance Company, Burlington, Vermont
49. 88536 Protective Life and Annuity Insurance Company, Birmingham, Alabama
50. 16125 Protucket Insurance Company, Providence, Rhode Island
51. 11515 QBE Specialty Insurance Company, Bismarck, North Dakota
52. 15529 RenaissanceRe Europe AG, New York, New York
53. 14033 Renaissance Reinsurance Limited, Pembroke, Bermuda
54. River Thames Insurance Company Limited, Surrey, England
55. 12318 RiverStone Insurance (UK) Limited, Brighton, England
56. 87017 SCOR Global Life Re Insurance Company of Delaware, Wilmington, Delaware
57. 97071 SCOR Global Life USA Reinsurance Company, Wilmington, Delaware
58. 87572 Scottish Re (US) Inc., Dover, Delaware
59. 41297 Scottsdale Insurance Company, Columbus, Ohio
60. 23388 Shelter Mutual Insurance Company, Columbia, Missouri
61. 26557 Shelter Reinsurance Company, Columbia, Missouri
62. 13604 Starr Surplus Lines Insurance Company, Dallas, Texas
63. 39187 Suecia Insurance Company, Tarrytown, New York
64. 60188 Superior Vision Insurance, Inc., Scottsdale, Arizona
65. 11243 Tokio Marine GRV Re, Inc., Oklahoma City, Oklahoma
66. 19887 Trinity Universal Insurance Company, Dallas, Texas
67. 37982 Tudor Insurance Company, Parsippany, New Jersey
68. 81531 UTIC Insurance Company, Birmingham, Alabama
69. 15635 Validus Reinsurance, Limited, Pembroke, Bermuda
70. 15993 Validus Reinsurance (Switzerland), Limited, Zurich, Switzerland
71. 10172 Westchester Surplus Lines Insurance Company, Alpharetta, Georgia
72. 13196 Western World Insurance Company, Parsippany, New Jersey

MICHAEL HUMPHREYS,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 23-63. Filed for public inspection January 13, 2023, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing authorized by the act of June 17, 1998 (P.L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The hearing will be governed in accordance with the requirements of Act 68; 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). This administrative hearing will be held as follows. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held as follows in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Gary Roccograndi; Liberty Mutual Personal Insurance Company; File No. 22-115-274907; Doc. No. P22-12-014; February 21, 2023, 2 p.m.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

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, should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 23-64. Filed for public inspection January 13, 2023, 9:00 a.m.]

## PATIENT SAFETY AUTHORITY

### Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. § 1303.303), announces a meeting of the Authority's Board to be held virtually by means of the Authority's webinar platform Zoom on Thursday, January 26, 2023, at 1:30 p.m. and is open to the general public.

There will be Zoom capabilities to attend the Board meeting remotely, so registration is required.

Individuals can register by going to <https://us06web.zoom.us/meeting/register/tZUkd-ivpzgiGtEXQtLs8-809qM5S7yUzD2t>.

After registering, individuals will receive a confirmation e-mail containing information about joining the meeting.

Individuals who are unable to sign in with the previously listed link may dial-in by using the following information:

*Meeting ID:* 819 0179 3905

*Passcode:* 6aW49t

*One tap mobile:*

+1 646 931 3860, 819 0179 3905# US  
+1 301 715 8592, 819 0179 3905# US (Washington DC)

*Dial by individual's location:*

+1 646 931 3860 US  
+1 301 715 8592 US (Washington DC)  
+1 305 224 1968 US  
+1 312 626 6799 US (Chicago)  
+1 646 558 8656 US (New York)  
+1 719 359 4580 US  
+1 720 707 2699 US (Denver)  
+1 253 215 8782 US (Tacoma)  
+1 346 248 7799 US (Houston)

*Meeting ID:* 819 0179 3905

*Find individual's local number:* <https://us06web.zoom.us/j/81901793905>

Individuals with questions regarding this meeting should contact the Authority at (717) 346-0469.

A closed executive session of the Authority's Board of Directors will be held on January 26, 2023, at 1 p.m. by means of Zoom. The purpose of the executive session is for consideration of personnel matters and to engage in nondeliberative informational discussions regarding various actions and matters which have been approved at previous public meetings.

REGINA M. HOFFMAN, MBA, BSN, RN, CPPS,  
*Executive Director*

[Pa.B. Doc. No. 23-65. Filed for public inspection January 13, 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 January 30, 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 January 30, 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](http://www.puc.pa.gov) by searching under the previously listed docket number or by searching the applicant's web site.

**Application of the following for approval to begin operating as common carriers for transportation of persons as described under the application.**

**A-2022-3033575. JSB Transport, LLC** (76 Fox Road, Newmanstown, Lebanon County, PA 17073) 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 Berks, Lancaster and Lebanon to points in Pennsylvania, and return.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.**

**A-2022-3036923. 1020 Movers, LLC, d/b/a College Hunks Hauling Junk and Moving** (28 East Main Street, New Kingstown, Cumberland County, PA 17072) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania. *Attorney:* Kenneth R. Stark, Esquire, McNees Wallace & Nurick, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108-1166.

**Application of the following for approval to begin operating as contract carriers for transportation of persons as described under the application.**

**A-2022-3037325. Ant Transportation, LLC** (917 Arch Street, Unit 102, Philadelphia, Philadelphia County, PA 19107) to transport, by motor vehicles, in contract carrier of passenger service, for Friends Senior Care Center, from points in Philadelphia County, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 23-66. Filed for public inspection January 13, 2023, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Formal Complaints

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due January 23, 2023, and must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

### Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Prism Logistics Co.; Doc. No. C-2022-3032545

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are

prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Prism Logistics Co., Respondent, maintains a principal place of business at 3437 D Street, Room 208, Philadelphia, PA 19134-1108.

2. On, May 18, 2022, by Commission Secretarial letter, Respondent was issued a certificate of public convenience by this Commission authorizing transportation of property for compensation at PUC utility code no. 8925001. Respondent was further advised "Certificate holder is advised to become familiar with the requirements of 52 Pa. Code. Failure to comply with all applicable requirements may subject the carrier to penalties, including fines suspension of operating rights or cancellation of authority. Title 52 of the *Pennsylvania Code* may be accessed on the World Wide Web at [www.pacode.com](http://www.pacode.com)."

3. Between September 02, 2022, through September 16, 2022, PUC Enforcement Officer Freda Culver attempted several times to contact Respondent by phone but was unable to leave a voicemail due to the voice mailbox being full. A first class and certified letter was sent to Respondent on October 2, 2022, requesting Respondent contact Officer Culver to schedule the safety fitness review within ten days. A third letter was sent to the Respondent on October 31, 2022. The Respondent has failed to contact Officer Culver or the District Office.

4. That Respondent, by failing to achieve a satisfactory evaluation on a safety fitness review, violated 66 Pa. Code § 501(c) and, for failure to maintain adequate, efficient, and safe service and facilities, violated 66 Pa. Code § 1501. The penalty for this violation is cancellation of the certificate held by Respondent with this Commission at utility code 8925001.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission revoke the certificate of public convenience issued Prism Logistics Co. at PUC utility code no. 8925001.

Respectfully submitted,  
Andrew Turriziani, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

#### VERIFICATION

I, Andrew Turriziani, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 18 November 2022

Andrew Turriziani, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice,

52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified, and the original shall be mailed to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 400 North Street, 2nd Floor  
 Harrisburg, PA 17120

Or you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy.

Additionally, a copy should either be mailed to:

Bureau of Investigation and Enforcement  
 Pennsylvania Public Utility Commission  
 400 North Street, 2nd Floor  
 Harrisburg, PA 17120

Or, e-mailed to: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

D. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

E. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

ROSEMARY CHIAVETTA,  
 Secretary

[Pa.B. Doc. No. 23-67. Filed for public inspection January 13, 2023, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Transfer by Sale

**A-2022-3037390 and A-2022-3037393. Fairland Sewer Company, Inc. and Mid Atlantic Utility Group, Inc.** Joint application of Fairland Sewer Company, Inc. and Mid Atlantic Utility Group, Inc. for approval of: 1) the transfer by sale of all the wastewater assets of Fairland Sewer Company, Inc. to Mid Atlantic Utility Group, Inc.; 2) the right of Mid Atlantic Utility Group, Inc. to provide wastewater service to the public in a portion of North Whitehall Township, known as Fairland Hills and Parkland Estates, Lehigh County; 3) the adoption by Mid Atlantic Utility Group, Inc. of the existing tariff of Fairland; 4) the abandonment by

Fairland Sewer Company, Inc. of wastewater to the public in a portion of North Whitehall Township, known as Fairland Hills and Parkland Estates, Lehigh County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, January 30, 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 from 8 a.m. to 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. 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.

*Applicants:* Fairland Sewer Company, Inc.; Mid Atlantic Utility Group, Inc.

*Through and By Counsel:* Raymond A. Hassey, Esquire, Hassey Legal Services, Attorneys-at-Law, PC, 304 Wilkes-Barre Township Boulevard, Wilkes-Barre, PA 18702, (570) 760-2516, [HasseyLegal@aol.com](mailto:HasseyLegal@aol.com); Timothy P. Polishan, Esquire, Kelley, Polishan and Solfanelli, LLC, 259 South Keyser Avenue, Old Forge, PA 18518, (570) 562-4520 Ext. 102, [tpolishan@kpwslaw.com](mailto:tpolishan@kpwslaw.com)

ROSEMARY CHIAVETTA,  
 Secretary

[Pa.B. Doc. No. 23-68. Filed for public inspection January 13, 2023, 9:00 a.m.]

## STATE BOARD OF NURSING

### Bureau of Professional and Occupational Affairs v. Gloria Asantewah Sasu, RN; Case No. 22-51- 003170

*Notice to Gloria Asantewah Sasu, RN:*

The Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs, instituted formal administrative action against you by filing a Memorandum Order before the State Board of Nursing (Board) alleging that your license to practice registered nursing is subject to indefinite suspension and the imposition of costs of investigation based upon your failure to attend a Board ordered mental and physical examination pursuant to Section 14(a)(2) of the Professional Nursing Law (Act), Act of June 22, 1951 (P.L. 317, No. 69), as amended, 63 P.S. § 224(a)(2), and the holding of *Lencovich v. Bureau of Professional and Occupational Affairs*, 829 A.2d 1238 (Pa. Cmwlth. 2003). This notice is being published pursuant to 1 Pa. Code § 33.31 and Rule 430 of the Pennsylvania Rules of Civil Procedure, 231 Pa. Code Rule 430, providing service of process upon you by publication.

Your license to practice registered nursing in the Commonwealth of Pennsylvania was INDEFINITELY SUSPENDED, EFFECTIVE OCTOBER 3, 2022 under Section 14(a)(2) of the Act and you will be responsible for the costs of investigation, including those costs associated with failing to attend the mental and physical examination.

If you wish to defend against the charges in the Order or request a hearing you must do so within twenty days from the date of publication of this notice. The procedure for doing so is explained in the Memorandum Order. You may obtain a copy of the Memorandum Order online or by contacting the Prothonotary for the Department of State, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105-2649; (717) 772-2686.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are advised to seek the assistance of an attorney. All proceedings before the Board are conducted under the Administrative Agency Law and the General Rules of Administrative Practice and Procedure. If a response and request for

a hearing are not filed within 20 days of publication of this notice, an order making the suspension of your license final will be issued by the State Board of Nursing. The response and any pleadings or other documents related to this matter must be filed with the Prothonotary for the Department of State at the above address. A copy of the response and request for hearing shall also be served on the prosecuting attorney identified in the Memorandum Order.

LINDA L. KMETZ, PhD, RN,  
*Chairperson*

[Pa.B. Doc. No. 23-69. Filed for public inspection January 13, 2023, 9:00 a.m.]





