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Department of Health
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State Civil Service Commission
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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 583, June 2023

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

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

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

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

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

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Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

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List of Pa. Code Chapters Affected

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

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THE COURTS

Title 255—LOCAL COURT RULES

ADAMS COUNTY

Rules of Civil Procedure; Administrative Order No. 12A of 2023

Order of Court

And Now, this 24th day of May, 2023, after review of Administrative Order 12 of 2023 by the State Procedural Rules Committee, *It Is Ordered* that Administrative Order 12 of 2023, issued on May 16, 2023, is *Hereby Vacated* and the following new Order is issued. The Adams County Rules of Civil Procedure Nos. 1920(a)—(n), 1921 and 1930.4 are *Hereby Rescinded* and *Replaced* with the following rules:

(*Editor's Note:* The following rules are new and are printed in regular type to enhance readability.)

Rule 1920.1. Form of Divorce or Annulment Complaint.

A complaint or counterclaim for divorce or annulment which includes a count for custody shall contain the attachments set forth in Adams C.Civ.R. No. 1915.3 and follow all other custody action procedures. The Prothonotary shall collect the requisite filing fees for a custody claim at the time the claim is raised.

Rule 1920.2. Preliminary Objections Regarding Venue.

Preliminary Objections as to the existence or exercise of jurisdiction or venue in any divorce or annulment action shall be processed in accordance with Adams C.Civ.R. No. 1028.

Rule 1920.33. Pre-trial Statements.

The parties shall file pre-trial statements with the Prothonotary in the manner and timeframe as required by Pa.R.Civ.P. No. 1920.33. The pre-trial statement shall be in chart or spreadsheet form with assets and debts listed by category. Failure to comply with these requirements may lead to imposition of sanctions by the court. The pre-trial statement shall list all exhibits that shall be proffered at trial. Each exhibit shall be described concisely so that it can be easily identified.

Rule 1920.42. Approval of Grounds for Divorce under Sections 3301(c) and 3301(d) of the Divorce Code.

To the extent that grounds for divorce have been established under Section 3301(c) or (d) of the Divorce Code and the parties have been unable to resolve the ancillary claims, the moving party shall file a Praecepto to Transmit Record in the form required by Pa.R.Civ.P. No. 1920.73(c) requesting the Court to enter an order approving grounds for divorce with the court retaining jurisdiction over unresolved ancillary claims.

Rule 1920.43. Special Relief.

a) Petitions for interim relief, emergency relief, injunctive matters, and/or exclusive possession of the former marital residence shall be heard by the assigned judge and shall not be deferred to the divorce hearing officer.

b) All petitions for special relief shall contain a proposed rule to show cause order in the form prescribed by Adams C.Civ.R. No. 206.4(B). Service shall be made by the petitioner to opposing counsel and self-represented

parties contemporaneously with filing. A certificate of service shall be filed within five (5) days of filing indicating date and manner of service.

c) Any petitioner seeking a return date sooner than twenty (20) days of filing, or seeking a rule which stays proceedings or which by its terms grants substantive relief, shall file the petition, proposed order and rule with the Prothonotary who shall forward it to the assigned judge. The court will not enter a stay or grant more immediate relief *ex parte* unless:

1. *Notice*—It appears from the petition or motion that reasonable notice, under the circumstances, of the date, time and place of the presentation of the petition has been given to all counsel and unrepresented parties;

2. *Stipulation*—It appears from the petition or motion that there is an agreement by all counsel and unrepresented parties; or

3. *Exigency*—If pled, the court in its discretion shall determine whether there are extraordinary circumstances justifying a stay or more immediate relief.

Rule 1920.45. Counseling.

If a party timely requests marital counseling pursuant to 23 Pa.C.S.A. § 3302, the party making such request shall provide a proposed order to stay the proceedings and require the parties to engage in marital counseling. The Prothonotary shall forward the request and the proposed order to the assigned judge for action.

Rule 1920.51. Appointment of Divorce Hearing Officer. Notice of Hearing. Fees as Costs.

a) *Qualifications of Divorce Hearing Officer:* The divorce hearing officer shall be appointed by the court to serve at will and shall serve in the 51st Judicial District pursuant to the applicable Pennsylvania Rules of Civil Procedure and 51st Judicial District Rules of Civil Procedure. Compensation shall be at a rate established by Administrative Order. The divorce hearing officer shall have at least five (5) years of experience in family law cases, including divorce litigation. In the event of disqualification, unavailability or recusal by the divorce hearing officer, the court may, in its discretion, appoint an alternate officer hear the case.

b) *Motion to Appoint Divorce Hearing Officer. Order:* Either party may file a motion and proposed Order of Court for an appointment of a divorce hearing officer to hear claims as permitted by Pa.R.Civ.P. No. 1920.51, along with the required deposit and filing fee. The court shall appoint the divorce hearing officer in accordance with the claims to be determined as set forth in the motion. The form of the Motion for Appointment of Divorce Hearing Officer and Order shall be substantially as set forth in Pa.R.Civ.P. No. 1920.74 and shall aver whether any acting divorce hearing officer is disqualified from acting as the hearing officer in the action along with the basis for disqualification. When applicable pursuant to Pa.R.Civ.P. Nos. 1920.31 and 1920.33, the moving party must certify in writing as to the filing of a true copy of the most recent federal income tax return, pay stubs for the preceding six months, a completed Income Statement in the form required by Pa.R.Civ.P. No. 1910.27(c)(1), a completed Expense Statement in the form required by Pa.R.Civ.P. No. 1910.27(c)(2)(B), and/or an Inventory substantially in the form set forth in Pa.R.Civ.P. No. 1920.75.

The motion must certify that discovery is complete for the claims which the divorce hearing officer is being requested to hear.

The Prothonotary shall electronically transmit all pleadings on an ongoing basis to the appointed divorce hearing officer during the pendency of the appointment.

c) *Fees as Costs. Payment of Divorce Hearing Officer's Fees. Return of Excess Funds on Deposit:* A deposit as determined by the court shall be paid to the Prothonotary at the filing of the Motion for the Appointment of the Divorce Hearing Officer. The deposit shall be applied to the divorce hearing officer's bill of cost as submitted and approved by the court. The divorce hearing officer's fees shall be regarded as costs of the case and the divorce hearing officer may recommend the manner in which those costs shall be allocated. Once appointed, the divorce hearing officer may direct at any time that additional deposits be made. In the event that the divorce hearing officer or the court assesses costs against a party to the action, the costs shall be paid in full or a sufficient amount to cover the costs shall be deposited to the Prothonotary within thirty (30) days of the date of the court order. If the payment or deposit is not made within that time frame, in addition to other remedies, the court may direct the divorce hearing officer to liquidate sufficient marital property to pay all sums due and owing. Following the filing of the divorce hearing officer's Report and Recommendation, the divorce hearing officer may file a motion and proposed order requesting payment of fees, along with a recommendation as to the return of any excess fees deposited on account, if applicable. In the event that there are not sufficient funds on deposit with the Prothonotary, the proposed order shall include the requested method of payment of such additional fees not covered by the deposits by the parties in conformity with the Report and Recommendation, or by such third parties as the court may direct.

In any action where the appointment of the divorce hearing officer is withdrawn after the appointment has been made by the court, the party who paid the fees may petition the court for return of the fees, less any costs or fees already incurred.

d) *Delay in Appointment of the Divorce Hearing Officer:* The court may reject or delay the appointment of the divorce hearing officer for any one of the following procedural defects:

1. Failure of a party to obtain court approval of grounds for divorce under section 3301(c)(1), 3301(c)(2) and 3301(d) divorce claims as required by Pa.R.Civ.P. No. 1920.42;

2. Failing to file an Inventory when required to do so by Pa.R.Civ.P. No. 1920.33(a); or the motion for the appointment was filed less than 30 days after filing of the moving party's Inventory;

3. The motion does not indicate that discovery is complete for the claims for which the divorce hearing officer is requested to adjudicate;

4. Either party has raised a claim for alimony, counsel fees or costs and expenses and the filing party has failed to file his/her Income and Expense Statements as required by Pa.R.Civ.P. No. 1910.27(c)(2)(b), copies of pay stubs for the preceding six months and copies of most recent federal income tax return as require by Pa.R.Civ.P. No. 1920.31;

5. The defendant has been properly served and fails to appear in the action and the Plaintiff has not filed an Affidavit of Non-Military Service pursuant to Pa.R.Civ.P. No. 1920.46; or

6. If the divorce hearing officer finds the proceedings to be fatally defective in any particular, they shall make a prompt report to the court. If the divorce hearing officer finds that a defect may be curable by amendment, s/he shall notify counsel and suspend further action pending correction. If no correction is made, the divorce hearing officer shall make a prompt report thereof to the court.

Rule 1920.53. Preliminary Proceedings and Hearings Before the Divorce Hearing Officer.

Settlement of Case. Sanctions.

a) *Attendance at Pre-Hearing and Settlement Conferences:* The divorce hearing officer shall schedule a preliminary pre-hearing conference within forty-five (45) days of receiving the appointment. Both parties and their counsel shall attend all conferences unless excused by the divorce hearing officer. A request for a party to be excused or for a party/counsel to participate by electronic means must be made in writing and delivered to opposing counsel/party and to the divorce hearing officer no less than five (5) business days in advance of the scheduled conference and the opposing side's position must be noted in the request. Failure of any properly-served party or attorney to attend a scheduled proceeding before a divorce hearing officer may subject the offending party or attorney to appropriate sanctions by the court, which may include, inter alia, imposition of costs for the proceeding that was missed.

b) *Directives:* The divorce hearing officer shall be vested with the authority to issue directives for compliance in connection with discovery pertaining to the matters commissioned to the divorce hearing officer. Any directive issued by the divorce hearing officer shall have the effect of an interim order of court and shall be subject to contempt proceedings. Upon a party's failure to comply with a directive, the divorce hearing officer, on motion of the adverse party or sua sponte, may continue the matter until discovery is complete. The aggrieved party or the divorce hearing officer may file a motion to compel compliance with the directive(s) and for sanctions and recommend to the assigned judge any sanction outlined in Pa.R.Civ.P. Nos. 1920.33(d) and/or 4019(c)(1), (2), (3) or (5).

c) *Notice of hearing:* The divorce hearing officer shall give at least twenty (20) days' advance written notice of the time and place of hearing to the attorneys of record, or to unrepresented parties, in the manner prescribed by Pa.R.Civ.P. No. 1920.51.

d) *Continuance requests:* Requests for continuance of any pre-hearing or settlement conference shall be made in writing directed to the divorce hearing officer. The opposing party's position must be noted in the request or the request may be denied. Requests for continuance of a divorce hearing shall be made by formal motion and filed with the Prothonotary. The Prothonotary shall forward the motion to the assigned judge. The moving party shall serve a copy of the motion on the divorce hearing officer and opposing counsel/party contemporaneously with filing. The divorce hearing officer shall promptly notify court administration if the matter is continued. The divorce hearing officer may require additional deposits with the Prothonotary prior to hearing. Failure to comply with such a directive shall result in the continuance of any scheduled hearing. In order to avoid delay, the

aggrieved party may elect to pay the deposit of the offending party without prejudice to request sanctions be given to the offending party.

e) *Notification of Settlement of Case Prior to Hearing:* If the case is settled prior to a hearing, the parties and their counsel shall immediately notify the divorce hearing officer and court administration of such settlement and inform the divorce hearing officer regarding the manner in which the divorce hearing officer's fees shall be allocated and any surplus fees on deposit with the Prothonotary shall be distributed. A copy of the parties' Marriage Settlement Agreement shall be provided to the divorce hearing officer, if so requested.

f) *Revocation of Appointment:* The appointment of the divorce hearing officer may be revoked by the court sua sponte, or upon motion of either party for good cause shown, or upon motion of the divorce hearing officer on the grounds that no hearing has been held within ninety (90) days after the date of the appointment.

g) *Hearings and Amendments to Pleadings:* The divorce hearing officer shall hold a formal record hearing for the determination of all matters at issue and for consideration of all matters required by Pa.R.Civ.P. Nos. 1920.53 and 1920.54, as may be applicable. The time and place of the hearing shall be directed by court administration. The hearing shall be held in a secure court facility and shall be recorded by a method directed by the court. Subject to the direction of the court, the divorce hearing officer shall have the usual powers of the court, with regard to detention of witnesses and the general course of the proceedings before the divorce hearing officer. The divorce hearing officer shall also have the authority and power to rule on objections and the admissibility of evidence and to permit amendments to the complaint in order to have the pleadings consistent with the testimony given. However, no amendment shall be permitted which changes the grounds for divorce alleged in the complaint. In cases where amendments to the Complaint have been granted, the notice of the filing of the Report and Recommendation shall contain a brief summary of the amendments permitted.

h) *Presentation of Evidence:* To facilitate efficient review of the transcript of the testimony, the divorce hearing officer may require presentation of evidence in the following order:

1. Name, address, age and occupation of each party.
2. When the method of service of the complaint has been via certified mail, proof of the defendant's signature.
3. Date and place of marriage.
4. Length of the parties' respective residences within the Commonwealth of Pennsylvania.
5. Name, age and residence of each child of the parties, and with whom each child resides.
6. Grounds for divorce or annulment (unless already approved by court order).
7. Other relevant matters.

Rule 1920.55-2. Divorce Hearing Officer's Report and Recommendation. Notice. Exceptions. Final Decree.

a) *Report and Recommendation:* After the conclusion of any hearing, the Divorce Hearing Officer shall file the record and a written Report and Recommendation in accordance with Pa.R.Civ.P. No. 1920.55-2(a). The Divorce Hearing Officer shall file the original Report and Recommendation and all exhibits admitted at hearing with the

Prothonotary for docketing, accompanied by a Confidential Information Form as required by the Case Records Public Access Policy of the United Judicial System of Pennsylvania. The Divorce Hearing Officer shall serve copies of the Report and Recommendation to all counsel and self-represented parties and file a certificate of service accordingly.

b) *Exceptions:*

1. *Procedure:* Exceptions to the Report and Recommendation of the divorce hearing officer shall be filed with the Prothonotary, and a copy thereof served at the same time upon opposing counsel or self-represented party. The Prothonotary shall forward the exceptions to the judge assigned.

2. *Interim Order:* Upon filing of exceptions in all divorce and annulment actions, the Report and Recommendation of the divorce hearing officer shall be effective as an interim order as to those issues. The exceptions shall not act as a stay pending resolution of the exceptions.

3. *Transcript Requests:* A party who files exceptions shall order, pay for, and file a transcript of the divorce hearing, following the procedure outlined in Adams R.J.A. Nos. 4007, 4008, 4009 and 4011. If a transcript of proceedings is needed to assist the divorce hearing officer in resolving the case, the divorce hearing officer may request a transcript through the assigned judge's chambers.

4. *Brief in Support of Exceptions:* If either party files exceptions to the Report and Recommendation, the party filing exceptions shall file and serve a brief in support of their exceptions within twenty (20) days of filing of the exceptions. When applicable, this brief shall cite to the page number(s) in the transcript which relate to a particular issue. The brief in support of exceptions shall be filed with the Prothonotary and served upon the opposing counsel or self-represented party. Failure to file and serve a supporting brief within the time frame allotted shall result in the exceptions being deemed withdrawn and, upon Praecipe by either party, the court shall enter an order dismissing the exceptions.

5. *Responsive Brief:* If a brief in support of exceptions has been timely filed and served, the party opposing the exceptions shall file a brief in opposition within fifteen (15) days after service of the brief in support of exceptions. When applicable, this brief shall cite to the page number(s) in the transcript which relate to a particular issue. This brief shall be filed with the Prothonotary and served upon the opposing counsel or self-represented party.

6. *Oral Argument:* Oral argument shall automatically be scheduled by the court unless both the parties file a written waiver.

7. *Transmittal of the Record:* If no exceptions are filed by any party in the time prescribed by the Pennsylvania Rules of Civil Procedure, or if exceptions have been filed and an Order has been entered disposing of the exceptions, the court will, upon Praecipe filed by either party, enter the final Decree in Divorce.

c) *Delinquent Report:* If a divorce hearing officer fails to file a Report and Recommendation within the period established by the Pennsylvania Rules of Civil Procedure, the divorce hearing officer shall report such failure to the court, explain the reasons for the failure and state when the report shall be filed. The court may terminate a divorce hearing officer's appointment, reduce or deny compensation, or order other such relief as may be

appropriate, in instances where the divorce hearing officer has violated this rule, or has failed to comply with the time limits of the Pennsylvania Rules of Civil Procedure, without adequate explanation. Such relief may be ordered by the court sua sponte, or upon application of any party.

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

1. A certified copy of this Order shall be submitted to the Civil Procedural Rules Committee for review.

2. Upon receipt of a statement from the Civil Procedural Rules Committee that the local rules are not inconsistent with any general rule of the Supreme Court, 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*.

3. One (1) certified copy of this Order shall be forwarded to the Administrative Office of the Pennsylvania Courts.

4. A copy of the proposed local rules shall be published on the 51st Judicial District website.

5. 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.

6. The effective date of the local rules shall be thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

MICHAEL A. GEORGE,
President Judge

[Pa.B. Doc. No. 23-751. Filed for public inspection June 9, 2023, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

Promulgation of Local Rules; No. 1793 S 1989

Order

And Now, this 25th day of May, 2023, Dauphin County Local Rule of Civil Procedure 205.4 is promulgated as follows:

Rule 205.4. Electronic Filing and Service of Legal Papers.

(A) *General Provisions*

(1) All legal papers may be filed electronically with the Prothonotary through its Electronic Filing System (EFS), CountySuite Portal, beginning on a date set by Administrative Order of the President Judge.

(2) As used in this rule, electronic filing (e-filing) shall mean the electronic transmission of legal papers by means other than facsimile transmission or e-mail using the system made available by the Prothonotary. See Pa.R.Civ.P. 205.4(a)(2).

(3) *Registration*

(a) Electronic filers must register with CountySuite Portal in accordance with the CountySuite Portal User Manual.

(b) All registered users must be individuals and not entities, including but not limited to law firms, agencies, corporations, or government entities.

(c) Registered users shall change their address or other contact information with the CountySuite Portal within ten (10) days of any change.

(B) *Form of Documents Electronically Filed*

(1) *Format*

Legal papers shall be presented for filing in a portable document format (PDF).

(2) *Title of Documents*

The title of each electronically filed document shall include:

(a) Descriptive title of the document;

(b) Party or parties filing the document;

(c) Party or parties against whom relief, if any, is sought; and

(d) Nature of the relief sought (e.g., Motion for Summary Judgment of Defendant ABC Corp. against Plaintiff Jones).

(3) *Signature and Verification*

(a) The electronic filing of legal papers utilizing the username and password constitutes the party's signature. The legal paper must include a signature block and the name of the filer under whose username and password the legal paper is submitted. The legal paper may be submitted with the filer's scanned signature or /s/ and the filer's name typed in the space where the signature would otherwise appear on the legal paper. The Pennsylvania Supreme Court Attorney Identification Number must be included under the signature line. The correct format of the attorney signature is:

/s/ Attorney Name
PA Supreme Court ID #
Attorney for _____
Name of Law Firm
Address
Telephone Number
E-Mail Address
FAX Number

(b) The Verification required by Pa.R.Civ.P. 206.3 and Pa.R.Civ.P. 1024 and the signature page(s) of any document or legal paper executed by any party other than the filing party must be included in the electronic filing in PDF format at the time the legal paper is submitted.

(C) *Public Access to the Docket*

(1) Public access to the Prothonotary's docket and EFS are available on the internet at www.dauphincounty.gov/prothonotary.

(2) The Prothonotary shall also make a public access terminal available to the general public to allow access to the Court's electronic case record in all electronically filed cases in the Prothonotary's office. The public access terminals will provide the same level of access to cases that is provided to the public excluding any cases sealed by court order, statute, or rule of court.

(D) *Fees*

(1) The Prothonotary will accept the following credit cards for payment of all e-filing fees: Discover, MasterCard and Visa. The Prothonotary will not accept advance deposits for payment of future filing. Electronic filers shall alert

the Prothonotary's Office of any payment errors as soon as possible and not later than forty-five (45) days of the payment date.

(2) The Prothonotary is authorized to charge a convenience fee, as set by Order of the President Judge.

(E) *Filings Under Seal*

(1) Documents intended to be filed under seal shall be designated by the filing party as "sealed" in the CountySuite Portal. However, designation of documents as "sealed" does not seal the documents. In addition to making the designation in the CountySuite Portal, the filing party must also submit a Motion to Seal at the same time as the legal paper intended to be sealed. The motion shall outline the reasons why the legal paper should be sealed and shall follow motion procedure set forth in Local Rule of Civil Procedure 208.3(a) and (b).

(2) Confidential Information Forms and documents properly filed with a Confidential Document Form pursuant to Case Records Public Access Policy of the Unified Judicial System of Pennsylvania will be sealed without motion.

(3) The filing details and document title will appear in the EFS. The sealed documents and Confidential Information Forms can be viewed only by the Court, Court staff, Court Administration, Prothonotary staff, and case participants.

(F) *Filing*

(1) The Prothonotary shall provide access to its EFS at all times except during periods of required maintenance.

(2) The date and time of filing of a legal paper shall be recorded by the EFS. The EFS shall provide the filing party with an electronic mail acknowledgement which includes the date and time the legal paper was received by the EFS.

(3) Once filed, the legal paper shall be reviewed by the Prothonotary, and the filing party will receive notification that the legal paper was either accepted or rejected. Legal documents will only be reviewed by the Prothonotary staff during normal business hours. The date of an approved filing shall be the date the document was received by the EFS, not the date of approval.

(4) The review conducted by the Prothonotary does not address any deficiencies that might be noted in a "non-entertaining order" after reviewed by the Court.

(5) When the legal paper is accepted by the Prothonotary, the electronic document is the official record. An electronic filer is not required to file any paper copies unless specifically required by the Court.

(6) If a legal paper is accepted for filing by the Prothonotary, it shall be deemed to have been filed the date and time it was received by the EFS. If a legal paper is submitted without the requisite fees, the legal paper shall be deemed to have been accepted for filing as of the date payment is received.

(7) Exhibits that are filed electronically do not constitute the original of the exhibit for evidentiary purposes.

(8) Neither the Prothonotary's Office nor Court Administration shall be obligated to print documents that are filed electronically.

(G) *Service*

(1) The filing party is responsible for service of the filed documents in accordance with the applicable rules of court. The EFS does not have a service component.

(2) Once an electronic filing has been accepted by the Prothonotary, it shall be the responsibility of the filing party to provide to the Sheriff the proper service fee and documents for original service and writs.

(H) *Miscellaneous*

(1) The filing deadline for any document filed electronically shall be 11:59:59 p.m. EST/EDT on the date it is due.

(2) If a registered user believes the unavailability of the EFS prevented a timely filing, the registered user may file a motion within ten (10) days of the registered user's attempt to file the document. The motion shall state the date and time of the first unsuccessful attempt to file the document electronically and why the delay was prejudicial.

The above amendments shall be published in the *Pennsylvania Bulletin* and will become effective on the date that the President Judge issues the Administrative Order referenced in Rule 205.4(A)(1).

By the Court

JOHN F. CHERRY,
President Judge

[Pa.B. Doc. No. 23-752. Filed for public inspection June 9, 2023, 9:00 a.m.]

Title 255—LOCAL COURT RULES

YORK COUNTY

Amendment of Local Rule of Civil Procedure 213; 2023-MI-000168

Administrative Order Amending York County Local Rule of Civil Procedure 213 Regarding Consolidation of Actions

And Now, this 26th day of May, 2023, it is *Ordered* that York County Local Rule of Civil Procedure 213 is amended, effective August 1, 2023.

The District Court Administrator shall publish this order as may be required.

By the Court

MARIA MUSTI COOK,
President Judge

Material to be added is bolded and underlined.

Material to be deleted is bolded and bracketed.

Rule 213. Consolidation of Actions.

(a) An order consolidating actions shall contain **at the top of the order** the **individual** captions of all cases **to be** consolidated, shall **[include a reference to]** **specify** the caption and case number to which the cases are **to be** consolidated, and **shall specify the caption and case number** to which all future filings shall be made.

(b) **Upon receipt of an order consolidating cases, the prothonotary shall:**

(1) amend the docket to reflect the consolidated caption of the consolidated case in the docket number identified for all future filed documents;

(2) combine all records from the consolidated cases into the consolidated case identified for all future filed documents;

(3) close the case(s) which were consolidated and reference the consolidated case identified for all future filed documents in the docket of the closed case;

(4) list all parties and any counsel of record for the parties from all cases which have been consolidated into the consolidated action identified for all future filings; and

(5) send notice of the consolidation order to all unrepresented parties and counsel of record of the actions affected by the consolidation order.

(c) An original order consolidating actions shall be filed in all cases files affected by the consolidation.

[Pa.B. Doc. No. 23-753. Filed for public inspection June 9, 2023, 9:00 a.m.]

RULES AND REGULATIONS

Title 4—ADMINISTRATION

STATE CIVIL SERVICE COMMISSION

[4 PA. CODE CHS. 93, 95, 97, 99, 101,
103 AND 105]

Rescission of Obsolete Regulations Pertaining to the Administration of Classified Service Employment

The State Civil Service Commission (Commission) amends Chapters 93, 95, 97, 99, 101, 103 and 105 by deleting all obsolete sections related to the administration of classified service employment in this Commonwealth. The obsolete sections deleted are set forth in Annex A.

Specifically, the Commission proposes to delete Chapters 95, 97, 101 and 103 in their entirety. With regard to Chapter 93, the Commission amends § 93.6 by deleting subsections (b) and (c) which are obsolete. Sections 93.1—93.5, 93.6(a), 93.7 and 93.8 are retained.

As for Chapter 99, the Commission is deleting all but § 99.31. Lastly, pertaining to Chapter 105, the Commission is deleting §§ 105.1, 105.3, 105.5 and 105.18 in their entirety. Sections 105.2, 105.4 and 105.11—105.17 are being retained.

Statutory Authority

The Commission issues this final-omitted rulemaking under the authority provided in: 1) section 506 of The Administrative Code of 1929 (71 P.S. § 186); 2) Executive Order 1996-1, Regulatory Review and Promulgation; and 3) section 204(3) of the act of July 31, 1968 (P.L. 796, No. 240), referred to as the Commonwealth Documents Law (CDL) (45 P.S. § 1204(3)).

Omission of Proposed Rulemaking

Public notice of intention to delete the regulations under the procedures set forth in sections 201 and 202 of the CDL (45 P.S. §§ 1201 and 1202) was omitted as authorized under section 204(3) of the CDL because the Commission finds these procedures are, under the circumstances, unnecessary. The continuing presence of the obsolete regulations serves no purpose and may, in fact, confuse the public.

Purpose and Background

The act of June 28, 2018 (P.L. 460, No. 71) (Act 71) modified the responsibilities and duties of the Commission and established within the Governor's Office of Administration (OA) duties and responsibilities for classified service employment in the Commonwealth effective March 28, 2019. As a result, the Commission is no longer responsible for the administration of classified service employment in the Commonwealth. Therefore, the Commission's regulations related to the administration of classified service employment are obsolete. Additionally, retaining the obsolete regulations could confuse the public because the OA has promulgated temporary regulations to carry out its new responsibilities in Chapters 601a—607a (relating to civil service reform—temporary regulations). Accordingly, the Commission is seeking to delete the obsolete sections of its regulations in their entirety.

Specifically, this final-omitted rulemaking deletes sections of the Commission's regulations which have been rendered obsolete by Act 71. This final-omitted rulemaking also amends § 93.6 of the Commission's regula-

tions by deleting two obsolete subsections. The Commission intends to make additional amendments in subsequent rulemakings.

Summary of Proposed Regulation

This final-omitted rulemaking deletes obsolete regulations in Chapters 95, 97, 99, 101, 103 and 105. This final-omitted rulemaking will also amend § 93.6 by deleting two obsolete subsections.

Persons Likely to be Affected

The deletion of the obsolete regulations will not affect any groups or entities. The continuing presence of the obsolete regulations serves no purpose and may, in fact, confuse the public.

Paperwork Requirements

The deletion of the obsolete regulations will not result in an increase in paperwork for any individuals or entities.

Fiscal Impact

There will be no fiscal impact because this final-omitted rulemaking is only to delete obsolete regulations.

Effective Date

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

Contact Person

Individuals interested in further information may contact Alina L. Andreoli, Assistant Counsel, State Civil Service Commission, Legal Services Office, Strawberry Square Complex, P.O. Box 569, Harrisburg, PA 17108-0569, by telephone (717) 783-1444, by fax (717) 772-5120 or by e-mail at ra-cs-legalsvcsQandA@pa.gov.

Public Comment

Public notice of intention to delete the regulations under the procedures set forth in sections 201 and 202 of the CDL was omitted as authorized under section 204(3) of the CDL because the Commission finds these procedures are, under the circumstances, unnecessary. The continuing presence of the obsolete regulations serves no purpose and may, in fact, confuse the public.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P.S. § 745.5a(c)), on April 12, 2023, the Commission submitted a copy of the final-omitted rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Labor and Industry and Senate Committee on State Government. On the same day, the final-omitted rulemaking was submitted to the Office of the Attorney General for review and approval under the Commonwealth Attorneys Act (71 P.S. §§ 732-101—732-506).

In addition to submitting this final-omitted rulemaking, the Commission provided IRRC and the Committees with a copy of the Regulatory Analysis Form prepared by the Commission. A copy of this form is available to the public upon request.

The Attorney General approved the final-omitted rulemaking on May 12, 2023. Under section 5(c) of the Regulatory Review Act (71 P.S. § 745.5(c)), the final-omitted rulemaking was deemed approved by the House

and Senate Committees on May 17, 2023. At a hearing on May 18, 2023, IRRC approved the final-omitted rule-making.

Findings

The Commission finds that:

1) The amendments as set forth in Annex A are necessary and appropriate to repeal obsolete regulations related to the administration of classified service employment.

2) Public notice of the Commission’s intention to repeal its regulations under the procedures set forth in sections 201 and 202 of the CDL has been omitted for good cause as authorized under section 204(3) of the CDL because the Commission finds that these procedures are, under the circumstances unnecessary. The regulations related to the administration of classified service employment have been superseded by the promulgation of Act 71.

3) This final-omitted rulemaking is necessary, appropriate and in the public interest.

Order

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

1) The regulations of the Commission, 4 Pa. Code Chapters 93, 95, 97, 99, 101, 103 and 105, are amended by amending § 93.6 and deleting §§ 95.1, 95.1a, 95.2, 95.5a, 95.7, 95.8, 95.11—95.14, 95.20—95.23, 95.31—95.33, 95.41—95.49, 95.51, 95.61, 95.63, 95.71, 97.1—97.5, 97.11—97.16, 97.20—97.24, 97.31—97.34, 97.36—97.39, 97.45—97.47, 97.51, 97.52, 97.61—97.63, 99.2, 99.11, 99.13—99.15, 99.21—99.25, 99.27, 99.32, 99.34, 99.41, 99.43, 99.52, 101.1, 101.21, 101.31, 101.32, 101.51, 101.52, 101.54, 101.55, 101.61—101.64, 101.71, 103.5—103.7, 103.11—103.15, 103.21—103.23, 105.1, 105.3, 105.5 and 105.18.

2) The Commission shall submit this final-omitted rulemaking to the Office of the Attorney General for approval as to form and legality as required by law.

3) The Commission shall submit this final-omitted rulemaking to IRRC and the House and Senate Committees as required by law.

4) The Commission shall certify this final-omitted rule-making and deposit it with the Legislative Reference Bureau as required by law.

5) This final-omitted rulemaking shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

MARIA P. DONATUCCI,
Chairwoman

(Editor’s Note: See 53 Pa.B. 3055 (June 3, 2023) for IRRC’s approval order.)

Fiscal Note: 61-13. No fiscal impact; recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART IV. CIVIL SERVICE COMMISSION

Subpart A. RULES OF THE CIVIL SERVICE COMMISSION

CHAPTER 93. CIVIL SERVICE COMMISSION AND EXECUTIVE DIRECTOR

§ 93.6. Records open to the public.

(a) An employe of the Commission shall be present at the inspection of records open to the public.

(b) [Reserved].

(c) [Reserved].

CHAPTER 95. [Reserved]

| | |
|--------------|-------------|
| Sec. | [Reserved]. |
| 95.1. | [Reserved]. |
| 95.1a. | [Reserved]. |
| 95.2. | [Reserved]. |
| 95.5a. | [Reserved]. |
| 95.7. | [Reserved]. |
| 95.8. | [Reserved]. |
| 95.11—95.14. | [Reserved]. |
| 95.20—95.23. | [Reserved]. |
| 95.31—95.33. | [Reserved]. |
| 95.41—95.49. | [Reserved]. |
| 95.51. | [Reserved]. |
| 95.61. | [Reserved]. |
| 95.63. | [Reserved]. |
| 95.71. | [Reserved]. |

CHAPTER 97. [Reserved]

| | |
|--------------|-------------|
| Sec. | [Reserved]. |
| 97.1—97.5. | [Reserved]. |
| 97.11—97.16. | [Reserved]. |
| 97.20—97.24. | [Reserved]. |
| 97.31—97.34. | [Reserved]. |
| 97.36—97.39. | [Reserved]. |
| 97.45—97.47. | [Reserved]. |
| 97.51. | [Reserved]. |
| 97.52. | [Reserved]. |
| 97.61—97.63. | [Reserved]. |

CHAPTER 99. EMPLOYEES IN THE CLASSIFIED SERVICE

Subchapter A. [Reserved]

| | |
|-------|-------------|
| Sec. | [Reserved]. |
| 99.2. | [Reserved]. |

Subchapter B. [Reserved]

| | |
|--------------|-------------|
| Sec. | [Reserved]. |
| 99.11. | [Reserved]. |
| 99.13—99.15. | [Reserved]. |

Subchapter C. [Reserved]

| | |
|--------------|-------------|
| Sec. | [Reserved]. |
| 99.21—99.25. | [Reserved]. |
| 99.27. | [Reserved]. |

Subchapter D. REDUCTIONS IN PAY OR DEMOTIONS

| | |
|--------|-------------|
| Sec. | [Reserved]. |
| 99.32. | [Reserved]. |
| 99.34. | [Reserved]. |

Subchapter E. [Reserved]

| | |
|--------|-------------|
| Sec. | [Reserved]. |
| 99.41. | [Reserved]. |
| 99.43. | [Reserved]. |

Subchapter F. [Reserved]

| | |
|--------|-------------|
| Sec. | [Reserved]. |
| 99.52. | [Reserved]. |

CHAPTER 101. [Reserved]

| | |
|----------------|-------------|
| Sec. | [Reserved]. |
| 101.1. | [Reserved]. |
| 101.21. | [Reserved]. |
| 101.31. | [Reserved]. |
| 101.32. | [Reserved]. |
| 101.51. | [Reserved]. |
| 101.52. | [Reserved]. |
| 101.54. | [Reserved]. |
| 101.55. | [Reserved]. |
| 101.61—101.64. | [Reserved]. |
| 101.71. | [Reserved]. |

CHAPTER 103. [Reserved]

| | |
|----------------|-------------|
| Sec. | [Reserved]. |
| 103.5—103.7. | [Reserved]. |
| 103.11—103.15. | [Reserved]. |
| 103.21—103.23. | [Reserved]. |

CHAPTER 105. NOTICE AND HEARINGS

NOTICE

- 105.1. [Reserved].
 105.3. [Reserved].
 105.5. [Reserved].

HEARINGS

- Sec.
 105.18. [Reserved].

[Pa.B. Doc. No. 23-754. Filed for public inspection June 9, 2023, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 133]

Wildlife Classification; Birds

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 15, 2023, meeting amends § 133.21 (relating to classification of birds) to update the scientific names of the Yellow-crowned Night-Heron, Sedge Wren and Northern Harrier on the Commonwealth's lists of threatened and endangered birds with current accepted taxonomic nomenclature.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 53 Pa.B. 1680 (March 25, 2023).

1. Purpose and Authority

The Commission amends § 133.21 to update the scientific names of the Yellow-crowned Night-Heron, Sedge Wren and Northern Harrier on the Commonwealth's lists of threatened and endangered birds with current accepted taxonomic nomenclature. The scientific name for the Yellow-crowned Night-Heron was changed from *Nycticorax violaceus* to *Nyctanassa violacea* as part of a splitting of genera as published in the 37th Supplement to the American Ornithologists' Union Checklist of North American Birds. The Sedge Wren was split from Grass Wren, a non-migratory Mexican and South American population that retained the scientific name of *Cistothorus platensis*. The new scientific name for the Sedge Wren migratory population and Pennsylvania endangered breeding species is now *Cistothorus stellaris*. The Northern Harrier has been split from its old world relative the Hen Harrier. The Hen Harrier retained the original scientific name of *Circus cyaneus* as the older described species, and the Northern Harrier received the new scientific name of *Circus hudsonius*. These changes do not affect the protection, management or common names of these species, but will keep the Commonwealth's lists consistent with current accepted taxonomic nomenclature.

Section 322(c)(8) of the code (relating to powers and duties of commission) specifically empowers the Commission to "[a]dd to or change the classification of any wild bird or wild animal." Section 2102(a) of the code (relating to regulations) provides that "[t]he commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations

relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 133.21 are adopted under this authority.

2. Regulatory Requirements

This final-form rulemaking amends § 133.21 to update the scientific names of the Yellow-crowned Night-Heron, Sedge Wren and Northern Harrier on the Commonwealth's lists of threatened and endangered birds with current accepted taxonomic nomenclature.

3. Persons Affected

Persons concerned with the scientific identification within this Commonwealth will be affected by this final-form rulemaking.

4. Comment and Response Summary

There were no official comments received regarding this final-form rulemaking.

5. Cost and Paperwork Requirements

This final-form rulemaking should not result in additional costs or paperwork.

6. Effective Date

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding this final-form rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

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

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 133, are amended by amending § 133.21 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

BRYAN J. BURHANS,
 Executive Director

Fiscal Note: Fiscal Note 48-494 remains valid for the final adoption of the subject regulation.

Annex A
TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 133. WILDLIFE CLASSIFICATION
Subchapter B. BIRDS

§ 133.21. Classification of birds.

The following birds are classified:

- (1) *Endangered.*
 * * * * *
- (viii) Great Egret (*Ardea alba*)
- (ix) Yellow-crowned Night-Heron (*Nyctanassa violacea*)
- (x) Common Tern (*Sterna hirundo*)
 * * * * *
- (xiii) Dickcissel (*Spiza americana*)
- (xiv) Sedge Wren (*Cistothorus stellaris*)
- (xv) Yellow-bellied Flycatcher (*Empidonax flavi-ventris*)
 * * * * *
- (2) *Threatened.*
 - (i) Northern Harrier (*Circus hudsonius*)
 - (ii) Long-eared Owl (*Asio otus*)
 * * * * *

[Pa.B. Doc. No. 23-755. Filed for public inspection June 9, 2023, 9:00 a.m.]

Title 58—RECREATION
GAME COMMISSION
[58 PA. CODE CH. 135]

Lands and Buildings; Special Wildlife Management Areas

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 15, 2023, meeting amends §§ 135.101—135.107 (relating to special management areas) to simplify, reorganize and modernize these special wildlife management area regulations.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 53 Pa.B. 1932 (April 8, 2023).

1. Purpose and Authority

The Commission’s Middle Creek Wildlife Management Area and Pymatuning Wildlife Management Area are prime destinations for wildlife and people who care about wildlife and wild places. The Commission built these special wildlife management areas at a time when Canada geese were in less than desirable numbers within this Commonwealth, particularly in the east. But over time, the Middle Creek Wildlife Management Area and Pymatuning Wildlife Management Area have become so much more for myriad wildlife species and countless residents in this Commonwealth and tourists. The Commission determined that the regulations governing the use and access to these special wildlife management

areas were needlessly complex, redundant, outdated and simply inconsistent with current available technologies, particularly as it relates to management of the controlled hunts. Therefore, the Commission amends §§ 135.101—135.107 to simplify, reorganize and modernize these special wildlife management area regulations. It should be noted this final-form rulemaking was amended on final adoption to better define the manner: 1) the Commission will conduct day of hunt drawings for unclaimed access permits; and 2) a hunter may contact the Commission to seek permission to enter other areas of the special wildlife management area not authorized by their access permit.

Section 721(a) of the code (relating to control of property) provides “[t]he administration of all lands and waters owned, leased or otherwise controlled by the commission shall be under the sole control of the director, and the commission shall promulgate regulations consistent with the purpose of this title for its use and protection as necessary to properly manage these lands or waters.” The amendments to §§ 135.101—135.107 are adopted under this authority.

2. Regulatory Requirements

This final-form rulemaking amends §§ 135.101—135.107 to simplify, reorganize and modernize these special wildlife management area regulations.

3. Persons Affected

Persons wishing to use and access an area designated as a special wildlife management area within this Commonwealth will be affected by this final-form rulemaking.

4. Comment and Response Summary

There were no official comments received regarding this final-form rulemaking.

5. Cost and Paperwork Requirements

This final-form rulemaking should not result in any additional cost or paperwork.

6. Effective Date

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding this final-form rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

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

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 135, are amended by amending §§ 135.101—135.107 to read as set forth in Annex A.

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

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

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-499 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 135. LANDS AND BUILDINGS

Subchapter F. SPECIAL WILDLIFE MANAGEMENT AREAS

§ 135.101. Designation of special wildlife management areas.

(a) *Authority to designate special wildlife management areas.* The Commission may designate any lands and waters it owns, leases or otherwise controls as a special wildlife management area. The Commission will mark any area designated as a special wildlife management area with conspicuous signage designating its boundaries.

(b) *Authority to designate areas within special wildlife management areas.* The Commission may designate any lands or waters within an established special wildlife management area as a public recreation area, propagation area, open public hunting or trapping area, controlled hunting or trapping area, or any other designation consistent with the intended use of the lands and waters. The Commission will mark any internally designated area within a special wildlife management area with conspicuous signage designating its boundaries and stating the intended purpose of the area.

(c) *Designated special wildlife management areas.* The following areas of this Commonwealth are designated as a special wildlife management area:

(1) *Middle Creek Wildlife Management Area.* The area otherwise known as State Game Land No. 46, that is located in Clay, Elizabeth and West Cocalico Townships, Lancaster County and Heidelberg Township, Lebanon County.

(2) *Pymatuning Wildlife Management Area.* The area otherwise known as State Game Land No. 214, that is located in North Shenango, Pine, Sadsbury and West Fallowfield Townships, Crawford County.

(d) *Scope.* In addition to the requirements and limitations of §§ 135.2, 135.41 and 135.161 (relating to unlawful actions; State game lands; and Commission-owned or leased), the provisions of this subchapter shall govern public use and access to any area designated as a special wildlife management area.

§ 135.102. Designation of areas within an established special wildlife management area.

(a) *Public recreation areas.* An area designated by the Director as a public recreation area within an established special wildlife management area is open to public access for recreation purposes. Hunting and trapping opportunities are closed within any area designated as a public recreation area. The Director may also impose further

travel or use restrictions within a public recreation area with appropriate signage or postings.

(b) *Propagation areas.* An area designated by the Director as a propagation area within an established special wildlife management area is generally closed to public access. Entry into and hunting and trapping within a propagation area is controlled by an access permit authorization under §§ 135.103 and 135.161 (relating to controlled hunting and trapping area access permit procedures; and Commission-owned or leased).

(c) *Open public hunting and trapping areas.* An area designated by the Director as an open hunting and trapping area within an established special wildlife management area is open to public access for general hunting and trapping activities. The Director may impose further travel or use restrictions within an open hunting and trapping area with appropriate signage or postings.

(d) *Controlled hunting and trapping areas.* An area designated by the Director as a controlled hunting or trapping area within an established special wildlife management area is limited to hunting or trapping of designated game and wildlife by access permit only. The Director may impose further travel or use restrictions within a controlled hunting or trapping area with appropriate signage or postings.

§ 135.103. Controlled hunting and trapping area access permit procedures.

(a) *Authority to establish and cancel dates and quotas.* The Director will establish the dates and number of available access permits each year for any authorized hunting or trapping activities approved for an established controlled hunting or trapping area. The Director may treat any area designated as a propagation area within a special wildlife management area in the same manner as a controlled hunting or trapping area as it relates to the authorization of hunting and trapping by access permit. The Director may cancel or suspend any authorized hunting or trapping dates for an established controlled hunting or trapping area when the Commission determines that an adequate number of the respective game or wildlife has been taken, a game or wildlife health or disease concern has been identified, or some other circumstance warrants suspension or closure.

(b) *Notice.* The Commission will provide notice of the opening or closure of limited hunting or trapping opportunities for designated game and wildlife within an established controlled hunting or trapping area through a public announcement, web site or other means reasonably intended to reach the widest audience. Notice of the opening of limited hunting or trapping opportunities within an established controlled hunting or trapping area will also include information concerning the application process.

(c) *Application.*

(1) *Eligibility.* An applicant must possess a valid and current hunting or trapping license, whichever is applicable, plus any other license, stamp or permit that is required for the designated game or wildlife, to be eligible to make application for an access permit. An applicant is eligible to submit only one application per drawing for an access permit to participate in a controlled hunting or trapping activity on any established special wildlife management area.

(2) *Timeliness, form and content.* Applications for a controlled hunting or trapping permit shall be submitted on a form, in the manner and by the deadline established

by the Commission. Applications must include the applicant's name, Commission-issued Customer Identification Number and any other information required by the Commission. Incomplete, illegible, duplicate or late applications will be rejected.

(d) *Drawing.*

(1) The Commission will conduct a random drawing of applications to select participants for each authorized hunting or trapping activity approved for an established controlled hunting or trapping area. Successful applicants will be issued an access permit specifying the date(s) and the authorized species for the applicable hunting or trapping activity. Access permits are not transferable. The Commission may conduct special random drawings prior to scheduled regular drawings for controlled hunting or trapping area access permits that are reserved for:

(i) Junior license holders and persons in possession of a valid mentored youth permit issued under Chapter 147, Subchapter X (relating to Mentored Hunting Program Permit). An adult who accompanies a junior license holder or mentored youth permit holder on an established special youth day may participate in the hunt by calling, but may not harvest any game or wildlife.

(ii) Persons in possession of a disabled person permit issued under section 2923(a) of the act (relating to disabled person permits).

(iii) Persons in possession of a resident disabled veteran license, a reduced fee resident disabled veteran license or persons who possess a senior lifetime resident license or senior lifetime resident combination hunting license who can provide documentation evidencing their eligibility for the resident disabled veteran license or a reduced fee resident disabled veteran license.

(iv) Persons in possession of a resident general hunting license, senior lifetime resident license or senior lifetime resident combination hunting license who can provide documentation evidencing their veteran status.

(2) The Commission will include all unsuccessful applications from special random drawings with all other standard applications awaiting the regular drawings.

(e) *Unclaimed permits.* If one or more successful applicants cancels or fails to appear for check-in by 1/2 hour prior to open hunting hours on the scheduled date and time for their hunting or trapping opportunity for any controlled hunt that requires in-person check-in, the Commission may void the issued access permits and conduct a random drawing to reassign unclaimed access permits. If the Commission determines that a drawing to reassign unclaimed access permits is necessary, a drawing will be conducted using the same or substantially equivalent random selection process used in the original drawing until all openings are filled. The Commission will conduct unclaimed access permit drawings immediately prior to the opening of lawful hunting hours on the day of the scheduled hunt.

§ 135.104. Controlled hunting and trapping area access requirements and limitations.

(a) *Check-in.* A person issued an access permit shall check-in upon arrival at the special wildlife management area in the manner set forth in the instructions provided with their permit, which may include physical presentation of their permit to Commission staff at a designated registration area. A person issued a 1-day access permit must check-in on the scheduled date within 1/2 hour before open hunting hours for that day, otherwise the Commission may void the access permit and conduct a

random drawing to reassign the unclaimed access permit as set forth in § 135.103(e) (relating to controlled hunting and trapping area access permit procedures).

(b) *Check-out.* A person issued a controlled hunting or trapping area access permit shall check-out upon departure from the assigned controlled hunting or trapping area in the manner set forth in the instructions provided with their permit, which may include physical presentation of the permit and any game or wildlife harvested to Commission staff at a designated registration area or the mailing of a harvest report card supplied with the permit by the deadline specified on the permit. A person issued a controlled hunting area access permit shall check-out of the controlled hunting area no later than 1 hour after the close of hunting hours for the day as set forth in § 141.4 (relating to hunting hours) or within 1 hour of the closing time specified on their access permit.

(c) *Access restricted.*

(1) Except as provided in this subsection, entry into a controlled hunting or trapping area without a valid controlled hunting or trapping area access permit is prohibited.

(2) A person in possession of a valid access permit may enter only the controlled hunting or trapping area or hunting blind designated on their access permit.

(3) A person may recover wounded or harvested game or wildlife from a controlled hunting or trapping area that is not designated on their access permit only after receipt of specific advance permission from the Commission. A person may seek this permission by contacting the Commission using the telephone number provided in the materials accompanying their access permit.

(4) A person with a valid controlled hunting or trapping area access permit is prohibited from entering or remaining in a controlled hunting or trapping area at any time outside of 1 hour before or 1 hour after legal hunting hours as set forth in § 141.4 or as specified on their access permit without specific advance permission from the Commission.

§ 135.105. Hunting hours in a controlled hunting area.

A person hunting game or wildlife within a controlled hunting area shall comply with the hunting hours provisions set forth in § 141.4 (relating to hunting hours) or as specified on their access permit.

§ 135.106. Controlled hunting and trapping area harvest limitations.

(a) *Species restriction.* A person with a valid controlled hunting or trapping area access permit is authorized to hunt, trap or harvest, whichever is applicable, only the game or wildlife species designated on their access permit. Other hunting, trapping or harvesting is prohibited.

(b) *Nontoxic shot restrictions.*

(1) *Small game other than waterfowl.* Notwithstanding the authorizations under § 141.22(a)(2) and (c)(1)(ii) (relating to small game seasons), a person hunting small game, other than waterfowl, in a small game controlled hunting area is prohibited from using multiple-projectile ammunition containing lead shot. Multiple-projectile ammunition is authorized only if it contains nontoxic shot of the sizes and compositions as are otherwise authorized in § 141.22(a)(2) or (c)(1)(ii), whichever is applicable.

(2) *Waterfowl.* A person hunting waterfowl in a waterfowl controlled hunting area is prohibited from using

multiple-projectile ammunition containing lead shot. Multiple-projectile ammunition is authorized only if it contains nontoxic shot of the sizes and compositions as are otherwise authorized in § 141.23 (relating to nontoxic shot).

(c) *Controlled hunting or trapping area restrictions.*

(1) *Parking.* If the Commission assigns a parking placard to an access permit holder for any controlled hunting or trapping activity, the permit holder shall park only in assigned parking areas and shall display the parking placard on the dashboard of their vehicle in a manner that allows it to be visible from the exterior of the vehicle.

(2) *Restriction on dogs.* A person hunting or trapping game or wildlife within a controlled hunting or trapping area is prohibited from allowing a dog to run unaccompanied or without direction and control.

(3) *Shooting on, along or from a road or parking area.* A person hunting or trapping game or wildlife within a controlled hunting or trapping area is prohibited from shooting on, along or from parking areas.

(d) *Controlled waterfowl hunting area specific restrictions.*

(1) A person hunting waterfowl in a controlled waterfowl hunting area or blind is authorized to begin the hunt and thereafter possess or discharge no more than ten rounds of ammunition. This paragraph does not prohibit one member of a party in a controlled waterfowl hunting area or blind from giving part of their original ten-round allotment to another member of the same hunting party. The Director may waive the limitations of this paragraph for any designated youth waterfowl hunting day.

(2) A person hunting waterfowl in a controlled waterfowl hunting area is prohibited from removing any waterfowl from the person's assigned waterfowl hunting area or blind prior to final check-out for that day.

(3) A person hunting waterfowl in a controlled waterfowl hunting area is prohibited from harvesting more than one Canada goose per person per day. Seasons and daily limits for all other waterfowl shall conform with Chapter 139 (relating to seasons and bag limits) and 50 CFR Part 20 (relating to migratory bird hunting).

§ 135.107. Unlawful acts.

A person violating any provision of this subchapter may be prosecuted under section 721 of the act (relating to control of property) or other applicable provision of the act and, upon conviction, be sentenced to pay the fine prescribed in the act. Furthermore, the Director may deny, revoke or suspend a permit for any violation of this subchapter upon written notice to the permittee.

[Pa.B. Doc. No. 23-756. Filed for public inspection June 9, 2023, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 137]

Wildlife; Chronic Wasting Disease Restrictions

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 15, 2023, meeting amends § 137.35 (relating to Chronic Wasting Disease restrictions) to: 1) authorize a

Statewide Chronic Wasting Disease (CWD) cooperator program; 2) authorize any Statewide cooperator the ability to accept high-risk cervid parts imported into this Commonwealth from other states, Canadian provinces or other locations or exported from a disease management area (DMA); and 3) prohibit the placement of high-risk cervid parts on the landscape anywhere within this Commonwealth that are derived from any cervid harvested, taken or killed outside of this Commonwealth or within any DMA or Established Area (EA).

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 53 Pa.B. 1938 (April 8, 2023).

1. Purpose and Authority

Former CWD regulations restricted the movement of high-risk cervid parts from being imported or removed from any DMA or EA created within this Commonwealth. These restrictions directly impacted and limited where successful hunters could take cervids for processing and taxidermy. In an effort to provide hunters with more options, the Commission established "cooperating processors and taxidermists" (cooperators) who were authorized to receive high-risk cervid parts at their facilities. These cooperators will be approved based upon their compliance with proper disposal requirements for high-risk cervid parts to help limit human-assisted spread of CWD. Formerly, cooperators were specific to a current DMA and did not allow access to cooperators associated with other DMAs, regardless of proximity. The Commission has determined that limiting public access to DMA specific cooperators adds unnecessary complexity and confusion for cooperators and hunters alike.

In an effort to simplify CWD regulations and enhance protections against human-assisted spread of CWD, the Commission amended § 137.35 to: 1) authorize a Statewide CWD cooperator program; 2) authorize any Statewide cooperator the ability to accept high-risk cervid parts imported into this Commonwealth from other states, Canadian provinces or other locations or exported from a DMA; and 3) prohibit the placement of high-risk cervid parts on the landscape anywhere within this Commonwealth that are derived from any cervid harvested, taken or killed outside of this Commonwealth or within any DMA or EA. This new structure will allow hunters to use any cooperating processor or taxidermist within this Commonwealth rather than limiting hunters to cooperators associated only with a particular DMA. This new structure will also allow for a limited or controlled authorization for hunters to import high-risk cervid parts into this Commonwealth. It should be noted this rulemaking was amended on final adoption to reorganize the text of paragraphs (b)(3)—(8) under a standalone subsection (b.1) titled "additional restrictions" to ensure their intended scope and applicability to both interstate and intrastate movement of high-risk cervid parts. This amendment was a non-substantive reorganization of the text.

Section 2102(a) of the code (relating to regulations) provides that "[t]he commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting

hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to § 137.35 are adopted under this authority.

2. *Regulatory Requirements*

This final-form rulemaking amends § 137.35 to: 1) authorize a Statewide CWD cooperator program; 2) authorize any Statewide cooperator the ability to accept high-risk cervid parts imported into this Commonwealth from other states, Canadian provinces or other locations or exported from a DMA; and 3) prohibit the placement of high-risk cervid parts on the landscape anywhere within the Commonwealth that are derived from any cervid harvested, taken or killed outside of this Commonwealth or within any DMA or EA.

3. *Persons Affected*

Persons wishing to become a cooperator, persons wishing to import high-risk cervid parts into this Commonwealth from other states, Canadian provinces or other locations, and persons wishing to export high-risk cervid parts from a DMA or EA will be affected by this final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

5. *Cost and Paperwork Requirements*

This final-form rulemaking should not result in any additional cost or paperwork.

6. *Effective Date*

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding this final-form rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

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

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 137, are amended by amending § 137.35 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-495 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 137. WILDLIFE

§ 137.35. Chronic Wasting Disease restrictions.

(a) *Importation.*

(1) *General rule.* It is unlawful to import any high-risk parts or materials from cervids harvested, taken or killed outside of this Commonwealth.

(2) *Exceptions.* This subsection may not be construed to:

(i) Limit the importation of non-high-risk parts or materials from cervids harvested, taken or killed outside of this Commonwealth.

(ii) Limit the importation of high-risk parts or materials from cervids harvested, taken or killed outside of this Commonwealth if the parts or materials are transported directly to any location or facility designated and approved in advance by the Commission to receive high-risk cervid parts for waste disposal, taxidermy, or butchering purposes. Locations or facilities designated and approved to receive high-risk cervid parts for waste disposal, taxidermy or butchering purposes will be made known through public announcement, web site and other means reasonably intended to reach the widest audience. The following apply:

(A) *Application.* A location or facility seeking approval to receive high-risk cervid parts for waste disposal, taxidermy or butchering purposes shall submit a completed application on a form and in the manner established by the Commission. Applications must include the applicant’s name, business address, phone number, name of current commercial refuse pickup service or other approved disposal method, and any other information required by the Commission.

(B) *Approved locations and facilities.* A location or facility approved by the Commission to receive high-risk cervid parts for waste disposal, taxidermy, or butchering purposes shall dispose of all high-risk cervid parts through a commercial refuse pickup service or other method approved by the Commission. An approved location or facility shall keep and maintain records of their use of an approved disposal method and provide access to these records upon request of the Commission. An approved location or facility shall also provide the Commission access to its location or facility during normal business hours to collect biological data and samples from harvested cervids.

(b) *Exportation.*

(1) *General rule.* It is unlawful to remove or export any high-risk parts or materials from cervids harvested, taken or killed, including by vehicular accident, within any Disease Management or Established Area established within this Commonwealth.

(2) *Exceptions.* This subsection may not be construed to:

(i) Limit the removal or exportation of non-high-risk parts or materials from cervids harvested, taken or killed within any Disease Management or Established Area established within this Commonwealth.

(ii) Limit the removal or exportation of high-risk parts or materials from cervids harvested, taken or killed in any Disease Management or Established Area established within this Commonwealth if the parts or materials are transported directly to any location or facility designated and approved in advance by the Commission to receive high-risk cervid parts for waste disposal, taxidermy, butchering or harvest reporting purposes. Locations or facilities designated and approved to receive high-risk cervid parts for waste disposal, taxidermy, butchering or harvest reporting purposes will be made known through public announcement, web site and other means reasonably intended to reach the widest audience. The following apply:

(A) *Application.* A location or facility seeking approval to receive high-risk cervid parts for waste disposal, taxidermy, butchering or harvest reporting purposes shall submit a completed application on a form and in the manner established by the Commission. Applications must include the applicant's name, business address, phone number, name of current commercial refuse pickup service or other approved disposal method, and any other information required by the Commission.

(B) *Approved locations and facilities.* A location or facility approved by the Commission to receive high-risk cervid parts for waste disposal, taxidermy, butchering or harvest reporting purposes shall dispose of high-risk cervid parts only through a commercial refuse pickup service or other method approved by the Commission. An approved location or facility shall keep and maintain records of their use of an approved disposal method and provide access to these records upon request of Commission. An approved location facility shall also provide the Commission access to their location or facility during normal business hours to collect biological data and samples from harvested cervids.

(b.1) *Additional restrictions.*

(1) All cervids harvested, taken or killed within any Disease Management or Established Area established within this Commonwealth or imported into this Commonwealth are subject to disease testing. This testing may require hunters to present cervids, or cervid parts, for checking and sampling at prescribed locations under conditions in a forthcoming notice. The submission process, if any, will be made known through public announcement, web site and other means reasonably intended to reach the widest audience. The cost of testing, sampling and analysis will be borne by the Commission.

(2) It is unlawful to rehabilitate wild, free-ranging cervids within any Disease Management or Established Area established within this Commonwealth.

(3) It is unlawful to use or possess cervid urine-based attractants in any outdoor setting within any Disease Management or Established Area established within this Commonwealth.

(4) It is unlawful to directly or indirectly feed wild, free-ranging cervids within any Disease Management or Established Area established within this Commonwealth. This prohibition may not be construed to apply to normal or accepted agricultural, habitat management, oil and gas

drilling, mining, forest management, or other legitimate commercial or industrial practices. If otherwise lawful feeding is attracting cervids, the Commission may provide written notice prohibiting this activity. Failure to discontinue this activity is a violation of this section.

(5) The Commission will not issue any new permit to possess or transport live cervids within any Disease Management or Established Area established within this Commonwealth.

(6) It is unlawful to transport or move a cervid harvested, taken or killed outside of this Commonwealth or within any Disease Management or Established Area from the location of harvest or kill and thereafter place or dispose of any high-risk cervid parts on the landscape anywhere within the Commonwealth. High-risk cervid parts shall be disposed of only through a commercial refuse pickup service or other method approved by the Commission.

(c) *Nonapplicability.*

(1) Nothing in this section shall be construed to extend to the regulation of Captive cervids held under 3 Pa.C.S. Chapter 23 (relating to Domestic Animal Law) or the requirements of a lawful quarantine order issued by the Department of Agriculture.

* * * * *

(f) *Violations.* A person violating a requirement or restriction in this section may be prosecuted under section 2102 or 2307 of the act (relating to regulations; and unlawful taking or possession of game or wildlife) and, upon conviction, be sentenced to pay the fine prescribed in the act. The Commission may deny, revoke or suspend a location or facility's authorization to receive high-risk cervid parts for waste disposal, taxidermy, butchering or harvest reporting purposes from any cervid harvested, taken or killed outside of this Commonwealth or within any Disease Management or Established Area as set forth in section 929(a) of the act (relating to revocation, suspension or denial of license, permit or registration).

[Pa.B. Doc. No. 23-757. Filed for public inspection June 9, 2023, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 139]

Seasons and Bag Limits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 15, 2023, meeting amends § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2023-2024 license year.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 53 Pa.B. 1681 (March 25, 2023).

1. *Purpose and Authority*

To effectively manage the wildlife resources and provide hunting and trapping opportunities in this Common-

wealth during the upcoming license year, the Commission amends § 139.4 to provide updated seasons and bag limits for the 2023-2024 license year. The 2023-2024 seasons and bag limits have been amended to reflect current available scientific data, population and harvest records, field surveys and professional staff observations, as well as recommendations received from staff, organized sporting groups, members of the agricultural community and others interested in the management of the wildlife resources of this Commonwealth.

For small game, a significant expansion of opportunity for put-and-take hunting of captive-reared bobwhite quail in most of this Commonwealth is amended by means of an earlier season opening date, later season closing date and removal of the daily bag limit. Also, adjustments to crow season dates and addition of Thursdays as hunting days shift hunting opportunities from the peak breeding season to the fall and winter months. For black bear, five wildlife management units (WMU) (1B, 2C, 4A, 4B and 4D) are deleted from the extended firearms black bear season because of declining trends in nuisance complaints and hunter success rates. For furbearers, WMUs 3B and 4E are opened to river otter trapping because habitat and population data indicate that these units can support sustainable otter harvest. Also, several furbearers are added to the list of species that are legal for falconry harvest. For elk, the archery season is a week later than in 2022-2023 to provide additional time between the license drawing and the beginning of the season. For falconry, an expansion of falconry opportunities, to include the period of overlap with the regular firearms deer season, is adopted for those species for which falconry is a legal means of take. This expansion fully implements the intended effect of recent amendments to § 141.4 (relating to hunting hours) made by the Commission at its July 9, 2022, meeting. There are no substantive changes for white-tailed deer or wild turkey seasons, although the 2024 youth and regular spring turkey seasons are open 5 days later than in 2023. This is a normal fluctuation that occurs every several years for consistency with the wild turkey management plan guideline of opening the regular season the Saturday closest to May 1.

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to “. . . fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife.” Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to “. . . promulgate regulations relating to seasons and bag limits for hunting or furtaking. . .” The amendments to § 139.4 are adopted under this authority.

2. *Regulatory Requirements*

This final-form rulemaking amends § 139.4 to provide updated seasons and bag limits for the 2023-2024 hunting/furtaking license year.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2023-2024 hunting/furtaking license year will be affected by this final-form rulemaking.

4. *Comment and Response Summary*

The Commission received a total of 1,347 official comments concerning this final-form rulemaking. The comments received concerned the following subtopics:

Deer Seasons: Out of a total of 1,334 comments received concerning this subtopic, 576 supported and 721

opposed a Saturday opener for regular firearms deer season, 1 opposed the length of the regular firearms deer season, 1 supported lengthening regular firearms deer season, 6 supported and 14 opposed concurrent antlered/antlerless firearms deer season, 5 opposed the length of archery deer season, 3 supported lengthening archery deer season, 1 supported extended archery deer season, 1 supported muzzleloader deer season, 1 supported opening muzzleloader deer season for antlered deer harvest, 1 supported muzzleloader deer season in WMU 2D, 1 supported a longer muzzleloader deer and special firearms deer seasons, 1 supported adding a Sunday to flintlock muzzleloading deer season, and 1 supported regular firearms deer season closing on the same date as the special regulations areas.

Turkey Seasons: One comment was received concerning this subtopic in support of the fall and spring season structure.

Bear Seasons: Out of a total of five comments were received concerning this subtopic, one supported concurrent bear and deer seasons, three opposed early bear seasons, and one supported removing extended bear season in some WMUs.

Small Game Seasons: Out of a total of five comments were received concerning this subtopic, one supported late season grouse, one supported the early squirrel season, one opposed grouse season opening prior to December, one supported a “no dog” grouse season, and one opposed grouse season opening prior to November.

Furbearer Seasons: A total of two comments were received concerning this subtopic, both supporting more opportunity to harvest racoon.

5. *Cost and Paperwork Requirements*

This final-form rulemaking should not result in any additional cost or paperwork.

6. *Effective Date*

The effective dates of this final-form rulemaking are July 1, 2023, to June 30, 2024.

7. *Contact Person*

For further information regarding this final-form rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

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

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 139, are amended by amending § 139.4 to read as set forth in Annex A.

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

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

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-493 remains valid for the final adoption of the subject regulations.

Annex A
TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 139. SEASONS AND BAG LIMITS

§ 139.4 Seasons and bag limits for the license year.

(Editor's Note: As part of this final-form rulemaking, the Commission is replacing the table which appears in § 139.4, 58 Pa. Code pages 139-3—139-18, serial pages (404705)—(404720), with the following table.)

2023-2024 OPEN HUNTING AND FURTAKING SEASONS, DAILY LIMIT, FIELD POSSESSION LIMIT AND SEASON LIMIT OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED

| <i>Species</i> | <i>First Day</i> | | <i>Last Day</i> | <i>Daily Limit</i> | <i>Field Possession Limit After Second day</i> |
|---|---|--|---|--------------------|--|
| <i>Squirrel—(Combined species)¹</i> Eligible Junior Hunters only, with or without the required junior license | Sept. 9 | | Sept. 23 | 6 | 18 |
| <i>Squirrel—(Combined species)²</i> | Sept. 9 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Dec. 11 Dec. 26 | and and and and and and | Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 24 Dec. 23 Feb. 29, 2024 | 6 | 18 |
| <i>Ruffed Grouse²</i> | Oct. 14 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Dec. 11 | and and and and and | Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 24 Dec. 23 | 2 | 6 |
| <i>Rabbit, Cottontail¹</i> Eligible Junior Hunters only, with or without the required junior license | Sept. 30 | | Oct. 14 | 4 | 12 |
| <i>Rabbit, Cottontail²</i> | Oct. 14 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 | and and and and and | Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 24 | 4 | 12 |

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| <i>Species</i> | <i>First Day</i> | | <i>Last Day</i> | <i>Daily Limit</i> | <i>Field Possession Limit After Second day</i> |
|--|---|--|---|--------------------|--|
| | Dec. 11 Dec. 26 | and | Dec. 23 Feb. 29, 2024 | | |
| <i>Ring-necked Pheasant</i> —There is no open season for the taking of pheasants in the Franklin County Wild Pheasant Recovery Area. | | | | | |
| Central Susquehanna Wild Pheasant Recovery Area— <i>Male only</i> ¹ | As authorized by the Executive Order | | | | |
| <i>Ring-necked Pheasant—Male or Female</i> ¹ Eligible Junior Hunters only, with or without the required junior license | Oct. 7 | | Oct. 14 | 2 | 6 |
| <i>Ring-necked Pheasant—Male or Female</i> ² | Oct. 21 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Dec. 11 Dec. 26 | and and and and and and | Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 24 Dec. 23 Feb. 29, 2024 | 2 | 6 |
| <i>Bobwhite Quail</i> —There is no open season for the taking of bobwhite quail in the area surrounding the Letterkenny Bobwhite Quail Focus Area, as designated in § 141.30 (relating to bobwhite quail recovery area). | | | | | |
| <i>Bobwhite Quail</i> ² | Sept. 1 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Dec. 11 Dec. 26 | and and and and and and | Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 24 Dec. 23 Mar. 30, 2024 | Unlimited | |
| <i>Hare (Snowshoe Rabbits) or Varying Hare</i> ¹ | Dec. 26 | | Jan. 1, 2024 | 1 | 3 |
| <i>Woodchuck (Groundhog)</i> ² | July 1 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 | and and and and | Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 24 | Unlimited | |

| <i>Species</i> | <i>First Day</i> | | <i>Last Day</i> | <i>Daily Limit</i> | <i>Field Possession Limit After Second day</i> |
|---|--|--|-----------------|--------------------|--|
| | Dec. 11 | | June 29, 2024 | | |
| <i>Crow</i> ³ (Hunting permitted on Thursday, Friday, Saturday and Sunday only) | Aug. 24 | | Mar. 24, 2024 | Unlimited | |
| <i>Starling and English Sparrow</i> ³ | No closed season, except season closed during the regular firearms deer season(s). | | | Unlimited | |

MIGRATORY GAME BIRDS

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds must conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—712) as published in the *Federal Register* on or about February 28 of each year.

Exceptions:

- (a) Hunting hours in § 141.4 (relating to hunting hours).
- (b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.
- (c) Hunting on Sunday not authorized.¹

WILD TURKEY

| <i>Species</i> | <i>First Day</i> | | <i>Last Day</i> | <i>Daily Limit</i> | <i>Season Limit</i> |
|---|-------------------------------|-----|-----------------|--|---------------------|
| <i>Turkey, Fall—Male or Female</i> ¹ WMU 2B | Oct. 28 | and | Nov. 17 | 1 | 1 |
| | Nov. 22 | | Nov. 24 | | |
| WMUs 1A, 1B, 4A, 4B, 4D and 4E | Oct. 28 | | Nov. 4 | | |
| WMUs 2A, 2F, 2G, 3A, 3B, 3C, 3D and 4C | Oct. 28 | | Nov. 11 | | |
| WMUs 2C, 2D and 2E | Oct. 28 | and | Nov. 11 | | |
| | Nov. 22 | | Nov. 24 | | |
| WMU 5B | Oct. 31 | | Nov. 2 | | |
| WMUs 5A, 5C and 5D | Closed to fall turkey hunting | | | | |
| <i>Turkey, Spring</i> ¹ Bearded Bird only, Eligible Junior Hunters only, with the required junior license | Apr. 27, 2024 | | Apr. 27, 2024 | 1 | 1 |
| <i>Turkey, Spring</i> ^{1,4} Bearded Bird only | May 4, 2024 | and | May 18, 2024 | 1 | 2 |
| | May 20, 2024 | | May 31, 2024 | | |
| | | | | May be hunted 1/2 hour before sunrise to 12 noon | |
| | | | | May be hunted 1/2 hour before sunrise to 1/2 hour after sunset | |

FALCONRY

| <i>Species</i> | <i>First Day</i> | | <i>Last Day</i> | <i>Daily Limit</i> | <i>Field Possession Limit After Second day</i> |
|--|---|--|---|--------------------|--|
| <i>Squirrel—(Combined species)²</i> | Sept. 1 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Sun. ³ , Nov. 26 Nov. 27 | and and and and and and | Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 25 Sun. ³ , Nov. 26 Mar. 30, 2024 | 6 | 18 |
| <i>Quail²</i> | Sept. 1 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Sun. ³ , Nov. 26 Nov. 27 | and and and and and and | Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 25 Sun. ³ , Nov. 26 Mar. 30, 2024 | Unlimited | |
| <i>Ruffed Grouse²</i> | Sept. 1 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Sun. ³ , Nov. 26 Nov. 27 | and and and and and and | Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 25 Sun. ³ , Nov. 26 Mar. 30, 2024 | 2 | 6 |
| <i>Cottontail Rabbits²</i> | Sept. 1 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Sun. ³ , Nov. 26 Nov. 27 | and and and and and and | Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 25 Sun. ³ , Nov. 26 Mar. 30, 2024 | 4 | 12 |
| <i>Snowshoe or Varying Hare²</i> | Sept. 1 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 | and and and and and | Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 25 | 1 | 3 |

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| <i>Species</i> | <i>First Day</i> | | <i>Last Day</i> | <i>Daily Limit</i> | <i>Field Possession Limit After Second day</i> |
|---|---|--|---|--------------------|--|
| | Sun. ³ , Nov. 26 Nov. 27 | and | Sun. ³ , Nov. 26 Mar. 30, 2024 | | |
| <i>Ring-necked Pheasant—Male² and Female (Combined)</i> | Sept. 1 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Sun. ³ , Nov. 26 Nov. 27 | and and and and and and | Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 25 Sun. ³ , Nov. 26 Mar. 30, 2024 | 2 | 6 |
| <i>Mink, Muskrat, Fox, Opossum, Raccoon, Striped Skunk and Weasel²</i> | Sept. 1 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Sun. ³ , Nov. 26 Nov. 27 | and and and and and and | Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 25 Sun. ³ , Nov. 26 Mar. 30, 2024 | Unlimited | |
| <i>Migratory Game Bird¹</i> —Seasons and bag limits shall be in accordance with Federal regulations. | | | | | |

WHITE-TAILED DEER

| <i>Species</i> | <i>First Day</i> | | <i>Last Day</i> | <i>Season Limit</i> |
|---|---|---------------------------------|--|---|
| <i>Deer, Archery (Antlered and Antlerless)^{2,5}</i> With the required archery license WMUs 2B, 5C and 5D | Sept. 16 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Dec. 26 | and and and and and | Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 24 Jan. 27, 2024 | One antlered deer and an antlerless deer with each required antlerless license. |
| <i>Deer, Archery (Antlered and Antlerless)^{2,5}</i> With the required archery license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B | Sept. 30 Sun. ³ , Nov. 12 Nov. 13 Dec. 26 | and and and | Nov. 11 Sun. ³ , Nov. 12 Nov. 17 Jan. 15, 2024 | One antlered deer and an antlerless deer with each required antlerless license. |
| <i>Deer, Muzzleloading (Antlerless only)¹</i> With the required muzzleloading license | Oct. 14 | | Oct. 21 | An antlerless deer with each required antlerless license. |

| <i>Species</i> | <i>First Day</i> | | <i>Last Day</i> | <i>Season Limit</i> |
|--|---|------------|--|---|
| <i>Deer, Special firearms (Antlerless only)</i> Only Junior and Senior License Holders ⁶ Mentored Permit Holders ⁹ , Commission Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the United States Armed Forces or United States Coast Guard | Oct. 19 | | Oct. 21 | An antlerless deer with each required antlerless license. |
| <i>Deer, Regular Firearms (Antlered and Antlerless)</i> ^{2, 5} Statewide | Nov. 25 Sun. ³ , Nov. 26 Nov. 27 | and and | Nov. 25 Sun. ³ , Nov. 26 Dec. 9 | One antlered deer and an antlerless deer with each required antlerless license. |
| <i>Deer, Flintlock (Antlered or Antlerless)</i> ^{1, 5} With the required muzzleloading license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B | Dec. 26 | | Jan. 15, 2024 | One antlered or one antlerless deer plus an additional antlerless deer with each required antlerless license. |
| <i>Deer, Flintlock (Antlered or Antlerless)</i> ^{1, 5} With the required muzzleloading license WMUs 2B, 5C and 5D | Dec. 26 | | Jan. 27, 2024 | One antlered or one antlerless deer plus an additional antlerless deer with each required antlerless license. |
| <i>Deer, Extended Regular firearms (Antlerless)</i> ¹ WMUs 2B, 5C and 5D | Dec. 26 | | Jan. 27, 2024 | An antlerless deer with each required antlerless license. |
| <i>Deer, Antlerless</i> ¹ (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick, Raven Rock Site, Adams County) | Hunting is permitted on days established by the United States Department of the Army. | | | An antlerless deer with each required antlerless license. |

BLACK BEAR

| <i>Species</i> | <i>First Day</i> | | <i>Last Day</i> | <i>Season Limit</i> |
|--|--|--------------------------|---|---------------------|
| <i>Bear, Archery</i> ^{2, 7} WMUs 2B, 5C and 5D | Sept. 16 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 | and and and and | Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 24 | 1 |
| <i>Bear, Archery</i> ^{2, 7} WMU 5B | Sept. 30 Sun. ³ , Nov. 12 Nov. 13 | and and | Nov. 11 Sun. ³ , Nov. 12 Nov. 17 | 1 |
| <i>Bear, Archery</i> ^{1, 7} WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A | Oct. 14 | | Nov. 4 | 1 |
| <i>Bear, Muzzleloader</i> ^{1, 7} (Statewide) | Oct. 14 | | Oct. 21 | 1 |

| <i>Species</i> | <i>First Day</i> | | <i>Last Day</i> | <i>Season Limit</i> |
|--|---|----------------|---|---------------------|
| <i>Bear, Special firearms⁷</i> Only Junior and Senior License Holders ⁶ , Mentored Permit Holders ⁹ , Commission Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the United States Armed Forces, or in the United States Coast Guard (Statewide) | Oct. 19 | | Oct. 21 | 1 |
| <i>Bear, Regular Firearms^{2, 7}</i> (Statewide) | Nov. 18 Sun. ³ , Nov. 19 Nov. 20 | and and | Nov. 18 Sun. ³ , Nov. 19 Nov. 21 | 1 |
| <i>Bear, Extended firearms^{2, 7}</i> WMUs 2B, 5B, 5C and 5D | Nov. 25 Sun. ³ , Nov. 26 Nov. 27 | and and | Nov. 25 Sun. ³ , Nov. 26 Dec. 9 | 1 |
| <i>Bear, Extended firearms^{2, 7}</i> WMUs 3A, 3B, 3C, 3D, 4C, 4E and 5A | Nov. 25 Sun. ³ , Nov. 26 Nov. 27 | and and | Nov. 25 Sun. ³ , Nov. 26 Dec. 2 | 1 |

ELK

| <i>Species</i> | <i>First Day</i> | | <i>Last Day</i> | <i>Season Limit</i> |
|---|------------------|--|-----------------|---------------------|
| <i>Elk, Special Conservation Tag^{1, 8}</i> <i>and Special-License Tag^{1, 8}</i> (Antlered and Antlerless) | Sept. 1 | | Nov. 4 | 1 |
| <i>Elk, Archery^{1, 8}</i> | Sept. 16 | | Sept. 30 | 1 |
| <i>Elk, Regular^{1, 8}</i> (Antlered and Antlerless) | Oct. 30 | | Nov. 4 | 1 |
| <i>Elk, Late^{1, 8}</i> | Dec. 30 | | Jan. 6, 2024 | 1 |

FURTAKING—TRAPPING

| <i>Species</i> | <i>First Day</i> | | <i>Last Day</i> | <i>Daily Limit</i> | <i>Season Limit</i> |
|---|------------------|--|-----------------|--------------------|---------------------|
| <i>Mink and Muskrat</i> | Nov. 18 | | Jan. 7, 2024 | Unlimited | |
| <i>Beaver</i> | Dec. 16 | | Mar. 31, 2024 | | |
| WMUs 1A and 1B (Combined) | | | | 20 | 60 |
| WMUs 2A, 2B and 3C (Combined) | | | | 20 | 40 |
| WMUs 2C, 2D, 2E, 2F, 3A, 3B, 3D, 5C and 5D (Combined) | | | | 20 | 20 |
| WMUs 2G, 4A, 4B, 4C, 4D, 4E, 5A and 5B (Combined) | | | | 5 | 5 |

| <i>Species</i> | <i>First Day</i> | | <i>Last Day</i> | <i>Season Limit</i> |
|--|------------------|--|-----------------|---------------------|
| <i>Coyote, Fox, Opossum, Raccoon, Striped Skunk and Weasel</i> | Oct. 21 | | Feb. 18, 2024 | Unlimited |
| <i>Coyote and Fox</i> Use of cable restraint devices authorized with required certification | Dec. 26 | | Feb. 18, 2024 | Unlimited |

| <i>Species</i> | <i>First Day</i> | | <i>Last Day</i> | <i>Season Limit</i> |
|--|------------------|--|-----------------|---------------------|
| <i>Bobcat, with required bobcat permit</i> WMUs 2A, 2B, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E | Dec. 16 | | Jan. 7, 2024 | 1 |
| <i>Fisher, with required fisher permit</i> WMUs 1B, 2C, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E | Dec. 16 | | Dec. 31 | 1 |
| <i>River Otter, with required otter permit</i> WMUs 1A, 1B, 2F, 3B, 3C, 3D and 4E | Feb. 10, 2024 | | Feb. 17, 2024 | 1 |

FURTAKING—HUNTING

| <i>Species</i> | <i>First Day</i> | | <i>Last Day</i> | <i>Daily Limit</i> | <i>Season Limit</i> |
|---|---|--|---|--|---------------------|
| <i>Coyote—(Outside of any big game season)</i> ³ | May be taken with a hunting license or a furtaker's license. | | | Unlimited | |
| <i>Coyote—(During any big game season)</i> | May be taken while lawfully hunting big game or with a furtaker's license. | | | Unlimited | |
| <i>Opossum, Striped Skunk, Weasel</i> ² | July 1 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Sun. ³ , Nov. 26 Nov. 27 | and and and and and and | Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 25 Sun. ³ , Nov. 26 June 29, 2024 | Unlimited May be hunted any hour, day or night, on open dates from July 1—Nov. 24 and Dec. 10—June 29, 2024. May only be hunted from 1/2 hour after sunset to 1/2 hour before sunrise from Nov. 25—Dec. 9. | |
| <i>Fox</i> ³ | Oct. 21 | | Feb. 17, 2024 | Unlimited May be hunted any hour, day or night, from Oct. 21—Nov. 24 and Dec. 10—Feb. 17, 2024. May only be hunted from 1/2 hour after sunset to 1/2 hour before sunrise from Nov. 25—Dec. 9. | |
| <i>Raccoon</i> ² | Oct. 21 Sun. ³ , Nov. 12 Nov. 13 Sun. ³ , Nov. 19 Nov. 20 Sun. ³ , Nov. 26 Nov. 27 | and and and and and and | Nov. 11 Sun. ³ , Nov. 12 Nov. 18 Sun. ³ , Nov. 19 Nov. 25 Sun. ³ , Nov. 26 Feb. 17, 2024 | Unlimited May be hunted any hour, day or night, on open dates from Oct. 21—Nov. 24 and Dec. 10—Feb. 17, 2024. May only be hunted from 1/2 and hour after sunset to 1/2 hour before sunrise from Nov. 25—Dec. 9. | |
| <i>Bobcat, with required bobcat permit</i> ¹ WMUs 2A, 2B, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E | Jan. 6, 2024 | | Jan. 31, 2024 | 1 | 1 |

| <i>Species</i> | <i>First Day</i> | | <i>Last Day</i> | <i>Daily Limit</i> | <i>Season Limit</i> |
|-------------------------------|-----------------------------|-----|-----------------------------|--------------------|---------------------|
| <i>Porcupine</i> ² | Oct. 7 | | Nov. 11 | 3 | 10 |
| | Sun. ³ , Nov. 12 | and | Sun. ³ , Nov. 12 | | |
| | Nov. 13 | and | Nov. 18 | | |
| | Sun. ³ , Nov. 19 | and | Sun. ³ , Nov. 19 | | |
| | Nov. 20 | and | Nov. 24 | | |
| | Dec. 11 | and | Dec. 23 | | |
| | Dec. 26 | and | Jan. 27, 2024 | | |

No open seasons on other wild birds or wild mammals.

¹ No hunting on Sunday authorized. See 34 Pa.C.S. § 2303 (relating to hunting on Sunday prohibited).

² Hunting on Sunday authorized on separately delineated Sunday date(s) only. See 34 Pa.C.S. § 2303.

³ Hunting on Sunday is authorized. See 34 Pa.C.S. § 2303.

⁴ Only persons who possess a special wild turkey license as provided for in 34 Pa.C.S. § 2709 (relating to license costs and fees) may take a second spring gobbler during the hunting license year; all other persons, including mentored youth hunters, may take only one spring gobbler. A maximum of 2 spring gobblers per license year may be taken by any combination of licenses or exceptions for mentored youth.

⁵ Only one antlered deer (buck) may be taken during the hunting license year.

⁶ Includes resident and nonresident license holders who have reached or will reach their 65th birthday in the year of the application for the license and hold a valid adult license or qualify for license and fee exemptions under 34 Pa.C.S. § 2706 (relating to resident license and fee exemptions).

⁷ Only one bear may be taken during the hunting license year with the required bear license.

⁸ Only one elk may be taken during the hunting license year with the required elk license.

⁹ Includes mentored youth and mentored adults with a valid mentored hunter permit issued under Chapter 147, Subchapter X (relating to Special Permits; Mentored Hunting Program Permit).

[Pa.B. Doc. No. 23-758. Filed for public inspection June 9, 2023, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 139]

Seasons and Bag Limits; Wildlife Management Units

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 15, 2023, meeting amends § 139.17 (relating to wildlife management units) to eliminate wildlife management unit (WMU) 2H and return WMU 2G to its original boundary.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 53 Pa.B. 1690 (March 25, 2023).

1. Purpose and Authority

A uniform system of WMUs was implemented in 2003 to replace the system of multiple, species-specific management units. The primary objective of this new WMU system was to develop and implement wildlife management decisions on a system of more homogenous units based on physiography, land cover and use, human population density and land ownership. WMU boundaries

were defined using readily recognizable features on the landscape rather than hard to identify political boundaries. Over the years, the WMUs have undergone periodic reviews and evaluations. Following a recent evaluation of WMU 2H, which was separated out of the footprint of WMU 2G in 2013, it was determined that WMU 2H is too small to effectively collect adequate wildlife and hunter data for big games species. Furthermore, WMU 2H remains similar to WMU 2G in deer harvests and forest habitat measures. As a result, the Commission amends § 139.17 to eliminate WMU 2H and return WMU 2G to its original boundary.

Section 322(c)(4) of the code (relating to powers and duties of commission) specifically authorizes the commission to “[d]efine geographic limitations or restrictions.” Section 2102(a) of the code (relating to regulations) provides that “[t]he commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to § 139.17 are adopted under this authority.

2. Regulatory Requirements

This final-form rulemaking amends § 139.17 to eliminate WMU 2H and return WMU 2G to its original boundary.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within WMUs 2G or 2H may be affected by this final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

5. *Cost and Paperwork Requirements*

This final-form rulemaking should not result in any additional cost or paperwork.

6. *Effective Date*

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding this final-form rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

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

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 139, are amended by amending § 139.17 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-492 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

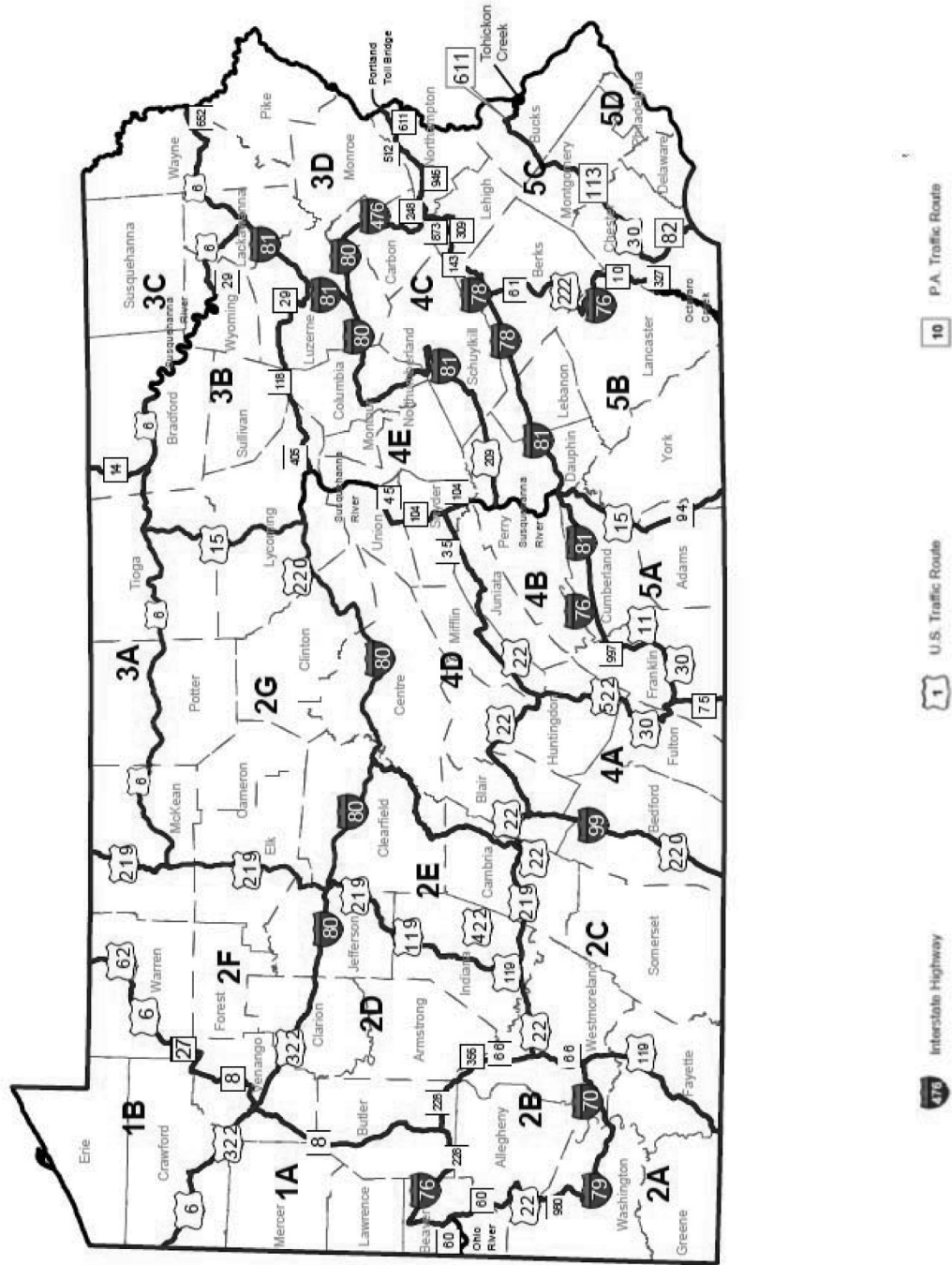
CHAPTER 139. SEASONS AND BAG LIMITS

§ 139.17. Wildlife management units.

(a) The divisional line between two or more wildlife management units shall be the center of the highway, natural water course or other natural boundary.

(b) The outline map of Pennsylvania sets forth wildlife management units.

Wildlife Management Units



* * * * *

[Pa.B. Doc. No. 23-759. Filed for public inspection June 9, 2023, 9:00 a.m.]

Title 58—RECREATION

**GAME COMMISSION
[58 PA. CODE CH. 141]**

Hunting and Trapping; General

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 15, 2023, meeting amends § 141.4 (relating to hunting hours) to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2023-2024 hunting/trapping license year.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 53 Pa.B. 1692 (March 25, 2023).

1. Purpose and Authority

The Commission amends § 141.4, Appendix G, to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2023-2024 hunting/trapping license year.

Section 2102(a) of the code (relating to regulations) provides that “The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to § 141.4, Appendix G, are adopted under this authority.

2. Regulatory Requirements

This final-form rulemaking amends § 141.4, Appendix G, to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2023-2024 hunting/trapping license year.

3. Persons Affected

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2023-2024 hunting/furtaking license year will be affected by this final-form rulemaking.

4. Comment and Response Summary

There were no official comments received regarding this final-form rulemaking.

5. Cost and Paperwork Requirements

This final-form rulemaking should not result in any additional cost or paperwork.

6. Effective Date

The effective dates of this final-form rulemaking are July 1, 2023, to June 30, 2024.

7. Contact Person

For further information regarding this final-form rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

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

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.4, Appendix G to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-497 remains valid for the final adoption of the subject regulation.

**Annex A
TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 141. HUNTING AND TRAPPING
Subchapter A. GENERAL**

(Editor’s Note: As part of this final-form rulemaking, the Commission deletes the text of the tables which appear in 58 Pa. Code pages 141-37—141-41, serial pages (410939)—(410943) and replaces them with the following tables.)

§ 141.4. Hunting hours.

Except as otherwise provided, wild birds and mammals may be hunted 1/2 hour before sunrise to 1/2 hour after sunset.

* * * * *

Appendix G. Hunting Hours

| HUNTING HOURS TABLE FOR JULY 1, 2023, THROUGH JUNE 30, 2024 | | | | | |
|--|-------------------|-----------------|---------------------|-------------------|-----------------|
| <i>Dates</i> | <i>Begin A.M.</i> | <i>End P.M.</i> | <i>Dates</i> | <i>Begin A.M.</i> | <i>End P.M.</i> |
| July 1 | 5:05 | 9:03 | Dec. 31—Jan. 6 | 6:53 | 5:16 |
| July 2—8 | 5:09 | 9:02 | Jan. 7—13 | 6:53 | 5:21 |
| July 9—15 | 5:14 | 8:59 | Jan. 14—20 | 6:51 | 5:28 |
| July 16—22 | 5:20 | 8:54 | Jan. 21—27 | 6:48 | 5:36 |
| July 23—29 | 5:26 | 8:47 | Jan. 28—Feb. 3 | 6:43 | 5:44 |
| July 30—Aug. 5 | 5:33 | 8:40 | Feb. 4—10 | 6:37 | 5:53 |
| Aug. 6—12 | 5:39 | 8:31 | Feb. 11—17 | 6:29 | 6:01 |
| Aug. 13—19 | 5:46 | 8:21 | Feb. 18—24 | 6:20 | 6:09 |
| Aug. 20—26 | 5:53 | 8:11 | Feb. 25—March 2 | 6:10 | 6:18 |
| Aug. 27—Sept. 2 | 6:00 | 8:00 | March 3—9 | 6:00 | 6:25 |
| Sept. 3—9 | 6:06 | 7:49 | March 10—16 *Begins | 6:49 | 7:33 |
| Sept. 10—16 | 6:12 | 7:38 | March 17—23 | 6:38 | 7:40 |
| Sept. 17—23 | 6:19 | 7:26 | March 24—30 | 6:27 | 7:47 |
| Sept. 24—Sept. 30 | 6:26 | 7:15 | March 31—Apr. 6 | 6:15 | 7:54 |
| Oct. 1—7 | 6:33 | 7:04 | April 7—13 | 6:04 | 8:02 |
| Oct. 8—14 | 6:40 | 6:53 | April 14—20 | 5:53 | 8:09 |
| Oct. 15—21 | 6:47 | 6:43 | April 21—27 | 5:43 | 8:16 |
| Oct. 22—28 | 6:55 | 6:33 | April 28—May 4 | 5:35 | 8:23 |
| Oct. 29—Nov. 4 | 7:03 | 6:25 | May 5—11 | 5:25 | 8:30 |
| Nov. 5—11 **Ends | 6:11 | 5:18 | May 12—18 | 5:18 | 8:37 |
| Nov. 12—18 | 6:19 | 5:12 | May 19—25 | 5:11 | 8:43 |
| Nov. 19—25 | 6:27 | 5:08 | May 26—June 1 | 5:07 | 8:49 |
| Nov. 26—Dec. 2 | 6:34 | 5:06 | June 2—8 | 5:03 | 8:54 |
| Dec. 3—9 | 6:40 | 5:05 | June 9—15 | 5:02 | 8:59 |
| Dec. 10—16 | 6:46 | 5:06 | June 16—22 | 5:02 | 9:02 |
| Dec. 17—23 | 6:50 | 5:10 | June 23—June 30 | 5:05 | 9:03 |
| Dec. 24—30 | 6:52 | 5:14 | | | |

Daylight Saving Time:

Begins*

Ends**

| MIGRATORY GAME BIRD HUNTING HOURS TABLE FOR JULY 1, 2023, THROUGH JUNE 30, 2024 | | | | | |
|--|-------------------|-----------------|---------------------|-------------------|-----------------|
| <i>Dates</i> | <i>Begin A.M.</i> | <i>End P.M.</i> | <i>Dates</i> | <i>Begin A.M.</i> | <i>End P.M.</i> |
| July 1 | 5:05 | 8:33 | Dec. 31—Jan. 6 | 6:53 | 4:46 |
| July 2—8 | 5:09 | 8:32 | Jan. 7—13 | 6:53 | 4:51 |
| July 9—15 | 5:14 | 8:29 | Jan. 14—20 | 6:51 | 4:58 |
| July 16—22 | 5:20 | 8:24 | Jan. 21—27 | 6:48 | 5:06 |
| July 23—29 | 5:27 | 8:16 | Jan. 28—Feb. 3 | 6:43 | 5:14 |
| July 30—Aug. 5 | 5:33 | 8:10 | Feb. 4—10 | 6:37 | 5:23 |
| Aug. 6—12 | 5:39 | 8:01 | Feb. 11—17 | 6:29 | 5:31 |
| Aug. 13—19 | 5:46 | 7:51 | Feb. 18—24 | 6:20 | 5:39 |
| Aug. 20—26 | 5:53 | 7:41 | Feb. 25—March 2 | 6:10 | 5:48 |
| Aug. 27—Sept. 2 | 6:00 | 7:30 | March 3—9 | 6:00 | 5:55 |
| Sept. 3—9 | 6:06 | 7:19 | March 10—16 *Begins | 6:49 | 7:03 |
| Sept. 10—16 | 6:12 | 7:08 | March 17—23 | 6:38 | 7:10 |
| Sept. 17—23 | 6:19 | 6:56 | March 24—30 | 6:27 | 7:17 |

| <i>Dates</i> | <i>Begin A.M.</i> | <i>End P.M.</i> | <i>Dates</i> | <i>Begin A.M.</i> | <i>End P.M.</i> |
|------------------|-------------------|-----------------|-----------------|-------------------|-----------------|
| Sept. 24—30 | 6:26 | 6:45 | March 31—Apr. 6 | 6:15 | 7:24 |
| Oct. 1—7 | 6:33 | 6:34 | April 7—13 | 6:04 | 7:32 |
| Oct. 8—14 | 6:40 | 6:23 | April 14—20 | 5:53 | 7:39 |
| Oct. 15—21 | 6:47 | 6:13 | April 21—27 | 5:43 | 7:46 |
| Oct. 22—28 | 6:55 | 6:03 | April 28—May 4 | 5:35 | 7:53 |
| Oct. 29—Nov. 4 | 7:03 | 5:55 | May 5—11 | 5:25 | 8:00 |
| Nov. 5—11 **Ends | 6:11 | 4:48 | May 12—18 | 5:18 | 8:07 |
| Nov. 12—18 | 6:19 | 4:42 | May 19—25 | 5:11 | 8:13 |
| Nov. 19—25 | 6:27 | 4:38 | May 26—June 1 | 5:07 | 8:19 |
| Nov. 26—Dec. 2 | 6:34 | 4:36 | June 2—8 | 5:03 | 8:24 |
| Dec. 3—9 | 6:40 | 4:35 | June 9—15 | 5:02 | 8:29 |
| Dec. 10—16 | 6:46 | 4:36 | June 16—22 | 5:02 | 8:32 |
| Dec. 17—23 | 6:50 | 4:40 | June 23—June 30 | 5:05 | 8:33 |
| Dec. 24—30 | 6:52 | 4:44 | | | |

Daylight Saving Time:
 Begins*
 Ends**

[Pa.B. Doc. No. 23-760. Filed for public inspection June 9, 2023, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Furbearers

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 15, 2023, meeting amends § 141.67 (relating to furbearer seasons) to expand the list of devices that are permitted to be used to hunt and take furbearers having an open falconry season to include falcons lawfully possessed under a falconry permit.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 53 Pa.B. 1692 (March 25, 2023).

1. Purpose and Authority

Members of the falconry community have recently requested an expansion of the hunting seasons for falconry to include certain mink, muskrat, fox, opossum, raccoon, striped skunk and weasel. The Commission has reviewed this request and included the addition of these species in the 2023-2024 seasons and bag limits final-form rulemaking published at 53 Pa.B. 3090 (June 10, 2023). This falconry season/species expansion required the addition of falcons to the list of lawful devices that may be used to harvest any furbearer having an open falconry season. A similar provision was added to § 141.22(a)(7) (relating to small game seasons) to accommodate this similar purpose. The Commission amends § 141.67 to expand the list of devices that are permitted to be used to hunt and take furbearers having an open falconry season to include falcons lawfully possessed under a falconry permit.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to “. . .promulgate regulations

stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used.” The amendments to § 141.67 are adopted under this authority.

2. Regulatory Requirements

This final-form rulemaking amends § 141.67 to expand the list of devices that are permitted to be used to hunt and take furbearers having an open falconry season to include falcons lawfully possessed under a falconry permit.

3. Persons Affected

Persons wishing to hunt furbearers with a falcon within this Commonwealth will be affected by this final-form rulemaking.

4. Comment and Response Summary

There were no official comments received regarding this final-form rulemaking.

5. Cost and Paperwork Requirements

This final-form rulemaking should not result in any additional cost or paperwork.

6. Effective Date

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding this final-form rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968

(P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law, and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.67 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-498 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter D. FURBEARERS

§ 141.67. Furbearer seasons.

(a) *Permitted devices.* It is lawful to hunt or take furbearers during any furtaking season with the following devices:

(1) A manually operated or semiautomatic rifle or manually operated handgun that propels single-projectile ammunition.

* * * * *

(11) A cage or box trap, except as prohibited under section 2361(a)(17) of the act.

(12) A *raptor*. The raptor shall be lawfully possessed under a falconry permit under section 2925 of the act (relating to falconry permits).

(b) *Prohibitions.* While hunting furbearers during any furbearer hunting or trapping season, it is unlawful to:

* * * * *

[Pa.B. Doc. No. 23-761. Filed for public inspection June 9, 2023, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 143]

Hunting and Furtaker Licenses; Antlerless Deer Licenses

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at

its April 15, 2023, meeting amends §§ 143.41—143.45 and deletes §§ 143.48—143.56 to eliminate the mail-in antlerless deer license application process and replace it with an online and over-the-counter process.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 53 Pa.B. 1940 (April 8, 2023).

1. Purpose and Authority

Historically, county treasurers have been the only class of issuing agents that were authorized to issue antlerless deer licenses. This limited authority structure necessitated the use of an inflexible and outdated mail-in antlerless license application process that generated inconsistent distribution results from year to year and from county to county. The act of November 3, 2022 (P.L. 2133, No. 148) (Act 148) expanded the Commission’s authority to designate additional classes of issuing agents to issue antlerless deer licenses. This legislation became effective January 2, 2023.

Under this new legislation, the Commission is now able to designate any or all issuing agent classes as authorized to issue antlerless licenses. With these expanded issuing agent opportunities, the Commission is now able to implement full use of all the PALS license sales system services for antlerless licenses that have been available for other license types for many years, including online and over-the-counter sales. The Commission does not anticipate that this modernized sales process will result in a significantly different license purchasing experience for most antlerless deer license applicants as it expects that many of these purchases will be combined with other license product purchases a la carte at the beginning of the license year.

The Commission amends §§ 143.41—143.45 and deletes §§ 143.48—143.56 to eliminate the mail-in antlerless deer license application process and replace it with an online and over-the-counter process. These amendments make two notable changes to the antlerless deer license regulations. Under the first change, the eligibility criteria for the issuance of antlerless deer licenses outside of the allocations established to wildlife management units (WMU) have been slightly expanded to include additional eligibility for disabled veteran licenses. It should be noted that the proposed inclusion of landowner licenses in this expansion under the original proposed rulemaking has been deleted on final adoption to maintain conformity with section 2706(c) of the code (relating to resident license and fee exemptions). Under the second change, the antlerless deer license consecutive sales rounds timeline has been advanced a few weeks because of the elimination of the slower mail-in procedures. The remaining amendments to the regulatory text reorganize and reconstitute existing procedures and requirements for the distribution of antlerless deer licenses.

The Commission will continue to accept applications for antlerless deer licenses allocated to each WMU on a first-come, first-served basis through one or more sales rounds that will remain open until the supply of licenses is exhausted for each respective unit. This process will also maintain the familiar three-round application process that limits the distribution of one antlerless deer license per round followed by a fourth round of continuous over-the-counter sales for those WMUs with remaining allocations.

Section 2722(g)(2) of the code (relating to authorized license-issuing agents) provides that the Commission shall adopt regulations for “The administration, control and performance of activities conducted pursuant to the provisions of this chapter.” The amendments to §§ 143.41—143.45 and deletion of §§ 143.48—143.56 are adopted under this authority.

2. *Regulatory Requirements*

This final-form rulemaking amends §§ 143.41—143.45 and deletes §§ 143.48—143.56 to eliminate the mail-in antlerless deer license application process and replace it with an online and over-the-counter process.

3. *Persons Affected*

Persons wishing to apply for an antlerless deer license within this Commonwealth will be affected by this final-form rulemaking.

4. *Comment and Response Summary*

The Commission received two official written comments regarding this final-form rulemaking. The first comment opposed opening antlerless deer license sales on the same date as regular license sales, but was unclear on the reasons why this change was improper. The Commission has determined that the historical antlerless deer license sales process created an unnecessary and redundant process for customers to navigate. The Commission believes that the updates to the PALS licensing sales system allowing the sale of antlerless deer licenses on the same sales platform simultaneously alongside its other licensing products will better serve the public by reducing the necessity for and volume of licensing transactions occurring at different times and locations. Simply put, one-stop shopping was a significant goal under these changes.

The second comment expressed concern with the possibility of long lines at issuing agent locations that could result from individuals seeking their hunting license products within the same narrow timeframes. The Commission recognizes that there may be unanticipated challenges that result from this new antlerless deer license sales process, but what those challenges may be and how significant they may be is unknowable at this time. The Commission anticipates that the volume of customers interfacing the PALS license sales system at any given time will largely be controlled by customer purchasing habits and preferences. Issuing agents that fail to provide positive customer experiences during peak license purchasing periods with appropriate staffing and efficient operations procedures may see their customer base seek licensing services at other issuing agent locations. Because of this, the Commission believes that the commercial market will naturally self-correct most negative customer experiences. The Commission has developed communications for its various issuing agents to anticipate many of these challenges in advance.

5. *Cost and Paperwork Requirements*

This final-form rulemaking should not result in any additional cost or paperwork.

6. *Effective Date*

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding this final-form rulemaking, contact Jason L. DeCoskey, Director, Bureau of

Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

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

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 143, are amended by amending §§ 143.41—143.45 and deleting §§ 143.48—143.56 to read as set forth in Annex A.

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

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

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-491 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 143. HUNTING AND FURTAKER LICENSES

Subchapter C. ANTLERLESS DEER LICENSES

§ 143.41. General.

(a) The purpose of this subchapter is to implement a structure and process that provides for the fair and equitable distribution of the antlerless deer licenses allocated by the Commission to each wildlife management unit annually.

(b) The Commission will establish the annual allocation of antlerless deer licenses for each wildlife management unit after its review of available management data.

(c) The Commission will accept applications for antlerless deer licenses allocated to each wildlife management unit on a first-come, first-served basis through one or more sales rounds that will continue until the supply of licenses is exhausted for each wildlife management unit.

(d) [Reserved].

(e) Except as provided in subsection (f), notwithstanding the provisions of this subchapter limiting the total number of antlerless deer licenses allocated to each wildlife management unit, the Commission will establish a review process to authorize the issuance of licenses outside of the allocations established in each wildlife management unit to:

(1) A resident of this Commonwealth serving on active duty in the United States Armed Forces or in the United States Coast Guard or within 60 days of discharge from active duty under honorable conditions from the United States Armed Forces or United States Coast Guard.

(2) A disabled veteran as defined in § 2706(b)(1) and (1.1) of the act (relating to resident license and fee exemptions).

(3) An applicant whom the Commission has determined to have been erroneously denied an antlerless deer license.

(f) Except for subsection (e)(3), an eligible applicant may receive no more than one antlerless license each license year under any outside-of-allocation exception set forth in subsection (e). Should an applicant be eligible for two or more conditions, only one exception may be exercised each license year.

§ 143.42. Antlerless deer license required.

(a) *General rule.* Except as provided in subsection (b), a person must acquire and possess a valid antlerless deer license for an applicable wildlife management unit to lawfully hunt and take each antlerless deer within that unit during any open antlerless deer season established in § 139.4 (relating to seasons and bag limits for the license year). Each antlerless deer license is valid for taking only one antlerless deer only in the wildlife management unit designated on the license.

(b) *Exceptions.* The licensure requirements of subsection (a) do not apply to persons lawfully hunting antlerless deer in accordance with allowances and requirements of:

(1) The agricultural lands license exemption as set forth in section 2706(a) of the act (relating to resident license and fee exemptions).

(2) An applicable antlerless deer special permit issued by the Commission.

(3) The lawful cooperation and assistance authorizations or exceptions set forth in sections 2301(b) and 2325 of the act (relating to prima facie evidence of hunting; and cooperation after lawfully killing big game) and also § 141.43(e) (relating to deer seasons).

§ 143.43. Antlerless deer license eligibility and application.

(a) The Commission will make antlerless deer licenses available to eligible applicants for purchase through PALS online and at each of its current issuing agent locations across this Commonwealth.

(b) The Commission will only accept an application for an antlerless deer license from a person who meets all of the following criteria:

(1) The person either currently possesses a valid base hunting license or is making a contemporaneous purchase of a valid base hunting license with the application for an antlerless deer license.

(2) At the time of application, the person has not exceeded application limits for antlerless deer licenses as set forth in § 143.45 (relating to antlerless deer license application limits).

(3) The person has paid the applicable cost of the antlerless deer license, plus any applicable transactional and issuing agent fees established in section 2709 of the act (relating to license cost and fees).

(4) At the time of application, the person is not subject to any active hunting or furtaking license suspension or revocation.

§ 143.44. Antlerless deer license application schedule.

(a) *Application schedule.* The Commission will make antlerless deer licenses available for application through PALS online and at each of its current issuing agent locations across this Commonwealth according to the following distribution schedule:

(1) *Round 1.*

(i) Beginning the fourth Monday in June for all resident applicants.

(ii) Beginning the second Monday in July for all non-resident applicants.

(2) *Round 2.* Beginning the fourth Monday in July for all resident and nonresident applicants.

(3) *Round 3.* Beginning the second Monday in August for all resident and nonresident applicants.

(4) *Round 4.* Beginning the fourth Monday in August for all resident and nonresident applicants.

(b) *Application time.* The Commission will open sales on the date for each respective round of antlerless deer license sales beginning at 8 a.m. Eastern Daylight Time and sales will remain open thereafter for that respective round until allocations for each applicable wildlife management unit are exhausted.

§ 143.45. Antlerless deer license application limits.

(a) *Application limit.* Except as otherwise provided in subsections (b) and (c), an eligible applicant may submit only one antlerless deer license application for each open antlerless deer license sales round listed in § 143.44 (relating to antlerless deer license application schedule). The Commission will reject all applications in excess of these limits.

(b) *Catch-up allowance.* An eligible applicant may submit multiple antlerless deer license applications in a single transaction if the applicant has not previously applied for an antlerless deer license during one or more previous open rounds, and only then equal to the number of rounds currently open on the date of application.

(c) *Round 4 continuous sales.*

(1) Subject to the procedures and limitations of paragraph (2), an eligible applicant may submit multiple and continuous applications for antlerless deer licenses for each wildlife management unit whose antlerless deer license allocation remains unexhausted upon the opening of Round 4 of antlerless deer license sales on the date set forth in § 143.44. The authorizations of this subsection will terminate automatically for each wildlife management unit once its antlerless deer license allocation is exhausted.

(2) An eligible applicant may make one or more applications for antlerless deer licenses under this subsection only when the Commission's PALS licensing system shows five or less active and unfulfilled antlerless deer

licenses on the applicant’s license profile. Once an applicant has been issued a sixth cumulative active and unfulfilled antlerless deer license, the applicant will not be eligible to make reapplication for additional antlerless licenses until one or more previously issued antlerless licenses have been exhausted by harvest and the harvest or harvests have resulted in a verified completed harvest report in PALS. At no time is an applicant authorized to exceed six cumulative active and unfulfilled antlerless licenses in their PALS license profile.

(d) *Resident agricultural lands exception.* A person exercising the privileges of the license exemption provided under section 2706(a) of the act (relating to resident license and fee exemptions) on eligible lands is not entitled or required to obtain antlerless deer license(s) under this subchapter, but is subject to the same antlerless deer season limits that would otherwise apply to a licensed person hunting the wildlife management unit(s) covering the eligible lands as follows:

(1) *Rounds 1, 2 and 3.* An eligible person is authorized to harvest one deer for every antlerless deer license sales round, up to round 3, that is opened for the applicable wildlife management unit as set forth in § 143.44. Authorization to harvest an antlerless deer may not be acquired for a round subsequent to round 1, 2 or 3 if the allocation for the applicable wildlife management unit is exhausted before the subsequent round opens.

(2) *Round 4.* An eligible person is authorized to harvest multiple and continuous antlerless deer up to the limits and subject to the reporting requirements and closure dates of subsection (c). The authorizations of this paragraph will terminate automatically for an eligible person hunting within an applicable wildlife management unit once the wildlife management unit’s antlerless license allocation is exhausted.

- § 143.48. [Reserved].
- § 143.49. [Reserved].
- § 143.50. [Reserved].
- § 143.51. [Reserved].
- § 143.52. [Reserved].
- § 143.53. [Reserved].
- § 143.54. [Reserved].
- § 143.55. [Reserved].
- § 143.56. [Reserved].

[Pa.B. Doc. No. 23-762. Filed for public inspection June 9, 2023, 9:00 a.m.]

Title 58—RECREATION
GAME COMMISSION
[58 PA. CODE CH. 147]
Special Permits; Menageries

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 15, 2023, meeting amends § 147.282 (relating to

safety) to classify wildlife held by a menagerie into categories that match an associated level of exposure and public contact appropriate for that category of wildlife.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 53 Pa.B. 1695 (March 25, 2023).

1. *Purpose and Authority*

A menagerie has approached the Commission to request that its safety regulations concerning public exposure with certain wildlife held by a menagerie be relaxed. The Commission has reviewed the applicable regulations and determined that changes can be made to the regulation without exposing the public to unnecessary danger or harm. A menagerie is defined as “[a]ny place where one or more wild birds or wild animals, or one or more birds or animals which have similar characteristics and appearance to birds or animals wild by nature, are kept in captivity for the evident purpose of exhibition with or without charge.” The Commission amends § 147.282 to classify wildlife held by a menagerie into categories that match an associated level of exposure and public contact appropriate for the given category of wildlife. These changes will authorize menageries to remove additional species of wildlife from caging and directly expose them to the public, including wallabies, and all other wildlife outside of the families Ursidae, Felidae and Canidae. It should be noted that the proposed inclusion of nonhuman primates as category 2 wildlife under the original proposed rulemaking was amended on final adoption to redesignate them as category 3 wildlife. Under this updated structure, as written, nonhuman primates will be permitted to be removed from cages or confinement, but not directly exposed to the public.

Section 2901(b) of the code (relating to authority to issue permits) provides that “. . . the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” The amendments to § 147.282 are adopted under this authority.

2. *Regulatory Requirements*

This final-form rulemaking amends § 147.282 to classify wildlife held by a menagerie into categories that match an associated level of exposure and public contact appropriate for the given category of wildlife.

3. *Persons Affected*

Persons holding a menagerie permit or persons visiting a wildlife menagerie facility within this Commonwealth will be affected by this final-form rulemaking.

4. *Comment and Response Summary*

The Commission received seven official comments regarding this final-form rulemaking. Six comments opposed any expansion in public contact with any wildlife. One supported the reclassification of wildlife into categories that matched an associated level of exposure and public contact appropriate for the given category of wildlife.

5. *Cost and Paperwork Requirements*

This final-form rulemaking should not result in any additional cost or paperwork.

6. *Effective Date*

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding this final-form rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

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

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending § 147.282 to read as set forth in Annex A.

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

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

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-496 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter O. MENAGERIES

§ 147.282. Safety.

(a) Cage construction shall be sufficiently strong to contain the wildlife and to protect the animal from injury from other specimens on exhibit. Caging determined unsafe by Commission personnel shall be reconstructed as directed. Reconstruction shall be completed and approved within 30 days after official notification from the Commission.

(b) Except as provided in subsection (c), wildlife may not be removed from cages or directly exposed to the public. Safety barriers shall be present to adequately prevent the wildlife from touching, grasping or biting visitors. Barriers, such as walls, fences, moats, retaining rails and other necessary devices shall be present to prevent the public from approaching cages, pens, enclosures or areas near enough to contact the wildlife.

(c) Removal of wildlife from cages and public human contact with the following categories of wildlife is authorized only as follows:

(1) *Category 1 wildlife.* Ruminant animals may be moved from cages or confinement and directly exposed to the public, specifically to include public human contact, without restriction.

(2) *Category 2 wildlife.* Other wildlife not defined as Category 3 wildlife in paragraph (3), may be removed from cages or confinement and directly exposed to the public, specifically to include public human contact, only if the wildlife is under the immediate control of the handler to preclude danger to the public.

(3) *Category 3 wildlife.* Public human contact is not authorized for non-human primates and members of the families Ursidae, Felidae and Canidae. Members of the families Ursidae, Felidae and Canidae may not be removed from cages or confinement or directly exposed to the public.

[Pa.B. Doc. No. 23-763. Filed for public inspection June 9, 2023, 9:00 a.m.]

PROPOSED RULEMAKING

LIQUOR CONTROL BOARD

[40 PA. CODE CHS. 15 AND 17]

Hearings by Video Teleconference

The Liquor Control Board (Board), under the authority of section 207(i) of the Liquor Code (47 P.S. § 2-207(i)), proposes to add subsection (c) and rename § 15.46 (relating to hearings), add § 17.16 (relating to hearings on license applications) and amend and rename § 17.32 (relating to hearings), to read as set forth in Annex A.

Purpose of the Proposed Rulemaking

This proposed rulemaking specifies the manner in which hearings before the Office of Administrative Law Judge (OALJ), as well as hearings on license applications before the Board, will be conducted. Like other agencies and businesses, the Board and the OALJ, which is an autonomous office within the Board, faced an unprecedented challenge with the arrival of the novel coronavirus (COVID-19) public health emergency in March 2020. The executive orders and mandates of the Governor necessitated that many agencies transition to a telework environment to continue day-to-day operations and ensure continued service to citizens of this Commonwealth.

In September 2020, the Board began operating under temporary procedures for hearings conducted by electronic means, the procedures for which have been available on the Board's web site. The OALJ began conducting virtual hearings in November 2020. After extensive testing and revision, virtual hearings have proved extremely successful, offering a variety of benefits as discussed in further detail as follows. The Board believes making these hearing procedures permanent is in the public interest and therefore proposes to supplement and amend its regulations to provide clear guidance to the regulated community.

Since September 2020, hundreds of licensing hearings have been conducted by virtual means. Minimal in-person licensing hearings have been held since the COVID-19 emergency began in March 2020, although an in-person licensing hearing may be necessary under special circumstances. For example, the Board's Office of Chief Counsel held an in-person licensing hearing in October 2022, to accommodate the needs of participants. The OALJ has conducted dozens of virtual hearings since November 2020 and has yet to require an in-person hearing.

Since the implementation of virtual hearings, the Board, the OALJ and hearing participants have realized the following benefits:

1) *Cost savings.* Conducting hearings by virtual means has resulted in the complete elimination of several costs associated with traditional, in-person hearings. As a result of the transition to virtual hearings, Board personnel, hearing examiners, OALJ personnel and Pennsylvania State Police, Bureau of Liquor Control Enforcement (BLCE) personnel no longer generate transportation, lodging or meal expenses for the Commonwealth in connection with their participation in hearings at the administrative level, thus eliminating all travel costs.

By way of example, one Board attorney traveled 7,370 miles for administrative hearings in 2018 and 7,453 miles for administrative hearings in 2019, including numerous overnight trips. In contrast, that same attorney traveled 0

miles for administrative hearings in 2020 and 2021, generating no travel costs for administrative-level hearings.

Further, hearing examiners are compensated at \$250 per hour, including driving time, in addition to being reimbursed at the Internal Revenue Service's annual rate for mileage on any personal vehicle used when a hearing location is more than 50 miles from their principal place of business. Considering that there are only a few hearing examiners to cover the entire Commonwealth, the expense of that time and mileage is considerable when conducting in-person hearings but is completely eliminated through the use of virtual hearings.

Additionally, in-person hearings in certain locations of the Commonwealth routinely necessitated that the Board or the OALJ reserve the use of conference rooms to be used as a hearing space. However, as with travel expenses, virtual licensing hearings have eliminated this expense entirely.

Virtual hearings have also resulted in substantial cost savings for licensees. Licensees are able to participate in hearings from the location of their choosing, thereby reducing their own travel expenses, including any costs associated with an absence from their place of work. In addition, virtual hearings have afforded licensees the opportunity for reduced legal fees. Time spent by counsel traveling to participate in a hearing on the behalf of the licensee, and the associated fees for this time, may be greatly reduced thereby providing licensees with tangible savings in legal costs.

Finally, the exclusive use of electronic documents in virtual hearings has dramatically reduced the consumption of paper and other office supplies. It has also reduced the cost of postage for all parties.

2) *Increased productivity.* Travel for Board personnel, hearing examiners, OALJ personnel, BLCE personnel and any witnesses to and from in-person hearings throughout this Commonwealth primarily occurred during normal business hours. Virtual hearings eliminate travel time altogether, thereby enabling Board and BLCE attorneys to spend more time preparing cases, completing assignments and participating in hearings. Likewise, judges and hearing examiners can more efficiently use their time to get through their caseloads.

By way of illustration, the same attorney previously referenced, spent approximately 147 hours traveling in 2018 and 149 hours traveling in 2019. At a standard rate of 37.5 hours per week, that is roughly the equivalent of 4 full weeks of work per year spent traveling.

3) *Convenience for Hearing Participants.* Virtual hearings enable law enforcement witnesses, many of whom work overnight shifts or otherwise have demanding work schedules, to testify from a variety of locations including their home or police headquarters. Similarly, other participants such as witnesses and court reporters no longer bear the burden of traveling to in-person hearings.

The inherent flexibility of virtual hearings also simplifies scheduling and results in fewer continuances. Both the Board and the OALJ have received a significant amount of positive feedback from licensees or applicants, or both, and their counsel on the convenience of virtual hearings for all participants.

4) *Health and Safety.* COVID-19, including its new variants which continue to emerge, remains a potential threat to licensees, witnesses, attorneys, hearing examiners, judges, court reporters and Board employees. Travel only increases the likelihood of spreading disease from one office/household/community to another. Virtual hearings help protect the health and safety of all hearing participants and their families.

Additionally, by eliminating travel, the risk of traffic accidents while traveling for in-person hearings is eliminated. Over the years, Board employees have been involved in traffic accidents while traveling for in-person hearings. Without question, the inherent risks of roadway travel, especially travel during inclement weather, are eliminated by virtual hearings.

5) *Training/Monitoring opportunities.* Virtual hearings provide a convenient, non-intrusive opportunity for supervisors or new hires, or both, to listen in on a proceeding for training or employee oversight purposes. Furthermore, virtual hearings offer a convenient opportunity for collaboration and mentorship, for example, between Board attorneys and between OALJ judges.

6) *Superior performance.* Virtual hearings enable participants to use a variety of computer-based resources in real time during virtual hearings. Instant access to licensing records, legal research platforms, maps and other databases is either impossible or impractical when conducting in-person hearings. During virtual hearings, documents or information can be retrieved and presented without delay as the situation dictates, allowing for more effective advocacy and decreasing delays.

7) *Flexible scheduling.* Previously, both the Board and the OALJ had to coordinate the scheduling of multiple hearings on the same day, at the same location, to maximize travel efficiency. Unlike proceedings that are to be held in person, virtual hearings can be scheduled based purely on the availability of the participants.

For example, instead of forcing a license applicant from Montgomery County and an applicant from Erie County to wait until a hearing date can be scheduled in each respective area, both hearings may be heard on the same day. Similarly, the OALJ has previously had to delay the scheduling of hearings until there were a sufficient number of pending cases to warrant the expenses associated with in-person hearings; however, with virtual hearings, this is no longer a problem.

Moreover, the elimination of travel results in counsel, witnesses, judges, hearing examiners and court reporters having greater availability for hearings. Virtual hearings are also far less likely to be canceled due to inclement weather or be delayed due to traffic issues, thereby increasing efficiency and judicial economy.

8) *Environmental impact.* Virtual licensing hearings alleviate the environmental impact of travel and its accompanying fossil fuel consumption and resulting emissions. Moreover, the exclusive use of electronic computer-based files in virtual hearings results in far less consumption of paper and printer ink, along with a reduction in the amount of wastepaper being generated.

9) *Employee morale/retention.* Work-related travel presents a hardship for employees and their families, especially those with dependent children. In addition to eliminating this hardship, virtual hearings reduce other work-related stresses thereby enhancing morale, reducing employee turnover, and helping to make the Board and OALJ more desirable workplaces when filling vacancies.

10) *Continuity of government.* Like all Commonwealth agencies, the Board and the OALJ maintain plans for the continuity of government in the event of circumstances which may disrupt the ability to operate. The recent COVID-19 public health emergency illustrated this contingency. Given the magnitude of that disruption, it is fair to say that while agency continuity of operations plans are comprehensive, they cannot anticipate every contingency. Virtual hearings will augment the Board and OALJ's continuity of operations plans and further protect against future disruptions including any future public health emergencies that may require social distancing.

Although the transition to virtual hearings on an interim basis has been largely successful, the Board has occasionally received some pushback from participants. These issues mostly dealt with participants allegedly not having access to the requisite technology and were promptly addressed by the Board. Likewise, the OALJ has received immensely positive feedback, with the only negative responses being from a handful of attorneys who indicated that they had no desire to learn or use a new technology. That said, prior to the implementation of virtual hearings, the Board and OALJ were accustomed to addressing accommodation requests from participants for hearings held in-person. Should a situation arise that necessitates that a particular hearing be held in-person, the Board and OALJ retain the ability to do so. However, over the course of the past 2 years, adjustments have been made to improve the efficiency and convenience of virtual hearings while preserving the integrity of the legal process, so that in-person hearings are rarely, if ever, necessary. Further improvements will continue to be made going forward to provide ever-increasing convenience and access to the Board and OALJ's administrative hearings.

Explanation of the Proposed Rulemaking

Under section 464 of the Liquor Code (47 P.S. § 4-464), the Board is authorized to "fix a time and place for hearing" on license applications, which include non-renewal matters and transfers. Section 464 places few requirements on the conduct of these hearings and leaves many of the specifics to the Board's discretion. Similarly, under § 15.46(a) of the Board's regulations, hearings before the OALJ are conducted in accordance with 1 Pa. Code §§ 35.121—35.128 and 35.131—35.133 (relating to hearing; and transcript), that is, the General Rules of Administrative Practice and Procedure. Of those provisions, the only general requirement pertaining to the time and place of hearings states that the agency will initiate hearings by issuance of an order or notice. 1 Pa. Code § 35.121 (relating to initiation of hearings).

Accordingly, § 15.46 of the Board's regulations is proposed to be amended to add subsection (c). Subsection (c) specifies that hearings before the OALJ will generally be conducted virtually, although the OALJ has the discretion to hold in-person hearings. Additionally, § 15.46 is proposed to be renamed to clarify that it is applicable only to hearings before the OALJ.

Section 17.16 is proposed to be added to the Board's regulations. Subsection (a) provides for various pre-hearing procedures that have generally been in place since the start of the COVID-19 pandemic, albeit informally. Specifically, subsection (a) requires the parties to exchange pre-marked exhibits prior to the scheduled date of a hearing and provides that objections relating to an exhibit must be made at the time the proponent moves for admission during the hearing. It further gives the Board's Office of Chief Counsel and the assigned hearing

examiner discretion to require the submission of pre-hearing memoranda. Subsection (b) allows for pre-hearing conferences, conducted by means of telephone, upon the request of a party. Subsection (c) specifies that hearings on licensing matters will generally be conducted virtually, although the Board's Office of Chief Counsel has the discretion to hold in-person hearings. It further provides the procedure for the scheduling of hearings as well the requirements for participation. It also requires the Board to publish a dial-in number on the Board's web site to allow members of the public to listen in to any licensing hearing.

Finally, § 17.32(a) is proposed to be amended to allow for virtual hearings. Further, since § 17.16 governs hearings on license applications, § 17.32(a), which is simply titled "Hearings," could cause confusion. Section 17.32 is therefore proposed to be renamed to clarify that it is applicable only to hearings on supersedeas applications.

Affected Parties

Parties to a licensing hearing before the Board, as well as a hearing before the OALJ, will be affected. Additionally, any witnesses or other hearing participants will be affected.

Paperwork Requirements

This proposed rulemaking requires Board attorneys and licensees/applicants or their counsel to exchange pre-marked exhibits electronically prior to the hearing. It also requires the Board to provide advance notice and instructions electronically to hearing participants. While this proposed rulemaking codifies the Board's pre-hearing procedures, such as, the exchange of exhibits, these procedures have been in place informally for many years.

Fiscal Impact

This proposed rulemaking is expected to have a positive fiscal impact on the Board, including the OALJ, as well as the BLCE, licensees and applicants, as previously explained.

Effective Date

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

Public Comments

Interested persons are invited to submit written comments about this proposed rulemaking to Rodrigo Diaz, Chief Counsel, or Justin Blake, Assistant Counsel, Office of Chief Counsel, Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001, or ra-lblegal@pa.gov, within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. E-mail is preferred. When commenting, individuals should indicate if they wish to be apprised of future developments regarding this proposed rulemaking, and include a name, address and e-mail address. Comments submitted by facsimile will not be accepted.

Public comments will be posted on the Independent Regulatory Review Commission's (IRRC) web site. Personal information will not be redacted from the public comments received.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 18, 2023, the Board submitted a copy of the proposed regulation to IRRC and to the Chairpersons of the House Liquor Control Committee and Senate Committee on Law and Justice. A copy of this material is available to the public upon request.

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

TIM HOLDEN,
Chairperson

Fiscal Note: 54-103. No fiscal impact; recommends adoption.

Annex A

TITLE 40. LIQUOR

PART I. LIQUOR CONTROL BOARD

CHAPTER 15. SPECIAL RULES OF ADMINISTRATIVE PRACTICE AND PROCEDURE REGARDING MATTERS BEFORE THE OFFICE OF ADMINISTRATIVE LAW JUDGE

Subchapter D. FORMAL PROCEEDINGS

§ 15.46. Hearings before the OALJ.

(a) Hearings shall be in accordance with 1 Pa. Code §§ 35.121—35.128 and 35.131—35.133 (relating to hearing; and transcript).

(b) No person except the reporter engaged by the OALJ to record its proceedings may record mechanically or electronically a part of the proceedings in a hearing.

(c) Hearings before the OALJ shall be conducted by video teleconference. Hearings may be conducted in-person at the discretion of the ALJ.

CHAPTER 17. SPECIAL RULES OF PRACTICE AND PROCEDURE FOR MATTERS BEFORE THE BOARD

Subchapter B. LICENSE APPLICATIONS

(Editor's Note: The following section is proposed to be added and is printed in regular type to enhance readability.)

§ 17.16. Hearings on license applications.

(a) *Pre-hearing procedures.*

(1) No later than 2 weeks prior to the date of the hearing, the assigned attorney for the Board's Bureau of Licensing shall electronically forward all Licensing exhibits to the parties, the hearing examiner and the court reporter. When submitting exhibits, the Licensing attorney shall identify the hearing by licensee or applicant name, hearing date and time. Each exhibit must be a separate PDF file named and marked according to its Licensing exhibit number (for example, B1, B2 and the like).

(2) Licensees, applicants, protestants or intervenors, or their counsel, shall electronically submit all exhibits to ra-lbhearings@pa.gov at least 3 business days prior to the date of the hearing. When submitting exhibits, each participant shall, within the subject field of the e-mail, identify the hearing by licensee or applicant name, hearing date and time. Each exhibit must be a separate PDF file and must be named and marked as follows:

(i) For a license applicant, each exhibit must be named: A1, A2 and the like.

(ii) For an existing licensee, each exhibit must be named: L1, L2 and the like.

(iii) For a protestant or intervenor, each exhibit must be marked with the protestant or intervenor's name, followed by a sequential number, such as, Smith1, Smith2 and the like.

(3) Failure to provide a copy of an exhibit prior to the hearing may be grounds for its exclusion.

(4) Objections relating to exhibits shall be made during the hearing, at the time the party moves for admission.

(5) The hearing examiner or the Office of Chief Counsel of the Board may require the submission of pre-hearing memoranda to address issues that may arise at the hearing.

(b) *Pre-hearing conferences.*

(1) Upon the request of any party or the hearing examiner, and subject to approval by the Office of Chief Counsel of the Board, a telephonic pre-hearing conference may be held with the hearing examiner. A party requesting a pre-hearing conference shall submit this request, including the reasons therefore, to the Office of Chief Counsel of the Board and all other parties by means of e-mail.

(2) Pre-hearing conferences may be held no earlier than 14 days, and no later than 3 days, prior to the scheduled date of the hearing.

(3) Notwithstanding the 3-business-day requirement of subsection (a)(2), parties shall electronically exchange all exhibits at least 1 business day prior to a pre-hearing conference.

(c) *Scheduling of hearings and requirements for participation.*

(1) Hearings shall be conducted by video teleconference, unless the Office of Chief Counsel of the Board determines otherwise.

(2) Hearing attendees who participate in a hearing shall use both the audio and video functions of the Internet-based videoconferencing software. Each partici-

pant testifying as a witness shall use a separate electronic device with its own camera and microphone. Unless approved by the Office of Chief Counsel of the Board or the parties agree otherwise, no witness may testify using a device that is shared with another person. However, witnesses may share an electronic device with counsel during the times that the individual is not actively testifying.

(3) The Office of Chief Counsel of the Board will electronically send notice to the parties and the hearing examiner of the date and time set for the hearing. This notice will include the hyperlink needed to access the hearing. Hearing participants who have not received the required hyperlink shall request access by sending an e-mail to ra-lbhearings@pa.gov no later than 3 business days prior to the scheduled hearing.

(4) The Board will provide written instructions explaining the virtual hearing requirements on its web site. Hearing participants requiring assistance shall contact ra-lbhearings@pa.gov no later than 3 business days prior to the hearing to schedule a test of the Internet-based videoconferencing software.

(5) The Board will provide the dial-in number and corresponding access code for each hearing on its web site, to allow members of the public to listen in by telephone.

(d) This section supplements 1 Pa. Code Chapter 35, Subchapter B (relating to hearings and conferences).

Subchapter D. SUPERSEDEAS

§ 17.32. Hearings on supersedeas applications.

(a) The Board may schedule a hearing for the purpose of receiving relevant evidence on the issue of the grant or the removal of a supersedeas. The hearing may be scheduled and held within 10 days of the mailing date of the notice. Continuances will be granted solely at the discretion of the Board. **Hearings will be conducted by video teleconference, unless the Office of Chief Counsel of the Board determines otherwise.**

[Pa.B. Doc. No. 23-764. Filed for public inspection June 9, 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 May 30, 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

Consolidations, Mergers and Absorptions

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Action</i> |
|-------------|--|---------------|
| 05-19-2023 | Mid Penn Bank Millersburg Dauphin County, PA Application for approval to merge Brunswick Bank and Trust Company, New Brunswick, NJ, with and into Mid Penn Bank, Millersburg, PA. | Effective |

Branch Applications

De Novo Branches

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Location of Branch</i> | <i>Action</i> |
|-------------|--|--|---------------|
| 05-18-2023 | Univest Bank and Trust Co. Souderton Montgomery County | 25 Jacksonville Road Warminster Bucks County | Withdrawn |

CREDIT UNIONS

No activity.

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

WENDY S. SPICHER,
Interim Acting Secretary

[Pa.B. Doc. No. 23-765. Filed for public inspection June 9, 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 and select Businesses, Water, Bureau of Clean Water, Wastewater Management, and NPDES and WQM Permitting Programs).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEP will also accept requests or petitions for public hearings on applications. The request or petition must indicate the interest of the party filing and the reasons why a hearing is warranted. A hearing will be held if DEP determines that there is a significant public interest. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. DEP will postpone its final determination until after a public hearing is held.

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

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

| <i>Application Number</i> | <i>Permit Type</i> | <i>Application Type</i> | <i>Applicant Name & Address</i> | <i>Municipality, County</i> | <i>DEP Office</i> |
|---------------------------|---|-------------------------|--|---|-------------------|
| PAS406101 | Industrial Stormwater Individual NPDES Permit | Transfer | Desotec US LLC 118 Park Road Darlington, PA 16115-1636 | Darlington Township Beaver County | SWRO |
| 1520810 | Joint DEP/PFBC Pesticides Permit | Amendment | Mumma Kristina 128 Trinley Street Pottstown, PA 19465-7740 | South Coventry Township Chester County | SERO |
| 3622810 | Joint DEP/PFBC Pesticides Permit | Amendment | Willow Valley Retirement Community 425 Willow Valley Lakes Drive Willow Street, PA 17584-9662 | West Lampeter Township Lancaster County | SCRO |
| 3623806 | Joint DEP/PFBC Pesticides Permit | New | Meadows of Lyndon 310 Waters Edge Drive Lancaster, PA 17602-4698 | West Lampeter Township Lancaster County | SCRO |
| 4371415 | Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit | Amendment | Vacationland Properties Owner LLC 760 Osterman Drive Suite 201 Unit 2 Bozeman, MT 59715-7948 | Deer Creek Township Mercer County | NWRO |
| NOEXNW232 | No Exposure Certification | New | Berry Global Inc. 316 W 16th Street Erie, PA 16502-1807 | Erie City Erie County | NWRO |
| NOEXSE198 | No Exposure Certification | Renewal | United Chemicals Tech 2731 Bartram Road Bristol, PA 19007-6810 | Bristol Township Bucks County | SERO |
| NOEXSW236 | No Exposure Certification | New | Leedsworld Inc. 115 Hunt Valley Road New Kensington, PA 15068 | Washington Township Westmoreland County | SWRO |
| NOEXSW237 | No Exposure Certification | New | Leedsworld Inc. 400 Hunt Valley Road New Kensington, PA 15068-7059 | Upper Burrell Township Westmoreland County | SWRO |
| NOEXSW238 | No Exposure Certification | New | Leedsworld Inc. 400 Hunt Valley Road New Kensington, PA 15068-7059 | Upper Burrell Township Westmoreland County | SWRO |
| NOEXSW239 | No Exposure Certification | New | Versatex Bldg Products LLC 400 Steel Street Aliquippa, PA 15001-5420 | Aliquippa City Beaver County | SWRO |

| <i>Application Number</i> | <i>Permit Type</i> | <i>Application Type</i> | <i>Applicant Name & Address</i> | <i>Municipality, County</i> | <i>DEP Office</i> |
|---------------------------|--|-------------------------|---|---|-------------------|
| PAG030109 | PAG-03 NPDES General Permit for Industrial Stormwater | Renewal | HP Hood LLC 6 Kimball Lane Lynnfield, MA 01940-2682 | Philadelphia City Philadelphia County | SERO |
| PAG032366 | PAG-03 NPDES General Permit for Industrial Stormwater | Renewal | Cera Met LLC 2175 Avenue C Bethlehem, PA 18017-2119 | Bethlehem City Lehigh County | NERO |
| PAG033616 | PAG-03 NPDES General Permit for Industrial Stormwater | Renewal | Shaffer Trucking Inc. 400 NW 56th Street Lincoln, NE 68528 | Silver Spring Township Cumberland County | SCRO |
| PAG034021 | PAG-03 NPDES General Permit for Industrial Stormwater | Renewal | Zeigler Bros Inc. 400 Gardners Station Road Gardners, PA 17324 | East Berlin Borough Adams County | SCRO |
| PAG034022 | PAG-03 NPDES General Permit for Industrial Stormwater | Renewal | Zeigler Bros Inc. 400 Gardners Station Road Gardners, PA 17324-0095 | Tyrone Township Adams County | SCRO |
| PAG034878 | PAG-03 NPDES General Permit for Industrial Stormwater | Renewal | Russell Real Estate 2640 Greenville Pike Grampian, PA 16838-9201 | Lawrence Township Clearfield County | NCRO |
| PAG035030 | PAG-03 NPDES General Permit for Industrial Stormwater | Renewal | Lycoming County P.O. Box 187 447 Alexander Drive Montgomery, PA 17752-0187 | Brady Township Lycoming County | NCRO |
| PAG035031 | PAG-03 NPDES General Permit for Industrial Stormwater | Renewal | Washita Valley Enterprises P.O. Box 94160 Oklahoma City, OK 73143-4160 | Sheshequin Township Bradford County | NCRO |
| PAG035032 | PAG-03 NPDES General Permit for Industrial Stormwater | Renewal | Lycoming County P.O. Box 187 447 Alexander Drive Montgomery, PA 17752-0187 | Williamsport City Lycoming County | NCRO |
| PAG036239 | PAG-03 NPDES General Permit for Industrial Stormwater | Renewal | Washita Valley Enterprises P.O. Box 94160 Oklahoma City, OK 73143 | South Union Township Fayette County | SWRO |
| PAG036535 | PAG-03 NPDES General Permit for Industrial Stormwater | Renewal | SH Bell Co. 2217 Michigan Avenue East Liverpool, OH 43920-3637 | Ohioville Borough Beaver County | SWRO |
| PAG036536 | PAG-03 NPDES General Permit for Industrial Stormwater | Renewal | Darling Ingredients Inc. 275 Alisa Street Somerset, PA 15501-7763 | Somerset Township Somerset County | SWRO |
| PAG038458 | PAG-03 NPDES General Permit for Industrial Stormwater | Renewal | Seneca Resources Co. LLC 51 Zents Boulevard Brookville, PA 15825-2701 | Kane Borough McKean County | NWRO |
| 2523416 | Single Residence Sewage Treatment Plant Individual WQM Permit | New | Kuhn Dana N 9580 Route 6N Albion, PA 16401-8214 | Elk Creek Township Erie County | NWRO |
| WQG02022301 | WQG-02 WQM General Permit | New | Findlay Township Municipal Authority 90 Strouss Road Imperial, PA 15126-2174 | Findlay Township 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

PA0232815, Industrial, SIC Code 4941, **Sunbury City Municipal Authority, Northumberland County**, 462 S 4th Street, Sunbury, PA 17801-3134. Facility Name: Sunbury Municipal Authority Water System. This existing facility is located in Sunbury City, **Northumberland 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), Little Shamokin Creek (CWF, MF), is located in State Water Plan watershed 6-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 Outfall 001 are based on a design flow of 2.8849 MGD.

| <i>Parameters</i> | <i>Mass Units (lbs/day)</i> | | <i>Minimum</i> | <i>Concentrations (mg/L)</i> | | <i>IMAX</i> |
|--|-----------------------------|-----------------------|----------------|------------------------------|---------------------|-------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | | <i>Average Monthly</i> | <i>Maximum</i> | |
| Temperature (°F) - Interim | XXX | XXX | XXX | XXX | Report Daily Max | XXX |
| Temperature (°F) Sep 1 - Apr 30 - Final | XXX | XXX | XXX | XXX | Report Daily Max | XXX |
| May 1 - 15 - Final | XXX | XXX | XXX | XXX | 56.9 Daily Max | XXX |
| May 16 - 31 - Final | XXX | XXX | XXX | XXX | 60.9 Daily Max | XXX |
| Jun 1 - 15 - Final | XXX | XXX | XXX | XXX | 64.5 Daily Max | XXX |
| Jun 16 - 30 - Final | XXX | XXX | XXX | XXX | 68.5 Daily Max | XXX |
| Jul 1 - 31 - Final | XXX | XXX | XXX | XXX | 72.3 Daily Max | XXX |
| Aug 1 - 31 - Final | XXX | XXX | XXX | XXX | 71.2 Daily Max | XXX |
| Total Nitrogen | XXX | Report Daily Max | XXX | XXX | Report Daily Max | XXX |
| Total Phosphorus | XXX | Report Daily Max | XXX | XXX | Report Daily Max | XXX |

The proposed effluent limits for Outfall 101 are based on a design flow of 0.063 MGD.

| <i>Parameters</i> | <i>Mass Units (lbs/day)</i> | | <i>Minimum</i> | <i>Concentrations (mg/L)</i> | | <i>IMAX</i> |
|-------------------------------|-----------------------------|----------------------|-----------------|------------------------------|----------------------|-------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | | <i>Average Monthly</i> | <i>Daily Maximum</i> | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 Inst Min | XXX | XXX | 9.0 |
| Total Residual Chlorine (TRC) | XXX | XXX | XXX | 0.5 | XXX | 1.0 |
| Total Suspended Solids | XXX | XXX | XXX | 30.0 | XXX | 60.0 |
| Aluminum, Total | XXX | XXX | XXX | 4.0 | XXX | 8.0 |
| Arsenic, Total | XXX | XXX | XXX | Report | Report | XXX |
| Cadmium, Total (ug/L) | 0.001 | 0.002 | XXX | 2.27 | 3.54 | 5.67 |
| Iron, Total | XXX | XXX | XXX | 2.0 | XXX | 4.0 |
| Manganese, Total | XXX | XXX | XXX | 1.0 | XXX | 2.0 |
| Selenium, Total | 0.023 | 0.036 | XXX | 0.0434 | 0.0677 | 0.109 |
| Zinc, Total | XXX | XXX | XXX | Report | Report | XXX |

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

- Schedule of Compliance

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.

Northwest Regional Office

PA0265365, Sewage, SIC Code 8800, **Francis Simendinger**, 1182 E Lake Road, Transfer, PA 16154-2724. Facility Name: Francis Simendinger SRSTP. This existing facility is located in Delaware Township, **Mercer 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 Shenango River (WWF), 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 ₅) | XXX | XXX | XXX | 10.0 | XXX | 20 |
| Total Suspended Solids | XXX | XXX | XXX | 10.0 | XXX | 20 |
| Fecal Coliform (No./100 ml) | XXX | XXX | XXX | 200 | XXX | XXX |

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0265381, Sewage, SIC Code 8800, **Barry & Karen Smock**, 13001 Kline Road, Edinboro, PA 16412-1767. Facility Name: Barry & Karen Smock SRSTP. This existing facility is located in Washington Township, **Erie County**.

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

The receiving stream(s), Unnamed Tributary of Little Conneauttee Creek (CWF), is located in State Water Plan watershed 16-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 .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 ₅) | XXX | XXX | XXX | 10.0 | XXX | 20.0 |
| Total Suspended Solids | XXX | XXX | XXX | 10.0 | XXX | 20.0 |
| Fecal Coliform (No./100 ml) | XXX | XXX | XXX | 200 | XXX | XXX |

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0265403, Sewage, SIC Code 8800, **Brandon Martin & Dominique Rick**, 24291 State Highway 77 and 89, Spartansburg, PA 16434-3443. Facility Name: Brandon Martin & Dominique Rick SRSTP. This existing facility is located in Sparta Township, **Crawford 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 East Branch Oil Creek (CWF), is located in State Water Plan watershed 16-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

| <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 ₅) | XXX | XXX | XXX | 10.0 | XXX | 20 |

| <i>Parameters</i> | <i>Mass Units (lbs/day)</i> | | <i>Minimum</i> | <i>Concentrations (mg/L)</i> | | <i>IMAX</i> |
|-----------------------------|-----------------------------|-----------------------|----------------|------------------------------|----------------|-------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | | <i>Annual Average</i> | <i>Maximum</i> | |
| 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

PA0265543, Sewage, SIC Code 4952, 8800, **James Lane**, 3229 Davison Road, Harborcreek, PA 16421. Facility Name: James Lane SRSTP. This existing facility is located in Harborcreek Township, **Erie County**.

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

The receiving stream is an Unnamed Tributary to Elliotts Run, located in State Water Plan watershed 15-A and classified for Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

| <i>Parameters</i> | <i>Mass Units (lbs/day)</i> | | <i>Minimum</i> | <i>Concentrations (mg/L)</i> | | <i>IMAX</i> |
|---|-----------------------------|-----------------------|-----------------|------------------------------|----------------|-------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | | <i>Annual Average</i> | <i>Maximum</i> | |
| Flow (GPD) | Report Annl Avg | XXX | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 Inst Min | XXX | XXX | 9.0 |
| Biochemical Oxygen Demand (BOD ₅) | XXX | XXX | XXX | 10.0 | XXX | 20.0 |
| Total Suspended Solids | XXX | XXX | XXX | 10.0 | XXX | 20.0 |
| Fecal Coliform (No./100 ml) | XXX | XXX | XXX | 200 | XXX | 1,000 |

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

The EPA Waiver is in effect.

Northwest Regional Office

PA0293253, Sewage, SIC Code 8800, **Shawn T Watson**, 754 Squaw Valley Road, Emlenton, PA 16373-2706. Facility Name: Shawn Watson SRSTP. This proposed facility is located in Scrubgrass Township, **Venango County**.

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

The receiving stream(s), Unnamed Tributary to Allegheny River (CWF (existing use)), is located in State Water Plan watershed 16-G and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

| <i>Parameters</i> | <i>Mass Units (lbs/day)</i> | | <i>Minimum</i> | <i>Concentrations (mg/L)</i> | | <i>IMAX</i> |
|---|-----------------------------|-----------------------|-----------------|------------------------------|----------------|-------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | | <i>Annual Average</i> | <i>Maximum</i> | |
| Flow (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 ₅) | XXX | XXX | XXX | 10.0 | XXX | 20 |
| Total Suspended Solids | XXX | XXX | XXX | 10.0 | XXX | 20 |
| Fecal Coliform (No./100 ml) | XXX | XXX | XXX | 200 | XXX | XXX |

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

The EPA Waiver is in effect.

Southcentral Regional Office

PA0029947, Sewage, SIC Code 8211, **Southern Huntingdon County School District**, 10339 Pogue Road, Three Springs, PA 17264-8537. Facility Name: Spring Farms Elementary School. This existing facility is located in Clay Township, **Huntingdon County**.

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

The receiving stream(s), Unnamed Tributary to Spring Creek (CWF), is located in State Water Plan watershed 12-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 0.00533 MGD.—Limits.

| Parameters | Mass Units (lbs/day) | | | Concentrations (mg/L) | | IMAX |
|---|----------------------|---------------|---------|-----------------------|---------|--------|
| | Average Monthly | Daily Maximum | Minimum | Average Monthly | Maximum | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| Total Residual Chlorine (TRC) | XXX | XXX | XXX | 0.3 | XXX | 1.0 |
| Carbonaceous Biochemical Oxygen Demand (CBOD ₅) | XXX | XXX | XXX | 25.0 | XXX | 50.0 |
| Total Suspended Solids | XXX | XXX | XXX | 30.0 | XXX | 60.0 |
| Fecal Coliform (No./100 ml) | XXX | XXX | XXX | 200 | XXX | 1,000 |
| May 1 - Sep 30 | | | | Geo Mean | | |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 | XXX | 10,000 |
| E. Coli (No./100 ml) | | | | Geo Mean | | |
| Ammonia-Nitrogen | XXX | XXX | XXX | XXX | XXX | Report |
| May 1 - Oct 31 | | | | 7.5 | XXX | 15.0 |
| Nov 1 - Apr 30 | XXX | XXX | XXX | 22.5 | XXX | XXX |

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

| Parameter | Mass Units (lbs) | | Effluent Limitations Concentrations (mg/L) | | |
|----------------------|------------------|--------|--|---------|------------------|
| | Quarterly | Annual | Quarterly Average | Maximum | Instant. Maximum |
| Ammonia—N | Report | Report | Report | XXX | XXX |
| Kjeldahl—N | Report | XXX | Report | XXX | XXX |
| Nitrate-Nitrite as N | Report | XXX | Report | XXX | XXX |
| Total Nitrogen | Report | Report | Report | XXX | XXX |
| Total Phosphorus | Report | Report | Report | XXX | XXX |

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

- Chesapeake Bay nutrients monitoring
- Chlorine minimization
- Notification of designation of responsible operator
- Solids management for non-lagoon system

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

The EPA Waiver is in effect.

Southcentral Regional Office

PA0082368, Sewage, SIC Code 4952, **Abbottstown Paradise Joint Sewer Authority, Adams County**, P.O. Box 505, Abbottstown, PA 17301-0505. Facility Name: Abbottstown Paradise STP. This existing facility is located in Hamilton Township, **Adams 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), Beaver Creek (WWF), is located in State Water Plan watershed 7-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.35 MGD.—Limits.

| Parameters | Mass Units (lbs/day) | | | Concentrations (mg/L) | | IMAX |
|------------------|----------------------|----------------|---------------|-----------------------|----------------|------|
| | Average Monthly | Weekly Average | Daily Minimum | Average Monthly | Weekly Average | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | 9.0 | XXX |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |

| Parameters | Mass Units (lbs/day) | | Daily Minimum | Concentrations (mg/L) | | IMAX |
|---|----------------------|----------------|---------------|-----------------------|----------------|--------|
| | Average Monthly | Weekly Average | | Average Monthly | Weekly Average | |
| CBOD ₅ | 43.0 | 60.0 | XXX | 15.0 | 22.0 | 30.0 |
| May 1 - Oct 31 | | | | | | |
| Nov 1 - Apr 30 | 70.0 | 115 | XXX | 25.0 | 40.0 | 50.0 |
| BOD ₅ | Report | Report | XXX | Report | XXX | XXX |
| Raw Sewage Influent | | Daily Max | | | | |
| Total Suspended Solids | 85.0 | 130 | XXX | 30.0 | 45.0 | 60.0 |
| Total Suspended Solids | Report | Report | XXX | Report | XXX | XXX |
| Raw Sewage Influent | | Daily Max | | | | |
| Fecal Coliform (No./100 ml) | XXX | XXX | XXX | 200 | XXX | 1,000 |
| May 1 - Sep 30 | | | | Geo Mean | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 2,000 | XXX | 10,000 |
| | | | | Geo Mean | | |
| E. Coli (No./100 ml) | XXX | XXX | XXX | XXX | XXX | Report |
| Ammonia-Nitrogen | 4.0 | XXX | XXX | 1.5 | XXX | 3.0 |
| May 1 - Oct 31 | | | | | | |
| Nov 1 - Apr 30 | 13.0 | XXX | XXX | 4.5 | XXX | 9.0 |
| Total Phosphorus | 5.8 | XXX | XXX | 2.0 | XXX | 4.0 |
| Ultraviolet light dosage (mWsec/cm ²) | XXX | XXX | Report | XXX | XXX | XXX |

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

| 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 |

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

- Chesapeake Bay nutrients monitoring requirement, Solids management for non-lagoon system, SBR batch discharge condition, Notification of designation of responsible operator, and hauled in waste restriction.

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

PA0082759, Sewage, SIC Code 4952, **Hopewell Township, Huntingdon County**, 1115 Dorman Road, James Creek, PA 16657-9512. Facility Name: Shy Beaver Lakeview Estates. This existing facility is located in Hopewell Township, **Huntingdon County**.

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

The receiving stream(s), Unnamed Tributary to Shy Beaver Creek (WWF), is located in State Water Plan watershed 11-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0063 MGD.—Limits.

| Parameters | Mass Units (lbs/day) | | Minimum | Concentrations (mg/L) | | IMAX |
|---|----------------------|----------------|---------|-----------------------|----------------|------|
| | Average Monthly | Weekly Average | | Average Monthly | Weekly Average | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | 9.0 | XXX |
| | | Daily Max | | | Daily Max | |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| Total Residual Chlorine (TRC) | XXX | XXX | XXX | 0.5 | XXX | 1.6 |
| Carbonaceous Biochemical Oxygen Demand (CBOD ₅) | 0.5 | 0.7 | XXX | 10.0 | 15.0 | 20.0 |
| BOD ₅ | Report | Report | XXX | Report | XXX | XXX |
| Raw Sewage Influent | | Daily Max | | | | |
| Total Suspended Solids | Report | Report | XXX | Report | XXX | XXX |
| Raw Sewage Influent | | Daily Max | | | | |

| Parameters | Mass Units (lbs/day) | | Minimum | Concentrations (mg/L) | | IMAX |
|-----------------------------|----------------------|----------------|---------|-----------------------|----------------|--------|
| | Average Monthly | Weekly Average | | Average Monthly | Weekly Average | |
| Total Suspended Solids | 0.5 | 0.7 | XXX | 10.0 | 15.0 | 20.0 |
| Fecal Coliform (No./100 ml) | XXX | XXX | XXX | 200 | XXX | 1,000 |
| May 1 - Sep 30 | | | | Geo Mean | | |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 | XXX | 10,000 |
| | | | | Geo Mean | | |
| E. Coli (No./100 ml) | XXX | XXX | XXX | XXX | XXX | Report |
| Ammonia-Nitrogen | XXX | XXX | XXX | Report | XXX | XXX |
| Total Phosphorus | 0.11 | XXX | XXX | 2.0 | XXX | 4.0 |

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

| Parameters | Mass Units (lbs) | | Effluent Limitations | | |
|----------------------|------------------|--------|----------------------|-------------------------------|------------------|
| | Monthly | Annual | Annual Average | Concentrations (mg/L) Maximum | Instant. Maximum |
| Ammonia—N | XXX | Report | Report | XXX | XXX |
| Kjeldahl—N | XXX | XXX | Report | XXX | XXX |
| Nitrate-Nitrite as N | XXX | XXX | Report | XXX | XXX |
| Total Nitrogen | XXX | Report | Report | XXX | XXX |
| Total Phosphorus | XXX | Report | Report | XXX | XXX |

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

- Chesapeake Bay nutrients monitoring, notification of designation of responsible operator, solids management for non-lagoon system, hauled-in waste restriction, and Chlorine minimization.

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

PA0083836, Sewage, SIC Code 3999, **Pine Run Management LLC**, 2846 Main Street, Suite 12A, Morgantown, PA 19543-0677. Facility Name: Pine Run MHP. This existing facility is located in Hamilton Township, **Adams County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.04 MGD.—Limits.

| Parameters | Mass Units (lbs/day) | | Daily Minimum | Concentrations (mg/L) | | Instant. Maximum |
|---|----------------------|----------------|---------------|-----------------------|---------|------------------|
| | Average Monthly | Average Weekly | | Average Monthly | Maximum | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| | | Daily Max | | | | |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | 9.0 | XXX |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| Ultraviolet light intensity (mW/cm ²) | XXX | XXX | Report | XXX | XXX | XXX |
| Carbonaceous Biochemical Oxygen Demand (CBOD ₅) | XXX | XXX | XXX | 25.0 | XXX | 50.0 |
| Total Suspended Solids | XXX | XXX | XXX | 30.0 | XXX | 60.0 |
| Fecal Coliform (No./100 ml) | XXX | XXX | XXX | 2,000 | XXX | 10,000 |
| Oct 1 - Apr 30 | | | | Geo Mean | | |
| May 1—Sep 30 | XXX | XXX | XXX | 200 | XXX | 1,000 |
| | | | | Geo Mean | | |
| E. Coli (No./100 ml) | XXX | XXX | XXX | XXX | XXX | Report |
| Ammonia—Nitrogen | XXX | XXX | XXX | 1.5 | XXX | 3.0 |
| May 1 - Oct 31 | | | | | | |
| Nov 1 - Apr 30 | XXX | XXX | XXX | 4.5 | XXX | 9.0 |

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

| Parameters | Mass Units (lbs/day) | | Monthly | Concentrations (mg/L) | | Instant. Maximum |
|------------|----------------------|--------|---------|-----------------------|---------|------------------|
| | Quarterly | Annual | | Average Quarterly | Maximum | |
| Ammonia—N | Report | Report | XXX | Report | XXX | XXX |

| Parameters | Mass Units (lbs/day) | | | Concentrations (mg/L) | | Instant. Maximum |
|----------------------|----------------------|--------|---------|-----------------------|---------|------------------|
| | Quarterly | Annual | Monthly | Average Quarterly | Maximum | |
| 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 |

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

- Chesapeake Bay nutrients monitoring, solids management for non-lagoon system, hauled-in waste restriction, and notification of designation of responsible operator.

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

PA0084034, Sewage, SIC Code 8211, **West Perry School District**, 2606 Shermans Valley Road, Ellittsburg, PA 17024-9132. Facility Name: Carroll Elementary School. This existing facility is located in Carroll Township, **Perry County**.

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

The receiving stream(s), Unnamed Tributary to Sherman Creek (WWF), is located in State Water Plan watershed 7-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 .007 MGD.—Limits.

| Parameters | Mass Units (lbs/day) | | | Concentrations (mg/L) | | IMAX |
|---|----------------------|----------------|-----------------|-----------------------|---------------|--------|
| | Average Monthly | Average Weekly | Minimum | 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 | 5.0 Inst Min | XXX | XXX | XXX |
| Total Residual Chlorine (TRC) | XXX | XXX | XXX | 0.37 | 1.2 | XXX |
| Carbonaceous Biochemical Oxygen Demand (CBOD ₅) | XXX | XXX | XXX | 25.0 | Avg Mo XXX | 50 |
| Total Suspended Solids | XXX | XXX | XXX | 30.0 | XXX | 60 |
| Fecal Coliform (No./100 ml) | XXX | XXX | XXX | 2,000 | XXX | 10,000 |
| Oct 1 - Apr 30 | | | | Geo Mean 200 | XXX | 1,000 |
| May 1 - Sep 30 | XXX | XXX | XXX | Geo Mean 10.5 | XXX | 21 |
| Ammonia-Nitrogen | XXX | XXX | XXX | 3.5 | XXX | 7 |
| Nov 1 - Apr 30 | | | | | | |
| May 1 - Oct 31 | XXX | XXX | XXX | | | |

The proposed effluent limits for Outfall 001 are based on a design flow of .007 MGD.—Limits.

| Parameters | Mass Units (lbs/day) | | | Concentrations (mg/L) | | IMAX |
|-------------------------|----------------------|----------------|---------|-----------------------|---------------|------|
| | Average Monthly | Average Weekly | Minimum | Average Monthly | Daily Maximum | |
| E. Coli (No./100 ml) | XXX | XXX | XXX | XXX | Report | XXX |
| Nitrate-Nitrite as N | XXX | XXX | XXX | Report | XXX | XXX |
| Total Nitrogen | XXX | XXX | XXX | Annl Avg Report | XXX | XXX |
| Total Kjeldahl Nitrogen | XXX | XXX | XXX | Annl Avg Report | XXX | XXX |
| Total Phosphorus | XXX | XXX | XXX | Annl Avg Report | XXX | XXX |
| | | | | Annl Avg | | |

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

PA0266396, Sewage, SIC Code 8811, **Scot D & Colleen E Riddell**, 2992 Dublin Mills Road, Hustontown, PA 17229-9120. Facility Name: Riddell Residence. This existing facility is located in Taylor Township, **Fulton 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 Sideling Hill Creek (HQ-CWF, MF), is located in State Water Plan watershed 12-C and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

PA0266612, Sewage, SIC Code 8811, **Sebastian & Abigail Charles**, 760 Pisgah State Road, Shermans Dale, PA 17090-8730. Facility Name: Charles Res. This existing facility is located in Carroll Township, **Perry County**.

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

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

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

| <i>Parameters</i> | <i>Mass Units (lbs/day)</i> | | | <i>Concentrations (mg/L)</i> | | <i>IMAX</i> |
|---|-----------------------------|-----------------------|----------------|------------------------------|----------------|-------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | <i>Minimum</i> | <i>Annual Average</i> | <i>Maximum</i> | |
| Flow (MGD) | Report Annl Avg | XXX | XXX | XXX | XXX | XXX |
| Biochemical Oxygen Demand (BOD ₅) | XXX | XXX | XXX | 10.0 | XXX | 20 |
| Total Suspended Solids | XXX | XXX | XXX | 10.0 | XXX | 20 |
| Fecal Coliform (No./100 ml) | XXX | XXX | XXX | 200 | XXX | 1,000 |

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

PA0266663, Sewage, SIC Code 6512, **Gettysburg Battlefield Resort**, 1960 Emmitsburg Road, Gettysburg, PA 17325-7196. Facility Name: Gettysburg Battlefield Resort. This existing facility is located in Cumberland Township, **Adams County**.

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

The receiving stream(s), Unnamed Tributary to Plum Run (WWF, MF), is located in State Water Plan watershed 13-D 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 0.03 MGD.—Limits.

| <i>Parameters</i> | <i>Mass Units (lbs/day)</i> | | | <i>Concentrations (mg/L)</i> | | <i>Instant. Maximum</i> |
|--|-----------------------------|----------------------|----------------|------------------------------|----------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Maximum</i> | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 6.0 | XXX | XXX | XXX |
| UV Light Dosage (mjoules/cm ²) | XXX | XXX | Report | XXX | XXX | XXX |

| Parameters | Mass Units (lbs/day) | | Minimum | Concentrations (mg/L) | | Instant. Maximum |
|---|----------------------|---------------|---------|-----------------------|---------|------------------|
| | Average Monthly | Daily Maximum | | Average Monthly | Maximum | |
| Carbonaceous Biochemical Oxygen Demand (CBOD ₅) | XXX | XXX | XXX | 10.0 | XXX | 20.0 |
| Total Suspended Solids | XXX | XXX | XXX | 10.0 | XXX | 20.0 |
| Fecal Coliform (No./100 ml) | XXX | XXX | XXX | 200 | XXX | 1,000 |
| May 1 - Sep 30 | | | | Geo Mean | | |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 | XXX | 10,000 |
| | | | | Geo Mean | | |
| E. Coli (No./100 ml) | XXX | XXX | XXX | XXX | XXX | Report |
| Ammonia-Nitrogen | XXX | XXX | XXX | 2.0 | XXX | 4.0 |
| May 1 - Oct 31 | | | | | | |
| Nov 1 - Apr 30 | XXX | XXX | XXX | 6.0 | XXX | 12.0 |
| Total Phosphorus | XXX | XXX | XXX | 0.5 | XXX | 1.0 |
| Total Nitrogen | XXX | XXX | XXX | 5.0 | XXX | XXX |

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

| Parameter | Mass Units (lbs) | | Effluent Limitations | | |
|----------------------|------------------|--------|----------------------|---------|------------------|
| | Monthly | Annual | Monthly Average | Maximum | Instant. Maximum |
| Ammonia—N | Report | Report | Report | XXX | XXX |
| Kjeldahl—N | Report | XXX | Report | XXX | XXX |
| Nitrate-Nitrite as N | Report | XXX | Report | XXX | XXX |
| Total Nitrogen | Report | Report | Report | XXX | XXX |
| Total Phosphorus | Report | Report | Report | XXX | XXX |
| Net Total N | Report | 0.0* | XXX | XXX | XXX |
| Net Total P | Report | 0.0 | XXX | XXX | XXX |

* 1,875 lbs. of TN/year is approved as Offset to apply towards TN compliance

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

- Chesapeake Bay nutrients requirements
- Solids management for non-lagoon system
- Chlorine minimization
- Notification of designation of responsible operator
- Hauled-in waste restriction
- Obtain WQM permit for new facility
- Dry stream conditions

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.

Southwest Regional Office

PA0096571, Sewage, SIC Code 8211, **Bethlehem Center School District**, 194 Crawford Road, Fredericktown, PA 15333-2012. Facility Name: Beth Center Elementary Jr Sr High School. This existing facility is located in Deemston Borough, **Washington County**.

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

The receiving stream(s), Unnamed Tributary to Tenmile Creek (WWF), is located in State Water Plan watershed 19-B 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 .025 MGD.—Interim Limits.

| Parameters | Mass Units (lbs/day) | | Minimum | Concentrations (mg/L) | | IMAX |
|-------------------------------|----------------------|----------------|---------|-----------------------|---------|------|
| | Average Monthly | Average Weekly | | Average Monthly | Maximum | |
| Total Residual Chlorine (TRC) | XXX | XXX | XXX | 0.05 | XXX | 0.11 |
| Ammonia-Nitrogen | XXX | XXX | XXX | 5.0 | XXX | 10.0 |
| Nov 1 - Apr 30 | | | | | | |
| May 1 - Oct 31 | XXX | XXX | XXX | 3.0 | XXX | 6.0 |

The proposed effluent limits for Outfall 001 are based on a design flow of .025 MGD.—Final Limits.

| Parameters | Mass Units (lbs/day) | | Minimum | Concentrations (mg/L) | | IMAX |
|-------------------------------|----------------------|----------------|---------|-----------------------|---------|------|
| | Average Monthly | Average Weekly | | Average Monthly | Maximum | |
| Total Residual Chlorine (TRC) | XXX | XXX | XXX | 0.02 | XXX | 0.06 |
| Ammonia-Nitrogen | XXX | XXX | XXX | 3.5 | XXX | 7.0 |
| Nov 1 - Apr 30 | | | | | | |
| May 1 - Oct 31 | XXX | XXX | XXX | 2.0 | XXX | 4.0 |

The proposed effluent limits for Outfall 001 are based on a design flow of .025 MGD.—Limits.

| Parameters | Mass Units (lbs/day) | | Minimum | Concentrations (mg/L) | | IMAX |
|----------------------|----------------------|----------------|---------|-----------------------|-----------|--------|
| | Average Monthly | Average Weekly | | Average Monthly | Maximum | |
| E. Coli (No./100 ml) | XXX | XXX | XXX | XXX | XXX | Report |
| Total Nitrogen | XXX | XXX | XXX | XXX | Report | XXX |
| Total Phosphorus | XXX | XXX | XXX | XXX | Report | XXX |
| | | | | | Daily Max | |

The proposed effluent limits for Outfall 001 are based on a design flow of .025 MGD.—Limits.

| Parameters | Mass Units (lbs/day) | | Minimum | Concentrations (mg/L) | | IMAX |
|---|----------------------|----------------|----------|-----------------------|---------|--------|
| | Average Monthly | Average Weekly | | Average Monthly | Maximum | |
| Flow (MGD) | 0.025 | XXX | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | Inst Min | XXX | XXX | XXX |
| | | | 6.0 | | | |
| Carbonaceous Biochemical Oxygen Demand (CBOD ₅) | XXX | XXX | Inst Min | 15 | XXX | 30 |
| | | | XXX | | | |
| Total Suspended Solids | XXX | XXX | XXX | 25 | XXX | 50 |
| Fecal Coliform (No./100 ml) | XXX | XXX | XXX | 2,000 | XXX | 10,000 |
| | | | | Oct 1 - Apr 30 | | |
| | | | | May 1 - Sep 30 | | |
| | XXX | XXX | XXX | Geo Mean | XXX | 1,000 |
| | | | | 200 | | |
| | | | | Geo Mean | | |

Following major condition has been added to the permit:

- A compliance schedule for ammonia-nitrogen and TRC in Part C.III.A

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.

Northeast Regional Office

Applicant: **Air Products and Chemicals, Inc.**

Applicant Address: 1940 Air Products Blvd., Allentown, PA 18106

Application Number: **PAD390271**

Application Type: New

Municipality/County: Upper Macungie Township, **Lehigh County**

Total Earth Disturbance Area (acres): 34.0 acres

Surface Waters Receiving Stormwater Discharges: UNT to Little Lehigh Creek—HQ-CWF, MF

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: The purpose of the project is to demolish all existing structures on the site. Concrete slabs will remain in place. Basements will be filled and stabilized. Existing pavement, curb and underground utilities will remain.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 570-826-5472.

Southeast Regional Office

Applicant: **Moose Meadows Properties, LLC**

Applicant Address: 171 Grove Road, Elverson, PA 19520-9015

Application Number: **PAD150293**

Application Type: New

Municipality/County: East Nantmeal Township, **Chester County**

Total Earth Disturbance Area (acres): 6.28 acres

Surface Waters Receiving Stormwater Discharges: UNT to French Creek (EV, MF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: This project proposes a brand new stable and riding arena along with other associated improvements including but not limited to a multitude of paddocks and a derby field.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 484-250-5910.

Northeast Regional Office

Applicant: **First Northern Bank & Trust Co.**, c/o Richard C. Strauss, Vice President

Applicant Address: Fourth St. and Lafayette Ave., Palmerton, PA 18071

Application Number: **PAD130043**

Application Type: New

Municipality/County: Mahoning Township, **Carbon County**

Total Earth Disturbance Area (acres): 12.4 acres

Surface Waters Receiving Stormwater Discharges: 1. UNT to Mahoning Creek, existing use—EV, MF 2. Mahoning Creek, existing use—CWF, MF

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: Construction of 28 single-family residential lots remain. All roads, stormwater management, and utilities have been constructed and are permanently stabilized. Subdivision contains 47 lots in total.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 570-826-5472.

Southcentral Regional Office

Applicant: **South Middleton Township**

Applicant Address: 520 Park Drive, Boiling Springs, PA 17007

Application Number: **PAD210096**

Application Type: New

Municipality/County: South Middleton Township, **Cumberland County**

Total Earth Disturbance Area (acres): 12.05 acres

Surface Waters Receiving Stormwater Discharges: Yellow Breeches Creek (HQ-CWF, MF) and Wetlands

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: Install two multipurpose athletic fields, a playground facility, and an extension of a six inch water main in the existing recreational park.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 717-705-4732.

Southcentral Regional Office

Applicant: **Carlisle Borough**

Applicant Address: 53 West South Street, Carlisle, PA 17013

Application Number: **PAD210089**

Application Type: New

Municipality/County: Carlisle Borough, **Cumberland County**

Total Earth Disturbance Area (acres): 2.90 acres

Surface Waters Receiving Stormwater Discharges: Letort Spring Run (HQ-CWF, MF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: Reconfigure and reconstruct the intersections of SR0011, SR0034, Fairground Ave, and Penn Street including the curbing, sidewalk, lighting, drainage, and utilities.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 717-705-4732.

Southcentral Regional Office

Applicant: **Jackson Township Sewer Authority**

Applicant Address: 439 Roth's Church Road, Spring Grove, PA 17362

Application Number: **PAD670024**

Application Type: Renewal

Municipality/County: Jackson Township, **York County**

Total Earth Disturbance Area (acres): 4.00 acres

Surface Waters Receiving Stormwater Discharges: Codorus Creek (WWF, MF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: Remediate existing gravity sanitary sewer pipe from near the Sprengle Road pumping station to the waste-water treatment plant.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 717-705-4732.

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> |
|---|---------------------|--------------------|--|-------------------------------|---|--------------------|
| Meadow Vista Dairy, LLC 166 Risser Road Bainbridge, PA 17502 | Lancaster County | 723.3 | 1,409.3 | Dairy | NA | Renewal |
| LenRose Farm— Leonard Hoover 6188 Old Route 22 Bernville, PA 19506 | Berks County | 214.4 | 367.72 | Poultry, Dairy and Beef | NA | Renewal |
| Lamar Sensenig 114 Huckleberry Road Jonestown, PA 17038 | Lebanon County | 3.1 | 322.48 | Boilers Sheep | NA | Renewal |
| Brookside Dairy 2677 Old Rt 56 Homer City, PA 15748 | Indiana County | 1,187.6 | 1,165.8 | Dairy | NA | New |

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

Acknowledgment of Notice(s) of Intent to Remediate Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent (NOI) to Remediate. An acknowledgment of the receipt of a NOI to Remediate is used to identify a site where an individual proposes to, or has been required to, respond to a release of a regulated substance at a site. Individuals intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a NOI to Remediate with DEP. A NOI to Remediate filed with DEP provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. An individual who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by DEP. Furthermore, an individual shall not be subject to citizen suits or other contribution actions brought by responsible individuals not participating in the remediation.

Under Sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific

standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the NOI to Remediate is published in a newspaper of general circulation in the area of the site. For the following identified site(s), proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30-days of the following specified date. During this comment period the municipality may request that the following identified individual, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

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

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

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

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

Beimel Transport Accident, Primary Facility ID # 858253, Intersection of Dam Run Road and SR 287, Jersey Shore, PA 17740, Mifflin Township, **Lycoming County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001 on behalf of EQT Corporation, 33 West Third Street, Suite 300, Williamsport, PA 17701, submitted a Notice of Intent to Remediate. The NIR concerns soil contaminated with production water resulting from a truck accident. The applicant proposes to

remediate the site to meet the Background and Statewide health standards. The Notice of Intent to Remediate was published in *Williamsport Sun-Gazette* on April 23, 2023. Application received: May 2, 2023.

Wellsboro Industrial Park, Primary Facility ID # **624235**, 9728 Route 287, Wellsboro, PA 16901, Delmar Township, **Tioga County**. Groundwater Sciences Corporation, 2550 Interstate Drive, Suite 303, Harrisburg, PA 17110 on behalf of DLL Industries, LLC, 3000 N. Sam Houston Parkway East, Houston, TX 77032, submitted a Notice of Intent to Remediate. The NIR concerns soil and groundwater contaminated with trichloroethylene (TCE). The applicant proposes to remediate the site to meet the site-specific and Statewide health standards. The Notice of Intent to Remediate was published in *Wellsboro Gazette* on May 18, 2023. Application received: May 12, 2023.

CCR&S Trans LLC Project, Primary Facility ID # **866957**, SR 45 East, right lane berm, Montandon, PA 17850, East Chillisquaque Township, **Northumberland County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889 on behalf of CCR&S Trans LLC, P.O. Box 332, Selinsgrove, PA 17870, submitted a Notice of Intent to Remediate. The NIR concerns site soil contaminated with diesel fuel resulting from a truck accident. The applicant proposes to remediate the site to meet the Statewide health standards. The Notice of Intent to Remediate was published in *The Daily Item* on May 12, 2023. Application received: May 26, 2023.

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

Contact: Eric Supey, Environmental Program Manager.

LRJ Well Site, Primary Facility ID # **857706**, 781 Creamery Road, Montrose, PA 18801, Rush Township, **Susquehanna County**. Creston Environmental, P.O. Box 1373, Camp Hill, PA 17001 on behalf of Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840, submitted a Notice of Intent to Remediate. Soil was contaminated by a release of production fluid (brine). The Notice of Intent to Remediate was published in *The Susquehanna County Independent School District* on May 17, 2023. Application received: May 23, 2023.

Southwest Region: Environmental Cleanup & Brownfields Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Kam Miseikyte, Clerical Assistant, 412-442-4091.

Imperial Compressor Station, Primary Facility ID # **866930**, 2199 Quicksilver Road, Midway, PA 15060, Robinson Township, **Washington County**. Tetra Tech, Inc., 6715 Tippecanoe Road, Canfield, OH 44406 on behalf of MarkWest Liberty Midstream & Resources LLC, 4600 J Barry Court, Suite 500, Canonsburg, PA 15317, submitted a Notice of Intent to Remediate. The Site is historically associated with strip mining and landfilling activities prior to the redevelopment of the Site into the present-day compressor station (Imperial Compressor Station) owned by MarkWest Liberty Midstream & Resources, LLC (MarkWest). In late December 2022, piping at the compressor station froze causing a line to rupture and released approximately 10,000 gallons of condensate and water onto the northern section of the pad. Clay underlies the gravel subbase of the pad. The condensate and water infiltrated into the stormwater conveyance system and was found seeping from the hillside located on the west of the compressor pad. The soils, and groundwater is suspected to be impacted with condensate

and water, containing VOCs and SVOCs including benzene. MarkWest is currently conducting emergency remedial efforts to remove impacted soils near the pad, along the stormwater conveyance, and hillside near the point of the release. In addition, a sample from the closest existing monitoring well to the release, MW-03, and surface water have been collected. Four monitoring wells were previously installed on the compressor pad and will continue to be sampled on an annual basis. MarkWest will continue to use the site as a compressor station. The proposed remedial actions include removal of remaining potentially impacted soil on the pad and as much soil as possible from the hillside and stormwater conveyance system for proper disposal off-site. Additionally, soil borings and monitoring wells were installed to fully delineate impacted media; and soil and groundwater will be sampled as part of this process. Once the impacted soil is removed, the Site pad and stormwater conveyance system will be brought back up to original grade using clean fill material and/or gravel. It is anticipated that by removing most of the impacted soil and inhibiting additional infiltration will naturally improve groundwater concentrations at the Site. Post-excavation/backfill sampling of soil and groundwater will be completed. If necessary, additional remedial actions may be required. The Notice of Intent to Remediate was published in *the Observer-Reporter* on May 14, 2023. Application received: May 23, 2023.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Contact: Waste Management Program Manager.

301193. United States Steel Corporation, 1350 Penn Avenue, Pittsburgh, PA 15222-4211, West Mifflin Borough, **Allegheny County**. Closure Plan modification for the South Taylor Environmental Park Residual Waste Landfill. Application received: November 30, 2022. Deemed administratively complete: April 21, 2023.

Comments or questions concerning the application should be directed to RA-EP-EXTUPLSWRO@pa.gov, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department of Environmental Protection (DEP) has developed an integrated plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for DEP, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents

relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The DEP received applications for Plan Approvals or Operating Permits from the following facilities. Copies of the application, DEP's analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate DEP Regional Office. Appointments for scheduling a review must be made by calling the appropriate DEP Regional Office. The address and telephone number of the Regional Office is listed before the application notices.

Individuals wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the DEP's Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

Any individual wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if DEP, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when DEP determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate DEP Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

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

PLAN APPROVALS

Notice of Intent to Issue Plan Approval(s) and Notice of Intent to Issue or Amend Operating Permit(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These Actions May Include the Administrative Amendments of an Associated Operating Permit.

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

Contact: Raymond Kempa, Environmental Group Manager.

35-00078B: Assai Energy, LLC, 4444 Westheimer Road, Suite G450, Houston, TX 77027, Throop Borough, Lackawanna County. Application received: January 11, 2023.

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Department of Environmental Protection (DEP) intends to issue a plan approval to Assai Energy LLC (4444 Westheimer Road, Houston, TX 77027) for their facility located in Throop Borough, Lackawanna County. This Plan Approval No. 35-00078B will be incorporated into a Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval 35-00078B is for the installation and operation of one (1) 12,000 scfm non-enclosed flare to replace the existing 5,000 scfm rental candle flare. The proposed flare will primarily be for combustion of off specification product gas. Assai Energy LLC is also requesting to increase the total volume of LFG that may be processed through the facility from 20,000 scfm to 25,000 scfm. VOC emissions from the facility shall be less than 50 TPY. SO_x emissions from the facility shall be less than 100 TPY. NO_x emissions from the facility shall be less than 100 TPY. CO emissions from the facility shall be less than 250 TPY. Single HAP emissions shall not exceed 15.63 TPY. Combined HAP emissions shall be less than 25 TPY. The non-enclosed flare shall meet all current Best Available Technology (BAT) requirements. The company shall comply with 25 Pa. Code § 123.31 for malodorous emissions. The company shall comply with § 123.13 for particulate emissions. The company shall comply with 25 Pa. Code § 123.41 for visible emissions. The facility will be subject to NSPS Part 60, Subpart XXX and MACT Part 63, Subpart AAAA. The plan approval will include testing, monitoring, recordkeeping, and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

Copies of the applications, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. The submittal of written comment must contain the name, address and telephone number of the commentator, identification of the proposed Permit No. 35-00078B and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Mr. Raymond Kempa, Environmental Engineering Manager, New Source Review Section, 2 Public Square, Wilkes-Barre, PA 18711, or 570-826-2511.

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

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

22-03109A: Dimon Funeral Home & Cremation Services, Inc., 201 East Market Street, Williamstown, PA 17098, Williamstown Borough, **Dauphin County**. Application received: February 10, 2023. For a new crematory unit at their funeral home. Potential emissions from the new crematory unit are estimated to be the following: 2.05 tpy of CO, 2.45 tpy of NO_x, 1.63 tpy of PM₁₀, 0.71 tpy of SO₂, and 0.18 tpy of VOC. The plan approval will be incorporated into the facility's State-Only Operating Permit upon completion of the project. 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 operation. 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 the facility 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.

41-00086, Lycoming Cremation Services, LLC, 350 Spruce Street, Montoursville, PA 17754, Montoursville Borough, **Lycoming County**. Application received: February 13, 2023. The Department intends to issue a renewal State Only Operating Permit for the crematory facility. The facility is currently operating under State Only Operating Permit 41-00086. The facility is a human crematory operation. The facility has the potential to emit 0.82 ton of nitrogen oxides (NO_x) per year, 2.80 tons of carbon monoxide (CO) per year, 0.82 ton of volatile organic compounds (VOCs) per year, 0.70 ton of sulfur oxides (SO_x) and 2.56 tons of particulate matter (PM, including PM₁₀) per year. No emission or equipment changes are being proposed by this action. The emission limits, throughput limitations and work practice standards along with monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Article III, Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570.327.3636.

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

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

OP17-000024, Southeastern Pennsylvania Transportation Authority (SEPTA)—Roberts Complex, 341-342 Roberts Avenue/4301 Wissahickon Avenue/4400 Clarissa Street, Philadelphia, PA 19140, City of Philadelphia, **Philadelphia County**. Application received: April 17, 2017. The City of Philadelphia, Air Management Services (AMS) intends to issue a renewal of the Synthetic Minor Operating Permit (SMOP) for the following facility: OP17-000024: Southeastern Pennsylvania Transportation Authority (SEPTA)—Roberts Complex (341-342 Roberts Avenue, Philadelphia, PA 19140; 4301 Wissahickon Avenue, Philadelphia, PA 19129; 4400 Clarissa Street, Philadelphia, PA 19140), for the operation of a regional public transportation authority facility in the City of Philadelphia, Philadelphia County. The facility's air emission sources include the following:

- Two (2) combined heat and power (CHP) units firing natural gas each rated 4.6 megawatt (MW) or 6,113 horsepower (HP) and equipped with Urea-Injection Selective Catalytic Reduction (SCR) and Oxidation Catalyst (OC);
- Eighteen (18) external combustion units each rated less than 10 MMBtu/hr, including four (4) boilers firing No. 2 oil, two (2) boilers firing natural gas and No. 2 oil, four (4) boilers firing natural gas, one (1) pressure washer firing natural gas, six (6) space heaters firing natural gas, and one (1) spray booth burner firing natural gas;
- One (1) emergency generator firing diesel fuel, rated 10.150 MMBtu/hr or 2974.7 kilowatt (kW);
- One (1) sand blasting operation with associated one (1) air compressor engine firing diesel fuel rated 79 HP;
- One (1) gasoline dispensing facility with one (1) 10,000 gallons storage tank.
- Five (5) parts washers/degreasers (cold cleaning machines);
- One (1) spray booth for mobile equipment repair and refinishing;
- One (1) windshield washer fluid tank, and
- Insignificant sources, including storage tanks, boilers and space heaters firing natural gas or No. 2 oil each rated 0.12 MMBtu/hr or less, and emergency generators firing natural gas or liquid petroleum gas/propane each rated less than 40 kW.

The Synthetic Minor Operating Permit will be issued under 25 Pa. Code, Philadelphia Code Title 3, and Air Management Regulation XIII. The initial public notice on the intent to issue the Synthetic Minor Operating Permit was published in the *Pennsylvania Bulletin* on December 17, 2022. Although no public hearing is required, because there is substantial public interest in holding a public hearing, AMS has elected to accept additional public comments and to hold a public hearing concerning the renewal of SEPTA's Synthetic Minor Operating Permit. AMS will offer a virtual formal public hearing on the renewal of SEPTA's Synthetic Minor Operating Permit on July 27, 2023, 6:00 PM—8:00 PM at which the public will have the opportunity to provide testimony. More information about the public hearing, SEPTA's permit application, a draft of the Synthetic Minor Operating Permit, and supporting documents can be found at the following

webpage: <https://www.phila.gov/departments/air-pollution-control-board/air-management-notice/Individuals> wishing to provide testimony are asked to register 24 hours prior to the hearing date by sending an email to DPHAMS_Service_Requests@Phila.Gov no later than July 26, 2023, 6:00 PM. In the email, please indicate your name, group (if any), address, email address, phone number, and include in the subject "Public Hearing—SEPTA Roberts Complex SMOP". Oral testimony will be limited to 5 minutes. Each organization is asked to designate one presenter per group. Individuals wishing to provide written comments on the Synthetic Minor Operating Permit draft must submit written comments within 30 days of this notice. Those written comments may be submitted electronically to DPHAMS_Service_Requests@Phila.Gov with the subject line "SEPTA Roberts Complex OP17-000024" or through mail to Source Registration, 321 University Avenue, Philadelphia, PA 19104. To assist with mail routing, mailed comments should state the following on the envelope: "Comments on Synthetic Minor Operating Permit for SEPTA Roberts Complex." AMS suggests submitting any mailed correspondence also by e-mail. Digital copies of the permit application, draft permit, and supporting materials are available via email by contacting the Source Registration Unit at 215-685-7572 or emailing a request to DPHAMS_Service_Requests@Phila.Gov with the subject line "SEPTA Roberts Complex OP17-000024". Hard copies can be reviewed at the following Free Library of Philadelphia locations: • Falls of Schuylkill Branch (3501 Midvale Avenue, 215-685-2093) • Nicetown-Tioga Branch (3720 North Broad Street, 215-685-9790). Individuals in need of accommodations and/or interpretation should contact AMS at DPHAMS_Service_Requests@Phila.Gov and/or 215-685-7572.

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

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

67-05118, Harley-Davidson Motor Company Operations, Inc., 1425 Eden Road, York, PA 17402, Springettsbury Township, **York County**. Application received: October 6, 2022. For the operation of the York Vehicle Operations facility. This is for renewal of the existing synthetic minor operating permit. Actual 2022 air emissions from the facility are estimated at 2.35 tons PM₁₀, 9.41 tons NO_x, 13.10 tons CO, 14.41 tons VOC, less than 1 ton of SO₂ and HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

COAL & NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal

Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21).

Mining activity permits issued in response to such applications are also subject to applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (DEP). A copy of the application is available for inspection at the District Mining Office indicated above each application. Requests for 401 Water Quality Certifications are included in individual application only if noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or Local Government Agency or Authority to DEP at the address of the District Mining Office indicated above each application within 30-days of this publication, or within 30-days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences). Such comments or objections should contain the name, address and phone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform DEP on the basis of comment or objection and relevant facts upon which it is based.

In addition, requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 (relating to public hearing-informal conferences) or § 86.34 (relating to informal conferences), must also contain a brief summary of the issues to be raised by the requestor at the conference and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application is associated with an application for an NPDES permit. A separate notice will be provided for the draft NPDES permit.

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

Coal Applications

Effluent Limits—The following range of effluent limits (Table 1) will apply to NPDES permits issued in conjunction with the associated coal mining activity permit. Additional effluent limits will be listed as part of the publication of the draft NPDES permit.

Table 1

| Parameter | 30-Day Average | Daily Maximum | Instantaneous Maximum |
|-------------------|-----------------|-----------------|-----------------------|
| Iron (total) | 1.5 to 3.0 mg/l | 3.0 to 6.0 mg/l | 3.5 to 7.0 mg/l |
| Manganese (total) | 1.0 to 2.0 mg/l | 2.0 to 4.0 mg/l | 2.5 to 5.0 mg/l |
| Suspended solids | 10 to 35 mg/l | 20 to 70 mg/l | 25 to 90 mg/l |

| <i>Parameter</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
|--|---------------------------|--------------------------|----------------------------------|
| 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. 56120113. NPDES No. PA0229115. PBS Coals, Inc., P.O. Box 260, Friedens, PA 15541, Jenner Township, **Somerset County**. Permit renewal for the continued operation and restoration of a bituminous surface and auger mine affecting 228.7 acres. Receiving streams: unnamed tributaries to Hoffman Run and unnamed tributaries to Quemahoning Creek classified for the following use: CWF. Application received: May 24, 2023.

Mining Permit No. 56920114. NPDES No. PA0212334. Mountaineer Mining Corporation, 1010 Garrett Shortcut Road, Berlin, PA 15530, Southampton Township, **Somerset County**. Permit renewal for the continued operation and restoration of a bituminous surface and auger mine affecting 278.5 acres. Receiving streams: unnamed tributaries to North Branch of Jennings Run, Jennings Run & unnamed tributaries to Jennings Run classified for the following use: CWF. Application received: May 24, 2023.

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

Contact: Tracy Norbert, Clerical Assistant, 724-925-5513.

Mining Permit No. 02070104. NPDES No. PA0251224. Collier Land & Coal Development, LP, 223 Fourth Avenue, 4th Floor, Pittsburgh, PA 15222, Collier Township, **Allegheny County**. Renewal application for continued mining of an existing bituminous surface mine. Application received: May 23, 2023.

Noncoal Applications

Effluent Limits—The following Table 2 effluent limits apply to NPDES permits issued in conjunction with a noncoal mining permit. Additional effluent limits will be listed as part of the publication of the draft NPDES permit.

Table 2

| <i>Parameter</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
|--|---------------------------|--------------------------|----------------------------------|
| Suspended solids | 10 to 35 mg/l | 20 to 70 mg/l | 25 to 90 mg/l |
| Alkalinity must always exceed acidity. | | | |
| pH must always be greater than 6.0; less than 9.0. | | | |

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

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

Mining Permit No. 16860310. NPDES No. PA0107395. Glen-Gery Corporation, 1166 Spring Street, P.O. Box 7001, Wyomissing, PA 19610, Limestone Township, Monroe Township, **Clarion County**. Renewal of an NPDES permit. Application received: May 19, 2023.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 36820301. PA0612171. H & K Group, Inc., P.O. Box 196, Skippack, PA 19474, Brecknock Township, **Schuylkill County**. Correction of a quarry to mine to 410 feet MSL affecting 131.7 acres and to update NPDES Point 002 to continuous flow. Receiving stream: unnamed tributary to Black Creek, classified for the following uses: HQ—WWF, MF. Application received: May 23, 2023.

MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed National Pollutant Discharge Elimination System (NPDES) permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (DEP) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

Effluent Limits for Coal Mining Activities

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

| <i>Parameter</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
|------------------|---------------------------|--------------------------|----------------------------------|
| Iron (Total) | 3.0 mg/l | 6.0 mg/l | 7.0 mg/l |

| <i>Parameter</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
|--|---------------------------|--------------------------|----------------------------------|
| Manganese (Total) | 2.0 mg/l | 4.0 mg/l | 5.0 mg/l |
| Suspended solids | 35 mg/l | 70 mg/l | 90 mg/l |
| pH must always be greater than 6.0; less than 9.0. | | | |
| Alkalinity must always be greater than acidity. | | | |

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Effluent Limits for Noncoal Mining Activities

The limits for noncoal mining activities as provided in 25 Pa. Code § 77.522 are pH 6 to 9 and other parameters DEP may require.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

Coal NPDES Draft Permits

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

Contact: Bonnie Herbert, Clerical Assistant.

NPDES No. PA0236306. Mining Permit No. 56140702. Laurel Prep Plant, LLC, 1501 Ligonier Street, Latrobe, PA 15650-2912, Shade Township, **Somerset County**. Application received: April 12, 2023. Accepted: April 12, 2023.

To revise the NPDES permit and related mining activity permit, affecting 208.0 surface acres. Receiving stream(s): Miller Run, classified for the following use: CWF. Kiskiminetas-Conemaugh Rivers Watersheds TMDL.

Unless otherwise noted, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for coal mining activities.

The proposed effluent limits for Outfall 001 discharging to Miller Run are: The following effluent limitations and monitoring requirements apply to the subject outfall from Permit Effective Date to Permit Expiration Date:

| <i>Parameter</i> | | <i>Units (lbs/day)</i> | | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|---|----------|----------------------------|-------------------|----------------|---------------------------|--------------------------|-----------------------------|
| | | <i>Mass Avg. Mon</i> | <i>Max. Daily</i> | | | | |
| Flow | (mgd) | - | - | - | - | - | Report |
| Iron | (mg/l) | - | - | - | 1.5 | 3.0 | 3.8 |
| Manganese | (mg/l) | - | - | - | 1.0 | 2.0 | 2.5 |
| Aluminum | (mg/l) | - | - | - | 0.75 | 0.75 | 0.75 |
| Total Suspended Solids | (mg/l) | - | - | - | 35.0 | 70.0 | 90.0 |
| pH | (S.U.) | - | - | 6.0 | - | - | 9.0 |
| Alkalinity, Total as CaCO ₃ | (mg/l) | - | - | - | - | - | Report |
| Acidity, Total as CaCO ₃ | (mg/l) | - | - | - | - | - | Report |
| Alkalinity Net, Total as CaCO ₃ | (mg/l) | - | - | 0.0 | - | - | - |
| Osmotic Pressure | (mos/kg) | - | - | - | 50 | 50 | 50 |
| Total Dissolved Solids | (mg/l) | 5,000 Annual Average | - | - | - | - | Report |
| Sulfate | (mg/l) | - | - | - | - | - | Report |
| Chloride | (mg/l) | - | - | - | - | - | Report |

The EPA Waiver is not in effect.

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

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

NPDES No. PA0259349. Mining Permit No. 16120104. Ancient Sun, Inc., P.O. Box 129, Shippenville, PA 16254, Elk Township, **Clarion County**. Renewal of an NPDES permit. Application received: April 13, 2023.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for coal mining activities.

The following treated wastewater outfalls discharge to unnamed tributaries to Canoe Creek.

| <i>Outfall Number</i> | <i>New or Existing</i> | <i>Type</i> | <i>Discharge Rate: MGD</i> |
|-----------------------|------------------------|-------------|----------------------------|
| 001 | Existing | SWO | 0.50 |
| 001A | New | SWO | |
| 002 | Existing | SWO | 0.45 |
| 002A | New | SWO | |

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 ¹ (S.U.) | 6.0 | | | 9.0 |
| Iron (mg/l) | | | | 7.0 |
| Total Dissolved Solids (mg/l) | | | | 0.5 |
| Alkalinity greater than acidity ¹ | | | | |

¹The parameter is applicable at all times.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (DEP). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341), requires the State to certify that the involved projects will not violate the applicable provisions of Sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317), as well as relevant State requirements. Individuals objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30-days of the date of this notice, as well as any questions to the office noted above the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed, and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The DEP may schedule a fact-finding hearing or an informal conference in response to comments if deemed necessary. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8:00 a.m. and 4:00 p.m. on each working day at the office noted above the application.

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

Applications Received Under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27) and Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification Under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

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

E4306123-001. PA DOT Engineering District 1, 255 Elm Street, Oil City, PA 16301, French Creek Township,

Mercer County. U.S. Army Corps of Engineers Pittsburgh District. Application received: May 12, 2023.

The applicant proposes a 3R improvement project along SR 0322-01M in French Creek Township, Mercer County from the Venango/Mercer County line to the Mercer/Crawford County line resulting in the following impacts to regulated waters of the Commonwealth: 1. To construct and maintain a slip-lined 54" diameter HDPE culvert within the existing 60" diameter reinforced concrete pipe carrying SR 0322-01M over UNT Powdermill Run (41.485592N, 80.014103W), and to construct and maintain rip-rap slope protection and a grouted rock outlet energy dissipator; and 2. To rehabilitate and maintain the existing 66" diameter corrugated metal pipe by streambed paving (6" depth) the center of the culvert bottom of the structure carrying SR 0322-01M over UNT Powdermill Run (41.482909N, 80.009800W) and to realign approximately 40' of the existing stream channel on the inlet side to improve alignment and flow conditions, and to construct and maintain appurtenant works including inlet and outlet rip-rap slope protection, a new inlet curtain wall, a new outlet headwall and a grouted rock outlet energy dissipator. The project will result in a total of 382' of permanent stream impacts and 457' of temporary stream impacts. No wetland impacts are proposed. Latitude: 41.482909°, Longitude: -80.009800°.

E2006221-005. CLP Marina LLC, 713 Broad Acres Road, Narberth, PA 19072, Sadsbury Township Summit Township, Crawford County. U.S. Army Corps of Engineers Pittsburgh District. Application received: April 17, 2023.

To modify the previously permitted dock configuration under Permit No. E2006221-005 (formerly E20-584). The proposed dock structure connects to docks permitted under DEP Permit No. E2006221-004 (formerly E20-186) issued to CLP Marina LLC and extends south approximately 263 feet and a maximum of approximately 182 feet from the existing shoreline in front of the former Conneaut Lake Park beach area. Latitude: 41.632921°, Longitude: -80.313169°.

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

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

E6307223-002. Rice Drilling B, LLC, 400 Woodcliffe Drive, Canonsburg, PA 15317, Somerset Township, Washington County. U.S. Army Corps of Engineers Pittsburgh District. Application received: May 2, 2023. Pittsburgh USACE District (40.14810°, -80.02158°), Sub-Basin

19C (Middle Monongahela River), Quad Name: Hackett. Latitude: 40.14810°, Longitude: -80.02158°. This project proposes to remediate a highwall adjacent to the Baby Bear Well Pad to a 2:1 slope and reinstall well pad drains at the well pad. The site consists of an access road, well pad and two wet ponds that treat stormwater runoff. Since the construction of the original Baby Bear Well Site a small palustrine emergent wetland (PEM), identified as Wetland 1, has developed on-site. Wetland 1 developed as a result of the construction of the Baby Bear Well Pad. Seeps from the adjacent highwall and a favorable geographic position at the toe of the highwall slope allow for

water to pool at this location. Additionally, well pad drains that facilitate pad drainage have malfunctioned and no longer redirect flow away from the pad area, resulting in the development of Wetland 1. The remediation of the highwall and reestablishment of pad drains will result in the elimination of wetland 1. This permit will result in permanent fill of one (1) PEM wetland for a total of 0.197 acre of direct and permanent wetland impacts. The permanent impacts will be mitigated by the purchase of 0.20 acre of Wetland mitigation bank credits from the Laurel Hill Creek Mitigation Bank.

| <i>Resource Name</i> | <i>Aquatic Resource Type</i> | <i>Activity</i> | <i>Chapter 93 Designation</i> | <i>Impact Area Temp. (SF)</i> | <i>Impact Area Perm. (LF)</i> | <i>Impact Area Temp. (Ac)</i> | <i>Impact Area Perm. (Ac)</i> |
|----------------------|------------------------------|-----------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| Wetland 1 | PEM | Fill | Other | - | - | - | 0.197 |
| Total Impacts | | | | - | - | - | 0.197 |

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

E0205223-004. The Buncher Company, 1300 Penn Ave, Suite 300, Pittsburgh, PA 15222, Leetsdale Borough, Allegheny County. U.S. Army Corps of Engineers Pittsburgh District. Application received: January 20, 2023.

The applicant proposes to: 1. Excavate, construct, and maintain an infiltration basin 79.6' x 259.6' within the floodway of the Ohio River (WWF); 2. Construct and maintain a storm sewer outlet to the Ohio River consisting of 15 lf of 54" RCP. For the purpose of expanding a warehouse facility on a lot that is currently vacant. The project site is located at 5-23 Avenue C, Leetsdale, PA 15056 (Ambridge, PA USGS topographic quadrangle; N: 40° 33' 19"; W: -80° 12' 31"; Sub-basin 18A) Latitude: 40° 33' 19", Longitude: -80° 12' 31".

E0205222-029. Franklin Park Borough, 2344 W. Ingomar Road, Pittsburgh, PA 15237, Franklin Park Borough, Allegheny County. U.S. Army Corps of Engineers Pittsburgh District. Application received: October 25, 2022.

The applicant proposes to: Construct and maintain a stream restoration project, utilizing natural stream channel design, within and along approximately 3,116 linear feet (LF) of an unnamed tributary (UNT) to Bear Run (TSF) and adjoining tributaries to this UNT. Activities include: a) streambank stabilization; b) the installation of multiple in-stream structures, such as log or rock vanes,

step pools and rootwad revetments; c) grading within these watercourses, adjacent floodplain areas, and adjacent wetlands; and d) riparian buffer plantings, to improve stability and floodplain connectivity. Construct and maintain several temporary road crossings within the aforementioned watercourses, wetlands, and floodways to provide site access. Construct and maintain a temporary flume pipe and cofferdam, to redirect stream flow during construction, and other erosion and sedimentation control structures. For the purpose of stabilizing eroding stream banks, reducing sediment transport, and providing ecological uplift to the functions of these watercourse and wetland habitats, along with implementing a pollution reduction plan (PRP) to satisfy the requirements of National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit No. PAG136175. The overall project would permanently impact approximately 1,683 liner feet (LF) of streams, 0.09 acre of wetlands, and 0.32 acre of floodway and floodplain, and would include temporary impacts to approximately 1,378 LF of streams, to 0.68 acre of wetland and to 63,796 square feet of floodways and floodplains. The project site is located along 2200-2219 Montgomery Rd, Sewickley, PA 15143 (Emsworth, PA USGS topographic quadrangle; N: 40°, 33', 57.531"; W: -80°, 5', 38.9041"; Sub-basin 20G) Latitude: 40° 33' 57.531", Longitude: -80° 5' 38.9041".

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department of Environmental Protection (DEP) has taken the following actions on previously received applications for new, amended, and renewed National Pollutant Discharge Elimination System (NPDES) and Water Quality Management (WQM) permits, applications for permit waivers, and Notice of Intent (NOIs) for coverage under General Permits, as listed in the following tables. This notice of final action is published in accordance with 25 Pa. Code Chapters 91, 92a, and 102 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376). The official file for each listed action can be reviewed at the DEP or delegated County Conservation District (CCD) office identified in the table for the action. DEP/CCD office contact information is listed as follows for Section I and is contained within the table for Section II. Additional information for permits issued under 25 Pa. Code Chapters 91 and 92a and Individual permits under 25 Pa. Code Chapter 102, including links to Individual Chapter 92a NPDES and WQM Permits, may be reviewed by generating the "Final Actions Report" on DEP's website at www.dep.pa.gov/CWPUBLICNOTICE.

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

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

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

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

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

DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412-442-4286. Email: RA-EPNPDES_SWRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SWRO@pa.gov for Chapter 102 permits.

DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814-332-6078. Email: RA-EPNPDES_NWRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NWRO@pa.gov for Chapter 102 permits.

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

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law).

The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law. For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board. Individuals who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at 717-787-3483 for more information. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. Important legal rights are at stake, however, so individuals should contact a lawyer at once.

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

For actions taken on applications for pipelines that are regulated by the Federal Energy Regulatory Commission (FERC).

Any person aggrieved by this action may challenge it in an appropriate legal forum. The State and Federal courts are currently split on whether the proper forum to challenge a Department permit, authorization or approval for a facility or activity subject to the Federal Natural Gas Act, 15 U.S.C.A. §§ 717 et seq., is the United States Court of Appeals for the Third Circuit or the Pennsylvania Environmental Hearing Board. See *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot.*, 833 F.3d 360 (3d Cir. 2016); *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot.*, 903 F.3d 65 (3d Cir. 2018), cert. denied, 139 S. Ct. 1648, 203 L. Ed. 899 (2019) and *Cole v. Dep't. of Env'tl. Prot.*, 1577 C.D. 2019 WL 2420667 (Pa. Cmwlth Ct. June 15, 2021) (Pet. for Allowance of Appeal pending); *West Rockhill Twp. v. Dep't of Env'tl. Prot.*, No. 1595 C.D. 2019 WL 2426014 (Pa. Cmwlth. June 15, 2021) (Pet. for Allowance of Appeal pending).

I. Final Action(s) on NPDES and WQM Permit Application(s) and NOIs for Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides, CAFOs and Individual Construction Stormwater.

| <i>Application Number</i> | <i>Permit Type</i> | <i>Action Taken</i> | <i>Permittee Name & Address</i> | <i>Municipality, County</i> | <i>DEP Office</i> |
|---------------------------|-------------------------------------|---------------------|--|---|-------------------|
| PA0281883 | CAFO Individual NPDES Permit | Issued | Imler Jeremy 566 Salemville Road New Enterprise, PA 16664-8141 | South Woodbury Township Bedford County | SCRO |
| PA450001D | Chapter 102 Individual NPDES Permit | Issued | PPL Electric Utilities Corp 827 Hausman Road Genn4 Allentown, PA 18104-9392 | Stroud Township Monroe County | NERO |
| PAD130041 | Chapter 102 Individual NPDES Permit | Issued | Little Leaf Farms LLC P.O. Box 2069 Devens, MA 01434-2069 | Banks Township Carbon County | NERO |

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| <i>Application Number</i> | <i>Permit Type</i> | <i>Action Taken</i> | <i>Permittee Name & Address</i> | <i>Municipality, County</i> | <i>DEP Office</i> |
|---------------------------|--|---------------------|---|---|-------------------|
| PAD140096 | Chapter 102 Individual NPDES Permit | Issued | Penns Valley Area School District 4528 Penns Valley Road Spring Mills, PA 16875-8500 | Penn Township Centre County | NCRO |
| PAD150252 | Chapter 102 Individual NPDES Permit | Issued | Greene Kathy 4020 Grant Street Reading, PA 19606-3112 | Charlestown Township Chester County | SERO |
| PAD150276 | Chapter 102 Individual NPDES Permit | Issued | Toll Mid Atlantic LP Co. Inc. 1140 Virginia Drive Fort Washington, PA 19034-3204 | East Vincent Township Chester County | SERO |
| PAD480058 | Chapter 102 Individual NPDES Permit | Issued | Martin Galen 721 E Lincoln Avenue Myerstown, PA 17067-2220 | Williams Township Northampton County | NERO |
| PAD480180 | Chapter 102 Individual NPDES Permit | Issued | Overlook At Nazareth C 4511 Falmer Drive Bethlehem, PA 18020-9796 | Upper Nazareth Township Northampton County | NERO |
| PAD520043 | Chapter 102 Individual NPDES Permit | Issued | Shohola Camp LLC 12 Parker Boulevard Monsey, NY 10952-1431 | Shohola Township Pike County | NERO |
| PA0245143 | Industrial Stormwater Individual NPDES Permit | Issued | USSC Acquisition Corp 101 Gordon Drive Exton, PA 19341 | Uwchlan Township Chester County | SERO |
| 0623803 | Joint DEP/PFBC Pesticides Permit | Issued | Nana Sinkam Sam 223 Lobachsville Road Oley, PA 19547-8638 | Pike Township Berks County | SCRO |
| 1013829 | Joint DEP/PFBC Pesticides Permit | Issued | Field Lake Estates P.O. Box 779 Wexford, PA 15090-0779 | Cranberry Township Butler County | NWRO |
| 1013830 | Joint DEP/PFBC Pesticides Permit | Issued | Applehill Owners c/o Comm Management Group P.O. Box 779 Wexford, PA 15090-0779 | Adams Township Butler County | NWRO |
| 1017805 | Joint DEP/PFBC Pesticides Permit | Issued | Ehrman Farms HOA P.O. Box 779 Wexford, PA 15090 | Cranberry Township Butler County | NWRO |
| 1423801 | Joint DEP/PFBC Pesticides Permit | Issued | Allied Properties P.O. Box 7189 Wilmington, DE 19803-0189 | Benner Township Centre County | NCRO |
| PA0092223 | Major Industrial Waste Facility < 250 MGD Individual NPDES Permit | Issued | BASF Corp 370 Frankfort Road Monaca, PA 15061-2210 | Potter Township Beaver County | SWRO |
| PA0096211 | Major Sewage Facility >= 1 MGD and < 5 MGD Individual NPDES Permit | Issued | Westmoreland County Municipal Authority 124 Park and Pool Road New Stanton, PA 15672 | Hempfield Township Westmoreland County | SWRO |
| PA0026468 | Major Sewage Facility >= 5 MGD Individual NPDES Permit | Issued | Lower Bucks County Joint Municipal Authority 7811 New Falls Road Levittown, PA 19055-1014 | Bristol Township Bucks County | SERO |
| 0374402 | Major Sewage Treatment Facility Individual WQM Permit | Issued | Ford City Borough Municipal Sewer Disposal Authority P.O. Box 66 Ford City, PA 16226-0066 | Ford City Borough Armstrong County | NWRO |

| <i>Application Number</i> | <i>Permit Type</i> | <i>Action Taken</i> | <i>Permittee Name & Address</i> | <i>Municipality, County</i> | <i>DEP Office</i> |
|---------------------------|--|---------------------|--|---|-------------------|
| PA0223026 | Minor Industrial Waste Facility without ELG Individual NPDES Permit | Issued | Saint Petersburg Borough Municipal Water Authority Clarion County P.O. Box 235 144 Church Street St Petersburg, PA 16054-0235 | Richland Township Clarion County | NWRO |
| PA0255319 | Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit | Issued | South Franklin Township Washington County 100 Municipal Road Washington, PA 15301 | South Franklin Township Washington County | SWRO |
| 0288204 | Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit | Issued | PA American Water Co. 800 W Hershey Park Drive Hershey, PA 17033-2400 | Pittsburgh City Allegheny County | SWRO |
| 3086402 | Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit | Issued | Lower Ten Mile Joint Sewer Authority 144 Chartiers Road Jefferson, PA 15344-4115 | East Bethlehem Township Washington County | SWRO |
| 6103403 | Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit | Issued | Frenchcreek Township Venango County 4507 Georgetown Road Franklin, PA 16323-4733 | Polk Borough Venango County | NWRO |
| NNOEXSC18 | No Exposure Certification | Issued | Bayer Healthcare LLC 400 W Stoever Avenue Myerstown, PA 17067-1418 | Myerstown Borough Lebanon County | SCRO |
| NNOEXSC43 | No Exposure Certification | Issued | Godiva Chocolatier Inc. 650 E Neversink Road Reading, PA 19606-3208 | Exeter Township Berks County | SCRO |
| NOEXSC177 | No Exposure Certification | Issued | Dairiconcepts 8190 Presidents Drive Hummelstown, PA 17036-8619 | Swatara Township Dauphin County | SCRO |
| NOEXSC389 | No Exposure Certification | Issued | Materion Corp 225 Peach Street Leesport, PA 19533-8644 | Ontelaunee Township Berks County | SCRO |
| NOEXSC397 | No Exposure Certification | Issued | Alkegen 310 Running Pump Road Lancaster, PA 17603-2249 | East Hempfield Township Lancaster County | SCRO |
| NOEXSC398 | No Exposure Certification | Issued | The Ames Co. Inc. 465 Railroad Avenue Camp Hill, PA 17011-5611 | South Middleton Township Cumberland County | SCRO |
| PAG036231 | PAG-03 NPDES General Permit for Industrial Stormwater | Issued | Growmark FS LLC 308 NE Front Street Milford, DE 19963-1434 | Somerset Township Somerset County | SWRO |
| PAG036250 | PAG-03 NPDES General Permit for Industrial Stormwater | Issued | Marathon Petro Co. LP 539 S Main Street Findlay, OH 45840 | Jefferson Hills Borough Allegheny County | SWRO |
| PAG036346 | PAG-03 NPDES General Permit for Industrial Stormwater | Issued | Cronimet Corp 1 Pilarsky Way Aliquippa, PA 15001-5421 | Aliquippa City Beaver County | SWRO |

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| <i>Application Number</i> | <i>Permit Type</i> | <i>Action Taken</i> | <i>Permittee Name & Address</i> | <i>Municipality, County</i> | <i>DEP Office</i> |
|---------------------------|---|---------------------|---|---|-------------------|
| PAG138315 | PAG-13 NPDES General Permit for MS4s | Waived | Girard Township Erie County 10140 Ridge Road Girard, PA 16417-9415 | Girard Township Erie County | NWRO |
| PAG138336 | PAG-13 NPDES General Permit for MS4s | Waived | Harmony Borough Butler County 217 Mercer Street Harmony, PA 16037-6807 | Harmony Borough Butler County | NWRO |
| PA0210404 | Single Residence STP Individual NPDES Permit | Issued | Zimmerman Steven 4916 Glen Hazel Road Wilcox, PA 15870-5124 | Jones Township Elk County | NWRO |
| PA0233170 | Single Residence STP Individual NPDES Permit | Issued | Bella Edward R 265 Silverdale Road Julian, PA 16844-8521 | Huston Township Centre County | NCRO |
| PA0267422 | Single Residence STP Individual NPDES Permit | Issued | Lucas Garrett C 1120 2nd Street Enola, PA 17025-3264 | Rye Township Perry County | SCRO |
| 1421402 | Single Residence Sewage Treatment Plant Individual WQM Permit | Issued | Bella Edward R 265 Silverdale Road Julian, PA 16844-8521 | Huston Township Centre County | NCRO |
| 2492401 | Single Residence Sewage Treatment Plant Individual WQM Permit | Issued | Zimmerman Steven 4916 Glen Hazel Road Wilcox, PA 15870-5124 | Jones Township Elk County | NWRO |
| 5021401 | Single Residence Sewage Treatment Plant Individual WQM Permit | Issued | Lucas Garrett C 1120 2nd Street Enola, PA 17025-3264 | Rye Township Perry County | SCRO |
| PA0291781 | Small Flow Treatment Facility Individual NPDES Permit | Issued | RR Ave Apt LLC 41 Run Valley Road Conestoga, PA 17516-9734 | East Donegal Township Lancaster County | SCRO |
| WQG01362201 | Small Flow Treatment Facility Individual WQM Permit | Issued | RR Ave Apt LLC 41 Run Valley Road Conestoga, PA 17516-9734 | East Donegal Township Lancaster County | SCRO |

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 & Address</i> | <i>Municipality, County</i> | <i>Office</i> |
|----------------------|-----------------------|---------------------|--|---|--|
| PAC400267 | PAG-02 General Permit | Issued | Terminal Leasing, Inc. c/o Pitt Ohio Express Inc. James Maug 15 27th Street Pittsburgh, PA 15222 | Hazle Township Luzerne County | Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991 RA-EPWW-NERO@pa.gov |
| PAC480161 | PAG-02 General Permit | Issued | Justin Huratiack Huratiack Homes, LLC 416 O W Road Bangor, PA 18013-9380 | Pen Argyl Borough Northampton County | Northampton County Conservation District 14 Gracedale Ave. Greystone Building Nazareth, PA 18064-9211 610-829-6276 RA-EPWW-NERO@pa.gov |

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| <i>Permit Number</i> | <i>Permit Type</i> | <i>Action Taken</i> | <i>Applicant Name & Address</i> | <i>Municipality, County</i> | <i>Office</i> |
|----------------------|-----------------------------|---------------------|--|---|---|
| PAC090137 | PAG-02 General Permit | Issued | Green Top Management, LLC 2846 Main Street, 12A Morgantown, PA 19543-9490 | West Rockhill Township Bucks County | Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 x 110 RA-EPNPDES_SERO@ pa.gov |
| PAC090614 | PAG-02 General Permit | Issued | Estate of Harry M. Torbert, Jr. 1700 Yardley Newtown Road Yardley, PA 19067-4102 | Lower Makefield Township Bucks County | Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 x 110 RA-EPNPDES_SERO@ pa.gov |
| PAC460779 | PAG-02 General Permit | Issued | PROSOV LLC Five Great Valley Parkway Suite 210 Malvern, PA 19355-1426 | Norristown Borough Montgomery County | Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov |
| PAC460773 | PAG-02 General Permit | Issued | Bochasanwasi Shree Akshar Purushottam Swaminarayan Sanstha Northeast P.O. Box 519 Windsor, NJ 08561-0519 | Hatfield Township Montgomery County | Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov |
| PAC460239 | PAG-02 General Permit | Issued | Riverfront at Royersford LLC 155 Railroad Plaza Royersford, PA 19468 | Royersford Borough Montgomery County | Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov |
| PAC100089 | PAG-02 General Permit | Issued | Duffy Highlands LP 800 Washington Street Evans City, PA 16033 | Center Township Butler Township Butler County | Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270 |
| PAC100107 | PAG-02 General Permit | Issued | Arden Woods LLC 215 Executive Drive Suite 300 Cranberry Township, PA 16066 | Lancaster Township Butler County | Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270 |
| PAC100090A2 | PAG-02 General Permit | Issued | Sippel Enterprises 2000 Georgetown Drive Suite 100 Sewickley, PA 15143 | Cranberry Township Butler County | Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270 |

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| <i>Permit Number</i> | <i>Permit Type</i> | <i>Action Taken</i> | <i>Applicant Name & Address</i> | <i>Municipality, County</i> | <i>Office</i> |
|----------------------|--------------------------|---------------------|--|--|---|
| PAC540014 A-1 | PAG-02 General Permit | Issued | Tyson Foods Mr. Duane Redder, Facility Mgr. 2231 W. Martin Luther King Jr. Blvd. Fayetteville, AR 72701-6218 | Cass Township Schuylkill County | Schuylkill County Conservation District 1206 AG Center Drive Pottsville, PA 17901-9733 570-622-3742 RA-EPWW-NERO@ pa.gov |
| PAC100286 | PAG-02 General Permit | Issued | MSP Properties of PA LP P.O. Box 1567 Beaver Falls, PA 15010 | Jackson Township Butler County | Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270 |
| PAD210056A-1 | PAG-02 General Permit | Issued | Lexington Land Developers Corp. 336 West King Street Lancaster, PA 17603 | South Middleton Township Cumberland County | Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812 |
| PAD210012A-1 | PAG-02 General Permit | Issued | Letort Estates, LLC 2 Ridge Drive Carlisle, PA 17015 | Middlesex Township Cumberland County | Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812 |
| PAD210091 | PAG-02 General Permit | Issued | Carlisle Hotel Partners, LP 610 Edgegrove Road Hanover, PA 17331 | South Middleton Township Cumberland County | Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812 |
| PAC210306 | PAG-02 General Permit | Issued | Sarah A. Kramer 1209 Center Road Newville, PA 17241 | Lower Mifflin Township Cumberland County | Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812 |
| PAD210077 | PAG-02 General Permit | Issued | Fred A Gettys, LLP 1540 McCormick Road Mechanicsburg, PA 17055 | North Middleton Township Cumberland County | Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812 |
| PAC210304 | PAG-02 General Permit | Issued | Creek View Land Associates, LLC 125 Glenridge Drive Carlisle, PA 17015 | Upper Frankford Township Cumberland County | Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812 |
| PAC210074 | PAG-02 General Permit | Issued | Rine Land Development 19 Independence Drive Shippensburg, PA 17257 | Southampton Township Cumberland County | Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812 |

| <i>Permit Number</i> | <i>Permit Type</i> | <i>Action Taken</i> | <i>Applicant Name & Address</i> | <i>Municipality, County</i> | <i>Office</i> |
|----------------------|-----------------------------|---------------------|--|---|--|
| PAC210074 | PAG-02 General Permit | Issued | Rine Land Development 19 Independence Drive Shippensburg, PA 17257 | Southampton Township Cumberland County | Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812 |
| PAC210159A-2 | PAG-02 General Permit | Issued | Consolidated Properties 400 North Front Street Wormleysburg, PA 17043 | Camp Hill Borough Cumberland County | Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812 |
| PAC210308 | PAG-02 General Permit | Issued | Northeast Fire & Rescue 202 Third Street Summerdale, PA 17093 | East Pennsboro Township Cumberland County | Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812 |
| PAC210305 | PAG-02 General Permit | Issued | Pacifica Mechanicsburg LLC 1775 Hancock Street Suite 200 San Diego, CA 92110 | Hampden Township Cumberland County | Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812 |
| PAC210074A-5 | PAG-02 General Permit | Issued | Rine Land Development Inc. 19 Independence Drive Shippensburg, PA 17257 | Southampton Township Cumberland County | Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812 |
| PAC210303 | PAG-02 General Permit | Issued | Timothy H. and Audrey F. Gehman 1100 Mountain Road Newburg, PA 17240 | Upper Mifflin Township Cumberland County | Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812 |
| PAC210248A-1 | PAG-02 General Permit | Issued | Linlo Properties, XVI, LLC 150 Corporate Center Drive Suite 100 Camp Hill, PA 17011 | Upper Allen Township Cumberland County | Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812 |
| PAC080031 | PAG-02 General Permit | Issued | Jonathan J. Homer Greyhan LLC 1195 Rovedale Lane Wyalusing, PA 18853 | Wyalusing Township Bradford County | Bradford County Conservation District 200 Lake Rd Ste E Towanda, PA 18848 570-265-5539 |
| PAC410091 | PAG-02 General Permit | Issued | Danko Holdings LP 1500 Sycamore Rd Montoursville, PA 17754 | Muncy Township and Fairfield Township Lycoming County | Lycoming County Conservation District 542 County Farm Rd Suite 202 Montoursville, PA 17754 570-433-3003 |
| PAC600087 | PAG-02 General Permit | Issued | PNK P2, LLC Enterprise Blvd Allenwood, PA 17810 | Gregg Township Union County | Union County Conservation District 155 N 15th St Lewisburg, PA 17837 570-524-3860 |

PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

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

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at 717-787-3483 for more information.

SAFE DRINKING WATER

Actions Taken Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).

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

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

Construction Permit No. 3523501MA, Minor Amendment, Public Water Supply.

| | |
|----------------------|--|
| Applicant | Pennsylvania American Water Company |
| Address | 852 Wesley Drive Mechanicsburg, PA 17055 |
| Municipality | Roaring Brook Township |
| County | Lackawanna County |
| Consulting Engineer | Mr. Joseph S. Durkin, P.E. Design Engineer, Reilly Assoc. 49 South Main St. Suite 200 Pittston, PA 18640 |
| Application Received | January 27, 2023 |
| Permit Issued | April 17, 2023 |

Description

The application proposed the installation of a metering station and the rehabilitation of the existing 48-inch diameter water main which is 5,300 feet long and is one of two existing, parallel water mains located at their Lake Scranton Water Treatment Plant (WTP) Also, PAWC proposes the removal of a spool piece situated between two normally closed isolation valves located within the Finished Water Valve Chamber at the WTP. This is proposed in response to a comment received from the Department during a prior site visit to provide a physical air gap between the raw water and finished water piping at the WTP site.

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

Contact: Darin Horst, Environmental Engineer, 717-705-4708.

Construction/Operation Permit No. 3623501 MA, Public Water Supply.

| | |
|----------------------|---|
| Applicant | Columbia Water Company |
| Address | 220 Locust Street P.O. Box 350 Columbia, PA 17512 |
| Municipality | Columbia Borough |
| County | Lancaster County |
| Application Received | January 9, 2023 |
| Permit Issued | April 10, 2023 |
| Description | Temporary addition of sodium chloride for use as a tracer chemical for the Lockard's Hollow storage tanks tracer study. |

Operation Permit No.2821506, Public Water Supply.

| | |
|----------------------|---|
| Applicant | APX Enclosures, Inc. |
| Address | P.O. Box 309 Greencastle, PA 17225 |
| Municipality | Antrim Township |
| County | Franklin County |
| Consulting Engineer | CES Engineering, LLC 905 Loring Lane Mechanicsburg, PA 17055 |
| Application Received | March 31, 2023 |
| Permit Issued | April 11, 2023 |
| Description | Operation of Well No. 2, softening, reverse osmosis, sodium hypochlorite addition, caustic soda addition for pH adjustment, storage tanks, and booster pumps. |

Operation Permit No. 5020501, Public Water Supply.

| | |
|-----------|--|
| Applicant | Messiah Evangelical Lutheran Church |
|-----------|--|

Address 70 Limestone Ridge Road
P.O. Box 34
Elliottsburg, PA 17024

Municipality Spring Township

County **Perry County**

Consulting Engineer William F. Hill & Associates, Inc.
207 Baltimore Street
Gettysburg, PA 17325

Application Received April 10, 2023

Permit Issued April 12, 2023

Description Operation of Well No. 2 and treatment including cartridge filtration, softening, reverse osmosis for TDS and chloride reduction, sodium hypochlorite disinfection, finished water storage, and booster pumping facilities.

Construction Permit No. 3623502 MA, Public Water Supply.

Applicant **Mount Joy Borough Authority**

Address 21 East Main Street
Mount Joy, PA 17552

Municipality East Donegal Township

County **Lancaster County**

Consulting Engineer ARRO Consulting, Inc.
108 West Airport Road
Lititz, PA 17543

Application Received January 11, 2023

Permit Issued April 18, 2023

Description Replacement of chemical feed pumps and turbidimeters at the Carmany Road water treatment plant.

Northcentral Region: Safe Drinking Water Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Nicole Mechtly, Clerical Supervisor, 570-327-3490.

Operation Permit 5922505. PWSID No. **2590874**. **USACE Cowanesque Lake South Shore Rec Area**, 710 Ives Run Lane, Tioga, PA 16946, Lawrence Township, **Tioga County**. Application received: May 9, 2023. Permit Issued: May 25, 2023. This permit authorizes operation of Well No. 1 as a source of supply with a 1-hp Goulds 10CS10422 submersible well pump which is rated at 10-gpm, sodium hypochlorite chemical feed system, three Clack Model RT120 120-gallon contact tanks for contact time, three 24" diameter x 72" Greensand filters for Iron and Manganese removal, 3-10 gpm flow restrictors, 19,000-gallon storage tank, 2 booster pumps, Wellxtrol WX-202 150 psi 20-gallon pressure tank, canister filter and the distribution system. Note that the entire water system is now approved by a public water supply construction permit under 25 Pa. Code § 109.503. It no longer qualifies for noncommunity approval under § 109.505.

Operation Permit 4922504. PWSID No. **1441314**. **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, Coal Township, **Northampton**

County. Application received: May 17, 2023. Permit Issued: May 24, 2023. This permit approves operation of a new chlorine dioxide generator at the Roaring Creek Filtration Plant.

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.

Operation Permit 7670129. PWSID No. **7670129**. **The York Water Company**, 130 East Market Street, York, PA 17401, Washington Township, **York County**. Application received: April 25, 2023. Permit Issued: May 23, 2023. Comprehensive operation permit for the Country View Manor water system for on-line chlorine analyzers.

Operation Permit 2221501. PWSID No. **7220044**. **Susquehanna Area Regional Airport Authority/Harrisburg International Airport**, One Terminal Drive, Suite 300, Middletown, PA 17057, Lower Swatara Township, **Dauphin County**. Application received: May 1, 2023. Permit Issued: May 23, 2023. Partial Operation Permit 4 for the treatment of Wells 1, 2, 4, 11, and 12 through the existing temporary GAC treatment system.

Construction/Operation Permit 2123502 MA. PWSID No. **7210028**. **Veolia Water Pennsylvania, Inc.**, 6310 Allentown Boulevard, Suite 104, Harrisburg, PA 17112, Mechanicsburg Borough, **Cumberland County**. Application received: March 20, 2023. Permit Issued: May 24, 2023. Installation of a pH/temperature probe for the chlorine contact basin at the Market Street Water Treatment Plant.

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 0221547. PWSID No. **5020076**. **Fawn-Frazer Joint Water Authority**, 326 Donnellville Road, Natrona Heights, PA 15065, Fawn Township, **Allegheny County**. Application received: May 17, 2023. Permit Issued: May 23, 2023. Rehabilitated 250,000-gallon Route 908 Extension water storage tank (new coating system, vent, blower, shell manway, and tank mixing system) and improvements to the Route 908 Extension Pump Station (VFD, check valve, SCADA reprogramming).

Operation Permit 2623508MA. PWSID No. **5260017**. **Point Marion Borough**, P.O. Box 236, Point Marion, PA 15474, Point Marion Borough, **Fayette County**. Application received: April 28, 2023. Permit Issued: May 12, 2023. Addition of DelPAC 2020 at the Point Marion Borough Water Treatment Plant

Construction/Operation Permit 0423508MA. PWSID No. **5040036**. **Industry Borough Municipal Authority**, 1149 Willowbrook Drive East, Industry, PA 15052, Industry Borough, **Beaver County**. Application received: March 27, 2023. Permit Issued: May 24, 2023. Cleaning of Wells Nos. 1 and 2.

Construction/Operation Permit 5656494. PWSID No. **5656494**. **Water On Wheels, LLC**, 5005 Pioneer Court, Murrysville, PA 15668, New Stanton Borough, **Westmoreland County**. Application received: October 24, 2022. Permit Issued: May 26, 2023. Water on Wheels bulk water hauling system including two tank trucks and two fill stations.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as Amended, 35 P.S. § 750.5.

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

Contact: Cynthia Selby, Environmental Group Manager, 814-332-6643.

Plan Location:

| Municipality | Address | County |
|--------------------|--------------------------------------|---------------|
| Grove City Borough | P.O. Box 110 Grove City, PA 16127 | Mercer County |

Plan Description:

Grove City Black Run Lift Station Upgrades Act 537 Special Study, M6-23-058. The plan provides for approximately 2,300 linear feet of 8-inch forcemain to be installed from the Black Run Lift Station to an air release valve at the intersection of North Broad Street and North Street, and 400 linear feet of gravity sewer from the air release valve to a manhole on North Street, continuing to manhole 143 on the Wolf Run Interceptor. This project will eliminate the existing Black Run forcemain from the lift station to manhole 297. The lift station will be upgraded with 625 gpm pumps. Capital maintenance includes wet weather pond liners, replacement of the belt filter press, and replacement of the laboratory roof at the sewage treatment plant. Also included is a borough system-wide, real estate transaction triggered, private lateral dye testing and closed-circuit televising ordinance enactment and enforcement program. The review of the Special Study has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 2

The Following Plans and Reports Were Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A

remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

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

The Department has received the following plans and reports.

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

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

Beimel Transport Accident, Primary Facility ID # **858253**, Intersection of Dam Run Road and SR 287, Jersey Shore, PA 17740, Mifflin Township, **Lycoming County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of EQT Corporation, 33 West Third Street, Suite 300, Williamsport, PA 17701, submitted a Final Report concerning remediation of soil contaminated with production water. The Final Report is intended to document remediation of the site to meet the Statewide health and background standards.

Former PAXAR Facility, Primary Facility ID # **715430**, 1 Wilcox Street, Sayre, PA 18840, Sayre Borough, **Bradford County**. Vanasse Hangen Brustlin, Inc., 1805 Atlantic Avenue, Manasquan, NJ 08736, on behalf of Avery Dennison Corporation, 8080 Norton Parkway, Mentor, OH 44060, submitted a Cleanup Plan concerning remediation of soil and groundwater contaminated with chlorinated solvents. The Cleanup Plan is intended to document remediation of the site to meet the site-specific standards.

CCR&S Trans LLC Project, Primary Facility ID # **866957**, SR 45 East, right lane berm, Montandon, PA 17850, East Chillisquaque Township, **Northumberland County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of CCR & S Trans LLC, P.O. Box 332, Selingsgrove, PA 17870, submitted a Final Report concerning remediation of soil contaminated with diesel fuel. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

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

Contact: Eric Supey, Environmental Program Manager.

LRJ Well Site, Primary Facility ID # **857706**, 781 Creamery Road, Montrose, PA 18801, Rush Township, **Susquehanna County**. Creston Environmental, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, submitted a Final Report concerning remediation of soil contaminated with production fluid (brine). The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Maynard Property, Primary Facility ID # **861362**, 2320 Community Drive, Bath, PA 18014, Moore Township, **Northampton County**. Aquaterra Technologies, 901 South Bolmar Street, Suite A, West Chester, PA 19382, on behalf of Silfies Fuels, LLC, 751 Point Phillips Road, Bath, PA 18014, submitted a Final Report concerning remediation of soil contaminated with heating oil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Coleman Property, Primary Facility ID # **864866**, 403 Lake Boulevard, Clifford, PA 18470, Clifford Township, **Susquehanna County**. Geological & Environmental Associates, 430 West Mountain Road, Plymouth, PA 18651, on behalf of Bradley Coleman, 871 Deerwood Lane, Quakertown, PA 18951, submitted a Final Report concerning remediation of soil contaminated with heating oil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Southwest Region: Environmental Cleanup & Brownfields Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Kam Miscikyte, Clerical Assistant, 412-442-4091.

Former West Hills Par 3, Primary Facility ID # **862888**, 571 Moon Clinton Road, Coraopolis, PA 15108, Moon Township, **Allegheny County**. American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668, on behalf of Airfield Gates Limited Partnership, 5701 Lonetree Boulevard, Suite 311, Rocklin, CA 95765, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil contaminated with arsenic. The Remedial Investigation Report/Cleanup Plan is intended to document remediation of the site to meet the site-specific standards.

UPMC Mercy Vision Center, Primary Facility ID # **835297**, Locust Street, Pittsburgh, PA 15219, City of Pittsburgh, **Allegheny County**. SE Technologies, LLC, 500 Mosites Way, Pittsburgh, PA 15205, on behalf of UPMC—Corporate Construction, 600 Grant Street, 60th Floor, Pittsburgh, PA 15219, submitted a Final Report concerning remediation of soil contaminated with bis(2-ethylhexyl)phthalate, arsenic, lead, manganese, and vanadium. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department Has Taken Action on the Following Plans and Reports Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-

residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

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

The DEP has received the following plans and reports.

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

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

SGL-12 P Unit 4H on the SGL-12 P Unit Pad, Primary Facility ID # **855993**, 3039 Carbon Road, Monroeton, PA 18832, Franklin Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, submitted a Final Report concerning remediation of soil contaminated with production fluid. The Final Report demonstrated attainment of the Statewide health standards. Approved: May 9, 2023.

Fought's Disposal Service, Inc. Release Cleanup, Primary Facility ID # **865978**, Interstate 80 at MM 226, right lane berm, Danville, PA 17821, West Hemlock Township, **Montour County**. EnviroServe, Inc., 254 Reitz Avenue, Winfield, PA 17889, on behalf of Fought's Disposal Service, Inc., 2705 Snyder Avenue, Bloomsburg, PA 17815, submitted a Final Report concerning remediation of soil contaminated with hydraulic oil and used motor oil. The Final Report demonstrated attainment of the Statewide health standards. Approved: May 19, 2023.

A & M BRA Pad, Primary Facility ID # **865798**, 3799 Sugar Hill Road, Sugar Run, PA 18846, Wilmot Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1378, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, submitted a Final Report concerning remediation of soil

contaminated with production fluid. The Final Report demonstrated attainment of the Statewide health standards. Approved: May 11, 2023.

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

Contact: Peter Wheiland, 814-332-6189.

Baird Well Pad ESX, Primary Facility ID # **865871**, 435 Hooker Road, West Sunbury, PA 16061, Concord Township, **Butler County**. Civil & Environmental Consultants Inc., 700 Cherrington Parkway, Moon Township, PA 15108, on behalf of PennEnergy Resources LLC, 300 Westinghouse Drive, Suite 300, Cranberry, PA 16066, submitted a Final Report concerning remediation of soil contaminated with Aluminum, Barium, Boron, Total Chloride, Iron, Lithium, Manganese, Selenium, Strontium, and Zinc. The Final Report demonstrated attainment of the Statewide health standards. Approved: May 23, 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.

Former Reading Outlet Center, Bldg. # 1, Primary Facility ID # **830498**, 9th & Douglass Streets, NE Corner, Reading, PA 19601, City of Reading, **Berks County**. Liberty Environmental, Inc., 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of Reading School District, 800 Washington Street, Reading, PA 19601, submitted a Final Report concerning remediation of soil contaminated with No. 6 Fuel Oil. The Final Report demonstrated attainment of the Statewide health standards. Approved: May 22, 2023.

230 S. Sporting Hill Road Property, Primary Facility ID # **864188**, 230 South Sporting Hill Road, Mechanicsburg, PA 17050, Hampden Township, **Cumberland County**. Bluestone Environmental, Inc., 196 Beach Lake Highway, Honesdale, PA 18431, on behalf of RLS Construction Group, 405 Saint John's Church Road, Suite 106, Camp Hill, PA 17011, submitted a Final Report concerning remediation of soil contaminated with No. 2 Fuel Oil. The Final Report demonstrated attainment of the Statewide health standards. Approved: May 25, 2023.

Former Specialty Screw Machine Products, Inc., Primary Facility ID # **834971**, 1028 Dillerville Road, Lancaster, PA 17603, Manheim Township, **Lancaster County**. Liberty Environmental, Inc., 315 West James Street, Suite 205, Lancaster, PA 17603, on behalf of Molt, LLC, P.O. Box 20316, York, PA 17402, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with select volatile & semi-volatile organic compounds. The Report did not demonstrate attainment of the site-specific standards. Disapproved: May 26, 2023.

Lombard Commons, Primary Facility ID # **849782**, 100 East Broad Street, Dallastown, PA 17313, Dallastown Borough, **York County**. RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, on behalf of Woda Cooper Companies, Inc., 500 South Front Street, 10th Floor, Columbus, OH 43215, submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning remediation of soil contaminated with Arsenic. The Final Report did not demonstrate attainment of the site-specific standards. Issued a technical deficiency letter: May 26, 2023.

Southwest Region: Environmental Cleanup & Brownfields Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Kam Miseikyte, Clerical Assistant, 412-442-4091.

Range Infante Waterline, Primary Facility ID # **865544**, Linear Project, Burgettstown, PA 15021, Smith Township, **Washington County**. EnviroTrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Range Resources—Appalachia, LLC, 3000 Town Center Boulevard, Canonsburg, PA 15317, submitted a Final Report concerning remediation of soil contaminated with aluminum, barium, boron, chloride, iron, lithium, manganese, strontium, vanadium, zinc, and selenium. The Final Report demonstrated attainment of the Statewide health and background standards. Approved: May 25, 2023.

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.

GP3-54-017: CES Biogas, LLC, 440 Jonathan Willey Road, Rostraver, PA 15012, Foster Township, **Schuylkill County**. For the installation and operation of a portable crushing plant at the facility located in Foster Twp., Schuylkill County. Application received: April 24, 2023. Issued: May 25, 2023.

GP9-54-017: CES Biogas, LLC, 440 Jonathan Willey Road, Rostraver, PA 15012, Foster Township, **Schuylkill County**. For the installation and operation of I C Engines at the facility located in Foster Twp., Schuylkill County. Application received: April 24, 2023. Issued: May 25, 2023.

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

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6940.

GP4-43-00385D: Cronimet Specialty Metals USA Incorporated, 209 Reynolds Industrial Park Road, Greenville, PA 16125, Pymatuning Township, **Mercer County**. The Department issued this permit to allow installation and temporary operation of 2 new natural gas fired burnoff ovens (BAQ-GPA/GP4) at the facility. Application received: March 2, 2023. Issued: April 12, 2023.

AG5-03-00005B (GP5-03-00252D): Snyder Brothers Incorporated, Hogback Compressor Station, 2517 Angus Road, New Bethlehem, PA 16242, Wayne Township, **Armstrong County**. The Department issued this permit to authorize installation and operation of two new dehydrator units (20 & 30 MMsfd) and associated reboilers with emissions from both new dehydrators controlled by enclosed flares, several new storage tanks, and reauthorization of existing sources at the facility. Application received: December 7, 2022. Issued: April 14, 2023.

AG5-03-00015A (GP5-03-00258B): MDS Gathering, LLC, Gilpin Compressor Station, 969 Route 66, Leechburg, PA 15656, Gilpin Township, **Armstrong County**.

The Department issued this permit to reauthorize operation of existing sources at the facility. Application received: March 16, 2023. Issued: April 20, 2023.

AG5-16-00008A (GP5-16-00153D): Snyder Brothers Incorporated, Truitt Compressor Station, Truittsburg Road, New Bethlehem, PA 16224, Redbank Township, **Clarion County**. The Department issued this permit to reauthorize operation of existing sources at the facility. Application received: January 23, 2023. Issued: April 26, 2023.

AG5-24-00002C (GP5-24-00180F): National Fuel Gas Midstream Clermont LLC, Clermont West Compressor Station, 12753 Shawmut Grade Road, Emporium, PA 15834, Jones Township, **Elk County**. The Department issued this permit to authorize rerating of the Source 108 Caterpillar Engine to a higher horsepower, and reauthorize existing sources, at the facility. Application received: March 15, 2023. Issued: April 28, 2023.

AG5-32-00009A (GP5-32-00146D): Diversified Production, LLC, Homer City Compressor Station, 152 Ferrier Run Road, Indiana, PA 15701, White Township, **Indiana County**. The Department issued this permit to reauthorize operation of existing sources at the facility. Application received: April 19, 2023. Issued: May 22, 2023.

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

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

GP14-36-03194: Cremation Services of Lancaster, 2024 Marietta Avenue, Lancaster, PA 17603, East Hempfield Township, **Lancaster County**. For an existing human crematory, under GP14, at the facility. The general permit authorization was renewed. Application received: May 8, 2023. Issued: May 22, 2023.

GP14-22-03031: Cremation Society of PA, Inc., 4100 Jonestown Road, Harrisburg, PA 17109, Lower Paxton Township, **Dauphin County**. For the human crematory, under GP14, at the facility. The general permit authorization was renewed. Application received: May 1, 2023. Issued: May 23, 2023.

GP3-38-03068A: Cornwall Mining, LLC, 201 Iron Valley Drive, Lebanon, PA 17042, Cornwall Borough, **Lebanon County**. For portable nonmetallic mineral crushing equipment, under GP3, at the Minersville Quarry. Application received: May 12, 2023. Issued: May 25, 2023.

GP9-38-03068A: Cornwall Mining, LLC, 201 Iron Valley Drive, Lebanon, PA 17042, Cornwall Borough, **Lebanon County**. For four diesel engines to power portable nonmetallic mineral crushing equipment, under GP9, at the Minersville Quarry. Application received: May 12, 2023. Issued: May 25, 2023.

GP11-38-05024B: Pennsy Supply, Inc., 2400 Thea Drive, Suite 3A, Harrisburg, PA 17110, South Lebanon Township, **Lebanon County**. For an existing non-road engine, under GP1, to power a shingle shredder, at the Prescott Quarry. The general permit authorization was renewed. Application received: March 27, 2023. Issued: May 25, 2023.

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

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

GP4-26-00600C: Kubina Metals Company, 672 Braznell Road, Grindstone, PA 15442, Redstone Township, **Fayette County**. Received authorization on May 25,

2023 for the continued operation of one (1) VPI-225 Burn-Off oven under the conditions of a General Permit 4. The facility is located in Redstone Township, Fayette County. Application received: March 24, 2023. Deemed administratively complete: March 31, 2023.

GP4-65-00711B: Airtex, Inc., P.O. Box 466, 76 Clair St, Irwin, PA 15642, North Huntingdon Township, **Westmoreland County**. Received authorization on May 25, 2023 for the continued operation of one (1) Bayco Heat Cleaning Oven/Burn off oven under the conditions of a General Permit 4. The facility is located in North Huntingdon Township, Westmoreland County. Application received: October 18, 2022. Deemed administratively complete: April 28, 2023.

GP5-30-00240B/AG5-30-00034A: EQM Gathering Opco, 2200 Energy Drive, Canonsburg, PA 15317, Franklin Township, **Greene County**. To authorized to continued operation of: Two (2) natural gas-fired Solar turbines, each rated at 16,362 HP, Model No. 100—1600S, each unit will be equipped with an oxidation catalyst; one (1) produced fluid storage tank, capacity 8,820-gallon; one (1) engine oil tank, capacity 2,100-gallon; five (5) natural gas-fired Micro-turbine Generators, each rated at 200 kW; and one (1) fuel gas heater, rated at 0.77 MMBtu/hr, truck loading, fugitives, and pigging operations at their Anchor Compressor Station located in Franklin Township, Greene County. Application received: April 17, 2023. Authorized: May 23, 2023.

GP5-26-00584F/AG5-26-00007A: Laurel Mountain Midstream Operating, LLC, 111 Enterprise Lane, Connersville, PA 15425, Dunbar Township, **Fayette County**. To allow the construction of new sources and continued operation of existing sources which include: One (1) G3516LE Caterpillar compressor engine, 4SLB, rated at 1,340 bhp equipped with air/fuel ratio controller, one (1) electric engine rated at 3,000 bhp, one (1) G3516B Caterpillar Compressor Engine, 4SLB, rated at 1,380 bhp, equipped with an air/fuel ratio controller ADEM A3 engine management system which integrates speed control, air/fuel ratio control, and ignition/detonation control and controlled by an oxidation catalyst, one (1) dehydrator rated at 10 MMscfd equipped with a reboiler, rated at 0.5 MMBtu/hr, six (6) produced water tanks, truck load-out operations, pneumatic devices, compressor rod packing/engine crankcase leaks, engine startup/shutdown and maintenance and compressor blowdowns, and fugitives from process piping and equipment leaks at their Dunbar Compressor Station located in Dunbar Township, Fayette County. Application received: May 4, 2023. Authorized: May 25, 2023.

GP5-30-00163E/AG5-30-00035A: CNX Gas Company, LLC, 1000 Horizon Vue Drive, Canonsburg, PA 15317, Center Township, **Greene County**. To allow to continue the operation of existing sources which include: One (1) 15 MMscfd triethylene glycol dehydration unit with associated 0.25 MMBtu/hr reboiler, Four (4) 1,000 bhp electric driven compressors, Five (5) storage tanks of various capacities to store different fluids, truck loading operations, fugitives, pigging, miscellaneous gas venting include blowdowns, ESD and rod packings, and one (1) diesel fired emergency generator rated at 239 bhp at their Green Hill Plant located in Center Township, Greene County. Application received: April 12, 2023. Authorized: May 25, 2023.

GP5-30-00211E/AG5-30-00033A: Greylock Midstream, LLC, 205 Carmichaels Plaza, Carmichaels, PA 15320, Jefferson Township, **Greene County**. To allow the continued operation of: 3-Caterpillar Engines rated at 1,340 bhp equipped w/oxidation catalysts, 1-TEG rated at

75 MMBscfd w/reboiler rated at 0.75 MMBtu/hr controlled by a thermal oxidizer at 2.0 MMBtu/hr, 3-storage tanks, truck load out operations, pneumatics, fugitives, and compressor blowdowns at their existing Kuhl Skib Compressor Station located in Jefferson Township, Greene County. Application received: April 5, 2023. Authorized: May 23, 2023.

Actions(s) Taken on Plan Approval(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and Regulations in 25 Pa. Code Chapter 127, Subchapter B Relating to Construction, Modification and Reactivation of Air Contamination Sources and Associated Air Cleaning Devices.

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

Contact: Raymond Kempa, Environmental Group Manager.

13-00003A: Panther Creek Power Operating, LLC, 4 Dennison Road, Nesquehoning, PA 18240, Nesquehoning Borough, **Carbon County**. To establish plantwide applicability limits (PALs) for the following pollutants: PM, PM₁₀, PM_{2.5}, SO₂, NO_x, CO, Pb, Fluorides minus hydrogen fluoride (HF), sulfuric acid (H₂SO₄), and greenhouse gases (GHGs). There are no physical modifications or changes in the method of operation that are specifically associated with or proposed in this PAL application. Application received: November 2, 2016. Issued: May 25, 2023.

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

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

62-00017AA: United Refining Company, 15 Bradley Street, Warren, PA 16365, City of Warren, **Warren County**. The Department has issued a plan approval for the installation of a 5.184 MMgal/day capacity gasoline loading rack and associated vapor combustion unit at the facility. This is a Title V facility. Application received: August 3, 2022. Issued: April 11, 2023.

03-185B: Vista Metals, Incorporated, 189 Nolte Drive, Kittanning, PA 16201, East Franklin Township, **Armstrong County**. The Department has issued a plan approval for changes to powdered metal processing equipment at their Kittanning Plant facility. The plan approval authorizes the replacement of four existing ball mills (Source 104, Ball Mills) with two new attritors (Source 105, Attritors 6) and the initial operation of one associated powdered metal slurry dryer (Source ID 106) at the facility. This is a State Only facility. Application received: August 17, 2021. Issued: April 21, 2023.

24-00195A: Diversified Production, LLC, Longhorn Pad C, 125 Industrial Road, Waynesburg, PA 15370, Jay Township, **Elk County**. The Department issued a plan approval to Diversified Production LLC to provide authorization for the construction and initial operation of additional sources at their existing Longhorn Pad C facility. This facility is located on Swede Farm Road, Weedville, PA 15868; coordinates 41 degrees/17 minutes/43.2 seconds latitude, -78 degrees/27 minutes/10.85 seconds longitude. A revised application was received May 2, 2023. This plan approval authorizes additional equipment for a new process which is outside the scope of their current GP-5A. The existing GP-5A covered sources will remain authorized under that general permit. Operation of the proposed equipment in the plan approval would focus on electrical generation and cryptocurrency data mining operations and not unconventional natural gas

well site operations or remote pigging. The proposed sources would be in addition to Diversified's existing equipment. No changes to GP-5A authorized equipment are proposed. Application received: May 31, 2022. Issued: May 22, 2023.

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.

36-05107G: Pepperidge Farm, Inc., 2195 N Reading Rd., Denver, PA 17517, East Cocalico Township, **Lancaster County**. For the replacement of a catalytic oxidizer controlling a baking oven at the bakery facility. Application received: February 17, 2023. Issued: May 22, 2023.

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

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

09-0008A: TAVO Packaging, Inc., 2 Canal Rd, Fairless Hills, PA 19030, Falls Township, **Bucks County**. This action is for a plan approval to remove the current 2.7 tpy VOC limit on the Koenig and Bauer Rapida 145 Offset Heatset lithographic 6-color printing press (source ID 111). The press was originally installed under RFD 8909 as an exempt source with the 2.7 tpy VOC limit. PTE for the press is 14.93 tpy VOC when operated for 5,300 hr/yr. Physical limitations (setup, cleanup and maintenance) prevent the press from being operated for more than 5,300 hr/yr. VOC emissions are controlled by limiting VOC content of coatings to 4.84 lbs or less VOC per 1 gallon coating solids, limiting press-ready fountain solution to 5.0% or less by weight VOC content, and limiting blanket/roller solution to 70% or less VOC content (25 Pa. Code § 129.52b). Additionally, the plan approval contains work practices to limit fugitive emissions. The facility is required to monitor and record all necessary information to calculate VOC emissions. A facility wide total VOC emissions limit of 20 tpy is part of the current State Only Permit (09-00008) and this plan approval. Application received: December 21, 2022. Issued: May 23, 2023.

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

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

PA-11-00542: Military Resource Enhancement Specialists, Inc., 3179 Lincoln Highway, Stoystown, PA 15563, Conemaugh Township, **Cambria County**. Plan Approval extension issued on May 23, 2023, expiration date November 28, 2023, to allow shake-down of sources and air cleaning devices at MRES Slag Operation located in Conemaugh Township, Cambria County. Application received: May 22, 2023. Authorized: May 23, 2023.

PA-63-01062: Sollon Funeral and Cremation Services, 30 E College Street, Canonsburg, PA 15317, Canonsburg Borough, **Washington County**. Effective May 25, 2023, the Department issued a Plan Approval Extension for the temporary operation of one (1) Matthews Environmental Solutions IE43-PPI natural gas-fired human crematory incinerator at the Sollon Funeral Home in the Borough of Canonsburg, Washington County. The new expiration date is November 28, 2023. Application received: May 15, 2023. Deemed administratively complete: May 17, 2023.

PA-65-01135: Brandywine Green, LLC, 2 Daniels Way, Cranston, RI 02921, Murrysville Borough, **Westmoreland County**. The Department issued a Plan Ap-

proval for the construction and operation of one (1) Matthews Environmental Solutions IEB-56 natural gas-fired animal crematory incinerator rated at a cremation rate of 400 lbs/hr and maximum charge capacity of 3,000 lbs and two (2) Matthews Environmental Solutions IEB-56 4S natural gas-fired animal crematory incinerator rated at a cremation rate of 340 lbs/hr and maximum charge capacity of 1,700 lbs. The facility is located at 103 Technology Lane, Export, PA 15632 in the Municipality of Murrysville, Westmoreland County. The proposed project and facility-wide potential to emit will not equal or exceed 7.25 tons of nitrogen oxides (NO_x), 24 tons of carbon monoxide (CO), 2.0 tons of particulate matter (PM), 2.0 tons per year of particulate matter less than 10 microns in diameter (PM₁₀), 2.0 tons per year of particulate matter less than 2.5 microns in diameter (PM_{2.5}), 6.0 tons per year of sulfur dioxide (SO₂), 7.25 tons per year of volatile organic compounds, 2.75 tons per year of hazardous air pollutants (HAPs), and 0.01 ton per year of lead. The authorization is subject to State Emission Standards. This Plan Approval has been conditioned to ensure compliance with all applicable rules. This includes emissions restrictions, operational restrictions, testing, monitoring, recordkeeping, reporting, and work practice requirements. Once compliance with the Plan Approval is demonstrated, the applicant will be required to apply for a State Only Operating Permit in accordance with 25 Pa. Code, Subchapter F. Application received: December 20, 2022. Deemed administratively complete: January 3, 2023. Issued: May 18, 2023.

PA-63-01004C: Tech Met, Inc., 79 East 8th Street, Donora, PA 15033, Donora Borough, **Washington County**. To extend the period of temporary operation of the Donora Plant located in Donora Borough, Washington County. The new expiration date is November 28, 2023. Application received: May 10, 2023. Issued: May 19, 2023. Plan approval effective: May 28, 2023.

Plan Approval Revision(s) Issued Including Extension(s), Minor Modification(s) and Transfer(s) of Ownership Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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.

43-00292B: Tri-County Landfill, Incorporated, 159 TCI Park Drive, Grove City, PA 16127, Pine Township and Liberty Township, **Mercer County**. The Department has issued a plan approval extension to allow additional time for project construction. This is a Title V facility. Application received: January 30, 2023. Extension: March 31, 2023. Expiration date: September 30, 2024.

16-00132Q: Clarion Boards, LLC, 143 Fiberboard Road, Shippensburg, PA 16254, Paint Township, **Clarion County**. The Department has issued a plan approval extension to allow additional time for project construction and shakedown activities. This is a Title V facility. Application received: March 16, 2023. Extension: April 28, 2023. Expiration date: April 30, 2024.

43-00270N: CCL Container, Advanced Monobloc Aerosol Division, 1 Llodio Drive, Hermitage, PA 16148, City of Hermitage, **Mercer County**. The Department has issued a plan approval extension to allow additional time for project construction and shakedown activities. This is a State Only facility. Application received: February 7, 2023. Extension: March 31, 2023. Expiration date: September 30, 2024.

62-00176B: Lignetics of New England, Incorporated, 1055 Matthews Run Road, Youngsville, PA 16371, Brokenstraw Township, **Warren County**. The Department has issued a plan approval extension to sort out stack testing results. This is a State Only facility. Application received: March 6, 2023. Extension: March 30, 2023. Expiration date: September 30, 2023.

24-00131V: SGL Carbon, LLC, 900 Theresia Street, Saint Marys, PA 15857, City of Saint Marys, **Elk County**. The Department has issued a plan approval extension to allow additional time for stack testing of the newly permitted sources. This is a State Only facility. Application received: March 9, 2023. Extension: April 27, 2023. Expiration date: October 30, 2023.

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.

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

Contact: Norm Frederick, 570-826-2409.

40-00122: Leggett & Platt, Inc., LPCC Berwick, 515 Salem Blvd., Berwick, PA 18603-6459, Salem Township, **Luzerne County**. The Department issued a renewal State-Only (Synthetic Minor) Permit for the cushions, carpet and rug, urethane, and other foam plastics (except polystyrene) manufacturing facility located in Salem Township, Luzerne County. The main sources at this facility consist of miscellaneous combustion units and a foam processing & handling operation. The control devices consist of a baghouse. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The Operating Permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: August 25, 2022. Renewal issued: May 22, 2023.

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

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

42-00178: Glenn O Hawbaker, Incorporated, Turtlepoint Asphalt Plant # 7, 711 East College Avenue, Bellefonte, PA 16823, Annin Township, **McKean County**. The Department issued the renewal of the State Only Operating Permit for the Glenn O. Hawbaker's Turtlepoint Asphalt Plant # 7. The facility is a Synthetic Minor. The primary sources at the facility include crushers, conveyors, screening, and material stockpiles. The primary sources at the facility include a drum mix asphalt plant with 400 tph capacity, rail car unloading, a rap crusher, a mixing drum, and a parts washer. The facility is subject to 40 CFR 63, Subpart I, pertaining to the hot mix asphalt plant, and 40 CFR 60, Subpart OOO, pertaining to nonmetallic mineral processing. The asphalt plant is controlled by a primary and secondary baghouse. Water sprays are used to minimize fugitive emissions from the mineral processing. The potential emissions from the facility based on the restriction of 460,000 tons of asphalt and 1,200 tons per hour for rail unloading are as follows: 13.29 tpy NO_x; 30.44 tpy CO; 13.34 tpy SO_x; 7.40 tpy VOC; 1.75 tpy HAPs; and 6.46 tpy PM₁₀. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to

ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: April 26, 2022. Renewal issued: May 22, 2023.

62-00172: Glenn O Hawbaker, Incorporated, Brokenstraw Plant # 22, 711 East College Avenue, Bellefonte, PA 16823, Pittsfield Township, **Warren County**. The Department issued the renewal of the State Only Operating Permit for the Glenn O. Hawbaker's Brokenstraw Plant # 22 sand and gravel operations. The facility is a Natural Minor. The primary sources at the facility include crushers, conveyors, screening, and material stockpiles. The facility is subject to 40 CFR Part 60, Subpart OOO—pertaining to nonmetallic mineral processing. Water sprays are used to minimize fugitive emissions from the mineral processing. The emissions from the primary and secondary sand & gravel plants and the sand & gravel wash plant are based on a maximum production of 500 tons per hour, a maximum operational schedule of 4,620 hours per year and 2,310,000 tons during any consecutive 12-month period and are as follows: 24.31 tpy PM₁₀ and 80.52 tpy PM. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: April 27, 2022. Renewal issued: May 22, 2023.

42-00194: Glenn O Hawbaker, Incorporated, Shinglehouse Plant # 8, 711 East College Avenue, Bellefonte, PA 16823, Ceres Township, **McKean County**. The Department issued the renewal of the State Only Operating Permit for the Glenn O. Hawbaker's Shinglehouse Plant # 8 sand and gravel operations. The facility is a Natural Minor. The primary sources at the facility include crushers, conveyors, screening, and material stockpiles. The facility is subject to 40 CFR Part 60, Subpart OOO—pertaining to nonmetallic mineral processing. Water sprays are used to minimize fugitive emissions from the mineral processing. The facility is restricted to 16 hours per day, 6 days per week, and 3,840 hours per year. The capacity of the crushers is limited to 350 tph. The potential emissions from the facility are 2.53 tpy PM₁₀. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: April 26, 2022. Renewal issued: May 22, 2023.

33-00085: Symmco Incorporated, Sykesville, 40 South Park Street, Sykesville, PA 15862-0039, Sykesville Borough, **Jefferson County**. The Department issued the renewal of the State Only Operating Permit for a powdered metal production facility that manufactures sintered metal parts. Permitted sources at the facility include sintering furnaces, degreasers, space and comfort heaters, and an emergency generator. With potential to emit 7.281, 0.622, 1.147, 0.008, and 0.075 TPY of PM, NO_x, CO, SO_x, and VOC, respectively, the facility is Natural Minor for permitting purposes. Incorporated into the renewal Operating Permit are four new electric sintering furnaces and a second emergency generator, which are exempt from plan approval requirements pursuant to 25 Pa. Code §§ 127.14(a) No. 44, and 127.14(a)(8) No. 6, respectively. The emergency generator is subject to 40 CFR 60 Subpart JJJJ pertaining to New Source Performance Standards for stationary spark ignition internal combustion engines. Application received: February 1, 2022. Renewal issued: May 15, 2023.

10-00087: Du-Co Ceramics Company, 155 South Rebecca Street/P.O. Box 568, Saxonburg, PA 16056, Saxonburg Borough, **Butler County**. The Department

intends to issue the renewal of the State-Only Operating Permit for a facility that produces precision ceramic insulators for varied industrial and manufacturing applications. The facility is a Natural Minor. The significant sources at the facility are a boiler, ceramic cutting and machining, a Meid Kiln, a Bell Kiln, a Jeffrey Dryer, a diesel emergency generator, a natural gas emergency generator, three minor kilns, parts washers, a Swindell Dressler Tunnel Kiln, and an Allied Roller Hearth Kiln. In this renewal, provisions of 25 Pa. Code § 123.22 on sulfur emissions from use of fuel oils in combustion units are incorporated into the permit. This subjects the diesel emergency generator to a more stringent sulfur content limit (15 ppm, 0.0015%) for fuel oils and associated recordkeeping and reporting requirements. The updated language of 40 CFR 63 Subpart ZZZZ pertaining to the emergency engines is included in the permit renewal. The potential NO_x, CO, PM, SO_x, and VOC emissions from the facility are less than 20.4 TPY, 17 TPY, 2 TPY, 1 TPY, and 17.0 TPY, respectively. The HAPs emissions from the facility are less than 10 TPY and the facility is therefore an Area Source for MACT. Application received: February 7, 2022. Renewal issued: May 25, 2023.

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

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

OP21-000069: vXchnge PA, LLC, 1500 Spring Garden Street, Philadelphia, PA 19130, City of Philadelphia, **Philadelphia County**. The City of Philadelphia, Air Management Services (AMS) issued a renewal Natural Minor Operating Permit (NMOP) for the operation of a data center facility. The facility's major emission sources include three (3) 2500-kilowatt (kw) emergency generators each firing diesel. Application received: December 1, 2021. Issued: May 17, 2023.

OP21-000020: Tidewater, 2600 R. Penrose Ferry Road, Philadelphia, PA 19145, City of Philadelphia, **Philadelphia County**. The City of Philadelphia, Air Management Services (AMS) issued a renewal of the Natural Minor Operating Permit (NMOP) for a renewal of the Natural Minor Operating Permit (NMOP) for the operation of a portable nonmetallic mineral crushing plant in the City of Philadelphia, Philadelphia County. The facility's air emission sources are one (1) 450 tons/hr crusher operated with one (1) 400 tons/hr doublescreen and one (1) 375 horsepower (HP) diesel engine. Application received: April 13, 2021. Issued: May 24, 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.

34-03005: Energex American, Inc., 95 Energex Drive, Mifflintown, PA 17059-7748, Walker Township, **Juniata County**. For the wood pellet manufacturing facility. The State-Only permit was renewed as a synthetic minor permit. Application received: September 14, 2022. Issued: May 18, 2023.

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

22-05041: The Hershey Company, 1033 Old West Chocolate Avenue, Hershey, PA 17033, Derry Township, **Dauphin County**. For the West Plant candy manufacturing facility. The State-Only permit was renewed. Application received: November 18, 2022. Issued: May 18, 2023.

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.

15-00077: Heidelberg Materials Northeast, LLC, 499 Quarry Rd, Downingtown, PA 19335, Downingtown Borough, **Chester County**. This action is for the renewal of a non-Title V Operating Permit for crushing of dolomitic limestone. Existing sources of air emissions include one (1) Stone Crushing Plant composed of a primary, secondary, and tertiary crushers, sorters, and conveyers. Particulate Matter emissions are controlled by a filter, a baghouse, and two wet suppression systems. The controlled potential total PM emissions for the processing plant are 92.54 tons per year and controlled PM₁₀ emissions are 33.22 tons per year. This renewal incorporates a name change from: Hanson Aggregates Pennsylvania, LLC, to Heidelberg Materials Northeast LLC. Also, in this renewal the status of this permit has been changed from Natural Minor to Synthetic Minor. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. Application received: February 12, 2022. Issued: May 23, 2023.

15-00073: US Veterans Admin Medical Center, 1400 Blackhorse Hill Rd, Coatesville, PA 19320, Caln Township, **Chester County**. A renewal of a Synthetic Minor State Only Operating Permit for a 302-bed medical facility specializing in care of US military veterans. Application received: February 22, 2022. Issued: May 23, 2023.

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.

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.

09-00024: Waste Management Disposal Services of PA, Inc./Tullytown Resource Recovery Facility (TRRF), 1000 New Ford Mill Rd, Morrisville, PA 19067-3704, Falls Township, **Bucks County**. Pursuant of 25 Pa. Code Section 127.450, the Title V Operating Permit was administratively amended to incorporate the applicable requirements of the new Emissions Guidelines and Compliance Times for Municipal Solid Waste Landfills of 40 CFR 60, Subpart Cf, 40 CFR Part 62 Subpart OOO, and the revised National Emission Standards for Hazardous Air Pollutants (NESHAP) of 40 CFR 63, Subpart AAAA. The amended Title V Operating Permit will contain additional monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements. The facility is not subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64. The Administrative Amendment of Title V Operating Permit for this facility is issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450. Application received: December 22, 2022. Issued: May 23, 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.

04-00714: VGP Holdings, LLC, 501 Railroad St, Rochester, PA 15074, Rochester Borough, **Beaver County**. On May 18, 2023, the Department amended State Only Operating Permit 04-0014 for a change of ownership. The facility owner changed from Valvoline LLC to VGP Holdings LLC. All permitted sources and conditions remain the same. This facility stores, blends and packages lubricants and is in Rochester Borough, Beaver County. Application received: March 28, 2023. Issued: May 18, 2023.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

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

04-00704: Buckeye Pipeline Company, LP, 1406 Midland Ave, Midland, PA 15059, Midland Borough and Industry Borough, **Beaver County**. Per 25 Pa. Code § 127.449(i), this Notice is for the following de minimis emission increase at the Midland Breakout Station, located in Midland Borough and Industry Borough, Beaver County. This project allows the installation of one (1) temporary enclosed flare. The emissions increase resulting from this project will not exceed 0.05 tpy of VOC, 0.76 tpy of NO_x, 0.44 tpy of CO, 0.06 tpy of SO₂, and 0.04 of PM₁₀. This project will not trigger the requirements of 25 Pa. Code Subchapter G at the facility. This approval includes work practice requirements, reporting emissions, and recordkeeping requirements. The list of de minimis increases for this facility includes only this project.

ACTIONS ON COAL AND NONCOAL APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); the Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the National Pollutant Discharge Elimination System (NPDES) permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1103). Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Coal Permits

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

Contact: Bonnie Herbert, Clerical Assistant.

Mining Permit No. 30841317. NPDES No. PA0213527. Consol Pennsylvania Coal Company LLC, 275 Technology Drive, Suite 101, Canonsburg, PA

15317, Richhill and East Finley Townships, **Greene County** and **Washington County**. To revise the permit and related NPDES permit for post-mining changes at the F20 bleeder facility. Application received: October 31, 2022. Accepted: January 3, 2023. Issued: May 17, 2023.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1800.

Contact: Melanie Ford-Wigfield, 814-472-1900, ra-epcambria@pa.gov.

Mining Permit No. 11080101. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, East Taylor and Croyle Townships, **Cambria County**. Reclamation only of a bituminous surface and auger mine affecting 555.2 acres. Receiving streams: unnamed tributaries to/and the Little Conemaugh River to the Conemaugh River, classified for the following use: CWF. Application received: April 3, 2023. Permit issued: May 25, 2023.

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

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

Mining Permit No. 61120107. NPDES No. PA0259331. Hillside Stone, LLC, 4080 Sandy Lake Road, Sandy Lake, PA 16145, Irwin Township, **Venango County**. Renewal of an existing bituminous surface mine and associated NPDES permit. Application received: October 19, 2022. Issued: May 23, 2023.

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

Contact: Cassie Stanton, Clerical Assistant, 814-342-8200.

Mining Permit No. 17110103. NPDES PA0257605. RES Coal, LLC, P.O. Box 228, Armagh, PA 15920, Girard Township, **Clearfield County**. Permit renewal for continued operation and restoration of a bituminous surface coal and auger mine affecting 257.0 acres. Receiving stream(s): Bald Hill Run classified for the following use(s): CWF. Application received: December 5, 2022. Issued: May 25, 2023.

Mining Permit No. 17141601. NPDES No. PA0214437. Enercorp, Inc., 1310 Allport Cutoff, Morrisdale, PA 16858, Cooper Township, **Clearfield County**. Permit renewal for a coal preparation plant and associated NPDES permit affecting 3.4 acres. The renewal is for reclamation only. Receiving stream(s): Sulphur Run classified for the following use(s): CWF-MF. Application received: November 4, 2022. Issued: May 25, 2023.

Noncoal Permits

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 5276SM5. NPDES Permit No. PA0595217. Eureka Stone Quarry, Inc., P.O. Box 249, Chalfont, PA 18914, Dingman Township, **Pike County**. Correction to increase the permitted acres from 202.3 acres to 218.6 acres and add mine reclamation fill as a reclamation option. Receiving stream: Sawkill Creek. Application received: January 17, 2023. Correction issued: May 25, 2023.

Mining Permit No. 06100301. NPDES Permit No. PA0224898. New Enterprise Stone & Lime Co., Inc., 3912 Brumbaugh Road, New Enterprise, PA 16664, Ontelaunee Township, **Berks County**. Renew NPDES permit on a

quarry operation. Receiving streams: Maiden Creek and Schuylkill River. Application received: May 26, 2020. Renewal issued: May 25, 2023.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Action(s) Taken on Application(s) Under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting Activity Performed as Part of a Coal or Noncoal Mining Activity will be Regulated by the Mining Permit for that Coal or Noncoal Mining Activity.

Blasting Permits

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Permit No. 45234104. Hoover Construction Co., P.O. Box 1007, Virginia, MN 55792, Chestnuthill, Ross & Tunkhannock Townships, **Monroe County**. Blasting for Williams REA Effort Loop Pipeline. Application received: May 22, 2023. Permit issued: May 22, 2023. Expiration date: May 1, 2024.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (DEP) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, DEP has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), and that the construction will not violate applicable Federal and State Water Quality Standards.

Individuals aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Environmental Hearing Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30-days. You do not need a lawyer to file an appeal with the Board.

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

Important legal rights are at stake, however, so you should show this notice to a lawyer at once. If you cannot

afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board 717-787-3483 for more information.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Action(s) Taken on Application(s) for the Following Activities Filed Under The Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and the Clean Streams Law and Notice of Final Action for Certification Under Section 401 of the FWPCA.

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

Contact: RA-EPEASTERNOGPRG@pa.gov.

E0829223-004. Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, Burlington Township and Franklin Township, **Bradford County.** U.S. Army Corps of Engineers Baltimore District.

Application received: February 16, 2023. Issued: May 24, 2023.

To construct, operate and maintain:

1. a 16-inch diameter temporary waterline and a timber mat bridge impacting 20 linear feet (202 square feet) of an unnamed tributary to Bailey Run (WWF, MF) and 2,402 square feet of floodway impacts (Ulster, PA Quadrangle, Latitude: 41.753631°, Longitude: -76.562594°);

2. a 16-inch diameter temporary waterline and a timber mat bridge impacting 10,480 square feet of floodway impacts to an unnamed tributary to Bailey Run (WWF, MF) (Ulster, PA Quadrangle, Latitude: 41.752444°, Longitude: -76.564553°);

3. a 16-inch diameter temporary waterline and a timber mat bridge impacting 2,153 square feet of floodway impacts to an unnamed tributary to Bailey Run (WWF, MF) (Ulster, PA Quadrangle, Latitude: 41.752392°, Longitude: -76.565656°);

4. a 16-inch diameter temporary waterline and a timber mat bridge impacting 1,669 square feet of a Palustrine Emergent Wetland (Ulster, PA Quadrangle, Latitude: 41.752392°, Longitude: -76.565744°);

5. a 16-inch diameter temporary waterline impacting 3 linear feet (4 square feet) of an unnamed tributary to Bailey Run (WWF, MF) (Powell, PA Quadrangle, Latitude: 41.748283°, Longitude: -76.562925°);

6. a 16-inch diameter temporary waterline and a timber mat bridge impacting 20 linear feet (62 square feet) of an unnamed tributary to Bailey Run (WWF, MF) and 1,987 square feet of floodway impacts (Powell, PA Quadrangle, Latitude: 41.744819°, Longitude: -76.558994°);

7. a 16-inch diameter temporary waterline impacting 2 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41.744681°, Longitude: -76.558747°);

8. a 16-inch diameter temporary waterline and a timber mat bridge impacting 1,988 square feet of floodway impacts to an unnamed tributary to Bailey Run (WWF, MF) (Powell, PA Quadrangle, Latitude: 41.744183°, Longitude: -76.558336°);

9. a 16-inch diameter temporary waterline and a timber mat bridge impacting 2,090 square feet of floodway

impacts to an unnamed tributary to Bailey Run (WWF, MF) (Powell, PA Quadrangle, Latitude: 41.742378°, Longitude: -76.558711°);

10. a 16-inch diameter temporary waterline and a timber mat bridge impacting 1,588 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41.738308°, Longitude: -76.553547°);

11. a 16-inch diameter temporary waterline and a timber mat bridge impacting 546 square feet of a Palustrine Forested Wetland (Powell, PA Quadrangle, Latitude: 41.734403°, Longitude: -76.549031°);

12. a 16-inch diameter temporary waterline and a timber mat bridge impacting 475 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41.730719°, Longitude: -76.545156°);

13. a 16-inch diameter temporary waterline and a timber mat bridge impacting 664 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41.730497°, Longitude: -76.545033°);

14. a 16-inch diameter temporary waterline and a timber mat bridge impacting 1,445 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41.730733°, Longitude: -76.542206°);

15. a 16-inch diameter temporary waterline impacting 137 square feet of floodway impacts to an unnamed tributary to French Run (CWF, MF) (Powell, PA Quadrangle, Latitude: 41.727756°, Longitude: -76.541628°);

16. a 16-inch diameter temporary waterline impacting 277 square feet of floodway impacts to an unnamed tributary to French Run (CWF, MF) (Powell, PA Quadrangle, Latitude: 41.727367°, Longitude: -76.541419°);

17. a 16-inch diameter temporary waterline impacting 1 linear feet (1 square feet) of an unnamed tributary to French Run (CWF, MF) and 210 square feet of floodway impacts (Powell, PA Quadrangle, Latitude: 41.726867°, Longitude: -76.541078°);

18. a 16-inch diameter temporary waterline impacting 2 linear feet (3 square feet) of an unnamed tributary to French Run (CWF, MF) (Powell, PA Quadrangle, Latitude: 41.726114°, Longitude: -76.540178°);

19. a 16-inch diameter temporary waterline impacting 2 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41.724300°, Longitude: -76.539883°);

20. a 16-inch diameter temporary waterline impacting 2 linear feet (3 square feet) of an unnamed tributary to French Run (CWF, MF) (Powell, PA Quadrangle, Latitude: 41.722644°, Longitude: -76.540067°);

21. a 16-inch diameter temporary waterline impacting 3 linear feet (4 square feet) of an unnamed tributary to French Run (CWF, MF) (Powell, PA Quadrangle, Latitude: 41.721575°, Longitude: -76.540419°);

22. a 16-inch diameter temporary waterline impacting 277 square feet of floodway impacts to an unnamed tributary to French Run (CWF, MF) (Powell, PA Quadrangle, Latitude: 41.721072°, Longitude: -76.540236°);

23. a 16-inch diameter temporary waterline and a timber mat bridge impacting 3,786 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41.718222°, Longitude: -76.538858°);

24. a 16-inch diameter temporary waterline impacting 2 linear feet (3 square feet) of an unnamed tributary to Towanda Creek (CWF, MF) (Powell, PA Quadrangle, Latitude: 41.715031°, Longitude: -76.542581°);

25. a 16-inch diameter temporary waterline impacting 20 linear feet (53 square feet) of an unnamed tributary to Towanda Creek (CWF, MF) and 581 square feet of floodway impacts (Powell, PA Quadrangle, Latitude: 41.712956°, Longitude: -76.544019°);

26. a 16-inch diameter temporary waterline impacting 20 linear feet (53 square feet) of an unnamed tributary to Towanda Creek (CWF, MF) and 2,925 square feet of floodway impacts (Powell, PA Quadrangle, Latitude: 41.712922°, Longitude: -76.544053°);

27. a 16-inch diameter temporary waterline and a timber mat bridge impacting 4,393 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41.712683°, Longitude: -76.543647°);

28. a 16-inch diameter temporary waterline and a timber mat bridge impacting 2,837 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41.711681°, Longitude: -76.543039°);

29. a 16-inch diameter temporary waterline impacting 20 linear feet (158 square feet) of an unnamed tributary to Towanda Creek (CWF, MF) and 2,522 square feet of floodway impacts (Powell, PA Quadrangle, Latitude: 41.704978°, Longitude: -76.542753°);

30. a 16-inch diameter temporary waterline impacting 20 linear feet (132 square feet) of an unnamed tributary to Towanda Creek (CWF, MF) and 1,691 square feet of floodway impacts (Powell, PA Quadrangle, Latitude: 41.705019°, Longitude: -76.542753°);

31. a 16-inch diameter temporary waterline and a timber mat bridge impacting 798 square feet of floodway impacts to an unnamed tributary to Towanda Creek (CWF, MF) (Powell, PA Quadrangle, Latitude: 41.705472°, Longitude: -76.541667°);

The project will result in 93 linear feet (675 square feet) of temporary stream impacts, 30,722 square feet (0.705 acre) of temporary floodway impacts, 16,860 square feet (0.387 acre) of temporary PEM wetland impacts and 546 square feet (0.013 acre) of temporary PFO wetland impacts, all for the purpose of establishing a temporary water supply for Marcellus well development in Burlington and Franklin Township, Bradford County.

E0829223-002. Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, Burlington Township and West Burlington Township, **Bradford County**. U.S. Army Corps of Engineers Baltimore District. Application received: January 20, 2023. Issued: May 24, 2023.

To construct, operate and maintain:

1. a 16-inch diameter temporary waterline and a timber mat bridge impacting 20 linear feet (305 square feet) of an unnamed tributary to Tomjack Creek (TSF, MF) and 4,225 square feet of floodway impacts (East Troy, PA Quadrangle, Latitude: 41.787293°, Longitude: -76.622663°);

2. a 16-inch diameter temporary waterline and a timber mat bridge impacting 20 linear feet (261 square feet) of an unnamed tributary to Tomjack Creek (TSF, MF) and 5,140 square feet of floodway impacts (East Troy, PA Quadrangle, Latitude: 41.787165°, Longitude: -76.621966°);

3. a 16-inch diameter temporary waterline and a timber mat bridge impacting 1,655 square feet of a Palustrine Emergent Wetland (East Troy, PA Quadrangle, Latitude: 41.786826°, Longitude: -76.620203°);

4. a 16-inch diameter temporary waterline impacting 3,025 square feet of a Palustrine Emergent Wetland and 1,198 square feet of floodway impacts to an unnamed

tributary to Tomjack Creek (TSF, MF) (East Troy, PA Quadrangle, Latitude: 41.788215°, Longitude: -76.616920°);

5. a 16-inch diameter temporary waterline and a timber mat bridge impacting 2,919 square feet of a Palustrine Emergent Wetland (East Troy, PA Quadrangle, Latitude: 41.788678°, Longitude: -76.617529°);

6. a 16-inch diameter temporary waterline and a timber mat bridge impacting 261 square feet of a Palustrine Emergent Wetland (East Troy, PA Quadrangle, Latitude: 41.788973°, Longitude: -76.617298°);

7. a 16-inch diameter temporary waterline and timber mat bridge impacting 95 linear feet (159 square feet) of Tomjack Creek (TSF, MF) and 4,138 square feet of floodway impacts (East Troy, PA Quadrangle, Latitude: 41.789573°, Longitude: -76.616075°);

8. a 16-inch diameter temporary waterline and a timber mat bridge impacting 20 linear feet (87 square feet) of an unnamed tributary to Tomjack Creek (TSF, MF) and 2,309 square feet of floodway impacts (Ulster, PA Quadrangle, Latitude: 41.789611°, Longitude: -76.615428°);

9. a 16-inch diameter temporary waterline and a timber mat bridge impacting 348 square feet of a Palustrine Emergent Wetland (Ulster, PA Quadrangle, Latitude: 41.789273°, Longitude: -76.615148°);

10. a 16-inch diameter temporary waterline impacting 30 square feet of a Palustrine Emergent Wetland and 4,879 square feet of floodway impacts to an unnamed tributary to Tomjack Creek (TSF, MF) (Ulster, PA Quadrangle, Latitude: 41.790567°, Longitude: -76.613254°);

11. a 16-inch diameter temporary waterline and a timber mat bridge impacting 10,281 square feet of floodway impacts to an unnamed tributary to Tomjack Creek (TSF, MF) (Ulster, PA Quadrangle, Latitude: 41.791981°, Longitude: -76.613049°);

12. a 16-inch diameter temporary waterline and a timber mat bridge impacting 16,814 square feet of floodway impacts to an unnamed tributary to Tomjack Creek (TSF, MF) (Ulster, PA Quadrangle, Latitude: 41.792419°, Longitude: -76.610871°);

13. a 16-inch diameter temporary waterline impacting 1,111 square feet of a Palustrine Emergent Wetland, 56 square feet of a Palustrine Forested Wetland, 6 linear feet (10 square feet) of an unnamed tributary to Wallace Run (WWF, MF) and 174 square feet of floodway impacts (Ulster, PA Quadrangle, Latitude: 41.794537°, Longitude: -76.602749°);

14. a 16-inch diameter temporary waterline and a timber mat bridge impacting 1,089 square feet of a Palustrine Emergent Wetland (Ulster, PA Quadrangle, Latitude: 41.796895°, Longitude: -76.602892°);

15. a 16-inch diameter temporary waterline and a timber mat bridge impacting 1,176 square feet of a Palustrine Emergent Wetland (Ulster, PA Quadrangle, Latitude: 41.797381°, Longitude: -76.602845°);

16. a 16-inch diameter temporary waterline and a timber mat bridge impacting 2,919 square feet of floodway impacts to an unnamed tributary to Wallace Run (WWF, MF) (Ulster, PA Quadrangle, Latitude: 41.800107°, Longitude: -76.601935°);

17. a 16-inch diameter temporary waterline impacting 4 linear feet (5 square feet) of an unnamed tributary to Wallace Run (WWF, MF) and 133 square feet of floodway impacts (Ulster, PA Quadrangle, Latitude: 41.800907°, Longitude: -76.601664°);

18. a 16-inch diameter temporary waterline and timber mat bridge impacting 34 linear feet (610 square feet) of Wallace Run (WWF, MF) and 1,481 square feet of floodway impacts (Ulster, PA Quadrangle, Latitude: 41.801760°, Longitude: -76.599660°);

19. a 16-inch diameter temporary waterline and a timber mat bridge impacting 1,263 square feet of a Palustrine Emergent Wetland (Ulster, PA Quadrangle, Latitude: 41.802500°, Longitude: -76.599145°);

20. a 16-inch diameter temporary waterline and a timber mat bridge impacting 2,091 square feet of a Palustrine Emergent Wetland and 1,002 square feet of floodway impacts to an unnamed tributary to Wallace Run (WWF, MF) (East Troy, PA Quadrangle, Latitude: 41.801741°, Longitude: -76.597515°);

21. a 16-inch diameter temporary waterline and a timber mat bridge impacting 21 linear feet (436 square feet) of an unnamed tributary to Wallace Run (WWF, MF) and 2,178 square feet of floodway impacts (Ulster, PA Quadrangle, Latitude: 41.801786°, Longitude: -76.596105°);

22. a 16-inch diameter temporary waterline and a timber mat bridge impacting 12 linear feet (261 square feet) of an unnamed tributary to Wallace Run (WWF, MF) and 1,917 square feet of floodway impacts (Ulster, PA Quadrangle, Latitude: 41.799738°, Longitude: -76.589335°);

23. a 16-inch diameter temporary waterline and a timber mat bridge impacting 17 linear feet (348 square feet) of an unnamed tributary to Wallace Run (WWF, MF) and 1,873 square feet of floodway impacts (Ulster, PA Quadrangle, Latitude: 41.799639°, Longitude: -76.589051°);

The project will result in 61 linear feet (2,682 square feet) of temporary stream impacts, 66,431 square feet (1.525 acres) of temporary floodway impacts, 12,292 square feet (0.282 acre) of temporary PEM wetland impacts and 56 square feet (0.001 acre) of temporary PFO wetland impacts, all for the purpose of establishing a temporary water supply for Marcellus well development in Burlington and West Burlington Township, Bradford County.

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

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

E1006122-009. PA DOT Engineering District 10, 2550 Oakland Avenue, Indiana, PA 15701, Summit Township and Butler Township, **Butler County.** U.S. Army Corps of Engineers Pittsburgh District.

To replace the existing Karns Crossing Bridge carrying SR 0068, Section 253 over the Buffalo & Pittsburgh Railroad, Bessemer & Lake Erie Railroad, and Connoquenessing Creek (WWF) and its unnamed tributaries (UNT's) as follows: 1. To remove the existing twin-cell arch culvert and to construct and maintain a single span prestressed concrete PA bulb-tee beam bridge having a normal clear span of 146'-0", an underclearance of 22'-4 3/4", and a length of 78'-0" across Connoquenessing Creek in Summit Township, Butler County (Saxonburg, PA Quadrangle N: 40°, 52', 22"; W: 79°, 52', 28") 2. To remove the existing twelve-span P/S concrete box beam, steel through truss and steel through girder bridge and to construct and maintain a three-span continuous steel plate girder bridge having a total normal clear span of 793'-1 5/8", an underclearance of 28'-3 3/4", and a length of 66'-4 1/2" across UNT Connoquenessing Creek in Butler and Summit Townships, Butler County (Butler and Saxonburg, PA Quadrangles N: 40°, 52', 16"; W: 79°, 52', 34"). This activity also results in the relocation of 329

linear feet of UNT Connoquenessing Creek (Stream S-01) and permanent impacts of 235 linear feet to UNT Connoquenessing Creek (Stream S-02) to accommodate fill slope adjustments and the relocation of 105 linear feet of UNT Connoquenessing Creek (Stream UNT 1) to accommodate the proposed bridge pier. The project will result in a total of 919 linear feet of permanent stream impacts, 549 linear feet of temporary stream impacts, 0.25 acre of permanent wetland impacts (0.245 acre EV and 0.006 acre other) and 0.078 acre of temporary wetland impacts (0.069 acre EV and 0.009 acre other). Mitigation for project impacts includes creation of a total of 434 linear feet of on-site stream relocation, a total of 0.071 acre on-site wetland restoration, and debit of 0.18 acre of wetland credits from PennDOT's existing Butler County Wetland Bank. Latitude: 40.870275°, Longitude: -79.87666°. Application received: September 9, 2022. Issued: May 22, 2023.

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

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

E1501220-023. East Whiteland Township, 209 Conestoga Road, Frazer, PA 19355, East Whiteland Township, **Chester County.** U.S. Army Corps of Engineers Philadelphia District.

To perform the following-listed water obstruction and encroachment activities associated with the Planebrook Road Area and Swedesford Road Sanitary Sewer Extension. The proposed project involves the installation of a new gravity sanitary sewer and requires the crossing of tributaries of Valley Creek (EV, MF). The project proposes horizontal drilling under two tributaries with permanent stream and floodway impact. There are no impacts in wetlands. The site is approximately located at Golf View Lane/Fairway Drive/Elk Drive/Swedesford Road (Malvern, PA) in East Whiteland Township, Chester County. Latitude: 40.040480°, Longitude: -75.575677°. Application received: May 12, 2020. Issued: May 17, 2023.

E1501221-016. Traditions of America, LP, 1235 Westlakes Drive, Suite 300, Berwyn, PA 19312, West Brandywine Township, **Chester County.** U.S. Army Corps of Engineers Philadelphia District.

To construct and maintain about 181 residential houses for the community around Beaver Creek and UNTs (CWF, MF), and the wetlands (EV) associated with the new residential development. The project will also include local roads, driveways, parking facilities, stormwater management, and recreational facilities, etc. Total length of stream impact is about 139 feet, and the total wetland impacts are 0.37 acre. The site is located off East Reeceville and Manor Roads (Wagontown, PA USGS Quadrangle) in West Brandywine Township, Chester County. Latitude: 40.033008°, Longitude: -75.806774°. Application received: October 20, 2021. Issued: May 22, 2023.

E4601222-019. Upper Dublin Township Municipal Authority, 370 Commerce Drive, Fort Washington, PA 19034, Upper Dublin Township and Whitmarsh Township, **Montgomery County.** U.S. Army Corps of Engineers Philadelphia District.

To construct and maintain Commerce Drive Road Diet, drainage installation, and Cross County Trail between Pennsylvania Avenue and the PA-309 overpass within the floodway/floodplain of an unnamed tributary (UNT) (a.k.a. Bodenstien Channel) to Sandy Run (TSF-MF), associated with the Fort Washington Cross County Trail

and Road Diet—Phase 3. The project will include the following activities: 1) About 0.5-mile-long and 12-foot-wide trail between Pennsylvania Avenue and the PA-309 overpass. 2) Replace existing culvert approximately 260 long, 2—35" x 68" elliptical corrugated metal pipes (CMPs) under the Commerce Drive. The new culvert will be approximately 269 feet long, and 12' x 3' concrete box culvert with upstream headwall. 3) Rehabilitate the UNT (a.k.a., Bodenstein Channel) to Sandy Run which parallels to Commerce Drive for approximately 1,200 feet. Rehabilitation will include bank stabilization, backslopes of 2:1 with a 7-foot-wide channel bottom lined with R-4 riprap choked with streambed material. The site is located along 200 Commerce Drive (Ambler, PA USGS Quadrangles) in Upper Dublin Township and Whitemarsh Townships, Montgomery County. Latitude: 40.137256°, Longitude: -75.204077°. Application received: September 9, 2022. Issued: May 24, 2023.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30-days. A lawyer is not needed to file an appeal with the Board.

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at 717-787-3483 for more information.

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

Contact: RA-EPEASTERNOGPRG@pa.gov.

ESCGP # 3 **ESG294123008-00**

Applicant Name **PA General Energy Co, LLC**
Contact Person Nathan Harris
Address 120 Market Street
City, State, Zip Warren, PA 16365
Township(s) Fairfield Township
County **Lycoming County**
Receiving Stream(s) and Classification(s) Trib 19790 to Turkey Run (WWF), Trib 19811 to Mill Creek (TSF)
Application received: March 16, 2023
Issued: May 23, 2023

ESCGP # 3 **ESG294123009-00**

Applicant Name **PA General Energy Co, LLC**
Contact Person Nathan Harris
Address 120 Market Street
City, State, Zip Warren, PA 16365
Township(s) Fairfield Township
County **Lycoming County**
Receiving Stream(s) and Classification(s) Trib 19790 to Turkey Run (WWF)
Application received: March 16, 2023
Issued: May 24, 2023

ESCGP # 3 **ESG295922018-00**

Applicant Name **NFG Midstream Wellsboro, LLC**
Contact Person Matt Hovis
Address 1100 State Street
City, State, Zip Erie, PA 16501
Township(s) Delmar Township and Shippen Township
County **Tioga County**
Receiving Stream(s) and Classification(s) Right Straight Run (HQ—CWF, MF), Canada Run (HQ—CWF, MF), Horse Run (HQ—CWF, MF), Carpenter Hollow (HQ—CWF, MF), East Branch Canada Run (HQ—CWF, MF)
Application received: December 29, 2022
Issued: May 24, 2023

ESCGP # 3 **ESG295823006-00**

Applicant Name **Repsol Oil & Gas USA, LLC**
Contact Person Jonathan Fronk
Address 337 Daniel Zenker Drive
City, State, Zip Horsheads, NY 14845-1008
Township(s) Middletown Township
County **Susquehanna County**
Receiving Stream(s) and Classification(s) North Branch Wyalusing Creek (CWF, MF)
Application received: February 27, 2023
Issued: May 24, 2023

ESCGP # 3 **ESG295822025-00**

Applicant Name **SWN Prod Co, LLC**
Contact Person David R Bert
Address 917 State Route 92
City, State, Zip Tunkhannock, PA 18657
Township(s) Great Bend Township
County **Susquehanna County**
Receiving Stream(s) and Classification(s) UNT to Susquehanna River (TRIB # 32071) (CWF, MF), UNT to Susquehanna River (TRIB # 32070) (CWF, MF)
Application received: October 4, 2022
Issued: May 24, 2023

ESCGP # 3 **ESG295323002-00**

Applicant Name **Greylock Prod, LLC**
Contact Person Gavin Reed
Address 500 Corporate Landing
City, State, Zip Charleston, WV 25311
Township(s) Hector Township
County **Potter County**
Receiving Stream(s) and Classification(s) UNT to Genesee Forks (HQ—CWF)
Application received: March 28, 2023
Issued: May 24, 2023

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

Contact: Kate Hogue, Clerical Supervisor, 814-332-6868.

ESCGP # 3 **ESG081021003-01/PER W58 WELL PAD**

Applicant Name **PennEnergy Resources, LLC**
Contact Person Cody Salmon
Address 3000 Westinghouse Drive, Suite 300
City, State, Zip Cranberry Township, PA 16066

Township(s) Winfield Township
 County **Butler County**
 Receiving Stream(s) and Classification(s) Little Buffalo
 Creek HQ TSF Unts To Little Buffalo Creek HQ TSF
 Application received: April 10, 2023
 Issued: May 18, 2023

**ESCGP # 3 ESG073021010-01/NITMS018 & NITMH018
 PIPELINE**

Applicant Name **EQM Gathering OPCO, LLC**
 Contact Person Kirsten Kiesel
 Address 2200 Energy Drive
 City, State, Zip Cannonsburg, PA 15317
 Township(s) Whiteley Township, Wayne Township, Perry
 Township

County **Greene County**
 Receiving Stream(s) and Classification(s) Tributary 41576
 To Rudolf Run (WWF) Dunkard Creek (WWF) Tribu-
 tary 41581 To Rudolf Run (WWF) Dunkard Creek
 (WWF) Rudolf Run (WWF) Dunkard Creek (WWF)
 Application received: March 31, 2023
 Issued: May 25, 2023

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

ESCGP # 3 ESG001023001-00
 Applicant Name **Peoples Natural Gas Company, LLC**

Contact Person James Barnett
 Address 5600 Community Center Drive
 City, State, Zip Gibsonia, PA 15044
 Township(s) Jefferson Township
 County **Butler County**
 Receiving Stream(s) and Classification(s) Tributary 35210
 to Thorn Creek (PER) CWF
 Application received: March 6, 2023
 Issued: May 24, 2023

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

Contact: D. J. Stevenson.

ESCGP # 3 ESG073023008-00
 Applicant Name **Laurel Mountain Midstream
 Operating, LLC**

Contact Person Steph Ranker
 Address 111 Enterprise Lane
 City, State, Zip Connellsville, PA 15425
 Township(s) Jefferson Township
 County **Greene County**
 Receiving Stream(s) and Classification(s) UNT to South
 Fork Tenmile Creek, WWF UNT to Pumpkin Run,
 WWF
 Application received: March 15, 2023
 Issued: May 23, 2023

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

ESCP # ESP076522002-00
 Applicant Name **Olympus Energy, LLC**
 Contact Person Brian Dillemath
 Address 501 Technology Drive, Suite 1200
 City, State, Zip Canonsburg, PA 15317
 Township(s) Municipality of Murrysville, Plum Boro

County **Westmoreland County**
 Receiving Stream(s) and Classification(s) UNT to Little
 Plum Creek, (WWF); Humms Run, (TSF)
 Application received: July 13, 2022
 Issued: May 24, 2023

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

ESCP # ESP070222001-00
 Applicant Name **Olympus Energy, LLC**
 Contact Person Spencer Johnson, 724-754-0110,

SJohnson@olympusenergy.com
 Address 501 Technology Drive, Suite 1200
 City, State, Zip Canonsburg, PA 15317
 Township(s) Elizabeth Township
 County **Allegheny County**
 Receiving Stream(s) and Classification(s) Unnamed tribu-
 tary (39542 and 39541) to Fallen Timber Run Ch. 93
 WWF, Siltation-impaired, TMDL impaired (metals, pH).
 Application received: May 26, 2022
 Issued: March 29, 2023

**CORRECTIVE ACTION UNDER
 ACT 32, 1989**

PREAMBLE 2

**The Following Plan(s) and Report(s) Were Submit-
 ted Under the Storage Tank and Spill Prevention
 Act (35 P.S. §§ 6021.101—6021.2104).**

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

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

DEP has received the following plans and reports.

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

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

Sheetz Store 165, Storage Tank Facility ID # **53-06321**, 208 South Main Street, Coudersport, PA 16915, Coudersport Borough, **Potter County**. Enviro-Trac, Ltd., 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Sheetz Incorporated, 351 Sheetz Way, Claysburg, PA 15320 submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with unleaded gasoline. The report is intended to document the remedial actions for meeting nonresidential Statewide health standards.

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

Contact: Eric Supey, Environmental Program Manager.

Keystone Gas Station, Storage Tank Facility ID # **35-50971**, 922 Drinker Tunpike, Covington Township, PA 18444, Covington Township, **Lackawanna County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Varun Bangia, 2125 Pohopoco Drive North, Kunkletown, PA 18058 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The plan is intended to document the remedial actions for meeting Statewide health standards.

Carriage Stop Plaza Sunoco, Storage Tank Facility ID # **40-38017**, 2500 E End Blvd, Wilkes-Barre, PA 18702, Plains Township, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18354, on behalf of Anup Patel, 2500 East End Boulevard, Wilkes-Barre, PA 18702 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 Statewide health standards.

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

Contact: Natalie Ferraro, 814-332-6648.

Reds Place For Car Care, Storage Tank Facility ID # **37-20525**, 101 S New Castle St, New Wilmington, PA 16142, New Wilmington Borough, **Lawrence County**. Letterle & Associates, 191 Howard Street, Suite 108, Franklin, PA 16323, on behalf of Reds Place for Car Care, 101 S New Castle St, New Wilmington, PA 16142 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 residential and nonresidential site-specific standards.

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

Contact: Gregory Bowman, Environmental Group Manager.

Bedford Sun Shop, Storage Tank Facility ID # **05-22918**, RR2 Business Rte 220 & PA Turnpike Interchange, Bedford, PA 15222, Bedford Township, **Bedford County**. Gary C Calvert, LLC, P.O. Box 504, Hollidaysburg, PA 16648, on behalf of Ashbridge Oil Company, 4470 W Pike Rd, Indiana, PA 15701 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with Petroleum Constituents. The report is intended to document the remedial actions for meeting site-specific standards.

Contact: Robin L. Yerger.

Mechanicsburg CITGO, Storage Tank Facility ID # **21-60979**, 1100 E Simpson Ferry Rd, Mechanicsburg, PA 17055, Mechanicsburg Borough, **Cumberland County**. Groundwater and Environmental Services Inc., 440 Creamery Way, Ste 500, Exton, PA 19341, on behalf of Global Partners LP, 800 South St, Ste 500, Waltham, MA 02453 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with Petroleum Constituents. The report is intended to document the remedial actions for meeting site-specific standards.

Southwest Region: Environmental Cleanup & Brownfields Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Kam Miseikyte, Clerical Assistant, 412-442-4091.

McCalls Jeep Eagle, Storage Tank Facility ID # **11-25188**, 500 Main Street, Summerhill, PA 15958, Summerhill Borough, **Allegheny County**. Letterle & Associates, Inc., 2022 Axemann Road, Suite 201, Bellefonte, PA 16823, on behalf of Timothy McIlwain, 1551 Ferndale Avenue, Johnstown, PA 15905 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with diesel fuel. The plan 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.

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

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

Robert Packer Hospital, Storage Tank Facility ID # **08-20594**, 1 Guthrie Square, Sayre, PA 18840, Sayre

Borough, **Bradford County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Robert Packer Hospital, 1 Guthrie Square, Sayre, PA 18840 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with diesel fuel. The report nonresidential demonstrated attainment of the Statewide health standards and was approved by DEP on May 5, 2023.

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

Contact: Eric Supey, Environmental Program Manager.

Fill & Fly of Tobyhanna, Storage Tank Facility ID # **45-00849**, 103 Prospect Street, Tobyhanna, PA 18466, Coalbaugh Township, **Monroe County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Fill & Fly of Tobyhanna, LLC, 2085 Augusta Drive, Center Valley, PA 18034 submitted a Remedial Action Plan concerning remediation of groundwater contaminated with gasoline. The plan was acceptable to meet the site-specific standards and was approved by DEP on May 30, 2023.

Reja Real Estate, Storage Tank Facility ID # **48-08863**, 133 South First Street, Bangor, PA 18013, Bangor Borough, **Northampton County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Reja Real Estate, LLC, 133 South First Street, Bangor, PA 18013 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with heating oil. The plan was acceptable to meet the Statewide health standards and was approved by DEP on May 30, 2023.

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

Contact: Chris Schiappa, 724-598-2206.

Kwik Fill M0209, Storage Tank Facility ID # **61-23779**, 5574 State Route 8, Harrisville, PA 16038, Barkeyville Borough, **Venango County**. Mountain Research LLC, 825 25th Street, Altoona, PA 16601, on behalf of United Refining Company, 15 Bradley Street, Warren, PA 16365 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with Unleaded gasoline. The nonresidential Remedial Action Plan was acceptable to meet the Statewide health standards and was approved with modifications by DEP on May 25, 2023.

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

Contact: Robin L. Yerger.

Mechanicsburg CITGO, Storage Tank Facility ID # **21-60979**, 1100 E Simpson Ferry Rd, Mechanicsburg, PA 17055, Mechanicsburg Borough, **Cumberland County**. Groundwater and Environmental Services, Inc., 440 Creamery Way, Exton, PA 19341, on behalf of Global Partners LP, 800 South St, Ste 500, Waltham, MA 02453 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with Petroleum Constituents. The report did not demonstrate attainment of the site-specific standards and was disapproved by DEP on May 26, 2023.

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

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

Oak Ave Fuels 67381, Storage Tank Facility ID # **23-23939**, 601 S. Oak Avenue, Aldan, PA 19018, Upper Darby Township, **Delaware County**. Petrodi LLC, 5 Elmwood Drive, Tabernacle, NJ 08088, on behalf of Ramoco Marketing Group, P.O. Box 2218, Princeton, NJ 08540 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan residential was acceptable to meet the Statewide health and site-specific standards and was approved by DEP on May 26, 2023.

Hertz Rent a Car, Storage Tank Facility ID # **51-38096**, 8201 Bartram Ave., Philadelphia, PA 19153, City of Philadelphia, **Philadelphia County**. EnviroTrac, Ltd., 6 Terri Lane, Suite 350, Burlington, NJ 08016, on behalf of The Hertz Corporation, 8501 Williams Road, Estero, FL 33928 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report nonresidential did not demonstrate attainment of the Statewide health standards and was disapproved by DEP on May 25, 2023.

Hertz Rent a Car, Storage Tank Facility ID # **51-44283**, 1 Arrivals Rd., Philadelphia, PA 19153, City of Philadelphia, **Philadelphia County**. EnviroTrac, Ltd., 6 Terri Lane, Suite 350, Burlington, NJ 08016, on behalf of The Hertz Corporation, 8501 Williams Road, Estero, FL 33928 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report nonresidential did not demonstrate attainment of the Statewide health standards and was disapproved by DEP on May 26, 2023.

SPECIAL NOTICES

WATER PROGRAMS

Request for Comment for Proposed Total Maximum Daily Loads (TMDLs) for the UNT Susquehanna River (Brush Valley Creek) Watershed in Northumberland County.

Central Office: Clean Water Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Contact: Michael Morris 717-772-5670.

The Department of Environmental Protection will accept comments on the proposed "TMDLs" developed for the UNT Susquehanna River watershed under Section 303(d) of the Clean Water Act. Note that this stream is also referred to locally as "Brush Valley Creek". The Pennsylvania Integrated Water Quality Monitoring and Assessment Report included stream segments listed as impaired for Aquatic Life Use in the watershed. The impairments addressed by this document were caused by excessive siltation due to agriculture. There currently are no state or Federal in-stream numerical water quality criteria for sediment. Therefore, the Department utilized a reference watershed approach to implement the

applicable narrative criteria. The proposed TMDL document sets allowable loading of sediment in the UNT Susquehanna River watershed. The “TMDLs” included allocations for nonpoint sources, reserves for future point sources, as well as margin of safety factors. Nonpoint source load allocations were made for cropland, hay/pasture land and streambank source sectors present in the watershed. Data used in establishing the TMDLs were primarily generated using a water quality analysis model (Model My Watershed) made available through the Stroud Water Research Center. The following table shows the estimated current sediment loadings within the watershed, the prescribed “TMDL” values, and % reductions needed under annual average conditions.

| <i>Summary of “TMDL”—Based Load Reductions (expressed as annual averages) in the UNT Susquehanna River Watershed</i> | | | | |
|--|------------------|-----------------------------------|----------------------------|--------------------|
| <i>Watershed</i> | <i>Pollutant</i> | <i>Existing Load (lbs/yr)</i> | <i>“TMDL” (lbs/yr)</i> | <i>% Reduction</i> |
| UNT Susquehanna River | Sediment | 1,586,060 | 1,446,929 | 9 |

The following table shows the estimated current sediment loading within the watershed, the prescribed “TMDL” values, and % reductions needed under 99th percentile daily loading conditions.

| <i>Summary of “TMDL”—Based Load Reductions (expressed as 99th percentile daily loading) in the UNT Susquehanna River Watershed</i> | | | | |
|--|------------------|----------------------------------|-------------------------|--------------------|
| <i>Watershed</i> | <i>Pollutant</i> | <i>Existing Load (lbs/d)</i> | <i>TMDL (lbs/d)</i> | <i>% Reduction</i> |
| UNT Susquehanna River | Sediment | 69,214 | 60,818 | 12 |

The proposed TMDL document can be viewed at: <http://www.dep.state.pa.us/dep/deputate/watermgt/wqp/wqstandards/tmdl/UNTSusquehannaRiverSedimentTMDL.pdf>

Otherwise, copies of the proposed TMDL document or supporting information may be requested by emailing Michael Morris at michamorri@pa.gov or calling him at 717-772-5670.

Written/typed comments will be accepted at the previously listed email address. While emailed comments are preferable, written comments may also be sent by mail to:

Michael Morris, Water Program Specialist
Bureau of Clean Water
Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17105

Comments must be submitted within 30 days after publication of this notice in the June 10, 2023 issue of the *Pennsylvania Bulletin*. The Department will consider all written/typed comments submitted within the deadline prior to submitting the final TMDL document to EPA for approval.

WASTE, AIR, RADIATION AND REMEDIATION

Proposal(s) to use coal ash as structural fill received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

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

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

The following notice(s) is placed through the Department of Environmental Protection as required by 25 Pa. Code § 290.102.

Panther Creek Power Operating, LLC, 4 Dennison Road, Nesquehoning, PA 18240, Nesquehoning Borough, **Carbon County**. Panther Creek Power Operating, LLC (Panther Creek), operating under surface coal mine permit (SMP) number 13890201, has proposed the removal of useable coal refuse, placement of coal ash as structural fill, grading, stone paving of the pad, and revegetation of unconstructed areas in approximately 7.8 acres known as “Area A-1 (Phase 1).” Panther Creek is estimated to start placing coal ash by June 1, 2023 and the project is estimated to be complete within one year. The Department’s Regional Office has determined the proposal is consistent with the requirements of 25 Pa. Code § 290.102.

Persons interested in obtaining more information about the proposal may contact Roger Bellas, Regional Waste Management Program Manager, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Hamilton Relay service, (800) 654-5984.

[Pa.B. Doc. No. 23-766. Filed for public inspection June 9, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Suspension of Enforcement of the Pennsylvania Heavy-Duty Diesel Emissions Control Program

The Department of Environmental Protection (Department) announces that the Department will suspend enforcement of 25 Pa. Code Chapter 126, Subchapter E (relating to Pennsylvania Heavy-Duty Diesel Emissions Control Program) until January 2, 2026. The Pennsylvania Heavy-Duty Diesel Emissions Control Program (Program) applies to the manufacturers of new diesel-powered vehicles with a gross vehicle weight rating (GVWR) of greater than 14,000 pounds or new heavy-duty diesel (HDD) engines that are used in vehicles with a GVWR of greater than 14,000 pounds that are sold, leased, offered for sale or lease, imported, delivered, purchased, rented, acquired or received in this Commonwealth. The Program requires that subject vehicles and engines be issued a California Air Resources Board (CARB) Executive Order certifying compliance with CARB emission standards. This suspension of enforcement will allow vehicles and engines subject to the Program that have not been issued a CARB Executive Order and which meet the Federal HDD emission standards to be sold, leased, offered for sale or lease, imported, delivered, purchased, rented, acquired or received in this Commonwealth during the suspension beginning with model year (MY) 2022 and ending with MY 2026. This suspension of enforcement supersedes the suspension notice published at 51 Pa.B. 7000 (November 6, 2021).

In 2002, the Department's Program implemented the then current CARB emission standards for all HDD engines and vehicles that have a GVWR of 14,000 pounds in response to an emissions cheating scandal in the late 1990s, when engine manufacturers installed emission control system defeat devices. See 32 Pa.B. 2327 (May 11, 2002). The Program became effective May 11, 2002, and provided the necessary 2-year lead time to manufacturers as required under section 177(2) of the Clean Air Act (42 U.S.C.A. § 7507(2)). The Program's emission standards first applied to MY 2005 HDD vehicles and engines.

Manufacturers will be required to meet the Program's requirements beginning with MY 2027 HDD vehicles and engines.

The Department's exercise of enforcement discretion does not protect a manufacturer, distributor, seller, renter, importer, leaser or owner of a retail outlet from the possibility of legal challenge by third persons under 25 Pa. Code Chapter 126, Subchapter E.

For more information or questions concerning the requirements of the Program, contact Mark Hammond, Director for the Bureau of Air Quality, at mahammond@pa.gov or (717) 787-9702.

RICHARD NEGRIN,
Acting Secretary

[Pa.B. Doc. No. 23-767. Filed for public inspection June 9, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Medical Marijuana Advisory Board Meeting

The Medical Marijuana Advisory Board (Board), established under section 1201 of the Medical Marijuana Act (35 P.S. § 10231.1201), hereby gives notice that Board meetings will be held from 10:30 a.m. to 12:30 p.m. on each day listed as follows in the Keystone Building, Hearing Room 1, 400 North Street, Harrisburg, PA 17120, with an option for Board members to participate virtually.

- Wednesday, June 28, 2023
- Wednesday, September 6, 2023
- Wednesday, November 15, 2023

At these meetings, the Board will discuss Medical Marijuana Program updates.

These meetings will be broadcasted live for the public through Commonwealth Media Services. Check www.medicalmarijuana.pa.gov and click on the "Medical Marijuana Advisory Board" under "Information for:" for live streaming information the day of the meeting.

For additional information, including an alternative format of this notice (for example, large print, audiotape, Braille) or for persons with a disability who wish to attend the meetings who require an auxiliary aid, service or other accommodation to do so, contact Sirisha Reddy, Special Assistant, Office of the Secretary, Department of Health, 625 Forster Street, 8th Floor, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-9857, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

This meeting is subject to cancellation without notice.

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 23-768. Filed for public inspection June 9, 2023, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Availability of the Low-Income Home Energy Assistance Program; Proposed State Plan and Public Hearing Schedule

The Department of Human Services (Department) is making available for public review and comment the Fiscal Year (FY) 2023-2024 Low-Income Home Energy Assistance Program (LIHEAP) proposed State Plan. Comments on this notice and testimony received at public hearings will be used to formulate the final State Plan for using Federal funds for FY 2023-2024 LIHEAP.

The Department has made the proposed State Plan available to the public at <https://www.dhs.pa.gov/Services/Assistance/Pages/LIHEAP.aspx>. In addition, copies of the proposed State Plan are available upon written request to the Division of Federal Programs and Program Management, Department of Human Services, CoPA HUB, Suite 240/250, P.O. Box 2675, Harrisburg, PA 17105-2675.

The Department will hold three public hearings throughout the Commonwealth to allow testimony on the proposed State Plan and to fulfill the Federal mandate for public input into the planning process. This mandate appears in Title XXVI (The Low-Income Home Energy Assistance Act of 1981) of the Omnibus Budget Reconciliation Act of 1981 (Pub.L. No. 97-35), (42 U.S.C.A. §§ 8621—8630) as amended by the Human Services Reauthorization Act of 1984 (Pub.L. No. 98-558), the Human Services Reauthorization Act of 1986 (Pub.L. No. 99-425), the Augustus F. Hawkins Human Services Reauthorization Act of 1990 (Pub.L. No. 101-501), the National Institutes of Health Revitalization Act of 1993 (Pub.L. No. 103-43), the Low-Income Home Energy Assistance Amendments of 1994 (Pub.L. No. 103-252), the Coats Human Services Reauthorization Act of 1998 (Pub.L. No. 105-285) and the Energy Policy Act of 2005 (Pub.L. No. 109-58).

Public Hearing Schedule

Three teleconference meetings are available for public participation:

- Date:** Tuesday, June 27, 2023
Time: 10 a.m.—12 p.m.
Call: (267) 332-8737
Conference ID: 847302053#
Online: https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F_%23%2F1%2Fmeetup-join%2F19%3Ameeting_ZjM0Yzg4YjltOGE4Mi00YWVmlTgxZjktNDRmOTU2MTAyYzll%40thread.v2%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%2522418e2841-0128-4dd5-9b6c-47fc5a9a1bde%2522%252c%2522Oid%2522%253a%252298c71b34-61bb-4706-b9b6-1f23c85134cb%2522%257d%26anon%3Dtrue&type=meetup-join&deeplinkId=c9e020a0-57f4-49a1-a7e0-aeed4f82618e&directDl=true&msLaunch=true&enableMobilePage=true&suppressPrompt=true
- Date:** Thursday, June 29, 2023
Time: 10 a.m.—12 p.m.
Call: (267) 332-8737
Conference ID: 503065529#
Online: https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F_%23%2F1%2Fmeetup-join%2F19%3Ameeting_OWrmOTkwM2QtOWFmNi00YTg0LWlzMtQtYWI1OTk2ZjdkYzdk%40thread.v2%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%2522418e2841-0128-4dd5-9b6c-47fc5a9a1bde%2522%252c%2522Oid%2522%253a%252298c71b34-61bb-4706-b9b6-1f23c85134cb%2522%257d%26anon%3Dtrue&type=meetup-join&deeplinkId=a418b293-80df-4167-9ead-2a127279ae52&directDl=true&msLaunch=true&enableMobilePage=true&suppressPrompt=true
- Date:** Thursday, July 6, 2023
Time: 10 a.m.—12 p.m.
Call: (267) 332-8737
Conference ID: 931120247#
Online: https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F_%23%2F1%2Fmeetup-join%2F19%3Ameeting_OGZlZDc0OTMtdMDU4Ny00ZTJlLWI4MTEtNmVlZjI1OWZjMTdm%40thread.v2%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%2522418e2841-0128-4dd5-9b6c-47fc5a9a1bde%2522%252c%2522Oid%2522%253a%252298c71b34-61bb-4706-b9b6-1f23c85134cb%2522%257d%26anon%3Dtrue&type=meetup-join&deeplinkId=a9e08c24-390d-4e11-ad22-3ca9979d1a1b&directDl=true&msLaunch=true&enableMobilePage=true&suppressPrompt=true

This notice shall take effect upon publication in the *Pennsylvania Bulletin*.

Public Comment

Persons who wish to testify on the proposed State Plan at a public hearing should arrange a time by telephoning (717) 772-7906. Persons from outside the Harrisburg area should call (800) 692-7462 or send a written request, including telephone number, to the Division of Federal Programs and Program Management, Department of Human Services, CoPA HUB, Suite 240/250, P.O. Box 2675, Harrisburg, PA 17105-2675.

Individuals also may submit written comments at any of the public hearings, by e-mail to LIHEAPmail@pa.gov, or by mail to the previously listed address by July 14, 2023.

Persons with a hearing or speech impairment may submit comments through the Pennsylvania Telecommunications Relay Service by calling 711.

VALERIE A. ARKOOSH,
Acting Secretary

Fiscal Note: 14-NOT-1575. No fiscal impact; recommends adoption.

[Pa.B. Doc. No. 23-769. Filed for public inspection June 9, 2023, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Pedalcycle and Pedestrian Advisory Committee Meeting

The Pedalcycle and Pedestrian Advisory Committee will hold a meeting on Tuesday, June 13, 2023. The meeting will be held in person at the Commonwealth Keystone Building, 400 North Street, Forest Room Plaza Level, Harrisburg, PA 17102 at 1 p.m. There will also be a remote Microsoft Teams option and the meeting will be recorded. For more information, contact the Multimodal Deputate, (717) 787-8197, BikePedPA@pa.gov. To call into the meeting, dial (267) 332-8737 and enter 869359217# as the meeting code.

To view the meeting agenda, visit the Department of Transportation's web site at www.penndot.pa.gov (click on "About PennDOT" at the bottom of the web page under "About Us," then select "Commissions & Committees" under "What We Do," then select "Pedalcycle and Pedestrian Advisory Committee.")

MICHAEL CARROLL,
Secretary

[Pa.B. Doc. No. 23-770. Filed for public inspection June 9, 2023, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

State Transportation Commission Meeting

The State Transportation Commission will hold a meeting on Wednesday, June 14, 2023, from 10 a.m. to 12 p.m. This meeting will be held at the Holiday Inn in Williamsport, PA and by means of Microsoft Teams. The meeting information including the agenda is available at <https://bit.ly/3Lb5ncs>.

For more information, contact the Office of the State Transportation Commission, (717) 787-2913, RA-PennDOTSTC@pa.gov.

MICHAEL CARROLL,
Secretary

[Pa.B. Doc. No. 23-771. Filed for public inspection June 9, 2023, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Meeting Cancellation

The June 13, 2023, meeting of the Environmental Quality Board (Board) is cancelled. The next regular meeting of the Board is tentatively scheduled for Tuesday, July 11, 2023. The meeting will begin at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Individuals may attend the meeting in person or remotely.

Information on how to join the meeting, as well as agenda and meeting materials, will be available on the Board's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Environmental Quality Board," then "2023 Meetings").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the July 11, 2023, meeting can be directed to Laura Griffin at laurgriffi@pa.gov or (717) 783-8727.

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

RICHARD NEGRIN,
Acting Chairperson

[Pa.B. Doc. No. 23-772. Filed for public inspection June 9, 2023, 9:00 a.m.]

FISH AND BOAT COMMISSION

Special Regulation Designations

The Fish and Boat Commission (Commission) has approved guidelines regarding encouraging public participation on possible changes to the designation of streams, stream sections or lakes for special regulation programs. Under 58 Pa. Code Chapter 65 (relating to special fishing regulations), the Commission designates or redesignates certain streams, stream sections and lakes as being subject to special fishing regulations. These designations and redesignations are effective after Commission approval when they are posted at the site and a notice is published in the *Pennsylvania Bulletin*. Under the Commission's guidelines, a notice concerning the proposed designation or redesignation of a stream, stream section or lake under special regulations ordinarily will be published in the *Pennsylvania Bulletin* before the matter is reviewed by the Board of Commissioners.

At the next Commission meeting on July 24, 2023, the Commission will consider taking the following actions with respect to waters subject to special fishing regulations under 58 Pa. Code Chapter 65, effective upon publication in the *Pennsylvania Bulletin*.

58 Pa. Code § 65.9. *Big bass*

The Commission will consider removing the following water from its list of "big bass regulation" waters regulated and managed under 58 Pa. Code § 65.9 (relating to big bass):

| County | Water |
|---------------------|------------|
| Clarion and Venango | Kahle Lake |

Persons with comments, objections or suggestions concerning the designations are invited to submit comments in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments may also be submitted electronically to RA-pfbcregulations@pa.gov. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 23-773. Filed for public inspection June 9, 2023, 9:00 a.m.]

FISH AND BOAT COMMISSION

Temporary Change to Fishing Regulations; Kahle Lake, Clarion and Venango Counties

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to modify temporary fishing regulations at Kahle Lake, Clarion and Venango Counties, in anticipation of a complete drawdown of the lake. The Executive Director is lifting all seasons, sizes and daily limits, as set forth in 58 Pa. Code § 61.1 (relating to Commonwealth inland waters) for all species, effective June 10, 2023. The Executive Director has found that this action is necessary and appropriate for the management of fish and to conserve and preserve fishing opportunities at this lake.

The Executive Director will cause these temporary modifications to fishing regulations to be posted in the vicinity of the lake, and the modified regulations will be fully effective and enforceable when so posted. These temporary modifications will remain in effect until further notice.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 23-774. Filed for public inspection June 9, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Acquire Control of Pillar Life Insurance Company

Elli Ausubel has filed an application for approval to acquire control of Pillar Life Insurance Company, a domestic stock life insurance company. The filing was received on May 19, 2022, and was made under the requirements of Article XIV of The Insurance Company Law of 1921 (40 P.S. §§ 991.1401—991.1414).

Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 23-775. Filed for public inspection June 9, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Pine Run Village, Inc.

Pine Run Village, Inc. has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Pine Run Village in Doylestown, PA. The initial filing was received on May 25, 2023, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P.S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient details to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@pa.gov.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 23-776. Filed for public inspection June 9, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Oscar Delgado Cruz; License Denial Appeal; Doc. No. AG23-05-022

Under Article VI-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.1—310.99a), Oscar Delgado Cruz has appealed the denial of an application for an insurance producer's license. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure).

A prehearing telephone conference initiated by this office is scheduled for July 6, 2023, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before July 5, 2023. A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference.

Protests, petitions to intervene or notices of intervention, if any, must be electronically filed on or before June 22, 2023. The e-mail address to be used for the Administrative Hearings Office is ra-hearings@pa.gov. Answers to protests, petitions to intervene or notices of intervention, if any, must be electronically filed on or before July 5, 2023.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodations to

participate in the hearing, contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 23-777. Filed for public inspection June 9, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Unum Life Insurance Company of America; Rate Increase Filing for Several Group LTC Forms (UNUM-133688063); Rate Filing

Unum Life Insurance Company of America is requesting approval to increase the premium an aggregate 5.7% on 3,799 policyholders with the following group LTC policy form numbers: GLTC04 and RGGLTC04. The increase will average 5.7% but will vary from 0% for certificate holders without inflation protection to 16.4% for certificates with 5% compound inflation protection.

Unless formal administrative action is taken prior to August 25, 2023, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at www.insurance.pa.gov. To view these filing notices, hover the cursor over the word "Consumers" then select "Pending Long Term Care Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 23-778. Filed for public inspection June 9, 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, June 29, 2023, at 1 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/tZMod-6rrTwtG9Ka2GTIV7WXsGtSBDjMnCMD>.

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: 875 0733 7716

Passcode: 6aW49t

One tap mobile:

(301) 715-8592, 87507337716# US (Washington DC)
(305) 224-1968, 87507337716# US

Dial by individual's location:

(301) 715-8592 US (Washington DC)
(305) 224-1968 US
(309) 205-3325 US
(312) 626-6799 US (Chicago)
(646) 558-8656 US (New York)
(386) 347-5053 US
(669) 444-9171 US
(720) 707-2699 US (Denver)
(253) 215-8782 US (Tacoma)
(346) 248-7799 US (Houston)

Meeting ID: 875 0733 7716

Find individual's local number: <https://us06web.zoom.us/j/ke3qVqCsA>

Individuals having 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 June 29, 2023, at 12:30 p.m. by means of Zoom. The purpose of the executive session is for consideration of personnel matters and to engage in nondeliberative informational discussions regarding various actions and matters which have been approved at previous public meetings.

REGINA M. HOFFMAN, MBA, BSN, RN, CPPS,
Executive Director

[Pa.B. Doc. No. 23-779. Filed for public inspection June 9, 2023, 9:00 a.m.]

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Environmental Assessment Approval for PENNVEST Funding Consideration

Scope: Clean Water and Drinking Water State Revolving Fund Projects for consideration at the July 19, 2023, Pennsylvania Infrastructure Investment Authority (PENNVEST) Board meeting.

Description: PENNVEST, which administers the Commonwealth's Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF), is intended to be the funding source for the following projects. The Department of Environmental Protection's (Department) review of these projects, and the information received in the Environmental Report for these projects, has not identified any significant, adverse environmental impact resulting from any of the proposed projects. The Department hereby approves the Environmental Assessment for each project. If no significant comments are received during this comment period, the Environmental Assessment will be considered approved and funding for the project will be considered by PENNVEST.

To be considered, the Department must receive comments on this approval on or by Monday, July 10, 2023. Comments, including comments submitted by e-mail, must include the commentator’s name and address. Commentators are encouraged to submit comments using the Department’s online eComment tool at www.ahs.dep.pa.gov/eComment. Written comments can also be submitted by e-mail to ecomment@pa.gov or by mail to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use “PENNVEST SRF-Environmental Assessment” as the subject line in written communication.

For more information about the approval of the following Environmental Assessments or the CWSRF and DWSRF Programs, contact Richard Wright, Bureau of Clean Water, Department of Environmental Protection, P.O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-4059, riwright@pa.gov, or visit the Department’s web site at www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance/Pages/default.aspx.

Comments received during the comment period, along with the Department’s comment and response document, will be available on the Department’s web site at www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance/Pages/EnvironmentalReview.aspx.

Upon approval, the full list of approved projects and their costs can be found in a press release on PENNVEST’s web site at www.pennvest.pa.gov.

CWSRF Projects Being Considered:

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| <i>Applicant:</i> | Conneaut Lake Joint Municipal Authority |
| <i>County:</i> | Crawford |
| <i>Applicant Address:</i> | 9888 State Highway 285 Conneaut Lake, PA 16316 |

Project Description: The Conneaut Lake Joint Municipal Authority is proposing to upgrade its existing wastewater treatment plant (WWTP), perform a separation of the East and West force mains that feed the WWTP and upgrade the existing S8 pump station (PS). The upgrades to the WWTP include removing outdated technology, removing the existing rock media trickling filters, replacing the bio-tower feed pumps, adding an intake screen, refurbishing the primary clarifier and removing the secondary clarifier. It also includes installing new headworks, sludge press and an emergency generator. Also, this project will abandon the failing pipe at Conneaut Lake dam and reroute the flow by the most direct route possible completely bypassing the dam. The pipe will be connected directly to the WWTP through a new approximately 2,200 linear feet (LF) 12-inch diameter high density polyethylene pipe installed by horizontal directional drilling. Additionally, the existing S8 PS will be upgraded. The PS upgrade includes replacing the two 80 gallon per minute (gpm) submersible grinder pumps with submersible nonclog centrifugal pumps rated at 80 gpm each, with space allotted for a third future pump of the same size. The upgrade will also increase the size of the force main from 3-inch diameter to 4-inch diameter.

Problem Description: The WWTP was designed and built in the 1960s and the machinery has been extended beyond its useful lifespan resulting in the WWTP not being able to meet new effluent limits established by the Department. Additionally, the existing force main that traverses Conneaut Lake dam is corroding and has

leaked causing spillage into Conneaut Lake. The existing collection network has two force mains combining on the west side of Conneaut Lake before it is consolidated into one pipe flowing to the WWTP. Due to natural phenomenon of different precipitation events on each side of the lake, flow imbalances have caused excessive wear and corrosion of equipment within the S8 PS.

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| <i>Applicant:</i> | Cresson Township Municipal Authority |
| <i>County:</i> | Cambria |
| <i>Applicant Address:</i> | 730 Portage Road Cresson, PA 16630 |

Project Description: The proposed wastewater collection system extension project is to serve approximately 55 commercial and single-family residential dwellings along the north side of U.S. Route 22 in Munster and Cresson Townships, Cambria County. It includes approximately 15,600 LF of 8-inch diameter gravity wastewater main, two PSs, approximately 13,000 LF of 4-inch diameter force main and appurtenances.

Problem Description: The proposed project addresses requirements of the consent order and agreement dated August 6, 2007, between Munster Township and the Department. Per the consent order and agreement, the Department identified 16 lots with unpermitted or malfunctioning, or both, on-lot sewage disposal systems in Munster Township. Munster Township agreed to replace the existing systems with a community sewage system or treatment facility permitted by the Department.

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| <i>Applicant:</i> | North Huntingdon Township Municipal Authority |
| <i>County:</i> | Westmoreland |
| <i>Applicant Address:</i> | 4130 Turner Valley Road North Huntingdon, PA 15642 |

Project Description: This project proposes to construct a new wastewater treatment facility (WWTF), which includes: constructing a centralized process lift station; a headworks facility including screening and grit removal; a sequencing batch reactor with biological nutrient removal capabilities; an ultraviolet disinfection system; an effluent water storage facility; and the construction of a sludge dewatering building. The existing treatment facility will be decommissioned.

Problem Description: The Youghiogeny WWTP was constructed in the 1970s and is nearing the end of its useful life. The plant lacks sufficient preliminary treatment facilities such as screening and grit removal, which impacts downstream solids management processes. In addition, the plant is unable to meet future nutrient removal requirements and peak hydraulic loads. It is also unable to meet the sanitary sewer needs of the North Huntingdon Township Municipal Authority’s buildout service area.

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| <i>Applicant:</i> | East Franklin Township Road Fund |
| <i>County:</i> | Armstrong |
| <i>Applicant Address:</i> | 106 Cherry Orchard Avenue P.O. Box 69 Kittanning, PA 16201 |

Project Description: This project includes constructing approximately 7,000 LF of 8-inch sanitary sewer line extension and 39 watertight manholes. This collection system will be completely gravity fed and will connect to the existing West Hills Area Water Pollution Control Authority (WHAWPCA) collection system that is currently operating at 50% capacity. Once the sanitary sewer line is constructed and the homes are connected to it, the Fox Hollow Sewage Treatment Plant (STP) will be decommissioned and removed. The existing STP and the proposed sanitary sewer line extension are located along Toy Road, Booher Road and Claypoole Road. A total of 44 homes will be served, generating 17,600 gallons per day (gpd) of sewage to be conveyed to the WHAWPCA WWTF. The project will be completed in accordance with the Corrective Action Plan made between the Department and East Franklin Township, as approved by letter dated December 2, 2021.

Problem Description: The Fox Hollow STP was constructed in 1996 by a private developer. Shortly after construction, the developer went bankrupt and East Franklin Township took over operations. The STP was constructed with used equipment. The tanks are rusting due to aging and the system is in constant need of repair. On June 14, 2021, the Department issued a notice of violation to East Franklin Township for effluent violations/hydraulic and organic overload conditions at the STP. This was due to effluent discharge exceedances for fecal coliform and total suspended solids. East Franklin Township has taken action to correct the violations by having sludge hauled away more frequently and cleaning the intakes on a more regular basis. However, the sludge hauling company was not always available due to increased demand and staff shortages. East Franklin Township has temporarily resolved the trucking issue and revised its maintenance schedule to alleviate the problem. This project will provide a long-term solution to the existing problem.

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| <i>Applicant:</i> | Hopewell Borough |
| <i>County:</i> | Bedford |
| <i>Applicant Address:</i> | 411 Broadway Avenue P.O. Box 160 Hopewell, PA 16650 |

Project Description: This project includes the installation of a new WWTF to replace the existing WWTF. It involves installing a 32,500 gpd extended aeration pre-packaged WWTP, upgrading the pumps and controls at the influent PS, upgrading the liquid alum chemical feed pumps, upgrading the laboratory and adding an electrical room. The new plant will be constructed adjacent to the existing control building and the existing plant will be decommissioned upon successful start-up and commissioning of the new plant.

Problem Description: Hopewell Borough owns and operates the Hopewell Borough WWTF and collection system, which serves approximately 104 customers. The WWTF was constructed and began operation in 1988. Due to aging infrastructure, the WWTF suffers from several operational problems including equipment failure and constantly needing repair. Several effluent limit violations for fecal coliform, phosphorus, chlorine and total suspended solids have been reported. If not replaced, the deteriorating facility will continue violating effluent limits, thereby deteriorating the local water quality. The Department has issued several notices of violation for this

plant. Additionally, worker safety is a concern if certain systems at the facility are not replaced.

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| <i>Applicant:</i> | Frackville Area Municipal Authority |
| <i>County:</i> | Schuylkill |
| <i>Applicant Address:</i> | 41 North Lehigh Street Frackville, PA 17931 |

Project Description: This project involves installing 2,160 LF of 10-inch sanitary sewer lines, 11 manholes, 1,100 LF of low-pressure sewer line, 2 grinder pumps and lateral connections. Additionally, the no longer necessary existing sanitary sewer pumping station will be removed. The proposed gravity sewer extension will convey flow to the existing PS along Fireman’s Road and then convey it to Industrial Road where it will connect to Frackville Area Municipal Authority’s (FAMA) existing gravity sewer main. The sewer line will be constructed through an undeveloped parcel of land owned by Schuylkill Economic Development Corporation. The low-pressure system is anticipated to comprise of individual grinder pumps and a small section of low-pressure sewer main.

Problem Description: The Fireman’s Road PS is in West Mahanoy Township in the Frackville Industrial Park. The PS was constructed in 1990 and was turned over to FAMA in 1991. The PS is in disrepair and needs rehabilitation. During investigations to upgrade the Fireman’s Road PS, the engineering consultant for FAMA confirmed by means of a survey that the station could be eliminated and that the upstream wastewater flow can be conveyed by a gravity sewer.

DWSRF Projects Being Considered:

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| <i>Applicant:</i> | Indiana County Municipal Services Authority |
| <i>County:</i> | Indiana |
| <i>Applicant Address:</i> | 602 Kolter Drive Indiana, PA 15701 |

Project Description: The proposed project includes waterline upgrades and extensions within Indiana County. The project is divided into separate project areas. The Indiana Road and Midd Street Waterline Extension includes the installation of approximately 3,200 LF of 6-inch waterline to replace an existing 2-inch waterline and replacement of lead and copper services in Creekside Borough and Washington Township. The Fyock Road project includes the installation of approximately 1,200 LF of new 8-inch waterline to interconnect with existing waterlines and valve vault improvements. The Tanoma/Skyline waterline extension includes the installation of approximately 28,000 LF of new 8-inch waterline extension. This extension will provide water to a number of residential homes that are currently hauling water and will remove six homes from a community cistern.

Problem Description: Some of the waterlines within the service area are beyond useful service life, prone to breakage, leaks, and in some cases, nonexistent. Where waterlines are aged and deteriorated, they are susceptible to leaks and breaks which are costly to repair. Areas in the Indiana/Midd project area have experienced numerous breaks which resulted in periodic service shutdowns and costly emergency repairs. By replacing the waterlines, Indiana County Municipal Services Authority will be able to provide clean drinking water and eliminate breaks and leaks. The Fyock Road portion of the project

proposes to improve water supply by providing better continuity of service and longevity of service. The Tanoma/Skyline portion of the project is situated in an area where some of the residents are hauling water or are currently using a community cistern. The proposed public water extension would provide clean, safe drinking water to the residents living in the project area.

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| <i>Applicant:</i> | Highland Sewer and Water Authority |
| <i>County:</i> | Cambria |
| <i>Applicant Address:</i> | 120 Tank Drive Johnstown, PA 15904 |

Project Description: Highland Sewer and Water Authority (HSWA) owns and operates a water treatment plant and public water distribution system which serves over 10,000 customers in 17 different municipalities within Cambria County. Additionally, HSWA sells bulk water to 13 smaller water utility owners which distribute and resell water to their customers. One of these utility owners is Tri-Township Water Authority (TTWA). TTWA is in Coyle, Summerhill and Portage Townships, Cambria County. TTWA purchases all their water from HSWA and sells water to residents within its service area. Due to difficulties managing and maintaining a public water system, TTWA proposes to sell its water system to HSWA. HSWA is proposing to replace approximately 52,300 LF of transmission and distribution water line, 180 service lines, 265 water meters and associated appurtenances within the TTWA system, which will be collectively known as the HSWA.

Problem Description: Due to difficulties managing and maintaining a public water system, TTWA is proposing to sell their water system to HSWA. By transferring ownership and replacing the distribution system and meters, the current 56% of unaccounted-for water should be reduced substantially, leaks and breaks will be much less frequent and water quality and quantity will improve for the service area.

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| <i>Applicant:</i> | Municipal Authority of Buffalo Township |
| <i>County:</i> | Butler |
| <i>Applicant Address:</i> | 707 South Pike Road Sarver, PA 16055 |

Project Description: The Municipal Authority of Buffalo Township is proposing to extend public water service from the existing point of service, the intersection of Chesterfield Drive and Sarver Road/Route 228, to the intersection of Crescent Hill Road and Sarver Road/Route 228 West as well as to the residents of Sunny Lane, Kimberly Drive, Carol Drive and Crescent Hill Drive. This extension of public water service will be located in Buffalo Township, Butler County. The project will also include the replacement of waterlines on Market Street, Fourth Street and Buffalo Street in Freeport Borough, Armstrong County.

Problem Description: The proposed project area in Buffalo Township, Butler County is currently served by private groundwater well systems. Several residents have inquired about public water service due to the groundwater being of poor quality. The residents have failing wells that are potentially causing health issues. Regarding the proposed project area in Freeport Borough, the waterlines are aged and deteriorated which are susceptible to leaks

and breaks. These areas have experienced numerous breaks which resulted in periodic service shutdowns and costly, emergency repairs. The water loss during these events is stretching the operating budgets to their limits. As a result of the breaks and leaks, the residents are also subjected to poor roadway conditions due to multiple patches/ditches. By replacing the waterlines, the Municipal Authority of Buffalo Township will be able to provide reliable drinking water and eliminate breaks and leaks.

RICHARD NEGRIN,
Acting Secretary
Department of Environmental Protection
ROBERT H. BOOS,
Executive Director
Pennsylvania Infrastructure Investment Authority

[Pa.B. Doc. No. 23-780. Filed for public inspection June 9, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Electric Distribution Company Default Service Plans—Customer Assistance Program Shopping

Public Meeting held
April 20, 2023

Commissioners Present: Gladys Brown Dutrieuille, Chairperson; Stephen M. DeFrank, Vice Chairperson; Ralph V. Yanora; Kathryn L. Zerfuss; John F. Coleman, Jr.

Electric Distribution Company Default Service Plans—Customer Assistance Program Shopping;
Docket No. M-2018-3006578

Order

By the Commission:

On February 28, 2019, the Pennsylvania Public Utility Commission (Commission) issued an Order at the above-captioned docket proposing the creation of a new policy statement addressing the issue of allowing customers participating in electric distribution company (EDC) Customer Assistance Programs (CAP) to shop for electric supply under certain conditions¹ and solicited comments from interested stakeholders.² With this Order, the Commission withdraws the Proposed Policy Statement and closes this proceeding on CAP shopping, without issuing a policy statement.

Background

CAP Shopping

EDCs are required to offer universal service and energy conservation programs that are developed, maintained, and appropriately funded to ensure affordability and cost-effectiveness.³ The portfolio of universal services includes CAP, which provides lower monthly payments and arrears forgiveness for eligible low-income customers.⁴

¹ This is commonly referred to as CAP shopping.

² Electric Distribution Company Default Service Plans—Customer Assistance Program Shopping, Docket No. M-2018-3006578 (Order entered February 28, 2019) (Proposed Policy Statement Order).

³ 66 Pa.C.S. §§ 2802(10) (relating to declaration of policy), 2804(9) (relating to standards for restructuring of electric industry).

⁴ For the purposes of this policy statement, low-income customers are households that are at or below 150% of the Federal Poverty Income Guidelines (FPIG). See U.S. Federal Poverty Guidelines Used to Determine Financial Eligibility for Certain Federal Programs—<https://aspe.hhs.gov/poverty-guidelines>.

The Public Utility Code (Code) also provides for competition in the retail electric market.⁵ As part of the current competitive market, EDCs provide default service for those customers who have chosen not to switch to an Electric Generation Supplier (EGS).⁶ EDCs are required to submit default service plans (DSPs) outlining the procurement process and associated programs tied to their provision of default service.⁷ Over the years, many of these plans have expanded to include a variety of issues, including the manner in which customers participating in EDCs' CAPs participate in the competitive electric market.⁸

Although individual EDCs' CAPs differ, all EDC CAP participants are at risk of using their CAP benefits more quickly if they are paying rates higher than their EDC's price to compare (PTC). Additionally, all EDCs ultimately recover un-collectables from residential ratepayers through mechanisms such as surcharges or base rates. As such, increased un-collectables resulting from CAP participants incurring generation rates higher than the EDCs' PTCs due to shopping, can increase the rates paid by non-CAP participants.

The Commonwealth Court has held that, pursuant to the Choice Act, the Commission has the authority to place conditions under which CAP participants may shop while still receiving CAP benefits.⁹

[T]he Choice Act permits PUC to effectively limit competition and choice for low-income customers, provided there are no reasonable alternatives to restricting competition, so that other important policy concerns of the General Assembly, such as access, affordability, and cost-effectiveness, may be served; see 66 Pa.C.S. § 2802(9) ("Electric service is essential to the health and well-being of residents, to public safety and to orderly economic development, and electric service should be available to all customers on reasonable terms and conditions"), [see 66 Pa.C.S. § 2802](10) ("The Commonwealth must, at a minimum, continue the protections, policies and services that now assist customers who are low-income to afford electric service"), [see 66 Pa.C.S. § 2802](17) ("There are certain public purpose costs, including programs for low-income assistance... which have been implemented and supported by public utilities' bundled rates. The public purpose is to be promoted by continuing universal service and energy conservation policies, protections and services, and full recovery of such costs is to be permitted through a non-by-passable rate mechanism"); 66 Pa.C.S. § 2804(9) ("Programs under this paragraph shall be subject to the administrative oversight of the commission which will ensure that the programs are operated in a cost-effective manner"). As the General Assembly recognized in Section 2802 of the Choice Act, if CAP customers were given direct access to the competitive market, they would be priced out of the

⁵ Electricity Generation Customer Choice and Competition Act, 66 Pa.C.S. §§ 2801–2815 (relating to restructuring of electric utility industry) (Choice Act).

⁶ See 66 Pa.C.S. § 2807(e) (relating to obligation to serve). See also, 52 Pa. Code §§ 54.182–54.190 (relating to default service).

⁷ See 66 Pa.C.S. § 2807(e)(6) (relating to obligation to serve). See also, 52 Pa. Code §§ 54.185 (relating to default service programs and periods of service).

⁸ See Petition of PECO Energy Company for Approval of its Default Service Program for the Period from June 1, 2017 through May 31, 2021, et al., Docket Nos. P-2016-2534980, et al. (PECO DSP IV); Petition of Duquesne Light Company for Approval of a Default Service Plan for the Period June 1, 2016 to May 31, 2021, Docket No. P-2016-254310. Joint Petition of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company for Approval of their Default Service Programs for the Period Beginning June 1, 2019 through May 31, 2023, Docket Nos. P-2017-2637855, et al.; Petition of PPL Electric Utilities Corporation for Approval of a Default Service Program and Procurement Plan for the Period of June 1, 2017 through May 31, 2021, Docket No. P-2016-2526627.

⁹ See, *Retail Energy Supply Ass'n. v. Pa. Pub. Util. Comm'n.*, 185 A.3d 1206 (Pa. Cmwlth. 2018) (RESA).

market because they cannot afford to pay the entirety of their bills. [...] We recognize that there is a "tension" between competing policy concerns promoting competition and choice, and protecting access, affordability, and cost-effectiveness; however, PUC's approval of [CAP shopping restrictions] seeks to strike a balance between these concerns under the authority the General Assembly gave it through the Choice Act.

RESA at 1222-1223 (internal citations omitted) (emphasis added).

Proposed CAP Shopping Policy Statement

In response to evidence that CAP participants and non-CAP participants were being harmed by unrestricted CAP shopping, the Commission proposed the development of a policy statement setting forth uniform guidelines for EDCs' CAP shopping programs. The Proposed Policy Statement Order encouraged EDCs to incorporate the following provisions when designing CAP shopping programs:

1. A requirement that the CAP shopping product has a rate that is always at or below the EDCs' [Price-to-Compare (PTC)] over the duration of the contract between the EGS and the CAP participant.
2. A provision that the contract between the EGS and the CAP participant contains no early termination or cancellation fees.
3. A provision that, at the end of the contract, the CAP participant may re-enroll with the EGS at a product that meets the same requirements as outlined in numbers 1 and 2 above, switch to another EGS offering a product that meets those requirements, or be returned to default service.

Proposed Policy Statement Order at 5.

The Proposed Policy Statement Order further directed EDCs to address the mechanics of CAP shopping in their next default service plan proceedings following the adoption of the proposed policy statement. This directive was intended to avoid impacting current, Commission-approved programs, and to allow for due process for all parties. Proposed Policy Statement Order at 6.

The Proposed Policy Statement Order was published in the *Pennsylvania Bulletin* on June 15, 2019. See, 49 Pa.B. 3083. Comments were due by July 30, 2019. Reply comments were due by August 14, 2019. The Commission received several comments and reply comments.¹⁰

Summary of Comments Submitted to the Proposed Policy Statement Order

Scope and Purpose: Some parties recommended that the proposed CAP Shopping Policy Statement serve only as guidance and not mandate that utilities have CAP shopping programs. DLC Reply Comments at 2, UGI Comments at 3. Other parties asserted that CAP shopping should be prohibited entirely, in the interests of protecting low-income customers from harm. CAUSE-PA/TURN Comments at 1, PPL Reply Comments at 4. There

¹⁰ The Commission received comments from the following EDCs: Metropolitan-Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company (collectively, FirstEnergy); Duquesne Light Company (DLC); PPL Electric Utilities Corporation (PPL); UGI Utilities, Inc.—Electric Division (UGI); and PECO Energy Company (PECO), as well as from the Energy Association of PA (EAP). The Commission also received comments from electric generation suppliers (EGSs), represented by the Retail Energy Supply Association (RESA), and individually from WGL Energy Services, Inc. (WGL). In addition, the Commission received comments from the Office of Consumer Advocate (OCA), the joint comments of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) and the Tenant Union Representative Network and Action Alliance of Senior Citizens of Greater Philadelphia (TURN et al.) (collectively, CAUSE-PA/TURN.); and the Consumer Advisory Council (CAC). Reply comments were filed by DLC, PPL, UGI, PECO, EAP, RESA, WGL, OCA, and CAUSE-PA/TURN.

were also comments proposing that should the Commission mandate CAP shopping, then EDCs with fewer than 100,000 customers, as well as combined gas-electric utilities, be granted a waiver from having to allow CAP participant shopping. UGI Comments at 3-4.

Enforcement of CAP Shopping Rules: Parties differed on which entities should be responsible for enforcing CAP shopping rules. Certain parties argued that EDCs should be required to monitor CAP shopping enrollments and cancellations, and enforce their CAP shopping rules with safeguards to ensure that CAP participants are aware of the risks of losing their CAP benefits. CAC Comments at 3-4, CAUSE-PA/TURN Comments at 3, 7, 9—11. EDCs generally took the position that they should not be responsible for policing EGS contracts, and that EGSs should be responsible for ensuring that their contracts comply with the EDC's CAP shopping rules and educate prospective CAP shopping customers about the risks of shopping. DLC Comments at 6-7, EAP Comments at 3-4, FirstEnergy Comments at 1—5, PECO Comments at 1—4, PPL Comments at 9-10, UGI Comments at 5—7. Some commentors proposed that the Commission have primary responsibility for providing oversight and enforcement of the Commission's CAP shopping regulations. EAP Reply Comments at 2-3, RESA Comments at 16—19.

CAP Shopping Program Design:

Cost Recovery/Allocation: EDCs generally proposed that such costs be covered by EGSs. EAP Comments at 3-4, UGI Comments at 7. EGSs objected to cost recovery of CAP shopping from EGSs and proposed that such costs could be recovered by EDCs through their universal service and default service plans. RESA Comments at 15.

Pricing of EGS Rates: EDCs and consumer advocate groups supported limiting the rates that EGSs could charge CAP shopping customers to at or below the incumbent EDC's PTC. CAUSE-PA/TURN Comments at 3, 11—15; EAP Comments at 5. EGSs opined that limiting CAP shopping rates ignores the potential benefits to low-income consumers that EGSs can offer through non-basic products and services. RESA Comments at 1—8, WGL Comments at 1—3.

CAP Shopping Eligibility: Due to the vulnerability of low-income customers, EDCs and consumer advocacy groups generally opposed the proposal to automatically disqualify low-income customers from CAP participation should they chose to enter into a contract for an EGS product that does not comply with CAP shopping rules. CAUSE-PA/TURN Comments at 5—9, DLC Comments at 4-5, 7; OCA Comments at 8; UGI Comments at 9.

Timing: In addition to addressing the specific questions set forth, some stakeholder expressed concern about the timing of the Proposed Policy Statement Order, given that, at the time comments were due, the Commission had other open dockets related to assistance programs for low-income customers¹¹ and was also conducting a review of the CAP Policy Statement (52 Pa. Code §§ 69.261—69.267). DLC Comments at 2-3. As such, stakeholders suggested that the Commission delay adoption of the CAP Shopping Policy Statement until after finalization of the CAP Policy Statement and other low-income initiatives. DLC Comments at 3, EAP Comments at 4-5, PECO Reply Comments at 4.

Disposition of Related Proceedings

¹¹ Energy Affordability for Low-Income Customers, Docket No. M-2017-2587711, and Review of Universal Service and Energy Conservation Programs, Docket No. M-2017-2596907.

The proceedings at Energy Affordability for Low-Income Customers, Docket No. M-2017-2587711 and Review of Universal Service and Energy Conservation Programs, Docket No. M-2017-2596907, that concluded in 2019, involved a comprehensive review of the policies, practices, and procedures of Pennsylvania's universal service and energy conservation programs, including the impact of those programs on energy affordability for low-income customers and the costs of the programs to other customers. Thereafter, the Commission approved several amendments to the CAP Policy Statement.¹² The amendments to the CAP Policy Statement became effective on March 21, 2020, and are codified at 52 Pa. Code §§ 69.261—69.267.

The Commission has fully disposed of the most recent round of EDC DSPs, most of which addressed CAP shopping.¹³ The Commission's disposition of CAP shopping in these respective DSP proceedings is summarized below.

DLC: The Commission permitted DLC to defer implementation of CAP shopping until the Commission provided more guidance through the Policy Statement on CAP Shopping becoming final and effective. DLC stated that it would comply with the provisions of the Policy Statement on CAP shopping provided that the Commission called for CAP shopping within all EDCs' service territories.¹⁴

FirstEnergy: The Commission approved the elimination of CAP shopping in the FirstEnergy Companies' service territories, effective June 1, 2023. From that date forward, FirstEnergy CAP customers will receive default service at the applicable PTC.¹⁵

PPL: The Commission approved PPL's proposal to eliminate CAP shopping, as beneficial to both CAP participants and other residential customers by ensuring that (1) CAP participants do not exhaust their CAP credits more quickly by shopping at rates above the PTC and (2) other residential customers are not responsible for higher CAP shortfalls. However, PPL stated that, should the Commission's Proposed Policy Statement ultimately direct differently than what PPL proposed in its DSP, PPL will amend its DSP with respect to CAP shopping to be consistent with the Commission's guidelines.¹⁶

PECO: The Commission approved PECO's proposal to defer submission of a CAP shopping proposal until 90 days after the Commission's issuance of a final, non-appealable Opinion and Order at Docket No. M-2018-3005795 approving, modifying, or rejecting PECO's proposal to redesign its CAP program from its existing Fixed Credit Option (FCO) design to a

¹² 2019 Amendments to Policy Statement on Customer Assistance Program, 52 Pa. Code §§ 69.261—69.267, Docket No. M-2019-3012599 (Final Policy Statement and Order entered November 5, 2019).

¹³ CAP shopping was not addressed in UGI Electric's most recent DSP. Petition of UGI Utilities, Inc.—Electric Division for Approval of a Default Service Plan for the Period of June 1, 2021 through May 31, 2025, Docket No. P-2020-3019907 (Opinion and Order entered January 14, 2021).

¹⁴ Petition of Duquesne Light Company for Approval of its Default Service Plan for the Period from June 1, 2021 through May 31, 2025, Docket No. P-2020-3019522 (Opinion and Order entered January 14, 2021), at 96-97.

¹⁵ Petition of Metropolitan Edison Company for Approval of Its Default Service Plan for the Period From June 1, 2023 through May 31, 2027, Docket No. P-2021-3030012; Petition of Pennsylvania Electric Company for Approval of Its Default Service Plan for the Period From June 1, 2023 through May 31, 2027, Docket No. P-2021-3030013; Petition of Pennsylvania Power Company for Approval of Its Default Service Plan for the Period From June 1, 2023 through May 31, 2027, Docket No. P-2021-3030014; Petition of West Penn Power Company for Approval of Its Default Service Plan for the Period From June 1, 2023 through May 31, 2027 (FirstEnergy DSP VI), Docket No. P-2021-3030021 (Opinion and Order adopting the ALJ's June 29, 2022 Recommended Decision (FirstEnergy DSP VI RD) entered August 4, 2022).

¹⁶ Petition of PPL Electric Utilities Corporation for Approval of Its Default Service Plan For the Period June 1, 2021 Through May 31, 2025 (PPL DSP V), Docket No. P-2020-3019356 (Opinion and Order entered December 17, 2020) (PPL DSP V Order), at 114-115, 129-130.

Percent of Income Payment Plan (PIPP).¹⁷ On September 8, 2022, PECO filed a Petition seeking to continue deferral of CAP shopping implementation in its service territory until the Commission issues its final Policy Statement on CAP Shopping.¹⁸

Discussion

The Commission's policy statements pertaining to fixed utilities are set forth at 52 Pa. Code §§ 69.1—69.3701. Unlike the statutory provisions of the Code and the Commission's regulations and orders, policy statements are non-binding recommendations that do not have the force of law. See 66 Pa.C.S. §§ 501, 703.

While the Proposed Policy Statement and related universal service proceedings were under consideration, the Commission reviewed CAP Shopping in PPL's DSP V and FirstEnergy's DSP VI proceedings based on specific record evidence presented by the parties in those cases. Accordingly, rather than considering in the abstract whether CAP shopping could provide CAP customers with opportunities to reduce their electric utility bills, the Commission was able to analyze the documented impact of CAP shopping on CAP customer and ratepayer bills, levels of EGS participation, and cost-effectiveness for two large EDCs to administer CAP shopping programs. We briefly review what was found in these proceedings below.

Impact on CAP Participants and Ratepayers

PPL DSP V

In the PPL DSP V proceeding, PPL proposed to eliminate its CAP Standard Offer Program (CAP SOP) and return all CAP customers to default service. PPL's CAP SOP was established in PPL's DSP IV proceeding¹⁹ to mitigate the impacts of shopping by CAP customers by requiring all CAP customers who wish to shop to do so through the CAP SOP. EGSs that chose to participate in the CAP SOP were required to serve customers at a 7% discount off the PTC at the time of enrollment. However, the shopping rate could exceed the PTC if the PTC dropped by more than 7% during the term of the CAP SOP contract. CAP SOP customers also had the right to terminate the contract without payment of termination fees. The Commission approved the CAP SOP, and the Commonwealth Court affirmed the Commission's decision on appeal in RESA. The CAP SOP was implemented on June 1, 2017, and remained in effect through May 31, 2021. PPL DSP V Order at 103-104.

Evidence presented in the PPL DSP VI proceeding demonstrated that, despite its built-in protections, the CAP SOP program resulted in both CAP participants and other residential customers suffering harm. Evidence presented by PPL demonstrated that as of January 2020, 7,975 of PPL's CAP participants were shopping with an EGS outside of CAP SOP because they entered CAP with a pre-existing contract, and that 62% of these customers were paying rates more than the PTC. As such, while PPL's CAP SOP could protect CAP participants from in-program shopping, it did not protect customers that were shopping before entering CAP from paying more than the PTC. Further, PPL presented evidence that CAP participants paying more than the PTC were likely to

shorten the duration of their CAP credits, resulting in residential customers paying higher subsidies into PPL CAP due to rates above the PTC. Specifically, PPL presented evidence that CAP participants' shopping resulted in additional costs to other residential customers of \$4.3 million and \$2.9 million in 2018 and 2019, respectively. PPL DSP V Order at 125-126.

FirstEnergy DSP VI

Similarly, certain parties in the FirstEnergy DSP VI proceeding, reached a Partial Settlement proposing to prohibit CAP customers from shopping. In FirstEnergy's previous DSP V proceeding, the Commission, after reviewing data that showed CAP participants who shopped were charged \$18.3 million more than the default service price over a 5-year period, and accordingly, approved comprehensive CAP shopping rules that restricted the ability of CAP customers to contract for supplier prices in excess of the PTC.²⁰ However, under those rules, customers that entered FirstEnergy's CAP with pre-existing, fixed-duration EGS contracts at prices above the PTC were permitted to remain with that supplier until the end of the contract term or, in the case of pre-existing month-to-month contracts, for 120 days after CAP enrollment. FirstEnergy DSP VI RD at 89.

Evidence presented in the FirstEnergy DSP VI proceeding demonstrated that since June 2019, when FirstEnergy's CAP shopping rules were implemented, CAP shopping customers across the four FirstEnergy Companies paid \$4,022,308.41 more than the applicable PTC. When broken down in per customer terms, CAP shopping customers paid on average between \$520.62 (Penelec) and \$1,316.46 (MetEd) more than the applicable default service price from July 2019 to December 2021. These high prices increased rates of payment troubled CAP participants, involuntary terminations, and uncollectible expenses recovered from all residential ratepayers. In 2021, two years after FirstEnergy implemented its CAP shopping rules, the average write-off balance for CAP shopping accounts was \$1,876.11, compared to \$1,038.69 for CAP default service accounts. In that same year, 9.4% of CAP shopping customers were payment troubled, while just 1.8% of CAP default service customers were payment troubled; and 29.5% of CAP shopping customers were involuntarily terminated, compared to 8.8% for CAP default service customers. FirstEnergy DSP VI RD at 87-88.

The data presented in the PPL DSP V and FirstEnergy DSP VI proceedings demonstrate that in those two EDC service territories, even with restrictions, CAP shopping harmed both CAP participants and other residential ratepayers due to CAP participants paying more for generation than the PTC.

Low EGS Participation in CAP Shopping

PPL suffered difficulty in administering the CAP SOP due to a lack of EGS participation. PPL presented testimony in its DSP V proceeding that EGS participation was minimal and the EGSs that did participate only did so for a short time. From June 2017 through November 2017, two EGSs participated in the CAP SOP; from December 2017 through May 2018, one EGS participated

¹⁷ PECO Energy Company Universal Service and Energy Conservation Plan for 2019—2024 Submitted in Compliance with 52 Pa. Code §§ 54.74 and 62.4., Docket No. M-2018-3005795 (Opinion and Order entered June 16, 2022), at 19—41, 103—107.

¹⁸ PECO's Petition was docketed at P-2022-3035092. Petitions to Intervene and Answers in support of PECO's Petition were filed on September 28, 2022, by the OCA, the CAUSE-PA, and TURN.

¹⁹ See Petition of PPL Electric Utilities Corporation For Approval of a Default Service Program and Procurement Plan for the Period June 1, 2017 Through May 31, 2021, Docket No. P-2016-2526627 (Order entered October 27, 2016) (PPL DSP IV Order) at 53—55.

²⁰ See Joint Petition of Metro. Edison Co., Pa. Elec. Co., Pa. Power Co., and West Penn Power Co. for Approval of Their Default Serv. Programs for the Period Beginning June 1, 2019 through May 31, 2023, Docket Nos. P-2017-2637855 et al. (Opinion and Order entered Sept. 4, 2018) (September 2018 Order). In the September 2018 Order, the Commission approved a partial settlement of the Companies' DSP V proceeding (DSP V Settlement) and resolved the remaining contested issues, including shopping by customers enrolled in each Company's CAP. On February 28, 2019, the Commission entered a Final Order ("February 2019 Order" and together with the September 2018 Order, the "DSP V Orders") adopting rules and procedures for the CAP shopping programs approved in the September 2018 Order.

in the CAP SOP; from June 1, 2018 through February 29, 2020, no EGSs participated in the CAP SOP; and beginning March 1, 2020, one EGS began participating in the CAP SOP. PPL DSP V Order at 125-126.

The results of PPL's CAP SOP demonstrates that EGSs are reluctant to participate in CAP shopping programs that limit the rates they charge to at or below the PTC. As such, an EDC's programming costs to administer a CAP shopping program, which are ultimately borne by other residential ratepayers, may be inefficiently spent on a program that, due to the need to protect CAP participants and ratepayers from harm, lacks design elements that would incentivize EGS participation.

No Reasonable Alternatives

In the PPL DSP V proceeding, the Commission found that no other parties presented reasonable alternatives to PPL's proposal to eliminate the CAP SOP and return all CAP participants to default service at the PTC rate. PPL DSP V Order at 125. Specifically, the Commission found that none of the parties provided alternative proposals that were supported by substantial evidence showing that they were reasonable and workable, particularly given the difficulties PPL experienced with the CAP SOP. PPL DSP V Order at 126.

Conclusion

Given the outcomes of CAP shopping in the service territories of PPL and FirstEnergy, we find that issuing a policy statement on CAP shopping guidelines is not warranted at this time. Accordingly, we will withdraw the Proposed Policy Statement, discontinue this proceeding, and close the docket. However, EDCs and other parties are still free to propose CAP shopping in the EDCs' respective DSP proceedings. Such proposals will be subject to review on a case-by-case basis by interested stakeholders and the Commission. *Therefore,*

It is Ordered That:

1. The Proposed Customer Assistance Program Shopping Policy Statement issued at this docket on February 28, 2019 is withdrawn.
2. The proceedings at Docket No. M-2018-3006578 be discontinued.
3. Docket M-2018-3006578 be marked closed.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: April 20, 2023

ORDER ENTERED: April 20, 2023

[Pa.B. Doc. No. 23-781. Filed for public inspection June 10, 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 June

26, 2023. Filings must 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 June 26, 2023. In accordance with the Commission's Emergency Order at M-2020-3019262, all parties participating in matters pending before the Commission are required to eFile their submissions by opening an eFiling account and accepting eService. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Commission's eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. The documents filed in support of the application are only available for inspection through the Commission's web site at www.puc.pa.gov by searching under the listed docket number as follows or by searching the applicant's web site.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2022-3038880. TBM Ambulance Services Corp. (225 Wilmington West Chester Pike, Chadds Ford, Delaware County, PA 19317) persons in paratransit service, limited to nonemergent ambulatory services, from points in Delaware County, to points in Pennsylvania, and return.

A-2023-3040541. Blue Nile Transportation, LLC (1112 Amber Lane, Harrisburg, Dauphin County, PA 17111) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Adams, Cumberland, Dauphin, Lancaster, Lebanon, Perry and York, to points in Pennsylvania, and return.

A-2023-3040592. Miro's PA Transportation, LLC (696 South Kennedy Drive, McAdoo, Schuylkill County, PA 18237) to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Allegheny, Blair, Bradford, Butler, Centre, Lycoming, Philadelphia and Venango, to points in Pennsylvania, and return.

A-2023-3040714. PND Non-Emergency Medical Transportation, Inc., t/a PND Transport (181 Robbins Avenue, K-4, Penndel, Bucks County, PA 19047) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, between points in the Boroughs of Bristol, Chalfont, Doylestown, Hulmeville, Langhorne, Langhorne Manor, Morrisville, New Britain, Newtown, Penndel and Tullytown, all located in Bucks County, the Townships of Bensalem, Bristol, Buckingham, Falls, Lower Southampton, Middletown, New Britain, Newtown, Upper Southampton, Warrington and Warwick, all located in Bucks County, and the City and County of Philadelphia. *Attorney:* Eric A. George, Esquire, Eastern Regional Law Group, LLC, 200 Apple Street, Suite 4, Quakertown, PA 18951.

A-2023-3040760. IA Transportation, LLC (2009 Kent Road, Folcroft, Delaware County, PA 19032) persons in paratransit service, from points in Delaware County and the City and County of Philadelphia, to points in the Counties of Bucks, Chester, Delaware and Montgomery, and the City and County of Philadelphia; and return.

A-2023-3040880. Transit4Life Corporation (626 Garden Spot Road, Lykens, Dauphin County, PA 17048) in paratransit service, between points in Allegheny County.

Application of the following for the approval of the right and privilege to *discontinue/abandon* operating as *common carriers* by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-2023-3040743. Rabbit Hollow Transportation, LLC (626 Garden Spot Road, Lykens, Dauphin County, PA 17048) for the discontinuance and cancellation of its right, 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 Dauphin County, to points in Pennsylvania, and return, as originally docketed at A-2016-2579029.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-782. Filed for public inspection June 9, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Wastewater Service

A-2023-3041009 and A-2023-3041010. The York Water Company. In the matter of the application of The York Water Company, under 66 Pa.C.S. § 1102(a)(1)—(3) (relating to enumeration of acts requiring certificate) for: (1) approval of the right to transfer certain public wastewater facilities and rights from the Estate of Jane M. Alexander acting through its executors Lorinda Krause and Marstin Alexander and MESCO, Inc. to The York Water Company; (2) the abandonment by MESCO, Inc. of wastewater service to the public in its service territory in Monaghan Township, York County; and (3) approval for The York Water Company to begin to offer, render, furnish or supply wastewater service to the public in a portion of Monaghan Township, York County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before June 26, 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, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and

4:30 p.m., Monday through Friday, on the Commission's web site at www.puc.pa.gov 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: The York Water Company, 130 East Market Street, York, PA 17401-1219, Alexandra Chiaruttini, General Counsel, alex@yorkwater.com; MESCO, Inc., Estate of Jane M. Alexander, Executrix Lorinda Krause, c/o Greist, Himes, Herrold, Reynosa, 129 East Market Street, York, PA 17401

Through and By Counsel for: Michael W. Hassell, Esquire, Devin T. Ryan, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601, mhassell@postschell.com, dryan@postschell.com, for The York Water Company; Dean E. Reynosa, Esquire, Griest, Himes, Herrold, Reynosa, LLP, 129 East Market Street, York, PA 17401, for MESCO, Inc.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-783. Filed for public inspection June 9, 2023, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. John W. Kaplon, RN; Case No. 19-51-014223

On November 4, 2022, John W. Kaplon, RN, license No. RN621854, last known of Miami, FL, was assessed a civil penalty of \$500 and had his professional nursing license indefinitely suspended, based on disciplinary action being taken against his license to practice nursing by the proper licensing authority of another state and failing to report the same to the State Board of Nursing (Board).

Individuals may obtain a copy of the adjudication and order at www.pals.pa.gov.

This order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review.

LINDA L. KMETZ, PhD, RN,
Chairperson

[Pa.B. Doc. No. 23-784. Filed for public inspection June 9, 2023, 9:00 a.m.]

